

**SUPERSEDED BY EI 95-007  
EFFECTIVE 1/23/95**



**ENGINEERING INSTRUCTION**  
New York State  
Department of Transportation

**SUBJECT: 109-04 PARTIAL PAYMENT  
MURK REVISIONS & SUPPLEMENTAL INFORMATION**

**Subject Code: 7.30**

Distribution: 30 M.O. 32 Reg. 34 Consult.

Code: EI 94- 022

Approved: \_\_\_\_\_

Paul T. Wells, Deputy Chief Engineer  
Construction Division

Date: JULY 14, 1994

Supersedes: Revises MURK  
A-19 to A-21

Effective July 7, 1994, delete the requirement in MURK pages A-19, A-20, and A-21 that progress estimates containing partial payment for stored materials include two copies of supporting documentation. The Office of the State Comptroller no longer requires copies of the CONR 314 analysis record, invoices, certificate of title (if applicable) and release and waiver (if applicable). The Engineer-in-Charge must continue to file the original documents with the project records.

In addition, the following reminders and supplemental information related to 109-04 Partial Payment, MURK 1.125 and MURK Appendix A/EI 75-96 are provided as a result of audit recommendations.

- 1) Approval of the Deputy Chief Engineer, Construction is required before a partial payment for stored materials can be entered on a progress estimate. Not only must the Engineer-In-Charge (EIC) have a copy of the approval memo, but he/she should verify that the item numbers approved match those for which payment is to be made. A typographical error in an item number designation invalidates the approval for that item.
- 2) The quantity of materials for which partial payment is made cannot exceed the authorized quantity for the payment item. As payment is made for completed work, the maximum partial payment quantity must be reduced to the remaining unpaid item quantity. MURK requires the EIC to adjust the "...invoice quantity and amount, if the original invoice quantity exceeds that necessary to complete the contract item."
- 3) The unit cost of the stored materials cannot exceed 85% of the unit bid price for the item. Note that Line 4 of the CONR 314 establishes a dollar "partial payment limit" for the entire remaining item quantity. The CONR 314 will not prevent an overpayment if the invoiced quantity is less than that required to complete the authorized quantity. The EIC must review the material unit price on the invoice and adjust the invoice amount if it exceeds 85% of the item unit price.