

**Note: Consult with Kevin Kosobud, Project Development Engineer, Office of Construction and Innovative Contracting, before incorporating this special provision.**

**S-X            (1301) CONSIDERATION OF PROPOSALS (A+B METHOD)**

The Provisions of Mn/DOT 1301 are hereby supplemented as follows:

S-X.1            GENERAL

The process for the consideration of proposals for the award of this Project will take into account not only the Contract amount bid for construction items, but also the bidder's proposed number of Calendar Days to complete all work required as defined section S-X.2(4) of this special provision. This method, as described below, shall be used to determine the successful bidder. It shall not be used to determine the award amount nor final payment to the Contractor when the Project is completed.

S-X.2            DEFINITION OF TERMS

For this Project the following definitions apply:

- (1)    Calendar Day – *{define your criteria, clarify if it conflicts with 1803.3}*
- (2)    Contract Amount -- The summation of the products of the quantities shown in the bid schedule multiplied by the unit bid prices (excluding item 2016.621 (Contract Time).

Daily Road User Cost – The amount which represents the average daily cost of inconvenience to the road users. The Daily Road User Cost is **\$x,xxx.00**.

***OR use the following if A+B is applied to the contract as a whole:***

Daily Road User Cost - The amount which represents the average daily cost of inconvenience to the road users plus liquidated damages. The Daily Road User Cost is **\$x,xxx.00**.

- (4)    Completion of Work -- All work required to complete *{define scope of work to be completed. This is the only area you need to enter the scope of work}*

S-X.3            PREPARATION OF PROPOSAL

The bidder shall establish the number of Calendar Days to be used for the Completion of Work as defined in Section S-X.2 (Definition of Terms).

The total number of Calendar Days established by the bidder shall be less than or equal to **XX Calendar Days** but not less than **YY Calendar Days**. Bids showing the Completion of Work specified in Section S-X.2 in excess of **XX Calendar Days**, or less than **YY Calendar Days** will be considered non-responsive and will be rejected. Any decision by a bidder to bid less than **XX Calendar Days** is entirely at the bidder's own risk; the Department does not warrant that the Completion of Work can be completed in less than **XX Calendar Days**.

The bidder shall enter the number of Calendar Days bid as Item 2016.621 (Contract Time) on the Proposal Site Page of the Schedule of Prices, in the # of Days column.

S-X.4            CONSIDERATION OF BIDS

Each bid submitted shall consist of two parts:

- (a) The Contract Amount of construction pay items (not including Item 2016.621 (Contract Time).
- (b) Bid Item 2016.621 (Contract Time): Total number of Calendar Days proposed by the bidder for the Completion of Work specified in Section S-X.2

The successful bid will then be determined by the Department as the lowest combination of (a) and (b) according to the following formula:

$$(a) + ((b) \times (RUC)) = \text{bid amount for award consideration.}$$

Where RUC = Daily Road User Cost

The preceding formula will be used to determine the successful bidder and will not be used to determine the Contract award amount nor final payment to the Contractor when the Project is completed. Only the Contract Amount will be used to determine final payment to the Contractor, except as may be adjusted under the conditions of the Contract.

**S-X.5 DISINCENTIVE**

Failure to complete the work within the established number of Calendar Days stated by the Contractor will be subject to monetary deductions and/or damages as shown in Section S-X 1807 (FAILURE TO COMPLETE THE WORK ON TIME) of these Special Provisions.

*Use the following clause only if you are including an incentive for early completion.*

**S-X.6 INCENTIVE**

In the event that the Completion of Work as defined in S-X.2 of this special provision is completed in advance of established number of Calendar Days stated by the Contractor in item 2016.621 (Contract Time), payment otherwise due in the Contract will be adjusted with an incentive as shown in Section X 1806 (DETERMINATION OF CONTRACT TIME) of these Special Provisions.

**S-Y (1806) DETERMINATION AND EXTENSION OF CONTRACT TIME**

*If using A+B, the following provisions needs to be added to the 1806 Special Provision:*

S-Y.1 All work required for the Completion of Work as defined in Section S-X 1301 (CONSIDERATION OF PROPOSALS (A+B METHOD)) under this contract, shall be completed within the time frame specified by the Contractor as set forth in Section S-1301 (CONSIDERATION OF PROPOSALS (A+B METHOD)) of these Special Provisions.

*Add the following if you are included an incentive:*

- a) In the event that the Completion of Work is completed in advance of this time frame, payment otherwise due in the Contract will be adjusted with an incentive payment of ***\$XX,000.00 (xxxxx Dollars)*** for each Calendar Day that the Completion of Work specified in is completed prior to the specified time frame. The total incentive amount shall not exceed ***\$YY,000 (xxxx dollars)***. Payment of the incentive will be made on the first partial estimate voucher processed after the Completion of Work has concluded.

**S-Z (1807) FAILURE TO COMPLETE THE WORK ON TIME**

*If using A+B, the following provisions need to be added to the 1807 Special Provision:*

S-Z.1           The State will deduct from any monies due or coming due to the Contractor an amount equal to *{RUC value}* per Calendar Day for failure to complete all the work specified in Section S-XXX (DETERMINATION AND EXTENSION OF CONTRACT TIME) that remains uncompleted after the expiration of Calendar Days established by the Contractor in accordance with S-XX (CONSIDERATION OF PROPOSALS (A+B METHOD)).