

## 108-C-260 CONTRACT PROSECUTION AND PROGRESS

*(Revised 09-20-18)*

The Standard Specifications are revised as follows:

SECTION 108, AFTER LINE 15, INSERT AS FOLLOWS:

*Unless the Department provides written consent, the Contractor shall not be entitled to any payment for subcontracted work or materials unless it is performed or supplied by a subcontractor approved on the contract prior to the work being performed.*

The minimum wage for labor as stated in the Proposal book shall apply to all labor performed on all work sublet, assigned, or otherwise disposed of in any way.

SECTION 108, BEGIN LINE 387, DELETE AND INSERT AS FOLLOWS:

- (b) If intermediate completion times are specified, unless otherwise determined, an increase in quantities will not increase the time specified.

If an intermediate completion time is specified for road closure or restriction, the first day or portion thereof of the closure or restriction will constitute the first chargeable day. The date the road is opened to unrestricted traffic will ~~not~~ be counted as a chargeable day, regardless of the time of day when the roadway is opened. Open to unrestricted traffic shall be as defined in 101.33. Temporary pavement marking materials in accordance with 801.12 shall be placed if the final marking materials cannot be placed in accordance with 808.07(b).

SECTION 108, BEGIN LINE 614, DELETE AND INSERT AS FOLLOWS:

**108.09 Failure to Complete on Time**

For each calendar day ~~or work day~~, as specified, that work shall remain incomplete during the months of April through November inclusive, after the control time specified for the completion of the work provided for in the contract, the sum specified in the schedule below will be deducted, as liquidated damages, from any money due the Contractor. Account will be taken of adjustment of the contract time for completion of the work granted in accordance with 108.08. ~~Work days or e~~Calendar days will not be charged while waiting for final inspection as defined in 105.15 provided all contract work has been satisfactorily completed. However, five work days will be allowed after notification from the Department to complete all corrective or clean up work necessary for final inspection. Thereafter, time will be charged for each day the work remains uncompleted. Further, ~~five~~10 calendar days will be allowed after notification by the Department to remove all construction signs and temporary traffic control devices. Thereafter, time will be charged for each day the signs and devices remain.

For each calendar day ~~or work day~~, as specified, that any work shall remain incomplete during the months of December through March inclusive, liquidated damages will be deducted. However, when the project is open ~~to traffic, or safely modified to accommodate traffic~~ for its intended purpose or modified for safe use, liquidated damages will not be deducted, and payment for the field office and field laboratory, if set out as a pay item in the itemized proposal, will not be made. ~~For these purposes, open to traffic~~

~~will be considered as all pavement lanes open to unrestricted and safe travel~~ *Intended purpose will include all pavement lanes, sidewalks, trails, drainage features, and all safety appurtenances.* The Contractor may be required to make temporary repairs to the pavement or structures. Liquidated damages will be assessed until temporary repairs are made. No payment will be made for such temporary repairs.

SECTION 108, BEGIN LINE 650, DELETE AND INSERT AS FOLLOWS:

**Schedule of Liquidated Damages for  
Each Day of Overrun in Contract Time**

<u>Original Contract Amount</u>		<u>Daily Charge</u>	
<u>From More Than</u>	<u>To and Including</u>	<u>Calendar Day or Fixed Date</u>	<u>Work Day</u>
\$0	\$500,000	\$500.00	\$700.00
500,000	±2,000,000	1,000.00	800.00
±2,000,000	5,000,000	1,500.00	1,100.00
5,000,000	10,000,000	2,000.00	2,000.00
10,000,000	and higher	2,2500.00	3,000.00

When the contract time is on either the calendar day or fixed calendar date basis, the schedule for calendar days shall be used. ~~When the contract time is on a work day basis, the schedule for work days shall be used.~~