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PART I

1.00 GENERAL

1.01 PURPOSE

This edition of the Construction Manual is prepared for the information and guidance of those concerned with contract administration. It is to be used as a guide to uniform methods and procedures in the sampling and testing of fieldwork and materials, construction surveying, construction inspection and the preparation of records and reports necessary to assure proper quality and quantity control.

Problems will arise in connection with the construction work, which will not be covered by this Manual, but it does contain a lot of information that will serve as a valuable guide to personnel assigned to construction projects. Nor will it be possible to always adhere completely to all the instructions because of the many and varied field conditions that will be encountered during construction.

The Engineer should bear in mind that this Manual is not intended to be construed as altering, superseding, replacing, or in any way affecting the intent of the Plans and Specifications or Contract. It is instead, a book of reference and instruction to be used in the administration of construction projects.

Whenever the words "he", "she", "him" or "her" occur in this manual, no particular gender is intended by use of such words.

1.02 DEFINITIONS

Section 101 of the Standard Specifications interprets the intent and meaning of abbreviations and definitions of terms most commonly used in connection with highway construction projects under the supervision of the Kansas Department of Transportation. These terms should be utilized in all reports and correspondence relating to such projects.

Additional acceptable terms and definitions are included in current publications of the American Association of State Highway and Transportation officials.

1.03 KANSAS DEPARTMENT OF TRANSPORTATION

1.03.01 ORGANIZATION AND OVERVIEW OF ORGANIZATIONAL STRUCTURE

The 1975 Legislature established the Department of Transportation, which shall be administered under the direction and supervision of Secretary of Transportation.

KDOT Structure

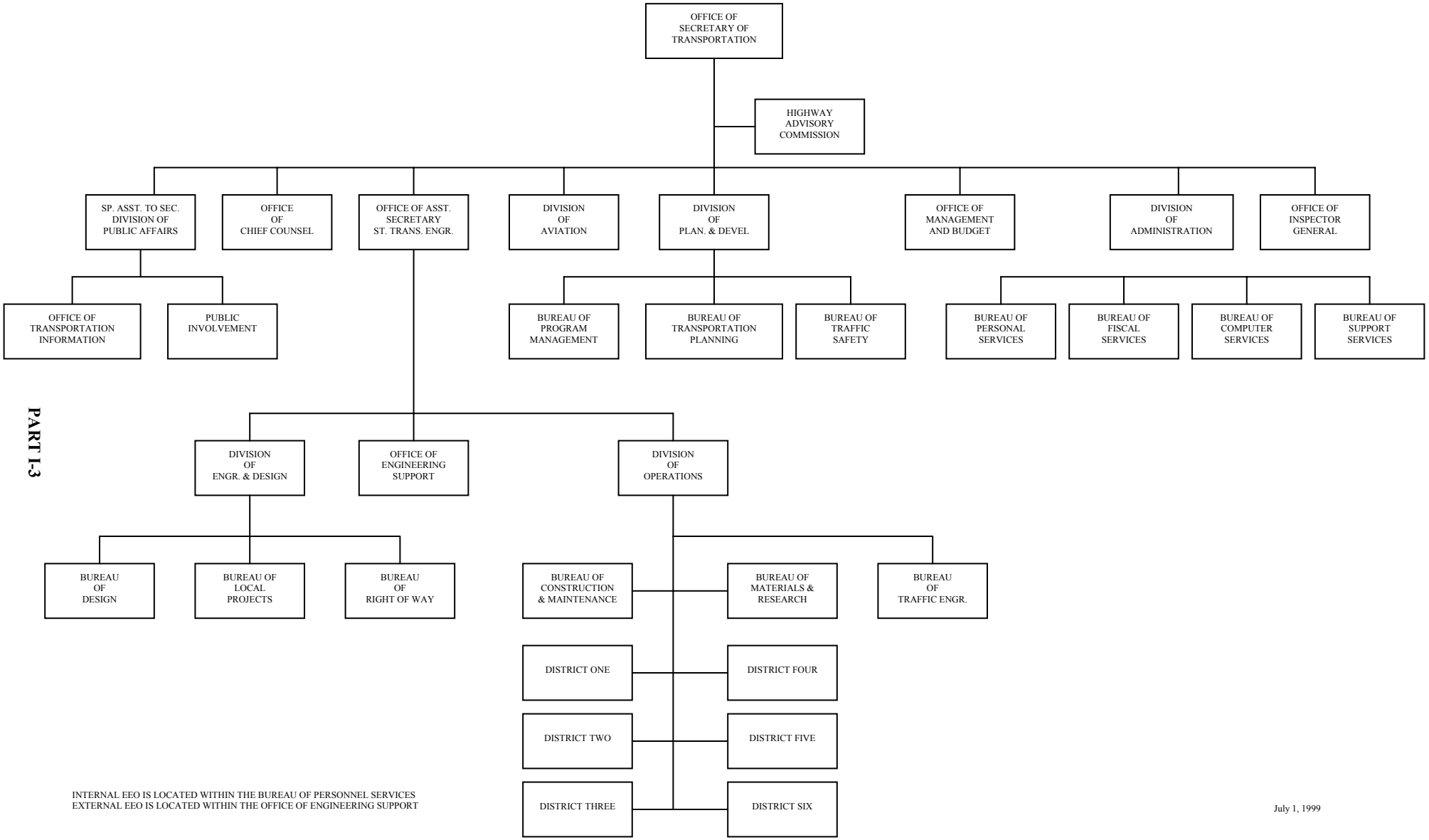
- **Office of the Secretary:** The Secretary serves as the Chief Executive Officer of the Department. The Secretary is appointed by the Governor and confirmed by the Senate. The Assistant Secretary, who also serves in the statutory position of State Transportation Engineer, is the Department's chief engineering officer.
- **Highway Commission:** The Commission serves in an advisory capacity to the Secretary and has limited authority. The Commission has twelve members, two from each of the six transportation districts within the State. Members are appointed by the Governor to four-year terms and continue to serve until a replacement is appointed.
    - The Commission is responsible for reviewing the status of the State's highways in order to propose and recommend to the Secretary plans for improvement of the entire system of roads and highways.
    - The Commission has authority, by vote of two-thirds of its members, to disapprove any determination by the Secretary as to the location of any

highway or any authorization by the Secretary for the construction or reconstruction of any highway.

- The Commission has no authority to limit the Secretary's ability to administer and supervise the internal operations and management of the Department.
- Since 1985, the Secretary has delegated to the Commission the Authority to evaluate and select Economic Development and City Connecting Link Geometric Improvements, for which applications are solicited form local entities.

- **Divisions:** The Department is organized into six divisions: the Divisions of Administration, Aviation, Engineering and Design, Operations, Planning and Development, and Public Affairs.
- **Offices:** In addition to the Divisions, the Office of Chief Counsel, the Office of the Inspector General, and the Office of Management and Budget report to the Secretary. The Office of Engineering Support reports to the State Transportation Engineer.

ORGANIZATIONAL CHART
KANSAS DEPARTMENT OF TRANSPORTATION

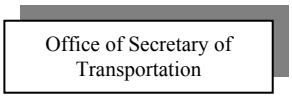


PART I-3

INTERNAL EEO IS LOCATED WITHIN THE BUREAU OF PERSONNEL SERVICES
EXTERNAL EEO IS LOCATED WITHIN THE OFFICE OF ENGINEERING SUPPORT

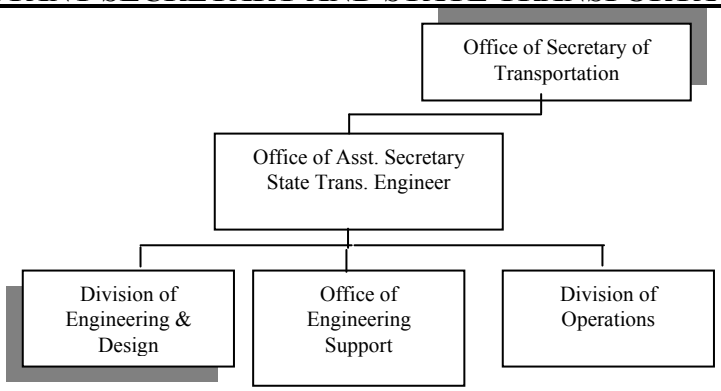
July 1, 1999

1.03.02 SECRETARY OF TRANSPORTATION



The Secretary of Transportation has the power, responsibility, authority and jurisdiction to coordinate the planning, development and operation of the various modes and systems of transportation within the State. The Secretary is responsible for all Department of Transportation activities.

1.03.03 THE ASSISTANT SECRETARY AND STATE TRANSPORTATION ENGINEER

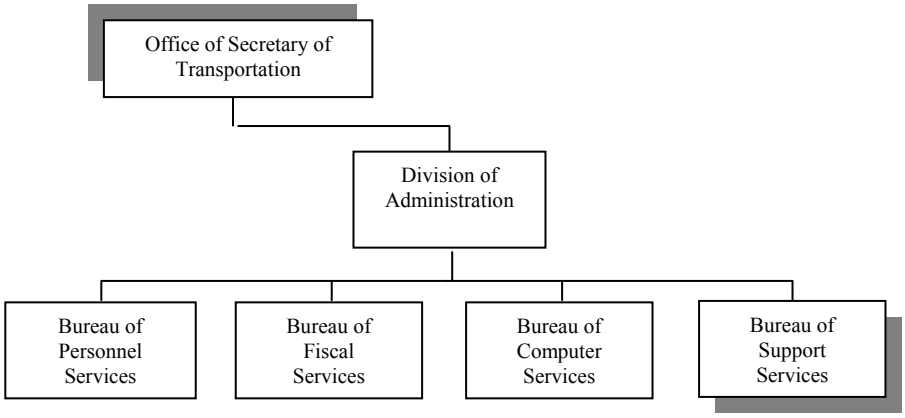


The Assistant Secretary and State Transportation Engineer is required by law to be a licensed professional engineer. The Assistant Secretary serves as the chief engineering officer for the Department, is responsible for directing and coordinating all Department engineering activities, and is the technical advisor and spokesperson for, the Secretary on engineering matters.

The Assistant Secretary assists the Secretary in overall management of the Department and has authority of the Secretary when the Secretary is unable to assume his responsibilities.

1.03.04 DIVISION DIRECTORS

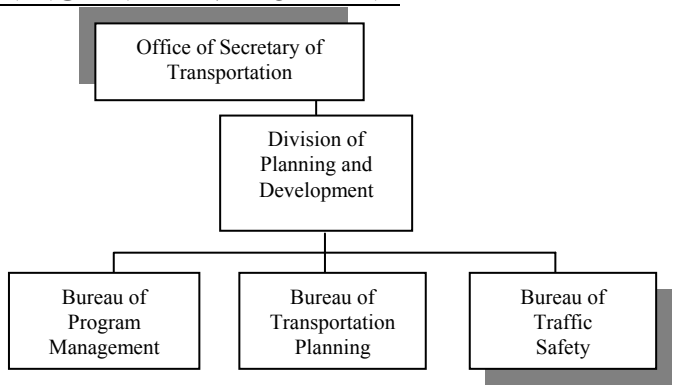
DIVISION OF ADMINISTRATION



The Division of Administration is responsible for the financial, human resource, information systems, and support service operations for the Department of Transportation. Financial management includes development of the financial plan (including bond and investment strategies and policies), accounting and certain procurement activities. Human resource management includes personnel administration, training, and equal employment opportunities. Information system management includes system and technology planning,

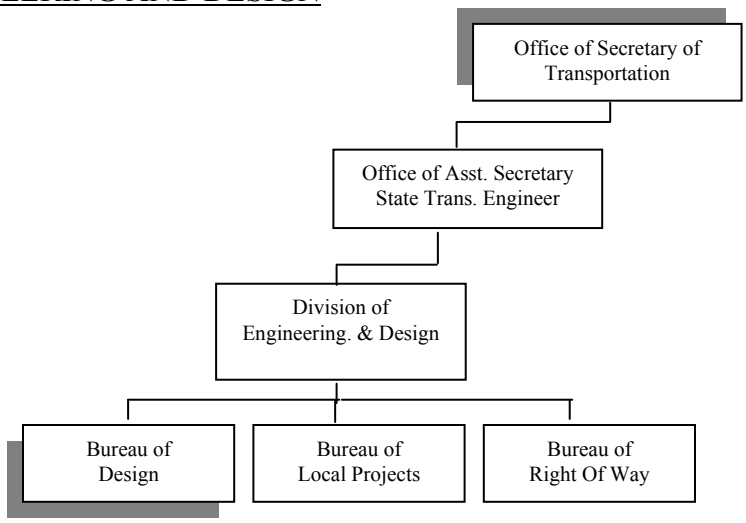
software development and maintenance, operation of certain hardware and various communication support activities.

