

# Oklahoma Department of Transportation

## Charging Time on Construction Projects Construction Control Directive No. **19990512**

**January 14, 2004**

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Scope: To establish the procedure for administering contract time charges and reporting the time charges in a consistent manner.

### **Introduction**

It is essential that accounting of time begins on the "effective date of work order" or "date work began" whichever is the earliest and continue until "the completion date". This will help ensure consistency between the Time & Diary Report, the progressive estimates and the monthly Construction Engineer's Report regarding time charged to a project.

The Contractor must receive a statement showing the number of days charged during the month and, at the end of each month, be advised as to the amount of time remaining to complete the work. Some contracts require this statement to be sent to the contractor monthly while other contracts require this statement to be sent to the contractor semi-monthly.

This Directive will provide clarification to the Specifications and additional guidance with regard to the administration of the contract time with the various issues that develop on construction projects. Included with this Directive are Time & Diary Report forms which shall be completed by the Resident Engineer and sent to the contractor to report the time charged to the contract.

### **Adverse Weather Days**

The number of calendar days set up on a project includes the amount of "Normal Adverse Weather" anticipated for the project. With reference to the standard Specification, when work is interrupted due to conditions described as A, B or C (1, 2, or 3) days, show the credit in the "Weather" column on the report.

Weather related interruptions of the work which are critical to the timely completion of the project which could not have been anticipated described as D (4) days, such as to wet to work, and non-weather related interruptions,

such as utilities in the way, are reported in the "Other" column so that one full day of credit will be given for one full day of delay.

Any day reported in the "Other" column must include an explanation for the reason for not charging time for that day in the narrative part of the report.

The classifying and reporting of days as A, B, C or D (1, 2, 3, or 4) days should be done consistently whether the days fall on a weekday, weekend or holiday. No classifying or reporting of days as A, B, or C (1, 2, or 3) days will be done prior to Contractor mobilization or during a time suspension for other reasons.

The credit for the actual adverse weather days in excess of the normal adverse weather days as provided in the Specifications will be applied on the end of the month Time & Diary Report. For those months which only a portion of the month is subject to time charges, such as construction beginning on the 5<sup>th</sup> of the month, the number of normal adverse weather days shown in the Specifications will be prorated and rounded up to the nearest whole number.

### **Time Suspensions**

When a project is to remain dormant for a period of time, such as a winter hold-over for a spring planting season, it is not necessary to continue time reports through the dormant period. However, with the first time report after the dormant period, add in the days of the suspension so that each day of the project duration will be accounted for.

When a project remains dormant due to a prolonged period of adverse weather, time reports should continue though the dormant period. The reports should include the weather conditions and any activities occurring during the dormant period.

Any time suspension must include an explanation for the reason for not charging time for that period in the narrative part of the report.

### **Ozone Alert Days**

When the construction sequence on highway projects requires closing a lane,

ramp or other feature which will increase congestion, an ozone alert has been issued and we have the option of postponing the closure for a day or two until the ozone threat is lessened, you should direct the Contractor to postpone the closure and credit the contract with a D (4) day for each day of postponement, in the same manner as a utility delay. However, additional time must only be credited when work that is critical to the timely completion of the project is delayed and in accordance with contract special provisions.

Where a closure has been in service for several days and an ozone alert is issued, it will not be practical and in some cases impossible to reopen closed lanes.

Make the discussion of ozone alerts part of the Preconstruction Conference for projects in urbanized areas where this may be an issue.

### **Projects in Liquidated Damages**

Adverse weather days have not been accounted for beyond the authorized or revised contract time. Each A, B, C or D (1, 2, 3, or 4) day will be reported in the "Other" column once a project is in L.D.'s, regardless of whether the day falls on a weekday, weekend or holiday.

On the occasion when a day qualifies as a B (2) day, but productive work is not able to be performed on items which were critical to the timely completion of the project, then the day should still be shown in the "Other" column. However, if the day qualifies as a B (2) day and productive work is performed on items which are critical to the timely completion of the project, then the day should be reported as one-half day shown in the "Other" column.

Even when a project is in L.D.'s, each workable day that doesn't meet the A, B, C or D (1, 2, 3, or 4) day criteria will be charged regardless of whether the day falls on a weekend or holiday, unless the Contractor has been directed by the Engineer to refrain from construction activities.

Signs and other traffic control devices will not be measured for payment once the contract time is expired and L.D.'s begin to be assessed, whether or not an individual day is charged in part or in whole.

### **Complete-By Contracts**

Complete-by contracts usually have an excessive amount of time between the effective date of work order and the complete-by date to complete the work. This allows the Contractor to do the work when it best suits his schedule.

The justification for changing a complete-by date must be that the Department has failed to clear the project of utilities or other similar reason for which the Contractor is not responsible. Weather may only be used as a reason when the amount of unusually severe weather is so extreme that, combined with the physical aspects of the project, render an on-time completion impossible.

