

# ALABAMA DEPARTMENT OF TRANSPORTATION

DATE: March 14, 2013

Special Provision No. 12-0604

EFFECTIVE DATE: July 1, 2013

SUBJECT: Extension of Contract Time.

Alabama Standard Specifications, 2012 Edition, SECTION 108 shall be amended as follows:

## SECTION 108 PROSECUTION AND PROGRESS

108.09 Extension of Contract Time.

(a) GENERAL.

*This Subarticle [108.09(a)] shall be replaced by the following:*

(a) GENERAL.

An extension of contract time will be granted in the event the total cost of the completed work exceeds the total contract bid price. For the purpose of this item, the following costs will be excluded from the computation for total cost:

- supplemental agreements, regardless of whether or not time extensions are allowed on the agreements ;
- bituminous material price adjustments;
- adjustments due to the cost of construction fuel for HMA production;
- liquidated damages;
- incentive or disincentive payments;
- price adjustments for pavement rideability;
- compensation for delay claims.

The extension of contract time shall be in the same ratio as the increase in the total cost.

If the Contractor finds it impossible for reasons beyond his control to complete the work within the contract time as specified or as extended in accordance with the provisions of this Article, he may at any time prior to the expiration of the contract time as extended, make a written request to the Engineer for an extension of time setting forth therein the reasons which he believes will justify the granting of his request. The Contractor's plea that insufficient time was specified is not a valid reason for extension of time. If the Engineer finds that the work was delayed because of conditions beyond the control and without the fault of the Contractor, he may extend the time for completion in such amount as the conditions justify. The extended time for completion shall then be in full force and effect the same as though it were the original time for completion. If the Contractor disagrees with the decision of the **Engineer**, he may appeal directly, in writing, to the Director. The Director shall have final authority to approve or disapprove the request for an extension of time. The Director may, at his discretion, refer the appeal to the Claims Committee for a recommendation before making his decision. Reference is made to Section 110, Claims. Time extension requests will not be referred to the Claims Appeal Board.