

# MDOT Local Agency Program Guidance for Using Progress Clause Template for Local Agency Projects

May 2021

## General:

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

The template is included as Page 2 of this document.

Language in this template agrees with Section 108 of the 2020 MDOT Standard Specifications for Construction. The Progress Clause template allows the local agency to have either a construction start date, or to start within 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.

Remember that the MDOT Standard Specifications for Construction defines “Work Day” and “Calendar Day”, “Work Day” is defined differently than “Calendar Day”. Also remember “Work Days” or “Calendar Days” are the only phrases defined and allowed in the 2020 MDOT Standard Specifications.

Modify, incorporate, or delete all light blue text to be project specific. Also, edit each highlighted text phrase to be project specific. When complete, delete the red “Option” line and remove all highlighting from the document.

### General Topics:

Delete the red text and insert any general topics that will affect the schedule. This may include:

1. References to night work, weekend work, etc., and the documents that contain those specifics, like the maintaining traffic special provision.
2. References to landscaping requirements, seasonal limitations, and/or delayed final acceptance items.
3. References to tree removal, bat, or other endangered species issues, and time restrictions related to the start date.

### Other Items to Consider:

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

- Include intermediate milestone dates, as necessary.
- Information regarding noise and other local ordinances are to be placed in the Special Provision for Maintaining Traffic, and not in the Progress Clause.
- Weather days will need to be factored into and accounted for.
- Do not include revise the footer of the document.
- An optional tool for determining schedule is available for use at [MDOT - Construction Scheduling - Contract Time Determination \(CTD\) and Critical Path Method \(CPM\) \(michigan.gov\)](#).
  - Production rates are available as a tab within the scheduling tool. They are also available at [102.02 Contents of Proposal - Progress Clause - MediaWiki \(state.mi.us\)](#).

## PROGRESS CLAUSE

The Engineer 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, signed Progress Schedule to the Engineer.

**(Option 1) Work/Calendar (pick one) days language:**

The entire project must be completed within **XX work / calendar** days. **Work / Calendar** days will be charged on the date work starts, or on the date designated as the starting date in the Progress Schedule whichever occurs earlier.

**(Option 2) Calendar date language; only use applicable examples; avoid repetition of dates:**

All contract work for **Stage X** must be complete and the **road/bridge** fully open to traffic by the interim completion date of **Month, Day, Year**.

The project must be completely open to traffic by the open to traffic date of **Month, Day, Year**.

The entire project must be completed by the final completion date of **Month, Day, Year**.

Unless specific pay items are provided in the contract any extra costs incurred by the Contractor due to cold-weather protection and winter grading will not be paid for separately but will be included in the payment of other pay items in the contract.

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.

**Insert General topics that will affect scheduling here, including the reference to the specific contract document.**

Failure by the Contractor to meet interim completion, open to traffic, and/or final completion dates will result in the assessment of liquidated damages in accordance with subsection 108.10 of the 2020 MDOT Standard Specifications for Construction.