

NORTH DAKOTA  
DEPARTMENT OF TRANSPORTATION  
**REQUEST FOR PROPOSAL**  
STATE AID PROJECT NO. SOIB-7-804(054)312 (PCN-20890)

3.761 Miles

PCC RECONSTRUCTION, BOX CULVERT, GUARDRAIL, SIGNALS, LIGHTING, HMA, GRADING, CULVERTS,  
AGGREGATE BASE, & INCIDENTALS

ND 1804 FROM 131ST AVE NW TO TEMPORARY NE TRUCK RELIEVER ROUTE

WILLIAMS COUNTY

**BID OPENING:** The bidder's proposal will be accepted via the Bid Express on-line bidding exchange at [www.bidx.com](http://www.bidx.com) until **09:30AM Central Time on September 09, 2016.**

Prior to submitting a Proposal, the Bidder shall complete all applicable sections and properly execute the Proposal Form in accordance with the specifications.

**Proposal Form of:**

\_\_\_\_\_  
(Firm Name)

\_\_\_\_\_  
(Address, City, State, Zipcode)

(For official use only)

PAGE INTENTIONALLY LEFT BLANK

**Project:** SOIB-7-804(054)312 (PCN-20890)

---

The company, firm, corporation, or individual hereby acknowledges that it has designated a responsible person or persons as having the authority to obligate the company, firm, or individual, through electronic or paper submittal, to the terms and conditions described herein and in the contract documents. The designated responsible person submitting this proposal shall be hereafter known as the bidder. By submitting this proposal, the bidder fully accepts and agrees to all the provisions of the proposal. The bidder also certifies that the information given in this proposal is true and the certifications made in this proposal are correct.

The bidder acknowledges that they have thoroughly examined the plans, proposal form, specifications, supplemental specifications, special provisions and agrees that they constitute essential parts of this proposal.

The bidder acknowledges that all line items which contain a quantity shall have a unit price bid. Any line item which is bid lump sum shall contain a lump sum bid price.

The bidder acknowledges that they understand that the quantities of work required by the plans and specifications are approximate only and are subject to increases and decreases; the bidder understands that all quantities of work actually required must be performed and that payment therefore shall be at the prices stipulated herein; that the bidder proposes to timely furnish the specified materials in the quantities required and to furnish the machinery, equipment, labor and expertise necessary to competently complete the proposed work in the time specified.

#### **NON-COLLUSION AND DEBARMENT CERTIFICATION**

The bidder certifies that neither he/she, nor any official, agent or employee of the bidder has entered into any agreement, participated in any collusion, or otherwise taken any action which is in restraint of free competitive bidding in connection with this bid.

By submitting this proposal, the bidder certifies to the best of his/her knowledge and belief that he/she and his/her principles:

- a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal Department or agency;
- b. 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 perform 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

**Project:** SOIB-7-804(054)312 (PCN-20890)

- 
- c. 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 b. of the certification; and
  - d. Have not within a three-year period preceding this proposal had one or more public transactions (Federal, State or Local) terminated for cause or default

Where the prospective bidder is unable to certify to any of the statements in this certification, the bidder shall submit an explanation in the blanks provided herein. The explanation will not necessarily result in denial of participation in a contract:

Explanation: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If the prequalified bidder's status changes, he/she shall immediately submit a new fully executed non-collusion affidavit and debarment certification with an explanation of the change to the Contract Office prior to submitting the bid.

Failure to furnish a certification or an explanation will be grounds for rejection of a bid.

**BID LIMITATION (Optional)**

The bidder who desires to bid on more than one project on which bids are to be opened on the same date, and who also desires to avoid receiving an award of more projects than the bidder is equipped to handle, may bid on multiple projects and limit the total amount of work awarded to the bidder on selected projects by completing the "Bid Limitation".

The Bid Limitation must be filled in on each proposal form for which the Bidder desires protection. Each such proposal must be covered by a proposal guaranty.

The bid limitation can be made by declaring the total dollar value of work OR total number of projects a bidder is willing to perform.

The Bidder desires to disqualify all of his/her bids on this bid opening that exceed a total dollar value of \$ \_\_\_\_\_

OR

that exceed a total number of \_\_\_\_\_ projects.

The Bidder hereby authorizes the Department to determine which bids shall be disqualified.

**Project:** SOIB-7-804(054)312 (PCN-20890)

---

**PERMISSIBLE DISCOUNT (optional)**

Only when invited to do so in the Request for Proposal by Special Provision, Bidders are permitted to offer a discount on a specific project (discount project) if they are awarded the contract on one or more additional projects bid at the same bid opening time and date. The bidder must present the proposal so that it can be considered with or without the discount. The bid or discount offered on the "discount project" will not affect the determination of the low bid of any other project.

When discounts are offered, they must be presented as a reduction in the unit price for one or more items of work in the specified proposal (discount project).

Space for Offering Discounts:

---

---

---

Item No: \_\_\_\_\_

Description: \_\_\_\_\_

Unit: \_\_\_\_\_

Proposal Quantity: \_\_\_\_\_ Unit Price Reduction: \$ \_\_\_\_\_ Discount: \$ \_\_\_\_\_

Item No: \_\_\_\_\_

Description: \_\_\_\_\_

Unit: \_\_\_\_\_

Proposal Quantity: \_\_\_\_\_ Unit Price Reduction: \$ \_\_\_\_\_ Discount: \$ \_\_\_\_\_

Item No: \_\_\_\_\_

Description: \_\_\_\_\_

Unit: \_\_\_\_\_

Proposal Quantity: \_\_\_\_\_ Unit Price Reduction: \$ \_\_\_\_\_ Discount: \$ \_\_\_\_\_

TOTAL DISCOUNT \_\_\_\_\_

It is understood that the discount will only apply if awarded under the conditions as listed above and signed by the bidder.

**Project:** SOIB-7-804(054)312 (PCN-20890)

---

**RECEIPT OF ADDENDA ACKNOWLEDGEMENT**

We hereby acknowledge receipt of the following addenda:

Addendum # \_\_\_\_\_ Dated \_\_\_\_\_

**PROPOSAL GUARANTY**

A proposal guaranty is required. The proposal guaranty must comply with Section 102.09, "Proposal Guarantee" of the Standard Specifications.

TYPE OF PROPOSAL GUARANTY APPLIED TO THIS PROJECT (Check one):

\_\_\_\_\_ Annual Bid Bond\*

\_\_\_\_\_ Single Project Bid Bond

\_\_\_\_\_ Certified or Cashier's Check

\*Annual Bid Bond is required when submitting proposals electronically

BID ITEMS

Project: SOIB-7-804(054)312 (PCN-20890)

**Bidder must type or neatly print unit prices in numerals, make extensions for each item, and total. Do not carry unit prices further than three (3) decimal places.**

Item No.	Spec No.	Code No.	Description	Unit	Approx. Quantity	Unit Price		Amount	
						\$\$\$\$	000	\$\$\$\$	00
001	103	0100	CONTRACT BOND	L SUM	1.				
002	103	0200	ESCROW OF BID DOCUMENTATION	L SUM	1.				
003	107	0100	RAILWAY PROTECTION INSURANCE	L SUM	1.				
004	201	0300	CLEARING & GRUBBING	ACRE	41.				
005	202	0105	REMOVAL OF STRUCTURE	L SUM	1.				
006	202	0114	REMOVAL OF CONCRETE PAVEMENT	SY	30.				
007	202	0130	REMOVAL OF CURB & GUTTER	LF	7,323.				
008	202	0135	REMOVAL OF BITUMINOUS SURFACING	TON	39,995.				
009	202	0152	REMOVAL OF BRIDGE RAIL	L SUM	1.				
010	202	0174	REMOVAL OF PIPE ALL TYPES AND SIZES	LF	1,818.				
011	202	0210	REMOVAL OF MANHOLES	EA	2.				
012	202	0230	REMOVAL OF INLETS	EA	14.				
013	202	0231	REMOVE & RESET INLETS	EA	1.				
014	202	0288	EXCAVATION & DISPOSAL OF CONTAMINATED SOIL	CY	1,100.				
015	202	0289	REMOVE APPROACH	EA	3.				
016	202	0312	REMOVE EXISTING FENCE	LF	16,348.				

BID ITEMS

Project: SOIB-7-804(054)312 (PCN-20890)

**Bidder must type or neatly print unit prices in numerals, make extensions for each item, and total. Do not carry unit prices further than three (3) decimal places.**

Item No.	Spec No.	Code No.	Description	Unit	Approx. Quantity	Unit Price		Amount	
						\$\$\$\$	000	\$\$\$\$	00
017	202	0400	REMOVAL OF RIPRAP - LOOSE ROCK	CY	1,470.				
018	202	0812	DISPOSAL OF CONTAMINATED WATER	GAL	43,500.				
019	203	0101	COMMON EXCAVATION-TYPE A	CY	234,150.				
020	203	0109	TOPSOIL	CY	40,851.				
021	203	0113	COMMON EXCAVATION-WASTE	CY	22,629.				
022	203	0138	COMMON EXCAVATION-SUBCUT	CY	6,683.				
023	210	0050	BOX CULVERT EXCAVATION	EA	1.				
024	210	0212	FLOWABLE FILL	CY	75.				
025	210	0405	FOUNDATION PREPARATION-BOX CULVERT	EA	1.				
026	216	0100	WATER	M GAL	4,443.				
027	230	0165	SUBGRADE PREPARATION-TYPE A-12IN	STA	199.				
028	251	0300	SEEDING CLASS III	ACRE	48.340				
029	251	2000	TEMPORARY COVER CROP	ACRE	46.730				
030	253	0101	STRAW MULCH	ACRE	78.950				
031	255	0101	ECB TYPE 1	SY	80,417.				
032	256	0100	RIPRAP GRADE I	CY	416.				

BID ITEMS

Project: SOIB-7-804(054)312 (PCN-20890)

**Bidder must type or neatly print unit prices in numerals, make extensions for each item, and total. Do not carry unit prices further than three (3) decimal places.**

Item No.	Spec No.	Code No.	Description	Unit	Approx. Quantity	Unit Price		Amount	
						\$\$\$\$	000	\$\$\$\$	00
033	256	0200	RIPRAP GRADE II	CY	132.				
034	260	0200	SILT FENCE SUPPORTED	LF	10,971.				
035	260	0201	REMOVE SILT FENCE SUPPORTED	LF	10,971.				
036	261	0112	FIBER ROLLS 12IN	LF	26,063.				
037	261	0113	REMOVE FIBER ROLLS 12IN	LF	25,007.				
038	265	0100	STABILIZED CONSTRUCTION ACCESS	EA	1.				
039	265	0101	REMOVE STABILIZED CONSTRUCTION ACCESS	EA	1.				
040	302	0050	TRAFFIC SERVICE AGGREGATE	TON	6,969.				
041	302	0100	SALVAGED BASE COURSE	TON	100,331.				
042	430	0500	COMMERCIAL GRADE HOT MIX ASPHALT	TON	4,714.				
043	550	0310	10IN NON REINF CONCRETE PVMT CL AE-DOWELED	SY	117,871.				
044	602	1208	CONCRETE BRIDGE BARRIER	LF	80.				
045	702	0100	MOBILIZATION	L SUM	1.				
046	704	0100	FLAGGING	MHR	2,000.				
047	704	1000	TRAFFIC CONTROL SIGNS	UNIT	2,881.				
048	704	1035	ATTENUATION DEVICE-TYPE B-25	EA	6.				

BID ITEMS

Project: SOIB-7-804(054)312 (PCN-20890)

**Bidder must type or neatly print unit prices in numerals, make extensions for each item, and total. Do not carry unit prices further than three (3) decimal places.**

Item No.	Spec No.	Code No.	Description	Unit	Approx. Quantity	Unit Price		Amount	
						\$\$\$\$	000	\$\$\$\$	00
049	704	1052	TYPE III BARRICADE	EA	20.				
050	704	1060	DELINEATOR DRUMS	EA	405.				
051	704	1067	TUBULAR MARKERS	EA	350.				
052	704	1080	STACKABLE VERTICAL PANELS	EA	350.				
053	704	1081	VERTICAL PANELS-BACK TO BACK	EA	36.				
054	704	1086	SEQUENCING ARROW PANEL-TYPE B	EA	1.				
055	704	1087	SEQUENCING ARROW PANEL-TYPE C	EA	1.				
056	704	3510	PRECAST CONCRETE MED BARRIER-STATE FURNISHED	EA	40.				
057	706	0500	AGGREGATE LABORATORY	EA	1.				
058	706	0600	CONTRACTOR'S LABORATORY	EA	1.				
059	708	1010	RIPRAP-GROUTED JOINT	SY	60.				
060	708	1540	INLET PROTECTION-SPECIAL	EA	88.				
061	708	1541	REMOVE INLET PROTECTION-SPECIAL	EA	89.				
062	709	0100	GEOSYNTHETIC MATERIAL TYPE G	SY	18,090.				
063	709	0151	GEOSYNTHETIC MATERIAL TYPE R1	SY	18,788.				
064	709	0155	GEOSYNTHETIC MATERIAL TYPE RR	SY	1,231.				

BID ITEMS

Project: SOIB-7-804(054)312 (PCN-20890)

**Bidder must type or neatly print unit prices in numerals, make extensions for each item, and total. Do not carry unit prices further than three (3) decimal places.**

Item No.	Spec No.	Code No.	Description	Unit	Approx. Quantity	Unit Price		Amount	
						\$\$\$\$\$	000	\$\$\$\$\$	00
065	709	0161	GEOSYNTHETIC MATERIAL TYPE S1	SY	15,167.				
066	709	0162	GEOSYNTHETIC MATERIAL TYPE S2	SY	1,361.				
067	714	0115	PIPE CONC REINF 12IN CL III-STORM DRAIN	LF	16.				
068	714	0210	PIPE CONC REINF 15IN CL III-STORM DRAIN	LF	900.				
069	714	0315	PIPE CONC REINF 18IN CL III-STORM DRAIN	LF	61.				
070	714	0500	PIPE CONC REINF 24IN CL II-45DEG BEND	EA	3.				
071	714	0620	PIPE CONC REINF 24IN CL III-STORM DRAIN	LF	221.				
072	714	4097	PIPE CONDUIT 15IN-STORM DRAIN	LF	318.				
073	714	4099	PIPE CONDUIT 18IN-APPROACH	LF	188.				
074	714	4101	PIPE CONDUIT 18IN-STORM DRAIN	LF	682.				
075	714	4106	PIPE CONDUIT 24IN-APPROACH	LF	495.				
076	714	4107	PIPE CONDUIT 24IN-STORM DRAIN	LF	187.				
077	714	4112	PIPE CONDUIT 30IN-STORM DRAIN	LF	1,786.				
078	714	4115	PIPE CONDUIT 36IN	LF	88.				
079	714	4116	PIPE CONDUIT 36IN-APPROACH	LF	295.				
080	714	4117	PIPE CONDUIT 36IN-STORM DRAIN	LF	734.				

BID ITEMS

Project: SOIB-7-804(054)312 (PCN-20890)

**Bidder must type or neatly print unit prices in numerals, make extensions for each item, and total. Do not carry unit prices further than three (3) decimal places.**

Item No.	Spec No.	Code No.	Description	Unit	Approx. Quantity	Unit Price		Amount	
						\$\$\$\$	000	\$\$\$\$	00
081	714	4120	PIPE CONDUIT 42IN	LF	170.				
082	714	4122	PIPE CONDUIT 42IN-APPROACH	LF	102.				
083	714	9200	CATTLE PASS CONC INTERMED SECTION	LF	150.				
084	714	9611	REMOVE & RELAY CONC CATTLE PASS END SECTION	EA	4.				
085	714	9660	REMOVE & RELAY END SECTION-ALL TYPE & SIZES	EA	2.				
086	714	9680	PLUG PIPE-ALL TYPES & SIZES	EA	2.				
087	714	9685	TRENCH PLUG	EA	6.				
088	720	0110	RIGHT OF WAY MARKERS	EA	168.				
089	720	0125	ALIGNMENT MONUMENTS	EA	28.				
090	720	0130	IRON PIN R/W MONUMENTS	EA	149.				
091	720	0135	IRON PIN REFERENCE MONUMENTS	EA	19.				
092	722	0100	MANHOLE 48IN	EA	7.				
093	722	0107	MANHOLE 54IN	EA	6.				
094	722	0110	MANHOLE 60IN	EA	4.				
095	722	0115	MANHOLE 66IN	EA	1.				
096	722	0130	MANHOLE 84IN	EA	2.				

BID ITEMS

Project: SOIB-7-804(054)312 (PCN-20890)

**Bidder must type or neatly print unit prices in numerals, make extensions for each item, and total. Do not carry unit prices further than three (3) decimal places.**

Item No.	Spec No.	Code No.	Description	Unit	Approx. Quantity	Unit Price		Amount	
						\$\$\$\$	000	\$\$\$\$	00
097	722	0315	MANHOLE CASTING	EA	2.				
098	722	1100	MANHOLE RISER 48IN	LF	50.				
099	722	1106	MANHOLE RISER 54IN	LF	11.				
100	722	1110	MANHOLE RISER 60IN	LF	39.				
101	722	1115	MANHOLE RISER 66IN	LF	6.				
102	722	1120	MANHOLE RISER 72IN	LF	4.				
103	722	1130	MANHOLE RISER 84IN	LF	15.				
104	722	2490	MANHOLE STORM CONNECTION	EA	1.				
105	722	3296	ABANDON STORM SEWER SYSTEM	L SUM	1.				
106	722	3510	INLET-TYPE 2	EA	101.				
107	722	3520	INLET-TYPE 2 DOUBLE	EA	5.				
108	722	3701	INLET SPECIAL-TYPE 2 48IN	EA	5.				
109	722	3761	INLET SPECIAL-TYPE 2 60IN	EA	2.				
110	722	3766	INLET SPECIAL-TYPE 2 72IN	EA	1.				
111	722	3910	INLET SLOTTED DRAIN 15IN	LF	315.				
112	722	4565	MEDIAN DRAIN PRECAST CONCRETE-TYPE A	EA	1.				

BID ITEMS

Project: SOIB-7-804(054)312 (PCN-20890)

**Bidder must type or neatly print unit prices in numerals, make extensions for each item, and total. Do not carry unit prices further than three (3) decimal places.**

Item No.	Spec No.	Code No.	Description	Unit	Approx. Quantity	Unit Price		Amount	
						\$\$\$\$	000	\$\$\$\$	00
113	722	6140	ADJUST GATE VALVE BOX	EA	11.				
114	722	6160	ADJUST INLET	EA	2.				
115	724	0314	GATE VALVE & BOX 12IN	EA	2.				
116	724	0420	HYDRANT-RELOCATE	EA	4.				
117	748	0140	CURB & GUTTER-TYPE I	LF	24,320.				
118	748	1000	VALLEY GUTTER 36IN	LF	248.				
119	750	0115	SIDEWALK CONCRETE 4IN	SY	45.				
120	750	1000	DRIVEWAY CONCRETE	SY	379.				
121	750	2115	DETECTABLE WARNING PANELS	SF	53.				
122	752	0110	FENCE BARBED WIRE 3 STRAND-STEEL POST	LF	10,159.				
123	752	0320	FENCE BARBED WIRE 4 STRAND-STEEL POST	LF	4,603.				
124	752	0600	FENCE CHAIN LINK	LF	581.				
125	752	0700	FENCE WOVEN WIRE	LF	1,173.				
126	752	0995	FENCE TERMINAL-WOOD POSTS	EA	20.				
127	752	2100	VEHICLE GATE	EA	2.				
128	752	2120	REMOVE VEHICLE GATE	EA	1.				

BID ITEMS

Project: SOIB-7-804(054)312 (PCN-20890)

**Bidder must type or neatly print unit prices in numerals, make extensions for each item, and total. Do not carry unit prices further than three (3) decimal places.**

Item No.	Spec No.	Code No.	Description	Unit	Approx. Quantity	Unit Price		Amount	
						\$\$\$\$	000	\$\$\$\$	00
129	752	3100	CORNER ASSEMBLY CHAIN LINK	EA	4.				
130	752	3120	CORNER ASSEMBLY WOVEN WIRE	EA	2.				
131	752	3140	CORNER ASSEMBLY BARBED WIRE	EA	42.				
132	752	4100	DOUBLE BRACE ASSEMBLY BARBED WIRE	EA	7.				
133	754	0110	FLAT SHEET FOR SIGNS-TYPE XI REFL SHEETING	SF	253.				
134	754	0112	FLAT SHEET FOR SIGNS-TYPE IV REFL SHEETING	SF	189.				
135	754	0150	DELINEATORS-TYPE A	EA	4.				
136	754	0206	STEEL GALV POSTS-TELESCOPING PERFORATED TUBE	LF	496.				
137	754	0472	3 1/2IN STEEL GALV MULTI-DIRECT BREAKAWAY BASES	EA	15.				
138	754	0563	REFERENCE MARKER-TYPE C	EA	8.				
139	754	0592	RESET SIGN PANEL	EA	25.				
140	754	0805	OBJECT MARKERS - CULVERTS	EA	20.				
141	760	0003	RUMBLE STRIPS - CONCRETE CENTERLINE	MILE	1.				
142	760	0005	RUMBLE STRIPS - ASPHALT SHOULDER	MILE	2.				
143	762	0430	SHORT TERM 4IN LINE-TYPE NR	LF	70,627.				
144	762	1280	PREFORMED THERMO PLASTIC PVMT MK MESSAGE	SF	1,764.				

BID ITEMS

Project: SOIB-7-804(054)312 (PCN-20890)

**Bidder must type or neatly print unit prices in numerals, make extensions for each item, and total. Do not carry unit prices further than three (3) decimal places.**

Item No.	Spec No.	Code No.	Description	Unit	Approx. Quantity	Unit Price		Amount	
						\$\$\$\$	000	\$\$\$\$	00
145	762	1305	PREFORMED PATTERNED PVMT MK 4IN LINE-GROOVED	LF	72,312.				
146	762	1309	PREFORMED PATTERNED PVMT MK 8IN LINE-GROOVED	LF	6,587.				
147	762	1315	PREFORMED PATTERNED PVMT MK 12IN LINE-GROOVED	LF	420.				
148	762	1325	PREFORMED PATTERNED PVMT MK 24IN LINE-GROOVED	LF	134.				
149	764	0131	W-BEAM GUARDRAIL	LF	474.				
150	764	0145	W-BEAM GUARDRAIL END TERMINAL	EA	6.				
151	764	0151	REMOVE W-BEAM GUARDRAIL & POSTS	LF	116.				
152	764	2020	REMOVE 3-CABLE GUARDRAIL & POSTS	LF	263.				
153	764	2080	REMOVE BOX BEAM GUARDRAIL	LF	596.				
154	764	2081	REMOVE END TREATMENT & TRANSITION	EA	10.				
155	766	0100	MAILBOX-ALL TYPES	EA	26.				
156	770	0001	LIGHTING SYSTEM	EA	1.				
157	770	4560	REMOVE LIGHT STANDARD	EA	13.				
158	772	0001	TRAFFIC SIGNALS SYSTEM	EA	1.				
159	772	2810	TEMPORARY TRAFFIC SIGNALS	EA	4.				
160	772	3125	REMOVE TRAFFIC SIGNAL SYSTEM	EA	1.				

BID ITEMS

Project: SOIB-7-804(054)312 (PCN-20890)

**Bidder must type or neatly print unit prices in numerals, make extensions for each item, and total. Do not carry unit prices further than three (3) decimal places.**

Item No.	Spec No.	Code No.	Description	Unit	Approx. Quantity	Unit Price		Amount	
						\$\$\$\$\$	000	\$\$\$\$\$	00
161	772	3180	REMOVE WOOD POLE	EA	4.				
162	900	1000	TEMPORARY STREAM DIVERSION	EA	1.				
163	910	0480	TRASH RACK	EA	2.				
164	920	1233	HEALTH AND SAFETY PLAN	L SUM	1.				
165	930	8230	SHORING	EA	4.				
166	930	9647	BARRIER END MODIFICATION	EA	4.				
167	980	0170	CATTLE GUARD RESET	EA	2.				
			SUBTOTAL						
<b>ALTERNATE A</b>									
168	210	0210	FOUNDATION FILL	CY	966.300				
169	210	0225	FOUNDATION FILL-TYPE 1	CY	874.500				
170	602	1131	CLASS AE-3 CONCRETE-BOX CULVERT	CY	810.400				
171	612	0114	REINFORCING STEEL-GRADE 60-BOX CULVERT	LBS	108,494.				
			SUBTOTAL ALTERNATE A						

BID ITEMS

Project: SOIB-7-804(054)312 (PCN-20890)

**Bidder must type or neatly print unit prices in numerals, make extensions for each item, and total. Do not carry unit prices further than three (3) decimal places.**

Item No.	Spec No.	Code No.	Description	Unit	Approx. Quantity	Unit Price		Amount	
						\$\$\$\$\$	000	\$\$\$\$\$	00
<b>ALTERNATE B</b>									
172	210	0210	FOUNDATION FILL	CY	962.500				
173	210	0225	FOUNDATION FILL-TYPE 1	CY	888.800				
174	606	3112	DBL 11FT X 12FT PRECAST RCB CULVERT	LF	284.				
175	606	7112	DBL 11FT X 12FT PRECAST RCB END SECTION	EA	2.				
			SUBTOTAL ALTERNATE B						
<b>OPTION 1</b>									
176	714	4097	PIPE CONDUIT 15IN-STORM DRAIN	LF	990.				
177	714	4101	PIPE CONDUIT 18IN-STORM DRAIN	LF	847.				
178	714	4107	PIPE CONDUIT 24IN-STORM DRAIN	LF	610.				
179	714	4112	PIPE CONDUIT 30IN-STORM DRAIN	LF	108.				
180	714	4113	PIPE CONDUIT 30IN-APPROACH	LF	218.				
181	714	4116	PIPE CONDUIT 36IN-APPROACH	LF	33.				
			SUBTOTAL OPTION 1						



**Project:** SOIB-7-804(054)312 (PCN-20890)

**Type of Work:** PCC RECONSTRUCTION, BOX CULVERT, GUARDRAIL, SIGNALS, LIGHTING, HMA, GRADING, CULVERTS, AGGREGATE BASE, & INCIDENTALS

**County:** WILLIAMS

**Length:** 3.7610 Miles

**TIME FOR COMPLETION:**

The undersigned Bidder agrees, if awarded the contract, to prosecute the work with sufficient forces and equipment to complete the contract work within the allowable time specified as follows:

**WORKING DAY CONTRACT:** NA working days are provided. The Department will begin charging working days beginning NA or the date work begins on the project site, whichever is earlier.

**CALENDAR DAY CONTRACT:** NA calendar days are provided. The completion date will be determined by adding NA calendar days to NA or the date work begins on the project site, whichever is earlier.

**COMPLETION DATE CONTRACT** The project completion date is 10/21/2017 \*. The Department provides a minimum of NA working days. The Department will begin charging working days beginning NA or the date work begins on the project site, whichever is earlier.

**\*AN INTERIM COMPLETION DATE OF OCTOBER 31, 2016 IS FOR APPROACH AND FENCE WORK DESCRIBED IN PLAN NOTE 105-P04. LIQUIDATED DAMAGES FOR FAILURE TO COMPLETE THE APPROACH AND FENCE WORK BY OCTOBER 31, 2016 SHALL BE CHARGED AT A RATE OF \$1,000 PER CALENDAR DAY.**

**AN INTERIM COMPLETION DATE OF NOVEMBER 18, 2016 IS FOR THE COMPLETION OF THE STORM DRAIN ALONG THE NORTH SIDE OF THE ROAD FROM STA 16695+00 TO STA 16712+00 (SEE PLAN NOTE 105-P05). WORK ON THE LATERAL STORM DRAIN LINES EXTENDING TO THE SOUTH WILL NOT BE ALLOWED. LIQUIDATED DAMAGES FOR FAILURE TO COMPLETE THE STORM DRAIN WORK ALONG THE NORTH SIDE OF THE ROAD FROM STA 16695+00 TO STA 16712+00 BY NOVEMBER 18, 2016 SHALL BE CHARGED AT A RATE OF \$1,000 PER CALENDAR DAY UNTIL COMPLETED.**

**NO OTHER WORK WHICH IMPACTS TRAFFIC SHALL BE ALLOWED PRIOR TO APRIL 15, 2017, WITH THE EXCEPTION OF THE AFOREMENTIONED AREAS, WITHOUT WRITTEN APPROVAL BY THE ENGINEER. FINAL COMPLETION SHALL BE OCTOBER 21, 2017. LIQUIDATED DAMAGES FOR FAILURE TO COMPLETE ALL WORK BY OCTOBER 21, 2017 SHALL BE CHARGED ACCORDING TO SECTION 108.07 B OF THE STANDARD SPECIFICATIONS.**



# **NORTH DAKOTA DEPARTMENT OF TRANSPORTATION**

Job #2, Project No. SOIB-7-804(054)312

PCC Reconstruction, Box Culvert, Guardrail, Signals, Lighting, HMA,  
Grading, Culverts, Aggregate Base, & Incidentals

## **INDEX OF PROVISIONS**

Road Restriction Permits

NDDOT Supplemental Specifications dated October 1, 2015

Price Schedule for Miscellaneous Items dated October 1, 2014 (PS-1)

On-The-Job Training Program dated November 1, 2013

Appendix A of the Title IV Assurances dated October 1, 2014

Appendix E of the Title IV Assurances dated October 1, 2014

On-The-Job Training Program dated October 1, 2015

SP 3(14) Temporary Erosion & Sediment Best Management Practices

SP 4(14) Federal Migratory Bird Treaty Act

SP 282(14) Certificate of Compliance

SP 285(14) Railroad Requirements

SP 287(14) Temporary Water Diversion

SP 290(14) Contaminated Work Area

SP 294(14) Traffic Signal System

SP 305(14) Airspace/Airport Coordination

SP 314(14) Conditions of Contract Award

SP 5117(14) Permits and Environmental Considerations

SP Fuel Cost Adjustment Clause dated September 8, 2006

# NOTICE

**TO: All prospective bidders on all North Dakota Department of Transportation Highway Construction Projects.**

Contractors moving construction equipment to NDDOT highway construction projects are subject to the Road Restriction Policy with the following modifications:

- A. The contractor may purchase up to 10 single trip permits for each NDDOT highway construction project at a cost ranging from \$20 to \$70 each. These permits must be purchased from the Motor Carrier Division of the Highway Patrol at the central office of the NDDOT in Bismarck, North Dakota.
- B. The \$1 per mile fee will not be charged for Gross Vehicle Weights (GVW) exceeding 105,500 pounds, 105,500 pounds, and 105,000 pounds for highways Restricted by Legal Weights, 8 Ton, and 7 Ton highways respectively.
- C. The \$5 per ton per mile fee will be charged only for loads exceeding a GVW of 130,000 pounds, 120,000 pounds, 110,000 pounds and 80,000 pounds for highways Restricted by Legal Weights, 8 Ton, 7 Ton, and 6 Ton highways respectively.
- D. The maximum weights per axle for each of the class restrictions still apply. If it is shown that more axles cannot be added, movement may be authorized; however, a \$1 per ton per mile fee will be charged for all weight in excess of the restricted axle limits.
- E. These construction equipment single trip permits apply to State and US Highways only.
- F. The District Engineers and Highway Patrol will select the route of travel.
- G. Contractors moving equipment to other than NDDOT highway construction projects are subject to all fees as shown in the Road Restriction Permit Policy.
- H. Contractors must call the Highway Patrol prior to movement of all overweight loads on all State and US Highways.

