

**BASE DOCUMENT – DB RFP SPECIAL PROVISIONS
VERSION 1**

MAY 25, 2007

**REQUEST FOR PROPOSALS (RFP)
SPECIAL PROVISIONS**

For The

**[*Insert Bundle Number*] [*Insert Project
Name*]**

DESIGN-BUILD PROJECT

SP140.05(b)(2)

Table 140.05(b)(2) - Work Location Designation and Limits

Work Location Designation	Beginning Milepoint	Ending Milepoint

(Use the following if applicable to the Project.)

SP140.05(b)(5) Options - The following options are available for this Project: [*enter Options available*].

Special Provision SP 141 – Performance Specifications

*(In addition to the modifications identified below, **all** requirements of **DB General Provisions**, Section 141, must be thoroughly reviewed for each project, and supplemented and/or modified here.)*

Comply with **DB General Provisions**, DB141, supplemented and/or modified as follows:

(Use the following Subsection if there are special Structure aesthetic requirements for the project.)

SP141.11(c)(4) Aesthetics - Delete this Subsection in its entirety and replace with:

SP141.11(c)(4) Aesthetics - The following Structure aesthetic requirements are applicable to this Project: [*enter Project-specific Structure aesthetic requirements*].

(Use the following Subsection for all Bridge replacement projects.)

SP141.11(c)(5)a. Bridge Replacement and New Bridges - General – Delete the second paragraph in this Subsection and replacement with the following:

All Bridges on this Project shall be designed and constructed for a minimum [*enter number of years*] year service life (without significant, non-routine maintenance required) and shall meet Agency [*enter either 3R or 4R*] design Standards.

(Use the following Subsection if replacement Structures have future widening requirements and the number of lanes are being prescribed.)

Delete the third paragraph in this Section and replace with the following:

The following Bridges on this Project must be designed to enable future widening to accommodate [*enter number of lanes*] additional Traffic Lanes. Design shall accommodate widening to the [*enter "median", "outside", or "both"*]. The Bridge type and design shall be such that the future widening can be achieved without major modifications to the Bridge. Plans submitted at the Definitive Design stage for Agency review and Acceptance shall show the future widening aspects of the Bridges, and be accompanied by a design narrative.

(Use the following if HPC decks are not required.)

SP141.11(c)(5)e. 1. Bridge Elements - Decks

- Either asphalt concrete wearing surface (ACWS) with membrane waterproofing or high-performance concrete (HPC) may be used for Bridge decks. A non-HPC Concrete Bridge deck is not allowed.

(Use the following if Bridge rail other than type Tall "F" is either allowed or required.)

SP141.11(c)(5)e. 3. Bridge Elements – Bridge Railing

- All Bridge railing shall be [*insert the Project-specific Bridge rail requirements*].

(Add the following Subsection to identify any specific permanent Bridge repair requirements for this Project.)

Add the following Subsection:

SP141.11(c)(6)a. Permanent Bridge Repair – General – The following Bridge repair requirements are applicable to this Project: [*insert the Project-specific Bridge repair requirements*].

(Use the following Subsection if Fish Passage locations are identified.)

SP141.11(c)(7)g. Culvert Structures - Fish Passage - The following fish passage locations have been identified for this Project: [*insert the location information*].

(Insert all Project-specific requirements not located in DB Special Provisions, Attachment A, Engineering Data, or other Contract Documents.)

Add the following Subsection:

SP141.11(c)(9) Project-Specific Technical Requirements / Limitations – The specific technical requirements / limitations for each Work Location are as follows: [*enter the Project-specific technical requirements*].

(Use the following if the number of Traffic Lanes can, or will, be modified.)

SP141.21(c)(3) Specific Technical Requirements/Limitations – Delete the first sentence in this Subsection and replace with the following:

SP141.21(c)(3)

The existing number of Traffic Lanes will be modified as shown: [enter Traffic Lane information].

*(Use the following Subsection to modify any of the submittal deadlines established in the **DB General Provisions**.)*

Delete the following Subsection and replace with:

SP141.21(d)(5) Submittals Identified in the DB Special Provisions – Design-Builder shall submit to the Agency PM for Review and Comment by the deadlines established below:

- o [enter the submittal and the deadline for Review and Comment].

