

Guidance for Using

Progress Clause Template for Local Agency Projects

General:

The template is intended to be used by local agencies and their consultants, only on projects administered through the MDOT LAP Unit. The template does NOT apply to MDOT Trunkline projects.

The template is included as Page 2 of this document.

Language in this template agrees with the Frequently Used Special Provision (FUSP) 12SP-101. The FUSP eliminates the requirement that the contractor submit the Project Schedule before contact award. The Progress Clause template still allows the local agency to have either a construction start date, or to start with 10 days after contract award.

Creating Your Progress Clause:

Start Date:

In the first paragraph, select either of the two start date options, and delete the other option. Also, delete the phrase (SELECT ONE OF THE FOLLOWING, DELETE THE OTHER)

Completion Date:

In the paragraphs related to Completion date, select one of the completion date options and delete the other. Also, delete the phrase (SELECT ONE OF THE FOLLOWING, DELETE THE OTHER)

- If using a calendar date for the completion date, enter it, and delete the “work / calendar days” phrase.
- If using Work / Calendar days, enter the number of days, and delete the “completion date phrase. Make sure to use the correct phrase. Remember that the MDOT Specification Book only defines “Work days” and “Calendar Days”, “Work Days” is defined differently than “Calendar Days”. Also remember “Work Days” or “Calendar Days” are the only allowable phrases.

Other Items to Consider:

When preparing the Progress Clause, please keep in mind the following:

- Include intermediate milestone dates as necessary.
- Address tree removal, bat, or other endangered animal issues, and time restrictions related to the start date.
- Include landscaping requirements, seasonal limitations, and/or delayed final acceptance items in the completion date.
- Information regarding noise and other local ordinances are to be placed in the Special Provision for Maintaining Traffic, and not in the Progress Clause
- Do not include a footer in the document.

PROGRESS CLAUSE

The Owner anticipates that construction can begin no earlier than (SELECT ONE OF THE FOLLOWING, DELETE THE OTHER)

- 10 calendar days after award or as directed by the Engineer
- Month, Day, Year

In no case shall any work be commenced prior to receipt of formal notice of award by the Department.

The Contractor shall prepare and submit a complete, detailed, and signed MDOT Form 1130, Progress Schedule, according to 12SP-101A.

The Progress Schedule shall include, at minimum, the controlling work items for the completion of the project, as well as the planned dates or work days that these work items will be controlling operations. All contract dates including open to traffic, project completion, interim completion and any other controlling dates in the contract, must be included in the progress schedule.

If the bidding Proposal specifies other controlling dates, these shall also be included in the Progress Schedule.

The Project shall be completed in its entirety including final site restoration and clean-up (SELECT ONE OF THE FOLLOWING, DELETE THE OTHER)

- on or before (date)
- within XX Work Days / Calendar Days). Work days / Calendar days will be charged beginning on the earlier of the date work begins, or on the date designated in the approved Progress Schedule as the starting date.

After award and prior to the start of work, the Contractor must attend a preconstruction meeting with the Engineer. The Engineer will determine the day, time and place for the preconstruction meeting. The meeting will be conducted after project award and may be rescheduled if there are delays in the award of the project. The named subcontractor(s) for Designated and/or Specialty Items, as shown in the Proposal, should attend the preconstruction meeting if such items materially affect the work schedule.

Liquidated Damages shall be assessed in accordance with Section 108.10 of the 2012 Standard Specifications for Construction.