ROAD RESTRICTION PERMITS

Permits shall be issued for the movement of non-divisible vehicles and loads on state highways which exceed the weight limits during spring road restrictions. The issuance of permits may be stopped or posted weights changed at any time based on the varying conditions of the roadways. Permits can be obtained from the Highway Patrol.

RESTRUCTION CLASSIFICATIONS WITH ALLOWABLE AXLE WEIGHTS AND GROSS VEHICLE WEIGHTS	PERMIT AND TON/MILE FEES
<p>Highways Restricted by Legal Weight</p> <p>Single Axle -- 20,000 lbs.                      Tandem Axle -- 34,000 lbs.                      Triple Axle -- 48,000 lbs.                      4 Axles or more -- 15,000 lbs. per axle</p> <p>Gross Vehicle Weight -- 105,500 lbs.</p> <p>Note: The above weights apply to state highways restricted by legal weights, other than interstate highways, in areas where road restrictions are in force. When the gross weight of an axle grouping exceeds 48,000 pounds, the \$1 per ton per mile shall apply to all weight in excess of 15,000 pounds per axle.</p>	<p>Permit Fee: \$20-\$70 per trip</p> <p>Ton Mile Fee:</p> <p>105,501 lbs. to 130,000 lbs. GVW -- \$1 per mile</p> <p>Over 130,000 lbs. GVW -- \$1 per mile <b>plus</b> \$5 per ton per mile for that weight exceeding 130,000 lbs. GVW</p> <p>Exceeding axle limits -- \$1 per ton per mile</p>
<p>8-Ton:</p> <p>Single Axle -- 16,000 lbs.                      Tandem Axle -- 32,000 lbs.                      3 Axles or more -- 14,000 lbs. per axle</p> <p>Gross Vehicle Weight -- 105,500 lbs.</p>	<p>Permit Fee: \$20-\$70 per trip</p> <p>Ton Mile Fee:</p> <p>105,501 lbs. to 120,000 lbs. GVW -- \$1 per mile</p> <p>Over 120,000 lbs. GVW -- \$1 per mile <b>plus</b> \$5 per ton per mile for that weight exceeding 120,000 lbs. GVW</p> <p>Exceeding restricted axle limits -- \$1 per ton per mile</p>
<p>7-Ton:</p> <p>Single Axle -- 14,000 lbs.                      Tandem Axle -- 28,000 lbs.                      3 Axles or more -- 12,000 lbs. per axle</p> <p>Gross Vehicle Weight -- 105,500 lbs.</p>	<p>Permit Fee: \$20-\$70 per trip</p> <p>Ton Mile Fee:</p> <p>105,500 lbs. to 110,000 lbs. GVW -- \$1 per mile</p> <p>Over 110,000 lbs. GVW -- \$1 per mile <b>plus</b> \$5 per ton per mile for that weight exceeding 110,000 lbs. GVW</p> <p>Exceeding restricted axle limits -- \$1 per ton per mile</p>
<p>6-Ton:</p> <p>Single Axle -- 12,000 lbs.                      Tandem Axle -- 24,000 lbs.                      3 Axles or more -- 10,000 lbs. per axle</p> <p>Gross Vehicle Weight -- 80,000 lbs.</p>	<p>Permit Fee: \$20-\$70 per trip</p> <p>Ton Mile Fee:</p> <p>\$5 per ton per mile for all weight exceeding 80,000 lbs. GVW</p> <p>Exceeding restricted axle limits -- \$1 per ton per mile</p>
<p>5-Ton:</p> <p>Single Axle -- 10,000 lbs.                      Tandem Axle -- 20,000 lbs.                      3 Axles or more -- 10,000 lbs. per axle</p> <p>Gross Vehicle Weight -- 80,000 lbs.</p>	<p>No overweight movement allowed</p>

## **SINGLE UNIT FIXED LOAD VEHICLES SUCH AS TRUCK CRANES AND WORKOVER RIGS**

- A. Permit Fee and Ton Mile Fee for Self-Propelled Fixed Load Vehicles .
1. Permit Fee: \$25 per trip
  2. \$1 per ton per mile for all weight in excess of restricted axle limits or in excess of legal limits on state highways in areas where road restrictions are in force. When the gross weight of an axle grouping exceeds 48,000 pounds, the \$1 per ton per mile shall apply to all weight in excess of 15,000 pounds per axle (see weight classification chart in section C.)
  3. **\$5 per ton per mile** for all movements exceeding the following gross vehicle weight limits:
    - a. 105,500 lbs. GVW on unrestricted state highways, other than interstate highways, in areas where road restrictions are in force.
    - b. 105,500 lbs. GVW on 8-ton highways.
    - c. 105,500 lbs. GVW on 7-ton highways.
    - d. 80,000 lbs. GVW on 6-ton highways.
    - e. No overweight movement allowed on 5-ton highways
- B. Permit Fees for Work-Over Rigs and Special Mobile Equipment Exceeding 650 but not 670 Pounds Per Inch Width of Tire.
1. Permit Fee:
    - a. \$50 per trip on work-over rigs up to 650 pounds per inch width.
    - b. \$75 per trip on work-over rigs that exceed 650 but not 670 pounds per inch width of tire.
  2. The work-over rig shall be stripped to the most minimum weights.
  3. A minimal number of state highway miles shall be used.
  4. District engineer approval shall be obtained prior to movement when vehicle exceeds restricted axle weights by more than 5,000 pounds.
  5. A validation number ending in TM must be obtained from the Highway Patrol prior to using a self-issue single trip movement approval form.
  6. The ton mile shall be waived .



**NORTH DAKOTA DEPARTMENT OF TRANSPORTATION  
SUPPLEMENTAL SPECIFICATION  
REVISIONS**

---

Effective Date: 10/01/2015

The following specifications are supplementary to the 2014 Edition of the *Standard Specifications for Road and Bridge Construction* as they apply to this Contract. Page references in this document apply to the hard bound, printed edition of the specifications (the “blue book”) and the “as printed” version of the specifications on the Department’s website.

---

**101.03 ABBREVIATIONS**

**PAGE 8**

**10/01/15**

Delete the line for “ACPA        American Concrete Precast Association” and replace it with the following:

        ACPA            American Concrete Pipe Association

Add the following item to Section 101.03:

        NPCA            National Precast Concrete Association  
        SWPPP            Storm Water Pollution Prevention Plan

---

**101.04 DEFINITIONS**

**PAGE 10**

**10/01/15**

Delete the definition for “Sieve” and replace it with the following:

**Sieve.** U.S.A. Standard Sieve, as defined in ASTM E 11. The specified percent passing for each sieve is measured by weight.

---

**104.02 C Significant Changes to the Character of Work**

**PAGE 34**

**10/01/15**

Delete the following paragraph in its entirety:

If the Contractor believes an alteration in the work is a significant change that necessitates a contract revision, the Contractor shall notify the Engineer in accordance with Section 104.03, “Contractor Requested Contract Revisions”.

---

**104.05 A Submission of the Claim**

**PAGE 37**

**10/01/15**

Replace the fourth paragraph of Section 104.05 with the following:

Provide a claim submittal to the Engineer that contains, at a minimum, the following information for each claim issue included on the [Notice of Intention to File a Claim \(SFN 16743\)](#). Failure to supply the following information for each claim issue constitutes a waiver of claim for additional compensation for each submitted claim item.

---

Replace Section 105.03 B with the following:

**B. Scheduling.****1. General.**

In order to minimize interference with traffic operations, the Contractor, Engineer, and utility owner shall agree to a detailed schedule before starting work.

**2. Utility Coordination Meeting.**

If the contract requires a utility coordination meeting, arrange the meeting with the utility owners and the Engineer to occur no later than two weeks after the notice to proceed. At the meeting, provide an agenda and a tentative construction schedule for planning utility relocations and adjustments; after the meeting, publish minutes and distribute a copy to all meeting attendees.

---

**106.02 D Aggregate Source Limitations**

Delete number 8 and replace it with the following:

8. In Stark County, within the 2-mile radius from the center of Section 30-137-92;

Delete number 11 and replace it with the following:

11. In Hettinger County, within the 1-mile radius from the center of Section 28-135-91;

---

**107.17 REMOVED MATERIAL**

Replace Section 107.17 with the following:

**107.17 REMOVED MATERIAL**

Unless otherwise designated in the contract, removed material becomes the property of the Contractor.

If the Contractor determines that the material will be disposed of, the material must be disposed in one of the following ways:

- A. Dispose of the material through a beneficial use. Apply for a beneficial use permit from the NDDoH by completing an [NDDOT Projects-Inert Waste Beneficial Use Application \(SFN 58981\)](#). Provide the Engineer with copies of all documents submitted to the NDDoH.
- B. Dispose of the material at an approved permanent waste management facility.
- C. If waste cannot be reasonably managed at a permanent waste management facility, obtain approval from the NDDoH for a variance to dispose of the inert waste at another site. Apply for a variance by completing an [NDDOT Projects-Inert Waste Disposal Variance Application \(SFN 54344\)](#). Provide the Engineer with copies of all documents submitted to the NDDoH.

Obtain locations of permanent waste facilities, applications, and guidelines from the NDDoH, Division of Waste Management. View a list of municipal and inert waste landfills and review guidance on the NDDoH website: <http://www.ndhealth.gov>.

Include the cost of material disposal in the contract unit price of the relevant contract item.

Replace Table 108-01 with the following:

**Table 108-01  
CPM Schedule Price Reductions**

<b>Days Late Submitting Update Schedule</b>	<b>Percentage Price Reduction to the Prorated Amount<sup>1</sup></b>
1	20
2	40
3	60
4	80
5	100

<sup>1</sup> The "prorated amount" is equivalent to the amount calculated for each update schedule submission in Section 108.03 D, Item 2.

Replace the 6<sup>th</sup> paragraph of Section 108.06 B.1 with the following:

The Contractor's plea that the contract time was insufficient is not a valid reason for an extension of time. For calendar day and completion date contracts, the Department will not extend the contract time for delays encountered on holidays and during the period from November 15 to April 15. When the time as extended by the Department falls on a date that is a holiday, the Engineer will extend the contract time to the next business day.

Delete the first paragraph and replace with the following:

Loader bucket scales may be used to weigh materials when the quantity of material included in the bid item list is less than 10,000 tons and for aggregates specified under Sections 420 "Bituminous Seal Coat", 421 "Microsurfacing", and 422 "Slurry Seal" regardless of quantity.

Replace Section 109.01 J.4.b(2) with the following:

After the material has been weighed on the project scale and placed in a truck, weigh the loaded truck on a certified scale owned and operated by an entity other than the Contractor. Provide the tare weight of the truck along with the comparison weigh ticket.

Delete the second paragraph and replace with the following:

Document the weight of each load on a separate, sequentially numbered weigh ticket that has a maximum size of 5.5 x 8.5 inches. Provide one copy to the driver of the truck. The truck driver shall deliver the weigh ticket to the Engineer at the location where the material is incorporated into the work. The Engineer will reject loads that are not accompanied by a legible weigh ticket.

Replace the second paragraph in Section 155.03 A.3 with the following:

Use a water measuring system that:

- Delivers the designated quantity of water for each batch within the tolerance specified in Section 802.03 B.4, "Batching Water";
- Automatically stops the water flow when the designated quantity has been delivered; and
- Is adjustable and has a calibrated indicator showing the quantity of water measured for each batch.

Replace Section 155.07 D with the following:

**D. Bridge Deck Overlays Finishing Equipment.**

Use a finishing machine that is:

- Equipped with an oscillating screed or screeds with an effective weight of at least 75 pounds for each square foot of bottom face area, and provided with positive control of vertical position, the angle of tilt, and the shape of the crown. At least one oscillating screed shall be capable of consolidating the concrete to the specified density;
- Long enough to uniformly strike off and consolidate the width of lane to be paved
- Capable of forward and reverse motion under positive control;
- Travelling on rails with fully-adjustable and stable supports;
- Supported without the use of shims; and
- Not anchored to the concrete using powder actuated fasteners, unless that concrete will be subsequently overlaid.

Replace the equipment list in Section 203.02 with the following:

<b>Equipment</b>	<b>Section</b>
Vibratory Sheepsfoot/Pad Foot/Extended Pad Foot Rollers	151.01 E

Replace the second paragraph of Section 203.04 B.1 with the following:

Spread a minimum of 6 inches of wetland topsoil at mitigation sites and temporary wetland impact areas.

---

**203.04 C Subcut****PAGE 165****10/01/15**

Add the following paragraph to the end of Section 203.04 C:

Dispose of material removed from the subcut area as specified in Section 107.17, "Removed Material".

---

**216.06 Basis of Payment****PAGE 175****10/01/15**

Replace Section 216.06 with the following:

<b>Pay Item</b>	<b>Pay Unit</b>
Water	M Gal

An "M Gal" is equivalent to 1,000 gallons.

Such payment is full compensation for furnishing all materials, equipment, labor, and incidentals to complete the work as specified.

---

**251.03 D Seed Class****PAGE 182****10/01/15**

Add the following footnote to Table 251-01:

<sup>1</sup> Substitute Thickspike or Stream bank Wheatgrass of the Critana, Banstock, Sodar, AC Polar or Elbee variety if Sideoats Grama is unavailable.

---

**253.03 C Straw Mulch****PAGE 188****10/01/15**

Delete the following sentence from this section:

At least 50 percent of the mulch by weight must be at least 8 inches in length.

---

**262.04 A Installation****PAGE 201****10/01/15**

Replace the first paragraph of Section 262.04 A with the following:

Attach anchor lines to the flotation device.

---

**265.06 Basis of Payment****PAGE 204****10/01/15**

Replace the first paragraph after the list of pay items with the following:

Include the cost for pipe, geosynthetic material, topsoil, and seed in the price bid for "Stabilized Construction Access".

---

Replace table in Section 302.03 with the following:

<b>Material</b>	<b>Section</b>
Aggregates	816
Salvaged Base Course	817
Traffic Service Aggregate	816 Class 5; or 817

**302.04 A.2 Gradation**

Replace the first paragraph in Section 302.04 A.2 with the following:

The Engineer will collect three samples for each 1,000 tons of material placed, except when more than 1,000 tons are placed in a day. If more than 1,000 tons are placed in a day, the Engineer will collect three samples for that day's placement. If the aggregate fails to meet the specified gradation, the Engineer will apply a price reduction as specified in Section 302.06 B, "Contract Price Adjustments".

**302.04 C Surface Tolerance**

Replace Section 302.04 C with the following:

**C. Surface Tolerance.**

Unless one of the following surface tolerances is specified, construct the surface to within 0.08 feet of the proposed elevation.

**1. Surface Tolerance Type B.**

Use trimming equipment, including motor graders, equipped with automatic grade control to adjust for the cross slope and longitudinal profile. Construct the finished surface to within 0.04 feet of the proposed elevation.

Reincorporate material removed from high points during trimming into other portions of the base.

**2. Surface Tolerance Type C.**

Use roadbed planers to construct the finished surface. The Engineer will allow the base or surface course to be used as the grade reference when trimming shoulders. Construct the finished surface to within 0.04 feet of the proposed elevation.

Reincorporate material removed from high points during trimming into other portions of the base.

**306.04 A.1 Gradation**

Replace the first paragraph in Section 306.04 A.1 with the following:

The Engineer will collect three samples for each 1,000 tons of material placed, except when more than 1,000 tons are placed in a day. If more than 1,000 tons are placed in a day, the Engineer will collect three samples for that day's placement. If the aggregate fails to meet the specified gradation, the Engineer will apply a price reduction as specified in Section 302.06 B, "Contract Price Adjustments".

Delete Section 401.03 B and add the following:

**B. Tack Coat.**

Use a material from Table 401-01.

**Table 401-01**

Material	Section
SS-1h	818.02 F
MS-1	818.02 F
CSS-1h	818.02 E.1

When MS-1 is used it may be diluted by the supplier or the Contractor.

**C. Fog Seal.**

Use a material from Table 401-02.

**Table 401-02**

Material	Section
SS-1h	818.02 F
CSS-1h	818.02 E.1

Delete Section 401.04 A and add the following:

**A. Application of Bitumen.**

**1. General.**

Prepare the surface by removing loose dirt and deleterious material.

Provide the Engineer with the manufacturer recommended application temperature ranges. During application, maintain the temperature of bitumen within the ranges recommended by the manufacturer.

Apply bitumen with a distributor on a compacted and stable surface. Use hand sprayers to cover irregular areas. Completely cover the area receiving the bitumen application.

If applying bitumen in multiple passes, overlap the bitumen along adjoining edges of the passes.

Protect the surfaces of structures and other roadway appurtenances against tracking and splattering.

**2. Prime Coat.**

Apply prime coat when the ambient air temperature is at least 40°F.

Allow the prime coat to cure a minimum of 48 hours before placing pavement.

**3. Tack Coat.**

Apply tack coat when the air temperature and existing mat temperature are at least 35°F.

Apply tack coat to a dry surface.

Allow tack coat to cure before applying surfacing material.

**4. Fog Coat.**

Apply fog coat when the ambient air temperature is at least 40°F.

Apply fog coat to a dry surface.

---

**420.04 A General**

**PAGE 224**

**10/01/15**

Replace Section 420.04 A with the following:

**A. General.**

Do not start seal work after September 1.

Allow material to cure as shown in Table 420-01 before applying seal coat materials.

<b>Table 420-01 Curing Period</b>	
<b>Material Type</b>	<b>Curing Period</b>
Prime Coat	4 days
Asphalt Cement Pavements	7 days
Emulsion Pavements	15 days

Schedule the work so that the last bitumen application of the day is sufficiently cured to allow installation of the short-term pavement marking before sunset.

---

**420.04 D Cover Coat Material Application**

**PAGE 225**

**10/01/15**

Replace the third paragraph with the following:

Within one minute following the application of the bitumen, spread the cover coat material uniformly over the bituminous material with an aggregate spreader. Apply cover material by hand to areas that are inaccessible to the aggregate spreader.

---

**420.04 D Cover Coat Material Application**

**PAGE 225**

**10/01/15**

Delete the eighth paragraph in its entirety.

---

**430.03 F Commercial Grade Asphalt**

**PAGE 238**

**10/01/15**

Replace the second paragraph of Section 430.03 F with the following:

The requirements of the following sections will not be applied to commercial grade asphalt:

- Section 430.04 A, "Contractor Quality Control Plan";
- Section 430.04 B, "Engineer's Quality Assurance Plan";
- Section 430.04 C.2, "Determination of Specific Gravity";
- Section 430.04 E, "QC Testing"; and
- Section 430.04 M, "Acceptance".

**430.04 D.1 General**

**PAGE 241**

**10/01/15**

Replace the third paragraph of Section 430.04 D.1 with the following:

Submit the mix design a minimum of 10 calendar days before beginning paving operations. The Engineer will review the mix design. If the Engineer does not approve the mix design, revise the mix design and submit the revised mix design. Allow 10 calendar days for the Engineer to review a revised mix design before beginning paving operations.

---

**430.04 D.2 Items to be Submitted**

**PAGE 242**

**10/01/15**

Add the following item to Section 430.04 D.2:

- e. If the mix contains RAP, submit a 50 pound sample of the milled material.
- 

**430.04 F Surface Preparation**

**PAGE 246**

**10/01/15**

Replace the second paragraph of Section 430.04 F with the following:

Correct local irregularities in the existing surface before placing the first lift of bituminous material. If milling is specified, correct local irregularities after milling. Apply a tack coat to the surface before correcting the irregularities. Use the same type of mix that is required for the subsequent lift Use a pneumatic roller as specified in Section 151.01 A.3. "Self-Propelled Pnuematic-Tired Roller" to compact the mix.

---

**430.04 G Patching**

**PAGE 247**

**10/01/15**

Replace Section 430.04 G with the following:

**G. Patching.**

Remove existing broken or unstable surface material and replace that material with the same mixture specified for the next course.

Place the bituminous material in lifts not to exceed 3 inches and compact the material. Allow the patch material to cool to 130°F before placing additional material. If patching is required during the paving operation, allow the patch material to cool to 185°F before placing additional material.

---

**430.04 H.1 General**

**PAGE 248**

**10/01/15**

Delete the ninth paragraph of Section 430.04 H.1

---

**430.04 I.3.c Intermediate Rolling**

**PAGE 250**

**10/01/15**

Replace the second paragraph of Section 430.04 I.3.c with the following:

If roller tires pick up the bituminous material or there are excessive roller marks in the mat, the Engineer may allow the removal of the intermediate rolling operation if it appears to the Engineer that compaction is being achieved.

---

Replace Section 430.04 J with the following:

**J. Joints.****1. General.**

Place pavement against the surface of curbing, gutters, manholes, and similar structures uniformly near the contact surfaces so the pavement is slightly higher than the edge of the structure after compaction. Do not construct a joint on top of a joint from a previous lift.

**2. Longitudinal Joints.**

Construct longitudinal joints on successive lifts between 6 and 12 inches from the previous longitudinal joint.

Place and follow markings to guide the paver. Construct joints in a uniform line. Correct pavement edges that deviate from the uniform line and correct areas of the joint that vary from the intended location of the joint by more than 2 inches. Construct joints with tight seams and no visible segregation.

**3. Transverse Joints.**

Construct transverse joints on successive lifts a minimum of 12 feet from the previous transverse joint.

Add the following to Section 550.03:

Develop a mix design with a maximum water-cement ratio of 0.40 when placing concrete with a slip form paving machine. Use the water-cement ratio shown in Section 802.01 B.2, "Concrete Class Designation" for all other paving methods.

Replace Section 550.04 H.1.d with the following:

**d. Final Surface Finish.****(1) General.**

Uniformly texture the surface by dragging a seamless strip of stiff-fiber artificial grass carpet longitudinally along the full width of the pavement in a single pass.

Use and maintain a taut string line for operating the carpet drag. Attach the leading edge of the carpet drag to a bridge. If the Engineer determines it is not feasible to use a bridge or string line, other texturing methods will be allowed.

Maintain a clean carpet free of encrusted concrete.

Provide a minimum texture depth of 0.031 inches.

**(2) Roadways with Speed Limits Less than 45 MPH.**

The Engineer will test the texture achieved by the carpet drag in accordance with ASTM E 965 and the Field Sampling and Testing Manual. The Engineer will determine the test location.

If three or more lots have texture depths less than 0.031 inches but greater than or equal to 0.025 inches, perform diamond grinding on those lots.

Perform diamond grinding any lot having a texture depth of less than 0.025 inches.

Perform grinding as specified in Section 550.04 M.4, "Grinding."

The Engineer will determine the limits of any failing test by running additional tests at 100 foot intervals before and after the failing test. The Engineer will determine the location of the additional tests.

**(3) Roadways with Speed Limits 45 MPH or Greater.**

Run a clean, metal tine longitudinally along the surface immediately following the carpet drag. Exclude areas within 3 inches of the edge of the slab and longitudinal joints. Run the tine continuously across transverse joints.

Use a tine that provides:

- 1/8 inch  $\pm$ 1/64 inch groove width;
- 3/16 inch  $\pm$ 1/16 inch groove depth; and
- 3/4 inch spacing of between grooves.

If the concrete has become too stiff to receive the metal tine finish, use diamond bladed equipment to produce the longitudinal grooves.

---

**550.04 I.3 Impervious Membrane Cure**

**PAGE 271**

**10/01/15**

Replace the first paragraph of Section 550.04 I.3 with the following:

Use a curing compound that meets the requirements of Section 810.01 B.2, "Type 2, Class B".

---

**570.03 A General**

**PAGE 281**

**10/01/15**

Add the following item to the table:

Impervious Membrane Cure

810.01 B.1

---

**570.03 B.2.a Concrete**

**PAGE 281**

**10/01/15**

Replace Section 570.03 B.2.a with the following:

**a. Concrete.**

Use Class AE concrete with cement that meets the requirements of AASHTO M 85, Type I or Type IA for spall repairs.

---

Delete Section 570.03 D.

---

Replace Section 570.04 A.1.b with the following:

**b. Full Depth Repairs.**

Use the lift out method to remove concrete in full depth repair areas with minimal disruption to the subgrade and without damage to the remaining concrete. Do not operate equipment, other than compaction equipment, in areas where concrete has been removed. Fill voids deeper than 1 inch with aggregate and compact the material to the level of the existing subgrade.

Place concrete for repairs less than 100 feet long the same day that removals are initiated. Place concrete for repairs longer than 100 feet within 48 hours of initiating removals. Dampen the faces of existing concrete before placing new concrete.

Place, consolidate, finish, and cure concrete according to the following portions of Section 550.04, "Construction Requirements":

- 550.04 C, "Roadbed Condition";
- 550.04 D, "Placing and Spreading Concrete";
- 550.04 E, "Placing Reinforcing Steel and Tie Bars";
- 550.04 F, "Uncontrolled Cracking";
- 550.04 G, "Joints";
- 550.04 H, "Finishing Concrete", except parts 1.d, "Final Surface Finish" and 1.e, "Imprinting Pavement";
- 550.04 J, "Removing Forms";
- 550.04 K, "Sealing Joints"; and
- 550.04 L, "Opening to Traffic".

Provide finished concrete that is flush with all adjacent pavement surfaces. Before the concrete sets, check the repair utilizing a 10 foot straight edge and correct areas that deviate by 1/8 inch or greater.

Texture the repair by dragging a carpet of artificial grass longitudinally over the repaired area.

If repairs involve multiple lanes, fill the gap between the lane under repair and the existing concrete with cold bituminous material. Remove this material before making the repair to the adjacent lane.

**(1) Repairs One Lane Wide.**

Use a bond breaker along the centerline joint. Tie bars are not required on repairs that are one lane wide.

When the repair falls in a ramp, restore the longitudinal joints crossing the repair, but do not use tie bars.

**(2) Repairs Wider Than One Lane.**

Before placing the concrete in the second lane, install 30 inch #5 tie bars in the longitudinal joint using the original tie bar pattern. Drill holes for the bars and secure the bars in the holes using epoxy.

**(3) Impervious Membrane Cure.**

Use a curing compound that meets the requirements of Section 810.01 B.1, "Type 2".

Apply the cure at a minimum rate of 1 gallon per 150 square feet of pavement in one or two applications. If applying two coats, apply the second application within 30 minutes of the first application.

Protect joints that require sealing from infiltration of the curing compound.

Immediately cover the exposed sides of the concrete pavement with curing compound if removing forms exposes curing concrete before the expiration of the curing period.

Immediately reapply curing compound to damaged areas within the curing period.

---

**570.04 A.2.c Dowel Bars**

**PAGE 284**

**10/01/15**

Replace the first paragraph of Section 570.04 A.2.c with the following:

Drill 1-3/8 inch diameter holes using a rigid frame-mounted drill. Clean the hole, inject epoxy into the hole, and insert dowels.

---

**570.04 A.3.a Concrete Removal**

**PAGE 285**

**10/01/15**

Replace the third paragraph of Section 570.04 A.3.a with the following:

If existing reinforcing steel is damaged or bent within the 18 inch lap area, replace the damaged reinforcing steel.

---

**570.04 C Grinding**

**PAGE 285**

**10/01/15**

Replace the first paragraph of Section 570.04 C with the following:

Allow new concrete and dowel bar retrofit patch material to cure for a minimum of 24 hours before grinding.

---

**570.04 C.6 Slurry Removal**

**PAGE 286**

**10/01/15**

Replace Section 570.04 C.6 with the following:

**6. Slurry Removal.**

Continuously collect all slurry or residue resulting from the grinding operation.

In areas with speed limits of 45 mph or less and in areas with curb and gutter, dispose of slurry as specified in Section 107.17, "Removed Material".

In areas with speeds greater than 45 mph and without curb and gutter, slurry may be placed on the foreslope of the roadway. Prevent slurry from entering pipes, culverts, storm drains, ravines, streams, waterways, wetlands, and all other water conveyances. Install erosion control features as necessary to prevent contamination, or dispose of slurry as specified in Section 107.17, "Removed Material".

Delete the following paragraph from Section 570.06:

Include all costs for saw cuts, steel reinforcing, bar supports, tie bars, and joint sealing in the unit price bid for “\_\_Inch Concrete Pavement Repair - Full-Depth \_\_\_\_\_”.

**602.04 J Penetrating Water Repellent Treatment of Concrete Surfaces**

Replace section 602.04 J with the following:

**J. Penetrating Water Repellent Treatment.**

Apply penetrating water repellent to the driving surface of the bridge deck after barrier forms have been removed.

Before treating the deck, use sandblasting or water washing equipment to clean the surfaces of material that might inhibit the coverage and penetration of the solution.

Prepare the deck by applying pre-treatment cleaning agents before the use of water washing cleansing methods. Add detergent to the cleansing water, if necessary. After washing, rinse with clear water.

Use solvents and hand tools to remove bonded foreign materials.

Use a cleaning process that does not remove or alter the existing deck finish and does not expose the coarse aggregate.

Before treatment, allow the deck to dry to meet the requirements of the repellent manufacturer.

Apply penetrating water repellent treatment solution when the air or concrete surface temperature is 40°F and rising. Use airless application equipment with 15 to 40 psi application pressure. Apply treatment solution at the rate recommended by the solution manufacturer.

**602.04 K.1 General**

Replace Section 602.04 K.1 with the following:

**1. General.**

When shown in the plans, apply membrane and primer in dry weather and when the air temperature is above 40°F. Apply to surfaces that are dry, clean, free of sharp protrusions and above 40°F.

