



Iowa Department of Transportation

MINUTES OF IOWA D.O.T. SPECIFICATION COMMITTEE MEETING

November 10, 2011

Members Present:	Jim Berger Eric Johnsen, Secretary Bruce Kuehl Deanna Maifield Doug McDonald Gary Novey Dan Redmond Tom Reis, Chair John Smythe Willy Sorensen	Office of Materials Specifications Section District 6 - Construction Office of Design District 1 - Marshalltown RCE Office of Bridges & Structures District 4 - Materials Specifications Section Office of Construction Office of Traffic & Safety
Members Not Present:	Roger Bierbaum Donna Buchwald John Selmer	Office of Contracts Office of Local Systems Statewide Operations Bureau
Advisory Members Present:	Lisa Rold Paul Wiegand	FHWA SUDAS
Others Present:	Mark Bortle Nicole Fox Ed Kasper	Office of Construction Office of Local Systems Office of Contracts

Tom Reis, Specifications Engineer, opened the meeting. The following items were discussed in accordance with the revised agenda dated November 8, 2011:

- 1. Article 1102.17, Disadvantaged Business Enterprises.
Article 1102.18, A, 2, TSB Participation.
Article 1102.19, EEO/AA Requirements.
Article 1109.05, D, 4, Partial Payment.**

The Office of Contracts requested changes related to relocating External Civil Rights responsibilities from the Office of Contract to the Office of Employee Services.

- 2. Article 1102.20, Title 6 Assurance.**

The Office of Contracts requested changes to include Appendix A of the Title 6 Assurance in the specifications.

- 3. Article 1107.12, A, Responsibility For Damage Claims.**

The Office of Construction requested changes to correct an omission in the specifications.

- 4. Section 1113, Hourly Lane Rental (A+B Bidding with Incentive/Disincentive).**

The Office of Contracts requested changes to replace hourly lane rental specifications with a DS for daily lane rental.

5. Article 2412.02, Materials.

The Office of Materials requested changes to allow the use of fly ash or slag in standard concrete bridge decks after October 15.

6. Article 2435.03, Construction (Sanitary and Storm Structures).

The Specifications Section requested changes to add specifications for concrete collars and indicate when they need to be utilized.

7. Article 2505.03, A, 5, Guardrail Markers.

Section 2513, Concrete Barriers.

Article 4186.12, B, Guardrail Markers and Barrier Markers.

The Office of Design requested changes to move construction language from the materials division and also to allow a standard plan detail to be voided.

8. Article 2526.03, A, 2, f, Grading (Construction Survey).

The Office of Design requested changes to incorporate a change associated with revisions to Standard Road Plans.

9. Article 2528.03, L, Limitations (Traffic Control).

Article 2550.04, A, Traffic Control (Night Work Lighting).

The Specifications Section requested changes to require the use of DO NOT FOLLOW – INTO WORK AREA SIGNS for all projects.

10. Article 2528.03, L, Limitations (Traffic Control).

Article 2529.03, K, Limitation of Operations (Full Depth Finish Patches).

The Specifications Section requested changes to place the requirement for two drums in front of full depth PCC patch excavations in Section 2528 and to extend this requirement to all full depth excavations.

11. Article 2601.03, C, Stabilizing Crop Seeding and Fertilizing (Erosion Control).

The Office of Construction requested changes to allow for no seedbed preparation for stockpiles that are not accessible to field equipment.

12. Section 2602, Water Pollution Control (Soil Erosion).

The Office of Construction requested changes to clean up the specifications for clean-out and removal of silt fence and silt fence for ditch checks.

13. Section 4123, Modified Subbase Material.

The Office of Materials requested changes to eliminate the use of RAP for modified subbase material.

14. Section 2507, Concrete and Stone Revetment.

The District 4 Materials Office requested changes to clarify the specifications for Class A and C Revetment.

15. Article 2520.03, Field Laboratory and Field Office.

The Specifications Section requested changes to eliminate the requirement for the contractor to furnish a land line.

Additional Item:

The Office of Design requested changing the specifications to indicate that elliptical pipe could be used in lieu of arch pipe at the Contractor's option. The new pipe designation would be designated as "Low Clearance Pipe". Section 2416, does not currently mention arch pipe or elliptical pipe. Both are referenced in Section 4145. There are approximately 78 concrete arch bid items that would need to be changed to low clearance pipe. The Office of Contracts asked if we could leave the arch pipe bid items and just clarify in the specifications that elliptical pipe may be substituted. The Specifications Section stated that the Department had made a commitment to an elliptical pipe manufacturer that arch pipe and elliptical pipe would be treated equally. A definition of low clearance pipe will be added to Section 2416.

2416.01, Description.

Add the Article:

C. Low clearance pipe is defined as either arch pipe or elliptical pipe. When low clearance pipe is specified, the Contractor may supply either pipe shape.

SPECIFICATION REVISION SUBMITTAL FORM

Submitted by: Roger Bierbaum / Maria Hobbs		Office: Contracts	Item 1
Submittal Date: 10/31/2011		Proposed Effective Date: April 2012 GS	
Article No.: 1102.17 Title: Disadvantaged Business Enterprises Article No.: 1102.18, A, 2 Title: TSB Participation Article No.: 1102.19 Title: EEO/AA Requirements Article No.: 1109.05, D, 4 Title: Partial Payment		Other:	
Specification Committee Action: Approved with changes.			
Deferred:	Not Approved:	Approved Date: 11/10/2011	Effective Date: 4/17/2012
Specification Committee Approved Text:			
1102.17, C, 4.			
Replace the Article:			
Advise the Contracts Engineer Office of Employee Services, Civil Rights Team (OES-Civil Rights), of any known DBE not included in the current Directory of Certified DBEs.			
1102.17, D, 2, g, 2.			
Replace the first sentence of the Article:			
The Office of Contracts OES-Civil Rights will maintain a truck roster for each DBE that performs trucking.			
1102.17, E, 3, b, 3, b.			
Replace the first paragraph of the Article:			
The Department's objective evaluation of prior usage of DBE firms will include all contracts let by the Department that were awarded to the Contractor during the 24 months prior to the letting. The calculation will include the sum of the following:			
(1) One point for each percentage of average DBE subcontracted dollars for the 24 months prior to the letting (e.g. an average 7.5% dollars subcontracted to DBE equals 7.5 points).			
(2) An additional point for each percentage of usage of DBE firms who meet the emerging small business requirements during the reviewed period (e.g. 1.5 points if 1.5% of the work is subcontracted to DBE firms meeting the small business requirements).			
1102.17, E, 3, b, 4, b.			
Replace the third sentence of the Article:			
This committee consists of representatives from the Department's Contracts Engineer, Assistant Contracts Engineer, and EEO/AA Administrator offices of Contracts, Construction, and Employee Services.			
1102.17, F, Construction Period Requirements.			
Replace Articles 1 and 2:			
1. The Contractor shall use those DBEs for the amounts listed on Form 102115 as submitted with their bid. The Contractor shall give the DBE five calendar days to respond to any notice from the Contractor. After adequate notice by the Contractor, if any DBE is unable			

~~to perform, t~~The Contractor shall inform the Engineer of the reasons why a DBE will be unable to complete the work for which they were committed. The Contractor shall document their efforts to have another DBE perform the item or to have a DBE perform other items to replace the original DBE commitment amounts. Any request for substitution of a DBE subcontractor shall be made to the Engineer and approved by the ~~Contracts Engineer~~ OES-Civil Rights.

2. The Contractor is allowed to offer construction assistance to DBE subcontractors, but only in areas where DBEs can benefit from their expertise or in situations arising from unforeseen emergencies or natural disasters. The assistance shall be short-term and involve only equipment, or workers that function as trainers. Before offering the assistance, the Contractor shall notify the Engineer and obtain the written approval of ~~Contracts Engineer~~ OES-Civil Rights.

1102.17, I, 1, DBE Firms.

Replace the last paragraph of the Article:

The Department will provide written notice to the DBE firm, informing them of any proposed sanction. The DBE firm will have 14 calendar days, from the receipt of the certified notification, to make a written request for a hearing. The appeal hearing will be held with a three-person committee consisting of representatives from the Offices of Contracts, ~~Office of Construction,~~ and a ~~district office~~ Employee Services. If the Department does not receive a written request for a hearing, or if the DBE firm does not provide sufficient evidence at the hearing to refute the violations, the Department may suspend the DBE firm from the ability to be counted towards the commitment on projects with DBE goals. The duration of the suspension will be determined based on the severity of the violation and the number of prior suspensions of the DBE firm.

1102.17, I, 2, Prime Contractors.

Replace the last paragraph of the Article:

The Department will provide written notice to the Contractor, informing them of any proposed sanction for failure to comply in good faith with the intent of the DBE regulations. The Contractor will have 14 calendar days, from the receipt of the certified notification, to make a written request for a hearing. The appeal hearing will be held with a three-person committee consisting of representatives from the Offices of Contracts, ~~Office of Construction,~~ and a ~~district office~~ Employee Services. If the Department does not receive a written request for a hearing, or if the contractor does not provide sufficient evidence at the hearing to refute the violations, the Department may suspend the Contractor from bidding on projects that have DBE goals. The duration of the suspension will be determined based on the severity of the violation and the number of prior suspensions of the Contractor for DBE sanctions. The sanctions may be extended beyond contracts with DBE goals if the Contractor's treatment of DBE firms has extended beyond contracts assigned DBE goals.

1102.18, A, 2.

Replace the Article:

TSB Directory information is available from:
Office of ~~Contracts~~ Employee Services, Civil Rights Team
Iowa Department of Transportation
800 Lincoln Way
Ames, IA 50010
Telephone 515.239.1422

1102.19, D, 7, a, 2.

Replace the Article:

The Contractor shall provide for the maintenance of records and furnish a report once per

construction year documenting their performance under this training specification. The report shall be submitted to the Office of ~~Contacts~~ Employee Services with the Annual Company Wide Report of Total Employment on All Federal and Non-Federal Projects Let By the Iowa Department of Transportation. This report shall include but is not limited to, names of trainees, job classifications, gender, ethnic background, future status with the company and hours of training received. The Office of ~~Contacts~~ Employee Services may verify this information with the trainee.

1102.19, F, 5.

Replace the Article:

~~An investigation of each discrimination complaint shall be initiated within 14 calendar days following receipt of the complaint. If the investigation indicates that discrimination exists, which may affect persons other than the complainant, corrective action shall include the other persons in addition to the complainant. Upon completion of the investigation, the Contractor/subcontractor shall inform the complainant and each affected person of all their avenues of appeal.~~

An individual, group of individuals, or entity believing they have been subjected to discrimination prohibited by Title VI Nondiscrimination Provisions may file a written complaint with OES-Civil Rights. A formal, signed complaint shall be filed within 180 calendar days of the alleged occurrence.

Upon receipt of the complaint, the OES-Civil Rights Coordinator will determine its jurisdiction, acceptability, need for additional information, and investigative merit of the complaint. In cases where the complaint is against one of the Department's sub-recipients of federal highway funds or federal transition funds, the Department will assume the jurisdiction and will investigate and adjudicate the case.

Once the Coordinator decides to accept the complaint for investigation, the complainant and the respondent will be notified in writing of such determination within five calendar days. The complaint will receive a case number and be logged into the OES-Civil Rights' records identifying its basis, race, color, national origin, and gender of the complainant.

In cases where the Department assumes the investigation of the complaint, the Coordinator will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have 10 calendar days to furnish OES-Civil Rights their response to the allegations.

Within 40 calendar days of receipt of the complaint, the OES-Civil Rights investigator* will prepare an investigative report for the Director of the Department's Operations and Finance Division to review. The report will include a narrative description of the incident, identification of persons interviewed, findings and recommendations for disposition. *This may be the District/Division Title VI Liaison, Coordinator, or Title VI Specialist.

The investigative report and its finding will be sent to the Attorney General's Office for review. The Attorney General's Office will review the report and associated documentation and provide input within 10 calendar days.

Comments or recommendations from the Attorney General's Office will be reviewed by the Department's Operations and Finance Division. The Department's Operations and Finance Division will discuss the report and recommendations with the Title VI Coordinator. The report will be modified as needed and made final for its release.

Once the Department's investigative report becomes final, the parties will be properly notified of the outcome and appeal rights.

The Department's investigative report and a copy of the complaint will be forwarded to FHWA, Washington Division Office, within 60 calendar days of the receipt of the complaint.

If the complainant is not satisfied with the results of the investigation, they shall be advised of their rights to appeal the Department's determination to the FHWA - Washington Division Office, U.S. DOT or U.S. Department of Justice. Appeals shall be filed within 180 calendar days after FHWA's final resolution. Unless new facts not previously considered come to light, reconsideration of the Department's determination will not be available.

The Department will serve as appealing forum to a complainant that is not satisfied with the outcome of

an investigation conducted by a Department sub-recipient. The Department will analyze the facts of the case and issue its conclusion to the appellant within 60 calendar days of the receipt of the appeal.

1102.19, G, 2.

Replace the first sentence of the Article:

The Contractor/subcontractor shall submit the following documentation to the Office of ~~Contracts~~ Employee Services:

1102.19, G, 2, c.

Replace the second sentence of the Article:

The Office of ~~Contracts~~ Employee Services shall also be notified if the Contractor's/subcontractor's efforts to meet EEO/AA obligations have been impeded in any other way by a union referral process.

1109.05, D, 4.

Replace the first sentence of the Article:

If the initial attempt to resolve the issue does not result in satisfactory payment for completed work, the Contractor or subcontractor shall submit a written complaint to the ~~Office of Contracts~~ OES-Civil Rights.

Comments: The Office of Construction asked if the construction industry had been notified about these changes to the DBE program. The Office of Contracts indicated that they had not sent any notification to the industry. The Office of Contracts will be issuing a BIDX alert and placing an update on the DBE webpage to notify the industry of the change to the Civil Rights Team.

Subsequent to the Specifications Committee meeting, the Office of Contracts requested to change "Civil Rights Section" to "Civil Rights Team". This revision was incorporated into these revisions.

Also, the Office of Contracts submitted changes to Article 1102.19, F, 5, Investigation of Each Complaint, with Corrective Action if Necessary. The 2011 Civil Rights Assessment Corrective Action plan will modify the Title VI complaint process to follow the DOT Title VI Plan document.

Specification Section Recommended Text:

1102.17, C, 4.

Replace the Article:

Advise the ~~Contracts Engineer~~ Office of Employee Services, Civil Rights Section, of any known DBE not included in the current Directory of Certified DBEs.

1102.17, D, 2, g, 2.

Replace the first sentence of the Article:

The ~~Office of Contracts~~ Office of Employee Services, Civil Rights Section, will maintain a truck roster for each DBE that performs trucking.

1102.17, E, 3, b, 3, b.

Replace the first paragraph of the Article:

The Department's objective evaluation of prior usage of DBE firms will include all contracts let by the Department that were awarded to the Contractor during the 24 months prior to the letting. The calculation will include ~~the sum of the following:~~

- ~~(1) One point for each percentage of average DBE subcontracted dollars for the 24 months prior to the letting (e.g. an average 7.5% dollars subcontracted to DBE equals 7.5 points).~~
- ~~(2) An additional point for each percentage of usage of DBE firms who meet the emerging small business requirements during the reviewed period (e.g. 1.5 points if 1.5% of the work is subcontracted to DBE firms meeting the small business requirements).~~

1102.17, E, 3, b, 4, b.

Replace the third sentence of the Article:

This committee consists of the Department's ~~Contracts Engineer, Assistant Contracts Engineer, and EEO/AA Administrator~~ Office of Contracts, Office of Construction and Office of Employee Services.

1102.17, F, Construction Period Requirements.

Replace Articles 1 and 2:

1. The Contractor shall use those DBEs for the amounts listed on Form 102115 as submitted with their bid. The Contractor must give the DBE five days to respond to any notice from the Contractor. ~~After adequate notice by the Contractor, if any DBE is unable to perform,~~ ¶The Contractor shall inform the Engineer of the reasons why a DBE will be unable to complete the work for which they were committed. The Contractor shall document their efforts to have another DBE perform the item or to have a DBE perform other items to replace the original DBE commitment amounts. Any request for substitution of a DBE subcontractor shall be made to the Engineer and approved by the ~~Contracts Engineer~~ Office of Employee Services, Civil Rights Section.
2. The Contractor is allowed to offer construction assistance to DBE subcontractors, but only in areas where DBEs can benefit from their expertise or in situations arising from unforeseen emergencies or natural disasters. The assistance shall be short-term and involve only equipment, or workers that function as trainers. Before offering the assistance, the Contractor shall notify the Engineer and obtain the written approval of ~~Contracts Engineer~~ Office of Employee Services, Civil Rights Section.

1102.17, I, 1, DBE Firms.

Replace the last paragraph of the Article:

The Department will provide written notice to the DBE firm, informing them of any proposed sanction. The DBE firm will have 14 calendar days, from the receipt of the certified notification, to make a written request for a hearing. The appeal hearing will be held with a three-person committee consisting of representatives from the Office of Contracts, Office of Construction, and ~~a district office~~ the Office of Employee Services. If the Department does not receive a written request for a hearing, or if the DBE firm does not provide sufficient evidence at the hearing to refute the violations, the Department may suspend the DBE firm from the ability to be counted towards the commitment on projects with DBE goals. The duration of the suspension will be determined based on the severity of the violation and the number of prior suspensions of the DBE firm.

1102.17, I, 2, Prime Contractors.

