

STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION
RALEIGH, N.C.

PROPOSAL

DATE AND TIME OF BID OPENING: **JUNE 19, 2018 AT 2:00 PM**

CONTRACT ID C204200
WBS 15BPR.16

FEDERAL-AID NO. STATE FUNDED
COUNTY BRUNSWICK
T.I.P. NO.
MILES 0.340
ROUTE NO. NC 130
LOCATION BRIDGE #71 ON NC-130 OVER THE INTRACOASTAL WATERWAY.

TYPE OF WORK BRIDGE PRESERVATION.

NOTICE:

ALL BIDDERS SHALL COMPLY WITH ALL APPLICABLE LAWS REGULATING THE PRACTICE OF GENERAL CONTRACTING AS CONTAINED IN CHAPTER 87 OF THE GENERAL STATUTES OF NORTH CAROLINA WHICH REQUIRES THE BIDDER TO BE LICENSED BY THE N.C. LICENSING BOARD FOR CONTRACTORS WHEN BIDDING ON ANY NON-FEDERAL AID PROJECT WHERE THE BID IS \$30,000 OR MORE, EXCEPT FOR CERTAIN SPECIALTY WORK AS DETERMINED BY THE LICENSING BOARD. BIDDERS SHALL ALSO COMPLY WITH ALL OTHER APPLICABLE LAWS REGULATING THE PRACTICES OF ELECTRICAL, PLUMBING, HEATING AND AIR CONDITIONING AND REFRIGERATION CONTRACTING AS CONTAINED IN CHAPTER 87 OF THE GENERAL STATUTES OF NORTH CAROLINA. NOTWITHSTANDING THESE LIMITATIONS ON BIDDING, THE BIDDER WHO IS AWARDED ANY FEDERAL - AID FUNDED PROJECT SHALL COMPLY WITH CHAPTER 87 OF THE GENERAL STATUTES OF NORTH CAROLINA FOR LICENSING REQUIREMENTS WITHIN 60 CALENDAR DAYS OF BID OPENING.

BIDS WILL BE RECEIVED AS SHOWN BELOW:

THIS IS A ROADWAY & STRUCTURE PROPOSAL

5% BID BOND OR BID DEPOSIT REQUIRED

**PROPOSAL FOR THE CONSTRUCTION OF
CONTRACT No. C204200 IN BRUNSWICK COUNTY, NORTH CAROLINA**

Date _____ 20 _____

**DEPARTMENT OF TRANSPORTATION,
RALEIGH, NORTH CAROLINA**

The Bidder has carefully examined the location of the proposed work to be known as Contract No. C204200 has carefully examined the plans and specifications, which are acknowledged to be part of the proposal, the special provisions, the proposal, the form of contract, and the forms of contract payment bond and contract performance bond; and thoroughly understands the stipulations, requirements and provisions. The undersigned bidder agrees to bound upon his execution of the bid and subsequent award to him by the Board of Transportation in accordance with this proposal to provide the necessary contract payment bond and contract performance bond within fourteen days after the written notice of award is received by him. The undersigned Bidder further agrees to provide all necessary machinery, tools, labor, and other means of construction; and to do all the work and to furnish all materials, except as otherwise noted, necessary to perform and complete the said contract in accordance with *the 2018 Standard Specifications for Roads and Structures* by the dates(s) specified in the Project Special Provisions and in accordance with the requirements of the Engineer, and at the unit or lump sum prices, as the case may be, for the various items given on the sheets contained herein.

The Bidder shall provide and furnish all the materials, machinery, implements, appliances and tools, and perform the work and required labor to construct and complete State Highway Contract No. C204200 in **Brunswick County**, for the unit or lump sum prices, as the case may be, bid by the Bidder in his bid and according to the proposal, plans, and specifications prepared by said Department, which proposal, plans, and specifications show the details covering this project, and hereby become a part of this contract.

The published volume entitled *North Carolina Department of Transportation, Raleigh, Standard Specifications for Roads and Structures, January 2018* with all amendments and supplements thereto, is by reference incorporated into and made a part of this contract; that, except as herein modified, all the construction and work included in this contract is to be done in accordance with the specifications contained in said volume, and amendments and supplements thereto, under the direction of the Engineer.

If the proposal is accepted and the award is made, the contract is valid only when signed either by the Contract Officer or such other person as may be designated by the Secretary to sign for the Department of Transportation. The conditions and provisions herein cannot be changed except over the signature of the said Contract Officer.

The quantities shown in the itemized proposal for the project are considered to be approximate only and are given as the basis for comparison of bids. The Department of Transportation may increase or decrease the quantity of any item or portion of the work as may be deemed necessary or expedient.

An increase or decrease in the quantity of an item will not be regarded as sufficient ground for an increase or decrease in the unit prices, nor in the time allowed for the completion of the work, except as provided for the contract.

Accompanying this bid is a bid bond secured by a corporate surety, or certified check payable to the order of the Department of Transportation, for five percent of the total bid price, which deposit is to be forfeited as liquidated damages in case this bid is accepted and the Bidder shall fail to provide the required payment and performance bonds with the Department of Transportation, under the condition of this proposal, within 14 calendar days after the written notice of award is received by him, as provided in the *Standard Specifications*; otherwise said deposit will be returned to the Bidder.



State Contract Officer

DocuSigned by:

Ronald E. Davenport, Jr.

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PROJECT SPECIAL PROVISIONS**GENERAL****CONTRACT TIME AND LIQUIDATED DAMAGES:**

(7-1-95) (Rev. 12-18-07)

108

SP1 G10 A

The date of availability for this contract is **July 30, 2018**.

The completion date for this contract is **November 1, 2019**.

Except where otherwise provided by the contract, observation periods required by the contract will not be a part of the work to be completed by the completion date and/or intermediate contract times stated in the contract. The acceptable completion of the observation periods that extend beyond the final completion date shall be a part of the work covered by the performance and payment bonds.

The liquidated damages for this contract are **One Thousand Dollars (\$ 1,000.00)** per calendar day.

INTERMEDIATE CONTRACT TIME NUMBER 1 AND LIQUIDATED DAMAGES

(2-20-07)

108

SP1 G14 A

The Contractor shall complete the required work of installing, maintaining, and removing the traffic control devices for lane closures and restoring traffic to the existing traffic pattern. The Contractor shall not close or narrow a lane of traffic on **NC-130 (Holden Beach Road)** during the following time restrictions:

DAY AND TIME RESTRICTIONS**Week before Memorial Day to Week after Labor Day (Summer)****Monday thru Thursday, 5:00 A.M. to 9:00 P.M.****From Friday at 5:00 A.M. to Sunday at 9:00 P.M.****Week after Labor Day to Week before Memorial Day (Off-Season)****Monday thru Thursday, 6:00 A.M. to 9:00 A.M. & 4:00 P.M. to 7:00 P.M.****From Friday 6:00 at A.M. to Sunday at 7:00 P.M.**

The Contractor shall not narrow or close a lane of traffic on **NC-130 (Holden Beach Road)**, detain and /or alter the traffic flow on or during holiday weekends, special events, or any other time when traffic is unusually heavy, including the following schedules:

HOLIDAY AND HOLIDAY WEEKEND LANE CLOSURE RESTRICTIONS

1. For **unexpected occurrence** that creates unusually high traffic volumes, as directed by the Engineer.

2. For **New Year's Day**, between the hours of **6:00 A.M.** December 31st and **9:00 P.M.** January 2nd. If New Year's Day is on a Friday, Saturday, Sunday or Monday, then until **9:00 P.M.** the following Tuesday.
3. For **Easter**, between the hours of **6:00 A.M.** Thursday and **9:00 P.M.** Monday.
4. For **Memorial Day**, between the hours of **5:00 A.M.** Friday and **9:00 P.M.** Tuesday.
5. For **Independence Day**, between the hours of **5:00 A.M.** the day Independence Day and **9:00 P.M.** the day after Independence Day.

If **Independence Day** is on a Friday, Saturday, Sunday or Monday, then between the hours of **5:00 A.M.** the Thursday before Independence Day and **9:00 P.M.** the Tuesday after Independence Day.
6. For **Labor Day**, between the hours of **5:00 A.M.** Friday and **9:00 P.M.** Tuesday.
7. For **Thanksgiving**, between the hours of **6:00 A.M.** Tuesday and **9:00 P.M.** Monday.
8. For **Christmas**, between the hours of **6:00 A.M.** the Friday before the week of Christmas Day and **9:00 P.M.** the following Tuesday after the week of Christmas Day.

Holidays and holiday weekends shall include New Year's, Easter, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas. The Contractor shall schedule his work so that lane closures are not required during these periods, unless otherwise directed by the Engineer.

The time of availability for this intermediate contract work shall be the time the Contractor begins to install all traffic control devices for lane closures according to the time restrictions listed herein.

The completion time for this intermediate contract work shall be the time the Contractor is required to complete the removal of all traffic control devices for lane closures according to the time restrictions stated herein and place traffic in the existing traffic pattern.

The liquidated damages are **One Thousand Two Hundred Fifty Dollars (\$ 1, 250.00)** per fifteen **(15)** minute time period.

MAJOR CONTRACT ITEMS:

(2-19-02)

104

SP1 G28

The following listed items are the major contract items for this contract (see Article 104-5 of the *2018 Standard Specifications*):

Line #	Description
19	Shotcrete Repairs
25	PPC Materials

SPECIALTY ITEMS:

(7-1-95)(Rev. 1-17-12)

108-6

SP1 G37

Items listed below will be the specialty items for this contract (see Article 108-6 of the 2018 Standard Specifications).

Line #	Description
10-12	Long-Life Pavement Markings
13	Permanent Pavement Markers
25, 29 & 30	Polyester Polymer Bridge Deck Overlay

FUEL PRICE ADJUSTMENT:

(11-15-05) (Rev. 2-18-14)

109-8

SP1 G43

Revise the 2018 Standard Specifications as follows:

Page 1-83, Article 109-8, Fuel Price Adjustments, add the following:

The base index price for DIESEL #2 FUEL is \$ **2.2154** per gallon. Where any of the following are included as pay items in the contract, they will be eligible for fuel price adjustment.

The pay items and the fuel factor used in calculating adjustments to be made will be as follows:

Description	Units	Fuel Usage Factor Diesel
Unclassified Excavation	Gal/CY	0.29
Borrow Excavation	Gal/CY	0.29
Class IV Subgrade Stabilization	Gal/Ton	0.55
Aggregate Base Course	Gal/Ton	0.55
Sub-Ballast	Gal/Ton	0.55
Asphalt Concrete Base Course, Type ____	Gal/Ton	2.90
Asphalt Concrete Intermediate Course, Type ____	Gal/Ton	2.90
Asphalt Concrete Surface Course, Type ____	Gal/Ton	2.90
Open-Graded Asphalt Friction Course	Gal/Ton	2.90
Permeable Asphalt Drainage Course, Type ____	Gal/Ton	2.90
Sand Asphalt Surface Course, Type ____	Gal/Ton	2.90
Aggregate for Cement Treated Base Course	Gal/Ton	0.55
Portland Cement for Cement Treated Base Course	Gal/Ton	0.55
__" Portland Cement Concrete Pavement	Gal/SY	0.245
Concrete Shoulders Adjacent to __" Pavement	Gal/SY	0.245

SCHEDULE OF ESTIMATED COMPLETION PROGRESS:

(7-15-08) (Rev. 6-19-18)

108-2

SP1 G58

The Contractor's attention is directed to the Standard Special Provision entitled *Availability of Funds Termination of Contracts* included elsewhere in this proposal. The Department of Transportation's schedule of estimated completion progress for this project as required by that Standard Special Provision is as follows:

	<u>Fiscal Year</u>	<u>Progress (% of Dollar Value)</u>
2019	(7/01/18 - 6/30/19)	84% of Total Amount Bid
2020	(7/01/19 - 6/30/20)	16% of Total Amount Bid

The Contractor shall also furnish his own progress schedule in accordance with Article 108-2 of the *2018 Standard Specifications*. Any acceleration of the progress as shown by the Contractor's progress schedule over the progress as shown above shall be subject to the approval of the Engineer.

MINORITY BUSINESS ENTERPRISE AND WOMEN BUSINESS ENTERPRISE:

(10-16-07)(Rev. 5-15-18)

102-15(J)

SP1 G66

Description

The purpose of this Special Provision is to carry out the North Carolina Department of Transportation's policy of ensuring nondiscrimination in the award and administration of contracts financed in whole or in part with State funds.

Definitions

Additional MBE/WBE Subcontractors - Any MBE/WBE submitted at the time of bid that will not be used to meet the Combined MBE /WBE Goal. No submittal of a Letter of Intent is required.

Combined MBE/WBE Goal: A portion of the total contract, expressed as a percentage that is to be performed by committed MBE/WBE subcontractors.

Committed MBE/WBE Subcontractor - Any MBE/WBE submitted at the time of bid that is being used to meet the Combined MBE /WBE goal by submission of a Letter of Intent. Or any MBE or WBE used as a replacement for a previously committed MBE or WBE firm.

Contract Goal Requirement - The approved participation at time of award, but not greater than the advertised Combined MBE/WBE contract goal.

Goal Confirmation Letter - Written documentation from the Department to the bidder confirming the Contractor's approved, committed participation along with a listing of the committed MBE and WBE firms.

Manufacturer - A firm that operates or maintains a factory or establishment that produces on the premises, the materials or supplies obtained by the Contractor.

MBE Participation (Anticipated) - A portion of the total contract, expressed as a percentage that is anticipated to be performed by committed MBE subcontractor(s).

Minority Business Enterprise (MBE) - A firm certified as a Disadvantaged Minority-Owned Business Enterprise through the North Carolina Unified Certification Program.

Regular Dealer - A firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials or supplies required for the performance of the contract are

bought, kept in stock, and regularly sold to the public in the usual course of business. A regular dealer engages in, as its principal business and in its own name, the purchase and sale or lease of the products in question. A regular dealer in such bulk items as steel, cement, gravel, stone, and petroleum products need not keep such products in stock, if it owns and operates distribution equipment for the products. Brokers and packagers are not regarded as manufacturers or regular dealers within the meaning of this section.

North Carolina Unified Certification Program (NCUCP) - A program that provides comprehensive services and information to applicants for MBE/WBE certification. The MBE/WBE program follows the same regulations as the federal Disadvantaged Business Enterprise (DBE) program in accordance with 49 CFR Part 26.

United States Department of Transportation (USDOT) - Federal agency responsible for issuing regulations (49 CFR Part 26) and official guidance for the DBE program.

WBE Participation (Anticipated) - A portion of the total contract, expressed as a percentage, that is anticipated to be performed by committed WBE subcontractor(s).

Women Business Enterprise (WBE) - A firm certified as a Disadvantaged Women-Owned Business Enterprise through the North Carolina Unified Certification Program.

Forms and Websites Referenced in this Provision

Payment Tracking System - On-line system in which the Contractor enters the payments made to MBE and WBE subcontractors who have performed work on the project.
<https://apps.dot.state.nc.us/Vendor/PaymentTracking/>

DBE-IS Subcontractor Payment Information - Form for reporting the payments made to all MBE/WBE firms working on the project. This form is for paper bid projects only.
<https://connect.ncdot.gov/business/Turnpike/Documents/Form%20DBE-IS%20Subcontractor%20Payment%20Information.pdf>

RF-1 MBE/WBE Replacement Request Form - Form for replacing a committed MBE or WBE.
<http://connect.ncdot.gov/projects/construction/Construction%20Forms/DBE%20MBE%20WBE%20Replacement%20Request%20Form.pdf>

SAF Subcontract Approval Form - Form required for approval to sublet the contract.
<http://connect.ncdot.gov/projects/construction/Construction%20Forms/Subcontract%20Approval%20Form%20Rev.%202012.zip>

JC-1 Joint Check Notification Form - Form and procedures for joint check notification. The form acts as a written joint check agreement among the parties providing full and prompt disclosure of the expected use of joint checks.
<http://connect.ncdot.gov/projects/construction/Construction%20Forms/Joint%20Check%20Notification%20Form.pdf>

Letter of Intent - Form signed by the Contractor and the MBE/WBE subcontractor, manufacturer or regular dealer that affirms that a portion of said contract is going to be performed by the signed MBE/WBE for the estimated amount (based on quantities and unit prices) listed at the time of bid.

<http://connect.ncdot.gov/letting/LetCentral/Letter%20of%20Intent%20to%20Perform%20as%20a%20Subcontractor.pdf>

Listing of MBE and WBE Subcontractors Form - Form for entering MBE/WBE subcontractors on a project that will meet the Combined MBE/WBE goal. This form is for paper bids only.

[http://connect.ncdot.gov/municipalities/Bid%20Proposals%20for%20LGA%20Content/09%20MBE-WBE%20Subcontractors%20\(State\).docx](http://connect.ncdot.gov/municipalities/Bid%20Proposals%20for%20LGA%20Content/09%20MBE-WBE%20Subcontractors%20(State).docx)

Subcontractor Quote Comparison Sheet - Spreadsheet for showing all subcontractor quotes in the work areas where MBEs and WBEs quoted on the project. This sheet is submitted with good faith effort packages.

<http://connect.ncdot.gov/business/SmallBusiness/Documents/DBE%20Subcontractor%20Quote%20Comparison%20Example.xls>

Combined MBE/WBE Goal

The Combined MBE/WBE Goal for this project is **0.0 %**

The Combined Goal was established utilizing the following anticipated participation for Minority Business Enterprises and Women Business Enterprises:

(A) **Minority Business Enterprises 0.0 %**

- (1) *If the anticipated MBE participation is more than zero*, the Contractor shall exercise all necessary and reasonable steps to ensure that MBEs participate in at least the percent of the contract as set forth above.
- (2) *If the anticipated MBE participation is zero*, the Contractor shall make an effort to recruit and use MBEs during the performance of the contract. Any MBE participation obtained shall be reported to the Department.

(B) **Women Business Enterprises 0.0 %**

- (1) *If the anticipated WBE participation is more than zero*, the Contractor shall exercise all necessary and reasonable steps to ensure that WBEs participate in at least the percent of the contract as set forth above.
- (2) *If the anticipated WBE participation is zero*, the Contractor shall make an effort to recruit and use WBEs during the performance of the contract. Any WBE participation obtained shall be reported to the Department.

The Bidder is required to submit only participation to meet the Combined MBE/WBE Goal. The Combined Goal may be met by submitting all MBE participation, all WBE participation, or a combination of MBE and WBE participation.

Directory of Transportation Firms (Directory)

Real-time information is available about firms doing business with the Department and firms that are certified through NCUCP in the Directory of Transportation Firms. Only firms identified in the Directory as MBE and WBE certified shall be used to meet the Combined MBE/WBE Goal. The Directory can be found at the following link.

<https://www.ebs.nc.gov/VendorDirectory/default.html>

The listing of an individual firm in the directory shall not be construed as an endorsement of the firm's capability to perform certain work.

Listing of MBE/WBE Subcontractors

At the time of bid, bidders shall submit all MBE and WBE participation that they anticipate to use during the life of the contract. Only those identified to meet the Combined MBE/WBE Goal will be considered committed, even though the listing shall include both committed MBE/WBE subcontractors and additional MBE/WBE subcontractors. Any additional MBE/WBE subcontractor participation above the goal will follow the banking guidelines found elsewhere in this provision. All other additional MBE/WBE subcontractor participation submitted at the time of bid will be used toward the Department's overall race-neutral goals. Only those firms with current MBE and WBE certification at the time of bid opening will be acceptable for listing in the bidder's submittal of MBE and WBE participation. The Contractor shall indicate the following required information:

(A) Electronic Bids

Bidders shall submit a listing of MBE and WBE participation in the appropriate section of Expedite, the bidding software of Bid Express®.

- (1) Submit the names and addresses of MBE and WBE firms identified to participate in the contract. If the bidder uses the updated listing of MBE and WBE firms shown in Expedite, the bidder may use the dropdown menu to access the name and address of the firms.
- (2) Submit the contract line numbers of work to be performed by each MBE and WBE firm. When no figures or firms are entered, the bidder will be considered to have no MBE or WBE participation.
- (3) The bidder shall be responsible for ensuring that the MBE and WBE are certified at the time of bid by checking the Directory of Transportation Firms. If the firm is not certified at the time of the bid-letting, that MBE's or WBE's participation will not count towards achieving the Combined MBE/WBE goal.

(B) Paper Bids

- (1) *If the Combined MBE/WBE Goal is more than zero,*
 - (a) Bidders, at the time the bid proposal is submitted, shall submit a listing of MBE/WBE participation, including the names and addresses on *Listing of MBE and WBE Subcontractors* contained elsewhere in the contract documents in order for the bid to be considered responsive. Bidders shall indicate the total dollar value of the MBE and WBE participation for the contract.
 - (b) If bidders have no MBE or WBE participation, they shall indicate this on the *Listing of MBE and WBE Subcontractors* by entering the word “None” or the number “0.” This form shall be completed in its entirety. **Blank forms will not be deemed to represent zero participation.** Bids submitted that do not have MBE and WBE participation indicated on the appropriate form will not be read publicly during the opening of bids. The Department will not consider these bids for award and the proposal will be rejected.
 - (c) The bidder shall be responsible for ensuring that the MBE/WBE is certified at the time of bid by checking the Directory of Transportation Firms. If the firm is not certified at the time of the bid-letting, that MBE’s or WBE’s participation will not count towards achieving the Combined MBE/WBE Goal.
- (2) *If the Combined MBE/WBE Goal is zero,* entries on the *Listing of MBE and WBE Subcontractors* are not required for the zero goal, however any MBE or WBE participation that is achieved during the project shall be reported in accordance with requirements contained elsewhere in the special provision.

MBE or WBE Prime Contractor

When a certified MBE or WBE firm bids on a contract that contains a Combined MBE/WBE goal, the firm is responsible for meeting the goal or making good faith efforts to meet the goal, just like any other bidder. In most cases, a MBE or WBE bidder on a contract will meet the Combined MBE/WBE Goal by virtue of the work it performs on the contract with its own forces. However, all the work that is performed by the MBE or WBE bidder and any other similarly certified subcontractors will count toward the goal. The MBE or WBE bidder shall list itself along with any MBE or WBE subcontractors, if any, in order to receive credit toward the goal.

MBE/WBE prime contractors shall also follow Sections A and B listed under *Listing of MBE/WBE Subcontractor* just as a non-MBE/WBE bidder would.

Written Documentation – Letter of Intent

The bidder shall submit written documentation for each MBE/WBE that will be used to meet the Combined MBE/WBE Goal of the contract, indicating the bidder’s commitment to use the

MBE/WBE in the contract. This documentation shall be submitted on the Department's form titled *Letter of Intent*.

The documentation shall be received in the office of the State Contractor Utilization Engineer or at DBE@ncdot.gov no later than 10:00 a.m. of the sixth calendar day following opening of bids, unless the sixth day falls on an official state holiday. In that situation, it is due in the office of the State Contractor Utilization Engineer no later than 10:00 a.m. on the next official state business day.

If the bidder fails to submit the Letter of Intent from each committed MBE and WBE to be used toward the Combined MBE/WBE Goal, or if the form is incomplete (i.e. both signatures are not present), the MBE/WBE participation will not count toward meeting the Combined MBE/WBE Goal. If the lack of this participation drops the commitment below the Combined MBE/WBE Goal, the Contractor shall submit evidence of good faith efforts for the goal, completed in its entirety, to the State Contractor Utilization Engineer or DBE@ncdot.gov no later than 10:00 a.m. on the eighth calendar day following opening of bids, unless the eighth day falls on an official state holiday. In that situation, it is due in the office of the State Contractor Utilization Engineer no later than 10:00 a.m. on the next official state business day.

Banking MBE/WBE Credit

If the bid of the lowest responsive bidder exceeds \$500,000 and if the committed MBE/WBE participation submitted exceeds the algebraic sum of the Combined MBE/WBE Goal by \$1,000 or more, the excess will be placed on deposit by the Department for future use by the bidder. Separate accounts will be maintained for MBE and WBE participation and these may accumulate for a period not to exceed 24 months.

When the apparent lowest responsive bidder fails to submit sufficient participation by MBE and WBE firms to meet the advertised goal, as part of the good faith effort, the Department will consider allowing the bidder to withdraw funds to meet the Combined MBE/WBE Goal as long as there are adequate funds available from the bidder's MBE and WBE bank accounts.

Submission of Good Faith Effort

If the bidder fails to meet or exceed the Combined MBE/WBE Goal, the apparent lowest responsive bidder shall submit to the Department documentation of adequate good faith efforts made to reach that specific goal.

A hard copy and an electronic copy of this information shall be received in the office of the State Contractor Utilization Engineer or at DBE@ncdot.gov no later than 10:00 a.m. on the sixth calendar day following opening of bids unless the sixth day falls on an official state holiday. In that situation, it would be due in the office of the State Contractor Utilization Engineer no later than 10:00 a.m. on the next official state business day. If the contractor cannot send the information electronically, then one complete set and 5 copies of this information shall be received under the same time constraints above.

Note: Where the information submitted includes repetitious solicitation letters, it will be acceptable to submit a representative letter along with a distribution list of the firms that were

solicited. Documentation of MBE/WBE quotations shall be a part of the good faith effort submittal. This documentation may include written subcontractor quotations, telephone log notations of verbal quotations, or other types of quotation documentation.

Consideration of Good Faith Effort for Projects with a Combined MBE/WBE Goal More Than Zero

Adequate good faith efforts mean that the bidder took all necessary and reasonable steps to achieve the goal which, by their scope, intensity, and appropriateness, could reasonably be expected to obtain sufficient MBE/WBE participation. Adequate good faith efforts also mean that the bidder actively and aggressively sought MBE/WBE participation. Mere *pro forma* efforts are not considered good faith efforts.

The Department will consider the quality, quantity, and intensity of the different kinds of efforts a bidder has made. Listed below are examples of the types of actions a bidder will take in making a good faith effort to meet the goals and are not intended to be exclusive or exhaustive, nor is it intended to be a mandatory checklist.

- (A) Soliciting through all reasonable and available means (e.g. attendance at pre-bid meetings, advertising, written notices, use of verifiable electronic means through the use of the NCDOT Directory of Transportation Firms) the interest of all certified MBEs/WBEs that are also prequalified subcontractors. The bidder must solicit this interest within at least 10 days prior to bid opening to allow the MBEs/WBEs to respond to the solicitation. Solicitation shall provide the opportunity to MBEs/WBEs within the Division and surrounding Divisions where the project is located. The bidder must determine with certainty if the MBEs/WBEs are interested by taking appropriate steps to follow up initial solicitations.
- (B) Selecting portions of the work to be performed by MBEs/WBEs in order to increase the likelihood that the Combined MBE/WBE Goal will be achieved.
 - (1) Where appropriate, break out contract work items into economically feasible units to facilitate MBE/WBE participation, even when the prime contractor might otherwise prefer to perform these work items with its own forces.
 - (2) Negotiate with subcontractors to assume part of the responsibility to meet the advertised goal when the work to be sublet includes potential for MBE/WBE participation (2nd and 3rd tier subcontractors).
- (C) Providing interested certified MBEs/WBEs that are also prequalified subcontractors with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation.
- (D) (1) Negotiating in good faith with interested MBEs/WBEs. It is the bidder's responsibility to make a portion of the work available to MBE/WBE subcontractors and suppliers and to select those portions of the work or material needs consistent with the available MBE/WBE subcontractors and suppliers, so as to facilitate MBE/WBE participation. Evidence of such negotiation includes the names, addresses, and telephone numbers of MBEs/WBEs that were considered;

a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and evidence as to why additional agreements could not be reached for MBEs/WBEs to perform the work.

- (2) A bidder using good business judgment would consider a number of factors in negotiating with subcontractors, including MBE/WBE subcontractors, and would take a firm's price and capabilities as well as the advertised goal into consideration. However, the fact that there may be some additional costs involved in finding and using MBEs/WBEs is not in itself sufficient reason for a bidder's failure to meet the contract goal, as long as such costs are reasonable. Also, the ability or desire of a prime contractor to perform the work of a contract with its own organization does not relieve the bidder of the responsibility to make good faith efforts. Bidding contractors are not, however, required to accept higher quotes from MBEs/WBEs if the price difference is excessive or unreasonable.
- (E) Not rejecting MBEs/WBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities. The bidder's standing within its industry, membership in specific groups, organizations, or associates and political or social affiliations (for example, union vs. non-union employee status) are not legitimate causes for the rejection or non-solicitation of bids in the bidder's efforts to meet the project goal.
- (F) Making efforts to assist interested MBEs/WBEs in obtaining bonding, lines of credit, or insurance as required by the recipient or bidder.
- (G) Making efforts to assist interested MBEs/WBEs in obtaining necessary equipment, supplies, materials, or related assistance or services.
- (H) Effectively using the services of available minority/women community organizations; minority/women contractors' groups; Federal, State, and local minority/women business assistance offices; and other organizations as allowed on a case-by-case basis to provide assistance in the recruitment and placement of MBEs/WBEs. Contact within 7 days from the bid opening the Business Opportunity and Work Force Development Unit at BOWD@ncdot.gov to give notification of the bidder's inability to get MBE or WBE quotes.
- (I) Any other evidence that the bidder submits which shows that the bidder has made reasonable good faith efforts to meet the advertised goal.

In addition, the Department may take into account the following:

- (1) Whether the bidder's documentation reflects a clear and realistic plan for achieving the Combined MBE/WBE Goal.
- (2) The bidders' past performance in meeting the contract goal.
- (3) The performance of other bidders in meeting the advertised goal. For example, when the apparent successful bidder fails to meet the goal, but others meet it, you may reasonably raise the question of whether, with additional reasonable efforts the

apparent successful bidder could have met the goal. If the apparent successful bidder fails to meet the advertised goal, but meets or exceeds the average MBE and WBE participation obtained by other bidders, the Department may view this, in conjunction with other factors, as evidence of the apparent successful bidder having made a good faith effort.

If the Department does not award the contract to the apparent lowest responsive bidder, the Department reserves the right to award the contract to the next lowest responsive bidder that can satisfy to the Department that the Combined MBE/WBE Goal can be met or that an adequate good faith effort has been made to meet the advertised goal.

Non-Good Faith Appeal

The State Contractual Services Engineer will notify the contractor verbally and in writing of non-good faith. A contractor may appeal a determination of non-good faith made by the Goal Compliance Committee. If a contractor wishes to appeal the determination made by the Committee, they shall provide written notification to the State Contractual Services Engineer or at DBE@ncdot.gov. The appeal shall be made within 2 business days of notification of the determination of non-good faith.

Counting MBE/WBE Participation Toward Meeting the Combined MBE/WBE Goal

(A) Participation

The total dollar value of the participation by a committed MBE/WBE will be counted toward the contract goal requirements. The total dollar value of participation by a committed MBE/WBE will be based upon the value of work actually performed by the MBE/WBE and the actual payments to MBE/WBE firms by the Contractor.

(B) Joint Checks

Prior notification of joint check use shall be required when counting MBE/WBE participation for services or purchases that involves the use of a joint check. Notification shall be through submission of Form JC-1 (*Joint Check Notification Form*) and the use of joint checks shall be in accordance with the Department's Joint Check Procedures.

(C) Subcontracts (Non-Trucking)

A MBE/WBE may enter into subcontracts. Work that a MBE subcontracts to another MBE firm may be counted toward the anticipated MBE participation. The same holds true for work that a WBE subcontracts to another WBE firm. Work that a MBE/WBE subcontracts to a non-MBE/WBE firm does not count toward the contract goal requirement. It should be noted that every effort shall be made by MBE and WBE contractors to subcontract to the same certification (i.e., MBEs to MBEs and WBEs to WBEs), in order to fulfill the MBE or WBE participation breakdown. This, however, may not always be possible due to the limitation of firms in the area. If the MBE or WBE firm shows a good faith effort has been made to reach out to similarly certified firms and there is no interest or availability,

and they can get assistance from other certified firms, the Engineer will not hold the prime responsible for meeting the individual MBE or WBE breakdown. If a MBE or WBE contractor or subcontractor subcontracts a significantly greater portion of the work of the contract than would be expected on the basis of standard industry practices, it shall be presumed that the MBE or WBE is not performing a commercially useful function.

(D) Joint Venture

When a MBE or WBE performs as a participant in a joint venture, the Contractor may count toward its contract goal requirement a portion of the total value of participation with the MBE or WBE in the joint venture, that portion of the total dollar value being a distinct clearly defined portion of work that the MBE or WBE performs with its forces.

(E) Suppliers

A contractor may count toward its MBE/ WBE requirement 60 percent of its expenditures for materials and supplies required to complete the contract and obtained from a MBE or WBE regular dealer and 100 percent of such expenditures from a MBE or WBE manufacturer.

(F) Manufacturers and Regular Dealers

A contractor may count toward its MBE/ WBE requirement the following expenditures to MBE/WBE firms that are not manufacturers or regular dealers:

- (1) The fees or commissions charged by a MBE/WBE firm for providing a *bona fide* service, such as professional, technical, consultant, or managerial services, or for providing bonds or insurance specifically required for the performance of a DOT-assisted contract, provided the fees or commissions are determined to be reasonable and not excessive as compared with fees and commissions customarily allowed for similar services.
- (2) With respect to materials or supplies purchased from a MBE/WBE, which is neither a manufacturer nor a regular dealer, count the entire amount of fees or commissions charged for assistance in the procurement of the materials and supplies, or fees or transportation charges for the delivery of materials or supplies required on a job site (but not the cost of the materials and supplies themselves), provided the fees are determined to be reasonable and not excessive as compared with fees customarily allowed for similar services.

Commercially Useful Function

(A) MBE/WBE Utilization

The Contractor may count toward its contract goal requirement only expenditures to MBEs and WBEs that perform a commercially useful function in the work of a contract. A MBE/WBE performs a commercially useful function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually

performing, managing, and supervising the work involved. To perform a commercially useful function, the MBE/WBE shall also be responsible with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material and installing (where applicable) and paying for the material itself. To determine whether a MBE/WBE is performing a commercially useful function, the Department will evaluate the amount of work subcontracted, industry practices, whether the amount the firm is to be paid under the contract is commensurate with the work it is actually performing and the MBE/WBE credit claimed for its performance of the work, and any other relevant factors. If it is determined that a MBE or WBE is not performing a Commercially Useful Function, the contractor may present evidence to rebut this presumption to the Department.

(B) MBE/WBE Utilization in Trucking

The following factors will be used to determine if a MBE or WBE trucking firm is performing a commercially useful function:

- (1) The MBE/WBE shall be responsible for the management and supervision of the entire trucking operation for which it is responsible on a particular contract, and there shall not be a contrived arrangement for the purpose of meeting the Combined MBE/WBE Goal.
- (2) The MBE/WBE shall itself own and operate at least one fully licensed, insured, and operational truck used on the contract.
- (3) The MBE/WBE receives credit for the total value of the transportation services it provides on the contract using trucks it owns, insures, and operates using drivers it employs.
- (4) The MBE may subcontract the work to another MBE firm, including an owner-operator who is certified as a MBE. The same holds true that a WBE may subcontract the work to another WBE firm, including an owner-operator who is certified as a WBE. When this occurs, the MBE or WBE who subcontracts work receives credit for the total value of the transportation services the subcontracted MBE or WBE provides on the contract. It should be noted that every effort shall be made by MBE and WBE contractors to subcontract to the same certification (i.e., MBEs to MBEs and WBEs to WBEs), in order to fulfill the participation breakdown. This, however, may not always be possible due to the limitation of firms in the area. If the MBE or WBE firm shows a good faith effort has been made to reach out to similarly certified transportation service providers and there is no interest or availability, and they can get assistance from other certified providers, the Engineer will not hold the prime responsible for meeting the individual MBE or WBE participation breakdown.
- (5) The MBE/WBE may also subcontract the work to a non-MBE/WBE firm, including from an owner-operator. The MBE/WBE who subcontracts the work to a non-MBE/WBE is entitled to credit for the total value of transportation services

provided by the non-MBE/WBE subcontractor not to exceed the value of transportation services provided by MBE/WBE-owned trucks on the contract. Additional participation by non-MBE/WBE subcontractors receives credit only for the fee or commission it receives as a result of the subcontract arrangement. The value of services performed under subcontract agreements between the MBE/WBE and the Contractor will not count towards the MBE/WBE contract requirement.

- (6) A MBE/WBE may lease truck(s) from an established equipment leasing business open to the general public. The lease must indicate that the MBE/WBE has exclusive use of and control over the truck. This requirement does not preclude the leased truck from working for others during the term of the lease with the consent of the MBE/WBE, so long as the lease gives the MBE/WBE absolute priority for use of the leased truck. This type of lease may count toward the MBE/WBE's credit as long as the driver is under the MBE/WBE's payroll.
- (7) Subcontracted/leased trucks shall display clearly on the dashboard the name of the MBE/WBE that they are subcontracted/leased to and their own company name if it is not identified on the truck itself. Magnetic door signs are not permitted.

MBE/WBE Replacement

When a Contractor has relied on a commitment to a MBE or WBE firm (or an approved substitute MBE or WBE firm) to meet all or part of a contract goal requirement, the contractor shall not terminate the MBE/WBE for convenience. This includes, but is not limited to, instances in which the Contractor seeks to perform the work of the terminated subcontractor with another MBE/WBE subcontractor, a non-MBE/WBE subcontractor, or with the Contractor's own forces or those of an affiliate. A MBE/WBE may only be terminated after receiving the Engineer's written approval based upon a finding of good cause for the proposed termination. The prime contractor must give the MBE/WBE firm 5 days to respond to the prime contractor's notice of intent to terminate and advise the prime contractor and the Department of the reasons, if any, why the firm objects to the proposed termination of its subcontract and why the Department should not approve the action.

All requests for replacement of a committed MBE/WBE firm shall be submitted to the Engineer for approval on Form RF-1 (*Replacement Request*). If the Contractor fails to follow this procedure, the Contractor may be disqualified from further bidding for a period of up to 6 months.

The Contractor shall comply with the following for replacement of a committed MBE/WBE:

(A) Performance Related Replacement

When a committed MBE/WBE is terminated for good cause as stated above, an additional MBE/WBE that was submitted at the time of bid may be used to fulfill the MBE/WBE commitment to meet the Combined MBE/WBE Goal. A good faith effort will only be required for removing a committed MBE/WBE if there were no additional MBEs/WBEs submitted at the time of bid to cover the same amount of work as the MBE/WBE that was terminated.

If a replacement MBE/WBE is not found that can perform at least the same amount of work as the terminated MBE/WBE, the Contractor shall submit a good faith effort documenting the steps taken. Such documentation shall include, but not be limited to, the following:

- (1) Copies of written notification to MBEs/WBEs that their interest is solicited in contracting the work defaulted by the previous MBE/WBE or in subcontracting other items of work in the contract.
 - (2) Efforts to negotiate with MBEs/WBEs for specific subbids including, at a minimum:
 - (a) The names, addresses, and telephone numbers of MBEs/WBEs who were contacted.
 - (b) A description of the information provided to MBEs/WBEs regarding the plans and specifications for portions of the work to be performed.
 - (3) A list of reasons why MBE/WBE quotes were not accepted.
 - (4) Efforts made to assist the MBEs/WBEs contacted, if needed, in obtaining bonding or insurance required by the Contractor.
- (B) Decertification Replacement
- (1) When a committed MBE/WBE is decertified by the Department after the SAF (*Subcontract Approval Form*) has been received by the Department, the Department will not require the Contractor to solicit replacement MBE/WBE participation equal to the remaining work to be performed by the decertified firm. The participation equal to the remaining work performed by the decertified firm will count toward the contract goal requirement.
 - (2) When a committed MBE/WBE is decertified prior to the Department receiving the SAF (*Subcontract Approval Form*) for the named MBE/WBE firm, the Contractor shall take all necessary and reasonable steps to replace the MBE/WBE subcontractor with another similarly certified MBE/WBE subcontractor to perform at least the same amount of work to meet the Combined MBE/WBE Goal requirement. If a MBE/WBE firm is not found to do the same amount of work, a good faith effort must be submitted to NCDOT (see A herein for required documentation).

Changes in the Work

When the Engineer makes changes that result in the reduction or elimination of work to be performed by a committed MBE/WBE, the Contractor will not be required to seek additional participation. When the Engineer makes changes that result in additional work to be performed by a MBE/WBE based upon the Contractor's commitment, the MBE/WBE shall participate in additional work to the same extent as the MBE/WBE participated in the original contract work.

When the Engineer makes changes that result in extra work, which has more than a minimal impact on the contract amount, the Contractor shall seek additional participation by MBEs/WBEs unless otherwise approved by the Engineer.

When the Engineer makes changes that result in an alteration of plans or details of construction, and a portion or all of the work had been expected to be performed by a committed MBE/WBE, the Contractor shall seek participation by MBEs/WBEs unless otherwise approved by the Engineer.

When the Contractor requests changes in the work that result in the reduction or elimination of work that the Contractor committed to be performed by a MBE/WBE, the Contractor shall seek additional participation by MBEs/WBEs equal to the reduced MBE/WBE participation caused by the changes.

Reports and Documentation

A SAF (*Subcontract Approval Form*) shall be submitted for all work which is to be performed by a MBE/WBE subcontractor. The Department reserves the right to require copies of actual subcontract agreements involving MBE/WBE subcontractors.

When using transportation services to meet the contract commitment, the Contractor shall submit a proposed trucking plan in addition to the SAF. The plan shall be submitted prior to beginning construction on the project. The plan shall include the names of all trucking firms proposed for use, their certification type(s), the number of trucks owned by the firm, as well as the individual truck identification numbers, and the line item(s) being performed.

Within 30 calendar days of entering into an agreement with a MBE/WBE for materials, supplies or services, not otherwise documented by the SAF as specified above, the Contractor shall furnish the Engineer a copy of the agreement. The documentation shall also indicate the percentage (60% or 100%) of expenditures claimed for MBE/WBE credit.

Reporting Minority and Women Business Enterprise Participation

The Contractor shall provide the Engineer with an accounting of payments made to all MBE/WBE firms, including material suppliers and contractors at all levels (prime, subcontractor, or second tier subcontractor). This accounting shall be furnished to the Engineer for any given month by the end of the following month. Failure to submit this information accordingly may result in the following action:

- (A) Withholding of money due in the next partial pay estimate; or
- (B) Removal of an approved contractor from the prequalified bidders' list or the removal of other entities from the approved subcontractors list.

While each contractor (prime, subcontractor, 2nd tier subcontractor) is responsible for accurate accounting of payments to MBEs/WBEs, it shall be the prime contractor's responsibility to report all monthly and final payment information in the correct reporting manner.

Failure on the part of the Contractor to submit the required information in the time frame specified may result in the disqualification of that contractor and any affiliate companies from further bidding until the required information is submitted.

Failure on the part of any subcontractor to submit the required information in the time frame specified may result in the disqualification of that contractor and any affiliate companies from being approved for work on future DOT projects until the required information is submitted.

Contractors reporting transportation services provided by non-MBE/WBE lessees shall evaluate the value of services provided during the month of the reporting period only.

At any time, the Engineer can request written verification of subcontractor payments.

The Contractor shall report the accounting of payments through the Department's Payment Tracking System.

Failure to Meet Contract Requirements

Failure to meet contract requirements in accordance with Subarticle 102-15(J) of the *2018 Standard Specifications* may be cause to disqualify the Contractor.

OUTSOURCING OUTSIDE THE USA:

(9-21-04) (Rev. 5-16-06)

SP1 G150

All work on consultant contracts, services contracts, and construction contracts shall be performed in the United States of America. No work shall be outsourced outside of the United States of America.

Outsourcing for the purpose of this provision is defined as the practice of subcontracting labor, work, services, staffing, or personnel to entities located outside of the United States.

The North Carolina Secretary of Transportation shall approve exceptions to this provision in writing.

PROJECT SPECIAL PROVISIONS**ROADWAY****PRICE ADJUSTMENT - ASPHALT BINDER FOR PLANT MIX:**

(11-21-00)

620

SP6 R25

Price adjustments for asphalt binder for plant mix will be made in accordance with Section 620 of the *2018 Standard Specifications*.

The base price index for asphalt binder for plant mix is \$ **455.56** per ton.

This base price index represents an average of F.O.B. selling prices of asphalt binder at supplier's terminals on **May 1, 2018**.

