

**STANDARD SPECIAL PROVISION**

**AVAILABILITY OF FUNDS - TERMINATION OF CONTRACTS**

In accordance with G.S. 143.18.1 (6), Subsection (5) of G.S. 143-28.1 is hereby incorporated verbatim in this contract. G.S. 143-28.1(5) is as follows:

“(5). Amounts Obligated - Payments subject to the Availability of Funds - Termination of Contracts. Highway maintenance and construction appropriations may be obligated in the amount of allotments made to the Department of Transportation by the Office of State Budget and Management for the estimated payments for maintenance and construction contract work to be performed in the appropriation fiscal year. The allotments shall be multi-year allotments and shall be based on estimated revenues and shall be subject to the maximum contract authority contained in subdivision (2) above. Payment for highway maintenance and construction work performed pursuant to contract in any fiscal year other than the current fiscal year will be subject to appropriations by the General Assembly. Highway maintenance and construction contracts shall contain a schedule of estimated completion progress and any acceleration of this progress shall be subject to the approval of the Department of Transportation provided funds are available. The State reserves the right to terminate or suspend any highway maintenance or construction contract and any highway maintenance or construction contract shall be so terminated or suspended if funds will not be available for payment of the work to be performed during that fiscal year pursuant to the contract. In the event of termination of any contract, the contractor shall be given a written notice of termination at least 60 days before completion of schedule work for which funds are available. In the event of termination, the contractor shall be paid for the work already performed in accordance with the contract specifications”.

Payment will be made on any contract terminated pursuant to the special provision in accordance with Article 108-13, Item 5, of the North Carolina Department of Transportation Standard Specifications for Roads and Structures, dated January 1, 2002.

C201506

**STANDARD SPECIAL PROVISIONS**  
**ERRATA**

04-19-05

Correct the *2002 Standard Specifications* as follows:

**Page 1-61, Subarticle 108-10(A)**

In the first paragraph, first sentence, change the Article reference from 101-24 to 101-25. In the second paragraph, first sentence, add Article reference 101-46 and 101-49.

**Page 1-62, Subarticle 108-10(B) 3.**

In the third paragraph, first sentence, change the Article reference from 101-24 to 101-25; change Article reference 101-47 to 101-48; and change Article reference 101 - 48 to Article 101-49.

**Page 2-21, Subarticle 235-4(B)**

In the third sub-bullet under the eighth bullet in this subarticle, delete the word "subgrade" and insert the words "finished grade".

**Page 3-4, Article 300-10**

Change all references to 300-8 to 300-9.

**Page 5-9, Subarticle 520-3(A)**

Delete the words "at your option".

**Page 5-10, Subarticle 520-6(A)**

In the first sentence, add a period after "(B)" and delete the words "and (C)."

Delete the last sentence of the subarticle.

**Page 8-47, Subarticle 862-6**

Change the subarticle number from 862-6 to 862-7.

Change references in section from 862-5 to 862-6

**Page 8-49, Subarticle 864-4**

In the first paragraph, change the Article reference from 862-3 to **864-3**.

**Page 8-55, Subarticle 866-5(G)**

In the third pay item, insert the words "with Posts" after the word "Fence".

**Page 10-1, Subarticle 1000-3(A)**

In the second paragraph, change 550 psi to 600 psi (4.1 MPa).

**Page 10-2, Subarticle 1000-3(A)**

In the last sentence of the second paragraph on this page, change 550 psi to 600 psi (4.1 MPa).

**Page 10-5, Table 1000-1**

Under the column "Consistency Max. Slump" change the sub-heading 'Non-Vibrated' to 'Vibrated' and change the sub-heading 'Vibrated' to 'Non-Vibrated'. Under the column "Min. Cement Content" change the sub-heading 'Non-Vibrated' to 'Vibrated' and change the sub-heading 'Vibrated' to 'Non-Vibrated'.

**Page 10-17, Table 1005-2**

For Std. Size # 2S make the following changes:

- #50 (0.300) Sieve change the limits from 8 - 30 to **5 - 30**.
- #100 (0.150) Sieve change the limits from 0.5 - 10 to **0 - 10**.

For Std. Size # 2MS make the following changes:

- #50 (0.300) Sieve change the limits from 8 - 35 to **5 - 35**.
- #100 (0.150) Sieve change the limits from 0.5 - 20 to **0 - 20**.

**Page 15-3, Article 1505-3**

In the last paragraph of this article, change Article 300-6 to Article 300-7.

**Page 15-10, Article 1510-5**

In the fourth paragraph, insert a comma after the word "water".

**Page 15-18, Article 1530-2**

In the third paragraph on the page, change "Section 812" to "Section 340".

**Page 16-15, Article 1635-3(A)**

Substitute the second paragraph with the following:

Construct the rock pipe inlet sediment trap type-A with a minimum height of 18 inches (457.2 mm) and a minimum of 12 inches (304.8 mm) below the roadway shoulder or diversion point.

**MINIMUM WAGES**

**Federal:** The Fair Labor Standards Act provides that with certain exceptions every employer must pay wages at the rate of not less than FIVE DOLLARS AND FIFTEEN CENTS (\$5.15) per hour.

**State:** The North Carolina Minimum Wage Act provides that every employer shall pay to each of his employees wages at a rate of not less than FIVE DOLLARS AND FIFTEEN CENTS (\$5.15) per hour.

The minimum wage paid to all skilled labor employed on this contract shall be FIVE DOLLARS AND FIFTEEN CENTS (\$5.15) per hour.

The minimum wage paid to all intermediate labor employed on this contract shall be FIVE DOLLARS AND FIFTEEN CENTS (\$5.15) per hour.

The minimum wage paid to all unskilled labor on this contract shall be FIVE DOLLARS AND FIFTEEN CENTS (\$5.15) per hour.

This determination of the intent of the application of this act to the contract on this project is the responsibility of the Contractor.

The Contractor shall have no claim against the Department of Transportation for any changes in the minimum wage laws, State or Federal. It is the responsibility of the Contractor to keep himself fully informed of all Federal and State Laws affecting his contract.