



EW file

PREL.   FINAL PROGRAM   LANDSCAPE RECEIVED DIVISION MAY 20 1973 		<b>ENGINEERING INSTRUCTION</b> NEW YORK STATE DEPARTMENT OF TRANSPORTATION	
TO:  Director, Preliminary Plan Review Bureau		SUBJECT: FINAL AGREEMENTS FEDERAL AID CONTRACTS - NONPARTICIPATING SHARES  Subject Code: 7.30	
Distribution:		Code: <u>EI-73-36</u> Date: <u>5/18/73</u>	
<input checked="" type="checkbox"/> Main Office <input checked="" type="checkbox"/> Regions <input type="checkbox"/> Special		Supersedes: Instruction 71-9	
APPROVED:  Assistant Deputy Chief Engineer (Construction)			

FHWA has notified us of occasions where finals have been submitted with incomplete identification, or no identification at all of non-participating items. This is particularly true for payments to contractors for damage due to public traffic which is considered as maintenance by FHWA and therefore ineligible for federal participation.

To avoid these occurrences, the procedure outlined below should be implemented. This procedure is applicable when no previous action has been taken regarding the nonparticipating item quantity, or when it has been previously noted only by exception code on an order on contract. No action need be taken on the final if the nonparticipating item quantity has been previously transferred to an appropriate State share by order on contract.

- 1 - Asterisk the nonparticipating item as listed within its engineering share on final form HC-165 and explain on the bottom of that sheet. Reference should be made to Federal ineligibility notifications where appropriate. This information is utilized by the main office to properly adjust final funding. Therefore, no adjustment in the indicated final share quantities should be made by the Region.
- 2 - Asterisk the nonparticipating item as listed in the summary for all contract items for all shares and explain on the last sheet (HC-165) of the summary.

Example

A total of 500 linear feet of guide rail (300' in Engineering Share 1, 200' in Engineering Share 2) and 300 tons of bituminous concrete (200 tons in Engineering Share 1, 100 tons in Engineering Share 3), have been found ineligible for federal participation.

Subject: FINAL AGREEMENTS FEDERAL AID CONTRACTS - NONPARTICIPATING SHARES

1 - (Footnote on bottom of HC-165 sheet listing total guide rail quantity for Engineering Share Vol.)

\*Item 32DG - 300 L.F. @ \$2.30 per L.F. = \$690  
Nonparticipating - Damage by Public Traffic.

A similar Footnote would appear at the bottom of engineering share sheet for Item 32DG included in Engineering Share 2 and for the sheets including the bituminous concrete items.

2 - (Footnote on bottom of last HC-165 sheet summarizing total quantities for all shares)

\*Item 32DG - 500 L.F. @ \$2.30 per L.F. = \$1,150 (Nonparticipating)  
300 L.F. in Eng. Share #1, Fiscal Share 1  
200 L.F. in Eng. Share #2, Fiscal Share 1

\*Item 51M - 300 tons @ \$18 per ton = \$5,400 (Nonparticipating)  
200 Tons in Eng. Share #1, Fiscal Share 1  
100 Tons in Eng. Share #3, Fiscal Share 1

RNS:LG