



# Contract Award Notification

<b>Title</b>	: <b>Group 31555 Liquid Bituminous Materials (Federal &amp; State Funds) (2016 NYSDOT Specific Projects) (Chip Seal; Cold Recycling; Crack Sealer; Micro-surfacing and Paver Placed Surface Treatment – Conventional &amp; Rubber Modified) NYS Contract Reporter Category/Classification: Construction, Horizontal – Highways &amp; Roadways; Maintenance, repair &amp; new construction Classification Code(s):30</b>
<b>Award Number</b>	: <b><u>23004</u></b>
<b>Contract Period</b>	: <b>April 13, 2016 Through December 31, 2016</b>
<b>Bid Opening Date</b>	: <b>December 18, 2015</b>
<b>Date of Issue</b>	: <b>April 14, 2016</b>
<b>Specification Reference</b>	: <b>SPEC 933 dated October 8, 2015, SPEC-934 dated October 8, 2015 and as amended in the Invitation For Bids and the Purchasing Memorandums dated December 14, 2015</b>
<b>Contractor Information</b>	: <b>Appears on Page 8 of this Award</b>

### Address Inquiries To:

<b>State Agencies &amp; Vendors</b>	<b>Political Subdivisions &amp; Others</b>
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**Procurement Services values your input.  
Complete and return "Contract Performance Report" at end of document.**

## Description

Joint and Crack Filler/Sealers are hot-poured liquid bituminous materials (rubberized asphalt; asphalt cement and polyester fibers; asphalt filler) used to fill and/or seal cracks in the surface of highway pavements. Some products incorporate recycled materials with up to 18% recycled content and up to 18% post-consumer content

Microsurfacing is a pavement preventive maintenance treatment which offers minor improvements to rideability and has excellent friction characteristics. Quick Set Slurry Seal is a pavement preventive maintenance treatment that offers minor improvements to rideability and has excellent friction characteristics for low volume roads.

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.

Conventional chip seal is a pavement preventive maintenance treatment which consists of single-sized stone embedded in a liquid bituminous material. The liquid bituminous material seals cracks in the existing pavement and the stone provides a high-friction wearing surface.

Fiber reinforced chip seal is a single course bituminous surface treatment consisting of asphalt emulsion, in-place chopped fibers and coarse aggregate applied to a paved surface

Conventional and Rubber Modified Paver Placed Surface Treatment is a preventive maintenance treatment used to preserve highway pavements. The treatment is a surface paving system, placed by a self-priming paver, where a modified emulsion tack coat is placed directly before the application of a conventional or rubber modified hot mix asphalt wearing course.

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**SECTION 1: INTRODUCTION**

**1.1 Contractor Information**

**NOTE: See individual contract items to determine actual awardees.**

<u>CONTRACT #</u>	<u>CONTRACTOR &amp; ADDRESS</u>	<u>TELEPHONE #</u>	<u>FED. ID. #</u> <u>NYS VENDOR#</u>
PC67395 MWBE SB	ANNSEAL, INC. 130 Main Street, Suite 3 Johnson City, New York 13790	Phone #: (607) 797-3737 Contact: Doug Luke Fax #: (607) 797-2877 E-mail: tdarling@annseal.com	03-0435899 1000005228
PC67396 SB	BOTHAR CONSTRUCTION, LLC 170 East Service Road Binghamton,, New York 13901	Phone #:(607) 723-5012 ext. 215 Contact: Tom Witteman Fax #:(607) 723-4982 E-mail: tom@botharconst.com Web Site: www.botharconst.com	16-1570429 1000008391
PC67397 WBE SB	MAGIC SEAL LLC 2 North Shore Drive Hilton, New York 14468	Phone #: (716) 990-0400 Contact: Tina Baughman Fax #: (585) 392-5189 E-mail: Tina@magicsealonline.com Web Site: www.Magicsealonline.com Toll-Free #:(716) 990-0400	26-4142480 1100086142
PC67398	MIDLAND ASPHALT MATERIALS INC. 640 Young Street Tonawanda, New York 14150 Accepts Procurement Card for orders up to \$15,000	Phone #: (716) 692-0730 ext. 4418 Contact: Tim McNally Fax #: (716) 692-0613 E-mail: tmcnally@midlandasphalt.com Web Site: www.midlandasphalt.com	26-0038619 1000017447
PC67399	PECKHAM ROAD CORPORATION 375 Bay Road, Suite 100 Queensbury, New York 12804	Phone #: (518) 792-3157 Contact: Mark Petramale Fax #: (518) 792-3138 E-mail: mpetr@peckham.com Web Site: www.peckham.com	13-3493213 1000006385
PC67400	SUIT-KOTE CORPORATION 1911 Lorings Crossing Rd Cortland, New York 13045	Phone #: (315) 238-7053 Contact: Mike Murphy Fax #: (315) 238-7110 E-mail: mmurphy@suit-kote.com Web Site: www.suit-kote.com Toll-Free #: (800) 622-5636	16-1177189 1000007846
PC67401 SB	VESTAL ASPHALT, INC. 201 Stage Road Vestal , New York 13850 Accepts Procurement Card for orders up to \$15,000	Phone #: (607) 748 9093 Contact: Tim Howell Fax #: (607) 786-5909 E-mail: thowell@vestalaspalt.com Web Site: www.vestalaspalt.com	16-1201418 1000007868

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 NEW YORK STATE PROCUREMENT 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.

## **1.2 Small, Minority and Women-Owned Businesses**

The letters SB listed under the Contract Number indicate the contractor is a NYS small business. Additionally, the letters MBE and WBE indicate the contractor is a Minority-owned Business Enterprise and/or Woman-owned Business Enterprise.

## **1.3 Recycled, Remanufactured and Energy Efficient Products**

The Procurement Services 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

## **1.4 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).

## **1.5 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.

## SECTION 2: PRICE PAGES

### 2.1 List of OGS Items and Awardees

Please refer to the price pages' link published at the webpage for this contract at the OGS – Procurement Services website:  
[http://www.ogs.ny.gov/purchase/spg/lists/gp\\_315.asp](http://www.ogs.ny.gov/purchase/spg/lists/gp_315.asp)

## SECTION 3: PREVAILING WAGE RATES

### 3.1 Prevailing Wage Rates – State and 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 federal or State determination of a violation of any public works law or regulation, or labor law or regulation, or any OSHA violation deemed "serious or willful" may be grounds for a determination of vendor non-responsibility.

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.

The applicable Prevailing Wage Rate Schedule for this project is **PRC # 2015011397**

**IMPORTANT NOTE: Authorized Users MUST obtain a separate PRC # for each purchase from this contract where prevailing wage rates apply. The PRC # provided in this contract is for information and evaluation purposes only.**

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&id=723460>

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 Charts are located on the web at <http://www.wdol.gov/dba.aspx>.

(continues next page)

Referring to the following tables, enter the applicable WD# in the “Select DBA by number” field on the web page and click “Search”.

COUNTY	WD #
Albany	HWY-NY2
Allegany	HWY-NY47
Bronx	HWY-NY3
Broome	HWY-NY4
Cattaraugus	HWY-NY8
Cayuga	HWY-NY36
Chautauqua	HWY-NY8
Chemung	HWY-NY5
Chenango	HWY-NY4
Clinton	HWY-NY6
Columbia	HWY-NY2
Cortland	HWY-NY42
Delaware	HWY-NY21
Dutchess	HWY-NY7
Erie	HWY-NY8
Essex	HWY-NY6
Franklin	HWY-NY35
Fulton	HWY-NY2
Genesee	HWY-NY29
Greene	HWY-NY2
Hamilton	HWY-NY46

COUNTY	WD #
Herkimer	HWY-NY31
Jefferson	HWY-NY9
Kings	HWY-NY3
Lewis	HWY-NY9
Livingston	HWY-NY30
Madison	HWY-NY15
Monroe	HWY-NY10
Montgomery	HWY-NY2
Nassau	HWY-NY12
New York	HWY-NY3
Niagara	HWY-NY11
Oneida	HWY-NY14
Onondaga	HWY-NY16
Ontario	HWY-NY32
Orange	HWY-NY7
Orleans	HWY-NY34
Oswego	HWY-NY38
Otsego	HWY-NY37
Putnam	HWY-NY25
Queens	HWY-NY3
Rensselaer	HWY-NY2

COUNTY	WD #
Richmond	HWY-NY3
Rockland	HWY-NY20
Saratoga	HWY-NY2
Schenectady	HWY-NY2
Schoharie	HWY-NY2
Schuyler	HWY-NY5
Seneca	HWY-NY40
St Lawrence	HWY-NY9
Steuben	HWY-NY18
Suffolk	HWY-NY12
Sullivan	HWY-NY7
Tioga	HWY-NY45
Tompkins	HWY-NY24
Ulster	HWY-NY7
Warren	HWY-NY39
Washington	HWY-NY2
Wayne	HWY-NY44
Westchester	HWY-NY17
Wyoming	HWY-NY41
Yates	HWY-NY33

**Authorized Users MUST obtain a separate PRC # for each purchase from this contract where prevailing wage rates apply. The PRC # provided in this contract is for information and evaluation purposes only.**

### 3.2 Worker Notification

Labor Law § 220(3-a)(a)(ii) requires Contractors and subcontractors to provide written notice to all laborers, workers or mechanics of the *prevailing wage rate* for their particular job classification *on each pay stub*\*. It also requires Contractors and subcontractors to *post a notice* at the beginning of the performance of every public work Contract *on each job site* that includes the telephone number and address for the Department of Labor and a statement informing laborers, workers or mechanics of their right to contact the Department of Labor if he/she is not receiving the proper prevailing rate of wages and/or supplements for his/her particular job classification. The required notification will be provided with each wage schedule, may be downloaded from [www.labor.state.ny.us](http://www.labor.state.ny.us) or made available upon request by contacting the Bureau of Public Work at 518-457-5589.

\* In the event that the required information will not fit on the pay stub, an accompanying sheet or attachment of the information will suffice.

### 3.3 OSHA 10-Hour Construction Safety and Health Course

Labor Law § 220-h requires that on all public work contracts of at least \$250,000, all laborers, workers, and mechanics working on site be certified as having successfully completed the OSHA 10-hour construction safety and health course. It further requires that the advertised bids and contracts for every public work contract of at least \$250,000 contain a provision of the requirement AND only applies to workers on a public work project that are required under Article 8 to receive the prevailing wage.

Further information may be found at: [www.labor.state.ny.us/workerprotection/publicwork/PWContents.shtm](http://www.labor.state.ny.us/workerprotection/publicwork/PWContents.shtm)

### 3.4 Living Wage

An Authorized User subject to a local law establishing a “living wage”, such as Section 6-109 of the New York City Administrative Code, is required to ensure the Contractor sought to be hired complies with such local law. If the pay rate(s) for a job title(s) as set forth in Appendices 7 through 13 – Price Pages is less than the local law “living wage,” then the Authorized User subject to such local law cannot use this Contract for such job title(s). Local laws, however, are not a term and condition of the OGS contract.

## SECTION 4: CONTRACT ADMINISTRATION

### 4.1 Contract Amendment Process

- a. OGS, an Authorized User, or the Contractor may suggest modifications to the Contract or its Appendices. Except as specifically provided herein, modifications to the terms and conditions set forth herein may only be made with mutual written agreement of the Parties. Modifications may take the form of an update or an amendment. “Updates” are changes that do not require a change to the established Contract terms and conditions. A request to add new products at the same or better price level is an example of an update. “Amendments” are any changes that are not specifically covered by the terms and conditions of the Contract, but inclusion is found to be in the best interest of the State. A request to change a contractual term and condition is an example of an amendment.
- b. Updates to the Contract and the Appendices may be made in accordance with the contractual terms and conditions to incorporate new products or services, make price level revisions, delete products or services, or to make such other updates to the established Contract terms and conditions, not resulting in a change to such terms and conditions, which are deemed to be in the best interest of the State.
- c. OGS reserves the right to consider modifications which are not specifically covered by the terms of the Contract, but are judged to be in the best interest of the State. Such modifications are deemed amendments to the Contract and may require negotiations between Contractor and OGS before execution.
- d. All modifications proposed by Contractor, shall be processed in accordance with Appendix C, Contract Modification Procedure. The Contractor shall submit all requests in the form and format contained in Appendix C, Contract Modification Procedure.  
The form contained within Appendix C is subject to change at the sole discretion of OGS.
- e. Modifications proposed by OGS or an Authorized User, including updates and amendments, shall be processed in accordance with the terms of the Contract and Appendix B, §27. Contract Amendments may require approval by the New York State Office of the Attorney General and Office of the State Comptroller as required by law.

### 4.2 Contract Administrator

Contractor must provide a dedicated Contract Administrator to support the updating and management of the Contract on a timely basis. Information regarding the Contract Administrator shall be set forth in Attachment – *General Questions*. Contractor must notify OGS within five (5) Business Days if its Contract Administrator changes, and provide an interim contact person until the position is filled. Contractor may submit a Contract Administrator change by submission of a revised Contractor and Authorized Reseller Information form to the OGS Contract Administrator.

Changes to Contractor contact information, including the designation of a new Contract Administrator, shall be submitted electronically via e-mail through the submission of a revised Contractor and Authorized Reseller Information form to the OGS Contract Administrator

## SECTION 5: TERMS AND CONDITIONS

### 5.1 Contract Term and Extension

#### 5.1.1 Contract Term

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

If mutually agreed between the New York State Procurement 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 four (4) years.

#### 5.1.2 Short Term Extension

If mutually agreed upon between OGS and the Contractor, the Contract may be extended under the same terms and conditions for up to three (3) additional periods of up to one (1) year each. Extensions may be exercised on a continuing basis such as an additional three (3) month, six (6) month or twelve (12) month period. In the event a replacement Contract has not been issued at the time of Contract expiration, any Contract let and awarded hereunder by the State, may be extended unilaterally by the State for an additional period of up to one (1) 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 (1) month extension), pricing, and Delivery requirements. With the concurrence of the Contractor, the extension may be for a period of up to three (3) months in lieu of one (1) month. However, this extension terminates should the replacement Contract be issued in the interim.

### 5.2 Mercury Added Consumer Products

Contractor agrees that it will not sell or distribute fever thermometers containing mercury or any products containing elemental mercury for any purpose under this Contract.

### 5.3 Disposition of Settlements

The Office of General Services has the right to determine the disposition of any rebates, settlements, restitution, liquidated damages, etc. which arise from the administration of this contract.

### 5.4 Environmental Attributes and NYS Executive Order 4

New York State is committed to environmental sustainability and endeavors to procure products with reduced environmental impact. One example of this commitment may be found in Executive Order No. 4 (Establishing a State Green Procurement and Agency Sustainability Program) (EO4), which imposes certain requirements on state agencies, authorities, and public benefit corporations when procuring commodities, services, and technology. More information on Executive Order No. 4, including specifications for offerings covered by this Contract, may be found at <http://www.ogs.ny.gov/EO/4/Default.asp>. State entities subject to Executive Order No. 4 are advised to become familiar with the specifications that have been developed in accordance with the Order, and to incorporate them, as applicable, when making purchases under this Contract.

### 5.5 Extension of Use Commitment

The Contractor agrees to honor all orders from the authorized user by law which are in compliance with the pricing, terms, and conditions set forth in the resulting Contract document.

Any unilateral limitations/restrictions imposed by the Contractor and/or manufacturer on the eligible Authorized User will be grounds for rejection of the bid or cancellation of the Contract. If a Contract, or any portion thereof, is canceled for this reason, any additional costs incurred by the eligible purchaser will be borne by the Contractor

## 5.6 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.

## 5.7 Poor Performance

Authorized Users should notify Procurement Services Group's Customer Services promptly if the Contractor fails to meet the requirements of this Contract. Performance which does not comply with requirements or is otherwise unsatisfactory to the Authorized User should also be reported to Customer Services:

Office of General Services  
NYS Procurement  
38th Floor Corning Tower  
Empire State Plaza  
Albany, NY 12242  
Customer Services E-mail: [customer.services@ogs.ny.gov](mailto:customer.services@ogs.ny.gov)  
Telephone: (518) 474-6717 / Fax: (518) 474-2437

## 5.8 Bulk Delivery and Alternate Packaging

New York State encourages the use of innovative packaging that reduces the weight of packaging and the generation of packaging waste. A contractor is encouraged to use reusable materials and containers and to utilize packaging configurations that take advantage of storage containers designed to be part of the product for the shipment of multi-unit purchases. New York State recognizes that these packaging methods are in the development stage and may not be currently available. Authorized Users are urged to inquire about these programs at the time of purchase and determine the best solution for their needs.

## 5.9 New York State Financial System (SFS)

New York State is currently operating on an Enterprise Resource Planning (ERP) system, Oracle PeopleSoft software, referred to as the Statewide Financial System (SFS). SFS is currently on PeopleSoft Financials version 9.0 Bundle 18, operating on PeopleTools version 8.49.33. The State is planning to upgrade to PeopleSoft Financials version 9.2 sometime in 2015. SFS supports requisition-to-payment processing and financial management functions.

The State is also implementing an eProcurement application that supports the requisitioning process for State Agencies to procure goods and services in SFS. This application provides catalog capabilities. Vendors with centralized contracts have the ability to provide a "hosted" or "punch-out" catalog that integrates with SFS and is available to Authorized Users via a centralized eMarketplace website. There are no fees required for a Vendor's participation in the catalog site development or management. Upon completion and activation of an on-line catalog, State agencies will process their orders through the SFS functionality and other Authorized Users can access the catalog site to fulfill orders directly.

The State is also implementing the PeopleSoft Inventory module in the near future to track inventory items within the item master table. Further information regarding business processes, interfaces, and file layouts may be found at: [www.sfs.ny.gov](http://www.sfs.ny.gov) and <http://www.osc.state.ny.us/agencies/guide/MyWebHelp/>

## 5.10 Surplus/Take-Back/Recycling

- a. A State agency is reminded of its obligation to comply with the NY State Finance Law §§ 167, Transfer and Disposal of Personal Property, and 168, The Management of Surplus Computer Equipment, regarding transfer and disposal of surplus personal property before utilizing take-back, recycling, or other options for disposition of equipment that is still in operable condition.

- b. If Contractor offers a take-back/recycling program, then Contractor shall provide a record of disposition to each Authorized User who participates in the take-back/recycling program for units transferred for disposition. Contractor shall provide documentation that the units were disposed of in an environmentally sound manner in compliance with applicable local, state and federal laws. See Section III below for specific requirements governing electronic equipment recycling.
- c. The NYS Department of Environmental Conservation (DEC) Electronic Equipment Recycling and Reuse Act (“Act”) (Environmental Conservation Law, Article 27, Title 26, Electronic Equipment Recycling and Reuse), requires manufacturers to establish a convenient system for the collection, handling, and recycling or reuse of electronic waste. If Contractor is a manufacturer of electronic equipment covered by the Act, Contractor agrees to comply with the requirements of the Act. More information regarding the Act can be found on the DEC website at: <http://www.dec.ny.gov/chemical/65583.html>.
- d. If a Contractor offers a take-back/recycling program or offers an electronic equipment recycling program pursuant to the Act, and an Authorized User participates in same, then the Authorized User shall ensure the destruction of all data from any hard drives surrendered with the machines/covered electronic equipment. Contractor shall not require an Authorized User to surrender the hard drive, as an Authorized User may wish to retain the hard drive for security purposes. Contractor shall advise the Authorized User in advance if the retention of the hard drive results in additional fees or reduction in trade-in value. It is recommended that an Authorized User use a procedure for ensuring the destruction of confidential data stored on hard drives or other storage media that meets or exceeds the National Institute of Standards and Technology (NIST) Guidelines for Media Sanitation as found in NIST Special Publication 800-88.

## **5.11 Contractor Requirements and Procedures for Equal Employment and Business Participation Opportunities for Minority Group Members and New York State Certified Minority-And Women-Owned Business Enterprises**

### **I. General Provisions**

- A. OGS is required to implement the provisions of New York State Executive Law Article 15-A and 5 NYCRR Parts 140-145 (“MWBE Regulations”) for all State contracts as defined therein, with a value (1) in excess of \$25,000 for labor, services, equipment, materials, or any combination of the foregoing or (2) in excess of \$100,000 for real property renovations and construction.
- B. The Contractor agrees, in addition to any other nondiscrimination provision of the Contract and at no additional cost to OGS, to fully comply and cooperate with OGS in the implementation of New York State Executive Law Article 15-A. These requirements include equal employment opportunities for minority group members and women (“EEO”) and contracting opportunities for New York State certified minority- and women-owned business enterprises (“MWBEs”). Contractor’s demonstration of “good faith efforts” pursuant to 5 NYCRR §142.8 shall be a part of these requirements. These provisions shall be deemed supplementary to, and not in lieu of, the nondiscrimination provisions required by New York State Executive Law Article 15 (the “Human Rights Law”) or other applicable federal, State or local laws.
- C. The Contractor further agrees to be bound by the provisions of Article 15-A and the MWBE Regulations. If any of these terms or provisions conflict with applicable law or regulations, such laws and regulations shall supersede these requirements.
- D. Failure to comply with all of the requirements herein may result in a finding of non-responsiveness, non-responsibility and/or a breach of contract, leading to the withholding of funds, suspension or termination of the Contract or such other actions or enforcement proceedings as allowed by the Contract.

### **II. Contract Goals**

- A. For purposes of this procurement, OGS conducted a comprehensive search and determined that this contract does not offer sufficient opportunities to set goals for participation by MWBEs as subcontractors, service providers and suppliers to Contractor. Contractor is, however, encouraged to make every good faith effort to promote and assist the participation of MWBEs on this Contract for the provision of services and materials. The directory of New York State Certified MWBEs can be viewed at: <https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp?TN=ny&XID=2528>.

