**NOTICE**

This is a standard special provision that revises or modifies CDOT’s *Standard Specifications for Road and Bridge Construction.* It has gone through a formal review and approval process and has been issued by CDOT’s Construction Engineering Services Branch with formal instructions for its use on CDOT construction projects. It is to be used as written without change. Do not use modified versions of this special provision on CDOT construction projects, and do not use this special provision on CDOT projects in a manner other than that specified in the instructions unless such use is first approved by CDOT’s Standards and Specifications Unit. The instructions for use on CDOT construction projects appear below.

Other agencies which use the *Standard Specifications for Road and Bridge Construction* to administer construction projects may use this special provision as appropriate and at their own risk.

**Instructions for use on CDOT construction projects:**

Use this standard special provision on all projects.

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

###### Delete Subsection 106.02 (b) and replace with the following:

(b) *Contractor Source.* Sources of sand, gravel, or borrow other than available sources will be known as contractor sources. The contractor source will be tested by the Department and approved by the Engineer prior to incorporation of the material into the project. If the submitted materials do not meet the contract specifications it will become the Contractor's responsibility to re-sample and test the material. The Contractor shall supply the Department with passing test results from an AASHTO accredited laboratory electronically sealed by a Professional Engineer. If requested by the Engineer, the Department will then re-sample and re-test the material for compliance to the contract specifications. The Contractor shall produce material which meets contract specifications throughout construction of the project.

The cost of sampling, testing, and corrective action by the Contractor will not be paid for separately but shall be included in the work.

The Contractor shall obtain all permits and agreements necessary to explore and remove material from a contractor source. The Contractor shall also be responsible for any costs or delays associated with obtaining these permits and agreements.

For each source of imported embankment or topsoil the Contractor shall provide the following certification. The Contractor shall assure and certify that unacceptable levels of hazardous waste and substances; including but not limited to those defined in the Code of Federal Regulations, 40 CFR Part 261 Subparts C and D, and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Section 101(14) as amended; are not incorporated into the project as a result of importing embankment or topsoil materials. For each contractor source outside of the project limits, the Contractor shall submit such certification to the Engineer, signed by either a Certified Industrial Hygienist (CIH), Certified Hazardous Materials Manager (CHMM), Certified Safety Professional (CSP), or Registered Environmental Manager (REM) or electronically sealed by a registered Professional Engineer (PE).

If contractor source material for embankment or topsoil, originating outside of the project limits, is placed on the project and is at any time found to be contaminated with unacceptable levels of hazardous waste or substances, the Contractor shall remove the contaminated material from the Department's right of way, dispose of it in accordance with applicable laws and regulations, and make necessary restoration.

The cost of complying with these requirements, including sampling, testing, and corrective action by the Contractor, shall be included in the work.