

SUPPLEMENTAL SPECIFICATION

AMENDMENT TO SUBSECTION 109 – MEASUREMENT AND PAYMENT

*The purpose of this Supplemental Specification is to amend the
Rental Rate Blue Book for Construction Equipment requirements.*

Amend 109.04.4.4 to read:

109.04.4.4 Equipment and Plant.

For any Contractor-owned machinery or special equipment (other than small tools), the use of which is approved by the Engineer, the hourly rate will not exceed that determined from the Rental Rate Blue Book online at “equipmentwatch.com” used in the following manner:

- a. The hourly equipment rental rate R will be determined by formula as follows:

$$R = (A \times B \times C) + D$$

Where A = Monthly rate divided by 176. The listed weekly, hourly, and daily rates will not be used.

B = Regional adjustment factor for New Hampshire.

C = Model year adjustment for the year of equipment manufacture.

D = Estimated operating costs per hour.

This formula is equal to the **FHWA Rate** that is shown in the Rental Rate Blue Book at “equipmentwatch.com”.

- b. The number of hours to be paid for will be the number of hours that the equipment or plant is actually used on a specific Force Account activity and, in addition, shall include the time required to move the equipment to the location of such Force Account activity and return it to the original location or to another location requiring no more time than that required to return it to its original location, except that moving time will not be paid for if the equipment is used during the move on work other than the specific Force Account activity.
- c. The “Rate Effective Date” to be selected online will be the actual date that the work was performed.
- d. Overtime shall be charged at the same rate indicated in subparagraph (a) above.
- e. The estimated operating costs per hour will be used for each hour that the equipment or plant is in operation on the Force Account work. Operating costs are not reimbursable for the time the equipment is idle.
- f. The maximum rental period to be paid for per day shall not exceed eight hours unless the equipment operates for eight or more hours.
- g. If equipment is idled solely due to the responsibility of the Department, then the Contractor may be compensated for such idle equipment at 50% of the rate defined in “A” above (monthly rate divided by 176).
- h. The rates established above shall include the cost of fuel, oil, lubrication, supplies, small tools, necessary attachments, repairs, overhauls, and maintenance of any kind, depreciation, storage, field and home office overhead, profits, insurance, and all incidentals.

The Contractor shall provide the Engineer with the following: the manufacturer’s name, equipment type, year of manufacture, model number, type of fuel used, horsepower rating, attachments required, together with their size or capacity, and any further information necessary to ascertain the proper rate. Unless otherwise specified, manufacturer’s ratings and manufacturer approved modifications shall be used to classify equipment for the determination of applicable rental rates. Equipment which has no direct power unit shall be powered by a unit of at least the minimum rating recommended by the manufacturer. The Contractor is not required to purchase an online subscription, as the equipment rental rates will be provided by the Department.

Equipment used by the Contractor shall be in good working condition and shall be of suitable size and suitable capacity required for the work to be performed. The rate for the basic equipment with the appropriate attachments shall include only the rate for the combined equipment necessary to perform the Extra Work. In case the Contractor

elects to use equipment of a higher rental value than that suitable for the work, payment will be made at the rate applicable to the suitable equipment. The equipment actually used and the suitable equipment to be paid for will be recorded as a part of the record for Force Account work. The Engineer will determine the suitability of the equipment. If there is a differential in the rate of pay of the operator of oversize or higher rate equipment, the rate paid for the operator will likewise be that for the suitable equipment.

Payable time periods will not include:

- (1) time elapsed while equipment is inoperative due to breakdowns,
- (2) time spent repairing equipment, or
- (3) time elapsed 24 hours after the Engineer has advised the Contractor that the equipment is no longer needed.

If a piece of equipment is needed that is not listed in the above stated rental rate guide, a rate will be established by the Engineer in writing before the equipment is used. The Contractor may furnish any cost data which might assist the Engineer in the establishment of such rate.

If the Contractor does not own a specific type of equipment or if the Department orders the Contractor to utilize a specific type of equipment and the equipment must be obtained by rental, the Contractor shall inform the Contract Administrator of the need to rent the equipment and of the rental rate for that equipment before using it on the work. Provided that the rate is reasonable, the Contractor will be paid the actual rental cost for the equipment for the time that the equipment is actually used to accomplish the work, plus the cost of moving the equipment onto and away from the job. A 5 percent mark-up will be added to the actual rental cost, provided the total cost does not exceed the *Rental Rate Blue Book for Construction Equipment* rate (in accordance with 109.04.4.4(a)). The Contractor shall provide a copy of the paid receipt or canceled check for the rental expense incurred.

Transportation charges for each piece of equipment, whether owned or rented, moved to and from the site of the work will be paid provided:

- (1) the equipment is obtained from the nearest approved source,
- (2) the return charges do not exceed the delivery charges,
- (3) haul rates do not exceed the established rates of licensed haulers,
- (4) charges are restricted to those units or equipment not already available and not on or near the Project, and
- (5) equipment is not used elsewhere on the project.