Replace the last paragraph of the Article:

The Department will provide written notice to the Contractor, informing them of any proposed sanction for failure to comply in good faith with the intent of the DBE regulations. The Contractor will have 14 calendar days, from the receipt of the certified notification, to make a written request for a hearing. The appeal hearing will be held with a three-person committee consisting of representatives from the Office of Contracts, Office of Construction, and ~~a district office~~ the Office of Employee Services. If the Department does not receive a written request for a hearing, or if the contractor does not provide sufficient evidence at the hearing to refute the violations, the Department may suspend the Contractor from bidding on projects that have DBE goals. The duration of the suspension will be determined based on the severity of the violation and the number of prior suspensions of the Contractor for DBE sanctions. The sanctions may be extended beyond contracts with DBE goals if the Contractor's treatment of DBE firms has

extended beyond contracts assigned DBE goals.

1102.18, A, 2.

Replace the Article:

TSB Directory information is available from:
Office of ~~Contracts~~ Employee Services, Civil Rights Section
Iowa Department of Transportation
800 Lincoln Way
Ames, IA 50010
Telephone 515.239.1422

1102.19, D, 7, a, 2.

Replace the Article:

The Contractor shall provide for the maintenance of records and furnish a report once per construction year documenting their performance under this training specification. The report shall be submitted to the Office of ~~Contracts~~ Employee Services with the Annual Company Wide Report of Total Employment on All Federal and Non-Federal Projects Let By the Iowa Department of Transportation. This report shall include but is not limited to, names of trainees, job classifications, gender, ethnic background, future status with the company and hours of training received. The Office of ~~Contracts~~ Employee Services may verify this information with the trainee.

1102.19, G, 2.

Replace the first sentence of the Article:

The Contractor/subcontractor shall submit the following documentation to the Office of ~~Contracts~~ Employee Services:

1102.19, G, 2, c.

Replace the second sentence of the Article:

The Office of ~~Contracts~~ Employee Services shall also be notified if the Contractor's/subcontractor's efforts to meet EEO/AA obligations have been impeded in any other way by a union referral process.

1109.05, D, 4.

Replace the first sentence of the Article:

If the initial attempt to resolve the issue does not result in satisfactory payment for completed work, the Contractor or subcontractor shall submit a written complaint to the Office of ~~Contracts~~ Employee Services, Civil Rights Section.

Comments:

Member's Requested Change: (Do not use 'Track Changes', or 'Mark-Up'. Use **Strikeout and **Highlight**.)**

Make the changes to Article 1109.17 as shown in the attached document.

Make the following change Section A.2. of Article 1102.18

2. TSB Directory information is available from:
Office of **Employee Services, Civil Rights Section** ~~Contracts~~
Iowa Department of Transportation
800 Lincoln Way
Ames, IA 50010
Telephone 515.239.1422

Make the changes to Article 1109.19 as shown in the attached document.					
Make the following office change to Article 1109.05 Section D4.					
<p>4. If the initial attempt to resolve the issue does not result in satisfactory payment for completed work, the Contractor or subcontractor shall submit a written complaint to the Office of Contracts Employee Services, Civil Rights Section. The written complaint shall include copies of the correspondence with the Project Engineer or Contractor that provides the details stated above. The Department will investigate and provide written response to the complainant within 15 business days of receipt of the complaint.</p>					
Reason for Revision: External Civil Rights responsibilities are being relocated from the Office of Contracts to the Office of Employee Services.					
County or City Input Needed (X one)			Yes	No X	
Comments:					
Industry Input Needed (X one)			Yes	No X	
Industry Notified:	Yes	No X	Industry Concurrence:	Yes	No
Comments:					

1102.17 DISADVANTAGED BUSINESS ENTERPRISES

A. General.

1. All contractors shall pursue affirmative action requirements to encourage and increase participation of disadvantaged individuals in business enterprises in all Federal-aid projects let by the Department, as set forth in this specification which is imposed pursuant to 49 CFR Part 26 Subpart A through F and Public Law 105-178, 112 Stat. 107 which supersedes all existing minority business enterprise regulations, orders, circulars, and administrative requirements concerning financial assistance programs that the United States Department of Transportation has issued.
2. The requirements set forth in this specification shall constitute the specific affirmative action requirements for project activities under this contract insofar as DBEs are concerned.

B. Disadvantaged Business Enterprise Policy.

The Contractor shall accept as operating policy and include in all subcontract agreements the following statement which is designed to promote full participation of DBEs as suppliers and subcontractors through a continuous, positive result-oriented program on contracts let by the Department:

"The Contractor, subrecipient, or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The Contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of Department assisted contracts. Failure by the Contractor to carry out these requirements is a material breach of this contract, which may result in termination of this contract or such other remedy as the Contracting Authority deems appropriate."

C. Contractor's Affirmative Action Responsibilities.

The Contractor shall designate a responsible person or company official to serve as its DBE Liaison Officer. The DBE Liaison Officer shall:

1. Have the necessary statistics, funding, authority, and responsibility to carry out and enforce the intent of the firm's DBE policy and shall be responsible for developing, managing, and implementing the program on a day-to-day basis.
2. Use the current Directory of Certified DBEs to identify potential material suppliers and contractors.
3. Make every reasonable effort to involve DBEs in the performance of contracts, as suppliers and subcontractors, by soliciting quotations from the DBEs and incorporating them into the firm's bid.
4. Advise the **Office of Employee Services, Civil Rights Section, Contracts Engineer** of any known DBE not included in the current Directory of Certified DBEs.
5. Make every reasonable effort, at least 2 weeks prior to the time prices and quotations are to be submitted, to establish systematic written and/or oral contact with those DBEs that have been determined to have necessary potentials and capabilities to furnish needed materials and perform necessary work to be subcontracted.
6. Provide or arrange to assist certified DBEs with obtaining necessary bonding, analyzing plans and specifications, planning and managing work, and by providing other technical assistance.
7. Maintain complete records of negotiations with DBEs to reach agreeable prices, quotations, and work schedules.
8. Ensure that regularly scheduled progress payments are made to DBEs as required by the Iowa Code and the Standard Specifications.
9. Report to the Department all suspected instances of firms fraudulently claiming to be DBEs.

D. Counting DBE Participation Toward Meeting Goals.

1. The Contractor may count toward the goals only expenditures to DBEs that perform a commercially useful function towards the completion of a contract, including those functions as a subcontractor. Work performed by a DBE firm in a particular transaction may be counted toward the goal only if the Department determines that it involves a commercially useful function. The work performed by the DBE firm shall be necessary and

useful to the completion of the contract, and consistent with normal highway construction industry practices in Iowa.

2. The bidder may count the following DBE expenditures towards the DBE commitment:
 - a. **Projects where the DBE is the Prime Contractor** - The portions of the contract to be completed by certified DBE firms will be counted toward meeting the goal. Items of the contract subcontracted to non-DBE firms will not be counted in the commitment.
 - b. **Portions of a bid from a Joint Venture** - A bid from a joint venture, between a DBE and non-DBE Contractor shall include a "Statement of DBE Commitments" (Form 102115), which is included in the bidding documents and in the computer software provided by the Department, listing the dollar value of the contract which will be completed by the DBE partner.
 - c. **DBE Subcontractors** - The DBE subcontractor shall assume actual and contractual responsibility for provision of materials and supplies, subcontracted work, or other commercially useful functions of the items of work subcontracted to them. Cost of materials purchased from or the cost of equipment leased from the Contractor will not count toward the project DBE commitment.
 - d. **Manufacturers** - The Contractor may count toward the DBE commitment 100% of its expenditures for materials and supplies required under a contract and obtained from a DBE manufacturer only if the DBE firm produces and supplies goods manufactured from raw materials or substantially alters them before resale.
 - e. **Regular Dealers (e.g. Material Suppliers)** - The Contractor may count toward the DBE goal 60% of its expenditures for materials and supplies required under a contract and obtained from a DBE regular dealer only if the DBE firm performs a commercially useful function in the supply process. For purposes of this section, a regular dealer is a firm that owns; operates; or maintains a store, warehouse, or other establishment in which materials or supplies required for the performance of the contract are bought, kept in stock, and regularly sold to the public in the usual course of business. To be a regular dealer, the firm shall engage in, as its principal business and in its own name, the purchase and sale of the products in question. A regular dealer in such bulk items as steel, cement, gravel, stone, and petroleum products need not keep such products in stock if it owns or operates the distribution equipment. If the DBE supplier does not own the distribution equipment, an acceptable lease containing the terms of the agreement shall be available. The Department may request a copy of this lease.
 - f. **Brokers and Packagers** - Brokers and packagers will not be regarded as regular dealers within the meaning of this section. Only the cost of the service performed may be used towards meeting the DBE commitment.
 - g. **Transportation or Hauling of Materials** - If a DBE trucking company picks up a product from a manufacturer or regular dealer and delivers the product to the Contractor, the commercially useful function performed is not that of a supplier, but that of a transporter of goods. Unless the DBE company is itself the manufacturer or a regular dealer in the product, credit only will be allowed for the cost of the transportation service. For transportation of materials by truck to be used toward meeting the DBE commitment, the following shall apply:
 - 1) The DBE shall be responsible for management and supervision of the entire trucking operation that is to count toward the commitment. The DBE shall maintain strict records to verify the amount of hauling done by each trucker. These records shall be available to the Engineer, upon request.
 - 2) The **Office of Employee Services, Civil Rights Section, Office of Contracts** will maintain a truck roster for each DBE that performs trucking. Each truck on the truck roster shall be either owned by the DBE or controlled by the DBE under a lease. Trucks that are leased shall be from a firm that is in the commercial leasing business; the owner of the commercial leasing business can not be a heavy-highway contractor. The DBE firm shall make available to the Department the lease agreement if requested.
 - 3) To meet the DBE commitment, the following conditions shall be used:
 - a) At least one fully licensed, insured, and operational truck, listed on the truck roster under the DBE trucking company shown on the Form 102115, shall be hauling on the project at all times. The Contractor will receive credit for the fee paid to the DBE for these trucks.
 - b) Any truck on the truck roster of another DBE may be used. There is no limitation to the number of these trucks that can be used. The Contractor will receive credit for the fee paid to the DBE for these trucks.
 - c) A DBE trucker may also use trucks from a non-DBE firm, including an owner operator. The Contractor will receive credit toward the DBE commitment only for the fee or commission retained by the DBE trucker. The Contractor will not receive credit for the total amount paid for the truck because the DBE was a lessee rather than the actual provider of transportation services.
 - h. **Other Commercially Useful Functions** - The fees paid to certified DBE firms which is necessary for the completion of the contract and commonplace outside of the DBE program may be counted towards the commitment.

Interpretations by the Department regarding participation of DBEs will be in accordance with 49 CFR, Part 26 Public Law 105-178, 112 Stat.107.

E. Contract Award Procedures.

The proposal will specify if the proposed contract has an established DBE goal or has no established DBE goal. The established DBE goal will be shown on the proposal as a percent of the total amount bid. The bidder may only use work on the federal aid projects on the proposal to achieve the DBE goal. The proposal may also designate the items of the federal aid project that are over utilized by DBE firms and can not be used for DBE commitments.

1. Bidder's Responsibility.

It is the bidder's responsibility to determine the level of professional competence and financial responsibility of any proposed DBE subcontractor. The bidder shall ascertain that the proposed DBE subcontractor has suitable experience and equipment to perform a commercially useful function for work that is common industry practice in the Iowa highway construction industry. Subcontractor expenditures, which may be counted towards the DBE commitment, will include DBE trucking, purchase of materials from a DBE manufacturer or supplier, or off-site services provided by a certified DBE firm.

2. Proposals with Established Project DBE Goals.

- a. For proposals with established project goals the bidder will be required to complete Form 102115.
- b. The bidder shall list the following information on Form 102115 that is submitted with their bid:
 - 1) Certified DBE firms contacted,
 - 2) Date that each DBE firm was first contacted concerning quoting on the proposal to be bid,
 - 3) Whether each DBE firm submitted a quote on the proposal to be bid,
 - 4) If the DBE firm is being used as part of the bidder's DBE commitment,
 - 5) If used as part of the bidder's DBE commitment, the work items on the contract for which the DBE will be used,
 - 6) If used as part of the bidder's DBE commitment, the "Amount To DBE" which has been committed to each DBE firm which will be used on the contract,
 - 7) If the DBE firm is being used as a supplier (in which case, only 60% of the dollars paid to the DBE firm will count toward the DBE commitment), and
 - 8) The "DBE Commitment" of each DBE firm which will be counted towards the total DBE commitment for the contract.
- c. In cases where the required information is included on the form, but where discrepancies occur, the Office of Contracts will make the following calculations to determine the Contractor's DBE commitment. The DBE dollar commitment will be the sum of the amounts listed in the "Amount to DBE" column, adjusted for suppliers as provided in the specifications. The percent of DBE participation will be the DBE dollar commitment as determined above, divided by the total contract amount as defined by Article 1102.09. Each bidder's DBE participation commitment will be calculated to the nearest 0.1%. If two or more projects are combined on one proposal, the DBE commitment will be calculated using the sum of the DBE dollar commitments and the sum of the project totals.
- d. The completed form shall be filled out in ink or be computer generated and submitted with the bidding documents. Failure to attach this completed form or submitting incomplete forms will cause the bid to be rejected as irregular, in accordance with Article 1102.10. Only DBE firms listed in the Directory for the current letting may be used.

3. Bidder Selection.

- a. The successful bidder will be selected on the basis of having submitted the lowest responsive bid. Bidders shall make a Good Faith Effort to achieve the DBE goal in order to be responsive. Contractors who meet or exceed the proposed contract goal will be assumed to have made Good Faith Effort to utilize DBE firms. DBE firms who bid as prime contractors will be considered to have met the goal.
- b. The Department's process used to judge the Good Faith Effort of a bidder who has not met the established DBE goal is as follows:
 - 1) **80% of the Goal.**
A bidder who has achieved 80% of the established goal will be assumed to have made Good Faith Effort to achieve the goal.
 - 2) **80% of the Average Commitment.**
The Department has established the following objective measurement of Good Faith Effort. Good Faith Effort will be determined by calculating 80% of the average of the percentages of the goal and the DBE commitments submitted by all bidders satisfying Article 1103.01, and comparing the

percent of DBE commitment of each bidder to that percentage average. The following example shows how the Department will compute the average DBE participation:

- a) Only that amount of a bidder's DBE commitment that does not exceed the established goal will be used.
- b) The amount of the goal will be used as the DBE commitment amount from DBE bidders who are bidding the project as the prime contractor.
- c) The commitments to DBE firms who are affiliates of the bidder will not be included in the calculation.
- d) The project DBE Goal will be included in the computation.

Example:

80% of the Average Good Faith Effort calculation	
Project Proposal has a 10% Goal for DBE participation =	10.0%
Contractor "A" submits a commitment of 11.8% =	10.0%
Contractor "B" submits a commitment of 7.0% =	7.0%
Contractor "C" submits a commitment of 11.4%	
(of which 4.0% was committed to a DBE affiliate) =	7.4%
Contractor "D" submits a commitment of 3.6% =	3.6%
Contractor "E" is a DBE =	10.0%
Sum of Commitments =	48.0%
Average DBE Commitment = 48.0 / 6 =	8.0%
80% of the Average Commitment = 80% of 8.0 =	6.4%

Contractors "A", "C", and "E" would all be responsive for meeting the DBE goal. Contractor "B" would be responsive for meeting 80% of the Average DBE Commitment. Contractor "D" would not be responsive for meeting 80% of the Average DBE Commitment. Should the low bidder's DBE commitment be lower than 80% of the average, with the contract goal included in the calculation, that bidder will be considered non-responsive for Good Faith Effort to meet the project DBE goal. If the lowest bid is non-responsive due to lack of Good Faith Effort, the next bidder is compared to this 80% of the average commitment until a bidder is identified as having made a Good Faith Effort to achieve the DBE goal.

3) Contractors with History of Utilizing DBEs.

- a) A bidder who has demonstrated their ability to utilize DBE firms on both Federal-aid and non-Federal-aid projects let by the Department in the 24 months prior to the letting will be assumed to have made a Good Faith Effort to achieve the project goal.
- b) The Department's objective evaluation of prior usage of DBE firms will include all contracts let by the Department that were awarded to the Contractor during the 24 months prior to the letting. The calculation will include ~~the sum of the following:~~
 - ~~(1) One one point for each percentage of average DBE subcontracted dollars for the 24 months prior to the letting (e.g. an average 7.5% dollars subcontracted to DBE equals 7.5 points).~~
 - ~~(2) An additional point for each percentage of usage of DBE firms who meet the emerging small business requirements during the reviewed period (e.g. 1.5 points if 1.5% of the work is subcontracted to DBE firms meeting the small business requirements)~~

A contractor under consideration for having a history of utilizing DBE firms must have been awarded at least two contracts during the period being reviewed.

A contractor under consideration for having a history of utilizing DBE firms must have been awarded a dollar amount of contracts that exceed at least twice the dollar amount of the contract under consideration. For example, to be awarded a \$1,000,000 contract, the contractor under review would have to have been awarded \$2,000,000 in the Annual Good Faith Effort calculation.

The Annual Good Faith Effort points used for a letting would be based on the signed contractors and Request for Subcontract forms submitted by 5 calendar days before the letting. The number of points a contractor will need to be considered to demonstrate a history of utilizing DBE firms must exceed 67% of the Department's Annual DBE Goal (e.g. if the Department's annual DBE Goal is 7.8%, the contractor must have over 5.2 points). It is assumed that 67% of the DBE usage will be subcontract work and 33% of the dollars paid to DBE firms will be to DBE firms who have been awarded prime contracts.

4) Administrative Reconsideration of Project Specific Good Faith Effort.

- a) Contractors who have not met the specified DBE goal or have not been determined to have demonstrated Good Faith Effort by the above methods can request administrative reconsideration of their Good Faith Effort.

