

# **\* 2011 \***

## **Special Provisions Section**

**Regulated Drains to be Reconstructed or Partially Reconstructed in 2011 are:**

**Hirsch Ditch**

Persons interested in bidding any ditch listed above are advised that all work performed on these ditches will be described, performed, inspected, and approved only in accordance with the conditions and requirements set out in the Special Provisions Section and General Specifications (where applicable), unless otherwise specified in Section SP-200 for Hirsch Ditch Partial Reconstruction.

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**Bill Jeffers, Vanderburgh County Surveyor**

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March 1, 2011

**→Bids due by 12:00 noon local time on Tuesday, March 22, 2011←**

(Bids are *tentatively* scheduled to be awarded on March 29, 2011.)

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## **SP-100.00 PURPOSE**

**The purpose of the Special Provisions Section is to detail needed ditch maintenance and reconstruction activities supplemental to, additional to, or in lieu of those described in the Standard or General Specifications.**

### **SP-101.00 "SPECIAL PROVISIONS PROJECTS" MUST BE BID ACCORDING TO CONDITIONS AND REQUIREMENTS OF THIS "SP" SECTION**

**For all drains and ditches listed to be reconstructed under Special Provisions in 2011, the Bidder must submit bids in accordance with conditions, requirements, and other information contained in the Special Provisions Section and on the Bid Schedules attached in Section SP-200.**

**Only those bids submitted in accordance with the Special Provisions Section will be considered for awards of contracts for work on Special Provisions Projects.**

### **SP-102.00 SINGLE DRAINS SEPARATED INTO MULTIPLE WORK AREAS**

Individual drains will be separated into multiple work areas in order that each work area of a ditch receives specific treatments that address specific needs.

For example, a single ditch may need brush removal by mowing and chipping only along half its length; and the same ditch may require broadleaf herbicide treatment with no mowing needed along only the other half of its length.

The separation of drains into work areas will be at the direction and discretion of the Surveyor who shall determine the treatment needed to address specific existing conditions.

Separate work areas are specified and described in the Special Provisions Section, and ditch footage together with the category of treatment is specified again on the separate Bid Schedules attached in Section SP-200.

### **SP-103.00 MULTIPLE AWARDS ON SINGLE DRAINS**

Wherever single drains are separated into multiple work areas as described above, the Board may award the work on a single drain to one individual bidder, or to a combination of bidders as recommended by the Surveyor.

The bidders selected for contract awards will be determined based upon their qualifications to perform the work and their appropriate response(s) to the invitation to bid in accordance with the applicable specifications and statutes.

## **SP-103.99 BIDS MAY BE ACCEPTED, BE SET ASIDE OR BE DISREGARDED**

The Board, at its discretion, or upon the recommendation of the Surveyor, may:

- (a) Accept a bid and award a contract based upon the bid;
- (b) Set the bid aside for thirty (30) days or longer, if agreeable with the bidder; or
- (c) Disregard or reject the bid for any legitimate reason including lack of available funds to pay for all the work for which bids are received.

## **SP-104.00 WORK DIVIDED INTO CATEGORIES OF TREATMENT**

Work on the drains shall be divided into several categories of treatment to address the specific needs of the drains listed under the Special Provisions Section for this year.

The Bidder is advised to read each category closely to determine the exact nature of the work required, and to calculate and submit the bid(s) accordingly.

***ADVISORY:*** *The Bidder is advised to visit each work site prior to bidding to determine if there are any existing conditions, materials, obstructions, or other factors within or associated with the ditch and the work area that will prevent the bidder from accomplishing the work exactly as described herein; or to determine if manpower or special equipment not normally employed by the bidder will be needed to complete the work.*

## **SP-104.07 CATEGORY "X": RECONSTRUCTION WORK**

Category "X" covers very specific additional maintenance as described per individual drain within the Construction Plans and Special Provisions.

Category "X" work includes but is not limited to:

- 1) Installation of riprap or other revetment treatment along a bank or end of a pipe culvert where erosion control is required and as shown on the Construction Plans.
- 2) Installation of storm sewer piping and structures as shown on the Construction Plans.
- 3) Installation of a variety of erosion control practices per Indiana Handbook on Erosion Control in Developing Areas as required AND AS SHOWN ON THE Construction Plans.
- 4) Installation of specially designed check dam structures or other grade control or water elevation control structures as required during construction.
- 5) Perform bank repairs and bank reconstruction as noted in the Construction Plans.
- 6) Perform permanent seeding as shown in the Construction Plans.
- 7) Clean the concrete weir.

