EXHIBIT A

DESCRIPTION OF GOODS & SERVICES AND ADDITIONAL TERMS & CONDITIONS

1. DESCRIPTION OF GOODS AND SERVICES:

Contractor shall supply equipment or services or both for milling bituminous concrete, paving temporary transitions and full depth reclamation of bituminous concrete. Contractor shall provide operators for all equipment, including reclaimers and milling equipment, and required labor. Contractor shall provide all fuel and water for such equipment, equipment maintenance and equipment repair for any of its equipment.

2. FORM 817:

Reference is made in this Contract to ConnDOT’s FORM 817, “Standard Specifications for Roads, Bridges, Facilities and Incidental Construction,” as amended (the “Standards”). Contractor’s Performance under this Contract shall be in accordance with the Standards including all supplements and other applicable standards. The applicable portions of the Standards are incorporated herein and any terms capitalized but not defined in this Exhibit A have the meanings ascribed to them in the Standards.

The Standards are located at the below website address, as it may be modified from time to time: http://www.ct.gov/dot/cwp/view.asp?a=3609&q=430362

Definitions:

- Department is defined as the State of Connecticut Department of Transportation.

- Engineer is defined in the most recent version of the Standards: The Commissioner or Deputy Transportation Commissioner acting directly or through a duly authorized representative.

- Inspector is defined in the most recent version of Standards: A duly authorized representative of the Client Agency, assigned to make inspections of the work performed and materials supplied by the Contractor.

- Laboratory is defined in the most recent version of the Standards: The official testing laboratory of the Department, unless the Department designates another laboratory to provide services in connection with the Project.

3. TECHNICAL SPECIFICATIONS

A. MICRO-MILLING OF HOT MIX ASPHALT (BITUMINOUS CONCRETE MATERIAL) (zero (0) TO two (2) INCHES) REMOVAL AND DISPOSAL

Description: Milling, removal and disposal of existing bituminous concrete pavement.

Materials: The Contractor shall dispose of bituminous concrete material offsite at an approved disposal location unless otherwise directed by the Client Agency. Contractor shall comply with all Federal and State laws and regulations regarding disposal of bituminous concrete material.
EXHIBIT A

DESCRIPTION OF GOODS & SERVICES AND ADDITIONAL TERMS & CONDITIONS

Any milled surface, or portion thereof, must not be exposed to traffic for more than five (5) calendar days unless otherwise directed by the Client Agency.

Construction Methods: Contractor shall remove the bituminous concrete material using means acceptable to the Client Agency. The pavement surface must be removed to the line, grade, and existing or typical cross-section shown on the construction plans or as directed by the Client Agency.

The equipment for milling the pavement surface must be designed and built for milling, flexible pavements. It must be self-propelled with sufficient power, traction, and stability to maintain depth and slope and be capable of removing the existing bituminous concrete material pavement.

The milling machine must be equipped with a built-in automatic grade averaging control system that can control the longitudinal profile and the transverse cross-slope to produce the specified results. The longitudinal controls must be capable of operating from any longitudinal grade reference, including string line, contact ski (thirty feet minimum), non-contact ski (twenty feet minimum), or mobile string line (thirty feet minimum). The transverse controls must have an automatic system for controlling cross-slope at a given rate. The Client Agency, in its sole discretion, may waive the requirement for automatic grade or slope controls where the situation warrants such action. The milling machine must be able to provide a zero (0) to two inch (2”) deep cut in one (1) pass. The rotary drum must utilize carbide tip tools spaced not more than three sixteenths inches (3/16”) apart. The forward speed of the milling machine must be limited to no more than forty-five (45) feet/minute. Contractor shall continually maintain the tools on the revolving cutting drum in good condition and shall replace as warranted to provide a uniform pavement texture. Contractor may request to perform a test strip to demonstrate that the same surface tolerance can be attained at an increased forward speed. Contractor shall request permission from the Client Agency to perform a test strip during the preconstruction meeting or to the Lead Inspector when working on the project. The test strip must be maximum length of five hundred feet (500’) and have the same criteria for surface tolerance as noted in this specification. The final decision for implementing the increased forward speed shall be at the discretion of the Client Agency.

The milling machine must be equipped with an integral pickup and conveying device to immediately remove material from being milled from the surface of the roadway and discharge the millings into a truck, in a single operation. The milling machine must also be equipped with a means of effectively limiting the amount of dust escaping from the milling and removal process.

When milling smaller areas or areas where it is impractical to use the above described equipment, the Client Agency may approve the use of a lesser equipped milling machine. Client Agency shall approve such request in writing at the pre-construction meeting.

Contractor shall provide protection around existing catch basin inlets, manholes, utility valve boxes, and any similar structures. Any damage to such structures as a result of the milling operation is Contractor’s responsibility and must be repaired at Contractor’s expense.

To prevent the infiltration of milled material into the storm drainage system, Contractor shall take proper precautions to prevent the milled material from falling into the inlet opening or inlet grates. Any milled material that has fallen into inlet openings or inlet grates shall be removed immediately at the Contractor’s expense.

Surface Tolerance: The milled surface must provide a riding surface with a corduroy texture appearance with a groove depth of one sixteenth inch (1/16”). The milled surface must be free from
gouges, longitudinal grooves and ridges, oil film, and other imperfections that are a result of defective equipment, improper use of equipment, or poor workmanship. No area may have a depth greater than one eighth inch (1/8”) when measured with a ten foot (10’) straightedge. Contractor shall be responsible for any unsatisfactory surfaces produced and shall be corrected at Contractor’s expense and to the satisfaction of the Client Agency.

The Contractor shall verify the depth of the removed bituminous concrete pavement by taking a measurement every two hundred fifty feet (250’) per each pass of the milling machine, or as directed by the Client Agency. The Contractor shall use these depth measurements to monitor the average depth of the removed bituminous concrete pavement.

**Method of Measurement:** Payment for the above described work will be measured by the number of square yards from which the milling of asphalt has been completed and the work accepted by the Client Agency. No area deductions will be made for minor un-milled areas such as catch basin inlets, manholes, utility boxes and any similar structures.

**Basis of Payment:** Payment for the above described work will be paid for at Contract unit price per square yard for “Micro Milling (zero (0) to two (2) inches).” The price must include all equipment, tools, labor and materials incidental thereto. The Client Agency shall not provide any additional payments for multiple passes with the milling machine to remove the bituminous surface.

No separate payments will be made for providing protection or preforming handwork removal of bituminous concrete around catch basin inlets, manholes, utility valve boxes and any similar structures; repairing surface defects as a result of Contractor’s negligence; providing protection to underground utilities from the vibration of the milling operation; installation of any temporary milled or paved temporary transitions; removal and disposal of millings; and furnishing a sweeper and sweeping after milling. The cost for the above described items must be included in the Contract unit price.

<table>
<thead>
<tr>
<th>Pay Item</th>
<th>Pay Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Micro-Milling of Bituminous Concrete (zero (0) to two (2) Inches)</td>
<td>S.Y.</td>
</tr>
</tbody>
</table>

B. **FINE MILLING OF BITUMINOUS CONCRETE (zero (0) TO three (3) INCHES), REMOVAL AND DISPOSAL**

**Description:** Milling, removal, and disposal of existing bituminous concrete pavement.

**Materials:** The Contractor shall dispose of bituminous concrete material offsite at an approved disposal location unless otherwise directed by the Client Agency and in accordance with all Federal and State laws and regulations regarding disposal of bituminous concrete material.

Any milled surface, or portion thereof, must not be exposed to traffic for more than five (5) calendar days unless otherwise directed by the Client Agency.

**Construction Methods:** The Contractor shall remove the bituminous concrete material using means acceptable to the Client Agency. The pavement surface must be removed to the line, grade, and existing or typical cross-section shown on the construction plans or as directed by the Client Agency.
EXHIBIT A

DESCRIPTION OF GOODS & SERVICES AND ADDITIONAL TERMS & CONDITIONS

The equipment for milling the pavement surface must be designed and built for milling bituminous concrete pavements. The equipment must be self-propelled with sufficient power, traction, and stability to maintain depth and slope and capable of removing the existing bituminous concrete pavement.

The milling machine must be equipped with a built-in automatic grade averaging control system that can control the longitudinal profile and the transverse cross-slope to produce the specified results. The longitudinal controls must be capable of operating from any longitudinal grade reference, including string line, contact ski (Thirty (30) feet minimum), non-contact ski (Twenty (20) feet minimum), or mobile string line (Thirty (30) feet minimum). The transverse controls must have an automatic system for controlling cross-slope at a given rate. The Client Agency may waive the requirement for automatic grade or slope controls where the situation warrants such action.

The milling machine must be able to provide a zero (0) to three (3) inches deep cut in one (1) pass. The rotary drum of the milling machine must use carbide or diamond tipped tools spaced not more than five sixteenth inch (5/16") apart. The forward speed of the milling machine must be limited to no more than forty-five (45) feet/minute. The Contractor shall continually maintain the tools on the revolving cutting drum in good condition and replace as warranted to provide a uniform pavement texture.

The milling machine must be equipped with an integral pickup and conveying device to immediately remove material being milled from the surface of the roadway and discharge the millings into a truck, in a single operation. The milling machine must also be equipped with a means of effectively limiting the amount of dust escaping from the milling and removal operation.

When milling smaller areas or areas where it is impractical to use the above described equipment, the Client Agency may approve the use of a lesser equipped milling machine. Client Agency shall approve such request in writing prior to use.

