

SPECIAL NOTICE

MT NPS ERFO 2007(1)-45(5) MP 23.3 SLOPE REPAIR

THIS IS A TASK ORDER REQUEST FOR PROPOSAL SOLELY FOR THE FOLLOWING CONTRACT AND CONTRACTOR:

<u>Contract Number</u>	<u>Contractor Name</u>	<u>Contractor Number</u>
DTFH70-07-D-00009	HK Contractors Inc	(208) 523-6600

THIS PROJECT IS BEING ADVERTISED ON THE FEDERAL BUSINESS OPPORTUNITIES WEBSITE TO ANNOUNCE THE UPCOMING PROJECT AND ASSIST POTENTIAL SUBCONTRACTORS BY PUBLICIZING OPPORTUNITIES. A PROPOSAL WILL ONLY BE ACCEPTED FROM THE ABOVE PRIME CONTRACTOR.

Additional information may be found on our web pages:

Construction Projects: <http://www.wfl.fhwa.dot.gov/edi/construction.htm>

Description: This web page contains links to access upcoming (synopsized) projects, advertised (solicitation) projects, bids and proposals received, awarded projects, awarded IDIQ contracts, bid tabs, and bid history.

Advertised Projects: <http://www.wfl.fhwa.dot.gov/edi/current.htm>

Description: This web page contains projects that are out for bid with links to the Federal Business Opportunities project page, question submittals, and a link to the project Question and Answers.

Going to the Sun Road Rehabilitation IDIQ: <http://www.wfl.fhwa.dot.gov/edi/idiq/gtsr.htm>

Description: This web page contains the contractors information, a description of the contract and the projects that have been awarded under the contract.

**CONTACT HK CONTRACTORS INC FOR THE
SUBCONTRACT/SUPPLIER QUOTE DUE DATE AND TIME.**

Going to the Sun Road Rehabilitation IDIQ Task Order Request For Proposal

Proposal Due Date: CONTACT HK CONTRACTORS.

Solicitation No. DTFH70-08-R-00010

MT NPS ERFO 2007(1)-45(5)
MP 23.3 Slope Repair

HK Contractors Inc
P.O. Box 51450
IDAHO FALLS, ID 83405-1450

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A-1 Notice to Offeror

PROPOSAL REMINDERS

Electronic proposals will not be accepted. Submit printed copy of your proposal to the address listed on the enclosed SF 1442. Before submitting your proposal, please review the following:

- Have you rechecked your figures?
- Have you completed the schedule?
- Have you completed and signed the SF 1442, Solicitation, Offer & Award?
- Have you acknowledged all amendments?
- Have you completed the Task Order subcontracting plan?
- **Have you marked "Proposal Enclosed for Solicitation No. DTFH70-08-R-00010" in the lower left corner of the submittal envelope?**

**Solicitation, Offer & Award, Bid Schedule, Contract Clauses,
Minimum Wage Schedule, Special Contract Requirements, and Plans**

This solicitation cites

***Standard Specifications for Construction of Roads and Bridges
on Federal Highway Projects, FP-03 – U.S. Customary Units***

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
610 EAST FIFTH STREET
VANCOUVER, WA 98661-3801
Phone (360) 619-7520 -- FAX (360) 619-7932



Web site: www.wfl.fhwa.dot.gov/edi/
e-mail: contracts@mail.wfl.fhwa.dot.gov



WORLD HERITAGE
SITE

PROJECT NAME	MT NPS ERFO 200791)-45(5) MP 23.3 Slope Repair
PROJECT TERMINI	BASE 1222+00 to 1227+78.07
PROJECT LENGTH	0.109 MI
NATIONAL PARK	Glacier National Park
COUNTY	Flathead County
STATE	Montana
FIXED COMPLETION DATE	See FAR Clause 52.211-10 (clauses begin on page C-1)

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SPECIAL CONTRACT REQUIREMENTS (SCRs)	
The following Special Contract Requirements amend and supplement the Standard Specifications for Construction of Roads and Bridges on Federal Highway Projects, FP-03 U.S. Customary Units.	
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NOTICE TO OFFEROR

I. Project Location.

The project work is located approximately 23.3 miles northeast of West Glacier in Flathead County.

Signs have not been erected to identify the project limits. No Government personnel will be available for show-me tours.

II. Pre-proposal Information.

This solicitation includes electronic plan sheets. Plan sheets can be found at <http://www.wfl.fhwa.dot.gov/edi/plans/gtsrmp233/> and viewed by individual sections, downloaded by individual sections, or the entire plan set downloaded in a zip file. A paper copy of the plan sheets is available by submitting the form included in this solicitation.

Requests for technical information (Plan and Division 100 – 700 Specification questions only) about this project will only be accepted in writing (see Block 9 on page A-5).

REPS & CERTS. Submit or update Representations and Certifications online at <http://orca.bpn.gov> before bid submittal. For more details go to FAR Provision 52.204-8 *Annual Representations and Certifications* (see page B-2). If you have previously registered on-line and the NAICS code for this solicitation is different than the code listed in your online file, please note the amended changes on the lines provided in FAR 52.204-8.

Particular attention should be paid to Standard Form 1442, Solicitation, Offer and Award, to assure that Blocks 14, 15, 16, 19, 20A, and 20C are completed correctly. Sign Block 20B according to the instructions in Subsection 102.02. You must submit a completed ‘Authority to Sign’ document. You must also complete the representations and certifications contained in the Contract Provisions beginning on page B-1. Failure to furnish or complete any of the above may result in your offer being considered nonresponsive and being rejected.

Facsimile offers are not authorized for this solicitation.

Notice of CCR Registration. You must register in the Central Contract Registration (CCR) prior to award of this contract. Failure to register prior to contract award will require award to be offered to the next successful registered Offeror. See FAR Subpart 4.1103(c). Register online at www.ccr.gov or call toll free: 888.227.2423.

III. Post Award Information.

Insurance requirements are set forth in Subsection 107.05.

Contractor Performance Evaluations. FHWA is now posting evaluations in the National Institutes of Health’s Contractor Performance System (CPS) for completed projects. Register at

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<https://cps.nih.gov/infopage.asp> (Click on “CPS Info” tab, then click on “Contractor Information” button) to view and comment on evaluations. System registration is only required once. Review the evaluation and submit comments within 30 days of notification. Reviewing the evaluation and submitting comments is limited to one entry. If unable to register, call 360.619.7520 for assistance or a copy of the evaluation. You can also access the Contractor User Manual from this web link.

Some known potential material sources are listed below, the government makes no representation as to the quality or quantity of material, or rights to the availability of material from these sources. These sources are considered contractor-located in accordance with Section 105 and are subject to annual weed-free inspections by the Government. Coordinate with the CO at the start of each construction season to determine if the listed sites meet weed-free requirements. Mitigation measures may be required as a condition for use of some of the sources listed below:

Topsoil can be obtained from:

Black Gold Topsoil
2958 Hwy 2 East
Kalispell, MT 59901
Phone: 406-257-7782

Tom Gorton, Creston Top Soil
578 Creston Road
Kalispell, MT 59901
406-756-8854

Material for use in roadway aggregate under Sections 301 and 308 may be obtained from the following sites:

Goose Bay Equipment, Inc.
Goose Pit
325 Jellison Road & Highway 2
Kalispell, MT 59901
Phone No.: 406-257-8240

JTL Group
Hodson Pit & Main Plant
Highway 2 E
Kalispell, MT 59901
Phone No.: 406-752-2755

LHC, Inc.
1174 Stillwater Road
Kalispell, MT 59901
Phone No.: 406-756-3467

Weaver Gravel
1190 Elk Park Road
Columbia Falls, MT 59912
Phone No.: 406-755-0212

Highline Redi-Mix – Whitford Pit, Browning
PO Box 370
Shelby, MT 59474
Phone No.: 407-434-5391

Schellinger Construction
Carson Pit (Whitefish Stage Road)
and Farm to Market Road Source
Phone No.: 406-892-2188

Weaver Gravel
1190 Elk Park Road
Columbia Falls, MT 59912
Phone No.: 406-755-0212

Whiterock Gravel
304 Jellison Road
Kalispell, MT 59901
Phone No.: 406-756-8560

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IV. Specifications and Permits.

This solicitation and subsequent contract are governed by the Federal Acquisition Regulation (FAR), agency supplemental regulations, and the Standard Specifications for Construction of Roads and Bridges on Federal Highway Projects, FP-03 U.S. Customary Units. Obtain paper copies of the FP-03 by calling 360.619.7520, e-mailing at plans_spec@fhwa.dot.gov, or writing Federal Highway Administration, 610 East Fifth Street, Vancouver, WA 98661, Attention: Specification Engineer. An electronic version may be found at <http://www.wfl.fha.dot.gov/design/specs/fp03.htm>.

Geotechnical design data applicable to this project is listed in FAR Clause 52.236-4, Physical Data. See Continuation of SF 1442, Block 9, for information to obtain this data.

A-2b

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Bid Schedule

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Bidder please note: Before preparing the bid, carefully read the Solicitation Provisions.

Insert a unit bid price, in figures, for each pay item for which a quantity appears in the bid schedule. Multiply the unit price by the quantity for each pay item and show the amount bid. Should any mathematical check made by the Government show a mistake in the amount bid, the Amount Bid for the item will be based on the Unit Bid Price.

When "LPSM" (Lump Sum) appears as a unit bid price, insert an amount for each lump sum pay item.

When a sum based on a fixed rate appears for any pay item in the amount bid column, include the Government inserted amount bid for the item in the total bid amount.

Total the amounts bid for all pay items and insert the total bid amount.

The quantity for the following item of work is a Contract Quantity (see FP-03, Subsection 109.02):

20103-0000

Pay Item No.	Estimated Quantity	Unit Bid Price	Amount Bid
15101-0000	MOBILIZATION		
	ALL	Lump Sum	\$ _____
15201-0000	CONSTRUCTION SURVEY AND STAKING		
	ALL	Lump Sum	\$ _____
15301-0010	CONTRACTOR QUALITY CONTROL AND ASSURANCE		
	ALL	Lump Sum	\$ _____
15401-0000	CONTRACTOR TESTING		
	ALL	Lump Sum	\$ _____
15501-0000	CONSTRUCTION SCHEDULE		
	ALL	Lump Sum	\$ _____
15706-0300	SOIL EROSION CONTROL, SANDBAG		
	100		
	EACH	\$ _____	\$ _____

Bid Schedule A

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Pay Item No.	Estimated Quantity	Unit Bid Price	Amount Bid
15706-1000	SOIL EROSION CONTROL, INLET PROTECTION (TYPE 1) 2 EACH	\$ _____	\$ _____
20103-0000	CLEARING AND GRUBBING 1,546 SQYD	\$ _____	\$ _____
20301-0200	REMOVAL OF BOULDERS 20 EACH	\$ _____	\$ _____
20301-1900	REMOVAL OF PIPE CULVERT 2 EACH	\$ _____	\$ _____
20301-2700	REMOVAL OF STRUCTURE (CROSS DRAIN) 1 EACH	\$ _____	\$ _____
20302-0200	REMOVAL OF CURB 72 LNFT	\$ _____	\$ _____
20303-1600	REMOVAL OF PAVEMENT, ASPHALT 1,472 SQYD	\$ _____	\$ _____
20401-0000	ROADWAY EXCAVATION 873 CUYD	\$ _____	\$ _____
20701-0700	EARTHWORK GEOTEXTILE, TYPE II-A 1,300 SQYD	\$ _____	\$ _____
21101-2000	ROADWAY OBLITERATION, METHOD 2 370 SQYD	\$ _____	\$ _____
25101-3000	PLACED RIPRAP, CLASS 3 1,400 CUYD	\$ _____	\$ _____
25101-7000	PLACED RIPRAP, CLASS 7 850 CUYD	\$ _____	\$ _____

Bid Schedule A

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Pay Item No.	Estimated Quantity	Unit Bid Price	Amount Bid
25125-0000	BOULDER 27 EACH	\$ _____	\$ _____
30503-0000	AGGREGATE-TOPSOIL COURSE 20 CUYD	\$ _____	\$ _____
30802-1000	ROADWAY AGGREGATE, METHOD 1 650 TON	\$ _____	\$ _____
40301-0000	HOT ASPHALT CONCRETE PAVEMENT 230 TON	\$ _____	\$ _____
60201-1200	48-INCH PIPE CULVERT 105 LNFT	\$ _____	\$ _____
60403-0000	INLET (TYPE 4, MODIFIED) 2 EACH	\$ _____	\$ _____
60413-0000	TRENCH DRAIN (CONCRETE CROSS DRAIN) 55 LNFT	\$ _____	\$ _____
60905-1000	GUTTER, CONCRETE 52 LNFT	\$ _____	\$ _____
61401-0000	LEAN CONCRETE BACKFILL 14 CUYD	\$ _____	\$ _____
61901-0000	FENCE (LOG RAIL) 93 LNFT	\$ _____	\$ _____
62201-0250	DUMP TRUCK, 10 CUBIC YARD MINIMUM CAPACITY 40 HOUR	\$ _____	\$ _____
62201-0600	BACKHOE LOADER, 8 CUBIC FOOT MINIMUM RATED CAPACITY BUCKET, 30-INCH WIDTH 24 HOUR	\$ _____	\$ _____

Bid Schedule A

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Pay Item No.	Estimated Quantity	Unit Bid Price	Amount Bid
62201-3000	HYDRAULIC EXCAVATOR 24 HOUR	\$ _____	\$ _____
62201-3000	HYDRAULIC EXCAVATOR (HOE RAM ATTACHMENT) 24 HOUR	\$ _____	\$ _____
62301-0000	GENERAL LABOR 48 HOUR	\$ _____	\$ _____
63318-1000	SNOWPOLE HOLDER 10 EACH	\$ _____	\$ _____
63401-0300	PAVEMENT MARKINGS, TYPE B, SOLID (WHITE) 390 LNFT	\$ _____	\$ _____
63401-0300	PAVEMENT MARKINGS, TYPE B, SOLID (YELLOW) 1,920 LNFT	\$ _____	\$ _____
63502-1200	TEMPORARY TRAFFIC CONTROL, TUBULAR MARKER, TYPE 28-INCH 40 EACH	\$ _____	\$ _____
63502-1500	TEMPORARY TRAFFIC CONTROL, WARNING LIGHT TYPE A 4 EACH	\$ _____	\$ _____
63502-1700	TEMPORARY TRAFFIC CONTROL, WARNING LIGHT TYPE C 10 EACH	\$ _____	\$ _____
63503-0500	TEMPORARY TRAFFIC CONTROL, MOVING CONCRETE BARRIER 902 LNFT	\$ _____	\$ _____

Bid Schedule A

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Pay Item No.	Estimated Quantity	Unit Bid Price	Amount Bid
63504-1000	TEMPORARY TRAFFIC CONTROL, CONSTRUCTION SIGN 280 SQFT	\$ _____	\$ _____

TOTAL \$ _____

Submitted by: _____
Name of Offeror

Bid Schedule A

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Federal Acquisition Regulation Solicitation Provisions

Representations, Certifications and Other Statements of Offeror

Note: The provisions included in the basic IDIQ apply. The following provisions have been changed or require fill-in for this specific project.

The Offeror Makes the Following Representations and Certifications as a Part of its Offer.

52.203-11 Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions (Sept 2005)

(a) The definitions and prohibitions contained in the clause, at FAR 52.203-12, Limitation on Payments to Influence Certain Federal Transactions, included in this solicitation, are hereby incorporated by reference in paragraph (b) of this certification.

(b) The offeror, by signing its offer, hereby certifies to the best of his or her knowledge and belief that on or after December 23, 1989—

(1) No 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 agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress on his or her behalf in connection with the awarding of this contract;

(2) If any funds other than Federal appropriated funds (including profit or fee received under a covered Federal transaction) have been paid, or will be paid, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress on his or her behalf in connection with this solicitation, the offeror shall complete and submit, with its offer, OMB standard form LLL, Disclosure of Lobbying Activities, to the Contracting Officer; and

(3) He or she will include the language of this certification in all subcontract awards at any tier and require that all recipients of subcontract awards in excess of \$100,000 shall certify and disclose accordingly.

(c) Submission of this certification and disclosure is a prerequisite for making or entering into this contract imposed by section 1352, Title 31, United States Code. Any person who makes an expenditure prohibited under this provision or who fails to file or amend the disclosure form to be filed or amended by this provision, shall be subject to a civil penalty of not less than \$10,000, and not more than \$100,000, for each such failure.

52.222-23 Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity for Construction (Feb 1999)

(a) The offeror's attention is called to the Equal Opportunity clause and the Affirmative Action Compliance Requirements for Construction clause of this solicitation.

(b) The goals for minority and female participation, expressed in percentage terms for the Contractor's aggregate workforce in each trade on all construction work in the covered area, are as follows:

Goals for Minority Participation for Each Trade: 2.7%

Goals for Female Participation for Each Trade: 6.9%

These goals are applicable to all the Contractor's construction work performed in the covered area. If the Contractor performs construction work in a geographical area located outside of the covered area, the Contractor shall apply the goals established for the geographical area where the work is actually performed. Goals are published periodically in the *Federal Register* in notice form, and these notices may be obtained from any Office of Federal Contract Compliance Programs office.

(c) The Contractor's compliance with Executive Order 11246, as amended, and the regulations in 41 CFR 60-4 shall be based on (1) its implementation of the Equal Opportunity clause, (2) specific affirmative action obligations required by the clause entitled "Affirmative Action Compliance Requirements for Construction," and (3) its efforts to meet the goals. The hours of minority and female employment and training must be substantially uniform throughout the length of the contract, and in each trade. The Contractor shall make a good faith effort to employ minorities and women evenly on each of its projects. The transfer of minority or female employees or trainees from Contractor to Contractor, or from project to project, for the sole purpose of meeting the Contractor's goals shall be a violation of the contract, Executive Order 11246, as amended, and the regulations in 41 CFR 60-4. Compliance with the goals will be measured against the total work hours performed.

(d) The Contractor shall provide written notification to the Deputy Assistant Secretary for Federal Contract Compliance, U.S. Department of Labor, within 10 working days following award of any construction subcontract in excess of \$10,000 at any tier for construction work under the contract resulting from this solicitation. The notification shall list the—

- (1) Name, address, and telephone number of the subcontractor;
- (2) Employer's identification number of the subcontractor;
- (3) Estimated dollar amount of the subcontract;
- (4) Estimated starting and completion dates of the subcontract; and
- (5) Geographical area in which the subcontract is to be performed.

(e) As used in this Notice, and in any contract resulting from this solicitation, the "covered area" is **Flathead County, Montana**.

**FEDERAL ACQUISITION REGULATION
SOLICITATION PROVISIONS
INSTRUCTIONS, CONDITIONS, AND NOTICES TO OFFEROR**

Note: The provisions included in the basic IDIQ apply. The following provisions have been changed or require fill-in for this specific project.

52.216-1 Type of Contract (Apr 1984)

The Government contemplates award of a **firm fixed-price task order** contract resulting from this solicitation.

52.236-27 Site Visit (Construction) (Feb 1995)

(a) The clauses at 52.236-2, Differing Site Conditions, and 52.236-3, Site Investigations and Conditions Affecting the Work, will be included in any contract awarded as a result of this solicitation. Accordingly, offerors or quoters are urged and expected to inspect the site where the work will be performed.

(b) Site visits may be arranged during normal duty hours by contacting:

Prospective Offerors were encouraged by letter of November 9, 2007 to inspect the site prior to onset of adverse weather conditions. Currently, the site may not be accessible. There will be no government arranged site visits.

RESERVED

Federal Acquisition Regulation Contract Clauses

Note: The clauses included in the basic IDIQ apply. The following clauses have been changed or require fill-in for this specific project.

52.204-1 Approval of Contract (Dec 1989)

This contract is subject to the written approval of the Western Federal Lands' Division Engineer (or delegate) or the Second Level Contracting Officer, and shall not be binding until so approved.

52.211-10 Commencement, Prosecution, and Completion of Work (Apr 1984) Alternate I (Apr 1984)

The Contractor shall be required to (a) commence work under this contract within 10 calendar days after the date the Contractor receives the notice to proceed, (b) prosecute the work diligently, and (c) complete the entire work ready for use not later than **November 1, 2008**, subject to such extensions as may be authorized. The time stated for completion shall include final cleanup of the premises.

The completion date is based on the assumption that the successful offeror will receive the notice to proceed **by September 15, 2008**. The completion date will be extended by the number of calendar days after the above date that the contractor receives the notice to proceed, except to the extent that the delay in issuance of the notice to proceed results from the failure of the contractor to execute the contract and give the required performance and payment bonds within the time specified in the offer.

52.211-12 Liquidated Damages—Construction (Sep 2000)

(a) If the Contractor fails to complete the work within the time specified in the contract, the Contractor shall pay liquidated damages to the Government in the amount of: See Special Contract Requirements, Subsection 108.04.

(b) If the Government terminates the Contractor's right to proceed, liquidated damages will continue to accrue until the work is completed. These liquidated damages are in addition to excess costs of repurchase under the Termination clause.

52.223-3 Hazardous Material Identification and Material Safety Data (Jan 1997) Alternate I (July 1995).

(a) "Hazardous material," as used in this clause, includes any material defined as hazardous under the latest version of Federal Standard No. 313 (including revisions adopted during the term of the contract).

(b) The offeror must list any hazardous material, as defined in paragraph (a) of this clause, to be delivered under this contract. The hazardous material shall be properly identified and include any applicable identification number, such as National Stock Number or Special Item Number. This information shall also be included on the Material Safety Data Sheet submitted under this contract.

Material (if none, insert "None")

Identification No.

Contract Clauses

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(c) This list must be updated during performance of the contract whenever the Contractor determines that any other material to be delivered under this contract is hazardous.

(d) The apparently successful offeror agrees to submit, for each item as required prior to award, a Material Safety Data Sheet, meeting the requirements of 29 CFR 1910.1200(g) and the latest version of Federal Standard No. 313, for all hazardous material identified in paragraph (b) of this clause. Data shall be submitted in accordance with Federal Standard No. 313, whether or not the apparently successful offeror is the actual manufacturer of these items. Failure to submit the Material Safety Data Sheet prior to award may result in the apparently successful offeror being considered nonresponsible and ineligible for award.

(e) If, after award, there is a change in the composition of the item(s) or a revision to Federal Standard No. 313, which renders incomplete or inaccurate the data submitted under paragraph (d) of this clause, the Contractor shall promptly notify the Contracting Officer and resubmit the data.

(f) Neither the requirements of this clause nor any act or failure to act by the Government shall relieve the Contractor of any responsibility or liability for the safety of Government, Contractor, or subcontractor personnel or property.

(g) Nothing contained in this clause shall relieve the Contractor from complying with applicable Federal, State, and local laws, codes, ordinances, and regulations (including the obtaining of licenses and permits) in connection with hazardous material.

(h) The Government's rights in data furnished under this contract with respect to hazardous material are as follows:

(1) To use, duplicate and disclose any data to which this clause is applicable. The purposes of this right are to—

(i) Apprise personnel of the hazards to which they may be exposed in using, handling, packaging, transporting, or disposing of hazardous materials;

(ii) Obtain medical treatment for those affected by the material; and

(iii) Have others use, duplicate, and disclose the data for the Government for these purposes.

(2) To use, duplicate, and disclose data furnished under this clause, in accordance with paragraph (h)(1) of this clause, in precedence over any other clause of this contract providing for rights in data.

(3) The Government is not precluded from using similar or identical data acquired from other sources.

(i) Except as provided in paragraph (i)(2), the Contractor shall prepare and submit a sufficient number of Material Safety Data Sheets (MSDS's), meeting the requirements of 29 CFR 1910.1200(g) and the latest version of Federal Standard No. 313, for all hazardous materials identified in paragraph (b) of this clause.

(1) For items shipped to consignees, the Contractor shall include a copy of the MSDS's with the packing list or other suitable shipping document which accompanies each shipment. Alternatively, the Contractor is permitted to transmit MSDS's to consignees in advance of receipt of shipments by consignees, if authorized in writing by the Contracting Officer.

(2) For items shipped to consignees identified by mailing address as agency depots, distribution centers or customer supply centers, the Contractor shall provide one copy of the MSDS's in or on each shipping container. If affixed to the outside of each container, the MSDS's must be placed in a weather resistant envelope.

52.225-9 Buy American Act—Construction Materials (Jan 2005)

(a) *Definitions.* As used in this clause—

“Component” means an article, material, or supply incorporated directly into a construction material.

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“Construction material” means an article, material, or supply brought to the construction site by the Contractor or a subcontractor for incorporation into the building or work. The term also includes an item brought to the site preassembled from articles, materials, or supplies. However, emergency life safety systems, such as emergency lighting, fire alarm, and audio evacuation systems, that are discrete systems incorporated into a public building or work and that are produced as complete systems, are evaluated as a single and distinct construction material regardless of when or how the individual parts or components of those systems are delivered to the construction site. Materials purchased directly by the Government are supplies, not construction material.

