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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 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 achieve proper quality and quantity control.

Problems will arise in connection with the construction work, not covered by this Manual, but it does contain valuable information that will serve as a guide to personnel assigned to construction projects. It will not always be possible to 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 does not alter, supersede, replace or in any way affect the intent of the Plans and Specifications or Contract. It is instead, a book of reference and instruction 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 (KDOT). Utilize these terms 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 (AASHTO).

1.03 KANSAS DEPARTMENT OF TRANSPORTATION

1.03.01 ORGANIZATION AND OVERVIEW OF ORGANIZATIONAL STRUCTURE

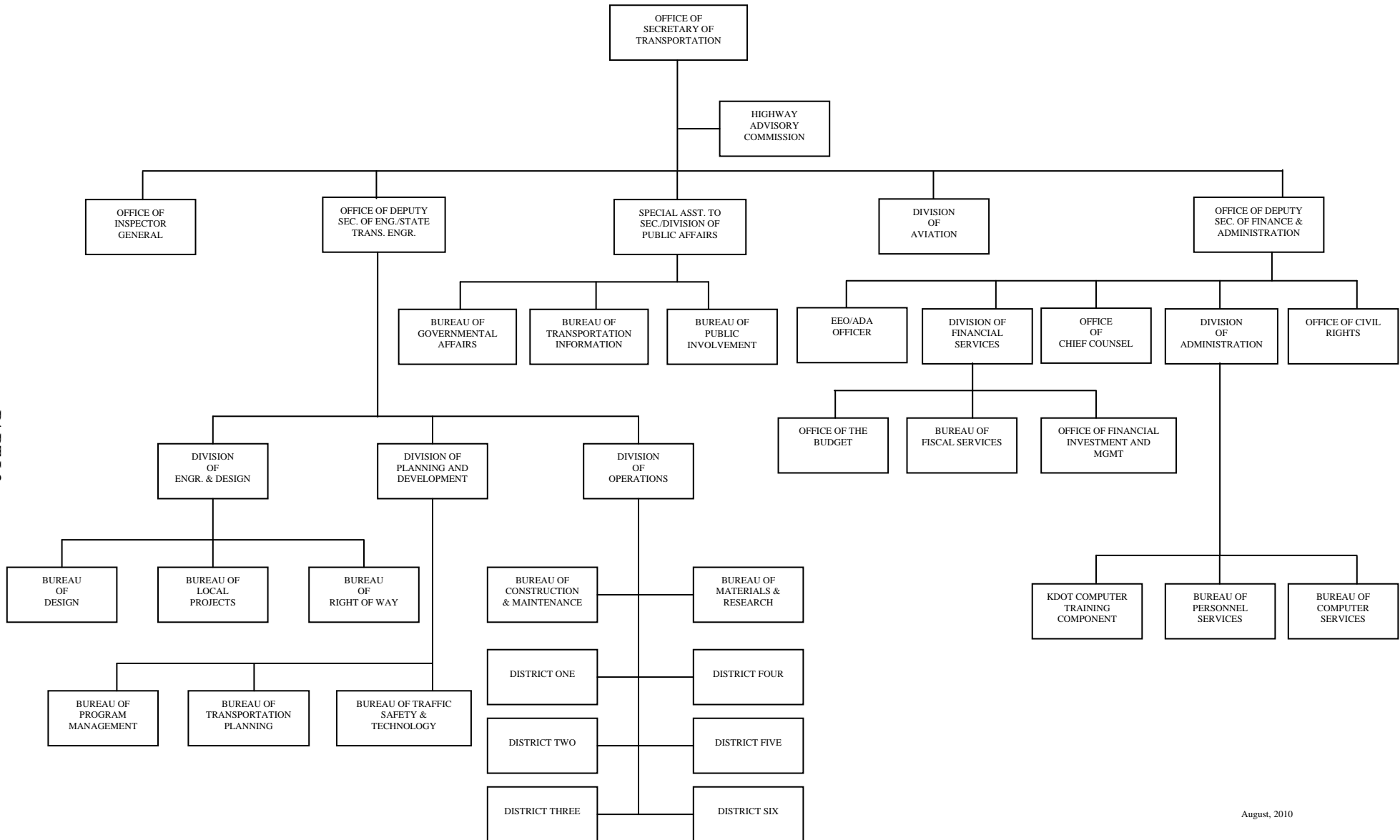
The 1975 Legislature established the Department of Transportation, administered under the direction and supervision of Secretary of Transportation.

KDOT Structure:

- **Office of the Secretary:** The Secretary serves as the Chief Executive Officer of the Department. The Governor appoints the Secretary, and the Senate confirms the appointment.
- **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. The Governor appoints Members to four-year terms, who 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 KDOT.

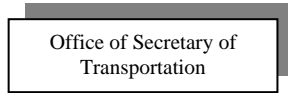
- Since 1985, the Secretary has delegated to the Commission the Authority to evaluate and select Economic Development and City Connecting Link Geometric Improvements. KDOT solicits applications from local entities.
- **Divisions and Offices:**
 - The Division of Public Affairs/Special Assistant to the Secretary, Office of Inspector General and the Division of Aviation report to the Secretary of Transportation.
 - The Division of Engineering and Design, Planning and Development, and Operations report to the Deputy Secretary of Engineering and State Transportation Engineer.
 - The Division of Financial Services, Division of Administration, Office of Civil Rights, Office of Chief Counsel and the EEO/ADA Officer report to the Deputy Secretary of Finance and Administration.

ORGANIZATIONAL CHART KANSAS DEPARTMENT OF TRANSPORTATION



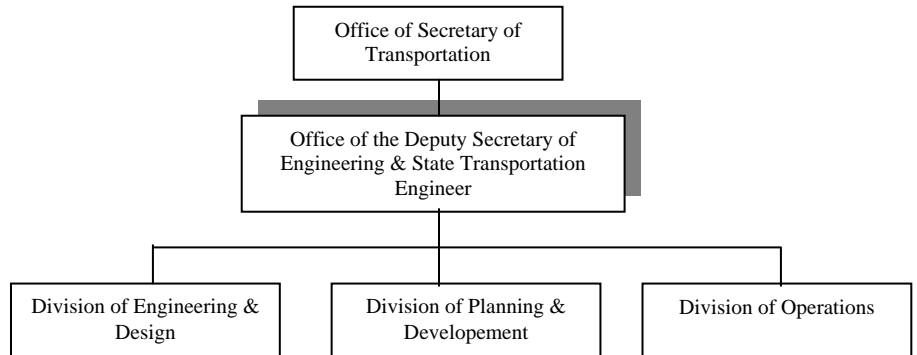
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1.03.02 SECRETARY OF TRANSPORTATION



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 KDOT activities.

