



Florida Department of Transportation

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M E M O R A N D U M

DATE: November 15, 2016

TO: Specification Review Distribution List

FROM: Dan Hurtado, P.E., State Specifications Engineer

SUBJECT: Proposed Specification: **0090201DB Measurement and Payment.**

In accordance with Specification Development Procedures, we are sending you a copy of a proposed specification change.

This change was proposed by Maria Irizarry of the State Construction Office to update the language.

Please share this proposal with others within your responsibility. Review comments are due within four weeks and should be sent to Mail Station 75 or online at <http://www2.dot.state.fl.us/ProgramManagement/Development/IndustryReview.aspx> . Comments received after **December 13, 2016**, may not be considered. Your input is encouraged.

DH/dt
Attachment

MEASUREMENT AND PAYMENT.
(REV 11-3-16)

SUBARTICLE 9-2.1.1 is deleted and the following substituted:

9-2.1.1 Fuels: On Contracts with an original Contract Time in excess of 120 calendar days, the Department will make price adjustments on each applicable progress estimate to reflect increases or decreases in the price of gasoline and diesel from those in effect during the month in which bids were received. The Contractor will not be given the option of accepting or rejecting these adjustments. Price adjustments for these fuels will be made only when the current fuel price (CFP) varies by more than 5% from the price prevailing in the month when bids were received (BFP), and then only on the portion that exceeds 5%.

The Contractor will certify the number of gallons of fuel (gasoline and/or diesel) used on this Contract during the period represented by each Contractor's Certified Monthly Estimate ~~invoice~~.

~~The Department will determine the API for each month by averaging quotations in effect on the first day of the month at all terminals that could reasonably be expected to furnish fuel to projects in the State of Florida.~~

Price adjustments will be based on the monthly bulk average price for gas and diesel as derived by the Department. These average indexes shall be determined by averaging bulk fuel prices on the first day of each month as quoted by major oil companies that are reasonably expected to furnish fuel for projects in the State of Florida. Average price indices for gasoline and diesel ~~The API~~ will be available on the State Construction Office website before the 15th of each month at the following URL:

<http://www.dot.state.fl.us/construction/fuel&Bit/Fuel&Bit.shtm> .

Payment on progress estimates will be adjusted to reflect adjustments in the prices for fuel in accordance with the following:

When fuel prices have decreased between month of bid and month of this progress estimate:

$A_i = F_i (P_i - 0.95 P_b)$ during a period of decreasing prices.

$A_i =$ Total dollar amount - positive or negative - of the cost adjustment for each kind of fuel used by the Contractor during the month "i."

$F_i =$ Total gallons calculated as being used during the month.

$P_i =$ Average price for fuel prevailing during month "i."

$P_b =$ Average price for fuel prevailing during the month "b" when bids were received on this Contract.

When fuel prices have increased between month of bid and month of this progress estimate:

$A_i = F_i (P_i - 1.05 P_b)$ during a period of increasing prices.

$A_i =$ Total dollar amount - positive or negative - of the cost adjustment for each kind of fuel used by the Contractor during the month "i."

$F_i =$ Total gallons calculated as being used during the month.

$P_i =$ Average price for fuel prevailing during month "i."

$P_b =$ Average price for fuel prevailing during the month "b" when bids were received on this Contract.

$\$ \text{ Adjustment} = (ID)(\text{gallons})$

~~Where ID = Index Difference = [CAPI - 0.95(BAPI)] when the API has decreased between the month of bid and month of this progress estimate.~~

~~Where ID = Index Difference = [CAPI - 1.05(BAPI)] when the API has increased between the month of bid and month of this progress estimate.~~

Gallons will be derived only from the established Standard Fuel Factor list posted on the State Construction Office website at the following URL:

<http://www.dot.state.fl.us/construction/fuel&Bit/Fuel&Bit.shtm> .

The Department will provide a computer application that will calculate and print the gallons of gasoline and/or diesel for the items that these factors represent. The Contractor will attach this worksheet and record these gallons on the Contractor's Certified Monthly Estimate as required in 9-11.

