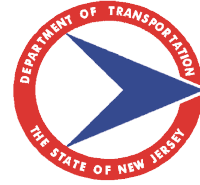


New Jersey Department of Transportation
1035 Parkway Avenue, PO Box 600, Trenton, New Jersey 08625-0600



Baseline Document Change Announcement

ANNOUNCEMENT: BDC24S-18

DATE: September 16, 2024

SUBJECT: Changes to the Contract
- **Revisions to the 2019 Standard Specifications for Road and Bridge Construction, Subparts 104.03.01 and 104.03.02.**

The 2019 Standard Specifications for Road and Bridge Construction, Subpart 104.03.01 has been revised to indicate that if the Contractor refuses to perform work that was added to the contract, the Department may perform the work at the Contractor's expense. In addition, Subpart 104.03.02 is revised to increase the time frame for the Contractor to respond in instances where the Contractor refuses to sign or submit a protest to a Change Order.

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

104.03.01 Authority to Make Changes

THE FIRST PARAGRAPH IS CHANGED TO:

The Department has the right to make changes to the Work at any time, including altering the Contract, altering the requirements of an Item, increasing, or decreasing the quantities of any Item, or deleting any Item. Such changes neither invalidate the Contract, nor release the Surety. The Contractor agrees to perform the Work as changed. If the Contractor does not perform, or refuses to perform the Work as changed, the Department may perform the work with its own forces. If the Department mobilizes its forces to perform the work, the Contractor agrees to pay the Department's cost of performing the work including the cost of material and labor used and the actual costs for police traffic protection and maintenance and protection of traffic as specified in 107.16.

104.03.02 Protests to Change Orders

THE SUBPART IS CHANGED TO:

If the Contractor disagrees with any terms or conditions set forth in a Change Order, submit a written protest to the Department within 30 days after the date of receipt of the Change Order.

A protest is notice that the terms and conditions for proposed work are not in accordance with the Contract, quantity adjustments are incorrect, or that the modification for Contract Time is incorrect. A protest is not a substitute for notice as specified in 104.03.04. Providing a protest within 30 days after the date of the receipt of a Change Order may not meet the requirements of 104.03.04 or N.J.S.A 59:13-5 and the Department will not make payment for the costs of a claim if recovery is barred by other provisions in the Contract.

In the protest, list the points of disagreement, and, if possible, the specification references, quantities, and costs involved. Ensure that the protest is a specific, detailed statement of the points of disagreement. The Department will reject general

protests. If the Department rejects a protest for being a general protest, provide a specific, detailed statement within 7 days of such rejection.

Regardless of whether the Contractor's assent is required, if the Contractor refuses to sign the change order or submit an acceptable written protest within 30 days after the date of receipt of the Change Order or within 7 days of the initial rejection of a protest, the Department will make payment and modify Contract Time as set forth in the Change Order. Such payment is full payment for all work included or required by the Change Order and is conclusive as to any Contract Time modifications provided for therein or in establishing that no Contract Time modification was warranted.

When the Contractor signs a change order and the Department processes the Change Order within 15 days of receiving the Contractor's signature, the Contractor is barred from protesting the Change Order.

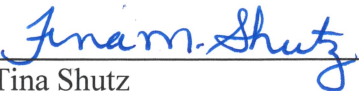
Protest does not relieve the Contractor from the obligation to proceed with work directed by an approved Change Order.

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 addenda or postponement of advertisement or receipt of bids.

Recommended By:

Approved By:



Tina Shutz
Director
Capital Program Support



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