

**New Jersey Department of Transportation**  
**CONSTRUCTION ADVISORY**

NUMBER: <b>28</b>	<b>Final Estimate</b>	04/10/2017
CATEGORY: Payment		

This advisory serves to correct an inconsistency between pre 2011 CPH Section VI Subsection N **Monthly Estimate** and section 109.11 **Final Payment and Claims** of the 2007 Standard Specifications for Road and Bridge Construction.

**Background**

Part 3g (1) of pre 2011 CPH Section VI Subsection N indicates that Final Payment cannot be processed, if the Contractor fails to respond within 30 days, until the Contractor submits a completed DL-72 and Payment Voucher. This is contrary to the Specification which indicates that if the Contractor fails to provide written acceptance of the Proposed Final Certificate within 30 days of issuance, the Department will pay the entire sum due there under as provided by N.J.S.A. 52:32-32. *Et seq.* if a payment is due the Contractor.

There also needs to be a correction to the fourth sentence

**Remedy**

Until a revision is published, Part 3g (1) of pre 2011 CPH Section VI Subsection N is replaced with the following:

- g. If the Contractor fails to respond within 30 Days:
  - 1) If the Contractor fails to provide any response, the Regional Construction Engineer will call the Contractor and request a response. The Contractor's failure to respond within the 30-day period results in his waiver of any rights for claims. If the Contractor refuses to respond, the Regional Construction Engineer will send a copy of the Payment Voucher via an e-mail to the Manager of Accounting Operations informing him or her that the Contractor has failed to respond to the Proposed Final Certificate and that **NO** additional attempts will be made to solicit the Payment Voucher and DL-72. Upon receipt of this e-mail from the Regional Construction Engineer, Accounting will process the Final Estimate in accordance with N.J.S.A. 52:32-32. *Et seq.*

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