Additionally, Contractor is encouraged to contact the Division of Minority and Women's Business Development ((518) 292-5250; (212) 803-2414; or (716) 846-8200) to discuss additional methods of maximizing participation by MWBEs on the Contract.

B. Good Faith Efforts

Pursuant to 5 NYCRR § 142.8, evidence of good faith efforts shall include, but not be limited to, the following:

- (1) A list of the general circulation, trade and MWBE-oriented publications and dates of publications in which the Contractor solicited the participation of certified MWBEs as subcontractors/suppliers and copies of such solicitations and any responses thereto.
- (2) A list of the certified MWBEs appearing in the Empire State Development MWBE directory that were solicited for this Contract. Provide proof of dates or copies of the solicitations and copies of the responses made by the certified MWBEs. Describe specific reasons that responding certified MWBEs were not selected.
- (3) Descriptions of the Contract documents/plans/specifications made available to certified MWBEs by the Contractor when soliciting their participation and steps taken to structure the scope of work for the purpose of subcontracting with or obtaining supplies from certified MWBEs.
- (4) A description of the negotiations between the Contractor and certified MWBEs for the purposes of complying with the MWBE goals of this Contract.
- (5) Dates of any pre-bid, pre-award or other meetings attended by Contractor, if any, scheduled by OGS with certified MWBEs whom OGS determined were capable of fulfilling the MWBE goals set in the Contract.
- (6) Other information deemed relevant to the request.

**III. Equal Employment Opportunity (EEO)**

A. Contractor shall comply with the following provisions of Article 15-A:

1. Contractor and Subcontractors shall undertake or continue existing EEO programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status. For these purposes, EEO shall apply in the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, or termination and rates of pay or other forms of compensation.
2. By entering into this Contract, Contractor certifies that the text set forth in clause 12 of Appendix A, attached hereto and made a part hereof, is Contractor's equal employment opportunity policy.

B. Form EEO 100 – Staffing Plan

To ensure compliance with this section, the Contractor submitted a staffing plan on Form EEO 100 to document the composition of the proposed workforce to be utilized in the performance of the Contract by the specified categories listed, including ethnic background, gender, and federal occupational categories. Contractor shall complete the Staffing plan form and submit it as part of their contract.

C. Form EEO 101 - Workforce Employment Utilization Report (“Workforce Report”)

EITHER: Contractor agrees it will, upon request, submit to OGS, a workforce utilization report on Form EEO 101, identifying the workforce actually utilized on the Contract if known.

OR: Contractor and OGS agree that Contractor is unable to separate out the workforce utilized in the performance of the Contract from Contractor's and/or subcontractor's total workforce and that the information provided on the previously submitted Staffing Plan is Contractor's total workforce during the subject time frame, not limited to work specifically under the contract.

D. Contractor shall comply with the provisions of the Human Rights Law, all other State and federal statutory and constitutional non-discrimination provisions. Contractor and subcontractors shall not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status, and shall also follow the requirements of the Human Rights Law with regard to non-discrimination on the basis of prior criminal and conviction and prior arrest..

**ALL FORMS ARE AVAILABLE AT:** <http://www.ogs.ny.gov/MWBE/Forms.asp>

## SECTION 6: CHIP SEAL - SPECIFIC PROJECTS

### 6.1 Introduction

Conventional chip seal is a pavement preventive maintenance treatment which consists of single-sized stone embedded in a liquid bituminous material. The liquid bituminous material seals cracks in the existing pavement and the stone provides a high-friction wearing surface.

### 6.2 Pricing Information

#### 6.2.1 General

Clause 15(b) of Appendix B has been modified to read:

Price quoted for chip seal shall be net per square yard furnished, hauled, delivered, and applied with contractor's equipment totally by the contractor at the locations indicated herein including the cost of labor, surface preparation, and materials, except liquid bituminous materials and cover sand. Liquid bituminous materials used for chip seal and fog seal, and the cover sand will be paid for under separates items. Price quoted per square yard of chip seal shall also include mobilization to the project site, the provision of Work Zone Traffic Control as indicated elsewhere in this Invitation for Bids, and Maintenance Materials Bond as listed in the BONDING REQUIREMENTS section in this Invitation for Bids. The price quoted per gallon of liquid bituminous materials for chip seal and fog seal shall include heating, hauling, and applying the liquid bituminous materials at the project locations indicated herein. The price quoted per square yard of cover sand shall include hauling and applying the necessary cover sand at the project locations indicated herein.

#### 6.2.2 Insurance

Price bid shall include all required insurance coverage costs. In particular, price shall include:

- Commercial General Liability Insurance with a limit of not less than \$2,000,000 each occurrence;
- Comprehensive Business Automobile Liability Insurance with a limit of not less than \$2,000,000 each accident;
- Owners and Contractors Protective Insurance Coverage (OCP) with a limit of not less than \$1,000,000 per occurrence and \$2,000,000 in the aggregate.

Each requirement should be reviewed carefully. (Please see the Attachment – Insurance Requirements for detailed insurance requirements.)

Owners and Contractors Protective Insurance Coverage (OCP)

**The contractor must supply the OCP Insurance to the Resident Engineer at the Pre-Paving Conference.**

**SECTION 6: CHIP SEAL - SPECIFIC PROJECTS (Cont'd)**

**6.3 Asphalt Price Adjustments**

**6.3.1 General**

- a. Asphalt price adjustments allowed will be based on the September 1, 2015 average of the F.O.B. terminal price per ton of unmodified PG 64S-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 Specifications.

**The September 1, 2015 average is \$521.000 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 pre-approved sources discontinue posting a price for asphalt cement, the base average F.O.B. terminal **price shall not be recalculated.**

- b. 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. However, asphalt price adjustments, in accordance with the formula below, will be effective for deliveries made on and after the first of the month following the adjustment date.
- c. The unit prices of liquid bituminous materials purchased from any award based on this specification will be subject to adjustment based on the following formula:

$$\begin{array}{|c|} \hline \text{Price} \\ \text{Adjustment} \\ \text{(per gallon)} \\ \hline \end{array} = \frac{\begin{array}{|c|} \hline \text{New Monthly Average} \\ \text{FOB Terminal Price} \\ \hline \end{array} - \begin{array}{|c|} \hline \text{Base Average} \\ \text{Terminal Price} \\ \hline \end{array}}{235} \times \begin{array}{|c|} \hline \text{Total} \\ \text{Allowable} \\ \text{Petroleum \%} \\ \hline \end{array}$$

Positive Price Adjustment number shall be added to original per gallon Bid Price.  
 Negative Price Adjustment number shall be subtracted from original per gallon Bid Price.

**New Monthly Average F.O.B. Terminal Price**

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

**Base Average F.O.B. Terminal Price**

The average F.O.B. terminal price of unmodified PG 64S-22 binder without anti-stripping agent is as determined by the New York State Department of Transportation as of September 1, 2015.

**Total Allowable Petroleum**

The percentage of total allowable petroleum for each item is as follows:

Material Designation	Grade	Asphalt %	Petroleum Allowance %	Total Allowable Petroleum %
702-3101P	RS-2	63	2.7	65.7
702-3102P	HFRS-2	63	2.7	65.7
702-3301P	HFMS-2	65	8.2	73.2
702-4101P	CRS-2	65	2.7	67.7
702-XXXXT	Diluted Tack Coat	40	0.2	40.2

Asphalt Price Adjustments will not be allowed for materials which do not have an asphalt cement base.

**SECTION 6: CHIP SEAL - SPECIFIC PROJECTS (Cont'd)**

- d. Work performed after the expiration of the contract, where no extension has been granted, resultant from purchase orders placed prior to expiration of the contract will receive the Asphalt Price Adjustments applicable in effect during the last month of the contract.  

Asphalt Price Adjustments for any contracts that are extended will be based on the new average for the month in which the work is done applying the same base established for that contract.
- e. Asphalt price adjustments allowed by this contract shall be calculated and applied to the original prices. There will not be asphalt price adjustments unless the change amounts to more than \$0.100 per ton/\$0.010 per gallon as applicable from the original price. In these instances, prices will revert back to the original prices.
- f. All Asphalt Price Adjustments will be computed to three decimal places.
- g. Should these provisions result in a price structure which becomes unworkable, detrimental or injurious to the State or in prices which are not truly reflective of market conditions or which are deemed by the Commissioner to be unreasonable or excessive, and no adjustment in price is mutually agreeable, the Commissioner reserves the sole right upon ten days written notice mailed to the Contractor to terminate any contract resulting from this bid opening.
- h. All asphalt price adjustments shall be published by the State and issued to all contract holders whose responsibility will be to attach the appropriate State notification (based on when the work was performed) to the payment invoice submitted to agency

**6.3.2 Asphalt Price Adjustment: Example**

Material Designation 702-3301P, HFMS-2  
Base Avg. Price per Ton = \$521.000  
New Avg. Price per Ton = \$531.000  
Total % Asphalt Plus Petroleum Allowance = 73.2%

Price Adjustment (per gallon)	=	$\frac{(531.000 - 521.000)}{235}$	X	0.732
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Price Adjustment (per gallon)	=	+\$0.031 per gallon
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Positive Price Adjustment number shall be added to original per gallon Bid Price.  
Negative Price Adjustment number shall be subtracted from original per gallon Bid Price.

**6.4 Payment**

Payment for Chip seal shall be made at contract price bid for the actual number of completed square yards of chip seal, actual numbers of gallons of bituminous materials for chip seal, actual numbers of gallons of bituminous materials for fog seal, actual number of square yards of cover sand 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.

Payment of work zone traffic control and abrading the existing pavement markings shall be included in the payment for number of square yards of completed chip seal.

A delivery slip stating quantities of liquid bituminous materials (modified or unmodified emulsions) shall accompany each shipment. An invoice listing the quantities of surface treatment shall be sent promptly by the contractor to the resident engineer

## SECTION 6: CHIP SEAL - SPECIFIC PROJECTS (Cont'd)

### 6.5 Pre-Chip Seal Conference

The contractor shall schedule a Pre-Chip Seal Conference with the affected Resident Engineer at least two weeks prior to the start of the work under this contract. Project level supervisors from contractor and from the state shall be present at this conference. At this conference contractor shall present their chip seal schedule, mix design, number and types of equipment, chip seal procedure, and Work Zone Traffic Control Plan to the state for approval. The mix design for the chip seal must show the quantity in gallons per square yard of fog seal, the quantity in pounds per square yard of cover sand, the quantity in gallons and the type of liquid bituminous material per square yard, the quantity in pounds per square yard of aggregate, percent of polymer used to modify the asphalt emulsion, quantity in pounds per square yards of fiber (if applicable), and the design curing time. All the component materials used in the mix design shall be representative of the material proposed by the contractors to be used on the project. Adjustment may be required during the construction based on field conditions and with the approval of the state.

The contractor shall also furnish the state the copies of the calibrations of the liquid bituminous materials distributor and the aggregate spreader at the same time. The contractor shall indicate the aggregate sources at this conference. At least one week prior to the start of work under this contract, the contractor shall coordinate the details of the chip seal with the state's representative.

### 6.6 Bonding Requirements

A Maintenance Bond is required for chip seal projects in this IFB. Please see sample in Attachment - Detailed Specifications.

Maintenance bond is to be provided to the attention of the Regional Director of Operations, or their Regional designee as determined at the Pre-Chip Seal conference, for the corresponding Region. Each bond shall be specific to each Project Number, not contract, so that they may be released upon the completion of the terms in the contract for each corresponding Project/site.

### 6.7 Supervision

The Department of Transportation shall provide supervision for the chip seal operation, and pavement marking abrading if applicable. The Resident Engineer shall designate a Project Supervisor who shall be in responsible charge of the operation. All orders pertaining to Work Zone Traffic Control plan from the Project Supervisor to the contractor shall be binding on the contractor. 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.

### 6.8 Construction Details

The construction details shall comply with the requirements specified herein, including those appearing in the enclosed Attachment - Detailed Specifications. The project supervisor from the State shall have sole responsibility for determining compliance with the specifications. All orders given to the contractor regarding construction details shall be considered final.

## SECTION 6: CHIP SEAL - SPECIFIC PROJECTS (Cont'd)

### 6.9 Work Hours

Work shall not be permitted on Sundays and NYS Legal Holidays. If a Contractor desires to work overtime on other days, they must obtain dispensation from NYS Department of Labor using NYS Department of Labor Form PW-30 (5/93).

#### 6.9.1 Special Note - Overtime Dispensation Requests

All Overtime Dispensations will be sent to:

**Hasib H. Khan**

Pavement Program Engineer  
Office of Transportation Maintenance, POD 54  
NYS Department of Transportation  
50 Wolf Road, Albany, NY 12232

Email: [Hasibul.Khan@dot.ny.gov](mailto:Hasibul.Khan@dot.ny.gov)

Phone: 518-457-1572

Fax: 518-457-4203

The dispensations will be submitted for the entire contract period for 5-10hr days (with rain day Saturday) to cover all the project numbers awarded to the contractor within the resulting contract. Should a contractor needs additional dispensation beyond the one described above, they shall submit it to the Regional Director of Operations or the Regional designee as determined at the preconstruction meeting, for the Region they wish to submit special additional dispensation for.

### 6.10 Special Note for Chip Seal

The Contractor will not be responsible for the initial conditioning of the existing pavement and shoulder surfaces as described in Section 402-3.05 of the NYSDOT Standard Specifications. Patching, joint repair, crack filling will be done by NYSDOT forces prior to the chip seal project. However, once work on the project begins, the Contractor is responsible for keeping the pavement and shoulders clean until the paving operations are completed, as per Section 633-3.01 of the NYSDOT Standard Specifications.

### 6.11 Restoration of Disturbed Areas

During the course of the work the vendor shall take reasonable care not to disturb areas outside the existing pavement. Any areas disturbed by the vendor 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 Vendor upon completion of the project.

### 6.12 Damaged or Deficient Areas

Prior to acceptance and payment by the State for work under this contract, any placed pavement that ravels, delaminates, fails to properly cure, or is in any way defective shall be redone to the satisfaction of the State at the contractor's expense.

## SECTION 6: CHIP SEAL - SPECIFIC PROJECTS (Cont'd)

### 6.13 Work Zone Traffic Control

The contractor shall be responsible for Work Zone Traffic Control. Traffic shall be controlled in accordance with Manual of Uniform Traffic Control Devices (MUTCD), Section 619-1 through 619-3 of the Standard Specifications as described herein including modifications to the Standard Specifications. The contractor shall submit a Work Zone Traffic Control Plan for approval to the Resident Engineer at the Pre-Work conference. For two-way roadways, Figures TAST-C1R, TAST-C2R, TAST-C3R, TAST-C4R, TAST-C5R, TAST-C7R, TAST-C1UL, TAST-C2UL, TAST-C3UL, TAST-C4U, TAST-C7UL, TAST-C1UH, TAST-C2UH, TAST-C3UH, and TAST-C7UH included in this document may be used as a basis for development of a Work Zone Traffic Control Plan. For one-way roadways, Figures TAST-C5UL, TAST-C6UL, TAST-C8UL, TAST-C5UH, TAST-C6UH, and TAST-C8UH may be used as a basis for development of a Work Zone Traffic Control Plan. For one-way Freeways or Expressways, Figures TAST-E1, TAST-E2, TAST-E3, TAST-E4, TAST-E5, TAST-E6, and TAST-E7 may be used as a basis for development of a Work Zone Traffic Control Plan.

All necessary flaggers for Work Zone Traffic Control shall be provided by the Contractor. For two-way roadways, a minimum of three flaggers shall be provided while the work operation is underway. One shall be stationed at each end of the applicable operation and one shall be stationed with the operation. For one-way roadways, a minimum of two flaggers shall be provided while work operation is underway. One shall be stationed at the beginning of the applicable operation and one shall be stationed with the operation. The Contractor shall station flaggers such that communication is maintained between the flaggers. Hand signals, radios, pilot vehicles, or some other means of communication may be used subject to the approval of the Resident Engineer.

All costs of Work Zone Traffic Control as prescribed by this specification including flagging, temporary pavement marking and/or delineation, and construction signs, are to be included in the unit price bid. No separate payment shall be made.

#### 6.13.1 Permanent Construction Signs

The Contractor shall provide construction signs as specified in Section 619-1 through 619-3 of the Standard Specifications and in the MUTCD. At minimum the Contractor shall install the following permanent construction signs: **(see next page)**

Major intersecting roads are defined as through 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. Signs left active at night shall be rigid and reflectorized in accordance with the Standard Specifications.

With prior permission of the State's Resident Engineer, the Vendor may provide portable signs as shown in Figure 6F-2 of the MUTCD for the above referenced DO NOT PASS and NO CENTER LINE signs. 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 2' X 4" temporary yellow markings are used instead of full barrier pavement markings

**SECTION 6: CHIP SEAL - SPECIFIC PROJECTS (Cont'd)**

SIGN	MINIMUM SIZE	LOCATION
ROAD WORK NEXT ____ MILES	<u>G20-1</u> Conventional 36" x 18"  Freeways 48" x 24"	On main line upstream of project in each direction
END ROAD WORK	<u>G20-2</u> Conventional 36" x 18"  Freeways 48" x 24"	On main line after end of project in each direction
ROAD WORK AHEAD	<u>W20-1</u> Conventional 36" x 36"  Freeways 48" x 48"	On main line in advance of the affected highway segment in each direction and on major intersecting roads 300 -500 feet in advance of main line. Sign should be covered if it conflicts with temporary signing in the vicinity. (Place between the G20-1 and the first warning sign that states condition- i.e. W8-12, W8-9 or W8-15)
DO NOT PASS	<u>R4-1</u> Conventional 24" x 30"	If 2' x 4" temporary yellow markings are used instead of full barrier centerline pavement markings, place the first sign at or within 100 feet of the beginning of the unmarked area, second within 1,000 feet and subsequent signs, spaced every ½ mile along project in each direction
NO CENTER LINE	<u>W8-12</u> Conventional 36" x 36"	If 2' x 4" temporary yellow markings are used instead of full barrier centerline pavement markings, place the first sign in advance of the condition and the first "DO NOT PASS" sign: 300' urban is preferred (100' minimum), 500' rural is preferred (200' minimum). Place additional signs spaced every 2 miles on mainline in each direction and after every major intersecting road.
LOW SHOULDER	<u>W8-9</u> Conventional 36" x 36"  Freeways 48" x 48"	Place on mainline spaced every 2 miles along project in each direction and after every major intersecting road until shoulder back-up is installed (if conditions warrant use, place between the W8-12 and R4-1, maintaining a minimum of 200' between signs for rural roads and 100' on urban. The W8-12 can be moved upstream to accommodate the required spacing.)
LOOSE GRAVEL	<u>W8-7</u> 36" x 36"	Place on mainline at start of the project and spaced every ½ miles along project in each direction.
30 MPH	<u>W13-1P</u> 18" x 18"	Mounted on W8-7 LOOSE GRAVEL sign

\*\*All signs should maintain an absolute minimum spacing of 200' rural or 100' urban. 500' is preferred on rural and 300' is preferred on urban. Double stacking of any of the above signs, or combination thereof, will NOT be permitted.

## SECTION 6: CHIP SEAL - SPECIFIC PROJECTS (Cont'd)

### 6.13.2 Temporary Pavement Markings

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 except that two-lane, two-way highways may be left without full barrier centerlines in no passing zones for a maximum of 7 calendar days provided that NO CENTER LINE (W8-12, black on orange), NO PASSING ZONE (W14-3, black on orange pennant shaped sign), and DO NOT PASS (R4-1) signs are used consistent with the MUTCD and in conjunction with yellow 2 foot by 4 inch temporary markings consisting of retroreflective removable pavement marking tape, paint or yellow temporary overlay markers installed on a 40 ft. cycle to delineate the centerline location.

The State is responsible for the final pavement markings unless otherwise indicated in the contract. If the vendor chooses to install NO CENTER LINE and DO NOT PASS signs and temporary yellow 2 foot by 4 inch pavement markings in lieu of full barrier centerline markings, the signs shall be left in place until the state has completed installing the final pavement markings. The state will normally complete final pavement markings within 7 days of the project completion. However, if unavoidable situations delay the pavement marking installation the signs shall remain in place for 14 calendar days after the project has been completed or until the state has completed installing the final pavement markings, whichever comes first. If permanent pavement marking cannot be installed within 14 days of the project completion, state must install interim pavement marking including center lines, edge lines, stop bars, and simple crosswalks with no hatching before the end of 14 days after project completion.

All costs for Work Zone Traffic Control including flagging, temporary pavement markings, delineation, and construction signs are to be included in the prices bid per ton or square yard as applicable.

### 6.13.3 Abrading Existing Pavement Markings

The Contractor shall remove any epoxy or thermoplastic pavement markings. Other markings shall be removed as ordered by the Resident Engineer. Care shall be taken to avoid damage to passing traffic. All damage to passing traffic caused by the Contractor's operations shall be the Contractor's responsibility. Waste material generated by the abrading operation shall be cleaned up and disposed of by the Vendor.

When the Contractor abrades the existing pavement markings, the Contractor shall place temporary pavement markings as specified elsewhere in this Invitation for Bids under Work Zone Traffic Control, unless the paving material will be placed the same day as pavement markings are abraded. The Contractor shall make every effort to expeditiously place the paving material in areas where pavement markings have been abraded and temporary pavement markings are in place. Under no circumstances will temporary pavement markings be allowed for more than five calendar days in areas where pavement markings have been abraded. In this event, the Contractor shall be required to place full pavement markings at no cost to the state. During the pavement markings abrading operation, traffic will be controlled by the Contractor in accordance with the Work Zone Traffic Control requirements included herein. The Contractor shall submit a proposed Traffic Control Plan to the Resident Engineer for approval. The plan may be based on the Work Zone Traffic Control drawings included in this Invitation for Bids.

Payment for pavement marking abrading shall be included in the price bid per square yard of chip seal. No separate payment shall be made.