“Cost of components” means—

(1) For components purchased by the Contractor, the acquisition cost, including transportation costs to the place of incorporation into the construction material (whether or not such costs are paid to a domestic firm), and any applicable duty (whether or not a duty-free entry certificate is issued); or

(2) For components manufactured by the Contractor, all costs associated with the manufacture of the component, including transportation costs as described in paragraph (1) of this definition, plus allocable overhead costs, but excluding profit. Cost of components does not include any costs associated with the manufacture of the construction material.

“Domestic construction material” means—

(1) An unmanufactured construction material mined or produced in the United States; or

(2) A construction material manufactured in the United States, if the cost of its components mined, produced, or manufactured in the United States exceeds 50 percent of the cost of all its components. Components of foreign origin of the same class or kind for which nonavailability determinations have been made are treated as domestic.

“Foreign construction material” means a construction material other than a domestic construction material.

“United States” means the 50 States, the District of Columbia, and outlying areas.

(b) Domestic preference.

(1) This clause implements the Buy American Act (41 U.S.C. 10a - 10d) by providing a preference for domestic construction material. The Contractor shall use only domestic construction material in performing this contract, except as provided in paragraphs (b)(2) and (b)(3) of this clause.

(2) This requirement does not apply to the construction material or components listed by the Government as follows:

None

(3) The Contracting Officer may add other foreign construction material to the list in paragraph (b)(2) of this clause if the Government determines that—

(i) The cost of domestic construction material would be unreasonable. The cost of a particular domestic construction material subject to the requirements of the Buy American Act is unreasonable when the cost of such material exceeds the cost of foreign material by more than 6 percent;

(ii) The application of the restriction of the Buy American Act to a particular construction material would be impracticable or inconsistent with the public interest; or

(iii) The construction material is not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities of a satisfactory quality.

(c) Request for determination of inapplicability of the Buy American Act.

(1) (i) Any Contractor request to use foreign construction material in accordance with paragraph (b)(3) of this clause shall include adequate information for Government evaluation of the request, including—

- (A) A description of the foreign and domestic construction materials;
- (B) Unit of measure;
- (C) Quantity;
- (D) Price;
- (E) Time of delivery or availability;
- (F) Location of the construction project;
- (G) Name and address of the proposed supplier; and
- (H) A detailed justification of the reason for use of foreign construction materials

cited in accordance with paragraph (b)(3) of this clause.

(ii) A request based on unreasonable cost shall include a reasonable survey of the market and a completed price comparison table in the format in paragraph (d) of this clause.

(iii) The price of construction material shall include all delivery costs to the construction site and any applicable duty (whether or not a duty-free certificate may be issued).

(iv) Any Contractor request for a determination submitted after contract award shall explain why the Contractor could not reasonably foresee the need for such determination and could not have requested the determination before contract award. If the Contractor does not submit a satisfactory explanation, the Contracting Officer need not make a determination.

(2) If the Government determines after contract award that an exception to the Buy American Act applies and the Contracting Officer and the Contractor negotiate adequate consideration, the Contracting Officer will modify the contract to allow use of the foreign construction material. However, when the basis for the exception is the unreasonable price of a domestic construction material, adequate consideration is not less than the differential established in paragraph (b)(3)(i) of this clause.

(3) Unless the Government determines that an exception to the Buy American Act applies, use of foreign construction material is noncompliant with the Buy American Act.

(d) *Data*. To permit evaluation of requests under paragraph (c) of this clause based on unreasonable cost, the Contractor shall include the following information and any applicable supporting data based on the survey of suppliers:

Foreign and Domestic Construction Materials Price Comparison

<u>Construction Material</u>	<u>Description</u>	<u>Unit of Measure</u>	<u>Quantity</u>	<u>Price (Dollars)*</u>
Item 1:				
	Foreign construction material	_____	_____	_____
	Domestic construction material	_____	_____	_____
Item 2:				
	Foreign construction material	_____	_____	_____
	Domestic construction material	_____	_____	_____

[List name, address, telephone number, and contact for suppliers surveyed. Attach copy of response; if oral, attach summary.]

[Include other applicable supporting information.]

[Include all delivery costs to the construction site and any applicable duty (whether or not a duty-free entry certificate is issued).]*

52.228-1 Bid Guarantee (Sept 1996)

(a) Failure to furnish a bid guarantee in the proper form and amount, by the time set for opening of bids, may be cause for rejection of the bid.

(b) The bidder shall furnish a bid guarantee in the form of a firm commitment, *e.g.*, bid bond supported by good and sufficient surety or sureties acceptable to the Government, postal money order, certified check, cashier's check, irrevocable letter of credit, or, under Treasury Department regulations, certain bonds or notes of the United States. The Contracting Officer will return bid guarantees, other than bid bonds—

- (1) To unsuccessful bidders as soon as practicable after the opening of bids; and
- (2) To the successful bidder upon execution of contractual documents and bonds (including any necessary coinsurance or reinsurance agreements), as required by the bid as accepted.

(c) The amount of the bid guarantee shall be **20** percent of the bid price or **\$3 million**, whichever is less.

(d) If the successful bidder, upon acceptance of its bid by the Government within the period specified for acceptance, fails to execute all contractual documents or furnish executed bond(s) within **10 days** after receipt of the forms by the bidder, the Contracting Officer may terminate the contract for default.

(e) In the event the contract is terminated for default, the bidder is liable for any cost of acquiring the work that exceeds the amount of its bid, and the bid guarantee is available to offset the difference.

52.236-1 Performance of Work by the Contractor (Apr 1984)

The Contractor shall perform on the site, and with its own organization, work equivalent to at least **fifteen (15)** percent of the total amount of work to be performed under the contract. This percentage may be reduced by a supplemental agreement to this contract if, during performing the work, the Contractor requests a reduction and the Contracting Officer determines that the reduction would be to the advantage of the Government.

52.236-4 Physical Data (Apr 1984)

Data and information furnished or referred to below is for the Contractor's information. The Government shall not be responsible for any interpretation of or conclusion drawn from the data or information by the Contractor.

(a) The indications of physical conditions on the drawings and in the specifications are the result of site investigations by: N/A

(b) Weather conditions: N/A

(c) Transportation facilities: N/A

(d) Hydrological data: N/A

(e) Geotechnical data, subsurface investigation information, and design data, consisting of the following, may be obtained upon request. Written requests are required and may be submitted to the Contracts Section at the above address, by FAX at (360) 619-7932, or by e-mail at contracts@mail.wfl.fhwa.dot.gov.

- (1) **Geotechnical Report 26-07: GTSR M.P. 23.3 ERFO Repair Recommendations**

Contract Clauses

MT NPS ERFO 2007(1)-45(5), MP 23.3 Slope Repair

52.236-21 Specifications and Drawings for Construction (Feb 1997) Alternate II (Apr 1984).

When record shop drawings are required and reproducible shop drawings are not needed, the following sentences shall be added to paragraph (g) of the basic clause:

Upon completing the work under this contract, the Contractor shall furnish see SCR 104.06 sets of prints of all shop drawings as finally approved. These drawings shall show changes and revisions made up to the time the equipment is completed and accepted.

**TRANSPORTATION ACQUISITION REGULATIONS
CONTRACT CLAUSES**

1252.228-73 Notification of Miller Act Payment Bond Protection (April 2005)

This notice clause shall be inserted by first tier subcontractors in all their subcontracts and shall contain information pertaining to the surety that provided the payment bond under the prime contract.

(a) The prime contract is subject to the Miller Act, (40 U.S.C. 3131 et al), under which the prime contractor has obtained a payment bond. This payment bond may provide certain unpaid employees, suppliers, and subcontractors a right to sue the bonding surety under the Miller Act for amounts owned for work performed and materials delivery under the prime contract.

(b) Persons believing that they have legal remedies under the Miller Act should consult their legal advisor regarding the proper steps to take to obtain these remedies. This notice clause does not provide any party any rights against the Federal Government, or create any relationship, contractual or otherwise, between the Federal Government and any private party.

(c) The surety which has provided the payment bond under the prime contract is:

(Name)

(Street Address)

(City, State, Zip Code)

(Contact & Tel. No.)

AREA 2: Big Horn, Carbon, Carter, Custer, Dawson, Fallon, Garfield, Golden Valley, Musselshell, Powder River, Prairie, Rosebud, Stillwater, Treasure, Wibaux, and Yellowstone counties

AREA 3: Blaine, Cascade, Chouteau, Daniels, Fergus, Glacier, Hill, Judith Basin, Liberty, McCone, Petroleum, Pondera, Phillips, Richland, Roosevelt, Sheridan, Teton, Toole, Valley, and Wheatland Counties

AREA 4: Broadwater, Lewis and Clark, and Meagher Counties

AREA 5: Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli, and Sanders Counties

AREA 6: Gallatin, Park, and Sweet Grass Counties
Ironworker

Flathead, Glacier, Lake, Lincoln, Mineral, Missoula and Sanders Cos.....\$ 24.80	13.71
Remaining Counties.....\$ 23.15	13.71

Laborers:

Group 1.....\$ 16.37	6.75
Group 2.....\$ 19.07	6.75
Group 3.....\$ 19.26	6.75
Group 4.....\$ 20.13	6.75

LABORERS CLASSIFICATIONS

GROUP 1: Flag person

GROUP 2: All General Labor work; Burning Bar; Bucket man; Carpenter Tender; Caisson Worker; Cement Mason Tender; Cement Handler (dry); Chuck Tender; Choker Setter; Concrete worker; Curb Machine-Lay Down; Crusher and Batch Plant Worker; Fence Erector; Form Setter; Form Stripper; Heater Tender; Landscaper; Pipe Wrapper; Pot Tender; Powderman Tender; Rail and Truck Loaders and Unloaders; Riprapper; Sealants for Concrete and other materials; Sign Erection, Guard Rail and Jersey Rail; Stake Jumper; Spike Driver; Signalman; Tail Hoseman; Tool Checker and Houseman; Traffic Control worker

GROUP 3: Concrete Vibrator; Dumpman (Grademan); Equipment Handler; Geotextile and Liners; High-Pressure Nozzlemen; Jackhammer (Pavement Breaker); Laser equipment; Non-riding Rollers; Pipelayer; Posthole Digger (power); Power Driven Wheelbarrow; Rigger; Sandblaster; Sod Cutter-power; Tampers

GROUP 4: Ashpalt Raker; Cutting Torch; Grade Setter; High-Scaler; Power Saws (Faller & Concrete); Powderman (\$1.00 per hour above Group 4 rate); Rock & Core Drill; Track or Truck mounted Wagon Drill; Welder including Air Arc

Line Construction

Equipment Operator.....	\$ 19.16	5.05
Groundman.....	\$ 15.40	5.05

Painters:.....\$ 23.00 8.00

Pavement Marking/Milling and related work. Includes operating marking and all other equipment and all work involved in traffic marking including removal, surface preparation and application of pavement markings including epoxies, paints, tape, buttons, thermo- plastics and any other products applied for traffic marking purposes and for directing and regulating traffic, and cutting Rumble Strips..

Power Equipment Operator

Group 1.....	\$ 20.52	8.00
Group 2.....	\$ 22.48	8.00
Group 3.....	\$ 23.31	8.00
Group 4.....	\$ 23.98	8.00
Group 5.....	\$ 25.28	8.00
Group 6.....	\$ 25.94	8.00
Group 7.....	\$ 27.97	8.00

POWER EQUIPMENT OPERATORS CLASSIFICATIONS

GROUP 1: A-Frame Truck Crane; Air Compressor; Auto Fine Grader; Belt Finishing Machine; Boring Machine (small); Cement Silo, Crane; Crusher Conveyor, DW-10, 15, and 20 Tractor Roller; Farm Tractor; Forklift; Form-Grader; Front-end Loader under 1 cu yd; Oiler, Heavy Duty Drills; Pumpman; Oiler (All, except Cranes and Shovels)

GROUP 2: Air Doctor; Backhoe/Excavator/Shovel to & incl 3 cu yd Bit Grinder; Bituminous Paving Travel Plant; Boring Machine, large; Broom, Self-Propelled; Concrete Bucket Dispatcher; Concrete Conveyor; Concrete Finish Machine; Concrete Float and Spreader; Concrete Travel Batchter; Distributor; Dozer, Rubber tired, Push, and Side Boom; Drills, Heavy Duty (all types); Elevating Grader/Gradall; Field Equipment Serviceman; Front-end Loader 1 cu yd to and incl. 5 cu yd; Grade Setter; Hoist/Tugger (All Hydralift & Similar); Industrial Locomotive; Motor Patrol (Except Finish);

Mountain Skidder; Oiler, Cranes & Shovels; Pavement Breaker, EMSCO; Power Saw, Self-Propelled; Pugmill; Pumpcrete/ Grout Machine; Punch Truck; Rollers (All except Asphalt Finish and Breakdown); Ross Carrier; Rotomill under 6 ft; Trenching Machine; Washing/Screening Plant

GROUP 3: Asphalt Finish Roller; Asphalt Breakdown Roller; Asphalt Paving Machine; Backhoe/Excavator/Shovel larger than 3 cu yd; Asphalt Screed; Concrete Batch Plant; Cableway Highline; Concrete Curing Machine; Cranes, 24 tons & under; Cranes, Creter; Cranes, Electric Overhead; Concrete Pump; Curb Machine/Slip Form Paver; Finish Dozer; Mechanic/Welder; Pioneer Dozer; Rotomill 6 ft and over; Scraper, Single Engine; Scraper Twin or pulling Belly Dump; Yo Yo Cat Front-end Loader over 5 cu yd;

GROUP 4: Asphalt/Hot Plant Operator; Cranes, 25 tons to 44 tons; Crusher Operator; Finish Motor Patrol; Finish Scraper

SPECIAL OPERATORS:

GROUP 5: Cranes, 45 tons to and including 74 tons

GROUP 6: Cranes, 75 tons to and including 149 tons

GROUP 7: Cranes, 150 tons to and including 250 tons; Cranes over 250 tons: add \$1.00 for every 100 tons over 250 tons; Crane, Stiff-Leg or Derrick; Crane, Tower all); Crane, Whirley (all); Helicopter Hoist

Truck drivers:

Group 1.....	\$ 17.76	7.75
Group 2.....	\$ 22.73	7.75

GROUP 1: Pilot Car

GROUP 2: Combination Truck and Concrete Mixer and Transit Mixer; Dry Batch Trucks; Distributor Driver; Dumpman; Dump Trucks and similar equipment; Dumpster; Flat Trucks; Lumber Carriers; Lowboys; Pickup; Powder Truck Driver; Power Boom; Serviceman; Service Truck/Fuel Truck/Tireperson; Truck Mechanic; Trucks with Power Equipment; Warehouseman, Partsman, Cardex and Warehouse Expeditor; Water Trucks

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.

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Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29CFR 5.5 (a) (1) (ii)).

In the listing above, the "SU" designation means that rates listed under the identifier do not reflect collectively bargained wage and fringe benefit rates. Other designations indicate unions whose rates have been determined to be prevailing.

WAGE DETERMINATION APPEALS PROCESS

1.) Has there been an initial decision in the matter? This can be:

- * an existing published wage determination
- * a survey underlying a wage determination
- * a Wage and Hour Division letter setting forth a position on a wage determination matter
- * a conformance (additional classification and rate) ruling

On survey related matters, initial contact, including requests for summaries of surveys, should be with the Wage and Hour Regional Office for the area in which the survey was conducted because those Regional Offices have responsibility for the Davis-Bacon survey program. If the response from this initial contact is not satisfactory, then the process described in 2.) and 3.) should be followed.

With regard to any other matter not yet ripe for the formal process described here, initial contact should be with the Branch of Construction Wage Determinations. Write to:

Branch of Construction Wage Determinations
Wage and Hour Division
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

2.) If the answer to the question in 1.) is yes, then an interested party (those affected by the action) can request review and reconsideration from the Wage and Hour Administrator (See 29 CFR Part 1.8 and 29 CFR Part 7). Write to:

Wage and Hour Administrator
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

Wage Determination
MT NPS ERFO 2007(1)-45(5), MP 23.3 Slope Repair

The request should be accompanied by a full statement of the interested party's position and by any information (wage payment data, project description, area practice material, etc.) that the requestor considers relevant to the issue.

3.) If the decision of the Administrator is not favorable, an interested party may appeal directly to the Administrative Review Board (formerly the Wage Appeals Board). Write to:

Administrative Review Board
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

4.) All decisions by the Administrative Review Board are final.

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END OF GENERAL DECISION



ATTENTION

The following Special Contract Requirements (SCRs) are only a portion of the specifications for this project. These SCRs amend and supplement the Standard Specifications for Construction of Roads and Bridges on Federal Highway Projects, FP-03. The FP-03 U.S. Customary Units is a separately published book. In order to understand the solicitation properly you need to have the FP-03 U.S. Customary Units as well as this packet. Pay particular attention to the provisions of Subsection 104.04 in the FP-03. This Subsection explains how each of the many contract documents fit together.

If you would like to view the FP-03 U.S. Customary Units electronically, go to:
<http://www.wfl.fha.dot.gov/design/specs/fp03.htm>

If you would like a printed copy of the FP-03 U.S. Customary Units, contact the:

Contracts Section
Federal Highway Administration
Western Federal Lands Highway Division
610 East Fifth Street
Vancouver, WA 98661
Phone: 360.619.7520
Fax: 360.619.7520
E-mail: contracts@mail.wfl.fha.dot.gov

(printed copies of the FP-03 will be distributed to the successful bidder)

RESERVED

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Section 101.— TERMS, FORMAT, AND DEFINITIONS

101.04 Definitions. Amend as follows:

Delete the text of these definitions and substitute with the following:

Award — The written acceptance of an offeror's proposal by the C.O.

Bid — When used in a project package, carries the same meaning as Offer.

Bidder — When used in a project package, carries the same meaning as Offeror.

Bid Guarantee — A form of security assuring that the offeror will not withdraw an offer within the period specified for acceptance and will execute a written Task Order and furnish required bonds.

Bid Schedule — The prepared schedule included with the offer forms, containing the estimated quantities of pay items for which unit prices are requested.

Contract — The written agreement between the Government and the Contractor setting forth the obligations of the parties for the ordering of, performance of, and payment for, the prescribed work. Refers to both the Basic Contract and the Task Orders.

Contract Time — The specified time allowed for completion of all Task Order work.

Notice to Proceed — Written notice to the contractor to begin the Task Order work.

Pay Item — A specific item of work for which a unit price is provided in the Task Order.

Payment Bond — The security executed by the contractor and surety or sureties and furnished to the Government to ensure payments as required by law to all persons supplying labor or material according to the Task Order.

Performance Bond — The security executed by the contractor and surety or sureties and furnished to the Government to guarantee completion of the Task Order work.

Project — The specific section of the highway or other property on which construction is to be performed under the Task Order.

Solicitation — The complete assembly of documents (whether attached or incorporated by reference) furnished to prospective offeror(s).

Surety — An individual or corporation legally liable for the debt, default, or failure of a contractor to satisfy a Task Order obligation.

Work — The furnishing of all labor, material, equipment, and other incidentals necessary to successfully complete the project according to the Task Order.

Add the following:

Basic Contract — The contract Indefinite Delivery, Indefinite Quantity (IDIQ) which is a written agreement between the Government and the Contractor(s) setting forth the general obligations of the parties for the ordering of, performance of, and payment for, the work to be performed under the subsequent Task Orders.

Holidays — Holidays occur on the following days:

- 1st day of January - New Year's Day;
- 3rd Monday of January - Martin Luther King, Jr. Day;
- 3rd Monday in February – Presidents' Day;
- Last Monday in May - Memorial Day;
- 4th day of July - Independence Day;
- 1st Monday in September - Labor Day;
- 2nd Monday in October - Columbus Day;
- 11th day in November - Veterans Day;
- 4th Thursday in November - Thanksgiving Day;
- 25th day in December - Christmas Day;
- Other days declared holidays by the Congress or the President.

If a holiday falls on a Saturday, the preceding Friday is also a legal holiday. If a holiday falls on a Sunday, the Monday following is also a legal holiday.

Offer — A written proposal by an offeror to perform work at a proposed price.

Offeror — Any individual or legal entity submitting an offer.

Task Order — An order for a specific level of work that may or may not be related to one or more projects.

Section 102.— BID, AWARD, AND EXECUTION OF CONTRACT

102.02 Preparation of Bids. Delete the Subsection title, text of the first paragraph, and substitute with the following:

102.02 Preparation of Offers. Follow the requirements of FAR Clause 52.215-1 Instructions to Offerors -- Competitive Acquisition.

102.05 Public Opening of Bids. Delete this Subsection.

102.05A Contract Award. (Added Subsection.)

The successful offeror will be awarded all pay items listed in the bid schedule.

102.06 Performance and Payment Bonds. Delete the text of the first paragraph and substitute with the following:

Follow the requirements of FAR Clause 52.228-15 Performance and Payment Bonds – Construction. Furnish a performance bond and a payment bond each in the penal amount of 100 percent of the original task order price.

Section 103.— SCOPE OF WORK

103.01 Intent of Contract. Add the following:

Additional work on sites within or in the vicinity of the project may be requested by the CO. Such work generally will be in response to natural disasters. This paragraph does not affect the respective responsibilities of the parties under Subsection 107.06. Provide cost proposals and perform work as ordered by the CO.

103.06 Issue Resolution. (Added Subsection.)

Resolve project issues at the lowest authorized level and in the most expedient manner possible. Escalate unresolved issues to the next higher level in a timely manner to avoid adverse impacts to costs, risks, or time. Either party may request that an issue be escalated. Submit requests in writing. Upon the request of either party, both parties must escalate the issue. An exception to escalating an issue may be observed when both parties agree extra time is needed for the development of facts.

Decision-making is encouraged to be made at the lowest authorized level. Recommendations, options, and ideas by all team members are requested. Decisions made at the lowest level possible will be supported by all management levels. Countermands of decisions will not be permitted, except where there is a conflict with code, regulation, law, the contract, or a change of critical facts or information, which causes a re-evaluation of the resolution. Support of a countermand by the original decision team is critical. All contractor and Government team members must understand why the change is necessary and must be able to support it.

Section 104.— CONTROL OF WORK

104.03 Specifications and Drawings. Add the following paragraph:

(c) **As-built working drawings.** Furnish two sets as-built working drawings. The Government will provide two sets of contract drawings to be used exclusively for recording the as-built details of the project. Use red pencil or red ink to record the information described below.

Note all additions or revisions to the location, character, and dimensions of the prescribed work shown on the contract drawings. Line out all details shown that are not applicable to the completed work. Check off details shown that were incorporated into the completed work without change.

Retain the drawings at the project site and, as work progresses, continuously update them to reflect the as-built details. Upon request, make the drawings available to the CO to review for compliance with these specifications.

As a minimum, show the following types of changes on the as-built drawings:

(1) Typical section(s)

- (a) Revisions in dimensions; and
- (b) Revisions in materials.

(2) Plan and profile

(a) Plan

- (1) Revisions to the alignment;
- (2) Changes in the construction limits;
- (3) Skew of culverts and concrete cross drains;
- (4) Location of monuments and permanent references;

(b) Profile

- (1) Revisions to grades, elevations, and stationing of intersection PIs;
- (2) Equations;

- (3) Culvert diameter, length, type, and stationing;
- (4) Concrete cross drain size, length, and stationing;
- (5) Concrete inlet type, depth, and stationing.

(3) Miscellaneous

- (a) Revisions to parking areas or turnouts; and
- (b) Final location, type and length of fence (log rail) and concrete gutter

Furnish the as-built working drawings to the CO before the final inspection. Correct all details found during the final inspection that are not shown on the as-built drawings and return to the CO within 5 working days.

104.04 Coordination of Contract Documents. Delete the text of this Subsection and substitute with the following:

The FAR, TAR, Basic Contract, special contract requirements, plans, and standard specifications are contract documents. A requirement in one document is binding as though occurring in all the contract documents. The contract documents are intended to be complementary and to describe and provide for a complete contract. In case of discrepancy, calculated and shown dimensions govern over scaled dimensions. The contract documents govern in the following order:

- (a) Federal Acquisition Regulations;
- (b) Transportation Acquisition Regulations;
- (c) Basic IDIQ Contract;
- (d) Special Contract Requirements (SCRs);
- (e) Plans; and
- (f) Standard specifications.

104.05 Load Restrictions. Add the following:

Comply with Glacier Park vehicle weight and size restrictions on the Going-to-the-Sun Road as follows:

(a) Weights.