(Use the following if Median or Roadside barrier other than Tall Type “F” is allowed.)

SP141.23(c)(2) Median Barrier – Delete the first paragraph in this Subsection and replace with:

(2) Median Barrier - Design-Builder shall provide [enter barrier type] as shown in the AAASHTO *Roadside Design Guide*, for Median Concrete barriers, and shall adjust the barrier shape as necessary to accommodate Bridge piers, sign supports, and light poles, if any, located on the Median. Provided, Design-Builder shall retain the [enter barrier type] barrier face through these areas.

(Use the following on all projects to identify the specific permanent Pavement marking requirements.)

Delete the following Subsection in its entirety and replace with:

SP141.25(c)(1)b. Pavement Markings – Design-Builder shall use Materials from the Qualified Products List (QPL). Design-Builder shall use the following Pavement marking Materials: [enter Pavement marking Material(s)].

*(Use the following on projects for which the Agency will provide the Pavement Design Report. Use of Subsection 141.26 will also require the use of **DB Special Provisions, SP745**.)*

Delete the following Subsection in its entirety and replace with:

SP141.26(c)(1) Pavement Design Report - The Pavement Design Report for this Project has been developed by the Agency and is located in **DB Special Provisions** Attachment A, Engineering Data. The construction of all new Pavement sections shall comply with **DB Special Provisions, SP745**.

(Use the following if ride quality (smoothness) is not required.)

Delete the following Subsection in its entirety:

SP141.26(c)(2)c. Ride Quality -

*(Use the following Subsection if the plant Establishment Period for seeding is modified from the **DB Standard Specifications** requirement, or if additional Establishment Periods for planting is required.)*

Delete the following Subsection in its entirety and replace with:

SP141.27(c)(2) Seeding and Plant Establishment Periods – The seeding and Plant Establishment periods applicable to this Project are as follows:

(a) Seeding Establishment Periods

(1) Erosion Control Seeding – [*enter either standard language or modified establishment language here*].

(2) All Other Seeding – [*enter either standard language or modified establishment language here*].

(b) Plant Establishment Period – The plant establishment Work will begin immediately once the original planting is complete and accepted. The length of the first year Establishment Period will be one (1) calendar year.

A total of [*enter number of additional Establishment Periods*] additional Establishment Periods will be required for this Project. Design-Builder shall comply with **DB Standard Specifications**, Section 01040.87 – Additional Establishment Periods.

*(Use the following Subsection if Design-Builder will be required to base the TMP, TCM's and TCP's on Agency-provided PCE capacity charts and MV/PV Ratio. Will require use of **DB Special Provisions**, SP141.31(c)(7) and (9).)*

SP141.31(c) Requirements - Delete the last paragraph in this Subsection and replace with the following:

The TMP, TCMs, and the Work Zone TCP's shall be based on the Passenger Car Equivalent (PCE) capacity charts provided by the Agency. Design-Builder shall be responsible for developing the traffic control system that best meets these requirements and the construction activities.

(Use the following table on all projects. Modify to include Project-specific requirements/limitations.)

SP141.31(c)(6) Specific Technical Requirements/Limitations – Delete this Section in its entirety and replace with:

SP141.31(c)(6) Specific Technical Requirements/Limitations – This Project has unique and specific requirements that must be considered when developing both the Project-level TMP and the PCP for each Work Zone and Work Location. The following table delineates the mainline and intersection Highway requirements/limitations for this Project:

SP141.31(c)(6)

