

If you plan to submit a bid directly to the Department of Transportation

PREQUALIFICATION

Any contractor who desires to become pre-qualified to bid on work advertised by IDOT must submit the properly completed pre-qualification forms to the Bureau of Construction no later than 4:30 p.m. prevailing time twenty-one days prior to the letting of interest. This pre-qualification requirement applies to first time contractors, contractors renewing expired ratings, contractors maintaining continuous pre-qualification or contractors requesting revised ratings. To be eligible to bid, existing pre-qualification ratings must be effective through the date of letting.

REQUESTS FOR AUTHORIZATION TO BID

Contractors downloading and/or ordering CD-ROM's and are wanting to bid on items included in a particular letting must submit the properly completed "Request for Authorization to Bid/or Not For Bid Status" (BDE 124INT) and the ORIGINAL, signed and notarized, "Affidavit of Availability" (BC 57) to the proper office no later than 4:30 p.m. prevailing time, three (3) days prior to the letting date.

WHO CAN BID ?

Bids will be accepted from only those companies that request and receive written **Authorization to Bid** from IDOT's Central Bureau of Construction.

WHAT CONSTITUTES WRITTEN AUTHORIZATION TO BID? When a prospective prime bidder submits a "Request for Authorization to Bid/or Not For Bid Status"(BDE 124INT) he/she must indicate at that time which items are being requested For Bidding purposes. Only those items requested For Bidding will be analyzed. After the request has been analyzed, the bidder will be issued a **Proposal Denial and/or Authorization Form**, approved by the Central Bureau of Construction, that indicates which items have been approved For Bidding. If **Authorization to Bid** cannot be approved, the **Proposal Denial and/or Authorization Form** will indicate the reason for denial.

ABOUT AUTHORIZATION TO BID: Firms that have not received an authorization form within a reasonable time of complete and correct original document submittal should contact the department as to status. This is critical in the week before the letting. These documents must be received three days before the letting date. Firms unsure as to authorization status should call the Prequalification Section of the Bureau of Construction at the number listed at the end of these instructions.

ADDENDA AND REVISIONS: It is the contractor's responsibility to determine which, if any, addenda or revisions pertain to any project they may be bidding. Failure to incorporate all relevant addenda or revisions may cause the bid to be declared unacceptable.

Each addendum will be placed with the contract number. Addenda and revisions will also be placed on the Addendum/Revision Checklist and each subscription service subscriber will be notified by e-mail of each addendum and revision issued.

The Internet is the Department's primary way of doing business. The subscription server e-mails are an added courtesy the Department provides. It is suggested that bidder check IDOT's website <http://www.dot.il.gov/desenv/delett.html> before submitting final bid information.

IDOT is not responsible for any e-mail related failures.

Addenda Questions may be directed to the Contracts Office at (217)782-7806 or D&Econtracts@dot.il.gov

Technical Questions about downloading these files may be directed to Tim Garman (217)524-1642 or garmantr@dot.il.gov.

WHAT MUST BE INCLUDED WHEN BIDS ARE SUBMITTED?: Bidders need not return the entire proposal when bids are submitted. That portion of the proposal that must be returned includes the following:

1. All documents from the Proposal Cover Sheet through the Proposal Bid Bond
2. Other special documentation and/or information that may be required by the contract special provisions

All proposal documents, including Proposal Guaranty Checks or Proposal Bid Bonds, should be stapled together to prevent loss when bids are processed by IDOT personnel.

ABOUT SUBMITTING BIDS: It is recommended that bidders deliver bids in person to insure they arrive at the proper location prior to the time specified for the receipt of bids. Any bid received at the place of letting after the time specified will not be accepted.

WHO SHOULD BE CALLED IF ASSISTANCE IS NEEDED?

Questions Regarding	Call
Prequalification and/or Authorization to Bid	(217)782-3413
Preparation and submittal of bids	(217)782-7806
Mailing of plans and proposals	(217)782-7806
Electronic plans and proposals	(217)524-1642

ADDENDUMS AND REVISIONS TO THE PROPOSAL FORMS

Planholders should verify that they have received and incorporated the addendum and/or revision prior to submitting their bid. Failure by the bidder to include an addendum could result in a bid being rejected as irregular.

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RETURN WITH BID

Proposal Submitted By
Name
Address
City

Letting September 21, 2007

BIDDERS NEED NOT RETURN THE ENTIRE PROPOSAL
(See instructions inside front cover)

NOTICE TO PROSPECTIVE BIDDERS

This proposal can be used for bidding purposes by only those companies that request and receive written AUTHORIZATION TO BID from IDOT's Central Bureau of Construction.

(SEE INSTRUCTIONS ON THE INSIDE OF COVER)

Notice To Bidders, Specifications, Proposal, Contract and Contract Bond



**Illinois Department
of Transportation**

Springfield, Illinois 62764

**Contract No. 83864
COOK County
Section 00-00048-00-BT (Matteson)
Route PRESERVATION BIKE PATH
Project M-8003(272)
District 1 Construction Funds**

PLEASE MARK THE APPROPRIATE BOX BELOW:

- A Bid Bond is included.
- A Cashier's Check or a Certified Check is included

Prepared by

F

Checked by

(Printed by authority of the State of Illinois)

INSTRUCTIONS

ABOUT IDOT PROPOSALS: All proposals issued by IDOT are potential bidding proposals. Each proposal contains all Certifications and Affidavits, a Proposal Signature Sheet and a Proposal Bid Bond required for Prime Contractors to submit a bid after written **Authorization to Bid** has been issued by IDOT's Central Bureau of Construction.

WHO CAN BID?: Bids will be accepted from only those companies that request and receive written **Authorization to Bid** from IDOT's Central Bureau of Construction. To request authorization, a potential bidder must complete and submit Part B of the Request for Authorization to Bid/or Not For Bid Status form (BDE 124 INT) and submit an original Affidavit of Availability (BC 57).

WHAT CONSTITUTES WRITTEN AUTHORIZATION TO BID?: When a prospective prime bidder submits a "Request for Proposal Forms and Plans" he/she must indicate at that time which items are being requested For Bidding purposes. Only those items requested For Bidding will be analyzed. After the request has been analyzed, the bidder will be issued a **Proposal Denial and/or Authorization Form**, approved by the Central Bureau of Construction, that indicates which items have been approved For Bidding. If **Authorization to Bid** cannot be approved, the **Proposal Denial and/or Authorization Form** will indicate the reason for denial. If a contractor has requested to bid but has not received a **Proposal Denial and/or Authorization Form**, they should contact the Central Bureau of Construction in advance of the letting date.

WHAT MUST BE INCLUDED WHEN BIDS ARE SUBMITTED?: Bidders need not return the entire proposal when bids are submitted. That portion of the proposal that must be returned includes the following:

1. All documents from the Proposal Cover Sheet through the Proposal Bid Bond
2. Other special documentation and/or information that may be required by the contract special provisions

All proposal documents, including Proposal Guaranty Checks or Proposal Bid Bonds, should be stapled together to prevent loss when bids are processed by IDOT personnel.

ABOUT SUBMITTING BIDS: It is recommended that bidders deliver bids in person to insure they arrive at the proper location prior to the time specified for the receipt of bids. Any bid received at the place of letting after the time specified will not be accepted.

WHO SHOULD BE CALLED IF ASSISTANCE IS NEEDED?

Questions Regarding	Call
Prequalification and/or Authorization to Bid	217/782-3413
Preparation and submittal of bids	217/782-7806
Mailing of CD-ROMS	217/782-7806

RETURN WITH BID



PROPOSAL

TO THE DEPARTMENT OF TRANSPORTATION

1. Proposal of _____

Taxpayer Identification Number (Mandatory) _____

for the improvement identified and advertised for bids in the Invitation for Bids as:

**Contract No. 83864
COOK County
Section 00-00048-00-BT (Matteson)
Project M-8003(272)
Route PRESERVATION BIKE PATH
District 1 Construction Funds**

0.41 mile Preservation Bike Path from 205th Street to Thornwood Avenue including excavation, fill material, path shaping, drainage, base material, resurfacing, striping and bridge over Butterfield Creek in Matteson.

2. The undersigned bidder will furnish all labor, material and equipment to complete the above described project in a good and workmanlike manner as provided in the contract documents provided by the Department of Transportation. This proposal will become part of the contract and the terms and conditions contained in the contract documents shall govern performance and payments.

RETURN WITH BID

3. **ASSURANCE OF EXAMINATION AND INSPECTION/WAIVER.** The undersigned further declares that he/she has carefully examined the proposal, plans, specifications, form of contract and contract bond, and special provisions, and that he/she has inspected in detail the site of the proposed work, and that he/she has familiarized themselves with all of the local conditions affecting the contract and the detailed requirements of construction, and understands that in making this proposal he/she waives all right to plead any misunderstanding regarding the same.

4. **EXECUTION OF CONTRACT AND CONTRACT BOND.** The undersigned further agrees to execute a contract for this work and present the same to the department within fifteen (15) days after the contract has been mailed to him/her. The undersigned further agrees that he/she and his/her surety will execute and present within fifteen (15) days after the contract has been mailed to him/her contract bond satisfactory to and in the form prescribed by the Department of Transportation, in the penal sum of the full amount of the contract, guaranteeing the faithful performance of the work in accordance with the terms of the contract.

5. **PROPOSAL GUARANTY.** Accompanying this proposal is either a bid bond on the department form, executed by a corporate surety company satisfactory to the department, or a proposal guaranty check consisting of a bank cashier's check or a properly certified check for not less than 5 per cent of the amount bid or for the amount specified in the following schedule:

<u>Amount of Bid</u>		<u>Proposal Guaranty</u>	<u>Amount of Bid</u>		<u>Proposal Guaranty</u>	
Up to	\$5,000	\$150	\$2,000,000	to	\$3,000,000	\$100,000
\$5,000	to \$10,000	\$300	\$3,000,000	to	\$5,000,000	\$150,000
\$10,000	to \$50,000	\$1,000	\$5,000,000	to	\$7,500,000	\$250,000
\$50,000	to \$100,000	\$3,000	\$7,500,000	to	\$10,000,000	\$400,000
\$100,000	to \$150,000	\$5,000	\$10,000,000	to	\$15,000,000	\$500,000
\$150,000	to \$250,000	\$7,500	\$15,000,000	to	\$20,000,000	\$600,000
\$250,000	to \$500,000	\$12,500	\$20,000,000	to	\$25,000,000	\$700,000
\$500,000	to \$1,000,000	\$25,000	\$25,000,000	to	\$30,000,000	\$800,000
\$1,000,000	to \$1,500,000	\$50,000	\$30,000,000	to	\$35,000,000	\$900,000
\$1,500,000	to \$2,000,000	\$75,000	over		\$35,000,000	\$1,000,000

Bank cashier's checks or properly certified checks accompanying proposals shall be made payable to the Treasurer, State of Illinois, when the state is awarding authority; the county treasurer, when a county is the awarding authority; or the city, village, or town treasurer, when a city, village, or town is the awarding authority.

If a combination bid is submitted, the proposal guaranties which accompany the individual proposals making up the combination will be considered as also covering the combination bid.

The amount of the proposal guaranty check is _____ \$(_____). If this proposal is accepted and the undersigned shall fail to execute a contract bond as required herein, it is hereby agreed that the amount of the proposal guaranty shall become the property of the State of Illinois, and shall be considered as payment of damages due to delay and other causes suffered by the State because of the failure to execute said contract and contract bond; otherwise, the bid bond shall become void or the proposal guaranty check shall be returned to the undersigned.

Attach Cashier's Check or Certified Check Here

In the event that one proposal guaranty check is intended to cover two or more proposals, the amount must be equal to the sum of the proposal guaranties which would be required for each individual proposal. If the guaranty check is placed in another proposal, state below where it may be found.

The proposal guaranty check will be found in the proposal for:

Item _____

Section No. _____

County _____

Mark the proposal cover sheet as to the type of proposal guaranty submitted.

BD 354 (Rev. 11/2001)

RETURN WITH BID

6. **COMBINATION BIDS.** The undersigned further agrees that if awarded the contract for the sections contained in the following combination, he/she will perform the work in accordance with the requirements of each individual proposal comprising the combination bid specified in the schedule below, and that the combination bid shall be prorated against each section in proportion to the bid submitted for the same. If an error is found to exist in the gross sum bid for one or more of the individual sections included in a combination, the combination bid shall be corrected as provided in the specifications.

When a combination bid is submitted, the schedule below must be completed in each proposal comprising the combination.

If alternate bids are submitted for one or more of the sections comprising the combination, a combination bid must be submitted for each alternate.

Schedule of Combination Bids

Combination No.	Sections Included in Combination	Combination Bid	
		Dollars	Cents

7. **SCHEDULE OF PRICES.** The undersigned bidder submits herewith, in accordance with the rules and instructions, a schedule of prices for the items of work for which bids are sought. The unit prices bid are in U.S. dollars and cents, and all extensions and summations have been made. The bidder understands that the quantities appearing in the bid schedule are approximate and are provided for the purpose of obtaining a gross sum for the comparison of bids. If there is an error in the extension of the unit prices, the unit prices shall govern. Payment to the contractor awarded the contract will be made only for actual quantities of work performed and accepted or materials furnished according to the contract. The scheduled quantities of work to be done and materials to be furnished may be increased, decreased or omitted as provided elsewhere in the contract.
8. **CERTIFICATE OF AUTHORITY.** The undersigned bidder, if a business organized under the laws of another State, assures the Department that it will furnish a copy of its certificate of authority to do business in the State of Illinois with the return of the executed contract and bond. Failure to furnish the certificate within the time provided for execution of an awarded contract may be cause for cancellation of the award and forfeiture of the proposal guaranty to the State.

STATE JOB # - C-91-067-03
 PPS NBR - 1-10477-0000

ILLINOIS DEPARTMENT OF TRANSPORTATION
 SCHEDULE OF PRICES
 CONTRACT NUMBER - 83864
 ECMS002 DTGECM03 ECMR003 PAGE 1
 RUN DATE - 07/23/07
 RUN TIME - 202331

COUNTY NAME	CODE	DIST	SECTION NUMBER	PROJECT NUMBER	ROUTE
COOK	031	01	00-00048-00-BT (MATTESON)	M-8003/272/000	PRESERVA- TION BIKE PATH

ITEM NUMBER	PAY ITEM DESCRIPTION	UNIT OF MEASURE	QUANTITY	UNIT PRICE DOLLARS	CENTS	TOTAL PRICE DOLLARS	CTS
A2000216	T-ACERX FREW MM	EACH	1.000		=		
A2000818	T-ACER PLAT CK	EACH	4.000		=		
A2001716	T-ACER SACR	EACH	5.000		=		
A2004616	T-GLEDIT TRI IN	EACH	4.000		=		
A2005116	T-JUGLANS NIGRA	EACH	3.000		=		
A2006416	T-QUERCUS ALBA	EACH	5.000		=		
A2006716	T-QUERCUS MACR	EACH	5.000		=		
A2008016	T-TILLIA CORDATA	EACH	4.000		=		
XX001532	PROJECT SIGN	EACH	2.000		=		
XX004656	EMBANKMENT	CU YD	1,164.000		=		
X0322508	PED TRUSS SUPERSTR	SQ FT	936.000		=		
X0322792	BEDDING MATERIAL SPL	CU YD	15.000		=		
X0323973	SED CONT SILT FENCE	FOOT	6,090.000		=		
X0323974	SED CONT SILT FN MAIN	FOOT	6,090.000		=		
X0350800	BOLLARDS	EACH	8.000		=		

PRESERVA-
00-00048-00-BT (MATTESON)
C00K

ILLINOIS DEPARTMENT OF TRANSPORTATION
SCHEDULE OF PRICES
CONTRACT NUMBER - 83864

ECMS002 DTGECM03 ECMR003 PAGE 2
RUN DATE - 07/23/07
RUN TIME - 202331

ITEM NUMBER	PAY ITEM DESCRIPTION	UNIT OF MEASURE	QUANTITY	UNIT PRICE		TOTAL PRICE	
				DOLLARS	CENTS	DOLLARS	CTS
Z0013798	CONSTRUCTION LAYOUT	L SUM	1.000		=		
Z0018900	DRILL-GROUT DOW BARS	EACH	2.000		=		
Z0019600	DUST CONTROL WATERING	UNIT	200.000		=		
20100110	TREE REMOV 6-15	UNIT	80.000		=		
20100210	TREE REMOV OVER 15	UNIT	394.000		=		
20200100	EARTH EXCAVATION	CU YD	790.000		=		
20201200	REM & DISP UNS MATL	CU YD	570.000		=		
20700220	POROUS GRAN EMBANK	CU YD	150.000		=		
21001000	GEOTECH FAB F/GR STAB	SQ YD	1,115.000		=		
21101615	TOPSOIL F & P 4	SQ YD	250.000		=		
25000200	SEEDING CL 2	ACRE	2.500		=		
25000400	NITROGEN FERT NUTR	POUND	250.000		=		
25000500	PHOSPHORUS FERT NUTR	POUND	250.000		=		
25000600	POTASSIUM FERT NUTR	POUND	250.000		=		
25100630	EROSION CONTR BLANKET	SQ YD	250.000		=		

PRESERVA-
00-00048-00-BT (MATTESON)
COOK

ILLINOIS DEPARTMENT OF TRANSPORTATION
SCHEDULE OF PRICES
CONTRACT NUMBER - 83864

ECMS002 DTGECM03 ECMR003 PAGE 3
RUN DATE - 07/23/07
RUN TIME - 202331

ITEM NUMBER	PAY ITEM DESCRIPTION	UNIT OF MEASURE	QUANTITY	UNIT PRICE		TOTAL PRICE	CTS
				DOLLARS	CENTS		
28100107	STONE RIPRAP CL A4	SQ YD	140.000	=			
28200200	FILTER FABRIC	SQ YD	120.000	=			
35101400	AGG BASE CSE B	TON	1,100.000	=			
40603310	HMA SC "C" N50	TON	418.000	=			
42400200	PC CONC SIDEWALK 5	SQ FT	150.000	=			
42400800	DETECTABLE WARNINGS	SQ FT	240.000	=			
44000500	COMB CURB GUTTER REM	FOOT	20.000	=			
50200100	STRUCTURE EXCAVATION	CU YD	665.000	=			
50901760	PIPE HANDRAIL	FOOT	70.000	=			
60100085	GEO FAB-FRENCH DRAIN	SQ YD	225.000	=			
60604100	COMB CC&G TB6.12 MOD	FOOT	20.000	=			
67100100	MOBILIZATION	L SUM	1.000	=			
70102640	TR CONT & PROT 701801	L SUM	1.000	=			
72000100	SIGN PANEL T1	SQ FT	108.000	=			
72900100	METAL POST TY A	FOOT	176.000	=			

PRESERVA-
00-00048-00-BT (MATTESON)
COOK

ILLINOIS DEPARTMENT OF TRANSPORTATION
SCHEDULE OF PRICES
CONTRACT NUMBER - 83864
ECMS002 DTGECM03 ECMR003 PAGE 4
RUN DATE - 07/23/07
RUN TIME - 202331

ITEM NUMBER	PAY ITEM DESCRIPTION	UNIT OF MEASURE	QUANTITY	UNIT PRICE		TOTAL PRICE	
				DOLLARS	CENTS	DOLLARS	CTS
73400100	CONC FOUNDATION	CU YD	224.000	=			
78000100	THPL PVT MK LTR & SYM	SQ FT	270.000	=			
78000200	THPL PVT MK LINE 4	FOOT	6,420.000	=			
78000600	THPL PVT MK LINE 12	FOOT	10.000	=			
78000650	THPL PVT MK LINE 24	FOOT	50.000	=			
TOTAL				\$			

NOTE:

1. EACH PAY ITEM SHOULD HAVE A UNIT PRICE AND A TOTAL PRICE.
2. THE UNIT PRICE SHALL GOVERN IF NO TOTAL PRICE IS SHOWN OR IF THERE IS A DISCREPANCY BETWEEN THE PRODUCT OF THE UNIT PRICE MULTIPLIED BY THE QUANTITY.
3. IF A UNIT PRICE IS OMITTED, THE TOTAL PRICE WILL BE DIVIDED BY THE QUANTITY IN ORDER TO ESTABLISH A UNIT PRICE.
4. A BID MAY BE DECLARED UNACCEPTABLE IF NEITHER A UNIT PRICE NOR A TOTAL PRICE IS SHOWN.

RETURN WITH BID

STATE REQUIRED ETHICAL STANDARDS GOVERNING CONTRACT PROCUREMENT: ASSURANCES, CERTIFICATIONS AND DISCLOSURES

I. GENERAL

A. Article 50 of the Illinois Procurement Code establishes the duty of all State chief procurement officers, State purchasing officers, and their designees to maximize the value of the expenditure of public moneys in procuring goods, services, and contracts for the State of Illinois and to act in a manner that maintains the integrity and public trust of State government. In discharging this duty, they are charged by law to use all available information, reasonable efforts, and reasonable actions to protect, safeguard, and maintain the procurement process of the State of Illinois.

B. In order to comply with the provisions of Article 50 and to carry out the duty established therein, all bidders are to adhere to ethical standards established for the procurement process, and to make such assurances, disclosures and certifications required by law. By execution of the Proposal Signature Sheet, the bidder indicates that each of the mandated assurances has been read and understood, that each certification is made and understood, and that each disclosure requirement has been understood and completed.

C. In addition to all other remedies provided by law, failure to comply with any assurance, failure to make any disclosure or the making of a false certification shall be grounds for termination of the contract and the suspension or debarment of the bidder.

II. ASSURANCES

A. The assurances hereinafter made by the bidder are each a material representation of fact upon which reliance is placed should the Department enter into the contract with the bidder. The Department may terminate the contract if it is later determined that the bidder rendered a false or erroneous assurance, and the surety providing the performance bond shall be responsible for the completion of the contract.

B. Felons

1. The Illinois Procurement Code provides:

Section 50-10. Felons. Unless otherwise provided, no person or business convicted of a felony shall do business with the State of Illinois or any state agency from the date of conviction until 5 years after the date of completion of the sentence for that felony, unless no person held responsible by a prosecutorial office for the facts upon which the conviction was based continues to have any involvement with the business.

2. The bidder assures the Department that the award and execution of the contract would not cause a violation of Section 50-10.

C. Conflicts of Interest

1. The Illinois Procurement Code provides in pertinent part:

Section 50-13. Conflicts of Interest.

(a) Prohibition. It is unlawful for any person holding an elective office in this State, holding a seat in the General Assembly, or appointed to or employed in any of the offices or agencies of state government and who receives compensation for such employment in excess of 60% of the salary of the Governor of the State of Illinois, or who is an officer or employee of the Capital Development Board or the Illinois Toll Highway Authority, or who is the spouse or minor child of any such person to have or acquire any contract, or any direct pecuniary interest in any contract therein, whether for stationery, printing, paper, or any services, materials, or supplies, that will be wholly or partially satisfied by the payment of funds appropriated by the General Assembly of the State of Illinois or in any contract of the Capital Development Board or the Illinois Toll Highway authority.

(b) Interests. It is unlawful for any firm, partnership, association or corporation, in which any person listed in subsection (a) is entitled to receive (i) more than 7 1/2% of the total distributable income or (ii) an amount in excess of the salary of the Governor, to have or acquire any such contract or direct pecuniary interest therein.

(c) Combined interests. It is unlawful for any firm, partnership, association, or corporation, in which any person listed in subsection (a) together with his or her spouse or minor children is entitled to receive (i) more than 15%, in the aggregate, of the total distributable income or (ii) an amount in excess of 2 times the salary of the Governor, to have or acquire any such contract or direct pecuniary interest therein.

(d) Securities. Nothing in this Section invalidates the provisions of any bond or other security previously offered or to be offered for sale or sold by or for the State of Illinois.

(e) Prior interests. This Section does not affect the validity of any contract made between the State and an officer or employee of the State or member of the General Assembly, his or her spouse, minor child or any combination of those persons if that contract was in existence before his or her election or employment as an officer, member, or employee. The contract is voidable, however, if it cannot be completed within 365 days after the officer, member, or employee takes office or is employed.

The current salary of the Governor is \$150,700.00. Sixty percent of the salary is \$90,420.00.

RETURN WITH BID

2. The bidder assures the Department that the award and execution of the contract would not cause a violation of Section 50-13, or that an effective exemption has been issued by the Board of Ethics to any individual subject to the Section 50-13 prohibitions pursuant to the provisions of Section 50-20 of the Code and Executive Order Number 3 (1998). Information concerning the exemption process is available from the Department upon request.

D. Negotiations

1. The Illinois Procurement Code provides in pertinent part:

Section 50-15. Negotiations.

(a) It is unlawful for any person employed in or on a continual contractual relationship with any of the offices or agencies of State government to participate in contract negotiations on behalf of that office or agency with any firm, partnership, association, or corporation with whom that person has a contract for future employment or is negotiating concerning possible future employment.

2. The bidder assures the Department that the award and execution of the contract would not cause a violation of Section 50-15, and that the bidder has no knowledge of any facts relevant to the kinds of acts prohibited therein.

E. Inducements

1. The Illinois Procurement Code provides:

Section 50-25. Inducement. Any person who offers or pays any money or other valuable thing to any person to induce him or her not to bid for a State contract or as recompense for not having bid on a State contract is guilty of a Class 4 felony. Any person who accepts any money or other valuable thing for not bidding for a State contract or who withholds a bid in consideration of the promise for the payment of money or other valuable thing is guilty of a Class 4 felony.

2. The bidder assures the Department that the award and execution of the contract would not cause a violation of Section 50-25, and that the bidder has no knowledge of any facts relevant to the kinds of acts prohibited therein.

F. Revolving Door Prohibition

1. The Illinois Procurement Code provides:

Section 50-30. Revolving door prohibition. Chief procurement officers, associate procurement officers, State purchasing officers, their designees whose principal duties are directly related to State procurement, and executive officers confirmed by the Senate are expressly prohibited for a period of 2 years after terminating an affected position from engaging in any procurement activity relating to the State agency most recently employing them in an affected position for a period of at least 6 months. The prohibition includes, but is not limited to: lobbying the procurement process; specifying; bidding; proposing bid, proposal, or contract documents; on their own behalf or on behalf of any firm, partnership, association, or corporation. This Section applies only to persons who terminate an affected position on or after January 15, 1999.

2. The bidder assures the Department that the award and execution of the contract would not cause a violation of Section 50-30, and that the bidder has no knowledge of any facts relevant to the kinds of acts prohibited therein.

G. Reporting Anticompetitive Practices

1. The Illinois Procurement Code provides:

Section 50-40. Reporting anticompetitive practices. When, for any reason, any vendor, bidder, contractor, chief procurement officer, State purchasing officer, designee, elected official, or State employee suspects collusion or other anticompetitive practice among any bidders, offerors, contractors, proposers, or employees of the State, a notice of the relevant facts shall be transmitted to the Attorney General and the chief procurement officer.

2. The bidder assures the Department that it has not failed to report any relevant facts concerning the practices addressed in Section 50-40 which may involve the contract for which the bid is submitted.

H. Confidentiality

1. The Illinois Procurement Code provides:

Section 50-45. Confidentiality. Any chief procurement officer, State purchasing officer, designee, or executive officer who willfully uses or allows the use of specifications, competitive bid documents, proprietary competitive information, proposals, contracts, or selection information to compromise the fairness or integrity of the procurement, bidding, or contract process shall be subject to immediate dismissal, regardless of the Personnel code, any contract, or any collective bargaining agreement, and may in addition be subject to criminal prosecution.

2. The bidder assures the Department that it has no knowledge of any fact relevant to the practices addressed in Section 50-45 which may involve the contract for which the bid is submitted.

RETURN WITH BID

I. Insider Information

1. The Illinois Procurement Act provides:

Section 50-50. Insider information. It is unlawful for any current or former elected or appointed State official or State employee to knowingly use confidential information available only by virtue of that office or employment for actual or anticipated gain for themselves or another person.

2. The bidder assures the Department that it has no knowledge of any facts relevant to the practices addressed in Section 50-50 which may involve the contract for which the bid is submitted.

III. CERTIFICATIONS

A. The certifications hereinafter made by the bidder are each a material representation of fact upon which reliance is placed should the Department enter into the contract with the bidder. The Department may terminate the contract if it is later determined that the bidder rendered a false or erroneous certification, and the surety providing the performance bond shall be responsible for completion of the contract.

B. Bribery

1. The Illinois Procurement Code provides:

Section 50-5. Bribery.

(a) Prohibition. No person or business shall be awarded a contract or subcontract under this Code who:

(1) has been convicted under the laws of Illinois or any other state of bribery or attempting to bribe an officer or employee of the State of Illinois or any other state in that officer's or employee's official capacity; or

(2) has made an admission of guilt of that conduct that is a matter of record but has not been prosecuted for that conduct.

(b) Businesses. No business shall be barred from contracting with any unit of State or local government as a result of a conviction under this Section of any employee or agent of the business if the employee or agent is no longer employed by the business and:

(1) the business has been finally adjudicated not guilty; or

(2) the business demonstrates to the governmental entity with which it seeks to contract, and that entity finds that the commission of the offense was not authorized, requested, commanded, or performed by a director, officer, or high managerial agent on behalf of the business as provided in paragraph (2) of subsection (a) of Section 5-4 of the Criminal Code of 1961.

(c) Conduct on behalf of business. For purposes of this Section, when an official, agent, or employee of a business committed the bribery or attempted bribery on behalf of the business and in accordance with the direction or authorization of a responsible official of the business, the business shall be chargeable with the conduct.

(d) Certification. Every bid submitted to and contract executed by the State shall contain a certification by the contractor that the contractor is not barred from being awarded a contract or subcontract under this Section. A contractor who makes a false statement, material to the certification, commits a Class 3 felony.

2. The bidder certifies that it is not barred from being awarded a contract under Section 50.5.

C. Educational Loan

1. Section 3 of the Educational Loan Default Act provides:

§ 3. No State agency shall contract with an individual for goods or services if that individual is in default, as defined in Section 2 of this Act, on an educational loan. Any contract used by any State agency shall include a statement certifying that the individual is not in default on an educational loan as provided in this Section.

2. The bidder, if an individual as opposed to a corporation, partnership or other form of business organization, certifies that the bidder is not in default on an educational loan as provided in Section 3 of the Act.

D. Bid-Rigging/Bid Rotating

1. Section 33E-11 of the Criminal Code of 1961 provides:

§ 33E-11. (a) Every bid submitted to and public contract executed pursuant to such bid by the State or a unit of local government shall contain a certification by the prime contractor that the prime contractor is not barred from contracting with any unit of State or local government as a result of a violation of either Section 33E-3 or 33E-4 of this Article. The State and units of local government shall provide the appropriate forms for such certification.

RETURN WITH BID

(b) A contractor who makes a false statement, material to the certification, commits a Class 3 felony.

A violation of Section 33E-3 would be represented by a conviction of the crime of bid-rigging which, in addition to Class 3 felony sentencing, provides that any person convicted of this offense or any similar offense of any state or the United States which contains the same elements as this offense shall be barred for 5 years from the date of conviction from contracting with any unit of State or local government. No corporation shall be barred from contracting with any unit of State or local government as a result of a conviction under this Section of any employee or agent of such corporation if the employee so convicted is no longer employed by the corporation and: (1) it has been finally adjudicated not guilty or (2) if it demonstrates to the governmental entity with which it seeks to contract and that entity finds that the commission of the offense was neither authorized, requested, commanded, nor performed by a director, officer or a high managerial agent in behalf of the corporation.

A violation of Section 33E-4 would be represented by a conviction of the crime of bid-rotating which, in addition to Class 2 felony sentencing, provides that any person convicted of this offense or any similar offense of any state or the United States which contains the same elements as this offense shall be permanently barred from contracting with any unit of State or local government. No corporation shall be barred from contracting with any unit of State or local government as a result of a conviction under this Section of any employee or agent of such corporation if the employee so convicted is no longer employed by the corporation and: (1) it has been finally adjudicated not guilty or (2) if it demonstrates to the governmental entity with which it seeks to contract and that entity finds that the commission of the offense was neither authorized, requested, commanded, nor performed by a director, officer or a high managerial agent in behalf of the corporation.

2. The bidder certifies that it is not barred from contracting with the Department by reason of a violation of either Section 33E-3 or Section 33E-4.

E. International Anti-Boycott

1. Section 5 of the International Anti-Boycott Certification Act provides:

§ 5. State contracts. Every contract entered into by the State of Illinois for the manufacture, furnishing, or purchasing of supplies, material, or equipment or for the furnishing of work, labor, or services, in an amount exceeding the threshold for small purchases according to the purchasing laws of this State or \$10,000.00, whichever is less, shall contain certification, as a material condition of the contract, by which the contractor agrees that neither the contractor nor any substantially-owned affiliated company is participating or shall participate in an international boycott in violation of the provisions of the U.S. Export Administration Act of 1979 or the regulations of the U.S. Department of Commerce promulgated under that Act.

2. The bidder makes the certification set forth in Section 5 of the Act.

F. Drug Free Workplace

1. The Illinois "Drug Free Workplace Act" applies to this contract and it is necessary to comply with the provisions of the "Act" if the contractor is a corporation, partnership, or other entity (including a sole proprietorship) which has 25 or more employees.

2. The bidder certifies that if awarded a contract in excess of \$5,000 it will provide a drug free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance, including cannabis, is prohibited in the contractor's workplace; specifying the actions that will be taken against employees for violations of such prohibition; and notifying the employee that, as a condition of employment on such contract, the employee shall abide by the terms of the statement, and notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.

(b) Establishing a drug free awareness program to inform employees about the dangers of drug abuse in the workplace; the contractor's policy of maintaining a drug free workplace; any available drug counseling, rehabilitation, and employee assistance programs; and the penalties that may be imposed upon employees for drug violations.

(c) Providing a copy of the statement required by subparagraph (1) to each employee engaged in the performance of the contract and to post the statement in a prominent place in the workplace.

(d) Notifying the Department within ten (10) days after receiving notice from an employee or otherwise receiving actual notice of the conviction of an employee for a violation of any criminal drug statute occurring in the workplace.

(e) Imposing or requiring, within 30 days after receiving notice from an employee of a conviction or actual notice of such a conviction, an appropriate personnel action, up to and including termination, or the satisfactory participation in a drug abuse assistance or rehabilitation program approved by a federal, state or local health, law enforcement or other appropriate agency.

(f) Assisting employees in selecting a course of action in the event drug counseling, treatment, and rehabilitation is required and indicating that a trained referral team is in place.

(g) Making a good faith effort to continue to maintain a drug free workplace through implementation of the actions and efforts stated in this certification.

G. Debt Delinquency

1. The Illinois Procurement Code provides:

Section 50-11 and 50-12. Debt Delinquency.

The contractor or bidder certifies that it, or any affiliate, is not barred from being awarded a contract under 30 ILCS 500. Section 50-11 prohibits a person from entering into a contract with a State agency if it knows or should know that it, or any affiliate, is delinquent in the payment of any debt to the State as defined by the Debt Collection Board. Section 50-12 prohibits a person from entering into a contract with a State agency if it, or any affiliate, has failed to collect and remit Illinois Use Tax on all sales of tangible personal property into the State of Illinois in accordance with the provisions of the Illinois Use Tax Act. The contractor further acknowledges that the contracting State agency may declare the contract void if this certification is false or if the contractor, or any affiliate, is determined to be delinquent in the payment of any debt to the State during the term of the contract.

H. Sarbanes-Oxley Act of 2002

1. The Illinois Procurement Code provides:

Section 50-60(c).

The contractor certifies in accordance with 30 ILCS 500/50-10.5 that no officer, director, partner or other managerial agent of the contracting business has been convicted of a felony under the Sarbanes-Oxley Act of 2002 or a Class 3 or Class 2 felony under the Illinois Securities Law of 1953 for a period of five years prior to the date of the bid or contract. The contractor acknowledges that the contracting agency shall declare the contract void if this certification is false.

I. Addenda

The contractor or bidder certifies that all relevant addenda have been incorporated in to this contract. Failure to do so may cause the bid to be declared unacceptable.

J. Section 42 of the Environmental Protection Act

The contractor certifies in accordance with 30 ILCS 500/50-12 that the bidder or contractor is not barred from being awarded a contract under this Section which prohibits the bidding on or entering into contracts with the State of Illinois or a State agency by a person or business found by a court or the Pollution Control Board to have committed a willful or knowing violation of Section 42 of the Environmental Protection Act for a period of five years from the date of the order. The contractor acknowledges that the contracting agency may declare the contract void if this certification is false.

K. Apprenticeship and Training Certification (Does not apply to federal aid projects)

In accordance with the provisions of Section 30-22 (6) of the Illinois Procurement Code, the bidder certifies that it is a participant, either as an individual or as part of a group program, in the approved apprenticeship and training programs applicable to each type of work or craft that the bidder will perform with its own forces. The bidder further certifies for work that will be performed by subcontract that each of its subcontractors submitted for approval either (a) is, at the time of such bid, participating in an approved, applicable apprenticeship and training program; or (b) will, prior to commencement of performance of work pursuant to this contract, begin participation in an approved apprenticeship and training program applicable to the work of the subcontract. The Department, at any time before or after award, may require the production of a copy of each applicable Certificate of Registration issued by the United States Department of Labor evidencing such participation by the contractor and any or all of its subcontractors. Applicable apprenticeship and training programs are those that have been approved and registered with the United States Department of Labor. The bidder shall list in the space below, the official name of the program sponsor holding the Certificate of Registration for all of the types of work or crafts in which the bidder is a participant and that will be performed with the bidder's forces. Types of work or craft work that will be subcontracted shall be included and listed as subcontract work. The list shall also indicate any type of work or craft job category that does not have an applicable apprenticeship or training program. **The bidder is responsible for making a complete report and shall make certain that each type of work or craft job category that will be utilized on the project as reported on the Construction Employee Workforce Projection (Form BC-1256) and returned with the bid is accounted for and listed.**

NA - FEDERAL

The requirements of this certification and disclosure are a material part of the contract, and the contractor shall require this certification provision to be included in all approved subcontracts. In order to fulfill this requirement, it shall not be necessary that an applicable program sponsor be currently taking or that it will take applications for apprenticeship, training or employment during the performance of the work of this contract.

L. Executive Order Number 1 (2007) Regarding Lobbying on Government Procurements

The bidder hereby warrants and certifies that they have complied and will comply with the requirements set forth in this Order. The requirements of this warrant and certification are a material part of the contract, and the contractor shall require this warrant and certification provision to be included in all approved subcontracts.

TO BE RETURNED WITH BID

IV. DISCLOSURES

A. The disclosures hereinafter made by the bidder are each a material representation of fact upon which reliance is placed should the Department enter into the contract with the bidder. The Department may terminate the contract if it is later determined that the bidder rendered a false or erroneous disclosure, and the surety providing the performance bond shall be responsible for completion of the contract.

B. Financial Interests and Conflicts of Interest

1. Section 50-35 of the Illinois Procurement Code provides that all bids of more than \$10,000 shall be accompanied by disclosure of the financial interests of the bidder. This disclosed information for the successful bidder, will be maintained as public information subject to release by request pursuant to the Freedom of Information Act.

The financial interests to be disclosed shall include ownership or distributive income share that is in excess of 5%, or an amount greater than 60% of the annual salary of the Governor, of the bidding entity or its parent entity, whichever is less, unless the contractor or bidder is a publicly traded entity subject to Federal 10K reporting, in which case it may submit its 10K disclosure in place of the prescribed disclosure. If a bidder is a privately held entity that is exempt from Federal 10K reporting, but has more than 400 shareholders, it may submit the information that Federal 10K companies are required to report, and list the names of any person or entity holding any ownership share that is in excess of 5%. The disclosure shall include the names, addresses, and dollar or proportionate share of ownership of each person making the disclosure, their instrument of ownership or beneficial relationship, and notice of any potential conflict of interest resulting from the current ownership or beneficial interest of each person making the disclosure having any of the relationships identified in Section 50-35 and on the disclosure form.

In addition, all disclosures shall indicate any other current or pending contracts, proposals, leases, or other ongoing procurement relationships the bidding entity has with any other unit of state government and shall clearly identify the unit and the contract, proposal, lease, or other relationship.

2. Disclosure Forms. Disclosure Form A is attached for use concerning the individuals meeting the above ownership or distributive share requirements. Subject individuals should be covered each by one form. In addition, a second form (Disclosure Form B) provides for the disclosure of current or pending procurement relationships with other (non-IDOT) state agencies. **The forms must be included with each bid or incorporated by reference.**

C. Disclosure Form Instructions

Form A: For bidders that have previously submitted the information requested in Form A

The Department has retained the Form A disclosures submitted by all bidders responding to these requirements for the April 24, 1998 or any subsequent letting conducted by the Department. The bidder has the option of submitting the information again or the bidder may sign the following certification statement indicating that the information previously submitted by the bidder is, as of the date of signature, current and accurate. The Certification must be signed and dated by a person who is authorized to execute contracts for the bidding company. Before signing this certification, the bidder should carefully review its prior submissions to ensure the Certification is correct. If the Bidder signs the Certification, the Bidder should proceed to Form B instructions.

CERTIFICATION STATEMENT

I have determined that the Form A disclosure information previously submitted is current and accurate, and all forms are hereby incorporated by reference in this bid. Any necessary additional forms or amendments to previously submitted forms are attached to this bid.

(Bidding Company)

Name of Authorized Representative (type or print)

Title of Authorized Representative (type or print)

Signature of Authorized Representative

Date

Form A: For bidders who have NOT previously submitted the information requested in Form A

If the bidder is a publicly traded entity subject to Federal 10K reporting, the 10K Report may be submitted to meet the requirements of Form A. If a bidder is a privately held entity that is exempt from Federal 10K reporting, but has more than 400 shareholders, it may submit the information that Federal 10K companies are required to report, and list the names of any person or entity holding any ownership share that is in excess of 5%. If a bidder is not subject to Federal 10K reporting, the bidder must determine if any individuals are required by law to complete a financial disclosure form. To do this, the bidder should answer each of the following questions. A "YES" answer indicates Form A must be completed. If the answer to each of the following questions is "NO", then the NOT APPLICABLE STATEMENT on the second page of Form A must be signed and dated by a person that is authorized to execute contracts for the bidding company. Note: These questions are for assistance only and are not required to be completed.

1. Does anyone in your organization have a direct or beneficial ownership share of greater than 5% of the bidding entity or parent entity? YES ___ NO ___
2. Does anyone in your organization have a direct or beneficial ownership share of less than 5%, but which has a value greater than \$90,420.00? YES ___ NO ___
3. Does anyone in your organization receive more than \$90,420.00 of the bidding entity's or parent entity's distributive income? (Note: Distributive income is, for these purposes, any type of distribution of profits. An annual salary is not distributive income.) YES ___ NO ___
4. Does anyone in your organization receive greater than 5% of the bidding entity's or parent entity's total distributive income, but which is less than \$90,420.00? YES ___ NO ___
(Note: Only one set of forms needs to be completed per person per bid even if a specific individual would require a yes answer to more than one question.)

A "YES" answer to any of these questions requires the completion of Form A. The bidder must determine each individual in the bidding entity or the bidding entity's parent company that would cause the questions to be answered "Yes". Each form must be signed and dated by a person that is authorized to execute contracts for your organization. **Photocopied or stamped signatures are not acceptable.** The person signing can be, but does not have to be, the person for which the form is being completed. The bidder is responsible for the accuracy of any information provided.

If the answer to each of the above questions is "NO", then the NOT APPLICABLE STATEMENT on page 2 of Form A must be signed and dated by a person that is authorized to execute contracts for your company.

Form B: Identifying Other Contracts & Procurement Related Information Disclosure Form B must be completed for each bid submitted by the bidding entity. It must be signed by an individual who is authorized to execute contracts for the bidding entity. *Note: Signing the NOT APPLICABLE STATEMENT on Form A does not allow the bidder to ignore Form B. Form B must be completed, signed and dated or the bidder may be considered nonresponsive and the bid will not be accepted.*

The Bidder shall identify, by checking Yes or No on Form B, whether it has any pending contracts (including leases), bids, proposals, or other ongoing procurement relationship with any other (non-IDOT) State of Illinois agency. If "No" is checked, the bidder only needs to complete the signature box on the bottom of Form B. If "Yes" is checked, the bidder must do one of the following:

Option I: If the bidder did not submit an Affidavit of Availability to obtain authorization to bid, the bidder must list all non-IDOT State of Illinois agency pending contracts, leases, bids, proposals, and other ongoing procurement relationships. These items may be listed on Form B or on an attached sheet(s). Do not include IDOT contracts. Contracts with cities, counties, villages, etc. are not considered State of Illinois agency contracts and are not to be included. Contracts with other State of Illinois agencies such as the Department of Natural Resources or the Capital Development Board must be included. Bidders who submit Affidavits of Availability are suggested to use Option II.

Option II: If the bidder is required and has submitted an Affidavit of Availability in order to obtain authorization to bid, the bidder may write or type "See Affidavit of Availability" which indicates that the Affidavit of Availability is incorporated by reference and includes all non-IDOT State of Illinois agency pending contracts, leases, bids, proposals, and other ongoing procurement relationships. For any contracts that are not covered by the Affidavit of Availability, the bidder must identify them on Form B or on an attached sheet(s). These might be such things as leases.

D. Bidders Submitting More Than One Bid

Bidders submitting multiple bids may submit one set of forms consisting of all required Form A disclosures and one Form B for use with all bids. Please indicate in the space provided below the bid item that contains the original disclosure forms and the bid items which incorporate the forms by reference.

- The bid submitted for letting item _____ contains the Form A disclosures or Certification Statement and the Form B disclosures. The following letting items incorporate the said forms by reference:

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ILLINOIS DEPARTMENT OF TRANSPORTATION

Form A Financial Information & Potential Conflicts of Interest Disclosure

Contractor Name
Legal Address
City, State, Zip
Telephone Number Email Address Fax Number (if available)

Disclosure of the information contained in this Form is required by the Section 50-35 of the Illinois Procurement Code (30 ILCS 500). Vendors desiring to enter into a contract with the State of Illinois must disclose the financial information and potential conflict of interest information as specified in this Disclosure Form. This information shall become part of the publicly available contract file. This Form A must be completed for bids in excess of \$10,000, and for all open-ended contracts. A publicly traded company may submit a 10K disclosure (or equivalent if applicable) in satisfaction of the requirements set forth in Form A. See Disclosure Form Instructions.

DISCLOSURE OF FINANCIAL INFORMATION

1. Disclosure of Financial Information. The individual named below has an interest in the BIDDER (or its parent) in terms of ownership or distributive income share in excess of 5%, or an interest which has a value of more than \$90,420.00 (60% of the Governor's salary as of 7/1/01). (Make copies of this form as necessary and attach a separate Disclosure Form A for each individual meeting these requirements)

FOR INDIVIDUAL (type or print information)

NAME:

ADDRESS

Type of ownership/distributable income share:

stock sole proprietorship Partnership other: (explain on separate sheet):
% or \$ value of ownership/distributable income share:

2. Disclosure of Potential Conflicts of Interest. Check "Yes" or "No" to indicate which, if any, of the following potential conflict of interest relationships apply. If the answer to any question is "Yes", please attach additional pages and describe.

(a) State employment, currently or in the previous 3 years, including contractual employment of services.

Yes ___ No ___

If your answer is yes, please answer each of the following questions.

- 1. Are you currently an officer or employee of either the Capitol Development Board or the Illinois Toll Highway Authority? Yes ___ No ___
2. Are you currently appointed to or employed by any agency of the State of Illinois? If you are currently appointed to or employed by any agency of the State of Illinois, and your annual salary exceeds \$90,420.00, (60% of the Governor's salary as of 7/1/01) provide the name the State agency for which you are employed and your annual salary.

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3. If you are currently appointed to or employed by any agency of the State of Illinois, and your annual salary exceeds \$90,420.00, (60% of the Governor's salary as of 7/1/01) are you entitled to receive (i) more than 7 1/2% of the total distributable income of your firm, partnership, association or corporation, or (ii) an amount in excess of the salary of the Governor? Yes ___ No ___
4. If you are currently appointed to or employed by any agency of the State of Illinois, and your annual salary exceeds \$90,420.00, (60% of the Governor's salary as of 7/1/01) are you and your spouse or minor children entitled to receive (i) more than 15% in aggregate of the total distributable income of your firm, partnership, association or corporation, or (ii) an amount in excess of 2 times the salary of the Governor? Yes ___ No ___

(b) State employment of spouse, father, mother, son, or daughter, including contractual employment for services in the previous 2 years.