- (1) Do not exceed 80,000 pounds total gross vehicle weight for loaded hauling vehicle;
- (2) Carry no more than 20,000 pounds per single axle;
- (3) Carry no more than 34,000 pounds combined using a tandem axle (i.e., 2 axles at least 3.6 feet and no more than 7.0 feet apart that oscillate together.) Carry a gross load of 34,000 pounds each if 2 consecutive sets of tandem axles are used, provided the overall distance between the first and last axles of such sets are at least 36 feet;
- (4) Carry no more than 42,500 pounds combined for a triple axle combination.

Prior to June 1, reduce the allowable weights listed above by 49%.

(b) Sizes.

- (1) Comply with Montana State DOT Regulations. Obtain all state permits that are required, and obtain approval from the CO if over-width and/or over-length vehicles, and accompanying pilot cars, will be traveling along portions of the Going-to-the-Sun Road.
- (2) Vehicles and equipment are restricted to 8 feet in width, including mirrors or loads, and 21 feet in length, including bumpers or loads, along the Going-to-the-Sun Road between Avalanche Creek and Sun Point. Over-width and/or over-length vehicles, equipment, and loads having a maximum total length of 35 feet may need to be accompanied by a escort car in front and will have to obtain a Park travel permit. Over-width and/or over-length vehicles will not be allowed during high traffic periods. Coordinate at least 7 days in advance with the CO to obtain a Park travel permit. Escort cars will be paid from the Pilot Car pay item of the traffic control task order when required.
- (3) Use caution with load heights more than 10 feet when traveling through the West Tunnel (MP 23.35) and the East Tunnel (MP 32.88). Coordinate with the CO to obtain Park oversize vehicle permit.

104.06 Other Contracts. (Added Subsection.)

The Federal Highway Administration, Glacier National Park, and the Montana Department of Transportation have awarded, and intend to further award other contracts or task orders with concurrent construction activities. These other contracts and task orders may impact operations on this project. Construction on other contracts have either already begun, or are expected to begin. The contracts may include, but are not limited to the following:

- Construction of bypass lanes at the West Entrance Station;
- Reconstruction at the St. Mary Visitor Center;
- Emergency relief projects (ERFO) due to 2006 flooding events;
- GTSR Rehabilitation task orders, including the section between West Tunnel and Haystack;
- Chip seal project on the GTSR near St. Mary.

Schedule construction activities to minimize delays and interference for all operations.

Section 105.— CONTROL OF MATERIAL**105.02 Material Sources.** Amend as follows:**(a) Government-provided sources.** Add the following:

There are no Government-provided sources for this project.

(b) Contractor-located sources. Add the following to the first paragraph:

Obtain permits according to Subsection 107.10.

Add the following:

Several known local material sources are listed in the Notice to Offeror.

All imported material from Contractor-located sources must be certified by the Government to be free from noxious weeds or invasive plant materials and other deleterious material before entering the Park at the start of each construction season. To determine if a potential material source meets the weed-free requirement, submit a list of sources to be inspected by the Government. In addition to the source name and location, submit potential mitigative measures to make the source weed-free. The Government will furnish an inspection report, weather permitting, within 21 days of a submission of potential material sources, listing the status of the source and any mitigative measures that would need to be accomplished before use. Coordinate with the CO on specific dates.

Material obtained from within the boundaries of the Blackfeet Indian Reservation will be subject to Blackfeet Tribes' political jurisdiction. The Tribe has a Tribal Employment Rights Ordinance (TERO), which requires all employers subject to the Tribe's jurisdiction to give preference in employment, training, and subcontracting to Indians and Indian-owned businesses and pay certain fees. For further information on the TERO requirements, contact the Blackfeet TERO office at:

Blackfeet Tribal Employment Rights Office
P.O. Box 850
Browning, Montana 59417
Telephone: 406-330-7887

The United States is not subject to the TERO requirements, and is not a party to any agreements between the Tribe and the contractor pursuant to the TERO. The Tribe administers the TERO pursuant to its dependent-sovereign status as an Indian nation with jurisdiction over activities within the reservation boundaries. Contractors should take into consideration the Tribe's TERO in preparing their bids to the extent applicable.

105.04 Storing and Handling Material. Add the following:

Within the Park, comply with the following:

- (a) In addition to the staging areas identified in Section 105.04 of MT PRA-GLAC 10(21) - West Tunnel to Haystack and MT PRA-GLAC 10(33) - Crystal Point to Haystack Task Orders, the turnouts within the project limits of this project and one lane of the existing paved roadway below the West Tunnel may be used for storage of materials, equipment parking, and for truck turn-around. Close the entire site to public use when being utilized for staging, storage operations, or active construction operations. Accommodate Glacier National Park snow plowing equipment and emergency vehicles at all times according to Section 156. Install appropriate erosion control devices, such as sandbags to divert runoff, adjacent to stockpile areas as directed by the CO.
- (b) Electrical power is not available at any of these sites; use of an electric generator is allowed at all sites.
- (c) Park construction equipment within the limits of current construction operations, according to the requirements of Subsection 107.11.
- (d) Keep storage and equipment parking areas clean and orderly. Restore all Government-provided storage and staging sites to their original condition when the contract or task order is completed, whichever occurs first.
- (e) Only staging areas listed in Subsection 105.04(a) are allowed within the Park unless approved by the CO.
- (f) Water may be obtained from McDonald Creek at Logan Pit. Do not exceed 1720 gpm rate when extracting water. Pump water from the creek to a holding tank or directly into a tank on a truck. Trucks must remain in the staging area outside of the buffer area. Pumps used during water extraction for the construction activities will require screens to protect fish. All screens must meet state and federal criteria and standards. Do not place pumps within buffer area or leave pump at Logan Pit during high water.

Outside the Park, comply with the following:

Provide additional space as needed. Do not use private property for staging or storage without written permission of the owner or lessee. Furnish copies of all agreements. Secure all permits and clearances for use of the storage area and provide copies of the documents. Obtain permits according to Subsection 107.10.

Section 106.— ACCEPTANCE OF WORK

106.01 Conformity with Contract Requirements. Amend as follows:

Delete the second paragraph and substitute with the following:

References to standard test methods of AASHTO, ASTM, GSA, and other recognized standard authorities refer to the methods in effect on the date of solicitation for bids. Use the 26th edition of the AASHTO Standard Specifications for Transportation Materials and Methods of Sampling and Testing, and Appendix A and B of the Federal Lands Highway Field Materials Manual for this project. Use the modified AASHTO procedures for sampling and testing contained in Appendix B of the Federal Lands Highway Field Materials Manual; except, when a specified sampling or test method is not included in Appendix B, sample and test according to the referenced AASHTO test procedure. Appendix A of the Federal Lands Highway Field Materials Manual contains several sampling and testing methods which may be required for this project that are not found in AASHTO.

Delete the eighth paragraph and substitute with the following:

Remove, repair, or replace work that does not conform to the contract or to prevailing industry standards where no specific contract requirements are noted. Removing, repairing, or replacing work; providing temporary traffic control; and any other related work to accomplish conformity will be at no cost to the Government.

Add the following:

Obtain copies of the followings by written request faxed to 360-619-7932, or e-mailed to contracts@mail.wfl.fhwa.dot.gov or send to:

Contracts Section
Western Federal Lands Highway Division
610 East Fifth Street
Vancouver, Washington 98661-3801

- Appendices A and B of the Federal Lands Highway Field Materials Manual, dated 02/10/97;
- Highway Research Board Bulletin No. 319, “The Humphres Method of Granular Soils” (Subsection 301.05), dated 1962;
- Field Note Samples (Section 152) dated May 2004. For an electronic version, check on Website at http://www.wfl.fha.dot.gov/construction/field_notes.

Special Contract Requirements

Project: MT NPS ERFO 2007(1)-45(5), MP 23.3 Slope Repair

106.02 Visual Inspection. Delete the text of this Subsection and substitute with the following:

Acceptance is based on visual inspection of the work for compliance with the specific contract requirements. In the absence of specific contract requirements or tolerances, prevailing industry standards may be used.

106.03 Certification. Add the following after the second paragraph:

Maintain records of all required certifications according to Subsections 103.04, 153.04, and 154.04. Submit certifications to the CO.

Check certifications, prior to incorporating the materials into the work, to ensure that the requirements of the contract have been met. Mark the certifications with the following information: project name, project number, contract item number, item description, Contractor's signature, and date.

Section 107.— LEGAL RELATIONS AND RESPONSIBILITY TO THE PUBLIC

107.01 Laws to be observed. Delete the third paragraph and substitute with the following:

Comply with the terms and conditions included in all permits and agreements obtained by the Government for performing the work included in this contract (See Section H). Notify the CO immediately of any changes, including modifications to government-obtained permits, or any additional permits or agreements that are required by the Contractor's methods of operation. Allow adequate time in the construction schedule for any additional permits or changes to government-obtained permits. Furnish copies of all acquired permits and agreements not in the contract.

Authorization to discharge under the Montana Pollution Discharge Elimination System (MPDES) is required for this project. The "*Storm Water Pollution Prevention Plan*" (SWPPP), "*General Permit*", and the letter of authorization are included in this contract, see Sections H and I. Comply with the terms and conditions included in the SWPPP and the General Permit.

Comply with the requirements of the Fire Protection and Suppression Plan included in this contract (See Section J).

107.02 Protection and Restoration of Property and Landscape. Add the following to the fourth paragraph:

Paleontological remains and archeological specimens found within the construction area are the property of the National Park Service and will be removed only by the National Park Service or designated representatives. Notify the CO within an hour of discovery, and suspend operations in the immediate area if paleontological remains or archeological specimens are found. The notification will include a brief statement of the location and details of the finding. Proceed with operations only after authorized from the CO.

107.03 Bulletin Board. Add the following:

- (g) The "Beck" poster, according to FAR Clause 52.222-39 Notification of Employee Rights Concerning Payment of Union Dues or Fees.

107.08 Sanitation, Health, and Safety. Add the following after the first paragraph:

Submit an accident prevention plan for implementing safety and health standards at the Preconstruction Conference. Use the Government furnished Form WFLHD-28, Guide Outline of Contractor's Accident Prevention Plan.

Sections along the GTSR are prone to avalanches during the Spring season. An avalanche spotter is provided under the Crystal Point to Haystack Task Order as a safety measure. Restrict work and hauling through avalanche zones during times of potential avalanche hazards, as determined by the CO or avalanche spotter provided under the Crystal Point to Haystack Task Order. Work may resume when authorized by the CO.

During the Spring closure period (Prior to June 13, 2008) perform the following:

The Contractor Superintendent, or his/her authorized delegate, will contact the Glacier Dispatch Center at the beginning and ending of each work shift and relay the following information:

- *Beginning of shift:* expected shift work location(s) and total number of employees within the closure area.
- *End of shift:* number, if any, of personnel remaining within closure area after end of work shift. If work is to be suspended at the end of shift, provide time when area is cleared of all personnel and closure gate is secured.

107.10 Environmental Protection. Delete the text of this Subsection and substitute with the following:

Conform to the following:

(a) The Federal Water Pollution Control Act. (33 USC § 1251 ET seq.)

(1) Except as authorized by this contract, do not operate mechanized equipment, discharge or place material within the boundaries of any U.S. waters as identified by the ordinary high water mark, high tide line, or edge of the wetland. This includes wetlands, unless authorized by a permit issued by the U.S. Army Corps of Engineers according to 33 USC § 1344, and if required by the state agency having jurisdiction over the discharge of material into the waters of the U.S. In the event of an unauthorized discharge:

- (a) Immediately prevent further contamination;
- (b) Immediately notify appropriate authorities and the CO; and
- (c) Mitigate damages as required.

(2) Separate work areas, including material sources by the use of a suitable barrier that prevents sediment, petroleum products, chemicals, other liquids, or solid materials from entering the waters of the U.S. Construct and remove barriers to avoid discharge of material into the waters of the U.S. Remove and properly dispose of sediment or other material collected by the barrier.

(b) Construction Activities Outside Construction Limits. Before beginning construction activities outside the construction limits (such as material sources, disposal sites, waste areas, access roads, water sources, stockpiles and staging areas) that will require ground disturbance, occupation, clearing, or other environmental impacts provide the following documents.

The requirements below do not apply to commercial sources that are established, have provided material to public and private entities on a regular basis over the last two years, have appropriate State and local permits, and do not require expansion outside their currently established and permitted area.

(1) Proposed Activity Description. Submit a description, schedule, and location of the proposed activities for approval of the CO. Include maps of the area and other relevant information.

(2) Cultural Resources. Submit written documentation satisfactory to the CO for a finding of either “no historic properties affected” or “no effect” according to 36 CFR 800.4(d)(1) for historic properties on or eligible for listing to the National Register of Historic Places. Provide either:

(a) Documentation showing there are no cultural resources present, and a finding of either “no historic properties affected” or “no effect” according to 36 CFR 800.4(d)(1). Documents must be prepared by an individual qualified under the Secretary of the Interior’s Standards and Guidelines for Archeology and Historic Preservation, 48 FR 44716-44740.

Documentation must be satisfactory to the State Historic Preservations Officer (SHPO) or Tribal Historic Preservations Officer (THPO) as appropriate, according to 36 CFR 800.3(c).

The CO will forward the documentation to the SHPO or THPO. Anticipate a minimum of 30 days from receipt of the documentation by the SHPO or THPO before use of the site may be approved; or

(b) Documentation showing a finding of either “no historic properties affected” or “no effect” according to 36 CFR 800.4(d)(1) has been previously obtained for the proposed activities from the State, Tribal Government or Federal Land

Management Agency responsible for the land. Include attached copies of SHPO concurrence, or Memorandum of Agreement (MOA) where concurrence is not required.

(3) Species Protected Under the Endangered Species Act of 1973. Submit written documentation satisfactory to the CO that the proposed action will have no effect to any threatened or endangered species or their critical habitat. Provide either:

(a) A current list of all threatened or endangered species in the site of proposed activities from the U.S. Fish and Wildlife Service; and a recommendation of a “no effect” determination according to Section 7 of the Endangered Species Act prepared by a biological specialist with a minimum of 3 years of experience in Endangered Species Act compliance or other qualifications acceptable to the CO. Allow up to 30 days to obtain the current list of all threatened or endangered species from the U.S. Fish and Wildlife Service; or

(b) Documentation showing the proposed activities have previously been determined to comply with the Endangered Species Act and this determination remains valid. This documentation must be from the State, Tribal Government or Federal Land Management Agency responsible for the land. Attach evidence of compliance, including correspondence with the U.S. Fish and Wildlife Service.

(4) Wetlands as Defined by the U.S. Army Corps of Engineers’ 1987 Wetland Delineation Manual (WDM). Submit written documentation satisfactory to the CO, that the proposed action will comply with Section 404 of the Clean Water Act, Executive Order 11990, and will not affect any wetlands. Documentation must be prepared by a wetland specialist with a minimum of 3 years of experience in wetland delineation using WDM or other qualifications acceptable to the CO.

(5) Federal Lands. Before use of sites on federal lands, submit a copy of the Letter of Approval or Special Use Permit from the applicable federal agency allowing use of the site for intended purposes.

(6) Tribal, State and Local Approvals. Comply with applicable laws regarding the proposed activities. Submit copies of required clearances, including hazardous waste compliance, tribal, State and local permits and approvals.

Allow 12 days (in addition to other agency time requirements) for approval of documents submitted to the CO.

(c) Additional Construction Requirements.

(1) Suspend construction activities when a grizzly bear, Canada Lynx, or wolf comes near an active construction area and creates a potential animal/human conflict. Immediately notify the CO. Proceed with operations only after authorized by the CO.

(2) Report any observation of Canada Lynx, gray wolf, grizzly bear, or bald eagle within the project area to the CO.

(3) Equip all construction equipment with adequate mufflers to reduce noise.

(d) Oil and Hazardous Substances. Submit a Spill Prevention, Control, and Countermeasure (SPCC) plan for sites that meet the requirements of 40 CFR Part 112. Owners and operators must comply by July 1, 2009.

At present, a SPCC plan is required on or before July 1, 2009 for sites in operation after July 1, 2009 that store petroleum and synthetic oil products with a maximum above-ground combined capacity greater than 1,320 gallons (5,000 liters). This includes bulk storage containers (including tanks on trucks and construction equipment used to store and transfer oil products) with a capacity greater than 55 gallons (210 liters). It does not include tanks used primarily to power the movement of the motor vehicle or ancillary onboard oil-filled operational equipment.

Submit the SPCC plan by June 28, 2009.

Submit and follow a Hazardous Spill Plan when a SPCC plan is not in effect. Submit the plan at least 2 days before beginning work. Develop a plan describing what actions will be taken in case of a spill and incorporate preventative measures to be implemented (such as the placement of refueling facilities, storage and handling of hazardous materials, etc).

Do not use equipment that is leaking fluids. Repair leaks on equipment immediately. Keep a supply of absorbent materials at the job site in the event of spills. Acceptable absorbent materials are those manufactured specifically for the containment and clean up of hazardous materials.

Immediately notify the CO of all hazardous spills.

107.11 Protection of Forests, Parks, and Public Lands. Add the following:

Due to the fragile ecological system of Glacier National Park, comply with the following:

- (a) All vehicles and equipment will be inspected by the CO before their entry into the Park for mud, weeds and other unwanted substances. Steam clean all earth-moving equipment (including hauling vehicles) of mud and weeds before entering the Park. Subsequent entries of hauling vehicles will not require cleaning unless requested. Notify the CO a minimum of 48 hours before the entry of vehicles and equipment to the Park.
- (b) Do not produce asphalt products within the Park boundaries.
- (c) Vehicles or equipment will not be permitted outside the construction limits, staging sites, or on topsoil areas, except as approved by the CO.
- (d) Do not camp or sleep in vehicles within Park boundaries.
- (e) Do not use explosive material(s) within the Park boundaries.

(f) Comply with all Park requirements and restrictions, including, but not limited to the following: Do not feed, harass, or disturb wildlife within the Park boundaries. Store and handle food, fuel, or other attractants in a manner that does not attract bears or other wildlife, i.e., no food, pet food, garbage, drinks, trash, or food and drink containers will be placed outside vehicles, buildings, or bear-resistant containers, or left in the open beds of trucks or trailers, except during actual use. Contractor supplied garbage bins must be bear proof and meet Park requirements. Any mishandling of garbage, trash, food, and other potential bear attractants described above will result in the responsible person, or Contractor, receiving a citation subject to fine.

(g) The Contractor, subcontractors, and all employees will be required to attend Park orientation meetings hosted by the National Park Service prior to beginning work. Notify the CO 14 days prior to beginning work so orientations can be scheduled. Disseminate and enforce all information provided at the initial orientation meeting to Subcontractors hired after initial Park orientation meeting.

(h) Do not pump water from streams or other bodies of water within the Park, except as allowed according to Section 105.

(i) Equipment servicing and/or refueling will not be conducted within 100 feet of streams or water bodies when possible.

(j) Do not use chemicals for dust control.

(k) No chemicals and petroleum products will be stored within 100 feet of streams or water bodies when possible.

Section 108.— PROSECUTION AND PROGRESS

108.01 Commencement, Prosecution, and Completion of Work. Amend as follows:

Delete the text of the second paragraph and substitute with the following:

A preconstruction conference will be held after the task order is awarded and before beginning work.

Furnish at least 48 hours advance notice before changing the current work schedule. Work schedule changes that include additional shifts require 14 days notice.

Add the following:

Perform work under this contract according to the following:

- (a) Limit work as provided in Subsection 107.02, 107.10, 156.03 and 156.06.
- (b) Limit speeds on haul roads to 25 mph or slower, depending on site conditions.
- (c) Pursuant to FAR Clause 52.236-5; remove from the project any driver who receives two traffic citations while driving within Glacier National Park.
- (d) Complete task order by November 1, 2008.

108.01A Labor. (Added Subsection.)

Follow the requirements of FAR Clause 52.222-6 Davis Bacon Act.

Adjacent or virtually adjacent work sites are defined to be work sites within ½ mile of the project. Application of the Davis-Bacon Act for work sites beyond ½ mile of the project will be determined by the CO.

108.02 Subcontracting. Amend as follows:

Delete the first paragraph and substitute with the following:

FAR clauses 52.219-4, Notice of Price Evaluation Preference for HUBZone Small Business Concerns, 52.222-11 Subcontracts (Labor Standards), and 52.236-1, Performance of Work by the Contractor are supplemented as follows.

Delete the fourth paragraph and substitute with the following:

In FAR Clauses 51.219-8, Utilization of Small Business Concerns and 52.237-27, Prompt Payment for Construction Contracts, the subcontracts include both on-site work and supply contracts.

In FAR Clause 52.219-4, Notice of Price Evaluation Preference for HUBZone Small Business Concerns, the percentage of the cost of contract performance incurred for personnel will be computed according to the following formula:

$$P = H / T$$

Where:

P = Percent of the cost of contract performance incurred for personnel working for HUBZone firms

T = Total wages/benefits paid during the life of the contract

H = Total wages/benefits paid to employees working for HUBZone firms (prime and subcontractors)

Certified payrolls will be used to determine Davis-Bacon wages and benefits paid. Submit certified statements, at least monthly, declaring the wages and benefits paid to non-Davis Bacon personnel under this contract.

In FAR Clause 52.236-1, Performance of Work by the Contractor, the percentage of work performed on-site by the Contractor will be computed as 100% less the combined initial dollar amount of all subcontracts involving on-site labor as a percent of the original dollar amount of the contract.

108.04 Failure to Complete Work on Time. Delete the text and table of this Subsection and substitute with the following:

Follow the requirements of FAR Clause 52.211-12 Liquidated Damages — Construction.

Liquidated damages in the amount specified in Table 108-1 will be assessed for each calendar day beyond the time specified in the contract until substantial completion of the work.

If the Government exercises any options, assessment of liquidated damages will be based on the completion date as provided for in Subsection 108.01.

Liquidated damages will not be assessed for the following:

- (a) The day of the final inspection.

- (b) Days required to perform work added to the contract after substantial completion including items identified during the final inspection that were not required before that time.
- (c) Delays by the Government after all work is complete and before a formal acceptance is executed.
- (d) Periods of time when all work is complete but acceptance is delayed pending the plant establishment period or similar warranty period.
- (e) During winter shutdown periods ordered by the CO.
- (f) Suspensions according to Subsection 108.06.

Table 108-1
Charge for Liquidated Damages for Each Day
Work Is Not Substantially Completed

Original Contract Price		Daily Charge
From More Than —	To and Including —	
\$ 0	\$ 1,000,000	\$ 500
1,000,000	2,000,000	1,100
2,000,000	5,000,000	2,200
5,000,000	10,000,000	2,700
10,000,000	and more	3,300

108.06 Suspension. (Added Subsection.)

Follow the requirements of FAR Clause 52.242-14 - Suspension of Work.

Work may be suspended, either in whole or in part, for such periods deemed necessary due to the presence of active golden eagle nest sites, grizzly bears, Canada Lynx, and wolves. See Subsection 107.10.

Section 109.— MEASUREMENT AND PAYMENT

109.01 Measurement of Work. Amend as follows:

Delete the first sentence of paragraph six and substitute with the following:

Prepare pay item measurement notes on “Daily Record of Miscellaneous Items” (Form FHWA 17348). For an electronic version go to:

<http://ww.wfl.fha.dot.gov/other/it/forms/1738.pdf>

Delete paragraph (b) and substitute the following:

(b) Task Order item number.

109.02 Measure Terms and Definitions. Amend as follows:

Delete the second paragraph (b) designator and substitute with the following:

(c) **Cubic yard.**

Delete the text of paragraph (m) and substitute with the following:

(m) **Square Yard.** 9 square feet. Longitudinal and transverse measurements for area will be made horizontally. No deductions from the area computation will be made for individual fixtures having 9 square feet or less. Do not measure overlaps.

Add the following:

(p) **Fixed hourly rate.** Measure the actual number of hours ordered by the CO and performed by the Contractor.

109.03 Weighing Procedures and Devices. Amend as follows:

Delete the text of paragraph (c)(2) and substitute with the following:

(2) Task Order pay item number and description.

Add the following:

If scales are to be placed within Park boundaries, place at locations approved by the CO.

Delete paragraph (c)(2) and substitute with the following:

(2) Task Order pay item number and description.

109.04 Receiving Procedures. Delete paragraph (b) and substitute with the following:

(b) Task Order pay item number and description.

109.05 Scope of Payment. Delete the text of the first paragraph and substitute with the following:

Payment for all contract work is provided, either directly or indirectly, under the pay items shown in the bid schedule, or under the pay items shown in a separate temporary traffic control task order.

