

**GG. Incorporation of Federal Transit Administration (FTA) Terms:**

The Design/Build Firm shall be required to comply with the contract provisions for FTA contracts using Federal Aid. These required contract provisions are included as an Attachment to this RFP.

The Project will receive financial assistance from the FTA. The Design/Build Firm shall be responsible for compliance with and implementation of applicable requirements of certifications issued by the United States Department of Labor (DOL) pursuant to 49. U.S.C.A. 5333(b) as to the Department's grants of financial assistance as to the Project. A copy of the DOL certification issued as to the preliminary engineering phase of the Project (FL-03-0323) is included as an Attachment to this RFP. The Department will provide the Design/Build Firm copies of any additional certifications issued by DOL as to FTA grants for the Project.

**HH. No Excuse Bonuses, Incentives, and Disincentives:**

This project involves a combination of No Excuse Bonuses, Incentives, and Disincentives pertaining to the completion of the full project for revenue service, completion of the station platforms, completion of the Operations Control Center, and completion of critical highway grade crossing improvements. The No Excuse Bonuses, Incentives, and Disincentives are described in detail in the Division I Specifications for the project. The following summarizes the elements that are included in the No Excuse Bonuses, Incentives, and Disincentives for the project.

***Project Completion***

The project includes a milestone of July 30, 2010 for the completion of all construction, testing, commissioning, completed signal system cutover and start of revenue service. Revenue service is defined as the track system, signal system, communications system, platforms, and the Operations Control Center are complete and functional to allow for commuter rail service to be run with 15 minute headways. The Design/Build Firm shall not be responsible for the delivery of the vehicles. This milestone involves both a No-Excuse Bonus and a Disincentive as defined in Section 8-13.1 of the Division I Specifications for this project.

***Station Platforms***

The project includes three (3) separate No-Excuse Bonuses and Disincentives for station platform completions as defined in the Specifications for this project. The station platform completion shall be defined as all construction of the concrete station platforms for all of the stations within each group. The stations included in each group and their associated milestones are listed below. The station platform construction complete includes completion of all below-grade conduits and drainage structures; all electrical, utilities, mechanical, and architectural embeds; canopy column foundations; and installation of the platform tactile edge paver. The Design/Build Firm shall clear all equipment, material, and debris from the station areas by the milestone date.

Group 1: Fort Florida, Sanford, Lake Mary, and Altamonte Springs - Milestone Date of May 30, 2009.

Group 2: Maitland, Winter Park, Florida Hospital and Sand Lake – Milestone Date of August 30, 2009.

Group 3: Longwood, LYNX Central, Church, and Orlando Amtrak – Milestone Date of November 30, 2009.

The No Excuse Bonuses and Disincentives are detailed in Section 8-13.1 of the Division I Specifications for this project.

### ***Operations Control Center***

This project includes a No Excuse Bonus and Disincentive for the Operations Control Center as defined in Section 8-13.1 of the Division I Specifications for this project. The Operations Control Center must be complete by December 30, 2009.

### ***Grade Crossings***

The project includes an Incentive/Disincentive for the construction sequencing that minimizes the roadway closure time and impacts to highway traffic at the selected grade crossings. Each grade crossing can be closed for up to a maximum of 54 hours, during the time period from 9:00 p.m. on Friday to 3:00 a.m. on the following Monday. This project includes an Incentive/Disincentive for the following highway grade crossings: CR 46A/25<sup>th</sup> Street, Airport Boulevard, Lake Mary Boulevard, Country Club Road, CR 427 (MP 776.12), CR 427 (MP 779.39), SR 436, Kaley Avenue, Michigan Street, and Oakridge Road as defined in Section 8-13.2 of the Division I Specifications for this project.

### ***Extended Curfew Hours***

The project includes an Incentive/Disincentive for the Design/Build Firm to remain within the Extended Curfew Hours as bid, and as detailed in Section 8-13.3 of the Division I Specifications for this project.

### ***Rail Recovery***

The project includes Damage Recovery associated with the Daily Curfews. The Design/Build Firm shall be subject to a damage recovery/user cost for each 15 minute period, or portion thereof, where the tracks are not open to traffic at the end of the Daily Curfew as defined in Section 8-12 of the Division I Specifications for this project.

### ***Storage Tracks***

The storage tracks for the storage of up to 10 DMUs must be complete by August 1, 2009 and storage for up to 16 DMUs must be complete by April 1, 2010. If not complete by the times stated herein, the Design/Build Firm shall be responsible for any costs incurred by the Department for any delay to the delivery or storage of the vehicles elsewhere.