Item	Requirement / Limitation
Number of Traffic Lanes	The number of Traffic Lanes required to be operational at all times during construction are based on lane capacities and the outcome of Design-Builder's traffic analysis. The number of lanes to be operational may vary depending on time of day. Given the Measured Volume to Projected Volume Ratio and guidance from the ODOT <i>Traffic Control Design Manual</i> , Design-Builder will be able to determine a traffic control plan that will work with the staged construction and the traffic capacities required to be maintained at various times during the day of a given month and year.
Roadway Surface	Traffic Lanes must have an AC or PCC surface at all times.
Pavement Markings	All temporary markings must be in place prior to opening to traffic.
Temporary Speed Zone Reductions	Temporary Speed Zone Reduction Orders shall be submitted through the State Traffic Engineer's Office to reduce the pre-construction posted speed. See Agency's <i>HDM</i> for reduction amounts allowed. Speed reductions shall not be implemented until authorized in writing by the State Traffic Engineer.
On-Site Diversions	"On-Site Diversions" shall mean temporarily-widened Pavement, and/or additional Pavement and related improvements associated with diverting traffic from the existing freeway or Highway lanes to Temporarily widened and/or additional Pavement to facilitate staged construction while the ultimate freeway or Highway improvements are constructed as part of the Project. On-Site Diversions include crossovers, temporary lanes in the Median and/or adjacent to either the existing Pavement or finished Pavement, and detours. On-Site Diversions may be used, provided that other Project requirements from this table are met.
Holidays / Special Events	Design-Builder shall use the standard language included in DB Standard Special Provisions , Section 00220.40(e) Lane Restrictions, to identify these times to avoid construction conflicts.
Business Access Signing	Standard signing shall be used to indicate temporary access points for businesses within Work Locations.
Traffic Lane and Shoulder Widths	If a single Traffic Lane is determined to be acceptable, it must be 19-feet clear. If narrowing the Roadway to less than 22-feet for one (1) Traffic Lane between positive barriers, Design-Builder shall notify the MCTD Technical Coordinator, 550 Capitol Street NE, Salem, OR 97301-2530, Fax (503) 373-1940, in writing, using Form #734-2357, at least 28 Calendar Days before this Work begins. Design-Builder shall send a copy of the notification to the Agency PM and the Corridor Mobility Manager. (Contact information for the Corridor Mobility Manager will be made available at the pre-construction

Item	Requirement / Limitation
	<p>conference.) The reduction will not be permitted until the Agency approves it and the area is adequately signed according to the TCP and DB Standard Specifications, Sections 00220 - Accommodations for Public Traffic, and 00225 – Work Zone Traffic Control. As soon as the restriction is lifted, Design-Builder shall send notification to the same individuals on a revised copy of the original Form # 734-2357.</p>
<p>Vertical Clearances</p>	<p>Design-Builder shall maintain vertical clearances on existing routes or detours unless approved by MCTD for the clearance and duration at that location. If clearance reductions are approved by MCTD, Design-Builder must notify the MCTD Technical Coordinator, 550 Capitol Street NE, Salem, OR 97301-2530, Fax (503) 373-1940, in writing, using Form #734-2357, at least 28 Calendar Days before this Work begins. Design-Builder shall send a copy of the notification to the Agency PM, Corridor Mobility Manager, and the Agency CPM. (Contact information for these individuals will be made available at the pre-construction conference.) Design-Builder shall include in the notification the reduced vertical clearance lowest dimension of each stage and the anticipated duration of the reduction. The reduction will not be permitted until the Agency approves it and the area is adequately signed according to the TCP and DB Standard Specifications, Sections 00220 and 00225. As soon as the restriction is lifted, Design-Builder shall send notification to the same individuals on a revised copy of the original Form # 734-2357.</p>
<p>Off-Site Detours or Alternate Routes</p>	<p>“Off-Site Detours” or “Alternate Routes” are defined as any state, county or local Roadway(s) that is used to divert traffic from the existing designated freeway or Highway lanes for the purpose of facilitating staged construction while the ultimate freeway or Highway improvements are constructed as part of the Project. Off-Site Detours or Alternate Routes exclude On-Site Diversions.</p> <p>If Off-Site Detours or Alternate Routes are used, Design-Builder shall notify the MCTD Technical Coordinator, 550 Capitol Street NE, Salem, OR 97301-2530, Fax (503) 373-1940, in writing, using Form #734-2357, at least 28 Calendar Days before the Work begins. Design-Builder shall send a copy of the notification to the Agency PM, Agency Corridor Mobility Manager, and the Agency CPM. (Contact information for these individuals will be made available at the pre-construction conference.) The Off-Site Detour or Alternate Route will not be permitted until the Agency approves it and the area is adequately signed according to the TCP and DB Standard Specifications, Sections 00220 and 00225. As soon as the restriction is lifted, Design-Builder shall send notification to the same individuals on a revised copy of the original Form # 734-2357.</p>