Contractor shall provide protection around existing catch basin inlets, manholes, utility valve boxes, and any similar structures. Any damage to such structures as a result of the milling operation is the Contractor’s responsibility and shall be repaired at the Contractor’s expense.

To prevent the infiltration of milled material into the storm drainage system, the Contractor shall take proper precaution to prevent the milled material from falling into the inlet openings or inlet grates. Any milled material that has fallen into inlet openings or inlet grates shall be removed immediately at the Contractor’s expense.

Surface Tolerance: The milled surface must provide a satisfactory riding surface with a uniform textured appearance. The milled surface shall be free from gouges, longitudinal grooves and ridges, oil film, and other imperfections that are a result of defective equipment, improper use of equipment, or poor workmanship. The Contractor, under the direction of the Inspector, shall perform random spot-checks with a Contractor supplied ten-foot straightedge to verify surface tolerances at a minimum of five (5) locations per day. The variation of the top of two ridges from the testing edge of the straightedge, between any two ridge contact points, must not exceed one quarter (¼) inch. The variation of the top of any ridge to the bottom of the groove adjacent to that ridge must not exceed one quarter (¼) inch.

The Contractor shall verify the depth of the removed bituminous concrete pavement by taking measurements every two hundred fifty (250) feet per each pass of the milling machine, or as
directed by the Client Agency. The Contractor shall use these depth measurements to monitor the average depth of the removed bituminous concrete pavement.

Where a surface delamination between bituminous concrete layers or a surface delamination of bituminous concrete on Portland cement concrete causes a non-uniform texture to occur, the depth of milling must be adjusted in small increments to a maximum of +/- on half (½) inch to eliminate the condition.

When removing bituminous concrete pavement entirely from an underlying Portland cement concrete pavement, all of the bituminous concrete pavement must be removed leaving a uniform surface of Portland cement concrete, unless otherwise directed by the Client Agency.

The Contractor shall be responsible for any unsatisfactory surfaces produced by the milling operation. Such surfaces shall be corrected at the Contractor’s expense and to the satisfaction of the Client Agency.

The milling operation must proceed in accordance with the requirements of the “Maintenance and Protection of Traffic” and “Prosecution and Progress” specifications as described in the Standards, or other Contract requirements. In the event of any conflict, the more stringent specification shall apply.

Prior to opening an area which has been milled to traffic, the pavement must be thoroughly swept with a sweeper truck. The sweeper truck must be equipped with a water tank and be capable of removing the millings and loose debris from the surface. The sweeper truck must operate at a forward speed that allows for the maximum pickup of millings from the roadway surface. Other sweeping equipment may be provided in lieu of the sweeper truck upon prior approval of the Client Agency.

Any milled area that will not be exposed to live traffic for a minimum of forty-eight (48) hours prior to paving must require a vacuum sweeper truck in addition to, or in lieu of, mechanical sweeping. The vacuum sweeper truck must have sufficient power and capacity to completely remove all millings from the roadway surface including any fine particles within the texture of the milled surface. Vacuum sweeper truck hose attachments must be used to clean around pavement structures or areas that cannot be reached effectively by the main vacuum. Compressed air may be used in lieu of vacuum attachments upon prior approval of the Client Agency.

**Method of Measurement:** Payment for the above described work will be measured by the number of square yards from which the milling of asphalt has been completed and the work accepted by the Client Agency. No area deductions will be made for minor un-milled areas such as catch basin inlets, manholes, utility boxes and any similar structures.

**Basis of Payment:** Payment for the above described work will be paid for at the Contract unit price per square yard for “Fine Milling of Bituminous Concrete (zero (0) to three (3) Inches).” The price must include all equipment, tools, labor, and materials incidental thereto.

The Client Agency shall not provide any additional payments for multiple passes with the milling machine to remove the bituminous surface.

No separate payments will be made for cleaning the pavement prior to paving; providing protection and preforming handwork removal of bituminous concrete around catch basin inlets, manholes,
utility valve boxes and any similar structures; repairing surface defects as a result of the Contractors' negligence; providing protection to underground utilities from the vibration of the milling operation; removal of any temporary milled or paved transition; removal and disposal of millings; and furnishing a sweeper truck and sweeping after milling. The costs for the above described items are included in the Contract unit price.

<table>
<thead>
<tr>
<th>Pay Item</th>
<th>Pay Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fine Milling of Bituminous Concrete (zero (0) to three (3) Inches)</td>
<td>S.Y.</td>
</tr>
</tbody>
</table>

C. MILLING OF HOT MIX ASPHALT (BITUMINOUS CONCRETE MATERIAL) (three (3) TO six (6) INCHES)  
MILLING OF HOT MIX ASPHALT (BITUMINOUS CONCRETE MATERIAL) (GREATER THAN six (6) INCHES)

REMOVAL AND DISPOSAL:

Milling services consist of the cutting and removal of bituminous concrete material from roads, including all necessary work to establish the lines and grades specified and the removal and clean-up of all milling material around catch basin inlets, manholes, utility valve boxes, and any similar structures. Contractor shall dispose of the milled bituminous concrete material offsite to a location that has been approved by the Client Agency or deliver the milled bituminous material to a designated site within a fifteen (15) mile radius of the work area as directed by the Client Agency unless other arrangements have been made. Contractor shall comply with all Federal and State laws and regulations regarding disposal of bituminous concrete material.

A milling crew must include a minimum of one (1) milling machine, all extra teeth and tools needed to perform repairs, a mounted pickup conveyor, operator and grounds person. Take-away trucks with operators must include a pick-up broom with operator, water tanker (with water supplied by Contractor), air compressor (minimum 125 CFM) with operator, a small milling machine with operator capable of removal and clean-up of all milling material around grates, manhole covers and other apparatus on roads.

Equipment milling bituminous concrete must have a minimum cutting width of six (6) feet and be self-propelled with sufficient power, traction, and stability to maintain the required depths and slopes and must be capable of removing the existing bituminous concrete to the line, grade and typical cross-section specified by the Client Agency.

Construction Methods: Contractor shall remove the bituminous concrete material using means acceptable to the Client Agency. The pavement surface must be removed to the line, grade and existing or typical cross-section shown on the construction plans, or as directed by the Client Agency.

Any Contractor milled surface, or portion thereof, must not be exposed to traffic for more than five (5) calendar days unless otherwise directed by the Client Agency.

The equipment for milling the pavement surface must be designed and built for milling bituminous concrete pavements. The equipment must be self-propelled with sufficient power, traction, and stability to maintain depth and slope and capable of removing the existing bituminous concrete pavement.
The milling machine must be equipped with a built-in automatic grade averaging control system that can control the longitudinal profile and the transverse cross-slope to produce the specified results. The longitudinal controls must be capable of operating from any longitudinal grade reference, including string line, contact ski (thirty (30) feet minimum), non-contact ski (twenty (20) feet minimum), or mobile string line (thirty (30) feet minimum). The transverse controls must have an automatic system for controlling cross-slope at a given rate. The Client Agency may waive the requirement for automatic grade or slope controls in the event the situation warrants such action.

The rotary drum of the milling machine must use carbide or diamond tipped tools spaced not more than a five eighth (\(\frac{5}{8}\)) inch apart. The forward speed of the milling machine must be limited to no more than forty-five (45) feet per minute. The Contractor shall continually maintain the tools on the revolving cutting drum in good condition and replace the tools as warranted to provide a uniform pavement texture.

For projects that are five thousand (5000) feet in length or greater, the Contractor may submit a request in writing to perform a test strip(s) to demonstrate that the same surface tolerance can be attained at an increased forward speed. The submission must include the following:

- Increased forward speed(s) to be tested;
- Location of the test strip(s);
- Length of test strip(s);
- Make and model of the milling machine; and
- Type of drum (Standard or Fine).

The increased forward speed must be made in five (5) feet per minute increments from the maximum forty-five (45) feet per minute per test strip. The test strip(s) must have a minimum length of two hundred fifty (250) feet, a maximum length of five hundred (500) feet and have the same criteria for surface tolerance as noted in this Exhibit A. The surface tolerance must be verified with a ten (10) foot straightedge supplied by the Contractor. Measurements must be taken every fifty (50) feet and at any location the Inspector deems appropriate within the test strip. In no case will the forward speed be allowed to increase beyond sixty (60) feet per minute. The final decision for implementing or continuing approved increased forward speed will be at the discretion of the Client Agency.

If an increase in forward speed is approved, the Contractor shall use the same equipment that was used for the test strip throughout the milling operation. If there is evidence of gouging, cupping, delamination or any surface texture outside of the tolerances is evident during an approved increased speed period, the forward speed must be reduced to a maximum of forty-five (45) feet per minute for the remainder of the project.

The milling machine must be equipped with an integral pickup and conveying device to immediately remove material being milled from the surface of the roadway and discharge the millings into a truck, all in a single operation. The milling machine must be equipped with a means of effectively limiting the amount of dust escaping from the milling and removal operation.

When milling smaller areas or areas where it is impractical to use the above described equipment, the Client Agency may approve the use of a lesser equipped milling machine. The Client Agency shall approve such a request in writing and prior to use.
Contractor shall provide protection around existing catch basin inlets, manholes, utility valve boxes, and any similar structures. Any damage to such structures as a result of the milling operation is the Contractor’s responsibility and shall be repaired at the Contractor’s expense.