Yes ___ No ___

If your answer is yes, please answer each of the following questions.

1. Is your spouse or any minor children currently an officer or employee of the Capitol Development Board or the Illinois Toll Highway Authority? Yes ___ No ___
2. Is your spouse or any minor children currently appointed to or employed by any agency of the State of Illinois? If your spouse or minor children is/are currently appointed to or employed by any agency of the State of Illinois, and his/her annual salary exceeds \$90,420.00, (60% of the Governor's salary as of 7/1/01) provide the name of the spouse and/or minor children, the name of the State agency for which he/she is employed and his/her annual salary. _____
-
3. If your spouse or any minor children is/are currently appointed to or employed by any agency of the State of Illinois, and his/her annual salary exceeds \$90,420.00, (60% of the salary of the Governor as of 7/1/01) are you entitled to receive (i) more than 7 1/2% of the total distributable income of your firm, partnership, association or corporation, or (ii) an amount in excess of the salary of the Governor? Yes ___ No ___
4. If your spouse or any minor children are currently appointed to or employed by any agency of the State of Illinois, and his/her annual salary exceeds \$90,420.00, (60% of the Governor's salary as of 7/1/01) are you and your spouse or any minor children entitled to receive (i) more than 15% in the aggregate of the total distributable income from your firm, partnership, association or corporation, or (ii) an amount in excess of 2 times the salary of the Governor? Yes ___ No ___

(c) Elective status; the holding of elective office of the State of Illinois, the government of the United States, any unit of local government authorized by the Constitution of the State of Illinois or the statutes of the State of Illinois currently or in the previous 3 years. Yes ___ No ___

(d) Relationship to anyone holding elective office currently or in the previous 2 years; spouse, father, mother, son, or daughter. Yes ___ No ___

(e) Appointive office; the holding of any appointive government office of the State of Illinois, the United State of America, or any unit of local government authorized by the Constitution of the State of Illinois or the statutes of the State of Illinois, which office entitles the holder to compensation in excess of the expenses incurred in the discharge of that office currently or in the previous 3 years. Yes ___ No ___

(f) Relationship to anyone holding appointive office currently or in the previous 2 years; spouse, father, mother, son, or daughter. Yes ___ No ___

(g) Employment, currently or in the previous 3 years, as or by any registered lobbyist of the State government. Yes ___ No ___

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(h) Relationship to anyone who is or was a registered lobbyist in the previous 2 years; spouse, father, mother, son, or daughter. Yes ___ No ___

(i) Compensated employment, currently or in the previous 3 years, by any registered election or reelection committee registered with the Secretary of State or any county clerk of the State of Illinois, or any political action committee registered with either the Secretary of State or the Federal Board of Elections. Yes ___ No ___

(j) Relationship to anyone; spouse, father, mother, son, or daughter; who was a compensated employee in the last 2 years by any registered election or re-election committee registered with the Secretary of State or any county clerk of the State of Illinois, or any political action committee registered with either the Secretary of State or the Federal Board of Elections. Yes ___ No ___

APPLICABLE STATEMENT

This Disclosure Form A is submitted on behalf of the INDIVIDUAL named on previous page.

Completed by: _____
Name of Authorized Representative (type or print)

Completed by: _____
Title of Authorized Representative (type or print)

Completed by: _____ Date _____
Signature of Individual or Authorized Representative

NOT APPLICABLE STATEMENT

I have determined that no individuals associated with this organization meet the criteria that would require the completion of this Form A.

This Disclosure Form A is submitted on behalf of the CONTRACTOR listed on the previous page.

Name of Authorized Representative (type or print)

Title of Authorized Representative (type or print)

Signature of Authorized Representative Date _____

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ILLINOIS DEPARTMENT OF TRANSPORTATION

Form B Other Contracts & Procurement Related Information Disclosure

Contractor Name, Legal Address, City, State, Zip, Telephone Number, Email Address, Fax Number (if available)

Disclosure of the information contained in this Form is required by the Section 50-35 of the Illinois Procurement Act (30 ILCS 500). This information shall become part of the publicly available contract file. This Form B must be completed for bids in excess of \$10,000, and for all open-ended contracts.

DISCLOSURE OF OTHER CONTRACTS AND PROCUREMENT RELATED INFORMATION

1. Identifying Other Contracts & Procurement Related Information. The BIDDER shall identify whether it has any pending contracts (including leases), bids, proposals, or other ongoing procurement relationship with any other State of Illinois agency: Yes ___ No ___

If "No" is checked, the bidder only needs to complete the signature box on the bottom of this page.

2. If "Yes" is checked. Identify each such relationship by showing State of Illinois agency name and other descriptive information such as bid or project number (attach additional pages as necessary). SEE DISCLOSURE FORM INSTRUCTIONS:

THE FOLLOWING STATEMENT MUST BE SIGNED

Name of Authorized Representative (type or print), Title of Authorized Representative (type or print), Signature of Authorized Representative, Date

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SPECIAL NOTICE TO CONTRACTORS

The following requirements of the Illinois Department of Human Rights' Rules and Regulations are applicable to bidders on all construction contracts advertised by the Illinois Department of Transportation:

CONSTRUCTION EMPLOYEE UTILIZATION PROJECTION

- (a) All bidders on construction contracts shall complete and submit, along with and as part of their bids, a Bidder's Employee Utilization Form (Form BC-1256) setting forth a projection and breakdown of the total workforce intended to be hired and/or allocated to such contract work by the bidder including a projection of minority and female employee utilization in all job classifications on the contract project.
- (b) The Department of Transportation shall review the Employee Utilization Form, and workforce projections contained therein, of the contract awardee to determine if such projections reflect an underutilization of minority persons and/or women in any job classification in accordance with the Equal Employment Opportunity Clause and Section 7.2 of the Illinois Department of Human Rights' Rules and Regulations for Public Contracts adopted as amended on September 17, 1980. If it is determined that the contract awardee's projections reflect an underutilization of minority persons and/or women in any job classification, it shall be advised in writing of the manner in which it is underutilizing and such awardee shall be considered to be in breach of the contract unless, prior to commencement of work on the contract project, it submits revised satisfactory projections or an acceptable written affirmative action plan to correct such underutilization including a specific timetable geared to the completion stages of the contract.
- (c) The Department of Transportation shall provide to the Department of Human Rights a copy of the contract awardee's Employee Utilization Form, a copy of any required written affirmative action plan, and any written correspondence related thereto. The Department of Human Rights may review and revise any action taken by the Department of Transportation with respect to these requirements.

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**Contract No. 83864
COOK County
Section 00-00048-00-BT (Matteson)
Project M-8003(272)
Route PRESERVATION BIKE PATH
District 1 Construction Funds**

PART II. WORKFORCE PROJECTION - continued

- B. Included in "Total Employees" under Table A is the total number of **new hires** that would be employed in the event the undersigned bidder is awarded this contract.

The undersigned bidder projects that: (number) _____ new hires would be recruited from the area in which the contract project is located; and/or (number) _____ new hires would be recruited from the area in which the bidder's principal office or base of operation is located.

- C. Included in "Total Employees" under Table A is a projection of numbers of persons to be employed directly by the undersigned bidder as well as a projection of numbers of persons to be employed by subcontractors.

The undersigned bidder estimates that (number) _____ persons will be directly employed by the prime contractor and that (number) _____ persons will be employed by subcontractors.

PART III. AFFIRMATIVE ACTION PLAN

- A. The undersigned bidder understands and agrees that in the event the foregoing minority and female employee utilization projection included under **PART II** is determined to be an underutilization of minority persons or women in any job category, and in the event that the undersigned bidder is awarded this contract, he/she will, prior to commencement of work, develop and submit a written Affirmative Action Plan including a specific timetable (geared to the completion stages of the contract) whereby deficiencies in minority and/or female employee utilization are corrected. Such Affirmative Action Plan will be subject to approval by the contracting agency and the **Department of Human Rights**.
- B. The undersigned bidder understands and agrees that the minority and female employee utilization projection submitted herein, and the goals and timetable included under an Affirmative Action Plan if required, are deemed to be part of the contract specifications.

Company _____ Telephone Number _____

Address _____

NOTICE REGARDING SIGNATURE

The Bidder's signature on the Proposal Signature Sheet will constitute the signing of this form. The following signature block needs to be completed only if revisions are required.

Signature: _____ Title: _____ Date: _____

Instructions: All tables must include subcontractor personnel in addition to prime contractor personnel.

Table A - Include both the number of employees that would be hired to perform the contract work and the total number currently employed (Table B) that will be allocated to contract work, and include all apprentices and on-the-job trainees. The "Total Employees" column should include all employees including all minorities, apprentices and on-the-job trainees to be employed on the contract work.

Table B - Include all employees currently employed that will be allocated to the contract work including any apprentices and on-the-job trainees currently employed.

Table C - Indicate the racial breakdown of the total apprentices and on-the-job trainees shown in Table A.

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ADDITIONAL FEDERAL REQUIREMENTS

In addition to the Required Contract Provisions for Federal-Aid Construction Contracts (FHWA 1273), all bidders make the following certifications.

- A. By the execution of this proposal, the signing bidder certifies that the bidding entity has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action, in restraint of free competitive bidding in connection with the submitted bid. This statement made by the undersigned bidder is true and correct under penalty of perjury under the laws of the United States.
- B. CERTIFICATION, EQUAL EMPLOYMENT OPPORTUNITY:
1. Have you participated in any previous contracts or subcontracts subject to the equal opportunity clause. YES _____ NO _____
 2. If answer to #1 is yes, have you filed with the Joint Reporting Committee, the Director of OFCC, any Federal agency, or the former President's Committee on Equal Employment Opportunity, all reports due under the applicable filing requirements of those organizations? YES _____ NO _____

RETURN WITH BID

**Contract No. 83864
COOK County
Section 00-00048-00-BT (Matteson)
Project M-8003(272)
Route PRESERVATION BIKE PATH
District 1 Construction Funds**

PROPOSAL SIGNATURE SHEET

The undersigned bidder hereby makes and submits this bid on the subject Proposal, thereby assuring the Department that all requirements of the Invitation for Bids and rules of the Department have been met, that there is no misunderstanding of the requirements of paragraph 3 of this Proposal, and that the contract will be executed in accordance with the rules of the Department if an award is made on this bid.

(IF AN INDIVIDUAL) Firm Name _____
Signature of Owner _____
Business Address _____

(IF A CO-PARTNERSHIP) Firm Name _____
By _____
Business Address _____
Name and Address of All Members of the Firm: _____

(IF A CORPORATION) Corporate Name _____
By _____
Signature of Authorized Representative _____
Typed or printed name and title of Authorized Representative _____

(IF A JOINT VENTURE, USE THIS SECTION FOR THE MANAGING PARTY AND THE SECOND PARTY SHOULD SIGN BELOW) Attest _____
Signature _____
Business Address _____

(IF A JOINT VENTURE) Corporate Name _____
By _____
Signature of Authorized Representative _____
Typed or printed name and title of Authorized Representative _____

Attest _____
Signature _____
Business Address _____

If more than two parties are in the joint venture, please attach an additional signature sheet.

RETURN WITH BID



Division of Highways
Proposal Bid Bond
(Effective November 1, 1992)

Item No.
Letting Date

KNOW ALL MEN BY THESE PRESENTS, That We

as PRINCIPAL, and

as SURETY, are held jointly, severally and firmly bound unto the STATE OF ILLINOIS in the penal sum of 5 percent of the total bid price, or for the amount specified in Article 102.09 of the "Standard Specifications for Road and Bridge Construction" in effect on the date of invitation for bids, whichever is the lesser sum, well and truly to be paid unto said STATE OF ILLINOIS, for the payment of which we bind ourselves, our heirs, executors, administrators, successors and assigns.

THE CONDITION OF THE FOREGOING OBLIGATION IS SUCH, That Whereas, the PRINCIPAL has submitted a bid proposal to the STATE OF ILLINOIS, acting through the Department of Transportation, for the improvement designated by the Transportation Bulletin Item Number and Letting Date indicated above.

NOW, THEREFORE, if the Department shall accept the bid proposal of the PRINCIPAL; and if the PRINCIPAL shall, within the time and as specified in the bidding and contract documents, submit a DBE Utilization Plan that is accepted and approved by the Department; and if, after award by the Department, the PRINCIPAL shall enter into a contract in accordance with the terms of the bidding and contract documents including evidence of the required insurance coverages and providing such bond as specified with good and sufficient surety for the faithful performance of such contract and for the prompt payment of labor and material furnished in the prosecution thereof; or if, in the event of the failure of the PRINCIPAL to make the required DBE submission or to enter into such contract and to give the specified bond, the PRINCIPAL pays to the Department the difference not to exceed the penalty hereof between the amount specified in the bid proposal and such larger amount for which the Department may contract with another party to perform the work covered by said bid proposal, then this obligation shall be null and void, otherwise, it shall remain in full force and effect.

IN THE EVENT the Department determines the PRINCIPAL has failed to comply with any requirement as set forth in the preceding paragraph, then Surety shall pay the penal sum to the Department within fifteen (15) days of written demand therefor. If Surety does not make full payment within such period of time, the Department may bring an action to collect the amount owed. Surety is liable to the Department for all its expenses, including attorney's fees, incurred in any litigation in which it prevails either in whole or in part.

In TESTIMONY WHEREOF, the said PRINCIPAL and the said SURETY have caused this instrument to be signed by their respective officers this day of A.D.,

PRINCIPAL SURETY
(Company Name)
By: (Signature & Title) By: (Signature of Attorney-in-Fact)

Notary Certification for Principal and Surety

STATE OF ILLINOIS,
COUNTY OF

I, a Notary Public in and for said County, do hereby certify that and

(Insert names of individuals signing on behalf of PRINCIPAL & SURETY)

who are each personally known to me to be the same persons whose names are subscribed to the foregoing instrument on behalf of PRINCIPAL and SURETY, appeared before me this day in person and acknowledged respectively, that they signed and delivered said instrument as their free and voluntary act for the uses and purposes therein set forth.

Given under my hand and notarial seal this day of, A.D.

My commission expires Notary Public

In lieu of completing the above section of the Proposal Bid Form, the Principal may file an Electronic Bid Bond. By signing below the Principal is ensuring the identified electronic bid bond has been executed and the Principal and Surety are firmly bound unto the State of Illinois under the conditions of the bid bond as shown above.

Electronic Bid Bond ID# Company/Bidder Name Signature and Title

PROPOSAL ENVELOPE



PROPOSALS

for construction work advertised for bids by the Illinois Department of Transportation

Item No.	Item No.	Item No.

Submitted By:

Name:
Address:
Phone No.

Bidders should use an IDOT proposal envelope or affix this form to the front of a 10" x 13" envelope for the submittal of bids. If proposals are mailed, they should be enclosed in a second or outer envelope addressed to:

Engineer of Design and Environment - Room 326
Illinois Department of Transportation
2300 South Dirksen Parkway
Springfield, Illinois 62764

NOTICE

Individual bids, including Bid Bond and/or supplemental information if required, should be securely stapled.

CONTRACTOR OFFICE COPY OF CONTRACT SPECIFICATIONS

NOTICE

None of the following material needs to be returned with the bid package unless the special provisions require documentation and/or other information to be submitted.

**Contract No. 83864
COOK County
Section 00-00048-00-BT (Matteson)
Project M-8003(272)
Route PRESERVATION BIKE PATH
District 1 Construction Funds**



Illinois Department of Transportation



NOTICE TO BIDDERS

- 1. TIME AND PLACE OF OPENING BIDS.** Sealed proposals for the improvement described herein will be received by the Department of Transportation at the Harry R. Hanley Building, 2300 South Dirksen Parkway, in Springfield, Illinois until 10:00 o'clock a.m., September 21, 2007. All bids will be gathered, sorted, publicly opened and read in the auditorium at the Department of Transportation's Harry R. Hanley Building shortly after the 10:00 a.m. cut off time.
- 2. DESCRIPTION OF WORK.** The proposed improvement is identified and advertised for bids in the Invitation for Bids as:

**Contract No. 83864
COOK County
Section 00-00048-00-BT (Matteson)
Project M-8003(272)
Route PRESERVATION BIKE PATH
District 1 Construction Funds**

0.41 mile Preservation Bike Path from 205th Street to Thornwood Avenue including excavation, fill material, path shaping, drainage, base material, resurfacing, striping and bridge over Butterfield Creek in Matteson.

- 3. INSTRUCTIONS TO BIDDERS.** (a) This Notice, the invitation for bids, proposal and letter of award shall, together with all other documents in accordance with Article 101.09 of the Standard Specifications for Road and Bridge Construction, become part of the contract. Bidders are cautioned to read and examine carefully all documents, to make all required inspections, and to inquire or seek explanation of the same prior to submission of a bid.

(b) State law, and, if the work is to be paid wholly or in part with Federal-aid funds, Federal law requires the bidder to make various certifications as a part of the proposal and contract. By execution and submission of the proposal, the bidder makes the certification contained therein. A false or fraudulent certification shall, in addition to all other remedies provided by law, be a breach of contract and may result in termination of the contract.
- 4. AWARD CRITERIA AND REJECTION OF BIDS.** This contract will be awarded to the lowest responsive and responsible bidder considering conformity with the terms and conditions established by the Department in the rules, Invitation for Bids and contract documents. The issuance of plans and proposal forms for bidding based upon a prequalification rating shall not be the sole determinant of responsibility. The Department reserves the right to determine responsibility at the time of award, to reject any or all proposals, to readvertise the proposed improvement, and to waive technicalities.

By Order of the
Illinois Department of Transportation

Milton R. Sees, Acting Secretary

BD 351 (Rev. 01/2003)

INDEX
FOR
SUPPLEMENTAL SPECIFICATIONS
AND RECURRING SPECIAL PROVISIONS

Adopted January 1, 2007

This index contains a listing of SUPPLEMENTAL SPECIFICATIONS and frequently used RECURRING SPECIAL PROVISIONS.

SUPPLEMENTAL SPECIFICATIONS

Std. Spec. Sec.

Page No.

No Supplemental Specifications this year.

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The following RECURRING SPECIAL PROVISIONS indicated by an "X" are applicable to this contract and are included by reference:

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3	X EEO (Eff. 7-21-78) (Rev. 11-18-80)	4
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LR SD 12	"Slab Movement Detection Device" (Eff. 11/1/84) (Rev. 1/1/07)	
LR SD 13	"Required Cold Milled Surface Texture" (Eff. 11/1/87) (Rev. 1/1/07)	
LR SD 630	"Steel Plate Beam Guardrail" (Eff. 2/1/07). Developed to allow local agencies to continue to use 27" guardrail with 6 inch blockouts.	
LR SD 631	"Traffic Barrier Terminals" (Rev. 2/1/07). Developed to keep Traffic Barrier Terminals Type 1, 2 & 5A as an option for local agencies to use with 27" guardrail with 6 inch blockouts.	
LR SD 633	"Remove and Reerect Steel Plate Beam Guardrail" (Eff. 2/1/07). Developed to allow local agencies to replace 27" guardrail with 6 inch blockouts.	
LR 102	"Protests on Local Lettings" (Eff. 1/1/07). Developed to allow local agencies to adopt the department's interested party protest procedures outlined in Title 44 of the IL Administrative Code.	
LR 105	X "Cooperation with Utilities" (Eff 1/1/99) (Rev 1/1/07). Formerly issued as LRS 1 and was reissued as an LR Contract Special Provision based on industry concerns discussed at the Joint Coop.	82
LR 107-1	"Nationwide Permit No. 14" (Eff. 2/1/04) (Rev. 3/1/05). Developed to outline the necessary requirements to comply with No. 14 permits.	
LR 107-2	"Railroad Protective Liability Insurance for Local Lettings" (Eff. 3/1/05) (Rev 1/1/06). Developed to require insurance policies to be submitted to the letting agency rather than the department.	
LR 107-3	"Disadvantaged Business Enterprise Participation" (Eff. 1/1/07). Developed to require DBE utilization plans to be submitted to the local agency.	
LR 107-4	X "Insurance" (Rev. 8/1/07). Developed based on recommendations from IACE Policy Committee to ensure local agencies are indemnified when their projects are on the state letting.	85
LR 108	"Combination Bids (Eff. 1/1/94) (Rev. 3/1/05). Developed to allow the revision of working days and calendar days. Revised to incorporate applicable portions of deleted Sections 102 & 103.	
LR 212	"Shaping Roadway" (Eff. 8/1/69) (Rev. 1/1/02).	
LR 355-1	"Asphalt Stabilized Base Course, Road Mix or Traveling Plant Mix" (Eff. 10/1/73) (Rev. 1/1/07)	
LR 355-2	"Asphalt Stabilized Base Course, Plant Mix" (Eff. 2/20/63) (Rev. 1/1/07)	
LR 400	"Bituminous Treated Earth Surface (Eff. 1/1/07). Developed since Section 401 was eliminated from the 2007 Standard Specifications.	
LR 402	"Salt Stabilized Surface Course" (Eff. 2/20/63) (Rev. 1/1/07)	
LR 403-2	Bituminous Hot Mix Sand Seal Coat" (Eff. 8/1/69) (Rev. 1/1/07)	
LR 420	"PCC Pavement (Special)" (Eff. 5/12/64) (Rev. 1/1/07). Developed to allow local agencies to construct quality PCC pavements for low volume roads.	
LR 442	"Bituminous Patching Mixtures for Maintenance Use" (Eff 1/1/04) (Rev. 8/1/07). Developed to reference approved bituminous patching mixtures.	
LR 451	"Crack Filling Bituminous Pavement with Fiber-Asphalt" (Eff. 10/1/91) (Rev. 1/1/07)	
LR 503-1	"Furnishing Class SI Concrete" (Eff. 10/1/73) (Rev. 1/1/02)	
LR 503-2	"Furnishing Class SI Concrete (Short Load)" (Eff. 1/1/89) (Rev. 1/1/02). Developed to allow a load charge to be added when short loads are expected during the contract.	
LR 542	"Pipe Culverts, Type _____ (Furnished)" (Eff. 9/1/64) (Rev. 1/1/07)	
LR 663	"Calcium Chloride Applied" (Eff. 6/1/58) (Rev. 1/1/07)	
LR 702	"Construction and Maintenance Signs" (Eff 1/1/04) (Rev 6/1/07). Developed to require florescent orange sheeting and a minimum sign size of 48" X 48" on construction and maintenance signs.	
LR 1004	"Coarse Aggregate for Bituminous Surface Treatment" (Eff. 1/1/02) (Rev 1/1/07). Developed to provide a coarser mix when aggregate producers have adjusted the CA-16 gradation according to the Aggregate Gradation Control System (AGCS) to a finer mix for Hot-Mix Asphalt.	
LR 1013	"Rock Salt (Sodium Chloride)" (Eff. 8/1/69) (Rev. 1/1/02)	
LR 1032-1	"Penetrating Emulsions" (Eff. 1/1/07) (Rev. 2/1/07). Developed to combine Penetrating Emulsified Asphalt and Penetrating Emulsified Prime into a single special provision.	
LR 1032-2	"Multigrade Cold Mix Asphalt" (Eff. 1/1/07) (Rev. 2/1/07). Developed to provide the material specification for Multigrade cold mix asphalt.	
LR 1102	"Road Mix or Traveling Plan Mix Equipment" (Eff. 1/1/07). Developed to replace road mix and traveling plant mix bituminous equipment that was eliminated from the Standard Specifications.	

BDE SPECIAL PROVISIONS
For the August 3rd and September 21st, 2007 Lettings

The following special provisions indicated by an "x" are applicable to this contract. An * indicates a new or revised special provision for the letting.

File Name	Pg#		Special Provision Title	Effective	Revised
80099			Accessible Pedestrian Signals (APS)	April 1, 2003	Jan. 1, 2007
* 80186			Alkali-Silica Reaction for Cast-in-Place Concrete	Aug. 1, 2007	
80108			Asbestos Bearing Pad Removal	Nov. 1, 2003	
72541			Asbestos Waterproofing Membrane and Asbestos Hot-Mix Asphalt Surface Removal (NOTE: This special provision was previously named "Asbestos Waterproofing Membrane and Asbestos Bituminous Concrete Surface Removal".)	June 1, 1989	Jan. 2, 2007
80173			Bituminous Materials Cost Adjustments	Nov. 2, 2006	Jan. 2, 2007
50261			Building Removal-Case I (Non-Friable and Friable Asbestos)	Sept. 1, 1990	Jan. 1, 2007
50481			Building Removal-Case II (Non-Friable Asbestos)	Sept. 1, 1990	Jan. 1, 2007
50491			Building Removal-Case III (Friable Asbestos)	Sept. 1, 1990	Jan. 1, 2007
50531			Building Removal-Case IV (No Asbestos)	Sept. 1, 1990	Jan. 1, 2007
80166	86	X	Cement	Jan. 1, 2007	
80177			Digital Terrain Modeling for Earthwork Calculations	April 1, 2007	
80029	89	X	Disadvantaged Business Enterprise Participation	Sept. 1, 2000	Jan. 1, 2007
80178	97	X	Dowel Bars	April 1, 2007	
80167			Electrical Service Installation – Traffic Signals	Jan. 1, 2007	
80179			Engineer's Field Office Type A	April 1, 2007	
80175			Epoxy Pavement Markings	Jan. 1, 2007	
* 80189	98	X	Equipment Rental Rates	Aug. 2, 2007	
80180	100	X	Erosion and Sediment Control Deficiency Deduction	April 1, 2007	
* 80168	101	X	Errata for the 2007 Standard Specifications	Jan. 1, 2007	Aug. 1, 2007
80169			High Tension Cable Median Barrier	Jan. 1, 2007	
80142	104	X	Hot-Mix Asphalt Equipment, Spreading and Finishing Machine (NOTE: This special provision was previously named "Bituminous Equipment, Spreading and Finishing Machine".)	Jan. 1, 2005	Jan. 1, 2007
80181			Hot-Mix Asphalt – Field Voids in the Mineral Aggregate	April 1, 2007	
80136			Hot-Mix Asphalt Mixture IL-4.75 (NOTE: This special provision was previously named "Superpave Bituminous Concrete Mixture IL-4.75".)	Nov. 1, 2004	April 1, 2007
80109			Impact Attenuators	Nov. 1, 2003	Jan. 1, 2007
80110			Impact Attenuators, Temporary	Nov. 1, 2003	Jan. 1, 2007
* 80187	105	X	Legal Requirements to be Reserved	Aug. 1, 2007	
80045			Material Transfer Device	June 15, 1999	Jan. 1, 2007
80165			Moisture Cured Urethane Paint System	Nov. 1, 2006	Jan. 1, 2007
80082			Multilane Pavement Patching	Nov. 1, 2002	
80129			Notched Wedge Longitudinal Joint	July 1, 2004	Jan. 1, 2007
80182			Notification of Reduced Width	April 1, 2007	
80069			Organic Zinc-Rich Paint System	Nov. 1, 2001	Jan. 1, 2007
80022	106	X	Payments to Subcontractors	June 1, 2000	Jan. 1, 2006
80148	108	X	Planting Woody Plants	Jan. 1, 2006	
80134			Plastic Blockouts for Guardrail	Nov. 1, 2004	Jan. 1, 2007
80119			Polyurea Pavement Marking	April 1, 2004	Jan. 1, 2007
80170			Portland Cement Concrete Plants	Jan. 1, 2007	
80171			Precast Handling Holes	Jan. 1, 2007	
80015	109	X	Public Convenience and Safety	Jan. 1, 2000	

<u>File Name</u>	<u>Pg#</u>		<u>Special Provision Title</u>	<u>Effective</u>	<u>Revised</u>
34261			Railroad Protective Liability Insurance	Dec. 1, 1986	Jan. 1, 2006
80157			Railroad Protective Liability Insurance (5 and 10)	Jan. 1, 2006	
* 80172	110	X	Reclaimed Asphalt Pavement (RAP)	Jan. 1, 2007	Aug. 1, 2007
80160			Reflective Crack Control Treatment	April 1, 2006	Jan. 1, 2007
80183	116	X	Reflective Sheeting on Channelizing Devices	April 1, 2007	
80151	117	X	Reinforcement Bars	Nov. 1, 2005	Jan. 1, 2007
80164			Removal and Disposal of Regulated Substances	Aug. 1, 2006	Jan. 1, 2007
80184			Retroreflective Sheeting, Nonreflective Sheeting, and Translucent Overlay Film for Highway Signs	April 1, 2007	
* 80131	119	X	Seeding (NOTE: This special provision was previously named "Seeding and Sodding".)	July 1, 2004	Aug. 1, 2007
80152	121	X	Self-Consolidating Concrete for Cast-In-Place Construction	Nov. 1, 2005	Jan. 1, 2007
80132			Self-Consolidating Concrete for Precast Products	July 1, 2004	Jan. 1, 2007
80127			Steel Cost Adjustment	April 2, 2004	April 1, 2007
* 80153			Steel Plate Beam Guardrail	Nov. 1, 2005	Aug. 1, 2007
80143	126	X	Subcontractor Mobilization Payments	April 2, 2005	
80075			Surface Testing of Pavements	April 1, 2002	Jan. 1, 2007
* 80087	127	X	Temporary Erosion Control	Nov. 1, 2002	Aug. 1, 2007
80176	129	X	Thermoplastic Pavement Markings	Jan. 1, 2007	
80161			Traffic Signal Grounding	April 1, 2006	Jan. 1, 2007
20338			Training Special Provisions	Oct. 15, 1975	
80154			Turf Reinforcement Mat	Nov. 1, 2005	Jan. 1, 2007
80185			Type ZZ Retroreflective Sheeting, Nonreflective Sheeting, and Translucent Overlay Film for Highway Signs	April 1, 2007	
80162			Uninterruptable Power Supply (UPS)	April 1, 2006	Jan. 1, 2007
80149			Variable Spaced Tining	Aug. 1, 2005	Jan. 1, 2007
80163			Water Blaster with Vacuum Recovery	April 1, 2006	Jan. 1, 2007
80071	131	X	Working Days	Jan. 1, 2002	

The following special provisions have been **deleted** from use:

80139 Portland Cement This special provision is now covered in a BMPR Policy Memorandum "Portland or Blended Cement Acceptance Procedure for Qualified and Non-Qualified Plants".

80120 Precast, Prestressed Concrete Members This special provision is now in BMPR's "Manual for Fabrication of Precast Prestressed Concrete Products".

80145 Suspension of Slipformed Parapets This special provision is no longer required.

The following special provisions are either in the 2007 Standard Specifications or the 2007 Recurring Special Provisions:

<u>File Name</u>	<u>Special Provision Title</u>	<u>New Location</u>	<u>Effective</u>	<u>Revised</u>
80156	Aggregate Shipping Tickets	Articles 1003.01(f), 1004.01(f) & 1005.01(d)	Jan. 1, 2006	
80128	Authority of Railroad Engineer	Article 105.02	July 1, 2004	
80065	Bituminous Base Course/Widening Superpave	Sections 355, 356, 1030 & 1102	April 1, 2002	Aug. 1, 2005
80050	Bituminous Concrete Surface Course	Article 406.13(b)	April 1, 2001	April 1, 2003
80066	Bridge Deck Construction	Sections 503, 1004, 1020 & 1103	April 1, 2002	April 1, 2004

<u>File Name</u>	<u>Special Provision Title</u>	<u>New Location</u>	<u>Effective</u>	<u>Revised</u>
80118	Butt Joints	Article 406.08	April 1, 2004	April 1, 2005
80031	Calcium Chloride Accelerator for Portland Cement Concrete Patching	Recurring # 28	Jan. 1, 2001	
80077	Chair Supports	Article 421.04(a)	Nov. 1, 2002	Nov. 2, 2002
80051	Coarse Aggregate for Trench Backfill, Backfill and Bedding	Sections 208, 542, 550, 1003 & 1004	April 1, 2001	Nov. 1, 2003
80094	Concrete Admixtures	Article 1020.05(b) & Section 1021	Jan. 1, 2003	July 1, 2004
80112	Concrete Barrier	Section 637	Jan. 1, 2004	April 2, 2004
80102	Corrugated Metal Pipe Culverts	Articles 542.04(d), 1006.01(a)(4) & 1006.03(d)	Aug. 1, 2003	July 1, 2004
80114	Curing and Protection of Concrete Construction	Sections 503, 1020 & 1022	Jan. 1, 2004	Nov. 1, 2005
80146	Detectable Warnings	Section 424	Aug. 1, 2005	
80144	Elastomeric Bearings	Section 1083	April 1, 2005	
31578	Epoxy Coating on Reinforcement	Sections 420, 483 & 606	April 1, 1997	Jan. 1, 2003
80041	Epoxy Pavement Marking	Article 1095.04	Jan. 1, 2001	Aug. 1, 2003
80055	Erosion and Sediment Control Deficiency Deduction	Article 105.03(a)	Aug. 1, 2001	Nov. 1, 2001
80103	Expansion Joints	Article 420.05(d)	Aug. 1, 2003	
80101	Flagger Vests	Article 701.13	April 1, 2003	Jan. 1, 2006
80079	Freeze-Thaw Rating	Article 1004.02(f)	Nov. 1, 2002	
80072	Furnished Excavation	Section 204	Aug. 1, 2002	Nov. 1, 2004
80054	Hand Vibrator	Article 1103.17(a)	Nov. 1, 2003	
80147	Illuminated Sign	Sections 801, 891 & 1084	Aug. 1, 2005	
80104	Inlet Filters	Section 280 & Article 1081.15(h)	Aug. 1, 2003	
80080	Insertion Lining of Pipe Culverts	Section 543 & Article 1040.04	Nov. 1, 2002	Aug. 1, 2003
80150	Light Emitting Diode (LED) Pedestrian Signal Head	Sections 801, 881, & 1078	Nov. 1, 2005	April 1, 2006
80067	Light Emitting Diode (LED) Signal Head	Sections 801, 880 & 1078	April 1, 2002	Nov. 1, 2005
80081	Lime Gradation Requirements	Article 1012.03	Nov. 1, 2002	
80133	Lime Stabilized Soil Mixture	Section 310	Nov. 1, 2004	April 1, 2006
80158	Manholes	Article 1042.10	April 1, 2006	
80137	Minimum Lane Width with Lane Closure	Article 701.06	Jan. 1, 2005	
80138	Mulching Seeded Areas	Section 251 & Article 1081.06(a)(4)	Jan. 1, 2005	
80116	Partial Payments	Article 109.07	Sept. 1, 2003	
80013	Pavement and Shoulder Resurfacing	Recurring # 14	Feb. 1, 2000	July 1, 2004
53600	Pavement Thickness Determination for Payment	Articles 407.03, 407.10, 420.03, 420.15 & 421.04	April 1, 1999	Jan. 1, 2004
80155	Payrolls and Payroll Records	Recurring #1 & #5	Aug. 10, 2005	
80130	Personal Protective Equipment	Article 701.12	July 1, 2004	
80073	Polymer Modified Emulsified Asphalt	Article 1032.06	Nov. 1, 2002	
80124	Portable Changeable Message Signs	Articles 701.15(j), 701.20(h) & 1106.02(j)	Nov. 1, 1993	April 2, 2004
80083	Portland Cement Concrete	Articles 1103.01 & 1103.02	Nov. 1, 2002	
80036	Portland Cement Concrete Patching	Sections 442, 701, 1013 & 1020	Jan. 1, 2001	Jan. 1, 2004
419	Precast Concrete Products	Sections 540, 1020 & 1042	July 1, 1999	Nov. 1, 2004
80084	Preformed Recycled Rubber Joint Filler	Articles 503.02, 637.02 & 1051.10	Nov. 1, 2002	
80121	PVC Pipeliner	Recurring # 18	April 1, 2004	April 1, 2005
80159	Railroad Flaggers	Article 107.12	April 1, 2006	

<u>File Name</u>	<u>Special Provision Title</u>	<u>New Location</u>	<u>Effective</u>	<u>Revised</u>
80122	Railroad, Full-Actuated Controller and Cabinet	Articles 857.04, 1073.01(c)(2) & 1074.03(a)(5)e.	April 1, 2004	
80105	Raised Reflective Pavement Markers (Bridge)	Articles 781.03(a), 781.05 & 1096.01(b)	Aug. 1, 2003	
80011	RAP for Use in Bituminous Concrete Mixtures	Sections 1030 & 1031	Jan. 1, 2000	April 1, 2002
80032	Remove and Re-Erect Steel Plate Beam Guardrail and Traffic Barrier Terminals	Section 633	Jan. 1, 2001	Jan. 1, 2005
80085	Sealing Abandoned Water Wells	Section 672	Nov. 1, 2002	
80096	Shoulder Rumble Strips	Section 642	Jan. 1, 2003	
80140	Shoulder Stabilization at Guardrail	Article 630.06	Jan. 1, 2005	
80135	Soil Modification	Section 302	Nov. 1, 2004	April 1, 2006
80070	Stabilized Subbase and Bituminous Shoulders Superpave	Sections 312, 482, 1030 & 1102	April 1, 2002	Aug. 1, 2005
80086	Subgrade Preparation	Section 301	Nov. 1, 2002	
80010	Superpave Bituminous Concrete Mixtures	Sections 406, 407 & 1030	Jan. 1, 2000	April 1, 2004
80039	Superpave Bituminous Concrete Mixtures (Low ESAL)	Sections 406, 407 & 1030	Jan. 1, 2001	April 1, 2004
80092	Temporary Concrete Barrier	Section 704	Oct. 1, 2002	Nov. 1, 2003
80008	Temporary Module Glare Screen System	Recurring # 22	Jan. 1, 2000	
80106	Temporary Portable Bridge Traffic Signals	Recurring # 23	Aug. 1, 2003	
80098	Traffic Barrier Terminals	Section 631	Jan. 1, 2003	
57291	Traffic Control Deficiency Deduction	Article 105.03(b)	April 1, 1992	Jan. 1, 2005
80107	Transient Voltage Surge Suppression	Article 1074.03(a)(4)	Aug. 1, 2003	
80123	Truck Bed Release Agent	Article 1030.08	April 1, 2004	
80048	Weight Control Deficiency Deduction	Article 109.01	April 1, 2001	Aug. 1, 2002
80090	Work Zone Public Information Signs	Recurring # 24	Sept. 1, 2002	Jan. 1, 2005
80125	Work Zone Speed Limit Signs	Article 701.14(b)	April 2, 2004	Jan. 1, 2006
80126	Work Zone Traffic Control	Articles 701.19 & 701.20	April 2, 2004	Nov. 1, 2005
80097	Work Zone Traffic Control Devices	Section 701 & Article 1106.02	Jan. 1, 2003	Nov. 1, 2004

The following special provisions require additional information from the designer. The additional information needs to be included in a separate document attached to this check sheet. The Project Development and Implementation section will then include the information in the applicable special provision. The Special Provisions are:

- Building Removal-Case I
- Building Removal-Case II
- Building Removal-Case III
- Building Removal-Case IV
- DBE Participation
- Material Transfer Device
- Railroad Protective Liability Insurance
- Training Special Provisions
- Working Days

GUIDE BRIDGE SPECIAL PROVISION INDEX/CHECK SHEET

Effective: June 1, 2007

√	Pg #	File Name	Title	Effective	Revised
		GBSP4	Polymer Modified Portland Cement Mortar	June 7, 1994	June 1, 2007
		GBSP11	Permanent Steel Sheet Piling	Dec 15, 1993	Jan 1, 2007
		GBSP12	Drainage System	June 10, 1994	Jan 1, 2007
		GBSP13	High-Load Multi-Rotational Bearings	Oct 13, 1988	Jan 1, 2007
		GBSP14	Jack and Remove Existing Bearings	April 20, 1994	Jan 1, 2007
		GBSP15	Three Sided Precast Concrete Structure	July 12, 1994	June 1, 2007
		GBSP16	Jacking Existing Superstructure	Jan 11, 1993	Jan 1, 2007
		GBSP17	Bonded Preformed Joint Seal	July 12, 1994	Jan 1, 2007
		GBSP18	Modular Expansion Joint	May 19, 1994	Jan 1, 2007
		GBSP19	Reserved		
		GBSP21	Cleaning and Painting Contact Surface Areas of Existing Steel Structures	June 30, 2003	Jan 1, 2007
		GBSP22	Cleaning and Painting New Metal Structures	Sept 13, 1994	Jan 1, 2007
		GBSP25	Cleaning and Painting Existing Steel Structures	Oct 2, 2001	June 1, 2007
		GBSP26	Containment and Disposal of Lead Paint Cleaning Residues	Oct 2, 2001	Feb 2, 2007
		GBSP28	Deck Slab Repair	May 15, 1995	Feb 2, 2007
		GBSP29	Bridge Deck Microsilica Concrete Overlay	May 15, 1995	June 1, 2007
		GBSP30	Bridge Deck Latex Concrete Overlay	May 15, 1995	June 1, 2007
		GBSP31	Bridge Deck High-Reactivity Metakaolin (HRM) Conc Overlay	Jan 21, 2000	June 1, 2007
		GBSP32	Temporary Sheet Piling	Sept 2, 1994	Jan 1, 2007
X	132	GBSP33	Pedestrian Truss Superstructure	Jan 13, 1998	Jan 1, 2007
		GBSP34	Concrete Wearing Surface	June 23, 1994	Jan 1, 2007
		GBSP35	Silicone Bridge Joint Sealer	Aug 1, 1995	Jan 1, 2007
		GBSP36	Surface Preparation and Painting Req. for Weathering Steel	Nov 21, 1997	Feb 2, 2007
		GBSP37	Underwater Structure Excavation Protection	April 1, 1995	Jan 1, 2007
		GBSP38	Mechanically Stabilized Earth Retaining Walls	Feb 3, 1999	June 1, 2007
		GBSP42	Drilled Soldier Pile Retaining Wall	Sept 20, 2001	Feb 2, 2007
		GBSP43	Driven Soldier Pile Retaining Wall	Nov 13, 2002	Feb 2, 2007
		GBSP44	Temporary Soil Retention System	Dec 30, 2002	Jan 1, 2007
		GBSP45	Bridge Deck Thin Polymer Overlay	May 7, 1997	Jan 1, 2007
		GBSP46	Geotextile Retaining Walls	Sept 19, 2003	June 1, 2007
		GBSP47	High Performance Concrete Structures	Aug 5, 2002	Jan 1, 2007
		GBSP49	Reserved		
		GBSP50	Removal of Existing Non-composite Bridge Decks	June 21, 2004	Jan 1, 2007
		GBSP51	Pipe Underdrain for Structures	May 17, 2000	Jan 1, 2007
		GBSP52	Porous Granular Embankment (Special)	Sept 28, 2005	Jan 1, 2007
		GBSP53	Structural Repair of Concrete	Mar 15, 2006	Jan 1, 2007
		GBSP55	Erection of Curved Steel Structures	June 1, 2007	
		GBSP56	Setting Piles in Rock	Nov 14, 1996	Jan 1, 2007
		GBSP57	Temporary Mechanically Stabilized Earth Retaining Walls	Jan 6, 2003	Jan 1, 2007
		GBSP58	Mechanical Splice	Sep 21, 1995	Jan 1, 2007
		GBSP59	Diamond Grinding and Surface Testing Bridge Sections	Dec 6, 2004	Jan 1, 2007
		GBSP 60	Containment and Disposal of Non-Lead Pain Cleaning Residues	Nov 25, 2004	Jan 1, 2007
		GBSP 61	Slipform Parapet	June 1, 2007	

LIST ADDITIONAL SPECIAL PROVISIONS BELOW

STATE OF ILLINOIS

SPECIAL PROVISIONS

The following Special Provisions supplement the "Standard Specifications for Road and Bridge Construction, adopted January 1, 2007, the latest edition of the Manual on Uniform Traffic Control Devices for street and highways," and the "Manual of Test Procedures for Materials" in effect on the date of invitation for bids, and the Supplemental Specifications and recurring Special Provisions indicated on the check Sheet included herein which apply to and govern the construction of the Preservation Bike Path, Section 00-00048-00-BT, Matteson, Illinois, Cook County, and in case of conflict with any part or parts, of said Specifications, the said Special Provisions shall take precedence and shall govern.

LOCATION OF THE PROJECT

The Preservation Bike Path is located between Thornwood Avenue and 205th Street in Matteson, Illinois.

DESCRIPTION OF WORK

The improvements for which proposals are requested will require the construction of a new 2163 foot Bike Path matching the existing path that ends north of Thornwood Avenue to the existing path at 205th Street. This work includes excavation, fill material, path shaping, drainage trenches, base course material, resurfacing, striping, the construction of crossing structure (Bridge) over Butterfield Creek with abutments, reshaping the river bank and all appurtenant work.

TRAFFIC CONTROL PLAN

Traffic Control shall be in accordance with the applicable sections of the Standard Specifications, the Supplemental Specifications, the "Illinois Manual on Uniform Traffic Control Devices for Streets and Highway", any special detail and Highway Standards contained in the plans, the Traffic Specifications and the Special provisions contained herein.

Special attention is called to Articles 107.09, 107.14 and Section 701 of the Standard Specifications and the following Highway Standards, Details, Quality Standard for Work Zone Traffic Control Devices, Recurring Special Provision and Special Provisions contained herein, relating to traffic control and the following Highway Standards relating to Traffic Control:

701801-03
702001-06

The Contractor shall contact the District One Bureau of Traffic at least 72 hours in advance of beginning work.

ENGINEER'S AUTHORITY

The Engineer shall act as the Owner's representative during the construction period. The Engineer shall decide questions, which may arise as to quality, and acceptability of materials furnished and work performed. The Engineer shall interpret the intent of the Contract documents in a fair and unbiased manner. The Engineer will make visits to the site and determine if the work is proceeding in accordance with the Contract documents. The Contractor will be held strictly to the intent of the Contract documents in regard to the quality of materials, workmanship and execution of the work. Inspections may be made at the factory or fabrication plant of the source of material supply. The Engineer will NOT be responsible for the construction means, controls, techniques, sequences, procedures, construction safety, and acts or omissions of the Contractor, any subcontractor, any supplier, or of another person or organization performing or furnishing any of the work.

RESPONSIBILITY OF CONTRACTOR

The Contractor will supervise and direct the work. The Contractor will be solely responsible for the means, methods, techniques, sequences and procedures of construction. The Contractor will employ and maintain on the work area a qualified construction supervisor or superintendent who shall have been designated in writing by the Contractor as the Contractor's representative at the site. The supervisor or superintendent shall be present on the site at all times as required to perform adequate supervision and coordination of the work.

The Contractor shall be solely responsible for the safety of persons, property or the Work at or adjacent to the construction site. All decisions relating to safety construction operations, the use and proper application of equipment and materials, and the protection of the general public from construction operations, shall be the responsibility of the Contractor relative to project safety issues. The supervisor or superintendent shall be present on the site at all times as required to maintain safe project operations.

In the event that the designated construction or safety supervisor or superintendent is absent from the site, the Contractor shall designate a substitute supervisor or superintendent to act in responsible charge of the work. Any changes in the designated construction supervisor or safety supervisor or superintendent shall be documented by written statement to the Engineer at the time of the change.

The Contractor shall, at the beginning of the work, provide on the premises an acceptable, suitable, temporary convenience and enclosure for the use of the workers on the job, shall maintain same in a sanitary condition, and remove same and all its contents at the completion of the work.

Whenever the Contractor anticipates starting work, whether at the beginning of the Contract or after any cessation of work, he shall, at least two (2) working days previous to starting said work, notify the Engineer of his intention to do so.

NOTIFICATION OF PUBLIC UTILITIES

The Contractor shall notify ComEd, Nicor Gas, Ameritech and Jones Cable at JULIE I-800-892-0123, and the Director of Public Works of the Village of Matteson at 1-708-283-5421, at least two (2) working days in advance of commencement of construction for locations of their underground lines.

COMPLIANCE WITH CODES

It is the responsibility of the Contractor to whom this Contract is awarded to familiarize himself and comply with the contents of the Occupational Safety and Health Act (OSHA), codes and ordinances adopted by and in effect by Federal, State, County, Township, and Village Governmental Bodies, and any other governmental agencies, at any level, having jurisdiction over this area and this type of work.

VISITATION OF SITES

The Contractor shall visit the sites prior to the submittal of his proposal in order to satisfy himself as to the existing conditions under which, in the course of the work, he will be obliged to operate, or that will in any manner affect the work under this Contract.

