

**OKLAHOMA DEPARTMENT OF TRANSPORTATION
SPECIAL PROVISIONS
FOR
PRICE ADJUSTMENT FOR ASPHALT BINDER**

These Special Provisions revise, amend, and where in conflict, supersede applicable sections of the 1999 Standard Specifications for Highway Construction, English and Metric. Units of measurement are provided in the subsections in both English and Metric equivalents. The units for this project shall be those specified in the project plans.

(Add the following:)

109.12 PRICE ADJUSTMENT FOR ASPHALT BINDER.

A price adjustment clause is included in this contract to provide additional compensation to the Contractor or a credit to the Department for fluctuations in asphalt binder prices. This price adjustment is dependent upon a change in the average price of asphalt binder which results in an increase or decrease in the price of products utilized on this project.

- (a) Payment will be made to the contractor for monthly fluctuation in the cost of asphalt binder used in performing the applicable items of Asphalt Concrete work as listed in the table below when the asphalt binder cost fluctuates by more than 3% from the base price defined below. Payments may be positive, negative, or nonexistent depending on the circumstances. Payments or deductions will only be calculated on that portion of the asphalt binder cost fluctuation that exceeds the 3% specified above. Payments or deductions for the asphalt binder cost adjustment will be included in the contractor's progressive estimates; and the payment or deduction authorized for each estimate will be based upon the algebraic difference between the quantities for applicable items of work.
- (b) The Asphalt Binder Cost Adjustment (ACA) for the current estimate will be computed according to the following formula:

$$ACA = Q \times F \times D$$

where

- ACA = Asphalt binder cost adjustment, in dollars;
- Q = The algebraic difference between the quantities for the applicable items on the current estimate and the quantities shown on the previous estimate, in tons of mix;
- F = The Asphalt Binder Use Factor for the applicable items of work subject to this price adjustment, as listed in the following table, are:

ITEM OF WORK	SPECIFICATION NUMBER	ASPHALT BINDER USE FACTOR PER UNIT (metric and U.S. Customary units)
Open Graded Bituminous Base	319	0.025 ton of binder per ton of mix
Open Graded Friction Surface Course	406	0.058 ton of binder per ton of mix
Permeable Friction Course	409	0.062 ton of binder per ton of mix
Asphalt Concrete, Type S-6	411(S6)	0.058 ton of binder per ton of mix
Asphalt Concrete, Type S-5	411(S5)	0.053 ton of binder per ton of mix
Asphalt Concrete, Type S-4	411(S4)	0.048 ton of binder per ton of mix
Asphalt Concrete, Type S-3	411(S3)	0.042 ton of binder per ton of mix
Asphalt Concrete, Type S-2	411(S2)	0.037 ton of binder per ton of mix
Asphalt Concrete, Type RBL	411(V)	0.054 ton of binder per ton of mix
SMA	418	0.062 ton of binder per ton of mix

Note: When the units of measure in this contract for the Items of Work listed in the table do not correspond with the units shown in the table (i.e. Asphalt Concrete paid by the square yard, etc.), those Items will not be subject to the terms of this special provision or any asphalt binder price adjustment.

D = Allowable price differential, in dollars;

The allowable price differential, “D”, for the current estimate will be computed according to the following formulas:

When the current price, P , is greater than the base price, $P_{(b)}$.

$$D = P - [1.03 \times P_{(b)}], \text{ but not less than zero.}$$

When the current price, P , is less than the base price, $P_{(b)}$.

$$D = P - [0.97 \times P_{(b)}], \text{ but not greater than zero.}$$

In either case, $P_{(b)}$ shall be the base asphalt binder price, in dollars per ton (mton), defined as the average of the minimum and maximum prices for performance-graded binder using the Selling Price of PG64-22 paving grade, F.O.B. manufacturer’s terminal, as listed under “Midwest/Mid-Continent Market - Tulsa, Oklahoma/Southern Kansas area” as published in the last issue of Asphalt Weekly Monitor® furnished by Poten & Partners, Inc. for the month prior to the month in which the bids for the work were received.

In either case, P , shall be the current asphalt binder price, in dollars per ton (mton), as defined above for the base asphalt binder price. The publication used will be the last issue published in the month prior to the month in which the progressive estimate is generated.

- (c) Items included in the contract that are listed in the table above are subject to adjustment in accordance with this provision, regardless of any amount of overrun to the plan quantity. Any new items of work added to the contract by supplemental agreement that are listed in the table above, will be subject to the asphalt binder price adjustments in accordance with this provision. The base asphalt binder price, $P_{(b)}$, for any newly added eligible items will be the same $P_{(b)}$ as the eligible items in the contract and the new unit price established by supplemental agreement shall be determined accordingly.