

VDOT GOVERNANCE DOCUMENT
EMERGENCY CONTRACT MANUAL
CONSTRUCTION DIVISION
FEBRUARY 2012

EMERGENCY CONTRACT MANUAL



© 2012, Commonwealth of Virginia
Virginia Department of Transportation

February, 2012

TABLE OF CONTENTS

Introduction	3
Requirements	5
Emergency Authorization Chart.....	6
District Advertised Emergency Contract.....	7
District Solicited Emergency Force Account.....	11
District Solicited Emergency Lump Sum Contract	14
Appendix A: Authorization of District Advertised Emergency Contract by Chief Engineer.....	18
Appendix B: Written Determination - District Advertised Emergency Contract....	19
Appendix C: Written Notice - District Advertised Emergency Contract.....	20
Appendix D: Authorization of District Solicited Emergency Force Account by Chief Engineer	21
Appendix E: Written Determination - District Solicited Emergency Force Account	22
Appendix F: Written Notice - District Solicited Emergency Force Account.....	23
Appendix G: Example of District Solicited Emergency Force Account Proposal/Contract	24
Appendix H: Authorization of District Solicited Emergency Lump Sum Contract by Chief Engineer.....	29
Appendix I: Written Determination – District Solicited Emergency Lump Sum Contract	30
Appendix J: Written Notice – District Solicited Emergency Lump Sum Contract .	31
Appendix K: Example of District Solicited Emergency Lump Sum Proposal/Contract	32
Appendix L: Example of Incentive/Disincentive Process.....	38

INTRODUCTION

The purpose of this manual is to present information and requirements on the process for contracting emergency repairs and permanent restoration. An emergency is an unexpected occurrence that demands immediate action. This can be described as work required to save lives, to protect or restore public health and safety, to protect property, to prevent additional damage, or work required to provide temporary facilities to restore essential public service. The complexity or quantity of emergency repair should be beyond the capabilities of the Residency to implement this process. Permanent restoration is the work required to rebuild a route or structure to its original condition.

The District Administrator has the authority to take immediate action necessary to stabilize the situation and make the facility safe for the public.

Once the roadway is stabilized and is safe to the traveling public, the District Administrator may proceed with permanent repairs using regular procurement processes.

Utilization of the Regular Advertisement Award Process (RAAP) or the Special Advertisement Award Process (SAAP) usually obtains the best value contracts. However, if the permanent repair must be done more expeditiously than the regular process would allow, the District may use the emergency procurement process.

Authorization is required from the Chief Engineer before proceeding with any of the listed emergency procurement methods:

District Advertised Emergency Contract
District Solicited Emergency Force Account
District Solicited Emergency Lump Sum Contract.

If the Chief Engineer does not concur with an emergency procurement, regular options must be used:

Regular Advertisement Award Process (RAAP)
Special Advertisement Award Process (SAAP)
State Forces or VDOT Directed Equipment with Operator.

Emergency Scenario

- On May 6 a Bridge on a primary route is completely washed out by flood waters.

The traffic is detoured 8 miles onto secondary routes. Detour routes are unequipped to maintain the increased traffic flow.

The District Administrator takes action to stabilize the condition. The District contacted Delta Contracting Inc. to install a Mabey Bridge to temporarily restore one lane of traffic.

This Contractor was chosen because that firm has the temporary bridge in their yard inventory and the expertise for the installation. A written determination of the basis for the emergency and for the selection of the particular contractor was written in accordance with § 2.2-4303 Code of Virginia. The regional signalization contract was used to install temporary signals to facilitate one-way traffic over the bridge. The Chief Engineer was informed of the District's action. The District Structure & Bridge office begins the design of the replacement structure.

The scale of this repair is too large to be a SAAP project. RAAP projects are submitted approximately 3 to 4 months prior to advertisement with an advertisement period of 4 to 6 weeks. The duration of the regular advertisement process exceeds an acceptable range for restoring capacity. Therefore it is decided to pursue a District advertised emergency contract for the permanent repair.

The District Administrator requested and received authorization from the Chief Engineer to rebuild the structure using the **District Advertised Emergency Contract**. The new bridge was designed and the bidding proposal was developed by the District. Five Contractors were contacted and invited to attend a project showing on June 15th. The plans and proposals were provided to each attendee. Three bids were received and opened on June 22nd. The bids and emergency contract assembly were forwarded to the Scheduling and Contract Division. The Scheduling and Contract Division notified the low bidder, Gamma Construction, Inc., to submit necessary bonds and certificate of insurance. The contract was signed by the Chief Engineer on June 25th. Then the District authorized Gamma Construction, Inc. to proceed. The new bridge was opened to traffic on September 15th.

Information or Assistance

For addition information or assistance, call Richard Britton (804)786-1262 or Ron Webb (804)786-2930 of the Scheduling and Contract Division.

REQUIREMENTS

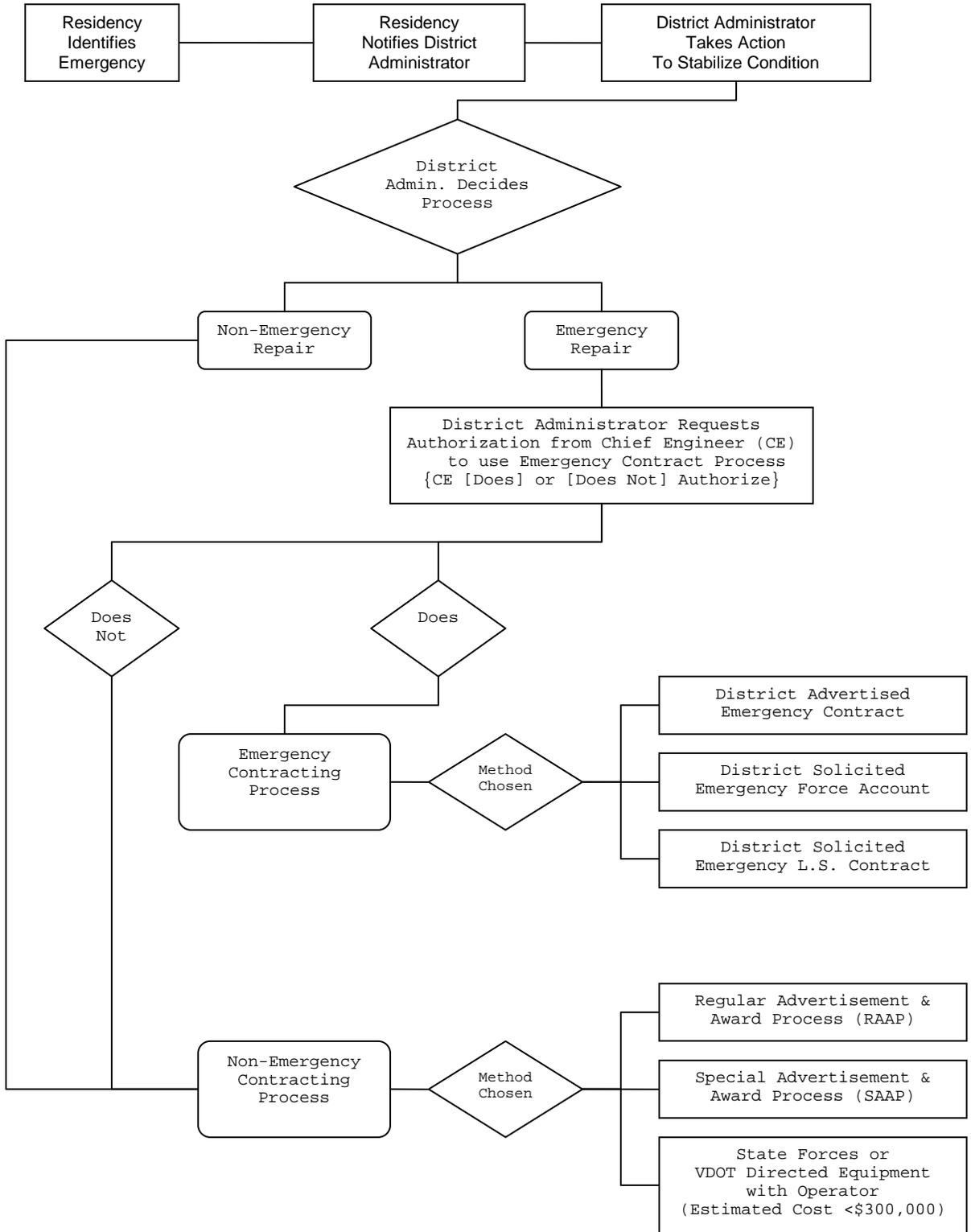
When an emergency occurs requiring repairs or permanent restoration there are certain steps that are required by the Code of Virginia.

