



CALL NO. 423

CONTRACT ID. 173205

LETCHER COUNTY

FED/STATE PROJECT NUMBER 067GR17R008-CB06

DESCRIPTION VARIOUS ROUTES IN LETCHER COUNTY

WORK TYPE ASPHALT PAVEMENT PATCHING

PRIMARY COMPLETION DATE 11/30/2017

LETTING DATE: April 28,2017

Sealed Bids will be received electronically through the Bid Express bidding service until 10:00 AM EASTERN DAYLIGHT TIME April 28,2017. Bids will be publicly announced at 10:00 AM EASTERN DAYLIGHT TIME.

NO PLANS ASSOCIATED WITH THIS PROJECT.

DEFERRED PAYMENT

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

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PART I

SCOPE OF WORK

ADMINISTRATIVE DISTRICT - 12

CONTRACT ID - 173205
067GR17R008-CB06
COUNTY - LETCHER
PCN - 1206703431707
CB06 067 0343 003-005

HIGHWAY 343 (KY 343) (MP 3.125) FROM KY 3409 EXTENDING NORTH TO END OF STATE MAINTENANCE (MP 4.225), A DISTANCE OF 01.10 MILES.ASPHALT PAVEMENT PATCHING
GEOGRAPHIC COORDINATES LATITUDE 37:13:05.00 LONGITUDE 82:39:51.00

PCN - 1206705101711
CB06 067 0510 000-008

HIGHWAY 510 (KY 510) (MP 0.000) FROM HARLAN COUNTY LINE EXTENDING EAST TO KY 463 (MP 7.855), A DISTANCE OF 07.86 MILES.ASPHALT PAVEMENT PATCHING
GEOGRAPHIC COORDINATES LATITUDE 36:58:46.00 LONGITUDE 83:05:27.00

PCN - 1206711031713
CB06 067 1103 000-015

HIGHWAY 1103 (KY 1103) (MP 0.000) FROM KY 160 EXTENDING NORTH TO KY 7 (MP 14.241), A DISTANCE OF 014.24 MILES.ASPHALT PAVEMENT PATCHING
GEOGRAPHIC COORDINATES LATITUDE 37:05:19.00 LONGITUDE 82:59:47.00

PCN - 1206711481710
CB06 067 1148 000-005

HIGHWAY 1148 (KY 1148) (MP 0.000) FROM KY 15 EXTENDING EAST TO KY 931 (MP 4.094), A DISTANCE OF 04.09 MILES.ASPHALT PAVEMENT PATCHING
GEOGRAPHIC COORDINATES LATITUDE 37:11:00.00 LONGITUDE 82:51:19.00

PCN - 1206714101709
CB06 067 1410 000-002

HIGHWAY 1410 (KY 1410) (MP 0.000) FROM KNOTT COUNTY LINE EXTENDING EAST TO KY 7 (MP 1.557), A DISTANCE OF 01.56 MILES.ASPHALT PAVEMENT PATCHING
GEOGRAPHIC COORDINATES LATITUDE 37:13:51.00 LONGITUDE 82:51:57.00

PCN - 1206718111712
CB06 067 1811 000-003

HIGHWAY 1811 (KY 1811) (MP 0.000) FROM KY 15 EXTENDING NORTH TO KY 1148 (MP 2.799), A DISTANCE OF 02.80 MILES.ASPHALT PAVEMENT PATCHING
GEOGRAPHIC COORDINATES LATITUDE 37:10:08.00 LONGITUDE 82:51:35.00

PCN - 1206734021708
CB06 067 3402 000-003

LITTLE DRY FORK ROAD (KY 3402) (MP 0.000) FROM KY 15 EXTENDING NORTH TO LITTLE DRY FORK / NETWORK ROAD (MP 2.057), A DISTANCE OF 02.06 MILES.ASPHALT PAVEMENT PATCHING
GEOGRAPHIC COORDINATES LATITUDE 37:08:53.00 LONGITUDE 82:50:36.00

COMPLETION DATE(S):
COMPLETED BY 11/30/2017 APPLIES TO ENTIRE CONTRACT

CONTRACT NOTES

PROPOSAL ADDENDA

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

BID SUBMITTAL

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

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.

SPECIAL NOTE FOR COMPOSITE OFFSET BLOCKS

Contrary to the Standard Drawings (2016 edition) the Cabinet will allow 6" composite offset blocks in lieu of wooden offset blocks, except as specified on proprietary end treatments and crash cushions. The composite blocks shall be selected from the Cabinet's List of Approved Materials.

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.

06/01/16

SPECIAL NOTE FOR RECIPROCAL PREFERENCE

Reciprocal preference to be given by public agencies to resident bidders

By reference, KRS 45A.490 to 45A.494 are incorporated herein and in compliance regarding the bidders residency. Bidders who want to claim resident bidder status should complete the Affidavit for Claiming Resident Bidder Status along with their bid in the Expedite Bidding Program. Submittal of the Affidavit should be done along with the bid in Bid Express.

DEFERRED PAYMENT: The successful bidder on this project may request a work order with an effective date prior to June 15, 2017. The successful bidder must make the request in writing to the Department. The Department will issue a work order at the request of the contractor with the distinct understanding that payment for any Work Performed Estimates may be delayed until July 15, 2017. Unless the successful bidder requests an earlier work order date, the Department will issue a work order on June 15, 2017 for this project.

ASPHALT MIXTURE

Unless otherwise noted, the Department estimates the rate of application for all asphalt mixtures to be 110 lbs/sy per inch of depth.

INCIDENTAL SURFACING

The Department has included in the quantities of asphalt mixtures established in the proposal estimated quantities required for resurfacing or surfacing mailbox turnouts, farm field entrances, residential and commercial entrances, curve widening, ramp gores and tapers, and road and street approaches, as applicable. Pave these areas to the limits as shown on Standard Drawing RPM-110-06 or as directed by the Engineer. In the event signal detectors are present in the intersecting streets or roads, pave the crossroads to the right of way limit or back of the signal detector, whichever is the farthest back of the mainline. Surface or resurface these areas as directed by the Engineer. The Department will not measure placing and compacting for separate payment but shall be incidental to the Contract unit price for the asphalt mixtures.

FUEL AND ASPHALT PAY ADJUSTMENT

The Department has included the Contract items Asphalt Adjustment and Fuel Adjustment for possible future payments at an established Contract unit price of \$1.00. The Department will calculate actual adjustment quantities after work is completed. If existing Contract amount is insufficient to pay all items on the contract with the adjustments, the Department will establish additional monies with a change order.

OPTION B

Be advised that the Department will control and accept compaction of asphalt mixtures furnished on this project under OPTION B in accordance with Sections 402 and 403.

COORDINATION OF WORK WITH OTHER CONTRACTS

KY 1103 & KY 510

Be advised, there may be an active project(s) adjacent to or within this project. The Engineer will coordinate the work of the Contractors. See Section 105.06.

1-3193 Coordination Contracts
01/02/2012

SPECIAL NOTE FOR DITCHING BY STATE FORCES

The Department will perform ditching, including regrading and reshaping ditches to provide positive drainage.

Notify the Engineer in writing a minimum of two (2) weeks prior to beginning any work on the project. The Engineer will coordinate the Department's operations with the Contractor's work.

1-3210 Ditching by Department
01/02/2012

SPECIAL NOTE FOR SHOULDERING BY THE DEPARTMENT

The Department will complete the shoulders, including regrading, reshaping, adding, and compacting of suitable materials on the existing shoulders to provide proper template or foundation.

Notify the Engineer in writing a minimum of two (2) weeks prior to beginning any work on the project. The Engineer will coordinate the Department's operations with the Contractor's work.

1-3255 Shouldering by Dept
01/02/2012

SPECIAL NOTE FOR TYPICAL SECTION DIMENSIONS

Consider the dimensions shown on the typical sections for pavement and shoulder widths and thickness' to be nominal or typical dimensions. The Engineer may direct or approve varying the actual dimensions to be constructed to fit existing conditions. Do not widen existing pavement or shoulders unless specified elsewhere in this proposal or directed by the engineer.

1-3725 Typical Section Dimensions
01/02/2012

TRAFFIC CONTROL PLAN

TRAFFIC CONTROL GENERAL

Except as provided herein, traffic shall be maintained in accordance with the current editions of the Standard Specifications and Standard Drawings. Except for the roadway and traffic control bid items listed, all items of work necessary to maintain and control traffic will be paid at the lump sum bid price to "Maintain and Control Traffic".

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

PROJECT PHASING & CONSTRUCTION PROCEDURES

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

The Contractor may maintain alternating one way traffic during construction if the surface width is 16 feet or greater. The clear lane width shall be a minimum of 8 feet. If traffic should be stopped due to construction operations, and a school bus on an official run arrives on the scene, the Contractor shall make provisions for the passage of the bus as quickly as possible.

LANE CLOSURES

Lane closures shall not be left in place during non-working hours.

PAVEMENT EDGE DROP-OFFS

A pavement edge between opposing directions of traffic or lanes that traffic is expected to cross in a lane change situation shall not have an elevation difference greater than 1½". Warning signs (MUTCD W8-11 or W8-9A) shall be placed in advance of and at 1500 feet intervals throughout the drop-off area. Dual posting on both sides of the traveled way shall be required. All transverse transitions between resurfaced and unresurfaced areas which traffic may cross shall be wedged with asphalt mixture for leveling and wedging. The wedges shall be removed prior to placement of the final surface course.

