

[illegible]

**(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:

**(A)** For change orders with value not exceeding \$50,000 by documented actual costs of the work, allowing for overhead and profit as set forth in Section 109.05 - Allowances for Overhead and Profit. A change order shall be issued within fifteen days (15) of

48 submission by the contractor of proper documentation of completed  
49 force account work, whether periodic (conforming to the applicable  
50 billing cycle) or final. The Engineer shall return any  
51 documentation that is defective, to the contractor within fifteen (15)  
52 days after receipt, with a statement identifying the defect; or  
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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 (10) 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 (30) days after the receipt of the written unilateral  
66 change order. Failure to file a protest within the time specified  
67 shall constitute agreement on the part of the contractor with the  
68 terms, conditions, amounts, and adjustment or nonadjustment of  
69 the contract time or the contract price set forth in the unilateral  
70 change 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 (10) days after agreement  
77 on the method of adjustment."  
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84 **END OF SECTION 104**