

143

Letting April 26, 2019

Notice to Bidders, Specifications and Proposal



**Contract No. 85682
STEPHENSON County
Section 17-00185-03-PP
Route FAS 64 (Loran Road)
Project GH3S-440 ()
District 2 Construction Funds**

Plans Included
Herein

Prepared by

Checked by

F

(Printed by authority of the State of Illinois)



- 1. TIME AND PLACE OF OPENING BIDS.** Electronic bids are to be submitted to the electronic bidding system (iCX-Integrated Contractors Exchange). All bids must be submitted to the iCX system prior to 10:00 a.m. April 26, 2019 at which time the bids will be publicly opened from the iCX SecureVault.
- 2. DESCRIPTION OF WORK.** The proposed improvement is identified and advertised for bids in the Invitation for Bids as:

**Contract No. 85682
STEPHENSON County
Section 17-00185-03-PP
Project GH3S-440 ()
Route FAS 64 (Loran Road)
District 2 Construction Funds**

Cold-In-Place recycling Ion Loran Road from Kent Road to IL 73.

- 3. INSTRUCTIONS TO BIDDERS.** (a) This Notice, the invitation for bids, proposal and letter of award shall, together with all other documents in accordance with Article 101.09 of the Standard Specifications for Road and Bridge Construction, become part of the contract. Bidders are cautioned to read and examine carefully all documents, to make all required inspections, and to inquire or seek explanation of the same prior to submission of a bid.

(b) State law, and, if the work is to be paid wholly or in part with Federal-aid funds, Federal law requires the bidder to make various certifications as a part of the proposal and contract. By execution and submission of the proposal, the bidder makes the certification contained therein. A false or fraudulent certification shall, in addition to all other remedies provided by law, be a breach of contract and may result in termination of the contract.
- 4. AWARD CRITERIA AND REJECTION OF BIDS.** This contract will be awarded to the lowest responsive and responsible bidder considering conformity with the terms and conditions established by the Department in the rules, Invitation for Bids and contract documents. The issuance of plans and proposal forms for bidding based upon a prequalification rating shall not be the sole determinant of responsibility. The Department reserves the right to determine responsibility at the time of award, to reject any or all proposals, to readvertise the proposed improvement, and to waive technicalities.

By Order of the
Illinois Department of Transportation

Omer Osman,
Acting Secretary

INDEX
FOR
SUPPLEMENTAL SPECIFICATIONS
AND RECURRING SPECIAL PROVISIONS

Adopted January 1, 2019

This index contains a listing of SUPPLEMENTAL SPECIFICATIONS, frequently used RECURRING SPECIAL PROVISIONS, and LOCAL ROADS AND STREETS RECURRING SPECIAL PROVISIONS.

ERRATA Standard Specifications for Road and Bridge Construction (Adopted 4-1-16) (Revised 1-1-19)

SUPPLEMENTAL SPECIFICATIONS

<u>Std. Spec. Sec.</u>	<u>Page No.</u>
106 Control of Materials	1
107 Legal Regulations and Responsibility to Public	2
403 Bituminous Surface Treatment (Class A-1, A-2, A-3)	3
404 Micro-Surfacing and Slurry Sealing	4
405 Cape Seal	15
406 Hot-Mix Asphalt Binder and Surface Course	25
420 Portland Cement Concrete Pavement	26
424 Portland Cement Concrete Sidewalk	28
442 Pavement Patching	29
502 Excavation for Structures	30
503 Concrete Structures	32
504 Precast Concrete Structures	35
542 Pipe Culverts	36
586 Sand Backfill for Vaulted Abutments	37
602 Catch Basin, Manhole, Inlet, Drainage Structure, and Valve Vault Construction, Adjustment, and Reconstruction	39
630 Steel Plate Beam Guardrail	40
631 Traffic Barrier Terminals	43
670 Engineer's Field Office and Laboratory	44
701 Work Zone Traffic Control and Protection	45
704 Temporary Concrete Barrier	46
780 Pavement Striping	48
781 Raised Reflective Pavement Markers	49
888 Pedestrian Push-Button.....	50
1001 Cement	51
1003 Fine Aggregates	52
1004 Coarse Aggregates	53
1006 Metals	56
1020 Portland Cement Concrete	58
1043 Adjusting Rings	60
1050 Poured Joint Sealers	62
1069 Pole and Tower	64
1077 Post and Foundation	65
1096 Pavement Markers	66
1101 General Equipment	67
1102 Hot-Mix Asphalt Equipment	68
1103 Portland Cement Concrete Equipment	70
1105 Pavement Marking Equipment	72
1106 Work Zone Traffic Control Devices	74

RECURRING SPECIAL PROVISIONS

The following RECURRING SPECIAL PROVISIONS indicated by an "X" are applicable to this contract and are included by reference:

<u>CHECK SHEET #</u>			<u>PAGE NO.</u>
1	X	Additional State Requirements for Federal-Aid Construction Contracts	75
2	X	Subletting of Contracts (Federal-Aid Contracts)	78
3	X	EEO	79
4		Specific EEO Responsibilities Non Federal-Aid Contracts	89
5		Required Provisions - State Contracts	94
6		Asbestos Bearing Pad Removal	100
7		Asbestos Waterproofing Membrane and Asbestos HMA Surface Removal	101
8		Temporary Stream Crossings and In-Stream Work Pads	102
9		Construction Layout Stakes Except for Bridges	103
10		Construction Layout Stakes	106
11		Use of Geotextile Fabric for Railroad Crossing	109
12		Subsealing of Concrete Pavements	111
13		Hot-Mix Asphalt Surface Correction	115
14		Pavement and Shoulder Resurfacing	117
15		Patching with Hot-Mix Asphalt Overlay Removal	118
16		Polymer Concrete	120
17		PVC Pipeliner	122
18		Bicycle Racks	123
19		Temporary Portable Bridge Traffic Signals	125
20		Work Zone Public Information Signs	127
21		Nighttime Inspection of Roadway Lighting	128
22		English Substitution of Metric Bolts	129
23		Calcium Chloride Accelerator for Portland Cement Concrete	130
24		Quality Control of Concrete Mixtures at the Plant	131
25		Quality Control/Quality Assurance of Concrete Mixtures	139
26		Digital Terrain Modeling for Earthwork Calculations	155
27		Reserved	157
28		Preventive Maintenance – Bituminous Surface Treatment (A-1)	158
29		Reserved	164
30		Reserved	165
31		Reserved	166
32		Temporary Raised Pavement Markers	167
33		Restoring Bridge Approach Pavements Using High-Density Foam	168
34		Portland Cement Concrete Inlay or Overlay	171
35		Portland Cement Concrete Partial Depth Hot-Mix Asphalt Patching	175

LOCAL ROADS AND STREETS RECURRING SPECIAL PROVISIONS

The following LOCAL ROADS AND STREETS RECURRING SPECIAL PROVISIONS indicated by an "X" are applicable to this contract and are included by reference:

<u>CHECK SHEET #</u>	<u>PAGE NO.</u>
LRS1	Reserved 179
LRS2	Furnished Excavation 180
LRS3	X Work Zone Traffic Control Surveillance 181
LRS4	X Flaggers in Work Zones 182
LRS5	Contract Claims 183
LRS6	Bidding Requirements and Conditions for Contract Proposals 184
LRS7	Bidding Requirements and Conditions for Material Proposals 190
LRS8	Reserved 196
LRS9	Bituminous Surface Treatments 197
LRS10	Reserved 198
LRS11	Employment Practices 199
LRS12	Wages of Employees on Public Works 201
LRS13	Selection of Labor 203
LRS14	Paving Brick and Concrete Paver Pavements and Sidewalks 204
LRS15	Partial Payments 207
LRS16	Protests on Local Lettings 208
LRS17	Substance Abuse Prevention Program 209
LRS18	Multigrade Cold Mix Asphalt 210

INDEX OF SPECIAL PROVISIONS

<u>ITEM</u>	<u>PAGE</u>
Description of Work	1
CIR-FDR Emulsified Asphalt	1
Short-Term Pavement Marking	1
Traffic Control Plan and Protection (Special)	1-3
Surface Profile Milling	3-4
Work Scheduling	4
LR 107-4 Insurance	5
LR 400-5 Cold-In-Place Recycling (CIR) with Emulsified Asphalt	6
LR 403-1 Surface Profile Milling of Existing, Recycled, or Reclaimed Flexible Pavement	15
LR 702 Construction and Maintenance Signs	17
LR 1000-1 Cold-In-Place Recycling (CIR) and Full Depth Reclamation (FDR) with Emulsified Asphalt Mix Design Procedures	18

BDE SPECIAL PROVISIONS

The following special provisions indicated by an "X" are applicable to this contract. An * indicates a new or revised special provision for the letting.

<u>File Name</u>	<u>Pg.</u>		<u>Special Provision Title</u>	<u>Effective</u>	<u>Revised</u>
80099			Accessible Pedestrian Signals (APS)	April 1, 2003	Jan. 1, 2014
80274			Aggregate Subgrade Improvement	April 1, 2012	April 1, 2016
80192	25	X	Automated Flagger Assistance Device	Jan. 1, 2008	
80173			Bituminous Materials Cost Adjustments	Nov. 2, 2006	Aug. 1, 2017
80241			Bridge Demolition Debris	July 1, 2009	
50261			Building Removal-Case I (Non-Friable and Friable Asbestos)	Sept. 1, 1990	April 1, 2010
50481			Building Removal-Case II (Non-Friable Asbestos)	Sept. 1, 1990	April 1, 2010
50491			Building Removal-Case III (Friable Asbestos)	Sept. 1, 1990	April 1, 2010
50531			Building Removal-Case IV (No Asbestos)	Sept. 1, 1990	April 1, 2010
80404			Coarse Aggregate Quality for Micro-Surfacing and Cape Seals	Jan. 1, 2019	
* 80384	27	X	Compensable Delay Costs	June 2, 2017	April 1, 2019
80198			Completion Date (via calendar days)	April 1, 2008	
80199			Completion Date (via calendar days) Plus Working Days	April 1, 2008	
80293			Concrete Box Culverts with Skews > 30 Degrees and Design Fills ≤ 5 Feet	April 1, 2012	July 1, 2016
80311			Concrete End Sections for Pipe Culverts	Jan. 1, 2013	April 1, 2016
80277			Concrete Mix Design – Department Provided	Jan. 1, 2012	April 1, 2016
80261			Construction Air Quality – Diesel Retrofit	June 1, 2010	Nov. 1, 2014
80387			Contrast Preformed Plastic Pavement Marking	Nov. 1, 2017	
* 80029	31	X	Disadvantaged Business Enterprise Participation	Sept. 1, 2000	Mar. 2, 2019
80402	41	X	Disposal Fees	Nov. 1, 2018	
80378			Dowel Bar Inserter	Jan. 1, 2017	Jan. 1, 2018
80405			Elastomeric Bearings	Jan. 1, 2019	
80388	43	X	Equipment Parking and Storage	Nov. 1, 2017	
80229			Fuel Cost Adjustment	April 1, 2009	Aug. 1, 2017
80304			Grooving for Recessed Pavement Markings	Nov. 1, 2012	Nov. 1, 2017
80246			Hot-Mix Asphalt – Density Testing of Longitudinal Joints	Jan. 1, 2010	Aug. 1, 2018
80398			Hot-Mix Asphalt – Longitudinal Joint Sealant	Aug. 1, 2018	Jan. 1, 2019
80406			Hot-Mix Asphalt – Mixture Design Verification and Production (Modified for I-FIT Projects)	Jan. 1, 2019	
80399			Hot-Mix Asphalt – Oscillatory Roller	Aug. 1, 2018	Nov. 1, 2018
80347			Hot-Mix Asphalt – Pay for Performance Using Percent Within Limits – Jobsite Sampling	Nov. 1, 2014	Aug. 1, 2018
80383			Hot-Mix Asphalt – Quality Control for Performance	April 1, 2017	Jan. 1, 2019
80376			Hot-Mix Asphalt – Tack Coat	Nov. 1, 2016	
80392	44	X	Lights on Barricades	Jan. 1, 2018	
80336			Longitudinal Joint and Crack Patching	April 1, 2014	April 1, 2016
* 80411			Luminaires, LED	April 1, 2019	
* 80393			Manholes, Valve Vaults, and Flat Slab Tops	Jan. 1, 2018	Mar. 1, 2019
80400			Mast Arm Assembly and Pole	Aug. 1, 2018	
80045			Material Transfer Device	June 15, 1999	Aug. 1, 2014
80394			Metal Flared End Section for Pipe Culverts	Jan. 1, 2018	April 1, 2018
80165			Moisture Cured Urethane Paint System	Nov. 1, 2006	Jan. 1, 2010
80349			Pavement Marking Blackout Tape	Nov. 1, 2014	April 1, 2016
80371			Pavement Marking Removal	July 1, 2016	
80390	46	X	Payments to Subcontractors	Nov. 2, 2017	
80389			Portland Cement Concrete	Nov. 1, 2017	
80359			Portland Cement Concrete Bridge Deck Curing	April 1, 2015	Nov. 1, 2017

<u>File Name</u>	<u>Pg.</u>	<u>Special Provision Title</u>	<u>Effective</u>	<u>Revised</u>
80300		Preformed Plastic Pavement Marking Type D - Inlaid	April 1, 2012	April 1, 2016
80328	47	X Progress Payments	Nov. 2, 2013	
34261		Railroad Protective Liability Insurance	Dec. 1, 1986	Jan. 1, 2006
80157		Railroad Protective Liability Insurance (5 and 10)	Jan. 1, 2006	
80306		Reclaimed Asphalt Pavement (RAP) and Reclaimed Asphalt Shingles (RAS)	Nov. 1, 2012	Jan. 1, 2019
80407	48	X Removal and Disposal of Regulated Substances	Jan. 1, 2019	
80395		Sloped Metal End Section for Pipe Culverts	Jan. 1, 2018	
80340		Speed Display Trailer	April 2, 2014	Jan. 1, 2017
80127		Steel Cost Adjustment	April 2, 2014	Aug. 1, 2017
80408		Steel Plate Beam Guardrail Manufacturing	Jan. 1, 2019	
80397	60	X Subcontractor and DBE Payment Reporting	April 2, 2018	
* 80391	61	X Subcontractor Mobilization Payments	Nov. 2, 2017	April 1, 2019
80317		Surface Testing of Hot-Mix Asphalt Overlays	Jan. 1, 2013	April 1, 2016
80298		Temporary Pavement Marking	April 1, 2012	April 1, 2017
20338		Training Special Provision	Oct. 15, 1975	
80403		Traffic Barrier Terminal, Type 1 Special	Nov. 1, 2018	
80409	62	X Traffic Control Devices – Cones	Jan. 1, 2019	
80410		Traffic Spotters	Jan. 1, 2019	
80318		Traversable Pipe Grate for Concrete End Sections	Jan. 1, 2013	Jan. 1, 2018
80288		Warm Mix Asphalt	Jan. 1, 2012	April 1, 2016
80302	63	X Weekly DBE Trucking Reports	June 2, 2012	April 2, 2015
80071	64	X Working Days	Jan. 1, 2002	

The following special provisions are in the 2019 Supplemental Specifications and Recurring Special Provisions.

<u>File Name</u>	<u>Special Provision Title</u>	<u>New Location(s)</u>	<u>Effective</u>	<u>Revised</u>
80382	Adjusting Frames and Grates	Articles 602.02(s) and (t), 1043.04, and 1043.05	April 1, 2017	
80366	Butt Joints	Article 406.08(c)	July 1, 2016	
80386	Calcium Aluminate Cement for Class PP-5 Concrete Patching	Article 1001.01(e)	Nov. 1, 2017	
80396	Class A and B Patching	Articles 442.06(a)(1) and (2)	Jan. 1, 2018	Nov. 1, 2018
80377	Portable Changeable Message Signs	Articles 701.20(h) and 1106.02(i)	Nov. 1, 2016	April 1, 2017
80385	Portland Cement Concrete Sidewalk	Article 424.12	Aug. 1, 2017	

The following special provision has been deleted from use.

<u>File Name</u>	<u>Special Provision Title</u>	<u>Effective</u>	<u>Revised</u>
80401	Portland Cement Concrete Pavement Connector for Bridge Approach Slab	Aug. 1, 2018	



Local Public Agency	County	Section Number
Stephenson County Highway Department	Stephenson	17-00185-03-PP

The following Special Provision supplement the "Standard Specifications for Road and Bridge Construction", adopted April 1, 2016, the latest edition of the "Manual on Uniform Traffic Control Devices for Streets and Highways", and the "Manual of Test Procedures of Materials" in effect on the date of invitation of bids, and the Supplemental Specification and Recurring Special Provisions indicated on the Check Sheet included here in which apply to and govern the construction of the above named section, and in case of conflict with any parts, or parts of said Specifications, the said Special Provisions shall take precedence and shall govern.

DESCRIPTION OF WORK:

This work shall consist of Cold-in-Place Recycling of existing bituminous asphalt roadways to a depth of 4 inches.

CIR-FDR EMULSIFIED ASPHALT:

Gallons were figured at 1.5 gallons per square yard. The application rate may be adjusted in the field by the Engineer.

SHORT TERM PAVEMENT MARKING:

The material used for this pay item shall be paint.

Basis of Payment: This item shall be paid for at the contract unit price per Foot of Short Term Pavement Marking.

TRAFFIC CONTROL AND PROTECTION (SPECIAL)

Traffic Control shall be in accordance with the applicable sections of the Standard Specifications for Road and Bridge Construction, the applicable guidelines contained in the National Manual on Uniform Traffic Control Devices for Streets and Highways, Illinois Supplement to the National Manual on Uniform Traffic Control Devices, these special provisions, and any special details and Highway Standards contained herein and in the plans.

Special attention is called to Articles 107.09 and 107.14 of the Standard Specifications of Road and Bridge Construction and the following Highway Standards relating to traffic control.

Standards:

- 701001 701006 701011 701201 701301 701306
- 701311 701901 720011 728001 729001

Details:

None.

Signs:

No bracing shall be allowed on post-mounted signs.

Post-mounted signs shall be installed using standard 720011, 728001, and 729001, on 4"x4" wood posts,

Stephenson County Highway Department

Stephenson

17-00185-03-PP

or on any other "break away" connection if accepted by the FHWA and corresponding letter is provided to the resident.

All signs are required on both sides of the road when the median is greater than 10 feet and on one-way roadways.

"BUMP" (W8-1(O)48) signs shall be installed as directed by the Engineer.

"LOW SHOULDER" (W8-9(O)48) signs shall be installed at 1-mile intervals or as directed by the Engineer.

"NO PASSING ZONES NOT STRIPED NEXT ___ MILES" (G20-I 100(O)) signs shall be 60" x 36".

When covering existing Department signs, no tape shall be used on the reflective portion of the sign. Contact the District sign shop for covering techniques.

All regulatory signs shall be maintained at a 5 foot minimum bottom (rural), 7 feet minimum (urban).

Any plates or direct applied sheeting used to alter signs shall have the same sheeting as the base sign.

No more than one kind of alteration shall be used to alter a sign.

Any post stubs without a sign in place and visible shall have a reflector placed on each post.

Devices:

Cones or reflectorized cones shall not be used during hours of darkness.

A minimum of 3 drums spaced at 4 feet shall be placed at each return when the side road is open.

On all standards and the devices listed in Section 701 of the Standard Specifications, the device spacing shall be revised to the following dimensions:

Where the spacing shown on the standard is 25 feet, the devices shall be placed at 20 feet.

Where the spacing shown on the standard is 50 feet, the devices shall be placed at 40 feet.

Where the spacing shown on the standard is 100 feet, the devices shall be placed at 80 feet.

Lights:

Steady burn mono-directional lights are required on devices delineating a widening trench.

Flaggers:

Flaggers at Side Roads and Commercial Entrances:

Flaggers shall comply with all requirements and signaling methods contained in the Department's "Traffic Control Field Manual" current at the time of the letting. The flagger equipment listed for flaggers employed by the Illinois Department of Transportation shall apply to all flaggers.

All workers and flaggers shall wear ANSI Class E pants and an ANSI Class 2 vest that in combination meet the requirements of ANSI/ISEA 107-2004 for Conspicuity Class 3 garments during hours of darkness.

Stephenson County Highway Department

Stephenson

17-00185-03-PP

In addition to the flaggers shown on applicable standards, on major side roads, flaggers shall be required on all legs of the intersection.

When the mainline flagger is within 200 feet of an intersection, the side road flagger shall be required.

When the road is closed to through traffic and it is necessary to provide access for local traffic, all flaggers as shown on the applicable standards will be required. No reduction in the number of flaggers shall be allowed.

Revise Article 701.20(i) of the Standard Specifications to read:

"Signs, barricades, other traffic control devices, or flaggers required by the Engineer, over and above those shown in the contract documents, will be paid for according to Article 109.04."

Pavement Marking:

All temporary pavement markings that will be operational during the winter months (December through March) shall be paint.

Short term pavement markings on a milled surface shall be paint.

Temporary pavement markings shall be paid for separately at the contract unit prices of specified temporary pavement marking items rather than included in the cost of the standard.

District Standards Application:

Maintenance of Traffic:

The mainline shall be kept open to one-way traffic at all times during working hours and two-way traffic during non-working hours.

The Contractor shall be required to notify the Stephenson County Highway Department, the corresponding Township Commissioner, emergency response agencies (i.e.: fire, ambulance, police), school bus companies and the Department of Transportation (Bureau of Project Implementation) regarding any changes in traffic control.

The Contractor shall be required to notify the Stephenson County Highway Department and/or corresponding Township Commissioner for any side road closure or opening.

Bituminous resurfacing and placing of shoulder aggregate shall be completed using Traffic Control and Protection Standard 701306 and 701301.

Placing and removing pavement marking shall be completed using Traffic Control and Protection Standard 701306, 701311 or 701701.

This work will be paid for at the contract unit price per LUMP SUM for TRAFFIC CONTROL AND PROTECTION (SPECIAL).

SURFACE PROFILE MILLING:

This work will consist of trimming the surface of the recycled layer in accordance with LR403-1, 'Surface

Local Public Agency

County

Section Number

Stephenson County Highway Department

Stephenson

17-00185-03-PP

Profile Milling of Existing, Recycled, or Reclaimed Flexible Pavement'

Trimming will not commence until the recycled layer is cured and the moisture content is 2% or less.

Trimming will be performed using an up-cut milling machine. A recycling machine will not be allowed to trim the roadway.

Milled material shall become the property of the Stephenson County Highway Department. The County will haul the millings away from the jobsite and provide an adequate number of trucks to keep up with the contractors production..

This work shall be included in the contract unit price per Square Yard for SURFACE PROFILE MILLING and no additional compensation will be allowed.

WORK SCHEDULING:

The Contractor will first recycle the existing pavement, then apply the Short Term Pavement Marking. After the Surface Profile Milling is complete, Stephenson County will apply an A-2 Bituminous Surface, aggregate shoulders and permanent pavement markings with its own forces. The contractor may remove temporary traffic control devices after the Surface Profile Milling has been completed.

State of Illinois
Department of Transportation
Bureau of Local Roads and Streets

SPECIAL PROVISION
FOR
INSURANCE

Effective: February 1, 2007
Revised: August 1, 2007

All references to Sections or Articles in this specification shall be construed to mean specific Section or Article of the Standard Specifications for Road and Bridge Construction, adopted by the Department of Transportation.

The Contractor shall name the following entities as additional insured under the Contractor's general liability insurance policy in accordance with Article 107.27:

Stephenson County

The entities listed above and their officers, employees, and agents shall be indemnified and held harmless in accordance with Article 107.26.

State of Illinois
Department of Transportation
Bureau of Local Roads and Streets

SPECIAL PROVISION
FOR
COLD IN-PLACE RECYCLING (CIR) WITH EMULSIFIED ASPHALT

Effective: April 1, 2012
Revised: June 1, 2012

All references to Divisions, Sections, and Articles in this Special Provision shall be construed to mean specific Divisions, Sections, and Articles in the Standard Specifications for Road and Bridge Construction adopted by the Department of Transportation.

Description. This work shall consist of cold milling and pulverizing existing bituminous layers to a specified depth and maximum size; mixing emulsified asphalt, water, and additives with the recycled material; and spreading and compacting the mixture.

Materials. Materials shall be according to the following Articles of Division 1000 – Materials.

<u>Item</u>	<u>Article/Section</u>
(a) Portland Cement (Note 1)	1001
(b) Water.....	1002
(c) Fine Aggregate (Note 2).....	1003
(d) Coarse Aggregate (Note 2)	1004
(e) Fly Ash (Note 1)	1010.02
(f) Lime Slurry (Note 1)	1012.04
(g) Reclaimed Asphalt Pavement (Note 3)	1031
(h) Emulsified Asphalt (Note 4).....	1032.06
(i) Cold Pulverized Material (Note 5)	
(j) Mix Design (Note 6)	

Note 1. If necessary, the mix design may require additional additives to increase fines in the mix. The type and allowable percentage will be described in the mix design.

Note 2. The mix design will specify gradation and quality of any additional aggregate. Any additional fine aggregate shall meet Class B quality as a minimum. Any additional coarse aggregate shall meet Class C quality as a minimum.

Note 3. The Engineer may allow reclaimed asphalt pavement (RAP) from Conglomerate "D" Quality or better RAP stockpiles as specified in Article 1031.02 or from millings of the existing highway. The RAP material shall not exceed the maximum size requirement of the cold pulverized material, and when blended with the cold pulverized material shall produce a product which meets the specifications of the mix design.