Pavement edges that traffic is not expected to cross, except accidentally, shall be treated as follows:

- Less than 2" - No protection required.
- 2" to 4" - Place plastic drums, vertical panels, or barricades every 50 feet. Cones may be used in place of plastic drums, panels, and barricades during daylight working hours. Wedge with asphalt mixture for leveling and wedging with a 1:1 or flatter slope in daylight hours, or 3:1 or flatter slope during nighttime hours, when work is not active in the drop-off area.

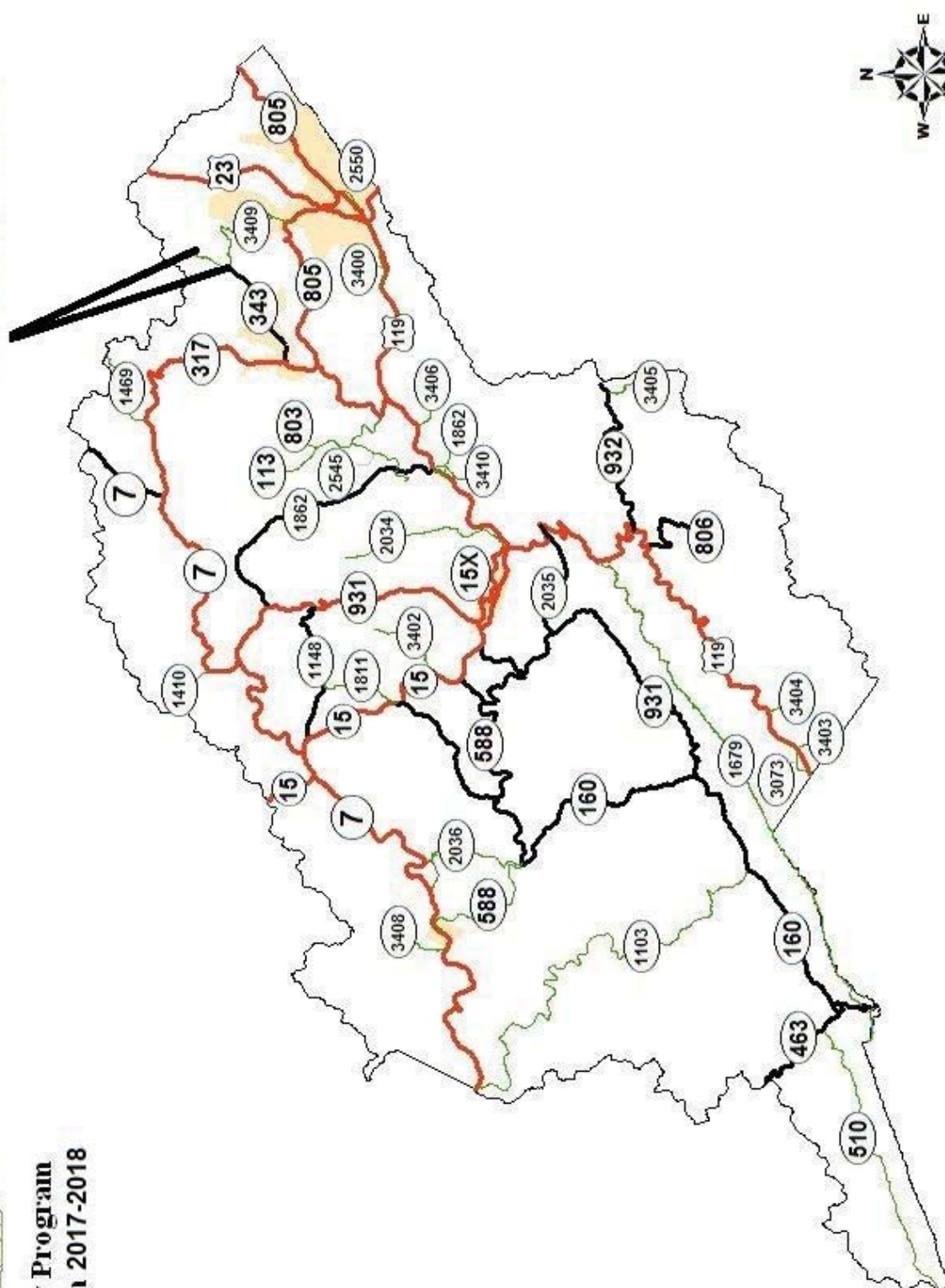


DEPARTMENT OF HIGHWAYS
MAP OF
LETCHER COUNTY

CB06 067 0343 003-005



