

**KANSAS DEPARTMENT OF TRANSPORTATION
SPECIAL PROVISION TO THE
STANDARD SPECIFICATIONS, EDITION 2007**

SECTION 108

PROSECUTION AND PROGRESS

Page 100-64, subsection 108.5d. (6). Add the following to this subsection:

If the contract has liquidated damages or a time related disincentive assessment charged according to **subsection 108.8**, this specification does not apply.

For the purpose of this special provision, the Winter Shutdown Period is defined as January 4th to February 28th, inclusive. To encourage the Contractor to prosecute work during this time, the Engineer will suspend the assessment of working days and cleanup working days under **subsection 108.5c.** during the Winter Shutdown Period. Unless this special provision permits otherwise, the Engineer will not assess a working day or a cleanup working day on days the Contractor failed to perform work, days the Contractor could have performed work, or days the Contractor actually performed work during the Winter Shutdown Period.

Even though not assessing working days or cleanup working days during the Winter Shutdown Period, the Engineer will record the number of days on which the Contractor could have performed work, based on weather and site conditions, for at least 50% of the Contractor's normal workday as provided in **subsection 108.5c.** The Contractor has no right to dispute the Engineer's decision on whether a day qualifies as a working day or cleanup working day under **subsection 108.5c.**

If the Contractor fails to resume the work immediately following the Winter Shutdown Period or fails to continue prosecuting the work immediately following the Winter Shutdown Period (weather and site conditions permitting), the Engineer may withdraw the suspension. If the Engineer withdraws the suspension, the Engineer will assess one-half working day or cleanup working day for each day during the Winter Shutdown Period that the Engineer recorded as a working day or cleanup working day under **subsection 108.5c.** (a day the Contractor could have performed work but failed to perform work for at least 50% of the Contractor's normal workday).

This specification does not affect **subsection 108.8 "FAILURE TO COMPLETE WORK TIMELY-LIQUIDATED DAMAGES AND DISINCENTIVE ASSESSMENTS"**.