### 6.13.4 Special Note: Work Zone Intrusion Initiative

As part of the Department of Transportation's Work Zone Intrusion Initiative, the following countermeasures shall apply to this Invitation for Bids.

#### Channelizing Device Spacing Reduction

A maximum channelizing device spacing of 40 ft. shall be provided at 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.

## SECTION 6: CHIP SEAL - SPECIFIC PROJECTS (Cont'd)

Where tapers are located less than 500 ft. from the work site, the 40-ft. spacing shall be used in the tapers as well.

Drums or vertical panels are preferred for intermediate to long-term stationary 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 ft. intervals to discourage traffic from driving through the closed lane. Transversely placed devices are not required where pilot car are in use.

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

### **Flagger Station Enhanced Setups**

Additional cones and a flag tree meeting Section 6F.62 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.

For additional details on Flagger Station Enhanced Setups, see Work Zone Traffic Control drawings in this Invitation for Bids.

### **Temporary Rumble Strips**

#### **a. Description**

This work shall consist of the installation, maintenance and subsequent removal of temporary rumble strips in paving work zones where indicated in the Invitation for Bids or as directed by the Engineer.

#### **b. 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 by applying four layers of removable black non-reflectorized removable 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

Raised asphalt rumble strips shall be formed from hot mix asphalt meeting the requirements of Items 402.058902 or 402.098902. Tack coat meeting the requirements of Materials Designation 702-XXXXT Asphalt Emulsion Diluted Tack Coat shall be used to adhere the rumble strip to the existing pavement. 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. 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 inches  $\pm$  0.1 inches.

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.

**SECTION 6: CHIP SEAL - SPECIFIC PROJECTS (Cont'd)**

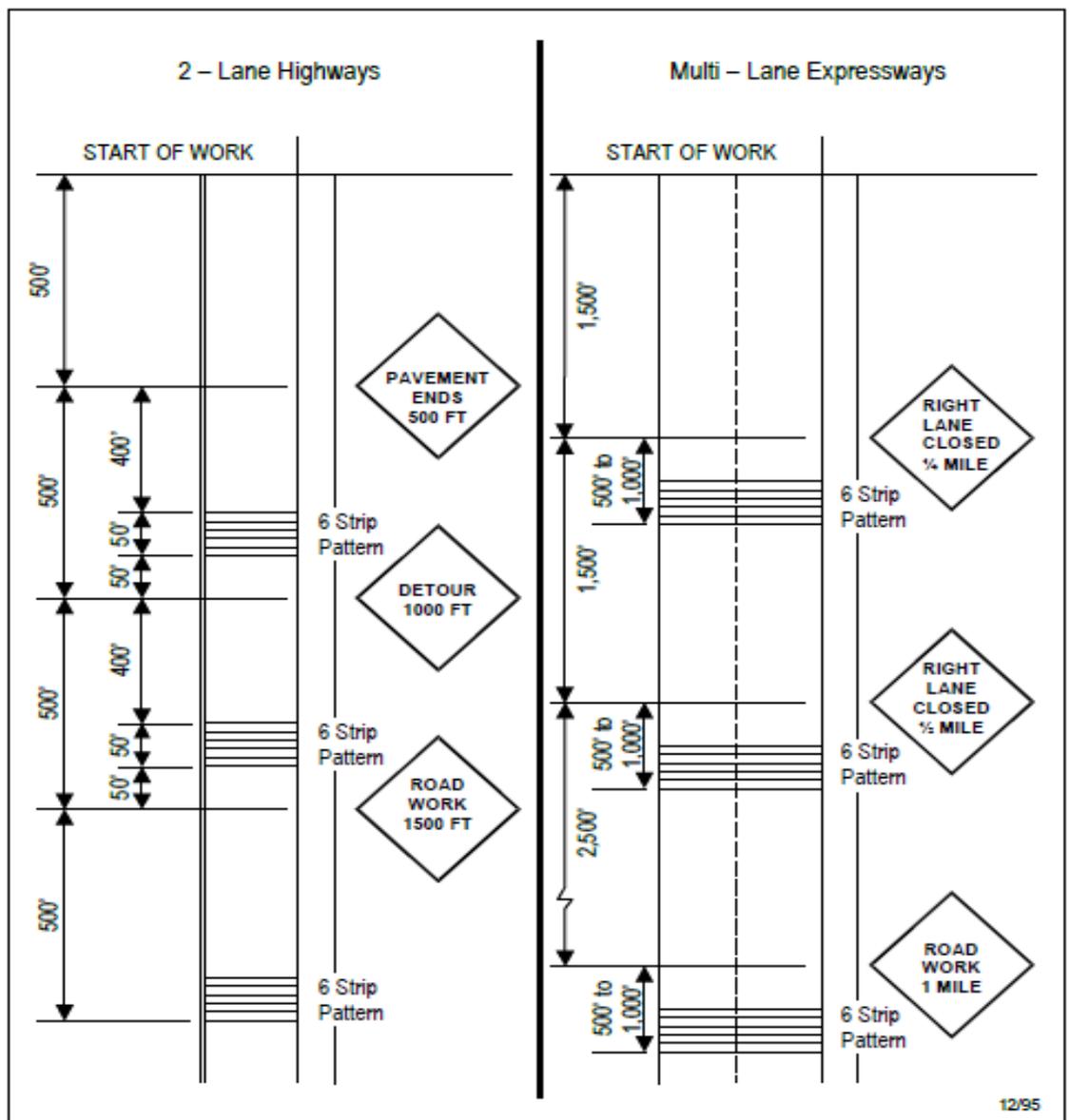
When directed by the Engineer, (e.g., prior to the start of the winter plowing season), or prior to the placement of successive pavement courses, the Contractor shall completely remove the rumble strips from the pavement. Rumble strips shall be removed upon completion of work and concurrently with the 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.

**c. Basis of Payment**

All costs for the installation, maintenance and removal of temporary rumble strips are included in the price per ton or square yard as appropriate. No separate payment shall be made.

**d. Suggested Layout Details Drawing-- Temporary Rumble Strips**

**Suggested Layout Details – Temporary Rumble Strips**



## SECTION 6: CHIP SEAL - SPECIFIC PROJECTS (Cont'd)

### 6.14 Special Notes - Chip Seal

#### 6.14.1 Funding Source (Chip Seal)

Projects 5V1652 and 6V1613B will be funded by Federal Aid.

#### 6.14.2 NYSDOT Region 5 Special Notes (Chip Seal)

##### Pavement Markings – Region 5 (Chip Seal)

It shall be the contractor's responsibility to inventory and document the existing pavement marking patterns prior to milling and/or resurfacing and submit to the Engineer a copy of the inventory prior to beginning work. The contractor shall be responsible for completing all layout work necessary for the installation of all final pavement markings. If the original markings are obliterated, the contractor shall contact the resident engineer for guidance on their location.

##### Time Restrictions – Region 5 (Chip Seal)

All Region 5 Projects shall follow the time restrictions outlined in the "Work Zone Traffic Control - for Design/Construction on State Highways in Region 5" available on the NYSDOT website or thru the Regional Transportation Systems Operations group excepting those projects listed on the Region 5 project specific special notes.

#### 6.14.3 NYSDOT Region 6 Special Notes (Chip Seal)

##### Coordination with other projects – Region 6 (Chip Seal)

Prior to the Chip, Fog, and Sand Overlay, Project 6V1613 involves cold recycling through separate contract(or(s)). This VPP chip, fog, and sand overlay projects require that the chip, fog, and sand overlay contractor coordinates their work with corresponding cold recycling contractor(s) to allow required curing period before placing the chip, fog, and sand overlay as well as to minimize disruption to the traveling public and the time traffic is running over a recycled surface.

##### Specific Special Notes – Region 6 (Chip Seal)

All Region 6 Chip, Fog, and Sand Overlay projects shall be completed no later than August 31, 2016. A schedule reflecting this shall be submitted before start of work to the Region's ARDO, Stacey Forenz, for approval.

The Region requests all Preconstruction paperwork be submitted electronically as .pdf files to [Stacey.Forenz@dot.ny.gov](mailto:Stacey.Forenz@dot.ny.gov) prior to the preconstruction meeting or all documentation be brought to the Preconstruction meeting electronically as .pdf files on a CD or USB "thumb" drive that will not be returned to the contractor.

No work shall be permitted, to minimize travel delays associated with major holidays, during the following periods:

- Friday, May 27, 2016-sunrise, Tuesday, May, 31, 2016.
- Friday, July 1, 2016- sunrise, Tuesday, July 5, 2016.
- Friday, September 2, 2016- sunrise, Tuesday, September 6, 2016.

In lieu of longitudinal cones full project length between open and closed lanes of traffic, the contractor may elect to substitute, when using pilot vehicles, use of cones placed transversely across the closed lane at intervals per section 619-3.02 J.2 (every 800') and at strategic locations, such as intersections and driveways.

Paint is the only option permitted in Region 6 for temporary and interim pavement markings, unless approved on a case by case basis by the Resident Engineer. Offset the centerline temporary/interim pavement markings so that the permanent markings will cover up the temporary/interim markings, as follows: 8" centerline offset for 2 lane roads, 6" centerline offset for multi-lane roadways.

Project 6V1613 is to receive a treatment of fog seal (410.40) to be applied after the 10 day cure for the Cold in Place Recycle but minimally 12 hours prior to the application of the Chip, Fog, and Sand course at the same rate as the specifications for the Chip, Fog, and Sand for pay item 410.40.

(Continues on next page)

**SECTION 6: CHIP SEAL - SPECIFIC PROJECTS (Cont'd)**

The following bridges and culverts are within the project limits are not to receive the chip seal, fog & sand treatment:

Project Number	BIN	Reference Marker
6V1613B	1096490	248-6101-1050

**6.15 Detailed Specifications - Chip Seal**

Please, see Attachment – Detailed Specifications – Liquid Bituminous Materials

**6.15.1 Project Dimensions - Chip Seal**

Information on pavement widths for projects in this Invitation for Bids is listed for informational purposes only. The dimensions listed are the best information available, but 100% accuracy is not guaranteed. Bidders should visit the project site to confirm the dimensions given and familiarize themselves with the project particulars before submitting a bid. The Department assumes no responsibility for erroneous information listed herein.

The pavement width listed is the total width of all the travel lanes only.

The shoulder width is for one shoulder only.

Project Number	Item	Travel Lanes Width (feet) (total)	Lane Width (feet) (one lane)	Shoulder Width (feet) (one shoulder)	Number of Lanes
5V1652		21-44	10.5	1-5	2-4
6V1613B		23	11.5	3.1	2

## SECTION 7: COLD RECYCLING - SPECIFIC PROJECTS

### 7.1 Introduction

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, 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.

### 7.2 Pricing Information

#### 7.2.1 General

Clause 15b of Appendix B, the General Specifications has been modified to include the following:

Price quoted for cold recycling shall be net per square yard completed with contractor's equipment totally by the contractor at the locations indicated herein. The price quoted for cold recycling per square yard shall also include mobilization to the project site and the provision of Work Zone Traffic Control as indicated elsewhere in this Invitation for Bids.

Some projects in this Invitation for Bids include an optional bid item to supply the liquid bituminous material necessary for the cold recycling. **Bidders shall either submit a bid for an emulsion or a PG binder per project, but not both.** The price quoted per gallon for **either** the asphalt emulsion or PG 64S-22 binder (liquid bituminous material) shall include heating, hauling, and applying the liquid bituminous material at the project locations indicated herein. The price quoted per ton for aggregate shall include hauling and applying the necessary aggregate as per the mix design at the project locations indicated herein.

If fog seal is applied, it will be paid under separate item as the total volume of material used for fog seal operations. The price quoted per gallon of fog seal shall include heating, hauling, and applying the liquid bituminous material used for fog sealing operation at the project locations indicated herein.

If Portland cement is used, it will be paid under separate item as the total tons of material used at the location. The price quoted per ton of Portland cement shall include hauling, delivery, and mixing.

#### 7.2.2 Insurance

Price bid shall include all required insurance coverage costs. In particular, price shall include:

- Commercial General Liability Insurance with a limit of not less than \$2,000,000 each occurrence;
- Comprehensive Business Automobile Liability Insurance with a limit of not less than \$2,000,000 each accident;
- Owners and Contractors Protective Insurance Coverage (OCP) with a limit of not less than \$1,000,000 per occurrence and \$2,000,000 in the aggregate.

Each requirement should be reviewed carefully. (Please see the Attachment – Insurance Requirements for detailed insurance requirements.)

Owners and Contractors Protective Insurance Coverage (OCP)

**The contractor must supply the OCP Insurance to the Resident Engineer at the Pre-Paving Conference.**

**SECTION 7: COLD RECYCLING - SPECIFIC PROJECTS (Cont'd)**

**7.3 Asphalt Price Adjustments**

**7.3.1 General**

- a. Asphalt price adjustments allowed will be based on the September 1, 2015 average of the F.O.B. terminal price per ton of unmodified PG 64S-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 Specifications.

**The September 1, 2015 average is \$521.000 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 pre-approved sources discontinue posting a price for asphalt cement, the base average F.O.B. terminal **price shall not be recalculated.**

- b. 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. However, asphalt price adjustments, in accordance with the formula below, will be effective for deliveries made on and after the first of the month following the adjustment date.
- c. The unit prices of liquid bituminous materials purchased from any award based on this specification will be subject to adjustment based on the following formula:

Price Adjustment (per gallon)	=	$\frac{\text{New Monthly Average FOB Terminal Price} - \text{Base Average Terminal Price}}{235}$	X	Total Allowable Petroleum %
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Positive Price Adjustment number shall be added to original per gallon Bid Price.

Negative Price Adjustment number shall be subtracted from original per gallon Bid Price.

**New Monthly Average F.O.B. Terminal Price**

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

**Base Average F.O.B. Terminal Price**

The average F.O.B. terminal price of unmodified PG 64S-22 binder without anti-stripping agent is as determined by the New York State Department of Transportation as of September 1, 2015.

**SECTION 7: COLD RECYCLING - SPECIFIC PROJECTS (Cont'd)**

**Total Allowable Petroleum**

The percentage of total allowable petroleum for each item is as follows:

Material Designation	Grade	Asphalt %	Petroleum Allowance %	Total Allowable Petroleum %
702-3201	MS-2	65	8.2	73.2
702-3301	HFMS-2	65	8.2	73.2
702-3401	HFMS-2h	65	2.7	67.7
702-3402	HFMS-2s	65	8.2	73.2
702-3501	SS-1	65	0.2	65.2
702-3601	SS-1h	65	0.2	65.2
702-4201	CMS-2	65	10.2	75.2
702-4301	CMS-2h	65	10.2	75.2
702-4401	CSS-1	65	0.2	65.2
702-4501	CSS-1h	65	0.2	65.2
	PG 64S-22	100	0.2	100.2

Asphalt Price Adjustments will not be allowed for materials which do not have an asphalt cement base.

- d. Work performed after the expiration of the contract, where no extension has been granted, resultant from purchase orders placed prior to expiration of the contract will receive the Asphalt Price Adjustments applicable in effect during the last month of the contract.  
 Asphalt Price Adjustments for any contracts that are extended will be based on the new average for the month in which the work is done applying the same base established for that contract.
- e. Asphalt price adjustments allowed by this contract shall be calculated and applied to the original prices. There will not be asphalt price adjustments unless the change amounts to more than \$0.100 per ton/\$0.010 per gallon as applicable from the original price. In these instances, prices will revert back to the original prices.
- f. All Asphalt Price Adjustments will be computed to three decimal places.
- g. Should these provisions result in a price structure which becomes unworkable, detrimental or injurious to the State or in prices which are not truly reflective of market conditions or which are deemed by the Commissioner to be unreasonable or excessive, and no adjustment in price is mutually agreeable, the Commissioner reserves the sole right upon ten days written notice mailed to the Contractor to terminate any contract resulting from this bid opening.
- h. All asphalt price adjustments shall be published by the State and issued to all contract holders whose responsibility will be to attach the appropriate State notification (based on when the work was performed) to the payment invoice submitted to agency

**SECTION 7: COLD RECYCLING - SPECIFIC PROJECTS (Cont'd)**

**7.3.2 Asphalt Price Adjustment: Example**

This example is for illustration purposes only. Actual Base Average Price, etc., may vary:

Material Designation 702-3301, HFMS-2

Base Avg. Price per Ton = \$521.000

New Avg. Price per Ton = \$531.000

Total % Asphalt Plus Petroleum Allowance = 73.2%

$$\begin{array}{|c|} \hline \text{Price} \\ \text{Adjustment} \\ \text{(per gallon)} \\ \hline \end{array} = \frac{(531.000 - 521.000)}{235} \times \begin{array}{|c|} \hline 0.732 \\ \hline \end{array}$$

$$\begin{array}{|c|} \hline \text{Price} \\ \text{Adjustment} \\ \text{(per gallon)} \\ \hline \end{array} = \begin{array}{|c|} \hline +\$0.031 \text{ per gallon} \\ \hline \end{array}$$

Positive Price Adjustment number shall be added to original per gallon Bid Price.  
Negative Price Adjustment number shall be subtracted from original per gallon Bid Price.

**7.4 Payment**

Payment for cold recycling shall be made at the contract price bid for the actual number of completed square yards of cold recycling; the actual number of tons of aggregate; the actual number of gallons of either asphalt emulsion (unmodified or modified) or PG 64S-22 binder at 60 degrees F verified by the receiving agency used in the accepted portions of the work; if used, the actual number of gallons of asphalt emulsion used for fog sealing at 60 degrees F verified by the receiving agency used in the accepted portions of the work; and if used, actual number of tons of Portland cement. 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 64S-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 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 including sweeping 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 shall be included in the payment for the number of square yards of completed recycling.

**7.5 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 shall be present at this conference. At this conference the contractor shall present Certificates of Insurance evidencing compliance with the additional insurance requirements set forth in the INSURANCE clause, their proposed recycling schedule, procedure, equipment, mix design, calibration 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.

## SECTION 7: COLD RECYCLING - SPECIFIC PROJECTS (Cont'd)

### 7.6 Supervision

The Department of Transportation shall provide supervision for the recycling operation, and pavement marking abrading if applicable. The Resident Engineer shall designate a Project Supervisor who shall be in responsible charge of the operation. All orders pertaining to Work Zone Traffic Control plan from the Project Supervisor to the contractor shall be binding on the contractor. 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.

### 7.7 Work Hours

Work shall not be permitted on Sundays and NYS Legal Holidays. If a Contractor desires to work overtime on other days, they must obtain dispensation from NYS Department of Labor using NYS Department of Labor Form PW-30 (5/93).

#### 7.7.1 Special Note - Overtime Dispensation Requests

All Overtime Dispensations will be sent to:

**Hasib H. Khan**

Pavement Program Engineer

Office of Transportation Maintenance, POD 54

NYS Department of Transportation

50 Wolf Road, Albany, NY 12232

Email: [Hasibul.Khan@dot.ny.gov](mailto:Hasibul.Khan@dot.ny.gov)

Phone: 518-457-1572

Fax: 518-457-4203

The dispensations will be submitted for the entire contract period for 5-10hr days (with rain day Saturday) to cover all the project numbers awarded to the contractor within the resulting contract. Should a contractor needs additional dispensation beyond the one described above, they shall submit it to the Regional Director of Operations or the Regional designee as determined at the preconstruction meeting, for the Region they wish to submit special additional dispensation for.

### 7.8 Construction Details

The construction details shall comply with the requirements specified herein, including those appearing in the enclosed Attachment - Detailed Specifications. The project supervisor from the State shall have sole responsibility for determining compliance with the specifications. All orders given to the contractor regarding construction details shall be considered final.

### 7.9 Restoration of Disturbed Areas

During the course of the work the vendor shall take reasonable care not to disturb areas outside the existing pavement. Any areas disturbed by the vendor 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 Vendor upon completion of the project.

## SECTION 7: COLD RECYCLING - SPECIFIC PROJECTS (Cont'd)

### 7.10 Damaged or Deficient Areas

Prior to acceptance and payment by the State for work under this contract, any placed pavement that ravel, delaminates, fails to properly cure, or is in any way defective shall be redone to the satisfaction of the State at the contractor's expense.

### 7.11 Possible Mix Design – Cold Recycling

#### All NYSDOT Regions except Region 6

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 on bid pages and indicates the amount and type of added aggregate and the type and amount of asphalt emulsion and the amount of PG 64S-22 binder (**if the option is provided**) to properly recycle the pavement. The contractor shall develop their bids for square yards of cold recycling, aggregate and **either emulsion (unmodified or modified) or PG binder (if the option is provided) for each project** using the indicated possible mix design. 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. The bidder shall submit a bid for cold recycling, aggregate, and either asphalt emulsion or PG 64S-22 binder (**if the option is provided**). **If the bidder's bid does not conform to these requirements, their bid offer will be rejected.** Core results and mix designs may be obtained from respective Resident Engineer or Regional Materials Engineer.

#### Region 6

The possible mix design is shown on bid pages and indicates the amount and type of added aggregate and the type and amount of asphalt emulsion, and the amount of PG 64S-22 binder (**if the option is provided**) to properly recycle the pavement. The contractor shall develop their bids for square yards of cold recycling, aggregate and **either emulsion (unmodified or modified) or PG binder (if the option is provided) for each project** using the indicated possible mix design.

