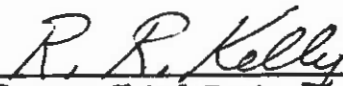


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PREL. FINAL PHOTOGRAM. LANDSCAPE RECEIVED FACILITIES DESIGN SUBDIVISION FEB 25 1975 Director, Preliminary Plan Review Bureau CIRC. DESIGN FILE		<h1>ENGINEERING INSTRUCTION</h1> <p>NEW YORK STATE DEPARTMENT OF TRANSPORTATION</p>	
SUPERSEDED BY EB 81-025 EFFECTIVE 6/17/1981		SUBJECT: ENGINEERING GUIDELINES FOR DISPUTED WORK Subject Code: 7.30	
Distribution: <input checked="" type="checkbox"/> Main Office <input checked="" type="checkbox"/> Regions <input type="checkbox"/> Special		Code: <u>ET 75-18</u> Date: <u>2/20/75</u> Supersedes:	
APPROVED:  Asst. Deputy Chief Engineer (Construction)			

The purpose of this Engineering Instruction is to establish a department policy relative to disputed work after the Commissioner of Transportation has adjudicated and ruled there is no additional compensation due the Contractor.

Until the time of the Commissioner's ruling, the requirements as set forth in disputed work procedures are to be followed.

Policy Guidelines:

Disputed work records are maintained by the Contractor and reviewed by the Engineer-in-Charge during the time the Commissioner is reviewing the claim. After the Commissioner's denial of a Contractor's claim, the following cases may occur:

- a) If the Contractor agrees to continue force account records, our Engineer-in-Charge continues recordkeeping in the same manner as specified under disputed work.
- b) Should the Contractor not supply the force account records, the Engineer-in-Charge should start to keep detailed records that will furnish the same data as previously supplied by the Contractor.

Under Case (b) there will be situations where the only source documentation is through the Contractor. The Contractor shall be requested in writing, by the Engineer, to furnish the documentation consistent with force account procedures. Obviously, some information cannot be recorded if the Contractor refuses to supply the data. Therefore, the Engineer-in-Charge records the information that is available in force account format for the dispute noting the data that the Contractor refuses to furnish. A copy of the daily force account record is to be furnished the Contractor. If he fails to dispute same, it will indicate his concurrence. Some disputes will be of a nature that do not readily adapt themselves to force account procedures. Also, claims of delays affecting contract completion would require force account records on all items of work. When the Region is of the opinion that maintaining force account records after the Commissioner's denial of a dispute is not relevant or places an inordinate workload on the project staff, it should request and obtain approval from the Main Office before it discontinues maintaining force account records.