The Code of Virginia, Section § 33.2-223, provides the Commissioner “...power to do all acts necessary or convenient for constructing, improving, and maintaining the roads embraced in the system of state highways...”. The authority to decide which circumstances warrant a declaration of ‘emergency’ and implementation of the Emergency Contract process is delegated to the Chief Engineer.

The Code of Virginia allows that “*In case of emergency, a contract may be awarded without competitive sealed bidding or competitive negotiation; however, such procurement shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file. The public body shall issue a written notice stating that the contract is being awarded on an emergency basis, and identifying that which is being procured, the contractor selected, and the date on which the contract was or will be awarded.*” (§ 2.2-4303 Code of Virginia)

The written notice will be posted by the Scheduling and Contract Division in the Central Office. It is recommended that the notice also be posted in a prominent place in the District Office for public viewing.

EMERGENCY AUTHORIZATION CHART



DISTRICT ADVERTISED EMERGENCY CONTRACT

Should the scope, complexity or quantity of emergency work be beyond the capabilities of the Residency, the District Administrator is required to secure authorization from the Chief Engineer to develop a proposal and solicit bids for a District Advertised Emergency Contract.

The following steps must be performed in emergency contract processing:

I. **Develop Plans or Detailed Drawings as applicable**

II. **Develop Bid Items, Estimated Quantities, and Unit Prices**

Bid Items & Quantities: Build the TRNS*PORT project components and print the Schedule of Items or price sheets in accordance with the PES Manual. Insert this schedule into the proposal prepared in Step III below.

Unit Price Estimate: The Engineers Estimate is defined as a classified document and is, by law, exempt from the Freedom of Information Act (§ 2.2-4342 Code of Virginia). It should be kept secure at all times.

The average price that is generated from TRNS*PORT may not be sufficient for emergency work. Develop unit prices which are qualitative and reflect the work and quantities involved. The Scheduling and Contract Division will assist in developing an estimated cost of the work.

Issues to consider when estimating bid item unit price:

- Emergency situation requiring quick response
- Difficulty of Work
- Limited Competition
- Equipment and Labor Required
- Crew Production Rate
- Source of Material (distance to project)

III. **Proposal Development**

Prepare the proposal in accordance with the Copied Note Special Provision Program (CNSP) located on Scheduling and Contract Division's server at [\\0501COCONST\Public\CNSP\](#). Select the folder entitled "Emergency Contract Forms and Copied Notes". Then select the applicable special provisions and copied notes. Generally emergency projects are paid by state funds. When Federal Funds are used, the proposal must include all appropriate Federal provisions. Below is a list of required provision:

- **SF001AF-0708 PREDETERMINED MINIMUM WAGE RATES**
- **SF010CF-0309 FHWA 1273, MEMORANDUM AND CFR CHANGE**
- **SF030AF-0708 AFFIRMATIVE ACTION(EXECUTIVE ORDER 11246)**
- **S102CF1-0309 USE OF DOMESTIC MATERIAL (if applicable)**

Also, include the required Forms C-104 and C-105 for Federally Funded projects. Form C-100 is used for State funded projects.

For addition information or assistance, call Richard Britton (804)786-1262 or Ron Webb (804)786-2930 of the Scheduling and Contract Division.

The proposal requires an Order Number and is supplied by the Emergency Contract Coordinator in Scheduling and Contract Division. Submit the proposal to Scheduling and Contract Division prior to advertisement for review.

Incentive and Disincentive

The liquidated damages chart in Section 108.12 of the Specification list a charge against the Contractor for each calendar day beyond the contract time in which the Contract remains in an is incomplete state. This amount may not be sufficient to encourage the Contractor to complete the contract on time. If this is the case, adding incentive and disincentive provision to the contract may be necessary.

An analysis establishing the road users cost impact is required to support the incentive and disincentive. This amount is inserted in the Incentive/Disincentive Special Provision Copied Note. An example of this process is in Appendix L.

IV. Bid Solicitation

Once the emergency contract proposal has been developed, the District establishes a date, time and location for a project showing and the date, time and location for submitting the bids. The District Administrator or designee shall solicit bids from three (3) or more prequalified contractors who have personnel and equipment available to perform the work. If there are no prequalified contractors available to perform the work, contact the Contract Engineer to waive this requirement. Prior to inviting the Contractors, the District ensures all contractors are prequalified. The location of the current list is at <http://www.virginiadot.org/business/resources/prequalified-list.pdf>. To increase competition, it is recommended to contact more than the minimum number. In order to expedite the process, contractors should be contacted by telephone to gauge interest and ensure that sufficient proposals are available at the project showing. A written determination of the basis for the emergency and for the selection of the Contractor is required in accordance to § 2.2-4303 Code of Virginia.

Due to the very limited audience and the very fast response time needed in an emergency situation, the project manager should answer all questions on emergency contracts. Ask the bidders to direct any questions to the project manager.

