

**EXHIBIT U-1**

**CONSTRUCTION PERIOD NON-COMPLIANCE POINTS TABLE**

**Element** is defined as the individual non-compliant category as listed below in the table. Each element has a corresponding Level of Severity as indicated in Table 11-1 of the Agreement. These elements are indicated by their various identifiers such as PM01 or S02 or E03.

**Cure Period** is defined as the amount of time the Developer has to commence and remedy the specific element non-compliant condition. In the event the Developer fails to remedy the non-compliant condition within the cure period, the accumulation of uncured points and any associated liquidated damages will increase in accordance with Table 11-1 of the Agreement and a new cure period will commence. Continual failure to remedy the non-compliant condition over subsequent consecutive cure periods will ultimately accrue to the maximum amount of uncured non-compliant points and liquidated damage values.

**Interval of Recurrence** is defined as the period of time over which the Developer must demonstrate compliance and not have a recurrence of the same non-compliant condition that was originally noted as being non-compliant. In the event the Developer breaches the Interval of Recurrence, a new cure period will commence for the non-compliant condition causing the breach of the Interval of Recurrence. Subsequent breaches of the Interval of Recurrence will cause uncured non-compliant points and associated liquidated damages to accrue from the previous level of breach.

**Cure Period Time** commences from the moment of Department notice to the Developer of the non-compliant condition through the period indicated for the specific element. Excluding elements with hourly values, cure periods that expire after 5:00 P.M. EST will be extended to 10:00 A.M. the following day.

**Impact of Accumulated Noncompliance Points**

Total Cumulative Number of Uncured Points	Total Cumulative Number of Cured and Uncured Points*	Implications
50	100	Increased Monitoring by the Department
100	225	Remediation Plan to be submitted to the Department
150	350	VDOT may exercise its rights under Article 19 of the Agreement

\*Cumulative Non-Compliance points are measured on a 365-day rolling period.

Element	Description	Required Task	Minimum Performance Requirements	Level of Severity (A, B or C)	Cure Period	Interval of Recurrence
<b>Project Management</b>						
<b>PM01</b>	DQMP	Maintain compliance with approved Design Quality Management Plan	As required in the Design Quality Management Plan and the VDOT DB QA/QA Manual	A	5 Days	10 Days
<b>PM02</b>	QAM	Maintain compliance with approved Quality Assurance Manual	As required in the Design and Construction Quality Management Plans and the VDOT DB QA/QC Manual	A	5 Days	10 Days
<b>PM03</b>	Deputy QAM's	Perform required roles and responsibilities for designated positions at required level of support	As required in the Design and Construction Quality Management Plans and the VDOT DB QA/QC Manual	A	5 Days	10 Days
<b>PM04</b>	CQMP	Maintain compliance with the approved Construction Quality Management Plan	As required in the Construction Quality Management Plan	A	5 Days	10 Days
<b>PM05</b>	DBE/SWaM	Maintain compliance with the approved DBE/SWaM Plan	As required in the approved DBE/SWaM Plan	A	5 Days	10 Days

Element	Description	Required Task	Minimum Performance Requirements	Level of Severity (A, B or C)	Cure Period	Interval of Recurrence
<b>PM06</b>	Public Outreach	Maintain compliance with the approved Communications, Consultation, Public Outreach and Community Education Plan	As required in the Communications, Consultation, Public Outreach and Community Education Plan	A	5 Days	10 Days
<b>PM07</b>	Right of Way	Maintain compliance with the approved ROW Plan	As required in the Right of Way Plan	A	5 Days	10 Days
<b>PM08</b>	Submittals	Maintain compliance with the submittal process as required in the Comprehensive Agreement and Technical Requirements	As required in the Technical Requirements Section 1.2.2 with respect to quality, compliance, and timeliness of submittals	A	2 Days	5 Days
<b>Safety</b>						
<b>S01</b>	Daily or Weekly Site Safety Inspections	Perform weekly site safety inspections for compliance with Safety Plan.	VDOT 2016 Road and Bridge Specifications Section 107.17 and Developer's Health, Safety and Security Plan	C	N/A	15 Days
<b>S02</b>	Safety Inspection Violations	Note and correct any violations found during any daily or weekly safety inspection	VDOT 2016 Road and Bridge Specifications Section 105.16 and Developer's Health, Safety and Security Plan	B	4 Hours	10 Days

