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(I) Amend Section 104.11(B) Contractor's Duty to Locate and Protect Utility by adding the following after line 291:

(II) Amend **Section 104.06 Methods of Price Adjustment** as follows:

(7) In the absence of agreement by the parties:

1/3/12

48 submission by the contractor of proper documentation of
49 completed force account work, whether periodic (conforming to the
50 applicable billing cycle) or final. The Engineer shall return any
51 documentation that is defective, to the contractor within fifteen days
52 after receipt, with a statement identifying the defect; or
53

54 **(B)** For change orders with value exceeding \$50,000 by a
55 unilateral determination by the Engineer of the costs attributable to
56 the events or situations with adjustment of profit and fee, all as
57 computed by the Engineer in accordance with applicable sections
58 of HAR Chapters 3-123 and 3-126, and Section 109.05 -
59 Allowances for Overhead and Profit. When a unilateral
60 determination has been made, a unilateral change order shall be
61 issued within ten days. Upon receipt of the unilateral change
62 order, if the contractor does not agree with any of the terms or
63 conditions, or the adjustment or nonadjustment of the contract time
64 or contract price, the contractor shall file a notice of intent to claim
65 within thirty days after the receipt of the written unilateral change
66 order. Failure to file a protest within the time specified shall
67 constitute agreement on the part of the contractor with the terms,
68 conditions, amounts, and adjustment or nonadjustment of the
69 contract time or the contract price set forth in the unilateral change
70 order.
71

72 A contractor shall be required to submit cost or pricing data if any
73 adjustment in contract price is subject to the provisions of HAR Chapter 3-122,
74 Subchapter 15. A fully executed change order or other document permitting
75 billing for the adjustment in price under any method listed in Subsections
76 104.06(1) through 104.06(7) shall be issued within ten days after agreement on
77 the method of adjustment."
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84 **END OF SECTION 104**