
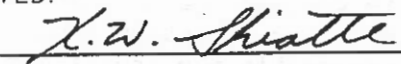


TO: SUPERSEDED BY EB 96-027 EFFECTIVE 6/18/96	 ENGINEERING BULLETIN NEW YORK STATE DEPARTMENT OF TRANSPORTATION
Distribution: <input checked="" type="checkbox"/> Main Office <input checked="" type="checkbox"/> Regions <input type="checkbox"/> Special	Code: <u>EB 85-39</u> Date: <u>12/03/85</u> Supersedes: SUPPLEMENTS EB 84-20
APPROVED:  K. W. Shiatte, Director, Construction Division	

This Engineering Bulletin Expires _____

The attached Note, regarding the processing of final payment under the 1984 Prompt Payment Law, has been incorporated into all contract proposals beginning with the Letting of February 14, 1985. The fourth paragraph of this Note provides for a 30-day inspection period prior to commencement of the 90-day interest-free processing period for final payments on construction contracts.

Referring to paragraph III on Page 2 of EB 84-20, the Merchandise/Invoice Received Date (MIR Date) of the Final Payment Estimate for a contract let on or after February 14, 1985, is revised as follows:

"The MIR Date is 30 calendar days following the date of contract acceptance, provided all submissions and documentation required to be furnished by the contractor are in hand."

The Note contains a listing of required submissions and documentation similar to that contained in EB 84-20. Two items on the list, Approved Original Reproduces and Tax Clearance for Foreign Contractors, will be verified by the Construction Division and Contract Payment Unit. Adjustments to the MIR Date related to delays in these items will be made during Main Office review of the Final Estimate Submission.

(SEE OTHER SIDE)

CONSTRUCTION CONTRACTS

"Section 179 of the State Finance Law requires the Department to make final payment on highway construction projects within ninety (90) days after acceptance by the Commissioner. If the Department unjustifiably fails to pay the final payment within the prescribed ninety (90) calendar days, it may be required to pay interest for each day in excess of the ninety calendar days.

In order to enable the Department of Transportation to process the final payment properly and expeditiously the bidders are advised that all of the following documents and submissions, as the same may be appropriate to this contract, are considered to be necessary to enable the processing of the final payment as described above.

Outstanding Claims and Disputes
Extra Work Cost Accounts
Final Labor Affidavits (Form A&C1)
Approved Original Reproduces
Material Certifications
Certified Payrolls
FHWA Final Wage Certificate (Form HC-144)
FHWA Record of Materials, Supplies and Labor (Form PR-47)
Tax Clearance for "Foreign" (out of State) Contractors,
Corporations or entities

The bidders are advised that the above list is general in nature, that every item may not be applicable to this contract and that other documents and submissions not shown above may be required to enable the processing of the final payment. It should be noted that any time taken beyond the date of final acceptance to satisfy or furnish the above information shall extend the required payment date by an equal period of time.

The Department of Transportation, in accordance with §179 of the State Finance Law, has determined that a thirty (30) calendar day inspection period, after final acceptance of the project, is required for final payments after which time the 90 day interest-free processing period will commence."

Make the following change to the Standard Specifications of January 2, 1985:

Page 1-46

Under §109-05 C. Force Account Report. Add the following:

"4. In the event the contractor fails to deliver the required force account documentation to the EIC within the time period specified in §109-05, subsection c, of the General Specifications, and as a result the order on contract for the force account work is not fully approved at the date of final acceptance, the number of calendar days of the time period between final acceptance and the issuance of this force account order on contract, attributable to the Contractor's late force account submissions will extend the required payment date by an equal period of time."