



Recommended Protocol for Documenting Extra Work to a Contract

1. Scope

- 1.1. The purpose of this standard is to define criteria for the documentation of extra work to a contract for painting and decorating.
- 1.2. This standard assigns financial responsibilities to the various entities involved when extra work is performed to a contract for painting and decorating work.
- 1.3. It is the intent of this document to apply to extra work performed that is beyond the scope of the original contract for painting and decorating work.

2. Significance and Use

- 2.1. It is common that extra work is performed beyond the original scope of a painting and decorating contract.
- 2.2. Conflicts often arise between the painting and decorating contractor and the contracting entity regarding the authorization and payment of extra work performed that is beyond the scope of the original contract for painting and decorating.
- 2.3. The painting and decorating contractor must have methods and criteria that are agreed upon in advance on which to base the value of extra work that is beyond the scope of the original contract for painting and decorating.

3. Reference Standards and Documents

- 3.1. Black's Law Dictionary, 7th edition, Bryan A. Garner, 1999.
- 3.2. Dictionary of Architecture and Construction, 4th Edition, Cyril M. Harris, 2005.
- 3.3. PDA Estimating Guide Volume 1, Practices and Procedures, First edition, 2004.
- 3.4. PDA Standard 1-04, Touch Up Painting and Damage Repair: Financial Responsibility.
- 3.5. PDA Standard 10-04, Measurement of Surface Area for Estimating Painting and Decorating Work.
- 3.6. If there is a conflict between any of the references and this standard, then the requirements of this standard shall prevail.

4. Definitions

- 4.1. **ACCEPTANCE:** An agreement, either by express act or by implication from conduct, to the terms of an offer so that a binding contract is formed. If an

acceptance modifies the terms or adds new ones, it generally operates as a counteroffer. [Black's Law]

- 4.2. **ASSOCIATED COSTS:** Miscellaneous job related direct costs including, but not limited to, expenses such as equipment, travel expenses, permits, bonds, specialized insurance, subcontracts, hazardous waste expenses, etc. [PDA Estimating Guide Volume 1]
- 4.3. **CONTRACTING ENTITY:** The general contractor, owner of the property, construction manager, developer or other entity legally responsible for the agreement or authorized agent of any of the above. [PDA Standard 1-04]
- 4.4. **EXTRA:** Performed work or a desired item of construction which is beyond the intent of the drawings and specifications contained in a construction contract; an item of work involving additional cost. [Dictionary of Architecture and Construction]
- 4.5. **LUMP SUM:** A contract in which a specific amount is set forth as the total payment for the performance of the contract. (Also known as stipulated sum) [Dictionary of Architecture and Construction]
- 4.6. **MATERIAL:** Any consumable purchased for and used on a given project including, but not limited to paint, wallcoverings, masking materials, sundries, etc. [PDA Estimating Guide Volume 1]
- 4.7. **PAINTING AND DECORATING CONTRACTOR:** The individual or company contracted to apply paints, coatings, wallcoverings and other decorative finishes. [PDA Standard 1-04]
- 4.8. **TIME AND MATERIAL:** The time and total cost of all materials required to complete a construction job; often used where the cost of the job is difficult to estimate. [Dictionary of Architecture and Construction]
- 4.9. **UNIT PRICE:** An amount stated in a contract as the price per unit of measurement for materials or services as described in the contract documents. [Dictionary of Architecture and Construction]

5. Standard Specification

- 5.1. Unless directly specified otherwise, there are three recommended methods for the valuation of extra work performed that are beyond the scope of the original contract for painting and decorating:

5.1.1. Time and material basis:

- 5.1.1.1. The painting and decorating contractor shall provide to the contracting entity a schedule that lists hourly or daily labour rates for all classifications of workers. Both regular rates and overtime rates should be listed. Unless listed separately, these hourly rates include all costs for labour, overhead and profit.
- 5.1.1.2. Also submitted are invoicing rates for specific materials, equipment, subcontractors and other associated costs; or percentages to be added to materials, equipment, subcontractors and other associated costs invoices. Unless listed separately, these rates include overhead and profit.
- 5.1.1.3. A subtotal for labour for each worker is calculated by multiplying the number of hours worked by each worker by the corresponding labour rate for that worker classification.
- 5.1.1.4. The total amount of labour is a result of adding the subtotals for the various workers.
- 5.1.1.5. The total value of the extra work is determined by adding the totals for labour, materials, equipment, subcontractors, and associated costs.