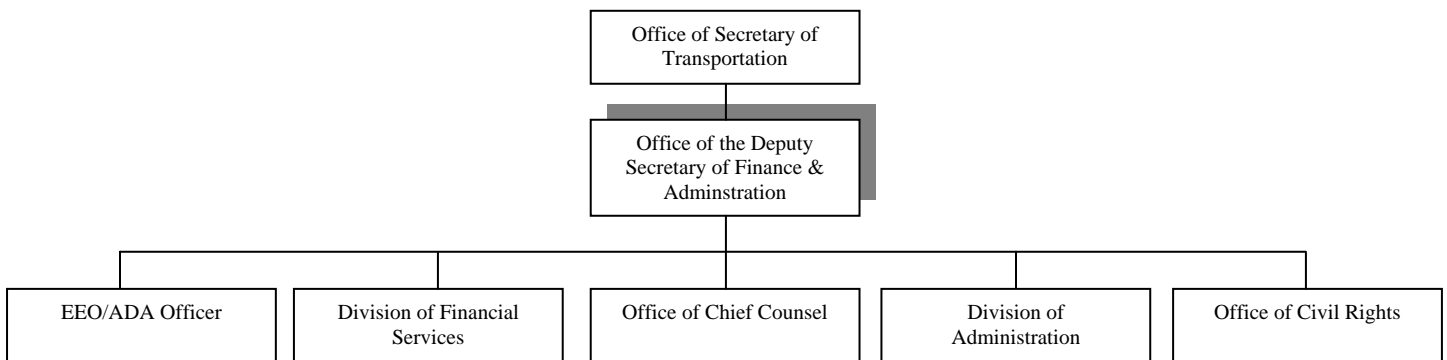
1.03.03 THE DEPUTY SECRETARY FOR ENGINEERING AND STATE TRANSPORTATION ENGINEER



The Deputy Secretary of Engineering and State Transportation Engineer is by law a licensed professional engineer. The Deputy Secretary for Engineering is the chief engineering officer for KDOT, directs and coordinates all KDOT engineering activities, and is the technical advisor and spokesperson for, the Secretary on engineering matters.

The Deputy Secretary for Engineering assists the Secretary in overall engineering management of KDOT and has authority of the Secretary when the Secretary is unable to assume their responsibilities.

1.03.04 THE DEPUTY SECRETARY FOR FINANCE AND ADMINISTRATION

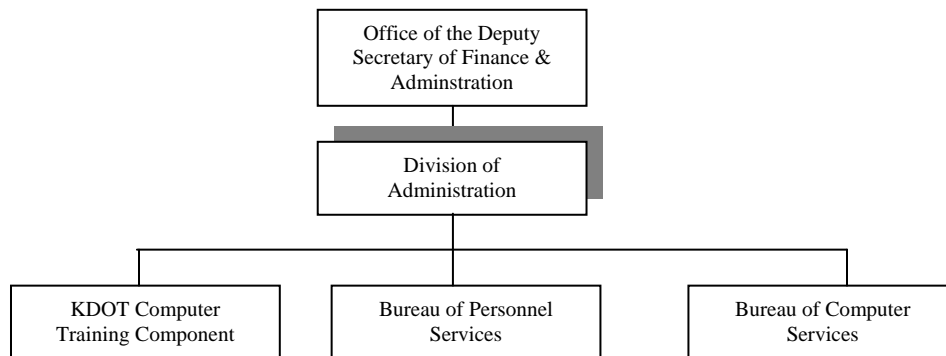


The Deputy Secretary for Finance and Administration serves as the chief financial and administration officer for KDOT, is responsible for directing and coordinating all KDOT

financial and administration activities, and is the technical advisor and spokesperson for the Secretary on financial and administrative matters.

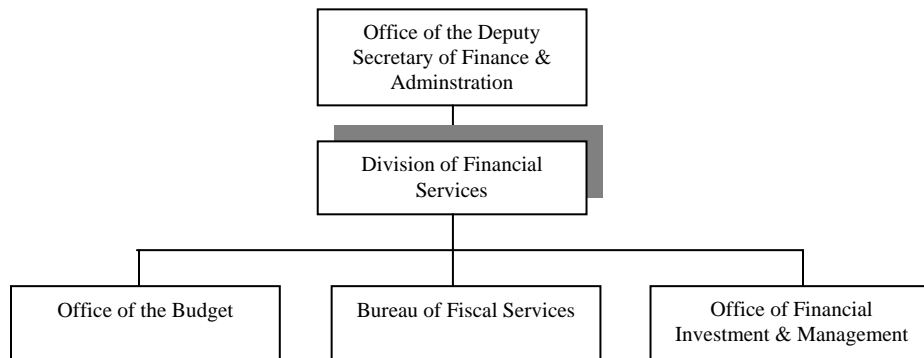
The Deputy Secretary for Finance and Administration assists the Secretary in overall financial and management matters of KDOT and has the authority of the Secretary when the Secretary is unable to assume their responsibilities.

1.03.05 DIVISION DIRECTORS
DIVISION OF ADMINISTRATION



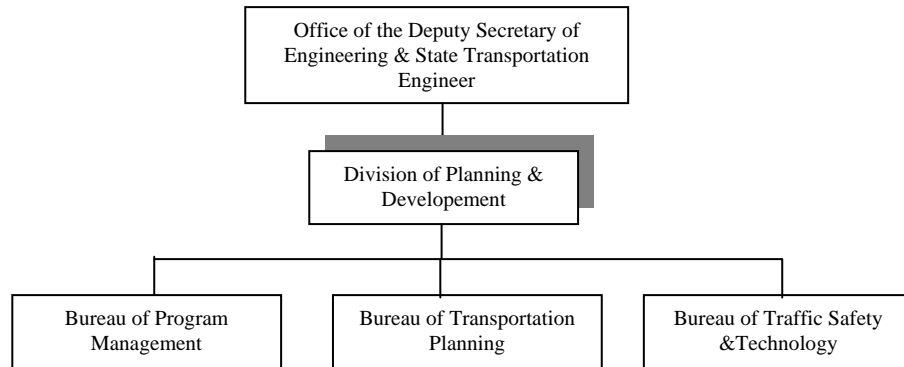
The Division of Administration is responsible for human resources, information systems, computer training and support service operations for KDOT. Human resource management includes personnel administration, training, and equal employment opportunities. Information system management includes system and technology planning, software development and maintenance, operation of certain hardware and various communication support activities. The computer training section includes software program assistance and training.

