

MICHIGAN
DEPARTMENT OF TRANSPORTATION

SPECIAL PROVISION
FOR
NON-COMPLIANCE WITH CONTRACT REQUIREMENTS

CFS:LLR

1 of 2

APPR:JJG:LFS:05-23-23
FHWA:APPR:06-15-23

Delete subsection 102.19, on page 1-31 of the Standard Specifications for Construction, in its entirety and replace with the following:

102.19. Contract Non-Compliance

The Engineer will issue non-compliance notices (form 1165) to the Contractor when contract requirements have not been met. Non-compliance notices may be issued at any time during the course of the contract. Notices of non-compliance may include, but are not limited to, the following criteria.

- A. Jobsite Safety
- B. Prevailing Wage
- C. Subcontract
- D. Prompt Payment
- E. Disadvantaged Business Enterprise
- F. Soil Erosion and Sedimentation Control
- G. Plans and Specifications
- H. Prosecution and Progress
- I. Submittals (material testing, certifications, shop drawings, etc.)
- J. Work Zone Safety and Mobility

Non-compliance notices may be used as a basis for modifying the prequalification ratings of the Contractor and any tier subcontractor. Any action to modify the Contractor's prequalification ratings will be taken in accordance with the duly promulgated administrative rules for prequalification.

If a Contractor and or any tier subcontractor fails to honor a request by the Engineer to submit a performance improvement plan or to meet to discuss the plan, or if a Contractor or subcontractor at any tier fails to carry out an approved performance improvement plan, that failure may be used as a basis for modifying the prequalification ratings of the Contractor or subcontractor at any tier as applicable. Any action to modify the

Contractor's prequalification ratings will be taken in accordance with the duly promulgated administrative rules for prequalification.