**CALL NO. 325**

**CONTRACT ID. 112914**

**JEFFERSON COUNTY**

**FED/STATE PROJECT NUMBER FE02 056 0031 B00136N**

**DESCRIPTION CLARK MEMORIAL BRIDGE, KENTUCKY APPROACH, BEARING RETROFIT**

**WORK TYPE BRIDGE BEARING REPAIR**

**PRIMARY COMPLETION DATE 4/1/2011**

**LETTING DATE: January 28, 2011**

Sealed Bids will be received electronically through the Bid Express bidding service until 10:00 AM EASTERN STANDARD TIME January 28, 2011. Bids will be publicly announced at 10:00 AM EASTERN STANDARD TIME.

**BRIDGE PLANS**

**REQUIRED BID PROPOSAL GUARANTY:** Not less than 5% of the total bid.

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# PART I

# SCOPE OF WORK

CONTRACT ID - 112914 ADMINISTRATIVE DISTRICT - 05

PROJECT(S) IDENTIFICATION AND DESCRIPTION:

COUNTY - JEFFERSON PCN - MB05600311101
FE02 056 0031 B00136N
CLARK MEMORIAL BRIDGE, KENTUCKY APPROACH - BEARING RETROFIT BRIDGE OVER OHIO RIVER.
BRIDGE REPAIRS.
GEOGRAPHIC COORDINATES LATITUDE 38^15'50" LONGITUDE 85^45'06"

COMPLETION DATE(S):
COMPLETION DATE - April 01, 2011
APPLIES TO ENTIRE CONTRACT

20 CALENDAR DAYS
APPLIES TO B00136N

# CONTRACT NOTES

## PROPOSAL ADDENDA

All addenda to this proposal must be applied when calculating bid and certified in the bid packet submitted to the Kentucky Department of Highways. Failure to use the correct and most recent addenda may result in the bid being rejected.

## BID SUBMITTAL

Bidder must use the Department's Expedite Bidding Program available on the Internet web site of the Department of Highways, Division of Construction Procurement. (www.transportation.ky.gov/contract)

The Bidder must download the bid file located on the Bid Express website (www.bidx.com) to prepare a bid packet for submission to the Department. The bidder must submit electronically using Bid Express.

## JOINT VENTURE BIDDING

Joint venture bidding is permissible. All companies in the joint venture must be prequalified in one of the work types in the Qualifications for Bidders for the project. The bidders must get a vendor ID for the joint venture from the Division of Construction Procurement and register the joint venture as a bidder on the project. Also, the joint venture must obtain a digital ID from Bid Express to submit a bid. A joint bid bond of 5% may be submitted for both companies or each company may submit a separate bond of 5%.

## UNDERGROUND FACILITY DAMAGE PROTECTION

The contractor is advised that the Underground Facility Damage Protection Act of 1994, became law January 1, 1995. It is the contractor's responsibility to determine the impact of the act regarding this project, and take all steps necessary to be in compliance with the provision of the act.

07/01/2010

# SPECIAL NOTE FOR PRE-BID CONFERENCE
## CLARK MEMORIAL BRIDGE, KENTUCKY APPROACH, BEARING RETROFIT
## CID 112914

The Department will conduct a Pre-Bid Conference for the subject project January 25, 2011 at 9:00am at;

Department of Highways - District 5 Louisville
8310 Westport Road
Louisville, Ky 40242

Any company that is interested in bidding on the subject project or being part of a joint venture must be represented at the conference by at least **one person of sufficient authority to bind the company**. No individual can represent more than one company.

At the conference a roster will be taken of the representatives present. **Only companies represented at the conference will be eligible to have their bids opened at the date of letting.**

The purpose of the conference is to familiarize all prospective bidders with the contract requirements.

Department of Highways officials present at the conference will answer questions concerning the projects.

# SPECIAL NOTE FOR CONTRACT COMPLETION DATE AND LIQUIDATED DAMAGES ON BRIDGE REPAIR CONTRACTS

**I. COMPLETION DATE.** The Contractor has the option of selecting the starting date for this Contract. Once selected, notify the Department in writing of the date selected at least two weeks prior to beginning work. All work is to be completed by April 1, 2011. An allotted number of Calendar days are assigned to each structure in this contract as shown below.

| STRUCTURE | NUMBER OF CALENDAR DAYS |
|---|---|
| B00136N | 20 |

Contrary to Section 108.07.02, the Engineer will begin charging calendar days for a structure on the day the Contractor starts work or sets up traffic control on that particular structure.

**II. LIQUIDATED DAMAGES**.

Liquidated damages will be assessed the Contractor in accordance with the Transportation Cabinet, Department of Highway's 2008 Standard Specifications for Road and Bridge Construction, Section 108.09, when either the allotted number of calendar days or the April 1, 2011 date is exceeded.

In addition to the project liquidated damages as specified in Section 108.09 of the Department of Highway's 2008 Standard Specifications for Road and Bridge Construction, if the Contractor fails to reopen the lane closure to traffic by the agreed upon time frames the Contractor will be assessed liquidated Damages of $1000.00 for the first half hour and $5,000.00 for each consecutive hour that the lane closure is in effect. Liquidated damages will continue to accrue until the respective lane closure is removed or for each 3-hour non-working hour period compromised.

Contrary to the Standard Specifications, liquidated damages will be assessed the Contractor during the months of December, January, February and March when the contract time has expired on any individual bridge or bridges. Contract time will be charged during these months.

All construction must be completed in accordance with the weather limitations specified in Section 606 and/or Section 601 as applicable. No extension of Contract time will be granted due to inclement weather or temperature limitations that occur due to starting work on the Contract or a structure late in the construction season.

# SPECIAL NOTE FOR TRAFFIC CONTROL

## TRAFFIC CONTROL GENERAL

All signs and control of traffic shall be in accordance with the Manual on Uniform Traffic Control Devices for Streets and Highways, latest edition, Part VI. Safety requirements shall comply with the Kentucky Transportation Cabinet Permits Manual. Except as provided herein, traffic shall be maintained in accordance with the Current Standard Specifications and the Standard Drawings, current editions. Contractor shall use Standard Drawing TC-115-01. Except for the roadway and traffic control bid items listed, all items of work necessary to maintain and control traffic will be paid at the lump sum bid price to "Maintain and Control Traffic".

All work necessary in shoulder or ditch line areas of a project roadway is to be scheduled to be promptly completed so that hazards adjacent to the traveled-way are kept to an absolute minimum. The traveled-way and shoulders shall be kept clear of mud and other construction debris at all times during construction of the facility. No non-construction equipment, vehicles or office trailers will be allowed on the right-of-way during working hours.

Contrary to Section 106.01, traffic control devices used on this project may be new or used in like new condition at the beginning of the work and maintained in like new condition until completion of the work.

## LANE CLOSURES

No lane closures shall be performed during the following hours: Monday-Friday 6:00 am – 9:00 am and 3:00 pm – 6:00 pm.

No lane closures shall be permitted during events at the "KFC YUM CENTER" as noted in the attached event schedule. All lanes must be open at least two hours prior to event start times and must not be closed until at least two hours after each event. The contractor shall work closely with the district office and the "KFC YUM CENTER" to verify/update events at the "KFC YUM CENTER" for lane closures.

No closure of Second Street shall be permitted.

At the discretion of the Engineer, additional days may be specified when lane closures will not be allowed.

The Contractor shall only close the lane and sidewalk on one side at a time. One sidewalk must remain open at all times for the passage of pedestrians. The clear lane width shall be a minimum of 10 feet. If traffic should be stopped due to construction operations, and a school bus or an official run arrives on the scene, the Contractor shall make provision for the passage as quickly as possible.

No more than one (1) traveled-lane is to be closed or obstructed during normal working hours. All signs and flagmen utilized during lane closures shall conform to the Manual on Uniform Traffic Control Devices.

When it is necessary to block one (1) traveled-lane of the project roadway, the normal working hours shall be as directed above. No lanes are to be blocked during adverse weather conditions without the specific permission from the Resident Engineer.

Lane closures shall not be left in place during non-working hours. Lane closures shall be incidental to “Maintain and Control Traffic”.

**SIGNS**

Short term signs (signs intended to be left in place for 3 days or less) will not be measured for payment but will be incidental to Maintain and Control Traffic

**VARIABLE MESSAGE SIGNS**

If deemed necessary by the Engineer, Variable Message Signs will be installed, operated and maintained by the Department. All equipment, labor and materials to install, store, remove, maintain, adjust/relocate this item as directed by the Engineer will be incidental to Maintain and Control Traffic.

**CONSTRUCTION PHASING GENERAL NOTES**

Access to the Louisville Presbyterian Center loading dock shall be maintained at all times as well as the entrance to the Parking Garage on Second Street.

The Contractor shall initiate and complete all required work on the east side of the bridge before initiating the required work on the west side of the bridge.

## Calendar Of Events

Welcome to our calendar of events. Click on an event name for more details.

**December 2010 through December 2011**

December 2010 | January 2011 | February 2011 | March 2011 | April 2011

### December 2010

| | |
|---|---|
| Tue 28 | UofL WOMEN'S BASKETBALL vs. UNIVERSITY OF TENNESSEE - MARTIN |
| Fri 31 | UofL MEN'S BASKETBALL vs. UNIVERSITY OF KENTUCKY |

### January 2011

| | |
|---|---|
| Tue 4 | UofL WOMEN'S BASKETBALL vs. ST. JOHN'S UNIVERSITY |
| Wed 5 | UofL MEN'S BASKETBALL vs. SETON HALL UNIVERSITY |
| Sun 9 | UofL WOMEN'S BASKETBALL vs. UNIVERSITY OF PITTSBURGH |
| Sat 15 | UofL MEN'S BASKETBALL vs. MARQUETTE UNIVERSITY |
| Sun 16 | HARLEM GLOBETROTTERS |
| Wed 19 | UofL MEN'S BASKETBALL vs. ST. JOHN'S UNIVERSITY |
| Sat 22 | UofL WOMEN'S BASKETBALL vs. UNIVERSITY OF CINCINNATI |
| Wed 26 | UofL MEN'S BASKETBALL vs. WEST VIRGINIA UNIVERSITY |
| Sat 29 | UofL WOMEN'S BASKETBALL vs. RUTGERS UNIVERSITY |

### February 2011

| | |
|---|---|
| Tue 1 | UofL WOMEN'S BASKETBALL vs. GEORGETOWN UNIVERSITY |
| Sat 5 | UofL MEN'S BASKETBALL vs. DEPAUL UNIVERSITY |
| Fri 11 | KID ROCK |
| Sat 12 | UofL MEN'S BASKETBALL vs. SYRACUSE UNIVERSITY |
| Sun 13 | UofL WOMEN'S BASKETBALL vs. WEST VIRGINIA UNIVERSITY |
| Fri 18 | UofL MEN'S BASKETBALL vs. UNIVERSITY OF CONNECTICUT |
| Sat 19 | BRAD PAISLEY |
| Wed 23 | UofL WOMEN'S BASKETBALL vs. DEPAUL UNIVERSITY |
| Sat 26 | UofL WOMEN'S BASKETBALL vs. SETON HALL UNIVERSITY |
| Sun 27 | UofL MEN'S BASKETBALL vs. UNIVERSITY OF PITTSBURGH |

### March 2011

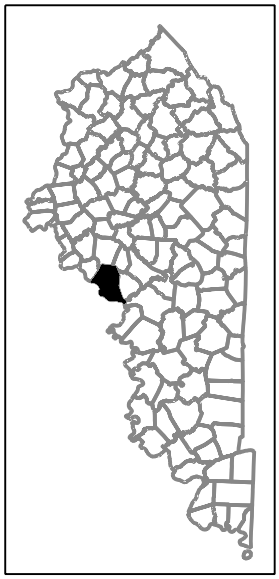
| | |
|---|---|
| Wed 2 | UofL MEN'S BASKETBALL vs. PROVIDENCE COLLEGE |
| Mon 7 | OPENING RECEPTION FOR CENTERPLATE ANNUAL MEETING |
| Sat 12 | LADY GAGA |
| Mon 14 | SPALDING UNIVERSITY'S SELECTION MONDAY* |

