

**EL PASO COUNTY
DEPARTMENT OF PUBLIC SERVICES
MAIN ST & SECURITY BLVD AND SECURITY/WIDFIELD BLVD & FONTAINE BLVD
INTERSECTION IMPROVEMENTS
PROJECT SPECIAL PROVIASIONS**

STANDARD SPECIAL PROVISIONS

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REVISION OF SECTION 103
COLORADO RESIDENT BID PREFERENCE

Section 103 of the Standard Specifications is hereby revised for this project as follows:

Subsection 103.01 shall include the following:

- (a) *Colorado Resident Bid Preference.* A resident bidder shall be allowed a preference against a nonresident bidder from a state or foreign country equal to the preference given or required by the state or foreign country in which the nonresident bidder is a resident.

Resident bidder means:

- (1) A person, partnership, corporation, or joint venture which is authorized to transact business in Colorado and which maintains its principal place of business in Colorado: or,
- (2) A person, partnership, corporation, or joint venture which is authorized to transact business in Colorado, which maintains a place of business in Colorado, and which has paid Colorado unemployment compensation taxes in at least seventy-five percent of the eight quarters immediately prior to bidding on a construction contract for a public project.

To determine the resident bid preference status of a bidder, the bidder shall submit a completed Form 604 with the proposal. Failure to submit the residency Form with the proposal will be justification for and may result in the rejection of the proposal and forfeiture of the proposal guaranty.

The proposals will be treated as follows:

- (1) All proposals will be checked for accuracy by the Department.
- (2) The dollar amount of the checked proposal from nonresident bidders will be adjusted by a percentage equal to the percentage preference given or required by the state or foreign country of the bidder's residency. If the state or foreign country does not give or require a residency preference, no adjustment in the proposal dollar amount will be made.
- (3) Adjusted proposals from nonresident bidders will then be compared to proposals from resident bidders, and the bidder with the lowest total will be considered the apparent low bidder.
- (4) Should a nonresident bidder be the apparent low bidder, in accordance with paragraph (3) above, an award will be made on the basis of the original proposal, not the adjusted proposal.
- (5) The Department will proceed with its normal award procedure.

REVISION OF SECTION 103
CONSIDERATION OF PROPOSALS

Revise Section 103 of the Standard Specifications as follows:

Delete Section 103.01 and replace it with the following:

103.01 Consideration of Proposals. After the proposals (bids) are opened and read, they will be evaluated, and the Contract awarded or rejected in accordance with the "Rules" referenced in subsection 102.01.

The low responsible bidder shall submit a completed CONTRACTORS PERFORMANCE CAPABILITY STATEMENT, Form 605, and a completed ASSIGNMENT OF ANTITRUST CLAIMS, Form 621, to the Award Officer prior to 4:30 P.M. on the fifth calendar day after the bid opening.

To be eligible for contracting with CDOT, the apparent low responsible bidder shall have an account in the B2GNow software system.

Failure to submit the Forms 605 and 621 and to have an account in the B2GNow software system may result in the denial of award to the apparent low responsible bidder and forfeiture of the proposal guaranty.

REVISION OF SECTION 105
CONTROL OF WORK

Revise Section 105 of the Standard Specifications to include:

In 105.21 Acceptance, add this under (b) as the new third paragraph:

If not included in the Partial or Final Acceptance letter, no later than 3 working days after the acceptance letter is provided to the Contractor, the Engineer will provide in writing a detailed list of all remaining documentation required by the Contract. Upon reviewing and accepting the remaining documentation, and with no other outstanding issue(s), the Engineer will release retainage as follows:

1. 65% of the current retainage shall be released.
2. If the release of retainage is less than \$10,000, no retainage will be released.
3. Retainage will be released only to the extent that the remaining retainage shall not be less than \$20,000.

REVISION OF SECTION 106
BUY AMERICA REQUIREMENTS
NON-FEDERAL AID

Section 106 of the Standard Specifications is hereby revised for this project as follows:

Delete subsection 106.11(a) and replace it with the following:

(a) Federal *Buy America* requirements for iron and steel do not apply to this project.

