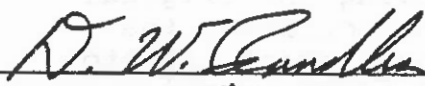


TO:		ENGINEERING BULLETIN	
SUPERSEDED BY EB 82-018		NEW YORK STATE DEPARTMENT OF TRANSPORTATION	
EFFECTIVE 4/26/82		SUBJECT: Application for Extension of Completion Date, FORM hc 250(3/81).	
		Subject Code 7.30	
Distribution:		Code: <u>EB 81-17</u>	
☒ Main Office ☒ Regions ☐ Special		Date: <u>04/07/81</u>	
APPROVED:		Supersedes:	
 D. W. Randles, Ass't. Deputy Chief Engr. (Constr.)			

This Engineering Bulletin Expires _____

Regional Construction Engineers were provided with an initial supply of the subject Form HC 250(3/81) at the Construction Engineer's meeting held in Albany on March 30, 1981. This new form is to be used for processing Contractor requests for extension of completion date initiated after April 10, 1981.

There is no change in the procedure for a Contractor applying for an extension of contract completion date other than the form on which such application is made. Eight (8) copies are required, as at present, and the time of submittal is still at least fifteen (15) days prior to the date of completion set forth in the contract, or as previously extended. This latter requirement, in conformance with Article 4 of the Agreement, has not been adhered to on a regular basis and requires closer monitoring by the Regions.

Seven (7) copies of Form HC 250 are to be forwarded to the Construction Division together with seven (7) copies of a transmittal memorandum providing factual information relative to the Application for Extension of Completion Date and the reasons entered by the Contractor thereon. A recommendation concerning assessment or waiver of engineering charges need not be included in the transmittal memorandum since the reasons given by the Contractor and the facts provided by the Region should suffice in determining whether or not such assessment is warranted. Additional information, when needed, will be requested from the Regions.

The approval of an extension of the contract completion date is usually advantageous to both the State and the Contractor involved. However, such approval should not be considered as the State's only alternative to the end objective ensuring the obtaining of an acceptable completed project. Article 4 reserves the State's right to approve an extension of completion date subject to "such terms and conditions as shall be fixed by the State, --". This new Application for Extension of Completion Date simply sets forth the terms and conditions deemed necessary for such approval, i.e.,

1. Reserves the right to deduct engineering and inspection expenses actually incurred, unless approval is without engineering charges.

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2. When approved without engineering or inspection charges, the State is relieved of any obligation solely by virtue of its action in approving the extension of completion date. In other words, if a Contractor subsequently claims additional compensation for reason of delay concerning work performed following the original completion date set forth in the contract, the Contractor must substantiate entitlement thereto irrespective of the State's action in granting an extension of completion date without the assessment of engineering charges.

Failure to complete work by the completion date specified in the contract can be extremely costly to a Contractor. In addition, unless an extension of completion date conforming to the terms and conditions outlined herein has been approved, Article 11 may be invoked which enables the Commissioner to either suspend work or cancel the contract.

Additional supplies of Form HC 250(3/81) are now available in the Albany Stockroom and may be requisitioned as needed.