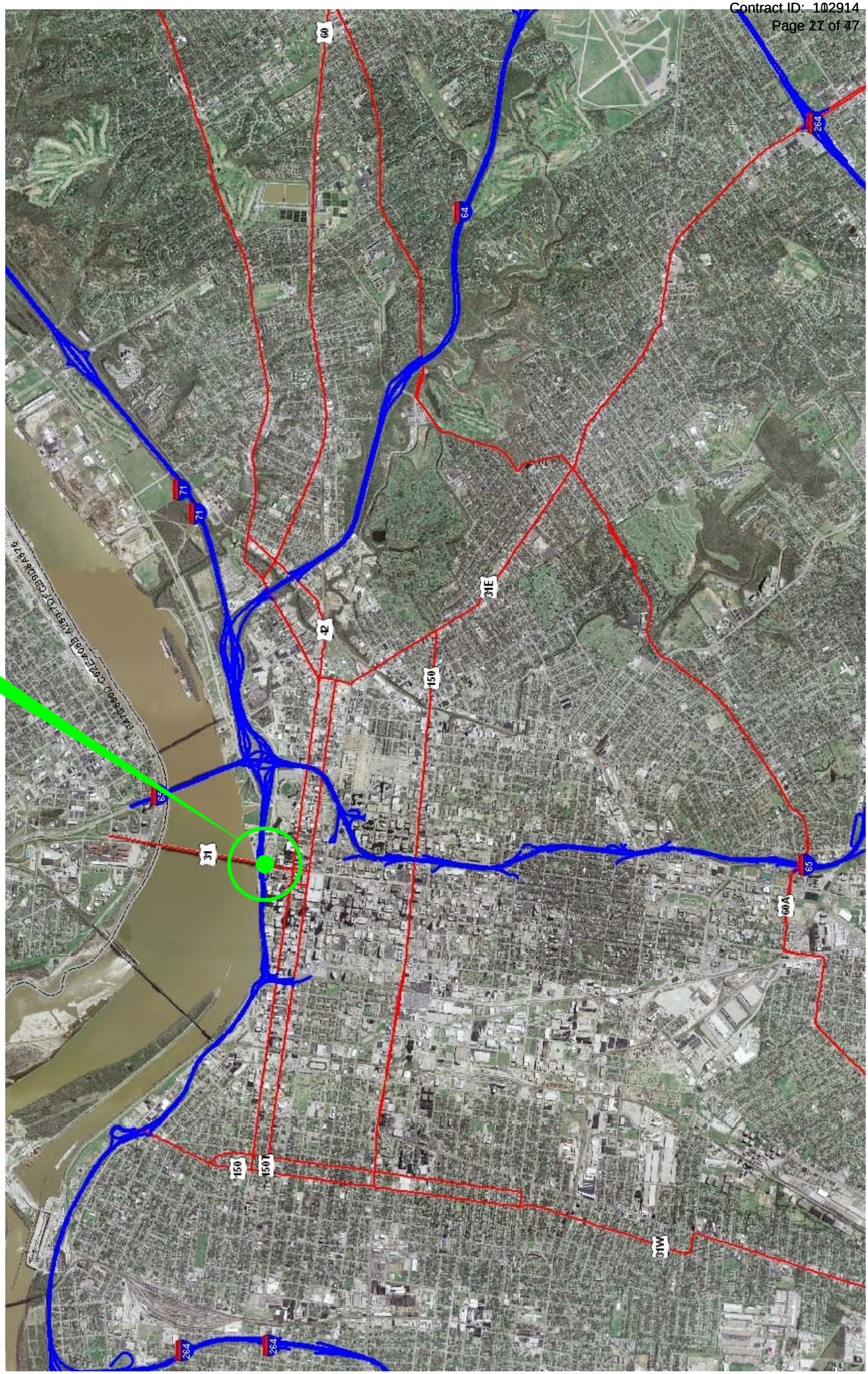
### April 2011

| | |
|---|---|
| Tue 5 | RUSH |

# JEFFERSON COUNTY
## 056B00136N

PROJECT SITE





# PART II

# SPECIFICATIONS AND STANDARD DRAWINGS

## SPECIFICATIONS REFERENCE

Any reference in the plans or proposal to the *Standard Specifications for Road and Bridge Construction, Edition of 2004,* and *Standard Drawings, Edition of 2000* are superseded by *Standard Specifications for Road and Bridge Construction, Edition of 2008* and *Standard Drawings, Edition of 2003 with the 2008 Revision.*

# Supplemental Specifications to The Standard Specifications for Road and Bridge Construction, 2008 Edition

(Effective with the December 10, 2010 Letting)

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| **SUBSECTION:**<br>**REVISION:** | 101.02 Abbreviations.<br>Insert the following abbreviation and text into the section:<br><br>KEPSC Kentucky Erosion Prevention and Sediment Control |
| **SUBSECTION:**<br>**REVISION:** | 101.03 Definitions.<br>Replace the definition for Specifications – *Special Provisions* with the following:<br><br>Additions and revisions to the Standard and Supplemental Specifications covering conditions peculiar to and individual project. |
| **SUBSECTION:**<br>**REVISION:** | 102.03 Contents of the Bid Proposal Form.<br>Replace the first sentence of the first paragraph with the following:<br>The Bid Proposal form will be available on the Department internet website (http://transportation.ky.gov/contract/).<br><br>Delete the second paragraph.<br><br>Delete the last paragraph. |
| **SUBSECTION:**<br>**REVISION:** | 102.04 Issuance of Bid Proposal Form.<br>Replace Heading with the following:<br><br>102.04 Bidder Registration.<br><br>Replace the first sentence of the first paragraph with the following:<br><br>The Department reserves the right to disqualify or refuse to place a bidder on the eligible bidder's list for a project for any of the following reasons:<br><br>Replace the last sentence of the subsection with the following:<br><br>The Department will resume placing the bidder on the eligible bidder's list for projects after the bidder improves his operations to the satisfaction of the State Highway Engineer. |
| **SUBSECTION:**<br>**REVISION:** | 102.06 Examination of Plans, Specifications, Special Provisions, Special Notes, and Site of Work.<br>Replace the first paragraph with the following:<br><br>Examine the site of the proposed work, the Bid Proposal, Plans, specifications, contract forms, and bulletins and addendums posted to the Department's website and the Bid Express Bidding Service Website before submitting the Bid Proposal. The Department considers the submission of a Bid Proposal prima facie evidence that the bidder has made such examination and is satisfied as to the conditions to be encountered in performing the work and as to the requirements of the Contract. |
| **SUBSECTION:**<br>**REVISION:** | 102.07.01 General.<br>Replace the first sentence with the following:<br><br>Submit the Bid Proposal on forms furnished on the Bid Express Bidding Service website (www.bidx.com).<br><br>Replace the first sentence of the third paragraph with the following:<br><br>Bid proposals submitted shall use an eligible Digital ID issued by Bid Express. |

# Supplemental Specifications to The Standard Specifications for Road and Bridge Construction, 2008 Edition

(Effective with the December 10, 2010 Letting)

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| **SUBSECTION:**<br>**REVISION:** | 102.07.02 Computer Bidding.<br>Replace the first paragraph with the following:<br><br>Subsequent to registering for a specific project, use the Department's Expedite Bidding Program on the internet website of the Department of Highways, Division of Construction Procurement (http://transportation.ky.gov/contract/). Download the bid file from the Bid Express Bidding Service Website to prepare a Bid Proposal for submission to the Department. Submit Bid Proposal electronically through Bid Express Bidding Service.<br><br>Delete the second and third paragraph. |
| **SUBSECTION:**<br>**REVISION:** | 102.08 Irregular Bid Proposals.<br>Delete the following from the first paragraph: 4) fails to submit a disk created from the Highway Bid Program.<br><br>Replace the second paragraph with the following:<br>The Department will consider Bid Proposals irregular and may reject them for the following reasons:<br><br>1) when there are unauthorized additions, conditional or alternate bids, or irregularities of any kind which may tend to make the Bid Proposal incomplete, indefinite, or ambiguous as to its meaning; or<br>2) when the bidder adds any provisions reserving the right to accept or reject an award, or to enter into a Contract pursuant to an award; or<br>3) any failure to comply with the provisions of Subsection 102.07; or<br>4) Bid Proposals in which the Department determines that the prices are unbalanced; or when the sum of the total amount of the Bid Proposal under consideration exceeds the bidder's Current Capacity Rating. |
| **SUBSECTION:**<br>**REVISION:** | 102.09 Bid Proposal Guaranty.<br>Insert the following after the first sentence:<br><br>Bid Proposals must have a bid proposal guaranty in the amount indicated in the bid proposal form accompany the submittal. A guaranty in the form of a paper bid bond, cashier's check, or certified check in an amount no less than the amount indicated on the submitted electronic bid is required when the electronic bid bond was not utilized with the Bid Express Bidding Service. Paper bid bonds must be delivered to the Division of Construction Procurement prior to the time of the letting. |
| **SUBSECTION:**<br>**REVISION:** | 102.10 Delivery of Bid Proposals.<br>Replace paragraph with the following:<br><br>Submit all Bid Proposals prior to the time specified in the Notice to Contractors. All bids shall be submitted electronically using Bid Express Bidding Services. Electronically submitted bids must be done in accordance with the requirements of the Bid Express Bidding Service. |
| **SUBSECTION:**<br>**REVISION:** | 102.11 Withdrawal or Revision of Bid Proposals.<br>Replace the paragraph with the following:<br><br>Bid Proposals can be withdrawn in accordance the requirements of the Bid Express Bidding Service prior to the time of the Letting. |
| **SUBSECTION:**<br>**REVISION:** | 102.13 Public Opening of Bid Proposals.<br>Replace Heading with the following:<br>102.13 Public Announcement of Bid Proposals.<br><br>Replace the paragraph with the following:<br>The Department will publicly announce all Bid Proposals at the time indicated in the Notice to Contractors. |

# Supplemental Specifications to The Standard Specifications for Road and Bridge Construction, 2008 Edition

(Effective with the December 10, 2010 Letting)

