

PROPOSED DRAFT December 2015

104.05.2 Failure to Properly Maintain Roadway or Structure

The Project Manager will immediately notify the Contractor if it fails to maintain the project. Failure to begin to remedy unsatisfactory maintenance within 4 hours of notification may result in:

- The Department performing the required repair. The cost of the repair will be deducted from monies due or to become due to the Contractor, or otherwise be billed to the Contractor.
- ~~Contract time being charged. Contract time will be charged starting on the day of the Department's initial notification and will continue until the repairs are made and the Project Manager approves the repairs.~~
- ~~A \$500 per day road user fee charged for each day maintenance is not complete.~~

104.05.4 Maintenance for Traffic During Work Suspensions

B. Winter Suspension.

The Contractor may request that the Department furnish all resources to perform snowplowing, sanding, ~~and~~ de-icing during winter suspension. ~~If this request is accepted, this work will be detailed in a written agreement. Be responsible for all maintenance, traffic control, and other work not detailed in the agreement. Reimburse the Department, under an accounts receivable, for all Department plowing, sanding, and de-icing expenses according to the terms of the signed agreement.~~

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COMMENTS

1. 104.05.2: Can bullet points #2 & 3 be assessed at the same time? If so, then it should be stated that way.

Response: The subject bullets have been reworded.

2. 104.05.4: Specify who draws up the written agreement.

Response: The written agreement is on a standard form, the form number has been added.

FINAL
EFFECTIVE July 14, 2016

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- Contract time being charged. Contract time will be charged starting on the day of the Department's initial notification and will continue until the repairs are made and the Project Manager approves the repairs. A \$500 per day road user fee may be charged for each day maintenance is not complete.

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The Contractor may request on form MDT-CON-104-05-4B that the Department furnish all resources to perform snowplowing, sanding, and de-icing during winter suspension. If this request is accepted, this work will be detailed in a written agreement. Be responsible for all maintenance, traffic control, and other work not detailed in the agreement. Reimburse the Department, under an accounts receivable, for all Department plowing, sanding, and de-icing expenses according to the terms of the signed agreement.