

**PUBLICATION 408/2007**  
**SECTION 108.03 PERFORMANCE AND PROGRESS**  
**Proposed Revisions**

**SECTION 108.03(b) Construction Project Scheduling. Revise as follows:**

**Revise the third paragraph to read:**

The Representative may require that the Contractor attend a scheduling conference for the purpose of reviewing this specification and the applicable portions of Section 689 that pertain to the scheduling format indicated for the project (i.e. Narrative, Network, or Critical Path Method). This scheduling conference may be held in conjunction with the Preconstruction Conference. Be prepared to discuss the concepts and logic to be used in sequencing work activities for development of the Construction Schedule.

**Revise the fifth paragraph to read:**

Show all contracted work in the Schedule. Show the sequence and interdependence of activities for completion of all work. Consider and make appropriate scheduling and operational allowances for seasonal weather conditions, ambient temperatures, permitting requirements, plant establishment periods, traffic signal testing periods, Intelligent Transportation System equipment-related testing periods, and pavement marking retro-reflectivity testing.

**SECTION 108.03(b)4. Adjustment of Required Completion Date or Specified Milestone Date(s). Revise to read:**

If a request for a time extension is approved or a time reduction processed, the Department will use the changed Required Completion Date and/or Milestone Date(s) for the purpose of monitoring progress, assigning resources, authorizing additional and/or extra work, processing contract adjustments associated with incentive/disincentive clauses, and assessing liquidated damages. Contractor imposed dates in the Schedule; other than the Required Completion Date, specified Milestone Date(s), and/or any contractually specified sequences; will not be binding on the Department.

**SECTION 108.03(b)5. Recovery. Revise the last sentence to read:**

If the order of project operations is changed to the extent that the Contractor is no longer following the accepted Schedule, the Representative may require that a revision to the Schedule be submitted.

**SECTION 108.06 TIME EXTENSIONS AND REDUCTIONS - Revise completely to read as follows:**

**(a) Time Extensions.** An extension of the Required Completion Date and/or a specified Milestone Date(s) may be granted by the Department as a result of any of the events or occurrences identified herein. If an event or occurrence qualifies for an extension of contract time, and the extension is supported by the Construction Schedule after the impact of the event or occurrence is incorporated, submit an official time extension request to the Representative early enough so that it can be evaluated and decided upon by the Department in time to avoid any constructive acceleration of the work, but no later than 30 calendar days after the “termination” of the event or occurrence, as specified herein. Submit time extension requests electronically, using ECMS. Include a Supporting Schedule with each request, in the format indicated for the project, at no additional cost to the Department. The Supporting Schedule is to show the impact of the specific event or occurrence on the Required Completion Date and/or specified Milestone Date(s) using the accepted Schedule in place at the time of the event or occurrence. The Representative will respond to all time extension requests within 14 calendar days of receipt. Time extension requests that are not submitted within the specified time and/or do not include all of the required supporting information, including a Supporting Schedule, will not be approved. If, after reviewing the Contractor’s initial time extension request, the Representative determines that the supporting information provided is incomplete or inadequate, notification of the deficiency will be sent to the Contractor. Complete or revise the time extension request, as indicated, and resubmit within 10 calendar days of receipt of the Representative’s notification. Revised time extension requests that are not resubmitted within the specified time will not be approved. If a time extension request is disapproved by the Department, liquidated damages may be chargeable.

The following events or occurrences may qualify for an extension of the Required Completion Date and/or a specified Milestone Date(s):

- A Notice to Proceed is issued indicating that the actual Notice to Proceed Date will be after the anticipated Notice to Proceed Date in the proposal, through no fault of the Contractor. A time extension will only be granted for such an occurrence if it is requested by the Contractor within 30 calendar days after the date of Department acceptance of the initial Construction Schedule.
- Progress on one or more controlling operations is adversely affected by impacts from Utility Infrastructure and Utility Adjustments as specified in Section 105.06. Submit a time extension request within 30 calendar days after the date all utility infrastructure and utility adjustments impacting the Contractor’s operations are completed.
- Satisfactory project completion requires work in greater quantities than those indicated in the contract, and progress on one or more controlling operations is adversely affected by the item plan quantity overruns. Submit a time extension request within 30 calendar days after the date the overrun quantity of work under the applicable item(s) is completed.