**Rural Secondary Program
Recommendation 2017-2018**



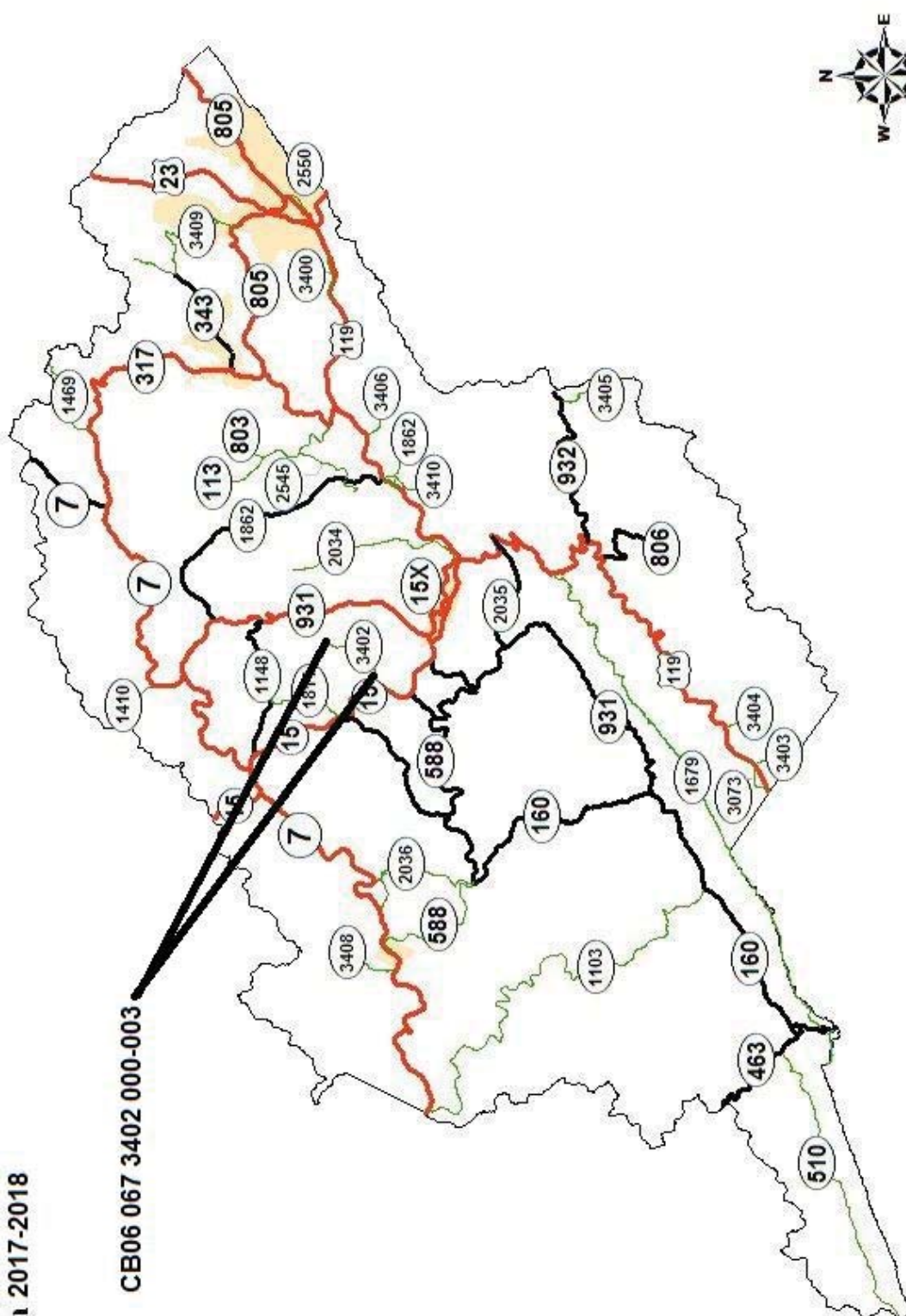


DEPARTMENT OF HIGHWAYS
MAP OF
LETCHER COUNTY



**Rural Secondary Program
Recommendation 2017-2018**

CB06 067 3402 000-003

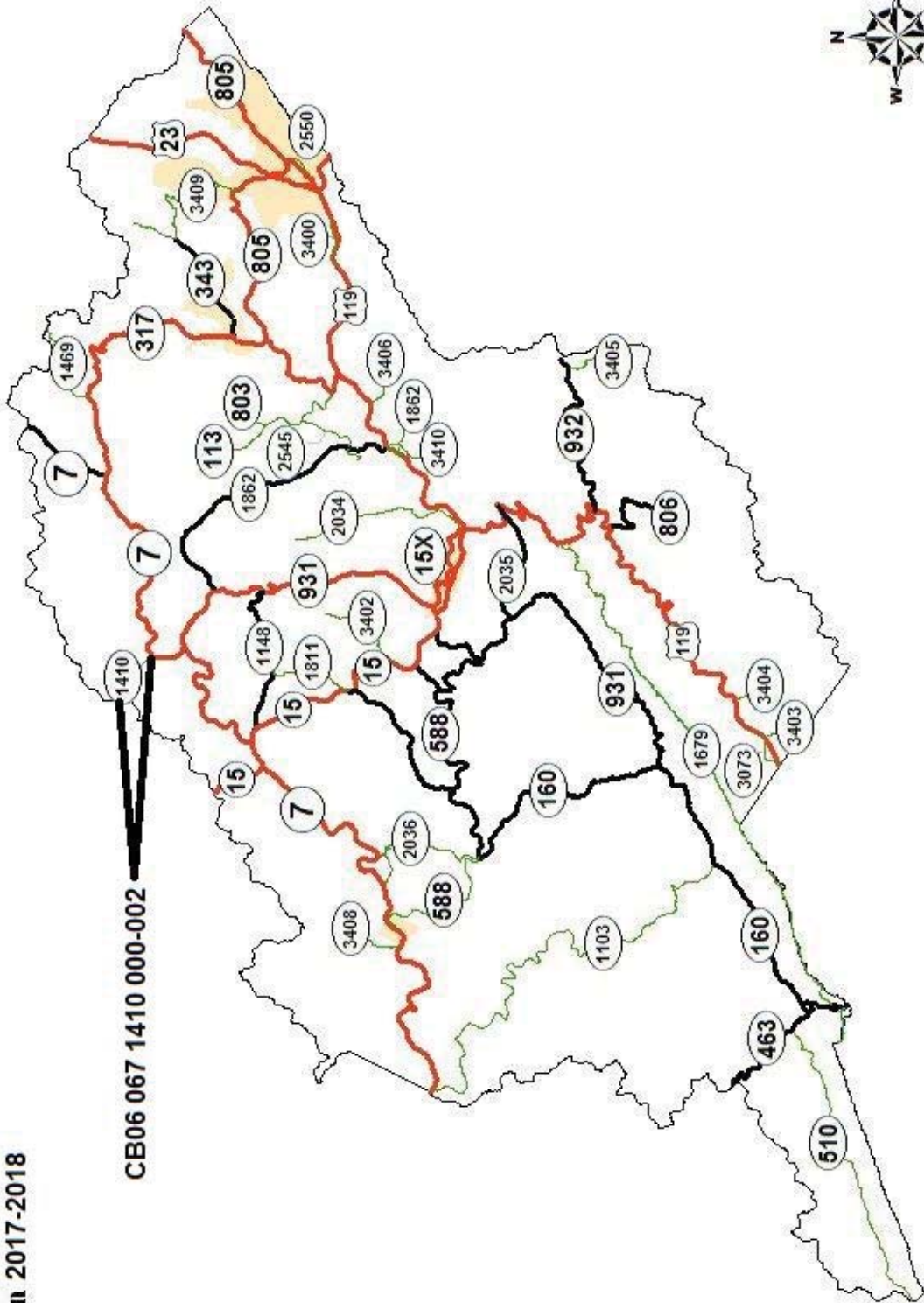


DEPARTMENT OF HIGHWAYS
MAP OF
LEITCHER COUNTY



Rural Secondary Program
Recommendation 2017-2018

CB06 067 1410 000-002

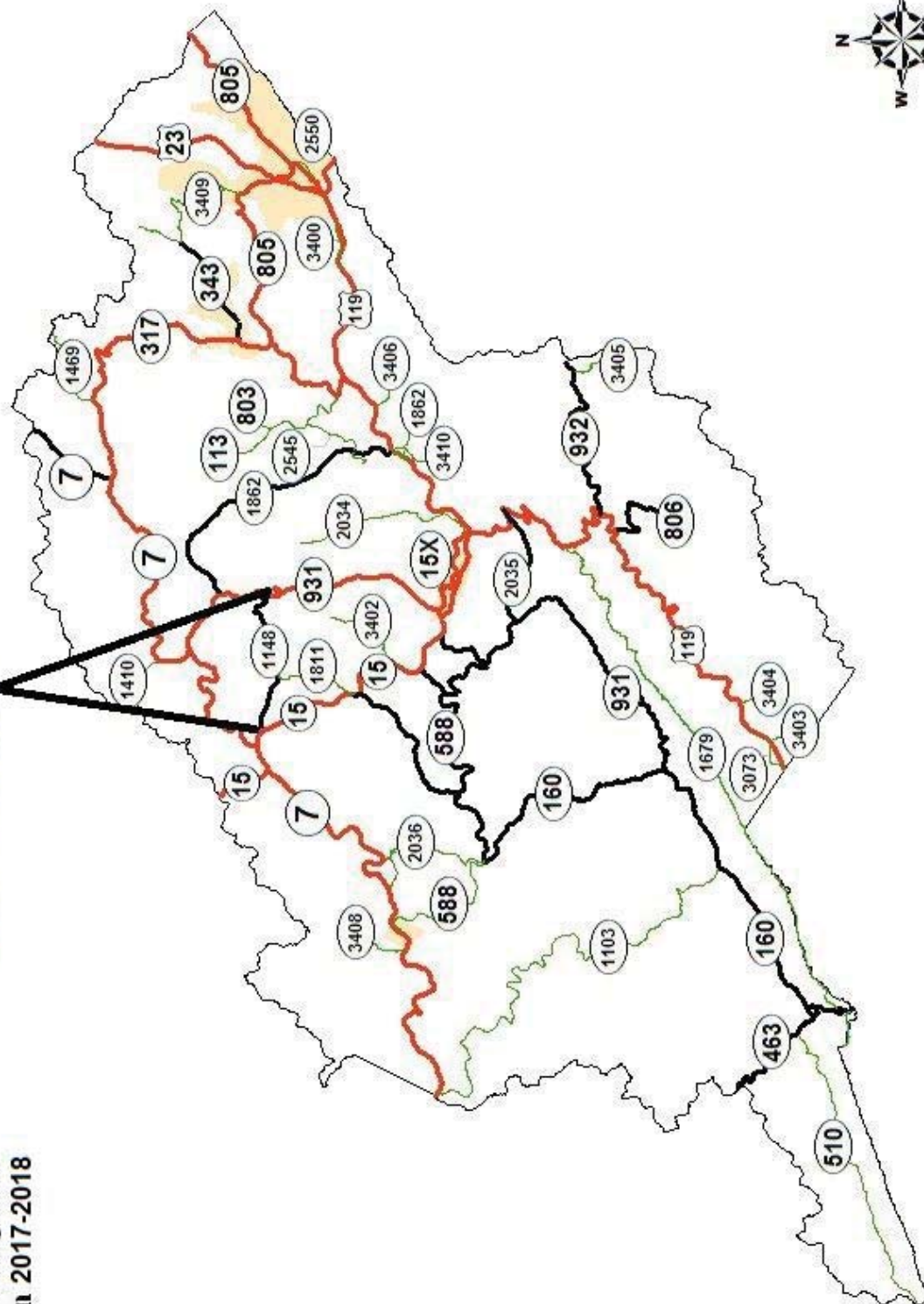


DEPARTMENT OF HIGHWAYS
MAP OF
LETCHER COUNTY



**Rural Secondary Program
Recommendation 2017-2018**

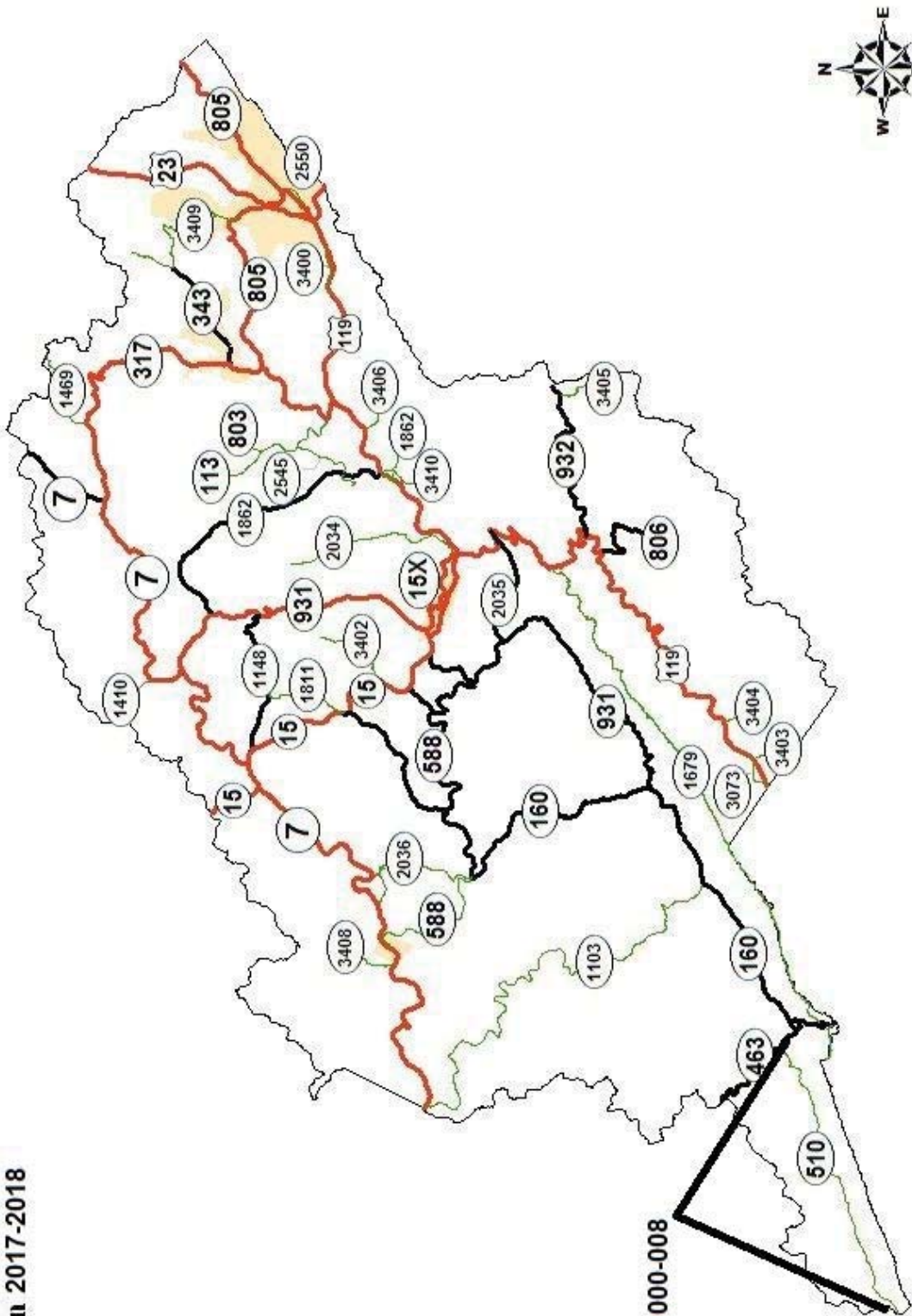
CB06 067 1148 000-005



DEPARTMENT OF HIGHWAYS
MAP OF