SP141.31(c)(6)

Item	Requirement / Limitation
	Design-Builder shall also give 28 Calendar Days' advance notice prior to using Off-Site Detours or Alternate Routes by publication, web-posting or broadcasting through local media and portable changeable message signs.
Construction Activity Over Traveling Public Not Allowed	Construction activity over the traveling public shall not be allowed. Design-Builder shall consider separate construction access to a Work Location or use of "rolling slowdowns" to facilitate construction adjacent to or over the traveling public. The use of rolling slowdowns must be pre-approved by the Agency and in concert with the TMP and TCP.
Lane Closures	Lane Closure Chart(s) for each Work Location shall be developed by Design-Builder and delivered to the Agency PM with the TMP and TCP submittals. Closure restrictions shall be modified to account for any additional restrictions due to events or other activities identified in the TMP and as described in the DB Standard Specifications , Section 00220.40 (see note 1, for definition of lane closures). If long-term lane closures are approved by the Agency, DB Standard Special Provisions , Section 00220.40(f) "liquidated damages" shall apply should the closure go beyond the authorized lane closure period.
Ramp Closures	May be allowed if alternate routing is available for the traveling public. Ramps that must remain open may be allowed short-term closure at a certain time of day (see note 1 for definition of lane closures)
On- and Off-Ramp Closures	Design-Builder shall notify the MCTD Technical Coordinator, 550 Capitol Street NE, Salem, OR 97301-2530, Fax (503) 373-1940, in writing, using Form #734-2357, at least 28 Calendar Days before the Work begins. Design-Builder shall send a copy of the notification to the Agency PM, Agency Corridor Mobility Manager, and the Agency CPM. (Contact information for these individuals will be made available at the pre-construction conference.) The on- and off-ramp closures will not be permitted until the Agency approves it and the area is adequately signed according to the TCP and DB Standard Specifications , Sections 00220 and 00225. As soon as the restriction is lifted, Design-Builder shall send notification to the same individuals on a revised copy of the original Form # 734-2357.
On- and Off-Ramp Closures in Vicinity of Weigh Stations	Design-Builder shall coordinate any on- and off-ramp closures and construction activities in the vicinity of weigh stations with the Motor Carrier District Manager responsible for the area where the closures and activities are located. Design-Builder shall notify the MCTD Technical Coordinator, 550 Capitol Street NE, Salem, OR 97301-2530, Fax (503) 373-1940, in writing, using Form #734-2357, at least 28 Calendar Days before the Work begins. Design-Builder shall send a copy of the notification to the Agency PM, Agency Corridor Mobility

Item	Requirement / Limitation
	Manager, and the Agency CPM. (Contact information for these individuals will be made available at the pre-construction conference.) The on and off ramp closures will not be permitted until the Agency approves it and the area is adequately signed according to the TCP and DB Standard Specifications , Sections 00220 and 00225. As soon as the restriction is lifted, Design-Builder shall send notification to the same individuals on a revised copy of the original Form # 734-2357.
Design Vehicle	Unless otherwise determined, the TCPs must accommodate the AASHTO WB-62 design vehicle. Personal vehicles may not be parked within the Clear Zone or outside the Project ROW.

Note 1: No long-term (greater than three (3) consecutive Calendar Days) lane closures shall be allowed unless special circumstances are approved by the Agency. Intermediate-term (more than one (1) daylight period up to three (3) consecutive Calendar Days), short-term (daytime work of more than one (1) hour), and short-duration (work in place for less than one (1) hour) lane closures are only allowed if, and to the extent, authorized in the Accepted TCP.

(Use the following Subsection if Design-Builder will be required to base the TMP, TCM's and TCP's on Agency-provided PCE capacity charts and MV/PV Ratio.)

SP141.31(c)(7) PCE Capacity Charts and V/C Ratio - Delete the following Subsection in its entirety and replace with the following:

(7) PCE Capacity Charts and V/C Ratio - Projected Volume Charts are provided in **DB Special Provisions**, Attachment A, Engineering Data, for designated times of the day, for each month of the year. It is these charts and the guidance from the ODOT *Traffic Control Design Manual* that Design-Builder shall use to conduct traffic analysis, determine strategies, and propose TCMs to meet these stated volumes.

