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TO:  Director, Preliminary Plan Review Bureau	<b>ENGINEERING INSTRUCTION</b>	
	NEW YORK STATE DEPARTMENT OF TRANSPORTATION	
	SUBJECT: FORCE ACCOUNT AND AGREED PRICES	
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The Specifications provide that payment for new items of work may be incorporated into the contract via an order on contract, by agreed price or force account. It generally is preferable to perform the extra work by agreed prices when the price submitted by the contractor is reasonable. When agreed prices cannot be readily established or substantiated by a reasonable cost analysis breakdown, the contractor must be paid the actual and reasonable cost by force account.

Recently, there has been an increase in the amount of extra work being done by force account. Generally, one of two standardized explanations are given for doing work on a force account basis:

- a. The nature of the work is such that an agreed price cannot be readily established or substantiated.
- b. The Department and the contractor could not agree on a price for doing the work.

The Comptroller's office has advised that it will no longer accept such explanations without adequate supporting documentation. Effective immediately, all newly proposed orders-on-contract for force account work shall be accompanied by one of the following:

- a. A detailed description of the nature of the work and an explanation of the reasons why an agreed price cannot be established or substantiated.
- b. A copy of the contractor's proposal for doing the work, the Department's estimate for doing the work, and a comparative analysis showing why the contractor's proposal is considered to be unreasonable.

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