

1                                   **SECTION 105 – CONTROL OF WORK**

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3    Make the following amendments to said Section:

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5    **(I)**     Amend **105.01 – Authority** to read as follows:

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7    **“105.01   Authority.**

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9       **(A)    Authority of the Engineer.**     The Engineer is the representative  
10     of the Director and has all the authority of the Director with respect to the  
11     contract.     The Engineer will make decisions on all questions that may  
12     arise regarding the contract, such as, but not limited to:

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14           **(1)**     Interpretation of the contract documents.

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16           **(2)**     Acceptability of the materials furnished and work performed.

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18           **(3)**     Manner of performance and rate of progress of the work.

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20           **(4)**     Acceptable fulfillment of the contract on the part of the  
21     Contractor.

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23           **(5)**     Compensation under the contract.

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25           The Engineer’s decisions on questions, claims, and disputes will  
26     be final and conclusive subject to Subsection 107.15 – Disputes and  
27     Claims.

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29           The Engineer may delegate specific authority to act for the  
30     Engineer to a specific person or persons.     Such delegation of authority  
31     shall be established in writing and shall become effective upon delivery to  
32     the Contractor.

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34       **(B)    Authority of the Inspectors.**     Inspectors, as a representative of  
35     the Engineer or other agencies, will inspect the work done and materials  
36     furnished.     Such inspection may extend to the preparation, fabrication  
37     or manufacture of the materials to be used.     The Inspector does not  
38     have authority vested in the Engineer unless specifically delegated in  
39     writing.     The Inspector may not alter or waive the provisions of the  
40     contract, issue instructions contrary to the contract, or act as agent or  
41     representative of the Contractor.

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43           Failure of an Inspector at any time to reject non-conforming work  
44     shall not be considered a waiver of the State’s right to require work in strict  
45     conformity with the contract documents as a condition of final acceptance.

**(C) Authority of the Consultant and Construction Management.**

The State may engage consultants and construction managements to perform duties in connection with the work. Unless otherwise specified in writing to the Contractor, such retained consultants and construction managements shall have no greater authority than an Inspector.”

(II) Amend **Subsection 105.02 - Submittals** by revising the first paragraph from lines 52 to 61 to read as follows:

**“105.02 Submittals.** The contract contains the description of various items that the Contractor must submit to the Engineer for review and acceptance. The Contractor shall review all submittals for correctness, conformance with the requirements of the contract documents and completeness before submitting them to the Engineer. The submittal shall indicate the contract items and specifications subsections for which the submittal is provided. The submittal shall be legible and clearly indicate what portion of the submittal is being submitted for review. The Contractor shall provide six copies of the required submissions at the earliest possible date.”

**(III) Amend Subsection 105.08 (A) - Furnishing Drawings and Special Provisions** to read as follows:

**“(A) Furnishing Drawings and Special Provisions.** The State will furnish the Contractor 2 sets of the special provisions. There are no project plans for this project. The Contractor shall have and maintain at least one set of plans and specifications on the work site, at all times.”

(IV) Amend **Subsection 105.14(D) – No Designated Storage Area** from lines 421 to 432 to read as follows:

**“(D) No Designated Storage Area.** If no storage area is designated within the contract documents, materials and equipment may be stored anywhere within the State highway right-of-way, provided such storage and access to and from such site, within the sole discretion of the Engineer, does not create a public or traffic hazard or an impediment to the movement of traffic.”

**(V) Amend Subsection 105.16(B) – Substituting Subcontractors** by revising the second sentence from line 490 to line 493 to read:

“Contractors may enter into subcontracts only with subcontractors listed in the proposal or with non-listed joint contractors/subcontractors permitted under Subsection 102.06 – Preparation of Proposal.

**END OF SECTION 105**