Element	Description	Required Task	Minimum Performance Requirements	Level of Severity (A, B or C)	Cure Period	Interval of Recurrence
<b>S03</b>	Housekeeping	Inspect work areas for good housekeeping measures, materials properly stored, trash and dunnage disposed of on a weekly basis	VDOT 2016 Road and Bridge Specifications Section 105.16 and Developer's Health, Safety and Security Plan	A	1 Day	5 Days
<b>S04</b>	Fall Protection	Daily inspection of work areas for fall protection measures and hazard identifications. Note any violations and verify immediate correction	26 CFR 1926 OSHA Section 501 and Developer's Health, Safety and Security Plan	C	N/A	15 Days
<b>S05</b>	PPE	Daily visual inspection of worker PPE for compliance with project specific Health and Safety Plan and VDOT requirements. Note violations and verify immediate correction	26 CFR 1926 OSHA Section 102 and Developer's Health, Safety and Security Plan	B	1 Hour	10 Days
<b>S06</b>	Health, Safety and Security	Maintain compliance with the Health, Safety and Security Plan for elements not specifically indicated above	Developer's Health, Safety and Security Plan	B	8 Hours	10 Days

Element	Description	Required Task	Minimum Performance Requirements	Level of Severity (A, B or C)	Cure Period	Interval of Recurrence
<b>Environmental Compliance</b>						
<b>E01</b>	Erosion and Sediment Control	Inspection of all erosion and sediment control measures - note violations and corrective measures to be taken	VDOT 2016 Road and Bridge Specifications Section 107.16 and DEQ requirements	B	1 Day	5 Days
<b>E02</b>	SWPPP	Comply with all requirements of the SWPPP including updates and record keeping	VDOT 2016 Road and Bridge Specifications Section 107.16 and DEQ requirements	B	1 Day	5 Days
<b>E03</b>	Reporting	Comply with all VDOT reporting requirements	VDOT C107	A	1 Day	5 Days
<b>E04</b>	Fuel Spills	Timely reporting of any and all spills occurring within the construction zone. Note damage and corrective actions required. Provide remediation as required	Institute corrective action in compliance with the requirements of the Project-specific Health and Safety Plan	B	12 Hours	15 Days
<b>E05</b>	Permit Compliance	Monitor compliance with water quality, Army Corp of Engineers, NPDES and other Permits obtained during construction	Comply with all permit requirements	B	1 Day	15 Days

Element	Description	Required Task	Minimum Performance Requirements	Level of Severity (A, B or C)	Cure Period	Interval of Recurrence
<b>E06</b>	Environmental Management Plan	Maintain compliance with the Environmental Management Plan	As required in the Environmental Management Plan	B	1 Day	10 Days
<b>Maintenance of Traffic</b>						
<b>MOT01</b>	Temporary Roadway Surfaces	Continually monitor the Project and maintain traffic control and safety devices	Maintain roadway surfaces that are being used for TTC, including detours and temporary facilities, free of dust, rutting and potholes. Maintain manholes, crosswalks, and joints not to exceed one (1) inch above the riding surface in accordance with the VDOT Standards and Specifications	A	1 Day	5 Days
<b>MOT02</b>	Access	Continually monitor the Project and maintain proper access for the safe and efficient movement of all vehicles and pedestrians	Provide and maintain continuous access for residents and businesses along frontage roads, arterials, secondary roads, and at all intersections including driveway maintenance as necessary for a safe, stable and reasonable access	B	1 Hour	4 Hours

