

SUPERSEDED BY EB 15-031 EFFECTIVE 9/28/15		New York State Department of Transportation ENGINEERING INSTRUCTION	EI 06-026
Title: REVISED STANDARD SPECIFICATIONS SECTION 697 FIELD CHANGE PAYMENT			
Distribution: ☐ Manufacturers (18) ☒ Local Govt. (31) ☒ Agencies (32)		☐ Surveyors (33) ☒ Consultants (34) ☒ Contractors (39) ☐ _____	
		Approved: _____ James F. Tynan, Director, Construction Division	8-28-16 Date

ADMINISTRATIVE INFORMATION:

- This Engineering Instruction (EI) is effective beginning with projects submitted for the letting of 01/11/07.
- This EI supersedes EI 02-035.
- The revisions issued with this EI will be incorporated into a future update of the Standard Specifications.

PURPOSE:

The purpose of this EI is to issue a revised Standard Specifications Section 697 *Field Change Payment*.

TECHNICAL INFORMATION:

- The name of the item has been changed to Field Change Payment (FCP).
- Items of work that are eligible for payment under the FCP item are better defined.
- Revised Design Guidance is being developed, Designers should continue to use the existing guidance for Field Change Order (FCO) until the revised Design Guidance is issued.
- Revised Construction Inspection guidance is being developed and will be issued when completed.
- This EI disapproves the following Contract Pay Item
 697.0201 Field Change Order Dollars- Cents
- This EI approves the following Contract Pay Item
 697.03 Field Change Payment Dollars- Cents

IMPLEMENTATION:

- Main Office Design Quality Assurance Bureau will insert the standard specification shelf note beginning with projects submitted for the letting of 01/11/07.

TRANSMITTED MATERIALS:

This EI transmits standard specification shelf note *Field Change Payment*.

BACKGROUND: The Department began placing the Field Change Order (FCO) item in contracts beginning in November 2002. Usage has increased over time, but some misunderstandings remain as to how and when the item may be used. The construction industry generally defines the term Change Order as an authorization for a change to a construction contract. The first step in improving the process is to change the name of the item from Field Change Order (FCO) to Field Change Payment (FCP), in order to more clearly indicate that it is a payment mechanism only, not an authorization for extra work.

CONTACT: Direct questions regarding this issuance to Andy Denniston of the Office of Construction via e-mail at ADenniston@dot.state.ny.us or (518) 457-6472.

FIELD CHANGE PAYMENT

Make the following changes to Volume 2 of 3 of the Standard Specifications of January 2, 2002.
Page 6-239, **Delete** Section 697 and **Replace** it with the following:

SECTION 697 - FIELD CHANGE PAYMENT

697-1 DESCRIPTION

697-1.01 General. The Field Change Payment (FCP) provides a contract contingency allowance for the timely payment of authorized extra work that was completed to fulfill the intent of the contract documents.

697-1.02 Eligible Work. Only the following extra work will be eligible for FCP item payments:

1. Work within the scope of the contract.
2. Completed additional quantities of existing contract items of work processed as unit bid prices:
 - a. Up to 200% of original contract quantity for Minor Items of work.
 - b. More than 200% of a Minor Item original contract quantity that results in an increase less than \$1,000.00 from the original contract amount.
 - c. Up to 125% of original contract quantity for Major Items of work.
3. Completed additional quantities of existing contract items that have exceeded the threshold quantities, but have unit bid prices that are acceptable by comparison to the Weighted Average Awarded Prices or the Average of the Three Lowest Bidders.
4. Completed additional quantities of existing contract items that have exceeded the threshold quantities, which requires the use of new item numbers, and renegotiated prices that are acceptable by comparison to the Weighted Average Awarded Prices or the Average of the Three Lowest Bidders.
5. Completed quantities of new contract items of work with Agreed Prices that are acceptable by comparison to the Weighted Average Awarded Prices.
6. Fuel, Asphalt, or Steel Adjustment items calculated for eligible work completed.

697-2 MATERIALS. None specified.

697-3 CONSTRUCTION DETAILS. None specified.

697-4 METHOD OF MEASUREMENT.

The unit price shown in the proposal for this item will be considered as the unit price bid and shall not be altered in any manner. Should the amount shown be altered, the figure entered will be disregarded and the original unit price will be used to determine the total amount bid for the contract.

697-5 BASIS OF PAYMENT. All work to be paid under the FCP item must receive prior authorization in conformance with §104-02 *Changes, Contingencies, Extra Work and Deductions*. Disputed work, force account work, work associated with §104-10 *Value Engineering Change Proposals*, or payments for time-related provisions are not eligible for FCP item payment.

FCP item payments will be determined from the quantities and unit prices of eligible work that have been completed. Work for which FCP item payments are processed will be paid in accordance with the specifications governing the work.

FIELD CHANGE PAYMENT

Prior to processing the final agreement, the FCP item payments will be reconciled through an Order-on-Contract, such that the amount of FCP item payments is converted to the corresponding quantities of the pertinent contract pay items. When the amount of FCP item payments is transferred to the appropriate items, the remaining amount of FCP funds will be deleted.

Payment will be made under:

Item No.

Item

697.03

Field Change Payment (FCP)

Pay Unit

Dollars-Cents