Note 4. The emulsified asphalt shall be selected for the project by the emulsified asphalt supplier based on the Contractor's mixture design. The penetration of the supplied emulsified asphalt shall be within ± 25 percent of the penetration of the design emulsified asphalt. A representative from the emulsified asphalt supplier shall be on the job site at the beginning of the project to monitor the characteristics and performance of the emulsified asphalt. Throughout the job, the representative shall be available to check on the project and make adjustments to the emulsified asphalt formulation as required. The emulsified asphalt shall be received on the job site at a temperature no greater than 120 °F (49 °C).

The emulsified asphalt shall meet the following requirements:

CIR-FDR EMULSIFIED ASPHALT MATERIAL SPECIFICATION			
Test	Procedure	Minimum	Maximum
Viscosity, Saybolt Furol, at 77°F (25°C), SFS	AASHTO T 59	20	100
Sieve Test, No. 20 (850 µm), retained on sieve, %	AASHTO T 59		0.10
Storage Stability Test, 24 hr, %	AASHTO T 59		1.0
Distillation Test, Residue from distillation to 347 ± 9 °F (175 ± 5 °C), %	AASHTO T 59 ¹	64.0	
Oil distillate by volume, %	AASHTO T 59		1.0
Penetration, 77 ° F (25 °C), 100 g, 5 s, dmm	AASHTO T 49	75	200

Note: 1. Modified AASHTO T 59 procedure – distillation temperature of 347 ± 9 °F (175 ± 5 °C) with a 20 minute hold.

Note 5. Prior to the addition of the emulsified asphalt, the gradation of the cold pulverized material shall meet the following:

COLD PULVERIZED MATERIAL GRADATIONS		
Grad No.	Sieve Size and Percent Passing	
	1 1/2 in. (37.5 mm)	1 in. (25 mm)
PM 1	100	
PM 2 ¹		100

PM 2 shall only be used when a finer gradation of RAP is required by the mix design.

Note 6. A mix design for each distinct section shall be submitted to the Department prior to construction using actual materials (in-situ sampled by the Contractor and new materials from the Contractor's material suppliers) proposed for the project. The job mix formula shall meet the following criteria and be approved by the Engineer.

CIR WITH EMULSIFIED ASPHALT MIX DESIGN REQUIREMENTS		
Test Method	CIR	Test Purpose
Gradation for Design Millings, AASHTO T 27	Report	
Design Moisture Content	Report	Dispersion of Emulsion
Superpave Gyrotory Compaction, 1.25° angle, 87 psi (600 kPa)	30 gyrations at 4 in. (100 mm) ¹	Laboratory Density Indicator
Bulk Specific Gravity (Density), ASTM D 6752 or ASTM D 2726	Report	Laboratory Density Indicator
Rice (Maximum Theoretical) Specific Gravity, ASTM D 2041	Report	Laboratory Density Indicator
Air Voids	Report	Laboratory Density Indicator
Marshall Stability, ASTM D 1559, lbs (kg)	1250 (567) minimum ¹	Stability Indicator
Retained Stability, %	70 minimum	Moisture Damage Resistance
Raveling Test, 50 ° F (10 °C), %	2 maximum	Raveling Resistance
Additional Additive(s) ² Coarse Aggregate Fine Aggregate RAP Fly Ash Cement, %	Report Report Report Report 1.0 maximum	
Emulsified Asphalt ² Distillation Residue, % Residue Penetration, dmm Optimum Emulsion Content, % Residual Asphalt to Cement Content Ratio	Report Report Report 3:1 minimum	

Notes: 1. 6 in. (150 mm) samples may be used; however, if 6 in. (150 mm) samples are used, the Marshall Stability is required to be 2,500 lb (1134 kg) minimum.
2. Report shall include type/gradation and producer/supplier.

Equipment. Equipment shall be according to the following Articles of Division 1100 – Equipment.

Item	Article/Section
(a) Self-Propelled Pneumatic-Tired Rollers (Note 1)	1101.01(c)
(b) Steel Wheel Tandem Rollers	1101.01(e)(1)
(c) Vibratory Roller (Note 2)	1101.01(g)
(d) Mechanical Sweeper	1101.03
(e) Self-Propelled Milling Machine	1101.16(a)
(f) Spreading and Finishing Machine	1102.03
(g) Multi-unit Recycling Train (Note 3, 5)	
(h) Single-unit Recycler (Note 4, 5)	
(i) Pick-Up Machine (Note 6)	

- Note 1. The self-propelled pneumatic-tired roller shall have a gross weight (mass) of not less than 25 tons (23 metric tons).
- Note 2. The double drum vibratory rollers shall have a gross operating weight (mass) of not less than 10 tons (9 metric tons) and a width of 78 in. (1950 mm).
- Note 3. The multi-unit recycling train shall contain the following.
- a. A self-propelled cold milling machine that is capable of pulverizing the existing bituminous material in a single pass to the depth shown on the plans and to a minimum width of not less than 12.5 ft (3.8 m). The machine shall have automatic depth controls to maintain the cutting depth to within ± 0.25 in. (6 mm) of that shown on the plans, and shall have a positive means for controlling cross slope elevations. The use of a heating device to soften the pavement will not be permitted.
 - b. A material sizing unit having screening and crushing capabilities to reduce the cold pulverized material to the appropriate size. The screening and crushing unit shall have a closed circuit system capable of continuously returning oversized material to the crusher. All of the pulverized material (100 percent) shall be processed to the maximum size requirements as specified.
 - c. A mixing unit equipped with a belt scale for the continuous weighing of the pulverized and sized bituminous material and a coupled/interlocked computer controlled liquid metering device. The mixing unit shall be an on-board completely self-contained pugmill. The liquid metering device shall be capable of automatically adjusting the flow of emulsified asphalt to compensate for any variation in the weight of pulverized material coming into the mixer. The metering device shall deliver the amount of emulsified asphalt to within ± 0.2 percent of the required amount by weight of pulverized bituminous material (for example, if the design requires 3.0 percent, the metering device shall maintain between 2.8 percent to 3.2 percent). The emulsified asphalt pump should be of sufficient capacity to allow emulsion contents up to 3.5 percent by weight of pulverized bituminous material. Also, automatic digital readings will be displayed for both the flow rate and total amount of pulverized bituminous material and emulsified asphalt in appropriate units of weight and time.
- Note 4. The single-unit recycler shall be a self-propelled cold milling machine/cold recycling machine with a down cutting cutter head capable of pulverizing and recycling the existing hot-mix asphalt pavement to a maximum depth of 5 in. (125 mm), incorporate the emulsified asphalt and water, and mix the materials to produce a homogeneous material. The minimum power of this machine is 900 hp (670 kW). The machine shall be capable of pulverizing and recycling not less than 12.5 ft (3.8 m) wide in each pass. The machine shall have two systems for adding emulsified asphalt and water, with each system having a full-width spray bar with a positive displacement pump interlocked to the machine's ground speed to insure that the amount of emulsified asphalt and water being added is automatically adjusted with changes to the machine's ground speed. Each additive system shall have its own spray bar equipped with 2 nozzles per ft (6 nozzles per m) of spray bar and be capable of incorporating up to 7 gal/sq yd (31.7 L/sq m) of emulsified asphalt and/or water. Individual valves on the spray bar shall be capable of being turned off as necessary to minimize emulsified asphalt and water overlap on subsequent passes.

Note 5. Any additives such as water, lime slurry, etc. added by the recycling equipment at the mill head or mixing unit shall be controlled through liquid metering devices capable of automatically adjusting for the variation in the weight of the pulverized material going into the mixing unit. The metering devices shall be capable of delivering the amount of additive to within ± 0.2 percent of the required amount by weight of the pulverized bituminous material. A capability of adding up to 5% water by weight of the pulverized bituminous material, if necessary based on environmental and material requirements, is mandatory. It will not be required to meter the water added at the milling machine to control dust in the screens, belts, or crusher/material sizing unit.

Note 6. The pick-up machine shall be capable of removing the entire windrow down to the remaining underlying material.

CONSTRUCTION REQUIREMENTS

Weather Limitations. This work shall be performed when the atmospheric temperature in the shade and away from artificial heat is 50 °F (10 °C) and rising. Also, the weather shall not be foggy or rainy. The weather forecast shall not call for freezing temperature within 48 hours after placement of any portion of the project. The Engineer may restrict work when the heat index is greater than 100 °F (38 °C).

Preparation of Existing Pavement. Grass and other vegetation shall be removed from the edge of the existing pavement to prevent contamination of the pulverized bituminous material during the milling operation.

The existing pavement shall be milled to the required depth and width as indicated on the plans. Recycling shall be in a manner that does not disturb the underlying material in the existing roadway. The milling operation shall be conducted so that the amount of fines occurring along the vertical faces of the cut will not prevent bonding of the cold recycled materials. The pulverized bituminous material shall be processed to the required gradation specified. When a paving fabric is encountered during the CIR operation, the Contractor shall make the necessary adjustments in equipment or operations so that at least 90 percent of the shredded fabric in the recycled material is no more than 5 sq in. (3200 sq mm). Additionally, no fabric piece shall have any dimension exceeding a length of 4 in. (100 mm). These changes may include, but not be limited to, adjusting the milling rate or screens in order to obtain a recycled material meeting specification requirements. The Contractor shall be required to waste material containing oversized pieces of paving fabric as directed by the Engineer. When the Contractor is aware that paving fabric exists, such as indicated on the plans, the Contractor will not receive additional payment. However, if the Contractor is not made aware of the paving fabric, then the Contractor shall receive additional payment for any necessary adjustments in equipment and operations.

Mixing Operation. The pulverized material shall be processed through a mixing unit capable of combining the pulverized material, emulsified asphalt, and any additives to produce a homogeneous recycled mixture. The emulsified asphalt shall be incorporated into the pulverized bituminous material at the initial rate determined by the mix design(s) and approved by the Engineer. Sampling and mix design may determine different levels of emulsified asphalt at various portions of the project.

Spreading and Finishing. The recycled material shall be spread using a self-propelled paver. A pick-up machine shall be used to transfer the windrowed recycled material into the spreading and finishing machine. The pick-up machine must be within 150 ft (45 m) of the mixing unit. The recycled material shall be spread by a spreading and finishing machine in one continuous pass, without segregation, and to the lines and grades established by the Engineer.

Compaction. The compacted recycled material shall be at a thickness of 2.5 to 5.0 in. (63 to 125 mm). The recycled material shall be compacted according to the following.

- (a) **Growth Curve.** Compaction shall be accomplished by performing a growth curve within the first one-half mile of production. If an adjustment is made to the emulsified asphalt application rate or recycled depth, the Engineer reserves the right to request an additional growth curve. The growth curve, consisting of a plot of lb/cu ft (kg/cu m) versus number of passes with the project breakdown roller, shall be developed. Roller speed during the growth curve testing shall be the same as the normal paving operation. This curve shall be established by use of a nuclear gauge. Tests shall be taken after each pass until the highest lb/cu ft (kg/cu m) is obtained. This value shall be the target density.

A new growth curve is required if the rollers used on the growth curve are replaced with a new roller during production. The target density shall apply only to the specific gauge used. If additional gauges are to be used to determine density specification compliance, the Contractor shall establish a unique minimum allowable target density from the growth curve location for each gauge.

- (b) **Rollers.** Immediately after processing and final shaping, the recycled material shall be compacted with equipment meeting the following requirements.

MINIMUM ROLLER REQUIREMENTS FOR CIR			
Breakdown Roller (one of the following) ¹	Intermediate Roller ¹	Final Roller (one or more of the following) ¹	Density Requirement
V _s , V _D	P	V _s , T _F	95 - 102 percent of the target density obtained on the growth curve

Note): 1. Equipment definitions in Table 1 of Article 406.07.

- (c) **Rolling.** Breakdown rolling shall be achieved by using a vibratory roller either operating in a static or vibratory mode. Vibratory mode should only be used if it is shown to not damage the pavement. Intermediate rolling shall be completed by a self-propelled pneumatic-tired roller(s) until no displacement is occurring or until the pneumatic-tired roller(s) is walking out of the mixture. Final rolling to eliminate tire marks and to achieve density shall be done by a separate double drum steel roller(s) operating in static mode.

Rolling shall start no more than 30 minutes behind the paver. Finish rolling shall be completed no more than one hour after milling is completed. When possible, rolling shall not be started or stopped on uncompacted material but with rolling patterns established so that they begin or end on previously compacted material or the existing pavement.

Opening to Traffic. After the completion of compaction of the recycled material, no traffic, including that of the Contractor, shall be permitted on the completed recycled material for at least two hours. After two hours, rolling traffic may be permitted on the recycled material. This time may be adjusted by the Engineer to allow establishment of sufficient cure so traffic will not initiate raveling or permanent deformation. All loose particles that may develop on the pavement surface shall be removed by power brooming.

After opening to traffic, the surface of the recycled pavement shall be maintained in a condition suitable for the safe movement of traffic.

Maintenance. The Contractor shall maintain the recycled pavement in a manner satisfactory to the Engineer until the wearing course has been constructed. Maintenance related to Contractor construction procedures or quality of work, shall not be paid for separately.

Curing. Before placing the specified wearing course, the recycled pavement shall be allowed to cure until the moisture of the material is reduced to 2.0 percent or less, or approval of the Engineer. Unless otherwise directed by the Engineer, the specified wearing course shall be placed within two weeks of the recycled pavement final cure, but no later than November 1.

Surface Tests. The completed recycled pavement will be tested for smoothness in the wheel paths with a 16 ft (5 m) straightedge.

For each variation in the recycled pavement that exceeds 3/8 in. (10 mm), the entire area affected shall be corrected by a self-propelled milling machine. The recycled pavement shall be swept by a mechanical broom to remove all loose material from the recycled pavement before opening to traffic.

The Contractor shall furnish a 16 ft (5 m) straightedge and shall provide for its jobsite transportation at no additional cost to the Department.

Quality Assurance/ Quality Control (QC/QA).

(a) **Quality Control by the Contractor.** The Contractor shall perform or have performed the inspection and tests required to assure conformance to contract requirements. Control includes the recognition of obvious defects and their immediate correction. This may require increased testing, communication of test results to the job site, modification of operations, suspension of the work, or other actions as appropriate.

The Engineer shall be immediately notified of any failing tests and subsequent remedial action. Passing tests shall be reported to the Engineer no later than the start of the next work day.

(b) **Quality Assurance by the Engineer.** The Engineer will conduct independent assurance tests on split samples taken by the Contractor for quality control testing. In addition, the Engineer will witness the sampling and splitting of these samples and will immediately retain witnessed split samples for quality assurance testing.

(c) **Tests Methods and Frequency.**

(1) **Depth of Pulverization (Milling).** The nominal depth at the centerline shall be required. Anytime depth changes are made or equipment is idle, a depth check shall be taken.

- (2) **Pulverized Material Sizing and Gradation.** A sample shall be obtained before emulsified asphalt addition and screened using a 1.5 in. (37.5 mm) sieve (or smaller sieve if required) to determine if meeting the maximum particle size requirement. Gradations shall be performed each day on the moist millings using the following sieves: 1.5 in., 1.0 in., 3/4 in., 1/2 in., 3/8 in., No. 4, No. 8, No. 16, and No. 30. The resulting gradation shall be compared to the mix design gradations to determine any necessary changes to emulsion content.

Sampling procedures shall generally be in accordance with ASTM D 979 or AASHTO T 168. When the Engineer determines the location for a gradation sample, the Contractor will be notified to turn off the emulsified asphalt and mark the location continuing to pulverize the hot-mix asphalt pavement until the Engineer is satisfied with the length of material pulverized without the addition of the emulsified asphalt. The maximum length of pulverization without the addition of the emulsified asphalt shall not exceed 100 ft (30 m). After the Contractor collects the gradation sample, the machine will be backed up to the location where the emulsified asphalt was turned off, then re-pulverize this material, adding the required amount of emulsified asphalt to the pulverized material.

- (3) **Emulsified Asphalt Content.** The Engineer shall be notified any time emulsified asphalt content is changed. The emulsified asphalt content shall be checked and recorded for each segment in which the percentage is changed. Emulsified asphalt content changes shall be made based upon mix design recommendations, which are based upon different mix designs for road segments of varying construction. The emulsified asphalt content shall be checked from the belt scale totalizer or emulsified asphalt pump totalizer.
- (4) **Water Content.** The Engineer shall be notified any time the water content is changed. Water content at the milling head shall be checked and recorded for each segment in which the percentage is changed. This information shall be gathered from the water metering device, which can be checked from the belt scale totalizer to verify daily quantities used. Water content changes shall be made based on mixture consistency, coating, and dispersion of the recycled materials.
- (5) **Compacted Density.** A wet density shall be determined using a nuclear moisture-density gauge generally following the procedures for ASTM D 2950, backscatter measurement. This measurement shall be compared to the target density obtained by the growth curve.
- (6) **Frequency.** The following table provides the minimum frequency for tests; however, the Engineer may increase the testing frequency if the construction process is experiencing problems or unknown conditions are encountered.

QC/QA TESTING FREQUENCY		
Test	QC Frequency ¹	QA Frequency ¹
Depth of Pulverization	1 per 500 ft (150 m)	1 per 1000 ft (300 m)
Pulverized Material Sizing and Gradation	1 per 0.5 day of production	1 per day of production
Emulsified Asphalt Content	1 per 500 ft (150 m)	1 per 1000 ft (300 m)
Water Content	1 per 500 ft (150 m)	1 per 1000 ft (300 m)
Compacted Density	1 per 0.25 mile (0.4 km)	1 per mile (1.6 km)

Note: 1. The Contractor shall perform all quality control tests within the first 500 ft (150 m) after startup or any change in the mix. The Department will also run the split samples at these locations.

Method of Measurement.

Bituminous materials will be measured for payment as specified in Section 1032.

- | Coarse aggregate will be measured in square yards (square meters).
- | The cold in-place recycling will be measured in square yards (square meters) of the recycled pavement.

Basis of Payment.

The bituminous material will be paid for at the contract unit price per gallon (liter) for CIR-FDR EMULSIFIED ASPHALT.

- | The coarse aggregate will be paid for at the contract unit price per square yard (square meter) for ADD ROCK.

The cold in-place recycling will be paid for at the contract unit price per square yard (square meter) for COLD IN-PLACE RECYCLING, of the thickness specified.

State of Illinois
Department of Transportation
Bureau of Local Roads and Streets

SPECIAL PROVISION
FOR
SURFACE PROFILE MILLING OF EXISTING, RECYCLED, OR RECLAIMED
FLEXIBLE PAVEMENT

Effective: April 1, 2012
Revised: June 1, 2012

All references to Divisions, Sections, and Articles in this Special Provision shall be construed to mean specific Divisions, Sections, and Articles in the Standard Specifications for Road and Bridge Construction adopted by the Department of Transportation.

Description. This work shall consist of surface profile milling existing, recycled, or reclaimed flexible pavement prior to application of a surface treatment less than or equal to 1.5 in. (38 mm) thick.

Equipment. Equipment shall be according to the following Articles of Division 1100 – Equipment.

- (a) Self-Propelled Milling Machine (Note 1)..... 1101.16

Note 1. The self-propelled milling machine shall be capable of milling an entire lane width in a single pass and have the capability of loading the millings into a truck.

The cutting drum and teeth shall be designed to produce the required surface texture. Each tooth on the cutting drum shall produce a series of discontinuous longitudinal striations. There shall be 16 to 20 striations (tooth marks) for each tooth for each 6 ft (1.8 m) in the longitudinal direction, and each striation shall be 1.7 ± 0.2 in. (43 ± 5 mm) in length after the area is planed by the moldboard. The planed length between each pair of striations shall be 2.3 ± 0.2 in. (58 ± 5 mm). There shall be 80 to 96 rows of discontinuous longitudinal striations for each 5 ft (1.5 m) in the transverse direction. The pattern of striations shall be such that a line connecting striations in adjacent rows shall form approximately a 70 degree skew angle with the roadway centerline. The areas between the striations in both the longitudinal and transverse directions shall be flat-topped and coplanar.

The milling machine shall be capable of accurately and automatically establishing grades by use of an automatic grade control device on one side of the machine with an automatic slope control device controlling the opposite side. It shall be equipped with a traveling grade reference (averaging ski) which shall not be less than 30 feet (9 m) in length.

CONSTRUCTION REQUIREMENTS

Surface Test. The completed recycled or reclaimed pavement will be tested for smoothness in the wheel paths with a 16 ft (5 m) straightedge.

For each variation in the recycled or reclaimed pavement that exceeds 3/16 in. (5 mm), the entire area affected shall be corrected by surface profile milling. The self-propelled milling machine shall be used for surface profile milling. At any time the surface profile milling fails to produce a flat plane interspersed with the specified uniform pattern of discontinuous longitudinal striations, the surface profile milling shall be stopped until corrections are made to the equipment. The surface profile milling speed shall be limited to 60 ft/min (18 m/min). If the Contractor demonstrates that the desired striations and ride specifications are obtained at a greater speed, the Engineer may permit the Contractor to operate at an increased speed.

After surface profile milling, the recycled or reclaimed pavement shall be swept by a mechanical broom to remove all loose material from the recycled or reclaimed pavement before opening to traffic.

The Contractor shall furnish a 16 ft (5 m) straightedge and shall provide for its jobsite transportation at no additional cost to the Department.

Method of Measurement.

The surface profile milling will be measured in square yards (square meters).

Basis of Payment.

The surface profile milling will be paid for at the contract unit price per square yard (square meter) for SURFACE PROFILE MILLING.

State of Illinois
Department of Transportation
Bureau of Local Roads and Streets
SPECIAL PROVISION
FOR
CONSTRUCTION AND MAINTENANCE SIGNS

Effective: January 1, 2004
Revised: June 1, 2007

All references to Sections or Articles in this specification shall be construed to mean a specific Section or Article of the Standard Specifications for Road and Bridge Construction, adopted by the Department of Transportation.

701.14. Signs. Add the following paragraph to Article 701.14:

All warning signs shall have minimum dimensions of 1200 mm x 1200 mm (48" x 48") and have a black legend on a fluorescent orange reflectorized background, meeting, as a minimum, Type AP reflectivity requirements of Table 1091-2 in Article 1091.02.

State of Illinois
Department of Transportation
Bureau of Local Roads and Streets

SPECIAL PROVISION
FOR
COLD IN-PLACE RECYCLING (CIR) AND FULL DEPTH RECLAMATION (FDR) WITH
EMULSIFIED ASPHALT MIX DESIGN PROCEDURES

Effective: April 1, 2012
Revised: June 1, 2012

All references to Divisions, Sections, and Articles in this Special Provision shall be construed to mean specific Divisions, Sections, and Articles in the Standard Specifications for Road and Bridge Construction adopted by the Department of Transportation.

Laboratory Temperature and Humidity Control

Each laboratory performing mix designs shall have heating, ventilation, and air conditioning (HVAC) equipment that maintains a room temperature of 68 to 86 °F (20 to 30 °C) and relative humidity of less than 60 percent.

Sampling and Processing

A minimum sample size of 350 lb (160 kg) is needed for each mix design. Bulk samples of the recycled layer thickness shall be obtained from either test pits or cores. Each layer shall be examined to confirm thickness and material.

The bituminous layers shall be crushed. A washed gradation of the crushed bituminous layer(s) shall be performed according to AASHTO T 27 and reported and meet the following requirement(s).

Sieve Size		Percent Passing	
		FDR Crushed Gradations	
		Ideal	Less Suitable
2 in.	50 mm	100	
1 1/2 in.	37.5 mm	87 – 100	
1 in.	25 mm	77 – 100	100
3/4 in.	19 mm	66 – 99	99 – 100
1/2 in.	12.5 mm	67 – 87	87 – 100
3/8 in.	9.5 mm	49 – 74	74 – 100
No. 4	4.75 mm	35 – 56	56 – 95
No. 8	2.36 mm	25 – 42	42 – 78
No. 16	1.18 mm	18 – 33	33 – 65
No. 50	300 µm	10 – 24	24 – 43
No. 200	75 µm	4 – 10	10 – 20

Sieve Size		Percent Passing		
		FDR Crushed Gradations		
		Fine	Medium	Coarse
1 1/2 in.	37.5 mm	100	100	100
1 in.	25 mm	100	100	85-100
3/4 in.	19 mm	95-100	85-96	75-92
No. 4	4.75 mm	55-75	40-55	30-45
No. 30	600 μm	15-35	4-14	1-7
No. 200	75 μm	1-7	0.6-3	0.1-3

Washed gradation (AASHTO T 27) and sand equivalent (ASTM D 2419, Method B) shall be performed and reported for any granular layer. The washed gradation (AASHTO T 27) of combined layers shall be performed and reported. If combined layers include an aggregate layer, the sand equivalent (ASTM D 2419, Method B) shall be performed and reported.

All washed gradations shall be dried at no greater than 104 °F (40 °C).

Mixing and Compaction

1. FDR with Emulsified Asphalt. Perform Modified Proctor compaction according to ASTM D 1557, Method C to determine optimum moisture content (OMC) at peak dry density. OMC shall be defined by a best-fit curve from a minimum of four points. Material containing 20 percent or more passing the No. 200 sieve shall be mixed with target moisture, sealed, and set aside a minimum of 12 hours. All other material shall be set aside a minimum of 3 hours. If a material contains less than 4 percent passing the No. 200 sieve, then this testing is not required.

Select the water content of specimens, not including water in the emulsified asphalt, based on sand equivalent value (SE) from the combined materials.

- 60 to 75 percent of OMC if SE ≤ 30
- 45 to 65 percent of OMC if SE > 30

If a material contains less than 4 percent passing the No. 200 sieve or if no peak develops with the OMC curve, then fix the moisture content between 2 and 3 percent.

Specimens shall be mixed with the required amount of water before the addition of emulsified asphalt. Specimens shall be mixed with the appropriate amount of water and allowed to sit sealed according to the same guidelines as used for Modified Proctor specimens.