After award, the contractor shall take pavement cores and develop their own mix design and submit it to the agency's representative for approval. This mix design must be submitted a minimum of ten working days prior to the start of work. The bidder shall submit a bid for cold recycling, aggregate, and either asphalt emulsion or PG 64S-22 binder (if the option is provided). **If the bidder's bid does not conform to these requirements, their bid offer will be rejected.**

### 7.12 Work Zone Traffic Control

The contractor shall be responsible for Work Zone Traffic Control. Traffic shall be controlled in accordance with Manual of Uniform Traffic Control Devices (MUTCD), Section 619-1 through 619-3 of the Standard Specifications as described herein including modifications to the Standard Specifications. The contractor shall submit a Work Zone Traffic Control Plan for approval to the Resident Engineer at the Pre-Work conference. For two-way roadways, Figures TAST-C1R, TAST-C2R, TAST-C3R, TAST-C4R, TAST-C5R, TAST-C7R, TAST-C1UL, TAST-C2UL, TAST-C3UL, TAST-C4U, TAST-C7UL, TAST-C1UH, TAST-C2UH, TAST-C3UH, and TAST-C7UH included in this document may be used as a basis for development of a Work Zone Traffic Control Plan. For one-way roadways, Figures TAST-C5UL, TAST-C6UL, TAST-C8UL, TAST-C5UH, TAST-C6UH, and TAST-C8UH may be used as a basis for development of a Work Zone Traffic Control Plan. For one-way Freeways or Expressways, Figures TAST-E1, TAST-E2, TAST-E3, TAST-E4, TAST-E5, TAST-E6, and TAST-E7 may be used as a basis for development of a Work Zone Traffic Control Plan.

All necessary flaggers for Work Zone Traffic Control shall be provided by the Contractor. For two-way roadways, a minimum of three flaggers shall be provided while the work operation is underway. One shall be stationed at each end of the applicable operation and one shall be stationed with the operation. For one-way roadways, a minimum of two flaggers shall be provided while work operation is underway. One shall be stationed at the beginning of the applicable operation and one shall be stationed with the operation. The Contractor shall station flaggers such that communication is maintained between the flaggers. Hand signals, radios, pilot vehicles, or some other means of communication may be used subject to the approval of the Resident Engineer.

All costs of Work Zone Traffic Control as prescribed by this specification including flagging, temporary pavement marking and/or delineation, and construction signs, are to be included in the unit price bid. No separate payment shall be made.

**SECTION 7: COLD RECYCLING - SPECIFIC PROJECTS (Cont'd)**

**7.12.1 Permanent Construction Signs**

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

SIGN	MINIMUM SIZE	LOCATION
ROAD WORK NEXT _____ MILES	<u>G20-1</u> Conventional 36" x 18"  Freeways 48" x 24"	On main line upstream of project in each direction
END ROAD WORK	<u>G20-2</u> Conventional 36" x 18"  Freeways 48" x 24"	On main line after end of project in each direction
ROAD WORK AHEAD	<u>W20-1</u> Conventional 36" x 36"  Freeways 48" x 48"	On main line in advance of the affected highway segment in each direction and on major intersecting roads 300 -500 feet in advance of main line. Sign should be covered if it conflicts with temporary signing in the vicinity. (Place between the G20-1 and the first warning sign that states condition- i.e. W8-12, W8-9 or W8-15)
DO NOT PASS	<u>R4-1</u> Conventional 24" x 30"	If 2' x 4" temporary yellow markings are used instead of full barrier centerline pavement markings, place the first sign at or within 100 feet of the beginning of the unmarked area, second within 1,000 feet and subsequent signs, spaced every ½ mile along project in each direction
NO CENTER LINE	<u>W8-12</u> Conventional 36" x 36"	If 2' x 4" temporary yellow markings are used instead of full barrier centerline pavement markings, place the first sign in advance of the condition and the first "DO NOT PASS" sign: 300' urban is preferred (100' minimum), 500' rural is preferred (200' minimum). Place additional signs spaced every 2 miles on mainline in each direction and after every major intersecting road.
LOW SHOULDER	<u>W8-9</u> Conventional 36" x 36"  Freeways 48" x 48"	Place on mainline spaced every 2 miles along project in each direction and after every major intersecting road until shoulder back-up is installed (if conditions warrant use, place between the W8-12 and R4-1, maintaining a minimum of 200' between signs for rural roads and 100' on urban. The W8-12 can be moved upstream to accommodate the required spacing.)
GROOVED PAVEMENT	<u>W8-15</u> Conventional 36" x 36"  Freeways 48" x 48"	On any roadway 500 feet in advance of rebates milled under this contract, but not paved. Remove or cover after paving rebate.

\*\*All signs should maintain an absolute minimum spacing of 200' rural or 100' urban. 500' is preferred on rural and 300' is preferred on urban. Double stacking of any of the above signs, or combination thereof, will NOT be permitted.

## SECTION 7: COLD RECYCLING - SPECIFIC PROJECTS (Cont'd)

Major intersecting roads are defined as through 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. Signs left active at night shall be rigid and reflectorized in accordance with the Standard Specifications.

With prior permission of the State's Resident Engineer, the Vendor may provide portable signs as shown in Figure 6F-2 of the MUTCD for the above referenced DO NOT PASS and NO CENTER LINE signs. 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 2' X 4" temporary yellow markings are used instead of full barrier pavement markings

### 7.12.2 Temporary Pavement Markings

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 except that two-lane, two-way highways may be left without full barrier centerlines in no passing zones for a maximum of 7 calendar days provided that NO CENTER LINE (W8-12, black on orange), NO PASSING ZONE (W14-3, black on orange pennant shaped sign), and DO NOT PASS (R4-1) signs are used consistent with the MUTCD and in conjunction with yellow 2 foot by 4 inch temporary markings consisting of retroreflective removable pavement marking tape, paint or yellow temporary overlay markers installed on a 40 ft. cycle to delineate the centerline location.

The State is responsible for the final pavement markings unless otherwise indicated in the contract. If the vendor chooses to install NO CENTER LINE and DO NOT PASS signs and temporary yellow 2 foot by 4 inch pavement markings in lieu of full barrier centerline markings, the signs shall be left in place until the state has completed installing the final pavement markings. The state will normally complete final pavement markings within 7 days of the project completion. However, if unavoidable situations delay the pavement marking installation the signs shall remain in place for 14 calendar days after the project has been completed or until the state has completed installing the final pavement markings, whichever comes first. If permanent pavement marking cannot be installed within 14 days of the project completion, state must install interim pavement marking including center lines, edge lines, stop bars, and simple crosswalks with no hatching before the end of 14 days after project completion.

All costs for Work Zone Traffic Control including flagging, temporary pavement markings, delineation, and construction signs are to be included in the prices bid per ton or square yard as applicable.

### 7.12.3 Special Note: Work Zone Intrusion Initiative

As part of the Department of Transportation's Work Zone Intrusion Initiative, the following countermeasures shall apply to this Invitation for Bids.

#### **Channelizing Device Spacing Reduction**

A maximum channelizing device spacing of 40 ft. shall be provided at 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 ft. from the work site, the 40-ft. spacing shall be used in the tapers as well.

Drums or vertical panels are preferred for intermediate to long-term stationary 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 ft. intervals to discourage traffic from driving through the closed lane. Transversely placed devices are not required where pilot car are in use.

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

## SECTION 7: COLD RECYCLING - SPECIFIC PROJECTS (Cont'd)

### Flagger Station Enhanced Setups

Additional cones and a flag tree meeting Section 6F.62 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.

For additional details on Flagger Station Enhanced Setups, see Work Zone Traffic Control drawings in this Invitation for Bids.

### Temporary Rumble Strips

#### a. Description

This work shall consist of the installation, maintenance and subsequent removal of temporary rumble strips in paving work zones where indicated in the Invitation for Bids or as directed by the Engineer.

#### b. 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 by applying four layers of removable black non-reflectorized removable 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

Raised asphalt rumble strips shall be formed from hot mix asphalt meeting the requirements of Items 402.058902 or 402.098902. Tack coat meeting the requirements of Materials Designation 702-XXXXT Asphalt Emulsion Diluted Tack Coat shall be used to adhere the rumble strip to the existing pavement. 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. 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 inches  $\pm$  0.1 inches.

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.

#### c. Basis of Payment

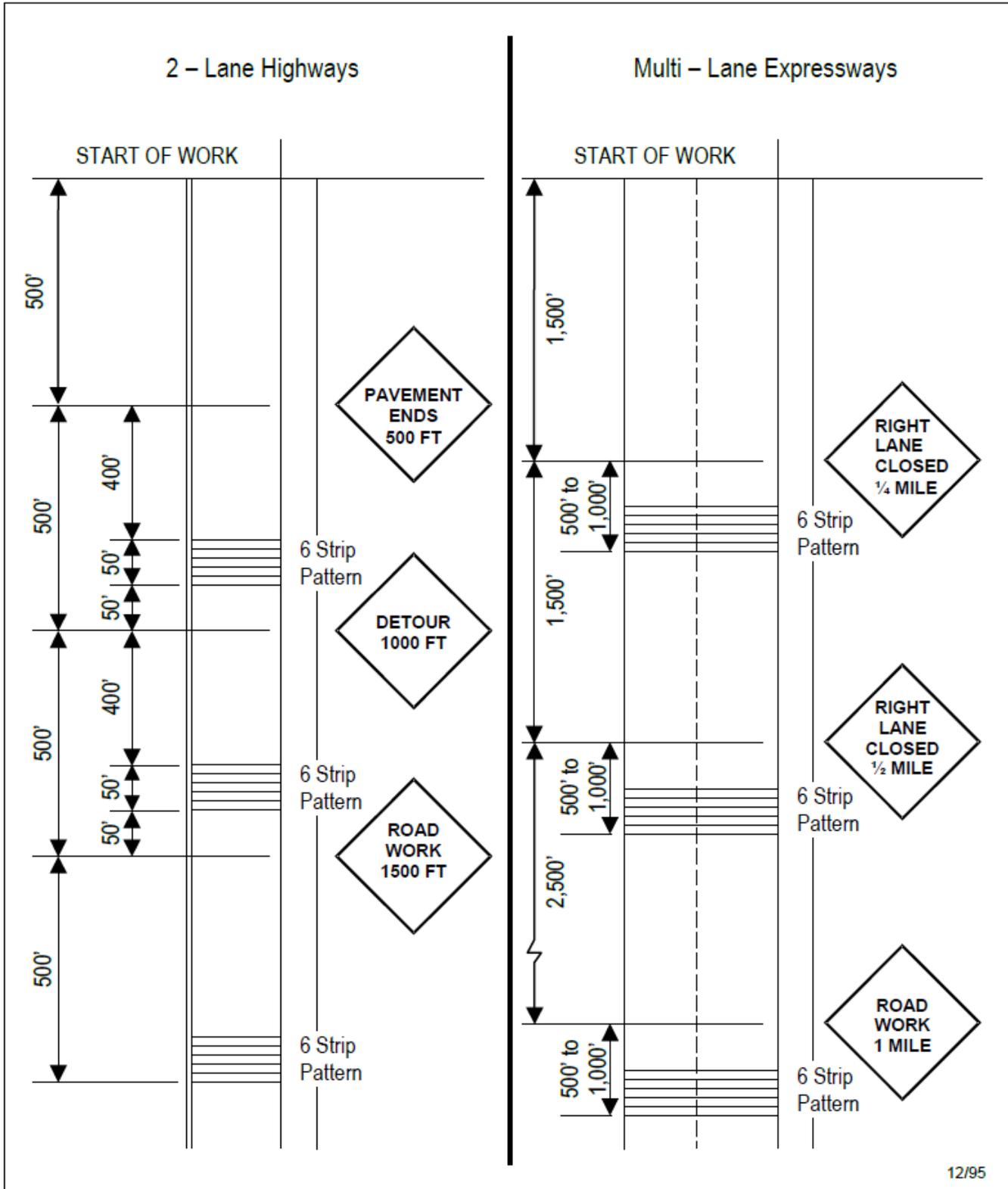
All costs for the installation, maintenance and removal of temporary rumble strips are included in the price per ton or square yard as appropriate. No separate payment shall be made.

#### d. Suggested Layout Details Drawing-- Temporary Rumble Strips

See the Suggested Layout Details Drawing in the next page.

**SECTION 7: COLD RECYCLING - SPECIFIC PROJECTS (Cont'd)**

**Suggested Layout Details -- Temporary Rumble Strips**



**SECTION 7: COLD RECYCLING - SPECIFIC PROJECTS (Cont'd)**

**7.13 Special Notes – Cold Recycling**

**7.13.1 Funding Source (Cold Recycling)**

Projects 360338, 360340, 360352, 6V1613, 6V1614 and 7V1642 will be funded by Federal Aid.  
Projects 1V1631, 1V1681 and 6V1654 are 100% State funded.

**7.13.2 Special Note for Coordination with Other Projects (Cold Recycling)**

All the projects in this Contract Award Notification involve HMA or chip seal overlay top course as overlay to the cold recycling through separate contract(s). All projects shall require that the cold recycling contractor coordinates their work with the top course contractor(s) to provide required curing period before placing the next course as well as to minimize disruption to the traveling public and the time traffic is running over a recycled surface.

**7.13.3 Special Note for Pilot Vehicle (Cold Recycling)**

Unless otherwise specified, the highway shall be kept open to traffic at all times. Traffic shall be discontinued on the lanes where work is being performed on these projects; and as soon as recycling is done and rolled, controlled traffic may be permitted thereon. The Contractors shall provide sufficient two-way radio equipped pilot vehicles to guide traffic around recycling work at a speed not to exceed 15 mph. The pilot vehicles shall be equipped with construction signs meeting the requirements of Section 6F.58 of the Manual of Uniform Traffic Control Devices and a rotating amber beacon.

SIGN	MINIMUM SIZE	LOCATION
PILOT VEHICLE FOLLOW ME	G20-4 CONVENTIONAL 36"x18"	ON BACK OF PILOT VEHICLES

The pilot vehicle shall have the name of the Contractor prominently displayed.

All cost for Work Zone Traffic Control including flagging, temporary pavement markings, channelizing devices, construction signs, and pilot vehicles shall be included in the prices per square yard for cold recycling. No separate payment shall be made. **The use of the pilot shall be as ordered by the Resident Engineer.**

**7.13.4 NYSDOT Region 1 Special Notes (Cold Recycling)**

**All Region 1 Projects shall follow the following holiday restrictions:**

There shall be no temporary lane closures permitted on the following dates:

- 6:00 am May 27 to 6:00 am May 31
- 6:00 am July 1 to 6:00 am July 5
- 6:00 am Sept 2 to 6:00 am Sept 6
- 6:00 am Oct 7 to 6:00 am Oct 11
- 6:00 am Nov 23 to 6:00 am Nov 28
- 6:00 am Dec 23 to 6:00 am Jan 3 (2017)

**Pavement Markings – Region 1 (Cold Recycling)**

It shall be the contractor's responsibility to inventory and document the existing pavement marking patterns prior to milling and/or resurfacing and submit to the Engineer a copy of the inventory prior to beginning work. The contractor shall be responsible for completing all layout work necessary for the installation of all final pavement markings. If the original markings are obliterated, the contractor shall contact the resident engineer for guidance on their location.

**SECTION 7: COLD RECYCLING - SPECIFIC PROJECTS (Cont'd)**

**Non Vibratory Rolling – Region 1 (Cold Recycling)**

Contractor shall use non-vibratory rolling over any bridge structure, large culvert or known utility within the project limits or as ordered by the engineer in charge.

**Recycling Operations – Region 1 (Cold Recycling)**

Recycling operations shall progress in the opposite direction of traffic. This provision may only be waived by the Region 1 Materials Engineer.

**Project 1V1631 – Rte. 32 Greene County RM 1104 to 1155**

The section of route 32 from RM 1109 to RM 1116 will not be recycled. The recycling operations for this project shall be complete **by August 26, 2016**. The Contractor shall submit a schedule to the Engineer, to this effect, prior to beginning operations.

**Project 1V1681- Rte. 40 Washington County RM 1122 to 1182**

The recycling operations for this project shall be complete by **August 26, 2016**. The Contractor shall submit a schedule to the Engineer, to this effect, prior to beginning operations.

There shall be no temporary lane closures permitted on Saturday May 21, 2016 (Tour of the Battenkill – Bicycle Race).

**7.13.5 NYSDOT Region 3 Special Notes (Cold Recycling)**

Minimum milling head width is 6 feet.

Recycling operations shall progress in the opposite direction of traffic. This provision may only be waived by the Region 3 Materials Engineer.

All Region 3 Projects shall follow the following holiday restrictions (if not already included in the contract documents):

There shall be no temporary lane closures permitted on the following dates:

- May 27, 2016 to May 30, 2016
- July 1, 2016 to July 4, 2016
- Sept. 2, 2016 to Sept. 5, 2016
- Nov. 23, 2016 to Nov. 27, 2016

**Project 360352 – Rte. 41A; Mandana to Rte. 20**

No CIPR or paving work shall be performed at RM 41A3303-1101 until the culvert at that location is replaced.

**7.13.6 NYSDOT Region 6 Special Notes (Cold Recycling)**

No work shall be permitted, to minimize travel delays associated with major holidays, during the following periods:

- Friday, May 27, 2016-sunrise, Tuesday, May, 31, 2016.
- Friday, July 1, 2016- sunrise, Tuesday, July 5, 2016.
- Friday, September 2, 2016- sunrise, Tuesday, September 6, 2016.

The Region requests all Preconstruction paperwork be submitted electronically as .pdf files to [Stacey.Forenz@dot.ny.gov](mailto:Stacey.Forenz@dot.ny.gov) prior to the preconstruction meeting or all documentation be brought to the Preconstruction meeting electronically as .pdf files on a CD or USB “thumb” drive that will not be returned to the contractor.

The expectation of Region 6 is that fog seal shall only be used when environmental conditions (pending rain, cooler temperatures, etc.) could result in a negative impact to the mat (raveling, etc.); Contractors should not plan to fog seal a mat at the close of business daily as part of their normal operations. Region 6 does not anticipate paying for fog seal, so Contractors should plan accordingly.

In lieu of longitudinal cones full project length between open and closed lanes of traffic, the contractor may elect to substitute, when using pilot vehicles, use of cones placed transversely across the closed lane at intervals per section 619-3.02 J.2 (every 800') and at strategic locations, such as intersections and driveways.

**SECTION 7: COLD RECYCLING - SPECIFIC PROJECTS (Cont'd)**

All Region 6 Cold Recycling projects shall be completed no later than September 15, 2016. Project 6V1613 should be completed no later than August 1, 2016 to provide for curing time and top course placement. A schedule reflecting this shall be submitted before start of work to the Region’s ARDO, Stacey Forenz, for approval.

Attention is drawn to the fact that Polymer Modified Emulsion (Item 416.21) is to be used for the cold recycling for Projects 6V1613 and 6V1654. Item 416.20 Emulsion is to be used for Project 6V1614.

Please note that Project 6V1613A has a 3” recycle depth.

Paint is the only option permitted in Region 6 for temporary and interim pavement markings, unless approved on a case by case basis by the Resident Engineer. Offset the centerline temporary/interim pavement markings so that the permanent markings will cover up the temporary/interim markings, as follows: 8” centerline offset for 2 lane roads, 6” centerline offset for multi-lane roadways.

3 Rollers will be required to be used on all Region 6 cold recycling projects. The same roller cannot be substituted as the “knock-down” and “finish” roller.

All coring shall be coordinated with the Regional Materials Engineer. The mix design submittal for approval shall include all data associated with each core, this shall include but not limited to locations and all laboratory results used to develop the mix design. Additionally the Regional Materials Engineer may designate companion cores to be taken for QA testing in the regional lab, this shall be done in the presence of the RME or his designee.

Region 6 will waive the requirement to have the nuclear gage inspector on site at the start of the operation for the cold recycling operation. This inspector shall be on site within 4 hours of the start of the operation or as required by the Resident Engineer.

A reminder that per Code Rule 753, a “Dig Safe” ticket shall be submitted for each project notifying of “...the movement or removal...of pavement...”. Some of these utilities may request “no vibratory rolling” for a distance up to 100’ over interstate/intercontinental gas/petroleum transverse crossings. Contractors can visit the following website to view whether there is a likelihood for these utilities in the project limits:

<https://www.npms.phmsa.dot.gov/> and then click the npms public map viewer link and follow the instructions.

The following bridges are within the project limits and are not to receive the cold recycle treatment:

<b>Project Number</b>	<b>BIN/CIN</b>	<b>Reference Marker</b>
6V1614	C610268	17-6103-1156
	C610270	17-6103-1160
	C610271	17-6103-1165
	1012420	417-6103-1178
6V1613A	1096490	248-6101-1050

\*\*On Project 6V1613 BINs 1043110 (248-6101-1049) & 1068400 (248-6101-1090) shall receive static roll only, no vibratory roll

**7.13.7 NYSDOT Region 7 Special Notes (Cold Recycling)**

All work shall be completed by the contractor on or before August 1, 2016. Daytime lane closures may be used in lieu of pilot vehicles on controlled access highways as deemed appropriate by the Resident Engineer at the time of preconstruction conference.

**SECTION 7: COLD RECYCLING - SPECIFIC PROJECTS (Cont'd)**

**7.14 Detailed Specifications – Cold Recycling**

Please, see Attachment – Detailed Specifications – Liquid Bituminous Materials

**7.14.1 Project Dimensions - Cold Recycling**

Information on pavement widths for projects in this Invitation for Bids is listed for informational purposes only. The dimensions listed are the best information available, but 100% accuracy is not guaranteed. Bidders should visit the project site to confirm the dimensions given and familiarize themselves with the project particulars before submitting a bid. The Department assumes no responsibility for erroneous information listed herein.

The pavement width listed is the total width of all the travel lanes only.

The shoulder width is for one shoulder only.

