

ALABAMA DEPARTMENT OF TRANSPORTATION

DATE: March 19, 2020

Special Provision No. 18-0108

EFFECTIVE DATE: June 1, 2020

SUBJECT: Extension of Contract Time.

Alabama Standard Specifications, 2018 Edition, SECTION 108 shall be revised as follows:

SECTION 108 PROSECUTION AND PROGRESS

108.09 Extension of Contract Time.

(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, including compensation for delay claims, regardless of whether time extensions are allowed on the agreements;
- Overruns of pay items included in Sections 665 and 672;
- Overruns of pay items included in a previously approved time extension request;
- Price adjustments for pavement smoothness;
- Bituminous material price adjustments;
- Cost adjustments for Construction Fuel;
- Adjustments due to the cost of construction fuel for HMA production;
- Incentive or disincentive payments; and
- Liquidated damages.

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.