



Janet T. Mills  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF TRANSPORTATION  
16 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0016

Bruce A. Van Note  
COMMISSIONER

April 2, 2019  
Subject: Crushing  
State WIN: 022488.00, 023482.00,  
023855.00 & 022492.00  
Location: **Lyman, Kingfield, Topsfield &  
Lang Township  
Amendment No. 3**

Dear Sir/Ms.:

Please make the following changes to the Bid Documents:

In the Bid Book:

**REMOVE** SPECIAL PROVISION - SECTION 107, Prosecution and Progress - (Contract Time, Limitation of Operations & Liquidated Damages), (from Amendment No. 2), 2 pages, dated March 22, 2019, and **REPLACE** with the attached revised SPECIAL PROVISION - SECTION 107, Prosecution and Progress - (Contract Time, Limitation of Operations & Liquidated Damages), 2 pages, dated April 2, 2019.

The following question has been received:

**Question:** With a bid opening of April 3rd, and a scheduled completion date of April 18th, there is not enough time to: sign contracts, mobilize, and complete the project. Is it possible to extend out the completion date?

**Response:** The Contractor can start crushing any time after the Contract is signed, and a pre-crushing meeting is held. The completion date for the Lyman Maintenance Lot is moved to May 10, 2019.

Consider these changes and information prior to submitting your bid on **April 3, 2019**.

Sincerely,

George M. A. Macdougall P.E.  
Contracts & Specifications Engineer

**SPECIAL PROVISION**  
**SECTION 107**  
**Prosecution and Progress**  
**(Contract Time, Limitation of Operations & Liquidated Damages,)**

**Contract Time** The Contractor will be allowed to commence work on or after the Begin dates shown in the table below and must complete the Work in each location by the End dates for crushing as shown in the table below:

<b>Location</b>	<b>Begin</b>	<b>End</b>
<b>Lyman Maintenance Lot</b>	<b>Upon Contract signing</b>	<b>May 10, 2019</b>
<b>Lang Township, Rangeley Sand &amp; Gravel Pit</b>	<b>June 3, 2019</b>	<b>June 11, 2019</b>
<b>Kingfield Maintenance Lot</b>	<b>June 17, 2019</b>	<b>June 26, 2019</b>
<b>Topsfield Maintenance Lot</b>	<b>May 20, 2019</b>	<b>June 7, 2019</b>

The specified per diem rate for Liquidated Damages is \$500.00 per calendar day. All Work must be Complete by each Completion Date, as specified in the Contract, and any authorized extensions. The Contractor shall owe the Department Liquidated Damages for every day past each Completion Date the Work is not complete. This amount will be deducted from any money due the Contractor under the Contract, and the Contractor will be liable for any Liquidated Damages in excess of the amount due.

By executing the Contract, the Contractor acknowledges the difficulty of making a precise determination of damages due to completing the work beyond the designated completion dates, acknowledges that such an amount is not a penalty, agrees to the amount stipulated in the contract that will be charged against the Contractor for each calendar day that the work remains uncompleted after each designated completion date, agrees that the daily amount set forth in the Contract is a reasonable per diem forecast of damages incurred by the Department due to the Contractor's failure to Complete the Work by the Completion Dates, and agrees to stipulate to their reasonableness in any suit for the collection of or involving the assessment of said damages. The damages referred to herein are intended to be and are cumulative, and will be in addition to every other remedy now or hereafter enforceable at law, in equity, by statute, or under the contract.

Lyman, Lang Township, Kingfield & Topsfield  
WINS: 23482.00C, 23855.00C, 22488.00C, 22488.00D & 22492.00D  
Crushing  
April 2, 2019

Permitting the Contractor to continue and finish the work or any part thereof after the any completion date shall in no way operate as a waiver on the part of the Department of its rights to assess and recover Liquidated Damages, or any other rights, under the Contract.

Completion of Physical Work occurs when the Work is complete and has undergone a successful final inspection. Liquidated Damages will cease upon the physical completion of the Work.

Work can be performed at any time except Sundays and Holidays and as provided in the Contract.