ASPHALT WEIGHT TICKETS

It shall be the responsibility of the Contractor to provide copies of all asphalt weight tickets installed for that day. These copies shall be given to the engineer or his representative by the end of the working day or in the morning of the next day. Any weight ticket given to the engineer that is dated two (2) or more days older, shall not be considered for payment.

DUST CONTROL WATERING

Description: This work must consist exclusively of the control of dust resulting from construction operations and is not intended for use in the compaction of earth embankments or aggregate materials.

General Requirements: Dust must be controlled by the uniform application of sprinkled water and must be applied only when directed by the Commissioner.
All methods and equipment used for this work must meet with the Commissioner's approval and must be equipped with adequate measuring devices for metering the exact

amount of water discharged. All water used must be properly documented by ticket or other approved means.

Method of Measurement: DUST CONTROL WATERING will be measured per Unit.

Basis of Payment: The work under this item will be paid for by unit for DUST CONTROL WATERING, which price will be payment in full for all labor, material and equipment required to perform the work as specified.

**SUB-BASE GRANULAR MATERIAL, TYPE B, VARIABLE DEPTH
AGGREGATE BASE COURSE, TYPE B,**

Description: Work under this item must be performed in accordance with Section 311 of the detailed specifications of the Standard Specifications for Road and Bridge Construction and subsequent special provisions. This work must consist of furnishing, placing and compacting granular material on the prepared sub-grade to the thickness required per the plans

Method of Measurement: SUB-BASE GRANULAR MATERIAL, TYPE B, VARIABLE DEPTH and AGGREGATE BASE COURSE, TYPE B will be measured in place and the area computed in cubic yards. The area for measurement will be the lesser of the dimensions shown on the plans or as measured in the field.

Basis of Payment: This work under this item will be paid for at the contract unit price per ton of AGGREGATE BASE-COURSE, TYPE B, which price will include furnishing, placing and compacting.

COMBINATION CONCRETE CURB AND GUTTER, TYPE B6-12 (MODIFIED)

Description: Work under this item must be performed in accordance with Section 420, 424, and 606 of the Standard Specifications for Road and Bridge Construction and subsequent special provisions. The work under this item must consist of constructing the curb and gutter as shown on the plans or specified herein. These items must be constructed on prepared subgrade, with or without forms, with or without reinforcement, & sealed with a protective coat as shown on the plans or specified herein.

SUBMITTALS

- A. Concrete Mix Designs: Certified report identifying the design mixes, mix proportions, and additional design information meeting the requirements of Section 1020 of the Standard Specifications.
- B. Prefomed Expansion Joint filler meeting the requirements of Section 1050 of the Standard Specifications.
- C. Protective Coat of Penetrating Silane Sealer: Water-Repllant, penetrating alkyl alkoxy silane sealer to all exposed concrete surfaces. Sealer will be incidental to the cost of any concrete pay item and must follow the following characteristics:
 - i. Not less than 40% solids content by weight.

- ii. Clear, colorless, does not affect color of substrate.
- D. The following products are available for use:
 - i. Silvento Inc. "Chem-Trete BSM 40"
 - ii. L & M Construction Chemicals "Pentane/40"
 - iii. Sonneborn "Sonosheild Penetrating Sealer 40"
 - iv. Hydrozo, Enviroseal 40 Clear Water Repellent Sealer General Requirements:

1. PLACING OF CONCRETE

Top soil or sod necessary to replace that which was disturbed while constructing the proposed curb and/or curb and gutter will be considered incidental to the contract price for these items.

- a. **Curing Method:** Moist cure only. Do not allow the burlap or other covering used in curing period to affect the finish appearance.
- b. **Protective Coating:** After proper curing of the exposed concrete paving, provide specified clear penetrating silane sealer and saturate the concrete finish surfaces in accordance with manufacturer's application instructions for type and porosity of concrete. Surfaces to be sealed must be free of dirt, dust, and other foreign material immediately prior to application of the sealer. Mask areas to receive joint sealers before application of the surface coating. **THE USE OF LINSEED OIL WILL NOT BE PERMITTED.**

Method of Measurement: COMBINATION CONCRETE CURB AND GUTTER, TYPE B-6.12 (MODIFIED) will be measured for payment in lineal feet in the flow line of the gutter, which measurement will include drainage castings incorporated in various curbs and gutters, except the application of protective coat will not be measured separately but will be considered incidental to this item. All concrete curb and gutter transitions and depressed curb and gutter will be measured and paid for at the contract unit price per lineal foot.

Basis of Payment: The work for this specification will be measured according to the following means: COMBINATION CONCRETE CURB AND GUTTER, TYPE B-6.12 (MODIFIED) The work under this item will be paid for at the contract unit price per lineal foot as shown in the Schedule of Unit Prices for COMBINATION CONCRETE CURB AND GUTTER, TYPE B-6.12 (MODIFIED) which price will include payment for all work, including but not limited to the costs for furnishing and installing joints, dowel bars, curing, excavating and backfilling, as required, and all incidental work necessary including application of protective coating as shown in the plans.

REINFORCEMENT BARS, EPOXY COATED

Description: Work under this item must be performed in accordance with Section 508 the detailed specifications of the Standard Specifications for Road and Bridge Construction

and subsequent special provisions. This work must consist of furnishing and placing Epoxy Coated Reinforcement Bars.

General:

PLACING REINFORCING STEEL

- a. **Reinforcing:** Install in accordance with the drawings. Maintain surface clearance dimensions shown to +1/4". Support and secure reinforcing with accessories and tie wire to prevent displacement before and during concreting. Concrete must not be poured if bars are not properly and securely placed with adequate supports.
- b. **Bar Supports:** Use specified corrosion resistant bar supports.
- c. **Ties:** Tie wire coated with nylon, epoxy, or plastic.
- d. **Repair of Epoxy Coating:** Repair damage to epoxy coating and apply epoxy coating to the cut ends. Clean surfaces and apply epoxy repair coating in accordance with coating manufacturer's recommendations. Coat damaged areas larger than 0.1² in. Coat the cut ends regardless of the dimensions or area of the affected surface. When damage to epoxy coating exceeds a maximum 2% of the bar surface including repair and un-repaired area, but not including repair coated cut ends, the bar must be considered defective and replaced in lieu of repairing the epoxy coating.
- e. **Lap splices:** Provide for bars up to #11 in accordance with standard detailing practice, unless otherwise indicated.
- f. **Repair of Epoxy Coated Bent Bars:** Remove and replace damaged bars if practicable. Restore damaged partially embedded bars to full capacity. Straighten by cold bending only: heat bending not permitted.

Basis of Payment: REINFORCEMENT BARS, EPOXY COATED will not be paid for separately and will be included in the Contract unit price of "CONCRETE FOUNDATIONS "

DRILL AND GROUT DOWEL BARS

Description: Work under this item must be performed in accordance with Sections 442, 420, and 1000 of the Standard Specifications for Road and Bridge Construction and subsequent special provisions. The work consists of furnishing and installing epoxy coated, deformed reinforcement bars, of the size specified, in the existing Portland cement concrete (PCC) base course where new curb and gutter, PCC pavement, or PCC base course is poured against the existing. The tie bars must be 18" in length and be spaced at 30" centers. This work must be performed at the location, as detailed on the Plans, or as directed by the Commissioner.

General Requirements: Materials must meet the requirements of Article 1006.10 of the Standard Specifications for reinforcement bars, Grade 60, and Article 1024.01 of the Standard Specifications for Non-shrink Grout or one of the approved chemical adhesives as listed by the Bureau of Materials and Physical Research. Epoxy adhesive will not be allowed.

Bars must be located and spaced as indicated on the plan detail. Individual bar locations must be shifted at least 5 inches away from existing cracks, joints and unsound concrete.

Holes for tie bars must be drilled with suitable equipment for this purpose to the depth shown and to a diameter large enough to allow grouting around the tie bar. The tie bars must be secured in the drilled holes with non-shrink grout. The grout must be allowed to cure before the concrete for new curb and gutters, pavements, or base courses are poured.

Method of Measurement: DRILL AND GROUT DOWEL BARS will be measured on a per each basis.

Basis of Payment: This work will be paid for at the contract unit price each for DRILL AND GROUT DOWEL BARS, which price will be payment in full for drilling holes, furnishing and installing all materials, and for all labor, tools, equipment, and incidentals necessary to complete the work as specified.

BOLLARDS

General: This work must consist of constructing the drilled shaft foundations and the 6" dia. extra strength pipe as shown on the plans and as herein specified. The work must include the drilling and excavation of all material encountered, both wet and dry, the disposal of excavated materials; the furnishing, placing, and subsequently removing or leaving-in-place where required, of the steel casings and bracing for the drilled shafts; the bailing and removal of water; the removing of abandoned utilities or other obstructions encountered; the furnishing of all tests and soil samples as required; the furnishing and placing of forms, grout and concrete; necessary reinforcement and it's installation and all other appurtenant and collateral work necessary to complete the construction of the "**PROTECTIVE BOLLARD AND FOUNDATION**" as herein specified. The work must conform to the requirements of applicable portions of the Illinois Department of Transportation Standard Specifications for Road and Bridge Construction.

Submittals:

The following items must be submitted for approval by the Commissioner:
installation plan

1. equipment to be used
2. procedures for installation
3. casing specifications and sample
4. paint product information
5. protective sleeve information

Materials: Reinforcement bars and ties must conform to the requirements of Section 508, REINFORCEMENT BARS, of the Standard Specifications. All reinforcement must be epoxy coated. The concrete must be Class "SI" conforming to Section 503, CONCRETE STRUCTURES, of the Standard Specifications. Paint color is to be black, and product must be an exterior weatherproof product or a protective sleeve as supplied by Ideal Sheild is suggested. Casing must follow Steel ASTM 36.

Construction Methods:

Reinforcement: Reinforcement must be installed as shown on the Plans. The Contractor must provide suitable supports or chairs for holding and aligning the reinforcement away

from the walls of the forms, or shaft excavations, so as to keep the reinforcement securely in proper position during concreting operation.

Excavations: Materials, equipment, and construction methods must be in accordance with the requirements of Section 501 and 502 of the Standard Specifications except as herein modified.

The Contractor must determine the location and extent of all existing utilities before the start of the drilled shaft excavation. The Contractor must notify all public and private utilities sufficiently in advance to permit them to relocate, remove or abandon their lines prior to the excavation. The Contractor must protect existing utility lines that are to remain in operation. All materials and equipment necessary to perform the work required for successful completion of any drilled shaft foundation in accordance with these specifications must be on the job site of this Contract before any work may be started on the drilled shaft foundation.

Each drilled shaft foundation must be constructed at the locations shown on the Plans. The shafts must be plumb. Any deviation from the vertical at the bottom of the shaft must not exceed 1 percent of the shaft length, or 3 inches, whichever is the smaller value. The Contractor must correct any deviation from the vertical greater than that herein specified at no additional cost before any form, reinforcement steel and concrete are placed.

The drilled shaft foundations are to be excavated to the lines and limits shown on the Plans. Any unauthorized excavation made outside the established lines and limits must be filled with concrete at no additional cost for either the unauthorized excavation or the concrete.

The bottom of the shafts must be cut to a level firm surface, cleaned of any soft, loose or extraneous materials and maintained dry for inspection purposes and the placing of form, reinforcement steel and concrete. Any drilled shaft foundation found to be deficient and unsuitable must be repaired or replaced.

In order to prevent any caving and to retain the fill, the Contractor must install oversized temporary steel casings for the drilled shaft foundations. The casings must be installed in the excavations immediately after completion of machine drilling through the fill so as to minimize the time that the adjacent soil is unsupported. If the ground condition is such that soil movement or caving occurs while drilling through the fill, temporary casing must be installed in sections or the excavation must be stabilized with slurry.

The casings must be of ample strength to withstand handling stresses, the pressure of the surrounding soil materials, and must be watertight. The inside diameter of the temporary steel casing used for this purpose must be greater than the outside diameter of the form. The casings may be removed following the placing of the concrete, however, if the removal of this casing will endanger the shaft excavation or reduce the cross sectional area of the concrete, the entire casing or some portions thereof must be left-in-place. If this is the case, the annular space between the casing and the surrounding soil must be pressure grouted immediately.

The Contractor must protect all shaft excavations against surface and rainwater and against water that may enter from the sides or the bottom of the excavation. In the event that quick sand, running material, water-bearing strata, or other materials are

encountered which cannot be excluded by means of conventional methods, the Contractor must perform such work as necessary to seal off such material.

Excavated material from the drilled shaft excavation must be considered surplus and must be removed and disposed of by the Contractor at their expense. Drilled shaft foundations must be checked for eccentricity at the top and bottom prior to the placement of the forms, reinforcement steel and concrete.

Water:

Immediately after the installation of the form and reinforcement steel, any pumping of water from the excavation must be stopped. If the flow of water into the excavation has stopped or is slight enough that no damage will be done to the concrete, the excavation must be filled with concrete.

Placing Concrete:

Concrete must be deposited continuously without any construction joints. If a stoppage should occur, the surface must be treated as specified in Section 503 of the Standard Specifications.

After concrete has set inside the permanent form, the temporary casing may be withdrawn and the annular space between the form and the surrounding soil must be pressure grouted immediately.

Once concrete is set, the method for finishing the bollard is as follows:

Method A: Apply black weatherproof paint to entire bollard structure above grade. Product information regarding the paint should be supplied to the Commissioner for approval prior to application.

Method B: Apply epoxy and polyethylene thermoplastic sleeve to post. Sleeve must have the following specifications, and it is suggested that it be supplied by Ideal Shield:

Pipe Post - 6" Schedule 40	- HEAVY
Dome Top - Low Density	
Polyethylene with Ultraviolet and Anti-Static Additives	STOCK UNIT SIZES TO SHIELD PIPE
.250 Nominal Wall Thickness	DIAMETERS:
Base Plate - 5/8" x 10" x 10"	Heights - 27", 36", 42", 48" and 52", as
with (4) 15/16" Anchor Bolt Holes	specified on the drawings and by the
Anchor must be Included	Commissioner
	OTHER OPTIONS: Color should be
	standard black, unless other wise
	specified in the drawings or by the
	Engineer.

Basis of Payment: This Work will be measured and paid for at the contract unit price per EACH as shown on the plans for constructing **BOLLARD**. The cost of which shall include all forms, materials, and finishes to complete this item.

PROJECT SIGN

Description

This work shall consist of furnishing and setting up the project identification signs at both ends of each construction zone. The sign shall be constructed as it is shown on the plans and specified herein.

- The aluminum sign plate shall be 48 inch square
- It shall be mounted on standard construction sign frames as per IDOT standards,
- It shall contain three inches (3") and four inches (4") inch sized -gray letters (RGB Values = 48, 52, 45) on a white background
- Text regarding work site description shall be specified by the Engineer prior to ordering signs.
- It shall have a reserved area of 10-1/2" x 16-1/2" at the left upper corner for the logo of the Village of Matteson. The Village will paste the logo to the sign on site. Upon completion of the project the signs shall be removed and delivered to the Village Sign Shop. It will remain the property of the Village.

If the mounting of the frame requires driving posts to the ground, the Contractor shall call J.U.L.I.E. first.

BASIS OF PAYMENT

This work will be paid for at the contract unit price per EACH for PROJECT SIGN, which price shall be payment in full for all materials, labor and equipment necessary to complete the work described herein and on the plans.

EARTH EXCAVATION

This item shall be in accordance with Section 202 of the Standard Specifications. The area to be excavated to the lines as grades by the Engineer in the field which is necessary for the placement of the proposed aggregate sub-base for the parking lot pavement.

Driveway pavement removal, sidewalk removal will be paid for under separate pay items.

Earth Excavation required for curb radius adjustments, curb, driveway, sidewalk and pavements is to be considered incidental to the removal item and is therefore not included under this pay item. This work shall also consist of excavating grading and shaping new ditches along the bike path according to the details shown on the plans or as directed by the engineer along with tree removal under 6 inches of diameter.

Grading and shaping ditches. The excavation shall be maintained so that positive drainage is provided at all times. Ditches and waterways shall be constructed and maintained to the lines, grades and cross sections shown on the plans. The Contractor shall also excavate a ditch at the toe of slope for fills and at the top of slope for cuts at locations designated by the Engineer at the earliest opportunity during construction to control runoff from the embankment or cut section. Material excavated from ditches at the top of slope of cuts shall be placed in a windrow between the ditch and top of slope.

Basis of Payment

This item will be paid at the contract unit price per cubic yard for EARTH EXCAVATION, which price shall include all labor, equipment, grading and shaping ditches and disposal necessary to perform the work as specified.

"TREE REMOVAL (UNDER 6 INCHES DIAMETER)" will not be paid for separately but shall be considered included in the of "EARTH EXCAVATION"

CURB AND GUTTER, AND SIDEWALK EXCAVATION

In areas where the removed gutter flag less than ten inches (10") and the sidewalk less than five inches (5"), the Contractor shall excavate by hand methods so that the required thickness can be constructed. The excavated material, as well as any broken asphalt and concrete, shall be disposed of off the job site by the Contractor. A low sub-grade may be brought to the proper elevation with sand or stone screenings. The Contractor shall not be permitted to break up and remove curb and gutter that cannot be replaced during the same calendar week. No weekend openings will be permitted.

The cost of any excavation and its disposal, or the cost of sand or screenings used for fill, or for a required temporary entrance, at any location will NOT be paid for directly, but -their cost and removal shall be considered as included in the various items of this contract.

REMOVAL AND DISPOSAL OF UNSUITABLE MATERIAL

Description. This work shall consist of the transportation of unsuitable and surplus excavated material to embankment locations designated by the Village of Matteson. This work does include the surplus of the excavated and unsuitable materials from structures or channel excavation.

Construction Requirements

Clearing, Tree Removal, and Protection of Existing Plant Material. Prior to starting excavation operations in any area, all clearing, tree removal and protection of existing plant material in that area shall be performed according to Section 201. of the standard and Specifications for Road and Bridge Construction.

Removal and Disposal of Surplus, Unstable, and Unsuitable Materials and Organic Waste: Suitable excavated materials shall not be wasted without permission of the

Engineer. The Contractor shall dispose of all surplus, unstable and unsuitable materials and organic waste, in such a manner that public or private property will not be damaged or endangered. Suitable earth, stones and boulders naturally occurring within the right of way may be placed in fills or embankments in layers and compacted according to Section 205. Broken concrete without protruding metal bars, bricks, rock stone, reclaimed asphalt pavement with no expansive aggregate or uncontaminated dirt and sand generated from construction or demolition activities may be used in embankment or in fill. If used in fills or embankments, these materials shall be placed and compacted to the satisfaction of the Engineer; shall be buried under a minimum of 2 ft of earth cover (except when the materials include only uncontaminated dirt); and shall not create an unsightly appearance or detract from the natural topographic features of an area. Broken concrete without protruding metal bars, bricks, rock, or stone may be used as riprap as approved by the Engineer. If the materials are used for fill in locations within the right of way but outside project construction limits, the Contractor must specify to the Engineer, in writing, how the landscape restoration of the fill areas will be accomplished. Placement of fill in such areas shall not commence until the Contractor's landscape restoration plan is approved by the Engineer. Aside from the materials listed above, all other construction and demolition debris or waste shall be disposed of in a licensed landfill, recycled, reused, or otherwise disposed of as allowed by State or Federal solid waste disposal laws and regulations and solid waste determinations of the IEPA. A permit shall be obtained from IEPA and made available to the Engineer prior to open burning of organic waste (i.e., plant refuse resulting from pruning or removal of trees or shrubs) or other construction or demolition debris. Organic waste originating within the right-of-way limits may be chipped or shredded and placed as mulch around landscape plantings within the right of way when approved by the Engineer. Chipped or shredded material to be placed as mulch shall not exceed a depth of 6 in. When the Contractor proposes to dispose of surplus excavated material off the right of way, the Contractor shall obtain and file with the Engineer permission in writing, from the property owner, for the use of the property for this purpose. The approval of the proposed disposal sight shall be according to Article 107.22

If unsuitable material is present at or below the finished grade, it shall be removed and replaced with sub-base granular material Type A or Type B, according to Section 311. Unsuitable material shall be placed as directed by the Engineer within the right of way or disposed of by the Contractor outside of the right of way.

Method of Measurement.

(a) Contract Quantities.

When the project is constructed essentially to the lines, grades, or dimensions shown on the plans and the Contractor and the Engineer have agreed in writing that the plan quantities are accurate, no further measurement will be required and payment will be made for the quantities shown in the contract for the various items involved except that if errors are discovered after work has been started, appropriate adjustments will be made.

When the plans have been altered or when disagreement exists between the Contractor and the Engineer as to the accuracy of the plan quantities, either party shall, before any work is started which would affect the measurement, have the right to request in writing and thereby cause the quantities involved to be measured.

(b) Measured Quantities. Earth and rock excavation will be measured in their original positions, and the volumes in cubic meters (cubic yards) computed by the method of average end areas. The volume of any unstable or unsuitable material removed will be measured for payment in cubic yards.

Basis of Payment. Removal and disposal of unstable and/or unsuitable material will be paid for at the contract unit price per cubic yard for REMOVAL AND DISPOSAL OF UNSUITABLE MATERIAL.

FINAL SHAPING, TRIMMING AND FINISHING

Description. This work shall consist of the final shaping, trimming, and finishing of the roadway, the final finishing and cleaning up of the right of way, and completing the work for acceptance. This work is in addition to the requirements of Article 104.06.

CONSTRUCTION REQUIREMENTS

Grading Sections: When the contract does not include a surface or base course, the ditches shall be cleaned, all irregularities in the roadbed shall be smoothed out, depressions shall be filled, and the entire roadway shall be shaped, trimmed and finished uniformly to the lines, grades and cross sections shown on the plans, and the right of way cleaned up for final acceptance. The finished surface of the roadbed shall not vary from the lines, grades, and cross sections shown on the plans by more than 2 in..

Nonrigid Type Surface and Base Course Sections. The roadway for nonrigid type surfacings, such as aggregate surface course or any bituminous surface course not built on a Portland Cement Concrete base course, shall be shaped, trimmed and finished as follows:

- (a) General. After the surface or base course material has been placed, all additional construction operations shall be performed in such a manner that earth or other objectionable substances will not be deposited on the surface or base course material.
- (b) Sections Not Previously Graded. Where the trench method of constructing the surface or base course is required, all final shaping, trimming and finishing of ditches, backslopes of cuts and sideslopes of fills shall be completed to the lines, grades and cross sections shown on the plans, and all shoulder material shall be roughed in before the surface or base course material is placed. Where the trench method of constructing the surface course is not required, all final shaping, trimming, and finishing of the roadbed shall be completed to the lines, grades and cross sections shown on the plans, before the surfacing material is placed.
- (c) Sections Previously Graded. The backslopes of cuts and ditches and the sideslopes of fills shall be finished according to Article 212.03(b) before the surface or base course material is placed. Where the trench method of

constructing the surface or base course is required, all shoulder material shall be roughed in before the surface or base course material is placed. Where the trench method of constructing the surface course is not required, all final shaping, trimming and finishing of the roadbed shall be completed before the surfacing material is placed.

Finishing: All unsuitable material, debris, and rubbish, resulting from construction operations, or occurring within the right of way, and all stones or boulders more than 3 in. in largest dimension, shall be removed from the right of way and disposed of by the Contractor according to Article 202.03. The degree of finish for graded slopes outside of the roadbed shall be that which can be obtained by use of suitable mechanical equipment, with only such hand labor as special conditions may require.

Where the roadway has been resurfaced and as directed by the Engineer, any high areas in the existing earth shoulders that remain after resurfacing is complete which would entrap water adjacent to the pavement edge shall be bladed off. Immediately prior to final inspection, mowing of the right of way will be required at locations as directed by the Engineer.

Basis of Payment. Except for blading off high spots in the existing earth shoulders where the roadway has been resurfaced and for mowing immediately prior to final inspection, this work will not be measured or paid for separately, but shall be considered as included in the contract unit price for the particular type of surface course, included in the contract. If surface course is not included in the contract, the cost of final shaping, trimming and finishing shall be considered as included in the contract unit prices for the various items of earthwork.

CONCRETE FOUNDATIONS

Description. This work shall consist of constructing Class SI concrete foundations for the abutment supporting the bridge structure.

Materials. Materials shall be according to the following Articles of Section 1000 -
Materials:

Item	Article/Section	
(a)	Portland Cement Concrete	1020

CONSTRUCTION REQUIREMENTS

General. Concrete foundations of the type and size specified in the plans, shall be constructed according to the applicable requirements of Section 503 and the following:

(a) Spread or deep Foundations for bridge Super-Structures. Unless the contract plans were designed based on actual soil data for the site with specific bearing capacity requirements, the footing shall be placed on cohesive soil having a minimum unconfined compressive strength of 2000 psi or as determined by the Engineer. If the bearing capacity does not meet the minimum requirements the foundation design will be re-evaluated. The footings shall be constructed according to the applicable requirements of

Article 503.14. Conduit, when specified, shall be installed rigidly in place before the concrete is deposited. The top 4 in. of backfill material shall be topsoil suitable for seeding.

Backfill shall be placed prior to the structural steel support frames. It shall be placed in 4 in. layers and shall be compacted by hand operated mechanical tampers to give a compaction of at least 95 percent of the maximum density shown on the dry weight curve as determined by the Standard Compaction Test. Care shall be taken to prevent damage to the concrete. Backfill shall be brought level to the finished ground line. All areas disturbed by the Contractor's operations shall be seeded according to Section 250.

The anchor rods shall be firmly held in position by a template during the placing of the concrete.

The top of the foundation shall be finished level, and all exposed surfaces shall be finished according to Article 503.16(a).

- (b) Drilled Shaft Foundations for bridge frame. The drilling of the holes shall be accomplished by means of either truck mounted or crane mounted earth augers. The drill unit used shall be such that the shafts can be excavated to the diameters, alignment, and depth required. Material excavated by drilling shall be disposed of by the Contractor outside the limits of the right-of-way.

If boulders or masonry foundations are encountered below natural ground during drilling, the holes shall continue through these obstructions. After drilling operations and excavation for the tie beam have been completed, all loose material existing at the bottom of the hole shall be removed before placing concrete.

The Contractor shall have available a suitable light for the inspection of the drilled hole for its entire depth. All holes will be examined for straightness.

Any hole upon visual inspection from the top which shows less than one-half the diameter of the hole at the bottom will be rejected.

Water shall not be permitted to enter the holes, and all water which may have infiltrated into the hole shall be removed before placing concrete. If dewatering of the drilled hole cannot be readily accomplished without loss of ground or creating quick conditions, the hole shall be lined and tremied concrete shall be used.

Suitable casings shall be furnished and placed when required to prevent caving of the hole before concrete is placed. Casings, if used in drilling operations, shall be removed from the hole as concrete is placed. The bottom of the casing shall be maintained not more than 5 ft nor less than 1 ft below the top of the concrete during withdrawal and placing operations, unless otherwise permitted by the Engineer. Separation of the concrete during withdrawal operations shall be avoided by hammering or otherwise vibrating the casing.

The method of placing concrete in the shafts shall be subject to the approval of the Engineer at all times, and the method used shall provide a continuous flow with no segregation of the concrete materials.

The reinforcing cage shall be placed and secured symmetrically about the axis of the shaft and shall be securely blocked to clear the sides of the hole.

Method of Measurement. This item will be measured for payment according to Article 503.21.

Basis of Payment. This work will be paid for at the contract unit price per cubic yard for CONCRETE FOUNDATIONS, as specified herein and in the plans. Payment will include the epoxy coated reinforcement, framing, casing, openings up to 24" required for gas pipe and watermain. And will also include any revisions from those shown in the plans to the foundation dimensions if deemed necessary in the site
Rock excavation if encountered will be classified and measured for payment according to article 109.04 of the Standard Specifications for road and bridge construction.

MAINTENANCE OF ROADWAYS

This work shall consist of maintaining the roadways within the limits of improvement on this contract. The contractor shall perform all necessary work to keep the roadways clean and safe for both vehicular and pedestrian traffic. This work shall include, but not limited to potholes, patching, street sweeping, maintaining temporary sidewalks and driveways, and keeping public safety officials informed of roadway conditions.

At least once a week all roadways shall be swept using a vehicle mounted sweeper designed primarily to clean streets. The unit should contain rotating brooms with conveyors for picking up the loosened material. The primary purpose for doing this is to greatly reduce the nuisance from dust for area residents. It is assumed that daily washing down of the streets will have been done following trenching operations.

The contractor's superintendent shall make weekly inspections of all roadways under the contract and schedule needed maintenance. All work performed must be reported to the resident engineer for documentation purposes. The superintendent shall also contact both the Police and Fire Department Communication's Center to inform them of changing roadway conditions, as well as street closures.

Police Department Telephone No. (708) 748-1564
Fire Department Telephone No. (708) 748-5129

BASIS OF PAYMENT This work will not be paid for separately but considered included in the Contract Unit Prices of this Contract.

PARKWAY RESTORATION

All parkways damaged during construction activity under this contract will be restored by the contractor in the following manner:

A) Excavated areas shall be backfilled up to 4" below the proposed grade with suitable materials from the job site or materials hauled in by the contractor. Such fill materials shall consist of clay, fine granular materials or other materials approved by the Engineer, but in no case shall those materials contain broken concrete, rocks or stones larger than

one (1) inch in gradation. The balance of fill up to proposed grade line shall consist of topsoil.

B) Areas damaged by any construction equipment or storage of materials shall be raked to remove any foreign materials and shall be cultivated to a depth of 3" by roto-tilling. Excessive vegetation shall be raked out and topsoil shall be placed over these areas as necessary to meet the proposed grade.

In all cases, whether shown on plan cross section or not, the proposed grade of the parkway shall be a true line from the sidewalk to the top of the adjacent street curb. If a change at the sidewalk or curb line occurs, the parkway shall be re-graded in accordance with procedures defined in B. Above.

After top soil has been placed and graded, it shall be rolled with hand rollers to a firm density and fertilizer, consisting of 23 parts Nitrogen, 7 parts Phosphate, and 7 parts Potassium, shall be applied at a rate of 175 lbs. per acre by means of mechanical spreader. The area shall then be seeded with seed sown by mechanical equipment that is adjustable to provide the specified seeding rate. Seed shall be sown so that in general, the seed is at a depth of ¼", which shall be applied at the rate of 200 lbs. Per acre and shall consist of 75 parts Kentucky Bluegrass and 25 parts Perennial Rye grass. Upon completion of the seeding, the contractor shall spread peat moss over the area at a rate of 20 bales per acre, and shall apply water at the rate of two gallons per square yards, within 24 hours of the seeding. Additional water shall be applied during the period of germination as necessary, to obtain a substantial growth of grass. Any areas that do not develop a substantial growth of grass shall be re-seeded by the contractor.

The maximum pay limits for this work will be one (1) foot in width parallel to the sidewalks and curbs being replaced. Areas disturbed by construction activities which are greater than one (1) foot in width parallel to the sidewalk, or curbs being worked on, shall be paid for separately, but shall be considered incidental to the parkway restoration work and the responsibility of the contractor.

All work shall be accomplished in accordance with applicable specifications of Section 250 and 252 of the Standard Specifications.

Basis of Payment: This work will not be paid separately but considered included in the Contract Unit Prices.

SUBGRADE PREPARATION

In the preparation of the sub-grade, it may be necessary to prune the roots of trees in order to provide sufficient depth for new sidewalk sections. All root pruning shall be done with a rotary saw so as to prevent further damage to the tree. All cuts made shall be coated with a preservative acceptable to the Village Forester.

In all cases, the sub-grade shall be constructed true to grade and cross section so as to provide a cross slope of ¼" per foot. All sub-grade areas shall be mechanically tamped to obtain a solid base for the concrete. In the event existing sidewalks are found to be less than the minimum thickness (5"), the area beneath those area shall be excavated to meet the minimum requirement plus one inch for sub-base material. Where the depth is

greater and fills material is needed, the area shall be filled with screening meeting the requirements of Article 301 of the Standard Specifications.

Basis of Payment: This work shall be considered included in the Contract Unit Price of "Aggregate Base Course, Type B"

POROUS GRANULAR EMBANKMENT

Description. This work shall consist of furnishing, transporting and placing porous granular material. For the purpose of this specification, the embankment may be above the original ground line, or it may be below the water elevation. Work under this item must be performed in accordance with Section 205 of the detailed specifications of the Standard Specifications for Road and Bridge Construction and subsequent special provisions.

Materials.

Materials shall meet the requirements of the following Articles of Section 1000 - Materials:

Item Article/Section

(a) Coarse Aggregate	1004.01
(b) Fine Aggregate	1003.04
© Drain pipe.....	1040.03

CONSTRUCTION REQUIREMENTS. The aggregate shall be placed in 6 in. layers, loose measurement, and compacted in a manner approved by the Engineer, except that if the desired results are being obtained, the compacted thickness of any layer may be increased to a maximum of 8 in. The 6" perforated SDR-26 shall be wrapped completely in geotechnical fabric for French drains. The pipe should be extended parallel with the cap until intersecting with the side slope. The pipe shall drain onto concrete headwalls in accordance with Art. 601.05 of the std. Specifications and highway standard 601101.

Method of Measurement. Porous Granular Embankment will be measured for payment in cubic yards compacted in place and the volume computed by the method of average end areas.

Basis of Payment. This work will be paid for at the contract unit price per cubic yard for POROUS GRANULAR EMBANKMENT. The unit price shall include the 6" Diameter perforated SDR-26.

SEDIMENT CONTROL, SILT FENCE

This Special Provision revises Section 280 and section 1080 of the Standard Specifications for Road and Bridge Construction to eliminate the use of Perimeter Erosion Barrier and create two new items, one for Sediment Control, Silt Fence, and another for Sediment Control, Silt Fence Maintenance.

280.02 Material. Revise Article 280.02 (f) to read:

"(f) Silt Fence.....Article 1080.02"

1080.02 Geotextile Fabric. Add the following to Article 1080.02:

"Sediment Control, Silt Fence fabric shall conform to the specifications of AASHTO M288-00 for Temporary Silt Fence, <50% elongation, unsupported. This fabric shall be 36in in width.

Certification. The manufacturer shall furnish a certification with each shipment of silt fence material, starting the amount of product furnished, and that the material complies with these requirements.

Sediment Control, Silt Fence support posts shall be 2x2 in nominal hardwood, a minimum of 48 in long."

280.04 Temporary Erosion Control Systems. Delete Article 280.04 (b) and replace with:

"(b) Sediment Control, Silt Fence. This silt fence shall consist of a continuous silt fence adjacent to an area of construction to intercept sheet flow of water borne silt and sediment, and prevent it from leaving the area of construction.

The silt fence shall be supported on hardwood posts spaced on a maximum of 8ft centers. The bottom of the fabric shall be installed in a backfilled and compacted trench a minimum of 6in deep and securely attached to the hardwood post by method approved by the Engineer. The minimum height above ground for all silt fence shall be 30in."

280.05 Maintenance. Add the following to Article 280.05:

"Sediment Control, Silt Fence Maintenance shall consist of maintenance silt fence that has fallen down or become ineffective as a result of natural forces. This work shall include the removal of sediment buildup from behind the silt fence when the sediment has reached a level of half the above ground height of the fence, or as directed by the Engineer.

Silt fence damaged by the Contractor's operations or negligence shall be repaired at the Contractor's expenses, or as directed by the Engineer."

280.06 Method of Measurement. Revise Article 280.06 (c) to read:

"(c) Sediment Control, Silt Fence. This work will be measured for payment in feet in place and removed. Silt fence designated not to be removed, by either the plan or the Engineer, will be measured for payment by this item also.

Sediment Control, Silt Fence Maintenance. This work will be measured for payment, each incident, in feet of silt fence cleaned, re-erected, or otherwise maintained."

280.07 Basis of Payment. Revise Article 280.07 (c) to read:

"(c) Sediment Control, Silt Fence. This work will be paid for at the contract unit price per foot for SEDIMENT CONTROL, SILT FENCE.

Sediment Control, Silt Fence Maintenance. This work will be paid for at the contract unit price per foot for SEDIMENT CONTROL, SILT FENCE MAINTENANCE."

TEMPORARY EROSION CONTROL

Description. This work shall consist of constructing temporary erosion control systems as shown on the plans, or as directed by the Engineer during the life of the contract, to control erosion and sediment damage to the roadway, adjacent properties and water

resources through the use of basins, ditch checks, temporary ditches, silt filter fences, and other erosion control devices or methods.

Any temporary erosion control systems ordered by the Engineer shall be coordinated with the permanent erosion control features specified elsewhere in the contract to the extent practical to assure economical, effective and continuous erosion control throughout the construction and post construction period.

Materials. Materials shall meet the requirements of the following

Articles of Section 1000 - Materials:

Item Article/Section

(d) Fence	1081.15(d)
(e) Aggregate	1081.15(e)
(f) Silt Filter Fence	1080.02

Construction requirements

General. The Contractor and the Village of Matteson shall schedule and conduct a jobsite inspection to review and designate the locations and types of erosion control protection to be placed. The Contractor shall name a person at the Pre-construction meeting who shall be on the jobsite during construction and who shall be responsible for insuring the erosion control work is completed in a timely manner.

The inspection shall be scheduled at the pre-construction conference. The inspection shall be carried out on the job site prior to beginning any work which will disturb existing drainage or require erosion control.

Erosion control measures as indicated in the Erosion Control Plan, and as directed by the Engineer shall be installed on the project site prior to beginning any construction activities which will potentially create erodible conditions. Erosion control devices shall be in place and approved by the Engineer as to proper placement and installation prior to beginning other work. Erosion control protection for Contractor borrow pits, equipment storage sites, plant sites, haul roads, and other sites shall be installed by the Contractor and approved by the Engineer prior to beginning construction activities at each site.

The Engineer will direct the methods to limit the surface area of erodible earth material exposed by clearing and grubbing, excavation, borrow and embankment operations, and to direct the Contractor to provide immediate permanent or temporary erosion control measures. The Contractor shall incorporate all permanent erosion control features into the project at the earliest practicable time to minimize the need for temporary controls.

Completed slopes shall be seeded as the excavation proceeds to the extent considered desirable and practical. Permanent seeding shall be used whenever possible. Under no circumstances shall the Contractor prolong final grading and shaping so that the entire project can be permanently seeded at one time. Wherever possible permanently seeded areas shall be avoided when performing adjacent work. Seeding done outside the specified seeding dates shall be approved by the Engineer in writing.

Temporary Erosion Control Systems. This work shall constructed using natural materials such manufactured materials and devices such as silt filter fence, erosion

control blankets, rolled excelsior or urethane foam/geotextile barriers. Manufactured methods and materials shall be installed in accordance with the manufacturers' specifications unless otherwise indicated in the contract documents.

Appropriate natural or manufactured methods or materials, employed separately or in combination, other than those in this Article, may be considered for use if they perform the intended function in a manner equal to or better than those specified.

The Contractor shall obtain approval in writing by the Village prior to the start of construction of those items.

(a) **Perimeter Erosion Barrier.** This system consists of a continuous barrier adjacent to an area of construction to intercept sheet flow of water borne silt and sediment, and prevent it from leaving the area of construction. The barrier shall be constructed according to manufacturers' specifications where appropriate. Silt Filter Fence shall be supported on posts at least 6 feet in length, and spaced on 5 foot centers. The bottom of the fabric shall be installed in a backfilled trench 6 in. deep, and securely attached to the post by a method approved by the Engineer. Erosion control fence may be specified to provide additional support for this installation.

(b) **Temporary Erosion Control Seeding.** This system consists of seeding all erodible / bare areas every seven days to minimize the amount of exposed surface area within contract limits. Seed shall be according to Article 1081.04 and shall consist of Oats from March 1 to July 31 and Winter Wheat from August 1 to November 15. Seed bed preparation shall not be required if the soil is in a loose condition. Light disking shall be done if the soil is hard packed or caked. Fertilizer nutrients will not be required. The original bags shall be opened in the presence of the Engineer, and the seed shall be applied by hand broadcasting or as directed by the Engineer, to achieve a reasonably uniform coverage at a rate of 100 lb/acre. Seed shall be applied to all bare areas within contract limits every seven days, regardless of weather conditions or progress of the work, unless otherwise directed by the Engineer. The Engineer may require that critical locations be seeded immediately, the Contractor shall seed these areas within 48 hours of such a directive.

Maintenance. The temporary erosion control systems installed by the Contractor shall be properly maintained as directed by the Engineer to control siltation at all times during the life of the contract. This work shall include repair of the various systems, removal of trapped sediment and cleaning of any silt filter fabric.

Accumulated silt in sediment basins shall be removed at any time the basin becomes 75 percent filled. Any additional materials and work required by the Engineer will be measured and paid for as specified. If the Contractor fails to maintain the temporary erosion control systems as directed by the Engineer, the Engineer may apply the provisions of Article 280.03.

Method of Measurement. In the event that temporary erosion and pollution control measures are ordered by the Engineer due to the Contractor's negligence, carelessness, or failure to install permanent controls, the work shall be performed by the

Contractor at his/her own expense. Temporary erosion and pollution control work ordered by the Engineer, which is not attributed to the Contractor's negligence, carelessness or failure to install permanent controls, will be measured for payment according to the following:

(a) SEDIMENT CONTROL SILT FENCE. This work will be measured for payment in feet in place.

Basis of Payment. Temporary erosion control systems ordered by the Engineer, the need for which is not attributed to the Contractor's negligence, carelessness or failure to install permanent controls, will be paid for according to the following:

(a) Perimeter Erosion Barrier. This work will be paid for at the contract unit price per foot for SEDIMENT CONTROL SILT FENCE, regardless of the type used.

The above pay item for temporary control systems shall include all materials and labor necessary to install, remove and dispose of the systems as shown on the plans or as directed by the Engineer. All temporary erosion control items shall be removed at the direction of the Engineer and become the property of the Contractor at the completion of the contract, and be properly disposed of, off the job site.

If the Contractor is required to install any temporary erosion control system for which the contract does not include a bid item, such system(s) will be paid for according to Article 109.04.

BEDDING MATERIAL, SPECIAL

(a) Description.

The material shall be stone quarried from undisturbed, consolidated deposits of rock reasonably free of shale and shale stone. The ledges shall be sufficiently thick to produce the desired dimensions. The stone shall be reasonably free of laminations, seams, cracks and other structural defects or imperfections tending to destroy its resistance to weather. Field stone or boulders will not be accepted. Bedding material shall be crushed stone, crushed gravel, crushed sandstone, or crushed slag. The crushed slag shall meet the Department's "Test for Leachate".

(b) Quality. Stone for erosion protection, sediment control or rockfill shall be quarried from ledges meeting one of the listed quality designations. All ledges shall be sufficiently thick to produce the desired dimensions. Ledges shall be checked with rock samples sized to CA-7/11 and run in the IDOT sodium sulfate soundness test. Bedding material shall be tested in its manufactured gradation in the Department's sodium sulfate soundness test.

Quality

Designation Definition

A/ The stone shall not exceed 15 percent sodium sulfate soundness loss. Elongated pieces (length is greater than five times Average thickness) shall not exceed 10 percent

by weight. The stone shall have a specific gravity (dry) greater than 2.45 when checked in a full gradation product.

B/ The stone shall not exceed 25 percent sodium sulfate soundness loss. Elongated pieces (length is greater than five times average thickness) shall not exceed 10 percent by weight.

C/ The stone shall only have to conform to the above paragraph

(c) Gradation. The bedding material shall meet the GRAD NO 1 Art. 1005.01

Basis of Payment. This work will be paid for at the contract unit price per cubic yard for BEDDING MATERIAL, SPECIAL.

TRAFFIC CONTROL DEVICES

Description. This work shall consist of placing two type III Barricades as incidental in Traffic Control Standards (STD. 702001-06) at locations indicated in the plans during construction of the preservation Bike Path and in accordance with Section 702 of the Standards and Specifications for Roads and Bridge Construction.

Basis of Payment. This work will not be paid for separately but shall be included in the associated unit process for the contract, which shall include all labor, equipment and material to complete the work and no additional compensation will be allowed.

BORINGS

The followings are the soil borings designations.

SOIL CLASSIFICATION CHART

MAJOR DIVISIONS			SYMBOLS		TYPICAL DESCRIPTIONS
			GRAPH	LETTER	
COARSE GRAINED SOILS MORE THAN 50% OF MATERIAL IS LARGER THAN NO. 200 SIEVE SIZE	GRAVEL AND GRAVELLY SOILS MORE THAN 50% OF COARSE FRACTION RETAINED ON NO. 4 SIEVE	CLEAN GRAVELS (LITTLE OR NO FINES)		GW	WELL-GRADED GRAVELS, GRAVEL - SAND MIXTURES, LITTLE OR NO FINES
		GRAVELS WITH FINES (APPRECIABLE AMOUNT OF FINES)		GP	POORLY-GRADED GRAVELS, GRAVEL - SAND MIXTURES, LITTLE OR NO FINES
		GRAVELS WITH FINES (APPRECIABLE AMOUNT OF FINES)		GM	SILTY GRAVELS, GRAVEL - SAND - SILT MIXTURES
	SAND AND SANDY SOILS MORE THAN 50% OF COARSE FRACTION PASSING ON NO. 4 SIEVE	CLEAN SANDS (LITTLE OR NO FINES)		SW	WELL-GRADED SANDS, GRAVELLY SANDS, LITTLE OR NO FINES
		SANDS WITH FINES (LITTLE OR NO FINES)		SP	POORLY-GRADED SANDS, GRAVELLY SAND, LITTLE OR NO FINES
		SANDS WITH FINES (APPRECIABLE AMOUNT OF FINES)		SM	SILTY SANDS, SAND - SILT MIXTURES
		SANDS WITH FINES (APPRECIABLE AMOUNT OF FINES)		SC	CLAYEY SANDS, SAND - CLAY MIXTURES
	FINE GRAINED SOILS MORE THAN 50% OF MATERIAL IS SMALLER THAN NO. 200 SIEVE SIZE	SILTS AND CLAYS LIQUID LIMIT LESS THAN 50		ML	INORGANIC SILTS AND VERY FINE SANDS, ROCK FLOUR, SILTY OR CLAYEY FINE SANDS OR CLAYEY SILTS WITH SLIGHT PLASTICITY
				CL	INORGANIC CLAYS OF LOW TO MEDIUM PLASTICITY, GRAVELLY CLAYS, SANDY CLAYS, SILTY CLAYS, LEAN CLAYS
				OL	ORGANIC SILTS AND ORGANIC SILTY CLAYS OF LOW PLASTICITY
SILTS AND CLAYS LIQUID LIMIT GREATER THAN 50			MH	INORGANIC SILTS, MICACEOUS OR DIATOMACEOUS FINE SAND OR SILTY SOILS	
			CH	INORGANIC CLAYS OF HIGH PLASTICITY	
			OH	ORGANIC CLAYS OF MEDIUM TO HIGH PLASTICITY, ORGANIC SILTS	
HIGHLY ORGANIC SOILS				PT	PEAT, HUMUS, SWAMP SOILS WITH HIGH ORGANIC CONTENTS

NOTE: DUAL SYMBOLS ARE USED TO INDICATE BORDERLINE SOIL CLASSIFICATIONS

CLIENT Village of Matteson c/o Terra Engineering, Ltd. PROJECT NAME Proposed Bike Path Bridge over Butterfield Creek
 PROJECT NUMBER SAM-2005-GT-027 PROJECT LOCATION SW of Thornwood & Treehouse Rd. - Matteson, IL
 DATE STARTED 4/29/05 COMPLETED 4/29/05 GROUND ELEVATION 98.5 ft TBM HOLE SIZE 8" diameter
 DRILLING CONTRACTOR C.S. Drilling / Hollow Stem Augers GROUND WATER LEVELS:
 DRILLING METHOD _____ ∇ AT TIME OF DRILLING 10.5 ft / Elev 88.0 ft
 LOGGED BY Ben CHECKED BY AR ∇ AT END OF DRILLING 11.0 ft / Elev 87.5 ft
 NOTES TBM 100.0 base of sign - north bank of creek AFTER DRILLING ---

DEPTH (ft)	GRAPHIC LOG	MATERIAL DESCRIPTION	SAMPLE TYPE NUMBER	RECOVERY % (RQD)	BLOW COUNTS (N VALUE)	POCKET PEN. (tsf)	DRY UNIT WT. (pcf)	MOISTURE CONTENT (%)	ATTERBERG LIMITS			FINES CONTENT (%)
									LIQUID LIMIT	PLASTIC LIMIT	PLASTICITY INDEX	
0		18" Topsoil Layer; dark brown; roots										
		SILTY CLAY TO SILT: gray; some sand present; very moist to moist; soft to stiff - (CL-ML to ML)	SS 1	56	2-2-2 (4)	2.25		25				
5			SS 2	67	1-1-1 (2)	0.75		27				
			SS 3	100	2-3-2 (5)	2.5		26				
10			SS 4	89	3-4-4 (8)	3.25		22				
		SILTY SAND with gravel: gray; very moist to saturated; loose - (SM)	SS 5	56	4-4-4 (8)	---		19				
15			SS 6	67	3-3-5 (8)	---		24				
		Bottom of hole at 15.0 feet.										