Payment will be based on the quantities shown on the Contractor's Certified Monthly Estimate on all items for which established standard fuel factors are posted on the State Construction Office website at the following URL:

<http://www.dot.state.fl.us/construction/fuel&Bit/Fuel&Bit.shtm> .

Payment will be made on the current progress estimate to reflect the index difference at the time work was performed.

Adjustments will be paid or charged to the Prime Contractor only. Any Contractor receiving an adjustment under this provision shall distribute the proper proportional part of such adjustment to subcontractors who perform applicable work.

SUBARTICLE 9-2.1.2 is deleted and the following substituted:

9-2.1.2 Bituminous Material: Prepare a Contractor's Certification of Quantities, using the Department's current approved form for Superpave Asphalt Base, Turnout Construction (Asphalt), Asphalt Treated Permeable Base, Superpave Asphaltic Concrete, Miscellaneous Asphalt Pavement, Asphalt Concrete Friction Course, and Asphalt Rubber Membrane Interlayer items. On Contracts having an original Contract Time of more than 365 calendar days, or more than 5,000 tons of asphalt concrete, the Department will adjust the bid unit price for bituminous material, excluding cutback and emulsified asphalt to reflect increases or decreases in the Asphalt Price Index (API) of bituminous material from that in effect during the month in which bids were received. The Contractor will not be given the option of accepting or rejecting this adjustment. Bituminous adjustments will be made only when the current API (CAPI) varies by more than 5% of the API prevailing in the month when bids were received (BAPI), and then only on the portion that exceeds 5%.

The Department will determine the API for each month by averaging quotations in effect on the first day of the month at all terminals that could reasonably be expected to furnish bituminous material to projects in the State of Florida.

The API will be available on the State Construction Office website before the 15th of each month at the following URL:

<http://www.dot.state.fl.us/construction/fuel&Bit/Fuel&Bit.shtm> .

The Department will provide a computer application that will calculate and print the number of gallons of bituminous material for the items that these factors represent. The Contractor will attach this worksheet and record these gallons on the Contractor's Certified Monthly Estimate as required in 9-11.

Payment on progress estimates will be adjusted to reflect adjustments in the prices for bituminous materials in accordance with the following:

$$\text{\$ Adjustment} = (\text{ID})(\text{gallons})$$

Where ID = Index Difference = [CAPI - 0.95(BAPI)] when the API has decreased between the month of bid and month of this progress estimate.

Where ID = Index Difference = [CAPI - 1.05(BAPI)] when the API has increased between the month of bid and month of this progress estimate.

For all asphalt concrete, the number of gallons will be determined assuming a mix design with 6.25% liquid asphalt weighing 8.58 pounds per gallon.

For asphalt treated permeable base, the number of gallons will be determined assuming a mix design with 3% liquid asphalt weighing 8.58 pounds per gallon.

Payment will be made on the current progress estimate to reflect the index difference at the time work was performed.

Adjustments will be paid or charged to the Prime Contractor only. Any Contractor receiving an adjustment under this provision shall distribute the proper proportional part of such adjustment to subcontractors who perform applicable work.

~~Prepare a Contractor's Certification of Quantities, using the Department's current approved form for Superpave Asphalt Base, Turnout Construction (Asphalt), Asphalt Treated Permeable Base, Superpave Asphaltic Concrete, Miscellaneous Asphalt Pavement and Asphalt Rubber Membrane Interlayer pay items.~~

SUBARTICLE 9-11.2 is deleted and the following substituted:

9-11.2 Contractor's Certified Monthly Estimate: The Contractor must make a request for payment by submitting a monthly estimate, no later than Twelve O'clock noon, Monday, after the estimate cut-off date or as directed by the Engineer, based on the amount of work completed. The Contractor's certified monthly estimate must consist of the following:

1. Contract Number, Financial Project Identification Number, Estimate Number, Monthly Estimate Date and the period that the monthly estimate represents.
2. The basis for arriving at the amount of the monthly estimate including approximate quantities of work completed, less payment previously made and less the amount previously retained or withheld.
3. Contract Summary showing the percentage of dollar value of completed work based on the present Contract amount and the percentage of days used based on the present Contract days.
4. Certify the number of gallons of gasoline, diesel and bituminous material during the monthly estimate period.