

NEW YORK STATE THRUWAY AUTHORITY  
DEPARTMENT OF ENGINEERING

ALBANY, NY  
March 21, 2024

AMENDMENT NO. 1  
TO

CONTRACT TAB 24-17  
D214971  
PAVEMENT REPAIRS AT VARIOUS LOCATIONS BETWEEN  
MP 420.34 AND 467.0 ON I-90 AND MP N4.65 AND N18.61 ON I-190  
IN THE BUFFALO DIVISION  
IN ERIE AND CHAUTAUQUA COUNTIES

IN THE LETTING OF  
APRIL 3, 2024

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**NOTE:** This amendment shall be attached to and become a part of the Proposal for Contract **TAB 24-17**.

**NOTICE**

**PROPOSAL**

1. **DELETE** Contract Proposal pages **24** thru **27** and **SUBSTITUTE** with the attached pages **24-A1** thru **27-A1**. Note 4 on page 25 has been inserted into the Schedule and Suspension of Work to further clarify the Interchange N6 and N7 nightly ramp closure restrictions.

The Bidder **MUST** complete Page **186** of the Proposal acknowledging receipt of this amendment. If the Bidder fails to complete the "Amendment Acknowledgement" sheet, his bid could be declared informal thereby delaying award of the contract.

**PLEASE BE GOVERNED ACCORDINGLY WHEN SUBMITTING BIDS.**

Brent E. Howard, P.E.  
Chief Engineer

**SCHEDULE AND SUSPENSION OF WORK**

The New York State Thruway is a limited access, high-speed, high-volume highway. Traffic shall be maintained in accordance with the *Manual on Uniform Traffic Control Devices (MUTCD)*, the *Work Zone Traffic Control Plans*, the *Standard Specifications* Section 619 and the following provisions:

**A. WORK ZONE TRAFFIC CONTROL**

1. Lane closures on the Thruway shall only be allowed in accordance with the traffic management table(s), available on the Thruway Authority website at <http://www.thruway.ny.gov/business/contractors/standard-sheets/index.shtml>, unless indicated otherwise in the contract documents. If more than one table is applicable to a work zone location, the most restrictive requirements shall be used. Traffic management tables do not guarantee lane closure availability; the requirements of Section B. *Work Restrictions* shall supersede these tables, when applicable.
2. Lane closures on the Thruway will be permitted for work site access, delivery of materials and equipment, and work operations. Personal vehicles will **NOT** be allowed to park along the Thruway or within lane closures on the Thruway at any time. During non-working hours, all equipment and materials shall be stored at least 30 feet from the edge of pavement (both mainline and ramps) or be protected by a physical barrier approved by the Engineer.
3. Lane closures will **NOT** be permitted during holiday periods or when unforeseen circumstances arise, as described in Section B. *Work Restrictions*, unless indicated otherwise in the contract documents.
4. Lane closures will **NOT** be permitted for the sole convenience of the Contractor. Lane closures will be permitted in order to protect traffic from an actual hazard, as determined by the Engineer.
5. Permanent lane closures will **NOT** be permitted for the duration of the contract.
6. Simultaneous closure of right and left shoulders will **NOT** be permitted unless indicated otherwise in the contract documents. Either right or left shoulder must remain clear and available through all work zones. The open shoulder shall not be used for the storage of vehicles, equipment, supplies or any other obstructions, or for any work activity.
7. Ramp closures will **NOT** be permitted, unless indicated otherwise in the contract documents. Access to interchanges, service areas and parking areas shall be maintained at all times.
8. Traffic will **NOT** be permitted to drive on milled pavement, unless indicated otherwise in the contract documents.

**B. WORK RESTRICTIONS**

1. **HOLIDAY PERIODS.** Lane closures will **NOT** be permitted during holiday periods, unless indicated otherwise in the contract documents. The Authority may permit work on Thruway facilities only if operations do not inhibit or distract traffic. Access to work sites from state and local roads will be permitted provided the municipality having jurisdiction for the road gives written permission. Holiday periods for this project shall be as follows:

