

**AVAILABILITY OF FUNDS - TERMINATION OF CONTRACTS**

In accordance with *General Statute 143-28.1 (6), Subsection (5) of G.S. 143-28.1* is hereby incorporated verbatim in this contract. *General Statute. 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 Section 108-13 Item (E), of the *North Carolina Department of Transportation Standard Specifications for Roads and Structures*, dated July 1, 2006.

**NCDOT GENERAL SEED SPECIFICATIONS FOR SEED QUALITY:** (5-17-05)

Seed shall be sampled and tested by the North Carolina Department of Agriculture and Consumer Services, Seed Testing Laboratory. When said samples are collected, the vendor shall supply an independent laboratory report for each lot to be tested. Results from seed so sampled shall be final. Seed not meeting the specifications shall be rejected by the Department of Transportation and shall not be delivered to North Carolina Department of Transportation warehouses. If seed has been delivered it shall be available for pickup and replacement at the supplier's expense.

Any re-labeling required by the North Carolina Department of Agriculture and Consumer Services, Seed Testing Laboratory, that would cause the label to reflect as otherwise specified herein shall be rejected by the North Carolina Department of Transportation.

Seed shall be free from seeds of the noxious weeds Johnsongrass, Balloonvine, Jimsonweed, Witchweed, Itchgrass, Serrated Tussock, Showy Crotalaria, Smooth Crotalaria, Sicklepod, Sandbur, Wild Onion, and Wild Garlic. Seed shall not be labeled with the above weed species on the seed analysis label. Tolerances as applied by the Association of Official Seed Analysts will NOT be allowed for the above noxious weeds except for Wild Onion and Wild Garlic.

Tolerances established by the Association of Official Seed Analysts will generally be recognized. However, for the purpose of figuring pure live seed, the found pure seed and found germination percentages as reported by the North Carolina Department of Agriculture and Consumer Services, Seed Testing Laboratory will be used. Allowances, as established by the NCDOT, will be recognized for minimum pure live seed as listed on the following pages.

The specifications for restricted noxious weed seed refers to the number per pound as follows:

| <u>Restricted Noxious Weed</u> | <u>Limitations per Lb. Of Seed</u> | <u>Restricted Noxious Weed</u> | <u>Limitations per Lb. of Seed</u> |
|--------------------------------|------------------------------------|--------------------------------|------------------------------------|
| Blessed Thistle                | 4 seeds                            | Bermudagrass                   | 27 seeds                           |
| Cocklebur                      | 4 seeds                            | Cornflower (Ragged Robin)      | 27 seeds                           |
| Spurred Anoda                  | 4 seeds                            | Texas Panicum                  | 27 seeds                           |
| Velvetleaf                     | 4 seeds                            | Bracted Plantain               | 54 seeds                           |
| Morning-glory                  | 8 seeds                            | Buckhorn Plantain              | 54 seeds                           |
| Corn Cockle                    | 10 seeds                           | Broadleaf Dock                 | 54 seeds                           |
| Wild Radish                    | 12 seeds                           | Curly Dock                     | 54 seeds                           |
| Purple Nutsedge                | 27 seeds                           | Dodder                         | 54 seeds                           |
| Yellow Nutsedge                | 27 seeds                           | Giant Foxtail                  | 54 seeds                           |
| Canada Thistle                 | 27 seeds                           | Horsenettle                    | 54 seeds                           |
| Field Bindweed                 | 27 seeds                           | Quackgrass                     | 54 seeds                           |
| Hedge Bindweed                 | 27 seeds                           | Wild Mustard                   | 54 seeds                           |

Seed of Pensacola Bahiagrass shall not contain more than 7% inert matter, Kentucky Bluegrass and Fine or Hard Fescue shall not contain more than 5% inert matter whereas a maximum of 2% inert matter will be allowed on all other kinds of seed. In addition, all seed shall not contain more than 2% other crop seed or more than 1% total weed seed. The germination rate as tested by the North Carolina Department of Agriculture shall not fall below 70%, which includes both

dormant and hard seed. Seed shall be labeled with not more than 7%, 5% or 2% inert matter (according to above specifications), 2% other crop seed and 1% total weed seed.