ASPHALT CONCRETE PLANT MIX PAVEMENTS:

(2-20-18)

610, 1012

SP6 R65

Revise the *2018 Standard Specifications* as follows:

Page 6-17, Table 610-1, MIXING TEMPERATURE AT THE ASPHALT PLANT, replace with the following:

TABLE 610-1 MIXING TEMPERATURE AT THE ASPHALT PLANT	
Binder Grade	JMF Temperature
PG 58-28; PG 64-22	250 - 290°F
PG 76-22	300 - 325°F

Page 6-17, Subarticle 610-3(C), Job Mix Formula (JMF), lines 38-39, delete the fourth paragraph.

Page 6-18, Subarticle 610-3(C), Job Mix Formula (JMF), line 12, replace “SF9.5A” with “S9.5B”.

Page 6-18, Table 610-3, MIX DESIGN CRITERIA, replace with the following:

Mix Type	Design ESALs millions ^A	Binder PG Grade ^B	Compaction Levels		Max. Rut Depth (mm)	Volumetric Properties			
			Gmm @			VMA	VTM	VFA	%Gmm @ Nini
			Nini	Ndes		% Min.	%	Min.-Max.	
S4.75A	< 1	64 - 22	6	50	11.5	16.0	4.0 - 6.0	65 - 80	≤ 91.5
S9.5B	0 - 3	64 - 22	6	50	9.5	16.0	3.0 - 5.0	70 - 80	≤ 91.5
S9.5C	3 - 30	64 - 22	7	65	6.5	15.5	3.0 - 5.0	65 - 78	≤ 90.5
S9.5D	> 30	76 - 22	8	100	4.5	15.5	3.0 - 5.0	65 - 78	≤ 90.0
I19.0C	ALL	64 - 22	7	65	-	13.5	3.0 - 5.0	65 - 78	≤ 90.5
B25.0C	ALL	64 - 22	7	65	-	12.5	3.0 - 5.0	65 - 78	≤ 90.5
Design Parameter						Design Criteria			
All Mix Types	Dust to Binder Ratio ($P_{0.075} / P_{be}$)					0.6 - 1.4 ^C			
	Tensile Strength Ratio (TSR) ^D					85% Min. ^E			

A. Based on 20 year design traffic.

B. Volumetric Properties based on specimens compacted to N_{des} as modified by the Department.

C. Dust to Binder Ratio ($P_{0.075} / P_{be}$) for Type S4.75A is 1.0 - 2.0.

D. NCDOT-T-283 (No Freeze-Thaw cycle required).

E. TSR for Type S4.75A & B25.0C mixes is 80% minimum.

Page 6-19, Table 610-5, BINDER GRADE REQUIREMENTS (BASED ON RBR%), replace with the following:

Mix Type	%RBR ≤ 20%	21% ≤ %RBR ≤ 30%	%RBR > 30%
S4.75A, S9.5B, S9.5C, I19.0C, B25.0C	PG 64-22	PG 64-22 ^A	PG 58-28
S9.5D, OGFC	PG 76-22 ^B	n/a	n/a

Page 6-20, Table 610-6, PLACEMENT TEMPERATURES FOR ASPHALT, replace with the following:

Asphalt Concrete Mix Type	Minimum Surface and Air Temperature
B25.0C	35°F
I19.0C	35°F
S4.75A, S9.5B, S9.5C	40°F ^A
S9.5D	50°F

A. If the mix contains any amount of RAS, The virgin binder shall be PG 58-28.

Page 6-23, Table 610-7, DENSITY REQUIREMENTS, replace with the following:

Mix Type	Minimum % G_{mm} (Maximum Specific Gravity)
S4.75A	85.0 ^A
S9.5B	90.0
S9.5C, S9.5D, I19.0C, B25.0C	92.0

A. Compaction to the above specified density will be required when the S4.75A mix is applied at a rate of 100 lbs/sy or higher.

Page 6-32, Article 610-16 MEASUREMENT AND PAYMENT, replace with the following:

Pay Item	Pay Unit
Asphalt Concrete Base Course, Type B25.0C	Ton
Asphalt Concrete Intermediate Course, Type I19.0C	Ton
Asphalt Concrete Surface Course, Type S4.75A	Ton
Asphalt Concrete Surface Course, Type S9.5B	Ton
Asphalt Concrete Surface Course, Type S9.5C	Ton
Asphalt Concrete Surface Course, Type S9.5D	Ton

Page 10-30, Table 1012-1, AGGREGATE CONSENSUS PROPERTIES, replace with the following:

Mix Type	Coarse Aggregate Angularity^B	Fine Aggregate Angularity % Minimum	Sand Equivalent % Minimum	Flat and Elongated 5 : 1 Ratio % Maximum
<i>Test Method</i>	<i>ASTM D5821</i>	<i>AASHTO T 304</i>	<i>AASHTO T 176</i>	<i>ASTM D4791</i>
S4.75A; S9.5B	75 / -	40	40	-
S9.5C; I19.0C; B25.0C	95 / 90	45	45	10

S9.5D	100 / 100	45	50	10
OGFC	100 / 100	45	45	10
UBWC	100 / 85	45	45	10

- A. Requirements apply to the design aggregate blend.
- B. 95 / 90 denotes that 95% of the coarse aggregate has one fractured face and 90% has 2 or more fractured faces.

STANDARD SPECIAL PROVISION
AVAILABILITY OF FUNDS – TERMINATION OF CONTRACTS

(5-20-08)

Z-2

General Statute 143C-6-11. (h) Highway Appropriation is hereby incorporated verbatim in this contract as follows:

(h) Amounts Encumbered. – Transportation project appropriations may be encumbered in the amount of allotments made to the Department of Transportation by the Director for the estimated payments for transportation project contract work to be performed in the appropriation fiscal year. The allotments shall be multiyear allotments and shall be based on estimated revenues and shall be subject to the maximum contract authority contained in *General Statute 143C-6-11(c)*. Payment for transportation project work performed pursuant to contract in any fiscal year other than the current fiscal year is subject to appropriations by the General Assembly. Transportation project 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 transportation project contract, and any transportation project 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 scheduled 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 Subarticle 108-13(D) of the *2018 Standard Specifications*.

STANDARD SPECIAL PROVISION

ERRATA

(2-12-18)

Z-4

Revise the *2018 Standard Specifications* as follows:

Division 7

Page 7-27, line 4, Article 725-1 MEASUREMENT AND PAYMENT, replace article number “725-1” with “724-4”.

Page 7-28, line 10, Article 725-1 MEASUREMENT AND PAYMENT, replace article number “725-1” with “725-3”.

Division 8

Page 8-23, lines 3, 6, 11 and 13, Section 836, SLUICE GATE, replace article number “8366” with “836”.

Division 10

Page 10-69, Table 1046-1 WIRE DIAMETER, rename RECYCLED PLASTIC AND COMPOSITE OFFSET BLOCK PROPERTIES

Page 10-162, line 1, Article 1080-50 PAINT FOR VERTICAL MARKERS, replace article number “1080-50” with “1080-10”.

Page 10-162, line 5, Article 1080-61 EPOXY RESIN FOR REINFORCING STEEL, replace article number “1080-61” with “1080-11”.

Page 10-162, line 22, Article 1080-72 ABRASIVE MATERIALS FOR BLAST CLEANING STEEL, replace article number “1080-72” with “1080-12”.

Page 10-163, line 25, Article 1080-83 FIELD PERFORMANCE AND SERVICES, replace article number “1080-83” with “1080-13”.

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

(3-18-03) (Rev. 12-20-16)

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, 919-707-3730, or <http://www.ncagr.gov/plantindustry/> 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, emerald ash borer, or other noxious weeds.

STANDARD SPECIAL PROVISION

MINIMUM WAGES

(7-21-09)

Z-5

FEDERAL: The Fair Labor Standards Act provides that with certain exceptions every employer shall pay wages at the rate of not less than SEVEN DOLLARS AND TWENTY FIVE CENTS (\$7.25) 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 SEVEN DOLLARS AND TWENTY FIVE CENTS (\$7.25) per hour.

The minimum wage paid to all skilled labor employed on this contract shall be SEVEN DOLLARS AND TWENTY FIVE CENTS (\$7.25) per hour.

The minimum wage paid to all intermediate labor employed on this contract shall be SEVEN DOLLARS AND TWENTY FIVE CENTS (\$7.25) per hour.

The minimum wage paid to all unskilled labor on this contract shall be SEVEN DOLLARS AND TWENTY FIVE CENTS (\$7.25) 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, Federal or State. It is the responsibility of the Contractor to keep fully informed of all Federal and State Laws affecting his contract.

STANDARD SPECIAL PROVISION**TITLE VI AND NONDISCRIMINATION:**

(6-28-77)(Rev 6/19/2018)

Z-6

Revise the *2018 Standard Specifications* as follows:

Replace Article 103-4(B) with the following:

The North Carolina Department of Transportation is committed to carrying out the U.S. Department of Transportation's policy of ensuring nondiscrimination in the award and administration of contracts.

The provisions of this section related to United States Department of Transportation (US DOT) Order 1050.2A, Title 49 Code of Federal Regulations (CFR) part 21, 23 United States Code (U.S.C.) 140 and 23 CFR part 200 (or 49 CFR 303, 49 U.S.C. 5332 or 49 U.S.C. 47123) are applicable to all North Carolina Department of Transportation (NCDOT) contracts and to all related subcontracts, material supply, engineering, architectural and other service contracts, regardless of dollar amount. Any Federal provision that is specifically required not specifically set forth is hereby incorporated by reference.

(1) **Title VI Assurances (USDOT Order 1050.2A, Appendix A)**

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

(a) Compliance with Regulations

The contractor (hereinafter includes consultants) shall comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Highway Administration (FHWA), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.

(b) Nondiscrimination

The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.

(c) Solicitations for Subcontractors, Including Procurements of Materials and Equipment

In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Nondiscrimination on the grounds of race, color, or national origin.

(d) Information and Reports

The contractor shall provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the FHWA to be pertinent to ascertain compliance with such Acts,

Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor shall so certify to the Recipient or the FHWA, as appropriate, and shall set forth what efforts it has made to obtain the information.

(e) Sanctions for Noncompliance:

In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it and/or the FHWA may determine to be appropriate, including, but not limited to:

- (i) Withholding payments to the contractor under the contract until the contractor complies; and/or
- (ii) Cancelling, terminating, or suspending a contract, in whole or in part.

(f) Incorporation of Provisions

The contractor shall include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor shall take action with respect to any subcontract or procurement as the Recipient or the FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

(2) **Title VI Nondiscrimination Program (23 CFR 200.5(p))**

The North Carolina Department of Transportation (NCDOT) has assured the USDOT that, as a condition to receiving federal financial assistance, NCDOT will comply with Title VI of the Civil Rights Act of 1964 and all requirements imposed by Title 49 CFR part 21 and related nondiscrimination authorities to ensure that no person shall, on the ground of race, color, national origin, limited English proficiency, sex, age, or disability (including religion/creed or income-level, where applicable), be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any programs, activities, or services conducted or funded by NCDOT. Contractors and other organizations under contract or agreement with NCDOT must also comply with Title VI and related authorities, therefore:

(a) During the performance of this contract or agreement, contractors (e.g., subcontractors, consultants, vendors, prime contractors) are responsible for complying with NCDOT's Title VI Program. Contractors are not required to prepare or submit Title VI Programs. To comply with this section, the prime contractor shall:

1. Post NCDOT's Notice of Nondiscrimination and the Contractor's own Equal Employment Opportunity (EEO) Policy in conspicuous locations accessible to all employees, applicants and subcontractors on the jobsite.
2. Physically incorporate the required Title VI clauses into all subcontracts on federally-assisted and state-funded NCDOT projects, and ensure inclusion by subcontractors into all lower-tier subcontracts.
3. Required Solicitation Language. The Contractor shall include the following notification in all solicitations for bids and requests for work or material, regardless of funding source:

“The North Carolina Department of Transportation, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§

2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award. In accordance with other related nondiscrimination authorities, bidders and contractors will also not be discriminated against on the grounds of sex, age, disability, low-income level, creed/religion, or limited English proficiency in consideration for an award.”

4. Physically incorporate the FHWA-1273, in its entirety, into all subcontracts and subsequent lower tier subcontracts on Federal-aid highway construction contracts only.
 5. Provide language assistance services (i.e., written translation and oral interpretation), free of charge, to LEP employees and applicants. Contact NCDOT OCR for further assistance, if needed.
 6. For assistance with these Title VI requirements, contact the NCDOT Title VI Nondiscrimination Program at 1-800-522-0453.
- (b) Subrecipients (e.g. cities, counties, LGAs, planning organizations) may be required to prepare and submit a Title VI Plan to NCDOT, including Title VI Assurances and/or agreements. Subrecipients must also ensure compliance by their contractors and subrecipients with Title VI. (23 CFR 200.9(b)(7))
- (c) If reviewed or investigated by NCDOT, the contractor or subrecipient agrees to take affirmative action to correct any deficiencies found within a reasonable time period, not to exceed 90 calendar days, unless additional time is granted by NCDOT. (23 CFR 200.9(b)(15))
- (d) The Contractor is responsible for notifying subcontractors of NCDOT’s External Discrimination Complaints Process.
1. Applicability
Title VI and related laws protect participants and beneficiaries (e.g., members of the public and contractors) from discrimination by NCDOT employees, subrecipients and contractors, regardless of funding source.
 2. Eligibility
Any person—or class of persons—who believes he/she has been subjected to discrimination based on race, color, national origin, Limited English Proficiency (LEP), sex, age, or disability (and religion in the context of employment, aviation, or transit) may file a written complaint. The law also prohibits intimidation or retaliation of any sort.
 3. Time Limits and Filing Options
Complaints may be filed by the affected individual(s) or a representative and must be filed no later than 180 calendar days after the following:
 - (i) The date of the alleged act of discrimination; or
 - (ii) The date when the person(s) became aware of the alleged discrimination; or
 - (iii) Where there has been a continuing course of conduct, the date on which that conduct was discontinued or the latest instance of the conduct.Title VI and related discrimination complaints may be submitted to the following entities:

- North Carolina Department of Transportation, Office of Civil Rights, Title VI Program, 1511 Mail Service Center, Raleigh, NC 27699-1511; toll free 1-800-522-0453
 - Federal Highway Administration, North Carolina Division Office, 310 New Bern Avenue, Suite 410, Raleigh, NC 27601, 919-747-7010
 - US Department of Transportation, Departmental Office of Civil Rights, External Civil Rights Programs Division, 1200 New Jersey Avenue, SE, Washington, DC 20590; 202-366-4070
4. Format for Complaints
Complaints must be in writing and signed by the complainant(s) or a representative, and include the complainant's name, address, and telephone number. Complaints received by fax or e-mail will be acknowledged and processed. Allegations received by telephone will be reduced to writing and provided to the complainant for confirmation or revision before processing. Complaints will be accepted in other languages, including Braille.
5. Discrimination Complaint Form
Contact NCDOT Civil Rights to receive a full copy of the Discrimination Complaint Form and procedures.
6. Complaint Basis
Allegations must be based on issues involving race, color, national origin (LEP), sex, age, disability, or religion (in the context of employment, aviation or transit). "Basis" refers to the complainant's membership in a protected group category.

**TABLE 103-1
COMPLAINT BASIS**

Protected Categories	Definition	Examples	Applicable Nondiscrimination Authorities
Race and Ethnicity	An individual belonging to one of the accepted racial groups; or the perception, based usually on physical characteristics that a person is a member of a racial group	Black/African American, Hispanic/Latino, Asian, American Indian/Alaska Native, Native Hawaiian/Pacific Islander, White	Title VI of the Civil Rights Act of 1964; 49 CFR Part 21; 23 CFR 200; 49 U.S.C. 5332(b); 49 U.S.C. 47123. (<i>Executive Order 13166</i>)
Color	Color of skin, including shade of skin within a racial group	Black, White, brown, yellow, etc.	
National Origin (<i>Limited English Proficiency</i>)	Place of birth. Citizenship is not a factor. (<i>Discrimination based on language or a person's accent is also covered</i>)	Mexican, Cuban, Japanese, Vietnamese, Chinese	
Sex	Gender. The sex of an individual. <i>Note: Sex under this program does not include sexual orientation.</i>	Women and Men	1973 Federal-Aid Highway Act; 49 U.S.C. 5332(b); 49 U.S.C. 47123.
Age	Persons of any age	21-year-old person	Age Discrimination Act of 1975 49 U.S.C. 5332(b); 49 U.S.C. 47123.
Disability	Physical or mental impairment, permanent or temporary, or perceived.	Blind, alcoholic, para-amputee, epileptic, diabetic, arthritic	Section 504 of the Rehabilitation Act of 1973; Americans with Disabilities Act of 1990

<p>Religion (in the context of employment) <i>(Religion/ Creed in all aspects of any aviation or transit-related construction)</i></p>	<p>An individual belonging to a religious group; or the perception, based on distinguishable characteristics that a person is a member of a religious group. In practice, actions taken as a result of the moral and ethical beliefs as to what is right and wrong, which are sincerely held with the strength of traditional religious views. Note: Does not have to be associated with a recognized religious group or church; if an individual sincerely holds to the belief, it is a protected religious practice.</p>	<p>Muslim, Christian, Sikh, Hindu, etc.</p>	<p>Title VII of the Civil Rights Act of 1964; 23 CFR 230; FHWA-1273 Required Contract Provisions. (49 U.S.C. 5332(b); 49 U.S.C. 47123)</p>
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(3) Pertinent Nondiscrimination Authorities

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest agrees to comply with the following non-discrimination statutes and authorities, including, but not limited to:

- (a) Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- (b) The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- (c) Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- (d) Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability) and 49 CFR Part 27;
- (e) The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- (f) Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- (g) The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- (h) Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- (i) The Federal Aviation Administration's Nondiscrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- (j) Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures Nondiscrimination against minority populations by discouraging programs, policies, and activities with

- disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- (k) Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
 - (l) Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).
 - (m) Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e et seq., Pub. L. 88-352), (prohibits employment discrimination on the basis of race, color, religion, sex, or national origin).
- (4) **Additional Title VI Assurances**
- **The following Title VI Assurances (Appendices B, C and D) shall apply, as applicable*
- (a) Clauses for Deeds Transferring United States Property (1050.2A, Appendix B)
The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4.

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the North Carolina Department of Transportation (NCDOT) will accept title to the lands and maintain the project constructed thereon in accordance with the North Carolina General Assembly, the Regulations for the Administration of the Federal-Aid Highway Program, and the policies and procedures prescribed by the Federal Highway Administration of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the NCDOT all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto the North Carolina Department of Transportation (NCDOT) and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the NCDOT, its successors and assigns.

The NCDOT, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that the NCDOT will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended [, and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)

(b) Clauses for Transfer of Real Property Acquired or Improved Under the Activity, Facility, or Program (1050.2A, Appendix C)

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the North Carolina Department of Transportation (NCDOT) pursuant to the provisions of Assurance 7(a):

1. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
 - (i.) In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
2. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Nondiscrimination covenants, the NCDOT will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued. *
3. With respect to a deed, in the event of breach of any of the above Nondiscrimination covenants, the NCDOT will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the NCDOT and its assigns. *

- (*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)
- (c) Clauses for Construction/Use/Access to Real Property Acquired Under the Activity, Facility or Program (1050.2A, Appendix D)

The following clauses will be included in deeds, licenses, permits, or similar instruments/ agreements entered into by the North Carolina Department of Transportation (NCDOT) pursuant to the provisions of Assurance 7(b):

1. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
2. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, the NCDOT will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued. *
3. With respect to deeds, in the event of breach of any of the above Nondiscrimination covenants, the NCDOT will there upon revert to and vest in and become the absolute property of the NCDOT and its assigns. *

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

STANDARD SPECIAL PROVISION**ON-THE-JOB TRAINING**

(10-16-07) (Rev. 4-21-15)

Z-10

Description

The North Carolina Department of Transportation will administer a custom version of the Federal On-the-Job Training (OJT) Program, commonly referred to as the Alternate OJT Program. All contractors (existing and newcomers) will be automatically placed in the Alternate Program. Standard OJT requirements typically associated with individual projects will no longer be applied at the project level. Instead, these requirements will be applicable on an annual basis for each contractor administered by the OJT Program Manager.

On the Job Training shall meet the requirements of 23 CFR 230.107 (b), 23 USC – Section 140, this provision and the On-the-Job Training Program Manual.

The Alternate OJT Program will allow a contractor to train employees on Federal, State and privately funded projects located in North Carolina. However, priority shall be given to training employees on NCDOT Federal-Aid funded projects.

Minorities and Women

Developing, training and upgrading of minorities and women toward journeyman level status is a primary objective of this special training provision. Accordingly, the Contractor shall make every effort to enroll minority and women as trainees to the extent that such persons are available within a reasonable area of recruitment. This training commitment is not intended, and shall not be used, to discriminate against any applicant for training, whether a member of a minority group or not.

Assigning Training Goals

The Department, through the OJT Program Manager, will assign training goals for a calendar year based on the contractors' past three years' activity and the contractors' anticipated upcoming year's activity with the Department. At the beginning of each year, all contractors eligible will be contacted by the Department to determine the number of trainees that will be assigned for the upcoming calendar year. At that time the Contractor shall enter into an agreement with the Department to provide a self-imposed on-the-job training program for the calendar year. This agreement will include a specific number of annual training goals agreed to by both parties. The number of training assignments may range from 1 to 15 per contractor per calendar year. The Contractor shall sign an agreement to fulfill their annual goal for the year.\

Training Classifications

The Contractor shall provide on-the-job training aimed at developing full journeyman level workers in the construction craft/operator positions. Preference shall be given to providing training in the following skilled work classifications:

Equipment Operators	Office Engineers
Truck Drivers	Estimators
Carpenters	Iron / Reinforcing Steel Workers
Concrete Finishers	Mechanics
Pipe Layers	Welders

The Department has established common training classifications and their respective training requirements that may be used by the contractors. However, the classifications established are not all-inclusive. Where the training is oriented toward construction applications, training will be allowed in lower-level management positions such as office engineers and estimators. Contractors shall submit new classifications for specific job functions that their employees are performing. The Department will review and recommend for acceptance to FHWA the new classifications proposed by contractors, if applicable. New classifications shall meet the following requirements:

Proposed training classifications are reasonable and realistic based on the job skill classification needs, and

The number of training hours specified in the training classification is consistent with common practices and provides enough time for the trainee to obtain journeyman level status.

The Contractor may allow trainees to be trained by a subcontractor provided that the Contractor retains primary responsibility for meeting the training and this provision is made applicable to the subcontract. However, only the Contractor will receive credit towards the annual goal for the trainee.

Where feasible, 25 percent of apprentices or trainees in each occupation shall be in their first year of apprenticeship or training. The number of trainees shall be distributed among the work classifications on the basis of the contractor's needs and the availability of journeymen in the various classifications within a reasonable area of recruitment.

No employee shall be employed as a trainee in any classification in which they have successfully completed a training course leading to journeyman level status or in which they have been employed as a journeyman.

Records and Reports

The Contractor shall maintain enrollment, monthly and completion reports documenting company compliance under these contract documents. These documents and any other information as requested shall be submitted to the OJT Program Manager.

Upon completion and graduation of the program, the Contractor shall provide each trainee with a certification Certificate showing the type and length of training satisfactorily completed.

Trainee Interviews

All trainees enrolled in the program will receive an initial and Trainee/Post graduate interview conducted by the OJT program staff.

Trainee Wages

Contractors shall compensate trainees on a graduating pay scale based upon a percentage of the prevailing minimum journeyman wages (Davis-Bacon Act). Minimum pay shall be as follows:

60 percent	of the journeyman wage for the first half of the training period
75 percent	of the journeyman wage for the third quarter of the training period
90 percent	of the journeyman wage for the last quarter of the training period

In no instance shall a trainee be paid less than the local minimum wage. The Contractor shall adhere to the minimum hourly wage rate that will satisfy both the NC Department of Labor (NCDOL) and the Department.

Achieving or Failing to Meet Training Goals

The Contractor will be credited for each trainee employed by him on the contract work who is currently enrolled or becomes enrolled in an approved program and who receives training for at least 50 percent of the specific program requirement. Trainees will be allowed to be transferred between projects if required by the Contractor's scheduled workload to meet training goals.

If a contractor fails to attain their training assignments for the calendar year, they may be taken off the NCDOT's Bidders List.

Measurement and Payment

No compensation will be made for providing required training in accordance with these contract documents.

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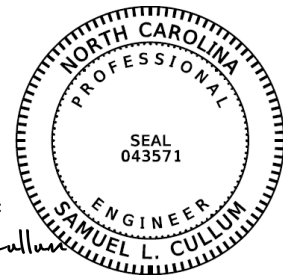
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DocuSigned by:
Samuel Cullum
 19C97095C75A467...

SUBMITTAL OF WORKING DRAWINGS**(6-28-17)****1.0 GENERAL**

Submit working drawings in accordance with Article 105-2 of the *Standard Specifications* and this provision. For this provision, “submittals” refers to only those listed in this provision. The list of submittals contained herein does not represent a list of required submittals for the project. Submittals are only necessary for those items as required by the contract. Make submittals that are not specifically noted in this provision directly to the Engineer. Either the Structures Management Unit or the Geotechnical Engineering Unit or both units will jointly review submittals.

If a submittal contains variations from plan details or specifications or significantly affects project cost, field construction or operations, discuss the submittal with and submit all copies to the Engineer. State the reason for the proposed variation in the submittal. To minimize review time, make sure all submittals are complete when initially submitted. Provide a contact name and information with each submittal. Direct any questions regarding submittal requirements to the Engineer, Structures Management Unit contacts or the Geotechnical Engineering Unit contacts noted below.

In order to facilitate in-plant inspection by NCDOT and approval of working drawings, provide the name, address and telephone number of the facility where fabrication will actually be done if different than shown on the title block of the submitted working drawings. This includes, but is not limited to, precast concrete items, prestressed concrete items and fabricated steel or aluminum items.

2.0 ADDRESSES AND CONTACTS

For submittals to the Structures Management Unit, use the following addresses:

Via US mail:

Mr. B. C. Hanks, P. E.
State Structures Engineer
North Carolina Department
of Transportation
Structures Management Unit
1581 Mail Service Center
Raleigh, NC 27699-1581

Attention: Mr. J. L. Bolden, P. E.

Via other delivery service:

Mr. B. C. Hanks, P. E.
State Structures Engineer
North Carolina Department
of Transportation
Structures Management Unit
1000 Birch Ridge Drive
Raleigh, NC 27610

Attention: Mr. J. L. Bolden, P. E.

Submittals may also be made via email.

Send submittals to:

jlbolden@ncdot.gov (James Bolden)

Send an additional e-copy of the submittal to the following address:

eomile@ncdot.gov (Emmanuel Omile)

mrorie@ncdot.gov (Madonna Rorie)

For submittals to the Geotechnical Engineering Unit, use the following addresses:

For projects in Divisions 1-7, use the following Eastern Regional Office address:

Via US mail:

Mr. Chris Kreider, P. E.
Eastern Regional Geotechnical
Manager
North Carolina Department
of Transportation
Geotechnical Engineering Unit
Eastern Regional Office
1570 Mail Service Center
Raleigh, NC 27699-1570

Via other delivery service:

Mr. Chris Kreider, P. E.
Eastern Regional Geotechnical
Manager
North Carolina Department
of Transportation
Geotechnical Engineering Unit
Eastern Regional Office
3301 Jones Sausage Road, Suite 100
Garner, NC 27529

Via Email: EastGeotechnicalSubmittal@ncdot.gov

For projects in Divisions 8-14, use the following Western Regional Office address:

Via US mail or other delivery service:

Mr. Eric Williams, P. E.
Western Regional Geotechnical
Manager
North Carolina Department
of Transportation
Geotechnical Engineering Unit
Western Regional Office
5253 Z Max Boulevard
Harrisburg, NC 28075

Via Email: WestGeotechnicalSubmittal@ncdot.gov

The status of the review of structure-related submittals sent to the Structures Management Unit can be viewed from the Unit's website, via the "Drawing Submittal Status" link.

The status of the review of geotechnical-related submittals sent to the Geotechnical Engineering Unit can be viewed from the Unit's website, via the "Geotechnical Construction Submittals" link.

Direct any questions concerning submittal review status, review comments or drawing markups to the following contacts:

Primary Structures Contact:

James Bolden (919) 707 – 6408
(919) 250 – 4082 facsimile
jlbolden@ncdot.gov

Secondary Structures Contacts: Emmanuel Omile (919) 707 – 6451
 Madonna Rorie (919) 707 – 6508

Eastern Regional Geotechnical Contact (Divisions 1-7):
 Chris Kreider (919) 662 – 4710
ckreider@ncdot.gov

Western Regional Geotechnical Contact (Divisions 8-14):
 Eric Williams (704) 455 – 8902
ewilliams3@ncdot.gov

3.0 SUBMITTAL COPIES

Furnish one complete copy of each submittal, including all attachments, to the Engineer. At the same time, submit the number of hard copies shown below of the same complete submittal directly to the Structures Management Unit and/or the Geotechnical Engineering Unit.

The first table below covers “Structure Submittals”. The Engineer will receive review comments and drawing markups for these submittals from the Structures Management Unit. The second table in this section covers “Geotechnical Submittals”. The Engineer will receive review comments and drawing markups for these submittals from the Geotechnical Engineering Unit.

Unless otherwise required, submit one set of supporting calculations to either the Structures Management Unit or the Geotechnical Engineering Unit unless both units require submittal copies in which case submit a set of supporting calculations to each unit. Provide additional copies of any submittal as directed.

STRUCTURE SUBMITTALS

Submittal	Copies Required by Structures Management Unit	Copies Required by Geotechnical Engineering Unit	Contract Reference Requiring Submittal ¹
Arch Culvert Falsework	5	0	Plan Note, SN Sheet & “Falsework and Formwork”
Box Culvert Falsework ⁷	5	0	Plan Note, SN Sheet & “Falsework and Formwork”
Cofferdams	6	2	Article 410-4
Foam Joint Seals ⁶	9	0	“Foam Joint Seals”

Expansion Joint Seals (hold down plate type with base angle)	9	0	“Expansion Joint Seals”
Expansion Joint Seals (modular)	2, then 9	0	“Modular Expansion Joint Seals”
Expansion Joint Seals (strip seals)	9	0	“Strip Seals”
Falsework & Forms ² (substructure)	8	0	Article 420-3 & “Falsework and Formwork”
Falsework & Forms (superstructure)	8	0	Article 420-3 & “Falsework and Formwork”
Girder Erection over Railroad	5	0	Railroad Provisions
Maintenance and Protection of Traffic Beneath Proposed Structure	8	0	“Maintenance and Protection of Traffic Beneath Proposed Structure at Station ____”
Metal Bridge Railing	8	0	Plan Note
Metal Stay-in-Place Forms	8	0	Article 420-3
Metalwork for Elastomeric Bearings ^{4,5}	7	0	Article 1072-8
Miscellaneous Metalwork ^{4,5}	7	0	Article 1072-8
Disc Bearings ⁴	8	0	“Disc Bearings”
Overhead and Digital Message Signs (DMS) (metalwork and foundations)	13	0	Applicable Provisions
Placement of Equipment on Structures (cranes, etc.)	7	0	Article 420-20
Precast Concrete Box Culverts	2, then 1 reproducible	0	“Optional Precast Reinforced Concrete Box Culvert at Station ____”
Prestressed Concrete Cored Slab (detensioning sequences) ³	6	0	Article 1078-11
Prestressed Concrete Deck Panels	6 and 1 reproducible	0	Article 420-3

Prestressed Concrete Girder (strand elongation and detensioning sequences)	6	0	Articles 1078-8 and 1078- 11
Removal of Existing Structure over Railroad	5	0	Railroad Provisions
Revised Bridge Deck Plans (adaptation to prestressed deck panels)	2, then 1 reproducible	0	Article 420-3
Revised Bridge Deck Plans (adaptation to modular expansion joint seals)	2, then 1 reproducible	0	“Modular Expansion Joint Seals”
Sound Barrier Wall (precast items)	10	0	Article 1077-2 & “Sound Barrier Wall”
Sound Barrier Wall Steel Fabrication Plans ⁵	7	0	Article 1072-8 & “Sound Barrier Wall”
Structural Steel ⁴	2, then 7	0	Article 1072-8
Temporary Detour Structures	10	2	Article 400-3 & “Construction, Maintenance and Removal of Temporary Structure at Station _____”
TFE Expansion Bearings ⁴	8	0	Article 1072-8

FOOTNOTES

1. References are provided to help locate the part of the contract where the submittals are required. References in quotes refer to the provision by that name. Articles refer to the *Standard Specifications*.
2. Submittals for these items are necessary only when required by a note on plans.
3. Submittals for these items may not be required. A list of pre-approved sequences is available from the producer or the Materials & Tests Unit.
4. The fabricator may submit these items directly to the Structures Management Unit.
5. The two sets of preliminary submittals required by Article 1072-8 of the *Standard Specifications* are not required for these items.
6. Submittals for Fabrication Drawings are not required. Submittals for Catalogue Cuts of Proposed Material are required. See Section 5.A of the referenced provision.
7. Submittals are necessary only when the top slab thickness is 18” or greater.

GEOTECHNICAL SUBMITTALS

Submittal	Copies Required by Geotechnical Engineering Unit	Copies Required by Structures Management Unit	Contract Reference Requiring Submittal ¹
Drilled Pier Construction Plans ²	1	0	Subarticle 411-3(A)
Crosshole Sonic Logging (CSL) Reports ²	1	0	Subarticle 411-5(A)(2)
Pile Driving Equipment Data Forms ^{2,3}	1	0	Subarticle 450-3(D)(2)
Pile Driving Analyzer (PDA) Reports ²	1	0	Subarticle 450-3(F)(3)
Retaining Walls ⁴	1 drawings, 1 calculations	2 drawings	Applicable Provisions
Temporary Shoring ⁴	1 drawings, 1 calculations	2 drawings	“Temporary Shoring” & “Temporary Soil Nail Walls”

FOOTNOTES

- References are provided to help locate the part of the contract where the submittals are required. References in quotes refer to the provision by that name. Subarticles refer to the *Standard Specifications*.
- Submit one hard copy of submittal to the Engineer. Submit a second copy of submittal electronically (PDF via email), US mail or other delivery service to the appropriate Geotechnical Engineering Unit regional office. Electronic submission is preferred.
- The Pile Driving Equipment Data Form is available from:
https://connect.ncdot.gov/resources/Geological/Pages/Geotech_Forms_Details.aspx
See second page of form for submittal instructions.
- Electronic copy of submittal is required. See referenced provision.

CRANE SAFETY**(8-15-05)**

Comply with the manufacturer specifications and limitations applicable to the operation of any and all cranes and derricks. Prime contractors, sub-contractors, and fully operated rental companies shall comply with the current Occupational Safety and Health Administration regulations (OSHA).

Submit all items listed below to the Engineer prior to beginning crane operations involving critical lifts. A critical lift is defined as any lift that exceeds 75 percent of the manufacturer's crane chart capacity for the radius at which the load will be lifted or requires the use of more than one crane. Changes in personnel or equipment must be reported to the Engineer and all applicable items listed below must be updated and submitted prior to continuing with crane operations.

CRANE SAFETY SUBMITTAL LIST

- A. **Competent Person:** Provide the name and qualifications of the "Competent Person" responsible for crane safety and lifting operations. The named competent person will have the responsibility and authority to stop any work activity due to safety concerns.
- B. **Riggers:** Provide the qualifications and experience of the persons responsible for rigging operations. Qualifications and experience should include, but not be limited to, weight calculations, center of gravity determinations, selection and inspection of sling and rigging equipment, and safe rigging practices.
- C. **Crane Inspections:** Inspection records for all cranes shall be current and readily accessible for review upon request.
- D. **Certifications:** **By July 1, 2006**, crane operators performing critical lifts shall be certified by NC CCO (National Commission for the Certification of Crane Operators), or satisfactorily complete the Carolinas AGC's Professional Crane Operator's Proficiency Program. Other approved nationally accredited programs will be considered upon request. All crane operators shall also have a current CDL medical card. Submit a list of anticipated critical lifts and corresponding crane operator(s). Include current certification for the type of crane operated (small hydraulic, large hydraulic, small lattice, large lattice) and medical evaluations for each operator.

SECURING OF VESSELS**(10-12-01)**

Secure vessels in accordance with Section 107 of the Standard Specifications and the following provision.

When utilizing barges, tugboats or other vessels, take all necessary precautions to ensure that such vessels are securely anchored or moored when not in active operation. Take all necessary measures to ensure that the vessels are operated in a manner that avoids damage to or unnecessary contact with bridges and other highway structures and attachments. If severe weather conditions are anticipated, or should be anticipated through reasonable monitoring of weather forecasts, take additional measures to protect bridges and other highway structures and attachments from extreme conditions. The Contractor is strictly liable for damages to any bridge or other highway structure or attachment caused by a vessel owned or controlled by the Contractor. The Contractor is also liable to third parties for property damages and loss of revenue caused by vessels under the Contractor's control.

FALSEWORK AND FORMWORK**(4-5-12)****1.0 DESCRIPTION**

Use this Special Provision as a guide to develop temporary works submittals required by the Standard Specifications or other provisions; no additional submittals are required herein. Such temporary works include, but are not limited to, falsework and formwork.

Falsework is any temporary construction used to support the permanent structure until it becomes self-supporting. Formwork is the temporary structure or mold used to retain plastic or fluid concrete in its designated shape until it hardens. Access scaffolding is a temporary structure that functions as a work platform that supports construction personnel, materials, and tools, but is not intended to support the structure. Scaffolding systems that are used to temporarily support permanent structures (as opposed to functioning as work platforms) are considered to be falsework under the definitions given. Shoring is a component of falsework such as horizontal, vertical, or inclined support members. Where the term “temporary works” is used, it includes all of the temporary facilities used in bridge construction that do not become part of the permanent structure.

Design and construct safe and adequate temporary works that will support all loads imposed and provide the necessary rigidity to achieve the lines and grades shown on the plans in the final structure.

2.0 MATERIALS

Select materials suitable for temporary works; however, select materials that also ensure the safety and quality required by the design assumptions. The Engineer has authority to reject material on the basis of its condition, inappropriate use, safety, or nonconformance with the plans. Clearly identify allowable loads or stresses for all materials or manufactured devices on the plans. Revise the plan and notify the Engineer if any change to materials or material strengths is required.

3.0 DESIGN REQUIREMENTS**A. Working Drawings**

Provide working drawings for items as specified in the contract, or as required by the Engineer, with design calculations and supporting data in sufficient detail to permit a structural and safety review of the proposed design of the temporary work.

On the drawings, show all information necessary to allow the design of any component to be checked independently as determined by the Engineer.

When concrete placement is involved, include data such as the drawings of proposed sequence, rate of placement, direction of placement, and location of all construction joints. Submit the number of copies as called for by the contract.

When required, have the drawings and calculations prepared under the guidance of, and sealed by, a North Carolina Registered Professional Engineer who is knowledgeable in temporary works design.

If requested by the Engineer, submit with the working drawings manufacturer's catalog data listing the weight of all construction equipment that will be supported on the temporary work. Show anticipated total settlements and/or deflections of falsework and forms on the working drawings. Include falsework footing settlements, joint take-up, and deflection of beams or girders.

As an option for the Contractor, overhang falsework hangers may be uniformly spaced, at a maximum of 36 inches, provided the following conditions are met:

Member Type (PCG)	Member Depth, (inches)	Max. Overhang Width, (inches)	Max. Slab Edge Thickness, (inches)	Max. Screenshot Wheel Weight, (lbs.)	Bracket Min. Vertical Leg Extension, (inches)
II	36	39	14	2000	26
III	45	42	14	2000	35
IV	54	45	14	2000	44
MBT	63	51	12	2000	50
MBT	72	55	12	1700	48

Overhang width is measured from the centerline of the girder to the edge of the deck slab.

For Type II, III & IV prestressed concrete girders (PCG), 45-degree cast-in-place half hangers and rods must have a minimum safe working load of 6,000 lbs.

For MBT prestressed concrete girders, 45-degree angle holes for falsework hanger rods shall be cast through the girder top flange and located, measuring along the top of the member, 1'-2 1/2" from the edge of the top flange. Hanger hardware and rods must have a minimum safe working load of 6,000 lbs.

The overhang bracket provided for the diagonal leg shall have a minimum safe working load of 3,750 lbs. The vertical leg of the bracket shall extend to the point that the heel bears on the girder bottom flange, no closer than 4 inches from the bottom of the member. However, for 72-inch members, the heel of the bracket shall bear on the web, near the bottom flange transition.

Provide adequate overhang falsework and determine the appropriate adjustments for deck geometry, equipment, casting procedures and casting conditions.

If the optional overhang falsework spacing is used, indicate this on the falsework submittal and advise the girder producer of the proposed details. Failure to notify the Engineer of hanger type and hanger spacing on prestressed concrete girder casting drawings may delay the approval of those drawings.

Falsework hangers that support concentrated loads and are installed at the edge of thin top flange concrete girders (such as bulb tee girders) shall be spaced so as not to exceed 75% of the manufacturer's stated safe working load. Use of dual leg hangers (such as Meadow Burke HF-42 and HF-43) are not allowed on concrete girders with thin top flanges. Design the falsework and forms supporting deck slabs and overhangs on girder bridges so that there will be no differential settlement between the girders and the deck forms during placement of deck concrete.

When staged construction of the bridge deck is required, detail falsework and forms for screed and fluid concrete loads to be independent of any previous deck pour components when the mid-span girder deflection due to deck weight is greater than $\frac{3}{4}$ ".

Note on the working drawings any anchorages, connectors, inserts, steel sleeves or other such devices used as part of the falsework or formwork that remains in the permanent structure. If the plan notes indicate that the structure contains the necessary corrosion protection required for a Corrosive Site, epoxy coat, galvanize or metalize these devices. Electroplating will not be allowed. Any coating required by the Engineer will be considered incidental to the various pay items requiring temporary works.

Design falsework and formwork requiring submittals in accordance with the 1995 AASHTO *Guide Design Specifications for Bridge Temporary Works* except as noted herein.

1. Wind Loads

Table 2.2 of Article 2.2.5.1 is modified to include wind velocities up to 110 mph. In addition, Table 2.2A is included to provide the maximum wind speeds by county in North Carolina.

Table 2.2 - Wind Pressure Values

Height Zone feet above ground	Pressure, lb/ft ² for Indicated Wind Velocity, mph				
	70	80	90	100	110
0 to 30	15	20	25	30	35
30 to 50	20	25	30	35	40
50 to 100	25	30	35	40	45
over 100	30	35	40	45	50

2. Time of Removal

The following requirements replace those of Article 3.4.8.2.

Do not remove forms until the concrete has attained strengths required in Article 420-16 of the Standard Specifications and these Special Provisions.

Do not remove forms until the concrete has sufficient strength to prevent damage to the surface.

Table 2.2A - Steady State Maximum Wind Speeds by Counties in North Carolina

COUNTY	25 YR (mph)	COUNTY	25 YR (mph)	COUNTY	25 YR (mph)
Alamance	70	Franklin	70	Pamlico	100
Alexander	70	Gaston	70	Pasquotank	100
Alleghany	70	Gates	90	Pender	100
Anson	70	Graham	80	Perquimans	100
Ashe	70	Granville	70	Person	70
Avery	70	Greene	80	Pitt	90
Beaufort	100	Guilford	70	Polk	80
Bertie	90	Halifax	80	Randolph	70
Bladen	90	Harnett	70	Richmond	70
Brunswick	100	Haywood	80	Robeson	80
Buncombe	80	Henderson	80	Rockingham	70
Burke	70	Hertford	90	Rowan	70
Cabarrus	70	Hoke	70	Rutherford	70
Caldwell	70	Hyde	110	Sampson	90
Camden	100	Iredell	70	Scotland	70
Carteret	110	Jackson	80	Stanley	70
Caswell	70	Johnston	80	Stokes	70
Catawba	70	Jones	100	Surry	70
Cherokee	80	Lee	70	Swain	80
Chatham	70	Lenoir	90	Transylvania	80
Chowan	90	Lincoln	70	Tyrell	100
Clay	80	Macon	80	Union	70
Cleveland	70	Madison	80	Vance	70
Columbus	90	Martin	90	Wake	70
Craven	100	McDowell	70	Warren	70
Cumberland	80	Mecklenburg	70	Washington	100
Currituck	100	Mitchell	70	Watauga	70
Dare	110	Montgomery	70	Wayne	80
Davidson	70	Moore	70	Wilkes	70
Davie	70	Nash	80	Wilson	80
Duplin	90	New Hanover	100	Yadkin	70
Durham	70	Northampton	80	Yancey	70
Edgecombe	80	Onslow	100		
Forsyth	70	Orange	70		

B. Review and Approval

The Engineer is responsible for the review and approval of temporary works' drawings.

