



U.S. Department  
of Transportation

**Federal Highway  
Administration**

# Memorandum

Subject: **ACTION:** No Excuse Incentive Provision  
Special Experimental Project No. 14 (SEP-14)

Date: May 2, 2008

## Signed by

From: Dwight Horne  
Director, Office of Program Administration

Reply to  
Attn. of: HIPA-30

To: Renee Sigel  
Division Administrator  
Harrisburg, PA

This is in reference to Mr. George Fleagle's April 29, email that forwarded an SEP-14 work plan on behalf of the Pennsylvania Department of Transportation (PennDOT). PennDOT proposes to use a no excuse incentive contract provision on the State Route 22, Section B10 construction contract in Westmoreland County.

The no excuse incentive clause provides that the substantial completion date will not be adjusted for any reason, cause or circumstance, regardless of fault, with the exception of a catastrophic event that results in a declared state of emergency. This contract provision provides a \$500,000.00 lump sum incentive for meeting the December 31, 2011 substantial completion date.

You may consider the work plan and to be approved under our SEP-14 Innovative Contracting program. Should you have any questions, please contact Gerald Yakowenko at (202) 366-1562.

