

1 SB21
2 147135-4
3 By Senator Allen
4 RFD: Commerce, Transportation, and Utilities
5 First Read: 14-JAN-14
6 PFD: 09/03/2013

1 SB21

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4 ENROLLED, An Act,

5 To amend Section 23-1-60 of the Code of Alabama
6 1975, relating to the Department of Transportation, to further
7 authorize the Director of Transportation to alter plans or
8 character of work, determine need for extra work, and make
9 supplemental agreements relating to highway projects under
10 certain conditions.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. Section 23-1-60 of the Code of Alabama
13 1975, is amended to read as follows:

14 "§23-1-60.

15 "The following implementation of the provisions of
16 the State Department of Transportation standard specifications
17 for highways and bridges is hereby adopted as a statutory
18 provision, any and all other laws in conflict notwithstanding:

19 "(1) ALTERATION OF PLANS OR CHARACTER OF WORK. The
20 Director of Transportation shall have the authority to make,
21 at any time during the progress of any construction on any
22 highway project under his or her jurisdiction, such changes or
23 alterations of construction details, including alterations in
24 grade or alignment of roadway or bridges, or both, as may be
25 necessary or desirable for the successful completion of the

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

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

17 "(3) SUPPLEMENTAL AGREEMENT OR FORCE ACCOUNT ORDER.

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

1 authority to direct that extra work be performed on a force
2 account basis, as defined by the State Department of
3 Transportation standard specifications for highways and
4 bridges.

5 "b. Notwithstanding any other provision of law to
6 the contrary, any additional, new, or extra work, or work
7 changes, alterations, or requirements, arising out of or
8 relating to the original contract, may be authorized by the
9 Director of Transportation without the approval of the
10 Governor, provided that the increased amount does not exceed
11 one hundred thousand dollars (\$100,000) or 10 percent of the
12 initial contract amount, whichever is greater, and the
13 increased amounts in the aggregate do not exceed two hundred
14 thousand dollars (\$200,000). Any decrease or underrun of the
15 contract may be authorized by the Director of Transportation
16 without the approval of the Governor. The Department of
17 Transportation shall develop procedures to implement this
18 paragraph."

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

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB21
Senate 16-JAN-14
I hereby certify that the within Act originated in and passed
the Senate.

Patrick Harris
Secretary

House of Representatives
Passed: 11-FEB-14

By: Senator Allen