When revisions prior to receipt of bids are necessary the Form C-78 Acknowledgement of Revision is required. It is located at the following address: <http://insidevdot/C19/Forms/default.aspx?RootFolder=%2fC19%2fForms%2fDocument%20Library%2fScheduling%20and%20Contract&View=%7b7AEDB0A9%2dB005%2d4BF0%2dBE52%2d0CC2A5899F69%7d>. Include the completed Form C-78 along with revision that is submitted to each contractor. The contractors are required to submit it with their bid.

V. Receipt of Bids

The bids are to be opened and read publicly at the time and place specified. In accordance with § 33.2-1100 Code of Virginia, “Whenever the Commissioner or his designee publicly opens and announces all bids received for each invitation to bid, it shall be announced at the same time if the lowest read bid exceeds the maximum tolerance of the Department’s estimate for the work represented by that bid.” The maximum tolerance is the total of the construction estimate plus 7%. This total represents the bid items only. Do not include Construction Engineering and Contingency in the maximum tolerance.

If the low bid is higher than acceptable range of the Engineer’s Estimate, the District must make a recommendation to award or reject the bid. If the District recommends awarding a bid that is over the acceptable range, a written justification must be submitted to Scheduling and Contract Division. This justification should include an analysis comparing the bid versus the estimate on the items that has the greatest variation.

VI. Submission to Scheduling and Contract Division

As soon as possible submit the contract assembly, detailed below, to Scheduling and Contract Division for review, execution and distribution.

District Advertised Emergency Contract Assembly

Items for Submission to Scheduling and Contract Division

- Authorization of emergency contract by Chief Engineer (See Appendix A)
- Written determination in accordance with the Code of Virginia (See Appendix B)
 - ✓ Basis for the emergency –the circumstances making this an emergency
 - ✓ Basis for the selection of the Contractor
 - ✓ Contractors who were solicited
- Written notice of emergency procurement in accordance with the Code of Virginia (See Appendix C)
 - ✓ Statement that work is being awarded on an emergency basis
 - ✓ Location and work to be performed
 - ✓ The Contractor selected
- Certification of Environmental Permits, Right-of-Way and Utilities

- Project showing letter with minutes and attendance list
- All bids received
- Contract ID Number with TRNS*PORT files transferred to the Scheduling and Contract Division control group (CD)
- Award/Reject recommendation
- Written justification if low bid is above acceptable range of the Engineer's estimate
- Electronic copy of proposal (for certified copies)
- Statement saying funds are available based on the Contractor's bid

VII. Award

After reviewing the documentation, Scheduling and Contract Division enters Contractor's bid in TRNS*PORT. Scheduling and Contract Division performs a debarment review and ensures that low bidder is prequalified. The low bidder is requested to submit a certificate of insurance. Also payment & performance bonds are requested when required. The Division will ensure the bidders will not be awarded an unbonded contract when their bid plus the balance of other unbonded contracts exceeds \$250,000. The payment & performance bonds are reviewed by the prequalification office. This review includes ensuring the surety company is carrying a minimum "Best Rating of B+" and is authorized to do business in Virginia in accordance with the laws of Virginia.

Once the bonds and certificate of insurance is received and reviewed, Scheduling and Contract Division submits the proposal to the Chief Engineer for execution.

Scheduling and Contract Division notifies District of contract execution and posts the written notice in the Central Office.

District Administrator or designee authorizes the Contractor to proceed.

Scheduling and Contract Division distributes certified copies of the executed contract.

The tabulation of bids will be posted on the internet at:

<http://www.virginiadot.org/business/const/resources-bidtabsemrg.asp>

VIII. Payment

Payment will be made in accordance with current Department policy and accounting procedures. Progress estimate for payment should be based on project records kept by field personnel in accordance with the Road & Bridge Specifications and the Department's Construction Manual.

DISTRICT SOLICITED EMERGENCY FORCE ACCOUNT

This method is typically selected when one or more of the following scenarios exist:

- Scope of restoration is not completely known
- Realistic bid items cannot be completely established
- Completion time limit cannot be established
- Contractor risk cannot be kept to a minimum because there are too many unknowns
- Duration of the regular advertisement process exceeds an acceptable range for repair

Basically, VDOT will act as the superintendent directing and overseeing the repair work.

The District Administrator is required to secure authorization through the Chief Engineer to administer an Emergency Force Account Contract.

I. Proposal Development

Once emergency authorization has been issued by the Chief Engineer, the District Administrator or designee is to develop an Emergency Force Account Contract proposal. Describe the work to be performed with anticipated completion time frames. See Appendix G for an example. The Emergency Force Account Proposal and Contract Template is located on Scheduling and Contract Division's server at this address <\\0501coconst\public\Emergency Force Account>.

Generally emergency projects are paid by state funds. When Federal Funds are used, the proposal must include all appropriate Federal provisions. Below is a list of required provision:

- **SF001AF-0708 PREDETERMINED MINIMUM WAGE RATES**
- **SF010CF-0309 FHWA 1273, MEMORANDUM AND CFR CHANGE**
- **SF030AF-0708 AFFIRMATIVE ACTION(EXECUTIVE ORDER 11246)**
- **S102CF1-0309 USE OF DOMESTIC MATERIAL (if applicable)**

For addition information or assistance, call Richard Britton (804)786-1262 or Ron Webb (804)786-2930 of the Scheduling and Contract Division.

II. Solicitation of a Contractor

The District Administrator or designee is to contact only one (1) contractor who has the personnel and equipment available to perform the work. If the cost of the

anticipated work is over \$250,000, a payment and performance bonds are required. A written determination of the basis for the emergency and for the selection of the Contractor is required in accordance to § 2.2-4303 Code of Virginia.

The interested contractor is to complete the Emergency Force Account Proposal and Contract that list proposed personnel classifications, wages, equipment, and anticipated material. A Certificate of Insurance is required from the Contractor

Review the list of labor, equipment and mobilization cost to insure they are within an acceptable range. The Blue Book is a useful guide for verifying equipment rental rates. Ensure that the Contractor has signed the form and that a description of the work to be performed is included. Once the rates are determined to be acceptable, sign the Emergency Force Account Proposal and Contract.

III. Submission to Scheduling and Contract Division

As soon as possible submit the emergency force account assembly, itemized below, to Scheduling and Contract Division for review, execution and distribution.