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| **SUBSECTION:**<br>**REVISION:** | 103.02 Award of Contract.<br>Replace the first sentence of the third paragraph with the following:<br><br>The Department will normally award the Contract within 10 working days after the date of receiving Bid Proposals unless the Department deems it best to hold the Bid Proposals of any or all bidders for a period not to exceed 60 calendar days for final disposition of award. |
| **SUBSECTION:**<br>**REVISION:** | 105.03 Record Plans.<br>Replace the section with the following:<br><br>Record Plans are those reproductions of the original Plans on which the accepted Bid Proposal was based and, and signed by a duly authorized representative of the Department. The Department will make these plans available for inspection in the Central Office at least 24 hours prior to the time of opening bids and up to the time of letting of a project or projects. The quantities appearing on the Record Plans are the same as those on which Bid Proposals are received. The Department will use these Record Plans as the controlling plans in the prosecution of the Contract. The Department will not make any changes on Record Plans subsequent to their issue unless done so by an approved contract modification. The Department will make 2 sets of Record Plans for each project, and will maintain one on file in the Central Office and one of file in the District Office. The Department will furnish the Contractor with the following: 1 full size, 2 half size and an electronic file copy of the Record Plans at the Pre-Construction conference. |
| **SUBSECTION:**<br>**REVISION:** | 105.12 Final Inspection and Acceptance of Work.<br>Insert the following paragraphs after the first paragraph:<br><br>Notify the Engineer when all electrical items are complete. A notice of the electrical work completion shall be made in writing to the Contractor. Electrical items will be inspected when the electrical work is complete and are not subject to waiting until the project as a whole has been completed. The Engineer will notify the Division of Traffic Operations within 3 days that all electrical items are complete and ready for a final inspection. A final inspection will be completed within 90 days after the Engineer notifies the Division of Traffic Operations of the electrical work completion.<br>Energize all electrical items prior to notifying the Engineer that all electrical items are complete. Electrical items must remain operational until the Division of Traffic Operations has inspected and accepted the electrical portion of the project. Payment for the electrical service is the responsibility of the Contractor from the time the electrical items are energized until the Division of Traffic Operations has accepted the work.<br>Complete all corrective work within 90 calendar days of receiving the original electrical inspection report. Notify the Engineer when all corrective work is complete. The Engineer will notify the Division of Traffic Operations that the corrective work has been completed and the project is ready for a follow-up inspection. Upon re-inspection, if additional corrective work is required, complete within the same 90 calendar day allowance. The Department will not include time between completion of the corrective work and the follow up electrical inspection(s). The 90 calendar day allowance is cumulative regardless of the number of follow-up electrical inspections required.<br>The Department will assume responsibility for the electrical service on a project once the Division of Traffic Operations gives final acceptance of the electrical items on the project. The Department will also assume routine maintenance of those items. Any damage done to accepted electrical work items by other Contractors shall be the responsibility of the Prime Contractor. The Department will not be responsible for repairing damage done by other contractors during the construction of the remaining project.<br>Failure to complete the electrical corrective work within the 90 calendar day allowance will result in penalties assessed to the project. Penalties will be assessed at ½ the rate of liquidated damages established for the contract.<br><br>Replace the following in the second sentence of the second paragraph:<br><br>Replace Section 213 with Section 212.<br><br>Delete the fifth paragraph from the section. |

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(Effective with the December 10, 2010 Letting)

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| **SUBSECTION:**<br>**REVISION:** | 105.13 Claim Resolution Process.<br>Replace the last sentence of the 3. Bullet with the following:<br><br>If the Contractor did not submit an as-bid schedule at the Pre-Construction Meeting or a written narrative in accordance with Subsection 108.02, the Cabinet will not consider the claim for delay.<br><br>Delete the last paragraph from the section. |
| **SUBSECTION:**<br>**REVISION:** | 106.04 Buy America Requirement.<br>Replace the section with the following:<br><br>**106.04 Buy America Requirement.** Follow the "Buy America" provisions as required by Title 23 Code of Federal Regulations § 635.410. Except as expressly provided herein all manufacturing processes of steel or iron materials including but not limited to structural steel, guardrail materials, corrugated steel, culvert pipe, structural plate, prestressing strands, and steel reinforcing bars shall occur in the United States of America, including the application of:<br>• Coating,<br>• Galvanizing,<br>• Painting, and<br>• Other coating that protects or enhances the value of steel or iron products.<br><br>The following are exempt, unless processed or refined to include substantial amounts of steel or iron material, and may be used regardless of source in the domestic manufacturing process for steel or iron material:<br>• Pig iron,<br>• Processed, pelletized, and reduced iron ore material, or<br>• Processed alloys.<br><br>The Contractor shall submit a certification stating that all manufacturing processes involved with the production of steel or iron materials occurred in the United States.<br><br>Produce, mill, fabricate, and manufacture in the United States of America all aluminum components of bridges, tunnels, and large sign support systems, for which either shop fabrication, shop inspection, or certified mill test reports are required as the basis of acceptance by the Department.<br><br>Use foreign materials only under the following conditions:<br><br>1) When the materials are not permanently incorporated into the project; or<br>2) When the delivered cost of such materials used does not exceed 0.1 percent of the total Contract amount or $2,500.00, whichever is greater.<br><br>The Contractor shall submit to the Engineer the origin and value of any foreign material used. |
| **SUBSECTION:**<br>**REVISION:** | 106.10 Field Welder Certification Requirements.<br>Insert the following sentence before the first sentence of the first paragraph:<br><br>All field welding must be performed by a certified welder unless otherwise noted. |
| **SUBSECTION:**<br>**REVISION:** | 108.02 Progress Schedule.<br>Insert the following prior to the first paragraph:<br><br>Specification 108.02 applies to all Cabinet projects except the following project types:<br>• Right of Way Mowing and/or Litter Removal<br>• Waterborne Paint Striping<br>• Projects that contain Special Provision 82<br>• Projects that contain the Special Note for CPM Scheduling<br><br>Insert the following paragraph after paragraph two: |

**Supplemental Specifications to The Standard Specifications for Road and Bridge Construction, 2008 Edition**
(Effective with the December 10, 2010 Letting)

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|---|---|
| | Working without the submittal of a Written Narrative is violation of this specification and additionally voids the Contractor's right to delay claims.<br><br>Insert the following paragraph after paragraph six:<br><br>The submittal of bar chart or Critical Path Method schedule does not relieve the Contractor's requirement to submit a Written Narrative schedule.<br><br>Insert the following at the beginning of the first paragraph of A) Written Narrative.:<br><br>Submit the Written Narrative Schedule using form TC 63-50 available at the Division of Construction's website (http://www.transportation.ky.gov/construction/ResCenter/ResCenter.htm).<br><br>Replace Part A) Written Narrative 1. And 2. with the following:<br><br>1. Provide a description that includes how the Contractor will sequence and stage the work, how the Contractor plans to maintain and control traffic being specific and detailed, and what equipment and crew sizes are planned to execute the work.<br>2. Provide a list of project milestones including, if applicable, winter shut-downs, holidays, or special events. The Contractor shall describe how these milestones and other dates effect the prosecution of the work. Also, include start date and completion date milestones for the contract, each project if the contract entails multiple projects, each phase of work, site of work, or segment of work as divided in the project plans, proposal, or as subdivided by the Contractor. |
| **SUBSECTION:**<br>**REVISION:** | 110.01 Mobilization.<br>Replace paragraph three with the following:<br><br>Do not bid an amount for Mobilization that exceeds 5 percent of the sum of the total amounts bid for all items in the Bid Proposal, excluding Mobilization, Demobilization, and contingent amounts established for adjustments and incentives. The Department will automatically adjust any Bid Proposals that are in excess of this amount down to 5 percent to compare Bid Proposals and award the Contract. The Department will award a Contract for the actual amount bid when the amount bid for Mobilization is less than 5 percent, or the Department will award the Contract for the adjusted bid amount of 5 percent when the amount bid for Mobilization is greater than 5 percent. If any errors in unit bid prices for other Contract items in a Contractor's Bid Proposal are discovered after bid opening and such errors reduce the total amount bid for all other items, excluding Mobilization, Demobilization, and contingent amounts established for adjustments and incentives, so that the percent bid for Mobilization is larger than 5 percent, the Department will adjust the amount bid for Mobilization to 5 percent of the sum of the corrected total bid amounts. |
| **SUBSECTION:**<br>**REVISION:** | 110.02 Demobilization.<br>Replace the third paragraph with the following:<br><br>Bid an amount for Demobilization that is a minimum of $1,000 or 1.5 percent of the sum of the total amounts bid for all other items in the Bid Proposal, excluding Mobilization, Demobilization, and contingent amounts established for adjustments and incentives. The Department will automatically adjust any Bid Proposal that is less than this amount up to $1,000 or 1.5 percent to compare Bid Proposals and award the Contract. The Department will award a Contract for the actual amount bid when the amount bid for demobilization exceeds 1.5 percent, or the Department will award the Contract for the adjusted bid amount when the amount bid for demobilization is less than the minimum of $1,000 or less than 1.5 percent of the sum of the total amounts bid for all other items in the Bid Proposal, excluding Mobilization, Demobilization, and contingent amounts established for adjustments and incentives. |

# Supplemental Specifications to The Standard Specifications for Road and Bridge Construction, 2008 Edition

(Effective with the December 10, 2010 Letting)

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| **SUBSECTION:**<br>**REVISION:** | 110.04 Payment.<br>Insert the following paragraph following the demobilization payment schedule (4th paragraph):<br><br>The Department will withhold an amount equal to $1,000 for demobilization, regardless of the schedule listed above. The $1,000 withheld for demobilization will be paid when the final estimate is paid. |
| **SUBSECTION:**<br>**REVISION:** | 112.03.01 General Traffic Control.<br>Replace paragraph three with the following:<br><br>All flaggers shall be trained in current MUTCD flagging procedures. Proof of training must be available for review at the Department's request. Flagging credentials must be current within the last 5 years. |
| **SUBSECTION:**<br>**PART:**<br>**REVISION:** | 112.03.11 Temporary Pavement Markings.<br>B) Placement and Removal of Temporary Striping.<br>Replace the 2nd sentence of the first paragraph with the following:<br><br>On interstates and parkways, and other roadways approved by the State Highway Engineer, install pavement striping that is 6 inches in width. |
| **SUBSECTION:**<br>**REVISION:** | 112.03.12 Project Traffic Coordinator (PTC).<br>Add the following at the end of the subsection:<br><br>After October 1, 2008 the Department will require the PTC to have successfully completed the applicable qualification courses. Personnel that have not successfully completed the applicable courses by that date will not be considered qualified. Prior to October 1, 2008, conform to Subsection 108.06 A) and ensure the designated PTC has sufficient skill and experience to properly perform the task. |
| **SUBSECTION:**<br>**REVISION:** | 112.03.15 Non-Compliance of Maintain and Control of Traffic.<br>Add the following section:<br><br>**112.03.15 Non-Compliance of Maintain and Control of Traffic.** It is the Contractor's responsibility to conform to the traffic control requirements in the TCP, Proposal, plan sheets, specifications, and the Manual on Uniform Traffic Control Devices.<br><br>Unless specified elsewhere in the contract, a penalty will be assessed in the event of non-compliance with Maintain and Control of Traffic requirements. These penalties will be assessed when the Contractor fails to correct a situation or condition of non-compliance with the contract traffic control requirements after being notified by the Engineer. The calculation of accrued penalties for non-compliance will be based upon the date/time of notification by the Engineer.<br><br>The amount of the penalty assessed for non-compliance will be determined based upon the work zone duration, as defined by the MUTCD, and will be the greatest of the different calculation methods indicated below:<br><br>A) Long-term stationary work that occupies a location more than 3 days.<br><br>Correct the non-compliant issue within 24 hours from initial notification by the Engineer. If the issue is not corrected within 24 hours from the initial notification, a penalty for non-compliance will be assessed on a daily basis beginning from the initial notification of non-compliance. The Contractor will be assessed a $1,000 daily penalty or the amount equal to the contract liquidated damages in Section 108.09, whichever of the 2 is greater. The penalty for non-compliance will escalate as follows for continued non-compliance after the initial notification.<br><br>3 Days after Notification<br>$1,500 daily penalty or 1.5 times the contract liquidated damages daily charge rate in Section 108.09, whichever is greater. |

