

CONSTRUCTION PROCEDURES HANDBOOK

SECTION IV	SUBSECTION E	DATE
CONSTRUCTION CHANGES	FEDERAL PROJECT END DATE	3/25/2021

In accordance with the NJDOT Policy # 365 (Procedure for Determining the Federal Project End Date on Federally Funded Projects), effective date 02-08-2016, this section of the Construction Procedures Handbook stipulates the procedural steps for establishing, tracking, monitoring and modifying the Federal Project End Date (FPED) on all federally funded projects. Federal Project End date is a cost incurrence deadline.

1. **ESTABLISHMENT OF THE FPED:**(See Attachment “A”)

- a. If the project’s raw construction cost is equal to or less than \$25 M, the Bureau of Construction Management (BCM) establishes the FPED by adding 22 months to the Completion date of the project. The BCM provides the FPED to the Office of Program Coordination as part of the project advertisement authorization package.
- b. If the project’s raw construction cost is greater than \$25 M, the BCM establishes the FPED by adding 34 months to the Completion date of the project. The BCM provides the FPED to Bureau of Program Coordination as part of the project advertisement authorization package.

2. **TRACKING AND MONITORING OF THE FPED:**

- a. The BCM provides the FPED for all federally funded projects to the Regional Construction Office by copy of the FHWA request for authorization memo to the Bureau of Program Coordination. The Regional Construction Office will keep the log of the FPED for all federally funded active construction projects.
- b. The RCE will review these FPEDs as part of their monthly project Close-out meeting with the Director of Construction and Materials.
- c. The Division of Construction and Materials will track and monitor the FPED until the submission of the Federal Closeout Package (FCP). Once the FCP has been submitted to the Office of Program Coordination, the responsibility of tracking and monitoring of the FPED lies with the Division of Project Management until the project reaches step 9, and all of the project’s Federal agreements (Utility, Design Consultant, Third Party, etc.) have been closeout.

3. **MODIFICATION OF THE FPED:**

If the project’s Completion is delayed, (i.e. Contract Completion date is not achievable) then the RCE will request a modification to the established FPED. Modification of the FPED at different stages during the Construction phase of the project are to be made as follows:

NOTE: Email the completed [Form DC-62](#) to the Office of Program Coordination at DOT-CPC.EndDateModification@dot.nj.gov.

For PODI projects email the FHWA approval along with the completed [Form DC-62](#).

a. **Before the Contract Completion Date:**

NON PODI projects: If the Contract Completion date gets adjusted by a Change Order then the RCE will review the current established FPED upon execution of the Change Order. If a modification is necessary, then the RCE will request a modification of the previously established FPED by memo (See [Form DC-62](#)) to the Office of Program Coordination. The Office of Program Coordination modifies the FPED, and seeks FHWA's approval in FMIS.

PODI projects: If the Contract Completion date gets adjusted by a Change Order, then the RCE will review the current established FPED upon execution of the Change Order. If a modification is necessary, then the RCE seeks FHWA Area Engineer's approval to modify the FPED (See [Form DC-63](#)). Upon approval of the FPED modification by the FHWA Area Engineer, the RCE will request a modification of the previously established FPED by memo (See [Form DC-62](#)) to the Office of Program Coordination attaching the FHWA Area Engineer's approval documentation to the memo. The Office of Program Coordination modifies the FPED, and seeks FHWA's approval in FMIS.

b. **After the Contract Completion Date:**

NON PODI projects: If the project's Completion is delayed by more than three months, and the Department is in process of analyzing the delay, the RCE then ensures the modification of the FPED as follows:

1. If the Contractor is entitled to an extension of time then the RCE, upon execution of that Change Order, will request a modification of the previously established FPED by memo (See [Form DC-62](#)) to the Office of Program Coordination. The Office of Program Coordination modifies the FPED, and seeks FHWA's approval in FMIS.
2. If the Contractor is not entitled to an extension of time, and liquidated damages are being assessed then the RCE, upon execution of the Department Acceptance Package (DAP), will request a modification of the previously established FPED by memo (See [Form DC-62](#)) to the Office of Program Coordination. The Office of Program Coordination modifies the FPED, and seeks FHWA's approval in FMIS.
3. If the current FPED is within eight months of its expiration, then the RCE will request a modification of the previously established FPED by memo (See [Form DC-62](#)) to the Office of Program Coordination. The Office of Program Coordination modifies the FPED, and seeks FHWA's approval in FMIS. If the FPED expires, subsequent expenditures will be Non – Participating (NP) and the Federal Agreement close-out process will proceed accordingly.