The Time & Diary Report on a complete-by project will reflect charging day for day and not indicate the crediting of time to the project via "Weather" or "Other" days, even when a complete-by contract goes into liquidated damages.

When a contract has a complete-by date, the specified date is a term of the contract. If the date is changed, it is a modification of the terms of the contract or supplemental agreement and must be accomplished by a change order with the Contractor's signature.

It may not always be possible to have the Final Inspection on the day the work is completed. It is acceptable to set the Completion Date on the date the work is completed even if the Final Inspection is conducted at a later date.

### **FHWA Oversight Projects**

When the addition of time to a project is not the result of a provision of the Contract or Specifications, the FHWA Area Engineer should be notified. This includes change orders which add contract time. The notification can be made by e-mail, memo or with a Form-1365 as described in Construction Control Directive No. 961121. Failure to acquire FHWA approval may result in non-FHWA participation, in accordance with CFR 635.121(b).

### **Instructions for Completing the Time & Diary Report**

Refer to the accompanying [Time & Diary Report Form](#):

- (1) This number is the amount of time remaining from the last report, or the contract time if this is the first report. The report for the first one half of the month will be approximate since it is not known how bad the weather will be until the end of the month. Due to this approximation, it is more precise to use the time remaining at the end of the preceding month to complete the end of month report for the current month.

If the report is the first report for a fixed completion date contract, the time remaining will be the number of days from the effective date of the Notice To Proceed, or the start of work whichever is earlier, and the fixed completion date. For succeeding reports on fixed completion date contracts, the time remaining from the last report will be the number of days from the end of the last report to the fixed completion date.

- (2) Enter the month & day in this column. Since the year is in the heading, it need not be repeated in this column.
- (3) Charge each day in this column, one day for each date.
- (4) Show the weather related days (A, B, C or 1, 2, 3 days) lost in this column. Indicate low temperature, high temperature, precipitation. If the contract is a fixed completion date contract, enter a zero in this cell.
- (5) This column is for days lost due to weather related reasons not anticipated in the contract, such as too wet to work, and non-weather related reasons, such as utilities in the way. These credits are for unexpected occurrences which could not have been anticipated when establishing the contract time. If the contract is a fixed completion date contract, enter a zero in this cell.

NOTE: When there are reasons for crediting time in both columns (4 & 5) on the same date, list only the one with the

greatest impact to the work. This will typically be the "Other" column since credit is direct with no allowance for anticipated weather. If the reason for crediting time is an expected occurrence, such as rain, then the day should be shown in the "Weather" column; however, if the day qualifies as a B (2) day, but it was too cold to perform the work that day which was critical to the timely completion of the project (paving or striping), then the day should be shown in the "Other" column. When the credit is given in the "Other" column and there is also weather related reasons on the same date, the weather condition is to be mentioned in the narrative part of the report in case of a delay claim. (Days of bad weather are not to be counted towards a delay.)

- (6) In this space, enter the lesser of, the total number of Weather Days or the number of Normal Adverse days from the chart in the contract. When the arithmetic is performed, credit will be given if it is due. Enter a zero in this cell for a fixed completion date contract.
- (7) Enter days added by formal change order. This amount will be added to the time remaining and listed on the next report as "Time Remaining From Last Report". Enter a zero in this cell for a fixed completion date contract.
- (8) This number represents the amount of time the contract will be extended due to delays the contractor experienced during the month. This number is calculated by the following method:  
  
$$\text{Total Weather Days} + \text{Total Other Days} - \text{Normal Adverse Weather Days from Table A, Section 108.07}$$
  
  
This is the number which will be used to produce a time extension change order in the CAS System. Enter a zero in this cell for a fixed completion date contract.
- (9) Time Remaining. This is the main information to pass on to the Contractor. As he/she proceeds with the work, the amount of time remaining must be known. This number is carried to the top of the succeeding report. With a fixed completion date contract, this

number is recalculated at the beginning of each succeeding report.

(10) In this space enter the number of days which have passed since the Effective Date of Work Order (or the date work began if earlier).

(11) The Revised Time is Day Number + The amount of Time Remaining. With a fixed completion date contract, this cell will remain blank.

### **Instructions for Completing the Time & Diary Report(Monthly)**

Certain contracts contain a Special Provision which allows the Department to furnish a monthly Time & Diary statement to the contractor in lieu of the semi-monthly statement identified in the Standard Specifications. This Special Provision also eliminates the need for the Department to acquire the contractor's signature on the Time & Diary form. Refer to the accompanying [Time & Diary Report Form](#) which summarizes time charges for the entire month:

- A. Indicate the report number in this cell. The first Time & Diary report will begin with Report No. 1 and continue sequentially until a completion date is issued for the contract.
- B. Enter the beginning date of the reporting period in this cell. This will normally be the first day of the month.
- C. Enter the ending date of the reporting period in this cell. This will normally be the last day of the month.
- D. Enter the contract id number for the contract in this cell. This number can be found in the upper-right corner of the first page of the contract document.
- E. Enter the Federal/State project number for the contract in this cell.
- F. Enter the primary identifying county for the contract in this cell.
- G. Enter the primary project control number(job piece number) in this cell.