Submit the working drawings sufficiently in advance of proposed use to allow for their review, revision (if needed), and approval without delay to the work.

The time period for review of the working drawings does not begin until complete drawings and design calculations, when required, are received by the Engineer.

Do not start construction of any temporary work for which working drawings are required until the drawings have been approved. Such approval does not relieve the Contractor of the responsibility for the accuracy and adequacy of the working drawings.

4.0 CONSTRUCTION REQUIREMENTS

All requirements of Section 420 of the Standard Specifications apply.

Construct temporary works in conformance with the approved working drawings. Ensure that the quality of materials and workmanship employed is consistent with that assumed in the design of the temporary works. Do not weld falsework members to any portion of the permanent structure unless approved. Show any welding to the permanent structure on the approved construction drawings.

Provide tell-tales attached to the forms and extending to the ground, or other means, for accurate measurement of falsework settlement. Make sure that the anticipated compressive settlement and/or deflection of falsework does not exceed 1 inch. For cast-in-place concrete structures, make sure that the calculated deflection of falsework flexural members does not exceed 1/240 of their span regardless of whether or not the deflection is compensated by camber strips.

A. Maintenance and Inspection

Inspect and maintain the temporary work in an acceptable condition throughout the period of its use. Certify that the manufactured devices have been maintained in a condition to allow them to safely carry their rated loads. Clearly mark each piece so that its capacity can be readily determined at the job site.

Perform an in-depth inspection of an applicable portion(s) of the temporary works, in the presence of the Engineer, not more than 24 hours prior to the beginning of each concrete placement. Inspect other temporary works at least once a month to ensure that they are functioning properly. Have a North Carolina Registered Professional Engineer inspect the cofferdams, shoring, sheathing, support of excavation structures, and support systems for load tests prior to loading.

B. Foundations

Determine the safe bearing capacity of the foundation material on which the supports for temporary works rest. If required by the Engineer, conduct load tests to verify proposed bearing capacity values that are marginal or in other high-risk situations.

The use of the foundation support values shown on the contract plans of the permanent structure is permitted if the foundations are on the same level and on the same soil as those of the permanent structure.

Allow for adequate site drainage or soil protection to prevent soil saturation and washout of the soil supporting the temporary works supports.

If piles are used, the estimation of capacities and later confirmation during construction using standard procedures based on the driving characteristics of the pile is permitted. If preferred, use load tests to confirm the estimated capacities; or, if required by the Engineer conduct load tests to verify bearing capacity values that are marginal or in other high risk situations.

The Engineer reviews and approves the proposed pile and soil bearing capacities.

5.0 REMOVAL

Unless otherwise permitted, remove and keep all temporary works upon completion of the work. Do not disturb or otherwise damage the finished work.

Remove temporary works in conformance with the contract documents. Remove them in such a manner as to permit the structure to uniformly and gradually take the stresses due to its own weight.

6.0 METHOD OF MEASUREMENT

Unless otherwise specified, temporary works will not be directly measured.

7.0 BASIS OF PAYMENT

Payment at the contract unit prices for the various pay items requiring temporary works will be full compensation for the above falsework and formwork.

MAINTENANCE OF WATER TRAFFIC**(12-5-12)**

The Contractor will be required to maintain water traffic in a manner satisfactory to both the Engineer and the U.S. Coast Guard and in conformance with the conditions of the Bridge Permit issued by the U.S. Coast Guard. The Contractor shall provide and maintain navigational lights in conformance with the requirements of the U.S. Coast Guard on both temporary and permanent work and shall carry on all operations in connection with the construction of the project in such a manner as to avoid damage or delay to water traffic.

No direct payment will be made for work under this section. All costs shall be considered incidental to items for which direct payment is made.

COORDINATION WITH THE U.S. COAST GUARD**(SPECIAL)**

At no time during work will the waterway be closed or narrowed to navigation without prior approval from the U.S. Coast Guard. The contractor is required to maintain close and regular contact with the Coast Guard, Sector North Carolina to keep them informed to activities in the waterway. The U.S. Coast Guard Sector North Carolina contacts are LT Derek Burrill at (910)-772-2230 or BM1 Poden Pedrus at (910) 772-2212 or email ncmarineevents@uscg.mil. The contractor must also contact the 5th Coast Guard District Bridges Branch, Mr. Hal Pitts (757) 398-6222 or email at Hal.R.Pitts@uscg.mil.

The Contractor shall bear full responsibility for all required coordination with the Coast Guard. Advance coordination with the Coast Guard for any anticipated disruptions to waterway traffic shall begin within 30 days following award of Contract and prior to commencing on-site activities. Approval for scheduled waterway disruptions shall be initiated approximately 180 days in advance, and confirmed no less than 30 days but no more than 45 days, in advance of the first disruption.

All work shall be conducted so that free navigation of the waterway is not unreasonably interfered with and the present navigable depths are not impaired. Timely notice of any and all events that affect navigation shall be given to the District Commander during the work on the channel span. The channel shall be promptly cleared of all obstructions placed therein or caused by the contractor.

Navigational lighting shall be maintained in accordance with the requirements set forth by the U.S. Coast Guard.

See *Removal of Existing Fender System* provisions below:

INFORMAL COMMITMENTS MADE THRU USCG COORDINATION:

1. The Contractor shall make the best possible effort to minimize impact to the existing channel by utilizing small work barges for fender construction.
2. The Contractor is especially forewarned that work barges shall be required to be removed from the channel to allow the passage of large vessels. The Contractor shall identify moveable span bridges up channel and down channel from the work site and establish a system for notification of incoming vessels that will require on demand channel clearance of all work barges.

NAVIGATIONAL LIGHT SYSTEM**(SPECIAL)**

The Department will be responsible for the maintenance of the existing solar array and upper green lights attached to the bridge rails throughout the project and the decommissioning and recommissioning of the (6) six permanent red navigational lights on top of the fender system after the completion of the fender system rehabilitation.

It is the responsibility of the Contractor to install and maintain the (6) six temporary red navigational lights on top of the fender system, as approved by the Coast Guard, prior to removal of the existing lighting system. These temporary lights shall be battery operated and shall be maintained in continuous use full for full life of the project. The Contractor may contact the NCDOT (contact information listed below) in order to locate approved battery operated red lights. The Contractor shall be responsible to repair or replace any damage to the temporary lights at no cost to the Department.

The Contractor shall provide two weeks of notice to the Department's electrical representative listed below before beginning fender system rehabilitation. Another two week notice shall be given once the fender system rehabilitation has been completed as shown in Structure Plans and the Contractor is prepared for the installation of the permanent navigational lighting. For coordination of these activities, the following contact shall be given notice:

John Lange

NCDOT Electrical

910-262-6319

Payment for the temporary red battery operated lights, the removal of the existing red navigational lights, and installation and maintenance of the temporary navigational lighting will be incidental to the various pay items.

WORK IN, OVER OR ADJACENT TO NAVIGABLE WATERS**(12-5-12)**

All work in, over, or adjacent to navigable waters shall be in accordance with the special provisions and conditions contained in the permits obtained by the Department from the U.S. Coast Guard, U.S. Army Corps of Engineers, or other authority having jurisdiction. The work shall have no adverse effect on navigation of the waterway including traffic flow, navigational depths, and horizontal and vertical clearances without approval from the authorities granting the permits.

The Contractor shall prepare drawings necessary to obtain any permits which may be required for his operations which are not included in the Department's permit including but not limited to excavation and dumping, constructing wharves, piers, ramps, and other structures connecting to bank or shore, and drawings for constructing falsework, cofferdams, sheeting, temporary bridges, and any other construction within the waterway. Submittals shall show locations of such work with respect to the navigational opening. The Contractor shall coordinate the submittal of drawings with the Engineer.

All construction shall progress and be maintained in a safe and timely manner. Temporary construction facilities shall be removed completely and promptly upon discontinuation of their useful purpose. Navigational lights, signals, or facilities shall be provided and maintained by the Contractor on temporary or permanent construction or vessels until such facilities are no longer needed as determined by the Engineer or permitting agency.

The Contractor shall immediately notify the appropriate authorities and take corrective measures as needed when any situation occurs that imposes a threat to the public. He shall also immediately correct any acts or occurrences that contradict or violate any requirements in the plans, special provisions, or permits when corrective measures can be performed in a safe manner. The Contractor shall notify the appropriate authorities when such corrective measures cannot be performed in a safe manner.

All costs incurred by the Contractor in complying with the above requirements shall be included in the prices bid for the various pay items and no additional payment will be made.

AS-BUILT PLANS**(SPECIAL)**

The Contractor shall provide As-Built plans to both the Resident Engineer and the Navigational Branch of the U.S. Army Corps of Engineers showing the locations of the new fender system. A survey must be performed and referenced to the North Carolina State Plane Coordinate System NAD 1983 US survey feet horizontal datum and NGVD 1929 US survey feet vertical datum. The As-Built plans shall be submitted within thirty (30) days of completion of construction activities to the Resident Engineer and to the U.S. Army Corps of Engineers, Wilmington District, 69 Darlington Ave., Wilmington, North Carolina 28403.

No separate payment will be made for the above work. All costs associated with providing the As-Built plans shall be considered incidental to the lump sum price bid for *Removal of Existing Fender System*.

BRIDGE DECK RIDEABILITY AND GROOVING AT STATION 18+00**(9-30-11)****1.0 GENERAL**

This Special Provision shall govern the testing, diamond grinding, transverse grooving and all other related work associated with obtaining satisfactory rideability and surface texture of the bridge deck surface. Provide a surface finish in accordance with Article 420-14(B) of the Standard Specifications.

2.0 TESTING REQUIREMENTS

Perform acceptance testing of the longitudinal profile of the finished bridge deck in each wheel path of each lane in the presence of the Engineer. It is the Contractor's responsibility to submit a proposed plan of action and schedule for profilograph testing. Use a certified independent provider, approved by the Engineer, to perform the profilograph test.

Prior to profilograph testing, placement of the bridge deck and barrier rail within the section to be tested shall be complete, with the exception of blockouts required for the installation of joints. Do not install joints until the Engineer determines that the rideability requirements herein have been met. Joint locations should be temporarily bridged sufficiently to facilitate operation of the profilograph and corrective equipment across the joint. Remove all obstructions from the bridge deck and sweep the surface clean of debris prior to testing. If automated profilograph equipment is used, there shall be no radio transmissions or other activities that might disrupt the automated profilograph equipment during the testing.

Ensure that the profilograph is in good operating condition per the manufacturer's recommendations. Maintain tires free of debris and buildup during each test run. Operate the profilograph at a maximum speed of 2 miles per hour. If a propulsion vehicle is used, it shall be approved, and the gross vehicle weight shall not exceed 1,000 pounds.

At the beginning and end of each day's testing, and at other times determined to be necessary by the Engineer, operate the profilograph over a calibration strip so the Engineer can verify correct operation of the profilograph. The calibration strip shall be a 100 foot section of pavement that is reasonably level and smooth. Submit each day's calibration graphs with that day's test section graphs to the Engineer. Calibrate the profilograph in accordance with the current NCDOT procedure entitled "Determination of Profile Index". Copies of this procedure may be obtained from the NCDOT Construction Unit.

Plot each profilogram on a continuous graph at a horizontal scale of 25 feet per inch with the vertical scale plotted at a true scale. Station numbers shall be recorded on the profilogram at distances not to exceed 200 feet. Note joint locations on the profilogram.

Take profiles with the recording wheel in each wheel path of each lane. The wheel paths of

a lane are considered parallel to and approximately 3.5 feet inside both edges of the travel lane. Take profiles over the entire length of the travel lanes on the bridge deck including approach slabs. Upon completion of testing, submit the profilograms for each wheelpath to the Engineer for analysis. The Engineer will retain the profilograms.

The Engineer will determine the Profile Index for each wheel path in accordance with the procedure entitled "Determination of Profile Index".

A test section is defined as a 600 foot length of each travel lane. The maximum allowable Profile Index per lane shall not exceed 25" per mile as determined with a 0.0" blanking band over any 600 foot test section. The Contractor will correct individual deviations in excess of 0.3" over any 25 foot length on the line tested by diamond grinding. Additionally, the entire deck surface shall meet a 0.125" in 10 feet straightedge check made atop the deck either transversely or longitudinally as deemed necessary by the Engineer.

3.0 DIAMOND GRINDING

If the deck does not meet the testing requirements, diamond grinding is required to make corrections. Diamond grind the full width of all lanes and shoulders in the direction of travel.

Diamond grinding shall be performed using a Boart Longyear PC 5000, a Target 3804 or an approved equal. Submit grinding equipment specifications to the Engineer for approval before any grinding is performed. Use a grinding machine capable of removing a minimum of 3 feet of width with each pass. Multiple passes may be needed to achieve the required depth of removal. In addition, hand grinding may be required to remove vertical steps between passes.

The ground surface shall consist of between 50 and 60 grooves per foot of width. The grooves shall be between 0.09" and 0.15" in width and 0.0625" in depth. The area between the grooves shall be between 0.06" and 0.13" in width. The final concrete texture shall be uniform.

Construct and operate the grinding machine such that it will not cause strain or damage to the deck surface, excessive ravels, aggregate fractures, spalls, or disturbance of transverse joints. Longitudinally grind the deck parallel to the roadway centerline.

Continuously remove all slurry or other debris resulting from the grinding operations by vacuum pick-up or other approved methods. Prevent the slurry from flowing into floor drains, onto the ground or into the body of water under the bridge. Dispose of all residues off the project.

In completing all corrective work on the deck surface to satisfy the rideability criteria stated herein, limit grinding such that the final reinforcement cover is not less than the plan cover minus ½ inch. In cases where this cannot be achieved, other corrective work may be required as directed by the Engineer.

Provide additional profilograph testing as necessary following grinding until the rideability requirements above are satisfied.

4.0 GROOVING BRIDGE FLOORS

After the concrete surface profile has been accepted by the Engineer, the concrete blockouts poured, and the joints installed, groove the bridge deck in accordance with Article 420-14(B) of the Standard Specifications. If a substantial amount of bridge deck surface has been diamond ground and/or the concrete cover over the slab reinforcement has been reduced to the minimum, the Engineer may delete all or a portion of the requirement of grooving in that area. In this instance, no additional compensation shall be made for underruns in grooving.

5.0 BASIS OF PAYMENT

No separate payment will be made for profilograph testing or diamond grinding of the bridge deck. The cost of the testing procedure, equipment, grinding operation, and removal and disposal of slurry resulting from the grinding operation is considered incidental to the contract bid price for "PPC Overlay".

**OVERLAY SURFACE PREPARATION FOR
POLYESTER POLYMER CONCRETE****(SPECIAL)****DESCRIPTION**

This provision addresses the surface preparation activities required prior to the placement of polyester polymer concrete (PPC). Unless specifically mentioned below, all requirements specified for the bridge deck are also required for the approach slabs.

DEFINITIONS

Scarification shall consist of the removal of any asphalt wearing surface and concrete surface to the uniform depth and limits shown on the plans.

Shotblasting shall consist of steel beads (or other materials as approved by the Engineer) “shot” out of a machine onto the bridge concrete deck concrete floor to remove soft or deteriorated concrete, and to clean the concrete deck surface for the application of the PPC overlay. Contractor shall vary the speed of the shotblaster or make multiple passes, as necessary, to achieve the required surface preparation for the PPC overlay. Areas inaccessible with shotblasting equipment may require surface preparation with sandblasting equipment and hand equipment.

EQUIPMENT

All equipment for cleaning the existing concrete surface and mixing and applying the overlay system shall be in accordance with the System Provider’s recommendations, as approved by the Engineer prior to commencement of any work:

- Scarifying equipment that is a power-operated, mechanical grinder capable of removing a minimum depth of ¼” for each pass.
- Shotblasting and sandblasting equipment to adequately prepare the bridge deck substrate, as required in this provision. Provide equipment to supply oil-free and moisture-free compressed air for final surface preparation.
- Equipment capable of sawing concrete to the specified plan depth.
- Power driven hand tools for removal of unsound concrete are required that meet the following requirements:
 - Pneumatic hammers weighing a nominal 15 lbs. or less.
 - Pneumatic hammer chisel-type bits that do not exceed the diameter of the shaft in width.
- Hand tools such as hammers and chisels for removal of final particles of unsound concrete.
- Self-propelled vacuum capable of picking up dust and other loose material from prepared deck surface.
- Equipment to supply oil-free and moisture-free compressed air for final surface preparation.

The equipment must operate at a noise level less than 90 decibels at a distance of 50 feet.

MANAGEMENT AND DISPOSAL OF CONCRETE DEBRIS

All concrete debris shall become the property of the Contractor. The contractor shall be responsible for disposing of all debris generated by scarification, shotblasting, sandblasting, and

any other surface preparation operations, in compliance with applicable regulations concerning such disposal.

All costs associated with management and disposal of all debris shall be included in the payment of other items.

OSP PLAN SUBMITTAL

Prior to beginning surface preparation activities, the Contractor shall submit for review and approval the Overlay Surface Preparation (OSP) Plan. The OSP Plan shall detail the type of equipment that is intended to be used and the means by which the Contractor will achieve the following requirements:

- Estimate depth of reinforcing steel.
- Scarification of deck to depth required.
- Measure depth of scarification to show completed within limits.
- Measure depth of shotblasting to show completed within limits.

SURFACE PREPARATION

Remove all existing asphalt overlays and all loose, disintegrated, unsound or contaminated concrete to the limits shown on the plans with the following requirements. During surface preparation, precaution shall be taken to assure that traffic is protected from rebound, dust, and construction activities. Appropriate shielding shall be provided as required and directed by the Engineer.

- A. Sealing of Bridge Deck: Seal all expansion joints subject to run-off water from the scarification, shotblasting, and PPC placement process with material approved by the Engineer, prior to beginning any demolition. The expansion joints shall remain sealed until it has been determined that water and materials from the scarification, shotblasting, and PPC placement operations cannot be discharged through them any longer. Take all steps necessary to eliminate the flow of water or materials through the expansion joints, and any other locations water or materials could leak from the deck.

All deck drains in the immediate work area and other sections of the bridge affected by the work being performed shall be sealed prior to beginning scarification. Drains shall remain sealed until it has been determined that water and materials from the scarification, shotblasting, and PPC placement operations cannot be discharged through them any longer.

- B. Scarifying Bridge Deck: Remove any asphalt wearing surface from the bridge deck and scarify the concrete deck to remove the entire concrete surface of the deck to the uniform depth and limits shown on the plans.

It will be the Contractor's responsibility to determine amount of cover for the reinforcing steel. Use a pachometer or other approved device, as approved by Engineer, prior to scarification. Readings shall be read and recorded in the presence of the Engineer. Readings shall be recorded for each span at 1/5 points longitudinally and 1/3 points transversely. The cost for this work will be considered incidental to the cost of surface preparation of the bridge deck.

Estimated average cover to top mat:

Brunswick 71: 2" +/- 1/2"

The above top mat cover dimensions are an estimate based on the best available information. Calibrate scarifying equipment in order to avoid damaging the reinforcing steel in the bridge floor or the approach slab. Care shall be taken not to cut, stretch, or damage any exposed reinforcing steel. If reinforcing bars or bridge drainage devices are pulled up or snagged during scarification operations, cease work and consult with the Engineer to determine any necessary adjustments to the roto-milling operation.

Remove and dispose of all concrete and asphalt, and thoroughly clean the scarified surface. In areas where reinforcing steel is located in the depth to be scarified, use another method with the Engineer's approval.

The Engineer will re-inspect after each removal and require additional removals until compliance with plans and specifications are met.

Regardless of the method of removal, the removal operation shall be stopped if it is determined that sound concrete is being removed to a depth greater than required by the plans.

- C. Class II Surface Preparation (Partial Depth): At locations specified on the plans for Class II Surface Preparation, verify the depth of removal achieved by the scarification. Remove by additional scarification or chipping with hand tools all existing patches and contaminated concrete to the required depth. No additional payment will be made for Class II Surface Preparation depths achieved by the initial scarification.

All patches shall be removed under Class II surface preparation. If any patch cannot be removed by means of scarification, the Contractor shall use hand tools to remove the patch. Areas indicated on the plans that require Class II surface preparation, including the locations of existing patches, are from the best information available. The Contractor shall verify prior to surface preparation the location of all existing patches.

Dispose of the removed concrete, clean, repair or replace rusted or loose reinforcing steel, and thoroughly clean the newly exposed surface. Care shall be taken not to cut, stretch, or damage any exposed reinforcing steel.

In overhangs, removing concrete areas of less than 0.60 ft²/ft length of bridge without overhang support is permitted unless the Engineer directs otherwise. Overhang support is required for areas removed greater than 0.60 ft²/ft length of bridge. Submit details of overhang support to the Engineer for approval prior to beginning the work.

- D. Class III Surface Preparation (Full Depth): Remove by scarification and chipping with hand tools the full depth of slab. Dispose of the removed concrete, clean, repair or replace damaged reinforcing steel and thoroughly clean the newly exposed surface. Care shall be taken not to cut, stretch, or damage any exposed reinforcing steel.

For areas of less than 3 ft² suspending forms from existing reinforcing steel using wire ties is permitted. For larger areas, support forms by blocking from the beam flanges, or other approved method.

Overhang support is required for full depth removal adjacent to bridge rails. Submit details of overhang support to the Engineer for approval prior to beginning the work.

Under Deck Containment: Under deck containment shall be installed where Class III surface preparation occurs. The containment shall be installed prior to excavation in the areas where

full depth removal is required or blow thru may occur during the scarification and excavation process.

Submit for approval detailed plans for the under deck containment system. Detail how waste, debris, and wastewater are contained.

- E. Concrete Deck Repair: Repair and fill the Class II surface preparation areas of the existing bridge concrete deck prior to the final surface preparation and application of the PPC overlay, at locations shown in the plans, or as determined by the Engineer, if necessary. Materials other than PPC may be used for concrete deck repairs, but shall be approved by the PPC System Provider's Technical Representative and shall be applied and prepared as required by the PPC System Provider. For concrete deck repairs with PPC, materials, equipment, surface preparation, placement, and finishing of PPC used for deck repairs shall meet the requirements of the PPC provision. PPC repair material may be placed up to one (1) hour prior to overlay placement.

Prior to any construction, take the necessary precautions to ensure debris from bridge deck preparation and repairs is not allowed to fall below the bridge deck.

Use the following surface preparation equipment:

- Sawing equipment capable of sawing concrete to a specified depth.
- Power driven hand tools for removal of concrete are required that meet the following requirements:
 - Pneumatic hammers weighing a nominal 15 lbs (7 kg) or less.
 - Pneumatic hammer chisel-type bits that do not exceed the diameter of the shaft in width.
 - Hand tools such as hammers and chisels for removal of final particles of concrete.

Spalled or unsound areas of the deck shall be removed to sound concrete at the locations noted in the contract plans or as directed by the Engineer. Remove existing spalled or unsound areas of the bridge concrete deck by methods approved by the Engineer. Provide a 1" deep saw cut around the perimeter of areas noted for bridge deck removal. Remove, using the type of tools listed above, all concrete within the sawcut to a minimum depth of 1" and as necessary to remove unsound concrete. All loose and unsound concrete shall be removed.

If the condition of the concrete is such that deep spalls or sheer faces result, notify the Engineer for the proper course of action.

Clean, repair, or replace rusted or loose reinforcing steel. Thoroughly clean the newly exposed surface to be free of all grease, oil, curing compounds, acids, dirt, or loose debris.

All repairs shall be placed/ finished to match substrate deck grade in order to provide a uniform overlay thickness.

Concrete deck repairs with PPC may be utilized as a stand-alone item where required on structures not to receive a PPC overlay.

- G. Concrete for Full Depth Repair: Repair and fill the Class III surface preparation areas with Class AA or high early strength structural concrete, in accordance with the methods described below:

Refill areas with Class AA concrete to the bottom of the proposed concrete overlay in accordance with Section 420 of the *Standard Specifications*. Any of the methods for curing Class AA concrete as stated in the *Standard Specifications* are permitted except the membrane curing compound method.

Provide a raked finish to the surface of the Class AA concrete which provides a minimum relief of 1/16" and a maximum relief of 1/4". Place the overlay course after the Class AA concrete has attained a minimum compressive strength of 2500 psi. The strength shall be verified by an approved, non-destructive test method.

Refill the areas where concrete was removed with high early strength concrete as described in the Concrete for Deck Repair and Volumetric Mixer special provisions.

Other parameters for the deck repair material and preparation shall be as required by the PPC System Provider.

- H. Preparation of Reinforcing Steel: Remove concrete without cutting or damaging existing steel unless otherwise noted in the plans. Damaged reinforcing steel, such as bars with nicks deeper than 20% of the bar diameter, shall be repaired or replaced. Reinforcing steel which has a cross section reduced to 75% or less shall be replaced with new reinforcing steel of similar cross section area. Replacement bars shall be Grade 60 and meet the material requirements of Section 1070 of the *Standard Specifications*. Replacement bars shall be spliced to existing bars using either minimum 30 bar diameter lap splices to existing steel with 100% cross sectional area or approved mechanical connectors.

For reinforcing steel left unsupported by the concrete removal process, support and protect the exposed reinforcing steel against displacement and damage from loads, such as those caused by removal equipment and delivery buggies. All reinforcing steel damaged or dislodged by these operations shall be replaced with bars of the same size at the contractor's expense.

Reinforcing steel exposed and satisfactorily cleaned and prepared will not require additional cleaning, if encased in concrete within seven (7) days. Rebar exposed for more than seven (7) days shall be satisfactorily cleaned and prepared, prior to placement of the new concrete. The satisfactory cleanliness and preparation of the reinforcing steel shall be determined by the Engineer.

When large areas of the deck on composite bridges are removed resulting in the debonding of the primary reinforcing bars, the removal shall be performed in stages to comply with the construction sequence shown on the plans or as directed by the Engineer.

- I. Surface Cleaning: The surface of concrete substrate shall be prepared for application of the overlay by shotblasting in order to remove all existing grease, slurry, oils, paint, dirt, striping, curing compound, rust, membrane, weak surface mortar, or any other contaminants that could interfere with the proper adhesion of the overlay system. The final prepared surface shall adhere to the following requirements:
1. If expansion joints are not being replaced or have been replaced prior to shotblasting they shall be protected from damage from the shotblasting operation. Deck drains and areas

of curb or railing above the proposed surface shall be protected from the shotblasting operation.

2. The areas to receive overlay shall be cleaned by shotblasting, or abrasive sandblasting in the event that the shotblaster cannot access areas to be prepared. Do not begin shotblasting until all grinding or milling operations are completed. Cleaning shall not commence until all work involving the repair of the concrete deck surface has been completed and the deck is dry. All contaminants shall be picked up and stored in the vacuum unit and no dust shall be created during the blasting operation that will obstruct the view of motorists in adjacent roadways. The travel speed and/or number of passes of the shotblasting unit shall be adjusted, so as to result in all weak or loose surface mortar being removed, aggregates within the concrete being exposed, and open pores in the concrete exposed, as well as a visible change in the concrete color. Cleaned surfaces shall not be exposed to vehicular traffic unless approved by the Engineer. If the deck becomes contaminated before placing the overlay, the Contractor shall shotblast or abrasive sandblast the contaminated areas to the satisfaction of the Engineer at no additional cost.
 3. Prior to the overlay placement, any loose particles shall be removed by magnets and oil free compressed air and vacuuming, such that no trapped particles remain. Power washing will not be allowed.
 4. The areas to be overlaid shall be blown off with oil and moisture free compressed air just prior to placement of the primer and shall be completely dry.
 5. Cleaning methods other than those detailed by specification may be suggested by the PPC System Provider and approved by the Engineer.
 6. All steel surfaces that will be in contact with the PPC overlay shall be cleaned in accordance with SSPC-SP No. 10, Near-White Blast Cleaning, except that wet blasting methods shall not be allowed.
- J. Safety: Provide a containment system for handling expected and unexpected blow thru of the deck. The containment system shall retain runoff water and debris and protect the area under the bridge deck. The Contractor shall be responsible for any injury or damage caused by these operations. The containment system shall remain in place until the concrete has been cast and attained minimum strength.

Provide adequate lighting when performing deck preparation activities at night. Submit a lighting plan to the Engineer for approval prior to beginning work.

BASIS OF PAYMENT

Scarifying Bridge Deck will be measured and paid for at the contract unit price per square yard and will be full compensation for the milling of existing asphalt wearing surface from the bridge deck or approaches, milling of the entire concrete bridge deck, repairing or replacing any damaged reinforcing steel, and the cleaning and disposal of all waste material generated.

Shotblasting Bridge Deck will be measured and paid for at the contract unit price per square yard and will be full compensation for the shotblasting and necessary sandblasting and handwork to prepare the entire concrete bridge deck, and removal and disposal of all waste material generated.

Class II Surface Preparation will be measured and paid for at the contract unit price per square yard and will be full compensation for Class II deck preparation where required by the plans. The cost will also include removal and disposal of unsound and contaminated concrete, removal of all existing patches, cleaning, repairing or replacing of reinforcing steel, and all materials, labor, tools, equipment and incidentals necessary to complete the work.

Class III Surface Preparation will be measured and paid for at the contract unit price per square yard and will be full compensation for Class III deck preparation where required by the plans. The cost will also include removal and disposal of unsound and contaminated concrete, cleaning, repairing or replacing of reinforcing steel, under deck containment, placing and finishing concrete for full depth repair, and for furnishing all materials, labor, tools, equipment and incidentals necessary to complete the work.

Payment will be made under:

Pay Item

Scarifying Bridge Deck
 Shotblasting Bridge Deck
 Class II, Surface Preparation
 Class III Surface Preparation

Pay Unit

Square Yard
 Square Yard
 Square Yard
 Square Yard

POLYESTER POLYMER CONCRETE BRIDGE DECK OVERLAY**(SPECIAL)****DESCRIPTION**

This work consists of furnishing and placing a Polyester Polymer Concrete (PPC) overlay system with a High Molecular Weight Methacrylate (HMWM) resin primer on concrete surfaces. The surface of the concrete shall be prepared and the PPC overlay system shall be applied in accordance with this provision in conformity with the lines, grades, thickness, and typical cross-sections shown on the plans or as approved by the Engineer. Unless specifically mentioned below, all requirements specified for the bridge deck are also required for the approach slabs.

Work includes: placement of HMWM primer; placement of PPC surface patching and/or overlay; and any incidentals necessary to complete the project as specified or as shown on the plans.

The System Provider is the manufacturer that will provide the PPC system for the PPC overlay. System shall include the necessary and appropriate PPC components, as well as the necessary and appropriate HMWM resin primer components. Contractor shall not change System Provider during project, without approval from the Engineer.

QUALIFICATIONS AND SUBMITTALS

The Contractor shall submit the following requested items and any other relevant documents at least two weeks prior to the PPC Overlay Pre-placement Conference. These submittals are for approval and shall be directed to the Engineer.

- A. Overlay System: The Contractor shall submit two copies of the System Provider's material information, written installation instructions, safety data sheets, and independent test results for approval.
- B. System Provider Qualifications: The Contractor shall install an overlay system with all components provided through a single System Provider with documented experience successfully supplying at least 5 PPC overlay projects of similar size and scope within the past 5 years. The Contractor shall submit documentation of the System Provider's project experience including the following:
 - 1) Project Location
 - 2) Owner Agency
 - 3) Project construction date
 - 4) Overlay quantities
 - 5) Reference name and contact information for owner representative
- C. Contractor Qualifications: The Contractor shall submit documentation of successful projects placing structural concrete bridge decks, modified concrete bridge deck overlays, or PPC overlay systems to finished grade using similar equipment as specified herein within the past 5 years. A minimum of two (2) employees on site must have the equivalent work experience qualifications of the Contractor. The documentation of Contractors qualifications shall include the following:
 - 1) Project Location
 - 2) Owner Agency
 - 3) Project construction date
 - 4) Overlay quantities
 - 5) Reference name and contact information for owner representative

- D. System Provider Technical Representative Qualifications: The System Provider Technical Representative shall have a minimum of 5 years of experience with PPC and be completely competent in all aspects of the work, including surface preparation, mixing, placement, curing, and testing of the PPC Overlay System. The Technical Representative shall have experience on a minimum of 5 successful projects of similar size and scope. The Contractor shall submit documentation of the System Provider Technical Representative's experience including the following:
- 1) Years of Experience with PPC
 - 2) Project location
 - 3) Project construction date
 - 4) Overlay quantities
 - 5) Reference name and contact information for owner representative
- The Technical Representative shall be available on site, for a minimum of three (3) days per project, to give the installer advice and guidance on the installation of PPC. This includes, but not limited to deck concrete surface preparation, PPC application, and PPC cure.
- E. Overlay Placement Plan: The Contractor shall submit an Overlay Placement Plan that includes the following:
- 1) Schedule of overlay work and testing for each bridge
 - 2) Anticipated concrete deck repair locations and repair method
 - 3) Staging plan describing overlay placement sequence including:
 - a) Construction joint locations. Longitudinal construction joints between passes shall be located along the centerline or edge of travel lanes.
 - b) Sequence of placement
 - c) Placement widths
 - d) Anticipated placement lengths
 - e) Placement direction
 - f) Joint locations
 - g) Location of proposed trial overlay(s)
 - 4) Description of equipment used for:
 - a) Surface preparation including grinding and shotblasting
 - b) Applying HMWM Primer resin
 - c) Measuring, mixing, placing, and finishing the PPC
 - d) Applying surface finish sand
 - 5) Method of protecting and finishing inlets and bridge drains
 - 6) Method for isolating expansion joints
 - 7) Method for measuring and maintaining overlay thickness and profile
 - 8) Cure time for PPC
 - 9) Storage and handling of HMWM resin and PPC components
 - 10) Procedure for disposal of excess HMWM resin, PPC, and containers
 - 11) Procedure for cleanup of mixing and placement equipment
- F. Equipment: The Contractor shall submit documentation of current certification that mixing equipment has been calibrated (Caltrans California test CT 109 or similar accepted). The Contractor shall submit a documented history of the use of the placement equipment to successfully place PPC overlays on bridge projects for review and approval by the Engineer.

MATERIALS

The PPC shall consist of polyester resin binder and aggregate as specified below. It shall also include a compatible primer which when mixed with other specified ingredients and applied as specified herein, is capable of producing a PPC meeting the requirements of this specification.

- 1) Verification. The Contractor shall submit a Certified Test Report from independent labs for all of the materials associated with the PPC overlay in accordance with this special provision.
 - 2) Packaging and Shipment. All components shall be shipped in strong, substantial containers, bearing the manufacturer's label specifying batch/lot number, brand name, and quantity. If bulk resin is to be used, the contractor shall notify the Engineer in writing 10 days prior to the delivery of the bulk resin to the job site. Bulk resin is any resin that is stored in containers in excess of 55 gallons.
 - 3) Sampling. NCDOT reserves the right to retain and test samples of components of the PPC Overlay system. This includes requiring submittal of samples prior to the first installation or on-site sampling during construction.
- A. Polyester Resin Binder: Polyester resin binder shall have the following properties:
- 1) Be an unsaturated isophthalic polyester-styrene co-polymer. The resin content shall be 12% +/-1% of the weight of the dry aggregate.
 - 2) Contain at least 1 percent by weight gamma-methacryloxypropyltrimethoxysilane, an organosilane ester silane coupler.
 - 3) Be used with a promoter that is compatible with suitable methyl ethyl ketone peroxide and cumene hydroperoxide initiators.
 - 4) Meet the required values for the material properties shown in Table 1, below.

Accelerators or inhibitors may be required to achieve proper setting time of PPC. They shall be used as recommended by the overlay System Provider.

Table 1
POLYESTER RESIN BINDER PROPERTIES
(Each lot sent to job shall be tested)

Property	Test Method	Requirement
Viscosity*	ASTM D 2196	75 – 200 cps (RVT No.1 Spindle, 20 RPM at 77 °F)
Specific Gravity*	ASTM D 1475	1.05 to 1.10 at 77 °F
Elongation	ASTM D 638	35 percent, minimum Type I specimen, thickness 0.25 ± 0.03" at Rate = 0.45 inch/minute.
	ASTM D 618	Sample Conditioning: 18/25/50+5/70
Tensile Strength	ASTM D 638	2,500 psi, minimum Type I specimen, thickness 0.25 ± 0.03" at Rate = 0.45 inch/minute.
	ASTM D 618	Sample Conditioning: 18/25/50+5/70
* Test shall be performed before adding initiator.		

- B. High Molecular Weight Methacrylate (HMWM) Primer: Primer for the substrate concrete surface shall be a wax-free, low odor, high molecular weight methacrylate primer, and consist of a resin, initiator, and promoter. The primer shall conform to requirements indicated in Table 2, below, and all components shall be supplied by the System Provider.

Initiator for the methacrylate resin shall consist of a metal drier and peroxide. If supplied separately from the resin, the metal drier shall not be mixed with the peroxide directly; a VIOLENT EXOTHERMIC REACTION will occur. The containers and measuring devices shall not be stored in a manner that allows leakage or spilling to contact the containers or materials of the other.

Table 2
HIGH MOLECULAR WEIGHT METHACRYLATE RESIN PROPERTIES
(Tested yearly)

Property	Test Method	Requirement
Viscosity**	ASTM D 2196	25 cps maximum (Brookfield RVT with UL adapter, 50 RPM at 77 °F)
Volatile Content**	ASTM D 2369	30 percent, maximum
Specific Gravity**	ASTM D 1475	0.90 minimum at 77 °F
Flash Point	ASTM D 3278	180 °F minimum
Vapor Pressure**	ASTM D 323	1.0 mm Hg, maximum at 77 °F
PCC Saturated Surface-Dry Bond Strength (Adhesive)	California Test 551, part 5	700 psi, minimum at 24 hours and 70 ± 1°F (with PPC at 12% resin content by weight of the dry aggregate), primed surface
**Test shall be performed before initiator is added		

- C. Aggregates: PPC aggregate shall have the following properties:
- 1) No more than 45 percent crushed particles retained on the No. 8 sieve when tested in accordance with AASHTO Test Method T335.
 - 2) Fine aggregate consists of natural sand only.
 - 3) Weighted-average aggregate absorption of no more than 1.0 percent when tested under AASHTO Test Methods T84 and T85.
 - 4) At the time of mixing with resin, have moisture content of not more than one-half of the weighted-average aggregate absorption when tested under AASHTO Test Method T255.
 - 5) Moh's hardness of 7 or greater.
 - 6) Comply with the requirements for the aggregate gradation indicated in Table 3, below:

Table 3
AGGREGATE GRADATION
(Tested yearly)

Sieve Size	Percent Passing
3/8"	100
No. 4	60-85
No. 8	55-65
No. 16	29-50
No. 30	16-36
No. 50	5-20
No. 100	0-7
No. 200	0-3

Sand for abrasive sand finish shall have the following properties:

- 1) Commercial-quality blast sand.
- 2) Not less than 95 percent pass the No. 8 sieve and not less than 95 percent retained on the No. 20 sieve when tested under AASHTO Test Method T27.
- 3) Shall be dry at the time of application.

- D. Composite system: The composite PPC system shall have the following properties indicated in Table 4, below:

Table 4
COMPOSITE PROPERTIES
(Tested every 2 years)

Property	Test Method	Requirement
PCC Saturated Surface Dry Bond Strength	CT 551	500 psi minimum at 24 hrs. and 70° F (without primer, at 12% resin content by weight of the dry aggregate, on Saturated Surface Dry Specimen)
Abrasion Resistance	CT 550	<2g weight loss (at 12% resin content by weight of the dry aggregate)
Modulus of Elasticity	ASTM C 469	1,000,000 psi to 2,000,000 psi (at 12% resin content by weight of the dry aggregate)

CONSTRUCTION REQUIREMENTS

- A. PPC Overlay Pre-placement Conference: A Pre-placement Conference shall be held before any overlay operations begin. Attendees shall include representatives from all parties involved in the work. If necessary, teleconferencing of attendees may be approved by the Engineer.
- B. Trial Application: Prior to constructing the overlay, one or more trial applications shall be placed on a previously constructed concrete base to demonstrate proper initial set time and the effectiveness of the mixing, placing, and finishing equipment proposed. The set time can be determined as the time elapsed from resin catalyzation until the in-place PPC cannot be deformed by pressing with a finger, indicating the resin binder is no longer in a liquid state. Each trial application shall be the planned paving width, at least 10 feet long, and the same thickness as the

specified overlay. Conditions during the construction of the trial application(s) and equipment used shall be similar to those to be used for construction of the overlay. The location of the trial application(s) shall be approved by the Engineer. Trial applications shall be properly disposed of off-site by the Contractor, if removal is necessary.

The number of trial applications required shall be as many as necessary for the Contractor to demonstrate the ability to construct an acceptable trial overlay section and competency to perform the work. However, the installer or proposed equipment/techniques may be rejected if not shown to be acceptable after three (3) trials.

Overlay tensile bond testing shall be performed in accordance with the acceptance testing herein. Vertical axis pull bond tests shall be performed after 24 hours by the Contractor in accordance to ACI 503R-30. At a minimum, 2 pull bond tests shall be performed on each Trial Application. Acceptable test results shall be achieved on a Trial Application before the installation may proceed. Tensile bond testing shall be performed by an independent testing firm and shall be arranged by the Contractor, cost to be included in bid price for *Placing and Finishing PPC Overlay* item.

C. Equipment: All equipment for cleaning the existing concrete surface and mixing and applying the overlay system shall be in accordance with the System Provider's recommendations, as approved by the Engineer prior to commencement of any work.

- 1) Surface Preparation Equipment: Provide appropriate scarifying, shotblasting, sandblasting and other equipment to adequately prepare the bridge deck substrate, as required in the Overlay Surface Preparation for Polyester Polymer Concrete special provision.
- 2) Mixing Equipment: A continuous automated mixer shall be used for all PPC overlay applications. The continuous mixer shall:
 - a. Employ an auger screw/chute device capable of sufficiently mixing catalyzed resin with dry aggregate.
 - b. Employ a plural component pumping system capable of handling polyester binder resin and catalyst while maintaining proper ratios to achieve set/cure times within the specified limits. Catalyzed resin shall flow through a static mix tube for sufficient duration to completely mix the liquid system.
 - c. Be equipped with an automatic metering device that measures and records aggregate and resin volumes. Record volumes at least every five minutes, including time and date. Submit recorded volumes at the end of the work shift.
 - d. Have a visible readout gage that displays volumes of aggregate and resin being recorded.
 - e. Produce a satisfactory mix consistently during the entire placement.

A portable mechanical mixer of appropriate size for proposed batches, as recommended by the System Provider and approved by the Engineer, may be used for all PPC patching applications and for smaller area overlay applications if approved by the Engineer.

- 3) Finishing Equipment: Finishing may be accomplished with a Self-Propelled Slip-Form Paving Machine.

Self-Propelled Slip-Form Paving Machine

A self-propelled slip-form paving machine, which is modified or specifically built to effectively place the PPC overlay in a manner that meets the objectives and requirements of the project, shall be used for major PPC overlay applications. The paving machine shall:

- a. Employ a vibrating pan to consolidate and finish the PPC.
- b. Be fitted with hydraulically controlled grade automation to establish the finished profile. The automation shall be fitted with substrate grade averaging devices on both sides of the new placement; the device shall average 15 feet in front and behind the automation sensors; or the sensor shall be constructed to work with string-line control. It is acceptable to match grade when placing lanes adjacent to previously placed PPC.
- c. Have sufficient engine power and weight to provide adequate vibration of the finishing pan while maintaining consistent forward placement speed.
- d. Be capable of both forward and reverse motion under its own power.

Vibratory Screed

A vibratory screed may be used for finishing PPC on smaller projects (generally less than 6000 ft² of bridge deck area), but must be approved by the Engineer at least two weeks prior to PPC placement.

- D. Concrete Deck Repairs and Surface Preparation: All areas that require removal of existing patches or unsound concrete shall be removed and prepared in accordance with the requirements of the Overlay Surface Preparation for Polyester Polymer Concrete special provision. Placement of concrete deck repair material shall be in accordance with this special provision. Prepare all concrete deck and repaired deck surfaces in accordance with the requirements of the Overlay Surface Preparation for Polyester Polymer Concrete special provision.
- E. Application of Overlay: Methods indicated in this specification are typical of general installations and may be modified per the System Provider's recommendations as approved by the Engineer. The application of the overlay shall not begin until the concrete deck is completely surface dry in accordance with ASTM D4263, with a wait time revised from 16 hours to 2 hours, or as directed by the System Provider's Technical Representative. The concrete surface temperature shall be between 40° and 100° F. Night work may be required when temperatures cannot be met during the day.