DIVISION OF PLANNING AND DEVELOPMENT



The Division is responsible for monitoring and analyzing federal transportation legislation and for providing coordination with the American Association of State Highway and Transportation Officials. In addition, this Division provides research and data collection services concerning highway use and transportation needs. The Division produces the official state map, local maps, and numerous other maps. The Division provides assistance to local public transit systems with an emphasis on providing services for elderly persons, persons with disabilities and the general public. The Division coordinates policy on rail transportation and the rail and freight service programs. This Division also is responsible for preparing and presenting the multiyear Kansas Highway Improvement Program and providing an indication of what projects will be undertaken at various funding levels. This Division monitors and maintains the priority formulas for project selection. This Division administers all of the non-construction safety programs for the Department including programs that deal with driver behavior modification to reduce drunk driving, increase use of seat belts and child passenger restraints.

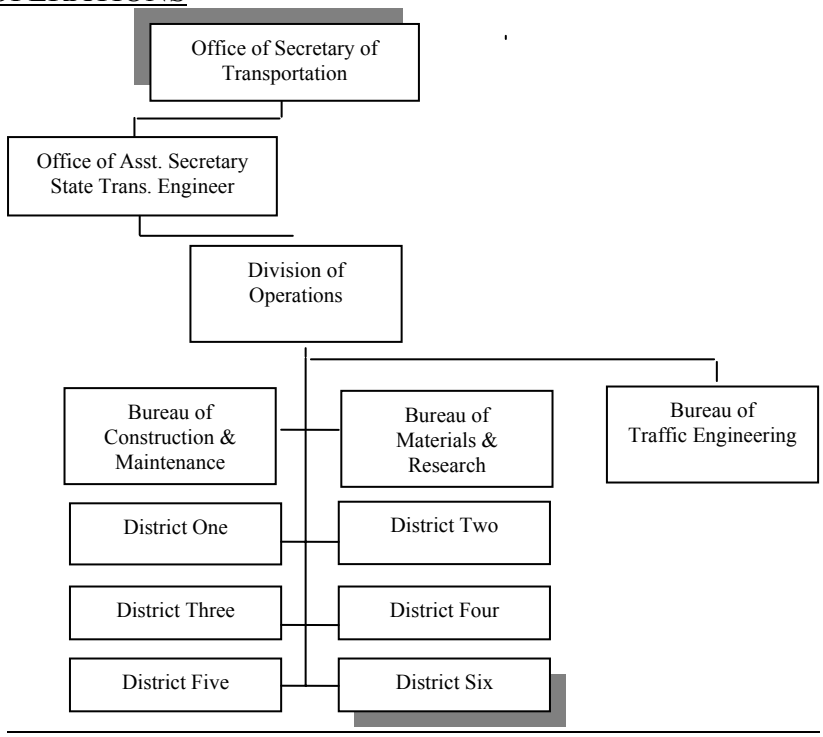
DIVISION OF ENGINEERING AND DESIGN



This Division is responsible for the preconstruction phase of state highway improvement projects, and assists local governments with preconstruction work for projects that rely on federal or state money. The Division is responsible for determining specific project locations on the State Highway System and conducting any environmental studies or similar activities that may be necessary. In addition, the Division is responsible for preparing the design of the project.

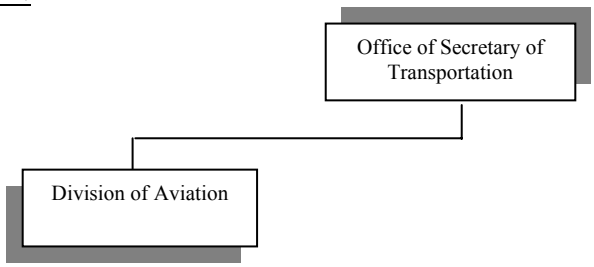
This may be done by agency staff or by consultants under agency staff supervision. The Division is also responsible for acquiring the right of way and coordinating utility movements prior to construction. Finally, this Division is responsible for the Department's bridge inspection program, which includes underwater inspection and structural evaluations, and for administering contracts with consultants.

DIVISION OF OPERATIONS



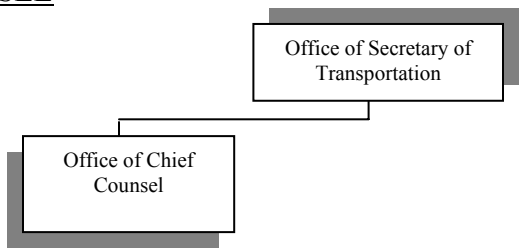
The Division is the largest of all organizational units in the Department of Transportation with approximately 80 percent of the Department's positions. This Division's employees are stationed in all but four of the State's counties. The Division is responsible for all of the construction inspection of projects on the State Highway System and for administrative oversight of city and county road projects that are federally funded. Actual construction is done by private contractors. The Division is also responsible for maintenance of the State Highway System. While some maintenance activities are contracted, most maintenance is performed by Department personnel. In addition, the Division is responsible for materials testing and research to insure that the materials used in construction and maintenance projects meet the applicable standards. These responsibilities include both developing the specifications and performing compliance testing. Finally, this Division is responsible for traffic engineering activities to determine the appropriate traffic signing and speed limits for projects under the Department's jurisdiction.

DIVISION OF AVIATION



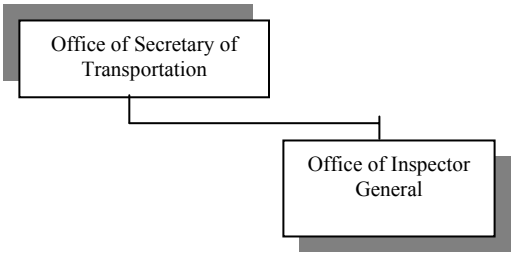
The primary responsibility of the Division of Aviation is the administration of the Kansas Airport Improvement Program (KAIP). The KAIP is the aviation component of the Kansas Comprehensive Transportation Program, which allocates funding for improvements to the Kansas public-use airports. In addition, the Division is tasked with administration of the Federal Airport Inspection Program, conducting statewide airport system planning, publishing the Kansas Airport Director and the Kansas Aeronautical Chart, providing technical support to airports, and coordinating assistance from the Federal Aviation Administration.

OFFICE OF CHIEF COUNSEL



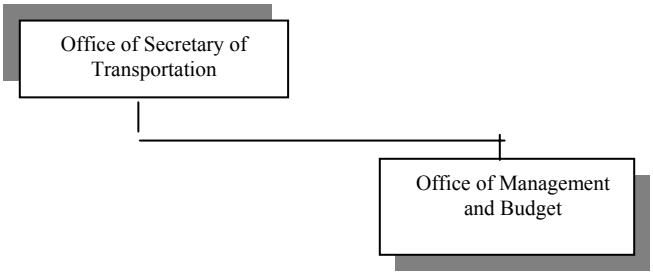
The Chief Counsel has overall responsibility for the legal affairs of the Department, including prosecuting and defending all lawsuits and/or claims brought by or against the Secretary of Transportation.

OFFICE OF INSPECTOR GENERAL



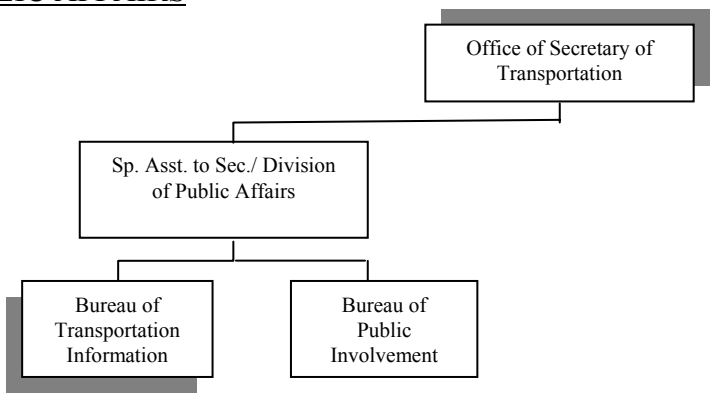
The Inspector General is responsible for assisting the Secretary in making management decisions relative to agency operations by conducting periodic reviews of Department of Transportation programs for compliance with established procedures, regulations, and guidelines and by submitting recommendations for improvements to insure efficient and effective operations.

OFFICE OF MANAGEMENT AND BUDGET



The Office of Management and Budget is responsible for coordinating and developing the Department of Transportation's Strategic Management Plan, developing and monitoring the Department's budget, preparing and maintaining Department policies and procedures, administering internal and external customer surveys, monitoring agency performance data, assisting in the support activities required to meet Department responsibilities associated with the legislative process and providing direct administrative and analytical support to the Secretary.

DIVISION OF PUBLIC AFFAIRS



This Division keeps the public informed and aware of the Department's policies, projects, programs and procedures through interaction with the news media and public groups. It oversees the operations of the toll-free Kansas Road Conditions Hotline, including updating construction detour information on the Hotline, as well as the toll-free KDOT Connection Customer Information Hotline.

The Division is responsible for implementing and guiding the Department's Public Involvement Program. This Program fosters two-way communication, facilitates citizen participation and helps the Department and its customers work together to provide a safe and efficient transportation system.

This Division also is involved in legislative activities in support of the Division Director who serves as the Department's liaison to the Kansas Legislature and organizes and directs the Department's legislative program.

Note: Of the above Divisions, only the Division of Engineering and Design and the Division of Operations are directly involved in highway design, construction, and maintenance. The remainder of this manual will be primarily related to the functions of the Division of Operations.

1.03.05 BUREAU OF CONSTRUCTION AND MAINTENANCE

This Bureau operates under the supervision and direction of the Bureau Chief, who is accountable to the Director, Division of Operations. The Bureau Chief develops and reviews policies and procedures for highway construction, prepares specifications and Engineer's estimates and coordinates programs for establishing uniform control of construction methods.

In addition, the Department functions as a central clearing office for contract administration and through its staff, provides technical and administrative assistance to District personnel in matters that pertain to the execution of contracts.

1.03.06 BUREAU OF MATERIALS AND RESEARCH

The Chief of the Bureau of Materials and Research is responsible for the direction and supervision of this Bureau. A primary function of this Bureau is to establish and administer a suitable quality control/quality assurance (QC/QA) program for materials incorporated into Department work. In support of this function, the bureau develops and reviews specifications and test procedures, performs tests on various materials and reports the test results, monitors field test activities, oversees the certified inspection and testing program and certifies compliance of project materials.

Other primary activities of this Bureau are to perform Geotechnical investigations, perform the pavement design function for the Department, maintain the pavement management system data base, perform research and provide technical assistance to field forces on various types of construction.

1.03.07 BUREAU OF TRAFFIC ENGINEERING

The Chief of the Bureau of Traffic Engineering is responsible for the direction and supervision of this Bureau. This Bureau consists of three sections: Traffic, Signing and Administration.

The Traffic Section is responsible for reviewing, recommending and preparing designs for traffic control devices and geometric improvements, including lighting and pavement markings on both the state highway system and city connecting links. This section is also charged with conducting traffic studies to recommend measures for eliminating operational and safety problems.

The Signing Section is responsible for preparing and reviewing signing plans for contract construction, maintenance projects, construction zones and detours on the state highway system. This section also coordinates the operations of the KDOT sign shop.

The Administrative Section, in cooperation with the Districts and Kansas Department of Revenue, is responsible for the issuing of permits for oversize/overweight vehicles and lighting and siren equipment on non-publicly-owned emergency vehicles. This section reviews commercial entrance permit applications and makes recommendations for their approval to the appropriate District Engineer. In addition, this section is responsible for statewide corridor management.

1.03.08 DISTRICT ORGANIZATION

The State is divided into six district areas to provide local administration of the highway program. Responsibility and authority for administration of the construction program in each district has been delegated to the District Engineer. Each district is organized and staffed to administer the basic program, with specialized services and technical assistance being provided by the Headquarters office organization.

1.03.09 THE DISTRICT ENGINEER

a. The District Engineer is responsible for all construction and related activities of the Department within his district.

b. He is responsible for the proper staffing of construction projects.

c. He is responsible for the final inspection and acceptance of completed projects.

d. The District Engineer is responsible for effective handling of outside business and public relation contacts involving district operations or district personnel.

e. He will make recommendations for construction and maintenance within the district, and establish priorities for such work when approved.

f. He makes recommendations for proper equipment and supplies and secures the proper and effective utilization and maintenance of such equipment and supplies.

g. The District Engineer is responsible for the implementation of employee and public safety policies and procedures within the district.

h. The District Engineer is directly responsible to the Director of Operations, but must effectively cooperate with the Headquarters Bureaus who speak for the applicable Directors on matters of design, construction, materials, right of way, maintenance and other activities. In cases of difference of opinion, the District Engineer may appeal directly to the State Transportation Engineer for review of decision.

