

## **PROPOSAL FOR FILLING BASEMENTS AND/OR FOUNDATIONS**

The following specifications will apply to filling basements and/or foundations on property acquired by the Missouri Highway and Transportation Commission in right of way acquisition where the buildings have been removed by others.

1. The contractor will be given notice to proceed on each item of work at such time as the Commission's representative has determined it is necessary that a basement or other depression needs to be filled. "If the work of filling the basement is not completed within ten (10) days after notice to proceed is given, the Commission will sustain damages, the exact extent and amount of which would be difficult to determine. Fifty dollars (\$50.00) per day is the best estimate which can be made at the present time and therefore, if the basement filling is not completed within ten days after notice to proceed, the contractor will pay Commission \$50.00 for each day thereafter that the work remains incomplete as liquidated damages." In the event that notice to proceed is given on more than one basement at one time, the contractor will have one additional day for each basement to be filled. The contractor will notify Commission's district engineer four hours in advance of commencing work and all work will be performed, unless otherwise authorized, between the hours of 7:30 a.m. and 4:00 p.m., Monday - Friday. All such work will be performed under the supervision of Commission's authorized representative.
2. The contractor agrees to remove from the basement or area of right of way to be used in obtaining fill material any remains of the razed improvement which are determined to be unsuitable fill material by the Commission's supervising representative and haul same to a suitable disposal site prior to placing fill material in the basement. No such unsuitable fill material will be left or placed in the area to be filled.
3. Masonry basement walls shall be removed to the level of the existing adjacent ground and such pieces of masonry walls may be deposited in the basement excavation provided that no such piece exceeds 4 square feet in area and is covered with a minimum of 24 inches of soil.
4. Prior to filling any basement, the masonry floor in such basement will be sufficiently broken so that the floor will not obstruct the percolation of water and shall be broken into pieces with a minimum area of 4 square feet. All storm and sanitary sewer drains leading from the basement will be sealed to prevent the entry of dirt or debris.
5. All basement excavation, except as otherwise provided in Paragraphs 3 and 7, will be backfilled with dirt, the top 24 inches of which will contain no rock or masonry material in excess of 2 inches in diameter. The material will be compacted by the operation of machinery over the material during the backfilling operation. Material for backfilling may be obtained from the right of way, if available, but in obtaining such material the contractor will not grade any slope steeper than 2 to 1. All excavation and backfilling shall be done in such manner as to ensure proper drainage.

6. In the event there is insufficient material in the immediate vicinity, the contractor shall, after obtaining the approval of Commission's supervising representative, provide material from a source of his/her own choosing outside of any highway right of way. In the event the contractor is required to furnish material from outside the highway right of way, he/she will be paid on the basis of the unit price bid for furnishing such material, in addition to the price bid for basement filling. Cisterns and depressions other than basements will be filled only upon specific authorization by Commission's authorized representative and the basis for payment for such work will be the price bid per square yard for fill material furnished by contractor.
7. All material used for filling basement excavations must be free of hazardous materials, i.e., asbestos, trees, stumps, rubbish and other deleterious materials. Rock, broken concrete or other masonry material shall not be placed in the upper 24 inches of the fill except as permitted in Paragraph 5 above.
8. The backfill material placed in basement excavations will have a sufficient crown to permit a slope of 1 inch per foot from the center of the basement to the outer edges of the filled excavations.
9. All disturbed areas shall be seeded in accordance with Section 805 of the Missouri Standard Specifications for Highway Construction. Contractor shall use a commercial fertilizer approved by the engineer in preparing the seedbed. Application shall be at the rate recommended by the manufacturer. Any good commercial seed mixture, meeting the approval of the engineer, which contains Kentucky Blue Grass and Rye Grass may be used. Application shall be at the rate recommended by the producer. In the event a fertilizer or seed mixture is approved for which a recommended rate has not been made by the manufacturer or producer, Contractor shall be required to apply the fertilizer or seed at a rate determined by the engineer.  
  
Subsections 805.4 and 805.5 and the first, second and fourth sentences of Subsection 805.3.2 shall not be applicable for this project.
10. Rodent Extermination - The contractor shall, before commencing the backfill of basement on any item, cause the extermination of rodents and other pests thereon, and this work is to be performed in a manner prescribed by law and in accordance with local Health Department regulations. Any charges incident to this work shall be defrayed by the contractor.
11. Contractor shall conform to all city and county ordinances and regulations in regard to demolition, basement backfill and related work and all necessary work, construction, maintenance, permits and other expense shall be at the expense of the contractor.

12. The Federal Government is participating in the cost of construction of this project. This proposal and contract contains provisions requiring payment of the prevailing hourly rate of wages for each craft or type of worker required to execute the contract as determined by the Department of Labor and Industrial Relations of Missouri, and a schedule of minimum wages as determined by the Department of Labor of the United States.

or

The Federal Government is not participating in the cost of construction on this project. This proposal and contract contains provisions requiring payment of the prevailing hourly rate of wages for each craft or type of worker required to execute the contract as determined by the Department of Labor and Industrial Relations of Missouri.