<b>Project Number</b>	<b>Recycling Depth (inch)</b>	<b>Travel Lanes Width (feet) (total)</b>	<b>Lane Width (feet) (one lane)</b>	<b>Shoulder Width (feet) (one shoulder)</b>	<b>Number of Lanes</b>
1V1631	4	24	12	4	2
1V1681	4	24	12	8	2
360338	4	22	11	5	2
360340	4	22	11	4	2
360352	4	18 to 22	9 to 11	4 to 10	2
6V1613A	3	23	11.5	3.1	2
6V1614	4	24	12	6.5	2
6V1654	4	21	10.5	4.4	2
7V1642	4	24	12	6-8	2

## SECTION 8: CRACK SEALER – SPECIFIC PROJECTS

### 8.1 Introduction

Crack sealers are hot poured liquid bituminous materials (rubberized asphalt) used to seal cracks in the surface of highway pavements.

### 8.2 Pricing Information

#### 8.2.1 General

Clause 15b of Appendix B, the General Specifications has been modified to include the following:

Price quoted for joint & crack filler/sealer shall be net per gallon, furnished, delivered, heated, and applied by the contractor at the locations indicated herein. Price calculations, if any, will be calculated on the basis of the material actually furnished. Work Zone Traffic Control, cleaning of cracks, and disposal of debris shall be included in the price quoted per gallon of crack sealer.

The contractor is to furnish all necessary labor and equipment to complete the indicated projects except that the State will supervise and control the operation. The equipment supplied to complete the crack sealing projects shall conform with the specifications included in this Invitation for Bids.

#### 8.2.2 Insurance

Price bid shall include all required insurance coverage costs. In particular, price shall include:

- Commercial General Liability Insurance with a limit of not less than \$2,000,000 each occurrence;
- Comprehensive Business Automobile Liability Insurance with a limit of not less than \$2,000,000 each accident;
- Owners and Contractors Protective Insurance Coverage (OCP) with a limit of not less than \$1,000,000 per occurrence and \$2,000,000 in the aggregate.

Each requirement should be reviewed carefully. (Please see the Attachment – Insurance Requirements for detailed insurance requirements.)

Owners and Contractors Protective Insurance Coverage (OCP)

**The contractor must supply the OCP Insurance to the Resident Engineer at the Pre-Paving Conference.**

### 8.3 Asphalt Price Adjustments

#### 8.3.1 General

- a. Asphalt price adjustments allowed will be based on the September 1, 2015 average of the F.O.B. terminal price per ton of unmodified PG 64S-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 Specifications.

**The September 1, 2015 average is \$521.000 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 pre-approved sources discontinue posting a price for asphalt cement, the base average F.O.B. terminal **price shall not be recalculated.**

- b. 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. However, asphalt price adjustments, in accordance with the formula below, will be effective for deliveries made on and after the first of the month following the adjustment date.

**SECTION 8: CRACK SEALER – SPECIFIC PROJECTS (Cont’d)**

- c. The unit prices of liquid bituminous materials purchased from any award based on this specification will be subject to adjustment based on the following formula:

Price Adjustment (per gallon)	=	$\frac{\text{New Monthly Average FOB Terminal Price} - \text{Base Average Terminal Price}}{235}$	X	Total Allowable Petroleum %
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Positive Price Adjustment number shall be added to original per gallon Bid Price.  
 Negative Price Adjustment number shall be subtracted from original per gallon Bid Price.

**New Monthly Average F.O.B. Terminal Price**

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

**Base Average F.O.B. Terminal Price**

The average F.O.B. terminal price of unmodified PG 64S-22 binder without anti-stripping agent is as determined by the New York State Department of Transportation as of September 1, 2015.

**Total Allowable Petroleum**

The percentage of total allowable petroleum for each item is as follows:

Material Designation	Grade	Asphalt %	Petroleum Allowance %	Total Allowable Petroleum %
PG 64S-22 + Fiber		95	0.2	95.2%
ASTM D6690 Type II		56	0.2	56.2%

Asphalt Price Adjustments will not be allowed for materials which do not have an asphalt cement base.

- d. Work performed after the expiration of the contract, where no extension has been granted, resultant from purchase orders placed prior to expiration of the contract will receive the Asphalt Price Adjustments applicable in effect during the last month of the contract.
- e. Asphalt Price Adjustments for any contracts that are extended will be based on the new average for the month in which the work is done applying the same base established for that contract.
- f. Asphalt price adjustments allowed by this contract shall be calculated and applied to the original prices. There will not be asphalt price adjustments unless the change amounts to more than \$0.100 per ton/\$0.010 per gallon as applicable from the original price. In these instances, prices will revert back to the original prices.
- g. All Asphalt Price Adjustments will be computed to three decimal places.
- h. Should these provisions result in a price structure which becomes unworkable, detrimental or injurious to the State or in prices which are not truly reflective of market conditions or which are deemed by the Commissioner to be unreasonable or excessive, and no adjustment in price is mutually agreeable, the Commissioner reserves the sole right upon ten days written notice mailed to the Contractor to terminate any contract resulting from this bid opening.
- i. All asphalt price adjustments shall be published by the State and issued to all contract holders whose responsibility will be to attach the appropriate State notification (based on when the work was performed) to the payment invoice submitted to agency

**SECTION 8: CRACK SEALER – SPECIFIC PROJECTS (Cont'd)**

**8.3.2 Asphalt Price Adjustment: Example**

This example is for illustration purposes only. Actual Base Average Price, etc., may vary:

Item ASTM D6690 Type II  
Base Avg. Price per Ton = \$521.000  
New Avg. Price per Ton = \$531.000  
Total Allowable Petroleum = 56.2%

$$\begin{array}{|c|} \hline \text{Price} \\ \text{Adjustment} \\ \text{(per gallon)} \\ \hline \end{array} = \frac{(531.000 - 521.000)}{235} \times \begin{array}{|c|} \hline 0.562 \\ \hline \end{array}$$

$$\begin{array}{|c|} \hline \text{Price} \\ \text{Adjustment} \\ \text{(per gallon)} \\ \hline \end{array} = \begin{array}{|c|} \hline +\$0.024 \text{ per gallon} \\ \hline \end{array}$$

Positive Price Adjustment number shall be added to original per gallon Bid Price.  
Negative Price Adjustment number shall be subtracted from original per gallon Bid Price.

**8.4 Payment**

Payment for crack filler/sealer shall be made at contract price per gallon for the actual quantities furnished to and verified by the receiving agency. This determination as to quantities involved in any contract shall be accepted as final and binding upon the Contractor. A delivery slip stating quantities shall accompany each shipment. An invoice shall be sent promptly by the Contractor to the Engineer of the Region placing the order. Measurement shall be based on the volume of crack filler/sealer at a temperature of 60°F. The method to be used for volume corrections shall be the method and coefficients of expansion given in the “Standard Petroleum Tables, A.S.T.M. D1250”.

**8.5 Pre- Crack Sealing Conference**

The contractor shall coordinate a schedule for a Pre-Crack Sealing Conference with the Resident Engineer (RE), Resident Operation Engineer (ROE) and his or her project quality Assurance Representative within one month after the award of the contract and at least two weeks prior to the start of the crack sealing. At this conference the contractor shall present Certificates of Insurance evidencing compliance with the additional Insurance Requirements set forth in the INSURANCE clause, their proposed crack sealing schedule, equipment, and crack sealing procedure and Work Zone Traffic Control Plan to the State for approval. At least one week prior to the start of crack sealing, the contractor shall coordinate the details of the crack sealing with the Resident Engineer.

**8.6 Supervision**

The Department of Transportation shall provide supervision for the crack sealing operation, and pavement marking abrading if applicable. The Resident Engineer shall designate a Project Supervisor who shall be in responsible charge of the operation. All orders pertaining to Work Zone Traffic Control plan from the Project Supervisor to the contractor shall be binding on the contractor. 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.

## SECTION 8: CRACK SEALER – SPECIFIC PROJECTS (Cont'd)

### 8.7 Work Hours

Work shall not be permitted on Sundays and NYS Legal Holidays. If a Contractor desires to work overtime on other days, they must obtain dispensation from NYS Department of Labor using NYS Department of Labor Form PW-30 (5/93).

#### 8.7.1 Special Note - Overtime Dispensation Requests

All Overtime Dispensations will be sent to:

**Hasib H. Khan**

Pavement Program Engineer  
Office of Transportation Maintenance, POD 54  
NYS Department of Transportation  
50 Wolf Road, Albany, NY 12232

Email: [Hasibul.Khan@dot.ny.gov](mailto:Hasibul.Khan@dot.ny.gov)  
Phone: 518-457-1572  
Fax: 518-457-4203

The dispensations will be submitted for the entire contract period for 5-10hr days (with rain day Saturday) to cover all the project numbers awarded to the contractor within the resulting contract. Should a contractor needs additional dispensation beyond the one described above, they shall submit it to the Regional Director of Operations or the Regional designee as determined at the preconstruction meeting, for the Region they wish to submit special additional dispensation for.

### 8.8 Construction Details

The construction details shall comply with the requirements specified herein, including those appearing in the enclosed Attachment - Detailed Specifications. The project supervisor from the State shall have sole responsibility for determining compliance with the specifications. All orders given to the contractor regarding construction details shall be considered final.

### 8.9 Restoration of Disturbed Areas

During the course of the work the vendor shall take reasonable care not to disturb areas outside the existing pavement. Any areas disturbed by the vendor 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 Vendor upon completion of the project.

### 8.10 Damaged or Deficient Areas

Prior to acceptance and payment by the State for work under this contract, any placed pavement that ravels, delaminates, fails to properly cure, or is in any way defective shall be redone to the satisfaction of the State at the contractor's expense.

## SECTION 8: CRACK SEALER – SPECIFIC PROJECTS (Cont'd)

### 8.11 Work Zone Traffic Control

The contractor shall be responsible for Work Zone Traffic Control. Traffic shall be controlled in accordance with Manual of Uniform Traffic Control Devices (MUTCD), Section 619-1 through 619-3 of the Standard Specifications as described herein including modifications to the Standard Specifications. The contractor shall submit a Work Zone Traffic Control Plan for approval to the Resident Engineer at the Pre-Work conference. For two-way roadways, Figures TAST-C1R, TAST-C2R, TAST-C3R, TAST-C4R, TAST-C5R, TAST-C7R, TAST-C1UL, TAST-C2UL, TAST-C3UL, TAST-C4U, TAST-C7UL, TAST-C1UH, TAST-C2UH, TAST-C3UH, and TAST-C7UH included in this document may be used as a basis for development of a Work Zone Traffic Control Plan. For one-way roadways, Figures TAST-C5UL, TAST-C6UL, TAST-C8UL, TAST-C5UH, TAST-C6UH, and TAST-C8UH may be used as a basis for development of a Work Zone Traffic Control Plan. For one-way Freeways or Expressways, Figures TAST-E1, TAST-E2, TAST-E3, TAST-E4, TAST-E5, TAST-E6, and TAST-E7 may be used as a basis for development of a Work Zone Traffic Control Plan.

All necessary flaggers for Work Zone Traffic Control shall be provided by the Contractor. For two-way roadways, a minimum of three flaggers shall be provided while the work operation is underway. One shall be stationed at each end of the applicable operation and one shall be stationed with the operation. For one-way roadways, a minimum of two flaggers shall be provided while work operation is underway. One shall be stationed at the beginning of the applicable operation and one shall be stationed with the operation. The Contractor shall station flaggers such that communication is maintained between the flaggers. Hand signals, radios, pilot vehicles, or some other means of communication may be used subject to the approval of the Resident Engineer.

All costs of Work Zone Traffic Control as prescribed by this specification including flagging, temporary pavement marking and/or delineation, and construction signs, are to be included in the unit price bid. No separate payment shall be made.

#### 8.11.1 Temporary Construction Signs

The vendor shall provide temporary construction signs as specified in Section 619-1 through 619-3 of the Standard Specifications and in the MUTCD. All costs for Work Zone Traffic Control including flagging, construction signs and shadow vehicles are to be included in the price per gallon. No separate payment shall be made.

#### 8.11.2 Shadow Vehicle Requirements

The shadow vehicles shall have a gross vehicle weight of 18,000 lb. to 20,000 lb. each. The shadow vehicles shall be equipped with a combination of four (4) rotary lights and strobes, two front and two rear and four (4) flashing amber lights, two (2) front and two (2) rear. All equipment on the shadow vehicle furnished under this contract shall be in full compliance with the latest edition of the New York State Vehicle and Traffic Law, Article 9, Sections 375 and 376. The shadow vehicles shall each be equipped with a Mobile Construction Zone Impact Attenuator, as per Section 712-06 of the NYSDOT Standard Specifications, and one Type B Arrow Panel, as described in Section 294.5 of the MUTCD. Contractor shall supply all necessary operators for the shadow vehicles.

## SECTION 8: CRACK SEALER – SPECIFIC PROJECTS (Cont'd)

### 8.11.3 Special Note: Work Zone Intrusion Initiative

As part of the Department of Transportation's Work Zone Intrusion Initiative, the following countermeasures shall apply to this Invitation for Bids.

#### Channelizing Device Spacing Reduction

A maximum channelizing device spacing of 40 ft. shall be provided at 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 ft. from the work site, the 40-ft. spacing shall be used in the tapers as well.

Drums or vertical panels are preferred for intermediate to long-term stationary 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 ft. intervals to discourage traffic from driving through the closed lane. Transversely placed devices are not required where pilot car are in use.

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

#### Flagger Station Enhanced Setups

Additional cones and a flag tree meeting Section 6F.62 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.

For additional details on Flagger Station Enhanced Setups, see Work Zone Traffic Control drawings in this Invitation for Bids.

#### Temporary Rumble Strips

##### **a. Description**

This work shall consist of the installation, maintenance and subsequent removal of temporary rumble strips in paving work zones where indicated in the Invitation for Bids or as directed by the Engineer.

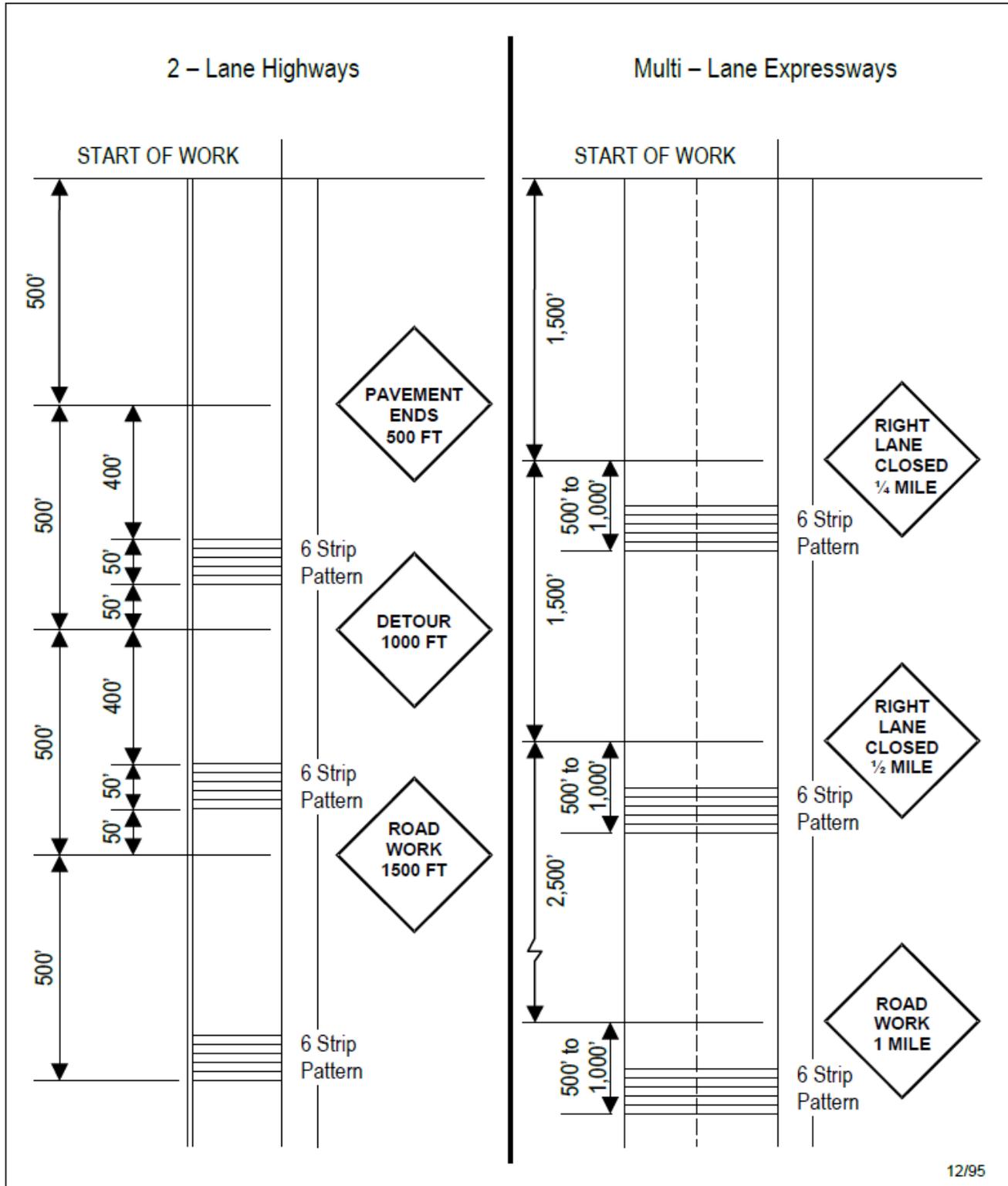
##### **b. Materials**

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 by applying four layers of removable black non-reflectORIZED removable 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

Raised asphalt rumble strips shall be formed from hot mix asphalt meeting the requirements of Items 402.058902 or 402.098902. Tack coat meeting the requirements of Materials Designation 702-XXXXT Asphalt Emulsion Diluted Tack Coat shall be used to adhere the rumble strip to the existing pavement. 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. 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.

SECTION 8: CRACK SEALER – SPECIFIC PROJECTS (Cont'd)

Suggested Layout Details -- Temporary Rumble Strips



12/95

## SECTION 8: CRACK SEALER – SPECIFIC PROJECTS (Cont'd)

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 inches  $\pm$  0.1 inches.

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.

### c. Basis of Payment

All costs for the installation, maintenance and removal of temporary rumble strips are included in the price per ton or square yard as appropriate. No separate payment shall be made.

### d. Suggested Layout Details Drawing-- Temporary Rumble Strips

See the Suggested Layout Details Drawing on page 61.

## 8.12 Special Notes – Crack Sealer

### 8.12.1 Funding Source (Crack Sealer)

Projects 9CRS61, 9CRS62, 9CRS63, and 9CRS64 will be funded by Federal Aid.

Projects 5V1611, 5V1621, 5V1631, 5V1641, 5V1651, and 6M1601 will be 100% State funded.

### 8.12.2 NYSDOT Region 5 Special Notes (Crack Sealer)

Crack sealing shall be applied only to primary cracks within the travel lanes as well as the shoulder within 1' of the travel lane. The majority of existing cracks within the shoulder area shall not receive treatment.

#### Time Restrictions – Region 5 Projects

All Region 5 Projects shall follow the time restrictions outlined in the “Work Zone Traffic Control - for Design/Construction on State Highways in Region 5” available on the NYSDOT website or through the Regional Transportation Systems Operations group excepting those projects listed on the Region 5 project specific special notes.

### 8.12.3 NYSDOT Region 6 Special Notes (Crack Sealer)

No work shall be permitted, to minimize travel delays associated with major holidays, during the following periods:

- Friday, May 27, 2016-sunrise, Tuesday, May, 31, 2016.
- Friday, July 1, 2016- sunrise, Tuesday, July 5, 2016.
- Friday, September 2, 2016- sunrise, Tuesday, September 6, 2016.

The Region requests all Preconstruction paperwork be submitted electronically as .pdf files to Stacey.Forenz@dot.ny.gov prior to the preconstruction meeting, or all documentation be brought to the Preconstruction meeting electronically as .pdf files on a CD or USB “thumb” drive that will not be returned to the contractor.

(continues on page 54)

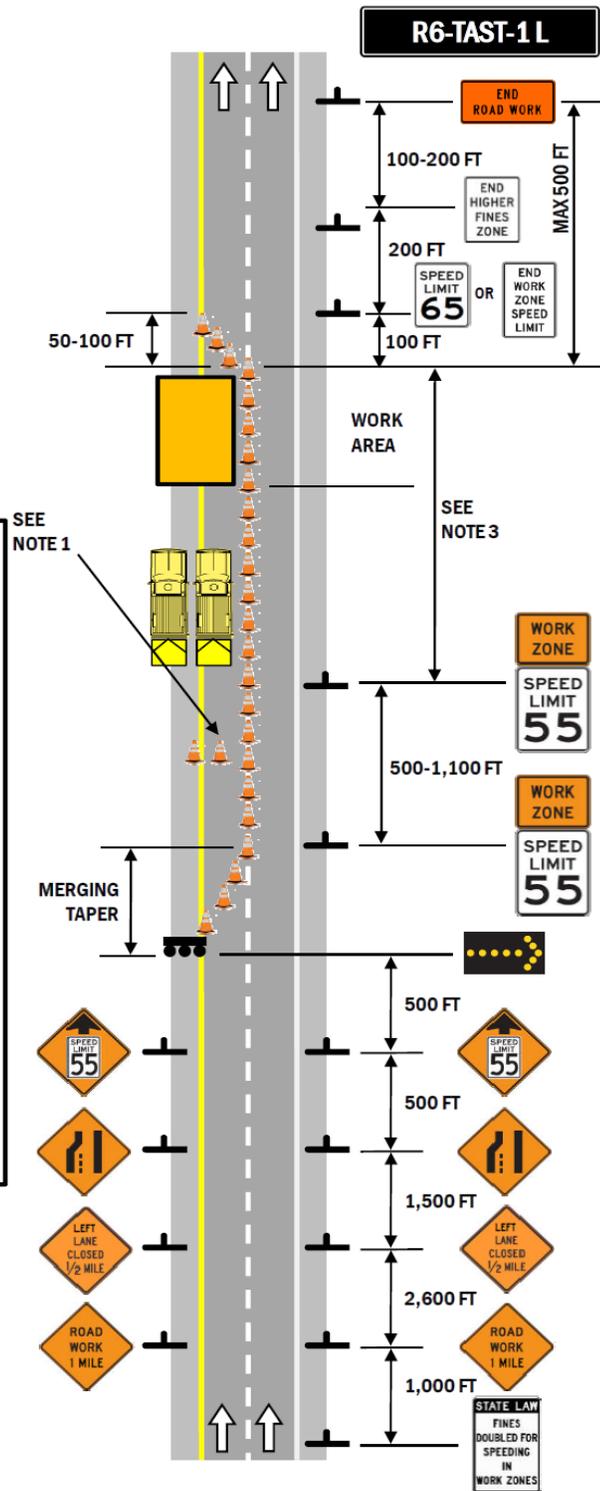
NOT TO SCALE

**NOTES:**

- For lane closures over 1,500 FT in length, two (2) channelizing devices shall be placed in the closed lane at 750 FT maximum spacing.
- Existing speed limit signs that conflict with a reduced speed limit in a work zone (beginning of merging taper to end of work zone) must be completely covered or removed when a reduced speed limit is in effect.
- Unless an existing "SPEED LIMIT 65" sign is located within 1,000 FT of the downstream end of the work zone, an R2-1 "SPEED LIMIT 65" sign shall be posted 100 FT beyond the work zone on the right side only.
- For long work zones, repeat the work zone speed limit signs at ½ mile intervals.
- State Law (NYR9-12) and End Higher Fines Zone (R2-12) signs are optional if anticipated work duration is less than 4 hours. If used, NYR9-12 shall be placed 1,000 FT in advance of initial warning signs. R2-11 sign shall be placed 200 FT after R2-1 or R2-12 signs.

