
Special Provision to Item 8

Prosecution and Progress



Item 8, "Prosecution and Progress" of the Standard Specifications is amended with respect to the clauses cited below. No other clauses or requirements of this Item are waived or changed.

This item is supplemented by the following:

9. **No Excuse Incentive for Substantial Completion of Work Ahead of Time.** This special provision is for the application of incentives for the substantial completion, as determined by the Engineer, of the project under the number of working days stipulated in the Contract. Substantial completion is defined as occurring when:
- all project work (or the work for a specified phase of the project) requiring lane or shoulder closures or obstructions is completed, and traffic is following the lane arrangement as shown on the plans for the finished roadway (or the specified phase of work);
 - all pavement construction, resurfacing, traffic control devices, and pavement markings will be in their final position (or as called for on the plans for the specified phase of work) at this time. (The Engineer may make an exception for permanent pavement markings provided the lack of markings does not cause a disruption to traffic flow or an unsafe condition for the traveling public, and work zone pavement markings are in place.)

- 9.1. **Incentives.** When shown on the plans in accordance with the contract, the Department will pay an incentive for each working day the work is substantially completed under the number of working days stipulated in the Contract. The maximum number of working days used in computing the credit will be shown in the Contract. The amount of the credit will be added to money due or to become due the Contractor.

A credit for substantial completion of a milestone of the project may be provided for if shown in the Contract. The maximum number of working days used in computing this credit will also be shown in the Contract.

The incentive will be based on the original contract days allowed to complete the work. Time charges for the completion incentive will not be adjusted for weather, weekends, holidays, suspension of contract time; unforeseen utility, right of way, or railroad issues, special venue event traffic accommodations, or any other unforeseeable event not under the control of the Department.

Time charges for the completion incentive may be adjusted by the Engineer when:

- work, under the control of the Department such as extension of limits or changes in scope not related to the issues in the previous paragraph, is added that changes the duration of the overall Contract or milestone in accordance with the schedule required to meet Article 8.1, "Prosecution of Work."
- catastrophic events occur such as a declared state of emergency or natural disaster, if the event directly affects the Contractor's operations as determined by the Engineer.