

SECTION 00180 - PROSECUTION AND PROGRESS

(Follow all instructions. If there are no instructions above a subsection, paragraph, or sentence, then use the subsection, paragraph, or sentence on all projects. All other modifications to this Section will require Department of Justice approval. (See the Specification Manual, Chapter 3.) Remove all instructions before preparing the final document.)

Comply with Section 00180 of the Standard Specifications modified as follows:

(Use the following subsection .21(d) on ARRA funded projects.)

00180.21(d) Terms of Subcontracts - Add the following paragraph to the end of the subsection:

As required by the American Recovery and Reinvestment Act (ARRA) of 2009, all subcontracts (including subcontracts at all lower-tiers) shall include the provisions of 00170.06 concerning ARRA Participation. In addition, all subcontracts shall require job recruitments to be published through "WorkSource Oregon" unless the subcontractor fills a job opening with a present employee, a laid-off former employee, or a job candidate from a previous recruitment.

Add the following subsection:

00180.21(g) Mentor-Protégé Agreement - If the Contractor enters into a subcontract with an Emerging Small Business (ESB) subcontractor, the Agency may offer the Contractor and its ESB subcontractor an opportunity to enter into a project specific Mentor-Protégé Agreement.

The project specific Mentor-Protégé Agreement will be paid for and specified by Change Order.

(Use the following subsection .40(b) when limitations prevent all contractor work before a specified date. Fill in the specific date.)

00180.40(b) On-Site Work - Add the following paragraph to the end of the subsection:

The Contractor shall not begin On-Site Work before (Date) , unless approved by the Engineer.

(Use the following lead in sentence and subsection .40(c) when limitations are included in the Special Provision. Delete the limitations that do not apply.)

Add the following subsection:

00180.40(c) Specific Limitations - Limitations of operations specified in these Special Provisions include, but are not limited to, the following:

Limitations

Subsection

Cooperation with Utilities	00150.50
Cooperation with Other Contractors	00150.55
Railway Work	00170.01(e)
Contract Completion Time	00180.50(h)
Right-of-Way and Access Delays	00180.65
Traffic Lane Restrictions	00220.40(e)
Special Events	00220.40(e)
In-water Work Restrictions	00290.34(a)
Noise Control	00290.32

(Use the following paragraph when limitations prevent contractor work within the limits of the project, before a specified date or for a duration. Fill in the specific dates.)

The drawbridge may be temporarily closed to river traffic from _____(Date)_____, to _____(Date)_____ .

Be aware of and subject to schedule limitations in the Standard Specifications that are not listed in this subsection.

00180.41 Project Work Schedules - After the paragraph that begins "Contractor's activity..." add the following paragraphs:

The Contractor shall submit a supplemental "look ahead" Project Work schedule each week to the Engineer. The "look ahead" Project Work schedule is supplemental to the Type A, B, or C schedule specified below. The supplemental "look ahead" Project Work schedule shall:

- Identify the sequencing of activities and time required for prosecution of the Work.
- Provide for orderly, timely, and efficient prosecution of the Work.
- Contain sufficient detail to enable both the Contractor and the Engineer to plan, coordinate, analyze, document, and control their respective Contract responsibilities.

The supplemental "look ahead" Project Work schedule shall be written in common terminology and show the planned Work activities broken down into logical, separate activities by area, stage, and size and include the following information:

- The resources the Contractor, subcontractors, or services will use.
- The locations of each activity that will be done including the limits of the work by mile posts, stations, or other indicators.
- The time frames of each activity by Calendar Days, shifts, and hours.
- All anticipated shoulder, lane, and road closures.

At a minimum, the Contractor shall prepare a bar chart that:

- Shows at least three weeks of activity including the week the bar chart is issued.
- Uses a largest time scale unit of one Calendar Day. Smaller time scale units may be used if needed.
- Is appropriate to the activities.
- Identifies each Calendar Day by month and day.

Include the Contract name, Contract number, Contractor's name, and date of issue on each page of the bar chart.

The Contractor shall submit the supplemental "look ahead" Project Work schedule starting at First Notification and continuing each week until Second Notification has been issued and all punch list items and final trimming and clean up has been completed. The Contractor shall meet with the Engineer each week to review the supplemental "look ahead" Project Work schedule. If the Engineer or the Contractor determines that the current supplemental "look ahead" Project Work schedule requires changes or additions, either notations can be made on the current schedule or the Engineer may require the submittal of a revised supplemental "look ahead" Project Work schedule. Review of the current and subsequent supplemental "look ahead" Project Work schedules does not relieve the Contractor of responsibility for timely and efficient execution of the Contract.