1.03.10 DISTRICT CONSTRUCTION ENGINEER

The District Construction Engineer is directly responsible to the District Engineer and has the following general duties and responsibilities:

a. Directs Field Engineers in matters involving construction contract administration.

b. When assigned the responsibility, he acts for and assumes the duties of the District Engineer during the absence of the District Engineer.

c. Makes assignments of Field Engineers and field engineering personnel to construction projects.

d. Inspects construction projects with the Field Engineer; assists and counsels the Field Engineer.

e. Recommends necessary changes in plans and change orders.

f. Keeps informed as to the status of work on each construction project and review project reports, records and estimates.

g. Keeps the District Engineer advised of construction activities.

h. The District Construction Engineer must effectively cooperate with the various Headquarters Bureaus who speak for the applicable Directors.

i. Attends Pre-construction Conferences and has continual lines of communication with the field personnel.

j. Coordinates training instruction for field personnel in inspection, documentation and field engineering.

k. Performs such other duties and responsibilities as may be assigned by the District Engineer.

1.03.11 DISTRICT MATERIALS ENGINEER

The District Materials Engineer is directly responsible to the District Engineer and has the following general duties and responsibilities:

a. Directs Field Engineers in sampling, field-testing and use of construction materials. When assigned the responsibility he acts for and assumes the duties of the District Engineer during the absence of the District Engineer.

b. Reviews and checks all concrete and asphaltic mix designs.

c. Is responsible for quality and use of materials on projects.

d. Maintains personal contact with each Field Engineer and with Staff Engineers of the Bureau of Materials and Research to make certain that all materials incorporated in the work are properly tested and inspected and that they meet the requirements of the specifications.

e. Coordinates training instruction for field personnel in sampling, testing and documentation procedures.

f. Performs such other duties and responsibilities as may be assigned by the District Engineer.

1.03.12 METRO AND AREA ENGINEER

The Metro and Area Engineers are directly responsible to the District Engineer but work very closely with the District Construction, Maintenance, and Materials Engineers.

1.03.13 FIELD ENGINEER

Whenever the term Field Engineer is used, it shall be considered to mean Metro Engineer, Field Engineering Administrator, Area Engineer, Construction Engineer/Manager, and/or Construction Coordinator and has the following general duties and responsibilities:

a. Supervises and directs the activities of all personnel involved in the construction of one or more projects in accordance with the requirements of the plans and specifications.

b. Spot checks all phases of the work periodically and checks the activities and performance of his personnel on a day-by-day basis so that he will be assured that the work is progressing satisfactorily and on schedule.

c. Maintains close contact with the Contractor's representative to insure that cross sections, staking and inspection is maintained with contractor's work schedule. Also, insures that all misunderstandings which may arise are addressed before becoming problems.

d. Confers with public officials, utility owners, other agencies and the general public as necessary to make certain their interests are considered in planning work stages.

e. The Field Engineer is responsible for making certain that the contract work is performed in accordance with the contract provisions, and that all materials incorporated in the work have been tested and accepted by the proper authority. He must be sure that progress and events are properly documented, that all records and reports are filed, and that the State's interests are protected.

f. Keeps the District Construction Engineer apprised of the construction work as it progresses, including unusual problems and any changes in plans or additional work requiring change orders.

g. Is responsible for training personnel under his supervision to use safe work habits. Also is responsible for enforcement of public safety practices and procedure requirements.

h. Prepares project reports, records and estimates. Conducts Preconstruction Conferences and approves location of and inspects utility moves.

1.03.14 ENGINEERS AND ENGINEERING TECHNICIANS

Their duties are as follows:

a. The Engineer or Engineering Technician is directly responsible to the Field Engineer but may work under the direct supervision of an Engineer or Engineering Technician who is serving as a Party Chief, Project Coordinator, or one in charge of the inspection of important or complex construction operations.

b. Directs and lays out work for a construction survey party.

c. Supervises and inspects operations, phases or stages of construction and material production operations. Keeps documentation records and makes necessary reports of these operations.

d. Performs all calculations required in laying out interchanges, bridges, curves, grades, slope stakes or measurement of quantities.

e. Operates survey instruments in layout, traverses, leveling, cross sectioning, slope staking, final measurement and other survey operations.

f. Inspects and samples materials, performs tests on samples, keeps records and prepares reports of these operations.

g. Performs miscellaneous tasks, keeps records and prepares reports, as directed by the Field Engineer, Project Coordinator, or Party Chief in charge of the construction operation.

1.04 RELATIONS

1.04.01 GENERAL

The Construction personnel of the Kansas Department of Transportation are in daily contact with, and under the critical eyes of, a large number of citizens; and, as a public service organization, the Department is judged by its employees as well as by its work. Every employee should bear in mind he has a definite responsibility to build good will toward the Department.

1.04.02 GENERAL PUBLIC

Courtesy is a prime requisite of every employee. This applies to answering questions and accepting criticism or suggestions. Some questions which employees may think simple or elementary may be of great importance to the person asking the question. Our minds should not be so closed that we cannot listen to what is being said. By listening with an open mind, we sometimes find that we have overlooked a detail obvious to others not as close to the work. Whenever you can answer a factual question, do so. If the question is a matter of policy or concerns information you do not have, take the matter to your supervisor. Never let a question, a suggestion, or a criticism go unheeded. Follow through on such matters until the persons have a satisfactory answer.

On occasion, a construction project may be especially difficult to supervise and may create temporary inconvenience for the local people and the traveling public. Such situations and problems may possibly be handled with considerable private and public contact work, including release of information through local news media. These outlets are ordinarily quite happy to be of service in this regard. The Office of Transportation Information or the District Public Involvement Liaison will give assistance, upon request, in designing such a program for public information.

In case of contact with newspapers, radio or television, the Field Engineer should furnish information on matters for which he has personal responsibility and in which he is well informed. Questions concerning policy or programs should be referred to the District Engineer for consideration.

If conditions are observed that might develop into public controversy and misunderstandings, this information should be transmitted through channels so that early news

releases can inform the public of the facts. It is important that information given to the public not be slanted or evasive.

Complaints received from the general public are for the most part referred to the District Engineer or Field Engineer most familiar with the situation. Be prompt in contacting the complainant. To delay in the hope that it will "cool down" may only add more fuel to the fire if the complainant feels he is being ignored. It is best to talk personally with the person making the complaint; often it is just something he wants to get off his chest. Listen, and above all, be courteous. If you can make a decision on the matter, advise the person what can be done and when it will be done; and prepare a brief memo advising all interested persons as to how the matter was concluded. If the matter cannot be decided, inform the complainant that his problem is beyond your authority. A brief should promptly be prepared reporting the situation and forwarded through channels. Never lose your temper or your composure.

1.04.03 ADJACENT PROPERTY OWNERS

Before contract work starts on a project, the Field Engineer should try to advise abutting property owners of the planned construction and discuss with them the probable effect the contract work will have on their operations. They have an opportunity to arrange their operations before the work affects them seriously. If individual contact is too great a job, a group meeting could possibly be arranged. This consideration for the individual will improve the attitude of the general public toward the Department of Transportation.

Trespassing on private property exists when the owner of the property has not been consulted prior to action by others on his property. Before making surveys of any kind on private lands, the owners of these lands should be contacted. Seldom will owners deny access when they are informed as to the purpose of the work and are assured that no damage to their property will result. After making this assurance to the owner, the employees must work carefully to prevent any damage.

1.04.04 LOCAL OFFICIALS

County and City officials frequently manifest a great deal of interest in construction performed in their county, or city, whether it is county, city, state or federally financed.

Whenever such officials visit the project, the Field Engineer and his assistants will be courteous to them, answer their questions and explain in detail those phases of construction relative to their inquiries. Through acts of courtesy and an attitude of due respect, the Field Engineer often may obtain information which will be of material value to him in the supervision of his work. Suggestions by local officials as to changes in the work are to be listened to attentively. Obtain all the facts and give a suitable explanation when it is evident that their suggestions are not feasible. No commitments are to be made other than that their suggestions, if warranted, will be referred to the proper district official for consideration.

1.04.05 UTILITIES

Good public relations will have a beneficial effect in dealing with utility companies. The Field Engineer will be working with the companies to facilitate the removal, protection or relocation of existing utilities. The relationship should be one of mutual cooperation and consideration. The Field Engineer is urged to make personal contact as soon as possible with officials of the utility company in charge of the department with which he will be dealing. A representative of any affected utility should be invited to the Preconstruction Conference. This will tend to create good relations and give the companies, as much time as possible to perform the work they need to do.

1.04.06 CONTRACTOR

Proper relations between the Contractor and Department personnel are of the utmost importance. In establishing and maintaining this desired relationship, Construction Department personnel should abide by the following guidelines:

a. Inspection personnel must treat the Contractor fairly and impartially.

b. The first responsibility of the Field Engineer and his personnel is that the plans, specifications and contract requirements should be adhered to as closely as possible.

c. Maximum integrity of all personnel is essential in order that public confidence may be maintained in the Department.

d. Every reasonable effort should be made to maintain harmonious relations with the Contractor and his employees; however, excessive fraternization should be avoided.

e. Do not discuss the Contractor's methods of handling the work with outsiders.

f. Do not put yourself under obligation to the Contractor or his personnel.

g. Be ready to advise the Contractor when requested, but avoid snap decisions. Do not assume the duties and responsibilities of the Contractor.

h. Refrain from intense arguments over disputed matters. Matters that cannot be resolved peacefully should be referred to higher authority.

Instructions relative to the work are to be issued to the Contractor, his superintendent or foreman, not to workers on the project. Suggested changes or instructions issued pertaining to the work should be, for the benefit of the project, based on sound judgment and supported by the specifications. A written record should be maintained of specific orders issued.

The Field Engineer and his forces should endeavor to anticipate the needs and difficulties of the Contractor. Discuss the Contractor's schedule with him and coordinate the inspection accordingly. (Staking should be coordinated by contractor under bid item "Contractor Construction Staking").

1.04.07 INTERDEPARTMENT RELATIONS

Harmonious working relations among all employees of the Department are most important. An understanding of the functions and problems of other departments, as well as the manner in which they fit into the overall organization, will improve the teamwork within the Department. Each employee has a responsibility to promote and foster good relations with his fellow workers. An employee is expected to carry out the instructions of his supervisor. Each supervisor should conduct himself in such a way as to earn the full support, respect, and cooperation of those employees for whom he is responsible. Each employee must know his responsibility and must have the authority to handle it.

A major factor in promotion of good working relations is to keep your supervisor fully informed about all pertinent events that happen on work for which you are responsible. This principle applies equally at all levels of authority.

The Field Engineer should brief his assistants on plans and schedules for work immediately ahead.

1.04.08 FEDERAL HIGHWAY ADMINISTRATION

The role of the Federal Highway Administration (FHWA) in relation to federally financed highway construction is to review and require modification as necessary to construction oversight and materials acceptance procedures to the extent necessary to be able to provide assurance to Congress that these projects are being constructed in close conformance with approved plans, specifications and change orders. This assurance is necessary before Federal-aid funds may be paid to the State. This relationship, then, involves only the FHWA and Department

and does not directly involve the Contractor. In effect, the Department has a contract, or project agreement, with the FHWA that the Department will construct a project in accordance with certain plans and specifications. FHWA representatives, when in the field and inspecting projects constructed with Federal-aid funds, are on the project for the purpose of reviewing the State's performance in causing the project to be constructed in accordance with the approved plans, specifications and estimates as contained in the Department-FHWA agreement. The FHWA's representative has no responsibility or authority to direct or supervise the Contractor's work or to give directions, either oral or written, to the Contractor.

FHWA Engineers make inspections on federally financed projects designated as full-oversight. These are all Interstate projects with estimated construction costs in excess of $1,000,000 plus other projects on National Highway System (NHS) routes, which may be designated as full-oversight by either FHWA or the Department. In addition, FHWA periodically performs detailed inspections on randomly selected, federally financed projects. These randomly selected projects may be on or off the NHS and maybe under State or local agency jurisdiction. During such inspections, all project records pertaining to the work under review are closely scrutinized.

Findings and recommendations related to job procedures and contract performance found during these inspections are discussed with the Department's project personnel at the end of the inspection. Significant findings and recommendations will be directed by the FHWA representative to the attention of the Department or Headquarters' office staff as appropriate.

