



# Oregon

Theodore R. Kulongoski, Governor

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**DATE:** February 15, 2006

## **Addenda No. 1**

**TO:** PLAN HOLDERS

**PREPARED BY:** Original signed by Kit Leshk

**APPROVED BY:** Original signed by J. R. Callaway, P.E.

**SUBJECT:** I-5: South Medford Interchange Section  
Pacific Highway  
Jackson County  
Grading, Paving, Structures, Signing, and Signal Project  
(Bids to be opened and read March 16, 2006)

### **The following changes are made to the Project Special Provisions:**

1. **PROJECT WAGE RATES Page** - The PROJECT WAGE RATES page, that is near the front of the Special Provisions booklet, is replaced with a new PROJECT WAGE RATES page. Notwithstanding this new PROJECT WAGE RATE page, BOLI's "Prevailing Wage Rates for Public Works Contracts in Oregon subject to BOTH the State PWR and federal Davis-Bacon Act" publication, as required by BOLI and OAR 839, is not attached to the electronic Addenda letter version. It is being mailed, along with a paper copy of the Addenda letter, to all holders of bidding documents and holders of informational documents.

For immediate access to BOLI's "Prevailing Wage Rates for Public Works Contracts in Oregon subject to BOTH the State PWR and federal Davis-Bacon Act" publication, go to ODOT's web page at:

[http://www.oregon.gov/ODOT/HWY/SPECS/wages.shtml#Davis\\_Bacon](http://www.oregon.gov/ODOT/HWY/SPECS/wages.shtml#Davis_Bacon)

It is in the wage table under the "2006 BOLI/DB Prevailing Wage Rates" column.

2. **Section 00130 - Award and Execution of Contract** - This Section is replaced with the following Section:

**SECTION 00130 - AWARD AND EXECUTION OF CONTRACT**

Comply with Section 00130 of the Supplemental Specifications supplemented and/or modified as follows:

**00130.80 Restrictions on Commencement of Work** - Replace the paragraph that begins "Until the Agency sends...", with the following paragraph:

Until the Agency sends the Contractor written Notice to Proceed with the Work, and the Contractor has filed the public works bonds required in 00170.20, the Contractor shall not go onto the property on which the Work is to be done, nor move Materials, Equipment or workers onto that property.

3. **Subsection 00170.10(f) Notice of Claim Against Bond, subsection 00170.20 Public Works Bond, subsection 00170.65(a) General, subsection 00170.65(b) When Federal Funds are Involved, and subsection 00170.67 Contractor Fee** - These subsections are added after subsection 00170.06:

**00170.10(f) Notice of Claim Against Bond** - Replace this Subsection with the following Subsection:

**00170.10(f) Notice of Claim Against Bonds** - An Entity claiming not to have been paid in full for labor or Materials supplied for the prosecution of the Work may have a right of action first on the Contractor's public works bond and then, for any amount of a claim not satisfied by the public works bond, on the Contractor's bond, cashier's check, or certified check as provided in ORS 279C.600 and ORS 279C.605.

Add the following Subsection:

**00170.20 Public Works Bond** - Before starting Work, the Contractor and subcontractors shall each file with the Construction Contractors Board, and maintain in full force and effect, a separate public works bond, in the amount of \$30,000 unless otherwise exempt, as required by Oregon Laws 2005, Chapter 360, (see Senate Bill 477) and OAR 839-025-0015. The Contractor shall verify subcontractors have filed a public works bond before the subcontractor begins Work.

**00170.65(a) General** - Add the following paragraphs after the paragraph that begins "For work performed on...":

The Contractor shall comply fully with the provisions of ORS 279C.800 through 279C.870, and Oregon Laws 2005, Chapter 360 (see Senate Bill 477). Documents establishing those conditions, as determined by the Commissioner of the Bureau of Labor and Industries (BOLI), are included in the Contract. The Contractor shall pay workers at no less than the specified minimum hourly rate of wage, and shall include that requirement in all subcontracts according to 00170.65(b) and 00170.65(c).

As required in ORS 279C.845 (see Senate Bill 477) the Agency will retain 25% of any amount earned by the Contractor on the project until the Contractor has filed the certified statements required in ORS 279C.845 or in FHWA Form 1273. The Agency will pay to the Contractor the amount retained within 14 days after the Contractor files the required certified statements, regardless of whether a subcontractor has failed to file certified statements.

As required in ORS 279C.845 (see Senate Bill 477) the Contractor shall retain 25% of any amount earned by a first tier subcontractor on the project until the first tier subcontractor has filed with the Agency the certified statements required in ORS 279C.845 or in FHWA Form 1273. Before paying any amount retained, the Contractor shall verify that the first tier subcontractor has filed the certified statement. Within 14 days after the first tier subcontractor files the required certified statement the Contractor shall pay the first tier subcontractor any amount retained.

