ARIZONA DEPARTMENT OF TRANSPORTATION, STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION (2000 EDITION)

(F) Termination of Contract:

If the Department elects to terminate the contract, the termination and the determination of the total compensation payable to the contractor shall be governed by the provisions of Subsection 108.11, "Termination of Contract for Convenience of the Department."

104.12 Environmental Analysis:

The contractor shall prepare an environmental analysis for approval by the Engineer, under the following conditions:

(A) If the contractor elects to provide material from a contractor-furnished source,

(B) If the contractor elects to utilize any site, to set up a plant for the crushing and processing of base and surfacing materials, or processing base, surfacing, or concrete materials which is not located on a site furnished by the Department or the site of a commercial operation, or

(C) If the contractor requests that the Engineer approve access to a controlled access highway at points other than legally established access points.

The contractor shall promptly advise the Engineer that it is preparing the analysis and shall submit it upon completion. The contractor should anticipate needing a minimum of 30 days to coordinate with the necessary jurisdictions or agencies and to prepare the analysis. The analysis will be reviewed by the Department and the contractor will be advised whether or not the analysis is acceptable as soon as the necessary determinations have been made. The contractor shall allow 14 days for the Department's review.

If the preparation, and approval of the environmental analysis causes a delay to a controlling activity of the project, the contractor may seek, and the Engineer may grant, an extension of time for the preparation of the analysis in accordance with the terms of Subsection 108.08. The time extension shall not exceed 30 working days.

An environmental analysis shall address itself to all environmental effects, including, but not limited to, the following:

(A) The location of the proposed source and haul road and the distance from the source to either an existing highway or an established alignment of a proposed Federal, State or County highway along with vicinity maps, sketches or aerial photographs.

(B) The ownership of the land.

(C) The identity and location of nearby lakes, streams, parks, wildlife refuges or other similar protected areas.

(D) The former use, if known, of the source and haul road and their existing condition.

(E) The identification of present and planned future land use, zoning, etc., and an analysis of the compatibility of the removal of materials with such use.

(F) The anticipated volume of material to be removed; the width, length and depth of the excavation; the length and width of the haul road and other pertinent features and the final condition in which the excavated area and haul road will be left, such as sloped sides, topsoil replaced, the area seeded, etc.

(G) The archaeological survey of the proposed source prepared by a person with acknowledged credentials, which credentials shall be attached to the survey. The survey shall be prepared in a State Historic Preservation Office standardized format. The survey shall identify cultural resources within the potential impact area of the materials source processing area, and haul road. Additionally the survey report shall identify historic or archaeological sites in the vicinity.

(H) If the proposed source and haul road will utilize Prime and Unique Farm land or farm land of statewide importance, a description of such remaining land in the vicinity and an evaluation whether such use will precipitate a land use change.

(I) A description of the visual surroundings and the impact of the removal of materials on the visual setting.

(J) The effect and mitigation of such effects on access, public facilities and adjacent properties.

(K) The relocation of business or residences.

(L) Procedures to minimize dust in pits and on haul roads and to mitigate the effects of such dust.

(M) A description of noise receptors and procedures to minimize impacts on these receptors.

(N) A description of the impact on the quality and quantity of water resulting from the materials operation shall be provided. The potential to introduce pollutants or turbidity to live streams and/or nearby water bodies shall be

addressed. Measures to mitigate potential water quality impacts shall be coordinated through the Arizona Department of Environmental Quality.

(O) A description of the impact on endangered or threatened wildlife and plants and their habitat. The analysis of potential impact to plants and wildlife shall be coordinated through the Arizona Game and Fish Department and US Fish and Wildlife Service. Compliance with the Arizona Native Plant Law shall be coordinated through the Arizona Commission of Agriculture and Horticulture.

(P) A discussion of the effects of hauling activities upon local traffic and mitigating measures planned where problems are expected.

(Q) A description of the permits required, such as zoning, health, mining, land use, flood plains (see Section 404 of the Clean Water Act), etc.

(R) The effect of removing material and/or stockpiling material on stream flow conditions and the potential for adverse impacts on existing or proposed improvements within the flood plain which could result from these activities.

Guidance in preparing the environmental analysis is available from ADOT's Environmental Planning Group, 205 South 17th Avenue, Room 213E, Phoenix, AZ 85007, phone (602) 712-8637.

104.13 Value Engineering Proposals by the Contractor:

Proposals may be submitted to the Engineer for modifying the plans, specifications, or other requirements of the contract for the sole purpose of reducing the total costs of construction without impairing in any manner the essential functions or characteristics of the project, including service life, economy of operations, ease of maintenance, benefits to the traveling public, desired appearance or design and safety standards.

After execution of the contract, an initiative may be recommended by the contractor. The initiative must be identified as a Value Engineering Proposal (VEP), and may include modifications to the plans or specifications, construction phasing or procedures, or other contract requirements.

Any cost savings generated to the contract as a result of VEP offered by the contractor and approved by the Department will be shared equally between the contractor and the Department as specified in Subsection 104.13(D).

Bid prices are not to be based on the anticipated approval of a VEP. If a VEP is rejected, the contract shall be completed in accordance with the original terms of the contract or as otherwise modified.

Any decision whether to approve or accept a VEP shall be within the sole discretion of the Department. The Department will bear no liability for any delay in considering a VEP, the refusal to accept or approve such a proposal, or any other matter connected with a VEP.

(A) Submittal and Review of VEP Concept or Idea:

(1) The contractor shall initially submit a brief letter proposal with graphics to the Department to illustrate the concept or idea. The contractor shall indicate whether adequate time is available in its schedule for formal submittal and review prior to VEP implementation.

(2) The Department will review the concept or idea and within 10 days of the contractor's initial submittal and inform the contractor in writing whether the concept or idea has merit and should be submitted as a formal VEP.

(3) If the Department determines that the time for response indicated in the contractor's letter proposal is insufficient for review, the Department may choose to evaluate the need for a noncompensable time extension to the contract. Its evaluation will be based on the additional time needed by the Department for its review and the effect on the contractor's schedule occasioned by the added time. The need for such a time extension will be evaluated in accordance with Subsection 108.08

(B) Formal Submittal of the VEP:

Within 30 days after the Department has determined the VEP concept or idea has merit, the contractor shall formally submit a proposal. The proposal shall include sufficient data for the Department to make an informed decision regarding the proposal and shall include, at a minimum, the following information:

(1) A statement that the Proposal is submitted as a VEP.

(2) A description of the difference between the existing contract and the proposed change and the advantages and disadvantages of each, including effects on service life, economy of operations, ease of maintenance, benefits to the traveling public, desired appearance, and safety.