REVISION OF SECTION 106
COUNTRY OF ORIGIN

Section 106 of the Standard Specifications is hereby revised for this project as follows:

Subsection 106.11 shall include the following:

(c) *United States of America and Foreign Item Reporting.* The Contractor shall make a good faith effort to provide a list of the five costliest items incorporated into the project that consist of 50 percent or more steel or iron when delivered to the construction site. This list shall include the item name, the cost, and the country of origin of the item. The following shall be used to establish the country of origin of the item:

- (1) If the item is completely iron or steel, it will be considered to have been manufactured in the United States if all of the manufacturing processes for the final product took place in the United States.
- (2) If the product is only partially made of steel or iron, it shall be considered to have been manufactured in the United States if all of the manufacturing processes for the final product took place in the United States, irrespective of the country of origin of the item's subcomponents.

The list of items shall be submitted within 15 days of the final acceptance date.

REVISION OF SECTION 109
PROMPT PAYMENT (LOCAL AGENCY)

Section 109 of the Standard Specifications is hereby revised for this project as follows:

Delete subsection 109.06(e) and replace with the following:

- (e) *Prompt Payment.* The Contractor shall pay subcontractors and suppliers for all work which has been satisfactorily completed within seven calendar days after receiving payment for that work from the Local Public Agency (LPA). For the purpose of this section only, work shall be considered satisfactorily complete when the LPA has made payment for the work. The Contractor shall include in all subcontracts a provision that this requirement for prompt payment to subcontractors and suppliers must be included in all subcontracts at every tier. The Contractor shall ensure that all subcontractors and suppliers at every tier are promptly paid. If the Contractor or its subcontractors fail to comply with this provision, the Engineer will not authorize further progress payment for work performed directly by the Contractor or the noncompliant subcontractor until the required payments have been made. The Engineer will continue to authorize progress payments for work performed by compliant subcontractors.

Delete subsection 109.06(f)5 and replace with the following:

5. In determining whether satisfactory completion has been achieved, the Contractor may require the subcontractor to provide documentation such as certifications and releases, showing that all laborers, lower-tiered subcontractors, suppliers of material and equipment, and others involved in the subcontractor's work have been paid in full. The Contractor may also require any documentation from the subcontractor that is required by the subcontract or by the Contract between the Contractor and the LPA or by law such as affidavits of wages paid, material acceptance certifications and releases from applicable governmental agencies to the extent that they relate to the subcontractor's work.

Delete subsection 109.06(f)8 and replace with the following:

8. If additional quantities of a particular item of work are required at a later date after final measurement has been made, the Contractor shall perform this work in accordance with Contract requirements and at unit bid prices.
For this subsection only, satisfactory completion of all work described on CDOT Form No. 205 is when all tasks called for in the subcontract as amended by changes directed by the Engineer have been accomplished and documented as required by the LPA.
The requirements stated above do not apply to retainage withheld by the LPA from monies earned by the Contractor. The LPA will continue to process the release of that retainage based upon the completion date of the project as defined in the Commencement and Completion of Work special provision.

Delete subsection 109.06(f)9 and replace with the following:

9. If during the prosecution of the project a portion of the work is partially accepted in accordance with subsection 105.21(a), the Contractor shall release all subcontractors' retainage on the portion of the partially accepted work performed by subcontractors. Prior to the LPA releasing the Contractor's retainage on work that has been partially accepted in accordance with subsection 105.21(a), the Contractor shall submit to the Engineer a certified statement for each subcontractor that has participated in the partially accepted work. The statement shall certify that the subcontractor has been paid in full for its portion of the partially accepted work including release of the subcontractor's retainage. The statement shall include the signature of a legally responsible official for the Contractor, and the signature of a legally responsible official for the subcontractor.

Delete subsection 109.06(g) and replace with the following:

- (g) *Good Cause Exception.* If the Contractor has “good cause” to delay or withhold a subcontractor’s progress payment, the Contractor shall notify the LPA and the subcontractor in writing within seven calendar days after receiving payment from the LPA. The notification shall specify the amount being withheld and provide adequate justification for withholding the payment. The notice shall also clearly state what conditions the subcontractor must meet to receive payment. “Good cause” shall include but not be limited to the failure of the subcontractor to make timely submission of required paperwork.