Element	Description	Required Task	Minimum Performance Requirements	Level of Severity (A, B or C)	Cure Period	Interval of Recurrence
<b>MOT03</b>	Detours	Continually monitor the Project and maintain proper access for the safe and efficient movement of all vehicles and pedestrians	Operate and maintain all detours in accordance with the Contract Documents including all signs, arrow boards, variable message signs, etc. for the safe passage of traffic, pedestrians, and bicycle movements	C	N/A	4 Hours
<b>MOT04</b>	Signs	Continually monitor the Project to insure all detour traffic control and safety devices are installed and maintained properly	Timely installation and removal or covering of temporary detour signs and devices	B	1 Hour	4 Hours
<b>MOT05</b>	Traffic Control Devices	Continually monitor the Project to install and maintain traffic control and safety devices	Operate and maintain traffic control devices including signs, barricades, lights, and barrels and cones in accordance with the Contract Documents and keep these devices in the correct position, properly directed, clearly visible, upright, and clean	B	4 Hours	1 Day
<b>MOT06</b>	Temporary Work Zone Signs	Continually monitor the Project to install and maintain temporary traffic control signs	Operate and maintain temporary work zone signs in accordance with the Contract Documents with appropriate hardware, supports, and meet the requirements as set forth in the Contract Documents	B	2 Hours	1 Day

Element	Description	Required Task	Minimum Performance Requirements	Level of Severity (A, B or C)	Cure Period	Interval of Recurrence
<b>MOT07</b>	Maintenance of Existing Signs	Continually monitor the Project and maintain all existing signs	Provide and maintain business signs in accordance with the Contract Documents including ensuring that the retro-reflective sheeting meets the requirement of the Contract Documents	A	12 Hours	1 Day
<b>MOT08</b>	Channelizing Traffic Control Devices	Continually monitor the Project and maintain all temporary channelizing traffic control devices	Operate and maintain high intensity flashing lights, warning and channelizing devices including cones, barrels, temporary barriers, arrow boards, portable changeable message signs (PCMS), portable regulatory signs, etc. in accordance with the Contract Documents	B	4 Hours	1 Day
<b>MOT09</b>	Temporary Traffic Signals	Continually monitor the Project and maintain temporary traffic signals	Provide temporary equipment necessary to restore intersection signal operation	C	N/A	5 Days
<b>MOT10</b>	Concrete Traffic Barrier Service	Continually monitor the Project and maintain temporary concrete traffic barrier service	VDOT 2016 Road and Bridge Specification Section 512	A	2 Days	5 Days
<b>MOT11</b>	Temporary Pavement Markings	Continually monitor condition for integrity, reflectivity, continuity, etc.	VDOT 2016 Road and Bridge Specification Section 512	A	1 Day	5 Days



Element	Description	Required Task	Minimum Performance Requirements	Level of Severity (A, B or C)	Cure Period	Interval of Recurrence
<b>MOT12</b>	Maintenance of Traffic Plan	Maintain compliance with the Maintenance of Traffic Plan	Maintenance of Traffic Plan	B	1 Day	2 Days
<b>Roadway Construction</b>						
<b>R01</b>	Earthwork/Backfill	Continually monitor installation of earthwork operations	VDOT 2016 Road and Bridge Specification Section 303 and Special Provisions	A	2 Days	5 Days
<b>R02</b>	Density and Control Strips	Perform density control checks in accordance with the testing requirements	VDOT 2016 Road and Bridge Specification Section 304 and Special Provisions	B	8 Hours	5 Days
<b>R03</b>	Subgrade and Shoulders	Monitor operations for compliance with the specifications	VDOT 2016 Road and Bridge Specification Section 305 and Special Provisions	A	2 Days	5 Days
<b>R04</b>	Stabilization	Monitor installation of roadway stabilization materials for conformance to specifications and design criteria	VDOT 2016 Road and Bridge Specification Section 306, 307 and Special Provisions	A	2 Days	5 Days

Element	Description	Required Task	Minimum Performance Requirements	Level of Severity (A, B or C)	Cure Period	Interval of Recurrence
<b>R05</b>	Aggregate Base and Subbase Course	Continually monitor the construction of the subbase course including preparation of the subgrade, installation methods, and tolerance verification	VDOT 2016 Road and Bridge Specification Section 308, 309 and Special Provisions	A	2 Days	5 Days
<b>R06</b>	Asphalt Concrete	Continually monitor the installation of the asphalt concrete work including alignment, grade, temperature restrictions and placement limitations	VDOT 2016 Road and Bridge Specification Section 315 and Special Provisions (if any)	B	2 Hours	5 Days
<b>R07</b>	Guardrail	Continually monitor and maintain guardrail	Meet the requirements set forth in the Contract Documents	A	2 Days	5 Days
<b>Roadway Maintenance</b>						
<b>RM01</b>	Flexible Pavement Potholes	Repair flexible pavement potholes	Pavement shall meet the requirements set forth in Section 4.6 of the Technical Requirements	A	2 Days	5 Days
<b>RM02</b>	Flexible Pavement Settlement and Depression	Repair flexible pavement settlement and depression	Pavement depression shall not exceed a depth of 0.5 inches and meet the requirements set forth in Section 4.6 of the Technical Requirements	A	2 Days	5 Days