**SCHEDULE AND SUSPENSION OF WORK****\*\*\*BUFFALO DIVISION\*\*\***

| <b>2024</b>                            |             |            |             |             |            |             |
|--|-------------|------------|-------------|-------------|------------|-------------|
| <b>HOLIDAY</b>                         | <b>FROM</b> |            |             | <b>TO</b>   |            |             |
|  | <b>TIME</b> | <b>DAY</b> | <b>DATE</b> | <b>TIME</b> | <b>DAY</b> | <b>DATE</b> |
| Dr. Martin Luther King, Jr. Day        | Noon        | Friday     | 01/12/2024  | 11:00 p.m.  | Monday     | 01/15/2024  |
| Presidents' Day                        | Noon        | Friday     | 02/16/2024  | 11:00 p.m.  | Monday     | 02/19/2024  |
| Easter                                 | Noon        | Friday     | 03/29/2024  | 11:00 p.m.  | Monday     | 03/25/2024  |
| Victoria Day (Canada)                  | Noon        | Friday     | 05/17/2024  | 11:00 p.m.  | Monday     | 05/20/2024  |
| Memorial Day                           | Noon        | Thursday   | 05/23/2024  | 11:00 p.m.  | Monday     | 05/27/2024  |
| Canada Day                             | Noon        | Friday     | 06/28/2024  | 11:00 p.m.  | Monday     | 07/01/2024  |
| Independence Day                       | Noon        | Wednesday  | 07/03/2024  | 11:00 p.m.  | Sunday     | 07/07/2024  |
| Labor Day                              | Noon        | Thursday   | 08/29/2024  | 11:00 p.m.  | Monday     | 09/02/2024  |
| Columbus Day/<br>Thanksgiving (Canada) | Noon        | Friday     | 10/11/2024  | 11:00 p.m.  | Monday     | 10/14/2024  |
| Veterans Day                           | Noon        | Friday     | 11/08/2024  | 11:00 p.m.  | Monday     | 11/11/2024  |
| Thanksgiving                           | 6:00 a.m.   | Wednesday  | 11/27/2024  | 11:00 p.m.  | Sunday     | 12/01/2024  |
| Christmas/New Year's Day               | 6:00 a.m.   | Tuesday    | 12/24/2024  | 6:00 a.m.   | Thursday   | 01/02/2025  |

| <b>2025</b>                            |             |            |             |             |            |             |
|--|-------------|------------|-------------|-------------|------------|-------------|
| <b>HOLIDAY</b>                         | <b>FROM</b> |            |             | <b>TO</b>   |            |             |
|  | <b>TIME</b> | <b>DAY</b> | <b>DATE</b> | <b>TIME</b> | <b>DAY</b> | <b>DATE</b> |
| Dr. Martin Luther King, Jr. Day        | Noon        | Friday     | 01/17/2025  | 11:00 p.m.  | Monday     | 01/20/2025  |
| Presidents' Day                        | Noon        | Friday     | 02/14/2025  | 11:00 p.m.  | Monday     | 02/17/2025  |
| Easter                                 | Noon        | Friday     | 04/18/2025  | 11:00 p.m.  | Monday     | 04/21/2025  |
| Victoria Day (Canada)                  | Noon        | Friday     | 05/16/2025  | 11:00 p.m.  | Monday     | 05/19/2025  |
| Memorial Day                           | Noon        | Thursday   | 05/22/2025  | 11:00 p.m.  | Monday     | 05/26/2025  |
| Independence Day                       | Noon        | Thursday   | 07/03/2025  | 11:00 p.m.  | Sunday     | 07/06/2025  |
| Labor Day                              | Noon        | Thursday   | 08/28/2025  | 11:00 p.m.  | Monday     | 09/01/2025  |
| Columbus Day/<br>Thanksgiving (Canada) | Noon        | Friday     | 10/10/2025  | 11:00 p.m.  | Monday     | 10/13/2025  |
| Veterans Day                           | 6:00 a.m.   | Tuesday    | 11/11/2025  | 11:00 p.m.  | Tuesday    | 11/11/2025  |
| Thanksgiving                           | 6:00 a.m.   | Wednesday  | 11/26/2025  | 11:00 p.m.  | Sunday     | 11/30/2025  |
| Christmas/New Year's Day               | 6:00 a.m.   | Wednesday  | 12/24/2025  | 6:00 a.m.   | Friday     | 01/02/2026  |

- Proposed lane closure schedules shall be submitted to the Engineer for review and approval at least one week in advance of the earliest closure.
- The Contractor shall **NOT** be allowed to establish any lane closures during periods of inclement weather, wet or icy pavement, reduced visibility, traffic accident, emergency, or if the lane closure is causing excessive delay to the public. The Authority reserves the right to alter any lane closure and/or direct the Contractor to immediately remove a lane closure during such circumstances. The Authority shall be the sole judge of when conditions warrant these lane closure restrictions, and such restrictions will not entitle the Contractor to file a claim for additional compensation.
- For Interchange N6 and N7 nightly ramp closures are permitted between 8 PM and 6 AM, **EXCEPT** for when either the Buffalo Sabres or Buffalo Bisons play, or nights when there are events taking place at Outer Harbor/Canalside. For Interchange 50 and Interchange 53 refer to corresponding lane charts for lane closure restrictions.

