

MCA Comments on January, 2012 specifications

101.03 Definitions

Under “Working Day,” we suggest changing the word “any” to the word “detrimental” in the sentence reading: “Working days will be charged during winter shutdown for each day construction activities occur that have any impact on the traveling public...”

102.11 Withdrawal of Proposals

We suggest that the very last word, “law” in this spec proposal be clarified to specify exactly which law is referenced. We would also like clarification as to if/how a contractor can withdraw a bid between the 9 a.m. submittal deadline and the time at which bids are read.

108.07.3 Working Day Contracts

We request that a working day not be assessed if work must be suspended or the work crew is dismissed due to inclement weather before six hours of work has been completed, rather than four hours as is stated. With the tight timeframes stipulated in contracts, contractors are often working 12 hour days, and a suspension of work before six hours of work is a more fair and balanced reflection of on-the-job conditions.

203.01.1 (E2) Excavation

We appreciate the significant revisions MDT made to its original proposed specification for Muck Excavation. This version is far superior. We think additional work by MDT in the design phase of the project could minimize some situations in the field, but clearly, there will always be unforeseen conditions requiring some subjective determinations. We request further revision/clarification of the sentence: “It is too wet to be properly compacted and cannot be dried within a demonstrated reasonable timeframe prior to incorporating into work.” The underlined phrase still is problematic in that each project involves different contract time constraints and is the interpretation of a “demonstrated reasonable timeframe” is highly subjective. Specifically, how will it be “demonstrated?” We respectfully request further clarification of this spec to avoid disputes to the extent possible.

Thank you for the opportunity to comment; we appreciate the working relationship.

Respectfully,

Cary Hegreberg
Executive Director
Montana Contractors Association