SP141.31(c)(9) Measurement and Reporting - Delete the third sentence in this Subsection in its entirety and replace with the following:

Projected Volumes (PV) are the volumes provided by the Agency in tables, found in **DB Special Provisions**, Attachment A, Engineering Data.

Delete the first sentence of the fourth paragraph of this Subsection, beginning with “*The MV/PV goal...*”, and replace with the following:

The Measured Volume to Project Volume (MV/PV) Ratio goal for this Project is set at [*enter the established goal here*] at the Average Speed.

SP141.55

SP141.55 Diversity

(Use the following to identify the DBE and MWESB aspirational targets for all projects.)

SP141.55(a) Scope – Insert the following paragraph immediately following the first paragraph in this Subsection:

The aspirational targets assigned for this Project are:

- DBE Aspirational Target [enter Target %]
- MWESB Aspirational Target [enter Target %]

(Use the following Subsection if there are Standards or references that apply to this Project.)

SP141.55(c) Standards and References – Delete this Subsection in its entirety and replace with:

(c) Standards and References – Design-Builder comply with the requirements of this Section 141.55.

(1) Standards

- [list applicable Standards here].

(2) References

- [list applicable References here].

(If electronic submittal of Project Records are allowed or required, use the following to identify the format.)

DB Special Provision SP150 – Control of Work

Comply with **DB General Provisions**, Section 150, supplemented and/or modified as follows:

(Use the following Subsection if additional management personnel, other than that already identified, will be required.)

SP150.40(a) Design-Build Management Personnel - Delete this Subsection in its entirety and replace with:

(a) Design-Build Management Personnel – Design-Builder shall furnish all required management personnel, as specified in the Contract Documents, and including the following:

- [list any additional management personnel required].

DB Special Provision SP160 – Source of Materials

Comply with **DB General Provisions**, Section 160, supplemented and/or modified as follows:

*(Use the following Subsection SP160.30, when the Agency will furnish items or Materials other than Material from a borrow source, e.g., poles, guardrail, timbers, etc. Give the location where the items/Materials may be picked up. For Aggregates or similar Materials, use **DB Special Provisions**, SP160.40.)*

SP160.30 Agency-Furnished Materials – The Agency will furnish the listed items at the [enter Work Location or Project Site]:

*(Use the following Subsection SP160.40 on projects with Agency-furnished Material sources. Include **DB Special Provision** SP235 when using this Subsection.)*

SP160.40 Agency-Furnished Sources – Replace this Subsection, except for the header, with the following:

Agency-furnished sources for this Project are listed in **DB Special Provisions** SP235.

DB Special Provision SP170 – Legal Relations and Responsibilities

Comply with **DB General Provisions**, DB170, supplemented and/or modified as follow:

(Use the following lead-in sentence and Subsection 170.01(e) on projects with Railroad involvement)

SP170.01(e) Railroad – Design-Builder shall comply with the Railroad requirements and agreements that are in effect for this Project. Agency-provided agreements are included in **DB Special Provisions**, Attachment A, Engineering Data.

(Use the following Subsection to identify any permits, licenses or taxes the Agency will provide.)

SP170.02 Agency-Provided Permits, Licenses, and Taxes – The following permits, licenses, or taxes will be provided by the Agency for Design-Builder’s use on this Project:

- [list all documents to be provided by the Agency].

(Use the following lead-in sentence and Subsection SP170.06 on all federally-funded projects.)

Add the following Subsection:

SP170.06 Federal-Aid Participation – This Project is to be conducted according to the regulations applying to Federal –Aid Highway Projects.

Add the following Subsection:

SP170.70(a)

(Complete the following Subsection SP170.70 based on the Project risk assessment.)

SP170.70(a) Insurance Coverages - The following insurance coverages and dollar amounts are required pursuant to this Subsection:

Insurance Coverages	Combined Single Limit per Occurrence	Annual Aggregate Limit
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(Fill in the blanks with the dollar amounts from the Project risk assessment summary.)