Samples shall have a weight before addition of water and emulsified asphalt to produce 2.75 to 3.25 in. (70 mm to 80 mm) tall compacted specimens.

Choose four emulsified asphalt contents that will bracket the design emulsified asphalt content. Recommended emulsified asphalt content percentages: 1.5, 2.0, 2.5, 3.0, 3.5, or 4.0. The following specimens shall be created:

- A minimum of two specimens at each of four emulsified asphalt contents shall be produced for short-term strength testing.
- Four specimens at each of four emulsified asphalt contents shall be produced for the strength and retained strength tests.

- Two specimens shall be produced for maximum specific gravity.

A mechanical mixer shall be used that has a bowl with a diameter of 10 to 12 in. (250 to 300 mm). It shall rotate on its axis at 50 to 75 revolutions per minute. A mixing paddle which makes contact with the bottom and side of the bowl shall rotate on its axis at twice the bowl rotation rate and in the opposite rotation direction as the bowl.

Aggregate material and emulsified asphalt shall be mixed at a temperature of 68 to 79 °F (20 to 26 °C). Water shall be mixed for 60 seconds. Emulsified asphalt shall be mixed for 60 seconds. If other materials are added, such as lime or cement, then they shall be introduced in a similar manner as they will be on the project. For example, if lime is incorporated a day or more before emulsified asphalt addition, then it shall be added to the wet aggregate a day or more before mixing with emulsified asphalt. If lime is incorporated as a slurry, then it shall be incorporated as a slurry in the laboratory.

Loose specimens shall be cured individually in plastic containers of 4 to 7 in. (100 to 175 mm) height and 6 in. (150 mm) diameter. Specimens shall be cured at 104 °F (40 °C) for 30 ± 3 minutes. No further mixing or aeration shall occur during this time.

Specimens shall be compacted in a Superpave gyratory compactor (SGC) at a vertical pressure of 87 psi (600 kPa), an angle of 1.25°, and a mold of 6 in. (150 mm) diameter for 30 gyrations. After the last gyration, 87 psi (600 kPa) ram pressure shall be applied for 10 seconds. The mold shall not be heated.

2. CIR with Emulsified Asphalt. The specimen size shall be the amount that will produce a 2.4 to 2.6 in. (60 to 65 mm) tall specimen.

Choose three emulsified asphalt contents that bracket the estimated recommended emulsified asphalt content. Recommended emulsified asphalt content percentages: 1.5, 2.0, 2.5, 3.0, 3.5, 4.0. The following specimens shall be created:

- Four per emulsified asphalt content for a total of 6 for long-term stability and 6 for moisture testing for 3 emulsified asphalt contents.
- Two specimens are required for Rice specific gravity; test at the highest emulsified asphalt content in the design and back calculate for the lower emulsified asphalt contents.

Add moisture that is expected to be added at the milling head, typically 1.5 to 2.5 percent.

If any additives are in the mixture, introduce the additives in a similar manner that they will be added during field production.

Mixing of test specimens shall be performed with a mechanical bucket mixer. Mix the CIR-RAP millings thoroughly with water first, then mix with emulsified asphalt. Mixing shall occur at ambient temperature. One specimen shall be mixed at a time. Mixing time with emulsified asphalt should not exceed 60 seconds.

Specimens shall be compacted immediately after mixing. Place paper disks on the top and bottom of the specimen before compaction.

Specimens shall be compacted with a Superpave gyratory compactor (SGC) in a 4 in. (100 mm) mold at 1.25° angle, 87 psi (600 kPa) ram pressure, and 30 gyrations. The mold shall not be heated.

Curing after Compaction

1. FDR with Emulsified Asphalt. Specimens (except STS specimens) shall be cured for 72 hours at 104 °F (40 °C). The bottom of the specimens shall rest on racks with slots or holes for air circulation. After curing, specimens for moisture conditioning shall be cooled at ambient temperature a maximum of 24 hours; specimens for dry strength shall cool at ambient temperature or 77 °F (25 °C) and be tested at the same time as the moisture-conditioned specimens.

Specimens for Rice (maximum theoretical) specific gravity shall be cured at the same conditions as the compacted specimens, except they can be tested after cooling a maximum of 24 hours.

2. CIR with Emulsified Asphalt. Extrude specimens from molds immediately after compaction. Carefully remove paper disks.

Place specimens in 140 °F (60 °C) forced draft oven with ventilation on sides and top. Place each specimen in a small container to account for material loss from the specimens.

Specimens for Rice (maximum theoretical) specific gravity should be dried to constant weight (less than 0.05 percent weight loss in 2 hours). Care should be taken not to over-dry the specimens.

Cure compacted specimens to constant weight (less than 0.05 percent weight loss in 2 hours), but no more than 48 hours and no less than 16 hours. After curing, cool specimens at ambient temperature a minimum of 12 hours and a maximum of 24 hours.

Short-Term Strength (STS) Test (FDR with Emulsified Asphalt Only)

A modified Hveem cohesiometer apparatus shall be used to test early strength (1 hour). This apparatus and procedure generally conforms to ASTM D 1560, Section 13 with the following exceptions:

- It shall have the capability of testing 6 in. (150 mm) diameter specimens.
- It shall have a shot flow rate of 5.95 ± 0.11 lb/min (2700 ± 50 g/min).
- Specimens shall be cured before compaction according to Section 5, and cure each specimen at each emulsified asphalt content for 60 ± 5 min at 77 °F (25 °C) and 10 to 70 percent humidity after compaction and before testing.

The following calibrations shall be made.

- The counter balance should be positioned exactly so that the hinged plate just barely remains horizontal when the top brackets and empty bucket are in place. This ensures that there is no force on the sample until shot begins to flow into the bucket.
- The gap between the bars of the switch that turns off the flow of shot should have a gap of 0.75 in. (18 mm) when there is 3000 g of shot in the bucket. During this adjustment the locking bolt that prevents the plate from moving is in place.

Cohesion shall be tested as follows.

1. Tare the balance with the empty bucket weight.
2. Center the specimen on the unit.
3. Place plates on top of sample and press down while adjusting the outer lower nuts up until they just contact the bottom of the plate.

4. Use a torque wrench or torque-meter to tighten the nuts on the specimen to a maximum of 1.6 foot pound 2.6 (N m).
5. Gently support the bar so the unit does not move when the pin is pulled releasing the hinged plate.
6. Pull pin and push open valve to start the flow of shot.
7. After the unit shuts off the flow of shot, immediately put the locking pin in place and then record the weight of shot.
8. Loosen top nuts to remove plates and rotate specimen 90°.
9. Repeat procedure on the other axis of the specimen.
10. Calculate short-term strength as follows:

$$STS = \frac{SW}{15(0.031h + 0.0027h^2)}$$

Where:

SW = Shot Weight in grams
 h = height in cm

11. A total of two results will be obtained for each specimen at each emulsified asphalt content, and a total of four results will be obtained at each emulsified asphalt content.

Volumetric Measurements

Determine bulk specific gravity (ASTM D 6752) of the specimens. Keep specimens in bags until testing or vacuum saturation is performed. ASTM D 2726 may be used to determine bulk specific gravity if specimens' absorption is less than or equal to 2 percent of water by volume.

Determine Rice (maximum theoretical) specific gravity (ASTM D 2041) except as noted in the Mixing, Compaction, and Curing after Compaction sections.

Determine air voids at all emulsified asphalt contents used in the design.

Mechanical Measurements

1. FDR with Emulsified Asphalt. Perform ITS testing according to ASTM D 4867. Specimens shall be conditioned at 77 °F (25 °C) for two hours before testing. Vacuum saturate half the specimens at each emulsified asphalt content to a minimum 55 percent of the voids filled with water. Soak for 24 hours at 77 °F (25 °C) before testing.
2. CIR with Emulsified Asphalt. Determine corrected Marshall Stability (ASTM D 1559) at 104 °F (40 °C) after 2 hour temperature conditioning in a forced draft oven. This testing shall be performed at the same time that the moisture conditioned specimens are tested.

Perform same conditioning and volumetric measurements on moisture-conditioned specimens as on other specimens. Vacuum saturate to 55 to 75 percent; and soak in a 77 °F (25 °C) water bath for 23 hours, followed by a one hour soak at 104 °F (40 °C). Determine corrected Marshall Stability. The average moisture conditioned specimen strength divided by the average dry specimen strength is referred to as retained stability.

Raveling Test (CIR with Emulsified Asphalt Only)

The apparatus used for the raveling test is a modified A-120 Hobart mixer and abrasion head (including hose) used in the Wet Track Abrasion of Slurry Surfaces Test (ISSA TB-100). The rotation speed for the raveling test is not modified from ISSA TB-100. The ring weight is removed from the abrasion head for the raveling test below. The weight of the abrasion head and hose in contact with the specimen should be 600 g ± 15 g. The prepared sample must be able to be secured under the abrasion head, and centered for an accurate result, allowing for free movement vertically of the abrasion head. The device used for securing and centering the sample must allow a minimum of 0.4 in. (10 mm) of the sample to be available for abrasion. The Hobart mixer will need to be modified to allow the sample to fit properly for abrasion. The modification may be accomplished by adjusting the abrasion head height, or the height of the secured sample. The Hobart C-100 and N-50 Models are not acceptable for this test procedure due to differences in size and speed of rotation.

1. Split out two recycled asphalt samples from the medium gradation, or field sample, to a quantity of 2700 g in mass. The 2700 g is an approximate weight to give 2.8 ± 0.2 in. (70 ± 5 mm) of height after compaction.
2. The recycled asphalt sample should be placed in a container of adequate size for mixing.
3. Field or design moisture contents should be added to each of the recycled asphalt samples and mixed for 60 seconds.
4. The design emulsified asphalt content shall be added to each of the recycled asphalt samples and mixed for 60 seconds.
5. The samples shall be placed immediately into a 6 in. (150 mm) gyratory compaction mold and compacted to 20 gyrations. If the sample height is not 2.8 ± 0.2 in. (70 ± 5 mm), the recycled asphalt weight should be adjusted.
6. After compaction, the samples shall be removed from the compaction mold and placed on a flat pan to cure at the specified temperature and humidity (if required) for 240 ± 5 minutes. The temperature shall be maintained at 50 ± 3.5 °F (10 ± 2 °C).
7. The specimens shall be weighed after the curing, just prior to testing.
8. The specimens shall be placed on the raveling test apparatus. Care should be taken that the specimen is centered and well supported. The area of the hose in contact with the specimen should not have been previously used. It is allowable to rotate the hose to an unworn section for testing. The abrasion head (with hose) shall be free to move vertically downward a minimum of 0.2 in. (5 mm) if abrasion allows.
9. The samples shall be abraded for 15 minutes and immediately weighed.
10. The Percent Raveling Loss shall be determined as follows:

$$PRL = 100 \times \frac{W_p - W_A}{W_p}$$

Where: PRL = Percent Raveling Loss
 W_p = Weight of Sample Prior to Testing
 W_A = Weight of Sample After Testing

11. The average of the two specimens shall be reported as the Percent Raveling Loss. If there is a difference of > 0.5 percent raveling loss between the two test specimens, the Raveling Test shall be repeated. If both of the test specimens have a Percent Raveling Loss of > 10 percent, the two test results shall be averaged and the maximum 0.5 percent difference between test specimens shall not be required.

Note: If field mix samples are taken, Steps 2, 3, and 4 shall be omitted.

Emulsified Asphalt Content Selection

The emulsified asphalt content selected shall result in the mixture meeting the mix design requirements of the FDR or CIR with emulsified asphalt special provision.

Report

All mix design test results shall be reported to the Department. All additional additives and bituminous material shall be reported to the Department.

AUTOMATED FLAGGER ASSISTANCE DEVICES (BDE)

Effective: January 1, 2008

Description. This work shall consist of furnishing and operating automated flagger assistance devices (AFADs) as part of the work zone traffic control and protection for two-lane highways where two-way traffic is maintained over one lane of pavement. Use of these devices shall be at the option of the Contractor.

Equipment. AFADs shall be according to the FHWA memorandum, "MUTCD - Revised Interim Approval for the use of Automated Flagger Assistance Devices in Temporary Traffic Control Zones (IA-4R)", dated January 28, 2005. The devices shall be mounted on a trailer or a moveable cart and shall meet the requirements of NCHRP 350, Category 4.

The AFAD shall be the Stop/Slow type. This device uses remotely controlled "STOP" and "SLOW" signs to alternately control right-of-way.

Signs for the AFAD shall be according to Article 701.03 of the Standard Specifications and the MUTCD. The signs shall be 24 x 24 in. (600 x 600 mm) having an octagon shaped "STOP" sign on one side and a diamond shaped "SLOW" sign on the opposite side. The letters on the signs shall be 8 in. (200 mm) high. If the "STOP" sign has louvers, the full sign face shall be visible at a distance of 50 ft (15 m) and greater.

The signs shall be supplemented with one of the following types of lights.

- (a) Flashing Lights. When flashing lights are used, white or red flashing lights shall be mounted within the "STOP" sign face and white or yellow flashing lights within the "SLOW" sign face.
- (b) Stop and Warning Beacons. When beacons are used, a stop beacon shall be mounted 24 in. (600 mm) or less above the "STOP" sign face and a warning beacon mounted 24 in. (600 mm) or less above, below, or to the side of the "SLOW" sign face. As an option, a Type B warning light may be used in lieu of the warning beacon.

A "WAIT ON STOP" sign shall be placed on the right hand side of the roadway at a point where drivers are expected to stop. The sign shall be 24 x 30 in. (600 x 750 mm) with a black legend and border on a white background. The letters shall be at least 6 in. (150 mm) high.

This device may include a gate arm or mast arm that descends to a horizontal position when the "STOP" sign is displayed and rises to a vertical position when the "SLOW" sign is displayed. When included, the end of the arm shall reach at least to the center of the lane being controlled. The arm shall have alternating red and white retroreflective stripes, on both sides, sloping downward at 45 degrees toward the side on which traffic will pass. The stripes shall be 6 in. (150 mm) in width and at least 2 in. (50 mm) in height.

Flagging Requirements. Flaggers and flagging requirements shall be according to Article 701.13 of the Standard Specifications and the following.

AFADs shall be placed at each end of the traffic control, where a flagger is shown on the plans. The flaggers shall be able to view the face of the AFAD and approaching traffic during operation.

To stop traffic, the "STOP" sign shall be displayed, the corresponding lights/beacon shall flash, and when included, the gate arm shall descend to a horizontal position. To permit traffic to move, the "SLOW" sign shall be displayed, the corresponding lights/beacon shall flash, and when included, the gate arm shall rise to a vertical position.

If used at night, the AFAD location shall be illuminated according to Section 701 of the Standard Specifications.

When not in use, AFADs will be considered nonoperating equipment and shall be stored according to Article 701.11 of the Standard Specifications.

Basis of Payment. This work will not be paid for separately but shall be considered as included in the cost of the various traffic control items included in the contract.

80192

COMPENSABLE DELAY COSTS (BDE)

Effective: June 2, 2017

Revised: April 1, 2019

Revise Article 107.40(b) of the Standard Specifications to read:

“(b) Compensation. Compensation will not be allowed for delays, inconveniences, or damages sustained by the Contractor from conflicts with facilities not meeting the above definition; or if a conflict with a utility in an unanticipated location does not cause a shutdown of the work or a documentable reduction in the rate of progress exceeding the limits set herein. The provisions of Article 104.03 notwithstanding, compensation for delays caused by a utility in an unanticipated location will be paid according to the provisions of this Article governing minor and major delays or reduced rate of production which are defined as follows.

- (1) Minor Delay. A minor delay occurs when the work in conflict with the utility in an unanticipated location is completely stopped for more than two hours, but not to exceed two weeks.
- (2) Major Delay. A major delay occurs when the work in conflict with the utility in an unanticipated location is completely stopped for more than two weeks.
- (3) Reduced Rate of Production Delay. A reduced rate of production delay occurs when the rate of production on the work in conflict with the utility in an unanticipated location decreases by more than 25 percent and lasts longer than seven calendar days.”

Revise Article 107.40(c) of the Standard Specifications to read:

“(c) Payment. Payment for Minor, Major, and Reduced Rate of Production Delays will be made as follows.

- (1) Minor Delay. Labor idled which cannot be used on other work will be paid for according to Article 109.04(b)(1) and (2) for the time between start of the delay and the minimum remaining hours in the work shift required by the prevailing practice in the area.

Equipment idled which cannot be used on other work, and which is authorized to standby on the project site by the Engineer, will be paid for according to Article 109.04(b)(4).

- (2) Major Delay. Labor will be the same as for a minor delay.

Equipment will be the same as for a minor delay, except Contractor-owned equipment will be limited to two weeks plus the cost of move-out to either the

Contractor's yard or another job and the cost to re-mobilize, whichever is less. Rental equipment may be paid for longer than two weeks provided the Contractor presents adequate support to the Department (including lease agreement) to show retaining equipment on the job is the most economical course to follow and in the public interest.

- (3) Reduced Rate of Production Delay. The Contractor will be compensated for the reduced productivity for labor and equipment time in excess of the 25 percent threshold for that portion of the delay in excess of seven calendar days. Determination of compensation will be in accordance with Article 104.02, except labor and material additives will not be permitted.

Payment for escalated material costs, escalated labor costs, extended project overhead, and extended traffic control will be determined according to Article 109.13.”

Revise Article 108.04(b) of the Standard Specifications to read:

“(b) No working day will be charged under the following conditions.

- (1) When adverse weather prevents work on the controlling item.
- (2) When job conditions due to recent weather prevent work on the controlling item.
- (3) When conduct or lack of conduct by the Department or its consultants, representatives, officers, agents, or employees; delay by the Department in making the site available; or delay in furnishing any items required to be furnished to the Contractor by the Department prevents work on the controlling item.
- (4) When delays caused by utility or railroad adjustments prevent work on the controlling item.
- (5) When strikes, lock-outs, extraordinary delays in transportation, or inability to procure critical materials prevent work on the controlling item, as long as these delays are not due to any fault of the Contractor.
- (6) When any condition over which the Contractor has no control prevents work on the controlling item.”

Revise Article 109.09(f) of the Standard Specifications to read:

“(f) Basis of Payment. After resolution of a claim in favor of the Contractor, any adjustment in time required for the work will be made according to Section 108. Any adjustment in the costs to be paid will be made for direct labor, direct materials, direct equipment, direct jobsite overhead, direct offsite overhead, and other direct costs allowed by the resolution. Adjustments in costs will not be made for interest charges, loss of anticipated profit, undocumented loss of efficiency, home office overhead and unabsorbed overhead

other than as allowed by Article 109.13, lost opportunity, preparation of claim expenses and other consequential indirect costs regardless of method of calculation.

The above Basis of Payment is an essential element of the contract and the claim cost recovery of the Contractor shall be so limited.”

Add the following to Section 109 of the Standard Specifications.

“109.13 Payment for Contract Delay. Compensation for escalated material costs, escalated labor costs, extended project overhead, and extended traffic control will be allowed when such costs result from a delay meeting the criteria in the following table.

Contract Type	Cause of Delay	Length of Delay
Working Days	Article 108.04(b)(3) or Article 108.04(b)(4)	No working days have been charged for two consecutive weeks.
Completion Date	Article 108.08(b)(1) or Article 108.08(b)(7)	The Contractor has been granted a minimum two week extension of contract time, according to Article 108.08.

Payment for each of the various costs will be according to the following.

- (a) Escalated Material and/or Labor Costs. When the delay causes work, which would have otherwise been completed, to be done after material and/or labor costs have increased, such increases will be paid. Payment for escalated material costs will be limited to the increased costs substantiated by documentation furnished by the Contractor. Payment for escalated labor costs will be limited to those items in Article 109.04(b)(1) and (2), except the 35 percent and 10 percent additives will not be permitted.
- (b) Extended Project Overhead. For the duration of the delay, payment for extended project overhead will be paid as follows.
 - (1) Direct Jobsite and Offsite Overhead. Payment for documented direct jobsite overhead and documented direct offsite overhead, including onsite supervisory and administrative personnel, will be allowed according to the following table.

Original Contract Amount	Supervisory and Administrative Personnel
Up to \$5,000,000	One Project Superintendent
Over \$ 5,000,000 - up to \$25,000,000	One Project Manager, One Project Superintendent or Engineer, and One Clerk
Over \$25,000,000 - up to \$50,000,000	One Project Manager, One Project Superintendent, One Engineer, and

	One Clerk
Over \$50,000,000	One Project Manager, Two Project Superintendents, One Engineer, and One Clerk

(2) Home Office and Unabsorbed Overhead. Payment for home office and unabsorbed overhead will be calculated as 8 percent of the total delay cost.

(c) Extended Traffic Control. Traffic control required for an extended period of time due to the delay will be paid for according to Article 109.04.

When an extended traffic control adjustment is paid under this provision, an adjusted unit price as provided for in Article 701.20(a) for increase or decrease in the value of work by more than ten percent will not be paid.

Upon payment for a contract delay under this provision, the Contractor shall assign subrogation rights to the Department for the Department's efforts of recovery from any other party for monies paid by the Department as a result of any claim under this provision. The Contractor shall fully cooperate with the Department in its efforts to recover from another party any money paid to the Contractor for delay damages under this provision."

80384

DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION (BDE)

Effective: September 1, 2000

Revised: March 2, 2019

FEDERAL OBLIGATION. The Department of Transportation, as a recipient of federal financial assistance, is required to take all necessary and reasonable steps to ensure nondiscrimination in the award and administration of contracts. Consequently, the federal regulatory provisions of 49 CFR Part 26 apply to this contract concerning the utilization of disadvantaged business enterprises. For the purposes of this Special Provision, a disadvantaged business enterprise (DBE) means a business certified by the Department in accordance with the requirements of 49 CFR Part 26 and listed in the Illinois Unified Certification Program (IL UCP) DBE Directory.

STATE OBLIGATION. This Special Provision will also be used by the Department to satisfy the requirements of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act, 30 ILCS 575. When this Special Provision is used to satisfy state law requirements on 100 percent state-funded contracts, the federal government has no involvement in such contracts (not a federal-aid contract) and no responsibility to oversee the implementation of this Special Provision by the Department on those contracts. DBE participation on 100 percent state-funded contracts will not be credited toward fulfilling the Department's annual overall DBE goal required by the US Department of Transportation to comply with the federal DBE program requirements.

CONTRACTOR ASSURANCE. The Contractor makes the following assurance and agrees to include the assurance in each subcontract the Contractor signs with a subcontractor.

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 contracts funded in whole or in part with federal or state funds. 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:

- (a) Withholding progress payments;
- (b) Assessing sanctions;
- (c) Liquidated damages; and/or
- (d) Disqualifying the Contractor from future bidding as non-responsible.

OVERALL GOAL SET FOR THE DEPARTMENT. As a requirement of compliance with 49 CFR Part 26, the Department has set an overall goal for DBE participation in its federally assisted contracts. That goal applies to all federal-aid funds the Department will expend in its federally assisted contracts for the subject reporting fiscal year. The Department is required to make a

good faith effort to achieve the overall goal. The dollar amount paid to all approved DBE companies performing work called for in this contract is eligible to be credited toward fulfillment of the Department's overall goal.

CONTRACT GOAL TO BE ACHIEVED BY THE CONTRACTOR. This contract includes a specific DBE utilization goal established by the Department. The goal has been included because the Department has determined the work of this contract has subcontracting opportunities that may be suitable for performance by DBE companies. The determination is based on an assessment of the type of work, the location of the work, and the availability of DBE companies to do a part of the work. The assessment indicates, in the absence of unlawful discrimination and in an arena of fair and open competition, DBE companies can be expected to perform 0.00 % of the work. This percentage is set as the DBE participation goal for this contract. Consequently, in addition to the other award criteria established for this contract, the Department will only award this contract to a bidder who makes a good faith effort to meet this goal of DBE participation in the performance of the work. A bidder makes a good faith effort for award consideration if either of the following is done in accordance with the procedures set for in this Special Provision:

- (a) The bidder documents enough DBE participation has been obtained to meet the goal or,
- (b) The bidder documents a good faith effort has been made to meet the goal, even though the effort did not succeed in obtaining enough DBE participation to meet the goal.

DBE LOCATOR REFERENCES. Bidders shall consult the IL UCP DBE Directory as a reference source for DBE-certified companies. In addition, the Department maintains a letting and item specific DBE locator information system whereby DBE companies can register their interest in providing quotes on particular bid items advertised for letting. Information concerning DBE companies willing to quote work for particular contracts may be obtained by contacting the Department's Bureau of Small Business Enterprises at telephone number (217) 785-4611, or by visiting the Department's website at:

<http://www.idot.illinois.gov/doing-business/certifications/disadvantaged-business-enterprise-certification/il-ucp-directory/index>.

BIDDING PROCEDURES. Compliance with this Special Provision is a material bidding requirement and failure of the bidder to comply will render the bid not responsive.

The bidder shall submit a DBE Utilization Plan (form SBE 2026), and a DBE Participation Statement (form SBE 2025) for each DBE company proposed for the performance of work to achieve the contract goal, with the bid. If the Utilization Plan indicates the contract goal will not be met, documentation of good faith efforts shall also be submitted. The documentation of good faith efforts must include copies of each DBE and non-DBE subcontractor quote submitted to the bidder when a non-DBE subcontractor is selected over a DBE for work on the contract. The required forms and documentation must be submitted as a single .pdf file using the "Integrated Contractor Exchange (iCX)" application within the Department's "EBids System".