13. Commission's authorized representative will submit to Commission's main office monthly payment requests for all work satisfactorily completed up to the end of the payment period, which requests will be duly processed for payment to the contractor.
14. The undersigned, as bidder, declares that the only persons or parties interested in this proposal as principal are those named herein; that this proposal is made without collusion or combination of any kind or character with any other person, firm, association, or corporation, or any member or officer thereof; that he/she has carefully examined the location of the proposed work, the plans, specifications and form of contract; that he/she proposes, and agrees, if this proposal is accepted, to execute the contract and to provide all necessary machinery, tools, apparatus, and other means of construction, and will do all the work and furnish all the materials specified in the contract, in the manner and time therein prescribed and in accordance with the requirements of the engineer as therein set forth; and that he/she will accept in full payment therefore the amount or amounts certified by the engineer in accordance with the bids, specifications and contract.
15. The contractors will furnish evidence that he/she has obtained all required insurance coverage as specified in Section 107.14 of the Missouri Highway and Transportation Commission's current Standard Specification for Highway Construction.
16. The contractor will provide adequate barricades and flares to prevent injuries to persons or property as a result of the contractor's operations.
17. During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "Contractor") agree as follows:
  - (1) **Compliance with Regulations:** The contractor will, during the performance of this contract, comply with the regulations of the United States Department of Transportation relative to nondiscrimination as defined in Title 49, Code of Federal Regulations, Part 21, hereinafter referred to as the Regulations, and Executive Order 94-03 of the Governor of the state of Missouri, dated January 14, 1994, which are herein incorporated by reference and made a part of the this contract.

- (2) **Nondiscrimination:** The Contractor shall comply with all the provisions of Executive Order No. 94-03, issued by the Honorable Mel Carnahan, Governor of Missouri, on the fourteenth (14) day of January 1994, which executive order is incorporated herein by reference and is made a part of this Agreement. This Executive Order promulgates a Code of Fair Practices for the Executive Branch of Missouri Government and prohibits discrimination against recipients of services, and employees or applicants or employment of state contractors and subcontractors, on the grounds of race, color, religion, national origin, sex, age, disability, or veteran status. The contractor shall also comply with all state and federal statutes applicable to the Contractor relating to nondiscrimination, including, but not limited to, Chapter 213, RSMo; Title VI and Title VII of the Civil Rights Act of 1964 as amended (42 U.S.C. Sections 2000d and 2000e, *et seq.*); and with any provision of the "Americans with Disabilities Act" (42 U.S.C. Section 12101 *et seq.*).
- (3) **Solicitations for Subcontractors, Including Procurement of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the regulations relative to nondiscrimination on the grounds of race, color, religion, creed, sex, age, ancestry, national origin or physical ability.
- (4) **Information and Reports:** The contractor will provide all information and reports required by the regulations, or orders and instructions issued pursuant thereto, and will permit access to his/her books, records, accounts, other sources of information, and his/her facilities as may be determined by the Missouri Highway and Transportation Commission or the United States Department of Transportation to be pertinent to ascertain compliance with such regulations, orders and instructions. Where any information required of contractor in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the Missouri Highway and Transportation Commission, or the United States Department of Transportation, as appropriate and shall set forth what efforts it has made to obtain the information.
- (5) **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Missouri Highway and Transportation Commission shall impose such contract sanctions as it or the United States Department of Transportation may determine to be appropriate, including but not limited to:
- (a) withholding of payments to the contractor under the contract until the contractor complies and/or
  - (b) cancellation, termination, or suspension of the contract, in whole or in part.

- (6) **Incorporation of Provisions:** The contractor will include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the regulations, orders, or instructions issued pursuant thereto. The contractor will take such action with respect to any subcontract or procurement as the Missouri Highway and Transportation Commission or the United States Department of Transportation may direct as a means of enforcing such provisions including sanctions for noncompliance; provided, however, that in the event the contractor or supplier as a result of such direction, the contractor may request the state to enter into such litigation to protect the interests of the state, and in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

**AFFIRMATIVE ACTION IN SUBCONTRACTING**

Certification with regard to intent to subcontract a portion of the work and affirmative action to consider disadvantaged business enterprises as potential subcontractors.

(1) The bidder hereby certifies that:

he/she does not intend to subcontract a portion of the work.

he/she does intend to subcontract a portion of the work.

he/she is undecided with respect to subcontracting a portion of the work.

(Bidder to check appropriate box).

If in the affirmative, the bidder certifies that he/she has, or prior to subletting any work, will make contact with potential Disadvantaged Business Enterprise subcontractors to affirmatively solicit their interest, capability, and prices on the items he/she intends to subcontract, and shall document the results of such contacts.

\_\_\_\_\_  
(Company)

By \_\_\_\_\_

\_\_\_\_\_  
(Title)

Date: \_\_\_\_\_

**NOTE:** (1) A bidder's failure to submit this certification or submission of a false certification shall render this bid nonresponsive.

(2) If the contractor requests to sublet work and has not done so during the bidding stage, he/she shall take the affirmative actions required of bidders in paragraph (1).

No subletting will be approved unless the contractor demonstrates he/she has taken such affirmative actions.

(3) The contractor shall designate a liaison officer who will administer the contractor's Disadvantaged Business Enterprise Program. The name, address, and telephone number of the designated officer shall be furnished the engineer in writing upon request.

**NOTE:** The requirements contained herein are in accordance with 23 CFR (Code of Federal Regulations), Chapter 1 (4-1-88 Edition), Part 230, Subpart B, 230.207.

I (we) hereby propose to perform all necessary work of filling basements on property acquired by the Missouri Highway and Transportation Commission where buildings have been previously removed by others in accordance with the attached specification for the following amounts:

Route \_\_\_\_\_ Project \_\_\_\_\_ County \_\_\_\_\_

1. Filling basements \$ \_\_\_\_\_ Each basement.

2. Filling of foundation or removal of slab. \$ \_\_\_\_\_

3. Providing fill material when required and authorized.

\$ \_\_\_\_\_ per cubic yard.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Date