To prevent the infiltration of milled material into the storm drainage system, the Contractor shall take special care to prevent the milled material from falling into the inlet openings or inlet grates. Any milled material that has fallen into inlet openings or inlet grates must be removed immediately at the Contractor’s expense.

**Surface Tolerance:** The milled surface must provide a satisfactory riding surface with a uniform textured appearance. The milled surface must be free from gouges, longitudinal grooves and ridges, oil film, and other imperfections that are a result of defective equipment, improper use of equipment, or poor workmanship. The Contractor, under the direction of the Inspector, shall perform random spot-checks with a Contractor supplied ten (10) foot straightedge to verify surface tolerances at a minimum of five (5) locations per day. The variation of the top of two ridges from the testing edge of the straightedge, between any two ridge contact points, shall not exceed three eighth (⅜) inch. The variation of the top of any ridge to the bottom of the groove adjacent to that ridge shall not exceed three eighth (⅜) inch.

The Contractor shall verify the depth of the removed bituminous material by taking measurements every two hundred fifty (250) feet per each pass of the milling machine, or as directed by the Client Agency. The Contractor shall use these depth measurements to monitor the average depth of removed bituminous material.

Where a surface delamination between bituminous concrete layers or a surface delamination of bituminous concrete on Portland cement concrete causes a non-uniform texture to occur, the depth of milling must be adjusted in small increments to a maximum of +/- one half (½) inch to eliminate the condition.

When removing bituminous concrete pavement entirely from an underlying Portland cement concrete pavement, all of the bituminous concrete pavement must be removed leaving a uniform surface of Portland cement concrete, unless otherwise directed by the Client Agency.

The Contractor shall correct any unsatisfactory surfaces produced by the milling operation at the Contractor’s expense and to the satisfaction of the Client Agency.

The milling operation must proceed in accordance with the requirements of the “Maintenance and Protection of Traffic” and “Prosecution and Progress” described in the Standards, or other Contract requirements. In the event of any conflict, the more stringent specification shall apply.

Prior to opening an area which has been milled to traffic, the pavement must be thoroughly swept with a sweeper truck. The sweeper truck must be equipped with a water tank and be capable of removing the millings and loose debris from the surface. The sweeper truck must operate at a forward speed that allows for the maximum pickup of millings from the roadway surface. Other sweeping equipment may be provided in lieu of the sweeper truck if approved by the Client Agency.

Any milled area that is not exposed to live traffic for a minimum of forty-eight (48) hours prior to paving, requires a vacuum sweeper truck in addition to, or in lieu of, mechanical sweeping. The vacuum sweeper truck must have sufficient power and capacity to completely remove all millings from the roadway surface including any fine particles within the texture of the milled surface.
Vacuum sweeper truck hose attachments must be used to clean around pavement structures or areas that cannot be reached effectively by the main vacuum. Compressed air may be used in lieu of vacuum attachments upon prior approved by the Client Agency.

**Method of Measurement:** Payment for the above described work will be measured by the number of square yards of area from which the milling of asphalt has been completed and the work accepted by the Client Agency. No area deductions will be made for minor un-milled areas such as catch basin inlets, manholes, utility boxes and any similar structures.

The depth of removal must be calculated by taking measurements at a minimum every two hundred fifty (250) feet per each pass of the milling machine, or as directed by the Client Agency. The average depth of each section will determine which payment item is applicable.

**Basis of Payment:** Payment for the above described work will be paid for at the Contract unit price per square yard for “Milling of Bituminous Concrete (Over 3 to 6 inches)” and “Milling of Bituminous Concrete (Greater Than 6 inches).” This price must include all equipment, tools, labor, and materials incidental thereto.

No additional payments will be made for multiple passes with the milling machine to remove the bituminous surface.

No separate payments will be made for cleaning the pavement prior to paving; providing protection and doing handwork removal of bituminous concrete around catch basin inlets, manholes, utility valve boxes and any similar structures; repairing surface defects as a result of the Contractor’s negligence; providing protection to underground utilities from the vibration of the milling operation; removal of any temporary milled or paved transition; removal and disposal of millings; and furnishing a sweeper truck and sweeping after milling. The cost for the above described items must be included in the Contract unit price.

<table>
<thead>
<tr>
<th>Pay Item</th>
<th>Pay Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Milling of Bituminous Concrete – (Over three (3) to six (6) inches)</td>
<td>S.Y.</td>
</tr>
<tr>
<td>Milling of Bituminous Concrete – (Greater than six (6) inches)</td>
<td>S.Y.</td>
</tr>
</tbody>
</table>

**D. TEMPORARY PAVED TRANSITIONS**

The Client Agency shall determine, at its sole discretion, whether the Client Agency or Contractor will install temporary paved transitions. This will be decided at the time a purchase order is initiated and discussed at the preconstruction meeting. The Contractor can subcontract the work associated with the temporary paved transitions. The Contractor shall provide the Client Agency with an operational plan on how the Contractor will coordinate the work associated with the installation of the temporary paved transitions at the preconstruction meeting. All temporary paved transitions must be installed and completed within the work hours corresponding to the milling work of that shift.

**Construction Methods:** No vertical faces, transverse or longitudinal, can be left exposed to traffic unless the requirements below are met. This includes roadway structures such as catch basins, manholes, utility valve boxes, and driveway lips. If any vertical face is formed in an area exposed to
traffic, a temporary paved transition must be established according to the requirements in this Contract. All temporary paved transitions must consist of S0.375 HMA and be compacted on a bond breaker base consisting of sand and rosin paper, all in compliance with the Standards and Bituminous Concrete Standards (Attachment 4- Bituminous Concrete Standards). The Contractor shall provide a delivery ticket for the asphalt to the Inspector to verify quantities used each night. Any quantities ordered for the next work day must be estimated by the Contractor’s foreman and then approved by the Inspector each night prior to milling. The Contractor shall notify the Inspector of any leftover asphalt the night it was utilized. Temporary paved transitions crew must include the following (minimum requirements listed):

- One (1) nine (9) ton single axle truck (equal to or greater than thirty-two thousand (32,000) GVWR) with driver/operator.
- Two (2) additional laborers.
- Small roller compactor and jumping-jack or plate compactor with operator.
- All necessary equipment and miscellaneous tools required to install temporary paved transitions.

If the milling machine is used to form a temporary transition, the length of the temporary transition must conform to the Standards Section 4.06 - Bituminous Concrete, “Transitions for Roadway Surface,” or as directed by the Client Agency.

Transitions to roadway surfaces must be formed at any point on the roadway where the pavement surface deviates vertically from the uniform longitudinal profiles. When formed by bituminous concrete mixture, all transition lengths must conform to the criteria below unless otherwise specified.

Roadway structures, such as catch basin inlets, manholes, utility valve boxes and similar structures, must not have a vertical face of greater than one (1) inch exposed to traffic as a result of milling. All structures within the roadway that are exposed to traffic and greater than one (1) inch above the milled surface must receive a transition that meets the following requirements:

For roadways with a posted speed limit of 35 mph or less*:
Round structures with a vertical face of greater than one (1) inch to two and one half (2 ½) inches must be transitioned with a hard rubber tapered protection ring of the appropriate inside diameter designed specifically to protect roadway structures.
Round structures with a vertical face greater than two and one half (2 ½) inches must receive a transition of bituminous concrete formed at a minimum 24 to 1 (24:1) taper in all directions.

All rectangular structures with a vertical face greater than one (1) inch must receive a transition of bituminous concrete formed at a minimum 24 to 1 (24:1) taper in all directions.

*Bituminous concrete tapers at a minimum 24 to 1 (24:1) taper in all directions may be substituted for the protection rings with prior approval of the Client Agency.

For roadways with a posted speed limit of 40, 45 or 50 mph:
All structures must receive a transition of bituminous concrete formed at a minimum 36 to 1 (36:1) taper in the direction of travel. Direction of travel includes both the leading and trailing side of a structure. The minimum taper shall be 24 to 1 (24:1) in all other directions.

For roadways with a posted speed limit of greater than 50 mph:
EXHIBIT A

DESCRIPTION OF GOODS & SERVICES AND ADDITIONAL TERMS & CONDITIONS

All structures must receive a transition of bituminous concrete formed at a minimum 60 to 1 (60:1) taper in the direction of travel. Direction of travel includes both the leading and trailing side of a structure. The minimum taper shall be 24 to 1 (24:1) in all other directions.

In areas where it is impractical to use the above described permanent transition lengths the use of a shorter permanent transition length may be permitted when approved by the Client Agency.

Note: Any temporary transition to be in-place over the winter shutdown period or during extended periods of inactivity (more than 14 calendar days) must conform to the greater than 50 MPH requirements shown above.

Basis for Pricing:
Temporary paved transitions for milling operations will be paid at the per ton unit price as listed in the Exhibit B, Price Schedule.

E. HAULING AND DISPOSAL OF MATERIAL:

Material removed during the milling process, including foreign debris within or on the pavement, becomes the property of Contractor when removed and must be disposed of at a site obtained by Contractor unless the purchase order issued to Contractor states that the material is to remain the property of the Client Agency and is to be hauled to a designated storage site within a fifteen (15) mile radius traveling distance of the work location as directed by the Client Agency, at no cost to the Client Agency. Contractor shall comply with all Federal and State laws and regulations regarding disposal of material removed during the milling process.