FHWA field representatives, in connection with their periodic construction inspections of full oversight projects, review and report on pending and foreseeable revisions or alterations, which are to be formalized by execution of contract change orders. It is desired that all such contemplated changes, whether major or minor in character, be called to the attention of the FHWA representative at the earliest date coinciding with their visit to the project. Federal regulations require FHWA concurrence in major changes prior to executing work on the change. It is recognized that the need occasionally arises for making a change on relatively short notice. In such cases, Advance Request for Major Change Order Approval (DOT Form No. 221) should be initiated, by phone or email if necessary, and authorization obtained from FHWA prior to executing the work on the change.

1.05 INTEGRITY OF THE INSPECTOR

1.05.01 INTEGRITY

Absolute integrity on the part of all Department personnel is essential if public confidence in the Department is to be maintained.

Department personnel should not engage in outside work unless the District Engineer previously clears the matter. Project personnel are prohibited from doing work for, and receiving compensation from, the Contractor.

Any one in the Department whose job involves negotiating, approving or administering any contract or transaction on behalf of the Department shall not have any financial or personal interest, direct or indirect, in the case.

If any Department employee has any interest in real property to be acquired for highway purposes he shall fully document the facts and circumstances of his interest. He shall not participate in acquisition of the property as an agent of the Department.

No employee shall use Department equipment for personal business.

The acceptance of gifts and favors from the Contractor, or his suppliers, though it may appear trivial, can create an unhealthy moral atmosphere that could adversely affect public confidence and create a condition where improprieties that are more serious can occur. The

solicitation or acceptance of a loan by a Department employee from a Contractor is an example of a serious conflict of interest action.

The Field Engineer must be on the alert for any indication of impropriety on the part of himself or his personnel. Any case of dishonesty or serious conflict of interest encountered should be immediately corrected or brought to the attention of the District Engineer.

1.06 EQUIPMENT

1.06.01 ENGINEERING EQUIPMENT

When engineering equipment is assigned to an individual, he becomes personally responsible for its care and condition.

The surveying equipment used by the survey party are precise instruments and are expensive. The retention of their value and the results of the work depend, to a large degree, upon the proper care and functioning of this equipment. Any person, who does not, at all times, show proper regard and care for the equipment should not be permitted to handle them.

Transporting equipment to the work site is often more detrimental than the use it receives after arriving on the job. Proper housekeeping habits in the survey vehicle, following the rule, "A Place for everything and everything in its place." will tend to protect engineering equipment, reduce frequency of replacing worn out equipment and prevent loss.

The proper care of equipment applies to all equipment, not just survey equipment.

All survey equipment shall be checked at frequent intervals to insure maintenance of required accuracy. Minor adjustments may be made only in accordance with the manufacturer's recommendations and prescribed procedures. Adjustments should only be made by a competent and experienced person.

Equipment such as axes, sledgehammers, picks and hatchets should be checked frequently.

Field office equipment, such as computers, calculators, adding machines, etc., should always be protected from excessive dust and moisture. Instruments, such as hand levels, thermometers, etc., should be kept in their boxes in a safe place.

Laboratory and field-testing equipment must be kept clean, handled with care and kept in good working condition. Tests performed by this equipment have an important role in the control of materials, and any equipment that is damaged or worn out should be replaced.

Detailed instructions for the handling and care of surveying equipment will be found in Part III of this Manual.

1.06.02 VEHICULAR EQUIPMENT

Maintenance and handling of Department owned vehicles is thoroughly covered in the Standard Operating Manual, which is available to all personnel. All employees assigned a vehicle are expected to care for it according to the requirements of the Manual.

Department owned motor vehicles shall be used exclusively in the performance of Department business and performance of employee's duties in that business. These vehicles shall not be used for transportation from home to office and return unless authorized by the District Engineer.

The Field Engineer should make periodic checks to determine that each employee operating a motor vehicle in performance of his work is complying with requirements concerning that vehicle.

Storage of Motor Vehicles - When not in use, all Department owned motor vehicles must, when possible, be stored in the equipment yards of the District, Area, Project or Department Headquarters. Unless such sites are within a garage or other building, all vehicles must be kept locked even though they may be stored within a fenced compound. When an

employee must take a vehicle to his home, the vehicle must be garaged or parked off the street. If an employee must remain out of town and parks in front of a hotel or motel, this is considered a reasonable and safe place for parking.

1.07 SAFETY

1.07.01 GENERAL

The Field Engineer and/or Project Coordinator is charged with the responsibility of providing safety leadership at all times and safety enforcement when necessary. He should give thorough instructions to employees under his jurisdiction on the safe use of tools, materials, equipment and the safe prosecution of the work. He should see that all State employees on the project wear a hard hat and other appropriate protective equipment when in construction and/or hazardous areas in accordance with the latest personnel Standard Operating Manual and the KDOT Safety Manual.

Most State employees realize that construction equipment used on today's highway construction projects is getting bigger, heavier and faster with the passage of time. With this increase in size and speed of operation, the degree of hazard goes up proportionately. Safety measures and practices must keep pace.

Safety is everybody's business. The primary responsibility of your safety lies with you, the individual. Accidents may result in loss of life, permanent disability, pain and suffering, economic loss to the individual and employer and rising insurance rates. Cooperation in safety programs is the mutual obligation of every employee. In view of this, each employee should endeavor to:

a. Work safely on or off the job.
b. Realize his actions may cause accidents or injuries.
c. Have regard at all times for the safety of others.
d. Use knowledge and influence to prevent accidents.
e. Contribute ideas and suggestions for improvement of safety.

1.07.02 VEHICULAR TRAFFIC

Traveling public - Today's high volume of traffic combined with difficult construction near highly populated areas makes it imperative that project personnel be concerned with not only maintaining construction standards and schedules, but also the safe and smooth operation of traffic in and around construction areas. Intensive supervision and inspection by field personnel is necessary to obtain guidance and protection of traffic through work areas on the construction project. Adequate traffic control devices should be placed where they are most needed and effective. This should be done in accordance with the Standard Traffic Control Sheets incorporated in the plans, Standard Specifications and latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways. Flaggers should be used where needed. All flaggers should be familiar with instructions and procedures contained in the State of Kansas Traffic Control Handbook for Flaggers. They shall be provided with and wear proper apparel. Signs and barricades should leave no doubt as to when roads are completely closed and where detours are located. When traffic control devices have served their purpose and are not needed they should be removed or covered.

An inspector should be delegated the responsibility for checking traffic control items on each project. Checks and documentation should be made on the condition, placement and adequacy of traffic control devices throughout the duration of their use on a daily basis (more often if necessary), on weekends and on holidays or shutdown periods. Periodic inspections at night must be made to insure that traffic control devices are operating as intended. If the person

noting the defect cannot make correction, the proper parties should be notified; these would be the District Maintenance Engineer for State signs and devices or the Contractor's representative for their signs and devices.

State owned vehicles - The operators of State-owned vehicles should be aware of their responsibility not only to their employer, but also to the traveling public. They should operate the vehicles in a safe and courteous manner and obey all traffic laws.

The operator must have in his immediate possession a valid driver's license of the class required by his position description. The driver's license shall be current as to place of residence and otherwise comply with renewal requirements.

Drivers must use good driving habits and practice recommended safety rules. State-owned vehicles are easily identified by the public and poor driving habits cannot be tolerated.

The following is a list of some of the causes most frequently found in accidents involving State-owned vehicles:

a. Following too close.
b. Improper backing.
c. Driving too fast for existing conditions.
d. Improper entry into traffic flow.
e. Faulty vehicle equipment.

1.07.03 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

The National Occupational Safety and Health Act (OSHA) requires all employers to provide a safe working environment for their employees. In the performance of the Contract, the Contractor shall comply with all applicable Federal, State and local laws governing safety, health and sanitation. The Contractor shall provide all safeguards, safety devices and protective equipment. He should also take any other needed actions, on his own responsibility or as the contracting officer may determine, reasonably necessary to protect the life and health of employees on the job and the safety of the public and to protect property in connection with the performance of the work covered by the Contract. To insure active involvement and awareness of the Contractor's safety program and procedures, the inspector is encouraged to attend safety meetings periodically held by the Contractor on the project.

1.07.04 CREW SAFETY

Working in traffic - In areas where all but the local traffic has been detoured, construction signs and barricades afford some protection to employees working within project limits provided construction is in progress and restricted travel conditions are evident.

Survey work on a highway that is not restricted to traffic requires that adequate warning to motorists be provided. The motorist must be informed that the crew or other persons are working on the highway so that he will know what to expect. Portable warning signs, arrow boards and cones are available for that purpose and each crew must have a set on hand, utilizing them whenever working in traffic. The signs should be placed at a distance from the work adequate to permit the motorist opportunity to slow down or stop safely if necessary. The signs are ordinarily placed on the road shoulder in each direction from the crew and moved ahead as the survey work progresses. Instruments set up in the roadway should have cones placed at each leg of the tripod.

Portable warning signs are effective only if they tell the correct story. Under no conditions should these signs be left in place overnight or for periods when work is not being performed in the vicinity.

As an extra precaution, state employees on construction work under traffic will be furnished a safety vest that is worn as the outermost garment. These vests are available at the District Headquarters' stockroom. The safety vest shall be worn while working in the vicinity of construction equipment in use and while on the open highway.

Whenever work is being performed within the traveled portion of the highway, along with all items of safety equipment considered necessary, each member of the party must remain alert for possible danger at all times. When conditions are extremely noisy, extra precaution should be taken.

Unless survey vehicles are used as an aid in warning traffic, through use of mounted signs and flashing lights, they must be parked off the roadway. This may require parking the vehicles some distance from the work. When conditions permit, the vehicles should be parked far enough from the edge of pavement to provide clearance of at least 30 feet.

Periodic inspection should be made by supervisory personnel to determine that all employees are making proper use of protective devices.

Ground level operations - The Party Chief should schedule his work, when possible, to minimize being in areas where heavy equipment is used or where operations are concentrated in a relatively small area.

Before entering an area for purposes of inspection or performance of work, an individual should assure himself that the area is safe. For example, a deep trench should be properly shored and braced. Likewise, it would not be safe to enter upon a roadway to perform a task requiring undivided attention when noisy, heavy equipment is being operated nearby unless safety provisions are made such as having another person nearby acting as a lookout, etc.

All employees working in the vicinity of bridge construction, pile driving, pipe laying or other operations involving the use of cranes or draglines should use extra precautions. They should never walk under any load suspended by crane or dragline, and remain a safe distance away from cables that are under heavy load. They should remain a safe distance away from a crane or dragline working in the vicinity of a power line.

Above ground operations - Employees working above ground should be aware of additional hazards related to height and the limited working area. Individuals should never be required to work at high elevations if they are adversely affected by height. They should be appropriately dressed in regard to hard hats, safe shoes, cuff less pants, etc. Care should be used in ascending and descending ladders. Extreme caution should be exercised on windy days. When working over water, life jackets and/or safety belts may be required. Bridge Contractors are required by OSHA to install safety nets when workers must be in excess of 25 feet above the ground if the use of catch platforms, temporary floors, safety lines or safety belts is impractical.

Processing plants - Concrete batch plants, asphalt plants, prestressed concrete yards, etc., present many hazards such as moving machinery, vehicular traffic overhead operations, ladders and stairs and various hot materials. The seriousness of the hazards is compounded by the almost continual high level of noise. Hard hats should always be worn and extra precaution taken when working in these areas.

1.07.05 ACCIDENT REPORTS

Personal Injuries - Should a State employee suffer any personal injury because of an occupational accident, his immediate supervisor or KDOT Senior Manager should be notified immediately.

Detailed information on reporting personal injury accidents can be secured from the - Standard Operating Manual entitled "Workers' Compensation".

Personal injury accidents to State employees must be reported on Workers' Compensation Form 1101-A, "State Self-Insurance Fund, Accident Report Form" without unnecessary delay. This is the responsibility of the employee's supervisor or KDOT Senior Manager, in the event the employee is unable to make the report.

Vehicle accidents - The Standard Operating Manual requires that accidents involving State Employees and vehicles be reported promptly. In accidents involving other vehicles, the employee and the other vehicle's operator are required to exchange names, addresses, description and license number of their vehicles, the name of the owner of each vehicle and the name of the insurance company covering each vehicle. No other information should be given unless requested by a traffic or police officer at the scene.

Employees should not discuss facts and conditions relating to the cause of the accident with the driver of the other vehicle and they should not admit any liability for the accident. All inquiries and attempts at settlement from the adverse party should be referred to the proper local authorities.

