|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| REVIEW OF NEW SPECIFICATION OR SPECIFICATION CHANGE | | | | **Log No.: 108-4** |
| **Specification Section No.:** 108.08(d) | | | **Item:** Extension of Contract Time | |
| **Originating Office:** Project Support | | | **By:** Laura Zamora | |
| **Date Sent For Review:** June 10, 2019 | | | **Date Comments Due:** June 28, 2019 | |
| Submit response to: Andrew Pihaly, Specifications Engineer, 3rd floor, CDOT HQ | | | | |
| **Vote**  **Y/N** | **Concurrent Reviews – Others Commenting** | | The attached Draft Specification is submitted for your review and comments. If not returned by Date Comments Due, the draft specification will be considered to be approved unless the Standards and Specifications Unit of the Project Development Branch [(303) 757-9402] is advised otherwise.  **REMARKS:**  If these proposed changes are approved, our unit will issue these in a standard special provision. | |
|  | **Spec Committee Members:** | **✓** |
|  | Co-Chairman: Neil Lacey | ✓ |
|  | Region 1: Telecia McCline | **✓** |
|  | Region 1: Jason Lucerna | **✓** |
|  | Region 2: Jennifer Billings | **✓** |
|  | Region 3: Jarrett Spegele | **✓** |
|  | Region 4: Chris Boespflug | **✓** |
|  | Region 5: David Valentinelli | **✓** |
|  | Project Development: Neil Lacey | **✓** |
|  | Standards and Specifications: Shawn Yu | **✓** |
|  | Area Engineers: Straub, Zamora, & Ryburn | **✓** |
|  | Bridge: Hoang Bui | **✓** |
|  | Contracts & Market Analysis: Markos Atamo | **✓** |
|  | Materials: Mike Stanford | **✓** |
|  | Materials: Craig Wieden | **✓** |
|  | Traffic Engineering: Manjari Bhat | **✓** | REVIEWER COMMENTS:  ( ) Approved ( ) Disapproved ( ) Modified  If disapproved or modified, give reason why and show any modifications on the attached draft copy:    \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_  Name/Signature Date | |
|  | Maintenance: Tyler Weldon | **✓** |
|  | FHWA: Kelly Galardi | **✓** |
|  | Attorney General: Leo Milan | **✓** |
|  | **Others:** |  |
|  | Colorado Contractors Assoc.: Jim Moody | **✓** |
|  | **Technical Committees:** |  |
|  | Bridge |  |
|  | PDAC | **✓** |
|  | Drainage Advisory Committee (DAC) |  |
|  | Water Quality Advisory Committee (WQAC) |  |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **COLORADO DEPARTMENT OF TRANSPORTATION**  **SUBMITTAL OF NEW SPECIFICATION OR SPECIFICATION CHANGE** | | | Log No. (Assigned by Standards and Specifications Unit)  108-4 | |
| TO: Standards & Specifications Unit Project Development Branch | | FROM:  HQ Project Support CMA Area Engineer, Laura Zamora  (Region, Branch or Technical Committee) | | |
| SPECIFICATION SECTION NO.  108.08(d) | ITEM  Extension of Contract Time | | | Priority  Routine x Fast |
| Reason for this new or changed specification:  The CCA, ACEC, FHWA, and CDOT Schedule Task Force have updated the specification 108.08(d) *Extension of Contract Time*.  Changes have been made to identify methods for demonstrating a delay in a time extension request and to align with the updated specification subsection 108.03 *Project Schedule*. | | | | |
| New or Revised Specification:  See attached. | | | | |
| NOTE: See Procedural Directive 513.1 for a description of appropriate specification development procedures. | | | | |

XXXXXX XX, 2019

# REVISION OF SECTION 108

EXTENSION OF CONTRACT TIME

**NOTICE**

This is a standard special provision that revises or modifies CDOT’s *Standard Specifications for Road and Bridge Construction.* It has gone through a formal review and approval process and has been issued by CDOT’s Project Development Branch with formal instructions for its use on CDOT construction projects. It is to be used as written without change. Do not use modified versions of this special provision on CDOT construction projects, and do not use this special provision on CDOT projects in a manner other than that specified in the instructions unless such use is first approved by CDOT’s Standards and Specifications Unit. The instructions for use on CDOT construction projects appear below.

Other agencies which use the *Standard Specifications for Road and Bridge Construction* to administer construction projects may use this special provision as appropriate and at their own risk.

**Instructions for use on CDOT construction projects:**

Use on all projects.

Section 108 of the Standard Specifications is hereby revised for this project as follows:

Delete subsection 108.08(d) and replace with the following:

1. *Extension of Contract Time.*

The Contractor shall provide a request for additional contract time in a two-part submittal. Part one shall consist of a written notice of the delay and part two shall consist of the Contractor’s delay documentation and supporting analysis. The Contractor shall orally notify the Engineer as soon as the Contractor recognizes a potential project delay. Following this discussion, the Contractor or Engineer shall document the discussion in writing. This discussion and documentation are not considered notice of a delay. If the delay warrants a contract time extension, the Contractor shall provide a written notice of delay within seven days of determining the need for additional contract time. The notice of delay shall describe the nature and cause of the delay. Failure to submit the written notice of delay within seven days constitutes a waiver of entitlement to additional time or compensation.

The Contractor shall submit the time extension request and supporting analysis within 30 days of the written delay notice. The request shall include a schedule analysis with all information needed to support the time extension request pursuant to one of the following methods including an explanation for selecting that method:

1. A Time Impact Analysis (TIA) for all forward-looking analyses of time impacts following the guideline AACE® International Recommended Practice No. 52R-06 Prospective Time Impact Analysis – As Applied in Construction. A TIA shall accompany change order requests that require additional contract time.
2. A Forensic Schedule Analysis for all time impacts absorbed into the schedule following the AACE® International Recommended Practice 29R-03 Forensic Schedule Analysis.
3. Any other acceptable method of schedule analysis, as approved by the Engineer.

The analyses shall show a delay to the critical path in order to obtain a contract time extension. The Contractor shall demonstrate that the delay could not have been avoided by resequencing the work or by using other reasonable alternatives. Failure to submit the documentation to support the time extension request within the time allowed constitutes a waiver of entitlement to additional time or compensation.

The schedule included in the request shall be in accordance with subsection 108.03(c). The Engineer will base a determination of an allowable contract time extension on:

1. The current “Approved, no exceptions taken” or “Approved-as-Noted” Project Schedule which shall have a data date within 30 days prior to the alleged delay;
2. The supporting documentation submitted by the Contractor;
3. The schedule analysis; and
4. Any additional relevant information available.

The Contractor’s assertion that insufficient contract time was specified is not a valid reason for an extension of contract time. Adding activities to or changing logic on a Project Schedule Update shall not constitute supporting documentation of a delay request justification. The Contractor shall submit a justification for determination of a contract time extension separately from the Project Schedule Update. Approval of a Project Schedule Update or Revised Schedule will not constitute an approval of a contract time extension. When the Engineer grants a contract time extension, the revised Contract Completion date will be in effect as though it were the original contract date. A Contractor’s failure to have an “Approved” or “Approved-as-Noted” current project schedule in place will preclude the Department from approving a Contractor’s time extension request.