DIVISION OF FINANCIAL SERVICES



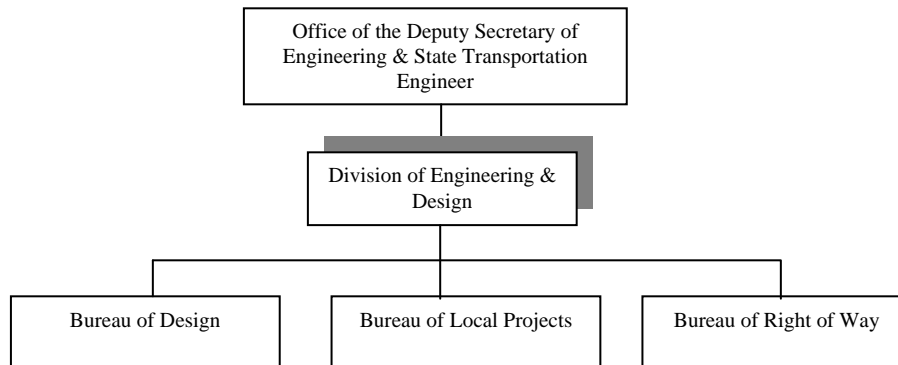
The Division of Financial Services is responsible for the budget, accounting, procurement, financial investment and financial management. Budget management includes developing and monitoring KDOT’s budget. Financial management includes developing the financial plan (including bond and investment strategies and policies), accounting and certain procurement activities.

DIVISION OF PLANNING AND DEVELOPMENT



The Division of Planning and Development monitors and analyzes federal transportation legislation, and provides coordination with AASHTO. 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 public. The Division coordinates policy on rail transportation and the rail and freight service programs. This Division also prepares and presents the multiyear Kansas Highway Improvement Program, and provides an indication of what projects KDOT will undertake, 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 KDOT including programs that deal with driver behavior modification to reduce drunken driving, increase use of seat belts and child passenger restraints. This Division is responsible for traffic engineering activities to determine the appropriate traffic signing and speed limits for projects under KDOT's jurisdiction.

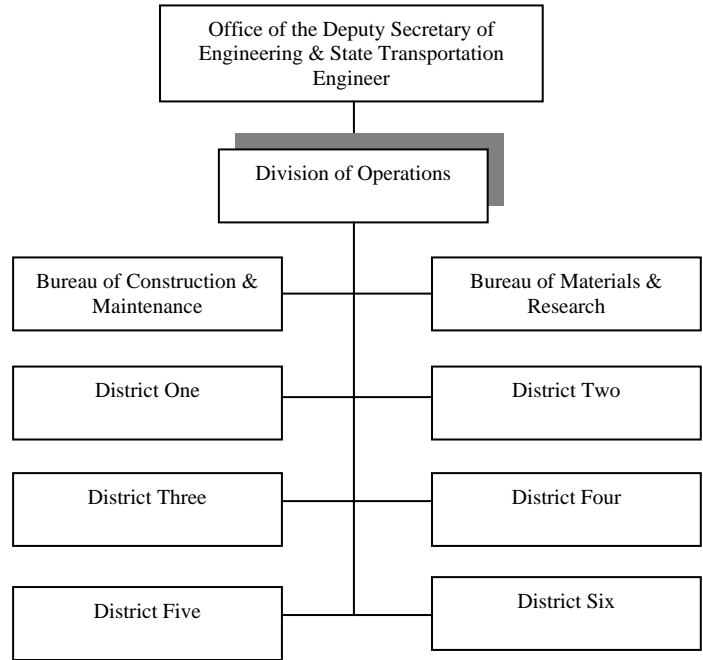
DIVISION OF ENGINEERING AND DESIGN



The Division of Engineering and Design is responsible for the Pre-construction phase of State-highway improvement projects, and assists local governments with Pre-construction 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

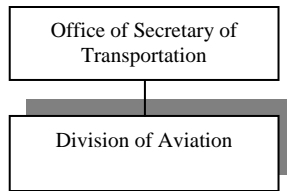
preparing the design of the project, performed by agency staff or by consultants under agency staff supervision. The Division is also responsible for acquiring the right-of-way and coordinating utility movements prior to construction. This Division is responsible for the KDOT's bridge inspection program, which includes underwater inspection and structural evaluations, and for administering contracts with consultants.

DIVISION OF OPERATIONS



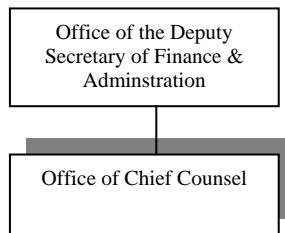
The Division of Operations is the largest of all organizational units in KDOT with approximately 80 percent of KDOT's positions. This Division's employees reside in all but four of the State's counties. The Division oversees all of the construction inspection of projects on the State Highway System and for administrative oversight of federally funded, city and county road projects. Private contractors perform the actual construction. The Division is also responsible for maintenance of the State Highway System. While KDOT contracts some activities, KDOT personnel perform most maintenance. In addition, the Division oversees materials testing and research to verify that the materials used in construction and maintenance projects meet the applicable standards. These responsibilities include both developing the specifications and performing compliance testing.

DIVISION OF AVIATION



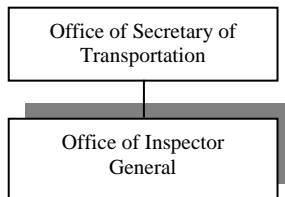
The Division of Aviation administers the Kansas Airport Improvement Program (KAIP). The KAIP is the aviation component of the Kansas Comprehensive Transportation Program, which allocates funding for improvements to the Kansas public-use airports. In addition, the Division administers the Federal Airport Inspection Program, conducts statewide airport system planning, publishes the Kansas Airport Director and the Kansas Aeronautical Chart, provides technical support to airports, and coordinates assistance from the Federal Aviation Administration.

OFFICE OF CHIEF COUNSEL



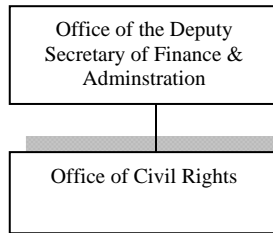
The Chief Counsel directs the legal affairs of KDOT, including prosecuting and defending all lawsuits and/or claims brought by or against the Secretary of Transportation.