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| | 7 Days after Notification<br>$2,000 daily penalty or double the contract liquidated damages daily charge rate in Section 108.09, whichever is greater.<br><br>B) Intermediate-term stationary work that occupies a location more than one daylight period up to 3 days, or nighttime work lasting more than 1 hour.<br><br>Correct the non-compliant issue within 4 hours from initial notification by the Engineer. If the issue is not corrected within 4 hours from notification, a penalty for non-compliance will be assessed on an hourly basis beginning from the initial notification of non-compliance. The penalty for non-compliance will be assessed at $200 per hour.<br><br>C) Short-term stationary is daytime work that occupies a location for more than 1 hour within a single daylight period.<br><br>Correct the non-compliant issue within 1 hour from initial notification by the Engineer. If the issue is not corrected within 1 hour from notification, a penalty for non-compliance will be assessed on an hourly basis beginning from the initial notification of non-compliance. The penalty for non-compliance will be assessed at $200 per hour.<br><br>If the Contractor remains in violation of the Maintain and Control of Traffic requirements, or if the Department determines it to be in the public's interest, work will be suspended in accordance with Section 108.08 until the deficiencies are corrected. The Department reserves the right to correct deficiencies by any means available and charge the Contractor for labor, equipment, and material costs incurred in emergency situations. |
| **SUBSECTION:**<br>**REVISION:** | 206.03.02 Embankment<br>Replace the last paragraph with the following:<br><br>When rock roadbed is specified, construct the upper 2 feet of the embankment according to Subsection 204.03.09 A). |
| **SUBSECTION:**<br>**REVISION:** | 213.03.03 Inspection and Maintenance.<br>Insert the following paragraph after the second paragraph:<br><br>When the Contractor is required to obtain the KPDES permit, it is their responsibility to ensure compliance with the inspection and maintenance requirements of the permit. The Engineer will perform verification inspections a minimum of once per month and within 7 days of a ½ inch or greater rainfall event. The Engineer will document these inspections using Form TC 63-61 A. The Engineer will provide copies of the inspection only when improvements to the BMP's are required. Verification inspections performed by the Engineer do not relieve the Contractor of any responsibility for compliance with the KPDES permit. Initiate corrective action within 24 hours of any noted deficiency and complete the work within 5 days. |
| **SUBSECTION:**<br>**PART:**<br>**REVISION:** | 213.03.05 Temporary Control Measures.<br>E) Temporary Seeding and Protection.<br>Replace the first paragraph with the following:<br><br>Apply an Annual Rye seed mix at a rate of 100 pounds per acre during the months of March through August. In addition to the Annual Rye, add 10 pounds of German Foxtail-Millet (Setaria italica), when performing temporary seeding during the months of June through August. During the months of September through February, apply Winter Wheat or Rye Grain at a rate of 100 pounds per acre. Obtain the Engineer's approval prior to the application of the seed mixture. |

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| **SUBSECTION:**<br>**PART:**<br>**REVISION:** | 213.03.05 Temporary Control Measures.<br>F) Temporary Mulch.<br>Replace the last sentence with the following:<br><br>Place temporary mulch to an approximate 2-inch loose depth (2 tons per acre) and anchor it into the soil by mechanically crimping it into the soil surface or applying tackifier to provide a protective cover. Regardless of the anchoring method used, ensure the protective cover holds until disturbance is required or permanent controls are in installed. |
| **SUBSECTION:**<br>**REVISION:** | 303.05 Payment.<br>Replace the second paragraph of the section with the following:<br><br>The Department will make payment for Drainage Blanket-Type II (ATDB) according to the Lot Pay Adjustment Schedule for Specialty Mixtures in Section 402. |
| **SUBSECTION:**<br>**PART:**<br>**REVISION:** | 401.02.04 Special Requirements for Dryer Drum Plants.<br>F) Production Quality Control.<br>Replace the first sentence with the following:<br><br>Stop mixing operations immediately if, at any time, a failure of the automatic electronic weighing system of the aggregate feed, asphalt binder feed, or water injection system control occurs. |
| **SUBSECTION:**<br>**REVISION:** | 401.02.04 Special Requirements for Dryer Drum Plants.<br>Add the following:<br><br>Part G) **Water Injection System.** Provided each system has prior approval as specified in Subsection 402.01.01, the Department will allow the use of water injection systems for purposes of foaming the asphalt binder and lowering the mixture temperature for production of Warm Mix Asphalt (WMA).<br>Ensure the equipment for water injection meets the following requirements:<br>1) Injection equipment computer controls are automatically coupled to the plants controls (manual operation is not permitted);<br>2) Injection equipment has variable controls that introduce water ratios based on production rates of mixtures;<br>3) Injects water into the flow of asphalt binder prior to contacting the aggregate;<br>4) Provides alarms on the water injection system that operate when the flow of water is interrupted or deviates from the prescribed water rate. |
| **SUBSECTION:**<br>**REVISION:** | 401.03.01 Preparation of Mixtures.<br>Replace the last sentence of the second paragraph with the following:<br><br>Do not use asphalt binder while it is foaming in a storage tank. |

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**SUBSECTION:** 401.03.01 Preparation of Mixtures.
**REVISION:** Replace the third paragraph and Mixing and Laying Temperature table with the following:

Maintain the temperature of the component materials and asphalt mixture within the ranges listed in the following table:

**MIXING AND LAYING TEMPERATURES (°F)**

| Material | | Minimum | Maximum |
|---|---|---|---|
| Aggregates | | 240 | 330 |
| Aggregates used with Recycled Asphalt Pavement (RAP) | | 240 | — |
| Asphalt Binders | PG 64-22 | 230 | 330 |
| | PG 76-22 | 285 | 350 |
| Asphalt Mixtures at Plant (Measured in Truck) | PG 64-22 HMA | 250 | 330 |
| | PG 76-22 HMA | 310 | 350 |
| | PG 64-22 WMA | 230 | 275 |
| | PG 76-22 WMA | 250 | 300 |
| Asphalt Mixtures at Project (Measured in Truck When Discharging) | PG 64-22 HMA | 230 | 330 |
| | PG 76-22 HMA | 300 | 350 |
| | PG 64-22 WMA | 210 | 275 |
| | PG 76-22 WMA | 240 | 300 |

**SUBSECTION:** 402.01 Description.
**REVISION:** Replace the paragraph with the following:

Provide the process control and acceptance testing of all classes and types of asphalt mixtures which may be furnished either as hot mix asphalt (HMA) or warm mix asphalt (WMA) produced with water injection systems.

**SUBSECTION** 402.01.01 Warm Mix Asphalt (WMA) Evaluation and Approval.
**REVISION:** Add the following subsection:

402.01.01 Warm Mix Asphalt (WMA) Evaluation and Approval.
The Department will evaluate trial production of WMA by use of a water injection system provided the system is installed according to the manufacturer's requirements and satisfies the requirements of Section 401. Evaluation will include production and placement of WMA to demonstrate adequate mixture quality including volumetric properties and density by Option A as specified in Subsection 402.03.02 D). Do not place WMA for evaluation on Department projects. Provided production and placement operations satisfy the applicable quality levels, the Department will approve WMA production on Department projects using the water injection system as installed on the specific asphalt mixing plant evaluated.

**SUBSECTION:** 402.05.02 Asphalt Mixtures and Mixtures With RAP.
**REVISION:** Replace Subsection Title as below:

402.05.02 Asphalt Mixtures, HMA and WMA, Including Mixtures With RAP.

**SUBSECTION:** 402.05.02 Asphalt Mixtures, HMA and WMA, Including Mixtures With RAP.
**REVISION:** Replace the paragraph with the following:

The Department will pay for the mixture at the Contract unit bid price and apply a Lot Pay Adjustment for each lot placed based on the degree of compliance with the specified tolerances. Using the appropriate Lot Pay Adjustment Schedule, the Department will assign a pay value for the applicable properties within each sublot and average the sublot pay values to determine the pay value for a given property for each lot. The Department will apply the Lot Pay Adjustment for each lot to a defined unit price of $50.00 per ton. The Department will calculate the Lot Pay Adjustment using all possible incentives and disincentives but will not allow the overall pay value for a lot to exceed 1.00.

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**SUBSECTION:** 402.05.02 Asphalt Mixtures, HMA and WMA, Including Mixtures With RAP.
**PART:** C) Conventional and RAP Mixtures Placed on Shoulders.
**REVISION:** Replace title with the following:

HMA, WMA, and RAP Mixtures Placed on Shoulders.

**SUBSECTION:** 402.05.02 Asphalt Mixtures, HMA and WMA, Including Mixtures With RAP.
**PART:** D) Conventional and RAP Mixtures Placed Monolithically as Asphalt Pavement Wedge.
**REVISION:** Replace the title with the following:

HMA, WMA, and RAP Mixtures Placed Monolithically as Asphalt Pavement Wedge.

**SUBSECTION:** 402.05.02 Asphalt Mixtures, HMA and WMA, Including Mixtures With RAP.
**PART:** Lot Pay Adjustment Schedule, Compaction Option A, Base and Binder Mixtures
**TABLES:** VMA
**REVISION:** Replace the VMA table with the following:

| VMA | |
|---|---|
| Pay Value | Deviation From Minimum |
| 1.00 | ≥ min. VMA |
| 0.95 | 0.1-0.5 below min. |
| 0.90 | 0.6-1.0 below min. |
| (1) | > 1.0 below min. |

**SUBSECTION:** 402.05.02 Asphalt Mixtures, HMA and WMA, Including Mixtures With RAP.
**PART:** Lot Pay Adjustment Schedule, Compaction Option A, Surface Mixtures
**TABLES:** VMA
**REVISION:** Replace the VMA table with the following:

| VMA | |
|---|---|
| Pay Value | Deviation From Minimum |
| 1.00 | ≥ min. VMA |
| 0.95 | 0.1-0.5 below min. |
| 0.90 | 0.6-1.0 below min. |
| (1) | > 1.0 below min. |

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**SUBSECTION:** 402.05.02 Asphalt Mixtures, HMA and WMA, Including Mixtures With RAP.
**PART:** Lot Pay Adjustment Schedule, Compaction Option B Mixtures
**TABLE:** VMA
**REVISION:** Replace the VMA table with the following:

| VMA | |
|---|---|
| Pay Value | Deviation From Minimum |
| 1.00 | ≥min. VMA |
| 0.95 | 0.1-0.5 below min. |
| 0.90 | 0.6-1.0 below min. |
| (2) | > 1.0 below min. |

**SUBSECTION:** 403.03.03 Preparation of Mixture.
**PART:** C) Mix Design Criteria.
**NUMBER:** 1) Preliminary Mix Design.
**REVISION:** Replace the last two sentences of the paragraph and table with the following:

Complete the volumetric mix design at the appropriate number of gyrations as given in the table below for the number of 20-year ESAL's. The Department will define the relationship between ESAL classes, as given in the bid items for Superpave mixtures, and 20-year ESAL ranges as follows:

| | | Number of Gyrations | | |
|---|---|---|---|---|
| **Class** | **ESAL's (millions)** | $N_{initial}$ | $N_{design}$ | $N_{max}$ |
| 2 | < 3.0 | 6 | 50 | 75 |
| 3 | 3.0 to < 30.0 | 7 | 75 | 115 |
| 4 | ≥ 30.0 | 8 | 100 | 160 |

**SUBSECTION:** 403.03.09 Leveling and Wedging, and Scratch Course.
**PART:** A) Leveling and Wedging.
**REVISION:** Replace the first sentence of the first paragraph with the following:

Conform to the gradation requirements (control points) of AASHTO M 323 for base, binder, or surface as the Engineer directs.

**SUBSECTION:** 403.03.09 Leveling and Wedging, and Scratch Course.
**PART:** B) Scratch Course.
**REVISION:** Replace the second sentence of the first paragraph with the following:

Conform to the gradation requirements (control points) of AASHTO M 323 for base, binder, or surface as the Engineer directs.

**SUBSECTION:** 407.01 DESCRIPTION.
**REVISION:** Replace the first sentence of the paragraph with the following:

Construct a pavement wedge composed of a hot-mixed or warm-mixed asphalt mixture.

**SUBSECTION:** 409.01 DESCRIPTION.
**REVISION:** Replace the first sentence of the paragraph with the following:

Use reclaimed asphalt pavement (RAP) from Department projects or other approved sources in hot mix asphalt (HMA) or warm mix asphalt (WMA) provided mixture requirements are satisfied.

**SUBSECTION:** 410.01 DESCRIPTION.
**REVISION:** Delete the second sentence of the paragraph.

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**SUBSECTION:** 410.03.01 Corrective Work.
**REVISION:** Replace the last sentence of the paragraph with the following:

Provide a final surface comparable to the adjacent pavement that does not require corrective work in respect to texture, appearance, and skid resistance.