Exceptions may be made for minimum pure live seed allowances when cases of seed variety shortages are verified. Pure live seed percentages will be applied in a verified shortage situation. Those purchase orders of deficient seed lots will be credited with the percentage that the seed is deficient.

**FURTHER SPECIFICATIONS FOR EACH SEED GROUP ARE GIVE BELOW:**

Minimum 85% pure live seed; maximum 1% total weed seed; maximum 2% total other crop seed; maximum 144 restricted noxious weed seed per pound. Seed less than 83% pure live seed will not be approved.

Sericea Lespedeza  
Oats (seeds)

Minimum 80% pure live seed; maximum 1% total weed seed; maximum 2% total other crop; maximum 144 restricted noxious weed seed per pound. Seed less than 78% pure live seed will not be approved.

|                                      |                            |
|--------------------------------------|----------------------------|
| Tall Fescue (all approved varieties) | Bermudagrass               |
| Kobe Lespedeza                       | Browntop Millet            |
| Korean Lespedeza                     | German Millet - Strain R   |
| Weeping Lovegrass                    | Centipedegrass             |
| Carpetgrass                          | Clover - Red/White/Crimson |

Minimum 78% pure live seed; maximum 1% total weed seed; maximum 2% total other crop seed; maximum 144 restricted noxious weed seed per pound. Seed less than 76% pure live seed will not be approved.

Common or Sweet Sundangrass

Minimum 76% pure live seed; maximum 1% total weed seed; maximum 2% total other crop seed; maximum 144 restricted noxious weed seed per pound. Seed less than 74% pure live seed will not be approved.

Rye (grain; all varieties)  
Kentucky Bluegrass (all approved varieties)  
Hard Fescue (all approved varieties)  
Shrub (bicolor) Lespedeza

Minimum 70% pure live seed; maximum 1% total weed seed; maximum 2% total other crop seed; maximum 144 restricted noxious weed seed per pound. Seed less than 70% pure live seed will not be approved.

|                   |                      |
|-------------------|----------------------|
| Crownvetch        | Pensacola Bahiagrass |
| Japanese Millet   | Switchgrass          |
| Reed Canary Grass |                      |

Minimum 65% pure live seed; maximum 1% total weed seed; maximum 2% total other crop seed; maximum 144 restricted noxious weed seed per pound. Seed less than 60% pure live seed will not be approved.

Little Bluestem  
Switchgrass

Minimum 75% pure live seed; maximum 1% total weed seed; maximum 2% total other crop seed; maximum 144 restricted noxious weed seed per pound. Seed less than 70% pure live seed will not be approved.

Big Bluestem

Minimum 78% pure live seed; maximum 1% total weed seed; maximum 2% total other crop seed; maximum 144 restricted noxious weed seed per pound. Seed less than 73% pure live seed will not be approved.

Indiangrass

**STANDARD SPECIAL PROVISION ERRATA:** (7-18-06)

Revise the *Standard Specifications for Roads and Structures July 2006* on all projects as follows:

**Division 1**

- ❑ Page 1-1, replace AREA - American Railway Engineering Association with ***American Railway Engineering and Maintenance of Way Association.***
- ❑ Page 1-7, remove -L- in middle of page after INVITATION TO BID and before LABORATORY.
- ❑ Page 1-21, Article 102-11, add ***(A) Paper Bids*** under the 2nd paragraph, just prior to No bid will be considered or .....
- ❑ Page 1-22, Article 102-11, change (A) to ***(B)***
- ❑ Page 1-25, (R) move 2nd paragraph to left margin. It is not a part of this subarticle, but part of the entire article.

**Division 2**

- ❑ Page 2-23, Subarticle 235(B)(9), at the end of the sentence, replace finished greater with finished ***grade.***

**Division 3**

- ❑ Page 3-13, Article 340-4, Second paragraph, change Flowable Backfill to Flowable ***Fill***

**Division 4**

- ❑ Page 4-70, 442-13(B) Second sentence, change SSPC Guide 6I to SSPC Guide **6.**
- ❑ Pages 4-72, 4-74, 4-76, at the top of the page, substitute the heading Section 452 with Section **450.**
- ❑ Page 4-79, at the top of the page, substitute the heading Section 450 with Section **452**
- ❑ Page 4-80, change 452-7 to 452-**6** at the top of the page.
- ❑ Page 4-80, change Pay Item \_\_\_Steel Pile Retaining Walls, to ***Sheet*** Pile Retaining Walls.

