



CALL NO. 105

CONTRACT ID. 232980

CAMPBELL COUNTY

FED/STATE PROJECT NUMBER FPB 5221(011)

DESCRIPTION LIKING PIKE (KY 915)

WORK TYPE BRIDGE REPLACEMENT

PRIMARY COMPLETION DATE 7/31/2024

LETTING DATE: September 28,2023

Sealed Bids will be received electronically through the Bid Express bidding service until 10:00 AM EASTERN DAYLIGHT TIME September 28,2023. Bids will be publicly announced at 10:00 AM EASTERN DAYLIGHT TIME.

NO PLANS ASSOCIATED WITH THIS PROJECT.

DBE CERTIFICATION REQUIRED - 0%

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

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PART I
SCOPE OF WORK

ADMINISTRATIVE DISTRICT - 06

CONTRACT ID - 232980

FPB 5221(011)

COUNTY - CAMPBELL

PCN - MB01909152301

FPB 5221(011)

LIKING PIKE (KY 915) REPLACE BRIDGE 019B00088N OVER SKAFFORD CREEK AT MP 01.76BRIDGE
REPLACEMENT SYP NO. 06-40000.00.

GEOGRAPHIC COORDINATES LATITUDE 38:56:56.00 LONGITUDE -84:24:39.00

ADT

COMPLETION DATE(S):

COMPLETED BY 07/31/2024

APPLIES TO ENTIRE CONTRACT

50 CALENDAR Days

APPLIES TO 019B00088N

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 electronic bidding software. 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 shall make every effort to protect underground facilities from damage as prescribed in the Underground Facility Damage Protection Act of 1994, Kentucky Revised Statute KRS 367.4901 to 367.4917. It is the contractor's responsibility to determine and take steps necessary to be in compliance with federal and state damage prevention directives. When prescribed in said directives, the contractor shall submit Excavation Locate Requests to the Kentucky Contact Center (KY811) via web ticket entry. The submission of this request does not relieve the contractor from the responsibility of contacting non-member facility owners, whom shall be contacted through their individual Protection Notification Center. Non-compliance with these directives can result in the enforcement of penalties.

REGISTRATION WITH THE SECRETARY OF STATE BY A FOREIGN ENTITY

Pursuant to KRS 176.085(1)(b), an agency, department, office, or political subdivision of the Commonwealth of Kentucky shall not award a state contract to a person that is a foreign entity required by [KRS 14A.9-010](#) to obtain a certificate of authority to transact business in the Commonwealth ("certificate") from the Secretary of State under [KRS 14A.9-030](#) unless the person produces the certificate within fourteen (14) days of the bid or proposal opening. If the foreign entity is not required to obtain a certificate as provided in [KRS 14A.9-010](#), the foreign entity should identify the applicable exception. Foreign entity is defined within [KRS 14A.1-070](#).

For all foreign entities required to obtain a certificate of authority to transact business in the Commonwealth, if a copy of the certificate is not received by the contracting agency within the time frame identified above, the foreign entity's solicitation response shall be deemed non-responsive or the awarded contract shall be cancelled.

Businesses can register with the Secretary of State at <https://secure.kentucky.gov/sos/ftbr/welcome.aspx>.

SPECIAL NOTE FOR PROJECT QUESTIONS DURING ADVERTISEMENT

Questions about projects during the advertisement should be submitted in writing to the Division of Construction Procurement. This may be done by fax (502) 564-7299 or email to kytc.projectquestions@ky.gov. The Department will attempt to answer all submitted questions. The Department reserves the right not to answer if the question is not pertinent or does not aid in clarifying the project intent.

The deadline for posting answers will be 3:00 pm Eastern Daylight Time, the day preceding the Letting. Questions may be submitted until this deadline with the understanding that the later a question is submitted, the less likely an answer will be able to be provided.

The questions and answers will be posted for each Letting under the heading "Questions & Answers" on the Construction Procurement website (www.transportation.ky.gov/contract). The answers provided shall be considered part of this Special Note and, in case of a discrepancy, will govern over all other bidding documents.

HARDWOOD REMOVAL RESTRICTIONS

The US Department of Agriculture has imposed a quarantine in Kentucky and several surrounding states, to prevent the spread of an invasive insect, the emerald ash borer. Hardwood cut in conjunction with the project may not be removed from the state. Chipping or burning on site is the preferred method of disposal.

INSTRUCTIONS FOR EXCESS MATERIAL SITES AND BORROW SITES

Identification of excess material sites and borrow sites shall be the responsibility of the Contractor. The Contractor shall be responsible for compliance with all applicable state and federal laws and may wish to consult with the US Fish and Wildlife Service to seek protection under Section 10 of the Endangered Species Act for these activities.

ACCESS TO RECORDS

The contractor, as defined in KRS 45A.030 (9) agrees that the contracting agency, the Finance and Administration Cabinet, the Auditor of Public Accounts, and the Legislative Research Commission, or their duly authorized representatives, shall have access to any books, documents, papers, records, or other evidence, which are directly pertinent to this contract for the purpose of financial audit or program review. Records and other prequalification information confidentially

disclosed as part of the bid process shall not be deemed as directly pertinent to the contract and shall be exempt from disclosure as provided in KRS 61.878(1)(c). The contractor also recognizes that any books, documents, papers, records, or other evidence, received during a financial audit or program review shall be subject to the Kentucky Open Records Act, KRS 61.870 to 61.884.

In the event of a dispute between the contractor and the contracting agency, Attorney General, or the Auditor of Public Accounts over documents that are eligible for production and review, the Finance and Administration Cabinet shall review the dispute and issue a determination, in accordance with Secretary's Order 11-004.

BUILD AMERICA, BUY AMERICA ACT (BABA)

On November 15, 2021, President Biden signed into law the Infrastructure Investment and Jobs Act (IIJA), Pub. L. No. 117-58, includes the Build America, Buy America Act (“the Act”). Pub. L. No. 117-58, §§70901-52. The Act strengthens the Buy America preference to include “construction materials.” The current temporary waiver for **“construction materials”** will expire on November 10, 2022.

The Act will apply to construction materials as outlined in the guidance issued in OMB [M-22-11](#).

Construction Materials – Includes an article, material, or supply – other than an item of primarily iron or steel; a manufactured product; cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives – that is or consists primarily of:

- Non-ferrous metals
- Plastic/polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables);
- Glass (including optic glass);
- Lumber; or
- Drywall.

Construction Materials only applies to items, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project.

Construction Materials does not apply to tools, equipment or supplies brought to the jobsite and removed before completion.

BOYCOTT PROVISIONS

If applicable, the contractor represents that, pursuant to [KRS 45A.607](#), they are not currently engaged in, and will not for the duration of the contract engage in, the boycott of a person or an entity based in or doing business with a jurisdiction with which Kentucky can enjoy open trade. **Note:** The term Boycott does not include actions taken for bona fide business or economic reasons, or actions specifically required by federal or state law.

If applicable, the contractor verifies that, pursuant to KRS 41.480, they do not engage in, and will not for the duration of the contract engage in, in energy company boycotts as defined by KRS 41.472.

LOBBYING PROHIBITIONS

The contractor represents that they, and any subcontractor performing work under the contract, have not violated the agency restrictions contained in [KRS 11A.236](#) during the previous ten (10) years, and pledges to abide by the restrictions set forth in such statute for the duration of the contract awarded.

The contractor further represents that, pursuant to [KRS 45A.328](#), they have not procured an original, subsequent, or similar contract while employing an executive agency lobbyist who was convicted of a crime related to the original, subsequent, or similar contract within five (5) years of the conviction of the lobbyist.

February 1, 2023

FEDERAL CONTRACT NOTES

The Kentucky Department of Highways, in accordance with the Regulations of the United States Department of Transportation 23 CFR 635.112 (h), hereby notifies all bidders that failure by a bidder to comply with all applicable sections of the current Kentucky Standard Specifications, including, but not limited to the following, may result in a bid not being considered responsive and thus not eligible to be considered for award:

- | | |
|--------------------------------|--|
| 102.02 Current Rating | 102.08 Preparation and Delivery of Proposals |
| 102.13 Irregular Bid Proposals | 102.14 Disqualification of Bidders |
| 102.09 Proposal Guaranty | |

CIVIL RIGHTS ACT OF 1964

The Kentucky Transportation Cabinet, Department of Highways, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, sex, age (over 40), religion, sexual orientation, gender identity, veteran status, disability, income- level, or Limited English Proficiency (LEP) in consideration for an award.

NOTICE TO ALL BIDDERS

To report bid rigging activities call: 1-800-424-9071.

The U.S. Department of Transportation (DOT) operates the above toll-free “hotline” Monday through Friday, 8:00 a.m. to 5:00 p.m. eastern time. Anyone with knowledge of possible bid rigging, bidder collusion, or other fraudulent activities should use the “hotline” to report such activities.

The “hotline” is part of the DOT’s continuing effort to identify and investigate highway construction contract fraud and abuse and is operated under the direction of the DOT Inspector General. All information will be treated confidentially and caller anonymity will be respected.

SECOND TIER SUBCONTRACTS

Second tier subcontracts are acceptable per Section 108.01 of the Standard Specifications for Road and Bridge Construction. Sub-Contractors fulfilling a disadvantaged business enterprise goal on a project may enter into a 2nd tier subcontract with a Non-DBE Subcontractor. However, in this instance, none of the work subcontracted to the Non-DBE Contractor will count toward fulfilling the established Disadvantaged Goal for the project.

DISADVANTAGED BUSINESS ENTERPRISE PROGRAM

It is the policy of the Kentucky Transportation Cabinet (“the Cabinet”) that Disadvantaged Business Enterprises (“DBE”) shall have the opportunity to participate in the performance of highway construction projects financed in whole or in part by Federal Funds in order to create a level playing field for all businesses who wish to contract with the Cabinet. To that end, the Cabinet will comply with the regulations found in 49 CFR Part 26, and the definitions and requirements contained therein shall be adopted as if set out verbatim herein.

The Cabinet, contractors, subcontractors, and sub-recipients shall not discriminate on the basis of race, color, national origin, or sex in the performance of work performed pursuant to Cabinet contracts. The contractor shall carry out applicable requirements of 49 CFR 26 in the award and administration of federally assisted highway construction projects. The contractor will include this provision in all its subcontracts and supply agreements pertaining to contracts with the Cabinet.

Failure by the contractor to carry out these requirements is a material breach of its contract with the Cabinet, which may result in the termination of the contract or such other remedy as the Cabinet deems necessary.

DBE GOAL

The Disadvantaged Business Enterprise (DBE) goal established for this contract, as listed on the front page of the proposal, is the percentage of the total value of the contract.

The contractor shall exercise all necessary and reasonable steps to ensure that Disadvantaged Business Enterprises participate in a least the percent of the contract as set forth above as goals for this contract.

OBLIGATION OF CONTRACTORS MRA(1)

Each contractor prequalified to perform work on Cabinet projects shall designate and make known to the Cabinet a liaison officer who is assigned the responsibility of effectively administering and promoting an active program for utilization of DBEs.

If a formal goal has not been designated for the contract, all contractors are encouraged to consider DBEs for subcontract work as well as for the supply of material and services needed to perform this work.

Contractors are encouraged to use the services of banks owned and controlled by minorities and women.

CERTIFICATION OF CONTRACT GOAL

Contractors shall include the following certification in bids for projects for which a DBE goal has been established. BIDS SUBMITTED WHICH DO NOT INCLUDE CERTIFICATION OF DBE PARTICIPATION WILL NOT BE ACCEPTED. These bids will not be considered for award by the Cabinet and they will be returned to the bidder.

“The bidder certifies that it has secured participation by Disadvantaged Business Enterprises (“DBE”) in the amount of _____ percent of the total value of this contract and that the DBE participation is in compliance with the requirements of 49 CFR 26 and the policies of the Kentucky Transportation Cabinet pertaining to the DBE Program.”

The certification statement is located in the electronic bid file. All contractors must certify their DBE participation on that page. DBEs utilized in achieving the DBE goal must be certified and prequalified for the work items at the time the bid is submitted.

DBE PARTICIPATION PLAN

Lowest responsive bidders must submit the *DBE Plan/ Subcontractor Request*, form TC 14-35 DBE, within **5** days of the letting. This is necessary before the Awards Committee will review and make a recommendation. **The project will not be considered for award prior to submission and approval of the apparent low bidder’s DBE Plan/Subcontractor Request.**

The DBE Participation Plan shall include the following:

1. Name and address of DBE Subcontractor(s) and/or supplier(s) intended to be used in the proposed project;
2. Description of the work each is to perform including the work item, unit, quantity, unit price and total amount of the work to be performed by the individual DBE. The Proposal Line Number, Category Number, and the Project Line Number can be found in the “material listing” on the Construction Procurement website under the specific letting;
3. The dollar value of each proposed DBE subcontract and the percentage of total project contract value this represents. DBE participation may be counted as follows:
 - a) If DBE suppliers and manufactures assume actual and contractual responsibility, the dollar value of materials to be furnished will be counted toward the goal as follows:
 - The entire expenditure paid to a DBE manufacturer;
 - 60 percent of expenditures to DBE suppliers that are not manufacturers provided the supplier is a regular dealer in the product involved. A regular dealer must be engaged in, as its principal business and in its own name, the sale of products to the public, maintain an inventory and own and operate distribution equipment; and
 - The amount of fees or commissions charged by the DBE firms for a bona fide service, such as professional, technical, consultant, or managerial services and assistance in the procurement of essential personnel, facilities, equipment, materials, supplies, delivery of materials and supplies or for furnishing bonds, or insurance, providing such fees or commissions are determined to be reasonable and customary.
 - b) The dollar value of services provided by DBEs such as quality control testing, equipment repair and maintenance, engineering, staking, etc.;

- c) The dollar value of joint ventures. DBE credit for joint ventures will be limited to the dollar amount of the work actually performed by the DBE in the joint venture;
4. Written and signed documentation of the bidder's commitment to use a DBE contractor whose participation is being utilized to meet the DBE goal; and
5. Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractor's commitment.

AFTER PROJECT AWARD AND BEFORE NOTICE TO PROCEED/WORK ORDER IS ISSUED (SEE SECTION 103.06, STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION

Prime Contractors awarded a federally funded project with a DBE Goal greater than zero will be required to submit DBE Subcontract Agreement Form, TC 14-36, along with the attached FHWA 1273 and Certificate of Liability Insurance for each DBE Firm submitted as part of the previously approved DBE Utilization Plan (TC 14-35). A signed quote or purchase order shall be attached when the DBE subcontractor is a material supplier or broker.

The Certificate of Liability Insurance submitted must meet the requirements outlined in Section 107.18 of the Standard Specifications for Road and Bridge Construction.

Changes to **APPROVED** DBE Participation Plans must be approved by the Cabinet. The Cabinet may consider extenuating circumstances including, but not limited to, changes in the nature or scope of the project, the inability or unwillingness of a DBE to perform the work in accordance with the bid, and/or other circumstances beyond the control of the prime contractor.

CONSIDERATION OF GOOD FAITH EFFORTS REQUESTS

If the DBE participation submitted in the bid by the apparent lowest responsive bidder does not meet or exceed the DBE contract goal, the apparent lowest responsive bidder must submit a Good Faith Effort Package to satisfy the Cabinet that sufficient good faith efforts were made to meet the contract goals prior to submission of the bid. Efforts to increase the goal after bid submission will not be considered in justifying the good faith effort, unless the contractor can show that the proposed DBE was solicited prior to the letting date. DBEs utilized in achieving the DBE goal must be certified and prequalified for the work items at the time the bid is submitted. One complete set (hard copy along with an electronic copy) of this information must be received in the Division of Contract Procurement no later than 12:00 noon of the tenth calendar day after receipt of notification that they are the apparent low bidder.

Where the information submitted includes repetitious solicitation letters it will be acceptable to submit a sample representative letter along with a distribution list of the firms solicited. Documentation of DBE quotations shall be a part of the good faith effort submittal as necessary to demonstrate compliance with the factors listed below which the Cabinet considers in judging good faith efforts. This documentation may include written subcontractors' quotations, telephone log notations of verbal quotations, or other types of quotation documentation.

The Good Faith Effort Package shall include, but may not be limited to information showing evidence of the following:

1. Whether the bidder attended any pre-bid meetings that were scheduled by the Cabinet to inform DBEs of subcontracting opportunities;
2. Whether the bidder provided solicitations through all reasonable and available means;
3. Whether the bidder provided written notice to all DBEs listed in the DBE directory at the time of the letting who are prequalified in the areas of work that the bidder will be subcontracting;
4. Whether the bidder followed up initial solicitations of interest by contacting DBEs to determine with certainty whether they were interested. If a reasonable amount of DBEs within the targeted districts do not provide an intent to quote or no DBEs are prequalified in the subcontracted areas, the bidder must notify the Disadvantaged Enterprise Business Liaison Officer (DEBLO) in the Office for Civil Rights and Small Business Development to give notification of the bidder's inability to get DBE quotes;
5. Whether the bidder selected portions of the work to be performed by DBEs in order to increase the likelihood of meeting the contract goals. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate DBE participation, even when the prime contractor might otherwise perform these work items with its own forces;
6. Whether the bidder provided interested DBEs with adequate and timely information about the plans, specifications, and requirements of the contract;
7. Whether the bidder negotiated in good faith with interested DBEs not rejecting them as unqualified without sound reasons based on a thorough investigation of their capabilities. Any rejection should be so noted in writing with a description as to why an agreement could not be reached;
8. Whether quotations were received from interested DBE firms but were rejected as unacceptable without sound reasons why the quotations were considered unacceptable. The fact that the DBE firm's quotation for the work is not the lowest quotation received will not in itself be considered as a sound reason for rejecting the quotation as unacceptable. The fact that the bidder has the ability and/or desire to perform the contract work with its own forces will not be considered a sound reason for rejecting a DBE quote. Nothing in this provision shall be construed to require the bidder to accept unreasonable quotes in order to satisfy DBE goals;
9. Whether the bidder specifically negotiated with subcontractors to assume part of the responsibility to meet the contract DBE goal when the work to be subcontracted includes potential DBE participation;
10. Whether the bidder made any efforts and/or offered assistance to interested DBEs in obtaining the necessary equipment, supplies, materials, insurance and/or bonding to satisfy the work requirements of the bid proposal; and
11. Any other evidence that the bidder submits which may show that the bidder has made reasonable good faith efforts to include DBE participation.

FAILURE TO MEET GOOD FAITH REQUIREMENT

Where the apparent lowest responsive bidder fails to submit sufficient participation by DBE firms to meet the contract goal and upon a determination by the Good Faith Committee based upon the information submitted that the apparent lowest responsive bidder failed to make sufficient reasonable efforts to meet the contract goal, the bidder will be offered the opportunity to meet in person for administrative reconsideration. The bidder will be notified of the Committee's decision within 24 hours of its decision. The bidder will have 24 hours to request reconsideration of the Committee's decision. The reconsideration meeting will be held within two days of the receipt of a request by the bidder for reconsideration.

The request for reconsideration will be heard by the Office of the Secretary. The bidder will have the opportunity to present written documentation or argument concerning the issue of whether it met the goal or made an adequate good faith effort. The bidder will receive a written decision on the reconsideration explaining the basis for the finding that the bidder did or did not meet the goal or made adequate Good Faith efforts to do so.

The result of the reconsideration process is not administratively appealable to the Cabinet or to the United States Department of Transportation.

The Cabinet reserves the right to award the contract to the next lowest responsive bidder or to rebid the contract in the event that the contract is not awarded to the low bidder as the result of a failure to meet the good faith requirement.

SANCTIONS FOR FAILURE TO MEET DBE REQUIREMENTS OF THE PROJECT

Failure by the prime contractor to fulfill the DBE requirements of a project under contract or to demonstrate good faith efforts to meet the goal constitutes a breach of contract. When this occurs, the Cabinet will hold the prime contractor accountable, as would be the case with all other contract provisions. Therefore, the contractor's failure to carry out the DBE contract requirements shall constitute a breach of contract and as such the Cabinet reserves the right to exercise all administrative remedies at its disposal including, but not limited to the following:

- Suspension of Prequalification;
- Disallow credit toward the DBE goal;
- Withholding progress payments;
- Withholding payment to the prime in an amount equal to the unmet portion of the contract goal; and/or
- Termination of the contract.

PROMPT PAYMENT

The prime contractor will be required to pay the DBE and Non-DBE Subcontractors within seven (7) working days after he or she has received payment from the Kentucky Transportation Cabinet for work performed or materials furnished.

CONTRACTOR REPORTING

All contractors must keep detailed records and provide reports to the Cabinet on their progress in meeting the DBE requirement on any highway contract. These records may include, but shall not be limited to payroll, lease agreements, cancelled payroll checks, executed subcontracting agreements, etc. Prime contractors will be required to complete and submit a **signed and notarized** Affidavit of Subcontractor Payment (TC 18-7) and copies of checks for any monies paid to each DBE subcontractor or supplier utilized to meet a DBE goal. These documents must be completed and signed within 7 days of being paid by the Cabinet.

Payment information that needs to be reported includes date the payment is sent to the DBE, check number, Contract ID, amount of payment and the check date. Before Final Payment is made on this contract, the Prime Contractor will certify that all payments were made to the DBE subcontractor and/or DBE suppliers.

***** IMPORTANT *****

Please mail the original, signed and completed TC (18-7) Affidavit of Subcontractor Payment form and all copies of checks for payments listed above to the following address:

Office for Civil Rights and Small Business Development
6th Floor West 200 Mero Street
Frankfort, KY 40622

The prime contractor should notify the KYTC Office for Civil Rights and Small Business Development seven (7) days prior to DBE contractors commencing work on the project. The contact in this office is Mr. Melvin Bynes. Mr. Bynes' current contact information is email address – melvin.bynes2@ky.gov and the telephone number is (502) 564-3601.

DEFAULT OR DECERTIFICATION OF THE DBE

If the DBE subcontractor or supplier is decertified or defaults in the performance of its work, and the overall goal cannot be credited for the uncompleted work, the prime contractor may utilize a substitute DBE or elect to fulfill the DBE goal with another DBE on a different work item. If after exerting good faith effort in accordance with the Cabinet's Good Faith Effort policies and procedures, the prime contractor is unable to replace the DBE, then the unmet portion of the goal may be waived at the discretion of the Cabinet.

PROHIBITION ON TELECOMMUNICATIONS EQUIPMENT OR SERVICES

In accordance with the FY 2019 National Defense Authorization Act (NDAA), 2 CFR 200.216, and 2 CFR 200.471, Federal agencies are prohibited, after August 13, 2020, from obligating or expending financial assistance to obtain certain telecommunications and video surveillance services and equipment from specific producers. As a result of these regulations, contractors and subcontractors are prohibited, on projects with federal funding participation, from providing telecommunication or video surveillance equipment, services, or systems produced by:

- Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities)
- Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities)

LEGAL REQUIREMENTS AND RESPONSIBILITY TO THE PUBLIC – CARGO PREFERENCE ACT (CPA).

(REV 12-17-15) (1-16)

SECTION 7 is expanded by the following new Article:

102.10 **Cargo Preference Act – Use of United States-flag vessels.**

Pursuant to Title 46CFR Part 381, the Contractor agrees

- To utilize privately owned United States-flag commercial vessels to ship at least 50 percent of the gross tonnage (computed separately for dry bulk carriers, dry cargo liners, and tankers) involved, whenever shipping any equipment, material, or commodities pursuant to this contract, to the extent such vessels are available at fair and reasonable rates for United States-flag commercial vessels.
- To furnish within 20 days following the date of loading for shipments originating within the United States or within 30 working days following the date of loading for shipments originating outside the United States, a legible copy of a rated, 'on-board' commercial ocean bill-of-lading in English for each shipment of cargo described in paragraph 1 of this section to both the Contracting Officer (through the prime contractor in the case of subcontractor bills-of-lading) and to the Division of National Cargo, Office of Market Development, Maritime Administration, Washington, DC 20590.
- To insert the substance of the provisions of this clause in all subcontracts issued pursuant to this contract.

**SPECIAL NOTES
DISTRICT NO. 6
BRIDGE REPLACEMENT
CAMPBELL COUNTY
FPB 5221(011) SYP ITEM NUMBER 6-40000.00
CID 232980**

FD52 019 0915 002-003

Campbell County ~ KY 915 (Liking Pike) over Scaffold Creek **Bridge 019B00088N**

Geographic Coordinates

Latitude 38° 56' 56.00" (38.7346)

Longitude -84° 24' 39.00" (-84.7498)

**SPECIAL NOTES FOR BRIDGE REPLACEMENT
019B00088N**

SPECIAL NOTE FOR PLACING BRIDGE OVERLAY APPROACH PAVEMENT

SPECIAL NOTE FOR EROSION CONTROL

SPECIAL NOTE FOR BRIDGE DECK WATERPROOFING MEMBRANE AND
ASPHALT OVERLAY ON BRIDGES

SPECIAL NOTE FOR CONTRACT COMPLETION DATE AND PENALTIES ON
BRIDGE REPAIR CONTRACTS

SPECIAL NOTE FOR STRUCTURE REMOVAL AND RENOVATIONS

SPECIAL NOTE FOR BRIDGE PLANS

**SPECIAL NOTE FOR CONTRACT COMPLETION DATE AND
PENALTIES ON BRIDGE REPAIR CONTRACTS**

- 1. 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 the date listed below. An allotted number of Calendar days are assigned to each structure in this contract as shown below.

<u>STRUCTURE</u>	<u>NO. OF CALENDAR DAYS</u>	<u>COMPLETION DATE</u>
019B00088N	50	July 31, 2024

Contrary to Section 108.07.03, 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. A **penalty of \$500.00 per day** will be assessed when the allotted number of calendar days is exceeded for each structure.

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 STRUCTURE REMOVAL AND RENOVATIONS

Notice of Intent (NOI) to Division of Air Quality

The roadway contractor is required to file a Notice of Intent (NOI) to the Division of Air Quality ten (10) business days (M-F) prior to the start of any demolition or rehabilitation work on the bridge(s). Please use the KY Environmental and Energy Cabinet eForm Portal to complete this task.

<https://dep.gateway.ky.gov/eForms/Account/Home.aspx>

It is also advised that copies of the submittal are to be sent to the Regional Office of the Kentucky Division of Air Quality [KY DAQ Regional Offices](#) to complete the notification process.

SPECIAL NOTE FOR BRIDGE PLANS

See Project Related Information for Bridge Plans.
Drawing Number 28705 with Roadway Plans.

**SPECIAL NOTES FOR BRIDGE REPLACEMENT
019B00088N**

SPECIAL NOTE FOR PLACING BRIDGE OVERLAY APPROACH PAVEMENT

SPECIAL NOTE FOR EROSION CONTROL

SPECIAL NOTE FOR BRIDGE DECK WATERPROOFING MEMBRANE AND ASPHALT OVERLAY ON BRIDGES

SPECIAL NOTE FOR CONTRACT COMPLETION DATE AND PENALTIES ON BRIDGE REPAIR CONTRACTS

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PENALTIES ON BRIDGE REPAIR CONTRACTS**

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<u>STRUCTURE</u>	<u>NO. OF CALENDAR DAYS</u>	<u>COMPLETION DATE</u>
019B00088N	50	July 31, 2024

Contrary to Section 108.07.03, 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. A **penalty of \$500.00 per day** will be assessed when the allotted number of calendar days is exceeded for each structure.

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 STRUCTURE REMOVAL AND RENOVATIONS

Notice of Intent (NOI) to Division of Air Quality

The roadway contractor is required to file a Notice of Intent (NOI) to the Division of Air Quality ten (10) business days (M-F) prior to the start of any demolition or rehabilitation work on the bridge(s). Please use the KY Environmental and Energy Cabinet eForm Portal to complete this task.

<https://dep.gateway.ky.gov/eForms/Account/Home.aspx>

It is also advised that copies of the submittal are to be sent to the Regional Office of the Kentucky Division of Air Quality [KY DAQ Regional Offices](#) to complete the notification process.

SPECIAL NOTE FOR BRIDGE PLANS

See Project Related Information for Bridge Plans.
Drawing Number 28705 with Roadway Plans.

**SPECIAL NOTES FOR BRIDGE REPLACEMENT
019B00088N**

SPECIAL NOTE FOR PLACING BRIDGE OVERLAY APPROACH PAVEMENT

SPECIAL NOTE FOR EROSION CONTROL

SPECIAL NOTE FOR BRIDGE DECK WATERPROOFING MEMBRANE AND
ASPHALT OVERLAY ON BRIDGES

SPECIAL NOTE FOR CONTRACT COMPLETION DATE AND PENALTIES ON
BRIDGE REPAIR CONTRACTS

SPECIAL NOTE FOR STRUCTURE REMOVAL AND RENOVATIONS

SPECIAL NOTE FOR BRIDGE PLANS

SPECIAL NOTE FOR PLACING BRIDGE OVERLAY APPROACH PAVEMENT

I. DESCRIPTION

Perform all work in accordance with the Kentucky Transportation Cabinet, Department of Highway's current Standard Specifications for Road and Bridge Construction and applicable Supplemental Specifications, the Standard Drawings, this Note, and the Contract Documents. Section references are to the Standard Specifications.

This work consists of the following:

1. Furnish all labor, materials, tools, and equipment.
2. Removal of existing abutment backfill, if needed.
3. Structural Granular Backfill, as needed.
4. Mill the existing pavement.
5. Place new DGA, asphalt base, and asphalt surface
6. Repair the roadway shoulders, if needed.
7. Provide Pavement Markings if needed.
8. Any other work specified as part of this contract.

II. MATERIALS

- A. **Structural Granular Backfill.** See Section 8.05.11
- B. **DGA.** See Section 302.
- C. **Tack Coat.** This material shall be in accordance with the Standard Specifications.
- D. **CL2 ASPH BASE 1.0D PG 64-22.** See Standard Specifications
- E. **ASPHALT LEVEL AND WEDGE.** See Standard Specifications
- F. **CL2 ASPH SURF 0.38D PG 64-22.** This material shall be in accordance with the Standard Specifications.
- G. **GRANULAR EMBANKMENT.** This material shall be in accordance with the Standard Specifications.
- H. **Pavement Striping.** See Section 713.