OFFICE OF INSPECTOR GENERAL



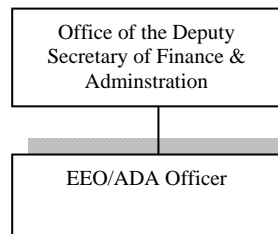
The Inspector General assists the Secretary in making management decisions relative to agency operations by conducting periodic reviews of KDOT programs for compliance with established procedures, regulations and guidelines, and by submitting recommendations for improvements for efficient and effective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

OFFICE OF CIVIL RIGHTS



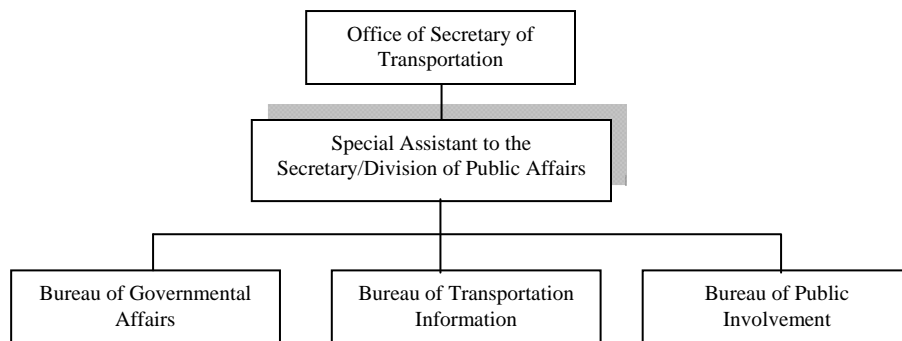
The Civil Rights Administrator handles compliance with Disadvantaged Business Enterprises (DBE) and external Equal Employment Opportunities.

EEO/ADA OFFICER



The Equal Employment Opportunity and American Disability Act Officer is responsible for compliance with internal Equal Employment Opportunities and the American Disability Act.

SPECIAL ASSISTANT TO THE SECRETARY/DIVISION OF PUBLIC AFFAIRS



This Division keeps the public informed and aware of KDOT'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 implements and guides KDOT's Public Involvement Program. This Program fosters two-way communication, facilitates citizen participation and helps KDOT 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 KDOT's liaison to the Kansas Legislature, and organizes and directs KDOT'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.

1.03.06 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. This Bureau Chief develops and reviews policies and procedures for highway construction, prepares specifications and Engineer's estimates, oversees KDOT's Construction Management System (CMS) and coordinates programs for establishing uniform control of construction methods.

In addition, KDOT 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.

1.03.07 BUREAU OF MATERIALS AND RESEARCH

This Bureau operates under the supervision and direction of the Bureau Chief, who is accountable to the Director, Division of Operations. This Bureau establishes and administers a suitable quality control/quality assurance (QC/QA) program for materials incorporated into KDOT 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.

This Bureau also performs Geotechnical investigations, pavement design and research, maintains the pavement management system data base, and provides technical assistance to field forces on various types of construction.

1.03.08 DISTRICT ORGANIZATION

The State consists of six district areas to provide local administration of the highway program. The District Engineer administrators the construction program in each. Each district is organized and staffed to administer the basic program. Headquarters provides specialized services and technical assistance.

1.03.09 DISTRICT ENGINEER

The District Engineer:

- Oversees all construction and related activities of KDOT within their district;
- Staffs of construction projects;
- Performs the final inspection and acceptance of completed projects;
- Handles outside business and public relation contacts involving district operations or district personnel;
- Makes recommendations for construction and maintenance within the district, and establishes priorities for such work when approved;
- Makes recommendations for proper equipment and supplies, and secures the proper and effective utilization and maintenance of such equipment and supplies;
- Implements employee and public safety policies and procedures within the district;

- 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 Deputy Secretary of Engineering and State Transportation Engineer for review of decision.

1.03.10 DISTRICT CONSTRUCTION ENGINEER

The District Construction Engineer:

- Directs Field Engineers in matters involving construction contract administration;
- When assigned the responsibility, acts for and assumes the duties of the District Engineer during the absence of the District Engineer;
- Makes assignments of Field Engineers and field engineering personnel to construction projects;
- Inspects construction projects with the Field Engineer; assists and counsels the Field Engineer;
- Recommends necessary changes in plans and change orders;
- Keeps informed as to the status of work on each construction project and reviews project reports, records and estimates;
- Keeps the District Engineer advised of construction activities;
- The District Construction Engineer must effectively cooperate with the various Headquarters Bureaus who speak for the applicable Directors;
- Attends Pre-construction Conferences and has continual lines of communication with the field personnel;
- Coordinates training instruction for field personnel in inspection, documentation and field engineering;
- Performs such other duties and responsibilities as may be assigned by the District Engineer;
- Is directly responsible to the District Engineer;

1.03.11 DISTRICT MATERIALS ENGINEER

The District Materials Engineer:

- Directs Field Engineers in sampling, field-testing and use of construction materials. When assigned the responsibility, acts for and assumes the duties of the District Engineer during the absence of the District Engineer;
- Reviews and checks all concrete and asphaltic mix designs;
- Is responsible for quality and use of materials on projects;
- 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;
- Coordinates training instruction for field personnel in sampling, testing and documentation procedures;
- Performs such other duties and responsibilities as may be assigned by the District Engineer;

- Is directly responsible to 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. The Metro and Area Engineers handle project management and public involvement within their area.

1.03.13 FIELD ENGINEER

Field Engineer:

- includes Metro Engineer, Field Engineering Administrator, Area Engineer, Construction Engineer/Manager, and/or Construction Coordinator;
- 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;
- Spot checks all phases of the work periodically and checks the activities and performance of personnel on a day-by-day basis to assure that the work is progressing satisfactorily and on schedule;
- Maintains close contact with the Contractor's representative to make sure cross sections, staking and inspection occurs according to the Contractor's work schedule. Also, confirms that all misunderstandings which may arise are addressed before becoming problems;
- 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;
- Checks that staff performs the contract work according to the Contract Documents, and that all materials incorporated in the work have been tested and accepted by the proper authority. Checks that progress and events are properly documented, that all records and reports are filed, and that the State's interests are protected;
- 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;
- Trains personnel to use safe work habits. Also, enforces public safety practices and procedure requirements;
- Prepares project reports, records and estimates. Conducts Pre-construction Conferences and approves location of and inspects utility moves.

1.03.14 PROJECT ENGINEER AND ENGINEERING TECHNICIANS

Project Engineer and Engineering Technicians:

- Is directly responsible to the Field Engineer but may work under the direct supervision of a Project Engineer or Engineering Technician Senior or Specialist who is serving as a Party Chief, Project Coordinator, or one in charge of the inspection of important or complex construction operations;
- Directs and lays out work for a construction survey party;
- Supervises and inspects operations, phases or stages of construction and material production operations. Keeps documentation records and makes necessary reports of these operations;

- Performs all calculations required in laying out interchanges, bridges, curves, grades, slope stakes or measurement of quantities;
- Operates survey instruments in layout, traverses, leveling, cross sectioning, slope staking, final measurement and other survey operations;
- Inspects and samples materials, performs tests on samples, keeps records and prepares reports of these operations;
- 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 KDOT are in daily contact with, and under the critical eyes of, a large number of citizens; and, as a public service organization, KDOT is judged by its employees as well as by its work. Every employee has a definite responsibility to build good will toward KDOT.

