

## **PN 129 - 07/19/2019 – Flexible Start Window Contract**

The Contractor has the number of calendar days designated in the Window Contract Table in which to complete all items of critical work. The Window Contract Table is located in the Plan General Notes. The Contractor may begin any time after the notice to proceed date and must complete the critical work within the calendar days designated in the Window Contract Table or by the completion date listed in the proposal, whichever comes first.

Critical work is shown in the Window Contract Table.

Critical work is defined as having the designated section of work open to unrestricted traffic as shown in the table, or the entire project if not otherwise listed.

Unrestricted traffic is defined as all traffic lanes being available for use at their final design width with all markings, RPM's, and safety features installed, along with no restrictions within 2 feet of the edge line on the shoulders.

Extensions of time will be for calendar days and calculated in accordance with C&MS 108.06.

If the work is not completed within the calendar days designated in the Window Contract Table, the Contractor will be subject to disincentives as identified in the Contract Critical Work Table. If the Window Contract Critical Work Table does not designate a disincentive value, the Contractor will be subject to the liquidated damages in accordance with the schedule set forth in C&MS 108.07.

## Designer Notes:

These Designer Notes are for information and direction to the Designer. Information within Designer Notes are not to be considered binding nor included within the Contract.

### Purpose and Benefits

A Window Contract establishes a set number of construction days to complete a project or portion of a project between the award and project completion date. The Contractor determines when to begin construction and has the flexibility of scheduling project work time minimizing overall construction time. If used properly the overall time of construction will be decreased. Window Contracts allow the Contractor flexibility in project scheduling in order to minimize the construction time and costs. This contract should NOT be used when significant MOT requirements are described in the plan.

### Criteria for Selection

- The project is lower profile having some user delays.
- The project is of short duration construction.
- The project completion date does not have to be tightly controlled.
- There is no incentive, nor disincentive (except L/D for time overruns)
- Early fall completion dates are recommended, (stay away from end of season work)

### Project Types

Simpler and shorter duration projects – A construction project without complex issues such as utility, right of way, or other complicating scenarios. This note allows for time extensions due to weather per 108.06.

### Requirements / Conditions for use

A Prebid Meeting may be held at the Districts discretion.

Disincentives for partial portions of the Work must have justification for Disincentives. Road user costs, or other impact costs, must be justifiable.

### Note Variables that must be filled in:

1. Window Contract Table (Must be included in the Plans General Notes)
2. Description of Critical Work
3. Calendar days to complete the critical work

### Note to be included in the Plan General Notes (with *sample language*):

#### Window Contract Table

Use the following table as referred to in the Proposal:

Description of Critical Work	Calendar Days to Complete	Disincentive \$ per Day
<i>All 448 paving and guardrail work</i>	<i>20</i>	<i>\$1,000 per day</i>
<i>All work on project (including work listed above)</i>	<i>60</i>	<i>Per C&amp;MS 108.07</i>