**The invitation to submit bids to perform work described in Special Provisions CATEGORY "X": RECONSTRUCTION WORK covers the following:**

### **1. HIRSCH DITCH - PORTION**

**See SP-200 for details of Work Areas, Bid Schedules, and other bidding information related to Category "X".**

#### **SP-105.00 PAYMENT FOR COMPLETED WORK**

All payments to Contractors shall be made only for approved completed work and only in accordance with all applicable statutes, as well as with the following:

#### **SP-106.00 SUCCESSFUL BIDDER DETERMINED BY THE BOARD**

The Board shall determine the successful Bidder after opening and examining the bids, hearing the advice of the Board's council, and receiving the recommendation of the Surveyor with regard to the bids.

Awards of contracts for the completion of work will be made to one Bidder or Contractor on a the drain based upon the specifications and descriptions of work herein, the recommendation of the Surveyor with regard to bid price(s), qualifications of the bidder(s), and other criteria and considerations as allowed by statute.

Or the Surveyor may determine that all the bids submitted on a particular drain exceed the available funds; and that only a portion of the work will be completed in a given year; or any other appropriate decision based upon funds, needs, and other criteria.

In all cases, the determinations and decisions of the Surveyor will be made based upon sound judgment in accordance with needs and funds and shall be reported to the Board whenever and however is appropriate.

#### **SP-107.00 PAYMENT OF CLAIMS**

All payments of all claims for work shall be made in accordance with the prices shown on the successful Bid and in the awarded Contract, in accordance with applicable statutes of the State of Indiana, and in accordance with the following:

SP-107.01: Payment of claims shall be made only for services rendered and work completed. No payment shall be made for unfinished work regardless of the reason the work was not accomplished, except that:

Partial payment for partially completed work (whether bid per foot or bid as a lump sum) may be paid only if determined appropriate by the Surveyor and the Board; and only in an amount equal to the percentage of work completed or the actual footage completed.

SP-107.02: Payment of claims will be made only after the Surveyor or his designated representative(s) has/have visited and inspected the work site, approved the work, and reported approval to the Board.

#### **SP-108.00 BIDDER MUST BE QUALIFIED**

The Bidder must be qualified to perform the work on which the Bidder submits a bid; and the qualification of the Bidder shall be by virtue of licensing, experience, equipment ownership or leasing, and other specifics either given herein, appended hereto, or generally understood and accepted by the industry of which the work is a part.

If the Bidder does not enter a bid under a particular category listed on the Bid Schedule for a drain listed in the Special Provisions, the lack of an entry in that category shall indicate that the Bidder either is not interested in that particular category of work, or that the Bidder is not qualified to perform that category of work.

If the Bidder enters a bid under a particular category listed on the Bid Schedule for a drain, the entry of a bid in that category shall indicate that the Bidder is qualified to perform the work described by virtue of licensing, experience, equipment ownership or lease, skill of the Bidder's work force, and other qualifications necessary to perform the work adequately.

A bidder who is discovered or determined to be not qualified to perform work for which the bidder submitted a bid shall be subject to be disregarded for all work specified under these General Specifications and Special Provisions.

Any Bidder who specifies a subcontractor who is discovered or determined to be not qualified to perform the work also shall be subject to be disregarded for work specified under these General Specifications and Special Provisions.

PAST PERFORMANCE: THE PAST PERFORMANCE OF A BIDDER WILL BE CONSIDERED WITH REGARD TO QUALITY OF WORK COMPLETED BY A CONTRACTOR FOR SAME OR SIMILAR WORK, AND WITH REGARD TO HISTORY OF DEPENDABILITY TO PERFORM WORK IN CONFORMANCE WITH SPECIFICATIONS.

#### **SP-111.00 ALL CONDITIONS AND REQUIREMENTS OF THE GENERAL SPECIFICATIONS APPLY TO THE SPECIAL PROVISIONS**

The General Specifications hereby are made a part of the Special Provisions, and the Special Provisions are made a part of the General Specifications.

The conditions and the requirements of the General Specifications must be met by the Contractors performing work on drains covered by the Special Provisions except where such conditions and requirements are in direct conflict, in which case the decision and determination of the Surveyor shall prevail

The conditions and requirements of the Special Provisions are additional to the General Specifications.

Any questions or corrections the Bidder may have or may offer regarding the General Specifications, Special Provisions, or material and attachments thereto must be made prior to submitting a bid, or the Board and the Surveyor shall assume that the Bid is made with the understanding that the Bidder shall abide solely according the General Specifications, Special Provisions, and the determinations of the Surveyor and the Board.