**SUBSECTION:** 410.03.02 Ride Quality.
**PART:** B) Requirements.
**NUMBER:** 1) Category A.
**REVISION:** Replace the last sentence of the first paragraph with the following:

At the Department's discretion, a pay deduction of $1200 per 0.1-lane-mile section may be applied in lieu of corrective work.

**SUBSECTION:** 410.03.02 Ride Quality.
**PART:** B) Requirements.
**NUMBER:** 2) Category B.
**REVISION:** Replace the second and third sentence of the first paragraph with the following:

When the IRI is greater than 90 for a 0.1-mile section, perform corrective work, or remove and replace the pavement to achieve the specified IRI. At the Department's discretion, a pay deduction of $750 per 0.1-lane-mile section may be applied in lieu of corrective work.

**SUBSECTION:** 410.05 PAYMENT.
**REVISION:** Add the following sentence to the end of the first paragraph:

The sum of the pay value adjustments for ride quality shall not exceed $0 for the project as a whole.

**SUBSECTION:** 413.05.02 CL3 SMA BASE 1.00D PG76-22.
**REVISION:** Insert the following sentence between the first and second sentence of the first paragraph:

The Department will calculate the Lot Pay Adjustment using all possible incentives and disincentives but will not allow the overall pay value for a lot to exceed 1.00.

**SUBSECTION:** 413.05.02 CL3 SMA BASE 1.00D PG 76-22.
**TABLE:** JOINT DENSITY TABLE
**REVISION:** Replace the joint density table with the following:

| LANE DENSITY | |
|---|---|
| Pay Value | Test Result (%) |
| 1.05 | 95.0-96.5 |
| 1.00 | 93.0-94.9 |
| 0.95 | 92.0-92.9 or 96.6-97.0 |
| 0.90 | 91.0-91.9 or 97.1-97.5 |
| *(1)* | < 91.0 or > 97.5 |

**SUBSECTION:** 413.05.03 CL3 SMA SURF 0.50A PG76-22 and CL3 SMA SURF 0.38A PG76-22.
**REVISION:** Insert the following sentence between the first and second sentence of the first paragraph:

The Department will calculate the Lot Pay Adjustment using all possible incentives and disincentives but will not allow the overall pay value for a lot to exceed 1.00.

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**SUBSECTION:** 413.05.03 CL3 SMA SURF 0.50A PG76-22 and CL3 SMA SURF 0.38A PG76-22.
**TABLE:** JOINT DENSITY TABLE
**REVISION:** Replace the joint density table with the following:

| DENSITY | | |
|---|---|---|
| Pay Value | Lane Density Test Result (%) | Joint Density Test Result (%) |
| 1.05 | 95.0-96.5 | 92.0-96.0 |
| 1.00 | 93.0-94.9 | 90.0-91.9 |
| 0.95 | 92.0-92.9 or 96.6-97.0 | 89.0-89.9 or 96.1-96.5 |
| 0.90 | 91.0-91.9 or 97.1-97.5 | 88.0-88.9 or 96.6-97.0 |
| 0.75 | ---- | < 88.0 or > 97.0 |
| (1) | < 91.0 or > 97.5 | ---- |

**SUBSECTION:** 501.05.02 Ride Quality.
**REVISION:** Add the following sentence to the end of the first paragraph:

The sum of the pay value adjustments for the ride quality shall not exceed $0 for the project as a whole.

**SUBSECTION:** 505.03.04 Detectable Warnings.
**REVISION:** Replace the first sentence with the following:

Install detectable warning pavers at all sidewalk ramps and on all commercial entrances according to the Standard Drawings.

**SUBSECTION:** 505.04.04 Detectable Warnings.
**REVISION:** Replace the paragraph with the following:

The Department will measure the quantity in square feet. All retrofit applications for maintenance projects will require the removal of existing sidewalks to meet the requirements of the standard drawings applicable to the project. The cost associated with the removal of the existing sidewalk will be incidental to the detectable warnings bid item or incidental to the bid item for the construction of the concrete sidewalk unless otherwise noted.

**SUBSECTION:** 505.05 PAYMENT.
**REVISION:** Add the following to the bid item table:

| Code | Pay Item | Pay Unit |
|---|---|---|
| 23158ES505 | Detectable Warnings | Square Foot |

**SUBSECTION:** 509.01 DESCRIPTION.
**REVISION:** Replace the second paragraph with the following:

The Department may allow the use of similar units that conform to the National Cooperative Highway Research Program (NCHRP) 350 Test Level 3 (TL-3) requirements and the typical features depicted by the Standard Drawings. Obtain the Engineers approval prior to use. Ensure the barrier wall shape, length, material, drain slot dimensions and locations typical features are met and the reported maximum deflection is 3 feet or less from the NCHRP 350 TL-3 for Test 3 – 11 (pickup truck impacting at 60 mph at a 25-degree angle.)

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| **SUBSECTION:**<br>**REVISION:** | 601.03.02 Concrete Producer Responsibilities.<br>Replace the first sentence with the following:<br><br>Obtain the concrete from producers that are in compliance with KM 64-323 and on the Department's List of Approved Materials.<br><br>Add the following to the first paragraph:<br><br>If a concrete plant becomes unqualified during a project and there are no other qualified plants in the region, the Department will provide qualified personnel to witness and ensure the producer follows the required specifications. The Department will assess the Contractor a $100 per hour charge for this service. |
| **SUBSECTION:**<br>**PART:**<br>**REVISION:** | 601.03.02 Concrete Producer Responsibilities.<br>B) Certified Personnel.<br>Replace the second sentence with the following:<br><br>Ensure that the concrete technicians are certified as ACI Level I (Level I) and KRMCA Level II (Level II). |
| **SUBSECTION:**<br>**PART:**<br>**REVISION:** | 601.03.02 Concrete Producer Responsibilities.<br>C) Quality Control.<br>Replace the second sentence with the following:<br><br>Ensure that the Level II concrete technician is present when work is in progress and is responsible for inspecting trucks, batch weight calculations, monitoring batching, making mixture adjustments, reviewing the slump, air content, unit weight, temperature, and aggregate tests, all to provide conforming concrete to the project. |
| **SUBSECTION:**<br>**PART:**<br>**REVISION:** | 601.03.02 Concrete Producer Responsibilities.<br>D) Producer Testing.<br>Replace with the following:<br><br>When producing for state work, have a Qualified Concrete Aggregate Technician or KYTC Qualified Aggregate Technician perform, at a minimum, weekly gradations and minus 200 wash tests and daily moisture contents of coarse and fine aggregate (Fine aggregates will not require a minus 200 wash test). Using the daily moisture contents, adjust the approved mix design accordingly prior to production. Ensure that the Level II concrete technician is present when work is in progress and is responsible for inspecting trucks, batch weight calculations, monitoring batching, making mixture adjustments, reviewing the slump, air content, unit weight, temperature, and aggregate tests, all to provide conforming concrete to the project. |
| **SUBSECTION:**<br>**PART:**<br>**REVISION:** | 601.03.02 Concrete Producer Responsibilities.<br>E) Trip Tickets.<br>Replace the second sentence with the following:<br><br>Include on the trip ticket the Sample ID for the approved mix design and a statement certifying that the data on the ticket is correct and that the mixture conforms to the mix design. |
| **SUBSECTION:**<br>**PART:**<br>**NUMBER:**<br>**REVISION:** | 601.03.03 Proportioning and Requirements.<br>C) Mixtures Using Type IP, IS, and I(SM) Cement or Mineral Admixtures<br>2) Mineral Admixtures.<br>Replace the second sentence with the following:<br><br>Reduction of the total cement content by a combination of mineral admixtures will be allowed, up to a maximum of 40 percent. |

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| **SUBSECTION:**<br>**PART:**<br>**NUMBER:**<br>**LETTER:**<br>**REVISION:** | 601.03.03 Proportioning and Requirements.<br>C) Mixtures Using Type IP, IS, and I(SM) Cement or Mineral Admixtures<br>2) Mineral Admixtures.<br>a) Fly Ash.<br>Delete the last sentence of the third paragraph. |
| **SUBSECTION:**<br>**PART:**<br>**NUMBER:**<br>**LETTER:**<br>**REVISION:** | 601.03.03 Proportioning and Requirements.<br>C) Mixtures Using Type IP, IS, and I(SM) Cement or Mineral Admixtures<br>2) Mineral Admixtures.<br>b) Ground Granulated Blast Furnace Slag (GGBF Slag).<br>Delete the second sentence of the third paragraph. |
| **SUBSECTION:**<br>**PART:**<br>**REVISION:** | 601.03.03 Proportioning and Requirements.<br>E) Measuring.<br>Add the following sentence:<br><br>Conform to the individual ingredient material batching tolerances in Appendix A. |
| **SUBSECTION:**<br>**PART:**<br>**REVISION:** | 601.03.09 Placing Concrete.<br>A) General.<br>Replace the last sentence of the fourth paragraph with the following:<br><br>Do not use aluminum or aluminum alloy troughs, pipes, or chutes that have surface damage or for lengths greater than 20 feet.<br><br>Replace the second sentence of the fifth paragraph with the following:<br><br>When pumping, equip the delivery pipe with a nozzle, having a minimum of 2 right angles, at the discharge end. Alternate nozzles or restriction devices may be allowed with prior approval by the Engineer. |
| **SUBSECTION:**<br>**REVISION:** | 605.02.05 Forms.<br>Delete the last sentence. |
| **SUBSECTION:**<br>**REVISION:** | 605.03.04 Tack Welding.<br>Replace with the following:<br><br>The Department does not allow tack welding. |
| **SUBSECTION:**<br>**REVISION:** | 606.02.11 Coarse Aggregate.<br>Replace with the following:<br><br>Conform to Section 805, size No. 8 or 9-M. |
| **SUBSECTION:**<br>**REVISION:** | 609.04.06 Joint Sealing.<br>Replace Subsection 601.04 with the following:<br><br>Subsection 606.04.08. |
| **SUBSECTION:**<br>**REVISION:** | 609.05 Payment.<br>Replace the Pay Unit for Joint Sealing with the following:<br><br>See Subsection 606.05. |

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**SUBSECTION:** 701.03.06 Initial Backfill.
**REVISION:** Replace the first sentence of the last paragraph with the following:

When the Contract specifies, perform quality control testing to verify compaction according to KM 64-512.

**SUBSECTION:** 701.03.08 Testing of Pipe.
**REVISION:** Replace and rename the subsection with the following:

**701.03.08 Inspection of Pipe.** The engineer will visually inspect all pipe. The Department will require camera/video inspection on a minimum of 50 percent of the linear feet of all installed pipe structures. Conduct camera/video inspection according to KM 64-114. The pipe to be installed under pavement will be selected first. If the total linear feet of pipe under pavement is less than 50 percent of the linear feet of all pipe installed, the Engineer will randomly select installations from the remaining pipe structures on the project to provide for the minimum inspection requirement. The pipe will be selected in complete runs (junction-junction or headwall-headwall) until the total linear feet of pipe to be inspected is at least 50 percent of the total linear feet of all installed pipe on the project.

Unless the Engineer directs otherwise, schedule the inspections no sooner than 30 days after completing the installation and completion of earthwork to within 1 foot of the finished subgrade. When final surfacing conflicts with the 30-day minimum, conduct the inspections prior to placement of the final surface. The contractor must ensure that all pipe are free and clear of any debris so that a complete inspection is possible.

Notify the Engineer immediately if distresses or locations of improper installation are discovered. When camera testing shows distresses or improper installation in the installed pipe, the Engineer may require additional sections to be tested. Provide the video and report to the Engineer when testing is complete in accordance with KM 64-114.