(Obtain the type of schedule ("A", "B", or "C") from the project Scheduler. Insert the type in the blank.)

In addition to the "look ahead" Project Work schedule, a Type _____ schedule as detailed in the Standard Specifications is required on this Contract.

(Use the following subsections .41(b-2) and .41(b-3-a) when a Type "B" Schedule is required.)

[Begin .41(b-2) and .41(b-3-a)]

00180.41(b-2) Detailed Schedule - Replace the paragraph that begins "In addition to the above requirements..." with the following two paragraphs:

In addition to the above requirements, and within 30 Calendar Days after the Notice to Proceed, the Contractor shall provide the Engineer one digital copy and four paper copies of a detailed time-scaled bar chart Project Work schedule indicating the critical course of the Work. The digital copy shall be compatible with MS Project 2003, Primavera P3, SureTrak Project Manager 3.0, or another scheduling program approved by the Engineer.

Detailed work schedule activities shall including the following:

Replace the paragraph that begins "Within 10 Calendar Days..." with the following paragraph:

Within 10 Calendar Days after submission of the Project schedule the Engineer and the Contractor shall meet to review the Project schedule as submitted. Within 10 Days of the review meeting the Contractor shall resubmit to the Engineer one digital and four paper copies of the Project schedule, including required revisions.

00180.41(b-3-a) Review with the Engineer - In the paragraph that begins "The Contractor shall evaluate...", replace the sentence that begins "The Contractor shall submit..." with the following sentence:

The Contractor shall submit one digital and four paper copies of the updated bar chart to the Engineer within seven Days after the progress meeting, along with a progress report as required by "b." below.

[End .41(b-2) and .41(b-3-a)]

(Use the following subsection .42 when requested by the Region Utility Specialist.)

00180.42 Preconstruction Conference - Add the following paragraph to the end of this subsection:

Before meeting with the Engineer for the preconstruction conference, hold a group utilities scheduling meeting with representatives from the utility companies involved with this project. Incorporate the utilities time needs into the Contractor's schedule submitted at the preconstruction conference.

Add the following subsection:

(Use one of the following four .50(h) subsection options, as appropriate. Fill in the blanks.)

(Option 1. When on-site work is to be controlled, use the following.)

00180.50(h) Contract Time - Complete all Work to be done under the Contract before the elapse of ___ Calendar Days, or not later than _____, whichever occurs first.

Recording of the elapse of Calendar Days will begin on the day the Contractor begins On-Site Work as defined in 00110.20.

(Option 2. When seeding establishment or plant establishment is required, use the following. Delete what does not apply. Remove parentheses.)

00180.50(h) Contract Time - Complete all Work to be done under the Contract, except for (seeding establishment) (and) plant establishment, not later than _____.

(Option 3. When there are two completion times, use the following.)

(If either durable pavement markings (00865) or high performance pavement markings (00866) are required, and the completion date is after September 15, check with the Scheduler and request two completion times.)

(If permanent seeding (01030) or planting (01040) is required, and the completion date is outside the planting seasons (see 01030.43(b) or 01040.41 and .42), check with the Scheduler and request two completion times. Delete what does not apply. Remove parentheses.)

00180.50(h) Contract Time - There are two Contract Times on this Project as follows:

(1) Complete all Work to be done under the Contract, except for _____, not later than _____.

(2) Complete all Work to be done under the Contract (, except for (seeding establishment) (and) plant establishment,) not later than _____.

(Option 4. When none of the three options above apply, use the following.)

00180.50(h) Contract Time - Complete all Work to be done under the Contract not later than _____.

(Use the following subsection .65 when right-of-way access delays are necessary. Fill in the blanks with the appropriate information.)

00180.65 Right-of-Way and Access Delays - Add the following paragraph:

It is anticipated that the ending date of an anticipated delay for the following properties will be as shown:

- File _____ (R/W file number) (Stations right and left) _____ not later than _____ (Date) _____.