Where the accident involves an unattended vehicle or other property, the employee must leave the required information by note on or in the affected unit in a conspicuous place. He must also report the accident to the local police, highway patrol or sheriff, immediately.

Detailed information on reporting motor vehicular accidents can be secured from the Standard Operating Manual entitled "Vehicle Accident Reporting".

1.07.06 HAZARDOUS MATERIALS ACCIDENTS

Due to the possibility of serious personal injury and property damage, State employees are encouraged to be familiar with the necessary actions to take if they are involved in or see an accident involving hazardous materials. Each employee should know how to refer to the Emergency Response Guidebook in order to report a hazardous materials incident effectively. Instructions should be given periodically to employees as to the proper procedures for reporting an accident involving hazardous materials.

The following is a guideline for reporting a hazardous materials accident:

a. If possible determine the type of material and if the container is damaged.

b. Notify the State of Kansas Division of Emergency Management (KDEM).

24 Hour Emergency (785) 296-3176 or 1-800-275-0297
Business Hours (785) 274-1409

1. Identify the call as a Hazardous Materials Emergency and give the operator the following information:

- Your name
- Location of the accident
- Type of material involved, if known
- Damage to container or material
- Telephone number you are calling from

2. Remain at the telephone until you are called back. The Division of Emergency Preparedness will give special instructions as to flagging, traffic control, etc.

Form "A" "Hazardous Materials Incidents Accidents Continuous Releases" must be sent to KDEM within one business day of the verbal report. The Area Office involved should handle the reporting.

For more detailed instructions, refer to the KDOT Highway Maintenance Manual, Chapter 12, "Environmental Protection and Safety".

1.07.07 ACCIDENT PREVENTION MEETINGS

It is the policy of the KDOT to provide for brief safety meetings for employees. The instructions for these meetings are contained in the Standard Operating Manual 2.6.2 "Safety". It may be difficult to schedule the meeting at the time outlined in the S.O.M. However, the Field Engineer shall schedule the meeting at the most opportune time to obtain the maximum attendance by the employees under his supervision.

1.08 PERSONNEL

1.08.01 EMPLOYMENT REGULATIONS

For rules and regulations relative to employment, vacation, sick leave, etc., see the Civil Service Division's rules and regulations, the Standard Operating Manual, and the State of Kansas Active State Employee Benefits Guide. These publications are available in all Construction offices.

1.08.02 EXPENSES, TIME RECORDS AND EQUIPMENT RECORDS

The rules and regulations relative to methods and procedures for recording and distributing expenses, labor and equipment charges will be found in the Standard Operating Manual and the Division of Operations Administrative Reference Manual (ARM). These instructions are available in the Field Engineer's office.

1.09 HISTORICAL SITES

1.09.01 ARCHAEOLOGICAL AND PALEONTOLOGICAL SALVAGE

It is in the public interest to preserve for public use historical and prehistorical objects such as Indian ruins, sites, buildings, artifacts, fossils or other objects of antiquity that may have significance from a historical or scientific standpoint. On a construction project when it appears that significant historic or prehistoric objects have been or are about to be encountered, the Field Engineer should immediately take steps to preserve them and should notify the District Engineer.

1.10 LABOR REGULATIONS

1.10.01 GENERAL

All contracts let by the Secretary for the construction, reconstruction, improvement and maintenance of highways contain provisions governing the employment and payment of wages to persons employed by the Contractors, Subcontractors and others to perform the work. The Federal labor provisions are found in the "Required Contract Provisions Federal Aid Construction Contracts" Form FHWA-1273 that is made a part of all Federal-Aid construction contracts. The State labor provisions for Kansas funded construction contracts are included in the Contract as a Special Provision.

The Federal Highway Administration Labor Compliance Manual, latest edition, defines the policies and procedures that are applicable to the labor compliance provisions of Federal-Aid construction contracts. In order to assure an effective program, the Manual should be studied carefully and followed by all persons responsible for the administration and enforcement of these contract requirements.

1.10.02 ENFORCEMENT OF LABOR PROVISIONS

To fulfill the contract properly, the Contractor must conform to the labor provisions included therein. It is the Field Engineer's responsibility to be certain that the requirements regarding labor are properly carried out.

a. Required Notices and Posters

On all projects there is certain information that must be displayed in a conspicuous place on the project so interested persons may view it and become aware of the contents. Following is a list of notices and posters that must be posted, at the point where the majority of employees assemble for work.

Notices and Posters for Kansas Funded Contracts

1.Notice to Workers About Unemployment Insurance K-CNS 405 - To be posted by employers covered by Kansas' Unemployment Insurance statutes.

2.Notice: Your Employer is Subject to the Kansas Workers Compensation Law (K-WC 40) - To be posted by all Kansas Employers to inform employees of benefits and where to get help or information.

3.Kansas Law Provides Equal Opportunity - To be posted by all Kansas Employers to inform employees where to report discrimination.

4.Notice of Hours (Child Labor), K-ESLR 100 - Informs employees that any child under 18 year of age is prohibited from working in a vocation that has been declared dangerous or injurious to life, health, morals or welfare of a minor.

Additional Notices and Posters Required for Federal-Aid Projects

5.False Statements Notice, FHWA 1022, Title 18 CFR 1020 and CRF 635.119 - Points out the consequences of impropriety on the part of any Contractor or Department employee working on the project.

6.Wage Rate Information, FHWA 1495 and 1495A - Points out that this project is subject to the minimum wage rate provisions of Section 113, United States Code and the overtime Rate Provisions of the Work Hours Act of 1962. Attached to this poster will be an approved list of wage rates and job classifications, as subsequently modified or amended, which appears in the contract.

7.Equal Opportunity Poster, (EEO) EEOC P/E-1 (41 CRF 60-1.4(b)(1)) - Points out that on this project discrimination is prohibited by Title VII of the Civil Rights Act of 1964 and Executive Order 11246.

8. EEO Postings, (41 CFR-60-741.44) - The Contractor must post his EEO Policy Statement and the name, address and telephone number of his EEO Officer.

9. Safe Work Place Poster, OSHA-2203/3165 (29 CFR 1903.2(a)(1)) - The Contractor is required under the provisions of OSHA to post this poster in a conspicuous place.

10. Emergency Phone Numbers Postings, (29 CFR 1926-50(f)) - The Contractor is required to post the telephone numbers of the physicians, hospitals, or ambulances in areas where 911 is not available.

11. Notice to Employees, Form USDOT-WH-1321 (29 CRF 5.5(a)(1) – Informs employees who to contact it they are not receiving appropriate rate of pay for their classification.

12. Your Right Federal Minimum Wage Form USDOL-1088 – Informs employees of the current minimum wage.

13. Your Rights Under the Family Medial Leave Act, WH-1420 (29 CFR 825.300(a) – Informs employees of rights under the 1993 Family Medical Leave Act.

14. Notice Employee Polygraph Protection Act, Form USH-1462 – Does not allow the use of polygraph testing in Pre-employment and employment screening.

15. Notice to Employees, Form USDOT-WH-1313 (29 CFR 4.6(e), .184) - notify each employee of the compensation due.

b. Wage Rate Interviews

Project personnel are required to conduct wage rate interviews as often as deemed necessary to assure compliance and, as a minimum, at least every three months during the life of the project with at least one interview per project. An attempt should be made to interview

employees of the various crafts during the duration of the project. These interviews shall be recorded on Wage Rate Interview Form DOT Form 209. All information from each interview is to be kept confidential. Interviews must be conducted in private.

Information obtained from the wage rate interview should be compared with the contractor's weekly certified payrolls to insure that the laborer or mechanic is being paid the proper hourly rate plus fringe benefits (when applicable) in the classification of work actually being performed. Any discrepancies noted between the wage rate interview and the weekly payroll shall be brought to the attention of the Contractor and resolved in a timely manner.

c. Wage Rates and Payrolls

1. Wage Rates - As mentioned above, all contracts, except County Force Account contracts, let to bids and entered into by the Department of Transportation for highway, road, street and bridge construction contain provisions and regulations governing the employment and payment of laborers and mechanics engaged by Contractors, Subcontractors and others to perform the contract work. Federal-Aid projects are subject to the requirements stipulated in the Davis-Bacon and Related Acts. Kansas funded projects are not; however, Kansas Statutes stipulate that prevailing wage rates be paid employees in accordance with wage areas, job classifications and wage rates. It has been determined that these minimum wage rates will be the same as the prevailing rates established for the area by the U. S. Department of Labor and listed on the General Wage Decision within the contract for use on Federal-Aid projects. All laborers and mechanics must be paid at not less than one and one half times their basic rate for all hours worked in excess of forty hours per week. Fringe benefits need not be added to the basic hourly rate when computing overtime.

2. Payrolls - Contractors and Subcontractors are required to submit a copy of their Weekly Payrolls to the Field Engineer along with a certification indicating the attached payroll is correct and complete. The payroll should be mailed so that it will be received no later than seven calendar days after the close of the Contractor's pay period. When a Contractor has more than one contract included under the same project number, he may submit only one payroll rather than one for each individual contract. If a Contractor has contracts for contiguous (adjoining) projects, he need submit only one payroll rather than one for each individual project. When the Contractor has state tied projects he may submit one payroll per week with the project numbers of the projects on which work was performed appearing on the payroll.

(a) Payroll Information. Payrolls submitted shall contain the following information.

- The first payroll submitted on a project shall contain the employee's full name, address and social security number. On all payrolls that follow, the employee's name only need appear unless there is a change of address. When newly hired employees appear on payrolls, the information shall contain the employee's full name, address and social security number.
- The payrolls should be numbered consecutively, and the last payroll submitted should be marked final. These payrolls reflect all work through to completion of the project.
- The work classifications or classification code numbers must be shown. The Contractor, at his option, may use code numbers in lieu of actual classifications as long as he furnishes the Field Engineer a descriptive copy of the codes. The classification shown on the payroll should essentially coincide with the classification shown on the General Wage Decision in the contract.
- Hourly wage rates, including fringe benefits (if applicable), must be shown for each employee.
- Daily total hours and weekly total hours worked in each classification must be shown.

- Itemized deductions must be listed. Under the Copeland Anti-Kickback Act, it is a criminal offense, subject to severe penalties, for any Contractor or Subcontractor to induce any person to give up any of the compensation to which he is entitled under the contract. However, certain deductions such as income tax, social security, health insurance premiums, etc., which are made for the benefit of the employee are not only allowable, but often are required by State and Federal law.
- Fringe Benefits shall be made in behalf of the person employed in accordance with 29 CFR Part 3.

(b) Confidentiality of Certified Payroll Records. Access to information contained on certified payroll records must be restricted to only the following agencies:

1) KDOT Bureau of Construction and Maintenance, KDOT Office of Engineering Support, KDOT Office of Inspector General
2) Federal Highway Administration (FHWA), Kansas Division Office
3) United States Department of Labor (USDOL)
4) Kansas Department of Human Resources (State funded projects only)
5) External EEO Section

Should access be requested by an agency/organization not listed above, the following steps must be followed.

- Federal Aid Projects - A "Freedom of Information Request" must be submitted in writing to the Division Administrator, FHWA, Kansas Division. If the request is granted, FHWA will contact the Bureau of Construction and Maintenance who will in turn contact the Field Engineer. The Field Engineer will make copies of the certified payroll records and send them to the Division Administrator, FHWA. The FHWA office will sanitize the payroll reports and provide sanitized records to the requestor.
- State Funded Projects - An "Open Records Request" must be submitted by the requesting organization to the Office of Chief Counsel, KDOT. If the request is granted, the office of Chief Counsel will notify the Bureau of Construction and Maintenance who will contact the Field Engineer. The Field Engineer will be asked to provide copies of the certified payrolls requested to the office of Chief Counsel. The Office of Chief Counsel will sanitize the payroll reports and provide copies of the sanitized records to the requestor.

d. Check of Payrolls

Field Engineers should establish a check system to record dates that payrolls are received in his office and establishment of a record of checks made on various payrolls.

The first payroll submitted should be thoroughly checked. Random checks may be conducted thereafter with at least one check being made each month.

When checking payrolls the Field Engineer or his assistant should check:

1. To insure that the required information listed in paragraph 1.10.02 c. 2. (a) has been included on the payroll.

2. To insure that the rates paid conform to minimum wage requirements shown on the General Wage Decision in the contract, and that the wage rates on the payroll agree with rates reported on wage rate interviews.