**604.03 B.3 Trial Mix**

Replace the “AASHTO T 23” test requirement with “ND T 23:

**604.03 E.1 Concrete**

Replace the “AASHTO T 23” test requirement with “ND T 23:

**606.04 A Design and Manufacture**

**PAGE 314**

**10/01/15**

Replace the second paragraph in Section 602.04 A with the following:

Use an ACPA or NPCA certified plant in the construction.

**702.06 Basis of Payment**

**PAGE 355**

**10/01/15**

Replace the Table 702-01 with the following:

**Table 702-01  
Payment for Mobilization**

Original Contract Amount Earned	Payment will be the Lesser of:	
	Mobilization Bid Amount	Original Contract Amount
5%	25%	2.5%
10%	50%	5.0%
50%	100%	7.5%
75%	100%	10.0%

**704.04 B Traffic Control Device Condition Classifications**

**PAGE 359**

**10/01/15**

Replace all instances of "ATSAA" in Section 704.04 B with "ATSSA".

**704.04 M Protection Vehicle with Truck Mounted Attenuation Device (TMA)**

**PAGE 366**

**10/01/15**

Replace the last paragraph of 704.04 M with the following:

Equip the protection vehicle with an advance warning flashing or sequencing arrow panel conforming to Section 704.03 M, "Advance Warning Flasher or Sequencing Arrow Panel" and the MUTCD.

**704.04 O Traffic Control for Uneven Pavement**

**PAGE 367**

**10/01/15**

Replace all instances of "Sign W20-52-24" in Section 704.04 O with "W20-52-54".

Change the title of Section 704.04 O.3.b to "Uneven Pavement Greater Than 2 Inches."

**706.02 B Aggregate Laboratory**

**PAGE 372**

**10/01/15**

Replace Section 706.02 B with the following:

**B. Aggregate Laboratory.**

Place the laboratory at a location acceptable to the Engineer. The Engineer will have the full control and the exclusive use of the laboratory.

Provide a laboratory with a minimum floor area of 230 square feet, minimum exterior width of 8 feet, and a minimum ceiling height of 7 feet.

Partition the building into a minimum of two rooms, a smaller room having a floor area of approximately 70 square feet.

Provide a workbench with a length of 7 feet in the smaller room:

Provide the following equipment in the larger room:

1. Mechanical shaker capable of receiving 6 trays that have a screen size of 14 inches by 14 inches and the following compatible sieves:
  - 1-1/2 inch;
  - 1-1/4 inch;
  - 1 inch;
  - 3/4 inch;
  - 1/2 inch;
  - 3/8 inch;
  - No. 4; and
  - An enclosed dust pan.
2. Mary Ann shaker capable of being adjusted to receive 8 and 12 inch diameter sieves;
3. Splitter with a maximum hopper capacity of 0.6 cubic feet;
4. Splitter with a minimum hopper capacity of 1.0 cubic feet; and
5. An exhaust fan capable of changing the air in the room every minute.

---

#### **709.04 C Geosynthetic Geogrid (Type G)**

**PAGE 376**

**10/01/15**

Replace Section 709.04 C with the following:

#### **C. Geosynthetic Geogrid (Type G).**

Unroll geogrid parallel to the centerline of the road. Do not drag the geogrid across the underlying material. Use geogrid widths that produce overlaps of parallel rolls at the centerline and at the shoulders and so that no overlaps are required along wheel paths.

Overlap geogrid a minimum of 30 inches at all splices and joints when placing on subgrade. Overlap geogrid a minimum of 12 inches at all splices and joints when placing on base.

Construct overlaps at the end of a roll so the previous roll laps over the subsequent roll in the direction of the cover material placement. Mechanically tie transverse joints to maintain the minimum overlap. Place pins, staples, or small piles of aggregate to maintain the geogrid position before placement of cover material.

Stagger end overlaps at least 10 feet from other end overlaps in parallel rolls. Cut or increase overlaps to conform to curves.

Patch damaged areas of geogrid. Place a patch that overlaps the damaged area by 36 inches on all sides. Mechanically tie the patch to the underlying grid.

Place the first lift of material over geogrid installed on subgrade to a depth of 10 inches of loose material. Place the first lift of material over geogrid installed on base to a depth of 6 inches of loose material.

Use low ground pressure equipment to spread the initial lift of material. If rutting occurs, fill the ruts with additional material before placing the subsequent lift. Do not blade out ruts. Do not turn construction equipment on the first layer of material.

---

**714.04 A.1 Bedding**

**PAGE 379**

**10/01/15**

Delete the first paragraph from Section 714.04 A.1.

---

**714.04 A.6 Connection to Manholes, Inlets, and Pipes**

**PAGE 380**

**10/01/15**

Replace Section 714.04 A.6 with the following:

**6. Connection to Manholes, Inlets, and Pipes.**

If connections are required to a manhole, inlet barrel, or pipe entrance, connect pipe by cutting the opening and grouting in the connecting pipe.

---

**714.04 A.7 Compaction Control for Aggregate**

**PAGE 380**

**10/01/15**

Replace Section 714.04 A.7 with the following:

**7. Compaction Control for Aggregate.**

Compact aggregate according to Section 203.04 E.2, "Compaction Control, Type A" The moisture content of the aggregate at the time of compaction shall be not less than 2.0 percentage points below, nor more than 3.0 percentage points above the optimum moisture content.

Compact aggregate for approach pipes according to the conduit manufacturer's recommendation

Use a maximum lift thickness of 6 inches.

---

**714.04 A.8 Compaction Control for Non-Aggregate Material**

**PAGE 380**

**10/01/15**

Replace Section 714.04 A.8 with the following:

**8. Compaction Control for Non-Aggregate Material.**

If Common Excavation Type A is specified, follow the compaction requirements in Section 203.04 E.2, "Compaction Control, Type A". If Common Excavation Type B is specified, follow the compaction requirements in Section 203.04 E.3, "Compaction Control, Type B".

Compact material for approach pipes according to the conduit manufacturer's recommendations.

---

**748.03 MATERIALS**

**PAGE 393**

**10/01/15**

Add the following item to the table:

Impervious Membrane Cure

810.01 B.1 or  
810.01 B.2

**750.03 MATERIALS**

**PAGE 395**

**10/01/15**

Add the following item to the table:

Impervious Membrane Cure

810.01 B

Replace the paragraph directly after the table with the following:

For imprinted concrete use any size coarse aggregate specified in Section 802.01 C.2, "Coarse Aggregate". Produce a mix that consists of 60 percent fine aggregate and 40 percent coarse aggregate.

---

**754.04 D.2 Anchor for Telescoping Perforated Tubes Supports**

**PAGE 403**

**10/01/15**

Replace the last two paragraphs in Section 754.04 D.2 with the following:

If installation is in either concrete or bituminous material, omit the soil plate or use a surface mount anchor base.

Core concrete and bituminous surfacing before installing the anchor unit and fill the cored area with like material that matches the surrounding surfacing.

---

**754.04 F Removing and Resetting Signs and Supports**

**PAGE 407**

**10/01/15**

Replace the Section 754.04 F with the following:

**F. Removing and Resetting Signs and Supports.**

**1. General.**

Remove and reset existing signs and supports as specified. Stockpile all signs and supports not to be reset at designated locations within the project limits. The Engineer will arrange to have stockpiled signs removed from the project limits and delivered to the Department's facility.

Replace removed or reset signs and supports that are damaged during removing, resetting, or stockpiling at no additional cost to the Department.

Remove existing signs and supports as construction progresses, and immediately reset or install new signs.

The Engineer will allow the temporary reset of existing signs, or the temporary installation of new signs. Include the cost of installing and resetting signs temporarily in the price bid for other items.

**2. Reset Sign Panel.**

Remove sign panels from existing supports. Reinstall sign panels, angles, stringers, and steel channels on new supports.

Provide all necessary brackets and hardware to attach sign panels, angles, stringers, and steel channels on new supports.

---

**754.04 I Overlay Panel Sign Refacing****PAGE 407****10/01/15**

Replace the second paragraph of Section 754.04 I with the following:

Remove the legend, border, and symbol on those signs that have demountable copy and remove any existing sign overlays and place overlay panels on the signs. Do not remove direct applied sheeting legends, borders, and symbols. Direct apply the new legends, borders, and symbols to the overlay panels and install on the existing signs.

---

**754.04 J Auxiliary Signs****PAGE 408****10/01/15**

Replace the Section 754.04 J with the following:

**J. Auxiliary Signs.**

Install auxiliary signs used with route markers with the same background color as the route markers:

- Interstate, Blue;
  - Interstate Business Loop, Green;
  - State, White;
  - US, White; and
  - County, Blue.
- 

**754.05 METHOD OF MEASUREMENT****PAGE 408****10/01/15**

Add the following to Section 754.05:

**D. Reset Sign Panel.**

The Engineer will measure the item "Reset Sign Panel" by the number of locations a sign or sign assembly has been reset.

**E. Reset Sign Support.**

The Engineer will measure the item "Reset Sign Support" by each leg of a sign support that has been reset.

---

**760.03 Materials****PAGE 410****10/01/15**

Replace Section 760.03 with the following:

**760.03 MATERIALS**

Use one of the following materials when applying a fog coat to rumble strips:

- SS-1h, Section 818.02 F, "Anionic Emulsified Asphalt";
- MS-1 Section 818.02 F, "Anionic Emulsified Asphalt"; or
- CSS-1h Section 818.02 E.1 "Cationic Emulsified Asphalt".

When MS-1 is used it may be diluted by the supplier or the Contractor.

---

**760.04 F Traffic Control**

**PAGE 411 10/01/15**

Replace Section 760.04 F with the following:

**F. Traffic Control.**

**1. General.**

Use a TMA as specified in Section 704.04 M, "Protection Vehicle with Truck Mounted Attenuation Device (TMA)".

**2. Centerline Rumble Strip Installation.**

Provide flaggers and 2 sets of the required flagger signing for each direction of travel. Ensure that at least one set of the required flagger signing is in place in each direct of travel whenever work centerline installation is performed. Limit the work area to a maximum of 3 miles.

**760.05 METHOD OF MEASUREMENT**

**PAGE 411 10/01/15**

Add the following paragraph to the end of Section 760.05:

The Engineer will measure flagging and traffic control signs as specified in Section 704.05, "Method of Measurement".

**760.06 BASIS OF PAYMENT**

**PAGE 411 10/01/15**

Add the following paragraph after the list of pay items in Section 760.05:

Flagging and traffic control signs will be paid for as specified in Section 704.06, "Basis of Payment".

**762.04 A.4.c Grooves for Epoxy Paint**

**PAGE 414 10/01/15**

Replace the "Depth" row of Table 762-02 with the following:

Depth	45 to 55 mils
-------	---------------

**762.04 D.2 Short-Term Pavement Marking – Type NR (Non-Removable)**

**PAGE 418  
10/01/15**

Replace the second paragraph of Section 762.04 D.2 with the following:

Place the short term pavement markings at the rate specified in Section 762.04 C.2.b, "Rate of Application" with the following exception:

**Exception:** When the permanent pavement marking is specified as epoxy paint, apply the short term pavement marking at a thickness of 10 mils.

Replace Section 762.04 D.3 with the following:

**3. Short-Term Pavement Marking – Type R (Removable).**

Install Type R markings when the air and pavement temperatures are at a minimum of 50°F and expected to remain above 50°F.

If the air or pavement temperature falls below 50°F during installation, Type NR markings may be installed as specified in Section 762.04 D.2, “Short-Term Pavement Markings – Type NR (Non-Removable)”. Install Type R markings once the specified temperatures exist.

Remove Type R markings once they are no longer necessary for traffic control operations. If Type NR markings were substituted for Type R markings, remove the Type NR markings using a method that does not leave a scar on the pavement.

Add the following to the end of the first paragraph:

If Type NR markings are substituted for Type R markings due to temperature requirements, the markings will be paid for at the contract unit price for Type R markings.

Replace Section 766.04 with the following:

**766.04 CONSTRUCTION REQUIREMENTS**

**A. General.**

The mailbox owner will furnish a postal service approved mailbox. Install the furnished mailbox on the new support system.

**B. Temporary Relocation.**

If construction activities require the removal of the support system and delayed installation of the new support system, reset the existing support system at a location approved by the Engineer and postal service.

If construction activities require the removal of the support system and delayed installation of the new support system, relocate mailboxes to a location approved by the Engineer and postal service.

If existing mailboxes meet NCHRP 350 or MASH requirements, they may be reset adjacent to the roadway. If existing mailboxes do not meet NCHRP 350 or MASH requirements perform one of the following actions:

- Place them outside the clear zone;
- Place them on a 4 x 4 inch post; or
- Reset them using assemblies shown in the plans.

After construction has progressed to allow permanent installation, install the mailbox assemblies and mailboxes at the specified locations.

**770.04 D.1 General**

**PAGE 428 10/01/15**

Add the following to the end of Section 770.04 D.1:

Install duct seal on all conduits containing cables at controller cabinets, traffic signal bases, and pull boxes.

---

**772.03 D Wiring Diagrams**

**PAGE 434 10/01/15**

Replace the first paragraph with the following:

At the time the cabinet and control equipment is accepted, furnish a traffic signal cabinet wiring diagrams showing all circuits and parts in detail. Place the wiring diagram in the signal cabinet and submit one PDF copy to the Engineer.

---

**772.04 A General**

**PAGE 435 10/01/15**

Replace the second paragraph with the following:

Provide and bear all costs for the electrical service necessary to operate and maintain the traffic signal system until the system is accepted as specified in Section 772.04 N.3, "Supplemental Inspections and Final Acceptance".

---

**772.04 E.8 Final Testing**

**PAGE 439 10/01/15**

Replace Section 772.04 E.8 with the following:

After installing sealer, perform the tests specified in Section 772.04 E.6, "Initial Testing". Record the test results on SFN 60844 *Traffic Signal Loop Detector Test Report* and submit the form to the Engineer.

---

**772.04 G Traffic Signal Standards and Combination Signal and Light Standards**

**PAGE 439  
10/01/15**

Replace number 3 with the following:

Install and tighten the anchor bolts as specified in Section 754.04 D.5, "Overhead Sign Structures".

---

**772.04 N Tests and Acceptance**

**PAGE 442 10/01/15**

Replace 772.04 N with the following:

**1. General.**

Furnish all instruments and personnel required for testing and record test results. If a subcontractor performed electrical work, ensure the subcontractor is present during testing and inspection.

The Engineer will perform the initial and final inspections when:

- Winds are 30 mph or less;
- Ambient temperature is 15°F or greater; and

– It is not raining or snowing.

**a. Malfunction Management Unit Test.**

Before uncovering the signal heads, perform a malfunction management unit test. Record the test results on SFN 60836 *Traffic Signal Malfunction Management Unit Test* and submit the results to the Engineer.

**b. Ground Test.**

Before opening to traffic, perform a ground test. The maximum allowable resistance at the controller cabinet is 10 Ohms. The maximum allowable resistance at each traffic signal standard is 25 Ohms. Record and submit the test results on SFN 60834, *Traffic Signal Ground Test*.

**2. Initial Inspection.**

After the signal system is operational and open to traffic, submit a request to schedule the initial inspection. The system must be fully operational for a minimum of 15 days before the Engineer will perform the initial inspection. The Engineer will record the inspection results on form SFN 59867, *Traffic Signal Inspection Checklist* or SFN 60845 *Flashing Beacon Inspection Checklist*. Copies of completed forms will be sent to the Contractor.

**3. Supplemental Inspections and Final Acceptance.**

After performing corrections, submit a request for a supplemental inspection. The Engineer will perform a supplemental inspection within 30 days of receiving the request.

If this inspection discloses any unsatisfactory items, the Engineer will provide the Contractor with a written list of items that require correction. After correcting the items, request another supplemental inspection.

If the Engineer determines that the work is complete, the signal system must operate for 14 consecutive days without interruption from defective equipment or improper workmanship.

If the signal system fails within the 14 days, make necessary repairs. After repairs are complete, request another supplemental inspection.

If the signal system operates for 14 consecutive days without interruption from defective equipment or improper workmanship, the Engineer will consider the last supplemental inspection as the final inspection and will accept the signal system.

---

**802.01 A.1 Development**

**PAGE 453**

**10/01/15**

Replace the second paragraph with the following:

Design a mix that will attain a compressive strength of 3,000 psi after 7 days or a flexural strength of 450 psi after 7 days. Measure compressive strength according to AASHTO T 22 and flexural strength according to AASHTO T 97. Apply a correction factor of 0.92 when using 4 inch by 8 inch concrete cylinders.

---

Replace Table 802-02 with the following:

**Table 802-02  
Miscellaneous Coarse Aggregate Properties**

Test	Method	Max. Percent by Weight of the Plus No. 4 fraction
Shale	NDDOT 3	0.7
Iron oxide particles	NDDOT 3	4.0 <sup>1</sup>
Lignite and other coal	NDDOT 3	0.5
Soft Particles (Excluding Shale, Iron oxide particles and Lignite and other coal)	NDDOT 3	2.5
Thin or Elongated Pieces	NDDOT 3	15
L.A. Abrasion	AASHTO T 96	40.0
Soundness (Sodium Sulfate)	AASHTO T 104	12

<sup>1</sup> For concrete for spall repairs and bridge deck overlays, the maximum iron oxide particles shall be 2.0 percent.

Replace the second paragraph of Section 802.01 C.3 with the following:

Test fine aggregates in accordance with AASHTO T 21. If the results of the analysis are darker than the standard color, determine the compressive strength of mortar mixed using the aggregate in accordance with AASHTO T 71. If the results of the AASHTO T 71 test result in a relative strength less than 95 percent, do not use the fine aggregate.

Add the following to the end of Section 810.01 B:

**3. Curing Compound for Pigmented Concrete.**

Use a curing compound when curing pigmented concrete that meets the requirements of ASTM C 309 Type 1-D.

Replace Section 816.04 with the following:

**816.04 AGGREGATE FOR MICRO SURFACING**

**A. General.**

Use aggregate that is manufactured crushed stone such as granite, slag, limestone, or other high quality aggregate or combination thereof.

Before stockpiling aggregate, perform the tests specified in Table 816-03.

**Table 816-03**

Test	Test Method	Requirement
Soundness of Aggregates by Use of Sodium Sulfate	AASHTO T 104	15% Max
Resistance to Degradation of Small-Size Coarse Aggregate by Abrasion and Impact in the Los Angeles Machine <sup>1</sup>	AASHTO T 96	30% Max
Deleterious Substances	ND T 176	60 or Higher

<sup>1</sup> Perform the AASHTO T 96 test on the parent aggregate

**B. Mix Design.**

Develop a mix design using aggregate that meets the requirements of Table 816-04. Establish mix design target values for each sieve and submit the mix design before beginning placement operations.

**Table 816-04**  
**Aggregate Gradation for Development of Mix Design**

SIEVE SIZE	TYPE II %PASSING	TYPE III %PASSING
3/8"	100	100
#4	90 – 100	70 – 90
#8	65 – 90	45 – 70
#16	45 – 70	28 – 50
#30	30 – 50	19 – 34
#50	18 – 30	12 – 25
#100	10 – 21	7 – 18
#200	5 – 15	5 – 15

**C. Stockpile Tolerances.**

The mix design target values will be used for acceptance of material. Gradation tests may vary from the mix design target values based on the stockpile tolerance shown in Table 816-05. The percent passing each sieve for gradation tests may not fall outside the gradation limits specified in Table 816-04.

**Table 816-05**

SIEVE SIZE	STOCKPILE TOLERANCE
3/8"	-
#4	± 5%
#8	±5%
#16	±5%
#30	±5%
#50	±4%
#100	±3%
#200	±2%

**D. Acceptance.**

**1. Stockpile Testing.**

Perform a gradation test in accordance with ND T 11 and ND T 27 for every 500 tons of material produced and placed in the stockpile. Also perform test ND T 176 when performing gradation tests. Submit the test results to the Engineer.

The Engineer will perform acceptance testing. If the result of the Engineer's testing lead to rejection of the stockpile, additional material may be blended with the stockpiled material so that

the stockpile meets the requirements. The Engineer will resample and retest for both gradation and deleterious substances to determine if the stockpiled material will be accepted.

If choosing to blend additional material into the stockpile, use additional material that meets the requirements of Table 816-06. After blending, develop and submit a new mix design.

**2. Gradation.**

The Engineer will obtain 5 independent samples from the stockpile and perform a gradation analysis in accordance with ND T 11 and ND T 27. If the average gradation for each sieve is within the stockpile tolerance of the mix design target values, the Engineer will accept the material.

If the stockpile is rejected, additional material may be blended with the stockpiled material to obtain the required gradation. The Engineer will resample and retest to determine if the stockpiled material will be accepted.

If choosing to blend additional material into the stockpile, use additional material that meets the requirements of Table 816-03. After blending, develop and submit a new mix design.

**3. Deleterious Substances.**

The Engineer will determine the amount of deleterious substances in the aggregate using the same samples obtained in Section 816.05 D.2, "Gradation". If the average of the test results is 60 or higher, the Engineer will accept the material.

**816.05 AGGREGATE FOR SLURRY SEAL**

**PAGE 469**

**10/01/15**

Replace Section 816.05 with the following:

**816.05 AGGREGATE FOR SLURRY SEAL**

**A. General.**

Use aggregate that is manufactured crushed stone such as granite, slag, limestone, or other high quality aggregate or combination thereof. Use aggregate with 100 percent of the parent aggregate larger than the largest stone in the specified gradation.

Before stockpiling aggregate, perform the tests specified in Table 816-06.

**Table 816-06**

<b>Test</b>	<b>Test Method</b>	<b>Requirement</b>
Soundness of Aggregates by Use of Sodium Sulfate	AASHTO T 104	15% Max
Resistance to Degradation of Small-Size Coarse Aggregate by Abrasion and Impact in the Los Angeles Machine <sup>1</sup>	AASHTO T 96	35% Max
Deleterious Substances	ND T 176	60 or Higher

<sup>1</sup> Perform the AASHTO T 96 test on the parent aggregate

**B. Mix Design.**

Develop a mix design using aggregate that meets the requirements of Table 816-07. Establish mix design target values for each sieve and submit the mix design before beginning placement operations.

**Table 816-07  
Aggregate Gradation for Development of Mix Design**

SIEVE SIZE	TYPE II %PASSING	TYPE III %PASSING
3/8"	100	100
#4	90 – 100	70 – 90
#8	65 – 90	45 – 70
#16	45 – 70	28 – 50
#30	30 – 50	19 – 34
#50	18 – 30	12 – 25
#100	10 – 21	7 – 18
#200	5 – 15	5 – 15

**C. Stockpile Tolerances.**

The mix design target values will be used for acceptance of material. Gradation tests may vary from the mix design target values based on the stockpile tolerance shown in Table 816-08. The percent passing each sieve for gradation tests may not fall outside the gradation limits specified in Table 816-07.

**Table 816-08**

SIEVE SIZE	STOCKPILE TOLERANCE
3/8"	-
#4	± 5%
#8	±5%
#16	±5%
#30	±5%
#50	±4%
#100	±3%
#200	±2%

**D. Acceptance.**

**1. Stockpile Testing.**

Perform a gradation test in accordance with ND T 11 and ND T 27 for every 500 tons of material produced and placed in the stockpile. Also perform test ND T 176 when performing gradation tests. Submit the test results to the Engineer.

The Engineer will perform acceptance testing. If the result of the Engineer's testing lead to rejection of the stockpile, additional material may be blended with the stockpiled material so that the stockpile meets the requirements. The Engineer will resample and retest for both gradation and deleterious substances to determine if the stockpiled material will be accepted.

If choosing to blend additional material into the stockpile, use additional material that meets the requirements of Table 816-06. After blending, develop and submit a new mix design.

**2. Gradation.**

The Engineer will obtain 5 independent samples from the stockpile and perform a gradation analysis in accordance with ND T 11 and ND T 27. If the average gradation for each sieve is within the stockpile tolerance of the mix design target values, the Engineer will accept the material.

**3. Deleterious Substances.**

The Engineer will determine the amount of deleterious substances in the aggregate using the same samples obtained in Section 816.05 D.2, "Gradation". If the average of the test results is 60 or higher, the Engineer will accept the material.

---

**817.01 D.2.a Extraction Test Method**

**PAGE 472**

**10/01/15**

Replace the second paragraph of Section 817.01 D.2.a with the following:

The Engineer will determine the percentage of asphalt binder in the stockpile in accordance with AASHTO T 164 and average the results obtained from the three samples. The material will be rejected if any single sample has a value greater than 4.0 percent or the average extraction is greater than 3.5 percent. If the stockpile is rejected, the stockpiled material may be blended with other material.

---

**818.03 Bituminous Materials for Micro Surfacing**

**PAGE 475**

**10/01/15**

Replace Table 818-01 with the following:

**Table 818-01**

<b>Test</b>	<b>Specification</b>	<b>Requirement</b>
Settlement and Storage Stability of Emulsified Asphalts, 24-h	AASHTO T 59	1% Minimum
Distillation of Emulsified Asphalt <sup>1</sup>	AASHTO T 59	62% Minimum
<b>Tests on Emulsified Asphalt Residue</b>		
Softening Point of Bitumen (Ring and Ball Apparatus)	AASHTO T 53	135°F Minimum

<sup>1</sup> Hold the temperature for this test at 350°F for 20 minutes.

---

**830.01 CONCRETE PIPE AND DRAINAGE STRUCTURES**

**PAGE 480**

**10/01/15**

Replace the second paragraph of Section 830.01 with the following:

Use an ACPA or NPCA certified plant in the construction.

---

**856.01 A General**

**PAGE 495**

**10/01/15**

Replace the "Slope Gradient" row in Table 856-01 with the following:

Slope Gradient Application	≤ 3H:1V	< 3H:1V - 2H:1V	≤ 2H:1V	< 2H:1 - 1.5H:1V
----------------------------	---------	-----------------	---------	------------------

**860.02 A Barbed Wire**

**PAGE 501**

**10/01/15**

Replace Section 860.02 A with the following:

**A. Barbed Wire.**

Provide barbed wire that meets the requirements of AASHTO M 280. Provide wire that has a minimum gage of 12½ and at least 2 point barbs.

**860.02 B Woven Wire**

**PAGE 501**

**10/01/15**

Replace Section 860.02 B with the following:

Provide woven wire that meets the requirement of AASHTO M 279, Design Number 939-6-12½.

**862.04 C 3-Cable**

**PAGE 505**

**10/01/15**

Replace the Section 862.04 C with the following:

**C. 3-Cable.**

Provide round treated timber posts used for three-cable guardrail that are between 4.5 and 6.5 inches in diameter.

**880.02 B.2 Epoxy Resin Material**

**PAGE 509**

**10/01/15**

Replace Section 880.02 B.2 with the following:

**2. Color.**

Provide material that meets the requirements of Table 880-03 and 880-04 when tested in accordance with ASTM D 2805.

**Table 880-03  
CIE Chromaticity limits using illuminant "C" for Yellow Epoxy**

x	0.470	0.485	0.520	0.048
y	0.440	0.460	0.450	0.420

**Table 880-04  
Daylight Directional Reflectance (Y)**

Color	Minimum Value
White	83
Yellow	50

**896.10 Controller Cabinet**

**PAGE 557**

**10/01/15**

Replace the 3 with the following:

3. Provide a metal weatherproof cover that blocks air flow in cold weather, and adequately covers the fan vent assembly and the louver on the door. Install a gasket to the cover and attach the cover to the inside of the cabinet. Construct the cover of the same material as the cabinet.

Provide a weep hole in the bottom loop on each end of the cabinet full-size door.

Build the cabinet to contain the following items:

- All items of control equipment specified in these Specifications.
- Provide a thermostatically-controlled minimum 250 watt strip-type heater mounted on the full-size door cover with a protective wire-mesh shield installed around the heater. Use a heavy-duty thermostat capable of being set within a temperature range of 30°F to 90°F. Activate the power to the fan and to the heater using a three-position toggle switch located on the auxiliary switch panel.

Use a switch that operates vertically up and down with the:

- o Up position being FAN (power to the fan on and power to the heater off);
- o Center position being OFF (power to both the fan and the heater off); and
- o Down position being HEATER (power to the heater on and power to the fan off).

Provide an electrical three-prong twist lock-type plug between the switch and the heater. Mount the heater thermostat on the auxiliary switch panel. Make the connection to the heater with stranded copper wire having 200°C insulation and noninsulated, solderless terminals.

- Provide three duplex receptacles with ground fault interrupter. Fuse the receptacles ahead of the main circuit breaker.
- Provide a switched lamp socket, fuse the lamp socket ahead of the main circuit breaker.
- Include the following in the maintenance switches inside the cabinet:
  - o Stop time control.
  - o Timer power.
  - o Flash.
  - o Vehicle detector input for each phase in use and all future phases.
  - o Pedestrian input for each phase in use and all future phases.

10/1/2014

**NORTH DAKOTA DEPARTMENT OF TRANSPORTATION  
PRICE SCHEDULE FOR MISCELLANEOUS ITEMS (PS-1)**

The Contractor agrees to accept the following unit prices for each listed item of work and or material when no project contract unit price exists for that item. Each price listed will be full compensation for the cost of labor, material and equipment necessary to provide the item of work and/or material, complete in place, including (but not limited to) royalty, disposal of unsuitable material, equipment rental, sales tax, use tax, overhead, profit, and incidentals.

Each listed item is referenced to the Standard Specifications by Section number and Section name.

SECTION NO.	SECTION NAME	ITEM NAME	PRICE PER ITEM
107.08	Haul Roads	Water	\$27 per M Gal
107.08	Haul Roads	Bitumen for Mix	Invoice Price <sup>1</sup> + 10%
107.08	Haul Roads	Bituminous Mix	\$42 per Ton <sup>2</sup>
107.08	Haul Roads	Aggregate Base	\$17 per Ton <sup>2</sup>
203.01 B	Rock Excavation	Rock Excavation	\$11 per CY
203.01 C	Shale Excavation	Shale Excavation	Common Excavation Price + \$1.00 per CY
203.01 D	Muck Excavation	Muck Excavation	\$9 per CY
203.05 H.3	Embankment	Overhaul	\$1.40 per CY - Mile
260	Silt Fence	Mucking Silt Fence	\$3.90 per LF
260	Silt Fence	Removal of Silt Fence <sup>3</sup>	\$4.25 per LF
261	Fiber Rolls	Mucking of Fiber Rolls	\$3.90 per LF
261	Fiber Rolls	Removal of Fiber Rolls <sup>3</sup>	\$4.25 per LF
420.04 E	Bituminous Seal Coat	Blotter Sand	\$27 per Ton <sup>2</sup>
430.04 G	Hot Mix Asphalt (Exc. Material Hauled to Disposal Area)	Bituminous Mixture	Machine Placed: Bid or Invoice Price + \$31 per ton Hand Placed: Bid or Invoice Price + \$48 per Ton
704	Temporary Traffic Control	Flagging	\$32 per MHR

<sup>1</sup>Price paid for bituminous material will be invoice price plus freight costs.

