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John R. Cooper
TRANSPORTATION DIRECTOR

April 30, 2015

Construction Information Memorandum No. 3 - 2015

TO: Region Engineers

ATTN: Operations, Construction, County Transportation, and Pre-Construction Engineers

FROM: Curtis W. Vincent, PE *Curtis W. Vincent*
Construction Engineer

RE: Post-Letting Modifications of Section 408 Requirements

Article 408.03 of the specifications limits the period of time a milled surface can be left uncovered by the following language: "On resurfacing projects, the planing operations shall be limited to an area where the planed area will be covered with a bituminous surface treatment or paving, whichever applicable, within 24 hours* after planing has begun, unless otherwise noted on the plans".

On two recent occasions, this office was made aware that a Contractor was allowed to mill an entire project, or mill a section of roadway, well beyond what could be covered within the specified 24 hour time period. These allowances gave the Contractor an unfair advantage over other bidders by significantly increasing his milling production rate. The public was also required to drive on a milled surface for a longer period of time than originally intended.

The decision to allow a more lenient time period, or require a more restrictive time period, should be made prior to letting and must be made effective by a plan note. In the future, no post-letting modifications are to be made, without good cause. If the Contractor requests a more lenient time period, and there is a justifiable reason to allow such a request, a price reduction should be negotiated with the Contractor for the affected milling pay item(s). Approval of the price reduction by this office is required by GFO 4-3.

Please let us know if you have any questions.

CWV/JLB/jlb

pc: Mr. John Lorentson, PE
Mr. William Adams, PE

Mr. Scott George, PE
FHWA

Mr. Mel Monk, AAPA
CIM File

* GASP No. 12-1118, effective June 1, 2015, will extend this period to 72 hours