



Oregon

Theodore R. Kulongoski, Governor

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DATE: April 8, 2009

Addenda No. 2

TO: PLAN HOLDERS

PREPARED BY: Original Signed by Kit Leshk

APPROVED BY: Original Signed by Dale Deatherage, P.E.

SUBJECT: I-5: Ashland Paving
Pacific Highway
Jackson County
Paving Project
(Bids to be opened and read April 16, 2009)

This project contains Federal American Recovery and Reinvestment Act (ARRA) Funding. To comply with the (ARRA), the following changes are made to the Project Special Provisions:

1. **COVER SHEET** - The Project Special Provision cover sheet is replaced with the attached Project Special Provision cover sheet.
2. **TABLE OF CONTENTS FOR SPECIAL PROVISIONS** - The following line is added as the first line of the Project Special Provision Table of Contents:

AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) FUNDING PROVISIONS

3. **ARRA FUNDING PROVISIONS** - The attached AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) FUNDING PROVISIONS is included in the Project Special Provisions before the "REQUIRED CONTRACT PROVISIONS FEDERAL-AID CONSTRUCTION CONTRACTS (FHWA-1273)" page.

4. **SECTION 00130 - AWARD AND EXECUTION OF CONTRACT** - The paragraph that begins "Comply with Section 00130..." is replaced with the following:

Comply with Section 00130 of the Standard Specifications modified as follows:

00130.40(d) Registration Requirements: - Add the following subsection (5):

(5) Bidders must be registered with and have issued by Dun and Bradstreet, Inc. a unique nine digit number with a four digit Data Universal Numbering System (DUNS) Plus number. This "DUNS Plus" number shall be reported on federal reporting forms as "999999999.9999".

5. **Subsection 00170.06 Federal-Aid Participation** - This subsection is replaced with the following subsection:

00170.06 Federal-Aid and American Recovery and Reinvestment Act Participation - This Project is to be conducted according to the regulations applying to Federal-Aid Highway Projects and to American Recovery and Reinvestment Act (ARRA) Projects.

According to Section 902 of the American Recovery and Reinvestment Act (ARRA) of 2009 the U.S. Comptroller General and his representatives have the authority to:

- To examine any records of the contractor or any of its subcontractors, or any State or local agency administering such contract, that directly pertain to, and involve transactions relating to, the contract or subcontract; and
- To interview any officer or employee of the contractor or any of its subcontractors, or of any State or local government agency administering the contract, regarding such transactions.

Accordingly, the Comptroller General and his representatives shall have the authority and rights as provided under Section 902 of the ARRA with respect to this Contract, which is funded with funds made available under the ARRA. Section 902 further states that nothing in this section shall be interpreted to limit or restrict in any way any existing authority of the Comptroller General.

Also, according to Section 1515(a) of the ARRA, any representatives of the Inspector General have authority to examine any records or interview any employee or officers working on this Contract. The Contractor is advised that representatives of the inspector general have the authority to examine any record and interview any employee or officer of the Contractor, its Subcontractors or other firms working on this Contract. Section 1515(b) further provides that nothing in this section shall be interpreted to limit or restrict in any way any existing authority of an inspector general.

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6. **Subsection 00180.21(d) Terms of Subcontracts** - This subsection is added after the paragraph that begins "Comply with Section 00180...":

00180.21(d) Terms of Subcontracts - Add the following paragraph to the end of the subsection:

As required by the American Recovery and Reinvestment Act (ARRA) of 2009, all subcontracts (including subcontracts at all lower-tiers) shall include the provisions of 00170.06 concerning ARRA Participation.