Commercial General Liability	\$ _____	\$ _____
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Commercial Automobile Liability	\$ _____	(aggregate limit not required)
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(Include the following pollution liability item only when it is required by the risk assessment summary; otherwise delete it.)

Pollution Liability	\$ _____	\$ _____
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(Include one or both of the following bullets only when they are required by the risk assessment summary. Delete them if they are not required.)

- With Asbestos Liability Endorsement or separate coverage
- With Lead Liability Endorsement or separate coverage

(Include the following commercial automobile liability with pollution liability item only when it is required by the risk assessment summary; otherwise delete it.)

- Commercial Automobile Liability With Pollution Coverage \$ _____ (aggregate limit not required)

(Use the following Subsection .70(g) on Projects that include Work on buildings that have a market value or replacement cost of at least \$100,000. In the first sentence, fill in the buildings' estimated market value or complete replacement cost. Use the second sentence when ODOT is not the owner of the building, and fill in the blank with the building owner. Except for the building owner, do not make any additions to this sentence. If ODOT is the owner of the building, delete the second sentence.)

SP170.70(g) Builders' Risk – Provide Builder's Risk insurance for an amount equal to at least \$ [enter \$ value]. The policy shall include as loss payees, the Agency and [County or City Owner of Building].

DB Special Provision SP171 – Workforce Protection

Comply with **General Provisions**, DB171, supplemented and/or modified as follows:

(Use the following Subsection on all projects. The goals and targets are assigned by the Office of Civil Rights for each project and will be provided by the Project Development Team.)

Add the following Subsection:

SP171.30(a) Assigned Contract Goals and Aspirational Targets – The assigned DBE/MWESB goals and aspirational targets for this Project are:

- The assigned DBE goal for this Project is: [*enter goal as a percent*] %.
- The assigned DBE aspirational target for this Project is [*enter target as a percent*] % of the total Contract Amount.
- The assigned MWESB aspirational target for this Project is [*enter target as a percent*] % of the total Contract Amount.

(Use the following Subsection on all projects. The OJT/apprenticeship goal is assigned by the Office of Civil Rights for each project and will be provided by the Project Development Team.)

Delete Section 3 and in its entirety and replace with the following:

Section 3: Assigned On-the-Job/Apprenticeship Training – The Agency has established an OJT/apprenticeship goal of [*enter goal as a percent*] % of the total hours worked in each of the qualified crafts listed in Section 4 of this provision employed on this Project.

DB Special Provision SP180 - Prosecution and Progress

Comply with **DB General Provisions**, Section 180, supplemented and/or modified as follows:

(Use one of the following four SP180.50(f) Subsections, for all projects, as appropriate. Fill in the blanks.)

(OPTION 1: Use the following when there is one (1) Interim Completion Date and Contract Completion Date. Remove parentheses.)

Add the following Subsection:

SP180.50(f) Completion Date - There are two (2) completion dates for this Project as follows:

(1) Interim Completion Date – Complete all On-Site Work for the Project, except for plant establishment and Punch-List Items, [*enter any additional exception Work*] not later than [*enter date*].

(2) Contract Completion Date – Complete all Work to be done under the Contract, except for plant establishment and Punch-List Items, not later than [*enter date*].

(OPTION 2: Use the following when there are two (2) Interim Completion Date and Contract Completion Date. Remove parentheses.)

Add the following Subsection:

SP180.50(f)

SP180.50(f) Completion Dates – There are three (3) completion dates for this Project as follows:

(1) Interim Completion Date “A” – Bridge No. [enter #] shall be open to unrestricted traffic not later than [enter date].

(2) Interim Completion Date “B” – Complete all On-Site Work for the Project, except for plant establishment and Punch-List Items, [enter any additional exception Work] not later than [enter date].

(3) Contract Completion Date – Complete all Work to be done under the Contract, except for plant establishment and Punch-List Items, not later than [enter date].

(Use the following Subsection PS180.65 when Right of Way Access delays are necessary.)

SP180.65 Right of Way and Access Delays – Add the following paragraph:

It is anticipated that the ending date of an anticipated delay for [enter Work] will be [enter date].

(Use the following Subsection DB180.85(b) on projects that have one completion date. Select the dollar amount from the table listed below.)