District Solicited Emergency Force Account Assembly Items for Submission to Scheduling and Contract Division

- Authorization of emergency force account by Chief Engineer (See Appendix D)
- Written determination in accordance with the Code of Virginia (See Appendix E)
 - ✓ Basis for the emergency –the circumstances making this an emergency
 - ✓ Basis for the selection of the Contractor
 - ✓ Contractor(s) who were solicited
- Written notice of emergency procurement in accordance with the Code of Virginia (See Appendix F)
 - ✓ Statement that work is being awarded on an emergency basis
 - ✓ Location and work to be performed
 - ✓ The Contractor selected
- Emergency Force Account Proposal and Contract (See Appendix G)
- Certificate of Insurance from the Contractor (See Appendix G)
- Statement saying funds are available

IV. Award

After reviewing the documentation, Scheduling and Contract Division will submit the proposal to the Chief Engineer for execution.

Scheduling and Contract Division notifies District of contract execution and posts the written notice in the Central Office.

District Administrator or designee authorizes the Contractor to proceed.

Scheduling and Contract Division distributes certified copies of the executed contract.

District enters the Construction Contract into Financial Management System (FMSII)

V. Payment

Construction voucher is processed for payment.

DISTRICT SOLICITED EMERGENCY LUMP SUM CONTRACT

This method is rarely used and is selected in instances when the repair work duration is expected to be 2 or 3 weeks and no more than 30 days. This method is used when multiple restoration contracts may be required for multiple sites because of a major storm and there is not sufficient time or information to develop the proposal/plans and receive bids for an emergency contract. The procurement should be made with as much competition as is practicable.

The District Administrator is required to secure authorization through the Chief Engineer to administer a District Solicited Emergency Lump Sum Contract.

I. Engineer's Estimate Development

This process is the least economical of the 3 listed due to the risk that is involved in lump sum contracts. The contractor will likely submit a higher price for the work to cover any perceived or unknown risk. It is imperative to determine accurate quantities and a detailed cost estimate for each element of the lump sum work. It is difficult to analyze the Contractor's bid price without a realistic detailed estimate. Unit prices must be developed that are qualitative and reflect the work involved by considering the following:

- Emergency situation requiring quick response
- Difficulty of Work
- Limited Competition
- Equipment and Labor Required
- Crew Production Rate
- Source of Material (distance to project)

When requested Scheduling and Contract Division will assist in furnishing cost information.

This estimate must be entered into TRNS*PORT.

Example of “Lump Sum Cost Estimate”

Scope of Work	Quantity	Unit	Unit Price	Extension
Mobilization	1	LS	\$11,981.00	\$11,981.00
Remove debris, pipe and headwalls	1	LS	\$10,000.00	\$10,000.00
60' of double line 48" metal pipe	120	LF	\$75.00	\$9,000.00
Head Walls	2	EA	\$5,000.00	\$10,000.00
Replace fill material with VDOT approved material	1157	CY	\$30.00	\$34,710.00
Place aggregate No. 21B (6" Depth)	110	Ton	\$30.00	\$3,300.00
Place Asphalt Concrete BM-25.0 (4" Depth)	528	Ton	\$100.00	\$52,800.00
Place Asphalt Concrete SM-9.5A (165 #/S.Y.)	25	Ton	\$200.00	\$5,000.00
Subtotal				\$136,791.00
Profit/Markup			10%	\$13,679.10
Total LS Cost Estimate				\$150,470.10

II. Proposal Development

Once emergency authorization has been issued by the Chief Engineer, the District Administrator or designee will develop a District Solicited Emergency Lump Sum Contract proposal.

Defining the appropriate scope of work is critical in developing a lump sum contract proposal. The proposal must describe the scope of work to be performed and the completion time limit. As previously mentioned, the time limit should generally be 2 or 3 weeks and no more than 30 days. The repair is required to be performed using the current Road and Bridge Specification, Road and Bridge Standards, Virginia Work Area Protection Area Manual and any other required documents. See Appendix K for an example.

Generally emergency projects are paid by state funds. When Federal Funds are used, the proposal must include all appropriate Federal provisions. Below is a list of required provision:

- **SF001AF-0708 PREDETERMINED MINIMUM WAGE RATES**
- **SF010CF-0309 FHWA 1273, MEMORANDUM AND CFR CHANGE**
- **SF030AF-0708 AFFIRMATIVE ACTION(EXECUTIVE ORDER 11246)**
- **S102CF1-0309 USE OF DOMESTIC MATERIAL (if applicable)**

Also, include the required Forms C-104 and C-105 for Federally Funded projects. Form C-100 is used for State funded projects.

The proposal requires an Order Number and is supplied by the Emergency Contract Coordinator in Scheduling and Contract Division. Submit the proposal to Scheduling and Contract Division prior to advertisement for review.

For addition information or assistance, call Richard Britton (804)786-1262 or Ron Webb (804)786-2930 of the Scheduling and Contract Division.

The Emergency Lump Sum Proposal & Contract template is located on Scheduling and Contract Division's server at this address:

<\\0501coconst\Public\Emergency Lump Sum Proposal Contract>

Incentive and Disincentive

The liquidated damages chart in Section 108.12 of the Specification list a charge against the Contractor for each calendar day beyond the contract time in which the Contract remains in an is incomplete state. This amount may not be sufficient to encourage the Contractor to complete the contract on time. If this is the case, adding incentive and disincentive provision to the contract may be necessary.

An analysis establishing the road users cost impact is required to support the incentive and disincentive. This amount is inserted in the Incentive/Disincentive Special Provision Copied Note. An example of this process is in Appendix L.

III. Solicitation of one or more Bids

Once the emergency contract proposal has been developed, contact as many Contractors as practicable who have the personnel and equipment available to perform the work. Request that interested contractor(s) attend the onsite project showing. Ask the Contractor(s) to submit a bid price for the work on the established time and date the bid is expected. A Certificate of Insurance is required from the Contractor. As previously mentioned, the procurement solicitation shall be as competitive as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor is required in accordance to § 2.2-4303 Code of Virginia.

IV. Receipt of Bid(s)

The bids are to be opened and read publicly at the time and place specified. In accordance with § 33.2-1100 Code of Virginia, "Whenever the Commissioner or his designee publicly opens and announces all bids received for each invitation to bid, it shall be announced at the same time if the lowest read bid exceeds the maximum tolerance of the Department's estimate for the work represented by that bid." The maximum tolerance is the lump sum estimate plus 7%.

Analyze the bid in comparison with the estimate once the bid has been submitted. Submit the proposal to Scheduling & Contract Division for award. A proposal guaranty (Form C-24) is required if the bid is greater than \$250,000.

If the low bid is higher than acceptable range of the Engineer's Estimate, the District must make a recommendation to award or reject the bid. If the District recommends awarding a bid that is over the acceptable range, a written justification must be submitted to Scheduling and Contract Division. This justification should include an analysis comparing the bid versus the estimate.

V. Submission to Scheduling and Contract Division

As soon as possible submit the contract assembly, detailed below, to Scheduling and Contract Division for review, execution and distribution.