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. We need to listen to the public's comments. 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. In such situations and problems, handle with extensive private and public contact work, releasing information through local news media. These outlets are ordinarily quite happy to be of service in this regard. The Bureau 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 Metro/Area/Construction Engineer/Manager should furnish information with the Public/Community Affairs Manager on matters for which they have personal responsibility and in which they are well informed. Refer questions concerning policy or programs to the District Engineer for consideration.

If any KDOT employee observes conditions that might develop into public controversy and misunderstandings, promptly transmit this information 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 Metro/Area Engineer, District Engineer or Public/Community Affairs Manager 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 they are being ignored. It is best to talk personally with the person making the complaint; often it is just something they want to get off their chest. Listen, and above all, be courteous. Never lose your temper or your composure. If your authority allows you to make a decision on the matter, advise the person

what can be done, and when it will be done. Promptly prepare a brief memo advising all interested persons as to how the matter was concluded. If your authority does not allow you to make a decision, inform the complainant that the problem is beyond your authority, and you will forward the issue to the appropriate personnel. Promptly prepare a brief detailing the situation, and forward through channels. Follow up to make sure the issue was addressed, and the complainant was notified of the resolution.

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 might be an option. This consideration for the property owners will improve the attitude of the public toward KDOT.

Trespassing on private property exists when the owner of the property has not been consulted prior to action by others on the property. Before making surveys of any kind on private lands, contact the owners of these lands. 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, 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, 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 in the supervision of the work. Listen to suggestions by local officials as to changes in the work. Obtain all the facts and give a suitable explanation when it is evident that their suggestions are not feasible. Make no commitments other than, if warranted, their suggestions 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. Develop a relationship of mutual cooperation and consideration. The Field Engineer is urged to make personal contact as soon as possible with officials of the appropriate utility company. Invite a representative from any affected utility to the Pre-construction Conference. This will tend to create good relations and give the companies as much time as possible to perform the needed work.

1.04.06 CONTRACTOR

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

- a. Treat the Contractor fairly and impartially.
- b. Adhere to the plans, specifications and contract requirements, as closely as possible.

- c. Exhibit maximum integrity to maintain public confidence in KDOT.
- d. Make every reasonable effort to maintain harmonious relations with the Contractor and their employees; however, avoid excessive fraternization.
- e. Do not discuss the Contractor's methods of handling the work with outsiders.
- f. Do not put yourself under obligation to the Contractors or their 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. Refer matters that cannot be resolved peacefully to higher authority.

Issue instructions relative to the work to the Contractor, 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. Maintain a written record of specific orders issued.

Endeavor to anticipate the needs and difficulties of the Contractor. Discuss the work schedule with the Contractor and coordinate the inspection accordingly. (Staking should be coordinated by the Contractor under bid item "Contractor Construction Staking").

1.04.07 INTERDEPARTMENT RELATIONS

Harmonious working relations among all employees of KDOT 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 KDOT. Each employee has a responsibility to promote and foster good relations with their fellow workers. An employee is expected to carry out the instructions of their supervisor. Each supervisor should conduct themselves in such a way as to earn the full support, respect, and cooperation of those employees for whom they are responsible. Each employee must know their responsibility and must have the authority to handle it.

A major factor promoting 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 Engineers should brief their 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 the Contractor constructs these projects in close conformance with approved plans, specifications and change orders. This assurance is necessary before FHWA pays Federal-aid funds to KDOT. This relationship involves only FHWA and KDOT, and does not directly involve the Contractor. In effect, KDOT has a contract, or project agreement, with the FHWA that KDOT 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 to review KDOT's performance in overseeing that the Contractor constructs the project in accordance with the approved plans, specifications and estimates as contained in the KDOT-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 FHWA or KDOT may designate as full-oversight. 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 may be under State or local agency jurisdiction. During such inspections, FHWA will closely scrutinize all project records pertaining to the work under review.

At the end of the inspection, FHWA will discuss with KDOT project personnel, the findings and recommendations related to job procedures and contract performance found during these inspections. The FHWA will direct significant findings and recommendations to the attention of KDOT 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 KDOT will formalize by execution of contract change orders. Notify FHWA of all contemplated changes, whether major or minor in character, 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. Occasionally, the need arises for making a change on relatively short notice. In such cases, initiate an Advance Request for Major Change Order Approval (DOT Form No. 221), by phone or email if necessary, and obtain authorization 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 KDOT personnel is essential to maintain public confidence in KDOT.

KDOT personnel should not engage in outside work, unless the District Engineer previously clears the matter. No one in KDOT shall perform work for, and receive compensation from, the Contractor.

No one in KDOT whose job involves negotiating, approving or administering any contract or transaction on behalf of KDOT shall have any financial or personal interest, direct or indirect, in the case.

If any KDOT employee has any interest in real property to be acquired for highway purposes, fully document the facts and circumstances of this interest. Do not participate in acquisition of the property as an agent of KDOT.

Do not use KDOT equipment for personal business.

The acceptance of gifts and favors from the Contractor, or 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 KDOT employee from a Contractor is an example of a serious conflict of interest action.

The Field Engineers must be on the alert for any indication of impropriety on their part or their personnel. Immediately correct any case of dishonesty or serious conflict of interest encountered, or bring to the attention of the District Engineer.

1.06 EQUIPMENT

1.06.01 ENGINEERING EQUIPMENT

Personnel assigned engineering equipment are personally responsible for its care and condition.

The surveying equipment is expensive, precise instruments. 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. Do not allow any person to handle equipment, who does not, at all times, show proper regard and care for the equipment. Take appropriate disciplinary action when care is not shown.

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.

Check all survey equipment at frequent intervals to verify maintenance of required accuracy. Make minor adjustments only in accordance with the manufacturer's recommendations and prescribed procedures. Only competent and experienced personnel should make these adjustments.

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

Frequently check equipment such as axes, sledgehammers, picks and hatchets.

Always protect field office equipment, such as computers, calculators, adding machines, etc., from excessive dust and moisture. Keep instruments, such as hand levels, thermometers, etc., in their boxes in a safe place.

Keep laboratory and field-testing equipment clean and in good working condition, and handle with care. Tests performed by this equipment have an important role in the control of materials, so replace any damaged or worn out equipment.