The Department will not accept a Utilization Plan if it does not meet the bidding procedures set forth herein and the bid will be declared not responsive. In the event the bid is declared not responsive, the Department may elect to cause the forfeiture of the penal sum of the bidder's proposal guaranty and may deny authorization to bid the project if re-advertised for bids.

GOOD FAITH EFFORT PROCEDURES. The contract will not be awarded until the Utilization Plan is approved. All information submitted by the bidder must be complete, accurate and adequately document enough DBE participation has been obtained or document the good faith efforts of the bidder, in the event enough DBE participation has not been obtained, before the Department will commit to the performance of the contract by the bidder. The Utilization Plan will be approved by the Department if the Utilization Plan documents sufficient commercially useful DBE work to meet the contract goal or the bidder submits sufficient documentation of a good faith effort to meet the contract goal pursuant to 49 CFR Part 26, Appendix A. This means the bidder must show that all necessary and reasonable steps were taken to achieve the contract goal. Necessary and reasonable steps are those which, by their scope, intensity and appropriateness to the objective, could reasonably be expected to obtain sufficient DBE participation, even if they were not successful. The Department will consider the quality, quantity, and intensity of the kinds of efforts the bidder has made. Mere *pro forma* efforts, in other words efforts done as a matter of form, are not good faith efforts; rather, the bidder is expected to have taken genuine efforts that would be reasonably expected of a bidder actively and aggressively trying to obtain DBE participation sufficient to meet the contract goal.

- (a) The following is a list of types of action that the Department will consider as part of the evaluation of the bidder's good faith efforts to obtain participation. These listed factors are not intended to be a mandatory checklist and are not intended to be exhaustive. Other factors or efforts brought to the attention of the Department may be relevant in appropriate cases and will be considered by the Department.
 - (1) Soliciting through all reasonable and available means (e.g. attendance at pre-bid meetings, advertising and/or written notices) the interest of all certified DBE companies that have the capability to perform the work of the contract. The bidder must solicit this interest within sufficient time to allow the DBE companies to respond to the solicitation. The bidder must determine with certainty if the DBE companies are interested by taking appropriate steps to follow up initial solicitations.
 - (2) Selecting portions of the work to be performed by DBE companies in order to increase the likelihood that the DBE goals will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate DBE participation, even when the Contractor might otherwise prefer to perform these work items with its own forces.
 - (3) Providing interested DBE companies with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation.

- (4) a. Negotiating in good faith with interested DBE companies. It is the bidder's responsibility to make a portion of the work available to DBE subcontractors and suppliers and to select those portions of the work or material needs consistent with the available DBE subcontractors and suppliers, so as to facilitate DBE participation. Evidence of such negotiation includes the names, addresses, and telephone numbers of DBE companies that were considered; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and evidence as to why additional agreements could not be reached for DBE companies to perform the work.
 - b. A bidder using good business judgment would consider a number of factors in negotiating with subcontractors, including DBE subcontractors, and would take a firm's price and capabilities as well as contract goals into consideration. However, the fact that there may be some additional costs involved in finding and using DBE companies is not in itself sufficient reason for a bidder's failure to meet the contract DBE goal, as long as such costs are reasonable. Also the ability or desire of a bidder to perform the work of a contract with its own organization does not relieve the bidder of the responsibility to make good faith efforts. Bidders are not, however, required to accept higher quotes from DBE companies if the price difference is excessive or unreasonable. In accordance with the above Bidding Procedures, the documentation of good faith efforts must include copies of each DBE and non-DBE subcontractor quote submitted to the bidder when a non-DBE subcontractor was selected over a DBE for work on the contract.
- (5) Not rejecting DBE companies as being unqualified without sound reasons based on a thorough investigation of their capabilities. The bidder's standing within its industry, membership in specific groups, organizations, or associations and political or social affiliations (for example union vs. non-union employee status) are not legitimate causes for the rejection or non-solicitation of bids in the bidder's efforts to meet the project goal.
 - (6) Making efforts to assist interested DBE companies in obtaining bonding, lines of credit, or insurance as required by the recipient or Contractor.
 - (7) Making efforts to assist interested DBE companies in obtaining necessary equipment, supplies, materials, or related assistance or services.
 - (8) Effectively using the services of available minority/women community organizations; minority/women contractors' groups; local, state, and federal minority/women business assistance offices; and other organizations as allowed on a case-by-case basis to provide assistance in the recruitment and placement of DBE companies.
- (b) If the Department determines the bidder has made a good faith effort to secure the work commitment of DBE companies to meet the contract goal, the Department will award the contract provided it is otherwise eligible for award. If the Department determines the

bidder has failed to meet the requirements of this Special Provision or that a good faith effort has not been made, the Department will notify the responsible company official designated in the Utilization Plan that the bid is not responsive. The notification will also include a statement of reasons for the adverse determination. If the Utilization Plan is not approved because it is deficient as a technical matter, unless waived by the Department, the bidder will be notified and will be allowed no more than a five calendar day period to cure the deficiency.

- (c) The bidder may request administrative reconsideration of an adverse determination by emailing the Department at "DOT.DBE.UP@illinois.gov" within the five calendar days after the receipt of the notification of the determination. The determination shall become final if a request is not made on or before the fifth calendar day. A request may provide additional written documentation or argument concerning the issues raised in the determination statement of reasons, provided the documentation and arguments address efforts made prior to submitting the bid. The request will be reviewed by the Department's Reconsideration Officer. The Reconsideration Officer will extend an opportunity to the bidder to meet in person to consider all issues of documentation and whether the bidder made a good faith effort to meet the goal. After the review by the Reconsideration Officer, the bidder will be sent a written decision within ten working days after receipt of the request for reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. A final decision by the Reconsideration Officer that a good faith effort was made shall approve the Utilization Plan submitted by the bidder and shall clear the contract for award. A final decision that a good faith effort was not made shall render the bid not responsive.

CALCULATING DBE PARTICIPATION. The Utilization Plan values represent work anticipated to be performed and paid for upon satisfactory completion. The Department is only able to count toward the achievement of the overall goal and the contract goal the value of payments made for the work actually performed by DBE companies. In addition, a DBE must perform a commercially useful function on the contract to be counted. A commercially useful function is generally performed when the DBE is responsible for the work and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. The Department and Contractor are governed by the provisions of 49 CFR Part 26.55(c) on questions of commercially useful functions as it affects the work. Specific counting guidelines are provided in 49 CFR Part 26.55, the provisions of which govern over the summary contained herein.

- (a) DBE as the Contractor: 100 percent goal credit for that portion of the work performed by the DBE's own forces, including the cost of materials and supplies. Work that a DBE subcontracts to a non-DBE does not count toward the DBE goals.
- (b) DBE as a joint venture Contractor: 100 percent goal credit for that portion of the total dollar value of the contract equal to the distinct, clearly defined portion of the work performed by the DBE's own forces.

- (c) DBE as a subcontractor: 100 percent goal credit for the work of the subcontract performed by the DBE's own forces, including the cost of materials and supplies, excluding the purchase of materials and supplies or the lease of equipment by the DBE subcontractor from the Contractor or its affiliates. Work that a DBE subcontractor in turn subcontracts to a non-DBE does not count toward the DBE goal.

- (d) DBE as a trucker: 100 percent goal credit for trucking participation provided the DBE is responsible for the management and supervision of the entire trucking operation for which it is responsible. At least one truck owned, operated, licensed, and insured by the DBE must be used on the contract. Credit will be given for the following:
 - (1) The DBE may lease trucks from another DBE firm, including an owner-operator who is certified as a DBE. The DBE who leases trucks from another DBE receives credit for the total value of the transportation services the lessee DBE provides on the contract.
 - (2) The DBE may also lease trucks from a non-DBE firm, including from an owner-operator. The DBE who leases trucks from a non-DBE is entitled to credit only for the fee or commission it receives as a result of the lease arrangement.

- (e) DBE as a material supplier:
 - (1) 60 percent goal credit for the cost of the materials or supplies purchased from a DBE regular dealer.
 - (2) 100 percent goal credit for the cost of materials or supplies obtained from a DBE manufacturer.
 - (3) 100 percent credit for the value of reasonable fees and commissions for the procurement of materials and supplies if not a DBE regular dealer or DBE manufacturer.

CONTRACT COMPLIANCE. Compliance with this Special Provision is an essential part of the contract. The Department is prohibited by federal regulations from crediting the participation of a DBE included in the Utilization Plan toward either the contract goal or the Department's overall goal until the amount to be applied toward the goals has been paid to the DBE. The following administrative procedures and remedies govern the compliance by the Contractor with the contractual obligations established by the Utilization Plan. After approval of the Utilization Plan and award of the contract, the Utilization Plan and individual DBE Participation Statements become part of the contract. If the Contractor did not succeed in obtaining enough DBE participation to achieve the advertised contract goal, and the Utilization Plan was approved and contract awarded based upon a determination of good faith, the total dollar value of DBE work calculated in the approved Utilization Plan as a percentage of the awarded contract value shall become the amended contract goal. All work indicated for performance by an approved DBE shall be performed, managed, and supervised by the DBE executing the DBE Participation Commitment Statement.

- (a) NO AMENDMENT. No amendment to the Utilization Plan may be made without prior written approval from the Department's Bureau of Small Business Enterprises. All requests for amendment to the Utilization Plan shall be emailed to the Department at DOT.DBE.UP@illinois.gov.
- (b) CHANGES TO WORK. Any deviation from the DBE condition-of-award or contract plans, specifications, or special provisions must be approved, in writing, by the Department as provided elsewhere in the Contract. The Contractor shall notify affected DBEs in writing of any changes in the scope of work which result in a reduction in the dollar amount condition-of-award to the contract. Where the revision includes work committed to a new DBE subcontractor, not previously involved in the project, then a Request for Approval of Subcontractor, Department form BC 260A or AER 260A, must be signed and submitted. If the commitment of work is in the form of additional tasks assigned to an existing subcontract, a new Request for Approval of Subcontractor will not be required. However, the Contractor must document efforts to assure the existing DBE subcontractor is capable of performing the additional work and has agreed in writing to the change.
- (c) SUBCONTRACT. The Contractor must provide copies of DBE subcontracts to the Department upon request. Subcontractors shall ensure that all lower tier subcontracts or agreements with DBEs to supply labor or materials be performed in accordance with this Special Provision.
- (d) ALTERNATIVE WORK METHODS. In addition to the above requirements for reductions in the condition of award, additional requirements apply to the two cases of Contractor-initiated work substitution proposals. Where the contract allows alternate work methods which serve to delete or create underruns in condition of award DBE work, and the Contractor selects that alternate method or, where the Contractor proposes a substitute work method or material that serves to diminish or delete work committed to a DBE and replace it with other work, then the Contractor must demonstrate one of the following:
- (1) The replacement work will be performed by the same DBE (as long as the DBE is certified in the respective item of work) in a modification of the condition of award; or
 - (2) The DBE is aware its work will be deleted or will experience underruns and has agreed in writing to the change. If this occurs, the Contractor shall substitute other work of equivalent value to a certified DBE or provide documentation of good faith efforts to do so; or
 - (3) The DBE is not capable of performing the replacement work or has declined to perform the work at a reasonable competitive price. If this occurs, the Contractor shall substitute other work of equivalent value to a certified DBE or provide documentation of good faith efforts to do so.

- (e) TERMINATION AND REPLACEMENT PROCEDURES. The Contractor shall not terminate or replace a DBE listed on the approved Utilization Plan, or perform with other forces work designated for a listed DBE except as provided in this Special Provision. The Contractor shall utilize the specific DBEs listed to perform the work and supply the materials for which each is listed unless the Contractor obtains the Department's written consent as provided in subsection (a) of this part. Unless Department consent is provided for termination of a DBE subcontractor, the Contractor shall not be entitled to any payment for work or material unless it is performed or supplied by the DBE in the Utilization Plan.

As stated above, the Contractor shall not terminate or replace a DBE subcontractor listed in the approved Utilization Plan without prior written consent. This includes, but is not limited to, instances in which the Contractor seeks to perform work originally designated for a DBE subcontractor with its own forces or those of an affiliate, a non-DBE firm, or with another DBE firm. Written consent will be granted only if the Bureau of Small Business Enterprises agrees, for reasons stated in its concurrence document, that the Contractor has good cause to terminate or replace the DBE firm. Before transmitting to the Bureau of Small Business Enterprises any request to terminate and/or substitute a DBE subcontractor, the Contractor shall give notice in writing to the DBE subcontractor, with a copy to the Bureau, of its intent to request to terminate and/or substitute, and the reason for the request. The Contractor shall give the DBE five days to respond to the Contractor's notice. The DBE so notified shall advise the Bureau and the Contractor of the reasons, if any, why it objects to the proposed termination of its subcontract and why the Bureau should not approve the Contractor's action. If required in a particular case as a matter of public necessity, the Bureau may provide a response period shorter than five days.

For purposes of this paragraph, good cause includes the following circumstances:

- (1) The listed DBE subcontractor fails or refuses to execute a written contract;
- (2) The listed DBE subcontractor fails or refuses to perform the work of its subcontract in a way consistent with normal industry standards. Provided, however, that good cause does not exist if the failure or refusal of the DBE subcontractor to perform its work on the subcontract results from the bad faith or discriminatory action of the Contractor;
- (3) The listed DBE subcontractor fails or refuses to meet the Contractor's reasonable, nondiscriminatory bond requirements;
- (4) The listed DBE subcontractor becomes bankrupt, insolvent, or exhibits credit unworthiness;
- (5) The listed DBE subcontractor is ineligible to work on public works projects because of suspension and debarment proceedings pursuant 2 CFR Parts 180, 215 and 1200 or applicable state law.

- (6) The Contractor has determined the listed DBE subcontractor is not a responsible contractor;
- (7) The listed DBE subcontractor voluntarily withdraws from the projects and provides written notice to the Contractor of its withdrawal;
- (8) The listed DBE is ineligible to receive DBE credit for the type of work required;
- (9) A DBE owner dies or becomes disabled with the result that the listed DBE subcontractor is unable to complete its work on the contract;
- (10) Other documented good cause that compels the termination of the DBE subcontractor. Provided, that good cause does not exist if the Contractor seeks to terminate a DBE it relied upon to obtain the contract so that the Contractor can self-perform the work for which the DBE contractor was engaged or so that the Contractor can substitute another DBE or non-DBE contractor after contract award.

When a DBE is terminated or fails to complete its work on the Contract for any reason, the Contractor shall make a good faith effort to find another DBE to substitute for the original DBE to perform at least the same amount of work under the contract as the terminated DBE to the extent needed to meet the established Contract goal. The good faith efforts shall be documented by the Contractor. If the Department requests documentation under this provision, the Contractor shall submit the documentation within seven days, which may be extended for an additional seven days if necessary at the request of the Contractor. The Department will provide a written determination to the Contractor stating whether or not good faith efforts have been demonstrated.

- (f) FINAL PAYMENT. After the performance of the final item of work or delivery of material by a DBE and final payment therefore to the DBE by the Contractor, but not later than 30 calendar days after payment has been made by the Department to the Contractor for such work or material, the Contractor shall submit a DBE Payment Agreement on Department form SBE 2115 to the Resident Engineer. If full and final payment has not been made to the DBE, the DBE Payment Agreement shall indicate whether a disagreement as to the payment required exists between the Contractor and the DBE or if the Contractor believes the work has not been satisfactorily completed. If the Contractor does not have the full amount of work indicated in the Utilization Plan performed by the DBE companies indicated in the Utilization Plan and after good faith efforts are reviewed, the Department may deduct from contract payments to the Contractor the amount of the goal not achieved as liquidated and ascertained damages. The Contractor may request an administrative reconsideration of any amount deducted as damages pursuant to subsection (h) of this part.
- (g) ENFORCEMENT. The Department reserves the right to withhold payment to the Contractor to enforce the provisions of this Special Provision. Final payment shall not be

made on the contract until such time as the Contractor submits sufficient documentation demonstrating achievement of the goal in accordance with this Special Provision or after liquidated damages have been determined and collected.

- (h) RECONSIDERATION. Notwithstanding any other provision of the contract, including but not limited to Article 109.09 of the Standard Specifications, the Contractor may request administrative reconsideration of a decision to deduct the amount of the goal not achieved as liquidated damages. A request to reconsider shall be delivered to the Contract Compliance Section and shall be handled and considered in the same manner as set forth in paragraph (c) of “Good Faith Effort Procedures” of this Special Provision, except a final decision that a good faith effort was not made during contract performance to achieve the goal agreed to in the Utilization Plan shall be the final administrative decision of the Department. The result of the reconsideration process is not administratively appealable to the U.S. Department of Transportation.

80029

DISPOSAL FEES (BDE)

Effective: November 1, 2018

Replace Articles 109.04(b)(5) – 109.04(b)(8) of the Standard Specifications with the following:

- “(5) Disposal Fees. When the extra work performed includes paying for disposal fees at a clean construction and demolition debris facility, an uncontaminated soil fill operation or a landfill, the Contractor shall receive, as administrative costs, an amount equal to five percent of the first \$10,000 and one percent of any amount over \$10,000 of the total approved costs of such fees.
- (6) Miscellaneous. No additional allowance will be made for general superintendence, the use of small tools, or other costs for which no specific allowance is herein provided.
- (7) Statements. No payment will be made for work performed on a force account basis until the Contractor has furnished the Engineer with itemized statements of the cost of such force account work. Statements shall be accompanied and supported by invoices for all materials used and transportation charges. However, if materials used on the force account work are not specifically purchased for such work but are taken from the Contractor’s stock, then in lieu of the invoices, the Contractor shall furnish an affidavit certifying that such materials were taken from his/her stock, that the quantity claimed was actually used, and that the price and transportation claimed represent the actual cost to the Contractor.

Itemized statements at the cost of force account work shall be detailed as follows.

- a. Name, classification, date, daily hours, total hours, rate, and extension for each laborer and foreman. Payrolls shall be submitted to substantiate actual wages paid if so requested by the Engineer.
 - b. Designation, dates, daily hours, total hours, rental rate, and extension for each unit of machinery and equipment.
 - c. Quantities of materials, prices and extensions.
 - d. Transportation of materials.
 - e. Cost of property damage, liability and workmen’s compensation insurance premiums, unemployment insurance contributions, and social security tax.
- (8) Work Performed by an Approved Subcontractor. When extra work is performed by an approved subcontractor, the Contractor shall receive, as administrative costs, an amount equal to five percent of the total approved costs of such work with the minimum payment being \$100.

- (9) All statements of the cost of force account work shall be furnished to the Engineer not later than 60 days after receipt of the Central Bureau of Construction form "Extra Work Daily Report". If the statement is not received within the specified time frame, all demands for payment for the extra work are waived and the Department is released from any and all such demands. It is the responsibility of the Contractor to ensure that all statements are received within the specified time regardless of the manner or method of delivery."

80402

EQUIPMENT PARKING AND STORAGE (BDE)

Effective: November 1, 2017

Replace the first paragraph of Article 701.11 of the Standard Specifications with the following.

“701.11 Equipment Parking and Storage. During working hours, all vehicles and/or nonoperating equipment which are parked, two hours or less, shall be parked at least 8 ft (2.5 m) from the open traffic lane. For other periods of time during working and for all nonworking hours, all vehicles, materials, and equipment shall be parked or stored as follows.

- (a) When the project has adequate right-of-way, vehicles, materials, and equipment shall be located a minimum of 30 ft (9 m) from the pavement.
- (b) When adequate right-of-way does not exist, vehicles, materials, and equipment shall be located a minimum of 15 ft (4.5 m) from the edge of any pavement open to traffic.
- (c) Behind temporary concrete barrier, vehicles, materials, and equipment shall be located a minimum of 24 in. (600 mm) behind free standing barrier or a minimum of 6 in. (150 mm) behind barrier that is either pinned or restrained according to Article 704.04. The 24 in. or 6 in. measurement shall be from the base of the non-traffic side of the barrier.
- (d) Behind other man-made or natural barriers meeting the approval of the Engineer.”

80388

LIGHTS ON BARRICADES (BDE)

Effective: January 1, 2018

Revise Article 701.16 of the Standard Specifications to read:

“701.16 Lights. Lights shall be used on devices as required in the plans, the traffic control plan, and the following table.

Circumstance	Lights Required
Daylight operations	None
First two warning signs on each approach to the work involving a nighttime lane closure and “ROUGH GROOVED SURFACE” (W8-I107) signs	Flashing mono-directional lights
Devices delineating isolated obstacles, excavations, or hazards at night (Does not apply to patching)	Flashing bi-directional lights
Devices delineating obstacles, excavations, or hazards exceeding 100 ft (30 m) in length at night (Does not apply to widening)	Steady burn bi-directional lights
Channelizing devices for nighttime lane closures on two-lane roads	None
Channelizing devices for nighttime lane closures on multi-lane roads	None
Channelizing devices for nighttime lane closures on multi-lane roads separating opposing directions of traffic	None
Channelizing devices for nighttime along lane shifts on multilane roads	Steady burn mono-directional lights
Channelizing devices for night time along lane shifts on two lane roads	Steady burn bi-directional lights
Devices in nighttime lane closure tapers on Standards 701316 and 701321	Steady burn bi-directional lights
Devices in nighttime lane closure tapers	Steady burn mono-directional lights
Devices delineating a widening trench	None
Devices delineating patches at night on roadways with an ADT less than 25,000	None
Devices delineating patches at night on roadways with an ADT of 25,000 or more	None

Batteries for the lights shall be replaced on a group basis at such times as may be specified by the Engineer.”

Delete the fourth sentence of the first paragraph of Article 701.17(c)(2) of the Standard Specifications.

Revise the first paragraph of Article 603.07 of the Standard Specifications to read:

“603.07 Protection Under Traffic. After the casting has been adjusted and Class SI concrete has been placed, the work shall be protected by a barricade for at least 72 hours.”

80392

PAYMENTS TO SUBCONTRACTORS (BDE)

Effective: November 2, 2017

Add the following to the end of the fourth paragraph of Article 109.11 of the Standard Specifications:

“If reasonable cause is asserted, written notice shall be provided to the applicable subcontractor and/or material supplier and the Engineer within five days of the Contractor receiving payment. The written notice shall identify the contract number, the subcontract or material purchase agreement, a detailed reason for refusal, the value of payment being withheld, and the specific remedial actions required of the subcontractor and/or material supplier so that payment can be made.”

80390

PROGRESS PAYMENTS (BDE)

Effective: November 2, 2013

Revise Article 109.07(a) of the Standard Specifications to read:

“(a) Progress Payments. At least once each month, the Engineer will make a written estimate of the quantity of work performed in accordance with the contract, and the value thereof at the contract unit prices. The amount of the estimate approved as due for payment will be vouchered by the Department and presented to the State Comptroller for payment. No amount less than \$1000.00 will be approved for payment other than the final payment.

Progress payments may be reduced by liens filed pursuant to Section 23(c) of the Mechanics' Lien Act, 770 ILCS 60/23(c).

If a Contractor or subcontractor has defaulted on a loan issued under the Department's Disadvantaged Business Revolving Loan Program (20 ILCS 2705/2705-610), progress payments may be reduced pursuant to the terms of that loan agreement. In such cases, the amount of the estimate related to the work performed by the Contractor or subcontractor, in default of the loan agreement, will be offset, in whole or in part, and vouchered by the Department to the Working Capital Revolving Fund or designated escrow account. Payment for the work shall be considered as issued and received by the Contractor or subcontractor on the date of the offset voucher. Further, the amount of the offset voucher shall be a credit against the Department's obligation to pay the Contractor, the Contractor's obligation to pay the subcontractor, and the Contractor's or subcontractor's total loan indebtedness to the Department. The offset shall continue until such time as the entire loan indebtedness is satisfied. The Department will notify the Contractor and Fund Control Agent in a timely manner of such offset. The Contractor or subcontractor shall not be entitled to additional payment in consideration of the offset.

The failure to perform any requirement, obligation, or term of the contract by the Contractor shall be reason for withholding any progress payments until the Department determines that compliance has been achieved.”

80328

REMOVAL AND DISPOSAL OF REGULATED SUBSTANCES (BDE)

Effective: January 1, 2019

Revise Section 669 of the Standard Specifications to read:

“SECTION 669. REMOVAL AND DISPOSAL OF REGULATED SUBSTANCES

669.01 Description. This work shall consist of the transportation and proper disposal of contaminated soil and groundwater. This work shall also consist of the removal, transportation, and proper disposal of underground storage tanks (UST), their content and associated underground piping to the point where the piping is above the ground, including determining the content types and estimated quantities.

669.02 Equipment. The Contractor shall notify the Engineer of the delivery of all excavation, storage, and transportation equipment to a work area location. The equipment shall comply with OSHA and American Petroleum Institute (API) guidelines and shall be furnished in a clean condition. Clean condition means the equipment does not contain any residual material classified as a non-special waste, non-hazardous special waste, or hazardous waste. Residual materials include, but are not limited to, petroleum products, chemical products, sludges, or any other material present in or on equipment.

Before beginning any associated soil or groundwater management activity, the Contractor shall provide the Engineer with the opportunity to visually inspect and approve the equipment. If the equipment contains any contaminated residual material, decontamination shall be performed on the equipment as appropriate to the regulated substance and degree of contamination present according to OSHA and API guidelines. All cleaning fluids used shall be treated as the contaminant unless laboratory testing proves otherwise.

669.03 Pre-construction Submittals. Prior to beginning this work, or working in areas with regulated substances, the Contractor shall submit a Regulated Substance Pre-Construction Plan (RSPCP) to the Engineer for review and approval using form BDE 2730. The form shall be signed by an Illinois licensed Professional Engineer or Professional Geologist.

As part of the RSPCP, the qualifications of Contractor(s) or firm(s) performing the following work shall be listed.