Emergency LS Contract Assembly

Items for Submission to Scheduling and Contract Division

- Authorization of emergency lump sum contract by Chief Engineer (See Appendix H)
- Written determination in accordance with the Code of Virginia (See Appendix I)
 - ✓ Basis for the emergency –the circumstances making this an emergency
 - ✓ Basis for the selection of the particular contractor
 - ✓ Contractors who were solicited
- Written notice of emergency procurement in accordance with the Code of Virginia (See Appendix J)
 - ✓ Statement that work is being awarded on an emergency basis
 - ✓ Location and work to be performed
 - ✓ The contractor selected
- Certification of Environmental Permits, Right-of-Way and Utilities
- Project showing letter with minutes and attendance list
- All bids received (See Appendix K)
- Detailed cost estimate
- Award/Reject recommendation
- Written justification if low bid is above acceptable range of the Engineer's estimate
- Statement saying funds are available based on the Contractor's bid

VI. Award

After reviewing the documentation, Scheduling and Contract Division will submit the proposal to the Chief Engineer for execution. A Certificate of Insurance is required from the Contractor. The Contractor is required to submit a payment bond and a performance bond if the bid is greater than \$250,000.

Scheduling and Contract Division notifies District of executed contract and posts the written notice in the Central Office.

District Administrator or designee authorizes the Contractor to proceed.

Scheduling and Contract Division distributes certified copies of the executed contract.

District enters the Construction Contract into Financial Management System (FMSII)

VII. Payment

Construction voucher is processed for payment.

AUTHORIZATION OF DISTRICT ADVERTISED EMERGENCY CONTRACT by CHIEF ENGINEER

-----Original Message-----

From: Chief Engineer
Sent: Friday, September 17, 1999 2:30 PM
To: District Administrator
Cc: Division Administrator of Asset Management Division; Construction Engineer
Subject: RE: Emergency Restoration Contract (Route 777 – Alpha County)

I concur that the work on Route 777 should be done under the emergency contracting procedures.

Please coordinate through the Construction Engineer's office.

-----Original Message-----

From: District Administrator
Sent: Friday, September 17, 1999 1:52 PM
To: Chief Engineer
Cc: Division Administrator of Asset Management Division; Construction Engineer
Subject: Emergency Restoration Contract (Route 777 Alpha County)

As a result of flood damage from Hurricane Floyd, the bridge on Route 777 over Beaverdam Creek (0.5 Mi. E. of Route 776) in Alpha County is closed to traffic. The bridge and abutments were damaged during the storm and the bridge would have to be completely rebuilt. A box culvert is to replace the damaged bridge. The District's Environmental Section assessment determined that this work could be performed under a Nationwide Permit. All of this work will be within the existing right of way. The estimated cost of the project is \$190,000.

This is a school bus route and constructing a box culvert will take less time than building a new bridge. I feel it is critical to perform this work as soon as possible to reduce the impact on adjacent properties and most importantly repair the roadway section to prevent further erosion of the roadway. I am requesting authorization to make these repairs under the District advertised emergency contract process.

We are prepared to proceed with a District advertised emergency contract pending your authorization.

District Administrator



COMMONWEALTH OF VIRGINIA

DEPARTMENT OF TRANSPORTATION

1401 EAST BROAD STREET
RICHMOND, VA 23219-1939

COMMISSIONER

DISTRICT ADMINISTRATOR

**Written Determination
Emergency Contract**

September 30, 1999

Emergency Bridge Replacement with Concrete Box Culvert
Route 777 over Beaverdam Creek (0.5 Mi. E. of Route 776)
Alpha County
Project No.: M400BRB777
Order No.: E07

As a result of flood damage from Hurricane Floyd, emergency repairs are required for the above referenced project. A box culvert is to replace the damaged bridge. The roadway approaches are to be restored to pre-flood conditions. This contract is being awarded on an emergency basis.

The five contractors that were solicited for bids on this project are listed below.

Alpha Excavating Co., Inc.
Beta Construction, Inc.
Gamma Construction, Inc.
Delta Contracting, Inc.
Omega Excavating and Hauling Co.

The following three contractors submitted bids on this project September 30, 1999:

Gamma Construction, Inc.
Delta Contracting, Inc.
Omega Excavating and Hauling Co.

Omega Excavating and Hauling Co., of Epsilon, Va. was the low bidder. This contract will be effective when signed by the Chief Engineer.

District Maintenance Engineer



COMMONWEALTH OF VIRGINIA

DEPARTMENT OF TRANSPORTATION

1401 EAST BROAD STREET
RICHMOND, VA 23219-1939

COMMISSIONER

DISTRICT ADMINISTRATOR

**WRITTEN NOTICE
OF
EMERGENCY CONTRACT**

As a result of flood damage from Hurricane Floyd, emergency repairs are required to replace the damaged bridge with a box culvert. The roadway approaches are to be restored to pre-flood conditions. This contract is being awarded on an emergency basis.

Order No.: E07
Route: 777
Project No.: M400BRB777
Location: Route 777 over Beaverdam Creek (0.5 Mi. E. of Route 776)
County: Alpha
Contractor: Omega Excavating and Hauling Co.
Amount: \$198,053.00

Date Awarded: (to be filled in by Scheduling and Contract Division)

District Maintenance Engineer

**AUTHORIZATION OF DISTRICT SOLICITED
EMERGENCY FORCE ACCOUNT
by CHIEF ENGINEER**

-----Original Message-----

From: Chief Engineer.
Sent: Friday, March 17, 2000 1:30 PM
To: District Administrator
Cc: Division Administrator of Asset Management Division; Construction Engineer
Subject: RE: Emergency Clean up (Routes I-95 & 777 – Alpha County)

I concur that the work on Route I-95 should be done under the emergency force account procedures.

Please coordinate through the Construction Engineer's office.

-----Original Message-----

From: District Administrator
Sent: Friday, March 17, 2000 11:52 AM
To: Chief Engineer.
Cc: Division Administrator of Asset Management Division, Construction Engineer
Subject: Emergency Clean up (Routes I-95 & 777 Alpha County)

As we discussed by phone this morning, two trucks collided and caught fire under a bridge on I-95. Because of extensive smoke damage, it is unclear of the full scope of restoration required. At this point the extent of repair includes cleaning of bridge, shotcrete repair, and beam repair. Traffic on Route 777 over I-95 has been restricted to one lane in each direction. I am requesting authorization to make these repairs under the emergency force account basis as soon as possible. We estimate this to cost approximately \$150,000.

We are prepared to proceed with an emergency force account pending your authorization.

District Administrator



COMMONWEALTH OF VIRGINIA

DEPARTMENT OF TRANSPORTATION

1401 EAST BROAD STREET
RICHMOND, VA 23219-1939

COMMISSIONER

DISTRICT ADMINISTRATOR

**Written Determination
Emergency Force Account**

March 17, 2000

Route I-95 at Route 777
Alpha County

Friday morning March 17, 2000, two trucks collided and caught fire under a bridge on I-95. The structure received extensive smoke damage and it is unclear of the full scope of restoration required. At this point the extent of repair includes cleaning of bridge, shotcrete repair, and beam repair. This work is being awarded on an emergency force account basis.