- b) Within 2 business days after the deadline for bid submittal, the Department will use the three Good Faith Effort methods to determine which bidders have made a Good Faith Effort to meet the DBE goal on each proposal for which bids were received. The Department will contact all otherwise lowest responsive bidders who have not met any of the Good Faith Effort criteria and offer that bidder an opportunity for an Administrative Reconsideration meeting with the Department's Administrative Reconsideration Committee. This committee consists of the Department's Office of Contracts, Office of Construction and Office of Employee Services Contracts Engineer, Assistant Contracts Engineer, and EEO/AA Administrator. The bidder shall request the Administrative Reconsideration meeting within 1 business day of the Department's offer of an Administrative Reconsideration meeting.
- c) Any bidder who has requested Administrative Reconsideration shall not adjust their DBE Commitment or provide any additional documentation of DBE firms contacted that were not listed on Form 102115. However, the bidder will be allowed to provide documentation on other Good Faith Efforts they did to utilize DBE firms that are listed on Form 102115. These efforts may include:
 - (1) Efforts to provide interested DBEs with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation.
 - (2) Written documentation of negotiation with certified DBE firms including the names, addresses, and telephone numbers of DBEs that were considered; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and evidence as to why additional agreements could not be reached for DBEs to perform the work.
 - (3) Written documentation of follow-ups made after the initial solicitations to encourage DBE firms to quote.
 - (4) Written documentation that the DBE firm's quote was not reasonable or that the DBE firm was not capable of performing the work for which they quoted. The fact that there may be some additional costs involved in finding and using DBE firms is not in itself sufficient reason for a bidder's failure to meet the contract DBE goal, as long as such costs are reasonable. Also, the ability or desire of a bidder to perform the work of a contract with its own organization does not relieve the bidder of the responsibility to make Good Faith Efforts.
 - (5) Written documentation of efforts to assist interested DBE firms in obtaining bonding, lines of credit, or insurance as required by the specifications.
 - (6) Written documentation of efforts to assist interested DBE firms in obtaining necessary equipment, supplies, materials, or related assistance or services needed for the project.
- d) The determination made by the Administrative Reconsideration Committee shall be considered final.

F. Construction Period Requirements.

- 1. The Contractor shall use those DBEs for the amounts listed on Form 102115 as submitted with their bid. The Contractor must give the DBE five days to respond to any notice from the Contractor. The After adequate notice by the Contractor, if any DBE is unable to perform, the Contractor shall inform the Engineer of the reasons why a DBE will be unable to complete the work for which they were committed. The Contractor shall document their efforts to have another DBE perform the item or to have a DBE perform other items to replace the original DBE commitment amounts. Any request for substitution of a DBE subcontractor shall be made to the Engineer and approved by the Office of Employee Services, Civil Rights Section Contracts Engineer.
- 2. The Contractor is allowed to offer construction assistance to DBE subcontractors, but only in areas where DBEs can benefit from their expertise or in situations arising from unforeseen emergencies or natural disasters. The assistance shall be short-term and involve only equipment, or workers that function as trainers. Before offering the assistance, the Contractor shall notify the Engineer and obtain the written approval of the Office of Employee Services, Civil Rights Section Contracts Engineer.
- 3. Brokering of work by DBEs is not allowed and is a contract violation. A DBE firm involved in brokering of work may be decertified. Any firm involved in brokering of work, that engages in willful falsification, distortion, or misrepresentation with respect to any facts related to the project shall be referred to the U. S. Department of Transportation's Office of the Inspector General for prosecution under Title 18, U. S. Code, Section 100.20.

G. Post Construction Requirements.

1. Prior to receiving final payment, the Contractor shall provide to the Engineer certification of the dollars paid to each DBE firm, using Form 102116, Certification Of DBE Accomplishment. This certificate shall be submitted on all Federal-aid contracts and shall list the dollar amounts paid to all DBE firms on the contract. The certification shall be dated and signed by a responsible official legally representing the Contractor. Falsification of this certification will result in suspension of bidder qualifications according to Article 1102.03.
2. If the contract contained a DBE commitment, the Engineer will verify that the Contractor has attained the DBE commitment specified on Form 102115. If the commitment is not met and was less than the goal, the price adjustment is the difference between the actual dollars paid and the commitment. If the commitment is not met and was greater than the goal the price adjustment is the difference between the actual dollars paid and the goal.
3. The penalty for failure to meet DBE commitments will then be reduced by the following amount:
 - a. Underruns or deletion of contract items which were subcontracted to DBE firms.
 - b. Designated work that the DBE failed to perform and concurrence to waive this work was received from the Department.
4. Failure to meet the specified DBE commitment to each DBE firm will result in a price adjustment of an amount equal to the difference between the actual DBE dollars paid and the Contractor's adjusted DBE commitment to that DBE firm.

H. Required Records.

The Contractor and subcontractors shall retain, for a period of not less than 3 years after final acceptance of a project, copies of canceled checks or other documentation that substantiates payments to DBE firms. These records shall be available at reasonable times and places for inspection by authorized representatives of the Department and Federal Agencies.

I. Sanctions for Failing to Comply with the Intent of the DBE Regulations.

1. DBE Firms.

The ability to be eligible to receive DBE goal work is a privilege made available to a select group of firms. Firms that abuse this privilege may have their ability to be counted towards the DBE goal restricted if the firm fails to perform their work consistent with common industry practices. Examples of not performing work consistent with common industry practice include, but are not limited to:

- a. Patterns of failing to perform a commercially useful function for work quoted to meet a DBE goal.
- b. Patterns of failing to complete the work with their own organization for work quoted to meet a DBE goal.
- c. Patterns of failing to pay for all labor and materials for the work they have subcontracted to meet a DBE goal.
- d. Patterns of failing to perform the work they have subcontracted.
- e. Patterns of failing to notify the prime contractor in a timely manner when their work schedule makes it impossible for them to begin subcontract work at the requested time.
- f. Patterns of failure to furnish documents (e.g. certified payrolls, material test reports, etc.) within the timeframes allowed by the specifications.

The Department will provide written notice to the DBE firm, informing them of any proposed sanction. The DBE firm will have 14 calendar days, from the receipt of the certified notification, to make a written request for a hearing. The appeal hearing will be held with a three-person committee consisting of representatives from the Office of Contracts, Office of Construction, and **the Office of Employee Services a district office**. If the Department does not receive a written request for a hearing, or if the DBE firm does not provide sufficient evidence at the hearing to refute the violations, the Department may suspend the DBE firm from the ability to be counted towards the commitment on projects with DBE goals. The duration of the suspension will be determined based on the severity of the violation and the number of prior suspensions of the DBE firm.

2. Prime Contractors.

Contractors who show a pattern of non-compliance with the DBE requirements of the contract may be suspended from bidding on contracts that have DBE goals. Examples that would indicate a lack of good faith effort to comply with the DBE requirements include, but are not limited, to:

- a. Patterns of performing work with their own organization, or having another company perform work, which was committed to a DBE firm to meet a DBE goal.

- b. Patterns of not keeping the DBE firms posted on the status of their projects, and not providing advance notification to the DBE when their subcontract work will be available to the DBE firm.
- c. Patterns of not promptly paying DBE firms for completed work in accord with Article 1109.05.
- d. Not treating DBE firms as they would any other subcontractor on the project.

The Department will provide written notice to the Contractor, informing them of any proposed sanction for failure to comply in good faith with the intent of the DBE regulations. The Contractor will have 14 calendar days, from the receipt of the certified notification, to make a written request for a hearing. The appeal hearing will be held with a three-person committee consisting of representatives from the Office of Contracts, Office of Construction, and Office of Employee Services a district office. If the Department does not receive a written request for a hearing, or if the contractor does not provide sufficient evidence at the hearing to refute the violations, the Department may suspend the Contractor from bidding on projects that have DBE goals. The duration of the suspension will be determined based on the severity of the violation and the number of prior suspensions of the Contractor for DBE sanctions. The sanctions may be extended beyond contracts with DBE goals if the Contractor's treatment of DBE firms has extended beyond contracts assigned DBE goals.

1102.19 EEO/AA Requirements

1102.19 EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION REQUIREMENTS.

A. General.

1. EEO and AA requirements will apply to all contracts let by the Department that equal or exceed \$10,000.00. The requirements will also apply to any subcontracts that equal or exceed \$10,000 if the subcontract involves a contract let by the Department.
2. On Federal-aid projects laws, executive orders, rules, regulations (28 CFR 35, 29 CFR 1630, and 41 CFR 60), and orders of the Secretary of Labor, as modified by this specification and imposed pursuant to 23 U.S.C. 140, shall constitute the EEO/AA standards for the Contractor's company-wide activities for contracts let by the Department and for subcontracts involved in such contracts. The Equal Opportunity Construction Contract Specifications, set forth under 41 CFR 60-4.3, and the provisions of the American Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) set forth under 28 CFR 35 and 29 CFR 1630, are both incorporated by reference in contracts and subcontracts utilized by the Department.
3. On non-Federal-aid projects the Iowa Civil Rights Act of 1965, as amended; current Iowa Administrative Rules; and Iowa Executive Order 15 shall constitute the specific EEO/AA standards for the Contractor's company-wide activities for contracts let by the Department and for subcontracts involved in such contracts.

B. Definitions.

1. Affirmative Action.

- a. The efforts exerted toward achieving equal opportunity through positive, aggressive, and continuous result-oriented measures to correct past and present discriminatory practices and their effects on the conditions and privileges of employment. These measures include, but are not limited to, recruitment, hiring, promotion, upgrading, demotion, transfer, termination, compensation, and training.
- b. Women and minorities are both considered disadvantaged persons. They are however considered distinct and separate groups in regard to employer's good faith recruitment efforts.

2. Equal Employment Opportunity.

In hiring and employment practices, the absence of discrimination on the basis of race, religion, sex, color, national origin, age, disability, or other protected classification under Federal, state, or local law.

3. Journey-Worker.

A trained worker who is capable of performing all duties within a given job classification or craft.

4. Minority.

A citizen or lawful permanent resident of the United States and who is a member of one of the following racial groups:

- a. **Black:** All persons having origins in any of the Black racial groups not of Hispanic origin.
- b. **Hispanic:** All persons of Mexican, Puerto Rican, Cuban, Central or South American, or any other Spanish culture or origin, regardless of race.
- c. **Asian or Pacific Islanders:** All persons having origins in any of the original peoples of the Far East, Southeast Asia, or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Philippine Islands, and Samoa.
- d. **American Indian or Alaskan Native:** All persons having origins in any of the original peoples of North America.

5. New Hire.

A new hire is not a recall or a rehire, and was originally hired within the previous 12 months. It is not required that the new hire was originally hired for a contract let by the Department, but they shall have worked on a contract let by the Department within the previous 12 months.

6. Recall.

A person who, after being involuntarily laid off by a contractor, is re-employed by that same contractor when the layoff is no longer necessary. In addition, to be defined as a recall, at least one of the following two criteria must have been met during the layoff period:

- a. The former employee must have had no employment with other heavy highway contractors.
- b. The former employee's health insurance or pension plan must have been maintained by the re-employing contractor.

7. Rehire.

A person who, after voluntarily terminating employment with a contractor because of a change in working conditions or circumstances, returns to employment with the same contractor. In addition, to be defined as a rehire, at least one of the following two criteria must have been met during the period of severed employment:

- a. The former employee must have had no employment with other heavy highway contractors.
- b. The former employee's health insurance or pension plan must have been maintained by the re-employing contractor.

8. Segregated Facilities.

Employee facilities that are separated on the basis of race, religion, color, national origin, age, or disability either by explicit directive or by fact because of habit, local custom, or any other reason. Examples of such facilities include, but are not limited to, the following: waiting rooms, work areas, restrooms and washrooms, restaurants and other eating areas, time clocks, locker rooms, storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities. The only exception to this definition is the provision of special accommodations, such as handicapped parking spaces, to make the workplace more accessible for those who are disabled.

9. Trainee/Apprentice.

A person receiving on-the-job training through a program approved or accepted by the United States Department of Labor, the FHWA, or the Department.

C. Contractor's/Subcontractor's EEO/AA Policy.

The Contractor/subcontractor, with the exception of manufacturers, suppliers, and hauling firms, shall have an EEO/AA policy approved by the Department prior to being awarded a contract or subcontract that equals or exceeds \$10,000.00. The Contractor's/subcontractor's EEO/AA policy shall be re-approved on an annual basis through either the preparation or completion of a new EEO/AA policy or the review of an existing policy. When requesting re-approval under the latter option, the Contractor/subcontractor shall submit a written statement indicating that the existing policy has been reviewed. It shall further state that the policy is current with no revisions or, if revisions have been made, the revisions shall be signed and dated by their EEO/AA Officer and another company officer. The Contractor's/subcontractor's EEO/AA policy shall also include the following items:

1. The EEO/AA Operating Statement.

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

2. Designation and Job Responsibilities of the Company's EEO/AA Officer.

The Contractor/subcontractor shall designate an EEO/AA Officer to be responsible for and capable of effectively administering and promoting the Contractor's/subcontractor's EEO/AA program. Adequate authority and responsibility shall also be assigned to the EEO/AA Officer in order to perform these duties.

3. Affirmative Action Recruitment Plan.

The Contractor's/subcontractor's Affirmative Action Recruitment Plan shall be designed to seek out and obtain applications from women and minorities for all job openings and promotions. The plan shall also include the following provisions:

- a. At a minimum, the Contractor/subcontractor shall utilize one or more Iowa Workforce Development Centers or State Employment Services the AGC of Iowa Career Center website. When feasible, the Contractor/subcontractor shall commence a recruitment effort no later than 1 month prior to the date on which a hiring decision will be made.
- b. All solicitations and advertisements for employees, placed by or on behalf of the Contractor/subcontractor, shall include the notation: "An Equal Opportunity Employer."

4. Identification of Recruitment Methods.

When the Contractor/subcontractor is unable to obtain a reasonable flow of applications from women and minorities, the Affirmative Action Recruitment Plan shall identify specific methods used to exhaust all possible avenues of recruitment. Such methods may include:

- a. Maintaining a list of the names and locations of publications that have a large circulation among minority groups in the area from which the workforce would normally be derived, and placing recruiting advertisements in these publications.
- b. Utilizing public and private employee referral sources likely to yield applications from qualified women and minorities.
- c. If unionized, a strategy for obtaining union referrals of women and minorities through the Contractor's/subcontractor's collective bargaining agreement. If the union is unable to provide the Contractor/subcontractor with a reasonable flow of referrals of women and minorities within the time limit set forth in the collective bargaining agreement or other contract or understanding, the Contractor/subcontractor will go through independent recruitment efforts. As part of those efforts, the Contractor/subcontractor will attempt to obtain qualified, qualifiable, and/or trainable women and minorities, and will fill employment vacancies without regard to race, religion, sex, color, national origin, age, or disability.
- d. A plan for encouraging present employees to recruit women and minorities.
- e. Other specific actions the Contractor/subcontractor will take to ensure that a pool of woman and minority candidates is available from which to hire.

5. Facility Certification.

The Contractor/subcontractor shall certify that nonsegregated facilities are provided for their employees. In addition, certification shall state that no employee will be denied access to adequate facilities on the basis of sex or disability. If the Contractor/subcontractor provides employees with any facility that is segregated, work at the site with the segregated facility may be suspended.

D. Training and Promotion Plan.

1. General.

If the Contractor/subcontractor is planning to provide any training, the Contractor/subcontractor shall have a training and promotion plan. If the Contractor/subcontractor does not have a training and promotion plan, the Contractor's/subcontractor's EEO/AA policy shall state there is no plan. The Contractor/subcontractor shall have a plan, however, if they later decide to provide training for new or existing employees. Any training and promotion plan that is required shall include the following:

- a. This training specification supplements subparagraph 7e of the Contract Provision entitled "Standard Federal Equal Opportunity Construction Contract Specification (Executive Order 11246)" and is in implementation of 23 U.S.C. 140(a).
- b. The Contractor shall provide on-the-job training aimed at developing full journeymen in the type of trade or job classification involved.
- c. As part of the Contractor's EEO/AA program, the Contractor shall provide training to a prescribed number of trainees. Training new and existing employees for the purpose of promotion is to be considered a part of doing business with the Department. No reimbursement payment will be made to the Contractor.
- d. The number of trainees required shall be determined by the Contractor. The number of trainees will be determined by using the previous 3 year average of work actually performed by the Contractor including all prime and sub contract work with the Department. The Contractor shall provide the following number of trainees while under contract with the Department:

Under \$4,999,999	No trainee requirement
\$5,000,000 to \$9,999,999	1 trainee
\$10,000,000 to \$19,999,992	2 trainees
\$20,000,000 to \$29,999,993	3 trainees
\$30,000,000 or more	4 trainees
- e. These training requirements are minimums and the Contractor is encouraged to have more than the minimum.
- f. Completion of this required training shall be the responsibility of the Contractor and shall not be assigned to a Subcontractor.
- g. This information may be verified by the Department.

2. Work Classifications.

The number of trainees shall be distributed among the work classifications on the basis of the Contractor's needs and the availability of journeymen in the various classifications within a reasonable

area of recruitment. The Contractor will be credited for each trainee employed on the contract work who is currently enrolled or becomes enrolled in an approved program.

3. Minorities and Women.

Training and upgrading of minorities and women toward journeymen status is a primary objective of this training specification. Accordingly, the Contractor shall make every effort to enroll minority trainees and women by conducting systematic and direct recruitment through public and private sources likely to yield minority and women trainees to the extent that these persons are available within a reasonable area of recruitment. The Contractor shall be responsible for demonstrating the steps taken in pursuance of recruitment, prior to a determination of the Contractor being in compliance with this training specification.