F. FULL DEPTH RECLAMATION EQUIPMENT:

• RECLAIMER
  The reclaimer must be used for full depth reclamation and must be capable of pulverizing the asphalt layer and mixing the asphalt layer with the underlying base to stabilize deteriorated roadways. The reclaimer must have the ability to add asphalt emulsions or other binding agents during pulverization or during a separate mix pass to a minimum width of six (6) feet and a minimum depth of one (1) foot. The reclaimer must be outfitted with an extra set of cutting teeth, the necessary tools and equipment to facilitate field adjustments or repairs, and include an operator.

• VIBRATORY ROLLER (10 to 12 Ton)
  The vibratory roller used (also referred to as a roller-compactor or roller) must have the ability to be used to compact soil, gravel, concrete, or asphalt in the construction of roads and foundations. The vibratory roller must also be of a ten (10) to twelve (12) ton capacity and include an operator.

• THREE (3) AXLE MOTOR GRADER WITH TANDEM DRIVE AXLES
  The motor grader used must come equipped with a minimum of a twelve (12) foot blade used to create a flat surface during the grading process. Motor grader must drive the rear axles in tandem, and front wheel drive to improve grading capability and include an operator.
G. **FULL DEPTH RECLAMATION (Complete-In-Place):**

**Description:** Preparation of a reclaimed subbase course composed of a mixture of the existing bituminous concrete pavement and any underlying granular material. The manufacture of the reclaimed subbase course must be performed by in-place pulverizing and blending of the existing bituminous concrete pavement material and any underlying granular material, thus creating a homogeneous mixture of reclaimed subbase material. This process is known as reclamation. The work consists of shaping, finishing, fine grading, and compaction of the reclaimed subbase material. The entire reclamation must be accomplished in accordance with the specifications set forth within this Exhibit A and conform to the specified grades and cross-sections shown on the construction plans or as directed by the Client Agency. Where necessary, existing subgrades must be modified (raised, or lowered) to meet required design specifications.

**Construction Methods:** Prior to the start of the reclamation, all utilities and drainage systems must be relocated as necessary.

Methods, equipment, tools, and any machinery to be used during construction must be approved by the Client Agency prior to the start of the project. Prior to the actual reclaiming of the roadway, drop inlets or catch basins that might be affected must be sufficiently barricaded to prevent reclaimed subbase material, silt or runoff from plugging the drainage system. Sufficient surface drainage must be provided for each stage of construction so that ponding does not occur on the reclaimed subbase course prior to the placement of bituminous concrete.

Reclamation must be accomplished by means of a self-propelled, traveling rotary reclaimer or equivalent machine capable of cutting through existing bituminous concrete pavement to depths of up to twelve (12) inches in a single pass. The machine must be equipped with an adjustable grading blade leaving its path generally smooth for initial compaction. Equipment such as road planers or cold milling machines designed to mill or shred the existing bituminous concrete, rather than crush or fracture it, will not be allowed. Existing bituminous concrete pavement and any underlying granular material must be pulverized and mixed so as to form a homogenous mass of reclaimed subbase material which must bond together when compacted.

Full depth reclamation (complete-in-place) consists of pulverizing, mixing, fine grading (plus or minus one (1) inch of existing material), and rolling to a minimum width of six (6) feet and a minimum depth of twelve (12) inches. Full depth reclamation does not include windrowing or loadout of material. Payment for windrowing and loadout of material will be made under the associated hourly rate items. The operation must include a reclaimer; one (1) ten to twenty (10 to 20) ton vibratory roller; one (1) three (3) axle grader with tandem drive axles over twenty-four thousand (24,000) lbs.; lead person for grade setting; and dust control, if needed. Application of calcium chloride must be applied by the gallon. All equipment must include operators.

Compaction must be achieved by the use of at least one vibratory roller having a compaction width of not less than five (5) feet and a gross weight of not less than ten (10) tons. The vibratory roller must have the capability of producing high amplitude and low frequency vibrations. A motor grader must be used for shaping, fine grading, and finishing the surface of the reclaimed material to form the surface prior to paving.
**EXHIBIT A**

**DESCRIPTION OF GOODS & SERVICES AND ADDITIONAL TERMS & CONDITIONS**

**Method of Measurement:** The reclaimed subbase course must be measured for payment in square yards. The thickness must be twelve (12) inches within plus or minus one (1) inch or as indicated on the construction plans.

**Basis of Payment:** Base payment for full depth reclamation is determined by the number of square yards at the average depth of bituminous concrete of the cut width. The Client Agency shall take depth readings at least five (5) times over the length of the pass. Depth ranges are based on the average depth of the bituminous concrete.

**H. CALCIUM CHLORIDE:**

A liquid calcium chloride solution must be added to stabilize the surface of the reclaimed asphalt sub-base that will carry traffic prior to placement of bituminous concrete. The calcium chloride solution must be provided by the manufacturer as a true solution meeting material specifications of the American Society of Testing & Materials (ASTM) D98 and American Association of State Highway & Transportation Officials (AASHTO)-M144:

Calcium Chloride 35% + - 1%
Alkali Chloride as NaC1 2% max
Magnesium as MgC1 0.1%

Prior to the application of calcium chloride solution, the surface of the cold reclaimed asphalt sub-base that will carry traffic must be scuffed or furrowed by a grader to provide grooves approximately two (2) inches in depth spaced approximately twelve (12) inches apart, or as approved by the Client Agency, to allow for sufficient penetration of the calcium chloride. The calcium chloride solution must be uniformly distributed over the cold reclaimed asphalt sub-base at an application rate of one-half (1/2) gallon per square yard or as determined by the Client Agency.

The distributor for the calcium chloride solution must be capable of applying liquid calcium chloride in accurately measured quantities at a rate between 0.1 to 2.0 gallons per square yard of roadway, at any length of spray bar up to twenty (20) feet. The distributor must be capable of maintaining a uniform rate of distribution of solution regardless of change in grade, width or direction of road. The distributor must be equipped with digital volumetric accumulator capable of measuring liters applied and distance traveled. The volume and measuring device must be equipped with a power unit for the pump so that application is by pressure and not gravity. The spray nozzles and pressure system must provide a sufficient and uniform fan-shaped spray of solution throughout the entire length of the spray bar at all times while operating, and must be adjustable laterally and vertically. Application of the calcium chloride solution must be completed in continuous segments. Each segment must be reclaimed, compacted, stabilized by calcium chloride and compacted again before it is opened to traffic. The calcium chloride solution must not be applied when it is raining or when rain is forecast within one (1) hour of placement.

The application of calcium chloride will be paid at the per gallon price as listed in Exhibit B, Price Schedule.

**4. TRAFFIC CONTROL:**

Prior to the commencement of work, the Client Agency shall determine, at its sole discretion, whether the Client Agency or Contractor shall perform traffic control.
EXHIBIT A

DESCRIPTION OF GOODS & SERVICES AND ADDITIONAL TERMS & CONDITIONS

If the Contractor is required to provide work zone traffic control, Contractor shall supply, erect, maintain, move and remove all signs, sign supports, barricades, traffic cones, traffic delineators and any, but not limited to, other material that may be necessary to set up the various traffic control patterns as set forth in Attachment 1- Work Zone Traffic Control Operations Rev. Date 12/16/15 as amended, including any revisions to such provisions contained herein Contract. The Contractor shall furnish traffic control signs and devices are in acceptable condition as determined by the Client Agency and as described in Section 6F.04 of the Manual on Uniform Traffic Control Devices (“MUTCD”). Depending on the operation, the Contractor shall be required to provide Municipal Police Officers and Uniformed Flaggers.

No detouring of traffic will be allowed by subcontracted traffic services. Only planned detours with appropriate notification to the appropriate parties and approved by the Client Agency will be allowed.

Contractor shall supply, erect, maintain, move and remove any necessary lighting which may be required to illuminate the work area including the illumination of any signing operations. Prior to the commencement of the work, the Client Agency shall determine whether a truck mounted or trailer mounted attenuator (“TMA”) is required, and whether the Client Agency or Contractor must supply the TMA.

• OPERATIONS ON HIGHWAYS – WORK BY CONTRACTOR:

The Client Agency or supervisor shall be assigned to each project to coordinate the traffic control for paving operations and determine the number of traffic control personnel required.

The Client Agency’s traffic representative shall determine the hours of the paving operations and coordinate the paving operations with other construction activities in the immediate area. The Client Agency’s traffic representative shall be available to assist field forces on traffic control issues and may contact the Client Agency Division of Traffic Engineering for additional assistance.

When work hours on a particular project have been established, an on-site meeting between the Client Agency and the Contractor must be held two (2) weeks prior to the starting date of the work. If the Client Agency’s applicable traffic representative determines that it is necessary, a news release will be prepared and distributed to the local papers, radio stations, State Police and municipalities.

• MOVING OPERATIONS - WORK BY STATE FORCES:

The Client Agency or supervisor shall be assigned to each project and shall direct the entire moving operation. In the event the Client Agency’s supervisor leaves the operation, a substitute must be assigned to continue the operation.

All personnel involved in this work shall be instructed by the Client Agency or supervisor regarding the proper application of traffic control patterns that must be used to complete the work.
EXHIBIT A

DESCRIPTION OF GOODS & SERVICES AND ADDITIONAL TERMS & CONDITIONS

The first advance warning to the motorist will be vehicle #1 which will be located considering ramps, grades, curves, volumes, and speed of the traffic. This vehicle may not restrict any portion of the travel way on multilane highways, except as noted on plans.

All vehicles must have the appropriate illuminated warning devices.

**Basis for Pricing:**
Traffic Control for milling operations will be paid for under Traffic Control Additional per square yard (s.y.) and Traffic Control Patterns as listed in Exhibit B, Price Schedule.