Element	Description	Required Task	Minimum Performance Requirements	Level of Severity (A, B or C)	Cure Period	Interval of Recurrence
<b>RM03</b>	Flexible Pavement Rutting	Repair flexible pavement rutting	Pavement depression shall not exceed a depth of 0.6 inches and meet the requirements set forth in Section 4.6 of the Technical Requirements	A	2 Days	5 Days
<b>RM04</b>	Rigid Pavement Potholes/ Spalling	Repair rigid pavement potholes/spalling	Pavement shall not have a defect greater than 0.5 square feet in area and including any single measurement of 1.5 inches or greater in depth including any single area in the wheel path exceeding 3 inches in width measured longitudinally and 12 inches in length measured transversely. Pavement shall meet the temporary mitigation performance requirements	A	2 Days	5 Days
<b>Structures and Bridges</b>						
<b>SB01</b>	Structure Excavation	Install and maintain structure excavation for compliance with the contract documents to ensure line and grade	VDOT 2016 Road and Bridge Specification Section 401 and Special Provisions	A	2 Days	10 Days

Element	Description	Required Task	Minimum Performance Requirements	Level of Severity (A, B or C)	Cure Period	Interval of Recurrence
<b>SB02</b>	Piles	Install and maintain all piles including materials, equipment, alignment, grade, and test results	VDOT 2016 Road and Bridge Specification Section 402, 403 and Special Provisions	A	5 Days	10 Days
<b>SB03</b>	Hydraulic Concrete	Install and maintain hydraulic concrete works to ensure compliance with the Contract Documents for line, grade, formwork installation and removal, erection, falsework, placement, and temperature limitations	VDOT 2016 Road and Bridge Specification Section 404, 405 and 406 and Special Provisions	A	5 Days	10 Days
<b>SB04</b>	Steel and Concrete Structures	Install and maintain steel structures to ensure compliance with the Contract Documents for line, grade, materials and connections	VDOT 2016 Road and Bridge Specification Section 407 and Special Provisions	A	5 Days	10 Days
<b>SB05</b>	Permanent Retaining Structures	Install and maintain retaining structures to ensure compliance with the Contract Documents for line, grade, materials, and performance	VDOT 2016 Road and Bridge Specification Section 506 and Special Provisions	A	5 Days	10 Days

Element	Description	Required Task	Minimum Performance Requirements	Level of Severity (A, B or C)	Cure Period	Interval of Recurrence
<b>SB06</b>	Temporary Structures	Install and maintain all temporary structures including materials, equipment, alignment, grade and performance	VDOT 2016 Road and Bridge Specification Section 104 and Special Provisions	A	5 Days	10 Days
<b>Roadside Development</b>						
<b>RD01</b>	Top Soil, Seeding, Plantings	Install and maintain top soil, seeding, landscaping, and plantings for conformance with the Contract Documents	Meet the requirements set forth in the Contract Documents	A	10 Days	15 Days
<b>Miscellaneous</b>						

Element	Description	Required Task	Minimum Performance Requirements	Level of Severity (A, B or C)	Cure Period	Interval of Recurrence
<b>MSC01</b>	Fence	Continually maintain fencing	Meet the requirements set forth in the Contract Documents. Maintain fencing free of openings greater than 1/3 of its original height as measured from the natural ground to the top of the fence fabric, openings greater than 2 square feet in the fence fabric, openings greater than 6 inches between gates or posts, missing or broken fence posts, fence fabric not being attached to fence posts, and less than one continuous strand of barb wire is in place at the top of the fence	B	1 Day	10 Days
<b>MSC02</b>	Concrete Sidewalk and Pedestrian Curb Ramps	Continually maintain sidewalk	Meet the requirements set forth in the Contract Documents. Maintain sidewalk area free of (i) vertical misalignments greater than 1/4 inch (ii) horizontal cracks greater than 3/4 inch (iii) visible hazards	A	2 Days	10 Days
<b>MSC03</b>	Graffiti	Continually monitor and maintain assets free of graffiti	Graffiti shall be removed, covered or painted over to match the color and the painted finish/Class 5 application finish of adjacent area	A	3 Days unless offensive then 24 Hours	1 Day
<b>MSC04</b>			All DMS displays shall be usable and functional at all times			