See Part III of this Manual for detailed instructions for the handling and care of surveying equipment.

1.06.02 VEHICULAR EQUIPMENT

See the Standard Operating Manual (SOM), which is available to all personnel for maintenance and handling of KDOT owned vehicles. All employees assigned a vehicle are expected to care for it according to the requirements of the Manual.

Use KDOT owned motor vehicles exclusively in the performance of KDOT business and performance of employee's duties in that business. Do not use these vehicles 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 their work is complying with requirements concerning that vehicle.

Storage of Motor Vehicles - When not in use, store all KDOT owned motor vehicles in the equipment yards of the District, Area, Project or Headquarters, when possible. Unless such sites are within a garage or other building, keep all vehicles locked even though they may be stored within a fenced compound. When an employee must take a vehicle to their home, park the vehicle in a garage or off the street. When out of town, parking in front of a hotel or motel is a reasonable and safe place for parking.

1.07 SAFETY

1.07.01 GENERAL

The Field Engineer and/or Project Coordinator are responsible for providing safety leadership at all times and safety enforcement, when necessary. Give employees thorough instructions on the safe use of tools, materials, equipment and the safe prosecution of the work. See that all KDOT employees wear appropriate protective equipment when in construction and/or hazardous areas in accordance with the latest personnel SOM and the KDOT Maintenance Manual.

Most KDOT 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 your 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. Place adequate traffic control devices where they are most needed and effective. Handle traffic control 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.

Use flaggers 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. Remove or cover traffic control devices, when no longer needed.

On each project, assign an inspector the responsibility for checking traffic control. Make checks and document 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. Make periodic inspections at night to verify that traffic control devices are operating as intended. If the person noting the defect cannot make the correction, notify the proper party; this would be the Area/Metro Engineer for KDOT signs and devices, or the Contractor's representative for their signs and devices.

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

As required by position description, possess a valid driver's license of the appropriate class and that is current as to place of residence, and otherwise complies with renewal requirements.

Use good driving habits and practice recommended safety rules. The public easily identifies KDOT-owned vehicles; poor driving habits cannot be tolerated.

The following is a list of some of the causes most frequently found in accidents involving KDOT-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. They should also take responsibility for any other needed actions, 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 confirm 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.

For survey work on a highway that is not restricted to traffic, provide adequate warning to motorists. Inform the motorists that the crew or other persons are working on the highway so that they 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. Place the signs at an adequate distance from the work to permit the motorist opportunity to slow down or stop safely if necessary. Ordinarily, place the signs on the road shoulder in each direction from the crew and move ahead as the survey work progresses. Place cones at each leg of the tripod on instruments set up in the roadway.

Portable warning signs are effective only if they tell the correct story. Never leave these signs in place overnight or for periods when work is not being performed in the vicinity.

KDOT employees on construction sites must wear the appropriate safety apparel that is in accordance with the latest personnel SOM and the KDOT Maintenance Manual.

In addition, remain alert for possible danger at all times, whenever performing work within active construction sites. When conditions are extremely noisy, take extra precaution.

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

Perform periodic inspections to determine that all employees are making proper use of protective devices.

Ground level operations - When possible, schedule work 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 that the area is safe. For example, verify the Contractor properly shores and braces deep trenches. Likewise, do not enter upon a roadway to perform a task requiring undivided attention when noisy, heavy equipment is operated nearby, unless safety provisions are made such as having another person nearby acting as a lookout, etc.

Use extra precautions when working near bridge construction, pile driving, pipe laying or other operations involving the use of cranes or draglines. Never walk under any load suspended by crane or dragline, and remain a safe distance away from cables that are under heavy load. Remain a safe distance away from a crane or dragline working near a power line.

Above ground operations - Be aware of additional hazards related to height and the limited working area. Never require an individual to work at high elevations if they are adversely affected by height. Dress appropriately and wear hard hats, safe shoes, cuff-less pants, etc. Use care when ascending and descending ladders. Exercise extreme caution on windy days. When working over water, life jackets and/or safety belts may be required. OSHA requires Bridge Contractors 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 almost continual high level of noise compounds the seriousness of the hazards. Always wear hard hats and take extra precaution when working in these areas.

1.07.05 ACCIDENT REPORTS

Personal Injuries - Should a KDOT employee suffer any personal injury because of an occupational accident, immediately notify the immediate supervisor or KDOT Senior Manager.

Obtain detailed information on reporting personal injury accidents from the SOM entitled “Workers’ Compensation”.

Immediately, report personal injury accidents to KDOT employees, in accordance with the SOM. 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 SOM requires that accidents involving KDOT 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. Do not give any other information, unless requested by a traffic or police officer at the scene.

Do not discuss facts and conditions relating to the cause of the accident with the driver of the other vehicle, and do not admit any liability for the accident. Refer all inquiries and attempts at settlement from the adverse party to the proper local authorities.

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

Obtain detailed information on reporting motor vehicular accidents from the SOM 1.10.1 titled "Accident Loss & Damage Reporting".

1.07.06 HAZARDOUS MATERIALS ACCIDENTS (For Nuclear Meter Accidents follow SOM 1.13.2)

Due to the possibility of serious personal injury and property damage, KDOT 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. Periodically give instructions 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) 296-8013 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 KDEM calls back. The Division of Emergency Preparedness will give special instructions as to flagging, traffic control, etc.

Send Form "A" "Hazardous Materials Incidents Accidents Continuous Releases" 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 KDOT to provide brief safety meetings for employees. The instructions for these meetings are contained in the SOM 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 their 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 SOM, 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

Obtain the rules and regulations relative to methods and procedures for recording and distributing expenses, labor and equipment charges in the SOM 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 historical and pre-historical objects such as Indian ruins, sites, buildings, artifacts, fossils or other objects of antiquity that may have significance from a historical or scientific standpoint. 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 notify the District Engineer.

1.10 LABOR REGULATIONS

1.10.01 GENERAL

All contracts let by the Secretary for the construction, re-construction, 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. Obtain the Federal labor provisions 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, carefully study and follow the Manual 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 see that the Contractor properly carries out labor requirements.

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. The 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 KDOT 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 CFR 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 their EEO Policy Statement and the name, address and telephone number of their 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 CFR 5.5(a)(1) – Informs employees who to contact if 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 Medical 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.

16. A.R.R.A. Whistleblower Protection Act Poster on all A.R.R.A. projects.

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. Make an attempt to interview employees of the various crafts for the duration of the project. Record these interviews on Wage Rate Interview Form DOT Form 209 or 209S. Keep all information from each interview confidential. Conduct interviews in private.