3. The accuracy of extensions and overtime computations.

4. To insure that proper fringe benefits have been paid.

5. To insure that deductions are itemized and approved by the employee or are authorized by law.

6. The Contractor's timekeeping procedures and/or records to insure that they agree with the payroll.

The payroll should be marked and initialed as checked. If it is found that the payroll has discrepancies and clerical errors, such errors should be called to the attention of the Contractor so that corrections can be promptly made. The original payroll submitted is not to be returned to the Contractor under any circumstances. Corrections are to be made by supplemental payrolls, prepared and submitted in the same manner as the original. It is not necessary that a completely revised payroll transcript be submitted.

No payroll is correct if improper classifications are used or if any workers are paid less than the minimum rate set forth for the classification under which his duties fall.

(a) Owner Operators

- Truck Owner Operators - The names and addresses of owner-operators must appear on applicable payrolls. The classification "Owner-Operator" is all that need appear. No other information, such as hours worked, amount paid, etc., needs to be shown. Drivers, other than owner-operators, are subject to the wage rates posted in the contract and must appear on the weekly Payroll. These operators may appear on the payrolls submitted by the prime Contractor, or the truck owner may submit payrolls to be added to the prime Contractor's payroll as an addendum.
- Operators for Equipment (other than trucks) Hired, Leased or Rented by the Contractor - If the operator is hired and paid wages on an hourly basis his name and all normal required payroll information should be shown on the applicable payrolls.

If the owner is operating the equipment for a lump sum hourly rate which includes the operator's wages plus rent and expenses for the equipment, the Contractor (after reaching an agreement with the owner) must submit a statement designating the amount of the hourly rate that is to be for wages and the amount for the rent of equipment. The statement should be submitted prior to the commencement of work by the owner of the equipment. The hourly lump sum rate should be sufficient to cover the minimum required wage rate plus a reasonable rental rate for the equipment. The operator should be shown on applicable payrolls as described in paragraph 1.10.02c.2.(a).

If the owner is operating this equipment to perform a task for a total lump sum fee he should be shown on applicable payrolls as "Owner-Operator". No other information need be shown on the payroll. When the task is complete, the Contractor shall submit a certification stating the total number of hours worked and the total amount paid to perform the work. The Field Engineer may then deduct a reasonable rental fee for the equipment from the payment, divide the remainder by the number of hours worked to insure that minimum wage requirements have been met.

When the contractor rents equipment with an operator to perform part of the work called for in the contract, all such work at the site is covered by the Davis-Bacon and Related Acts.

(b) Employment of Apprentices

Apprentices may only be employed on contract work if they are registered in a bona fide program approved by the Bureau of Apprenticeship and Training of the U.S. Department of Labor. Before using apprentices on the job, the Contractor shall present written evidence of their registration, their current wage rate and the schedule of payment showing progression upward from an Apprentice/Trainee to a bona fide journeyman. They may be paid at the rate provided in their agreement, which rate will be a percentage of the journeyman's rate, dependent on their length of service. The ratio of journeymen compared to apprentices or trainees shall not exceed three journeymen to one apprentice, or as stipulated in the Code of Federal Regulations.

e. Violations

The Field Engineer is to investigate any complaint or violations of the labor standards referred to him. A report of each investigation and the actions taken is to be prepared and submitted to the District Engineer and the Bureau of Construction and Maintenance. There are provisions in the contract for withholding, from the contractor, unpaid wages owed to the affected employees. This will usually be a small amount and, in practically all cases, restitution payment will be made immediately to the affected employees upon notice sent to the Contractor by the Field Engineer. Deliberate violation of the labor requirements regarding wages is a serious matter and shall not be tolerated.

f. Determining Wage Classifications

In checking payrolls and investigating complaints with regard to wage difficulties, the Field Engineer may be confronted with the problem of determining the actual classification, which an employee is working. Sometimes the solution is not vivid enough to determine definitely the classification in which the employee fits. The Field Engineer usually does not have the information as to the duties of a carpenter's helper as compared to those of a carpenter, for example, so the final analysis in the case of disputes must be resolved by others. When a dispute arises, the Field Engineer should immediately obtain and assemble all the information available and consult the District office concerning the problem.

Policies and previous determinations regarding wages, labor and labor classification are contained in the FHWA's Labor Compliance Manual. Questions as to the proper classification for the work performed by laborers and mechanics are to be resolved as follows:

(1) In Wage Area 1, 2, or 3 the Field Engineer should refer to the job descriptions contained in the "Standard Job Classification And Description For Heavy, Highway And Municipal Utility Construction In Kansas", latest revision, prepared by the Kansas Contractors Association.

(2) In Wage Area 4 and 5, which are union areas, the General Wage Decision for these areas generally reflects union negotiated rates. Therefore, laborers and mechanics are to be classified in accordance with the information contained in the contract. Each local trade union has established craft jurisdictional lines, which are recognized by each local union. This is not to be interpreted to require contractors and subcontractors to hire union workers, but it should be interpreted to require the contractors and subcontractors to properly classify and pay laborers and mechanics for the time spent working in the classification. For example, if a non-union contractor is awarded a contract, he may hire a worker in the classification of "Laborer (Group 1)" to do work claimed by other trade unions. This worker may tie reinforcing steel, bolt structural steel, build wooden forms, operate equipment, etc., so long as he is paid in the classification of work for which he is performing the duties, i.e., ironworker, carpenter, or power equipment operator.

<u>Additional Classifications and Wage Rates</u>

Wage rates and classifications of work are determined in accordance with Davis-Bacon and Related Acts by the United States Department of Labor (USDOL) prior to the letting of contracts for KDOT highway work. However, new classifications of work and wage rates may be required by the nature of work after the award of the Contract.

All laborers and mechanics which are not listed in the General Wage Decision and which are to be employed under the contract shall be classified in conformance with the wage decision. An additional classification and wage rate and fringe benefits will be submitted for approval only when the following criteria have been met:

(1) The classification is appropriate and the work to be performed by the classification requested is not performed by a classification in the wage decision; and
(2) The classification is utilized in the area by the construction industry, and
(3) The proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage decision.

If the contractor, the laborer and mechanics to be employed in the classification (if known), or their representative, and the Engineer agree on the classification and wage rate (including the amount designated for fringe benefits where appropriate), a report of action taken will be completed as set forth in the following section.

Determinants For Proper Wage Rates. The following factors should be considered:

(1) Prevailing area wage practice;
(2) Union Bargaining agreement;
(3) Field experience in hiring laborers and mechanics for the type of work (classification) required.

Procedures for Requesting Authorization of Additional Classification and Rate.

- **Federal-Aid Projects:**

(1) The contractor shall complete items 3 through 16 of Standard Form (SF) 1444, Request for Authorization of Additional classification and Rate, and submit the request to: Chief, Bureau of Construction and Maintenance, Kansas Department of Transportation, Harrison Center, 700 SW Harrison, Topeka, Kansas 66603-3754.
(2) The Bureau of Construction and Maintenance will approve, modify or not approve the request. If approved or modified, the request will be forwarded to the USDOL for approval, modification or disapproval.
(3) When the Department receives approval, modification or disapproval from the USDOL it will then be forwarded to the contractor and the Field Engineer.

- **Kansas Funded Projects:**

(1) The contractor shall complete items 3 through 16 of Standard Form (SF) 1444, Request for Authorization of Additional Classification and Rate, and submit the request to: Chief, Bureau of Construction and Maintenance, Kansas Department of Transportation, Harrison Center, 700 SW Harrison, Topeka, Kansas 66603-3754.
(2) The Chief, Bureau of Construction and Maintenance will approve, modify or disapprove every request within 30 days after receipt and so notify the requesting parties and the Field Engineer.

Statement of Compliance Form (FHWA-348)

The Contractor and Subcontractors are required to submit a Weekly Statement of Compliance with each copy of the weekly payrolls. This affidavit relates to Anti-Kickback regulations and is required throughout the course of the project.

1.11 EQUAL EMPLOYMENT OPPORTUNITY

1.11.01 GENERAL

The Equal Employment Opportunity Program endeavors to prevent discrimination because of race, color, religion, age, disability, veteran status, sex or national origin, and promotes equal opportunity for employment.

Federal Orders, Regulations, and State laws prohibit the Contractor or Subcontractor from discriminating against any employee, or applicant for employment, because of race, color, religion, sex, age, disability, veteran status or national origin.

1.11.02 APPLICABILITY

This program is applicable to all Federally-Aided and State funded construction projects in the amount of $10,000.00 or more.

1.11.03 DUTIES OF FIELD ENGINEER

The Field Engineer should inform the Contractor that contractual EEO requirements might be subjected to a compliance review by either State or Federal personnel. If the contract is selected for a review, the Contractor will be required to verify that he is carrying out such requirements.

The Engineer should:

a. Obtain the name, address and phone number of the Contractor's EEO Officer. This must be done at the Preconstruction Conference.

b. Insure that the required EEO notices or posters are displayed in an area readily accessible to all employees and applicants for employment.

c. Insure that the Contractor submits the necessary annual EEO reporting forms as outlined in S.O.M. "Equal Employment Opportunity Construction Contract Compliance - Reporting Requirements".

d. Conduct project site inspections to see that all facilities are provided on a non-segregated basis.

e. Interview Contractor's employees to determine their familiarity with the Contractor's EEO policies and the methods used to inform them of such policies.

f. When the contract stipulates on-the-job trainees the Engineer should endeavor to insure that, the Contractor submits a training program for approval prior to issuance of Notice to Proceed and makes a positive effort to obtain minority or female trainees and provide adequate training in the classification for which they have been approved.

g. Assist the Contractor in obtaining a list of local minority organizations or other recruiting sources from which minority referrals may be obtained. Assistance may be obtained from the External EEO Administrator in the Office of Engineering Support.

1.12 UTILITY RELOCATION AND ADJUSTMENT

1.12.01 GENERAL

Any utility adjustment or relocation which is necessary to clear the proposed construction should be completed two months prior to the proposed letting date, when possible. Some situations may arise to prevent this from happening, such as not getting right-of-way acquired on schedule or a utility needs to coordinate their relocation concurrent with the highway contractors operation.

These adjustments are one of two types. Reimbursable (Agreement) or Non-Reimbursable (Permit). Where facilities to be constructed, relocated or adjusted are to cross or otherwise occupy highway rights of way, they are to be constructed and maintained in accordance with the current "Utility Accommodation Policy for Kansas Department of Transportation".

1.12.02 PERMITS

Permits are issued for non-reimbursable utility relocation projects. No facility shall be installed over, under or within the Department's right of way without the utility owner first

applying for and obtaining a permit in accordance with the provisions of current "Utility Accommodation Policy for Kansas Department of Transportation".

Application for this permit shall be prepared as required and must provide sufficient information so that the location of the work may be easily found. A plan must be attached to each copy of the application. In addition to describing the general location of the work, the plan must accurately show the distance of the proposed facility from the centerline of the road or some other limiting factors. A joint field inspection of proposed utility installations within highway rights of way limits, subsequent to the completion of the utility company survey and application, but prior to the issuance of the permit, may be required by Department and Company representatives.

The utility company's work should be inspected as it is in progress, and after work is completed.

Where utility adjustment or new occupancy of State right of way is made by agreement, a dummy permit shall be prepared and cross-referenced to the agreement on DOT Form No. 304. The dummy permit shall be signed by the person preparing the form, and distributed and filed in the usual manner. The Description on the face of the permit form shall briefly describe the location, the project number, and the date of the utility agreement. There is neither requirement for bond nor any utility signature. The Field Engineer shall verify that a sketch, drawing, or plan of the installation is on file.

1.12.03 AGREEMENTS

Reimbursement Agreements are usually entered into where affected facilities are located wholly or in part on private right-of-way due to the owner possessing the fee title, an easement or other real property interest. In some instances, facilities may occupy public right of way but have retained underlying or prior rights from a previous highway project. Depending on circumstances, relocation costs of such facilities may be reimbursable.

Reimbursement for relocation of municipally owned facilities will be determined by terms of the City Agreement covering the project.

These agreements will be either a Lump Sum Agreement or an Actual Cost Agreement. Explanation of these agreements is contained in Subsection 1.12.08 and 1.12.09 respectively.

Federal participation in the cost of reimbursable utility agreements is covered in Chapter 1, Subchapter G, Part 645A of the Federal Aid Policy Guide. Eligibility for reimbursement, processing of Utility Plans, Estimates, Agreements and the like are handled by the Bureau of Design, Utilities Section.

With the issuance of notice or authorization to proceed, the Field Engineer becomes responsible for the field administration of the work under the Utility Agreement.

Although the paper work on utility adjustments clears through the Bureau of Design Utilities Section, the supervision of the work and the certification of payments are the responsibility of the District and Construction field forces in charge of the work. The Field Engineer must check the work to assure compliance with the Utility Agreement and keep records of the utility company's operations of sufficient scope to permit him to verify work was accomplished generally in accordance with terms of the agreement.