#### **SP-112.00 SURVEYOR'S INTERPRETATION OF SPECIFICATIONS SHALL BE THE PREVAILING INTERPRETATION**

If there is a question by the Bidder or the Contractor as to the intended interpretations or expressed requirements of the General Specifications, Special Provisions, State Statutes, or any other written or verbal directives, the Bidder must ask the Surveyor prior to submitting a bid, and the Contractor must ask prior to performing the Work.

The Surveyor's interpretation of the conditions and requirements of the General Specifications and Special Provisions shall be the prevailing interpretation unless otherwise countermanded by the Board or higher legal authority.

### **SP-113.00 SURVEYOR AVAILABLE TO CONSULT WITH BIDDER**

The County Surveyor and staff are available to discuss and interpret the specifications and other particulars of the bidding instructions.

The Surveyor and staff are available to direct the Bidder with regard to the various work area locations, conditions, histories, and other attributes of the work sites.

### **SP-114.00 DITCH DESCRIPTIONS AND MAPS AVAILABLE**

Maps and written descriptions detailing the location of the various drains and work areas are available from the County Surveyor; and the Surveyor and staff are available to field locate sites upon the request of the Bidders and Contractors.

### **SP-115.00 BID SCHEDULES PROVIDED FOR SP DRAIN PROJECTS**

Please find in the following Section SP-200 individual descriptions of the location, nature, and specific instructions for work on drains listed for Special Provisions; as well as individual Bid Schedules for each SP Project.

The individual Bid Schedule for each SP Project must be completed in accordance with the instructions given herein, signed, notarized, attached to the required Bid Form 96, sealed in an envelope and delivered to the Vanderburgh County Auditor, Room 208 Civic Center, 1 N.W. Martin Luther King, Jr. Blvd., Evansville, Indiana, 47708 by the prescribed time and date.

Each Bid on each drain requires an individual Form 96, because each Bid is for work on an individual SP Project or job.

### **SP-116.00 BIDDER ADVISED TO INSPECT WORK SITE BEFORE BIDDING**

The Bidder's lack of awareness of existing or potential conditions at a work site shall not be cause to default on a submitted bid nor cause to request additional compensation nor cause to request or be granted special consideration.

The Bidder may visit any work site prior to bidding to discover the existence of and/or potential conditions requiring attention by the Bidder prior to submitting a bid; and the Bidder may attach written conditions to the bid so long as such conditions are reasonable and legal.

The recommendations of the Surveyor to the Board, and the determinations of the Board with regard to submitted bids and contract awards are totally at the discretion and pleasure of the Surveyor and the Board as regulated by Indiana Drainage Statutes.

### **SP-180.00 SOIL DISTURBING ACTIVITY**

Soil disturbing activity is any activity that removes the natural vegetation or man-made cover of the surface of the Earth that results in the exposure of the underlying soil. Any project that

involves any soil disturbing activity shall not be started before April 1st and must be completed by September 15th of the contract year.

### **SP-180.01 SEEDING, MULCHING and FERTILIZATION**

All work that involves excavating or any soil disturbing activities shall be completed no later than September 15th and shall include seeding and mulching as directed by the County Surveyor. Seed mixtures will include grasses, legumes and other seed appropriate to the site and as listed in the specifications for the jobs or as specified by the USDA, NRCS or per the Vanderburgh County Surveyor's direction.

The seed types and proportions shall be as follows:

Tall Fescue – not less than 80 or greater than 86%

Transitional 2400 Intermediate Ryegrass – not less than 14% or greater than 20%

The above seed mixture shall be applied at a rate not less than two hundred (200) pounds per acre. A suitable combination, Tenbarga Contractor's Grass Seed Mixture, is available at Tenbarga Seed, Haubstadt, Indiana

Wheat – 100%

OR

Oats – 100%

The wheat or oats shall be applied at a rate of not less than fifty (50) pounds per acre.

Fertilizer shall be LebanonTurf ProScape 25-0-5 or its equivalent applied at a rate of not less than two hundred (200) pounds per acre. A product bid specification sheet for said fertilizer is included in this section.

Mulching shall be accomplished per Construction Plans, or as directed by the Vanderburgh County Surveyor.

PRODUCT BID SPECIFICATION

# ProScape 25-0-5

**Description:** A premium fertilizer providing the brilliant turf color from MESA®. For situations where zero phosphorus is desired.