LETCHER COUNTY



**Rural Secondary Program
Recommendation 2017-2018**



CB06 067 0510 000-008

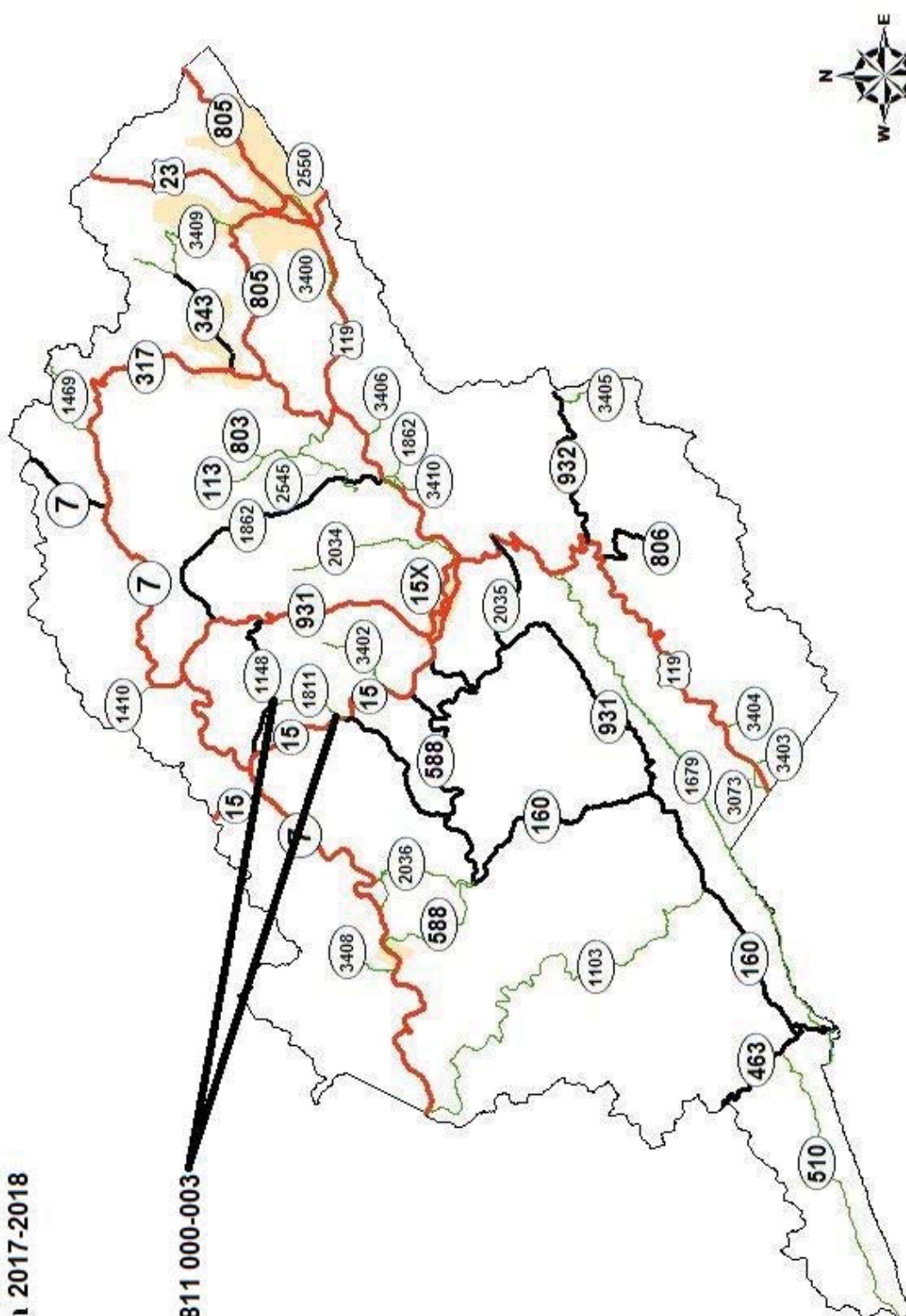


DEPARTMENT OF HIGHWAYS
MAP OF
LETCHER COUNTY



**Rural Secondary Program
Recommendation 2017-2018**

CB06 067 1811 000-003

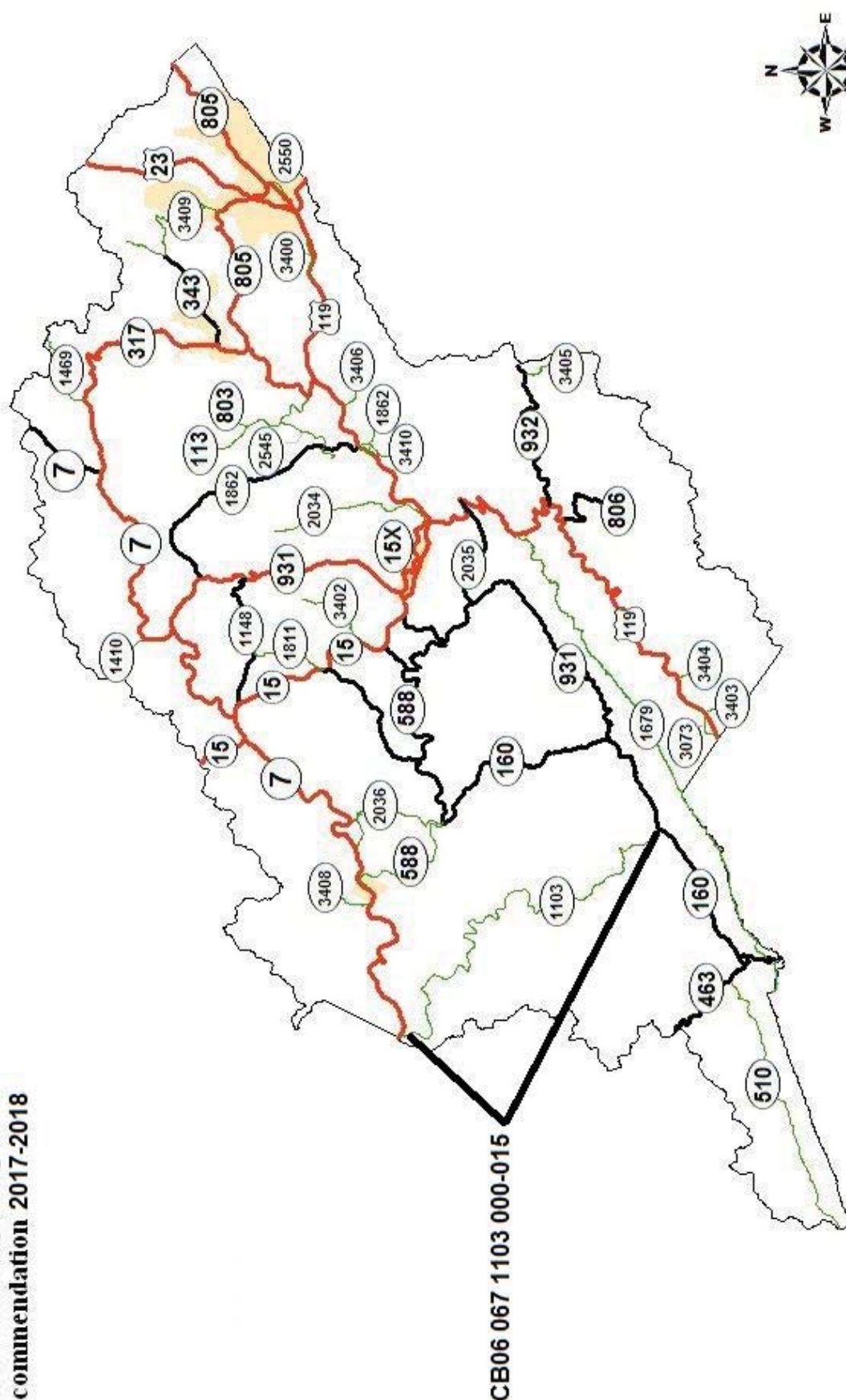




DEPARTMENT OF HIGHWAYS
MAP OF
LETCHER COUNTY



**Rural Secondary Program
Recommendation 2017-2018**



CB06 067 1103 000-015

MATERIAL SUMMARY

CONTRACT ID: 173205

067GR17R008-CB06

1206703431707

HIGHWAY 343 (KY 343) FROM KY 3409 EXTENDING NORTH TO END OF STATE MAINTENANCE ASPHALT PAVEMENT PATCHING, A DISTANCE OF 1.1 MILES.