PODI projects: If the project's Completion is delayed by more than three months, and the Department is in process of analyzing the delay, the RCE ensures that the RE communicates and informs the FHWA area engineer regarding the delay of the project by letter (See [Form DC-64](#)). The RCE then ensures the modification of the FPED as follows:

1. If the Contractor is entitled to an extension of time then the RCE, upon execution of that Change Order, seeks FHWA Area Engineer's approval to modify the FPED (See [Form DC-63](#)). Upon approval of the FPED modification by the FHWA Area Engineer, the RCE will request a modification of the previously established FPED by memo (See [Form DC-62](#)) to the Office of Program Coordination attaching the FHWA Area Engineer's approval documentation to the memo. The Office of Program Coordination modifies the FPED, and seeks FHWA's approval in FMIS.
2. If the Contractor is not entitled to an extension of time, and liquidated damages were assessed then the RCE, upon execution of the Department Acceptance Package (DAP), seeks FHWA Area Engineer's approval to modify the FPED (See [Form DC-63](#)). Upon approval of the FPED modification by the FHWA Area Engineer, the RCE will request a modification of the previously established FPED by memo (See [Form DC-62](#)) to the Office of Program Coordination attaching the FHWA Area Engineer's approval documentation to the memo. The Office of Program Coordination modifies the FPED, and seeks FHWA's approval in FMIS.
3. If the current FPED is within eight months of its expiration, then the RCE seeks FHWA Area Engineer's approval to modify the FPED (See [Form DC-63](#)). Upon approval of the FPED modification by the FHWA Area Engineer, the RCE will request a modification of the previously established FPED by memo (See [Form DC-62](#)) to the Office of Program Coordination attaching the FHWA Area Engineer's approval documentation to the memo. The Office of Program Coordination modifies the FPED, and seeks FHWA's approval in FMIS. If the FPED expires, subsequent expenditures will be NP and the Federal Agreement close-out process will proceed accordingly.

c. **At Time of Federal Close-out Package (FCP) Submission:**

NON PODI projects: The FPED will be reviewed during the monthly Close-out Meeting between the Director of Construction and Materials, and the RCE. The recommended time frame between the submission date of FCP and the FPED is approximately 8 months (12 months for projects greater than \$25 Million). If that duration is less than 8 months (12 months for projects greater than \$25 Million), the RCE will request a modification of the previously established FPED by memo (See [Form DC-62](#)).

If it is determined at the subsequent monthly close-out meeting that the FPED has not been modified, the RCE will contact the Office of Program Coordination to ensure the FPED is changed to be consistent with the date indicated in the FCP.

If it is determined that there is no qualifying reason to request a modification to the FPED the RCE will notify the PM the date that the FPED will expire and that any charges to the project, after this date, will not be Federally Participating.

An extension of FPED cannot be made if the work is completed and no more costs will be incurred. In this scenario request for 90/120 day closeout period extension at least 60 days before FPED expires as indicated in section 4.

Note: All federal projects authorized or modified on or after November 11, 2020 are required to be closed out within 120 days.

PODI projects: The FPED will be reviewed during the monthly Close-out Meeting between the Director of Construction and Materials, and the RCE. The recommended time frame between the submission date of FCP and the FPED is approximately 8 months (12 months for projects greater than \$25 Million). If that duration is less than 8 months (12 months for projects greater than \$25 Million), the RCE seeks FHWA Area Engineer's approval to modify the FPED (See [Form DC-63](#)). Upon approval of the FPED modification by the FHWA Area Engineer, the RCE will request a modification of the previously established FPED by memo (See [Form DC-62](#)) to the Office of Program Coordination attaching the FHWA Area Engineer's approval documentation to the memo. The Office of Program Coordination modifies the FPED, and seeks FHWA's approval in FMIS.

If it is determined at the subsequent monthly close-out meeting that the FPED has not been modified, the RCE will contact the Office of Program Coordination to ensure the FPED is changed to be consistent with the date indicated in the FCP.

If it is determined that there is no qualifying reason to request a modification to the FPED the RCE will notify the PM the date that the FPED will expire and that any charges to the project, after this date, will not be Federally Participating.

An extension of FPED cannot be made if the work is completed and no more costs will be incurred. In this scenario request for 90/120 day closeout period extension at least 60 days before FPED expires as indicated in section 4.

Note: All federal projects authorized or modified on or after November 11, 2020 are required to be closed out within 120 days.

4. Extension of 90 /120 day Closeout period

If the FPED has lapsed and the 90 /120 day closeout period was exceeded, affected Assistant Commissioner is required to request an extension of the close out period from FHWA (See Sample "B")

If the FPED has lapsed but the project is within the 90/120 day close out period, affected Assistant Commissioner or Director is required to request an extension of the close out period from FHWA. However, FHWA mandates that the Assistant Commissioner must be aware and copied on the request. (See Attachment "C")

CPM Assistant Commissioner or Director of Construction and Materials may request an extension of the 90/120 day closeout period from FHWA Division Administrator only if extenuating circumstances exist. The extension should be requested at least 60 days before the FPED expires. The request will seek extension of the closeout period and not the FPED. The FPED will remain the same. An extension to 90/120 day Closeout period cannot be made if the costs are incurred after a lapsed FPED.

The request for the extension of the close out period must include the following:

1. A detailed explanation of extenuating circumstances.
2. A detailed explanation as to why the end date was not adjusted when there were outstanding invoices and/or why the billing did not occur during the 90/120 day closeout period.
3. An explanation of what internal controls are being implemented to ensure that this does not happen again.

If FHWA grants the extension of the close out period, the RCE will submit copy of the approval letter along with all outstanding invoices, Claim, Change Orders etc to Accounting Operations and CPC for Payment.