<sup>2</sup>Price Includes haul up to 10 miles. Payment for haul exceeding 10 miles will be according to Section 109.03 E, "Force Account." The haul distance for aggregate base and bituminous mix will be based on the average haul. The haul distance for blotter sand will be from the point where the haul begins to the point where it enters the project.

<sup>3</sup>This is only for pre-existing items that were not installed under the Contract.

**NORTH DAKOTA DEPARTMENT OF TRANSPORTATION  
APPENDIX A OF THE TITLE VI ASSURANCES**

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

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

**NORTH DAKOTA DEPARTMENT OF TRANSPORTATION  
APPENDIX E OF THE TITLE VI ASSURANCES**

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

**Pertinent Non-Discrimination Authorities:**

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

## NORTH DAKOTA DEPARTMENT OF TRANSPORTATION (NDDOT)

### 2016 ON-THE-JOB TRAINING SPECIAL PROVISION

The bidder's signature on the proposal sheet indicates the bidder agrees to take part in the On-the-Job Training (OJT) Program and to follow this OJT Special Provision. Contractors that fail to follow this special provision will be subject to suspension of progress payments or sanctions up to and including revocation of bidding privileges.

#### I. POLICY STATEMENT

The purpose of the OJT Program is to provide training in the highway construction industry for minority, female, and economically disadvantaged individuals, hereafter known as the targeted group. Pursuant to 23 Code of Federal Regulations Part 230, Subpart A, Appendix B - Training Special Provisions, this program provides for on-the-job training aimed at developing full journeyworkers in the type of trade or job classification involved. Training and upgrading minorities and women in highway construction trades is the primary goal of the program.

The Contractor shall take all necessary and reasonable steps to ensure that minorities and women have the opportunity to compete for and participate as trainees or apprentices and to develop as journey-level workers in the type of trade or job classification employed. Contractors may use the NDDOT OJT preapproved training programs, apprentices in approved Bureau of Apprenticeship and Training (BAT) programs, or submit their own on-the job training curriculum for approval by NDDOT and Federal Highway Administration (FHWA).

#### II. ASSIGNED OJT POSITIONS

- A. Contractors are assigned trainee positions based on federal highway dollars awarded by NDDOT to a contractor from October 1 to September 30. Trainee assignments are not project specific. The number of trainee positions assigned will be determined by formula outlined in the OJT Program Manual. <https://www.dot.nd.gov/divisions/civilrights/docs/ojtprogram.pdf>.
- B. Contractors will receive the number of positions assigned and links to resources necessary for completion of program requirements via email.
- C. The number of trainee positions assigned to each contractor will increase proportionately, as shown in the OJT Program Manual, for any applicable federally funded projects awarded to them.

Failure to follow this OJT Special Provision and the accompanying OJT Program Manual may result in suspension of progress payments or sanctions up to and including revocation of bidding privileges.

#### III. ONLINE RESOURCES

*OJT Program Manual:* Includes program requirements, wage rates, and curriculum:

<https://www.dot.nd.gov/divisions/civilrights/docs/ojtprogram.pdf>

*SFN 9762 Request for On-the-Job Training Program Approval:* <http://www.dot.nd.gov/forms/sfn09762.pdf>

*SFN 60226 Request for On-the-Job Trainee Approval:* <http://www.dot.nd.gov/forms/sfn60226.pdf>

*SFN 51023 Voucher for On-the-Job Training Program Hourly Reimbursement:*

<http://www.dot.nd.gov/forms/sfn51023.pdf>

Davis-Bacon and Related Acts (DBRA) Handbook: <https://www.dot.nd.gov/manuals/civilrights/davisbacon.pdf>

#### IV. APPROVALS REQUIRED

- A. Requests for Approval of Training Programs and Trainee Candidates must be submitted to Civil Rights Division (CRD). Contractors must request and receive program and trainee candidate approval in order to pay trainees less than the established Davis-Bacon wage for the job classification concerned. No training

program hours will count toward the fulfillment of an assigned trainee position or be eligible for reimbursement without prior approval. No retroactive approval will be granted.

1. Submit *SFN 9762 Request for On-the-Job Training Program Approval* and the pre-approved training curriculum for each trainee position assigned by April 1 or within fifteen (15) calendar days of notification of any additional position assignments. <http://www.dot.nd.gov/forms/sfn09762.pdf>
  2. Submit *SFN 60226 Request for On-the-Job Trainee Approval* and each trainee's employment application. <http://www.dot.nd.gov/forms/sfn60226.pdf>
  3. Submit *SFN 7857 Application for Eligibility*, completed/approved by Job Service North Dakota (JSND) to qualify an economically disadvantaged individual for participation in the OJT Program.
- B. Pre-approved curriculum: NDDOT's OJT Program Manual contains pre-approved training curriculum for a number of skilled trade positions. Contractors should select a training program(s) based on their company's employment/staffing needs.
- C. Customized curriculum: To request a training curriculum not included in the pre-approved curriculum, submit a written request for approval by NDDOT and FHWA.

The request must include:

- A training curriculum, including the classification requested, minimum number of hours required, and type of training the individual will receive to achieve journeyworker status.
- A minimum wage scale.

If approved, each new classification must comply with the provisions specified in the OJT Program Manual. No hours worked prior to approval will be credited toward completion of the customized training program. Training programs for classifications not covered by the Davis-Bacon and Related Acts (DBRA) will be considered on a limited basis.

The contractor may commence its "customized" training as of the date of the written approval.

- D. Union apprenticeship and on-the-job training programs registered with the Bureau of Apprenticeship and Training (BAT), U.S. Department of Labor, may be used for trainee positions assigned under the OJT Program, provided the trainees or apprentices are minority, female, or economically disadvantaged. Nonminority males not certified as economically disadvantaged may only be used when the contractor has requested and received approval, from the Department, for additional trainee positions. The apprenticeship indenture agreements serve as the trainee's job application and must be provided prior to any hours being credited toward OJT Program completion.
- E. Power Equipment Operators:
- The contractor may train an individual on a combination of equipment if each piece of equipment falls within the same groups of power equipment operators identified in the training curricula (groups 1-3 and groups 4-6). These power equipment operator groups are referenced to the federal DBRA wage rates contained in the contract proposal. As an example, a "utility operator" may receive training on a broom, a front-end loader less than 1½ cubic yards, or other piece of equipment that is used around a paver if each piece falls within either groups 1-3 or groups 4-6. When multiple wage rates apply, the trainee's wage will be based on the equipment being operated at the time or on the highest of the applicable wage rates.
- Use of the classification "pickup machine operator (asphalt dump-person)" as a group 4 power equipment operator is considered standard industry practice. The classification is defined as: "Operates the controls on the pickup machine that runs in front of the paver, trips the levers on the dump trucks, and balances the loads for the paver. The pickup machine operates on similar principles as a shouldering machine."

V. NDDOT'S RESPONSIBILITIES

- A. The NDDOT OJT supportive services (OJTSS) consultant will monitor excerpts from the weekly certified payrolls submitted with the monthly vouchers for reimbursement. This includes weekly payrolls from contractors working on state funded only projects. The OJTSS consultant will assess when the trainees have completed the specified number of hours and their wages are increased accordingly. The OJTSS consultant will also assure that applicable fringe benefits are paid either directly to the trainees or for the trainee into approved plans, funds, or programs.
- B. The OJTSS consultant is charged with visiting trainees and monitoring their progress under the OJT Program. To facilitate the on-site visits, the OJTSS consultant will contact contractors for the location of the trainees weekly.

VI. CONTRACTOR'S RESPONSIBILITIES

- A. Appoint a company employee to be available and respond to weekly contacts by the OJTSS consultant. OJTSS monitors the status of assigned trainee positions (e.g., program and trainee approvals, trainees' progress, etc.). The OJTSS consultant will contact the individual listed on the company's approved SFN 60226 Request for OJT Trainee Approval. The appointed must reply to communications from the Department and the OJTSS consultant in a timely manner.
- B. Take steps to ensure trainees are aware they are formally enrolled in the OJT program.
- C. Make trainees available to the OJTSS consultant for at least two on-site visits during the construction season.
- D. Identify trainees on the payroll excerpts, for example: "grp. 4 roller operator trainee." This includes trainees in job classifications not covered by DBRA. Handwritten notes are appropriate for identification.
- E. Assign each trainee to a particular person—either a supervisor or an employee proficient in the skills to be trained—who shall see that the trainee is given timely, instructional experience. This person must be familiar with the OJT Program, keep proper records, and ensure completion of the required training hours in accordance with the training curriculum.
- F. Make the trainer and project superintendent available to the OJTSS consultant for at least two on-site visits each construction season.
- G. May notify the Department to "propose graduation" or discontinue the training period of a trainee who has completed 90% or more of their hours and thereafter advance the trainee to journeyworker status.
- H. Notify the Department when a trainee completes the number of hours required to graduate from the OJT Program. The Department will issue a certificate of completion and a wallet-sized card to the trainee.
- I. May upgrade proficient trainees from one power equipment operator group or truck driver group to another, with the approval of CRD. Fewer hours are required to complete the upgraded position.

The minimum number of hours required will be:

- Power Equipment Operator Groups 4-6 to Groups 1-3 = 400 hrs.
- Class C Truck Driver to Class B = 200 hrs.
- Class B Truck Driver to Class A = 200 hrs.

Depending on the variety of experience the trainee has gained under the previous curriculum, the difference in the hours may be deducted from the actual operation of the piece of equipment or truck. The contractor will need to review the trainee's past performance in order to make this determination.

- J. Commercial driver's license (CDL) holders having over-the-road driving experience, with little or no highway construction experience, may be considered to have completed the Class C truck driver training curriculum and, therefore, are eligible to be upgraded to a Class B truck driver trainee, with the approval CRD.

- K. May transfer trainees from one project to another in order to complete the OJT Program. If transfers are made, CRD must be notified and provided with the name of the trainer. The training hours will count toward overall OJT Program completion.
- L. May use trainees on municipal, private, or other non-highway work and work performed out of state. The training hours will count toward overall OJT Program completion; however, no program reimbursement will be made for those hours. In addition, the hours will be limited to no more than 25% of the total hours required under the training curriculum.
- M. Contractors may delegate or reassign trainee positions to subcontractors, with the acceptance of the subcontractors and the approval of CRD. The prime contractor must verify that the trainee will be able to accumulate enough hours to complete his or her training program. If approved, the subcontractor must obtain training program and trainee approval from CRD before the trainee begins work under the OJT program. Program reimbursement will be made directly to the prime contractor. The trainee position will remain the responsibility of the prime contractor.
- N. May use trainees on projects subject to TERO requirements as part of the core crew or as part of the skilled labor supplied by the contractor.
- O. Contractors may not use one trainee to fill multiple trainee positions. For instance, a subcontractor may not use the same trainee in the same training program to simultaneously fill two or more trainee positions reassigned to them by prime contractors.
- P. May use a trainee on a piece of equipment in groups 1-3 or groups 4-6 for one assigned trainee position, then once that trainee has completed the program, the trainee may be trained on a different piece of equipment in groups 1-3 or groups 4-6 to fulfill a second assigned trainee position. When a trainee is used for a second time within a group, the contractor must pay that trainee at the higher wage rate as described in paragraph B under Wage Rates (page 8).

## VII. CLASSROOM TRAINING

- A. Classroom training may be used to train employees. Each classroom training curriculum must be pre-approved by CRD if the contractor wishes to count the classroom hours as training hours and be reimbursed.  
  
Submit a proposed classroom training curriculum to CRD for approval. Define the type of training the individual will receive, classroom training curriculum, and the minimum number of hours required. The Department will determine the number of hours of credit each trainee will receive toward their training. No retroactive approval will be granted.
- B. Contractors will be reimbursed for classroom training hours after the trainee has completed 80 hours of work on highway construction projects.
- C. Reimbursement for classroom training will be limited to 60 hours per trainee per construction season. Qualified testing technicians and concrete testing technicians/inspectors will not be included in the 60-hour limit. Reimbursement for classroom training required under the NDDOT Transportation Technician Qualification Program will be at the NDDOT discretion.
- D. The minimum wage scale to be used for classroom training will be that of the first federal-aid highway construction project on which the trainee will be employed. If the trainee is already employed on a federal-aid highway construction project, the trainee will be paid in accordance with the minimum wage scale applicable to that project. However, if the first project on which the trainee will be employed is a state funded only contract, the minimum wage scale to be used for the classroom training will be that of the appropriate DBRA wage in effect at the time of award of the state funded contract.

## VIII. WAGE RATES

- A. In no case shall the minimum wage be less than that of the Group 1 Laborer classification in the federal

DBRA wage rates contained in the contract proposal. A trainee working on a state funded only project, must be paid the DBRA wage rate in effect at the time of award for the type of work the trainee is performing.

- B. The minimum wage rates shall not be less than 80% of the journeyworker rate for the first two quarters of training, 85% of the journeyworker rate for the third quarter, and 90% of the journeyworker rate for the fourth quarter.
- Under the power equipment operator training curricula only, once a trainee has completed a training curriculum in either groups 1-3 or groups 4-6, the contractor may enroll the trainee in another training curriculum on a different piece of equipment in either groups 1-3 or groups 4-6.
  - The minimum wage rate under the trainee's second program shall not be less than 85% of the journeyworker rate for the first two quarters of training, 90% of the journeyworker rate for the third quarter, and 95% of the journeyworker rate for the fourth quarter.
  - For the purpose of the OJT Program, a quarter is 25% of the hours the trainee works toward completion of their approved program. The first two quarters of a 550-hour training curriculum would end after 275 hours, the third quarter after 138 hours, and the fourth after 137 hours.
- C. Trainees shall be paid full fringe benefit amounts, where applicable, in accordance to DBRA requirements.
- D. At the completion of the OJT Program, the trainee shall receive the wages of a skilled journeyworker.

## IX. RECRUITMENT AND SELECTION

### A. Trainee Prerequisites:

Trainees must possess basic physical fitness for the work to be performed, dependability, willingness to learn, ability to follow instructions, and an aptitude to maintain a safe work environment.

### B. Licenses:

Truck driver trainees must possess appropriate driver permits or licenses for the operation of Class A, B, and C trucks. When an instructional permit is used in lieu of a license, the trainee must be accompanied by an operator who:

1. Holds a license corresponding to the vehicle being operated;
2. Has had at least one year of driving experience; and
3. Is occupying the seat next to the driver.

### C. Recruitment:

1. Place notices and posters setting forth the contractor's Equal Employment Opportunity (EEO) Policy and the availability of the OJT Program in areas readily accessible to employees, applicants for employment, and potential employees.
2. Employ members of the targeted group (minority, female, or economically disadvantaged individuals) for all trainee positions assigned in accordance with the OJT Program. Additional positions requested by the contractor may be filled by individuals outside of the targeted groups.
3. Conduct systematic and direct recruitment through public and private employee referral sources.
4. Screen present employees for upgrading to higher skilled crafts. A present employee may qualify as a trainee; however, no work hours will be reimbursed or counted toward program completion prior to training program and trainee approval by CRD.

### D. Selection:

1. Hire and enroll OJT trainee candidates who qualify as an individual in the targeted group.
2. Select a training program(s) based on their company's employment/staffing needs.

3. Individuals in the targeted group having experience in the selected curriculum may be eligible to participate in the OJT Program providing they:
  - are not or have not been journeyworkers in the selected curriculum, and/or
  - have not been previously trained in the selected curriculum
4. Non-minority males who are economically disadvantaged must obtain written certification from Job Service North Dakota (JSND) to qualify for the OJT Program. Contractors wishing to hire and enroll economically disadvantaged candidates must provide JSND's certification along with SFN 60226 and the employment application when requesting trainee approval.
  - JSND is the only agency that may certify an individual as economically disadvantaged. If JSND refers the candidate to the contractor, written certification under this category will be provided to the contractor at the time of the interview.
  - Any person wishing to obtain this certification must apply to JSND and complete the Workforce Investment Act Program's Application for Eligibility (SFN 7857). A contractor recruiting a candidate who may qualify must contact the Workforce Investment Act Program Manager at JSND. JSND contacts are also online: <http://www.dot.nd.gov/divisions/civilrights/docs/jobservice-workforce-invest-contacts.pdf>

X. BASIS OF PAYMENT

- A. Contractors will be paid \$4.00 for each hour of training in accordance with the OJT Program Manual.
- B. Reimbursement will be made directly to the contractor. Complete SFN 51023 Voucher for On-the-Job Training Program Hourly Reimbursement for each trainee. Attach excerpts from the weekly certified payrolls showing the trainee's hours, rate of pay, and how applicable fringe benefits were paid. Excerpts from weekly payrolls are also required for state funded only projects. Vouchers without excerpts from payrolls will not be paid until the excerpts are provided. If the excerpts from the payrolls are not provided within one week, the voucher will not be paid and the trainee's hours will not be credited toward completion. <http://www.dot.nd.gov/forms/sfn51023.pdf>
- C. Submit completed vouchers to CRD for approval and processing by the fifteenth (15<sup>th</sup>) calendar day of every following month the trainee is employed under the OJT Program.  
  
Regardless, all vouchers for trainee hours worked on state funded only projects from July 1 to June 30 must be received by CRD no later than July 15 in order to be reimbursed. All vouchers for trainee hours worked on federally funded projects from October 1 to September 30 must be received by CRD no later than October 15 in order to be reimbursed. This is due to state and federal end-of-the-year budget fiduciary requirements.

XI. FAILURE TO PROVIDE THE REQUIRED TRAINING OR HIRE THE TRAINEE AS A JOURNEYWORKER

- A. No payment shall be made to a contractor for failure to provide the required training or failure to hire the trainee as a journeyworker when such failure is caused by the contractor and evidences a lack of good faith on the part of the contractor in meeting the requirements of this OJT Program Special Provision.
- B. If payments have been made, the Department will deduct the amount paid from the contractor's progress payment.
- C. A trainee should be hired to begin training as soon as feasible after start of work utilizing the skill involved and remain employed as long as training opportunities exist in the approved work classification or until the trainee has completed his or her training program.
- D. It is not required that all trainees be employed for the entire length of the construction season. A contractor will have fulfilled its responsibilities under this OJT Special Provision if it has provided acceptable training to

the number of trainees assigned. The number trained shall be determined on the basis of the total number enrolled for a significant period.

## XII. UNFILLED OR INCOMPLETE TRAINEE POSITIONS

- A. Provide written explanation for unfilled or incomplete trainee assignments to CRD by October 1 of the current construction season. CRD will decide, on a case-by-case basis, whether to carry the assigned positions over to the next construction season.
- B. Positions carried over from the previous construction season must be among the first positions filled at season startup. To notify CRD of the trainee's rehiring, submit *SFN 60226 Request for On-the-Job Trainee Approval*, marking 'Check if Carryover Trainee' in the Approved Training Program section of the form. There is no need for the training position or a returning trainee to be re-approved.
- C. Sanctions, up to and including revocation of bidding privileges, may be imposed on the contractor for failure to provide sufficient explanation and documentation for reasons assigned trainee positions when unfilled or incomplete.

## XIII. DEFINITIONS

Carryover Position: Incomplete trainee position carried forward from a prior program year.

Carryover Trainee: Trainee scheduled to continue required training hours under an approved training program from a prior program year.

CRD: NDDOT's Civil Rights Division administers the NDDOT On-the-Job Training Program.

Good Faith Efforts: A contractor's documented efforts to fulfill the OJT Program requirements, e.g., a new hires list, examples and locations of advertisements, list of current employees reviewed for skills upgrades, and any other means of demonstrating the contractor's efforts.

Journeyworker: A worker employed in a trade or craft who has attained a level of skill, abilities, and competencies recognized within the industry.

OJT Supportive Services (OJTSS): A consultant under contract with the Department to provide in-person oversight, support, and guidance to contractors and trainees to increase the effectiveness of approved training programs.

Trainee: A person who receives on-the-job training, whether through an apprenticeship program or other program approved or accepted by FHWA.

Trainer/Supervisor: Contractor's employee assigned to mentor, train, supervise, and support a OJT Program trainee.

## NORTH DAKOTA DEPARTMENT OF TRANSPORTATION

### SPECIAL PROVISION

#### TEMPORARY EROSION AND SEDIMENT BEST MANAGEMENT PRACTICES

##### 1. GENERAL

Install, maintain and remove appropriate Temporary Best Management Practices (BMPs).

##### Definitions:

- A. Temporary Erosion and Sediment BMPs** are to be installed and maintained before and during the term of the land disturbance activity. These items are removed when permanent erosion and sediment BMPs are installed.
- B. Permanent Erosion and Sediment BMPs** are to be installed and maintained once the project is completed so that the applicable permits can be terminated.

In some instances, individual temporary and permanent erosion and sediment BMPs for a site may consist of identical BMPs. In these cases, the temporary erosion and sediment BMPs may be used as the permanent erosion and sediment BMPs if they meet the following criteria:

1. The BMP was installed correctly,
  2. Is in a functional condition,
  3. Has had all accumulated sediment removed.
- C. The Stormwater Pollution Prevention Plan (SWPPP)** is the document that identifies potential sources of sediment or other pollution from construction activity and ensures practices are used to reduce the contribution of pollutants from construction site runoff.
  - D. Contractor Controlled Areas** are areas not included in the contract, but are obtained and solely controlled by the Contractor (e.g., concrete or asphalt batch plants, concrete washout areas, equipment staging yards, material storage areas, excavated material disposal areas, Contractor furnished borrow areas, etc.).
  - E. Maintenance** is any action taken to keep a BMP in working condition. These actions may consist of repairing failures of the BMP itself.

**F. Noncompliance** is any action or inaction that violates the regulations imposed by the applicable permits or the requirements of this special provision and other contract documents. Failure of a BMP does not necessarily constitute noncompliance as long as the BMP is repaired, replaced or supplemented within the timelines established in the applicable permits and no sediment is discharged from the site or into a water of the state.

## 2. CONSTRUCTION REQUIREMENTS

Develop a SWPPP specific to the project. The creation of the SWPPP is a cooperative effort between the NDDOT who creates the project plan sheets and the Contractor who creates a complete SWPPP which incorporates the plan sheets and the Contractor's means and methods. The project plan sheets by themselves do not meet the requirements of a complete SWPPP and should not be considered as such. The Contractor has the flexibility to modify the design and implementation of the temporary erosion and sediment controls to match the Contractor's means and methods and/or field conditions. These changes must be documented in the SWPPP and meet all regulatory requirements.

Obtain appropriate permit coverage for the activities conducted in Contractor Controlled Areas. A permit will be required for these areas regardless of their size. The NDDOT will have no responsibility for these areas.

Install perimeter erosion and sediment BMPs according to the plans/SWPPP prior to site disturbance.

Change the location of temporary erosion and sediment BMPs to fit the field conditions.

Update the SWPPP as work progresses, or as directed by the Engineer. Update the SWPPP to show changes due to revisions in work schedules or sequence of construction. Update the site map to reflect erosion and sediment BMPs that have been installed, changed, or removed.

Do not rely on perimeter BMPs as the sole method of controlling erosion. As the project progresses, install temporary erosion and sediment BMPs within the perimeter BMPs to control erosion resulting from the construction of the project.

Use temporary erosion and sediment BMPs to prevent contamination of adjacent streams or other watercourses, lakes, ponds or other areas of water impoundment.

Coordinate temporary erosion and sediment BMPs with the construction of permanent erosion and sediment BMPs to provide continuous erosion control. Do not install temporary erosion and sediment BMPs when permanent erosion and sediment BMPs are able to be installed. Once the permit is terminated or transferred to the Department, the maintenance of the permanent erosion and sediment BMPs becomes the responsibility of the NDDOT.

Install stabilization BMPs (mulch, seeding and mulch, etc.) in areas that have been disturbed where work has temporarily or permanently ceased following the timelines established in the applicable permits. If implementation of stabilization is precluded by snow cover, undertake such measures as soon as conditions allow.

Maintain the effectiveness of the temporary erosion and sediment BMPs as long as required to contain sediment runoff. Inspect the temporary erosion and sediment BMPs and complete the inspection and maintenance reports every 14 days and within 24 hours of a rainfall event of 0.25 inch or more. During prolonged rainfall (more than 1 day), conduct an inspection within 24 hours of the first day of the event and within 24 hours after the end of the event. Inspections are required only during normal business hours. Install a rain gauge to monitor rainfall amounts as required by the appropriate permit.

Correct any deficiencies in the BMPs within the timelines established in the applicable permits. If conditions do not permit access to the BMP, corrective actions can be taken by installing additional BMPs. Correct the original deficiencies as soon as conditions allow access to their location without causing additional damage to the slopes. In the inspection logs, document the conditions that prohibit access.

Provide copies of all inspections, documentation, record keeping, maintenance, remedial actions, and repairs required by the applicable permits to the Engineer. Provide inspection and maintenance reports within 3 working days after an inspection has been conducted.

Provide immediate written notification to the Engineer of proposed changes to the erosion control plan or SWPPP. The Engineer will review the proposed changes and determine if they are adequate. Documentation of maintenance and inspections that does not affect the erosion control plan or SWPPP does not require approval by the Engineer.

Remove the temporary devices when directed by the Engineer or when permanent erosion and sediment controls are installed.

### **3. Erosion and Sediment Control Supervisor.**

**A. General.** Designate an erosion and sediment control supervisor. Provide the name and contact information for the supervisor at the preconstruction meeting. If this erosion and sediment control supervisor becomes unavailable on the project, designate a replacement supervisor. Notify the Engineer if this supervisor changes and provide the contact information for the new supervisor.

**B. Qualifications.** The supervisor shall be:

1. An employee of the Prime Contractor;

2. Familiar with installation, maintenance and removal of BMPs and the requirements of the erosion and sediment control plans, applicable permit requirements, specifications, plans and this provision; and
3. Competent to supervise personnel in erosion and sediment control operations.

**C. Duties.** The supervisor shall:

1. Provide erosion and sediment control as required by the SWPPP, Plans, and Specifications.
2. Be on the site to supervise the installation, operation, inspection, maintenance, and removal of the erosion and sediment BMPs.
3. Update the SWPPP as work progresses to show changes due to revisions in work schedules or sequence of construction, or as directed by the Engineer. Update the site map to reflect erosion and sediment BMPs that have been installed, changed, or removed.
4. Propose changes to improve erosion and sediment control.
5. Be accessible to the job site within 24-hours.
6. Provide the Engineer with documentation of all erosion and sediment control activities and inspections as required above.

### **3. PERFORMANCE**

Correct all areas of noncompliance within 24 hours after notification of noncompliance. If corrective actions are not taken within 24 hours, the Engineer may:

1. Assess a contract price reduction of \$500 per day per instance;
2. Have deficiencies corrected by another Contractor and deduct the cost of the work from the monies due or to become due to the Contractor;
3. Suspend all work; or
4. Withhold payment on other contract items/pay estimates.

These actions will be applied until deficiencies have been corrected.

#### **4. BASIS OF PAYMENT**

BMP installation will be paid for at the contract unit price for erosion and sediment control for the appropriate items and sections. The plans will detail the required BMPs for temporary and permanent installations. The same bid items may be used for temporary and permanent BMPs.

BMP items will be measured as specified in the "Method of Measurement" portion of the appropriate section of the specifications.

BMP item removal will be paid for at the contract unit price for "Remove \_\_\_\_\_" in the appropriate section of the specifications.

Include the costs for labor, materials, maintenance, equipment, disposal, adherence to the permit, and SWPPP modifications in the respective pay items.

When the Engineer directs the replacement of temporary erosion and sediment BMPs that are no longer functional because of deterioration or functional incapacity and those items were installed as specified in the Contract or as directed by the Engineer, the Department will pay for replacement BMPs

No payment will be made for replacing temporary erosion and sediment BMPs that the Engineer determines are ineffective because of improper installation, lack of maintenance, or the Contractor's failure to pursue timely installation of permanent erosion and sediment BMPs as required in the Contract.

No payment will be made for replacing temporary erosion and sediment BMPs due to contractor operations. Include the cost to move Flotation Silt Curtain as work progresses in the price bid for "Flotation Silt Curtain".

Erosion and sediment controls for Contractor Controlled Areas are the responsibility of the Contractor and will not be paid for by the Department.

Removal of sediment from silt fence and fiber rolls will be paid for at the price listed in the "Price Schedule PS-1."

**NORTH DAKOTA DEPARTMENT OF TRANSPORTATION**

**SPECIAL PROVISION**

**FEDERAL MIGRATORY BIRD TREATY ACT**

**GENERAL**

Work may impact migratory birds or active migratory bird nests. A nest is considered active when it contains eggs or chicks.

Nests are active primarily during the primary breeding season for migratory birds in North Dakota from February 1 to July 15.

All reasonable, prudent, and effective measures should be identified and implemented to avoid take. The definition of take in 50 CFR 10.12 is: to pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to pursue, hunt, shoot, wound, kill, trap, capture, or collect.

**PREVENTATIVE MEASURES**

**General**

If no active nests are present at bridges, reinforced concrete box culverts, or structural plate pipes; prevent migratory birds from building new nests and from using nests built in previous years.

Preventative measures include securing tarps, fabric, netting, or wire mesh to the structure to prevent and discourage nesting. Additional measures may include hosing or knocking down any inactive nests or unfinished nests while avoiding take.

Preventative measures may be utilized before, during, and after breeding season.

Collect nests and nest debris and treat as agriculture waste. Disposal can occur by hauling waste to a permitted landfill or on-site when mixed with topsoil uniformly at the rate of 2 tons per acre away from water bodies and runoff.

If a nest where birds are present is found; the Contractor shall have a qualified biologist conduct a bird/nest survey no more than 5 working days prior to starting work at the structure site. A biologist is considered qualified if they have obtained a 4 year degree from an accredited university in a natural sciences field and is employed as an environmental professional.

