

State of New York Executive Department
Office Of General Services
Procurement Services Group
Corning Tower Building - 38th Floor
Empire State Plaza
Albany, New York 12242
<http://www.ogs.state.ny.us>

CONTRACT AWARD NOTIFICATION

| | | |
|--------------------------------|----------|---|
| Title | : | Group 31507 - LIQUID BITUMINOUS MATERIALS (Cold Recycling) (2009 DOT Specific Projects) (ARRA Funds) Classification Code: 30 |
| Award Number | : | <u>21855 - RS</u> |
| Contract Period | : | July 1, 2009 to November 30, 2009 |
| Bid Opening Date | : | May 22, 2009 |
| Date of Issue | : | July 2, 2009 |
| Specification Reference | : | As Incorporated In The Invitation for Bids, SPEC-913 dated September 16, 2008 and Purchasing Memorandum dated May 15, 2009 |
| Contractor Information | : | Appears on Page 2 of this Award |

Address Inquiries To:

State Agencies & Vendors

Name : José DeAndres
Title : Purchasing Officer I
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**The Procurement Services Group values your input.
Complete and return "Contract Performance Report" at end of document.**

Description

Cold Recycling of bituminous concrete pavements is a corrective maintenance technique. The existing pavement is milled off for a depth of 3 to 4 inches (75mm to 100mm), a liquid bituminous material is added to the millings, and the resulting mixture is placed and compacted on the milled surface. A new bituminous concrete sealing layer is added later. Existing cracks are eliminated and the resulting pavement should last for many years.

PR #21855

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| <u>CONTRACT #</u> | <u>CONTRACTOR & ADDRESS</u> | <u>TELEPHONE #</u> | <u>FED.IDENT.#</u> |
|-------------------|--|--|--------------------|
| PC64640 | MIDLAND ASPHALT MATERIALS, INC. 640 Young Street Tonawanda, NY 14150 | 716/692-0730, Ext. 122 Tim McNally Fax: 716/692-0613 E-mail: tmcnally@midlandasphalt.com Website: www.midlandasphalt.com | 260038619 |

Cash Discount, If Shown, Should be Given Special Attention.

INVOICES MUST BE SENT DIRECTLY TO THE ORDERING AGENCY FOR PAYMENT.
(See "Contract Payments" and "Electronic Payments" in this document.)

AGENCIES SHOULD NOTIFY THE PROCUREMENT SERVICES GROUP PROMPTLY IF THE CONTRACTOR FAILS TO MEET DELIVERY OR OTHER TERMS OF THIS CONTRACT. PRODUCTS OR SERVICES WHICH DO NOT COMPLY WITH THE SPECIFICATIONS OR ARE OTHERWISE UNSATISFACTORY TO THE AGENCY SHOULD ALSO BE REPORTED TO THE PROCUREMENT SERVICES GROUP.

RECYCLED, REMANUFACTURED AND ENERGY EFFICIENT PRODUCTS:

The Procurement Services Group supports and encourages the purchase of recycled, remanufactured, energy efficient and "energy star" products. If one of the following codes appears as a suffix in the Award Number or is noted under the individual Contract Number(s) in this Contract Award Notification, please look at the individual awarded items for more information on products meeting the suffix description.

| | |
|----------|---------------------------|
| RS,RP,RA | Recycled |
| RM | Remanufactured |
| SW | Solid Waste Impact |
| EE | Energy Efficient |
| E* | EPA Energy Star |
| ES | Environmentally Sensitive |

NOTE TO AUTHORIZED USERS:

When placing purchase orders under the contract(s), the authorized user should be familiar with and follow the terms and conditions governing its use which usually appears at the end of this document. The authorized user is accountable and responsible for compliance with the requirements of public procurement processes. The authorized user must periodically sample the results of its procurements to determine its compliance. In sampling its procurements, an authorized user should test for reasonableness of results to ensure that such results can withstand public scrutiny.

The authorized user, when purchasing from OGS contracts, should hold the contractor accountable for contract compliance and meeting the contract terms, conditions, specifications, and other requirements. Also, in recognition of market fluctuations over time, authorized users are encouraged to seek improved pricing whenever possible.

Authorized users have the responsibility to document purchases, particularly when using OGS multiple award contracts for the same or similar product(s)/service(s), which should include:

- a statement of need and associated requirements,
- a summary of the contract alternatives considered for the purchase,
- the reason(s) supporting the resulting purchase (e.g., show the basis for the selection among multiple contracts at the time of purchase was the most practical and economical alternative and was in the best interests of the State).

PRICE:

NET PRICING - Section 24-b of APPENDIX B, GENERAL SPECIFICATIONS, has been modified to include the following:

Price - Price for cold recycling is net per square yard completed with contractor’s equipment totally by the contractor at the locations indicated herein. The price for cold recycling per square yard also includes mobilization to the project site, Work Zone Traffic Control, temporary pavement marking, and rumble strips. The price per gallon for the asphalt emulsion includes heating, hauling, and applying the liquid bituminous material at the project locations indicated herein. The price per ton for aggregate includes hauling and applying the necessary aggregate as per the mix design at the project locations indicated herein.

NYSDOT’s Standard Specifications - Cold recycling shall be performed in accordance with NYSDOT’s Standard Specifications and as per the attached material specification for cold recycling. Cleaning and preparing the existing pavement will be the responsibility of the purchasing agency. Erecting warning signs and directing traffic will be the responsibility of the contractor.

Units of Measure - All construction and materials quantities specified are in U.S. Customary Units.

ASPHALT PRICE ADJUSTMENTS:

- Asphalt price adjustments allowed will be based on the October 1, 2008 average of the F.O.B. terminal price per ton of unmodified PG 64-22 binder without anti-stripping agent (base average F.O.B. terminal price). The new monthly average terminal price will be determined by the New York State Department of Transportation based on prices of preapproved primary sources of performance graded binder in accordance with the New York State Department of Transportation Standard Specification.

The October 1, 2008 average is \$691.00 per ton.

NOTE: The same grade of asphalt cement used in establishing the base average F.O.B. terminal price shall be used in establishing the new average F.O.B. terminal price.

In the event that one or more of the New York State Department of Transportation preapproved sources discontinue posting a price for asphalt cement, the base average F.O.B. terminal **price shall not be recalculated.**

- The new average F.O.B. terminal price will be determined based on the above F.O.B. terminal prices posted on the 20th of each month, hereafter known as the “Adjustment Date”, during the contract period starting with June 20, 2009. However, asphalt price adjustments, in accordance with the formula below, will be effective for deliveries made on and after the first of the month (i.e., July 1, 2009) following the adjustment date.
- The unit prices of bituminous materials purchased from any award based on this specification will be subject to adjustment based on the following formula:

| | | | | | | | | | | | | | |
|--|---|--|--|---|--------------------------------|-------|--|--|-----|--|--|---|-----------------------------------|
| Price Adjustment (per gallon) | = | <table style="margin: auto; border: none;"> <tr> <td style="border: none;">New Monthly Average FOB Terminal Price</td> <td style="border: none; padding: 0 10px;">-</td> <td style="border: none;">Base Average Terminal Price</td> </tr> <tr> <td colspan="3" style="border: none; text-align: center;">-----</td> </tr> <tr> <td colspan="3" style="border: none; text-align: center;">235</td> </tr> </table> | New Monthly Average FOB Terminal Price | - | Base Average Terminal Price | ----- | | | 235 | | | X | Total Allowable Petroleum % |
| New Monthly Average FOB Terminal Price | - | Base Average Terminal Price | | | | | | | | | | | |
| ----- | | | | | | | | | | | | | |
| 235 | | | | | | | | | | | | | |

NEW MONTHLY AVERAGE F.O.B. TERMINAL PRICE:

The average F.O.B. terminal price for unmodified PG 64-22 binder without anti-stripping agent as determined by the New York State Department of Transportation per New York State Department of Transportation Standard Specification.

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| <u>Project Number</u> | <u>County/Location</u> | <u>Item No.</u> | <u>Estimated Quantity</u> | <u>Cold Recycling Type</u> | <u>OGS Item</u> | <u>Price per Unit</u> | <u>NYS DOT Plant Number</u> | <u>Contractor</u> |
|-----------------------|---|-----------------|---------------------------|----------------------------|-----------------|-----------------------|-----------------------------|---------------------------------|
| 5V0944 | Erie | 51405.0294 | 58,800 SY | Type II | 1 | \$ 1.91 | 30502 | Midland Asphalt Materials, Inc. |
| | Rte. 249 | 51623.0594 | 2,600 Tons | | | \$19.70 | 5-48F,G | |
| | Delaware Creek to N. Collins WVL RM 249 5301/ 1048-1080 Town of Brant 3.2 miles | 702-3301 | 97,500 Gal | | | \$ 2.38 | 30502 | |
| 675432 | Steuben | 51405.0294 | 24,522 SY | Type II | 2 | \$ 1.62 | 30403 | Midland Asphalt Materials, Inc. |
| | CR 14 | 51623.0594 | 932 Tons | | | \$16.43 | 6-33F,G | |
| | CR 15 to 1.9 m South Town of Bath 1.9 miles | 702-3301 | 37,275 Gal | | | \$ 2.43 | 30403 | |
| 675433 | Steuben | 51405.0294 | 43,237 SY | Type II | 3 | \$ 1.62 | 30403 | Midland Asphalt Materials, Inc. |
| | CR 14 | 51623.0594 | 1,643 Tons | | | \$16.43 | 6-33F,G | |
| | 2.9 m So. CR 15 to CR 69 Towns of Bath & Howard 3.35 miles | 702-3301 | 65,720 Gal. | | | \$ 2.43 | 30403 | |
| 7V093A | Jefferson | 51405.0294 | 57,000 SY | Type I | 4 | \$ 1.94 | 30403 | Midland Asphalt Materials, Inc. |
| | Rte. 177 | 51623.0594 | 2,520 Tons | | | \$17.92 | 7-21R | |
| | Adams Ctr - Roadman Landfill RM 177-7301/ 1040.5-1069 Town of Adams & Roadman 2.85 miles | 702-3301 | 89,400 Gal. | | | \$ 2.45 | 30403 | |

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CONTRACTOR REQUIREMENTS AND PROCEDURES FOR EQUAL EMPLOYMENT AND BUSINESS PARTICIPATION OPPORTUNITIES FOR MINORITY GROUP MEMBERS AND NEW YORK STATE CERTIFIED MINORITY/WOMEN-OWNED BUSINESSES