109.08 Progress Payments. Amend as follows:

Delete the text of paragraph (b) and substitute with the following:

(b) **Closing date and invoice submittal date.** The closing date for progress payments will be designated by the CO. Include work performed after the closing date in the following month's invoice. For work performed between September and July of any year, submit invoices to the designated billing office by the 7th day after the closing date. Invoices received by the designated billing office after the 16th day following the closing date, for work included in the September through July invoices, will not be accepted for payment processing that month. For work included in the August invoice, submit the invoice to the designated billing office by the 5th day after the closing date. Invoices received by the designated billing office after the 5th day following the closing date, for work included in the August invoice, will not be accepted for payment processing that month. Include late, unprocessed invoice submittals in the following month's invoice.

Delete the text of paragraph (e) and substitute with the following:

(e) **Processing progress payment requests.** No payment will be made for work unless field note documentation for the work was provided by the closing date.

(1) Work performed between September and July.

(a) Invoices received by the 7th day following the closing date.

(1) Proper invoices. If the invoice meets the requirements of Subsection 109.08(c), and the quantities and unit prices shown on the contractor's invoice agree with the corresponding quantities and unit prices shown on the Government's receiving report, the invoice will be paid.

(2) *Defective invoices.* If the invoice does not meet the requirements of Subsection 109.08(c), or if any of the quantities or unit prices shown on the contractor's invoice exceed the corresponding quantities and unit prices shown on the Government's receiving report, the invoice will be deemed defective and the Contractor so notified according to FAR Clause 52.232-27(a)(2). Defective invoices will not be corrected by the Government and will be returned to the contractor within 7 days after the Government's designated billing office receives the invoice.

Revise and resubmit returned invoices by the 18th day following the closing date. The CO will evaluate the revised invoice. If the invoice still does not meet the requirements of Subsection 109.08(c), the contractor will be so notified according to FAR Clause 52.232-27(a)(2), and no progress payment will be made that month. Correct the deficiencies and resubmit the invoice the following month.

If the revised invoice meets the requirements of Subsection 109.08(c), but still has quantities or unit prices exceeding the corresponding quantities and unit prices shown on the Government's receiving report, the Government's data for that item of work will be used. The contractor's invoice, as revised by the Government's receiving report, will be forwarded for processing by the 23rd day following the closing date. The contractor will be notified by the 23rd day following the closing date of the reasons for any changes to the invoice.

(b) Invoices received between the 8th and 16th day following the closing date.

(1) *Proper invoices.* If the invoice meets the requirements of Subsection 109.08(c), and the quantities and unit prices shown on the Contractor's invoice agree with the corresponding quantities and unit prices shown on the CO's receiving report, the invoice will be deemed proper and forwarded for processing within 7 days of receipt.

(2) *Defective invoices.* If the invoice does not meet the requirements of Subsection 109.08(c), the invoice will be deemed defective, the Contractor so notified according to FAR Clause 52.232-27(a)(2), and no progress payment will be made that month. Correct the deficiencies and resubmit the invoice the following month.

If the invoice meets the requirements of Subsection 109.08(c), but has quantities or unit prices exceeding the corresponding quantities and unit prices shown on the Government's receiving report, the Government's data for that item of work will be used. The contractor's invoice, as revised by the Government's receiving report, will be forwarded for processing within 7 days after receiving the invoice. The contractor will be notified, within 7 days of the Government's receipt of the invoice, of the reasons for any changes to the invoice.

(2) Work performed during August

(a) Proper invoices. If the invoice meets the requirements of Subsection 109.08(c), and the quantities and unit prices shown on the Contractor's invoice agree with the corresponding quantities and unit prices shown on the CO's receiving report, the invoice will be deemed proper and forwarded for processing within 7 days of receipt.

(b) Defective invoices. If the invoice does not meet the requirements of Subsection 109.08(c), the invoice will be deemed defective, the Contractor so notified according to FAR Clause 52.232-27(a)(2), and no progress payment will be made that month. Correct the deficiencies and resubmit the invoice the following month.

If the invoice meets the requirements of Subsection 109.08(c), but has quantities or unit prices exceeding the corresponding quantities and unit prices shown on the Government's receiving report, the Government's data for that item of work will be used. The contractor's invoice, as revised by the Government's receiving report, will be forwarded for processing within 7 days after receiving the invoice. The contractor will be notified, within 7 days of the Government's receipt of the invoice, of the reasons for any changes to the invoice.

Delete the text of paragraph (f) and substitute with the following:

(f) Partial payments. Invoices may include the following:

(1) Progress payments may include partial payment for material to be incorporated in the work, provided the material meets the requirements of the contract and is delivered on, or in the vicinity of, the project site or stored in acceptable storage places.

Partial payment for material does not constitute acceptance of such material for use in completing items of work. Partial payments will not be made for living or perishable material until incorporated into the project.

(2) Partial payment for preparatory work. Partial payment for preparatory work does not constitute acceptance of work.

Individual and cumulative partial payments for preparatory work and material will not exceed the lesser of:

- 80 percent of the contract bid price for the item; or
- 100 percent of amount supported by copies of invoices submitted.

The quantity paid will not exceed the corresponding quantity estimated in the contract.

Submit pay notes according to Section 153. Provide a cost breakdown of the bid item components and submit invoices or other documents supporting the partial payment.

The CO may adjust partial payments as necessary to protect the Government.

Section 151.— MOBILIZATION

Description

151.01 Delete the text of this Subsection and substitute with the following:

This work consists of moving personnel, equipment, material, and incidentals to the project and performing all work necessary before beginning work at the project site. Mobilization includes the obtaining of permits, insurance, bonds, and pilot cars for over-width and/or over-length vehicles, equipments and loads.

Payment

151.03 Delete the text of this Subsection and substitute with the following:

The accepted quantity, measured as provided in Subsection 109.02, will be paid at the task order price per unit of measurement for the Section 151 pay item shown in the bid schedule. Payment will be full compensation for the work prescribed in this Section. See Subsection 109.05.

Progress payments for mobilization lump sum will be paid as follows:

- (a) Bond premiums will be reimbursed according to FAR Clause 52.232-5 Payments Under Fixed-Price Construction Contracts, after receipt of the evidence of payment.
- (b) When 5 percent of the original task order amount is earned from other bid items, 50 percent of the mobilization item, or 5 percent of the original task order amount, whichever is less, will be paid.
- (c) When 10 percent of the original task order amount is earned from other bid items, 100 percent of the mobilization item, or 10 percent of the original task order amount, whichever is less, will be paid.
- (d) Any portion of the mobilization item in excess of 10 percent of the original task order amount will be paid after final acceptance.

Section 152.— CONSTRUCTION SURVEY AND STAKING

Construction Requirements

152.02 General. Delete the text of this Subsection and substitute with the following:

At the preconstruction conference, submit a cost breakdown of the individual items included in the lump sum item for use in making progress payments.

(a) Survey schedule. Include staking activities in the construction schedule submitted according to Section 155. Include the dates and sequence of each staking activity.

(b) Government set reference lines and points. The Government has set horizontal and vertical control points for the project. The location and identity of each control point are shown on the plans.

Before beginning construction, notify the CO of any missing control points or stakes. The Government will reestablish control points and stakes missing before the beginning of construction.

(c) Government furnished information. The Government will furnish the following data relating to horizontal and vertical alignment and theoretical slope stake catch points, and other design data:

- (1) Computer listings containing horizontal alignment, vertical profile, superelevation, excavation and embankment slope ratios, and earthwork quantities;
- (2) Computer generated construction-staking notes showing theoretical slope stake catch points;
- (3) X, Y, Z coordinates (horizontal and vertical control points);
- (4) X, Y, Z coordinates (subgrade centerline and shoulders); and
- (5) Plotted cross sections showing construction limits and catch points (earthwork and riprap embankments).

Perform additional calculations for convenient use of Government-furnished data. Provide immediate notification of apparent errors in the initial staking or in the furnished data.

(d) Pre-survey meeting. Before surveying or staking, discuss and coordinate the following with the CO:

- (1) Surveying and staking methods;
- (2) Stake marking;
- (3) Grade control for courses of material;
- (4) Referencing;
- (5) Structure control; and
- (6) Any other procedures and controls necessary for the work.

Preserve all initial reference and control points. After beginning construction, replace all destroyed or disturbed initial reference or control points necessary to the work.

Prepare field notes in an approved format. Sample note formats are available as listed in Subsection 106.01. Furnish all survey notes at least weekly.

Survey and establish controls within the tolerances shown in Table 152-1. The construction survey and staking work may be spot-checked for accuracy, and unacceptable portions of work may be rejected. Resurvey rejected work, and correct work that is not within the tolerances specified in Table 152-1. Acceptance of the construction staking does not relieve the Contractor of responsibility for correcting errors discovered during the work and for bearing all additional costs associated with the error.

Start work only after staking for the affected work is accepted.

Compute and furnish calculations supporting pay quantities. Measure quantities within the tolerances shown in Table 152-2.

All field notes, pay notes, and supporting documentation become the property of the Government upon completion of the work.

Support roadway prism excavation quantities according to Subsection 204.16 **(a)(1)(a)**. Adjust roadway prism excavation quantities for volume changes resulting from slope stake variations. See Subsection 152.03(c), slope stakes and references.

Remove and dispose of all flagging, lath, stakes, and other staking material after the project is complete. Remove visible portions of brushes if used to mark grade-finishing stakes.

152.03 Survey and Staking Requirements. Amend as follows:**(b) Roadway cross-sections.** Add the following:

Do not take roadway cross-sections unless required for volume adjustments according to Subsection 204.16(a)(1)(a).

(l) Miscellaneous survey and staking. Add the following:

(11) Riprap embankments.

Add the following:

(m) Asphalt paver reference line. Set adequate horizontal control points or reference lines for asphalt concrete paver as specified in Subsection 401.13.

Add the following to Table 152-1.

**Table 152-1
Construction Survey and Staking Tolerances
(Continued)**

Staking Phase	Horizontal	Vertical
Asphalt paver reference line	±2 inches	—

Measurement

152.05 Add the following Table 152-2:

**Table 152-2
Measurement Tolerances**

Pay Unit	Horizontal	Vertical
Acre	1.0 foot or 1:100 Whichever is greater	—
Cubic Yard	0.2 foot or 1:500 Whichever is greater	0.3 foot or 1:333 Whichever is greater
Linear Foot	0.2 foot or 1:500 Whichever is greater	—
Square Foot	0.1 feet or 1:1000 Whichever is greater	—
Station	1.0 feet or 1:1000 Whichever is greater	—

Payment

152.06 Delete the second paragraph and substitute with the following:

Payment for lump sum items will be prorated based on the progress of the work under this Section.

Section 153.— CONTRACTOR QUALITY CONTROL

Delete the text of this Section and substitute with the following:

Description

153.01 This work consists of obtaining samples for quality control testing, performing quality control tests, providing inspection, and exercising management control to ensure that work conforms to the contract requirements. See FAR Clause 52.246-12 Inspection of Construction.

Construction Requirements

153.02 Personnel Qualifications. Furnish a quality control manager with at least one year of experience managing highway construction quality control or quality assurance programs and meeting one of the following requirements:

- (a) A Bachelor of Science degree from a four year program in civil engineering, civil engineering technology, construction management, or construction engineering;
- (b) 2 years experience as a superintendent of a road or highway construction firm;
- (c) A level four highway construction or highway materials NICET certification; or
- (d) 4 years experience as a highway construction inspection or materials quality control supervisory technician.

153.03 General. Provide a quality control system that plans, performs, and documents quality control activities.

Alternate quality control systems that meet the intent of this specification may be implemented by contract modification if approved by the CO.

Provide a quality control manager on-project during work with the authority to stop work not in compliance or that will result in non-compliance with contract requirements.

Identify an alternate in the quality control manager's absence. The alternate must meet the qualifications for a quality control manager. An alternate may not act for the quality control manager for a period greater than three (3) days unless approved by the CO.

Submit names and qualifications of the quality control manager and any alternate to the CO for approval 14 days before start of work.

Furnish additional quality control staff (inspectors, testers, reviewers, and clerical assistants) to complete the work specified in this Section. Provide names and qualifications of additional personnel to the CO 14 days before start of work.

Do not designate superintendents, foremen, traffic and safety supervisors, or project testing technicians, as the quality control manager or other quality control personnel.

153.04 Quality Control Plans. Provide quality control plans for selected work features. The absence of a plan for other items of work does not relieve the Contractor of complying with the contract requirements. Additional quality control activities may be required to provide effective quality management.

(a) Development. Develop quality control plans for the following work features:

- Construction Survey and Staking (Section 152);
- Clearing and Grubbing (Section 201);
- Removal of Structures and Obstructions (Section 203);
- Excavation and Embankment, sloping, shaping, and finishing (Section 204);
- Placed Riprap (Section 251);
- Aggregate Courses (Sections 308);
- Asphalt Pavement (Sections 403);
- Drainage Structures (Section 602, 604);
- Temporary Traffic Control (Sections 156, 635).

Use “*Contractor Quality Control Plan*” (Form WFLHD 471) to prepare the quality control plan for each work feature. An electronic version of the form is available at <http://www.wfl.fha.dot.gov/other/it/forms/wflhd471m.xls>.

Complete the first three columns on form WFLHD 471 and submit to the CO for acceptance at least 7 days before commencing work. Address the following activities on the worksheet:

- (1) Review contract requirements, plans and specifications independently and with construction supervisory staff;
- (2) Check and verify submittals, plans, and materials certifications meet contract requirements and submit to the CO for approval. Provide statement and signature of verification according to Subsection 106.03;
- (3) Check site conditions for constructability, including staging, and disposal and storage areas. Verify materials delivered to the site conform to accepted materials certifications, submittals, plans and contract requirements before incorporating into the project.
- (4) Review construction staking to assure it meets contract requirements, accuracy, and sufficiency for each work feature;

(5) Provide an operational work plan. Include a brief written narrative of the work activity for the feature describing methods, locations, crews, equipment, and methods to be used to complete the work;

(6) Conduct pre-work meetings. Review contract requirements with the construction crew, foremen, and Government personnel before beginning work. Provide an overview of the operational work plan;

(7) Ensure construction methods will result in the end product meeting the contract requirements.

Include the following in the plan for selected work features as a supplement to the sampling and testing requirements located at the end of each Section.

- the process to ensure the completed feature of work conforms to contract requirements
- the inspection or testing, and frequency, to ensure the process remains valid or work is being performed according to the established process
- the action(s) taken if the inspection or testing reveals the work is not meeting contract requirements

Perform corrective actions as needed to ensure work meets contract requirements.

(8) Provide immediate on-site presence to communicate status of work to FHWA and contractor personnel and for quality control issue resolution;

(9) Verify completed work meets contract requirements.

Revise quality control plans when personnel, activities, or processes change or when deficiencies occur in the work.

The CO may request additional quality control plans for work features not listed above if work in progress or completed work does not conform to contract requirements or is lacking an effective quality control process.

(b) Implementation. Implement quality control activities as described in the accepted plan. Do not begin a work feature until the plan is approved by the CO and a pre-work meeting (Activity 6) is performed.

(1) QC Reports – Report quality control meetings, reviews, inspections, measurements, testing activities, corrective actions, and discussions that verify the work meets contract requirements as quality control activities listed in “*Contractor Quality Control Plan*” (Form WFLHD 471) are completed. Provide narrative and original support data. Document findings such as deficiencies found in the work, and describe corrective actions, adjustments to frequency of quality control activities, and method or process changes to correct and eliminate future deficiencies. Provide reports daily to the CO or as specified in the quality control plan. Include the following certification signed by the quality control manager:

“I certify the information contained in this record is accurate and all work documented herein complies with the contract requirements. Any exceptions to this certification are documented as a part of this record.”

(2) Notification of Completion of Work - Submit a completed “*Notification of Completions of Work*” (Form WFLHD 470) when work listed in Subsection 153.06 is ready for inspection

153.05 Quality Control Sampling and Testing. Provide sampling and testing as listed at the end of each Section, and defined in the quality control plan.

Testing of trial samples may be required to demonstrate testing competence.

Sample and split samples according to AASHTO or other acceptable procedures. Allow the CO the opportunity to witness all sampling. Immediately perform splits when required. Deliver the Government’s portion of the sample or split sample in an acceptable container suitable for shipment. Label all samples with the following information:

- Project number;
- Source of material;
- Pay item number;
- Sample number;
- Date sampled;
- Time sampled;
- Location sample taken;
- Name of person sampling;
- Name of person witnessing sampling; and
- Type of test required on sample.

Provide the following documentation:

(a) Quality Control Test Results. Report test results on forms containing all sample information required by Subsection 153.05. Attach work sheets, used to determine test values, to the test result forms when submitted.

(b) Control Charts. Maintain linear control charts that identify the project number, contract item number, test number, each test parameter, the upper and/or lower specification limit applicable to each test parameter, and test results. Use the control charts to document the variability of the process, identify production and equipment problems, and identify potential pay factor adjustments. Make corrections to the process when problems are evident. Post charts at the Contractor's project testing lab and on site.

153.06 Government Quality Assurance Inspection. Submit a "Notification of Completion of Work" (Form WFLHD 470) when the following work is ready for inspection:

(a) Allow 1 working day for the following work to be inspected.

(1) Survey and staking (field stakes and notes). Provide survey notes for the following:

- (a) Control points – before disturbing original control points;
- (b) Clearing limits – before starting clearing and grubbing operations;
- (c) Slope stakes – before starting excavation;
- (d) Sub excavation – before backfilling;
- (e) Guardrail – before starting installation;
- (f) Bridge – before starting work on each component;
- (g) Walls – before starting work; and
- (h) Fence – before starting installation

(2) Construction work.

- (a) Sub grade – before placing pavement structure;
- (b) Any layer of pavement structure requiring hubs – before placing next layer; and
- (c) Structural excavation – before backfilling.

(b) Allow 1 working day (except as noted) to inspect the following work. Do not continue work on items listed below until receipt of WFLHD 470 indicating the work will not be inspected, the work was inspected and no deficiencies were found, or unless authorized by the CO. Work delayed in excess of the inspection period will be evaluated according to FAR Clause 52.242-14 Suspension of Work.

(1) Forms and reinforcing steel – before placing concrete.

(2) Concrete deck – before placing concrete (perform checks of all deck pour requirements, including dry run results before inspection).

153.07 Acceptance. Contractor quality control will be evaluated under Subsections 106.02 and 106.04 based on the demonstrated ability of the Contractor's quality control system to ensure work meets the contract requirements.

If the Government's testing and inspection (quality assurance) indicate the Contractor's quality control system is ineffective or the plans are not being followed; make immediate improvements to correct inadequacies. Furnish notification in writing of improvements and modifications to the system.

A maximum of 10 percent of the total progress payment amount will be retained and affected project work may be stopped if a quality control plan is not accepted, the plan is not being followed, or work does not meet contract requirements.

Measurement

153.08 Measure the Section 153 items listed in the bid schedule according to Subsection 109.02.

Payment

153.09 The accepted quantities, measured as provided in Subsection 109.02 and above, will be paid at the contract price per unit of measurement for the Section 153 pay items listed in the bid schedule. Payment will be full compensation for the work prescribed in this Section. See Subsection 109.05.

Payment for the lump sum item will be prorated based on the total work completed for this Section.

Table 153-1
Quality Control Sampling and Testing Requirements

Material or Product	Characteristic	Test Method or Specification	Sampling Frequency	Point of Sampling	Split Sample	Reporting Time
Sections 401, 402, or 403 Hot Asphalt Concrete Pavement						
Aggregate ⁽¹⁾ (Aggregate Production)	Gradation	AASHTO T 27 & AASHTO T 11	1 for each 6 hours of production but not less than 2 for each day	Flowing aggregate stream (bin or belt discharge) or conveyor belt	Yes, when requested	End of shift
	Fractured faces	ASTM D 5821	"	"	"	"
	Fine Aggregate Angularity ⁽²⁾	AASHTO T 304, Method A	"	"	"	"
	Flat & Elongated Particles ⁽²⁾	ASTM D 4791	"	"	"	"
	Sand equivalent	AASHTO T 176 Alternate Method No. 2, Referee Method	"	"	"	"

- (1) If aggregate is separated into two or more stockpiles, sample and test each stockpile.
(2) Not required for Section 402 or 403 aggregate.

Section 154.— CONTRACTOR SAMPLING AND TESTING**Construction Requirements**

154.02 Sampling. Amend as follows:

Add the following to the first paragraph:

When samples are required at the Vancouver Laboratory, send to:

Material Section
Western Federal Lands Highway Division
610 East Fifth Street
Vancouver, Washington 98661

If samples are sent other than normal delivery vendors, call 360.619.7747 or 360.619.7592 before delivery. Deliveries will be accepted from 7 a.m. to 2:30 p.m. PT (Monday - Friday).

Access to the government complex is controlled, check-in is required at the main building entrance located on East Fifth Street. Directions will be given for delivery of samples.

Add the following:

The sampling frequencies and reporting times are listed in the individual sections ordering the work.

Payment

154.07 Delete the text of the fifth paragraph and substitute with the following:

Payment for all or part of this item may be retained, if Government verification testing invalidates the Contractor testing or the CO determines that documentation of sampling and testing is not adequate.

Section 155.— SCHEDULES FOR CONSTRUCTION CONTRACTS

Delete this Section and substitute with the following:

155.01 General. Prepare a construction schedule according to Subsection 155.02. Submit 3 paper copies and one electronic copy of the initial construction schedule within 7 days after Contract Award. In case of discrepancy, the paper version will govern over the electronic version of the schedule.

Show completion of work within the contract time.

Allow 2 days for approval or rejection of the schedule. If rejected, submit a revised schedule within 2 days. Do not begin work, except mobilization, without an accepted construction schedule.

Use the approved initial construction schedule as the baseline for the first construction schedule update.

A maximum of 10 percent of the total progress payment amount will be retained if an acceptable schedule is not received within 5 days after the Notice to Proceed is issued.

155.02 Bar Chart Method (BCM). The BCM construction schedule consists of a progress bar chart and a written narrative. Include the contract number, project number, project name, Contractor name, current fixed completion date, date of submittal, and submittal number.

(a) **Progress bar chart.** The following applies to the initial submission and all updates:

- (1) Use a time scale to graphically show the percentage of work scheduled for completion during the contract time;
- (2) Define and relate activities to the contract pay items;
- (3) Show all activities in the order the work will be performed, including submittals, submittal reviews, fabrication, and delivery;
- (4) Show all critical (major) activities that are controlling factors in the completion of the work;
- (5) Show the time needed to perform each activity and its relationship in time to other activities;
- (6) Show the total expected time to complete all work; and

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(7) Provide enough space for each activity to permit 2 additional plots parallel to the original time span plot. Use one space for revision of the planned time span, and one for showing actual time span achieved

(b) Written narrative. Furnish a written narrative of the activities displayed in the progress bar chart. The following applies to the written narrative:

- (1) Estimate starting and completion dates of each activity;
- (2) Describe work to be done within each activity including the type and quantity of equipment, labor, and material to be used;
- (3) Describe the location on the project where each activity occurs;
- (4) Describe planned production rates by pay item quantities (e.g., cubic yards of excavation per day/week);
- (5) Describe work days per week, holidays, number of shifts per day, and number of hours per shift;
- (6) Estimate any periods during which an activity is idle or partially idle. Show the beginning and end dates for reduced production or idle time;
- (7) Describe expected and critical delivery dates for equipment or material that can affect timely completion of the project;
- (8) Describe critical completion dates for maintaining the construction schedule; and
- (9) Identify the vendor, supplier, or subcontractor to perform the activity. State all assumptions made in the scheduling of the subcontractor's or supplier's work.

155.03 Schedule Updates. Review the construction schedule to verify or adjust; start dates of activities underway and finish dates of completed activities; remaining duration of uncompleted activities; planned start and finish dates and durations; and proposed logic. Inform the CO of all changes.

Submit three copies of an updated construction schedule for acceptance when:

- (a) A delay occurs in the completion of a critical (major) activity;
- (b) A delay occurs which causes a change in a critical activity;
- (c) The actual prosecution of the work is different from that represented on the current construction schedule;

- (d) There is an addition, deletion, or revision of activities caused by a contract modification; or;
- (e) There is a change in the schedule logic.

Show completion of work within the contract time.

Allow 2 days for approval or rejection of the schedule. If rejected, submit a revised schedule within 2 days.

Use the approved initial or previous construction schedule as the baseline for the current construction schedule update.

A maximum of 10 percent of the total progress payment amount will be retained if an acceptable schedule is not received within 3 days of one of the events listed above.

155.04 Records. Submit a list of all records and documents that track progression of work. Indicate who will be responsible for maintaining the records and where the records will be located.

Provide the following documents:

(a) **Notification of Completion of Work.** Submit a completed WFLHD 470 *Notification of Completion of Work* when work is ready for inspection by the Government according to Subsection 153.06.

(b) **Construction Operations Report.** For each day of work, submit a completed “*Contractor’s Daily Record of Construction Operations*” (Form WFLHD 465) or an approved alternate form within one day of the work being performed.