5.1.2. Lump sum basis:

- 5.1.2.1. The painting and decorating contractor submits a lump sum value for the extra work to be performed. This lump sum value includes all costs for labour, material, equipment, subcontractors, associated costs, overhead, and profit.

5.1.3. Unit price basis:

- 5.1.3.1. The painting and decorating contractor submits a schedule of unit prices for completing the painting and decorating of various types of extra work items that are beyond the scope of the contract for painting and decorating.
- 5.1.3.2. Unless listed separately, the unit price for each work item includes all costs for labour, materials, equipment, subcontractors, associated costs, overhead, and profit.
- 5.1.3.3. The subtotal value of extra work items is calculated by multiplying the surface area or quantity of the various work items by its corresponding unit price.
- 5.1.3.4. The surface area for various work items is measured in accordance with PDA Standard 10-04, Measurement of Surface Area for Estimating Painting and Decorating Work.

- 5.1.3.5. The total value of the extra work is calculated by adding the subtotals for the various work items involved.

5.2. Authorization of Extra Work**5.2.1. Time and material basis:**

- 5.2.1.1. It is recommended that the schedules indicated in paragraphs 5.1.1.1 and 5.1.1.2 be submitted with the painting and decorating contractor's proposal for work and become part of the contract for painting and decorating. In any event, these lists should be submitted and approved prior to the performance of any extra work to the painting and decorating contract.
- 5.2.1.2. An authorized representative of the contracting entity shall approve this schedule of values within a reasonable period of time and prior to the performance of any extra work to the painting and decorating contract.
- 5.2.1.3. When the extra work is commenced, the painting and decorating contractor shall submit periodic listings of the labour, material, equipment, subcontractors, and associated costs expended for verification. This submission should be made daily unless the painting and decorating contractor and the contracting entity agree to a different frequency of submission and verification. If the contracting entity disputes any item on the submitted list, it shall notify the painting and decorating contractor of such dispute promptly.
- 5.2.1.4. After extra work to the painting and decorating contract has been performed on a time and material basis, the painting and decorating contractor shall submit an invoice based on the schedule of values previously submitted and approved.

5.2.2. Lump sum basis:

- 5.2.2.1. The painting and decorating contractor shall submit to the contracting entity a specified monetary amount for the performance of extra work to the painting and decorating contract.
- 5.2.2.2. Upon receiving a change order and/or authorization to proceed from the contracting entity, the painting and decorating contractor will proceed with the extra work.

5.2.3. Unit price basis:

5.2.3.1. The schedule of unit prices submitted by the painting and decorating contractor as described in paragraph 5.1.3.1 shall be approved by an authorized representative of the contracting entity prior to the performance of any extra work to the painting and decorating contract. In the absence of a response from the contracting entity within a reasonable period of time, the schedule of unit prices submitted shall be deemed to be acceptable and approved.

5.2.3.2. After the performance of extra work to the painting and decorating contract that has been performed on a unit price basis, the painting and decorating contractor shall submit an invoice based on the schedule of unit prices previously submitted and approved and the quantity of work items calculated in accordance with paragraph 5.1.3.4.

5.2.3.3. Unit prices are based on certain assumptions such as minimum quantities, normal accessibility, proximity of work items, etc. and therefore may not be applicable to a particular extra work situation. If the painting and decorating contractor determines that the unit prices submitted are not valid for proposed extra work, then the extra work shall be performed on either a lump sum or a time and material basis.

5.3. The contracting entity must indicate to the painting and decorating contractor which persons are eligible to authorize the performance of extra work to the painting and decorating contract.

6. Comments

6.1. This standard establishes criteria for the valuation of extra work to a painting and decorating contract.

6.2. This standard establishes responsibilities for the painting and decorating contractor and the contracting entity when extra work to a painting and decorating contract is performed.

6.3. This standard applies to disputed extra work to a painting and decorating contract.

6.4. This standard is intended to establish a consensus document for the painting and decorating industry's practices.

7. Notes

7.1. PDA does not warrant or assume any legal liability or responsibility for the accuracy, completeness, or usefulness of any of the information contained herein.