In accordance with Article 15-A of the New York State Executive Law (Participation by Minority Group Members and Women with Respect to State Contracts) and in conformance with the Regulations promulgated by the Minority and Women's Business Development Division of the New York State Department of Economic Development set forth at 5 NYCRR Parts 140-144, the Offerer/Contractor agrees to be bound by the following to promote equality of economic opportunities for minority group members and women, and the facilitation of minority and women-owned business enterprise participation on all covered OGS contracts.

a. Equal Employment Opportunity Requirements

By submission of a bid or proposal in response to this solicitation, the Offerer agrees with all of the terms and conditions of Appendix A including Clause 12 - Equal Employment Opportunities for Minorities and Women. The contractor is required to ensure that the provisions of Appendix A clause 12 – Equal Employment Opportunities for minorities and women, are included in every subcontract in such a manner that the requirements of these provisions will be binding upon each subcontractor as to work in connection with the State contract.

b. Participation Opportunities for New York State Certified Minorities and Women-Owned Businesses

Authorized Users are encouraged to make every good faith effort to promote and assist the participation of New York State Certified Minority and Women-owned Business Enterprises (M/WBE) as subcontractors and suppliers on this contract for the provision of services and materials. To locate New York State Certified M/WBEs, the directory of Certified Businesses can be viewed at:
http://www.empire.state.ny.us/Small_and_Growing_Businesses/mwbe.asp

DIESEL EMISSION REDUCTION ACT OF 2006 (NEW REQUIREMENT OF LAW):

On February 12, 2007 the Diesel Emissions Reduction Act took effect as law (the "Law"). Pursuant to new §19-0323 of the N.Y. Environmental Conservation Law ("NYECL") it is now a requirement that heavy duty diesel vehicles in excess of 8,500 pounds use the best available retrofit technology ("BART") and ultra low sulfur diesel fuel ("ULSD"). The requirement of the Law applies to all vehicles owned, operated by or on behalf of, or leased by State agencies and State or regional public authorities. They need to be operated exclusively on ULSD by February 12, 2007. It also requires that such vehicles owned, operated by or on behalf of, or leased by State agencies and State or regional public authorities with more than half of its governing body appointed by the Governor utilize BART.

As a contract contractor the Law may be applicable to vehicles used by contract contractors "on behalf of" State agencies and public authorities. Thirty-three percent (33%) of affected vehicles must have BART by December 31, 2008, sixty-six percent (66%) by December 31, 2009 and one-hundred percent (100%) by December 31, 2010. The Law provides a list of exempted vehicles. Regulations currently being drafted will provide further guidance as to the effects of the Law on contract contractors using heavy duty diesel vehicles on behalf of the State. The Law also permits waivers of ULSD and BART under limited circumstances at the discretion of the Commissioner of Environmental Conservation. The Law will also require reporting from State agencies and from contract contractors in affected contracts.

Therefore, the bidder hereby certifies and warrants that all heavy duty vehicles, as defined in NYECL §19-0323, to be used under this contract, will comply with the specifications and provisions of NYECL §19-0323, and any regulations promulgated pursuant thereto, which requires the use of BART and ULSD, unless specifically waived by NYSDEC. Qualification and application for a waiver under this Law will be the responsibility of the bidder.

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REQUEST FOR CHANGE:

Any request by the agency or contractor regarding changes in any part of the contract must be made in writing to the Office of General Services, Procurement Services Group, prior to effectuation.

CONTRACT PAYMENTS:

Payments cannot be processed by State facilities until the contract products have been delivered in satisfactory condition or services have been satisfactorily performed. Payment will be based on any invoice used in the supplier's normal course of business. However, such invoice must contain sufficient data including but not limited to contract number, description of product or service, quantity, unit and price per unit as well as federal identification number.

State facilities are required to forward properly completed vouchers to the Office of the State Comptroller for audit and payment. All facilities are urged to process every completed voucher expeditiously giving particular attention to those involving cash discounts for prompt payment.

If the contract terms indicate political subdivisions and others authorized by law are allowed to participate, those entities are required to make payments directly to the contractor. Prior to processing such payment, the contractor may be required to complete the ordering non-State agency's own voucher form.

See "Contract Billings" in Appendix B, OGS General Specifications.

ELECTRONIC PAYMENTS:

The Office of the State Comptroller (OSC) offers an "electronic payment" option in lieu of issuing checks. To obtain an electronic payment authorization form visit the OSC website at www.osc.state.ny.us or contact them by e-mail at epunit@osc.state.ny.us or by phone at 518-474-4032.

NOTE TO CONTRACTOR:

This Contract Award Notification is not an order. Do not take any action under this contract except on the basis of purchase order(s) from the agency or agencies.

If a purchase order is not received from the agency listed within two weeks after receipt of this award, the contractor should contact the agency directly requesting the submission of a purchase order. The Agency contact person is Ed Denehy, who can be reached at 518-457-6914.

DEBRIEFING:

Contractors and bidders are accorded fair and equal treatment with respect to the opportunity for debriefing. OGS shall, upon request, provide a debriefing to any bidder or awarded contractor that responded to the IFB or RFP regarding the reason that the proposal or bid submitted by the unsuccessful bidder was not selected for a contract award. The post award debriefing should be requested by the bidder or awarded contractor within thirty days of posting of the contract award on the OGS website.

PSG's DISPUTE RESOLUTION POLICY:

It is the policy of the Office of General Services' Procurement Services Group (PSG) to provide contractors with an opportunity to administratively resolve disputes, complaints or inquiries related to PSG bid solicitations or contract awards. PSG encourages contractors to seek resolution of disputes through consultation with PSG staff. All such matters will be accorded impartial and timely consideration. Interested parties may also file formal written disputes. A copy of PSG's Dispute Resolution Procedures for Contractors may be obtained by contacting the person shown on the front of this document or through the OGS website (www.ogs.state.ny.us).

CONTRACT PERIOD AND RENEWALS:

It is the intention of the State to enter into a contract for the term as stated herein.

If mutually agreed between the Procurement Services Group and the contractor, the contract may be renewed under the same terms and conditions for additional period(s) not to exceed a total contract term of five (5) years.

ESTIMATED QUANTITIES:

The quantities or dollar values listed are estimated only. See "Estimated/Specific Quantity Contracts" in Appendix B, OGS General Specifications.

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CANCELLATION FOR CONVENIENCE:

The State of New York retains the right to cancel this contract, in whole or in part without reason provided that the Contractor is given at least sixty (60) days notice of its intent to cancel. This provision should not be understood as waiving the State's right to terminate the contract for cause or stop work immediately for unsatisfactory work, but is supplementary to that provision. Any such cancellation shall have no effect on existing Agency agreements, which are subject to the same 60 day discretionary cancellation or cancellation for cause by the respective user Agencies.

SHORT TERM EXTENSION:

In the event the replacement contract has not been issued, any contract let and awarded hereunder by the State, may be extended unilaterally by the State for an additional period of up to one month upon notice to the contractor with the same terms and conditions as the original contract including, but not limited to, quantities (prorated for such one month extension), prices, and delivery requirements. With the concurrence of the contractor, the extension may be for a period of up to three months in lieu of one month. However, this extension terminates should the replacement contract be issued in the interim.

EMERGENCY PURCHASING:

In the event that a disaster emergency is declared by Executive Order under Section 28 of Article 2-B of the Executive Law, or that the Commissioner determines pursuant to his/her authority under Section 163(10)(b) of the State Finance Law that an emergency exists requiring the prompt and immediate delivery of products or services, the Commissioner reserves the right to obtain such products or services from any source, including but not limited to this contract, as the Commissioner in his/her sole discretion determines will meet the needs of such emergency. Contractor shall not be entitled to any claim or lost profits for products or services procured from other sources pursuant to this paragraph.

MATERIALS:

Materials offered must be from a NYS Dept. of Transportation approved location. Inspection of storage locations not currently approved may be requested directly from NYSDOT and subsequently certified for consideration in the future.

Materials offered must be from the NYS Dept. of Transportation approved list of materials.

DELIVERY:

General - Delivery shall be made in accordance with instructions on Purchase Order from agency. If there is a discrepancy between the purchase order and what is listed on the contract, it is the contractor's obligation to seek clarification from the ordering agency and, if applicable, from the Office of General Services, Procurement Services Group.

Default (Failure to Furnish Material) - Clause 45 of the General Specifications is modified as follows: Failure to furnish material within ten days after receiving order or as agreed upon with authorized representative or violation of shipping instructions, shall be cause for and entitle the State (1) to damages which in its judgment have resulted, or (2) to purchase in the open market at the expense of the contractor. At the discretion of the State, one or both of these courses of action may be followed.

Delivery Ticket - A delivery ticket shall be provided with each load of bituminous material and filler for joints stating the following:

1. Storage facility identification
2. Ticket Number
3. Date/time
4. Item Number and Type
5. Quantity ticket printed by machine
6. Quantity in 60° F gallons for emulsions and PG binder.

Quantity Received - It is the responsibility of the agency to ascertain quantities shipped are accurate to the delivery ticket. Each vehicle should be checked for product upon arrival and prior to departure.

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DELIVERY: (Cont'd)

Sampling, Testing, Inspection and Reporting - All liquid bituminous material intended for use on State agency and non-State agency projects shall be sampled, tested, inspected, certified and shipped in accordance with NYS DOT Materials Method N.Y. 8.1, 8.2 and 8.3 and addenda. The State reserves the right to inspect liquid bituminous material supply facilities and the equipment of any successful bidder at any time for conformance with the requirements listed herein; if deficiencies are found, such deficiencies shall be corrected within 10 days or the contractor will be considered in default.

STORAGE FACILITY:

The contractor shall supply liquid bituminous material in the quantity and date specified on the order. The storage facility shall be approved by NYS DOT in the current calendar year before liquid bituminous material can be supplied.

ASPHALT EMULSION REQUIREMENTS:

Asphalt emulsions for Cold Recycling shall be either Medium Setting (Items 702-3201, 702-3301, 702-3401, 702-3402, 702-4201, 702-4301) or Slow Setting (Items 702-3501, 702-3601, 702-4401, 702-4501).

PG BINDER REQUIREMENTS:

Acceptance of the PG Binder is based on the name of the primary source appearing on the Department's Approved List of Performance Graded Binders for Hot Mix Asphalt (HMA) Paving and is contingent upon certification of compliance to these specification requirements by primary source and subsequent suppliers. The department reserves the right to conduct sampling and testing to verify specification compliance.