	<b>W20-1</b> 48 in x 48 in		<b>R2-1</b> 36 in x 48 in
	<b>W20-5 L</b> 48 in x 48 in		<b>NYR9-12</b> 48 in x 72 in
	<b>W4-2 L</b> 48 in x 48 in		<b>R2-11</b> 36 in x 48 in
	<b>W3-5</b> 48 in x 48 in		<b>R2-12</b> 36 in x 54 in
	<b>G20-2</b> 36 in x 18 in		<b>Arrow Board</b>
	<b>G20-5aP</b> 36 in x 24 in		<b>Work Vehicle with Attenuator</b>
	<b>Work Area</b>		

**NYSDOT**  
**WORK ZONE TRAFFIC CONTROL**  
**WORK ZONE SPEED LIMIT**  
**FOR A LEFT LANE CLOSURE**  
 (WORK AREA LESS THAN ½ MILE FROM MERGING TAPER)  
**SHORT-TERM OR INTERMEDIATE TERM STATIONARY**  
**ON FREEWAY**  
 (POSTED AT 65 MPH)  
 MARCH 2012 R6-TAST-1 L



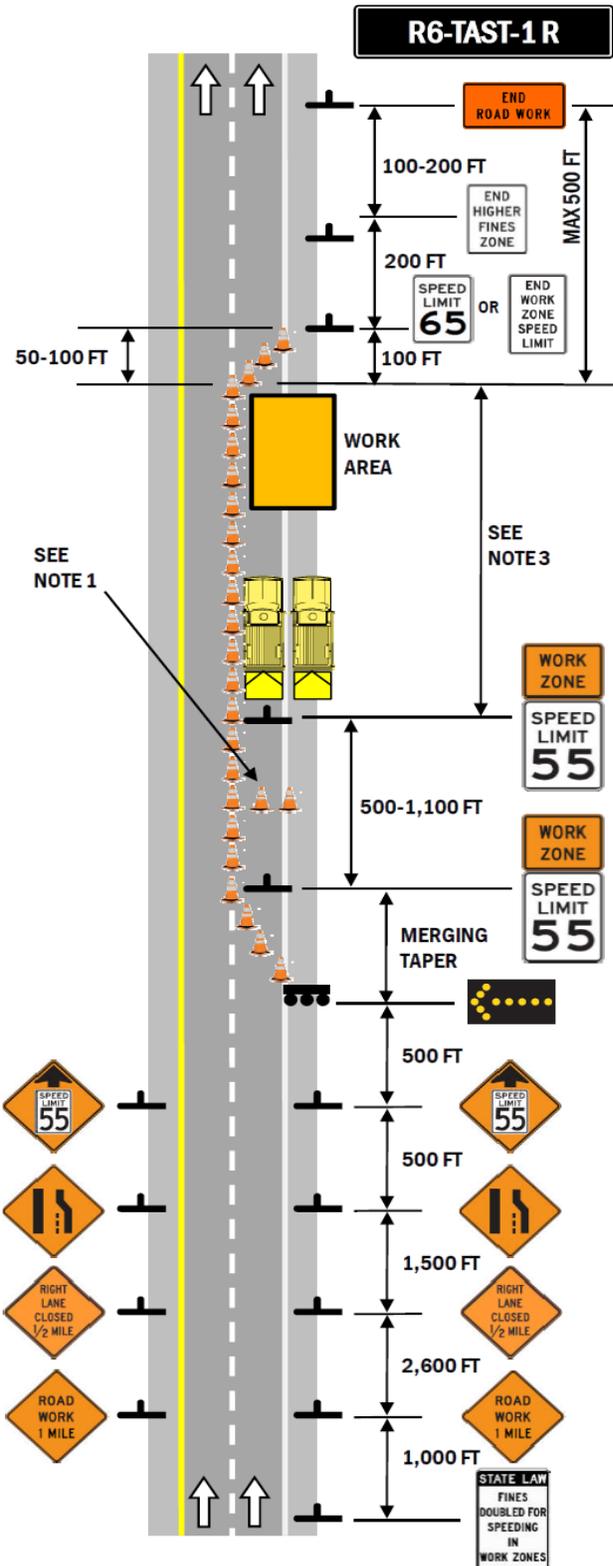
NOT TO SCALE

**NOTES:**

1. For lane closures over 1,500 FT in length, two (2) channelizing devices shall be placed in the closed lane at 750 FT maximum spacing.
2. Existing speed limit signs that conflict with a reduced speed limit in a work zone (beginning of merging taper to end of work zone) must be completely covered or removed when a reduced speed limit is in effect.
3. Unless an existing "SPEED LIMIT 65" sign is located within 1,000 FT of the downstream end of the work zone, an R2-1 "SPEED LIMIT 65" sign shall be posted 100 FT beyond the work zone on the right side only.
4. For long work zones, repeat the work zone speed limit signs at ½ mile intervals.
5. State Law (NYR9-12) and End Higher Fines Zone (R2-12) signs are optional if anticipated work duration is less than 4 hours. If used, NYR9-12 shall be placed 1,000 FT in advance of initial warning signs. R2-11 sign shall be placed 200 FT after R2-1 or R2-12 signs.

	<b>W20-1</b> 48 in x 48 in		<b>R2-1</b> 36 in x 48 in
	<b>W20-5R</b> 48 in x 48 in		<b>NYR9-12</b> 48 in x 72 in
	<b>W4-2R</b> 48 in x 48 in		<b>R2-11</b> 36 in x 48 in
	<b>W3-5</b> 48 in x 48 in		<b>R2-12</b> 36 in x 54 in
	<b>G20-2</b> 36 in x 18 in		<b>Arrow Board</b>
	<b>G20-5aP</b> 36 in x 24 in		<b>Work Vehicle with Attenuator</b>
	<b>Work Area</b>		

**NYSDOT**  
**WORKZONE TRAFFIC CONTROL**  
**WORKZONE SPEED LIMIT**  
**FOR A RIGHT LANE CLOSURE**  
 (WORK AREA LESS THAN ½ MILE FROM MERGING TAPER)  
**SHORT-TERM OR INTERMEDIATE TERM STATIONARY**  
**ON FREEWAY**  
 (POSTED AT 65 MPH)  
 AUGUST 2014 R6-TAST-1 R



**SECTION 8: CRACK SEALER – SPECIFIC PROJECTS (Cont’d)**

No bridge joints or concrete decks shall be sealed without the approval of the Engineer.

All Region 6 Crack Seal projects shall be completed no later than October 31, 2016. A schedule reflecting this shall be submitted before start of work to the Region’s ARDO, Stacey Forenz, for approval.

All Region 6 Crack Seal projects on I86, I390, Rte. 17, and Rte. 15 shall follow R6-TAST-1L and R6-TAST-1R WZTC plans attached (see pages 63 and 64).

The following crack seal sites (see table below) are in the Regional Priority Network Restricted Area and thus, no lanes closures in the restricted areas are permitted Monday through Friday (between the hours of 3:00PM and 6:00PM) without the expressed written approval of the Regional Traffic Engineer or his designee.

Corning Area	Rte. 352 RM 17-6402-2003/RM 17-6402-2023
	Rte. 414 RM 414-6404-1100/414-6404-1101
	Rte. 415 RM 15-6401-1034/15-6401-1043
	Rte. I86: RM I86-64A1-2A00/I86-64A00-2A01
	Rte. I86: RM 99I-6A2-2A02/99I-6A2-2A03
Horseheads Area	Rte. 962E RM 962E-6201-1000/962E-6201-1007
	Rte. 962F-6201-1000/962F-6201-1003
Elmira area	Rte. 14: RM 328-6201-1060/961M-6201-1004

**8.12.4 NYSDOT Region 9 Special Notes (Crack Sealer)**

**Project 9CRS61 – Route 434 - VPP (Night Time Work)**

It’s a NIGHT-TIME OPERATION project. The hours of lane closure and work activity will be restricted to the hours between 10:00 pm to 7:00 am from 10:00 pm Sunday to 7:00 am Friday.

**8.13 Detailed Specifications – Crack Sealer**

Please, see Attachment – Detailed Specifications – Liquid Bituminous Materials

## SECTION 9: MICRO-SURFACING – SPECIFIC PROJECTS

### 9.1 Introduction

Micro-surfacing is a pavement preventive maintenance treatment which offers minor improvements to rideability and has excellent friction characteristics. Quick Set Slurry Seal is a pavement preventive maintenance treatment that offers minor improvements to rideability and has excellent friction characteristics for low volume roads.

### 9.2 Pricing Information

#### 9.2.1 General

Clause 15b of Appendix B, the General Specifications has been modified to include the following:

Price quoted for micro-surfacing shall be net per ton, furnished, hauled, delivered, and applied with Contractor's equipment totally by the Contractor at locations indicated herein. The price quoted for micro-surfacing per ton shall also include abrading the existing pavement markings, the provision of Work Zone Traffic Control as indicated elsewhere in this Invitation for Bids and Maintenance Materials Bond as listed in the BONDING REQUIREMENTS section in this Invitation for Bids. Price calculations, if any, will be calculated on the basis of the material actually furnished.

#### 9.2.2 Insurance

Price bid shall include all required insurance coverage costs. In particular, price shall include:

- Commercial General Liability Insurance with a limit of not less than \$2,000,000 each occurrence;
- Comprehensive Business Automobile Liability Insurance with a limit of not less than \$2,000,000 each accident;
- Owners and Contractors Protective Insurance Coverage (OCP) with a limit of not less than \$1,000,000 per occurrence and \$2,000,000 in the aggregate.

Each requirement should be reviewed carefully. (Please see the Attachment – Insurance Requirements for detailed insurance requirements.)

Owners and Contractors Protective Insurance Coverage (OCP)

**The contractor must supply the OCP Insurance to the Resident Engineer at the Pre-Paving Conference.**

### 9.3 Asphalt Price Adjustments

#### 9.3.1 General

- a. Asphalt price adjustments allowed will be based on the September 1, 2015 average of the F.O.B. terminal price per ton of unmodified PG 64S-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 Specifications.

**The September 1, 2015 average is \$521.000 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 pre-approved sources discontinue posting a price for asphalt cement, the base average F.O.B. terminal **price shall not be recalculated.**

- b. 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. However, asphalt price adjustments, in accordance with the formula below, will be effective for deliveries made on and after the first of the month following the adjustment date.

**SECTION 9: MICRO-SURFACING – SPECIFIC PROJECTS (Cont'd)**

- c. The unit prices of liquid bituminous materials purchased from any award based on this specification will be subject to adjustment based on the following formula:

Price Adjustment (Per Ton)	=	$\left( \begin{array}{l} \text{New Monthly Average} \\ \text{F.O.B. Terminal Price} \end{array} - \begin{array}{l} \text{Base Average F.O.B.} \\ \text{Terminal Price} \end{array} \right)$	X	Total Allowable Petroleum %
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Positive Price Adjustment number shall be added to original per gallon Bid Price.  
 Negative Price Adjustment number shall be subtracted from original per gallon Bid Price.

**New Monthly Average F.O.B. Terminal Price**

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

**Base Average F.O.B. Terminal Price**

The average F.O.B. terminal price of unmodified PG 64S-22 binder without anti-stripping agent is as determined by the New York State Department of Transportation as of September 1, 2015.

**Total Allowable Petroleum**

The percentage of total allowable petroleum for each item is as follows:

Item #	Material Designation	Asphalt %	Petroleum Allowance %	Total Allowable Petroleum %
413.02010118	Microsurfacing, Type II, F1	9.0	0.2	9.2
413.02020118	Microsurfacing, Type II, F2	9.0	0.2	9.2
413.02030118	Microsurfacing, Type II, F3	9.0	0.2	9.2
413.03010118	Microsurfacing, Type III, F1	7.5	0.2	7.7
413.03020118	Microsurfacing, Type III, F2	7.5	0.2	7.7
413.03030118	Microsurfacing, Type III, F3	7.5	0.2	7.7
413.04030118	Microsurfacing, Type III Rut Filling	7.5	0.2	7.7

Asphalt Price Adjustments will not be allowed for materials which do not have an asphalt cement base.

- d. Work performed after the expiration of the contract, where no extension has been granted, resultant from purchase orders placed prior to expiration of the contract will receive the Asphalt Price Adjustments applicable in effect during the last month of the contract.
- Asphalt Price Adjustments for any contracts that are extended will be based on the new average for the month in which the work is done applying the same base established for that contract.
- e. Asphalt price adjustments allowed by this contract shall be calculated and applied to the original prices. There will not be asphalt price adjustments unless the change amounts to more than \$0.100 per ton/\$0.010 per gallon as applicable from the original price. In these instances, prices will revert back to the original prices.
- f. All Asphalt Price Adjustments will be computed to three decimal places.
- g. Should these provisions result in a price structure which becomes unworkable, detrimental or injurious to the State or in prices which are not truly reflective of market conditions or which are deemed by the Commissioner to be unreasonable or excessive, and no adjustment in price is mutually agreeable, the Commissioner reserves the sole right upon ten days written notice mailed to the Contractor to terminate any contract resulting from this bid opening.

**SECTION 9: MICRO-SURFACING – SPECIFIC PROJECTS (Cont'd)**

- h. All asphalt price adjustments shall be published by the State and issued to all contract holders whose responsibility will be to attach the appropriate State notification (based on when the work was performed) to the payment invoice submitted to agency

**9.3.2 Asphalt Price Adjustment: Example**

This example is for illustration purposes only. Actual Base Average Price, etc., may vary:

Item 18410.1021

Base Average Price = \$521.000

New Average Price = \$531.000

% Total Allowable Petroleum = 9.2%

Price Adjustment (per ton)	=	(531.000 - 521.000)	X	0.092
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Price Adjustment (per ton)	=	+\$0.920 per ton
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Positive Price Adjustment number shall be added to original per gallon Bid Price.  
Negative Price Adjustment number shall be subtracted from original per gallon Bid Price.

**9.4 Payment**

Payment for micro-surfacing shall be made at contract prices per net ton for the actual quantity of material placed by the Contractor and actual numbers of gallons of bituminous materials for fog seal (if used).

Payment for work zone traffic control and abrading the existing pavement markings shall be included in the payment for the number of tons of completed micro-surfacing

A delivery slip stating quantities of micro-surfacing shall accompany each shipment. An invoice listing the quantities of micro-surfacing in place shall be sent promptly by the contractor to the address indicated on the purchase order.

**9.5 Pre- Micro-surfacing Conference**

The contractor shall schedule a Pre-Micro-surfacing Conference with the affected Resident Engineer within one month after award of the Contract and at least two weeks prior to the start of the micro-surfacing. Project level supervisors for both the owner agency and the Vendor should be present at this conference. At this conference the contractor shall present Certificates of Insurance evidencing compliance with the additional insurance requirements set forth in the INSURANCE clause, their proposed micro-surfacing schedule, equipment, pavement marking abrading plan, mix design, calibration, micro-surfacing procedure, and Work Zone Traffic Control plan to the State for approval. At least one week prior to the start of micro-surfacing, the Vendor shall coordinate the details of the project with the Resident Engineer.

**9.6 Bonding Requirements**

A Maintenance Bond is required for micro-surfacing projects in this IFB. Please see sample in Attachment - Detailed Specifications.

## SECTION 9: MICRO-SURFACING – SPECIFIC PROJECTS (Cont'd)

### 9.7 Supervision

The Department of Transportation shall provide supervision for the micro-surfacing operation, and pavement marking abrading if applicable. The Resident Engineer shall designate a Project Supervisor who shall be in responsible charge of the operation. All orders pertaining to Work Zone Traffic Control plan from the Project Supervisor to the contractor shall be binding on the contractor. 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.

### 9.8 Work Hours

Work shall not be permitted on Sundays and NYS Legal Holidays. If a Contractor desires to work overtime on other days, they must obtain dispensation from NYS Department of Labor using NYS Department of Labor Form PW-30 (5/93).

#### 9.8.1 Special Note - Overtime Dispensation Requests

All Overtime Dispensations will be sent to:

**Hasib H. Khan**

Pavement Program Engineer  
Office of Transportation Maintenance, POD 54  
NYS Department of Transportation  
50 Wolf Road, Albany, NY 12232

Email: [Hasibul.Khan@dot.ny.gov](mailto:Hasibul.Khan@dot.ny.gov)

Phone: 518-457-1572

Fax: 518-457-4203

The dispensations will be submitted for the entire contract period for 5-10hr days (with rain day Saturday) to cover all the project numbers awarded to the contractor within the resulting contract. Should a contractor needs additional dispensation beyond the one described above, they shall submit it to the Regional Director of Operations or the Regional designee as determined at the preconstruction meeting, for the Region they wish to submit special additional dispensation for.

### 9.9 Construction Details

The construction details shall comply with the requirements specified herein, including those appearing in the enclosed Attachment - Detailed Specifications. The project supervisor from the State shall have sole responsibility for determining compliance with the specifications. All orders given to the contractor regarding construction details shall be considered final.

### 9.10 Special Note for Micro-surfacing

The Contractor will not be responsible for the initial conditioning of the existing pavement and shoulder surfaces as described in Section 402-3.05 of the NYSDOT Standard Specifications. Patching, joint repair, crack filling will be done by NYSDOT forces prior to the micro-surfacing, chip seal or paver placed surface treatment project. However, once work on the project begins, the Contractor is responsible for keeping the pavement and shoulders clean until the paving operations are completed, as per Section 633-3.01 of the NYSDOT Standard Specifications.

### 9.11 Restoration of Disturbed Areas

During the course of the work the vendor shall take reasonable care not to disturb areas outside the existing pavement. Any areas disturbed by the vendor 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 Vendor upon completion of the project.

## SECTION 9: MICRO-SURFACING – SPECIFIC PROJECTS (Cont'd)

### 9.12 Damaged or Deficient Areas

Prior to acceptance and payment by the State for work under this contract, any placed pavement that ravel, delaminates, fails to properly cure, or is in any way defective shall be redone to the satisfaction of the State at the contractor's expense.

### 9.13 Work Zone Traffic Control

The contractor shall be responsible for Work Zone Traffic Control. Traffic shall be controlled in accordance with Manual of Uniform Traffic Control Devices (MUTCD), Section 619-1 through 619-3 of the Standard Specifications as described herein including modifications to the Standard Specifications. The contractor shall submit a Work Zone Traffic Control Plan for approval to the Resident Engineer at the Pre-Work conference. For two-way roadways, Figures TAST-C1R, TAST-C2R, TAST-C3R, TAST-C4R, TAST-C5R, TAST-C7R, TAST-C1UL, TAST-C2UL, TAST-C3UL, TAST-C4U, TAST-C7UL, TAST-C1UH, TAST-C2UH, TAST-C3UH, and TAST-C7UH included in this document may be used as a basis for development of a Work Zone Traffic Control Plan. For one-way roadways, Figures TAST-C5UL, TAST-C6UL, TAST-C8UL, TAST-C5UH, TAST-C6UH, and TAST-C8UH may be used as a basis for development of a Work Zone Traffic Control Plan. For one-way Freeways or Expressways, Figures TAST-E1, TAST-E2, TAST-E3, TAST-E4, TAST-E5, TAST-E6, and TAST-E7 may be used as a basis for development of a Work Zone Traffic Control Plan.

All necessary flaggers for Work Zone Traffic Control shall be provided by the Contractor. For two-way roadways, a minimum of three flaggers shall be provided while the work operation is underway. One shall be stationed at each end of the applicable operation and one shall be stationed with the operation. For one-way roadways, a minimum of two flaggers shall be provided while work operation is underway.

One shall be stationed at the beginning of the applicable operation and one shall be stationed with the operation. The Contractor shall station flaggers such that communication is maintained between the flaggers. Hand signals, radios, pilot vehicles, or some other means of communication may be used subject to the approval of the Resident Engineer. All costs of Work Zone Traffic Control as prescribed by this specification including flagging, temporary pavement marking and/or delineation, and construction signs, are to be included in the unit price bid. No separate payment shall be made.