Project Line No	Bid Code	DESCRIPTION	Quantity	Unit
0005	00301	CL2 ASPH SURF 0.38D PG64-22	550.00	TON
0010	02562	TEMPORARY SIGNS	150.00	SQFT
0015	02650	MAINTAIN & CONTROL TRAFFIC - KY 343	1.00	LS
0020	06514	PAVE STRIPING-PERM PAINT-4 IN	11,900.00	LF
0025	10020NS	FUEL ADJUSTMENT	856.00	DOLL
0030	10030NS	ASPHALT ADJUSTMENT	2,150.00	DOLL
0035	02569	DEMOBILIZATION	1.00	LS

CONTRACT ID: 173205

067GR17R008-CB06

1206705101711

HIGHWAY 510 (KY 510) FROM HARLAN COUNTY LINE EXTENDING EAST TO KY 463 ASPHALT PAVEMENT PATCHING, A DISTANCE OF 7.86 MILES.

Project Line No	Bid Code	DESCRIPTION	Quantity	Unit
0145	00301	CL2 ASPH SURF 0.38D PG64-22	1,150.00	TON
0150	02562	TEMPORARY SIGNS	150.00	SQFT
0155	02650	MAINTAIN & CONTROL TRAFFIC - KY 510	1.00	LS
0160	06514	PAVE STRIPING-PERM PAINT-4 IN	19,300.00	LF
0165	10020NS	FUEL ADJUSTMENT	1,790.00	DOLL
0170	10030NS	ASPHALT ADJUSTMENT	4,496.00	DOLL
0175	02569	DEMOBILIZATION	1.00	LS

CONTRACT ID: 173205

067GR17R008-CB06

1206711031713

HIGHWAY 1103 (KY 1103) FROM KY 160 EXTENDING NORTH TO KY 7 ASPHALT PAVEMENT PATCHING, A DISTANCE OF 14.24 MILES.

Project Line No	Bid Code	DESCRIPTION	Quantity	Unit
0215	00301	CL2 ASPH SURF 0.38D PG64-22	775.00	TON
0220	02562	TEMPORARY SIGNS	150.00	SQFT
0225	02650	MAINTAIN & CONTROL TRAFFIC - KY 1103	1.00	LS
0230	06514	PAVE STRIPING-PERM PAINT-4 IN	13,000.00	LF
0235	10020NS	FUEL ADJUSTMENT	1,206.00	DOLL
0240	10030NS	ASPHALT ADJUSTMENT	3,030.00	DOLL
0245	02569	DEMOBILIZATION	1.00	LS

MATERIAL SUMMARY

CONTRACT ID: 173205

067GR17R008-CB06

1206711481710

HIGHWAY 1148 (KY 1148) FROM KY 15 EXTENDING EAST TO KY 931 ASPHALT PAVEMENT PATCHING, A DISTANCE OF 4.09 MILES.

Project Line No	Bid Code	DESCRIPTION	Quantity	Unit
0110	00301	CL2 ASPH SURF 0.38D PG64-22	925.00	TON
0115	02562	TEMPORARY SIGNS	150.00	SQFT
0120	02650	MAINTAIN & CONTROL TRAFFIC - KY 1148	1.00	LS
0125	06514	PAVE STRIPING-PERM PAINT-4 IN	15,500.00	LF
0130	10020NS	FUEL ADJUSTMENT	1,440.00	DOLL
0135	10030NS	ASPHALT ADJUSTMENT	3,616.00	DOLL
0140	02569	DEMOBILIZATION	1.00	LS

CONTRACT ID: 173205

067GR17R008-CB06

1206714101709

HIGHWAY 1410 (KY 1410) FROM KNOTT COUNTY LINE EXTENDING EAST TO KY 7 ASPHALT PAVEMENT PATCHING, A DISTANCE OF 1.56 MILES.

Project Line No	Bid Code	DESCRIPTION	Quantity	Unit
0075	00301	CL2 ASPH SURF 0.38D PG64-22	450.00	TON
0080	02562	TEMPORARY SIGNS	150.00	SQFT
0085	02650	MAINTAIN & CONTROL TRAFFIC - KY 1410	1.00	LS
0090	06514	PAVE STRIPING-PERM PAINT-4 IN	7,700.00	LF
0095	10020NS	FUEL ADJUSTMENT	700.00	DOLL
0100	10030NS	ASPHALT ADJUSTMENT	1,759.00	DOLL
0105	02569	DEMOBILIZATION	1.00	LS

CONTRACT ID: 173205

067GR17R008-CB06

1206718111712

HIGHWAY 1811 (KY 1811) FROM KY 15 EXTENDING NORTH TO KY 1148 ASPHALT PAVEMENT PATCHING, A DISTANCE OF 2.8 MILES.

Project Line No	Bid Code	DESCRIPTION	Quantity	Unit
0180	00301	CL2 ASPH SURF 0.38D PG64-22	450.00	TON
0185	02562	TEMPORARY SIGNS	150.00	SQFT
0190	02650	MAINTAIN & CONTROL TRAFFIC - KY 1811	1.00	LS
0195	06514	PAVE STRIPING-PERM PAINT-4 IN	8,300.00	LF
0200	10020NS	FUEL ADJUSTMENT	700.00	DOLL
0205	10030NS	ASPHALT ADJUSTMENT	1,759.00	DOLL
0210	02569	DEMOBILIZATION	1.00	LS

MATERIAL SUMMARY

CONTRACT ID: 173205

067GR17R008-CB06

1206734021708

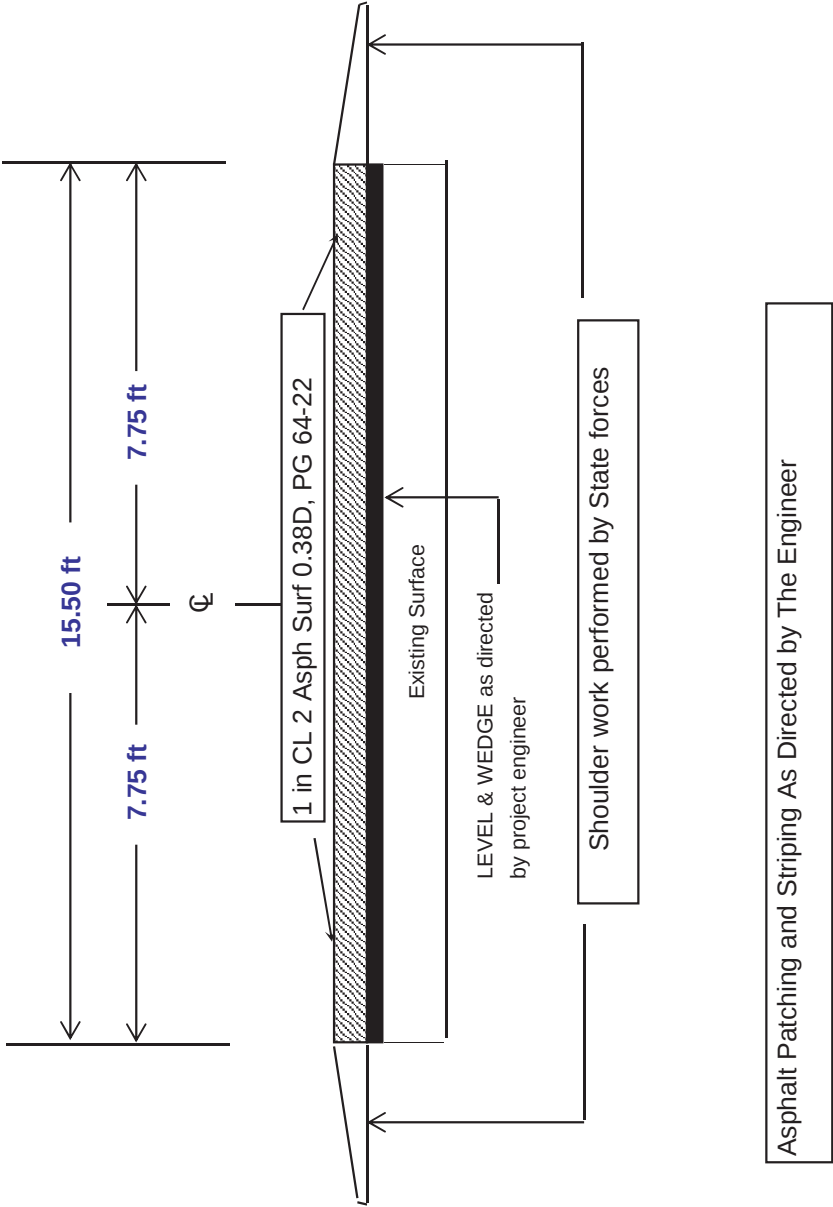
LITTLE DRY FORK ROAD (KY 3402) FROM KY 15 EXTENDING NORTH TO LITTLE DRY FORK / NETWORK
ROAD ASPHALT PAVEMENT PATCHING, A DISTANCE OF 2.06 MILES.