PREVAILING WAGE RATES - FEDERALLY FUNDED PUBLIC WORKS CONTRACTS:

Work being performed is subject to the prevailing wage rate provisions of New York State Labor Law. See "Prevailing Wage Rates - Public Works and Building Services Contracts" in Appendix B, OGS General Specifications.

Any provisions of NYS Labor Law that are in conflict with mandatory Federal-Aid construction contract compliance requirements are superseded. Any provisions of NYS Labor Law that are not in conflict with mandatory Federal-Aid construction contract compliance requirements or the Davis-Bacon Act but are more restrictive shall apply.

For access to the Department of Labor (DOL) Prevailing Wage Schedule, use the following link:

<http://wpp.labor.state.ny.us/wpp/showFindProject.do?method=showIt>

Enter **2009003625**, the applicable Prevailing Wage Rate Schedule for this project, and press the "Enter" key or click on "Submit". Next, click on "Original Wage Schedule" beneath the header. This schedule may require several minutes to open.

For Prevailing Wage Updates, use the following DOL link:

<http://wpp.labor.state.ny.us/wpp/publicViewPWChanges.do?method=showIt>

Links to schedule updates appear in the table at the bottom of the web page.

The Federal Wage Rate Chart for **Erie** County is located on the web at

<http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=Davis-Bacon&docid=NY20080008>

The Federal Wage Rate Chart for **Jefferson** County is located on the web at

<http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=Davis-Bacon&docid=NY20080010>

The Federal Wage Rate Chart for **Steuben** County is located on the web at

<http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=Davis-Bacon&docid=NY20080019>

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CONTRACTOR INSURANCE:

ADDITIONAL INSURANCE REQUIREMENTS – Prior to commencement of work at the Pre-paving/Pre-production Conference, the Contractor shall file with Authorized User Agency (hereinafter referred to as “Agency”), Certificates of Insurance evidencing compliance with **the additional insurance requirements set forth hereafter**.

Acceptance and/or approval by the Agency does not and shall not be construed to relieve Contractor of any obligations, responsibilities or liabilities under the Contract.

The following insurance required by the Contract shall be obtained at the sole cost and expense of the Contractor; shall be maintained with insurance carriers authorized or licensed to do business in New York State, and acceptable to the Agency; shall be primary and non-contributing to any insurance or self insurance maintained by the Agency; shall be endorsed to provide written notice be given to the Agency, at least thirty (30) days prior to the cancellation, non-renewal, or material alteration of such policies, which notice, evidenced by return receipt of United States Certified Mail; shall be sent to:

Authorized User Agency
Address as stated on purchase order

and shall name The People of the State of New York, its officers, agents, and employees as additional insureds thereunder. The additional insured requirement does not apply to Workers Compensation or Disability coverage.

The Contractor shall be solely responsible for the payment of all deductibles and self insured retentions to which such policies are subject. Deductibles and self-insured retentions must be approved by the Agency. Such approval shall not be unreasonably withheld.

Each insurance carrier must be rated at least “A-” Class “VII” in the most recently published Best’s Insurance Report. If, during the term of the policy, a carrier’s rating falls below “A-” Class “VII”, the insurance must be replaced no later than the renewal date of the policy with an insurer acceptable to the Agency and rated at least “A-” Class “VII” in the most recently published Best’s Insurance Report.

The Contractor shall cause all insurance to be in full force and effect as of the commencement date of this Contract and to remain in full force and effect throughout the term of this Contract and as further required by this Contract. The Contractor shall not take any action, or omit to take any action that would suspend or invalidate any of the required coverages during the period of time such coverages are required to be in effect.

Not less than thirty (30) days prior to the expiration date or renewal date of an Insurance Policy, the Contractor shall supply the Agency updated replacement Certificates of Insurance, and amendatory endorsements.

The Contractor is required by this Contract to obtain and maintain in full force and effect, the following additional insurance with limits not less than those described below and as required by the terms of this Contract, or as required by law, whichever is greater (limits may be provided through a combination of primary and umbrella/excess policies) for each project for which Contractor receives a Purchase Order:

- a) Commercial General Liability
Commercial General Liability Insurance with a limit of **not less than \$5,000,000 each occurrence**. Such liability shall be written on the ISO occurrence form CG CG 00 01, or a substitute form providing equivalent coverages and shall cover liability arising from premises operations, independent contractors, products-completed operations, broad form property damage, personal & advertising injury, cross liability coverage, liability assumed in a contract (including the tort liability of another assumed in a contract) and explosion, collapse & underground coverage.
 1. If such insurance contains an aggregate limit, it shall apply separately on a per job basis.
- b) Commercial Automobile Liability
Comprehensive Business Automobile Liability Insurance with a limit of **not less than \$2,000,000 each accident**. Such insurance shall cover liability arising out of any automobile including owned, leased, hired and non owned automobiles.
- c) Commercial Property or Inland Marine Insurance covering the loss or damage to any owned, borrowed, leased or rented equipment, tools, including tools of their agents and employees, staging towers and forms, and property of Agency held in their care, custody and/or control.

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CONTRACTOR INSURANCE: (Cont'd)

ADDITIONAL INSURANCE REQUIREMENTS (Cont'd)

- d) OCP Insurance - Owners and Contractors Protective Insurance Coverage (OCP) is required by the New York Department of transportation (NYSDOT) on any NYSDOT project on or near active highway right of way. **The OCP insurance required shall be \$1,000,000 per occurrence and \$2,000,000 in the aggregate.**

Waiver of Subrogation. Contractor shall cause to be included in each of its policies insuring against loss, damage or destruction by fire or other insured casualty a waiver of the insurer's right of subrogation against the Agency, or, if such waiver is unobtainable (i) an express agreement that such policy shall not be invalidated if Contractor waives or has waived before the casualty, the right of recovery against the Agency or (ii) any other form of permission for the release of the Agency.

PAYMENT:

Payment for Cold Recycling of Asphalt Concrete shall be made at the contract price for the actual number of completed square yards of cold recycling, the actual number of tons of aggregate, and the actual number of gallons of either asphalt emulsion (unmodified or modified) or PG 64-22 binder at 60 degrees F verified by the receiving agency used in the accepted portions of the work. The determination as to quantities involved in any contract shall be accepted as final and binding upon the contractor.

A delivery slip stating quantities of liquid bituminous material (unmodified or modified emulsion or PG 64-22 binder) shall accompany each shipment. An invoice listing the quantities of cold recycling shall be sent promptly by the contractor to the engineer. No additional payment shall be made if the contractor decides that it is necessary to apply a fog seal for the performance of the cold recycling during the cure period.

No separate payment will be made for the use of water in the mixing process. Any work required for the maintenance and repair of the cold recycling by the contractor during the ten day curing period and for an additional twenty days thereafter shall be done at the contractor's expense.

Payment for work zone traffic control, temporary pavement marking, and rumble strips are included in the payment for the number of square yards of completed cold recycling.

RESTORATION OF DISTURBED AREAS:

During the course of the work the contractor shall take reasonable care not to disturb areas outside the existing pavement. Any areas disturbed by the contractor shall be returned to their original condition at no expense to the State. Any and all debris generated as part of the work shall be removed by the contractor upon completion of the project.

SUPERVISION:

The Department of Transportation shall provide supervision for the cold recycling operation. The resident engineer shall designate a recycling supervisor and that person shall be in responsible charge of the operation. The following portions of Section 105 - CONTROL OF WORK of the Standard Specifications shall apply to these projects: 105-01 STOPPING WORK, 105-08 COOPERATION BY THE CONTRACTOR, 105-15 CONTRACTOR'S RESPONSIBILITY FOR WORK.

PRE-RECYCLING CONFERENCE:

The contractor shall schedule a Pre-Recycling Conference with the affected resident engineer after the acceptance of the mix design by the State and at least one week prior to the start of the recycling. Project-level supervisors for both the owner agency and the contractor should be present at this conference. At this conference the contractor shall present Certificates of Insurance evidencing compliance with the additional insurance requirements, their proposed recycling schedule, procedure and Work Zone Traffic Control Plan to the State for approval. Prior to the start of recycling, the contractor shall coordinate the details of the recycling with the resident engineer.

WORK HOURS:

Work will not be permitted on Sundays and Holidays. If the contractor desires to work overtime on other days, dispensation from the NYS Labor Department must be obtained.

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POSSIBLE MIX DESIGN

Possible cold recycling mix designs for projects in this contract shall be supplied by the NYSDOT. The Department will core the pavement and prepare a possible mix design. This possible mix design is shown below and indicates the amount and type of added aggregate (at 20%) and the type and amount of asphalt emulsion (at 3%) and the amount of PG 64-22 binder at 2% to properly recycle the pavement. After award, the contractor may develop their own mix design using other permissible liquid bituminous materials and submit it to the agency's representative for approval. Core results and mix designs may be obtained from Ed Denehy, NYSDOT (518/457-6914).

Quantities for NYSDOT provided possible mix designs:

| <u>Project #</u> | <u>Item Number</u> | <u>Quantity</u> |
|------------------|-----------------------|-----------------|
| 5V0944 | 51405.0294 | 58,800 SY |
| | 51623.0594 | 2,600 Tons |
| | 702-3301 | 97,500 Gallons |
| | OR PG 64-22 | 65,000 Gallons |
| 675432 | 51405.0294 | 24,522 SY |
| | 51623.0594 | 932 Tons |
| | 702-3301 | 37,275 Gallons |
| | OR PG 64-22 | 24,850 Gallons |
| 675433 | 51405.0294 | 43,237 SY |
| | 51623.0594 | 1,643 Tons |
| | 702-3301 | 65,720 Gallons |
| | OR PG 64-22 | 43,815 Gallons |
| 7V093A | 51405.0294 | 57,000 SY |
| | 51623.0594 | 2,520 Tons |
| | 702-3301 | 89,400 Gallons |
| | OR PG 64-22 | 59,600 Gallons |

(continued)

Special Note - Federal ARRA Funding

All projects in this Contract Award Notification (Projects 675432 and 675433 are Steuben County Projects) are funded with ARRA Funds and they will be subject to the special conditions contained in the following notes:

**OGS CONTRACTS ISSUED ON BEHALF OF NYSDOT
ARRA REPORTING & RECORD KEEPING REQUIREMENTS**

Applicable To

Transportation Projects Funded by the American Recovery & Reinvestment Act (ARRA)

The following information is applicable to contractors and subcontractors contractually associated with projects listed in this solicitation which are funded in total, or in part, by the ARRA. See the list of funding sources by project elsewhere in this Contract Award Notification to see which projects are subject to these reporting requirements.