Under the terms of the agreement, the utility company is required to advise the District Engineer five days before the date that it will begin the adjustment work. The Field Engineer will advise the District Engineer and the Bureau of Design Utilities Section by letter when work actually starts.

The utility company will also notify the Field Engineer in writing of the date of completion of the adjustment and the Field Engineer, in turn, will forward this information to the

District Engineer, Bureau of Construction and Maintenance and Bureau of Design Utilities Section.

1.12.04 UTILITY CHANGE ORDERS

Utility companies may be authorized by the Engineer to do work involving minor changes in quantities or minor items not included in the approved estimate that may be necessary to accomplish the intent of the approved utility agreement. This action may be taken without necessity of formal approval, with the understanding that the Field Engineer's record and final billing will provide adequate documentation of such minor changes.

Any proposed change of a major nature either in the method, design or materials used in the adjustment of the facilities must have prior approval of the Bureau of Design Utilities Section before any work may be done which differs from that shown on the approved Highway Utility Agreement.

In cases of emergency, the Engineer should approve the change by telephone through the Bureau of Design Utilities Section before any work is done.

When a major change order originates because of requirements of the highway project, the Utility or Field Engineer should notify the Bureau of Design Utilities Section in writing of the proposed change and reasons for its necessity. In addition, the Field Engineer shall request the utility company to submit its estimate of cost with plans to the Bureau of Design Utilities Section for processing. The Bureau of Design Utilities Section will prepare and process all utility field changes for approval by the Federal Highway Administration (when applicable), and will advise the Field Engineer of the final action.

On change orders made at the request of the utility company and not required by the highway construction, although incidental thereto, the same procedure of preparing the change order and channels for approval should be followed.

1.12.05 PRECONSTRUCTION CONFERENCE

Following the award and execution of the highway improvement contract, representatives of the utility companies and other affected and interested parties should attend a Preconstruction Conference. At this conference such items concerning the necessary relocation, adjustments, permits and agreements can be discussed and work schedules prepared. For Preconstruction Conference details see section 2.06 Preconstruction Conference of the Construction Manual.

1.12.06 PROGRESS OF WORK

The notice to proceed with the work is given by the District Engineer. The Field Engineer will assign an inspector to inspect the work under the utility agreement.

The Field Engineer, through his inspector, shall keep a record of the progress of the utility adjustments.

1.12.07 INSPECTION OF WORK

An inspection shall be made of all utility adjustments; both Permit and Agreement, to make sure the facilities are located as shown on the approved plans.

Caution should be exercised to see that utility forces and project personnel use the same reference datum when setting grade stakes. The utility company should confer with the Field Engineer prior to establishing any underground, overhead or lateral installations. Elevations and location of adjusted utilities should be recorded in field books for transfer to "As Built" plans.

1.12.08 LUMP SUM AGREEMENTS

When a utility company performs a utility relocation under a lump sum agreement, daily records are not required of man-hours, material items or equipment time. The inspector should assure that the work is accomplished in accordance with the requirements of the agreement and should keep sufficient records of work performed to enable certification that the work has been accomplished in the manner prescribed in the agreement.

The Lump Sum Agreement is limited to a maximum of $25,000.00 reimbursement and requires somewhat more detail in the preliminary estimate stage.

1.12.09 ACTUAL COST AGREEMENTS

For this type of agreement, the inspector should maintain a utility diary to record information necessary to properly document and support utility billings. The utility diary is to be a general source document, not necessarily a detailed document. The Inspector should conduct periodic, but random, field inspections during the week and document items such as:

a. Progress of utility work
b. Major items installed
c. Labor and equipment force
d. Materials on hand
e. Weather
f. Any rock excavation
g. Major items of salvaged material
h. Traffic control
i. Conditions that may lead to additional expense or delay

In the event the utility company has the work performed by a Contractor on a unit price basis, daily records of men and equipment are not essential, but a daily record should be made of work operations by stations and number of units of work completed. However, if the utility company has the work performed by a Contractor on a force account basis, daily records should be made of men and equipment, in the same manner as prescribed for work performed by the utility on a force account basis.

In connection with the data to be recorded, it is not contemplated that our inspectors will act as timekeepers for the working forces nor to count each nut and bolt or other minor items of materials used. It is required, however, that sufficient records be kept to enable the Field Engineer to satisfy himself that the billing submitted by the utility company is substantially correct. The Field Engineer is not required to certify to anything of which he has no knowledge or means to check; such as overhead rates, wages, engineering material and other such costs. This does not include field data materials inspections, working dates, and similar matters that are susceptible to determinations in the field.

The utility plans, estimates and agreement, together with any contract documents between a utility and its Contractor (where applicable) will provide a basis for determining extent of field records necessary.

1.12.10 INSPECTION OF RECOVERED MATERIAL

The utility company is to notify the Field Engineer in writing of the time and location for inspection of material removed which is to be disposed of by sale or scrapped. The Field Engineer will arrange for the inspection to be made by him or his representative. In some cases it may be desirable for the District Engineer and/or FHWA to be represented. Only that material to be disposed of as junk or scrapped by the utility company needs to be inspected. Removed material that is to be returned to reusable stock, and is to be credited to the project in accordance

with the utility company's normal salvage pricing procedures, requires only that the Field Engineer determine and keep records of the quantities of the major items declared by the utility company as reusable.

It is not intended that Field or District personnel are to be arbiters as to whether or not materials are suitable for reuse by the utility. However, a general statement as to condition of materials recovered and to be junked or scrapped by the utility would be appropriate.

A notation in the field records of major items of materials retired in place, such as pipe, poles, etc., should be made where the quantities are large.

Inspection of removed material is not required under Lump Sum Agreements.

1.12.11 FINAL BILLING

The billing for all reimbursable agreements should be submitted by the utility company directly to the Field Engineer for checking. The Field Engineer will then prepare a voucher and forward voucher and statement to the Bureau of Design Utilities Section.

1.12.12 PROCEDURES FOR UTILITY RELOCATION ON KDOT PROJECTS

(Includes projects managed by Bureau of Design and excludes projects managed by Bureau of Local Projects)

a. Background

The Bureau of Design, Coordinating Section – Utilities (BODCS-U) is responsible for coordinating the relocation of utilities on KDOT projects. The BODCS-U has developed a number of procedures to enable utility relocations to be completed before a project is let. Nevertheless, the KDOT has had some problems with utilities not being relocated or accounted for prior to the letting. Often, the utility conditions are not accurately reflected in the "Status of Utilities Report". The non-relocation, late relocation or incorrect relocation of utilities causes extra costs to both the KDOT and the contractor. These utility relocation problems are one of the major causes of construction contract claims. To help the situation, the KDOT is implementing the following procedures on projects in which the BODCS-U is coordinating the utility relocation process.

b. Procedures (To a limited degree, the procedures are listed chronologically)

1. Bureau of Design, Coordinating Section – Utilities

- The BODCS-U will send a notice of survey letter to the utilities believed to be in the general location of the proposed alignment. This letter and accompanying documents will include the following:
  (a) The survey limits.
  (b) Time to complete the survey.
  (c) County map noting the area of the survey.
  (d) Form A provides an avenue for the company to respond with information about the facilities the company may have in the general area. It also requests contact information.
- The preliminary design field survey will detail the location of utility facilities within the survey limits.
- The actual design work will begin and plans will be developed to the Field Check stage.

2. Bureau of Design, Coordinating Section – Utilities and District

- BODCS-U will send plans to District/Area with a request to verify the utility locations noting any additional information (Utility Field Check).

- District/Area should contact the local Utility Company to verify utility locations and for any other assistance needed.
- Updated information is returned to the BODCS-U and new information is incorporated into the plans.
- BODCS-U will initiate a tracking process on utility adjustments for each project.

3. Bureau of Design, Coordinating Section – Utilities

- When plans are at the "approval to appraise" stage, BOCDS-U will send the plans and Utility Questionnaire (Form B) to the identified utility companies involved.
- Completed Utility Questionnaire (Form B, copy attached) from the utility companies includes:
  (a) Determination if utility adjustment is necessary.
  (b) Location of utility facilities and if utilities are on public or private ROW or both.
  (c) Date to expect utility relocation plans, cost estimate and reimbursement consideration.
  (d) Identity of the entity (Utility or Consulting Firm) preparing the relocation plans and cost estimate?
  (e) Whether relocation work will be contracted out by bid or under an existing contract.
  (f) Estimate of time interval between approval to proceed date and commencement of relocation work date.
  (g) Time to complete the utility relocation work.
  (h) Time frames when the utility relocation work may not be completed. This information may also be obtained after further communications between BODCS-U staff and Utility Company staff.
  (i) Through submittal letter on the plans and Form B, BODCS-U provides a scheduled date for Utility Companies to submit their reimbursement consideration, relocation plans, and cost estimate.
  (j) BODCS-U provides to the Utility Companies the scheduled letting date and date utility facility relocations are to be completed. Through ongoing communications, BODCS-U will keep Utility Company staff aware of project schedule changes.
- Bureau of Right of Way should be in the process of acquiring the necessary Right of Way (R/W).
- Utility Companies will not be expected to start any relocation until the R/W has been cleared and staked.
- When BODCS-U receives Form B from the Utility Company, the BODCS-U will:
  (a) Send a copy to the appropriate District & Area office.
  (b) Advise companies with utility facilities on existing R/W to apply for a permit from the KDOT Area Office to relocate their utility facilities onto new KDOT R/W.
  (c) Continue tracking process to see that Utility Company remains ready to start the relocation.
  (d) Prepare a relocation reimbursement agreement with the Utility Company if the Utility Company has property rights for their facilities. (KDOT policy provides for the reimbursement of costs for municipal utility facilities in

cities with a population of 2500 or less and for all Rural Water District utility facilities, while excepting the property right requirement).

(e) Determine how much time the Utility Company will require to move its facilities, taking into account date/time/seasonal restrictions for accomplishing the relocation work.

4. District/Area

- After the plans have been sent to the District/Area to verify the utility locations, the District/Area should:
  (a) Begin a relocation tracking process for each project. This process should include status of permit applications and status of utility facility relocation work, whether the relocation is being done under permit or under a different agreement.
  (b) Report progress to BODCS-U to be used by BODCS-U in tracking progress, in reporting utility information at the Monthly Production Control Meetings, and in preparing the "Status of Utilities Report" for the project bid letting proposal.

5. Bureau of Design, Coordinating Section – Utilities

- Eight to Six weeks before the scheduled letting, BODCS-U will send a "Status of Utilities Report" to the Bureau of Construction and Maintenance Plans and Proposal Section.

6. Bureau of Construction and Maintenance

The Estimating Section of the Bureau of Construction and Maintenance will prepare a proposal and create an estimate for the project after reviewing the plans submitted by the Bureau of Design. This information is forwarded to the Plans and Proposal Section of the Bureau of Construction and Maintenance where all proposal information is merged including the "Status of Utilities Report". The "Status of Utilities Report" is generated by BODCS-U based on the information provided by the Utility Companies and supplemented by the information provided by the District/Area. The proposal information is sent electronically to the KDOT printing section and at the same time the proposal is sent electronically to the District/Area. (Note: This can be as much as eight weeks but should not be less than four weeks prior to the letting). As soon as plans are available two copies are mailed to the District. (Note: Often the plans may not be printed until four weeks prior to the letting). The District forwards the plans to the Field Construction Office that will be administering the project.

7. District/Area, Field Construction Office Procedures

- The Field Construction Office should confirm the accuracy of the "Status of Utilities Report".
- The Field Construction Office should contact the utility companies involved and verbally verify that the Utility:
  (a) is in the process of relocating or
  (b) will be relocated by the date shown in the "Status of Utilities Report" included in the proposal or
  (c) has completed relocation.
- After contacting the local utility representative, the Field Construction Office will make a site visit to field verify the "Status of Utilities Report" and relocations. As a result of these contacts and site visit, the following actions need to take place:
  (a) If a utility has not been relocated, determine when the utility will be relocated, determine whether the utility has resources in place to accomplish the relocation, and make sure the utility performs the relocation.

(b) If the utility is to be moved during construction, verify the schedule with the utility.
(c) If utilities have been relocated as noted in the "Status of Utilities Report", make a note the work has been completed.

