
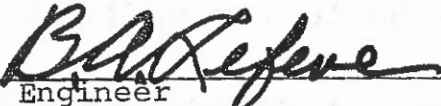


TO: ALL REGIONAL DIRECTORS <b>SUPERSEDED BY EI 72-040</b> <b>EFFECTIVE 4/12/1972</b>	 <b>ENGINEERING INSTRUCTION</b> NEW YORK STATE DEPARTMENT OF TRANSPORTATION SUBJECT: AVAILABILITY OF CONSTRUCTION PROJECT RECORDS TO CONTRACTORS Subject Code: 7.32-1-1.00
Distribution: <input checked="" type="checkbox"/> Main Office <input checked="" type="checkbox"/> Regions <input type="checkbox"/> Special	Code: <u>EI 72-27</u>
APPROVED:  Chief Engineer	Date: <u>3/15/72</u> Supersedes:

There have been instances of delays in progressing final agreements due to late disputes regarding the eligibility of certain work for reimbursement and final quantities. Furthermore, there is need for a uniform policy regarding the degree of accessibility of certain types of project records to contractors. The following procedures and policies shall be effective immediately:

1. As soon as the engineer-in-charge of a construction project has determined the final quantity for a contract item (or several items), he shall promptly notify the contractor of such quantities on a periodic basis in order to attain concurrence therewith. The determination of such final quantities should be made as soon as is physically possible and not be deferred until the completion of the project. The final estimate should be substantially completed by the time the project is accepted.

2. Where the contractor expresses a desire to review the final quantities, an opportunity should be afforded him to review with the project and/or regional personnel the methods of measurement and computations. In general, the contractor should be allowed access to entries in final books and final computations and cross sections under the supervision of a Departmental employee.

3. However, the general review of the basic records, such as daily inspection reports, pile driving records, and cross-section notes, should be restricted. It is the contractor's responsibility to maintain such records as he may desire to substantiate final payments. Where a comparison of the basic records appears appropriate in instances of discrepancies, such review may be made in conjunction with the contractor, but limited to the specific areas where the contractor has maintained independent records.

The purpose of this limitation of access to basic records is to reduce "fishing expeditions" which needlessly consume our limited manpower resources. Therefore, such records may be made available (but not reproduced) only in real instances of discrepancy. Where the contractor's records are so grossly inaccurate as to indicate an apparent fabrication to gain access to the Department's basic records, such access should be denied.

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4. Copies of basic records should under no condition be furnished to the contractor. Copies of final estimate computations shall not ordinarily be furnished to the contractor, but he may, in unusual cases as approved by the Deputy Chief Engineer (Construction), be permitted to make such copies in the Engineer's office with his own photographic or portable duplicating equipment under the immediate supervision of the Engineer.

5. The contractor may be permitted to have a representative witness and record for his own use final measurements and cross sections by Department engineers provided he does not handle any equipment or recordation.

6. Where the review of final computations desired by a contractor exceeds the normal amount of time required for a comparison of quantities at a meeting with Department staff, the personal service cost for the monitoring of such review should be charged to the contractor in accordance with standard charging procedures for Departmental services.

7. Periodically, there are requests from owners of borrow pits, plants, quarries and other supply sources for the quantities of certain items paid to the contractor. Where there is evidence of the relevance of such interest, the information may be considered as public information and revealed subject to the standard charging procedures for Departmental services.

8. Where any discrepancy in final quantities or methods of payment cannot be mutually resolved between the Regional office and the contractor, such matters should be promptly called to the attention of the Deputy Chief Engineer (Construction) who may provide a satisfactory solution or request the initiation of a disputed work letter.

BAL:JS:MC