During overlay application, precaution shall be taken to assure that traffic is protected from rebound, dust, and construction activities. Appropriate shielding shall be provided as required and directed by the Engineer.

During overlay application, the Contractor shall provide suitable coverings (e.g. heavy duty drop cloths) as needed to protect all exposed areas not to receive overlay, such as curbs, sidewalks, parapets, etc. All damage or defacement resulting from this application shall be cleaned and/or repaired to the Engineer's satisfaction at no additional cost.

- 1) HMWM Primer Application: Immediately before placing primer, all exposed surfaces shall be completely dry and blown clean with oil-free compressed air. Exposed surfaces shall be protected from precipitation and heavy dew during and after the application of the primer.

After the exposed surfaces have been prepared and are dry, primer shall be applied in accordance with the System Provider's recommendations. Primer shall be placed within 5 minutes of mixing at approximately 90 ft²/ gal or the rate acceptable to the Engineer.

Primer shall be applied by flooding and uniformly spread to completely cover surfaces to receive overlay. Care shall be taken to avoid heavy application that results in excess

puddling. Excess material shall be removed or distributed to meet the required application rate. Primer shall be reapplied to any areas that appear dry prior to overlay placement.

Primer shall not be allowed to leak onto areas that have not received surface preparation.

- 2) PPC Application: The PPC shall be applied during the interval between 15 minutes and 2 hours after the primer has been applied. The PPC shall be placed prior to gelling and within 15 minutes following addition of initiator, unless otherwise recommended by the System Provider's Technical Representative.

The polyester resin binder shall be initiated and blended completely. Aggregate shall be added and mixed sufficiently when a portable mechanical mixer is used.

PPC shall have an initial set time of at least 30 minutes and at most 90 minutes. The set time can be determined in the field when the in-place PPC cannot be deformed by pressing with a finger, indicating that the resin binder is no longer in a liquid state. If the initial set is not within 30 to 90 minutes, the material shall be removed and replaced.

The overlay shall be consolidated and finished to the required grade and cross-section using PPC placement equipment as defined herein.

If a vibratory screed is used, prior to placing the PPC, place and fasten screed rails in position to ensure finishing the new surface to the required profile. Do not treat screed rails with parting compound to facilitate their removal. Prior to placing the overlay, attach a filler block to the bottom of the screed and pass it over the overlay area to check the thickness. The filler block thickness shall be equal to the design overlay thickness as shown in the plans. Remove all concrete that the block does not clear.

Place the PPC in one operation. Provide a minimum overlay thickness as shown in the plans.

Although the paver or screed may yield a finished or nearly finished surface, additional finishing may be necessary. PPC shall be finished, as necessary, through traditional concrete finishing methods, producing a slight resin bleed indicating complete consolidation of aggregates.

Finishing of PPC used as patching of an existing deck surface or overlay shall be completed and finished using traditional concrete hand finishing methods and hand concrete finishing tools. Such patches shall be placed flush with the top of the existing deck surface.

Resin content shall be as specified in the Materials section of this special provision and to yield a PPC consistency that requires surface applied consolidation and finishing to consolidate aggregates and yield a slight sheen of bleed resin on top surface, yet does not yield excess bleed resin.

A surface friction sand finish of at least 2.2 lbs/ yd² shall be broadcast onto the glossy surface immediately after sufficient finishing and before resin gelling occurs. To ensure adequate pavement friction, the completed PPC overlay surface shall be free of any smooth or "glassy" areas such as those resulting from insufficient quantities of surface aggregate. Any such surface defects shall be repaired by the Contractor in the manner recommended by the System Provider and approved by the Engineer at no additional cost.

After application of surface friction sand, unless otherwise indicated on the plans, groove the bridge floor in accordance with Article 420-14(B) of the Standard Specifications. Vehicular traffic may travel across a deck surface that has not been grooved; however, the entire deck area shall be grooved after the PPC overlay achieves design strength and no later than seven days after completion of the overlay unless otherwise approved by the Engineer.

All working deck joints shall be extended through the overlay and be sealed according to the details in the plans.

If traffic is to be returned to the site, but the overlay is not completed within the allowable lane closure time and is more than $\frac{3}{4}$ inch higher in elevation than the adjacent pavement, the PPC overlay edges shall be tapered. Tapered edges transverse to the direction of traffic and on the leading edge of the overlay shall be at a 4:1 (horizontal: vertical) slope. Tapered edges transverse to the direction of traffic and on the trailing edge of the overlay and tapered edges longitudinal to the direction of traffic shall be at a 45 degree slope. Tapers of 45 degrees may remain, and PPC overlay may be placed adjacent. Tapers with a slope gentler than 45 degrees shall be sawcut square to the overlay surface, prior to placing adjacent PPC overlay.

The Contractor shall collect a ticket for each pass or portion of a pass that is provided by each mixer, and ensure that the following information is shown on each ticket:

- a. Project Number
- b. Bridge Number
- c. Date and Time
- d. Location of Placement (Lane and Station Limits or location and length of placement along the length of the bridge)
- e. Aggregate Weight
- f. Polyester Resin Binder Weight

The tickets shall be available on site for Inspection personnel to use in tabulating quantities.

Curing: The Contractor shall allow the overlay to cure sufficiently before subjecting it to loads or traffic of any nature that may damage the overlay. Cure time depends upon the ambient and deck temperatures as well as initiator/accelerator levels.

The overlay shall be considered cured to a traffic ready state when a minimum reading of 25 on a properly calibrated Swiss hammer is achieved. Other rebound hammers may be use as approved by the Engineer.

- F. Acceptance Testing: Acceptance of the deck repairs, surface preparation, and PPC overlay will be determined by the Engineer based on vertical axis bond tests, and smoothness quality testing performed by the Engineer, assisted by the Contractor.
- 1) Overlay Direct Tension Bond Testing: Vertical axis pull bond tests shall be performed after 24 hours by the Contractor in accordance to ACI 503R-30. At a minimum, 2 pull bond tests shall be performed on each bridge overlay. For bridges with deck areas greater than 25,000 square feet, additional tests shall be performed at a frequency of one test per 25,000 square feet of additional deck area, rounded up. Additional testing may be required as directed by the Engineer.

The test result shall be the average of the tests for each structure. Test cores shall be drilled a minimum of 0.25" but no greater than 0.50" below the bond line.

The minimum bond strength of the PPC overlay system on normal weight concrete shall be 250 psi. An acceptable test will demonstrate that the overlay bond strength is sufficient by producing a concrete subsurface failure area greater than 50% of the test surface area. The Contractor shall repair all bond test locations with PPC overlay in accordance with this specification.

- 2) Smoothness Quality Testing: As soon as practical after the PPC has hardened sufficiently, test the finished surface with an approved rolling straightedge that is designed, constructed, and adjusted, so that it will accurately indicate or mark all deck areas which deviate from a plane surface by more than 1/8" in 10'. Remove all high areas in the hardened surface in excess of 1/8" in 10' with an approved grinding or cutting machine. Additionally, the final PPC deck surface shall not deviate from the line and elevation indicated on the plans by more than 0.3" over any 50' length. If approved by the Engineer, correct low areas in an acceptable manner.

G. Corrective Work

- 1) Repair of Surface Defects: The repair materials and finishing methods for surface defects in the overlay shall be in accordance to those used for the application of the overlay. All surface defects shall be repaired to the satisfaction of the Engineer before acceptance of the work is made.
- 2) Correction for Smoothness: Areas showing high spots of more than 1/8 inch in 10 feet shall be marked and diamond ground until the high spot does not exceed 1/8 inch in 10 feet. Ground surface may be sawcut grooved to restore the texture if ordered by the Engineer. Areas showing low spots of more than 1/8 inch in 10 feet shall be marked and prepared with shot blasting or sandblasting, primed, and filled with either catalyzed resin and broadcast sand or mixed PPC slurry material. The use of resin or mixed slurry material shall be as recommended by the System Provider and approved by the Engineer.
- 3) Replacement of Defective Overlay: A defective overlay, or portion thereof, resulting in failing overlay pull bond test results shall be removed and replaced at the Contractor's expense. The Contractor shall submit a written corrective work proposal to the Engineer, which shall include the methods and procedures that will be used. The Contractor shall not commence corrective work until the methods and procedures have been approved in writing by the Engineer. The Engineer's approval shall not relieve the Contractor of the responsibility of producing work in conformity with the Contract.
- 4) Repair of Cracking: After a one-week cure period, if cracks are in the overlay, the Contractor shall fill the cracks with properly catalyzed and mixed HMWM primer material at his own expense. Care shall be taken to fill the cracks only, and ensure minimal HMWM primer is left on the finished surface of the overlay.

MEASUREMENT AND PAYMENT

Concrete Deck Repair for PPC Overlay will be measured and paid for at the contract unit price bid per square yard and will be full compensation for placement of concrete deck repair material

and shall include the cost of labor, tools, equipment and incidentals necessary to complete the work.

PPC Materials will be measured as the actual volume of PPC material complete-in-place. The volume shall include material used for overlay, patching of existing unsound concrete deck surface or overlays, and bridge deck concrete repairs as directed by the Engineer. Tickets provided to the project inspector, showing quantities of PPC produced, shall be sufficient to calculate volume of material placed. Materials placed for Trial Overlay shall be included in Pay Quantity if placed and remaining on the bridge deck as part of the permanent overlay. *PPC Materials* will be paid for at the contract unit price per cubic yard and will be full compensation to furnish the PPC material, including HMWM primer, freight to the project site, receiving, storage, and disposal of any unused PPC overlay material. Payment by cubic foot will be based on a 135 lbs/ ft³ unit weight and quantities recorded by calibrated mixer unit readouts.

Placing and Finishing PPC Overlay will be measured and paid for as the quantity of final surface finishing. Payment will be full compensation for all labor, equipment, and all incidentals necessary to complete the PPC overlay placement. Construction and removal (if required) of Trial Overlay, including concrete base surfaces, will not be measured and paid for separately, but shall be included in the work.

Payment will be made under:

Pay Item

Concrete Deck Repair for PPC Overlay

PPC Materials

Placing and Finishing PPC Overlay

Pay Unit

Square Yard

Cubic Yard

Square Yard

REPAIRS TO PRESTRESSED CONCRETE GIRDERS**(SPECIAL)****DESCRIPTION**

Work includes removal of concrete in spalled and/ or delaminated areas of the existing prestressed concrete girders, in reasonably close conformity with the lines, depth, and details shown on the plans, described herein, and as established by the Engineer. This work also includes straightening, cleaning, and replacement of reinforcing steel; application of HRCSA corrosion penetrant; doweling/ adhesively anchoring new reinforcing steel or studs; removing all loose materials; removing and disposing of debris; formwork; applying repair material; and protecting adjacent areas of the bridge and environment from work operations. The repair material shall be one of the materials described below, unless otherwise noted in the plans or provisions.

The location and extent of repairs shown on the plans are general in nature. The Engineer shall determine the extent of removal in the field based on an evaluation of the condition of the exposed surfaces.

The Contractor shall coordinate removal operations with the Engineer. No more than 30% of the bearing area under a beam shall be removed without a temporary support system and approval from the Engineer.

Any portion of the structure that is damaged from construction operations shall be repaired to the Engineer's satisfaction, at no extra cost to the Department.

SUBMITTALS

Submit all of the following to the Engineer for review and approval before scheduling the pre-construction meeting. Allow 40 calendar days for review and approval, or acceptance, of working drawings, from the date they are received, until they are returned by the Engineer.

- (A) HRCSA (High Ratio Co-Polymerized Calcium Sulfonate) Penetrant
- (B) Polymer Modified Concrete Repair Material
- (C) Epoxy Mortar Repair Material
- (D) Temporary Work Platform

GENERAL SURFACE PREPARATION

Prior to starting the repair operation, confirm and delineate all surfaces and areas assumed to be deteriorated by visually examining and sounding the concrete surface with a hammer (14 ounce or larger) or other approved method. The Engineer is the sole judge in determining the limits of deterioration.

Remove surface concrete to verify that ½" sawcut depth will not damage existing reinforcing steel or prestressing strand. If confirmed, introduce a shallow saw cut a minimum ½" in depth around the repair area, at right angles to the concrete surface. Within the limits of the sawcut, remove all concrete to a minimum depth of ½". Remove all unsound concrete in the repair area, and where the bond between existing concrete and reinforcing steel has been

compromised, or where more than half of the diameter of the reinforcing steel is exposed, remove concrete 1 inch behind the reinforcing steel. For concrete removal, use a 17-pound (maximum) pneumatic hammer with points that do not exceed the width of the shank or use hand picks or chisels as directed by the Engineer. Do not cut or remove the existing reinforcing steel. Unless specifically directed by the Engineer, do not remove concrete deeper than 1 inch below the reinforcing steel. Prevent cutting, stretching, or damaging of reinforcing steel.

Remove concrete and prepare concrete substrate such that placement of repair material in forms will adequately fill the repair area and will not result in air pockets or honeycombed area. Inside faces should generally be normal to the exterior face, except that the top should slope up toward the front of the form at an approximate 1-to-3 slope. Provide air vents as necessary. Interior corners should be rounded to a radius of approximately one inch.

As necessary, remove grease, wax, salt, oil, and other contaminants by scrubbing with an industrial grade detergent or degreasing compound followed by a mechanical cleaning. Remove dirt, dust, laitance, and curing compounds by gritblasting, sanding, or etching with 15% hydrochloric acid. Acid etch only if approved by the Engineer. Follow acid etching by scrubbing and flushing with copious amounts of clean water. Check the cleaning using moist pH paper. Water cleaning is complete when the paper reads 10 or higher.

Abrasive blast all exposed concrete surfaces and existing reinforcing steel and strand in the repair area to clean the area and remove all loose materials. Use a wire brush or other hand tools to clean all exposed reinforcing steel and strand not sufficiently cleaned by blasting operations.

After blast cleaning, examine the reinforcing steel and prestressing strand. If there is more than 10% reduction in the diameter of reinforcing steel, splice in and securely tie supplemental reinforcing bars within the original concrete cover. Lap the bars sufficiently to develop the full strength of the bar and, if necessary, provide additional removal of concrete to achieve the required splice length. Reinforcing steel that is required for the repairs shall be in accordance with Section 425 of the Standard Specifications.

At beam ends where the end of prestressing strand might be free and not anchored in concrete, cut and remove prestressing strand back to even with the prepared concrete substrate. If the length of free, unanchored prestressing strand exceeds 12", or if more than one column of prestressing strand is exposed, notify the Engineer immediately.

If four or more prestressing strands have 50% or greater section loss from their original diameter, notify the Engineer immediately.

Follow all cleaning, remove all remaining dust and loose material with air blast or vacuum cleaning.

Apply HRCSA penetrant to the prepared reinforcing steel and prestressing strand. Do not apply excessive amount of HRCSA Penetrant; HRCSA shall not extend onto surrounding concrete by more than 1/4". HRCSA (High Ratio Co-Polymerized Calcium Sulfonate) Penetrant shall be Zero VOC, 100% Solids Penetrant/Sealer (Minimum 15% active sulfonate, a total base number of 135 to 165, must maintain a 9-11 to 1 ratio Active Sulfonate to Total

Base Number as determined by Total Base Number Determination testing, Procedure No. 817/4.9/T1401). Allow HRCSA penetrant to dry before placing concrete repair material. Drying time is temperature, humidity, and film thickness dependent. Use manufacturer's recommended drying schedule to estimate the drying time of the penetrating sealer for application of the concrete repair material. If the manufacturer's recommendations allow, the use of forced air pressure to dry the surface will be permitted.

In repair areas that exceed one square foot (1.0 ft²) install adhesively anchored ¼" diameter stainless steel studs in concrete on a 6" x 6" grid. Depth of embedment of adhesively anchored studs shall be 2". Install studs such that concrete cover on the studs is a minimum one inch (1").

REPAIR MATERIAL OPTIONS

Polymer Modified Concrete Repair Material

Repair material shall be polymer modified cement mortar/grout for vertical or overhead applications and shall be suitable for applications in marine environments. Material shall be approved for use by NCDOT. Submit repair material to the Engineer for review and approval prior to beginning the work. Color of repair material shall be concrete gray.

Prior to the application of polymer modified cement mortar/grout, prepare concrete substrate as indicated in "General Surface Preparation," above. Final preparation of the substrate concrete surface prior to repair material application shall be in accordance with the repair material manufacturer's recommendations.

When surface preparation is completed, mix and apply repair mortar in accordance with manufacturer's recommendations. Use aggregate that is washed, kiln-dried, and bagged. Aggregate size for repair material shall not exceed 2/3 the minimum depth of the repair area. As recommended by the repair material manufacturer, apply bonding agent to all repair areas immediately prior to placing repair mortar. Repair areas shall be formed, unless otherwise approved by the Engineer. Form areas to establish the original neat lines of the member being repaired, unless otherwise approved by the Engineer.

Unless otherwise allowed by the repair material recommendations, forms shall remain in place until repair material achieves 75% of its design compressive strength.

After placing the repair mortar and form removal, remove excessive material and provide a smooth, flush surface.

Epoxy Mortar Repair Material

Use a two-component paste epoxy bonding agent for the epoxy mortar conforming to the requirements for Type 2 epoxies as outlined in Section 1081 of the NCDOT *Standard Specifications for Roads and Structures*, January 2018 and Type III epoxies as outlined in ASTM C881.

Prior to the application of epoxy mortar/grout, prepare concrete substrate as indicated in “General Surface Preparation,” above. Final preparation of the substrate concrete surface prior to repair material application shall be in accordance with the repair material manufacturer’s recommendations.

When surface preparation is completed, mix and apply repair epoxy mortar in accordance with manufacturer’s recommendations. Use aggregate that is washed, kiln-dried, and bagged. Aggregate size for repair material shall not exceed 2/3 the minimum depth of the repair area. Repair areas shall be formed, unless otherwise approved by the Engineer. Form areas to establish the original neat lines of the member being repaired, unless otherwise approved by the Engineer.

Unless otherwise allowed by the repair material recommendations, forms shall remain in place until repair material achieves 75% of its design compressive strength.

After placing the repair mortar and form removal, remove excessive material and provide a smooth, flush surface.

TEMPORARY WORK PLATFORM

Prior to beginning any repair work, provide details for a sufficiently sized temporary work platform at each repair location. Design steel members to meet the requirements of the American Institute of Steel Construction Manual. Design timber members in accordance with the “National Design Specification for Stress-Grade Lumber and Its Fastenings” of the National Forest Products Association. Submit the platform design and plans for review and approval. The design and plans shall be sealed and signed by a North Carolina registered Professional Engineer. Do not install the platform until the design and plans are approved. Drilling holes in the superstructure for the purpose of attaching the platform is prohibited. Upon completion of work, remove all anchorages in the substructure and repair the substructure at no additional cost to the Department.

MEASUREMENT AND PAYMENT

Repairs to Prestressed Concrete Girders will be measured and paid for at the contract unit price bid per cubic foot and will be full compensation for removal, containment and disposal off-site of unsound concrete, including the cost of materials, reinforcing steel, labor, tools, equipment and incidentals necessary to complete the repair work. Depth will be measured from the original outside concrete face. The Contractor and Engineer will measure quantities after removal of unsound concrete and before application of repair material. Payment will also include the cost of sandblasting, surface cleaning and preparation, cleaning of reinforcing steel, placement of new reinforcing steel, furnishing and application of HRCSA penetrant, furnishing and installation of temporary work platform, testing of the soundness of the exposed concrete surface, furnishing and installation of repair mortar/grout material, curing and sampling of mortar/grout, and protection/cleaning of adjacent areas from splatter or leakage.

Payment will be made under:

Pay Item

Pay Unit

Repairs to Prestressed Concrete Girders

Cubic Feet

EPOXY RESIN INJECTION**(12-5-12)****1.0 GENERAL**

For repairing cracks, an approved applicator is required to perform the epoxy resin injection. Make certain the supervisor and the workmen have completed an instruction program in the methods of restoring concrete structures utilizing the epoxy injection process and have a record of satisfactory performance on similar projects.

The applicator furnishes all materials, tools, equipment, appliances, labor and supervision required when repairing cracks with the injection of an epoxy resin adhesive.

2.0 SCOPE OF WORK

Using Epoxy Resin Injection, repair all cracks 5 mils (125 μm) wide or greater in bent columns, struts, piles and caps, girders, and in the cantilevered portion of the superstructure deck.

Repair the column cracks to the top of the footings. Make the underwater repairs when water surface elevation is low and the water is still. For underwater repairs, use manufacturer recommended materials.

Repair any crack, void, honeycomb or spall area unsuitable for repair by injection with epoxy mortar.

3.0 COOPERATION

Cooperate and coordinate with the Technical Representative of the epoxy resin manufacturer for satisfactory performance of the work.

Have the Technical Representative present when the job begins and until the Engineer is assured that his service is no longer needed.

The expense of having this representative on the job is the Contractor's responsibility and no direct payment will be made for this expense.

4.0 TESTING

The North Carolina Department of Transportation Materials and Tests Unit will obtain cores from the repaired concrete for testing. If the failure plane is located at the repaired crack, a minimum compressive strength of 3000 psi is required of these cores.

5.0 MATERIAL PROPERTIES

Provide a two-component structural epoxy adhesive for injection into cracks or other voids. Provide modified epoxy resin (Component "A") that conforms to the following requirements:

	Test Method	Specification Requirements
Viscosity @ 40 ± 3°F, cps	Brookfield RVT Spindle No. 4 @ 20 rpm	6000 - 8000
Viscosity @ 77 ± 3°F, cps	Brookfield RVT Spindle No. 2 @ 20 rpm	400 - 700
Epoxide Equivalent Weight	ASTM D1652	152 - 168
Ash Content, %	ASTM D482	1 max.

Provide the amine curing agent (Component “B”) used with the epoxy resin that meets the following requirements:

	Test Method	Specification Requirements
Viscosity @ 40 ± 3°F, cps	Brookfield RVT Spindle No. 2 @ 20 rpm	700 - 1400
Viscosity @ 77 ± 3°F, cps	Brookfield RVT Spindle No. 2 @ 20 rpm	105 - 240
Amine Value, mg KOH/g	ASTM D664*	490 - 560
Ash Content, %	ASTM D482	1 max.
* Method modified to use perchloric acid in acetic acid.		

Certify that the Uncured Adhesive, when mixed in the mix ratio that the material supplier specifies, has the following properties:

Pot Life (60 gram mass)

@ 77 ± 3°F - 15 minutes minimum

@ 100 ± 3°F - 5 minutes minimum

Certify that the Adhesive, when cured for 7 days at 77 ± 3°F unless otherwise specified, has the following properties:

	Test Method	Specification Requirements
Ultimate Tensile Strength	ASTM D638	7000 psi (min.)
Tensile Elongation at Break	ASTM D638	4% max.
Flexural Strength	ASTM D790	10,000 psi (min.)
Flexural Modulus	ASTM D790	3.5×10^5 psi
Compressive Yield Strength	ASTM D695	11,000 psi (min.)
Compressive Modulus	ASTM D695	$2.0 - 3.5 \times 10^5$ psi
Heat Deflection Temperature Cured 28 days @ $77 \pm 3^\circ\text{F}$	ASTM D648*	125°F min. 135°F min.
Slant Shear Strength, 5000 psi (34.5 MPa) compressive strength concrete Cured 3 days @ 40°F wet concrete Cured 7 days @ 40°F wet concrete Cured 1 day @ 77°F dry concrete	AASHTO T237	3500 psi (min.) 4000 psi (min.) 5000 psi (min.)
* Cure test specimens so that the peak exothermic temperature of the adhesive does not exceed 77°F.		

Use an epoxy bonding agent, as specified for epoxy mortar, as the surface seal (used to confine the epoxy resin during injection).

6.0 EQUIPMENT FOR INJECTION

Use portable positive displacement type pumps with interlock to provide positive ratio control of exact proportions of the two components at the nozzle to meter and mix the two injection adhesive components and inject the mixed adhesive into the crack. Use electric or air powered pumps that provide in-line metering and mixing.

Use injection equipment with automatic pressure control capable of discharging the mixed adhesive at any pre-set pressure up to 200 ± 5 psi and equipped with a manual pressure control override.

Use equipment capable of maintaining the volume ratio for the injection adhesive as prescribed by the manufacturer. A tolerance of $\pm 5\%$ by volume at any discharge pressure up to 200 psi is permitted.

Provide injection equipment with sensors on both the Component A and B reservoirs that automatically stop the machine when only one component is being pumped to the mixing head.

7.0 PREPARATION

Follow these steps prior to injecting the epoxy resin:

- Remove all dirt, dust, grease, oil, efflorescence and other foreign matter detrimental to the bond of the epoxy injection surface seal system from the surfaces adjacent to the cracks or other areas of application. Acids and corrosives are not permitted.
- Provide entry ports along the crack at intervals not less than the thickness of the concrete at that location.
- Apply surface seal material to the face of the crack between the entry ports. For through cracks, apply surface seal to both faces.
- Allow enough time for the surface seal material to gain adequate strength before proceeding with the injection.

8.0 EPOXY INJECTION

Begin epoxy adhesive injection in vertical cracks at the lower entry port and continue until the epoxy adhesive appears at the next higher entry port adjacent to the entry port being pumped.

Begin epoxy adhesive injection in horizontal cracks at one end of the crack and continue as long as the injection equipment meter indicates adhesive is being dispensed or until adhesive shows at the next entry port.

When epoxy adhesive appears at the next adjacent port, stop the current injection and transfer the epoxy injection to the next adjacent port where epoxy adhesive appeared.

Perform epoxy adhesive injection continuously until cracks are completely filled.

If port to port travel of epoxy adhesive is not indicated, immediately stop the work and notify the Engineer.

9.0 FINISHING

When cracks are completely filled, allow the epoxy adhesive to cure for sufficient time to allow the removal of the surface seal without any draining or runback of epoxy material from the cracks.

Remove the surface seal material and injection adhesive runs or spills from concrete surfaces.

Finish the face of the crack flush to the adjacent concrete, removing any indentations or protrusions caused by the placement of entry ports.

10.0 BASIS OF PAYMENT

Payment for epoxy resin injection will be at the contract unit price per linear foot for “Epoxy Resin Injection”. Such payment will be full compensation for all materials, tools, equipment, labor, and for all incidentals necessary to complete the work.

SHOTCRETE REPAIRS**(12-5-12)****GENERAL**

The work covered by this Special Provision consists of removing deteriorated concrete from the structure in accordance with the limits, depth and details shown on the plans, described herein and as established by the Engineer. This work also includes removing and disposing all loose debris, cleaning and repairing reinforcing steel and applying shotcrete.

The location and extent of repairs shown on the plans are general in nature. The Engineer shall determine the extent of removal in the field based on an evaluation of the condition of the exposed surfaces.

Any portion of the structure that is damaged from construction operations shall be repaired to the Engineer's satisfaction, at no extra cost to the Department.

MATERIAL REQUIREMENTS

Use prepackaged shotcrete conforming to the requirements of ASTM C1480, the applicable sections of the Standard Specifications and the following:

Test Description	Test Method	Age (Days)	Specified Requirements
Silica Fume (%)	ASTM C1240	-	10 (Max.)
Water/Cementitious Materials Ratio	-	-	0.40 (Max.)
Air Content - As Shot (%)	ASTM C231	-	4 ± 1
Slump - As Shot (Range in inches)	ASTM C143	-	2 - 3
Minimum Compressive Strength (psi)	ASTM C39	7 28	3,000 5,000
Minimum Bond Pull-off Strength (psi)	ASTM C1583	28	145
Rapid Chloride Permeability Tests (range in coulombs)	ASTM C1202	-	100 - 1000

Admixtures are not allowed unless approved by the Engineer. Store shotcrete in an environment where temperatures remain above 40°F and less than 95°F

All equipment must operate in accordance with the manufacturer's specifications and material must be placed within the recommended time.

QUALITY CONTROL**A. Qualification of Shotcrete Contractor**

The shotcrete Contractor shall provide proof of experience by submitting a description of jobs similar in size and character that have been completed within the last 5 years. The name, address and telephone number of references for the submitted projects shall also be furnished. Failure to provide appropriate documentation will result in the rejection of the proposed shotcrete contractor.

B. Qualification of Nozzleman

The shotcrete Contractor's nozzleman shall be certified by the American Concrete Institute (ACI). Submit proof of certification to the Engineer prior to beginning repair work. The nozzleman shall maintain certification at all times while work is being performed for the Department. Failure to provide and maintain certification will result in the rejection of the proposed nozzleman.

TEMPORARY WORK PLATFORM

Prior to beginning any repair work, provide details for a sufficiently sized temporary work platform at each repair location. Design steel members to meet the requirements of the American Institute of Steel Construction Manual. Design timber members in accordance with the "National Design Specification for Stress-Grade Lumber and Its Fastenings" of the National Forest Products Association. Submit the platform design and plans for review and approval. The design and plans shall be sealed and signed by a North Carolina registered Professional Engineer. Do not install the platform until the design and plans are approved. Drilling holes in the superstructure for the purpose of attaching the platform is prohibited. Upon completion of work, remove all anchorages in the substructure and repair the substructure at no additional cost to the Department.

SURFACE PREPARATION

Prior to starting the repair operation, delineate all surfaces and areas assumed to be deteriorated by visually examining and sounding the concrete surface with a hammer or other approved method. The Engineer is the sole judge in determining the limits of deterioration.

Prior to removal, introduce a shallow saw cut approximately 1/2" in depth around the repair area at right angles to the concrete surface. Remove all deteriorated concrete 1 inch below the reinforcing steel with a 17 lb (maximum) pneumatic hammer with points that do not exceed the width of the shank or with hand picks or chisels as directed by the Engineer. Do not cut or remove the existing reinforcing steel. Unless specifically directed by the Engineer, do not remove concrete deeper than 1 inch below the reinforcing steel.

Abrasive blast all exposed concrete surfaces and existing reinforcing steel in repair areas to remove all debris, loose concrete, loose mortar, rust, scale, etc. Use a wire brush to clean all exposed reinforcing steel. After sandblasting examine the reinforcing steel to ensure at least

90% of the original diameter remains. If there is more than 10% reduction in the rebar diameter, splice in and securely tie supplemental reinforcing bars as directed by the Engineer.

Provide welded stainless wire fabric at each repair area larger than one square foot if the depth of the repair exceeds 2 inches from the "As Built" outside face. Provide a minimum 4" x 4" - 12 gage stainless welded wire fabric unless otherwise shown on the plans. Rigidly secure the welded wire fabric to existing steel or to 3/16" diameter stainless hook fasteners adequately spaced to prevent sagging. Encase the welded wire fabric in shotcrete a minimum depth of 1½ inches.

The contractor has the option to use synthetic fiber reinforcement as an alternate to welded wire fabric if attaching welded wire fabric is impractical or if approved by the Engineer. Welded wire fabric and synthetic fiber reinforcement shall not be used in the same repair area.

Thoroughly clean the repair area of all dirt, grease, oil or foreign matter, and remove all loose or weakened material before applying shotcrete. Saturate the repair area with clean water the day before applying shotcrete. Bring the wetted surface to a saturated surface dry (SSD) condition prior to applying shotcrete and maintain this condition until the application begins. Use a blowpipe to facilitate removal of free surface water. Only oil-free compressed air is to be used in the blowpipe.

The time between removal of deteriorated concrete and applying shotcrete shall not exceed 5 days. If the time allowance exceeds 5 days, prepare the surface at the direction of the Engineer before applying shotcrete.

APPLICATION AND SURFACE FINISH

Apply shotcrete only when the surface temperature of the repair area is greater than 40°F and less than 95°F. Do not apply shotcrete to frosted surfaces. Maintain shotcrete at a minimum temperature of 40°F for 3 days after placement.

Apply shotcrete in layers. The properties of the applied shotcrete determine the proper thickness of each layer or lift.

The nozzleman should hold the nozzle 3 to 4 feet from the surface being covered in a position that ensures the shotcrete strikes at right angles to the surface being covered without excessive impact. The nozzleman shall maintain the water amount at a practicable minimum, so the mix properly adheres to the repair area. Water content should not become high enough to cause the mix to sag or fall from vertical or inclined surfaces, or to separate in horizontal layers.

Use shooting wires or guide strips that do not entrap rebound sand. Use guide wires to provide a positive means of checking the total thickness of the shotcrete applied. Remove the guide wires prior to the final finish coat.

To avoid leaving sand pockets in the shotcrete, blow or rake off sand that rebounds and does not fall clear of the work, or which collects in pockets in the work. Do not reuse rebound material in the work.

If a work stoppage longer than 2 hours takes place on any shotcrete layer prior to the time it has been built up to required thickness, saturate the area with clean water and use a blowpipe as outlined previously, prior to continuing with the remaining shotcrete course. Do not apply shotcrete to a dry surface.

Finish all repaired areas, including chamfered edges, as close as practicable to their original "As Built" dimensions and configuration. Provide a minimum 2" of cover for reinforcing steel exposed during repair. Slightly build up and trim shotcrete to the final surface by cutting with the leading edge of a sharp trowel. Use a rubber float to correct any imperfections. Limit work on the finished surface to correcting imperfections caused by trowel cutting.

Immediately after bringing shotcrete surfaces to final thickness, thoroughly check for sags, bridging, and other deficiencies. Repair any imperfections at the direction of the Engineer.

Prevent finished shotcrete from drying out by maintaining 95% relative humidity at the repair and surrounding areas by fogging, moist curing or other approved means for seven days.

MATERIAL TESTING & ACCEPTANCE

Each day shotcreting takes place, the nozzleman shall shoot one 18" x 18" x 3" test panel in the same position as the repair work that is being done to demonstrate the shotcrete is being applied properly. Store, handle and cure the test panel in the same manner as the repaired substructure.

Approximately 72 hours after completing the final shotcrete placement, thoroughly test the surface with a hammer. At this time, the repair area should have sufficient strength for all sound sections to ring sharply. Remove and replace any unsound portions prior to the final inspection of the work. No additional compensation will be provided for removal and replacement of unsound shotcrete.

After 7 days, core three 3" diameter samples from each test panel and from the repaired structure as directed by the Engineer. Any cores taken from the structure shall penetrate into the existing structure concrete at least 2 inches. Cores shall be inspected for delamination, sand pockets, tested for bond strength and compressive strength. If a core taken from a repaired structure unit indicates unsatisfactory application or performance of the shotcrete, take additional cores from the applicable structure unit(s) for additional evaluation and testing as directed by the Engineer. Any repair work failing to meet the requirements of this provision will be rejected and the Contractor shall implement a remediation plan to correct the deficiency at no additional cost to the Department. No extra payment will be provided for drilling extra cores. Patch all core holes in repaired structure units to the satisfaction of the Engineer. All material testing, core testing and sampling will be done by the Materials and Tests Unit of North Carolina Department of Transportation.

MEASUREMENT AND PAYMENT

Shotcrete Repairs will be measured and paid for at the contract unit price bid per cubic foot and will be full compensation for removal, containment and disposal off-site of unsound concrete including the cost of materials, labor, tools, equipment and incidentals necessary to complete the repair work. Depth will be measured from the original outside concrete face. The Contractor and Engineer will measure quantities after removal of unsound concrete and before application of repair material. Payment will also include the cost of sandblasting, surface cleaning and preparation, cleaning of reinforcing steel, placement of new steel, cost of temporary work platform, testing for soundness, curing of shotcrete and taking core samples from the test panels and substructure units.

Payment will be made under:

Pay Item

Shotcrete Repairs

Pay Unit

Cubic Feet

CONCRETE REPAIRS**(12-5-12)****DESCRIPTION**

Work includes removal of concrete in spalled, delaminated and/or cracked areas of the existing caps and columns in reasonably close conformity with the lines, depth, and details shown on the plans, described herein and as established by the Engineer. This work also includes straightening, cleaning, and replacement of reinforcing steel, doweling new reinforcing steel, removing all loose materials, removing and disposing of debris, formwork, applying repair material, and protecting adjacent areas of the bridge and environment from material leakage. The repair material shall be one of the below described materials unless otherwise noted in the plans or provisions.

The location and extent of repairs shown on the plans described herein are general in nature. The Engineer determines the extent of removal in the field based on an evaluation of the condition of the exposed surfaces. The Contractor shall coordinate removal operations with the Engineer. No more than 30% of a round or square column or 30% of the bearing area under a beam shall be removed without a temporary support system and approval from the Engineer.

Repair, to the Engineer's satisfaction, any portion of the structure that is damaged from construction operations. No extra payment is provided for these repairs.

REPAIR MATERIAL OPTIONS**Polymer Modified Concrete Repair Material**

Repair material shall be polymer modified cement mortar for vertical or overhead applications and shall be suitable for applications in marine environments. Material shall be approved for use by NCDOT. Submit repair material to the Engineer for review and approval prior to beginning the work. Color of repair material shall be concrete gray.

Prior to the application of repair mortar, square up edges in repair areas, thoroughly clean surfaces to be repaired and remove all loose materials. Remove grease, wax, salt, and oil contaminants by scrubbing with an industrial grade detergent or degreasing compound followed by a mechanical cleaning. Remove weak or deteriorated concrete to sound concrete by bush hammering, gritblasting, scarifying, waterblasting, or other approved methods. Remove dirt, dust, laitance and curing compounds by gritblasting, sanding, or etching with 15% hydrochloric acid. Acid etch only if approved by the Engineer. Follow acid etching by scrubbing and flushing with copious amounts of clean water. Check the cleaning using moist pH paper. Water cleaning is complete when the paper reads 10 or higher.

Follow all mechanical cleaning with vacuum cleaning.

When surface preparation is completed, mix and apply repair mortar in accordance with manufacturer's recommendations. Use aggregate that is washed, kiln-dried, and bagged. Apply bonding agent to all repair areas immediately prior to placing repair mortar. Repair areas shall be formed unless otherwise approved by the Engineer. Form areas to establish the original neat lines of the member being repaired.

Apply repair mortar to damp surfaces only when approved. In such instances, remove all free water by air-blasting. After applying the repair mortar, remove excessive material and provide a smooth, flush surface.

Class A Concrete Repair Material

Repair material shall be Class A Portland Cement Concrete as described in Section 1000 of the Standard Specifications.

Prior to the application of Class A concrete, square up edges in repair areas, thoroughly clean surfaces to be repaired and remove all loose materials. Remove grease, wax, salt, and oil contaminants by scrubbing with an industrial grade detergent or degreasing compound followed by a mechanical cleaning. Remove weak or deteriorated concrete to sound concrete by bush hammering, gritblasting, scarifying, waterblasting, or other approved methods. Remove dirt, dust, laitance and curing compounds by gritblasting, sanding, or etching with 15% hydrochloric acid. Acid etch only if approved by the Engineer. Follow acid etching by scrubbing and flushing with copious amounts of clean water. Check the cleaning using moist pH paper. Water cleaning is complete when the paper reads 10 or higher.

Follow all mechanical cleaning with vacuum cleaning.

Upon completion of surface preparation, mix and apply concrete in accordance with Standard Specifications and/or manufacturer's recommendations. Use aggregate that is washed, kiln-dried, and bagged. Apply bonding agent to all repair areas immediately prior to placing repair mortar. Repair areas shall be formed unless otherwise approved by the Engineer. Form areas to establish the original neat lines of the member being repaired.

Apply concrete to damp surfaces only when approved. In such instances, remove all free water by air-blasting. After applying the repair mortar, remove excessive material and provide a smooth, flush surface.

TEMPORARY WORK PLATFORM

Prior to beginning any repair work, provide details for a sufficiently sized temporary work platform at each repair location. Design steel members to meet the requirements of the American Institute of Steel Construction Manual. Design timber members in accordance with the "National Design Specification for Stress-Grade Lumber and Its Fastenings" of the National Forest Products Association. Submit the platform design and plans for review and approval. The design and plans shall be sealed and signed by a North Carolina registered Professional Engineer. Do not install the platform until the design and plans are approved. Drilling holes in the superstructure for the purpose of attaching the platform is prohibited. Upon completion of work, remove all anchorages in the substructure and repair the substructure at no additional cost to the Department.

MEASUREMENT AND PAYMENT

Concrete Repairs will be measured and paid for at the contract unit price bid per cubic foot and will be full compensation for removal, containment and disposal off-site of unsound concrete including the cost of materials, reinforcing steel, labor, tools, equipment and incidentals necessary

to complete the repair work. Depth will be measured from the original outside concrete face. The Contractor and Engineer will measure quantities after removal of unsound concrete and before application of repair material. Payment will also include the cost of sandblasting, surface cleaning and preparation, cleaning of reinforcing steel, placement of new reinforcing steel, cost of temporary work platform, testing of the soundness of the exposed concrete surface, furnishing and installation of repair mortar material, curing and sampling of concrete, and protection/cleaning of adjacent areas from splatter or leakage.

Reinforcing Steel that is required for the repairs will be in accordance with Section 425 of the Standard Specifications.

Payment will be made under:

Pay Item	Pay Unit
Concrete Repairs	Cubic Feet

BRIDGE JOINT REMOVAL**(SPECIAL)****1.0 DESCRIPTION**

This provision addresses the removal of existing joint material to facilitate the installation of new joints at the locations noted in the contract plans.

2.0 REMOVAL AND PREPARATION

Prior to any construction, take the necessary precautions to ensure debris from joint construction is not allowed to fall below the bridge deck.

Removal of existing joint material by methods approved by the Engineer.

3.0 MEASUREMENTS AND PAYMENT

Bridge Joint Removal will be measured and paid for at the contract unit price bid per linear foot and will be full compensation for removal, containment and disposal of existing joint material and shall include the cost of labor, tools, equipment and incidentals necessary to complete the work

Pay Item**Pay Unit**

Bridge Joint Removal

Linear Feet

EPOXY PROTECTIVE COATING**GENERAL**

The work covered by this Special Provision consists of removing deteriorated concrete from the structure in accordance with the limits, depth and details shown on the plans, described herein and as established by the Engineer. This work also includes removing and disposing all loose debris, cleaning and repairing reinforcing steel and applying epoxy.

The location and extent of repairs shown on the plans are specific to the ends of prestressed beams and tops of pile bent caps.

Any portion of the structure that is damaged from construction operations shall be repaired to the Engineer's satisfaction, at no extra cost to the Department.

Epoxy Protective Coating shall be governed by Section 420-18.

MATERIAL REQUIREMENTS

Concrete surface preparation materials shall be submitted by the Contractor and approved by the engineer prior to use. Potential implements, include but are not limited to hammers, brushes, needles, saws, grinders and other mechanical tools, sand blast media, shot blast media, pressurized air and water.

Epoxy shall be Type 4A per section 1081 of the Standard Specifications.

Other materials are as specified in Section 420 of the Standard Specifications.

SURFACE PREPARATION

Prior to performing any surface preparation, repair deteriorated concrete in accordance with concrete documents. Remove all deteriorated concrete with tools as described above or as directed by the Engineer. Do not cut or remove the existing reinforcing steel except as described in the plans. Unless specifically directed by the Engineer, do not remove concrete deeper than ¼-inch.

Prior to the application of epoxy mortar, thoroughly clean surfaces to be repaired and remove all loose materials. Remove grease, wax, and oil contaminants by scrubbing with an industrial grade detergent or degreasing compound followed by a mechanical cleaning. Remove weak or deteriorated concrete to sound concrete by bush hammering, gritblasting, scarifying, waterblasting, or other approved methods. Remove dirt, dust, laitance and curing compounds by gritblasting, sanding, or etching with 15% hydrochloric acid.

Acid etch only if approved by the Engineer. Follow acid etching by scrubbing and flushing with copious amounts of clean water. Check the cleaning using moist pH paper. Water cleaning is complete when the paper reads 10 or higher.

Follow all mechanical cleaning with vacuum cleaning.

Use proposed methods of surface preparation to achieve a concrete surface profile of CSP 3 per ICRI guidelines 310-2

Thoroughly clean the repair area of all dirt, grease, oil or foreign matter, and remove all loose or weakened material before applying epoxy.

Contain areas where concrete surface preparation is being performed and ensure no foreign substances leave the containment or enter the water. All removed material, debris, dirt, etc will be removed from the cap and removed off-site in accordance with Standard Specifications.

APPLICATION AND SURFACE FINISH

When surface preparation is completed, apply epoxy to the areas specified in the contract plans and established by the Engineer. Apply epoxy mortar to damp surfaces only when approved. In such instances, remove all free water by air-blasting.