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

Attachments: New Special Provision Cover Sheet
New ARRA Funding Provisions

**SPECIAL PROVISIONS
FOR HIGHWAY CONSTRUCTION**

**OREGON DEPARTMENT OF TRANSPORTATION
SALEM, OREGON**

PAVING

I-5: ASHLAND PAVING

PACIFIC HIGHWAY

JACKSON COUNTY

APRIL 16, 2009



*This Project Includes 2009 American
Recovery & Reinvestment Act (ARRA)
Stimulus Funding*

AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) FUNDING PROVISIONS

Contractor's Reporting Obligations under 2009 ARRA Federal Stimulus Funding - This project includes American Recovery and Reinvestment Act (ARRA) funding. As the use of ARRA funding is conditioned upon following federal requirements, and as ARRA funding requirements and required contract provisions are still being developed and issued by the federal government, this Contract will be amended by Contract Change Order to make the provisions consistent with the ARRA funding requirements as they become available.

Reporting - States must collect and analyze certain employment data for each ARRA funded contract.

The prime Contractor shall complete a separate Monthly Employment Report federal form (FHWA-1589) for each ARRA project once each month from the date of the Notice to Proceed until completion of the Contract. The form is included at the end of these provisions. A fill-in-the-blank version of the form is available at the FHWA web site at <http://www.fhwa.dot.gov/economicrecovery/reportingforms.htm> .

The Contractor shall provide, aggregated on one form per project, the required information for their own workforce as well as the workforce of all subcontractors (including all sub-tiers) that were active on their ARRA funded project(s) for the reporting month. The Monthly Employment Report form shall be submitted to the Agency electronically no later than the tenth of each month to report on the previous month. The Contractor's timely, complete, accurate, and truthful compliance with the reporting obligations constitutes a material element of the Contractor's performance of this Contract. The Agency may withhold any amounts otherwise due to the Contractor under this Contract until the Contractor has submitted late reports.

The monthly report for each project includes, but is not limited to the following data:

- Project ID Number/Name
- Contractor name and address
- Contractor DUNS Number for prime only (but may include subcontractors if requirements change).
- Employment data: The prime Contractor shall report information concerning work performed directly on the project for their workforce and the workforce of their subcontractors active during the reporting month. The data includes employee actively engaged in the project who work on the jobsite, in the project office, in the home office or telework from a home or other alternative office location. This also includes any engineering personnel, inspectors, sampling and testing technicians, and lab technicians performing work directly in support of the ARRA funded project. This does not include material suppliers such as steel, culverts, guardrail, and tool suppliers. Do not include indirect labor and overhead. The form requests specifically:

a. Subcontractor name: The name of each subcontractor that was active on the project for the reporting month.

b. Employees: The number of project employees on the Contractor's workforce that month, and the number of project employees for each of the active subcontractors for the reporting month. Do not include material suppliers. Total field at bottom will be automatically calculated and reported as a whole number.

c. Hours: The total hours on the specified project for all employees reported on the contractor's project workforce that month, and the total hours for all project employees reported for each of the active subcontractors that month.

d. Payroll: The total dollar amount of wages paid by the Contractor that month for employees on the specified project, and the total dollar amount of wages paid by each of the active subcontractors that month. Payroll only includes wages and does not include overhead or indirect costs.

DUNS Number - Before the Agency will execute the Contract, the Contractor shall obtain a Data Universal Numbering System (DUNS) number according to special provision subsection 00130.40(d-5). DUNS number registration is available at Dun & Bradstreet, Inc. web site: <http://fedgov.dnb.com/webform/index.jsp>

U.S. Comptroller and Inspector General - The Contractor shall allow the U.S. Comptroller and the inspector general to examine records and interview employees according to special provision subsection 00170.06.

Local Roads and Rural Minor Collector Projects - The Contractor shall comply with the provision of FHWA Form 1273, "Required Contract Provisions Federal-Aid Construction Contracts according to special provision subsection 00170.65(b).

Subcontract Terms - The Contract and all subcontracts (including all lower-tiers) shall contain provisions to allow the inspection of documents relating to the Contract and interviewing of employees according to special provision subsection 00180.21(d).

ARRA Sign Requirements - The Contractor shall furnish and install identification signs according to special provision subsection 00225.02.