If active nests are identified, cease construction or demolition and maintain a minimum buffer of 25 feet around active nests to avoid take. The qualified biologist may adjust the buffered distance in coordination with the USFWS. Maintain the buffer as construction resumes until the nests are no longer active.

**SURVEY REQUIREMENTS**

The USFWS requires that field surveys conducted for nesting birds with the intent of avoiding take include documentation of the presence of migratory birds, eggs, inactive and active nests, along with information regarding the qualifications of the biologists performing the survey, and any avoidance measures implemented at the project site.

If the survey or other available information indicates a potential for take of migratory birds, their eggs, or active nests, contact the USFWS for further coordination on the extent of the impact and the long-term implications of the intended use of the project on migratory bird populations.

Ecological Services  
U.S. Fish & Wildlife Service  
3425 Miriam Avenue  
Bismarck, ND 58501  
701-250-4481

**BASIS OF PAYMENT**

Include the costs for the removal and disposal of nests, the prevention of nesting, and bird/nest surveys in the price bid for the work at the structure site.

Such payment is full compensation for furnishing all materials, equipment, labor, and incidentals to complete the work as specified.

**NORTH DAKOTA DEPARTMENT OF TRANSPORTATION**  
**SPECIAL PROVISION**  
**CERTIFICATE OF COMPLIANCE (CoC)**

**DESCRIPTION**

Section 106.01 C, "Certificate of Compliance" is no longer valid. Use this Special Provision in place of that section.

**Certificate of Compliance**

A Certificate of Compliance (CoC) states that the materials represented by the CoC comply with the contract requirements.

All materials manufactured off-site require either a Manufacturer or Contractor CoC. Materials listed in Table 1 require a Manufacturer CoC. All other materials require a Contractor CoC.

Submit a CoC before incorporating the material into the work. Submit CoC's electronically. Some materials require the submission of additional information as part of the CoC. When this is required, the contract documents will state the additional requirements.

The Department will not include quantities of material represented by a CoC on a progressive estimate until the Contractor has fully met the CoC requirements.

The Department may sample, test, and inspect material represented by a CoC at any time before project acceptance, and will accept or reject materials based on inspections or test results.

**A. Manufacturer Certificate of Compliance.**

A Manufacturer CoC requires the signature of a person having the legal authority to act for the material manufacturer. The manufacturer and prime contractor must sign the Manufacturer CoC.

Provide Manufacturer CoC for the products shown in Table 1. The entity batching Portland Cement Concrete is considered the manufacturer.

**Table 1**  
**Manufacturer Certificates of Compliance**

Section	Item
604	Prestressed Concrete Beams
606	Precast Reinforced Concrete Box Culverts
802	Portland Cement Concrete
804	Cement (excluding Section 802) and Lime
820	Fly Ash (excluding Section 802)
830	Pipe and Drainage Structures
834	Structural Steel
836	Reinforcing Steel, Dowel Bars, and Tie Bars
840	Piling
846	Preservatives and Pressure Treatment

**Table 1**  
**Manufacturer Certificates of Compliance**

	Process for Timber
858	Geosynthetics

Submit Manufacturer CoC using the form [Manufacturer Certificate of Compliance \(SFN 61041\)](#).

**B. Contractor Certificate of Compliance.**

A Contractor CoC requires the signature of a person having the legal authority to act for the prime Contractor. The prime Contractor may require the manufacturer, supplier, or subcontractor to sign the Contractor CoC.

Submit Contractor CoC using the form [Contractor Certificate of Compliance \(SFN 61040\)](#).

**NORTH DAKOTA DEPARTMENT OF TRANSPORTATION**

**SPECIAL PROVISION**

**RAILROAD REQUIREMENTS**

**Project SOIB-7-804(054)312 - PCN 20890**

This Special Provision incorporates the Construction and Maintenance Agreement entered into by and between the North Dakota Department of Transportation and the Burlington Northern Santa Fe Railroad Company (BNSF).

Bidders shall become familiar with all the provisions of the agreement and submit their bid for the construction of this Project based on a plan for construction which will meet all conditions of the agreement.

The Contractor on this Project shall be responsible for fulfilling all the applicable requirements and complying with all the terms and conditions as contained in the Construction and Maintenance Agreement attached hereto.

The Contractor shall be responsible for coordinating all flagging activities with BNSF's Roadmaster. The Contractor shall submit a weekly schedule of work activities and documentation of all discussions with BNSF's Roadmaster coordinating flagging activities to the Engineer. If the Contractor fails to coordinate flagging activities and provide the required documentation, the Contractor will pay for flagging deemed unnecessary by the Department.

The Department will make the payments to the Railroad for all flagging. Monies due from the Contractor for unnecessary flagging will be withheld from money owed the Contractor on this project or future projects.

(Construction and Maintenance Agreement with BNSF attached.)

Construction of the railroad tracks may not be complete when roadway surfacing is ready to be installed. Leave a 25 foot unpaved buffer between the roadway pavement and the railroad tracks until the railroad construction is complete.

**STATE OF NORTH DAKOTA**

**Project No. RSU-7-804(057)316 Williams County**

**DOT No. 093398A Milepost 119.42**

**Crossing Surface Upgrading**

**MEMORANDUM AGREEMENT**

This agreement is between the state of North Dakota, acting by and through its Director of Transportation, hereinafter referred to as NDDOT, whose address is 608 East Boulevard Avenue, Bismarck, North Dakota 58505-0700, and BNSF Railway Company, hereinafter referred to as the Railway Company, whose address is 80 44<sup>th</sup> Avenue Northeast, Minneapolis, Minnesota 55421.

WITNESSETH:

WHEREAS, ND 1804 crosses the tracks of the Railway Company at grade in Williston, North Dakota; the location of this grade crossing being shown on the attached print, marked Exhibit A, and made a part hereof; and

WHEREAS, the parties hereto desire to utilize appropriate state and federal aid highway funds to improve said grade crossing;

NOW THEREFORE, in consideration of the premises and of the several promises to be faithfully performed by each, as hereinafter set forth, the Railway Company and NDDOT do hereby mutually agree as follows:

1. That the project herein described is to be financed with federal and state/city funds expended in accordance with applicable federal aid highway laws and the regulations authorized and issued thereunder, and in conformity with 23 CFR 140 I, and other pertinent instructions issued by the Federal Highway Administration, Department of Transportation.
2. That the project will be financed in conformity with Federal Highway Administration regulations adopted for safety improvement projects authorized in 23 USC 130 utilizing a minimum of 10% federal funds for those actual costs for construction necessary to complete the project as shown on the attached estimate marked Exhibit B and the funding breakdown marked Exhibit C.
3. That the project shall consist of the installation of concrete panel extension crossing surfaces and incidental items in accordance with Exhibit B, attached hereto and made a part hereof and approved by NDDOT and Federal Highway Administration. The railway shall credit this project with the value of salvage material removed, less the cost of removal.
4. That the Railway Company shall, with contractors or with its own regularly employed forces, equipment, and tools, install the concrete panel extension crossings. All materials shall be new and shall be furnished from the Railway Company's own stock, or by purchase, in accordance with applicable federal regulations and directives.

Construction costs incurred prior to the date on which the division administrator of the Federal Highway Administration authorizes NDDOT to proceed with the construction of the project will not be reimbursed



from federal funds. The Railway Company shall not proceed with the aforesaid project until authorized in writing by NDDOT to proceed. The Railway Company shall notify NDDOT when it will begin its operations, and shall give similar notification as to suspension, resumption, and completion of its operation. Work shall be prosecuted so as to be complete within 18 months from the date NDDOT authorizes the Railway Company to proceed with the field installation, unless the Railway Company is prevented from commencing or terminating the work as provided herein by circumstances and events beyond its control.

The Railway Company shall make every effort to coordinate the installations with the Williston District Engineer, Joel Wilt at 701-774-2702.

Liquidated damages will not be charged for failure to complete the work under this agreement within the time limit as specified.

5. That any change from the statement of work contained in this agreement shall be authorized only by a written change order or supplemental agreement issued by NDDOT and approved by the Federal Highway Administration prior to the performance of the work involved in the change.
6. This agreement may be terminated by mutual consent of both parties, or by either party, upon 30 days notice in writing and delivered by certified mail or in person.
  - a. In addition, NDDOT may terminate this agreement effective upon delivery of written notice to the Railway Company, or at such later date as may be established by NDDOT, under any of the following conditions:
    - i. NDDOT funding from federal, state, or other sources is not obtained and continued at levels sufficient to allow for purchase of the indicated quantity of services. The agreement may be modified by agreement of the parties in writing to accommodate a reduction in funds.
    - ii. If federal or state regulations or guidelines are modified, changed, or interpreted in such a way that the services are no longer allowable or appropriate for purchase under this agreement or are no longer eligible for the funding proposed for payments authorized by this agreement.
    - iii. If any license or certificate required by law or regulation to be held by the Railway Company to provide the services required by the agreement is for any reason denied, revoked, or not renewed.

Any such termination of this agreement under (i), (ii), or (iii), above, shall be without prejudice to any obligations or liabilities of either party already accrued prior to such termination and NDDOT shall reimburse the Railway Company for actual costs incurred prior to such termination and for such additional costs as required to return the track back into service and the restocking of materials not installed prior to initiation of the project.

- b. NDDOT, by written notice to the Railway Company, may terminate the whole or any part of this agreement:
  - i. If the Railway Company fails to provide services called for by this agreement within the time specified herein or any extension thereof; or
  - ii. If the Railway Company fails to perform any of the other provisions of this agreement, or so fails to pursue the work as to endanger performance of this agreement in accordance with its terms, and after receipt of written notice from NDDOT, fails to correct such failures within ten days or such longer period as NDDOT may authorize.



7. That the estimated cost of the various items of work to be performed by the Railway Company under this agreement is \$52,372.00 as shown in the estimate attached hereto and made a part hereof and marked Exhibit B. The estimate, Exhibit B, is for informational purposes only, and payment will be made on actual costs.

The Railway Company may be reimbursed on progressive billings for cost incurred for material and work performed under this agreement but any such progressive bill should not be submitted for an amount less than \$1000.

The Railway Company's final and complete billing and reimbursement thereof shall be in accordance with paragraphs 1, 2, and 3 of this agreement.

NDDOT will review all billings and pay all undisputed amounts within 90 days from the date the billing is received by NDDOT.

8. That upon completion of the installation of the concrete panel extension crossings, the Railway Company and NDDOT will maintain the crossings as provided by law.
9. That the Railway Company will conform to the extent applicable to the nondiscrimination provisions as set forth in the attached Appendices A and E of the Title VI Assurances, and by this reference made a part hereof.
10. The Railway Company is advised that his or her signature on this contract or agreement, certifies that the Railway Company is not currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any federal agency; has not been suspended, debarred, voluntarily excluded, or determined ineligible by any federal agency within the past three years; and has not been indicted, convicted, or had a civil judgment rendered against it by a court of competent jurisdiction on any matter involving fraud or official misconduct within the past three years.



EXECUTED the date last below signed.

WITNESS:

Matthew A. Keim  
NAME (TYPE OR PRINT)  
Matthew A. Keim  
SIGNATURE

WITNESS:

LAUREEN M. MARTIN  
NAME (TYPE OR PRINT)  
Laureen M. Martin  
SIGNATURE

RAILWAY COMPANY:

BNSF Railway Company  
COMPANY NAME  
KRISTOPHER SWANSON  
OFFICER'S NAME (TYPE OR PRINT)  
Kristopher Swanson  
SIGNATURE  
MANAGER PUBLIC PROJECTS  
TITLE  
4/4/16  
DATE

NORTH DAKOTA  
DEPARTMENT OF TRANSPORTATION

Grant Levi  
DIRECTOR (TYPE OR PRINT)  
Grant Levi  
SIGNATURE  
4/13/16  
DATE

APPROVED as to substance by:

Scott D. Zainhofsky, PE  
DIVISION ENGINEER (TYPE OR PRINT)  
Scott D. Zainhofsky  
SIGNATURE  
04/12/16  
DATE

CLA 16996 (Div. 17)  
L.D. Approved 7-17-89; 8-15

RM Consulted 6-6-97

APPROVED as to execution this  
13 day of April 2016  
ATTORNEY GENERAL  
By Josh Lynch  
SPECIAL ASST. ATTORNEY GENERAL



**NORTH DAKOTA DEPARTMENT OF TRANSPORTATION  
APPENDIX A OF THE TITLE VI ASSURANCES**

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

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



**NORTH DAKOTA DEPARTMENT OF TRANSPORTATION  
APPENDIX E OF THE TITLE VI ASSURANCES**

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

**Pertinent Non-Discrimination Authorities:**

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



**INDUSTRIAL PARK**



26th Avenue Northeast

27th Avenue East

**WILLISTON**

27th Avenue East

Halliburton Drive

Halliburton Drive

Williston

County Highway 9

ND 1804

**DOT 093398A**  
Concrete Surface  
Extensions

**BNSF**

**EXHIBIT A**



NORTH DAKOTA DEPARTMENT OF TRANSPORTATION  
 COPY OF DETAIL ESTIMATE  
 UPON WHICH AGREEMENT IS TO BE BASED FOR  
 ND FEDERAL-AID RAIL-HIGHWAY CROSSINGS-HAZARD ELIMINATION  
 PROJECT NO. RSU-7-804(057)316

DOT-AAR NO. 093398A  
 ND HWY 1804 - M.P. 119.34

CITY OF WILLISTON

STATE HIGHWAY 1804 AT BNSF CROSSING IN WILLISTON

Complete installation of New Concrete Surface Extension Crossing Panels and incidentals.

Force account work to be done by:  
 BNSF RAILWAY COMPANY  
 80 44<sup>th</sup> Avenue NE  
 Minneapolis, MN 55421

Furnish all materials and install crossing complete in place:	TOTAL	\$ 52,372.00
---	-------	--------------

	<u>Participation Funding %</u>	<u>Construction</u>
Federal and/or State Funds	80%	\$41,897.60
F.A. RSU Funds	10%	\$ 5,237.20
State Funds	5%	\$ 2,618.60
City Funds	5%	\$ 2,618.60
Total Estimated Cost		\$52,372.00

Present Traffic Volume 8,790 Total Average Daily

A public hearing is not required in accordance with Section 128, Title 23, U.S. Code.

Prepared by:  
 Planning/Asset Management Division  
 March 22, 2016

**Exhibit "C"**

**NORTH DAKOTA DEPARTMENT OF TRANSPORTATION**

**SPECIAL PROVISION (SP)**

**TEMPORARY WATER DIVERSION**

**Project SOIB-7-804(054)312 – PCN 20890**

**DESCRIPTION**

Diversions are used to temporarily reroute surface water or restrict flows to allow for the construction activities to take place.

This work consists of constructing and maintaining a temporary diversion to allow for the installation of quadruple box culvert at Station 16664+22.

This work is in conjunction with the requirements of SP 03(14) "Temporary Erosion and Sediment Best Management Practices," and the Construction General Permits.

**MATERIALS**

<b>Item</b>	<b>Section</b>
Geosynthetic Type R1	858

Where R1 material is specified according to the design, alternative materials may be used if the alternative material has a lower permittivity and higher strength than Geosynthetic Type R1.

**CONSTRUCTION REQUIREMENTS**

**A. General.**

Obtain and modify all appropriate permits before work commences on the diversions.

Design, construct, operate, and remove temporary diversions to prevent soil/water interaction.

Strip and stockpile topsoil from areas where the temporary diversion will be constructed and installed. Do not place stockpiles between the diversion and the work area. Stabilize stockpiles placed within 200 feet of the diversion and work area within 24 hours of construction of the stockpile

Isolate work area using dikes or other methods even when no water is present. Construct the diversion before beginning work on the structure.

**1. Plan Submittal.**

Submit a design for the diversion that includes work drawings and include the submittals with the Storm Water Pollution Prevention Plan (SWPPP).

**2. Design.**

Design the temporary diversion to withstand the 2 year event shown in Appendix A and meet the following:

- If flow occurs while the diversion is in place, a portion of the flow must be passed as water accumulates in order to maintain flows downstream;
- Maintain downstream water quality equal to the upstream water quality; and
- Include provisions that will prevent the accumulation of job site sediment in the diversion.

## **B. Diversion Components.**

Construction of the diversion may entail using the components listed below or other methods approved by the Engineer.

Install diversion measures before beginning work on the structure.

### **1. Dike.**

Construct upstream and downstream dikes to isolate the work area. Construct dikes using one or more of the following materials:

- Sandbags;
- Sheet piles;
- Soil wrapped with Geosynthetic Type R1;
- Water filled bladder;
- Impermeable containers; or
- Prefabricated dams.

### **2. Work Area Dewatering.**

Operate the dewatering system within the work area to prevent any change in water quality of the water body. Before beginning dewatering of the work area, provide an inlet control system that limits sediment from entering the system and provide a stabilized discharge from the dewatering system.

Inlet control systems may include:

- Surface skimmers;
- Aggregate filled perforated containers; or
- Inlet filter sock.

Stabilized discharges may include:

- Dewatering basin;
- Sediment bag; or
- Filtering through vegetation.

Design and operate the discharge so that there is no visible sediment plume present in the water body and the discharge causes no additional erosion or sediment.

Do not discharge water directly to the water body or the diversion.

### 3. Culvert Installation.

Provide positive drainage from the upstream to downstream ends of the culvert and install energy dissipation measures at culvert outlets.

#### a. Culvert Through Existing Structure.

Install pipes through the existing structure.

Construction may include using the following steps:

- (1) Install a temporary culvert through the structure.
- (2) Anchor and seal the installed pipes at the upstream impervious dike.
- (3) Extend the installed pipes through the downstream impervious dike.

#### b. Culvert Diversion.

Install a temporary pipe crossing under the roadway near the existing structure.

### 4. Channels.

Construct channels with side slopes that are 2:1 or flatter with a channel bottom of sufficient width. Cover disturbed slopes and channel bottom with Geosynthetic Material, Type R1.

Overlap splices and joints placed at least 36 inches.

Secure the liner using methods that will ensure that the liner will not be disturbed by the design flows shown in Appendix A. Potential methods of securing the liner may include:

- Staples;
- Pins;
- Sandbags; or
- Riprap.

Patch damaged areas of channel liner. Place a patch that overlaps the damaged area by 36 inches on all sides. Secure the patch with pins or staples.

Install fiber rolls or silt fence along the top of the channel to prevent any sediment or debris from entering the channel.

Connect the downstream end of the channel before connecting the upstream end of the channel to the existing water body.

### 5. Diversion Pumping.

Place an inlet control system at pump inlets. An inlet control systems may include:

- Surface skimmers;
- Aggregate filled perforated containers; or

- Inlet filter sock.

Route the discharge hose through the structure or work area.

Design and operate the discharge so that no visible sediment plume is present in the water body and so the discharge causes no additional erosion of the water body.

### **C. Diversion Removal.**

Do not begin removal of the temporary diversion until the construction activities relating to the structure are complete and all permanent erosion and sediment control devices are in place. Remove the diversion in a manner that prevents soil/water interaction.

Remove all materials used to construct the diversion.

Restore the area affected by the temporary diversion to the same condition that existed before construction.

#### **1. Downstream Dike.**

Remove the downstream dike first. Stabilize the areas above the waterline where the downstream dike was located.

#### **2. Upstream Dike.**

Remove the upstream dike to restore normal flow through the structure before removal of any devices used to create the diversion.

Stabilize the areas above the waterline where the upstream dike was located.

##### **a. Suspended Pipe.**

Remove the suspended pipe at the same time as removing the upstream dike.

##### **b. Channel and Pipe Diversion.**

Remove the upstream dike and construct a dike to prevent water from entering the channel or pipe diversion.

#### **3. Pipe.**

Remove pipe after the stream has been restored to normal flow.

#### **4. Channel.**

Backfill temporary channels outside of the roadway embankment as specified in Section 203.04 E.3, "Compaction Control, Type B". When backfilling roadway embankment areas, benching of slopes will be required as specified in Section 203.04 E.1, "General".

**METHOD OF MEASUREMENT AND BASIS OF PAYMENT**

<b>Spec</b>	<b>Code</b>	<b>Description</b>	<b>Unit</b>
900	1000	Temporary Stream Diversion	Each

The Engineer will pay for the stream diversion according to the Table 1.

<b>Table 1</b>	
<b>Work Completed</b>	<b>Percent of Contract Unit Price</b>
Stream Diversion Installed	75
Restoration of the Diversion	25

Include the cost for installation, maintenance, and removal of erosion control devices used in conjunction with the stream diversion in the contract unit price for "Temporary Stream Diversion". Section 4, "Basis of Payment" in SP 03(14) does not apply to erosion control devices used in conjunction with stream diversions.

Such payment is full compensation for designing, furnishing all equipment, material, labor, and other incidentals to complete the work as specified.

## Appendix A

<b>2 Year 24 Hour Flow</b>		
<b>Structure Number</b>	<b>Existing Structure Type</b>	<b>Min Discharge (cfs)</b>
1804-315.641	Single Span Bridge	428

Hydraulic Analysis and Structure Selection, Bridge Number 1804-315.641, December 2016

## NORTH DAKOTA DEPARTMENT OF TRANSPORTATION

### SPECIAL PROVISION

### CONTAMINATED WORK AREA

**7-804(054)312 – PCN 20890**

All construction within the contaminated area of this project shall be in accordance with these provisions.

- Attachment A: Health and Safety Plan Requirements
- Attachment B: Work Site Contamination Testing and Disposal
- Attachment C: Contact Water Pretreatment
- Attachment D: Trench Plug

The contaminated area extends from approximately station 16693+00 to 16706+20 at approximately a depth of 4 feet or greater from the existing ground surface. Construction taking place above a depth of 4 feet are not subject to these provisions. The contaminated material is anticipated to be encountered for the installation of the storm sewer, light foundations, and other work extending deeper than 4 feet.

For more information about the site conditions, please refer to the following supplemental information available on the NDDOT Bid Opening Plans and Proposals website:

<http://www.dot.nd.gov/dotnet/eplans/default.aspx>. Review and familiarize yourself with this information.

1. Environmental Site Assessment, March 2016.
2. Phase II Environmental Site Assessment: Site Soils Investigation Report, March 7, 2016.
3. Addendum I to Phase II Environmental Site Assessment: Site Soils Investigation Report, April 29<sup>th</sup>, 2016.
4. 2014 Annual Report Flying J Petroleums Former Refinery, Williston, North Dakota, Feb. 2015.
5. EPA landfill Testing Results, 2015.

Contaminated soil may exist in other areas within construction limits of this project.

1. The old Flying J Oil Refinery site located south of ND 1804 from station 16693+00 to station 16710+50
2. Other hazardous material may be located within the right-of-way adjacent to the old City of Williston landfill from station 16710+50 to 16721+00.

Soils excavated adjacent to the areas listed cannot be used as fill material within 300 of a sensitive areas such as a wetlands, creeks, or rivers.

Contractor shall be mindful of the weather forecast and changing weather conditions, and be prepared to adjust construction activities accordingly. Any sediment that accumulates within a contaminated area shall be handled in the same manner as the contaminated soil. Any storm water that accumulates within a contaminated area shall be handled in the same manner as the contaminated ground water.

This document was originally issued and sealed by Adam McGill, Registration number PE-7565 on 7/13/2016 and the original document is stored at the North Dakota Department of Transportation.

Adhere to the SWPPP and prevent to the maximum degree practicable storm water run-on and the entry of storm water into open excavations.

No payment will be made for treatment of Contact Water created due to failure to implement successful management practices of the storm water. Under no circumstances will compensation be made for treatment of storm water diverted into excavation areas.

## **ATTACHMENT A HEALTH AND SAFETY PLAN REQUIREMENTS**

### **DESCRIPTION**

These requirements are in addition to but do not supersede any federal, OSHA, state, or local regulations. If a conflict occurs between these requirements and current regulations, the more stringent shall apply. These requirements are in accordance with and incorporate the current health and safety guidelines established in the Standard Operating Safety Guides, prepared by the EPA Office of Emergency and Remedial Response, Hazardous Response Support Division, September 1984, and the Occupational Safety and Health Guidance Manual for Hazardous Waste Site Activities, October 1985, and OSHA standards for hazardous waste operations (29 Code of Federal Regulations [CFR] 1910.120).

These requirements apply to construction activities that will extend below 4 feet from the existing ground surface.

### **SUBMITTALS**

Submit the following information to the Engineer at the preconstruction conference.

1. OSHA 40-hour training certificates and current 8-hour update certificates, if applicable, for each worker that enters the Exclusion Zone (EZ) and Contamination Reduction Zone (CRZ) and maintain a file of these certificates on-site.
2. A resume and certificate of the Certified Industrial Hygienist.
3. A resume of the Health and Safety Officer.
4. a Health and Safety Plan

### **CONSTRUCTION REQUIREMENTS**

#### **A. General.**

The following regulations and references apply to performance of the work:

- 1) Hazardous Waste Operations and Emergency Response - 29 CFR 1910.120
- 2) Occupational Safety and Health Administration (OSHA), Construction Industry Standards - 29 CFR 1926
- 3) Occupational Safety and Health Administration (OSHA), General Industry Standards - 29 CFR 1910

#### **B. CONTRACTOR'S RESPONSIBILITIES**

- 1) Contractor is solely responsible for the health, safety, and protection of Contractor's on-site personnel and subcontractors during the performance of the work.

- 2) Perform the work specified in these Contract Documents in accordance with the health and safety requirements specified herein, including the current edition of the Standard Operation Safety Guides and OSHA Guidance Manual, and all federal, OSHA, state, and local health and safety regulations. Be familiar with the required health and safety regulations in the performance of this work.

Submit a Health and Safety Plan in accordance with applicable laws and regulations that is prepared by and signed by a Certified Industrial Hygienist.

- 3) Provide a Health and Safety Officer to implement, monitor, and enforce the Health and Safety Plan. The Health and Safety Officer shall have a sound working knowledge of federal and state occupational safety and health regulations, 3-5 years of HAZWOPER work experience, and formal educational training in occupational safety and health.
- 4) The Health and Safety Officer may implement requirements in addition to those specified herein.
- 5) Base the bid on use of specific levels of personal protection for various portions of the work as described in the Contract Documents. Assumptions regarding appropriate levels of personal protection utilized in preparing the bid shall in no way influence the proper implementation of appropriate levels of worker protection in accordance with the Health and Safety Plan based on actual site conditions.
- 6) Take immediate and prudent action to establish and maintain safe working conditions and to safeguard site personnel, the public and the environment, should any unforeseen or site-specific safety regulated factor, hazard, or condition become evident during the performance of the work. Inform the Engineer as soon as practical of such a condition.

**C. WORK ZONES**

- 1) Clearly lay out and identify work zones in the Health and Safety Plan and limit equipment, operations, and personnel in the zones as defined below:
  - a) Exclusion Zone (EZ): The EZ is the zone where contamination does or could occur and where contaminated material is stored. All people entering the EZ shall wear prescribed levels of protection. Establish an entry and exit check point at the periphery of the EZ to regulate the flow of personnel and equipment into and out of the zone and to verify that the procedures established to enter and exit are followed. Protect the EZ from unauthorized entry by fencing its perimeter. The DOT considers snow fencing with appropriate signage stating that contaminated materials are present and specific training/qualifications are required to enter, as appropriate protection.

- 2) Contamination Reduction Zone (CRZ):
  - a) Between the EZ and the support zone (SZ) is the CRZ, which provides a transition between contamination and clean zones. The CRZ serves as a buffer to further reduce the probability of the SZ becoming contaminated or being affected by other existing hazards. It provides additional assurances that the physical transfer of contaminating substances on people, equipment, or in the air is limited through a combination of decontamination, distance between EZ and SZ, air dilution, zone restrictions, and work functions.
  - b) Establish decontamination stations at the boundary between the EZ and CRZ. Provide separate decontamination stations for personnel, small equipment, and heavy equipment. Provide facilities as specified to provide for adequate decontamination of personnel and equipment and to maintain the cleanliness of the CRZ.
- 3) Support Zone (SZ): This is defined as being an area outside the EZ and CRZ. Clearly delineate and secure the SZ against active or passive contamination from the work site. The function of the area includes:
  - a) An entry area for personnel, material, and equipment to the area of work.
  - b) An exit area for decontaminated personnel, materials, and equipment from the work area.
  - c) The housing of site services.
  - d) A storage area for clean safety and work equipment.

**D. PERSONNEL PROTECTION PROGRAM/ HEALTH AND SAFETY PLAN**

- 1) Establish and maintain a complete Health and Safety Program for all personnel working at the site including personnel that are not Contractor's employees or subcontractors. Prepare a Health and Safety Plan that describes the site and potential hazards and prescribes monitoring requirement, personal protection requirements, and criteria for their selection, work practices and limitations, and emergency response.
- 2) Certify that all Contractor, subcontractor, or service personnel entering the EZ or CRZ for the purpose of the work, for health, safety, security, or administration purposes, for maintenance, or for any other site-related function, have received safety training as defined in Paragraph (3) of 29 CFR 1910.120, "Hazardous Waste Operations and Emergency Response, Interim Final Rule," including supervisory personnel.

- 3) Guarantee that personnel not successfully completing the required training are not permitted to enter the EZ or CRZ for any reason during work activities.
- 4) Provide and require that all previously trained Contractor, subcontractor, or service personnel assigned to or entering the EZ and CRZ are capable of and familiar with the use of safety, health, respiratory, and protective equipment and with the safety and security procedures required for this operation.
- 5) All personnel utilizing respiratory protection equipment shall be fit tested and properly trained and experienced in their use. Decontaminate and sanitize all respiratory protection equipment that is utilized at the end of each work day.
- 6) Provide all on-site personnel with appropriate personal safety equipment and protective clothing. Ensure that all safety equipment and protective clothing is kept clean and well-maintained. Properly dispose of or decontaminate all personal protective equipment at the end of the work day.

**E. INITIAL ON-SITE TRAINING**

- 1) Provide site-specific training to all personnel who will work on the site, including personnel that are Contractor's employees or subcontractors. This site-specific training shall include, but not be limited to, all items listed below, including emergency procedures for chemical exposure or release, fire, or explosion, and personal injury:
  - a) Acute and chronic effects of any toxic chemicals identified at the site.
  - b) Physical health hazards identified at the site.
  - c) Personal hygiene.
  - d) Safety equipment and procedures required for personal protection.
  - e) Proper use and fitting of respirator protection equipment.
  - f) work zones established at the site.
  - g) Decontamination procedures.
  - h) Prohibitions in contaminated areas:
    - i. Beards and long sideburns, if respiratory protection is anticipated or required.
    - ii. Eating, smoking, chewing.
    - iii. working when ill.
    - iv. working under the influence of alcohol or drugs.
  - i) Buddy system explained.
  - j) Emergency response.