GEOTECH BH COLUMNS BIKE PATH IN MATTESON, ILLINOIS.GPJ GINT US LAB.GDT 5/16/05

CLIENT Village of Matteson c/o Terra Engineering, Ltd. PROJECT NAME Proposed Bike Path Bridge over Butterfield Creek
 PROJECT NUMBER SAM-2005-GT-027 PROJECT LOCATION SW of Thornwood & Treehouse Rd. - Matteson, IL
 DATE STARTED 4/29/05 COMPLETED 4/29/05 GROUND ELEVATION 97.6 ft TBM HOLE SIZE 8" diameter
 DRILLING CONTRACTOR C.S. Drilling/Hollow Stem Augers GROUND WATER LEVELS:
 DRILLING METHOD _____ AT TIME OF DRILLING None
 LOGGED BY Ben CHECKED BY AR AT END OF DRILLING None
 NOTES TBM 100.0 base of sign - north bank of creek AFTER DRILLING -

DEPTH (ft)	GRAPHIC LOG	MATERIAL DESCRIPTION	SAMPLE TYPE NUMBER	RECOVERY % (RQD)	BLOW COUNTS (N VALUE)	POCKET PEN. (tsf)	DRY UNIT WT. (pcf)	MOISTURE CONTENT (%)	ATTERBERG LIMITS			FINES CONTENT (%)
									LIQUID LIMIT	PLASTIC LIMIT	PLASTICITY INDEX	
0		TOPSOIL - 12" thick layer; dark gray brown; roots present										
		LEAN CLAY: red brown to gray; very moist; traces of gravel; medium stiff to soft - (CL)	SS 1	67	5-2-2 (4)	2.5		25				
			SS 2	67	2-2-2 (4)	2.0		29				
5		CLAY - moderately plastic; gray; very moist to moist; medium stiff to soft - (CL-CH)										
			SS 3	78	1-2-2 (4)	1.25		30				
			SS 4	72	2-2-2 (4)	1.75		27				
10			SS 5	78	1-1-1 (2)	0.5		27				
		SILTY CLAY with gravel: purple gray; moist; stiff; (CL-ML)										
			SS 6	56	3-4-5 (9)	3.5		21				
15		Bottom of hole at 15.0 feet.										

GEO TECH BH COLUMNS BIKE PATH IN MATTESON, ILLINOIS.GPJ GINT US LAB.GDT 5/16/05



Route Preservation Bike Path

Marked From 205th St. to Thronwood Ave.

Section 00-00048-00-BT

Project No. _____

County Cook

This plan has been prepared to comply with the provisions of the NPDES Permit Number ILR10, issued by the Illinois Environmental Protection Agency for storm water discharges from Construction Site Activities.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature

7/21/06

Date

V. C. President

Title

1. Site Description

- a. The following is a description of the construction activity which is the subject of this plan (use additional pages, as necessary):

The proposed project consists of extending the Bike Trail 0.4167 miles between 205th Street and Thornwood Avenue. The proposed section of the Bike Trail will consist of a 10 ft wide surface width. The surface will be a paved bituminous with 2ft of compacted aggregate shoulder.

The proposed trail will have a prefabricated Bridge of a 70 ft span over Butterfield Creek. The pre-fabricated Bridge will have a steel superstructure with a wood deck surface. The Bridge will be 12 ft wide with a 1 ft rail on each side.

- b. The following is a description of the intended sequence of major activities which will disturb soils for major portions of the construction site, such as grubbing, excavation and grading (use additional pages, as necessary):

1. Tree Removal will be completed.
2. Excavation and embankment will be completed as necessary to adjust the profile and allow for positive drainage.
3. Construction of the Bridge Foundation will be completed
4. Placement of all necessary temporary erosion control measures will take place.
5. Placement of permanent erosion control measures will be completed such as seeding.
6. Final Bridge placement and grading will be completed.

- c. The total area of the construction site is estimated to be 2.41 acres.

The total area of the site that it is estimated will be disturbed by excavation, grading or other activities is 2.1 acres.

- d. The estimated runoff coefficients of the various areas of the site after construction activities are completed are contained in the project drainage study which is hereby incorporated by reference in this plan. Information describing the soils at the site is contained either in the Soils Report for the project, which is hereby incorporated by reference, or in an attachment to this plan.
- e. The design/project report, hydraulic report, or plan documents, hereby incorporated by reference, contain site map(s) indicating drainage patterns and approximate slopes anticipated after major grading activities, areas of major soil disturbance, the location of major structural and nonstructural controls identified in the plan, the location of areas where stabilization practices are expected to occur, surface waters (including wetlands), and locations where storm water is discharged to a surface water.
- f. The names of receiving water(s) and areal extent of wetland acreage at the site are in the design/project report or plan documents which are incorporated by reference as a part of this plan.

2. Controls

This section of the plan addresses the various controls that will be implemented for each of the major construction activities described in 1.b. above. For each measure discussed, the contractor that will be responsible for its implementation is indicated. Each such contractor has signed the required certification on forms which are attached to, and a part of, this plan:

a. Erosion and Sediment Controls

- (i) Stabilization Practices. Provided below is a description of interim and permanent stabilization practices, including site-specific scheduling of the implementation of the practices. Site plans will ensure that existing vegetation is preserved where attainable and disturbed portions of the site will be stabilized. Stabilization practices may include: temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures. Except as provided in 2.a.(i).(A) and 2.b., stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased on all disturbed portions of the site where construction activity will not occur for a period of 21 or more calendar days.
 - (A) where the initiation of stabilization measures by the 14th day after construction activity temporarily or permanently ceases is precluded by snow cover, stabilization measures shall be initiated as soon as practicable thereafter.

Description of Stabilization Practices:

- (a) Areas of existing vegetation (woods and grasslands) outside the proposed construction slope limits shall be protected from mowing, brush cutting, tree removal and other activities which would be detrimental to their maintenance and development.
- (b) Dead, diseased, or unsuitable vegetation within the site shall be removed as directed by the Engineer, along with required tree removal.
- (c) As soon as reasonable access is available to all locations where water drains away from the project, erosion control measures such as erosion control blanket, silt fence can be installed as called out in this plan and directed by the Engineer.
- (d) Within the construction zone, critical areas which have high flows of water as determined by the Engineer shall remain undisturbed until full scale construction is underway to prevent unnecessary soil erosion.
- (e) Top soil and earth stockpiles shall be temporarily seeded if they are to remain unused for more than fourteen days.

- (f) As the Contractor constructs a portion of the grading, he/she shall follow the following steps as directed by the Engineer.
- i. Place temporary erosion control systems at locations where water leaves and enters the construction zone.
 - ii. Temporary seed highly erodible areas outside the construction slope limits.
 - iii. Construct roadside ditches and provide temporary erosion control systems.
 - iv. Continue building up the embankment to the proposed grade while at the same time place permanent erosion control measures such as erosion control blanket and silt fences.
- (g) The Contractor shall immediately follow major earth moving operations with final grading equipment. After the major earth spread operation has moved to a new location, final grading shall be completed within fourteen days. If grading is not completed within fourteen days, all major earth moving operations will be stopped as directed by the Engineer, until disturbed areas are final graded and seeded.
- (h) Excavated areas and embankments shall be permanently seeded when final graded.
- (i) Construction equipment shall be stored and fueled only at designated locations. All necessary measures shall be taken to control any fuel or pollution run-off in compliance with EPA water quality regulations, leaking equipment or supplies shall be immediately repaired or removed from the site.
- (j) The Resident Engineer shall inspect the project daily during activities and weekly or after large rains to determine that erosion control efforts are in place and effective and if other control work is necessary.
- (k) Sediment collected during construction by the various temporary erosion control systems shall be disposed of on the site on a regular basis as directed by the Engineer. The cost of this maintenance will be paid for in accordance with Article 109.04 of the Standard Specifications.
- (l) The temporary erosion control systems shall be removed as directed by the Engineer after use is no longer needed or no longer functioning. The costs of this removal shall be included in the unit bid price for the temporary erosion control system. No additional compensation will be allowed.

- (ii) **Structural Practices.** Provided below is a description of structural practices that will be implemented, to the degree attainable, to divert flows from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from exposed areas of the site. Such practices may include silt fences, earth dikes, drainage swales, sediment traps, check dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions and temporary or permanent sediment basins. The installation of these devices may be subject to Section 404 of the Clean Water Act.

Description of Structural Practices:

1. Temporary erosion control systems shall be left in place with proper maintenance until permanent erosion control is in place and working properly and proposed turf areas seeded and established with a proper stand.
2. Once permanent erosion control systems as proposed in the plans are functional and established, temporary items shall be removed, cleaned up, and disturbed turf reseeded.

b. **Storm Water Management**

Provided below is a description of measures that will be installed during the construction process to control pollutants in storm water discharges that will occur after construction operations have been completed. The installation of these devices may be subject to Section 404 of the Clean Water Act.

(i) Such practices may include: storm water detention structures (including wet ponds); storm water retention structures; flow attenuation by use of open vegetated swales and natural depressions; infiltration of runoff on site; and sequential systems (which combine several practices). **The practices selected for implementation were determined on the basis of the technical guidance in Section 10-300 (Design Considerations) in Chapter 10 (Erosion and Sedimentation Control) of the Illinois Department of Transportation Drainage Manual. If practices other than those discussed in Section 10-300 are selected for implementation or if practices are applied to situations different from those covered in Section 10-300, the technical basis for such decisions will be explained below.**

(ii) Velocity dissipation devices will be placed at discharge locations and along the length of any outfall channel as necessary to provide a non-erosive velocity flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected (e.g., maintenance of hydrologic conditions, such as the hydroperiod and hydrodynamics present prior to the initiation of construction activities).

Description of Storm Water Management Controls (use additional pages, as necessary):

The entire site will be seeded upon completion

c. Other Controls

- (i) Waste Disposal. No solid materials, including building materials, shall be discharged into Waters of the State, except as authorized by a Section 404 permit.
- (ii) The provisions of this plan shall ensure and demonstrate compliance with applicable State and/or local waste disposal, sanitary sewer or septic system regulations.

d. Approved State or Local Plans

The management practices, controls and provisions contained in this plan will be in accordance with IDOT specifications, which are at least as protective as the requirements contained in the Illinois Environmental Protection Agency's Illinois Urban Manual, 1995. Procedures and requirements specified in applicable sediment and erosion site plans or storm water management plans approved by local officials shall be described or incorporated by reference in the space provided below. Requirements specified in sediment and erosion site plans or site permits or storm water management site plans or site permits approved by local officials that are applicable to protecting surface water resources are, upon submittal of an NOI to be authorized to discharge under permit ILR10 incorporated by reference and are enforceable under this permit even if they are not specifically included in the plan.

Description of procedures and requirements specified in applicable sediment and erosion site plans or storm water management plans approved by local officials:

1. Erosion Control Blanket shall be installed at or beyond the construction limits to intercept sheet flow of waterborne silt and sediments and prevent it from leaving the area of construction.

3. Maintenance

The following is a description of procedures that will be used to maintain, in good and effective operating conditions, vegetation, erosion and sediment control measures and other protective measures identified in this plan (use additional pages, as necessary):

1. Areas will be inspected on a regular basis by the Village of Matteson.
2. Maintenance crews will perform regular mowing to aid in keeping weeds down and establishing a good roadside seed stand.
3. Maintenance crews will aid in any ditch lining maintenance or in any drainage problems.
4. All maintenance will be conducted at times when weather conditions will not cause site damage.

4. Inspections

Qualified personnel shall inspect disturbed areas of the construction site which have not been finally stabilized, structural control measures, and locations where vehicles enter or exit the site. Such inspections shall be conducted at least once every seven (7) calendar days and within 24 hours of the end of a storm that is 0.5 inches or greater or equivalent snowfall.

- a. Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. Erosion and sediment control measures identified in the plan shall be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they shall be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving waters. Locations where vehicles enter or exit the site shall be inspected for evidence of off site sediment tracking.
- b. Based on the results of the inspection, the description of potential pollutant sources identified in section 1 above and pollution prevention measures identified in section 2 above shall be revised as appropriate as soon as practicable after such inspection. Any changes to this plan resulting from the required inspections shall be implemented within 7 calendar days following the inspection.
- c. A report summarizing the scope of the inspection, name(s) and qualifications of personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of this storm water pollution prevention plan, and actions taken in accordance with section 4.b. shall be made and retained as part of the plan for at least three (3) years after the date of the inspection. The report shall be signed in accordance with Part VI. G of the general permit.
- d. If any violation of the provisions of this plan is identified during the conduct of the construction work covered by this plan, the Resident Engineer or Resident Technician shall complete and file an "Incidence of Noncompliance" (ION) report for the identified violation. The Resident Engineer or Resident Technician shall use forms provided by the Illinois Environmental Protection Agency and shall include specific information on the cause of noncompliance, actions which were taken to prevent any further causes of noncompliance, and a statement detailing any environmental impact which may have resulted from the noncompliance. All reports of noncompliance shall be signed by a responsible authority in accordance with Part VI. G of the general permit.

The report of noncompliance shall be mailed to the following address:

Illinois Environmental Protection Agency
Division of Water Pollution Control
Attn: Compliance Assurance Section
1021 North Grand East
Post Office Box 19276
Springfield, Illinois 62794-9276

5. Non-Storm Water Discharges

Except for flows from fire fighting activities, sources of non-storm water that is combined with storm water discharges associated with the industrial activity addressed in this plan must be described below. Appropriate pollution prevention measures, as described below, will be implemented for the non-storm water component(s) of the discharge. (Use additional pages as necessary to describe non-storm water discharges and applicable pollution control measures).

Sources of non-storm water for the activities of this project are not expected to be sufficient enough that infiltration into existing ground will not handle them.



This certification statement is a part of the Storm Water Pollution Prevention Plan for the project described below, in accordance with NPDES Permit No. ILR10, issued by the Illinois Environmental Protection Agency on May 14, 1998.

Project Information:

Route	<u>Preservation Bike Path</u>	Marked	<u>From 205th St. to Thronwood Ave.</u>
Section	<u>00-00048-00-BT</u>	Project No.	<u>M-8003-272</u>
County	<u>Cook</u>		

I certify under penalty of law that I understand the terms of the general National Pollutant Discharge Elimination System (NPDES) permit (ILR 10) that authorizes the storm water discharges associated with industrial activity from the construction site identified as part of this certification.

Signature

Date

Title

Name of Firm

Street Address

City State

Zip Code

Telephone Number



November 28, 2006

CORPS PERMIT NO.: LRC200601015
WCSWCD SE/SC NO.: 06-523

Village of Matteson
Mr. Vince Laoang, P.E.
4900 Village Commons
Matteson, IL 60443

Leadership in Resource Management Since 1946
1201 S. DOUGAR ROAD • NEW LENOX, ILLINOIS 60451
(815) 462-3106 • FAX (815) 462-3176
www.will-scookswcd.org

SUBJECT: Soil Erosion and Sediment Control (SE/SC) Plan Review Application to Request Authorization to impact jurisdictional "Waters of the United States" to construct Preservation Bike Path from 205th Street to Thornwood Avenue. (T35N R13E SEC. 15 in COOK COUNTY, Illinois)

Dear Mr. Laoang:

The WILL-SOUTH COOK SOIL & WATER CONSERVATION DISTRICT (WCSWCD) has verified the development proposed in the above-mentioned SE/SC application submittal received November 8, 2006, with the plans and documents entitled, "Preservation Bike Path", prepared by Salah Choukaier of Terra Engineering, Ltd. and by Jamil Bou-Saab of S.A.M. Consultants, Inc., comply with the technical standards set forth within the *Illinois Urban Manual*, employ best management practices (BMP) and meet the terms and conditions of the SE/SC application for approval. Per our Interagency Coordination Agreement (ICA) with the United States Department of the Army, Chicago District, Corps of Engineers (CORPS) this letter of approval (LOA) serves to certify the previously mentioned compliance and has been sent forward to the CORPS to assist in their review and ultimate approval of your CORPS permit application.

Enclosed please find two (2) certified copies of the approved SE/SC plans. Approval and certification is shown by the WCSWCD seal, my signature as the Resource Conservationist (RC) for the district and date of approval. This certification, once more, verifies that the submittal meets the terms and conditions of the SE/SC application for approval. A certified copy of the SE/SC plans and LOA shall be on the development site once construction commences. The SE/SC certified plans and LOA shall be presented to any official from the WCSWCD, Corps, and/or any other authorized agency upon their request.

As part of the ICA, the RC for the WCSWCD represents the CORPS regarding all SE/SC review, communication and inspection. As the CORPS representative it is essential that I attend the pre-construction meeting to discuss implementation of SE/SC measures and help answer any questions regarding what the WCSWCD expects as the CORPS representative. Please provide me with, at least, a one (1) week notice prior to the meeting's date/time along with the meeting location's address. The pre-construction meeting may be held anywhere, however, it is ideally held on the development site. At this meeting provide me with an outline of your operation schedule including approximate dates for completion.

11/28/2006

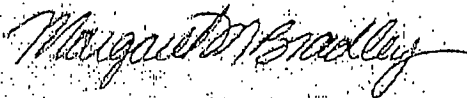
All programs and services of the Will-South Cook SWCD are offered on a nondiscriminatory basis, without regard to race, color, national origin, religion, sex, age, marital status, or handicap.

As the CORPS representative, it is my responsibility to conduct on-site inspections during the active construction phase(s) of your land development project to determine compliance with the approved plan and CORPS Permits requirements. Inspections may reveal adjustments are needed to the approved plan. The SE/SC project manager for this development ought to investigate the site's condition on a regular basis, most importantly after any rainfall event, to ensure the SE/SC measures implemented are serving their purpose. If it is found any SE/SC measure is not performing as expected, it must be replaced with an alternate SE/SC BMP to accomplish the goal immediately. Simply furnish our office with a picture of the failure and the resulting replacement SE/SC BMP chosen along with a memo recording this change. The primary goal is to protect the site from soil erosion, downstream sedimentation, and ensure water quality.

In conclusion, once the SE/SC elements of construction have been achieved contact our office to set up a post-construction meeting on-site. It is essential a final inspection be conducted to determine whether permanent site stabilization has been realized, identify operation and maintenance needs, and ensure that compliance with the terms and conditions of the permit have been met.

If there are any questions or concerns please do not hesitate to contact the WSCSWCD at any time to help clear up these questions or resolve any concerns by telephone at (815) 462-6106 extension 6 or email at margaret.bradley@il.nacdn.net.

Sincerely,



Margaret M. Bradley
Resource Conservationist
WILL SOUTH COOK SWCD

Cc: Mr. Paul Leffler, CORPS
Mr. Salah Choukaier, Terra Engineering
Mr. Jamil Bou-Saab, S.A.M. Consultants

11/28/2006

STATE OF ILLINOIS



Permit No. DIL-06-002

Department of Transportation

Division of Highways
2300 South Dirksen Parkway
Springfield, Illinois 62764

REGULATED FLOODWAY CONSTRUCTION PERMIT
ILLINOIS REVISED STATUTES Chapter 19, Section 65g

PERMISSION IS HEREBY GRANTED TO: Village of Matteson
4900 Village Commons
Matteson, IL 60443

FOR CONSTRUCTION OF:

A new prefabricated pedestrian bridge. The project is located in Township 35 North, Range 13 East of 3rd Principal Meridian in Cook County, Illinois.

IN ACCORDANCE WITH THE Application and Plan
DATED November 2006 AND MADE A PART HEREOF, AND SUBJECT TO THE
TERMS SHOWN ON THE BACK HEREOF AND THE SPECIAL CONDITIONS ATTACHED HERETO
AS EXHIBIT

EXAMINED AND APPROVED

Diane O'Keefe / DJ
DISTRICT ENGINEER/CENTRAL BUREAU CHIEF

11/27/06
DATE



DEPARTMENT OF THE ARMY
CHICAGO DISTRICT, CORPS OF ENGINEERS
111 NORTH CANAL STREET
CHICAGO, ILLINOIS 60606-7206

REPLY TO
ATTENTION OF:

JAN 23 2007

Technical Services Division
Regulatory Branch
LRC-2006-1015

SUBJECT: Permit For A Bike Path Bridge And Associated Riprap On
Butterfield Creek In The Village of Matteson, Cook County,
Illinois (Section 15, T35N, R13E)

Village of Matteson
Attn: Mr. Vince Laoang
4900 Village Commons
Matteson, IL 60443

Dear Mr. Laoang:

The U.S. Army Corps of Engineers, Chicago District, has completed its review of your notification for authorization under the Regional Permit Program (RPP), submitted on your behalf by Terra Engineering, Ltd.

This office has verified that your proposed activity complies with the terms and conditions of Regional Permit 10 (Bank Stabilization) and the overall RPP under Category I of the Regional Permit Program dated January 1, 2005. The activity may be performed without further authorization from this office provided the activity is conducted in compliance with the terms and conditions of the RPP.

In addition, this authorization is contingent upon Will-South Cook Soil and Water Conservation District determining your soil erosion and sediment control plan meets technical standards, and implementing and maintaining soil erosion and sediment controls in a serviceable condition throughout the duration of the project.

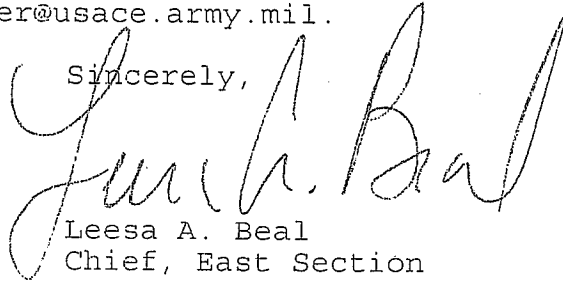
This verification expires three (3) years from the date of this letter and covers only your activity as described in your notification and as shown on the plans entitled "205th St. To Thornwood Ave. Bike Trail Construction" dated June 5, 2006, prepared by Terra Engineering, Ltd. Caution must be taken to prevent construction materials and activities from impacting waters of the United States beyond the scope of this authorization. If you anticipate changing the design or location of the activity, you should contact this office to determine the need for further authorization.

This verification does not obviate the need to obtain all other required Federal, state, or local approvals before

starting work. Please note that Section 401 Water Quality Certification has been issued by IEPA for this RP. Enclosed are the IEPA Section 401 Water Quality Certification conditions. If you have any questions regarding Section 401 certification, please contact Mr. Bruce Yurdin at IEPA's Division of Water Pollution Control, Permit Section #15, by telephone at (217) 782-3362.

For a complete copy of the RPP program or any additional information on the RPP program, please access our website: www.lrc.usace.army.mil/co-r. Once you have completed the authorized activity, please sign and return the enclosed compliance certification. If you have any questions, please contact Mr. Paul Leffler of my staff by telephone at (312) 846-5529 or email at paul.m.leffler@usace.army.mil.

Sincerely,

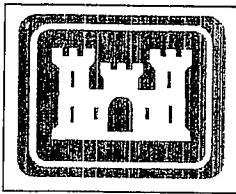


Leesa A. Beal
Chief, East Section
Regulatory Branch

Enclosure

Copy Furnished (w/o enclosure):

Terra Engineering, Ltd.
Attn: Mr. George Ghareeb
505 N. LaSalle Street, Suite 250
Chicago, IL 60610



PERMIT COMPLIANCE
CERTIFICATION

Permit Number: LRC-2006-1015
Permittee: Village of Matteson
Date of Issuance: JAN 23 2007

I hereby certify that the work authorized by the above-referenced permit has been completed in accordance with the terms and conditions of said permit and that compensatory wetland mitigation was completed in accordance with the approved mitigation plan.¹

PERMITTEE

DATE

Upon completion of the activity authorized by this permit and any mitigation required by the permit, this certification must be signed and returned to the following address:

U.S. Army Corps of Engineers
Chicago District, Regulatory Branch
111 North Canal Street, 6th Floor
Chicago, Illinois 60606-7206

Please note that your permitted activity is subject to compliance inspections by Corps of Engineers representatives. If you fail to comply with this permit, you may be subject to permit suspension, modification, or revocation.

¹ If compensatory mitigation was required as part of your authorization, you are certifying that the mitigation area has been graded and planted in accordance with the approved plan. You are acknowledging that the maintenance and monitoring period will begin after a site inspection by a Corps of Engineers representative or after thirty days of the Corps' receipt of this certification. You agree to comply with all permit terms and conditions, including additional reporting requirements, for the duration of the maintenance and monitoring period.



U.S. Army Corps of Engineers
Chicago District

CHICAGO DISTRICT
REGIONAL PERMIT PROGRAM

Effective: April 1, 2007
Expiration: April 1, 2012

Authority: 33 U.S.C. 401 et seq.; 33 U.S.C. 1344

A. Introduction

The U.S. Army Corps of Engineers, Chicago District hereby issues the Regional Permit Program (RPP) that includes a set of Regional Permits for activities with minimal individual and cumulative impacts on the aquatic environment in Cook, DuPage, Kane, Lake, McHenry and Will Counties, Illinois (see Regional Permits). Please note that projects in Will County that are located within the recharge zone for Lockport Prairie Nature Preserve, (an area that supports the Federally Endangered Hines Emerald Dragonfly), will not be reviewed under the RPP. Projects within the recharge zone will be reviewed under Individual Permit procedures only. Please visit our website for a copy of the following: location of the Lockport Prairie Recharge Zone; joint application form (NCR Form 426, Protecting Illinois Waters); draft deed restriction; Mitigation Requirements; sample tolling agreement and various other documents; and Frequently Asked Questions (FAQ's) regarding the RPP. The FAQ contains a comprehensive listing of frequently asked questions and answers that specifically pertain to the RPP. For instructions on submitting a complete application please reference the RPP checklist on the District website at: <http://www.lrc.usace.army.mil/co-r>.

The purpose of the RPP is to provide a simplified and expeditious means to review activities that meet the specified terms and conditions described herein. This program replaces portions of the Nationwide Permit Program and Regional Permits 3, 15, and 16 in the Chicago District.

Regional permits are a type of general permit, as defined in 33 CFR 322.2(f), 33 CFR 323.2(h) and 325.2(e) (2). A regional permit may be issued by a District Engineer for a category of activities that are substantially similar in nature and cause only minimal individual and cumulative environmental impacts.

B. Applicability

The RPP authorizes activities that involve structures or work in or affecting navigable waters of the United States (U.S.) under Section 10 of the Rivers and Harbors Act of 1899 and/or discharges of dredged or fill material into waters of the U.S. under Section 404 of the Clean Water Act

For waters that meet the definition of Section 10, please reference the District's website for a listing of navigable waterways. Section 404 waters are defined at and determined in accordance with 33 C.F.R. §§328-329 and 40 C.F.R. §230.3.

C. Definitions

Definitions found at 33 CFR Parts 320-323 and 325-329 and 40 CFR Part 230 are applicable to the RPP and are incorporated by reference herein.

Applicant is the individual, organization or company requesting authorization under the RPP. Applicant shall be owner of the property in question as required in the joint application form

Authorization is written verification by the District that an activity qualifies for, and may proceed under, the RPP provided the terms and conditions of the program are followed. Authorization under the RPP is valid for a period of three (3) years.

Best Management Practices (BMPs) are policies, practices, procedures or structures implemented to mitigate the direct and indirect degradation of surface water quality from an activity. BMPs include non-structural elements such as the preservation of existing natural areas and drainageways, and structural elements such as vegetated swales, filter strips and infiltration trenches which are designed to remove pollutants, reduce runoff rates and velocity and protect aquatic resources.

Buffer is a protective strip of land along the edge of waters of the U. S., including wetlands, that is usually maintained in native vegetation. Buffers protect shorelines and banks from erosion, provide wildlife habitat, filter pollutants from the water, and protect environmentally sensitive areas from potential effects of development.

Compensatory wetland mitigation is the creation, restoration, enhancement or, in exceptional circumstances, preservation of wetlands and/or other aquatic resources for the purpose of compensating for unavoidable impacts which remain after all appropriate and practicable avoidance and minimization has been achieved.

Complete application is all required notification materials submitted by the applicant to the District. If all materials are not submitted, the application is considered incomplete and cannot be processed under the RPP.

Conservation area is any national park or forest, natural heritage landmark, State nature preserve or conservation area, Illinois Natural Area Inventory site (including proposed sites), county forest preserve, or land managed by a local government or organization for conservation purposes. Most, but not all conservation areas are depicted on the Northeastern Illinois Regional Greenways Plan (latest version), prepared by the Northeastern Illinois Planning Commission and OpenLands Project.

Currently serviceable means that a structure or fill is useable as is, or with some maintenance, but not so degraded as to require reconstruction.

High-quality aquatic resources (HQARs) are aquatic areas considered to be regionally critical due to their uniqueness, scarcity, and/or value, and other wetlands considered to perform functions important to the public interest, as defined in 33 CFR Part 320.4(b)(2). These resources include Advanced Identification (ADID) sites, bogs, ephemeral pools, fens, forested wetlands, sedge meadows, wet meadows, seeps, streams rated Class A or B in the Illinois Biological Stream Characterization study, wet prairies, wetlands supporting Federal or Illinois endangered or threatened species, and wetlands with a floristic quality index of 20 or greater or mean C value of 3.5 or greater. These areas are generally considered unsuitable for dredge or fill activities. Descriptions of high-quality aquatic resources are provided in APPENDIX A.

Impact is the direct and indirect loss of waters of the U.S., including wetlands, which results from implementation of a proposed activity. This includes waters of the U.S. that are adversely affected by filling, flooding, dredging, excavation, or drainage as a result of the activity.

Notification is the submission of materials by the applicant to the District for a complete application.

Modification is the revision of terms or conditions on the authorization to ensure that an activity has minimal impacts on aquatic resources.

Permittee is the individual, organization or company authorized to complete an activity under the RPP.

Pre-construction notice (PCN) is the notice provided to Federal and State agencies which requests comments concerning a proposed "Category II" activity.

Preservation is the protection of ecologically important wetlands or other aquatic resources in perpetuity through the implementation of appropriate legal and physical mechanisms. Preservation may include protection of upland areas adjacent to wetlands to ensure protection and/or enhancement of the overall aquatic ecosystem.

Project area is the land, including waters of the U.S. and uplands, utilized for a single and complete project. The acreage is determined by the amount of land cleared, graded, and/or filled to construct the single and complete project, including any buildings, utilities, stormwater management facilities, roads, yards, and other attendant features. The project area also includes other land and attendant features that are used in conjunction with the single and complete project, such as open space, roads and utilities. Roads constructed by State or local governments for general public use are not included in the project area.

Revocation is the permanent cancellation of the authorization.

Single and complete project is the total project proposed or accomplished by one owner, developer or partnership, or agency within a project area.

Single-family residence is a parcel of land owned by an individual and used by that individual as his/her primary personal habitation.

Special conditions are conditions added by the District for projects on a case-by-case basis to ensure an activity has minimal impacts on aquatic resources and complies with the RPP.

Suspension is the temporary cancellation of the authorization while a decision is made to either modify, revoke or reinstate the authorization.

Terms and conditions. The terms and conditions are the parameters, including thresholds, limitations and requirements, for completing an activity under the RPP. These parameters are described in each Regional Permit and in Section I (General Conditions) of this document. Case-specific conditions (called "special conditions") may also be added by the District on individual authorizations to ensure that an activity has minimal individual and cumulative impacts.

Utility line is any pipeline used to transport a gaseous, liquid, liquefiable or slurry substance for any purpose, and any cable, line or wire used to transmit electrical energy, telephone, radio signals, television signals or data communication. This definition does not include pipes or ditches which serve to drain a water of the United States, such as drainage tile; however, it does apply to pipes conveying drainage from another area.

D. Permit Expiration

The Regional Permit Program is valid for a period of five (5) years from the date of issuance (or reissuance). The District will issue a public notice (with an opportunity for comment) describing the reasons for reissuing the Regional Permits, reissuing the Regional Permits with modifications, or not reissuing the Regional Permits for another five (5) years, at least sixty (60) calendar days prior to the expiration date of the Regional Permits. If the District has not reissued the Regional Permits by the expiration date, the Regional Permits will no longer be valid.

A Regional Permit may also be modified, suspended or revoked by the District at any time deemed necessary. In such an instance, the District will issue a public notice (with an opportunity for comment) describing the proposed change at least sixty (60) calendar days prior to the date the change will go into effect.

E. Activity Categories

Activities to be covered under the RPP will fall under one of two categories:

Category I: Activities with minimal impacts requiring review by the District. Authorization may include special conditions to ensure compliance with the RPP. The District has the discretion to process a Category I activity under Category II where it has concerns for aquatic resources under the Section 404(b)(1) Guidelines or for any factor of the public interest.

Category II: Activities with minimal impacts requiring more rigorous review by the District and coordination with resource agencies. Authorization may include special conditions to ensure compliance with the RPP.

Activities that do not fall into one of the above categories by definition have more than minimal impacts and are therefore subject to the individual permit review process.

F. Discretionary Authority

The District has the discretion to suspend, modify, or revoke authorizations under this RPP. This discretionary authority may be used by the District to further condition or restrict the applicability of the Regional Permits for cases where it has concerns for aquatic resources under the Clean Water Act Section 404(b)(1) Guidelines or for any factor of the public interest. Because of the nature of most Category I activities, the District anticipates that it will not exert discretionary authority, except in extraordinary cases. For Category II activities, the District will thoroughly evaluate each proposed activity before issuing authorization. Should the District determine that a proposed activity might have more than minimal individual or cumulative adverse impacts to aquatic resources or otherwise be contrary to the public interest, the District will notify the applicant that the proposed activity is not authorized by the RPP and provide instructions on how to seek authorization under an individual permit. The District may restore authorization under the RPP at anytime it determines that the reason for asserting discretionary authority has been resolved or satisfied by a condition, project modification, or new information.

The District may also use its discretionary authority to modify, suspend, or revoke a Regional Permit for any specific geographic area, class of activities, or class of waters within the District's boundaries or individual authorizations where an activity is not in compliance with the RPP.

G. Authorization

Applicants seeking authorization under the RPP shall notify the District in accordance with the RPP General Condition number 21, prior to commencing a proposed activity. If the District determines that an activity does not comply with the RPP, it will notify the applicant in writing within forty-five (45) calendar days and provide instructions on the procedures to seek authorization under an individual permit. If the District does not provide a written response to the applicant within 45 calendar days following receipt of a complete application, the applicant may presume the proposed activity qualifies for the requested Regional Permit(s), provided the activity complies with the terms and conditions of the RPP, as determined by the District. If the District determines that a proposed activity complies with the terms and conditions of the RPP, it will notify the applicant within 45 calendar days of receipt of a complete application. If the District determines that an unauthorized activity complies with the terms and conditions of the RPP, it will notify the applicant once it is satisfied that the violation has been resolved.

The District may add special conditions to an authorization to ensure the activity complies with the terms and conditions of the RPP, and/or the adverse impacts on the aquatic environment or other aspects of the public interest are individually and cumulatively minimal.

Multiple Regional Permits may be combined to authorize a proposed single and complete project, except as indicated under specific Regional Permits. If multiple Regional Permits are used, the total impact may not exceed the maximum allowed by the Regional Permit with the greatest impact threshold. To use multiple Regional Permits, the applicant shall submit notification under General Condition 21 and indicate which Regional Permits are to be used for the project.

Any activity authorized by the District under the RPP shall be completed within three (3) years of the date it is authorized. The authorization date of a RP is the date the District confirms in writing that the activity meets the terms and conditions of the RPP, or 45 calendar days after the District receives a complete application and the District fails to contact the applicant in writing concerning whether the activity meets the terms and conditions of the RPP, provided the activity complies with the terms and conditions of the RPP, as determined by the District. A Request for a time extensions will be considered on a case by case basis by the District.

H. Unauthorized Activities

The District evaluates unauthorized activities for enforcement action under 33 CFR Part 326. After considering whether a violation was knowing or intentional, and consideration of the need for a penalty, the District can suspend enforcement proceedings and allow submittal of an application for after-the-fact authorization under the RPP, if all terms and conditions of the RPP have been satisfied, either before or after the activity has been completed. If the project is subject to an enforcement action, the mitigation ratio will generally be higher than the minimum requirement of 1.5. No after-the-fact applications will be accepted unless and until the applicant has furnished a signed "statute of limitations tolling agreement" to the District. Use of an after-the-fact RPP authorization shall be consistent with the Army/EPA Memorandum of Agreement on Enforcement. A knowing, intentional or willful violation will generally be the subject of an enforcement action leading to a penalty and/or restoration of the affected areas rather than an after-the-fact authorization.

I. General Conditions

The permittee shall comply with the terms and conditions of the Regional Permits and the following general conditions for all activities authorized under the RPP:

1. State 401 Water Quality Certification - Water quality certification under Section 401 of the Clean Water Act is required from the Illinois Environmental Protection Agency (IEPA). The District may consider water quality, among other factors, in determining whether to exercise discretionary authority and require an individual permit. Please note that Section 401 Water Quality Certification is a requirement for projects issued under Section 404 of the Clean Water Act. Projects issued under Section 10 of the Rivers and Harbors Act of 1899 do not require Section 401 Water Quality Certification (see APPENDIX B).

On January 31, 2007, the IEPA granted Section 401 certification, with conditions, for all Regional Permits, except for activities in certain waterways noted under RPs 4 and 8. The following conditions of the certification are hereby made conditions of the RPP:

1. The applicant shall not cause:
 - a) violation of applicable water quality standards of the Illinois Pollution Control Board Title 35, Subtitle C: Water Pollution Rules and Regulations;
 - b) water pollution defined and prohibited by the Illinois Environmental Protection Act; or
 - c) interference with water use practices near public recreation areas or water supply intakes.

2. The applicant shall provide adequate planning and supervision during the project construction period for implementing construction methods, processes and cleanup procedures necessary to prevent water pollution and control erosion.
3. Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all State statutes, regulations and permit requirements with no discharge to waters of the State unless a permit has been issued by the Illinois EPA. Any backfilling must be done with clean material placed in a manner to prevent violation of applicable water quality standards.
4. All areas affected by construction shall be mulched and seeded as soon after construction as possible. The applicant shall undertake necessary measures and procedures to reduce erosion during construction. Interim measures to prevent soil erosion during construction shall be taken and may include the installation of staked straw bales, sedimentation basins and temporary mulching. All construction within the waterway shall be conducted during zero or low flow conditions. The applicant shall be responsible for obtaining an NPDES Stormwater Permit prior to initiating construction if the construction activity associated with the project will result in the disturbance of (1) one or more acres, total land area. An NPDES Stormwater Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Illinois EPA's Division of Water Pollution Control, Permit Section.
5. The applicant shall implement erosion control measures consistent with the Illinois Urban Manual (IEPA/USDA, NRCS; 2002 latest version).
6. The applicant is advised that the following permits(s) must be obtained from the Illinois EPA: The applicant must obtain permits to construct sanitary sewers, water mains, and related facilities prior to construction.
7. Backfill used in the stream-crossing trench shall be predominantly sand or larger size material, with <20% passing a #230 U.S. sieve.
8. Any channel relocation shall be constructed under dry conditions and stabilized to prevent erosion prior to the diversion of flow. [Applicable only to projects which propose to relocate stream channels.]
9. The proposed work shall be constructed with adequate erosion control measures (i.e., silt fences, straw bales, etc.) to prevent transport of sediment and materials to the adjoining wetlands and/or streams.
10. Backfill used within trenches passing through surface waters of the State, except wetland areas, shall be clean course aggregate, gravel or other material which will not cause siltation, pipe damage during placement, or chemical corrosion in place. Excavated material may be used only if:
 - a) particle size analysis is conducted and demonstrates the material to be at least 80% sand or larger size material, using #230 U.S. sieve; or
 - b) excavation and backfilling are done under dry conditions.
11. Backfill used within trenches passing through wetland areas shall consist of clean material which will not cause siltation, pipe damage during placement, or chemical corrosion in place. Excavated material shall be used to the extent practicable, with the upper six (6) to twelve (12) inches backfilled with the topsoil obtained during trench excavation.
12. Any applicant proposing activities in a mined area or previously mined area shall provide to the IEPA a written determination regarding the sediment and materials used which are considered "acid-producing material" as defined in 35 Il. Adm. Code, Subtitle D. If considered "acid-producing material," the applicant shall obtain a permit to construct pursuant to 35 Il. Adm. Code 404.101.

13. Asphalt, bituminous material and concrete with protruding material such as reinforcing bar or mesh shall not be 1) used for backfill, 2) placed on shorelines/stream banks, or 3) placed in waters of the State.
14. Applicants that use site dewatering techniques in order to perform work in perennial streams for construction activity approved under Regional Permits 1 (Residential, Commercial and Institutional Developments), 2 (Recreation Projects), 3 (Transportation Projects), 7 (Temporary Construction Activities), Permit 9 (Maintenance) or 12 (Bridge Scour Protection) shall maintain flow in the stream during such construction activity by utilizing dam and pumping, fluming, culverts or other such techniques.
15. In addition to any action required of the Regional Permit 13 (Cleanup of Toxic and Hazardous Materials Projects) applicant with respect to the "Notification" General Condition 21, the applicant shall notify the Illinois EPA Bureau of Water, of the specific activity. This notification shall include information concerning the orders and approvals that have been or will be obtained from the Illinois EPA Bureau of Land (BOL) for all cleanup activities under BOL jurisdiction, or for which authorization or approval is sought from BOL for no further remediation. This Regional Permit is not valid for activities that do not require or will not receive authorization or approval from the BOL.
16. This Regional Permit is not valid for utility line projects under Regional Permits 1 (Residential, Commercial and Institutional Developments) and 2 (Recreation Projects) in the water bodies listed under Regional Permit 8 (Utility Line Projects).

2. Threatened and Endangered Species - If the District determines that the activity may affect Federally listed species or critical habitat, the District will initiate Section 7 consultation with the U.S. Fish and Wildlife Service (USFWS) in accordance with the ESA. Applicants may provide additional information that would enable the District to conclude that the proposed action is not likely to adversely affect a federally listed species. Applicants are encouraged to obtain information on threatened or endangered species and their critical habitats from the USFWS at the earliest stages of project planning

The application packet must include a letter from the USFWS indicating whether any species listed under the Endangered Species Act of 1973 may be present in areas affected (directly or indirectly). You may request such a letter by writing to:

Attention: Field Supervisor
 Chicago Field Office
 U.S. Fish and Wildlife Service
 1250 South Grove Avenue, Suite 103
 Barrington, Illinois 60010

The consultation process will involve the following procedures: After an applicant (or their agent) submits a written request to the USFWS for information on the presence of listed species within a project area, the USFWS will send a reply to the applicant (and/or their agent) and the District. If the USFWS indicates that listed species may be present or that suitable habitat for the species may be in the area, or the project may have adverse effects on the listed species, informal discussions to resolve concerns among the applicant, the District and the USFWS may begin. The applicant can submit additional information, which may allow the USFWS to conclude that the project is unlikely to adversely affect a listed species. If all issues pertaining to endangered and threatened species have been resolved through the consultation process and to the satisfaction of the District and the USFWS, the District may, at its discretion, authorize the activity under the RPP. The time frame for informal discussions will vary, but efforts will be made by all parties to keep a planned schedule. If issues are not resolved, the analysis of the situation is complicated, or impacts to listed species are found to be greater than minimal, the District shall consider reviewing the project under the Individual Permit process.

3. Historic Properties - No activity is authorized under the RPP if the activity will affect properties listed, or properties eligible for listing, in the National Register of Historic Places, in accordance with the provisions of 33 CFR Part 325,

Appendix C and Section 106 of the National Historic Preservation Act. Federal agencies should follow their own procedures for compliance with the requirements of the National Historic Preservation Act and other Federal historic preservation laws. Non-federal applicants should notify the District if the activity may affect historic properties which are listed, determined eligible for listing, or which the applicant has reason to believe may be eligible for listing, on the National Register of Historic Places in the project area. If the District determines that the activity may potentially affect a historic property, or a property eligible for listing, the activity shall not be authorized under the RPP and an individual permit will be required. The District will take into account the effects on such properties in accordance with 33 CFR Part 325, Appendix C. If all issues pertaining to historic properties have been resolved through the consultation process to the satisfaction of the District, Illinois Historic Preservation Agency (IHPA) and Advisory Council on Historic Preservation, the District may, at its discretion, authorize the activity under the RPP instead of an individual permit. Applicants are encouraged to obtain information on historic properties from the IHPA and the National Register of Historic Places at the earliest stages of project planning. For information, contact:

Illinois Historic Preservation Agency
1 Old State Capitol Plaza
Springfield, Illinois 62701-1507
(217) 782-4836

4. Soil Erosion and Sediment Control - Measures shall be taken to control soil erosion and sedimentation at the project site to ensure that sediment is not transported to waters of the U.S. during construction. Soil erosion and sediment control measures shall be implemented before initiating any clearing, grading, excavating or filling activities. All temporary and permanent soil erosion and sediment control measures shall be maintained throughout the construction period and until the site is stabilized. All exposed soil and other fills, and any work below the ordinary high water mark shall be permanently stabilized at the earliest practicable date.

Applicants are required to prepare a soil erosion and sediment control (SESC) plan. The plan shall be designed in accordance with the Illinois Procedures and Standards for Urban Soil Erosion and Sedimentation Control ("Green Book", latest version, except chapter 6). Practice standards and specifications for measures outlined in the soil erosion and sediment control plans will follow the latest edition of the "Illinois Urban Manual: A Technical Manual Designed for Urban Ecosystem Protection and Enhancement." Additional Soil Erosion and Sediment Control (SESC) measures not identified in the "Green Book" may also be utilized upon District approval.

At the District's discretion, an applicant may be required to submit the SESC plan to the local Soil and Water Conservation District (for activities in Cook, DuPage, Kane, McHenry and Will Counties), or the Stormwater Management Commission (for activities in Lake County) for review. When the District does require submission of an SESC plan, the following applies: An activity may not commence until the SESC plan for the project site has been reviewed; The SWCD/SMC will review the plan and provide a written evaluation of its adequacy; A SESC plan is considered acceptable when the SWCD/SMC has found it meets technical standards. Once this determination has been made, the authorized work may commence unless the SWCD/SMC has requested that they be notified prior to commencement of the approved plans. The SWCD/SMC may attend pre-construction meetings with the permittee and conduct inspections during construction to determine compliance with the plans. Applicants are encouraged to begin coordinating with the appropriate SWCD/SMC office at the earliest stages of project planning. For information, contact:

Kane/DuPage SWCD
2315 Dean Street, Ste. 100
St. Charles, IL 60174
(630) 584-7961

Will/South Cook SWCD
1201 Gougar Road
New Lenox, IL 60451
(815) 462-3106

McHenry County SWCD
1648 South Eastwood Dr.
Woodstock, IL 60098
(815) 338-0099

North Cook SWCD
899 Jay Street
Streamwood, IL 60120
(847) 468-0071

Lake County SMC
333-B Peterson Road
Libertyville, IL 60048
(847) 918-5260

5. Floodplain - Discharges of dredged or fill material into waters of the United States within the 100-year floodplain (as defined by the Federal Emergency Management Agency) resulting in permanent above-grade fills shall be avoided and minimized to the maximum extent practicable. When such an above-grade fill would occur, the applicant may need to obtain approval from the Illinois Department of Natural Resources, Office of Water Resources, (IDNR-OWR) which regulates activities affecting the floodway and local government (e.g., Village or County) with jurisdiction over activities in the floodplain. Compensatory storage may be required for fill within the floodplain. Applicants are encouraged to obtain information from the IDNR-OWR and local government with jurisdiction at the earliest stages of project planning. For information on floodway construction, contact:

IDNR/OWR
36 S. Wabash, Suite 1415
Chicago, Illinois 60603
(312) 793-3123

For information on floodplain construction, please contact the local government and/or the Federal Emergency Management Agency. Pursuant to 33 CFR 320.4 (j), the District will consider the likelihood of the applicant obtaining approval for above-ground permanent fills in floodplains in determining whether to issue authorization under the RPP.