**Analysis:**

<b>Total Nitrogen (N)</b> . . . . .	<b>20%</b>
3.2% Ammoniacal Nitrogen	
2.0% Water Insoluble Nitrogen	
16.2% Urea Nitrogen	
3.6% Other Water Soluble Nitrogen	
<b>Soluble Potash (K<sub>2</sub>O)</b> . . . . .	<b>5%</b>
Sulfur (S) . . . . .	3.8%
3.8% Combined Sulfur (S)	
Iron (Fe) . . . . .	1.0%
0.1% Water Soluble Iron (Fe)	
Chlorine (Cl) not more than . . . . .	8.0%

**Size:** All particle size shall be -8 +14 Standard Sieve (SGN 195)

**Packaging:** Fertilizer shall be packaged in quality packaging which shall contain a uniform weight of fertilizer not less than 50 pounds in each bag.

**Odor:** Fertilizer, when applied to the ground and after irrigation or rain, shall be of low odor.

rev 08/11/08  
50 lb bag 22-54318  
ProScape and MESA are registered trademark of Lebanon Seaboard Corporation

## Special Notice Regarding Excavation in Ditch Channels

After January 1, 2010, as part of any work on regulated drains in Vanderburgh County, Indiana:

All excavation work including silt dipping, sediment removal, embankment repairs, reconstruction or other land disturbing activities within the channel and to the extent of land disturbance outside the channel must begin no sooner than the 1<sup>st</sup> day of July and be completed and prepared for reseeding or application of erosion control fabrics, rip rap or other stabilizing materials no later than the 10<sup>th</sup> day of September in any year subsequent to 2009 unless specifically authorized by the Vanderburgh County Surveyor or authorized representative thereof.

All spoil and excess earth generated by the work must be spread across the adjacent seventy-five (75) feet outside the top of each bank, or to a distance specified in the bid documents for an individual job, and to a depth not to exceed one-half (0.5) foot greater in elevation than existed prior to the work and in a fashion as will not alter the pre-project pattern of surface storm water run-off or impede the flow of surface run-off from adjacent land into the ditch channel or designated inlets.

If the spreading of the spoil as required in the paragraph above cannot be achieved, the county surveyor will provide for alternative disposal, and the specifications will contain specific instructions with regard to such alternative disposal. In such cases, the bid price for the work must contain cost item(s) for such alternative disposal.

If the spoil or excess soil can be and is intended to be spread across adjacent land surfaces but the land owner wishes the spoil or excess soil transported and applied to other land surfaces on the appropriate landowner's property, then the relevant landowner shall pay any excess cost of such transportation and disposal, and such costs and other arrangements shall be arrived at between the contractor and the landowner without the involvement or the liability of the county surveyor or county drainage board.

Damages to crops or property outside the designated work areas or designated ingress/egress to the work areas specified in the contract documents or attachments thereto shall be solely the responsibility and at the cost of the contractor.

Reseeding, sodding or any other method of revegetation of the work areas within the repaired, reworked or reconstructed channel must be completed no later than September 15 of the same year in which the excavation was completed and in a manner otherwise instructed in the specifications for the work.

The reseeded, sodded or otherwise revegetated work site must be inspected and approved as adequate final land surface stabilization by the county surveyor or authorized representative thereof within sixty (60) days of the completion of activity to reseed, sod or otherwise revegetate the work area.

The county surveyor or authorized representative thereof will notify the affected landowner(s) of the intent to complete work during a crop season and the landowner can then make the choice whether to plant a crop knowing the peril of losing the crop to the proposed work between July 1 and September 15 of the same year. Therefore, the county surveyor and the county drainage board shall not be liable for crop damages within the 75 feet disposal zone on each side of the channel bank as described above.

## IMPORTANT NOTES TO THE CONTRACTOR:

- *If any of the work will damage crops, gardens, trees, or other property, the Contractor must notify the Vanderburgh County Surveyor quickly enough that the property owner can be notified no less than ten (10) days prior to the contemplated damage.*
- *The Contractor must notify the Surveyor or his designated representative PRIOR to the start of any work on an individual drain, ditch, or project.*
- *The Contractor must notify the Surveyor or his designated representative within twenty-four (24) hours of completion of work on an individual drain or ditch or by the next business day if work is completed on a holiday or during the weekend.*
- *Spray contractors shall notify Surveyor of impassable or very difficult areas of accessibility with a written description of the area and the legal drain.*

**PLEASE CONTINUE TO SECTION SP-200 FOR Hirsch Ditch Partial  
Reconstruction BID SCHEDULE**

***\*Bids are due March 22, 2011\****

***\*\*Tuesday – 12:00 noon\*\*  
Local Time***