III. CONSTRUCTION

- A. **Foundation Preparation.** For projects involving the removal and replacement of the asphalt and backfill behind the new abutments or end bents, the required excavation, Type IV geotextile fabric, 4" perforated pipe, and new backfill shall be constructed as shown in Figure 1 as well as any excavation and grading needed to shape the bridge approaches to match the existing roadway template. See Special Provision 69 and the Standard Drawings regarding additional construction details as required.

Backfill material used behind newly constructed abutments on county routes may be constructed with Type III soil backfill. All existing abutments, abutments on state routes, and newly constructed or existing bents must be backfilled with material meeting Structural Granular Backfill specifications.

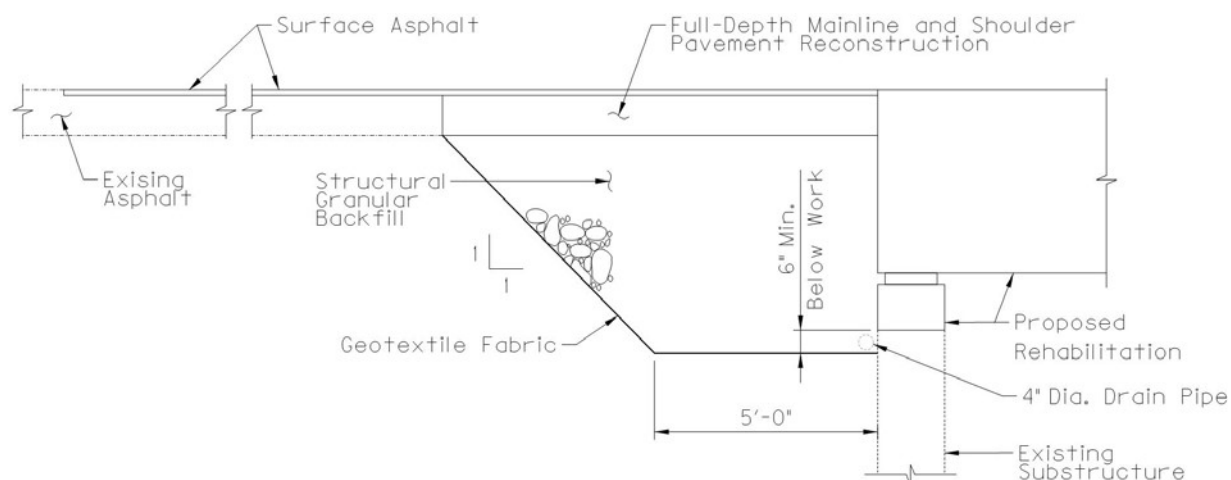


Figure 1: Detail showing proposed work for deck and superstructure replacements

- B. Remove Existing Asphalt Surface.** Remove the existing pavement material beyond the limits of full depth asphalt replacement to provide for a minimum of 1¼” new pavement surface from the bridge end extending approximately 25 feet, or as shown in the plans, into the approach pavement and across the width of the approach pavement. The Engineer shall determine the actual length and width of the milling depending on site conditions at each bridge approach. Mill the existing surface so that the new asphalt surface will match the elevation of the end of the full depth asphalt replacement and the bridge end. The Engineer shall approve the Contractor’s plan for restoring the approach grade prior to the removal of the existing surface. Dispose of all removed material entirely away from the job site or as directed by the Engineer.
- C. Produce and Place New Asphalt Base.** Replace any full depth mainline and shoulder pavement removed as part of bridge backwall construction, superstructure replacement, or other work (if included in the Contract Documents) with a minimum of 8 inches of DGA, placed in two lifts of 4 inches each compacted and 8 inches of CL2 ASPH BASE 1.0D PG 64-22, placed in two lifts of 4 inches each compacted. Final elevation of the Asphalt Base at the approaches to match the width and new elevation of the riding surface on the bridge less the New Asphalt Surface to be placed. Shoulders shall receive identical treatment to the mainline pavement.
- D. Produce and Place New Asphalt Surface.** Apply an asphalt tack coat in accordance with Section 406. Produce and place the new 1 ¼” Asphalt Surface in accordance with Section 403 and compact under Option B. The new asphalt surface mixture required for this project shall be “CL2 ASPH SURF 0.38D PG 64-22”. Place the new asphalt surface to smoothly connect the existing roadway grade at the end of the project, and/or the new abutment backwall.
- E. Granular Embankment for Guardrails.** When necessary to ensure compliance with standards, widen shoulders behind guardrail with granular embankment and cap with

DGA in accordance with plans or as directed by the Engineer. Remove existing topsoil as needed and place embankment in a manner to ensure proper compaction.

- F. Pavement Markings.** Pavement striping will be required to match the existing pavement striping on both approaches and the structure. Pavement striping shall be in accordance with applicable sections of the Standard Specifications and shall be incidental to the work. Raised pavement markers within the limits of the “Bridge Overlay Approach Pavement” shall be removed prior to the milling operation. The marker castings shall be cleaned and returned to the Engineer.

Special Note for Erosion Control

SPECIAL NOTE FOR EROSION CONTROL

The Contractor shall be responsible for filing the Kentucky Pollution Discharge Elimination System (KPDES) KYR10 permit Notice of Intent (NOI) with the Kentucky Division of Water (DOW) and any KPDES local Municipal Separate Storm Sewer System (MS4) program that has jurisdiction. The NOI shall name the contractor as the Facility Operator and include the KYTC Contract ID Number (CID) for reference.

The Contractor shall perform all temporary erosion/sediment control functions including: providing a Best Management Practice (BMP) Plan, conducting required inspections, modifying the BMP plan documents as construction progresses and documenting the installation and maintenance of BMPs in conformance with the KPDES KYR10 permit effective on December 1, 2014 or a permit re-issued to replace that KYR10 permit. This work shall be conducted in conformance with the requirements of Section 213 of KYTC 2019 Department of Highways, Standard Specifications for Road and Bridge Construction.

Contrary to Section 213.03.03, paragraph 2, the Engineer shall conduct inspections as needed to verify compliance with Section 213 of KYTC 2019 Department of Highways, Standard Specifications for Road and Bridge Construction. The Engineer's inspections shall be performed a minimum of once per month and within seven days after a storm of ½ inch or greater. Copies of the Engineer's inspections shall not be provided to the contractor unless improvements to the BMP's are required. The contractor shall initiate corrective action within 24 hours of any reported deficiency and complete the work within 5 days. The Engineer shall use Form TC 63-61 A for this report. Inspections performed by the Engineer do not relieve the Contractor of any responsibility for compliance with the KPDES permit.

Contrary to Section 213.05, bid items for temporary BMPs will not be listed and all work will instead be included in the lump sum contract cost. The schedule of values for the project should may utilize a lump sum item for "Temporary Erosion Control" to address all items included in section 213 of the Standard Specifications.

The contractor shall be responsible for applying "good engineering practices" as required by the KPDES permit. The contractor may use any temporary BMPs with the approval of the KYTC Engineer.

The contractor shall provide the Engineer copies of all documents required by the KPDES permit at the time they are prepared.

The contractor shall be responsible for the examination of the soils to be encountered and make his own independent determination of the temporary BMPs that will be required to accomplish effective erosion prevention and sediment control.

The Contractor shall be responsible for filing the KPDES permit Notice of Termination (NOT) with the Kentucky DOW and any local MS4 program that has jurisdiction. The NOT shall be filed after the Engineer agrees that the project is stabilized, or the project has been formally accepted.

SPECIAL NOTE FOR BRIDGE DECK WATERPROOFING MEMBRANE AND ASPHALT OVERLAY ON BRIDGES

I. DESCRIPTION

Perform all work in accordance with the Department's 2019 Standard Specifications, applicable Special Provisions, and Standard Drawings, except as hereafter specified. Article references are to the Standard Specifications. Furnish all materials, labor, equipment, tools, and incidentals necessary to complete the One Step Bridge Deck Waterproofing Membrane.

II. MATERIALS

- A. Bridge Deck Waterproofing Membrane.** See Section 808.05.
- B. Surface Primer.** Use surface primer material recommended by the manufacturer.
- C. Asphalt Overlay.** Pave the bridge with the same type and thickness of asphalt that is being placed on the adjacent roadway.

III. CONSTRUCTION METHODS

- A. Surface Preparation.** Thoroughly clean the entire surface area of the bridge deck prior to paving. Clean by either air blasting or water blasting. If water blasting is used, thoroughly dry area prior to placing the primer and membrane.
- B. Prime Coating.** Apply material to the bridge deck according to the Manufacturer's recommendations.
- C. One Step Membrane.** Apply the membrane to the entire surface of the bridge deck. Overlap the membrane a minimum of 1 foot onto the adjacent roadway approaches. Extend the membrane up the face of the curbs a minimum of 1½ inches. Overlap membrane as necessary to achieve 100% coverage of the bridge deck. Install as recommended by the manufacturer, straight and wrinkle free, with no curled or uplifted edges.
- E. Pave Bridge with Asphalt Surface.** Pave the bridge with asphalt overlay immediately after the one step membrane is in place.

IV. METHOD OF MEASUREMENT

- A. One Step Membrane.** The Department will measure this item in square yards. The one step membrane area (A) will be calculated from the (L) length of the bridge plus 1 foot on each approach multiplied by the (W) width of the bridge curb to curb. $A = ((L+2) \times W) / 9$. This calculated area will be the area measured for payment; laps, cutoffs and waste will not be measured for payment.

V. METHOD OF PAYMENT

A. **One Step Membrane.** Payment at the contract unit price per square yard shall be full compensation for all labor, equipment, materials and incidentals for surface preparation and furnishing and installing the surface primer and the one step membrane according to the Manufacturer's recommendations and these notes.

06/08/2011

**SPECIAL NOTE FOR CONTRACT COMPLETION DATE AND
PENALTIES ON BRIDGE REPAIR CONTRACTS**

- 1. 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 the date listed below. An allotted number of Calendar days are assigned to each structure in this contract as shown below.

<u>STRUCTURE</u>	<u>NO. OF CALENDAR DAYS</u>	<u>COMPLETION DATE</u>
019B00088N	50	July 31, 2024

Contrary to Section 108.07.03, 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. A **penalty of \$500.00 per day** will be assessed when the allotted number of calendar days is exceeded for each structure.

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It is also advised that copies of the submittal are to be sent to the Regional Office of the Kentucky Division of Air Quality [KY DAQ Regional Offices](#) to complete the notification process.

SPECIAL NOTE FOR BRIDGE PLANS

See Project Related Information for Bridge Plans.
Drawing Number 28705 with Roadway Plans.



KENTUCKY TRANSPORTATION CABINET
Department of Highways
DIVISION OF RIGHT OF WAY & UTILITIES

TC 62-226
Rev. 01/2016
Page 1 of 1

RIGHT OF WAY CERTIFICATION

<input checked="" type="checkbox"/>	Original	<input type="checkbox"/>	Re-Certification	RIGHT OF WAY CERTIFICATION
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ITEM #	COUNTY	PROJECT # (STATE)	PROJECT # (FEDERAL)
6-40000	Campbell	019B00088N	

PROJECT DESCRIPTION
KY 915, Bridge over Scaffold Creek, latitude 38.948960 longitude -84.410800

No Additional Right of Way Required

Construction will be within the limits of the existing right of way. The right of way was acquired in accordance to FHWA regulations under the Uniform Relocation Assistance and Real Property Acquisitions Policy Act of 1970, as amended. No additional right of way or relocation assistance were required for this project.

Condition # 1 (Additional Right of Way Required and Cleared)

All necessary right of way, including control of access rights when applicable, have been acquired including legal and physical possession. Trial or appeal of cases may be pending in court but legal possession has been obtained. There may be some improvements remaining on the right-of-way, but all occupants have vacated the lands and improvements, and KYTC has physical possession and the rights to remove, salvage, or demolish all improvements and enter on all land. Just Compensation has been paid or deposited with the court. All relocations have been relocated to decent, safe, and sanitary housing or that KYTC has made available to displaced persons adequate replacement housing in accordance with the provisions of the current FHWA directive.

Condition # 2 (Additional Right of Way Required with Exception)

The right of way has not been fully acquired, the right to occupy and to use all rights-of-way required for the proper execution of the project has been acquired. Some parcels may be pending in court and on other parcels full legal possession has not been obtained, but right of entry has been obtained, the occupants of all lands and improvements have vacated, and KYTC has physical possession and right to remove, salvage, or demolish all improvements. Just Compensation has been paid or deposited with the court for most parcels. Just Compensation for all pending parcels will be paid or deposited with the court prior to AWARD of construction contract

Condition # 3 (Additional Right of Way Required with Exception)

The acquisition or right of occupancy and use of a few remaining parcels are not complete and/or some parcels still have occupants. All remaining occupants have had replacement housing made available to them in accordance with 49 CFR 24.204. KYTC is hereby requesting authorization to advertise this project for bids and to proceed with bid letting even though the necessary right of way will not be fully acquired, and/or some occupants will not be relocated, and/or the just compensation will not be paid or deposited with the court for some parcels until after bid letting. KYTC will fully meet all the requirements outlined in 23 CFR 635.309(c)(3) and 49 CFR 24.102(j) and will expedite completion of all acquisitions, relocations, and full payments after bid letting and prior to AWARD of the construction contract or force account construction.

Total Number of Parcels on Project	EXCEPTION (S) Parcel #	ANTICIPATED DATE OF POSSESSION WITH EXPLANATION
Number of Parcels That Have Been Acquired		
Signed Deed		
Condemnation		
Signed ROE		

Notes/ Comments (Text is limited. Use additional sheet if necessary.)

LPA RW Project Manager		Right of Way Supervisor	
Printed Name		Printed Name	Lynn Whalen
Signature		Signature	<i>Lynn Whalen</i> Date: 2023.03.16
Date		Date	10:34:24 -04'00'
Right of Way Director		FHWA	
Printed Name		Printed Name	
Signature	<i>Kelly Divine</i>	Signature	
Date	Digitally signed by Kelly Divine Date: 2023.03.16 10:15:52 -05'00'	Date	

UTILITIES AND RAIL CERTIFICATION NOTE

**Campbell County
019B00088N**

**Replace Bridge 019B00088N
KY 915 over Scaffold Creek
ITEM NUMBER: 6-40000**

PROJECT NOTES ON UTILITIES

For all projects under 2000 Linear feet which require a normal excavation locate request pursuant to KRS 367.4901-4917, the awarded contractor shall field mark the proposed excavation or construction boundaries of the project (also called white lining) using the procedure set forth in KRS 367.4909(9)(k). For all projects over 2000 linear feet, which are defined as a "Large Project" in KRS 367.4903(18), the awarded contractor shall initially mark the first 2000 linear feet minimally of proposed excavation or construction boundaries of the project to be worked using the procedure set forth in KRS 367.4909(9)(k). This temporary field locating of the project excavation boundary shall take place prior to submitting an excavation location request to the underground utility protection Kentucky Contact Center. For large projects, the awarded contractor shall work with the impacted utilities to determine when additional white lining of the remainder of the project site will take place. This provision shall not alter or relieve the awarded contractor from complying with requirements of KRS 367.4905 to 367.4917 in their entirety.

Please Note: The information presented in this Utility Note is informational in nature and the information contained herein is not guaranteed.

The contractor will be responsible for contacting all utility facility owners on the subject project to coordinate his activities. The contractor will coordinate his activities to minimize and, where possible, avoid conflicts with utility facilities. Due to the nature of the work proposed, it is unlikely to conflict with the existing utilities beyond minor facility adjustments. Where conflicts with utility facilities are unavoidable, the contractor will coordinate any necessary relocation work with the facility owner and Resident Engineer. The Kentucky Transportation Cabinet maintains the right to remove or alter portions of this contract if a utility conflict occurs. The utility facilities as noted in the previous section(s) have been determined using data garnered by varied means and with varying degrees of accuracy: from the facility owners, a result of S.U.E., field inspections, and/or reviews of record drawings. The facilities defined may not be inclusive of all utilities in the project scope and are not Level A quality, unless specified as such. It is the contractor's responsibility to verify all utilities and their respective locations before excavating.

The contractor shall make every effort to protect underground facilities from damage as prescribed in the Underground Facility Damage Protection Act of 1994, Kentucky Revised Statute KRS 367.4901 to 367.4917. It is the contractor's responsibility to determine and take steps necessary to be in compliance with federal and state damage prevention directives. The

UTILITIES AND RAIL CERTIFICATION NOTE

**Campbell County
019B00088N**

**Replace Bridge 019B00088N
KY 915 over Scaffold Creek
ITEM NUMBER: 6-40000**

contractor is instructed to contact KY 811 for the location of existing underground utilities. Contact shall be made a minimum of two (2) and no more than ten (10) business days prior to excavation. The contractor shall submit Excavation Locate Requests to the Kentucky Contact Center (KY 811) via web ticket entry. The submission of this request does not relieve the contractor from the responsibility of contacting non-member facility owners, whom are to be contacted through their individual Protection Notification Center. It may be necessary for the contractor to contact the County Court Clerk to determine what utility companies have facilities in the area. Non-compliance with these directives can result in the enforcement of penalties.

Utility coordination efforts determined that no significant utility relocation work is required to complete the project. Any work pertaining to these utility facilities is defined in the bid package and is to be carried out as instructed by the Kentucky Transportation Cabinet. The contractor will be responsible for any coordination or adjustments that are discussed or quantified in the proposal.

NOTE: DO NOT DISTURB THE FOLLOWING FACILITIES LOCATED WITHIN THE PROJECT DISTURB LIMITS

Overhead Utilities – The existing pole route begins on the north side of the roadway, crossing the roadway at the location of the proposed box culvert and then they continue on the south side of the road. They utilities are to be protected in place.

Northern Kentucky Water District – Water – There is an existing 12” water main running along KY 915 on the south side of the roadway. The contractor is to have this located prior to construction. It follows closely along the right-of-way line in the vicinity of the box culvert. It is to remain and be protected in place during construction.

The Contractor is fully responsible for protection of all utilities listed above

UTILITIES AND RAIL CERTIFICATION NOTE

<p style="text-align: center;">Campbell County 019B00088N</p> <p style="text-align: center;">Replace Bridge 019B00088N KY 915 over Scaffold Creek ITEM NUMBER: 6-40000</p>

THE FOLLOWING FACILITY OWNERS ARE RELOCATING/ADJUSTING THEIR FACILITIES WITHIN THE PROJECT LIMITS AND WILL BE COMPLETE PRIOR TO CONSTRUCTION

Not Applicable

THE FOLLOWING FACILITY OWNERS HAVE FACILITIES TO BE RELOCATED/ADJUSTED BY THE OWNER OR THEIR SUBCONTRACTOR AND IS TO BE COORDINATED WITH THE ROAD CONTRACT

Not Applicable

THE FOLLOWING FACILITY OWNERS HAVE FACILITIES TO BE RELOCATED/ADJUSTED BY THE ROAD CONTRACTOR AS INCLUDED IN THIS CONTRACT

Not Applicable

RAIL COMPANIES HAVE FACILITIES IN CONJUNCTION WITH THIS PROJECT AS NOTED

No Rail Involvement Rail Involved Rail Adjacent

UTILITIES AND RAIL CERTIFICATION NOTE

Campbell County
019B00088N

Replace Bridge 019B00088N
KY 915 over Scaffold Creek
ITEM NUMBER: 6-40000

AREA FACILITY OWNER CONTACT LIST

Facility Owner	Address	Contact Name	Phone	Email
Northern Kentucky Water District	2835 Crescent Springs Road Erlanger, Kentucky 41018	Kyle Ryan	859-578-5456	KRyan@nkywater.org
Duke Energy Electric	2010 Dana Avenue, Cincinnati, OH 45207	Craig Hutchison	513-458-3847	Craig.Hutchison@duke-energy.com
Duke Energy Gas	1262 Cox Avenue, Erlanger, KY 41018	Scott Pfefferman	513-315-4593	Scott.Pfefferman@duke-energy.com
Alta Fiber	221 East Fourth Street Building 121-900, Cincinnati, OH 45201	Jodi Wildeboer	513-240-6600	Jodi.Wildeboer@altafiber.com



KENTUCKY TRANSPORTATION CABINET
 Department of Highways
DIVISION OF ENVIRONMENTAL ANALYSIS
CATEGORICAL EXCLUSION DETERMINATION

TC 58-48
 Rev. 10/2019
 Page 1 of 1

1. PROJECT SUMMARY

Item #: 6-40000 (KYTC Structure ID 019B00088N)	Project Sponsor: FHWA and KYTC
Route(s): KY 915	County: Campbell County
Project Description: The project proposes to replace the two-lane, concrete and steel I-Beam bridge on KY 915 over Scaffold Creek in Campbell County, KY (Appendix A, Exhibit 1). Photographs of the structure and the Bridge Inspection Report are in Appendix B with the State Historic Preservation Office (SHPO) coordination.	

2. ENVIRONMENTAL DETERMINATION

Functional Area	Determination	Comments/Commitments/Mitigation
Public and Resource Agency Controversy	No	No controversy
Total acreage of fee simple ROW	0	No fee simple ROW
Number of Total Relocations	0	No relocations
Environmental Justice Impacts	No	No impacts
Section 106: Architectural Historic	No Effect	No effect: SHPO concurrence 1/3/23 (Appendix B)
Section 106: Archaeological Resources	No Effect	No effect: SHPO concurrence 3/28/23 (Appendix B)
Section 4(f)	No 4(f) Properties	No 4(f) properties
Section 6(f)	No 6(f) Properties	No 6(f) properties
Noise	Not a Type I	No study or further action
Air Quality Impacts		No study or further action
Hazardous Materials Impacts	No	No asbestos, lead or other (Appendix C)
Section 7: T&E Species		No Effect, \$130.50 to BCF (Appendix B)
Anticipated Feet of Stream Impacts	150 feet	Below Notificaiton Requirements (BNR) (Appendix B)
Anticipated Acreage of Wetland Impacts	Stream Only	No impacts
Anticipated Permits	Yes	USACE NW Permit 3 General 404 permit (Appendix B)
Other:		KPDES KY R-10
Other:		
Other:		

Based on the criteria listed above, in review of the most recent Categorical Exclusion Agreement between KYTC and FHWA, the subject project is determined to be considered a Categorical Exclusion, Level CEMP.

3. ENVIRONMENTAL DOCUMENT APPROVAL

Based on the information obtained during the environmental review process and included as attachments to this form, the project is determined to be a Categorical Exclusion under 23 CFR part 771 pursuant to the National Environmental Policy Act and complies with all other applicable environmental laws, regulations, and Executive Orders. The project action does not individually or cumulatively have a significant effect on the natural and human environment.

_____ District Environmental Coordinator	_____ Date	<i>Randall Thomas</i> _____ Project Manager	4/13/23 _____ Date
<i>Casey Claunch</i> _____ Environmental Project Manager	4/17/23 _____ Date	_____ Director of Environmental Analysis	_____ Date
_____ Recommended by FHWA	_____ Date	_____ Federal Highway Administration	_____ Date

APPENDIX A

Exhibits And Design

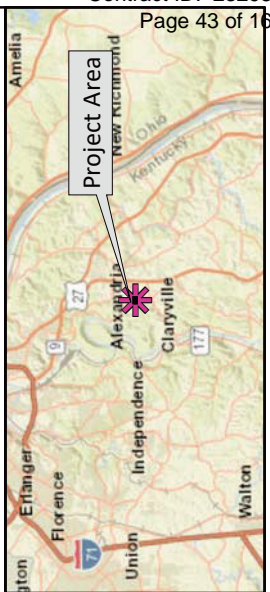


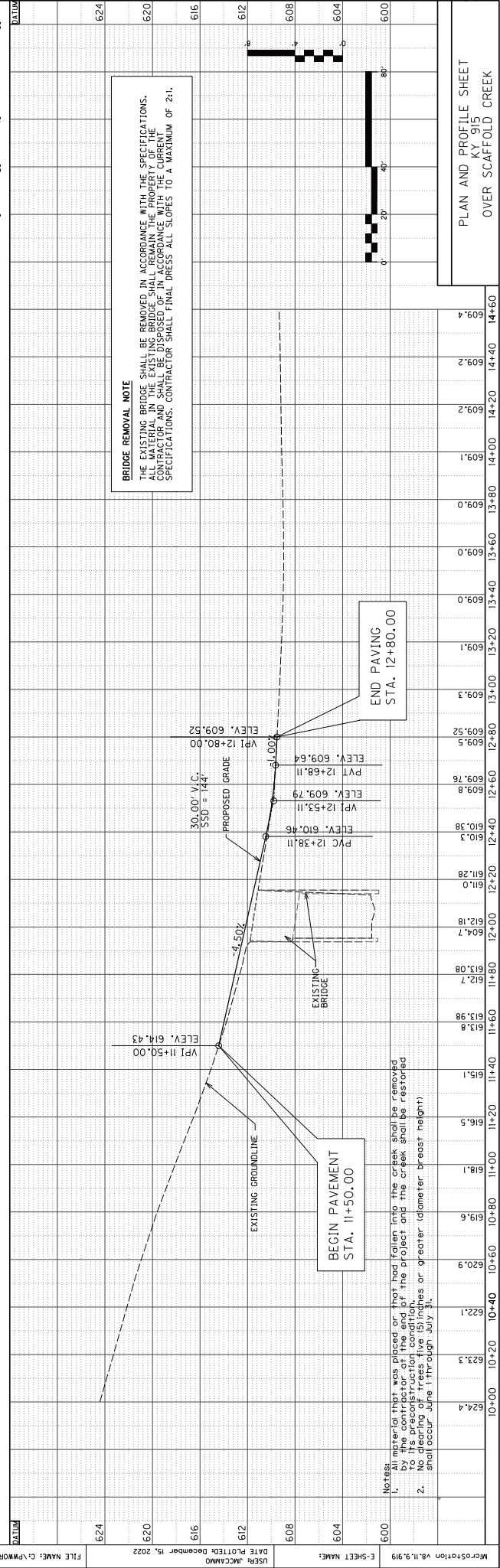
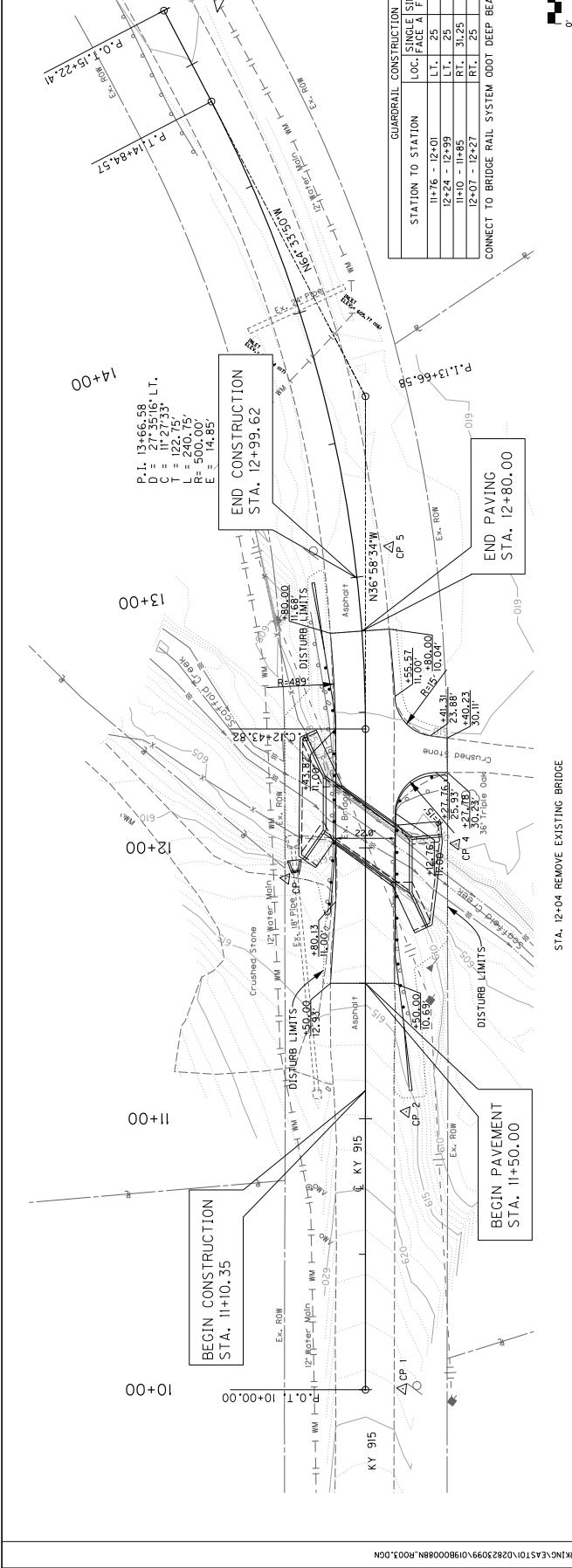
Exhibit 1: Project Overview

KY-915 Bridge Replacement
Bridge No. 019B00088N
Campbell County, KY
KYTC Item No. 6-40000



- Structural Disturbed Limits
- Streams

COUNTY OF	ITEM NO.	SHEET NO.
CAMPBELL	6-40000	83



PLAN AND PROFILE SHEET
 OVER SCAFFOLD CREEK

Item 06-40000
Campbell County
Bridge ID 019B00088N

Special Notes and Special Provisions

SPECIAL NOTE FOR PLACING BRIDGE OVERLAY APPROACH PAVEMENT

I. DESCRIPTION

Perform all work in accordance with the Kentucky Transportation Cabinet, Department of Highway's current Standard Specifications for Road and Bridge Construction and applicable Supplemental Specifications, the Standard Drawings, this Note, and the Contract Documents. Section references are to the Standard Specifications.

This work consists of the following:

1. Furnish all labor, materials, tools, and equipment.
2. Removal of existing abutment backfill, if needed.
3. Structural Granular Backfill, as needed.
4. Mill the existing pavement.
5. Place new DGA, asphalt base, and asphalt surface
6. Repair the roadway shoulders, if needed.
7. Provide Pavement Markings if needed.
8. Any other work specified as part of this contract.