- The District Executive, in writing, authorizes the elimination of an item(s) of work or a reduction in quantity for an item(s) of work, and progress on one or more controlling operations is adversely affected by the elimination(s) / reduction(s). Submit a time extension request within 30 calendar days after the date of receipt of the District Executive's initial, itemized, written authorization for the work item elimination(s) / quantity reduction(s).
- The District Executive, in writing, authorizes additional and/or extra work, which affects progress on one or more controlling operations. Submit a time extension request within 30 calendar days after the date the prices to be paid for all authorized additional work and/or extra work at a negotiated price are agreed upon and, when applicable, accepted by the Department, or, if authorized extra work is to be paid on a force account basis, within 30 calendar days after the date the force account work is completed.
- A strike or labor dispute that causes, despite all reasonable efforts by the Contractor to avoid it, a shutdown of the entire project or of one or more controlling operations, as specified in Section 108.10. Submit a time extension request within 30 calendar days after the date the strike or labor dispute ends.
- Progress on one or more controlling operations is adversely affected by the delayed action or failure to act of an agency other than the Department that is not the fault of the Contractor, all of which will be determined by the Representative. Submit a time extension request within 30 calendar days after the date all issues involving the agency's delay or failure are resolved.
- Progress on one or more controlling operations is adversely affected by an act or omission of the Department that is not the fault of the Contractor, all of which will be determined by the Representative. Submit a time extension request within 30 calendar days after the date all issues involving the Department's act or omission are resolved.

Events or occurrences that do not qualify for an extension of the Required Completion Date and/or a specified Milestone Date(s) include, but are not limited to, weather delays, the removal and replacement of defective work, and the reseeded of areas where specified growth coverage and/or germination time requirements have not been met.

Weather-related events warranting an emergency declaration by the Federal Government or by the Government of the Commonwealth of Pennsylvania may qualify for an extension of contract time provided it can be clearly established that the delay to the project for which a time extension is sought is not, in fact, the responsibility of the Contractor, and that the Contractor has taken all necessary precautions to protect the project from damage, as required. Furthermore, the Secretary of Transportation, or an authorized delegate, must determine, following an emergency declaration, that the emergency conditions had a direct adverse impact on one or more active construction projects. Finally, for a given project to qualify, the accepted Schedule in place at the time of the weather-related event giving rise to the emergency declaration must show work on one or more controlling operations occurring during the period in which the weather-related event took place.

**1. Dispute Resolution.** If a request for an extension of the Required Completion Date and/or a specified Milestone Date(s), supported by documentation prepared using the appropriate scheduling tool, is not approved by the Department or is approved for a number of days that is less than the number of days originally requested, and the Contractor wishes to dispute the Department's decision, submit a written request for a re-evaluation of the time extension request, to the District Executive, within 7 calendar days after the date the Department takes action on the request within ECMS. Notification of the District Executive's final determination regarding the time extension request will be provided within 7 calendar days of receipt of the Contractor's written, re-evaluation request.

**b) Time Reductions.** A reduction of contract time affecting the Required Completion Date and/or a specified Milestone Date(s) may be processed by the Department as a result of any of the events or occurrences identified herein. On a case-by-case basis, before any reduction of contract time is processed in response to a qualifying event or occurrence, the Department, in consultation with the Contractor, will assess whether such an action is warranted (i.e. necessary for proper and equitable administration of the contract and supported by the Construction Schedule after the impact of the event or occurrence is incorporated). If a qualified event or occurrence is found to warrant a reduction of contract time, an official time reduction will be prepared, by the Representative, within 30 calendar days after the "termination" of the event or occurrence, as specified herein. Reductions of contract time will be processed electronically, using ECMS, and a Supporting Schedule, in the format indicated for the project, will be included as support for the number of reduction days. The Supporting Schedule will be prepared by the Contractor, at no additional cost to the Department, and show the impact of the specific event or occurrence on the Required Completion Date and/or specified Milestone Date(s) using the accepted Schedule in place at the time of the event or occurrence. Notification of the Representative's processing of a time reduction will be sent to the Contractor. Within 10 calendar days of receipt of this notification, use ECMS to provide the requested disposition information (i.e. indicate agreement or disagreement with the Department's decision to reduce contract time and comment on the action). However, failure to provide the requested information within the specified time will not prevent the Representative from completing the processing of the reduction of contract time.

The following events or occurrences qualify for and may warrant a reduction in contract time affecting the Required Completion Date and/or a specified Milestone Date(s):

- A Notice to Proceed is issued indicating that the actual Notice to Proceed Date will be before the anticipated Notice to Proceed Date in the proposal. A time reduction, if warranted, will be processed within 30 calendar days after the date of Department acceptance of the initial Construction Schedule.
- Satisfactory project completion requires work in lesser quantities than those indicated in the contract, and progress on one or more controlling operations is favorably affected by the item plan quantity underruns. A time reduction, if warranted, will be processed within 30 calendar days after the date all work under the applicable contract item(s) is completed.