**00170.65(b) When Federal Funds Are Involved** - Replace the paragraph that begins "The Contractor shall pay..." with the following paragraph:

The Contractor shall pay the wage rate and fringe benefits listed in the publication "General Wage Determination Issued Under the Davis-Bacon and Related Acts from the U.S. Secretary of Labor", unless a higher wage rate and fringe benefits are required pursuant to Oregon Laws 2005, Chapter 360, (see Senate Bill 477) as provided in the Oregon Bureau of Labor and Industries (BOLI) publication titled "Prevailing Wage Rates for Public Works Contracts in Oregon subject to BOTH the State PWR and federal Davis-Bacon Act".

**00170.67 Contractor Fee** - Replace this Subsection of the Supplemental Specifications with the following Subsection:

**00170.67 Contractor Fee** - Contractors awarded public works Contracts subject to ORS 279C.800 through 279C.870 of \$50,000 or more must, pursuant to ORS 279C.825 and according to the administrative rules of the Commissioner of the Oregon Bureau of Labor and Industries, pay a fee to the Oregon Bureau of Labor and Industries for each Contract. The fee is 0.1 of 1% of the Contract Price. The fee can be no more than \$5,000 and no less than \$100 per Contract, regardless of the Contract size. The fee shall be paid on or before the first progress payment or 60 days from the date Work first began on the Contract, whichever comes first. Final adjustments to the fee must be made within 30 days of the final progress payment after completion of the Contract. A form for submitting information to the Bureau of Labor and Industries titled "Public Work Contract Fee Information Form" is available at the Bureau of Labor and Industries web site.

4. **Subsection 00180.21(d) Terms of Subcontracts and subsection 00180.40(b) On-Site Work** - These subsections are added after paragraph that begins "Comply with Section 00180...":

**00180.21(d) Terms of Subcontracts** - Add the following paragraph and bullets at the end of this Subsection:

As required by Oregon Laws 2005, Chapter 360, (see Senate Bill 477) subcontracts shall include:

- A provision requiring the subcontractor to have a public works bond filed with the Construction Contractors Board before starting Work on the Project, unless exempt.
- A provision requiring that the workers shall be paid not less than the specified minimum hourly rate of wage.

**00180.40(b) On-Site Work** - Add the following bullet after the bullet that begins "Received Notice...":

- Filed with the Construction Contractors Board the separate public works bond as required in 00170.20;

5. **Subsection 00180.40 Limitation of Operations** - The paragraph that begins with the words "**00180.40 Limitations of Operations...**" and the lead-in paragraph that begins with the words "**(c) Specific Limitations...**" are replaced with the following paragraphs:

Add the following Subsection:

**00180.40(c) Specific Limitations** - Limitations of operations specified in these Special Provisions include, but are not limited to, the following:

6. **Subsection 00195.50(b) Retainage and subsection 00195.50(e) Withholding Payments** - These subsections are added after subsection 00195.12(d):

**00195.50(b) Retainage** - Add the following paragraph to the end of this Subsection:

As provided in 00170.65(a) additional retainage of 25% of amounts earned will be withheld and released according to ORS 279C.845 (see Senate Bill 477) when the Contractor fails to file the certified statements required in ORS 279C.845, FHWA Form 1273, and 00170.65.

**00195.50(e) Withholding Payments** - Add the following paragraph to the end of this Subsection:

Notwithstanding ORS 279C.555 or 279C.570, if a Contractor is required to file certified statements on the prevailing rate of wages, but fails to do so, the Agency will retain 25% of any amount earned as required in 00170.65.

These changes will be included in the Contract for this Project. It is understood that your Bid will be submitted accordingly.

Attachment: Project Wage Rates page

## **PROJECT WAGE RATES**

Federal Wage Rates "Davis-Bacon Wage Determinations for HIGHWAY Projects" and BOLI's "Prevailing Wage Rates for Public Works Contracts in Oregon subject to BOTH the State PWR and federal Davis-Bacon Act" apply to this Project.

For the "Davis-Bacon Wage Determinations for HIGHWAY Projects" to be used on this Project, go to ODOT's Project Wages web site at:

<http://www.oregon.gov/ODOT/HWY/SPECS/wages.shtml>

BOLI's "Prevailing Wage Rates for Public Works Contracts in Oregon subject to BOTH the State PWR and federal Davis-Bacon Act" publication, to be used on this Project, is included in the Solicitation Document. An electronic copy is also available at the above web address.

Amendments to BOLI's "Prevailing Wage Rates for Public Works Contracts in Oregon subject to BOTH the State PWR and federal Davis-Bacon Act" publication are made when the Davis-Bacon Wage Determinations are updated. The Amendments are to be incorporated into this project as determined by BOLI. Copies of the Amendments are available on BOLI's web site at: [http://www.oregon.gov/BOLI/WHD/PWR/pwr\\_book.shtml](http://www.oregon.gov/BOLI/WHD/PWR/pwr_book.shtml)