II. MATERIALS

- A. **Structural Granular Backfill.** See Section 8.05.11
- B. **DGA.** See Section 302.
- C. **Tack Coat.** This material shall be in accordance with the Standard Specifications.
- D. **CL2 ASPH BASE 1.0D PG 64-22.** See Standard Specifications
- E. **ASPHALT LEVEL AND WEDGE.** See Standard Specifications
- F. **CL2 ASPH SURF 0.38D PG 64-22.** This material shall be in accordance with the Standard Specifications.
- G. **GRANULAR EMBANKMENT.** This material shall be in accordance with the Standard Specifications.
- H. **Pavement Striping.** See Section 713.

III. CONSTRUCTION

- A. **Foundation Preparation.** For projects involving the removal and replacement of the asphalt and backfill behind the new abutments or end bents, the required excavation, Type IV geotextile fabric, 4" perforated pipe, and new backfill shall be constructed as shown in Figure 1 as well as any excavation and grading needed to shape the bridge approaches to match the existing roadway template. See Special Provision 69 and the Standard Drawings regarding additional construction details as required.

Backfill material used behind newly constructed abutments on county routes may be constructed with Type III soil backfill. All existing abutments, abutments on state routes, and newly constructed or existing bents must be backfilled with material meeting Structural Granular Backfill specifications.

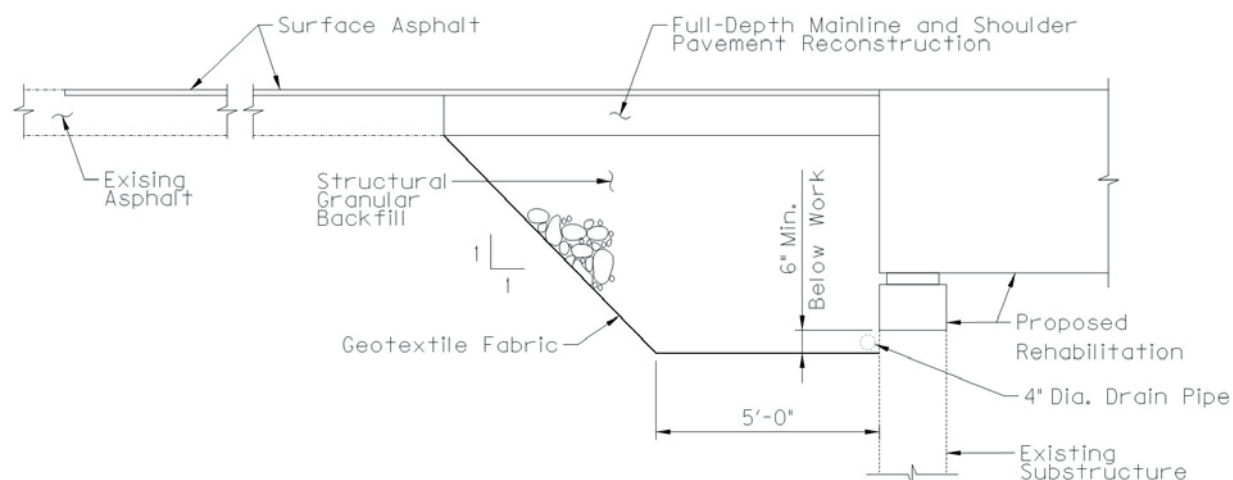


Figure 1: Detail showing proposed work for deck and superstructure replacements

- B. Remove Existing Asphalt Surface.** Remove the existing pavement material beyond the limits of full depth asphalt replacement to provide for a minimum of 1¼” new pavement surface from the bridge end extending approximately 25 feet, or as shown in the plans, into the approach pavement and across the width of the approach pavement. The Engineer shall determine the actual length and width of the milling depending on site conditions at each bridge approach. Mill the existing surface so that the new asphalt surface will match the elevation of the end of the full depth asphalt replacement and the bridge end. The Engineer shall approve the Contractor’s plan for restoring the approach grade prior to the removal of the existing surface. Dispose of all removed material entirely away from the job site or as directed by the Engineer.

- C. Produce and Place New Asphalt Base.** Replace any full depth mainline and shoulder pavement removed as part of bridge backwall construction, superstructure replacement, or other work (if included in the Contract Documents) with a minimum of 8 inches of DGA, placed in two lifts of 4 inches each compacted and 8 inches of CL2 ASPH BASE 1.0D PG 64-22, placed in two lifts of 4 inches each compacted. Final elevation of the Asphalt Base at the approaches to match the width and new elevation of the riding surface on the bridge less the New Asphalt Surface to be placed. Shoulders shall receive identical treatment to the mainline pavement.

- D. Produce and Place New Asphalt Surface.** Apply an asphalt tack coat in accordance with Section 406. Produce and place the new 1 ¼” Asphalt Surface in accordance with Section 403 and compact under Option B. The new asphalt surface mixture required for this project shall be “CL2 ASPH SURF 0.38D PG 64-22”. Place the new asphalt surface to smoothly connect the existing roadway grade at the end of the project, and/or the new abutment backwall.

- E. Granular Embankment for Guardrails.** When necessary to ensure compliance with standards, widen shoulders behind guardrail with granular embankment and cap with

DGA in accordance with plans or as directed by the Engineer. Remove existing topsoil as needed and place embankment in a manner to ensure proper compaction.

- F. Pavement Markings.** Pavement striping will be required to match the existing pavement striping on both approaches and the structure. Pavement striping shall be in accordance with applicable sections of the Standard Specifications and shall be incidental to the work. Raised pavement markers within the limits of the “Bridge Overlay Approach Pavement” shall be removed prior to the milling operation. The marker castings shall be cleaned and returned to the Engineer.

Special Note for Erosion Control

SPECIAL NOTE FOR EROSION CONTROL

The Contractor shall be responsible for filing the Kentucky Pollution Discharge Elimination System (KPDES) KYR10 permit Notice of Intent (NOI) with the Kentucky Division of Water (DOW) and any KPDES local Municipal Separate Storm Sewer System (MS4) program that has jurisdiction. The NOI shall name the contractor as the Facility Operator and include the KYTC Contract ID Number (CID) for reference.

The Contractor shall perform all temporary erosion/sediment control functions including: providing a Best Management Practice (BMP) Plan, conducting required inspections, modifying the BMP plan documents as construction progresses and documenting the installation and maintenance of BMPs in conformance with the KPDES KYR10 permit effective on December 1, 2014 or a permit re-issued to replace that KYR10 permit. This work shall be conducted in conformance with the requirements of Section 213 of KYTC 2019 Department of Highways, Standard Specifications for Road and Bridge Construction.

Contrary to Section 213.03.03, paragraph 2, the Engineer shall conduct inspections as needed to verify compliance with Section 213 of KYTC 2019 Department of Highways, Standard Specifications for Road and Bridge Construction. The Engineer's inspections shall be performed a minimum of once per month and within seven days after a storm of ½ inch or greater. Copies of the Engineer's inspections shall not be provided to the contractor unless improvements to the BMP's are required. The contractor shall initiate corrective action within 24 hours of any reported deficiency and complete the work within 5 days. The Engineer shall use Form TC 63-61 A for this report. Inspections performed by the Engineer do not relieve the Contractor of any responsibility for compliance with the KPDES permit.

Contrary to Section 213.05, bid items for temporary BMPs will not be listed and all work will instead be included in the lump sum contract cost. The schedule of values for the project should may utilize a lump sum item for "Temporary Erosion Control" to address all items included in section 213 of the Standard Specifications.

The contractor shall be responsible for applying "good engineering practices" as required by the KPDES permit. The contractor may use any temporary BMPs with the approval of the KYTC Engineer.

The contractor shall provide the Engineer copies of all documents required by the KPDES permit at the time they are prepared.

The contractor shall be responsible for the examination of the soils to be encountered and make his own independent determination of the temporary BMPs that will be required to accomplish effective erosion prevention and sediment control.

The Contractor shall be responsible for filing the KPDES permit Notice of Termination (NOT) with the Kentucky DOW and any local MS4 program that has jurisdiction. The NOT shall be filed after the Engineer agrees that the project is stabilized, or the project has been formally accepted.

SPECIAL NOTE FOR BRIDGE DECK WATERPROOFING MEMBRANE AND ASPHALT OVERLAY ON BRIDGES

I. DESCRIPTION

Perform all work in accordance with the Department's 2019 Standard Specifications, applicable Special Provisions, and Standard Drawings, except as hereafter specified. Article references are to the Standard Specifications. Furnish all materials, labor, equipment, tools, and incidentals necessary to complete the One Step Bridge Deck Waterproofing Membrane.

II. MATERIALS

- A. Bridge Deck Waterproofing Membrane.** See Section 808.05.
- B. Surface Primer.** Use surface primer material recommended by the manufacturer.
- C. Asphalt Overlay.** Pave the bridge with the same type and thickness of asphalt that is being placed on the adjacent roadway.

III. CONSTRUCTION METHODS

- A. Surface Preparation.** Thoroughly clean the entire surface area of the bridge deck prior to paving. Clean by either air blasting or water blasting. If water blasting is used, thoroughly dry area prior to placing the primer and membrane.
- B. Prime Coating.** Apply material to the bridge deck according to the Manufacturer's recommendations.
- C. One Step Membrane.** Apply the membrane to the entire surface of the bridge deck. Overlap the membrane a minimum of 1 foot onto the adjacent roadway approaches. Extend the membrane up the face of the curbs a minimum of 1½ inches. Overlap membrane as necessary to achieve 100% coverage of the bridge deck. Install as recommended by the manufacturer, straight and wrinkle free, with no curled or uplifted edges.
- E. Pave Bridge with Asphalt Surface.** Pave the bridge with asphalt overlay immediately after the one step membrane is in place.

IV. METHOD OF MEASUREMENT

- A. One Step Membrane.** The Department will measure this item in square yards. The one step membrane area (A) will be calculated from the (L) length of the bridge plus 1 foot on each approach multiplied by the (W) width of the bridge curb to curb. $A = ((L+2) \times W) / 9$. This calculated area will be the area measured for payment; laps, cutoffs and waste will not be measured for payment.

V. METHOD OF PAYMENT

A. One Step Membrane. Payment at the contract unit price per square yard shall be full compensation for all labor, equipment, materials and incidentals for surface preparation and furnishing and installing the surface primer and the one step membrane according to the Manufacturer's recommendations and these notes.

06/08/2011

UTILITIES AND RAIL CERTIFICATION NOTE

**Campbell County
019B00088N**

**Replace Bridge 019B00088N
KY 915 over Scaffold Creek
ITEM NUMBER: 6-40000**

PROJECT NOTES ON UTILITIES

For all projects under 2000 Linear feet which require a normal excavation locate request pursuant to KRS 367.4901-4917, the awarded contractor shall field mark the proposed excavation or construction boundaries of the project (also called white lining) using the procedure set forth in KRS 367.4909(9)(k). For all projects over 2000 linear feet, which are defined as a "Large Project" in KRS 367.4903(18), the awarded contractor shall initially mark the first 2000 linear feet minimally of proposed excavation or construction boundaries of the project to be worked using the procedure set forth in KRS 367.4909(9)(k). This temporary field locating of the project excavation boundary shall take place prior to submitting an excavation location request to the underground utility protection Kentucky Contact Center. For large projects, the awarded contractor shall work with the impacted utilities to determine when additional white lining of the remainder of the project site will take place. This provision shall not alter or relieve the awarded contractor from complying with requirements of KRS 367.4905 to 367.4917 in their entirety.

Please Note: The information presented in this Utility Note is informational in nature and the information contained herein is not guaranteed.

The contractor will be responsible for contacting all utility facility owners on the subject project to coordinate his activities. The contractor will coordinate his activities to minimize and, where possible, avoid conflicts with utility facilities. Due to the nature of the work proposed, it is unlikely to conflict with the existing utilities beyond minor facility adjustments. Where conflicts with utility facilities are unavoidable, the contractor will coordinate any necessary relocation work with the facility owner and Resident Engineer. The Kentucky Transportation Cabinet maintains the right to remove or alter portions of this contract if a utility conflict occurs. The utility facilities as noted in the previous section(s) have been determined using data garnered by varied means and with varying degrees of accuracy: from the facility owners, a result of S.U.E., field inspections, and/or reviews of record drawings. The facilities defined may not be inclusive of all utilities in the project scope and are not Level A quality, unless specified as such. It is the contractor's responsibility to verify all utilities and their respective locations before excavating.

The contractor shall make every effort to protect underground facilities from damage as prescribed in the Underground Facility Damage Protection Act of 1994, Kentucky Revised Statute KRS 367.4901 to 367.4917. It is the contractor's responsibility to determine and take steps necessary to be in compliance with federal and state damage prevention directives. The

UTILITIES AND RAIL CERTIFICATION NOTE

**Campbell County
019B00088N**

**Replace Bridge 019B00088N
KY 915 over Scaffold Creek
ITEM NUMBER: 6-40000**

contractor is instructed to contact KY 811 for the location of existing underground utilities. Contact shall be made a minimum of two (2) and no more than ten (10) business days prior to excavation. The contractor shall submit Excavation Locate Requests to the Kentucky Contact Center (KY 811) via web ticket entry. The submission of this request does not relieve the contractor from the responsibility of contacting non-member facility owners, whom are to be contacted through their individual Protection Notification Center. It may be necessary for the contractor to contact the County Court Clerk to determine what utility companies have facilities in the area. Non-compliance with these directives can result in the enforcement of penalties.

Utility coordination efforts determined that no significant utility relocation work is required to complete the project. Any work pertaining to these utility facilities is defined in the bid package and is to be carried out as instructed by the Kentucky Transportation Cabinet. The contractor will be responsible for any coordination or adjustments that are discussed or quantified in the proposal.

NOTE: DO NOT DISTURB THE FOLLOWING FACILITIES LOCATED WITHIN THE PROJECT DISTURB LIMITS

Overhead Utilities – The existing pole route begins on the north side of the roadway, crossing the roadway at the location of the proposed box culvert and then they continue on the south side of the road. They utilities are to be protected in place.

Northern Kentucky Water District – Water – There is an existing 12” water main running along KY 915 on the south side of the roadway. The contractor is to have this located prior to construction. It follows closely along the right-of-way line in the vicinity of the box culvert. It is to remain and be protected in place during construction.

The Contractor is fully responsible for protection of all utilities listed above

UTILITIES AND RAIL CERTIFICATION NOTE

<p style="text-align: center;">Campbell County 019B00088N</p> <p style="text-align: center;">Replace Bridge 019B00088N KY 915 over Scaffold Creek ITEM NUMBER: 6-40000</p>

THE FOLLOWING FACILITY OWNERS ARE RELOCATING/ADJUSTING THEIR FACILITIES WITHIN THE PROJECT LIMITS AND WILL BE COMPLETE PRIOR TO CONSTRUCTION

Not Applicable

THE FOLLOWING FACILITY OWNERS HAVE FACILITIES TO BE RELOCATED/ADJUSTED BY THE OWNER OR THEIR SUBCONTRACTOR AND IS TO BE COORDINATED WITH THE ROAD CONTRACT

Not Applicable

THE FOLLOWING FACILITY OWNERS HAVE FACILITIES TO BE RELOCATED/ADJUSTED BY THE ROAD CONTRACTOR AS INCLUDED IN THIS CONTRACT

Not Applicable

RAIL COMPANIES HAVE FACILITIES IN CONJUNCTION WITH THIS PROJECT AS NOTED

No Rail Involvement Rail Involved Rail Adjacent

UTILITIES AND RAIL CERTIFICATION NOTE

Campbell County
019B00088N

Replace Bridge 019B00088N
KY 915 over Scaffold Creek
ITEM NUMBER: 6-40000

AREA FACILITY OWNER CONTACT LIST

Facility Owner	Address	Contact Name	Phone	Email
Northern Kentucky Water District	2835 Crescent Springs Road Erlanger, Kentucky 41018		859-578-9898	generalinfo@nkywater.org
Duke Energy Electric	1902 Augustine St., Covington, KY 41014	Mary Maschmeyer-Schuler	513-287-3339	Maryc.maschmeyerschuler@duke-energy.com
Duke Energy Gas	1902 Augustine St., Covington, KY 41014	John Perkins	513-287-1276	John.perkins@duke-energy.com
Alta Fiber		Leslie Bohart	513-566-8040	Leslie.bohart@altafiber.com

APPENDIX B

Coordination

**KENTUCKY HIGHWAY DEPARTMENT
DISTRICT #6 BRIDGES**

Campbell County Bridge #019B00088N

KYTC Item No. 6-40000

Cultural Historic Summary

KENTUCKY TRANSPORTATION CABINET

2022

Kentucky Cultural Historic Program Review Form for Architectural History

KYTC No: 6-40000	Bridge No: 019B00088N
Route: KY-915	Year Built: 1924
County: Campbell	Bridge Project Type: Replacement
KHC Site Check: FY23-5098	Lat/Long 38.948977/-834.410851

Project Type Listed the FHWA/KYTC/ACHP Section 106 Programmatic Agreement 2019:

- Attachment #2-11. Bridge rehabilitation, reconstruction, or replacement Replacement

Area of Potential Effects defined as a distance of 150-foot from the centerline of the Project in all directions as per SHPO guidance and indicated on the attached maps.

Program Comment Bridge Type: No

Are there Historical Resources within the Project APE (per KHC database): No

NRHP-listed or potentially eligible sites/districts (>50 years): No

Is the bridge eligible for the NRHP: No

Are there Identified Sites in the APE: Yes

Site #	Eligibility	Effect	SHPO Concurrence Signature
1	Not Eligible	N/A	<i>Matt Eagle</i>
2	Undetermined	No Effect	<i>Matt Eagle</i>

Discuss Basis For Finding:

- Photographs: Yes
- Aerial/Topography Maps: Yes
- Other: Fieldwork

POTENTIAL TO AFFECT HISTORIC PROPERTIES (If Adverse complete page 2): No Effect

Historic Context:

ATTACHMENTS:

- Map showing topography, APE, Identified Historic Resources: Yes
- Relevant Photographs: Yes
- KHC Survey Form(s): No
- Project Plans: No

Date of Field Investigation:	11/15/2022	As Determined by:	Evan Christodoulou/CRAI
Date of Desktop Review:	12/12/2022	QA/QC Determined by:	Robert Ball/CRAI

Organization	Name	Title	Date
KYTC DEA:			
KYSHPO:	<i>Matt Eagle</i>	106 Reviewer	1/3/2023

Cultural Historic Project Summary Sheet Campbell County Bridge #019B00088N KYTC Item No. 6-40000

1. What the Project includes:

The replacement of KY 915 over Scaffold Creek (Bridge 019B00088N) will entail complete removal of the existing bridge and construction of a new bridge without load restrictions. The project will replace the bridge in the same location with generally the same geometrics (bridge width, length, hydraulic opening, etc.) to avoid environmental impacts, utility impacts, and minimize the need for new right of way. The bridge will be completely closed to through traffic during construction and existing traffic will be detoured on nearby roads. There will not be an on-site diversion.

2. Eligibility Recommendations:

The bridge reportedly dates to 1924. It consists of dual lanes with a concrete-cast-in-place deck covered in asphalt. The bridge is supported by tee beams and set on concrete. The bridge exhibits metal guardrails along both sides. The bridge is not associated with any significant events or persons. The bridge superstructure is an undistinguished example of tee beams, a very common type built in large numbers throughout the state. Thus, the bridge lacks the significance to distinguish it as a notable example of its type. As such, it is recommended not eligible for listing in the National Register of Historic Places (NRHP) under Criterion A, B, or C.

Two additional aboveground resource 50 years of age or older were identified in or on parcels within a 150 ft radius of the bridge. The first does not appear to be eligible for listing in the NRHP under Criterion A, B, or C. The second needs additional research to ascertain its eligibility and thus is listed as undetermined.

3. Determination of Effect:

Since the bridge and one additional aboveground resources are not eligible for listing in the NRHP, and the second resource is over 200 ft from the bridge, the project will result in no historic properties affected.



Field Aerial

Bridge Inspection Report

019B00088N

Inspector: Greg Cady

Entered by: GCADY

08/05/2021

Standard (24 months)

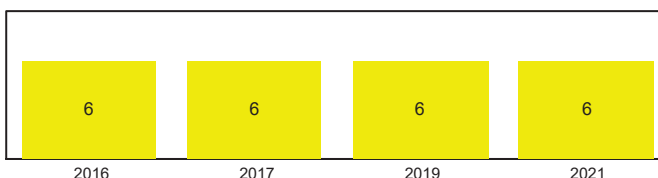


IDENTIFICATION	
Structure Num (8):	019B00088N
NBI Number:	019B00088N
Structure Name:	—
Location (9):	.3 MI N OF JCT KY-10
Carries (7):	KY-915
Type of Service (42A):	1 Highway
Feature Crossed (6):	SCAFFORD CREEK
Type of Service (42B):	5 Waterway
Placecode (4):	Not Applicable
County (3):	Campbell (019)
State (1):	21 Kentucky
Admin Area:	Inventory
District:	District 6
Latitude (16):	38° 56' 56"
Longitude (17):	84° 24' 39"
Owner (22):	State Highway Agency
Maint. Resp. (21):	State Highway Agency
Year Built (27):	1924
Year Recon (106):	
Border State (98A):	Not Applicable (P)
Border Number (99):	—
% Responsibility (98B):	-1

Poor	Heath Index:	65.30	
SubStd: No	SubStd Reason:	Not Sub-Standa	
Inspection Type	Freq (92)	Last Insp (93)	Next Insp
Routine	24	8/5/2021	8/5/2023
Element	24	8/5/2021	8/5/2023
Fracture Critical (A)		1/1/1901	1/1/1901
Underwater (B)		1/1/1901	1/1/1901
Special Insp (C)		3/9/2016	1/1/1901

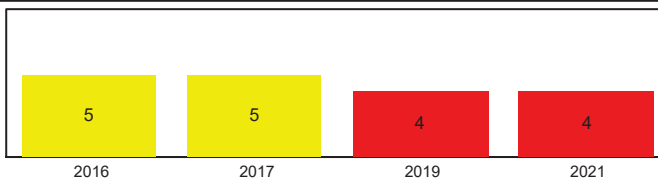
LOAD RATING AND POSTING	
Posting Status(41):	P Posted for load
Posting (70):	0 >39.9% below
Signs Posted Cardinal:	Yes
Signs Posted Non-Cardinal:	Yes
Recmd Date: 2/29/2016	Posted Date:
Required Postings (Tons.)	Field Postings (Tons.)
Gross: 22.00	Gross: 22.00
Truck Type 1:	Truck Type 1
Truck Type 2:	Truck Type 2
Truck Type 3:	Truck Type 3
Truck Type 4:	Truck Type 4
SUV 5:	SUV 5:
SUV 6:	SUV 6:
SUV 7:	SUV 7:
EV Single Axle:	EV Gross:
EV Tadem Axle:	

DECK GEOMETRY	
Deck Geometry (68):	4 Tolerable
Deck Area:	557.00 ft ²
Deck Type (107):	1 Concrete-Cast-in-Place
Wearing Surface (108A):	6 Bituminous
Membrane (108B):	0 None
Deck Protection (108C):	None
Approach Roadway width (32):	24.32 ft.
Width Curb to Curb (51):	23.17 ft.
O. to O. Width (52):	23.20 ft.
Curb / Sidewalk Width L (50A):	0.00 ft.
Curb / Sidewalk Width R (50B):	0.00 ft.
Median (33):	0 No median



DECK CONDITION	
Deck Rating (58):	6 Satisfactory
Bridge Rail (36A):	0 Substandard
Transition (36B):	0 Substandard
Approach Rail (36C):	0 Substandard
Approach Rail Ends (36D):	0 Substandard

SUPERSTRUCTURE GEOMETRY	
# of Main Spans (45):	1
# of Approach Spans (46):	0
Main Material (43 A):	1 Concrete
Main Design (43 B):	04 Tee Beam
Max Span Length (48):	20.30 ft.
Structure Length (49):	24.00 ft.
NBIS Length (37):	Long Enough
Temp Structure (103):	Not Applicable (P)
Skew (34):	34°
Structure Flared (35):	0 No flare
Parallel Structure (101):	No bridge exists
Approach Alignment (72):	7 Above Min Criteria



SUPERSTRUCTURE CONDITION	
Superstructure Rating (59):	4 Poor
Structure Evaluation (67):	4 Minimum Tolerable

Bridge Inspection Report

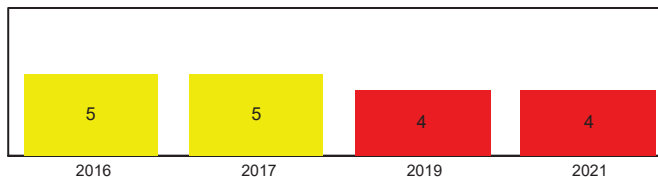
019B00088N

Inspector: Greg Cady
 Entered by: GCADY
 08/05/2021
 Standard (24 months)



SUBSTRUCTURE GEOMETRY

Navigation Control (38): Permit Not Required
Nav Vert Clearance (39):
Nav Horiz Clearance (40):
Pier Protection (111): Not Applicable (P)
Lift Bridge Vertical Clearance (116):
Scour Rating (113): 5 Stable w/in footing
Waterway Adequacy (71): 7 Above Minimum



SUBSTRUCTURE CONDITION
Substructure Rating (60): 4 Poor
Channel Rating (61): 7 Minor Damage

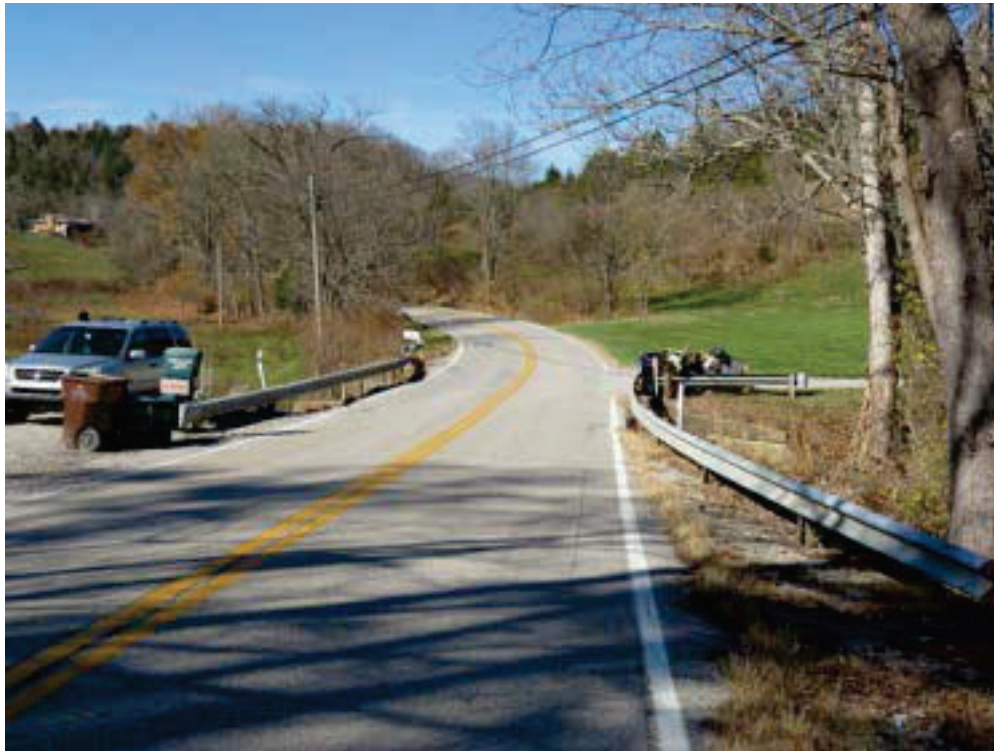
KYTC FIELDS

Overlay: Yes	Scour Observed: Minor Scour
Overlay Type: Asphalt	Scour Risk : Low Risk
Overlay Thickness:	Scour Analysis/Assessment : Assessment Performed
Overlay Year:	Scour POA : Not Required
Cross Section: Yes	Scour POA Date :
Cross Section Date: 01/18/2017	Next Cross Section Due Date : 08/05/2027

ROUTE ON STRUCTURE: LICKING PIKE

ROADWAY LOCATION		ROADWAY CLASSIFICATION		CLEARANCES	
Pos Prefix (5A):	Route On Structure	Funct Class (26):	07 Rural Mjr Collector	Vertical (10):	99.99 ft.
Kind of Hwy (5B):	3 State Hwy	Level Service (5C):	1 Mainline	Min Vert Over (53):	99.99 ft.
Route Num (5D):	00915	NHS (104):	0 Not on NHS	Vert Ref (54A):	N Feature not hwy or RR
LRS Route (13A/B):		Defense Hwy (100):	0 Not a STRAHNET hwy	Underclearnce (54B):	0.00 ft.
Milepost (11):	2.68 mi	Toll Facility (20):	3 On free road	Horizontal (47):	22.08 ft.
Suffix (5E):	0 N/A (NBI)	ADT (29):	775 Cars/Day	Min Lat Left (56):	0.00 ft.
Lanes On (28A):	2	Pct Trucks (109):	9.00%	Min Lat Right (55B):	0.00 ft.
Detour Length (19):	0.00 mi	ADT Year (30):	2021	Horiz Ref (55A):	N Feature not hwy or RR
				Underclearance (69):	N Not applicable (NBI)

Campbell County Bridge # 019B00088N
KYTC Item # 6-40000



Bridge deck and railings, looking northwest.



Bridge deck and railings, looking southeast.

Campbell County Bridge # 019B00088N
KYTC Item # 6-40000



Side view of bridge, looking north.



Abutment example.

Resources within 150 ft APE.

Site 1 is a residence and outbuildings located approximately 165 ft southwest of the bridge. Site 1 contains a one-story, four-bay (ww/d/w/w), side-gable, residence. The building is topped by an asphalt shingle roof, clad in brick veneer, and rests on a continuous, poured concrete foundation. An internal brick chimney is present. The façade features a single-leaf entry sheltered beneath a two-bay wide porch. The gable-roof is supported by wood posts resting on a concrete deck. Windows throughout the residence are one-over-one, double-hung, vinyl sashes. The building first appears on an aerial photograph from 1983 but not on an earlier 1961, therefore it dates to between 1961 and 1983. The residence at Site 1 appears to be a common example of a mid-twentieth century residence and is not eligible for listing in the NRHP under Criterion A, B, or C.