**TRAFFICPERSONS (Connecticut State Police Officer, Uniformed Municipal Officer, Uniformed Flagger)**

Contractor shall furnish the required number of Trafficpersons throughout the term of Contract. The term “Trafficperson” is defined as Uniformed Flagger(s) or Uniformed Municipal Police Officer(s). Contractor shall provide the minimum number of Trafficpersons, specifically:

a. With respect to limited access highways “Expressways”, a total of two (2) Connecticut State Police Officers.

b. With respect to two-lane (non-divided) highways, a total of three (3) Trafficpersons (in any combined number of Uniformed Municipal Police Officer(s) and/or Uniformed Flaggers).

When the Client Agency provides traffic control, it shall include the furnishing of and the installation of signs, barricades, traffic cones and traffic delineators. The Client Agency shall also provide for Trafficpersons in the numbers and types at its sole discretion.

**Description:** Contractor shall provide the services of Trafficpersons of the type and number, and for such periods, as the Client Agency approves for the control and direction of vehicular and pedestrians traffic in areas affected by project operations. Trafficpersons services which have not been requested or approved by the Client Agency, but which have been obtained by the Contractor solely to meet its operational plans or needs, will not be approved for payment. When Connecticut State Police Officers are used during Contractor Furnished Traffic Control, the Department of Public Safety will receive direct payments from the Client Agency for such service and the cost will be excluded in the cost of the planned work to be performed. The payment for Connecticut State Police utilized solely by the Contractor for its convenience and not approved by the Client Agency is the responsibility of the Contractor. No separate payment item for State Police Officers is included under this Contract.

**Construction Method:** The Contractor shall inform the Client Agency of its scheduled operations for the following week and the number of Trafficpersons it proposes to use for those operations. The Client Agency shall review the proposal and, if it is acceptable, approve the type and number of Trafficpersons to be used. In the event of an emergency or short term operation, the Client Agency may approve the temporary use of properly-clothed persons for traffic control until such time as an
authorized Trafficperson may be obtained for that work. In no case will such temporary use exceed eight (8) hours for any particular operation.

If the Contractor changes or cancels any scheduled operation without prior notice of same as may be required by the Client Agency providing the Trafficpersons, the Contractor shall be responsible for payment, at no cost to the Client Agency, of any show-up cost charged by said agency for affected Trafficpersons who would have been used if not for the pertinent change or cancellation. Exceptions may be approved by the Client Agency for adverse weather conditions and unforeseeable causes beyond the control that do not involve the fault or negligence of the Contractor.

The Contractor shall not direct Trafficpersons assigned to a work site. Trafficpersons must only take direction from the Client Agency. When Connecticut State Police Officers are requested, the Contractor must notify the Client Agency of the upcoming operations as well as complete a Request and Cancellation Form for State Police Traffic Control Services, DPS-691-C-3 (Attachment 2- DESPP Request and Cancellation Form). The Client Agency shall review the Contractor’s upcoming schedule and completed DPS-691-C-3 and will fax or email it to Department of Emergency Services and Public Protection Safety’s Overtime Office between normal business hours from 8:00 a.m. to 2:00 p.m., Monday-Friday (except State scheduled holidays):

DESPP Special Duty Overtime Coordinator
1111 Country Club Road
Middletown, CT 06457
Fax: 860-685-8495
Telephone: 860-685-8420
Email: specduty.clerk@ct.gov

The Contractor shall inform the Client Agency twenty-eight (28) hours in advance of any changes or cancellations of any scheduled operations involving Connecticut State Police Officers. The Client Agency may grant exceptions to the twenty-eight (28) hour notification for adverse weather conditions and unforeseeable causes beyond the control and without the fault or negligence of the Contractor. The Contractor shall not direct Connecticut State Police Officers assigned to a work site.

Trafficpersons shall wear a high-visibility safety garment that is compliant with State and Federal Occupational Safety and Health Administration (“OSHA”), MUTCD, and ASTM Standards; and the safety garment must include the words “Traffic Control” printed and clearly visible on the front and rear panels (minimum letter size two (2) inches) of the garment. Worn or faded safety garments that are no longer highly visible cannot be used. The Client Agency shall instruct the Contractor to replace any such garments at no cost to the State.

A Trafficperson shall assist in implementing the traffic control specified in the Section 4 “Traffic Control” of this Exhibit A, or as otherwise directed by the Client Agency according to the Standards. Any use of a Trafficperson for project operations in a manner that conflicts with the requirements of the Standards must be authorized in writing by the Client Agency.
Prior to the start of operations on the project requiring the use of Trafficpersons, a meeting must be held with the Contractor, Trafficpersons, and the Client Agency to review the Contractor furnished traffic control, lines of responsibility, and operating guidelines which must be used on the assigned work.

Trafficpersons must consist of the following types:

1. Connecticut State Police Officer: State Police Officers shall be uniformed off-duty sworn Connecticut State Police Officers. Their services will also include the use of official State Police vehicles and associated equipment. State Police Officers shall be used on all limited access highways. State Police Officers shall not be used on non-limited access highways unless specifically under their jurisdiction or authorized in writing by the Client Agency. State Police Officers with official State Police vehicles shall be used at such locations and for such periods as the Client Agency deems necessary to control traffic operations and promote increased safety to motorists through the construction sites. On limited access highways, the Client Agency may determine that State Police Officers must be utilized for regional work zone traffic safety and enforcement operations in addition to project-related work zone assignments.

2. Municipal Police Officers: Uniformed Municipal Police Officers shall be sworn Municipal Police Officers or Uniformed Constables employed by the Municipality in which the project is located, who perform criminal law enforcement duties for the Municipality. Law enforcement personnel shall wear the high-visibility safety garment provided by their law enforcement agency. If no high visibility safety garment is provided by said agency, the Contractor shall provide the law enforcement personnel with a garment meeting the requirements described below for a Uniformed Flaggers’ garment. Law enforcement personnel may also be used for conducting motor vehicle enforcement operations in and around work areas as directed or approved by the Client Agency.

Uniformed Municipal Police services shall also include their use of an official Municipal Police vehicle when so requested by the Client Agency. Uniformed Municipal Police Officers shall not be used on limited access highways. If Uniformed Municipal Police Officers are unavailable, for a given task, other Trafficpersons may be used if authorized in writing by the Client Agency.

Uniformed Municipal Police Officers and requested Municipal Police vehicles must be used at such locations and for such periods as the Client Agency deems necessary for the control of traffic operations and for the safety of motorists passing through sites affected by project operations.

3. Uniformed Flagger: Uniformed Flaggers shall be persons who have successfully completed flagger training by the American Traffic Safety Services Association, National Safety Council or other such training approved by the Client Agency. A copy of the Uniformed Flagger’s training certificate must be provided to the Client Agency before the Uniformed Flagger performs any project work. The credentials and conduct of Uniformed Flaggers must comply with the requirements of Chapter 6E, Flagger Control in the MUTCD. Uniformed Flaggers shall wear high-visibility safety apparel and use a STOP/SLOW paddle that is at least eighteen (18) inches wide with letters at least six (6) inches
EXHIBIT A

DESCRIPTION OF GOODS & SERVICES AND ADDITIONAL TERMS & CONDITIONS

high. The paddle must be mounted on a pole of sufficient length to be six (6) feet above the ground as measured from the bottom of the sign. Uniformed Flaggers shall only be used on non-limited access highways for the purpose of controlling traffic operations and only when authorized to do so in writing by the Client Agency.

**Method of Measurement:** Services of Trafficpersons (Uniformed Municipal Officer, Uniformed Flagger) will be measured for pricing for each person by the square yard (s.y.) rendering services approved by the Client Agency. These services will include only such Trafficpersons as are employed within the limits of construction, right of way of the project or along detours authorized by the Client Agency in order to assist public travel through areas affected by project construction. Trafficperson services employed due to use of a detour or bypass beyond the limitations approved by the Client Agency, or in connection with movement of the Contractor’s construction vehicles or equipment, or at locations where traffic is unnecessarily restricted by the Contractor’s method of operation, will not be measured for payment.

Trafficpersons must not work more than twelve (12) hours in any twenty-four (24) hour period. If such services are essential for more than twelve (12) hours in such period, for a use approved by the Client Agency, additional Trafficpersons engaged by the Contractor to meet that circumstance will be measured for payment. If a Trafficperson used with the Client Agency’s authorization is an employee on the Contractor’s payroll, payment under the item “Trafficperson (Uniformed Flagger)” in Exhibit B, Price Schedule will be made under the square yard (s.y.) when said employee is performing Trafficperson services. The following will not be measured for payment: travel time for Uniformed Municipal Police Officers or Uniformed Flaggers, mileage fees associated with Trafficperson services, and safety garments and STOP/SLOW paddles.

**Basis for Pricing:**
For milling operations, Trafficpersons will be measured for pricing at the category for Traffic Control Additional per square yard (s.y.) under “Each Trafficperson” as listed in Exhibit B, Price Schedule.

When the Client Agency requires the Contractor to use Connecticut State Police Officers as Traffic Control Personnel, Contractor shall be responsible for their hiring and scheduling. There will be no separate pay item for Connecticut State Police Officers that are used as Trafficpersons. When Connecticut State Police Officers are used as Trafficpersons the Client Agency shall make direct payments to DESPP for each Connecticut State Police Officer used.