6. Navigation - No activity may cause more than minimal adverse effects on navigation.

7. Proper Maintenance - Any authorized structure or fill shall be properly maintained, including that necessary to ensure public safety.

8. Aquatic Life Movements - No activity may substantially disrupt the movement of those species of aquatic life indigenous to the waterbody, including species that normally migrate through the area, unless the activity's primary purpose is to impound water.

9. Equipment - Heavy equipment working in wetlands shall be placed on mats or, other measures such as low-ground pressure equipment shall be taken to minimize soil disturbance.

10. Wild and Scenic Rivers - No 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. Information on Wild and Scenic Rivers may be obtained from the appropriate land management agency in the area, such as the National Park Service and the U.S. Forest Service.

11. Tribal Rights - No activity or its operation may impair reserved tribal rights, such as reserved water rights, treaty fishing and hunting rights.

12. Water supply intakes - No discharge of dredged or fill material may occur in the proximity of a public water supply intake except where the discharge is for repair of the public water supply intake structures or adjacent bank stabilization.

13. Shellfish production - No discharge of dredged or fill material may occur in areas of concentrated shellfish production.

14. Suitable material - No discharge of dredged or fill material may consist of unsuitable material and material discharged shall be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act). Unsuitable material includes trash, debris, car bodies, and asphalt.

15. Spawning areas - Discharges in spawning areas during spawning seasons shall be avoided to the maximum extent practicable.

16. Obstruction of high flows - Discharges shall not permanently restrict or impede the passage of normal or expected high flows. All crossings shall be culverted, bridged or otherwise designed to prevent the restriction of expected high water flows, and shall be designed so as not to impede low water flows or the movement of aquatic organisms.

17. Impacts from impoundments - If the discharge creates an impoundment of water adverse impacts on aquatic resources caused by the accelerated passage of water and/or the restriction of its flow shall be avoided to the maximum extent practicable.
18. Waterfowl breeding areas - Discharges into breeding areas for migratory waterfowl shall be avoided to the maximum extent practicable.
19. Removal of temporary fills - Any temporary fill material shall be removed in its entirety and the affected area returned to its pre-existing condition.
20. Mitigation - Impacts to waters of the U.S. shall be avoided and minimized to the maximum extent practicable at the project site. Avoidance and minimization shall be attempted before compensatory wetland mitigation is considered. Compensatory mitigation will be accomplished by establishing a minimum ratio of 1.5 acres of mitigation for every 1.0 acre of waters of the U.S. impacted by the project. Furthermore, the District has the discretion to require additional mitigation to ensure that the impacts are no more than minimal. Mitigation shall be consistent with the Memorandum of Agreement (MOA) between the Department of the Army and the Environmental Protection Agency Concerning the Determination of Mitigation under the Clean Water Act Section 404(b) (1) Guidelines. Mitigation may consist of the following, listed in order of preference: restoration of historic wetlands that are currently non-wetlands because of drainage or other alterations; enhancement of existing aquatic resources through various actions such as modification of hydrology, introduction of appropriate native species, invasive species removal, and other management measures; creation of aquatic resources in historically upland areas; and, preservation of existing aquatic resources through real estate acquisition strategies. Careful consideration shall be given to the likelihood of sustainability, practicability, availability, and reliability of compensatory mitigation. Off-site wetland mitigation may be considered where the long-term success of on-site mitigation is uncertain.
21. Notification - The applicant shall provide written notification (i.e., a complete application) for a proposed activity to be authorized under the RPP prior to commencing a proposed activity. The District's receipt of the complete application is the date when the District receives all required notification information from the applicant (see below). If the District does not provide a written response to the applicant within 45 calendar days following receipt of a complete application, the applicant may presume the proposed activity qualifies for the requested Regional Permit(s), provided the activity complies with the terms and conditions of the RPP. If the District informs the applicant within 45 calendar days that the notification is incomplete (i.e., not a complete application), the applicant shall submit to the District in writing, the requested information to be considered for review under the Regional Permit Program. A new 45-day review period will commence when the District receives the requested information. Applications that involve unauthorized activities that are completed or partially completed by the applicant are not subject to the 45-day review period.

For all activities, notification will include:

- a. A cover letter providing a detailed description of the proposed activity, a clear project purpose and need statement, the Regional Permit(s) to be used for the activity, the area (in acres) of waters of the U.S. to be impacted, and a statement that the terms and conditions of the RPP will be followed;
- b. A completed joint application form (NCR Form 426, Protecting Illinois Waters) signed by the applicant or agent. If the agent signs, notification shall include a signed, written statement from the applicant designating the agent as their representative;
- c. A delineation of waters of the U.S., including wetlands, for the project area, and for areas adjacent to the project site (off-site wetlands shall be identified through the use of reference materials including review of local wetland inventories, soil surveys and the most recent available photography), shall be prepared in accordance with the current Corps of Engineers methodology

and generally conducted during the growing season.* For sites supporting wetlands, the delineation shall include a Floristic Quality Assessment (Swink and Wilhelm, 1994, latest edition, Plants of the Chicago Region). The delineation shall also include information on the occurrence of any high-quality aquatic resources, and a listing of waterfowl and amphibian species observed while at the project area. The District will exercise their judgment when it comes to the submittal of wetland delineation. Flexibility of the requirements may be determined by the District on a case-by-case basis only.

- d. A map showing the location of the project area;
- e. Full-size preliminary engineering drawings (8 1/2" x 11" reduced-sized for Category II projects only) showing all aspects of the proposed activity and the location of waters of the U.S. to be impacted and not impacted. The plans shall include grading contours and proposed and existing structures such as buildings footprints, roadways, road crossings, stormwater management facilities, utilities, construction access areas and details of water conveyance structures. The drawings shall also depict buffer areas, outlots or open space designations, best management practices, deed restricted areas, and restoration areas, if required under the specific RP;
- f. Submittal of soil erosion and sediment control (SESC) plans that identify all SESC measures to be instituted during construction of the project;
- g. The application must include a letter from the U.S. Fish and Wildlife Service (Service) indicating whether any species listed under the Endangered Species Act of 1973, as amended (Act), may be present within areas affected (directly or indirectly) by the proposed project. This letter should be dated within one year of the submission date of the application packet to the District. The District will use this and other available information to determine whether the proposed project may adversely affect a federally listed species. If the District believes that a listed species may be adversely affected we will begin discussions with the Service, and will include the applicant or their consultant in these discussions. If appropriate, the District will request formal consultation from the Service pursuant to section 7 of the Act on the proposed project. The District will not issue a permit to an applicant until the consultation process is completed;
- h. A signed statute of limitations tolling agreement (if application is after-the-fact);
- i. A discussion of measures taken to avoid and/or minimize impacts to aquatic resources on the project site;
- j. A compensatory mitigation plan for all impacts to waters of the U.S., (if compensatory mitigation is required under the specific RP); and
- k. Other items listed under the specific RP.

For Category II activities, the District will, upon receipt of a complete application, provide by facsimile transmission, email or other expeditious means), a pre-construction notice (PCN) which describes the proposed activity to the United States Fish & Wildlife Service (USFWS), United States Environmental Protection Agency (USEPA), Illinois Department of Natural Resources (IDNR), Illinois Department of Natural Resources/Office of Water Resources (IDNR/OWR) Illinois Environmental Protection Agency (IEPA), Illinois Historic Preservation Agency (IHPA), Illinois Nature Preserves Commission (INPC) and U.S. Coast Guard (Section 10 activities only). These agencies will then have ten (10) calendar days from the date the PCN is transmitted to contact the District if they intend to provide substantive, site-specific comments. If so contacted by an agency, the District will grant an

* If a wetland delineation is conducted outside the growing season, the District will determine on a case-by-case basis whether sufficient evidence is available to make an accurate determination. If the District finds that delineation lacks sufficient evidence, the application will not be considered complete until such time the information is provided. This may involve re-delineating the project site during the growing season.

extension, not to exceed fifteen (15) calendar days for agency written comments before making a decision on the notification. The District will fully consider agency comments received within the specified time frame. If the District determines the activity complies with the terms and conditions of the RPP and impacts on aquatic resources are minimal, the District will notify the applicant in writing and include any special conditions deemed necessary. If the District determines that the impacts of the proposed activity are more than minimal, the District will notify the applicant that the project does not qualify for authorization under the RPP and instruct the applicant on the procedures to seek authorization under an individual permit.

22. Compliance Certification - Every permittee who has received authorization under the RPP from the District will submit a signed certification regarding the completed work and any required mitigation. The certification will be forwarded by the District with the authorization letter and will include: a) A statement that the authorized work was done in accordance with the District's authorization, including any general or specific conditions; b) A statement that any required mitigation was completed in accordance with the permit conditions and; c) The signature of the permittee certifying the completion of the work and mitigation.

23. Multiple use of Regional Permits - In any case where a Regional Permit is combined with any other Regional Permit to cover a single and complete project (except where prohibited under specific Regional Permits), the applicant shall notify the District in accordance with General Condition 21. If multiple Regional Permits are used, the total impact may not exceed the maximum allowed by the Regional Permit with the greatest impact threshold.

24. Other Restrictions - Authorization under the RPP does not obviate the need to obtain other Federal, State or local permits, approvals, or authorizations required by law nor does it grant any property rights or exclusive privileges, authorize any injury to the property or rights of others or authorize interference with any existing or proposed Federal project.

Approved by:

/ORIGINAL SIGNED/

John D. Drolet
Colonel, U.S. Army
District Commander

_____ Date

REGIONAL PERMITS

1. RESIDENTIAL, COMMERCIAL AND INSTITUTIONAL DEVELOPMENTS

RP1 authorizes the construction of residential, commercial and institutional developments and associated infrastructure, such as roads, utilities, detention areas, and recreation areas, subject to the following requirements that shall be addressed in writing, and submitted with the notification:

- a. The impact to waters of the U.S. shall not exceed 1.0 acres. For projects that impact over 0.10 acres of waters of the U.S., the permittee is required to provide compensatory mitigation.
- b. Projects that impact no more than 0.5 acres of waters of the U.S., and do not impact any high-quality aquatic resources, shall be processed under Category I.
- c. Projects that impact over 0.5 acres up to 1.0 acres of waters of the U.S., or impacts high-quality aquatic resources shall be processed under Category II.
- d. The permittee shall establish and/or enhance an upland buffer of native plants (or other appropriate vegetation approved by the District) adjacent to all created, restored, enhanced or preserved waters of the U.S., including wetlands. Created buffers should be established on 6:1 or gentler slopes. The following buffer widths are required:
 - 1) For any waters of the U.S. determined to be a high-quality aquatic resource, the buffer shall be a minimum of 100 feet;
 - 2) For any waters of the U.S. that do not qualify as wetland (e.g. lakes, rivers, ponds, etc.), the buffer shall be a minimum of 50 feet from the Ordinary High Water Mark (OHWM);
 - 3) For any jurisdictional wetland from 0.25 acres up to 0.50 acres, the buffer shall be a minimum of 30 feet; and
 - 4) For any jurisdictional wetland over 0.50 acres, the buffer shall be a minimum of 50 feet.

The District may allow buffer widths below the above-required minimums. It shall be incumbent on the applicant to demonstrate that no practicable alternatives are available that would not impact the required buffer widths.

Stormwater retention/detention facilities and pervious nature trails may be located in the buffer. However, the facility shall be setback to a minimum distance of 50% of the required buffer and the trail shall be setback to a minimum distance of 10% of the required buffer, leaving the remaining buffer footage (adjacent to the regulated area) to consist of native vegetation only or other appropriate vegetation approved by the District. The District may allow Best Management Practices, small boat launches and boat houses, and piers/docks to be located in buffers.

- e. All remaining, created, restored or enhanced waters of the U.S. and adjacent buffers on the project site shall be permanently preserved and protected through deed restriction (or conservation easement). A draft deed restriction (or conservation easement) shall be provided with notification.
- f. No lot lines shall occur in created, restored, enhanced or preserved waters of the U.S. and adjacent buffer areas on the project site. In instances where there is a demonstrated conflict between this lot line restriction and a local ordinance or state law, the District may accept physical measures such as the installation of split-rail fencing or other means of separating the protected

area, posting of signs marking the limits of the protected areas, and establishing a party responsible for the long-term management of the protected areas in lieu of recording such areas as separate outlot property deeds.

- g. The project shall employ Best Management Practices (BMPs) to protect water quality, preserve natural hydrology and minimize the overall impacts of development on aquatic resources. BMPs shall be considered at the earliest planning stages of the project.

The applicant shall design the project to include the preservation of natural resource features such as floodplains, streams, lakes, steep slopes, significant wildlife areas, wetlands, natural depressions and drainageways, prairies, woodlands, sensitive aquifers and their recharge areas and native soils. In addition, the design elements utilized by the applicant shall include an appropriate combination of those provided on the list below:

- 1) Minimize mass grading and disturbance of soils;
- 2) Lay out streets and lots to conform to the natural topography of the site;
- 3) Minimize new impervious surfaces by clustering of neighborhoods and homes, minimizing street widths and parking lots, and reducing lot sizes and building setbacks;
- 4) Preserve and create natural landscaping, buffers and filter strips
- 5) Utilize permeable areas to maximize infiltration of runoff into the ground through the use of biofilters, filter strips, swales, infiltration trenches, permeable pavement and native vegetated open spaces;
- 6) Direct runoff to permeable areas and/or utilize stormwater for reuse by:
 - a. Directing roof runoff towards permeable surfaces, drywells, French drains, vegetated swales, or other BMPs instead of driveways or other non-permeable surfaces;
 - b. Grading impervious surfaces to direct runoff to permeable areas, utilizing level spreaders or other methods to distribute the impervious runoff onto pervious surfaces;
 - c. Using cisterns, retention structures or rooftops to store precipitation or runoff for reuse; and
 - d. Removing berms and designing pavement edges (e.g., curb cuts) in order to direct water to permeable landscaped areas.
- 7) Improve water quality of stormwater leaving the site through the use of a naturalized detention basin designed to maximize the removal and transformation of runoff pollutants. Design should include:
 - a. Emergent vegetation in the bottoms of the wetland basins and along the periphery of wet bottom basins, and side slopes vegetated in native prairie (traditional dry bottom basins are not approved BMPs);
 - b. Stilling basins at major detention basin inlets and maximizing the distance between major inlets and the basin outlet;
 - c. Installation of pre-settlement or mechanical stormwater treatment units prior to discharge of stormwater into primary detention basins; and
 - d. In locations where detention basin discharge to adjacent/downstream wetlands, designing detention basin outlet structures to spread and infiltrate runoff through the use of level spreader devices.

A written narrative shall be included with notification, which describes how the BMP hierarchy above was used in determining the water quality protection practices selected for the project site. BMP(s) may be located in upland

buffers adjacent to wetlands and other waters of the U.S. The narrative shall describe in detail the BMPs that will be utilized and permanently maintained, and the entity responsible for maintenance of the BMPs. A management and monitoring plan will be required for all approved BMPs. The plan shall be designed on a case-by-case basis and shall include performance standards such as the BMPs ability to function as designed, percent coverage of vegetation, stabilized soils, and corrective measures to bring areas into compliance, etc.

Applicants who protect water quality and minimize run-off by designing and implementing a comprehensive and coordinated use of BMPs throughout the project site may receive partial compensatory wetland mitigation credit. The District may, at its discretion and on a case-by-case basis, reduce the required mitigation ratio as low as 1:1, following a request from the applicant for such a credit. In order to qualify for the credit, the applicant shall prepare a water quality management plan for the entire project site that identifies priority watershed resources to be protected, water quality goals, the natural and proposed drainage system and details of the projected runoff quality and quantity. Each BMP selected shall be part of a coordinated system ("treatment train"), which provides multiple layers of treatment.

- h. Stormwater management facilities shall generally not be constructed in a linear body of water such as a river, or perennial, intermittent or ephemeral stream or creek, unless there is substantial evidence that the project will provide a benefit to the aquatic system.
- i. The project shall be designed such that stormwater does not directly discharge into waters of the U.S. All water shall be infiltrated or detained and treated prior to discharging into waters of the U.S. In addition, stormwater shall be discharged using methods that promote infiltration and water quality treatment, such as level spreaders, infiltration trenches and vegetated swales.
- j. This permit does not authorize the underground piping of a linear waterbody.
- k. For a project site adjacent to a conservation area, the permittee shall request a letter from the organization responsible for management of the conservation area, which recommends measures to protect the area from potential impacts that may result from the development. A copy of the request and any response received from the organization shall be submitted to the District with the notification.
- l. The project shall be a single and complete project. For example, if construction of a residential development involves phases; the sum of all impacted areas would be the basis for deciding whether or not the project will be covered under this Regional Permit.
- m. All roads shall adhere to items e through o, as listed in under Regional Permit 3, "Transportation Projects", which shall be addressed in writing and submitted with the notification.
- n. All utility lines shall adhere to items d through q, as listed in under Regional Permit 8, "Utility Line Projects", and shall be addressed in writing and submitted with the notification. Utility Line Projects are subject to individual water quality certification under Section 401 of the Clean Water Act for certain water bodies as listed under RP 8 condition d.
- o. All temporary construction activities which adhere to items c through i, as listed in under Regional Permit 7, "Temporary Construction Activities" which shall be addressed in writing and submitted with the notification.
- p. This permit shall not be used in conjunction with any other regional permit except RP10.

2. RECREATION PROJECTS

RP2 authorizes the construction of recreation projects, including golf courses, sports fields, playgrounds, parks and multi-use trails, and associated infrastructure, such as roads, utilities, and detention areas, subject to the following requirements, that shall be addressed in writing and submitted with the notification:

- a. The impact to waters of the U.S. shall not exceed 1.0 acres. For projects that impact over 0.10 acres of waters of the U.S., the permittee is required to provide compensatory mitigation.
- b. Projects that impact no more than 0.5 acres of waters of the U.S., and do not impact any high-quality aquatic resources, shall be processed under Category I.
- c. Projects that impact over 0.5 acres up to 1.0 acres of waters of the U.S., or impacts high-quality aquatic resources shall be processed under Category II.
- d. The permittee shall establish and/or enhance an upland buffer of native plants (or other appropriate vegetation approved by the District) adjacent to all created, restored, enhanced or preserved waters of the U.S., including wetlands. Created buffers should be established on 6:1 or gentler slopes. The following buffer widths are required:
 - 1) For any waters of the U.S. determined to be a high-quality aquatic resource, the buffer shall be a minimum of 100 feet;
 - 2) For any waters of the U.S. that do not qualify as wetland (e.g. lakes, rivers, ponds, etc.), the buffer shall be a minimum of 50 feet from the Ordinary High Water Mark (OHWM);
 - 3) For any jurisdictional wetland from 0.25 acres up to 0.50 acres, the buffer shall be a minimum of 30 feet; and
 - 4) For any jurisdictional wetland over 0.50 acres, the buffer shall be a minimum of 50 feet.

The District may allow buffer widths below the above-required minimums. It shall be incumbent on the applicant to demonstrate that no practicable alternatives are available that would not impact the required buffer widths

Stormwater retention/detention facilities and pervious nature trails may be located in the buffer. However, the facility shall be setback to a minimum distance of 50% of the required buffer and the trail shall be setback to a minimum distance of 10% of the required buffer, leaving the remaining buffer footage (adjacent to the regulated area) to consist of native vegetation only or other appropriate vegetation approved by the District. The District may allow Best Management Practices, small boat launches and boat houses, and piers/docks to be located in buffers.

- e. All remaining, created, restored or enhanced waters of the U.S. and adjacent buffers on the project site shall be permanently preserved and protected through deed restriction (or conservation easement). A draft deed restriction (or conservation easement) shall be provided with notification.
- f. No lot lines shall occur in created, restored, enhanced or preserved waters of the U.S. and adjacent buffer areas on the project site. In instances where there is a demonstrated conflict between this lot line restriction and a local ordinance or state law, the District may accept physical measures such as the installation of split-rail fencing or other means of separating the protected

area, posting of signs marking the limits of the protected areas, and establishing a party responsible for the long-term management of the protected areas in lieu of recording such areas as separate outlot property deeds.

- g. The project shall employ Best Management Practices (BMPs) to protect water quality, preserve natural hydrology and minimize the overall impacts of development on aquatic resources. BMPs shall be considered at the earliest planning stages of the project.

The applicant shall design the project to include the preservation of natural resource features such as floodplains, streams, lakes, steep slopes, significant wildlife areas, wetlands, natural depressions and drainageways, prairies, woodlands, sensitive aquifers and their recharge areas and native soils. In addition, the design elements utilized by the applicant shall include an appropriate combination of those provided on the list below:

- 1) Minimize mass grading and disturbance of soils;
- 2) Lay out streets and lots to conform to the natural topography of the site;
- 3) Minimize new impervious surfaces by clustering of neighborhoods and homes, minimizing street widths and parking lots, and reducing lot sizes and building setbacks;
- 4) Preserve and create natural landscaping, buffers and filter strips;
- 5) Utilize permeable areas to maximize infiltration of runoff into the ground through the use of biofilters, filter strips, swales, infiltration trenches, permeable pavement and native vegetated open spaces;
- 6) Direct runoff to permeable areas and/or utilize stormwater for reuse by:
 - a. Directing roof runoff towards permeable surfaces, drywells, French drains, vegetated swales, or other BMPs instead of driveways or other non-permeable surfaces;
 - b. Grading impervious surfaces to direct runoff to permeable areas, utilizing level spreaders or other methods to distribute the impervious runoff onto pervious surfaces;
 - c. Using cisterns, retention structures or rooftops to store precipitation or runoff for reuse; and
 - d. Removing berms and designing pavement edges (e.g., curb cuts) in order to direct water to permeable landscaped areas.
- 7) Improve water quality of stormwater leaving the site through the use of a naturalized detention basin designed to maximize the removal and transformation of runoff pollutants. Design should include:
 - a. Emergent vegetation in the bottoms of the wetland basins and along the periphery of wet bottom basins, and side slopes vegetated in native prairie (traditional dry bottom basins are not approved BMPs);
 - b. Stilling basins at major detention basin inlets and maximizing the distance between major inlets and the basin outlet;
 - c. Installation of pre-settlement or mechanical stormwater treatment units prior to discharge of stormwater into primary detention basins; and
 - d. In locations where detention basin discharge to adjacent/downstream wetlands, designing detention basin outlet structures to spread and infiltrate runoff through the use of level spreader devices.

A written narrative shall be included with notification, which describes how the BMP hierarchy above was used in determining the water quality protection practices selected for the project site. BMP(s) may be located in upland buffers adjacent to wetlands and other waters of the U.S. The narrative shall describe in detail the BMPs that will be utilized and permanently maintained, and the entity responsible for maintenance of the BMPs. A management and monitoring plan will be required for all approved BMPs. The plan shall be designed on a case-by-case basis and shall include performance standards such as the BMPs ability to function as designed, percent coverage of vegetation, stabilized soils, and corrective measures to bring areas into compliance, etc.

Applicants who protect water quality and minimize run-off by designing and implementing a comprehensive and coordinated use of BMPs throughout the project site may receive partial compensatory wetland mitigation credit. The District may, at its discretion and on a case-by-case basis, reduce the required mitigation ratio as low as 1:1, following a request from the applicant for such a credit. In order to qualify for the credit, the applicant shall prepare a water quality management plan for the entire project site that identifies priority watershed resources to be protected, water quality goals, the natural and proposed drainage system and details of the projected runoff quality and quantity. Each BMP selected shall be part of a coordinated system ("treatment train"), which provides multiple layers of treatment.

- h. Stormwater management facilities shall generally not be constructed in a linear body of water such as a river, or perennial, intermittent or ephemeral stream or creek, unless there is substantial evidence that the project will provide a benefit to the aquatic system.
- i. The project shall be designed such that stormwater does not directly discharge into waters of the U.S. All water shall be infiltrated or detained and treated prior to discharging into waters of the U.S. In addition, stormwater shall be discharged using methods that promote infiltration and water quality treatment, such as level spreaders, infiltration trenches and vegetated swales.
- j. This permit does not authorize the underground piping of a linear waterbody.
- k. For a project site adjacent to a conservation area, the permittee shall request a letter from the organization responsible for management of the conservation area, which recommends measures to protect the area from potential impacts that may result from the development. A copy of the request and any response received from the organization shall be submitted to the District with the notification.
- l. The project shall be a single and complete project. For example, if construction of a golf course involves phases, the sum of all impacted areas would be the basis for deciding whether or not the project will be covered under this Regional Permit.
- m. All roads shall adhere to items e through o, as listed in under Regional Permit 3, "Transportation Projects", which shall be addressed in writing and submitted with the notification.
- n. All utility lines shall adhere to items d through q, as listed in under Regional Permit 8, "Utility Line Projects", and shall be addressed in writing and submitted with the notification. Utility Line Projects are subject to individual water quality certification under Section 401 of the Clean Water Act for certain water bodies as listed under RP 8 condition d.
- o. All temporary construction activities which adhere to items c through i, as listed in under Regional Permit 7, "Temporary Construction Activities" which shall be addressed in writing and submitted with the notification.
- p. This permit shall not be used in conjunction with any other regional permit except RP10.

3. TRANSPORTATION PROJECTS

RP3 authorizes the construction or replacement of public transportation projects, including roads, bridges, runways and taxiways, and railroads. Subject to the following requirements, that shall be addressed in writing, and submitted with the notification:

- a. The impact to waters of the U.S. shall not exceed 0.25 acres for any single crossing. For projects that involve multiple crossings of waters of the U.S., the cumulative impact cannot exceed 1.0 acres. For purposes of this RP only, a single crossing is defined as an act or instance of crossing over, or an activity that facilitates transportation from one side to the other.
- b. For projects that cause the loss of greater than 0.10 acre of waters of the U.S., the permittee is required to provide compensatory mitigation.
- c. Projects that impact no more than 0.5 acres of waters of the U.S. and do not impact any high-quality aquatic resources will be processed under Category I.
- d. Projects that impact over 0.5 acres up to 1.0 acres of waters of the U.S. and/or impacts a high-quality aquatic resources shall be processed under Category II.
- e. The discharge shall be limited to the minimum width necessary to complete the authorized work.
- f. Crossings of waterways and/or wetlands shall be culverted, bridged or otherwise designed to prevent the restriction of expected high water flows, and shall be designed so as not to impede low water flows or the movement of aquatic organisms. For example, the bottom of the opening for box culverts shall be installed 6 to 12 inches below streambed elevation to maintain a more natural type streambed. The addition of rock or other suitable material may be required in the culvert to prevent erosion of the existing streambed. Additional guidance for the planning and installation of stream crossings can be found at <http://www.fws.gov/midwest/Fisheries/StreamCrossings/index.htm>
- g. The permittee shall clearly label the construction drawings to include existing and proposed grading contours, all structures associated with the installation of the crossing such as wing walls, and/or rock and concrete protection measures, and existing and proposed utilities lines and associated structures. A detailed narrative shall accompany the construction plans and describe all work to be performed as indicated on the plans.
- h. All in-stream work, such as the removal of accumulated sediments, and demolition work, such as the removal of existing structures, shall be clearly labeled on the construction drawings and included in project narrative.
- i. Crossings over waterways and/or wetlands shall adhere to the requirements of RP7 c through i, "Temporary Construction Activities". All items of RP7 shall be addressed in writing and submitted with notification.
- j. This permit shall not be used to authorize structural bank stabilization methods such as retaining walls, gabion baskets, etc., other than those structures necessary to assure the integrity of the stream and stream bank immediately adjacent to the crossing only.
- k. The permittee shall establish and maintain an upland buffer of native plants (or other appropriate vegetation approved by the District) within the right-of-way adjacent to all wetlands.
- l. To the greatest extent possible, the activity should be designed such that surface water does not directly discharge into waters of the U.S. All water should be infiltrated or detained and treated prior to discharging into waters of the U.S.

- m. If dewatering of the site is required in order to perform work in waterways, the site shall be dewatered for work in the dry and dewatering will be temporary only. No in-stream work shall be authorized unless soil erosion and sediment control measures are acceptable by the District.
- n. This permit specifically excludes discharges into jurisdictional areas used to construct associated building pads or equipment storage areas.
- o. For a project site adjacent to a conservation area, the permittee shall request a letter from the organization responsible for management of the conservation area that recommends measures to protect the area from potential impacts that may result from development. A copy of the request and any response received from the organization shall be submitted to the District with the notification.
- p. This permit cannot be used to authorize the installation of road crossings associated with residential, commercial or institutional developments.

4. Minor Discharges and Dredging

RP4 authorizations may consist of the following types of activities:

- 1. The discharge of up to 25 cubic yards of dredged or fill material, including the discharge of materials such as concrete, sand, rock or stone into tightly sealed cells, where such cells will be used as a structural member for a pile-supported structure (such as a bridge, walkway or mooring cell), and the dredging of up to 25 cubic yards of material. The activity, including discharges and/or dredging, shall not exceed 25 cubic yards or impact more than 0.25 acres of waters of the U.S. and shall not impact high-quality aquatic resources.
- 2. Single Family Residence: The discharge of dredged or fill material for construction or expansion of elements of a single-family residence (including house, garage and driveway) provided the activity is a single and complete project, this RP is used only once per residence, and sufficient vegetated buffers are maintained adjacent to all open water, streams and wetlands. An individual may use this RP only for a single-family home to be used as a personal residence. The term "individual" refers to natural person and/or married couple and does not include a corporation, partnership or similar entity. Projects that impact no more than 0.25 acres of waters of the U.S. and do not impact any high-quality aquatic resources will be processed under Category I. Projects that impact no more than 0.25 acres of waters of the U.S. and impacts high-quality aquatic resources, shall be processed under Category II and compensatory mitigation will be required. There is no volumetric limitation for activities processed under this item.

Authorization under RP4 is subject to the following, which shall be addressed in writing and submitted with the notification:

- a. This RP does not authorize stream diversions or construction of new channels connected to navigable waters.
- b. This RP does not authorize pile-supported structures used for houses, decks, buildings, parking lots or equipment
- c. Septic fields may not be constructed in waters of the United States.
- d. This RP does not authorize residential, commercial and institutional developments
- e. This permit does not authorize temporary construction activities.
- f. This RP shall not be used for the placement of fill in boat slips.

- g. Individual water quality certification under Section 401 of the Clean Water Act is required in the following waters:
- 1) Chicago Sanitary and Ship Canal
 - 2) Calumet-Sag Channel
 - 3) Little Calumet River
 - 4) Grand Calumet River
 - 5) Calumet River
 - 6) Chicago River (main stem)
 - 7) South Branch of the Chicago River (including South Fork)
 - 8) North Branch of the Chicago River (including East and West Forks and Skokie Lagoons)
 - 9) Lake Calumet
 - 10) Des Plaines River
 - 11) Fox River (including the Fox Chain of Lakes)
 - 12) Lake Michigan
 - 13) Pettibone Creek
 - 14) All Public and Food Processing Water Supplies with surface intake facilities (as specified in the IEPA's List of Public and Food Processing Water Supplies Utilizing Surface Water)

5. WETLAND AND STREAM RESTORATION AND ENHANCEMENT

RP5 authorizes the restoration, creation and enhancement of wetlands and riparian areas, and the restoration and enhancement of rivers, creeks and streams, and open water areas on any public or private land. Wetland and stream restoration and enhancement activities include the removal of accumulated sediments; installation, removal and maintenance of small water control structures, dikes and berms; installation of current deflectors; enhancement, restoration, or creation of riffle and pool structures; placement of in-stream habitat structures; modifications of the stream bed and/or banks to restore or create stream meanders; backfilling of artificial channels and drainage ditches; removal of existing drainage structures; construction of open water areas; activities needed to reestablish vegetation, including plowing or discing for seed bed preparation; mechanized land-clearing to remove undesirable vegetation; and other related activities. This RP may be used to relocate aquatic habitat types on the project site, provided there are net gains in aquatic resource functions and values. Authorization under RP5 is subject to the following requirements, that shall be addressed in writing and submitted with the notification:

- a. All projects shall be processed under Category I.
- b. This permit does not authorize activities to relocate or channelize a linear waterbody such as a river, stream, creek, etc.
- c. This permit cannot be used for the conversion of a stream or creek to another aquatic use, such as the creation of an impoundment for waterfowl habitat.
- d. This permit cannot be used to authorize the conversion of natural wetlands to another aquatic use, such as creation of waterfowl impoundments where a forested wetland previously existed.

- e. A management and monitoring plan shall be required for the restoration, creation or enhancement of aquatic resources. Upon the District's approval, the management and monitoring plan may be designed to be site specific, with the duration of the plan determined on a case-by-case basis.
- f. For a project site adjacent to a conservation area, the permittee shall request a letter from the organization responsible for management of the conservation area, that recommends measures to protect the area from potential impacts that may result from the development. A copy of the request and any response received from the organization shall be submitted to the District with the notification.

6. COMPLETED ENFORCEMENT ACTIONS

RP6 authorizes any structure, work or discharge of dredged and fill material, remaining in place, or undertaken for mitigation, restoration or environmental benefit in compliance with:

1. The terms of a final written non-judicial settlement agreement resolving a violation of Section 404 of the Clean Water Act, Section 10 of the Rivers and Harbors Act, or the terms of an EPA 309(a) order or consent decrees resolving a violation of Section 404 of the Clean Water Act. Projects shall be processed under Category I; or
2. The terms of a final Federal court decision, consent decree, or settlement agreement resulting from an enforcement action brought by the United States under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act. Projects shall be processed under Category I.

7. TEMPORARY CONSTRUCTION ACTIVITIES

RP7 authorizes temporary structures and discharges necessary for construction activities, access fills and dewatering of construction sites. Authorization under RP7 is subject to the following, which shall be addressed in writing and submitted with the notification:

- a. All projects will be processed under Category I.
- b. The temporary impact to waters of the U.S. shall not exceed 0.25 acres.
- c. Fills will be of non-erodible materials and shall be constructed to withstand expected high flows.
- d. This permit does not authorize the use of earthfill cofferdams, or any practices that would result in a release of sediment into waters of the U.S. Cofferdams shall be constructed of non-erodible materials. Acceptable practices include pre-fabricated rigid cofferdams, sheet piling, inflatable bladders, sandbags and fabric-lined basins.
- e. For projects that require installation of a cofferdam, the method or practice to be utilized shall be specified in the project narrative, and clearly labeled on the construction plans.
- f. Low ground-pressure equipment is recommended for work in wetlands. If after careful consideration, the District accepts a proposal to use heavy equipment to accomplish the work, the placement of timber mats or other protective measures shall be utilized used to minimize soil disturbance.
- g. If dewatering of the site is required in order to perform work in perennial streams, the site shall be dewatered for work in the dry and shall only be temporary. No in-stream work shall be authorized unless soil erosion and sediment control measures are acceptable.
- h. All materials used for temporary construction activities will be removed to upland areas immediately following completion of the construction activity.

- i. The permittee is required to restore the construction area to pre-construction conditions, including grading to original contours and revegetating disturbed areas with native vegetation (or other vegetation approved by the District) immediately upon completion of the project. A restoration plan that includes a 1-foot contour topographic map, shall be submitted with the notification.

8. UTILITY LINE PROJECTS

RP8 authorizes the construction, maintenance and repair of utility line activities and associated facilities in waters of the United States. This includes trenching and backfilling activities for utility lines and fill activities for construction of substations and related appurtenances (temporary and permanent access roads, construction pads, stormwater management facilities, fencing, parking lots, etc.), poles, pads, anchors, outfall structures, and foundations for overhead utility line towers, utility lines under (e.g., through directional drilling) or over navigable waters (regulated under Section 10 waters only), and outfalls and associated intakes which are authorized, conditionally authorized, specifically exempted, or are otherwise in compliance with the National Pollutant Discharge Elimination System program (Section 402 of the Clean Water Act). Authorization under RP8 is subject to the following, which shall be addressed in writing and submitted with the notification:

- a. Projects that impact no more than 0.5 acres of waters of the U.S., and do not impact any high-quality aquatic resources, will be processed under Category I.
- b. Projects that impact over 0.5 acres and up to 1.0 acres of waters of the U.S., and/or impacts high-quality aquatic resources, will be process under Category II.
- c. The impact to waters of the U.S. shall not exceed 1.0 acres. For projects that impact over 0.10 acres of waters of the U.S., the permittee is required to provide compensatory mitigation.
- d. Authorization under RP8 is subject to Individual water quality certification under Section 401 of the Clean Water Act in the following waters:
 - 1) Chicago Sanitary and Ship Canal
 - 2) Calumet-Sag Channel
 - 3) Little Calumet River
 - 4) Grand Calumet River
 - 5) Calumet River
 - 6) Chicago River (main stem)
 - 7) South Branch of the Chicago River (including South Fork)
 - 8) North Branch of the Chicago River (including East and West Forks and Skokie Lagoons)
 - 9) Lake Calumet
 - 10) Des Plaines River
 - 11) Fox River (including the Fox Chain of Lakes)
 - 12) Lake Michigan
 - 13) Pettibone Creek
 - 14) All Public and Food Processing Water Supplies with surface intake facilities (as specified in the IEPA's List of Public and Food Processing Water Supplies Utilizing Surface Water)

- e. For a project site adjacent to a conservation area, the permittee shall request a letter from the organization responsible for management of the conservation area, which recommends measures to protect the area from potential impacts that may result from construction activities. A copy of the request and any response received from the organization shall be submitted to the District with the notification.
- f. Stormwater management facilities shall generally not be constructed in a linear body of water such as a river, or perennial, intermittent or ephemeral stream or creek.
- g. The project should be designed such that stormwater does not directly discharge into waters of the U.S. All water shall be infiltrated or detained and treated prior to discharging into waters of the U.S. In addition, stormwater should be discharged using methods that promote infiltration and water quality treatment, such as level spreaders, infiltration trenches and vegetated swales.
- h. The permittee shall establish and/or enhance an upland buffer of native plants (or other appropriate vegetation approved by the District) adjacent to all created, restored, enhanced or preserved waters of the U.S., including wetlands, rivers, streams, creeks, ponds and lakes etc. However, the installation of underground and/or overhead utility line towers, poles, footings and anchors are exempt from the buffer requirement.
- i. The permittee is required to restore the construction area to pre-construction conditions, including grading the disturbed areas to original contours and revegetating (with native vegetation or other appropriate vegetation approved by the District) all disturbed areas immediately upon completion of the project. The restoration plan, along with a 1-foot contour topographic map of the project area, shall be submitted with the notification.
- j. The waters of the U.S. to be impacted shall be limited to the minimum necessary to construct the utility line.
- k. The construction area for linear utility line projects shall be limited to a width of 50 feet, except in farmed wetlands where there is an established Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture. All designated work area(s), including construction staging areas, shall be drawn onto the submitted construction plans and clearly labeled.
- l. Any mechanized clearing of vegetation in the utility corridor shall be scheduled no more than seven (7) calendar days preceding installation of the utility line in that segment of the corridor. In no case shall vegetation in the entire corridor be cleared prior to installation of the utility line.
- m. For utility line projects, directional drilling (regulated in Section 10 waters only) or dry crossing techniques, such as fluming, shall be used if the waterbody to be crossed contains perennial flow. The construction drawings and project narrative shall depict the location of all construction access areas, dewatering pit(s), jacking and receiving pits, and shall discuss the potential need for utility checks within the regulated area, and for the removal and disposal of bentonite slurry (by-product).
- n. If the project involves the use of directional drilling in navigable waters (Section 10 waters only) notification shall include a contingency plan. The contingency plan shall discuss actions to stabilize the work area, to employ alternative construction methods, and the process to obtain additional permits necessary to complete the project.
- o. Material resulting from trench excavation may be temporarily (up to 30 days) sidecast into waters of the U.S. provided that the material is not placed in such a manner that is dispersed by currents or other forces and is contained using approved soil erosion and sediment control measures.

- p. Utility lines shall not adversely alter existing hydrology of waters of the U.S., including wetlands. In wetland areas, utility line trenches shall be lined with clay, or other impervious materials or structures (such as cut-off walls) to ensure that the trench through which the utility line is installed does not drain waters of the U.S. In order to prevent a french drain effect; gravel bedding cannot be used as backfill material in the trench. The method chosen to prevent the draining of wetlands shall be drawn onto the constructions plans and clearly labeled.
- q. In wetland areas, the trench shall be backfilled with topsoil excavated from the trench in the same stratification in which it was removed.
- r. All temporary construction activities shall be constructed in accordance with the requirements of RP7, which adhere to items c through i, as listed in under Regional Permit 7, "Temporary Construction Activities" which shall be addressed in writing and submitted with the notification.
- s. All disturbed areas of the project (utility corridor, construction access and storage areas, disturbed slopes and streambanks, etc.) shall be stabilized (e.g., blanketed and seeded) immediately upon completion of construction activities in any one segment of the project. In no case shall soil stabilization be delayed until the project is completed.

Note: Overhead utility lines constructed over Section 10 waters and utility lines that are routed in or under Section 10 waters without a discharge of dredged or fill material require a Section 10 permit (except for pipes or pipelines used to transport gaseous, liquid, or liquefiable slurry substances over navigable waters of the United States, which are considered to be bridges, not utility lines, and may require a permit from the U.S. Coast Guard pursuant to Section 9 of the Rivers and Harbors Act of 1899). Any discharges of dredged or fill material associated with such pipelines will require a Corps permit under Section 404.

9. MAINTENANCE

RP9 authorizes:

1. Repair or rehabilitation of any previously authorized, currently serviceable, structure or fill, 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 footprint including those due to changes in materials, construction techniques, or current construction codes or safety standards which are necessary to implement the repair or rehabilitation are permitted, provided the environmental impacts resulting from such repair or rehabilitation are minimal. This permit authorizes the repair, rehabilitation, or replacement of those structures destroyed by storms, floods, fire or other discrete events, provided the repair or rehabilitation is commenced or under contract to commence within three years of the date of their destruction or damage. Maintenance dredging and beach restoration are not authorized by this permit. All projects meeting these requirements shall be processed under Category I.
2. Maintenance of existing flood control facilities, retention/detention basins, and channels that were constructed by the Corps and transferred to a local sponsor for operation and maintenance. Maintenance is limited to that approved in a maintenance baseline determination made by the District. This determination will be based on the approved plans, the facility actually constructed, maintenance history, present versus original flood control needs, and presence of sensitive/unique functions and values of aquatic resources that may be adversely affected. Applicants are encouraged to meet with the District to establish the maintenance baseline prior to notification. This RP does not authorize the removal of sediment and associated vegetation from natural watercourses. All projects meeting these requirements shall be processed under Category II.

Authorization under RP9 is subject to the following, which shall be addressed in writing and submitted with the notification:

- a. In-stream work, such as the repair of scour holes or fill to stabilize structures, etc., will be processed under Category II.
- b. In the event that in-stream work is required, the area shall be dewatered so that all work is performed in the dry. All designated work area(s), including construction staging areas, shall be drawn onto the submitted construction plans and clearly labeled. No in-stream work shall be authorized unless soil erosion and sediment control measures are acceptable by the District.
- c. In the event of equipment leaks, all in-stream work shall require the installation of a boom. The boom shall be specified in the soil erosion and sediment control plan notes.
- d. Temporary construction activities, including access roads and cofferdams, are not authorized under this Regional Permit.

10. BANK STABILIZATION

RP10 authorizes bank stabilization activities in all waters of the U.S., except Lake Michigan, subject to the following, which shall be addressed in writing and submitted with the notification:

1. Projects that involve the use of vegetative and biotechnical practices will be processed under Category I, and are not subject to length restrictions. Biotechnical practices are defined as bank stabilization practices incorporating organic materials to produce functional structures, provide wildlife habitat, and provide areas for revegetation. Examples of biotechnical practices include, but are not limited to: a) adequately sized riprap or A-Jack structures keyed into the toe of the slope with native plantings on the banks above; b) vegetated geogrids; c) coconut fiber (coir) logs; d) live, woody vegetative cuttings, fascines or stumps; e) brush layering; and f) soil lifts.
2. Projects that involve the use of structural bank stabilization practices, such as riprap, gabions, lumber boxes, steel sheet piling, or fabric-formed concrete will be processed under Category II (with the exception of projects meeting items a & b below) and shall not exceed a total length of 500 feet. Riprap materials shall not be placed at a steeper slope than 2:1 (2 horizontal to 1 vertical) for dumped riprap, and 1.5:1 for hand-placed riprap. Should broken concrete be used as riprap, all reinforcing rods shall be cut flush with the surface of the concrete. [Please note that in Lake County, evidence of compliance with the Lake County Watershed Development Ordinance, (WDO) shall preclude General Notification Requirements 21 items j and K].

The following items apply to all authorizations under RP10:

- a. Projects that involve the installation of rip-rap less than 250 feet in length on the non-ADID portions of the Fox Chain of Lakes, will be processed under Category I.
- b. Projects that involve the installation of a new seawall that is: 1) less than 250 feet in length, 2) located on the non-ADID portions of the Fox Chain of Lakes system, and 3) constructed to connect two existing seawalls or constructed along an excavated channel leading into a non-ADID portion of the Fox Chain of Lakes system, shall be processed under Category I.
- c. Projects that involve replacement of currently functional bank stabilization structures or practices shall be processed under Category I, provided that the new practice includes only minor deviations in the structure's configuration or footprint including those due to changes in materials, construction techniques, or current construction codes or safety standards which are necessary to implement the repair.
- d. Structural and vegetative/biotechnical practices may be combined, but in no case shall structural practices exceed 500 feet in total length.

- e. Bioengineering practices may be constructed in HQARs under Category II.
- f. Structural practices may not be installed in HQARs under the Regional Permit Program.
- g. Bank stabilization shall conform to the existing shoreline and may not be used to reclaim land lost to erosion.
- h. No more than one (1) cubic yard per running foot of material shall be used as backfill.
- i. Temporary construction activities, including access roads and cofferdams, are not authorized under this Regional Permit.
- j. In-stream work to be performed below the toe of the slope is not authorized under this Regional Permit.
- k. This RP shall not be used for fill in boat slips.

11. Marine Structures and Activities

RP11 authorizes the installation, repair and modification of piers, boat docks (non-commercial only), boat ramps, boat hoists and lifts (including roof coverings), navigational and mooring aids, and temporary recreational structures. This RP also authorizes temporary structures or minor discharges of dredged or fill material necessary for the removal of vessels (wrecked, abandoned or disabled) or for the removal of man-made obstructions to navigation. In addition, this RP authorizes the installation, repair and modification of shore protection along Lake Michigan.

