


TO:  <b>SUPERSEDED BY EI 92-017 EFFECTIVE 4/13/92</b>	 <b>ENGINEERING INSTRUCTION</b> NEW YORK STATE DEPARTMENT OF TRANSPORTATION  SUBJECT: ARTICLE 8 - NO ESTIMATE ON CONTRACTOR'S NON-COMPLIANCE  Subject Code: 7.27-1-3
Distribution: <input checked="" type="checkbox"/> Main Office <input checked="" type="checkbox"/> Regions <input type="checkbox"/> Special	Code: <u>EI-72-15</u>
APPROVED: <i>B.A. Belev</i> _____ Chief Engineer	Date: <u>2/16/72</u>  Supersedes DCE (Hwy) Gen. Ltr. 65-92, 11/3/65

This instruction supersedes Deputy Chief Engineer's (Highways) General Letter No. 65-92 of November 3, 1965.

Article 8 of the Specifications provides for withholding of a contractor's estimate so long as any lawful or proper direction concerning the work remains uncomplished. To ensure the effective as well as reasonable administration of this article, the following procedure is effective immediately.

Where an Engineer-in-Charge has difficulty in securing a contractor's compliance with reasonable and proper instructions in accordance with the requirements of his contract, and the conditions are not sufficiently urgent as to warrant invoking Article 11 of the Contract Provisions, he should promptly write a letter to the Contractor with a copy to the Regional Director citing the deficiencies and the specific contract provisions which are being violated. He should request correction of these deficiencies by a specified deadline date and indicate that the matter, if not corrected, would be referred to the Regional Director for appropriate action under Article 8 of the Contract.

If the violations are not corrected by the specified deadline date, the Regional Director should review the matter to determine whether to call the contractor in for a "show cause" meeting or to promptly invoke Article 8. In the latter case, the Regional Director should document his decision by a letter to the contractor citing the previous notification by the Engineer-in-Charge of the pertinent violations. A copy of such letter should be sent to this Office.

BAL:JS:LG