

ARTICLE 11. CULTURAL RESOURCES

Section 11.01. Responsibility.

In the event cultural resources are discovered during subsurface excavations at locations of the work, the Contractor shall cease all construction operations at the location of such cultural resource find until such time that a qualified archeologist can be called to assess the value of these resources and make recommendations to the State Historic Preservation Officer for further direction. If the State Historic Preservation Officer or the Engineer directs the work be temporarily ceased at the location of the cultural find the Contractor shall temporarily suspend the work at the location.

Section 11.02. Controlling Operation.

If the Engineer or the State Historic Preservation Officer directs that the work be temporarily suspended for cultural purposes on a portion of the work which is the current controlling operation or operations on the Contract, the total number of days for which the suspension is in effect shall be added to the number of allowable contract days in computing the total number of allowable contract days.

Section 11.03. Non-Controlling Operation.

If a portion of the work at the time of such suspension is not a controlling operation, but subsequently does become the current controlling operation, the determining of contract time will be made on the basis of the current controlling operation or operations.

Section 11.04. Compensation Determination.

If, as a result of a temporary suspension of the work at a location or locations, the Contractor sustains a loss which could not have been avoided by his judicious handling of forces, equipment, and plant, to perform other work on the contract, there shall be paid to the Contractor such amount as the Engineer may find to be fair and reasonable compensation for such part of the Contractor's actual loss, as, in the opinion of the Engineer, was unavoidable, to be determined as follows:

Compensation for idle time of equipment will be determined in the same manner as determinations are made for equipment used in the performance of extra work paid for on a force account basis, with the following exceptions:

A. The right of way delay factor for each classification of equipment shown in the State of California Department of Transportation publication entitled "Labor Surcharge Equipment Rental Rates" will be applied to such equipment rental rate.

B. The time for which such compensation will be paid will be the actual normal working time during which such delay condition exists, but in no case will exceed eight (8) hours in any one day.

C. The days for which compensation will be paid shall be for all or portion of calendar days, excluding Saturdays, Sundays, and legal holidays, during the existence of such delay.

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2 Actual loss shall be understood to include no items of expense other than idle time of equipment
3 and necessary payments for idle time of men and the cost of extra moving of equipment.
4 Compensation for idle time of equipment will be determined by the Engineer and compensation
5 for idle time of men will be determined by the Engineer as "Labor", and no markup will be added
6 in either case for overhead or profit. Compensation for the cost of moving equipment shall be
7 the actual cost without markup for overhead or profit.