“I certify that the information contained in this record is accurate, and that all work documented herein complies with the requirements of the contract. Any exceptions to this certification are documented as a part of this record.”

For an electronic version of the form go to:

<http://www.wfl.fha.dot.gov/other/it/forms/wflhd465A.pdf>.

155.05 Acceptance. Construction schedules, records, and documents will be evaluated under Subsection 106.02.

Measurement

155.06 Measure the Section 155 items listed in the bid schedule according to Subsection 109.02.

Payment

155.07 The accepted quantities will be paid at the contract price per unit of measurement for the Section 155 pay item listed in the bid schedule. Payment will be full compensation for the work prescribed in this Section. See Subsection 109.05.

Progress payments for construction schedule will be paid as follows:

- (a) 25 percent of the item amount, not to exceed 0.5 percent of the original contract amount, will be paid after the construction schedule is accepted.
- (b) Payment of the remaining portion of the lump sum will be prorated based on the total work completed.

Section 156.— PUBLIC TRAFFIC

Construction Requirements

156.03 Accommodating Traffic During Work. Amend as follows:

Delete the first paragraph and substitute with the following:

Accommodate traffic according to the contract traffic control plan, MUTCD, Section 635, this Section, and the separate traffic control task order. The Contractor may submit an alternate traffic control proposal. Submit alternate traffic control proposals according to Subsection 104.03 for acceptance at least 15 days before intended use.

Add the following:

Accommodate public traffic as follows:

(a) Allow emergency traffic and Glacier National Park snow plowing equipment through the project without delay at all times.

(b) Adjust operations to allow public traffic through the project site, and to meet the cumulative traffic delays listed below:

(1) 10 P.M. Sunday through 6 A.M. Friday:

(a) 6 A.M. - 10 P.M.: Maximum 30 minutes.

(b) 10 P.M. - 6 A.M.: Maximum 4 hours.

(2) All other times: Maximum 30 minutes.

Cumulative delay is the total delay caused by construction related operations for all ongoing projects under the IDIQ.

Example: 3 separate work zones

x 10 minute delay at each work zone

Total delay = 30 minutes

(c) Notify the CO in writing, two weeks before nighttime traffic delays. Do not set-up traffic control or perform work associated with nighttime traffic delays until approved by the CO. Coordinate with the CO to determine closure locations that will provide adequate vehicle turn-around space before nighttime delays.

(d) Utilize portable toilets provided for the public under the Phase VI or Crystal Point to Haystack Task Orders.

(e) After September 15, 2008, the project site may be closed to public traffic in accordance with the restrictions included in the Phase VI, Crystal Point to Haystack, and MP 33 Permanent ERFO Repair Task Orders. Under a full closure, a closure gate will be provided below the West Tunnel as part of the Phase VI and Crystal Point to Haystack task orders. The Contractor may keep this gate open when work is underway for construction traffic. If the Contractor chooses to maintain an open gate during work hours, provide a flagger with radio communications to monitor gate access. Flaggers provided at the access gates under a full closure are at the expense of the Contractor and will not be measured for payment. Close and secure gate during non-work hours or whenever gate is not monitored by a flagger. As directed by the CO, maintain government provided signs at each closure point gate to display the status of the construction zones to bicyclists and pedestrians.

(f) Staff forces from Glacier National Park will conduct a nightly traffic sweep at 10 pm during the extended delay periods defined in 156.03(b) to insure all public traffic is out of the work zone. Do not delay traffic or close the work zone until the sweep is complete.

(g) Arrange traffic stops at low hazard locations. Consult with the CO prior to traffic control set-up to determine traffic stop locations.

156.04 Maintaining Roadways During Work. Delete the text of paragraph (c) and substitute with the following:

(c) Snow removal to facilitate the work is the Contractor's responsibility. Before snow removal activity, submit a snow removal plan for approval by the CO. Snow removal to provide public access is the responsibility of the Park and will be performed at the Park's discretion. The Park will provide snow removal according to the normal road opening priority schedule. There are no fixed opening dates due to variable snow conditions. Provide Park snow plow and maintenance crews access though the project after initial spring snow plow operations have moved beyond the project limits. Allow emergency traffic though the project without delay at all times.

156.05 Maintaining Roadways During Non-Work Periods. Add the following:

Place government provided portable traffic signals as directed by the CO according to Section 635.

156.06 Limitations on Construction Operations. Delete the text of this Subsection and substitute with the following:

When the roadway is open to public traffic, restrict operations as follows:

(a) Operate equipment in the direction of traffic, where practical.

(b) Provide a minimum lane width of 10 feet in the tangent sections of the road. In the areas of tight centerline radius, increase the minimum lane width as directed by the CO. Use barricades, drums, or other acceptable devices to delineate traffic lanes through areas where the edge of pavement or intended path has been obliterated by construction operations.

(c) Confine staging, parking of equipment and vehicles, and storing of material to the locations identified in Section 105.

(d) Where switching traffic to a completed lane, provide adequate personnel and equipment to set or relocate traffic control devices.

(e) For purposes of facilitating traffic, perform grading or surfacing part-width at a time. Make the width not under construction available to public traffic under alternate one-way control. Furnish flaggers as ordered by the CO, to direct traffic through sections of road under one-way control.

(f) Complete paving of adjacent traffic lanes to the same elevation by the end of each day when public vehicular traffic is on-going. Adjacent lanes must be paved and to the same elevation before winter shut-down.

(g) Provide two-way radio communications between the Traffic and Safety Supervisor and flaggers. Provide radios for all personnel that are compatible with Park radio frequencies. Citizen band radios are not acceptable. Coordinate with the CO to exchange radio frequencies.

The Traffic and Safety Supervisor and flaggers will monitor and transmit emergency information on a Park radio frequency and will be required to attend a Park training session on radio use. Coordinate with the CO to make training arrangements and to ensure that the radios are compatible with Park radio frequencies before beginning work.

(h) Do not perform construction operations during the following times:

(1) Between 6 P.M. Friday and 6 A.M. the following Tuesday of Labor Day weekend.

156.07 Nighttime Operation. Amend as follows:

Delete the first paragraph of the Subsection.

Add the following:

Perform construction operations in accordance with Subsections 107.10 and this Section. Notify the CO in writing, two weeks before nighttime work. Do not perform nighttime work until approved by the CO.

156.08 Traffic and Safety Supervisor. Amend as follows:

Delete the text in paragraph (f) and substitute with the following:

(f) Coordinate and ensure that all traffic control devices are furnished, installed, maintained, removed, stored, replaced, relocated and cleaned according to Section 635.

Add the following:

(i) Inspect traffic control devices, including those in staging, storage, material sources, and disposal areas, as follows:

(1) Daily during daylight hours when daylight work is being performed;

(2) Daily during hours of darkness when nighttime work is being performed;

(3) Weekly during daylight hours and hours of darkness when work is suspended for periods of more than one week except when the project has been shut down for the winter and weekly during the hours of darkness when only daylight work is being performed. During periods of winter suspension, inspect only as requested by the CO;

(4) Additional inspections, day or night, as directed by the CO; and

(5) Provide reports of inspections to the CO in an acceptable format within 2 days.

(j) Before winter suspension, conduct an inspection of the project with the CO to ensure proper provisions are made for winter travel during the period of suspension.

(k) Handle portable construction signs, barricades, drums, cones, and tubular markers as follows:

(1) Temporary set up and removal.

(2) Relocate on the project according to the traffic control plan.

(3) Relocate to and from temporary storage sites on the project.

(4) Clean and replace construction signs or other traffic control devices on the project which are damaged by a third party.

(l) Clean construction signs and other traffic control devices when they become illegible because of weather or other conditions. Furnish all vehicles and incidentals necessary to handle and transport the portable construction signs, barricades, drums, cones, and tubular markers and other traffic control devices.

(m) Ensure the temporary traffic signal systems in good working order. Immediately repair or replace deficiency parts of the system. Provide temporary flagging assistance.

(n) Retrieve Portable Changeable Message Signs from staging site(s), set-up, operate, maintain, take-down, and return unit(s) to staging sites during emergencies and as directed by the CO.

(o) Monitor and transmit emergency information on a Park radio frequency according to this Section.

(p) Keep daily reports of traffic delay times and provide them to the CO.

Section 157.— SOIL EROSION CONTROL**Construction Requirements**

157.13 Maintenance and Cleanup. Delete the third paragraph and substitute with the following:

Remove sediment erosion control measures prior to the conclusion of the task order. Remove and dispose of erosion control measures according to Subsection 203.05.

In areas that are being revegetated, removal of temporary erosion control devices will be completed under subsequent projects or task orders.

Measurement

157.15 Add the following:

Measure inlet protection (type 1) per each drainage structure, regardless of the structure type or size.

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Section 203.— REMOVAL OF STRUCTURES AND OBSTRUCTIONS

Description

203.01 Add the following:

This work also consists of the following:

- Removing and salvaging selected boulders within the project limits;
- Removing drainage structures.

Construction Requirements

203.03 Salvaging Material. Add the following:

The CO will determine which salvaged boulders are suitable to be used as placed boulders at locations shown in the plans. Stockpile boulders that are determined to be unsuitable at Logan Pit or the West Glacier Staging Area (Glacier Park Ball Field). Boulders that are determined to be suitable for placement along the road may be stockpiled, at the Contractors discretion, at Logan Pit or at other staging areas to facilitate work. Do not damage boulders when removing, hauling, and stockpiling.

The CO will determine what quantity of slide debris material is suitable for use on other Task Orders as select borrow. As directed by the CO, stockpile material determined to be suitable at identified staging areas. Dispose of all material determined to be unsuitable according to this Section.

203.04 Removing Material. Add the following:

Gabion walls, cables, and culvert pipes may be encountered during structure excavation. Remove and dispose of this material according to this Section.

203.05 Disposing of Material. Amend as follows:

Delete paragraph (a) and substitute with the following:

- (a) Legally dispose of pipe culvert, concrete, wood structures, and other unsuitable material outside of the Park boundaries.

Delete paragraphs (b) and (c).

Add the following:

As approved by the CO, asphalt pavement removed from the roadway may alternatively be stockpiled at locations identified within the contract for future reduction to recycled aggregate base.

Measurement

203.07 Add the following:

Measure removal of boulders once regardless of stockpiled location. No additional measurement will be made if additional relocation of boulders is required due to the Contractors operations.

Measure removal of pipe culverts for each pipe culvert removed, regardless of proposed pipe culvert installations.

Section 204.— EXCAVATION AND EMBANKMENT

Construction Requirements

204.05 Conserve Topsoil. Delete the text of this Subsection and substitute with the following:

Do not conserve topsoil from the roadway excavation and embankment foundation areas.

204.06 Roadway Excavation. Delete the text of this Subsection and substitute with the following:

Excavate as follows:

(a) General. Do not disturb material and vegetation outside the construction limits.

Excavate material suitable for backfill or other purposes in a sequence that permits the placement of the excavation directly into its final position or in stockpiles for subsequent placing.

(b) Rock cuts. Do not blast. Perform rock excavation by mechanical methods where practical. Rock excavation requiring the use of an excavator with hoe ram attachment is to be agreed upon by the CO and paid under Section 622.

(c) Earth cuts. Scarify earth cuts to 6 inches below subgrade within the roadbed limits. Compact the scarified material according to Subsection 204.11.

204.14 Disposal of Unsuitable or Excess Material. Add the following to the first paragraph:

Comply with Subsections 107.10, 107.11(c), and all applicable local, State, and Federal laws.

Measurement

204.16 Amend as follows:

Add the following to paragraph (a)(1)(a) Roadway prism excavation:

Use the volume shown in the plan column on the summary of quantities sheet of the plans. The volume is subject to adjustments resulting from changes to slope stakes. See Subsection 152.03(c), Slope stakes and references.

Add the following to paragraph (a):

(4) Hydraulic excavators with hoe ram attachments utilized for rock excavation will be measured under Section 622.

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Section 209.— STRUCTURE EXCAVATION AND BACKFILL

Construction Requirements

209.04 Add the following:

Boulders and bedrock are likely to be encountered in excavations for the proposed riprap embankments, culverts, cross drains, and inlets. Rock excavation is to be done by mechanical methods. Rock excavation requiring the use of a hoe ram is to be agreed upon by the CO and paid under Section 622.

Salvage rock that is suitable for use as riprap as directed by the CO.

Measurement and Payment

209.13 Amend as follows:

Delete the fourth paragraph and substitute with the following:

Foundation fill ordered by the CO would be measured, paid for according to the method of measurement, and agreed price established in the Contract Modification authorizing the work.

Add the following to the Table 209-1:

**Table 209-1
Sampling and Testing Requirements**

Material or Product	Type of Acceptance (Subsection)	Characteristic	Test Methods Specifications	Sampling Frequency	Point of Sampling	Split Sample	Reporting Time
Excavation	Measured and tested for conformance (106.04)	Elevation and dimensions specified	Field measured Tolerance: 1:2500 Horizontal (No greater than 0.05') & 0.05' Vertical from reference stakes	Each foundation	Installation	—	Prior to beginning next phase of related work

Special Contract Requirements

Project: MT NPS ERFO 2007(1)-45(5), MP23.3 Slope Repair

Section 251.— RIPRAP

Description

251.01 Add the following:

This work also consists of minor shaping of boulders and placing boulders along the roadside.

Material

251.02 Add the following to the materials list:

Boulders

705.07

Removed boulders that are determined by the CO to be unsuitable for salvage under Subsection 203.03 and rock obtained through structure excavation under Section 209 may be processed into riprap if the material meets the requirements in 705.02.

It is not anticipated that the unsuitable boulders and structure excavation will produce adequate quantities for the riprap bid items.

Construction Requirements

251.04 **Placed Riprap.** Delete the second paragraph of this Subsection and substitute with the following:

Place riprap on a prepared surface to form a well-graded mass.

Place riprap to its full thickness in one operation to avoid displacing the underlying material. Do not place riprap material by methods that cause segregation or damage to the prepared surface. Place or arrange individual stones by mechanical or hand methods to obtain a blanket with a random appearing surface.

251.04A **Boulder.** (Added Subsection.)

Place boulders as shown on the plans or as directed by the CO. Do not damage boulders when hauling from stockpile sites or when placing.

Perform final shaping on non-salvaged boulders as needed and according to the plans and Subsection 705.07.

251.07 Acceptance. Add the following:

Rock for boulders will be evaluated under Subsection 106.02.

Measurement

251.08 Add the following:

Do not measure final shaping of non-salvaged boulders.

Measure placement of boulders once, regardless of the stockpiled location. No additional measurement will be made for additional placement required due to the Contractors operations. Relocation of previously approved placed boulders at the direction of the CO will be measured under Section 622.

Section 305.— AGGREGATE-TOPSOIL COURSE

Description

305.01 Delete the text of this Subsection and substitute with the following:

This work consists of furnishing and placing an aggregate-topsoil course on a prepared shoulder or other prepared surface.

Material

305.02 Delete the text of this Subsection and substitute with the following:

Conform to the following Subsection:

Aggregate-topsoil	703.20
Water	725.01

Construction Requirements

305.04 Mixing, Placing, and Compacting. Delete the text of this Subsection and substitute with the following:

Furnish a mixture of 50±10 percent aggregate and 50±10 percent furnished topsoil by volume with sufficient water for compaction.

Mix the components into a uniform mixture. Spread the mixture on the prepared surface in a uniform layer. Shape the mixture to the line, grade, and cross-section. Remove all clods and stones greater than 2 inches in diameter.

Uniformly compact the mixture so that it does not exhibit heaving, pumping, rutting, or shearing. Compaction tests may be waived by the CO if acceptable compaction is demonstrated.

Remove all material from the pavement surface upon completion.

305.05 Acceptance. Delete the text of this Subsection and substitute with the following:

See Table 305-1 for sampling and testing requirements.

Aggregate-topsoil material will be evaluated under Subsection 106.03. Placement of material will be evaluated under Subsection 106.02 and 106.04.

Special Contract Requirements

Project: MT NPS ERFO 2007(1)-45(5), MP23.3 Slope Repair

**Table 305-1
Sampling, and Testing Requirements**

Material or Product	Type of Acceptance (Subsection)	Characteristic	Test Methods Specifications	Sampling Frequency	Point of Sampling	Split Sample	Reporting Time
Aggregate-topsoil	Measured and tested for conformance (106.04).	Moisture density	AASHTO T 99, Method C ⁽¹⁾	1 per soil blend	Production output or stockpile	-	36 hours
		Compaction	AASHTO T 310 or other approved procedures	1 per 4000 yd ²	In-place	-	End of shift
		Line, grade and cross section	Subsection 305.04 Tolerance: Line and grade: 1:2500 horizontal. (No greater than 0.1') and ±0.25' vertical. Cross section: ±5% of plan dimension	1 for each 20 yd ³ or fraction thereof	Shoulder or other prepared surfaces	-	End of shift

(1) Minimum of 5 points per proctor.

Section 308.— MINOR CRUSHED AGGREGATE

Material

308.02 Add the following:

Recycled aggregate base conserved and stockpiled within the Park supplied from previous task orders maybe used in lieu of crushed aggregate as approved by the CO. If recycled aggregate base is utilized, place according to the requirements of this Section and compact according to Subsection 204.11(a).

Measurement

308.07 Add the following:

Measure recycled aggregate base used in lieu of crushed aggregate as equivalent crushed aggregate.

Section 403.— HOT ASPHALT CONCRETE PAVEMENT

Delete Table 403-1 and substitute the following:

**Table 403-1
Sampling, Testing and Acceptance Requirements**

Material or Product	Type of Acceptance (Subsection)	Characteristic	Category	Test Methods Specifications	Sampling Frequency	Point of Sampling	Split Sample	Reporting Time	
Hot asphalt concrete pavement	Measured and tested for conformance (106.04)	Job-mix formula verification	—	Subsection 403.03	1 per aggregate stockpile	Flowing aggregate stream (bin or belt discharge) or off of conveyor	—	21 days before approval of job-mix formula	
		Gradation	—	AASHTO T 30	1 per 700 tons	Behind paver before compacting	Yes, when requested	24 hours	
		Asphalt content	—	AASHTO T 308 & T 329	“	“	“	“	
		Compaction	—	ASTM D 2950 or other approved procedures	“	Completed roadway after rolling	“	“	
		Smoothness	—	Subsection 403.16	—	—	—	—	—
		Quality	—	Subsection 702.01	—	1 per 130 tons of liquid	Line between storage tank & asphalt plant	2 - 1-quart samples	Tested by Government
Asphalt binder									

Section 601.— MINOR CONCRETE STRUCTURES

Construction Requirements

601.03. Concrete Composition. Delete the text in paragraph (i) and substitute with the following:

(i) Add a coloring agent to provide integrally colored concrete for Pay item 60905-1000 (gutter, concrete). Add enough agent to the concrete gutter mix to match the color of the existing concrete curb at 1261+00.

Prepare five square textured test panels with each panel being 1 square foot. Determine coloring agent batch amounts by weight. The maximum amount of coloring agent is not to exceed 10 percent of the weight of the cement. Use coarse and fine aggregates and cement as delivered on the project at the job mix rates with variable quantities of coloring agent as directed by the CO. Provide additional mixing time as recommended by the manufacturer. Finish the test panels with the same characteristics as the final product and according to Subsection 552.16.

After the test panels have had at least two weeks exposure to sun, the CO will select a test panel to serve as a guide for the colored concrete. Use the same rate of coloring agent used in the selected panel on all relative subsequent work. Include the approved amount of coloring agent in the concrete mix design submittal.

Use an approved form release agent, which will produce a minimum of staining, air holes, and hydration discoloration.

601.07 Acceptance. Amend as follows:

Delete the text of this Subsection and substitute with the following:

Material for minor concrete structures will be evaluated under Subsections 106.02 and 106.03.

Excavation and backfill will be evaluated under Section 209.

Construction of minor concrete structures will be evaluated under Subsections 106.02 and 106.04.

Delete Table 601-2 Sampling and Testing Requirements.

Section 604.— MANHOLES, INLETS, AND CATCH BASIN**Description****604.01** Add the following:

This work also consists of designing, furnishing and installing modified inlets and concrete cross drains with grates as shown on the project plans.

Construction Requirements**604.03A Modified Inlet.** (Added Subsection.)

- (a) **Design and Dimensions.** Conform to the plan dimensions. Design the inlet to meet AASHTO H20 wheel loading requirements.
- (b) **Submittal.** Submit three sets of shop drawings, showing fabrication details and connections to adjacent work for approval by the CO. Allow the CO 14 days for acceptance or rejection. Do not produce until submittal has been approved.
- (c) **Production.** Manufacture, workmanship and certified proof-load test shall conform to AASHTO M306-89- Standard Specification for Drainage Structure Castings.

604.03B Concrete Cross Drain. (Added Subsection.)

- (a) **Design and Dimensions.** Conform to the plan dimensions.
- (b) **Submittal.** Submit three sets of shop drawings, showing fabrication details and connections to adjacent work for approval by the CO. Allow the CO 14 days for acceptance or rejection. Do not produce until submittal has been approved.

604.03C Cross Drain Grate. (Added Subsection.)

- (a) **Design and Dimensions.** Conform to the plan dimensions. Design the cross drain grate to meet AASHTO H20 wheel loading requirements.
- (b) **Submittal.** Submit three sets of shop drawings, showing fabrication details and connections to adjacent work for approval by the CO. Allow the CO 14 days for acceptance or rejection. Do not produce until submittal has been approved.
- (c) **Production.** Manufacture, workmanship and certified proof-load test shall conform to AASHTO M306-89- Standard.

Measurements

604.09 Delete the third paragraph and substitute with the following:

Measure metal frames and grates as part of the drainage structure when a bid item is included for the drainage structure.

Section 619.— FENCES, GATES, AND CATTLE GUARDS

Description

619.01 Add the following:

This work also includes furnishing and installing log rail fence.

619.02 Add the following to the material list:

Hardware	716.02
Paint for timber structures	708.02
Paint for steel structures	708.04
Logs for posts and rails	716.03

Construction Requirements

619.03 Fences and Gates. Add the following to (a) General:

Erect log rail fence elements in a manner resulting in a smooth, continuous installation. Field planing, cutting, and carpentry work may be required to produce a uniform horizontal line. Locate rail joints at posts. Construct joints to be snug fitting.

Treat the log fence posts and rails in accordance with Subsection 716.03, after lap joints and angle cuts are fabricated, and after field planing.

Apply two coats of paint to log fence posts and rails and bollards in accordance with Subsection 708.02. Paint the fence hardware with a prime coat and finish coat in accordance with Subsection 708.04.

Section 622.— RENTAL EQUIPMENT

Description

622.01 Delete the text of this Subsection and substitute with the following:

This work consists of furnishing and operating equipment for the construction work as ordered by the CO and listed below. Work under this Section does not include equipment time used to perform work provided for under any other pay item shown in the bid schedule. The work anticipated under this Section includes:

- (a) Final grading and shaping at roadway obliteration areas;
- (b) Rock excavation;
- (c) Performing minor landscaping and vegetation removal;
- (d) Repositioning of boulders.

Construction Requirements

622.02 Rental Equipment. Delete the text of the first paragraph and substitute with the following:

Furnish and operate the following equipment:

Number of Units	Type of Equipment
1	Dump Truck, 10 Cubic Yard minimum capacity
1	Backhoe loader, 8 Cubic Feet minimum rated capacity bucket, 30-inch width
1	Hydraulic excavator with hoe ram attachment
1	Hydraulic Excavator, 1.1 m3 minimum capacity with thumb attachment

Submit the model number and serial number for each piece of equipment before use. Make equipment available for inspection and approval before use.

Special Contract Requirements

Project: MT NPS ERFO 2007(1)-45(5), MP23.3 Slope Repair

Section 623.— GENERAL LABOR

Description

623.01 Delete the text of this Subsection and substitute with the following:

This work consists of furnishing workers and hand tools for the work listed in Subsection 622.01.

Payment

623.05 Delete the text of this Subsection and substitute with the following:

The accepted quantities will be paid at the contract price per unit of measurement for the Section 623 pay items listed in the bid schedule.

Section 633.— PERMANENT TRAFFIC CONTROL

Description

633.01 Add the following:

This work also includes furnishing and installing snow pole holders.

Materials

633.02 Add the following to the materials list:

Snowpole holders	717.06
Bed Course	704.09

Construction Requirements

633.06A Snowpole Holder. (Added Subsection.)

Construct and place snowpole holders as shown in the plans or at locations determined by the CO. Provide two caps for each snowpole holder.

633.08 Acceptance. Add the following:

Snowpole holders will be evaluated under Subsections 106.02 and 106.03.

Measurement

633.09 Add the following:

Do not measure steel sleeves, sleeve caps, and bed course for snowpole holders.

