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January 27, 2026

WEST VIRGINIA DEPARTMENT OF TRANSPORTATION

DIVISION OF HIGHWAYS

SPECIAL PROVISION

FOR

STATE PROJECT NUMBER: S320-64-57.44 00

FEDERAL PROJECT NUMBER: NHPP-0064(497)

EUGENE A. CARTER MEMORIAL BRIDGE +3 PROJECT

FOR

INCENTIVE / DISINCENTIVE PAYMENTS

The purpose of this Special Provision on Incentive/Disincentive Payments is to encourage the Contractor to expedite the construction of this project, as it is in the public's interest that this roadway be opened to traffic at the earliest possible time. Any work that requires a lane closure prior to implementation of Phase 1 Temporary Traffic Control shall be performed during nighttime hours as specified in the Contract Plans. The following items shall govern these Incentive/Disincentive Payments:

1. The Contractor shall implement Phase 1 (closure of the I-64 WB lanes on the Eugene A. Carter Memorial Bridge), as specified in the plans, no sooner than January 6, 2027.
2. No Excuses Incentive Payment for Phases 1 and 2
In the determination of the Engineer, when Phases 1 and 2 of the project area complete and the I-64 Eugene A. Carter Memorial Bridge is permanently open to uninterrupted, two-way, eight-lane traffic on or before October 3, 2027, the Contractor shall earn a lump sum NO EXCUSES INCENTIVE PAYMENT of \$4,500,000.00.

If the I-64 Eugene A. Carter Memorial Bridge is not permanently open to uninterrupted traffic on or before October 3, 2027, the No Excuses Incentive Payment shall be reduced by \$75,000 per calendar day until it is permanently open to uninterrupted traffic or the incentive amount reaches zero.

For purposes of the NO EXCUSES INCENTIVE PAYMENT, October 3, 2027 is a fixed date. Section 108.6.2 of the Standard Specifications shall not apply, and for no reason will a time extension be allowed to apply to the NO EXCUSES INCENTIVE PAYMENT.

DRAFT

January 27, 2026

3. Disincentive Payment for Phases 1 and 2

In the determination of the Engineer, when Phases 1 and 2 of the subject project are not complete in the final plan condition, permanently open to uninterrupted, two-way, eight-lane traffic on the Eugene A. Carter Memorial Bridge on or before December 1, 2027, the Contractor shall be assessed a DISINCENTIVE PAYMENT in the amount of \$75,000 for each calendar day the Phase 1 and 2 work exceeds the December 1, 2027 date.

There is no maximum value to the Disincentive Payment and any disincentives assessed are in addition to standard liquidated damages penalties.

For purposes of this disincentive payment, Section 108.6.2 of the Standard Specifications shall not apply to the December 1, 2027 completion date.

4. For the purposes of this Contract, one calendar day shall be counted from midnight to midnight and any part of the 24-hour period, including weekends and holidays.