Located approximately 600 ft west of the residence is a barn (Resource A) topped by a gable roof sheathed in metal panels and clad in vertical boards. The barn predates to circa 1925-1949 as it appears on a 1952 aerial.

A modern building (Resource B) is located approximately 500 ft west of the residence and is topped by a side-gable roof sheathed in metal panels and clad in metal. The building dates to between 2010 and 2012.

A modern building (Resource C) related to a business is located 45 ft northeast of the residence. It is a frame building topped by a gable roof clad in metal panels. The building dates to between 1985 and 1993.

A second modern outbuilding (Resource D) is located northeast of the residence. It is topped by a gable roof sheathed in metal panels and clad in vertical boards. The building dates to circa 2022.

Site 2 is a residence and outbuildings located approximately 200 ft north of the bridge. Site 2 contains a one-and-one-half-story, three-bay (w/d/w), side-gable, residence. The building is topped by a standing seam metal roof, clad in brick vinyl siding, and the foundation was not visible from the right-of-way. An external brick chimney is present on the west elevation. The façade features a single-leaf entry topped by a two-light transom sheltered beneath a full-width porch. The shed roof is supported by turned, wood posts resting on a concrete deck. Windows throughout the residence are one-over-one, double-hung, vinyl sashes. Above the porch are three single-pane, fixed windows. A frame addition that is topped by a gable roof is present on the eastern elevation. The building first appears on a 1929 topographic map, therefore it likely dates to circa 1900 and 1929 or perhaps earlier. It is unclear whether the residence is frame or log based on the smaller windows located in the upper floor that is sometimes an indicator of log construction. Therefore, further research is needed to determine its eligibility for listing in the NRHP.

Located approximately 35 ft west of the residence is a stone outbuilding (Resource A) topped by a gable roof sheathed in standing seam metal. The outbuilding is present on an aerial from 1952, but may date to the construction of the residence.

Located approximately 150 east of the residence is a frame outbuilding (Resource B) topped by a shed roof that is clad in vertical boards. Its south elevation has two entries, both devoid of any doors. The outbuilding is present on a 1952 aerial photograph and likely dates to between 1925 and 1949.

Located approximately 85 ft southeast of the residence is a barn (Resource C) topped by a front-gable roof sheathed in metal panels and clad in vertical boards. A side shed addition is present along the full length of the south elevation. The barn is present on a 1952 aerial photograph and likely dates to between 1925 and 1949.

A concrete block outbuilding (Resource D) is located approximately 110 ft south-southeast of the residence. It is topped by a gable roof sheathed in metal panels. Single-leaf entries are present in the south and west elevations. The outbuilding is present on a 1952 aerial photograph and likely dates to between 1925 and 1949.

A second barn (Resource E) is located approximately 145 ft south-southeast of the residence. It is topped by a front-gable roof sheathed in metal panels and clad in vertical boards. A side shed addition is located on the southern elevation. The outbuilding is present on a 1952 aerial photograph and likely dates to between 1925 and 1949.

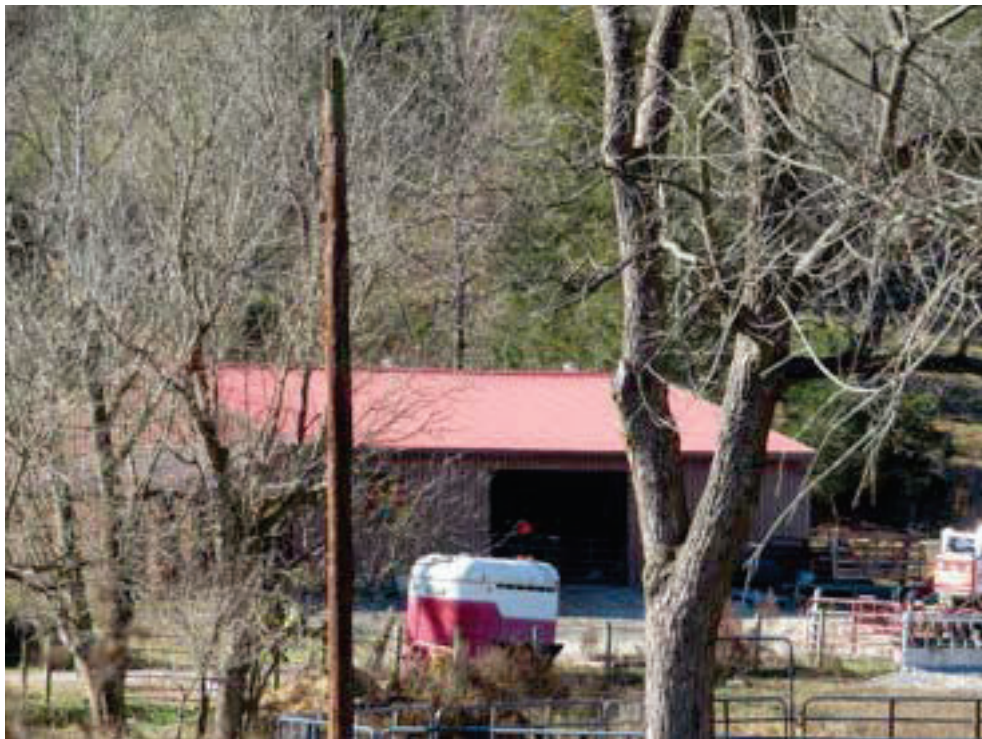
Site 1



Façade and east elevation of residence, looking southwest.



Barn (Resource A), looking west.



Outbuilding (Resource B), looking southwest.



Commercial building (resource C), looking west.



Outbuilding (Resource D), looking southwest.

Site 2



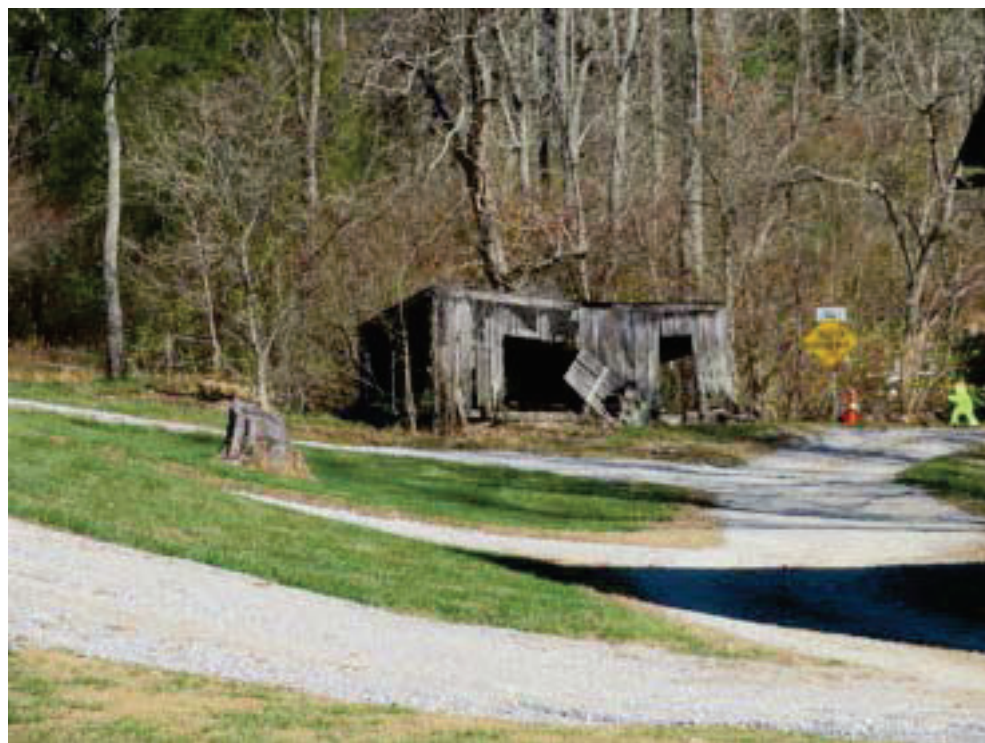
Façade of residence, looking north.



Façade and west elevation of residence, looking north-northeast.



Stone outbuilding (Resource A), looking northeast.



Shed (resource B), looking north-northeast.



Barn (Resource C) and outbuilding (Resource D), looking northeast.



Barn (Resource E), looking northeast.



ANDY BESHEAR
GOVERNOR

TOURISM, ARTS AND HERITAGE CABINET
KENTUCKY HERITAGE COUNCIL
THE STATE HISTORIC PRESERVATION OFFICE

LINDY CASEBIER
SECRETARY

JACQUELINE COLEMAN
LT. GOVERNOR

410 HIGH STREET
FRANKFORT, KENTUCKY 40601
(502) 564-7005
www.heritage.ky.gov

CRAIG A. POTTS
EXECUTIVE DIRECTOR &
STATE HISTORIC PRESERVATION OFFICER

March 28, 2023

Daniel R. Peake, Director
Division of Environmental Analysis
Kentucky Transportation Cabinet
200 Mero Street
Frankfort, Kentucky 40602

Re: *Phase I Archaeological Survey for the Replacement of the KY 915 (Licking Pike) Bridge (019B00088N) in Campbell County, Kentucky*
Report by: Amanda Dellagnello
Kentucky Bridges Program
KYTC Item #s 6-40000

Dear Mr. Peake,

Thank you for your recent digital submission of an archaeological report pertaining to the above-referenced bridge replacement. We understand that the Federal Highway Administration is the lead federal agency for this undertaking. No archaeological sites or materials were located during this investigation

KYTC, through qualified designated consultants, recommends a determination of *No Historical Properties Affected* for this undertaking. We concur with those determinations and accept this report without revisions.

Please feel free to contact Stephanie Dooley with any questions or concerns at Stephanie.Dooley@ky.gov

Sincerely,

A handwritten signature in black ink, appearing to read "C. Potts".

Craig A. Potts,
Executive Director and
State Historic Preservation Officer

KHC # 230601
cp: sd
e-cc: Michael Leathers (HMB), Anne Bader (CIA), Phil Mink (OSA)



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Kentucky Ecological Services Field Office
J C Watts Federal Building, Room 265
330 West Broadway
Frankfort, KY 40601-8670
Phone: (502) 695-0468 Fax: (502) 695-1024
Email Address: kentuckyes@fws.gov

In Reply Refer To:

February 22, 2023

Project code: 2022-0083492

Project Name: Campbell County - Complete Bridge Replacement

IPaC Record Locator: 647-116854616

Subject: Consistency letter for the project named 'Campbell County - Complete Bridge Replacement' for specified threatened and endangered species that may occur in your proposed project location consistent with the Kentucky Determination Key (DKey)

Dear Todd McDaniel:

The U.S. Fish and Wildlife Service (Service) received on **February 22, 2023** your effect determination(s) for the 'Campbell County - Complete Bridge Replacement' (Action) using the Kentucky (DKey) within the Information for Planning and Consultation (IPaC) system. The Service developed this system in accordance with the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based on your answers and the assistance of the Service's Kentucky DKey, you made the following effect determination(s) for the proposed Action:

Species	Listing Status	Determination
Clubshell (<i>Pleurobema clava</i>)	Endangered	NLAA
Fanshell (<i>Cyprogenia stegaria</i>)	Endangered	NLAA
Gray Bat (<i>Myotis grisescens</i>)	Endangered	May affect
Northern Riffleshell (<i>Epioblasma rangiana</i>)	Endangered	NLAA
Pink Mucket (pearlymussel) (<i>Lampsilis abrupta</i>)	Endangered	NLAA
Rabbitsfoot (<i>Quadrula cylindrica cylindrica</i>)	Threatened	NLAA
Rough Pigtoe (<i>Pleurobema plenum</i>)	Endangered	NLAA
Snuffbox Mussel (<i>Epioblasma triquetra</i>)	Endangered	NLAA

Consultation Status

May Affect Determinations: Species with May Affect determinations are those for which the DKey was unable to provide a conclusion or those for which you were either unsure about the determination or you chose to make a "may affect" determination. If the DKey was unable to

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provide a conclusion, this does not necessarily mean that the project is likely to adversely affect the species. If you think the project may affect the species or want additional technical assistance, please follow the instructions in the "Additional Coordination" section below. If a federal action agency chooses to make a "no effect" determination for the species, there is no statutory requirement to request concurrence with that determination; however, the federal action agency should document the supporting information for this determination in their files. This documentation would typically demonstrate a lack of suitable habitat within the action area, show that no impacts to suitable habitat would occur, or provide information that the species is not reasonably certain to occur in the action area even though suitable habitat is present.

The Service recommends that your agency contact the Kentucky Ecological Services Field Office or re-evaluate the Action in IPaC if: 1) the scope, timing, duration, or location of the Action changes, 2) new information reveals the Action may affect listed species or designated critical habitat, or 3) a new species is listed or critical habitat designated. If any of the above conditions occurs, additional consultation with the Kentucky Ecological Services Field Office should take place before project changes are final or resources committed.

The following species and/or critical habitats may also occur in your project area and **are not** covered by this conclusion:

- Indiana Bat *Myotis sodalis* Endangered
- Monarch Butterfly *Danaus plexippus* Candidate
- Northern Long-eared Bat *Myotis septentrionalis* Threatened

To address effects to other federally listed or proposed species and/or their designated critical habitat, you can request project-specific review by following the instructions in the "Next Steps" section of your species list letter, or you may use another determination key, if available.

Additional Coordination

To request additional technical assistance or consultation, please email your request to KentuckyES@fws.gov and include relevant site-specific information. The Kentucky Ecological Services Field Office will respond within 30 days of your submittal.

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Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

Campbell County - Complete Bridge Replacement

2. Description

The following description was provided for the project 'Campbell County - Complete Bridge Replacement':

This project is south of Alexandria, KY, north of the KY-915 and KY-10 intersection and will consist of a total bridge replacement over Scaffold Creek.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@38.94898675,-84.41081989912414,14z>



QUALIFICATION INTERVIEW

1. Will the proposed Action involve Federal funding, permitting, or authorization, or will it be carried out by a Federal Agency?
Yes
 2. Are you the lead Federal Action Agency or designated non-federal representative requesting concurrence on behalf of the lead Federal Action Agency?
Yes
 3. [Hidden Semantic] Does the action area intersect critical habitat?
Automatically answered
No
 4. Will the proposed Action involve construction or operation of wind turbines?
No
 5. Will the proposed Action involve blasting (other than a fireworks display)?
No
 6. Will the proposed Action involve a new point source discharge from a facility other than a water treatment plant or storm water system?
No
 7. Will the proposed Action involve the creation of a new water-borne contaminant source (e.g. leachate pond, pits containing chemicals that are not NSF/ANSI 60 compliant)?
No
 8. Will the proposed Action include the removal, replacement, repair and/or maintenance of an existing bridge or culvert?
Yes
 9. Will the proposed Action involve perennial stream loss that would require an individual permit under 404 of the Clean Water Act?
Yes
 10. Will the proposed Action involve discharge of sediment into a stream?
Yes
 11. Will the project proponent implement all BMPs associated with applicable state and/or federal permits to minimize sedimentation in streams during construction?
Yes
 12. Does the Action Area contain any caves (including their associated sinkholes, fissures, or other karst features), rockshelters, underground quarries, or abandoned mine portals (including associated underground workings)?
No
-

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13. [Hidden Semantic] Does the Action Area intersect the Kentucky AOI of the gray bat?
Automatically answered
Yes
 14. Will the proposed Action involve a new point source discharge into a stream or change an existing point source discharge (e.g., outfalls; leachate ponds)?
No
 15. Will the proposed Action include any activities that would alter stream flow, such as hydropower energy production, impoundments, intake structures, diversion structures, and/or turbines?
No
 16. Will the proposed Action involve dredging or in-stream gravel mining?
No
 17. Will the proposed Action involve resource extraction (e.g., mining, oil/gas, logging), including exploration activities?
No
 18. Will the proposed Action involve stream impacts (perennial or intermittent) that would require an individual permit under 404 of the Clean Water Act?
No
 19. Will the proposed Action involve activities that would contribute measureable nonpoint source pollution to streams (e.g., sediment, nutrients, etc.)? *See the following EPA webpage for more examples of nonpoint source pollution and activities that can produce it: <https://www.epa.gov/nps/basic-information-about-nonpoint-source-nps-pollution>*
No
 20. Will the proposed Action involve new or increased use of public recreational OHV trails?
No
 21. Will the proposed Action disturb the channel or bank of a perennial or intermittent stream?
No
 22. Will the proposed Action disturb the channel or bank of an ephemeral stream?
No
 23. Will the proposed Action involve vegetation removal within 200 feet of a perennial stream bank?
No
 24. Will the proposed Action involve excavation or grading, including for the construction or improvement of an access road?
No
 25. [Hidden Semantic] Does the project area intersect the AOI of the snuffbox?
Automatically answered
Yes
-

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26. Based on the responses you have provided, we believe that the proposed Action is consistent with the type of Actions programmatically evaluated by the Service's Kentucky Field Office under the standing analyses that support this determination key. These Actions typically conclude with "no effect" or "may affect - not likely to adversely affect" determinations for the snuffbox.

What determination do you want to make for the **snuffbox**:

Note: IPaC will not provide a concurrence for "no effect" determinations, because there is no statutory requirement to request concurrence from the Service. IPaC will provide concurrence for "May affect – not likely to adversely affect" determinations. If you choose "May affect – likely to adversely affect" or "Unsure," additional coordination with the Service is recommended.

2. "May affect – not likely to adversely affect"

27. [Hidden Semantic] Does the project area intersect the AOI of the clubshell (*Pleurobema clava*)?

Automatically answered

Yes

28. Based on the responses you have provided, we believe that the proposed Action is consistent with the type of Actions programmatically evaluated by the Service's Kentucky Field Office under the standing analyses that support this determination key. These Actions typically conclude with "no effect" or "may affect - not likely to adversely affect" determinations for the clubshell.

What determination do you want to make for the **clubshell**:

Note: IPaC will not provide a concurrence for "no effect" determinations, because there is no statutory requirement to request concurrence from the Service. IPaC will provide concurrence for "May affect – not likely to adversely affect" determinations. If you choose "May affect – likely to adversely affect" or "Unsure," additional coordination with the Service is recommended.

2. "May affect – not likely to adversely affect"

29. [Hidden Semantic] Does the project area intersect the AOI of the fanshell (*Cyprogenia stegaria*)?

Automatically answered

Yes

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30. Based on the responses you have provided, we believe that the proposed Action is consistent with the type of Actions programmatically evaluated by the Service's Kentucky Field Office under the standing analyses that support this determination key. These Actions typically conclude with "no effect" or "may affect - not likely to adversely affect" determinations for the fanshell.

What is your effect determination for the **fanshell**:

Note: IPaC will not provide a concurrence for "no effect" determinations, because there is no statutory requirement to request concurrence from the Service. IPaC will provide concurrence for "May affect – not likely to adversely affect" determinations. If you choose "May affect – likely to adversely affect" or "Unsure," additional coordination with the Service is recommended.

2. "May affect – not likely to adversely affect"

31. [Hidden Semantic] Does the project area intersect the AOI of the northern riffleshell (*Epioblasma torulosa rangiana*)?

Automatically answered

Yes

32. Based on the responses you have provided, we believe that the proposed Action is consistent with the type of Actions programmatically evaluated by the Service's Kentucky Field Office under the standing analyses that support this determination key. These Actions typically conclude with "no effect" or "may affect - not likely to adversely affect" determinations for the northern riffleshell.

What is your effect determination for the **northern riffleshell**:

Note: IPaC will not provide a concurrence for "no effect" determinations, because there is no statutory requirement to request concurrence from the Service. IPaC will provide concurrence for "May affect – not likely to adversely affect" determinations. If you choose "May affect – likely to adversely affect" or "Unsure," additional coordination with the Service is recommended.

2. "May affect – not likely to adversely affect"

33. [Hidden Semantic] Does the project area intersect the AOI of the pink mucket (*Lampsilis abrupta*)?

Automatically answered

Yes

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34. Based on the responses you have provided, we believe that the proposed Action is consistent with the type of Actions programmatically evaluated by the Service's Kentucky Field Office under the standing analyses that support this determination key. These Actions typically conclude with "no effect" or "may affect - not likely to adversely affect" determinations for the pink mucket.

What is your effect determination for the **pink mucket**:

Note: IPaC will not provide a concurrence for "no effect" determinations, because there is no statutory requirement to request concurrence from the Service. IPaC will provide concurrence for "May affect – not likely to adversely affect" determinations. If you choose "May affect – likely to adversely affect" or "Unsure," additional coordination with the Service is recommended.

2. "May affect – not likely to adversely affect"

35. [Hidden Semantic] Does the project area intersect the AOI of the rabbitsfoot (*Theliderma* (= *Quadrula*) *cylindrica*)?

Automatically answered

Yes

36. Based on the responses you have provided, we believe that the proposed Action is consistent with the type of Actions programmatically evaluated by the Service's Kentucky Field Office under the standing analyses that support this determination key. These Actions typically conclude with "no effect" or "may affect - not likely to adversely affect" determinations for the rabbitsfoot.

What is your effect determination for the **rabbitsfoot**:

Note: IPaC will not provide a concurrence for "no effect" determinations, because there is no statutory requirement to request concurrence from the Service. IPaC will provide concurrence for "May affect – not likely to adversely affect" determinations. If you choose "May affect – likely to adversely affect" or "Unsure," additional coordination with the Service is recommended.

2. "May affect – not likely to adversely affect"

37. [Hidden Semantic] Does the project area intersect the AOI of the rough pigtoe (*Pleurobema plenum*)?

Automatically answered

Yes

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38. Based on the responses you have provided, we believe that the proposed Action is consistent with the type of Actions programmatically evaluated by the Service's Kentucky Field Office under the standing analyses that support this determination key. These Actions typically conclude with "no effect" or "may affect - not likely to adversely affect" determinations for the rough pigtoe.

What is your effect determination for the **rough pigtoe**:

Note: IPaC will not provide a concurrence for "no effect" determinations, because there is no statutory requirement to request concurrence from the Service. IPaC will provide concurrence for "May affect – not likely to adversely affect" determinations. If you choose "May affect – likely to adversely affect" or "Unsure," additional coordination with the Service is recommended.

2. *"May affect – not likely to adversely affect"*
-

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IPaC Record Locator: 647-116854616

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IPAC USER CONTACT INFORMATION

Agency: Federal Highway Administration

Name: Todd McDaniel

Address: 3 HMB Circle

City: Frankfort

State: KY

Zip: 40601

Email: mmcdaniel@hmbpe.com

Phone: 5026959800

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Department of Transportation



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Kentucky Ecological Services Field Office
J C Watts Federal Building, Room 265
330 West Broadway
Frankfort, KY 40601-8670
Phone: (502) 695-0468 Fax: (502) 695-1024
Email Address: kentuckyes@fws.gov

In Reply Refer To:

February 22, 2023

Project code: 2022-0083492

Project Name: Campbell County - Complete Bridge Replacement

Subject: Verification letter for the 'Campbell County - Complete Bridge Replacement' project under the January 5, 2016, Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-eared Bat and Activities Excepted from Take Prohibitions.

Dear Todd McDaniel:

The U.S. Fish and Wildlife Service (Service) received on February 22, 2023 your effects determination for the 'Campbell County - Complete Bridge Replacement' (the Action) using the northern long-eared bat (*Myotis septentrionalis*) key within the Information for Planning and Consultation (IPaC) system. This IPaC key assists users in determining whether a Federal action is consistent with the activities analyzed in the Service's January 5, 2016, Programmatic Biological Opinion (PBO). The PBO addresses activities excepted from "take"^[1] prohibitions applicable to the northern long-eared bat under the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based upon your IPaC submission, the Action is consistent with activities analyzed in the PBO. The Action may affect the northern long-eared bat; however, any take that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR §17.40(o). Unless the Service advises you within 30 days of the date of this letter that your IPaC-assisted determination was incorrect, this letter verifies that the PBO satisfies and concludes your responsibilities for this Action under ESA Section 7(a)(2) with respect to the northern long-eared bat.

Please report to our office any changes to the information about the Action that you submitted in IPaC, the results of any bat surveys conducted in the Action area, and any dead, injured, or sick northern long-eared bats that are found during Action implementation. If the Action is not completed within one year of the date of this letter, you must update and resubmit the information required in the IPaC key.

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This IPaC-assisted determination allows you to rely on the PBO for compliance with ESA Section 7(a)(2) only for the northern long-eared bat. It **does not** apply to the following ESA-protected species that also may occur in the Action area:

- Clubshell *Pleurobema clava* Endangered
- Fanshell *Cyprogenia stegaria* Endangered
- Gray Bat *Myotis grisescens* Endangered
- Indiana Bat *Myotis sodalis* Endangered
- Monarch Butterfly *Danaus plexippus* Candidate
- Northern Riffleshell *Epioblasma rangiana* Endangered
- Pink Mucket (pearlymussel) *Lampsilis abrupta* Endangered
- Rabbitsfoot *Quadrula cylindrica cylindrica* Threatened
- Rough Pigtoe *Pleurobema plenum* Endangered
- Snuffbox Mussel *Epioblasma triquetra* Endangered

If the Action may affect other federally listed species besides the northern long-eared bat, a proposed species, and/or designated critical habitat, additional consultation between you and this Service office is required. If the Action may disturb bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act is recommended.

[1]Take means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct [ESA Section 3(19)].

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Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

Campbell County - Complete Bridge Replacement

2. Description

The following description was provided for the project 'Campbell County - Complete Bridge Replacement':

This project is south of Alexandria, KY, north of the KY-915 and KY-10 intersection and will consist of a total bridge replacement over Scaffold Creek.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@38.94898675,-84.41081989912414,14z>



Determination Key Result

This Federal Action may affect the northern long-eared bat in a manner consistent with the description of activities addressed by the Service's PBO dated January 5, 2016. Any taking that may occur incidental to this Action is not prohibited under the final 4(d) rule at 50 CFR §17.40(o). Therefore, the PBO satisfies your responsibilities for this Action under ESA Section 7(a)(2) relative to the northern long-eared bat.

Determination Key Description: Northern Long-eared Bat 4(d) Rule

This key was last updated in IPaC on May 15, 2017. Keys are subject to periodic revision.

This key is intended for actions that may affect the threatened northern long-eared bat.

The purpose of the key for Federal actions is to assist determinations as to whether proposed actions are consistent with those analyzed in the Service's PBO dated January 5, 2016.

Federal actions that may cause prohibited take of northern long-eared bats, affect ESA-listed species other than the northern long-eared bat, or affect any designated critical habitat, require

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ESA Section 7(a)(2) consultation in addition to the use of this key. Federal actions that may affect species proposed for listing or critical habitat proposed for designation may require a conference under ESA Section 7(a)(4).

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DETERMINATION KEY RESULT

This project may affect the threatened Northern long-eared bat; therefore, consultation with the Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.) is required. However, based on the information you provided, this project may rely on the Service's January 5, 2016, *Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-Eared Bat and Activities Excepted from Take Prohibitions* to fulfill its Section 7(a)(2) consultation obligation.

QUALIFICATION INTERVIEW

1. Is the action authorized, funded, or being carried out by a Federal agency?

Yes

2. Have you determined that the proposed action will have "no effect" on the northern long-eared bat? (If you are unsure select "No")

No

3. Will your activity purposefully **Take** northern long-eared bats?

No

4. [Semantic] Is the project action area located wholly outside the White-nose Syndrome Zone?

Automatically answered

No

5. [Semantic] Is the project action area located within 0.25 miles of a known northern long-eared bat hibernaculum?

Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency

Automatically answered

No

6. [Semantic] Is the project action area located within 150 feet of a known occupied northern long-eared bat maternity roost tree?

Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency

Automatically answered

No

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PROJECT QUESTIONNAIRE

If the project includes forest conversion, report the appropriate acreages below. Otherwise, type '0' in questions 1-3.

1. Estimated total acres of forest conversion:

0

2. If known, estimated acres of forest conversion from April 1 to October 31

0

3. If known, estimated acres of forest conversion from June 1 to July 31

0

If the project includes timber harvest, report the appropriate acreages below. Otherwise, type '0' in questions 4-6.

4. Estimated total acres of timber harvest

0

5. If known, estimated acres of timber harvest from April 1 to October 31

0

6. If known, estimated acres of timber harvest from June 1 to July 31

0

If the project includes prescribed fire, report the appropriate acreages below. Otherwise, type '0' in questions 7-9.

7. Estimated total acres of prescribed fire

0

8. If known, estimated acres of prescribed fire from April 1 to October 31

0

9. If known, estimated acres of prescribed fire from June 1 to July 31

0

If the project includes new wind turbines, report the megawatts of wind capacity below. Otherwise, type '0' in question 10.