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

00180.85(b) Liquidated Damages - Add the following paragraph:

The liquidated damages for failure to complete the Work on time required by 00180.50(h) will be \$_____ 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 .85(b) on projects that have two completion times. To determine the values to use, do the following:

For the first value (first blank) calculate the total estimated biddable contract amount of all the work to be finished by the first completion date. For the second value (second blank), use the total estimated biddable contract amount. For the combined value (third blank), use the second value. Do not use a cumulative total for the third blank. [For example: (1) Complete all work to be done under the Contract, except paving, not later than July 1, 200x. (2) Complete all work to be done under the Contract not later than September 1, 200x. The total estimated contract amount is \$2,100,000. The estimated biddable contract amount for paving is \$300,000. To calculate the estimated biddable contract amount for the work to be finished by the first completion date for determining the value for the first blank; all work to be done (\$2,100,000) except paving (\$300,000) would be \$1,800,000. From the table, the value to choose is \$800. To determine the value for the second blank; all work to be done would be \$2,100,000. From the table, the value to choose is \$1,100. To determine the value for the third blank, use the second value which is \$1,100.]

00180.85(b) Liquidated Damages - Add the following paragraphs:

There are two daily amounts of liquidated damages on this Project as follows:

Liquidated damages for failure to complete the Work on time required by 00180.50(h-1) will be \$ _____ per Calendar Day *. Liquidated damages for failure to complete the Work on time required by 00180.50(h-2) will be \$ _____ per Calendar Day *. If liquidated damages should become payable concurrently under the combination of 00180.50(h-1) and (h-2), liquidated damages will be \$ _____ 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		Liquidated Damages
For More Than	To and Including	
\$ 0	\$ 25,000.....	\$ 50
25,000	50,000.....	100
50,000	100,000.....	300
100,000	500,000.....	600
500,000	1,000,000.....	700
1,000,000	2,000,000.....	800
2,000,000	5,000,000.....	1,100
5,000,000	10,000,000.....	1,200
10,000,000	20,000,000.....	2,000
20,000,000	30,000,000.....	2,700
30,000,000	—	3,400

(Use the following lead-in paragraph and subsection .85(c) on projects that have lane closures or road closures and where there is a need to have Liquidated Damages to encourage the Contractor to finish the work on time. Normal limits (weekend closure limitations) are listed in the 2008 Standard Specs subsection 00220.40(e). Any Specific limits for all appropriate closures must be inserted in the Special Provisions subsection 00220.40(e) Lane Restrictions.)

Add the following subsection:

00180.85(c) Lane Closures and Road Closures - Lane closures and road closures beyond the limits specified will inconvenience the traveling public and will be a cost to the Agency.

(Use the following subsection (1) when Liquidated Damage's will be assessed. Check with the Designer. Remove the number and heading if no other closures are allowed.)

(1) Lane Closures - It is impractical to determine the actual damages the Agency will sustain in the event traffic lanes are closed beyond the limits listed in 00220.40(e). Therefore, the Contractor shall pay to the Agency, not as a penalty, but as liquidated

damages, \$500 per 15 minutes, or for a portion of 15 minutes, per lane, for any lane closure beyond the limits listed in 00220.40(e). In addition to the liquidated damages, all added cost for traffic control measures, including flagging, required to maintain the lane closures beyond the allowed time limits, will be at no additional cost to the Agency. The required traffic control measures will be as determined by the Engineer.

The Engineer will determine when it is safe to reopen lanes to traffic. Assessment of liquidated damages will stop when all lanes have been safely reopened. Any liquidated damages assessed under these provisions will be in addition to those listed in 00180.85(b).

(Use the following subsection (2) on projects that have limited access roadways and allow the Rolling Slowdown Method of traffic control listed in 00220.40(g). Renumber if appropriate and delete ", but not in addition to (1) above".)

(2) Rolling Slowdown Closures - It is impractical to determine the actual damages the Agency will sustain in the event traffic lanes are closed by the Rolling Slowdown Method. Therefore, the Contractor shall pay to the Agency, not as a penalty, but as liquidated damages, \$500 per 20 minutes, or for a portion of 20 minutes, per lane, for any lane closure beyond the 20 minute limit listed in 00220.40(g). In addition to the liquidated damages, any added cost for traffic control measures, including flagging or pilot cars, required to maintain the lane closures beyond the allowed time limits, will be at no additional cost to the Agency. The required traffic control measures will be as determined by the Engineer.

The Engineer will determine when it is safe to reopen lanes to traffic. Assessment of liquidated damages will stop when all lanes have been safely reopened. Any liquidated damages assessed under these provisions will be in addition to those listed in 00180.85(b), but not in addition to (1) above.