**TRUCK-MOUNTED OR TRAILER-MOUNTED IMPACT ATTENUATOR**

**Description:** Furnishing, operating, maintaining, and relocating a Truck-Mounted or Trailer-Mounted Impact Attenuator.

**Materials:** Prior to using a TMA, the Contractor shall submit to the Client Agency a Materials Certificate in accordance with the Standards, Section 1.06.07 for each attenuator supplied and a copy of the Federal-aid eligibility letter issued to the manufacturer documenting that the device complies with the requirements of the NCHRP Report 350 (TL-3) or the AASHTO MASH (TL-3). The
impact attenuator may be attached to a truck or in accordance with the manufacturer’s recommendations. The impact attenuator must be equipped with a minimum of two (2) yellow flashing lights. An attenuator reflector consisting of Type IV retroreflective sheeting that displays an inverted “V” pattern, with alternating black and retroreflective yellow stripes must be placed on the back of the TMA. The attenuator reflector must fully cover the rear face of the impact attenuator. The truck must be equipped with a high mounted internally illuminated flashing arrow which meets the requirements of the Standards, Section 11.30. The truck must be equipped with a minimum of two (2) amber strobe type flashers mounted above the internally illuminated flashing arrow.

**Construction Methods:** Depending on the Client Agency’s needs, the Client Agency or the Contractor shall furnish, operate and relocate each TMA according to the Traffic Control Pattern described in the special provisions for Maintenance and Protection of Traffic as described in the Standards and Attachment 1 - Work Zone Traffic Control Operations (Rev. Date 12/16/15). The Contractor shall maintain each TMA in a fully operable condition at all times. Any TMA that is not fully functional will not be permitted at the project site.

**Method of Measurement:** Truck Mounted or Trailer Mounted Attenuator will be measured for pricing by the actual number of hours (hr.) per unit needed as listed in the Exhibit B, Price Schedule.

**Basis for Pricing:** TMA will be priced under the “TMA” for “Truck Mounted or Trailer Mounted Attenuator (TMA) per unit” and paid for the actual number of hours (hr.) per unit needed as listed in the Exhibit B, Price Schedule.

5. **WORK DAY:**

In accordance with the normal work schedule in use by the Client Agency, Exhibit B, Price Schedule, is based on a seven and one half (7 ½) hour work day – 8:00 a.m. to Noon; and 12:30 to 4:00 p.m., regardless of how many hours are considered to be a normal workday of any Contractor. When operations require work in excess of seven and one half (7 ½) hours in any one (1) day, equipment rental payments will be made at the applicable hourly rate for the actual hours worked. An overtime rate will not be paid.

Work periods are defined as:

a. **Regular Work Hours:**
   The hours between 7:00 a.m. and 6:00 p.m. are considered regular hours.

b. **Night Work Period:**
   Work starting after 6:00 p.m. and before 7:00 a.m. is considered night work. An additional rate per square yard or by the additional hourly rate shown on Exhibit B, Price Schedule, for night work will be added to the awarded base price.

   The Contractor shall provide all of the necessary lighting to illuminate the work area and the illumination of traffic control, testing and signing operations.

c. **Saturday Work Period:**
   Work starting after 7:00 a.m. on Saturday and before 7:00 a.m. on Sunday is considered the Saturday Work Period. The Saturday additional rate per square yard or the Saturday additional
rate per hour shown on Exhibit B, Price Schedule will be added to the awarded base price for all work performed on Saturday during regular work hours. In the case of night work performed on Saturday, only the night rate will be added to the base price for work performed after 6:00 p.m. Saturday and before 7:00 a.m. on Sunday. In no case will the “Saturday” award price and the “Night” awarded price be combined and added to the awarded base price work to be performed during the Saturday Work Period.

d. **Sunday Work Period:**
Work starting after 7:00 a.m. on Sunday and before 7:00 a.m. on Monday is considered the Sunday Work Period. The Sunday additional rate per square yard or the Sunday additional rate per hour shown on Exhibit B, Price Schedule will be added to the awarded base price for all work performed on Sunday during regular work hours. In the case of night work performed on Sunday, only the night rate will be added to the base price for work performed after 6:00 p.m. Sunday and before 7:00 a.m. on Monday. The price awarded for “Sunday” and the price awarded price for “Night” will not be combined and added to the awarded base price for work to be performed during the Sunday Work Period.

e. **Restricted Time Period:**
The Client Agency may limit the hours a Contractor may work when extreme traffic disruptions may result. Work delays or work discontinued by the Client Agency for a specific period which results in less than seven and one-half (7 ½) hours of regular work during the regular work period in any one (1) day will be considered a restricted time period. Restricted time periods will not apply to shutdowns caused by adverse weather, Contractor equipment breakdowns or completion of work covered by the purchase order. Restricted time period payments will be made at the rate of five hundred dollars ($500.00) per hour, per work crew. The minimum restricted time period payment will be one-half (½) hour. The Client Agency shall round off all restricted time periods to the nearest one-half (½) hour increment.

f. **LIMITATION OF OPERATION:**

In order to provide for traffic operations as outlined in Work Zone Traffic Control Operations (Attachment 1- Work Zone Traffic Control Operations Rev. Date 12/16/15), the Contractor shall not be permitted to perform any operations during the periods listed below without the express permission of the Client Agency.

On Monday through Friday between 6:00 a.m. and 8:00 p.m., on Saturday, Sunday and the following State observed legal holidays:

- New Year’s Day*
- Good Friday***
- Memorial Day*
- Independence Day*
- Labor Day*
- Columbus Day
- Thanksgiving Day**
- Christmas Day*

A holiday marked with an asterisk (*) also designates the following restrictions:

| * | On the day before and the day after any of the above legal holidays. |
**EXHIBIT A**

**DESCRIPTION OF GOODS & SERVICES AND ADDITIONAL TERMS & CONDITIONS**

<table>
<thead>
<tr>
<th><strong>On the Friday, Saturday and Sunday immediately preceding any of the above holidays that are celebrated on a Monday.</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>On the Saturday, Sunday and Monday immediately following any of the above holidays celebrated on a Friday.</strong></td>
</tr>
</tbody>
</table>

Contractor shall conduct the work at all times in such a sequence as to ensure the least practicable interference with traffic. In some instances, this may require the work to be performed at night which as determined by the Client Agency on a case by case basis. Such work will be governed by Article 1.08.04 of the Standards, and by the orders of the Client Agency. Acting on behalf of the Client Agency, Inspector on the site shall order suspension of the work if, in the Inspector’s opinion, traffic is excessively disrupted. On highways carrying extremely high traffic volumes, work hours shall be restricted where and when necessary in the opinion of the Client Agency. The Client Agency may cancel work because of adverse weather or other unforeseen occurrences which could impact the work to be performed and the safety of the traveling public. Pre-planned work will be allowed an allotted cancellation time frame of three (3) hours prior to the pre-determined start time.

6. **SAFETY EQUIPMENT:**

Contractor shall maintain and utilize all safety equipment as required by any applicable law, regulation and industry best practices. Contractor shall supply all of its employees with any Personal Protective Equipment required by OSHA standards and regulations in effect at the time of the issuance of the purchase order.

7. **PAYMENT EXAMPLE:**

Contract work starts on Friday at 5:00 p.m. and ends Saturday at 9:00 p.m. The total number of hours is twenty-eight (28).

**Total payment breakdown for this work period is as follows:**

a. One (1) hour of base price (5 p.m. to 6 p.m.).
b. Thirteen (13) hours of base awarded price plus night awarded price (6 p.m. to 7 a.m.).
c. Eleven (11) hours base awarded price plus Saturday awarded price (7 a.m. to 6 p.m.).
d. Three (3) hours base awarded price plus night awarded price (6 p.m. to 9 p.m.).

8. **MINIMUM WAGE RATES:**

The wages paid to any mechanic, laborer or worker, employed in the work contracted to be done must be at a rate equal to the rate of wages customary or prevailing for the same work in the same trade or occupation and in the area in which Contract shall be performed. Payment must be made to each employee engaged in work under Contract in the trade or occupation listed, not less than the wage rate set by category in accordance with the wage schedule. In the event it becomes necessary for Contractor or any subcontractor to employ any mechanic, laborer or worker in a trade or occupation for which no minimum wage is set forth, Contractor shall immediately notify the Commissioner of Labor, who shall ascertain the minimum applicable wage rate from the time of the initial employment of the person affected and during the continuance of such employment. Every Contractor or subcontractor performing work for the State is subject to the provisions as
determined by the Labor Commissioner, and shall post the prevailing wages in prominent and easily accessible places at each work site. Questions regarding wage regulations shall be directed to the State of Connecticut, Department of Labor (DOL), Division of Wage and Workplace Standards, at 860 263-6790.

9. **WAGE REGULATIONS:**

Contract shall contain wage scales as provided by DOL. Contactor shall abide by all provisions outlined in the applicable State regulations throughout the term of this Contract, including any extensions. During the term of this Contract, the State shall verify that wages meeting the wage scales are being paid in accordance with CGS as outlined in Title 31. This regulation mandates certified payrolls and a statement of compliance to be submitted on a weekly basis to the Client Agency. Contractors are cautioned that utilization of the term “working supervisor” does not exclude Contractor from paying this position less than the actual work being performed by this person as specified in the prevailing wage scales.

