

**S T A T E**

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**T E N N E S S E E**

(Rev. 3-30-15)  
(Rev. 11-16-15)  
(Rev. 6-27-16)  
(Rev. 12-2-16)  
(Rev. 5-15-17)  
(Rev. 11-6-17)  
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(Rev. 10-8-18)  
(Rev. 5-13-19)

January 1, 2015

**Supplemental Specifications - Section 100**

**of the**

**Standard Specifications for Road and Bridge Construction**

**January 1, 2015**

**Subsection 101.03** (pg. 10) 5-15-17; Terms - Add the following definition for Specialty Items:

“**Specialty Item.** Work items identified in the contract which are not bid normally associated with highway construction and require highly specialized knowledge, abilities, craftsmanship, or equipment not ordinarily available in the type of contracting organizations qualified and expected to bid on the contract in general, these items are to be limited to minor components of the overall contract.”

**Subsection 102.11** (pg. 18), 3-30-15; Licensing of Bidders Add the following to the second paragraph:

“The Department may retain the Proposal Guaranty, not as a penalty, but as liquidated damages in the event a bidder does not have a license at the time of award.”

**Subsection 104.04** (pg. 27), 3-30-15; Maintenance of Traffic - Add the following as the first full paragraph on page 27:

“If a holiday falls on Saturday or Sunday, do not close lanes or restrict traffic from the preceding Friday at 6 am to the following Monday at 6 am.”

**Subsection 105.02** (pg. 37), 5-13-19; **Plans and Working Drawings**; Revise 8<sup>th</sup> paragraph:

Except for Strain Poles, Street Lighting Poles, High Mast Poles with Accompanying Lowering Devices, Photometrics and Cofferdams, the fabricator shall furnish the Division of Structures with as-built shop drawings **electronically in \*.pdf or \*.tif format on computer disks (CDs)** after the structure is complete and before final payment will be made. ~~The drawing files on CDs shall be in either \*.pdf or \*.tif format. The CD case shall be labeled with the information required on the shop drawing title block.~~

**Subsection 105.03** (pg. 38), 12-2-16; **Conformity with Plans and Specifications** - Add the following to the end of the section:

“Products listed on the QPL which fail to comply with Departmental performance expectations shall be removed from the QPL. Products removed from the QPL shall be replaced with an equivalent product from the QPL. At the Departments discretion, an equitable adjustment may be made to the contract for invoice price deviations.”

**Subsection 105.03** (pg. 38), 6-27-16; **Conformity with Plans and Specifications** - Add the following to the end of the section:

“All products must be listed on the Qualified Products List (QPL) and perform as specified at the time of use regardless of Letting date. Any products removed from the QPL or that do not perform as specified, must be supplied or replaced at the Contractor’s expense.”

**Subsection 105.06** (pg. 40), 3-30-15; **Planning of the Operations-Preconstruction Conference** - Replace 2<sup>nd</sup> sentence of 1<sup>st</sup> paragraph:

“The contractor must attend a preconstruction conference arranged by the Engineer.”

**Subsection 105.10** (pg. 46), 5-15-17; **Authority and Duties of Inspectors** - Revise 2<sup>nd</sup> sentence of the first paragraph:

“Such inspection may extend to any part or to all of the Work and to the preparation, fabrication, or manufacture of materials to be used.”

**Subsection 105.11** (pg. 46), 5-15-17; **Inspection of Work** - Revise the 1<sup>st</sup> sentence:

“The Engineer or its representative will inspect all materials and each part or detail of the Work .”

**Subsection 105.13** (pg. 48), 5-15-17; Completion of Specific Sections of a Project - Remove the 2<sup>nd</sup> paragraph.

**Subsection 105.15** (pg. 49), 5-15-17; Acceptance - Remove last paragraph:

**Subsection 106.06** (pg. 61), 5-15-17; Field Laboratory - Revise the first paragraph of A. and subsection A.2:

“Provide a Type A Laboratory consisting of a building, room, or dedicated area having at least 120 square feet of floor area with a minimum width of 8 feet and a minimum height of 7 feet. Provide laboratory space that is floored, roofed, sealed inside, weather-tight, and furnished with electricity. Furnish the space with adequate work benches, cabinets, and drawers. Provide suitable heat and air conditioning, and equip the laboratory with a laboratory oven capable of maintaining a temperature of  $230\text{ }^{\circ}\text{F} \pm 9\text{ }^{\circ}\text{F}$ . Stove tops and hot plates may be used to determine moisture conditions of aggregates. Provide lights, electrical outlets, and adequate ventilation for the tests being performed.