Information obtained from the wage rate interview should be compared with the Contractor's weekly certified payrolls to verify 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. Bring any discrepancies noted between the wage rate interview and the weekly payroll to the attention of the Contractor and resolve in a timely manner.

The wage rates for each quarter of the calendar year are to be compiled on a KDOT manufactured spreadsheet from each contract that the construction office is administering, excluding Klink projects, from the projects Notice to Proceed to the issue of the projects Notice of Acceptance.

This spreadsheet is then sent to the district office to be reviewed and compiled with all area projects in the district, and then submitted to Bureau of Construction and Maintenance.

A copy of the wage rate interview forms (209 or 209S) are to be sent to the District Office along with the spreadsheet, but the original copies of the wage rate interview forms are to be filed at their respective Construction Office for a minimum of 3 years.

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 KDOT 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 to 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. The Contractor or subcontractor should pay all laborers and mechanics at not less than one and one half times their basic rate for all hours worked in excess of 40 hours per week. They need not add fringe benefits to the basic hourly rate when computing overtime.

2. Payrolls - Contractors are required to submit a copy of their and their subcontractor's 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, they may submit only one payroll rather than one for each individual contract. If a Contractor has contracts for contiguous (adjoining) projects, they need submit only one payroll rather than one for each individual project. When the Contractor has State-tied projects, they 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.** Submitted payrolls shall contain the following information.

- Contain the employee's full name and identification number. **Do not use the employee's Social Security number.**
- Number the payrolls consecutively, and mark the last payroll submitted final. These payrolls reflect all work through completion of the project.
- **If no work is scheduled for an extended period, note on the last payroll submitted, the date in which work will resume. Negative payrolls will not be required during the extended period of no work performed.**

- Show the work classifications or classification code numbers. At their option, the Contractor may use code numbers in lieu of actual classifications, as long as they furnish 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.
- Show hourly wage rates, including fringe benefits, if applicable, for each employee.
- Show daily total hours and weekly total hours worked in each classification.
- List itemized deductions. 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 they are 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.
- Make Fringe Benefits on behalf of the person employed in accordance with 29 CFR Part 3.

(b) Owner Operators.

- Truck Owner Operators – Include the names of owner-operators on applicable payrolls. The classification “Owner-Operator” is all that need appear. Do not show any other information, such as hours worked, amount paid, etc. Drivers, other than owner-operators, are subject to the wage rates posted in the contract and must appear on the weekly Payroll, if the drivers are included in the “site of work”. These operators may appear on the payrolls submitted by the prime Contractor, or the prime Contractors may add the truck owner’s payrolls 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, show the name and all normal required payroll information 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 for wages and the amount for 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, they 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 from the payment a reasonable rental fee for the equipment; divide the remainder by the number of hours worked to confirm 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.

(c) Employment of Apprentices. Only employ apprentices, registered in a bona fide program approved by the Bureau of Apprenticeship and Training of the U.S. Department of Labor, on contract work. 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. The Contractor may pay them at the rate provided in their agreement (even if it is lower than the Davis-Bacon wage rate), 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.

(d) Confidentiality of Certified Payroll Records. Restrict access to information contained on certified payroll records only to 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); and
- 5) External EEO Section

Should an agency/organization, not listed above, request access, follow these steps:

- **Federal Aid Projects** – Submit a “Freedom of Information Request” in writing to the Division Administrator, FHWA, Kansas Division. If FHWA grants the request, they will contact the Bureau of Construction and Maintenance, who will contact the Field Engineer to provide 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** – Submit an “Open Records Request” by the requesting organization to the Office of Chief Counsel, KDOT. If Office of Chief Counsel grants the request, they will notify the Bureau of Construction and Maintenance, who will contact the Field Engineer to provide copies of the requested certified payrolls 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. Payroll Checks. Field Engineers should establish a check system to record dates they receive payrolls in the office and record checks made on various payrolls.

Thoroughly check the first payroll submitted. Conduct random checks thereafter making at least one check each month.

When checking payrolls, the Field Engineer or designee should check:

1. To verify that the required information listed in paragraph 1.10.02c.2.(a) has been included on the payroll.
2. To verify 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 verify that proper fringe benefits have been paid.
5. To verify that deductions are itemized and approved by the employee or are authorized by law.

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

Mark and initial the payroll as checked. If the payroll has discrepancies and clerical errors, notify the Contractor so they can promptly make corrections. Do not return the original submitted payroll to the Contractor under any circumstances. **Preserve payrolls for a period of 3 years from the completion of the project.** Make corrections by supplemental payrolls, prepared and submitted in the same manner as the original. It is not necessary to submit a completely revised payroll transcript.

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 their duties fall.

e. Violations. The Field Engineer is to investigate any complaint or violation of the labor standards referred to them. Prepare a report of each investigation and the actions taken, and submit 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, the Contractor will make restitution payment to the affected employees immediately upon notice sent by the Field Engineer. KDOT will not tolerate deliberate violations of the labor requirements regarding wages.

f. Determining Wage Classifications. In checking payrolls and investigating complaints with regard to wage difficulties, there may be difficulty 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. 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, 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, classify laborers and mechanics in accordance with the information contained in the contract. Each local trade union has established craft jurisdictional lines, recognized by each local union. Do not interpret this to require Contractors and subcontractors to hire union workers, but interpret it 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 KDOT awards a non-union Contractor a contract, they 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 they are paid in the classification of work for which they are performing the duties, i.e., ironworker, carpenter, or power equipment operator.

Additional Classifications and Wage Rates.

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, the nature of work may require new classifications of work and wage rates, after the award of the Contract.

Classify all laborers and mechanics employed under the contract and not listed in the General Wage Decision, in conformance with the wage decision. Meet the following criteria, and then submit the additional classification, wage rate and fringe benefits for approval:

- (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. Consider the following factors:

- (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. If not approved, notify the Contractor of necessary changes and have them re-submit.
- (3) After receiving approval, modification or disapproval from the USDOL, the Bureau of Construction and Maintenance will then forward it 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

KDOT, as an equal opportunity employer, makes decisions regarding an individual's conditions of employment on the basis of merit and ability without regard to gender, sexual orientation, gender identity, race, religion, color, national origin, ancestry, military or veteran status, disability, or age.

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 either State or Federal personnel might review contractual EEO requirements for compliance. If the contract is selected for a review, the Contractor will be required to verify that they are carrying out such requirements.