The ARRA, signed into law on February 17, 2009, contains various reporting requirements including employment and jobs data related directly and indirectly to projects receiving funds from the legislation. The ARRA legislation requires contractors to make available to various State and Federal Agencies all records, documentation and related materials of ARRA funded contracts for inspection and audit purposes. Refer to Attachment 1. The ARRA legislation also requires all contractors to accept the authority of both the Comptroller General and the Inspector General. Refer to Attachment 2.

For all reporting contractors the Federal Highway Agency form "FHWA-1589", Revision 3-25, is to be completed on a monthly basis. Refer to Attachment 3 for the subject form and its instruction sheet.

All reporting entities are required to include their DUNS number (Dunn & Bradstreet Unique Identification Number) on the subject form. All other reporting entities must have a DUNS number.

The specific process for contractors is described below. If the FHWA-1589 form is not properly completed and submitted by the scheduled submittal date, the NYSDOT may withhold the related payment.

- 1) For Contractors with OGS contracts for NYSDOT projects that are funded by provisions of the ARRA;

The contractor must complete the FHWA-1589 form and submit the signed original form attached to their invoice. If an invoice is not available for submittal by the 10th of the month the FHWA-1589 form shall be submitted separately with supporting documentation to the office receiving the billing request. The contractor is to complete the form for both their own employees and their subcontractor's employees.

- 2) For contractors with OGS contracts for Local Municipal Government projects that are funded by provisions of the ARRA;

The firms will submit the FHWA-1589 form attached to their invoice to the local government. If an invoice is not available for submittal by the 10th of the month the FHWA-1589 form shall be submitted separately with supporting documentation to the office receiving the billing request.

(continued)

ATTACHMENT 1
American Recovery and Reinvestment Act of 2009 (ARRA)
ADDITIONAL CONTRACT RECORD KEEPING REQUIREMENTS

If this Contract is funded, in whole or in part, by the American Recovery and Reinvestment Act of 2009 (ARRA), the State must provide certain information on jobs and employment to the Federal Highway Administration (FHWA). This will require all reporting entities including the State, local governments, project sponsors, contractors and consultants who work on ARRA funded Projects to provide information to the State in accordance with Reporting Requirements published by the FHWA on March 23, 2009. The FHWA Reporting Requirements, and any additional requirements issued or to be issued by FHWA, are made a part of this Contract, as though fully set forth at length herein.

All Entities shall submit Monthly Employment Reports providing required information on its workforce and the workforce of all subcontractors and sub-consultants who were active on the Contract during the reporting month. Contractors and Consultants shall report the direct project related job information for their workforce and the workforce of all Subcontractors or Sub-consultants active during the reporting month. These jobs include all employees actively engaged in projects who work on the jobsite, in the project office, in the home office, or who telework from a home or other alternative work location. These jobs also include any engineering personnel, inspectors, sampling and testing technicians, and lab technicians performing work directly in support of the ARRA funded project, but do not include material suppliers. Information will also be required concerning total hours worked for all employees reported and the total dollar amount of wages paid.

There will be no additional compensation for this reporting activity and the Monthly Report Form (FHWA-1589) will be required in both paper and electronic formats (MS Excel Spreadsheet Format).

Entities shall complete a Report for each month from the date of contract award or the Notice to Proceed until Completion and Acceptance of the Contract. It is recommended Local Municipal Governments, contractors and consultants insert the entire Special Note into subsequent agreements (any contract receiving ARRA funding) related to this Contract. By completing the Report, an entity certifies that they are knowledgeable of the hours worked and the employment status for all employees listed. All entities are responsible to maintain data to support the Monthly Report Form and to make it available to the State or Federal Government should the State or Federal Government request such supporting documents and materials.

ATTACHMENT 2
American Recovery and Reinvestment Act of 2009 (ARRA)
AUTHORITY OF THE COMPTROLLER GENERAL AND THE INSPECTOR GENERAL

AUTHORITY OF THE COMPTROLLER GENERAL:

Pursuant to Title IX, Section 902 of the American Reinvestment And Recovery Act (ARRA), the Comptroller General and his representatives are authorized to: 1) examine any records of the contractor, or any of its subcontractors, or any local agency administering such contract, that directly pertain to and involve transactions relating to the contract or subcontract, and 2) interview any officer or employee of the contractor or any of its subcontractors, or any local government agency administering the contract, regarding such transactions.

AUTHORITY OF THE INSPECTOR GENERAL:

Section 1515(a) of the American Recovery and Reinvestment Act (ARRA) provides authority for any representative of the Inspector General to examine any records or interview any employee or officers working on this contract. The Contractor is advised that representatives of the inspector general have the authority to examine any record and interview any employee or officer of the contractor, its subcontractors or other firms working on this contract. Section 1515(b) further provides that nothing in this section of the law shall be interpreted to limit or restrict in any way any existing authority of the Inspector General.

(continued)

ATTACHMENT 3
American Recovery and Reinvestment Act of 2009 (ARRA)
FHWA Form-1589 & Instructions

Monthly Employment Report (Form: FHWA-1589)

Monthly employment information on each ARRA project is used by States for meeting the reporting requirements of Sections 1201 and 1512. In order for States to fulfill their reporting obligations, the States must collect and analyze certain employment data for each ARRA funded contract. This data to be reported is identified below and will be used by the States in developing Form 1587, which is to be submitted to FHWA. Reporting Entities shall complete a report for each month from the date of the contract award or Notice to Proceed until acceptance and completion of the contract. This report is only required for contracts that use ARRA funds. Prime contractors and consultants are required to provide the required information for their own workforce as well as the workforce of all subcontractors that were active on their ARRA funded project(s) for the reporting month. The 1589 form is due to the State no later than the 10th day of each month for the preceding month's data.

The states shall require the following data be provided by each contractor, consultant and funding recipient working on an ARRA project. The prime contractor or consultant for each project shall be responsible for reporting their firm as well as all subcontractors data.

Due date: Monthly, by the 10th of each month for the proceeding months data from contract award date or Notice to Proceed until contract completion.

Due to: To be sent by each ARRA funded project entity to the designated office in NYSDOT.

Coding Instructions

- BOX 1. **Report Month:** The month and year covered by the report, as mm/yyyy (e.g. "May 2009" would be coded as "05/2009").
- BOX 2. **Contracting agency:** The name of the contracting agency. Enter "State" for State DOT projects. For non-State projects, enter the name of the contracting agency (contractor, consultant, city, county, or other funding recipient).
- BOX 3. **Federal-aid project number:** The State assigned federal-aid project number, consistent with the format reported in FMIS.
- BOX 4. **State project number or identification number:** The project number or ID, as assigned by the State of its funding recipient, consistent with the format reported in FMIS.
- BOX 5. **Project location:** State where project occurs. If the project performed for Federal Lands, provide the FLH Division or Federal Land Managing Agency (FLMA) region.
- BOX 6. **Contractor name and address:** The name and address of the contracting or consulting firm shall include the name, street address, city, state, and zip code.
- BOX 7. **Contractor DUNS number:** The unique nine-digit number issued by Dun & Bradstreet. Followed by the optional 4 digit DUNS Plus number. Reported as "99999999.9999"
- BOX 8. **Employment data:** The prime contractor or consultant will report the direct, on-the-project jobs for their workforce and the workforce of their sub-contractors active during the reporting month. These jobs data include employees actively engaged in projects who work on the jobsite, in the project office, in the home office or telework from a home or other alternative office location. This also includes any engineering personnel, inspectors, sampling and testing technicians, and lab technicians performing work directly in support of the ARRA funded project. This does not include material suppliers such as steel, culverts, guardrail, and tool suppliers. States should include in their reports all direct labor associated with the ARRA project such as design, construction, and inspection. The States reports should include their own project labor, including permanent, temporary, and contract project staff. States are asked not to include estimated indirect labor, such as material testing, material projection or estimated macro-economic impacts. FHWA will be estimating all indirect labor based on the information provided in this form along with other FHWA data. The form request specifically:
- a. **Subcontractor name:** The name of each subcontractor or sub-consultant that was active on the project for the reporting month.

(continued)

ATTACHMENT 3 (Cont'd)
American Recovery and Reinvestment Act of 2009 (ARRA) (Cont'd)
FHWA Form-1589 & Instructions (Cont'd)

- b. **Employees:** The number of project employees on the contractor's or consultant's workforce that month, and the number of project employees for each of the active subcontractors for the reporting month. Do not include material suppliers.
- c. **Hours:** The total hours on the specified project for all employees reported on the contractor's or consultant's project workforce that month, and the total hours for all project employees reported for each of the active subcontractors that month.
- d. **Payroll:** The total dollar amount of wages paid by the contractor or consultant that month for employees on the specified project, and the total dollar amount of wages paid by each of the active subcontractors that month. Payroll only includes wages and does not include overhead or indirect costs.

BOX 9. **Prepared by:**

- a. **Name:** Indicate the person responsible for preparation of the form. By completing the form the person certifies that they are knowledgeable of the hours worked and employment status for all the employees. Contractors, consultants, and their subs are responsible to maintain data to support the employment form and make it available to the State or Federal government should they request supporting materials.
- b. **Date:** The date the employment form was completed. Reported as "mm/dd/yyyy." (e.g. "May 1, 2009" would be coded as "05/01/2009").

(continued)

| MONTHLY EMPLOYMENT REPORT AMERICAN RECOVERY AND REINVESTMENT ACT FHWA-1589 FORM | | | |
|--|-----------|---|--|
| 1. Report Month:(mm/yyyy) | | 2. Contracting Agency(NYSDOT for State Let Contracts) | |
| 3. Federal-Aid Project Number | | 4. State Project Number or ID Number | 5. Project location(State and County): |
| 6. PRIME CONTRACTOR OR CONSULTANT NAME AND ADDRESS Name: Address: City: Zip: State: | | | |
| 7. Prime Contractor or Consultant DUNS Number: | | | |
| 8. Employment Data | | | |
| | EMPLOYEES | HOURS | PAYROLL |
| Prime Contractor or Consultant Direct,On-project jobs | | | |
| Name: | | | |
| Subcontractor or Subconsultant Direct,On-Project Jobs | | | |
| Name: | | | |
| Subcontractor or Subconsultant Direct,On-Project Jobs | | | |
| Name: | | | |
| Subcontractor or Subconsultant Direct,On-Project Jobs | | | |
| Name: | | | |
| Subcontractor or Subconsultant Direct,On-Project Jobs | | | |
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| Name: | | | |
| Subcontractor or Subconsultant Direct,On-Project Jobs | | | |
| Name: | | | |
| Subcontractor or Subconsultant Direct,On-Project Jobs | | | |
| Name: | | | |
| Subcontractor or Subconsultant Direct,On-Project Jobs | | | |
| Name: | | | |
| Prime and Subcontractor Totals | | | |
| 9. PREPARED BY CEO or Payroll official: Name: Title: | | | Date: |

FHWA-1589 Form(Rev.3-25),Modified by NYSDOT,04/14/2009
 NOTE: Please do not modify this form in anyway as it may be used in its Electronic format for data summarization purposes.