Delta Contracting Inc. was contacted and was not interested in the work. Then Gamma Construction, Inc. was contacted and agreed to submit cost for labor and equipment that would be necessary to perform this work:

Gamma Construction, Inc. of Epsilon, Va. was solicited due to their close proximity to the site and the availability of personnel and equipment to perform the work.

District Maintenance Engineer



COMMONWEALTH OF VIRGINIA

DEPARTMENT OF TRANSPORTATION

1401 EAST BROAD STREET
RICHMOND, VA 23219-1939

COMMISSIONER

DISTRICT ADMINISTRATOR

**WRITTEN NOTICE
OF
EMERGENCY FORCE ACCOUNT**

Friday morning March 17, 2000, two trucks collided and caught fire under a bridge on I-95. The structure received extensive smoke damage along with beam and concrete damage. An emergency force account contract is awarded to clean the bridge, repair the steel beam and repair substructure concrete.

Route: I-95
Location: Route 777 over I-95
County: Alpha
Contractor: Gamma Construction, Inc. of Epsilon, VA.

Date Awarded: (to be filled in by Scheduling and Contract Division)

District Maintenance Engineer

Example of District Solicited Force Account Contract

Form C-7FA
9-19-06

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF TRANSPORTATION
TERMS OF THE PROPOSAL\CONTRACT
EMERGENCY FORCE ACCOUNT

Date Submitted:
Submitted To: Virginia Department of Transportation

PROJECT NUMBER: Route 777 over I-95

ROUTE NUMBER: Route 777

FHWA NUMBER: None

DESCRIPTION: Clean Smoke Residue, Repair Substructure and Steel Beam
FROM: Route 777 over I-95
TO:

DISTRICT: RICHMOND COUNTY: ALPHA

This contract shall be constructed in accordance with: the plans, if applicable; the Virginia Department of Transportation Road and Bridge Specifications, dated 2002; and Road and Bridge Standards, dated February 1, 2001; the Virginia Work Area Protection Manual, dated May 2005. Payment of work will be performed in accordance with Section 109.05 - Extra and Force Account Work of the Specifications.

I/We declare that no other person, firm or corporation is interested in this proposal; that I/We have carefully examined the plans, if applicable, general provisions and special provisions, of which are included in the contract documents, and thoroughly understand the contents thereof; that any quantities shown herewith are a part of this proposal; that any quantities shown herewith are approximate only; that I/We agree to enter into a contract with the Virginia Department of Transportation for construction of the work as set forth herein, to start work within 24 hours of notification of the contract execution or as excepted by other contract language permitted by project specifications, and to complete all work within the time limit, if applicable, set forth in the contract which is: _____

(Names of Individual(S), Firm(S) Or Corporation) BY: Signature/Title

Street Address City State Zip Code Vendor#/Fin#

In consideration of the commitments made as shown herein, the Commonwealth of Virginia by The Commonwealth Transportation Commissioner agrees to pay for all items of work performed and materials furnished at the rate established in the emergency force account documentation and under the conditions set forth in this proposal, in witnessed by the affixing of the name below.

DEPARTMENT ACCEPTANCE DATE By

CHIEF ENGINEER
VIRGINIA DEPARTMENT OF TRANSPORTATION

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF TRANSPORTATION

EMERGENCY FORCE ACCOUNT

Route 777 County Alpha FHWA None

Project Route 777 over I-95

Contractor Gamma Construction, Inc.

To proceed with the following work on a Force Account basis in accordance with the General Specifications and Special Provisions for this Project and additional Special Provisions attached hereto.

Clean Smoke Residue, Repair Substructure and Steel Beam

LABOR CLASSIFICATIONS INVOLVED (Show maximum hourly rate agreed upon for each classification)
(See page 3)

MATERIAL INVOLVED (Contractor to be reimbursed for actual cost, plus percentage in accordance with the Specifications)

EQUIPMENT INVOLVED (See page 4)

I/We _____ hereby agree to perform the work as outlined above.
Name of Contractor

Officer of the Firm _____
Signature Title Date

RECOMMENDED FOR APPROVAL	
Resident Administrator / District Administrator	Date

- Copy - Construction Engineer
- Fiscal Manager
- District Administrator
- Resident Engineer
- Inspector
- Contractor

(Continued)

ORDER NO.:

**COMMONWEALTH OF VIRGINIA
VIRGINIA DEPARTMENT OF TRANSPORTATION**

CERTIFICATE OF INSURANCE

This form must be completed and returned with in 15 days of notification of contract award to:
Don E. Silies, Contract Engineer
Virginia Department of Transportation
1401 E. Broad Street, Richmond, VA 23219

This is to Certify that the _____
Insurance Company

Assured _____
Company

Address _____
Street City/County State Zip Code

Policies of Insurance Described as Follows:

Kind of Policy	Workmen's Compensation	Bodily Injury Liability and Property Damage Liability
Policy Number		
Effective Dates	From: To:	From: To:
Limits of Compensation	Provided by Workmen's Compensation Laws of Commonwealth of Virginia	Each Person: \$ _____ Aggregate: \$ _____
Exact Location Covered		
Classification of Work Covered (detail)		

This Certificate is issued at the request of the Virginia Department of Transportation, 1401 E. Broad Street, Richmond, Va. 23219, to whom we will give written notice of cancellation, renewal or expiration of the above policy or policies.

Dated at _____
City/County State Agency

on the _____ of _____
Day Month Year By: _____
Authorized Representative

AUTHORIZATION OF DISTRICT SOLICITED EMERGENCY LUMP SUM CONTRACT by CHIEF ENGINEER

-----Original Message-----

From: Chief Engineer
Sent: Tuesday, September 5, 2006 2:30 PM
To: District Maintenance Engineer
Cc: Division Administrator of Asset Management Division; Construction Engineer
Subject: RE: Emergency Restoration Contract (Route 798 – Alpha County)

I concur that the work on Route 798 should be done under the emergency lump sum contracting procedures.

Please coordinate through the Construction Engineer's office.

-----Original Message-----

From: District Maintenance Engineer
Sent: Tuesday, September 5, 2006 1:52 PM
To: Chief Engineer
Cc: Division Administrator of Asset Management Division; Construction Engineer
Subject: Emergency Restoration Contract (Route 798 Alpha County)

As a result of flood damage from a tropical storm, the roadway was completely washed out on Route 798 over Beaverdam Creek (0.5 Mi. E. of Route 776) in Alpha County. The replacement of the double line of 48" pipe along with embankment and pavement structure is required. All of this work will be within the existing right of way. The estimated cost of the project is \$150,000.

