



The State University
of New York

Office for Capital Facilities Guidance Document

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Administration of Construction Field Orders

A reference guide to assist in the
management of changes on construction
contracts.

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Introduction

It is strongly recommended that each campus have a process for evaluating and authorizing field orders. The process outlined in this guidance document is provided as a reference guide, and the forms are provided for your adaptation and use.

SUNY construction contract documents and procedures are intended to minimize frequent changes to construction contracts whenever possible. However, circumstances will occur where it is necessary or prudent for the campus to authorize a field or change order on a project. A field order is used to address unforeseen circumstances or conditions that come up during construction. Change orders generally result from a change in direction, details, materials, or other modifications to the design that are important for the betterment of the final project. It is important that field and change orders are used only to address changes which were reasonably within the contemplation of the parties when the contract was made.

Campuses can establish a defined field order allowance under of SUNY's Construction Agreement. These field order allowances should not exceed 3.5% of the contract value, and individual field orders must be less than \$75,000. When a campus wishes to include a field order allowance in a contract the allowance must be stated in the Invitation for Bid or Request for Proposal documentation. Bidders must then include the value of that field order allowance in their bid or proposal.

All field and change orders must be authorized in writing by the campus executive responsible for construction contracts, or their designee. Changes must be priced and reviewed by the Consultant before work is authorized. Pricing should be established as a lump sum with detail for labor and materials. Where a lump sum is not practical, pricing can be established on a time and material basis. In the case of an emergency, or under conditions where the scope of work cannot be determined in advance without causing impact or delay to the progress of work, the campus may issue or direct the Consultant to issue an Authorization to Proceed letter. Written justification for proceeding in this manner must be included in the procurement record.

Field Orders

A modification can only be accomplished as a field order if the cumulative value of all field orders does not exceed the total field order allowance on the contract (3.5% of the contract value), the individual field order is less than \$75,000, and the reason for the modification is:

- 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 Orders

If a modification does not meet the field order criteria it may be processed as a change order in accordance with SUNY Procedure 7554, Construction Contracts. Change orders should not be used to increase the scope of a project. The reason for the modification would generally be one of the following.

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

Field Order 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.
 - 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, ect.
 - 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.

4. 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.
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.
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 (Form: Attachment 1)** and consultant's recommendation
 - (2) **Field Order Proposal Data Sheet (Form: Attachment 2)** including approval by the writing by the campus executive responsible for construction contracts, or their designee.
 - (3) **Listing of Field Orders (Form: Attachment 3)**
 - (4) **Field Order Authorization (Form: Attachment 4)**

Additional Information

- If a field order impacts the period of performance of the contract, ensure that a contract amendment is processed updating the period of performance.
- The status of field orders should be reviewed at each project meeting.
- The Consultant is responsible for ensuring that all changes accomplished by field or change order are done in accordance with the contract plans, specifications and NYS Building Codes.

Resources

[Procedure 7554, Construction Contracting](#)

Q&A

1. **Q: How is the value of the field order allowance defined and when in the process is it defined?**

A: The field order allowance should be approximately 3.5% of the contract value. The allowance amount is established during the Invitation for Bid or Request for Quotation phase of the project. The campus would identify the field order allowance as a lump sum. This lump sum is determined as a percentage of the budgeted construction value. This amount is then specified in the bid documents. The field order allowance is then taken into account in the bid tabulation. Sample language is provided below.

Schedule I Language

Field Order Allowance: The amount indicated below shall be included in the Total Bid amount and indicated on the Proposal in the space provided. Refer to Section 4.05 of the Agreement for additional Information.

_____ \$ _____
 (In words) (In figures)

Bid Proposal Form Language

Field Order Allowance: As per the Schedule I and Section 4.05 of the Agreement.

_____ \$ _____
 (In words) (In figures)

Example:

The campus has a project with a budgeted construction value of \$1,000,000 and has decided on a 3.5% field order allowance. Therefore, \$35,000 will be included in each bid and accounted for in the bid tabulation.

No.	Contractor Name	Contractor Address	Date Rec'd	Bid Secur	Base Bid	Field Order Allow	Sub Total	Alter 1	Total
1	Laina's LLC	5 Marie Drive	1-May	5%	\$900,000	\$35,000	\$980,000	-22,000	\$958,000
2	Claire's Construction	33 Elizabeth Ave	1-May	5%	\$905,000	\$35,000	\$985,250	-30,000	\$955,250
3	Levi's Builders	25 Ronald St	1-May	5%	\$930,000	\$35,000	\$1,011,500	-20,000	\$991,500

2. Q: Is the field order allowance guideline of 3.5% a required limit?

A: The Office for Capital Facilities advises campuses establish field order allowances at no more than 3.5%. If a campus has an existing field order process and data that supporting an increased allowance the campus may establish an alternate field order allowance limit that does not exceed 5%. Adequate documentation justifying this increased limit must be kept on file at the campus.