Section 635.— TEMPORARY TRAFFIC CONTROL

Construction Requirements

635.01 Add the following:

This work also includes providing the services of a Traffic and Safety Supervisor furnishing, installing, operating, maintaining, and relocating and resetting ITS equipment, including portable changeable message signs and portable traffic signal systems.

This work also includes moving concrete barriers as directed by the CO.

635.08A Traffic and Safety Supervisor. (Added Subsection.)

Perform services described in Section 156. Provide all vehicles and incidentals necessary to perform the work.

635.11 Temporary Barriers. Add the following:

Relocation of existing temporary concrete barriers will be at no cost to the government if removal and/or replacement of the temporary concrete barriers within the project area are a result of the Contractor's scheduling/sequencing. Contractor is required to move existing temporary concrete barriers within the project limits and existing temporary concrete barriers stored at the Sun Point staging area and/or the MP 33 ERFO site, as directed by the CO.

Measurement

635.26 Amend as follows:

Delete the sixth paragraph and substitute with the following:

Measure flaggers, for each hour a person is actually flagging. Round portions of an hour up to the half hour. Measure time in excess of 40 hours per week at the same rate as the first 40 hours.

Do not measure flaggers when this item is required due to failure of traffic control items within the Contractor's control.

Do not measure flaggers used at the closure gates as described in Section 156.

Add the following:

Measure movement of temporary concrete barrier into position to facilitate two-way, one-lane operations. Do not measure relocation of temporary concrete barrier on site during operations. Measure movement of temporary concrete barrier to a staging area, or other location as directed by the CO, once the project is completed.

Special Contract Requirements

Project: MT NPS ERFO 2007(1)-45(5), MP23.3 Slope Repair

Measure all work related to the portable changeable message signs and portable traffic signals in accordance with the temporary traffic control task order.

Do not measure flagging performed by the Traffic and Safety Supervisor.

Measure Traffic and Safety Supervisor by the day (24-hour day beginning and ending at midnight) for the work described in Subsection 156.08.

A day will be measured when:

- Construction operations require a Traffic Supervisor during the normal working days;
- The Traffic Control Supervisor makes normal checks during nonwork hours; or
- The Traffic Control Supervisor is called out during nonwork hours.

Payment

635.27 Add the following:

The accepted quantities will be paid at the contract price per unit of measurement for the following Section 635 pay items in the Traffic Control task order bid schedule:

- 63509-1000 Flagger Fix hour rate

No additional quantities for Traffic and Safety Supervisor (TSS) will be provided under this task order as the contract duration overlaps current IDIQ task order durations with adequate TSS quantity.

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Section 703.— AGGREGATE

703.02 Coarse Aggregate for Concrete. Delete the text of this Subsection and substitute the following:

Conform to AASHTO M 80, class A including the reactive aggregate supplementary requirement, except as amended or supplemented by the following:

- | | |
|---------------------------------------|--|
| (a) Los Angeles abrasion, AASHTO T 96 | 40% max. |
| (b) Adherent coating, ASTM D 5711 | 1.0% max. |
| (c) Grading, AASHTO M 43 | All sizes except numbers 8, 89, 9, or 10 |

For bridge decks or surface courses, do not use aggregates known to polish or carbonate aggregates containing less than 25 percent by mass of insoluble residue as determined by ASTM D 3042.

For lightweight coarse aggregate, conform to AASHTO M 195.

703.07 Hot Asphalt Concrete Pavement Aggregate. Amend as follows:

Add the following:

Aggregate for hot asphalt concrete pavement consists of hard, durable particles or fragments of crushed stone, crushed slag, or crushed gravel.

Size and grade the aggregate to conform to the target values established in Table 703-4A. All the aggregate shall pass a sieve with 25 millimeter square openings as determined by AASHTO T 27 and T 11.

Delete paragraph (a) and substitute the following:

(a) Coarse aggregate (retained on the No. 4 sieve). Furnish hard, durable crushed stone, crushed slag, or crushed gravel that conforms to the following:

- | | |
|--|----------|
| (1) Los Angeles abrasion, AASHTO T 96 | 35% max. |
| (2) Sodium sulfate soundness loss (5 cycles), AASHTO T 104 | 12% max. |
| (3) Fractured faces, ASTM D 5821 | 90% min. |

- (4) Durability index (coarse), AASHTO T 210 35 min.
- (5) Accelerated weathering of aggregate by use of Dimethyl Sulfoxide (DMSO), WFLHD Standard Test Method 12% max. loss

For the surface course, do not use aggregates known to polish or carbonate aggregates containing less than 25 percent by mass of insoluble residue when tested according to ASTM D 3042.

Table 703 - 4A
Aggregate Gradation
Target Values and Allowable Deviations for
Hot Asphalt Concrete Pavement

Sieve Size	Target Values	Allowable Deviation ⁽¹⁾ (percent)
1 inch	100	(2)
3/4 inch	97 – 100	(2)
1/2 inch	85 – 90	5
3/8 inch	72 – 79	6
No. 4	46 – 56	7
No. 8	28 – 34	5
No. 40	11 – 14	3
No. 200	4.5 – 6.5	2

Establish target values (TV) as part of the job-mix formula. Establish aggregate gradation target values (Percent by Mass Passing U.S. Standard Sieves - AASHTO T 27 and T 11) to the nearest 0.1 percent.

- (1) Allowable deviations plus or minus from established target values.
(2) Statistical acceptance procedures not applicable.

703.20 Aggregate-Topsoil. (Added Subsection.)

Furnish an aggregate and topsoil blended with sufficient water for compaction. Conform to the following:

- | | |
|--|---------------------|
| (a) Gradation | Table 703-16 |
| (b) Silt particles (75 µm - 2 µm), AASHTO T 88 | 3% min. to 35% max. |
| (c) Clay particles (2 µm or less), AASHTO T 88 | 3% min. to 20% max. |
| (d) Organic material, AASHTO T 194 | 2% min. to 10% max. |

Table 703 - 16
Aggregate-Topsoil Gradation

Sieve Size	Percent by Mass Passing Designated Sieve (AASHTO T 27)
1 inch	100
No. 4	55 - 80
No. 10	40 - 75

Section 704.— SOIL

704.02 Bedding Material. Delete the text of this Subsection and substitute the following:

Furnish a well graded, free draining material free of excess moisture, muck, frozen lumps, roots, sod, or other deleterious material conforming to the following:

- | | |
|---|----------------------------------|
| (a) Maximum particle size
depth, whichever is smaller | 1/2 inch or half the corrugation |
| (b) Material passing No. 200 sieve,
AASHTO T 27 and T 11 | 10% max. |

Section 705.— ROCK

705.02 Riprap Rock. Amend as follows:

Add the following:

Match riprap to the color and characteristics of the material excavated from the surrounding area.

Do not haul or place riprap until color and material characteristics are approved by the CO.

Add the following to (d):

See Table 705-1A for gradation of Class 7 riprap.

**Table 705-1A
Class 7 Riprap Gradation**

Approximate Size (1) (inches)	Percentage of Rock by Mass Material	Mass (pounds)
32 – 37	20	2650 – 4100
27 – 32	20	1590 – 2650
22 – 27	20	860 – 1590
16 – 22	20	330 – 860
13 – 16	20	180 – 330

(1) Maximum dimension of any single stone is not to exceed three times its minimum dimension.

705.07 Boulders. (Added Subsection.)

Furnish hard and durable boulders matching the character and color of other native rock within the project area. Furnish boulders with a minimum size of 1.0 cubic yard with breadth nor thickness less than 2/3 its length.

Boulders will be angular, with the top surface of the boulder having a minimum of 75% of flat surface and a maximum 5° offset to the horizontal plane when set in its final position.

Section 708.— PAINT

708.02 Paint for Timber Structures. Delete the text of this Subsection and substitute the following:

Paint will conform to Columbia Brand Wood Finishes, 08-201-XX, Semi-transparent Stain Water Repellant, Wood Protekt Color No. 8713 or approved equal.

708.04 Paint for Steel Structures. Delete the text of this Subsection and substitute the following:

Conform to the following:

- (a) **Prime coat for steel structures.** Glidden All-purpose Metal Primer No. 5229, or approved equal.
- (b) **Prime coat for galvanized steel.** Vinyl wash primer conforming to MIL-P-15328 SSDC No. 27, or approved equal.
- (c) **Finish coat.** Rust Resistor, Farwest Paint Co. of Washington, Color X-4080-A Brown, or approved equal.

Section 709.— REINFORCING STEEL AND WIRE ROPE**709.01 Reinforcing Steel.** Amend as follows:

(b) Reinforcing bars. Delete the text of this paragraph and substitute the following:

Furnish deformed, grade 60 bars conforming to AASHTO M 31.

(d) Tie bars. Delete the text of this paragraph and substitute the following:

Furnish deformed, grade 60 bars conforming to AASHTO M 31.

(e) Hook bolts. Delete the text of this paragraph and substitute the following:

Furnish plain, grade 60 bars conforming to AASHTO M 31 with M14 rolled threads or M16 cut threads. Furnish a threaded sleeve nut capable of sustaining a minimum axial load of 15,000 pounds.

Section 716.— MATERIALS FOR TIMBER STRUCTURES**716.03 Treated Structural Timber and Lumber.** Add the following:

Treat all timber for log fence according to AWWA Standard C14. Use waterborne preservative Ammoniacal Copper Arsenate (ACA) or Ammoniacal Copper Zinc Arsenate (ACZA) to a minimum retention of 13.5 lbs/yd³ without incising. Make all dimensional cuts and holes in the log and timber members before treatment.

For log fence posts and rails, furnish logs that are seasoned, straight, and sound No. 1 APWA Grade Western Hemlock, Western Red Cedar, White Fir, or Pine of the dimensions shown on the drawings. Logs that taper in excess of 1 inch will not be permitted. Remove all bark and at least 80% of the inner bark. Peeler marks on visible portions of the logs will not be allowed. Utilize logs that do not season checks, singular or any 2 opposite each other that exceed ½ the thickness of the member. Incorporate logs that are free of knot clusters. Knots that are sound, tight, and well spaced are acceptable. For log fence posts and rails that require field cutting or planning apply 2 coats of ACA or ACZA upon completion of cutting or planning.

Section 718.— TRAFFIC SIGNING AND MARKING MATERIAL

718.14 Waterborne Traffic Paint. (g) Daylight reflectance. (Without glass beads) Delete the text of this Subsection and substitute the following:

- | | |
|---|---|
| (1) White, ASTM E 1347
oxide standard | 84% relative to magnesium
oxide standard |
| (2) Yellow, ASTM E 1347
oxide standard | 55% relative to magnesium
oxide standard |

Section 725.— MISCELLANEOUS MATERIAL

725.22 Grout. Amend as follows:

Add the following to paragraph (a):

Furnish hydraulic cement grout having a 28-day compressive strength of 4000 psi minimum.

Submit a mix design for approval by the CO. The mix design shall include a list of all materials in the mix, their percentage of the total mix (by weight of dry material), and the amount of water (by volume). Do not place hydraulic cement grout until a mix design is approved by the CO.

Submit an independent laboratory test result for the 28-day compressive strength, in addition to the independent laboratory test results for the 1-day, 3-day, and 7-day strengths.

Add the following paragraph:

(g) Cement grout. Furnish grout consisting of a mixture of hydraulic cement, soil, water, and admixtures if approved by the CO. Conform to the following:

(1) Portland cement. Conform to AASHTO M85, type II.

(2) Fine granular material. Furnish sound durable, granular material free from organic material or other deleterious material. Conform to the following:

(a) Gradation	Table 725-1
(b) Liquid limit, AASHTO T 89	25 max.
(c) Plasticity index	10 max.

**Table 725-1
Soil Gradation**

Sieve Size	Percent by Mass Passing Designated Sieve (AASHTO T 27 & T 11)
No. 4	100
No. 200	10-30

(3) Water. Conform to Subsection 725.01(a).

PERMITS

INDEX

Montana Department of Environmental Quality
Notice of Intent for Storm Water Discharge Associated with Construction
ActivityH-3

Confirmation Letter, Notice of Intent Number MTR102853 (1/7/08 letter) .H-7

General Permit for Storm Water Discharge Associated with Construction Activity
.....H-8

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Section D - Existing or Pending Permits, Certifications, or Approvals: <input checked="" type="checkbox"/> None			
<input type="checkbox"/> MPDES		<input type="checkbox"/> RCRA	
<input type="checkbox"/> PSD (Air Emissions)		<input type="checkbox"/> Other	
<input type="checkbox"/> 404 Permit (dredge & fill)		<input type="checkbox"/> Other	
Section E - Standard Industrial Classification (SIC) Codes: Provide at least one SIC code which best reflects the construction activity or project described in Section H.			
Code	A. Primary	Code	B. Second
1 1611	Highway and street construction, except elevated highways	2	
Code	C. Third	Code	D. Fourth
3		4	
Section F - Facility or Site Contact Person/Position: Name and Title, or Position Title <u>Terry Schumann, Environmental Protection Specialist</u> Mailing Address <u>610 East Fifth St.</u> City, State, and Zip Code <u>Vancouver, WA 98661</u> Phone Number <u>(360) 619-7607</u>			
Section G - Receiving Surface Water(s): Storm Water Outfall/Discharge Locations: For each outfall, list latitude and longitude to the nearest second and the name of the receiving waters			
Outfall Number	Latitude	Longitude	Receiving Surface Waters
001	48° 45' 3" N	113° 47' 19" W	Unnamed ephemeral drainage, which eventually empties into McDonald Creek.
002			
003			
004			
005			
MAP: Attach a USGS topographic quadrangle map extending one mile beyond the property boundaries of the site or activity identified in Section B depicting the facility or activity boundaries, major drainage patterns, and the receiving surface waters stated above.			

Permits

Project: MT MPS ERFO 2007(1)-45(5), MP 23.3 Slope Repair

Section H - Describe the Construction Activity or Project:

A section of the Going to the Sun Road at milepost 23.3 was damaged by a severe storm event in November 2006. This project will repair those damages and improve the drainage system to help the road withstand future storm events. See Section I below and the attached project plans for additional information.

Total Site Area (acres) approximately 0.9

Area of Construction Related Disturbance (acres) approximately 0.9

Estimated Project Start Date 04-01-2008

Estimated Project Completion Date 7-1-2008

Estimated Project Final Stabilization Date 09-30-2010

Summary of Best Management Practices (BMPs) in SWPPP:

Temporary BMPs: minimized clearing, sandbags, and a spill containment plan.

Permanent BMPs: riprap discharge aprons at cross drain and culvert outlets, geotextile fabric placed beneath riprap, removable geotextile inserts in culvert inlets, concrete-lined gutter, and seeding, mulch, and tackifier as needed.

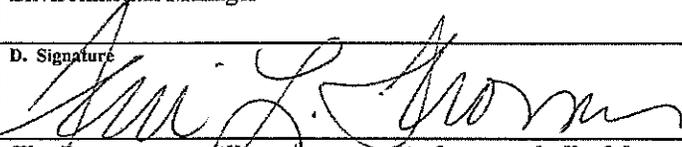
A Hazardous Spill Plan will be required prior to starting construction, stating what actions will be taken in case of a spill. This plan will also incorporate preventive measures to be implemented. Refueling and servicing equipment will not occur within 30 meters of a water body.

Section I – Supplemental Information

- A riprap embankment will be placed from approximately Station 1224+00 to 1224+60 and extending approximately 80 ft downslope from the edge of the roadway (Plansheets D.3 and H.1).
- A cross drain at Station 1227+26 will be removed and replaced. A concrete gutter will be constructed on the upslope side of the road from approximately Station 1227+26 to 1227+78 to reduce erosion, which will direct runoff into the cross drain inlet (Plansheets D.3, G.6, and H.1).
- Two culverts will be constructed at approximately Stations 1223+40 and 1225+60. These culverts will have soil erosion control inlet protection systems consisting of a geotextile fabric insert and an inlet grate. The inlet grate and geotextile insert will act as a filter to reduce sediment transport and will be removable for cleaning/maintenance (Plansheets D.2-D.3, F.1, G.7-G.9).
- Riprap discharge aprons will be constructed at the culvert and cross drain outlets to protect the road embankment from erosion (Plansheets D.2-D.3, G.6, H.3).
- All riprap will be placed on geotextile fabric to further reduce erosion (Plansheets G.6, H.3).
- Large boulders and a log rail fence will be placed along the edge of the road to prevent vehicles from leaving the roadway and help protect the road edge (Plansheets D.2-D.3, H.1-H.2).
- The roadway will be re-shaped and paved with asphalt from approximately Station 1223+00 to 1278+78 (Plansheets D.2-D.3).

Permits

Project: MT MPS ERFO 2007(1)-45(5), MP 23.3 Slope Repair

Section J – Fees:	
Is this project a single family residential dwelling? <input type="checkbox"/> Yes Fee is \$250.00 (there is no annual fee) <input checked="" type="checkbox"/> No	
Is this a Permit Modification? <input type="checkbox"/> Yes Fee is \$450.00 <input checked="" type="checkbox"/> No	
All Other Construction Projects: To obtain the application (NOI) fee, multiply: Total Number of Named or Perennial Receiving Surface Waters (maximum of 5) <u>1</u> x \$450 x 2= <u>\$900</u>	
Section K - CERTIFICATION	
Applicant Information: This form must be completed, signed, and certified as follows: <ul style="list-style-type: none"> • For a corporation, by a principal officer of at least the level of vice president; • For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or • For a municipality, state, federal, or other public facility, by either a principal executive officer or ranking elected official. 	
All Applicants Must Complete the Following Certification:	
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 gather and evaluate the information submitted. Based on my inquiry of the 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. [75-5-633, MCA]	
Delegation of Signature Authority: For persons signing this NOI form on behalf of the authorized signatory identified above, the undersigned represents that he or she is authorized to sign this form on behalf of the permit applicant (owner/operator) identified in Section C. A copy of the letter of authorization, or equivalent, granting signature authority must be attached to this form.	
A. Name (Type or Print) Terri L. Thomas	
B. Title (Type or Print) Environmental Manager	C. Phone No. 360-619-7967
D. Signature 	E. Date Signed 12-20-07
<p><i>The Department will not process this form until all of the requested information is supplied, and the appropriate fees are paid.</i> Return this form (Form NOI), a complete and signed Storm Water Pollution Prevention Plan (SWPPP), and the applicable fee to:</p> <p style="text-align: center;">Department of Environmental Quality Water Protection Bureau PO Box 200901 Helena, MT 59620-0901 (406) 444-3080</p>	

Permits

Project: MT MPS ERFO 2007(1)-45(5), MP 23.3 Slope Repair



Montana Department of
ENVIRONMENTAL QUALITY

Brian Schweitzer, Governor

P.O. Box 200901 • Helena, MT 59620-0901 • (406) 444-2544 • www.deq.mt.gov

January 7, 2008

TERRY SCHUMANN
WESTERN FED. LANDS HWY DIVISION
610 E FIFTH ST
VANCOUVER WA 98661

RE: Confirmation Letter, Notice of Intent (NOI) Number MTR102853
GTSR MP 23.3 SLOPE REPAIR

Dear TERRY SCHUMANN:

This letter serves as confirmation that the Department has received a complete Notice of Intent (NOI) Package on 12/26/2007. You are authorized to discharge storm water from this site in accordance with the Department's April 16, 2007 *General Permit for Storm Water Discharges Associated with Construction Activity* (General Permit) and the information provided in your NOI and Storm Water Pollution Prevention Plan (SWPPP). Receipt by the Department of a complete NOI package constitutes a full agreement by the permittee to meet and comply with all requirements in the General Permit. For administrative purposes you have been assigned permit number MTR102853. Please include this number on any future correspondence with the Department regarding this site.

Coverage under the General Permit remains in effect until the permittee submits a Notice of Termination (NOT) certifying that the site has achieved final stabilization and all applicable fees have been paid. Failure to submit a completed NOT will result in the continued assessment of annual permit fees, which must be paid by an owner or operator.

A copy of the General Permit, this Confirmation Letter, a copy of the signed NOI form, and the SWPPP must be maintained on the construction site at all times.

A violation of, or non-compliance with, any provision of the General Permit is subject to enforcement action pursuant to the Montana Water Quality Act. General Permit coverage obtained through the submittal of this NOI does not waive obligations to obtain other permits or approvals which may be required.

Should you have any questions, feel free to contact the Water Protection Bureau at (406) 444-3080.

Sincerely,

Jamesa L. Dodd
Data Control Tech
Water Protection Bureau
jdodd@mt.gov

Attachments: General Permit

Enforcement Division • Permitting & Compliance Division • Planning, Prevention & Assistance Division • Remediation Division

Permits

Project: MT MPS ERFO 2007(1)-45(5), MP 23.3 Slope Repair

**MONTANA DEPARTMENT OF
ENVIRONMENTAL QUALITY**

**GENERAL PERMIT
FOR
STORM WATER DISCHARGES ASSOCIATED WITH
CONSTRUCTION ACTIVITY**

Permit No.: MTR100000

**AUTHORIZATION TO DISCHARGE UNDER THE
MONTANA POLLUTANT DISCHARGE ELIMINATION SYSTEM**

In compliance with Montana Water Quality Act, Title 75, Chapter 5, Montana Code Annotated (MCA) and the Federal Water Pollution Control Act (the "Clean Water Act"), 33 U.S.C. § 1251 *et seq.*, persons who submit a complete Notice of Intent (NOI) package as defined in Part I, except those excluded from coverage in Part I of this permit, are authorized to discharge storm water from a construction facility or activity in accordance with the limitations, monitoring requirements, and other provisions set forth herein.

A copy of this General Permit must be kept on site at all times.

This Permit shall become effective: **April 16, 2007.**

This Permit and the authorization to discharge shall expire at midnight, **December 31, 2011.**

FOR THE MONTANA DEPARTMENT
OF ENVIRONMENTAL QUALITY



Bonnie Lovelace, Chief
Water Protection Bureau
Permitting and Compliance Division

Issuance date: March 16, 2007

Permits

Project: MT MPS ERFO 2007(1)-45(5), MP 23.3 Slope Repair

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PREAMBLE

The purpose of this Preamble is to provide the construction project owner/operator who submits a Notice of Intent Package for a storm water discharge associated with construction activity under the *General Permit for Storm Water Discharges Associated with Construction Activity* (General Permit) with a summary of the requirements of this General Permit.

The basic principle of the General Permit is to identify areas or activities that may contribute pollutants to state surface waters and to consider practical Best Management Practices (BMPs) to reduce such pollutants from your construction project. The degree of pollution control necessary will vary depending on the site and the situation.

The major pollutant for construction sites will be sediment discharges from increased erosion. The discharge of "significant sediment" or other pollutants from the construction project to state surface water may cause a violation of this General Permit. Adequate erosion and sediment control measures must also be used to prevent sediment discharges to riparian areas, ephemeral streams, and drainages which only periodically contain state surface water.

Other pollutants likely to be a problem at construction sites are fuels, lubricating oils, construction materials, various wastes, fertilizers, or pesticides. Managing these materials properly is a primary factor in ensuring pollutants do not reach state surface waters through storm water runoff.

In order to help characterize the construction activity, potential sources of pollutants, and BMPs to help ensure pollutants do not reach state surface waters, the owner/operator is required to develop and implement a Storm Water Pollution Prevention Plan (SWPPP). The basic requirements of the SWPPP are provided in Part IV of this General Permit.

The General Permit requires that the site reach "final stabilization" before permit coverage may be terminated. In Montana's semi-arid climate, the time necessary to achieve this "final stabilization" often requires General Permit coverage well beyond the conventional earthwork and facility construction phase to ensure vegetation or other site stabilization measures are in-place.

Coverage under this General Permit does not relieve the permittee from responsibility for compliance with any other applicable federal, state, or local law, rule, standard, ordinance, order, judgment, or decree.

PART I. COVERAGE UNDER THIS GENERAL PERMIT**A. Coverage Area**

The General Permit applies to all areas of the State of Montana, except for Indian Reservations.

B. Sources Covered Under this General Permit

This General Permit covers all projects or activities which meet the definition of "storm water discharge associated with construction activity" as defined in Part VI of this permit. For determining whether coverage under this General Permit is required, the total land area of disturbance that is part of a larger common plan of development or sale must be used. Determination of the acreage of disturbance does not typically include disturbance for routine maintenance activities on existing roads where the line and grade of the road is not being altered, nor does it include the paving of existing roads.

The General Permit may also cover storm water discharges from support activities related to a construction site (e.g. concrete or asphalt batch plants, equipment staging yards, material storage areas, etc.). This is provided that:

1. The support activity is not a commercial operation serving multiple unrelated construction projects and does not operate beyond the completion of the construction activity.
2. Appropriate controls and measures are identified in the Storm Water Pollution Prevention Plan (SWPPP) for the discharge from the support activity.