When the determination of aggregate gradation is required, furnish the following equipment:

1. Scales of appropriate capacity and design to weigh the required samples. Scales are to be sensitive to within 0.2% of the sample to be weighed. Provide standard weights for scale calibration.
2. Screens of appropriate size and mesh to separate the samples into the required series of sizes. Woven wire cloth shall conform to AASHTO M 92. Screens for running gradations of coarse aggregates shall meet AASHTO T27.
3. A mechanical shaker approved by the Engineer and suitable for running both coarse and fine aggregate.
4. Facilities to perform wash tests according to AASHTO T 11 that include an adequate and suitable water supply.”

**Subsection 107.08** (pg. 69), 5-15-17; Protection of Streams, Lakes, and Reservoirs - Add the following to the end of the third paragraph:

“All costs associated with any support activities including obtaining permission from landowners, permits, and compliance are to be included in the bid cost for the project.”

**Subsection 107.08** (pg. 71), 11-6-17; Migratory Birds - Add the following as section E:

“E. Migratory Birds

The following procedure will be automatically implemented by TDOT, unless FWS approves in writing deviations due to special circumstances, or for a specific variance.

Cliff swallow and barn swallow nests, eggs, or birds (young and adults) will not be disturbed between April 15 and July 31. From August 1 to April 14, nests can be removed or destroyed, and measures implemented to prevent future nest building at the site (i.e., closing off area using netting).

Exceptions:

(1) If there are no eggs in the nests prior to April 15, TDOT will be allowed to destroy the nests and prevent further nest building at the site, by installing netting. Net openings shall be ½ inch or smaller after installation, and shall be installed securely and in such a manner that it will not pose a safety hazard. Absence of eggs prior to net installation must be documented by using appropriate means for determination, such as, but not limited to, site visits and photographs.

(2) If there are no birds (young or adult) left in any of the nests at a specific site prior to July 31, the nests can be removed or destroyed. Absence of birds must be documented by using appropriate means for determination, such as, but not limited to, site visits, photographs, and observations of no birds using the nests.

Osprey, Double Crested Cormorants, Great Horned Owls, Barn Owls, Black Vulture, and Eastern Phoebes:

If these avian species are encountered on a bridge project, TDOT Ecology should be contacted immediately for further assistance.

The Contractor will be assessed the amount of any and all fines and penalties assessed against and cost incurred by TDOT which are the result of the Contractor’s failure to comply with this specification. TDOT will not be responsible for any delays or costs due to the Contractor’s failure to comply. Additional compensation or contract time due to noncompliance will not be granted.

All costs incurred with this specification will not be measured or paid for separately, but will be considered included in the contract unit prices bid for other items of the contract.”

**Subsection 108.01** (pg. 78) 5-15-17; Subletting of Contract - Add the following list of specialty items:

“Do not sublet, allow second tier sublet, sell, transfer, assign, or otherwise dispose of the Contract or any portion thereof or a right, title, or interest in the Contract without the Engineer’s written consent. If the Engineer consents to subletting or second tier subletting a portion of the Contract, the Contractor shall self-perform work amounting to not less than 30% of the total original Contract cost. For items designated in the Contract

as “specialty items,” the Contractor may sublet or second tier sublet this work and deduct the cost of such specialty items from the total original cost before computing the amount of the Work required to be self-performed by the Contractor with its own organization.

As stated above, unless there is a Special Provision 108A in the proposal, the following items are designated as Specialty Items:

