

Questions – 3/24/2023:

1. Division 1 DB Specifications 8-7.3.2 Contract Time Extensions page 95: The Authority will consider the effect of utility relocation and adjustment work on job progress as the basis for granting a time extension only if all the following criteria are met:

i. Delays are the result of either utility work that was not detailed in the plans, or utility work that was detailed in the plans but was not accomplished in reasonably close accordance with the schedule included in the Contract Documents.

ii. Utility work actually affected progress toward completion of controlling work items.

iii. The Contractor took all reasonable measures to minimize the effect of utility work on job progress, including cooperative scheduling of the Contractor's operations with the scheduled utility work at the preconstruction conference and providing adequate advance notification to utility companies as to the dates to coordinate their operations with the Contractor's operations to avoid delays

b. Page 72: 7-11-5.10 states that for claims due to utility work not contemplated in the RFP or the conceptual plans "No payment, compensation or adjustment of any kind (other than a non-compensable extension of time) shall be made to the Design-Build Firm for damages because of hindrances or delays arising out of or connected with the performance of utility work for the project regardless of the cause of such hindrance or delays and whether such hindrances or delays be avoidable or unavoidable, and the Design-Build Firm agrees that it will make no claim for compensation, damages or mitigation of liquidated damages for any such hindrances or delays and will accept any non-compensable extension of time otherwise granted pursuant to other provisions of the Contract Documents as full satisfaction for such hindrances or delays." This language of 7-11.5.10 appears to be in conflict with 8-7.3.2 below: page 96: If the Contractor contends that the delay is compensable, then the Contractor shall also be required to submit with the request for a Contract Time extension a detailed cost analysis of the requested additional compensation in accordance with 4-3 and 5-12.

Will a compensable claim for utility related delay and time extension be considered by the referenced clauses from 8-7.3.2?

**Answer:** Yes, a compensable claim for utility related delay and time extension will be considered by the referenced clauses from 8-7.3.2 by THEA. The RFP, Page 72: 7-11-5.10 will be revised by amendment.

2. Subarticle 7-11.2 references actions of the Contractor resulting in loss of toll revenue and how Contractor shall be responsible for revenue loss. Throughout rest of paragraph, actions are characterized as damage or damages sustained to tolling infrastructure. Please clarify that actions, as defined in this subarticle, do not pertain to revenue losses as a result of Traffic Control Operations. If these actions do apply to Traffic Control Operations such as detours for the mainline or ramps (with or without tolling), please provide a detailed breakdown, see example below, so D-B Teams can estimate revenue loss exposure.

**Table 1. Estimated 2025 Revenue Loss by Hour for Peak Weekday and Peak Weekend Day**

Beginning Hour	Weekday Hourly Revenue Loss I-4 Connector Moves				Weekend Day Hourly Revenue Loss I-4 Connector Moves			
	Selmon WB to I-4 WB (Plaza 11401)	Port to I-4 WB (Plaza 11402)	I-4 WB to Selmon WB (Plaza 11411)	Total	Selmon WB to I-4 WB (Plaza 11401)	Port to I-4 WB (Plaza 11402)	I-4 WB to Selmon WB (Plaza 11411)	Total
Midnight*	\$100	\$30	\$100	\$230	\$200	\$30	\$200	\$430
1:00 AM*	\$100	\$40	\$100	\$240	\$100	\$30	\$100	\$230
2:00 AM*	\$100	\$40	\$0	\$140	\$100	\$30	\$100	\$230
3:00 AM*	\$100	\$40	\$100	\$240	\$100	\$50	\$100	\$250
4:00 AM*	\$200	\$50	\$100	\$350	\$100	\$40	\$100	\$240
5:00 AM	\$500	\$90	\$300	\$890	\$200	\$40	\$100	\$340
6:00 AM	\$700	\$70	\$700	\$1,470	\$300	\$40	\$200	\$540
7:00 AM	\$600	\$60	\$1,000	\$1,660	\$400	\$40	\$200	\$640
8:00 AM	\$500	\$50	\$1,100	\$1,650	\$600	\$40	\$300	\$940
9:00 AM	\$800	\$60	\$900	\$1,760	\$800	\$30	\$400	\$1,230
10:00 AM	\$600	\$50	\$900	\$1,550	\$900	\$40	\$500	\$1,440
11:00 AM	\$500	\$50	\$1,000	\$1,550	\$800	\$30	\$700	\$1,530
Noon	\$500	\$60	\$900	\$1,460	\$800	\$20	\$800	\$1,620
1:00 PM	\$500	\$60	\$1,000	\$1,560	\$600	\$20	\$1,100	\$1,720
2:00 PM	\$500	\$50	\$1,000	\$1,550	\$600	\$20	\$1,100	\$1,720
3:00 PM	\$500	\$40	\$1,100	\$1,640	\$600	\$20	\$900	\$1,520
4:00 PM	\$500	\$30	\$1,200	\$1,730	\$700	\$30	\$900	\$1,630
5:00 PM	\$600	\$30	\$1,300	\$1,930	\$800	\$30	\$700	\$1,530
6:00 PM	\$700	\$40	\$800	\$1,540	\$700	\$30	\$600	\$1,330
7:00 PM	\$700	\$40	\$500	\$1,240	\$700	\$30	\$400	\$1,130
8:00 PM	\$600	\$40	\$300	\$940	\$600	\$30	\$300	\$930
9:00 PM	\$400	\$40	\$200	\$640	\$500	\$30	\$300	\$830
10:00 PM	\$300	\$30	\$200	\$530	\$400	\$30	\$200	\$630
11:00 PM	\$200	\$40	\$100	\$340	\$300	\$30	\$200	\$530

\* Denotes an allowable detour/closure period for Detour 20. Estimated revenue losses for other hours are provided for information only.

**Answer:** Loss of toll revenue includes, but is not limited to, damage to the toll equipment or an unapproved closure or detour of the toll road. Closures or detours by the Contractor, if approved by the Authority, would not be considered lost toll revenue unless the closure or detour were not in compliance with the approved MOT plans and schedule.