

Chapter 7 - Time Extensions & Suspensions

1-701 Documentation of Delays and Effect on Project

The *Standard Specifications* allows the Contractor to present in writing a request for an extension of Contract time if the time needed to complete the work increased due to added or extra work, or due to causes beyond the Contractor's control. Any delay that the inspector is aware of should be well documented in the Daily Work Reports. The information on the Daily Work Reports will be essential for evaluating the time extension request in a fair and equitable manner.

Information that should be reported in the Daily Work Reports includes:

- Date the delay first arose.
- Date the delay ceased to exist.
- The cause for and a description of the delay.
- Effect of delay on entire project.
- Operations in progress during the delay.
- List labor and equipment, in detail, that was idled each day of delay. Photographic documentation should also be made.
- Orders to work in other areas.

1-702 Time Extensions Procedures

The following procedures are used for evaluating, approving, and issuing time extensions:

1-702A Time Extension Authority

The authority for granting time extensions is found in Article 1.08.08 of the Standard Specifications. This article covers acceptable reasons for a time extension “for completion of the work due to extra or added work or delays resulting from unforeseeable causes beyond the control and without the fault or negligence of the Contractor.”

When the District is uncertain the reasons given by a Contractor to support a request for an extension are acceptable under Article 1.08.08, they should discuss the issue with the Construction Administrator or Construction Division Chief.

1-702B Time Extension Requests

Time extensions must be requested by the Contractor in a timely manner. Contract provisions require that time extension requests with adequate substantiation be provided by the Contractor “within 60 calendar days of the event that is the basis of the request or of the first effect of such an event on the work.” The Contractor is responsible for providing the necessary documentation to support the reasonableness of the additional time requested. This will

include the number of days requested (including dates) and proving documentation.

The Project Engineer will provide written acknowledgement of each Contractor's time extension request. If the information is determined to be incomplete, or fails to meet the requirements of the Contract, the Project Engineer will reject time extensions request. See Figure 1-7.1.

Figure 1-7.1 Sample Letter Project Engineer Time Extension Response

| |
|---|
| Date: |
| Contractor Name/Address Town, State, Zip Code |
| Subject: Project No. FAP No. (Project Description) Town Time Extension Request |
| Dear Sir or Madam: |
| On (date), you submitted a request for an extension of Contract time for Project No. _____. |
| (This request has been received and is presently under review. Upon completion of the Department's review, you will be notified of the Department's finding.) |
| Or |
| (The information you submitted is incomplete and is being returned. Upon receipt of complete information, we will continue to review your request.) |
| Or |
| (Your request fails to meet the requirements of the Contract for consideration for the following reasons:) (State Reasons) |
| VTY |
| Project Engineer |
| bcc: DE-ADE-PE-SE. Project |

1-702C Time Extension Analysis

The District staff should prepare its own written analysis of each time extension request including:

- A description of the request.
- An evaluation of the request based on the field records. Each specific delay needs to be identified and explained in detail including the periods of the delay on the critical path of the project as well as explaining any time determined to be concurrent with another delay on the project.
- A conclusion.
- A recommendation.

- A time chart comparing the Contractor's anticipated and actual schedules and the effect of each cause of delay, including the Contractor's original time charts.

When preparing an analysis you will need to consider the following:

- Did the condition causing the delay exist at the time bids were received?
- Do you believe the Contractor might have reasonably expected to have full knowledge of the conditions causing the delay?
- Could the delay be attributed to the Contractor's method of operation?
- Did the Contractor have other areas in which to operate?
- Was the Contractor advised to work in other areas, to utilize idled workers and equipment?
- What other operations were in progress during the delay?
- Did the delay affect the entire project?
- Was the delay beyond the Contractor's control?
- Was the contractor responsible for any portion of the delay which could have been concurrent with the requested delay period.

The analysis is to be forwarded to the Assistant District Engineer by memorandum for approval / disapproval. Figure 1-7.2 shows the layout of the transmittal memorandum.

When the time extension is granted will expose the Department to liability for costs incurred during or resulting from delay of project work, it must be discussed with the Office of Construction (Transportation Principal Engineer level or higher) before approval.

