

## A. Scope

1. Contractor shall install a flexible porous pavement trail on top of existing asphalt and gravel paths.
  - a. Trail will be a minimum of 2.9 miles (15,312 feet) long.
  - b. Trail will be a minimum of 6 feet wide.
  - c. Trail may be up to 12 feet wide in sections as designated by the State.
  - d. Trail will be a minimum of 1 inch thick when installed over asphalt
  - e. Trail will be a minimum of 2 inches thick when installed over gravel base
  - f. Trail will have a beveled edge
  - g. Trail surfacing will be porous to water, with a minimum of 2,250 gallons per hour per square foot
  - h. Trail surfacing will have at least 20% inner void space
  - i. Trail surfacing will be slip resistant, meeting ASTM D-2047 slip resistant test
  - j. Trail surfacing will be flexible and resistant to cracking and heaving due to normal environmental conditions
  - k. Trail surfacing will have a minimum of NFPA Class "C" fire rating
  - l. Trail surfacing will be resistant to UV rays, oil, fuel (including gasoline and diesel), transmission fluid, hydraulic fluid, and other common commercial chemicals.
  - m. Trail surface will meet the EPA's Synthetic Precipitation Leaching Procedure method 1312 test
  - n. Trail surface will meet standards for ASTM C 666 freeze/thaw test
  - o. Trail surface will meet standards for ASTM D 4798 Cycle A and ASTM G155 accelerated weathering tests
2. Contractor shall provide all tools and equipment needed to install flexible porous pavement trail to the required specifications.
  - a. Any mechanized equipment must be approved by the State.
3. Contractor shall use granulated tire rubber provided by the State of Tennessee.
  - a. Granulated rubber will be dry stored in Super Sacks
  - b. Contractor must ensure that crumb rubber stays dry
4. Contractor shall provide clean and dust free stone for surfacing mixture
5. Contractor shall provide polyurethane binding agent for surfacing that is moisture cured and non-toxic
6. Contractor shall ensure that a section of trail as designated by the state is ADA Compliant
  - a. This section is identified by the green dashed line on the attached map.
  - b. Trail will meet all ADA specifications for as outlined by the 2010 ADA Standards for Accessible Design and by the State of Tennessee.
  - c. Trail will connect with existing ADA parking facilities at the Shelby Bluff Center identified on the attached map.
7. Contractor shall correctly prepare the surface and work with the State to ensure its correct preparation
  - a. Only Blue, Orange, and Green-Checkered-Blue sections as labeled on the attached map will be prepared.

- b. Asphalt is adequately marked for start and stop locations
  - c. Contractor is responsible for confirming this on site with State
- 8. Contractor keep all materials dry prior to installation
- 9. Contractor shall keep a tidy and clean work place
  - a. All mechanized equipment is to be safely stored and parked each night so as not to endanger the public
  - b. All storage containers will be locked at the end of each work day.
- 10. Contractor shall update state representatives on the progress of the job on a weekly basis via email.
- 11. Contractor shall keep work area safe and in compliance with all OSHA requirements, including safety to the general public.
- 12. Contractor shall be responsible for proper disposal of any waste material generated during construction and installation
- 13. Contractor shall ensure that any materials used containing steel or iron meet Buy America Certification
  - a. Code 661 of the Code of Federal Regulations
- 14. Contractor shall be able to work while meeting all federal regulations, as this project is partially funded by monies from the Federal Highway Administration
- 15. Contractor shall not remove any vegetation other than grass without prior permission from the State regarding the removal of a specific specimen.
- 16. Contractor shall construct a trail that is long lasting, sustainable, and safe.
- 17. Contractor shall bill the state no more than 1 time per month
  - a. Contractor shall bill for complete sections of no less than 1000ft
    - i. Multiple sections of 1000ft on one invoice is allowable
    - ii. The final billing may be for a complete section of less than 1000 ft
- 18. Contractor shall issue a warranty of 3 years that covers all parts of the trail, including materials, workmanship, and safety.
  - a. If any anytime within 3 years from the completion date of construction the trail is found to be compromised in any way due to material failure or installer error, it shall be corrected to the approval of the State within 90 days
- 19. Contractor shall begin construction within 10 business days of receiving PO approval.
- 20. Contractor shall complete construction within 120 days unless otherwise approved upon by approved representative of the State of Tennessee.

## **Appendix II to Part 200—Contract Provisions for Non-Federal Entity Contracts Under Federal Awards**

In addition to other provisions required by the Federal agency or non-Federal entity, all contracts made by the non-Federal entity under the Federal award must contain provisions covering the following, as applicable.

(A) Contracts for more than the simplified acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.

(B) All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.

(C) Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of “federally assisted construction contract” in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, “Equal Employment Opportunity” (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” and implementing regulations at 41 CFR part 60, “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.”

(D) Davis-Bacon Act, as amended (40 U.S.C. 3141-3148). When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, “Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction”). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the

wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland “Anti-Kickback” Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.

(E) Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708). Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

(F) Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of “funding agreement” under 37 CFR §401.2 (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that “funding agreement,” the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the awarding agency.

(G) Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended—Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

(H) Debarment and Suspension (Executive Orders 12549 and 12689)—A contract award (see 2 CFR 180.220) must not be made to parties listed on the governmentwide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180

that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), "Debarment and Suspension." SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

(l) Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)—Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.