

Contract Time – 2nd Notification

Presented by
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 CAU Workshop
 March 2024



1

Notification of Commencement and Completion Dates for Contract Projects

- Form #734-3233
- Most Recent Version - October 13, 2023
- Details Three Important Dates:

- 1st Notification
- 2nd Notification
- 3rd Notification

Notification of Commencement and Completion Dates for Contract Projects

Contract No. []

Print Form

Project Name Section [] CA No. [] Contract No. []
 Highway [] County [] CA No. [] Date of Award []
 Contractor [] Federal Aid No. []

Resident Engineer Signature [] Date []

First Notification

Date on which the erection of a sign or plant, the development of Aggregate sources, or the performance of a Contract construction operation begins. []

Second Notification

Instructions: Create a line for each Contract completion date according to Special Provisions 02184.20(3). Remove lines if completion dates have been eliminated by Contract Change Order (CCO). If applicable, use a separate Second Notification for each contract completion date. Provide issue a final Second Notification if that has been completed at the end of Contract Time. Each notification must include the most current information for each specified completion date. If the specified completion date(s) have been modified by CCO, list the most recent date and associated CCO number. (Exception detail) as listed on Change Order or liquidated damages are being assessed for exceeding Contract Time, ensure Ready Statements of Contract Time Charges (Form 734-3403) have been submitted, corrected if necessary, and proper assessments have been made in the Contract Payment System (CPS) or Contract Time Charges are issued.

00180.50(1) #	Specified completion date according to Special Provisions 02180.50(3) or the most recent CCO number	Date Changed by CCO	Must Report CCO No.	Date Work Completed for each specified completion date signifying the end of Contract Time according to 02180.50(3)
		<input type="checkbox"/>		
ADD ANOTHER ITEM				

All Claims for Additional Compensation Must Be Submitted By: []

Known Items necessary to complete the requirements for Third notification are:

Third Notification

Date on which all Contract Work was completed including corrective work, equipment and plant removal, site cleanup, and Resident Engineer's receipt of all certifications, bills and other documents required under the Contract. []

For more information regarding this rule, refer to Chapter 13, Contract Time of the Construction Manual.

Distribution to Agency entities outside of Dec Express

Download and email to:

- District Manager
- Region Survey Manager
- Region Right-of-Way Manager

For questions about Notifications, email DOCC@ContractCompliance@odot.state.or.us. Contact information for distribution can be found on the Contract Closeout Checklist document on the CAU website.

734-3233 (10-13-2023) 1 of 1

2



First Notification

➤ **Definition - 00110.20**

➤ **First Notification** - Written acknowledgment by the Engineer of the date on which workers employed by the Contractor or a Subcontractor have begun performance of the Contract, including Aggregate source development or erection of a plant, but not including installation of covered temporary signs according to Section 00225

✓ **THE PROJECT IS OFFICALLY UNDER CONSTRUCTION**



3

First Notification

Date on which the erection of a sign or plant, the development of Aggregate sources, or the performance of a Contract construction operation began.

Date



4



Second Notification

- **Definition - 00110.20**
- **Second Notification** - Written acknowledgment by the Engineer of the end of Contract Time according to 00180.50(g)
- ✓ **This represents the date that the Contractor Completed the Project work and Stops any Contract Time Charges from further accrual. This initiates the beginning of the Project Closeout Process**



5

00180.50(g) – End of Contract Time

When the Engineer determines that the On-Site Work has been completed, except for the items listed below, the Engineer will issue a Second Notification

Second Notification will list:

- The date the time charges stopped;
 - Final trimming and cleanup tasks (see 00140.90)
 - Equipment to be removed from the Project Site;
 - Minor corrective work not involving additional payment to be completed; and
 - Submittals, including, without limitation, all required certifications, bills, forms, warranties, certificate of insurance coverage, (00170.70(b)), and other documents, required to be provided to the Engineer before Third Notification will issue.
- Failure to Complete all tasks could result in Rescinding 2nd Note and resuming Time Charges



6

Specified Completion Date(s) - SCD's

- Initially set in the Special Provisions of the Project according to Section 00180.50(h)
- Some Projects will include multiple SCD's (00180.50(h)(1), 00180.50(h)(2), 00180.50(h)(3)...and so on). The last date listed under the "(h)(#)" subsection will be the "Ultimate" Specified Completion Date for the Project.
- SCD's can only be modified by Contract Change Order.
- ✓ Note: For each SCD specified - only the most recent modified SCD is applicable to the Contract. The previously established date becomes irrelevant.



7

Weekly Statement of Contract Time Charges (form 734-3483)

Submit per Section 00180.50 (d):

- For calendar days, weekly showing the number of Calendar Days counted for the preceding week and Days remaining to Specified Completion Date (SCD).
- For specified completion date, immediately after each specified completion date.
- Continue submitting until Second Notification is issued.