After applying the epoxy, remove excessive material and provide a smooth, flush surface. Remove the epoxy material in accordance with the supplier's instructions.

Immediately after bringing epoxy surfaces to final thickness, thoroughly check for sags, bridging, and other deficiencies. Repair any imperfections at the direction of the Engineer.

MATERIAL TESTING & ACCEPTANCE

Concrete Surface Profiles shall be verified per ICRI Guidelines 310.

MEASUREMENT AND PAYMENT

Epoxy Protective Coating will be applied to the tops of the bent caps and measured and paid for at the contract unit price bid per each end coated and will be full compensation for removal, containment and disposal off-site of unsound concrete including the cost of materials, labor, tools, equipment and incidentals necessary to complete the repair work. The Contractor and Engineer will measure quantities based on plan amount for bent caps. Payment will also include the cost of sandblasting, surface cleaning and preparation, cleaning of reinforcing steel, cost of temporary work platform, testing for soundness, curing of epoxy and any necessary testing.

Payment will be made under:

Pay Item	Pay Unit
Epoxy Protective Coating	Square Foot

SILICONE JOINT SEALANT**(SPECIAL – 3-23-2018)****1.0 SEALS**

Provide and install a low modulus silicone sealant (non-sag or self-leveling) and backer rod which conforms to the Standard Specifications (Subsections 1023-3 and 1023-4, respectively) and this Special Provision. Use silicone approved for use on joint openings as indicated on project plans and provide a seal with a working range of minimum 50% compression and extension. Silicone joint seal product shall be designated as approved for use on the NCDOT Approved Products List. If non-sag and self-leveling sealants are to be in contact with each other, they shall be from the same manufacturer and shall be compatible for such use.

2.0 PREPARATION OF FORMED OR SAWED JOINT FOR SEAL INSTALLATION

For the removal of existing joint material (if applicable) see the Special Provision for *Bridge Joint Removal*.

The polyester polymer concrete shall cure a minimum of 24 hours prior to seal installation.

After forming or sawing the joint per plans, the Engineer will thoroughly inspect the joint opening for spalls, popouts, cracks, etc. All necessary repairs will be made by the Contractor prior to blast cleaning and installing the seal.

Clean the joints by sandblasting the joint opening to provide a firm, clean joint surface free of curing compound, loose material, and any foreign matter. Sandblast the joint opening without causing pitting or uneven surfaces. The aggregate in the polyester polymer concrete may be exposed after sandblasting.

After blasting, either brush the surface with clean brushes made of hair, bristle, or fiber, blow the Surface with compressed air, or vacuum the surface until all traces of blast products and Abrasives are removed from the surface, pockets, and corners. If nozzle blasting is used to clean The joint opening, use compressed air that does not contain detrimental amounts of water or oil.

Examine the blast cleaned surface and remove any traces of oil, grease, or smudge deposited in The cleaning operations.

Install the backer rod and silicone sealant in the blast cleaned opening on the same day the Surface is blast cleaned.

3.0 SEAL INSTALLATION

Install the silicone joint sealant(s) as indicated on the plans, in accordance with the manufacturer's procedures and recommendations, and as recommended below. Do not install the joint seal if the ambient air or surface temperature is below 45°F. Have a manufacturer's certified trained factory representative present during the installation of the first seal of the project, to provide guidance for the proper installation of the silicone joint sealant(s).

After a joint has been sealed, remove excess joint sealer on the pavement or bridge deck concrete as soon as possible. The installed system shall be watertight and will be monitored until final inspection and approval.

Do not place pavement markings on top of pourable joint seals.

4.0 MEASUREMENT AND PAYMENT

Silicone Joint Sealant will be measured and paid for at the contract unit price bid per linear foot and will be full compensation for furnishing all material, including backer rod, labor, tools, removing existing joint (if applicable) and equipment necessary for installing these seals in place and accepted.

Pay Item	Pay Unit
Silicone Joint Sealant	Linear Feet

BRIDGE JACKING**(SPECIAL)****1.0 DESCRIPTION**

Bridge jacking at end bents and interior bents is to facilitate beam or bent cap repairs and to replace and/ or reset bearings, as necessary. This work shall consist of furnishing all engineering, labor, equipment, and materials necessary for construction and subsequent removal of jacking support system, including jacks, jack supports, shims and all necessary blocking. Included under this item shall be all work to raise and support the existing structure as specified on the plans and as noted herein.

2.0 UTILITY COORDINATION

Utility owners with active utilities on the bridge shall be notified by the contractor of the jacking operation 30 days before the operation begins.

3.0 SCOPE OF WORK

Work for bridge jacking includes calculating existing and applied bridge loads, designing proper strength jacking scheme, evaluating stresses imposed on the bridge members, setting blocking and jacks, jacking bridge girders, mechanically locking jacks, and lowering bridge spans onto bearing assemblies.

Submit calculations, working drawings, and jacking procedure to the Engineer for review and approval prior to the start of work. Calculations and jacking procedure shall account for all loads expected while bridge is jacked or temporarily supported. Working drawings and all calculations (for determination of all applied loads, for design of the jacking scheme, to evaluate stresses imposed on the bridge members, and any other necessary calculations) for the required jacking scheme shall be sealed by an engineer licensed in the State of North Carolina.

Prior to bridge jacking, complete all diaphragm modifications necessary at the location where jacking is to occur. If a span connected to an end bent is to be jacked, ensure the curtain wall is either clear of the girders, or fully free to move with the jacked span prior to jacking. Lock jacks and install blocking while the bridge is in the raised condition. While in the raised condition, follow bridge plans for any work that may be required. After all repairs requiring bridge jacking are completed, lower the bridge onto the bearing assemblies. Complete repair work, as needed.

Unless otherwise allowed by the Engineer, all bridge jacking operations shall be complete before new deck overlay or deck joints and seals are placed on the existing structure.

Bridge jacking will be designated as one of two jacking arrangements, as follows:

Type I

Type I Bridge Jacking shall be applicable for jacking at individual beam or bearing locations. On a particular bridge bent or end bent, there might be more than one Type I Bridge Jacking.

When jacking individual beam or bearing locations, all adjacent bearings of beams not being jacked may be loosened to decrease the resistance of the deck slab during jacking. The maximum differential between adjacent beams that are being jacked is 1/8". Should the jacking of an individual beam require the jacking of adjacent beams to reduce stresses or damage in the bridge, the jacking of the individual beam and adjacent beams shall be considered one Type I Bridge Jacking. All bearings loosened shall be tightened back after repair operations are completed and the jacks and blocking have been removed.

Type II

Type II Bridge Jacking shall be applicable for jacking an entire span end (i.e., all beams at one time) on a bent or end bent.

4.0 BASIS OF PAYMENT

Payment will be made at the price bid for each set-up to complete *Type I Bridge Jacking* as shown in the contract plans. The price per each jacking set-up Type required will be full compensation for designing proper strength jacking scheme (calculations, working drawings, and jacking procedure), all materials, equipment, tools, labor, and incidentals necessary to complete the work of this scope, including any jacking frames, jacking plates, and concrete repair required due to jacking operations.

STEEL REINFORCED ELASTOMERIC BEARINGS**(6-22-16)**

The 2018 Standard Specifications shall be revised as follows:

In **Section 1079-2(A) – Elastomeric Bearings** add the following after the second paragraph:

Internal holding pins are required for all shim plates when the contract plans indicate the structure contains the necessary corrosion protection for a corrosive site.

Repair laminated (reinforced) bearing pads utilizing external holding pins via vulcanization. Submit product data for repair material and a detailed application procedure to the Materials and Tests Unit for approval before use and annually thereafter.

CP SYSTEM – ZINC ALUMINUM SPRAY**(SPECIAL)****1. DESCRIPTION**

The work under this Project Special Provision includes the installation of the following cathodic protection (CP) system at the intermediate bent caps.

1.1 Metalizing:

The first system requires the application of arc-sprayed zinc (anode) to selected damaged areas (as described in the Contract Documents) that exhibit corrosion problems. This application shall be performed by thermal spraying (metalizing) the concrete with the required surface preparation necessary to produce a good bond between the zinc and concrete. A good bond is essential to provide an efficient system.

2. METALIZING CONTRACTOR/SUBCONTRACTOR QUALIFICATIONS

The metalizing Contractor conducting the installation of the metalized coating must be engaged in thermal spray operations and shall have a minimum of three years of previous experience in metalizing operations with concrete. Provide locations and contact names of successful previous projects for verification at the preconstruction conference.

3. SHOP DRAWINGS

Submit shop drawings and obtain approval prior to field installation. Provide shop drawings for forms and construction methods indicating method of performing the surface preparation, method of supporting any formwork during installation, method of placing encapsulation material, and curing of material.

4. QUALITY CONTROL**4.1 Quality Control Plan:**

Include the work under this Project Special Provision in the Contractor General Requirements set forth in NCDOT Specification Division 1. The portion of the Quality Control Plan covering cathodic protection shall be certified by the CP Specialist. For the metalizing system the plan shall include but not be limited to, method and frequency of Contractor's QC testing, continuity testing procedures, zinc anode application, time dedicated for training, thickness measurements, metalizing equipment, and method(s) for initial activation of the cathodic protection systems. The zinc rebound containment system(s) and waste disposal methods shall also be submitted.

4.2 Cathodic Protection Report:

Provide a final report produced by the CP Specialist for the metalizing system. The report shall describe the general characteristics of the systems and installation sequence. The report shall describe the general characteristics of the metalizing work, the thickness and bond strength results for each metalized component. The report and all collected data shall be in typed form and a digital version of the report must be provided along with 4

bound hard copies.

4.3 QC Certification:

Manufacturer Certification for specific materials is required in addition to the Contractor's certification. Unless otherwise required the Contractor shall perform all quality control testing with verification by the Cathodic Protection Specialist. The Contractor shall use certified materials from a Department approved source where applicable.

4.4 Personnel Qualifications:

4.4.1 Metalizing Spray Technician Qualifications:

The Thermal Spray Technician must have a minimum of one year of experience in the operation of Thermal Spray Equipment which includes experience on at least one project of similar scope using a wire metalizing arc unit. The Thermal Spray Technician shall be certified by the metalizing equipment manufacturer.

4.4.2 Cathodic Protection Specialist Qualifications and Responsibilities:

4.4.2.1 Qualifications:

Provide the services of an independent CP Specialist with the following qualifications:

1. A National Association of Corrosion Engineers (NACE) certification in cathodic protection of level CP-4 or a qualified P.E.
2. A minimum of 10 years of experience in the installation and testing of impressed current and galvanic CP systems to protect reinforced concrete structures,
3. Performed quality control and performance testing of CP systems for concrete structures in a minimum of three projects the past five years.
4. Provide the experience record of the CP Specialist(s).

The CP Specialist shall be a subcontractor and may be one individual for multiple cathodic protection systems or multiple individuals responsible for each of the single systems. The CP Specialist shall be independent and shall not be affiliated with the Contractor, the Contractor's Organization, the anode distributor or a subcontractor on the project.

No cathodic protection work will be allowed if at any time an approved CP Specialist is not active or otherwise involved in the Project.

4.4.2.2 Responsibilities:

4.4.2.2.1 Metalizing Cathodic Protection Specialist Services:

For this work the CP Specialist shall be responsible for the following tasks:

1. Supervise every phase of the application of the thermally

- sprayed zinc, the continuity testing and corrections of rebar, and any other function further specified for the system.
2. Inspection and testing of the test patch areas for the determination of the target bond strength and submitting the proposed target bonds for approval of the Engineer.
 3. Review and verify electrical continuity test results.
 4. Review all contractor documents related to the cathodic protection work prior to submittal to the Department for approval.
 5. Training Contractor's and Department personnel in performing the required quality control testing for cathodic protection.
 6. Visit the project site at a minimum frequency of once per month to inspect the work performed in his/her absence and conduct random QC tests and meet and directly update the Engineer (verbally and in writing) regarding quality of the work in progress. These random tests shall be in addition to the Contractor's QC tests specified in this Project Special Provision.
 7. Conduct all other specified testing to meet the requirements of the Contract Documents.
 8. Provide Cathodic Protection report in accordance with Section 4.2.
 9. Certify Quality Control Plan in accordance with Section 4.1.

5. MATERIALS

5.1 Material Certification and Test Results:

Contractor shall provide as a minimum, but not limited to the following, required test results and certifications for the anode encapsulation material and zinc wire anode.

5.2 Blasting Media:

Contractor shall provide as a minimum, but not limited to the following, technical data sheets of blasting media and equipment, and schematics of containment system.

6. EQUIPMENT AND INSTRUMENTATION

Contractor shall provide as a minimum, but not limited to detailed technical specifications of all equipment and instrumentation intended for use in the Project.

7. METALIZING

7.1 Scope of Work

7.1.1 Sounding Survey:

No metalizing shall be performed until concrete removal/restoration and surface

preparation have been approved by the Engineer.

7.1.2 Staging of Work:

The work shall be performed in accordance with the Transportation Management Plans and the Contract Plans regarding time, location, and methods. All work is subject to the approval of the Engineer.

7.2 Materials and Testing

7.2.1 Metalizing Wire:

The metalizing material shall be essentially pure zinc (99.9% pure) produced in wire form of 1/8 inch standard size which can be molten and sprayed with the equipment described in this Project Special Provision.

7.2.2 Quality Control:

Provide manufacturers certifications for the following:

1. Metalizing zinc anode wire; shall indicate chemical composition, wire diameter, lot number, manufacturing date and relative manufacturing data where applicable.
2. Abrasive blasting material data sheet and MSDS;
3. Water based inorganic zinc silicate metalizing overcoat; Provide manufacturer's specifications and technical data sheets for the following:
 - i. Metalizing equipment;
 - ii. QC testing equipment;

7.3 Construction Methods

7.3.1 Arc-Sprayed Zinc Construction Methods:

7.3.1.1 General:

This system requires the application of sprayed zinc (anode) to selected damaged areas that exhibit severe corrosion problems after concrete restoration has been completed. The application shall be performed by thermal spraying (metalizing) the concrete with the required surface preparation necessary to produce an acceptable target bond between the zinc and the concrete as further described. A good bond is essential to provide an efficient system.

The Contractor shall apply zinc anodes on all surfaces within the cathodic protection zones defined in the Contract Documents or as directed by the Engineer.

7.3.1.2 Surface Preparation Execution:

Blasting for preparation of the surfaces to receive metalizing shall be performed by the group in charge of the metalizing application and

achieving the established target bond. Different levels of abrasive blasting may be necessary to achieve the target bond for different types of concrete.

7.3.2 Metalizing Equipment:

Zinc application equipment must meet the following minimum requirements:

7.3.2.1 Metalizing Unit:

The metalizing unit shall be a portable, electric arc spray unit capable of spraying zinc wire of 1/8" diameter and should meet the following minimum requirements.

1. The application gun shall be provided with a self-contained electric arc.
2. Spray pattern shall be elliptical in shape and have provisions for adjustments to circular pattern.
3. The application gun shall be capable of operating remotely from the wire feed unit at a distance of no less than 10 feet.
4. The wire feed unit must have moisture/oil separators provided within the unit itself (in addition to the separators already in the line) and shall be enclosed as to protect the anode wire from the environment.
5. The wire feed method shall be dual drive wheel, push type system only. Other wire feed systems may only be given temporary approval based on performance.
6. The system shall be capable of operation at 500 amps continuous duty cycle.
7. The system shall be able to operate remotely from the power supply unit for a minimum distance of 50 feet.
8. The wire feed unit and thermal spray gun assembly shall be reasonably portable and capable of operating from a reach-all, scaffolding, boat, or a small barge.

7.3.2.2 DC Power Supply Unit:

The power supply unit shall be a gasoline or diesel engine driven, direct current power source with a minimum NEMA output rating of 600 amps at 40 volts operating at 80 percent duty cycle.

Alternate power supplies may be approved based on satisfactory recommendation of the metalizing unit manufacturer.

The power supply shall be capable of operation at constant current or constant voltage modes with fully adjustable output over the entire voltage and current range and shall be capable of connection to the metalizing unit at a minimum distance of 50 feet. An ammeter, voltmeter, and oil pressure and engine temperature gauges shall be mounted in the Control Panel of the unit. The gauges shall be maintained clean and readable at all times during the metalizing operation.

7.3.2.3 Air Supply Equipment:

The air supply unit shall be capable of delivering a minimum of 250 CFM of air at 100 pounds of pressure and having an adjustable pressure range of 50 to 125 pounds per square inch (psi). The air compressor shall produce moisture free air at the blast nozzle. When used in conjunction with the metalizing unit and an operator temperature control unit, the system shall be capable of maintaining a minimum air volume of 175 CFM at 90 pounds of pressure at the gun head.

The air compressor shall be provided with a moisture/oil separators mounted within the unit and additional separators or filters as necessary to produce moisture free air. Separators and filters shall be serviced at a minimum of once per day to provide moisture free air. Air moisture and pressure shall be tested daily prior to commencing production.

7.3.2.4 Abrasive Blast Equipment:

The blasting equipment shall be a conventional force fed pressure type stationary sandblaster. The nozzle size shall be such that a minimum of 80 psi is maintained at the blast nozzle. The sandblasting unit shall be securely mounted on the barge (or boat) for the duration of the project. The unit shall be equipped with a minimum 1 1/4 inch piping and valves to provide a sufficient air-sand volume. The blast hose shall be capable of withstanding a working pressure of 175 psi.

7.3.3 Surface Preparation for Sprayed Zinc Cathodic Protection:**7.3.3.1 Concrete Removal:**

All concrete removal shall be made under the requirements of the Project Special Provision for Concrete Restoration.

7.3.3.2 Blasting:

All concrete surfaces to be metalized shall be thoroughly blasted with silica sand or other suitable material to remove all existing coatings, cement splatter or foreign materials prior to zinc application. Sandblasting of the concrete should leave a clean, rough surface, which leaves the appearance of medium grit sandpaper without exposing the coarse aggregate.

The abrasive stream should be directed against the work surface at an angle of approximately 15 degrees from the plane and not in excess of 30 degrees unless necessary to reach specific areas. Level of sandblasting of the concrete surface to achieve the highest possible bond of the zinc shall be determined in the field for every type of concrete present to receive metalizing. Blast material must be plant packaged and maintained in a clean and dry condition at all times. Material stored in the sand-blaster pot overnight shall not be used.

Although not anticipated, any steel component requiring metalizing shall receive an abrasive blast to the extent that a near white appearance is obtained as per NACE 2 as referenced in NACE12/AWS C2.23/SSPC-CS23 Standard.

7.3.3.3 Electrical Continuity:

Electrical continuity of the reinforcing steel and any other metallic component in the concrete shall be tested by the CP Specialist and corrected by the Contractor as shown in the Contract Documents. Although part of the cathodic protection work, continuity shall be provided during the concrete restoration operation. Care shall be observed as not to damage any rebar connecting rods or wires for connection plates which may have been installed during the concrete restoration work.

7.3.3.4 Connection for Connection Plates:

The Contractor shall have the option to install the threaded connection rods for the connecting plates during the concrete removal/restoration operation or the surface preparation for metalizing work. However, the surface of the concrete to be in contact with the connection plates shall be sufficiently smooth and uniform as to provide 100% contact between the plates and the concrete.

The Contractor will locate connection plates on solid (original) concrete. Location of the plates will vary by components based on location of spalls. Place the connection plate after applying initial metalizing to the area under the plate and then metalize over the plate extending a minimum of 2 inches in every direction from the plate as shown in the Contract Documents.

7.3.4 Arc-Sprayed Zinc Anode Application:

7.3.4.1 Test Sections-Target Bond:

Prior to commencing the arc-spraying operation, the Contractor shall metalize a minimum of 4 on-site test sections with minimum dimensions of four square feet each. These test sections shall be used to determine the field application rate for the specified thickness and the grain size, texture acceptability and target adhesion strength. The test sections shall be representative of all of the concrete conditions present on the bridge to receive metalizing. Bond strength on the test sections shall be measured at no less than 3 hours and no more than 24 hours after metalizing and shall be conducted as described by ASTM D4541. All bond tests shall be made in triplicate and the results averaged.

Preliminary test areas and adhesion tests shall be performed on the bridge prior to commencing production metalizing. Adhesion strength shall be measured on all test sections to determine the target bond for production

and acceptance for each type of concrete to receive metalizing. Mock-ups of concrete patch materials to be metalized shall be prepared for this test. Target bond shall be established based on the higher strengths obtained from the test areas. It is expected that a minimum of 100 psi of bond strength will be achieved and strengths lower than the expected will not be accepted. Various levels of sandblasting of the test sections of concrete may be necessary to determine the proper surface condition to achieve the target bond.

7.3.4.2 Cleaning:

Prior to zinc application, the concrete surface shall be air blasted to remove any residue from the abrasive blasting operation. Air stream shall be 100% moisture free and discharge a minimum pressure of 50 psi.

7.3.4.3 Zinc Application:

Thermal spraying operation shall not be performed during periods where rainfall, high seas, rough waters or any other wet conditions are present. Zinc spraying shall not be performed when excessive wind is blowing which could interfere with the operation as determined by the Engineer.

Metalizing shall only be applied to surface areas that have been properly prepared as per this Project Special Provision. Metalizing shall be continuous and un-interrupted within the bridge component (piles, caps, etc.) being metalized. Cold overlaps of the zinc will only be allowed for deficiencies correction. On previously metalized components, the existing zinc shall be 100% removed prior to metalizing.

Typically, zinc application shall be performed around the bottom and the entire vertical perimeter of the caps. If the entire component is not being metalized, metalizing shall extend 2 feet on every direction from the edge of the concrete repaired area.

Zinc application shall be performed employing multiple spray passes crossing at a 90 degree angle to achieve a coating thickness of 15 to 20 mils as determined by thickness measurements on test coupons or by other means acceptable to the Engineer.

7.3.4.4 Metalizing Time Window:

Coordinate the metalizing and concrete restoration operations such that metalizing is completed and connected to the reinforcement on each component at no less than 10 days and no more than 90 days after placing the concrete for the concrete restoration operation. Any metalizing to be accepted after 90 days (not to exceed 120 days) following the placement of the concrete shall be tested and certified as having a low probability of corrosion activity around the repaired area.

No metalizing will be approved if placed after 120 days following the placement of the concrete. Metalizing shall be completed within two hours following sandblasting and before any contamination on the concrete develops. If concrete is not metalized within two hours or contamination develops, concrete shall be sandblasted prior to metalizing.

7.3.4.5 Thickness Measurements:

A minimum of one thickness measurement shall be obtained at 25 square feet intervals and recorded. Thickness measurements shall be obtained using a spherical anvil and spindle micrometer with digital display capable of performing measurements ranging from Zero to One inch. Electronic thickness measuring devices may be allowed as approved by the Engineer.

Where deficient coat thickness values are found, the deficient section and the immediate surface around (minimum of one square foot or within three inches), shall receive additional coating so that the coat thickness of the repaired area will reach a minimum of 15 mils. This shall be performed immediately (not to exceed 2 hours) following the first application or the entire element shall be re-metalized.

7.3.4.6 Bond Strength Test:

The Contractor shall conduct a minimum of one coating adhesion strength test (pull-off test) on each metalized element (caps, piles, etc.) or at every 100 square feet as applicable (if the metalized area is larger than 100 square feet in one component). Each test shall be made in triplicate and the values averaged. Results shall be recorded.

Pull-off tests shall be conducted using a mechanical 0 to 500 psi, fixed alignment adhesion tester as per ASTM -D 4541. Pull-off strength shall be a minimum of 90% of the target values determined from the preliminary on-site test areas on the bridge. Measurements shall be obtained at no less than 24 hours after metalizing but at no more than 72 hours. Limits of areas not meeting the required bond strength shall be identified and marked, and then blasted clean of all sprayed metal prior to re-spraying as directed by the Engineer.

7.3.4.7 Zinc Uniformity:

Surfaces not intended to be metalized that are adjacent or in close proximity to the surface to be metalized, shall be protected with suitable masking during the zinc application. The masked surfaces shall form neat horizontal and vertical lines. Surfaces of the zinc coated sections shall be uniform in appearance, free of visible coating defects such as; cracking, burning, blistering and un-coated areas and/or other defects that will affect the function and/or durability of the coating. The Contractor shall visually inspect the surface of the metalizing to ensure the above using a lens with

a minimum magnification of 10x.

7.3.4.8 Zinc Defects:

If a defective coating area is found, the correction shall be performed in the same manner as for deficient thickness correction. Sandblasting of the defective areas may be required as directed by the Engineer. Cold overlaps during reapplication may be necessary. However, re-application on the sprayed zinc anode over previously metalized areas shall not blister burn or otherwise damage the bottom anode layer. Should this occur, the entire element shall be sandblasted to remove the zinc and re-metalized.

7.3.4.9 Overcoat:

After zinc coating is approved satisfactory by the Engineer, the Contractor shall apply a coat of water based inorganic zinc silicate over the metalized areas of the structure. This work shall be performed within 72 hours after the metalizing.

Coating shall be spray applied only and in accordance with the manufacturer recommended thickness and specifications. No roller application is allowed and brush application can only be used as touch-up for correction of small deficient areas. The silicate coating application shall extend six inches beyond the metalized areas in each direction whenever possible and shall have a minimum dry-film thickness of 5-8 mils. Thickness measurements of the silicate overcoat shall be made at a minimum of 2 locations per metalized element or as directed by the Engineer. Areas not to be coated shall be properly masked to protect them from over-spraying or over-run, and to form neat horizontal or vertical lines.

8. METHOD OF MEASUREMENT

8.1 General:

All survey work shall be incidental to the cathodic protection systems installation.

8.2 Cathodic Protection System (Zinc Aluminum Spray):

The quantity to be paid will be the area, in square feet, of the completed and accepted metalized work.

9. BASIS OF PAYMENT

9.1 Cathodic Protection System (Zinc Aluminum Spray):

Price and payment will be full compensation for all work specified in this Project Special Provision and all incidental items necessary to provide a functional metalizing system.

Pay Item

Unit

CP System, Zinc Aluminum Spray

Square Feet

CP SYSTEM – SUBMERGED ZINC BULK ANODE**(SPECIAL)****DESCRIPTION**

This work consists of furnishing and placing a submerged bulk zinc (ZnSBA) anode cathodic protection system at substructure units defined in the plans. The surface of the concrete shall be prepared and the cathodic protection system shall be applied in accordance with this provision in conformity with the lines, and details shown on the plans or as approved by the Engineer.

Work includes: bridge substructure concrete repairs, monitoring port and reference steel installation and associated electrical work, excavation for continuity; placement of bulk anode assemblies comprised of coated steel channels mounted on the substructure with assemblies shown in the plans; and any incidentals necessary to complete the project as specified or as shown on the plans.

QUALIFICATIONS AND SUBMITTALS

The cathodic protection (CP) Contractor conducting the installation of the ZnSBA system must be engaged in cathodic protection installation operations and shall have a minimum of three years of previous experience in cathodic protection operations with concrete. Provide locations and contact names of successful previous projects for verification at the preconstruction conference.

A. Quality Control Plan:

Include the work under this Project Special Provision in the Contractor General Requirements set forth in NCDOT Specification Division 1. The portion of the Quality Control Plan covering cathodic protection shall be certified by the CP Specialist. For the ZnSBA system the plan shall include but not be limited to, method and frequency of Contractor's QC testing, continuity testing procedures, zinc anode application, time dedicated for training, monitoring port installation plan, and method(s) for initial activation of the cathodic protection systems.

The Contractor shall submit two copies of the System Provider's material information, written installation instructions, material safety data sheets, and independent test results for approval.

B. Cathodic Protection Report:

Provide a final report produced by the CP Specialist for the metalizing system. The report shall describe the general characteristics of the systems and installation sequence. The report shall describe the general characteristics of the cathodic protection work, the size and connection details for each metalized component, as well as native potentials and evidence of polarization after energizing the system. The report and all collected data shall be in typed form and a digital version of the report must be provided along with 4 bound hard copies.

C. Cathodic Protection Specialist Qualifications: The Contractor shall employ the services of a CP Specialist as outlined in the SP for CP for Intermediate Bent Metalizing. Qualifications and Responsibilities are the same for this work as for intermediate bent metalizing, but for the ZnSBA system.

MATERIALSBulk Zinc Anode

Bulk Zinc Anodes shall be 50 pounds by weight with rectangular cross section sufficient for welding to the proposed steel channel. The Bulk Zinc Anode shall meet the requirements of ASTM B418-01, Type I.

Steel Channels

Provide structural steel, galvanizing and weld material per the Standard Specifications sections 1072, and 1076.

Stainless Steel Rod

Provide stainless steel threaded rods for connection in accordance with ASTM A304.

Electrical Materials

Provide electrical materials, including wire, leads and associated parts in accordance with Standard Specifications Section 1091.

Reinforcing Steel for Monitoring

Provide mild reinforcing steel per Standard Specifications Section 1070.

Epoxy

Provide epoxy Type 1, 3, or 3A per Standard Specifications Section 1081.

Grout

Provide grout for structures per these special provisions and Standard Specifications Section 1003.

CONSTRUCTION REQUIREMENTS**Concrete Removal and Repair:**

All concrete removal and repair shall be made under the requirements of the Project Special Provision for Concrete Restoration. The CP specialist may select a different repair mortar than for other applications in order to provide a repair material with lower resistivity to enhance the overall performance of the Cathodic Protection System.

Electrical Continuity:

Electrical continuity of the reinforcing steel and any other metallic component in the concrete shall be tested by the CP Specialist and corrected by the Contractor as shown in the Contract Documents. Although part of the cathodic protection work, continuity shall be provided during the concrete restoration operation. Care shall be observed as not to damage any rebar connecting rods or wires for connection plates which may have been installed during the concrete restoration work.

Monitoring Ports:

Excavate monitoring port holes as shown in the Contract Documents and attach different colored electrical leads to native steel and CP system samples placed in monitoring port holes. Attach bare wire leads to steel samples and cover all exposed wire with epoxy.

Attach weatherproof monitoring junction box to the substructure unit per the plans and insert lead wires into junction box. Attach a jumper wire to the CP system.

Cut grooves for wire routing to a depth and width sufficient to fully encapsulate wire and grout into place on the substructure unit. Clearly identify which wires are native structure representative sample and CP sample in the CP report submitted to the Department.

Anode Attachment Assembly:

Fabricate and prepare galvanized steel channels as shown in the plans for attachment to the substructure. Weld bulk anodes to the steel channel per the Standard Specifications for structural welding prior to coating the assembly. Attach each assembly to the substructure unit with concrete anchors and bolts as shown in the plans.

Energizing CP system Time Window:

Coordinate the CP assembly and concrete restoration operations such that cathodic protection is completed and connected to the reinforcement on each component at no less than 10 days and no more than 90 days after placing the concrete for concrete restoration. Any cathodic protection to be accepted after 90 days (not to exceed 120 days) following the placement of the concrete shall be tested and certified as having a low probability of corrosion activity around the repaired area.

MEASUREMENT AND PAYMENT

Cathodic Protection System (Zinc Bulk Anode)

Price and Payment will be full compensation for all work and materials specified in this Project Special Provision and all incidental items necessary to provide a function Zinc Bulk Anode Cathodic Protection System

Payment will be made under:

Pay Item

CP System (Zinc Bulk Anodes)

Pay Unit

Each

REMOVAL OF EXISTING FENDER SYSTEM**(SPECIAL)**

All steel beam members and catwalk timber members of the existing fender system shall be removed in accordance with Section 402 of the *Standard Specifications* and this special provision.

Navigational lighting and fender signage shall be maintained at all times in accordance with the requirements set forth by the Coast Guard. The Contractor shall notify the Engineer and the Division 2 Electrical Representative no less than 10 business days before beginning any work in order to establish a process for the placement of temporary lighting and signage and the removal and replacement of the existing lighting and signage. The contractor will be required to provide navigational lighting and signage in accordance with Coast Guard specifications during those times in which the existing lighting and signage are removed to allow for fender replacement work. For this project the Division 3 Electrical Representative to be contacted is John Lange who can be reached at (910) 262-6319.

In order to protect the bridge at all times during the replacement of the fender system, both removal and the construction shall be limited to replacing a length not to exceed 36'-0" of the fender system at any one time. Therefore, removal and replacement of the existing fender system shall be done in stages consisting of removing the existing fender length necessary to install and construct the new section of fender system prior to beginning the next stage.

Piles from the existing fender system and any remnant piles from previous fender system shall be removed in their entirety. If piles break off during removal or otherwise cannot be entirely removed and they do not interfere with the placement of new piles, they may be cut off flush with the bed of the body water. The North Carolina Division of Coastal Management (NCDQM) shall be notified of each occurrence within one working day. All existing fender members within 5' of either face of the fender shall be removed.

The lump sum price bid for *Removal of Existing Fender System* at each site will be full compensation for the above work covered by Section 402 of the *Standard Specifications*, the applicable permits, and this Special Provision including all materials, equipment, tools, labor, disposal, and incidentals necessary to complete this work.

COMPOSITE FENDER SYSTEM**(SPECIAL)****1.0 Description**

The work for providing the composite fender system consists of furnishing and installing structural plastic (SP) components including fiberglass reinforced plastic lumber (FRPL) and all miscellaneous hardware to complete the work in accordance with the plans and this special provision. The work also includes providing, installing, and later removing temporary navigational lights as mentioned in the "Coordination with the US Coast Guard" special provision. All fender system members shall be black in color unless otherwise specified in the Contract Documents.

2.0 Global Fender System Requirements

The fender system presented and detailed in the plans and provisions may be exchanged for a Contractor submitted option pending approval of the Engineer and Structures Management. If the Contractor elects to submit an alternate design, corresponding calculations, drawings, and material specifications shall be supplied to the Engineer for review. Any variation to the design and details presented in this contract shall be sealed by a Professional Engineer registered in the state of North Carolina. Alternate designs shall be capable of providing a bending capacity, shear capacity, and stiffness that exceeds the capacity and stiffness of the existing fender in its original, new state.

Alternate designs shall contain horizontal plastic lumber wales with a minimum strength specified in this provision and shall have a minimum cross-sectional area of 100 in². All hardware must be stainless steel and shall conform to the requirements in the plans and contract.

3.0 Fiberglass Reinforced Plastic Lumber (FRPL)

Use plastic consisting of a mixture of one or more of the following recycled post consumer or post industrial thermoplastics: high-density polyethylene, medium-density polyethylene, low-density polyethylene. Mix the plastic with appropriate colorants, UV inhibitors, hindered amine light stabilizers and antioxidants so that the resulting product meets the material property requirements specified in Table 1 in the Materials Section. SP products must not absorb moisture, corrode, rot, warp, splinter or crack. The outer surface of the FRPL shall be generally smooth, uniform and consolidated but may contain occasional small blisters or pockmarks.

Manufacture FRPL as one continuous piece with no joints or splices to the dimensions and tolerances in accordance with Table 2 in the Materials Section and consisting of a dense outer skin surrounding a less dense core. Interior voids shall not exceed 1.0 inch in diameter. The total area of voids shall be less than 5% of the total cross sectional area of the member. FRPL shall be free of twist and curvature. Reinforce 10"x10" FRPL with a minimum of four 1-1/2 inch reinforcing rods placed in the corners of the section. Reinforcing rods must be continuous; steel reinforcement of FRPL is not permitted. See Table 5 in the Materials Section for reinforcing rod properties.

Add a minimum of 15% (by weight) glass filament to the polyethylene used for FRPL.

10"x10" FRPL must meet the minimum structural properties listed in Table 3 in the Materials

Section. The FRPL reinforced with glass filament shall meet the minimum properties listed in Table 4 in the Materials Section.

4.0 Materials

Table 1 Plastic Material Properties		
Density ASTM D 792-00	Skin	55-65 pcf
Density ASTM D792-00	Core	35-55 pcf
Water Absorption ASTM D 570-98	Skin	2 hrs: 0.01% weight. increase 24 hrs: 0.03% weight. increase
Brittleness ASTM D 746-07	Skin	No break at < -40°F
Impact Resistance ASTM D256-06 Method A	Skin	Greater than 0.62 ft-lbs/in
Hardness ASTM D 2240-05	Skin/Core	55-70 (Shore D)
Abrasion ASTM D 4060-07	Skin	Weight Loss: < 0.3g Wear Index: 25-30 Cycles = 10,000 Wheel = CS17 Load: 1kg
Chemical Resistance ASTM D756-03	Skin/Core Sea Water Gasoline No. 2 Diesel	< 1.0% weight increase < 9.0% weight increase < 5.0% weight increase
Tensile Properties ASTM D 638-03	Skin/Core	Minimum 1500 psi at break
Compressive Modulus ASTM D 695-02	Skin/Core	Minimum 40 ksi
Static Coefficient of Friction ASTM D1894-06	Skin Sea Water Dry	0.2 max. 0.25 max.
Nail Pull-Out ASTM D6117	Skin/Core	Minimum 97 lbs

Table 2 Dimensions and Tolerances for FRPL		
	Dimension	Tolerance
Length	Per order (80 ft maximum)	+6 -0 in
Width	See Contract Plans	± ¼ in
Height	See Contract Plans	± ¼ in
Corner Radius – FRPL (w/ rebar)	1 3/4 in	± ¼ in
- FRPL (w/o rebar)	¼ in	± 1/16 in
Outer Skin Thickness –	3/16 in	± 1/8 in

Distance from outer surface to rebar elements (FRPL)	1 1/2 in	± 5/8 in
Straightness (gap, bend or inside while lying on a flat surface)		<1 1/2 in per 10 feet

Table 3	
Structural Properties for 10"x10" FRPL reinforced w/ (4) - 1.50" rebar	
Member Size	10 in x 10 in
Modulus of Elasticity as derived below	521 ksi
Stiffness, E.I.	4.05E+08 lb-in ²
Yield Stress in Bending	5.8 ksi
Weight	30-37 lb/ft
Structural Properties for 8"x12" FRPL reinforced w/ (4) - 1.25" rebar	
Member Size	8 in x 12 in
Modulus of Elasticity as derived below	350 ksi
Stiffness, E.I.	3.46E+08 lb-in ²
Yield Stress in Bending	4.36 ksi
Weight	33-40 lb/ft

Determine the modulus of elasticity for FRPL by conducting a three point or four point bend test as per ASTM D790 or D6109. The modulus for FRPL with rebar is to be taken at a strain of 0.01 inches per inch. The modulus for FRPL reinforced with glass filament may be taken by one of the methods suggested in ASTM D6109.

Table 4	
Structural Properties for FRPL reinforced w/ glass filament	
Modulus of Elasticity (ASTM D6109)	300,000 psi
Flexural Strength (ASTM D6109)	No fracture at 3000 psi
Compressive Strength (ASTM D6108)	2900 psi parallel to grain 2400 psi perpendicular to grain
Screw / Nail Withdrawal (ASTM D6117)	370 lbs screw 97 lbs nail

Table 5	
Reinforcing Rod Properties	
Flexural Strength ASTM D 4476	70 ksi
Compressive Strength ASTM D 695	40 ksi

5.0 Acceptance

The contractor shall submit the following information to the resident engineer at least 60 days prior to installing any SP products:

- Copies of the SP manufacturer's standards and most recent brochure for the FRPL products covered by these Specifications.
- Independent test lab report confirming the SP products meet the Plastic Material properties found in Table 1.
- Independent test lab report confirming the submitted FRPL products meet the minimum structural property requirements found in the Materials Section of this Special Provision.
- Independent test lab report (cyclical load test) confirming composite piles meet the recoverable deflection requirements found in this specification.
- Written certification from the SP manufacturer that the submitted FRPL products satisfy the requirements of this specification and have been in service for a minimum of five (5) years on at least three (3) other bridge pier protection applications in the U.S. This written certification shall include project owner information, project names, locations, contacts and phone numbers.

The Department reserves the right to place a duly authorized inspector in the plant prior to shipment of any SP product for the purpose of determining preapproval. Notify the Engineer at least 7 days in advance of any shipment. Preapproval of SP products shall be on the basis of tests of materials, inspection of SP products, conformance with specified dimensions, appearance, and freedom from defect. Each individual SP piece shall be available for inspection by the inspector. The inspector shall have the authority to reject any or all SP products not manufactured in accordance with these specifications. Any SP products found to be defective in any manner at any time shall be rejected and replaced by an acceptable SP product or repaired in a manner approved by the engineer. All SP products preapproved by the inspector shall be stamped as approved. Preapproval does not guarantee final acceptance.

Final acceptance of all SP products shall be determined by the Engineer prior to installation.

6.0 Construction Details

Protect materials at all times against exposure to extreme heat or impact. Transport SP in a manner that will minimize scratching or damage to the outer surfaces, stack on dunnage above ground so that it may be easily inspected and store in a manner that will avoid damage. Handle and lift SP with nylon slings. Do not use sharp instruments in handling the product. SP damaged in shipping or handling will be rejected.

Cut, bevel, drill, countersink, and otherwise fabricate SP in accordance with the manufacturer's recommendations. Set all material accurately to required levels and lines, with members plumb and true and accurately cut and fitted. Securely attach all composite lumber to substrate by anchoring and fastening as shown on plans. Perform all cutting and drilling in a manner that allows for the collection of all debris and dispose of properly.

7.0 Basis of Payment

The lump sum price bid for *Composite Fender System* will be full compensation for *Plastic Lumber* and *Composite Lumber*. This price is full compensation for furnishing all material, labor, tools and equipment as needed to install fender system members including those of the catwalk.

All permanent connection hardware including bolts, washers, nuts, drift pins, etc. will be incidental to the *Composite Fender System*.

FENDER REHABILITATION PILE JACKETS**(SPECIAL)****1. Description**

Furnish, fabricate, and install fiberglass or PVC pile jackets including installation of anchor rods as shown in Contract Documents.

2. Materials**2.1 Stay-In-Place Forms**

Use forms composed of a durable, inert, corrosion resistant material with an interlocking joint along one or two sides that permits the form to be assembled and sealed in place around the piles. Fabricate the forms from glass fibers and polyester or vinylester resins, or PVC. Provide jackets with a minimum thickness of 1/8 inch with a minimum thickness at the corners of 3/16 inch and dimensions as shown in the Contract Documents. Ensure the form is capable of maintaining its original shape without additional support or damage when placed around a pile. Ensure the inside face of the form has no bond inhibiting agents in contact with the filler material. Provide the forms with bonded or bolted-on, non-metallic, adjustable standoffs to maintain the forms in the required positions. Sandblast or score the inside surface of the forms with an abrasive material to provide a rough surface texture and ensure bond with the filler material. Equip the forms with a compressible sealing strip at the bottom which will effectively seal the annular space between the pile or column and the form. Use non-metallic hardware for pumping ports when these are provided. Fabricate the jacket form in a workmanlike manner and have it inspected and approved by the Engineer prior to placement. Remove from the project any jacket form that has been rejected.

The forms shall meet the following physical property requirements of Table 1:

Table 1: Physical Requirements of Stay-In-Place Forms	
Water Absorption (ASTM D 570)	1% maximum
Ultimate Tensile Strength (ASTM D 638)*	9,000 psi minimum
Flexural Strength (ASTM D 790)*	16,000 psi minimum
Modulus of Elasticity (ASTM D 790)	700,000 psi minimum
IZOD Impact (ASTM D 256)	15 lb/inch minimum (unnotched specimen)
Barcol Hardness (ASTM D 2583)	45 minimum
Color: Similar to Federal Color Standard No. 595, Table VII, Shade No. 36622. The color must be integral in the form gel coat.	
* On original specimens whose flat surfaces are not machined to disturb the fiberglass.	

2.2 Class A Concrete or Epoxy

Use Class A Concrete meeting the requirements of Section 1000 with an adjusted slump of 7 inches to 9 inches. Reduced size coarse aggregate may be used as approved by the Engineer. In lieu of Class A Concrete, the contractor may use Epoxy Grout from a supplier approved by NCDOT.

2.3 Water

Use water that meets the requirements of Section 1024. Use potable water for cleaning, rinsing, or any other application that requires direct contact with the piles.

2.4 Epoxy Coated Reinforcing Steel

Use epoxy coated reinforcing steel meeting the requirements of Section 1070 for all pile jackets.

3. Materials Certification and Testing**3.1 Certification**

For materials other than those for Class A concrete, submit a certificate to the Engineer certifying that the materials furnished meet all the requirements of this Section and conform in all respects to the materials tested.

Attach current test reports to the certificate.

3.2 Testing

No test report for tests made more than two years prior to shipment will be accepted for the form material.