Certain limitations exist for the use of this RP within the Fox River Chain of Lakes waterway system, in accordance with the May 12, 2000 Fox River Chain of Lakes Boat Pier and Boat Ramp Application Review Policy. Authorization under RP11 is subject to the following, which shall be addressed in writing and submitted with the notification:

- a. All marine structures and activities, except the installation of boat ramps and shore protection along Lake Michigan, will be processed under Category I.
- b. The installation of boat ramps and shore protection along Lake Michigan will be processed under Category II.
- c. Boat docks shall be constructed in accordance with the following conditions and limitations:
 - 1) The dock shall not project more than 50 feet into a waterway, (up to 100 feet if located in a shallow water area of the Fox Chain-of-Lakes system). The dock shall be the minimum length necessary to reach suitable water depth, and in no instance greater than one quarter of the width of the waterway, and shall not extend beyond the navigation limits established by the Illinois Department of Natural Resources, Office of Water Resources (IDNR/CWR) and the District;
 - 2) The width of the dock shall not be greater than 10 feet;
 - 3) For L-shaped or T-shaped docks, the length of that portion parallel to the shoreline shall not exceed 50 percent of the landowner's shoreline frontage, nor 50 feet;
 - 4) Docks shall be aligned so as not to cross the projection of property lines into the waterway or come within 10 feet of the projection of the property line.
 - 5) Dock posts shall be marked with reflective devices. If the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and signals as may be prescribed by the U.S. Coast Guard shall be installed and maintained by and at the

expense of the permittee;

- 6) The boat dock shall be securely anchored to prevent its detachment and becoming a floating hazard during times of high water or winds;
 - 7) Boat mooring buoys and dock flotation units shall be constructed of material that are clean and free of pollutants and will not become waterlogged or sink when punctured. Flotation units and devices shall be composed of low-density, closed cell, rigid plastic foam. Foam bead flotation will not be allowed unless commercially encapsulated and designed specifically for flotation purposes. Reconditioned plastic drums and metal barrels are allowed if they are first cleaned and filled with flotation foam. Barrel, drums or containers that previously contained pesticide, herbicide or other hazardous substances are not allowed;
 - 8) Non-floating boat docks shall be constructed in a manner which will minimize obstruction to flow; and
 - 9) If, at any future date, the IDNR/OWR or District determines that the dock facility obstructs or impairs navigation, or in any way infringes on the rights or interests of the public or any individual party, the permittee agrees to make necessary modification to the dock, as determined by IDNR/OWR or the District.
- d. Boat ramps shall not exceed 60 feet in width and shall be made of crushed stone, concrete, gravel or other suitable material. Boat ramps made of asphalt are not authorized under this Regional Permit.
- e. Shore protection in Lake Michigan includes seawalls, revetments, and bulkheads (constructed of wood, concrete, riprap, gabions, steel or fabric-formed concrete) constructed at the existing water line, parallel to the shoreline orientation. Shore protection projects shall include the following additional information:
- 1) Submittal of photographs representing the existing site conditions. The District may waive, on a case-by-case basis, the requirement to provide a complete wetland delineation;
 - 2) A detailed narrative defining a clear purpose and need for the proposed work;
 - 3) Baseline surveys of the existing shoreline;
 - 4) Plan views and cross-sections of all proposed work drawn to detail and provided on 8 1/2 X 11 sheets;
 - 5) Ordinary High Water Mark (OHWM) clearly marked on the plans;
 - 6) The amount of fill (in cubic yards) to be placed below the Ordinary High Water Mark (OHWM 585.1') of the Lake (IGLD 1985);
 - 7) Shoreline structures shall be designed to withstand the expected wave forces of the Lake. Steepening of stone structure faces that include a stone toe construction shall be allowed on a case-by-case basis; and
 - 8) Temporary construction activities to access the site, are limited to the use of barges in order to transport heavy equipment are authorized under this permit. If temporary dig-in of the substrate from the barge is necessary in order to transport equipment to the work site, you shall provide this information in the narrative.

Shore protection projects on Lake Michigan shall not:

- 1) Exceed 300 feet in length and 10 feet in width below the OHWM except in those instances where additional materials may be required in order to maintain the structural integrity of the proposed design;

- 2) Occur within 200 feet of the mouth of any waterway that flows into or out of Lake Michigan;
 - 3) Be used to reclaim land lost to erosion;
 - 4) Extend no further than existing structures on adjacent land, except in those instances where additional materials may be required in order to maintain the structural integrity of the proposed design;
 - 5) Involve dredging or filling beyond that required to install the shore protection; and
 - 6) Impede public access to the shoreline.
- f. For repair and/or modification of a marine structure, the date the structure was originally constructed and a copy of the Department of the Army permit for the structure, if one was granted, shall be provided. If the construction of the structure was not authorized by the Corps of Engineers, after-the-fact authorization shall be sought.
- g. Temporary construction activities, including access roads and cofferdams, are not authorized under this Regional Permit.

12. BRIDGE SCOUR PROTECTION

RP12 authorizes the construction and installation of protective armoring at existing bridge foundations, abutments and/or around bridge piers of Scour Critical Bridges only as defined in [Item 113 codes 0 through 4, Scour Critical Bridges, of the Federal Highway Administration (FHWA) document "Recording and Coding Guide for the Structure Inventory and Appraisal of the Nation's Bridges (Coding Guide)] based on the following criteria: bridge owners (State highway agencies, local and Federal agencies) are guided in their evaluation of the bridges by the FHWA Hydraulics Engineering Circulars 18 and 20, titled "Evaluating Scour at Bridges" and "Stream Stability at Highway Structures." Item 113 of the Coding Guide is used by the bridge owner to categorize the scour vulnerability of these bridges. Impacts to only those waterways that contain "Scour Critical Bridges" as designated by the FHWA shall be authorized under RP12. Authorization under RP12 is subject to the following, which shall be addressed in writing and submitted with the notification:

- a. All projects will be processed under Category II.
- b. Protective armoring may include riprap, broken concrete, formed concrete pieces, concrete filled fabric mats, gabions, or other engineered designs consistent with reasonable engineering standards. Should broken concrete be used, all reinforcing rods shall be cut flush with the surface of the concrete. The protective armoring may extend riverward of the adjacent shoreline or any adjacent existing seawalls, gabion structures, or riprap covered banks; and may extend above the existing streambed up to the Ordinary High Water Mark (OHWM) of the River. Material excavated for the construction of the protective armoring shall be disposed of in accordance with Federal, State and local laws and ordinances, and shall not be placed in a floodway or in any waters of the U.S., including wetlands.
- c. Temporary construction access may be obtained over the side of the bridge, by use of temporary roads or pads constructed of clean fill, by use of mats, or from barges or floating platforms. All material used for temporary access shall be removed from the site concurrent with completion of work in any segment of the project. All portions of the site shall be restored to preconstruction conditions.
- d. This permit does not authorize the discharge of fill material into wetlands, except as may be necessary for temporary construction access. Temporary construction activities shall be conducted in accordance with the requirements of RP 7.
- e. Cofferdams are limited to the following practices: pre-fabricated rigid cofferdams, sheet piling, inflatable bladders and fabric lined basins. This

regional permit does not authorize the use of earthfill cofferdams, or any practices that would result in a release of sediment into waters of the U.S.

- f. For in-stream work, the area shall be dewatered so that all work is performed in the dry. All designated work area(s), including construction staging areas, shall be drawn onto the submitted construction plans and clearly labeled. No in-stream work shall be authorized unless soil erosion and sediment control measures are acceptable
- g. Projects in special aquatic sites (e.g., wetlands, mud flats, vegetated shallows, and riffle and pool complexes, etc.) shall be conducted with no more than minimal adverse environmental effects.
- h. All designated work area(s) shall be drawn onto the submitted construction plans and clearly labeled.
- i. If, in the determination of the District, the protective armoring may constitute an undue hazard, obstruction to navigation, or if it is deemed that the project may not be in the public interest, an individual permit may be required for the work.

13. Cleanup of Toxic and Hazardous Materials

RP13 authorizes specific activities required to effect the containment, stabilization and removal of toxic and hazardous materials and petroleum products that are performed, ordered or sponsored by a government agency with established legal or regulatory authority, or through court-ordered remedial action plans or related settlements. RP13 is subject to the following conditions, which shall be addressed in writing and submitted with the notification:

- a. All projects will be processed under Category II.
- b. This permit does not authorize the establishment of new disposal sites or the expansion of existing disposal sites.
- c. Activities undertaken entirely on a site by authority of CERCLA as approved or required by EPA do not require authorization from the U.S. Army Corps of Engineers.
- d. Evidence that an activity is performed, ordered or sponsored by a government agency with established legal or regulatory authority, or through court-ordered remedial action plans or related settlements shall be included with notification.
- e. Compensatory mitigation is required for any cleanup that adversely impacts more than 0.10 acres of waters of the U.S.
- f. Temporary construction activities, including access roads and cofferdams, are not authorized under this Regional Permit.
- g. Section 401 water quality certification is authorized for RP13 subject to the following condition:

In addition to any action required of the Regional Permit 13 (Cleanup of Toxic and Hazardous Materials Projects) with respect to the "Notification" General Condition 21, the applicant shall notify the Illinois EPA Bureau of Water, of the specific activity. This notification shall include information concerning the orders and approvals that have been or will be obtained from the Illinois EPA Bureau of Land (BOL) for all cleanup activities under BOL jurisdiction, or for which authorization or approval is sought from BOL for no further remediation. This Regional Permit is not valid for activities that do not require or will not receive authorization or approval from the BOL.

REGIONAL PERMIT PROGRAM ACTIVITY CATEGORIES

	CATEGORY I	CATEGORY II *
1. Residential, Commercial and Institutional Developments	Activity impacts no more than 0.5 acres of waters of the U.S., and does not impact a high-quality aquatic resource.	Activity impacts over 0.5 and up to 1.0 acres of waters of the U.S. including impacts to a high-quality aquatic resource.
2. Recreation Projects	Activity impacts no more than 0.5 acres of waters of the U.S., and does not impact a high-quality aquatic resource.	Activity impacts over 0.5 and up to 1.0 acres of waters of the U.S. including impacts to a high-quality aquatic resource.
3. Transportation Projects	Activity impacts no more than 0.25 acres for any single crossing. For projects that involve multiple crossings of waters of the U.S., the cumulative impact cannot exceed 0.5 acres of the U.S., and does not impact a high-quality aquatic resource.	Activity impacts no more than 0.25 acres for any single crossing. For projects that involve multiple crossings of waters of the U.S., the cumulative impact cannot exceed 1.0 acre of waters of the U.S. including impacts to a high-quality aquatic resource.
4. Minor Discharges & Minor Dredging	Activities including discharges and/or dredging shall not exceed 25 cubic yards and impact no more than 0.25 acres of waters of the U.S. and does not impact a high-quality resource.	Activity impacts no more than 0.25 acres of waters of the U.S. including impacts to a high-quality aquatic resource.
5. Wetland/Stream Restoration & Enhancement	All Activities.	N/A
6. Completed Enforcement Actions	All Judicial and Non-judicial settlements	N/A
7. Temporary Construction Activities	All activities.	N/A
8. Utility Line Projects	Activities that impact no more than 0.5 acres of waters of the U.S. and do not impact a high-quality aquatic resource.	Activities for below-ground utility lines and associated facilities that impact between 0.5 acres and 1.0 acres of waters of the U.S. including impacts to a high-quality aquatic resource.
9. Maintenance	Repair or rehabilitation of any previously authorized, currently serviceable, structure or fill.	Maintenance of existing flood control facilities, retention/detention basins, and channels that were either previously authorized by the District or constructed by the Corps and transferred to a local sponsor for operation and maintenance.
10. Bank Stabilization	Activity involves use of vegetative or biotechnical practices.	Activity involves use of structural practices.
11. Marine Structures & Activities	All activities except installation of boat ramps and Lake Michigan shoreline protection.	Installation of boat ramps and Lake Michigan shoreline protection.
12. Bridge Scour Protection	N/A	All Activities
13. Cleanup of Toxic/Hazardous Materials	N/A	All Activities

* N/A; The District has the discretion to process any activity under Category II or under individual permit procedures where it has concerns for the aquatic resource.

NOTE: THIS TABLE IS A SUMMARY, DO NOT RELY ON THIS TABLE ALONE, PLEASE REFER TO THE FULL REGIONAL PERMIT PROGRAM DOCUMENT FOR DETAILED INFORMATION ON EACH REGIONAL PERMIT.

APPENDIX A: HIGH-QUALITY AQUATIC RESOURCES

The following descriptions of high-quality aquatic resources apply to the Chicago District only. This list is to be used as a guideline for identifying high quality resources in the six county regions. High quality aquatic resources are reviewed on a case-by-case basis and may include species not found in this list.

Advanced Identification (ADID) Sites: Aquatic sites that have been identified by the District and U.S. Environmental Protection Agency, in advance of specific permit requests, as areas generally unsuitable for disposal of dredged or fill material. ADID sites include various waters of the U.S., including wetlands, identified in Kane, Lake and McHenry Counties.

Bog: A low nutrient peatland, usually in a glacial depression, that is acidic in the surface stratum and often dominated at least in part by the genus *Sphagnum*. P.

Ephemeral Pool: A seasonally inundated depression within a forested wetland or upland community, usually located on a moraine, glacial outwash plain, or in an area shallow to bedrock; also known locally as a "vernal pool." These areas may not be permanently vegetated.

Dune and Swale Complex: Areas usually parallel to the Lake Michigan shoreline and typified by sandy, linear, upland ridges alternating with low-relief wetland created over time during changes in the Lake Michigan's water levels.

Fen: A peatland, herbaceous (including calcareous floating mats) or wooded, with calcareous groundwater flow.

Forested Wetland: A wetland dominated by native woody vegetation with at least one of the following species or genera present: *Carya* spp., *Cephalanthus occidentalis*, *Cornus alternifolia*, *Fraxinus nigra*, *Juglans cinerea*, *Nyssa sylvatica*, *Quercus* spp., *Thuja occidentalis*, *Betula nigra*, *Betula alleghaniensis*, *Betula papyrifera*, *Fagus grandifolia*

Sedge meadow: A wetland dominated by at least one of the following genera: *Carex*, *Calamagrostis*, *Cladium*, *Deschampsia*, *Eleocharis*, *Rhynchospora*, *Scleria*, or *Eriophorum*.

Seep: A wetland, herbaceous or wooded, with saturated soil or inundation resulting from the diffuse flow of groundwater to the surface stratum.

Streams rated A or B in the Illinois Biological Stream Characterization Study: Reference Illinois Environmental Protection Agency's Biological Stream Characterization (BSC): Biological Assessment of Illinois Stream Quality (latest edition) for a current listing.

Wet Prairie: A wetland dominated by native graminoid species with a diverse indigenous forb component that is seasonally saturated and/or temporarily inundated and may be resemble a fen in its best development. Species found in a high quality wet prairie include at least one of the following: *Calamagrostis Canadensis*, *Spartina pectinata*, *Aster puniceus firmus*, *Beckmannia syzigachne*, *Chelone glabra*, *Eleocharis wolffii*, *Lysimachia quadrifolia*, *Oenothera perennis*, *Oenothera pilosella*, *Pedicularis lanceolata*, and *Solidago ohioensis*.

Wetlands Supporting Federal or Illinois Endangered or Threatened Species: For current state-listed species, reference Illinois Endangered Species Protection Board's "Checklist of Endangered and Threatened Animals and Plants of Illinois" and/or contact the Illinois Department of Natural Resources. For Federally-listed species, reference the U.S. Fish and Wildlife Service's "Endangered and Threatened Wildlife and Plants" list (latest edition) and/or contact the U.S. Fish and Wildlife Service.

Wetlands with a Floristic Quality Index of 20 or greater or a Mean C-Value of 3.5 or greater: Reference Plants of the Chicago Region (F. Swink and G. Wilhelm, 4th edition, Indianapolis: Indiana Academy of Science, 1994).

Further information on the areas described above can be found in the U.S. Environmental Protection Agency's Advanced Identification studies for Kane, Lake and McHenry Counties, the Chicago Wilderness' Biodiversity Recovery Plan, the Forest Preserve District of Cook County's The Natural Communities of Cook County: An Ecological Classification System for Terrestrial Communities, Swink and Wilhelm's Plants of the Chicago Region, and the Illinois Environmental Protection Agency's Biological Stream Characterization (BSC): Biological Assessment of Illinois Stream Quality (latest edition).



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. Box 19276, SPRINGFIELD, ILLINOIS 62794-9276 - (217) 782-3397
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 - (312) 814-6026

217/782-3362

ROD R. BLAGOJEVICH, GOVERNOR DOUGLAS P. SCOTT, DIRECTOR

JAN 31 2007

Chicago District
Corps of Engineers
111 North Canal Street, 6th Floor
Chicago, IL 60606

Re: Regional Permits and Conditions for Proposed Regional Permits:

- | | |
|--|---|
| 1. Residential, Commercial, and Institutional Developments | 8. Utility Line Projects |
| 2. Recreation Projects | 9. Maintenance |
| 3. Transportation Projects | 10. Bank Stabilization |
| 4. Minor Discharge And Minor Dredging | 11. Marine Structures And Activities |
| 5. Wetland And Stream Restoration And Enhancement | 12. Bridge Scour Protection |
| 6. Completed Enforcement Actions | 13. Cleanup Of Toxic And Hazardous Materials Projects |
| 7. Temporary Construction Activities | |

Gentlemen:

The Agency has reviewed the proposed Regional Permits and Conditions for the above referenced projects submitted by the Chicago District in 2006 and 2007. The following comments are provided for your use and information.

The Agency hereby issues Section 401 water quality certification for the proposed regional permits subject to the attached conditions. Water quality certification continues to be denied for those waterbodies listed for Regional Permits 4 and 8 as identified in the Proposed Modification To Regional Permit Program Request For Comments Public Notice dated March 20, 2006. In addition, the utility line projects under Regional Permits 1 (Residential, Commercial and Institutional Developments) and 2 (Recreation Projects) in water bodies listed under Regional Permit 8 (Utility Line Projects) are denied Section 401 water quality certification as specified in condition 16.

The use of site dewatering techniques has been restricted for Regional Permits 1 (Residential, Commercial and Institutional Developments), 2 (Recreation Projects), 3 (Transportation Projects) and 8 (Utility Line Projects) by adding these to condition 14 as follows:

Applicants that use site dewatering techniques in order to perform work in perennial streams for construction activity approved under Regional Permits 1 (Residential, Commercial and Institutional Developments), 2 (Recreation Projects), 3 (Transportation Projects), 7 (Temporary Construction Activities), 8 (Utility Line Projects), 9 (Maintenance) or 12 (Bridge Scour

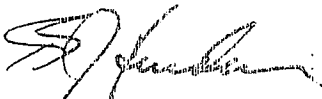
ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 987-7760 • DES PLAINES - 9511 W. Harrison St., Des Plaines, IL 60016 - (847) 294-4000
 ELGIN - 545 South State, Elgin, IL 60123 - (847) 608-3131 • PEORIA - 5415 N. University St., Peoria, IL 61614 - (309) 693-5463
 BUREAU OF LAND - PEORIA - 7626 N. University St., Peoria, IL 61614 - (309) 693-5462 • CHAMPAIGN - 2125 South First Street, Champaign, IL 61820 - (217) 278-5800
 SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 786-6892 • COLLINSVILLE - 2009 Mall Street, Collinsville, IL 62234 - (618) 346-5120
 MARION - 2308 W. Main St., Suite 116, Marion, IL 62959 - (618) 993-7200

Protection) shall maintain flow in the stream during such construction activity by utilizing dam and pumping, fluming, culverts or other such techniques.

The determination to include the attached conditions was made with respect to the cause of water pollution as defined in the Illinois Environmental Protection Act. These comments are directed at the effect on water quality of the construction procedures involved in the project and are not an approval of any discharge resulting from the completed facility, nor an approval of the design of the facility. These comments do not supplant any permit responsibilities of the applicant towards the Agency.

If you have any questions concerning this letter, please contact me at the above referenced number and address.

Sincerely,



Bruce W. Yurdiz
Manager, Watershed Management Section
Bureau of Water

cc: IEPA, Records Unit
IDNR, OWR, Bartlett
USEPA, Region 5
CoE, Louisville District
CoE, Memphis District
CoE, Rock Island District
CoE, St. Louis District
CoE, Newburgh Regulatory Office

Illinois Environmental Protection Agency
January 29, 2007
Section 401 Water Quality Certification Conditions
For Regional Permits on

- | | |
|--|--|
| 1. Residential, Commercial, and Institutional Developments | 8. Utility Line Projects |
| 2. Recreation Projects | 9. Maintenance |
| 3. Transportation Projects | 10. Bank Stabilization |
| 4. Minor Discharge And Minor Dredging | 11. Marine Structures And Activities |
| 5. Wetland And Stream Restoration And Enhancement | 12. Bridge Scour Protection |
| 6. Completed Enforcement Actions | 13. Cleanup Of Toxic And Hazardous
Materials Projects |
| 7. Temporary Construction Activities | |

1. The applicant shall not cause:
 - a. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulations;
 - b. water pollution defined and prohibited by the Illinois Environmental Protection Act; or
 - c. interference with water use practices near public recreation areas or water supply intakes.
2. The applicant shall provide adequate planning and supervision during the project construction period for implementing construction methods, processes and cleanup procedures necessary to prevent water pollution and control erosion.
3. Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, regulations and permit requirements with no discharge to waters of the State unless a permit has been issued by the Illinois EPA. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.
4. All areas affected by construction shall be mulched and seeded as soon after construction as possible. The applicant shall undertake necessary measures and procedures to reduce erosion during construction. Erosion measures to prevent erosion during construction shall be taken and may include the installation of stacked straw bales, sedimentation basins and temporary mulching. All construction within the waterway shall be constructed during zero or low flow conditions. The applicant shall be responsible for obtaining an NPDES Storm Water Permit prior to initiating construction if the construction activity associated with the project will result in the disturbance of 1 (one) or more acres, total land area. An NPDES Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Illinois EPA's Division of Water Pollution Control, Permit Section.
5. The applicant shall implement erosion control measures consistent with the "Illinois Urban Manual" (EPA/USD/ILNRCIS; 2002).
6. The applicant is advised that the following permit(s) must be obtained from the Illinois EPA: The applicant must obtain permits to construct sanitary sewers, water mains and related facilities prior to construction.

Section 401 Water Quality Certification Conditions
Chicago District Corps of Engineers
Regional Permit Program
January 29, 2007

7. The backfill used in the stream crossing trench shall be predominantly sand or larger size material, with <math><2.0\%</math> passing a #230 U. S. sieve.
8. Any channel relocation shall be constructed under dry conditions and stabilized to prevent erosion prior to the diversion of flow. [Applicable only to projects which propose to relocate stream channels.]
9. The proposed work shall be constructed with adequate erosion control measures (i.e., silt fences, straw bales, etc.) to prevent transport of sediment and materials to the adjoining wetlands and/or downstream.
10. Backfill used within trenches passing through surface waters of the State, except wetland areas, shall be clean coarse aggregate, gravel or other material which will not cause siltation, pipe damage during placement, or chemical corrosion in place. Excavated material may be used only if:
 - a. Particle size analysis is conducted and demonstrates the material to be at least 80% sand or larger size material, using a #230 U.S. sieve; or
 - b. Excavation and backfilling are done under dry conditions.
11. Backfill used within trenches passing through wetland areas shall consist of clean material which will not cause siltation, pipe damage during placement, or chemical corrosion in place. Excavated material shall be used to the extent practicable, with the upper six (6) to twelve (12) inches backfilled with the topsoil obtained during trench excavation.
12. Any applicant that is proposing activities in a mined area or previously mined area shall provide to the Illinois EPA specifications on sediment and materials used that are considered "acid-producing material" as defined in 35 Ill. Adm. Code, Subtitle D. If considered "acid-producing material," the applicant shall obtain a permit to construct pursuant to 35 Ill. Adm. Code 404.101.
13. Asphalt, bituminous material and concrete with protruding material such as reinforcing bar or mesh shall not be 1) used for backfill, 2) placed on shorelines/streambanks, or 3) placed in waters of the State.
14. Applicants that use site dewatering techniques in order to perform work in perennial streams for construction activity approved under Regional Permits 1 (Residential, Commercial and Institutional Developments), 2 (Recreation Projects), 3 (Transportation Projects), 7 (Temporary Construction Activities), 8 (Utility Line Projects), 9 (Maintenance) or 12 (Bridge Scour Protection) shall maintain flow to the stream during such construction activity by utilizing dam and pumping, fluming, culverts or other water techniques.
15. In addition to any action required of the Regional Permit 13 (Cleanup Of Toxic And Hazardous) Materials Projects) applicant with respect to the "Notification" General Condition 21, the applicant shall notify the Illinois EPA, Bureau of Water, of the specific activity. This notification shall include information concerning the orders and approvals that have been or will be obtained from the Illinois EPA Bureau of Land (BOL), for all cleanup activities under BOL jurisdiction or for which authorization or approval is sought from BOL for no further remediation. This Regional Permit is not valid for activities that do not require or will not receive authorization or approval from the BOL.

Section 401 Water Quality Certification Conditions
Chicago District Corps of Engineers
Regional Permit Program
January 29, 2007

16. This Regional Permit is not valid for utility line projects under Regional Permits 1 (Residential, Commercial and Institutional Developments) and 2 (Recreation Projects) in the water bodies listed under Regional Permit 8 (Utility Line Projects).

State of Illinois
Department of Transportation
Bureau of Local Roads and Streets

SPECIAL PROVISION
FOR
COOPERATION WITH UTILITIES

Effective: January 1, 1999
Revised: January 1, 2007

All references to Sections or Articles in this specification shall be construed to mean specific Section or Article of the Standard Specifications for Road and Bridge Construction, adopted by the Department of Transportation.

Replace Article 105.07 of the Standard Specifications with the following:

"105.07 Cooperation with Utilities. The adjustment of utilities consists of the relocation, removal, replacement, rearrangements, reconstruction, improvement, disconnection, connection, shifting, new installation or altering of an existing utility facility in any manner.

When the plans or special provisions include information pertaining to the location of underground utility facilities, such information represents only the opinion of the Department as to the location of such utilities and is only included for the convenience of the bidder. The Department assumes no responsibility in respect to the sufficiency or the accuracy of the information shown on the plans relative to the location of the underground utility facilities.

Utilities which are to be adjusted shall be adjusted by the utility owner or the owner's representative or by the Contractor as a contract item. Generally, arrangements for adjusting existing utilities will be made by the Department prior to project construction; however, utilities will not necessarily be adjusted in advance of project construction and, in some cases, utilities will not be removed from the proposed construction limits. When utility adjustments must be performed in conjunction with construction, the utility adjustment work will be shown on the plans and/or covered by Special Provisions.

When the Contractor discovers a utility has not been adjusted by the owner or the owner's representative as indicated in the contract documents, or the utility is not shown on the plans or described in the Special Provisions as to be adjusted in conjunction with construction, the Contractor shall not interfere with said utility, and shall take proper precautions to prevent damage or interruption of the utility and shall promptly notify the Engineer of the nature and location of said utility.

All necessary adjustments, as determined by the Engineer, of utilities not shown on the plans or not identified by markers, will be made at no cost to the Contractor except traffic structures, light poles, etc., that are normally located within the proposed construction limits as hereinafter defined will not be adjusted unless required by the proposed improvement.

(a) Limits of Proposed Construction for Utilities Paralleling the Roadway. For the purpose of this Article, limits of proposed construction for utilities extending in the same longitudinal direction as the roadway, shall be defined as follows:

(1) The horizontal limits shall be a vertical plane, outside of, parallel to, and 600 mm (2 ft) distant at right angles from the plan or revised slope limits.

In cases where the limits of excavation for structures are not shown on the plans, the horizontal limits shall be a vertical plane 1.2 m (4 ft) outside the edges of structure footings or the structure where no footings are required.

(2) The upper vertical limits shall be the regulations governing the roadbed clearance for the specific utility involved.

(3) The lower vertical limits shall be the top of the utility at the depth below the proposed grade as prescribed by the governing agency or the limits of excavation, whichever is less.

(b) Limits of Proposed Construction for Utilities Crossing the Roadway. For the purpose of this Article, limits of proposed construction for utilities crossing the roadway in a generally transverse direction shall be defined as follows:

(1) Utilities crossing excavations for structures that are normally made by trenching such as sewers, underdrains, etc. and all minor structures such as manholes, inlets, foundations for signs, foundations for traffic signals, etc., the limits shall be the space to be occupied by the proposed permanent construction unless otherwise required by the regulations governing the specific utility involved.

(2) For utilities crossing the proposed site of major structures such as bridges, sign trusses, etc., the limits shall be as defined above for utilities extending in the same general direction as the roadway.

The Contractor may make arrangements for adjustment of utilities outside of the limits of proposed construction provided the Contractor furnishes the Department with a signed agreement with the utility owner covering the adjustments to be made. The cost of any adjustments made outside the limits of proposed construction shall be the responsibility of the Contractor unless otherwise provided.

The Contractor shall request all utility owners to field locate their facilities according to Article 107.31. The Engineer may make the request for location from the utility after receipt of notice from the Contractor. On request, the Engineer will make an inspection to verify that the utility company has field located its facilities, but will not assume responsibility for the accuracy of such work. The Contractor shall be responsible for maintaining the excavations or markers provided by the utility owners. This field location procedure may be waived if the utility owner has stated in writing to the Department it is satisfied the construction plans are sufficiently accurate. If the utility owner does not submit such statement to the Department, and they do not field locate their facilities in both horizontal and vertical alignment, the Engineer will authorize the Contractor in writing to proceed to locate the facilities in the most economical and reasonable manner, subject to the approval of the Engineer, and be paid according to Article 109.04.

The Contractor shall coordinate with any planned utility adjustment or new installation and the Contractor shall take all precautions to prevent disturbance or damage to utility facilities. Any failure on the part of the utility owner, or their representative, to proceed with any planned utility adjustment or new installation shall be reported promptly by the Contractor to the Engineer orally and in writing.

The Contractor shall take all necessary precautions for the protection of the utility facilities. The Contractor shall be responsible for any damage or destruction of utility facilities resulting from neglect, misconduct, or omission in the Contractor's manner or method of execution or nonexecution of the work, or caused by defective work or the use of unsatisfactory materials. Whenever any damage or destruction of a utility facility occurs as a result of work performed by the Contractor, the utility company will be immediately notified. The utility company will make arrangements to restore such facility to a condition equal to that existing before any such damage or destruction was done.

It is understood and agreed that the Contractor has considered in the bid all of the permanent and temporary utilities in their present and/or adjusted positions.

No additional compensation will be allowed for any delays, inconvenience, or damage sustained by the Contractor due to any interference from the said utility facilities or the operation of relocating the said utility facilities.

State of Illinois
Department of Transportation
Bureau of Local Roads and Streets

SPECIAL PROVISION
FOR
INSURANCE

Effective: February 1, 2007
Revised: August 1, 2007

All references to Sections or Articles in this specification shall be construed to mean specific Section or Article of the Standard Specifications for Road and Bridge Construction, adopted by the Department of Transportation.

The Contractor shall name the following entities as additional insured under the Contractor's general liability insurance policy in accordance with Article 107.27:

The Village of Matteson, Illinois

The entities listed above and their officers, employees, and agents shall be indemnified and held harmless in accordance with Article 107.26.

CEMENT (BDE)

Effective: January 1, 2007

Revise Section 1001 of the Standard Specifications to read:

"SECTION 1001. CEMENT

1001.01 Cement Types. Cement shall be according to the following.

- (a) Portland Cement. Acceptance of portland cement shall be according to the current Bureau of Materials and Physical Research's Policy Memorandum, "Portland or Blended Cement Acceptance Procedure for Qualified and Non-Qualified Plants".

Portland cement shall be according to ASTM C 150, and shall meet the standard physical and chemical requirements. Type I or Type II may be used for cast-in-place, precast, and precast prestressed concrete. Type III may be used according to Article 1020.04, or when approved by the Engineer. All other cements referenced in ASTM C 150 may be used when approved by the Engineer.

The total of all organic processing additions shall be a maximum of 1.0 percent by weight (mass) of the cement and the total of all inorganic processing additions shall be a maximum of 4.0 percent by weight (mass) of the cement. Organic processing additions shall be limited to grinding aids that improve the flowability of cement, reduce pack set, and improve grinding efficiency. Inorganic processing additions shall be limited to granulated blast-furnace slag according to the chemical requirements of AASHTO M 302 and Class C fly ash according to the chemical requirements of AASHTO M 295.

- (b) Portland-Pozzolan Cement. Acceptance of portland-pozzolan cement shall be according to the current Bureau of Materials and Physical Research's Policy Memorandum, "Portland or Blended Cement Acceptance Procedure for Qualified and Non-Qualified Plants".

Portland-pozzolan cement shall be according to ASTM C 595 and shall meet the standard physical and chemical requirements. Type IP or I(PM) may be used for cast-in-place, precast, and precast prestressed concrete, except when Class PP concrete is used. The pozzolan constituent for Type IP shall be a maximum of 21 percent of the weight (mass) of the portland-pozzolan cement. All other cements referenced in ASTM C 595 may be used when approved by the Engineer.

For cast-in-place construction, portland-pozzolan cements shall only be used from April 1 to October 15.

The total of all organic processing additions shall be a maximum of 1.0 percent by weight (mass) of the cement. Organic processing additions shall be limited to grinding aids as defined in (a) above. Inorganic processing additions shall not be used.

- (c) Portland Blast-Furnace Slag Cement. Acceptance of portland blast-furnace slag cement shall be according to the current Bureau of Materials and Physical Research's Policy Memorandum, "Portland or Blended Cement Acceptance Procedure for Qualified and Non-Qualified Plants".

Portland blast-furnace slag cement shall be according to ASTM C 595 and shall meet the standard physical and chemical requirements. Type I(SM) slag-modified portland cement may be used for cast-in-place, precast, and precast prestressed concrete, except when Class PP concrete is used. All other cements referenced in ASTM C 595 may be used when approved by the Engineer.

For cast-in-place construction, portland blast-furnace slag cements shall only be used from April 1 to October 15.

The total of all organic processing additions shall be a maximum of 1.0 percent by weight (mass) of the cement. Organic processing additions shall be limited to grinding aids as defined in (a) above. Inorganic processing additions shall not be used.

- (d) Rapid Hardening Cement. Rapid hardening cement shall be used according to Article 1020.04 or when approved by the Engineer. The cement shall be on the Department's current "Approved List of Packaged, Dry, Rapid Hardening Cementitious Materials for Concrete Repairs", and shall be according to the following.

- (1) The cement shall have a maximum final set of 25 minutes, according to Illinois Modified ASTM C 191.
- (2) The cement shall have a minimum compressive strength of 2000 psi (13,800 kPa) at 3.0 hours, and 4000 psi (27,600 kPa) at 24.0 hours, according to Illinois Modified ASTM C 109.
- (3) The cement shall have a maximum drying shrinkage of 0.050 percent at seven days, according to Illinois Modified ASTM C 596.
- (4) The cement shall have a maximum expansion of 0.020 percent at 14 days, according to Illinois Modified ASTM C 1038.
- (5) The cement shall have a minimum 80 percent relative dynamic modulus of elasticity; and shall not have a weight (mass) gain in excess of 0.15 percent or a weight (mass) loss in excess of 1.0 percent, after 100 cycles, according to Illinois Modified AASHTO T 161, Procedure B. At 100 cycles, the specimens are measured and weighed at 73 °F. (23 °C).

- (e) Calcium Aluminate Cement. Calcium aluminate cement shall be used when specified by the Engineer. The cement shall meet the standard physical requirements for Type I cement according to ASTM C 150, except the time of setting shall not apply. The

chemical requirements shall be determined according to ASTM C 114 and shall be as follows: minimum 38 percent aluminum oxide (Al_2O_3), maximum 42 percent calcium oxide (CaO), maximum 1 percent magnesium oxide (MgO), maximum 0.4 percent sulfur trioxide (SO_3), maximum 1 percent loss on ignition, and maximum 3.5 percent insoluble residue.

1001.02 Uniformity of Color. Cement contained in single loads or in shipments of several loads to the same project shall not have visible differences in color.

1001.03 Mixing Brands and Types. Different brands or different types of cement from the same manufacturing plant, or the same brand or type from different plants shall not be mixed or used alternately in the same item of construction unless approved by the Engineer.

1001.04 Storage. Cement shall be stored and protected against damage, such as dampness which may cause partial set or hardened lumps. Different brands or different types of cement from the same manufacturing plant, or the same brand or type from different plants shall be kept separate."

80166

DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION (DBE)

Effective: September 1, 2000

Revised: January 1, 2007

FEDERAL OBLIGATION. The Department of Transportation, as a recipient of federal financial assistance, is required to take all necessary and reasonable steps to ensure nondiscrimination in the award and administration of contracts. Consequently, the federal regulatory provisions of 49 CFR part 26 apply to this contract concerning the utilization of disadvantaged business enterprises. For the purposes of this Special Provision, a disadvantaged business enterprise (DBE) means a business certified by the Department in accordance with the requirements of 49 CFR part 26 and listed in the DBE Directory or most recent addendum.

STATE OBLIGATION. This Special Provision will also be used by the Department to satisfy the requirements of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act, 30 ILCS 575. When this Special Provision is used to satisfy state law requirements on 100 percent state-funded contracts, the federal government has no involvement in such contracts (not a federal-aid contract) and no responsibility to oversee the implementation of this Special Provision by the Department on those contracts. DBE participation on 100 percent state-funded contracts will not be credited toward fulfilling the Department's annual overall DBE goal required by the US Department of Transportation to comply with the federal DBE program requirements.

CONTRACTOR ASSURANCE. The Contractor makes the following assurance and agrees to include the assurance in each subcontract that the Contractor signs with a subcontractor:

The Contractor, subrecipient, or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The Contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of contracts funded in whole or in part with federal or state funds. Failure by the Contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

OVERALL GOAL SET FOR THE DEPARTMENT. As a requirement of compliance with 49 CFR part 26, the Department has set an overall goal for DBE participation in its federally assisted contracts. That goal applies to all federal-aid funds the Department will expend in its federally assisted contracts for the subject reporting fiscal year. The Department is required to make a good faith effort to achieve the overall goal. The dollar amount paid to all approved DBE firms performing work called for in this contract is eligible to be credited toward fulfillment of the Department's overall goal.

CONTRACT GOAL TO BE ACHIEVED BY THE CONTRACTOR. This contract includes a specific DBE utilization goal established by the Department. The goal has been included because the Department has determined that the work of this contract has subcontracting opportunities that may be suitable for performance by DBE companies. This determination is based on an assessment of the type of work, the location of the work, and the availability of

DBE companies to do a part of the work. The assessment indicates that, in the absence of unlawful discrimination, and in an arena of fair and open competition, DBE companies can be expected to perform 10% of the work. This percentage is set as the DBE participation goal for this contract. Consequently, in addition to the other award criteria established for this contract, the Department will award this contract to a bidder who makes a good faith effort to meet this goal of DBE participation in the performance of the work. A bidder makes a good faith effort for award consideration if either of the following is done in accordance with the procedures set forth in this Special Provision:

- (a) The bidder documents that firmly committed DBE participation has been obtained to meet the goal; or
- (b) The bidder documents that a good faith effort has been made to meet the goal, even though the effort did not succeed in obtaining enough DBE participation to meet the goal.

DBE LOCATOR REFERENCES. Bidders may consult the DBE Directory as a reference source for DBE companies certified by the Department. In addition, the Department maintains a letting and item specific DBE locator information system whereby DBE companies can register their interest in providing quotes on particular bid items advertised for letting. Information concerning DBE companies willing to quote work for particular contracts may be obtained by contacting the Department's Bureau of Small Business Enterprises at telephone number (217)785-4611, or by visiting the Department's web site at www.dot.il.gov.

BIDDING PROCEDURES. Compliance with the bidding procedures of this Special Provision is required prior to the award of the contract and the failure of the as-read low bidder to comply will render the bid not responsive.

- (a) In order to assure the timely award of the contract, the as-read low bidder shall submit a Disadvantaged Business Utilization Plan on Department form SBE 2026 within seven working days after the date of letting. To meet the seven day requirement, the bidder may send the Plan by certified mail or delivery service within the seven working day period. If a question arises concerning the mailing date of a Plan, the mailing date will be established by the U.S. Postal Service postmark on the original certified mail receipt from the U.S. Postal Service or the receipt issued by a delivery service. It is the responsibility of the bidder to ensure that the postmark or receipt date is affixed within the seven working days if the bidder intends to rely upon mailing or delivery to satisfy the submission day requirement. The Plan is to be submitted to the Department of Transportation, Bureau of Small Business Enterprises, Contract Compliance Section, 2300 South Dirksen Parkway, Room 319, Springfield, Illinois 62764 (Telefax: (217)785-1524). It is the responsibility of the bidder to obtain confirmation of telefax delivery. The Department will not accept a Utilization Plan if it does not meet the seven day submittal requirement and the bid will be declared not responsive. In the event the bid is declared not responsive due to a failure to submit a Plan or failure to comply with the bidding procedures set forth herein, the Department may elect to cause the forfeiture of the penal sum of the bidder's proposal guaranty, and may deny authorization to bid the

project if re-advertised for bids. The Department reserves the right to invite any other bidder to submit a Utilization Plan at any time for award consideration or to extend the time for award.

- (b) The Utilization Plan shall indicate that the bidder either has obtained sufficient DBE participation commitments to meet the contract goal or has not obtained enough DBE participation commitments in spite of a good faith effort to meet the goal. The Utilization Plan shall further provide the name, telephone number, and telefax number of a responsible official of the bidder designated for purposes of notification of plan approval or disapproval under the procedures of this Special Provision.
- (c) The Utilization Plan shall include a DBE Participation Commitment Statement, Department form SBE 2025, for each DBE proposed for the performance of work to achieve the contract goal. The signatures on these forms must be original signatures. All elements of information indicated on the said form shall be provided, including but not limited to the following:
 - (1) The name and address of each DBE to be used;
 - (2) A description, including pay item numbers, of the commercially useful work to be done by each DBE;
 - (3) The price to be paid to each DBE for the identified work specifically stating the quantity, unit price, and total subcontract price for the work to be completed by the DBE. If partial pay items are to be performed by the DBE, indicate the portion of each item, a unit price where appropriate and the subcontract price amount;
 - (4) A commitment statement signed by the bidder and each DBE evidencing availability and intent to perform commercially useful work on the project; and
 - (5) If the bidder is a joint venture comprised of DBE firms and non-DBE firms, the plan must also include a clear identification of the portion of the work to be performed by the DBE partner(s).
- (d) The contract will not be awarded until the Utilization Plan submitted by the bidder is approved. The Utilization Plan will be approved by the Department if the Plan commits sufficient commercially useful DBE work performance to meet the contract goal. The Utilization Plan will not be approved by the Department if the Plan does not commit sufficient DBE performance to meet the contract goal unless the bidder documents that it made a good faith effort to meet the goal. The good faith procedures of Section VIII of this special provision apply. If the Utilization Plan is not approved because it is deficient in a technical matter, unless waived by the Department, the bidder will be notified and will be allowed no less than a five working day period in order to cure the deficiency.

CALCULATING DBE PARTICIPATION. The Utilization Plan values represent work anticipated to be performed and paid for upon satisfactory completion. The Department is only able to

count toward the achievement of the overall goal and the contract goal the value of payments made for the work actually performed by DBE companies. In addition, a DBE must perform a commercially useful function on the contract to be counted. A commercially useful function is generally performed when the DBE is responsible for the work and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. The Department and Contractor are governed by the provisions of 49 CFR part 26.55(c) on questions of commercially useful functions as it affects the work. Specific counting guidelines are provided in 49 CFR part 26.55, the provisions of which govern over the summary contained herein.

- (a) DBE as the Contractor: 100 percent goal credit for that portion of the work performed by the DBE's own forces, including the cost of materials and supplies. Work that a DBE subcontracts to a non-DBE firm does not count toward the DBE goals.
- (b) DBE as a joint venture Contractor: 100 percent goal credit for that portion of the total dollar value of the contract equal to the distinct, clearly defined portion of the work performed by the DBE's own forces.
- (c) DBE as a subcontractor: 100 percent goal credit for the work of the subcontract performed by the DBE's own forces, including the cost of materials and supplies, excluding the purchase of materials and supplies or the lease of equipment by the DBE subcontractor from the prime Contractor or its affiliates. Work that a DBE subcontractor in turn subcontracts to a non-DBE firm does not count toward the DBE goal.
- (d) DBE as a trucker: 100 percent goal credit for trucking participation provided the DBE is responsible for the management and supervision of the entire trucking operation for which it is responsible. At least one truck owned, operated, licensed, and insured by the DBE must be used on the contract. Credit will be given for the full value of all such DBE trucks operated using DBE employed drivers. Goal credit will be limited to the value of the reasonable fee or commission received by the DBE if trucks are leased from a non-DBE company.
- (e) DBE as a material supplier:
 - (1) 60 percent goal credit for the cost of the materials or supplies purchased from a DBE regular dealer.
 - (2) 100 percent goal credit for the cost of materials or supplies obtained from a DBE manufacturer.
 - (3) 100 percent credit for the value of reasonable fees and commissions for the procurement of materials and supplies if not a regular dealer or manufacturer.

GOOD FAITH EFFORT PROCEDURES. If the bidder cannot obtain sufficient DBE commitments to meet the contract goal, the bidder must document in the Utilization Plan the good faith efforts made in the attempt to meet the goal. This means that the bidder must show

that all necessary and reasonable steps were taken to achieve the contract goal. Necessary and reasonable steps are those which could reasonably be expected to obtain sufficient DBE participation. The Department will consider the quality, quantity, and intensity of the kinds of efforts that the bidder has made. Mere *pro forma* efforts are not good faith efforts; rather, the bidder is expected to have taken those efforts that would be reasonably expected of a bidder actively and aggressively trying to obtain DBE participation sufficient to meet the contract goal.

(a) The following is a list of types of action that the Department will consider as part of the evaluation of the bidder's good faith efforts to obtain participation. These listed factors are not intended to be a mandatory checklist and are not intended to be exhaustive. Other factors or efforts brought to the attention of the Department may be relevant in appropriate cases, and will be considered by the Department.

(1) Soliciting through all reasonable and available means (e.g. attendance at pre-bid meetings, advertising and/or written notices) the interest of all certified DBE companies that have the capability to perform the work of the contract. The bidder must solicit this interest within sufficient time to allow the DBE companies to respond to the solicitation. The bidder must determine with certainty if the DBE companies are interested by taking appropriate steps to follow up initial solicitations.

(2) Selecting portions of the work to be performed by DBE companies in order to increase the likelihood that the DBE goals will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate DBE participation, even when the prime Contractor might otherwise prefer to perform these work items with its own forces.

(3) Providing interested DBE companies with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation.

(4) a. Negotiating in good faith with interested DBE companies. It is the bidder's responsibility to make a portion of the work available to DBE subcontractors and suppliers and to select those portions of the work or material needs consistent with the available DBE subcontractors and suppliers, so as to facilitate DBE participation. Evidence of such negotiation includes the names, addresses, and telephone numbers of DBE companies 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 DBE companies to perform the work.

b. A bidder using good business judgment would consider a number of factors in negotiating with subcontractors, including DBE subcontractors, and would take a firm's price and capabilities as well as contract goals into consideration. However, the fact that there may be some additional costs involved in finding and using DBE companies is not in itself sufficient reason for a bidder's failure to meet the contract DBE goal, as long as such costs are reasonable. Also, the

ability or desire of a bidder to perform the work of a contract with its own organization does not relieve the bidder of the responsibility to make good faith efforts. Bidders are not, however, required to accept higher quotes from DBE companies if the price difference is excessive or unreasonable.

- (5) Not rejecting DBE companies 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 associations 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.
 - (6) Making efforts to assist interested DBE companies in obtaining bonding, lines of credit, or insurance as required by the recipient or Contractor.
 - (7) Making efforts to assist interested DBE companies in obtaining necessary equipment, supplies, materials, or related assistance or services.
 - (8) Effectively using the services of available minority/women community organizations; minority/women contractors' groups; local, state, and federal 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 DBE companies.
- (b) If the Department determines that the bidder has made a good faith effort to secure the work commitment of DBE companies to meet the contract goal, the Department will award the contract provided that it is otherwise eligible for award. If the Department determines that a good faith effort has not been made, the Department will notify the bidder of that preliminary determination by contacting the responsible company official designated in the Utilization Plan. The preliminary determination shall include a statement of reasons why good faith efforts have not been found, and may include additional good faith efforts that the bidder could take. The notification will designate a five working day period during which the bidder shall take additional efforts. The bidder is not limited by a statement of additional efforts, but may take other action beyond any stated additional efforts in order to obtain additional DBE commitments. The bidder shall submit an amended Utilization Plan if additional DBE commitments to meet the contract goal are secured. If additional DBE commitments sufficient to meet the contract goal are not secured, the bidder shall report the final good faith efforts made in the time allotted. All additional efforts taken by the bidder will be considered as part of the bidder's good faith efforts. If the bidder is not able to meet the goal after taking additional efforts, the Department will make a pre-final determination of the good faith efforts of the bidder and will notify the designated responsible company official of the reasons for an adverse determination.
- (c) The bidder may request administrative reconsideration of a pre-final determination adverse to the bidder within the five working days after the notification date of the determination by delivering the request to the Department of Transportation, Bureau of

Small Business Enterprises, Contract Compliance Section, 2300 South Dirksen Parkway, Room 319, Springfield, Illinois 62764 (Telefax: (217)785-1524). Deposit of the request in the United States mail on or before the fifth business day shall not be deemed delivery. The pre-final determination shall become final if a request is not made and delivered. A request may provide additional written documentation and/or argument concerning the issue of whether an adequate good faith effort was made to meet the contract goal. In addition, the request shall be considered a consent by the bidder to extend the time for award. The request will be forwarded to the Department's Reconsideration Officer. The Reconsideration Officer will extend an opportunity to the bidder to meet in person in order to consider all issues of whether the bidder made a good faith effort to meet the goal. After the review by the Reconsideration Officer, the bidder will be sent a written decision within ten working days after receipt of the request for reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. A final decision by the Reconsideration Officer that a good faith effort was made shall approve the Utilization Plan submitted by the bidder and shall clear the contract for award. A final decision that a good faith effort was not made shall render the bid not responsive.

