

§ 635.101

- 635.117 Labor and employment.
- 635.118 Payroll and weekly statements.
- 635.119 False statements.
- 635.120 Changes and extra work.
- 635.121 Contract time and contract time extensions.
- 635.122 Participation in progress payments.
- 635.123 Determination and documentation of pay quantities.
- 635.124 Participation in contract claim awards and settlements.
- 635.125 Termination of contract.
- 635.126 Record of materials, supplies, and labor.
- 635.127 Agreement provisions regarding overruns in contract time.

Subpart B—Force Account Construction

- 635.201 Purpose.
- 635.202 Applicability.
- 635.203 Definitions.
- 635.204 Determination of more cost effective method or an emergency.
- 635.205 Finding of cost effectiveness.

Subpart C—Physical Construction Authorization

- 635.301 Purpose.
- 635.303 Applicability.
- 635.305 Physical construction.
- 635.307 Coordination.
- 635.309 Authorization.

Subpart D—General Material Requirements

- 635.401 Purpose.
- 635.403 Definitions.
- 635.405 Applicability.
- 635.407 Use of materials made available by a public agency.
- 635.409 Restrictions upon materials.
- 635.410 Buy America requirements.
- 635.411 Material or product selection.
- 635.413 Guaranty and warranty clauses.
- 635.417 Convict produced materials.

AUTHORITY: Sec. 5514 of Pub. L. 109-59, 119 Stat. 1144; 23 U.S.C. 101 (note), 109, 112, 113, 114, 116, 119, 128, and 315; 31 U.S.C. 6505; 42 U.S.C. 3334, 4601 et seq.; Sec. 1041(a), Pub. L. 102-240, 105 Stat. 1914; 23 CFR 1.32; 49 CFR 1.48(b).

EDITORIAL NOTE: Nomenclature changes to part 635 appear at 67 FR 75924, Dec. 10, 2002.

Subpart A—Contract Procedures

SOURCE: 56 FR 37004, Aug. 2, 1991, unless otherwise noted.

§ 635.101 Purpose.

To prescribe policies, requirements, and procedures relating to Federal-aid highway projects, from the time of au-

23 CFR Ch. I (4-1-07 Edition)

thorization to proceed to the construction stage, to the time of final acceptance by the Federal Highway Administration (FHWA).

§ 635.102 Definitions.

As used in this subpart:

Administrator means the Federal Highway Administrator.

Calendar day means each day shown on the calendar but, if another definition is set forth in the State contract specifications, that definition will apply.

Contract time means the number of workdays or calendar days specified in a contract for completion of the contract work. The term includes authorized time extensions.

Design-build project means a project to be developed using one or more design-build contracts.

Division Administrator means the chief FHWA official assigned to conduct business in a particular State. A State is as defined in 23 U.S.C. 101.

Force account means a basis of payment for the direct performance of highway construction work with payment based on the actual cost of labor, equipment, and materials furnished and consideration for overhead and profit.

Formal approval means approval in writing or the electronic transmission of such approval.

Incentive/disincentive for early completion as used in this subpart, describes a contract provision which compensates the contractor a certain amount of money for each day identified critical work is completed ahead of schedule and assesses a deduction for each day the contractor overruns the incentive/disincentive time. Its use is primarily intended for those critical projects where traffic inconvenience and delays are to be held to a minimum. The amounts are based upon estimates of such items as traffic safety, traffic maintenance, and road user delay costs.

Liquidated damages means the daily amount set forth in the contract to be deducted from the contract price to cover additional costs incurred by a State transportation department because of the contractor's failure to complete the contract work within the