PROJECT NAME (SECTION)		CONTRACT NO.			
HIGHWAY		F.A. PROJECT NO.			
CONTRACTOR NAME AND ADDRESS		WEEK ENDING			
		DATE MAILED TO CONTRACTOR			
CONTRACT TIME UNITS (180.50(h), 180.50(h)-1, (180.50(h)-2), etc.)		180.50(h)			
BEGINNING DATE OF TIME CHARGE					
DAY OF WEEK	DAY OF MONTH	PREDOMINATE WEATHER			REASONS FOR NOT CHARGING TIME
SUN.					
MON.					
TUE.					
WED.					
THU.					
FRI.					
SAT.					
DAYS CHARGED THIS WEEK					
DAYS CHARGED ON PREVIOUS STATEMENT					
REVISIONS OR ADJUSTMENTS (+ or -) (explain below)					
DAYS CHARGED TO END OF CURRENT WEEK					
LIMITING NUMBER OF CALENDAR DAYS					
DAYS REMAINING					
FIXED DATE (Specified Completion Date)					
EXCESS DAYS USED					
COMMENTS: (INCLUDE CHANGES TO SPECIFIED COMPLETION)					
					RESIDENT ENGINEER SIGNATURE
					DATE

DISTRIBUTION: CONTRACTOR'S HEADQUARTERS, CONTRACTOR'S PROJECT OFFICE, REGION, AND CONSTRUCTION

734-3483 (11-24-2020)

8


Second Notification

Instructions: Create a line for each Contract completion date according to Special Provisions 00180.50(h); remove lines if completion dates have been eliminated by Contract Change Order (CCO). If applicable, issue a separate Second Note as Work is completed for each interim completion date. Promptly issue a final Second Note once all Work has been completed at the end of Contract Time. Each notification must include the most current information for each specified completion date. If the specified completion date(s) have been modified by CCO, list the most recent date and associated CCO number. If completion date(s) are based on Calendar Days or liquidated damages are being assessed for exceeding Contract Time, ensure Weekly Statements of Contract Time Charges (form 734-3483) have been submitted, corrected if necessary, and proper assessments have been made in the Contract Payment System (CPS) as Contract Time charges are issued.

00180.50(h) #	Specified completion date according to Special Provisions 00180.50(h) or the most recent CCO number	Date Changed by CCO	Most Recent CCO No.	Days Charged Beyond Specified Completion	Date Work completed for each specified completion date signifying the end of Contract Time according to 00180.50(g)	
		<input type="checkbox"/>				X
ADD ANOTHER ITEM						

All Claims for Additional Compensation Must Be Submitted By:
 (Refer to subsection 00199.30 of the Contract for additional requirements; the claims submittal deadline shall be not later than 45 Calendar Days following the date of final Second Note)

Known Items necessary to complete the requirements for Third Notification are:



9

❖ Form 734-3233

- Second Notification Example

Second Notification

Instructions: Create a line for each Contract completion date according to Special Provisions 00180.50(h); remove lines if completion dates have been eliminated by Contract Change Order (CCO). If applicable, issue a separate Second Note as Work is completed for each interim completion date. Promptly issue a final Second Note once all Work has been completed at the end of Contract Time. Each notification must include the most current information for each specified completion date. If the specified completion date(s) have been modified by CCO, list the most recent date and associated CCO number. If completion date(s) are based on Calendar Days or liquidated damages are being assessed for exceeding Contract Time, ensure Weekly Statements of Contract Time Charges (form 734-3483) have been submitted, corrected if necessary, and proper assessments have been made in the Contract Payment System (CPS) as Contract Time charges are issued.

00180.50(h) #	Specified completion date according to Special Provisions 00180.50(h) or the most recent CCO number	Date Changed by CCO	Most Recent CCO No.	Days Charged Beyond Specified Completion	Date Work completed for each specified completion date signifying the end of Contract Time according to 00180.50(g)	
1	Bridge 08743 to be complete July 1, 2023	<input checked="" type="checkbox"/>	04	0	June 10, 2023	X
2	Bridge 00406A to be complete Oct. 10, 2023	<input checked="" type="checkbox"/>	04	30	November 10, 2023	X
3	All work to be done under the Contract not later than October 15, 2023.	<input checked="" type="checkbox"/>	04	25	November 10, 2023	X
ADD ANOTHER ITEM						

All Claims for Additional Compensation Must Be Submitted By:
 (Refer to subsection 00199.30 of the Contract for additional requirements; the claims submittal deadline shall be not later than 45 Calendar Days following the date of final Second Note)

December 25, 2023

Known items necessary to complete the requirements for Third Notification are:

All punch list, corrective work, and project documentation.