- (a) On-Site Monitoring. Qualification for on-site monitoring of regulated substance work and on-site monitoring of UST removal requires either pre-qualification in Hazardous Waste by the Department or demonstration of acceptable project experience in remediation and special waste operations for contaminated sites in accordance with applicable Federal, State, or local regulatory requirements.

Qualification for each individual performing on-site monitoring requires a minimum of one-year of experience in similar activities as those required for the project.

(b) Underground Storage Tank. Qualification for underground storage tank (UST) work requires licensing and certification with the Office of the State Fire Marshall (OSFM) and possession of all permits required to perform the work. A copy of the permit shall be provided to the Engineer prior to tank removal.

The qualified Contractor(s) or firm(s) shall also document it does not have any current or former ties with any of the properties contained within, adjoining, or potentially affecting the work.

The Engineer will require up to 30 calendar days for review of the RSPCP. The review may involve rejection or revision and resubmittal; in which case, an additional 30 days will be required for each subsequent review. Work shall not commence until the RSPCP has been approved by the Engineer. After approval, the RSPCP shall be revised as necessary to reflect changed conditions in the field.

CONSTRUCTION REQUIREMENTS

669.04 Contaminated Soil and/or Groundwater Monitoring. Prior to beginning excavation, the Contractor shall mark the limits of removal for approval by the Engineer. Once excavation begins, the work and work area involving regulated substances shall be monitored by qualified personnel. The qualified personnel shall be on-site continuously during excavation and loading of material containing regulated substances. The qualified personnel shall be equipped with either a photoionization detector (PID) (minimum 10.6eV lamp), or a flame ionization detector (FID), and other equipment, as appropriate, to monitor for potential contaminants associated with volatile organic compounds (VOCs) or semi-volatile organic compounds (SVOCs). The PID or FID meter shall be calibrated on-site and background level readings taken and recorded daily, and as field and weather conditions change. Any field screen reading on the PID or FID in excess of background levels indicates the potential presence of contaminated material requiring handling as a non-special waste, special waste, or hazardous waste. PID or FID readings may be used as the basis of increasing the limits of removal with the approval of the Engineer but shall in no case be used to decrease the limits.

The qualified personnel shall document field activities using form BDE 2732 (Regulated Substances Monitoring Daily Record) including the name(s) of personnel conducting the monitoring, weather conditions, PID or FID calibration records, a list of equipment used on-site, a narrative of activities completed, photo log sheets, manifests and landfill tickets, monitoring results, how regulated substances were managed and other pertinent information.

Samples will be collected in accordance with the RSPCP. Samples shall be analyzed for the contaminants of concern (COCs), including pH, based on the property's land use history, the encountered abnormality and/or the parameters listed in the maximum allowable concentration (MAC) for chemical constituents in uncontaminated soil established pursuant to Subpart F of 35 Ill. Adm. Code 1100.605. The analytical results shall serve to document the level of contamination.

Samples shall be grab samples (not combined with other locations). The samples shall be taken with decontaminated or disposable instruments. The samples shall be placed in sealed containers and transported in an insulated container to the laboratory. The container shall maintain a temperature of 39 °F (4 °C). All samples shall be clearly labeled. The labels shall indicate the sample number, date sampled, collection location and depth, and any other relevant observations.

The laboratory shall use analytical methods which are able to meet the lowest appropriate practical quantitation limits (PQL) or estimated quantitation limit (EQL) specified in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods", EPA Publication No. SW-846; "Methods for the Determination of Organic Compounds in Drinking Water", EPA, EMSL, EPA-600/4-88/039; and "Methods for the Determination of Organic Compounds in Drinking Water, Supplement III", EPA 600/R-95/131, August 1995. For parameters where the specified cleanup objective is below the acceptable detection limit (ADL), the ADL shall serve as the cleanup objective. For other parameters the ADL shall be equal to or below the specified cleanup objective.

669.05 Contaminated Soil and/or Groundwater Management and Disposal. The management and disposal of contaminated soil and/or groundwater shall be according to the following:

- (a) Soil Analytical Results Exceed Most Stringent MAC. When the soil analytical results indicate that detected levels exceed the most stringent maximum allowable concentration (MAC) for chemical constituents in uncontaminated soil established pursuant to Subpart F of 35 Illinois Administrative Code 1100.605, the soil shall be managed as follows:
 - (1) When analytical results indicate inorganic chemical constituents exceed the most stringent MAC but they are still considered within area background levels by the Engineer, the excavated soil can be utilized within the construction limits as fill, when suitable. If the soils cannot be utilized within the construction limits, they shall be managed and disposed of off-site as a non-special waste, special waste, or hazardous waste as applicable.
 - (2) When analytical results indicate chemical constituents exceed the most stringent MAC but do not exceed the MAC for a Metropolitan Statistical Area (MSA) County, the excavated soil can be utilized within the construction limits as fill, when suitable, or managed and disposed of off-site as "uncontaminated soil" at a clean construction and demolition debris (CCDD) facility or an uncontaminated soil fill operation (USFO) within an MSA County provided the pH of the soil is within the range of 6.25 - 9.0, inclusive.
 - (3) When analytical results indicate chemical constituents exceed the most stringent MAC but do not exceed the MAC for an MSA County excluding Chicago, or the MAC within the Chicago corporate limits, the excavated soil can be utilized within the construction limits as fill, when suitable, or managed and disposed of off-site as "uncontaminated soil" at a CCDD facility or an USFO within an MSA County excluding Chicago or within

- the Chicago corporate limits provided the pH of the soil is within the range of 6.25 - 9.0, inclusive.
- (4) When analytical results indicate chemical constituents exceed the most stringent MAC but do not exceed the MAC for an MSA County excluding Chicago, the excavated soil can be utilized within the construction limits as fill, when suitable, or managed and disposed of off-site as “uncontaminated soil” at a CCDD facility or an USFO within an MSA County excluding Chicago provided the pH of the soil is within the range of 6.25 - 9.0, inclusive.
 - (5) When the Engineer determines soil cannot be managed according to Articles 669.05(a)(1) through (a)(4) above, the soil shall be managed and disposed of off-site as a non-special waste, special waste, or hazardous waste as applicable.
- (b) Soil Analytical Results Do Not Exceed Most Stringent MAC. When the soil analytical results indicate that detected levels do not exceed the most stringent MAC, the excavated soil can be utilized within the construction limits or managed and disposed off-site as “uncontaminated soil” according to Article 202.03. However, the excavated soil cannot be taken to a CCDD facility or an USFO for any of the following reasons.
- (1) The pH of the soil is less than 6.25 or greater than 9.0.
 - (2) The soil exhibited PID or FID readings in excess of background levels.
- (c) Soil Analytical Results Exceed Most Stringent MAC but Do Not Exceed Tiered Approach to Corrective Action Objectives (TACO) Residential. When the soil analytical results indicate that detected levels exceed the most stringent MAC but do not exceed TACO Tier 1 Soil Remediation Objectives for Residential Properties pursuant to 35 IAC 742 Appendix B Table A, the excavated soil can be utilized within the right-of-way or managed and disposed off-site as “uncontaminated soil” according to Article 202.03. However, the excavated soil cannot be taken to a CCDD facility or an USFO.
- (d) Groundwater. When groundwater analytical results indicate the detected levels are above Appendix B, Table E of 35 Illinois Administrative Code 742, the most stringent Tier 1 Groundwater Remediation Objectives for Groundwater Component of the Groundwater Ingestion Route for Class 1 groundwater, the groundwater shall be managed off-site as a special waste. The groundwater shall be containerized and trucked to an off-site treatment facility or may be discharged to a sanitary sewer or combined sewer when permitted by the local sewer authority. Groundwater discharged to a sewer shall be pre-treated to remove particulates and measured with a calibrated flow meter to comply with applicable discharge limits. A copy of the permit shall be provided to the Engineer prior to discharging groundwater to the sewer.

All groundwater encountered within trenches may be managed within the trench and allowed to infiltrate back into the ground. If the groundwater cannot be managed within the trench it must be removed as a special or hazardous waste. The Contractor is

prohibited from managing groundwater within the trench by discharging it through any existing or new storm sewer. The Contractor shall install backfill plugs within the area of groundwater contamination.

One backfill plug shall be placed down gradient to the area of groundwater contamination. Backfill plugs shall be installed at intervals not to exceed 50 ft (15 m). Backfill plugs are to be 4 ft (1.2 m) long, measured parallel to the trench, full trench width and depth. Backfill plugs shall not have any fine aggregate bedding or backfill, but shall be entirely cohesive soil or any class of concrete. The Contractor shall provide test data that the material has a permeability of less than 10^{-7} cm/sec according to ASTM D 5084, Method A or per another test method approved by the Engineer.

The Contractor shall use due care when transferring contaminated material from the area of origin to the transporter. Should releases of contaminated material to the environment occur (i.e., spillage onto the ground, etc.), the Contractor shall clean-up spilled material and place in the appropriate storage containers as previously specified. Clean-up shall include, but not be limited to, sampling beneath the material staging area to determine complete removal of the spilled material.

The Contractor shall be responsible for transporting and disposing all material classified as a non-special waste, special waste, or hazardous waste from the job site to an appropriately permitted landfill facility. The transporter and the vehicles used for transportation shall comply with all federal, state, and local rules and regulations governing the transportation of non-special waste, special waste, or hazardous waste.

All equipment used by the Contractor to haul contaminated material to the landfill facility shall be lined with a 6 mil (150 micron) polyethylene liner and securely covered during transportation. The Contractor shall obtain all documentation including any permits and/or licenses required to transport the contaminated material to the disposal facility.

The Contractor shall provide engineered barriers, when required, and shall include materials sufficient to completely line excavation surfaces, including sloped surfaces, bottoms, and sidewall faces, within the areas designated for protection.

The Engineer shall coordinate with the Contractor on the completion of all documentation. The Contractor shall make all arrangements for collection and analysis of landfill acceptance testing. The Contractor shall coordinate for waste disposal approval with the disposal facility. After the Contractor completes these activities and upon receipt of authorization from the Engineer, the Contractor shall initiate the disposal process.

The Contractor shall provide the Engineer with all transport-related documentation within two days of transport or receipt of said document(s). The Engineer shall maintain the file for all such documentation. For management of special or hazardous waste, the Contractor shall provide the Engineer with documentation the Contractor (or subcontractor, if a subcontractor is used for transportation) is operating with a valid Illinois special waste transporter permit at least two weeks before transporting the first load of contaminated material.

The Contractor shall schedule and arrange the transport and disposal of each load of contaminated material produced. The Contractor shall make all transport and disposal arrangements so no contaminated material remains within the project area at the close of business each day. Exceptions to this specification require prior approval from the Engineer within 24 hours of close of business. The Contractor shall be responsible for all other pre-disposal/transport preparations necessary daily to accomplish management activities.

Any waste generated as a special or hazardous waste from a non-fixed facility shall be manifested off-site using the Department's county generator number. An authorized representative of the Department shall sign all manifests for the disposal of the contaminated material and confirm the Contractor's transported volume. Any waste generated as a non-special waste may be managed off-site without a manifest, a special waste transporter, or a generator number.

The Contractor shall select a landfill mandated by definition of the contaminant within the State of Illinois. The Department will review and approve or reject the facility proposed by the Contractor to use as a landfill. The Contractor shall verify whether the selected disposal facility is compliant with those applicable standards as mandated by definition of the contaminant and whether the disposal facility is presently, has previously been, or has never been, on the United States Environmental Protection Agency (U.S. EPA) National Priorities List or the Resource Conservation and Recovery Act (RCRA) List of Violating Facilities. The Contractor shall be responsible for coordinating permits with the IEPA. The use of a Contractor selected landfill shall in no manner delay the construction schedule or alter the Contractor's responsibilities as set forth.

669.06 Non-Special Waste Certification. An authorized representative of the Department shall sign and date all non-special waste certifications. The Contractor shall be responsible for providing the Engineer with the required information that will allow the Engineer to certify the waste is not a special waste.

(a) Definition. A waste is considered a non-special waste as long as it is not:

- (1) a potentially infectious medical waste;
- (2) a hazardous waste as defined in 35 IAC 721;
- (3) an industrial process waste or pollution control waste that contains liquids, as determined using the paint filter test set forth in subdivision (3)(A) of subsection (m) of 35 IAC 811.107;
- (4) a regulated asbestos-containing waste material, as defined under the National Emission Standards for Hazardous Air Pollutants in 40 CFR 61.141;
- (5) a material containing polychlorinated biphenyls (PCB's) regulated pursuant to 40 CFR Part 761;

- (6) a material subject to the waste analysis and recordkeeping requirements of 35 IAC 728.107 under land disposal restrictions of 35 IAC 728;
 - (7) a waste material generated by processing recyclable metals by shredding and required to be managed as a special waste under Section 22.29 of the Environmental Protection Act; or
 - (8) an empty portable device or container in which a special or hazardous waste has been stored, transported, treated, disposed of, or otherwise handled.
- (b) Certification Information. All information used to determine the waste is not a special waste shall be attached to the certification. The information shall include but not be limited to:
- (1) the means by which the generator has determined the waste is not a hazardous waste;
 - (2) the means by which the generator has determined the waste is not a liquid;
 - (3) if the waste undergoes testing, the analytic results obtained from testing, signed and dated by the person responsible for completing the analysis;
 - (4) if the waste does not undergo testing, an explanation as to why no testing is needed;
 - (5) a description of the process generating the waste; and
 - (6) relevant material safety data sheets.

669.07 Temporary Staging. The Contractor shall excavate and dispose of all waste material as mandated by the contaminants without temporary staging. If circumstances require temporary staging, he/she shall request in writing, approval from the Engineer.

When approved, the Contractor shall prepare a secure location within the project area capable of housing containerized waste materials. The Contractor shall contain all waste material in leak-proof storage containers such as lined roll-off boxes or 55 gal (208 L) drums, or stored in bulk fashion on storage pads. The design and construction of such storage pad(s) for bulk materials shall be subject to approval by the Engineer. The Contractor shall place the staged storage containers on an all-weather gravel-packed, asphalt, or concrete surface. The Contractor shall maintain a clearance both above and beside the storage units to provide maneuverability during loading and unloading. The Contractor shall provide any assistance or equipment requested by the Engineer for authorized personnel to inspect and/or sample contents of each storage container. All containers and their contents shall remain intact and undisturbed by unauthorized persons until the manner of disposal is determined. The Contractor shall keep the storage containers covered, except when access is requested by authorized personnel of the Department. The Engineer shall authorize any additional material added to the contents of any storage container before being filled.

The Contractor shall ensure the staging area is enclosed (by a fence or other structure) to ensure direct access to the area is restricted, and he/she shall procure and place all required regulatory identification signs applicable to an area containing the waste material. The Contractor shall be responsible for all activities associated with the storage containers including, but not limited to, the procurement, transport, and labeling of the containers. The Contractor shall clearly mark all containers in permanent marker or paint with the date of waste generation, location and/or area of waste generation, and type of waste (e.g., decontamination water, contaminated clothing, etc.). The Contractor shall place these identifying markings on an exterior side surface of the container. The Contractor shall separately containerize each contaminated medium, i.e. contaminated clothing is placed in a separate container from decontamination water. Containers used to store liquids shall not be filled in excess of 80 percent of the rated capacity. The Contractor shall not use a storage container if visual inspection of the container reveals the presence of free liquids or other substances that could classify the material as a hazardous waste in the container.

The Department will not be responsible for any additional costs incurred, if mismanagement of the staging area, storage containers, or their contents by the Contractor results in excess cost expenditure for disposal or other material management requirements.

669.08 Underground Storage Tank Removal. For the purposes of this section, an underground storage tank (UST) includes the underground storage tank, piping, electrical controls, pump island, vent pipes and appurtenances.

Prior to removing an UST, the Engineer shall determine whether the Department is considered an "owner" or "operator" of the UST as defined by the UST regulations (41 Ill. Adm. Code Part 176). Ownership of the UST refers to the Department's owning title to the UST during storage, use or dispensing of regulated substances. The Department may be considered an "operator" of the UST if it has control of, or has responsibility for, the daily operation of the UST. The Department may however voluntarily undertake actions to remove an UST from the ground without being deemed an "operator" of the UST.

In the event the Department is deemed not to be the "owner" or "operator" of the UST, the OSFM removal permit shall reflect who was the past "owner" or "operator" of the UST. If the "owner" or "operator" cannot be determined from past UST registration documents from OSFM, then the OSFM removal permit will state the "owner" or "operator" of the UST is the Department. The Department's Office of Chief Counsel (OCC) will review all UST removal permits prior to submitting any removal permit to the OSFM. If the Department is not the "owner" or "operator" of the UST then it will not register the UST or pay any registration fee.

The Contractor shall be responsible for obtaining all permits required for removing the UST, notification to the OSFM, using an OSFM certified tank contractor, removal and disposal of the UST and its contents, and preparation and submittal of the OSFM Site Assessment Report in accordance with 41 Ill. Adm. Code Part 176.330.

The Contractor shall contact the Engineer and the OSFM's office at least 72 hours prior to removal to confirm the OSFM inspector's presence during the UST removal. Removal, transport,

and disposal of the UST shall be according to the applicable portions of the latest revision of the "American Petroleum Institute (API) Recommended Practice 1604".

The Contractor shall collect and analyze tank content (sludge) for disposal purposes. The Contractor shall remove as much of the regulated substance from the UST system as necessary to prevent further release into the environment. All contents within the tank shall be removed, transported and disposed of, or recycled. The tank shall be removed and rendered empty according to IEPA definition.

The Contractor shall collect soil samples from the bottom and sidewalls of the excavated area in accordance with 35 Ill. Adm. Code Part 734.210(h) after the required backfill has been removed during the initial response action, to determine the level of contamination remaining in the ground, regardless if a release is confirmed or not by the OSFM on-site inspector.

In the event the UST is designated a leaking underground storage tank (LUST) by the OSFM's inspector, or confirmation by analytical results, the Contractor shall notify the Engineer and the DESU. Upon confirmation of a release of contaminants from the UST and notifications to the Engineer and DESU, the Contractor shall report the release to the Illinois Emergency Management Agency (IEMA) (e.g., by telephone or electronic mail) and provide them with whatever information is available ("owner" or "operator" shall be stated as the past registered "owner" or "operator", or the IDOT District in which the UST is located and the DESU Manager);

The Contractor shall perform the following initial response actions if a release is indicated by the OSFM inspector:

- (a) Take immediate action to prevent any further release of the regulated substance to the environment, which may include removing, at the Engineer's discretion, and disposing of up to 4 ft (1.2 m) of the contaminated material, as measured from the outside dimension of the tank
- (b) Identify and mitigate fire, explosion and vapor hazards;
- (c) Visually inspect any above ground releases or exposed below ground releases and prevent further migration of the released substance into surrounding soils and groundwater; and
- (d) Continue to monitor and mitigate any additional fire and safety hazards posed by vapors and free product that have migrated from the UST excavation zone and entered into subsurface structures (such as sewers or basements).

The UST excavation shall be backfilled according to applicable portions of Sections 205, 208, and 550 with a material that will compact and develop stability. The material shall be approved prior to placement. All uncontaminated concrete and soil removed during tank extraction may be used to backfill the excavation, at the discretion of the Engineer.

After backfilling the excavation, the site shall be graded and cleaned.

669.09 Regulated Substance Final Construction Report. Not later than 90 days after completing this work, the Contractor shall submit a Regulated Substance Final Construction Report (RSFCR) to the Engineer using form BDE 2733 and required attachments. The form shall be signed by an Illinois licensed Professional Engineer or Professional Geologist.

669.10 Method of Measurement. Non-special waste, special waste, and hazardous waste soil will be measured for payment according to Article 202.07(b) when performing earth excavation, Article 502.12(b) when excavating for structures, or by computing the volume of the trench using the maximum trench width permitted and the actual depth of the trench.

Groundwater containerized and transported off-site for management, storage, and disposal will be measured for payment in gallons (liters).

Backfill plugs will be measured in cubic yards (cubic meters) in place, except the quantity for which payment will be made shall not exceed the volume of the trench, as computed by using the maximum width of trench permitted by the Specifications and the actual depth of the trench, with a deduction for the volume of the pipe.

Engineered Barriers will be measured for payment in square yards (square meters).

669.11 Basis of Payment. The work of preparing, submitting and administering a Regulated Substances Pre-Construction Plan will be paid for at the contract lump sum price for REGULATED SUBSTANCES PRE-CONSTRUCTION PLAN.

On-site monitoring of regulated substances, including completion of form BDE 2732 for each day of work, will be paid for at the contract unit price per calendar day, or fraction thereof, for ON-SITE MONITORING OF REGULATED SUBSTANCES.

The installation of engineered barriers will be paid for at the contract unit price per square yard (square meter) for ENGINEERED BARRIER.

The work of removing a UST, soil excavation, soil and content sampling, and the excavated soil, UST content, and UST disposal will be paid for at the contract unit price per each for UNDERGROUND STORAGE TANK REMOVAL.

The transportation and disposal of soil and other materials from an excavation determined to be contaminated will be paid for at the contract unit price per cubic yard (cubic meter) for NON-SPECIAL WASTE DISPOSAL, SPECIAL WASTE DISPOSAL, or HAZARDOUS WASTE DISPOSAL.

The transportation and disposal of groundwater from an excavation determined to be contaminated will be paid for at the contract unit price per gallon (liter) for SPECIAL WASTE GROUNDWATER DISPOSAL or HAZARDOUS WASTE GROUNDWATER DISPOSAL. When groundwater is discharged to a sanitary or combined sewer by permit, the cost will be paid for according to Article 109.05.

Backfill plugs will be paid for at the contract unit price per cubic yard (cubic meter) for BACKFILL PLUGS.

Payment for temporary staging, if required, will be paid for according to Article 109.04.

Payment for accumulated stormwater removal and disposal will be according to Article 109.04. Payment will only be allowed if appropriate stormwater and erosion control methods were used.

Payment for decontamination, labor, material, and equipment for monitoring areas beyond the specified areas, with the Engineer's prior written approval, will be according to Article 109.04.

The sampling and testing associated with this work will be paid for as follows.

- (a) BETX Soil/Groundwater Analysis. When the contaminants of concern are gasoline only, soil or groundwater samples shall be analyzed for benzene, ethylbenzene, toluene, and xylenes (BETX). The analysis will be paid for at the contract unit price per each for BETX SOIL ANALYSIS and/or BETX GROUNDWATER ANALYSIS using EPA Method 8021B.
- (b) BETX-PNAS Soil/Groundwater Analysis. When the contaminants of concern are middle distillate and heavy ends, soil or groundwater samples shall be analyzed for BETX and polynuclear aromatics (PNAS). The analysis will be paid for at the contract unit price per each for BETX-PNAS SOIL ANALYSIS and/or BETX-PNAS GROUNDWATER ANALYSIS using EPA Method 8021B for BETX and EPA Method 8310 for PNAS.
- (c) Priority Pollutants Soil Analysis. When the contaminants of concern are used oils, soil samples shall be analyzed for priority pollutant VOCs, priority pollutants SVOCs, and priority pollutants metals. The analysis will be paid for at the contract unit price per each for PRIORITY POLLUTANTS SOIL ANALYSIS using EPA Method 8260B for VOCs, EPA Method 8270C for SVOCs, and using an ICP instrument and EPA Methods 6010B and 7471A for metals.
- (d) Priority Pollutant Groundwater Analysis. When the contaminants of concern are used oils, non-petroleum material, or unknowns, groundwater samples shall be analyzed for priority pollutant VOCs, priority pollutants SVOCs, and priority pollutants metals. The analysis will be paid for at the contract unit price per each for PRIORITY POLLUTANTS GROUNDWATER ANALYSIS using EPA Method 8260B for VOCs, EPA Method 8270C for SVOCs, and EPA Methods 6010B and 7470A for metals.
- (e) Target Compound List (TCL) Soil Analysis. When the contaminants of concern are unknowns or non-petroleum material, soil samples shall be analyzed for priority pollutant VOCs, priority pollutants SVOCs, priority pollutants metals, pesticides, and Resource Conservation and Recovery Act (RCRA) metals by the toxicity characteristic leaching procedure (TCLP). The analysis will be paid for at the contract unit price per each for TCL SOIL ANALYSIS using EPA Method 8260B for VOCs, EPA Method 8270C for SVOCs,

EPA Method 8081 for pesticides, and ICP instrument and EPA Methods 6010B, 7471A, 1311 (extraction), 6010B, and 7470A for metals.

- (f) Soil Disposal Analysis. When the waste material for disposal requires sampling for disposal acceptance, the samples shall be analyzed for TCLP VOCs, SVOCs, RCRA metals, pH, ignitability, and paint filter test. The analysis will be paid for at the contract unit price per each for SOIL DISPOSAL ANALYSIS using EPA Methods 1311 (extraction), 8260B for VOCs, 8270C for SVOCs, 6010B and 7470A for RCRA metals, 9045C for pH, 1030 for ignitability, and 9095A for paint filter.

The work of preparing, submitting and administering a Regulated Substances Final Construction Report will be paid for at the contract lump sum price REGULATED SUBSTANCES FINAL CONSTRUCTION REPORT.”

80407

SUBCONTRACTOR AND DBE PAYMENT REPORTING (BDE)

Effective: April 2, 2018

Add the following to Section 109 of the Standard Specifications.

“109.14 Subcontractor and Disadvantaged Business Enterprise Payment Reporting.
The Contractor shall report all payments made to the following parties:

- (a) first tier subcontractors;
- (b) lower tier subcontractors affecting disadvantaged business enterprise (DBE) goal credit;
- (c) material suppliers or trucking firms that are part of the Contractor’s submitted DBE utilization plan.

The report shall be made through the Department’s on-line subcontractor payment reporting system within 21 days of making the payment.”