Element	Description	Required Task	Minimum Performance Requirements		Level of Severity (A, B or C)	Cure Period	Interval of Recurrence
	ITS Maintenance Services - DMS and CCTV	Continually monitor and maintain as operational all VDOT DMS and CCTV on the Project.	Section 3.16 of the Technical Requirements	Respond to maintenance work during Peak Periods	B	4 Hours	5 Days
<b>MSC05</b>				Respond to maintenance work during non-Peak Periods	A	4 Hours	5 Days
<b>MSC06</b>				Complete repairs for maintenance work during Peak Periods	B	4 Hours	5 Days
<b>MSC07</b>				Complete repairs for maintenance work during non-Peak Periods	A	8 Hours	5 Days
<b>MSC08</b>	ITS Maintenance Services – Vehicle Detection Systems (VDS)	Continually monitor and maintain as operational all VDOT VDS on the Project.	Section 3.16 of the Technical Requirements	Respond to maintenance work during Peak Periods	A	8 Hours	5 Days
<b>MSC09</b>				Complete repairs for maintenance work during non-Peak Periods	A	2 Days	5 Days

Element	Description	Required Task	Minimum Performance Requirements	Level of Severity (A, B or C)	Cure Period	Interval of Recurrence
<b>MSC10</b>		Continually monitor and maintain as operational the communication infrastructure	Repair or replace the damaged communications equipment (conduit, pull boxes, splice cabinets, hubs, etc.)	B	4 Hours	5 Days
<b>MSC11</b>		Continually monitor and maintain as operational the ITS power infrastructure including Service Panels	Repair or replace the damaged electrical service feeding ITS devices (conduit, pull boxes, splice cabinets, hubs, etc.)	B	4 Hours	5 Days
<b>MSC12</b>	ITS Maintenance Services Connected Vehicle Equipment	Continually monitor and maintain as operational all Connected Vehicle Equipment on the Project	Respond to maintenance work	A	8 Hours	5 Days
<b>MSC13</b>			Complete repairs and restore operation of Connected Vehicle Equipment. Upon initial installation, Connected Vehicle Equipment shall operate 24 hours per day, each day of the year, except during Planned Maintenance	A	2 Days	5 Days
<b>MSC14</b>	ITS Maintenance Services HOV Gates at Monument Dr./Stringfellow Dr.	Continually monitor and maintain as operational all HOV Gates and associated equipment on the Project	Respond to maintenance work	A	2 Hours	5 Days
<b>MSC15</b>			Complete repairs and restore operation of HOV Gates and associated equipment	B	4 Hours	5 Days
<b>MSC16</b>	ITS Maintenance Services Lane Control Signals (LCS).	Continually monitor and maintain as operational all LCS and associated	Respond to maintenance work during Peak Periods	A	2 Hours	5 Days
<b>MSC17</b>			Respond to maintenance work during non-Peak Periods	A	4 Hours	5 Days



Element	Description	Required Task	Minimum Performance Requirements	Level of Severity (A, B or C)	Cure Period	Interval of Recurrence
<b>MSC18</b>		equipment on the Project	Complete repairs for maintenance work during Peak Periods	A	2 hours	5 Days
<b>MSC19</b>			Complete repairs for maintenance work during non-Peak Periods	A	8 Hours	5 Days
<b>MSC20</b>	ITS Maintenance Services Automated Incident Detection (AID) Camera.	Continually monitor and maintain as operational all AID Camera and associated equipment on the Project	Respond to maintenance work during Peak Periods	B	2 Hours	5 Days
<b>MSC21</b>			Respond to maintenance work during non-Peak Periods	A	4 Hours	5 Days
<b>MSC22</b>			Complete repairs for maintenance work during Peak Periods	B	2 Hours	5 Days
<b>MSC23</b>			Complete repairs for maintenance work during non-Peak Periods	A	8 Hours	5 Days