Delete subsection 109.06(h) and replace with the following:

- (h) *Monthly Reporting.* On a monthly basis, the Contractor shall submit the Form 1418, Monthly Payment Report, to the Engineer along with the project schedule updates, in accordance with subsections 108.03(g). Failure to submit a complete and accurate Form 1418 shall be grounds for CDOT to withhold subsequent payments or retainage from the Contractor.

REVISION OF SECTION 601
STRUCTURAL CONCRETE

Section 601 of the Standard Specifications is hereby revised for this project.

Delete Subsection 601.10 (c) 8. and replace it with the following:

8. The Contractor shall submit two sets of the fabricator's shop and erection drawings to the Engineer. The drawings shall be designed and electronically sealed by the Contractor's Engineer. The drawings will not be approved or returned to the Contractor. The drawings shall indicate the grade of steel, the physical and section properties of all permanent steel bridge deck form sheets, and attachment details.

Delete Subsection 601.11 (a) and replace it with the following:

- (a) *General.* The Contractor shall be responsible for designing and constructing falsework. The Contractor's Engineer shall determine whether falsework is necessary. When the Contractor's Engineer determines falsework is unnecessary, the Contractor shall submit a written statement signed by the Contractor's Engineer so stating. The Contractor's Engineer shall prepare and electronically seal all falsework drawings including revisions, which shall meet the requirements of subsection 601.11. The Contractor shall stamp the drawings "Approved for Construction" and submit to the Engineer. The Engineer will not approve the drawings.

U.S. DEPT. OF LABOR DAVIS BACON MINIMUM WAGES, COLORADO
HIGHWAY CONSTRUCTION, GENERAL DECISION NUMBER – CO20220008

Decision Nos. CO20220008 dated January 7, 2022 supersedes Decision Nos. CO20210008 dated January 1, 2021.		Modifications			ID
		MOD Number	Date	Page Number(s)	
When work within a project is located in two or more counties and the minimum wages and fringe benefits are different for one or more job classifications, the higher minimum wages and fringe benefits shall apply throughout the project.		1	02/18/22	1	1
General Decision No. CO20220008 applies to the following counties: El Paso, Pueblo, and Teller counties.					
General Decision No. CO20220008 The wage and fringe benefits listed below reflect collectively bargained rates.					
Code	Classification	Basic Hourly Rate	Fringe Benefits	Last Mod	
	ELECTRICIAN:				
1199	El Paso, Teller	34.15	16.87		
1200	Pueblo	29.80	13.00	1	
	POWER EQUIPMENT OPERATOR:				
	Drill Rig Caisson				
1201	Smaller than Watson 2500 and similar	31.05	12.35		
1202	Watson 2500 similar or larger	31.97	12.35		
	Crane				
1203	50 tons and under	31.70	12.35		
1204	51 - 90 tons	31.97	12.35		
1205	91 - 140 tons	33.05	12.35		
General Decision No. CO20220008 The wage and fringe benefits listed below do not reflect collectively bargained rates.					
	CARPENTER:				
1206	Excludes Form Work	24.15	6.25		
	Form Work Only				
1207	El Paso, Teller	19.06	5.84		
1208	Pueblo	19.00	5.88		
	CEMENT MASON/CONCRETE FINISHER:				
1209	El Paso, Teller	17.36	3.00		
1210	Pueblo	17.74	3.00		

General Decision No. CO20220008				
The wage and fringe benefits listed below do not reflect collectively bargained rates.				
Code	Classification	Basic Hourly Rate	Fringe Benefits	Last Mod
1211	FENCE ERECTOR	13.02	3.20	
1212	GUARDRAIL INSTALLER	12.89	3.20	
	HIGHWAY/PARKING LOT STRIPING:			
1213	Painter	12.62	3.21	
	IRONWORKER:			
	Reinforcing (Excludes Guardrail Installation)			
1214	El Paso, Teller	20.49	1.65	
1215	Pueblo	16.69	5.45	
1216	Structural (Excludes Guardrail Installation)	18.22	6.01	
	LABORER:			
1217	Asphalt Raker	17.54	3.16	
1218	Asphalt Shoveler	21.21	4.25	
1219	Asphalt Spreader	18.58	4.65	
	Common or General			
1220	El Paso	17.05	3.69	
1221	Pueblo	16.29	4.25	
1222	Teller	16.88	3.61	
1223	Concrete Saw (Hand Held)	16.29	6.14	
1224	Landscape and Irrigation	12.26	3.16	
1225	Mason Tender - Cement/Concrete	16.29	4.25	
1226	Pipelayer	18.72	3.24	
1227	Traffic Control (Flagger)	9.55	3.05	
1228	Traffic Control (Sets Up/Moves Barrels, Cones, Installs signs, Arrow Boards and Place Stationary Flags), (Excludes Flaggers)	12.43	3.22	
1229	PAINTER (Spray Only)	16.99	2.87	

