

8. Credit for the CUF of a joint venture (JV) (either as the prime contractor or as a subcontractor) may not exceed the percent of the DBE's participation in the joint venture agreement, as certified for this project by the Department. The DBE joint venture partner will be responsible for performing all of the work as delineated in the certified JV agreement.

120-5.01 BASIS OF PAYMENT. Work under this item is subsidiary to other contract items and no payment will be made for meeting or exceeding the DBE Utilization Goal.

If the Contractor fails to utilize the DBEs listed on Form 25A325C as scheduled or fails to submit required documentation to verify proof of payment or documentation requested by the Department to help in the determination of CUF, the Department will consider this to be unsatisfactory work. If the Contractor fails to utilize Good Faith Efforts to replace a DBE, regardless of fault (except for subsection 120-3.04 item 3), the Department will also consider this unsatisfactory work. Unsatisfactory work may result in disqualification of the Contractor from future bidding under subsection 102-1.13 and withholding of progress payments consistent with subsection 109-1.06.

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SECTION 201 CLEARING AND GRUBBING

Special Provisions

201-3.01 GENERAL. Add the following: The Contractor shall perform the work necessary to preserve and/or restore land monuments and property corners from damage. A land monument or property corner that is disturbed shall be restored according to Section 642 at the Contractor's expense. An undisturbed area 5 foot in diameter may be left around existing monuments and property corners. A list of land monuments and property corners is shown on the Right of Way maps.

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Add the following: No cutting of trees, clearing and/or grubbing operations shall occur between April 20 and July 15, due to the Migratory Bird Treaty Act, unless prior approval is granted through the Engineer. Refer to the U.S. Fish and Wildlife Service Advisory in Appendix A.

Special Provisions

201-3.04 HAND CLEARING. Delete this subsection in its entirety and substitute the following:

Station limits for hand clearing shall be as shown in the Plans with a width of 10 feet from pathway edge. Cut and dispose of trees and brush less than 4" in diameter, down timber, stubs, brush, bushes and debris from designated areas, with minimal disturbance to grass and/or moss cover. In addition cut limbs that intrude into the 10 foot wide selective hand clearing zone that are less than 8 feet above the ground.

Do not use equipment on wheels or tracks in areas designated as hand clearing except where approved by the Engineer, the Contractor may use a mechanical brush cutter.

Cut stumps 2 inches maximum above the ground.

201-3.05 SELECTIVE TREE REMOVAL. Delete this subsection in its entirety and substitute the following:

Remove and dispose of selected trees, as described within this Section.

The Contractor shall mark trees determined to be removed. Marked trees shall be approved by the Engineer before cutting. The Engineer may designate additional trees to be removed. Cut off designated trees to a height of no more than 2 inches above surrounding ground, unless otherwise indicated on the Plans or directed by the Engineer.

Determination of the removal of trees located within areas of Root Barrier installation shall be as described on the Plans. Removal of trees located within areas of Hand Clearing shall be as described as follows, and shall apply primarily to cottonwoods, unless directed otherwise by the Engineer.

<u>Tree Removal Size, Diameter</u>	<u>Distance from Edge of Pathway</u>
4-10 inch	0-7 feet
11-15 inch	0-8.5 feet
≥ 16 inch	0-10 feet

In areas where Root Barrier installation and Hand Clearing occur simultaneously, the determination of removal of trees shall be as described for Root Barrier installation, unless directed otherwise by the Engineer.

**SECTION 202
REMOVAL OF STRUCTURES AND OBSTRUCTIONS**

Special Provisions

202-1.01 DESCRIPTION. Add the following: Item includes work associated with the Pathway Removal of East 24th Avenue Spur as defined in subsection 202-3.01.

202-3.01 CONSTRUCTION REQUIREMENTS – GENERAL. Add the following: Pathway Removal of East 24th Avenue Spur includes removal of the existing pavement and disposal according to Section 202; filling ditches not required for drainage; and grading operations necessary to approximate original contour of the ground and reincorporate the existing pathway into the natural surroundings, in order to provide a pleasing appearance, when completed, along the length of the removed pathway.

202-4.01 METHOD OF MEASUREMENT. Add the following:

Pathway Removal shall be measured according to square yard of pavement removed.

202-5.01 BASIS OF PAYMENT. Add the following:

Pathway Removal shall include grading and fill operations necessary to reincorporate the existing pathway into the natural surroundings, and will be subsidiary to Item 202(2) Removal of Pavement.