Contractor shall comply with the provisions of CGS, Section 31-55a, which reads as follows: *Each Contractor that this awarded a contract on or after October 1, 2002, for (1) the construction of a state highway or bridge that falls under provisions of section 31-54 of the general statutes, or (2) the construction, remodeling, refinishing, refurbishing, rehabilitation, alteration or repair of any public works project that falls under the provision of section 31-53 of the general statutes shall contact the Labor Commissioner on or before July 1st of each year, for the duration of such contract, to ascertain the prevailing rate of wages on an hourly basis and the amount of payment or contributions paid or payable on behalf of each mechanic, laborer or worker employed upon the work contracted to be done, and shall make any necessary adjustments to such prevailing rate of wages and such payment or contributions paid or payable on behalf of each employee, effective July 1st.*

10. **CONTACTING A CONTRACTOR:**

The Client Agency shall attempt to contact the lowest qualified Contractor for a period of two (2) consecutive days or forty-eight (48) hours (whichever is longer). Saturday and Sunday will be excluded from the notice period. If the Contractor cannot be reached or does not respond within the notice period, the next lowest Contractor will be contacted to perform the work. The availability of a Contractor to start work within five (5) business days will be considered when selecting the “lowest available qualified Contractor”. The availability of required equipment to perform a particular project is another factor that may be considered.

11. **EQUIPMENT INSPECTIONS:**

All equipment used for milling and full depth reclamation must be in good operating condition and be available for inspection by a Client Agency inspector, at a location within the State of Connecticut, prior to the issuance of a purchase order. If Contractor’s equipment is unavailable for inspection, or Contractor’s equipment is determined by the Client Agency to be unfit and unable to perform the specified work, then the Client Agency may, at its discretion, contact the next lowest Contractor offering the required equipment or services.

12. **TRANSPORTATION:**
EXHIBIT A

DESCRIPTION OF GOODS & SERVICES AND ADDITIONAL TERMS & CONDITIONS

The Contractor shall be responsible for all costs associated with the transporting of their equipment to and from the area in which it is used. No transportation charges, setup or breakdown fees are allowed to be charged.

13. CRITERIA FOR PRICING AND SELECTION OF CONTRACTOR FOR WORK:

Exhibit B, Price Schedule contained herein and the three (3) criteria below will be used to determine the price per square yard for the work to be completed.

1. The size of the work area in square yards.
2. The Section where the work site is located as identified in Attachment 3-Maintenance Section Map.
3. The average depth of the cut for the work area in inches.

Work areas of various sizes may be grouped together if the cut depths are in the same pay range. The minimum size of individual locations must be at least five hundred (500) square yards each to be eligible for grouping. The groups may be used to form a single purchase order at the price range of the combined total, as long as the travel distance between locations does not exceed one (1) mile.

The Client Agency shall pay for equipment relocated from one (1) work area to the next work area when groups are used to form one (1) purchase order. Equipment relocation types are defined as the following:

“Movements”: To transport equipment from one work area to another by truck.

“Relocation”: To relocate equipment from one work area to another using its own power.

“Skip”: To skip from one work area to another using its own power.

The Client Agency shall pay for each Movement, Relocation and Skip (“MRS”) based on the ranges below:

<table>
<thead>
<tr>
<th>DISTANCE (feet)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>501’ to 2640’</td>
<td></td>
</tr>
<tr>
<td>2641’ to 5280’</td>
<td></td>
</tr>
</tbody>
</table>

All distances must be measured from the closest work location.

**Basis for Pricing:** MRS must be priced under “A Movement, A Relocation or A Skip (501’-2640’)” and “A Movement, A Relocation or A Skip (2641’-5280’)” and paid for by each movement as listed in Exhibit B, Price Schedule.

**Note:** Payments will not be made for any MRS work area on separate purchase orders. Payments will not be made for any MRS under five hundred (500) feet. Contractor shall not be paid MRS if it involves securing the milling equipment off the road at the end of the work day and returning the
EXHIBIT A

DESCRIPTION OF GOODS & SERVICES AND ADDITIONAL TERMS & CONDITIONS

milling equipment to where the Contractor stopped work the prior work day. This is considered to be part of a milling work day operation.

Example: Contractor ABC has termini from Point A to Point B in the 15,000 square yard Range with a depth of 3’ and three (3) MRS’s bids the following:

<table>
<thead>
<tr>
<th>DISTANCE</th>
<th>PRICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under 500’</td>
<td>$No Payment</td>
</tr>
<tr>
<td>501’ to 2640’</td>
<td>$50.00</td>
</tr>
<tr>
<td>2641’ to 5280’</td>
<td>$75.00</td>
</tr>
</tbody>
</table>

Based on the table above, if the first MRS is 2600’, the second 300’ and the third is 1000’, then the total MRS cost would be $100.00.

14. ENVIRONMENTAL COMPLIANCE:

Contractors shall remain in compliance with the environmental regulations promulgated by the State of Connecticut Department of Energy and Environmental Protection. During any period that a Contractor is found to be in noncompliance, no new purchase order will be issued. Contractor shall comply with Section 1.07.16 and Section 1.10.03 of “ConnDOT’s Best Management Practices”, in the Standards Specifications of the Standards and any other sections that may apply including addenda.

15. CALL BEFORE YOU DIG (“CBYD”) -EXISTING CONDITIONS:

Before any work is performed, the Contractor must contact CBYD at 811 or 1-800-922-4455 or by e-mail to obtain and maintain a request number and the names of the utility companies that are being notified. The Contractor, upon request, shall supply the Client Agency with the request number(s) and must update them as needed. Upon request from the Client Agency, the Contractor shall supply a complete list of utilities that CBYD will contact for each request. Any associated subsurface explorations must be cleared with CBYD at least two (2) days prior to any work. The CBYD website address is below, as it may be modified from time to time:

https://www.cbyd.com/#

16. GEOGRAPHIC LOCATIONS:

The geographic limits of each Section are outlined in Attachment 3- Maintenance Section Map.

17. STANDARDS:

Contractors supplying services shall comply with the current OSHA standards, including Volume I, General Industry Standards, Volume II, Construction Safety and Health Regulations and any other applicable Federal or State standard or regulation.
18. CONSTRUCTION SAFETY AND HEALTH STANDARDS:

It is a condition of Contract and must be made a condition of each subcontract entered into pursuant to Contract, that Contractor and any subcontractor shall not require any laborer or mechanic employed in the performance of Contract to work in surroundings or under working conditions which are unsanitary; hazardous or dangerous to the employee’s health or safety, as determined under construction safety and health standards Title 29 CFR, Part 1926, formerly Part 1518 and Safety Standards Act.

19. PAYMENT BOND:

Contractor shall provide a payment bond in the amount of 100% of each purchase order or a Payment Bond in the minimum amount of $5,300,000.00 (the “Payment Bond”). In the event the total value of the awarded work meets or exceeds the $5,300,000.00 bond value, the bond requirement must be increased in minimum increments of $750,000.00 beyond the value listed on the current Payment Bond. ConnDOT shall notify the Contractor when a new Payment Bond is required. The required Payment Bond must be received prior to the issuance of the purchase order. Failure to submit a Payment Bond in a form satisfactory to the State prior to the issuance of the purchase order being shall result in the State issuing the purchase order to the next lowest Contractor responsive to ConnDOT’s Payment Bond request. Other offers of surety will be viewed on a case by case basis.

Payment Bonds must meet the following requirements:

1. Corporation: The Payment Bond must be signed by an official of the Corporation above his official title and the corporate seal must be affixed over his or her signature.
2. Firm or Partnership: The Payment Bond must be signed by all of the partners and indicate they are “Doing Business As (name of firm)”.
3. Individual: The Payment Bond must be signed by the individual owning the business and indicated “Owner”.
4. The Surety Company executing the Payment Bond must be licensed to do business with the State of Connecticut, or the Payment Bond shall be countersigned by a company so licensed.
5. The Payment Bond must be signed by an official of the Surety Company and the corporate seal must be affixed over his/her signature.
6. Signatures of two witnesses for both principal and the Surety must appear on the Payment Bond.
7. A Power of Attorney for the official signing of the Payment Bond for the Surety Company must be submitted with the Payment Bond, unless such Power of Attorney has previously been filed with the Bureau of Finance and Administration.
20. **ADDITIONAL TERMS AND CONDITIONS:**

a. **Contract Separately/Additional Savings Opportunities**

DAS reserves the right to either seek additional discounts from the Contractor or to contract separately for a single purchase, if in the judgment of DAS, the quantity required is sufficiently large, to enable the State to realize a cost savings, over and above the prices set forth in Exhibit B, whether or not such a savings actually occurs.

b. **Mandatory Extension to State Entities**

Contractor shall offer and extend the Contract (including pricing, terms and conditions) to political sub-divisions of the State (which includes towns and municipalities), schools, and not-for-profit organizations.

c. **P-Card (Purchasing MasterCard Credit Card)**

Notwithstanding the provisions of Section 4(b)(2) of the Contract, purchases may be made using the State of Connecticut Purchasing Card (MasterCard) in accordance with Memorandum No. 2011-11 issued by the Office of the State Comptroller.

Contractor shall be equipped to receive orders issued by the Client Agency using the MasterCard. The Contractor shall be responsible for the credit card user-handling fee associated with MasterCard purchases. The Contractor shall charge to the MasterCard only upon acceptance of Goods delivered to the Client Agency or the rendering of Services.

The Contractor shall capture and provide to its merchant bank, Level 3 reporting at the line item level for all orders placed by MasterCard.