SP180.85(b) Liquidated Damages – Add the following paragraph:

The liquidated damages for failure to complete the Work on time is \$ [enter \$ value] per Calendar Day*.

*Calendar Day amounts are applicable when the Contract Time is expressed on the Calendar Day or fixed date basis.

(Use the following Subsection DB180.85(b) on projects that have two (2) completion dates. Select the dollar amount from the table below. The liquidated damages amount is based on the total amount of the contract that is completed at the time liquidated damages become effective. Therefore, the second liquidated amount is equal to or greater than the first liquidated amount.)

SP180.85(b) Liquidated Damages –

There are two (2) daily amounts of liquidated damages on this Project, as follows:

(1) Liquidated damages for failure to complete the Work by the Interim Completion Date specified in **DB Agreement**, Article 4.2(a) will be \$ [enter \$ value] per Calendar Day*.

(2) Liquidated damages for failure to complete the Work by the Contract Completion Date specified in **DB Agreement**, Article 4.2(b) will be \$ [enter \$ value] per Calendar Day*.

*Calendar Day amounts are applicable when the Contract Time is expressed on the Calendar Day or fixed date basis.

(Use the following table to determine the liquidated damages to be filled in above. Delete the table when finished.)

ENGINEERS ESTIMATE		
For More Than	To and Including	Liquidated Damages
\$0	\$25,000	\$50
\$25,000	\$50,000	\$100
\$50,000	\$100,000	\$200
\$100,000	\$500,000	\$400
\$500,000	\$1,000,000	\$700
\$1,000,000	\$2,000,000	\$1,000
\$2,000,000	\$5,000,000	\$1,300
\$5,000,000	\$10,000,000	\$1,600
\$10,000,000	\$15,000,000	\$2,000
\$15,000,000	\$20,000,000	\$2,500
\$20,000,000	\$25,000,000	\$3,000
\$25,000,000	\$30,000,000	\$3,500
\$30,000,000	\$35,000,000	\$4,000
\$35,000,000	\$40,000,000	\$4,500
\$40,000,000	\$45,000,000	\$5,000
\$45,000,000	\$50,000,000	\$5,500
\$50,000,000*		\$6,000

** For every \$5 million in excess of \$50,000,000, increase the liquidated damage amount by \$500.*

SP180.86 Excellence Award Fees – Delete this Subsection in its entirety and replace with:

SP180.86 Award Fee for Environmental Excellence – To reward Design-Builder's efforts and accomplishments in minimizing adverse environmental impacts associated with the Project beyond the Standards required in the Contract, the Agency will make available for award a total amount not to exceed \$ [*enter \$ value*]. The Agency's award or failure to award, as well as the amount awarded, if any, shall be within the Agency's sole discretion, and shall not be subject to dispute, appeal, or protest.

(a) Evaluation Process – The Agency will evaluate the quality of the Design-Builder's environmental management annually during the term of the Contract, based upon the criteria set forth in Subsections SP180.86(b) and (c).

The evaluations will be conducted annually, calculated from the date of issuance of NTP, by means of the following process:

- The Agency PM will name an Environmental Excellence Review and Award Fee Determination Board, which will consist of the following persons or their designees: the Agency Region Manager, an Agency Environmental Manager, and an Agency Bridge Engineering Manager, or their designees.
- Design-Builder shall submit an annual self-assessment of its performance in environmental management, restricted to the criteria set forth in Subsections

SP180.86(a)

SP180.86(b) and (c) below not later than 90 Calendar Days prior to the anniversary of the date of issuance of NTP. The self-assessment shall identify with specificity the methods and results of the Design-Builder's performance in environmental management, and will identify how the methods and results exceed the level of protection required under the Contract.