General Decision No. CO20220008				
The wage and fringe benefits listed below do not reflect collectively bargained rates.				
Code	Classification	Basic Hourly Rate	Fringe Benefits	Last Mod
	POWER EQUIPMENT OPERATOR:			
1230	Asphalt Laydown	22.67	8.72	
1231	Asphalt Paver	21.50	3.50	
	Asphalt Roller			
1232	El Paso	24.42	6.96	
1233	Pueblo	23.67	9.22	
1813	Teller	24.42	6.96	
1234	Asphalt Spreader	22.67	8.72	
	Backhoe/Trackhoe			
1235	El Paso	23.31	5.61	
1236	Pueblo	21.82	8.22	
1237	Teller	23.32	5.50	
1238	Bobcat/Skid Loader	15.37	4.28	
1239	Boom	22.67	8.72	
	Broom/Sweeper			
1240	El Paso, Teller	23.43	8.04	
1241	Pueblo	23.47	9.22	
	Bulldozer			
1242	El Paso	26.56	7.40	
1243	Pueblo, Teller	26.11	6.92	
1244	Drill	17.59	3.45	
1245	Forklift	15.91	4.68	
	Grader/Blade			
1246	El Paso	22.83	8.72	
1247	Pueblo	23.25	6.98	
1248	Teller	23.22	8.72	
1249	Guardrail/Post Driver	16.07	4.41	

General Decision No. CO20220008				
The wage and fringe benefits listed below do not reflect collectively bargained rates.				
Code	Classification	Basic Hourly Rate	Fringe Benefits	Last Mod
	POWER EQUIPMENT OPERATOR (con't.):			
	Loader (Front End)			
1250	El Paso	23.61	7.79	
1251	Pueblo	21.67	8.22	
1252	Teller	23.50	7.64	
	Mechanic			
1253	El Paso	22.35	6.36	
1254	Pueblo	24.02	8.43	
1255	Teller	22.16	6.17	
	Oiler			
1256	El Paso	23.29	7.48	
1257	Pueblo	23.13	7.01	
1258	Teller	22.68	7.11	
	Roller/Compactor (Dirt and Grade Compaction)			
1259	El Paso	16.70	3.30	
1260	Pueblo, Teller	18.43	4.62	
1261	Rotomill	16.22	4.41	
1262	Scraper	24.28	4.83	
	Screed			
1263	El Paso, Teller	25.22	5.74	
1264	Pueblo	23.67	9.22	
1265	Tractor	13.13	2.95	

General Decision No. CO20220008				
The wage and fringe benefits listed below do not reflect collectively bargained rates.				
Code	Classification	Basic Hourly Rate	Fringe Benefits	Last Mod
	TRUCK DRIVER:			
	Distributor			
1266	El Paso, Teller	17.98	3.97	
1267	Pueblo	18.35	3.85	
	Dump Truck			
1268	El Paso, Teller	16.85	4.83	
1269	Pueblo	16.87	4.79	
1270	Lowboy Truck	17.25	5.27	
1271	Mechanic	26.69	3.50	
1272	Multi-Purpose Specialty & Hoisting Truck	17.27	3.71	
1273	Pickup and Pilot Car	13.93	3.68	
1274	Semi/Trailer Truck	16.00	2.60	
1275	Truck Mounted Attenuator	12.43	3.22	
	Water Truck			
1276	El Paso	17.24	4.15	
1277	Pueblo	20.93	4.98	
1278	Teller	17.31	4.07	

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 (29 CFR 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

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.

END OF GENERAL DECISION NO. CO20220008