4. Training.

- a. An employee shall not be employed as a trainee in any classification in which an employee has successfully completed a training course leading to journeyman status or in which an employee has been employed as a journeyman. The Contractor shall satisfy this requirement by including appropriate questions in the employee application or by other suitable means. Regardless of the method used, the Contractor's records shall document the findings in each case.
- b. The minimum length and type of training for each classification will be as established in the training program selected by the Contractor and approved by the Department. The Department will approve a program, if it is determined to meet the equal employment opportunity and affirmative action obligations of the Contractor and to qualify the average trainee for journeyman status in the classification concerned by the end of the training period. Furthermore, apprenticeship programs registered with the U. S. Department of Labor, Bureau of Apprenticeship and Training, or with a State apprenticeship agency recognized by the Bureau and training programs approved but not necessarily sponsored by the U. S. Department of Labor, Manpower Administration, or Bureau of Apprenticeship and Training, will also be considered acceptable provided it is being administered in a manner consistent with the equal employment and affirmative action obligations of Federal-aid highway construction contracts. Approval or acceptance of a training program shall be obtained from the Department prior to commencing work on the classification covered by the program.
- c. It is the intention of these provisions that training is to be provided in the construction crafts rather than clerk-typists or secretarial-type positions. Training is permissible in lower level management positions, such as office engineers, estimators, etc., where the training is oriented toward construction applications. Training in the laborer classification may be permitted provided that significant and meaningful training is provided and is approved by the division office of the Federal Highway Administration. Some offsite training is permissible as long as the training is an integral part of an approved training program and does not comprise a significant part of the overall training.

5. Payment of Trainees.

On contracts with a predetermined wage rate, trainees must be paid at least the journeyman's wage unless the trainee is enrolled in an approved U.S. Department of Labor (DOL) training program. Trainees in approved U.S. DOL training programs shall be paid the appropriate rates approved by the U. S. DOL or Iowa DOT.

6. Compliance.

- a. A Contractor's compliance will be based on the number of trainees completing a training program during the construction season.
- b. A Contractor that fails to meet the determined number of trainees will be allowed the opportunity to show that a Good Faith Effort was made trying to meet the training requirement. If the Contractor fails to show that a Good Faith Effort was made in meeting the training requirement, the Contractor may be suspended from bidding projects with the Department.

7. Records.

a. General.

- 1) The Contractor shall furnish the trainee a copy of the program the trainee will follow during the training. The Contractor shall provide each trainee with a certification showing the type and length of training satisfactorily completed.
- 2) The Contractor shall provide for the maintenance of records and furnish a report once per construction year documenting their performance under this training specification. The report shall be submitted to the Office of **Employee Services Contacts** with the Annual Company Wide Report of Total Employment on All Federal and Non-Federal Projects Let By the Iowa

Department of Transportation. This report shall include but is not limited to, names of trainees, job classifications, gender, ethnic background, future status with the company and hours of training received. The Office of **Employee Services Contracts** may verify this information with the trainee.

b. Designation of Trainee and Promotional Job Classifications.

For each designated classification, the plan shall identify benchmarks specifying the types of work an employee will be doing after various intervals of time. For example, the plan might describe increasingly skilled levels of work to be performed after every 100 hours of training.

c. Notice of On-the-Job Training Programs and Training Entrance Requirements.

Methods to advise employees and job applicants of training programs and training entrance requirements.

d. Review of Training and Promotion Potential.

Methods to periodically review the training and promotion potential of women and minority employees, thus ensuring they have the opportunity to be upgraded.

e. Training Progress Review.

A method to routinely review the progress of each employee enrolled in training.

f. Maximum Trainee/Journey-Worker Ratio.

The maximum trainee/journey-worker ratio, by craft, that the Contractor/subcontractor intends to utilize; a maximum ratio of 1:3 is suggested.

E. Dissemination of Policy.

All members of the Contractor's/subcontractor's staff who are involved in the hiring, supervision, promotion, and discharge of employees shall be made knowledgeable of the Contractor's/subcontractor's EEO/AA policy. The following actions shall be taken as a minimum:

1. Periodic Review of Contractor's/Subcontractor's EEO/AA Policy.

Periodic meetings of supervisory and personnel office employees shall be conducted at least once every 6 months, at which time the Contractor's/subcontractor's EEO/AA policy and its implementation will be reviewed and explained. The meetings shall be conducted by the EEO/AA Officer.

2. Instruction of New Supervisory and Personnel Office Employees.

The EEO/AA Officer shall provide all new supervisory and personnel office employees with thorough instruction, covering all major aspects of the Contractor's/subcontractor's EEO/AA obligations, within 30 calendar days following the date they first reported for duty with the Contractor/subcontractor.

3. Instruction in Recruitment Procedures.

All personnel directly engaged in recruiting shall be instructed, by the EEO/AA Officer, in the Contractor's/subcontractor's procedures for locating and hiring women and minorities.

4. Employee Notification of EEO/AA Policies and Procedures.

The Contractor's/subcontractor's EEO/AA policy, as well as the procedures for its implementation, shall be brought to the attention of employees by means of meetings, employee handbooks, or other appropriate means.

5. Placement of EEO/AA Notices and Posters.

a. The Contractor shall place the following notices and posters on a bulletin board at the project site in areas readily accessible to employees and potential employees.

- 1)** Notice provided by the Iowa DOT listing the names, addresses, and phone numbers of the Contractor and all approved subcontractors.
- 2)** Publication OFCCP 1420, stating "Equal Employment Opportunity is THE LAW".
- 3)** Form FHWA-1022, regarding any false statement, false representation, false report, or false claim made in connection with any Federal or Federal-aid highway or related project.
- 4)** Form FHWA-1495, regarding wage rate information for a Federal-aid highway project, required only if Davis/Bacon predetermined wage rates apply to the project.
- 5)** Current Iowa Predetermined Wage Rate Decision, identifying Davis/Bacon predetermined wage rates for the State of Iowa. The wage rate decision shall be arranged on a bulletin board so that all wage rate and classification information is visible.
- 6)** IOSH 30 Safety and Health Protection on the Job.
- 7)** WH-1420 Your Rights Under the FMLA Act of 1993.
- 8)** WH-1462 Notice: Employee Polygraph Protection Act.

- 9) Form FHWA-1495A (Spanish version of form FHWA-1495), stating "Informacion Sobre Escalas De Salarios Proyecto De Carretera Con Ayuda Federal", required only if Davis/Bacon predetermined wage rates apply to the project.*
- 10) Form EEOC-P/S-1 (Spanish version of form EEOC-P/E-1), stating "La Igualdad de Oportunidades De Empleo Es LA LEY".*

* These forms are not required, but it is strongly recommended that these two Spanish notices be posted whenever the company employs and/or anticipates receiving applications from those who speak Spanish.

- b. All required postings shall be in place when work commences on a project and shall remain in place through completion of the project.
- c. Progress payments to the Contractor will not be made until these notices and posters are displayed at the required site.

F. Personnel Actions.

Wages, working conditions, employee benefits, and personnel actions of every type including hiring, upgrading, promotion, transfer, demotion, layoff, and termination shall be made without regard to race, color, religion, sex, national origin, age, or disability. The following procedures shall be followed by the Contractor/subcontractors. The EEO/AA Officer may appoint a designee to perform these functions.

1. Periodic Inspection of Project Sites.

Project sites shall be periodically inspected by the EEO/AA Officer to ensure that there is no discriminatory treatment of project site personnel with regard to employee facilities and working conditions. The EEO/AA Officer shall document the dates of these inspections and provide the Contractor/subcontractor with a summary of the findings. The Contractor/subcontractor shall promptly take corrective action where evidence of discriminatory treatment is found.

2. Periodic Evaluation of Wage Differentials.

Wage differentials within each job classification shall be periodically evaluated by the EEO/AA Officer to determine whether there are any discriminatory wage practices. The EEO/AA Officer shall document the dates of these evaluations and provide the Contractor/subcontractor with a summary of the findings. The Contractor/subcontractor shall promptly take corrective action where evidence of discriminatory treatment is found.

3. Periodic Review of Selected Personnel Actions.

Selected personnel actions shall be periodically reviewed by the EEO/AA Officer to determine whether there is evidence of discrimination. The EEO/AA Officer shall document the dates of these reviews and provide the Contractor/subcontractor with a summary of the findings. The Contractor/subcontractor shall promptly take corrective action where evidence of discriminatory treatment is found.

4. Review of Supervisors.

An annual review shall be conducted to discuss each supervisor's performance with regard to the Contractor's/subcontractor's EEO/AA policy. The review shall include a discussion of each supervisor's adherence to the provisions of that policy.

5. Investigation of Each Complaint, with Corrective Action if Necessary.

An investigation of each discrimination complaint shall be initiated within 14 calendar days following receipt of the complaint. If the investigation indicates that discrimination exists, which may affect persons other than the complainant, corrective action shall include the other persons in addition to the complainant. Upon completion of the investigation, the Contractor/subcontractor shall inform the complainant and each affected person of all their avenues of appeal.

G. Records and Reports.

A Contractor/subcontractor shall keep records to document compliance with the EEO/AA requirements. The records shall be retained for a period of 3 years following completion of the contract work, and shall be available for inspection, at reasonable times and places, by authorized representatives of the Department and the FHWA.

1. The Contractor/subcontractor shall keep records to document the following:
 - a. All of the Contractor's/subcontractor's efforts and progress toward locating, hiring, training, qualifying, and upgrading women and minorities. A detailed summary of these efforts and progress shall include a list providing the name, address, phone number, date of contact, and contact person

of each referral source and each publication in which job vacancies were posted. In addition, dated copies shall be kept of all job orders, tear sheets, and newspaper ads, along with the specific job classification that was posted in each of these employment notices.

- b.** All company efforts and progress toward cooperating with unions, community organizations, and other recruitment sources for the purpose of increasing employment opportunities for women and minorities. A current file, providing the following information, shall also be maintained:
 - 1)** Name, address, and phone number of each woman and minority off-the-street applicant.
 - 2)** Name, address, and phone number of each woman and minority referred from a union, community organization, or other recruitment source.
 - 3)** The date on which action was taken with respect to each of the above individuals. If an individual was referred to the Contractor/subcontractor, but not employed by the Contractor/subcontractor, the reason(s) for not hiring the individual shall be documented. Similarly, if an individual was sent by the Contractor/subcontractor to a union hiring hall for referral, but not referred back to the Contractor/subcontractor by the union, the reason(s) for not making the referral shall be documented. Any additional actions taken with regard to either of these referrals shall also be documented.
- c.** Employment data, arranged both by race and sex within each race, for each of the following:
 - 1)** The number of individuals employed within each of the Contractor's/subcontractor's job categories.
 - 2)** The number of individuals employed as apprentices in all of the Contractor's/subcontractor's job categories combined.
 - 3)** The number of individuals employed as on-the-job trainees in all of the Contractor's/subcontractor's job categories combined. The data shall be provided for any employee who worked on any Federal-aid project and any non-Federal-aid project let by the Department during the week of peak employment for the previous 12 months. A grid of these required kinds of data is illustrated on Form 650037 7-99 (Iowa PR-1391); see Article 1102.19, G, 2, b. The number of individuals employed as on-the-job trainees in all of the Contractor's/subcontractor's job categories combined. The data shall be provided for any employee who worked on any Federal-aid project and any non-Federal-aid project let by the Department during the week of peak employment for the previous 12 months. A grid of these required kinds of data is illustrated on Form 650037 7-99 (Iowa PR-1391); see Article 1102.19, G.
- d.** The name, race, sex, job classification, date of employment, and specific referral source(s) of each new employee utilized on any project let by the Department during the previous 12 months.
- e.** The name, race, sex, job classification, date of employment, date of last job change, hours worked during the previous 12 months, and current rate of pay of each employee utilized on any project let by the Department during the previous 12 months.
- f.** The name, race, and sex of each trainee and each employee who was terminated, transferred, demoted, or promoted while utilized on any project let by the Department during the previous 12 months. Records shall also include the dates for each of these actions, the previous and/or new job classifications, and the wage rates corresponding to those classifications.
- g.** The maximum trainee/journey-worker ratio, by craft, that was utilized on all projects let by the Department during the previous 12 months.
- h.** All meetings of supervisory employees that include a discussion, during the previous 12 months, of EEO/AA topics and requirements. Records shall also document the thoroughness of instruction explaining the company's EEO/AA obligations to new supervisory employees within 30 calendar days of their hiring or promotion date. Documentation of all meetings and training sessions shall be dated and signed by those in attendance. It shall also identify the specific EEO/AA topics that were discussed.
- i.** The provision, for all personnel directly engaged in recruitment, of thorough instruction on the company's procedures for locating and hiring women and minorities. The instruction shall be given by the EEO/AA Officer within the past 12 months. Documentation of the instruction shall be dated and signed by those in attendance, and shall also include the specific EEO/AA topics that were discussed.
- j.** The provision of information regarding the Contractor's/subcontractor's EEO/AA policy and the company's procedures for implementing the policy. The information shall be provided to all employees. Documentation should include the name of each employee receiving the information, along with the method and date of its distribution.
- k.** All EEO/AA on-site inspections by the EEO/AA Officer, or designee, on projects let by the Department during the previous 12 months. Observations made during the inspection shall include the following: poster reviews; identification of segregated and non-segregated facilities; stated,

observed, or overheard employee EEO/AA concerns; and the method(s) of addressing those concerns.

- i. Periodic evaluation of wage differentials within each job classification utilized on projects let by the Department during the previous 12 months.
 - m. Periodic review of selected personnel actions(s) to determine whether there is evidence of discrimination on projects let by the Department during the previous 12 months.
 - n. All pending Equal Employment Opportunity Commission, Department of Justice, and local and state Human/Civil Rights Agency cases, including a copy of each complaint and a summary of the Contractor's/subcontractor's investigation into each complaint.
 - o. Initiation of an investigation into each complaint of discrimination within 14 calendar days of the receipt of each complaint.
2. The Contractor/subcontractor shall submit the following documentation to the Office of **Employee Services Contracts**:
- a. The Contractor's/subcontractor's EEO/AA policy, shall be submitted annually and include the following:
 - 1) Age of the firm.
 - 2) Annual gross receipts of the firm may be reported by designating the appropriate bracket below:
 - Less than \$500,000
 - \$500,000 - \$1,000,000
 - \$1 million - \$2 million
 - \$2 million - \$5 million
 - \$5 million - \$10 million
 - \$10 million - \$20 million
 - \$20 million - \$50 million
 - over \$50 million
 - b. Two annual reports, submitted in July of each year, which are titled "Federal-Aid Contractor's Annual Employment Report" and "Annual Company Wide Report of Total Employment on All Federal and Non-Federal Projects Let by the Iowa Department of Transportation." Report form numbers are 650038 7-97 (Iowa PR-1391) and 650039 5-97 (Iowa PR-1391), respectively. The reports shall provide employment data, arranged both by race and sex within each race, for each of the following:
 - 1) The number of individuals employed within each of the Contractor's/subcontractor's job categories.
 - 2) The number of individuals employed as apprentices in all of the Contractor's/subcontractor's job categories combined.
 - 3) The number of individuals employed as on-the-job trainees in all of the Contractor's/subcontractor's job categories combined.
- The annual data shall be provided during the last week in July for any employee who worked on any Federal-aid project and any non-Federal-aid project let by the Department. A grid of these required kinds of data is illustrated on both of the required report forms.
- c. Immediate notification that a union having a collective bargaining agreement, contract, or other understanding with the Contractor/subcontractor, has failed to refer to the Contractor/subcontractor a minority or woman who had been sent to the union hall by the Contractor/subcontractor for help in obtaining employment. The Office of **Employee Services Contracts** shall also be notified if the Contractor's/subcontractor's efforts to meet EEO/AA obligations have been impeded in any other way by a union referral process.

H. Non-compliance with EEO/AA Requirements.

Compliance with the Department's EEO/AA specifications and/or the Contractor's/subcontractor's EEO/AA policy will be enforced as follows:

1. Compliance through Informal Means, Including Conciliation and Persuasion.

If a Contractor/subcontractor is found to have violated the Department's EEO/AA specifications and/or the Contractor's/subcontractor's EEO/AA policy, reasonable efforts will be made, whenever possible, to secure the Contractor's/subcontractor's compliance through informal means, including conciliation and persuasion. Such efforts may require a written commitment by the Contractor/subcontractor to correct violations through a plan of specified remedial actions.

- a. Violations are considered to be either deficiencies or minor deficiencies. Any of the following is considered to be a deficiency, all other violations are considered to be minor deficiencies:

- 1) Hiring employees from another company.
 - 2) Failure to engage in a good faith recruitment effort.
 - 3) Failure to use training hours assigned to a project.
 - 4) A finding of probable cause with regard to a civil rights complaint.
 - 5) Failure to utilize project assigned training hours on contracts.
 - 6) Refusal to submit an EEO/AA policy.
 - 7) Refusal to allow access to premises for an on-site compliance review.
- b. The form of written agreement utilized for correcting deficiencies is called a conciliation agreement, whereas the form of agreement for resolving minor deficiencies is called a letter of commitment. If a letter of commitment is violated, the violation may be corrected through either a conciliation agreement or an enforcement proceeding. Violation of a conciliation agreement may lead to either a notice to show cause or an enforcement proceeding.
- 2. Compliance through Enforcement Proceedings or a Notice to Show Cause.**
If conciliation efforts are unsuccessful, administrative enforcement proceedings may be initiated or the Contractor/subcontractor may be issued a show cause notice. The show cause notice will require the Contractor/subcontractor to show, within 30 calendar days, why monitoring, enforcement proceedings, or other appropriate action to ensure compliance should not be instituted. Enforcement proceedings may lead to a written notice prohibiting the violations, requiring the Contractor/subcontractor to provide whatever remedies are appropriate, and/or imposing sanctions. Such sanctions may include withholding progress payments; termination of a contract, in whole or in part; or suspension for an indefinite or specified period of time.
- 3. Compliance with Executive Order 11246.**
The Office of Federal Contract Compliance Programs, within the United States Department of Labor, is the only party having authority to determine enforcement of and compliance with Executive Order 11246 requirements incorporated in contracts and subcontracts utilized by the Department. Included among these requirements are the equal opportunity clause, contained in 41 CFR 60-1.4; the Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity, contained in 41 CFR 60-4.2; and (3) the Standard Federal Equal Employment Opportunity Construction Contract Specifications, contained in 41 CFR 60-4.3.

