

**STANDARD SPECIAL PROVISION**

**AVAILABILITY OF FUNDS – TERMINATION OF CONTRACTS**

(7-1-06)

Z-2

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 Article 108-13(E), of the *North Carolina Department of Transportation Standard Specifications for Roads and Structures*, dated July 1, 2006.

**STANDARD SPECIAL PROVISION****ERRATA**

(1-16-07)

Z-4

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 1-25, (R) move 2nd paragraph to left margin. It is not a part of this subarticle, but part of the entire article.

**Division 2**

- ❑ Page 2-15, Subarticle 226-3, 5th paragraph, first line, replace the word *in* with the word *is*.
- ❑ Page 2-23, Subarticle 235-4(B)(9), at the end of the sentence, replace finished greater with finished *grade*.
- ❑ Page 2-28, Article 260-3, First paragraph, second line, remove the word *foot*.

**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 5**

- ❑ Page 5-8, Article 501-15 Measurement and Payment, delete the 4th paragraph that begins The quantity of lime, measured as provided ...

**Division 6**

- ❑ Page 6-3, Article 600-9, 2nd Paragraph on this page, 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 6-53, Article 620-4 sixth paragraph, second line; the word that should be *which*.
- ❑ 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 8-13, Article 808-3, 4th Paragraph, third line, replace Eexcavation with *Excavation*
- ❑ Page 8-35, Article 848-2, Item: Replace Cncrete 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 10-84, Table 1042-1, Class 2, Maximum, change from 23r to **23**.
- ❑ Page 10-84, Article 1042-2 Testing, last sentence, replace the word alterations with the word *cycles*.
- ❑ 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 15-4, Subarticle 1505-3(A)(2), replace the 2nd line with the following: *Provide shielding or shoring as required under Section 150 or as required elsewhere in the contract.*
- ❑ Page 15-5, add **1505-6** on the same line and just before the heading MEASUREMENT AND PAYMENT. (Remove the period after PAYMENT.)
- ❑ Page 15-6, Article 1505-6(3), delete *in Section 1175* and replace it with *elsewhere in the contract.*
- ❑ 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 before 1515-4.
- ❑ Page 15-10, substitute **CONSTRUCTION REQUIREMENTS** for General Requirements
- ❑ Page 15-13, Article 1520-3, 8th paragraph, add *pipe* after diameter.
- ❑ 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

**STANDARD SPECIAL PROVISION****PLANT AND PEST QUARANTINES****(Imported Fire Ant, Gypsy Moth, Witchweed, And Other Noxious Weeds)**

(3-18-03)

Z-04a

**Within quarantined area**

This project may be within a county regulated for plant and/or pests. If the project or any part of the Contractor's operations is located within a quarantined area, thoroughly clean all equipment prior to moving out of the quarantined area. Comply with federal/state regulations by obtaining a certificate or limited permit for any regulated article moving from the quarantined area.

**Originating in a quarantined county**

Obtain a certificate or limited permit issued by the N.C. Department of Agriculture/United States Department of Agriculture. Have the certificate or limited permit accompany the article when it arrives at the project site.

**Contact**

Contact the N.C. Department of Agriculture/United States Department of Agriculture at 1-800-206-9333, 919-733-6932, or <http://www.ncagr.com/plantind/> to determine those specific project sites located in the quarantined area or for any regulated article used on this project originating in a quarantined county.

**Regulated Articles Include**

1. Soil, sand, gravel, compost, peat, humus, muck, and decomposed manure, separately or with other articles. This includes movement of articles listed above that may be associated with cut/waste, ditch pulling, and shoulder cutting.
2. Plants with roots including grass sod.
3. Plant crowns and roots.
4. Bulbs, corms, rhizomes, and tubers of ornamental plants.
5. Hay, straw, fodder, and plant litter of any kind.
6. Clearing and grubbing debris.
7. Used agricultural cultivating and harvesting equipment.
8. Used earth-moving equipment.
9. Any other products, articles, or means of conveyance, of any character, if determined by an inspector to present a hazard of spreading imported fire ant, gypsy moth, witchweed or other noxious weeds.

**STANDARD SPECIAL PROVISION****MINIMUM WAGES**

(1-16-07)

Z-5

**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 SIX DOLLARS AND FIFTEEN CENTS (\$6.15) per hour.

The minimum wage paid to all skilled labor employed on this contract shall be SIX DOLLARS AND FIFTEEN CENTS (\$6.15) per hour.

The minimum wage paid to all intermediate labor employed on this contract shall be SIX DOLLARS AND FIFTEEN CENTS (\$6.15) per hour.

The minimum wage paid to all unskilled labor on this contract shall be SIX DOLLARS AND FIFTEEN CENTS (\$6.15) 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.