



Florida Department of Transportation

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March 9, 2004

This Bulletin Has Expired

CONSTRUCTION BULLETIN NO. 01-04
(FA 3/8/04)

TO: DISTRICT CONSTRUCTION ENGINEERS

FROM: Ananth Prasad, Director, Office of Construction 

COPIES: David Sadler, Randy Borgersen, Don Davis (FHWA), and Frank Rudd (FICE)

SUBJECT: Construction Project Administration Manual (CPAM) Changes for Chapter 7 Section 2, Chapter 7 Section 3 and Chapter 7 Section 4

Following are changes to the CPAM effective the date of this Bulletin.

Section 7.2.5(A)(4): Time Extensions for Delays Other Than Those Related to Weather

The following is added to the beginning of the paragraph in section 7.2.5(A) (4):

The Resident Engineer has the authority to approve time extension requests of 10 days per issue up to a cumulative maximum of 5% of the original contract time. The District Construction Engineer shall approve all time extension requests in excess of 10 days per issue or in excess of 5% of the original contract time. Such approvals shall be maintained in the project file.

Section 7.2.7.1(A): FHWA Oversight Projects, Resident Level Responsibilities

Section 7.2.7.1(A) has been deleted and the following substituted:

On FHWA Oversight Projects, a letter shall be prepared by the Resident Engineer on In-House CEI projects and the Department's Construction Project Manager on Consultant CEI Projects, requesting FHWA for Federal Aid participation based on the facts stated in the letter. See *Guidance Document 7-2-C* for a sample letter.

When the stamped copy of the request for a time extension indicating FHWA denial (partial or whole) is received, the Resident Engineer on In-House CEI projects and the Department's Construction Project Manager on Consultant CEI Projects, will decide whether or not to appeal the decision.

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When the appeal of the FHWA's denial of a time extension receives another denial, such denial may be considered final FHWA determination, and their stamped copy of the transmittal will be distributed as previously described.

Section 7.2.7.2(A): Exempt Projects, Resident Level Responsibilities

Section 7.2.7.2(A) has been deleted and the following substituted:

(A) District Level Responsibilities

The District Construction Engineer will be responsible for deciding if a time extension should be Federal Aid participating. The guidelines contained in the latest version of the *Exemption Agreement and 23 USC 106 Exception Process, Procedure No. 625-010-000*, as well as past precedents should be used in determining Federal Aid participation. The District Construction Engineer shall approve the number of days that are Federal-Aid Participating or Non-Participating. The District Construction Engineer can delegate such approval authority to a person within District Construction office staff, but not to a Resident Engineer, and such delegation shall be maintained in the file.

(B) Resident Level Responsibilities

The Resident Engineer will send a letter (Guidance Document 7-2-B) to the Contractor granting the additional time or denying the request, using the same codes for Reason Code, Avoidable/Unavoidable, Recovery Code, and Claim as are used on Supplemental Agreements. The approval from the District Construction Engineer, for the number of days that are Federal-Aid Participating or Non-Participating, shall be maintained in the project file.

Section 7.3: Entire Section

Replace "District Secretary or designee" with "Secretary or designee."

Section 7.3.14(A) (2): Executing and Processing Supplemental Agreement and Unilateral Payment Documents, District Level Responsibilities

The first two paragraphs through letter "d" in section 7.3.14(A) (2) have been deleted and the following is substituted:

- (2) Only the Secretary of Transportation can delegate authority for approval and execution of *Supplemental Agreements* and *Unilateral Payments*. That authority is delegated as follows:
- a) For contract changes up to \$150,000, all Supplemental Agreement and Unilateral Payment documents shall be approved by the Resident Engineer and shall be executed by the District Construction Engineer;
 - b) For contract changes more than \$150,000 and up to \$500,000, all Supplemental Agreement and Unilateral Payment documents shall be approved and executed by the District Construction Engineer; and
 - c) For contract changes more than \$500,000, all Supplemental Agreement and Unilateral Payment documents shall be approved and executed by the Director of

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Operations, except as follows, the District Construction Engineer may execute these Supplemental Agreement and Unilateral Payment documents after the Director of Operations has approved a draft copy of that Supplemental Agreement or Unilateral Payment showing the language and terms to be used.

Section 7.4.8.1: Contingency Supplemental Agreement, General

The third, fourth and fifth sentence of the first paragraph in section 7.4.8.1 has been deleted and the following substituted:

Only the Secretary of Transportation can delegate authority for approval and execution of *Contingency Supplemental Agreements* for the Department. The Secretary delegates the authority for approval of Contingency Supplemental Agreements to the Resident Engineer and the authority for execution of Contingency Supplemental Agreements to the District Construction Engineer.

Section 7.4.9.1(A): Field Supplemental Agreements/Work Orders, General, Resident Level Responsibilities

The first paragraph in section 7.4.9.1(A) has been deleted and the following substituted:

Authority for execution of the *Field Supplemental Agreement/Work Order* is delegated to the Project Administrator.

Section 7.4.9.4(A): Contract Time, Resident Level Responsibilities

The last sentence of the paragraph in section 7.4.9.4(A) has been deleted and the following substituted:

Signature authority for time extensions necessary for performance of additional work is outlined in section 7.2.

Section 7.4.9.6: FHWA Approval

Section 7.4.9.6 has been deleted and the following substituted:

(A) District Level Responsibility

Section 7.3.12, Obtaining Federal Highway Administration Approval and Participation for Construction Contract Changes on Federal-Aid Projects, list the contract changes that are Federal-Aid non-participating.

FHWA written approval for additional work or contract changes shall be obtained retroactively and documented on the *Field Supplemental Agreement/Work Order*. FHWA may elect to approve additional work by having the *Field Supplemental Agreement/Work Order* sent to them for signature or by signing the *Field Supplemental Agreement/Work Order* at the time of a routine field visit.

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The FHWA determines the participation on Federal Oversight projects, where as, the District Construction Engineer shall approve the Federal-Aid participation on Exempt Projects. The District Construction Engineer can delegate such approval authority to a person within District Construction office staff, but not to a Resident Engineer, and such delegation shall be maintained in the file.

Written documentation of the District Construction Engineer's Federal-Aid participation decision on Exempt Projects, signed and dated by that District Construction Engineer, shall be included in the Field SA or Work Order back up documentation file.

If you have any questions, please contact Randy Borgersen at (850) 414-4168, SC 994-4168 or Stefanie Maxwell at (850) 414-4314, SC 994-4314.

AP/sm