CONTRACT COMPLIANCE. Compliance with this Special Provision is an essential part of the contract. The Department is prohibited by federal regulations from crediting the participation of a DBE included in the Utilization Plan toward either the contract goal or the Department's overall goal until the amount to be applied toward the goals has been paid to the DBE. The following administrative procedures and remedies govern the compliance by the Contractor with the contractual obligations established by the Utilization Plan. After approval of the Plan and award of the contract, the Utilization Plan and individual DBE Participation Statements become part of the contract. If the Contractor did not succeed in obtaining enough DBE participation to achieve the advertised contract goal, and the Utilization Plan was approved and contract awarded based upon a determination of good faith, the total dollar value of DBE work calculated in the approved Utilization Plan as a percentage of the awarded contract value shall become the amended contract goal.

- (a) No amendment to the Utilization Plan may be made without prior written approval from the Department's Bureau of Small Business Enterprises. All requests for amendment to the Utilization Plan shall be submitted to the Department of Transportation, Bureau of Small Business Enterprises, Contract Compliance Section, 2300 South Dirksen Parkway, Room 319, Springfield, Illinois 62764. Telephone number (217) 785-4611. Telefax number (217) 785-1524.
- (b) All work indicated for performance by an approved DBE shall be performed, managed, and supervised by the DBE executing the Participation Statement. The Contractor shall not terminate for convenience a DBE listed in the Utilization Plan and then perform the work of the terminated DBE with its own forces, those of an affiliate or those of another subcontractor, whether DBE or not, without first obtaining the written consent of the Bureau of Small Business Enterprises to amend the Utilization Plan. If a DBE listed in the Utilization Plan is terminated for reasons other than convenience, or fails to complete its work on the contract for any reason, the Contractor shall make good faith efforts to

find another DBE to substitute for the terminated DBE. The good faith efforts shall be directed at finding another DBE to perform at least the same amount of work under the contract as the DBE that was terminated, but only to the extent needed to meet the contract goal or the amended contract goal. The Contractor shall notify the Bureau of Small Business Enterprises of any termination for reasons other than convenience, and shall obtain approval for inclusion of the substitute DBE in the Utilization Plan. If good faith efforts following a termination of a DBE for cause are not successful, the Contractor shall contact the Bureau and provide a full accounting of the efforts undertaken to obtain substitute DBE participation. The Bureau will evaluate the good faith efforts in light of all circumstances surrounding the performance status of the contract, and determine whether the contract goal should be amended.

- (c) The Contractor shall maintain a record of payments for work performed to the DBE participants. The records shall be made available to the Department for inspection upon request. After the performance of the final item of work or delivery of material by a DBE and final payment therefor to the DBE by the Contractor, but not later than thirty calendar days after payment has been made by the Department to the Contractor for such work or material, the Contractor shall submit a DBE Payment Report on Department form SBE 2115 to the Regional Engineer. If full and final payment has not been made to the DBE, the Report shall indicate whether a disagreement as to the payment required exists between the Contractor and the DBE or if the Contractor believes that the work has not been satisfactorily completed. If the Contractor does not have the full amount of work indicated in the Utilization Plan performed by the DBE companies indicated in the Plan, the Department will deduct from contract payments to the Contractor the amount of the goal not achieved as liquidated and ascertained damages.
- (d) The Department reserves the right to withhold payment to the Contractor to enforce the provisions of this Special Provision. Final payment shall not be made on the contract until such time as the Contractor submits sufficient documentation demonstrating achievement of the goal in accordance with this Special Provision or after liquidated damages have been determined and collected.
- (e) Notwithstanding any other provision of the contract, including but not limited to Article 109.09 of the Standard Specifications, the Contractor may request administrative reconsideration of a decision to deduct the amount of the goal not achieved as liquidated damages. A request to reconsider shall be delivered to the Contract Compliance Section and shall be handled and considered in the same manner as set forth in paragraph (c) of "Good Faith Effort Procedures" of this Special Provision, except a final decision that a good faith effort was not made during contract performance to achieve the goal agreed to in the Utilization Plan shall be the final administrative decision of the Department.

DOWEL BARS (BDE)

Effective: April 1, 2007

Revise the fifth sentence of Article 1006.11(b) of the Standard Specifications to read:

“The bars shall be epoxy coated according to AASHTO M 284, except the thickness of the epoxy shall be 7 to 12 mils (0.18 to 0.30 mm).”

80178

EQUIPMENT RENTAL RATES (BDE)

Effective: August 2, 2007

Replace the second and third paragraphs of Article 105.07(b)(4)a. of the Standard Specifications with the following:

“Equipment idled which cannot be used on other work, and which is authorized to standby on the project site by the Engineer, will be paid for according to Article 109.04(b)(4).”

Replace Article 109.04(b)(4) of the Standard Specifications with the following:

“(4) Equipment. Equipment used for extra work shall be authorized by the Engineer. The equipment shall be specifically described, be of suitable size and capacity for the work to be performed, and be in good operating condition. For such equipment, the Contractor will be paid as follows.

- a. Contractor Owned Equipment. Contractor owned equipment will be paid for by the hour using the applicable rate from the “Equipment Watch Rental Rate Blue Book” (Blue Book). The applicable hourly rate is defined as the FHWA hourly rate, from the time period the force account work begins, adjusted for both the model year of the equipment and the Illinois region. The time allowed will be the actual time the equipment is operating on the extra work. For the time required to move the equipment to and from the site of the extra work and any authorized idle (standby) time, payment will be made according to: $0.5 \times (\text{AHR} - \text{EOC})$.

Where: AHR = Applicable Hourly Rate (defined above)
EOC = Estimated Operating Costs per hour (from the Blue Book)

All time allowed shall fall within the working hours authorized for the extra work.

The rates above include the cost of fuel, oil, lubrication, supplies, small tools, necessary attachments, repairs, overhaul and maintenance of any kind, depreciation, storage, overhead, profits, insurance, and all incidentals. The rates do not include labor.

The Contractor shall submit to the Engineer sufficient information for each piece of equipment and its attachments to enable the Engineer to determine the proper equipment category. If a rate is not established in the Blue Book for a particular piece of equipment, the Engineer will establish a rate for that piece of equipment that is consistent with its cost and use in the industry.

- b. Rented Equipment. Whenever it is necessary for the Contractor to rent equipment to perform extra work, the rental and transportation costs of the

equipment plus five percent for overhead will be paid. In no case shall the rental rates exceed those of established distributors or equipment rental agencies.

All prices shall be agreed to in writing before the equipment is used.”

80189

EROSION AND SEDIMENT CONTROL DEFICIENCY DEDUCTION (BDE)

Effective: April 1, 2007

Revise Article 105.03(a) of the Standard Specifications to read:

“(a) Erosion and Sediment Control Deficiency Deduction. When the Engineer is notified or determines an erosion and/or sediment control deficiency(s) exists, he/she will notify and direct the Contractor to correct the deficiency within a specified time. The specified time, which begins upon notification to the Contractor, will be from 1/2 hour to 1 week based on the urgency of the situation and the nature of the deficiency. The Engineer will be the sole judge.

A deficiency may be any lack of repair, maintenance, or implementation of erosion and/or sediment control devices included in the contract, or any failure to comply with the conditions of the National Pollutant Discharge Elimination System (NPDES) Storm Water Permit for Construction Site Activities. A deficiency may also be applied to situations where corrective action is not an option such as the failure to participate in a jobsite inspection of the project, failure to install required measures prior to initiating earth moving operations, disregard of concrete washout requirements, or other disregard of the NPDES permit.

If the Contractor fails to correct a deficiency within the specified time, a daily monetary deduction will be imposed for each calendar day or fraction thereof the deficiency exists. The calendar day(s) will begin with notification to the Contractor and end with the Engineer's acceptance of the correction. The daily monetary deduction will be either \$1000.00 or 0.05 percent of the awarded contract value, whichever is greater. For those deficiencies where corrective action was not an option, the monetary deduction will be immediate and will be valued at one calendar day.”

80180

ERRATA FOR THE 2007 STANDARD SPECIFICATIONS (BDE)

Effective: January 1, 2007

Revised: August 1, 2007

- Page 60 Article 109.07(a). In the second line of the first paragraph change "amount" to "quantity".
- Page 154 Article 312.05. In the second line of the fifth paragraph change "180 °C" to "175 °C".
- Page 207 Article 406.14. In the second line of the second paragraph change "MIXTURE FOR CRACKS, JOINTS, AND FLANGEWAYS, of the mixture composition specified;" to "MIXTURE FOR CRACKS, JOINTS, AND FLANGEWAYS;".
- Page 237 Article 420.18. In the second line of the first paragraph change "October 15" to "November 1".
- Page 345 Article 505.08(l). In the third line of the first paragraph change "1/8 mm" to "1/8 in.".
- Page 345 Article 505.08(l). In the nineteenth line of the first paragraph change "is" to "in".
- Page 379 Article 512.15. In the first and sixth lines of the third paragraph change "50 percent" to "ten percent".
- Page 383 Article 516.04(b)(1). In the fifth line of the first paragraph change "drillingpouring" to "pouring".
- Page 390 Article 520.02(h). Change "1027.021" to "1027.01".
- Page 398 Article 540.07(b). Add the following two paragraphs after the third paragraph:
"Excavation in rock will be measured for payment according to Article 502.12.
Removal and disposal of unstable and/or unsuitable material below plan bedding grade will be measured for payment according to Article 202.07."
- Page 398 Article 540.08. Add the following two paragraphs after the fifth paragraph:
"Excavation in rock will be paid for according to Article 502.13.
Removal and disposal of unstable and/or unsuitable material below plan bedding grade will be paid for according to Article 202.08."
- Page 435 Article 542.04(b). Delete the last sentence of the last paragraph.
- Page 465 Article 551.06. In the second line of the first paragraph change "or" to "and/or".

- Page 585 Article 701.19(a). Add "701400" to the second line of the first paragraph.
- Page 586 Article 701.19(c). Delete "701400" from the second line of the first paragraph.
- Page 586 Article 701.19. Add the following subparagraph to this Article:
" (f) Removal of existing pavement markings and raised reflective pavement markers will be measured for payment according to Article 783.05."
- Page 587 Article 701.20(b). Delete "TRAFFIC CONTROL AND PROTECTION STANDARD 701400;" from the first paragraph.
- Page 588 Article 701.20. Add the following subparagraph to this Article.
" (j) Removal of existing pavement markings and raised reflective pavement markers will be paid for according to Article 783.06."
- Page 639 Article 805.04. In the first line of the second paragraph change "changes" to "charges".
- Page 762 Article 1020.04. In Table 1 Classes of Portland Cement Concrete and Mix Design Criteria, add to the minimum cement factor for Class PC Concrete "5.65 (TY III)", and add to the maximum cement factor for Class PC Concrete "7.05 (TY III)".
- Page 765 Article 1020.04. In Table 1 Classes of Portland Cement Concrete and Mix Design Criteria (metric), add to the minimum cement factor for Class PC Concrete "335 (TY III)", and add to the maximum cement factor for Class PC Concrete "418 (TY III)".
- Page 800 Article 1030.05(a)(12). Revise "Dust Collection Factor" to "Dust Correction Factor".
- Page 800 Article 1030.05(a)(14). Revise the first occurrence of Article 1030.05(a)(14) to Article 1030.05(a)(13).
- Page 800 Article 1030.05(a). Add to the list of QC/QA documents "(16) Calibration of Equipment for Asphalt Content Determination".
- Page 809 Article 1030.05. Revise the subparagraph "(a) Quality Assurance by the Engineer." to read "(e) Quality Assurance by the Engineer."
- Page 889 Article 1069.02(a)(2). In the third line of the first paragraph add "stainless steel" in front of "screws".
- Page 889 Article 1069.02(b). Delete the third paragraph.
- Page 890 Article 1069.02(c). Delete subparagraph (c).

Page 946 Article 1080.03(a)(1). In the third line of the first paragraph revise "(300 μm)" to "(600 μm)".

Page 963 Article 1083.02(b). In the second line of the first paragraph revise "ASTM D 4894" to "ASTM D 4895".

Page 1076 In the Index of Pay Items delete the pay item "BITUMINOUS SURFACE REMOVAL – BUTT JOINT".

80168

HOT-MIX ASPHALT EQUIPMENT, SPREADING AND FINISHING MACHINE (BDE)

Effective: January 1, 2005

Revised: January 1, 2007

Revise the fourth paragraph of Article 1102.03 of the Standard Specifications to read:

"The paver shall be equipped with a receiving hopper having sufficient capacity for a uniform spreading operation. The hopper shall be equipped with a distribution system to uniformly place a non-segregated mixture in front of the screed. The distribution system shall have chain curtains, deflector plates, and /or other devices designed and built by the paver manufacturer to prevent segregation during distribution of the mixture from the hopper to the paver screed. The Contractor shall submit a written certification that the devices recommended by the paver manufacturer to prevent segregation have been installed and are operational. Prior to paving, the Contractor, in the presence of the Engineer, shall visually inspect paver parts specifically identified by the manufacturer for excessive wear and the need for replacement. The Contractor shall supply a completed check list to the Engineer noting the condition of the parts. Worn parts shall be replaced. The Engineer may require an additional inspection prior to placement of the surface course or at other times throughout the work."

80142

LEGAL REQUIREMENTS TO BE OBSERVED (BDE)

Effective: August 1, 2007

Revise Article 107.01 of the Standard Specifications to read:

"107.01 Legal Requirements to be Observed. The Contractor warrants that it is, and that it shall keep fully informed of all legal requirements found in Federal, State, and local laws, ordinances, rules and regulations, and all orders, decrees, notices of violation or enforcement actions issued by any judicial or administrative body, board, agency, or tribunal having any jurisdiction or authority, that in any manner affect those engaged or employed to perform the work of the contract, or that affect the performance and conduct of the work of the contract. Unless otherwise provided in the contract, the Contractor shall obtain and keep current all permits and licenses, and give all notices required for the performance of the work of the contract that may be required by all such laws, ordinances, rules, regulations, orders, decrees, notices, and actions. The Contractor shall observe and obey all such laws, ordinances, rules, regulations, orders, decrees, notices, and actions; and shall indemnify and save harmless the State, the Department and all of its officers, agents, employees, and servants against any claim, liability, fine, or monetary assessment arising from the breach of this article or the violation of any such law, ordinance, rule, regulation, order, decree, notice or action, whether by the Contractor, a subcontractor, a supplier of material or service, others engaged by the Contractor, or the employees of any of them. Except as expressly mandated by law or regulation, or otherwise provided in the contract, the Department shall not be responsible for monitoring the Contractor's compliance with any law, ordinance, rule, regulation, order, decree, notice, or action. However, on noticing any violation of a legal requirement, the Department will notify the Contractor and the agency responsible for enforcement. The Department will cooperate with other agencies in their efforts to enforce legal requirements and may assist any such agency's effort to obtain Contractor compliance. The Contractor shall comply fully with any and all requests made by the Department within the time specified. The obligations of the Contractor under this article shall not be released or diminished by the issuance of any notice of violation or enforcement action to or in the name of the Department."

80187

PAYMENTS TO SUBCONTRACTORS (BDE)

Effective: June 1, 2000

Revised: January 1, 2006

Federal regulations found at 49 CFR §26.29 mandate the Department to establish a contract clause to require Contractors to pay subcontractors for satisfactory performance of their subcontracts and to set the time for such payments.

State law also addresses the timing of payments to be made to subcontractors and material suppliers. Section 7 of the Prompt Payment Act, 30 ILCS 540/7, requires that when a Contractor receives any payment from the Department, the Contractor shall make corresponding, proportional payments to each subcontractor and material supplier performing work or supplying material within 15 calendar days after receipt of the Department payment. Section 7 of the Act further provides that interest in the amount of two percent per month, in addition to the payment due, shall be paid to any subcontractor or material supplier by the Contractor if the payment required by the Act is withheld or delayed without reasonable cause. The Act also provides that the time for payment required and the calculation of any interest due applies to transactions between subcontractors and lower-tier subcontractors and material suppliers throughout the contracting chain.

This Special Provision establishes the required federal contract clause, and adopts the 15 calendar day requirement of the State Prompt Payment Act for purposes of compliance with the federal regulation regarding payments to subcontractors. This contract is subject to the following payment obligations.

When progress payments are made to the Contractor according to Article 109.07 of the Standard Specifications, the Contractor shall make a corresponding payment to each subcontractor and material supplier in proportion to the work satisfactorily completed by each subcontractor and for the material supplied to perform any work of the contract. The proportionate amount of partial payment due to each subcontractor and material supplier throughout the contracting chain shall be determined by the quantities measured or otherwise determined as eligible for payment by the Department and included in the progress payment to the Contractor. Subcontractors and material suppliers shall be paid by the Contractor within 15 calendar days after the receipt of payment from the Department. The Contractor shall not hold retainage from the subcontractors. These obligations shall also apply to any payments made by subcontractors and material suppliers to their subcontractors and material suppliers; and to all payments made to lower tier subcontractors and material suppliers throughout the contracting chain. Any payment or portion of a payment subject to this provision may only be withheld from the subcontractor or material supplier to whom it is due for reasonable cause.

This Special Provision does not create any rights in favor of any subcontractor or material supplier against the State or authorize any cause of action against the State on account of any payment, nonpayment, delayed payment, or interest claimed by application of the State Prompt Payment Act. The Department will not approve any delay or postponement of the 15 day requirement except for reasonable cause shown after notice and hearing pursuant to Section

| 7(b) of the State Prompt Payment Act. State law creates other and additional remedies available to any subcontractor or material supplier, regardless of tier, who has not been paid for work properly performed or material furnished. These remedies are a lien against public funds set forth in Section 23(c) of the Mechanics Lien Act, 770 ILCS 60/23(c), and a recovery on the Contractor's payment bond according to the Public Construction Bond Act, 30 ILCS 550.

80022

PLANTING WOODY PLANTS (BDE)

Effective: January 1, 2006

Revise the first and second paragraphs of Article 253.14 of the Standard Specifications to read:

"253.14 Period of Establishment. Prior to being accepted, the plants shall endure a period of establishment. This period shall begin in June and end in September of the same year. To qualify for inspection, plants shall have been in place, in a live healthy condition, on or before June 1 of the year of inspection. To be acceptable, plants shall be in a live healthy condition, representative of their species, at the time of inspection in the month of September.

When the planting work is performed by a subcontractor, this delay in inspection and acceptance of plants shall not delay acceptance of the entire project and final payment due if the Contractor requires and receives from the subcontractor a third party performance bond naming the Department as obligee in the full amount of the planting quantities listed in the contract, multiplied by their contract unit prices. The bond shall be executed prior to acceptance and final payment of the non-planting items and shall be in full force and effect until final inspection and acceptance of all plants including replacements. Execution of the third party bond shall be the option of the prime Contractor."

Revise Article 253.16 of the Standard Specifications to read:

"253.16 Method of Measurement. This work will be measured for final payment, in place, after the period of establishment. Trees, shrubs, and vines will be measured as each individual plant. Seedlings will be measured in units of 100 plants."

Revise Article 253.17 of the Standard Specifications to read:

"253.17 Basis of Payment. This work will be paid for at the contract unit price per each for TREES, SHRUBS, and VINES, of the species, root type, and plant size specified; and per unit for SEEDLINGS. Payment will be made according to the following schedule.

- (a) Initial Payment. Upon planting, 75 percent of the pay item(s) will be paid.
- (b) Final Payment. Upon inspection and acceptance of the plant material, or upon execution of a third party bond, the remaining 25 percent of the pay item(s) will be paid."

80148

PUBLIC CONVENIENCE AND SAFETY (BDE)

Effective: January 1, 2000

Add the following paragraph after the fourth paragraph of Article 107.09 of the Standard Specifications:

"On weekends, excluding holidays, roadways with Average Daily Traffic of 25,000 or greater, all lanes shall be open to traffic from 3:00 P.M. Friday to midnight Sunday except where structure construction or major rehabilitation makes it impractical."

80015

RECLAIMED ASPHALT PAVEMENT (RAP) (BDE)

Effective: January 1, 2007

Revised: August 1, 2007

In Article 1030.02(g), delete the last sentence of the first paragraph in (Note 2).

Revise Section 1031 of the Standard Specifications to read:

"SECTION 1031. RECLAIMED ASPHALT PAVEMENT

1031.01 Description. Reclaimed asphalt pavement (RAP) is reclaimed asphalt pavement resulting from cold milling or crushing of an existing dense graded hot-mix asphalt (HMA) pavement. The Contractor shall supply written documentation that the RAP originated from routes or airfields under federal, state, or local agency jurisdiction.

1031.02 Stockpiles. The Contractor shall construct individual, sealed RAP stockpiles meeting one of the following definitions. No additional RAP shall be added to the pile after the pile has been sealed. Stockpiles shall be sufficiently separated to prevent intermingling at the base. Stockpiles shall be identified by signs indicating the type as listed below (i.e. "Homogeneous Surface").

Prior to milling, the Contractor shall request the District to provide verification of the quality of the RAP to clarify appropriate stockpile.

- (a) Homogeneous. Homogeneous RAP stockpiles shall consist of RAP from Class I, Superpave (High ESAL), HMA (High ESAL), or equivalent mixtures and represent:
1) the same aggregate quality, but shall be at least C quality; 2) the same type of crushed aggregate (either crushed natural aggregate, ACBF slag, or steel slag); 3) similar gradation; and 4) similar asphalt binder content. If approved by the Engineer, combined single pass surface/binder millings may be considered "homogenous" with a quality rating dictated by the lowest coarse aggregate quality present in the mixture.
- (b) Conglomerate 5/8. Conglomerate 5/8 RAP stockpiles shall consist of RAP from Class I, Superpave (High ESAL), HMA (High ESAL), or equivalent mixtures. The coarse aggregate in this RAP shall be crushed aggregate and may represent more than one aggregate type and/or quality but shall be at least C quality. This RAP may have an inconsistent gradation and/or asphalt binder content prior to processing. All conglomerate 5/8 RAP shall be processed prior to testing by crushing to where all RAP shall pass the 5/8 in. (16 mm) or smaller screen. Conglomerate 5/8 RAP stockpiles shall not contain steel slag or other expansive material as determined by the Department.
- (c) Conglomerate 3/8. Conglomerate 3/8 RAP stockpiles shall consist of RAP from Class I, Superpave (High ESAL), HMA (High ESAL), or equivalent mixtures. The coarse aggregate in this RAP shall be crushed aggregate and may represent more than one aggregate type and/or quality but shall be at least B quality. This RAP may have an

inconsistent gradation and/or asphalt binder content prior to processing. All conglomerate 3/8 RAP shall be processed prior to testing by crushing to where all RAP shall pass the 3/8 in. (9.5 mm) or smaller screen. Conglomerate 3/8 RAP stockpiles shall not contain steel slag or other expansive material as determined by the Department.

(d) Conglomerate "D" Quality (DQ). Conglomerate DQ RAP stockpiles shall consist of RAP from Class I, Superpave (High or Low ESAL), HMA (High or Low ESAL), or equivalent mixtures. The coarse aggregate in this RAP may be crushed or round but shall be at least D quality. This RAP may have an inconsistent gradation and/or asphalt binder content. Conglomerate DQ RAP stockpiles shall not contain steel slag or other expansive material as determined by the Department.

(e) Non-Quality. RAP stockpiles that do not meet the requirements of the stockpile categories listed above shall be classified as "Non-Quality".

RAP containing contaminants, such as earth, brick, sand, concrete, sheet asphalt, bituminous surface treatment (i.e. chip seal), pavement fabric, joint sealants, etc., will be unacceptable unless the contaminants are removed to the satisfaction of the Engineer. Sheet asphalt shall be stockpiled separately.

1031.03 Testing. When used in HMA, the RAP shall be sampled and tested either during or after stockpiling.

For testing during stockpiling, washed extraction samples shall be run at the minimum frequency of one sample per 500 tons (450 metric tons) for the first 2000 tons (1800 metric tons) and one sample per 2000 tons (1800 metric tons) thereafter. A minimum of five tests shall be required for stockpiles less than 4000 tons (3600 metric tons).

For testing after stockpiling, the Contractor shall submit a plan for approval to the District proposing a satisfactory method of sampling and testing the RAP pile either in-situ or by restockpiling. The sampling plan shall meet the minimum frequency required above and detail the procedure used to obtain representative samples throughout the pile for testing.

Before extraction, each field sample shall be split to obtain two samples of test sample size. One of the two test samples from the final split shall be labeled and stored for Department use. The Contractor shall extract the other test sample according to Department procedure. The Engineer reserves the right to test any sample (split or Department-taken) to verify Contractor test results.

(a) Testing Conglomerate 3/8. In addition to the requirements above, conglomerate 3/8 RAP shall be tested for maximum theoretical specific gravity (G_{mm}) at a frequency of one sample per 500 tons (450 metric tons) for the first 2000 tons (1800 metric tons) and one sample per 2000 tons (1800 metric tons) thereafter. A minimum of five tests shall be required for stockpiles less than 4000 tons (3600 metric tons).

- (b) Evaluation of Test Results. All of the extraction results shall be compiled and averaged for asphalt binder content and gradation and, when applicable G_{mm} . Individual extraction test results, when compared to the averages, will be accepted if within the tolerances listed below.

Parameter	Homogeneous / Conglomerate	Conglomerate "D" Quality
1 in. (25 mm)		± 5 %
1/2 in. (12.5 mm)	± 8 %	± 15 %
No. 4 (4.75 mm)	± 6 %	± 13 %
No. 8 (2.36 mm)	± 5 %	
No. 16 (1.18 mm)		± 15 %
No. 30 (600 μm)	± 5 %	
No. 200 (75 μm)	± 2.0 %	± 4.0 %
Asphalt Binder	± 0.4 % ^{1/}	± 0.5 %
G_{mm}	± 0.02 ^{2/}	

1/ The tolerance for conglomerate 3/8 shall be ± 0.3 %.

2/ Applies only to conglomerate 3/8. When variation of the G_{mm} exceeds the ± 0.02 tolerance, a new conglomerate 3/8 stockpile shall be created which will also require an additional mix design.

If more than 20 percent of the individual sieves are out of the gradation tolerances, or if more than 20 percent of the asphalt binder content test results fall outside the appropriate tolerances, the RAP shall not be used in HMA unless the RAP representing the failing tests is removed from the stockpile. All test data and acceptance ranges shall be sent to the District for evaluation.

With the approval of the Engineer, the ignition oven may be substituted for extractions according to the Illinois Test Procedure, "Calibration of the Ignition Oven for the Purpose of Characterizing Reclaimed Asphalt Pavement (RAP)".

1031.04 Quality Designation of Aggregate in RAP. The quality of the RAP shall be set by the lowest quality of coarse aggregate in the RAP stockpile and are designated as follows.

- (a) RAP from Class I, Superpave (High ESAL), or HMA (High ESAL) surface mixtures are designated as containing Class B quality coarse aggregate.
- (b) RAP from Superpave (Low ESAL)/HMA (Low ESAL) IL-19.0L binder and IL-9.5L surface mixtures are designated as Class D quality coarse aggregate.
- (c) RAP from Class I, Superpave (High ESAL), or HMA (High ESAL) binder mixtures, bituminous base course mixtures, and bituminous base course widening mixtures are designated as containing Class C quality coarse aggregate.

- (d) RAP from bituminous stabilized subbase and BAM shoulders are designated as containing Class D quality coarse aggregate.

1031.05 Use of RAP in HMA. The use of RAP in HMA shall be as follows.

- (a) Coarse Aggregate Size. The coarse aggregate in all RAP shall be equal to or less than the nominal maximum size requirement for the HMA mixture to be produced.
- (b) Steel Slag Stockpiles. RAP stockpiles containing steel slag or other expansive material, as determined by the Department, shall be homogeneous and will be approved for use in HMA (High ESAL and Low ESAL) surface mixtures only.
- (c) Use in HMA Surface Mixtures (High and Low ESAL). RAP stockpiles for use in HMA surface mixtures (High and Low ESAL) shall be either homogeneous or conglomerate 3/8, in which the coarse aggregate is Class B quality or better.
- (d) Use in HMA Binder Mixtures (High and Low ESAL), HMA Base Course, and HMA Base Course Widening. RAP stockpiles for use in HMA binder mixtures (High and Low ESAL), HMA base course, and HMA base course widening shall be homogeneous, conglomerate 5/8, or conglomerate 3/8, in which the coarse aggregate is Class C quality or better.
- (e) Use in Shoulders and Subbase. RAP stockpiles for use in HMA shoulders and stabilized subbase (HMA) shall be homogeneous, conglomerate 5/8, conglomerate 3/8, or conglomerate DQ.
- (f) The use of RAP shall be a contractor's option when constructing HMA in all contracts. When the contractor chooses the RAP option, the percentage of RAP shall not exceed the amounts indicated in the table for a given N Design.

Max RAP Percentage

HMA MIXTURES ^{1/, 3/}	MAXIMUM % RAP		
Ndesign	Binder/Leveling Binder	Surface	Polymer Modified
30	30	30	10
50	25	15	10
70	15 / 25 ^{2/}	10 / 15 ^{2/}	10
90	10	10	10
105	10	10	10

1/ For HMA Shoulder and Stabilized Sub-Base (HMA) N-30, the amount of RAP shall not exceed 50% of the mixture.

2/ Value of Max % RAP if 3/8 RAP is utilized.

- 3/ When RAP exceeds 20%, the high & low virgin asphalt binder grades shall each be reduced by one grade (i.e. 25% RAP would require a virgin asphalt binder grade of PG64-22 to be reduced to a PG58-28).

1031.06 HMA Mix Designs. At the Contractor's option, HMA mixtures may be constructed utilizing RAP material meeting the above detailed requirements.

RAP designs shall be submitted for volumetric verification. If additional RAP stockpiles are tested and found that no more than 20 percent of the results, as defined under "Testing" herein, are outside of the control tolerances set for the original RAP stockpile and HMA mix design, and meets all of the requirements herein, the additional RAP stockpiles may be used in the original mix design at the percent previously verified.

1031.07 HMA Production. The coarse aggregate in all RAP used shall be equal to or less than the nominal maximum size requirement for the HMA mixture being produced.

To remove or reduce agglomerated material, a scalping screen, crushing unit, or comparable sizing device approved by the Engineer shall be used in the RAP feed system to remove or reduce oversized material. If material passing the sizing device adversely affects the mix production or quality of the mix, the sizing device shall be set at a size specified by the Engineer.

If the RAP control tolerances or QC/QA test results require corrective action, the Contractor shall cease production of the mixture containing RAP and either switch to the virgin aggregate design or submit a new RAP design. When producing mixtures containing conglomerate 3/8 RAP, a positive dust control system shall be utilized.

HMA plants utilizing RAP shall be capable of automatically recording and printing the following information.

(a) Dryer Drum Plants.

- (1) Date, month, year, and time to the nearest minute for each print.
- (2) HMA mix number assigned by the Department.
- (3) Accumulated weight of dry aggregate (combined or individual) in tons (metric tons) to the nearest 0.1 ton (0.1 metric ton).
- (4) Accumulated dry weight of RAP in tons (metric tons) to the nearest 0.1 ton (0.1 metric ton).
- (5) Accumulated mineral filler in revolutions, tons (metric tons), etc. to the nearest 0.1 unit.

- (6) Accumulated asphalt binder in gallons (liters), tons (metric tons), etc. to the nearest 0.1 unit.
- (7) Residual asphalt binder in the RAP material as a percent of the total mix to the nearest 0.1 percent.
- (8) Aggregate and RAP moisture compensators in percent as set on the control panel. (Required when accumulated or individual aggregate and RAP are printed in wet condition.)

(b) Batch Plants.

- (1) Date, month, year, and time to the nearest minute for each print.
- (2) HMA mix number assigned by the Department.
- (3) Individual virgin aggregate hot bin batch weights to the nearest pound (kilogram).
- (4) Mineral filler weight to the nearest pound (kilogram).
- (5) RAP weight to the nearest pound (kilogram).
- (6) Virgin asphalt binder weight to the nearest pound (kilogram).
- (7) Residual asphalt binder in the RAP material as a percent of the total mix to the nearest 0.1 percent.

The printouts shall be maintained in a file at the plant for a minimum of one year or as directed by the Engineer and shall be made available upon request. The printing system will be inspected by the Engineer prior to production and verified at the beginning of each construction season thereafter.

1031.08 RAP in Aggregate Surface Course and Aggregate Shoulders. The use of RAP in aggregate surface course and aggregate shoulders shall be as follows.

- (a) Stockpiles and Testing. RAP stockpiles may be any of those listed in Article 1031.02, except "Other". The testing requirements of Article 1031.03 shall not apply.
- (b) Gradation. One hundred percent of the RAP material shall pass the 1 1/2 in. (37.5 mm) sieve. The RAP material shall be reasonably well graded from coarse to fine. RAP material that is gap-graded or single sized will not be accepted."

REFLECTIVE SHEETING ON CHANNELIZING DEVICES (BDE)

Effective: April 1, 2007

Revise the seventh paragraph of Article 1106.02 of the Standard Specifications to read:

“At the time of manufacturing, the retroreflective prismatic sheeting used on channelizing devices shall meet or exceed the initial minimum coefficient of retroreflection as specified in the following table. Measurements shall be conducted according to ASTM E 810, without averaging. Sheeting used on cones, drums and flexible delineators shall be reboundable as tested according to ASTM D 4956. Prestriped sheeting for rigid substrates on barricades shall be white and orange.

Initial Minimum Coefficient of Retroreflection candelas/foot candle/sq ft (candelas/lux/sq m) of material				
Observation Angle (deg.)	Entrance Angle (deg.)	White	Orange	Fluorescent Orange
0.2	-4	365	160	150
0.2	+30	175	80	70
0.5	-4	245	100	95
0.5	+30	100	50	40”

Revise the first sentence of the first paragraph of Article 1106.02(c) of the Standard Specifications to read:

“Barricades and vertical panels shall have alternating white and orange stripes sloping downward at 45 degrees toward the side on which traffic will pass.”

Revise the third sentence of the first paragraph of Article 1106.02(d) of the Standard Specifications to read:

“The bottom panels shall be 8 x 24 in. (200 x 600 mm) with alternating white and orange stripes sloping downward at 45 degrees toward the side on which traffic will pass.”

80183

REINFORCEMENT BARS (BDE)

Effective: November 1, 2005

Revised: January 1, 2007

Revise Article 1006.10(a) of the Standard Specifications to read:

“(a) Reinforcement Bars. Reinforcement bars will be accepted according to the current Bureau of Materials and Physical Research Policy Memorandum, “Reinforcement Bar and Dowel Bar Plant Certification Procedure”. The Department will maintain an approved list of producers.

(1) Reinforcement Bars (Non-Coated). Reinforcement bars shall be according to ASTM A 706 (A 706M), Grade 60 (420) for deformed bars and the following.

a. Chemical Composition. The chemical composition of the bars shall be according to the following table.

CHEMICAL COMPOSITION		
Element ^{1/}	Heat Analysis (% maximum)	Product Analysis (% maximum)
Carbon	0.30	0.33
Manganese	1.50	1.56
Phosphorus	0.035	0.045
Sulfur	0.045	0.055
Silicon	0.50	0.55
Nickel	^{2/}	^{2/}
Chromium	^{2/}	^{2/}
Molybdenum	^{2/}	^{2/}
Copper	^{2/}	^{2/}
Titanium	^{2/}	^{2/}
Vanadium	^{2/}	^{2/}
Columbium	^{2/}	^{2/}
Aluminum	^{2/} , ^{3/}	^{2/} , ^{3/}
Tin ^{4/}	0.040	0.044

Note 1/. The bars shall not contain any traces of radioactive elements.

Note 2/. There is no composition limit but the element must be reported.

Note 3/. If aluminum is not an intentional addition to the steel for deoxidation or killing purposes, residual aluminum content need not be reported.

Note 4/. If producer bar testing indicates an elongation of 15 percent or more and passing of the bend test, the tin composition requirement may be waived.

- b. Heat Numbers. Bundles or bars at the construction site shall be marked or tagged with heat identification numbers of the bar producer.
 - c. Guided Bend Test. Bars may be subject to a guided bend test across two pins which are free to rotate, where the bending force shall be centrally applied with a fixed or rotating pin of a certain diameter as specified in Table 3 of ASTM A 706 (A 706M). The dimensions and clearances of this guided bend test shall be according to ASTM E 190.
 - d. Spiral Reinforcement. Spiral reinforcement shall be deformed or plain bars conforming to the above requirements or cold-drawn steel wire conforming to AASHTO M 32.
- (2) Epoxy Coated Reinforcement Bars. Epoxy coated reinforcement bars shall be according to Article 1006.10(a)(1) and shall be epoxy coated according to AASHTO M 284 (M 284M) and the following.
- a. Certification. The epoxy coating applicator shall be certified under the Concrete Reinforcing Steel Institute's (CRSI) Epoxy Plant Certification Program.
 - b. Coating Thickness. The thickness of the epoxy coating shall be 7 to 12 mils (0.18 to 0.30 mm). When spiral reinforcement is coated after fabrication, the thickness of the epoxy coating shall be 7 to 20 mils (0.18 to 0.50 mm).
 - c. Cutting Reinforcement. Reinforcement bars may be sheared or sawn to length after coating, providing the end damage to the coating does not extend more than 0.5 in. (13 mm) back and the cut is patched before any visible rusting appears. Flame cutting will not be permitted."

80151

SEEDING (BDE)

Effective: July 1, 2004

Revised: August 1, 2007

Revise the following seeding mixtures shown in Table 1 of Article 250.07 of the Standard Specifications to read:

"Table 1 - SEEDING MIXTURES		
Class – Type	Seeds	lb/acre (kg/hectare)
2 Roadside Mixture 7/	Tall Fescue (Inferno, Tarheel II, Quest, Blade Runner, or Falcon IV)	100 (110)
	Perennial Ryegrass	50 (55)
	Creeping Red Fescue	40 (50)
	Red Top	10 (10)
2A Salt Tolerant Roadside Mixture 7/	Tall Fescue (Inferno, Tarheel II, Quest, Blade Runner, or Falcon IV)	60 (70)
	Perennial Ryegrass	20 (20)
	Red Fescue (Audubon, Sea Link, or Epic)	30 (20)
	Hard Fescue (Rescue 911, Spartan II, or Reliant IV)	30 (20)
	Fults Salt Grass 1/	60 (70)"

Revise Table II of Article 1081.04(c)(6) of the Standard Specifications to read:

TABLE II						
Variety of Seeds	Hard Seed	Purity	Pure Live Seed %	Weed %	Secondary * Noxious Weeds No. per oz (kg)	Notes
	% Max.	% Min.	% Min.	% Max.	Max. Permitted	
Alfalfa	20	92	89	0.50	6 (211)	1/
Clover, Alsike	15	92	87	0.30	6 (211)	2/
Red Fescue, Audubon	0	97	82	0.10	3 (105)	-
Red Fescue, Creeping	-	97	82	1.00	6 (211)	-
Red Fescue, Epic	-	98	83	0.05	1 (35)	-
Red Fescue, Sea Link	-	98	83	0.10	3 (105)	-
Tall Fescue, Blade Runner	-	98	83	0.10	2 (70)	-
Tall Fescue, Falcon IV	-	98	83	0.05	1 (35)	-
Tall Fescue, Inferno	0	98	83	0.10	2 (70)	-
Tall Fescue, Tarheel II	-	97	82	1.00	6 (211)	-
Tall Fescue, Quest	0	98	83	0.10	2 (70)	-
Fults Salt Grass	0	98	85	0.10	2 (70)	-
Kentucky Bluegrass	-	97	80	0.30	7 (247)	4/
Oats	-	92	88	0.50	2 (70)	3/
Redtop	-	90	78	1.80	5 (175)	3/

TABLE II						
Variety of Seeds	Hard Seed % Max.	Purity % Min.	Pure Live Seed % Min.	Weed % Max.	Secondary * Noxious Weeds No. per oz (kg) Max. Permitted	Notes
Ryegrass, Perennial, Annual	-	97	85	0.30	5 (175)	3/
Rye, Grain, Winter	-	92	83	0.50	2 (70)	3/
Hard Fescue, Reliant IV	-	98	83	0.05	1 (35)	-
Hard Fescue, Rescue 911	0	97	82	0.10	3 (105)	-
Hard Fescue, Spartan II	-	98	83	0.10	3 (105)	-
Timothy	-	92	84	0.50	5 (175)	3/
Wheat, hard Red Winter	-	92	89	0.50	2 (70)	3/

Revise the first sentence of the first paragraph of Article 1081.04(c)(7) of the Standard Specifications to read:

"The seed quantities indicated per acre (hectare) for Prairie Grass Seed in Classes 3, 3A, 4, 4A, 6, and 6A in Article 250.07 shall be the amounts of pure, live seed per acre (hectare) for each species listed."

80131

SELF-CONSOLIDATING CONCRETE FOR CAST-IN-PLACE CONSTRUCTION (BDE)

Effective: November 1, 2005

Revised: January 1, 2007

Definition. Self-consolidating concrete is a flowable mixture that does not require mechanical vibration for consolidation.

Usage. Self-consolidating concrete may be used for cast-in-place concrete construction items involving Class MS, DS, and SI concrete.

Materials. Materials shall be according to Section 1021 of the Standard Specifications.

Mix Design Criteria. Article 1020.04 of the Standard Specifications shall apply, except as follows:

- (a) The cement factor shall be according to Article 1020.04 of the Standard Specifications. If the maximum cement factor is not specified, it shall not exceed 7.05 cwt/cu yd (418 kg/cu m). The cement factor shall not be reduced if a water-reducing, retarding, or high range water-reducing admixture is used.
- (b) The maximum allowable water/cement ratio shall be according to Article 1020.04 of the Standard Specifications or 0.44, whichever is lower.
- (c) The slump requirements shall not apply.
- (d) The coarse aggregate gradations shall be CA 13, CA 14, CA 16, or a blend of these gradations. CA 11 may be used when the Contractor provides satisfactory evidence to the Engineer that the mix will not segregate. The fine aggregate proportion shall be a maximum 50 percent by weight (mass) of the total aggregate used.
- (e) The slump flow range shall be ± 2 in. (± 50 mm) of the Contractor target value, and within the overall Department range of 20 in. (510 mm) minimum to 28 in. (710 mm) maximum.
- (f) The visual stability index shall be a maximum of 1.
- (g) The J-ring value shall be a maximum of 4 in. (100 mm). The Contractor may specify a lower maximum in the mix design.
- (h) The L-box blocking ratio shall be a minimum of 60 percent. The Contractor may specify a higher minimum in the mix design.
- (i) The column segregation index shall be a maximum 15 percent.
- (j) The hardened visual stability index shall be a maximum of 1.

Test Methods. Illinois Test Procedures SCC-1, SCC-2, SCC-3, SCC-4, SCC-5, SCC-6, and Illinois Modified AASHTO T 22, 23, 121, 126, 141, 152, 177, 196, and 309 shall be used for testing of self-consolidating concrete mixtures.

Mix Design Submittal. The Contractor's Level III PCC Technician shall submit a mix design according to the "Portland Cement Concrete Level III Technician" course manual, except target slump information is not applicable and will not be required. However, a slump flow target range shall be submitted. In addition, the design mortar factor may exceed 1.10 and durability test data will be waived.

A J-ring value shall be submitted if a lower mix design maximum will apply. An L-box blocking ratio shall be submitted if a higher mix design minimum will apply. The Contractor shall also indicate applicable construction items for the mix design.

Trial mixture information will be required by the Engineer. A trial mixture is a batch of concrete tested by the Contractor to verify the Contractor's mix design will meet specification requirements. Trial mixture information shall include test results as specified in the "Portland Cement Concrete Level III Technician" course manual. Test results shall also include slump flow, visual stability index, J-ring value, L-box blocking ratio, column segregation index, and hardened visual stability index. For the trial mixture, the slump flow shall be near the midpoint of the proposed slump flow target range.

Trial Batch. A minimum 2 cu yd (1.5 cu m) trial batch shall be produced, and the self-consolidating concrete admixture dosage proposed by the Contractor shall be used. The slump flow shall be within 1.0 in. (25 mm) of the maximum slump flow range specified by the Contractor, and the air content shall be within the top half of the allowable specification range.

The trial batch shall be scheduled a minimum of 21 calendar days prior to anticipated use and shall be performed in the presence of the Engineer.

The Contractor shall provide the labor, equipment, and materials to test the concrete. The mixture will be evaluated by the Engineer for strength, air content, slump flow, visual stability index, J-ring value, L-box blocking ratio, column segregation index, and hardened visual stability index.

Upon review of the test data from the trial batch, the Engineer will verify or deny the use of the mix design and notify the Contractor. Verification by the Engineer will include the Contractor's target slump flow range. If applicable, the Engineer will verify the Contractor's maximum J-ring value and minimum L-box blocking ratio.

A new trial batch will be required whenever there is a change in the source of any component material, proportions beyond normal field adjustments, dosage of the self-consolidating concrete admixture, batch sequence, mixing speed, mixing time, or as determined by the Engineer. The testing criteria for the new trial batch will be determined by the Engineer.

When necessary, the trial batches shall be disposed of according to Article 202.03 of the Standard Specifications.

Mixing Portland Cement Concrete. In addition to Article 1020.11 of the Standard Specifications, the mixing time for central-mixed concrete shall not be reduced as a result of a mixer performance test. Truck-mixed or shrink-mixed concrete shall be mixed in a truck mixer for a minimum of 100 revolutions.

Wash water, if used, shall be completely discharged from the drum or container before the succeeding batch is introduced.

The batch sequence, mixing speed, and mixing time shall be appropriate to prevent cement balls and mix foaming for central-mixed, truck-mixed, and shrink-mixed concrete.

Falsework and Forms. In addition to Articles 503.05 and 503.06 of the Standard Specifications, the Contractor shall consider the fluid nature of the concrete for designing the falsework and forms. Forms shall be tight to prevent leakage of fluid concrete.

Placing and Consolidating. Concrete placement and consolidation shall be according to Article 503.07 of the Standard Specifications, except as follows:

Revise the third paragraph of Article 503.07 of the Standard Specifications to read:

“Open troughs and chutes shall extend as nearly as practicable to the point of deposit. The drop distance of concrete shall not exceed 5 ft (1.5 m). If necessary, a tremie shall be used to meet this requirement. The maximum distance of horizontal flow from the point of deposit shall be 25 ft (7.6 m), unless approved otherwise by the Engineer. For drilled shafts, free fall placement will not be permitted.”

Delete the seventh, eighth, ninth, and tenth paragraphs of Article 503.07 of the Standard Specifications.

Add to the end of the eleventh paragraph of Article 503.07 of the Standard Specifications the following:

“Concrete shall be rodded with a piece of lumber, conduit, or vibrator if the material has lost its fluidity prior to placement of additional concrete. The vibrator shall be the pencil head type with a maximum diameter or width of 1 in. (25 mm). Any other method for restoring the fluidity of the concrete shall be approved by the Engineer.”

Quality Control by Contractor at Plant. The specified test frequencies for aggregate gradation, aggregate moisture, air content, unit weight/yield, and temperature shall be performed as indicated in the contract plans.

Slump flow, visual stability index, and J-ring or L-box tests shall be performed as needed to control production. The column segregation index test and hardened visual stability index test will not be required to be performed at the plant.

Quality Control by Contractor at Jobsite. The specified test frequencies for air content, strength, and temperature shall be performed as indicated in the contract plans.

Slump flow, visual stability index, and J-ring or L-box tests shall be performed on the first two truck deliveries of the day, and every 50 cu yd (40 cu m) thereafter. The Contractor shall select either the J-ring or L-box test for jobsite testing.

The column segregation index test will not be required to be performed at the jobsite. The hardened visual stability index test shall be performed on the first truck delivery of the day, and every 300 cu yd (230 cu m) thereafter. Slump flow, visual stability index, J-ring value or L-box blocking ratio, air content, and concrete temperature shall be recorded for each hardened visual stability index test.