**F. EMERGENCY AND FIRST AID REQUIREMENTS**

- 1) Pre-arrange for emergency medical care services at a nearby medical facility and establish emergency routes. Establish communications links with health and emergency services to inform them of any emergency situations that may arise.
- 2) In the event of any emergency associated with or resulting from work at this site, cease work activity on the site, as appropriate, per Contractor's Health and Safety Plan. Take diligent action to remove or otherwise minimize the cause of the emergency, render full assistance to local authorities to remedy any impact on local residents or property, alert Engineer, and institute whatever measures might be necessary to prevent any repetition of the conditions or actions leading to or resulting in the emergency.
- 3) Have at least one certified First Aid Technician on-site at all times. This person may perform other duties, but must be immediately available to render first aid when needed. Keep the following current certifications on-site: successful completion of an American Red Cross course in Multi-Media First Aid and Cardio-Pulmonary Resuscitation (CPR).

**G. PERSONAL HYGIENE AND DECONTAMINATION**

- 1) Ensure that all Contractor, subcontractor, and service personnel performing or supervising remedial work within the EZ or CRZ, or exposed or subject to exposure to hazardous chemical vapors, liquids, dusts, or contaminated solids, observe and adhere to the personal hygiene-related provisions of this Section, the EPA Standard Operating Safety Guides, and all federal and OSHA regulations and guidance.
- 2) At the request of Engineer, bar from the site the contractor, subcontractor, and service personnel found to be consistently disregarding the personnel hygiene-related or health and safety provisions of this plan, at no cost to Owner.
- 3) Provide all personnel, materials, facilities, and equipment needed to support their health and safety program. Equipment and facilities shall include:
  - a) Suitable disposable outer wear, gloves, hard hats, and footwear on a daily basis for the use of all on-site personnel including Engineer.
  - b) Appropriate NIOSH Certified respiratory protection equipment, if required, in sufficient quantities for all Contractor on-site personnel.
  - c) Canisters, cartridges, spare parts, repair tools, hoses, connectors, and other respiratory protection support items as needed.

- d) Contained storage and disposal for used outer wear.
  - e) Hand washing facilities.
  - f) A facility for changing into and out of and storing work clothing, separate from street clothing, including separate facilities for women.
  - g) Sanitation facilities as specified in 29 CFR 1926.
  - h) A lunch and/or break area.
  - i) A smoking area well separated from the EZ and CRZ.
- 4) Do not reuse used disposable outer wear and when removed, place inside disposal containers provided for that purpose.
  - 5) Prohibit smoking, chewing tobacco, eating, and drinking in the EZ and CRZ.
  - 6) Remove soiled disposable outer wear prior to leaving the CRZ to enter the SZ, and prior to cleansing hands.

**H. VEHICLE AND EQUIPMENT DECONTAMINATION**

- 1) Provide a decontamination area within the CRZ for removing contaminants from all vehicles and equipment leaving the EZ.
- 2) Contractor may use brushing, vacuuming, steam cleaning, pressure washing, or equivalent methods for decontaminating vehicles and equipment. Perform decontamination of water on a 12-inch thick gravel pad constructed as two 6" thick layers of crushed stone separated by a layer of standard filter fabric. Line the decontamination area in a manner to collect the wash water for disposal. Treat the wash water the same as contaminated ground water.
- 3) Perform decontamination in a manner that meets the requirements of the SWPPP.
- 4) Wear protective equipment including disposable clothing and respiratory protection, as necessary, when engaged in vehicle decontamination.
- 5) Submit with its Health and Safety Plan the proposed method for collecting and disposing of wash water and other decontamination fluids.

**I. WORK AREA AIR MONITORING**

- 1) During the progress of the work and as required by Contractor's site Health and Safety Plan, monitor the quality of the air in and around each active work location on a regular periodic basis (continually when respiratory protection is worn) to determine the need for respiratory protection and/or an upgrade in personal protective equipment. Take readings once every hour at a minimum. Monitoring shall comply with the requirements of Paragraph (h) of 29 CFR 1910.120 and any other applicable requirements. Enter any departures from general background in the monitoring and project logs.
- 2) Maintain a log of the location, time, type, and value of each reading. Include copies of daily log sheets in a daily report to Engineer within 24 hours.
- 3) Indicate air monitoring readings or indications that will be used to initiate protective actions including, but not limited to, use of personal protective devices and site evacuation in the Contractor's Health and Safety Plan. Provide justification for such action levels in his Health and Safety Plan.
- 4) Oxygen levels of less than 19.5 percent in any storage tanks or other enclosed spaces (excavations, vaults, etc.) necessitate the use of self-contained breathing apparatus or the positive ventilation of the space until oxygen levels above 19.5 percent are achieved before commencing work in the enclosed space.

**J. VEHICLE TRAFFIC**

- 1) Reckless driving will not be allowed at the site. Excessive speed and/or reckless driving may result in suspension or dismissal of the operator of the vehicle. All motor driven equipment using fuel shall have spark arrestors.

**METHOD OF MEASUREMENT**

The Engineer will measure as specified in Section 109.01, "Measurement of Quantities."

**BASIS OF PAYMENT**

<b>Spec</b>	<b>Code</b>	<b>Bid Item</b>	<b>Unit</b>
920	1233	Health and Safety Plan	Lump Sum

Such payment is full compensation for furnishing all administration, materials, equipment, labor, maintenance of construction EZ, maintenance of contaminated material storage EZ, and incidentals to complete the work as specified.

## **ATTACHMENT B WORK SITE CONTAMINATION TESTING AND DISPOSAL**

### **DESCRIPTION**

Work described in this provision includes testing for contaminants in excavated soil and disposal of contaminated soil, ground water, and storm water.

### **EQUIPMENT**

Provide a Photoionization Detector (PID) that has a minimum:

- Electrodeless discharge lamp of 10.6 eV;
- Response time of 3 seconds to 90% reading;
- Detection range of 2000 ppm isobutylene equivalent with auto-ranging;
- Sensitivity of 0.1 ppm isobutylene;
- Accuracy of 1 to 10%;
- Temperature range of -20°C to +50°C; and
- Humidity range of 0 to 95% relative humidity, noncondensing.

### **CONSTRUCTION REQUIREMENTS**

#### **A. Contaminated Soil.**

The Engineer will screen excavated soil from the contaminated areas with a PID to determine what soils need to be disposed of and what soils can be incorporated back into the project. The Engineer will take screening tests once every 50 feet of excavated trench. The frequency of the screening tests will increase to once every 25 feet once contamination is encountered. The Engineer will record the location, depth, time, temperature, and result of the screening tests in the daily logs.

##### **1. Contaminated Soils**

Consider soil unsuitable for use as embankment when the excavated soil has test results that equal or exceed total organic vapors (TOV) of 100 parts per million (ppm). Remove, contain, and properly dispose of unsuitable soil in accordance with this provision. Only contaminated soil disturbed by the roadway or utility construction will require disposal. No over-excavation of contaminated soil will be required.

##### **2. Uncontaminated Soils**

Soils that test lower than 100 ppm of TOV may be incorporated into the project and are not considered "contaminated".

#### **B. Disposal.**

Remove and transport excavated contaminated soil offsite to the "Clean Harbors Environmental Services, Inc. disposal facility in Sawyer, ND or approved alternate. No additional testing of contamination will be required for disposal at this facility.

Amanda Anderson  
Technical Services Account Manager  
Clean Harbors Environmental Services  
12400 247th Avenue SE  
Sawyer, ND 58501  
701.269.8124  
anderson.amanda@cleanharbors.com

If the contractor chooses to use an alternate facility additional testing may be required in order to accept the contaminated soil. The alternate facility must be authorized by the North Dakota Department of Health to receive the material. Testing parameters will be determined by the alternate facility.

**C. Transportation.**

A Waste Transporter Permit is required to haul contaminated material offsite. Clean Harbors Environmental Services has a waste transporters permit if they transport the contaminated materials, or a Waste Transporter Permit can be obtained by contacting Derek Hall at the NDDOH's Division of Waste Management at 701-328-5166. Transport of the contaminated material within the project boundaries does not require a Waste Transporter Permit.

**D. Stockpiling.**

Stockpile excavated contaminated soil that cannot be transported immediately in a bermed area that is lined with 10 mil impermeable plastic sheeting. Cover the contaminated stockpile, at the end of each work day, in a manner that will prevent exposure to wind and prevent precipitation events from causing erosion and sedimentation from run-on and runoff. Available stockpile areas are identified in section 20 of the plans. Cover exposed excavation in contaminated areas, at the end of each work day, in a manner that will prevent storm water runoff and sedimentation from entering the construction. Cover loads of contaminated soil during hauling.

**METHOD OF MEASUREMENT**

Plan quantity will be used as the measurement for payment. If additional areas of contamination are found and disposal of soil is required, the Engineer will measure as specified in Section 109.01, "Measurement of Quantities."

**BASIS OF PAYMENT**

<b>Spec</b>	<b>Code</b>	<b>Bid Item</b>	<b>Unit</b>
202	288	Excavation & Disposal of Contaminated Soil	CY

Such payment is full compensation for furnishing all materials, equipment, labor, and incidentals to complete the work as specified. No additional compensation will be made for additional testing required for an alternate disposal facility or stockpiling of contaminated material.

## ATTACHMENT C CONTACT WATER PRETREATMENT

### DESCRIPTION

This Section covers the requirements for management of potentially contaminated water and liquids ("Contact Water") at the Site. The following types of Contact Water may be generated, requiring collection and management in association with this project:

- Groundwater that enters excavation areas during the Work; and
- Storm water that collects in excavation areas during the Work.

### CONSTRUCTION REQUIREMENTS

#### A. Collection and Storage

Collect any Contact Water that infiltrates into a contaminated soil excavation. Store Contact Water in leak tight containers that are compatible with the contents. Have sufficient storage capacity available to store the full plan quantity onsite, prior to pretreatment or hauling offsite. Stage the containers within an earthen berm or other secondary containment system in the same or a separate exclusion zone onsite until loaded for offsite disposal. Design the secondary containment to be of sufficient capacity to prevent the offsite discharge of Contact Water from a failure of the largest storage tank. Grade the staging to be level and provide sufficient space for the storage tanks, secondary containment system, and pretreatment system. No additional compensation will be made for the storage of pretreated Contact Water onsite.

#### B. Treatment

Pretreat Contact Water sufficient to eliminate any hazardous waste characteristic, specifically reduce benzene levels below 500 micrograms per liter. Utilizing a combination of solids separation, organic clay and activated carbon adsorption, or approved equal. Once the hazardous waste characteristic for benzene has been eliminated, the water has been preapproved for acceptance at Clean Harbors as "NON HAZARDOUS SEMI-SOLIDS," waste code, "CNOS."

Expect that petroleum hydrocarbon contamination, including benzene, levels in the Contact Water will be similar to those observed in the groundwater, in Addendum I to Phase II Environmental Site Assessment: Site Soils Investigation Report, May 2016.

#### C. Disposal

Remove and transport pretreated Contact Water offsite to the "Clean Harbors Environmental Services, Inc. disposal facility in Sawyer, ND (Clean Harbors) or approved alternate. Clean Harbors or approved alternate disposal facility may require confirmation sampling of the pretreated Contact Water, prior to final acceptance of the material.

**METHOD OF MEASUREMENT**

The Engineer will measure as specified in Section 109.01, "Measurement of Quantities."

**BASIS OF PAYMENT**

<b>Spec</b>	<b>Code</b>	<b>Bid Item</b>	<b>Unit</b>
202	812	Disposal of Contaminated Water	Gal

Such payment is full compensation for furnishing all materials, equipment, labor, and incidentals to complete the work as specified.

No additional compensation will be made for additional testing required for an alternate disposal facility or stockpiling of contaminated material. Payment of contaminated water will not exceed plan quantity unless additional areas of contamination are found and disposal of water is required.

## ATTACHMENT D TRENCH PLUGS

### DESCRIPTION

Work described in this provision includes installation of impermeable trench plugs of a bentonite-aggregate composite material to retard and impede the movement of groundwater and associated contaminants along the outside of the pipe and/or through the trench.

### MATERIALS

Bentonite Plug:

- Dry substrate
- Stone core structure (80% stone, by weight)
- Bentonite (20%, by weight)
- Rounded corners to allow material to flow around pipe

### CONSTRUCTION REQUIREMENTS

#### A. Preparation

Place trench plugs across and along the pipe trench at the locations shown in section 20 sheet 14 and section 55 sheets 28 to 30.

Provide, install, and use sufficient sheeting, bracing, timbering, etc. to maintain the sides of the trench dam in a substantially vertical position.

#### B. Placement

Plug material should not be blended with native soil and does not require mechanical compaction.

Trench plug shall be 18 inches wide and keyed into the trench wall 12 inches. Place a minimum of 3-feet of compacted soil and/or base atop the plug.

Exercise due care in material handling to prevent field and installation damage which could impair the function and durability of the installation. Place plug material in dry state using equipment cleaned of all other soil and rock, in a manner to eliminate voids from bridging. Wet plug material in place, in 1-foot lifts, to initiate hydration and insure water contact with all material.

#### C. Backfill

Place a separation geotextile fabric at the upper boundary of the plug material (minimum 2-foot overlap on all sides) to serve as a physical separation layer between the plug material and the backfill/road base.

**METHOD OF MEASUREMENT**

The Engineer will measure as specified in Section 109.01, "Measurement of Quantities."

**BASIS OF PAYMENT**

<b>Spec</b>	<b>Code</b>	<b>Bid Item</b>	<b>Unit</b>
714	9685	Trench Plug	EA

Such payment is full compensation for furnishing all materials, equipment, labor and incidentals to complete the work as specified.

## **NORTH DAKOTA DEPARTMENT OF TRANSPORTATION**

### **SPECIAL PROVISION**

### **TRAFFIC SIGNAL SYSTEM**

### **PROJECT SOIB-7-804(054)312 – PCN 20890**

#### **I. DESCRIPTION**

Provide new equipment or salvage reusable equipment from the existing controller cabinet at the intersection of 20<sup>th</sup> Avenue E and ND 1804 to comply with the requirements of this special provision and Sections 772 and 896 “Highway Traffic Signals” of the “Standard Specifications for Road and Bridge Construction”.

#### **II. MATERIALS**

##### **A. COLOR**

Paint the Traffic Signal System components green FTU-128. Components include: mast arm, signal head mounting hardware, shaft, signal housing, and pedestrian pushbutton post.

##### **B. ACCESSIBLE PEDESTRIAN SIGNALS (APS) PUSHBUTTON AND SIGN**

Include the following features, installation procedures, and be compliant with the following:

###### **1. Features**

- a) Rapid tick WALK indication, no more than 2–5dBA above ambient sound
- b) Vibrotactile WALK indication
- c) Speaker and vibrotactile indication located at pushbutton
- d) Pushbutton locator tone
- e) Tactile arrow on each device aligned in direction of travel on the crosswalk

###### **2. Code Compliance:**

- a) Functionality: MUTCD 2009 - 4E
- b) Temperature and Humidity: NEMA TS 2
- c) Transient Voltage Protection: NEMA TS 2
- d) Transient Suppression: IEC 61000-4-4, IEC 61000-4-5
- e) Electronic Noise: FCC Title 47, Part 15, Class A

- f) Mechanical Shock and Vibration: NEMA TS 2
- g) EN4 PBS Enclosure: NEMA 250 - Type 4X
- h) Electrical Reliability: NEMA TS 4

## **C. CONTROLLER AND CABINET ASSEMBLY**

Provide the following devices:

- Controller: Peek Model ATC1000 NEMA TS2, Type 1
- Conflict Monitor: EDI Model MMU2-EL(ip) NEMA TS2
- Cabinet: Type P, Aluminum, natural finish
- Battery Backup: Signal Power SP1250LX
- Preemption: Opticom 464 Phase Selector System
- Terminal facilities: 16-position backpanel accessories as necessary

This specification describes the design and operating requirements for a traffic signal control system.

### **1. Controller**

#### **a) Features**

- (1) 40 character x 16 line Backlit LCD Display
- (2) Linux Operating System with memory management for process isolation
- (3) Compliant with NTCIP 1201, 1202
- (4) 300MHz Freescale Power Quix 2 processor or better
- (5) Two 100Base-T Ethernet ports
- (6) High speed USB port
- (7) 32 key soft-touch keypad for front panel programming
- (8) Speaks NTCIP protocol -fully IQ Central compatible
- (9) Auto-recognizes I/O and D Modules
- (10) Minimum of 48 coordination patterns (cycle/split/offset combinations), 16 split mode tables
- (11) Telemetry interface port (PORT 3) for systems communications.

#### **b) Communications**

- (1) 5 serial ports; RS 485 support on one port (jumper selectable)
- (2) Two 10/100 Base-T Ethernet ports

- (3) Physical Port Options allowing for interfacing
  - (a) High-speed USB port- Data Key not acceptable
  - (b) High-speed serial (RS232) up to 115kbps
  - (c) Fiber-optic modems
  - (d) Wireless systems
  - (e) LAN/WAN applications

**c) Memory**

- (1) 16MB Flash memory standard
- (2) 16MB SDRAM standard
- (3) 32MB, 64MB SDRAM -optional
- (4) 1MB SRAM

**2. Malfunction Management Unit (MMU2)**

Full compliance with NEMA Standard TS-2, Section 4. TS2-2003 (R2008) v02.06, Traffic Controller Assemblies with NTCIP Requirements, including NEMA TS-2 Amendment #4 for Flashing Yellow Arrow.

**3. Bus Interface Unit (BIU)**

- a) Full compliance with NEMA Standard TS-2, Section 8.
- b) Same manufacturer as the controller.
- c) The end user will assign the address of each BIU.
  - (1) Back-panel BIU address bits terminated on back-panel so that address can be determined by user.
  - (2) Detector rack BIU address determined by DIP switch setting on each rack.
- d) Make all back-panel BIU inputs and outputs accessible at terminals on the back-panel front side.

**4. Cabinet and Terminal Facilities**

- a) Furnish an unpainted aluminum cabinet in compliance with NEMA Standard TS-2, Section 7, cabinet size P (minimum dimensions 44"x59"x26"), and furnished for 8-phase operation.
- b) Terminal facilities conform to NEMA Standard TS-2, Section 5. Provide a main back-panel that is modular (16 load switch sockets per module) and hinged at bottom for ease of inspection and maintenance. Use a Type I, Configuration 3 for 8-phase operation (16 load switch sockets, 2 BIU) back-panel configuration.
- c) Detector rack configuration #2 (16 channel)
  - (1) Minimum of 1 rack per cabinet.
  - (2) Additional racks as required by plans.

- d) Load switches conform to NEMA Standard TS-2, Section 6.2. Furnish sufficient load switches to support signal sequence shown in the plans.
- e) Flashers conform to NEMA Standard TS-2, Section 6.3.
- f) Flash transfer relays conform to NEMA Standard TS-2, Section 6.4. Furnish sufficient relays to support signal sequence shown in the plans.
- g) Police door with flash and signal shutdown switches.
- h) Maintenance panel with flash, stop time, and equipment power switches.
- i) Ground fault protected outlet, cabinet light.
- j) Anchor bolts for pad mounting as specified on order

## **D. VEHICLE DETECTORS**

Furnish a vehicle detection system that detects vehicles by processing video images and providing detection outputs to a traffic signal controller. Provide equipment that meets the NEMA environmental, power, and surge ratings as set forth in NEMA TS1 and TS2 specifications. Ensure that the equipment is capable of being mounted in a standard TS-1 or TS-2 detector card rack.

### **1. Items Covered and System Components**

Provide a video detection and monitoring system with the following components:

- a) A machine vision sensor that has an integrated imaging CCD arrays with optics, high-speed, color image processing hardware and a dual-core CPU bundled into a sealed enclosure. Use a 3-wire cable between the machine vision sensors and the traffic cabinet for providing power and communications.
- b) A detector interface card for traffic signal control applications to allow direct communications between video detection and traffic signal controller.
- c) Additional equipment and supplies required to have a ready-to-operate system.

### **2. System Requirements**

#### **a) *Machine Vision Sensor***

Ensure all system components meet FCC Part 15, Class A for electromagnetic interference (EMI) requirements and be certified to meet CE EN 55022 and safety requirements.

- (1) Equip the machine vision sensor with the following:
  - An integrated imaging CCD array with optics,
  - high-speed, color, image processing hardware and a dual-core CPU bundled into a sealed, weather proof enclosure,
  - a sunshield to reflect solar heat and to shield the CCD array from direct exposure to the sun,
  - a faceplate heater to melt accumulated ice, snow, or fog from the view of the camera.

- (2) Control the CCD array with a dual-core CPU.
- (3) Directly control the optics and camera electronics by the on-board dual-core CPU for optimal illumination for traffic detection.
- (4) Operate the machine vision sensor at a maximum rate of 30 frames per second when configured for the NTSC video standard.
- (5) Provide a machine vision sensor that can process a minimum of 99 detector zones placed anywhere in the field of view of the sensor. Provide video output that has the ability to show overlaid graphics indicating the current real-time detection state of each detector zone in the output video.
- (6) Make the sensor output NTSC color video viewable with any compatible video display device.

**b) *Detector Types***

Provide a machine vision sensor capable of using a variety of detector types that perform specific functions. Include the following general functions performed by the detectors:

- (1) Presence/passage detection of moving and stopped vehicles
- (2) Enable detection based on the direction of travel
- (3) Measure speed
- (4) Generate a variety of alarms based on measured traffic conditions
- (5) Combine the output of several detectors with logical operators and modify the resulting state based on delay or extend timers, which can be referenced to the state of any associated signal phase state
- (6) Have the option to be shown in the live video output of the sensor at the user's request. The allocation of these functional detection capabilities to programmable detector types is described below.
- (7) Selectable via software.

Include detector types with:

- (1) Count detectors output traffic volume statistics. Generate traffic counts and occupancy.
- (2) Presence detectors indicate presence of a vehicle, stopped vehicle, or vehicles traveling in the wrong direction.
- (3) Speed detectors provide vehicle counts, speed, length, and classification.
- (4) Detector functions combine outputs of multiple detectors via Boolean logic functions.
- (5) Labels display information on the machine vision sensor video output an optionally pass input information to other detectors.

- (6) Detector stations accumulate traffic data over specified time intervals.
- (7) Incident detectors monitor free flowing traffic speed, occupancy, and flow for conditions that suggest a shock wave from an incident has occurred.
- (8) Schedulers define plans that can be used by other detectors to specify different parameters for each time of the day plan.
- (9) Contrast loss detectors monitor the quality of the video image that the machine vision sensor is processing.
- (10) Speed alarms generate tri-state alarm outputs on user defined algorithms.

**c) *Differential Video***

- (1) Provide a machine vision sensor that can output full-motion MPEG-4 video via a standard digital video player using IP-based communications.
- (2) Provide an analog video monitor in the traffic cabinet for NTSC full-motion video.

**d) *Power***

Provide a machine vision sensor that operates on 110 VAC at 60 Hz with a maximum power consumption of 20 watts with the faceplate heater on, or 15 watts maximum with the faceplate heater off.

**e) *Coaxial Cable***

Use a one-way coaxial cable between the camera and the cabinet accompanied by a three (3) conductor minimum 18 AWG, 24V DC or 115V AC camera power cable. as follow:

- RG-59 or Siamese type with a nominal impedance of 75 ohms. precision video cable with 20 gauge solid bare copper conductor (9.9 ohms/m),
- Polyethylene dielectric with copper double braid shield having a minimum of 95% shield coverage
- Do not exceed 0.90 db per 100 feet at 10 MHz signal attenuation.
- Nominal outside diameter is 0.304 inches.
- Suitable for installation in conduit or overhead with appropriate span wire.
- Minimum 18 AWG external three-conductor power cabling.

**f) *Detection Zone Placement***

Provide flexible detection zone as follows:

- placement anywhere and at any orientation with in the combined field of view of the image sensors,

- able to replace one or more conventional detector loops,
- able to have the capability of implementing “AND” and “OR” logical functions including presence, extension and delay timing, or provisions are made to bring each detector separately into the controller and the controller can provide these functions,
- able to be overlapped for optimal road coverage,
- able to be logically combined into a single output groups of detector zones.

**g) Detection Zone Programming**

Define the detection zones using only an externally attached monitor and pointing device to place the zones on a video image, without a separate computer. Provide a VGA monitor able to show images of the detection zones superimposed on the video image of traffic while the processor is running

Use the pointing device to:

- (1) Place size, and orient detection zones to provide optimal road coverage for vehicle detection.
- (2) Modify detector parameters to optimize performance.
- (3) Edit previously defined detector configurations.
- (4) Adjust the detection zone size and placement.
- (5) Add detectors for additional traffic applications.
- (6) Re-program the sensor for different traffic applications, changes in installation site geometry, or traffic rerouting.

The following functions are required: download detector configurations from a computer to the machine vision sensor, upload the current detector configuration that is running in the sensor, back up detector configurations by saving them to a computer’s storage media, and perform the above upload, store, and retrieve functions for video snapshots of the sensors’ view via USB memory stick.

**h) Detection Zone Operation**

Provide a machine vision sensor real-time detection operation that is verifiable through the following means:

- (1) A viewable video output of the sensor with any standard video display device (monitor).
- (2) Capable of selectively transmitting video output of the machine vision sensor (3-wire cable):
  - (a) Camera video only

(b) Analog video overlaid with the current real-time detection state of each detector.

(3) Have the vehicle detection occur by a detector port master using a variety of end user applications either as a simple contact closure outputs that reflect the current real time detector or alarm state (on/off), or as b NEMA TS-2 compliant SDLC serial bus I/O. Provide the contact closure outputs or SDLC I/O to a traffic signal controller and comply with NEMA standards.

(4) View the associated output LED state on the detector port master:

(a) Set the LED to be ON when its assigned detector output or signal controller phase input is on.

(b) Set the LED to be OFF when its assigned detector or signal controller input is off.

***i) Optimal Detection***

Provide a machine vision sensor able to monitor a maximum of 6 traffic lanes simultaneously when placed at a vertical mounting height and horizontal location above the travelled lanes that minimizes vehicle image occlusion and equipped with a zoom lens with a zoomed view to match the width of the road.

***j) Count Detection Performance***

Able to accurately count vehicles with at least 96% accuracy under normal operating conditions (day and night), and at least 93% accuracy under adverse conditions. Adverse conditions are combinations of weather and lighting conditions that result from shadows, fog, rain, snow, etc.

***k) Demand Presence Detection Performance***

Ensure demand presence detection performance will:

- Accurately provide demand presence detection. Base accuracy on the ability to enable a protected turning movement on an intersection stop line, when a demand exists.
- Provide less than 1 percent error under all operating conditions and in the presence of adverse conditions, minimize extraneous (false) protected movement calls to less than 7%.

***l) Speed Detection Performance***

Ensure the speed detection performance will:

- accurately measure average (arithmetic mean) speed of multiple vehicles with more than 98% accuracy under all operating conditions for approaching and receding traffic.

- accurately measure individual vehicle speeds with more than 95% accuracy under all operating conditions for vehicles approaching the sensor, and 90% accuracy for vehicles receding from the sensor. Apply these specifications to vehicles that travel through both the count and speed detector pairs. Do not include partial detection situations created by lane changing maneuvers.

***m) Adverse Weather Conditions***

Ensure that an adverse weather conditions accuracy is 95% for a minimum 4 hour period of time under adverse conditions (fog, rain, snow, ice, etc.), each approach zone. Count a false call as a missed call in determining accuracy. In order to obtain possible adverse conditions, items should be submitted during the Fall or Spring. Otherwise the testing time frame may be extended while waiting for adverse conditions to inspect the system.

***n) Operating Conditions***

Ensure the detector can operate without operator adjustments to account for the following conditions:

- Mast-arm, luminaire extension installation
- Day-night transitions
- Shadows on the roadway
- Reflections from vehicles or pavement during rain
- Weather changes
- Ability to discriminate vehicular direction.

Ensure the sensor is able to tune-out stationary targets that remain within the detection zone for a minimum of 15 minutes.

**E. MACHINE VISION SENSOR HARDWARE**

Provide a machine vision sensor with the following:

- a) Medium resolution, color 1/4 inch CCD as the video source for real-time vehicle detection using NTSC format.
- b) Image sensors that produce images with a CCD sensing element and a horizontal resolution of greater than 470 TVL.
- c) Sensitivity at the lens with full video, AGC off, -2.0 lux (color).
- d) Video signal-to-noise ratio of greater than 48 dB, and provide direct real-time iris and shutter speed control to the MVP sensor on-board dual-core processor.

## **2. Machine Vision Sensor Lens**

Equip the sensor with an integrated zoom lens that can be adjusted at the cabinet with a mouse connected to the video processor module.

Include a zoom lens with 18X optical zoom and an adjustable field of view over the range of 2.3 to 48 degrees horizontal and 1.8 to 37 degrees vertical.

## **3. Machine Vision Sensor Enclosure**

House the sensor and lens assembly in an environmental enclosure that provides the following capabilities:

- a) Waterproof and dust tight to NEMA-4 specifications.
- b) Allow the machine vision sensor to operate satisfactorily over an ambient temperature range from -30 to +165 degrees F.
- c) Allow the machine vision sensor to operate satisfactorily while exposed to precipitation, up to 100% relative humidity non-condensing.
- d) Allow the image sensor horizon to be rotated during field installation.
- e) Install a heater on the faceplate at the front of the enclosure to prevent the formation of ice and condensation in cold weather in a way that it does not interfere with the operation of the image sensor electronics or interference with the video signal.
- f) Light-colored and include a sunshield to minimize solar heating and glare. Provide a sunshield where:
  - The front edge protrudes beyond the front edge of the environmental enclosure,
  - Includes a provision to divert water flow to the sides of the sunshield,
  - The amount of overhang is adjustable to prevent direct sunlight from entering the lens or hitting the faceplate.
- g) A total combined weight of less than 7 pounds for the image sensor in the environmental enclosure with sunshield.
- h) The image sensor meets FCC Part 15, Class A and CE requirements for EMI interference emissions when operating in the environmental enclosure with the power, communication, and video signal cable connected.