The Engineer should:

- a. Obtain the name, address and phone number of the Contractor's EEO Officer at the Pre-construction Conference.
- b. Verify that the Contractor displayed the required EEO notices or posters in an area readily accessible to all employees and applicants for employment.
- c. Confirm 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 the Contractor provides all facilities 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 verify the Contractor submits a training program for approval prior to issuance of Notice to Proceed, makes a positive effort to obtain minority or female trainees, and provides adequate training in the approved classification.
- 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

Complete any utility adjustment or relocation required to clear the proposed construction, six weeks 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 Contractor's 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

KDOT issues permits for non-reimbursable utility relocation projects. Do not install a facility over, under or within KDOT's right-of-way without the utility owner first applying for and obtaining a permit in accordance with the provisions of the current "Utility Accommodation Policy for Kansas Department of Transportation".

Prepare the application for this permit as required, and provide sufficient information to identify the location of the work, easily. Attach a plan to each copy of the application describing the general location of the work and accurately showing the distance of the proposed facility from the centerline of the road or some other limiting factors. KDOT may require a joint field inspection of proposed utility installations within highway right-of-way limits, subsequent to the completion of the utility company survey and application, but prior to the issuance of the permit.

Inspect the utility company's work as it is in progress, and when 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. In the Description on the face of the permit form, 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. The Bureau of Design, Utilities Section handles eligibility for reimbursement, processing of Utility Plans, Estimates, Agreements and the like.

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 paperwork 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 Office in charge of the work. The Field Engineer must check the work to assure compliance with the Utility Agreement and keep sufficient records to verify the utility company has performed the work 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

The Engineer may authorize utility companies to perform 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. The Engineer may take this action 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 beginning any work differing 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 beginning any work.

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 review and consult with the Field Engineer on all requested utility field changes to determine final action.

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

1.12.05 PRE-CONSTRUCTION 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 Pre-construction Conference. At this conference such items concerning the necessary relocation, adjustments, permits and agreements can be discussed and work schedules prepared. For Pre-construction Conference details see section 2.06 Pre-construction Conference of the Construction Manual.

1.12.06 PROGRESS OF WORK

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

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

1.12.07 INSPECTION OF WORK

Inspect all utility adjustments; both Permit and Agreement, to make sure the facilities are located as shown on the approved plans.

Exercise caution 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. Record adjusted utility elevations and location 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 person-hours, material items or equipment time. The Field Engineer must check the work to assure compliance with the Utility Agreement, and keep sufficient records to verify the utility company has performed the work in accordance with terms of the agreement

The Lump Sum Agreement is limited to a maximum of \$100,000.00 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 random, periodic field inspections during the week and document items such as:

- Progress of utility work
- Major items installed
- Labor and equipment force
- Materials on hand
- Weather
- Any rock excavation
- Major items of salvaged material
- Traffic control
- Conditions that may lead to additional expense or delay

If the utility company hires a Contractor to perform the work on a unit price basis, daily records of personnel and equipment are not essential, but make a daily record of work operations by stations and number of units of work completed.

If the utility company has the work performed by a Contractor on a force account basis, make daily records of personnel and equipment, in the same manner as typical KDOT work performed a force account basis.

In connection with the data to be recorded, it is not intended that our inspectors act as timekeepers for the working forces, nor 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 verify that the billing submitted by the utility company is substantially correct. The Field Engineer is not required to certify to anything of which they have 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 for proper disposal. The Field Engineer will arrange for office personnel to perform the inspection. In some cases, it may be desirable for the District Engineer and/or FHWA to be present. Have the utility company inspect only that material to be disposed of as junk or scrapped. 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.

Field or District personnel are not 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.

Make a notation in the field records of major items of materials left in place, such as pipe, poles, etc., where the quantities are large.

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

1.12.11 FINAL BILLING

The utility company should submit the billing for all reimbursable agreements directly to the Field Engineer for review. The Field Engineer will then prepare a voucher and forward voucher and statement to the Bureau of Design, Coordinating Section – Utilities (BODCS-U).

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 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, 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, BODCS-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 should be between 4 and 8 weeks prior to the letting). As soon as printed 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?
 - (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.

8. Bureau of Construction and Maintenance

Based on the information presented from the Field Construction Office, the Assistant Bureau Chief (Pre-construction 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 Deputy Secretary of Engineering and 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. Also, advise the Contractor that KDOT is not on One Call, and to call the local KDOT office for utility information.
- 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. 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 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 months ahead of the letting.

The process includes 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 should be 4 to 8 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 (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?
- (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 (Pre-construction 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 (Pre-construction Activities) may consult the Assistant Bureau Chief of BLP (Technical Management Section) for assistance in contacting the LPA.
- Advise the Deputy Secretary of Engineering and 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 Pre-construction 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 PRE-CONSTRUCTION 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. 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, discuss them in detail with the District Engineer.

1.13.02 UTILITIES

Conduct all notices and negotiations to and with the utilities occupying highway right-of-way in accordance with latest utility adjustment procedures.

1.13.03 ENCROACHMENTS

If possible, send written notification to remove encroaching advertising signs, in advance of construction, to the owners at the same time notices are sent to the utilities. Discuss other encroachments not removed, such as buildings, 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 should give a written notice to the mailbox owner to remove their mailbox. In the notice, contain information regarding construction and probable starting date. Also, include 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 contact the postal authorities advising them of the developing situation, and make sufficient inquiry to give advice to 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 backslopes and related construction; and in addition, excludes areas obtained for channel changes. Do not classify excavation due primarily to a channel change 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.

If the Contractor agrees to accept plan quantities for payment, they must submit a letter stating they agree to accept plan quantities. Keep this letter in the project files for justification of payment.

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. When there is a discrepancy in project quantities, calculate the quantities for the borrow pits by cross-sectioning the areas in accordance with the specification. Show a recap of these quantities on a DOT Form 266, and use for final quantities.

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. The Contractor must submit form DOT 104 and the Engineer must approve form DOT 104 before performing any excavation at the site. The Contractor must also address what erosion and pollution control procedures will be used, or include them in the approved project Stormwater Pollution Prevention Plan.

The same process is necessary if 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 assumes 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 Department of Revenue will assign the sales tax exemption certificate number to each project. The Contractor is advised of the number assigned by letter with copies to the Field Engineer and District Engineer. The Contractor will furnish a copy of the Sales Tax Exemption Certificate to all suppliers and Subcontractors for their files.

1.14.03 PROJECT COMPLETION CERTIFICATION

Upon completion of a tax-exempt project, the Contractor must sign a certification stating that they incorporated all tax-exempt materials purchased into the project for which KDOT issued the exemption. The Field Engineer will prepare Form DOT 77, and submit to the Contractor with the final papers. The Contractor must retain all invoices for exempt purchases for a period of five years from the date of certification, and are subject to audit by the Kansas Department of Revenue. Submit Form DOT 77 as per instructions in the Construction Form Manual and CMS.