- The District Executive, in writing, authorizes the elimination of an item(s) of work or a reduction in quantity for an item(s) of work, and progress on one or more controlling operations is favorably affected by the elimination(s) / reduction(s). A time reduction, if warranted, will be processed within 30 calendar days after the date of submission of the District Executive's initial, itemized, written authorization for the work item elimination(s) / quantity reduction(s).
- The Contractor submits an initial Construction Schedule that shows the Required Completion Date and/or a specified Milestone Date(s) will be earlier than the date(s) indicated in the contract. A time reduction will be processed within 30 calendar days after the date of Department acceptance of the initial Construction Schedule.
- Progress on one or more controlling operations is favorably affected by an act of the Department. A time reduction, if warranted, will be processed within 30 calendar days after the date notification of the Department's act is submitted to the Contractor.

**1. Dispute Resolution.** If a reduction of contract time affecting the Required Completion Date and/or a specified Milestone Date(s), supported by documentation prepared using the appropriate scheduling tool, is processed by the Department despite the Contractor's objections or is processed for a number of days that is more than the number of days originally indicated, and the Contractor wishes to dispute the Department's action, submit a written request for a re-evaluation of the reduction of contract time, to the District Executive, within 7 calendar days after the date the District Executive, or a delegate, approved the time reduction within ECMS. Notification of the District Executive's final determination will be provided within 7 calendar days of receipt of the Contractor's written, re-evaluation request.

**PUBLICATION 408/2007**  
**SECTION 689 - CONSTRUCTION SCHEDULING**  
**Proposed Revisions**

**SECTION 689.3(a) Narrative Schedule. Revise as follows:**

**Revise the first paragraph to read:**

Base the initial Narrative Schedule on the anticipated Notice to Proceed Date in the proposal. Submit the Narrative Schedule within 15 calendar days after the actual Notice to Proceed Date. The District Executive will not release current estimate payments until the Narrative Schedule is submitted and accepted.

**Revise the second paragraph to read:**

If the actual Notice to Proceed is issued after the anticipated Notice to Proceed Date in the proposal, submit a Narrative Schedule based on the actual Notice to Proceed Date within 15 calendar days after the actual Notice to Proceed Date. The Narrative Schedule based on the actual Notice to Proceed Date will not be considered without prior or concurrent submission of the Narrative Schedule based on the anticipated Notice to Proceed Date in the proposal.

**Revise the last paragraph to read:**

If the Narrative Schedule is not received within 15 calendar days after the actual Notice to Proceed Date, the Contractor will be required to attend a scheduling workshop in order to prepare an acceptable Narrative Schedule. The District Executive will not release current estimate payments until the Narrative Schedule is submitted and accepted.

**SECTION 689.3(b)3. Network Schedule. Revise as follows:**

**Revise the first paragraph to read:**

Base the initial Network Schedule on the anticipated Notice to Proceed Date in the proposal. Submit the Network Schedule, including the prints and tabular reports specified herein, within 30 calendar days after the actual Notice to Proceed Date.

**Revise the second paragraph to read:**

If the actual Notice to Proceed is issued after the anticipated Notice to Proceed Date in the proposal, submit a Network Schedule based on the actual Notice to Proceed Date within 30 calendar days after the actual Notice to Proceed Date. The Network Schedule based on the actual Notice to Proceed Date will not be considered without prior or concurrent submission of the Network Schedule based on the anticipated Notice to Proceed Date in the proposal.

**Revise the last paragraph to read:**

If the Network Schedule is not received within 30 calendar days after the actual Notice to Proceed Date, the Contractor will be required to attend a scheduling workshop in order to prepare an acceptable Network Schedule. The District Executive will not release current estimate payments until the Network Schedule is submitted and accepted.

**SECTION 689.3(c)3. CPM Schedule. Revise as follows:**

**Revise the first paragraph to read:**

Base the initial CPM Schedule on the anticipated Notice to Proceed Date in the proposal. Submit the CPM Schedule, including the prints and tabular reports specified herein, within 30 calendar days after the actual Notice to Proceed Date.

**Revise the second paragraph to read:**

If the actual Notice to Proceed is issued after the anticipated Notice to Proceed Date in the proposal, submit a CPM Schedule based on the actual Notice to Proceed Date within 30 calendar days after the actual Notice to Proceed Date. The CPM Schedule based on the actual Notice to Proceed Date will not be considered without prior or concurrent submission of the CPM Schedule based on the anticipated Notice to Proceed Date in the proposal.

**Revise the last paragraph to read:**

If the CPM Schedule is not received within 30 calendar days after the actual Notice to Proceed Date, the Contractor will be required to attend a scheduling workshop in order to prepare an acceptable CPM Schedule. The District Executive will not release current estimate payments until the CPM Schedule is submitted and accepted.