1-702D Federal Agency Approval

Before approving a time extension for federal oversight projects, the Assistant District Engineer will submit by letter the time extension request and analysis to the FHWA Division Administrator for approval. Figure 1-7.3 shows a Sample letter to FHWA requesting concurrence and participation in a time extension. The request for concurrence should briefly explain the reasons for the request. Upon written concurrence from the FHWA, the Assistant District Engineer may act on the time extension recommendation.

1-702E Assistant District Engineer Approval/Disapproval

Before approving any time extension, the Assistant District Engineer should ensure that the District's analysis is complete and, that the Contractor, as well as the District, has provided the required documentation and that said documentation adequately supports the recommendation. If the Assistant District Engineer disapproves or modifies any time extension recommendation, the reasons for disapproval or modification will be documented, and the documentation attached to the package.

Upon approval or disapproval of any time extension request, a copy of the recommendation package, including all substantiating documentation, will be forwarded to the Office of Construction.

Once the Assistant District Engineer has approved the time extension, the time extension will be incorporated into the Contract by Construction Order.

Figure 1-7.2 Time Extension Approval/Disapproval Memorandum

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|-------------------|---|--|---|--------|-------|--------------------------|-------|--------------------------|-------|-------------------------|-------|-------------|-------|----------------------|-------|--------------------|-------|-------------------------|-------|---------------------------|-------|--|-------|---|-------|------------------------|-------|--|-------|------------------|-------|----------------------------------|-------|------------------------|-------|-----------------------------|-------|--------------------------|-------|---------------------------------|-------|-----------------|--------------------|-----------------------------|-----------------------------|-------------|-------------|
| STATE OF CONNECTICUT DEPARTMENT OF TRANSPORTATION OFFICE OF CONSTRUCTION <p style="text-align: center;">Memorandum</p> | <table border="0" style="width: 100%;"> <tr> <td style="border-right: 1px solid black; padding-right: 5px;"><i>subject:</i></td> <td>Project No. FAP No. (Project Description) (Town)</td> </tr> <tr> <td style="border-right: 1px solid black; padding-right: 5px;"><i>date:</i></td> <td></td> </tr> </table> | <i>subject:</i> | Project No. FAP No. (Project Description) (Town) | <i>date:</i> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <i>subject:</i> | Project No. FAP No. (Project Description) (Town) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <i>date:</i> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;"><i>to:</i> (Name)</td> <td style="width: 50%;"><i>from:</i> (Name)</td> </tr> <tr> <td>Assistant District Engineer Bureau of Engineering and Highway Operations</td> <td>Supervising Engineer Bureau of Engineering and Highway Operations</td> </tr> </table> | | <i>to:</i> (Name) | <i>from:</i> (Name) | Assistant District Engineer Bureau of Engineering and Highway Operations | Supervising Engineer Bureau of Engineering and Highway Operations | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <i>to:</i> (Name) | <i>from:</i> (Name) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Assistant District Engineer Bureau of Engineering and Highway Operations | Supervising Engineer Bureau of Engineering and Highway Operations | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>Attached, for your review and approval, is a copy of the justification for a (#) day (non-compensable) time extension for the completion of work on the subject project.</p> <table border="0" style="width: 100%;"> <tr><td>Project No.:</td><td>_____</td></tr> <tr><td>FAP No.:</td><td>_____</td></tr> <tr><td>Towns:</td><td>_____</td></tr> <tr><td>Standard Specifications:</td><td>_____</td></tr> <tr><td>Original Contract Value:</td><td>_____</td></tr> <tr><td>To Date Contract Value:</td><td>_____</td></tr> <tr><td>Award Date:</td><td>_____</td></tr> <tr><td>Order to Start Date:</td><td>_____</td></tr> <tr><td>Actual Start Date:</td><td>_____</td></tr> <tr><td>Original Calendar Days:</td><td>_____</td></tr> <tr><td>Original Completion Date:</td><td>_____</td></tr> <tr><td>Actual Completion Date: <i>(include only if completed)</i></td><td>_____</td></tr> <tr><td>Days Used: <i>(include calendar, winter and suspension)</i></td><td>_____</td></tr> <tr><td>Calendar Days Allowed:</td><td>_____</td></tr> <tr><td>Winter Days <i>(or other period time not counted):</i></td><td>_____</td></tr> <tr><td>Suspension Days:</td><td>_____</td></tr> <tr><td>Previous time Extension Granted:</td><td>_____</td></tr> <tr><td>Apparent Time Overrun:</td><td>_____</td></tr> <tr><td>Time Extension Recommended:</td><td>_____</td></tr> <tr><td>Revised Completion Date:</td><td>_____</td></tr> <tr><td>Liquidated Damages Recommended:</td><td>_____</td></tr> </table> <p>Please indicate your approval/denial by your signature in the appropriate space.