Project Line No	Bid Code	DESCRIPTION	Quantity	Unit
0040	00301	CL2 ASPH SURF 0.38D PG64-22	725.00	TON
0045	02562	TEMPORARY SIGNS	150.00	SQFT
0050	02650	MAINTAIN & CONTROL TRAFFIC - KY 3402	1.00	LS
0055	06514	PAVE STRIPING-PERM PAINT-4 IN	17,300.00	LF
0060	10020NS	FUEL ADJUSTMENT	1,128.00	DOLL
0065	10030NS	ASPHALT ADJUSTMENT	2,834.00	DOLL
0070	02569	DEMOBILIZATION	1.00	LS

TYPICAL SECTION

Letcher County

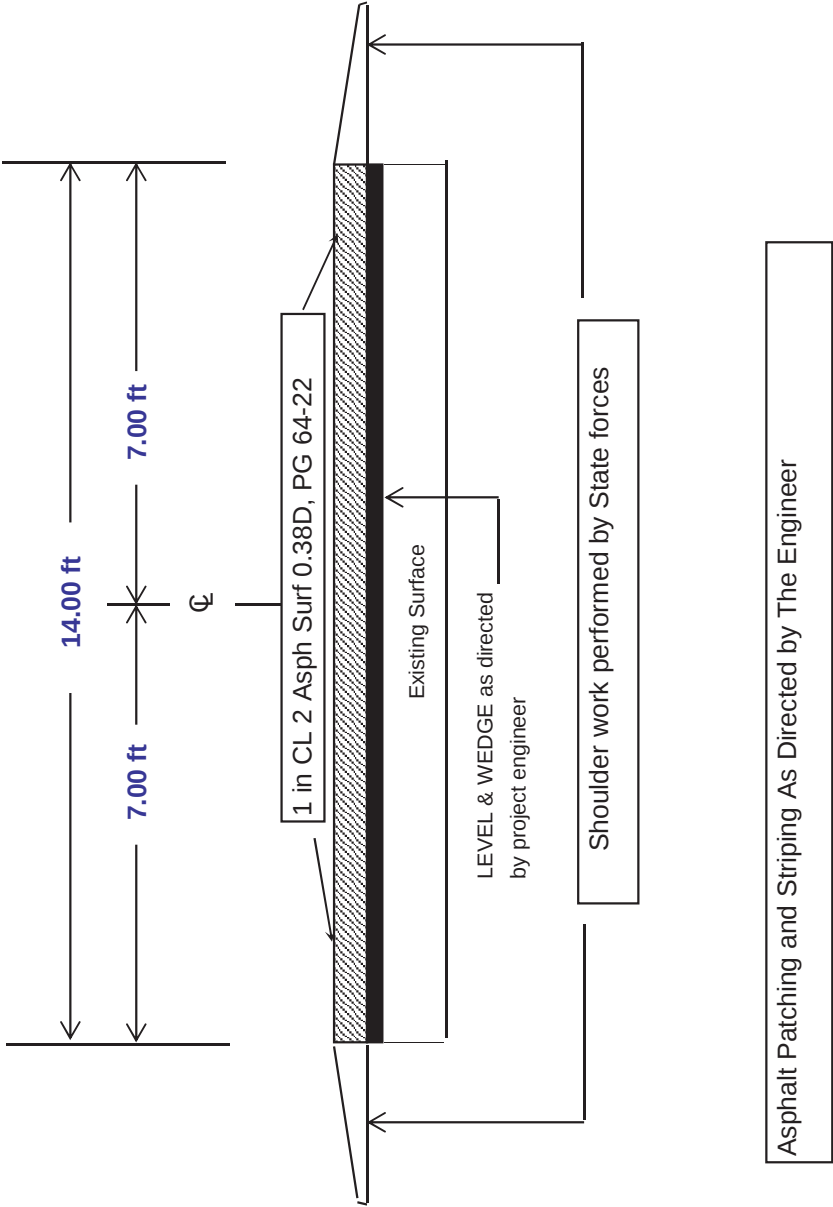
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TYPICAL SECTION

Letcher County

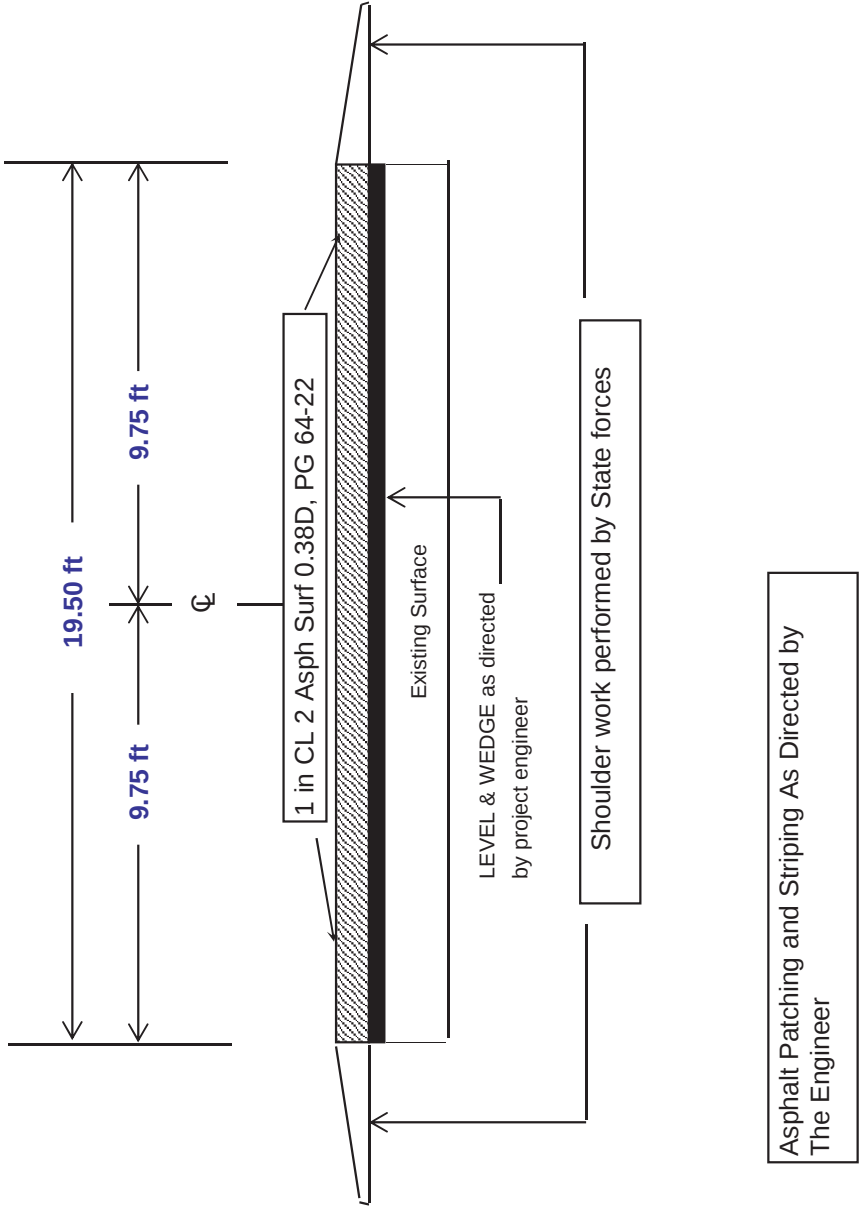
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TYPICAL SECTION