3. Q: Are consultants entitled to extra compensation for field orders executed with a field order allowance, or are field orders covered in the consultant's basic fee?

A: If the contract is set up as a lump sum agreement a campus may consider any services rendered in association with field orders as included in the consultant's basic compensation.

In the event a change order results from a program change, or a condition which could not have been reasonably foreseen by the consultant, the consultant may seek extra compensation for the services rendered in connection with that change. Any extra compensation afforded to a consultant in this situation would be in accordance with Article III Section D of SUNY's Consultant Agreement.

SUNY Consultant Agreement - SECTION D - EXTRA COMPENSATION

"All services rendered by the Consultant in connection with any work item, included in a change order to a construction contract, which results from either: (a) a program change of the University, or (b) conditions which, in the judgment of the University, could not have been reasonably anticipated or foreseen by the Consultant at the time bids for construction of the



Project were received, will be paid for by the University on the basis of the approved value of said item multiplied by 5 percent. All services rendered by the Consultant in connection with all other extra work items and all deleted work items, included in a change order to a construction contract, shall be deemed to be covered by the Total Fee.”

It is important to note that there are differences in how SUNY and the State University Construction Fund administer field orders. The Fund uses a single process and change management system for field and change orders. Therefore, a single change proposal form is used for both field and change orders. In addition, some Fund contracts may be set up as a full-service design contracts, as opposed to a lump sum agreements. In these instances, the Fund may elect provide compensation to consultant for administration of field orders if certain criteria are met.

4. Q: Should overhead and profit for field order allowances be paid for as part of the base bid, or as part of the individual field orders?

A: Extra work is defined within SUNY’s Construction Contract under Article III Section 4.02, Value of Omitted and Extra Work. The contract states: “The amount by which the Contract consideration is to be increased or decreased by any Change Order or Field Order shall be determined by the University by one or more of the following methods:”

- If the cost of the extra work is determined using the method defined within subsection a, the contractor is **not** entitled to additional overhead and profit.
- If the cost of the extra work is determined using the method defined within subsection b, the contractor **is** entitled to overhead and profit.
- It is important to note under the Construction Agreement, Section 4.05 Allowances specifically excludes quantitative and field order allowances from that contract clause. The applicable clause for Field Orders is Section 4.05A Field Orders.
- For more detail regarding determining the cost of extra work, I, please consult the SUNY Construction Agreement, Article III Section 4.02, Value of Omitted and Extra Work.

5. Q: Are campuses able to establish allowances for other items such as asbestos allowances or specific allowances?

A: The Office for Capital Facilities recommends that asbestos work be included in the base bid. In the event an unforeseen condition arises a field or change order can be used to address any extra work associated with asbestos. It is not recommended that a separate allowance be established specifically for asbestos.

This Guidance Document on Field Orders was not intended to address specific allowances for single or sole source items. Please see Guidance Document CLC-7 Single and Sole Source

FIELD ORDER PROPOSAL

Project No: _____

CHANGE DESCRIPTION:

Contractor Name: _____	Date: _____
Address: _____	Contract No.: _____
Telephone No.: _____	Field Order No.: _____
	Change Proposal No.: _____

	Round Totals to Nearest Dollar	SUNY Revisions
SECTION A: CONTRACTOR WORK		
1. Total Contractor Labor		
2. Total Contractor Material		
3. Total Contractor Equipment		
4. Total Unit Price Costs		
5. SUBTOTAL (Total lines 1 thru 4)	\$ -	
6. Total Premium Portion of Contractor Labor		
7. CONTRACTOR TOTAL (Total lines 5 & 6)	\$ -	

	Round Totals to Nearest Dollar	
SECTION B: SUBCONTRACTOR WORK (Provide a separate form <u>for each</u> Subcontractor.)		
8. Names of Subcontractors:		
A. _____		
B. _____		
C. _____		
D. _____		
E. _____		
F. _____		
9. TOTAL SUBCONTRACTOR PROPOSALS (Total lines A thru F)	\$ -	
10. Contractor's Override on Subs' Proposals:		
11a. 10% of first \$10,000 of line 10 (\$1,000 maximum)	\$ -	
11b. 5% of next \$90,000 of line 10 (\$4,500 maximum)	\$ -	
11c. 3% of sum in excess of \$100,000 of line 10	\$ -	
11. Total Premium Portion of Subcontractor Labor		
12. SUBCONTRACTOR TOTAL	\$ -	

