KANSAS DEPARTMENT OF TRANSPORTATION
SPECIAL PROVISION TO THE
STANDARD SPECIFICATIONS, 1990 EDITION

SECTION 109

MEASUREMENT AND PAYMENT

Page 83, subsection 109.01. Delete the last paragraph on this page (continued on page 84) and the first complete paragraph on page 84, and replace with the following:

The Contractor shall provide and furnish scale operators to operate necessary scales in weighing all materials required to be weighed, complete and sign the required material receipts, and perform documentation as required.

Page 85, subsection 109.01. Delete the first sentence on this page and replace with the following:

Scale operators will not be paid for directly, but will be subsidiary to other items of the Contract.

Page 87, subsection 109.05. Delete this subsection and replace with the following:

109.05 PAYMENT FOR EXTRA WORK

The Secretary will pay for extra work under Section 104.04 on a negotiated price basis (the unit prices or lump sum stipulated in the change order authorizing the work) or, if the Secretary requires, on a force account basis calculated under this section as follows:

(a) Labor.

(1) The wage rate all agreed upon in writing before beginning the force account work for the number of hours all laborers and foremen are actually engaged in such work.

(2) Costs paid for subsistence and travel allowances, health and welfare benefits, pension fund benefits or other such benefits but only when such costs are required to be paid by law, by collective bargaining agreement, by the employment contract, or by company policy.

(3) The sum of twenty percent plus the percentage for bond, insurance, and tax establish by the Secretary (see **(b)** below), will be applied to the sum of the above items for the Contractor's overhead and profit.

(b) Bond, Insurance, and Tax.

The rate established by the Secretary, adjusted periodically, for increases in bond costs, unemployment insurance contributions, social security taxes, and insurance premiums (property damage, liability, and worker's compensation) that are caused by the force account work.

(c) Materials.

(1) The actual costs of materials the Engineer approves and that are used or consumed in the force account work.

(2) The delivery costs of such materials, excluding machinery rentals.

(3) Fifteen percent of the sum of the above items for the Contractor's overhead and profit.

(d) Equipment.

(1) The rental rates agreed upon in writing before beginning the force account work for the number of hours the authorized equipment is operating. In no event shall rates be higher than those set forth in the Rental Rate Blue Book for Construction Equipment. Blue Book rates shall be calculated by dividing the monthly rate for the equipment by 176, and adjusting that rate by age and regional adjustment factors from the Blue Book before adding in the estimated hourly operating cost from the Blue Book. Costs for fuel and lubricants used or consumed in the force account work are included in the estimated hourly operating cost.

(2) Transportation costs to and from the site of the work if:

- the equipment is obtained from the nearest approved source;
- the return charges do not exceed the delivery charges;
- haul rates do not exceed the established rates of licensed haulers;
- such charges are restricted to that equipment not already available and on the project.

(3) The half-time rates (rental rate minus the hourly operating cost) for equipment on the project on a standby basis during normal working hours if:

- the equipment is used in the force account work and;
- the Engineer orders the Contractor to keep the equipment on the project.

(4) Fifteen percent of the sum of the above items for the Contractor's overhead and profit.

(e) Miscellaneous.

No additional allowance shall be made for general superintendents, the use of small tools, or other costs for which no specific allowance is provided herein.

(f) Compensation.

The Contractor's representative and the Engineer shall daily compare and agree upon the records of labor, equipment, and materials used for the force account work.

(g) Required Statements of Costs.

(1) To receive payment for force account work, furnish duplicate itemized statements of the costs of such force account work detailed as follows:

- name, classification, date, daily hours, total hours, wage rate, and extensions thereof for each laborer and foreman;
- designations, dates, daily hours, total hours, rental rates, and extensions thereof for each unit of machinery and equipment;
- quantities of materials, prices, and extensions thereof;
- transportation costs of materials.

(2) Attach invoices for all materials used or consumed and all transportation charges for these materials. However, if the materials are taken from the Contractor's stock, furnish an affidavit certifying that such material was taken from stock, the quantity claimed was actually used, and the price and transportation costs claims represent the Contractor's actual costs.

(3) If the Engineer cannot verify the itemized statement from the Department's project records, the Department may conduct a complete audit of the Contractor's force account records.

(h) Payment of Force Account or Negotiated Work by Subcontractors or other Specialized Trades.

(1) The term "work" in this subsection 109.05(h) means either force account work or work performed on a negotiated price basis, whichever applies.

(2) When all or a portion of the work is sublet to a highway industry subcontractor, the Contractor shall receive overhead in the amount shown below. The "Dollar Amount of Work" shall be the total amount shown on subsection 109.05(g) itemized statements or the negotiated price.

Dollar Amount of Work	Add on for Overhead
$0 to $50,000	5%
$50,000 to $100,000	$2500 plus 3% for any amount over $50,001
over $100,000	$4000 plus 1.5% for any amount over $100,001

(3) When all or a portion of the work is sublet to a subcontractor in a specialized trade or business, the Contractor shall receive overhead in the amount shown below. For this subsection, the "Dollar Amount of Work" shall be the total amount shown on subsection 109.05(g) itemized statements, the negotiated price, or the amount shown on actual invoices for the labor, equipment, and materials when the specialty subcontractor has no subsection 109.05(g) itemized statements.

Dollar Amount of Work	Add on for Overhead
$0 to $2,000	15%

$2,001 to $5,000	$300 plus 10% for any amount over $2,001
over $5,000	$600 plus 5% for any amount over $5,001

06-23-97 C&M (CDB)