- Item 105-01 - Construction Stakes, Lines and Grades
- Item 202-01.02 – Removal of Asbestos
- Item 209 - EPSC Item 411-12. \*\*Shoulder Scoring
- Item 501-03.12 – Concrete Shoulder Rumble Strip
- Item 602-03 - Steel Structures
- Item 602-04 - Steel Structures
- Item 602-10.13 / .14 - Navigational Lighting Item 602-10.81 – Heat Straightening
- Item 603-02 - Repainting Steel Structures
- Item 603-05 - Containment and Disposal of Waste
- Item 604-04.01 - Applied Texture Finish (New Structures),
- Item 604-04.02 - Applied Texture Finish (Existing Structures)
- Item 604-04.62 - Clean and Texture Finish Median Barrier
- Item 604-05.31 - Bridge Deck Grooving (Mechanical)
- Item 604.07 – Retaining Wall
- Item 604-42.01 – Underwater Divers
- Item 606-26.05 – Core Drilling for Piles (Abandoned)Item 617 - Bridge Deck Sealant
- Item 624 – Retaining Wall Items
- Item 625-01.08,10,11 – Inclinator, Drilled Shaft Inspections
- Item 640 - Weigh Station Items
- Item 705 - Guardrail, Anchors, etc.
- Item 706 - Guardrail Items
- Item 707 - Fencing ItemsItem 712 - Traffic Control Items
- Item 713 - Signing Items
- Item 714 - Lighting Items
- Item 716 - Pavement Marking Items
- Item 720-03, 720-04, 720-05, 720-06, 720-07, 720-08, 720-09 – Railroad Highway Crossing
- Item 721-01.06 – Irrigation System Repair
- Item 721-10, 721-11.20, 721-11.30, 721-12 – Landscape and Irrigation
- Item 725 – ITS items
- Item 730 - Traffic Signal Items
- Item 7\*\* - Utility Items
- Item 750.01 – Mitigation Site
- Item 801 - Seeding
- Item 802 - Landscaping Items
- Item 803-01 - Sodding
- Item 805 - Erosion Control
- Item 806 - Project Mowing”

**Subsection 108.09** (pg. 90) 5-14-18; Failure to Complete the Work on Time - Table 108.09-1: Modify the Daily Charge (\$/Day) as shown below:

**Table 108.09-1: Liquidated Damages for Failure to Complete the Work on Time**

<b>Original Contract Amount (\$)</b>	<b>Daily Charge (\$/day)</b>
0 to 500,000	400.00
> 500,000 to 1,000,000	580.00
> 1,000,000 to 2,000,000	800.00
> 2,000,000 to 10,000,000	1,000.00
>10,000,000 to 20,000,000	1,600.00
>20,000,000	2,500.00

**Subsection 109.01** (pg. 98-100) 11-16-15; Measurement of Quantities, E. Weight; Remove the 12<sup>th</sup> paragraph and replace with the following:

“The scales shall be checked by an independent certified scale company. The check shall be performed on a semiannual basis; January through June and July through December. The results shall be maintained onsite and made available for review to Departmental personnel. If deficiencies are reported, all corrections shall be performed, documented, and verified prior to supplying material for TDOT projects.”

**Subsection 109.01** (pg. 98-99) 5-15-17; Measurement of Quantities, E. Weight, Modify the 6<sup>th</sup> paragraph to the following:

“Employ a Certified Public Weigher as defined in the Certified Public Weigher Law of 1981, Tennessee Code Annotated, Section 47-26-801, et seq., as amended. The Engineer will measure all applicable materials in accordance with the Certified Public Weigher Law and Department policy on scales approved by the Engineer. Provide weight (haul) tickets in accordance with Department policy and as directed by the Engineer. These requirements apply to entities located both inside and outside the state of Tennessee”

**Subsection 109.01** (pg. 98-100) 5-15-17; Measurement of Quantities, E. Weight, Modify the 12<sup>th</sup> paragraph to the following:

“The scales shall be calibrated and certified by an independent certified scale company. The calibration and certification shall be performed on a semiannual basis; January through June and July through December. Scales shall be validated on a quarterly basis to ensure their continued accuracy. Validation shall be made by a verified known weight, or other scales that are approved by the Department or other State agency. A verified known weight shall be checked for continued accuracy each time the scales are calibrated. The results shall be maintained onsite and made available for review to Departmental personnel. If deficiencies are reported, all corrections shall be performed, documented, and verified prior to supplying material for TDOT projects.”

**Subsection 109.01** (pg. 98-100), 11-9-17; Measurement of Quantities E. Weight, Revise subsection to the following:

“E. Weight

The term “ton” will mean the short ton consisting of 2,000 pounds avoirdupois.

Unless otherwise specified, the Engineer will accept certified weights for materials measured or proportioned by weight that are shipped by rail or truck transport, provided that only the actual weight of the material used is paid for.

