

MODIFIED BY EI 79-029 EFFECTIVE
6/22/79, EI 80-016 EFFECTIVE 3/25/80 &
EI 94-015 EFFECTIVE 6/1/94

ENGINEERING INSTRUCTION

NEW YORK STATE DEPARTMENT OF TRANSPORTATION

SUBJECT: Clearances, Permits, Approvals,
Resolutions, and Agreements

Subject Code: 7.26

PRELIMINARY PLAN REVIEW
BUREAU

JUN 19 1979

Distribution: ROOM 408 BLDG 5
Main Office

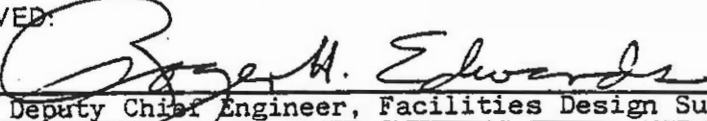
Regions

Special

Code: EI 79-27

Date: June 15, 1979

APPROVED:


Deputy Chief Engineer, Facilities Design Subdivision

Supersedes:

SUPERSEDED BY EB 98-045 EFFECTIVE 12/1/98

Recently, some projects have been let to contract and awarded without having all the clearances, permits, approvals, resolutions, and agreements necessary for the work specified in the contract. Consequently, problems have arisen during construction which have resulted in delays, field changes, and court of claims actions.

In general, all of the necessary prerequisites must be satisfied before a project is cleared for letting. To ensure that there will be no last minute problems, it is essential to begin the process far enough in advance of the projected letting date. I realize there may be extenuating circumstances that will require going to contract letting without having a permit or approval in hand. However, such instances must be treated as exceptions and supported by proper justification.

The items most frequently uncompleted at the time that PS&E is submitted include Utility Agreements, Maintenance Agreements, Corps of Engineers and Coast Guard Permits, and Clearance of Right of Way. In order to process the PS&E when these actions have not been completed, it will be necessary for the Regional Directors in the PS&E letter to explain the status of these actions and make a recommendation as to whether it is in the best interest of the public to proceed with letting of the contract. As a basis for your recommendation, you should include consideration and discuss the following:

- Which clearances, permits, approvals, resolutions, and agreements will not be available and the projected date of availability.
- Why it is in the public interest to proceed to letting despite the unavailability of these items. This should include a complete discussion of which contract operations will be affected and how they will be affected.
- What provisions are made in the contract in recognition of the lack of these items.

Please give this your immediate attention. We must have your cooperation if we are to maintain contract letting schedules.

RHE:RKR:BS