



# **Time Extension/Time Reduction and Scheduling Specifications Revisions**

## **An Overview**

# Issues

- **FHWA Performed An Independent Oversight Process Review (IOP) On Time Extensions**
- **The Legislative Budget & Finance Committee (LB&FC) Audit Report Also Identified Contract Time As A Significant Issue.**

# Change Overview

- **Revision of Pub 408 Section 108.06.**
- **Revision of corresponding Specification Sections 108.03 and 689**

# Pub 408 Section 108.06 - Changes

- **Revision of Specification Section**
- **Separation of Time Extension and Time Reduction Subsections**
- **Establishment of list of qualifying “events or occurrences” for Time Extension requests and Time Reduction submission**

# Pub 408 Section 108.06

## **Supporting Schedule – A definition**

**The accepted Construction Schedule in place at the time of the “event or occurrence” and showing the specific impact of the “event or occurrence” to support the number of days requested to extend either a milestone date or the completion date or both.**

# Pub 408 Section 108.06

## Time Extension Events/Occurrences

- Actual NTP is issued after the Anticipated NTP
  - TE Request submitted within 30 days after acceptance of the initial Construction Schedule
  - Requires submission of Supporting Schedule to show impact(s) to Critical Path

# Pub 408 Section 108.06

## Time Extension Events/Occurrences

- Progress on one or more controlling Activities is impacted adversely by Utilities (as specified in Section 105.05)
  - TE Request submitted within 30 days after all of the Utility issue(s) are resolved
  - Requires submission of Supporting Schedule to show impact(s) to Critical Path

# Pub 408 Section 108.06

## Time Extension Events/Occurrences

- Project completion requires work in greater quantities than indicated in the contract and the Critical Path is adversely affected
  - TE Request submitted within 30 days after completion of overrun quantity of work for applicable items
  - Requires reference to WO/Authorization
  - Requires submission of Supporting Schedule to show impact(s) to Critical Path

# Pub 408 Section 108.06

## Time Extension Events/Occurrences

- DE authorizes the elimination or reduction of work (in writing) which adversely affects the Critical Path
  - TE Request submitted within 30 days after receipt of the DE's initial itemized authorization
  - Requires reference to WO/Authorization
  - Requires submission of Supporting Schedule to show impact(s) to Critical Path

# Pub 408 Section 108.06

## Time Extension Events/Occurrences

- DE authorizes Additional/Extra Work affects the Critical Path
  - TE Request submitted within 30 days after date that prices are agreed upon, or completion of FA work
  - Requires reference to WO/Authorization
  - Requires submission of Supporting Schedule to show impact(s) to Critical Path

# Pub 408 Section 108.06

## Time Extension Events/Occurrences

- **Strike or Labor Dispute that causes a shutdown of the entire project or one or more activities on the Critical Path**
  - **TE Request submitted within 30 days after resolution of the Strike or Labor Dispute**
  - **Identification of Start and End dates of the Strike or Labor Dispute**
  - **Requires submission of Supporting Schedule to show impact(s) to Critical Path**

# Pub 408 Section 108.06

## Time Extension Events/Occurrences

- Delayed action or failure to act by an Agency other than the Department that is not the fault of the Contractor and adversely affects the Critical Path
  - TE Request submitted within 30 days after resolution of the Agency's delay or failure to act
  - Requires submission of Supporting Schedule to show impact(s) to Critical Path

# Pub 408 Section 108.06

## Time Extension Events/Occurrences

- Act or omission by the Department that is not the fault of the Contractor and adversely affects the Critical Path
  - TE Request submitted within 30 days after resolution of the Department's act or omission
  - Requires submission of Supporting Schedule to show impact(s) to Critical Path

# Pub 408 Section 108.06

## Time Extension Events/Occurrences

– Events or occurrences that DO NOT qualify for an extension of contract time (but not limited to):

- Weather delays\*
- Remove and replacement of defective work
- Reseeding of areas where specified coverage and/or germination time requirements have not been met

# Pub 408 Section 108.06

## Time Extensions for Weather

- Commonwealth or Federal Government declares an emergency
- Delay can be established as not the fault of the Contractor
- All necessary precautions to protect the project from damage have been taken
- Department must determine that conditions had direct impact on one or more projects
- Schedule must show impact(s) to Critical Path

# Pub 408 Section 108.06

## Time Extension Response Timeframe

- The Department 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 will not be approved
- The Department will notify the Contractor of any deficiencies in the request and the request will be resubmitted within 10 days

# Pub 408 Section 108.06

## Time Extension Dispute Resolution

If a request for an extension of the project 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.