For bituminous materials, net certified scale weights or weights based on certified volumes in the case of rail or truck transport shipments, unless otherwise specified, will be used as a basis of measurement, subject to correction when bituminous material has been lost, wasted, or otherwise not incorporated in the Work.

In all cases where measurement of materials is based on certified weights, provide the Engineer with certified weigh bills showing the net tons of materials received in each shipment. The Engineer will not pay for materials in excess of the amounts represented by the certified weigh bills.

Certified Weigh Tickets for Asphalt Mixtures and Aggregate Materials shall list on the ticket:

1. Date
2. Time
3. The ticket number
4. Gross weight of the loaded truck

5. Tare weight of the truck
6. Net weight of the material to be paid
7. Running Daily Total for the particular material
8. Truck number
9. Truck Legal limit

Employ a Certified Public Weigher as defined in the Certified Public Weigher Law of 1981, Tennessee Code Annotated, Section 47-26-801, et seq., as amended. The Engineer will measure all applicable materials in accordance with the Certified Public Weigher Law and Department policy on scales approved by the Engineer. Certified Weigher licenses shall be posted near the scale beam or weight indicator in full view at all times. Certified Weigher shall be the only person allowed to operate the scale or weigh recording equipment. Provide weight (haul) tickets in accordance with Department policy and as directed by the Engineer. These requirements apply to entities located both inside and outside the state of Tennessee.

Certified Weigher shall weigh each load with the maximum load not to exceed the legal limit established by law. The proposed haul route shall be known prior to deployment.

Provide a standard brand of platform truck scales with a sufficient rated capacity to weigh the maximum gross load to which they will be subjected. Do not use truck scales to measure weights in excess of the manufacturer's rated capacity. Clearly post the manufacturer's rated capacity on the scale manufacturer's plate and in the shelter provided for the weigher.

At the time of installation or modification of existing scales, test the scales before using to ensure they are within the allowable tolerances. Use a qualified scale technician to perform any alteration (e.g., electrical readout) or change in the rated capacity. Document all changes or alterations made by the scale technician and furnish a copy of the documentation to the Department.

House the recording mechanism of the scale in a suitable shelter furnished with adequate light, heat, chairs, tables, and storage drawers as needed for the convenience of the weigher. In addition, keep the scale platform and scale pit free of debris that could affect the accuracy of the scales.

Provide digital readout and scale printers as the primary weight indicator or as accessory equipment. The Department will inspect and approve all scale control and recording equipment.



Ensure the scale's accuracy within a tolerance of 0.5%. Provide a straight approach at each end of the platform scale in the same plane as the platform and of sufficient length and width to ensure the level positioning of vehicles longer than the scale platform during weight determinations. Weigh each truck and trailer with no brakes set on any wheel. Locate the scale platform so that surface water will drain away from it and to allow for an adequate foundation of concrete or other approved materials. Construct the foundation of sufficient strength and durability to withstand repeated capacity loading without affecting the accuracy of the scales.

The scales shall be calibrated and certified by an independent certified scale company. The calibration and certification shall be performed on a semiannual basis; January through June and July through December. Scales shall be validated on a quarterly basis to ensure their continued accuracy. Validation shall be made by a verified known weight, or other scales that are approved by the Department or other State agency. A verified known weight shall be checked for continued accuracy each time the scales are calibrated. The results shall be maintained onsite and made available for review to Departmental personnel. If deficiencies are reported, all corrections shall be performed, documented, and verified prior to supplying material for TDOT projects.

Weigh tickets shall be certified either manually or electronically. If certified manually, the Certified Weigher shall sign his official registered signature and place his seal on the original ticket. The ticket shall be filled out in ink and delivered to the project site with the material.

For materials directly paid for by the ton, the Engineer will be furnished a daily recap of all materials delivered to the project. The daily recap sheet must list the ticket number, type of material by item number, and a quantity of materials for each load hauled. Any discrepancy between the certified weigh bills and the daily recap will be reviewed along with the contractor's initialed copy of weigh bills.

Due to possible variations in the specific gravity of aggregates, the tonnage used may vary from the proposal quantities and the Department will not make adjustments in the Contract unit price because of such variations.

The truck tare to be used in the weighing operation shall be the weight of the empty truck determined with full tank(s) of fuel and the operator seated in the cab. A daily weight shall be recorded at the beginning of each work day prior to use of truck. If preferred, a new tare may be determined for each load. When a new tare is obtained for each load, the requirement for full tank(s) of fuel shall be waived.

