

**S T A T E**

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**T E N N E S S E E**

January 10, 2007  
Project No.: 57201-4124-04  
County: Madison  
Contract No.: CNF053

**SPECIAL PROVISION**

**REGARDING**

**PROJECT COMPLETION, LANE CLOSURES, AND INCENTIVE/DISINCENTIVE PAYMENTS**

This project shall be completed in its entirety on or before December 15, 2007.

For each calendar day prior to December 15, 2007, that all work in the original contract has been completed and all lanes are opened to the free, safe and unrestricted passage of traffic, an incentive payment of one thousand five dollars (\$1,500) per day shall be made to the contractor as an incentive. However, the maximum amount of incentive payments shall not exceed one hundred twenty thousand dollars (\$120,000).

For each day after December 15, 2007, that all work in the original contract is not completed, the sum of one thousand five dollars (\$1,500) per day shall be deducted from monies due the Contractor as a disincentive. The amount of monies that may be deducted as a disincentive shall be unlimited.

The December 15, 2007, incentive completion date is a “no excuse” date and shall not be extended for any reason whatsoever, regardless of plans revisions, design changes, extra work, overruns, mandated holiday lane closures, or any other reasons, and all incentive calculations will be based on this date.

The December 15, 2007, disincentive and liquidated damage completion date may be revised at the Departments discretion due to reasons beyond the control of the Contractor.

Liquidated damages for failure to complete all work on this project in its entirety on or before December 15, 2007, shall be applied independently and additive of any incentive and/or disincentive payments described above.

Disincentive payments will be made on progress estimates. Incentive payments may be made on progress estimates provided the work has been accepted in accordance with Subsection 105.15 of the Standard Specifications. Payment will be made under:

<u>Item No.</u>	<u>Description</u>	<u>Unit</u>
108-10.10	Disincentive Payment	Calendar Day
108-10	Incentive Payment	Calendar Day

**Temporary Lane Closures**

In order to minimize inconvenience to the travelling public, temporary lane closures on either I-40 or SR-186 (US-45) shall occur at night between 8:00 PM and 6:00 AM. At least one lane in each direction shall be maintained during these hours and two lanes at all other times. For each hour or portion thereof, which any traffic lane remains closed beyond these allowable time periods, the sum of one thousand dollars (\$1,000) per hour per lane shall be deducted from monies due the Contractor, not as a penalty, but as liquidated damages.