Test materials for Class A concrete as required in Section 1000 for approved design mixes. Perform sampling and testing using Quality Control technicians meeting the requirements of this Project Special Provision.

Hardened concrete or grout will be accepted on the basis of strength test results as defined in this Section. Test the laboratory cured samples for compressive strength at 28 days in a laboratory meeting and maintaining at all times the qualification requirements listed in Section 1000.

4. Construction**4.1 Shop Drawings**

Submit shop drawings and obtain approval prior to field installation. Submit shop drawings showing locations of standoff spacers, method of fastening jacket form to piling, method of sealing the form after assembly, and method for bracing during placement of filler. Include details of access holes, details of holes for connections and anchor rods, fiberglass caps, and methods for placing the filler and cutting and sealing the pumping ports. Additionally, provide a pollution control and containment plan for all activities to ensure no water or air pollution per Section 107.

4.2 Surface Preparation

Prior to performing surface preparation, submit and receive approval for a containment and

pollution control plan in accordance with the Standard Specifications.

Clean steel surface at jacket locations in accordance with section 442 of the standard specifications prior to shear stud installation. Thoroughly clean all pile/column surfaces that the jackets will cover. Remove all oil, grease, dirt, marine growth and any other deleterious material that could prevent proper bonding. Prepare surface to SSPC-SP3, power tool clean, per the Society of Protective Coatings, to remove all rust and scale before installing the pile jacket. Water blast or mechanically clean steel surface under water by methods and with equipment approved by the Engineer. Do not place the form until the surface preparation has been approved by the Engineer.

4.3 Form Placement

Place the fiberglass or PVC form in position around the pile; secure and seal the interlocking joints, and seal the bottom of the form against the pile surface with the compressible seal and an Engineer approved epoxy mastic suitable for underwater application. Adjust stand-offs as necessary to prevent misalignment and install temporary hard backing to prevent deformation of the jacket. Place a temporary plastic wrap around the form prior to placement of the hardbacking to protect the gel coat.

4.4 Filler Placement

Place the filler in one continuous pour at no more than 72 hours after surface preparation. Fill the annulus between the pile and jacket form following the jacket manufacturer's instructions and the Contract Documents. Do not drop filler material into forms higher than five feet or into forms containing water. Prevent contamination of the filler during placement and provide internal or external vibration to ensure proper consolidation.

Cure filler for a minimum of 96 hours before removing any external bracing. Remove any filler or other extraneous material from the exterior surface of the form and clean the form without damaging the fiberglass or gel coat resin. Cut pumping ports flush with the surface of the jacket and seal opening with an Engineer approved listed epoxy.

5. Method of Measurement

The quantities to be paid for under this section will be per each single, three, and seven-pile jacket furnished, installed, completed, and accepted.

6. Basis of Payment

Price and payment will be full compensation for all work specified in this Project Special Provision and all incidental items necessary to provide a functional *Single-pile, Three-Pile, or Seven-Pile Jacket*. This price is full compensation for furnishing all material, labor, tools and equipment as needed to install pile jackets members, including surface preparation. All permanent connection hardware including bolts, washers, nuts, drift pins, etc. will be incidental to the *Single-pile, Three-Pile, or Seven-Pile Jacket*.

Pay Item	Unit
Single Pile Jacket	EA
Three Pile Jacket	EA
Seven Pile Jacket	EA

PROJECT SPECIAL PROVISION

(10-18-95) (Rev. 3-21-17)

Z-1

PERMITS

The Contractor's attention is directed to the following permits, which have been issued to the Department of Transportation by the authority granting the permit.

<u>PERMIT</u>	<u>AUTHORITY GRANTING THE PERMIT</u>
Dredge and Fill and/or Work in Navigable Waters (404)	U. S. Army Corps of Engineers
Water Quality (401)	Division of Environmental Management, DEQ State of North Carolina

The Contractor shall comply with all applicable permit conditions during construction of this project. Those conditions marked by * are the responsibility of the Department and the Contractor has no responsibility in accomplishing those conditions.

Agents of the permitting authority will periodically inspect the project for adherence to the permits.

The Contractor's attention is also directed to Articles 107-10 and 107-13 of the *2018 Standard Specifications* and the following:

Should the Contractor propose to utilize construction methods (such as temporary structures or fill in waters and/or wetlands for haul roads, work platforms, cofferdams, etc.) not specifically identified in the permit (individual, general, or nationwide) authorizing the project it shall be the Contractor's responsibility to coordinate with the Engineer to determine what, if any, additional permit action is required. The Contractor shall also be responsible for initiating the request for the authorization of such construction method by the permitting agency. The request shall be submitted through the Engineer. The Contractor shall not utilize the construction method until it is approved by the permitting agency. The request normally takes approximately 60 days to process; however, no extensions of time or additional compensation will be granted for delays resulting from the Contractor's request for approval of construction methods not specifically identified in the permit.

Where construction moratoriums are contained in a permit condition which restricts the Contractor's activities to certain times of the year, those moratoriums will apply only to the portions of the work taking place in the restricted waters, wetlands or buffer zones, provided that activities outside those areas is done in such a manner as to not affect the restricted waters, wetlands or buffer zones.

DocuSigned by:

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STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

JAMES H. TROGDON, III
SECRETARY

May 3, 2018

MEMO TO: Al Edgerton
Division Bridge Program Engineer

FROM: Mason Herndon
Division Environmental Program Supervisor

SUBJECT: Brunswick County; Bridge No. 71 (Holden beach Bridge) Preservation
over AIWW on NC 130 (Holden Beach Rd). WBS No. 15BPR.16

Attached are the US Army Corps of Engineers General Permit, and N.C. Division of Water Resources (NCDWR) Water Quality Certification for subject project. The project is covered by the Division of Coastal Management (DCM) maintenance and repair statutory exemption and does not require a CAMA permit. The project is also exempt from US Coast Guard permitting however still requires coordination with the USCG during construction (see Greensheet). All environmental permits have been received for the construction of this project.

If you have any questions or if I can be of any further assistance, please do not hesitate to contact me.

ec:

Kevin Bowen, P.E. Division Construction Engineer
Timothy M. Sherrill, P.E. NCDOT Preservation and Repair Staff Engineer

**NATIONWIDE PERMIT 3
DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS
FINAL NOTICE OF ISSUANCE AND MODIFICATION OF NATIONWIDE PERMITS
FEDERAL REGISTER
AUTHORIZED MARCH 19, 2017**

Maintenance. (a) The repair, rehabilitation, or replacement of any previously authorized, currently serviceable structure or fill, or of any currently serviceable structure or fill authorized by 33 CFR 330.3, provided that the structure or fill is not to be put to uses differing from those uses specified or contemplated for it in the original permit or the most recently authorized modification. Minor deviations in the structure's configuration or filled area, including those due to changes in materials, construction techniques, requirements of other regulatory agencies, or current construction codes or safety standards that are necessary to make the repair, rehabilitation, or replacement are authorized. This NWP also authorizes the removal of previously authorized structures or fills. Any stream channel modification is limited to the minimum necessary for the repair, rehabilitation, or replacement of the structure or fill; such modifications, including the removal of material from the stream channel, must be immediately adjacent to the project. This NWP also authorizes the removal of accumulated sediment and debris within, and in the immediate vicinity of, the structure or fill. This NWP also authorizes the repair, rehabilitation, or replacement of those structures or fills destroyed or damaged by storms, floods, fire or other discrete events, provided the repair, rehabilitation, or replacement is commenced, or is under contract to commence, within two years of the date of their destruction or damage. In cases of catastrophic events, such as hurricanes or tornadoes, this two-year limit may be waived by the district engineer, provided the permittee can demonstrate funding, contract, or other similar delays.

(b) This NWP also authorizes the removal of accumulated sediments and debris outside the immediate vicinity of existing structures (e.g., bridges, culverted road crossings, water intake structures, etc.). The removal of sediment is limited to the minimum necessary to restore the waterway in the vicinity of the structure to the approximate dimensions that existed when the structure was built, but cannot extend farther than 200 feet in any direction from the structure. This 200 foot limit does not apply to maintenance dredging to remove accumulated sediments blocking or restricting outfall and intake structures or to maintenance dredging to remove accumulated sediments from canals associated with outfall and intake structures. All dredged or excavated materials must be deposited and retained in an area that has no waters of the United States unless otherwise specifically approved by the district engineer under separate authorization.

(c) This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to conduct the maintenance activity. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. After conducting the maintenance activity, temporary fills must be

removed in their entirety and the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

(d) This NWP does not authorize maintenance dredging for the primary purpose of navigation. This NWP does not authorize beach restoration. This NWP does not authorize new stream channelization or stream relocation projects.

* **Notification:** For activities authorized by paragraph (b) of this NWP, the permittee must submit a pre-construction notification to the district engineer prior to commencing the activity (see general condition 32). The pre-construction notification must include information regarding the original design capacities and configurations of the outfalls, intakes, small impoundments, and canals. (Authorities: Section 10 of the Rivers and Harbors Act of 1899 and section 404 of the Clean Water Act (Sections 10 and 404))

Note: This NWP authorizes the repair, rehabilitation, or replacement of any previously authorized structure or fill that does not qualify for the Clean Water Act section 404(f) exemption for maintenance.

NATIONWIDE PERMIT GENERAL CONDITIONS

The following General Conditions must be followed in order for any authorization by a NWP to be valid:

1. Navigation. (a) No activity may cause more than a minimal adverse effect on navigation.
(b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.
(c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
2. Aquatic Life Movements. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.
3. Spawning Areas. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.
4. Migratory Bird Breeding Areas. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.
5. Shellfish Beds. No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWPs 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.
6. Suitable Material. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see section 307 of the Clean Water Act).

7. Water Supply Intakes. No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. Adverse Effects From Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. Management of Water Flows. To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. Fills Within 100-Year Floodplains. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. Equipment. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow, or during low tides.

13. Removal of Temporary Fills. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. Proper Maintenance. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.

15. Single and Complete Project. The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

16. Wild and Scenic Rivers. (a) No NWP activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status,

unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status.

(b) If a proposed NWP activity will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, the permittee must submit a pre-construction notification (see general condition 32). The district engineer will coordinate the PCN with the Federal agency with direct management responsibility for that river. The permittee shall not begin the NWP activity until notified by the district engineer that the Federal agency with direct management responsibility for that river has determined in writing that the proposed NWP activity will not adversely affect the Wild and Scenic River designation or study status.

(c) Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Information on these rivers is also available at: <http://www.rivers.gov/>.

17. Tribal Rights. No NWP activity may cause more than minimal adverse effects on tribal rights (including treaty rights), protected tribal resources, or tribal lands.

18. Endangered Species. (a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which “may affect” a listed species or critical habitat, unless ESA section 7 consultation addressing the effects of the proposed activity has been completed. Direct effects are the immediate effects on listed species and critical habitat caused by the NWP activity. Indirect effects are those effects on listed species and critical habitat that are caused by the NWP activity and are later in time, but still are reasonably certain to occur.

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. If pre-construction notification is required for the proposed activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation has not been submitted, additional ESA section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under section 7 of the ESA.

* (c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the pre-construction notification must include the name(s) of the endangered or threatened species that

might be affected by the proposed activity or that utilize the designated critical habitat that might be affected by the proposed activity. The district engineer will determine whether the proposed activity “may affect” or will have “no effect” to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps’ determination within 45 days of receipt of a complete pre-construction notification. In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the activity, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification that the proposed activity will have “no effect” on listed species or critical habitat, or until ESA section 7 consultation has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(d) As a result of formal or informal consultation with the FWS or NMFS the district engineer may add species-specific permit conditions to the NWP.

(e) Authorization of an activity by an NWP does not authorize the “take” of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with “incidental take” provisions, etc.) from the FWS or the NMFS, the Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where “take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word “harm” in the definition of “take” means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

(f) If the non-federal permittee has a valid ESA section 10(a)(1)(B) incidental take permit with an approved Habitat Conservation Plan for a project or a group of projects that includes the proposed NWP activity, the non-federal applicant should provide a copy of that ESA section 10(a)(1)(B) permit with the PCN required by paragraph (c) of this general condition. The district engineer will coordinate with the agency that issued the ESA section 10(a)(1)(B) permit to determine whether the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation conducted for the ESA section 10(a)(1)(B) permit. If that coordination results in concurrence from the agency that the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation for the ESA section 10(a)(1)(B) permit, the district engineer does not need to conduct a separate ESA section 7 consultation for the proposed NWP activity. The district engineer will notify the non-federal applicant within 45 days of receipt of a complete pre-construction notification whether the ESA section 10(a)(1)(B) permit covers the proposed NWP activity or whether additional ESA section 7 consultation is required.

(g) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the FWS and NMFS or their world wide web pages at <http://www.fws.gov/> or <http://www.fws.gov/ipac> and <http://www.nmfs.noaa.gov/pr/species/esa/> respectively.

19. Migratory Birds and Bald and Golden Eagles. The permittee is responsible for ensuring their action complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting appropriate local office of the U.S. Fish and Wildlife Service to determine applicable measures to reduce impacts to migratory

birds or eagles, including whether “incidental take” permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

20. Historic Properties. (a) In cases where the district engineer determines that the activity may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of section 106 of the National Historic Preservation Act. If pre-construction notification is required for the proposed NWP activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation is not submitted, then additional consultation under section 106 may be necessary. The respective federal agency is responsible for fulfilling its obligation to comply with section 106.

* (c) Non-federal permittees must submit a pre-construction notification to the district engineer if the NWP activity might have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties might have the potential to be affected by the proposed NWP activity or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of, or potential for, the presence of historic properties can be sought from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or designated tribal representative, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted in the PCN and these identification efforts, the district engineer shall determine whether the proposed NWP activity has the potential to cause effects on the historic properties. Section 106 consultation is not required when the district engineer determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). Section 106 consultation is required when the district engineer determines that the activity has the potential to cause effects on historic properties. The district engineer will conduct consultation with consulting parties identified under 36 CFR 800.2(c) when he or she makes any of the following effect determinations for the purposes of section 106 of the NHPA: no historic properties affected, no adverse effect, or adverse effect. Where the non-Federal applicant has identified historic properties on which the activity might have the potential to cause effects and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects to historic properties or that NHPA section 106 consultation has been completed.

(d) For non-federal permittees, the district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA section 106 consultation is required. If NHPA section 106 consultation is required, the district engineer will notify the non-Federal applicant that he or she cannot begin the activity until section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(e) Prospective permittees should be aware that section 110k of the NHPA (54 U.S.C. 306113) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

21. Discovery of Previously Unknown Remains and Artifacts. If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

22. Designated Critical Resource Waters. Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.

(a) Discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, and 52 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, 38, and 54, notification is required in accordance with general condition 32, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after it is determined that the impacts to the critical resource waters will be no more than minimal.

23. Mitigation. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal:

(a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects.

(d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation to ensure that the activity results in no more than minimal adverse environmental effects. Compensatory mitigation for losses of streams should be provided, if practicable, through stream rehabilitation, enhancement, or preservation, since streams are difficult-to-replace resources (see 33 CFR 332.3(e)(3)).

(e) Compensatory mitigation plans for NWP activities in or near streams or other open waters will normally include a requirement for the restoration or enhancement, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, the restoration or maintenance/protection of riparian areas may be the only compensatory mitigation required. Restored riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to restore or maintain/protect a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or maintaining/protecting a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of minimization or compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(f) Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

(1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in no more than minimal adverse environmental effects. For the NWPs, the preferred mechanism for providing compensatory mitigation is mitigation bank credits or in-

lieu fee program credits (see 33 CFR 332.3(b)(2) and (3)). However, if an appropriate number and type of mitigation bank or in-lieu credits are not available at the time the PCN is submitted to the district engineer, the district engineer may approve the use of permittee-responsible mitigation.

(2) The amount of compensatory mitigation required by the district engineer must be sufficient to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see 33 CFR 330.1(e)(3)). (See also 33 CFR 332.3(f)).

(3) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, aquatic resource restoration should be the first compensatory mitigation option considered for permittee-responsible mitigation.

(4) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) through (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)).

(5) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan only needs to address the baseline conditions at the impact site and the number of credits to be provided.

(6) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan (see 33 CFR 332.4(c)(1)(ii)).

(g) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any NWP activity resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that an NWP activity already meeting the established acreage limits also satisfies the no more than minimal impact requirement for the NWPs.

(h) Permittees may propose the use of mitigation banks, in-lieu fee programs, or permittee-responsible mitigation. When developing a compensatory mitigation proposal, the permittee must consider appropriate and practicable options consistent with the framework at 33 CFR 332.3(b). For activities resulting in the loss of marine or estuarine resources, permittee-responsible mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

(i) Where certain functions and services of waters of the United States are permanently adversely affected by a regulated activity, such as discharges of dredged or fill

material into waters of the United States that will convert a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse environmental effects of the activity to the no more than minimal level.

24. Safety of Impoundment Structures. To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. Water Quality. Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

26. Coastal Zone Management. In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

27. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

28. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

29. Transfer of Nationwide Permit Verifications. If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:
“When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To

validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.”

(Transferee)

(Date)

* 30. Compliance Certification. Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:

(a) A statement that the authorized activity was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;

(b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and

(c) The signature of the permittee certifying the completion of the activity and mitigation.

The completed certification document must be submitted to the district engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later.

* 31. Activities Affecting Structures or Works Built by the United States. If an NWP activity also requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project (a “USACE project”), the prospective permittee must submit a pre-construction notification. See paragraph (b)(10) of general condition 32. An activity that requires section 408 permission is not authorized by NWP until the appropriate Corps office issues the section 408 permission to alter, occupy, or use the USACE project, and the district engineer issues a written NWP verification.

* 32. Pre-Construction Notification. (a) Timing. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the

prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

(1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or

(2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or are in the vicinity of the activity, or to notify the Corps pursuant to general condition 20 that the activity might have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)) has been completed. Also, work cannot begin under NWPs 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) Contents of Pre-Construction Notification: The PCN must be in writing and include the following information:

(1) Name, address and telephone numbers of the prospective permittee;

(2) Location of the proposed activity;

(3) Identify the specific NWP or NWP(s) the prospective permittee wants to use to authorize the proposed activity;

(4) A description of the proposed activity; the activity's purpose; direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity; and any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures. For single and complete linear projects, the PCN must include the quantity of anticipated losses of wetlands, other special aquatic sites, and other waters for each single and complete crossing of those wetlands, other special aquatic sites, and other waters.

Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the activity and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);

(5) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate;

(6) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(7) For non-Federal permittees, if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed activity or utilize the designated critical habitat that might be affected by the proposed activity. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with the Endangered Species Act;

(8) For non-Federal permittees, if the NWP activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the PCN must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with section 106 of the National Historic Preservation Act;

(9) For an activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, the PCN must identify the Wild and Scenic River or the “study river” (see general condition 16); and

(10) For an activity that requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, the pre-construction notification must include a statement confirming that the project proponent has submitted a written request for section 408 permission from the Corps office having jurisdiction over that USACE project.

(c) Form of Pre-Construction Notification: The standard individual permit application form (Form ENG 4345) may be used, but the completed application form must clearly indicate that it is an NWP PCN and must include all of the applicable information required in paragraphs (b)(1) through (10) of this general condition. A letter containing the required information may also be used. Applicants may provide electronic files of PCNs and

supporting materials if the district engineer has established tools and procedures for electronic submittals.

(d) Agency Coordination: (1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the activity's adverse environmental effects so that they are no more than minimal.

(2) Agency coordination is required for: (i) all NWP activities that require pre-construction notification and result in the loss of greater than 1/2-acre of waters of the United States; (ii) NWP 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52 activities that require pre-construction notification and will result in the loss of greater than 300 linear feet of stream bed; (iii) NWP 13 activities in excess of 500 linear feet, fills greater than one cubic yard per running foot, or involve discharges of dredged or fill material into special aquatic sites; and (iv) NWP 54 activities in excess of 500 linear feet, or that extend into the waterbody more than 30 feet from the mean low water line in tidal waters or the ordinary high water mark in the Great Lakes.

(3) When agency coordination is required, the district engineer will immediately provide (e.g., via e-mail, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (FWS, state natural resource or water quality agency, EPA, and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to notify the district engineer via telephone, facsimile transmission, or e-mail that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse environmental effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWPs, including the need for mitigation to ensure the net adverse environmental effects of the proposed activity are no more than minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(4) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

(5) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of pre-construction notifications to expedite agency coordination.

DISTRICT ENGINEER'S DECISION

1. In reviewing the PCN for the proposed activity, the district engineer will determine whether the activity authorized by the NWP will result in more than minimal

individual or cumulative adverse environmental effects or may be contrary to the public interest. If a project proponent requests authorization by a specific NWP, the district engineer should issue the NWP verification for that activity if it meets the terms and conditions of that NWP, unless he or she determines, after considering mitigation, that the proposed activity will result in more than minimal individual and cumulative adverse effects on the aquatic environment and other aspects of the public interest and exercises discretionary authority to require an individual permit for the proposed activity. For a linear project, this determination will include an evaluation of the individual crossings of waters of the United States to determine whether they individually satisfy the terms and conditions of the NWP(s), as well as the cumulative effects caused by all of the crossings authorized by NWP. If an applicant requests a waiver of the 300 linear foot limit on impacts to streams or of an otherwise applicable limit, as provided for in NWPs 13, 21, 29, 36, 39, 40, 42, 43, 44, 50, 51, 52, or 54, the district engineer will only grant the waiver upon a written determination that the NWP activity will result in only minimal individual and cumulative adverse environmental effects. For those NWPs that have a waivable 300 linear foot limit for losses of intermittent and ephemeral stream bed and a 1/2-acre limit (i.e., NWPs 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52), the loss of intermittent and ephemeral stream bed, plus any other losses of jurisdictional waters and wetlands, cannot exceed 1/2-acre.

2. When making minimal adverse environmental effects determinations the district engineer will consider the direct and indirect effects caused by the NWP activity. He or she will also consider the cumulative adverse environmental effects caused by activities authorized by NWP and whether those cumulative adverse environmental effects are no more than minimal. The district engineer will also consider site specific factors, such as the environmental setting in the vicinity of the NWP activity, the type of resource that will be affected by the NWP activity, the functions provided by the aquatic resources that will be affected by the NWP activity, the degree or magnitude to which the aquatic resources perform those functions, the extent that aquatic resource functions will be lost as a result of the NWP activity (e.g., partial or complete loss), the duration of the adverse effects (temporary or permanent), the importance of the aquatic resource functions to the region (e.g., watershed or ecoregion), and mitigation required by the district engineer. If an appropriate functional or condition assessment method is available and practicable to use, that assessment method may be used by the district engineer to assist in the minimal adverse environmental effects determination. The district engineer may add case-specific special conditions to the NWP authorization to address site-specific environmental concerns.

3. If the proposed activity requires a PCN and will result in a loss of greater than 1/10-acre of wetlands, the prospective permittee should submit a mitigation proposal with the PCN. Applicants may also propose compensatory mitigation for NWP activities with smaller impacts, or for impacts to other types of waters (e.g., streams). The district engineer will consider any proposed compensatory mitigation or other mitigation measures the applicant has included in the proposal in determining whether the net adverse environmental effects of the proposed activity are no more than minimal. The compensatory mitigation proposal may be either conceptual or detailed. If the district engineer determines that the activity complies with the terms and conditions of the NWP and that the adverse environmental effects are no more than minimal, after considering mitigation, the district engineer will notify the permittee and

include any activity-specific conditions in the NWP verification the district engineer deems necessary. Conditions for compensatory mitigation requirements must comply with the appropriate provisions at 33 CFR 332.3(k). The district engineer must approve the final mitigation plan before the permittee commences work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the district engineer will expeditiously review the proposed compensatory mitigation plan. The district engineer must review the proposed compensatory mitigation plan within 45 calendar days of receiving a complete PCN and determine whether the proposed mitigation would ensure the NWP activity results in no more than minimal adverse environmental effects. If the net adverse environmental effects of the NWP activity (after consideration of the mitigation proposal) are determined by the district engineer to be no more than minimal, the district engineer will provide a timely written response to the applicant. The response will state that the NWP activity can proceed under the terms and conditions of the NWP, including any activity-specific conditions added to the NWP authorization by the district engineer.

4. If the district engineer determines that the adverse environmental effects of the proposed activity are more than minimal, then the district engineer will notify the applicant either: (a) that the activity does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an individual permit; (b) that the activity is authorized under the NWP subject to the applicant's submission of a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal; or (c) that the activity is authorized under the NWP with specific modifications or conditions. Where the district engineer determines that mitigation is required to ensure no more than minimal adverse environmental effects, the activity will be authorized within the 45-day PCN period (unless additional time is required to comply with general conditions 18, 20, and/or 31, or to evaluate PCNs for activities authorized by NWPs 21, 49, and 50), with activity-specific conditions that state the mitigation requirements. The authorization will include the necessary conceptual or detailed mitigation plan or a requirement that the applicant submit a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal. When compensatory mitigation is required, no work in waters of the United States may occur until the district engineer has approved a specific mitigation plan or has determined that prior approval of a final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation.

FURTHER INFORMATION

1. District Engineers have authority to determine if an activity complies with the terms and conditions of an NWP.
2. NWPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.
3. NWPs do not grant any property rights or exclusive privileges.
4. NWPs do not authorize any injury to the property or rights of others.
5. NWPs do not authorize interference with any existing or proposed Federal project (see general condition 31).

DEFINITIONS

Best management practices (BMPs): Policies, practices, procedures, or structures implemented to mitigate the adverse environmental effects on surface water quality resulting from development. BMPs are categorized as structural or non-structural.

Compensatory mitigation: The restoration (re-establishment or rehabilitation), establishment (creation), enhancement, and/or in certain circumstances preservation of aquatic resources for the purposes of offsetting unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved.

Currently serviceable: Useable as is or with some maintenance, but not so degraded as to essentially require reconstruction.

Direct effects: Effects that are caused by the activity and occur at the same time and place.

Discharge: The term “discharge” means any discharge of dredged or fill material into waters of the United States.

Ecological reference: A model used to plan and design an aquatic habitat and riparian area restoration, enhancement, or establishment activity under NWP 27. An ecological reference may be based on the structure, functions, and dynamics of an aquatic habitat type or a riparian area type that currently exists in the region where the proposed NWP 27 activity is located. Alternatively, an ecological reference may be based on a conceptual model for the aquatic habitat type or riparian area type to be restored, enhanced, or established as a result of the proposed NWP 27 activity. An ecological reference takes into account the range of variation of the aquatic habitat type or riparian area type in the region.

Enhancement: The manipulation of the physical, chemical, or biological characteristics of an aquatic resource to heighten, intensify, or improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s), but may also lead to a decline in other aquatic resource function(s). Enhancement does not result in a gain in aquatic resource area.

Ephemeral stream: An ephemeral stream has flowing water only during, and for a short duration after, precipitation events in a typical year. Ephemeral stream beds are located above the water table year-round. Groundwater is not a source of water for the stream. Runoff from rainfall is the primary source of water for stream flow.

Establishment (creation): The manipulation of the physical, chemical, or biological characteristics present to develop an aquatic resource that did not previously exist at an upland site. Establishment results in a gain in aquatic resource area.

High Tide Line: The line of intersection of the land with the water’s surface at the maximum height reached by a rising tide. The high tide line may be determined, in the absence of actual data, by a line of oil or scum along shore objects, a more or less continuous deposit of fine shell or debris on the foreshore or berm, other physical markings or characteristics, vegetation lines, tidal gages, or other suitable means that delineate the general height reached by a rising tide. The line encompasses spring high tides and other high tides that occur with periodic frequency but does not include storm surges in which there is a departure from the normal or predicted reach of the tide due to the piling up of water against a coast by strong winds such as those accompanying a hurricane or other intense storm.

Historic Property: Any prehistoric or historic district, site (including archaeological site), building, structure, or other object included in, or eligible for inclusion in, the National

Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria (36 CFR part 60).

Independent utility: A test to determine what constitutes a single and complete non-linear project in the Corps Regulatory Program. A project is considered to have independent utility if it would be constructed absent the construction of other projects in the project area. Portions of a multi-phase project that depend upon other phases of the project do not have independent utility. Phases of a project that would be constructed even if the other phases were not built can be considered as separate single and complete projects with independent utility.

Indirect effects: Effects that are caused by the activity and are later in time or farther removed in distance, but are still reasonably foreseeable.

Intermittent stream: An intermittent stream has flowing water during certain times of the year, when groundwater provides water for stream flow. During dry periods, intermittent streams may not have flowing water. Runoff from rainfall is a supplemental source of water for stream flow.

Loss of waters of the United States: Waters of the United States that are permanently adversely affected by filling, flooding, excavation, or drainage because of the regulated activity. Permanent adverse effects include permanent discharges of dredged or fill material that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody. The acreage of loss of waters of the United States is a threshold measurement of the impact to jurisdictional waters for determining whether a project may qualify for an NWP; it is not a net threshold that is calculated after considering compensatory mitigation that may be used to offset losses of aquatic functions and services. The loss of stream bed includes the acres or linear feet of stream bed that are filled or excavated as a result of the regulated activity. Waters of the United States temporarily filled, flooded, excavated, or drained, but restored to pre-construction contours and elevations after construction, are not included in the measurement of loss of waters of the United States. Impacts resulting from activities that do not require Department of the Army authorization, such as activities eligible for exemptions under section 404(f) of the Clean Water Act, are not considered when calculating the loss of waters of the United States.

Navigable waters: Waters subject to section 10 of the Rivers and Harbors Act of 1899. These waters are defined at 33 CFR part 329.

Non-tidal wetland: A non-tidal wetland is a wetland that is not subject to the ebb and flow of tidal waters. Non-tidal wetlands contiguous to tidal waters are located landward of the high tide line (i.e., spring high tide line).

Open water: For purposes of the NWPs, an open water is any area that in a year with normal patterns of precipitation has water flowing or standing above ground to the extent that an ordinary high water mark can be determined. Aquatic vegetation within the area of flowing or standing water is either non-emergent, sparse, or absent. Vegetated shallows are considered to be open waters. Examples of "open waters" include rivers, streams, lakes, and ponds.

Ordinary High Water Mark: An ordinary high water mark is a line on the shore established by the fluctuations of water and indicated by physical characteristics, or by other appropriate means that consider the characteristics of the surrounding areas.

Perennial stream: A perennial stream has flowing water year-round during a typical year. The water table is located above the stream bed for most of the year. Groundwater is the

primary source of water for stream flow. Runoff from rainfall is a supplemental source of water for stream flow.

Practicable: Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

Pre-construction notification: A request submitted by the project proponent to the Corps for confirmation that a particular activity is authorized by nationwide permit. The request may be a permit application, letter, or similar document that includes information about the proposed work and its anticipated environmental effects. Pre-construction notification may be required by the terms and conditions of a nationwide permit, or by regional conditions. A pre-construction notification may be voluntarily submitted in cases where pre-construction notification is not required and the project proponent wants confirmation that the activity is authorized by nationwide permit.

Preservation: The removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. This term includes activities commonly associated with the protection and maintenance of aquatic resources through the implementation of appropriate legal and physical mechanisms. Preservation does not result in a gain of aquatic resource area or functions.

Protected tribal resources: Those natural resources and properties of traditional or customary religious or cultural importance, either on or off Indian lands, retained by, or reserved by or for, Indian tribes through treaties, statutes, judicial decisions, or executive orders, including tribal trust resources.

Re-establishment: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former aquatic resource. Re-establishment results in rebuilding a former aquatic resource and results in a gain in aquatic resource area and functions.

Rehabilitation: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/historic functions to a degraded aquatic resource. Rehabilitation results in a gain in aquatic resource function, but does not result in a gain in aquatic resource area.

Restoration: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded aquatic resource. For the purpose of tracking net gains in aquatic resource area, restoration is divided into two categories: re-establishment and rehabilitation.

Riffle and pool complex: Riffle and pool complexes are special aquatic sites under the 404(b)(1) Guidelines. Riffle and pool complexes sometimes characterize steep gradient sections of streams. Such stream sections are recognizable by their hydraulic characteristics. The rapid movement of water over a coarse substrate in riffles results in a rough flow, a turbulent surface, and high dissolved oxygen levels in the water. Pools are deeper areas associated with riffles. A slower stream velocity, a streaming flow, a smooth surface, and a finer substrate characterize pools.

Riparian areas: Riparian areas are lands next to streams, lakes, and estuarine- marine shorelines. Riparian areas are transitional between terrestrial and aquatic ecosystems, through which surface and subsurface hydrology connects riverine, lacustrine, estuarine, and marine waters with their adjacent wetlands, non-wetland waters, or uplands. Riparian areas provide a variety of ecological functions and services and help improve or maintain local water quality. (See general condition 23.)

Shellfish seeding: The placement of shellfish seed and/or suitable substrate to increase shellfish production. Shellfish seed consists of immature individual shellfish or individual shellfish attached to shells or shell fragments (i.e., spat on shell). Suitable substrate may consist of shellfish shells, shell fragments, or other appropriate materials placed into waters for shellfish habitat.

Single and complete linear project: A linear project is a project constructed for the purpose of getting people, goods, or services from a point of origin to a terminal point, which often involves multiple crossings of one or more waterbodies at separate and distant locations. The term “single and complete project” is defined as that portion of the total linear project proposed or accomplished by one owner/developer or partnership or other association of owners/developers that includes all crossings of a single water of the United States (i.e., a single waterbody) at a specific location. For linear projects crossing a single or multiple waterbodies several times at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. However, individual channels in a braided stream or river, or individual arms of a large, irregularly shaped wetland or lake, etc., are not separate waterbodies, and crossings of such features cannot be considered separately.

Single and complete non-linear project: For non-linear projects, the term “single and complete project” is defined at 33 CFR 330.2(i) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers. A single and complete non-linear project must have independent utility (see definition of “independent utility”). Single and complete non-linear projects may not be “piecemealed” to avoid the limits in an NWP authorization.

Stormwater management: Stormwater management is the mechanism for controlling stormwater runoff for the purposes of reducing downstream erosion, water quality degradation, and flooding and mitigating the adverse effects of changes in land use on the aquatic environment.

Stormwater management facilities: Stormwater management facilities are those facilities, including but not limited to, stormwater retention and detention ponds and best management practices, which retain water for a period of time to control runoff and/or improve the quality (i.e., by reducing the concentration of nutrients, sediments, hazardous substances and other pollutants) of stormwater runoff.

Stream bed: The substrate of the stream channel between the ordinary high water marks. The substrate may be bedrock or inorganic particles that range in size from clay to boulders. Wetlands contiguous to the stream bed, but outside of the ordinary high water marks, are not considered part of the stream bed.

Stream channelization: The manipulation of a stream’s course, condition, capacity, or location that causes more than minimal interruption of normal stream processes. A channelized stream remains a water of the United States.

Structure: An object that is arranged in a definite pattern of organization. Examples of structures include, without limitation, any pier, boat dock, boat ramp, wharf, dolphin, weir, boom, breakwater, bulkhead, revetment, riprap, jetty, artificial island, artificial reef, permanent mooring structure, power transmission line, permanently moored floating vessel, piling, aid to navigation, or any other manmade obstacle or obstruction.

Tidal wetland: A tidal wetland is a jurisdictional wetland that is inundated by tidal waters. Tidal waters rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water

surface can no longer be practically measured in a predictable rhythm due to masking by other waters, wind, or other effects. Tidal wetlands are located channelward of the high tide line.

Tribal lands: Any lands title to which is either: 1) held in trust by the United States for the benefit of any Indian tribe or individual; or 2) held by any Indian tribe or individual subject to restrictions by the United States against alienation.

Tribal rights: Those rights legally accruing to a tribe or tribes by virtue of inherent sovereign authority, unextinguished aboriginal title, treaty, statute, judicial decisions, executive order or agreement, and that give rise to legally enforceable remedies.

Vegetated shallows: Vegetated shallows are special aquatic sites under the 404(b)(1) Guidelines. They are areas that are permanently inundated and under normal circumstances have rooted aquatic vegetation, such as seagrasses in marine and estuarine systems and a variety of vascular rooted plants in freshwater systems.

Waterbody: For purposes of the NWPs, a waterbody is a jurisdictional water of the United States. If a wetland is adjacent to a waterbody determined to be a water of the United States, that waterbody and any adjacent wetlands are considered together as a single aquatic unit (see 33 CFR 328.4(c)(2)). Examples of “waterbodies” include streams, rivers, lakes, ponds, and wetlands.

FINAL 2017 REGIONAL CONDITIONS

NOTICE ABOUT WEB LINKS IN THIS DOCUMENT:

The web links (both internal to our Wilmington District and any external links to collaborating agencies) in this document are valid at the time of publication. However, the Wilmington District Regulatory Program web page addresses, as with other agency web sites, may change over the timeframe of the five-year Nationwide Permit renewal cycle, in response to policy mandates or technology advances. While we will make every effort to check on the integrity of our web links and provide re-direct pages whenever possible, we ask that you report any broken links to us so we can keep the page information current and usable. We apologize in advanced for any broken links that you may encounter, and we ask that you navigate from the Regulatory home page (Regulatory Permit Program Wetlands and Streams) of the Wilmington District Corps of Engineers, to the “Permits” section of our web site to find links for pages that cannot be found by clicking directly on the listed web link in this document.

Final 2017 Regional Conditions for Nationwide Permits (NWP) in the Wilmington District

1.0 Excluded Waters

The Corps has identified waters that will be excluded from the use of all NWP’s during certain timeframes. These waters are:

1.1 Anadromous Fish Spawning Areas

Waters of the United States identified by either the North Carolina Division of Marine Fisheries (NCDMF) or the North Carolina Wildlife Resources Commission (NCWRC) as anadromous fish spawning areas are excluded during the period between February 15 and June 30, without prior written approval from the Corps and either NCDMF or NCWRC.

1.2 Trout Waters Moratorium

Waters of the United States in the designated trout watersheds of North Carolina are excluded during the period between October 15 and April 15 without prior written approval from the NCWRC, or from the Eastern Band of Cherokee Indians (EBCI) Fisheries and Wildlife Management (FWM) office if the project is located on EBCI trust land. (See Section 2.7 for information on the designated trout watersheds).

1.3 Sturgeon Spawning Areas as Designated by the National Marine Fisheries Service (NMFS)

Waters of the United States designated as sturgeon spawning areas are excluded during the period between February 1 and June 30, without prior written approval from the NMFS.

* **2.0 Waters Requiring Additional Notification**

The Corps has identified waters that will be subject to additional notification requirements for activities authorized by all NWPs. These waters are:

* **2.1 Western NC Counties that Drain to Designated Critical Habitat**

For proposed activities within waters of the United States that require a Pre-Construction Notification (PCN) and are located in the sixteen counties listed below, permittees must provide a copy of the PCN to the U.S. Fish and Wildlife Service (USFWS), 160 Zillicoa Street, Asheville, North Carolina 28801. This PCN must be sent concurrently to the U.S. Fish and Wildlife Service and the Corps Asheville Regulatory Field Office. Please see General Condition 18 for specific notification requirements related to the Endangered Species Act and the below website for information on the location of designated critical habitat.

Counties with tributaries that drain to designated critical habitat that require notification to the Asheville U.S. Fish and Wildlife Service: Avery, Cherokee, Forsyth, Graham, Haywood, Henderson, Jackson, Macon, Mecklenburg, Mitchell, Stokes, Surry, Swain, Transylvania, Union and Yancey.

Website and office addresses for Endangered Species Act Information:

The Wilmington District has developed the following website for permittees which provides guidelines on how to review linked websites and maps in order to fulfill NWP General Condition 18 requirements:

<http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram/AgencyCoordination/ESA.asp>

Permittees who do not have internet access may contact the appropriate U.S. Fish and Wildlife Service offices listed below or Corps at (910) 251-4633:

Asheville U.S. Fish and Wildlife Service Office counties: All counties west of and including Anson, Stanly, Davidson, Forsythe and Stokes Counties.

U.S. Fish and Wildlife Service
Asheville Field Office
160 Zillicoa Street
Asheville, NC 28801
Telephone: (828) 258-3939

Raleigh U.S. Fish and Wildlife Service Office counties: all counties east of and including Richmond, Montgomery, Randolph, Guilford, and Rockingham Counties.

U.S. Fish and Wildlife Service
Raleigh Field Office
Post Office Box 33726

Raleigh, NC 27636-3726
Telephone: (919) 856-4520

* 2.2 Special Designation Waters

Prior to the use of any NWP, except NWP 3, that involves a discharge of dredged or fill material in any of the following identified waters and/or adjacent wetlands in North Carolina, permittees shall submit a PCN to the District Engineer prior to commencing the activity (see General Condition 32). The North Carolina waters and wetlands that require additional notification requirements are:

“Outstanding Resource Waters” (ORW) or “High Quality Waters” (HQW) as designated by the North Carolina Environmental Management Commission; “Primary Nursery Areas” (PNA), including inland PNA, as designated by the North Carolina Marine Fisheries Commission and the NCWRC; or wetlands adjacent to these waters. Definitions of ORW, HQW and PNA waters can be found in the North Carolina State Administrative Code, Title 15A, Subchapters 2B and 10C (15A NCAC 02B, 15A NCAC 10C) and at the following World Wide Web page: <http://reports.oah.state.nc.us/ncac.asp?folderName=\Title%2015A%20-%20Environmental%20Quality&lookUpError=15A%20NCAC%20000%20>. Surface water classifications for waters in North Carolina can be viewed at the North Carolina Division of Water Resources website or at the following World Wide Web Page: <https://deq.nc.gov/about/divisions/water-resources/planning/classification-standards/classifications>

Permittees who do not have internet access may contact the Corps at (910) 251- 4633.

2.3 Coastal Area Management Act (CAMA) Areas of Environmental Concern

Non-federal permittees for any NWP in a designated “Area of Environmental Concern” (AEC) in the twenty (20) counties of Eastern North Carolina covered by the North Carolina Coastal Area Management Act (CAMA) must also obtain the required CAMA permit. Development activities for non-federal projects may not commence until a copy of the approved CAMA permit is furnished to the appropriate Wilmington District Regulatory Field Office (Wilmington Field Office – 69 Darlington Avenue, Wilmington, NC 28403, (910) 251-4802 or Washington Field Office – 2407 West 5th Street, Washington, NC 27889, (910) 251-4610).

* 2.4 Barrier Islands

Prior to the use of any NWP on a barrier island of North Carolina, permittees must submit a PCN to the District Engineer prior to commencing the activity (see General Condition 32).

* 2.5 Mountain or Piedmont Bogs

Prior to the use of any NWP in a Bog, as classified by the North Carolina Wetland Assessment Methodology (NCWAM), permittees shall submit a PCN to the District Engineer prior to commencing the activity (see General Condition 32). The latest version of NCWAM can be

viewed on the Corps RIBITS (Regulatory In-lieu Fee and Bank Information Tracking System) website or at the following World Wide Web Page:
https://ribits.usace.army.mil/ribits_apex/f?p=107:27:0::NO::

*** 2.6 Animal Waste Facilities**

Prior to use of any NWP for construction of animal waste facilities in waters of the United States, including wetlands, permittees shall submit a PCN to the District Engineer prior to commencing the activity (see General Condition 32).

*** 2.7 Trout Waters**

Prior to any discharge of dredge or fill material into streams, waterbodies or wetlands within the 294 designated trout watersheds of North Carolina, the permittee shall submit a PCN (see General Condition 32) to the District Engineer prior to commencing the activity, unless other thresholds are established in the Regional Conditions in Section 4 (Additional Regional Conditions for Specific Nationwide Permits). The permittee shall also provide a copy of the notification to the appropriate NCWRC office, or to the EBCI FWM Office (if the project is located on EBCI trust land), to facilitate the determination of any potential impacts to designated Trout Waters.

Notification to the Corps will include a statement with the name of the NCWRC or EBCI FWM biologist contacted, the date of the notification, the location of work, a delineation of wetlands and waters, a discussion of alternatives to working in the mountain trout waters, why alternatives were not selected, and, if applicable, a plan to provide compensatory mitigation for all unavoidable adverse impacts to mountain trout waters.