**Division 6**

- ❑ Page 6-3, Article 600-9, 3rd Paragraph, replace 818-5 with 818-**4.**
- ❑ Pages 6-30 and 31, Subarticle 610-3(A)(13) Move 2 paragraphs from the margin to the right under the number (13).
- ❑ Page 6-43, Article 610-8, 4th paragraph, remove the first ***the***
- ❑ Page 6-44, 2nd full paragraph, 1<sup>st</sup> sentence, delete the first ***and*** and add ***transverse*** just before cross-slope control.
- ❑ Page 6-51, at the top of the page, add **610-14** on the same line, and just before the heading MAINTENANCE.
- ❑ Page 6-66, title, Replace EXISTNG with **EXISTING**
- ❑ Page 6-67, at the top of the page, substitute the heading Section 654 with Section **657.**

- Page 6-89, Add a period at the end of the last sentence at the bottom of the page.
- Page 6-90, Article 663-5, first paragraph, first sentence, change 50oF to **50°F**; third paragraph, fourth sentence change 325oF to **325°F**.

#### Division 7

- Page 7-12, at the top of the page, substitute the heading Section 710 with Section **700**.
- Page 7-15, Article 710-9, 4th paragraph, last line, change 710-11(B) to **710-10(B)**.

#### Division 8

- Page 8-35, Article 848-2, Item: Replace Concrete with **Concrete**

#### Division 9

- Page 9-2, add **901-3** just before CONSTRUCTION METHODS.

#### Division 10

- Page 10-12, near bottom of page add **(C)** before Proportioning and Mixing of Modified Compositions, which should be bold type.
- Page 10-28, at the top of the page, substitute Section 1006 for 1005.
- Pages 10-56, 10-58, 10-60 at the top of the page, substitute Section 1018 with Section **1020**.
- Page 10-100, Table 1056-1, replace on the line for Trapezoidal Tear Strength:

| Type 1       | Type 2       | Type 3  |         | Type 4             |
|--------------|--------------|---------|---------|--------------------|
|              |              | Class A | Class B | Soil Stabilization |
| <b>45 lb</b> | <b>75 lb</b> | --      | --      | <b>75 lb</b>       |

- Page 10-116, Subarticle 1070-10, first paragraph, second sentence, add **or** just before cold-forged sleeve.
- Pages 10-136 through 10-147, at the top of the page, substitute Section 1074 with Section **1072**.
- Page 10-211, at the top of the page, substitute Section 1081 with Section **1082**.
- Page 10-229, add **1088-6 BLANK** on the line above 1088-7 TUBULAR MARKERS.
- Page 10-244, add **1089-10 BLANK** and **1089-11 BLANK** on the lines just above 1089-12 FLAGGER.
- Page 10-272, delete Article 1098-6 in its entirety. Renumber Articles 1098-7 through 1098-17 as Articles 1098-6 through 1098-16 consecutively.

#### Division 12

- Page 12-21 Add **1266-2** just before the heading MATERIALS.

#### Division 15

- Page 15-2 add **1500-4** just before the heading WEEKEND, NIGHT AND HOLIDAY WORK.

- Page 15-5, add **1505-6** on the same line and just before the heading MEASUREMENT AND PAYMENT. (Remove the period after PAYMENT.)
- Page 15-8, add 1510-4 on the same line and just before the heading MEASUREMENT AND PAYMENT.
- Page 15-10, substitute **BLANK** for CONSTRUCTION REQUIREMENTS on the same line and just after 1515-4.
- Page 15-10, substitute **CONSTRUCTION REQUIREMENTS** for General Requirements
- Page 15-22, add **1540-3** on the same line and just before the heading CONSTRUCTION REQUIREMENTS

#### **Division 16**

- Page 16-12, Subarticle 1632-1(C) ¼ Inch hardware cloth, change the minimum width from 24 inches to 48 inches.

**END**

**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.