## **F. COMMUNICATION INTERFACE PANEL REQUIREMENTS**

Provide a communications panel with each machine vision sensor installation with the following:

1. A 3-wire terminal block for providing sensor power of 110 VAC 60 Hz.
2. Terminate 3-wire cable to each image sensor.

## **G. ADDITIONAL EQUIPMENT**

Provide an extra camera, processor, interface panel, and detector port master for each Video Detection System. Deliver spare video detection equipment with a list of the parts and serial numbers to the City of Williston

## **H. WARRANTY, MAINTENANCE, AND SUPPORT**

Have the supplier warrant the video detection system for a minimum of two years after final inspection and acceptance. Repair with new materials or replace at no charge, any product containing a warranty defect. Return all materials from warranty repairs through the product distributor at no additional charge. Do not exceed two weeks for warranty repairs/replacement from date of return to the distributors.

Include updates of the MVP sensor and application software in the ongoing software support by the supplier. Provide updates free of charge for one year after final inspection and acceptance.

## **III. CONSTRUCTION REQUIREMENTS**

### **ACCESSIBLE PEDESTRIAN SIGNALS (APS) PUSHBUTTON AND SIGN**

Include the following installation procedures:

1. APS should be reachable from the level landing of the curb ramp for the crossing or from a level surface with an accessible path to the ramp (MUTCD Section 4E.08 and Proposed and Draft PROWAG).
2. APS should be within 5 feet of the crosswalk line furthest from the center of the intersection and within 10 feet of the curb (MUTCD Section 4E.08).
3. Align tactile arrow parallel to the direction of travel on the crosswalk (MUTCD Section 4E.12, P1).
4. Pushbutton is required to be located within reach range for wheelchair users (Proposed PROWAG, R406).

## **IV. METHOD OF MEASUREMENT**

Include the cost for all signal components in the contract unit price for the "TRAFFIC SIGNAL SYSTEM".

## **V. BASIS OF PAYMENT**

Spec	Code	Bid Item	Unit
772	0001	Traffic Signal System	Each

Such payment is full compensation for furnishing all materials, equipment, labor, and incidentals to complete the work as specified.

**NORTH DAKOTA DEPARTMENT OF TRANSPORTATION****SPECIAL PROVISION (SP)****AIRSPACE / AIRPORT COORDINATION****Project SOIB-7-804(054)312 – PCN 20890**

This Special Provision (SP) incorporates the FAA Requirements and the attachments relating to the FAA Requirements.

These provisions are the FAA requirements to mitigate potential impacts to airspace obstructions to Sloulin Field International Airport (KISN), serving the Williston, North Dakota community.

This project is anticipated to utilize crane operations at two specific locations. CFR Title 14, Part 77 regulations require an FAA airspace analysis and determination of the project impact upon the defined airspace in the vicinity of the KISN Airport. An FAA airspace determination of no hazard to air navigation for the temporary crane structures was determined for both sites, with conditions. Graphic representations of the two areas with expected crane operations that can be found in "Attachment A".

An overview and the FAA determination letters for each of the crane sites can be found in "Attachment B". The conditions required by the FAA to meet the determination of no hazard for each of the sites are as follows:

**Crane 1** –Near the junction of 20<sup>th</sup> Ave. and ND Hwy 1804, Station 16715+00 to 16718+00  
**Mark the highest point of the crane with a flag marker**, in accordance with FAA Advisory Circular 70/7460-1 L, Obstruction Marking and Lighting, Chapters 3 (Marked) & 12. The crane must be lowered to the ground when not in use and during the hours between sunset and sunrise. Total height of crane is never to exceed 60 feet Above Ground Level (AGL)

**Crane 2** – Near a Stony Creek Bridge on ND Hwy 1804, Station 16662+00 to 16667+00  
**Mark and light the highest point of the crane with a flag marker and a red light**, in accordance with FAA Advisory Circular 70/7460-1 L, Obstruction Marking and Lighting, Chapters 3 (Marked), 4, 5 (Red), & 12. The crane must be lowered to the ground when not in use and during the hours between sunset and sunrise. Total height of crane is never to exceed 220 feet Above Ground Level (AGL)

These FAA airspace determinations expire on November 30<sup>th</sup>, 2016, unless revised or terminated. No work shall occur past the expiration dates. Notify the Adam McGill, P.E., DOWL within 30 days prior to expiration if an extension is needed, so that it can be requested from the FAA.

Adam McGill, P.E., DOWL  
140 1<sup>st</sup> Street East  
Dickinson, ND 58601  
Office: 701-300-7014

This document was originally issued and sealed by Adam McGill, Registration number PE-7565 on 7/13/2016 and the original document is stored at the North Dakota Department of Transportation.

File a new Notice of Proposed Construction or Alternation Form 7460-1 (online at <http://oeaaa.faa.gov>), while referencing the existing airspace case number, if any equipment higher than outlined in the original determinations is to be used.

Any other unanticipated work in support of the aforementioned project that meets the notification requirements set forth within CFR Part 77.9 must also be vetted through the FAA airspace determination process (via FAA form 7460-1). The FAA Advisory Circular guidance for obstruction marking and lighting, as referenced above, can be found at the following website:

[http://www.faa.gov/documentLibrary/media/Advisory\\_Circular/AC\\_70\\_7460-1L\\_.pdf](http://www.faa.gov/documentLibrary/media/Advisory_Circular/AC_70_7460-1L_.pdf)

Immediately report to the Engineer and to the KISN Airport Manager any failure of an obstruction light that lasts longer than 30 minutes. Make every effort to repair or replace the light as quickly as possible.

Provide information regarding the cranes for a Notice to Airmen (NOTAM) to the KISN Airport Manager, or their appointee, a minimum of 10 business days in advance of the erection of any cranes. It will then be the decision of the airport manager whether to file a NOTAM in regards to the placement of the cranes. The contact for the KISN Airport Manager's office is:

Steven Kjergaard, Sloulin Field Manager  
PO Box 1306, Williston, ND. 58802  
Phone: 701-774-8594  
[stevenj@ci.williston.nd.us](mailto:stevenj@ci.williston.nd.us)



Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2016-AGL-3850-OE

Issued Date: 03/28/2016

Jen Einrem P.E.  
North Dakota Dept. of Transportation  
608 East Blvd. Ave.  
Bismarck, ND 58505-0700

**\*\*DETERMINATION OF NO HAZARD TO AIR NAVIGATION FOR TEMPORARY STRUCTURE\*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Crane Crane
Location:	Williston, ND
Latitude:	48-08-49.58N NAD 83
Longitude:	103-35-36.82W
Heights:	1866 feet site elevation (SE) 60 feet above ground level (AGL) 1926 feet above mean sea level (AMSL)

This aeronautical study revealed that the temporary structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is (are) met:  
As a condition to this Determination, the structure is marked/lighted in accordance with FAA Advisory circular 70/7460-1 L, Obstruction Marking and Lighting, flag marker - Chapters 3(Marked)&12.

This determination expires on 11/30/2016 unless extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. Any changes in coordinates and/or heights will void this determination. Any future construction or alteration, including increase to heights, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of a structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

**This determination did not include an evaluation of the permanent structure associated with the use of this temporary structure. If the permanent structure will exceed Title 14 of the Code of Federal Regulations, part 77.9, a separate aeronautical study and FAA determination is required.**

This determination concerns the effect of this temporary structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

A copy of this determination will be forwarded to the Federal Aviation Administration Flight Procedures Office if the structure is subject to the issuance of a Notice To Airman (NOTAM).

If you have any questions, please contact our office at (847) 294-7458. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2016-AGL-3850-OE

**Signature Control No: 284434730-286392835**

Fred Souchet  
Specialist

( TMP )



Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2016-AGL-3851-OE

Issued Date: 03/28/2016

Jen Einrem P.E.  
North Dakota Dept. of Transportation  
608 East Blvd. Ave.  
Bismarck, ND 58505-0700

**\*\*DETERMINATION OF NO HAZARD TO AIR NAVIGATION FOR TEMPORARY STRUCTURE\*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Crane Crane 2
Location:	Williston, ND
Latitude:	48-08-49.45N NAD 83
Longitude:	103-34-20.14W
Heights:	1867 feet site elevation (SE) 220 feet above ground level (AGL) 2087 feet above mean sea level (AMSL)

This aeronautical study revealed that the temporary structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is (are) met:

As a condition to this Determination, the structure is marked/lighted in accordance with FAA Advisory circular 70/7460-1 L, Obstruction Marking and Lighting, flags/red lights - Chapters 3(Marked),4,5(Red),&12.

As a condition to this determination, the temporary structure must be lowered to the ground when not in use and during the hours between sunset and sunrise.

This determination expires on 11/30/2016 unless extended, revised, or terminated by the issuing office.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is based, in part, on the foregoing description which includes specific coordinates and heights. Any changes in coordinates and/or heights will void this determination. Any future construction or alteration, including increase to heights, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of a structure. However, this equipment shall not exceed the overall heights as

indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

**This determination did not include an evaluation of the permanent structure associated with the use of this temporary structure. If the permanent structure will exceed Title 14 of the Code of Federal Regulations, part 77.9, a separate aeronautical study and FAA determination is required.**

This determination concerns the effect of this temporary structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

A copy of this determination will be forwarded to the Federal Aviation Administration Flight Procedures Office if the structure is subject to the issuance of a Notice To Airman (NOTAM).

If you have any questions, please contact our office at (847) 294-7458. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2016-AGL-3851-OE

**Signature Control No: 284434731-286392500**

( TMP )

Fred Souchet  
Specialist

## Attachment A



**Williston**

**Little Muddy River**

**20th Ave E**

**ND 1804**

Potential (Large - 220 feet) Crane Location

Potential (small) Crane Location





Little Muddy River

20th Ave E

ND 1804

Lat 48.147145  
Long -103.593559

Lat 48.147084  
Long -103.572303



## Attachment B

## Overview

**Study (ASN):** 2016-AGL-3850-OE  
**Prior Study:**  
**Status:** Determined  
**Letters:** [Determination](#) 

**Received Date:** 03/09/2016  
**Entered Date:** 03/09/2016  
**Completion Date:** 03/28/2016  
**Expiration Date:** 11/30/2016  
**Map:** [View Map](#)

**Supplemental Form 7460-2:** Please [login](#) to add a Supplemental Form 7460-2.

## Sponsor Information

**Sponsor:** North Dakota Dept. of Transportation  
**Attention Of:** Jen Einrem P.E.  
**Address:** 608 East Blvd. Ave.  
**Address2:**  
**City:** Bismarck  
**State:** ND  
**Postal Code:** 58505-0700  
**Country:** US  
**Phone:** 701-328-1217  
**Fax:**

## Sponsor's Representative Information

**Representative:** DOWL Aviation  
**Attention Of:** Jim Greil  
**Address:** 1300 Cedar Street  
**Address2:**  
**City:** Helena  
**State:** MT  
**Postal Code:** 59601  
**Country:** US  
**Phone:** 406-324-7409  
**Fax:**

## Construction Info

**Notice Of:** CONSTR  
**Duration:** TEMP (Months: 5 Days: 0)  
**Work Schedule:** 06/01/2016 to 11/30/2016  
**Date Built:**

## Structure Summary

**Structure Type:** Crane  
**Structure Name:** Crane  
**FCC Number:**

## Structure Details

**Latitude (NAD 83):** 48° 08' 49.58" N  
**Longitude (NAD 83):** 103° 35' 36.82" W  
**Horizontal Datum:** NAD 83  
**Survey Accuracy:** 4D  
**Marking/Lighting:** Flag Marker  
**Other Description:**  
**Current Marking/Lighting:** N/A Proposed Structure  
**Current Marking/Lighting Other Description:**

**Name:**

**City:** Williston  
**State:** ND  
**Nearest County:** Williams  
**Nearest Airport:** ISN  
**Distance to Structure:** 16379.63 feet  
**On Airport:** No  
**Direction to Structure:** 133.44°

**Description of Location:** Crane operating near the junction of 20th Avenue and 1804 appx. 2.57 miles Southeast of the threshold of runway 29 Williston

**Description of Proposal:** Temporary crane operations up to 60' AGL at location in support of construction efforts along 1804

## Height and Elevation

	Proposed	DNE	DET
<b>Site Elevation:</b>	1866		
<b>Structure Height:</b>	60	0	60
<b>Total Height (AMSL):</b>	1926	0	1926

## Frequencies

Low Freq	High Freq	Unit	ERP	Unit
----------	-----------	------	-----	------

## Overview

**Study (ASN):** 2016-AGL-3851-OE  
**Prior Study:**  
**Status:** Determined  
**Letters:** [Determination](#) 

**Received Date:** 03/09/2016  
**Entered Date:** 03/09/2016  
**Completion Date:** 03/28/2016  
**Expiration Date:** 11/30/2016  
**Map:** [View Map](#)

**Supplemental Form 7460-2:** Please [login](#) to add a Supplemental Form 7460-2.

## Sponsor Information

**Sponsor:** North Dakota Dept. of Transportation  
**Attention Of:** Jen Einrem P.E.  
**Address:** 608 East Blvd. Ave.  
**Address2:**  
**City:** Bismarck  
**State:** ND  
**Postal Code:** 58505-0700  
**Country:** US  
**Phone:** 701-328-1217  
**Fax:**

## Sponsor's Representative Information

**Representative:** DOWL Aviation  
**Attention Of:** Jim Greil  
**Address:** 1300 Cedar Street  
**Address2:**  
**City:** Helena  
**State:** MT  
**Postal Code:** 59601  
**Country:** US  
**Phone:** 406-324-7409  
**Fax:**

## Construction Info

**Notice Of:** CONSTR  
**Duration:** TEMP (Months: 5 Days: 0)  
**Work Schedule:** 06/01/2016 to 11/30/2016  
**Date Built:**

## Structure Summary

**Structure Type:** Crane  
**Structure Name:** Crane 2  
**FCC Number:**

## Structure Details

**Latitude (NAD 83):** 48° 08' 49.45" N  
**Longitude (NAD 83):** 103° 34' 20.14" W  
**Horizontal Datum:** NAD 83  
**Survey Accuracy:** 4D  
**Marking/Lighting:** Red lights and flags  
**Other Description:**  
**Current Marking/Lighting:** N/A Proposed Structure  
**Current Marking/Lighting Other Description:**

**Name:**  
**City:** Williston  
**State:** ND  
**Nearest County:** Williams  
**Nearest Airport:** ISN  
**Distance to Structure:** 20479.51 feet  
**On Airport:** No  
**Direction to Structure:** 123.41°  
**Description of Location:** A small bridge over highway 1804 appx. 3.34 miles from the runway 29 threshold at Williston Airport

**Description of Proposal:** A temporary crane assisting in construction operations to a height not exceeding 220'

## Height and Elevation

	Proposed	DNE	DET
<b>Site Elevation:</b>	1867		
<b>Structure Height:</b>	220	0	220
<b>Total Height (AMSL):</b>	2087	0	2087

## Frequencies

Low Freq	High Freq	Unit	ERP	Unit
----------	-----------	------	-----	------

**NORTH DAKOTA DEPARTMENT OF TRANSPORTATION**

**SPECIAL PROVISION (SP)**

**CONDITIONS OF CONTRACT AWARD**

**Project SOIB-7-804(054)312 – PCN 20890**

This Contract includes construction of new storm sewer and laterals along ND 1804. The storm sewer pipe to be installed will be either reinforced concrete pipe or pipe conduit. Pipe conduit is defined as the pipe listed in Section 51 of the Plans.

Option 1 is to use pipe conduit. Option 2 is to use reinforced concrete pipe. The Bidder must bid both options for the bid to be considered a responsive bid. Bids that are not responsive fail to meet the requirements of the "Invitation to Bid" and will not be accepted.

The Contract will be awarded to the lowest responsible bidder, defined as the bidder with the lowest Sum Total of the Base Bid and the lower amount of the two Options bid.

The Department and the City reserve the right to construct the project with the pipe option of their choice after award of the Contract.

**NORTH DAKOTA DEPARTMENT OF TRANSPORTATION****SPECIAL PROVISION****PERMITS AND ENVIRONMENTAL CONSIDERATIONS****PROJECT NUMBER: SOIB-7-804(054)312 – PCN 20890**

This Special Provision incorporates the US Army Corps of Engineers (USACE) Section 404 Permit and the Floodplain Permit from the City of Williston obtained by the North Dakota Department of Transportation (NDDOT) into the bidder's proposal.

Section 408 Permission from the USACE is pending but should be obtained prior to the bid. The Permission will be incorporated into the proposal once it is obtained. No work can take place on USACE property until the 408 Permission is obtained.

The Contractor shall be responsible for complying with all the terms and conditions as contained in the permit(s) attached hereto. Bidders shall become familiar with all standard conditions and special conditions of the permit(s) and submit their bid for the construction of this project based on the following:

- **Section 404 Permit**

The Section 404 Permit number NWO-2016-00066-BIS authorizes temporary and permeant impacts to jurisdiction wetlands and other waters from activities associated with the box culvert installation on Stony Creek, riprap placement, drainage ditch reconstruction, and widening. Temporary impacts were assumed by the designer and will be restored to preconstruction contours.

See the Section 6 Environmental Commitments Sheet and Section 75 sheets of the design plans for the authorized impact footprint areas. The Section 404 Permit is attached.

- **Floodplain Permit**

The Floodplain Permit from the City of Williston authorizes removal of the existing Stony Creek Bridge and replacement with a box culvert. A floodplain permit also authorizes storm drain improvements and grading. The Floodplain Permit and Flood insurance Rate Map are attached.

- **Section 408 Permission**

The Section 408 Permission from the USACE is pending.

The contractor shall be responsible for obtaining permits for impacts not authorized by the attached Permit obtained by the NDDOT



REPLY TO  
ATTENTION OF

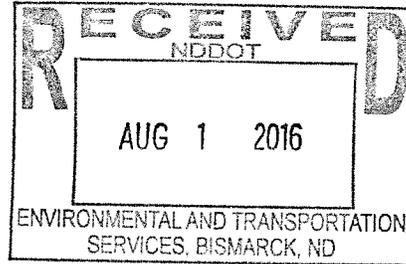
**DEPARTMENT OF THE ARMY**  
CORPS OF ENGINEERS, OMAHA DISTRICT  
NORTH DAKOTA REGULATORY OFFICE  
1513 SOUTH 12TH STREET  
BISMARCK ND 58504-6640

July 27, 2016

North Dakota Regulatory Office

NWO-2016-00066-BIS

North Dakota Department of Transportation  
Attn: Ms. Cassandra Torstenson  
608 E Boulevard Avenue  
Bismarck, North Dakota 58505-0700



Dear Ms. Torstenson:

We are responding to your 06/15/2016 request for a Department of the Army permit for improvements on ND Highway 1804 (PCN 20891). The project is located in Sections 19, 20 and 21, Township 154 North, Range 100 West, Latitude 48.1505937°, Longitude -103.471991°, Williams County, North Dakota.

Based on the information you provided to this office, the proposed project is for roadway improvements on ND Highway 1804. Work includes widening, reconstruction of an existing storm drainage ditch, removal of the existing bridge on Stony Creek and installing a box culvert. Section 408 was required because the project will take place on fee title property owned by the Corps. Section 408 was approved on June 22, 2016. The project will have 0.10 acres of permanent and 0.08 acres of temporary impacts to wetlands. Stream impacts will include 20 linear feet of temporary and 195 linear feet of permanent to Stony Creek. Impacts to Waters of The United States (WOUS) do not exceed the 1/10th of an acre threshold and the project does not require compensatory mitigation. We have determined activities in waters of the U.S. associated with the project are authorized by Nationwide Permit Number (NWP) NWP 23 Approved Categorical Exclusions.

You must comply with all terms and conditions of the NWP, applicable regional conditions, and project-specific special conditions. Information about the NWP and regional conditions are available on our website at <http://www.nwo.usace.army.mil/Missions/RegulatoryProgram/NorthDakota> In addition, your work must comply with the following special conditions:

1. This verification remains valid provided that the 3 sites and 1 site lead indicated in the cultural resource report are fenced and monitored, as suggested by the State Historic Preservation Office (SHPO).

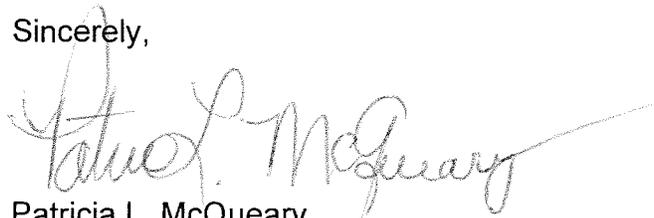
Within 30 days after completion of the authorized work, you must sign the enclosed Compliance Certification and return it to this office.

This verification is valid until March 18, 2017, when the existing NWPs are scheduled to be modified, reissued, or revoked. Furthermore, if you commence or are under contract to commence this activity before the date the NWP is modified, reissued, or revoked, you will have 12 months from the date of the modification, reissuance or revocation to complete the activity under the present terms and conditions. Failure to comply with the general and regional conditions of this NWP, or the project-specific special conditions of this authorization, may result in the suspension or revocation of your authorization.

We would appreciate your feedback on this permit action including your interaction with our staff. At your earliest convenience, please tell us how we are doing by completing the Corps' Regulatory Program national customer service survey found on our website at [http://corpsmapu.usace.army.mil/cm\\_apex/f?p=regulatory\\_survey](http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey).

Please refer to identification number **NWO-2016-00066-BIS** in any correspondence concerning this project. If you have any questions, please contact Swade Hammond at, by email at [Swade.D.Hammond@usace.army.mil](mailto:Swade.D.Hammond@usace.army.mil), or telephone at 701-255-0015.

Sincerely,



Patricia L. McQueary  
North Dakota State Program Manager  
Omaha District Regulatory Division

Enclosures

## COMPLIANCE CERTIFICATION

**Permit File Name:** NDDOT; Highway 1804 Improvements; PCN 20891; SS-7-804(055)304; Williams County

**Action ID:** NWO-2016-00066-BIS

**Nationwide Permit Number:** NWP 23 Approved Categorical Exclusions.

**Permittee:** North Dakota Department of Transportation  
Attn: Ms. Cassandra Torstenson  
608 E Boulevard Avenue  
Bismarck, North Dakota 58505-0700

**County:** Williams

**Date of Verification:** July 27, 2016

Within 30 days after completion of the activity authorized by this permit, sign this certification and return it to the following address:

U.S. Army Corps of Engineers, Omaha District  
North Dakota Regulatory Office  
1513 South 12<sup>th</sup> Street  
Bismarck, North Dakota 58504  
[CENWO-OD-RND@usace.army.mil](mailto:CENWO-OD-RND@usace.army.mil)

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with the terms and conditions of the permit your authorization may be suspended, modified, or revoked. If you have any questions about this certification, please contact the U.S. Army Corps of Engineers.

\*\*\*\*\*

***I hereby certify that the work authorized by the above-referenced permit, including all the required mitigation, was completed in accordance with the terms and conditions of the permit verification.***

---

Permittee Signature

---

Date

**FACT SHEET  
NATIONWIDE PERMIT 23  
(2012)**

**APPROVED CATEGORICAL EXCLUSIONS.**

Activities undertaken, assisted, authorized, regulated, funded, or financed, in whole or in part, by another Federal agency or department where:

(a) That agency or department has determined, pursuant to the Council on Environmental Quality's implementing regulations for the National Environmental Policy Act (40 CFR part 1500 et seq.), that the activity is categorically excluded from environmental documentation, because it is included within a category of actions which neither individually nor cumulatively have a significant effect on the human environment; and

(b) The Office of the Chief of Engineers (Attn: CECW-CO) has concurred with that agency's or department's determination that the activity is categorically excluded and approved the activity for authorization under NWP 23.

The Office of the Chief of Engineers may require additional conditions, including pre-construction notification, for authorization of an agency's categorical exclusions under this NWP. (Sections 10 and 404)

Notification: Certain categorical exclusions approved for authorization under this NWP require the permittee to submit a pre-construction notification to the district engineer prior to commencing the activity (see general condition 31). The activities that require pre-construction notification are listed in the appropriate Regulatory Guidance Letters.

**Nationwide Permit General Conditions**

**Note:** To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as applicable, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer.

**1. Navigation.** (a) No activity may cause more than a minimal adverse effect on navigation.

(b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.

(c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

**2. Aquatic Life Movements.** No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those

species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species.

**3. Spawning Areas.** Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

**4. Migratory Bird Breeding Areas.** Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

**5. Shellfish Beds.** No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWP 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.

**6. Suitable Material.** No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).

**7. Water Supply Intakes.** No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

**8. Adverse Effects From Impoundments.** If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

**9. Management of Water Flows.** To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization and storm water management activities, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

**10. Fills Within 100-Year Floodplains.** The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

**11. Equipment.** Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

**12. Soil Erosion and Sediment Controls.** Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow.

**13. Removal of Temporary Fills.** Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

**14. Proper Maintenance.** Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.

**15. Single and Complete Project.** The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

**16. Wild and Scenic Rivers.** No activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service).

**17. Tribal Rights.** No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

**18. Endangered Species.** (a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which "may affect" a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed.

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will review the documentation and determine whether it is sufficient to address ESA compliance for the NWP activity, or whether additional ESA consultation is necessary.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the pre-construction notification must include the name(s) of the endangered or threatened species that might be affected by the proposed work or that utilize the designated critical habitat that might be affected by the proposed work. The district engineer will determine whether the proposed activity "may affect" or will have "no effect" to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps' determination within 45 days of receipt of a complete pre-construction notification. In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the project, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification the proposed

activities will have "no effect" on listed species or critical habitat, or until Section 7 consultation has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(d) As a result of formal or informal consultation with the FWS or NMFS the district engineer may add species-specific regional endangered species conditions to the NWP.

(e) Authorization of an activity by a NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the U.S. FWS or the NMFS, The Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word "harm" in the definition of "take" means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

(f) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the U.S. FWS and NMFS or their world wide web pages at <http://www.fws.gov/> or <http://www.fws.gov/ipac> and <http://www.noaa.gov/fisheries.html> respectively.

**19. Migratory Birds and Bald and Golden Eagles.** The permittee is responsible for obtaining any "take" permits required under the U.S. Fish and Wildlife Service's regulations governing compliance with the Migratory Bird Treaty Act or the Bald and Golden Eagle Protection Act. The permittee should contact the appropriate local office of the U.S. Fish and Wildlife Service to determine if such "take" permits are required for a particular activity.

**20. Historic Properties.** (a) In cases where the district engineer determines that the activity may affect properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of Section 106 of the National Historic Preservation Act. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will review the documentation and determine whether it is sufficient to address section 106 compliance for the NWP activity, or whether additional section 106 consultation is necessary.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the authorized activity may have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties may be affected by the proposed work or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of or potential for the presence of historic resources can be sought from the State Historic Preservation Officer or Tribal Historic Preservation Officer, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of Section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted and these efforts, the district engineer

shall determine whether the proposed activity has the potential to cause an effect on the historic properties. Where the non-Federal applicant has identified historic properties on which the activity may have the potential to cause effects and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects or that consultation under Section 106 of the NHPA has been completed.

(d) The district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA Section 106 consultation is required. Section 106 consultation is not required when the Corps determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR §800.3(a)). If NHPA section 106 consultation is required and will occur, the district engineer will notify the non-Federal applicant that he or she cannot begin work until Section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(e) Prospective permittees should be aware that section 110k of the NHPA (16 U.S.C. 470h-2(k)) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

**21. Discovery of Previously Unknown Remains and Artifacts.** If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

**22. Designated Critical Resource Waters.** Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.

(a) Discharges of dredged or fill material into waters of the United States are not authorized by NWP 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, and 52 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For NWP 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, and 38, notification is required in accordance with general condition 31, for any activity proposed in the

designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWP's only after it is determined that the impacts to the critical resource waters will be no more than minimal.

**23. Mitigation.** The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that adverse effects on the aquatic environment are minimal:

(a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the adverse effects to the aquatic environment are minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse effects of the proposed activity are minimal, and provides a project-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in minimal adverse effects on the aquatic environment. Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

(1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in minimal adverse effects on the aquatic environment.

(2) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, wetland restoration should be the first compensatory mitigation option considered.

(3) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) – (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)).

(4) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan only needs to address the baseline conditions at the impact site and the number of credits to be provided.

(5) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan.

(d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation, such as stream rehabilitation, enhancement, or preservation, to ensure that the activity results in minimal adverse effects on the aquatic environment.

(e) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWP's. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any project resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of

the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that a project already meeting the established acreage limits also satisfies the minimal impact requirement associated with the NWP.

(f) Compensatory mitigation plans for projects in or near streams or other open waters will normally include a requirement for the restoration or establishment, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, riparian areas may be the only compensatory mitigation required. Riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to establish a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or establishing a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(g) Permittees may propose the use of mitigation banks, in-lieu fee programs, or separate permittee-responsible mitigation. For activities resulting in the loss of marine or estuarine resources, permittee-responsible compensatory mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

(h) Where certain functions and services of waters of the United States are permanently adversely affected, such as the conversion of a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse effects of the project to the minimal level.

**24. Safety of Impoundment Structures.** To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

**25. Water Quality.** Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA Section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

**26. Coastal Zone Management.** In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

**27. Regional and Case-By-Case Conditions.** The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

**28. Use of Multiple Nationwide Permits.** The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

**29. Transfer of Nationwide Permit Verifications.** If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:

"When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below."

\_\_\_\_\_  
(Transferee)

\_\_\_\_\_  
(Date)

**30. Compliance Certification.** Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:

- (a) A statement that the authorized work was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;
- (b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and
- (c) The signature of the permittee certifying the completion of the work and mitigation.