C. Sources Excluded from Coverage Under this General Permit

1. The Department may deny authorization for discharge under the General Permit if the specific source filing for authorization appears unable to comply with:
 - a. Effluent limitations or other terms and conditions of the permit,
 - b. Water quality standards established pursuant to 75-5-301, MCA, and ARM Title 17, Chapter 30, Subchapters 5, 6, 7, and 10,
2. The following sources are excluded from coverage under the General Permit:

- a. Any discharge to which the Regional Administrator has objected to in writing,
- b. The facility or activity is subject to federal effluent limitation guidelines as adopted by the Montana Board of Environmental Review in ARM Title 17, Chapter 30, Subchapter 12,
- c. The storm water discharge is different in degree or nature from discharges reasonably expected from sources or activities within the category described in the MPDES General Permit,
- d. MPDES permit or authorization for the same operation has previously been denied or revoked,
- e. The discharge sought to be authorized under a MPDES General Permit is also included within an application or is subject to review under the Major Facility Siting Act, 75-20-101, *et seq.*, MCA, or,
- f. The point source is or will be located in an area of unique ecological or recreational significance. Such determination must be based upon considerations of Montana stream classifications adopted under 75-5-301, MCA, impacts on fishery resources, local conditions at proposed discharge sites, and designations of wilderness areas under 16 USC 1132 or of wild and scenic rivers under 16 USC 1274.

D. Sources seeking coverage under the General Permit after January 1, 2007

Unless excluded from coverage in accordance with Paragraph C, owners or operators of construction activities or sites that may discharge storm water to state surface waters may obtain coverage under this General Permit by submitting a complete NOI package to the Department at the address given below.

1. The complete NOI Package consists of:
 - a. A completed NOI form using the standard NOI form provided by the Department and signed by the appropriate signatory based on the signatory requirements stated in Part V of this General Permit.
 - b. A separate SWPPP (document and related plans) which has been completed in accordance with the requirements identified in Part IV of this General Permit and signed by the owner/operator in accordance with the signatory requirements stated in Part V of this General Permit.

- c. The appropriate application (NOI) fee as required by ARM 17.30.201.
- 2. NOI Package Submittal

A signed and complete NOI form, a signed and complete SWPPP, and the required application (NOI) and annual fees must be submitted to the following address:

Department of Environmental Quality
Water Protection Bureau
P.O. Box 200901
Helena, MT 59620-0901

- 3. Department Processing of NOI Package

The Department will send a Confirmation Letter acknowledging the receipt of the complete Notice of Intent Package.

Incomplete or unsigned NOI submittals will be returned to the applicant and coverage under the General Permit is not effective until a complete package is received. The source is not authorized under the General Permit until a complete NOI package is received by the Department.

Receipt by the Department of the complete NOI Package constitutes a full agreement by the permittee to meet and comply with all requirements stated in this General Permit.

Coverage under the General Permit remains in effect until the permittee submits a Notice of Termination (NOT) stating that the site has achieved final stabilization and all applicable fees have been paid. The NOT form must be signed by the owner or operator or other authorized person in accordance with Part V of the General Permit. The permittee is responsible for payment of annual fees for each calendar year in which the source is covered under the General Permit.

E. Sources Covered Under the 2002 General Permit – Continuing Coverage

In order to maintain coverage under the General Permit, all sources must submit a complete NOI form and submit an application (NOI) fee (ARM 17.30.201(5) schedule I.B) by July 1, 2007. The NOI must be submitted to the Department at the address provided in Part I.D. The source is not required to submit a new or an amended SWPPP; however, a valid SWPPP must be maintained by the permittee in accordance with Part IV of this General Permit. Coverage under the General Permit will be terminated after July 1, 2007 unless a completed NOI form and fee have been received by the Department for the site.

Coverage under the General Permit remains in effect until the permittee submits a Notice of Termination (NOT) certifying that the site has achieved final stabilization or the permittee fails to submit a complete NOI form by July 1, 2007. The NOT form must be signed by the owner or operator or other authorized person in accordance with Part V of this General Permit. The permittee is responsible for payment of annual fees for each calendar year in which the source is covered under the General Permit.

F. Modification to NOIs

After a NOI package is received by the Department and coverage under the General Permit is in effect, a permittee may not modify the NOI or SWPPP to add additional construction-related disturbance area(s) except if the new additional construction-related disturbance is directly contiguous to and directly associated with the original site or facility, except for support activities. In accordance with ARM 17.30.201 the permittee must submit the applicable application fee. Such an amendment is considered a major amendment.

An authorization under the General Permit may be transferred to a new owner or operator in accordance with Part V. of this General Permit after the appropriate transfer has been paid.

G. Notice of Termination

1. Where a site has been finally stabilized the permittee shall submit a standard DEQ Notice of Termination (NOT) form that has been signed in accordance with Part V of this General Permit. The NOT form must include the following information:
 - a. The facility or site name and location, mailing address of the construction activity site. Where a mailing address for the site is not available, the location of the site must be described by the latitude and longitude of the site (in degrees, minutes, and seconds);
 - b. The name, address, and telephone number of the permittee as identified in the NOI;
 - c. The MPDES NOI number (Permit Number) as stated in the NOI Package Receipt Confirmation Letter described in Part I.C.4. of this General Permit;
 - d. Certification indicating the site has achieved final stabilization, and

- e. The complete NOT form must be signed and certified in accordance with the requirements in Part V of the General Permit. The NOT must be sent to the following address:

Department of Environmental Quality
Water Protection Bureau
P.O. Box 200901
Helena, MT 59620-0901

Failure to submit a Notice of Termination shall result in accrual of annual permit fees until this notice has been received by the Department.

2. Any owner or operator of a facility or site covered under this General Permit may request to be excluded from coverage under this General Permit by applying for an individual permit. If a final individual permit is issued to an owner/operator otherwise subject to this General Permit, coverage under this General Permit is terminated on the effective date of the individual permit.

H. Fees

1. Fees submitted for storm water discharges associated with construction activity are divided into two categories based on the following:
- a. A "residential (single family dwelling)" construction activity is the construction of any building, structure, access, utility, or related disturbance utilized for single family occupancy on a distinct and individual lot or parcel of land and that is not combined with or a part of construction activity related to other lots, parcels of land, or single family dwellings. Construction activity must directly include the construction of one single family dwelling (house). Persons constructing more than one single family dwelling (such as a subdivision) are not eligible.
- b. A "commercial or public" construction activity is a construction activity that does not meet the above criteria as a "residential (single family dwelling)" construction activity and that includes the development of subdivisions and other projects which are part of a common plan for development or sale.

An indication of which of these two categories a construction activity meets must be provided on the NOI form.

2. Annual fees are based on the calendar year. Permittees are responsible for paying the annual fee for any calendar year, or portion thereof, for which they have an active storm water discharge authorization under this General

Permit. A Notice of Termination under Part I.G. of this General Permit is required to deactivate the accrual of annual fees.

3. The permittee is required to submit payment of an annual fee as set forth in ARM 17.30.201. If the permittee fails to pay the annual fee within 90 days after the due date for the payment, the Department may:
 - a. Impose an additional assessment consisting of 15% of the fee plus interest on the required fee computed at the rate established under 75-5-516, MCA, or
 - b. Suspend the processing of the application for a permit or authorization or, if the nonpayment involves an annual permit fee, suspend the permit, certificate or authorization for which the fee is required. The Department may lift suspension at any time up to one year after the suspension occurs if the holder has paid all outstanding fees, including all penalties, assessments and interest imposed under this sub-section.

I. **Residential (Single Family Dwelling) Authorization**

Under ARM 17.30.201 and Part I.H. of the General Permit, a provision exists for General Permit authorization with a reduced flat fee for a "residential (single family dwelling)" storm water discharge associated with construction activity. To qualify for this type of authorization, all construction-related disturbance must achieve "final stabilization" within two years after the date the initial complete NOI package was submitted.

PART II. EFFLUENT LIMITATIONS AND STANDARDS

The following effluent limitations and conditions apply to all facilities or activities subject to this General Permit

- A. There must be no discharge of process wastewater pollutants to state surface waters.
- B. Any discharge to state surface waters must be composed entirely of storm water. Discharges must consist of water generated only through rainfall precipitation and snowmelt.
- C. A discharge of storm water must not cause or contribute to a violation of water quality standards.
- D. The permittee shall develop and implement a Storm Water Pollution Prevention Plan (SWPPP) in accordance with the requirement of Part IV of this General Permit.
- E. The permittee must implement and maintain all BMPs and storm water management controls in accordance with the requirements of the General Permit.
- F. The requirements of this permit remain in effect until the site has reached final stabilization and the owner or operator has submitted a complete Notice of Termination (NOT) form and paid the applicable fee.

PART III. MONITORING AND REPORTING REQUIREMENTS**A. Monitoring Requirements**

1. The permittee shall implement and maintain Best Management Practices (BMPs) to minimize potential pollutants in storm water discharges, as identified in the SWPPP.
2. Storm water discharges associated with construction activity must be monitored by the permittee as specified in this section to evaluate the adequacy and effectiveness of the erosion and sediment control measures and BMPs.
3. Erosion and sediment control measures must be inspected and maintained by or under the direction of the permittee at least once every fourteen calendar days and within 24 hours after any rainfall event of 0.5 inches or greater.
4. The frequency of the inspections required in Part III.A.3. may be reduced to monthly, as follows:
 - a. After the permittee has completed earthwork and construction activities at the construction site and has installed the SWPPP erosion and sediment control measures and other BMPs necessary to establish final stabilization at a later date, or
 - b. Between December 1 and March 1.

In either case, all sediment and erosion control measures and other BMPs must be in place as identified in the SWPPP. This change in inspection frequency and its schedule for implementation must be indicated in the SWPPP.
5. All inspections and monitoring performed above under Part III.A.3. and 4. of this General Permit must be documented and kept in accordance with Part III.C.2. and 3. of this General Permit.
6. The permittee of a storm water discharge associated with construction activity with construction-related disturbance of 5 acres or more of total land area, which has had active General Permit coverage for 1 year or more, shall perform an annual inspection of the site by the 1 year anniversary date of the submittal of the NOI Package or the initiation of active permit coverage. The annual inspection must:
 - a. Identify areas contributing to the storm water discharge associated with construction activity and evaluate whether measures to reduce

pollutant loadings identified in the SWPPP are adequate and properly implemented in accordance with the requirements in this General Permit or whether additional controls are needed.

- b. Be summarized in a report that includes a certification of compliance with the SWPPP and General Permit and any incidents of non-compliance. Such report and certification must be signed in accordance with the signatory requirements of Part V of this General Permit. This inspection record, report, and certification must be maintained in accordance with Part III of this General Permit. The annual inspection report is not required to be submitted to the Department.

B. Reporting Requirements

1. Notification of Facility Contact Changes

The permittee shall notify the Department in writing of any change of the designated contact person, mailing address, and/or telephone number (as originally identified in the Notice of Intent) within 15 calendar days of this change.

2. Noncompliance Reporting

If, for any reason, the permittee does not comply with or will be unable to comply with any condition specified in this General Permit, the permittee shall notify the Department within 24 hours of becoming aware of the noncompliance and provide the Department with the following information, in writing, within five calendar days of becoming aware of such condition:

- a. A description of the noncompliance and its cause;
- b. The period of noncompliance, including exact dates and times; or, if not identified, the anticipated time the noncompliance is expected to continue; and,
- c. Additional measures being taken to reduce, eliminate, and prevent recurrences of the non-complying discharge or other cause of noncompliance.
- d. Maintain a copy of the noncompliance report.

All reports, notifications, and inquiries regarding the conditions of this General Permit must be provided to the Department at:

Department of Environmental Quality
Water Protection Bureau
P.O. Box 200901
Helena, MT 59620-0901
(406) 444-3080

C. Records Retention

1. **Permit Retention Requirements**

The permittee shall retain a copy of this General Permit, a copy of the completed and signed NOI form, a copy of the Department's Confirmation Letter for Receipt of the Notice of Intent Package (after it is received by the permittee from the Department), and a copy of the completed and signed Storm Water Pollution Prevention Plan (SWPPP) at the construction activity project site at all times during the active coverage period provided under this General Permit. If no permanent offices/buildings are located at the facility site, copies of these documents must be retained at the office of the permittee's contact person identified on the Notice of Intent form and at the office of the permittee and must be brought to the site at all times with these identified persons. If the person designated as responsible contact/individual is replaced during the active coverage period provided under this General Permit, the permittee shall ensure measures are in place to transfer and familiarize replacement personnel with the requirements pertaining to these documents.

2. **Inspection Records**

The permittee shall keep a record of inspections and the information required in Part III of the permit, the date and time of inspection, the name of the person performing the inspection, any occurrence of noncompliance with the permit and any corrective measures or actions taken by the permittee. This inspection record must be made available to the Department upon request.

3. **Required Period of Record Retention**

All records and information resulting from the monitoring activities required by this General Permit, a copy of the completed and signed NOI form, a copy of the DEQ NOI Package Receipt Confirmation Letter, and a copy of the completed and signed SWPPP shall be retained by the permittee for a minimum of 3 years from the date the site is finally stabilized, or longer if requested by the Department.

PART IV. STORM WATER POLLUTION PREVENTION PLAN

- A. The permittee shall develop a Storm Water Pollution Prevention Plan (SWPPP). The permittee shall implement the SWPPP at the time construction activity commences. The objective of the SWPPP is to minimize the erosion of disturbed land during construction and post-construction activities and to minimize pollutants, such as from sediment, fuels, oil, grease, fertilizer, pesticides, concrete truck washout, etc., from discharging to state surface waters. It is the responsibility of the permittee to ensure the SWPPP requirements stated in this General Permit are complied with. Incomplete SWPPPs are a violation of this General Permit. The Department may take (or initiate) enforcement action if a permittee is found to have prepared an incomplete SWPPP.

The SWPPP must:

1. Be signed and certified in accordance with the signatory requirements in Part V of this General Permit;
 2. Be maintained at the construction site in accordance with Part III.C. of this General Permit; and
 3. Provide for compliance with the terms and schedule of the SWPPP and be updated as necessary.
- B. The SWPPP must be implemented for the entire duration of the project, beginning with disturbance related to construction activity and lasting through establishment of site final stabilization of disturbed areas.
- C. The Department may notify the permittee that the SWPPP is not in compliance with this General Permit. This determination of SWPPP deficiency may be derived through site inspection or through a review of the SWPPP. After such notification from the Department, the permittee shall make changes to the SWPPP and submit a written certification to the Department indicating the necessary changes have been made. Unless otherwise provided by the Department, the permittee shall have 7 calendar days after such notification to make the necessary changes to the SWPPP. When the Department makes such notification, the permittee shall provide the Department with a copy of revisions to the SWPPP.
- D. The permittee shall maintain and keep the SWPPP updated to reflect current conditions. The SWPPP shall also incorporate improvements if the SWPPP proves to be ineffective in achieving the general objectives of minimizing pollutants in the discharge of storm water from the site.
- E. The SWPPP may include any erosion and sediment control measures or Best Management Practices (BMPs), including but not limited to the use of sediment

basins, berms, barriers, filter strips, covers, diversion structures, seeding, and sodding.

- F. Any SWPPP that is prepared for a construction activity must be developed and implemented using standard engineering practices.
- G. The SWPPP must include at least the following items:
1. Site Description: Each plan must at a minimum, provide a description of the following:
 - a. The nature of the construction activity, including a proposed implementation schedule for major activities;
 - b. Estimates of the total area of the site, and all other sites if a phased development project, and the area of the site that is expected to undergo disturbance related to construction activity;
 - c. Site map(s) indicating:
 - Areas of total development and, at a minimum, areas of "disturbance" related to construction activity (including support activities related to a construction site, concrete or asphalt batch plants, equipment staging yards, material storage areas, material borrow areas, etc.);
 - Drainage patterns;
 - Approximate slopes anticipated after major grading activities;
 - Areas used for the storage of soils or wastes;
 - Areas used for the storage of fuel(s);
 - Location of all erosion and sediment control measures or structures;
 - Areas where vegetative measures are to be implemented;
 - The location of impervious structures (including buildings, roads, parking lots, outdoor storage areas, etc.) after construction is completed;
 - The location of all state surface waters on or near to the construction activity site (including perennial and intermittent waterbodies, ephemeral streams, springs, wetlands with standing water, etc.);
 - The boundary of the 100-year floodplain, if determined; and
 - A north arrow and map scale;

- d. The character and erodibility of soil(s) and other earth material to be disturbed at the project site, including cut/fill material to be used;
 - e. For a storm water discharge associated with construction activity with construction-related disturbance of 5 acres or more of total land area, an estimate of the runoff coefficient of the site and the increase in impervious area after the construction addressed in the NOI is completed;
 - f. The names of receiving state surface waters and a description of the size, type, and location of each point source discharge or outfall. If there is no distinguishable point source discharge or outfall to the receiving state surface waters, a description of storm water runoff flow and drainage patterns into the receiving state surface waters must be provided. If the discharge is to a municipal separate storm sewer, the location of any storm sewer discharge into receiving state surface waters; and
 - g. A description of storm water discharges from support activities related to a construction site (e.g. concrete or asphalt batch plants, equipment staging yards, material storage areas, fill areas, access roads constructed, etc.).
2. BMPs and Storm Water Management Controls

The permittee covered by this General Permit shall develop, as part of the SWPPP, a description of BMPs and storm water management controls appropriate for the site, including a brief description of applicable local erosion and sediment control requirements. The following minimum components must be addressed, including a schedule for implementation, unless otherwise authorized in writing by the Department.

- a. A description of stabilization measures which must, to the degree practicable, preserve existing vegetation and re-vegetate areas of construction-related disturbance as soon as possible after grading or construction. In developing vegetative measures, the permittee shall consider: temporary seeding, permanent seeding, mulching, sod stabilization, vegetative buffer/filter strips, grassed waterways, erosion control blankets, and tree and shrub planting.
- b. A description of structural measures which indicates how, to the degree practicable, the permittee will divert storm water flows from exposed soil, store these flows, or otherwise limit runoff from exposed areas of the site. In developing structural measures, the permittee shall consider: straw bale dikes, sediment control (silt)

fences, earth dikes, brush barriers, drainage swales, check dams, subsurface drains, pipe slope drains, rock outlet protection, drain inlet and outlet protection, temporary drain diversions, sediment traps, temporary sediment basins, infiltration trenches or basins, and retaining walls. The permittee should also consider the proximity of structural measures with respect to floodplains, and if there are other alternatives, avoid the placement of structural BMPs within the floodplain.

- c. None of the temporary control structures, including sediment control (silt) fences and straw bale dikes, shall be removed until permanent vegetation and site stabilization has taken place. The only exception to this would be where temporary control structures need to be moved or removed in order to allow continuing construction activities to occur, in which case equivalent measures must be implemented to ensure the same level of protection in minimizing potential pollutant discharges.
 - d. Off-site vehicle tracking of sediments from the construction site must be controlled or minimized, particularly onto paved road surfaces, in order to minimize the potential impairment of storm water quality.
 - e. When trucking saturated soils from the site, either tight leak-proof trucks must be used or loads must be required to drain until drippage has been reduced to less than 1 gallon per hour before leaving the site.
 - f. Good housekeeping measures to help minimize other non-sediment pollutant contact with storm water runoff. Common potential problem areas to address would be waste management areas, storage areas, loading/unloading areas, and drums/tanks/containers. Measures could include a routine schedule for the managing/removal of waste materials, as well as routine inspections of these potential problem areas.
- H. BMPs must minimize or prevent "significant sediment" (as defined in Part VI of this General Permit) from leaving the construction site.
- I. If "significant sediment" (as defined in Part VI of this General Permit) results from the failure of erosion or sediment control measures, the permittee shall evaluate the effectiveness of such measures or other BMPs and incorporate improvements to minimize the potential for "significant sediment".
- J. If "significant sediment" (as defined in Part VI of this General Permit) results from the failure of erosion or sediment control measures, the material should be

cleaned up and placed back on site, disposed of in an acceptable manner which minimizes any impact to state surface water. The sediment must not be washed into the storm sewer(s), drainageway(s), or receiving state surface waters. The permittee must document the clean-up action in accordance with the inspection and monitoring requirements of Part III.C of this permit. This requirement does not waive any obligations for the permittee to obtain other permits or permissions to clean up the "significant sediment."

- K. A description of measures to control pollutants in storm water discharges that will occur after construction operations have been completed must be addressed in the SWPPP, including a brief description of applicable local erosion and sediment control requirements. Such measures may include: storm water detention structures (including wet ponds), storm water retention structures, flow attenuation by use of open vegetated swales and natural depressions, and infiltration of runoff on-site.

PART V. STANDARD CONDITIONS

The following standard permit conditions apply to all facilities authorized to discharge under this Permit.

A. Duty to Comply

The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application (NOI). The permittee shall give the Department advance notice of any planned changes at the permitted facility or of an activity, which may result in permit noncompliance.

B. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall first apply for and obtain a new permit. The application (NOI) form and fee must be submitted at least 30 days before the expiration date of this permit. The Department reserves the authority to administratively extend permit coverage in the event the General Permit is no longer effective, if the permittee has reapplied for permit coverage.

C. Need to Halt or Reduce Activity not a Defense

It may not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

D. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

E. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures.

F. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or

termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

G. Property Rights

This permit does not convey any property rights of any sort, or any exclusive privilege.

H. Duty to Provide Information

The permittee shall furnish to the Department, within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Department upon request, copies of records required to be kept by this permit.

I. Inspection and Entry

The permittee shall allow the Department, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and,
4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

J. Signatory and Certification Requirements

All applications (NOIs), reports, or information submitted to the Department must be signed and certified.

1. All permit applications (NOIs) shall be signed as follows:
 - a. For a corporation, by a responsible corporate officer. A responsible corporate officer means:
 - i. a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who

- performs similar policy- or decision-making functions for the corporation; or
- ii. the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- b. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or
 - c. For a municipality, state, federal, or other public agency, by either a principal executive officer or ranking elected official. A principal executive officer of a federal agency includes:
 - i. the chief executive officer of the agency; or
 - ii. a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.
2. All reports required by permits, other information requested by the Department, must be signed by a person described in Part V.J.1. or by a duly authorized representative of that person. A person is a duly authorized representative only if:
- a. the authorization is made in writing by a person described in Part V.J.1.;
 - b. the authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company (a duly authorized representative may thus be either a named individual or any individual occupying a named position); and,
 - c. the written authorization is submitted to the Department.
3. Changes to authorization. If an authorization under Part V.J.2. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part V.J.2. must be submitted to the Department prior to or together with any reports, information, or applications (NOIs) to be signed by an authorized representative.
4. Certification. Any person signing a document under this Part shall make the following certification:

"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 gather and evaluate 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."

K. Planned Changes

The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when the alteration or addition could significantly change the nature or increase the quantity of pollutant discharged. This notification applies to pollutants which are not subject to effluent limitations in the permit.

L. Anticipated Noncompliance

The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

M. Permit Transfers

Permit coverage is not transferable to any person except after notice is given to the Department and a transfer fee is paid. Notice of transfer must be completed on the form provided by the Department and must be received by the Department at least 15 days prior to the anticipated date of transfer. The form must be signed by both the existing owner/operator and the new owner/operator following the signatory requirements of Part V of this General Permit. If the new permittee develops a new SWPPP, the new permittee shall implement the old SWPPP until the new SWPPP is developed and implemented (ARM 17.30.1117).

N. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit must be submitted no later than 14 days following each schedule date.

O. Twenty-Four Hour Reporting

1. The permittee shall report any noncompliance which may endanger health or the environment. Any information must be provided orally within 24 hours from the time the permittee becomes aware of the circumstances.

2. A written submission must also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission must contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
3. The following must be included as information which must be reported within 24 hours:
 - a. any unanticipated bypass which exceeds any effluent limitation in the permit;
 - b. any upset which exceeds any effluent limitation in the permit; and
 - c. violation of a maximum daily discharge limitation for any of the pollutants listed by the Department in the permit to be reported within 24 hours.
4. The Department may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the Water Protection Bureau.
5. Reports shall be submitted to the address in Part III.B.1.c. of this General Permit.

P. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under Part IV or Parts V.K., V.N., or V.O. at the time monitoring reports are submitted. The reports must contain the information listed Part V.O. above.

Q. Other Information

When the permittee becomes aware that it failed to submit any relevant facts in a permit application (NOI), or submitted incorrect information in a permit application (NOI) or in any report to the Department, it shall promptly submit such facts or information.

R. Bypass of Treatment Facilities

1. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 2. and 3. below.
2. Notice:

- a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Department, if possible at least 10 days before the date of the bypass.
 - b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required under Part V.O. (Twenty-Four Hour Reporting).
3. Prohibition of bypass.
- a. Bypass is prohibited and the Department may take enforcement action against a permittee for a bypass, unless:
 - i. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - ii. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and,
 - iii. The permittee submitted notices as required under Part V.R.2. above.
4. The Department may approve an anticipated bypass, after considering its adverse effects, if the Department determines that it will meet the three conditions listed above in Part V.R.3.i.

