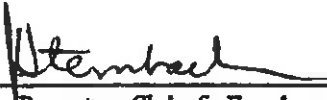


file

TO: Director, Preliminary Plan Review Bureau	ENGINEERING INSTRUCTION NEW YORK STATE DEPARTMENT OF TRANSPORTATION
Distribution:	SUBJECT: PREPARATION OF APPLICATION FOR EXTENSION OF COMPLETION DATE Subject Code: 7.30
APPROVED:  <hr/> Jack Sternbach, Deputy Chief Engineer (Construction)	Code: <u>EI 75-55</u> Date: <u>8/8/75</u> Supersedes:

In order to standardize the submission of Form C-168-A-3, Application for Extension of Completion Date, the bottom paragraph recommending an extension with or without a charge for engineering and inspection service should not be altered to include liquidated damages. Under Section 108-03, of the 1973 Specifications, Failure to Complete Work on Time, the assessing of liquidated damages shall be in addition to engineering charges.

Engineering charges when assessed would always be charged after the date indicated on the subject Form. Section 108-03 provides that liquidated damages may be waived depending upon the condition of the project relative to safety and convenience to the public. The need for the assessment of liquidated damages generally cannot be determined at the time the extension is granted and often is no longer needed when the project is opened to traffic at some point during the period of extension. Thus, the assessment of liquidated damages is generally not applicable to the entire extended period and should be made at the Regional level as a separate action.

Shortly before the date when the contractor becomes subject to the charges of engineering and inspection services, the Regional Construction Engineer should determine whether the condition of the project warrants the assessment of liquidated damages and inform the contractor in writing of his determination.