



**SPECIAL PROVISIONS
FOR
A + B BIDDING**

Pottawattamie County
IM-080-1(308)2--13-78
IM-080-1(334)2--13-78
IM-080-1(326)2--13-78

Effective Date
October 16, 2007

THE STANDARD SPECIFICATIONS, SERIES 2001, ARE AMENDED BY THE FOLLOWING MODIFICATIONS AND ADDITIONS. THESE ARE SPECIAL PROVISIONS AND THEY SHALL PREVAIL OVER THOSE PUBLISHED IN THE STANDARD SPECIFICATIONS.

010319.01 GENERAL.

The determination of the low bidder involves a combination of the contract sum and the bidder's proposed time to complete the work designated as the A+B portion of this contract.

010319.02 DEFINITION OF TERMS.

A. Critical Closure Activity.

Critical closure activities are those activities specified in the contract documents where traffic movements are adversely affected causing undue delay and operating costs. For this project the Critical Closure Activity is when traffic is placed head to head.

B. Closure Day.

A closure day is a calendar day during the critical closure activity. A closure day will be counted for each calendar day or portion of a day during the critical closure activity. The Contractor may work any days and hours within the critical closure activity.

C. Daily Road User Cost: The amount that represents the average daily cost of interference and inconvenience to the road user. The daily road user cost is shown on the proposal form.

010319.03 PREPARATION OF PROPOSAL AND CONSIDERATION OF BIDS.

The bidder shall establish the number of calendar days to be used to complete all work that requires traffic to be placed head to head for this contract. The proposal will state a maximum number of calendar days allowable. Bids showing time for completion in excess of the maximum amount will be considered non-responsive and will be rejected.

Each bid submitted shall consist of two parts:

- (A) The contract sum.
- (B) Total number of calendar days proposed by the bidder to complete all work that requires head to head traffic. The bidder shall enter the number of calendar days on the proposal form.

The successful bid will be determined by the lowest combination (A) and (B) according to the following formula:

$$(A) + [(B) \times (\text{Daily Road User Cost})] = \text{Bid amount for award consideration.}$$

010319.04 WORK OUTSIDE THE CRITICAL CLOSURE ACTIVITY.

Work performed on any calendar day prior to and/or following the critical closure activity will have working days charged according to Article 1108.02, D, of the Standard Specifications. Working days will not be charged on any calendar day that a closure day is charged.

The liquidated damage rate shown on the proposal will be assessed for each working day used in excess of the number of working days specified.

010319.05 I/D PAYMENT OR ASSESSMENT.

A. Incentive Payment.

For the number of closure days remaining after completion of the critical closure activity, the Contractor will be paid the I/D daily rate as an incentive payment. Incentive payments will be made in accordance with Article 1109.09 of the Standard Specifications.

B. Disincentive Assessment.

For the number of closure days used to complete the work required in a critical closure activity in excess of the specified closure days, the Contractor will be assessed the I/D daily rate. There will be no maximum amount for the disincentive assessment.

010319.06 CONSIDERATION FOR EXTRA WORK OR DELAYS DURING THE CRITICAL CLOSURE ACTIVITY.

The duration of a critical closure activity will be in closure days. Closure day credits will not be given within the assigned critical closure activity.

Additional closure days may be added when approved by the Engineer for extra work, overruns of contract items, or extraordinary circumstances.

A. Approved extra work or overruns of contract items that will delay the Contractor during the critical closure activity must be documented and included in the critical path of the project on a revised critical path diagram which is subject to the approval of the Engineer. An additional closure day may be added for each additional closure day caused by the approved extra work or overruns of contract items as shown on the revised critical path diagram and approved by the Engineer.

B. Non-weather related extraordinary circumstances that delay the Contractor during the critical closure activity must be documented by the Contractor and a written request for additional closure days must be submitted to the Engineer within 10 calendar days of the beginning of the delay. The Engineer will approve or deny all requests for additional closure days resulting from non-weather related extraordinary circumstances.

Non-weather related extraordinary circumstances shall be limited to the following:

1. Strikes.

Strikes which are not directed against the Contractor.

2. Legal Stoppages.

Legal Stoppages will be allowed if they result from legal action against the Contracting Authority or against the Contractor if not based on a specification violation.

3. Late Delivery of Material.

Procurement of material for a project is the sole responsibility of the Contractor. Late delivery will be considered an extraordinary circumstance only when the Contractor can show that orders were placed with a reliable supplier in sufficient time for materials to be delivered when needed and only when there is:

- a) A nationwide shortage; or
- b) An industry wide strike; or
- c) Transportation strike which delays the delivery of material; or
- d) Delays due to a change in material commitments when caused by a Federal emergency or order.

4. Natural Disaster.

A suspension order may be issued on any project in a declared disaster area, if the disaster causes conditions that do not allow productive work.

C. Adverse weather including rain, snow, wind, flood, extreme heat, and the results thereof, such as inaccessibility or non-workability of materials, is only considered as extraordinary circumstance if the Contractor is working or ready to work on the contract and the adverse weather conditions do not allow productive work on the critical path. Adverse weather that delays the Contractor during the critical closure activity must be documented by the Contractor and a written request for additional closure days must be submitted to the Engineer within 10 calendar days of the beginning of the delay. Some delays for weather have been included in the number of closure days allowed. Therefore, additional closure days for adverse weather will not be allowed for the first 5 consecutive closure days of each delay.