

ENGINEERING DIRECTIVES AND STANDARDS

Volume	Chapter	Section	Directive Number	Effective Date
III	1	1	30	6/22/2009

SUBJECT: CONSTRUCTION AND MAINTENANCE PROJECTS; NOTICE TO PROCEED / CONDITIONAL NOTICE TO PROCEED / NOTICE OF CONTRACT EXECUTION

- PURPOSE:** The purpose of this directive is to establish requirements and a uniform policy for the issuance to the contractor of a written "Notice to Proceed" or other instruments directing the contractor to begin work or begin the activities covered under the contract.
- POLICY:** This directive covers the policies regarding the issuance of the "Notice to Proceed" or "Conditional Notice to Proceed" (hereafter otherwise referred to as notices) to the contractor for construction and maintenance projects. This directive also covers policies regarding the issuance of the "Notice of Contract Execution".
- PROCEDURE:** All notices, with the following exceptions, will be issued to the contractor by the District in which the work is to be performed. Notices on statewide projects will be issued by the Project Control Section at headquarters. Notices on projects to which the Department is not a signatory, such as Urban Systems Projects and Enhancement Projects will be issued by the specific entity or project sponsor after they are notified that the contracts have been executed. Any other unusual circumstance that lends itself to headquarters issued notices will be issued by Project Control.

Notices issued by the District will be issued by the District Administrator or his designated representative after considering local factors and the contractors input. On Department construction and maintenance projects with less than 150 contract days, written notices must be issued to the contractor within five (5) calendar days of the contract execution date indicated in the "Notice of Contract Execution". On projects with 150 contract days or more, written notices shall be issued within ten (10) calendar days of the contract execution date indicated in the "Notice of Contract Execution". If circumstances dictate that the notice(s) needs to be delayed beyond the allowed number of days, the District Administrator shall provide timely written justification and request approval of the delay through the Chief Engineer.

In no case shall the notice be delayed beyond sixty calendar days past the contract award date without the written mutual consent of both the contractor and the Department.

If an approved plan change provides for an adjustment to the days provided in the contract under a "Conditional Notice to Proceed", the adjustment must be reflected in both the "Conditional Notice to Proceed" and the "Notice to Proceed", by revision if necessary.

The "Notice of Contract Execution" will be issued by the Project Control Section for headquarters bid projects and by the District Administrator or his designee for projects bid in the District. The "Notice of Contract Execution" shall essentially be of the same form and content as that of the example in Attachment 1 with copies distributed as indicated.

Attachment 2 and Attachment 3 are examples of the typical "Notice to Proceed" and "Conditional Notice to Proceed" respectively. These written notices to the contractor shall essentially be of the same form and content as that of the attached examples, with copies distributed as indicated.

4. **OTHER ISSUANCES AFFECTED:** All directives, memoranda or instructions issued heretofore in conflict with this directive are hereby rescinded.
5. **EFFECTIVE DATE:** This policy is effective immediately upon receipt of this directive, and applies to all projects let after receipt.

WILLIAM H. TEMPLE
CHIEF ENGINEER

NOTICE OF CONTRACT EXECUTION

STATE PROJECT NO. ____ - - ____ - - ____
FEDERAL AID PROJECT NO. ____ - ____ (____)
PROJECT NAME
ROUTE: _____
_____ PARISH

Contractor
Contractor Address

Gentlemen:

Enclosed is an original copy of your fully executed contract dated _____, 1998, for the captioned project. Also enclosed are three (3) copies of the contract for your use. Additional copies at \$0.10/page may be obtained by calling (____) ____ - ____.

All matters pertaining to this contract, including your recommended work order date, should be processed through the project engineer, Mr. _____ who can be contacted at (____) ____ - _____. The District Administrator will issue the Notice to Proceed and Conditional Notice to Proceed, if appropriate.

At the conclusion of the project, it will be necessary for you to provide the Department's Financial Services Administrator with a clear lien certificate, before the contract's retainage bond can be returned.

Sincerely,

PROJECT CONTROL
or
DISTRICT ADMINISTRATOR (OR REPRESENTATIVE)

???:??

Enclosures

cc: FHWA (Non-3R NHS projects >\$1 million only)

Financial Services (w/Department's copy and one original per parish of work)

Chief Maintenance Division (w/copy of contract for maintenance projects only)

Chief Construction Division (w/3 copies of the contract for distribution within Directorate)(for construction projects only) within District as necessary
(w/4 copies of the contract for distribution within district)

Materials Section (w/2 copies of the contract)

Construction Estimates Engineer (w/original copy of contract)

Bridge Design Engineer Administrator (w/copy of contract)

Ms. Simone Ardoin

Louisiana Resident Bonding Agent (w/original copy of contract)

Road Design Engineer Administrator

HQ Utility & Permit Engineer

Public Relations

Compliance Programs Project Control

State Licensing Board for Contractors

Office of Federal Contract Compliance (for Federally funded projects only)

Attn: Mr. Jack Brown

P0 Box 14419

Baton Rouge, LA 70898-4419

Attn: Mr. James Pierce, District Director

701 Loyola Drive

New Orleans, LA 70113

NOTICE TO PROCEED

STATE PROJECT NO. ____ - ____ - ____
FEDERAL AID PROJECT NO. ____ - ____ - ____
PROJECT NAME
ROUTE: _____
_____ PARISH

Contractor
Contractor Address

Gentlemen:

You are hereby authorized to commence work on the captioned project on _____, 1998.
All matters pertaining to this contract should be processed through the project engineer,
Mr. _____ who can be contacted at (____) ____ - _____. The contractor is advised to notify, his
Bonding Agent of this Notice to Proceed.

Sincerely,

PROJECT CONTROL
or
DISTRICT ADMINISTRATOR (OR REPRESENTATIVE)

???:??

Enclosures

cc: FHWA (Non-3R NHS projects >\$1 million only)

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(w/4 copies of the contract for distribution within district)
Materials Section (w/2 copies of the contract)
Construction Estimates Engineer (w/original copy of contract)
Bridge Design Engineer Administrator (w/copy of contract)
Ms. Simone Ardoin
Louisiana Resident Bonding Agent (w/original copy of contract)
Road Design Engineer Administrator

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Baton Rouge, LA 70898-4419

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701 Loyola Drive
New Orleans, LA 70113

CONDITIONAL NOTICE TO PROCEED

STATE PROJECT NO. ____ - ____ - ____
FEDERAL AID PROJECT NO. ____ - ____ (____)
PROJECT NAME
ROUTE: _____
_____ PARISH

Contractor
Contractor Address

Gentlemen:

You are authorized to begin the assembly period for this project on (DATE), under the conditions specified in the contract A notice to proceed will be issued (ON DATE OF EXPIRED ASSEMBLY PERIOD). This assembly period may be shortened at your request if approved by the Project Engineer. Any request for an extension for the assembly period must be submitted in writing to the Project Engineer for processing through the District Administrator. The contractor is advised to notify his bonding agent of the Conditional Notice to Proceed.

Sincerely,

PROJECT CONTROL
or
DISTRICT ADMINISTRATOR (OR REPRESENTATIVE)

???:??

Enclosures

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(w/original copy of contract)

Bridge Design Engineer Administrator (w/copy of contract)

Ms. Simone Ardoin

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