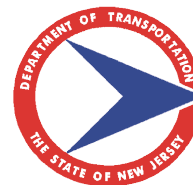


New Jersey Department of Transportation
1035 Parkway Avenue, PO Box 600, Trenton, New Jersey 08625-0600



Baseline Document Change Announcement

ANNOUNCEMENT: BDC13S-13

DATE: December 18, 2013

SUBJECT: Miscellaneous changes to Div 100 and 150
- **Revision to Subsections/Subparts 101.01, 102.09, 102.10, 102.15, 108.10, 108.20, 152.03.01, 156.03.01 and 159.03.02 of the 2007 Standard Specifications for Road and Bridge Construction.**

Subsections/Subparts 101.01, 102.09, 102.10, 102.15, 108.10, 108.20, 152.03.01, and 156.03.01 of the 2007 *Standard Specifications* have been revised.

The details of the revisions are as follows:

The pretext in the SI has been revised to separate the statements for the FHWA funded Contract and the Wholly State funded Contract under the heading “Authorization of Contract”

- 101.01** The SI has been revised to separate the statements for the FHWA funded Contract and the Wholly State funded Contract
- 102.09** Corrected the N.J.A.C. reference code from 16:44-5.1(d) to 16:44-7.3(e)
- 102.10** Financial Statement (Form DC-74B) requirement has been deleted
- 102.15** Corrected the N.J.A.C. reference code from 16:44-8.1 to 16:44-11.1.
- 108.10** Revised to specify the use of “working days” in the Contract Time
- 108.20** Revised the instructional text.
- 152.03.01** Revised to clarify the extent and intent of the Marine Liability Insurance.
- 156.03.01** Revised to add to the Inspection Equipment, subpart under “Materials Field Laboratory”.
- 159.03.02** Revised to replace the instructional text with the new Specifications.

The following revisions have been incorporated into the Standard Input SI2007 as of December 10, 2013.

SPECIAL PROVISIONS

1 *****
INCLUDE PROJECT DESCRIPTION AS SHOWN ON THE KEY SHEET, AND FEDERAL PROJECT NUMBER (CONSTRUCTION) WHEN APPLICABLE.

SUBJECT MATTER EXPERT (SME) CONTACT – PROJECT MANAGER

1 *****

AUTHORIZATION OF CONTRACT

1 *****
INCLUDE THE FOLLOWING FOR FHWA FUNDED PROJECTS

The Contract is authorized by the provisions of Title 27 of the Revised Statutes of New Jersey and supplements thereto, and Title 23 of the United States Code - Highways.

1 *****
*****OR*****

1 *****
INCLUDE THE FOLLOWING FOR WHOLLY STATE FUNDED PROJECTS

The Contract is authorized by the provisions of Title 27 of the Revised Statutes of New Jersey and supplements thereto.

1 *****

SPECIFICATIONS TO BE USED

The 2007 Standard Specifications for Road and Bridge Construction, of the New Jersey Department of Transportation as amended herein will govern the construction of this Project and the execution of the Contract.

These Special Provisions consist of the following:

DIVISION 100 – GENERAL PROVISIONS

SECTION 101 – GENERAL INFORMATION

101.01 INTRODUCTION

THE ENTIRE TEXT AS IT APPEARS IN THE SI IS CHANGED TO:

1 *****
COMPLETE AND INCLUDE THE FUNDING DOLLAR AMOUNTS WITH THE APPROPRIATE STATE AND/OR FEDERAL FISCAL YEAR FOR PROJECTS WITH ADVANCED CONSTRUCTION (MULTI-YEAR) FUNDING.

SME CONTACT – PROJECT MANAGER

THE FOLLOWING IS ADDED:

2 *****2

3 *****3

INCLUDE THE FOLLOWING FOR FHWA FUNDED PROJECTS

Pursuant to NJSA 27:1B-21.6 and USC (United States Code) Title 23 Section 115, the Department intends to enter into a contract for the advancement of the Project. However, sufficient funds for the Project may not have been appropriated, and only amounts appropriated by law may be expended. Payment under the Contract is restricted to the amounts appropriated for a fiscal year (FY).

3*****3

****OR****

3*****3

INCLUDE THE FOLLOWING FOR WHOLLY STATE FUNDED PROJECTS

Pursuant to NJSA 27:1B-21.6, the Department intends to enter into a contract for the advancement of the Project. However, sufficient funds for the Project may not have been appropriated, and only amounts appropriated by law may be expended. Payment under the Contract is restricted to the amounts appropriated for a fiscal year (FY).