SPECIFICATION REVISION SUBMITTAL FORM

Submitted by: Roger Bierbaum / Maria Hobbs		Office: Contracts	Item 2
Submittal Date: 10/31/2011		Proposed Effective Date: April 2012	
Article No.: 1102.20 Title: Title 6 Assurance		Other:	
Specification Committee Action: Approved as recommended.			
Deferred:	Not Approved:	Approved Date: 11/10/2011	Effective Date: 4/17/2012
Specification Committee Approved Text: See Specifications Section Recommended Text.			
<p>Comments: The District 6 Office asked if this specification would apply to all contracts let by the Department, or only federal aid contracts. The Office of Contracts indicated that it is their understanding that the Department is required to apply this specification to all contracts let through its process, including local contracts, because if we receive any federal aid, everything we do is subject to Title 6, including awarding non-federal aid contracts. The FHWA verified the application of this specification.</p>			
<p>Specification Section Recommended Text: Section 1102, Proposal Requirements and Conditions. Add new Article: 1102.20, Title 6 Assurance. To comply with US DOT Order 1050.2 (dated August 24, 1971) the following Appendix A is a contract requirement of each contract and shall be included in each subcontract. APPENDIX A 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: <ol style="list-style-type: none"> 1. Compliance with Regulations: The contractor shall comply with the Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract. 2. Nondiscrimination: The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, national origin, sex, age, or disability in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations. 3. Solicitations for Subcontracts, Including Procurement 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 procurement of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, national origin, sex, age, or disability. 4. Information and Reports: The contractor shall provide all information and reports required by the Regulations or directives issued pursuant there to, and shall permit access to its books, records, accounts, other sources of information, and its facilities as </p>			

may be determined by the Iowa Department of Transportation or Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to the Iowa Department of Transportation or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.

5. **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Iowa Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - a. withholding of payments to the contractor under the contract until the contractor complies, and/or
 - b. cancellation, termination or suspension of the contract, in whole or in part.

6. **Incorporation of Provisions:** The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the Iowa Department of Transportation or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for non-compliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Iowa Department of Transportation to enter into such litigation to protect the interests of the Iowa Department of Transportation and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

Comments:

Member's Requested Change: (Do not use 'Track Changes', or 'Mark-Up'. Use Strikeout and Highlight.)

Add new language:

To comply with US DOT Order 1050.2 (dated August 24, 1971) the following Appendix A is a contract requirement of each contract and shall be included in each subcontract.

APPENDIX A

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 shall comply with the Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, national origin, sex, age, or disability in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

3. **Solicitations for Subcontracts, Including Procurement of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be

<p>performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, national origin, sex, age, or disability.</p> <p>4. <u>Information and Reports:</u> The contractor shall provide all information and reports required by the Regulations or directives issued pursuant there to, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Iowa Department of Transportation or Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to the Iowa Department of Transportation or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.</p> <p>5. <u>Sanctions for Noncompliance:</u> In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Iowa Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:</p> <p style="margin-left: 40px;">a. withholding of payments to the contractor under the contract until the contractor complies, and/or (b) cancellation, termination or suspension of the contract, in whole or in part.</p> <p>6. <u>Incorporation of Provisions:</u> The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the Iowa Department of Transportation or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for non-compliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Iowa Department of Transportation to enter into such litigation to Protect the interests of the Iowa Department of Transportation and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.</p>					
<p>Reason for Revision: 2011 Civil Rights Baseline Assessment and signing of Title VI Assurance by the Iowa DOT states we shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and Regulations (verbatim).</p>					
County or City Input Needed (X one)			Yes		No X
Comments:					
Industry Input Needed (X one)			Yes		No X
Industry Notified:	Yes	No X	Industry Concurrence:	Yes	No
Comments:					

SPECIFICATION REVISION SUBMITTAL FORM

Submitted by: John Smythe		Office: Construction		Item 3	
Submittal Date: October 5, 2011		Proposed Effective Date: April, 2012			
Article No.: 1107.12		Other:			
Title: Responsibility For Damage Claims					
Specification Committee Action: Approved as recommended.					
Deferred:	Not Approved:	Approved Date: 11/10/2011		Effective Date: 4/17/2012	
Specification Committee Approved Text: See Specification Section Recommended Text.					
Comments: None.					
Specification Section Recommended Text:					
1107.12, A.					
<p>Replace the second sentence of the Article:</p> <p>No provision of this contract; or of any addendum, materials instructional memorandums, plan, proposal, special provision, <u>standard specification</u>, developmental specification, supplemental specification, or general supplemental specification; shall be construed as creating any third-party beneficiaries.</p>					
Comments:					
<p>Member's Requested Change: (Do not use 'Track Changes', or 'Mark-Up'. Use Strikeout and Highlight.)</p> <p>Replace the second sentence of 1107.12 A</p>					
<p>1107.12 RESPONSIBILITY FOR DAMAGE CLAIMS.</p> <p>A. The parties agree that it is their intent that there be no third-party beneficiaries to this contract. No provision of this contract; or of any addendum, materials instructional memorandums, plan, proposal, special provision, standard specification, developmental specification, supplemental specification, or general supplemental specification; shall be construed as creating any third-party beneficiaries.</p>					
<p>Reason for Revision: Specification format changes made to the 2009 General Specifications book included a list of contract provisions in the second sentence of 1107.12 A. The list should include the standard specifications, which was apparently inadvertently omitted during the re-write.</p>					
County or City Input Needed (X one)		Yes		No X	
Comments:					
Industry Input Needed (X one)		Yes		No X	
Industry Notified:	Yes	No	Industry Concurrence:	Yes	No
Comments:					

SPECIFICATION REVISION SUBMITTAL FORM

Submitted by: Roger Bierbaum		Office: Contracts		Item 4	
Submittal Date: August 31, 2011		Proposed Effective Date: January 2012			
Section No.: 1113 Title: Hourly Lane Rental (A+B Bidding with Incentive/Disincentive)		Other:			
Specification Committee Action: Approved with changes.					
Deferred:	Not Approved:	Approved Date: 11/10/2011	Effective Date: 1/18/2012		
Specification Committee Approved Text: See attached Draft Developmental Specifications for Lane Rental (A + B Bidding with Incentive/Disincentive).					
<p>Comments: The Office of Design asked if this DS would be applied by the Office of Contracts. The Office of Contracts will apply the specification.</p> <p>The second paragraph of Article 1113.01 was revised to indicate that an accelerated work schedule will still apply, with the exception of any restrictions shown in the contract documents.</p> <p>The District 6 Office asked about Article 1113.05, F. Article 2528.03, L, 9 requires a minimum of 2 miles between lane closures. What if the contractor closed more than two miles between locations, just so that they are only charged for one closure? The Office of Construction pointed out that Article 1113.05, F does indicate that the contractor is not to close more than is needed to perform the work. The Office of Contracts indicated that this project will most likely be used on static projects that will typically only have one closure.</p> <p>The Office of Construction asked about using "hours" and "time" in Articles 1113.05, C; 1113.06; and 1113.07. These references were changed to "days".</p>					
Specification Section Recommended Text: See attached Draft Developmental Specifications for Lane Rental (A + B Bidding with Incentive/Disincentive).					
<p>Comments: The Office of Construction submitted the most recent draft for Spec. Committee approval. The Specifications Section asked if this specification should be a DS or an SS. The Office of Contracts would like it to be a DS with Roger Bierbaum as the controller. The Offices of Construction and Contracts feel this specification will most likely be revised as the Department gains experience using it.</p>					
<p>Member's Requested Change: (Do not use 'Track Changes', or 'Mark-Up'. Use Strikeout and Highlight.) Delete Article 1113 of the Standard Specifications and use a DS based on the attached draft</p>					
Reason for Revision: We have been directed to use contract acceleration clauses to minimize traffic inference on Interstate projects. The Lane Rental incorporated into the Standard Specifications was base on a lane rental SP that was developed for use for hourly lane rental. In most cases is desired to have a daily lane rental rather than an hourly lane rental. The revised specification also removes the language for extraordinary circumstances. It is desired to initially use the specification as a DS as we anticipate there will be evolution as the specification is used.					
County or City Input Needed (X one)		Yes		No X	
Comments:					
Industry Input Needed (X one)		Yes		No X	
Industry Notified:	Yes	No X	Industry Concurrence:	Yes	No
Comments:					

DRAFT DS-090XX
(New)



**DEVELOPMENTAL SPECIFICATIONS
FOR
LANE RENTAL (A + B BIDDING WITH INCENTIVE/DISINCENTIVE)**

Effective Date

January 18, 2012

THE STANDARD SPECIFICATIONS, SERIES 2009, ARE AMENDED BY THE FOLLOWING MODIFICATIONS AND ADDITIONS. THESE ARE DEVELOPMENTAL SPECIFICATIONS AND THEY PREVAIL OVER THOSE PUBLISHED IN THE STANDARD SPECIFICATIONS.

Replace Section 1113 of the Standard Specifications with the following:

1113.01 GENERAL.

The determination of the low bidder involves a combination of the contract sum and the bidder's proposed time to complete the work designated as the A+B portion of this project when lane rental is included as a part of the contract documents. These specifications also describe lane rental procedures with incentive/disincentive under which the Contractor will be assessed a rental rate for each lane closure. Rental days will be used for bidding purposes; however, charging of rental time will be based on a rental hour.

Article 1108.02, K, applies to contracts with lane rental except for work restrictions included in the contract documents.

1113.02 DEFINITION OF TERMS RENTAL DAY.

A. Rental Day.

For bidding purposes only, a rental day is equal to 24 rental hours. The bidder shall bid rental days in whole numbers.

B. Hourly Rental Rate.

1. The amount, as determined by the Contracting Authority and shown in the proposal form, which represents the average hourly cost of interference and inconvenience to the road user for each lane closure.
2. The proposal form may identify separate peak, non-peak, and shoulder rental rates. Unless otherwise stated in the contract documents, the peak rate will be between 6:00 a.m. to 9:00 a.m. and 4:00 p.m. to 7:00 p.m.; the non-peak rate will be all other hours. The shoulder rate will occur whenever a shoulder is closed.

C. Rental Hour.

Any 60 minute period or portion of a 60 minute period beginning at the time a lane or shoulder is closed by the Contractor's operation.

Any 24 hour period, or portion of a 24 hour period, beginning at the time a lane is closed by the Contractor's operation and ending when the lane is re-opened to traffic.

1113.03 PREPARATION OF PROPOSAL.

The bidder shall calculate the number of rental days from the number of rental hours compute the lane rental durations they estimate using are needed to complete the work required under the A+B portion of this project.

1113.04 CONSIDERATION OF BIDS.

- A. Each bid submitted shall consist of two parts:
 - (A) The contract sum.
 - (B) Total number of rental days proposed by the bidder. The bidder shall enter the number of rental days on the proposal form.
- B. The bid amount for award consideration will be determined by the following formula:
 $(A) + [(B) \times (\text{Daily Road User Cost})] = \text{Bid amount for award consideration.}$

1113.05 CHARGING OF ~~CONTRACT TIME~~ LANE RENTAL DAYS.

- A. The proposal form will identify the portions (geographic section of traffic stage) of the project for which lane rental applies.
- B. ~~The proposal form will also include working days to complete work not requiring a lane closure. These working days will be charged according to Article 1108.02, D. The working days will be assessed based on a separate the controlling operation for the items of work that do not require a lane closure of the contract and will include working days needed for lane closures.~~
- C. The Contractor shall record the time a lane ~~or shoulder~~ is closed, whether work is being performed or not. The Contractor shall submit to the Engineer, in writing, a log of lane closure activity. This report shall be submitted to the Engineer daily (reporting the previous day's activities) and shall include station location (beginning and ending), direction and number of lanes for ~~of~~ every closure, and ~~hours days of used~~ (beginning time, ending time, and total ~~hours days per closure~~). This report shall also include a written statement of any objections to rental ~~hours or rates days previously~~ charged.
- D. A lane closure will be identified as any of the following instances:
 - Lane closure commencing with a taper or when access to a lane is denied continuing through the ending taper,
 - Access is denied to a turning lane (left or right), ~~or~~
 - Ramp closure (does not include narrowing of a ramp where traffic is allowed access), ~~or~~
 - Shoulder closure when specifically noted in the contract documents.
- E. Rental periods for multiple lane closures, both longitudinally and transversely, will be assessed simultaneously for each lane that is closed. Lane rental will not be charged for shoulder closures ~~that are adjacent to lane closures. Turn lane closures will be counted when a turn lane is not available to turning traffic. When a ramp is closed, each lane closed on the ramp will be assessed independently. Rental periods for shoulder closures will be assessed independent of lane closures.~~
- F. ~~The count for lane closures will be based on the number of locations a lane is closed, with no consideration for length of lane closure. Contractor shall not extend the length of a lane closure beyond the length needed to perform the work.~~

1113.06 LANE RENTAL PAYMENT OR ASSESSMENT.

Lane rental payment or assessment will be as follows:

- A. **Incentive Payment.**
The Contractor will be paid an amount equal to the ~~hourly predetermined daily~~ rental rate multiplied by the ~~time days~~ remaining if the ~~time days~~ used is less than the ~~time days~~ bid. Maximum incentive payment will not exceed the amount specified on the proposal form. If not shown, there will be no maximum amount for incentive payment. ~~Incentive payments will be made in accordance with Article 1109.09.~~
- B. **Disincentive Assessment.**
The Contractor will be assessed an amount equal to the ~~hourly predetermined daily~~ rental rate multiplied by the ~~time days~~ used that is in excess of the ~~time days~~ bid. There will be no maximum amount ~~for of~~ disincentive ~~assessment~~ that may be assessed.

1113.07 CONSIDERATION FOR EXTRA WORK OR DELAYS DURING LANE RENTAL CHARGES.

A. Lane Rental by Hour.

No consideration for additional time will be considered for the first 10 consecutive hours of delay for each extraordinary circumstance. The Contractor will be responsible for obtaining necessary weather forecasts prior to the lane or shoulder closure.

B. Additional Time.

Additional time will be given by the Engineer for extra work, overruns of contract items, or extraordinary circumstances meeting the following requirements:

1. Approved extra work or overruns of contract items that extend the duration of the closure shall be documented and included in the critical path of the project. The revised critical path diagram shall be submitted to the Engineer for approval.
2. Non-weather related extraordinary circumstances that delay the Contractor during the lane closure shall be documented by the Contractor and a written request for additional closure time shall be submitted to the Engineer within 72 hours of the beginning of the delay. The Engineer will approve or deny all requests for additional closure time resulting from non-weather related extraordinary circumstances. Non-weather related extraordinary circumstances will be limited to the following:
 - a. **Strikes.**
Strikes which are not directed against the Contractor.
 - b. **Legal Stoppages.**
Legal Stoppages will be allowed if they result from legal action against the Contracting Authority or against the Contractor if not based on a specification violation.
 - c. **Late Delivery of Material.**
Procurement of material for a project is the sole responsibility of the Contractor. Late delivery will be considered an extraordinary circumstance only when the Contractor can show that orders were placed with a reliable supplier in sufficient time for materials to be delivered when needed and only when there is:
 - 1) A nationwide shortage; or
 - 2) An industry wide strike; or
 - 3) Transportation strike which delays the delivery of material; or
 - 4) Delays due to a change in material commitments when caused by a Federal emergency or order.
 - d. **Natural Disaster.**
A suspension order may be issued on any project in a declared disaster area, if the disaster causes conditions that do not allow productive work.
3. Adverse weather related extraordinary circumstances including rain, snow, wind, flood, and the results thereof, such as inaccessibility or non-workability of materials, is only considered as extraordinary circumstance if the Contractor is ready to work on the contract and the adverse weather conditions do not allow productive work on the critical path. Adverse weather that delays the Contractor during the lane closure shall be documented by the Contractor and a written request for additional closure time shall be submitted to the Engineer within 72 hours of the beginning of the delay.

Additional lane rental days will be given by the Engineer for extra work and overruns of contract items that extend the duration of closure, if documented by the Contractor and requested when the extra work or overrun occurs. No additional days will be given for other circumstances which extend the duration of closure. Contractor will be responsible for obtaining weather forecasts prior to lane or shoulder closures to limit the duration of closures.

