

1 HB642  
2 140094-2  
3 By Representative Baughn  
4 RFD: Transportation, Utilities and Infrastructure  
5 First Read: 05-APR-12



1 necessary or desirable for the successful completion of the  
2 project. The aforementioned changes or alterations may or may  
3 not increase or decrease the original planned quantities;  
4 however, under no circumstances shall changes or alterations  
5 involve any work beyond the termini of the original  
6 construction project, except as may be necessary to  
7 satisfactorily complete the project in the most feasible and  
8 economical manner, in the judgment of the Director of  
9 Transportation.

10 "(2) EXTRA WORK. The Director of Transportation  
11 shall have the authority to determine the need for new or  
12 additional work not contemplated or included in the original  
13 construction contract. This new or additional work shall not  
14 extend beyond the termini of the original construction  
15 project, except as may be necessary to satisfactorily complete  
16 the project in the most feasible and economical manner, in the  
17 judgment of the Director of Transportation.

18 "(3) SUPPLEMENTAL AGREEMENT OR FORCE ACCOUNT ORDER.  
19 The Director of Transportation shall have the authority to  
20 enter into a supplemental contract with the prime contractor,  
21 setting forth the estimated quantities of extra work and  
22 specifying the unit prices or lump sum agreed upon by the  
23 parties involved; provided, that such supplemental contract  
24 shall not be subject to any competitive bid laws of this  
25 state. If a satisfactory unit price or lump sum cannot be  
26 agreed upon, the Director of Transportation shall have the  
27 authority to direct that extra work be performed on a force

1 account basis, as defined by the State Department of  
2 Transportation standard specifications for highways and  
3 bridges.

4 "(b) (1) Notwithstanding any other provision of law  
5 to the contrary, any additional, new or extra work, or work  
6 changes, alterations, or requirements, arising out of or  
7 relating to the original contract, may be authorized by the  
8 Director of Transportation without the approval of the  
9 Governor, provided that the increased amount does not exceed  
10 fifty thousand dollars (\$50,000) or 10 percent of the initial  
11 contract amount, whichever is greater, but in no event shall  
12 the one hundred thousand dollars (\$100,000) and that the  
13 increased amounts in the aggregate be greater than one million  
14 dollars (\$1,000,000). do not exceed two hundred thousand  
15 dollars (\$200,000) per contract. Any decrease or underrun of  
16 the contract may be authorized by the Director of  
17 Transportation without the approval of the Governor.

18 "(2) The Department of Transportation shall develop  
19 procedures to implement this subsection."

20 Section 2. This act shall become effective  
21 immediately following its passage and approval by the  
22 Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-  
ferred to the House of Representa-  
tives committee on Transportation,  
Utilities and Infrastructure ..... . . . . . 05-APR-12

Read for the second time and placed  
on the calendar 1 amendment ..... . . . . . 19-APR-12

Read for the third time and passed  
as amended..... . . . . . 01-MAY-12

Yeas 98, Nays 0, Abstains 0

Greg Pappas  
Clerk