

TO: ENGINEERING INSTRUCTION SUPERSEDED BY EI 14-021 EFFECTIVE 1/8/15		NEW YORK STATE DEPARTMENT OF TRANSPORTATION	
SUBJECT: "AOBE"			
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The term "as ordered by the Engineer" has been used for years in contract plans and proposals, and continues to serve a useful purpose. However, designers must be careful when using "AOBE" and when inferring such direction without actually stating the term.

The term should only be used when it conveys a common sense, readily understood meaning. When A.O.B.E. is placed on the plans as a substitute for design details, or in the proposal as a substitute for a special specification, we create some problems:

- o The bidder's uncertainty over what orders the EIC will issue will almost certainly result in an increase in his bid prices;
- o The EIC may not interpret his prerogative as the designer intended;
- o The contractor will be reluctant to perform work which he considers beyond the contract requirements without additional compensation.

Examples follow. (Two are simply an extension of engineering judgment which do not result in questions of intent or uncertainty over what the extent or cost of work ordered will be; two create the problems discussed above.)

1. "Round A.O.B.E." (typical sections slope transitions).
2. "Final delineator placement will be A.O.B.E." (standard pay item in contract).
3. "Make pavement repairs required to carry traffic on the [off-site] detour."
4. "If additional removals are ordered by the Engineer, they shall be included in this (lump sum) item."