# Pub 408 Section 108.06

## Time Reduction General Notes

- Time reductions may be processed by the Department as a result of any of the following events or occurrences
- Considered on a case-by-case basis and in consultation with the Contractor
- Submitted by the Department only
- Notification will be sent to the Contractor
- Failure to provide requested information will not prevent completion of submittal

# Pub 408 Section 108.06

## Time Reduction Events/Occurrences

- Actual NTP is issued before the Anticipated NTP
  - Used on case by case basis
  - TR Request processed within 30 days after acceptance of the initial Construction Schedule
  - Requires submission of Supporting Schedule to show impact to Critical Path

# Pub 408 Section 108.06

## Time Reduction Events/Occurrences

- Project completion requires work in lesser quantities than indicated in the contract and Critical Path is favorably affected
  - TR Request processed within 30 days after completion of all work for applicable items
  - Requires reference to Approved WO
  - Requires submission of Supporting Schedule to show impact(s) to Critical Path

# Pub 408 Section 108.06

## Time Reduction Events/Occurrences

- DE authorizes the elimination or reduction of work (in writing) which favorably affects the Critical Path
  - TR Request processed within 30 days after receipt of the DE's initial itemized authorization
  - Requires reference to Approved WO
  - Requires submission of Supporting Schedule to show impact(s) to Critical Path

# Pub 408 Section 108.06

## Time Reduction Events/Occurrences

- Contractor submits an initial Construction Schedule that shows completion before contract completion date
  - TR Request processed within 30 days after acceptance of the initial Construction Schedule
  - Requires submission of Supporting Schedule to show impact(s) to Critical Path

# Pub 408 Section 108.06

## Time Reduction Events/Occurrences

- Act by the Department that favorably affects the Critical Path
  - TR Request processed within 30 days after the date of notification of the Departments act is submitted to the Contractor
  - Requires submission of Supporting Schedule to show impact(s) to Critical Path

# Pub 408 Section 108.06

## Time Reduction Dispute Resolution

If a reduction of contract time affecting the project 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

# Pub 408 Section 108.03

## Revisions to 108.03(b)

- Revised scheduling Special Provision reference to Section 689 – Construction Scheduling
- Revised list of operational allowances to include plant establishment periods and pavement marking retroreflectivity testing

# Pub 408 Section 108.03

## Revisions to 108.03(b)4

- Inclusion of reference to ECMS
- Inclusion of term and definition of Supporting Schedule
- Inclusion of the determination that, in the event of a the later required completion date will be used to monitor schedule progress (in the event that the Contractor has conflicting imposed dates, these dates are not binding on the Department)

# Pub 408 Section 108.03

## Revisions to 108.03(b)5

- Revision to remove reference to Section 108.03(b)4

# Pub 408 Section 689

## Revisions to Section 689.3(a)

- Narrative Schedule is to be submitted within 15 calendar days after the Actual Notice to Proceed
- DE will not release estimate payments until Narrative Schedule is submitted and accepted
- If the Actual NTP is later than the Anticipated NTP the Construction Schedule based upon the Actual NTP must be submitted within 15 calendar days of the Actual NTP

# Pub 408 Section 689

## Revisions to Section 689.3(b)3

- Network Schedule is to be submitted within 30 calendar days after the Actual Notice to Proceed
- DE will not release estimate payments if Network Schedule is not submitted within 30 calendar days of the Actual NTP
- If the Actual NTP is later than the Anticipated NTP the Construction Schedule based upon the Actual NTP must be submitted within 30 calendar days of the Actual NTP

# Pub 408 Section 689

## Revisions to Section 689.3(c)3

- CPM Schedule is to be submitted within 30 calendar days after the Actual Notice to Proceed
- DE will not release estimate payments if CPM Schedule is not submitted within 30 calendar days of the Actual NTP
- If the Actual NTP is later than the Anticipated NTP the Construction Schedule based upon the Actual NTP must be submitted within 30 calendar days of the Actual NTP

# ECMS

## Operational Changes to ECMS

- Time Extension requests and Time Reduction submissions will be performed through ECMS
- LDs will be automatically assessed for projects continuing beyond Contract Completion Date or specified Milestone Date(s)

# Additional Comments

- New specifications are a more lenient approach to changes in contract time
- Time Extension requests can not be properly reviewed and assessed without an accepted Construction Schedule
- The changes made move the Departments specifications in the area of Time Extensions, Time Reductions and Construction Schedules in line with other State and Commonwealth requirements
- ECMS rollout will trigger retroactive application to ALL projects including current projects

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**Questions ?**  
**Comments ?**  
**Concerns ?**