- A report (with copies to the District Engineer) either by e-mail or by phone should be made to the Assistant Bureau Chief Construction and Maintenance (Pre-construction activities) at least three weeks prior to the letting. Information to be reported includes:

a. Have all of the utilities been relocated as indicated in the Proposal?
(a) If utilities are relocated per the information in the proposal, make a note that the utilities have been relocated.
(b) If specific utilities are to be moved concurrent with project construction, determine that the necessary actions are on schedule to make that happen
(c) If utilities were supposed to have been relocated but have not been relocated as indicated in the "Status of Utilities Report", identify which utilities still need to be relocated and the present expected date for the relocation work to be complete. Also identify if any other utilities will be affected by these later relocations.
(d) If the "Status of Utilities Report" indicates the utility will be relocated by some estimated future date, determine that the utility is ready to actually relocate and have the relocation completed by the date shown on the "Status of Utilities Report".
(e) Add any information about the utility adjustment (i.e. when, likelihood that it will actually occur, extra construction costs, etc.) that may be helpful in determining whether the KDOT should proceed with the project.

8. Bureau of Construction and Maintenance

Based on the information presented from the Field Construction Office, the Assistant Bureau Chief (Preconstruction Activities) will make a decision as follows:

- If utilities have been relocated per the "Status of Utilities Report" and there are no conflicts, continue with the letting as scheduled.
- If the utilities have not been relocated but the existing dates shown in the "Status of Utilities Report" are correct and, in the Field Construction Office's best estimation, the relocation will occur as shown in the "Status of Utilities Report", continue with the letting as scheduled.
- If the utilities have not been relocated and it appears they will not be relocated by the dates shown in the "Status of Utilities Report", recommend the project be pulled from the letting and rescheduled.
- If the utilities have not been relocated but it is necessary to keep the project in the letting, adjust the "Status of Utilities Report" to the best information available and advise all parties.
- Advise the Assistant Secretary & State Transportation Engineer of any recommendation to pull the project from the letting.
- On projects pulled from the letting, notify all parties of the final decision.

9. District/Area, Field Construction Office

- At the preconstruction conference, advise the contractor to contact Kansas One Call before any excavation is begun.
- At the pre-construction conference, discuss any special conditions in the "Status of Utilities Report".

1.12.13 PROCEDURES FOR UTILITY RELOCATION FOR LOCAL PROJECTS

(Includes only projects managed by the Bureau of Local Projects)

a. Background

The Local Public Authority (LPA) is responsible for having utilities relocated on projects the LPA generates. The Bureau of Local Projects (BLP) has developed a procedure regarding utility relocations. The BLP requires utilities to be moved before the project is let or notifies the contractor through the "Status of Utilities" that relocation will be accomplished prior to or during the construction of the project. The KDOT has had some problems with the utilities not being relocated or accounted for prior to the letting. Often, the utility conditions are not accurately reflected in the "Status of Utilities Report". The non-relocation, late relocation, or incorrect relocation of utilities causes extra costs to the contractor who has assumed that the "Status of Utilities Report" is accurate. These utility relocation problems are one of the major causes of construction contract claims. To help this situation, the following revised procedures are being implemented for LPA projects.

b. Procedures:

1. Bureau of Local Projects

The Bureau of Local Projects (BLP) has had a process to determine if projects are to remain in a scheduled letting. Currently, the BLP form "List of Utilities and Status of Same" (Form 1304) has columns that provide the projected date for completing relocation work and the actual date a utility is moved. Normally the LPA completes the projected completion date column because the actual date is not available until near the letting date. This form is then submitted approximately two to four month ahead of the letting

New additions to the process include requesting the LPA to advise the BLP approximately two months ahead of the letting or prior to the obligation of funds of the actual dates the utility relocations were completed or are planned to be adjusted. In addition the BLP will review the 1304 forms to determine the utilities status. If the Form 1304 does not show the utilities have been relocated (at the time funds are normally obligated) or new information is not received regarding the actual relocation dates, the project will normally be rescheduled unless the Assistant Chief of BLP (Technical Management Section) determines the project may continue without the completed relocations. If the Form 1304 shows the utilities will be moved during construction, funds will be obligated for the project provided other utility issues are not of concern. BLP uses the Form 1304 to develop the "Status of Utilities Report" (90P-2).

2. Bureau of Construction and Maintenance

After the Bureau of Construction and Maintenance receives the plans and "Status of Utilities Report" from the BLP, the Estimating Section generates the estimate and proposal. The proposal, which includes the "Status of Utilities Report", is forwarded to the Plans and Proposal Section of the Bureau of Construction and Maintenance for copying and distribution. The completed proposal information is sent electronically to the KDOT printing section and to the District/Area. (Note: This can be as much as 8 weeks but should not be less than 4 weeks prior to the letting). As soon as printed plans are available, the Plans and Proposal Section mails two copies to the District. (Note: Often the plans may not be printed until four weeks prior to the letting). The District forwards the plans to the Field Construction Office that will be performing the contract administration for the project.

3. District/Area, Field Construction Office

- The Field Construction Office should confirm the accuracy of the "Status of Utilities Report".

- The Field Construction Office should contact the LPA person in charge (City Engineer, County Engineer, etc.) and verbally verify that the Utilities:
  (a) are in the process of relocating or
  (b) will be relocated by the dates shown in the "Status of Utilities Report" included in the proposal or
  (c) have completed relocation.
- The Field Construction Office should contact the utility companies involved and verbally verify that the Utilities:
  (a) are in the process of relocating or
  (b) will be relocated by the dates shown in the "Status of Utilities Report" included in the proposal or
  (c) have completed relocation.
- After contacting the LPA and local utility representative, the Field Construction Office will make a site visit to field verify the "Status of Utilities Report" and relocations. As a result of these contacts and site visit, the following actions need to take place:
  (a) If a utility has not been relocated, determine when the utility will be relocated, determine whether the utility has resources in place to accomplish the relocation, and make sure the utility performs the relocation.
  (b) If the utility is to be moved during construction, verify the schedule with the utility.
  (c) If utilities have been relocated as noted in the "Status of Utilities Report", make a note the work has been completed.
- A report (with copies to the District Engineer and BLP) either by e-mail or by phone should be made to the Assistant Bureau Chief Construction and Maintenance (Preconstruction activities) at least three weeks prior to the letting. Information to be reported includes:
  (a) Have all of the utilities been relocated as indicated in the Proposal?
  (b) If utilities are relocated per the information in the proposal, make a note that the utilities have been relocated.
  (c) If specific utilities are to be moved concurrent with project construction, determine that the necessary actions are on schedule to make that happen.
  (d) If utilities were supposed to have been relocated but have not been relocated as indicated in the "Status of Utilities Report", identify which utilities still need to be relocated and the present expected date for the relocation work to be complete. Also, identify if any other utilities will be affected by these later relocations.
  (e) If the "Status of Utilities Report" indicates the utility will be relocated by some estimated future date, determine that the utility is ready to actually relocate and have the relocation completed by the date shown on the "Status of Utilities Report".
  (f) Add any information about the utility adjustment (i.e. when, likelihood that it will actually occur, extra construction costs, etc.) that may be helpful in determining whether the KDOT should proceed with the project.

4. Bureau of Construction and Maintenance

Based on the information presented from the Field Construction Office, the Assistant Bureau Chief (Preconstruction Activities) will make a decision as follows:

- If utilities have been relocated per the "Status of Utilities Report" and there are no conflicts, continue with the letting as scheduled.
- If the utilities have not been relocated but the existing dates shown in the "Status of Utilities Report" are correct and, in the Field Construction Office's best estimation, the relocation will occur as shown in the "Status of Utilities Report", continue with the letting as scheduled.
- If the utilities have not been relocated and it appears they will not be relocated by the dates shown in the "Status of Utilities Report", recommend the project be pulled from the letting and rescheduled.
- If the utilities have not been relocated but it is necessary to keep the project in the letting, adjust the "Status of Utilities Report" to the best information available and advise all parties, including the BLP. The Assistant Bureau Chief (Preconstruction Activities) may consult the Assistant Bureau Chief of BLP (Technical Management Section) for assistance in contacting the LPA.
- Advise the Assistant Secretary & State Transportation Engineer of any recommendation to pull the project from the letting.
- On projects pulled from the letting, notify all parties of the final decision.

5. District/Area, Field Construction Office

- At the preconstruction conference, advise the contractor to contact Kansas One Call before any excavation is begun.
- At the pre-construction conference, discuss any special conditions in the "Status of Utilities Report".

1.13 RIGHT OF WAY REVIEW

1.13.01 PRECONSTRUCTION REVIEW

The Field Engineer shall make a complete check and cross check of all plans, right of way agreements, easements, utility permits and agreements and other right of way documents pertinent to the project. He shall then check all obstructions and encroachments against those shown on the plans. If there are any questions not fully explained regarding any right of way matters or any omissions, he shall discuss them in detail with the District Engineer.

1.13.02 UTILITIES

All notices and negotiations to and with the utilities occupying highway right of way shall be conducted in accordance with latest utility adjustment procedures.

1.13.03 ENCROACHMENTS

If possible, written notification to remove encroaching advertising signs should be sent, in advance of construction, to the owners at the same time notices are sent to the utilities. Other encroachments not removed, such as buildings, should be discussed with the District Engineer if their removal is not provided for in the plans or right of way agreements.

1.13.04 MAILBOX ADJUSTMENTS

As soon as possible after the contract letting, the Field Engineer give a written notice to the mailbox owner to remove his mailbox. This notice shall contain information regarding construction and probable starting date. The notice shall also establish the owner's responsibility for moving the mailbox, interim arrangements for receiving mail and resetting of the mailbox in accordance with the KDOT's mailbox policy and special provisions when included as part of the contract.

Prior to writing the removal notice the Field Engineer should make contact with the postal authorities advising them of the developing -situation and making sufficient inquiry so that advice may be given the mailbox owner when requested.

The Contractor will carefully remove and lay back on the owner's property all mailboxes remaining in place when work starts on a portion of the project in order to clear the site for construction operations.

1.13.05 BORROW

The definition of "borrow" as used here is road material excavated from areas obtained by the State, outside the normal right-of-way lines, exclusive of additional widths obtained from back slopes and related construction; and in addition, excludes areas obtained for channel changes. Excavation due primarily to a channel change is not considered as borrow even though the material is used in the road construction.

We expect to obtain reimbursement for borrow on all projects in the State system built with funds from the FHWA. This will include not only grading but any other work involving borrow material from outside the normal right-of-way lines.

Therefore, in addition to the usual breakdown between roadway and borrow pit excavation shown on DOT Form 266, we will require a separate summary using DOT Form 471 showing the location of the pit, quantity shown on the plans to come from the pit and the actual quantity excavated. The plans will include a tabulation of borrow pits on the summary sheet. This will be your guide for the final summary. The final summary should be listed in accordance with borrow descriptions on the plan profile sheets and further split made at property lines and right-of-way line.

As part of the summary, when an individual pit underruns the plan quantity, an explanation shall be given.

When "Plan Quantities" are used for payment, the plan quantity shall be shown for both items in the summary unless the pit is not used or some adjustment is made in the excavation to be paid for from the pit. Two copies of the summary should accompany the final change order.

It is important that borrow excavation be made in reasonable accordance with the plans so that maximum Federal-Aid reimbursement may be obtained.

Contractor furnished borrow will be obtained from excavation areas selected by the Contractor and approved by the Engineer at some location beyond the right of way limits. It will be necessary to review these sites for archaeological clearance, satisfactory location and approval of material. An understanding must also be obtained that satisfactory erosion and pollution control procedures will be used and what those procedures will consist of.

The same review is necessary in case the Contractor wishes to substitute a Contractor furnished borrow pit for one or more of the pits shown on the plans. In this case the Contractor must assume all additional costs.

1.14 SALES TAX EXEMPTION

1.14.01 GENERAL

The sales tax exemption law was written primarily to allow the Contractors on contracted county secondary and city funded projects to purchase material tax exempt for incorporation into the project. The special provision in the contract will indicate the contract is exempt.

1.14.02 EXEMPTION CERTIFICATE NUMBER

The sales tax exemption certificate number will be assigned to each project by the Department of Revenue. The Contractor is advised of the number assigned by letter with copies

to the Field Engineer and District Engineer. The Contractor will furnish to all suppliers and Subcontractors a properly executed Form STD 74 for their files.

1.14.03 PROJECT COMPLETION CERTIFICATION

Upon completion of a tax-exempt project, the contractor must furnish a certification to the Department of Transportation stating that all materials purchased tax-exempt were incorporated into the project for which the exemption was issued. This will be done on Form STD 77, which will be prepared by the Field Engineer and submitted to the contractor with the final papers. All invoices for exempt purchases must be retained by the contractor for a period of five years from the date of certification and are subject to audit by the Kansas Department of Revenue. The form STD 77 should be submitted as per instructions in the Construction Form Manual.