

Dear *[Contractor]*_____:

On *(insert date)*_____, you submitted a request for an extension of time in accordance with Subsection 108.09 of the Standard Specifications for Construction, in which you requested to extend the contract by *[##]*____ days.

I have reviewed your request and determined that *[##]*____ days of the request are related to the cement material supply issue.

You have not established that the delay related to the cement material supply issue is an excusable delay under Subsection 108.08. Therefore, I am granting your request for a *[##]*____-day extension of time with liquidated damages assessed. I have enclosed a draft Contract Modification documenting that decision.

However, considering the unprecedented nature of the cement material supply issue, MDOT is amenable to waiving liquidated damages for delays to controlling operations related to the cement material supply issue, if your company is in turn willing to forego all entitlements to additional compensation or costs incurred related the cement material supply issue. This includes all additional costs that are, or could be, the subject of a claim, along with any other costs that your company would be entitled to under the contract.

If your company accepts this proposal, please execute the attached waiver form and have it notarized. I will then provide a revised Contract Modification granting an extension of time for *[##]*____ days without the assessment of liquidated damages. If this waiver is not returned within 21 days, this proposal will be withdrawn, and I will process the draft Contact Modification in its current form.

Please note that this proposal applies only to the delay of *[##]*____ days related to the cement material supply issue. ***[Engineer Note: If the extension request includes days unrelated to the cement material supply issue, address those days in this paragraph per the contract.]***

All other requests for extensions of time on this project will be separately reviewed in accordance with the Standard Specifications for Construction.

This letter constitutes an offer to compromise and is not admissible in any legal proceeding. MRE 408.

Engineer Signature Block