

***NOTE: Comments regarding 8-3.2.2 were incorporated with this proposed revision and forwarded to FHWA for review.**

0080321 - SUBMISSION OF WORKING SCHEDULE
- CONTRACT SCHEDULE
COMMENTS FROM INDUSTRY REVIEW

(# 1)

Keith Waugh
352-787-1616
kwaugh@lewarecc.com

Comments:

Based on three day weekends, holidays, etc, I think it should be 10 calendar days after the monthly cutoff.

Response:

Holiday periods are typically always set dates, therefore there shouldn't be any conflicts when Contractor is updating schedule. You should be able to adjust around these dates! Thank You for your comment.

(#2)

Andy Clark
aclark@lewarecc.com

Comments:

Some Engineers/CEI's change the cut-off dates for whatever reason. I feel the schedule update periods and the estimate cut-off dates should coincide, thus the reason for my suggested modification to the above:

Monthly updates, reflecting progress through the estimate cut-off date, are required. These updates will be submitted within seven (7) calendar days after the subject cut-off date.

Response:

The cut-off dates are set in advance for the complete year, this is the reason we set that 7 day period to coincide with the cut-off date to be consistent. Thanks you for your comment.

(#3)

Patel, Mayur
772 489 7138
D-4 Ft. Pierce Operations

Comments:

Observation:

Use only when CPM is authorized by District Construction Engineer.

Addition of the statement to submit the schedule within 7 days of the monthly estimate makes the following statement ineffective. As proposed, it reads:

“Submit monthly updates of the Contract Schedule within 7 calendar days after the monthly estimate cut-off date. The Engineer will withhold monthly payments due for failure of the Contractor to submit an acceptable schedule or monthly updates within the time frame described herein.”

Reasoning:

Delayed submittal of schedule UPDATE (not the first submittal) does not negatively affect the Contractor or the Department in most of the cases. Also, since there are about four weeks between the update-submittal deadline (7 days from cutoff) and the following payment. As long as the contractor is working per last approved schedule, withholding payment would not be effective.

I believe this requirement is not properly enforced because (1) for Project Administrators there is no “VALUE” in withholding payment, and (2) there is no incentive/ penalty for the Contractor.

Project Administrator will not have issues if there is a valuable consequence for Contractor when schedule is not submitted on time. In addition, Contractors will respond to specific monetary impact more effectively over “withholding payment”.

Proposal:

I propose instead of “withholding payment” use “penalty” condition. For example, “The Engineer will charge \$1000 for each day delay beyond 7 days.” Such language will be easier to execute at the project level.

Final language could read, ***“Submit monthly updates of the Contract Schedule within 7 calendar days after the monthly estimate cut-off date. The Engineer will ~~withhold monthly payments~~ charge \$1,000 for each additional day due for failure of the Contractor to submit an acceptable schedule or monthly updates within 7 calendar days ~~the time frame described herein.~~”***

Response:

The delayed submittal could adversely affect the Contractor if his Critical Path changes and he fails to readjust the controlling items of work. This may affect his schedule enough that ultimately it cost him time or days, thus time is money. I don’t see penalizing the Contractor monetarily, if he doesn’t adjust his schedule he will pay on lost days. Thank You for your comments.

(#4)
Chris Papastratis
954-777-4193

Use only when CPM is authorized
by District Construction Engineer.

Comments:

District 4 suggests that you penalize the Contractor (by \$/day) for failure to submit Contract Schedule on time instead of withholding of payment. Separately, we will send Rudy Powell a more detail writing on this issue.

Response:

Same comment as above. Thanks you for your comment.

(#5)
Zinck, Ken
ken.zinck@dot.state.fl.us
386-740-3471

Comments:

Comments from Lori Jones of D5 Leesburg Operations 352-326-7767: This is how it used to be (looked at our contract 238424): "On each Monday prior to the monthly estimate cutoff date, submit Contract Schedule, updated to reflect actual start dates, actual finish dates, added activities, changes in sequence and days remaining, to the Engineer for acceptance." This is what is proposed: "Submit monthly updates of the Contract Schedule within 7 calendar days after the monthly estimate cut-off date." The Engineer will withhold monthly payments due for failure of the Contractor to submit an acceptable schedule or monthly updates within the time frame described herein. My Comment is: The update should be due "before" the estimate to be able to withhold the estimate coming up if they do not provide the update and/or an acceptable schedule. Otherwise we are giving them until the next estimate (approx 3 weeks) to hold money from them. Making the 7 calendar days turning into 30 days. Comment from Abel Sierra of District 5 Scheduling Engineer 386-943-5369: I agree, the monthly Contract Schedule submittal should be before or at the same time of the monthly estimate cut off date.

Response:

Agree, the spec should read "before". Thank you for your comment.

***SEE NOTE ABOVE**

(#6)
Christopher Wood
(904) 360-5673
Christopher.Wood@dot.state.fl.us

Comments:

I have received the following comments from the D2 Construction Residencies for the above mentioned Specification change:

1) In the general Spec.: I like the fact that we clearly tell them they need to use the CPM method but, I think it would be helpful to ask for a clear indication of the critical path by listing the critical operations in proper sequence and the time allotted to each. This could be done with a

matrix or with the classic CPM diagram. All I have seen (so far) are bar charts that tend to be a little ambiguous about the critical path. In reference to the change: *“Submit monthly updates of the Contract Schedule within 7 calendar days after the monthly estimate cut-off date”* Is this really all that is going in? I would think we would need to add some detail about what an update is. Do they only update for major changes such as: delays, deleted or added operations, changes in critical path, or for everything: weather, non critical path operations delays? I’m not sure we need to spell it all out but some further explanation would help us all.

2) I agree with the proposed revision since the previous requirement to submit monthly updates “on each Monday prior to the monthly estimate cutoff date” is not included in the current language. Concerning the CPM specification in general, I offer the following comments:

1. The sole accepted unit of measure for activity durations and float should be “days” and never “hours”.
2. Activity durations and float in all reports and submittals should represent calendar days and not work days. Non-work days are accommodated in the calendar selected in the scheduling software.
3. “Suretrak” is misspelled in Item 4) in Section 8-3.2.2.
4. Cost loading of activities in the baseline schedule should not include the Initial Contingency Amount.
5. Section 8-3.2.6 notes that a time extension “shall be considered only to the extent that a delay to an activity or activities exceeds the total float along the project critical paths”. This should reference “the project critical paths of the current accepted schedule”.
6. Section 8-3.2.8 requires submittal of an as-built schedule “as a condition for the release of any retainage”. This should reference “for Final Acceptance of the project” instead of “for the release of any retainage”.

Response:

- 1.) The Schedule submission and Monthly update defines 4 areas that the Contractor updates.
- 2.) Okay
 - 1, Agree, change hours to days
 2. Agree
 3. Specifically the word “SureTrak” is being removed and the CPM schedule is a more generic in what “version” the Contractor is to provide.
 4. Agree, Initial Contingency amounts are bid items and should not be included.
 5. Agree, it should reflect current accepted schedule.
 6. Agree, it should reference Final Acceptance.