80397

SUBCONTRACTOR MOBILIZATION PAYMENTS (BDE)

Effective: November 2, 2017

Revised: April 1, 2019

Replace the second paragraph of Article 109.12 of the Standard Specifications with the following:

“This mobilization payment shall be made at least seven days prior to the subcontractor starting work. The amount paid shall be at the following percentage of the amount of the subcontract reported on form BC 260A submitted for the approval of the subcontractor’s work.

Value of Subcontract Reported on Form BC 260A	Mobilization Percentage
Less than \$10,000	25%
\$10,000 to less than \$20,000	20%
\$20,000 to less than \$40,000	18%
\$40,000 to less than \$60,000	16%
\$60,000 to less than \$80,000	14%
\$80,000 to less than \$100,000	12%
\$100,000 to less than \$250,000	10%
\$250,000 to less than \$500,000	9%
\$500,000 to \$750,000	8%
Over \$750,000	7%”

80391

TRAFFIC CONTROL DEVICES - CONES (BDE)

Effective: January 1, 2019

Revise Article 701.15(a) of the Standard Specifications to read:

“(a) Cones. Cones are used to channelize traffic. Cones used to channelize traffic at night shall be reflectorized; however, cones shall not be used in nighttime lane closure tapers or nighttime lane shifts.”

Revise Article 1106.02(b) of the Standard Specifications to read:

“(b) Cones. Cones shall be predominantly orange. Cones used at night that are 28 to 36 in. (700 to 900 mm) in height shall have two white circumferential stripes. If non-reflective spaces are left between the stripes, the spaces shall be no more than 2 in. (50mm) in width. Cones used at night that are taller than 36 in. (900 mm) shall have a minimum of two white and two fluorescent orange alternating, circumferential stripes with the top stripe being fluorescent orange. If non-reflective spaces are left between the stripes, the spaces shall be no more than 3 in. (75 mm) in width.

The minimum weights for the various cone heights shall be 4 lb for 18 in. (2 kg for 450 mm), 7 lb for 28 in. (3 kg for 700 mm), and 10 lb for 36 in. (5 kg for 900 mm) with a minimum of 60 percent of the total weight in the base. Cones taller than 36 in. shall be weighted per the manufacturer’s specifications such that they are not moved by wind or passing traffic.”

80409

WEEKLY DBE TRUCKING REPORTS (BDE)

Effective: June 2, 2012

| Revised: April 2, 2015

| The Contractor shall submit a weekly report of Disadvantaged Business Enterprise (DBE) trucks hired by the Contractor or subcontractors (i.e. not owned by the Contractor or subcontractors) that are used for DBE goal credit.

| The report shall be submitted to the Engineer on Department form "SBE 723" within ten business days following the reporting period. The reporting period shall be Monday through Sunday for each week reportable trucking activities occur.

Any costs associated with providing weekly DBE trucking reports shall be considered as included in the contract unit prices bid for the various items of work involved and no additional compensation will be allowed.

80302

WORKING DAYS (BDE)

Effective: January 1, 2002

The Contractor shall complete the work within 15 working days.

80071

PLANS FOR PROPOSED ROADWAY IMPROVEMENT

PAVEMENT PRESERVATION PROGRAM

STEPHENSON COUNTY
 SECTION NO. 17-00185-03-PP
 JOB NO. C-92-054-18
 PROJECT NO. GH3S (440)
 CONTRACT NO. 85682

NET LENGTH = 21,027 FEET = 3.98 MILES

INDEX OF SHEETS

- 1 COVER SHEET
- 2 SUMMARY OF QUANTITIES
- 3 LOCATION MAP - LORAN ROAD
- 4 TYPICAL SECTION - LORAN ROAD
- 5 SCHEDULE OF AREA - LORAN ROAD

STANDARDS

- 6 701001-02 OFF ROAD OPERATIONS, 2L, 2W, MORE THAN 15' AWAY
- 7 701006-05 OFF ROAD OPERATIONS, 2L, 2W, 15' TO 24" FROM PAVEMENT EDGE
- 8 701011-04 OFF ROAD MOVING OPERATIONS, 2L, 2W, DAY ONLY
- 9 701201-05 LANE CLOSURE, 2L, 2W, DAY ONLY, FOR SPEEDS > 45 MPH
- 10 701301-04 LANE CLOSURE, 2L, 2W, DAY ONLY, SHORT TIME OPERATIONS
- 11 701306-04 LANE CLOSURE, 2L, 2W, DAY ONLY, SLOW MOVING OPERATIONS
- 12 701311-03 LANE CLOSURE, 2L, 2W, MOVING OPERATIONS - DAY ONLY
- 13-15 701901-08 TRAFFIC CONTROL DEVICES
- 16 720011-01 METAL POSTS FOR SIGNS, MARKERS & DELINEATORS
- 17 728001-01 TELEGRAPHING STEEL SIGN SUPPORT
- 18 729001-01 APPLICATION OF TYPES A & B METAL POSTS



DATE: 11/30/2019
 EXPIRES

Dale A. Rasmussen

CALL J.U.I.E. AT 1-800-862-0123 BEFORE DIGGING.

APPROVED: 2/20 2019
 (month/year)

[Signature]
 COUNTY ENGINEER

PASSED: 2/22 2019
 (month/year)

[Signature]
 DISTRICT ENGINEER OF LOCAL ROADS & STREETS

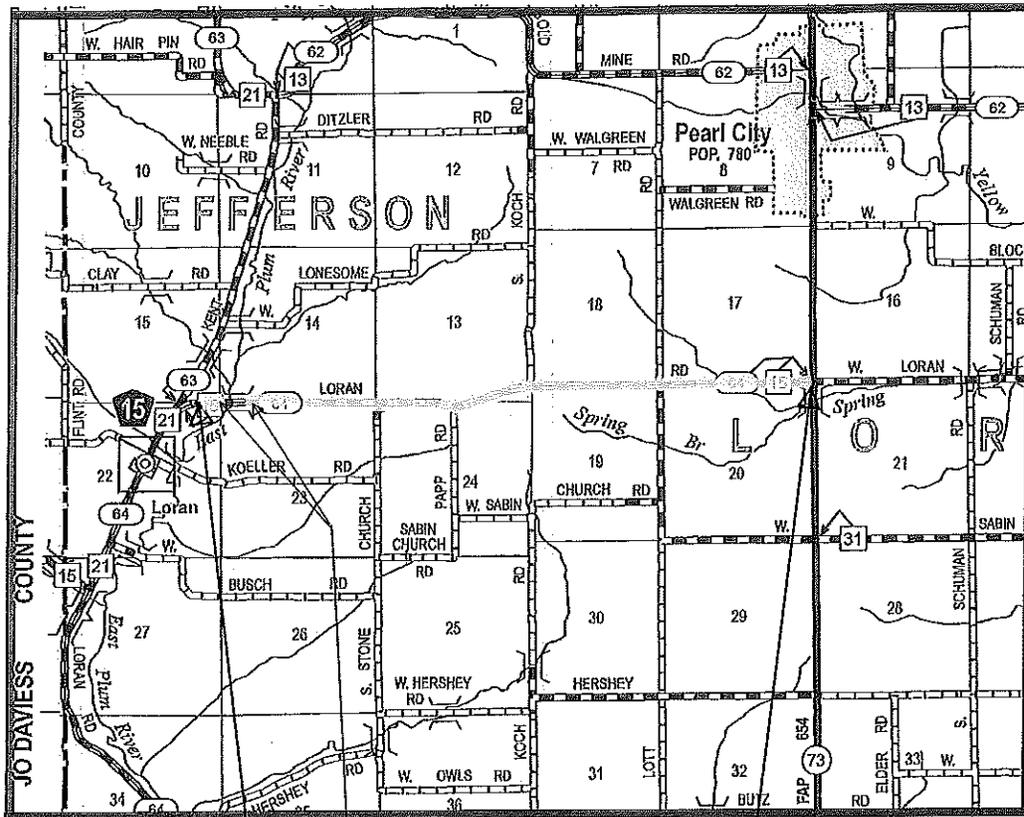
RELEASING FOR BID BASED ON LIMITED REVIEW: 2/22 2019
 (month/year)

[Signature]
 DEPUTY DIRECTOR OF HIGHWAYS,
 REGION 2 ENGINEER

CONSTRUCTION TYPE CODE 0005
SUMMARY OF QUANTITIES

<u>CODE NO.</u>	<u>ITEM</u>	<u>UNIT</u>	<u>QUANTITY</u>		
			LORAN ROAD		TOTAL
LR400005	CIP-FDR EMULSIFIED ASPHALT	GALLON	77,099		77,099
LR400740	COLD IN-PLACE RECYCLING 4"	SQ YD	51,399		51,399
LR403300	SURFACE PROFILE MILLING	SQ YD	51,399		51,399
67100100	MOBILIZATION	L SUM	1.00		1
X7010216	TRAFFIC CONTROL AND PROTECTION SPECIAL	L SUM	1.00		1
70300100	SHORT TERM PAVEMENT MARKING	FOOT	2,103		2,103

2



Project Begins
At
Sta. 188 + 54.30

Projects Ends
At
Sta. 399 + 62.30

Omission: Bridge
Sta. 198 + 33.30 to Sta. 199 + 14.30

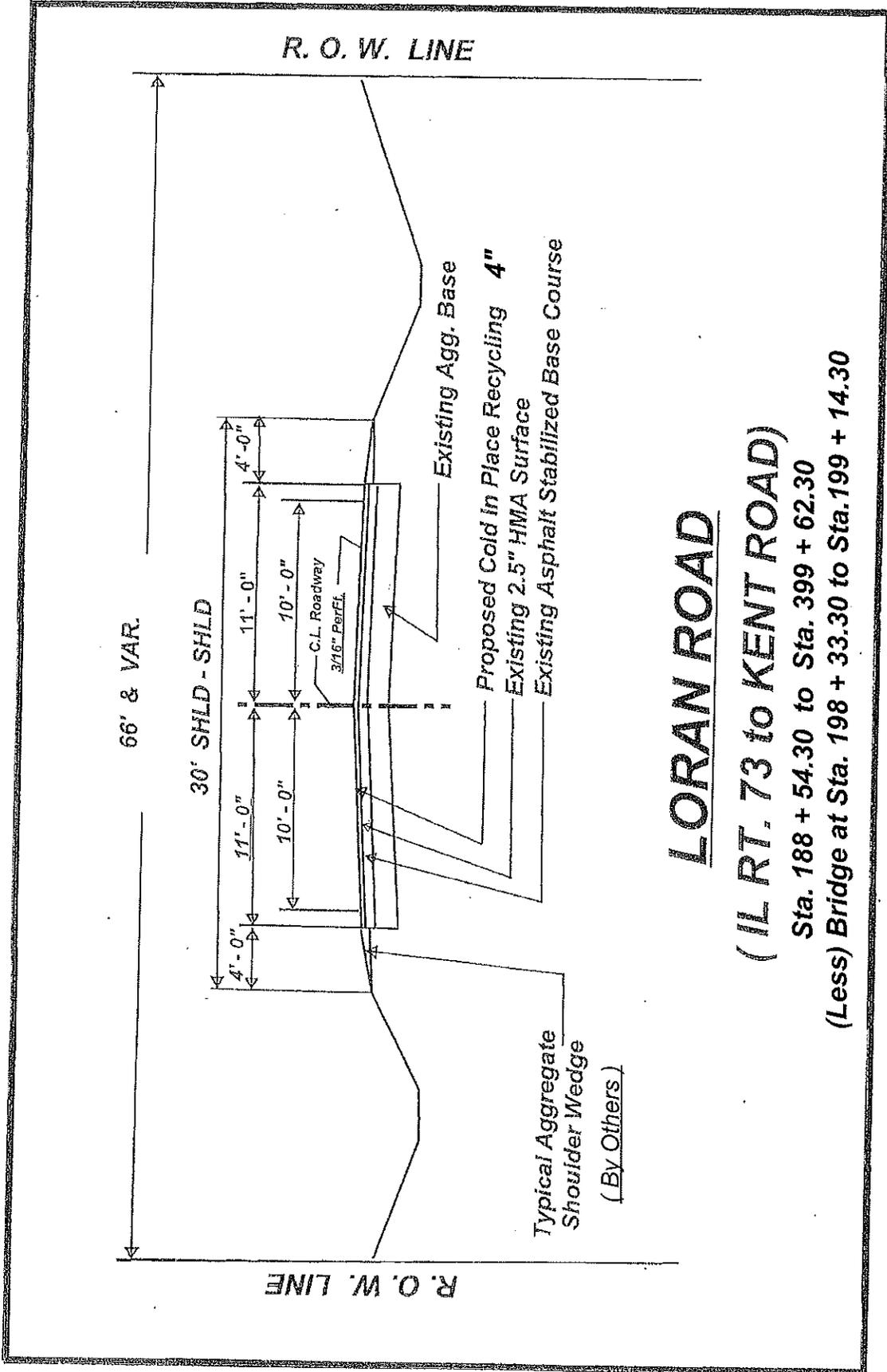
LOCATION MAP
SECTION 17-00185-03-PP

Loran Road
 CH 15
 Kent Rd. to IL Rt. 73

Gross Length of Project
 21,108 Ft. = 3.998 Mi.

Functional Classification
 Major Collector

Net Length of Project
 21,027 Ft. = 3.98 Mi.



LORAN ROAD

(IL RT. 73 to KENT ROAD)

Sta. 188 + 54.30 to Sta. 399 + 62.30

(Less) Bridge at Sta. 198 + 33.30 to Sta. 199 + 14.30

SCHEDULE OF AREA

COLD IN-PLACE RECYCLING

LORAN ROAD (FROM IL. RT. 73 TO KENT ROAD) 3.98 MILES

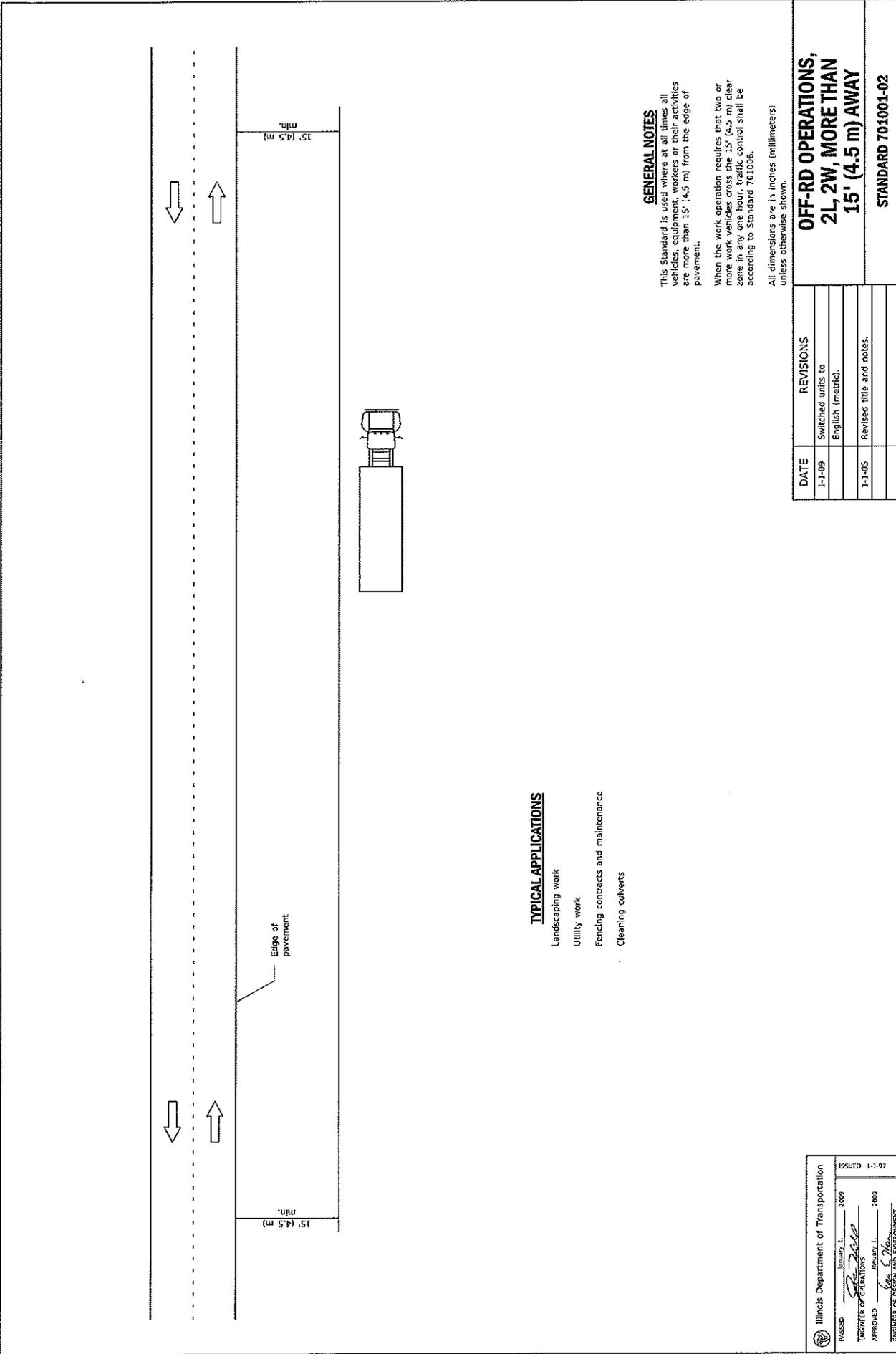
MAINLINE :
 STA. 188+54.3 TO STA. 399+62.30 Net Length = 21,027 FT. X 22 FT. X 1/9 = 51,399 S.Y.
 Bridge Omission: (198+33.30 to 199+140.30)

70300100 SHORT TERM PAVEMENT MARKING
 STA. 188+54.3 TO STA. 399+62.30 21,027 FT X 4 / 40 = 2,103 FT.

LR400005 CIP-FDR EMULSIFIED ASPHALT
 STA. 188+54.3 TO STA. 399+62.30 = 21,027 FT. X 22 FT. X 1/9 1.5 GAL/SY = 77,099 GAL.

LR400740 COLD IN-PLACE RECYCLING 4"
 STA. 188+54.3 TO STA. 399+62.30 = 21,027 FT. X 22 FT. X 1/9 = 51,399 S.Y.

LR403300 SURFACE PROFILE MILLING
 STA. 188+54.3 TO STA. 399+62.30 = 21,027 FT. X 22 FT. X 1/9 = 51,399 S.Y.



TYPICAL APPLICATIONS

- Landscaping work
- Utility work
- Fencing contracts and maintenance
- Cleaning culverts

GENERAL NOTES

This Standard is used where at all times, all vehicles, equipment, workers or their activities are more than 15' (4.5 m) from the edge of pavement.

When the work operation requires that two or more work vehicles cross the 15' (4.5 m) clear zone in any one hour, traffic control shall be according to Standard 701006.

All dimensions are in inches (millimeters) unless otherwise shown.

DATE	REVISIONS
1-1-09	Switched units to English (metric).
1-1-05	Revised title and notes.

**OFF-RD OPERATIONS,
2L, 2W, MORE THAN
15' (4.5 m) AWAY**

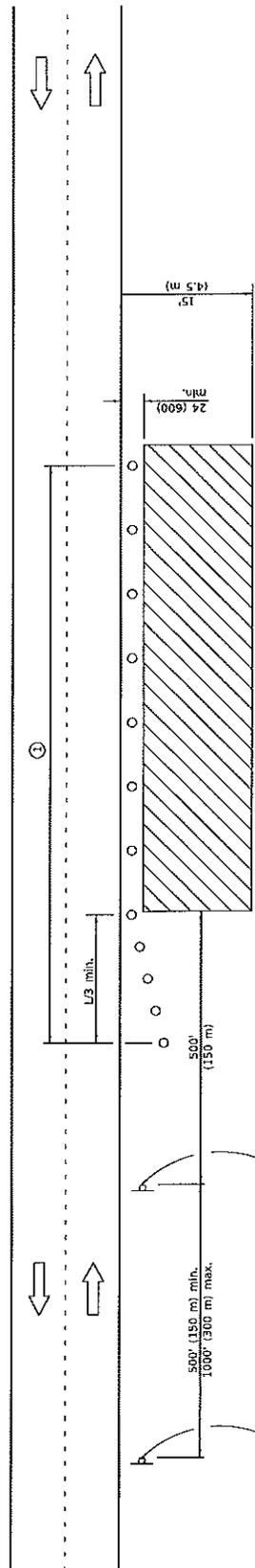
STANDARD 701001-02

Illinois Department of Transportation

ISSUED 1-1-97

APPROVED: *[Signature]* 2009
ENGINEER OF OPERATIONS

APPROVED: *[Signature]* 2009
ENGINEER OF DESIGN AND ENVIRONMENT



For contract construction projects

W23-1103(0)-48

For maintenance and utility projects

W20-110-48

W21-1101-48

TYPICAL APPLICATIONS

- Utility operations
- Divert extensions
- Side slope changes
- General installation and maintenance
- Contractor operations
- Shoulder repair
- Sign installation and maintenance

SYMBOLS

- Work area
- Sign
- Cone, drum or barricade

GENERAL NOTES

This Standard is used where any vehicles, equipment, workers or their activities will encroach in the area 15' (4.5 m) to 24' (600) from the edge of pavement.

Calculate L as follows:

SPEED LIMIT	FORMULAS
40 mph (70 km/h) or less:	English (Metric) $L = \frac{WS^2}{60}$ $L = \frac{WS^2}{150}$
45 mph (60 km/h) or greater:	$L = (W)(S)$ $L = 0.65(W)(S)$

W = width of offset in feet (meters).
S = Normal posted speed in mph (km/h).

All dimensions are in inches (millimeters) unless otherwise shown.

OFF-RD OPERATIONS, 2L, 2W, 15' (4.5 m) TO 24" (600 mm) FROM PAVEMENT EDGE

STANDARD 701006-05

DATE	REVISIONS
1-1-14	Revised workers sign number to agree with current MUTCD.
1-1-13	Omitted text 'WORKERS' sign.

Illinois Department of Transportation

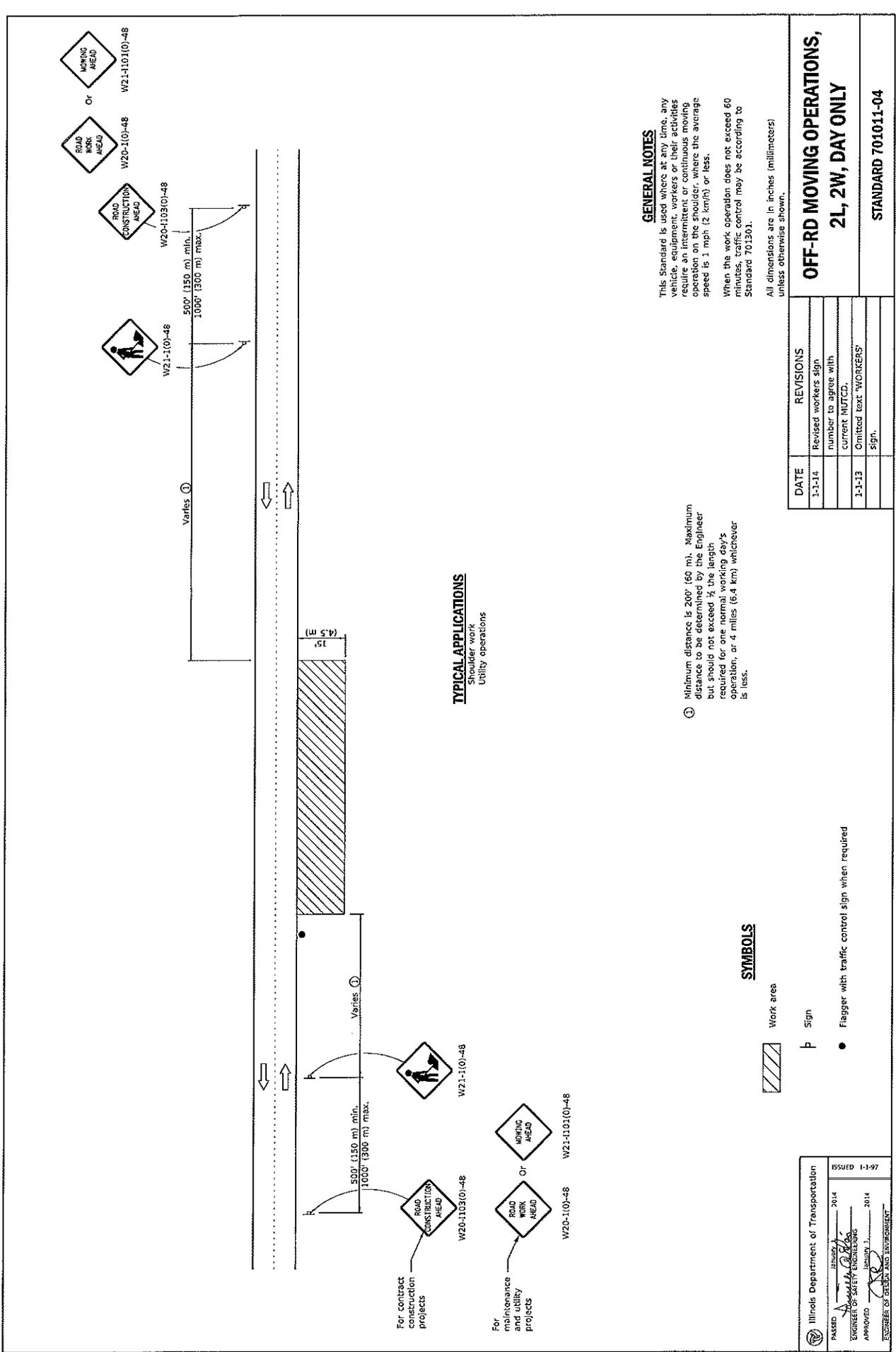
PASSED January 2014

APPROVED January 1, 2014

ENGINEER OF SAFETY ENGINEERING

ENGINEER OF DESIGN AND ENVIRONMENT

ISSUED 1-1-97



TYPICAL APPLICATIONS

Shoulder work
Utility operations

GENERAL NOTES

This Standard is used where at any time, any vehicle, equipment, workers or their activities require advance warning of a mowing operation on the shoulder, where the average speed is 1 mph (2 km/h) or less.

