

0070140 SPECIFICATION  
LEGAL REQUIREMENTS AND RESPONSIBILITY TO THE PUBLIC.  
COMMENTS FROM INTERNAL/INDUSTRY REVIEW

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Comments: (5/19/21 Internal) Why aren't permanent crash cushions included? Strike the word "temporary" in front of crash cushions, which should then open reimbursement to both temporary and permanent crash cushions.

Response: Included and resolved.

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Comments: (6/15/21 Industry) The third paragraph of the spec 7-14 can be completely rephrased to a simple, easy to read format with reduced word count by about 30% so as to read as – “ For damage to installed material caused by known third parties, the Contractor may pursue recovery from the third party or seek reimbursement from the Department, but not both. To get reimbursement from Department for damages, the Contractor shall file a complaint with the law enforcement within 14 days of the damage and the report with case number shall be provided to Department within 14 days. Upon receiving the report, the Department solely retains the right to pursue recovery from the known third party. The Department will reimburse the Contractor for costs associated with the repair after deducting \$2000.00 for each occurrence, borne solely by the Contractor. If the Department is successful in recovery, the Contractor may be reimbursed proportionally, up to the amount of the deductible. 4th paragraph: - Comment- remove "reducing the amount of the repair cost by a \$2000 deductible for each occurrence. The paragraph may be slightly modified to read as- If damage to installed material other than guardrail, guardrail transitions and end treatments, and temporary crash cushions is caused by an unknown third party, the Department will reimburse the contractor for 50% of the cost of the repair after deducting \$2000 for each occurrence, reducing the amount of the repair cost by a \$2000.00 deductible for each occurrence, borne solely by the Contractor. Repair costs for damage to guardrail, guardrail transitions and end treatments, and temporary crash cushions installed as part of the work caused by unknown third parties will be reimbursed at the manufacturer's/distributor's invoice price for the new materials/parts plus 20% markup. The 20% markup is compensation for all necessary work, including but not limited to labor, equipment, supplies and profit, as authorized by the Engineer. Payment for any additional MOT required for the repair of guardrail, guardrail transitions and end treatments, and temporary crash cushions installed as part of the work will be paid for under the appropriate MOT pay item.

Response:  
Thank you for your comment. It will be considered for future revisions of this Specification. No changes made.

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