3*****3

2*****2

Governing bodies have no legal obligation to make such an appropriation. There is no guarantee that additional funds will be appropriated. Failure by governing bodies to appropriate additional funds will not constitute a default under, or a breach of, the Contract. However, if the Department terminates the Contract or suspends work because funds have not been appropriated, the parties to the Contract will retain their rights for suspension and termination as provided in 108.13, 108.14 and 108.15; except as indicated below.

2*****2

INCLUDE ALL APPROPRIATE STATEMENT(S)

Do not expend or cause to be expended any sum in excess of the amount allocated in the current fiscal year's Capital Program (as specified below). The Department will notify the Contractor when additional funding has been appropriated. Any expenditure by the Contractor which exceeds the amount appropriated is at the Contractor's risk and the Contractor waives its right to recover costs in excess of that appropriated amount.

The approved _____ Capital Program has an item with \$ _____ million for the construction of the Project.

The Department anticipates that _____ million dollars in additional funds will be provided during State FY _____.

The Department anticipates that _____ million dollars in additional funds will be provided during Federal FY _____.

The Department anticipates that the balance of the funds necessary to complete the Project will be provided during State FY _____.

The Department anticipates that the balance of the funds necessary to complete the Project will be provided during Federal FY _____.

2*****2

The Federal FY begins October 1 of the previous calendar year and the State FY begins July 1 of the previous calendar each year.

1*****1

102.09 PROPOSAL BOND

THE FIFTH PARAGRAPH IS CHANGED TO:

The Department will not accept Proposal Bonds that do not comply in all respects with the provisions of N.J.A.C. 16:44-7.3(e) and that are not substantiated by a valid power of attorney executed by the Surety.

102.10 SUBMISSION OF BIDS

THE SECOND PARAGRAPH IS CHANGED TO:

The Bidder shall ensure delivery of its bid with all required components and attachments, including, but not limited to the following:

1. Schedule of Items.
2. Proposal Electronic Bidding File with Bidder's Certification.
3. For wholly State funded contracts, acknowledgement of compliance with the registrations specified in 102.01.
4. For wholly State funded contracts, acknowledgement of compliance with N.J.S.A. 19:44A-20.13, *et seq.*

- 5. Proposal Bond form.
- 6. Other related documents as specified in the Contract.
- 7. On the Disclosure of Investment Activities in Iran (Form DC-16) provided by the Department, certify pursuant to N.J.S.A. 52:32-58, that neither the bidder, nor one of its parents, subsidiaries, and/or affiliates (as defined in N.J.S.A. 52:32-56(e)(3)), is listed on the Department of the Treasury's List of Persons or Entities Engaging in Prohibited Investment Activities in Iran and that neither is involved in any of the investment activities set forth in N.J.S.A. 52:32-56(f). If the bidder is unable to so certify, the bidder shall provide a detailed and precise description of such activities to the Department.

102.15 DISQUALIFICATION OF BIDDERS

PART (10) IS CHANGED TO:

- 10. Disqualification, suspension, or debarment of an individual, firm, partnership, corporation, or any combination as required by N.J.A.C. 16:44-11.1.

108.10 CONTRACT TIME

THE ENTIRE TEXT AS IT APPEARS IN THE SI IS CHANGED TO:

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2*****2

COMPLETE AND INCLUDE THE FOLLOWING WHEN DATES ARE SPECIFIED.
DELETE A, IF NOT APPLICABLE AND RE-ASSIGN APPROPRIATE LETTER TO THE REMAINING STATEMENTS

SME CONTACT – CONSTRUCTION MANAGEMENT AND REGIONAL CONSTRUCTION ENGINEER

- A. Complete all work required for Interim Completion for _____ on or before _____.
- B. Complete all work required for Substantial Completion on or before _____.
- C. Achieve Completion on or before _____.

2*****2

****OR****

2*****2

COMPLETE AND INCLUDE THE FOLLOWING WHEN A NUMBER OF DAYS ARE SPECIFIED.
DELETE A, IF NOT APPLICABLE AND RE-ASSIGN APPROPRIATE LETTER TO THE REMAINING STATEMENTS

SME CONTACT – CONSTRUCTION MANAGEMENT AND REGIONAL CONSTRUCTION ENGINEER

- A. Complete all work required for Interim Completion for _____ in _____ days.
- B. Complete all work required for Substantial Completion in _____ days.
- C. Achieve Completion in _____ days.