If there are no extenuating circumstances and no extension is requested or the extension was denied by FHWA, the PM will either request to move already billed costs to Non-participating or request new state funding to pay outstanding invoice(s).

NOTE:

90/120 day Closeout Period is a billing deadline. If it is known that a 90/120 day Closeout period will not be sufficient, RCE will request an extension 60 days prior to FPED.

"Attachment A"

Period of Performance							
	Federal authorization		Contract Completion date of Construction Contract	(22 months or 34 months depending upon the project's Raw Construction cost)		Federal Project End Date	
	*	Completion of Contract work	*	Collection and submission of documentations by Division of Construction & Materials	Collection and submission of documentations by other Offices	*	NJDOT Close out Federal Closeout
Project's raw construction cost equal to or under \$ 25 M		Contract duration until the Contract Completion date		Approx. (10-14) months: Acceptance Inspections; Achieve Actual completion; Initiate Contract Close-out (DC-20); Initiate, and execute Department Acceptance Package (DAP); Complete As-builts; Complete Material Certifications (LB-96); Execute Final Change Order; Complete Final Estimate; Proposed and Final Certificate; prepare and submit Federal Close out Package (FCP); CI agreement Final Invoice and close out	Approx. 8 months: Collection and submission of close-out documents by other offices. FHWA acceptance of all 7A packages.		Approx. 3 / 4 months: Capital Programming and Accounting functions. Approx. 12 months: Federal Highway functions.
Project's raw construction cost greater than \$ 25 M		Contract duration until the Contract Completion date		Approx. (16-22) months: Acceptance Inspections; Achieve Actual completion; Initiate Contract Close-out (DC-20); Initiate, and execute Department Acceptance Package (DAP); Complete As-builts; Complete Material Certifications (LB-96); Execute Final Change Order; Complete Final Estimate; Proposed and Final Certificate; prepare and submit Federal Close out Package (FCP); CI agreement Final Invoice and close out	Approx. 12 months: Collection and submission of close-out documents by other offices. FHWA acceptance of all 7A packages.		Approx. 3 / 4 months: Capital Programming and Accounting functions. Approx. 12 months: Federal Highway functions.

Attachment "B"



State of New Jersey
DEPARTMENT OF TRANSPORTATION
P.O. Box 600
Trenton, New Jersey 08625-0600

PHILIP D. MURPHY
Governor

DIANE GUTIERREZ-SCACCETTI
Commissioner

SHEILA Y. OLIVER
Lt. Governor

December 15, 2020

Robert Clark
New Jersey Division Administrator
Federal Highway Administration
840 Bear Tavern Road, Suite 202
West Trenton, NJ 08628

Re: 90/120 day Closeout Extension

Project Name:
Federal Project No:
Oversight:
CE No: ~~xxxxxxx~~, DP No. ~~xxxx~~

Dear Mr. Clark,

The Department is requesting special consideration for a 90/120 day closeout period extension associated with the subject project.

Include the following:

- References to all costs incurred prior to the end date means the projects is in full compliance with the FPED.
- Reference to the problem with the Final Change Order, Litigation, Final Invoice, Final Estimate, Claims or any other final billing issue.

Therefore, the Department respectfully requests that the FHWA approve the 90/ 120 day Closeout extension from December 31, 2018 to September 30, 2019.

Thank you for your consideration of this matter.

Sincerely,
Snehal Patel, P.E., PMP
Assistant Commissioner
Capital Program Management

C: Steve Hanson
Director of Construction Services & Materials
RCE
PM

Attachment "C"



State of New Jersey

DEPARTMENT OF TRANSPORTATION

P.O. Box 600

Trenton, New Jersey 08625-0600

PHILIP D. MURPHY
Governor

DIANE GUTIERREZ-SCACCETTI
Commissioner

SHEILA Y. OLIVER
Lt. Governor

|
Steve Hanson
New Jersey Division Administrator
Federal Highway Administration
840 Bear Tavern Road, Suite 202
West Trenton, NJ 08628

Re: 90/120 Day Closeout Period Extension Request

Project: Route 50 Tuckahoe Road
Contract: 006960428
Federal Project No: STP-0005(116)
CE No: 0510511 DP No: 13127

Dear Mr. Hanson,

The Department is requesting special consideration for the extension of the closeout period associated with the subject project. The extension will allow Capital Program Management and Capital Program Coordination to complete tasks necessary to move the job from Federal FMIS Step 6 to Step 9. The project's current FPED is 12/31/2019.

The construction contract was completed on November 6, 2017 and accepted by the Department on February 09, 2018. Final Payment to the Contractor is being processed and will be sent by January 17, 2020. The Department does not anticipate incurring additional costs under this federal agreement.

The Department respectfully requests that the FHWA approve the extension of the closeout period from March 31, 2020 to August 31, 2020.

Thank you for your consideration of this matter.
Sincerely,

Albert Balluch
Director, Division of Construction & Materials
Capital Program Management

c: Atul Shah, Carl Kneidinger, Milind Kasbekar, Snehal Patel