</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">Approval: _____</td> <td style="width: 50%;">Disapproval: _____</td> </tr> <tr> <td style="text-align: center;">Assistant District Engineer</td> <td style="text-align: center;">Assistant District Engineer</td> </tr> <tr> <td style="width: 50%;">Date: _____</td> <td style="width: 50%;">Date: _____</td> </tr> </table> <p>Attachments</p> <p>cc: Construction Administrator-Construction Division Chief District Engineer-Assistant District Engineer Supervising Engineer-Project Engineer Chief Inspector</p> | | Project No.: | _____ | FAP No.: | _____ | Towns: | _____ | Standard Specifications: | _____ | Original Contract Value: | _____ | To Date Contract Value: | _____ | Award Date: | _____ | Order to Start Date: | _____ | Actual Start Date: | _____ | Original Calendar Days: | _____ | Original Completion Date: | _____ | Actual Completion Date: <i>(include only if completed)</i> | _____ | Days Used: <i>(include calendar, winter and suspension)</i> | _____ | Calendar Days Allowed: | _____ | Winter Days <i>(or other period time not counted):</i> | _____ | Suspension Days: | _____ | Previous time Extension Granted: | _____ | Apparent Time Overrun: | _____ | Time Extension Recommended: | _____ | Revised Completion Date: | _____ | Liquidated Damages Recommended: | _____ | Approval: _____ | Disapproval: _____ | Assistant District Engineer | Assistant District Engineer | Date: _____ | Date: _____ |
| Project No.: | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| FAP No.: | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Towns: | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Standard Specifications: | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Original Contract Value: | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| To Date Contract Value: | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Award Date: | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Order to Start Date: | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Actual Start Date: | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Original Calendar Days: | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Original Completion Date: | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Actual Completion Date: <i>(include only if completed)</i> | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Days Used: <i>(include calendar, winter and suspension)</i> | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Calendar Days Allowed: | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Winter Days <i>(or other period time not counted):</i> | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Suspension Days: | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Previous time Extension Granted: | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Apparent Time Overrun: | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Time Extension Recommended: | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Revised Completion Date: | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Liquidated Damages Recommended: | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Approval: _____ | Disapproval: _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Assistant District Engineer | Assistant District Engineer | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Date: _____ | Date: _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

1-703 Temporary Suspensions and Resumptions

The District Engineer has the authority to suspend the work wholly or in part for such period or periods as necessary, in the best interests of the State or in the interests of public necessity, convenience or safety. Before a temporary suspension is issued the matter should be discussed with the Construction Administrator or Construction Division Chief.

When temporary suspension is granted by the District Engineer through the Assistant District Engineer, the Assistant District Engineer notifies the Contractor in writing of the effective date of such suspension and resumption date (if known).

Whenever a project is wholly suspended a Contract Status Report (CON-100) must be completed within seven days of the suspension date and within seven days of the resumption date.

Notification of resumption following a temporary suspension is handled in the same manner as the Notice to Proceed. When establishing the resumption date, remember to take into consideration the time required for the Contractor to remobilize his workforce.

No suspensions will be granted for a time period excluded from the Contract. For conventional construction projects (highways and bridges), this period is from December 1 through March 31 provided Contract provisions don't designate the winter period as chargeable Contract time. In determining Contract time, it is assumed that no construction operations are performed during excluded time periods.