



Florida Department of Transportation

CHARLIE CRIST
GOVERNOR


Office of Construction
605 Suwannee Street MS-31
Tallahassee, FL 32399-0450 Tel. 850-414-4150 Fax 850-412-8021

STEPHANIE KOPELOUSOS
SECRETARY

September 24, 2008

CONSTRUCTION BULLETIN NO.: 02-08
(FHWA Approved: 9-24-08)

TO: DISTRICT CONSTRUCTION ENGINEERS

FROM: David Sadler, Director, Office of Construction 
FOR

COPIES: Bob Burleson (FTBA), Brian Blanchard (FDOT), Robin Naitove (FDOT), Chris Richter (FHWA), Greg Williams (FHWA)

SUBJECT: CONSTRUCTION PROJECT ADMINISTRATION MANUAL (CPAM) CHANGES FOR CHAPTER 7 SECTION 6 EMERGENCY CONTRACTS

The following change to CPAM is effective the date of this Bulletin and will be incorporated into CPAM.

Section 7.6 Emergency Contracts

An **Emergency Contract, Form 375-040-061 (H-Contract)**, Supplemental Agreement, Unilateral Payment, Work Order, or one of the Departments Standard Form Contracts with an "H" contract number may be used to facilitate the contracting process for Governor declared emergencies as outlined in **Emergency Procurement During Governor Declared Emergencies, Procedure No. 375-040-130**. These contract forms are available from the Department's Infonet forms site and include detailed instructions for preparation and execution.

An **H-Contract** can be used to provide for emergency and/or permanent restoration on existing construction contracts. The emergency and/or permanent restoration work is to be negotiated with the contractor who has the existing construction contract without the need for competitive bids. Some advantages of using **H-Contracts** is facilitating tracking, reporting, records retention and federal reimbursement (FHWA and FEMA).

Emergency related contracts will need an **H-Contract** number, the appropriate emergency financial numbers for each activity, and is to include all of the emergency and/or permanent restoration work. The **H-Contract** number should be obtained from the District Financial Services Office and the emergency financial number should be obtained from the District Work Program Office. The **H-Contract** should be fully executed by both parties prior to the emergency work starting, but must be executed prior to the expiration of the Governor's declaration. Funding for the emergency work should be encumbered by the next business day following the work beginning or execution of the contract whichever is first.

When seeking FHWA reimbursement, the following should be attached to the **H-contract**.

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Form 1273 – Required Contract Provisions Federal-Aid Construction Contracts – This form should be physically attached to the *H-Contract* for construction related services where there is, or there is potential for, federal reimbursement.

<http://www.fhwa.dot.gov/programadmin/contracts/1273.htm>

Wage Rate Tables – The appropriate wage rate table should be physically attached if the services being provided are subject to the U.S. Department of Labor, Davis Bacon Act.

<http://www.dot.state.fl.us/construction/wage.htm>

A separate H-Contract is to be issued with the CCEI who is managing the existing construction contract.

Supplemental Agreements, Unilateral Payments, and/or Work Orders can also be used for emergency and/or permanent restoration on existing construction contracts. Work is to be negotiated with the contractor who has the existing construction contract without the need for competitive bids. If these contract changes are used, they must have the appropriate emergency financial number for each work activity, and a contract change root cause reason code to facilitate tracking, reporting, records retention and federal reimbursement (FHWA and FEMA). The appropriate emergency financial number should be obtained from the District Work Program Office.

Do not use the **H-Contract, Supplemental Agreements, Unilateral Payments, or Work Orders** to contract with a local government for reimbursable FHWA funding (use Form 350-000-15). Emergency and permanent work to be performed by a Local Government should be in accordance with **Emergency Procurement During Governor Declared Emergencies, Procedure No. 375-040-130**.

If you have any questions, please contact Derek Fusco at (850) 414-4167.

DS/fw



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September 23, 2008

MEMORANDUM

TO: **JIM JOHNSON, CONSTRUCTION SYSTEMS ENGINEER**
DEREK FUSCO, SPECIALTY ENGINEER

FROM: David Sadler, Director, Office of Construction 

COPIES: Wynette Williams, Administrative Assistant

SUBJECT: **DELEGATION OF SIGNATURE AUTHORITY**

This is to delegate signature authority for documents (excluding personnel actions) to you for when I am out of the office or on travel status from this date through July 7, 2009.

Ms. Williams is also delegated signature authority for administrative type actions.

Please insure that my office receives a copy of all correspondence signed by you for these dates.

DS/ww