10

❖ Form 734-3233 - Second Notification Example

- 00180.50(h) included 3 separate Contract Times on this Project
- Each SCD was further modified by CC004.
- The Contractor completed the work according to (h)(1) prior to the modified SCD therefore, no “Days were Charged beyond the SCD.
- The Contractor failed to complete the work according to (h)(2) & (h)(3) therefore, the days were counted between the modified SCD’s and the corresponding dates the Contractor completed the Work


Second Notification						
<small>Instructions: Create a line for each Contract completion date according to Special Provisions 00180.50(h); remove lines if completion dates have been eliminated by Contract Change Order (CCO) if applicable. Issue a separate Second Note as Work is completed for each interim completion date. Promptly issue a Final Second Note once all Work has been completed at the end of Contract Time. Each notification must include the most current information for each specified completion date. If the specified completion date(s) have been modified by CCO, list the most recent date and associated CCO number. If completion details are based on Calendar Days or liquidated damages are being assessed for exceeding Contract Time, submit Weekly Statements of Contract Time Charges (Form 734-3483) have been submitted, corrected if necessary, and proper assessments have been made in the Contract Payment System (EPS) as Contract Time charges are issued.</small>						
00180.50(h) #	Specified completion date according to Special Provisions 00180.50(h) or the most recent CCO number	Date Charged by CCO	Most Recent CCO No.	Days Charged Beyond Specified Completion	Date Work completed for each specified completion date signifying the end of Contract Time according to 00180.50(g)	
1	Bridge 08743 to be complete July 1, 2023	<input checked="" type="checkbox"/>	04	0	June 10, 2023	X
2	Bridge 0406A to be complete Oct. 15, 2023	<input checked="" type="checkbox"/>	04	30	November 10, 2023	X
3	All work to be done under the Contract not later than October 15, 2023.	<input checked="" type="checkbox"/>	04	25	November 10, 2023	X
ADD ANOTHER ITEM						
<small>All Claims for Additional Compensation Must Be Submitted By: (Refer to subsection 00199.30 of the Contract for additional requirements, the claims submittal deadline shall be not later than 45 Calendar Days following the date of final Second Note)</small>					December 25, 2023	
<small>Known items necessary to complete the requirements for Third Notification are:</small>						
All punch list, corrective work, and project documentation.						

11

Transmitting 2nd Notification

- Statewide CAU Position Paper was distributed January 30, 2024
- 00170.08 requires the RE to issue 2nd Note through Doc Express
- This requires the RE to sign and Approve the document (preferably by transitioning the Document to “Approved by Project RE” however, wet signing is ok)
- 2nd Note does not go through the RAS assigned to the project.
- It is entirely up to the RE Office to publish 2nd Notification to the Z07 – Contract Documents Drawer!!
- The Final Step of the Doc Express Workflow is considered the official transmittal to the Contractor.

12



Z00A - Agency Submittal

Document Title	Document Title Example	Type
2nd Note (Interim H-# or Final)	2nd Note Interim H-1 2nd Note Final	Notifications
Submitted by: RE Office	Submitted to Drawer: Z00A - Agency Submittal	Form Number: 734-3233 Last Updated: 03-May-21

Order	Document Transition Step	Transition By	Transition To	Publish To
1	Submitted*	RE Office	In Review (Markup)	
2	In Review (Markup)	RE Office	Reviewed by RE Office (New Document Option)	
3	Reviewed by RE Office (New Document Option)	Project RE	Approved by Project RE*	
4	Approved by Project RE*	RE Office	Ready to Publish	
5	Ready to Publish	RE Office	Publish*	
6	Publish*	RE Office		207 - Contract Documents

General Comments

The H-# refers to the subsection number of 00180.50(h).

If Final 2nd Note needs to be rescinded, there is no prescribed format (it can either be a letter, memo, PDF of an email or marked up copy of Final 2nd Note). Submit and process using this workflow with the document title: 2nd Note Final Rescinded.

Do not archive the original Final 2nd Note. When Final 2nd Note is reissued, follow this workflow with the document title: 2nd Note Final Reissued.

Email to appropriate ODOT District, Region Right-of-Way and Region Survey Managers. All other form distribution is through Doc Express.

Supporting Documents

13

What about emailing 2nd Note to the Contractor??

- As interpreted by the Department of Justice (DOJ), email delivery DOES NOT meet the requirements of the Contract according to 00170.08, nor any of the delivery requirements given in 00150.30
- Can you still email 2nd Notification to the Contractor?
 - Technically yes – however, CAU recommends it should be limited to an explanation or indication that 2nd Notification has been issued through Doc Express.
 - To avoid accidental transmission of an incomplete or incorrect version of 2nd Note, consider including a link to the document rather than an attachment.
 - Regardless, the 45-day claim period as specified in 00199.30(b), cannot be based on the date of delivery of 2nd Notification by email.



14



Third Notification

- **Definition - 00110.20**
- **Third Notification** - Written acknowledgment by the Engineer, subject to Final Acceptance, that as of the date of the notification the Contractor has completed the Project according to the Contract, including without limitation, completion of all minor corrective work, Equipment and Plant removal, site clean-up, and submittal of all certifications, bills, forms and documents required under the Contract.

Third Notification	
Date	Enter the date on which all contract work was completed including corrective work, equipment and plant removal, site cleanup, and Project Manager's receipt of all certifications, bills and other documents required under the contract.

- ✓ **This initiates the preparation of the Semi Final Documentation Package.**



15

- Stay Tuned -

We will talk more about Closeout later in the Workshop!!



16