SPECIFICATION REVISION SUBMITTAL FORM

Submitted by: Jim Berger		Office: Materials	Item 5
Submittal Date: October 13, 2011		Proposed Effective Date: April or October 2012	
Article No.: 2412.02 Title: Materials		Other:	
Specification Committee Action: Approved with changes.			
Deferred:	Not Approved:	Approved Date: 11/10/2011	Effective Date: 4/17/2012
Specification Committee Approved Text: 2412.02, B. Add to the end of the Article: Between October 16 and March 15, substitution of Type I/II cement with fly ash and GGBFS will be allowed when maturity method is used to determine time of opening. When heating or protection is required per Article 2403.03, F, 5, maintain 50°F (10°C) until opening strength by maturity method is reached.			
Comments: The District 6 Office asked if all of Article 2403.03, F applied or just the information in Article 2403.03, F, 5. The specification was revised to indicate that only Article 2403.03, F, 5 applies.			
Specification Section Recommended Text: 2412.02, B. Add to the end of the Article: Between October 16 and March 15, substitution of Type I/II cement with fly ash and GGBFS will be allowed only when maturity method is used to determine time of opening. When protection and curing is required in accordance with Article 2403.03, F, maintain 50°F (10°C) until opening strength by maturity is reached.			
Comments:			
Member's Requested Change (Redline/Strikeout): B. Use concrete that meets the requirements for C-4WR and C-V47B concrete mixtures, as specified in Materials I.M. 529. Use Gradation No. 3 or 5 of the Aggregate Gradation Table in Section 4109. Meet the requirements of Section 4108 for fly ash and GGBFS. Refer to Table 2412.02-1 for the maximum allowable substitution rates:			
Table 2412.02-1: Maximum Allowable Substitution Rates.			
Cement Type	Maximum Allowable Substitution^(a)	Time Period	
Type I, Type II	35% GGBFS 20% Fly Ash	March 16 through October 15	
Type IS, IP	0% GGBFS 20% Fly Ash	March 16 through October 15	
Type I, II, IS, IP	0% GGBFS 0% Fly Ash	October 16 through March 15	
<small>(a) Maximum total mineral admixture substitution is 50%.</small>			
Between October 16 and March 15, substitution of Type I/II cement with fly ash and GGBFS will be allowed only when maturity method is used to determine time of opening. When protection and curing is required in accordance with Article 2403.03, F, maintain 50°F (10°C) until opening strength by maturity is reached.			
Reason for Revision: To allow the use of fly ash or slag in decks after October 15 in standard decks. Use of fly ash and slag produce lower permeability concrete. Use is allowed after that date in HPC decks because a minimum temperature is required. Require the use of maturity (similar to pavements) and a minimum temperature until maturity is reached.			
County or City Input Needed (X one)	Yes	No	

Comments:					
Industry Input Needed (X one)			Yes	No	
Industry Notified:	Yes X	No	Industry Concurrence:	Yes x	No
Comments: Use maturity and minimum temperature to allow the use of fly ash or slag after October 15 th . Use of fly ash and slag reduces permeability of the concrete.					

SPECIFICATION REVISION SUBMITTAL FORM

Submitted by: Tom Reis / Eric Johnsen		Office: Specifications	Item 6
Submittal Date: 10/28/2011		Proposed Effective Date: April 2012	
Article No.: 2435.03 Title: Construction (Sanitary and Storm Structures)		Other:	
Specification Committee Action: Approved with changes.			
Deferred:	Not Approved:	Approved Date: 11/10/2011	Effective Date: 4/17/2012
Specification Committee Approved Text:			
2435.03, A, 5, b, Precast Storm Sewer Manholes or Intakes.			
Replace the Article:			
Fill space between pipe and structure with non-shrink grout. If annular space between pipe and structure is less than 2 inches (50 mm), fill with non-shrink grout. If annular space is 2 inches (50 mm) or greater, construct a concrete collar around pipe according to Article 2435.03, E, 2.			
2435.03, E, Connection to Existing Manhole or Intake.			
Replace the Article:			
1. General.			
a. Remove invert as necessary to install pipe at required elevation and develop hydraulic channel.			
b. Insert pipe into structure and trim end flush with inside wall of structure.			
c. Place backfill material according to Section 2552.			
2. Concrete Collar.			
a. For new pipes 12 inches (300 mm) or smaller, install two No. 4 (No. 15) steel reinforcing hoops in collar around pipe. Pour concrete collar around pipe/structure junction to a minimum thickness and width of 6 inches (150 mm), providing a minimum 4 inches (100 mm) of concrete extending beyond pipe opening.			
b. For new pipes larger than 12 inches (300 mm), install two No. 4 (No. 15) steel reinforcing hoops in collar around pipe. Pour concrete collar around pipe/structure junction to a minimum thickness and width of 9 inches (230 mm), providing a minimum 4 inches (100 mm) of concrete extending beyond pipe opening.			
23. Sanitary Sewer.			
a. General.			
1) Core openings in existing manholes unless specified otherwise in the contract documents.			
2) Divert flow as necessary. Obtain approval of the diversion plan from the Engineer. Maintain sanitary sewer service at all times unless specified otherwise in the contract documents.			
b. Cored Opening.			
1) Insert flexible watertight connector into new opening.			
2) Install and tighten internal expansion sleeve to hold flexible connector in place.			
3) Insert pipe through flexible connector and tighten external compression ring.			
4) Do not install grout opening or pour concrete collar for cored opening with flexible connector.			
c. Cut and Chipped Opening (Knockout).			
1) Saw opening to approximate dimensions with a masonry saw. Saw to depth sufficient to sever reinforcing steel.			
2) Remove concrete and expand opening to a diameter at least 6 inches (150 mm)			

- larger than the outside diameter of the new pipe.
- 3) Cut off all reinforcing steel protruding from the structure wall.
 - 4) Install waterstop around new pipe centered within structure wall.
 - 5) Fill opening between structure and pipe with non-shrink grout.
 - 6) Construct concrete collar around pipe and exterior manhole opening.
 - a) ~~For new pipes 12 inches (300 mm) or smaller, install two No. 3 steel reinforcing hoops on collar around pipe. Pour concrete collar around pipe/structure junction to a minimum thickness and width of 6 inches (150 mm).~~
 - b) ~~For new pipes larger than 12 inches, install two No. 4 steel reinforcing hoops in collar around pipe. Pour concrete collar around pipe/structure junction to a minimum thickness and width of 9 inches (230 mm).~~
 - 7) Provide pipe joint, non-shear coupling, or other approved flexible coupling within 2 feet (600 mm) of structure wall to allow for differential settlement between the new sewer and the structure.

34. Storm Sewer.

- a. Cut opening to manhole or intake to 3 to 6 inches (75 to 150 mm) beyond the outside of the pipe.
- b. Fill opening between manhole or intake wall and outside of pipe with non-shrink grout, or ~~construct a concrete collar around the pipe according to Article 2435.03, E, 2.~~

2435.05, A, 2.

Replace the Article:

Payment is full compensation for excavation, placing bedding and backfill material, compaction, base, structural concrete, reinforcing steel, precast units (if used), inverts, pipe connectors, chimney seals, castings, and adjustment rings.

2435.05, B, 2.

Replace the Article:

Payment is full compensation for excavation, placing bedding and backfill material, compaction, base, structural concrete, reinforcing steel, precast units (if used), inverts, pipe connectors, castings, and adjustment rings.

Comments: The Office of Bridges and Structures asked if we should specify a steel reinforcing size, such as 3/8 inch, instead of a number. SUDAS stated that they typically use the bar numbers, which is consistent with DOT practice. The Committee decided to use No. 4 (No. 15) for both sizes of concrete collars.

The Office of Design asked about payment for the concrete collars. Pipe connectors were added to the Basis of Payment for both manholes and intakes.

Specification Section Recommended Text:

2435.03, A, 5, b, Precast Storm Sewer Manholes or Intakes.

Replace the Article:

~~Fill space between pipe and structure with non-shrink grout.~~ If annular space between pipe and structure is less than 2 inches (50 mm), fill with non-shrink grout. If annular space is 2 inches (50 mm) or greater, construct a concrete collar around the pipe according to Article 2435.03, E, 2.

2435.03, E, Connection to Existing Manhole or Intake.

Replace the Article:

1. General.

- a. Remove invert as necessary to install pipe at required elevation and develop hydraulic

channel.

- b. Insert pipe into structure and trim end flush with inside wall of structure.
- c. Place backfill material according to Section 2552.

2. Concrete Collar.

- a. For new pipes 12 inches (300 mm) or smaller, install two number 3 steel reinforcing hoops in collar around pipe. Pour concrete collar around pipe/structure junction to a minimum thickness and width of 6 inches (150 mm), providing a minimum 4 inches (100 mm) of concrete extending beyond the pipe opening.
- b. For new pipes larger than 12 inches (300 mm), install two number 4 steel reinforcing hoops in collar around pipe. Pour concrete collar around pipe/structure junction to a minimum thickness and width of 9 inches (230 mm), providing a minimum 4 inches (100 mm) of concrete extending beyond the pipe opening.

23. Sanitary Sewer.

a. General.

- 1) Core openings in existing manholes unless specified otherwise in the contract documents.
- 2) Divert flow as necessary. Obtain approval of the diversion plan from the Engineer. Maintain sanitary sewer service at all times unless specified otherwise in the contract documents.

b. Cored Opening.

- 1) Insert flexible watertight connector into new opening.
- 2) Install and tighten internal expansion sleeve to hold flexible connector in place.
- 3) Insert pipe through flexible connector and tighten external compression ring.
- 4) Do not install grout opening or pour concrete collar for cored opening with flexible connector.

c. Cut and Chipped Opening (Knockout).

- 1) Saw opening to approximate dimensions with a masonry saw. Saw to depth sufficient to sever reinforcing steel.
- 2) Remove concrete and expand opening to a diameter at least 6 inches (150 mm) larger than the outside diameter of the new pipe.
- 3) Cut off all reinforcing steel protruding from the structure wall.
- 4) Install waterstop around new pipe centered within structure wall.
- 5) Fill opening between structure and pipe with non-shrink grout.
- 6) Construct concrete collar around pipe and exterior manhole opening.
 - ~~a) For new pipes 12 inches (300 mm) or smaller, install two No. 3 steel reinforcing hoops on collar around pipe. Pour concrete collar around pipe/structure junction to a minimum thickness and width of 6 inches (150 mm).~~
 - ~~b) For new pipes larger than 12 inches, install two No. 4 steel reinforcing hoops in collar around pipe. Pour concrete collar around pipe/structure junction to a minimum thickness and width of 9 inches (230 mm).~~
- 7) Provide pipe joint, non-shear coupling, or other approved flexible coupling within 2 feet (600 mm) of structure wall to allow for differential settlement between the new sewer and the structure.

34. Storm Sewer.

- a. Cut opening to manhole or intake to 3 to 6 inches (75 to 150 mm) beyond the outside of the pipe.
- b. Fill opening between manhole or intake wall and outside of pipe with non-shrink grout, or ~~C~~construct a concrete collar around the pipe according to Article 2435.03, E, 2.

Comments:

Member's Requested Change: (Do not use 'Track Changes', or 'Mark-Up'. Use Strikeout and Highlight.)

Reason for Revision: The size of openings on precast structures is getting larger to allow more flexibility in the field. Non-shrink grout is not adequate to fill these gaps. We are proposing adding concrete collar specifications for when these gaps are more than 2 inches. SUDAS has come up with these changes and is expected to approve them later this month.					
County or City Input Needed (X one)			Yes	No	
Comments:					
Industry Input Needed (X one)			Yes	No	
Industry Notified:	Yes	No	Industry Concurrence:	Yes	No
Comments:					

SPECIFICATION REVISION SUBMITTAL FORM

Submitted by: Deanna Maifield		Office: Design	Item 7
Submittal Date: 2011.10.25		Proposed Effective Date: 4/17/12	
Article No.: 2505.03, A, 5 Title: Guardrail Markers Section No.: 2513 Title: Concrete Barriers Article No.: 4186.12, B Title: Guardrail Markers and Barrier Markers		Other:	
Specification Committee Action: Approved with changes.			
Deferred:	Not Approved:	Approved Date: 11/10/2011	Effective Date: 4/17/2012
Specification Committee Approved Text: 2505.03, A, 5, Guardrail Markers. <p>Delete the Article.</p> <p>5. Guardrail Markers. When indicated in the contract documents, install guardrail markers of the required type meeting the requirements of Article 4186.12.</p> 2513.02, F, Guardrail Markers and Barrier Markers. <p>Replace the title and article:</p> <p>2513.02, F, Guardrail Markers and Barrier Markers.</p> <p>Use guardrail and barrier markers, if required, that meet the requirements of Comply with Article 4186.12.</p> 2513.03, Construction. <p>Renumber Articles G and H:</p> <p>G H. Tolerances.</p> <p>H I. Handling, Storage, and Hauling New and Used Precast Units.</p> <p>Add the article:</p> <p>G. Barrier Markers.</p> <p>Furnish barrier markers of same color as adjacent edge line. Attach markers to barrier using adhesive as recommended by manufacturer. Locate top of marker 2 inches (50 mm) below top of barrier. Place barrier markers at 100 foot (30 m) increments.</p> 4186.12, Guardrail Markers and Barrier Markers. <p>Replace the title:</p> <p>4186.12, Guardrail Markers and Barrier Markers.</p>			

4186.12, A, 1.

Replace the Article:

Suitably shaped marker body designed for attachment ~~in the valley of a steel beam guardrail or~~ to a flat surface.

4186.12, B.

Delete the article:

~~**B.** Attach markers to the rail using a suitable adhesive recommended by the manufacturer.
Furnish barrier markers that are yellow or white and of the same color as the adjacent edge line.~~

Comments: The Office of Bridges and Structures asked what guardrail markers are. The Office of Design indicated that guardrail markers are designed to fit in the valley of steel beam guardrail. The Department does not require or specify guardrail markers in the contract documents. The Committee decided to eliminate references to guardrail markers.

Specification Section Recommended Text:

2505.03, A, 5, Guardrail Markers.

Add as the second and third sentences:

When required by the contract documents, furnish guardrail markers of the same color as adjacent edge line. Attach markers to barrier using suitable adhesive as recommended by manufacturer.

2513.02, F, Guardrail Markers and Barrier Markers.

Replace the title and article:

2513.02, F, ~~Guardrail Markers and~~ Barrier Markers.

~~Use guardrail and barrier markers, if required, that meet the requirements~~ Comply with Article 4186.12.

2513.03, G, Barrier Markers.

Add as a new article:

Furnish barrier markers of the same color as adjacent edge line. Attach markers to barrier using suitable adhesive as recommended by manufacturer. Locate top of marker 2 inches (50 mm) below top of barrier. Place barrier markers at 100 foot (30 m) increments in areas without continuous lighting, and 250 foot (75 m) increments in areas with continuous lighting.

4186.12, B, Guardrail Markers and Barrier Markers.

Delete the article:

~~**B.** Attach markers to the rail using a suitable adhesive recommended by the manufacturer.
Furnish barrier markers that are yellow or white and of the same color as the adjacent edge line.~~

Comments:

Member's Requested Change: (Do not use 'Track Changes', or 'Mark-Up'. Use **Strikeout** and **Highlight**.)

2505.03, A, 5, Guardrail Markers.

Add as the second and third sentences:

When required in the contract documents, furnish guardrail markers of the same color as the adjacent edge line. Attach markers to the barrier using a suitable adhesive recommended by the manufacturer.

2513.02, F, Guardrail Markers and Barrier Markers.

Replace the title and article:

2513.02, F, ~~Guardrail Markers and~~ Barrier Markers.

~~Use guardrail and barrier markers, if required, that meet the requirements. Comply with Article 4186.12.~~

2513.03, G, Barrier Markers.

Add as a new article:

Furnish barrier markers of the same color as the adjacent edge line. Attach markers to the barrier using a suitable adhesive recommended by the manufacturer. Locate top of marker 2 inches (50 mm) below the top of the barrier. Place barrier markers at 100 foot increments in area with non-continuous lighting, or 250 foot increments in areas with continuous lighting.

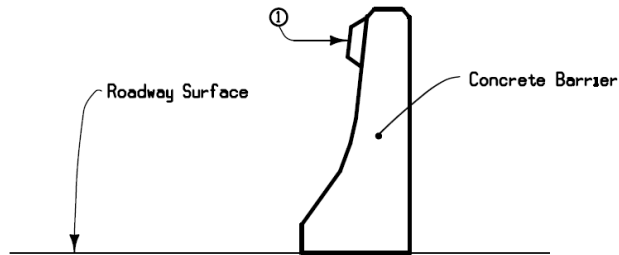
4186.12, B, Guardrail Markers and Barrier Markers.

Delete the article:

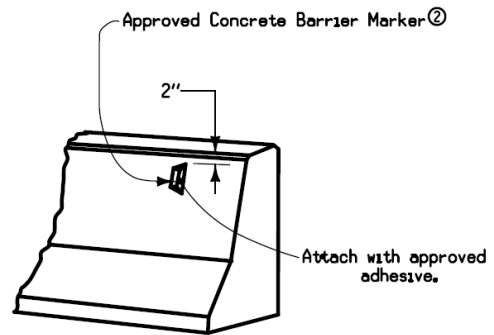
~~**B.** Attach markers to the rail using a suitable adhesive recommended by the manufacturer. Furnish barrier markers that are yellow or white and of the same color as the adjacent edge line.~~

Reason for Revision: Move construction language from Article 4186.12, B to Sections 2505 and 2513. With this change, the Office of Design will void Road Design Detail 8203.

8203
05-10-88



- ① Delineator color same color as edge line, when edge line exists, otherwise same color as edge line would be.
- ② See Materials Instructional Memorandums.