10. What is the estimated wind capacity (in megawatts) of the new turbine(s)?

0

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IPAC USER CONTACT INFORMATION

Agency: Federal Highway Administration

Name: Todd McDaniel

Address: 3 HMB Circle

City: Frankfort

State: KY

Zip: 40601

Email: mmcdaniel@hmbpe.com

Phone: 5026959800

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Department of Transportation

BATS IN BRIDGES DATASHEET





KYTC Structure ID 019B00088N **KYTC Item No** 6-4000





Bridge Location: KY 915 (Licking Pike) over Scaffold Creek

County: Campbell County **Lat:** 38.948983 **Long:** -84.410801

Date: 8/10/2022 **Time of Survey:** 11:00 AM **Investigator Name(s):** Steve Rice, Randall Thomas

Bridge Type: (check one)

- Parallel Box Beam 
- Pre-stressed Girder 
- Cast in Place 
- Culvert – Box 

- Steel I-beam 
- Flat Slab / Box 
- Trapezoidal Box 
- Culvert – Pipe/Round 

Underdeck Material:

- Concrete
- Corrugated Steel
- Other: _____

Road Type: (check one) Interstate U.S. Highway State Road County Road

Surrounding Habitat: (check all that apply)

- Residential Row Crop Commercial Woodland Grassland Pasture Riparian Mixed Wetland

Conditions Under Bridge: (check all that apply)

- Bare ground /sediment Concrete Rip rap Flowing water Standing water
- Open vegetation (not obstructing flight path) Closed vegetation (may obstruct flight path)
- Two lane road Four (or more) lane highway Dirt road Railroad
- Evidence of superstructure flooding Bridge height above water: 10 ft

Bat indicators: (check all that apply) Visual Smell Sound Staining Guano None

Use intensity: (check one) Minor (scattered, individual guano pellets and/or few small areas of staining covering <1 ft each - few bats or temporary usage)
 Major (guano piles and/or large areas of staining covering >1 ft each – semi permanent colony)

Bats Present: YES NO

BATS IN BRIDGES DATASHEET

Species Present (record number of individuals if known)

- | | |
|--|---|
| _____ Myotis septentrionalis (Northern long-eared) | _____ Lasiurus noctivagans (Silver-haired) |
| _____ Myotis sodalis (Indiana) | _____ Perimyotis subflavus (Tri-colored) |
| _____ Myotis leibii (Eastern small-footed) | _____ Eptesicus fuscus (Big brown) |
| _____ Myotis lucifugus (Little brown) | _____ Nycticeius humeralis (Evening) |
| _____ Myotis grisescens (Gray) | _____ Tadarida brasiliensis (Braz. free-tailed) |
| _____ Myotis austroriparius (Southeastern) | _____ Corynorhinus t. townsendii (Virginia) |
| _____ Lasiurus cinereus (Hoary) | _____ Corynorhinus rafinesquii (Rafinesque's) |
| _____ Lasiurus borealis (Eastern red) | _____ UNKNOWN |
| _____ Lasiurus seminolus (Seminole) | |

Roost description (If known, check all that apply): Day Roost Nursery Roost Night Roost Unknown

Number of roosts _____

Roost feature: (check all that apply)

- Crack/crevice/expansion joint: underside of bridge Crack/crevice/expansion joint: top side of bridge
- Plugged drain Under/along the main bridge structure Rail Other: _____

Human disturbance or traffic under bridge or at structure? High Low None



Evidence of bats using bird nests? Yes No (if yes, please describe and photograph nest location)

Areas Inspected: (check all that apply)

- Vertical surfaces on I-beams Vertical surfaces between concrete end walls and bridge deck
- Expansion joints Rough surfaces Guardrails Crevices Other: _____

Areas NOT Inspected because of safety or inaccessibility:

Additional Comments / Sketch:

	Kentucky Transportation Cabinet Federal Highway Administration NO EFFECT FINDING		
KYTC Item No:	6-40000	Route:	KY-915
Quadrangle(s):	Alexandria	County(ies):	Campbell
Project Description: (Type of improvement, areas to be impacted, crossroad improvements, easements, etc.)			
This project is for the improvement of KY-915 by replacing the existing structurally deficient concrete bridge with a new bridge. This location is southwest of Alexandria, Kentucky near the intersection of KY-915 and Steffen Road.			
<u>CAMPBELL COUNTY LISTED SPECIES:</u>			
<p>Clubshell (<i>Pleurobema clava</i>) Fanshell (<i>Cyprogenia stegaria</i>) Longsolid (<i>Fusconaia subrotundra</i>) Northern Riffleshell (<i>Epioblasma torulosa rangiana</i>) Pink Mucket (pearlymussel) (<i>Lampsilis abrupta</i>) Rabbitsfoot (<i>Quadrula cylindrica cylindrica</i>) Rough Pigtoe (<i>Pleurobema plenum</i>) Snuffbox Mussel (<i>Epioblasma triquetra</i>) Gray Bat (<i>Myotis grisescens</i>) Indiana Bat (<i>Myotis sodalis</i>) Northern Long-eared Bat (<i>Myotis septentrionalis</i>)</p>			
<p>This No Effect Finding document will include the listed mussel species. Indiana bat and gray bat will be addressed via <i>Programmatic Biological Opinion on the Effects of Transportation Projects in Kentucky on the Indiana Bat and Gray Bat</i> or FHWA Range-wide, as appropriate. NLEB will be address using the Northern Long-eared Bat Rangewide Determination Key to make a determination on the USFWS IPaC website.</p>			
Methodologies: (Methods of assessment, who, what, when, resources, etc.)			
<p>Biologists reviewed literature on listed species and used GIS mapping to do an initial investigation of the area. Field visits were made by HMB permitted biologists to investigate streams and habitat on site. On August 18, 2022, HMB surveyed Scaffold Creek (a perennial stream) within the project area for live mussels, relic shells, and suitable habitat for the listed mussels.</p>			
Results: (Compare habitat used by listed species with available habitat)			
<p>Mussels - The stream in the project area is not conducive to mussels. The impacted stream is perennial and has been affected by prior land use activities. The location of the project is at a point in the stream where it begins to be a perennial stream. Just upstream from the bridge the stream is intermittent. At the time of the field visit there had been a rain event prior to the visit and the stream was only about 2-4 inches deep throughout the project area. There were no live or relic mussels observed during the site assessment.</p>			

Determinations:

NO HABITAT, NO EFFECT for:

- Clubshell (*Pleurobema clava*)
- Fanshell (*Cyprogenia stegaria*)
- Longsolid (*Fusconaia subrotundra*)
- Northern Riffleshell (*Epioblasma torulosa rangiana*)
- Pink Mucket (pearlymussel) (*Lampsilis abrupta*)
- Rabbitsfoot (*Quadrula cylindrica cylindrica*)
- Rough Pigtoe (*Pleurobema plenum*)
- Sheepnose Mussel (*Plethobasus cyphus*)

The project has been assessed in accordance with the provisions of Section 7 of the Endangered Species Act. As a designated representative of the FHWA, the KYTC has determined that the project will have No Effect on any listed species or their critical habitat, and further Section 7(a)(2) consultation with the Service is not required.



KYTC Signature

04/12/2023
Date

Jana Day
Print Name

E.A.T.S. Milestones updated

Name

Date



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Kentucky Ecological Services Field Office
J C Watts Federal Building, Room 265
330 West Broadway
Frankfort, KY 40601-8670
Phone: (502) 695-0468 Fax: (502) 695-1024
Email Address: kentuckyes@fws.gov

In Reply Refer To:
Project Code: 2022-0083492
Project Name: Campbell County - Complete Bridge Replacement

April 12, 2023

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the

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human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see <https://www.fws.gov/birds/policies-and-regulations.php>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

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Attachment(s):

- Official Species List

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OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Kentucky Ecological Services Field Office

J C Watts Federal Building, Room 265

330 West Broadway

Frankfort, KY 40601-8670

(502) 695-0468

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PROJECT SUMMARY

Project Code: 2022-0083492
Project Name: Campbell County - Complete Bridge Replacement
Project Type: Bridge - Replacement
Project Description: This project is south of Alexandria, KY, north of the KY-915 and KY-10 intersection and will consist of a total bridge replacement over Scaffold Creek.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@38.94898675,-84.41081989912414,14z>



Counties: Campbell County, Kentucky

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ENDANGERED SPECIES ACT SPECIES

There is a total of 12 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Note that 7 of these species should be considered only under certain conditions.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

MAMMALS

NAME	STATUS
<p>Gray Bat <i>Myotis grisescens</i></p> <p>No critical habitat has been designated for this species. This species only needs to be considered under the following conditions:</p> <ul style="list-style-type: none"> ▪ The project area includes potential gray bat habitat. <p>Species profile: https://ecos.fws.gov/ecp/species/6329 General project design guidelines: https://ipac.ecosphere.fws.gov/project/QKP2NPQF7FCTPI7JSGGRJJKFF4/documents/generated/6422.pdf</p>	Endangered
<p>Indiana Bat <i>Myotis sodalis</i></p> <p>There is final critical habitat for this species. Your location does not overlap the critical habitat. This species only needs to be considered under the following conditions:</p> <ul style="list-style-type: none"> ▪ The project area includes 'potential' habitat. All activities in this location should consider possible effects to this species. <p>Species profile: https://ecos.fws.gov/ecp/species/5949 General project design guidelines: https://ipac.ecosphere.fws.gov/project/QKP2NPQF7FCTPI7JSGGRJJKFF4/documents/generated/6422.pdf</p>	Endangered
<p>Northern Long-eared Bat <i>Myotis septentrionalis</i></p> <p>No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045 General project design guidelines: https://ipac.ecosphere.fws.gov/project/QKP2NPQF7FCTPI7JSGGRJJKFF4/documents/generated/6422.pdf</p>	Endangered

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CLAMS

NAME	STATUS
<p>Clubshell <i>Pleurobema clava</i></p> <p>Population: Wherever found; Except where listed as Experimental Populations</p> <p>No critical habitat has been designated for this species.</p> <p>This species only needs to be considered under the following conditions:</p> <ul style="list-style-type: none"> ▪ The species may be affected by projects that significantly impact the Licking River and/or its tributary, the South Fork Licking River. <p>Species profile: https://ecos.fws.gov/ecp/species/3789</p> <p>General project design guidelines: https://ipac.ecosphere.fws.gov/project/QKP2NPQF7FCTPI7JSGGRJJKFF4/documents/generated/5639.pdf</p>	Endangered
<p>Fanshell <i>Cyprogenia stegaria</i></p> <p>No critical habitat has been designated for this species.</p> <p>This species only needs to be considered under the following conditions:</p> <ul style="list-style-type: none"> ▪ The species may be affected by projects that significantly impact the Licking River and/or its tributary, the South Fork Licking River. <p>Species profile: https://ecos.fws.gov/ecp/species/4822</p> <p>General project design guidelines: https://ipac.ecosphere.fws.gov/project/QKP2NPQF7FCTPI7JSGGRJJKFF4/documents/generated/5639.pdf</p>	Endangered
<p>Longsolid <i>Fusconaia subrotunda</i></p> <p>There is final critical habitat for this species.</p> <p>Species profile: https://ecos.fws.gov/ecp/species/9880</p>	Threatened
<p>Northern Riffleshell <i>Epioblasma rangiana</i></p> <p>No critical habitat has been designated for this species.</p> <p>This species only needs to be considered under the following conditions:</p> <ul style="list-style-type: none"> ▪ The species may be affected by projects that significantly impact, directly or indirectly, the following rivers: Green, Licking, or Ohio. <p>Species profile: https://ecos.fws.gov/ecp/species/527</p> <p>General project design guidelines: https://ipac.ecosphere.fws.gov/project/QKP2NPQF7FCTPI7JSGGRJJKFF4/documents/generated/5639.pdf</p>	Endangered
<p>Pink Mucket (pearlymussel) <i>Lampsilis abrupta</i></p> <p>No critical habitat has been designated for this species.</p> <p>Species profile: https://ecos.fws.gov/ecp/species/7829</p> <p>General project design guidelines: https://ipac.ecosphere.fws.gov/project/QKP2NPQF7FCTPI7JSGGRJJKFF4/documents/generated/5639.pdf</p>	Endangered
<p>Rabbitsfoot <i>Quadrula cylindrica cylindrica</i></p> <p>There is final critical habitat for this species. Your location does not overlap the critical habitat.</p> <p>This species only needs to be considered under the following conditions:</p> <ul style="list-style-type: none"> ▪ The species may be affected by projects that significantly impact the Licking River and/or its tributary, the South Fork Licking River. <p>Species profile: https://ecos.fws.gov/ecp/species/5165</p> <p>General project design guidelines:</p>	Threatened

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NAME	STATUS
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<https://ipac.ecosphere.fws.gov/project/QKP2NPQF7FCTPI7JSGGRJJKFF4/documents/generated/5639.pdf>

Rough Pigtoe *Pleurobema plenum* Endangered

No critical habitat has been designated for this species.

This species only needs to be considered under the following conditions:

- The species may be affected by projects that significantly impact the Licking River and/or its tributary, the South Fork Licking River.

Species profile: <https://ecos.fws.gov/ecp/species/6894>

General project design guidelines:

<https://ipac.ecosphere.fws.gov/project/QKP2NPQF7FCTPI7JSGGRJJKFF4/documents/generated/5639.pdf>

Snuffbox Mussel *Epioblasma triquetra* Endangered

No critical habitat has been designated for this species.

Species profile: <https://ecos.fws.gov/ecp/species/4135>

INSECTS

NAME	STATUS
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Monarch Butterfly *Danaus plexippus* Candidate

No critical habitat has been designated for this species.

Species profile: <https://ecos.fws.gov/ecp/species/9743>

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

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IPAC USER CONTACT INFORMATION

Agency: HMB Professional Engineers, Inc

Name: Todd McDaniel

Address: 3 HMB Circle

City: Frankfort

State: KY

Zip: 40601

Email: mmcdaniel@hmbpe.com

Phone: 5026959800

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Department of Transportation



United States Department of the Interior



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Kentucky Ecological Services Field Office
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330 West Broadway
Frankfort, KY 40601-8670
Phone: (502) 695-0468 Fax: (502) 695-1024
Email Address: kentuckyes@fws.gov

In Reply Refer To:
Project code: 2022-0083492
Project Name: Campbell County - Complete Bridge Replacement

April 12, 2023

Federal Nexus: yes
Federal Action Agency (if applicable): Department of Transportation

Subject: Technical assistance for 'Campbell County - Complete Bridge Replacement'

Dear Todd McDaniel:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on April 12, 2023, for 'Campbell County - Complete Bridge Replacement' (here forward, Project). This project has been assigned Project Code 2022-0083492 and all future correspondence should clearly reference this number. **Please carefully review this letter. Your Endangered Species Act (Act) requirements are not complete.**

Ensuring Accurate Determinations When Using IPaC

The Service developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and based on a standing analysis. All information submitted by the Project proponent into the IPaC must accurately represent the full scope and details of the Project. Failure to accurately represent or implement the Project as detailed in IPaC or the Northern Long-eared Bat Rangewide Determination Key (Dkey), invalidates this letter.

Determination for the Northern Long-Eared Bat

Based upon your IPaC submission and a standing analysis, your project is not reasonably certain to cause incidental take of the northern long-eared bat. Unless the Service advises you within 15 days of the date of this letter that your IPaC-assisted determination was incorrect, this letter verifies that the Action is not likely to result in unauthorized take of the northern long-eared bat.

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Other Species and Critical Habitat that May be Present in the Action Area

The IPaC-assisted determination for the northern long-eared bat does not apply to the following ESA-protected species and/or critical habitat that also may occur in your Action area:

- Clubshell *Pleurobema clava* Endangered
- Fanshell *Cyprogenia stegaria* Endangered
- Gray Bat *Myotis grisescens* Endangered
- Indiana Bat *Myotis sodalis* Endangered
- Longsolid *Fusconaia subrotunda* Threatened
- Monarch Butterfly *Danaus plexippus* Candidate
- Northern Riffleshell *Epioblasma rangiana* Endangered
- Pink Mucket (pearlymussel) *Lampsilis abrupta* Endangered
- Rabbitsfoot *Quadrula cylindrica cylindrica* Threatened
- Rough Pigtoe *Pleurobema plenum* Endangered
- Snuffbox Mussel *Epioblasma triquetra* Endangered

You may coordinate with our Office to determine whether the Action may cause prohibited take of the animal species listed above. Note that if a new species is listed that may be affected by the identified action before it is complete, additional review is recommended to ensure compliance with the Endangered Species Act.

Next Step

Consultation with the Service is necessary. The project has a federal nexus (e.g., Federal funds, permit, etc.), but you are not the federal action agency or its designated (in writing) non-federal representative. Therefore, the ESA consultation status is incomplete and no project activities should occur until consultation between the Service and the Federal action agency (or designated non-federal representative), is completed.

As the federal agency or designated non-federal representative deems appropriate, they should submit their determination of effects to the Service by doing the following.

1. Log into IPaC using an agency email account and click on My Projects, click "Search by record locator" to find this Project using **647-124954927**. (Alternatively, the originator of the project in IPaC can add the agency representative to the project by using the Add Member button on the project home page.)
 2. Review the answers to the Northern Long-eared Bat Range-wide Determination Key to ensure that they are accurate.
 3. Click on Review/Finalize to convert the 'not likely to adversely affect' consistency letter to a concurrence letter. Download the concurrence letter for your files if needed.
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If no changes occur with the Project or there are no updates on listed species, no further consultation/coordination for this project is required for the northern long-eared bat. However, the Service recommends that project proponents re-evaluate the Project in IPaC if: 1) the scope, timing, duration, or location of the Project changes (includes any project changes or amendments); 2) new information reveals the Project may impact (positively or negatively) federally listed species or designated critical habitat; or 3) a new species is listed, or critical habitat designated. If any of the above conditions occurs, additional coordination with the Service should take place before project implements any changes which are final or commits additional resources.

If you have any questions regarding this letter or need further assistance, please contact the Kentucky Ecological Services Field Office and reference Project Code 2022-0083492 associated with this Project.

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Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

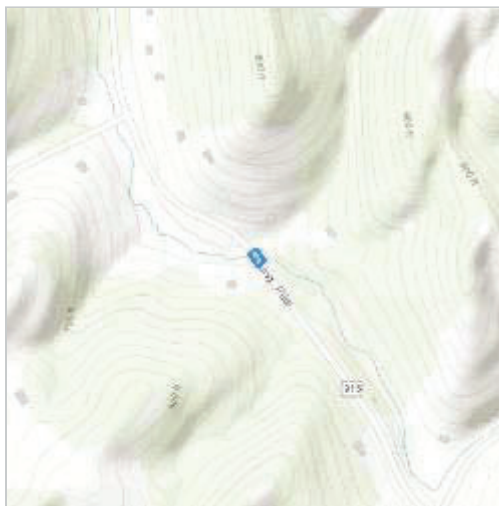
Campbell County - Complete Bridge Replacement

2. Description

The following description was provided for the project 'Campbell County - Complete Bridge Replacement':

This project is south of Alexandria, KY, north of the KY-915 and KY-10 intersection and will consist of a total bridge replacement over Scaffold Creek.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@38.94898675,-84.41081989912414,14z>



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DETERMINATION KEY RESULT

Based on the answers provided, the proposed Action is consistent with a determination of “may affect, but not likely to adversely affect” for the Endangered northern long-eared bat (*Myotis septentrionalis*).

QUALIFICATION INTERVIEW

1. Does the proposed project include, or is it reasonably certain to cause, intentional take of the northern long-eared bat or any other listed species?

Note: Intentional take is defined as take that is the intended result of a project. Intentional take could refer to research, direct species management, surveys, and/or studies that include intentional handling/encountering, harassment, collection, or capturing of any individual of a federally listed threatened, endangered or proposed species?

No

2. Do you have post-white nose syndrome occurrence data that indicates that northern long-eared bats (NLEB) are likely to be present in the action area?

Bat occurrence data may include identification of NLEBs in hibernacula, capture of NLEBs, tracking of NLEBs to roost trees, or confirmed acoustic detections. With this question, we are looking for data that, for some reason, may have not yet been made available to U.S. Fish and Wildlife Service.

No

3. Does any component of the action involve construction or operation of wind turbines?

Note: For federal actions, answer ‘yes’ if the construction or operation of wind power facilities is either (1) part of the federal action or (2) would not occur but for a federal agency action (federal permit, funding, etc.).

No

4. Is the proposed action authorized, permitted, licensed, funded, or being carried out by a Federal agency in whole or in part?

Yes

5. Is the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), or Federal Transit Administration (FTA) funding or authorizing the proposed action, in whole or in part?

Yes

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6. FHWA, FRA, and FTA have completed a range-wide programmatic consultation for transportation- related actions within the range of the Indiana bat and northern long-eared bat.

Does your proposed action fall within the scope of this programmatic consultation?

Note:If you have **previously consulted** on your proposed action with the Service under the NLEB 4dRule, answer 'no' to this question and proceed with using this key. If you have **not yet consulted** with the Service on your proposed action and are unsure whether your proposed action falls within the scope of the FHWA, FRA, FTA range-wide programmatic consultation, please select "Yes" and use the FHWA, FRA, FTA Assisted Determination Key in IPaC to determine if the programmatic consultation is applicable to your action. Return to this key and answer 'no' to this question if it is not.

No

7. Are you an employee of the federal action agency or have you been officially designated in writing by the agency as its designated non-federal representative for the purposes of Endangered Species Act Section 7 informal consultation per 50 CFR § 402.08?

Note: This key may be used for federal actions and for non-federal actions to facilitate section 7 consultation and to help determine whether an incidental take permit may be needed, respectively. This question is for information purposes only.

No

8. Is the lead federal action agency the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC)? Is the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC) funding or authorizing the proposed action, in whole or in part?

No

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9. Have you determined that your proposed action will have no effect on the northern long-eared bat? Remember to consider the [effects of any activities](#) that would not occur but for the proposed action.

If you think that the northern long-eared bat may be affected by your project or if you would like assistance in deciding, answer “No” below and continue through the key. If you have determined that the northern long-eared bat does not occur in your project’s action area and/or that your project will have no effects whatsoever on the species despite the potential for it to occur in the action area, you may make a “no effect” determination for the northern long-eared bat.

Note: Federal agencies (or their designated non-federal representatives) must consult with USFWS on federal agency actions that may affect listed species [50 CFR 402.14(a)]. Consultation is not required for actions that will not affect listed species or critical habitat. Therefore, this determination key will not provide a consistency or verification letter for actions that will not affect listed species. If you believe that the northern long-eared bat may be affected by your project or if you would like assistance in deciding, please answer “No” and continue through the key. Remember that this key addresses only effects to the northern long-eared bat. Consultation with USFWS would be required if your action may affect another listed species or critical habitat. The definition of [Effects of the Action](#) can be found here: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

No

10. Does the action area contain any caves (or associated sinkholes, fissures, or other karst features), mines, rocky outcroppings, or tunnels that could provide habitat for hibernating northern long-eared bats?

No

11. Is suitable summer habitat for the northern long-eared bat present within 1000 feet of project activities?
(If unsure, answer "Yes.")

Note: If there are trees within the action area that are of a sufficient size to be potential roosts for bats (i.e., live trees and/or snags ≥ 3 inches (12.7 centimeter) dbh), answer "Yes". If unsure, additional information defining suitable summer habitat for the northern long-eared bat can be found at: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

Yes

12. Will the action cause effects to a bridge?

Yes

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13. Has a site-specific bridge assessment following [USFWS guidelines](#) been completed?

Note: For information on conducting a bridge/structure assessment, see Appendix D of the User's Guide for the Range-wide Programmatic Consultation for Indiana Bat and Northern Long-eared Bat and the associated Bridge/Structure Bat Assessment Form. Additional resources can be found at: <https://www.fws.gov/media/bats-and-transportation-structures-references-and-additional-resources> and a training video is located at: <https://www.youtube.com/watch?v=iuFwkT7q8Ws>.

Yes

14. Was evidence of bat use found during the bridge assessment?

No

SUBMITTED DOCUMENTS

- *019B00088N_Bats on Bridges Datasheet - completed Form.pdf* <https://ipac.ecosphere.fws.gov/project/QKP2NPQF7FCTPI7JSGGRJJKFF4/projectDocuments/116852718>

15. Did you coordinate with your local Ecological Services Field Office (ESFO) and receive approval of the bridge assessment results? If NO, please contact the appropriate local ESFO before completing this determination key.

Yes

16. Will the action result in effects to a culvert or tunnel?

No

17. Does the action include the intentional exclusion of northern long-eared bats from a building or structure?

Note: Exclusion is conducted to deny bats' entry or reentry into a building. To be effective and to avoid harming bats, it should be done according to established standards. If your action includes bat exclusion and you are unsure whether northern long-eared bats are present, answer "Yes." Answer "No" if there are no signs of bat use in the building/structure. If unsure, contact your local U.S. Fish and Wildlife Services Ecological Services Field Office to help assess whether northern long-eared bats may be present. Contact a Nuisance Wildlife Control Operator (NWCO) for help in how to exclude bats from a structure safely without causing harm to the bats (to find a NWCO certified in bat standards, search the Internet using the search term "National Wildlife Control Operators Association bats"). Also see the White-Nose Syndrome Response Team's guide for bat control in structures

No

18. Does the action involve removal, modification, or maintenance of a human-made structure (barn, house, or other building) **known or suspected to contain roosting bats?**

No

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19. Will the action cause construction of one or more new roads open to the public?

For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

No

20. Will the action include or cause any construction or other activity that is reasonably certain to increase average daily traffic on one or more existing roads?

Note: For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.). .

No

21. Will the action include or cause any construction or other activity that is reasonably certain to increase the number of travel lanes on an existing thoroughfare?

For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

No

22. Will the proposed action involve the creation of a new water-borne contaminant source (e.g., leachate pond pits containing chemicals that are not NSF/ANSI 60 compliant)?

No

23. Will the proposed action involve the creation of a new point source discharge from a facility other than a water treatment plant or storm water system?

No

24. Will the proposed action involve blasting?

No

25. Will the action involve military training (e.g., smoke operations, obscurant operations, exploding munitions, artillery fire, range use, helicopter or fixed wing aircraft use)?

No

26. Will the proposed action involve the use of herbicides or pesticides other than herbicides (e.g., fungicides, insecticides, or rodenticides)?

No

27. Will the action include or cause activities that are reasonably certain to cause chronic nighttime noise in suitable summer habitat for the northern long-eared bat? Chronic noise is noise that is continuous or occurs repeatedly again and again for a long time.

Note: Additional information defining suitable summer habitat for the northern long-eared bat can be found at: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

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28. Does the action include, or is it reasonably certain to cause, the use of artificial lighting within 1000 feet of suitable northern long-eared bat roosting habitat?

Note: Additional information defining suitable roosting habitat for the northern long-eared bat can be found at: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

No

29. Will the action include tree cutting or other means of knocking down or bringing down trees, tree topping, or tree trimming?

Yes

30. Has a presence/probable absence summer bat survey targeting the northern long-eared bat following the Service's [Range-wide Indiana Bat and Northern Long-Eared Bat Survey Guidelines](#) been conducted within the project area? If unsure, answer "No."

No

31. Does the action include emergency cutting or trimming of hazard trees in order to remove an imminent threat to human safety or property? See hazard tree note at the bottom of the key for text that will be added to response letters

Note: A "hazard tree" is a tree that is an immediate threat to lives, public health and safety, or improved property and has a diameter breast height of six inches or greater.

No

32. Are any of the trees proposed for cutting or other means of knocking down, bringing down, topping, or trimming suitable for northern long-eared bat roosting (i.e., live trees and/or snags ≥ 3 inches dbh that have exfoliating bark, cracks, crevices, and/or cavities)?

Yes

33. [Semantic] Does your project intersect a known sensitive area for the northern long-eared bat?

Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your [state agency or USFWS field office](#)

Automatically answered

No

34. Will all tree cutting/trimming or other knocking or bringing down of trees be restricted to the inactive season for the northern long-eared bat?

Note: Inactive Season dates for summer habitat outside of staging and swarming areas can be found here: <https://www.fws.gov/media/inactive-season-dates-swarming-and-staging-areas>.

Yes

35. Will the action cause trees to be cut, knocked down, or otherwise brought down across an area greater than 10 acres?

No

04/12/2023

IPaC Record Locator: 647-124954927

11

36. Will the action cause trees to be cut, knocked down, or otherwise brought down in a way that would fragment a forested connection (e.g., tree line) between two or more forest patches of at least 5 acres?

The forest patches may consist of entirely contiguous forest or multiple forested areas that are separated by less than 1000' of non-forested area. A project will fragment a forested connection if it creates an unforested gap of greater than 1000'.

No

37. Will the action result in the use of prescribed fire?

No

38. Will the action cause noises that are louder than ambient baseline noises within the action area?

No

04/12/2023

IPaC Record Locator: 647-124954927

12

PROJECT QUESTIONNAIRE

Enter the extent of the action area (in acres) from which trees will be removed - round up to the nearest tenth of an acre. For this question, include the entire area where tree removal will take place, even if some live or dead trees will be left standing.

0.16

In what extent of the area (in acres) will trees be cut, knocked down, or trimmed during the inactive (hibernation) season for northern long-eared bat? **Note:** Inactive Season dates for spring staging/fall swarming areas can be found here: <https://www.fws.gov/media/inactive-season-dates-swarming-and-staging-areas>

0.10

In what extent of the area (in acres) will trees be cut, knocked down, or trimmed during the active (non-hibernation) season for northern long-eared bat? **Note:** Inactive Season dates for spring staging/fall swarming areas can be found here: <https://www.fws.gov/media/inactive-season-dates-swarming-and-staging-areas>

0.10

Will all potential northern long-eared bat (NLEB) roost trees (trees ≥ 3 inches diameter at breast height, dbh) be cut, knocked, or brought down from any portion of the action area greater than or equal to 0.1 acre? If all NLEB roost trees will be removed from multiple areas, select 'Yes' if the cumulative extent of those areas meets or exceeds 0.1 acre.

No

Enter the extent of the action area (in acres) from which all potential NLEB roost trees will be removed. If all NLEB roost trees will be removed from multiple areas, entire the total extent of those areas. Round up to the nearest tenth of an acre.

0.10

For the area from which all potential northern long-eared bat (NLEB) roost trees will be removed, on how many acres (round to the nearest tenth of an acre) will trees be allowed to regrow? Enter '0' if the entire area from which all potential NLEB roost trees are removed will be developed or otherwise converted to non-forest for the foreseeable future.

0

Will any snags (standing dead trees) ≥ 3 inches dbh be left standing in the area(s) in which all northern long-eared bat roost trees will be cut, knocked down, or otherwise brought down?

No

Will all project activities be completed by April 1, 2024?

Yes

04/12/2023

IPaC Record Locator: 647-124954927

13

IPAC USER CONTACT INFORMATION

Agency: HMB Professional Engineers, Inc

Name: Todd McDaniel

Address: 3 HMB Circle

City: Frankfort

State: KY

Zip: 40601

Email: mmcdaniel@hmbpe.com

Phone: 5026959800

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Department of Transportation

PHOTOS:



Bridge to be replaced



Bridge abutment and streambed.