2*****2

****OR****

2*****2

COMPLETE AND INCLUDE THE FOLLOWING WHEN A NUMBER OF WORKING DAYS ARE SPECIFIED.
DELETE APPROPRIATE PART(S), IF NOT APPLICABLE AND RE-ASSIGN APPROPRIATE LETTER TO THE REMAINING STATEMENTS

SME CONTACT – CONSTRUCTION MANAGEMENT AND REGIONAL CONSTRUCTION ENGINEER

- A. Complete all work required for Interim Completion for _____ in _____ working days.
- B. Complete all work required for Substantial Completion in _____ working days.
- C. Achieve Completion in _____ working days.

2*****2

1*****1

108.20 LIQUIDATED DAMAGES

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OBTAIN ROAD USER COST

SME CONTACT – VALUE MANAGEMENT

OBTAIN CONSTRUCTION ENGINEERING COST

SME CONTACT – CONSTRUCTION MANAGEMENT

SELECT APPROPRIATE CONDITION FROM THE FOLLOWING LIST

Liquidated damages are as follows:

2*****2

COMPLETE AND INCLUDE THE FOLLOWING.

DELETE APPROPRIATE PART(S), IF NOT APPLICABLE AND RE-ASSIGN APPROPRIATE LETTER TO THE REMAINING STATEMENTS

A. For each day that the Contractor fails to complete the work as specified in Subsection 108.10 of these Special Provisions, for Interim Completion, the Department will assess liquidated damages in the amount of \$_____.
USE ONLY THE ROAD USER COST.

B. For each day that the Contractor fails to complete the work as specified in Subsection 108.10 of these Special Provisions, for Substantial Completion, the Department will assess liquidated damages in the amount of \$_____.
USE THE TOTAL COST OF THE ROAD USER AND CONSTRUCTION ENGINEERING COSTS.

C. For each day that the Contractor fails to achieve Completion as specified in Subsection 108.10 of these Special Provisions, the Department will assess liquidated damages in the amount of \$_____.
USE ONLY THE CONSTRUCTION ENGINEERING COST DIVIDED BY 2.

2*****2

2*****2

THE FOLLOWING IS ADDED:

When the Contractor may be subjected to more than one rate of liquidated damages established in this Section, the Department will assess liquidated damages at the higher rate.

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152.03.01 Owner’s and Contractor’s Protective Liability Insurance

B. Types.

6. Marine Liability Insurance.

THE ENTIRE TEXT AS IT APPEARS IN THE SI IS CHANGED TO:

If construction operations require the Contractor to use a boat, procure Marine Liability Insurance with a minimum limit of liability in the amount of \$2,000,000 per occurrence. Ensure the policy is endorsed to include:

1. Personal injury.
2. Contractual liability.
3. Waiver of Subrogation for all claims and suits, including recovery of any applicable deductibles.
4. Per project aggregate.

Ensure the policy names the State, its officers, employees, and agents as additional insured.

156.03.01 Materials Field Laboratory

THE FOLLOWING IS ADDED:

9. Inspection Equipment.

1. ___ Hard hats - orange, reflectorized hard hats according to ANSI Z89.1.
2. ___ Safety garments – orange, reflectorized, 360° high visibility safety garments according to ANSI/ISEA Class 3, Level 2 standards. To be replaced yearly for the duration of the contract.
3. ___ Sets of rain gear with reflective sheeting
4. ___ Sets of hearing protection with a NRR rating of 22 dB
5. ___ Sets of eye protection according to ANSI Z87.1
6. ___ Lantern flashlight, 6V with monthly battery replacements

159.03.02 Traffic Control Devices

8. Portable Variable Message Sign w/Remote Communication (PVMSRC).

THE FOLLOWING IS ADDED AFTER THE FIRST PARAGRAPH:

Integrate the PVMSRC for remote operation from TOC using Vanguard DMS software or the Department's central DMS control software at the time of installation as directed by the RE.

Implementation Code R (ROUTINE)

Changes must be implemented in all applicable Department projects scheduled for Final Design Submission at least one month after the date of the BDC announcement. This will allow designers to make necessary plan, specifications, and estimate/proposal changes without requiring the need for an addenda or postponement of advertisement or receipt of bids.

Recommended By:

ORIGINAL SIGNED

Richard Jaffe
Director,
Capital Program Support

Approved By:

ORIGINAL SIGNED

Richard T. Hammer
Assistant Commissioner,
Capital Program Management