There is a 6 mile detour as a result of this damage. It is critical to perform this work as soon as possible to reduce the impact on adjacent properties. I am requesting authorization to make these repairs under the emergency lump sum contract process.

We are prepared to proceed with an emergency lump sum contract pending your authorization.

District Maintenance Engineer



COMMONWEALTH OF VIRGINIA

DEPARTMENT OF TRANSPORTATION

1401 EAST BROAD STREET
RICHMOND, VA 23219-1939

COMMISSIONER

DISTRICT ADMINISTRATOR

**Written Determination
District Emergency Lump Sum Contract**

September 12, 2006

Route 798 over Beaverdam Creek (0.5 Mi. E. of Route 776)
Alpha County

As a result of flood damage from a tropical storm, the roadway was completely washed out on Route 798 over Beaverdam Creek (0.5 Mi. E. of Route 776) in Alpha County. The replacement of the double line of 48" pipe along with embankment and pavement structure is required. This contract is being awarded on an emergency basis.

Two contractors that were solicited for bids on this project are listed below.

Alpha Excavating Co., Inc.
Beta Construction, Inc.

The following 2 contractors submitted bids on this project September 12, 2006:

Alpha Excavating Co., Inc.
Beta Construction, Inc

Beta Construction, Inc., of Epsilon, Va. was the low bidder. This contract will be effective when signed by the Chief Engineer.

District Maintenance Engineer



COMMONWEALTH OF VIRGINIA

DEPARTMENT OF TRANSPORTATION

1401 EAST BROAD STREET
RICHMOND, VA 23219-1939

COMMISSIONER

DISTRICT ADMINISTRATOR

**WRITTEN NOTICE
OF
EMERGENCY CONTRACT**

As a result of flood damage from a tropical storm, the roadway was completely washed out on Route 798 over Beaverdam Creek (0.5 Mi. E. of Route 776) in Alpha County. The replacement of the double line of 48" pipe along with embankment and pavement structure is required. This contract is being awarded on an emergency basis.

Route: 798
Project No.: M400BRB777
Location: Route 798 over Beaverdam Creek (0.5 Mi. E. of Route 776)
County: Alpha
Contractor: Beta Construction, Inc.
Amount: \$158,025.00

Date Awarded: (to be filled in by Scheduling and Contract Division)

District Maintenance Engineer

Example of District Solicited L.S. Contract

Form C-6ec
Rev. 3-22-05

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF TRANSPORTATION

ROUTE NUMBER: 798

FHWA NUMBER: NONE

PROJECT NUMBER: DR-4A-06

COUNTY: ALPHA

DISTRICT: RICHMOND



BID PROPOSAL AND CONTRACT
EMERGENCY CONTRACT

DESCRIPTION: Replace Double line 48" pipe, Restore Embankment & Pave. Structure

FROM: Route 798 over Beaverdam Cr.(0.5 Mi.E.Route 776)

TO:

DATE BID SUBMITTED: September 12, 2006

TERMS OF THE PROPOSAL\CONTRACT
COMMONWEALTH OF VIRGINIA
DEPARTMENT OF TRANSPORTATION
SUBMITTED: September 12, 2006

PROJECT NUMBER: DR-4A-06

ROUTE NUMBER: 798
FHWA NUMBER: None

DESCRIPTION: Replace Double Line 48" pipe, Restore Embankment & Pave. Structure

FROM: Route 798 over Beaverdam Cr.(0.5 Mi.E.Route 776)
TO:

DISTRICT: Richmond COUNTY: Alpha

I/we declare that no other person, firm or corporation is interested in this proposal; that I/we have carefully examined the plans, job specifications, current Road and Bridge Specifications, and all other documents pertaining thereto and thoroughly understand the contents thereof; that I/we meet the prequalification requirements for bidding on this proposal; that I/we understand that the plans and current Road and Bridge Specifications are a part of this proposal; that all of the quantities shown herewith are approximate only; that I/we have examined the location of the proposed work and source of supply of materials; and that I/we agree to bind myself/ourselves upon award of the Commonwealth Transportation Board under this proposal to a contract with necessary surety bond to start work within 24 hours of notification of the contract execution or as excepted by other contract language permitted by project specifications, and to complete all work in accordance with the plans, job specifications and current Road and Bridge Specifications within the time limit set forth in the contract.

September 28, 2006

BID TOTAL \$ _____

Attached is a bond conforming to the requirements of the current Road and Bridge Specifications, it being understood that such bond is to be forfeited as liquidated damages if, upon acceptance of this proposal, I/we fail to execute the contract and furnish bond as provided in the current Road and Bridge Specifications.

(Names of Individual(S), Firm(S) Or Corporation) BY: _____
Signature/Title

Street Address City State Zip Code Vendor#/Fin#

(Names of Individual(S), Firm(S) Or Corporation) BY: _____
Signature/Title

Street Address City State Zip Code Vendor#/Fin#

In consideration of the commitments made as shown herein, the Commonwealth of Virginia by The Commonwealth Transportation Commissioner agrees to pay for all items of work performed and materials furnished at the unit price(s) and under the conditions set forth in this proposal, in witnessed by the affixing of the name below.

Contract Execution By _____
Date _____

CHIEF ENGINEER
VIRGINIA DEPARTMENT OF TRANSPORTATION

Emergency Lump Sum Proposal/Contract

Project Location

Route 798 over Beaverdam Creek (0.5 Mi. E. of Route 776)

Project Description

Replace Dbl line 48" pipe, Restore Embankment & Pave. Structure

Contract Requirements

This project shall be constructed in accordance with the *Virginia Department of Transportation Road and Bridge Specifications*, dated 2002; and *Road and Bridge Standards*, dated February 1, 2001; and the *Virginia Work Area Protection Manual*, dated May 2005.

Incentive: In the event the Contractor completes all work and the project is accepted prior to the time limit in the Contract, the Contractor will be paid an amount of \$1,100.00 as an incentive for each calendar day of unused time prior to the time limit, including Sundays and Holidays. The amount paid as an incentive will not exceed \$5,500.00. Time extensions will not be considered when computing the incentive.

Disincentive In the event the Contractor fails to complete all work prior to the time limit in the Contract, the Department will assess a disincentive in the amount of \$1,100.00 for each calendar day that the project is not complete. This disincentive will be in addition to any liquidated damages that the Department may assess in accordance with Section 108.12 of the Specifications.

The Contractor shall be responsible for maintaining adequate erosion and sediment controls.

The Contractor shall begin work within 24 hours of notification of the contract execution unless permitted otherwise by specific language in the Contract.

VDOT will perform any required traffic control.