When the work operation does not exceed 60 minutes, traffic control may be according to Standard 701301.

All dimensions are in inches (millimeters) unless otherwise shown.

① Minimum distance is 200' (60 m). Maximum distance to be determined by the Engineer but should not exceed 1/2 the length required for one normal working day's operation, or 4 miles (6.4 km) whichever is less.

SYMBOLS

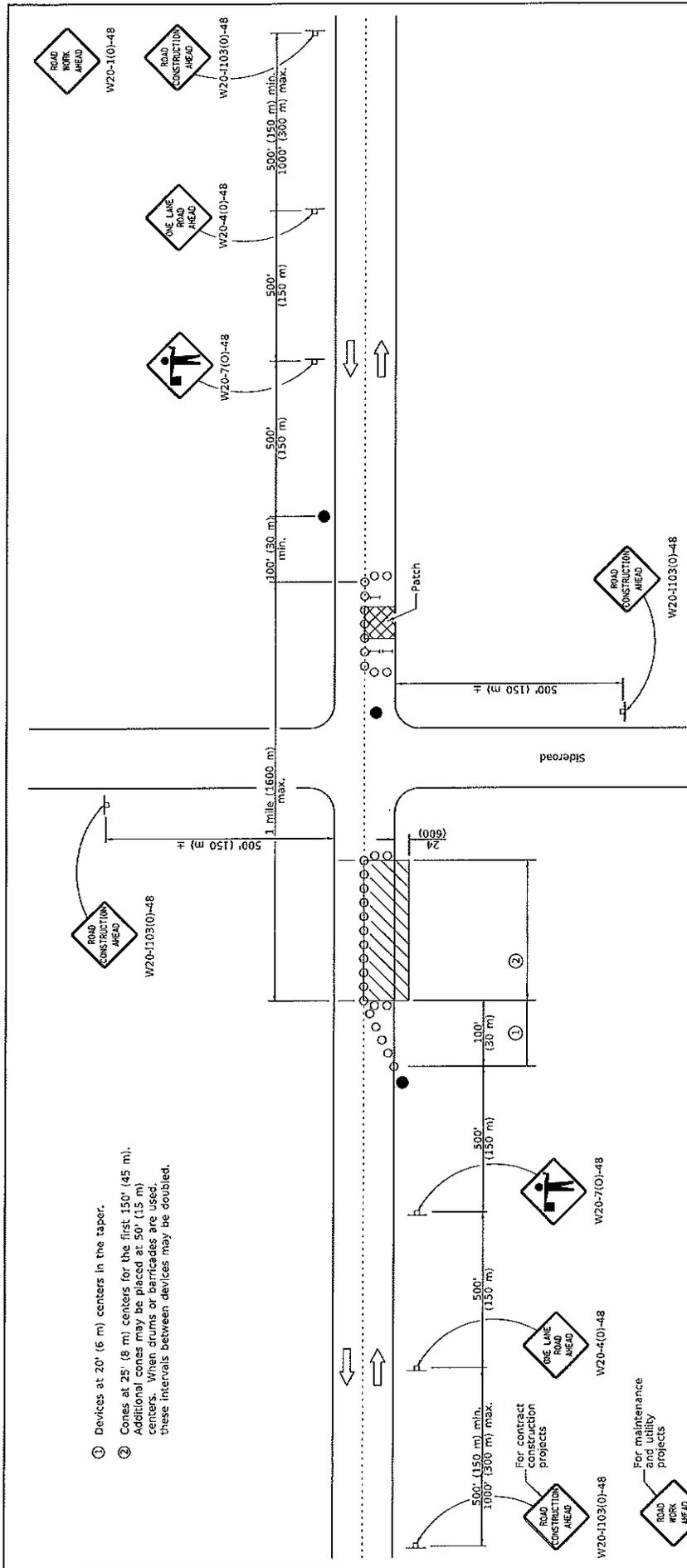
- Work area
- Sign
- Flagger with traffic control sign when required

**OFF-RD MOVING OPERATIONS,
2L, 2W, DAY ONLY**

STANDARD 701011-04

DATE	REVISIONS
1-1-14	Revised workers sign
	number to agree with current MUTCD.
1-1-13	Omitted text "WORKERS" sign.

PASSED ILLINOIS JUNE 2014 ENGINEER OF SAFETY ENGINEERING APPROVED TIMOTHY J. ... ENGINEER OF SAFETY AND ENVIRONMENT	ISSUED 1-1-97
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- ① Devices at 20' (6 m) centers in the taper.
- ② Cones at 25' (8 m) centers for the first 150' (45 m). Additional cones may be placed at 50' (15 m) centers. When drums or barricades are used, these intervals between devices may be doubled.

GENERAL NOTES

This Standard is used where at any time, any vehicles, equipment, workers or their activities will encroach in the area between the center line and a line 24 (600) outside the edge of pavement for daylight operation.

When the distance between successive work areas exceeds 2000' (600 m), additional warning signs, flaggers, and taper shall be placed as shown.

All dimensions are in inches (millimeters) unless otherwise shown.

SYMBOLS

- Work area
- Sign
- Barricade or drum
- Cone, drum or barricade
- Flagger with traffic control sign

TYPICAL APPLICATIONS

- Isolated patching
- Utility operations
- Storm sewer
- Culverts
- Cable placement

DATE	REVISIONS
1-1-19	Revised device spacing in taper.
1-1-11	Revised flagger sign.

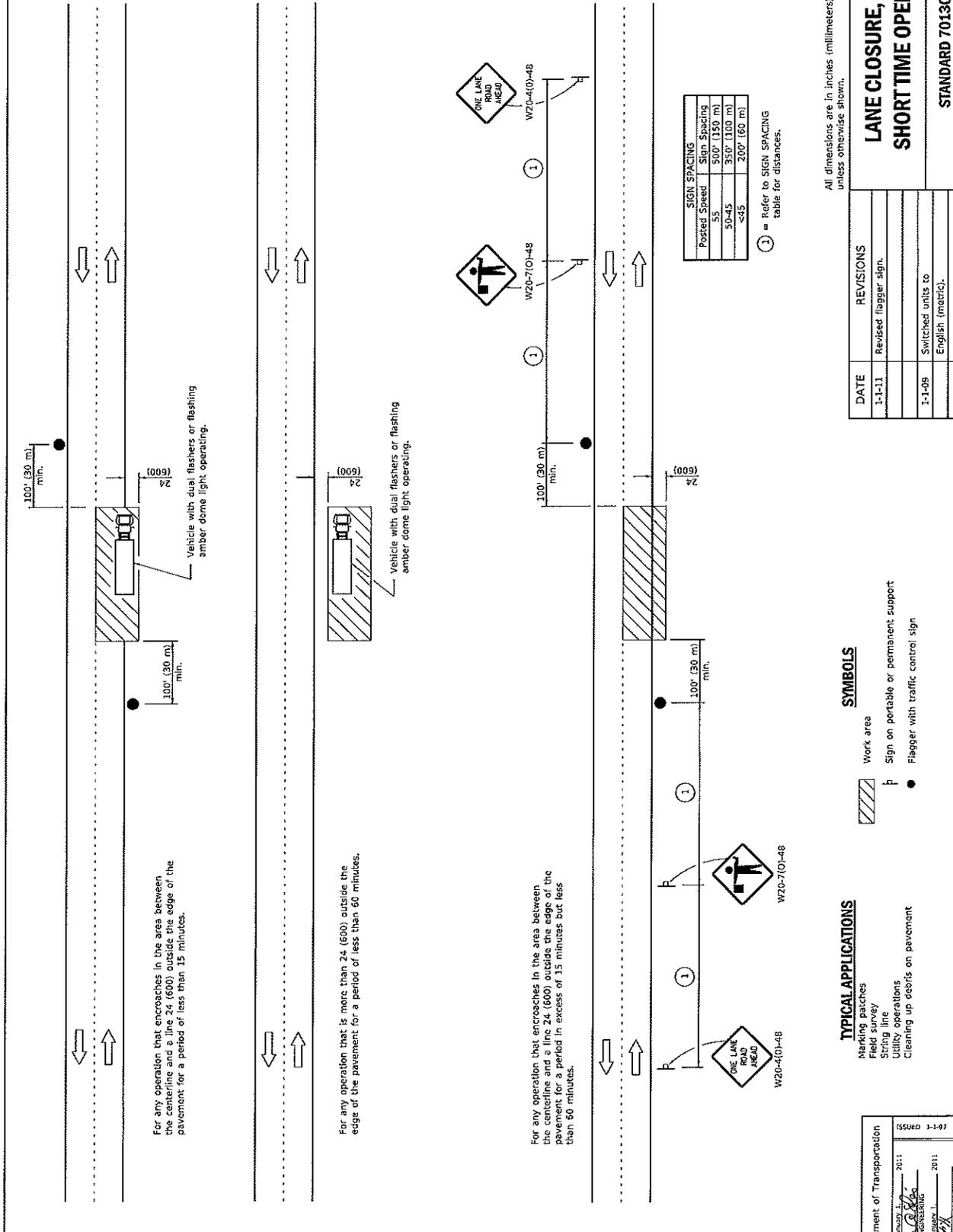
**LANE CLOSURE, 2L, 2W,
DAY ONLY,
FOR SPEEDS ≥ 45 MPH
STANDARD 701201-05**

Illinois Department of Transportation

APPROVED: [Signature] JANUARY 3, 2019
 ENGINEER OF SAFETY PROJ. AND ENGINEERING

APPROVED: [Signature] JANUARY 1, 2019
 ENGINEER OF DESIGN AND ENVIRONMENT

ISSUED 1-1-97



For any operation that encroaches in the area between the centerline and a line 24' (600) outside the edge of the pavement for a period of less than 15 minutes.

For any operation that is more than 24' (600) outside the edge of the pavement for a period of less than 60 minutes.

For any operation that encroaches in the area between the centerline and a line 24' (600) outside the edge of the pavement for a period in excess of 15 minutes but less than 60 minutes.

SIGN SPACING	
Posted Speed	Sign Spacing
55	500' (150 m)
50-45	350' (100 m)
<45	200' (60 m)

① = Refer to SIGN SPACING table for distances.

All dimensions are in inches (millimeters) unless otherwise shown.

SYMBOLS

- Work area
- Sign on portable or permanent support
- Flagger with traffic control sign

TYPICAL APPLICATIONS

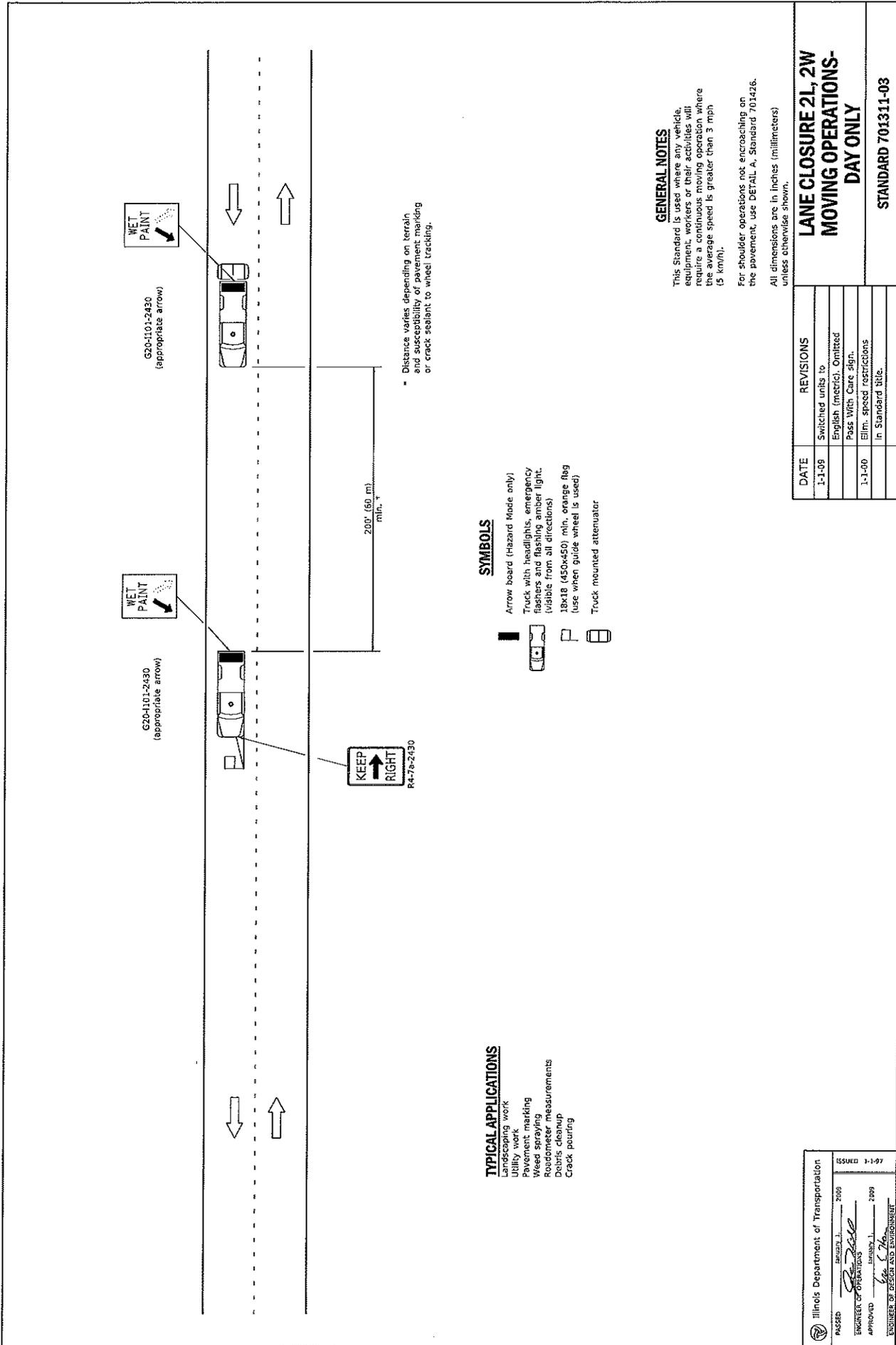
- Marking patches
- Field survey
- String line
- Utility operations
- Cleaning up debris on pavement

DATE	REVISIONS
1-1-11	Revised flagger sign.
1-1-09	Switched units to English (metric).

LANE CLOSURE, 2L, 2W, SHORT TIME OPERATIONS

STANDARD 701301-04

Illinois Department of Transportation
 ISSUED 3-1-97
 PASSED 2011
 APPROVED [Signature] 2011
 ENGINEER OF SAFETY ENGINEERING
 ENGINEER OF SAFETY AND ENVIRONMENT



WET PAINT
↓

G20-1101-2430
(appropriate arrow)

WET PAINT
↓

G20-1101-2430
(appropriate arrow)

KEEP RIGHT
↑
P4-7a-2430

200' (60 m)
min.

Distance varies depending on terrain and susceptibility of pavement marking or crack sealant to wheel tracking.

TYPICAL APPLICATIONS

- Landscaping work
- Utility work
- Pavement marking
- Weed spraying
- Rodometer measurements
- Debris cleanup
- Crack pouring

SYMBOLS

- Arrow board (hazard mode only)
- Truck with headlights, emergency flashes and flashing amber light (visible from all directions)
- 18x18 (450x450) min. orange flag (use when guide wheel is used)
- Truck mounted attenuator

GENERAL NOTES

This Standard is used where any vehicle equipment, workers or their activities will require a continuous moving operation where the average speed is greater than 3 mph (5 km/h).

For shoulder operations not encroaching on the pavement, use DETAIL A, Standard 701426. All dimensions are in inches (millimeters) unless otherwise shown.

DATE	REVISIONS
1-1-00	Switched units to English (metric). Omitted Post With Care sign.
1-1-00	Elim. speed restrictions in Standard title.

**LANE CLOSURE 2L, 2W
MOVING OPERATIONS-
DAY ONLY**

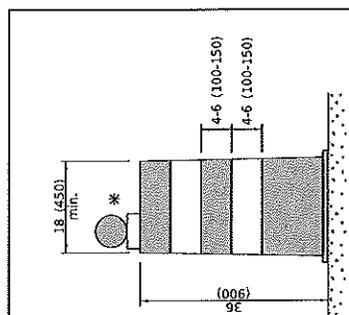
STANDARD 701311-03

Illinois Department of Transportation

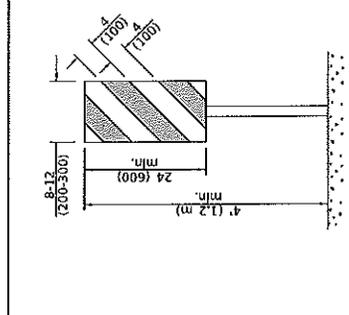
ISSUED 1-1-97

APPROVED: [Signature] 2009
ENGINEER OF OPERATIONS

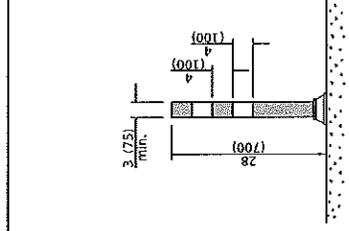
APPROVED: [Signature] 2009
ENGINEER OF DESIGN AND ENVIRONMENT



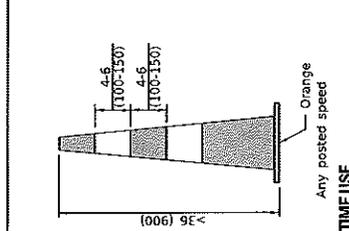
DRUM



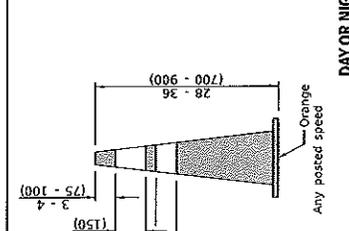
VERTICAL PANEL
POST MOUNTED



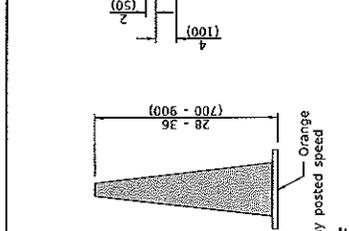
TUBULAR MARKER



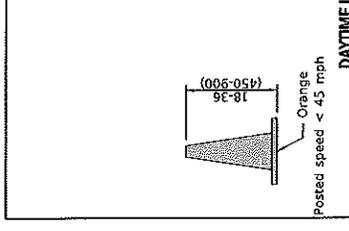
DAY OR NIGHTTIME USE



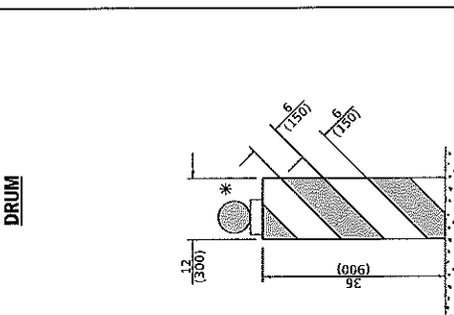
CONES



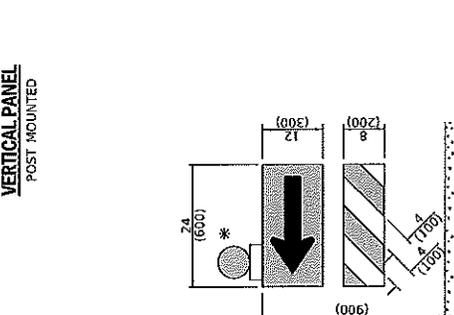
DAYTIME USE



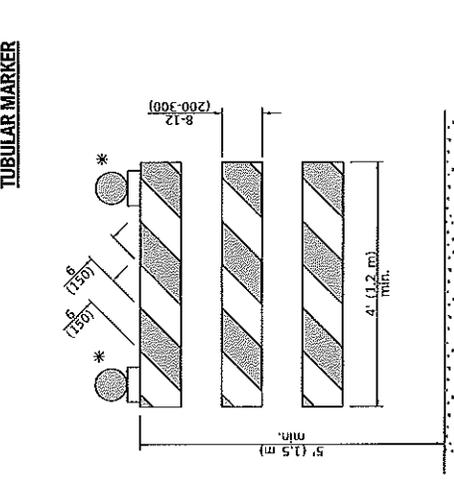
DAYTIME USE



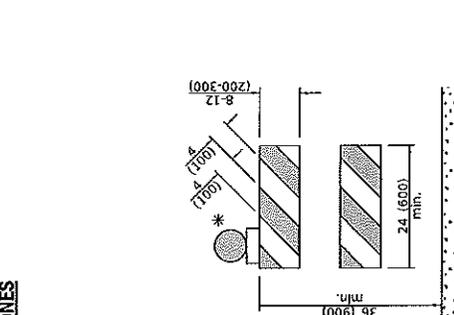
VERTICAL BARRICADE



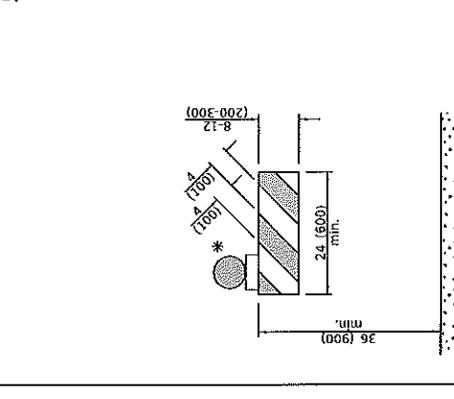
DIRECTION INDICATOR BARRICADE



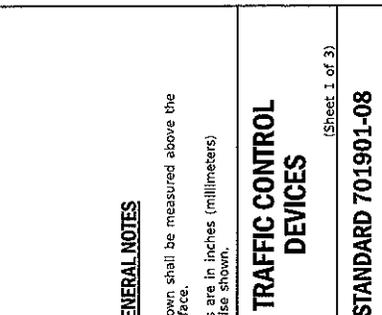
TYPE III BARRICADE



TYPE II BARRICADE



TYPE I BARRICADE



DETECTABLE PEDESTRIAN CHANNELIZING BARRICADE

GENERAL NOTES

All heights shown shall be measured above the pavement surface.
All dimensions are in inches (millimeters) unless otherwise shown.

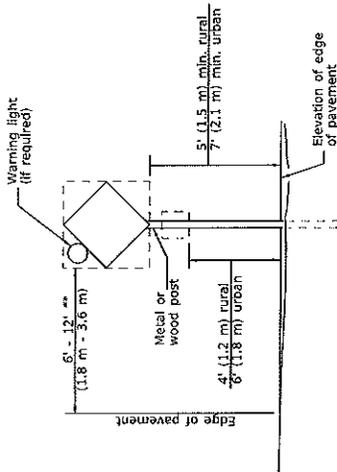
DATE	REVISIONS
1-1-19	Revised cone usage and added cones >36" (900 mm) height.
1-1-18	Revised END WORK ZONE SPEED LIMIT sign from orange to white background.

TRAFFIC CONTROL DEVICES
STANDARD 701901-08
(Sheet 1 of 3)

* Warning lights (if required)

Illinois Department of Transportation
ISSUED 1-1-13

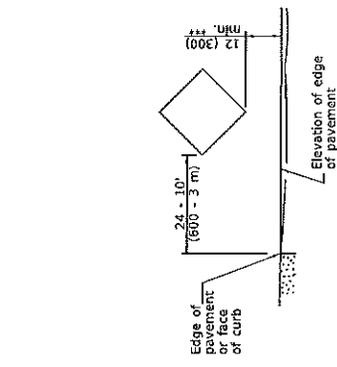
Approved: [Signature] 2019
ENGINEER OF SAFETY PRACTICE AND ENGINEERING
Approved: [Signature] 2019
ENGINEER OF DESIGN AND ENVIRONMENT



5' (1.5 m) min. embedment

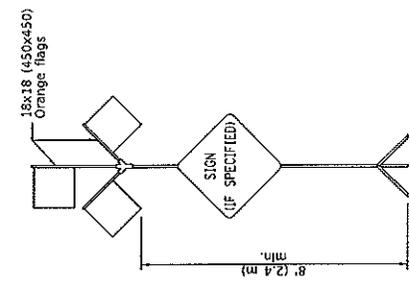
POST MOUNTED SIGNS

** When curb or paved shoulder are present this dimension shall be 24 (600) to the face of curb or 6' (1.8 m) to the outside edge of the paved shoulder.



SIGNS ON TEMPORARY SUPPORTS

*** When work operations exceed four days, this dimension shall be 5' (1.5 m) min. If located behind other devices, the height of the sign must be seen completely above the devices.



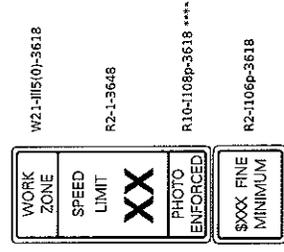
HIGH LEVEL WARNING DEVICE

ROAD CONSTRUCTION NEXT X MILES
G20-1104(0)-6036

END CONSTRUCTION
G20-1105(0)-6024

This signing is required for all projects 2 miles (3200 m) or more in length.
ROAD CONSTRUCTION NEXT X MILES sign shall be placed 500' (150 m) in advance of project limits.
END CONSTRUCTION sign shall be erected at the end of the job unless another job is within 2 miles (3200 m).
Dual sign displays shall be utilized on multi-lane highways.