#### 9.13.1 Permanent Construction Signs

The Contractor shall provide construction signs as specified in Section 619-1 through 619-3 of the Standard Specifications and in the MUTCD. At minimum the Contractor shall install the following permanent construction signs (see next page):

**SECTION 9: MICRO-SURFACING – SPECIFIC PROJECTS (Cont'd)**

SIGN	MINIMUM SIZE	LOCATION
ROAD WORK NEXT _____ MILES	<u>G20-1</u> Conventional 36" x 18" Freeways 48" x 24"	On main line upstream of project in each direction
END ROAD WORK	<u>G20-2</u> Conventional 36" x 18" Freeways 48" x 24"	On main line after end of project in each direction
ROAD WORK AHEAD	<u>W20-1</u> Conventional 36" x 36" Freeways 48" x 48"	On main line in advance of the affected highway segment in each direction and on major intersecting roads 300 -500 feet in advance of main line. Sign should be covered if it conflicts with temporary signing in the vicinity. (Place between the G20-1 and the first warning sign that states condition- i.e. W8-12, W8-9 or W8-15)
DO NOT PASS	<u>R4-1</u> Conventional 24" x 30"	If 2' x 4" temporary yellow markings are used instead of full barrier centerline pavement markings, place the first sign at or within 100 feet of the beginning of the unmarked area, second within 1,000 feet and subsequent signs, spaced every ½ mile along project in each direction
NO CENTER LINE	<u>W8-12</u> Conventional 36" x 36"	If 2' x 4" temporary yellow markings are used instead of full barrier centerline pavement markings, place the first sign in advance of the condition and the first "DO NOT PASS" sign: 300' urban is preferred (100' minimum), 500' rural is preferred (200' minimum). Place additional signs spaced every 2 miles on mainline in each direction and after every major intersecting road.
LOW SHOULDER	<u>W8-9</u> Conventional 36" x 36" Freeways 48" x 48"	Place on mainline spaced every 2 miles along project in each direction and after every major intersecting road until shoulder back-up is installed (if conditions warrant use, place between the W8-12 and R4-1, maintaining a minimum of 200' between signs for rural roads and 100' on urban. The W8-12 can be moved upstream to accommodate the required spacing.)
GROOVED PAVEMENT	<u>W8-15</u> Conventional 36" x 36" Freeways 48" x 48"	On any roadway 500 feet in advance of rebates milled under this contract, but not paved. Remove or cover after paving rebate.

\*\*All signs should maintain an absolute minimum spacing of 200' rural or 100' urban. 500' is preferred on rural and 300' is preferred on urban. Double stacking of any of the above signs, or combination thereof, will NOT be permitted.

## SECTION 9: MICRO-SURFACING – SPECIFIC PROJECTS (Cont'd)

Major intersecting roads are defined as through 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. Signs left active at night shall be rigid and reflectorized in accordance with the Standard Specifications.

With prior permission of the State's Resident Engineer, the Vendor may provide portable signs as shown in Figure 6F-2 of the MUTCD for the above referenced DO NOT PASS and NO CENTER LINE signs. 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 2' X 4" temporary yellow markings are used instead of full barrier pavement markings

### 9.13.2 Temporary Pavement Markings

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 except that two-lane, two-way highways may be left without full barrier centerlines in no passing zones for a maximum of 7 calendar days provided that NO CENTER LINE (W8-12, black on orange), NO PASSING ZONE (W14-3, black on orange pennant shaped sign), and DO NOT PASS (R4-1) signs are used consistent with the MUTCD and in conjunction with yellow 2 foot by 4 inch temporary markings consisting of retroreflective removable pavement marking tape, paint or yellow temporary overlay markers installed on a 40 ft. cycle to delineate the centerline location.

The State is responsible for the final pavement markings unless otherwise indicated in the contract. If the vendor chooses to install NO CENTER LINE and DO NOT PASS signs and temporary yellow 2 foot by 4 inch pavement markings in lieu of full barrier centerline markings, the signs shall be left in place until the state has completed installing the final pavement markings. The state will normally complete final pavement markings within 7 days of the project completion. However, if unavoidable situations delay the pavement marking installation the signs shall remain in place for 14 calendar days after the project has been completed or until the state has completed installing the final pavement markings, whichever comes first. If permanent pavement marking cannot be installed within 14 days of the project completion, state must install interim pavement marking including center lines, edge lines, stop bars, and simple crosswalks with no hatching before the end of 14 days after project completion.

All costs for Work Zone Traffic Control including flagging, temporary pavement markings, delineation, and construction signs are to be included in the prices bid per ton or square yard as applicable.

### 9.13.3 Abrading Existing Pavement Markings

The Contractor shall remove any epoxy or thermoplastic pavement markings. Other markings shall be removed as ordered by the Resident Engineer. Care shall be taken to avoid damage to passing traffic. All damage to passing traffic caused by the Contractor's operations shall be the Contractor's responsibility. Waste material generated by the abrading operation shall be cleaned up and disposed of by the Vendor.

When the Contractor abrades the existing pavement markings, the Contractor shall place temporary pavement markings as specified elsewhere in this Invitation for Bids under Work Zone Traffic Control, unless the paving material will be placed the same day as pavement markings are abraded. The Contractor shall make every effort to expeditiously place the paving material in areas where pavement markings have been abraded and temporary pavement markings are in place. Under no circumstances will temporary pavement markings be allowed for more than five calendar days in areas where pavement markings have been abraded. In this event, the Contractor shall be required to place full pavement markings at no cost to the state. During the pavement markings abrading operation, traffic will be controlled by the Contractor in accordance with the Work Zone Traffic Control requirements included herein. The Contractor shall submit a proposed Traffic Control Plan to the Resident Engineer for approval. The plan may be based on the Work Zone Traffic Control drawings included in this Invitation for Bids.

Payment for pavement marking abrading shall be included in the price bid per ton of micro-surfacing. No separate payment shall be made.

**SECTION 9: MICRO-SURFACING – SPECIFIC PROJECTS (Cont'd)**

**9.13.4 Special Note: Work Zone Intrusion Initiative**

As part of the Department of Transportation's Work Zone Intrusion Initiative, the following countermeasures shall apply to this Invitation for Bids.

**Channelizing Device Spacing Reduction**

A maximum channelizing device spacing of 40 ft. shall be provided at 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 ft. from the work site, the 40-ft. spacing shall be used in the tapers as well.

Drums or vertical panels are preferred for intermediate to long-term stationary 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 ft. intervals to discourage traffic from driving through the closed lane. Transversely placed devices are not required where pilot car are in use.

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

**Flagger Station Enhanced Setups**

Additional cones and a flag tree meeting Section 6F.62 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.

For additional details on Flagger Station Enhanced Setups, see Work Zone Traffic Control drawings in this Invitation for Bids.

**Temporary Rumble Strips**

**a. Description**

This work shall consist of the installation, maintenance and subsequent removal of temporary rumble strips in paving work zones where indicated in the Invitation for Bids or as directed by the Engineer.

**b. 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 by applying four layers of removable black non-reflectORIZED removable 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

Raised asphalt rumble strips shall be formed from hot mix asphalt meeting the requirements of Items 402.058902 or 402.098902. Tack coat meeting the requirements of Materials Designation 702-XXXXT Asphalt Emulsion Diluted Tack Coat shall be used to adhere the rumble strip to the existing pavement. 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. 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 inches  $\pm$  0.1 inches.

**SECTION 9: MICRO-SURFACING – SPECIFIC PROJECTS (Cont'd)**

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.

**c. Basis of Payment**

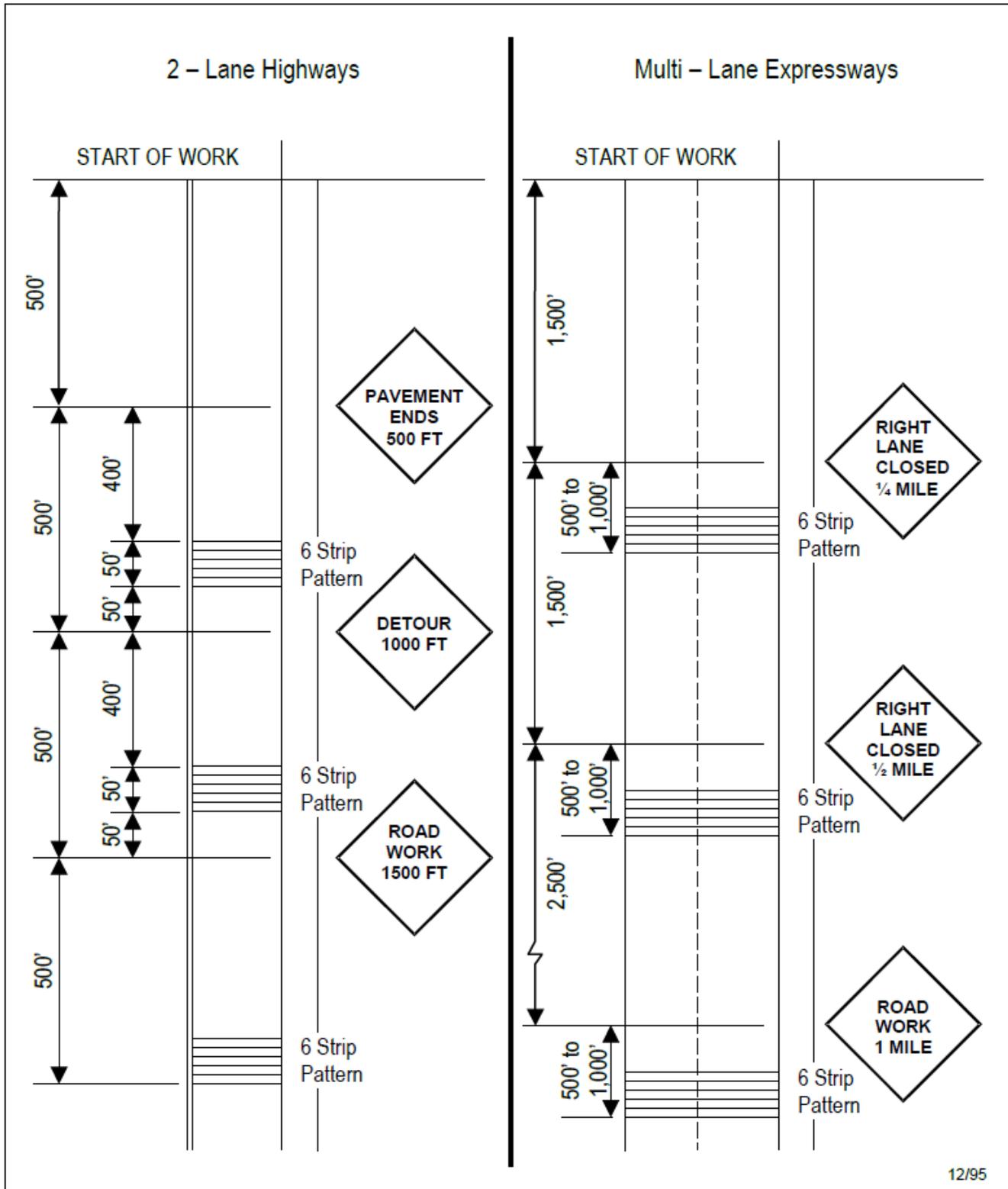
All costs for the installation, maintenance and removal of temporary rumble strips are included in the price per ton or square yard as appropriate. No separate payment shall be made.

**d. Suggested Layout Details Drawing-- Temporary Rumble Strips**

See the Suggested Layout Details Drawing in the **next page**.

SECTION 9: MICRO-SURFACING – SPECIFIC PROJECTS (Cont'd)

Suggested Layout Details -- Temporary Rumble Strips



**SECTION 9: MICRO-SURFACING – SPECIFIC PROJECTS (Cont'd)**

**9.14 Special Notes – Micro-surfacing**

**9.14.1 Funding Source (Micro-surfacing)**

Projects 5V162, 7M1611, and 7M1615 will be funded by Federal Aid.

**9.14.2 NYSDOT Region 5 Special Notes (Micro-surfacing)**

**Pavement Markings – Region 5 (Micro-surfacing)**

It shall be the contractor’s responsibility to inventory and document the existing pavement marking patterns prior to milling and/or resurfacing and submit to the Engineer a copy of the inventory prior to beginning work. The contractor shall be responsible for completing all layout work necessary for the installation of all final pavement markings. If the original markings are obliterated, the contractor shall contact the resident engineer for guidance on their location.

**Time Restrictions – Region 5 (Micro-surfacing)**

All Region 5 Projects shall follow the time restrictions outlined in the “Work Zone Traffic Control - for Design/Construction on State Highways in Region 5” available on the NYSDOT website or thru the Regional Transportation Systems Operations group excepting those projects listed on the Region 5 project specific special notes.

**9.15 Detailed Specifications – Micro-surfacing**

Please, see Attachment – Detailed Specifications – Liquid Bituminous Materials

**9.15.1 Project Dimensions - Micro-surfacing**

Information on pavement widths for projects in this Invitation for Bids is listed for informational purposes only. The dimensions listed are the best information available, but 100% accuracy is not guaranteed. Bidders should visit the project site to confirm the dimensions given and familiarize themselves with the project particulars before submitting a bid. The Department assumes no responsibility for erroneous information listed herein.

The pavement width listed is the total width of all the travel lanes only.

The shoulder width is for one shoulder only.

<b>Project Number</b>	<b>Item</b>	<b>Travel Lanes Width (feet) (total)</b>	<b>Lane Width (feet) (one lane)</b>	<b>Shoulder Width (feet) (one shoulder)</b>	<b>Number of Lanes</b>
5V1623	413.02020118	22	11	3-8	2
7M1611	413.02020118	22	11	6	2
7M1615	413.02020118	24	12	8	2

## SECTION 10: PAVER PLACED SURFACE TREATMENT – SPECIFIC PROJECTS

### 10.1 Introduction

Conventional and Rubber Modified Paver Placed Surface Treatment is a preventive maintenance treatment used to preserve highway pavements. The treatment is a surface paving system, placed by a self-priming paver, where a modified emulsion tack coat is placed directly before the application of a conventional or rubber modified hot mix asphalt wearing course.

### 10.2 Pricing Information

#### 10.2.1 General

Clause 15b of Appendix B, the General Specifications has been modified to include the following:

Price quoted for Paver Placed Surface Treatment shall be net per ton, furnished, heated, delivered, and applied with contractor's equipment totally by the contractor at locations indicated herein. The price bid per ton for the Paver Placed Surface Treatment shall also include abrading the existing pavement markings and the provision of Work Zone Traffic Control as indicated elsewhere in this Invitation for Bids.

The Contractor is to furnish all necessary labor and equipment to complete the indicated projects except that the State will supervise and control the operations. Permanent pavement marking will be the responsibility of the State upon completion of the project as indicated herein. The equipment supplied to place the material(s) shall appear on the Department's approved list. All necessary operators shall be supplied along with the appropriate equipment.

#### 10.2.2 Insurance

Price bid shall include all required insurance coverage costs. In particular, price shall include:

- Commercial General Liability Insurance with a limit of not less than \$2,000,000 each occurrence;
- Comprehensive Business Automobile Liability Insurance with a limit of not less than \$2,000,000 each accident;
- Owners and Contractors Protective Insurance Coverage (OCP) with a limit of not less than \$1,000,000 per occurrence and \$2,000,000 in the aggregate.

Each requirement should be reviewed carefully. (Please see the Attachment – Insurance Requirements for detailed insurance requirements.)

Owners and Contractors Protective Insurance Coverage (OCP)

**The contractor must supply the OCP Insurance to the Resident Engineer at the Pre-Paving Conference.**

### 10.3 Asphalt Price Adjustments

#### 10.3.1 General

- a. Asphalt price adjustments allowed will be based on the September 1, 2015 average of the F.O.B. terminal price per ton of unmodified PG 64S-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 Specifications.

**The September 1, 2015 average is \$521.000 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 pre-approved sources discontinue posting a price for asphalt cement, the base average F.O.B. terminal **price shall not be recalculated.**

**SECTION 10: PAVER PLACED SURFACE TREATMENT – SPECIFIC PROJ. (Cont'd)**

- b. 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. However, asphalt price adjustments, in accordance with the formula below, will be effective for deliveries made on and after the first of the month following the adjustment date.
- c. The unit prices of liquid bituminous materials purchased from any award based on this specification will be subject to adjustment based on the following formula:

Price Adjustment (Per Ton)	=	$\left( \begin{array}{c} \text{New Monthly Average} \\ \text{F.O.B. Terminal Price} \end{array} - \begin{array}{c} \text{Base Average F.O.B.} \\ \text{Terminal Price} \end{array} \right)$	X	Total Allowable Petroleum %
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Positive Price Adjustment number shall be added to original per gallon Bid Price.  
 Negative Price Adjustment number shall be subtracted from original per gallon Bid Price.

**New Monthly Average F.O.B. Terminal Price**

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

**Base Average F.O.B. Terminal Price**

The average F.O.B. terminal price of unmodified PG 64S-22 binder without anti-stripping agent is as determined by the New York State Department of Transportation as of September 1, 2015.

**Total Allowable Petroleum**

The percentage of total allowable petroleum for each item is as follows:

Item #	Asphalt %	Petroleum Allowance %	Total Allowable Petroleum %
415.0X0F0118	6.5	1.0	7.5
415.0X0F0118R	6.5	1.0	7.5

Asphalt Price Adjustments will not be allowed for materials which do not have an asphalt cement base.

- d. Work performed after the expiration of the contract, where no extension has been granted, resultant from purchase orders placed prior to expiration of the contract will receive the Asphalt Price Adjustments applicable in effect during the last month of the contract.  
 Asphalt Price Adjustments for any contracts that are extended will be based on the new average for the month in which the work is done applying the same base established for that contract.
- e. Asphalt price adjustments allowed by this contract shall be calculated and applied to the original prices. There will not be asphalt price adjustments unless the change amounts to more than \$0.100 per ton/\$0.010 per gallon as applicable from the original price. In these instances, prices will revert back to the original prices.
- f. All Asphalt Price Adjustments will be computed to three decimal places.

**SECTION 10: PAVER PLACED SURFACE TREATMENT – SPECIFIC PROJ. (Cont'd)**

- g. Should these provisions result in a price structure which becomes unworkable, detrimental or injurious to the State or in prices which are not truly reflective of market conditions or which are deemed by the Commissioner to be unreasonable or excessive, and no adjustment in price is mutually agreeable, the Commissioner reserves the sole right upon ten days written notice mailed to the Contractor to terminate any contract resulting from this bid opening.
- h. All asphalt price adjustments shall be published by the State and issued to all contract holders whose responsibility will be to attach the appropriate State notification (based on when the work was performed) to the payment invoice submitted to agency

**10.3.2 Asphalt Price Adjustment: Example**

This example is for illustration purposes only. Actual Base Average Price, etc., may vary:

Item 18403.221101  
Base Average Price = \$521.000  
New Average Price = \$531.000  
% Total Allowable Petroleum = 7.5%

$$\begin{array}{|c|} \hline \text{Price} \\ \text{Adjustment} \\ \text{(per ton)} \\ \hline \end{array} = \begin{array}{|c|} \hline (531.000 - 521.000) \\ \hline \end{array} \times \begin{array}{|c|} \hline 0.075 \\ \hline \end{array}$$

$$\begin{array}{|c|} \hline \text{Price} \\ \text{Adjustment} \\ \text{(per ton)} \\ \hline \end{array} = \begin{array}{|c|} \hline +\$0.750 \text{ per ton} \\ \hline \end{array}$$

Positive Price Adjustment number shall be added to original per gallon Bid Price.  
Negative Price Adjustment number shall be subtracted from original per gallon Bid Price.

**10.4 Payment**

Payment for Paver Placed Surface Treatment shall be made at contract prices per ton for the actual quantity of tons placed by the Contractor. Payment for work zone traffic control and abrading the existing pavement markings shall be included in the payment per ton for the Paver Placed Surface Treatment.

A delivery slip stating quantities of hot mix asphalt concrete for paver placed surface treatment shall accompany each shipment. An invoice listing the quantities of paver placed surface treatment in place shall be sent promptly by the contractor to the address indicated on the purchase order.

**10.5 Pre- Paver Placed Surface Treatment Conference**

The Contractor shall schedule a Pre-Paver Placed Surface Treatment Conference with the affected Resident Engineer within one month after award of the Contract and at least two weeks prior to the start of the Paver Placed Surface Treatment. Project level supervisors for both the state and the contractor shall be present at this conference.

At this conference the contractor shall present their proposed Paver Placed Surface Treatment schedule, equipment, pavement marking abrading plan, Paver Placed Surface Treatment procedure, and Work Zone Traffic Control plan to the State for approval. At least one week prior to the start of the Paver Placed Surface Treatment, the contractor shall coordinate the details of the project with the Resident Engineer.

## SECTION 10: PAVER PLACED SURFACE TREATMENT – SPECIFIC PROJ. (Cont'd)

### 10.6 Supervision

The Department of Transportation shall provide supervision for the paving operation, and pavement marking abrading if applicable. The Resident Engineer shall designate a Project Supervisor who shall be in responsible charge of the operation. All orders pertaining to Work Zone Traffic Control plan from the Project Supervisor to the contractor shall be binding on the contractor. 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.

### 10.7 Work Hours

Work shall not be permitted on Sundays and NYS Legal Holidays. If a Contractor desires to work overtime on other days, they must obtain dispensation from NYS Department of Labor using NYS Department of Labor Form PW-30 (5/93).