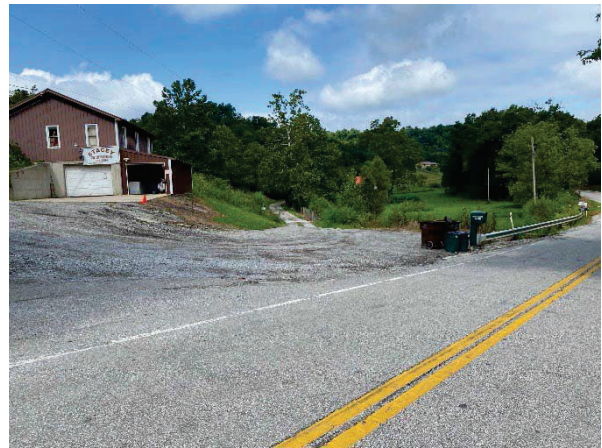
View of Scaffold Creek upstream



View of Scaffold Creek downstream



View of bridge from roadway



View of bridge from roadway

Addressing Bats in Kentucky (2020 KYTC- FHWA Programmatic Bat Program for Foraging Habitat, and Summer/Temporary Roosting)			
Project Number: 6-40000	County: Campbell	Road: KY-915	Lat/Long: 38.948986/-84.410819
Northern Long-eared Bat <input checked="" type="checkbox"/> YES <input type="checkbox"/> N/A	<input checked="" type="checkbox"/> IPaC NTLAA	<input type="checkbox"/> BA/BO	<input type="checkbox"/> NH/NFX <input checked="" type="checkbox"/> Prog NLTAA <input type="checkbox"/> BA/BO
Foraging BMP Commitments:		Bridges & Temporary Roosting:	
<input checked="" type="checkbox"/> YES <input type="checkbox"/> N/A		(Attach Bridge Assessment Form) NO YES: Species Observed: Known Maternity Colony <input checked="" type="checkbox"/> <input type="checkbox"/> Known Bachelor Colony <input checked="" type="checkbox"/> <input type="checkbox"/> No Signs/ Absent <input type="checkbox"/> <input checked="" type="checkbox"/> Signs / Present (≤ 5 individuals) <input checked="" type="checkbox"/> <input type="checkbox"/>	
Signatures:		Project Manager	
<i>Jana Day</i> DEA Biologist		JMD Date	
		Date	

**Addressing Bats in Kentucky
 (2020 KYTC- FHWA Programmatic Bat Program for Foraging Habitat, and Summer/Temporary Roosting)**

Project Number: 6-40000 **County:** Campbell **Road:** KY-915 **Lat/Long:** 38.948986/-84.410819

Indiana Bat Summer Roosting:

Habitat Type	Inactive Season		Add Active Season (*NO June/July)		Add Non-volant Season **	
	Dates	Rate	Dates	Rate	Dates	Rate
Known Swarming	November 15 - March 31	1.75	April 1 - November 14*	2.25	June 1 - July 31	2.75
Known Summer	October 15 - March 31	1.25	April 1 - October 14*	1.75	June 1 - July 31	2.25
Unsurveyed	October 15 - March 31	0.50	April 1 - October 14*	1.00	June 1 - July 31	1.50

* NO June 1 - July 31
 tree removal
 ** Requires project-specific coordination with
 USFWS-KFO; 20 acre maximum per project

Special Note for Tree Removal Chosen:

No clearing trees 5"+ DBH from

June 1 to July 31

IB Project Habitat Designation	# Individual Trees (0.09 ac/each)	Block Acreage	Acreage Impacted (Individual + Block)	Habitat Rate	Standard Land Acreage Value	Cost (\$)
Unsurveyed		0.03	0.03	1.00	\$4,350.00	\$130.50
			0.00			\$0.00
			0.00			\$0.00
			0.00			\$0.00
TOTAL PAYMENT DUE						\$130.50

Effects Determination: Indiana bat: "may affect, likely to adversely affect." Gray bat: "may affect, not likely to adversely affect." Northern long-eared bat: "may affect, not likely to adversely affect" as determined through USFWS IPaC determination key.

Signatures: _____

Jana Day
 DEA Biologist

04/12/2023

Date

EATS Updated

Project Manager _____ Date _____

Kentucky Transportation
Cabinet Project:

NOTICE

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS

NATIONWIDE SECTION 404 PERMIT AUTHORIZATION

DEPARTMENT FOR ENVIRONMENTAL PROTECTION

KENTUCKY DIVISION OF WATER

SECTION 401 WATER QUALITY CERTIFICATION

PROJECT DESCRIPTION:

The Sections 404 and 401 activities for this project have previously been permitted under the authority of the Department of the Army, Section 404 Nationwide Permit Number 3, *Maintenance Projects* (with additional *Kentucky Regional General Conditions*), and the Kentucky Division of Water, Section 401 General Water Quality Certification. For these authorized permits to be valid, the attached conditions must be followed. The contractor shall post a copy of this Nationwide Permit Number 3 and General Water Quality Certification in a conspicuous location at the project site, with unencumbered public access, for the duration of construction and comply with the general conditions required.

Kentucky Transportation
 Cabinet Project:

Locations Impacting Water Quality

Station-Location	Description
Bridge ID: 019B00088N	This project will involve the improvement of KY-915 by replacing the existing structurally deficient concrete bridge with a new bridge. Minor deviations from the original structure may be required to meet current construction codes and/or safety standards.

This project involves work near and/or within Jurisdictional Waters of the United States as defined by the U. S. Army Corps of Engineers; therefore, requiring a Nationwide Number 3 General Section 404 permit. The Division of Water conditionally certified this General Permit. Importantly, one of those conditions regards the use of heavy equipment in any stream channel, or streambed. If there is need to cross the stream channel with heavy equipment, or conduct work within the stream channel, a work platform or temporary crossing, is authorized. This should be constructed with clean rock and sufficient pipe to allow stream flow to continue, unimpeded. Other conditions may be found under the heading, *General Certification— Nationwide Permit # 3 Maintenance Projects*.

In order for this authorization to be valid, the attached conditions must be followed. The contractor shall post a copy of this Nationwide Permit Number 3 Approval in a conspicuous location at the project site, for the duration of the construction, and comply with the general conditions as required.

To more readily expedite construction, the contractor may elect to alter the design, or perform the work in a manner different from what was originally proposed and specified. Prior to commencing such alternative work, the contractor shall obtain written permission from the Division of Construction and the Kentucky Transportation Cabinet, Division of Environmental Analysis. If such changes necessitate further permitting, then the contractor will be responsible for applying to the U. S. Army Corps of Engineers and the Kentucky Division of Water. A copy of any request to the Corps of Engineers or Division of Water to alter this proposal and subsequent responses shall be forwarded to the Division of Environmental Analysis, DA Permit Coordinator, for office records and for informational purposes.

APPENDIX C

Hazardous Materials



Linebach ■ Funkhouser, Inc.
ENVIRONMENTAL COMPLIANCE & CONSULTING

Asbestos Inspection Report

To: Randall Thomas, HMB Professional Engineers, Inc.

Date: September 12, 2022

Conducted By: Russell H. Brooks, LFI, Inc.

Project and Structure Identification

Project: Campbell County: Item No. 6-40000

Structure ID: #019B00088N

Structure Location: KY 915 Bridge over Scaffold Creek, Campbell County, Kentucky

Sample Description: No suspect asbestos containing (ACM) were observed

Inspection Date: September 8, 2022

Results and Recommendations

The asbestos inspection was performed in accordance with current United States Environmental Protection Agency (US EPA) regulations, specifically 40 CFR Part 61, Asbestos National Emissions Standards for Hazardous Air Pollutants (NESHAP) revision, final rule effective November 20, 1990.

It is recommended that this report accompany the 10-Day Notice of Intent for Demolition ([DEP7036 Form](#)) which is to be submitted to the Kentucky Division of Air Quality prior to abatement, demolition, or renovation of any building or structure in the Commonwealth.

No suspect asbestos containing (ACM) were observed.

Commonwealth of Kentucky
Department for Environmental Protection
Division for Air Quality

Russell Henry Brooks

Has met the requirements of 401 KAR 58:005 and is accredited as an:

Asbestos Inspector

Agency Interest Id: **138451**

License Number: **71841**

Issue Date: **03/24/2022**

Expiration Date: **03/15/2023**



PART II
SPECIFICATIONS AND STANDARD DRAWINGS

STANDARD SPECIFICATIONS

Any reference in the plans or proposal to previous editions of the *Standard Specifications for Road and Bridge Construction* and *Standard Drawings* are superseded by *Standard Specifications for Road and Bridge Construction, Edition of 2019* and *Standard Drawings, Edition of 2020*.

SUPPLEMENTAL SPECIFICATIONS

The contractor shall use the Supplemental Specifications that are effective at the time of letting. The Supplemental Specifications can be found at the following link:
<http://transportation.ky.gov/Construction/Pages/Kentucky-Standard-Specifications.aspx>

SPECIAL PROVISION FOR EMBANKMENT AT BRIDGE END BENT STRUCTURES

This Special Provision will apply when indicated on the plans or in the proposal. Section references herein are to the Department's Standard Specifications for Road and Bridge Construction, Current Edition.

1.0 DESCRIPTION. Construct a soil, granular, or rock embankment with soil, granular or cohesive pile core and place structure granular backfill, as the Plans require. Construct the embankment according to the requirements of this Special Provision, the Plans, Standard Drawing RGX 100 and 105, and the Standard Specifications, Current Edition.

2.0 MATERIALS.

2.1 Granular Embankment. Conform to Subsection 805.10. When Granular Embankment materials are erodible or unstable according to Subsection 805.03.04, use the Special Construction Methods found in 3.2 of the Special Provision.

2.2 Rock Embankment. Provide durable rock from roadway excavation that consists principally of Unweathered Limestone, Durable Shale (SDI equal to or greater than 95 according to KM 64-513), or Durable Sandstone.

2.3 Pile Core. Provide a pile core in the area of the embankments where deep foundations are to be installed unless otherwise specified. The Pile Core is the zone indicated on Standard Drawings RGX 100 and 105 designated as Pile Core. Material control of the pile core area during embankment construction is always required. Proper Pile Core construction is required for installation of foundation elements such as drilled or driven piles or drilled shafts. The type of material used to construct the pile core is as directed in the plans or below. Typically, the pile core area will be constructed from the same material used to construct the surrounding embankment. Pile Core can be classified as one of three types:

A) Pile Core - Conform to Section 206 of the Standard Specifications. Provide pile core material consisting of the same material as the adjacent embankment except the material in the pile core area shall be free of boulders or particle sizes larger than 4 inches in any dimension or any other obstructions that may hinder pile driving operations. If the pile core material hinders pile driving operations, take the appropriate means necessary to reach the required pile tip elevation, at no expense to the Department.

B) Granular Pile Core. Granular pile core is required only when specified in the plans. Select a gradation of durable rock to facilitate pile driving that conforms to Subsection 805.11. If granular pile core material hinders pile driving operations, take appropriate means necessary to reach the required pile tip elevation, at no expense to the Department.

C) Cohesive Pile Core. Cohesive Pile Core is required only when specified in the plans. Conform to Section 206 of the Standard Specifications and use soil with at least 50 percent passing a No. 4 sieve having a minimum Plasticity Index (PI) of 10. In addition, keep the cohesive pile core free of boulders, larger than 4 inches in any dimension, or any other obstructions, which would interfere with drilling operations. If cohesive pile core material interferes with drilling operations, take appropriate means necessary to maintain

excavation stability, at no expense to the Department.

2.4 Structure Granular Backfill. Conform to Subsection 805.11

2.5 Geotextile Fabric. Conform to Type I or Type IV in Section 214 and 843.

3.0 CONSTRUCTION.

3.1 General. Construct roadway embankments at end bents according to Section 206 and in accordance with the Special Provision, the Plans, and Standard Drawings for the full embankment section. In some instances, granular or rock embankment will be required for embankment construction for stability purposes, but this special provision does not prevent the use of soil when appropriate. Refer to the plans for specific details regarding material requirements for embankment construction.

Place and compact the pile core and structure granular backfill according to the applicable density requirements for the project. If the embankment and pile core are dissimilar materials (i.e., a granular pile core is used with a soil embankment or a cohesive pile core is used with a granular embankment), a Geotextile Fabric, Type IV, will be required between the pile core and embankment in accordance with Sections 214 and 843 of the Standard Specifications.

When granular or rock embankment is required for embankment construction, conform to the general requirements of Subsection 206.03.02 B. In addition, place the material in no greater than 2-foot loose lifts and compact with a vibrating smooth wheel roller capable of producing a minimum centrifugal force of 15 tons. Apply these requirements to the full width of the embankment for a distance of half the embankment height or 50 feet, whichever is greater, as shown on Standard Drawing RGX-105.

When using granular pile core, install 8-inch perforated underdrain pipe at or near the elevation of the original ground in the approximate locations depicted on the standard drawing, and as the Engineer directs, to ensure positive drainage of the embankment. Wrap the perforated pipe with a fabric of a type recommended by the pipe manufacturer.

After constructing the embankment, excavate for the end bent cap, drive piling, install shafts or other foundation elements, place the mortar bed, construct the end bent, and complete the embankment to finish grade according to the construction sequence shown on the Plans or Standard Drawings and as specified hereinafter.

Certain projects may require widening of existing embankments and the removal of substructures. Construct embankment according to the plans. Substructure removal shall be completed according to the plans and Section 203. Excavation may be required at the existing embankment in order to place the structure granular backfill as shown in the Standard Drawings.

After piles are driven or shafts installed (see design drawings), slope the bottom of the excavation towards the ends of the trench as noted on the plans for drainage. Using a separate pour, place concrete mortar, or any class concrete, to provide a base for forming and placing the cap. Place side forms for the end bent after the mortar has set sufficiently to support workmen and forms without being disturbed.

Install 4-inch perforated pipe in accordance with the plans and Standard Drawings. In the event slope protection extends above the elevation of the perforated pipe, extend the pipe through the slope protection.

After placing the end bent cap and achieving required concrete cylinder strengths, remove adjacent forms and fill the excavation with compacted structure granular backfill material (maximum 1' loose lifts) to the level of the berm prior to placing beams for the bridge. Place Type IV geotextile fabric between embankment material and structure granular backfill. After completing the end bent backwall, or after completing the span end

wall, place the compacted structure granular backfill (maximum 1' loose lifts) to subgrade elevation. If the original excavation is enlarged, fill the entire volume with compacted structure granular backfill (maximum 1' loose lifts) at no expense to the Department. Do not place backfill before removing adjacent form work. Place structure granular backfill material in trench ditches at the ends of the excavation. Place Geotextile Fabric, Type IV over the surface of the compacted structure granular backfill prior to placing aggregate base course.

Tamp the backfill with hand tampers, pneumatic tampers, or other means approved by the Engineer. Thoroughly compact the backfill under the overhanging portions of the structure to ensure that the backfill is in intimate contact with the sides of the structure.

Do not apply seeding, sodding, or other vegetation to the exposed granular embankment.

3.2 Special Construction Methods. Erodible or unstable materials may erode even when protected by riprap or channel lining; use the special construction method described below when using these materials.

Use fine aggregates or friable sandstone granular embankment at "dry land" structures only. Do not use them at stream crossings or locations subject to flood waters.

For erodible or unstable materials having 50 percent or more passing the No. 4 sieve, protect with geotextile fabric. Extend the fabric from the original ground to the top of slope over the entire area of the embankment slopes on each side of, and in front of, the end bent. Cover the fabric with at least 12 inches of non-erodible material.

For erodible or unstable materials having less than 50 percent passing a No. 4 sieve, cover with at least 12 inches of non-erodible material.

Where erodible or unstable granular embankment will be protected by riprap or channel lining, place Type IV geotextile fabric between the embankment and the specified slope protection.

4.0 MEASUREMENT.

4.1 Granular Embankment. The Department will measure the quantity in cubic yards using the plan quantity, increased or decreased by authorized adjustments as specified in Section 204. The Department will not measure for payment any Granular Embankment that is not called for in the plans.

The Department will not measure for payment any special construction caused by using erodible or unstable materials and will consider it incidental to the Granular Embankment regardless of whether the erodible or unstable material was specified or permitted.

4.2 Rock Embankment. The Department will not measure for payment any rock embankment and will consider it incidental to roadway excavation or embankment in place, as applicable. Rock embankments will be constructed using granular embankment on projects where there is no available rock present within the excavation limits of the project.

4.3 Pile Core. Pile core will be measured and paid under roadway excavation or embankment in place, as applicable. The Department will not measure the pile core for separate payment. The Department will not measure for payment the 8-inch perforated underdrain pipe and will consider it incidental to the Pile Core.

4.4 Structure Granular Backfill. The Department will measure the quantity in cubic yards using the plan quantity, increased or decreased by authorized adjustments as specified in Section 204. The Department will not measure any additional material required for backfill outside the limits shown on the Plans and Standard Drawings for payment and will

consider it incidental to the work.

The Department will not measure for payment the 4-inch perforated underdrain pipe and will consider it incidental to the Structure Granular Backfill.

4.5 Geotextile Fabric. The Department will not measure the quantity of fabric used for separating dissimilar materials when constructing the embankment and pile core and will consider it incidental to embankment construction.

The Department will not measure for payment the Geotextile Fabric used to separate the Structure Granular Backfill from the embankment and aggregate base course and will consider it incidental to Structure Granular Backfill.

The Department will not measure for payment the Geotextile Fabric required for construction with erodible or unstable materials and will consider it incidental to embankment construction.

4.6 End Bent. The Department will measure the quantities according to the Contract. The Department will not measure furnishing and placing the 2-inch mortar or concrete bed for payment and will consider it incidental to the end bent construction.

4.7 Structure Excavation. The Department will not measure structure excavation on new embankments for payment and will consider it incidental to the Structure Granular Backfill or Concrete as applicable.

5.0 PAYMENT. The Department will make payment for the completed and accepted quantities under the following:

<u>Code</u>	<u>Pay Item</u>	<u>Pay Unit</u>
02223	Granular Embankment	Cubic Yards
02231	Structure Granular Backfill	Cubic Yards

The Department will consider payment as full compensation for all work required in this provision.

September 16, 2016

PART III

EMPLOYMENT, WAGE AND RECORD REQUIREMENTS

FHWA-1273 -- Revised July 5, 2022

**REQUIRED CONTRACT PROVISIONS
FEDERAL-AID CONSTRUCTION CONTRACTS**

- I. General
- II. Nondiscrimination
- III. Non-segregated Facilities
- IV. Davis-Bacon and Related Act Provisions
- V. Contract Work Hours and Safety Standards Act Provisions
- VI. Subletting or Assigning the Contract
- VII. Safety: Accident Prevention
- VIII. False Statements Concerning Highway Projects
- IX. Implementation of Clean Air Act and Federal Water Pollution Control Act
- X. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion
- XI. Certification Regarding Use of Contract Funds for Lobbying
- XII. Use of United States-Flag Vessels:

performed on the contract by the contractor's own organization and with the assistance of workers under the contractor's immediate superintendence and to all work performed on the contract by piecework, station work, or by subcontract. 23 CFR 633.102(d).

3. A breach of any of the stipulations contained in these Required Contract Provisions may be sufficient grounds for withholding of progress payments, withholding of final payment, termination of the contract, suspension / debarment or any other action determined to be appropriate by the contracting agency and FHWA.

4. Selection of Labor: During the performance of this contract, the contractor shall not use convict labor for any purpose within the limits of a construction project on a Federal-aid highway unless it is labor performed by convicts who are on parole, supervised release, or probation. 23 U.S.C. 114(b). The term Federal-aid highway does not include roadways functionally classified as local roads or rural minor collectors. 23 U.S.C. 101(a).

ATTACHMENTS

A. Employment and Materials Preference for Appalachian Development Highway System or Appalachian Local Access Road Contracts (included in Appalachian contracts only)

I. GENERAL

1. Form FHWA-1273 must be physically incorporated in each construction contract funded under title 23, United States Code, as required in 23 CFR 633.102(b) (excluding emergency contracts solely intended for debris removal). The contractor (or subcontractor) must insert this form in each subcontract and further require its inclusion in all lower tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services). 23 CFR 633.102(e).

The applicable requirements of Form FHWA-1273 are incorporated by reference for work done under any purchase order, rental agreement or agreement for other services. The prime contractor shall be responsible for compliance by any subcontractor, lower-tier subcontractor or service provider. 23 CFR 633.102(e).

Form FHWA-1273 must be included in all Federal-aid design-build contracts, in all subcontracts and in lower tier subcontracts (excluding subcontracts for design services, purchase orders, rental agreements and other agreements for supplies or services) in accordance with 23 CFR 633.102. The design-builder shall be responsible for compliance by any subcontractor, lower-tier subcontractor or service provider.

Contracting agencies may reference Form FHWA-1273 in solicitation-for-bids or request-for-proposals documents, however, the Form FHWA-1273 must be physically incorporated (not referenced) in all contracts, subcontracts and lower-tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services related to a construction contract). 23 CFR 633.102(b).

2. Subject to the applicability criteria noted in the following sections, these contract provisions shall apply to all work

II. NONDISCRIMINATION (23 CFR 230.107(a); 23 CFR Part 230, Subpart A, Appendix A; EO 11246)

The provisions of this section related to 23 CFR Part 230, Subpart A, Appendix A are applicable to all Federal-aid construction contracts and to all related construction subcontracts of \$10,000 or more. The provisions of 23 CFR Part 230 are not applicable to material supply, engineering, or architectural service contracts.

In addition, the contractor and all subcontractors must comply with the following policies: Executive Order 11246, 41 CFR Part 60, 29 CFR Parts 1625-1627, 23 U.S.C. 140, Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d et seq.), and related regulations including 49 CFR Parts 21, 26, and 27; and 23 CFR Parts 200, 230, and 633.

The contractor and all subcontractors must comply with: the requirements of the Equal Opportunity Clause in 41 CFR 60-1.4(b) and, for all construction contracts exceeding \$10,000, the Standard Federal Equal Employment Opportunity Construction Contract Specifications in 41 CFR 60-4.3.

Note: The U.S. Department of Labor has exclusive authority to determine compliance with Executive Order 11246 and the policies of the Secretary of Labor including 41 CFR Part 60, and 29 CFR Parts 1625-1627. The contracting agency and the FHWA have the authority and the responsibility to ensure compliance with 23 U.S.C. 140, Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), and Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d et seq.), and related regulations including 49 CFR Parts 21, 26, and 27; and 23 CFR Parts 200, 230, and 633.

The following provision is adopted from 23 CFR Part 230, Subpart A, Appendix A, with appropriate revisions to conform to the U.S. Department of Labor (US DOL) and FHWA requirements.

1. Equal Employment Opportunity: Equal Employment Opportunity (EEO) requirements not to discriminate and to take affirmative action to assure equal opportunity as set forth under laws, executive orders, rules, regulations (see 28 CFR Part 35, 29 CFR Part 1630, 29 CFR Parts 1625-1627, 41 CFR Part 60 and 49 CFR Part 27) and orders of the Secretary of Labor as modified by the provisions prescribed herein, and imposed pursuant to 23 U.S.C. 140, shall constitute the EEO and specific affirmative action standards for the contractor's project activities under this contract. The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) set forth under 28 CFR Part 35 and 29 CFR Part 1630 are incorporated by reference in this contract. In the execution of this contract, the contractor agrees to comply with the following minimum specific requirement activities of EEO:

a. The contractor will work with the contracting agency and the Federal Government to ensure that it has made every good faith effort to provide equal opportunity with respect to all of its terms and conditions of employment and in their review of activities under the contract. 23 CFR 230.409 (g)(4) & (5).

b. The contractor will accept as its operating policy the following statement:

"It is the policy of this Company to assure that applicants are employed, and that employees are treated during employment, without regard to their race, religion, sex, sexual orientation, gender identity, color, national origin, age or disability. Such action shall include: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship, pre-apprenticeship, and/or on-the-job training."

2. EEO Officer: The contractor will designate and make known to the contracting officers an EEO Officer who will have the responsibility for and must be capable of effectively administering and promoting an active EEO program and who must be assigned adequate authority and responsibility to do so.

3. Dissemination of Policy: All members of the contractor's staff who are authorized to hire, supervise, promote, and discharge employees, or who recommend such action or are substantially involved in such action, will be made fully cognizant of and will implement the contractor's EEO policy and contractual responsibilities to provide EEO in each grade and classification of employment. To ensure that the above agreement will be met, the following actions will be taken as a minimum:

a. Periodic meetings of supervisory and personnel office employees will be conducted before the start of work and then not less often than once every six months, at which time the contractor's EEO policy and its implementation will be reviewed and explained. The meetings will be conducted by the EEO Officer or other knowledgeable company official.

b. All new supervisory or personnel office employees will be given a thorough indoctrination by the EEO Officer, covering all major aspects of the contractor's EEO obligations within thirty days following their reporting for duty with the contractor.

c. All personnel who are engaged in direct recruitment for the project will be instructed by the EEO Officer in the contractor's procedures for locating and hiring minorities and women.

d. Notices and posters setting forth the contractor's EEO policy will be placed in areas readily accessible to employees, applicants for employment and potential employees.

e. The contractor's EEO policy and the procedures to implement such policy will be brought to the attention of employees by means of meetings, employee handbooks, or other appropriate means.

4. Recruitment: When advertising for employees, the contractor will include in all advertisements for employees the notation: "An Equal Opportunity Employer." All such advertisements will be placed in publications having a large circulation among minorities and women in the area from which the project work force would normally be derived.

a. The contractor will, unless precluded by a valid bargaining agreement, conduct systematic and direct recruitment through public and private employee referral sources likely to yield qualified minorities and women. To meet this requirement, the contractor will identify sources of potential minority group employees and establish with such identified sources procedures whereby minority and women applicants may be referred to the contractor for employment consideration.

b. In the event the contractor has a valid bargaining agreement providing for exclusive hiring hall referrals, the contractor is expected to observe the provisions of that agreement to the extent that the system meets the contractor's compliance with EEO contract provisions. Where implementation of such an agreement has the effect of discriminating against minorities or women, or obligates the contractor to do the same, such implementation violates Federal nondiscrimination provisions.

c. The contractor will encourage its present employees to refer minorities and women as applicants for employment. Information and procedures with regard to referring such applicants will be discussed with employees.

5. Personnel Actions: Wages, working conditions, and employee benefits shall be established and administered, and personnel actions of every type, including hiring, upgrading, promotion, transfer, demotion, layoff, and termination, shall be taken without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, age or disability. The following procedures shall be followed:

a. The contractor will conduct periodic inspections of project sites to ensure that working conditions and employee facilities do not indicate discriminatory treatment of project site personnel.

b. The contractor will periodically evaluate the spread of wages paid within each classification to determine any evidence of discriminatory wage practices.

c. The contractor will periodically review selected personnel actions in depth to determine whether there is evidence of discrimination. Where evidence is found, the contractor will promptly take corrective action. If the review indicates that the discrimination may extend beyond the actions reviewed, such corrective action shall include all affected persons.

d. The contractor will promptly investigate all complaints of alleged discrimination made to the contractor in connection with its obligations under this contract, will attempt to resolve such complaints, and will take appropriate corrective action

within a reasonable time. If the investigation indicates that the discrimination may affect persons other than the complainant, such corrective action shall include such other persons. Upon completion of each investigation, the contractor will inform every complainant of all of their avenues of appeal.

6. Training and Promotion:

a. The contractor will assist in locating, qualifying, and increasing the skills of minorities and women who are applicants for employment or current employees. Such efforts should be aimed at developing full journey level status employees in the type of trade or job classification involved.

b. Consistent with the contractor's work force requirements and as permissible under Federal and State regulations, the contractor shall make full use of training programs (i.e., apprenticeship and on-the-job training programs for the geographical area of contract performance). In the event a special provision for training is provided under this contract, this subparagraph will be superseded as indicated in the special provision. The contracting agency may reserve training positions for persons who receive welfare assistance in accordance with 23 U.S.C. 140(a).

c. The contractor will advise employees and applicants for employment of available training programs and entrance requirements for each.

d. The contractor will periodically review the training and promotion potential of employees who are minorities and women and will encourage eligible employees to apply for such training and promotion.

7. Unions: If the contractor relies in whole or in part upon unions as a source of employees, the contractor will use good faith efforts to obtain the cooperation of such unions to increase opportunities for minorities and women. 23 CFR 230.409. Actions by the contractor, either directly or through a contractor's association acting as agent, will include the procedures set forth below:

a. The contractor will use good faith efforts to develop, in cooperation with the unions, joint training programs aimed toward qualifying more minorities and women for membership in the unions and increasing the skills of minorities and women so that they may qualify for higher paying employment.

b. The contractor will use good faith efforts to incorporate an EEO clause into each union agreement to the end that such union will be contractually bound to refer applicants without regard to their race, color, religion, sex, sexual orientation, gender identity, national origin, age, or disability.

c. The contractor is to obtain information as to the referral practices and policies of the labor union except that to the extent such information is within the exclusive possession of the labor union and such labor union refuses to furnish such information to the contractor, the contractor shall so certify to the contracting agency and shall set forth what efforts have been made to obtain such information.

d. In the event the union is unable to provide the contractor with a reasonable flow of referrals within the time limit set forth in the collective bargaining agreement, the contractor will, through independent recruitment efforts, fill the employment vacancies without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, age, or disability; making full efforts to obtain qualified and/or qualifiable minorities and women. The failure of a union to provide

sufficient referrals (even though it is obligated to provide exclusive referrals under the terms of a collective bargaining agreement) does not relieve the contractor from the requirements of this paragraph. In the event the union referral practice prevents the contractor from meeting the obligations pursuant to Executive Order 11246, as amended, and these special provisions, such contractor shall immediately notify the contracting agency.

8. Reasonable Accommodation for Applicants / Employees with Disabilities: The contractor must be familiar with the requirements for and comply with the Americans with Disabilities Act and all rules and regulations established thereunder. Employers must provide reasonable accommodation in all employment activities unless to do so would cause an undue hardship.

9. Selection of Subcontractors, Procurement of Materials and Leasing of Equipment: The contractor shall not discriminate on the grounds of race, color, religion, sex, sexual orientation, gender identity, national origin, age, or disability in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The contractor shall take all necessary and reasonable steps to ensure nondiscrimination in the administration of this contract.

a. The contractor shall notify all potential subcontractors, suppliers, and lessors of their EEO obligations under this contract.

b. The contractor will use good faith efforts to ensure subcontractor compliance with their EEO obligations.