All weight of trucks shall be recorded to the nearest 20 pounds. The cost of providing facilities and equipment for the accurate weighing, proportioning, or measuring of materials is incidental to the associated pay items in the Contract.”

**Subsection 109.01** (pg. 98-100), 10-8-18; Measurement of Quantities, E. Weight - Replace the last sentence to the previously modified 6<sup>th</sup> paragraph with the following:

“Loads in excess of the Legal Weight limit shall be rejected and no payment will be issued.”

**Subsection 109.02** (pg. 100-101), 11-9-17; Replace the last paragraph:

“Document on the Prompt Payment Certification Form the actual amount paid to all subcontractors, during the estimate period for which the certification is being made. Ensure all Disadvantaged Business Enterprise (DBE) or certified Small Business Enterprise (SBE) are listed and classified on the form, including DBE or SBE off-site haulers and DBE or SBE material suppliers”

**Subsection 109.02** (pg. 100-101), 7-2-18; Scope of Payment - Remove paragraphs 5, 6 and 7, beginning with, “Provide a monthly payment certification....” and replace with the following:

#### **“Scope of Payment**

The Department will pay, and the Contractor agrees to accept, the compensation provided in the Contract for the work acceptably completed and measured for payment under each Contract item. Payment of a Contract item is full compensation for furnishing all materials, equipment, tools, labor, and incidentals required to complete the item; and for all risk, loss, damage, or expense arising out of the nature or the performance of the work, subject to **107.19** and **109.11**.

If the "Basis of Payment" clause in the Specifications relating to a unit price in the bid schedule requires that the price of the Contract item cover and be considered compensation for certain work or material essential to the item, the Department will not measure or pay for this same work or material under any other pay item that may appear elsewhere in the Specifications.

When two or more projects are included in the same Contract, the Contractor will be required to furnish any item listed in the Contract to any or all of the projects at the Contract unit price.

The Department requires that the Contractor pay subcontractors, material suppliers, and haulers promptly for their work after receipt of payment for the associated work from the Department. The Contractor shall pay each subcontractor, material supplier, and hauler

for work performed or materials supplied under its subcontract no later than thirty (30) calendar days from the date the Contractor receives payment for the work from the Department. Any payment to the Contractor from which any amount has been withheld in accordance with **107.19** or **109.11** shall constitute full payment for the associated work, and the Contractor shall remain obligated to pay all subcontractors, material suppliers, and haulers fully and promptly for all associated work. The same prompt payment requirements apply to subcontractors at all tiers.

Ensure each subcontractor, including all Disadvantaged Business Enterprises (DBE), certified Small Business Enterprises (SBE), and DBE or SBE haulers or material suppliers, has registered for AASHTOWare Project Civil Rights & Labor (CRL) prior to commencing Work.

Document within CRL the actual amount paid to all subcontractors, material suppliers, and haulers during the monthly estimate period for which the certification is being made. The Department will withhold estimate payments if the required information is not submitted or if subcontractors, at any tier, material suppliers, or haulers are not paid after the thirty (30) calendar day time period. Any delay or postponement of payment beyond the thirty (30) calendar day time frame will be subject to terms listed in TCA §12-4-707(b). The Contractor shall remain obligated to pay all subcontractors, material suppliers, and haulers fully and promptly for all work associated with a pay estimate from the Department, notwithstanding any withholding of payment from the Contractor for failure to pay a subcontractor, material supplier, or hauler within thirty (30) calendar days.

The prime contractor, subcontractors, at any tier, material suppliers, or haulers shall not withhold any retainage from progress payments made to their subcontractors.

**Subsection 109.04** (pg. 106), 3-30-15; Replace C. Force Account, 4. Equipment, c. with:

“Idle or standby cost will not be paid for more than 8 hours in a day or 40 hours in a week”.

**Subsection 109.09.** (pg. 114); 5-13-19; **Payment for Stockpiled Materials**; Revise 5<sup>th</sup> paragraph No. 3:

When requesting payment for stockpiled materials, provide a written request to the Engineer that contains the following information:

1. Contract and Project numbers,
2. Item number and description as stated in the Contract proposal,
3. Quantity and unit of measure **as stated in the contract proposal and/or project documents,**
4. ....