#### 10.7.1 Special Note - Overtime Dispensation Requests

All Overtime Dispensations will be sent to:

**Hasib H. Khan**

Pavement Program Engineer  
Office of Transportation Maintenance, POD 54  
NYS Department of Transportation  
50 Wolf Road, Albany, NY 12232

Email: [Hasibul.Khan@dot.ny.gov](mailto:Hasibul.Khan@dot.ny.gov)

Phone: 518-457-1572

Fax: 518-457-4203

The dispensations will be submitted for the entire contract period for 5-10hr days (with rain day Saturday) to cover all the project numbers awarded to the contractor within the resulting contract. Should a contractor needs additional dispensation beyond the one described above, they shall submit it to the Regional Director of Operations or the Regional designee as determined at the preconstruction meeting, for the Region they wish to submit special additional dispensation for.

### 10.8 Construction Details

The construction details shall comply with the requirements specified herein, including those appearing in the enclosed Attachment - Detailed Specifications. The paving supervisor shall have sole responsibility for determining compliance with the specifications. All orders given to the contractor regarding construction details shall be considered final.

### 10.9 Special Note for Paver Placed Surface Treatment Projects

The Contractor will not be responsible for the initial conditioning of the existing pavement and shoulder surfaces as described in Section 402-3.05 of the NYSDOT Standard Specifications. Patching, joint repair, crack filling will be done by NYSDOT forces prior to the micro-surfacing, chip seal or paver placed surface treatment project. However, once work on the project begins, the Contractor is responsible for keeping the pavement and shoulders clean until the paving operations are completed, as per Section 633-3.01 of the NYSDOT Standard Specifications.

### 10.10 Restoration of Disturbed Areas

During the course of the work the vendor shall take reasonable care not to disturb areas outside the existing pavement. Any areas disturbed by the vendor 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 Vendor upon completion of the project.

**SECTION 10: PAVER PLACED SURFACE TREATMENT – SPECIFIC PROJ. (Cont'd)**

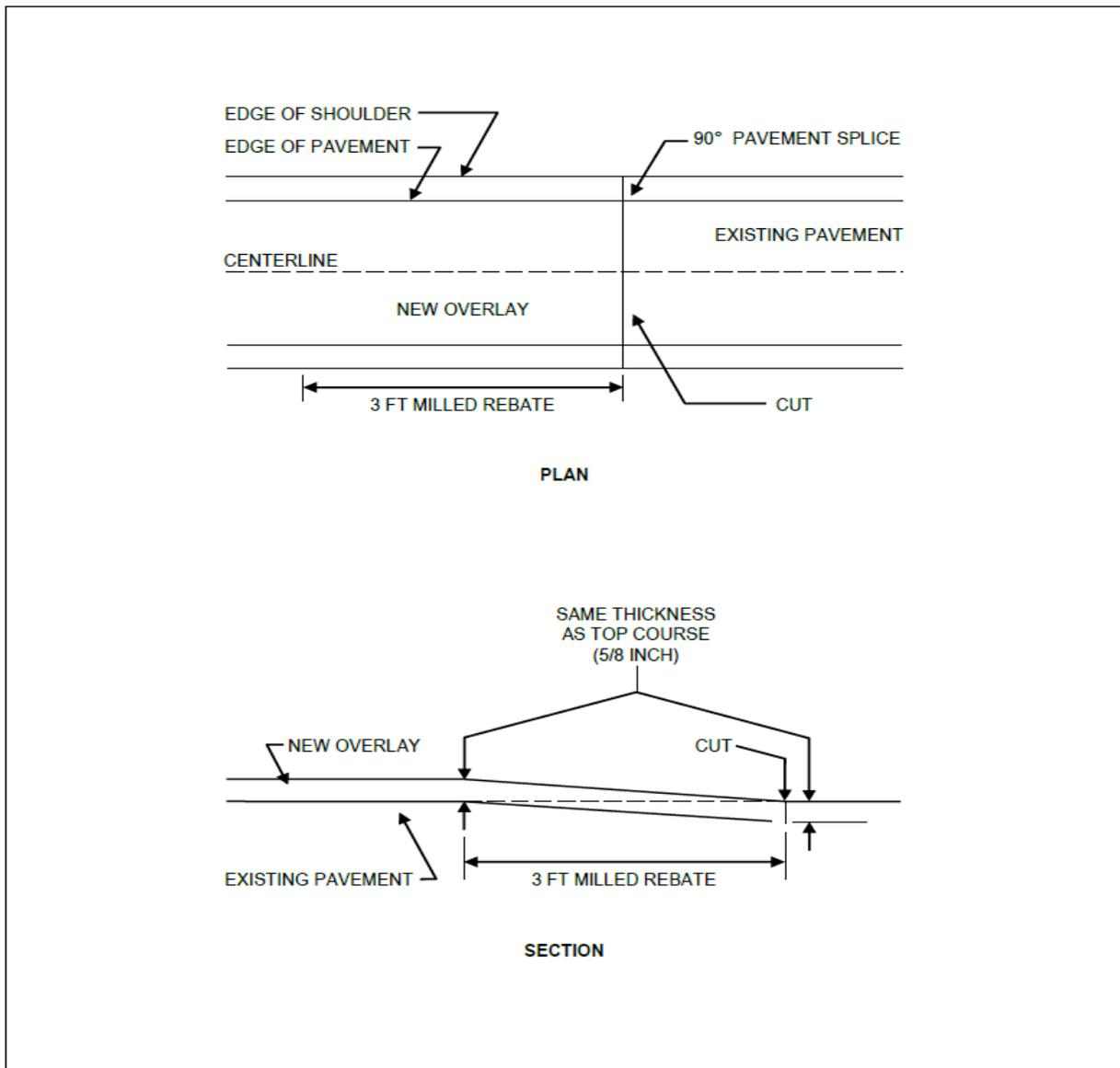
**10.11 Damaged or Deficient Areas**

Prior to acceptance and payment by the State for work under this contract, any placed pavement that ravels, delaminates, fails to properly cure, or is in any way defective shall be redone to the satisfaction of the State at the contractor's expense.

**10.12 Paver Placed Surface Treatment Overlay Splices**

The contractor shall construct Paver Placed Surface Treatment Overlay Splices (commonly known as rebates) as per the enclosed detail Paver Placed Surface Treatment Overlay Splices (see below). The locations of the Overlay Splices shall be as specified in the Table of Paver Placed Surface Treatment Overlay Splices. All costs to construct the Paver Placed Surface Treatment Overlay Splices, including the costs for cutting the existing pavement, milling the Overlay Splices, cleaning the pavement in the Overlay Splice area, and Controlling Traffic, shall be included in the price bid per ton for the Paver Placed Surface Treatment. No separate payment shall be made.

**Paver Placed Surface Treatment Overlay Splice:**



**SECTION 10: PAVER PLACED SURFACE TREATMENT – SPECIFIC PROJ. (Cont'd)**

**10.13 Work Zone Traffic Control**

The contractor shall be responsible for Work Zone Traffic Control. Traffic shall be controlled in accordance with Manual of Uniform Traffic Control Devices (MUTCD), Section 619-1 through 619-3 of the Standard Specifications as described herein including modifications to the Standard Specifications. The contractor shall submit a Work Zone Traffic Control Plan for approval to the Resident Engineer at the Pre-Work conference. For two-way roadways, Figures TAST-C1R, TAST-C2R, TAST-C3R, TAST-C4R, TAST-C5R, TAST-C7R, TAST-C1UL, TAST-C2UL, TAST-C3UL, TAST-C4U, TAST-C7UL, TAST-C1UH, TAST-C2UH, TAST-C3UH, and TAST-C7UH included in this document may be used as a basis for development of a Work Zone Traffic Control Plan. For one-way roadways, Figures TAST-C5UL, TAST-C6UL, TAST-C8UL, TAST-C5UH, TAST-C6UH, and TAST-C8UH may be used as a basis for development of a Work Zone Traffic Control Plan. For one-way Freeways or Expressways, Figures TAST-E1, TAST-E2, TAST-E3, TAST-E4, TAST-E5, TAST-E6, and TAST-E7 may be used as a basis for development of a Work Zone Traffic Control Plan.

All necessary flaggers for Work Zone Traffic Control shall be provided by the Contractor. For two-way roadways, a minimum of three flaggers shall be provided while the work operation is underway. One shall be stationed at each end of the applicable operation and one shall be stationed with the operation. For one-way roadways, a minimum of two flaggers shall be provided while work operation is underway. One shall be stationed at the beginning of the applicable operation and one shall be stationed with the operation. The Contractor shall station flaggers such that communication is maintained between the flaggers. Hand signals, radios, pilot vehicles, or some other means of communication may be used subject to the approval of the Resident Engineer.

All costs of Work Zone Traffic Control as prescribed by this specification including flagging, temporary pavement marking and/or delineation, and construction signs, are to be included in the unit price bid. No separate payment shall be made.

**SECTION 10: PAVER PLACED SURFACE TREATMENT – SPECIFIC PROJ. (Cont'd)**

**10.13.1 Permanent Construction Signs**

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

SIGN	MINIMUM SIZE	LOCATION
ROAD WORK NEXT _____ MILES	<u>G20-1</u> Conventional 36" x 18"  Freeways 48" x 24"	On main line upstream of project in each direction
END ROAD WORK	<u>G20-2</u> Conventional 36" x 18"  Freeways 48" x 24"	On main line after end of project in each direction
ROAD WORK AHEAD	<u>W20-1</u> Conventional 36" x 36"  Freeways 48" x 48"	On main line in advance of the affected highway segment in each direction and on major intersecting roads 300 -500 feet in advance of main line. Sign should be covered if it conflicts with temporary signing in the vicinity. (Place between the G20-1 and the first warning sign that states condition- i.e. W8-12, W8-9 or W8-15)
DO NOT PASS	<u>R4-1</u> Conventional 24" x 30"	If 2' x 4" temporary yellow markings are used instead of full barrier centerline pavement markings, place the first sign at or within 100 feet of the beginning of the unmarked area, second within 1,000 feet and subsequent signs, spaced every ½ mile along project in each direction
NO CENTER LINE	<u>W8-12</u> Conventional 36" x 36"	If 2' x 4" temporary yellow markings are used instead of full barrier centerline pavement markings, place the first sign in advance of the condition and the first "DO NOT PASS" sign: 300' urban is preferred (100' minimum), 500' rural is preferred (200' minimum). Place additional signs spaced every 2 miles on mainline in each direction and after every major intersecting road.
LOW SHOULDER	<u>W8-9</u> Conventional 36" x 36"  Freeways 48" x 48"	Place on mainline spaced every 2 miles along project in each direction and after every major intersecting road until shoulder back-up is installed (if conditions warrant use, place between the W8-12 and R4-1, maintaining a minimum of 200' between signs for rural roads and 100' on urban. The W8-12 can be moved upstream to accommodate the required spacing.)
GROOVED PAVEMENT	<u>W8-15</u> Conventional 36" x 36"  Freeways 48" x 48"	On any roadway 500 feet in advance of rebates milled under this contract, but not paved. Remove or cover after paving rebate.

\*\*All signs should maintain an absolute minimum spacing of 200' rural or 100' urban. 500' is preferred on rural and 300' is preferred on urban. Double stacking of any of the above signs, or combination thereof, will NOT be permitted.

## SECTION 10: PAVER PLACED SURFACE TREATMENT – SPECIFIC PROJ. (Cont'd)

Major intersecting roads are defined as through 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. Signs left active at night shall be rigid and reflectorized in accordance with the Standard Specifications.

With prior permission of the State's Resident Engineer, the Vendor may provide portable signs as shown in Figure 6F-2 of the MUTCD for the above referenced DO NOT PASS and NO CENTER LINE signs. 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 2' X 4" temporary yellow markings are used instead of full barrier pavement markings

### 10.13.2 Temporary Pavement Markings

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 except that two-lane, two-way highways may be left without full barrier centerlines in no passing zones for a maximum of 7 calendar days provided that NO CENTER LINE (W8-12, black on orange), NO PASSING ZONE (W14-3, black on orange pennant shaped sign), and DO NOT PASS (R4-1) signs are used consistent with the MUTCD and in conjunction with yellow 2 foot by 4 inch temporary markings consisting of retroreflective removable pavement marking tape, paint or yellow temporary overlay markers installed on a 40 ft. cycle to delineate the centerline location.

The State is responsible for the final pavement markings unless otherwise indicated in the contract. If the vendor chooses to install NO CENTER LINE and DO NOT PASS signs and temporary yellow 2 foot by 4 inch pavement markings in lieu of full barrier centerline markings, the signs shall be left in place until the state has completed installing the final pavement markings. The state will normally complete final pavement markings within 7 days of the project completion. However, if unavoidable situations delay the pavement marking installation the signs shall remain in place for 14 calendar days after the project has been completed or until the state has completed installing the final pavement markings, whichever comes first. If permanent pavement marking cannot be installed within 14 days of the project completion, state must install interim pavement marking including center lines, edge lines, stop bars, and simple crosswalks with no hatching before the end of 14 days after project completion.

All costs for Work Zone Traffic Control including flagging, temporary pavement markings, delineation, and construction signs are to be included in the prices bid per ton or square yard as applicable.

### 10.13.3 Abrading Existing Pavement Markings

The Contractor shall remove any epoxy or thermoplastic pavement markings. Other markings shall be removed as ordered by the Resident Engineer. Care shall be taken to avoid damage to passing traffic. All damage to passing traffic caused by the Contractor's operations shall be the Contractor's responsibility. Waste material generated by the abrading operation shall be cleaned up and disposed of by the Vendor.

When the Contractor abrades the existing pavement markings, the Contractor shall place temporary pavement markings as specified elsewhere in this Invitation for Bids under Work Zone Traffic Control, unless the paving material will be placed the same day as pavement markings are abraded. The Contractor shall make every effort to expeditiously place the paving material in areas where pavement markings have been abraded and temporary pavement markings are in place. Under no circumstances will temporary pavement markings be allowed for more than five calendar days in areas where pavement markings have been abraded. In this event, the Contractor shall be required to place full pavement markings at no cost to the state. During the pavement markings abrading operation, traffic will be controlled by the Contractor in accordance with the Work Zone Traffic Control requirements included herein. The Contractor shall submit a proposed Traffic Control Plan to the Resident Engineer for approval. The plan may be based on the Work Zone Traffic Control drawings included in this Invitation for Bids.

Payment for pavement marking abrading shall be included in the price bid per ton of paver placed surface treatment. No separate payment shall be made.

**SECTION 10: PAVER PLACED SURFACE TREATMENT – SPECIFIC PROJ. (Cont'd)**

**10.13.4 Special Note: Work Zone Intrusion Initiative**

As part of the Department of Transportation's Work Zone Intrusion Initiative, the following countermeasures shall apply to this Invitation for Bids.

**Channelizing Device Spacing Reduction**

A maximum channelizing device spacing of 40 ft. shall be provided at 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 ft. from the work site, the 40-ft. spacing shall be used in the tapers as well.

Drums or vertical panels are preferred for intermediate to long-term stationary 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 ft. intervals to discourage traffic from driving through the closed lane. Transversely placed devices are not required where pilot car are in use.

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

**Flagger Station Enhanced Setups**

Additional cones and a flag tree meeting Section 6F.62 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.

For additional details on Flagger Station Enhanced Setups, see Work Zone Traffic Control drawings in this Invitation for Bids.

**Temporary Rumble Strips**

**a. Description**

This work shall consist of the installation, maintenance and subsequent removal of temporary rumble strips in paving work zones where indicated in the Invitation for Bids or as directed by the Engineer.

**b. 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 by applying four layers of removable black non-reflectORIZED removable 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

Raised asphalt rumble strips shall be formed from hot mix asphalt meeting the requirements of Items 402.058902 or 402.098902. Tack coat meeting the requirements of Materials Designation 702-XXXXT Asphalt Emulsion Diluted Tack Coat shall be used to adhere the rumble strip to the existing pavement. 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. 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 inches  $\pm$  0.1 inches.

**SECTION 10: PAVER PLACED SURFACE TREATMENT – SPECIFIC PROJ. (Cont'd)**

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.

**c. Basis of Payment**

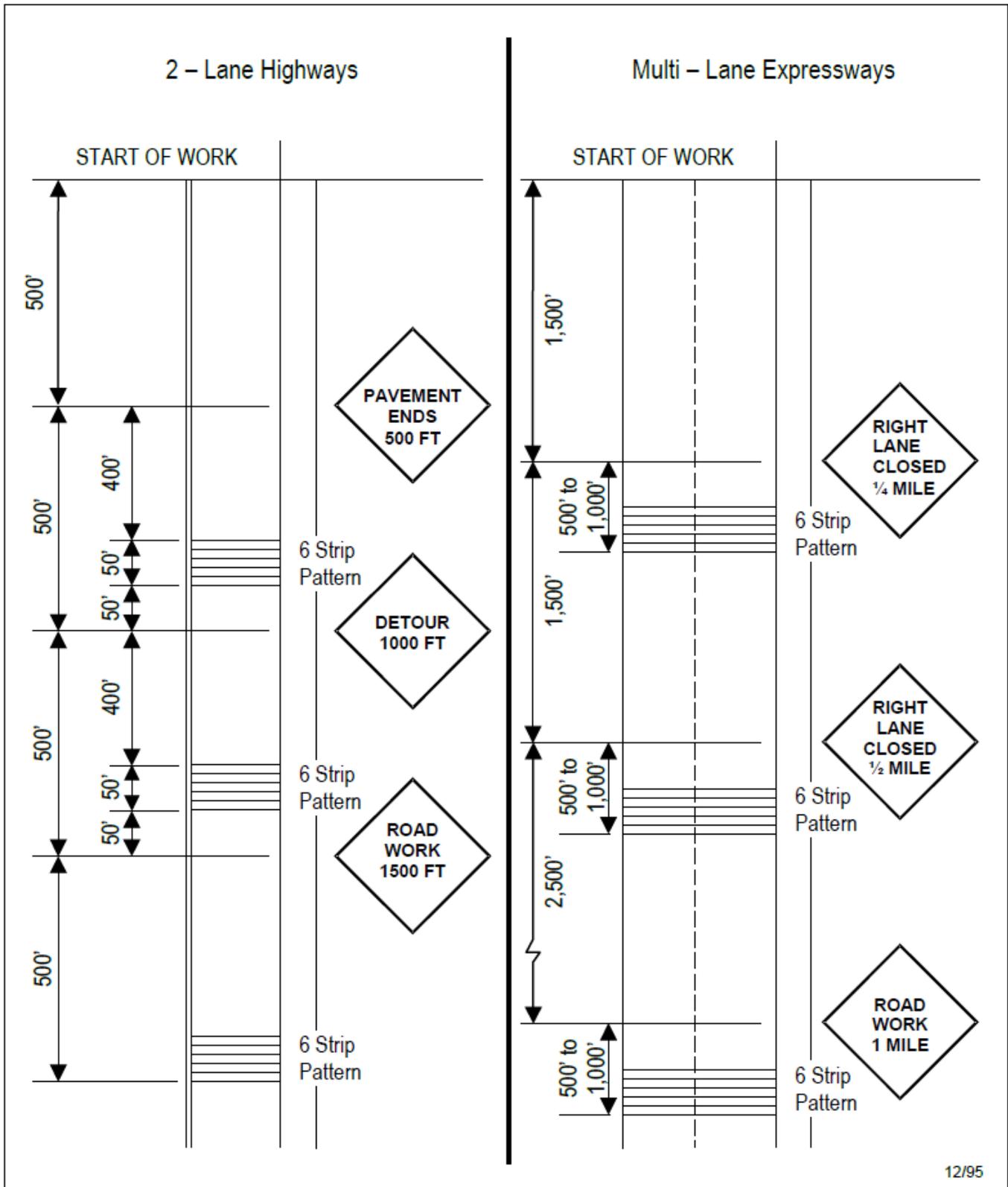
All costs for the installation, maintenance and removal of temporary rumble strips are included in the price per ton or square yard as appropriate. No separate payment shall be made.

**d. Suggested Layout Details Drawing-- Temporary Rumble Strips**

See the Suggested Layout Details Drawing in the next page.

**SECTION 10: PAVER PLACED SURFACE TREATMENT – SPECIFIC PROJ. (Cont'd)**

**Suggested Layout Details -- Temporary Rumble Strips**



**SECTION 10: PAVER PLACED SURFACE TREATMENT – SPECIFIC PROJ. (Cont'd)**

**10.14 Special Notes – Paver Placed Surface Treatment**

**10.14.1 Funding Source (Paver Placed Surface Treatment)**

Project 911132 will be funded by Federal Aid.

**10.15 Detailed Specifications – Paver Placed Surface Treatment**

Please, see Attachment – Detailed Specifications – Liquid Bituminous Materials

**10.15.1 Project Dimensions - Paver Placed Surface Treatment**

Information on pavement widths for projects in this Invitation for Bids is listed for informational purposes only. The dimensions listed are the best information available, but 100% accuracy is not guaranteed. Bidders should visit the project site to confirm the dimensions given and familiarize themselves with the project particulars before submitting a bid. The Department assumes no responsibility for erroneous information listed herein.

The pavement width listed is the total width of all the travel lanes only.

The shoulder width is for one shoulder only.

Project Number	Item	Travel Lanes Width (feet) (total)	Lane Width (feet) (one lane)	Shoulder Width (feet) (one shoulder)	Number of Lanes
911132	415.03020118	24 to 48	12	2 to 10	2 to 4

**10.15.2 Rebates - Paver Placed Surface Treatment**

Project Number	Rebate Location	Rebate Width (feet)
911132	Begin RM 20-9417-1036	36
	CR 31 left	70
	CR 31 right	70
	CR 54 right	75
	Ramp at RM 20-9417-1082 right	80
	End EB RM 20-9417-1083	32
	End WB RM 20-9417-1083	32

**SECTION 11: CONTRACT PERFORMANCE REPORT**

**State of New York  
 Office of General Services  
 Procurement Services  
 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 email (customer.services@ogs.ny.gov) or by mail to:**

OGS – PROCUREMENT SERVICES  
 Customer Services, 38th Floor  
 Corning Tower - Empire State Plaza  
 Albany, New York 12242  
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