

SPECIAL PROVISIONS
INCENTIVE/DISINCENTIVE

**INCENTIVE/DISINCENTIVE
FOR PROJECT COMPLETION**

DESCRIPTION. It is the intent of the Administration to complete construction as quickly as possible and minimize the time period when the structure is closed to traffic. For this reason, an incentive/disincentive has been included as part of this Contract. The Contractor is alerted that time is of the essence in performing work on this Contract. The Contractor will have a specific time period, as specified herein, in which to have the structure completely closed to all traffic then restore it to its present lane configuration. Upon issuance of the Notice to Proceed, the Contractor is expected to begin work immediately, including the timely establishment of the Engineer's Office. In order to keep the total closure of the bridge to an absolute minimum, the Contractor will be allowed temporary lane closures prior to the total bridge closure to accomplish the placement of the abutment piling. The restrictions for this work are detailed elsewhere in this Invitation for Bids.

NOTICE TO PROCEED. It is anticipated that the Notice to Proceed for this Contract will be issued on or before January 26, 2009. If the Notice to Proceed date is beyond the January 26, 2009 date, then the calendar completion date of October 31, 2009 for the project will be adjusted forward accordingly on a day for day basis. Regardless of the Notice to Proceed date, the Total Bridge Closure Dates will remain unchanged. Therefore; the Contractor who is the apparent low bidder on the Contract, shall make every effort to submit their paperwork in a timely manner so that the Notice to Proceed date can be met or accelerated. The Contractor's schedule for the project shall ensure a continuous operation without interruptions except for designated holidays.

In an effort to avoid unnecessary delays to the traveling public, the Contractor shall complete the following work prior to being granted permission to have a full closure of the road to traffic:

- (a) All detour signing shall be in place and covered ready for use.
- (b) All perimeter sediment and erosion controls shall be in place to the fullest possible extent.
- (c) All required equipment and materials shall be at a nearby staging area and be ready for use.
- (d) All abutment pipe piles shall be driven to an acceptable bearing, surveyed for exact location, and covered with hot mix asphalt.
- (e) Trash clean up of Ridge Road shall be performed at least once.
- (f) All prefabricated elements i.e. precast abutment caps (or prefabricated reinforcing cages for the cast-in-place concrete option), prestressed slabs, etc. shall be completed at the producer's location and ready for shipping.
- (g) Have a detailed schedule of operations approved by the Engineer in writing. This schedule shall outline the exact sequence of construction and how the work will be completed to have the roadway open to traffic within the specified time period. The schedule shall include critical delivery dates for materials such as precast abutment caps (or prefabricated reinforcing cages for the cast-in-place concrete option), precast concrete slabs, and reinforcing steel.

Note: The Contractor will be allowed to submit working drawings for review and approval prior to the Award and Notice to Proceed to expedite the fabrication of the above mentioned elements.

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DEFINITIONS.

Roadway Open to Traffic. For incentive/disincentive purposes, Roadway Open to Traffic will be when conditions (a) thru (d) are met:

- (a) All lanes of MD 362 are open to vehicular traffic. Lane locations are in their final configuration.
- (b) Completion of bridge curbs and railings.
- (c) Completion of all approach roadway paving and installation of lane markings on the bridge and approach roadways.
- (d) Installation of all traffic barriers, including traffic barrier attachments at bridge railings and installation of all traffic barrier end treatments.

Completion of slope grading, landscaping, seeding and mulching, removal of sediment and erosion controls, final cleanup, and other construction operations that do not alter the final traffic configuration are not required to be complete to meet the requirements of the Roadway Open to Traffic definition.

To complete the project within the time allotted, it is expected that the Contractor provide multiple crews, work multiple shifts, work weekends, work overtime, or combinations thereof. Some of these options may be restricted as specified in the Work Restrictions for this Contract that is specified elsewhere in this Invitation for Bids.

All reductions and extensions of Contract duration will be made in conformance with the provisions of Section 109.

Total Bridge Closure Period. The Contractor will be provided an available Bridge Closure Period between June 28, 2009 and August 15, 2009 for 35 consecutive calendar days in which to meet all the requirements of Roadway Open to Traffic. The Bridge Closure Period begins the day the bridge on MD 362 is closed and traffic is detoured. The Bridge Closure Period ends the day the requirements of Roadway Open to Traffic are met. The Contractor is advised that restrictive work days do exist in the Contract as specified in 104.01 located elsewhere in this Invitation for Bids. The Bridge Closure Period will not be extended as a result of these restrictive work days.

Incentive. Provided that the conditions of Roadway Open to Traffic are met before the Total Bridge Closure Period equals 35 days, the Contractor will be paid an incentive of \$6,000.00 per day for every calendar day less than 35 days that the roadway is open to traffic. The Contractor may earn a daily incentive up to a maximum of 5 calendar days, for a maximum possible incentive of \$30,000.00. The incentive can be earned by either closing the roadway to traffic later than the June 28, 2009 date or opening the roadway to traffic prior to the August 15, 2009 date. No incentive will be paid after August 15, 2009 even if the Total Bridge Closure Period is less than 35 days.

Disincentive. As a disincentive, \$6,000.00 will be assessed for each calendar day beyond the 35th day that the Contractor maintains the Bridge Closure Period. Should the conditions of Roadway Open to Traffic not be met on or before August 15, 2009, a \$6,000.00 per day disincentive will be assessed starting August 16, 2009. The disincentive will be assessed starting on August 16, 2009 even if the Total Bridge Closure Period is 35 calendar days or less.

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The daily assessment of \$6,000.00 will be deducted from the Contractor's monthly billing and will continue until the Roadway Open to Traffic conditions are met. There is no maximum disincentive assessment.

Calendar Day. The calendar day will be from 6:00 AM to 6:00 AM. If the roadway is complete and open to traffic between midnight and 6:00 AM, the previous day will be used for purposes of calculating the incentive/disincentive. If the roadway is complete and open to traffic between the hours of 6:00 AM to midnight, the current day will apply.

PROJECT COMPLETION. The entire project shall be completed no later than October 31, 2009.

LIQUIDATED DAMAGES. The Disincentive amount does not include Liquidated Damages of \$680.00 per calendar day, which will be assessed after October 31, 2009. There is no maximum time limit or dollar amount for assessing Liquidated Damages. Liquidated Damages will be assessed starting on November 1, 2009. Should the Roadway Complete conditions still not be met, Liquidated Damages will be assessed in addition to the Disincentive assessment.

INCENTIVE/DISINCENTIVE SCHEDULE. The following table indicates the incentive or disincentive that will be paid based on the number of calendar days the Contractor maintains the Road Closure Period. The amounts shown do not include Liquidated Damages.

Calendar Day No.	Incentive/Disincentive Amount
29 or less	\$30,000.00
30	\$30,000.00
31	\$24,000.00
32	\$18,000.00
33	\$12,000.00
34	\$6,000.00
35	\$0.00
36	-\$6,000.00*

*A \$6,000.00 per day disincentive will be assessed starting on August 16, 2009 regardless of the number of calendar days used.