Questions regarding the state of Connecticut MasterCard Program may be directed to Ms. Kerry DiMatteo, Procurement Card Program Administrator at 860-713-5072.

d. **Subcontractors**

DAS must approve any and all subcontractors utilized by the Contractor in writing prior to any such subcontractor commencing any work. Contractor acknowledges that any work provided under the Contract to any state entity is work conducted on behalf of the State and that the Commissioner of DAS or his/her designee may communicate directly with any subcontractor as the State deems to be necessary or appropriate. Contractor shall be responsible for all payment or fees charged by the subcontractor(s). A performance evaluation of any subcontractor shall be provided promptly by the Contractor to DAS upon request.

Contractor must provide the majority of services described in the specifications.
e. Prevailing Wages

Some or all of the Performance may be subject to prevailing wages. Accordingly, the following provision is included in this Contract in accordance with the requirements of Conn. Gen. Stat. Sec. 31-53(a):

The wages paid on an hourly basis to any person performing the work of any mechanic, laborer or worker on the work herein contracted to be done and the amount of payment or contribution paid or payable on behalf of each such person to any employee welfare fund, as defined in subsection (i) of Conn. Gen. Stat. Sec. 31-53(a), shall be at a rate equal to the rate customary or prevailing for the same work in the same trade or occupation in the town in which such public works project is being constructed. Any Contractor who is not obligated by agreement to make payment or contribution on behalf of such persons to any such employee welfare fund shall pay to each mechanic, laborer or worker as part of such person's wages the amount of payment or contribution for such person's classification on each pay day.

f. Security and/or Property Entrance Policies and Procedures

Contractor shall adhere to established security or property entrance policies and procedures or both for each requesting Client Agency. It is the responsibility of each Contractor to understand and adhere to those policies and procedures prior to any attempt to enter any Client Agency premises for the purpose of carrying out the scope of work described in this Contract.

g. Department of Correction Requirements for Contractors who Perform at a Correctional Facility

(1) Facility Admittance

(A) Contractors shall not allow any of their employees to enter the grounds of or any structures in any Department of Correction (“DOC”) facility (“Facility”) or undertake any part of the Performance unless the employees have first been issued an individual, valid, security identification badge which they shall display properly at all times while at the Facility.

(B) Contractor employees who seek admittance to a DOC Facility must first undergo a background check to confirm their eligibility to be admitted into the DOC Facility. Contractors shall obtain from the DOC a form for each employee and complete and submit that form to DOC at least 10 business days prior to the date that the employee is scheduled to arrive at the DOC Facility for the Performance. Information on the form includes the following:

1. Name
2. Date of Birth
3. Social Security Number
4. Driver’s License Number
5. Physical Characteristics (such as age, height, weight, etc.)
(2) Official Working Rules

Contractors shall adhere to the following Official Working Rules of the DOC:

(A) All Contractors shall report to the Facility’s security front desk for sign-in, regardless of work location, immediately upon arrival at the Facility.
(B) All Contractor personnel shall work under the observation of an assigned correctional officer or supervisor, who will provide escort for the duration of the work.
(C) Contractor personnel shall not have any verbal or personal contact with any inmates.
(D) Equipment must be checked daily and, when not in use, locked in a secure place as the Facility officials may direct.
(E) Hacksaws, blades and files will remain in the custody of the officer assigned, except when being used.
(F) The correctional officials may refuse admittance to any Contractor personnel for any cause or reason the correctional officials deem to be sufficient.
(G) In the event of any emergency, all Contractor personnel will be escorted outside the Facility by correctional officials.
(H) Contractors shall address all questions pertaining to interruptions of service or to safety of the Facility to the appropriate correctional official.
(I) Work at the Facility must be Performed between 8:00 a.m. and 12:00 Noon and between 12:30 p.m. and 4:30 p.m., the maximum allowable working day being 8 hours. The Contractor shall not Perform any work at any Facility on any Saturday, Sunday or Holiday, unless DOC determines, in its sole discretion, that there is an emergency.
(J) The Contractor shall ensure that all equipment not in use, is secure to prevent use by inmates.
(K) The Contractor shall supply to DOC a copy of all material safety data sheets for all products used in the process of construction, construction materials, and products brought onto the Facility.
(L) All Contractors shall sign out at the Facility’s security front desk prior to departure following completion of Performance.

(3) Rules Concerning Department of Correction Facilities

Contractors shall adhere to the Facilities rules (“Facilities Rules”) described in this section. At the time that Contractors and Contractor Parties seek to enter a Facility, DOC staff will present to them a document setting forth the following Facilities Rules and extracts of the laws governing the introduction and control of contraband. Contractors and Contractor Parties shall read, understand and sign that document as a condition precedent to entering the Facility and as evidence that they understand the consequences imposed for violating these Facilities Rules:

(A) Restricted Areas

All persons except DOC personnel, upon entering the grounds are restricted to the immediate area of their work assignment. In order to go to other areas, Contractor personnel shall first obtain written permission from the supervisory correctional official in charge. Only persons having official business will be admitted to construction sites.

(B) Inmates
EXHIBIT A

DESCRIPTION OF GOODS & SERVICES AND ADDITIONAL TERMS & CONDITIONS

There may be times when inmates may be working adjacent to or in the same area as Contractor or Contractor Parties. All persons are prohibited from accepting or giving anything from and to an inmate. Inmates are accountable to DOC personnel only, no other person will have any conversation or dealings with inmates without the approval of the DOC supervisory official in charge.

(C) Vehicle Control

Any Contractor personnel entering upon the Facility shall remove the ignition keys of their vehicle and lock the vehicle when they leave it for any reason. Contractors shall ensure that all equipment in, on or around the vehicles is secured and inaccessible to anyone else while in the Facility.

(D) Contraband

Contractors shall not bring clothing or contraband into or onto the Facility's grounds or leave clothing or contraband in a vehicle located on the grounds of the Facility outside of an area designated by DOC personnel. Contraband is defined below and all persons are subject to these DOC Facilities Rules concerning contraband when on the Facility's grounds.

Contractor shall not introduce into or upon, take or send to or from, or attempt the same to or from, the grounds of the Facility anything whatsoever without the knowledge of the Facility supervisor.

“Contraband” means any tangible or intangible article whatsoever which DOC has not previously authorized and may include letters, stamps, tools, weapons, papers, floor implements, writing materials, messages (written and verbal), instruments and the like. Contractors shall discuss any questions regarding such matters with the Facility supervisor immediately upon those questions arising.

Cigarettes and Cell Phones are “contraband.” Accordingly, Contractors shall leave them secured inside their locked vehicles in an area designated by DOC personnel.

Failure to comply with these Facilities Rules, in the sole determination of DOC, will result in the Contractor being removed from the Facility.

(4) State Laws Governing Unauthorized Conveyance, Possession or Use of Items, Weapons and Certain Devices

(A) Unauthorized conveyance of certain items brought into the Facility is governed by Conn. Gen. Stat. Sec. 53a-174, which provides as follows:

1. Any person not authorized by law who conveys or passes or causes to be conveyed or passed, into any correctional or humane institution or the grounds or buildings thereof, or to any inmate of such an institution who is outside the premises thereof and known to the person so conveying or passing or causing such convey or passing to be such an inmate, any controlled drug, as defined in section 21a-240, any intoxicating liquors, any firearm, weapon, dangerous instruments or explosives of any kind, any United States currency, or any rope, ladder or other instrument or device for use in making, attempting or aiding an escape, shall be guilty of a class D felony. [Penalty for a Class
"D" felony per Sec. 53a-35 subsection a, b, c, d is a term not to exceed five (5) years. The unauthorized conveying, passing, or possessing of any rope or ladder or other instrument or device, adapted for use in making or aiding an escape, into any such institution or the grounds or building thereof, shall be presumptive evidence that it was so conveyed, passed or possessed for such use.

2. Any person not authorized by law who conveys into any such institution any letter or other missive which is intended for any person confined therein, or who conveys from within the enclosure to the outside of such institution any letter or other missive written or given by any person confined therein, shall be guilty of a class A misdemeanor. [Penalty for a Class "A" misdemeanor per Sec. 53a-36 subsection 1, the term is not to exceed one (1) year.]

3. Any person or visitor who enters or attempts to enter a correctional institution or Facility by using a misleading or false name or title shall be guilty of a class A misdemeanor.

(B) Possession of weapons or dangerous instruments in the Facility is governed by Conn. Gen. Stat. Sec.53a-174a, which provides as follows:

1. A person is guilty of possession of a weapon or dangerous instrument in a correctional institution when, being an inmate of such institution, he knowingly makes, conveys from place to place or has in his possession or under his control any firearm, weapon dangerous instrument, explosive, or any other substance or thing designed to kill, injure or disable.

2. Possession of a weapon or dangerous instrument in a correctional institution is a class B felony. [Penalty for a Class "B" felony per Sec. 53a-35 subsection a, b, c, d is a term not to exceed twenty (20) years.]

(C) Conveyance or use of electronic or wireless communication devices in the Facility is governed by Conn. Gen. Stat. Sec. 53a-174b, which provides as follows:

1. A person is guilty of conveyance or use of an electronic wireless communication device in a correctional institution when such person, without authorization by the Commissioner of Correction or the commissioner's designee, (1) conveys or possesses with intent to convey an electronic wireless communication device to any inmate of a correctional institution while such inmate is in such institution, or (2) uses an electronic wireless communication device to take a photographic or digital image in a correctional institution.

2. Conveyance or use of an electronic wireless communication device in a correctional institution is a Class A misdemeanor.