- The Agency PM will review the submittal and gather such additional information from the Design-Builder and other sources as he or she may think appropriate. The Agency PM will prepare his or her assessment in response to Design-Builder's self-assessment and submit the assessment, together with Design-Builder's self-assessment, to the Environmental Excellence Review and Award Fee Determination Board for its consideration.
- The Agency PM may request that Design-Builder provide an oral presentation (not to exceed two (2) hours) before the Agency, the Environmental Excellence Review and Award Fee Determination Board, and others chosen by the Agency.
- Design-Builder's final self-assessment shall be prepared approximately 120 Calendar Days after issuance of Second Notification. Design-Builder's final self-assessment will cover the entire term of the contract from NTP until Second Notification. The final self-assessment shall identify with specificity the methods and results of Design-Builder's performance in environmental management; shall identify how the methods and results exceed the level of protection required under the Contract during the period from the last annual self-assessment until Second Notification; shall provide a summary of all previous self-assessments; and shall provide an overall Project self-assessment of Design-Builder's performance in environmental management, restricted to the criteria set forth in Subsections SP180.86(b) and (c) below. The evaluation process will then proceed according to Subsection SP180.86(a).

(b) Evaluation Criteria (Design) - The Agency will consider design as a component of environmental excellence in the following contexts:

(1) Habitat Enhancement - Demonstration that the design enhances habitat of species present in the Regulated Work Areas (e.g., bat habitat designed into the replacement Structure, alternatives to exposed riprap and design of woody structures within the defined aquatic critical habitat).

(2) Protection of Regulated Areas - Demonstration that the design minimizes direct impacts (e.g., minimizing permanent fill impacts and temporary construction impacts) to the Regulated Work Areas, through, but not limited to, the following:

- Minimal numbers of new bents within OHWE and active channel
- Minimal impact to habitat features above the Regulated Work Areas (e.g., riparian vegetation and tree canopy)
- Reduced area of fill footprint in comparison to current footprint, permitted footprint, and/or reasonable alternative designs considered by Design-Builder
- Demonstration that the design minimizes the need for temporary impacts to areas of temporary fill and/or soil disturbance (e.g., access roads) in environmentally-sensitive areas of the affected Work Locations and adjacent terrain

- No permanent off-channel habitat loss

(3) Permanent Wetland Impacts Limited to the Footing Area

The maximum amount available for performance in this category (b) is \$ [enter \$ value].

(c) Evaluation Criteria (Construction) – The Agency will consider construction practices as a component of environmental excellence in the following contexts:

(1) Implementation of Protective Design Features - Design-Builder shall document that construction operations effectively implement environmental design features, by demonstrating the following:

- Implementation of an aggressive and comprehensive program to orient all personnel involved in construction on the environmental requirements of the Project.
- Conduct of regular crew meetings and training sessions to discuss the environmental aspects of the Project and to assist in the correct implementation of environmental design features.
- Minimization or avoidance of actions that require regulatory exemption requests and extensions that do not directly benefit the natural resource.
- Reduction of biological impacts and tolerances to regulated resources to a lower level than permitted (e.g., no documented Endangered Species Act take or turbidity standard less than ten percent).
- No letters of concern from regulatory agencies.
- Fencing off of environmentally sensitive non-Wetland areas (including, off-site staging and storage areas, if any), such as, fisheries and plant habitat, to protect them from environmental disturbance.
- Effective implementation of environmental precautions and preventive measures in Bridge and Structure demolition beyond the minimum required under the Contract, resulting in exceptionally effective protection of the habitat.

The maximum amount available for performance in this category (c-1) is \$ [enter \$ value].

(2) Evaluation Criteria (Restoration) - Design-Builder shall document that restoration efforts during and following construction operations achieve desired objectives by doing the following:

- Implementing effective restoration of temporarily impacted areas beyond the minimum required under the Contract.
- Selecting mitigation for Wetland and fisheries habitat impacts that provides a significant enhancement for the natural resources, above and beyond meeting the regulatory requirements.
- Obtaining independent testing that documents the superior quality of native seed and plants utilized in restoration.
- Attaining rapid compliance with germination requirements and maintaining high survivability rates during the initial establishment periods (prior to Second Notification).

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The maximum amount available for performance in this category (c-2) is \$ [enter \$ value].

(d) Payment of Award - The maximum award for environmental excellence will not exceed \$ [enter \$ value]. The Agency will make its determination of award, if any, and forward to the Design-Builder the amount awarded with final payment upon completion of the Project. Any award by the Agency will not exceed the stated maximum amounts listed above in any category.

Notwithstanding the above, Design-Builder shall not be entitled to any of the Environmental Excellence Award if Design-Builder has breached any material Contract provision.