SECTION C: TOTAL CONTRACT UNIT PRICE(S)	13	
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	Round Totals to Nearest Dollar	
SECTION D: CONTRACTOR'S REQUESTED TOTAL AMOUNT REQUESTED (Total lines 7, 12, and 13)	14 \$ -	

_____ Contractor's Signature	_____ Date	_____ Print name of Contact Person (if different)	
_____ Print Name of Authorized Representative		_____ Phone No. (if different from above)	
_____ Print Title			

SECTION E: PROJECT COORDINATOR'S COMMENTS:

Contractor Instructions: Complete fields shaded in red. If a detailed change description is requested attach one to this form. Sign and date the form and submit to your Campus Representative.

CHANGE ORDER PROPOSAL

Project No: _____

CHANGE DESCRIPTION:

Contractor Name: _____	Date: _____
Address: _____	Contract No.: _____
Telephone No.: _____	Field Order No.: _____
	Change Proposal No.: _____

	Round Totals to Nearest Dollar	SUNY Revisions
SECTION A: CONTRACTOR WORK		
1. Total Contractor Labor		
2. Total Contractor Material		
3. Total Contractor Equipment		
4. Total Unit Price Costs		
5. SUBTOTAL (Total lines 1 thru 4)	\$ -	
6. Contractor's Override Combined O & P (15% of line 5)	\$ -	
7. Total Premium Portion of Contractor Labor		
8. CONTRACTOR TOTAL (Total lines 5, 6 & 7) 8.	\$ -	

	Round Totals to Nearest Dollar	
SECTION B: SUBCONTRACTOR WORK (Provide a separate form for each Subcontractor.)		
9. Names of Subcontractors:		
A. _____		
B. _____		
C. _____		
D. _____		
E. _____		
F. _____		
10. TOTAL SUBCONTRACTOR PROPOSALS (Total lines A thru F)	\$ -	
11. Contractor's Override on Subs' Proposals:		
11a. 10% of first \$10,000 of line 10 (\$1,000 maximum)	\$ -	
11b. 5% of next \$90,000 of line 10 (\$4,500 maximum)	\$ -	
11c. 3% of sum in excess of \$100,000 of line 10	\$ -	
12. Total Premium Portion of Subcontractor Labor		
13. SUBCONTRACTOR TOTAL	\$ -	

SECTION C: TOTAL CONTRACT UNIT PRICE(S)	14	\$
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	Round Totals to Nearest Dollar	
SECTION D: CONTRACTOR'S REQUESTED TOTAL		
AMOUNT REQUESTED (Total lines 8, 13, and 14)	\$ -	

Contractor's Signature _____	Date _____
Print Name of Authorized Representative _____	Print name of Contact Person (if different) _____
Print Title _____	Phone No. (if different from above) _____

SECTION E: PROJECT COORDINATOR'S COMMENTS:

Contractor Instructions: Complete fields shaded in red. If a detailed change description is requested attach one to this form. Sign and date the form and submit to your Campus Representative.

FIELD ORDER PROPOSAL DATA SHEET

Project Name: _____ Date: _____

Project Number: _____ Reviewer: _____

Contract Number: _____ Contractor: _____

Field Order Number: _____ Consultant: _____

Review

1. Description of change: _____

2. Type of change:
 - a. Field Order
 - Field Condition
 - Omission
 - Error
3. Completion Date
 - a. Current Completion Date _____
 - b. Extend Completion Date by _____
4. Status of Work
 - Request Proceed Order
 - Work Started
 - Work Complete
 - Work Not Started
5. Cost Basis for Work
 - Lump Sum
 - Unit Price
 - Time and Material, Not to Exceed
6. Field Order Allowance Balance
 - a. Before this field order _____
 - b. Cost of this field order _____
 - c. After this field order _____
7. Accompanying Documentation
 - Initial request for change
 - Consultant Letter
 - Detailed Backup

Approval

Signature

Date

Name

Title (Campus President or Designee)

Listing of Field Orders

Project Name: _____ Project Number: _____

No.	Field Order Description	Field Order Estimate	Field Order Actual Cost	Previous Contract Field Order Balance <i>(not to exceed 3% of the contract total)</i>	New Contract Field Order Balance
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
21					

Instructions: List each field order and maintain a copy of all field order information in the procurement record. Upon completion of each field order calculate the remaining field order balance on the contract. The field order allowance established on a contract shall not exceed 3% of the contract value.

