8-13.1 Incentive – Disincentive for Lane Rental Days.
(REV 9-25-03) (FA 12-24-03) (FY 2027-28)

The Department desires to minimize the inconvenience to the traveling public by reducing the amount of time during which the Contractor closes one or more lanes as permitted by the Contract. In order to achieve this, an incentive - disincentive provision for Lane Rental Days is established for the Contract. The total incentive payment or disincentive deduction shall not exceed $_____.

For the purposes of this Subarticle, the following definition will apply:

Lane Rental Day: The time period during which the Contractor closes one or more lanes as permitted by the Contract. The Engineer will not consider lane closures for time periods less than 15 minutes in computing Lane Rental Days. The computation of Lane Rental Days will include moving operations. The number of lanes considered closed will be based on the number of lanes available prior to construction versus the number of lanes maintained through the project during any particular day. A lane is a mainline through lane or ramp. Lane Rental Days will be computed in full day and half day increments. A full day will be computed for any lane closure(s) or any combination of lane closures totaling over 12 hours in cumulative length over a 24 hour period. For purposes of computing Lane Rental Days, the 24 hour period will be continuous and will begin when the Contractor begins the closure. Computation of Lane Rental Days will continue until the detour is completely removed and traffic is restored. A half-day will be computed for any lane closure(s) or any combination of lane closures totaling 12 hours or less cumulative in length within a 24 hour period.

The total allowable number of Lane Rental Days established for this contract is _____. The Engineer, at their sole discretion, will determine the total number of Lane Rental Days used by the Contractor by making a summation of all full day and half day increments.

If the Contractor uses fewer Lane Rental Days than the total allowable number of Lane Rental Days, the Department will pay the Contractor an incentive payment in the amount of $_____ for every Lane Rental Day less than the total allowable number of Lane Rental Days established for this Contract. If the Contractor uses more Lane Rental Days than the total allowable number of Lane Rental Days, the Department will make a disincentive deduction in the amount of $_____ for every Lane Rental Day more than the allowable number of Lane Rental Days established for this Contract, from funds otherwise due the Contractor.

Notwithstanding any incentive payments or any disincentive deductions related to the total allowable number of Lane Rental Days, a damage recovery/user cost will be assessed against the Contractor if all lanes are not open to traffic during the time periods identified in the Traffic Control Plans. Costs will be assessed beginning at applicable times indicated in the Traffic Control Plans and continue until all lanes are open as recorded by the Engineer. This assessment will be in the following amounts:

First 30 minutes and under: $_____
Each additional 30 minute period or portion thereof: $_____

Such damage recovery/user costs will not exceed $_____ over a 24 hour period.

At the sole discretion of the Engineer, damage recovery/user costs will not be assessed for failure to open traffic lanes if such cause is beyond the control of the Contractor, i.e., catastrophic events, accidents not related or caused by the Contractor's operations.

The Department will have the right to apply as payment on such damages any money which is due to the Contractor by the Department.