Field Orders on Construction Contracts

Guidance Document CLC-8

May 13, 2013
Background

CLC-8 Field Orders, April 2013
Attachment 1 - Field Order Proposal Form (Excel)
Attachment 2 - Field Order Proposal Data Sheet Form (Word)
Attachment 3 - Listing of Field Orders Form (Word)
Attachment 4 - Field Order Authorization Letter Form (Word)

View procedures on the Office for Capital Facilities [website](#)
We already have a process in place on my campus. Do we have to change it?
Procedure 7554 – Construction Contracting

• SUNY Construction Agreement

• Section 4.05
  “…Contractor acknowledges that the Contract consideration includes the allowances set forth in the attached Schedule I…”

Allowances must be defined in the Invitation to Bid or Request for Proposal
Field Order Limits

• Field order allowances should not exceed 3.5% of the contract value
• Individual field orders must be less than $75,000

Field Order Types

• To address a field condition or barrier to accessing the construction site
• To clarify the specification, address the technical execution of a problem or update contract documentation
• To address an omission
Change Order

• A program change or campus request
• A substitution
• A bond premium and/or insurance adjustment
• A time extension not resulting from a field order condition
• To fix an error
• An allowance adjustment

• Any of the types of changes identified under field orders can also be processed as change orders.
Process

1. The consultant or campus requests that the contractor generate a Field Order Proposal (*Form: Attachment 1*).
2. The contractor generates a Field Order Proposal (*Form: Attachment 1*).
3. The consultant reviews the Field Order Proposal (*Form: Attachment 1*) for reasonableness of the itemization, quantities, prices, and contract compliance. The consultant then drafts a recommendation letter, and submits that letter to the campus representative responsible for the project. The recommendation letter should, at a minimum, include the following items.
Process – Consultant Recommendation

The recommendation letter should include:

a) Statement describing the change
b) The reason for the change
c) A copy of the detailed quotation (proposal) submitted by the contractor, suppliers, and subcontractors.
d) The consultant’s stated evaluation of the reasonableness of quantities and price in accordance with the contract.
e) Attachment of or reference to supplementary data such as descriptive literature, sketches, revised drawings, etc.
f) The consultant’s recommendation for an extension of time if requested (the contractor must explicitly request in writing for a specific time extension)
g) Any indications as to whether the change will require work of other trades, and if so, whether work will involve additional costs, changes or credits.

Note: The contractor is not to be copied on the consultant’s letter of recommendation to the campus.
The campus representative (generally a Project Coordinator/Manager) reviews the Field Order Proposal (*Form: Attachment 1*) and completes Field Order Proposal Data Sheet (*Form: Attachment 2*).

The campus representative is responsible for reviewing the field order for conformance with the contract, verification of the reasonableness of the field order pricing, verification of the availability of funding, and accuracy of the data (checks math, labor and equipment rates, material costs, etc.).
5. The campus representative assigns a Field Order number, logs the Field Order in the procurement record using the Listing of Field Orders \((Form: \ Attachment \ 3)\) and completes a Field Order Authorization \((Form: \ Attachment \ 4)\) which includes reference to the Field Order Proposal and clearly defines the scope.

Whenever feasible, changes should be priced before work is authorized; and pricing established as a lump sum with detail for labor and materials. Where a lump sum is not practical, pricing may be established on a time and material basis.
Process

6. The campus executive responsible for construction contracts, or their designee, reviews and approves the field order and associated documentation by signing the Field Order Proposal Data Sheet (*Form: Attachment 2*). A copy of the delegation authority must be on file.
Process

7. A copy of the executed Field Order Authorization (*Form: Attachment 4*) is provided to the contractor.

8. Copies of the following are to be kept in the procurement record:
   - (1) Field Order Proposal and consultant’s recommendation
   - (2) Field Order Proposal Data Sheet including approval by the writing by the campus executive responsible for construction contracts, or their designee.
   - (3) Listing of Field Orders
   - (4) Field Order Authorization
Consultant Compensation

Under Article III, D (4) of SUNY’s Consultant contract services rendered in connection with change (or field) orders resulting from either of the following are paid based on the approved value of the change order multiplied by 5%, provided the Consultant is not responsible for the change.

(a) a program change of the University
(b) conditions which could not have been reasonably anticipated or foreseen by the Consultant at the time bids for construction of the Project were received
Questions?

Contact:
Jessica R. Miller
Jessica.Miller@suny.edu
518-320-1129