

107-C-262 OPENING SECTIONS OF PROJECT TO TRAFFIC

(Adopted 11-14-18)

The Standard Specifications are revised as follows:

SECTION 107, BEGIN LINE 631, DELETE AND INSERT AS FOLLOWS:

On those portions of an incomplete contract that have been ordered opened to traffic or are constructed under traffic and the contract time has not yet expired, the Department will assume the responsibility for repairs of damages resulting directly from traffic, ~~except as set out in 402.12 and 801.18~~, provided that such damage is not the direct or indirect result of the operations of the Contractor and provided the Contractor is unable to collect damages from the responsible party or parties. *The Department will only assume such responsibility*

- (a) if the Contractor documents those damages with all available information, including but not limited to photos and investigative materials, and*
- (b) if the Contractor preserves all documentation, evidence, photos and information regarding the nature, extent and cause of such damage.*

Also, the Department will only assume such responsibility if, within 90 days from the date such damage is discovered by the Contractor or the Contractor receives notice of that damage, whichever is earlier,

- (a) the Contractor demonstrates to the Department that despite its good faith, vigorous efforts, it has been unable to collect those damages from the responsible party or parties, and*
- (b) the Contractor provides to the Department all documentation, evidence, photos and information regarding the nature, extent and cause of such damage.*