Letcher County

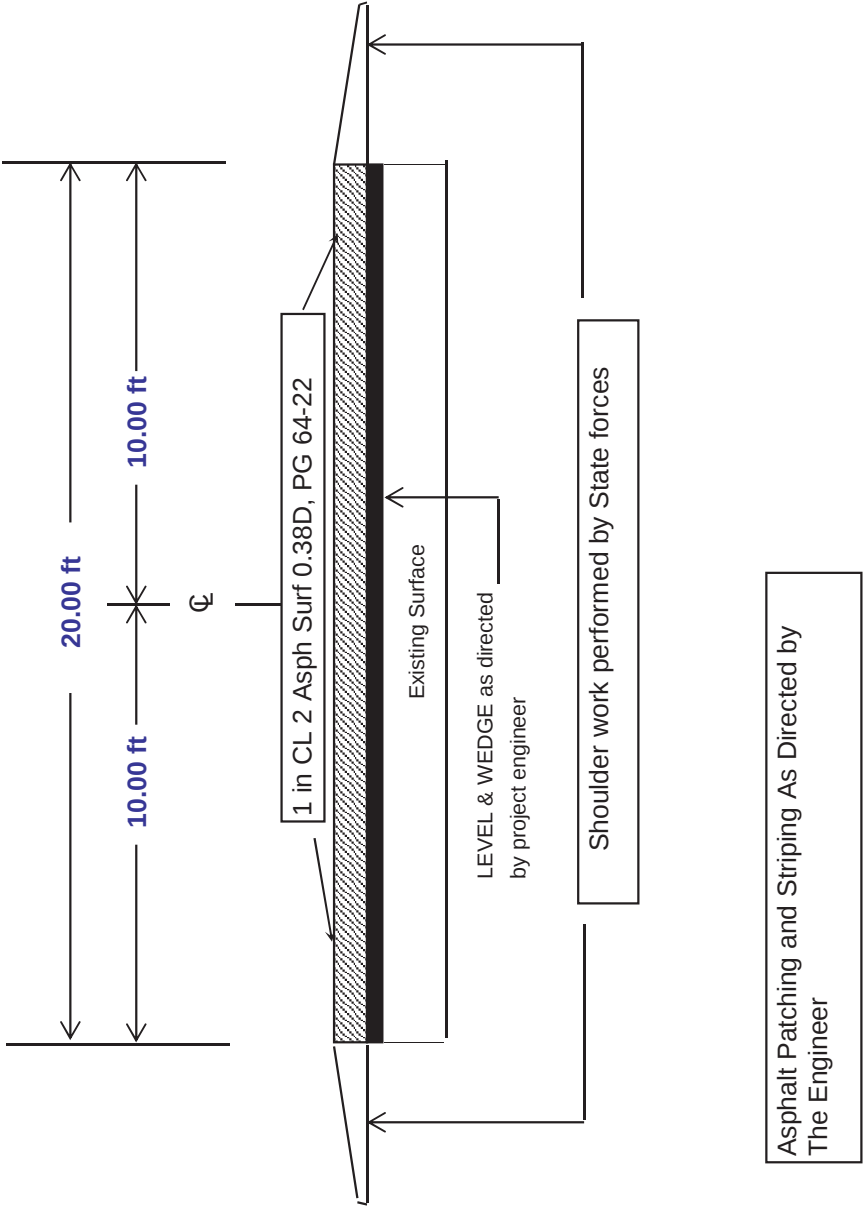
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TYPICAL SECTION

Letcher County

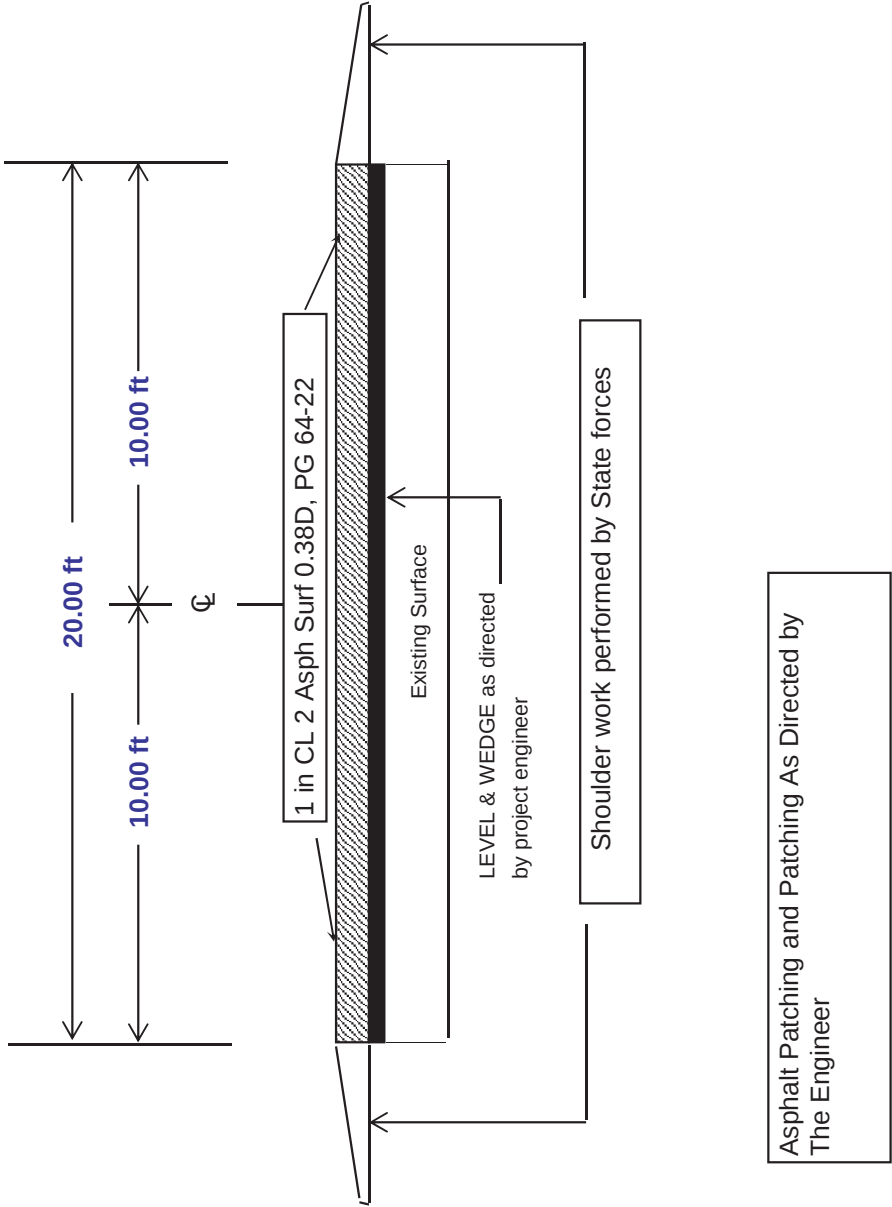
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TYPICAL SECTION

Letcher County

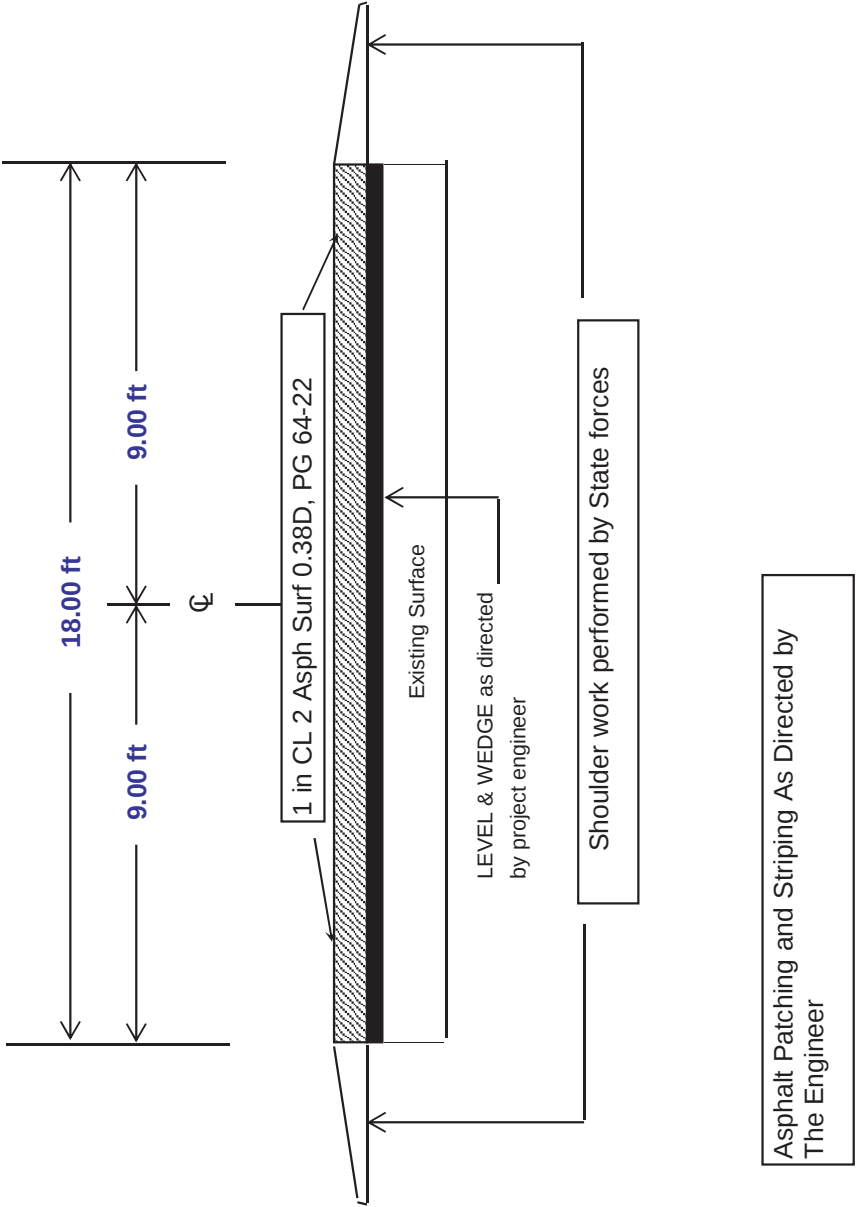
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TYPICAL SECTION

