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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:

(6) By the cost variations attributable to the events or situations with adjustment of profit and fee, all as specified in the contract or subsequently agreed upon before commencement of the pertinent performance.

48 (7) In the absence of agreement by the parties:
49

50 (A) For change orders with value not exceeding \$50,000 by
51 documented actual costs of the work, allowing for overhead and
52 profit as set forth in Section 109.05 - Allowances for Overhead and
53 Profit. A change order shall be issued within fifteen days of
54 submission by the contractor of proper documentation of
55 completed force account work, whether periodic (conforming to the
56 applicable billing cycle) or final. The Engineer shall return any
57 documentation that is defective, to the contractor within fifteen days
58 after receipt, with a statement identifying the defect; or
59

60 (B) For change orders with value exceeding \$50,000 by a
61 unilateral determination by the Engineer of the costs attributable to
62 the events or situations with adjustment of profit and fee, all as
63 computed by the Engineer in accordance with applicable sections
64 of HAR Chapters 3-123 and 3-126, and Section 109.05 -
65 Allowances for Overhead and Profit. When a unilateral
66 determination has been made, a unilateral change order shall be
67 issued within ten days. Upon receipt of the unilateral change
68 order, if the contractor does not agree with any of the terms or
69 conditions, or the adjustment or nonadjustment of the contract time
70 or contract price, the contractor shall file a notice of intent to claim
71 within thirty days after the receipt of the written unilateral change
72 order. Failure to file a protest within the time specified shall
73 constitute agreement on the part of the contractor with the terms,
74 conditions, amounts, and adjustment or nonadjustment of the
75 contract time or the contract price set forth in the unilateral change
76 order.
77

78 A contractor shall be required to submit cost or pricing data if any
79 adjustment in contract price is subject to the provisions of HAR Chapter 3-122,
80 Subchapter 15. A fully executed change order or other document permitting
81 billing for the adjustment in price under any method listed in Subsections
82 104.06(1) through 104.06(7) shall be issued within ten days after agreement on
83 the method of adjustment."
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END OF SECTION 104