(continued)

SPECIAL NOTES:

RIDER A

American Recovery & Reinvestment Act of 2009, Vendor Obligations

1. Since this agreement contains ARRA stimulus funds, the vendor will post any jobs that is creates or seeks to fill as a result of the stimulus funding. Vendors will post through the New York State Department of Labor (<http://labor.state.ny.us>), notwithstanding any other posting they might make. Any advertisements posted by the vendor for positions pursuant to this contract must indicate that the position is funded with stimulus funds. The department may waive the requirements of this section at its discretion.
2. The vendor will maintain detailed records of their expenditure of 2009 Stimulus Funds in connection with this agreement and submit as reports as requested by the State of New York. The State of New York as the recipient of funds under the ARRA is subject to quarterly reporting requirements and oversight by federal agency inspectors. Additional reports may be required under this agreement.
 - a. Optional reports may be requested at the department's discretion.
3. The vendor is also responsible for holding all sub grantees to the above reporting requirements.
4. Agreement Funding
 - a. State General Fund Dollars _____
 - b. Federal Fund Dollars _____
 - c. ARRA Stimulus Dollars _____
 - d. Other Fund Dollars _____

Agreement Total _____

Posting Job Listings on the New York State Job Exchange

Option 1:

The preferred approach is for the company to initially register through the New York State Department of Labor's Job Exchange <http://www.labor.state.ny.us> website for an employer account. This service allows the employer to directly manage their job orders status throughout the recruitment process. Approval for access is received within 3 business days which allows the employer to then list their job orders. The job orders are open to the public on this website and the job orders also roll over into the Department of Labor's One Stop Operating System (OSOS) for local One-Stop service.

Option 2:

The employer can complete a job order form and fax it to either of the following as appropriate. For jobs that are located in New York City the employer can use the NYC Fast Fax form http://www.labor.state.ny.us/formsdocs/does/ES515_584.pdf and fax it to (718) 780-9458. Regarding jobs that are located outside of New York City, the employer can use the NYS Fast Fax Form <http://www.labor.state.ny.us/formsdocs/does/es515.pdf> and fax to (518) 485-1333.

Option 3:

The employer can e-mail specifics of their job orders by using a fillable NYS Job Order Form <http://www.labor.state.ny.us/businessservices/PDFs/FastFax%20Electronic.rtf>. If the jobs are located in New York City, the employer would send the completed form to DoES_LO584@labor.state.ny.us address. If the jobs are located outside of New York City the employer would send the completed form to the nysjobbank.does@labor.state.ny.us address.

Option 4:

The employer can speak with a representative concerning the placement of a job order. If the jobs are located in New York City, the employer should call (718) 780-9499. If the jobs are located outside of New York City the employer should call 1-888-4-NYSDOL.

(continued)

WORK ZONE TRAFFIC CONTROL:

Work zone traffic control as prescribed by this specification is provided by the contractor and it is included in the price for the cold recycling.

Traffic shall be controlled in accordance with Sections 619-1 through 619-3 of the Standard Specifications and the Manual of Uniform Traffic Control Devices (MUTCD). The contractor shall submit a Work Zone Traffic Control Plan for approval to the resident engineer at the Pre-Recycling Conference. Figures TAST-C5 and TAST-C6 may be used as a basis for development of a Work Zone Traffic Control Plan.

All necessary flaggers for Work Zone Traffic Control Plan shall be provided by the contractor. A minimum of three flaggers shall be provided while the recycling operation is underway. One shall be stationed at each end of the operation and one shall be stationed with the milling machine/paver. The contractor shall station flaggers such that communication is maintained between the flaggers. Hand signals, radios, or some other means of communication may be used subject to the approval of the resident engineer.

The contractor shall provide construction signs as specified in Section 619-1 through 619-3 of the Standard Specifications and in the MUTCD. At a minimum the contractor shall install the following permanent construction signs:

| Sign | Minimum Size | Location |
|------------------------------|------------------------|---|
| ROAD WORK NEXT ____ MILES | G20-1 36" x 18" | On main line at start of project in each direction |
| END ROAD WORK | G20-2 36" x 18" | On main line 500 feet after end of project in each direction |
| ROAD WORK 500 FT. | W20-1 36" x 36" | On main line 500 feet in advance of project in each direction and on major intersecting roads 300 to 500 feet in advance of project. Sign should be covered if it conflicts with temporary signing in the vicinity. |
| DO NOT PASS along | R4-1C 24" x 30" | On main line spaced every 1000 feet project in each direction (if centerline tracks are used instead of temporary pavement markings) |
| NO CENTER STRIPE | W8-12 36" x 36" | On main line spaced every 2 miles along project in each direction and after every major intersecting road (if centerline tracks are used instead of temporary pavement markings) |

Major intersecting roads are defined as State, County, Town, Village, or City roads. The contractor may provide portable signs as shown in Figure 6F-2 of the MUTCD and meeting the requirements of Section 619 of the Standard Specifications for lane closures during work hours.

With prior permission of the State's Resident Engineer the contractor may provide portable signs as shown in Figure 6F-2 for the above referenced DO NOT PASS and NO CENTER STRIPE signs. Signs left active at night shall be rigid and reflectorized in accordance with the Standard Specifications. The contractor shall be responsible for assuring that these signs will be in their upright, visible positions twenty-four hours a day, seven days a week while centerline tracks are in place.

(continued)

WORK ZONE TRAFFIC CONTROL PLAN: (Cont'd)

The contractor shall install and maintain temporary pavement markings on any paved surface without permanent pavement markings before opening it to traffic, before nightfall or before the end of the work day, whichever comes soonest except for areas that are open during the work shift with channelizing devices or flaggers. Temporary pavement markings shall meet the requirements of Section 619 of the Standard Specifications. As indicated in Section 619-3.06 C., two-lane, two way highways may be left unmarked for a maximum of 3 calendar days provided that NO CENTER STRIPE (W8-12) and DO NOT PASS (R4-1) signs are used in conjunction with centerline tracks installed on a 40 foot cycle to delineate the centerline location at no additional cost to the state.

All costs for work zone traffic control including flagging, temporary pavement marking, and construction signs are included in the price per square yard.

Whenever traffic is permitted to use a travel lane and the adjacent shoulder is not brought up to grade, construction warning signs meeting the requirements of 6F.42 of the MUTCD sign shall be placed.

| SIGN | MINIMUM SIZE | LOCATION |
|-------------------|--|---|
| LOW SHOULDER | <u>W8-9</u> 30" X 30" (750 mm X 750 mm) | On mainline spaced every 2 miles along project in each direction and after every major intersecting road. |
| or | | |
| SHOULDER DROP OFF | <u>W8-9a</u> 30" X 30" (750 mm X 750 mm) | Same as above |

Pilot Vehicle with Drivers (For Region 7 Project only)

For Project 7V093A only, the contractor shall provide sufficient two-way radio equipped pilot vehicles with drivers to guide traffic around the Cold Recycling work zone at a maximum of 20 miles per hour. Payment is included in the price per square yard for the cold recycling. No extra payment is made.

The pilot vehicle(s) shall be equipped with construction signs meeting the requirements of Section 6F.54 of MUTCD:

| SIGN | MINIMUM SIZE | LOCATION |
|-------------------------|--|----------------------------------|
| PILOT VEHICLE FOLLOW ME | <u>G20-4</u> 36" X 18" (900 mm X 450 mm) | On the back of the pilot vehicle |

The pilot vehicles shall have the name of the contractor prominently displayed.

WORK ZONE INTRUSION INITIATIVE:

ATTENTION - Special Note:

As part of the Department of Transportation's Work Zone Intrusion Initiative, the following countermeasures shall be applied to Cold Recycling Projects in this Contract Award Notification:

Channelizing Device Spacing Reduction:

A maximum channelizing device spacing of 40 feet shall be provided at stationary work sites where workers are exposed to traffic. This spacing shall be maintained a reasonable distance upstream of workers, and shall be used throughout the work zone.

Where tapers are located less than 500 feet from the work site (1000 feet for high speeds) the 40 foot spacing shall be used in the taper as well.

Drums or vertical panels are preferred for long-duration work zones, and at any locations where the risk of intrusion is high. Traffic cones are normally adequate for work zones set up and removed on a daily basis.

In long lane or shoulder closures, at least two channelizing devices shall be placed transversely at maximum 800 foot intervals to discourage traffic from driving through the closed lane.

Frequent checks shall be made to reset channelizing devices dislodged by traffic.

Flagger Station Enhanced Setups:

Additional cones and a flag tree meeting the requirements of Section 6F.57 of the MUTCD shall be used upstream of flagger stations to provide added warning to drivers. These devices shall be used for flagger stations except those that are constantly moving or are in use at one location for no more than a few minutes. If the W20-7a Flagger sign is used, the additional cones and flag tree shall also be used.

The attached drawing TAST-C5 provides additional detail on the Flagger Station Enhanced Setup.

Temporary Rumble Strips:

The contractor shall apply temporary rumble strips at the beginning of the work zone in each direction of travel according to the specification below. The contractor may use either Raised Asphalt Rumble Strips or Raised Removable Tape Rumble Strips.

Description:

This work shall consist of the installation, maintenance and subsequent removal of temporary rumble strips in cold recycling work zones at the locations indicated in the Contract Award Notification or as directed by the Engineer.

Materials:

Rumble strips shall be either constructed in place from a raised strip of asphalt concrete or constructed in place with removable pavement marking tape.

Raised removable tape rumble strips shall be formed from black non-reflectorized removable pavement marking tape.

Raised asphalt rumble strips shall be formed from asphalt concrete meeting the requirements of Type 5 Shim Course or Type 7 Top Course. Tack coat meeting the requirements of Materials Designation 702-90 Asphalt Emulsion Tack Coat shall be used to adhere the rumble strip to the existing pavement.