10. Assurances Required:

a. The requirements of 49 CFR Part 26 and the State DOT's FHWA-approved Disadvantaged Business Enterprise (DBE) program are incorporated by reference.

b. The contractor, subrecipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate, which may include, but is not limited to:

- (1) Withholding monthly progress payments;
- (2) Assessing sanctions;
- (3) Liquidated damages; and/or
- (4) Disqualifying the contractor from future bidding as non-responsible.

c. The Title VI and nondiscrimination provisions of U.S. DOT Order 1050.2A at Appendixes A and E are incorporated by reference. 49 CFR Part 21.

11. Records and Reports: The contractor shall keep such records as necessary to document compliance with the EEO requirements. Such records shall be retained for a period of three years following the date of the final payment to the contractor for all contract work and shall be available at reasonable times and places for inspection by authorized representatives of the contracting agency and the FHWA.

a. The records kept by the contractor shall document the following:

(1) The number and work hours of minority and non-minority group members and women employed in each work classification on the project;

(2) The progress and efforts being made in cooperation with unions, when applicable, to increase employment opportunities for minorities and women; and

(3) The progress and efforts being made in locating, hiring, training, qualifying, and upgrading minorities and women.

b. The contractors and subcontractors will submit an annual report to the contracting agency each July for the duration of the project indicating the number of minority, women, and non-minority group employees currently engaged in each work classification required by the contract work. This information is to be reported on [Form FHWA-1391](#). The staffing data should represent the project work force on board in all or any part of the last payroll period preceding the end of July. If on-the-job training is being required by special provision, the contractor will be required to collect and report training data. The employment data should reflect the work force on board during all or any part of the last payroll period preceding the end of July.

III. NONSEGREGATED FACILITIES

This provision is applicable to all Federal-aid construction contracts and to all related construction subcontracts of more than \$10,000. 41 CFR 60-1.5.

As prescribed by 41 CFR 60-1.8, the contractor must ensure that facilities provided for employees are provided in such a manner that segregation on the basis of race, color, religion, sex, sexual orientation, gender identity, or national origin cannot result. The contractor may neither require such segregated use by written or oral policies nor tolerate such use by employee custom. The contractor's obligation extends further to ensure that its employees are not assigned to perform their services at any location under the contractor's control where the facilities are segregated. The term "facilities" includes waiting rooms, work areas, restaurants and other eating areas, time clocks, restrooms, washrooms, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing provided for employees. The contractor shall provide separate or single-user restrooms and necessary dressing or sleeping areas to assure privacy between sexes.

IV. DAVIS-BACON AND RELATED ACT PROVISIONS

This section is applicable to all Federal-aid construction projects exceeding \$2,000 and to all related subcontracts and lower-tier subcontracts (regardless of subcontract size), in accordance with 29 CFR 5.5. The requirements apply to all projects located within the right-of-way of a roadway that is functionally classified as Federal-aid highway. 23 U.S.C. 113. This excludes roadways functionally classified as local roads or rural minor collectors, which are exempt. 23 U.S.C. 101. Where applicable law requires that projects be treated as a project on a Federal-aid highway, the provisions of this subpart will apply regardless of the location of the project. Examples include: Surface Transportation Block Grant Program projects funded under 23 U.S.C. 133 [excluding recreational trails projects], the Nationally Significant Freight and Highway

Projects funded under 23 U.S.C. 117, and National Highway Freight Program projects funded under 23 U.S.C. 167.

The following provisions are from the U.S. Department of Labor regulations in 29 CFR 5.5 "Contract provisions and related matters" with minor revisions to conform to the FHWA-1273 format and FHWA program requirements.

1. Minimum wages (29 CFR 5.5)

a. All laborers and mechanics employed or working upon the site of the work, will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR part 3)), the full amount of wages and bona fide fringe benefits (or cash equivalents thereof) due at time of payment computed at rates not less than those contained in the wage determination of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor and such laborers and mechanics.

Contributions made or costs reasonably anticipated for bona fide fringe benefits under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions of paragraph 1.d. of this section; also, regular contributions made or costs incurred for more than a weekly period (but not less often than quarterly) under plans, funds, or programs which cover the particular weekly period, are deemed to be constructively made or incurred during such weekly period. Such laborers and mechanics shall be paid the appropriate wage rate and fringe benefits on the wage determination for the classification of work actually performed, without regard to skill, except as provided in 29 CFR 5.5(a)(4). Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein: Provided, That the employer's payroll records accurately set forth the time spent in each classification in which work is performed. The wage determination (including any additional classification and wage rates conformed under paragraph 1.b. of this section) and the Davis-Bacon poster (WH-1321) shall be posted at all times by the contractor and its subcontractors at the site of the work in a prominent and accessible place where it can be easily seen by the workers.

b.(1) The contracting officer shall require that any class of laborers or mechanics, including helpers, which is not listed in the wage determination and which is to be employed under the contract shall be classified in conformance with the wage determination. The contracting officer shall approve an additional classification and wage rate and fringe benefits therefore only when the following criteria have been met:

- (i) The work to be performed by the classification requested is not performed by a classification in the wage determination; and
- (ii) The classification is utilized in the area by the construction industry; and

(iii) The proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination.

(2) If the contractor and the laborers and mechanics to be employed in the classification (if known), or their representatives, and the contracting officer agree on the classification and wage rate (including the amount designated for fringe benefits where appropriate), a report of the action taken shall be sent by the contracting officer to the Administrator of the Wage and Hour Division, U.S. Department of Labor, Washington, DC 20210. The Administrator, or an authorized representative, will approve, modify, or disapprove every additional classification action within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

(3) In the event the contractor, the laborers or mechanics to be employed in the classification or their representatives, and the contracting officer do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), the contracting officer shall refer the questions, including the views of all interested parties and the recommendation of the contracting officer, to the Administrator for determination. The Administrator, or an authorized representative, will issue a determination within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

(4) The wage rate (including fringe benefits where appropriate) determined pursuant to paragraphs 1.b.(2) or 1.b.(3) of this section, shall be paid to all workers performing work in the classification under this contract from the first day on which work is performed in the classification.

c. Whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly rate, the contractor shall either pay the benefit as stated in the wage determination or shall pay another bona fide fringe benefit or an hourly cash equivalent thereof.

d. If the contractor does not make payments to a trustee or other third person, the contractor may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing bona fide fringe benefits under a plan or program, Provided, That the Secretary of Labor has found, upon the written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.

2. Withholding (29 CFR 5.5)

The contracting agency shall upon its own action or upon written request of an authorized representative of the Department of Labor, withhold or cause to be withheld from the contractor under this contract, or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to Davis-Bacon prevailing wage requirements, which is held by the same prime contractor, so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics,

including apprentices, trainees, and helpers, employed by the contractor or any subcontractor the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic, including any apprentice, trainee, or helper, employed or working on the site of the work, all or part of the wages required by the contract, the contracting agency may, after written notice to the contractor, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

3. Payrolls and basic records (29 CFR 5.5)

a. Payrolls and basic records relating thereto shall be maintained by the contractor during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work. Such records shall contain the name, address, and social security number of each such worker, his or her correct classification, hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalents thereof of the types described in section 1(b)(2)(B) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Secretary of Labor has found under 29 CFR 5.5(a)(1)(iv) that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, the contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits. Contractors employing apprentices or trainees under approved programs shall maintain written evidence of the registration of apprenticeship programs and certification of trainee programs, the registration of the apprentices and trainees, and the ratios and wage rates prescribed in the applicable programs.

b.(1) The contractor shall submit weekly for each week in which any contract work is performed a copy of all payrolls to the contracting agency. The payrolls submitted shall set out accurately and completely all of the information required to be maintained under 29 CFR 5.5(a)(3)(i), except that full social security numbers and home addresses shall not be included on weekly transmittals. Instead the payrolls shall only need to include an individually identifying number for each employee (e.g., the last four digits of the employee's social security number). The required weekly payroll information may be submitted in any form desired. Optional Form WH-347 is available for this purpose from the Wage and Hour Division Web site. The prime contractor is responsible for the submission of copies of payrolls by all subcontractors. Contractors and subcontractors shall maintain the full social security number and current address of each covered worker, and shall provide them upon request to the contracting agency for transmission to the State DOT, the FHWA or the Wage and Hour Division of the Department of Labor for purposes of an investigation or audit of compliance with prevailing wage requirements. It is not a violation of this section for a prime contractor to require a subcontractor to provide addresses and social security numbers to the prime contractor for its own records, without weekly submission to the contracting agency.

(2) Each payroll submitted shall be accompanied by a "Statement of Compliance," signed by the contractor or

subcontractor or his or her agent who pays or supervises the payment of the persons employed under the contract and shall certify the following:

(i) That the payroll for the payroll period contains the information required to be provided under 29 CFR 5.5(a)(3)(ii), the appropriate information is being maintained under 29 CFR 5.5(a)(3)(i), and that such information is correct and complete;

(ii) That each laborer or mechanic (including each helper, apprentice, and trainee) employed on the contract during the payroll period has been paid the full weekly wages earned, without rebate, either directly or indirectly, and that no deductions have been made either directly or indirectly from the full wages earned, other than permissible deductions as set forth in 29 CFR part 3;

(iii) That each laborer or mechanic has been paid not less than the applicable wage rates and fringe benefits or cash equivalents for the classification of work performed, as specified in the applicable wage determination incorporated into the contract.

(3) The weekly submission of a properly executed certification set forth on the reverse side of Optional Form WH-347 shall satisfy the requirement for submission of the "Statement of Compliance" required by paragraph 3.b.(2) of this section.

(4) The falsification of any of the above certifications may subject the contractor or subcontractor to civil or criminal prosecution under 18 U.S.C. 1001 and 31 U.S.C. 231.

c. The contractor or subcontractor shall make the records required under paragraph 3.a. of this section available for inspection, copying, or transcription by authorized representatives of the contracting agency, the State DOT, the FHWA, or the Department of Labor, and shall permit such representatives to interview employees during working hours on the job. If the contractor or subcontractor fails to submit the required records or to make them available, the FHWA may, after written notice to the contractor, the contracting agency or the State DOT, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds. Furthermore, failure to submit the required records upon request or to make such records available may be grounds for debarment action pursuant to 29 CFR 5.12.

4. Apprentices and trainees (29 CFR 5.5)

a. Apprentices (programs of the USDOL).

Apprentices will be permitted to work at less than the predetermined rate for the work they performed when they are employed pursuant to and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Employment and Training Administration, Office of Apprenticeship Training, Employer and Labor Services, or with a State Apprenticeship Agency recognized by the Office, or if a person is employed in his or her first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Office of Apprenticeship Training, Employer and Labor Services or a State

Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice.

The allowable ratio of apprentices to journeymen on the job site in any craft classification shall not be greater than the ratio permitted to the contractor as to the entire work force under the registered program. Any worker listed on a payroll at an apprentice wage rate, who is not registered or otherwise employed as stated above, shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any apprentice performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. Where a contractor is performing construction on a project in a locality other than that in which its program is registered, the ratios and wage rates (expressed in percentages of the journeyman's hourly rate) specified in the contractor's or subcontractor's registered program shall be observed.

Every apprentice must be paid at not less than the rate specified in the registered program for the apprentice's level of progress, expressed as a percentage of the journeymen hourly rate specified in the applicable wage determination. Apprentices shall be paid fringe benefits in accordance with the provisions of the apprenticeship program. If the apprenticeship program does not specify fringe benefits, apprentices must be paid the full amount of fringe benefits listed on the wage determination for the applicable classification. If the Administrator determines that a different practice prevails for the applicable apprentice classification, fringes shall be paid in accordance with that determination.

In the event the Office of Apprenticeship Training, Employer and Labor Services, or a State Apprenticeship Agency recognized by the Office, withdraws approval of an apprenticeship program, the contractor will no longer be permitted to utilize apprentices at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

b. Trainees (programs of the USDOL).

Except as provided in 29 CFR 5.16, trainees will not be permitted to work at less than the predetermined rate for the work performed unless they are employed pursuant to and individually registered in a program which has received prior approval, evidenced by formal certification by the U.S. Department of Labor, Employment and Training Administration.

The ratio of trainees to journeymen on the job site shall not be greater than permitted under the plan approved by the Employment and Training Administration.

Every trainee must be paid at not less than the rate specified in the approved program for the trainee's level of progress, expressed as a percentage of the journeyman hourly rate specified in the applicable wage determination. Trainees shall be paid fringe benefits in accordance with the provisions of the trainee program. If the trainee program does not mention fringe benefits, trainees shall be paid the full amount of fringe benefits listed on the wage determination unless the Administrator of the Wage and Hour Division determines that there is an apprenticeship program associated with the

corresponding journeyman wage rate on the wage determination which provides for less than full fringe benefits for apprentices. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by the Employment and Training Administration shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any trainee performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed.

In the event the Employment and Training Administration withdraws approval of a training program, the contractor will no longer be permitted to utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

c. Equal employment opportunity. The utilization of apprentices, trainees and journeymen under this part shall be in conformity with the equal employment opportunity requirements of Executive Order 11246, as amended, and 29 CFR part 30.

d. Apprentices and Trainees (programs of the U.S. DOT).

Apprentices and trainees working under apprenticeship and skill training programs which have been certified by the Secretary of Transportation as promoting EEO in connection with Federal-aid highway construction programs are not subject to the requirements of paragraph 4 of this Section IV. 23 CFR 230.111(e)(2). The straight time hourly wage rates for apprentices and trainees under such programs will be established by the particular programs. The ratio of apprentices and trainees to journeymen shall not be greater than permitted by the terms of the particular program.

5. Compliance with Copeland Act requirements. The contractor shall comply with the requirements of 29 CFR part 3, which are incorporated by reference in this contract as provided in 29 CFR 5.5.

6. Subcontracts. The contractor or subcontractor shall insert Form FHWA-1273 in any subcontracts and also require the subcontractors to include Form FHWA-1273 in any lower tier subcontracts. The prime contractor shall be responsible for the compliance by any subcontractor or lower tier subcontractor with all the contract clauses in 29 CFR 5.5.

7. Contract termination: debarment. A breach of the contract clauses in 29 CFR 5.5 may be grounds for termination of the contract, and for debarment as a contractor and a subcontractor as provided in 29 CFR 5.12.

8. Compliance with Davis-Bacon and Related Act requirements. All rulings and interpretations of the Davis-Bacon and Related Acts contained in 29 CFR parts 1, 3, and 5 are herein incorporated by reference in this contract as provided in 29 CFR 5.5.

9. Disputes concerning labor standards. As provided in 29 CFR 5.5, disputes arising out of the labor standards provisions of this contract shall not be subject to the general disputes clause of this contract. Such disputes shall be resolved in accordance with the procedures of the Department of Labor

set forth in 29 CFR parts 5, 6, and 7. Disputes within the meaning of this clause include disputes between the contractor (or any of its subcontractors) and the contracting agency, the U.S. Department of Labor, or the employees or their representatives.

10. Certification of eligibility (29 CFR 5.5)

a. By entering into this contract, the contractor certifies that neither it (nor he or she) nor any person or firm who has an interest in the contractor's firm is a person or firm ineligible to be awarded Government contracts by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

b. No part of this contract shall be subcontracted to any person or firm ineligible for award of a Government contract by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

c. The penalty for making false statements is prescribed in the U.S. Criminal Code, 18 U.S.C. 1001.

V. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT

Pursuant to 29 CFR 5.5(b), the following clauses apply to any Federal-aid construction contract in an amount in excess of \$100,000 and subject to the overtime provisions of the Contract Work Hours and Safety Standards Act. These clauses shall be inserted in addition to the clauses required by 29 CFR 5.5(a) or 29 CFR 4.6. As used in this paragraph, the terms laborers and mechanics include watchmen and guards.

1. Overtime requirements. 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 such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek. 29 CFR 5.5.

2. Violation; liability for unpaid wages; liquidated damages. In the event of any violation of the clause set forth in paragraph 1 of this section, the contractor and any subcontractor responsible therefor shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph 1 of this section, in the sum currently provided in 29 CFR 5.5(b)(2)* for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph 1 of this section. 29 CFR 5.5.

* \$27 as of January 23, 2019 (See 84 FR 213-01, 218) as may be adjusted annually by the Department of Labor; pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990).

3. Withholding for unpaid wages and liquidated damages.

The FHWA or the contacting agency shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph 2 of this section. 29 CFR 5.5.

4. Subcontracts. The contractor or subcontractor shall insert in any subcontracts the clauses set forth in paragraphs 1 through 4 of this section and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs 1 through 4 of this section. 29 CFR 5.5.

VI. SUBLETTING OR ASSIGNING THE CONTRACT

This provision is applicable to all Federal-aid construction contracts on the National Highway System pursuant to 23 CFR 635.116.

1. The contractor shall perform with its own organization contract work amounting to not less than 30 percent (or a greater percentage if specified elsewhere in the contract) of the total original contract price, excluding any specialty items designated by the contracting agency. Specialty items may be performed by subcontract and the amount of any such specialty items performed may be deducted from the total original contract price before computing the amount of work required to be performed by the contractor's own organization (23 CFR 635.116).

a. The term "perform work with its own organization" in paragraph 1 of Section VI refers to workers employed or leased by the prime contractor, and equipment owned or rented by the prime contractor, with or without operators. Such term does not include employees or equipment of a subcontractor or lower tier subcontractor, agents of the prime contractor, or any other assignees. The term may include payments for the costs of hiring leased employees from an employee leasing firm meeting all relevant Federal and State regulatory requirements. Leased employees may only be included in this term if the prime contractor meets all of the following conditions: (based on longstanding interpretation)

- (1) the prime contractor maintains control over the supervision of the day-to-day activities of the leased employees;
- (2) the prime contractor remains responsible for the quality of the work of the leased employees;
- (3) the prime contractor retains all power to accept or exclude individual employees from work on the project; and
- (4) the prime contractor remains ultimately responsible for the payment of predetermined minimum wages, the submission of payrolls, statements of compliance and all other Federal regulatory requirements.

b. "Specialty Items" shall be construed to be limited to work that requires highly specialized knowledge, abilities, or

equipment not ordinarily available in the type of contracting organizations qualified and expected to bid or propose on the contract as a whole and in general are to be limited to minor components of the overall contract. 23 CFR 635.102.

2. Pursuant to 23 CFR 635.116(a), the contract amount upon which the requirements set forth in paragraph (1) of Section VI is computed includes the cost of material and manufactured products which are to be purchased or produced by the contractor under the contract provisions.

3. Pursuant to 23 CFR 635.116(c), the contractor shall furnish (a) a competent superintendent or supervisor who is employed by the firm, has full authority to direct performance of the work in accordance with the contract requirements, and is in charge of all construction operations (regardless of who performs the work) and (b) such other of its own organizational resources (supervision, management, and engineering services) as the contracting officer determines is necessary to assure the performance of the contract.

4. No portion of the contract shall be sublet, assigned or otherwise disposed of except with the written consent of the contracting officer, or authorized representative, and such consent when given shall not be construed to relieve the contractor of any responsibility for the fulfillment of the contract. Written consent will be given only after the contracting agency has assured that each subcontract is evidenced in writing and that it contains all pertinent provisions and requirements of the prime contract. (based on longstanding interpretation of 23 CFR 635.116).

5. The 30-percent self-performance requirement of paragraph (1) is not applicable to design-build contracts; however, contracting agencies may establish their own self-performance requirements. 23 CFR 635.116(d).

VII. SAFETY: ACCIDENT PREVENTION

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

1. In the performance of this contract the contractor shall comply with all applicable Federal, State, and local laws governing safety, health, and sanitation (23 CFR Part 635). The contractor shall provide all safeguards, safety devices and protective equipment and take any other needed actions as it determines, or as the contracting officer may determine, to be reasonably necessary to protect the life and health of employees on the job and the safety of the public and to protect property in connection with the performance of the work covered by the contract. 23 CFR 635.108.

2. It is a condition of this contract, and shall be made a condition of each subcontract, which the contractor enters into pursuant to this contract, that the contractor and any subcontractor shall not permit any employee, in performance of the contract, to work in surroundings or under conditions which are unsanitary, hazardous or dangerous to his/her health or safety, as determined under construction safety and health standards (29 CFR Part 1926) promulgated by the Secretary of Labor, in accordance with Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 3704). 29 CFR 1926.10.

3. Pursuant to 29 CFR 1926.3, it is a condition of this contract that the Secretary of Labor or authorized representative thereof, shall have right of entry to any site of contract performance to inspect or investigate the matter of compliance

with the construction safety and health standards and to carry out the duties of the Secretary under Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 3704).

VIII. FALSE STATEMENTS CONCERNING HIGHWAY PROJECTS

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

In order to assure high quality and durable construction in conformity with approved plans and specifications and a high degree of reliability on statements and representations made by engineers, contractors, suppliers, and workers on Federal-aid highway projects, it is essential that all persons concerned with the project perform their functions as carefully, thoroughly, and honestly as possible. Willful falsification, distortion, or misrepresentation with respect to any facts related to the project is a violation of Federal law. To prevent any misunderstanding regarding the seriousness of these and similar acts, Form FHWA-1022 shall be posted on each Federal-aid highway project (23 CFR Part 635) in one or more places where it is readily available to all persons concerned with the project:

18 U.S.C. 1020 reads as follows:

"Whoever, being an officer, agent, or employee of the United States, or of any State or Territory, or whoever, whether a person, association, firm, or corporation, knowingly makes any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the cost thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction on any highway or related project submitted for approval to the Secretary of Transportation; or

Whoever knowingly makes any false statement, false representation, false report or false claim with respect to the character, quality, quantity, or cost of any work performed or to be performed, or materials furnished or to be furnished, in connection with the construction of any highway or related project approved by the Secretary of Transportation; or

Whoever knowingly makes any false statement or false representation as to material fact in any statement, certificate, or report submitted pursuant to provisions of the Federal-aid Roads Act approved July 11, 1916, (39 Stat. 355), as amended and supplemented;

Shall be fined under this title or imprisoned not more than 5 years or both."

IX. IMPLEMENTATION OF CLEAN AIR ACT AND FEDERAL WATER POLLUTION CONTROL ACT (42 U.S.C. 7606; 2 CFR 200.88; EO 11738)

This provision is applicable to all Federal-aid construction contracts in excess of \$150,000 and to all related subcontracts. 48 CFR 2.101; 2 CFR 200.326.

By submission of this bid/proposal or the execution of this contract or subcontract, as appropriate, the bidder, proposer, Federal-aid construction contractor, subcontractor, supplier, or vendor agrees to comply with all applicable standards, orders

or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal Highway Administration and the Regional Office of the Environmental Protection Agency. 2 CFR Part 200, Appendix II.

The contractor agrees to include or cause to be included the requirements of this Section in every subcontract, and further agrees to take such action as the contracting agency may direct as a means of enforcing such requirements. 2 CFR 200.326.

X. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION

This provision is applicable to all Federal-aid construction contracts, design-build contracts, subcontracts, lower-tier subcontracts, purchase orders, lease agreements, consultant contracts or any other covered transaction requiring FHWA approval or that is estimated to cost \$25,000 or more – as defined in 2 CFR Parts 180 and 1200. 2 CFR 180.220 and 1200.220.

1. Instructions for Certification – First Tier Participants:

a. By signing and submitting this proposal, the prospective first tier participant is providing the certification set out below.

b. The inability of a person to provide the certification set out below will not necessarily result in denial of participation in this covered transaction. The prospective first tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective first tier participant to furnish a certification or an explanation shall disqualify such a person from participation in this transaction. 2 CFR 180.320.

c. The certification in this clause is a material representation of fact upon which reliance was placed when the contracting agency determined to enter into this transaction. If it is later determined that the prospective participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the contracting agency may terminate this transaction for cause of default. 2 CFR 180.325.

d. The prospective first tier participant shall provide immediate written notice to the contracting agency to whom this proposal is submitted if any time the prospective first tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances. 2 CFR 180.345 and 180.350.

e. The terms "covered transaction," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180, Subpart I, 180.900-180.1020, and 1200. "First Tier Covered Transactions" refers to any covered transaction between a recipient or subrecipient of Federal funds and a participant (such as the prime or general contract). "Lower Tier Covered Transactions" refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). "First Tier Participant" refers to the participant

who has entered into a covered transaction with a recipient or subrecipient of Federal funds (such as the prime or general contractor). "Lower Tier Participant" refers any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).

f. The prospective first tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction. 2 CFR 180.330.

g. The prospective first tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions," provided by the department or contracting agency, entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the \$25,000 threshold. 2 CFR 180.220 and 180.300.

h. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. 2 CFR 180.300; 180.320, and 180.325. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. 2 CFR 180.335. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the System for Award Management website (<https://www.sam.gov/>). 2 CFR 180.300, 180.320, and 180.325.

i. Nothing contained in the foregoing shall be construed to require the establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of the prospective participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

j. Except for transactions authorized under paragraph (f) of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default. 2 CFR 180.325.

2. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – First Tier Participants:

a. The prospective first tier participant certifies to the best of its knowledge and belief, that it and its principals:

(1) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency, 2 CFR 180.335;.

(2) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property, 2 CFR 180.800;

(3) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (a)(2) of this certification, 2 CFR 180.700 and 180.800; and

(4) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default. 2 CFR 180.335(d).

(5) Are not a corporation that has been convicted of a felony violation under any Federal law within the two-year period preceding this proposal (USDOT Order 4200.6 implementing appropriations act requirements); and

(6) Are not a corporation with any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted, or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability (USDOT Order 4200.6 implementing appropriations act requirements).

b. Where the prospective participant is unable to certify to any of the statements in this certification, such prospective participant should attach an explanation to this proposal. 2 CFR 180.335 and 180.340.

3. Instructions for Certification - Lower Tier Participants:

(Applicable to all subcontracts, purchase orders, and other lower tier transactions requiring prior FHWA approval or estimated to cost \$25,000 or more - 2 CFR Parts 180 and 1200). 2 CFR 180.220 and 1200.220.

a. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

b. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department, or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

c. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous by reason of changed circumstances. 2 CFR 180.365.

d. The terms "covered transaction," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180, Subpart I, 180.900 – 180.1020, and 1200. You may contact the person to which this proposal is

submitted for assistance in obtaining a copy of those regulations. "First Tier Covered Transactions" refers to any covered transaction between a recipient or subrecipient of Federal funds and a participant (such as the prime or general contract). "Lower Tier Covered Transactions" refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). "First Tier Participant" refers to the participant who has entered into a covered transaction with a recipient or subrecipient of Federal funds (such as the prime or general contractor). "Lower Tier Participant" refers any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).

e. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated. 2 CFR 1200.220 and 1200.332.

f. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the \$25,000 threshold. 2 CFR 180.220 and 1200.220.

g. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the System for Award Management website (<https://www.sam.gov/>), which is compiled by the General Services Administration. 2 CFR 180.300, 180.320, 180.330, and 180.335.

h. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

i. Except for transactions authorized under paragraph e of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment. 2 CFR 180.325.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Participants:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals:

(a) is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency, 2 CFR 180.355;

(b) is a corporation that has been convicted of a felony violation under any Federal law within the two-year period preceding this proposal (USDOT Order 4200.6 implementing appropriations act requirements); and

(c) is a corporation with any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted, or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability. (USDOT Order 4200.6 implementing appropriations act requirements)

2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant should attach an explanation to this proposal.

XI. CERTIFICATION REGARDING USE OF CONTRACT FUNDS FOR LOBBYING

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts which exceed \$100,000. 49 CFR Part 20, App. A.

1. The prospective participant certifies, by signing and submitting this bid or proposal, to the best of his or her knowledge and belief, that:

a. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

b. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

2. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

3. The prospective participant also agrees by submitting its bid or proposal that the participant shall require that the language of this certification be included in all lower tier

subcontracts, which exceed \$100,000 and that all such recipients shall certify and disclose accordingly.

XII. USE OF UNITED STATES-FLAG VESSELS:

This provision is applicable to all Federal-aid construction contracts, design-build contracts, subcontracts, lower-tier subcontracts, purchase orders, lease agreements, or any other covered transaction. 46 CFR Part 381.

This requirement applies to material or equipment that is acquired for a specific Federal-aid highway project. 46 CFR 381.7. It is not applicable to goods or materials that come into inventories independent of an FHWA funded-contract.

When oceanic shipments (or shipments across the Great Lakes) are necessary for materials or equipment acquired for a specific Federal-aid construction project, the bidder, proposer, contractor, subcontractor, or vendor agrees:

1. To utilize privately owned United States-flag commercial vessels to ship at least 50 percent of the gross tonnage (computed separately for dry bulk carriers, dry cargo liners, and tankers) involved, whenever shipping any equipment, material, or commodities pursuant to this contract, to the extent such vessels are available at fair and reasonable rates for United States-flag commercial vessels. 46 CFR 381.7.

2. To furnish within 20 days following the date of loading for shipments originating within the United States or within 30 working days following the date of loading for shipments originating outside the United States, a legible copy of a rated, 'on-board' commercial ocean bill-of-lading in English for each shipment of cargo described in paragraph (b)(1) of this section to both the Contracting Officer (through the prime contractor in the case of subcontractor bills-of-lading) and to the Office of Cargo and Commercial Sealift (MAR-620), Maritime Administration, Washington, DC 20590. (MARAD requires copies of the ocean carrier's (master) bills of lading, certified onboard, dated, with rates and charges. These bills of lading may contain business sensitive information and therefore may be submitted directly to MARAD by the Ocean Transportation Intermediary on behalf of the contractor). 46 CFR 381.7.

**ATTACHMENT A - EMPLOYMENT AND MATERIALS
PREFERENCE FOR APPALACHIAN DEVELOPMENT
HIGHWAY SYSTEM OR APPALACHIAN LOCAL ACCESS
ROAD CONTRACTS** (23 CFR 633, Subpart B, Appendix B)

This provision is applicable to all Federal-aid projects funded under the Appalachian Regional Development Act of 1965.

1. During the performance of this contract, the contractor undertaking to do work which is, or reasonably may be, done as on-site work, shall give preference to qualified persons who regularly reside in the labor area as designated by the DOL wherein the contract work is situated, or the subregion, or the Appalachian counties of the State wherein the contract work is situated, except:

a. To the extent that qualified persons regularly residing in the area are not available.

b. For the reasonable needs of the contractor to employ supervisory or specially experienced personnel necessary to assure an efficient execution of the contract work.

c. For the obligation of the contractor to offer employment to present or former employees as the result of a lawful collective bargaining contract, provided that the number of nonresident persons employed under this subparagraph (1c) shall not exceed 20 percent of the total number of employees employed by the contractor on the contract work, except as provided in subparagraph (4) below.