NCWRC and NC Trout Watersheds:

NCWRC Contact**	Counties that are entirely within Trout Watersheds*	Counties that are partially within Trout Watersheds*
Mountain Coordinator Balsam Depot 20830 Great Smoky Mountain Expressway Waynesville, NC 28786 Telephone: (828) 558-6011 For NCDOT Projects: NCDOT Coordinator 206 Charter. Street Albemarle, NC 28001 Telephone: (704) 982-9181	Alleghany Jackson Ashe Macon Avery Swain Graham Transylvania Haywood Watauga	Burke McDowell Buncombe Mitchell Caldwell Polk Cherokee Rutherford Clay Surry Henderson Wilkes Madison Yancey

*NOTE: To determine notification requirements, contact the Corps Asheville Regulatory Field Office at (828) 271-7980 or view maps for each County at the following World Wide Web page: <http://www.saw.usace.army.mil/Missions/Regulatory-Permit-Program/Agency-Coordination/Trout/>.

**If a project is located on EBCI trust land, submit the PCN in accordance with Section 3.14. Contact the Corps Asheville Regulatory Field Office at (828) 271-7980 with questions.

*** 2.8 Western NC Waters and Corridors**

The permittee shall submit a PCN (see General Condition 32) to the District Engineer prior to commencing the activity in waters of the United States if the activity will occur within any of the following identified waters in western North Carolina, within 0.5 mile on either side of these waters, or within 0.75 mile of the Little Tennessee River, as measured from the top of the bank of the respective water (i.e., river, stream, or creek):

Brasstown Creek
Burningtown Creek
Cane River
Caney Fork
Cartoogechaye Creek
Chattooga River
Cheoah River
Cowee Creek
Cullasaja River
Deep Creek
Ellijay Creek
French Broad River
Garden Creek
Hiwassee River
Hominy Creek
Iotla Creek
Little Tennessee River (within the river or within 0.75 mile on either side of this river)
Nantahala River
Nolichucky River
North Fork French Broad River
North Toe River
Nottley River
Oconaluftee River (portion not located on trust/EBCI land)
Peachtree Creek
Shooting Creek
Snowbird Creek
South Toe River
Stecoah Creek
Swannanoa River
Sweetwater Creek

Tuckasegee River (also spelled Tuckaseegee or Tuckaseigee)
Valley River
Watauga Creek
Watauga River
Wayah Creek
West Fork French Broad River

To determine notification requirements, contact the Corps Asheville Regulatory Field Office at (828) 271-7980 or view maps for all corridors at the following World Wide Web page:
<http://www.saw.usace.army.mil/Missions/Regulatory-Permit-Program/Agency-Coordination/Designated-Special-Waters.aspx>

3.0 List of Corps Regional Conditions for All Nationwide Permits

The following conditions apply to all Nationwide Permits in the Wilmington District:

3.1 Limitation of Loss of Stream Bed

NWPs may not be used for activities that may result in the loss or degradation of more than 300 total linear feet of stream bed, unless the District Engineer has waived the 300 linear foot limit for ephemeral and intermittent streams on a case-by-case basis and has determined that the proposed activity will result in minimal individual and cumulative adverse impacts to the aquatic environment. Waivers for the loss of ephemeral and intermittent streams must be in writing and documented by appropriate/accepted stream quality assessments*. This waiver only applies to the 300 linear feet threshold for NWPs.

This Regional Condition does not apply to NWP 23 (Approved Categorical Exclusions).

*NOTE: Permittees should utilize the most current methodology prescribed by Wilmington District to assess stream function and quality. Information can be found at:
https://ribits.usace.army.mil/ribits_apex/f?p=107:27:0::NO::

3.2 Mitigation for Loss of Stream Bed

For any NWP that results in a loss of more than 150 linear feet of stream, the permittee shall provide a mitigation proposal to compensate for more than minimal individual and cumulative adverse impacts to the aquatic environment. For stream losses of 150 linear feet or less that require a PCN, the District Engineer may determine, on a case-by-case basis, that compensatory mitigation is required to ensure that the activity results in minimal adverse effect on the aquatic environment.

3.3 Pre-construction Notification for Loss of Streambed Exceeding 150 Feet

Prior to use of any NWP for any activity which impacts more than 150 total linear feet of perennial stream, intermittent or ephemeral stream, the permittee shall submit a PCN to the District Engineer prior to commencing the activity (see General Condition 32). This applies to

NWPs that do not have specific notification requirements. If a NWP has specific notification requirements, the requirements of the NWP should be followed.

3.4 Restriction on Use of Live Concrete

For all NWPs which allow the use of concrete as a building material, live or fresh concrete, including bags of uncured concrete, may not come into contact with the water in or entering into waters of the United States. Water inside coffer dams or casings that has been in contact with wet concrete shall only be returned to waters of the United States after the concrete is set and cured and when it no longer poses a threat to aquatic organisms.

3.5 Requirements for Using Riprap for Bank Stabilization

For all NWPs that allow for the use of riprap material for bank stabilization, the following measures shall be applied:

3.5.1. Where bank stabilization is conducted as part of an activity, natural design, bioengineering and/or geoen지니어ing methods that incorporate natural durable materials, native seed mixes, and native plants and shrubs are to be utilized to the maximum extent practicable.

3.5.2. Filter cloth must be placed underneath the riprap as an additional requirement of its use in North Carolina waters. The placement of filter fabric is not required if the riprap will be pushed or “keyed” into the bank of the waterbody. A waiver from the specifications in this Regional Condition may be requested in writing. The waiver will only be issued if it can be demonstrated that the impacts of complying with this Regional Condition would result in greater adverse impacts to the aquatic environment.

3.5.3. The placement of riprap shall be limited to the areas depicted on submitted work plan drawings.

3.5.4. The riprap material shall be clean and free from loose dirt or any pollutant except in trace quantities that would not have an adverse environmental effect.

3.5.5. It shall be of a size sufficient to prevent its movement from the authorized alignment by natural forces under normal conditions.

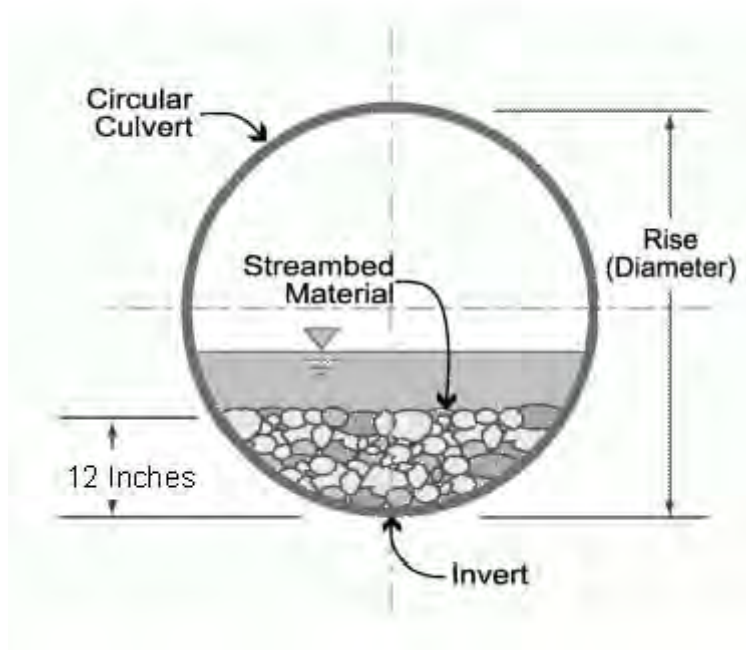
3.5.6. The riprap material shall consist of clean rock or masonry material such as, but not limited to, granite, marl, or broken concrete.

3.6 Requirements for Culvert Placement

3.6.1 For all NWPs that involve the construction/installation of culverts, measures will be included in the construction/installation that will promote the safe passage of fish and other aquatic organisms. The dimension, pattern, and profile of the stream above and below a pipe or culvert should not be modified by altering the width or depth of the stream profile in connection with the construction activity. The width, height, and gradient of a proposed culvert should be

sufficient to pass the average historical low flow and spring flow without adversely altering flow velocity. Spring flow is the seasonal sustained high flow that typically occurs in the spring. Spring flows should be determined from gage data, if available. In the absence of such data, bank-full flow can be used as a comparable indicator.

In Public Trust Areas of Environmental Concern (AEC) and/or the Estuarine Waters AEC as designated by the Coastal Area Management Act (CAMA): All pipes/culverts must be sufficiently sized to allow for the burial of the bottom of the culvert at least one foot below normal bed elevation.



In all other areas: Culverts greater than 48 inches in diameter will be buried at least one foot below the bed of the stream. Culverts 48 inches in diameter or less shall be buried to maintain aquatic passage and to maintain passage during drought or low flow conditions, and every effort shall be made to maintain the existing channel slope.

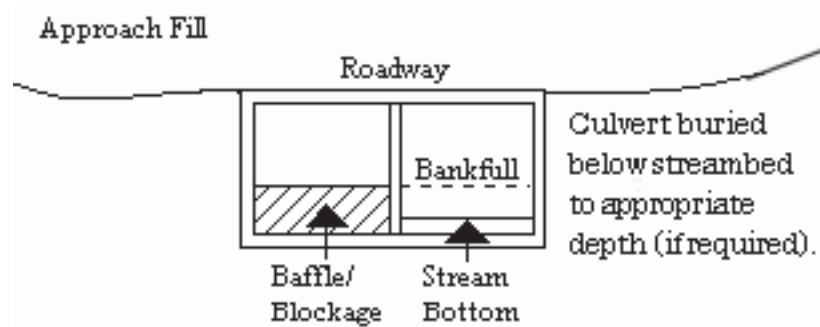
Culverts must be designed and constructed in a manner that minimizes destabilization and head cutting. Destabilizing the channel and head cutting upstream should be considered and appropriate actions incorporated in the design and placement of the culvert.

A waiver from the depth specifications in this condition may be requested, in writing, by the permittee and issued by the Corp; this request must be specific as to the reason(s) for the request. The waiver will be issued if it can be demonstrated that the proposed design would result in less impacts to the aquatic environment.

All counties: Culverts placed within riparian and/or riverine wetlands must be installed in a manner that does not restrict the flow and circulation patterns of waters of the United States.

Culverts placed across wetland fills purely for the purposes of equalizing surface water do not have to be buried, but the culverts must be of adequate size and/or number to ensure unrestricted transmission of water.

3.6.2 Bank-full flows (or less) shall be accommodated through maintenance of the existing bank-full channel cross sectional area. Additional culverts or culvert barrels at such crossings shall be allowed only to receive bank-full flows.



3.6.3 Where adjacent floodplain is available, flows exceeding bank-full should be accommodated by installing culverts at the floodplain elevation. Additional culverts or culvert barrels at such crossings should not be buried, or if buried, must have sills at the inlets to ensure that they only receive flows exceeding bank-full.

3.6.4 Excavation of existing stream channels shall be limited to the minimum necessary to construct or install the proposed culvert. The final width of the impacted stream at the culvert inlet and outlet should be no greater than the original stream width. A waiver from this condition may be requested in writing; this request must be specific as to the reason(s) for the request. The waiver will be issued if the proposed design would result in less impacts to the aquatic environment and/or if it can be demonstrated that it is not practicable to restore the final width of the impacted stream at the culvert inlet and outlet to the width of the original stream channel.

3.6.5 The width of the culvert shall be comparable to the width of the stream channel. If the width of the culvert is wider than the stream channel, the culvert shall include baffles, benches and/or sills to maintain the width of the stream channel. A waiver from this condition may be requested in writing; this request must be specific as to the reason(s) for the request. The waiver will be issued if it can be demonstrated that it is not practicable or necessary to include baffles, benches or sills and the design would result in less impacts to the aquatic environment.

3.7 Notification to NCDEQ Shellfish Sanitation Section

Permittees shall notify the NCDEQ Shellfish Sanitation Section prior to dredging in or removing sediment from an area closed to shell fishing where the effluent may be released to an area open for shell fishing or swimming in order to avoid contamination from the disposal area and cause a temporary shellfish closure to be made. Such notification shall also be provided to the appropriate Corps Regulatory Field Office. Any disposal of sand to the ocean beach should occur between November 1 and April 30 when recreational usage is low. Only clean sand

should be used and no dredged sand from closed shell fishing areas may be used. If beach disposal were to occur at times other than stated above or if sand from a closed shell fishing area is to be used, a swimming advisory shall be posted, and a press release shall be issued by the permittee.

3.8 Submerged Aquatic Vegetation

Impacts to Submerged Aquatic Vegetation (SAV) are not authorized by any NWP, except NWP 48, unless EFH Consultation has been completed pursuant to the Magnuson-Stevens Fisheries Conservation and Management Act (Magnuson-Stevens Act). Permittees shall submit a PCN (See NWP General Condition 32) to the District Engineer prior to commencing the activity if the project would affect SAV. The permittee may not begin work until notified by the Corps that the requirements of the Magnuson-Stevens Act have been satisfied and that the activity is authorized.

3.9 Sedimentation and Erosion Control Structures and Measures

All PCNs will identify and describe sedimentation and erosion control structures and measures proposed for placement in waters of the United States. The structures and measures should be depicted on maps, surveys or drawings showing location and impacts to jurisdictional wetlands and streams.

3.10 Restoration of Temporary Impacts to Stream Beds

Upon completion of work that involves temporary stream impacts, streambeds are to be restored to pre-project elevations and widths using natural streambed material such that the impacted stream reach mimics the adjacent upstream and downstream reach. The impacted area shall be backfilled with natural streambed material to a depth of at least 12 inches or to the bottom depth of the impacted area if shallower than 12 inches. An engineered in-stream structure or material can be used to provide protection of a buried structure if it provides benefits to the aquatic environment and can be accomplished by a natural streambed design. A permittee may request a waiver of this condition if it is determined a buried structure needs significant physical protection beyond those provided in this condition. This condition does not apply to NWP 27 – Aquatic Habitat Restoration, Enhancement, and Establishment Activities.

3.11 Restoration of Temporary Impacts to Stream Banks

Upon completion of work involving temporary stream bank impacts, stream banks are to be restored to pre-project grade and contours or beneficial grade and contours if the original bank slope is steep and unstable. Natural durable materials, native seed mixes, and native plants and shrubs are to be utilized in the restoration. Natural designs which use bioengineered and/or geo-engineered methods are to be applied. An engineered structure or material can be used to provide protection of a buried structure if it provides benefits to the stream bank environment, provided it is not in excess of the minimum amount needed for protection and does not exceed an average of one cubic yard per running foot placed along the bank below the plane of the ordinary high water mark. A permittee may request a waiver of this condition if it is determined a buried structure

needs significant physical protection beyond those provided in this condition. This condition does not apply to NWP 27 – Aquatic Habitat Restoration, Enhancement, and Establishment Activities.

3.12 Federal Navigation Channel Setbacks and Corps Easements

3.12.1 Authorized structures and fills located in or adjacent to Federally authorized waterways will be constructed in accordance with the latest setback criteria established by the Wilmington District Engineer. You may review the setback policy at <http://www.saw.usace.army.mil/Missions/Navigation/Setbacks.aspx>. This general permit does not authorize the construction of hardened or permanently fixed structures within the Federally Authorized Channel Setback, unless the activity is approved by the Corps. The permittee shall submit a PCN (see General Condition 32) to the District Engineer prior to the construction of any structures or fills within the Federally Authorized Channel Setback.

3.12.2 The permittee shall obtain a Consent to Cross Government Easement from the Wilmington District's Land Use Coordinator prior to any crossing of the Corps easement and/or prior to commencing construction of any structures, authorized dredging or other work within the right-of-way of, or in proximity to, a federally designated disposal area. The Land Use Coordinator may be contacted at: CESA-OP-N, 69 Darlington Avenue, Wilmington, North Carolina 28403-1343, email: SAWWeb-NAV@usace.army.mil

3.13 Northern Long-eared Bat – Endangered Species Act Compliance

The Wilmington District, U.S. Army Corps of Engineers has consulted with the United States Fish and Wildlife Service (USFWS) in regards to the threatened Northern long-eared bat (NLEB) (*Myotis septentrionalis*) and Standard Local Operating Procedures for Endangered Species (SLOPES) have been approved by the Corps and the USFWS. This condition concerns effects to the NLEB only and does not address effects to other federally listed species and/or federally designated critical habitat.

A. Procedures when the Corps is the lead federal* agency for a project:

The permittee must comply with (1) and (2) below when:

- the project is located in the western 41 counties of North Carolina, to include non-federal aid North Carolina Department of Transportation (NCDOT) projects, OR;
- the project is located in the 59 eastern counties of North Carolina, and is a non-NCDOT project.

*Generally, if a project is located on private property or on non-federal land, and the project is not being funded by a federal entity, the Corps will be the lead federal agency due to the requirement to obtain Department of the Army authorization to impact waters of the United States. If the project is located on federal land, contact the Corps to determine the lead federal agency.

(1) A permittee using a NWP must check to see if their project is located in the range of the NLEB by using the following website:

<http://www.fws.gov/midwest/endangered/mammals/nleb/pdf/WNSZone.pdf>. If the project is within the range of the NLEB, or if the project includes percussive activities (e.g., blasting, pile driving, etc.), the permittee is then required to check the appropriate website in the paragraph below to discover if their project:

- is located in a 12-digit Hydrologic Unit Code area (“red HUC” - shown as red areas on the map), AND/OR;
- involves percussive activities within 0.25 mile of a red HUC.

Red HUC maps - for the western 41 counties in NC (covered by the Asheville Ecological Services Field Office), check the project location against the electronic maps found at: http://www.fws.gov/asheville/htmls/project_review/NLEB_in_WNC.html. For the eastern 59 counties in NC (covered by the Raleigh Ecological Services Field Office), check the project location against the electronic maps found at:

https://www.fws.gov/raleigh/NLEB_RFO.html.

(2) A permittee must submit a PCN to the District Engineer, and receive written authorization from the District Engineer, prior to commencing the activity, if the activity will involve any of the following:

- tree clearing/removal, construction/installation of wind turbines in a red HUC, AND/OR;
- bridge removal or maintenance, unless the bridge has been inspected and there is no evidence of bat use, (applies anywhere in the range of the NLEB), AND/OR;
- percussive activities in a red HUC, or within 0.25 mile of a red HUC.

The permittee may proceed with the activity without submitting a PCN to either the Corps or the USFWS, provided the activity complies with all applicable NWP terms and general and regional conditions, if the permittee’s review under A.(1) and A.(2) above shows that the project is:

- located outside of a red HUC (and there are no percussive activities), and the activity will NOT include bridge removal or maintenance, unless the bridge has been inspected and there is no evidence of bat use, OR;
- located outside of a red HUC and there are percussive activities, but the percussive activities will not occur within 0.25-mile of a red HUC boundary, and the activity will NOT include bridge removal or maintenance, unless the bridge has been inspected and there is no evidence of bat use, OR;

- located in a red HUC, but the activity will NOT include: tree clearing/removal; construction/installation of wind turbines; bridge removal or maintenance, unless the bridge has been inspected and there is no evidence of bat use, and/or; any percussive activities.

B. Procedures when the USACE is not the lead federal agency:

For projects where another federal agency is the lead federal agency - if that other federal agency has completed project-specific ESA Section 7(a)(2) consultation for the NLEB, and has (1) determined that the project would not cause prohibited incidental take of the NLEB, and (2) completed coordination/consultation that is required by the USFWS (per the directions on the respective USFWS office's website), that project may proceed without notification to either the USACE or the USFWS, provided all General and Regional Permit Conditions are met.

The NLEB SLOPES can be viewed on the USACE website at the following World Wide Web Page: <http://www.saw.usace.army.mil/Missions/Regulatory-Permit-Program/Agency-Coordination/ESA/>. Permittees who do not have internet access may contact the USACE at (910) 251- 4633.

3.14 Work on Eastern Band of Cherokee Indians Land

All PCNs submitted for activities in waters of the United States on Eastern Band of Cherokee Indians (EBCI) trust land (i.e., Qualla Boundary and non-contiguous tracts of trust land), must comply with the requirements of the latest MOU between the Wilmington District and the Eastern Band of Cherokee Indians.

4.0 Additional Regional Conditions for Specific Nationwide Permits

4.1 NWP #3 – Maintenance

4.1.1 In designated trout watersheds, a PCN is not required for impacts to a maximum of 75 linear feet (150 linear feet for temporary dewatering) of streams and waterbodies when conducting maintenance activities. Minor deviations in an existing structure's configuration, temporary structures and temporary fills are authorized as part of the maintenance activity. In designated trout watersheds, the permittee shall submit a PCN (see Regional Condition 2.7 and General Condition 32) to the District Engineer prior to commencing the activity if; 1) impacts (other than temporary dewatering to work in dry conditions) to streams or waterbodies exceed 75 linear feet; 2) temporary impacts to streams or waterbodies associated with dewatering to work in dry conditions exceeds 150 linear feet; 3) the project will involve impacts to wetlands; 4) the project involves the replacement of a bridge or spanning structure with a culvert or non-spanning structure in waters of the United States; or 5) the activity will be constructed during the trout waters moratorium (October 15 through April 15).

4.1.2 The permittee shall submit a PCN (see NWP General Condition 32) to the District Engineer prior to commencing the activity if the activity involves repair, rehabilitation or replacement of impounding structures or parts of impounding structures or fills.

4.1.3 The permittee shall submit a PCN to the District Engineer prior to commencing the activity if the activity will involve the discharge of dredged or fill material into more than 1/10-acre of wetlands or 150 linear feet of stream channel for the construction of temporary access fills and/or temporary road crossings. The PCN must include a restoration plan that thoroughly describes how all temporary fills will be removed, how pre-project conditions will be restored, and include a timetable for all restoration activities.



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Raleigh Field Office
Post Office Box 33726
Raleigh, North Carolina 27636-3726

GUIDELINES FOR AVOIDING IMPACTS TO THE WEST INDIAN MANATEE Precautionary Measures for Construction Activities in North Carolina Waters

The West Indian manatee (*Trichechus manatus*), also known as the Florida manatee, is a Federally-listed endangered aquatic mammal protected under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) and the Marine Mammal Protection Act of 1972, as amended (16 U.S.C 1461 *et seq.*). The manatee is also listed as endangered under the North Carolina Endangered Species Act of 1987 (Article 25 of Chapter 113 of the General Statutes). The U.S. Fish and Wildlife Service (Service) is the lead Federal agency responsible for the protection and recovery of the West Indian manatee under the provisions of the Endangered Species Act.

Adult manatees average 10 feet long and weigh about 2,200 pounds, although some individuals have been recorded at lengths greater than 13 feet and weighing as much as 3,500 pounds. Manatees are commonly found in fresh, brackish, or marine water habitats, including shallow coastal bays, lagoons, estuaries, and inland rivers of varying salinity extremes. Manatees spend much of their time underwater or partly submerged, making them difficult to detect even in shallow water. While the manatee's principal stronghold in the United States is Florida, the species is considered a seasonal inhabitant of North Carolina with most occurrences reported from June through October.

To protect manatees in North Carolina, the Service's Raleigh Field Office has prepared precautionary measures for general construction activities in waters used by the species. Implementation of these measure will allow in-water projects which do not require blasting to proceed without adverse impacts to manatees. In addition, inclusion of these guidelines as conservation measures in a Biological Assessment or Biological Evaluation, or as part of the determination of impacts on the manatee in an environmental document prepared pursuant to the National Environmental Policy Act, will expedite the Service's review of the document for the fulfillment of requirements under Section 7 of the Endangered Species Act. These measures include:

1. The project manager and/or contractor will inform all personnel associated with the project that manatees may be present in the project area, and the need to avoid any harm to these endangered mammals. The project manager will ensure that all construction personnel know the general appearance of the species and their habit of moving about completely or partially submerged in shallow water. All construction personnel will be informed that they are responsible for observing water-related activities for the presence of manatees.
2. The project manager and/or the contractor will advise all construction personnel that

there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act and the Endangered Species Act.

3. If a manatee is seen within 100 yards of the active construction and/or dredging operation or vessel movement, all appropriate precautions will be implemented to ensure protection of the manatee. These precautions will include the immediate shutdown of moving equipment if a manatee comes within 50 feet of the operational area of the equipment. Activities will not resume until the manatee has departed the project area on its own volition (i.e., it may not be herded or harassed from the area).

4. Any collision with and/or injury to a manatee will be reported immediately. The report must be made to the U.S. Fish and Wildlife Service (ph. 919.856.4520 ext. 16), the National Marine Fisheries Service (ph. 252.728.8762), and the North Carolina Wildlife Resources Commission (ph. 252.448.1546).

5. A sign will be posted in all vessels associated with the project where it is clearly visible to the vessel operator. The sign should state:

CAUTION: The endangered manatee may occur in these waters during the warmer months, primarily from June through October. Idle speed is required if operating this vessel in shallow water during these months. All equipment must be shut down if a manatee comes within 50 feet of the vessel or operating equipment. A collision with and/or injury to the manatee must be reported immediately to the U.S. Fish and Wildlife Service (919-856-4520 ext. 16), the National Marine Fisheries Service (252.728.8762), and the North Carolina Wildlife Resources Commission (252.448.1546).

6. The contractor will maintain a log detailing sightings, collisions, and/or injuries to manatees during project activities. Upon completion of the action, the project manager will prepare a report which summarizes all information on manatees encountered and submit the report to the Service's Raleigh Field Office.

7. All vessels associated with the construction project will operate at "no wake/idle" speeds at all times while in water where the draft of the vessel provides less than a four foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

8. If siltation barriers must be placed in shallow water, these barriers will be: (a) made of material in which manatees cannot become entangled; (b) secured in a manner that they cannot break free and entangle manatees; and, (c) regularly monitored to ensure that manatees have not become entangled. Barriers will be placed in a manner to allow manatees entry to or exit from essential habitat.

Figure 1. The whole body of the West Indian manatee may be visible in clear water; but in the dark and muddy waters of coastal North Carolina, one normally sees only a small part of the head when the manatee raises its nose to breathe.

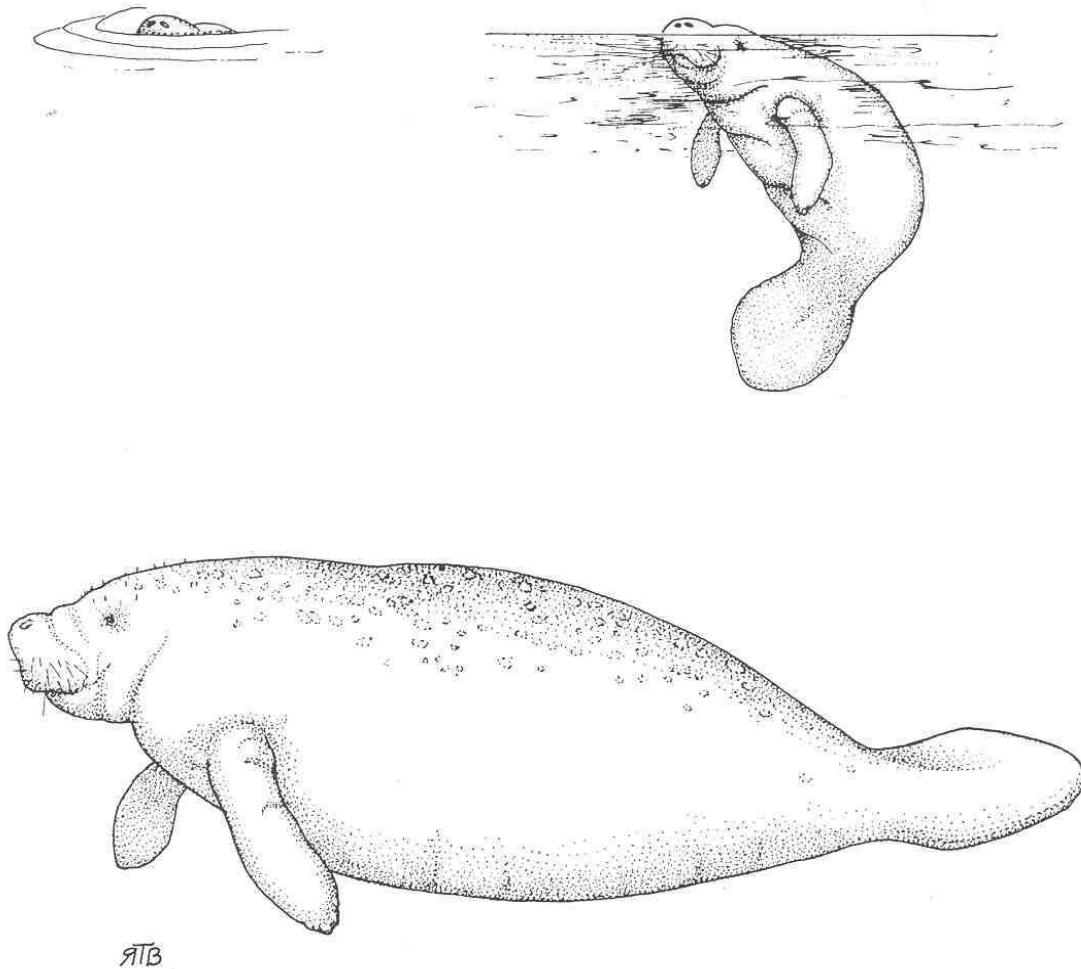


Illustration used with the permission of the North Carolina State Museum of Natural Sciences.
Source: Clark, M. K. 1987. Endangered, Threatened, and Rare Fauna of North Carolina: Part I. A re-evaluation of the mammals. Occasional Papers of the North Carolina Biological Survey 1987-3. North Carolina State Museum of Natural Sciences. Raleigh, NC. pp. 52.

STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER RESOURCES

WATER QUALITY GENERAL CERTIFICATION NO. 4132

GENERAL CERTIFICATION FOR PROJECTS ELIGIBLE FOR US ARMY CORPS OF ENGINEERS

- **NATIONWIDE PERMIT 3 (MAINTENANCE),**
- **NATIONWIDE PERMIT 4 (FISH AND WILDLIFE HARVESTING, ENHANCEMENT, AND ATTRACTION DEVICES AND ACTIVITIES),**
- **NATIONWIDE PERMIT 5 (SCIENTIFIC MEASUREMENT DEVICES),**
- **NATIONWIDE PERMIT 6 (SURVEY ACTIVITIES),**
- **NATIONWIDE PERMIT 7 (OUTFALL STRUCTURES AND ASSOCIATED INTAKE STRUCTURES),**
- **NATIONWIDE PERMIT 19 (MINOR DREDGING),**
- **NATIONWIDE PERMIT 20 (RESPONSE OPERATIONS FOR OIL OR HAZARDOUS SUBSTANCES),**
- **NATIONWIDE PERMIT 22 (REMOVAL OF VESSELS),**
- **NATIONWIDE PERMIT 25 (STRUCTURAL DISCHARGES),**
- **NATIONWIDE PERMIT 30 (MOIST SOIL MANAGEMENT FOR WILDLIFE),**
- **NATIONWIDE PERMIT 32 (COMPLETED ENFORCEMENT ACTIONS),**
- **NATIONWIDE PERMIT 36 (BOAT RAMPS),**
- **REGIONAL GENERAL PERMIT 197800056 (PIERS, DOCKS AND BOATHOUSES), AND**
- **REGIONAL GENERAL PERMIT 197800125 (BOAT RAMPS)**

Water Quality Certification Number 4132 is issued in conformity with the requirements of Section 401, Public Laws 92-500 and 95-217 of the United States and subject to the North Carolina Regulations in 15A NCAC 02H .0500 and 15A NCAC 02B .0200 for the discharge of fill material to surface waters and wetland areas as described in 33 CFR 330 Appendix A (B) (3, 4, 5, 6, 7, 19, 20, 22, 25, 30, 32, and 36) of the US Army Corps of Engineers regulations and Regional General Permits 197800056 and 197800125.

The State of North Carolina certifies that the specified category of activity will not violate applicable portions of Sections 301, 302, 303, 306 and 307 of the Public Laws 92-500 and 95-217 if conducted in accordance with the conditions hereinafter set forth.

Effective date: December 1, 2017
Signed this day: December 1, 2017

By



for Linda Culpepper
Interim Director

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Activities meeting any one (1) of the following thresholds or circumstances require written approval for a 401 Water Quality Certification from the Division of Water Resources (DWR):

- a) If any of the conditions of this Certification (listed below) cannot be met; or
 - b) Total additional permanent impacts to streams (including stream relocations or restorations) greater than 40 linear feet at an existing stream impact location; or
 - c) Total temporary and permanent impacts to wetlands or open waters equal to or greater than one-tenth (1/10) of an acre; or
 - d) Complete dewatering and drawdowns to a sediment layer related to pond/dam maintenance or removal; or
 - e) Any impacts to streams from excavation or dredging other than excavation that is conducted as preparation for installing permanent fill or structures or projects qualifying for a Nationwide Permit 19; or
 - f) Except for projects qualifying for a Nationwide permit 3, any permanent impacts to waters, or to wetlands adjacent to waters, designated as: ORW (including SAV), HQW (including PNA), SA, WS-I, WS-II, Trout, or North Carolina or National Wild and Scenic River; or
 - g) Any high-density project, as defined in 15A NCAC 02H .1003(2)(a) and by the density thresholds specified in 15A NCAC 02H .1017, which:
 - i. Disturbs one acre or more of land (including a project that disturbs less than one acre of land that is part of a larger common plan of development or sale); and
 - ii. Has permanent wetland, stream or open water impacts; and
 - iii. Is proposing new built-upon area; and
 - iv. Does not have a stormwater management plan reviewed and approved under a state stormwater program¹ or a state-approved local government stormwater program².
- Projects that have vested rights, exemptions, or grandfathering from state or locally-implemented stormwater programs and projects that satisfy state or locally-implemented stormwater programs through use of community in-lieu programs **require written approval**; or
- h) Any permanent impacts to coastal wetlands [15A NCAC 07H .0205], or Unique Wetlands (UWL); or
 - i) Any impact associated with a Notice of Violation or an enforcement action for violation(s) of NC Wetland Rules (15A NCAC 02H .0500), NC Isolated Wetland Rules (15A NCAC 02H .1300), NC Surface Water or Wetland Standards (15A NCAC 02B .0200), or State Regulated Riparian Buffer Rules (15A NCAC 02B .0200); or
 - * j) Any impacts to subject water bodies and/or state regulated riparian buffers along subject water bodies in the Neuse, Tar-Pamlico, or Catawba River Basins or in the Randleman Lake, Jordan Lake or Goose Creek Watersheds (or any other basin or watershed with State Regulated Riparian Area Protection Rules [Buffer Rules] in effect at the time of application) *unless*:

¹ e.g. Coastal Counties, HQW, ORW, or state-implemented Phase II NPDES

² e.g. Delegated Phase II NPDES, Water Supply Watershed, Nutrient-Sensitive Waters, or Universal Stormwater Management Program

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- i. The activities are listed as "EXEMPT" from these rules; or
- ii. A Buffer Authorization Certificate is issued by the NC Division of Coastal Management (DCM); or
- iii. A Buffer Authorization Certificate or a Minor Variance is issued by a delegated or designated local government implementing a state riparian buffer program pursuant to 143-215.23.

Activities included in this General Certification that do not meet one of the thresholds listed above do not require written approval.

I. ACTIVITY SPECIFIC CONDITIONS:

- * 1. For all dam removal projects meeting the definition under G.S. 143-215.25 and requirements under G.S. 143-215.27 of a professionally supervised dam removal, the applicant shall provide documentation that any sediment that may be released has similar or lower level of contamination than sediment sampled from downstream of the dam in accordance with Session Law 2017-145.
- * 2. For the North Carolina Department of Transportation, compliance with the NCDOT's individual NPDES permit NCS000250 shall serve to satisfy this condition. All other high-density projects that trigger threshold item (g) above shall comply with one of the following requirements: [15A NCAC 02H .0506(b)(5) and (c)(5)]
 - a. Provide a completed Stormwater Management Plan (SMP) for review and approval, including all appropriate stormwater control measure (SCM) supplemental forms and associated items, that complies with the high-density development requirements of 15A NCAC 02H .1003. Stormwater management shall be provided throughout the entire project area in accordance with 15A NCAC 02H .1003. For the purposes of 15A NCAC 02H .1003(2)(a), density thresholds shall be determined in accordance with 15A NCAC 02H .1017.
 - b. Provide documentation (including calculations, photos, etc.) that the project will not cause degradation of downstream surface waters. Documentation shall include a detailed analysis of the hydrological impacts from stormwater runoff when considering the volume and velocity of stormwater runoff from the project built upon area and the size and existing condition of the receiving stream(s).

Exceptions to this condition require application to and written approval from DWR.

II. GENERAL CONDITIONS:

- 1. When written authorization is required, the plans and specifications for the project are incorporated into the authorization by reference and are an enforceable part of the Certification. Any modifications to the project require notification to DWR and may require an application submittal to DWR with the appropriate fee. [15A NCAC 02H .0501 and .0502]

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2. No waste, spoil, solids, or fill of any kind shall occur in wetlands or waters beyond the footprint of the impacts (including temporary impacts) as authorized in the written approval from DWR; or beyond the thresholds established for use of this Certification without written authorization. [15A NCAC 02H .0501 and .0502]

No removal of vegetation or other impacts of any kind shall occur to state regulated riparian buffers beyond the footprint of impacts approved in a Buffer Authorization or Variance or as listed as an exempt activity in the applicable riparian buffer rules. [15A NCAC 02B .0200]

- * 3. In accordance with 15A NCAC 02H .0506(h) and Session Law 2017-10, compensatory mitigation may be required for losses of greater than 300 linear feet of perennial streams and/or greater than one (1) acre of wetlands. Impacts associated with the removal of a dam shall not require mitigation when the removal complies with the requirements of Part 3 of Article 21 in Chapter 143 of the North Carolina General Statutes. Impacts to isolated and other non-404 jurisdictional wetlands shall not be combined with 404 jurisdictional wetlands for the purpose of determining when impact thresholds trigger a mitigation requirement. For linear publicly owned and maintained transportation projects that are not determined to be part of a larger common plan of development by the US Army Corps of Engineers, compensatory mitigation may be required for losses of greater than 300 linear feet per perennial stream.

Compensatory stream and/or wetland mitigation shall be proposed and completed in compliance with G.S. 143-214.11. For applicants proposing to conduct mitigation within a project site, a complete mitigation proposal developed in accordance with the most recent guidance issued by the US Army Corps of Engineers Wilmington District shall be submitted for review and approval with the application for impacts.

4. All activities shall be in compliance with any applicable State Regulated Riparian Buffer Rules in Chapter 2 of Title 15A.
5. When applicable, all construction activities shall be performed and maintained in full compliance with G.S. Chapter 113A Article 4 (Sediment and Pollution Control Act of 1973). Regardless of applicability of the Sediment and Pollution Control Act, all projects shall incorporate appropriate Best Management Practices for the control of sediment and erosion so that no violations of state water quality standards, statutes, or rules occur. [15A NCAC 02H .0506 (b)(3) and (c)(3) and 15A NCAC 02B .0200]

Design, installation, operation, and maintenance of all sediment and erosion control measures shall be equal to or exceed the requirements specified in the most recent version of the *North Carolina Sediment and Erosion Control Manual*, or for linear transportation projects, the *NCDOT Sediment and Erosion Control Manual*.

All devices shall be maintained on all construction sites, borrow sites, and waste pile (spoil) sites, including contractor-owned or leased borrow pits associated with the project. Sufficient materials required for stabilization and/or repair of erosion control measures and stormwater routing and treatment shall be on site at all times.

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For borrow pit sites, the erosion and sediment control measures shall be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Surface Mining Manual*. Reclamation measures and implementation shall comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act and the Mining Act of 1971.

If the project occurs in waters or watersheds classified as Primary Nursery Areas (PNAs), SA, WS-I, WS-II, High Quality Waters (HQW), or Outstanding Resource Waters (ORW), then the sedimentation and erosion control designs shall comply with the requirements set forth in 15A NCAC 04B .0124, *Design Standards in Sensitive Watersheds*.

6. Sediment and erosion control measures shall not be placed in wetlands or waters except within the footprint of temporary or permanent impacts authorized under this Certification. Exceptions to this condition require application to and written approval from DWR. [15A NCAC 02H .0501 and .0502]
7. Erosion control matting that incorporates plastic mesh and/or plastic twine shall not be used along streambanks or within wetlands. Exceptions to this condition require application to and written approval from DWR. [15A NCAC 02B .0201]
8. An NPDES Construction Stormwater Permit (NCG010000) is required for construction projects that disturb one (1) or more acres of land. The NCG010000 Permit allows stormwater to be discharged during land disturbing construction activities as stipulated in the conditions of the permit. If the project is covered by this permit, full compliance with permit conditions including the erosion & sedimentation control plan, inspections and maintenance, self-monitoring, record keeping and reporting requirements is required. [15A NCAC 02H .0506(b)(5) and (c)(5)]

The North Carolina Department of Transportation (NCDOT) shall be required to be in full compliance with the conditions related to construction activities within the most recent version of their individual NPDES (NCS000250) stormwater permit. [15A NCAC 02H .0506(b)(5) and (c)(5)]

9. All work in or adjacent to streams shall be conducted so that the flowing stream does not come in contact with the disturbed area. Approved best management practices from the most current version of the *NC Sediment and Erosion Control Manual*, or the *NC DOT Construction and Maintenance Activities Manual*, such as sandbags, rock berms, cofferdams, and other diversion structures shall be used to minimize excavation in flowing water. Exceptions to this condition require application to and written approval from DWR. [15A NCAC 02H .0506(b)(3) and (c)(3)]
10. If activities must occur during periods of high biological activity (e.g. sea turtle nesting, fish spawning, or bird nesting), then biological monitoring may be required at the request of other state or federal agencies and coordinated with these activities. [15A NCAC 02H .0506 (b)(2) and 15A NCAC 04B .0125]

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All moratoriums on construction activities established by the NC Wildlife Resources Commission (WRC), US Fish and Wildlife Service (USFWS), NC Division of Marine Fisheries (DMF), or National Marine Fisheries Service (NMFS) shall be implemented. Exceptions to this condition require written approval by the resource agency responsible for the given moratorium. A copy of the approval from the resource agency shall be forwarded to DWR.

Work within a designated trout watershed of North Carolina (as identified by the Wilmington District of the US Army Corps of Engineers), or identified state or federal endangered or threatened species habitat, shall be coordinated with the appropriate WRC, USFWS, NMFS, and/or DMF personnel.

11. Culverts shall be designed and installed in such a manner that the original stream profiles are not altered and allow for aquatic life movement during low flows. The dimension, pattern, and profile of the stream above and below a pipe or culvert shall not be modified by widening the stream channel or by reducing the depth of the stream in connection with the construction activity. The width, height, and gradient of a proposed culvert shall be such as to pass the average historical low flow and spring flow without adversely altering flow velocity. [15A NCAC 02H .0506(b)(2) and (c)(2)]

Placement of culverts and other structures in streams shall be below the elevation of the streambed by one foot for all culverts with a diameter greater than 48 inches, and 20% of the culvert diameter for culverts having a diameter less than or equal to 48 inches, to allow low flow passage of water and aquatic life.

If multiple pipes or barrels are required, they shall be designed to mimic the existing stream cross section as closely as possible, including pipes or barrels at flood plain elevation and/or sills where appropriate. Widening the stream channel shall be avoided.

When topographic constraints indicate culvert slopes of greater than 5%, culvert burial is not required, provided that all alternative options for flattening the slope have been investigated and aquatic life movement/connectivity has been provided when possible (e.g. rock ladders, cross vanes, etc.). Notification, including supporting documentation to include a location map of the culvert, culvert profile drawings, and slope calculations, shall be provided to DWR 60 calendar days prior to the installation of the culvert.

When bedrock is present in culvert locations, culvert burial is not required provided that there is sufficient documentation of the presence of bedrock. Notification, including supporting documentation such as a location map of the culvert, geotechnical reports, photographs, etc. shall be provided to DWR a minimum of 60 calendar days prior to the installation of the culvert. If bedrock is discovered during construction, then DWR shall be notified by phone or email within 24 hours of discovery.

If other site-specific topographic constraints preclude the ability to bury the culverts as described above and/or it can be demonstrated that burying the culvert would result in destabilization of the channel, then exceptions to this condition require application to and written approval from DWR.

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Installation of culverts in wetlands shall ensure continuity of water movement and be designed to adequately accommodate high water or flood conditions. When roadways, causeways, or other fill projects are constructed across FEMA-designated floodways or wetlands, openings such as culverts or bridges shall be provided to maintain the natural hydrology of the system as well as prevent constriction of the floodway that may result in destabilization of streams or wetlands.

The establishment of native woody vegetation and other soft stream bank stabilization techniques shall be used where practicable instead of rip-rap or other bank hardening methods.