WORK LIMIT SIGNING



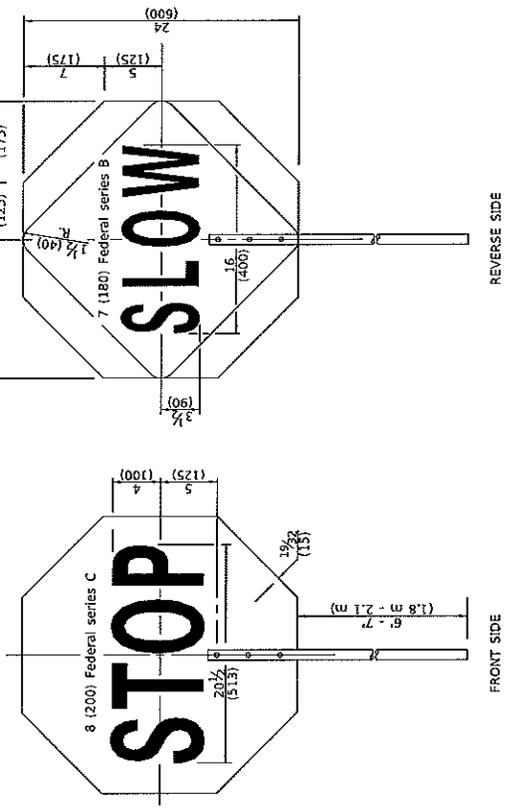
Sign assembly as shown on Standards or as allowed by District Operations.



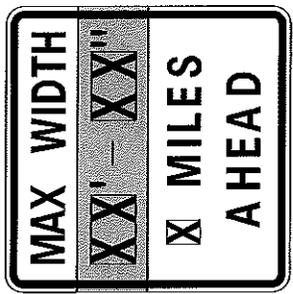
This sign shall be used when the above sign assembly is used.

HIGHWAY CONSTRUCTION SPEED ZONE SIGNS

**** R10-1108p shall only be used along roadways under the jurisdiction of the State.



FLAGGER TRAFFIC CONTROL SIGN



W12-1103-4848

WIDTH RESTRICTION SIGN

XX-XX" width and X miles are variable.

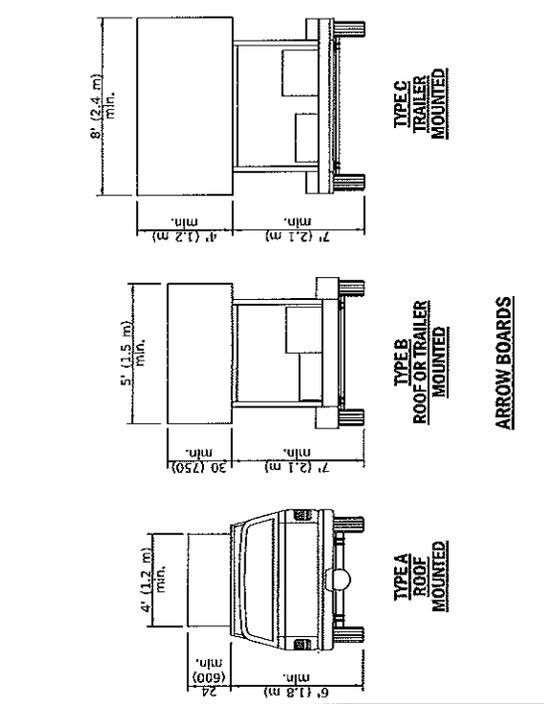
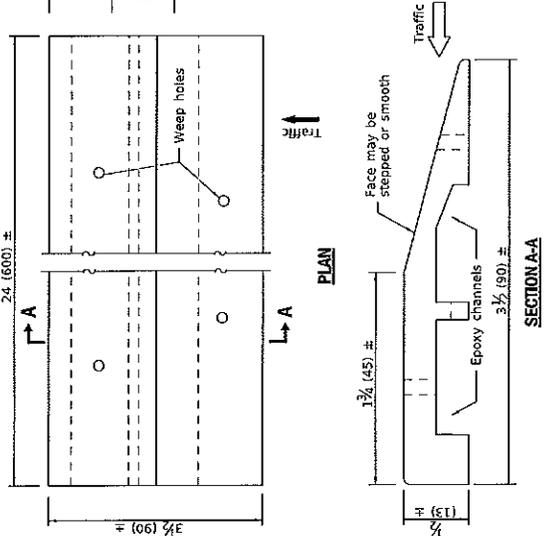
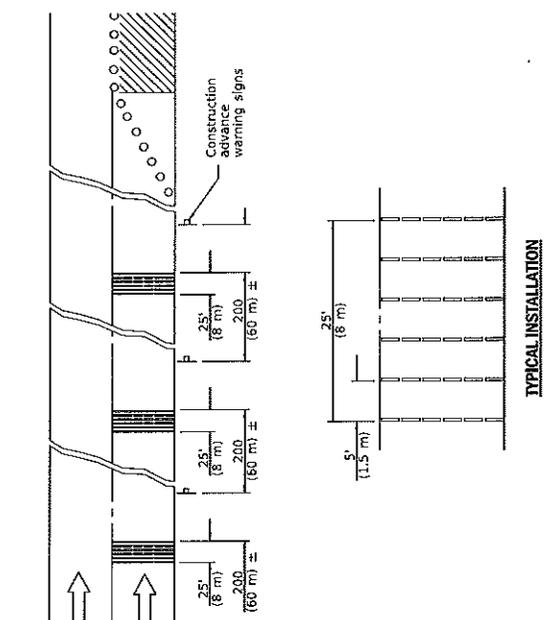
TRAFFIC CONTROL DEVICES
(Sheet 2 of 2)

STANDARD 701901-08

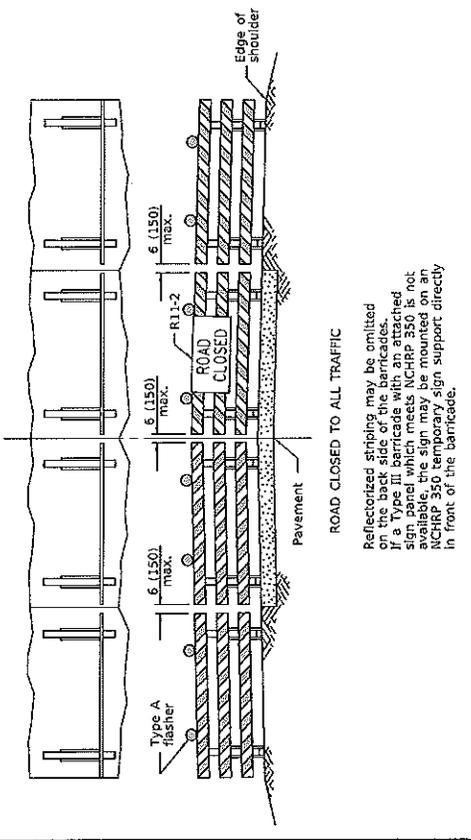
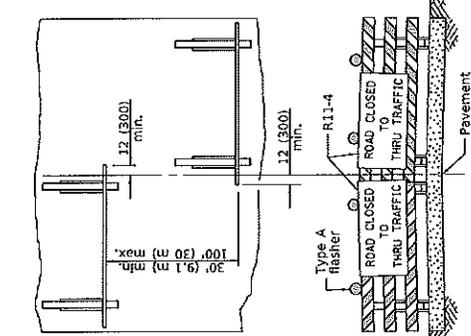
Illinois Department of Transportation

APPROVED: [Signature] 2019
 CHIEF OF SAFETY, PLANNING, AND ENGINEERING
 APPROVED: [Signature] 2019
 ENGINEER IN CHARGE FOR TRANSPORTATION

ISSUED: 1-1-13



TEMPORARY RUMBLE STRIPS



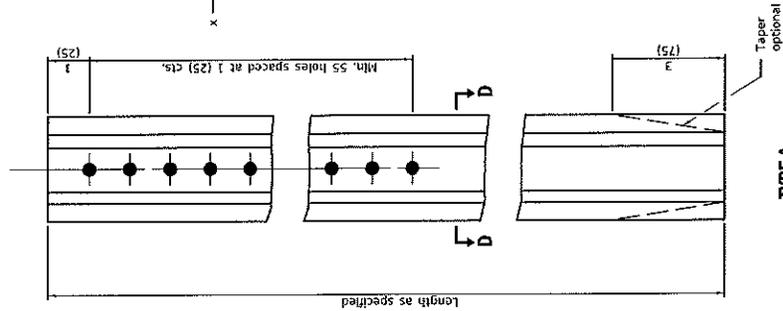
ReflectORIZED striping shall appear on both sides of the barricades. If a Type III barricade is used, the slope angle which meets NCHRP 350 is not available, the signs may be mounted on NCHRP 350 temporary sign supports directly in front of the barricade.

ReflectORIZED striping may be omitted on the back side of the barricades. If a Type III barricade with an attached sign panel which meets NCHRP 350 is not used, the slope angle which meets NCHRP 350 temporary sign support directly in front of the barricade.

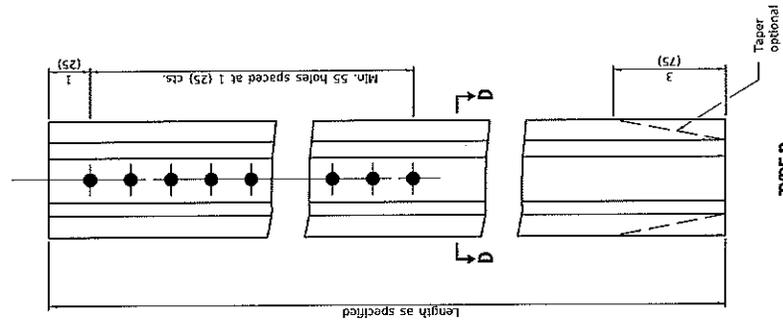
TRAFFIC CONTROL DEVICES
STANDARD 701901-08
(Sheet 3 of 3)

TYPICAL APPLICATIONS OF TYPE III BARRICADES CLOSING A ROAD

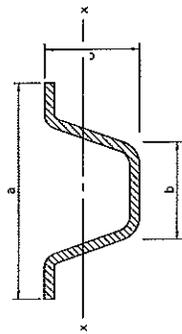
Illinois Department of Transportation
APPROVED: [Signature] JANUARY 1, 2019
ENGINEER OF SAFETY PROG. AND ENGINEERING
APPROVED: [Signature] JANUARY 1, 2019
ENGINEER OF DESIGN AND ENVIRONMENT



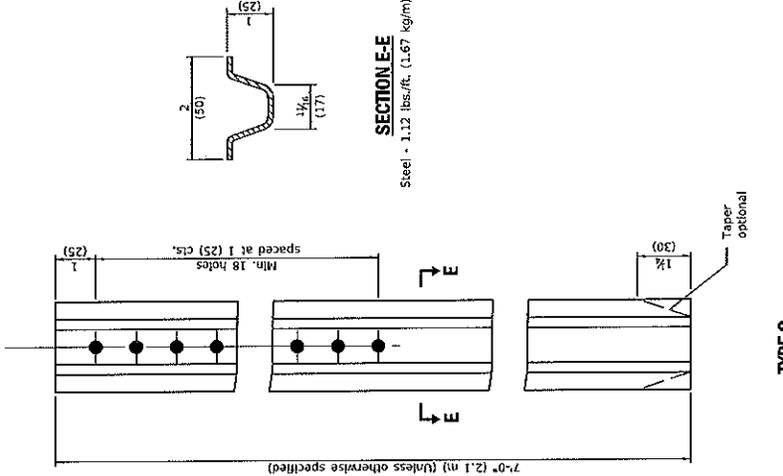
TYPE A



TYPE B



SECTION D-D



TYPE C

SECTION E-E

Steel - 1.12 lbs./ft. (1.67 kg/m)

GENERAL NOTES

Dimensions shown for cross sections are minimum.

All holes are $\frac{3}{8}$ (10).

Sxx is the minimum section modulus about the x-x axis of the post as shown. For posts in which holes are punched or drilled for more than half their length, Sxx shall be computed for the net section.

All dimensions are in inches (millimeters) unless otherwise shown.

	a	b	c	Sxx	lbs./ft.
	in.	in.	in.	in. ³	(kg/m)
TYPE A	Steel	3/4 (76)	1 1/4 (32)	0.223 (3.654)	2.00 (2.88)
	Aluminum	3/4 (89)	1 1/4 (41)	0.485 (7.128)	0.50 (1.34)
TYPE B	Steel	3/4 (81)	1 1/4 (38)	0.345 (5.388)	3.00 (4.46)
	Aluminum	3/4 (103)	1 1/4 (57)	1.088 (16.952)	1.50 (1.93)

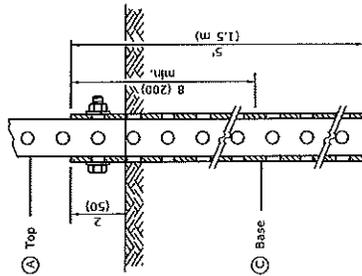
DATE	REVISIONS
1-1-09	Switched units to English (metric).
1-1-97	Perum. Standard 2350-4.

METAL POSTS FOR SIGNS, MARKERS & DELINEATORS

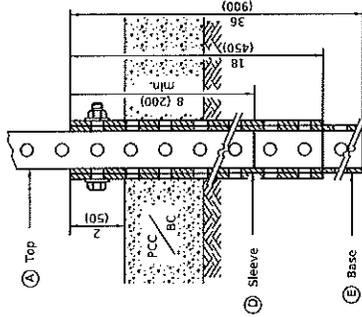
STANDARD 720011-01

Illinois Department of Transportation
 PASSED JANUARY 1, 2009
 ENGINEER OF POLICY AND PROCEDURES
 APPROVED JANUARY 1, 2009
 ENGINEER OF DESIGN AND SURVEYING

ISSUED 1-1-97

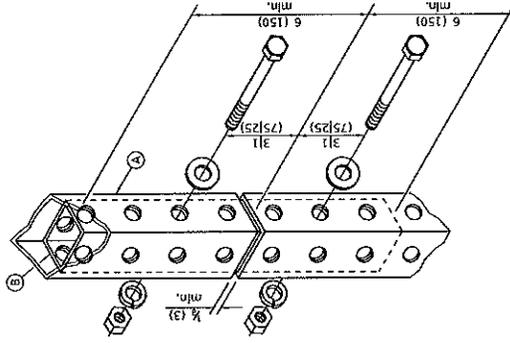


GROUND MOUNT DETAIL



PAVEMENT MOUNT DETAIL

(A)	2 x 2 x var. (51 x 51 var.)
(B)	1 1/2 x 1 1/2 x 12 (44 x 44 x 300)
(C)	2 1/2 x 2 1/2 x 60 (57 x 57 x 1500)
(D)	2 1/2 x 2 1/2 x 18 (64 x 64 x 450)
(E)	2 1/2 x 2 1/2 x 36 (57 x 57 x 900)



SPLICE DETAIL

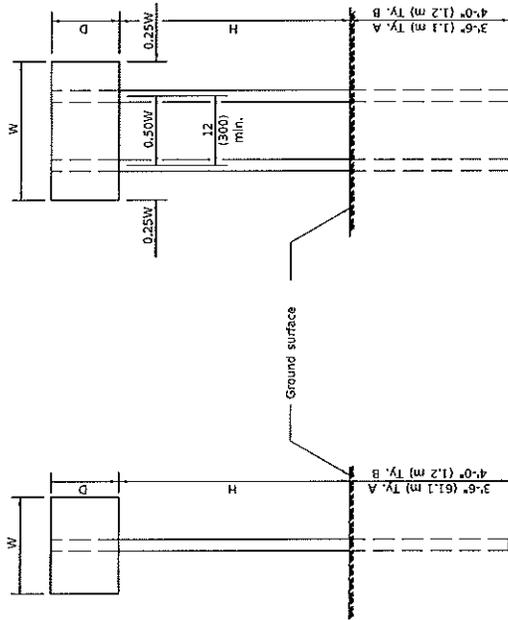
GENERAL NOTES

All bolts 3/8" (M10) hex head zinc or cadmium plated.
All dimensions are in inches (millimeters) unless otherwise shown.

Illinois Department of Transportation
 PASSED BY: [Signature] 2009
 ENGINEER OF OPERATIONS
 APPROVED BY: [Signature] 2009
 ENGINEER OF DESIGN AND ENVIRONMENT

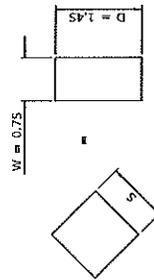
DATE	REVISIONS
1-1-09	Switched units to English (metric).
1-1-07	New Standard. Used to be part of Standard 720006.

TELESCOPING STEEL SIGN SUPPORT
STANDARD 728001-01



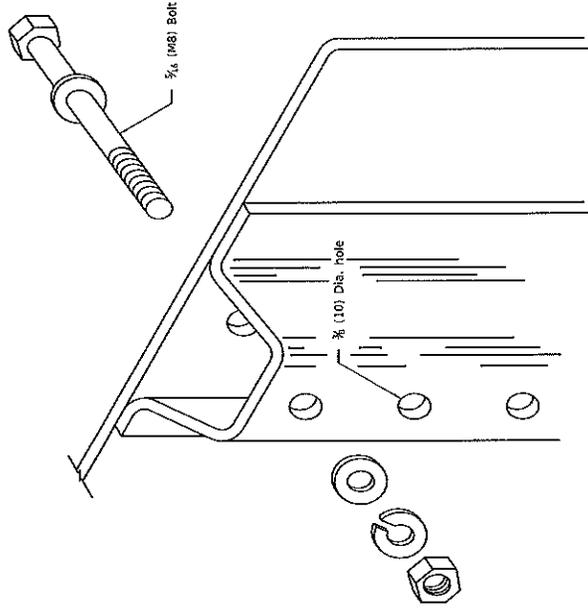
TWO POST INSTALLATION

ONE POST INSTALLATION



For diamond shaped sign with side S as shown, use required post size for a sign with $W = 0.75$ and $D = 1.45$.

SIGN DEPTH (D)	H	NO. AND TYPE OF POST FOR SIGN WIDTH (W)		
		12 (300)	24 (450)	36 (900)
18 (450)	5'-0" (1.5 m)	A	A	A
	5'-6" (1.7 m)	A	A	A
	6'-0" (1.8 m)	A	A	A
24 (600)	6'-6" (2.0 m)	A	A	B
	7'-0" (2.1 m)	A	A	B
	7'-6" (2.3 m)	A	A	B
30 (750)	8'-0" (2.4 m)	A	A	B
	8'-6" (2.6 m)	A	A	B
	9'-0" (2.7 m)	A	A	B
36 (900)	9'-0" (2.7 m)	A	A	B
	9'-6" (2.9 m)	A	A	B
	10'-0" (3.0 m)	A	A	B
4'-0" (1.2 m)	4'-0" (1.2 m)	A	A	B
	4'-6" (1.4 m)	A	A	B
	5'-0" (1.5 m)	A	A	B



DETAIL OF MOUNTING SIGN TO POST

NOTE: Minimum of 2 bolts per post required.

GENERAL NOTES

DESIGN: Current AASHTO Standard Specifications for Structural Supports for Highway Signs, Luminaires and Traffic Signals.
 LOADING: for 60 mph (95 km/h) wind velocity with 30% gust factor, normal to sign.
 SOIL PRESSURE: Minimum allowable soil pressure 1.25 tsf (120 kPa).
 See Standard 720011 for details of Types A and B posts.

All dimensions are in inches (millimeters) unless otherwise shown.

APPLICATIONS OF TYPES A & B METAL POSTS (FOR SIGNS & MARKERS)

DATE	REVISIONS
1-1-09	Switched units to English (metric).
1-1-97	Return Standard 2363-2.

STANDARD 729001-01

Illinois Department of Transportation
 PASSED: [Signature] 2009
 ENGINEER OF POLICY AND PROCEDURES
 APPROVED: [Signature] 2009
 ENGINEER OF DESIGN AND ENVIRONMENT
 ISSUED 1-1-97

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

- I. General
- II. Nondiscrimination
- III. Nonsegregated 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. Compliance with Governmentwide Suspension and Debarment Requirements
- XI. Certification Regarding Use of Contract Funds for Lobbying

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 (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).

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.

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). 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 bid proposal or request for proposal 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).

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

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. The term Federal-aid highway does not include roadways functionally classified as local roads or rural minor collectors.

II. NONDISCRIMINATION

The provisions of this section related to 23 CFR Part 230 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 60, 29 CFR 1625-1627, Title 23 USC Section 140, the Rehabilitation Act of 1973, as amended (29 USC 794), Title VI of the Civil Rights Act of 1964, as amended, 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 60, and 29 CFR 1625-1627. The contracting agency and the FHWA have the authority and the responsibility to ensure compliance with Title 23 USC Section 140, the Rehabilitation Act of 1973, as amended (29 USC 794), and Title VI of the Civil Rights Act of 1964, as amended, 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 230, 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 (28 CFR 35, 29 CFR 1630, 29 CFR 1625-1627, 41 CFR 60 and 49 CFR 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 35 and 29 CFR 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.

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, 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 who 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.

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, national origin, age or disability. The following procedures shall be followed:

a. The contractor will conduct periodic inspections of project sites to insure 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. 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, 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, 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 there under. 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, 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 and 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. Assurance Required by 49 CFR 26.13(b):

a. The requirements of 49 CFR Part 26 and the State DOT's U.S. DOT-approved DBE program are incorporated by reference.

b. The contractor 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 contracting agency deems appropriate.

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 \$10,000 or more.

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, 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). The requirements apply to all projects located within the right-of-way of a roadway that is functionally classified as Federal-aid highway. This excludes roadways functionally classified as local roads or rural minor collectors, which are exempt. Contracting agencies may elect to apply these requirements to other projects.

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

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, Employment Standards Administration, 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 Wage and Hour Administrator for determination. The Wage and Hour 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

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

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 at <http://www.dol.gov/esa/whd/forms/wh347instr.htm> or its successor 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 §5.5 (a)(3)(ii) of Regulations, 29 CFR part 5, the appropriate information is being maintained under §5.5 (a)(3)(i) of Regulations, 29 CFR part 5, 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 Regulations, 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 section 1001 of title 18 and section 231 of title 31 of the United States Code.

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

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. 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.

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.

9. Disputes concerning labor standards. 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.

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

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.

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 of \$10 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.

3. Withholding for unpaid wages and liquidated damages. The FHWA or 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 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.

4. Subcontracts. The contractor or subcontractor shall insert in any subcontracts the clauses set forth in paragraph (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.

VI. SUBLETTING OR ASSIGNING THE CONTRACT

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

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" 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:

(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.

2. 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. 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.

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

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 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.

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 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).

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 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 1, 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

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

By submission of this bid/proposal or the execution of this contract, or subcontract, as appropriate, the bidder, proposer, Federal-aid construction contractor, or subcontractor, as appropriate, will be deemed to have stipulated as follows:

1. That any person who is or will be utilized in the performance of this contract is not prohibited from receiving an award due to a violation of Section 508 of the Clean Water Act or Section 306 of the Clean Air Act.

2. That the contractor agrees to include or cause to be included the requirements of paragraph (1) of this Section X in every subcontract, and further agrees to take such action as the contracting agency may direct as a means of enforcing such requirements.

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.

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.

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.

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.

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 and 1200. "First Tier Covered Transactions" refers to any covered transaction between a grantee or subgrantee 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 grantee or subgrantee 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.

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.

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. 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 Excluded Parties List System website (<https://www.epls.gov/>), which is compiled by the General Services Administration.

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. 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) 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;

(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; 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.

b. Where the prospective participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

2. 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)

a. By signing and submitting this proposal, the prospective lower tier 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.

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 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 grantee or subgrantee 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 grantee or subgrantee 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.

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.

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 Excluded Parties List System website (<https://www.epls.gov/>), which is compiled by the General Services Administration.

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.

* * * * *

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 is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency.

2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall 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 20).

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.

ATTACHMENT A - EMPLOYMENT AND MATERIALS PREFERENCE FOR APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM OR APPALACHIAN LOCAL ACCESS ROAD CONTRACTS

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.

Contract Provision - Cargo Preference Requirements

In accordance with Title 46 CFR § 381.7 (b), the contractor 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.

(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 Division of National Cargo, Office of Market Development, Maritime Administration, Washington, DC 20590.

(3) To insert the substance of the provisions of this clause in all subcontracts issued pursuant to this contract.”

Provisions (1) and (2) apply to materials or equipment that are acquired solely for the project. The two provisions do not apply to goods or materials that come into inventories independent of the project, such as shipments of Portland cement, asphalt cement, or aggregates, when industry suppliers and contractors use these materials to replenish existing inventories.

**MINIMUM WAGES FOR FEDERAL AND FEDERALLY
ASSISTED CONSTRUCTION CONTRACTS**

This project is funded, in part, with Federal-aid funds and, as such, is subject to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Sta. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in a 29 CFR Part 1, Appendix A, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act and pursuant to the provisions of 29 CFR Part 1. The prevailing rates and fringe benefits shown in the General Wage Determination Decisions issued by the U.S. Department of Labor shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

General Wage Determination Decisions, modifications and supersedes decisions thereto are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable DBRA Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits contained in the General Wage Determination Decision shall be the minimum paid by contractors and subcontractors to laborers and mechanics.