

12/20/2022

SSD: 12/3/79, 4/10/80, 11/19/82, 5/9/83, 12/7/90, 12/20/96, 07/14/04, 09/01/05, 08/06/07, 01/07/09, 04/15/09, 11/30/09, 05/12/10, 02/17/11, 07/16/15, 11/02/15, 12/16/15, 01/20/16, 07/15/16, 08/22/17, 01/23/18, 09/13/18, 02/13/19, 04/24/19, 12/23/19, 04/08/20, 12/14/20, 07/16/21, 12/22/21

February 21, 2023

## SPECIAL ATTENTION

### FUEL ADJUSTMENT

- (a) The shortage of all products in relation to the national and worldwide energy situation has made future costs of fuel unpredictable. For this reason, a price adjustment clause is being inserted in this contract to provide for either additional compensation to the Contractor or payment to the State, depending upon an increase or decrease in the price of fuel.
- (b) The fuel usage factors, which will be applied to the several items of the Contract shall be those set forth in Table 1.
- (c) Price adjustment will be based upon the quantity of fuel incorporated in the work as determined by the factors in Table 1.
- When the monthly sales price determined per paragraph (f) is more than 110% of the fixed base price set forth in paragraph (e), a contract adjustment will be made under Item 1010.15 based on: [monthly sales price less 110% of the fixed base price] multiplied by [item quantity eligible for payment during month] multiplied by [fuel factor].
  - When the monthly sales price determined per paragraph (f) is less than 90% of the fixed base price set forth in paragraph (e), a contract adjustment will be made under Item 1010.15 based on: [monthly sales price less 90% of the fixed base price] multiplied by [item quantity eligible for payment during month] multiplied by [fuel factor].
- (d) The Contractor warrants that its bid prices for this Contract include no allowances for any contingency to cover increased costs for which adjustment is provided herein.
- (e) The fixed base price of fuel will be \$ 3.2715 per gallon.
- This price is used solely to compute price adjustments. The fuel price will be the lower bulk retail price of **ultra low sulfur diesel fuel** for Boston as published by OPIS (Oil Price Information Service) in the Oil Price Daily, formerly known as the Journal of Commerce, and will include current Federal and State taxes.

- (f) The monthly sales price of fuel will be determined by the Department based on the following schedule:

2023					
Month	Publication Date	Month	Publication Date	Month	Publication Date
January	December 26, 2022	May	April 24, 2023	September	August 28, 2023
February	January 23, 2023	June	May 22, 2023	October	September 25, 2023
March	February 20, 2023	July	June 26, 2023	November	October 23, 2023
April	March 27, 2023	August	July 24, 2023	December	November 27, 2023

Monthly sales prices will be set in the same manner as indicated in paragraph (e).

- (g) When an adjustment is called for as provided in paragraph (c), the monthly sales price determined in paragraph (f) will be used for work accomplished in the following month.
- (h) No price adjustment will be allowed beyond the Project completion date unless there is a Department-approved extension of time. Price adjustments will be made on quantities adjusted as a result of the final audit.
- (i) The Department will not be responsible for computing or otherwise indicating price adjustments except to the prime contractor, which must make its own arrangements with its subcontractors.
- (j) When no item for Fuel Adjustment is included in the Contract no adjustments will be made.

Pay item and unit:

1010.15 Fuel Adjustment <sup>1</sup> \$

<sup>1</sup> Not a bid item.

**Table 1 - FUEL FACTORS**

Item of Work	Item No.	Units	Fuel	
<b>Excavation:</b>				
Earth	203.1_.,4_	gal/c.y.	0.26	
	203.50_.,51_.,52_			
	203.6_.,7_			
	206.1_			
	207.1_			
	504.1_			
Rock	203.2_	gal/c.y.	0.34	
	206.2_			
	207.2_			
	504.2_			
Other	203.3_	gal/c.y.	0.31	
	206.3_			
	207.3_			
	583._			
	585._			
	586._			
	587._			
<b>Bases:</b>				
Unprocessed	209._	gal/c.y.	0.46	
	304.1_.,2_			
Processed <sup>4</sup>	304.3_	gal/c.y.	0.82	
	304.4_.,5_.,6_			
	508._			
<b>Bituminous Concrete</b>				
Pavement <sup>2</sup>	403._	gal/ton	1.90	
	411._			
<b>All Other Items:</b>		gal/\$1,000 of work	13.0	
<b>Excluded Items: <sup>3</sup></b>				
210._	510.41_	550.2_	565.7_	692._
211._	510.61_	560._	568._	693._
306.31_	510.65_	561._	592._	697._
306.32_	521.2_	563.1_	603.0001	698._
306.33_	528._	563.2_	618._	699._
410._	544._	563.3_	619._	8_._.
419.3	548._	563.7_	624._	10_._.
510.31_	550.1_	565.2_	645.7_	

<sup>2</sup> Item 403.4, 403.16, & 403.26 shall be calculated using the "All Other Items" category rate.

<sup>3</sup> Also excluded are all supplementary agreements, extra work and per specification items.

<sup>4</sup> Item 304.32 shall be calculated using the "All Other Items" category rate.