2. The contractor shall place a job order with the State Employment Service indicating (a) the classifications of the laborers, mechanics and other employees required to perform the contract work, (b) the number of employees required in each classification, (c) the date on which the participant estimates such employees will be required, and (d) any other pertinent information required by the State Employment Service to complete the job order form. The job order may be placed with the State Employment Service in writing or by telephone. If during the course of the contract work, the information submitted by the contractor in the original job order is substantially modified, the participant shall promptly notify the State Employment Service.

3. The contractor shall give full consideration to all qualified job applicants referred to him by the State Employment Service. The contractor is not required to grant employment to any job applicants who, in his opinion, are not qualified to perform the classification of work required.

4. If, within one week following the placing of a job order by the contractor with the State Employment Service, the State Employment Service is unable to refer any qualified job applicants to the contractor, or less than the number requested, the State Employment Service will forward a certificate to the contractor indicating the unavailability of applicants. Such certificate shall be made a part of the contractor's permanent project records. Upon receipt of this certificate, the contractor may employ persons who do not normally reside in the labor area to fill positions covered by the certificate, notwithstanding the provisions of subparagraph (1c) above.

5. The provisions of 23 CFR 633.207(e) allow the contracting agency to provide a contractual preference for the use of mineral resource materials native to the Appalachian region.

6. The contractor shall include the provisions of Sections 1 through 4 of this Attachment A in every subcontract for work which is, or reasonably may be, done as on-site work.

**KENTUCKY TRANSPORTATION CABINET
DEPARTMENT OF HIGHWAYS**

**EMPLOYMENT REQUIREMENTS
RELATING TO
NONDISCRIMINATION OF EMPLOYEES
(APPLICABLE TO FEDERAL-AID SYSTEM CONTRACTS)**

**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 (forty and above); 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 forty (40) and over. 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, or age forty (40) and over, or because the person is a qualified individual with a disability, except that such a notice or advertisement may indicate a preference, limitation, or specification based on religion, national origin, sex, or age forty (40) and over, or because the person is a qualified individual with a disability, when religion, national origin, sex, or age forty (40) and over, or because the person is a qualified individual with a disability, 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 forty (40) and over, 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 administering agency may direct as a means of enforcing such provisions, including sanctions for non-compliance.

Revised: January 25, 2017

Standard Title VI/Non-Discrimination Assurances

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, **Federal Highway Administration**, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the **Federal Highway Administration** to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the **Federal Highway Administration**, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the **Federal Highway Administration** may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the **Federal Highway Administration** may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

Standard Title VI/Non-Discrimination Statutes and Authorities

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 -- 12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*)

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 (7) provides:

No present or former public servant shall, within six (6) months 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, or is regulated by, the state in matters in which he was directly involved during the last thirty-six (36) months of 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, or for which he received, prior to his state employment, a professional degree or license, provided that, for a period of six (6) months, he personally refrains from working on any matter in which he was directly involved during the last thirty-six (36) months of his tenure 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, nor shall it prohibit the former officer or public servant from receiving public funds disbursed through entitlement programs.

KRS 11A.040 (9) states:

A former public servant shall not represent a person or business before a state agency in a matter in which the former public servant was directly involved during the last thirty-six (36) months of his tenure, 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, 1025 Capital Center Drive, Suite 104, Frankfort, Kentucky 40601; telephone (502) 564-7954.

Revised: May 23, 2022

"General Decision Number: KY20230039 08/18/2023

Superseded General Decision Number: KY20220039

State: Kentucky

Construction Type: Highway

Counties: Boone, Campbell, Kenton and Pendleton Counties in Kentucky.

HIGHWAY CONSTRUCTION PROJECTS (excluding tunnels, building structures in rest area projects & railroad construction; bascule, suspension & spandrel arch bridges designed for commercial navigation, bridges involving marine construction; and other major bridges).

Note: Contracts subject to the Davis-Bacon Act are generally required to pay at least the applicable minimum wage rate required under Executive Order 14026 or Executive Order 13658. Please note that these Executive Orders apply to covered contracts entered into by the federal government that are subject to the Davis-Bacon Act itself, but do not apply to contracts subject only to the Davis-Bacon Related Acts, including those set forth at 29 CFR 5.1(a)(2)-(60).

<p>If the contract is entered into on or after January 30, 2022, or the contract is renewed or extended (e.g., an option is exercised) on or after January 30, 2022:</p>	<ul style="list-style-type: none"> . Executive Order 14026 generally applies to the contract. . The contractor must pay all covered workers at least \$16.20 per hour (or the applicable wage rate listed on this wage determination, if it is higher) for all hours spent performing on the contract in 2023.
<p>If the contract was awarded on or between January 1, 2015 and January 29, 2022, and the contract is not renewed or extended on or after January 30, 2022:</p>	<ul style="list-style-type: none"> . Executive Order 13658 generally applies to the contract. . The contractor must pay all covered workers at least \$12.15 per hour (or the applicable wage rate listed on this wage determination, if it is higher) for all hours spent performing on that contract in 2023.

The applicable Executive Order minimum wage rate will be adjusted annually. If this contract is covered by one of the Executive Orders and a classification considered necessary for performance of work on the contract does not appear on this wage determination, the contractor must still submit a conformance request.

Additional information on contractor requirements and worker protections under the Executive Orders is available at <http://www.dol.gov/whd/govcontracts>.

Modification Number	Publication Date
0	01/06/2023
1	02/10/2023
2	02/24/2023
3	06/09/2023
4	08/18/2023

BRKY0002-005 06/01/2022

	Rates	Fringes
BRICKLAYER.....	\$ 31.87	16.39

BROH0001-005 06/01/2021

	Rates	Fringes
CEMENT MASON/CONCRETE FINISHER...	\$ 29.57	14.75

* CARP0698-001 05/01/2023

BOONE, CAMPBELL, KENTON & PENDLETON COUNTIES:

	Rates	Fringes
Carpenter & Piledrivermen.....	\$ 33.28	12.12
Diver.....	\$ 49.92	12.12

ELEC0212-007 06/06/2022

	Rates	Fringes
ELECTRICIAN.....	\$ 33.29	20.05

ELEC0212-013 11/28/2022

	Rates	Fringes
Sound & Communication Technician.....	\$ 26.70	13.41

ENGI0018-013 05/01/2019

	Rates	Fringes
POWER EQUIPMENT OPERATOR		
GROUP 1.....	\$ 37.39	14.95
GROUP 2.....	\$ 37.27	14.95
GROUP 3.....	\$ 36.23	14.95
GROUP 4.....	\$ 35.05	14.95
GROUP 5.....	\$ 29.59	14.95
GROUP 6.....	\$ 37.64	14.95
GROUP 7.....	\$ 37.89	14.95

OPERATING ENGINEER CLASSIFICATIONS

GROUP 1 - Air Compressor on Steel Erection; Barrier Moving Machine; Boiler Operator on Compressor or Generator when mounted on a Rig; Cableway; Combination Concrete Mixer & Tower; Concrete Plant (over 4 yd. Capacity); Concrete Pump; Crane (All Types, Including Boom Truck, Cherry Picker); Crane-Compact, Track or Rubber over 4,000 lbs. capacity; Cranes-Self Erecting, Stationary, Track or Truck (All

Configurations); Derrick; Dragline; Dredge (Dipper, Clam or Suction); Elevating Grader or Euclid Loader; Floating Equipment (All Types); Gradall; Helicopter Crew (Operator-Hoist or Winch); Hoe (all types); Hoisting Engine on Shaft or Tunnel Work; Hydraulic Gantry (Lifting System); Industrial-Type Tractor; Jet Engine Dryer (D8 or D9) Diesel Tractor; Locomotive (Standard Gauge); Maintenance Operator Class A; Mixer, Paving (Single or Double Drum); Mucking Machine; Multiple Scraper; Piledriving Machine (All Types); Power Shovel; Prentice Loader; Quad 9 (Double Pusher); Rail Tamper (with auto lifting & aligning device); Refrigerating Machine (Freezer Operation); Rotary Drill, on Caisson work; Rough Terrain Fork Lift with Winch/Hoist; Side-Boom; Slip-Form Paver; Tower Derrick; Tree Shredder; Trench Machine (Over 24" wide); Truck Mounted Concrete Pump; Tug Boat; Tunnel Machine and/or Mining Machine; & Wheel Excavator

GROUP 2 - Asphalt Paver; Automatic Subgrader Machine, Self-Propelled (CMI Type); Bobcat Type and/or Skid Steer Loader with Hoe Attachment Greater than 7,000 lbs.; Boring Machine More than 48"; Bulldozer; Endloader; Hydro Milling Machine; Horizontal Directional Drill (over 500,000 ft. lbs. thrust); Kolman-type Loader (production type-Dirt); Lead Greaseman; Lighting & Traffic Signal Installation Equipment (includes all groups or classifications); Material Transfer Equipment (Shuttle Buggy) Asphalt; Pettibone-Rail Equipment; Power Grader; Power Scraper; Push Cat; Rotomill (all), Grinders & Planers of All types; Trench Machine (24" wide & under); & Vermeer type Concrete Saw

GROUP 3 - A-Frame; Air Compressor on Tunnel Work (low pressure); Asphalt Plant Engineer; Bobcat-type and/or Skid Steer Loader with or without Attachments; Highway Drills (all types); Locomotive (narrow gauge); Material Hoist/Elevator; Mixer, Concrete (more than one bag capacity); Mixer, one bag capacity (Side Loader); Power Boiler (Over 15 lbs. Pressure) Pump Operator installing & operating Well Points; Pump (4" & over discharge); Roller, Asphalt; Rotovator (lime soil stabilizer); Switch & Tie Tampers (without lifting & aligning device); Utility Operator (Small equipment); & Welding Machines

GROUP 4 - Backfiller; Ballast Re-locator; Bars, Joint & Mesh Installing Machine; Batch Plant; Boring Machine Operator (48" or less); Bull Floats; Burlap & Curing Machine; Concrete Plant (capacity 4 yd. & under); Concrete Saw (Multiple); Conveyor (Highway); Crusher; Deckhand; Farm-type Tractor with attachments (highway) except Masonry); Finishing Machine; Fireperson, Floating Equipment (all types); Fork Lift (highway); Form Trencher; Hydro Hammer; Hydro Seeder; Pavement Breaker; Plant Mixer; Post Driver; Post Hole Digger (Power Auger); Power Brush Burner; Power Form Handling Equipment; Road Widening Trencher; Roller (Brick, Grade & Macadam); Self-Propelled Power Spreader; Self-Propelled Power Subgrader; Steam Fireperson; Tractor (Pulling Sheepfoot, Roller or Grader); & Vibratory Compactor with Integral Power

GROUP 5 - Compressor (Portable, Sewer, Heavy & Highway); Drum Fireperson (Asphalt); Generator; Masonry Fork Lift; Inboard-Outboard Motor Boat Launch; Masonry Fork Lift; Oil Heater (asphalt plant); Oiler; Power Driven Heater; Power Sweeper & Scrubber; Pump (under 4" discharge);

Signalperson; Tire Repairperson; & VAC/ALLS

GROUP 6 - Master Mechanic & Boom from 150 to 180

GROUP 7 - Boom from 180 and over

 IRON0044-008 06/01/2023

	Rates	Fringes
Ironworkers:		
Fence Erector.....	\$ 30.75	22.70
Structural.....	\$ 32.37	22.70

 IRON0044-018 06/01/2023

	Rates	Fringes
IRONWORKER, REINFORCING.....	\$ 32.87	22.70

 LAB00189-004 07/01/2022

PENDLETON COUNTY:

	Rates	Fringes
LABORER		
GROUP 1.....	\$ 23.76	17.12
GROUP 2.....	\$ 24.01	17.12
GROUP 3.....	\$ 24.06	17.12
GROUP 4.....	\$ 24.66	17.12

LABORERS CLASSIFICATIONS

GROUP 1 - Aging & Curing of Concrete; Asbestos Abatement Worker; Asphalt Plant; Asphalt; Batch Truck Dump; Carpenter Tender; Cement Mason Tender; Cleaning of Machines; Concrete; Demolition; Dredging; Environmental - Nuclear, Radiation, Toxic & Hazardous Waste - Level D; Flagperson; Grade Checker; Hand Digging & Hand Back Filling; Highway Marker Placer; Landscaping, Mesh Handler & Placer; Puddler; Railroad; Rip-rap & Grouter; Right-of-Way; Sign, Guard Rail & Fence Installer; Signal Person; Sound Barrier Installer; Storm & Sanitary Sewer; Swamper; Truck Spotter & Dumper; Wrecking of Concrete Forms; General Cleanup

GROUP 2 - Batter Board Man (Sanitary & Storm Sewer); Brickmason Tender; Mortar Mixer Operator; Scaffold Builder; Burner & Welder; Bushhammer; Chain Saw Operator; Concrete Saw Operator; Deckhand Scow Man; Dry Cement Handler; Environmental - Nuclear, Radiation, Toxic & Hazardous Waste - Level C; Forklift Operator for Masonary; Form Setter; Green Concrete Cutting; Hand Operated Grouter & Grinder Machine Operator; Jackhammer; Pavement Breaker; Paving Joint Machine; Pipelayer; Plastic Pipe Fusion; Power Driven Georgia Buggy & Wheel Barrow; Power Post Hole Digger; Precast Manhole Setter; Walk-Behind Tamper; Walk-Behind Trencher; Sand Blaster; Concrete Chipper; Surface Grinder; Vibrator Operator; Wagon Driller

GROUP 3 - Asphalt Luteman & Raker; Gunnite Nozzleman; Gunnite Operator & Mixer; Grout Pump Operator; Side Rail Setter; Rail Paved Ditches; Screw Operator; Tunnel (Free Air); Water Blaster

GROUP 4 - Caisson Worker (Free Air); Cement Finisher;
Environmental - Nuclear, Radiation, Toxic & Hazardous Waste
- Levels A & B; Miner & Driller (Free Air); Tunnel Blaster;
& Tunnel Mucker (Free Air); Directional & Horizontal
Boring; Air Track Driller (All Types); Powderman & Blaster;
Troxler & Concrete Tester if Laborer is Utilized

LAB00265-009 05/01/2022

BOONE, CAMPBELL & KENTON COUNTIES:

	Rates	Fringes
LABORER		
GROUP 1.....	\$ 34.52	12.10
GROUP 2.....	\$ 34.69	12.10
GROUP 3.....	\$ 35.02	12.10
GROUP 4.....	\$ 35.47	12.10

LABORER CLASSIFICATIONS

GROUP 1 - Asphalt Laborer; Carpenter Tender; Concrete Curing
Applicator; Dump Man (Batch Truck); Guardrail and Fence
Installer; Joint Setter; Laborer (Construction); Landscape
Laborer; Highway Lighting Worker; Signalization Worker;
Mesh Handlers & Placer; Right-of-way Laborer; Riprap
Laborer & Grouter; Scaffold Erector; Seal Coating; Surface
Treatment or Road Mix Laborer; Sign Installer; Slurry Seal;
Utility Man; Bridge Man; Handyman; Waterproofing Laborer;
Flagperson; Hazardous Waste (level D); Diver Tender; Zone
Person & Traffic Control

GROUP 2 - Skid Steer; Asphalt Raker; Concrete Puddler; Kettle
Man (Pipeline); Machine Driven Tools (Gas, Electric, Air);
Mason Tender; Brick Paver; Mortar Mixer; Power Buggy or
Power Wheelbarrow; Sheeting & Shoring Man; Surface Grinder
Man; Plastic Fusing Machine Operator; Pug Mill Operator; &
Vacuum Devices (wet or dry); Rodding Machine Operator;
Diver; Screwman or Paver; Screed Person; Water Blast, Hand
Held Wand; Pumps 4" & Under (Gas, Air or Electric) &
Hazardous Waste (level C); Air Track and Wagon Drill;
Bottom Person; Cofferdam (below 25 ft. deep); Concrete Saw
Person; Cutting with Burning Torch; Form Setter; Hand
Spiker (Railroad); Pipelayer; Tunnel Laborer (without air)
& Caisson; Underground Person (working in Sewer and
Waterline, Cleaning, Repairing & Reconditioning);
Sandblaster Nozzle Person; & Hazardous Waste (level B)

GROUP 3 - Blaster; Mucker; Powder Person; Top Lander;
Wrencher (Mechanical Joints & Utility Pipeline); Yarner;
Hazardous Waste (level A); Concrete Specialist; Concrete
Crew in Tunnels (With Air-pressurized - \$1.00 premium);
Curb Setter & Cutter; Grade Checker; Utility Pipeline
Tapper; Waterline; and Caulker

GROUP 4 - Miner; & Gunite Nozzle Person

TUNNEL LABORER WITH AIR-PRESSURIZED ADD \$1.00 TO BASE RATE

SIGNAL PERSON WILL RECEIVE THE RATE EQUAL TO THE RATE PAID
THE LABORER CLASSIFICATION FOR WHICH HE OR SHE IS
SIGNALING.

 PAIN0012-016 05/01/2015

	Rates	Fringes
PAINTER		
Bridge.....	\$ 24.39	9.06
Bridge Equipment Tender and Containment Builder.....	\$ 20.73	9.06
Brush & Roller.....	\$ 23.39	9.06
Sandblasting & Water Blasting.....	\$ 24.14	9.06
Spray.....	\$ 23.89	9.06

 PLUM0392-008 06/01/2023

	Rates	Fringes
PLUMBER.....	\$ 38.62	25.73

 * SUKY2010-161 02/05/1996

	Rates	Fringes
Truck drivers:		
GROUP 1.....	\$ 15.85 **	4.60
GROUP 2.....	\$ 16.29	4.60

TRUCK DRIVER CLASSIFICATIONS

GROUP 1 - Driver

GROUP 2 - Euclid Wagon; End Dump; Lowboy; Heavy Duty
 Equipment; Tractor-Trailer Combination; & Drag

 WELDERS - Receive rate prescribed for craft performing
 operation to which welding is incidental.

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** Workers in this classification may be entitled to a higher
 minimum wage under Executive Order 14026 (\$16.20) or 13658
 (\$12.15). Please see the Note at the top of the wage
 determination for more information.

Note: Executive Order (EO) 13706, Establishing Paid Sick Leave
 for Federal Contractors applies to all contracts subject to the
 Davis-Bacon Act for which the contract is awarded (and any
 solicitation was issued) on or after January 1, 2017. If this
 contract is covered by the EO, the contractor must provide
 employees with 1 hour of paid sick leave for every 30 hours
 they work, up to 56 hours of paid sick leave each year.
 Employees must be permitted to use paid sick leave for their
 own illness, injury or other health-related needs, including
 preventive care; to assist a family member (or person who is
 like family to the employee) who is ill, injured, or has other
 health-related needs, including preventive care; or for reasons
 resulting from, or to assist a family member (or person who is
 like family to the employee) who is a victim of, domestic
 violence, sexual assault, or stalking. Additional information
 on contractor requirements and worker protections under the EO
 is available at
<https://www.dol.gov/agencies/whd/government-contracts>.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29CFR 5.5 (a) (1) (ii)).

The body of each wage determination lists the classification and wage rates that have been found to be prevailing for the cited type(s) of construction in the area covered by the wage determination. The classifications are listed in alphabetical order of ""identifiers"" that indicate whether the particular rate is a union rate (current union negotiated rate for local), a survey rate (weighted average rate) or a union average rate (weighted union average rate).

Union Rate Identifiers

A four letter classification abbreviation identifier enclosed in dotted lines beginning with characters other than ""SU"" or ""UAVG"" denotes that the union classification and rate were prevailing for that classification in the survey. Example: PLUM0198-005 07/01/2014. PLUM is an abbreviation identifier of the union which prevailed in the survey for this classification, which in this example would be Plumbers. 0198 indicates the local union number or district council number where applicable, i.e., Plumbers Local 0198. The next number, 005 in the example, is an internal number used in processing the wage determination. 07/01/2014 is the effective date of the most current negotiated rate, which in this example is July 1, 2014.

Union prevailing wage rates are updated to reflect all rate changes in the collective bargaining agreement (CBA) governing this classification and rate.

Survey Rate Identifiers

Classifications listed under the ""SU"" identifier indicate that no one rate prevailed for this classification in the survey and the published rate is derived by computing a weighted average rate based on all the rates reported in the survey for that classification. As this weighted average rate includes all rates reported in the survey, it may include both union and non-union rates. Example: SULA2012-007 5/13/2014. SU indicates the rates are survey rates based on a weighted average calculation of rates and are not majority rates. LA indicates the State of Louisiana. 2012 is the year of survey on which these classifications and rates are based. The next number, 007 in the example, is an internal number used in producing the wage determination. 5/13/2014 indicates the survey completion date for the classifications and rates under that identifier.

Survey wage rates are not updated and remain in effect until a new survey is conducted.

Union Average Rate Identifiers

Classification(s) listed under the UAVG identifier indicate that no single majority rate prevailed for those classifications; however, 100% of the data reported for the classifications was union data. EXAMPLE: UAVG-OH-0010

08/29/2014. UAVG indicates that the rate is a weighted union average rate. OH indicates the state. The next number, 0010 in the example, is an internal number used in producing the wage determination. 08/29/2014 indicates the survey completion date for the classifications and rates under that identifier.

A UAVG rate will be updated once a year, usually in January of each year, to reflect a weighted average of the current negotiated/CBA rate of the union locals from which the rate is based.

WAGE DETERMINATION APPEALS PROCESS

1.) Has there been an initial decision in the matter? This can be:

- * an existing published wage determination
- * a survey underlying a wage determination
- * a Wage and Hour Division letter setting forth a position on a wage determination matter
- * a conformance (additional classification and rate) ruling

On survey related matters, initial contact, including requests for summaries of surveys, should be with the Wage and Hour National Office because National Office has responsibility for the Davis-Bacon survey program. If the response from this initial contact is not satisfactory, then the process described in 2.) and 3.) should be followed.

With regard to any other matter not yet ripe for the formal process described here, initial contact should be with the Branch of Construction Wage Determinations. Write to:

Branch of Construction Wage Determinations
Wage and Hour Division
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

2.) If the answer to the question in 1.) is yes, then an interested party (those affected by the action) can request review and reconsideration from the Wage and Hour Administrator (See 29 CFR Part 1.8 and 29 CFR Part 7). Write to:

Wage and Hour Administrator
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

The request should be accompanied by a full statement of the interested party's position and by any information (wage payment data, project description, area practice material, etc.) that the requestor considers relevant to the issue.

3.) If the decision of the Administrator is not favorable, an interested party may appeal directly to the Administrative Review Board (formerly the Wage Appeals Board). Write to:

Administrative Review Board
U.S. Department of Labor
200 Constitution Avenue, N.W.

Washington, DC 20210

4.) All decisions by the Administrative Review Board are final.

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END OF GENERAL DECISIO"

Fringe benefit amounts are applicable for all hours worked except when otherwise noted.

No laborer, workman or mechanic shall be paid at a rate less than that of a Journeyman except those classified as bona fide apprentices.

Apprentices or trainees shall be permitted to work as such subject to Administrative Regulations adopted by the Commissioner of Workplace Standards. Copies of these regulations will be furnished upon request from any interested person.

Before using apprentices on the job the contractor shall present to the Contracting Officer written evidence of registration of such employees in a program of a State apprenticeship and training agency approved and recognized by the U. S. Bureau of Apprenticeship and Training. In the absence of such a State agency, the contractor shall submit evidence of approval and registration by the U. S. Bureau of Apprenticeship and Training.

The contractor shall submit to the Contracting Officer, written evidence of the established apprenticeship-journeyman ratios and wage rates in the project area, which will be the basis for establishing such ratios and rates for the project under the applicable contract provisions.

TO: EMPLOYERS/EMPLOYEES

PREVAILING WAGE SCHEDULE:

The wages indicated on this wage schedule are the least permitted to be paid for the occupations indicated. When an employee works in more than one classification, the employer must record the number of hours worked in each classification at the prescribed hourly base rate.

OVERTIME:

Overtime is to be paid to an employee at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty (40) hours in such workweek. Wage violations or questions should be directed to the designated Engineer or the undersigned.

Director
Division of Construction Procurement
Frankfort, Kentucky 40622
502-564-3500

**NOTICE OF REQUIREMENT FOR AFFIRMATIVE ACTION
TO ENSURE EQUAL EMPLOYMENT OPPORTUNITY
(Executive Order 11246)**

1. The Offeror's or Bidder's attention is called to the "Equal Opportunity Clause" and the "Standard Federal Equal Employment Specifications" set forth herein.
2. The goals and timetables for minority and female participation, expressed in percentage terms for the Contractor's aggregate work force in each trade on all construction work in the covered area, are as follows:

GOALS FOR MINORITY PARTICIPATION IN EACH TRADE	GOALS FOR FEMALE PARTICIPATION IN EACH TRADE
11.0%	6.9%

These goals are applicable to all the Contractor's construction work (whether or not it is Federal or federally-assisted) performed in the covered area. If the contractor performs construction work in a geographical area located outside of the covered area, it shall apply the goals established for such geographical area where the work is actually performed. With regard to this second area, the contractor also is subject to the goals for both its federally involved and non-federally involved construction.

The Contractor's compliance with the Executive Order and the regulations in CFR Part 60-4 shall be based on its implementation of the Equal Opportunity Clause, specific affirmative action obligations required by the specifications set forth in 41 CFR 60-4, 3(a), and its efforts to meet the goals. The hours of minority and female employment and training must be substantially uniform throughout the length of the contract, and in each trade, and the contractor shall make a good faith effort to employ minorities and women evenly on each of its projects. The transfer of minority or female employees or trainees from Contractor to Contractor or from project to project for the sole purpose of meeting the Contractor's goals shall be a violation of the contract, the Executive Order and the regulations in 41 CFR Part 60-4. Compliance with the goals will be measured against the total work hours performed.

3. The Notification of Construction Contract Award Portal (NCAP) is OFCCP's preferred method for receiving construction contract award notifications. The NCAP can be found on OFCCP's website at <https://www.dol.gov/agencies/ofccp/ncap>. Users who prefer not to use the portal maintain the option to send their notifications via mail, email and facsimile to the OFCCP Regional office in which the work will be performed. The Contractor shall provide written notification to the Director of the Office of Federal Contract Compliance Programs within ten (10) working days of award of any construction subcontract in excess of \$10,000.00 at any tier for construction work under the contract resulting from this solicitation. The notification must include: Prime Contract Number (issued by the federal agency or applicant); Name of Awarding Federal Agency, Applicant or Contractor; Contracting Officer, Applicant Representative or Contractor Representative Submitting Notification with name, phone number, email address; Contractor Awarded Contract or Subcontract with name, address, phone number, email address, EIN, dollar amount of the contract, estimated start date of the contract, estimated completion date of the contract, geographical area in which the contract is to be performed (state, county's city (if applicable)).

The notification shall be mailed to:

**Regional Director
Office of Federal Contract Compliance Programs
61 Forsyth Street, SW, Suite 7B75
Atlanta, Georgia 30303-8931
Main Number: 404-893-4545 Fax: 404-893-4546
Regional Director Contact: OFCCP-SE@dol.gov
Construction Award Email: OFCCP-SE-ConstructionAward@dol.gov**

4. As used in this Notice, and in the contract resulting from this solicitation, the "covered area" is Campbell County.

PART IV
INSURANCE

Refer to
Kentucky Standard Specifications for Road and Bridge Construction,
current edition

PART V
BID ITEMS

PROPOSAL BID ITEMS

232980

Page 1 of 1

Report Date 8/30/23

Section: 0001 - PAVING

LINE	BID CODE	ALT	DESCRIPTION	QUANTITY	UNIT	UNIT PRIC	FP	AMOUNT
0010	00001		DGA BASE	13.00	TON		\$	
0020	03304		BRIDGE OVERLAY APPROACH PAVEMENT	321.00	SQYD		\$	

Section: 0002 - ROADWAY

LINE	BID CODE	ALT	DESCRIPTION	QUANTITY	UNIT	UNIT PRIC	FP	AMOUNT
0030	01204		PIPE CULVERT HEADWALL-18 IN	1.00	EACH		\$	
0040	01987		DELINEATOR FOR GUARDRAIL BI DIRECTIONAL WHITE	6.00	EACH		\$	
0050	02351		GUARDRAIL-STEEL W BEAM-S FACE	175.00	LF		\$	
0060	02360		GUARDRAIL TERMINAL SECTION NO 1	2.00	EACH		\$	
0070	02367		GUARDRAIL END TREATMENT TYPE 1	2.00	EACH		\$	
0080	02484		CHANNEL LINING CLASS III	72.00	TON		\$	
0090	02562		TEMPORARY SIGNS	180.00	SQFT		\$	
0100	02585		EDGE KEY	46.00	LF		\$	
0110	02650		MAINTAIN & CONTROL TRAFFIC	1.00	LS		\$	
0120	02726		STAKING	1.00	LS		\$	
0130	02731		REMOVE STRUCTURE	1.00	LS		\$	
0140	21415ND		EROSION CONTROL	1.00	LS		\$	

Section: 0003 - BRIDGE (019B00088N)

LINE	BID CODE	ALT	DESCRIPTION	QUANTITY	UNIT	UNIT PRIC	FP	AMOUNT
0150	03250		WATERPROOFING MEMBRANE	83.00	SQYD		\$	
0160	08003		FOUNDATION PREPARATION	1.00	LS		\$	
0170	08100		CONCRETE-CLASS A	151.80	CUYD		\$	
0180	08150		STEEL REINFORCEMENT	12,811.00	LB		\$	
0190	08151		STEEL REINFORCEMENT-EPOXY COATED	8,806.00	LB		\$	
0200	24375EC		STRUCTURE EXCAVATION-SPECIAL SOLID ROCK	120.00	CUYD		\$	

Section: 0004 - DEMOBILIZATION AND/OR MOBILIZATION

LINE	BID CODE	ALT	DESCRIPTION	QUANTITY	UNIT	UNIT PRIC	FP	AMOUNT
0210	02569		DEMOBILIZATION	1.00	LS		\$	