**SCHEDULE AND SUSPENSION OF WORK**

5. **BUFFALO DIVISION:** Work operations shall be scheduled to avoid interference with increased traffic volumes generated by Buffalo Bills home games or Canadian holidays.
6. **WINTER SHUTDOWN.** A winter shutdown shall be in effect from 3:00 p.m. **November 15** to 6:00 a.m. **April 1**. During this period, the Contractor shall **NOT** be permitted to have lane closures. All temporary tape lines shall be removed, temporary concrete barrier shall be set in its winter shutdown location, and all traffic shall be re-established to its pre-construction configuration on permanent alignment. Mobilization for the following construction season may begin prior to **April 1** with permission from the Authority.
7. The Contractor shall submit a Plan of Operations to the Engineer prior to working on any full-depth repair area shown in the contract documents. The Plan of Operations shall list all full-depth repair areas and the estimated duration to complete each location. The Contractor shall also identify any full-depth repair area that may not be completed within the timeframes allowed by the traffic management table(s). For such location(s), the Contractor may request a waiver of restrictions to complete the repair(s). The Authority will review the request and determine whether or not a waiver will be granted. The Authority has the right to divide repair areas into smaller sections in lieu of granting a waiver.
8. The Contractor shall have 45 calendar days to replace the Milled in Audible Roadway Delineators (MIARDs; Formerly referred to as Shoulder Treatment for Accident Reduction (STAR) groove pattern) where more than 1,500 contiguous feet have been removed by other contract work. The Contractor shall also ensure that MIARDs are installed prior to the official shutdown period, regardless of the 45 calendar day requirement or the length removed. Exceptions to this requirement are shoulders protected by temporary traffic control devices installed as part of a work zone traffic control plan developed in the contract documents or areas directly adjacent to detour pavement that will be used in subsequent phase(s) of the project.

The Contractor shall consider these requirements when preparing bids and scheduling/sequencing the work for this contract. Failure to comply with the time frames specified will be considered a substantial deficiency in work zone traffic control and result in the non-payment for the Basic Work Zone Traffic Control Item for each calendar day during which MIARDs (formerly referred to as STARs) remain incomplete. Liquidated Damages will also be assessed at rates shown in Table 108-1 of the NYSDOT Standard Specifications.

8. Work restrictions may be modified if:
  - a. The Contractor has received permission through the Engineer, from the Division Director or designee, to progress construction operations contained entirely behind temporary concrete barrier. There shall be no hauling of materials in or out of the work site during restricted periods, and open lane availability requirements shall not be violated or compromised.
  - b. The Contractor has received permission through the Engineer, from the Division Director or designee, for temporary modification of the lane availability restrictions for performance of specific construction operations for a specific time period.

**NOTE:** Such requests must be based on current traffic volumes which would permit the requested temporary modification with little probability of causing disruption or delay to the public.

The Contractor shall include full explanation of the benefits to the Public and to the Authority, which would accrue in granting a temporary waiver for performance of the specific operations including calculations for any credit that may be offered. A contingency plan for action to be taken, should an

**SCHEDULE AND SUSPENSION OF WORK**

unexpected traffic backup occur, shall accompany this presentation and will be one prime consideration in evaluating the request.

- c. The Contractor has received written authorization from the Division Director or designee to perform specific construction operations, violating the lane availability restrictions or other work restrictions during a specifically prohibited time period.

**NOTE:** The Contractor shall submit a written request to the Authority's Division Director, with copy to the Engineer, for permission to perform specific construction operations at specific locations and times, including a detailed explanation of why the work cannot be performed in conformance with the contract. Such requests must be received at the Division Office at least one full week before the date of the requested variance, and at least two full weeks should granting the waiver require making notice to the public regarding potential disruptions and delays.

If written authorization to work is granted by the Authority, the Contractor shall be strictly limited to those operations approved in the authorization. In making application for a waiver, the Contractor agrees that any waiver of restrictions granted by the Authority is exclusively for the Authority's benefit and purposes, and as such is subject to revocation without requirement for advance notice. Also, the disapproval of requests for waiver of contract requirements is not subject to administrative review or appeal under the contract.

**C. GENERAL CONDITIONS**

The Contract is to be completed on or before the specified completion date. If, for any reason, the Contractor fails to fulfill this obligation and requests an extension of time and the request is granted, the Authority, as a condition for extending the time of completion, shall retain the right to limit the Contractor's hours and/or days of work and/or impose conditions under which the work shall be performed in order that the traffic may not be unduly inconvenienced.

All the required liability and property damage insurance with the limits stated in this Proposal shall be effective and shall be continued in force throughout the life of this Contract including the stated periods of the suspension of the work.

The Contractor shall consider the foregoing requirement when preparing its "Schedule of Operations".