

FS 337.11.9(b)

(b) Supplemental agreements and written work orders pursuant to a contingency pay item or contingency supplemental agreement shall be used to clarify the plans and specifications of a contract; to provide for unforeseen work, grade changes, or alterations in plans which could not reasonably have been contemplated or foreseen in the original plans and specifications; to change the limits of construction to meet field conditions; to provide a safe and functional connection to an existing pavement; to settle contract claims; and to make the project functionally operational in accordance with the intent of the original contract. Supplemental agreements may be used to expand the physical limits of a project only to the extent necessary to make the project functionally operational in accordance with the intent of the original contract. The cost of any such agreement extending the physical limits of a project shall not exceed \$100,000 or 10 percent of the original contract price, whichever is greater.

10.2.4 Reference Data

Bearings, in the direction of stationing, shall be shown for all tangent sections.

Station equivalencies, angles with mainline centerline and/or bearings in the direction of stationing of the crossroad shall be shown for all roads and streets intersecting or crossing the project.

All the survey reference points shall be shown (if layout sheet is not included in plans set) at locations removed from the centerline.

If section lines or city limits are encountered within the limits of the project, the intersection shall be tied by station and angle/bearings to the baseline of survey.

10.2.5 Construction and Project Limits

Proposed construction and project limits shall be indicated in the plans. The limits to be flagged and stationed are:

1. Begin and end of project, and begin and end of construction where construction limits are other than project limits. If plans cover more than one project, the limits of each shall be clearly identified by station and Financial Project ID. Limits identification shall be shown both in plan and in profile.

It is the responsibility of the Engineer of Record (EOR) to set the project and construction limits. If the plans cover more than one project or are part of a corridor improvement, the project limits should be at the beginning of the full typical sections, with any construction (transitions, etc.) outside these limits being within the construction limits. Examples of types of work that may fall within construction limits but outside project limits are feathering, friction course, guardrail, drainage work and signing and marking work.

2. The limits of project breakdown necessary for separation of length and quantities for federal aid and non-federal aid projects.
3. The limits of each type of construction classification where more than one type is involved, such as, new construction, resurfacing, bridge work, widening, and milling.
4. The begin and end of exceptions and equations.

Payment for work the Department directed to be performed in lieu of pursuing a **Supplemental Agreement**.

- (D) The Department and Contractor cannot agree on the value of work deleted from the Contract. When this occurs on **Lump Sum Contracts**, a negative encumbrance should be processed through the Contract Funds Management System to reduce the contractual obligation commensurate to value of the negative **Unilateral Payment**. The estimate should be loaded into **SiteManager** with the 'reduced' regular work amount (total work less the negative **Unilateral Payment** amount). The negative **Unilateral Payment** should not be loaded into **SiteManager** as it will be reflected in the reduced amount of regular work. The supporting documentation for the negative encumbrance should be included as documentation for the negative **Unilateral Payment**.

7.3.6 Initiating Supplemental Agreements and Unilateral Payments

The District Operations staff will ensure that the terms of all **Supplemental Agreements and Unilateral Payments** are in the best interest of the Department and comply with procedures, specifications, and statutory requirements governing construction contract administration.

All **Supplemental Agreements and Unilateral Payments**, including those initiated in response to contract claims, will be supported and documented by an **Engineer's Estimate** and an **Entitlement Analysis** (see **Guidance Document 7-3-A**). Lump sum items shall not be used without detailed itemization stating the quantities and unit prices the lump sum item was based on.

When a **Supplemental Agreement or Unilateral Payment** must be initiated on a project with consultant-prepared plans and contract documents, refer to **Procedure No. 375-020-010, Errors, Omissions, and Contractual Breaches by Professional Engineers on Department Contracts**.

7.3.6.1 Significant Changes

All significant changes causing an increase or decrease in the unit cost of a pay item must be documented with a completely executed **Supplemental Agreement or Unilateral Payment**. Note that either of these types of contract changes will require an **Entitlement Analysis** and an **Engineer's Estimate**. Certification of availability of funds must be obtained from the Comptroller's Office prior to directing the Contractor to perform the work when the change results in an increase in the cost of the project.

7.3.6.2 Project Limit Extensions

(A) Resident Level Responsibilities

Section 337.11(9)(b), F. S. states that **Supplemental Agreements** may only be used to expand the physical limits of a project only to the extent necessary to make the project functionally operational in accord with the intent of the original contract. The cost of any such agreement extending the physical limits of a project shall not exceed \$100,000, or ten (10) percent of the original contract amount, whichever is greater.

Authorization from the Director, Office of Construction is required before extending the physical limits of the project, including extending the construction limits on any project in order to make suitable connections to existing pavement on any project.

On FHWA Oversight Projects, FHWA concurrence for project limit extensions must be obtained in accord with **CPAM Section 7.3.11.2**.

Prior to Project Limit Extension, for Department-prepared plans, notify the Department's Engineer of Record. For consultant-prepared plans, notify the Department's Design Project Manager. Refer to **Section 4.5.2** of the **Preparation and Documentation Manual, Topic No. 700-050-010**.

(B) District Level Responsibilities

The District Construction Engineer's (DCE) recommendation must be included on all requests for extending construction limits.

(C) Central Office Level Responsibilities

The Director, Office of Construction will review all project limit extension requests to assure they have received the recommendation of the District Construction Engineer and that they comply with **Section 337.11(9)(b), F.S.**

7.3.6.3 Plan or Specification Changes

(A) Resident Level Responsibilities

All changes to the contract plans or specifications must be documented with a completely executed **Supplemental Agreement** or **Unilateral Payment**, with prior certification of availability of funds from the Comptroller's Office required.

Prior to initiating a plan or specification change, for Department-prepared plans, notify the Department's Engineer of Record. For consultant-prepared plans, notify the Department's Design Project Manager. Refer to **Section 4.5.2** of the **Preparation and Documentation Manual, Topic No. 700-050-010**.

7.3.6.2 Project Limit and Construction Limit Extensions

(A) Resident Level Responsibilities

Section 337.11(9)(b), F. S. states that **Supplemental Agreements** may only be used to expand the physical limits of a project only to the extent necessary to make the project functionally operational in accord with the intent of the original contract. The cost of any such agreement extending the physical limits of a project shall not exceed \$100,000, or ten (10) percent of the original contract amount, whichever is greater.

Authorization from the Director, Office of Construction is required before extending the physical project limits of the project, to perform work other than friction course, guardrail, drainage, signing and pavement marking. Authorization from the Director, Office of Construction is required before ~~including~~ extending the construction limits on any project in order to make suitable connections to existing pavement on any project.

On FHWA Oversight Projects, FHWA concurrence for project limit and construction limit extensions must be obtained in accord with **CPAM Section 7.3.11.2.**

Prior to processing a Project project Limit limit or construction limit Extension, for Department-prepared plans, notify the Department's Engineer of Record. For consultant-prepared plans, notify the Department's Design Project Manager. Refer to **Section 4.5.2** of the **Preparation and Documentation Manual, Topic No. 700-050-010.**

(B) District Level Responsibilities

The District Construction Engineer's (DCE) recommendation must be included on all requests for extending project limits and construction limits.

(C) Central Office Level Responsibilities

The Director, Office of Construction will review all project limit and construction limit extension requests to assure they have received the recommendation of the District Construction Engineer and that they comply with **Section 337.11(9)(b), F.S.**