12. Bridge deck drains shall not discharge directly into the stream. Stormwater shall be directed across the bridge and pre-treated through site-appropriate means to the maximum extent practicable (e.g. grassed swales, pre-formed scour holes, vegetated buffers, etc.) before entering the stream. Exceptions to this condition require application to and written approval from DWR. [15A NCAC 02H .0506(b)(5)]
13. Application of fertilizer to establish planted/seeded vegetation within disturbed riparian areas and/or wetlands shall be conducted at agronomic rates and shall comply with all other Federal, State and Local regulations. Fertilizer application shall be accomplished in a manner that minimizes the risk of contact between the fertilizer and surface waters. [15A NCAC 02B .0200 and 15A NCAC 02B .0231]
14. If concrete is used during construction, then all necessary measures shall be taken to prevent direct contact between uncured or curing concrete and waters of the state. Water that inadvertently contacts uncured concrete shall not be discharged to waters of the state. [15A NCAC 02B .0200]
15. All proposed and approved temporary fill and culverts shall be removed and the impacted area shall be returned to natural conditions within 60 calendar days after the temporary impact is no longer necessary. The impacted areas shall be restored to original grade, including each stream's original cross sectional dimensions, planform pattern, and longitudinal bed profile. For projects that receive written approval, no temporary impacts are allowed beyond those included in the application and authorization. All temporarily impacted sites shall be restored and stabilized with native vegetation. [15A NCAC 02H .0506(b)(2) and (c)(2)]
16. All proposed and approved temporary pipes/culverts/rip-rap pads etc. in streams shall be installed as outlined in the most recent edition of the *North Carolina Sediment and Erosion Control Planning and Design Manual* or the *North Carolina Surface Mining Manual* or the *North Carolina Department of Transportation Best Management Practices for Construction and Maintenance Activities* so as not to restrict stream flow or cause dis-equilibrium during use of this Certification. [15A NCAC 02H .0506(b)(2) and (c)(2)]

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17. Any rip-rap required for proper culvert placement, stream stabilization, or restoration of temporarily disturbed areas shall be restricted to the area directly impacted by the approved construction activity. All rip-rap shall be placed such that the original stream elevation and streambank contours are restored and maintained. Placement of rip-rap or other approved materials shall not result in de-stabilization of the stream bed or banks upstream or downstream of the area or in a manner that precludes aquatic life passage. [15A NCAC 02H .0506(b)(2)]
18. Any rip-rap used for stream or shoreline stabilization shall be of a size and density to prevent movement by wave, current action, or stream flows and shall consist of clean rock or masonry material free of debris or toxic pollutants. Rip-rap shall not be installed in the streambed except in specific areas required for velocity control and to ensure structural integrity of bank stabilization measures. [15A NCAC 02H .0506(b)(2)]
19. Applications for rip-rap groins proposed in accordance with 15A NCAC 07H .1401 (NC Division of Coastal Management General Permit for construction of Wooden and Rip-rap Groins in Estuarine and Public Trust Waters) shall meet all the specific conditions for design and construction specified in 15A NCAC 07H .1405.
20. All mechanized equipment operated near surface waters should be inspected and maintained regularly to prevent contamination of surface waters from fuels, lubricants, hydraulic fluids, or other toxic materials. Construction shall be staged in order to minimize the exposure of equipment to surface waters to the maximum extent practicable. Fueling, lubrication and general equipment maintenance shall be performed in a manner to prevent, to the maximum extent practicable, contamination of surface waters by fuels and oils. [15A NCAC 02H .0506 (b)(3) and (c)(3) and 15A NCAC 02B .0211 (12)]
21. Heavy equipment working in wetlands shall be placed on mats or other measures shall be taken to minimize soil disturbance. [15A NCAC 02H .0506 (b)(3) and (c)(3)]
22. In accordance with 143-215.85(b), the applicant shall report any petroleum spill of 25 gallons or more; any spill regardless of amount that causes a sheen on surface waters; any petroleum spill regardless of amount occurring within 100 feet of surface waters; and any petroleum spill less than 25 gallons that cannot be cleaned up within 24 hours.
- * 23. If an environmental document is required under the State Environmental Policy Act (SEPA), then this General Certification is not valid until a Finding of No Significant Impact (FONSI) or Record of Decision (ROD) is issued by the State Clearinghouse. If an environmental document is required under the National Environmental Policy Act (NEPA), then this General Certification is not valid until a Categorical Exclusion, the Final Environmental Assessment, or Final Environmental Impact Statement is published by the lead agency. [15A NCAC 01C .0107(a)]
24. This General Certification does not relieve the applicant of the responsibility to obtain all other required Federal, State, or Local approvals before proceeding with the project, including those required by, but not limited to, Sediment and Erosion Control, Non-Discharge, Water Supply Watershed, and Trout Buffer regulations.

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25. The applicant and their authorized agents shall conduct all activities in a manner consistent with State water quality standards (including any requirements resulting from compliance with §303(d) of the Clean Water Act), and any other appropriate requirements of State and Federal Law. If DWR determines that such standards or laws are not being met, including failure to sustain a designated or achieved use, or that State or Federal law is being violated, or that further conditions are necessary to assure compliance, then DWR may revoke or modify a written authorization associated with this General Water Quality Certification. [15A NCAC 02H .0507(d)]
26. The permittee shall require its contractors and/or agents to comply with the terms and conditions of this permit in the construction and maintenance of this project, and shall provide each of its contractors and/or agents associated with the construction or maintenance of this project with a copy of this Certification. A copy of this Certification, including all conditions shall be available at the project site during the construction and maintenance of this project. [15A NCAC 02H .0507 (c) and 15A NCAC 02H .0506 (b)(2) and (c)(2)]
- * 27. When written authorization is required for use of this Certification, upon completion of all permitted impacts included within the approval and any subsequent modifications, the applicant shall be required to return a certificate of completion (available on the DWR website <https://edocs.deq.nc.gov/Forms/Certificate-of-Completion>). [15A NCAC 02H .0502(f)]
28. Additional site-specific conditions, including monitoring and/or modeling requirements, may be added to the written approval letter for projects proposed under this Water Quality Certification in order to ensure compliance with all applicable water quality and effluent standards. [15A NCAC 02H .0507(c)]
29. If the property or project is sold or transferred, the new permittee shall be given a copy of this Certification (and written authorization if applicable) and is responsible for complying with all conditions. [15A NCAC 02H .0501 and .0502]

III. GENERAL CERTIFICATION ADMINISTRATION:

- * 1. In accordance with North Carolina General Statute 143-215.3D(e), written approval for a 401 Water Quality General Certification must include the appropriate fee. An applicant for a CAMA permit under Article 7 of Chapter 113A of the General Statutes for which a Water Quality Certification is required shall only make one payment to satisfy both agencies; the fee shall be as established by the Secretary in accordance with 143-215.3D(e)(7).
2. This Certification neither grants nor affirms any property right, license, or privilege in any waters, or any right of use in any waters. This Certification does not authorize any person to interfere with the riparian rights, littoral rights, or water use rights of any other person and this Certification does not create any prescriptive right or any right of priority regarding any usage of water. This Certification shall not be interposed as a defense in any action respecting the determination of riparian or littoral rights or other rights to water use. No consumptive user is deemed by virtue of this Certification to possess any prescriptive or

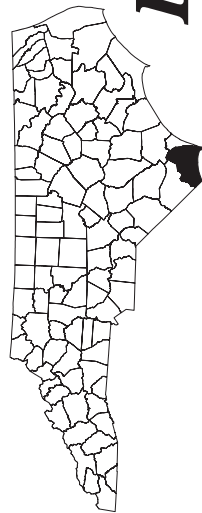
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other right of priority with respect to any other consumptive user regardless of the quantity of the withdrawal or the date on which the withdrawal was initiated or expanded.

3. This Certification grants permission to the Director, an authorized representative of the Director, or DWR staff, upon the presentation of proper credentials, to enter the property during normal business hours. [15A NCAC 02H .0502(e)]
4. This General Certification shall expire on the same day as the expiration date of the corresponding Nationwide Permit and/or Regional General Permit. The conditions in effect on the date of issuance of Certification for a specific project shall remain in effect for the life of the project, regardless of the expiration date of this Certification. This General Certification is rescinded when the US Army Corps of Engineers reauthorizes any of the corresponding Nationwide Permits and/or Regional General Permits or when deemed appropriate by the Director of the Division of Water Resources.
5. Non-compliance with or violation of the conditions herein set forth by a specific project may result in revocation of this General Certification for the project and may also result in criminal and/or civil penalties.
- * 6. The Director of the North Carolina Division of Water Resources may require submission of a formal application for Individual Certification for any project in this category of activity if it is deemed in the public's best interest or determined that the project is likely to have a significant adverse effect upon water quality, including state or federally listed endangered or threatened aquatic species, or degrade the waters so that existing uses of the waters or downstream waters are precluded.

History Note: Water Quality Certification (WQC) Number 4132 issued December 1, 2017 replaces WCQ 4085 issued March 3, 2017; WQC 3883 issued March 19, 2012; WQC Number 3687 issued November 1, 2007; WQC Number 3624 issued March 19, 2007; WQC Number 3494 issued December 31, 2004; and WQC Number 3376 issued March 18, 2002.

PROJECT: 15BPR.16



STATE OF NORTH CAROLINA
DIVISION OF HIGHWAYS

BRUNSWICK COUNTY

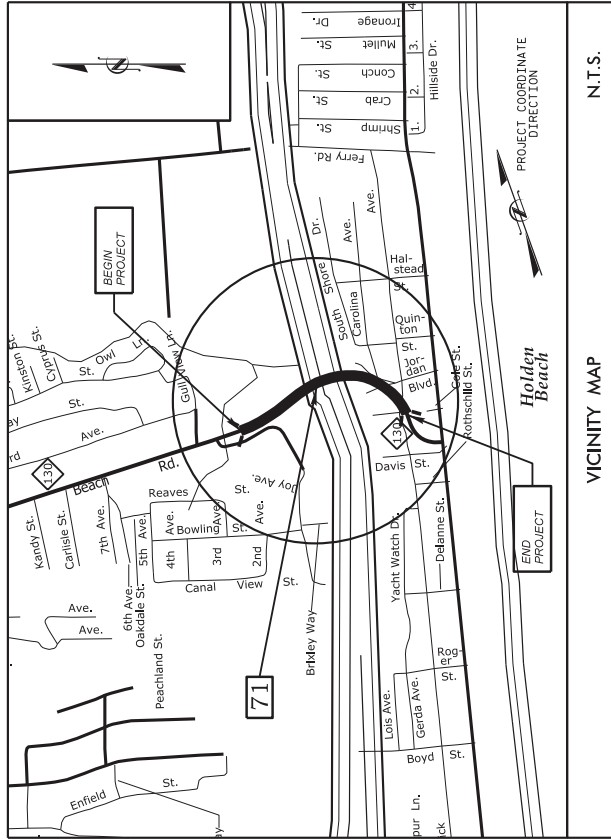
LOCATION: BRUNSWICK COUNTY

BRIDGE #71 ON NC 130 OVER THE INTRACOASTAL WATERWAY

TYPE OF WORK: BRIDGE PRESERVATION - DECK, SUPERSTRUCTURE AND SUBSTRUCTURE REPAIR AND JOINT REPAIR

STATE	N.C.	PRIVATE PROJECT REPRESENTATIVE NO.	15BPR.16	PROJECT NUMBER	1	DATE	??
DATE	15BPR.16	P.E. NUMBER	15BPR.16	P.E.	CONST.		

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**PRELIMINARY PLANS
DO NOT USE FOR CONSTRUCTION**

STRUCTURES



DESIGN DATA
BRUNSWICK COUNTY
#71 ADT 2018 = 7,900

PROJECT LENGTH
BRUNSWICK COUNTY
#71 = 0.34 MILE

2018 STANDARD SPECIFICATIONS
LETTING DATE :
JUNE 19, 2018

Prepared for the Office of:
DIVISION OF HIGHWAYS
STRUCTURES MANAGEMENT UNIT
1000 BIRCH RIDGE DR.
RALEIGH, N.C. 27609

KCA
KIMLEY-HORN AND ASSOCIATES, INC.
1400 S.W. 10TH AVENUE
MIAMI, FL 33135
(305) 371-1000
SEAL
042574
REGISTERED PROFESSIONAL ENGINEER
STATE OF NORTH CAROLINA

4800 SIX FORKS ROAD SUITE 120
RALEIGH, NC 27609
(919) 882-7839

SAMUEL L. CULLUM, P.E.
PROJECT ENGINEER

JACOB H. DUKE, P.E.
PROJECT DESIGN ENGINEER

HYDRAULIC DATA FROM INITIAL DESIGN:

DESIGN HIGH WATER ELEVATION: 2.4 FT.
 MEAN HIGH TIDE: 100 YR.
 FREQUENCY OF FLOOD: HURRICANE BACKWATER
 FLOOD ELEVATION: 14.8 FT.

NOTES:

CURVE DATA BASED ON INITIAL DESIGN.
 STATONING, SPAN AND BENT NUMBERS BASED ON PLAN
 SET AND CURRENT INSPECTION REPORT.

P-53

SCOPE LEGEND:

- 1 PPC OVERLAY (TYP)
- 2 SUPERSTRUCTURE CONCRETE REPAIRS (TYP)
- 3 SUBSTRUCTURE CONCRETE REPAIRS (TYP)
- 4 EXPANSION JOINT REPLACEMENT/INSTALLATION (TYP.)
- 5 BEARING REPLACEMENT
- 6 GALVANIC CATHODIC PROTECTION - METALIZING
- 7 GALVANIC CATHODIC PROTECTION - BULK ANODE
- 8 FENDER SYSTEM RETROFIT
- 9 ELECTRICAL REPAIRS TO NAVIGATIONAL LIGHT SYSTEM (TYP.)
- 10 APPROACH ROADWAY MILLING AND RESURFACING

NOTE: REPAIRS TYPICAL THROUGHOUT BRIDGE.

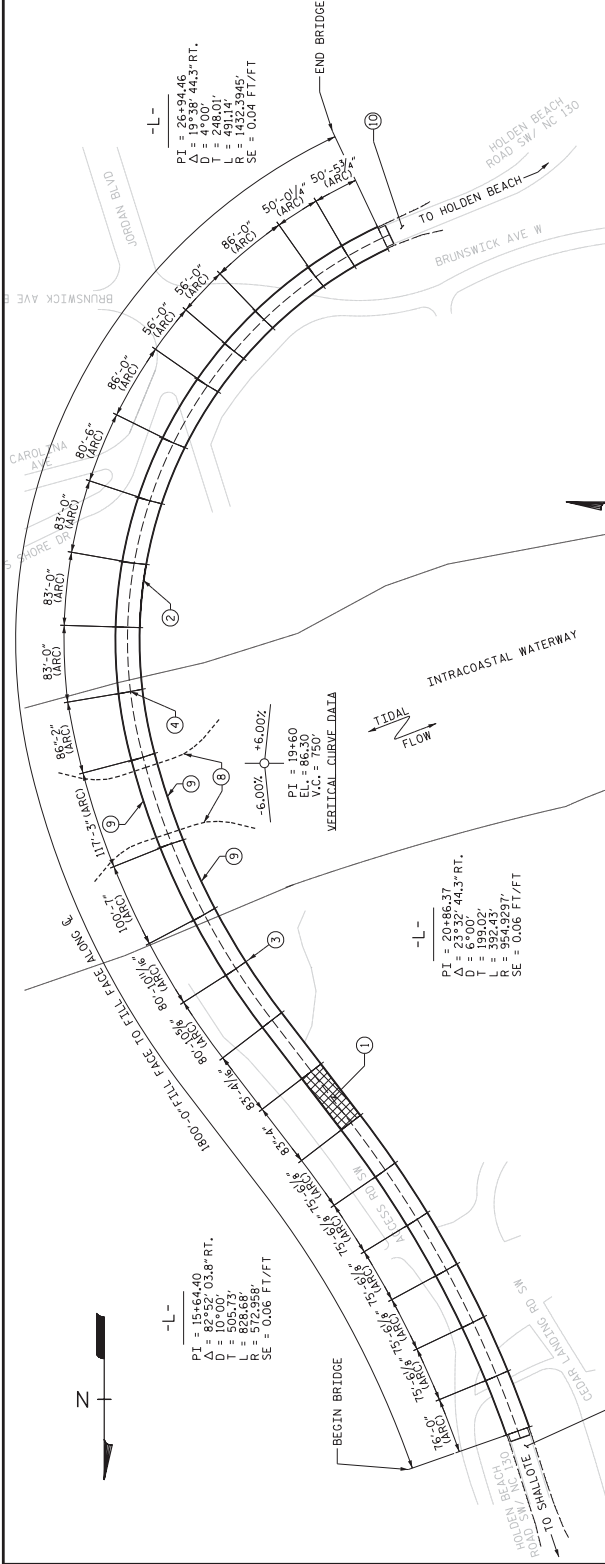
PROJECT NO. 15BPR.16
 BRUNSWICK COUNTY
 BRIDGE NO. 71

STATE OF NORTH CAROLINA
 DEPARTMENT OF TRANSPORTATION
 RALEIGH

GENERAL DRAWING

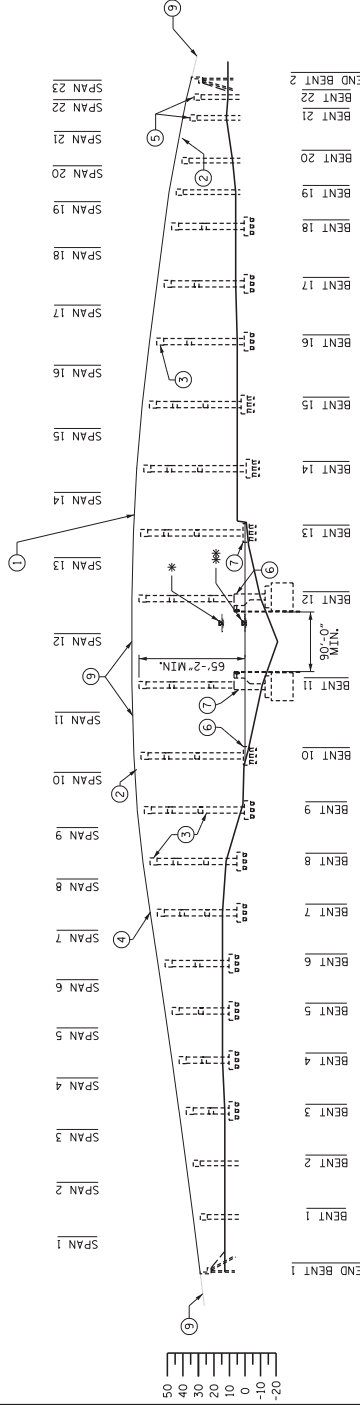
REVISIONS		SHEET NO.	
NO.	BY	DATE	S-3
1			27
2			27

DOCUMENT NOT CONSIDERED
 FOR CONSTRUCTION UNLESS
 SIGNATURES COMPLETED



PLAN

(SUBSTRUCTURE UNITS AND PILES NOT SHOWN FOR CLARITY)



ELEVATION

* MAX. HITCH WATER EL. 14.8
 HURRICANE HAZEL SEPT., 1954
 ** WATER EL. 0.0
 MEAN HIGH TIDE EL. 2.4
 MEAN LOW TIDE EL. -2.2

BENT #	STATION	BENT #	STATION	BENT #	STATION	BENT #	STATION
END BENT 1	10+00.00	BENT 5	13+78.04	BENT 10	17+82.00	BENT 15	22+52.00
BENT 1	10+76.00	BENT 6	14+53.55	BENT 11	18+82.58	BENT 16	23+35.00
BENT 2	11+51.51	BENT 7	15+36.88	BENT 12	19+98.83	BENT 17	24+15.50
BENT 3	12+27.02	BENT 8	16+20.22	BENT 13	20+86.00	BENT 18	25+01.50
BENT 4	13+02.53	BENT 9	17+01.11	BENT 14	21+69.00	BENT 19	25+57.50
				BENT 19	25+57.50	END BENT 2	28+00.00
				BENT 20	26+13.50	BENT 21	26+99.50
				BENT 21	27+49.52	END BENT 2	28+00.00

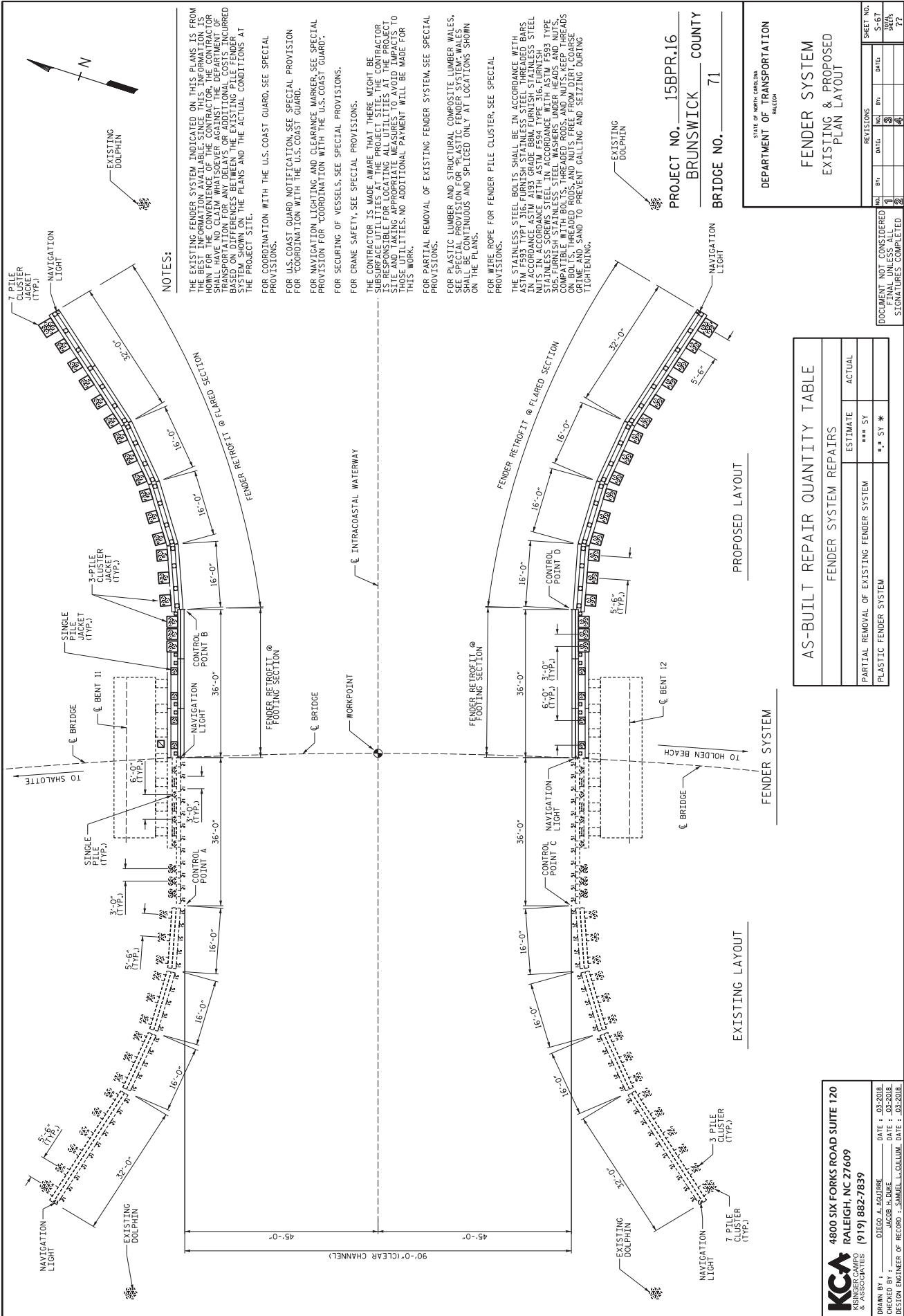
KCA 4800 SIX FORKS ROAD SUITE 120
 RALEIGH, NC 27609

DESIGNED BY: JACOB W. SMITH DATE: 03-2018
 DRAWN BY: DIEGO A. NOBRE DATE: 03-2018
 DESIGN ENGINEER OF RECORD: SAMUEL L. CULLUM DATE: 03-2018

4/12/2018
 15BPR.16-71S1P-CURVES V01.03D.15BPR.16.SMU.001.S-3.090010.dgn

PRELIMINARY PLANS
 DO NOT USE FOR CONSTRUCTION

PRELIMINARY PLANS
DO NOT USE FOR CONSTRUCTION



NOTES:

THE EXISTING FENDER SYSTEM INDICATED ON THIS PLAN IS FROM THE BEST INFORMATION AVAILABLE SINCE THIS INFORMATION IS SHOWN FOR THE CONVENIENCE OF THE CONTRACTOR, THE CONTRACTOR SHALL HAVE NO CLAIM AND NO OVER AGAINST THE DEPARTMENT OF TRANSPORTATION OR ANY OTHER AGENCIES FOR ANY ERRORS OR OMISSIONS BASED ON DIFFERENCES BETWEEN THE EXISTING PILE FENDER SYSTEM SHOWN ON THE PLANS AND THE ACTUAL CONDITIONS AT THE PROJECT SITE.

FOR COORDINATION WITH THE U.S. COAST GUARD, SEE SPECIAL PROVISIONS.

FOR U.S. COAST GUARD NOTIFICATION, SEE SPECIAL PROVISION FOR COORDINATION WITH THE U.S. COAST GUARD.

FOR NAVIGATION LIGHTING AND CLEARANCE MARKER, SEE SPECIAL PROVISION FOR COORDINATION WITH THE U.S. COAST GUARD.

FOR SECURING OF VESSELS, SEE SPECIAL PROVISIONS.

FOR CRANE SAFETY, SEE SPECIAL PROVISIONS.

THE CONTRACTOR IS MADE AWARE THAT THERE MIGHT BE SUBSURFACE UTILITIES AT THE PROJECT SITE, THE CONTRACTOR IS RESPONSIBLE FOR LOCATING ALL UTILITIES AT THE PROJECT SITE AND TAKING APPROPRIATE MEASURES TO AVOID IMPACTS TO THESE UTILITIES. NO ADDITIONAL PAYMENT WILL BE MADE FOR THIS WORK.

FOR PARTIAL REMOVAL OF EXISTING FENDER SYSTEM, SEE SPECIAL PROVISIONS.

FOR PLASTIC LUMBER AND STRUCTURAL COMPOSITE LUMBER WALES, SEE SPECIAL PROVISIONS. ALL WALES SHALL BE CONTIGUOUS AND SPLICED ONLY AT LOCATIONS SHOWN ON THE PLANS.

FOR WIRE ROPE FOR FENDER PILE CLUSTER, SEE SPECIAL PROVISIONS.

THE STAINLESS STEEL BOLTS SHALL BE IN ACCORDANCE WITH ASTM F593 TYPE 316 FURNISH STAINLESS STEEL THREADED BARS IN ACCORDANCE WITH ASTM A393 GRADE B8M FURNISH STAINLESS STEEL NUTS IN ACCORDANCE WITH ASTM F594 TYPE 316 FURNISH STAINLESS STEEL WASHERS IN ACCORDANCE WITH ASTM A393 GRADE B8M FURNISH STAINLESS STEEL WASHERS LUMBER HEADS AND NUTS COMPATIBLE WITH BOLTS, THREADED RODS, AND NUTS. KEEP THREADS ON BOLTS, THREADED RODS, AND NUTS FREE FROM DIRT, COARSE SAND TO PREVENT GALLING AND SEIZING DURING TIGHTENING.

PROJECT NO. 15BPR.16
BRUNSWICK COUNTY
BRIDGE NO. 71

STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION
RALEIGH

FENDER SYSTEM
EXISTING & PROPOSED
PLAN LAYOUT

REVISIONS		SHEET NO.
NO.	DATE	5-67
1	03-2018	TOTAL
2	03-2018	77

DOCUMENT NOT CONSIDERED
FINAL UNTIL ALL
SIGNATURES COMPLETED

AS-BUILT REPAIR QUANTITY TABLE

FENDER SYSTEM REPAIRS		ESTIMATE	ACTUAL
PARTIAL REMOVAL OF EXISTING FENDER SYSTEM	*** SY		
PLASTIC FENDER SYSTEM	* SY *		

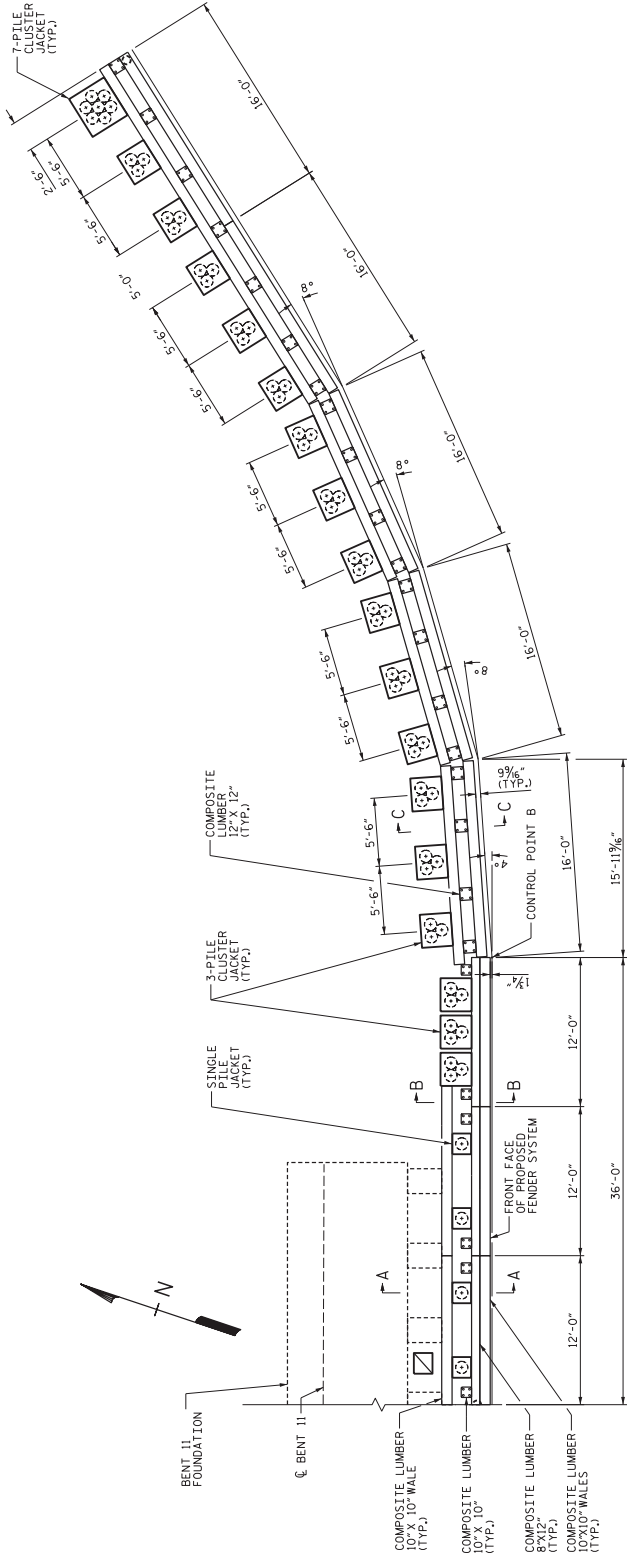
KCA
KONIGER CAMPO
& ASSOCIATES

4800 SIX FORKS ROAD SUITE 120
RALEIGH, NC 27609
(919) 882-7839

DRAWN BY: DIEGO J. HENRIQUE
CHECKED BY: JACOB BLUMHE
DESIGN ENGINEER OF RECORD: SAMUEL L. CULLUM

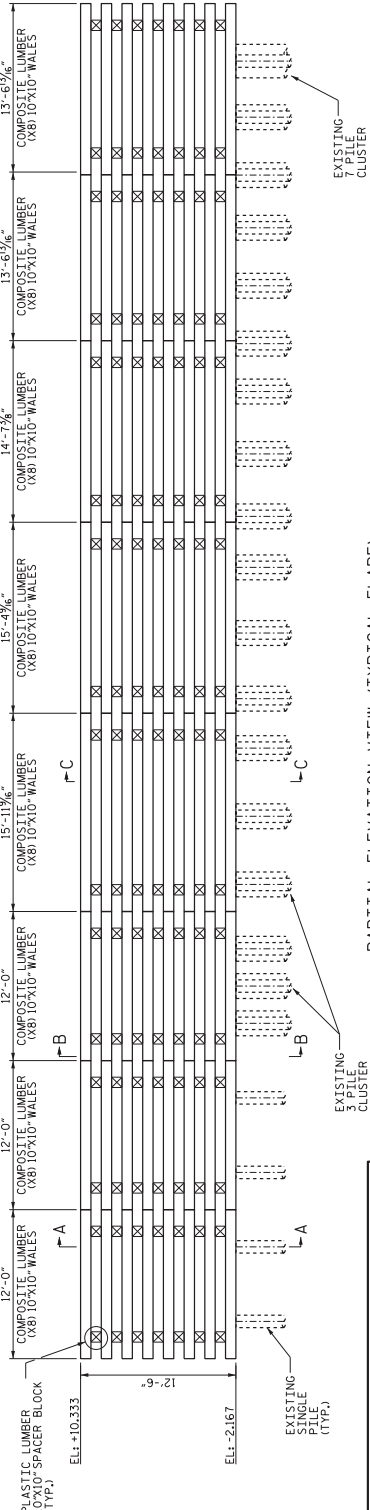
DATE: 03-2018
DATE: 03-2018
DATE: 03-2018

4/17/2018
User: jblumhe
C:\Users\jblumhe\Documents\15BPR.16\15BPR.16_SML\FE001.5.dwg



PARTIAL PLAN VIEW (TYPICAL FLARE)

(FLARE AT CONTROL POINT B SHOWN, CONTROL POINTS A, C, AND D SIMILAR)
 (HANDRAIL NOT SHOWN FOR CLARITY)



PARTIAL ELEVATION VIEW (TYPICAL FLARE)

(FLARE AT CONTROL POINT B SHOWN, CONTROL POINTS A, C, AND D SIMILAR)
 (HANDRAIL NOT SHOWN FOR CLARITY)

PRELIMINARY PLANS
 DO NOT USE FOR CONSTRUCTION

NOTES:

FOR SECTIONS A-A, B-B, AND C-C SEE SHEET S-69.

PROJECT NO. 15BPR.16
 BRUNSWICK COUNTY
 BRIDGE NO. 71

STATE OF NORTH CAROLINA		REVISIONS		SHEET NO.	
DEPARTMENT OF TRANSPORTATION		NO.	BY:	DATE:	S-68
RALEIGH		1	3	03/2018	27
FENDER SYSTEM		2	4		
PROPOSED LAYOUT					
ELEVATION					

KCA
 4800 SIX FORKS ROAD SUITE 120
 RALEIGH, NC 27609
 (919) 882-7839

DESIGNED BY: DITECO, A. KOUTURE
 DRAWN BY: JACOB KIDUE
 DESIGN ENGINEER OF RECORD: SAMUEL L. CULLUM, DATE: 03-2018

DATE: 03-2018
 DATE: 03-2018

4/17/2018
 15BPR.16_SMU_FENDER.2548.090701.dgn

PROJECT NO. 15BPR.16
BRUNSWICK COUNTY
 BRIDGE NO. 71

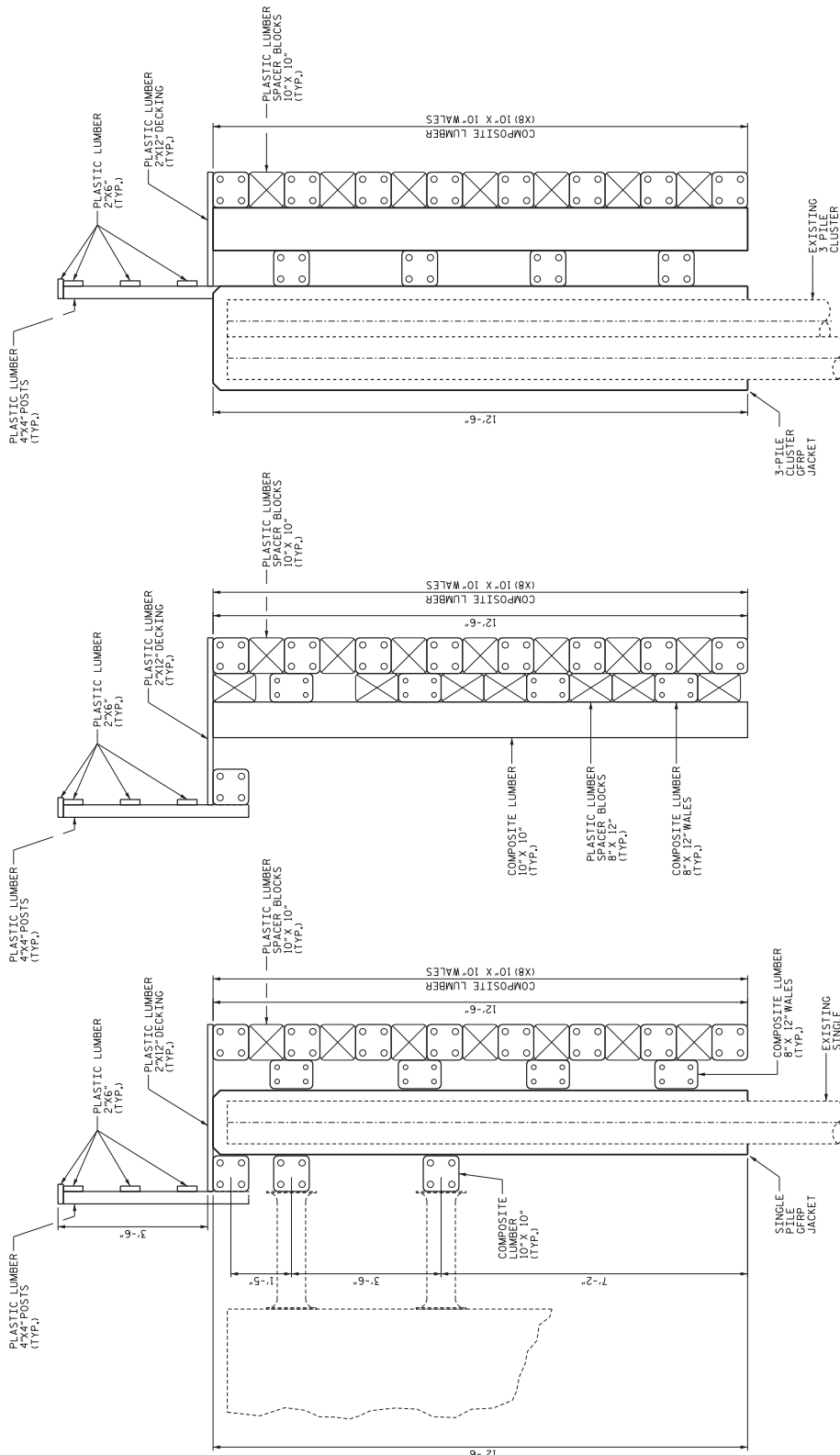
SHEET 1 OF 3

STATE OF NORTH CAROLINA
 DEPARTMENT OF TRANSPORTATION
 RALEIGH

FENDER SYSTEM
 TYPICAL SECTIONS
 &
 DETAILS

REVISIONS		SHEET NO.	
NO.	BY	DATE	REVISED
1			5-69
2			77
3			
4			

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SECTION C-C

SECTION B-B

SECTION A-A

PRELIMINARY PLANS
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KCA 4800 SIX FORKS ROAD SUITE 120
 RALEIGH, NC 27609
 ENGINEERS & ARCHITECTS
 (919) 882-7839

DRAWN BY: J. G. GIBSON DATE: 03-2018
 CHECKED BY: J. G. GIBSON DATE: 03-2018
 DESIGN ENGINEER OF RECORD: SAMUEL L. CULLUM DATE: 03-2018

4/17/2018
 User: jgibson

4/17/2018 P:\Brunswick\15BPR\16_SMU\FIN\03_S-48_09001.dwg

County : Brunswick

Line #	Item Number	Sec #	Description	Quantity	Unit Cost	Amount
ROADWAY ITEMS						
0001	0000100000-N	800	MOBILIZATION	Lump Sum	L.S.	
0002	1330000000-E	607	INCIDENTAL MILLING	145 SY		
0003	1523000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE S9.5C	15 TON		
0004	1575000000-E	620	ASPHALT BINDER FOR PLANT MIX	1 TON		
0005	4400000000-E	1110	WORK ZONE SIGNS (STATIONARY)	64 SF		
0006	4405000000-E	1110	WORK ZONE SIGNS (PORTABLE)	96 SF		
0007	4420000000-N	1120	PORTABLE CHANGEABLE MESSAGE SIGN	2 EA		
0008	4455000000-N	1150	FLAGGER	70 DAY		
0009	4516000000-N	1180	SKINNY DRUM	45 EA		
0010	4685000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (4", 90 MILS)	50 LF		
0011	4686000000-E	1205	THERMOPLASTIC PAVEMENT MARKING LINES (4", 120 MILS)	100 LF		
0012	4770000000-E	1205	COLD APPLIED PLASTIC PAVEMENT MARKING LINES, TYPE ** (4") (II)	7,280 LF		
0013	4905000000-N	1253	SNOWPLOWABLE PAVEMENT MARKERS	50 EA		
STRUCTURE ITEMS						
0014	8161000000-E	420	GROOVING BRIDGE FLOORS	53,721 SF		
0015	8296000000-N	442	POLLUTION CONTROL	Lump Sum	L.S.	
0016	8559000000-E	SP	CLASS II, SURFACE PREPARATION	6 SY		
0017	8657000000-N	430	ELASTOMERIC BEARINGS	Lump Sum	L.S.	

County : Brunswick

Line #	Item Number	Sec #	Description	Quantity	Unit Cost	Amount
0018	8660000000-E	SP	CONCRETE REPAIRS	191 CF		
0019	8664000000-E	SP	SHOTCRETE REPAIRS	1,031 CF		
0020	8678000000-E	SP	EPOXY RESIN INJECTION	1,140 LF		
0021	8860000000-N	SP	GENERIC STRUCTURE ITEM COMPOSITE FENDER SYSTEM	Lump Sum	L.S.	
0022	8860000000-N	SP	GENERIC STRUCTURE ITEM REMOVAL OF EXISTING FENDER SYSTEM	Lump Sum	L.S.	
0023	8867000000-E	SP	GENERIC STRUCTURE ITEM BRIDGE JOINT REMOVAL	132 LF		
0024	8867000000-E	SP	GENERIC STRUCTURE ITEM SILICONE JOINT SEALANT	788 LF		
0025	8881000000-E	SP	GENERIC STRUCTURE ITEM PPC MATERIALS	192 CY		
0026	8882000000-E	SP	GENERIC STRUCTURE ITEM REPAIRS TO PRESTRESSED CONC- RETE GIRDERS	210 CF		
0027	8892000000-E	SP	GENERIC STRUCTURE ITEM CP SYSTEM, ZINC ALUMINUM SPRAY	975 SF		
0028	8892000000-E	SP	GENERIC STRUCTURE ITEM EPOXY PROTECTIVE COATING	3,527 SF		
0029	8893000000-E	SP	GENERIC STRUCTURE ITEM CONCRETE DECK REPAIR FOR PPC OVERLAY	6 SY		
0030	8893000000-E	SP	GENERIC STRUCTURE ITEM PLACING AND FINISHING PPC OVERLAY	6,674 SY		
0031	8893000000-E	SP	GENERIC STRUCTURE ITEM SCARIFYING BRIDGE DECK	6,674 SY		
0032	8893000000-E	SP	GENERIC STRUCTURE ITEM SHOTBLASTING BRIDGE DECK	6,674 SY		
0033	8897000000-N	SP	GENERIC STRUCTURE ITEM CP SYSTEM (ZINC BULK ANODES)	22 EA		

County : Brunswick

Line #	Item Number	Sec #	Description	Quantity	Unit Cost	Amount
0034	8897000000-N	SP	GENERIC STRUCTURE ITEM SEVEN PILE JACKET	4	EA	
0035	8897000000-N	SP	GENERIC STRUCTURE ITEM SINGLE PILE JACKET	16	EA	
0036	8897000000-N	SP	GENERIC STRUCTURE ITEM THREE PILE JACKET	68	EA	
0037	8897000000-N	SP	GENERIC STRUCTURE ITEM TYPE I BRIDGE JACKING	3	EA	

1405/May17/Q89977.0/D256403100000/E37

Total Amount Of Bid For Entire Project :