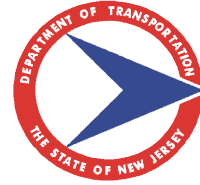


New Jersey Department of Transportation
1035 Parkway Avenue, PO Box 600, Trenton, New Jersey 08625-0600



Baseline Document Change Announcement

ANNOUNCEMENT: BDC24S-10

DATE: July 1, 2024

SUBJECT: Delay Damages Equipment Escalation, Measurement and Payment Certification, and Claim Clarification

- **Revisions to Subparts 104.03.09 and Subsections 109.03, 109.04, and 109.09 of the 2019 Standard Specifications for Road and Bridge Construction.**

Subpart 104.03.09 and Subsections 109.03, 109.04, and 109.09 of the 2019 Standard Specifications for Road and Bridge Construction are being revised. Equipment Escalation is added to 104.03.09, changes to 109.03 and 109.04 address certification purpose, and 109.09 is revised to clarify claim notices.

The following revisions have been incorporated into the 2019 Standard Specifications via 2019 Standard Inputs, SI2019:

104.03.09 DELAY DAMAGES
THE FOLLOWING IS ADDED:

4. **Equipment Escalation.** If, as the result of the delay, equipment use, which had a planned late-finish date occurring before an equipment rate increase date, is required to start after the equipment rate increase date, the Department will make payment for the following:
 - a. **Contractor owned equipment.** Equipment costs as specified in 104.03.08 at the higher rate as evidenced by a comparison of the Blue Book rate between the planned late finish date for the work and the Blue Book rate when the work was required because of the delay.
 - b. **Rented equipment.** Equipment costs as specified in 104.03.08 at the higher rate as evidenced by a comparison of rental agreements, including paid invoices, between the planned late finish date for the work and the date the work was required because of the delay. If rental agreements and paid invoices are not available, provide quotes from the rental company for both dates.

109.03 PAYMENT FOR FORCE ACCOUNT
PART (11) IS CHANGED TO:

11. For each subcontractor, provide and certify the subcontractor's documentation for items 1 through 10 above to be complete, accurate, and true.

109.04 PAYMENT FOR DELAY DAMAGES

PART (10) IS CHANGED TO:

10. Documentation in the same format as above for each subcontractor with certification by the Contractor that the documentation is complete, accurate, and true.

THE FOLLOWING IS ADDED TO THE LIST:

11. Certification stating that all costs submitted have been incurred because of the delay, and all vendor invoices have been paid.

109.09 AUDIT


THE FIRST SENTENCE IN THE FIRST PARAGRAPH IS CHANGED TO:

All claims filed as specified in [107.12](#) and force account work are subject to audit at any time following the filing, whether or not part of a suit pending in the courts of this State pursuant to N.J.S.A. 59:13-1, *et seq.*

Implementation Code R (ROUTINE)


Changes must be implemented in all applicable Department projects scheduled for Final Design Submission at least one month after the date of the BDC announcement. This will allow designers to make necessary plan, specifications, and estimate/proposal changes without requiring the need for an addenda or postponement of advertisement or receipt of bids.

Recommended By:



Tina Shutz
Acting Director
Capital Program Support

Approved By:



Parth Oza, P.E. *FOR*
Assistant Commissioner
Capital Program Management
and Deputy State Transportation Engineer

TS: MS