Letcher County

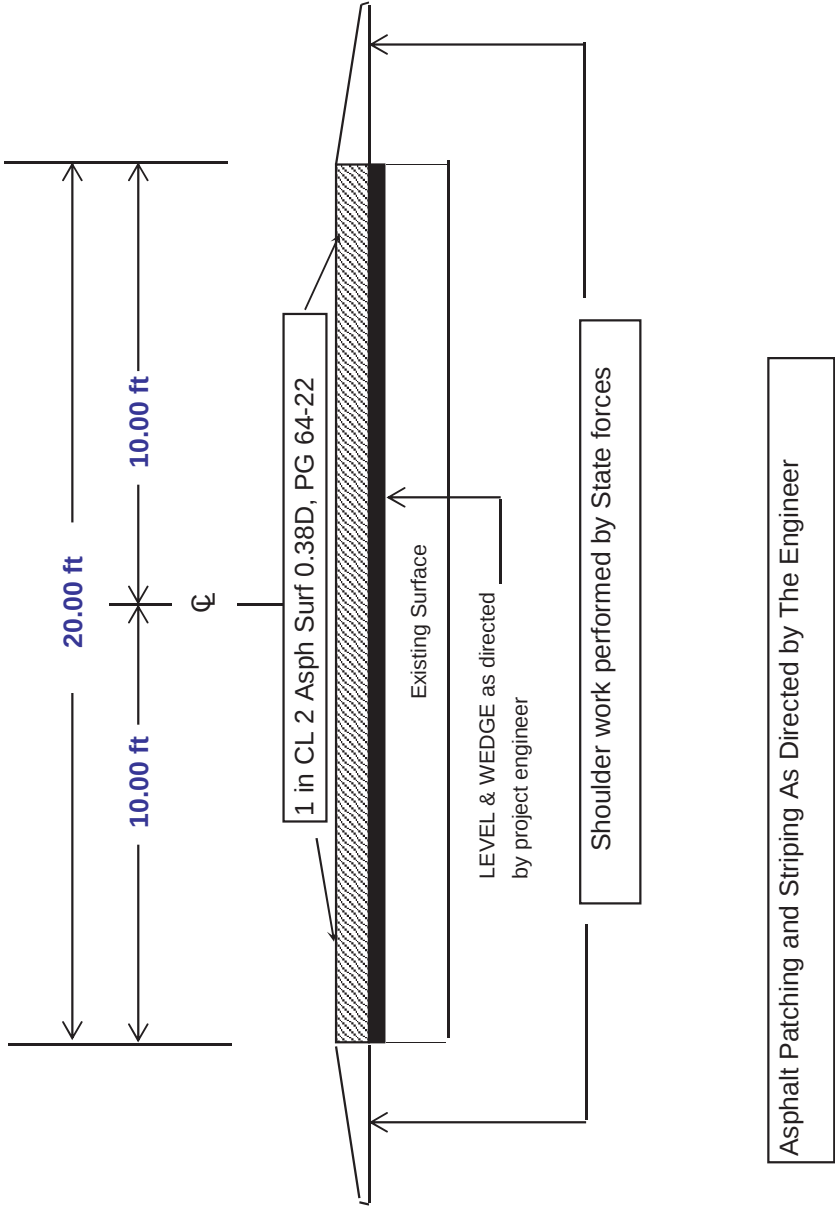
CB06 067 1811 000-003



TYPICAL SECTION

Letcher County

CB06 067 1103 000-015



PART II

SPECIFICATIONS AND STANDARD DRAWINGS

SPECIFICATIONS REFERENCE

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 2012* and *Standard Drawings, Edition of 2016*.

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>

2016 STANDARD DRAWINGS THAT APPLY

ROADWAY
~GENERAL~

MISCELLANEOUS STANDARDS

MISCELLANEOUS STANDARDS PART 1.....RGX-001-06

~PAVEMENT~

MEDIANS, CURBS, APPROACHES, ENTRANCES, ETC.

APPROACHES, ENTRANCES, AND MAIL BOX TURNOUTRPM-110-07

TRAFFIC
~TEMPORARY~

DEVICES

LANE CLOUSRE TWO-LANE HIGHWAYTTC-100-04

PART III

EMPLOYMENT, WAGE AND RECORD REQUIREMENTS

**TRANSPORTATION CABINET
DEPARTMENT OF HIGHWAYS**

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

- I. Application
- II. Nondiscrimination of Employees (KRS 344)

I. APPLICATION

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

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

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

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

II. NONDISCRIMINATION OF EMPLOYEES

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

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

1. The contractor shall not fail or refuse to hire, or shall not discharge any individual, or otherwise discriminate against an individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, national origin, sex, disability or age (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.

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, 3 Fountain Place, Frankfort, Kentucky 40601; telephone (502) 564-7954.

Kentucky Equal Employment Opportunity Act of 1978

The requirements of the Kentucky Equal Employment Opportunity Act of 1978 (KRS 45.560-45.640) shall apply to this Contract. The apparent low Bidder will be required to submit EEO forms to the Division of Construction Procurement, which will then forward to the Finance and Administration Cabinet for review and approval. No award will become effective until all forms are submitted and EEO/CC has certified compliance. The required EEO forms are as follows:

- EEO-1: Employer Information Report
- Affidavit of Intent to Comply
- Employee Data Sheet
- Subcontractor Report

These forms are available on the Finance and Administration's web page under ***Vendor Information, Standard Attachments and General Terms*** at the following address:
<https://www.eProcurement.ky.gov>.

Bidders currently certified as being in compliance by the Finance and Administration Cabinet may submit a copy of their approval letter in lieu of the referenced EEO forms.

For questions or assistance please contact the Finance and Administration Cabinet by email at **finance.contractcompliance@ky.gov** or by phone at 502-564-2874.

EMPLOYEE RIGHTS

UNDER THE FAIR LABOR STANDARDS ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

FEDERAL MINIMUM WAGE

\$7.25 PER HOUR

BEGINNING JULY 24, 2009

OVERTIME PAY

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

CHILD LABOR

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

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

No more than

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

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

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TIP CREDIT

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

ENFORCEMENT

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

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

ADDITIONAL INFORMATION

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

For additional information:



1-866-4-USWAGE

(1-866-487-9243)

TTY: 1-877-889-5627



WWW.WAGEHOUR.DOL.GOV

PART IV

INSURANCE

INSURANCE

The Contractor shall procure and maintain the following insurance in addition to the insurance required by law:

- 1) Commercial General Liability-Occurrence form – not less than \$2,000,000 General aggregate, \$2,000,000 Products & Completed Aggregate, \$1,000,000 Personal & Advertising, \$1,000,000 each occurrence.
- 2) Automobile Liability- \$1,000,000 per accident
- 3) Employers Liability:
 - a) \$100,000 Each Accident Bodily Injury
 - b) \$500,000 Policy limit Bodily Injury by Disease
 - c) \$100,000 Each Employee Bodily Injury by Disease
- 4) The insurance required above must be evidenced by a Certificate of Insurance and this Certificate of Insurance must contain one of the following statements:
 - a) "policy contains no deductible clauses."
 - b) "policy contains _____ (amount) deductible property damage clause but company will pay claim and collect the deductible from the insured."
- 5) KENTUCKY WORKMEN'S COMPENSATION INSURANCE. The contractor shall furnish evidence of coverage of all his employees or give evidence of self-insurance by submitting a copy of a certificate issued by the Workmen's Compensation Board.

The cost of insurance is incidental to all contract items. All subcontractors must meet the same minimum insurance requirements.

PART V

BID ITEMS

Section: 0001 - PAVING

LINE	BID CODE	ALT	DESCRIPTION	QUANTITY	UNIT	UNIT PRIC	FP	AMOUNT
0010	00301		CL2 ASPH SURF 0.38D PG64-22	5,025.00	TON		\$	
0020	02562		TEMPORARY SIGNS	1,050.00	SQFT		\$	
0030	02650		MAINTAIN & CONTROL TRAFFIC KY 1103	1.00	LS		\$	
0040	02650		MAINTAIN & CONTROL TRAFFIC KY 1148	1.00	LS		\$	
0050	02650		MAINTAIN & CONTROL TRAFFIC KY 1410	1.00	LS		\$	
0060	02650		MAINTAIN & CONTROL TRAFFIC KY 1811	1.00	LS		\$	
0070	02650		MAINTAIN & CONTROL TRAFFIC KY 3402	1.00	LS		\$	
0080	02650		MAINTAIN & CONTROL TRAFFIC KY 343	1.00	LS		\$	
0090	02650		MAINTAIN & CONTROL TRAFFIC KY 510	1.00	LS		\$	
0100	06514		PAVE STRIPING-PERM PAINT-4 IN	93,000.00	LF		\$	
0110	10020NS		FUEL ADJUSTMENT	7,820.00	DOLL	\$1.00	\$	\$7,820.00
0120	10030NS		ASPHALT ADJUSTMENT	19,644.00	DOLL	\$1.00	\$	\$19,644.00

Section: 0002 - DEMOBILIZATION

LINE	BID CODE	ALT	DESCRIPTION	QUANTITY	UNIT	UNIT PRIC	FP	AMOUNT
0130	02569		DEMOBILIZATION	1.00	LS		\$	