

440001XX HOT-MIX ASPHALT SURFACE REMOVAL
X4401198 HOT-MIX ASPHALT SURFACE REMOVAL VARIABLE DEPTH
(LCDOT)

Effective: January 1, 2007
Revised: October 15, 2019

Description: This work shall consist of removing the existing hot-mix asphalt (HMA) surface to a depth specified on the plans with a self propelled milling machine.

General: The work shall be performed according to Section 440 of the “Standard Specifications” and the following:

If the milling machine cuts too deep or tears out areas of the existing pavement which were not designated for removal, the holes shall be filled with leveling binder at the Contractor's expense.

Temporary ramps at butt joints shall be provided according to Article 406.08 of the “Standard Specifications”. Temporary ramps will not be paid for separately but shall be included in the contract unit bid price for the hot-mix asphalt surface removal, of the depth specified.

Failure to Complete the Work: Should the Contractor fail to provide the temporary bituminous ramp, the Contractor shall be liable to the Lake County Division of Transportation (LCDOT) in the amount of \$100.00 per lane, per day, per ramp location, not as a penalty but as liquidated and ascertained damages for each calendar day beyond the date that the bituminous ramp remains incomplete after written notification from the Engineer. Such damages may be deducted by LCDOT from any monies due the Contractor.

In fixing the damages as set out herein, the desire is to establish a certain mode of calculation for the work because the LCDOT's actual loss, in the event of delay, cannot be predetermined, would be difficult of ascertainment, and a matter of argument and unprofitable litigation. This mode is an equitable rule for measurement of the LCDOT's actual loss and fairly takes into account losses from the lack of the bituminous ramp. LCDOT shall not be required to provide any actual losses to recover these liquidated damages provided herein, as these damages are very difficult to ascertain. Furthermore, no provision of this clause shall be construed as a penalty, as such is not the intention of the parties.

A calendar day is every day on the calendar and starts at 12:00 midnight and ends at the following 12:00 midnight, twenty-four hours later. No payment will be paid for any day less than twenty-four hours.

Method of Measurement: Hot-Mix Asphalt Surface Removal will be measured for payment in place and the area computed in square yards for each specified increment thickness of material removed.

Basis of Payment: This work will be paid for at the contract unit price per square yard for HOT-MIX ASPHALT SURFACE REMOVAL of the depth specified. *The unit price shall include all equipment, materials, and labor required to remove the HMA surface.*