(continued)

WORK ZONE INTRUSION INITIATIVE: (Cont'd)**CONSTRUCTION DETAILS:****Raised Asphalt Rumble Strips:**

The roadway surface on which the rumble strips are to be attached shall be dry, free of surface contaminants such as dust or oil, and shall be 45°F or greater unless otherwise authorized by the Engineer. The pavement surface shall be cleaned with compressed air just prior to tack coating and subsequent installation of rumble strips.

Temporary rumble strips shall be placed in a succession of three 6 Strip Patterns according to the attached "Suggested Layout Details - Temporary Rumble Strips." Each strip shall be placed on 10 foot centers and traversing the full width of each travel lane. On curbed roadways, rumble strips shall end a minimum of 3 feet from the curb so as to not interfere with drainage. Rumble strips shall be between 6 inches and 9 inches in width and have a final compacted thickness of 0.4 inch \pm 0.1 inch.

Temporary rumble strips shall be formed using a specially constructed rumble strip paver (drag box) pulled transversely across the pavement, or by hand placement between forms fixed to the pavement. If forms are used, they shall be removed prior to compaction of the asphalt mixture. Compaction shall be accomplished using a plate tamper or a static roller.

When directed by the Engineer, (e.g., prior to the start of the winter plowing season), or prior to the placement of successive pavement courses, the contractor shall completely remove the rumble strips from the pavement. Rumble strips shall be removed upon completion of work and concurrently with the removal of other temporary traffic control signs and devices. Any pavement that is damaged in the process of removing the rumble strips shall be repaired by the contractor to the satisfaction of the Engineer at no additional expense to the Purchasing Agency.

Raised Removable Tape Rumble Strips:

The rumble strips shall be formed by applying one or more layers of removable preformed pavement marking tape. The tape shall be applied to a clean, dry pavement surface in accordance with the manufacturer's recommendations. The pavement surface shall be cleaned with compressed air just prior to application of the tape.

Temporary rumble strips shall be placed in a succession of three 6 Strip Patterns according to the attached "Suggested Layout Details - Temporary Rumble Strips." Each strip shall be placed on 10 foot centers and traversing the full width of each travel lane. On curbed roadways, rumble strips shall end a minimum of 3 feet from the curb so as to not interfere with drainage. Sufficient layers of tape shall be applied such that each finished rumble strip has a thickness of 0.4 inch \pm 0.1 inch and is between 6 inches and 9 inches in width.

Any raised rumble strips that fail to adhere to the pavement, or become damaged or flattened such that, in the opinion of the Engineer, they are no longer performing their intended function, shall be replaced or repaired by the contractor to the satisfaction of the Engineer. Any associated damage to the pavement shall also be repaired by the contractor to the satisfaction of the Engineer. These replacements or repairs shall be made at no additional expense to the Purchasing Agency.

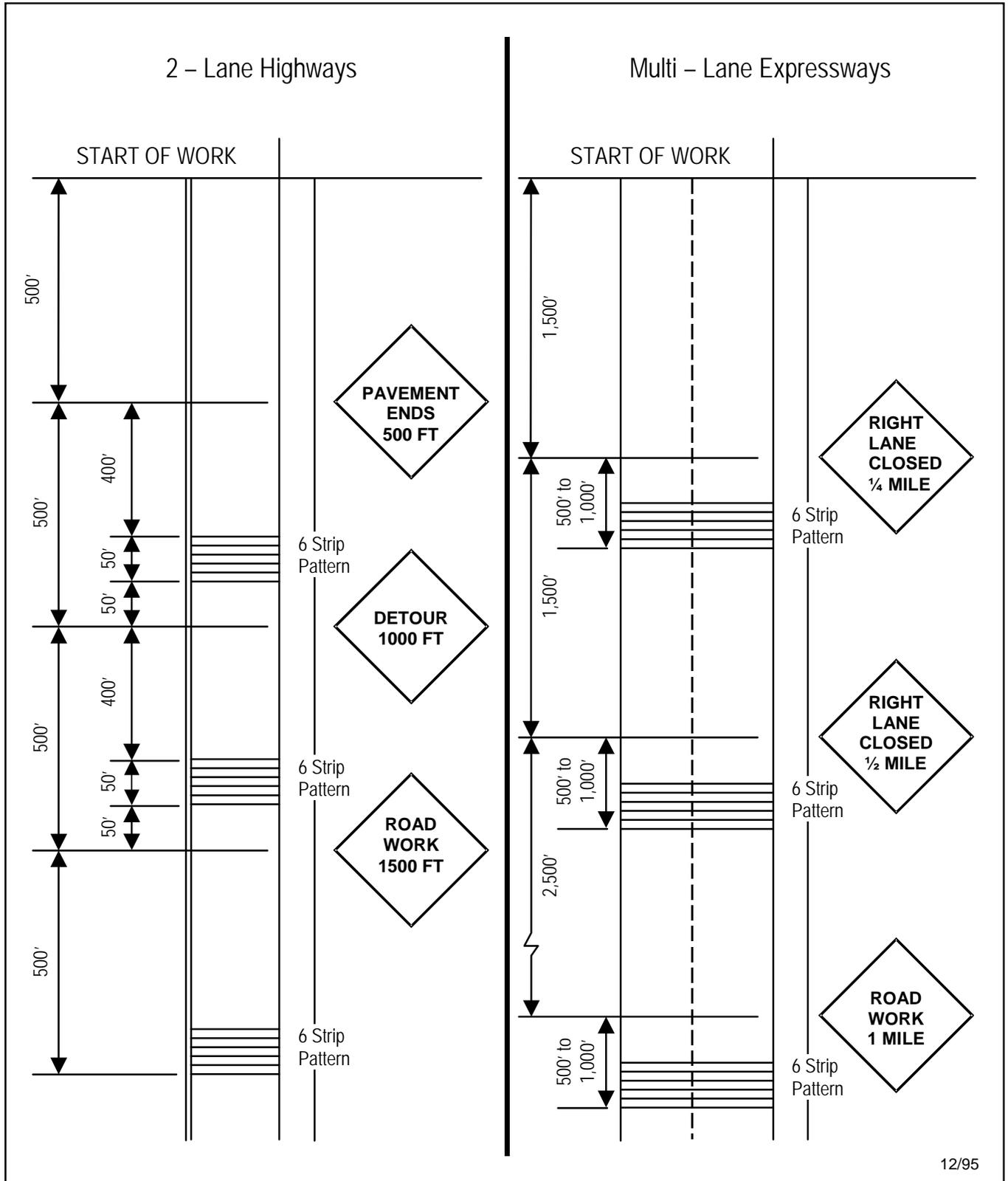
When directed by the Engineer, (e.g. prior to the start of the winter plowing season), or prior to the placement of successive pavement courses, the contractor shall completely remove the rumble strips from the pavement. Rumble strips shall be removed upon completion of work and concurrently with the removal of other temporary traffic control signs and devices. Any pavement that is damaged in the process of removing the rumble strips shall be repaired by the contractor to the satisfaction of the Engineer at no additional expense to the Purchasing Agency.

BASIS OF PAYMENT:

All costs for the installation, maintenance and removal of temporary rumble strips are included in the price per square yard of cold recycling.

(continued)

Suggested Layout Details -- Temporary Rumble Strips

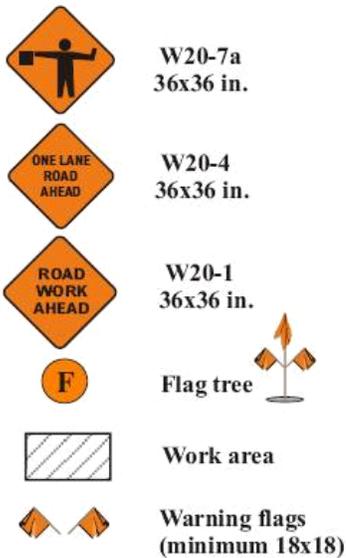


LOW SPEED HIGHWAY(30-40 mph)

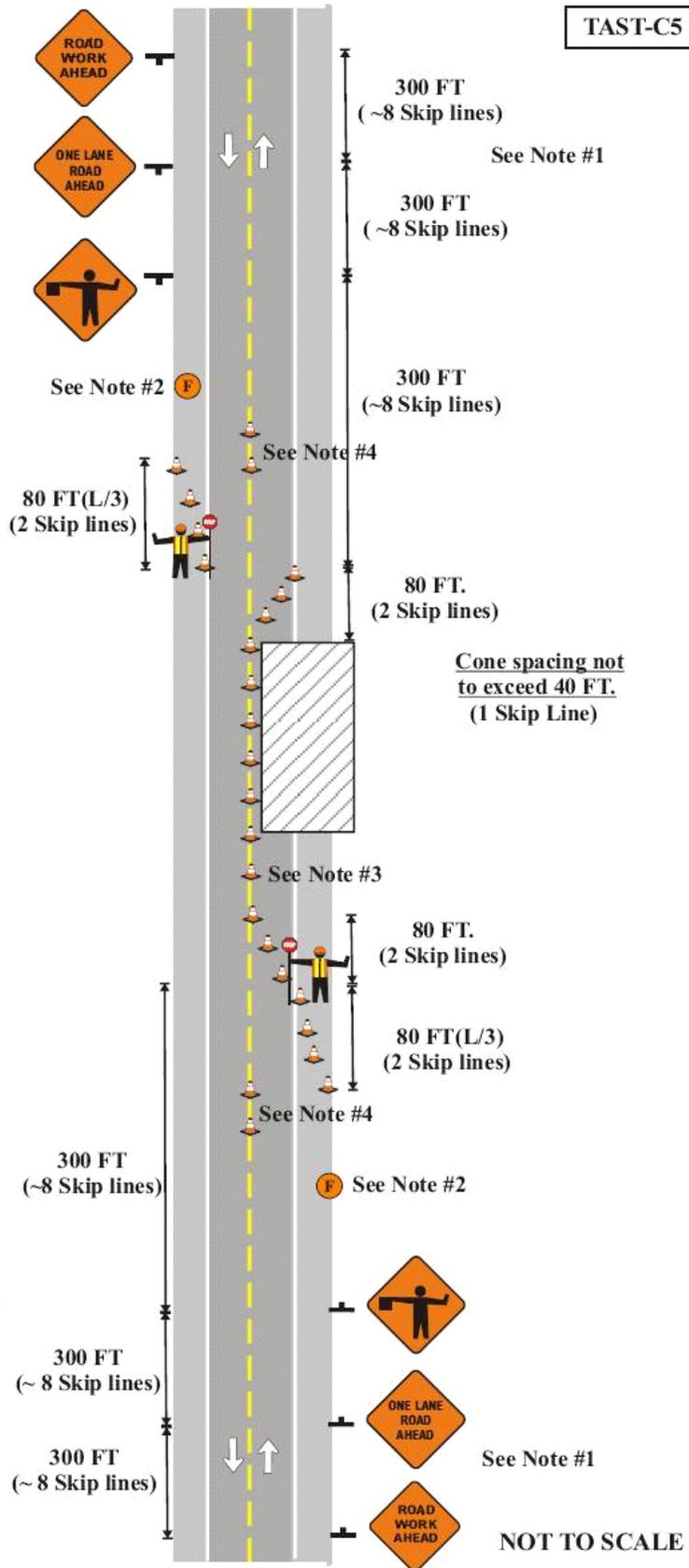
TAST-C5

Notes:

1. In urban conditions, advance warning sign spacings may be reduced (200 FT min.) in order to accommodate side streets and driveways.
2. Locate flag tree 1/2 the distance between the Flagger and flagger ahead sign, but at least 200 ft in advance of the Flagger.
3. Buffer space may be provided where low traffic volumes allow.
4. Centerline cones are optional and may be eliminated where space constraints exist.