**31. Pre-Construction Notification—(a) *Timing.*** Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the

PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either: (1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or (2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or in the vicinity of the project, or to notify the Corps pursuant to general condition

20 that the activity may have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or Section 106 of the National Historic Preservation (see 33 CFR 330.4(g)) has been completed. Also, work cannot begin under NWPs 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) *Contents of Pre-Construction Notification:* The PCN must be in writing and include the following information: (1) Name, address and telephone numbers of the prospective permittee; (2) Location of the proposed project; (3) A description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause, including the anticipated amount of loss of water of the United States expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity. The description should be sufficiently detailed to allow the district engineer to determine that the adverse effects of the project will be minimal and to determine the need for compensatory mitigation. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the project and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans); (4) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many waters of the United States. Furthermore, the 45 day period will not start until the

delineation has been submitted to or completed by the Corps, as appropriate; (5) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse effects are minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan. (6) If any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, for non-Federal applicants the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed work or utilize the designated critical habitat that may be affected by the proposed work. Federal applicants must provide documentation demonstrating compliance with the Endangered Species Act; and (7) For an activity that may affect a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, for non-Federal applicants the PCN must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property. Federal applicants must provide documentation demonstrating compliance with Section 106 of the National Historic Preservation Act. (c) *Form of Pre-Construction Notification*: The standard individual permit application form (Form ENG 4345) may be used, but the completed application form must clearly indicate that it is a PCN and must include all of the information required in paragraphs (b)(1) through (7) of this general condition. A letter containing the required information may also be used. (d) *Agency Coordination*: (1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWP's and the need for mitigation to reduce the project's adverse environmental effects to a minimal level. (2) For all NWP activities that require pre-construction notification and result in the loss of greater than 1/2-acre of waters of the United States, for NWP 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52 activities that require pre-construction notification and will result in the loss of greater than 300 linear feet of intermittent and ephemeral stream bed, and for all NWP 48 activities that require pre-construction notification, the district engineer will immediately provide (e.g., via email, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (U.S. FWS, state natural resource or water quality agency, EPA, State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Office (THPO), and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to telephone or fax the district engineer notice that they intend to provide substantive, site specific comments. The comments must explain why the agency believes the adverse effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the preconstruction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWP's, including the need for mitigation to ensure the net adverse environmental effects to the aquatic environment of the proposed activity are minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5. (3) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by Section

305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act. (4)  
Applicants are encouraged to provide the Corps with either electronic files or multiple copies of preconstruction notifications to expedite agency coordination.

**Further Information**

1. District Engineers have authority to determine if an activity complies with the terms and conditions of an NWP.
2. NWPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.
3. NWPs do not grant any property rights or exclusive privileges.
4. NWPs do not authorize any injury to the property or rights of others.
5. NWPs do not authorize interference with any existing or proposed Federal project.

**2012 Nationwide Permits  
Regional Conditions  
Omaha District  
State of North Dakota**

The following Nationwide Permit regional conditions will be used in the State of North Dakota. Regional conditions are placed on Nationwide Permits to ensure projects result in less than minimal adverse impacts to the aquatic environment and to address local resources concerns.

**Wetlands Classified as Peatlands – Revoked for Use**

All Nationwide Permits, with the exception of 3, 5, 20, 32, 38 and 45, are revoked for use in peatlands in North Dakota.

Peatlands are saturated and inundated wetlands where conditions inhibit organic matter decomposition and allow for the accumulation of peat. Under cool, anaerobic, and acidic conditions, the rate of organic matter accumulation exceeds organic decay. Peatlands can be primarily classified into ombrotrophic bogs and minerotrophic fens; the latter subdivided into poor, moderate-rich, and extreme-rich fens, each with distinctive indicator species, community physiognomy, acidity, alkalinity, and base cation content.

**Wetlands Classified as Peatlands – Pre-construction Notification Requirement**

For Nationwide Permits 3, 5, 20, 32, 38, and 45 permittees must notify the Corps in accordance with General Condition 31 (Notification) prior to initiating any regulated activity impacting peatlands in North Dakota.

**Waters Adjacent to Natural Springs – Pre-construction Notification Requirement**

For all Nationwide Permits permittees must notify the Corps in accordance with General Condition No. 31 (Notification) for regulated activities located within 100 feet of the water source in natural spring areas in North Dakota. For purposes of this condition, a spring source is defined as any location where there is artesian flow emanating from a distinct point at any time during the growing season. Springs do not include seeps and other groundwater discharge areas where there is no distinct point source.

**Missouri River, including Lake Sakakawea and Lake Oahe within the State of North Dakota – Pre-construction Notification Requirement**

For all Nationwide Permits permittees must notify the Corps in accordance with General Condition No. 31 (Notification) prior to initiating any regulated activity in the Missouri River, including Lake Sakakawea and Lake Oahe, within the State of North Dakota.

### **Borrow Site Identification – All Nationwide Permits**

The permittee is responsible for ensuring that the Corps is notified of the location of any borrow site that will be used in conjunction with the construction of the authorized activity so that the Corps may evaluate the site for potential impacts to aquatic resources, historic properties, and endangered species. For projects where there is another lead Federal agency, the permittee shall provide the Corps documentation indicating that the lead Federal agency has complied with the National Historic Preservation Act and Endangered Species Act for the borrow site. The permittee shall not initiate work at the borrow site in conjunction with the authorized activity until approval is received from the Corps.

### **Counter-sinking Culverts and Associated Riprap – All Nationwide Permits**

That culverts and riprap proposed to be installed within waters of the United States listed as Class III or higher on the 1978 Stream Evaluation Map for the State of North Dakota shall be installed one foot below the natural streambed. The 1978 Stream Evaluation Map for the State of North Dakota can be accessed on the North Dakota Regulatory Office's website at: <http://www.nwo.usace.army.mil/html/od-rnd/ndhome.htm>.

## **REGIONAL CONDITIONS APPLICABLE TO SPECIFIC NATIONWIDE PERMITS**

### **Nationwide Permit 7 – Outfall Structures and Associated Intake Structures and Nationwide Permit 12 – Utility Line Activities**

**Intake Structures** - Intake screens with a maximum mesh opening of 1/4-inch must be provided, inspected annually, and maintained. Wire, Johnson-like, screens must have a maximum distance between wires of 1/8-inch. Water velocity at the intake screen shall not exceed 1/2-foot per second.

Pumping plant sound levels will not exceed 75 dB at 50 feet.

Intakes located in Lake Sakakawea, above river mile 1519, are subject to the following conditions:

- The intakes shall be floating.
- At the beginning of the pumping season, the intake shall be placed over water with a minimum depth of 20 feet.
- If the 20-foot depth is not attainable, then the intake shall be located over the deepest water available.
- If the water depth falls below six feet, the intake shall be moved to deeper water or the maximum intake velocity shall be limited to 1/4 foot per second.

Intakes located in Lake Sakakawea, below river mile 1519, and in the Missouri River below Garrison Dam are subject to the following conditions:

- The intakes shall be submerged.
- At the beginning of the pumping season, the intake will be placed at least 20 vertical feet below the existing water level.
- The intake shall be elevated 2 to 4 feet off the bottom of the river or reservoir bed.
- If the 20-foot depth is not attainable, then the intake velocity shall be limited to 1/4-foot per second with the intake placed at the maximum practicable attainable depth.

### **Nationwide Permit 11 – Temporary Recreational Structures - Boat Docks**

- a. If future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
- b. No boat dock shall be located on a sandbar or barren sand feature located in or along the banks of the Missouri River.
- c. The farthest point riverward on the dock located on the Missouri River proper shall not exceed a total length of 30 feet from the ordinary high water line found along the high bank out into the River. Information Note: Issuance of this permit does not supersede authorization required by the North Dakota State Engineer's Office.
- d. Any boat dock located on the Missouri River shall be anchored to the top of the high bank.
- e. Any boat dock located within an excavated bay or marina off the main river channel may be anchored to the bay or marina bottom with spuds.

### **Nationwide Permit 13 - Bank Stabilization**

Permittees must notify the Corps in accordance with General Condition No. 31 (Notification) prior to initiating any regulated activity within the State of North Dakota.

### **Nationwide Permit 23 - Approved Categorical Exclusions**

Permittees must notify the Corps in accordance with General Condition No. 31 (Notification) prior to initiating any regulated activity within the State of North Dakota. In addition to information required by General Condition 31, permittees must identify the approved categorical exclusion that applies and provide documentation that the project fits the categorical exclusion.

### **Nationwide Permit 27 - Aquatic Habitat Restoration, Establishment and Enhancement Activities**

Permittees must notify the Corps in accordance with General Condition No. 31 (Notification) prior to initiating any regulated activity within the State of North Dakota.

## **GENERAL CONDITIONS (REGIONAL ADDITIONS)**

### **General Condition 3- Spawning Areas**

No regulated activity within waters of the United States listed as Class III or higher on the 1978 Stream Evaluation Map for the State of North Dakota or on the North Dakota Game and Fish Department's website as a North Dakota Public Fishing Water shall occur between 15 April and 1 June. No regulated activity within the Red River of the North shall occur between 15 April and 1 July. North Dakota Public Fishing Waters can be accessed at: <http://gf.nd.gov/fishing/nd-fish-wat.html>. The 1978 Stream Evaluation Map for the State of North Dakota can be accessed on the North Dakota Regulatory Office's website at: <http://www.nwo.usace.army.mil/html/od-rnd/ndhome.htm>.

### **General Condition 6 – Suitable Material**

Permittees are reminded that General Condition No. 6 prohibits the use of unsuitable material. In addition, organic debris, some building waste, and materials excessive in fines are not suitable material. Specific verbiage on prohibited materials can be accessed on the North Dakota Regulatory Office's website at: <http://www.nwo.usace.army.mil/html/od-rnd/ndhome.htm>.

### **General Condition 9 - Management of Water Flows**

Permittees are reminded that water flow management addressed in General Condition 9 is applicable to all aspects of a permitted project, including temporary features.

### **General Condition 31 – Pre-construction Notification**

Prospective permittees should be aware that a **field delineation** may be required for applications where notification is required in accordance with General Condition 31 and/or mitigation may be required. The Corps 1987 Wetland Delineation Manual and applicable Regional Supplements to the Manual can be accessed on the North Dakota Regulatory Office's website at: <http://www.nwo.usace.army.mil/html/od-rnd/ndhome.htm>.



## Construction and Environmental Disturbance Requirements

These represent the minimum requirements of the North Dakota Department of Health. They ensure that minimal environmental degradation occurs as a result of construction or related work which has the potential to affect the waters of the State of North Dakota. All projects will be designed and implemented to restrict the losses or disturbances of soil, vegetative cover, and pollutants (chemical or biological) from a site.

### **Soils**

Prevent the erosion of exposed soil surfaces and trapping sediments being transported. Examples include, but are not restricted to, sediment dams or berms, diversion dikes, hay bales as erosion checks, riprap, mesh or burlap blankets to hold soil during construction, and immediately establishing vegetative cover on disturbed areas after construction is completed. Fragile and sensitive areas such as wetlands, riparian zones, delicate flora, or land resources will be protected against compaction, vegetation loss, and unnecessary damage.

### **Surface Waters**

All construction which directly or indirectly impacts aquatic systems will be managed to minimize impacts. All attempts will be made to prevent the contamination of water at construction sites from fuel spillage, lubricants, and chemicals, by following safe storage and handling procedures. Stream bank and stream bed disturbances will be controlled to minimize and/or prevent silt movement, nutrient upsurges, plant dislocation, and any physical, chemical, or biological disruption. The use of pesticides or herbicides in or near these systems is forbidden without approval from this Department.

### **Fill Material**

Any fill material placed below the high water mark must be free of top soils, decomposable materials, and persistent synthetic organic compounds (in toxic concentrations). This includes, but is not limited to, asphalt, tires, treated lumber, and construction debris. The Department may require testing of fill materials. All temporary fills must be removed. Debris and solid wastes will be removed from the site and the impacted areas restored as nearly as possible to the original condition.



**DEVELOPMENT ACTIVITIES:** (check all that apply and explain the activity)

- Fill placement (fill brought in from outside the floodplain)
- Excavation (where subgrade fill is removed from the floodplain)
- Landscaping (cut and fill, fill borrow and placement)
- Construction or maintenance of a dike/levee/floodwall
- Removal of fill, embankment, or dikes
- Watercourse alterations (river, stream, lake – channel modifications, rip-rap)
  
- Road, street or bridge construction (new, repair or replacement, realignment)
- Drainage improvements (including culvert work)
- Mining (removal of gravel, rock, fill or other natural materials)
- Installation of utilities (water, sewer, pipeline, gas, electric, communications)
- Well drilling (water, oil, natural gas, etc.)
- Subdivision (new or expansion)
- Other (temporary features, please specify and describe)

Explanation of Activities:

**STONY CREEK ZONE A FLOODPLAIN IMPACTS**

In this area the project includes the removal of the existing Stony Creek bridge, construction of the replacement quad RCB culvert, and roadway reconstruction. The following activities will occur during bridge removal and construction of the replacement structure: fill placement, fill removal, excavation, and channel modifications (riprap will extend out 10.0 ft. upstream and 20.0 ft. downstream of the culvert ends), and temporary channel diversion during construction of box sections. Roadway reconstruction will include drainage improvements (culvert and storm drain work), fill placement, fill removal, and excavation.

Note: The delineated floodplain at the Stony Creek Bridge crossing is from backwater from the Missouri River/Lake Sakakawea and has no effect on the hydraulics. A hydraulic evaluation was completed for Stony Creek to verify the crossing hydraulically performs similar or better than the existing bridge structure. The replacement structure for conveying Stony Creek flows beneath N.D. State Highway 1804 will have 100-year upstream water surface elevations ranging from 1.88 to 3.29-ft lower than the existing bridge.

**WEST OF LITTLE MUDDY RIVER ZONE A FLOODPLAIN IMPACTS**

In this area the project includes minor grading side slope grading and improvements to the existing storm drain facilities. Activities will include placing fill, grading, excavation, installation of the storm drain pipe, removal of storm drain pipe, and the placing of backfill material.

Note: The delineated floodplain at the area west of Little Muddy River crossing will be minor because the existing mapping appears to show an old roadway alignment and Little Muddy River Bridge.

**ADDITIONAL INFORMATION NEEDED**

<u>Agency</u>	<u>Type of Approval</u>	<u>Date Submitted</u>	<u>Date Received</u>
<a href="#">USACE</a>	<a href="#">Section 404</a>	<a href="#">Submittal Pending</a>	<a href="#">N/A</a>
<a href="#">N.D. Dep. of Health</a>	<a href="#">Section 401</a>	<a href="#">Submittal Pending</a>	<a href="#">N/A</a>
<a href="#">State of North Dakota</a>	<a href="#">Section 402</a>	<a href="#">Submittal Pending</a>	<a href="#">N/A</a>

**OTHER NOTIFICATION OR PERMITS NECESSARY?**

U.S. Army Corps of Engineers – [Yes \(Section 404\)](#)

County Water Resource District – [No](#)

Neighboring political entities – [No](#)

**ELEVATION INFORMATION:**

Attach information about the completed project elevations with registered professional engineer or registered land surveyor certifications if required for National Flood Insurance recordkeeping.

[DOWL completed a peak flow hydrologic analysis and determined the 100-year water surface elevations through hydraulic modeling. The replacement structure is sized such that water surface upstream of the crossing are not increased. The replacement structure will have 100-year upstream water surface elevations ranging from 1.88 to 3.29-ft lower than the existing bridge. The table below presents the modeled water surface elevations for the 100-year event for all cross sections upstream of the existing bridge and the proposed quad RCB culvert. See the attached Stony Creek Bridge Modeling Extents figure for cross-section stationing numbers.](#)

Station (ft)	100-year Water Surface Elevation (ft)		Water Surface Elevation Difference (ft)
	Existing Bridge	Quad RCB Culvert	
3369.31	1,865.91	1,863.63	-2.28
2940.34	1,865.93	1,864.05	-1.88
2646.5	1,865.90	1,863.97	-1.93
2356.91	1,865.43	1,863.06	-2.37
2228.26	1,865.47	1,862.18	-3.29

– [See attached Hydraulics Report for more details.](#)

ACTION/APPROVAL:

Reviewed for compliance with FEMA/NFIP  
Regulations and found No adverse impact,  
No rise in floodplain.

---

---

PERMIT APPLICATION IS:

APPROVED

DENIED

Conditions: Approved as submitted.

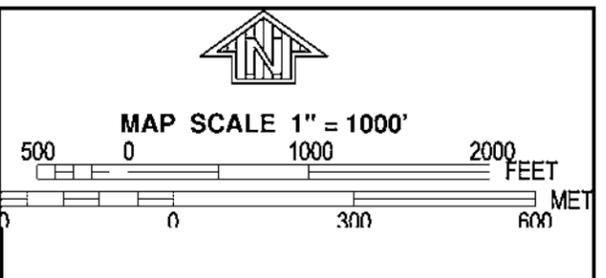
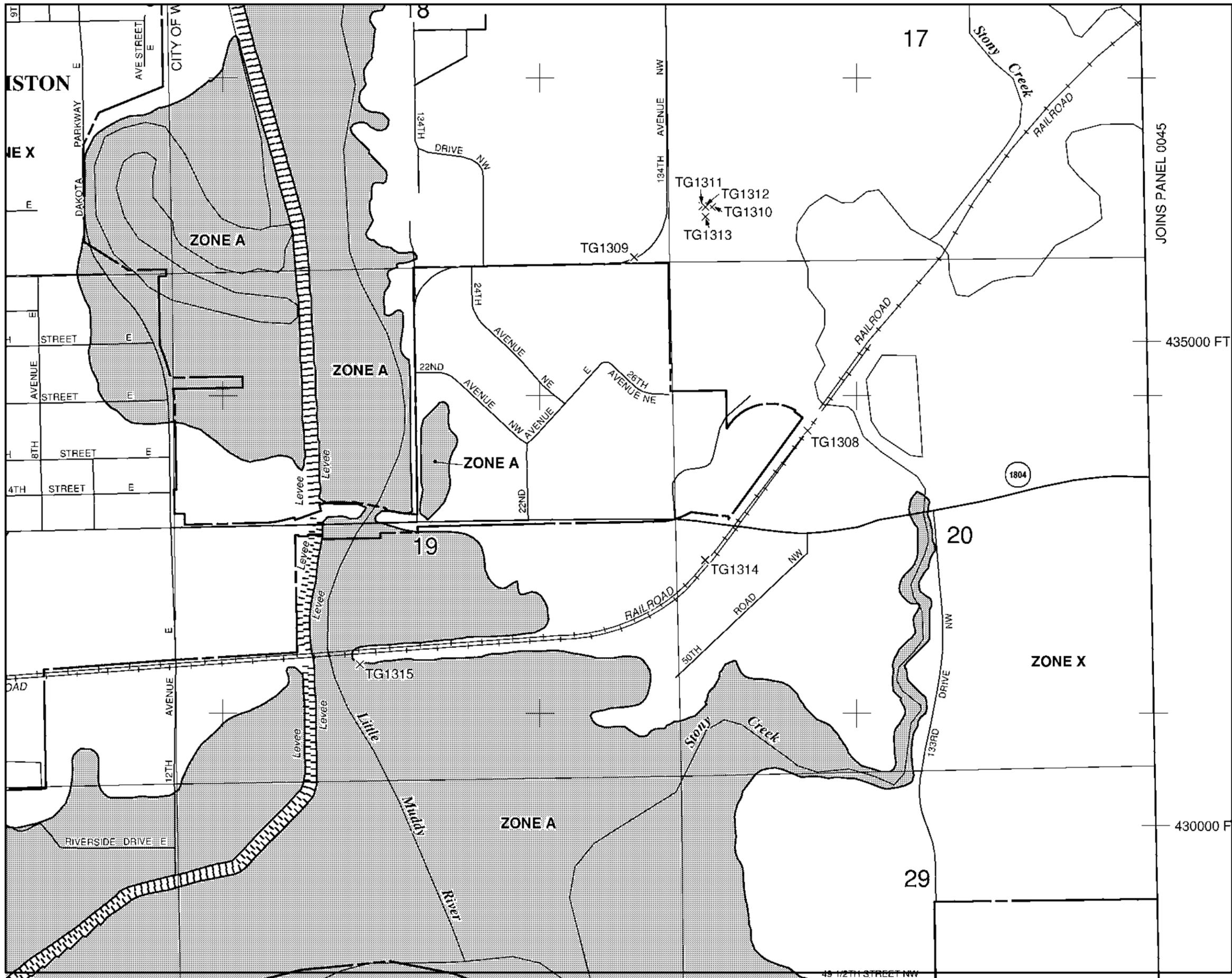
---

Signature of Floodplain Administrator:

Richard A. Turnbull, CBO, CFM

Date:

1/29/2016



**PANEL 0040D**

**FIRM  
FLOOD INSURANCE RATE MAP**

CITY OF  
**WILLISTON,  
NORTH DAKOTA**  
WILLIAMS AND MCKENZIE  
COUNTIES  
**PANEL 40 OF 45**  
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
WILLISTON CITY OF	380319	0040	D

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.



**MAP NUMBER  
3803190040D**

**MAP REVISED  
AUGUST 5, 2010**

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at [www.msc.fema.gov](http://www.msc.fema.gov)

NORTH DAKOTA DEPARTMENT OF TRANSPORTATION  
SPECIAL PROVISION

FUEL COST ADJUSTMENT CLAUSE

Revision Date: 9/8/2006

Introduction

This Special Provision provides for price adjustments to the Contract when significant changes in the cost of motor fuels and burner fuels occur while completing the Contract work. Participation in fuel cost adjustment program is not mandatory. A Contractor is not required to notify the Department at the time of submitting bids whether the Contractor will or will not participate in the fuel cost adjustment provision.

The North Dakota Department of Transportation (NDDOT) will send the low responsible bidder a "Fuel Cost Adjustment Affidavit" (SFN 58393) with the proposed Contract. The Contractor shall return a completed Fuel Adjustment Affidavit with the signed Contract as specified in Standard Specification Section 103.06, Execution and Approval of the Contract. The affidavit shall be returned on all Contracts with this provision even if the Contractor elects not to participate in the provision.

Compensation adjustments for motor fuels and burner fuels consumed in prosecuting the Contract shall be determined by the Engineer in accordance with the provisions set forth herein. Compensation adjustments will be assessed monthly for the cost of the motor fuels and burner fuels whenever the Current Fuel Index (CFI) is outside the given threshold of the Base Fuel Index (BFI) for the Contract.

If the Contractor has a fixed price for fuel for motor or burner fuels to complete the work, no fuel cost adjustments will be made for that fuel type. If there is no fixed fuel price for motor or burner fuels, participation in the Fuel Adjustment provision is the decision of the prime Contractor.

If the prime Contractor decides not to participate, no fuel cost adjustments will be made to the Contract for the Contractor or any subcontractors. If the prime Contractor elects to participate in the fuel cost adjustment provision, the prime Contractor shall include the anticipated fuel cost of subcontractors who wish to participate. If fuel cost adjustments are made to the Contract, the prime Contractor shall ensure that participating subcontractors including second and lower tier, are included in the adjustments in proportion to the percentage of work and anticipated fuel cost by that subcontractor.

Fuel Indexes

Each month, NDDOT will record the average wholesale price for No. 2 diesel fuel and the average wholesale price for unleaded gasoline (87 octane). The monthly average will be the average of the daily rack prices for the month as reported by DTN Energy for Fargo ND.

The burner fuel index will be the No. 2 diesel fuel index regardless of the type of burner fuel actually used.

The Base Fuel Index (BFI) price for motor fuels and burner fuel to be used in the Contract will be the average wholesale price for the month prior to the bid opening.

The Current Fuel Index (CFI) price for motor fuels and burner fuel to be used for each monthly adjustment will be the average wholesale price for the month prior to the adjustment month.

Fuel Ratio

For motor fuels diesel and unleaded gas, the fuel ratio of the Contract will be determined by dividing the Contractor's affidavit costs for each motor fuel by the original Contract amount.

For burner fuels, the fuel ratio of the contract will be determined by dividing the Contractor's affidavit cost for burner fuels by the original Contract amount of plant-mixed hot bituminous pavement paid by the ton. Asphalt cement, binders and other miscellaneous bituminous items shall not be included.

The fuel ratio of the contract for motor and burner fuels will remain the same throughout the length of the contract. The sum of the affidavit fuel costs shall not exceed 15% of the original Contract amount.

The fuel ratio for the three fuel types will be determined by the following equation:

<b>Fuel Ratio<sub>(x, y, z)</sub> = Affidavit Cost<sub>(x, y, z)</sub> / Original Contract Amount<sub>(x, y, z)</sub></b>		
(x)	=	Motor Fuel (Diesel)
(y)	=	Motor Fuel (Unleaded)
(z)	=	Burner Fuel
Fuel Ratio <sub>(x, y, z)</sub>	=	Fuel ratio of the contract for each respective fuel type
Affidavit Cost <sub>(x, y, z)</sub>	=	Fuel costs from Fuel Adjustment Affidavit (SFN 58393)
Original Contract Amount <sub>(x, y)</sub>	=	Total of the original contract amount excluding lane rental, and Part B of the bid (when A+B bidding is used), if applicable.
Original Contract Amount <sub>(z)</sub>	=	Total original contract amount for all hot bituminous pavement bid items combined, excluding bid items for asphalt cement, sawing and sealing joints, coring, etc. Only hot bituminous pavement bid items measured by the Ton will be included in the calculation.

Cost Change

The monthly change in fuel costs will be determined by the following equation:

<b>Cost Change<sub>(x, y, z)</sub> = ( CFI<sub>(x, y, z)</sub> - BFI<sub>(x, y, z)</sub> ) / BFI<sub>(x, y, z)</sub></b>		
(x)	=	Motor Fuel (Diesel)
(y)	=	Motor Fuel (Unleaded)
(z)	=	Burner Fuel (use diesel prices)
Cost Change <sub>(x, y, z)</sub>	=	The relative change in the current CFI and the BFI for each fuel type
CFI <sub>(x, y, z)</sub>	=	Current Fuel Index for each fuel type
BFI <sub>(x, y, z)</sub>	=	Base Fuel Index for each fuel type

Contract Adjustments

Contract adjustments will be made for the cost of motor and burner fuels whenever the cost change exceeds a ±0.10 threshold. No fuel cost adjustment will be made for work done under liquidated damages. Adjustments will be determined for Motor Fuel (diesel), Motor Fuel (unleaded), and Burner Fuel (burner) separately and shall be computed on a monthly basis.

When the cost change is greater than 0.10, the rebate to the Contractor for each fuel type shall be computed according to the following formulas:

<b><math>FCA_{(x, y, z)} = \text{Fuel Ratio}_{(x, y, z)} \times \text{Estimate}_{(x, y, z)} \times (\text{Cost Change}_{(x, y, z)} - 0.10)</math></b>		
$(x)$	=	Motor Fuel (Diesel)
$(y)$	=	Motor Fuel (Unleaded)
$(z)$	=	Burner Fuel
$FCA_{(x, y, z)}$	=	Fuel Cost Adjustment for each of the fuel types
Fuel Ratio $_{(x, y, z)}$	=	Fuel Ratio for each of the fuel types
Estimate $_{(x, y)}$	=	The monthly total of work done on estimates issued in the current month excluding incentive or disincentive payments, pay factor adjustments and any work completed under liquidated damages.
Estimate $_{(z)}$	=	The monthly total of hot bituminous pavement work done on estimates issued in the current month, excluding bid items for asphalt cement, sawing and sealing joints, coring, etc. Only hot bituminous pavement bid items measured by the Ton will be included in the calculation. Hot bituminous pavement work completed under liquidated damages will not be included.
Cost Change $_{(x, y, z)}$	=	The monthly change in fuel costs for each of the fuel types

When the cost change is less than -0.10, the credit to the Department for each fuel type shall be computed according to the following formulas:

<b><math>FCA_{(x, y, z)} = \text{Fuel Ratio}_{(x, y, z)} \times \text{Estimate}_{(x, y, z)} \times (\text{Cost Change}_{(x, y, z)} + 0.10)</math></b>		
$(x)$	=	Motor Fuel (Diesel)
$(y)$	=	Motor Fuel (Unleaded)
$(z)$	=	Burner Fuel
$FCA_{(x, y, z)}$	=	Fuel Cost Adjustment for each of the fuel types
$\text{Fuel Ratio}_{(x, y, z)}$	=	Fuel Ratio for each of the fuel types
$\text{Estimate}_{(x, y)}$	=	The monthly total of work done on estimates issued in the current month excluding any incentive or disincentive payments, pay factor adjustments and any work completed under liquidated damages.
$\text{Estimate}_{(z)}$	=	The monthly total of hot bituminous pavement work done on estimates issued in the current month, excluding bid items for asphalt cement, sawing and sealing joints, coring, etc. Only hot bituminous pavement bid items measured by the Ton will be included in the calculation. Hot bituminous pavement work completed under liquidated damages will not be included.
$\text{Cost Change}_{(x, y, z)}$	=	The monthly change in fuel costs for each of the fuel types

Payments

Adjustments will be determined by the Engineer monthly. Adjustments will be made under the following spec and code for each fuel type:

- 109 0100      Motor Fuels (Diesel)
- 109 0200      Motor Fuels (Unleaded)
- 109 0300      Burner Fuel

When significant payment adjustments are made on final estimates to account for final in-place measured quantities, the Engineer may prorate the adjustments back to the months when the work was done.

Attachments

For informational purposes, a 'Fuel Cost Adjustment Affidavit' (SFN 58393) is included as Attachment A.

**FUEL COST ADJUSTMENT AFFIDAVIT**

North Dakota Department of Transportation, Construction Services  
SFN 58393 (08-2006)

SP Fuel Cost Adjustment Clause  
6 of 6

**Attachment A**

Project Number \_\_\_\_\_

*The Contractor is not required to notify the Department at the time of submitting bids whether he will or will not participate in the fuel cost adjustment program. The Contractor shall return the affidavit on all Contracts with this Provision even if the Contractor elects not to participate.*

Check the box for each fuel type that has a fixed price.  
No adjustments in fuel price will be made for the boxes that are checked.

\_\_\_\_\_

Does your company elect to participate in a fuel adjustment for this contract for the fuels that do not have a fixed price? No adjustments in fuel prices will be made if **No** is checked.

\_\_\_\_\_

If yes, provide the total dollars for each of the applicable fuels.

Diesel (x)	\$		
Unleaded (y)	\$		
Burner Fuel (z)	\$		
Sum (x+y+z)	\$	% of Original Contract Amount	%*

\*The sum of the x, y, and z may not exceed 15% of the original contract amount.

Under the penalty of law for perjury of falsification, the undersigned,

\_\_\_\_\_, \_\_\_\_\_  
Name Title

of \_\_\_\_\_, here by certifies that the documentation is submitted in good  
Contractor

faith, that the information provided is accurate and complete to the best of their knowledge and belief, and that the monetary amount identified accurately reflects the cost for fuel, and that they are duly authorized to certify the above documentation on behalf of the company.

I hereby agree that the Department or its authorized representative shall have the right to examine and copy all Contractor records, documents, work sheets, bid sheets and other data pertinent to the justification of the fuel costs shown above.

\_\_\_\_\_  
Date Signed

State of \_\_\_\_\_

County of \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

(Seal)

**X** \_\_\_\_\_  
Signature of Notary Public

My Commission Expires \_\_\_\_\_