**INSTALLATION DETAILS OF
CONCRETE BARRIER MARKER**

County or City Input Needed (X one)			Yes		No X	
Comments:						
Industry Input Needed (X one)			Yes		No X	
Industry Notified:	Yes	No X	Industry Concurrence:	Yes	No	
Comments:						

SPECIFICATION REVISION SUBMITTAL FORM

Submitted by: Deanna Maifield		Office: Design		Item 8	
Submittal Date: 2011.10.25		Proposed Effective Date: 4/17/12			
Article No.: 2526.03, A, 2		Other:			
Title: Grading (Construction Survey)					
Specification Committee Action: Approved as recommended.					
Deferred:	Not Approved:	Approved Date: 11/10/2011		Effective Date: 4/17/2012	
Specification Committee Approved Text: See Specification Section Recommended Text.					
Comments: None.					
Specification Section Recommended Text:					
2526.03, A, 2, f.					
Replace the second sentence:					
Set finish grade stakes (blue tops) on all roadway shoulder lines and roadway centerlines to project down the face of the bridge berm at the top, midpoint face of berm bench, and toe.					
Comments:					
Member's Requested Change: (Do not use 'Track Changes', or 'Mark-Up'. Use Strikeout and Highlight .)					
2526.03, A, 2, f, Grading.					
Replace the second sentence of the Article:					
Set finish grade stakes (blue tops) on all roadway shoulder lines and roadway centerlines to project down the face of the bridge berm at the top, midpoint face of berm bench, and toe.					
Reason for Revision: This change is associated with changes to Standard Road Plans EW-201, EW-202, EW-203, and EW-204. Rather than setting a stake at the midpoint, a stake will be set at the face of berm bench.					
County or City Input Needed (X one)		Yes		No X	
Comments:					
Industry Input Needed (X one)		Yes		No X	
Industry Notified:	Yes	No X	Industry Concurrence:	Yes	No
Comments:					

SPECIFICATION REVISION SUBMITTAL FORM

Submitted by: Tom Reis		Office: Specifications	Item 9
Submittal Date: 2011.10.31		Proposed Effective Date: April 17, 2012	
Article No.: 2528.03, L Title: Limitations (Traffic Control) Article No.: 2550.04, A Title: Traffic Control (Night Work Lighting)		Other:	
Specification Committee Action: Approved with changes.			
Deferred:	Not Approved:	Approved Date: 11/10/2011	Effective Date: 4/17/2012
Specification Committee Approved Text:			
2528.03, L, Limitations.			
Add new Article:			
<p>11. Ensure vehicles (except ready mix trucks) hauling soil, aggregate, and paving material to or from work area display a minimum 16 inch by 48 inch (400 mm by 1200 mm) sign with the legend "DO NOT FOLLOW - INTO WORK AREA" as shown in the contract documents. Comply with the following requirements for the sign:</p> <ul style="list-style-type: none"> • Orange with black lettering using Type VII (Iowa) sheeting. • Keep clean to maintain its visibility. 			
2550.04, A.			
Delete the Article:			
<p>A. Ensure all vehicles, except ready mix trucks, hauling material to or from the work area during night work as described in Article 2550.01 display a minimum 16 inch by 48 inch (400 mm by 1200 mm) sign with the legend "DO NOT FOLLOW - INTO WORK AREA" as shown in the contract documents. Comply with the following requirements for the sign:</p> <ul style="list-style-type: none"> • Orange with black lettering using Type VII (Iowa) sheeting. • Kept clean in order to maintain its visibility. 			
Comments: The Office of Construction asked if the material being hauled should be specified. Trucks carrying beams may only visit a project once and could be from out of state. Do we want to require these vehicles to display the sign? Should there be an exception for ready mix trucks? The Committee decided to define the required vehicles as those carrying soil, aggregate, and paving material. This should cover dump trucks, flowboys, and side dumps. The Committee also decided that it is not practical to require ready mix trucks to display the sign, as there is not room to attach it.			
Specification Section Recommended Text:			
2528.03, L, Limitations.			
Add new Article:			
<p>11. Ensure all vehicles, except ready mix trucks, hauling material to or from work area display a minimum 16 inch by 48 inch (400 mm by 1200 mm) sign with the legend "DO NOT FOLLOW - INTO WORK AREA" as shown in the contract documents. Comply with the following requirements for the sign:</p> <ul style="list-style-type: none"> • Orange with black lettering using Type VII (Iowa) sheeting. • Kept clean in order to maintain its visibility. 			
2550.04, A.			
Delete the Article:			
<p>A. Ensure all vehicles, except ready mix trucks, hauling material to or from the work area</p>			

<p>during night work as described in Article 2550.01 display a minimum 16 inch by 48 inch (400 mm by 1200 mm) sign with the legend “DO NOT FOLLOW - INTO WORK AREA” as shown in the contract documents. Comply with the following requirements for the sign:</p> <ul style="list-style-type: none"> • Orange with black lettering using Type VII (lowa) sheeting. • Kept clean in order to maintain its visibility. 							
Comments:							
<p>Member’s Requested Change: (Do not use ‘Track Changes’, or ‘Mark-Up’. Use Strikeout and Highlight.)</p> <p>Delete the following sentence and renumber the remaining sentences:</p> <p>2550.04 TRAFFIC CONTROL.</p> <p>A. Ensure all vehicles, except ready mix trucks, hauling material to or from the work area during night work as described in Article 2550.01 display a minimum 16 inch by 48 inch (400 mm by 1200 mm) sign with the legend “DO NOT FOLLOW - INTO WORK AREA” as shown in the contract documents. Comply with the following requirements for the sign:</p> <ul style="list-style-type: none"> • Orange with black lettering using Type VII (lowa) sheeting. • Kept clean in order to maintain its visibility. <p>Add the following as a new sentence:</p> <p>2528.03.L. LIMITATION</p> <p>11. Ensure all vehicles, except ready mix trucks, hauling material to or from the work area display a minimum 16 inch by 48 inch (400 mm by 1200 mm) sign with the legend “DO NOT FOLLOW - INTO WORK AREA” as shown in the contract documents. Comply with the following requirements for the sign:</p> <ul style="list-style-type: none"> • Orange with black lettering using Type VII (lowa) sheeting. • Kept clean in order to maintain its visibility. 							
<p>Reason for Revision: To require the use of DO NOT FOLLOW – INTO WORK AREA SIGNS for all projects. This change will require all trucks hauling materials into construction areas to have these signs, not only those involving night work. This will provide for a more uniform usage of these signs and should improve safety for all work zones. Many Contractors already have these signs on the majority of their fleet, so minimal additional project costs are anticipated.</p>							
County or City Input Needed (X one)			Yes		No		
Comments:							
Industry Input Needed (X one)			Yes		No		
Industry Notified:		Yes	No	Industry Concurrence:		Yes	No
Comments:							

SPECIFICATION REVISION SUBMITTAL FORM

Submitted by: Tom Reis		Office: Specifications	Item 10
Submittal Date: 2011.10.31		Proposed Effective Date: April 17, 2012	
Article No.: 2528.03, L Title: Limitations (Traffic Control) Article No.: 2529.03, K Title: Limitation of Operations (Full Depth Finish Patches)		Other:	
Specification Committee Action: Approved with changes.			
Deferred:	Not Approved:	Approved Date: 11/10/2011	Effective Date: 4/17/2012
Specification Committee Approved Text:			
2528.03, L, Limitations.			
Add new Article:			
12. For lanes closed to traffic, place two drums meeting the requirements of Article 2528.03, C, every 1000 feet (300 m). For full depth excavations in a closed lane, place two drums in front of each location. Additional drums need not be placed for full depth excavations spaced closer than 150 feet (45 m).			
2529.03, K, 7.			
Delete the Article:			
7. When PCC patches without calcium chloride are constructed, place two drums meeting the requirements of Article 2528.03, C, in front of each patch location where there is a possibility of turning into or returning to the closed lane. Additional drums need not be placed for patches spaced closer than 150 feet (45 m).			
Comments: The Office of Design requested that the note also address placement of drums in a closed lane without full depth excavations. This note was eliminated from a road standard.			
Specification Section Recommended Text:			
2528.03, L, Limitations.			
Add new Article:			
12. For full depth excavations in a closed lane, place two drums meeting the requirements of Article 2528.03, C, in front of each location. Additional drums need not be placed for full depth excavations spaced closer than 150 feet (45 m).			
2529.03, K, 7.			
Delete the Article:			
7. When PCC patches without calcium chloride are constructed, place two drums meeting the requirements of Article 2528.03, C, in front of each patch location where there is a possibility of turning into or returning to the closed lane. Additional drums need not be placed for patches spaced closer than 150 feet (45 m).			
Comments:			
Member's Requested Change: (Do not use 'Track Changes', or 'Mark-Up'. Use Strikeout and Highlight.)			
2529.03.K Limitation of Operations.			
7. When PCC patches without calcium chloride are constructed, place two drums meeting the requirements of Article 2528.03, C, in front of each patch location where there is a possibility of turning into or returning to the closed lane. Additional drums need not be placed for patches spaced closer than 150 feet (45 m).			
2528.03.L. Limitations.			

<p>12. For full depth excavations in a closed lane, place two drums meeting the requirements of Article 2528.03, C, in front of each location. Additional drums need not be placed for full depth excavations spaced closer than 150 feet (45 m).</p>					
<p>Reason for Revision: To place the requirement for two drums in front of full depth PCC patch excavations in Section 2528 and to extend this requirement to all full depth excavations. Per article 2528.03.C.1.b.5, 42 inch channelizers may be substituted for drums for short term work zones.</p>					
<p>County or City Input Needed (X one)</p>			<p>Yes</p>		<p>No</p>
<p>Comments:</p>					
<p>Industry Input Needed (X one)</p>			<p>Yes</p>		<p>No</p>
<p>Industry Notified:</p>	<p>Yes</p>	<p>No</p>	<p>Industry Concurrence:</p>	<p>Yes</p>	<p>No</p>
<p>Comments:</p>					

SPECIFICATION REVISION SUBMITTAL FORM

Submitted by: John Smythe / Melissa Serio		Office: Construction		Item 11	
Submittal Date: 10/4/11			Proposed Effective Date: April 17, 2012		
Article No.: 2601.03, C Title: Stabilizing Crop Seeding and Fertilizing (Erosion Control)			Other:		
Specification Committee Action: Approved as recommended.					
Deferred:		Not Approved:		Approved Date: 11/10/2011	
				Effective Date: 4/17/2012	
Specification Committee Approved Text: See Specification Section Recommended Text.					
Comments: None.					
Specification Section Recommended Text: 2601.03, C, Stabilizing Crop Seeding and Fertilizing. Add new Article: 4. Stockpile Stabilization Seeding. Seedbed preparation will not be required for areas not accessible to field equipment.					
Comments:					
Member's Requested Change: (Do not use 'Track Changes', or 'Mark-Up'. Use Strikeout and Highlight .) Add new subsection in 2601.03, C: 4. Stockpile Stabilization Seeding. Seedbed preparation will not be required for areas which are not accessible to field equipment.					
Reason for Revision: To allow for no seedbed preparation for stockpiles that are not accessible to field equipment.					
County or City Input Needed (X one)			Yes		No X
Comments:					
Industry Input Needed (X one)			Yes		No X
Industry Notified:		Yes	No x	Industry Concurrence:	
				Yes	No
Comments:					

SPECIFICATION REVISION SUBMITTAL FORM

Submitted by: John Smythe / Melissa Serio		Office: Construction	Item 12
Submittal Date: 10/27/11		Proposed Effective Date: April 17, 2012	
Section No.: 2602 Title: Water Pollution Control (Soil Erosion)		Other:	
Specification Committee Action: Approved as recommended.			
Deferred:	Not Approved:	Approved Date: 11/10/2011	Effective Date: 4/17/2012
Specification Committee Approved Text: See Specification Section Recommended Text.			
Comments: None.			
Specification Section Recommended Text:			
2602.03, H.			
Replace the Article:			
Maintenance Clean-out of Silt Fence and Clean-out of Silt Fence for Ditch Check includes excavation and disposal of silt material trapped by the silt fence or silt fence for ditch checks. Shaping of the ditch bottom to the original ditch template is incidental to this item. Dispose of the silt material off the project unless Engineer approves a suitable site within the project limits. Maintenance also includes repair of silt fence due to undermining, leaning, or fabric becoming unattached from posts. Repair requiring new fabric will be paid for under type of silt fence properly installed and will not be considered maintenance.			
2602.04, Method of Measurement.			
Replace the title of Article F:			
F. Removal of Silt Fence and Silt Fence for Ditch Check.			
Article G:			
G. Removal of Silt Fence for Ditch Checks.			
Linear feet (meters) to the nearest foot (0.1 m).			
Replace the title of Article I:			
I. Clean-out Maintenance of Silt Fence and Silt Fence for Ditch Check.			
Articles J and K:			
J. Clean-out of Silt Fence for Ditch Check.			
Linear feet (meters) to the nearest foot (meter).			
K. Removal and Reinstallation of Silt Fence.			
Linear feet (meters) to the nearest foot (meter).			
2602.05, A.			
Replace the title and Article 6:			
6. Removal of Silt Fence and Silt Fence for Ditch Check.			
Per linear foot (meter) for the length of silt fence or silt fence for ditch check properly removed.			

Delete Article 7:

~~7. Removal of Silt Fence for Ditch Checks.~~

~~Per linear foot (meter) for the length of silt fence for ditch checks properly removed.~~

Replace the title and Article 9:

9. Clean-out Maintenance of Silt Fence and Silt Fence for Ditch Check.

Per linear foot (meter) for silt fence or silt fence for ditch check properly cleaned out or repaired.

Delete Articles 10 and 11:

~~10. Clean-out of Silt Fence for Ditch Check.~~

~~Linear foot (meter) of silt fence for ditch check properly cleaned out.~~

~~11. Removal and Reinstallation of Silt Fence.~~

~~Two times the contract unit price for the type of silt fence properly repaired for silt fence that must be replaced by removal and reinstallation, through no fault of the Contractor.~~

Comments:

Member's Requested Change: (Do not use 'Track Changes', or 'Mark-Up'. Use **Strikeout and **Highlight**.)**

2602.03, Construction, H:

Replace the Article:

H. Maintenance Clean-out of Silt Fence and Clean-out of Silt Fence for Ditch Check includes excavation and disposal of silt material trapped by the silt fence or silt fence for ditch checks. Shaping of the ditch bottom to the original ditch template is incidental to this item. Dispose of the silt material off the project unless Engineer approves a suitable site within the project limits. Maintenance also includes repair of silt fence due to undermining, leaning, or fabric becoming unattached from posts. Repair that requires new fabric will be paid for under type of silt fence properly installed and will not be considered maintenance.

2602.04, Method of Measurement, F to L:

Replace the Articles:

F. Removal of Silt Fence and Silt Fence for Ditch Check.

Linear feet (meters) to the nearest foot (0.1 m).

~~G. Removal of Silt Fence for Ditch Checks.~~

~~Linear feet (meters) to the nearest foot (0.1 m).~~

GH. Removal of Silt Basins.

Cubic yards (cubic meters) as Class 10 Excavation according to Article 2102.04 for material used to fill silt basins.

HI. Maintenance Clean-out of Silt Fence and Silt Fence for Ditch Check.

Linear feet (meters) to the nearest foot (meter).

~~J. Clean-out of Silt Fence for Ditch Check.~~

~~Linear feet (meters) to the nearest foot (meter).~~

~~K. Removal and Reinstallation of Silt Fence.~~

~~Linear feet (meters) to the nearest foot (meter).~~

IL. Perimeter and Slope Sediment Control Device.

Linear feet (meters) to the nearest foot (meter) of each size.

2602.05, Basis of Payment, A.6 to A.12:

Replace the Articles:

6. Removal of Silt Fence and Silt Fence for Ditch Check.

Per linear foot (meter) for the length of silt fence or silt fence for ditch check properly removed.

7. Removal of Silt Fence for Ditch Checks.

~~Per linear foot (meter) for the length of silt fence for ditch checks properly removed.~~

78. Removal of Silt Basins.

Per cubic yard (cubic meter) for Class 10 Excavation, according to Article 2102.05, for each silt basin properly filled.

89. Maintenance Clean-out of Silt Fence and Silt Fence for Ditch Check.

Per linear foot (meter) for silt fence or silt fence for ditch check properly cleaned out or repaired.

10. Clean-out of Silt Fence for Ditch Check.

~~Linear foot (meter) of silt fence for ditch check properly cleaned out.~~

11. Removal and Reinstallation of Silt Fence.

~~Two times the contract unit price for the type of silt fence properly repaired for silt fence that must be replaced by removal and reinstallation, through no fault of the Contractor.~~

912. Perimeter and Slope Sediment Control Device.

Per linear foot (meter) for length of device of each size properly installed.

Reason for Revision:

Change "clean-out" of silt fence and silt fence ditch checks to "maintenance". Maintenance would include clean-out and various repairs. Combine maintenance for silt fence and silt fence ditch check under one item since work is similar in nature.

Delete Removal of Silt Fence for Ditch Checks item. Combine work for removal of silt fence and silt fence ditch checks under one item since work is similar in nature. Oftentimes, when there are both bid items, the unit price is the same. Also, when removal is added by EWO, typically only removal of silt fence is added.

Delete Removal and Reinstallation of Silt Fence since Design Manual section is being revised to have projects include a bid item for removal whenever there is silt fence.

