

LPA Contract Completion / Close Out

Definitions

NDOR Standard Specifications for Highway Construction – 2007 Edition

101.0340 – Final Acceptance

Final Acceptance is the date a final payment document is drawn by the Department.

101.0395 – Tentative Final Acceptance

Tentative Final Acceptance is the date indicated in the “Tentative Final Acceptance” letter to the Contractor accepting all of the work. The Engineer’s “Tentative Final Acceptance” letter relieves the Contractor of the responsibility for the care and maintenance of the completed work, of public liability, and for damages due to the actions of the elements or the action of traffic.

For contracts containing observation periods, the NDOR implements **Section 105.13 – Tentative Acceptance of Portions of the Project** using a document commonly referred to as the “*Partial Tentative Final Acceptance*” letter to the Contractor. The Engineer’s “Partial Tentative Final Acceptance” letter relieves the Contractor of the responsibility for the care and maintenance of the completed work, of public liability, and for damages due to the actions of the elements or the action of traffic except for those items of work being observed (i.e. bridge painting, pavement marking, etc.).

The date work was actually completed is cited in both of these documents.

Forms

DR Form 91, “Notification of Contract Completion” – Revised August, 2011

Office of Primary Responsibility – Construction Division

DR Form 91, Notification of Contract Completion – provides notification that all work on the contract, including any observation period and/or corrective work, is complete. DR Form 91 will be prepared and distributed by the NDOR District Engineer upon receipt of the LPA RC’s Tentative Final Acceptance letter to the Contractor.

DR Form 299, “Project Construction Conformity Certification” – Revised September, 2011

Office of Primary Responsibility – Local Projects Division

DR Form 299, Project Construction Conformity Certification – provides certification, by the LPA RC and LPA CE, that the project was constructed in accordance with the Contract. The NDOR will utilize DR Form 299, at the time of final payment to the Contractor, to notify Agencies and NDOR Divisions of project close out, including all construction and engineering costs.

Contract Completion / Close Out Submittals

- **LPA – Responsible Charge**

- **Contracts – No Observation Period**

- Within one week of final inspection and acceptance of the work, the LPA RC shall advise the Contractor thru the **Tentative Final Acceptance** letter that all contract work is accepted. The Contractor does not need to return to complete any work and is released from the contract.

- **Contracts – Observation Period**

- Within one week of final inspection and acceptance of the work, the LPA RC shall advise the Contractor thru the **Partial Tentative Final Acceptance** letter that the contract work is accepted except for those items of work being observed. The observed items should be itemized and the ending observation period date should be cited.

- At the end of the observation period – no corrective work required – Within one week of final inspection and acceptance of the observed work, the LPA RC shall advise the Contractor thru the **Tentative Final Acceptance** letter that all contract work is accepted. The Contractor does not need to return to complete any work and is released from the contract. The Tentative Final Acceptance Date is the date that the work was originally completed.

- At the end of the observation period – corrective work required – Within one week of final inspection and acceptance of the corrective work, the LPA RC shall advise the Contractor thru the **Tentative Final Acceptance** letter that all contract work is accepted. The Contractor does not need to return to complete any work and is released from the contract. The Tentative Final Acceptance Date is the date that the corrective work was completed.

- **All Contracts**

- The LPA RC and LPA CE will complete and include **DR Form 299** with the final records that are submitted to the NDOR District Reviewer. The NDOR District Reviewer will insure that DR Form 299 remains with the final records when submitted to the NDOR Construction Division – Final Review Section in Lincoln. The NDOR Construction Division – Final Review Section will complete the “FOR NDOR USE ONLY” section and submit DR Form 299, as per the Distribution List, to provide notification of project close out when the Final Estimate is sent to the NDOR Controller Division for final payment to the Contractor.

- **NDOR District Engineer – All Contracts**

- The NDOR District Engineer will complete and submit **DR Form 91**, as per the Distribution List, upon receipt of the Tentative Final Acceptance letter from the LPA RC.