Pipes that exhibit distress or signs of improper installation may necessitate repair or removal as the Engineer directs. These signs include, but are not limited to: deflection, cracking, joint separation, sagging or other interior damage. If corrugated metal or thermoplastic pipes exceed the deflection and installation thresholds indicated in the table below, provide the Department with an evaluation of each location conducted by a Professional Engineer addressing the severity of the deflection, structural integrity, environmental conditions, design service life, and an evaluation of the factor of safety using Section 12, "Buried Structures and Tunnel Liners," of the AASHTO LRFD Bridge Design Specifications. Based on the evaluation, the Department may allow the pipe to remain in place at a reduced unit price as shown in the table below. Provide 5 business days for the Department to review the evaluation. When the pipe shows deflection of 10 percent or greater, remove and replace the pipe. When the camera/video or laser inspection results are called into question, the Department may require direct measurements or mandrel testing.

The Cabinet may elect to conduct Quality Assurance verifications of any pipe inspections.

**SUBSECTION:** 701.04.07 Testing.
**REVISION:** Replace and rename the subsection with the following:

**701.04.07 Pipeline Video Inspection.** The Department will measure the quantity in linear feet along the pipe invert of the structure inspected. When inspection above the specified 50 percent is performed due to a disagreement or suspicion of additional distresses and the Department is found in error, the Department will measure the quantity as Extra Work according to Subsection 104.03. However, if additional distresses or non-conformance is found, the Department will not measure the additional inspection for payment.

**SUBSECTION:** 701.05 PAYMENT.
**REVISION:** Add the following pay item to the list of pay items:

| Code | Pay Item | Pay Unit |
|---|---|---|
| 23131ER701 | Pipeline Video Inspection | Linear Foot |

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**SUBSECTION:** 701.05 PAYMENT
**TABLE:** PIPE DEFLECTION DETERMINED BY CAMERA TESTING
**REVISION:** Replace this table with the following table and note:

| PIPE DEFLECTION | |
|---|---|
| Amount of Deflection (%) | Payment |
| 0.0 to 5.0 | 100% of the Unit Bid Price |
| 5.1 to 9.9 | 50% of the Unit Bid Price [(1)] |
| 10 or greater | Remove and Replace |

[(1)] *Provide Structural Analysis as indicated above. Based on the structural analysis, pipe may be allowed to remain in place at the reduced unit price.*

**SUBSECTION:** 701.05 PAYMENT
**TABLE:** PIPE DEFLECTION DETERMINED BY MANDREL TESTING
**REVISION:** Delete this table.

**SUBSECTION:** 713.02.01 Paint.
**REVISION:** Replace with the following:

Conform to Section 842 and Section 846.

**SUBSECTION:** 713.03 CONSTRUCTION.
**REVISION:** Replace the first sentence of the second paragraph with the following:

On interstates and parkways, and other routes approved by the State Highway Engineer, install pavement striping that is 6 inches in width.

**SUBSECTION:** 713.03.03 Paint Application.
**REVISION:** Replace the second paragraph with the following table:

| Material | Paint Application Rate | Glass Beads Application Rate |
|---|---|---|
| 4 inch waterborne paint | Min. of 16.5 gallons/mile | Min. of 6 pounds/gallon |
| 6 inch waterborne paint | Min. of 24.8 gallons/mile | Min. of 6 pounds/gallon |
| 6 inch durable waterborne paint | Min. of 36 gallons/mile | Min. of 6 pounds/gallon |

**SUBSECTION:** 713.03.04 Marking Removal.
**REVISION:** Replace the last sentence of the paragraph with the following:

Vacuum all marking material and removal debris concurrently with the marking removal operation.

**SUBSECTION:** 713.05 PAYMENT.
**REVISION:** Insert the following codes and pay items below the Pavement Striping – Permanent Paint:

| Code | Pay Item | Pay Unit |
|---|---|---|
| 23159EN | Durable Waterborne Marking – 6 IN W | Linear Foot |
| 23160EN | Durable Waterborne Marking – 6 IN Y | Linear Foot |

**SUBSECTION:** 714.03 CONSTRUCTION.
**REVISION:** Insert the following paragraph at the end of the third paragraph:

Use Type I Tape for markings on bridge decks, JPC pavement and JPC intersections. Thermoplastic should only be used for markings on asphalt pavement.

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| | |
|---|---|
| **SUBSECTION:**<br>**REVISION:** | 714.03.07 Marking Removal.<br>Replace the third sentence of the paragraph with the following:<br><br>Vacuum all marking material and removal debris concurrently with the marking removal operation. |
| **SUBSECTION:**<br>**REVISION:** | 716.01 DESCRIPTION.<br>Insert the following after the first sentence:<br><br>Energize lighting as soon as it is fully functional and ready for inspection. Ensure that lighting remains operational until the Division of Traffic Operations has provided written acceptance of the electrical work. |
| **SUBSECTION:**<br>**REVISION:** | 716.02.01 Roadway Lighting Materials.<br>Replace the third sentence of the paragraph with the following:<br><br>Submit for material approval an electronic file of descriptive literature, drawings, and any requested design data. |
| **SECTION:**<br>**REVISION:** | 717 – THERMOPLASTIC INTERSECTION MARKINGS.<br>Replace the section name with the following:<br><br>INTERSECTION MARKINGS. |
| **SUBSECTION:**<br>**REVISION:** | 717.01 DESCRIPTION:<br>Replace the paragraph with the following:<br><br>Furnish and install thermoplastic or Type I tape intersection markings (Stop Bars, Crosswalks, Turn Arrows, etc.) Thermoplastic markings may be installed by either a machine applied, screed extrusion process or by applying preformed thermoplastic intersection marking material. |
| **SUBSECTION:**<br>**REVISION:** | 717.02 MATERIALS AND EQUIPMENT.<br>Insert the following subsection:<br><br>717.02.06 Type I Tape. Conform to Section 836. |
| **SUBSECTION:**<br>**REVISION:** | 717.03.03 Application.<br>Insert the following part to the subsection:<br><br>B) Type I Tape Intersection Markings. Apply according to the manufacturer's recommendations. Cut all tape at pavement joints when applied to concrete surfaces. |
| **SUBSECTION:**<br>**PART:**<br>**REVISION:** | 717.03.05 Proving Period.<br>A) Requirements.<br>Insert the following to this section:<br><br>2) Type I Tape. During the proving period, ensure that the pavement marking material shows no signs of failure due to blistering, excessive cracking, bleeding, staining, discoloration, oil content of the pavement materials, drippings, chipping, spalling, poor adhesion to the pavement, loss of retroreflectivity, vehicular damage, and normal wear. Type I Tape is manufactured off site and warranted by the manufacturer to meet certain retroreflective requirements. As long as the material is adequately bonded to the surface and shows no signs of failure due to the other items listed in Subsection 714.03.06 A) 1), retroreflectivity readings will not be required. In the absence of readings, the Department will accept tape based on a nighttime visual observation. |

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**SUBSECTION:** 717.03.06 Marking Removal.
**REVISION:** Replace the third sentence of the paragraph with the following:

Vacuum all marking material and removal debris concurrently with the marking removal operation.

**SUBSECTION:** 717.05 PAYMENT.
**REVISION:** Insert the following bid item codes:

| Code | Pay Unit | Pay Item |
|---|---|---|
| 06563 | Pave Marking – R/R X Bucks 16 IN | Linear Foot |
| 20782NS714 | Pave Marking Thermo – Bike | Each |
| 23251ES717, 23264ES717 | Pave Mark TY I Tape X-Walk, Size | Linear Foot |
| 23252ES717, 23265ES717 | Pave Mark TY I Tape Stop Bar, Size | Linear Foot |
| 23253ES717 | Pave Mark TY I Tape Cross Hatch | Square Foot |
| 23254ES717 | Pave Mark TY I Tape Dotted Lane Extension | Linear Foot |
| 23255ES717 | Pave Mark TY I Tape Arrow, Type | Each |
| 23268ES717-23270ES717 | | |
| 23256ES717 | Pave Mark TY I Tape- ONLY | Each |
| 23257ES717 | Pave Mark TY I Tape- SCHOOL | Each |
| 23266ES717 | Pave Mark TY 1 Tape R/R X Bucks-16 IN | Linear Foot |
| 23267ES717 | Pave Mark TY 1 Tape-Bike | Each |

**SUBSECTION:** 725.02.02 Type VI Class C & CT.
**REVISION:** Replace bullet 2) with the following:

2) The SCI100GM System as developed by SCI Products, Inc. of St. Charles, Illinois. For all miscellaneous metal work conform to ASTM A 36 and galvanize according to ASTM A 123. For the SCI100GM fender panels conform to AASHTO 180. Galvanize the SCI100GM fender panels and SCI100GM -beam connectors after fabrication according to ASTM A 123.

**SUBSECTION:** 725.02.04 Type VII Class C.
**REVISION:** Replace bullet 2) with the following:

2) The SCI100GM System as developed by SCI Products, Inc. of St. Charles, Illinois. For all miscellaneous metal work conform to ASTM A 36 and galvanize according to ASTM A 123. For the SCI100GM fender panels conform to AASHTO 180. Galvanize the SCI100GM fender panels and SCI100GM-beam connectors after fabrication according to ASTM A 123.

**SUBSECTION:** 801.01 REQUIREMENTS.
**REVISION:** Delete the fourth sentence of the first paragraph and add the following to the second paragraph.

When supplying cement with a $SO_3$ content above the value in table I of ASTM C 150, include supportive ASTM C 1038 14-day expansion test data for the supplied $SO_3$ content on the certification.

**SUBSECTION:** 805.01 GENERAL.
**REVISION:** Replace the second paragraph with the following:

The Department's List of Approved Materials includes the Aggregate Source List, the list of Class A and Class B Polish-Resistant Aggregate Sources, and the Concrete Restriction List.

**SUBSECTION:** 805.04 CONCRETE.
**REVISION:** Replace the "AASHTO T 160" reference in first sentence of the third paragraph with "KM 64-629"

**SUBSECTION:** 805.15 GRADATION ACCEPTANCE OF NON-SPECIFICATION COARSE AGGREGATE.
**TABLE:** AGGREGATE SIZE USE
**PART:** Cement Concrete Structures and Incidental Construction
**REVISION:** Replace "9-M for Waterproofing Overlays" with "8 or 9-M for Waterproofing Overlays"

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**SUBSECTION:** 805.15 GRADATION ACCEPTANCE OF NON-SPECIFICATION COARSE AGGREGATE.
**REVISION:** Replace the "SIZES OF COARSE AGGREGATES" table in with the following:

**SIZES OF COARSE AGGREGATES**

| | Sieve | AMOUNTS FINER THAN EACH LABORATORY SIEVE (SQUARE OPENINGS) PERCENTAGE BY WEIGHT | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Aggregate Size | Nominal [3] Maximum Aggregate Size | 4 inch | 3 1/2 inch | 3 inch | 2 1/2 inch | 2 inch | 1 1/2 inch | 1 inch | 3/4 inch | 1/2 inch | 3/8 inch | No. 4 | No. 8 | No. 16 | No. 30 | No. 100 | No. 200 |
| 1 | 3 ½ inch | 100 | 90-100 | | 25-60 | | 0-15 | | 0-5 | | | | | | | | |
| 2 | 2 ½ inch | | | 100 | 90-100 | 35-70 | 0-15 | | 0-5 | | | | | | | | |
| 23 | 2 inch | | | 100 | | 40-90 | | 0-15 | | 0-5 | | | | | | | |
| 3 | 2 inch | | | | 100 | 90-100 | 35-70 | 0-15 | | 0-5 | | | | | | | |
| 357 | 2 inch | | | | 100 | 95-100 | | 35-70 | | 10-30 | | 0-5 | | | | | |
| 4 | 1 ½ inch | | | | | 100 | 90-100 | 20-55 | 0-15 | | 0-5 | | | | | | |
| 467 | 1 ½ inch | | | | | 100 | 95-100 | | 35-70 | | 10-30 | 0-5 | | | | | |
| 5 | 1 inch | | | | | | 100 | 90-100 | 20-55 | 0-10 | 0-5 | | | | | | |
| 57 | 1 inch | | | | | | 100 | 95-100 | | 25-60 | | 0-10 | 0-5 | | | | |
| 610 | 1 inch | | | | | | 100 | 85-100 | | 40-75 | | 15-40 | | | | | |
| 67 | 3/4 inch | | | | | | | 100 | 90-100 | | 20-55 | 0-10 | 0-5 | | | | |
| 68 | 3/4 inch | | | | | | | 100 | 90-100 | | 30-65 | 5-25 | 0-10 | 0-5 | | | |
| 710 | 3/4 inch | | | | | | | 100 | 80-100 | | 30-75 | 0-30 | | | | | |
| 78 | 1/2 inch | | | | | | | | 100 | 90-100 | 40-75 | 5-25 | 0-10 | 0-5 | | | |
| 8 | 3/8 inch | | | | | | | | | 100 | 85-100 | 10-30 | 0-10 | 0-5 | | | |
| 9-M | 3/8 inch | | | | | | | | | 100 | 75-100 | 0-25 | 0-5 | | | | |
| 10[2] | No. 4 | | | | | | | | | | 100 | 85-100 | | | | 10-30 | |
| 11[2] | No. 4 | | | | | | | | | | 100 | 40-90 | 10-40 | | | 0-5 | |
| DENSE GRADED AGGREGATE [1] | 3/4 inch | | | | | | | 100 | 70-100 | | 50-80 | 30-65 | | | 10-40 | | 4-13 |
| CRUSHED STONE BASE [1] | 1 ½ inch | | | | 100 | | 90-100 | | 60-95 | | 30-70 | 15-55 | | | 5-20 | | 0-8 |

(1) *Gradation performed by wet sieve KM 64-620 or AASHTO T 11/T 27.*
(2) *Sizes shown for convenience and are not to be considered as coarse aggregates.*
(3) *Nominal Maximum Size is the largest sieve on the gradation table for an aggregate size on which any material may be retained.*

Note: The Department will allow blending of same source/same type aggregate when precise procedures are used such as cold feed, belt, or equivalent and combining of sizes or types of aggregate using the weigh hopper at concrete plants or controlled feed belts at the pugmill to obtain designated sizes.

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**SUBSECTION:** 805.16 SAMPLING AND TESTING.
**REVISION:** Replace the "AASHTO T 160" method with the "KM 64-629" method for the Concrete Beam Expansion Test.

Replace the "ASTM D 3042" method with the "KM 64-625" method for Insoluble Residue.

**SUBSECTION:** 810.04.01 Coating Requirements.
**REVISION:** Replace the "Subsection 806.07" references with "Subsection 806.06"

**SUBSECTION:** 810.06.01 Polyvinyl Chloride (PVC) Pipe.
**PART:** B) Culvert and Entrance Pipe.
**REVISION:** Replace the title with the following:

B) Culvert Pipe, Storm Sewer, and Entrance Pipe.

**SUBSECTION:** 823.02 LIQUID MEMBRANE FORMING COMPOUNDS.
**REVISION:** Add the following:

Effective July 1, 2011, to remain on or be added to the Department's approved list, products must have completed testing or been submitted for testing through the National Transportation Product Evaluation Program (NTPEP) for Concrete Curing Compounds.

**SUBSECTION:** 837.03 APPROVAL.
**REVISION:** Replace the last sentence with the following:

The Department will sample and evaluate for approval each lot of thermoplastic material delivered for use per contract prior to installation of the thermoplastic material. Do not allow the installation of thermoplastic material until it has been approved by the Division of Materials. Allow the Department a minimum of 10 working days to evaluate and approve thermoplastic material.

**SUBSECTION:** 837.03.01 Composition.
**REVISION:** COMPOSITION Table:

Replace

| | | |
|---|---|---|
| Lead Chromate | 0.0 max. | 4.0 min. |

with

| | |
|---|---|
| Heavy Metals Content | Comply with 40 CFR 261 |

**SUBSECTION:** 842.02 APPROVAL.
**TABLE:** PAINT COMPOSITION
**REVISION:** Revise the following in the table:

Replace the 2.0ΔE* values in the table with 4.0ΔE* for both Yellow and White Paint on both the Daytime and Nighttime Color Spectrophotometer.

**SECTION:** DIVISION 800 MATERIAL DETAILS
**REVISION:** Add the following section in Division 800

**SECTION 846 – DURABLE WATERBORNE PAINT**

**846.01 DESCRIPTION.** This section covers quick-drying durable waterborne pavement striping paint for permanent applications. The paint shall be ready-mixed, one-component, 100% acrylic waterborne striping paint suitable for application on such traffic-bearing surfaces as Portland cement concrete, bituminous cement concrete, asphalt, tar, and previously painted areas of these surfaces.

**846.02 Approval.** Select materials that conform to the composition requirements below. Provide independent analysis data and certification for each formulation stating the total concentration of each heavy metal present, the test method used for each determination, and compliance to 40 CFR 261 for leachable heavy metals content. Submit initial samples for approval before beginning striping

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operations. The initial sample may be sent from the manufacture of the paint. The Department will randomly sample and evaluate the paint each week that the striping operations are in progress.

The non-volatile portion of the vehicle shall be composed of a 100% acrylic polymer as determined by infrared spectral analysis. The acrylic resin used shall be a 100% cross-linking acrylic as evidenced by infrared peaks at wavelengths 1568, 1624, and 1672 cm-1 with intensities equal to those produced by an acrylic resin known to be 100% cross-linking.

| PAINT COMPOSITION | | |
|---|---|---|
| Property and Test Method | Yellow | White |
| Daytime Color (CIELAB) Spectrophotometer using illuminant D65 at 45º illumination and 0º viewing with a 2º observer | L* 81.76<br>a* 19.79<br>b* 89.89<br>Maximum allowa□le variation 4.0ΔE* | L* 93.51<br>a* -1.01<br>b* 0.70<br>Maximum allowable variation 4.0ΔE* |
| Nighttime Color (CIELAB) Spectrophotometer using illuminant A at 45º illumination and 0º viewing with a 2º observer | L* 86.90<br>a* 24.80<br>b* 95.45<br>Maximum allowable variation 4.0ΔE* | L* 93.45<br>a* -0.79<br>b* 0.43<br>Maximum allowable variation 4.0ΔE* |
| Heavy Metals Content | Comply with 40 CFR 261 | Comply with 40 CFR 261 |
| Titanium Dioxide ASTM D 4764 | NA | 10% by weight of pigment min. |
| VOC ASTM D 2369 and D 4017 | 1.25 lb/gal max. | 1.25 lb/gal ma□. |
| Contrast Ratio (at 15 mils wft) | 0.97 | 0.99 |

**846.02.01 Manufacturers Certification.** Provide a certification of analysis for each lot of traffic paint produced stating conformance to the requirements of this section. Report the formulation identification, traffic paint trade name, color, date of manufacturer, total quantity of lot produced, actual quantity of traffic paint represented, sampling method utilized to obtain the samples, and data for each sample tested to represent each lot produced.

**846.03 ACCEPTANCE PROCEDURES FOR NON-SPECIFICATION DURABLE WATERBORNE PAVEMENT STRIPING PAINT.** When non-specification paint is inadvertently incorporated into the work the Department will accept the material with a reduction in pay. The percentage deduction is cumulative based on its compositional properties, but will not exceed 60 percent. The Department will calculate the payment reduction on the unit bid price for the routes where the non-specification paint was used.

| DURABLE WATERBORNE PAVEMENT STRIPING PAINT REDUCTION SCHEDULE | | | | | | |
|---|---|---|---|---|---|---|
| Non-conforming Property | Resin | Color | Contrast | $TiO_2$ | VOC | Heavy Metals Content |
| Reduction Rate | 60% | 10% | 10% | 10% | 60% | 60% |

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| | |
|---|---|
| **APPENDIX A:** | TABLUATION OF CONSTRUCTION TOLERANCES. |
| **PART:** | 601.03.03 |
| **REVISION:** | Replace with the following: |
| | Concrete; accuracy of individual ingredient material for each batch.<br>± 2.0 for aggregates<br>± 1.0 for water<br>± 1.0 for cement in batches of 4 cubic yards or greater<br>± 1.0 for total cementitious materials in batches of 4 cubic yards or greater<br>0.0 to + 4.0 for cement in batches less than 4 cubic yards<br>0.0 to + 4.0 for total cementitious materials in batches less than 4 cubic yards<br>± 3.0 for admixtures |
| **APPENDIX A:** | TABLUATION OF CONSTRUCTION TOLERANCES. |
| **PART:** | 601.03.03 C) 2) |
| **REVISION:** | Delete |

# PART III

# EMPLOYMENT, WAGE AND RECORD REQUIREMENTS

# TRANSPORTATION CABINET
# DEPARTMENT OF HIGHWAYS

## LABOR AND WAGE REQUIREMENTS
## APPLICABLE TO OTHER THAN FEDERAL-AID SYSTEM PROJECTS

I. Application
II. Nondiscrimination of Employees (KRS 344)
III. Payment of Predetermined Minimum Wages
IV. Statements and Payrolls

### I. APPLICATION

1. These contract provisions shall apply to all work performed on the contract by the contractor with his own organization and with the assistance of workmen under his immediate superintendence and to all work performed on the contract by piecework, station work or by subcontract. The contractor's organization shall be construed to include only workmen employed and paid directly by the contractor and equipment owned or rented by him, with or without operators.

2. The contractor shall insert in each of his subcontracts all of the stipulations contained in these Required Provisions and such other stipulations as may be required.

3. A breach of any of the stipulations contained in these Required Provisions may be grounds for termination of the contract.

### II. NONDISCRIMINATION OF EMPLOYEES

AN ACT OF THE KENTUCKY
GENERAL ASSEMBLY TO PREVENT
DISCRIMINATION IN EMPLOYMENT
KRS CHAPTER 344
EFFECTIVE JUNE 16, 1972

The contract on this project, in accordance with KRS Chapter 344, provides that during the performance of this contract, the contractor agrees as follows:

1. The contractor shall not fail or refuse to hire, or shall not discharge any individual, or otherwise discriminate against an individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, national origin, sex, disability or age (between forty and seventy); or limit, segregate, or classify his employees in any way which would deprive or tend to deprive an individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, national origin, sex, disability or age (between forty and seventy). The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.

2. The contractor shall not print or publish or cause to be printed or published a notice or advertisement relating to employment by such an employer or membership in or any classification or referral for employment by the employment agency, indicating any preference, limitation, specification, or discrimination, based on race, color, religion, national origin, sex, disability or age (between forty and seventy), except that such notice or advertisement may indicate a preference, limitation, or specification based on religion, or national origin when religion, or national origin is a bona fide occupational qualification for employment.

3. If the contractor is in control of apprenticeship or other training or retraining, including on-the-job training programs, he shall not discriminate against an individual because of his race, color, religion, national origin, sex, disability or age (between forty and seventy), in admission to, or employment in any program established to provide apprenticeship or other training.

4. The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representative of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment. The contractor will take such action with respect to any subcontract or purchase order as the administrating agency may direct as a means of enforcing such provisions, including sanctions for non-compliance.

### III. PAYMENT OF PREDETERMINED MINIMUM WAGES

1. These special provisions are supplemented elsewhere in the contract by special provisions which set forth certain predetermined minimum wage rates. The contractor shall pay not less than those rates.

2. The minimum wage determination schedule shall be posted by the contractor, in a manner prescribed by the Department of Highways, at the site of the work in prominent places where it can be easily seen by the workers.