S. Upset

1. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Part V.S.2. below are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
2. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. an upset occurred and that the permittee can identify the cause(s) of the upset;
 - b. the permitted facility was at the time being properly operated;

- c. the permittee submitted notice of the upset as required in Part V.S.3.b. (24-hour notice); and
 - d. the permittee complied with any remedial measures required under Part V.D.
3. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

T. Penalties for Violations of Permit Conditions

The Montana Water Quality Act provides that any person who violates a permit condition of the Act is subject to a civil penalty not to exceed \$25,000 per day or one year in prison, or both, for the first conviction, and \$50,000 per day of violation or by imprisonment for not more than two years, or both, for subsequent convictions. Except as provided in permit conditions on Part V.R. (Bypass of Treatment Facilities), nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.

U. Penalties for Falsification of Reports

The Montana Water Quality Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than \$25,000 per violation, or by imprisonment for not more than six months per violation, or both.

V. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act.

W. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

X. Reopener Provision

This permit may be reopened and modified (following proper administrative procedures) to include the appropriate effluent limitations (and compliance schedule, if necessary), or other appropriate requirements if one or more of the following events occurs:

1. Water Quality Standards

The water quality standards of the receiving water(s) to which the permittee discharges are modified in such a manner as to require different effluent limits than contained in this permit.

2. Wasteload Allocation

A wasteload allocation is developed and approved by the Department and/or EPA for incorporation in this permit.

3. Water Quality Management Plan

A revision to the current water quality management plan is approved and adopted which calls for different effluent limitations than contained in this permit.

Part VI. DEFINITIONS

1. The "Act" means the Federal Clean Water Act.
2. "Best Management Practices" ("BMPs") means schedule of activities, prohibition of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of state surface waters. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
3. The "Department" means the Montana Department of Environmental Quality.
4. "Discharge" means the injection, deposit, dumping, spilling, leaking, placing, or failing to remove any pollutant so that it or any constituent thereof may enter into state waters.
5. "Disturbance" related to construction activity means areas that are subject to clearing, excavating, grading, stockpiling earth materials, and placement/removal of earth material performed during construction projects.
6. "Ephemeral stream" means a stream or part of a stream that flows only in direct response to precipitation in the immediate watershed or in response to the melting of a cover of snow and ice and whose channel bottom is always above the local water table.
7. "Facility or activity" means any MPDES point source or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the MPDES program.
8. "Final stabilization" means the time at which all soil-disturbing activities at the site have been completed, and a vegetative cover has been established with a density of at least 70% of the pre-disturbance levels, or equivalent permanent, physical erosion reduction methods have been employed. Final stabilization using vegetation must be accomplished using seeding mixtures or forbs, grasses, and shrubs that are adapted to the conditions of the site. Establishment of a vegetative cover capable of providing erosion control equivalent to pre-existing conditions at the site will be considered final stabilization.
9. "Larger common plan of development or sale" means a contiguous area where multiple separate and distinct construction activities are planned to occur at different times on different schedules under one plan. These separate and distinct construction activities which form a larger common

plan of development or sale may have areas of disturbance which are not physically connected.

10. "Owner/Operator" means a person who owns, leases, operates, controls or supervises a point source
11. "Point source" means any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft, from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.
12. "Receiving state surface waters" is the river, stream, lake, etc., which receives the discharge from the site.
13. "Regional administrator" means the administrator of Region VIII of the Environmental Protection Agency, which has jurisdiction over federal water pollution control activities in the state of Montana.
14. "Runoff coefficient" means the fraction of total rainfall that will appear at the conveyance as runoff.
15. "Significant sediment" means sediment, solids, or other wastes discharged from construction site, or a facility or activity regulated under the General Permit which exceeds 1.0 cubic foot in volume in any area of 100 square feet that may enter state surface water or a drainage that leads directly to state surface water.
16. "Site" means the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.
17. "State waters" is defined at 75-5-103, MCA.
18. "Storm water" means storm water runoff, snow melt runoff, and surface runoff and drainage.
19. "Storm water discharge associated with construction activity" means a discharge of storm water from construction activities including clearing, grading, and excavation that result in the disturbance of equal to or greater than one acre of total land area. For purposes of these rules, construction activities include clearing, grading, excavation, stockpiling earth materials, and other placement or removal of earth material performed during construction projects. Construction activity includes the disturbance of less than one acre of total land area that is a part of a larger

common plan of development or sale if the larger common plan will ultimately disturb one acre or more.

(a) Regardless of the acreage of disturbance resulting from a construction activity, this definition includes any other discharges from construction activity designated by the department pursuant to ARM 17.30.1105(1)(f).

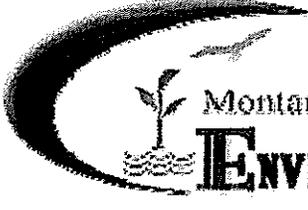
(b) For construction activities that result in disturbance of less than five acres of total land area, the acreage of disturbance does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.

(c) For construction activities that result in disturbance of five acres or more of total land area, this definition includes those requirements and clarifications stated in ARM 17.30.1102(29)(a), (b), (d) and (e).

20. "SWPPP" or "Storm Water Pollution Prevention Plan" means a document developed to help identify sources of pollution potentially affecting the quality of storm water discharges associated with a facility or activity, and to ensure implementation of measures to minimize and control pollutants in storm water discharges associated with a facility or activity. The Department determines specific requirements and information to be included in a SWPPP based on the type and characteristics of a facility or activity, and on the respective MPDES permit requirements.
21. "Surface waters" means any waters on the earth's surface including, but not limited to, streams, lakes, ponds, and reservoirs, and irrigation and drainage systems discharging directly into a stream, lake, pond, reservoir or other surface water. Water bodies used solely for treating, transporting, or impounding pollutants shall not be considered surface water.

STORM WATER POLLUTION PREVENTION PLAN

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 <p>Montana Department of ENVIRONMENTAL QUALITY</p> <p>WATER PROTECTION BUREAU</p>		Agency Use
		Permit No.:
		Date Rec'd Amount Rec'd Check No. Rec'd By
FORM SWPPP	Storm Water Pollution Prevention Plan (SWPPP) Form Storm Water Discharge Associated With Construction Activity MTR100000	
<p>READ THIS BEFORE COMPLETING FORM: Before completing this form all parties need to read the General Permit, particularly Part IV on SWPPPs. This SWPPP Form is intended to assist operators in developing a SWPPP which complies with Part IV of the General Permit. The term "Storm Water Pollution Prevention Plan" is defined in the Administrative Rules of Montana 17.30.1002(31). The SWPPP is a document which is developed to direct and assist permittees in identifying sources of potential pollutants at the construction activity site, and Best Management Practices (BMPs) to be used to help ensure such pollutants do not impact receiving surface waters through storm water runoff. It is the permittee's responsibility to ensure all required items in the General Permit are adequately addressed, and that the SWPPP is developed, implemented, and maintained. Additional narrative information may need to supplement this SWPPP Form in order to meet these requirements. A copy of the SWPPP must be maintained at the construction activity site as required in Part III.C. of the General Permit. Sections B, C, and D on this SWPPP Form must state information exactly the same as that indicated on the NOI Form. Attach additional pages as necessary with the item number on this form indicated. For coverage under the General Permit to be valid upon the submittal of a NOI package, the NOI package must include a complete NOI Form, SWPPP, and fee. Do not submit these items separately. The 2007 General Permit, 2002 Fee Schedule, and related forms are available from the Storm Water Program at (406) 444-3080 or http://www.deq.state.mt.us/wqinfo/MPDES/StormwaterConstruction.asp.</p>		
<p>Section A - SWPPP Status (Check one):</p> <p><input checked="" type="checkbox"/> New No prior SWPPP submitted for this site.</p> <p><input type="checkbox"/> Modification Permit Number: MTR10 ____ (Please specify these four numbers)</p>		
<p>Section B - Facility or Site Information:</p> <p>Site Name <u>GTSR MP 23.3 Slope Repair</u></p> <p>Site Location <u>Project is located in Glacier National Park on the Going to the Sun Road on the south end of the West Tunnel.</u></p> <p>Nearest City or Town <u>West Glacier, MT</u> County <u>Flathead</u></p>		
<p>Section C - Applicant (Owner/Operator) Information:</p> <p>Owner or Operator Name <u>Western Federal Lands Highway Division, FHWA</u></p> <p>Mailing Address <u>610 East Fifth St.</u></p> <p>City, State, and Zip Code <u>Vancouver, WA 98661</u></p> <p>Phone Number <u>(360) 619-7700</u></p>		

Section D - General SWPPP Requirements:**1. Brief Description of Purpose and Nature of Construction Activity:**

A section of the Going to the Sun Road at milepost 23.3 was damaged by a severe storm event in November 2006. This project will repair those damages and improve the drainage system to help the road withstand future storm events.

2. Proposed Implementation Schedule for Major Activities. In addition to major activities, include the estimated dates for the start and completion of the construction project, as well as the estimated date final stabilization will be completed. :

1. grading
2. riprap embankment
3. drainage
4. surfacing
5. striping

Erosion control measures will be incorporated into the project as needed during construction.

Project start date: 04-01-2008

Completion date: 7-1-2008

Estimated final stabilization date: 9-30-2010

3. Estimate of Total Area of the Site (and all other sites if a phased development project):

Estimated total area of the project is 0.9 acres.

4. Estimate of Total Area of the Site Expected to Undergo Disturbance Related to Construction Activity:

Estimated total disturbance is 0.9 acres.

5. Check to confirm a site map has been developed and included with this SWPPP which indicates all required information stated in Part IV.G.1.c. of the General Permit: Yes

6. Are sand & gravel excavation, other borrow areas, and/or crushing operations associated with project?

Yes No (Riprap material and aggregate base will be obtained from a commercial source outside the NPS boundary. The Contractor will locate this commercial source.)

Are temporary asphalt batch plant operations associated with this project?

Yes No (If a temporary asphalt batch plant is needed, the Contractor would have to locate a staging area or commercial source to set up their batch plant outside of the NPS boundary.)

If yes, be sure to include the requested information about these areas on the site map, or a similar separate map, as stated in Part IV.G.1.c. of the General Permit.

7. Describe the character and erodibility of soil and other earth material to be disturbed at the project site, including cut/fill material to be used:

The soils in the project area can be described as having bedrock outcrops, steep rock cuts, and colluvial soil slopes. The slopes are moderately steep to steep and can be described as being moderately erosive. Waste material will be hauled outside the Park and any material imported into the Park will be suitable for embankment construction.

8. Estimate of Runoff Coefficient and Increase In Impervious Area (refer to Part IV.G.1.e. of the General Permit - only applies if total construction-related disturbance is 5 acres or more):

Not Applicable.

9. Indicate Names of Receiving Waters and Describe the Size, Type, and Location of each Point Source Discharge or Outfall (refer to Part IV.G.1.f. of General Permit):

The construction site is on very steep terrain and runoff from the construction site eventually enters into McDonald Creek approximately 0.5 mile downslope. The area does not have well defined drainages and the culverts and cross drain are outlet onto the rocky slope.

10. Describe Storm Water Discharges From Support Activities (refer to Part IV.G.1.g. of General Permit):

Equipment and material will be stored on the roadway next to the construction site. Any stockpiles will be lined with sandbags to minimize the amount of sediment runoff.

Section E - SWPPP BEST MANAGEMENT PRACTICES (BMPs) AND STORM WATER MANAGEMENT CONTROLS

1. Describe Applicable Local Erosion and Sediment Control Requirements:

2. Describe in detail, temporary BMPs and storm water management controls which will be used for erosion and/or sediment control during construction-related earthwork activities. Indicate the location of these measures on the site map required above, or a similar separate map, as much as practicable. Include a schedule for implementation for each of these measures. Attached details and specifications may be used to supplement this description. Refer to Parts IV.G.2.a, b, c. of the General Permit. Examples of temporary measures could include but are not limited to: slope roughening; vegetative buffer strips; sediment control (silt) fences; straw bale dikes; erosion control blankets/mats; temporary drain diversions; minimizing clearing; temporary sediment basins/traps; mulching; temporary seeding; brush barriers; up-slope runoff diversions/controls; inlet/outlet protection; disturbance area runoff diversions/controls; waterway protection; and, ditch runoff flow dispersers (e.g. level spreaders)/flow inhibitors.

TEMPORARY STABILIZATION PRACTICES (see plan sheets D.2-D.3, F.1):

- Minimizing clearing – there will be no clearing associated with the project due mainly to the fact that much of the vegetation was removed by the storm event.
- Sandbags will be used to divert runoff around work areas and material stockpiles.

3. Describe in detail, permanent and structural BMPs and storm water management controls which will be used for erosion and/or sediment control during and after construction-related earthwork activities. These would include measures to achieve final stabilization (as defined in Part VI.8. of the General Permit). Indicate the location of these measures on the site map required above, or a similar separate map, as much as practicable. Attached details and specifications may be used to supplement this description. Refer to Parts G.2.a., b. of the General Permit. Examples of permanent measures could include but are not limited to: permanent seeding; check dams; retaining walls; drain inlet protection; rock outlet protection; drainage swales; sediment basin & traps; earth dikes; manmade erosion control structures; grassed waterways; sod stabilization; infiltration trenches or basins; subsurface drains; level spreader; terraced slopes; tree or shrub planting; pipe slope drains; vegetative buffer strips; detention ponds; and, containment ponds.

PERMANENT STABILIZATION PRACTICES (see plan sheets D.2-D.3, F.1, G.1-G.9, H.1-H.3):

- Riprap placed on road embankment to reduce erosion and stabilize the roadway.
- Riprap aprons placed at culvert and cross drain outlets to reduce erosion and stabilize the roadway.
- Placement of geotextile fabric beneath riprap.
- Construction of concrete gutter to reduce erosion.
- Installation of soil erosion control inlet protection systems at culvert inlets consisting of a geotextile fabric insert and an inlet grate. The inlet grate and geotextile insert will act as a filter to reduce sediment transport and will be removable for cleaning/maintenance.
- Improvements to the drainage system to handle larger volumes of stormwater will control erosion and reduce the likelihood of losing of slope material during future storm events.
- Application of native seed (by Glacier National Park as consistent with the *Park Revegetation Plan*)
- Application of weed-free mulch as needed (by Glacier National Park as consistent with the *Park Revegetation Plan*)
- Application of tackifier as needed for stabilization of seed and mulch (by Glacier National Park as consistent with the *Park Revegetation Plan*)

4. Describe what products or wastes may be stored or utilized at the construction activity site, indicate on the site map as required above, and indicate what BMPs will be used to minimize potential pollutants from these materials coming into contact with storm water runoff. Examples of products or wastes could include but is not limited to: fuels; tar or asphalt; cement or mortar; concrete truck wastewater; solvents; detergents; steel; roofing materials; fertilizers; paints; pesticides; other petroleum-based materials; other hazardous materials (including wastes);and, solid wastes.

Petroleum-based products (diesel, gasoline, asphalt cement and emulsified asphalt)	
Pavement millings	Paints
Concrete	Fuel
Signs	Traffic control devices (cones, etc.)
Aggregate	Metal culvert pipes

Petroleum: Stationary diesel and gasoline tanks will have containment berms lined with an impervious membrane.
 Hazardous Materials: Labeled and stored in proper containers at least 30 meters (100 feet) from surface water streams.
 SPPC Plan: Required prior to starting construction, stating what actions will be taken in case of a spill. This plan will also incorporate preventative measures to be implemented.

5. Describe any other good-housekeeping measures to be used to help minimize non-sediment pollutant contact with storm water runoff.

To minimize the possibilities of potential spills, hazardous material containment procedures approved by the Project Engineer will be placed prior to the beginning of the operation. The Contractor will be required to develop a Spill Prevention, Containment, and Countermeasure (SPCC) Plan or Hazardous Spill Plan to prevent pollution related to Contractor operations and to satisfy all pertinent requirements of Federal, state, and local laws and regulations. This plan will specify that no toxicant (including petroleum products) will be stored within 30 meters (100 feet) of the top of bank of any stream. Areas for fuel storage, and for refueling and servicing of construction equipment and vehicles, will be located at least 30 meters (100 feet) from water bodies.

6. Describe any measures that will be used to prevent vehicle tracking of sediment from the construction site onto roads (examples include a graveled access entrance and exit drives and parking areas, and a tire wash pad at exit drive):

7. When trucking saturated soils from the site, either tight leak-proof trucks must be used or loads must be required to drain until drippage has been reduced to less than 1 gallon per hour before leaving the site. Will saturated soils be trucked from the site? Yes No

8. Describe man-made and natural measures to control pollutants in storm water discharges after construction operations have been completed. Refer to Part IV.K. of the General Permit. Examples include: vegetative waterways and natural landscape; infiltration trenches or basins; storm water detention structures; wet ponds or man-made wetlands; and, storm water containment structures.

Riprap aprons
Soil erosion control inlet protection systems at culvert inlets
Concrete gutter
Slope stabilization (riprap)
Revegetation

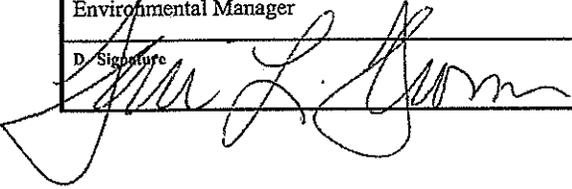
9. BMPs must minimize or prevent "significant sediment" (as defined in Part V.T.13. of this General Permit) from leaving the construction site. If "significant sediment" (as defined in Part VI of this General Permit) results from the failure of erosion or sediment control measures, the material should be cleaned up and placed back on site, disposed of in an acceptable manner which minimizes any impact to state surface water. The sediment must not be washed into the storm sewer(s), drainageway(s), or receiving state surface waters. The permittee must document the clean-up action in accordance with the inspection and monitoring requirements of Part III.C of this permit. This requirement does not waive any obligations for the permittee to obtain other permits or permissions to clean up the "significant sediment."

Section F - Inspection and Maintenance

Describe inspection procedures and BMP maintenance procedures to ensure compliance with Part III.A. of the General Permit. As a part of this, describe measures to identify and address non-storm water discharges should they occur.

Inspections: Drainage structures and locations where vehicles enter or exit the site will be inspected at least once every 7 calendar days, or within 24 hours of any storm event during which more than 12 mm of rain falls. If the area has been temporarily stabilized, inspections must be conducted at least once a month.

Inspections will be conducted jointly, and reports of the findings will be kept by the FHWA and the Contractor. Inspection reports will include a summary of the findings during the inspection, names and qualifications of personnel making the inspection, the date of the inspection, observations made and a list of corrective actions necessary. These reports will be signed by both the inspector and the Contractor's representative. Implementation of corrective measures and changes to the plans will occur within 72 hours of the inspection.

Section G - CERTIFICATION	
<p>Permittee Information: This SWPPP must be completed, signed, and certified as follows:</p> <ul style="list-style-type: none"> • For a corporation, by a principal officer of at least the level of vice president; • For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or • For a municipality, state, federal, or other public facility, by either a principal executive officer or ranking elected official. <p>Alternatively, this SWPPP may be signed by a duly authorized representative of the person above. A person is a duly authorized representative only if:</p> <ul style="list-style-type: none"> • The authorization is made in writing by a person described above; • The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company (a duly authorized representative may thus be either a named individual or any individual occupying a named position); • The written authorization is submitted to the department. 	
<p>All Permittees Must Complete the Following Certification:</p> <p>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 gather and evaluate the information submitted. Based on my inquiry of the 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. [75-5-633, MCA]</p>	
<p>A. Name (Type or Print)</p> <p>Terri L. Thomas</p>	
<p>B. Title (Type or Print)</p> <p>Environmental Manager</p>	<p>C. Phone No.</p> <p>360-619-7967</p>
<p>D. Signature</p> 	<p>E. Date Signed</p> <p>12-20-07</p>

FIRE PREVENTION AND SUPPRESSION PLAN

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FIRE PROTECTION AND SUPPRESSION

The following requirements pertain to normal level non-heightened fire restriction periods. More restrictive requirements will be required in the event of more active fire seasons.

1. Fire Control

The Contractor shall, independently and in cooperation with the National Park Service, take all reasonable action to prevent and suppress fires in the project area. Independent initial action shall be prompt and shall include the use of all personnel and equipment available in the project area.

2. Fire Precautions

Specific fire precautionary measures are as follows:

a. Smoking and Open Fires

Smoking shall be permitted only at the option of the Contractor. The Contractor shall not allow open fires on the project area, open fires are not allowed within Glacier National Park.

Unless restricted by State Law or Federal Regulation, smoking shall be permitted only in such portions of the project area that are free of flammable material. Smokers are required to discard extinguished cigars and cigarette butts in an appropriate non-flammable container. Under no circumstances shall butts be discarded on the road or roadside.

b. Fire Extinguishers and Equipment, on Trucks, Tractors, etc.

All power-driven equipment operated by the Contractor on National Park land, except portable fire pumps, shall be equipped with one fire extinguisher having a UL rating of at least 5 B, C, and one "D" handled or long handled round pointed shovel, size "O" or larger. In addition, each motor patrol, truck and passenger-carrying vehicle shall be equipped with a double-bit axe or Pulaski, 3½ pounds or larger.

Equipment shall be kept in serviceable condition and shall be readily available.

c. Power Saws

Each gasoline power saw operator shall be equipped with a pressurized chemical fire extinguisher of not less than 8-ounce capacity by weight, and one long handled round point shovel, size "O" or larger. The extinguisher shall be kept in possession of the saw operator at all times. The shovel shall be accessible to the operator within 1 minute.

d. Grinding, Oxyacetylene cutting and welding

One 5 gallon bladder bag is required at each job site location where these activities are being conducted.

e. Extinguishers

One refill for each type or one extra extinguisher sufficient to replace each size extinguisher required on equipment shall be safely stored in the fire tool box or other agreed upon place on the project area that is protected and readily available.

f. Spark Arresters and Mufflers

Each internal combustion engine shall be equipped with a spark arrester meeting appropriate Society of Automotive Engineers (SAE) recommend Practice J335(b) and J350(a) as now or hereafter amended unless it is:

- (1) Equipped with a turbine-driven exhaust supercharger such as the turbo charger. There shall be no exhaust bypass.
- (2) A passenger carrying vehicle or light truck, or medium truck up to 40,000 GW, used on roads and equipped with a factory designed muffler complete with baffles and with an exhaust system in good working condition.
- (3) A heavy duty truck, such as a dump or log truck, or other vehicle used for commercial hauling, used only on roads and equipped with a factory designed muffler and with a vertical stack exhaust system extending above the cab.

g. Tank Truck

The Contractor shall provide a tank truck or trailer, containing not less than 300 gallons of water, during yarding, loading, land clearing, right of way clearing and mechanical treatment of slash. A tank truck or trailer will not be required if power saw felling and bucking is the only operation. Such tank truck or trailer shall be maintained in a serviceable condition and located within 10 minutes, round trip, from each project area during fire period and closed season.

The tank truck or trailer shall be equipped with a pump capable of discharging 20 gallons of water per minute, using a ¼-inch nozzle tip, through a 50 foot length of rubber lined hose. In addition, 500 feet of serviceable fabric jacket rubber lined hose of not less than 1 inch outside diameter, fitted with a nozzle capable of discharging a straight stream of ¼-inch diameter and a spray pattern, shall be immediately available for use. The tank, pump and at least 250 feet of hose and nozzle shall be connected and ready for use at all times.

If a trailer is used, it shall be equipped with a hitch to facilitate prompt movement. A serviceable tow vehicle shall be immediately available for attachment to the trailer and must meet the time requirements stated above. Such truck or trailer shall be equipped to operate for a minimum of 8 hours. Tank truck or trailer shall be available from the start of work to the end of the Fire Watch/Fire Security service.

h. Communications

The Contractor shall provide adequate 2-way communication facilities to report a fire to the National Park Service within 15 minutes of detection. Report fires to the Communications Center at West Glacier Headquarters Office at 406-888-7801. FCC Regulations prohibit commercial use of Citizen Band (CB) radios (CBs are not considered adequate 2-way communications).

Communications shall be operable during all periods of contract operation.

3. Fire Tools

The Contractor shall furnish serviceable fire fighting tools at each job site location where activities are being conducted in a readily accessible fire tool box or compartment of sound construction with a hinged lid and hasp so arranged that the box can be secured or sealed. The box shall be red and marked "Fire Tools" in letters at least 1 inch high. It shall contain a minimum of:

- (a) 2 axes or Pulaskis with a 32-inch handle
- (b) 3 adze eye hoes. One Pulaski may be substituted for one adze eye hoe
- (c) 3 long handled, round point shovels, size "O" or larger

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