NYSDOT
WORK ZONE TRAFFIC CONTROL
 FOR
SHORT-TERM STATIONARY
 OPERATION INVOLVING
LANE CLOSURE WITH FLAGGERS
 ON A
LOW SPEED (30-40 mph)
TWO-LANE CONVENTIONAL
HIGHWAY
 OCTOBER 2007 TAST-C5



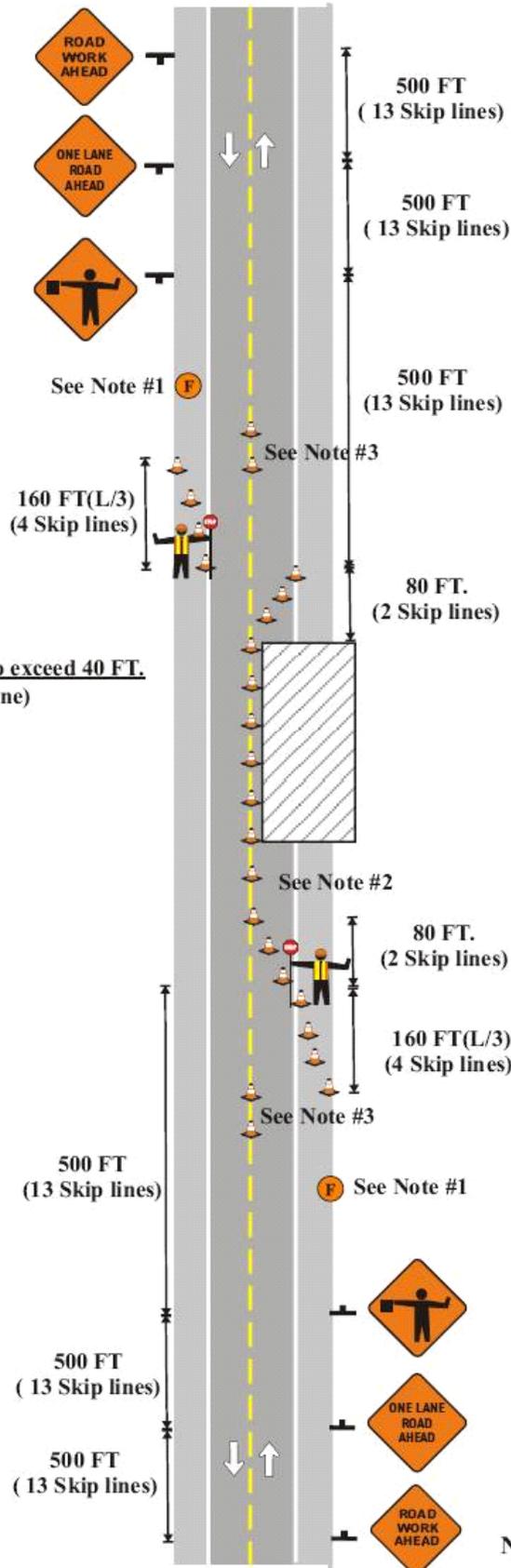
(continued)

TAST-C6

HIGH SPEED HIGHWAY(45-55 mph)

Notes:

1. Locate flag tree 1/2 the distance between the Flagger and flagger ahead sign, but at least 250 ft in advance of the Flagger.
2. Buffer space may be provided where low traffic volumes allow.
3. Centerline cones are optional and may be eliminated where space constraints exist.



-  W20-7a
36x36 in.
-  W20-4
36x36 in.
-  W20-1
36x36 in.
-  Flag tree 
-  Work area
-  Warning flags
(minimum 18x18)

NYS DOT
WORK ZONE TRAFFIC CONTROL
FOR
SHORT-TERM STATIONARY
OPERATION INVOLVING
LANE CLOSURE WITH FLAGGERS
ON A
HIGH SPEED(45-55 mph)
TWO-LANE CONVENTIONAL
RURAL HIGHWAY
OCTOBER 2007 TAST-C6

NOT TO SCALE

(continued)

ITEM 51405.0294 COLD RECYCLING

DESCRIPTION:

This specification covers the requirements for cold recycling asphalt concrete. This work shall consist of preparing a mix design (if the contractor will not use the supplied mix design) and recycling the existing asphalt concrete pavement. The recycling shall be a continuous process of milling the existing pavement, remixing with bituminous material (either unmodified or modified asphalt emulsion or PG 64-22 binder) and aggregate, reshaping, and compacting the asphalt mixture. Pavement locations that are milled shall have material replaced on the same day. All work under this item shall be in accordance with these specifications and in reasonably close conformity with the limits established by the engineer or agency authorized individual.

MATERIALS:

Bituminous Material:

Liquid bituminous material shall be obtained from a Department approved facility. All bituminous material proposed for use on Department projects shall be approved by the Director, Materials Bureau. The engineer or agency authorized individual shall take one sample from each tank truck of bituminous material arriving on the project in accordance with Materials Method - NY 8.2. The sample shall be sent to the Materials Bureau with a completed BR170d attached.

Additives:

Additives may be used to improve the quality of the resulting recycled pavement. Additives may be combined with the bituminous material prior to construction or may be added to the mix during construction. The proportion and amounts of additive shall be determined by the contractor and approved by the Director, Materials Bureau.

Aggregates:

Additional aggregates for cold recycling of pavements shall be crushed stone or crushed gravel conforming to the requirements of Section 703-02, Coarse Aggregate, or fine aggregate conforming to the requirements of Section 703-01, Fine Aggregate of the Standard Specifications. The gradation and source of the aggregates shall be specified by the contractor and included in the proposed mix design.

Reclaimed Material:

Asphalt pavement and any milled material which has been removed and/or processed from the pavement will be referred to as reclaimed material. The reclaimed material shall pass the 2 inch sieve size.

Design Guidelines:

The recycled mixture consists of reclaimed material, additional aggregate, liquid bituminous material, additives, and water.

The minimum design liquid bituminous material content is 3% for asphalt emulsions, and 2% for performance-graded binders. The liquid bituminous material is calculated as a percentage of the dry mass of millings:

$$[\text{mass of liquid bituminous material} / \text{mass of millings}] \times 100 = \% \text{ liquid bituminous material}$$

Recycled mixtures may be designed with or without additional aggregate, depending on the existing pavement's gradation. When additional aggregate is used, the minimum content is 5.0% and the maximum content is 20.0%, regardless of the recycled mixture's design gradation. The percentage of additional aggregate is calculated as a percentage of the dry mass of millings:

$$[\text{mass of additional aggregate} / \text{mass of millings}] \times 100 = \% \text{ additional aggregate}$$

(continued)

MATERIALS: (Cont'd)

Design Guidelines: (Cont'd)

Design the recycled mixture to conform to the following gradation.

| Sieve | Percent Passing | |
|-------|-----------------|---------|
| | Minimum | Maximum |
| 1½ | 100 | - |
| 1 | 95 | 100 |
| ½ | 70 | 85 |
| ¼ | 48 | 68 |
| ⅛ | 32 | 54 |
| 20 | 15 | 30 |
| 40 | 8 | 22 |
| 80 | 4 | 14 |
| 200 | 2 | 8 |

Coring by the Department:

The department shall supply the core results to the contractor for the determination by the contractor of the amount and type of bituminous material to properly recycle the pavement.

EQUIPMENT:

Use equipment capable of:

- milling the existing pavement to the appropriate depth
- processing the reclaimed material to pass a 2 inch sieve
- mixing the reclaimed material with bituminous material
- Paving the reclaimed material to the correct grade

Calibration:

Calibrate the mixing equipment prior to the start of work, in accordance with established calibration procedures as detailed in the Procedural Directives of the Director, Materials Bureau. Submit the calibration results for approval to the Director, Materials Bureau at least 7 days prior to the start of work. The first calibration of each calendar year must be witnessed by Department personnel or agency authorized representative. Submit subsequent calibrations with written certification that proper procedures were followed and that all measurements and calculations are accurate. If the results submitted in subsequent calibrations are more than 5.0% different from the first calibration of the season, the equipment must be calibrated in the presence of Department personnel or agency authorized representative. Calibration approval is valid for 90 days from the date of calibration. Provide a copy of the calibration approval letter to the Engineer or agency authorized representative before the start of work. No cold recycling will be allowed under this contract until the calibration has been completed and approved. No payment will be made for material recycled by equipment without a valid calibration.

CONSTRUCTION:

Weather Limitations:

This work will not be permitted when the existing pavement contains frost, or when the air surface temperature is below 45 degrees F or expected drop below 45 degrees F within 24 hours. No material shall be placed from the last Saturday in September to May 1.

TESTING:

Prior to starting recycling operations, test two aggregate samples to verify the gradation. Supply the test results to the Engineer or agency authorized representative before the start of work.

Once continuous production has been achieved, test four samples of the recycled mixture for gradation and total asphalt content. Submit the test results to the Engineer and Regional Materials Engineer or agency authorized representative before the end of the next workday. For each subsequent day of production, take a minimum of one sample of the recycled mixture from each ½ mile, or fraction thereof, of pavement recycled. Test each sample for gradation and total asphalt content. Submit the test results from the mix samples taken from each ½ mile of pavement within two workdays.

(continued)

TESTING: (Cont'd)

Make adjustments to the mix proportions or additional aggregate gradation based on the test results to comply with the approved mix design and construct a stable pavement layer.