Charging Time on Construction Projects  
February 15, 2002

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- H. Enter the contract description in this cell.
- I. Enter the effective date of the notice to proceed in this cell.
- J. Enter the date work began in this cell.
- K. Enter the original contract time in this cell.
- L. Enter the original contract amount in this cell.
- M. Enter the company name of the prime contractor in this cell.
- N. Enter the time remaining from the last report in this cell. This will be the same number as shown in cell CC from the previous report. If the report is the first report, the time remaining from the last report will be the original contract time.

If the report is the first report for a fixed completion date contract, the time remaining will be the number of days from the effective date of the Notice To Proceed, or the start of work whichever is earlier, and the fixed completion date. For succeeding reports on fixed completion date contracts, the time remaining from the last report will be the number of days from the end of the last report to the fixed completion date.

- O. Enter each day of the month in the cells in this column. If you are reporting the first Time & Diary, the first date in this column will be the date in which time charges first began(which may be different than the first day of the reporting period). If you are reporting the last Time & Diary, the last date in this column will be the contract's completion date(which may be different than the last day of the reporting period).
- P. Enter a 1 in this column. Every day will be charged on a calendar day contract and a fixed completion date contract.
- Q. Enter the weather related days(1, 2, 3, or 4 days) lost in this column. If the contract is a fixed completion date contract, enter a zero in this cell.



Charging Time on Construction Projects  
February 15, 2002

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- R. Enter the days lost due to weather related reasons not anticipated in the contract, such as too wet to work, and non-weather related reasons, such as utilities conflicting with construction operations. These credits are for unexpected occurrences which could not have been anticipated when establishing the contract time. If the contract is a fixed completion date contract, enter a zero in this cell.

NOTE: When there are reasons for crediting time in both columns (Q & R) on the same date, list only the one with the greatest impact to the work. This will typically be the "Other" column since credit is direct with no allowance for anticipated weather. If the reason for crediting time is an expected occurrence, such as rain, then the day should be shown in the "Weather" column; however, if the day qualifies as a 2 day, but it was too cold to perform the work that day which was critical to the timely completion of the project (paving or striping), then the day should be shown in the "Other" column. When the credit is given in the "Other" column and there is also weather related reasons on the same date, the weather condition is to be mentioned in the narrative part of the report in case of a delay claim. (Days of bad weather are not to be counted towards a delay.)

- S. Enter the high temperature for the day in this column.
- T. Enter the low temperature for the day in this column.
- U. Enter the precipitation amount for the day in this column.
- V. Enter general daily comments in this column. This is not an area where you would reiterate the comments indicated in the inspector's diary. The comments entered here should be very generalized and should address the reasons for charging, or not charging, time for the associated day.
- W. Enter the total days charged in this column. This number is the sum of all the charges for each day listed on the report.

Charging Time on Construction Projects  
February 15, 2002

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- X. Enter the total days lost due to weather in this column. This number is the sum of all the days lost for each day listed in the report.
- Y. Enter the total days lost due to other conditions in this column. This number is the sum of all the days lost for each day listed in the report.
- Z. In this space, enter the lessor of: the total number of Weather Days or, the number of Normal Adverse days from the chart in the contract. Do not prorate the Normal Adverse weather days for the month even though the Time & Diary report is only addressing a portion of the days in the month. If the contract is a fixed completion date contract, enter a zero in this cell.

AA. Enter into this cell the days added by change order during the reporting period. If the contract is a fixed completion date contract, enter a zero in this cell.

BB. Enter into this cell the number of days the contract will be extended for the reporting period. This number is calculated by the following method:

$$X + Y - Z$$

If the contract is a fixed completion date contract, enter a zero into this cell.

CC. Enter the time remaining in this cell. This number is calculated by the following method:

$$N - W + X + Y - Z + AA$$

DD. Enter in this cell the number of days which have passed since the Effective Date of the Notice to Proceed or, the date work began if earlier. This number is calculated by the following method:

$$EE - CC$$

IF the contract is a fixed completion date contract, this cell will remain blank.

Charging Time on Construction Projects  
February 15, 2002

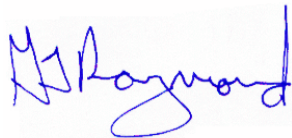
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EE. Enter in this cell the revised contract time. This number is calculated by the following method:

Original Contract Time + 3AA from all reports + 3BB from all reports

If the contract is a fixed completion date contract, this cell will remain blank.

This Directive includes a Time & Diary Report form and a second [copy](#) without the column markings, for your use. You may obtain these by contacting the Construction Division at (405) 521-2561.



George Raymond, P.E.  
Construction Engineer