County or City Input Needed (X one)			Yes	No	X
Comments:					
Industry Input Needed (X one)			Yes	No	X
Industry Notified:	Yes	No x	Industry Concurrence:	Yes	No
Comments:					

SPECIFICATION REVISION SUBMITTAL FORM

Submitted by: Jim Berger		Office: Materials	Item 13
Submittal Date: 2011.10.31		Proposed Effective Date: April 2012	
Section No.: 4123 Title: Modified Subbase Material		Other: Note 5 in Aggregate Gradation Table (Appendix).	
Specification Committee Action: This item was deferred to a future meeting.			
Deferred: X	Not Approved:	Approved Date:	Effective Date:
Specification Committee Approved Text:			
Comments: Due to concerns from others within the Department, this item will be discussed and resubmitted at a future meeting.			
Specification Section Recommended Text:			
4123.01, Description.			
Replace the third and fourth bulleted items:			
<ul style="list-style-type: none"> • Recycled PCC pavements meeting Materials I.M. 210, or • Uniformly blended combinations of these materials with a maximum of 50% RAP. 			
4123.02, Gradation.			
Delete Article B and Replace Article C:			
B. Process RAP to pass the 2 inch (50 mm) sieve.			
C. Uncrushed gravel and/or sand may be uniformly blended with crushed recycled PCC pavement or crushed stone at a maximum rate of 50% to meet gradation requirements.			
Appendix, Aggregate Gradation Table (English and Metric).			
Delete Note 5 for Gradation No. 14, Modified Subbase.			
Comments:			
<p align="center">Section 4123. Modified Subbase Material</p> <p>4123.01 DESCRIPTION.</p> <p>Crushed stone,</p> <p>Gravels for which 75% or more of the particles retained on the 3/8 inch (9.5 mm) sieve have at least one fractured face as defined in Materials I.M. 305,</p> <p>Recycled PCC pavements meeting Materials I.M. 210, or</p> <p>Uniformly blended combinations of these materials with a maximum of 50% RAP.</p>			

<p>4123.02 GRADATION.</p> <p>A. Meet the requirements for Gradation No. 14 of the Aggregate Gradation Table, Article 4109.02.</p> <p>B. Process RAP to pass the 2 inch (50 mm) sieve.</p> <p>C. Uncrushed gravel and/or sand may be uniformly blended with crushed recycled PCC pavement or crushed stone at a maximum rate of 50% to meet gradation requirements.</p>					
<p>Reason for Revision: The use of RAP prevents the intended drainage of modified subbase.</p>					
<p>County or City Input Needed (X one)</p>			<p>Yes</p>		<p>No X</p>
<p>Comments:</p>					
<p>Industry Input Needed (X one)</p>			<p>Yes X</p>		<p>No</p>
<p>Industry Notified:</p>	<p>Yes X</p>	<p>No</p>	<p>Industry Concurrence:</p>	<p>Yes</p>	<p>No</p>
<p>Comments: Greater cost benefit to DOT and Contractor if RAP is used to supplement HMA binder. Does not affect recycled yards because RAP is used as special backfill. If composite pavement is recycled in-situ, the RAP would first have to be milled and stockpiled. IM 210 will be modified to reflect specification change along with Reference to Note 5 on gradation 14 of the Aggregate Gradation Table. See Attached for Gradation Note 5.</p>					

AGGREGATE GRADATION TABLE – ENGLISH

Grad. No.	Section No.	Std. Sieve Size	1½"	1"	¾"	½"	3/8"	#4	#8	#30	#50	#100	#200	*Notes
		Intended Use	Percent Passing											
14	4123	Modified Subbase	100		70-90				10-40				3-10	5, 7, 12

Referenced Notes:

- 5. Unwashed air-dried samples of crushed composite material shall be tested for gradation compliance except that no gradation determination will be made for material passing the No. 200 sieve.
- 7. For Section 4121 gravel, one fractured face on 30% or more of the particles retained on the 3/8-inch sieve. For Section 4123 gravel, one fractured face on 75% or more of the particles retained on the 3/8-inch sieve.
- 12. When Producer gradation test results are used for acceptance, test results representing at least 90% of the material being produced shall be within the gradation limits and the average of all gradation results shall be within the gradations limits. Stockpiled material not meeting the criteria may, at the District Materials Engineer's discretion, be resampled using Materials I.M. 301 procedures. One hundred percent of the stockpile quality control and verification test results shall be within the gradation limits.

SPECIFICATION REVISION SUBMITTAL FORM

Submitted by: Dan Redmond		Office: District 4 Materials	Item 14
Submittal Date: November 3, 2011		Proposed Effective Date: April 2012 GS	
Section No.: 2507 Title: Concrete and Stone Revetment		Other:	
Specification Committee Action: Approved with changes.			
Deferred:	Not Approved:	Approved Date: 11/10/2011	Effective Date: 4/17/2012
Specification Committee Approved Text:			
<p>2507.03, B, 2, Class B Revetment. Replace the title: Class B and C Revetment.</p>			
<p>2507.03, B, 3, Class C Revetment. Delete the Article: 3. Class C Revetment. a. Formed concrete blocks placed in the area shown in the contract documents. Refer to the contract documents for the dimensions of the block and reinforcement. b. For the concrete, use Class C pavement mix with a coarse aggregate durability of Class 2 or better.</p>			
<p>2507.03, B, 4, a. Add as the second sentence of the Article: If using recycled PCC, meet requirements of Materials I.M. 210.</p>			
<p>2507.04, Method of Measurement. Replace Articles A and B: A. Class A or C Revetment: computed in square yards (square meters) from measurements of the surface as constructed to the nearest 0.1 foot (0.1 m). B. Class B, C, D, and E Revetment and Erosion Stone: tons (megagrams) to the nearest 0.1 ton (0.1 Mg). Only material placed according to the contract documents will be measured.</p>			
<p>2507.05, A, 1. Replace the Article: Revetment furnished and placed: per square yard (square meter) for Class A or C Revetment, or per ton (megagram) for Class B, C, D, or E Revetment and Erosion Stone.</p>			
<p>Comments: The Office of Contracts checked and did not find any projects that had used the formed concrete block Class C revetment in the last 10 years. The Office of Bridges and Structures felt that the new Class C revetment should be included with Class B revetment for construction, method of measurement, and basis of payment. The specifications were revised to reflect this.</p>			
Specification Section Recommended Text:			
<p>2507.03, B, 1, Class A Revetment. Replace the title: Class A and C Revetment.</p>			
<p>2507.03, B, 3, Class C Revetment. Delete the article:</p>			

~~3. Class C Revetment.~~
~~a. Formed concrete blocks placed in the area shown in the contract documents. Refer to the contract documents for the dimensions of the block and reinforcement.~~
~~b. For the concrete, use Class C pavement mix with a coarse aggregate durability of Class 2 or better.~~

2507.03, B, 4, a.

Add as the second sentence:
 If using recycled PCC, meet requirements of Materials I.M. 210.

Comments:

Section 2507. Concrete and Stone Revetment

2507.03B Revetment

1. Class A and C Revetment.

a. A layer of the stone specified over the areas indicated in the contract documents.

b. Place this layer so that each stone is firmly bedded against the bank and in close contact with adjacent stones. The stones need not be laid in courses.

c. Drive spalls into openings remaining after the layer of stone is placed.

d. Place this layer to a thickness of approximately 15 inches (0.4 m), with no portion having a thickness less than 12 inches (0.3 m).

e. Chip portions of individual rocks projecting more than 2 inches (50 mm) above the general contour of the surface to within these limits.

~~3. Class C Revetment.~~
~~a. Formed concrete blocks placed in the area shown in the contract documents. Refer to the contract documents for the dimensions of the block and reinforcement.~~
~~b. For the concrete, use Class C pavement mix with a coarse aggregate durability of Class 2 or better.~~

4. Class D and Class E Revetment.

a. Meet the requirements of Section 4130. If filter blanket is required, refer to the contract documents for the material specified. **If using recycled PCC, meet the requirements of IM 210.**

b. Place revetment stone on the filter blanket. When filter blanket is not required, place revetment stone directly on the prepared slope or area in a manner which will produce a reasonably well graded mass of stone with the minimum practical percentage of voids. Place the entire mass of stone in compliance with the lines, grades, and thicknesses shown in the contract documents. Place revetment to its full course thickness in one operation and in such a manner as to avoid displacing underlying material. Do not place riprap revetment in layers or by dumping into chutes and similar methods likely to cause segregation.

Reason for Revision: There is a conflict between the existing 2507.03B3 Class C Revetment specification and 4130.02A3 in GS-09004.

County or City Input Needed (X one)	Yes	No X
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Comments:

Industry Input Needed (X one)		Yes	No X
Industry Notified:	Yes	No X	Industry Concurrence:
			Yes No

Comments: Haven't found evidence in the last several years of usage of current 2507 Class C Revetment in Summary of Awarded Contract Prices book. This change would clear up any confusion on expectations between the two types of Class C Revetment currently in our specifications.

SPECIFICATION REVISION SUBMITTAL FORM

Submitted by: Tom Reis		Office: Specifications	Item 15
Submittal Date: 2011.11.08		Proposed Effective Date: April 2012 GS	
Article No.: 2520.03		Other:	
Title: Field Laboratory and Field Office			
Specification Committee Action: Approved with changes.			
Deferred:	Not Approved:	Approved Date: 11/10/2011	Effective Date: 4/17/2012
Specification Committee Approved Text:			
2520.03, A, 1, n.			
Replace the Article:			
A touch tone telephone in the field laboratory. It may be an extension of a telephone located elsewhere at the plant site. The Contractor is responsible for paying all installation charges for the telephone. The Contracting Authority will pay for all long distance call charges made by its employees, according to Article 1109.03.			
Wireless connectivity. Provide a device to allow multiple inspectors to access the internet wirelessly, such as a mobile hotspot. Provide a minimum of 3 GB of data usage monthly. This device will be considered a part of the field laboratory and shall stay with the field laboratory. If the field laboratory and field office are located adjacent to each other, one device may be adequate to cover both, so long as the signal can be accessed from both trailers. The Contracting Authority will pay data charges for usage above the monthly minimum.			
2520.03, B, 1, I.			
Replace the Article:			
A single trunk telephone in the office.			
Wireless connectivity. Provide a device to allow multiple inspectors to access the internet wirelessly, such as a mobile hotspot. Provide a minimum of 3 GB of data usage per month. This device will be considered a part of the field office and shall stay with the field office. If the field laboratory and field office are located adjacent to each other, one device may be adequate to cover both, so long as the signal can be accessed from both trailers.			
2520.03, B, 2, a.			
Replace the last sentence of the Article:			
The Contracting Authority will pay for monthly telephone charges. The Contracting Authority will pay data charges for usage above the monthly minimum.			
Comments: The District 6 Construction Office asked if the Department is willing to purchase air cards for the inspectors to use in the project trailers.			
The Office of Traffic and Safety asked if we should require a wireless access point in the project trailers so that multiple inspectors could access the internet at once. This also would not require attaching any hardware to the department's laptops. Contractors could provide the wireless access point as part of the project trailers or the department could have a number of wireless access points available for the RCE offices to use. The Office of Construction would like each project trailer to be furnished with a wireless access point. Inspectors not working out of a trailer would need an air card to access the internet.			
Specification Section Recommended Text:			
2520.03, A, 1, n.			
Delete the article:			
n. A touch tone telephone in the field laboratory. It may be an extension of a telephone located elsewhere at the plant site. The Contractor is responsible for paying all installation charges for the telephone. The Contracting Authority will pay for all long distance call charges made by its employees, according to Article 1109.03.			
2520.03, B, 1, I.			
Delete the article:			

~~l. A single trunk telephone in the office.~~

Comments:

Member's Requested Change: (Do not use 'Track Changes', or 'Mark-Up'. Use **Strikeout and **Highlight**.)**

Section 2520. Field Laboratory and Field Office

2520.01 DESCRIPTION.

Furnish and maintain field office space or laboratory space, or both, to be used for project testing of:

- Earthwork where moisture control or moisture density control is required,
- Subbase, base, and pavement, and
- Any other designated use.

2520.02 MATERIALS.

None.

2520.03 FIELD LABORATORY AND FIELD OFFICE.

A. Field Laboratory.

1. General.

Meet the following requirements. Items a through h are meant as a guide rather than minimum requirements. The Engineer may approve suitable alternative facilities.

- a. Weather tight field laboratory space with minimum inside dimensions of 7 feet by 18 feet (2 m by 5.5 m) with 7 feet (2.1 m) of head room.
- b. Two doors: one at least 32 inches (800 mm) wide with screens, and one for emergency.
- c. Outside walls with screened windows which can be used for ventilation.
- d. Desk with drawers, three chairs, a closet, and a suitable work table space.
- e. Splinter free and solid floor.
- f. A floor broom and fire extinguisher.
- g. Anchor bolts firmly attached to accommodate a mechanical sieve shaker (template furnished upon request).
- h. Lockable laboratory space (with appropriate number of keys) that is set level and stable for minimum vibration. The laboratory space may be independent or dependent on other space, but is for the exclusive use of the Contracting Authority.
- i. Adequate lights and heavy duty, 110 volt electrical outlets, suitably placed.
- j. An exhaust fan or fans.
- k. A laboratory stove or stoves with hoods vented to an exhaust fan
- l. A sink with potable water supply to sink faucet.
- m. Air conditioning and heat to maintain a temperature approximately between 70°F (20°C) and 80°F (27°C).
- n. ~~A touch tone telephone in the field laboratory. It may be an extension of a telephone located elsewhere at the plant site. The Contractor is responsible for paying all installation charges for the telephone. The Contracting Authority will pay for all long distance call charges made by its employees, according to Article 1109.03.~~
- o. Suitable sanitary facilities located within 75 feet (25 m) of the laboratory for use by the inspection forces.

2. Furnishing Field Laboratory.

A field laboratory will be required as follows:

a. Field Laboratories.

- 1) Field laboratories will be required for acceptance testing when specified on the proposal. The items for which the field laboratory is intended will be designated. If base and pavement are of similar types which require similar plant and testing facilities, only one field laboratory will be shown on the proposal for both items.
- 2) Furnish the field laboratory before all work is started. Keep the field laboratory on the project at all times regardless of work being performed or testing required. Duplicate field laboratories may be required when the plant facilities are duplicated or dispersed so that plant operation of base or pavement work cannot be monitored from one field laboratory.
- 3) Relocate laboratories used to control asphalt binder or Portland cement proportioning as the plant facilities are relocated. Field laboratories used primarily to test densities of base, subbase, or earthwork may be required to be relocated once for each 4 miles (6.5 km) or fraction thereof in the length of the project.

b. Field Laboratories for Materials Inspection.

- 1) Materials will be inspected at the project site if prior inspection has not been made, and a materials laboratory may be required for this purpose. If inspection prior to shipment to the

project site is necessary, in the opinion of the Engineer, or agreeable to the Engineer and Contractor, furnish inspection facilities near the location for inspection.

- 2) Inspection facilities will be necessary at the site of production or warehousing of:
 - Pipe,
 - Cement,
 - Asphalt,
 - Structural steel and other metal items,
 - Precast concrete,
 - Aggregates,
 - Other materials requiring or utilizing approved warehousing, and
 - Proportioning and mixing plants for concrete and bituminous mixtures at permanent facilities.
- 3) Ensure inspection facilities are suitable for the use intended, including testing space or office space for record keeping, or both. Facilities may vary from designated or separate space in a shared building for occasional inspection, to a materials laboratory (defined below) for continuous and full time use.
- 4) Material laboratories will be required for any inspection for individual or combinations of projects involving more than:
 - 5,000 tons (5000 Mg) of aggregate from an individual source for use in pavement, base, or subbase, or
 - 10,000 tons (10,000 Mg) of aggregate for other purposes.
- 5) Ensure laboratories are located close to production operations. For facilities furnished jointly, ensure the laboratory is within a driving distance of 5 miles (8 km) from each source.
- 6) For the materials laboratory, furnish facilities similar to those specified in Article 2520.03, A, 2, a. Equip the laboratory for testing the type of material to be produced according to an equipment listing available upon request. The Engineer may modify parts of this specification to allow for:
 - Facilities furnished prior to first use of this specification,
 - Small amounts of material to be furnished from widely separated sources, or
 - Unusual testing procedures.

B. Field Office.

1. General.

Meet the following requirements. Items a through i are meant as a guide rather than minimum requirements. The Engineer may approve suitable alternative facilities.

- a. Office space separate and apart from any building occupied by the Contractor and for the exclusive use by the Contracting Authority.
- b. Conveniently located near the work, as may be directed by the Engineer.
- c. Weather tight, insulated, and painted, and of a size as to enclose a nominal area of 192 square feet (18 m²) of floor space.
- d. At least five windows having a total sash area no less than 30 square feet (3 m²).
- e. Windows fitted with locking devices and hung to open and close.
- f. Outside door fitted with a cylinder lock, and all keys turned over to the Engineer.
- g. Fit the windows and door with screens.
- h. A plan table, a plan storage rack, a desk, three straight chairs, a drafting stool, a water cooler dispenser, a floor broom, and a 10 pound (4.5 kg) rated capacity carbon dioxide fire extinguisher.
- i. Non-furnished area partitioned from the larger area for use as storage.
- j. Heating and air conditioning to maintain an approximate temperature between 70°F (20°C) to 80°F (27°C).
- k. No less than two wall power outlets and sufficient ceiling lighting fixtures in the office to provide a minimum of 70 foot-candles (750 luxes) of light on all working surfaces.
- ~~l. A single trunk telephone in the office.~~
- m. Suitable sanitary facilities within 75 feet (25 m) of the office for the use of the inspection forces.
- n. An all weather access road and parking area (both maintained) for not less than five vehicles at the field office for the use of the inspection forces.

2. Furnishing Field Office.

- a. Furnish the field office before all work is started. For the duration of this contract, maintain the building in a satisfactory state of repair and supply all heating fuel, electricity, and drinking water. The Contractor is responsible for paying all installation charges. The Contracting Authority will pay for monthly telephone charges.
- b. Notify the Engineer 3 calendar days before removing a field office.

C. Limitations.

Contractor's maintenance of these facilities does not include normal housekeeping.					
<p>2520.04 METHOD OF MEASUREMENT. The Engineer will count the Field Laboratories or Field Offices, or both, furnished according to this specification, as required by the contract documents. Field laboratories furnished for materials inspection will not be counted for payment.</p>					
<p>2520.05 BASIS OF PAYMENT.</p> <p style="margin-left: 20px;">A. Payment for each Field Laboratory or Field Office, or both, will be the contract unit price.</p> <p style="margin-left: 20px;">B. Payment is full compensation for furnishing, moving, and maintaining the field laboratory or field office, or both, and for furnishing the utilities and sanitary facilities.</p>					
<p>Reason for Revision: Depending on the location of the field lab or field office, the expense of installing a telephone line for the facility use can be expensive. With the prevalent use and availability of cellular technology, it is recommended the Engineer provide a cellular air card for field staff to use if needed.</p>					
County or City Input Needed (X one)			Yes		No x
Comments:					
Industry Input Needed (X one)			Yes x		No
Industry Notified:	Yes x	No	Industry Concurrence:	Yes x	No
<p>Comments: Item was requested by the AGCI at July 5, 2011 AGCI Business Practices Committee meeting.</p>					