### IV. STATEMENTS AND PAYROLLS

1. All contractors and subcontractors affected by the terms of KRS 337.505 to 337.550 shall keep full and accurate payroll records covering all disbursements of wages to their employees to whom they are required to pay not less than the prevailing rate of wages. Payrolls and basic records relating thereto will be maintained during the course of the work and preserved for a period of one (1) year from the date of completion of this contract.

2. The payroll records shall contain the name, address and social security number of each employee, his correct classification, rate of pay, daily and weekly number of hours worked, itemized deductions made and actual wages paid.

3. The contractor shall make his daily records available at the project site for inspection by the State Department of Highways contracting office or his authorized representative.

Periodic investigations shall be conducted as required to assure compliance with the labor provisions of the contract. Interrogation of employees and officials of the contractor shall be permitted during working hours.

Aggrieved workers, Highway Managers, Assistant District Engineers, Resident Engineers and Project Engineers shall report all complaints and violations to the Division of Contract Procurement.

The contractor shall be notified in writing of apparent violations. The contractor may correct the reported violations and notify the Department of Highways of the action taken or may request an informal hearing. The request for hearing shall be in writing within ten (10) days after receipt of the notice of the reported violation. The contractor may submit

records and information which will aid in determining the true facts relating to the reported violations.

Any person or organization aggrieved by the action taken or the findings established as a result of an informal hearing by the Division of Contract Procurement may request a formal hearing.

4. The wages of labor shall be paid in legal tender of the United States, except that this condition will be considered satisfied if payment is made by a negotiable check, on a solvent bank, which may be cashed readily by the employee in the local community for the full amount, without discount or collection charges of any kind. Where checks are used for payments, the contractor shall make all necessary arrangements for them to be cashed and shall give information regarding such arrangements.

5. No fee of any kind shall be asked or accepted by the contractor or any of his agents from any person as a condition of employment on the project.

6. No laborers shall be charged for any tools used in performing their respective duties except for reasonably avoidable loss or damage thereto.

7. Every employee on the work covered by this contract shall be permitted to lodge, board, and trade where and with whom he elects and neither the contractor nor his agents, nor his employees shall directly or indirectly require as a condition of employment that an employee shall lodge, board or trade at a particular place or with a particular person.

8. Every employee on the project covered by this contract shall be an employee of either the prime contractor or an approved subcontractor.

9. No charge shall be made for any transportation furnished by the contractor or his agents to any person employed on the work.

10. No individual shall be employed as a laborer or mechanic on this contract except on a wage basis, but this shall not be construed to prohibit the rental of teams, trucks or other equipment from individuals.

No Covered employee may be employed on the work except in accordance with the classification set forth in the schedule mentioned above; provided, however, that in the event additional classifications are required, application shall be made by the contractor to the Department of Highways and (1) the Department shall request appropriate classifications and rates from the proper agency, or (2) if there is urgent need for additional classification to avoid undue delay in the work, the contractor may employ such workmen at rates deemed comparable to rates established for similar classifications provided he has made written application through the Department of Highways, addressed to the proper agency, for the supplemental rates. The contractor shall retroactively adjust, upon receipt of the supplemental rates schedule, the wages of any employee paid less than the established rate and may adjust the wages of any employee overpaid.

11. No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any laborer or mechanic in any work-week in which he is employed on such work, to work in excess of eight hours in any calendar day or in excess of forty hours in such work-week unless such laborer or mechanic receives compensation at a rate not less than one and one half times his basic rate of pay for all hours worked in excess of eight hours in any calendar day or in excess of forty hours in such work-week. A laborer, workman or mechanic and an employer may enter into a written agreement or a collective bargaining agreement to work more than eight (8) hours a calendar day but not more than ten (10) hours a calendar day for the straight time hourly rate. This agreement shall be in writing and shall be executed prior to the employee working in excess of eight (8) hours, but not more than ten (10) hours, in any one (1) calendar day.

12. Payments to the contractor may be suspended or withheld due to failure of the contractor to pay any laborer or mechanic employed or working on the site of the work, all or part of the wages required under the terms of the contract. The Department may suspend or withhold payments only after the contractor has been given written notice of the alleged violation and the contractor has failed to comply with the wage determination of the Department of Highways.

13. Contractors and subcontractors shall comply with the sections of Kentucky Revised Statutes, Chapter 337 relating to contracts for Public Works.

Revised 2-16-95

# EXECUTIVE BRANCH CODE OF ETHICS

In the 1992 regular legislative session, the General Assembly passed and Governor Brereton Jones signed Senate Bill 63 (codified as KRS 11A), the Executive Branch Code of Ethics, which states, in part:

> KRS 11A.040 (6) provides:
>
> No present or former public servant shall, within six (6) months of following termination of his office or employment, accept employment, compensation or other economic benefit from any person or business that contracts or does business with the state in matters in which he was directly involved during his tenure. This provision shall not prohibit an individual from returning to the same business, firm, occupation, or profession in which he was involved prior to taking office or beginning his term of employment, provided that, for a period of six (6) months, he personally refrains from working on any matter in which he was directly involved in state government. This subsection shall not prohibit the performance of ministerial functions, including, but not limited to, filing tax returns, filing applications for permits or licenses, or filing incorporation papers.
>
> KRS 11A.040 (8) states:
>
> A former public servant shall not represent a person in a matter before a state agency in which the former public servant was directly involved, for a period of one (1) year after the latter of:
>
> a) The date of leaving office or termination of employment; or
> b) The date the term of office expires to which the public servant was elected.

This law is intended to promote public confidence in the integrity of state government and to declare as public policy the idea that state employees should view their work as a public trust and not as a way to obtain private benefits.

If you have worked for the executive branch of state government within the past six months, you may be subject to the law's prohibitions. The law's applicability may be different if you hold elected office or are contemplating representation of another before a state agency.

Also, if you are affiliated with a firm which does business with the state and which employs former state executive-branch employees, you should be aware that the law may apply to them.

In case of doubt, the law permits you to request an advisory opinion from the Executive Branch Ethics Commission, Room 136, Capitol Building, 700 Capitol Avenue, Frankfort, Kentucky 40601; telephone (502) 564-7954.

## Kentucky Equal Employment Opportunity Act of 1978

The requirements of the Kentucky Equal Employment Opportunity Act of 1978 (KRS 45.560-45.640) shall not apply to this Contract.

**TRANSPORTATION CABINET**
**DIVISION OF CONSTRUCTION PROCUREMENT**
**COMPLIANCE SECTION**
**PROJECT WAGE RATES**

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**WORKERS……..MINIMUM HOURLY RATE…..$7.25**

Note: Parts III and IV of **"Labor and Wage Requirements Applicable to Other Than Federal-Aid System Projects"** do not apply to this project.

# EMPLOYEE RIGHTS

## UNDER THE FAIR LABOR STANDARDS ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

## FEDERAL MINIMUM WAGE

**$7.25** PER HOUR

BEGINNING JULY 24, 2009

### OVERTIME PAY

At least 1½ times your regular rate of pay for all hours worked over 40 in a workweek.

### CHILD LABOR

An employee must be at least **16** years old to work in most non-farm jobs and at least **18** to work in non-farm jobs declared hazardous by the Secretary of Labor.

Youths **14** and **15** years old may work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs under the following conditions:

***No more than***

- **3** hours on a school day or **18** hours in a school week;
- **8** hours on a non-school day or **40** hours in a non-school week.

Also, work may not begin before **7 a.m.** or end after **7 p.m.**, except from June 1 through Labor Day, when evening hours are extended to **9 p.m.** Different rules apply in agricultural employment.

### TIP CREDIT

Employers of "tipped employees" must pay a cash wage of at least $2.13 per hour if they claim a tip credit against their minimum wage obligation. If an employee's tips combined with the employer's cash wage of at least $2.13 per hour do not equal the minimum hourly wage, the employer must make up the difference. Certain other conditions must also be met.

### ENFORCEMENT

The Department of Labor may recover back wages either administratively or through court action, for the employees that have been underpaid in violation of the law. Violations may result in civil or criminal action.

Employers may be assessed civil money penalties of up to $1,100 for each willful or repeated violation of the minimum wage or overtime pay provisions of the law and up to $11,000 for each employee who is the subject of a violation of the Act's child labor provisions. In addition, a civil money penalty of up to $50,000 may be assessed for each child labor violation that causes the death or serious injury of any minor employee, and such assessments may be doubled, up to $100,000, when the violations are determined to be willful or repeated. The law also prohibits discriminating against or discharging workers who file a complaint or participate in any proceeding under the Act.

### ADDITIONAL INFORMATION

- Certain occupations and establishments are exempt from the minimum wage and/or overtime pay provisions.
- Special provisions apply to workers in American Samoa and the Commonwealth of the Northern Mariana Islands.
- Some state laws provide greater employee protections; employers must comply with both.
- The law requires employers to display this poster where employees can readily see it.
- Employees under 20 years of age may be paid $4.25 per hour during their first 90 consecutive calendar days of employment with an employer.
- Certain full-time students, student learners, apprentices, and workers with disabilities may be paid less than the minimum wage under special certificates issued by the Department of Labor.

For additional information:

**1-866-4-USWAGE**

(1-866-487-9243) TTY: 1-877-889-5627

WHD U.S. Wage and Hour Division

**WWW.WAGEHOUR.DOL.GOV**

U.S. Department of Labor | Wage and Hour Division

WHD Publication 1088 (Revised July 2009)

# PART IV

# INSURANCE

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The Contractor shall carry the following insurance in addition to the insurance required by law:

1. Contractor's Public Liability Insurance not less than $100,000.00 for damages arising out of bodily injuries to or death to one person. Not less than $300,000.00 for damages arising out of bodily injuries to or death to two or more persons.

2. Contractor's Property Damages Liability Insurance. Not less than $100,000.00 for all damages arising out of injury or destruction of property in any one accident. Not less than $300,000.00 for all damages during the policy period.

3. Contractor's Protective Public Liability and Property Damage Insurance. The contractor shall furnish evidence with respect to operations performed for him by subcontractors that he carries in his own behalf for the above stipulated amounts.

4. The insurance required above must be evidenced by a Certificate of Insurance and this Certificate of Insurance must contain one of the following statements:

   a. "policy contains no deductible clauses."

   b. "policy contains _____ (amount) deductible property damage clause but company will pay claim and collect the deductible from the insured."

5. WORKMEN'S COMPENSATION INSURANCE. The contractor shall furnish evidence of coverage of all his employees or give evidence of self-insurance by submitting a copy of a certificate issued by the Workmen's Compensation Board.

# PART V

# BID ITEMS

CONTRACT ID: 112914
COUNTY: JEFFERSON
PROPOSAL: FE02 056 0031 B00136N

PAGE: 1
LETTING: 01/28/11
CALL NO: 325

| LINE NO | ITEM | DESCRIPTION | APPROXIMATE UNIT QUANTITY | UNIT PRICE | AMOUNT |
|---|---|---|---|---|---|
| | SECTION 0001 | BRIDGE | | | |
| 0010 | 02650 | MAINTAIN & CONTROL TRAFFIC | ( 1.00) LS | | |
| 0020 | 02654 | TRUCK MOUNTED ATTENUATOR | 1.000 EACH | | |
| 0030 | 23279EC | RETROFIT<br>STEEL ANGLE RETROFIT | 2.000 EACH | | |
| 0040 | 23853EC | BEARING REPAIR | 2.000 EACH | | |
| | SECTION 0002 | MOBILIZATION AND DEMOBILIZATION | | | |
| 0050 | 02568 | MOBILIZATION (NO MORE THAN 5%) | LUMP | | |
| 0060 | 02569 | DEMOBILIZATION (AT LEAST 1.5%) | LUMP | | |
| | | TOTAL BID | | | |