The Contractor shall retain all hardened visual stability index cut cylinder specimens until the Engineer notifies the Contractor that the specimens may be discarded.

If mix foaming or other potential detrimental material is observed during placement or at the completion of the pour, the material shall be removed while the concrete is still plastic.

Quality Assurance by Engineer at Plant. For air content and aggregate gradation, quality assurance independent sample testing and split sample testing will be performed as indicated in the contract plans.

For slump flow, visual stability index, and J-ring or L-box tests, quality assurance independent sample testing and split sample testing will be performed as determined by the Engineer.

Quality Assurance by Engineer at Jobsite. For air content and strength, quality assurance independent sample testing and split sample testing will be performed as indicated in the contract plans.

For slump flow, visual stability index, J-ring or L-box, and hardened visual stability index tests, quality assurance independent sample testing will be performed as determined by the Engineer.

For slump flow and visual stability index quality assurance split sample testing, the Engineer will perform tests at the beginning of the project on the first three tests performed by the Contractor. Thereafter, a minimum of ten percent of total tests required of the Contractor will be performed per plant, which will include a minimum of one test per mix design. The acceptable limit of precision will be 1.5 in. (40 mm) for slump flow and a limit of precision will not apply to the visual stability index.

For the J-ring or the L-box quality assurance split sample testing, a minimum of 80 percent of the total tests required of the Contractor will be witnessed by the Engineer per plant, which will

include a minimum of one witnessed test per mix design. The Engineer reserves the right to conduct quality assurance split sample testing. The acceptable limit of precision will be 1.5 in. (40 mm) for the J-ring value and ten percent for the L-box blocking ratio.

For each hardened visual stability index test performed by the Contractor, the cut cylinders shall be presented to the Engineer for determination of the rating. The Engineer reserves the right to conduct quality assurance split sample testing. A limit of precision will not apply to the hardened visual stability index.

80152

SUBCONTRACTOR MOBILIZATION PAYMENTS (BDE)

Effective: April 2, 2005

To account for the preparatory work and operations necessary for the movement of subcontractor personnel, equipment, supplies, and incidentals to the project site and for all other work or operations that must be performed or costs incurred when beginning work approved for subcontracting in accordance with Article 108.01 of the Standard Specifications, the Contractor shall make a mobilization payment to each subcontractor.

This mobilization payment shall be made at least 14 days prior to the subcontractor starting work. The amount paid shall be equal to 3 percent of the amount of the subcontract reported on form BC 260A submitted for the approval of the subcontractor's work.

This provision shall be incorporated directly or by reference into each subcontract approved by the Department.

80143

TEMPORARY EROSION CONTROL (BDE)

Effective: November 1, 2002

Revised: August 1, 2007

Revise the third paragraph of Article 280.03 of the Standard Specifications to read:

"Erosion control systems shall be installed prior to beginning any activities which will potentially create erodible conditions. Erosion control systems for areas outside the limits of construction such as storage sites, plant sites, waste sites, haul roads, and Contractor furnished borrow sites shall be installed prior to beginning soil disturbing activities at each area. These offsite systems shall be designed by the Contractor and be subject to the approval of the Engineer."

Add the following paragraph after the third paragraph of Article 280.03 of the Standard Specifications:

"The temporary erosion and sediment control systems shown on the plans represent the minimum systems anticipated for the project. Conditions created by the Contractor's operations, or for the Contractor's convenience, which are not covered by the plans, shall be protected as directed by the Engineer at no additional cost to the Department. Revisions or modifications of the erosion and sediment control systems shall have the Engineer's written approval."

Revise the second sentence of the first paragraph of Article 280.04(a) of the Standard Specifications to read:

"Temporary ditch checks shall be constructed with rolled excelsior, products from the Department's approved list, or with aggregate when specified."

Add the following paragraph after the ninth paragraph of Article 280.07 of the Standard Specifications:

"Temporary or permanent erosion control systems required for areas outside the limits of construction will not be measured for payment."

Delete the tenth (last) paragraph of Article 280.08 of the Standard Specifications.

Revise Article 1081.15(f) of the Standard Specifications to read:

"(f) Rolled Excelsior. Rolled excelsior shall consist of an excelsior fiber filling totally encased inside netting and sealed with metal clips or knotted at the ends. Each roll shall be a minimum of 20 in. (500 mm) in diameter and a minimum of 10 ft (3 m) in length. Each 10 ft (3 m) roll shall have a minimum weight (mass) of 30 lbs (13.6 kg). The excelsior fiber filling shall be weed free. At least 80 percent of the fibers shall be a minimum of 6 in. (150 mm) in length. The fiber density shall be a minimum of 1.38 lb/cu ft (22 kg/cu m). The netting shall be composed of a polyester or

polypropylene material which retains 70 percent of its strength after 500 hours of exposure to sunlight. The maximum opening of the net shall be 1 x 1 in. (25 x 25 mm)."

80087

THERMOPLASTIC PAVEMENT MARKINGS (BDE)

Effective: January 1, 2007

Revise Article 1095.01(a)(2) of the Standard Specifications to read:

"(2) Pigment. The pigment used for the white thermoplastic compound shall be a high-grade pure (minimum 93 percent) titanium dioxide (TiO_2). The white pigment content shall be a minimum of ten percent by weight and shall be uniformly distributed throughout the thermoplastic compound.

The pigments used for the yellow thermoplastic compound shall not contain any hazardous materials listed in the Environmental Protection Agency Code of Federal Regulations (CFR) 40, Section 261.24, Table 1. The combined total of RCRA listed heavy metals shall not exceed 100 ppm when tested by X-ray fluorescence spectroscopy. The pigments shall also be heat resistant, UV stable and color-fast yellows, golds, and oranges, which shall produce a compound which shall match Federal Standard 595 Color No. 33538. The pigment shall be uniformly distributed throughout the thermoplastic compound."

Revise Article 1095.01(b)(1)e. of the Standard Specifications to read:

"e. Daylight Reflectance and Color. The thermoplastic compound after heating for four hours \pm five minutes at 425 ± 3 °F (218.3 ± 2 °C) and cooled at 77 °F (25 °C) shall meet the following requirements for daylight reflectance and color, when tested, using a color spectrophotometer with 45 degree circumferential/zero degree geometry, illuminant C, and two degree observer angle. The color instrument shall measure the visible spectrum from 380 to 720 nm with a wavelength measurement interval and spectral bandpass of 10 nm.

White: Daylight Reflectance75 percent min.

*Yellow: Daylight Reflectance45 percent min.

*Shall meet the coordinates of the following color tolerance chart.

x	0.490	0.475	0.485	0.530
y	0.470	0.438	0.425	0.456"

Revise Article 1095.01(b)(1)k. of the Standard Specifications to read:

"k. Accelerated Weathering. After heating the thermoplastic for four hours \pm five minutes at 425 ± 3 °F (218.3 ± 2 °C) the thermoplastic shall be applied to a steel wool abraded aluminum alloy panel (Federal Test Std. No. 141, Method 2013) at a film thickness of 30 mils (0.70 mm) and allowed to cool for 24 hours at room temperature. The coated panel shall be subjected to accelerated weathering

using the light and water exposure apparatus (fluorescent UV - condensation type) for 75 hours according to ASTM G 53 (equipped with UVB-313 lamps).

The cycle shall consist of four hours UV exposure at 122 °F (50 °C) followed by four hours of condensation at 104 °F (40 °C). UVB 313 bulbs shall be used. At the end of the exposure period, the panel shall not exceed 10 Hunter Lab Delta E units from the original material."

80176

WORKING DAYS (BDE)

Effective: January 1, 2002

The Contractor shall complete the work within 35 working days.

80071

PEDESTRIAN TRUSS SUPERSTRUCTURE

Effective: January 13, 1998

Revised: January 1, 2007

Description: This work shall consist of the design, fabrication, storage, delivery and erection of a welded steel, pedestrian truss superstructure. Also included in this work shall be the furnishing and installation of a deck, all bearings, anchors and/or retainers, railings, fencing and miscellaneous items as indicated on the plans.

Materials:

Truss. Structural steel shall conform to the requirements of Section 1006 of the Standard Specifications, ASTM A847 for cold formed welded square and rectangular tubing, AASHTO M270 Grade 50W (M270M 345W) for atmospheric corrosion resistant structural steel, as applicable, unless otherwise shown on the plans or approved by the Engineer. The minimum design parameters shall be according to AASHTO "Guide Specifications for Design of Pedestrian Bridges". All structural steel field connections shall be bolted with high strength bolts. High strength bolts, including suitable nuts and plain hardened washers, shall conform to the requirements of Article 1006.08 of the Standard Specifications.

Deck. The deck type shall be as specified on the plans. The materials shall comply with the applicable portions of the materials section of the Standard Specifications.

When specified for use, the concrete deck and stay-in-place forms shall be non composite. Metal Forms shall have a minimum thickness of 0.0359 in. (912 microns) or 20 Gage and shall be galvanized per ASTM A653 (A653M) with a G165 (Z350) min. coating designation.

Railing. The railing shall consist of a smooth rub rail, a toe plate and misc. elements, all located on the inside face of the truss.

Bearings. The bearing shall be designed and furnished as detailed in the plans, in the absence of details, the bearings details shall be as specified by the bridge manufacturer.

When specified for use, elastomeric bearings shall be according to Article 1083 of the Standard Specifications. Teflon surfaces shall be per Article 1083.02(b) of the Standard Specification and shall be bonded to the bearing plate.

Suppliers. The manufacturer shall be a company specializing in the design and manufacture of pedestrian bridges. The manufacturer shall be certified by AISC according to Article 106.08(b) of the Standard Specifications. The manufacturer shall provide information, to the satisfaction of the Engineer, demonstrating it has successfully provided bridges of similar scope for a minimum of 10 projects. The submittals demonstrating experience shall include names, addresses and telephone numbers of the owners of the structures. This submittal shall be made at the time of the preconstruction conference.

Potential bridge suppliers include but are not limited to:

Continental Custom Bridge Company
8301 State Hwy 29 North
Alexandria, Minnesota 56308
800-328-2047, FAX 320-852-7067

Steadfast Bridges
4021 Gault Ave South
Fort Payne, Alabama 35967
800-749-7515, FAX 256-845-9750

Excel Bridge Manufacturing Company
12001 Shoemaker Avenue
Santa Fe Springs, California 90670
800-548-0054, FAX 562-944-4025

Wheeler Consolidated
9330 James Avenue South
Bloomington, MN 55431
800-328-3986, FAX 952-929-2909

Decker, Incorporated
P.O. Box 4075
Elmira, New York 14904
607-733-1559, FAX 607-733-0296

Anderson Bridges
111 Willow Street
Colfax, WI 54730
715-962-2800, FAX 715-962-2801

Design:

The superstructure shall conform to the clear span, clear width, and railing configuration shown on the contract plans. The AASHTO "Guide Specifications for Design of Pedestrian Bridges" shall govern the design. The design loads shall be as specified by the AASHTO Guide Specification unless otherwise specified in the Contract plans.

The railings shall be designed per AASHTO Design Specifications for bicycle railings. Smooth rub rails shall be attached to the bicycle railing and located at a bicycle handlebar height of 3.5 ft. (1.1 m) above the top of the deck.

Prior to beginning construction or fabrication, the Contractor shall submit design calculations and six sets of shop drawings for each pedestrian bridge to the Engineer for review and approval. In addition, for bridges with any span over 150 ft. (46 m), or over a State or Federal

Route, or within the States Right-of-Way, a copy of the shop drawings will be reviewed and approved for structural adequacy, by the Bureau of Bridges and Structures prior to final approval of shop drawings. The shop drawings shall include all support reactions for each load type. The following certification shall be placed on the first sheet of the bridge shop plans adjacent to the seal and signature of the Structural Engineer:

"I certify that to the best of my knowledge, information and belief, this bridge design is structurally adequate for the design loading shown on the plans and complies with the requirements of the Contract and the current 'AASHTO Guide Specifications for Design of Pedestrian Bridges'."

The substructure is designed per AASHTO and based on the assumed truss loads shown on the plans. If the manufacturer's design exceeds those loads and/or the substructure needs to be adjusted to accommodate the truss superstructure chosen, then the Contractor shall submit the redesign to the Engineer for approval prior to ordering any material or starting construction. All design calculations, shop drawings and redesigned substructure drawings shall be sealed by a Structural Engineer licensed in the State of Illinois.

Construction: Truss erection procedures shall be according to the manufacturer's instructions. The deck shall be placed according to the applicable Sections of the Standard Specifications.

When weathering steel is used, all structural steel shall be prepared according to the Special Provision for "Surface Preparation and Painting Requirements for Weathering Steel."

When painting is specified, all structural steel shall be cleaned and painted according to the Special Provision for "Cleaning and Painting New Metal Structures". The color of the finish coat shall be as specified in the plans.

Method of Measurement: The pedestrian truss superstructure will be measured in square feet (square meters) of completed and accepted bridge deck within the limits of the truss superstructure.

Basis of Payment: The pedestrian superstructure will be paid for at the contract unit price per square foot (square meter) for "PEDESTRIAN TRUSS SUPERSTRUCTURE."

**REQUIRED CONTRACT PROVISIONS
FEDERAL-AID CONSTRUCTION CONTRACTS**

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ATTACHMENTS

- A. Employment Preference for Appalachian Contracts
(included in Appalachian contracts only)

I. GENERAL

1. These contract provisions shall apply to all work performed on the contract by the contractor's own organization and with the assistance of workers under the contractor's immediate superintendence and to all work performed on the contract by piecework, station work, or by subcontract.

2. Except as otherwise provided for in each section, the contractor shall insert in each subcontract all of the stipulations contained in these Required Contract Provisions, and further require their inclusion in any lower tier subcontract or purchase order that may in turn be made. The Required Contract Provisions shall not be incorporated by reference in any case. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with these Required Contract Provisions.

3. A breach of any of the stipulations contained in these Required Contract Provisions shall be sufficient grounds for termination of the contract.

4. A breach of the following clauses of the Required Contract Provisions may also be grounds for debarment as provided in 29 CFR 5.12:

- Section I, paragraph 2;
- Section IV, paragraphs 1, 2, 3, 4 and 7;
- Section V, paragraphs 1 and 2a through 2g.

5. Disputes arising out of the labor standards provisions of Section IV (except paragraph 5) and Section V of these Required Contract Provisions shall not be subject to the general disputes clause of this contract. Such disputes shall be resolved in accordance with the procedures of the U.S. Department of Labor (DOL) as set forth in 29 CFR 5, 6 and 7. Disputes within the meaning of this clause include disputes between the contractor (or any of its subcontractors) and the contracting agency, the DOL, or the contractor's employees or their representatives.

6. Selection of Labor: During the performance of this contract, the contractor shall not:

- a. Discriminate against labor from any other State, possession, or territory of the United States (except for employment preference for Appalachian contracts, when applicable, as specified in Attachment A), or
- b. Employ convict labor for any purpose within the limits of the project unless it is labor performed by convicts who are on parole, supervised release, or probation.

II. NONDISCRIMINATION

1. Equal Employment Opportunity: Equal employment opportunity (EEO) requirements not to discriminate and to take affirmative action to assure equal opportunity as set forth under laws, executive orders, rules, regulations (28 CFR 35, 29 CFR 1630 and 41 CFR 60 (and orders of the Secretary of Labor as modified by the provisions prescribed herein, and imposed pursuant to 23 U.S.C. 140 shall constitute the EEO and specific affirmative action standards for the contractor's project activities under this contract. The Equal Opportunity Construction Contract Specifications set forth under 41 CFR 60-4.3 and the provisions of the American Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) set forth under 28 CFR 35 and 29 CFR 1630 are incorporated by reference in this contract. In the execution of this contract, the contractor agrees to comply with the following minimum specific requirement activities of EEO:

a. The contractor will work with the State highway agency (SHA) and the Federal Government in carrying out EEO obligations and in their review of his/her activities under the contract.

b. The contractor will accept as his operating policy the following statement:

"It is the policy of this Company to assure that applicants are employed, and that employees are treated during employment, without regard to their race, religion, sex, color, national origin, age or disability. Such action shall include: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship, preapprenticeship, and/or on-the-job-training."

2. EEO Officer: The contractor will designate and make known to the SHA contracting officers an EEO Officer who will have the responsibility for an must be capable of effectively administering and promoting an active contractor program of EEO and who must be assigned adequate authority and responsibility to do so.

3. Dissemination of Policy: All members of the contractor's staff who are authorized to hire, supervise, promote, and discharge employees, or who recommend such action, or who are substantially involved in such action, will be made fully cognizant of, and will implement, the contractor's EEO policy and contractual responsibilities to provide EEO in each grade and classification of employment. To ensure that the above

agreement will be met, the following actions will be taken as a minimum:

a. Periodic meetings of supervisory and personnel office employees will be conducted before the start of work and then not less often than once every six months, at which time the contractor's EEO policy and its implementation will be reviewed and explained. The meetings will be conducted by the EEO Officer.

b. All new supervisory or personnel office employees will be given a thorough indoctrination by the EEO Officer, covering all major aspects of the contractor's EEO obligations within thirty days following their reporting for duty with the contractor.

c. All personnel who are engaged in direct recruitment for the project will be instructed by the EEO Officer in the contractor's procedures for locating and hiring minority group employees.

d. Notices and posters setting forth the contractor's EEO policy will be placed in areas readily accessible to employees, applicants for employment and potential employees.

e. The contractor's EEO policy and the procedures to implement such policy will be brought to the attention of employees by means of meetings, employee handbooks, or other appropriate means.

4. Recruitment: When advertising for employees, the contractor will include in all advertisements for employees the notation: "An Equal Opportunity Employer." All such advertisements will be placed in publications having a large circulation among minority groups in the area from which the project work force would normally be derived.

a. The contractor will, unless precluded by a valid bargaining agreement, conduct systematic and direct recruitment through public and private employees referral sources likely to yield qualified minority group applicants. To meet this requirement, the contractor will identify sources of potential minority group employees, and establish which such identified sources procedures whereby minority group applicants may be referred to the contractor for employment consideration.

b. In the event the contractor has a valid bargaining agreement providing for exclusive hiring hall referrals, he is expected to observe the provisions of that agreement to the extent that the system permits the contractor's compliance with EEO contract provisions. (The DOL has held that where implementation of such agreements have the effect of discriminating against minorities or women, or obligates the contractor to do the same, such implementation violates Executive Order 11246, as amended.)

c. The contractor will encourage his present employees to refer minority group applicants for employment. Information and procedures with regard to referring minority group applicants will be discussed with employees.

5. Personnel Actions: Wages, working conditions, and employee benefits shall be established and administered, and personnel actions of every type, including hiring, upgrading, promotion, transfer, demotion, layoff, and termination, shall be taken without regard to race, color, religion, sex, national origin, age or disability. The following procedures shall be followed:

a. The contractor will conduct periodic inspections of project sites to insure that working conditions and employee facilities do not indicate discriminatory treatment of project site personnel.

b. The contractor will periodically evaluate the spread of wages paid within each classification to determine any

evidence of discriminatory wage practices.

c. The contractor will periodically review selected personnel actions in depth to determine whether there is evidence of discrimination. Where evidence is found, the contractor will promptly take corrective action. If the review indicates that the discrimination may extend beyond the actions reviewed, such corrective action shall include all affected persons.

d. The contractor will promptly investigate all complaints of alleged discrimination made to the contractor in connection with his obligations under this contract, will attempt to resolve such complaints, and will take appropriate corrective action within a reasonable time. If the investigation indicates that the discrimination may affect persons other than the complainant, such corrective action shall include such other persons. Upon completion of each investigation, the contractor will inform every complainant of all of his avenues of appeal.

6. Training and Promotion:

a. The contractor will assist in locating, qualifying, and increasing the skills of minority group and women employees, and applicants for employment.

b. Consistent with the contractor's work force requirements and as permissible under Federal and State regulations, the contractor shall make full use of training programs, i.e., apprenticeship, and on-the-job training programs for the geographical area of contract performance. Where feasible, 25 percent of apprentices or trainees in each occupation shall be in their first year of apprenticeship or training. In the event a special provision for training is provided under this contract, this subparagraph will be superseded as indicated in the special provision.

c. The contractor will advise employees and applicants for employment of available training programs and entrance requirements for each.

d. The contractor will periodically review the training and promotion potential of minority group and women employees and will encourage eligible employees to apply for such training and promotion.

7. Unions: If the contractor relies in whole or in part upon unions as a source of employees, the contractor will use his/her best efforts to obtain the cooperation of such unions to increase opportunities for minority groups and women within the unions, and to effect referrals by such unions of minority and female employees. Actions by the contractor either directly or through a contractor's association acting as agent will include the procedures set forth below:

a. The contractor will use best efforts to develop, in cooperation with the unions, joint training programs aimed toward qualifying more minority group members and women for membership in the unions and increasing the skills of minority group employees and women so that they may qualify for higher paying employment.

b. The contractor will use best efforts to incorporate an EEO clause into each union agreement to the end that such union will be contractually bound to refer applicants without regard to their race, color, religion, sex, national origin, age or disability.

c. The contractor is to obtain information as to the referral practices and policies of the labor union except that to the extent such information is within the exclusive possession of the labor union and such labor union refuses to furnish such information to the contractor, the contractor shall so certify to

the SHA and shall set forth what efforts have been made to obtain such information.

d. In the event the union is unable to provide the contractor with a reasonable flow of minority and women referrals within the time limit set forth in the collective bargaining agreement, the contractor will, through independent recruitment efforts, fill the employment vacancies without regard to race, color, religion, sex, national origin, age or disability; making full efforts to obtain qualified and/or quailifiable minority group persons and women. (The DOL has held that it shall be no excuse that the union with which the contractor has a collective bargaining agreement providing for exclusive referral failed to refer minority employees.) In the event the union referral practice prevents the contractor from meeting the obligations pursuant to Executive Order 11246, as amended, and these special provisions, such contractor shall immediately notify the SHA.

8. Selection of Subcontractors, Procurement of Materials and Leasing of Equipment: The contractor shall not discriminate on the grounds of race, color, religion, sex, national origin, age or disability in the selection and retention of subcontractors, including procurement of materials and leases of equipment.

a. The contractor shall notify all potential subcontractors and suppliers of his/her EEO obligations under this contract.

b. Disadvantaged business enterprises (DBE), as defined in 49 CFR 23, shall have equal opportunity to compete for and perform subcontracts which the contractor enters into pursuant to this contract. The contractor will use his best efforts to solicit bids from and to utilize DBE subcontractors or subcontractors with meaningful minority group and female representation among their employees. Contractors shall obtain lists of DBE construction firms from SHA personnel.

c. The contractor will use his best efforts to ensure subcontractor compliance with their EEO obligations.

9. Records and Reports: The contractor shall keep such records as necessary to document compliance with the EEO requirements. Such records shall be retained for a period of three years following completion of the contract work and shall be available at reasonable times and places for inspection by authorized representatives of the SHA and the FHWA.

a. The records kept by the contractor shall document the following:

(1) The number of minority and non-minority group members and women employed in each work classification on the project;

(2) The progress and efforts being made in cooperation with unions, when applicable, to increase employment opportunities for minorities and women;

(3) The progress and efforts being made in locating, hiring, training, qualifying, and upgrading minority and female employees; and

(4) The progress and efforts being made in securing the services of DBE subcontractors or subcontractors with meaningful minority and female representation among their employees.

b. The contractors will submit an annual report to the SHA each July for the duration of the project, indicating the number of minority, women, and non-minority group employees currently engaged in each work classification required by the contract work. This information is to be reported on Form FHWA-1391. If on-the-job training is being required by special provision, the contractor will be required to collect and report training data.

III. NONSEGREGATED FACILITIES

(Applicable to all Federal-aid construction contracts and to all related subcontracts of \$10,000 or more.)

a. By submission of this bid, the execution of this contract or subcontract, or the consummation of this material supply agreement or purchase order, as appropriate, the bidder, Federal-aid construction contractor, subcontractor, material supplier, or vendor, as appropriate, certifies that the firm does not maintain or provide for its employees any segregated facilities at any of its establishments, and that the firm does not permit its employees to perform their services at any location, under its control, where segregated facilities are maintained. The firm agrees that a breach of this certification is a violation of the EEO provisions of this contract. The firm further certifies that no employee will be denied access to adequate facilities on the basis of sex or disability.

b. As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, restrooms and washrooms, restaurants and other eating areas, timeclocks, locker rooms, and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive, or are, in fact, segregated on the basis of race, color, religion, national origin, age or disability, because of habit, local custom, or otherwise. The only exception will be for the disabled when the demands for accessibility override (e.g. disabled parking).

c. The contractor agrees that it has obtained or will obtain identical certification from proposed subcontractors or material suppliers prior to award of subcontracts or consummation of material supply agreements of \$10,000 or more and that it will retain such certifications in its files.

IV. PAYMENT OF PREDETERMINED MINIMUM WAGE

(Applicable to all Federal-aid construction contracts exceeding \$2,000 and to all related subcontracts, except for projects located on roadways classified as local roads or rural minor collectors, which are exempt.)

1. General:

a. All mechanics and laborers employed or working upon the site of the work will be paid unconditionally and not less often than once a week and without subsequent deduction or rebate on any account [except such payroll deductions as are permitted by regulations (29 CFR 3) issued by the Secretary of Labor under the Copeland Act (40 U.S.C. 276c)] the full amounts of wages and bona fide fringe benefits (or cash equivalents thereof) due at time of payment. The payment shall be computed at wage rates not less than those contained in the wage determination of the Secretary of Labor (hereinafter "the wage determination") which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the

contractor or its subcontractors and such laborers and mechanics. The wage determination (including any additional classifications and wage rates conformed under paragraph 2 of this Section IV and the DOL poster (WH-1321) or Form FHWA-1495) shall be posted at all times by the contractor and its subcontractors at the site of the work in a prominent and accessible place where it can be easily seen by the workers. For the purpose of this Section, contributions made or costs reasonably anticipated for bona fide fringe benefits under Section 1(b)(2) of the Davis-Bacon Act (40 U.S.C. 276a) on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions of Section IV, paragraph 3b, hereof. Also, for the purpose of this Section, regular contributions made or costs incurred for more than a weekly period (but not less often than quarterly) under plans, funds, or programs, which cover the particular weekly period, are deemed to be constructively made or incurred during such weekly period. Such laborers and mechanics shall be paid the appropriate wage rate and fringe benefits on the wage determination for the classification of work actually performed, without regard to skill, except as provided in paragraphs 4 and 5 of this Section IV.

b. Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein, provided, that the employer's payroll records accurately set forth the time spent in each classification in which work is performed.

c. All rulings and interpretations of the Davis-Bacon Act and related acts contained in 29 CFR 1, 3, and 5 are herein incorporated by reference in this contract.

2. Classification:

a. The SHA contracting officer shall require that any class of laborers or mechanics employed under the contract, which is not listed in the wage determination, shall be classified in conformance with the wage determination.

b. The contracting officer shall approve an additional classification, wage rate and fringe benefits only when the following criteria have been met:

(1) the work to be performed by the additional classification requested is not performed by a classification in the wage determination;

(2) the additional classification is utilized in the area by the construction industry;

(3) the proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination; and

(4) with respect to helpers, when such a classification prevails in the area in which the work is performed.

c. If the contractor or subcontractors, as appropriate, the laborers and mechanics (if known) to be employed in the additional classification or their representatives, and the contracting officer agree on the classification and wage rate (including the amount designated for fringe benefits where appropriate), a report of the action taken shall be sent by the contracting officer to the DOL, Administrator of the Wage and Hour Division, Employment Standards Administration, Washington, D.C. 20210. The Wage and Hour Administrator, or an authorized representative, will approve, modify, or

disapprove every additional classification action within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

d. In the event the contractor or subcontractors, as appropriate, the laborers or mechanics to be employed in the additional classification or their representatives, and the contracting officer do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), the contracting officer shall refer the question, including the views of all interested parties and the recommendation of the contracting officer, to the Wage and Hour Administrator for determination. Said Administrator, or an authorized representative, will issue a determination within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

e. The wage rate (including fringe benefits where appropriate) determined pursuant to paragraph 2c or 2d of this Section IV shall be paid to all workers performing work in the additional classification from the first day on which work is performed in the classification.

3. Payment of Fringe Benefits:

a. Whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly rate, the contractor or subcontractors, as appropriate, shall either pay the benefit as stated in the wage determination or shall pay another bona fide fringe benefit or an hourly case equivalent thereof.

b. If the contractor or subcontractor, as appropriate, does not make payments to a trustee or other third person, he/she may consider as a part of the wages of any laborer or mechanic the amount of any cost reasonably anticipated in providing bona fide fringe benefits under a plan or program, provided that the Secretary of Labor has found, upon the written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.

4. Apprentices and Trainees (Programs of the U.S. DOL) and Helpers:

a. Apprentices:

(1) Apprentices will be permitted to work at less than the predetermined rate for the work they performed when they are employed pursuant to and individually registered in a bona fide apprenticeship program registered with the DOL, Employment and Training Administration, Bureau of Apprenticeship and Training, or with a State apprenticeship agency recognized by the Bureau, or if a person is employed in his/her first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Bureau of Apprenticeship and Training or a State apprenticeship agency (where appropriate) to be eligible for probationary employment as an apprentice.

(2) The allowable ratio of apprentices to journeyman-level employees on the job site in any craft classification shall not

be greater than the ratio permitted to the contractor as to the entire work force under the registered program. Any employee listed on a payroll at an apprentice wage rate, who is not registered or otherwise employed as stated above, shall be paid not less than the applicable wage rate listed in the wage determination for the classification of work actually performed. In addition, any apprentice performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. Where a contractor or subcontractor is performing construction on a project in a locality other than that in which its program is registered, the ratios and wage rates (expressed in percentages of the journeyman-level hourly rate) specified in the contractor's or subcontractor's registered program shall be observed.

(3) Every apprentice must be paid at not less than the rate specified in the registered program for the apprentice's level of progress, expressed as a percentage of the journeyman-level hourly rate specified in the applicable wage determination. Apprentices shall be paid fringe benefits in accordance with the provisions of the apprenticeship program. If the apprenticeship program does not specify fringe benefits, apprentices must be paid the full amount of fringe benefits listed on the wage determination for the applicable classification. If the Administrator for the Wage and Hour Division determines that a different practice prevails for the applicable apprentice classification, fringes shall be paid in accordance with that determination.

(4) In the event the Bureau of Apprenticeship and Training, or a State apprenticeship agency recognized by the Bureau, withdraws approval of an apprenticeship program, the contractor or subcontractor will no longer be permitted to utilize apprentices at less than the applicable predetermined rate for the comparable work performed by regular employees until an acceptable program is approved.

b. Trainees:

(1) Except as provided in 29 CFR 5.16, trainees will not be permitted to work at less than the predetermined rate for the work performed unless they are employed pursuant to and individually registered in a program which has received prior approval, evidenced by formal certification by the DOL, Employment and Training Administration.

(2) The ratio of trainees to journeyman-level employees on the job site shall not be greater than permitted under the plan approved by the Employment and Training Administration. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by the Employment and Training Administration shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any trainee performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed.

(3) Every trainee must be paid at not less than the rate specified in the approved program for his/her level of progress, expressed as a percentage of the journeyman-level hourly rate specified in the applicable wage determination. Trainees shall be paid fringe benefits in accordance with the provisions of the trainee program. If the trainee program does not mention fringe benefits, trainees shall be paid the full amount of fringe benefits

Wage and Hour Division determines that there is an apprenticeship program associated with the corresponding journeyman-level wage rate on the wage determination which provides for less than full fringe benefits for apprentices, in which cases such trainees shall receive the same fringe benefits as apprentices.

(4) In the event the Employment and Training Administration withdraws approval of a training program, the contractor or subcontractor will no longer be permitted to utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

c. Helpers:

Helpers will be permitted to work on a project if the helper classification is specified and defined on the applicable wage determination or is approved pursuant to the conformance procedure set forth in Section IV. 2. Any worker listed on a payroll at a helper wage rate, who is not a helper under a approved definition, shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed.

5. Apprentices and Trainees (Programs of the U.S. DOT):

Apprentices and trainees working under apprenticeship and skill training programs which have been certified by the Secretary of Transportation as promoting EEO in connection with Federal-aid highway construction programs are not subject to the requirements of paragraph 4 of this Section IV. The straight time hourly wage rates for apprentices and trainees under such programs will be established by the particular programs. The ratio of apprentices and trainees to journeymen shall not be greater than permitted by the terms of the particular program.

6. Withholding:

The SHA shall upon its own action or upon written request of an authorized representative of the DOL withhold, or cause to be withheld, from the contractor or subcontractor under this contract or any other Federal contract with the same prime contractor or any other Federally-assisted contract subject to Davis-Bacon prevailing wage requirements which is held by the same prime contractor, as much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics, including apprentices, trainee's and helpers, employed by the contractor or any subcontractor the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic, including any apprentice, trainee, or helper, employed or working on the site of the work, all or part of the wages required by the contract, the SHA contracting officer may, after written notice to the contractor, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

7. Overtime Requirements:

No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers, mechanics, watchmen, or guards (including apprentices, trainees, and helpers described in paragraphs 4 and 5 above) shall require or permit any laborer, mechanic, watchman, or guard in any workweek in which he/she is employed on such work, to work in excess of 40 hours in such workweek unless such laborer, mechanic, watchman, or guard receives compensation at a rate not less than one-and-one-half times his/her basic rate of pay for all hours worked in excess of 40 hours in such workweek.

8. Violation:

Liability for Unpaid Wages; Liquidated Damages: In the event of any violation of the clause set forth in paragraph 7 above, the contractor and any subcontractor responsible thereof shall be liable to the affected employee for his/her unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory) for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer, mechanic, watchman, or guard employed in violation of the clause set forth in paragraph 7, in the sum of \$10 for each calendar day on which such employee was required or permitted to work in excess of the standard work week of 40 hours without payment of the overtime wages required by the clause set forth in paragraph 7.

9. Withholding for Unpaid Wages and Liquidated Damages:

The SHA shall; upon its own action or upon written request of any authorized representative of the DOL withhold, or cause to be withheld, from any monies payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other Federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph 8 above.

V. STATEMENTS AND PAYROLLS

(Applicable to all Federal-aid construction contracts exceeding \$2,000 and to all related subcontracts, except for projects located on roadways classified as local roads or rural collectors, which are exempt.)

1. Compliance with Copeland Regulations (29 CFR 3):

The contractor shall comply with the Copeland Regulations of the Secretary of Labor which are herein incorporated by reference.

2. Payrolls and Payroll Records:

a. Payrolls and basic records relating thereto shall be maintained by the contractor and each subcontractor during the course of the work and preserved for a period of 3 years from the date of completion of the contract for all laborers, mechanics, apprentices, trainees, watchmen, helpers, and guards working at the site of the work.

b. The payroll records shall contain the name, social security number, and address of each such employee; his or her correct classification; hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalent thereof the types described in Section 1(b)(2)(B) of the Davis Bacon Act); daily and weekly number of hours worked; deductions made; and actual wages paid. In addition, for Appalachian contracts, the payroll records shall contain a notation indicating whether the employee does, or does not, normally reside in the labor area as defined in Attachment A, paragraph 1. Whenever the Secretary of Labor, pursuant to Section IV, paragraph 3b, has found that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan

or program described in Section 1(b)(2)(B) of the Davis Bacon Act, the contractor and each subcontractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, that the plan or program has been communicated in writing to the laborers or mechanics affected, and show the cost anticipated or the actual cost incurred in providing benefits. Contractors or subcontractors employing apprentices or trainees under approved programs shall maintain written evidence of the registration of apprentices and trainees, and ratios and wage rates prescribed in the applicable programs.

c. Each contractor and subcontractor shall furnish, each week in which any contract work is performed, to the SHA resident engineer a payroll of wages paid each of its employees (including apprentices trainees, and helpers, described in Section IV, paragraphs 4 and 5, and watchmen and guards engaged on work during the preceding weekly payroll period).

The payroll submitted shall set out accurately and completely all of the information required to be maintained under paragraph 2b of this Section V.

This information may be submitted in any form desired. Optional Form WH-347 is available for this purpose and may be purchased from the Superintendent of Documents (Federal stock number 029-005-0014-1), U.S. Government Printing Office, Washington, D.C. 20402. The prime contractor is responsible for the submission of copies of payrolls by all subcontractors.

d. Each payroll submitted shall be accompanied by a "Statement of Compliance," signed by the Contractor or subcontractor or his/her agent who pays or supervises the payment of the persons employed under the contract and shall certify the following:

(1) that the payroll for the payroll period contains the information required to be maintained under paragraph 2b of this Section V and that such information is correct and complete;

(2) that such laborer or mechanic (including each helper, apprentice, and trainee) employed on the contract during the payroll period has been paid the full weekly wages earned, without rebate, either directly or indirectly, and that no deductions have been made either directly or indirectly from the full wages earned, other than permissible deductions as set forth in the Regulations, 29 CFR 3;

(3) that each laborer or mechanic has been paid not less than the applicable wage rate and fringe benefits or cash equivalent for the classification of work performed, as specified in the applicable wage determination incorporated into the contract.

e. The weekly submission of a properly executed certification set forth on the reverse side of Optional Form WH-347 shall satisfy the requirement for submission of the "Statement of Compliance" required by paragraph 2d of this Section V.

f. The falsification of any of the above certifications may subject the contractor to civil or criminal prosecution under 18 U/S. C. 1001 and 31 U.S.C. 231.

g. The contractor or subcontractor shall make the records required under paragraph 2b of this Section V available for

inspection, copying, or transcription by authorized representatives of the SHA, the FHWA, or the DOL, and shall permit such representatives to interview employees during working hours on the job. If the contractor or subcontractor fails to submit the required records or to make them available, the SHA, the FHWA, the DOL, or all may, after written notice to the contractor, sponsor, applicant, or owner, take such actions as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds. Furthermore, failure to submit the required records upon request or to make such records available may be grounds for debarment action pursuant to 29 CFR 5.12.

VI. RECORD OF MATERIALS, SUPPLIES, AND LABOR

1. On all federal-aid contracts on the national highway system, except those which provide solely for the installation of protective devices at railroad grade crossings, those which are constructed on a force account or direct labor basis, highway beautification contracts, and contracts for which the total final construction cost for roadway and bridge is less than \$1,000,000 (23 CFR 635) the contractor shall:

a. Become familiar with the list of specific materials and supplies contained in Form FHWA-47, "Statement of Materials and Labor Used by Contractor of Highway Construction Involving Federal Funds," prior to the commencement of work under this contract.

b. Maintain a record of the total cost of all materials and supplies purchased for and incorporated in the work, and also of the quantities of those specific materials and supplies listed on Form FHWA-47, and in the units shown on Form FHWA-47.

c. Furnish, upon the completion of the contract, to the SHA resident engineer on Form FHWA-47 together with the data required in paragraph 1b relative to materials and supplies, a final labor summary of all contract work indicating the total hours worked and the total amount earned.

2. At the prime contractor's option, either a single report covering all contract work or separate reports for the contractor and for each subcontract shall be submitted.

VII. SUBLETTING OR ASSIGNING THE CONTRACT

1. The contractor shall perform with its own organization contract work amounting to not less than 30 percent (or a greater percentage if specified elsewhere in the contract) of the total original contract price, excluding any specialty items designated by the State. Specialty items may be performed by subcontract and the amount of any such specialty items performed may be deducted from the total original contract price before computing the amount of work required to be performed by the contractors' own organization (23 CFR 635).

a. "Its own organization" shall be construed to include only workers employed and paid directly by the prime contractor and equipment owned or rented by the prime contractor, with or without operators. Such term does not include employees or equipment of a subcontractor, assignee, or agent of the prime contractor.

b. "Specialty Items" shall be construed to be limited to work that requires highly specialized knowledge, abilities, or equipment not ordinarily available in the type of contracting organizations qualified and expected to bid on the contract as a

whole and in general are to be limited to minor components of the overall contract.

2. The contract amount upon which the requirements set forth in paragraph 1 of Section VII is computed includes the cost of material and manufactured products which are to be purchased or produced by the contractor under the contract provisions.

3. The contractor shall furnish (a) a competent superintendent or supervisor who is employed by the firm, has full authority to direct performance of the work in accordance with the contract requirements, and is in charge of all construction operations (regardless of who performs the work) and (b) such other of its own organizational resources (supervision, management, and engineering services) as the SHA contracting officer determines is necessary to assure the performance of the contract.

4. No portion of the contract shall be sublet, assigned or otherwise disposed of except with the written consent of the SHA contracting officer, or authorized representative, and such consent when given shall not be construed to relieve the contractor of any responsibility for the fulfillment of the contract.

Written consent will be given only after the SHA has assured that each subcontract is evidenced in writing and that it contains all pertinent provisions and requirements of the prime contract.

VIII. SAFETY: ACCIDENT PREVENTION

1. In the performance of this contract the contractor shall comply with all applicable Federal, State, and local laws governing safety, health, and sanitation (23 CFR 635). The contractor shall provide all safeguards, safety devices and protective equipment and take any other needed actions as it determines, or as the SHA contracting officer may determine, to be reasonably necessary to protect the life and health of employees on the job and the safety of the public and to protect property in connection with the performance of the work covered by the contract.

2. It is a condition of this contract, and shall be made a condition of each subcontract, which the contractor enters into pursuant to this contract, that the contractor and any subcontractor shall not permit any employee, in performance of the contract, to work in surroundings or under conditions which are unsanitary, hazardous or dangerous to his/her health or safety, as determined under construction safety and health standards (29 CFR 1926) promulgated by the Secretary of Labor, in accordance with Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S. C. 333).

3. Pursuant to 29 CFR 1926.3, it is a condition of this contract that the Secretary of Labor or authorized representative thereof, shall have right of entry to any site of contract performance to inspect or investigate the matter of compliance with the construction safety and health standards and to carry out the duties of the Secretary under Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333).

IX. FALSE STATEMENTS CONCERNING HIGHWAY PROJECTS

In order to assure high quality and durable construction in conformity with approved plans and specifications and a high degree of reliability on statements and representations made by engineers, contractors, suppliers, and workers on Federal-aid highway projects, it is essential that all persons concerned with the project perform their functions as carefully, thoroughly, and honestly as possible. Willful falsification,

distortion, or misrepresentation with respect to any facts related to the project is a violation of Federal law. To prevent any misunderstanding regarding the seriousness of these and similar acts, the following notice shall be posted on each Federal-aid highway project (23 CFR 635) in one or more places where it is readily available to all persons concerned with the project:

NOTICE TO ALL PERSONNEL ENGAGED ON FEDERAL-AID HIGHWAY PROJECTS

18 U.S.C. 1020 reads as follows:

“Whoever, being an officer, agent or employee of the United States, or of any State or Territory, or whoever, whether a person, association, firm, or corporation, knowingly makes any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the cost thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction on any highway or related project submitted for approval to the Secretary of Transportation; or

Whoever knowingly makes any false statement, false representation, false report or false claim with respect to the character, quality, quantity, or cost of any work performed or to be performed, or materials furnished or to be furnished, in connection with the construction of any highway or related project approved by the Secretary of Transportation; or

Whoever knowingly makes any false statement or false representation as to material fact in any statement, certificate, or report submitted pursuant to provisions of the Federal-aid Roads Act approved July 1, 1916, (39 Stat. 355), as amended and supplemented;

Shall be fined not more than \$10,000 or imprisoned not more than 5 years or both.”

X. IMPLEMENTATION OF CLEAN AIR ACT AND FEDERAL WATER POLLUTION CONTROL ACT

(Applicable to all Federal-aid construction contracts and to all related subcontracts of \$100,000 or more).

By submission of this bid or the execution of this contract, or subcontract, as appropriate, the bidder, Federal-aid construction contractor, or subcontractor, as appropriate, will be deemed to have stipulated as follows:

1. That any facility that is or will be utilized in the performance of this contract, unless such contract is exempt under the Clean Air Act, as amended (42 U.S.C. 1857 et seq., as amended by Pub.L. 91-604), and under the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq., as amended by Pub.L. 92-500), Executive Order 11738, and regulations in implementation thereof (40 CFR 15) is not listed, on the date of contract award, on the U.S. Environmental Protection Agency (EPA) List of Violating Facilities pursuant to 40 CFR 15.20.

2. That the firm agrees to comply and remain in compliance with all the requirements of Section 114 of the Clean Air Act and Section 308 of the Federal Water Pollution Control Act and all regulations and guidelines listed thereunder.

3. That the firm shall promptly notify the SHA of the receipt of

any communication from the Director, Office of Federal Activities, EPA indicating that a facility that is or will be utilized for the contract is under consideration to be listed on the EPA List of Violating Facilities.

4. That the firm agrees to include or cause to be included the requirements of paragraph 1 through 4 of this Section X in every nonexempt subcontract, and further agrees to take such action as the government may direct as a means of enforcing such requirements.

XI. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION

1. Instructions for Certification - Primary Covered Transactions:

(Applicable to all Federal-aid contracts - 49 CFR 29)

a. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.

b. The inability of a person to provide the certification set out below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such a person from participation in this transaction.

c. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause of default.

d. The prospective primary participant shall provide immediate written notice to the department or agency to whom this proposal is submitted if any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

e. The terms “covered transaction,” “debarred,” “suspended,” “ineligible,” “lower tier covered transaction,” “participant,” “person,” “primary covered transaction,” “principal,” “proposal,” and “voluntarily excluded,” as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is submitted for assistance in obtaining a copy of those regulations.

f. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

g. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled

"Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

h. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the nonprocurement portion of the "Lists of Parties Excluded from Federal Procurement or Nonprocurement Programs" (Nonprocurement List) which is compiled by the General Services Administration.

i. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

j. Except for transactions authorized under paragraph f of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Primary Covered Transactions

1. The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

- a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- b. Have not within a 3-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph 1b of this certification; and
- d. Have not within a 3-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

2. Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

2. Instructions for Certification - Lower Tier Covered Transactions:

(Applicable to all subcontracts, purchase orders and other lower tier transactions of \$25,000 or more - 49 CFR 29)

- a. By signing and submitting this proposal, the prospective lower tier is providing the certification set out below.
- b. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department, or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
- c. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous by reason of changed circumstances.
- d. The terms "covered transaction," "debarred," "suspended," "ineligible," "primary covered transaction," "participant," "person," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
- e. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
- f. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
- g. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.
- h. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealing.
- i. Except for transactions authorized under paragraph e of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily

excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility And Voluntary Exclusion-Lower Tier Covered Transactions:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

XII. CERTIFICATION REGARDING USE OF CONTRACT FUNDS FOR LOBBYING

(Applicable to all Federal-aid construction contracts and to all related subcontracts which exceed \$100,000 - 49 CFR 20)

1. The prospective participant certifies, by signing and submitting this bid or proposal, to the best of his or her knowledge and belief, that:

a. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

b. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

2. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

3. The prospective participant also agrees by submitting his or her bid or proposal that he or she shall require that the language of this certification be included in all lower tier subcontracts, which exceed \$100,000 and that all such recipients shall certify and disclose accordingly.

**MINIMUM WAGES FOR FEDERAL AND FEDERALLY
ASSISTED CONSTRUCTION CONTRACTS**

This project is funded, in part, with Federal-aid funds and, as such, is subject to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Sta. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in a 29 CFR Part 1, Appendix A, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act and pursuant to the provisions of 29 CFR Part 1. The prevailing rates and fringe benefits shown in the General Wage Determination Decisions issued by the U.S. Department of Labor shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

General Wage Determination Decisions, modifications and supersedes decisions thereto are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable DBRA Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits contained in the General Wage Determination Decision shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

NOTICE

The most current **General Wage Determination Decisions** (wage rates) are available on the IDOT web site. They are located on the Letting and Bidding page at <http://www.dot.state.il.us/desenv/delett.html>.

In addition, ten (10) days prior to the letting, the applicable Federal wage rates will be e-mailed to subscribers. It is recommended that all contractors subscribe to the Federal Wage Rates List or the Contractor's Packet through IDOT's subscription service.

PLEASE NOTE: if you have already subscribed to the Contractor's Packet you will automatically receive the Federal Wage Rates.

The instructions for subscribing are at <http://www.dot.state.il.us/desenv/subsc.html>.

If you have any questions concerning the wage rates, please contact IDOT's Chief Contract Official at 217-782-7806.