Should it be necessary to bring a second recycling train to the project, four samples should again be taken and tested following the frequencies detailed above.

SPREADING:

The mixture shall be deposited in a windrow or directly into an approved bituminous paver equipped with a 30 foot moving reference and mechanically spread in a uniform layer so as to produce the specified thickness and surface tolerance after compaction. Excessive amounts of non-coated reclaimed material which spill onto the milled surface shall be removed, as ordered by the engineer or agency authorized individual prior to placing the mixture.

COMPACTION:

A pneumatic tire roller with a minimum ground contact pressure (GCP) of 80 psi will be supplied by the contractor for compacting the cold recycled mix. The contractor may choose to use vibratory compaction equipment for initial or intermediate rolling. The vibratory roller shall appear on the current Approved List - Bituminous Concrete Vibratory Compaction Equipment.

Initial and intermediate rollers shall operate at a uniform speed not to exceed 2.5 miles per hour (220 feet per minute). All turning of the compaction equipment shall be completed on material which has had a minimum of one roller pass. The contractor shall note that if vibratory compaction equipment is used, they assume full responsibility for the cost of repairing all damages which may occur to highway components and adjacent property.

After the bituminous mixture has been spread, struck off and surface irregularities adjusted, it shall be thoroughly and uniformly compacted by rolling. The surface shall be rolled when the mixture is in the proper condition and when the rolling does not cause undue displacement, cracking or shoving. All courses shall be initially rolled with the roller traveling parallel to the centerline of the pavement beginning at each edge and working toward the center. Banked curves shall be rolled starting at the low side edge and working toward the super-elevated edge.

When the compaction procedure used by the contractor fails to produce results acceptable to the engineer or agency authorized individual, the procedure shall be adjusted to obtain the desired results. Rollers shall move at a slow and uniform speed. The roller drive roll or wheel shall be nearest the paver.

Any displacement occurring as a result of reversing the direction of the roller, or from other causes shall be corrected at once by the use of rakes and addition of fresh mixture as required. Care shall be exercised in rolling not to displace the line and grade of the edges of the bituminous mixture. To prevent adhesion of the mixture to the rollers, the wheels shall be kept properly moistened with water or water mixed with small quantities of detergent or other approved material, but in no case shall a solvent having an adverse affect upon the bituminous pavement be used.

Along forms, curbs, headers, walls and other areas not accessible to the rollers, the mixture shall be thoroughly compacted with mechanical tampers as directed by the engineer or agency authorized individual. On depressed areas, a trench roller or a small vibratory roller approved by the engineer or agency authorized individual may be used.

Suitable means shall be provided to keep pavers and other equipment and tools free from bituminous accumulations. The surface of the pavement shall be protected from drippings of oil, kerosene, or other materials used in paving and cleaning operations.

(continued)

COMPACTION: (Cont'd)

The pavement course shall be finish rolled with a steel wheel tandem roller having a minimum weight of 8 tons. This finish roller shall add a minimum of two passes. Dual vibrating drum rollers meeting the requirements of a tandem roller and operating in the static mode may be used for the finished roller. This vibratory roller may be used as the initial or intermediate roller and the finish roller.

The rolling sequence and number of passes to achieve the desired compaction shall be approved by the engineer or agency authorized individual. It may be necessary to complete or finish roll the material on a subsequent day at no additional expense to the State. Material that cannot be properly and adequately compacted to a stable condition shall be removed and replaced, as ordered by the engineer or agency authorized individual, at the contractor's expense.

LONGITUDINAL JOINTS:

Plan the recycling operation to ensure that the longitudinal joints in the recycled course will correspond with the edges of the proposed traffic lanes. Other joint arrangements require the Engineer or agency authorized representative's approval.

If any length of longitudinal joint is exposed at the end of the working day, construct the joint using a pneumatic tire roller to form the joint into a wedge shape and provide a smooth transition for traffic. Construct the wedge of recycled material at a slope of 1 on 8 or flatter to meet the existing pavement elevation. Do not overlap recycled material onto the existing pavement. As a minimum, post W8-39, "UNEVEN LANES" warning signs and R4-1, "DO NOT PASS" regulatory signs on both sides of the roadway to alert drivers of the uneven edge. Post W8-39 signs at a maximum spacing of 1000 feet. Post R4-1 signs at a maximum spacing as listed in Table 212-1 of the MUTCD for the speed limit.

BROOMING:

The pavement and shoulders shall be broomed by the contractor, as ordered by the engineer or agency authorized individual, to remove loose stone or reclaimed material resulting from the recycling process.

TOLERANCE:

The recycled surface shall be constructed to a 3/8 inch tolerance. The elevation difference at the longitudinal joint shall be constructed to a 3/16 inch tolerance. If, in the opinion of the engineer or agency authorized individual, the pavement has not been constructed to these tolerances based upon visual observation or upon riding quality he/she may test the surface with a 15 foot straight edge or string line placed parallel to the center line of the pavement. He/she may also test with a 10 foot straight edge or string line placed transversely to the center line of the pavement on any portion of the pavement. Variations exceeding 3/8 inch shall be satisfactorily corrected or the pavement re-laid at no additional cost to the agency as ordered by the engineer or agency authorized individual.

EXISTING PAVEMENT CROSS SLOPES:

The existing pavement's cross slopes shall be an item of discussion at the pre-recycling meeting. If the existing pavement's cross slopes are according to the appropriate standards, then the cross slopes of the finished cold recycling shall match the existing. If the existing pavement's cross slopes are not in accordance with the appropriate standards, then the contractor shall present a plan to the Resident Engineer or agency authorized individual that attempts to bring the cross slopes of the finished cold recycling into conformance with the appropriate standards. The Resident Engineer or agency authorized individual shall be responsible for providing the contractor with the target cross slopes. However, the contractor shall not be responsible for corrections to the cross slopes where sufficient material does not exist in the pavement to make such corrections.

CURING:

Allow the recycled material to cure for a minimum of 10 days before placing the next paving course. The provisions of the paragraphs above, Brooming and Tolerance, apply from the time of recycling until the recycled material is overlaid, not to exceed 30 days.

(continued)

FOG SEAL:

If the contractor determines that the recycled pavement surface requires a fog seal to correct an overly dry surface or to reduce the quantity of dry stone or reclaimed material pulled out by traffic and the engineer or agency authorized individual agrees with that determination, the contractor may apply a fog seal at their own expense. The liquid bituminous material and rate of application shall be chosen by the contractor. The contractor shall be responsible for work zone traffic control for the fog seal operation. No extra payment shall be made. A work zone traffic control plan for the fog seal operation shall be developed by the contractor and submitted to the engineer or agency authorized individual for approval.

DAMAGED OR DEFICIENT AREAS:

Any mixture that ravels, becomes loose or broken, mixed with dirt, or is in anyway defective shall be reworked or removed and replaced with fresh recycled mix or fresh hot mixture and shall be compacted to conform with the surrounding area.

Any area showing an excess or deficiency of bituminous material shall be corrected to the satisfaction of the engineer or agency authorized individual.

Ruts 3/8 inch or greater in depth which occur in the recycled mixture which cannot be corrected by rolling shall be corrected by a method approved by the engineer or agency authorized individual.

All repairs or remedial actions necessary to correct damaged or deficient areas of recycled pavement shall be carried out at the contractor's expense. The contractor shall not be responsible for damage to the recycled mix as a result of other work performed on the pavement or shoulders.

REPAIRS:

Immediately after becoming aware of damage or deficiencies in the recycled mix the engineer or agency authorized individual shall notify the contractor or the contractor's designated representative. The contractor shall make arrangements to repair the damaged or deficient areas to the satisfaction of the engineer or agency authorized individual. If the contractor or the contractor's representative is not available or the repairs cannot be made in a time frame suitable to the engineer or agency authorized individual, the engineer or agency authorized individual may repair the damaged or deficient areas and deduct the cost of the repairs from the amount owed the contractor for the recycling.

After notification of damage or deficiencies in the recycled mix the contractor may request that the engineer or agency authorized individual perform the repairs. If the engineer or agency authorized individual agrees to perform the repairs the cost shall be deducted from the amount owed for the recycling. If the engineer or agency authorized individual elects not to perform the repairs the contractor shall make the necessary arrangements to perform the repairs to the satisfaction of the engineer or agency authorized individual.

RECYCLING DIMENSIONS:

| <u>Project No.</u> | <u>Recycling Depth (inches)</u> | <u>Pavement Width (ft)</u> | <u>Lane Width (ft)</u> | <u>No. of Lanes</u> | <u>Shoulder Width (ft)</u> |
|---------------------------|--|---------------------------------------|-----------------------------------|--------------------------------|---------------------------------------|
| 5V0944 | 4 | 22 | 11 | 2 | 4 |
| 675432 | 4 | 22 | 11 | 2 | 0 |
| 675433 | 4 | 22 | 11 | 2 | 0 |
| 7V093A | 4 | 24 | 12 | 2 | 5 |

(continued)

**State of New York
 Office of General Services
 PROCUREMENT SERVICES GROUP
 Contract Performance Report**

Please take a moment to let us know how this contract award has measured up to your expectations. If reporting on more than one contractor or product, please make copies as needed. This office will use the information to improve our contract award, where appropriate. **Comments should include those of the product's end user.**

Contract No.: _____ **Contractor:** _____

Describe Product* Provided (Include Item No., if available): _____

***Note:** "Product" is defined as a deliverable under any Bid or Contract, which may include commodities (including printing), services and/or technology. The term "Product" includes Licensed Software.

| | Excellent | Good | Acceptable | Unacceptable |
|---|-----------|------|------------|--------------|
| • Product meets your needs | | | | |
| • Product meets contract specifications | | | | |
| • Pricing | | | | |

CONTRACTOR

| | Excellent | Good | Acceptable | Unacceptable |
|-------------------------------------|-----------|------|------------|--------------|
| • Timeliness of delivery | | | | |
| • Completeness of order (fill rate) | | | | |
| • Responsiveness to inquiries | | | | |
| • Employee courtesy | | | | |
| • Problem resolution | | | | |

Comments: _____

 _____ (over)

Agency: _____ Prepared by: _____

Address: _____ Title: _____

_____ Date: _____

_____ Phone: _____

_____ E-mail: _____

Please detach or photocopy this form & return by FAX to 518/474-2437 or mail to:

OGS PROCUREMENT SERVICES GROUP
 Customer Services, 37th Floor
 Corning 2nd Tower - Empire State Plaza
 Albany, New York 12242

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