

Project No. 271

Implementation of Clean Air Act -

- (a) By signing this bid, the bidder will be deemed to have stipulated as follows:
- (1)--That any facility to be utilized in the performance of this contract, unless such contract is exempt under the Clean Air Act, as amended (42 U.S.C. 1857 et seq., as amended by Pub. L. 91-604). Executive Order 11738, and regulations in implementation thereof (40 C.F.R., Part 15), is not listed on the U.S. Environmental Protection Agency (EPA) List of Violating Facilities pursuant to 40 C.F.R. 15.20.
 - (2)--That the State Highway Department (ODOT) shall be promptly notified prior to contract award of the receipt by the bidder of any communication from the Director, Office of Federal Activities, EPA, indicating that a facility to be utilized for the contract is under consideration to be listed on the EPA List of Violating Facilities.

Steel Made in the United States (Sec. 153.011 O.R.C.) -

Any steel products to be used or supplied in connection with this project shall be steel products rolled, formed, shaped, drawn, extruded, forged, cast, fabricated or otherwise similarly processed, or processed by a combination of two or more of such operations, from steel made in the United States by the open hearth, basic oxygen, electric furnace, Bessemer or other steel making process. "United States" means the United States of America and includes all territory, continental or insular, subject to the jurisdiction of the United States.

Wage Rates -

"Individuals comprising a survey party performing work which is primarily professional or subprofessional in character and who, incidental to their primary duties, perform a minor amount of manual work such as clearing brush and sharpening stakes, are not classed as laborers or mechanics under the Davis- Bacon Act and Section 113 of Title 23, U. S. Code.

Individuals whose primary duties are the performance of manual work such as clearing brush and sharpening stakes are classified as laborers within the meaning of the Davis-Bacon Act and Section 113 of Title 23, U. S. Code, and shall be paid at least the minimum wage rates determined by the Secretary of Labor."

Price Adjustment - 702 Bituminous Material -

The bidder shall determine his unit prices using the Bidding Index per ton for Asphalt Cement (on this project the Bidding Index is \$84.84), and shall rely on provisions as set forth herein to provide an adjustment for any asphalt cement price increase or decrease which may occur in excess of 5%. However, if the adjustment is less than \$100.00 (either way) then no change order shall be processed.

Compensation the Contractor receives for work done each month under contract items designated below will be adjusted for the change in price of bituminous material used in those items in accordance with the following formula.

$$Pa = ((Ip/Ib)-1.05) \times C \times Q \text{ (for price increase)}$$

$$Pa = ((Ip/Ib)-0.95) \times C \times Q \text{ (for price decrease)}$$

Where: Pa = Price Adjustment
Ib = Bidding Index
Ip = Placing Index

Ib is average price (F.O.B.) quoted by a majority of Ohio suppliers. Ip is the average price for the month in which placement occurs. Prices will be secured by the transportation auditor on the first business day of each month, and will be posted in the Bureau of Contract Sales. Only the average price will be available. If the price is not available from a majority of the Ohio suppliers, the Director's determination will be final.

C = Bituminous material cost of contract item in dollars per ton determined by multiplying Ib by the amount of bituminous material used per ton.

$$C = (Ib) \times (\% \text{ Bituminous Material}) / 100$$