Scope of Work

- Remove & dispose debris, pipe and headwalls
- Replace approximately 60' of double line 48" metal pipe with 2 headwalls
- Replace fill material with VDOT approved material
- Place aggregate No. 21B (6" Depth)
- Place Asphalt Concrete BM-25.0 (4" Depth)
- Place Asphalt Concrete SM-9.5A (165 #/S.Y.)

ORDER NO.: _____

**COMMONWEALTH OF VIRGINIA
VIRGINIA DEPARTMENT OF TRANSPORTATION
CERTIFICATE OF INSURANCE**

This form must be completed and returned with in 15 days of notification of contract award to:
Don E. Silies, Contract Engineer
Virginia Department of Transportation
1401 E. Broad Street, Richmond, VA 23219

This is to Certify that the _____
Insurance Company
Assured _____
Company
Address _____
Street City/County State Zip Code

Policies of Insurance Described as Follows:

Kind of Policy	Workmen's Compensation	Bodily Injury Liability and Property Damage Liability
Policy Number		
Effective Dates	From: To:	From: To:
Limits of Compensation	Provided by Workmen's Compensation Laws of Commonwealth of Virginia	Each Person: \$ _____ Aggregate: \$ _____
Exact Location Covered		
Classification of Work Covered (detail)		

This Certificate is issued at the request of the Virginia Department of Transportation, 1401 E. Broad Street, Richmond, Va. 23219, to whom we will give written notice of cancellation, renewal or expiration of the above policy or policies.

Dated at _____
City/County State Agency
on the _____ of _____
Day Month Year By: _____
Authorized Representative

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF TRANSPORTATION
AFFIDAVIT



PROJECT NUMBER:

This form shall be completed, signed, notarized and returned with bid; and failure to do so, may result in the rejection of your bid. A separate form shall be submitted by each principal of a joint venture bid.

- 1. In preparation and submission of this bid, I, the firm, corporation or officers, agents or employees thereof did not, either directly or indirectly, enter into any combination or arrangement with any person, firm or corporation or enter into any agreement, participate in any collusion, or otherwise take any action in the restraint of free, competitive bidding in violation of the Sherman Act (15 U.S.C. Section 1) or Article 1.1 or Chapter 12 of Title 18.2 (Virginia Governmental Frauds Act), Sections 59.1-9.1 through 59.1-9.17 or Sections 59.1-68.6 through 59.1-68.8 of the Code of Virginia.
- 2. I, the firm, corporation or officers, agents or employees thereof have neither directly nor indirectly entered into any combination or arrangement with any person, firm or corporation or entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with such contract, the effect of which is to prevent competition or increase the cost of construction or maintenance of roads or bridges.

During the preceding twelve months, I (we) have been a member of the following Highway Contractor's Associations, as defined in Section 33.2-1106 of the Code of Virginia (1970). (If none, so state).

Name	Location of Principal Office

- 3. I (we) have ____, have not ____, participated in a previous contract or subcontract subject to the equal opportunity clause, as required by Executive Orders 10925, 11114, 11246, and that I/we have ____, have not ____, filed with the joint Reporting Committee, the Director of the Office of Federal Contract Compliance, a Federal Government contracting or administering agency, or the former President's Committee on Equal Employment Opportunity, all reports due under the applicable filing requirements.

Note: The above certification is required by the Equal Employment Opportunity Regulations of the Secretary of Labor (41 CFR 60-1.7(b)(1)), and must be submitted by bidders and proposed subcontractors only in connection with contracts and subcontracts which are subject to the equal opportunity clause. Contracts and subcontracts which are exempt from the equal opportunity clause are set forth in 41 CFR 60-1.5 (Generally only contracts or subcontracts of \$10,000 or under are exempt.)

(Continued)

Appendix K (continued)

Form C-100
page 2

Currently, Standard Form 100 (EEO-1) is the only report required by the Executive Orders of their implementing regulations.

Proposed prime contractors and subcontractors who have participated in a previous contract or subcontract subject to the Executive Orders and have not filed the required reports should note that 41 CFR 60-1.7(b) (1) prevents the award of contracts and subcontracts unless such contractor submits a report covering the delinquent period or such other period specified by the Federal Highway Administration or by the Director, Office of Federal Contract Compliance, U.S. Department of Labor.

- 4. The bidder certifies to the best of its knowledge and belief, that it and its principals:
 - (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from covered transactions by any Federal department or agency;
 - (b) Have not within a three year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or Local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated above; and
 - (d) Where the bidder is unable to certify to any of the statements in this certification, the bidder shall show an explanation below.

Explanations will not necessarily result in denial of award, but will be considered in determining bidder responsibility. For any explanation noted, indicate below to whom it applies, initiating agency, and dates of action. Providing false information may result in federal criminal prosecution or administrative sanctions. The bidder shall provide immediate written notice to the Department if at any time the bidder learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

The undersigned is duly authorized by the bidder to make the foregoing statements to be filed with bids submitted on behalf of the bidder for contracts to be let by the Commonwealth Transportation Board.

Signed at _____, this ____ day of _____, 20 ____
County (City), STATE

(Name of Firm) By: _____ Title (print)
(Signature)

STATE of _____ COUNTY (CITY) of _____

To-wit: _____

I _____ a Notary Public in and for the State and County(City)
aforsaid, hereby certify that this day _____ personally appeared

before me and made oath that he is duly authorized to make the above statements and that such statements are true and correct:

Subscribed and sworn to before me this _____ day, of _____, 20 ____

My Commission expires _____

Notary Public

Example of Incentive/Disincentive Process

An analysis establishing the road users cost impact is required to support the incentive and disincentive. This amount is inserted in the provision for the incentive and disincentive.

“Road User Cost Analysis” Example

Road User Cost							
Driver Cost	6	miles	X	400	vehicles/day	X	\$10.00 cost/hr = \$533.33
	45	miles/hr					
Vehicle Cost	6	miles	X	400	vehicles/day	X	\$0.25 cost/mile = \$600.00
Total Road User Cost							\$1,133.33
						USE	\$1,100.00
Detour	6 miles						
ADT	400 vehicles per day						
Assumptions:							
Driver cost	\$10	per hr.					
Vehicle speed	45	miles/ hr					
Vehicle cost	\$0.25	per mile					

Incentive/Disincentive Special Provision Copied Note

Incentive: In the event the Contractor completes all work and the project is accepted prior to the time limit in the Contract, the Contractor will be paid an amount of \$1,100.00 as an incentive for each calendar day of unused time prior to the time limit, including Sundays and Holidays. The amount paid as an incentive will not exceed \$11,000.00. Time extensions will not be considered when computing the incentive.

Disincentive In the event the Contractor fails to complete all work prior to the time limit in the Contract, the Department will assess a disincentive in the amount of \$1,100.00 for each calendar day that the project is not complete. This disincentive will be in addition to any liquidated damages that the Department may assess in accordance with Section 108.12 of the Specifications.