



Janet T. Mills
GOVERNOR

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
16 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0016

Bruce A. Van Note
COMMISSIONER

April 12, 2019
Subject: Pavement Milling, HMA
Overlay, Bridge Work with Drainage &
Safety Improvements
State Wins: 022420.00, 022422.00 &
023615.00
Location: **Falmouth, Portland &
South Portland**
Amendment No. 2

Dear Sir/Ms.:

Please make the following changes to the Bid Documents:

In the Bid Book:

REMOVE pages 94 – 98, MAINE TURNPIKE AUTHORITY WORK PERMIT, 5 pages, and
REPLACE with the attached, revised AGREEMENT REGARDING ENTRY AND WORK ON MAINE
TURNPIKE AUTHORITY LAND BY MAINE DEPARTMENT OF TRANSPORTATION AND ITS
CONTRACTORS, 12 pages, dated 4/10/19.

Consider these changes and information prior to submitting your bid on **April 17, 2019**.

Sincerely,

George M. A. Macdougall P.E.
Contracts & Specifications Engineer

**AGREEMENT REGARDING ENTRY AND WORK ON
MAINE TURNPIKE AUTHORITY LAND
BY MAINE DEPARTMENT OF TRANSPORTATION
AND ITS CONTRACTORS**

Entry and Work by MaineDOT Contractors

Prior to any work or installation of any facility on Maine Turnpike Authority land, a Contractor working for the MaineDOT is required to file application with the Authority for a work permit as specified in a document titled "*Maine Turnpike Authority Application for Work Permit or License to Locate Facilities on MTA Land*", last revised March, 2019 and attached hereto and made a part hereof.

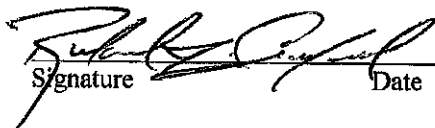
Entry and Work by MaineDOT Employees

Prior to any new work or installation of any facility on Maine Turnpike Authority land, an Employee working for the MaineDOT is required to follow rules as specified in a document titled "*Maine Turnpike Authority Work Permit*", last revised March, 2019 and attached hereto and made a part hereof. The MaineDOT is exempt from the paragraphs in said document: *Insurance and Bonding and Costs*.

In absence of a specific license of any existing or permanent installation on Maine Turnpike Authority land, the MaineDOT will provide notice to the Authority when self performing maintenance on said installation. If a Contractor is hired to perform maintenance on the existing facility, the paragraph above titled "*Entry and Work by MaineDOT Contractors*" will apply.

The MaineDOT will include language, attached hereto and made part hereof, relating to the above within its contracts when work is to be performed in proximity to Maine Turnpike Authority lands.

MAINE DEPARTMENT OF TRANSPORTATION
Project Development

 4/10/19
Signature Date

MAINE TURNPIKE AUTHORITY

 4/10/19
Peter Merfeld, PE Date
Chief Operations Officer



The following Special Provision pertains to entry onto the Maine Turnpike Authority land by Contractors of the Maine Department of Transportation.

110.3.8 Administrative & General Provisions

A. Additional Insured

The Maine Turnpike Authority shall be named as an additional insured.

105.5.1 General Requirements

Subsection is amended by the addition of the following:

Prior to any work or installation of any facility on Maine Turnpike Authority land, a Contractor (Permittee) working for the Maine Department of Transportation is required to file application with the Authority for a Work Permit. Contractor must abide by the Maine Turnpike Authority agreement with the Maine Department of Transportation regarding Entry onto Maine Turnpike Authority Land by Contractors of the Maine Department of Transportation. All specific operational, safety, and environmental requirements of the Authority for a contractor will be followed.

The installation of construction signs on the Maine Turnpike shall be approved in advance by the Maine Turnpike Authority. The Contractor shall submit plans illustrating construction details and proposed locations. Signs shall be located behind guardrail or outside of the roadside recovery area or shall be installed on break away supports. The Contractor must contact the Maine Turnpike Authority Dig Safe vender to perform Dig Safe for Maine Turnpike Authority owned utilities on Maine Turnpike Authority property. The cost of this service is borne by the contractor.

This Subsection is amended by the addition of the following:

Change of Direction

The Contractor will not be allowed to use the median openings or the toll plaza on the Maine Turnpike to reverse direction unless the opening is located within a passing lane closures on both roadways.

The Contractor will not be allowed to change direction within the Toll Plaza area. The limits of this area extend from the terminals of the median guardrail north and south of the toll plaza.

The Contractor will be assessed a fine every time any employee of the Contractor, Subcontractor or Supplier is observed using a median opening or toll plaza area to change

direction on the Maine Turnpike. (The fine will be deducted from monies owed to the Contractor.)

The fines will be levied on a per occurrence basis as follows:

NUMBER OF Occurrences	Fine
First	\$250

For the second occurrence, and any occurrence thereafter, the fine is increased by \$100 per each occurrence. The number of occurrences is not specific to a Contract, an individual or a vehicle, but based solely on the number of times any employee of the Contractor, Subcontractor or Supplier is observed using a median opening anywhere on the Maine Turnpike.

107.4.2 Schedule of Work Required

This Subsection is amended by the addition of the following:

The Contractor shall submit a schedule that shows all work on the Maine Turnpike that is anticipated for the following week. This schedule shall be transmitted to the Resident Engineer by noon Thursday of the preceding week and will show each day Sunday thru Saturday of the following week. The Resident Engineer shall transmit this information to the Maine Turnpike Authority. Any lane or shoulder closures are subject to approval by the Maine Turnpike Authority. Daily updates if there are changes shall be given to the Authority and any activity shall be reported to the Traffic Management & Communication Center (871-7701).

The Contractor shall submit a schedule that shows all work within 1500' of the toll plaza and all toll plaza lane closures that are anticipated for the following week. This schedule shall be transmitted to the Resident Engineer by noon Thursday of the preceding week. The Resident Engineer shall transmit this information to the Maine Turnpike Authority.

The following Subsections are added:

Section 652.3.4 General

All work within 1500' of the toll plaza shall be coordinated with the Maine Turnpike Authority. Night work may be required to accommodate Turnpike operations. This work is required to be shown on the proposed schedule as noted in Section 107.4.2. The Engineer

shall be responsible for coordinating the activities with the Maine Turnpike on site toll supervisor or his designee immediately prior to the operations. Restrictions in contractor operations may be required by the Maine Turnpike Authority.

Vehicles parked on the shoulder shall be located so all portions of the vehicle(s) are a minimum of one foot from the traveled way. No operation (including loading or unloading vehicles) shall be conducted on or near the traveled lanes or shoulders without first setting up the proper lane closure and traffic control devices. These precautions shall be maintained at all times while this Work is being performed. The Contractor shall keep all paved areas of the highway as clear as possible at all times. No materials shall be stored on any paved area of the highway or within 30 feet of the traveled way (unless protected by concrete barriers and specifically approved by the Resident). Private vehicles owned by Contractor's employees shall be parked close together in a group no closer than 30 feet from the traveled way in pre-approved areas.

All vehicles used on the Project shall be equipped with amber flashing lights, visible from both front and rear, or by means of a single or multiple, approved type, revolving, flashing or strobe lights mounted so as to be visible 360 degrees. Auxiliary lighting shall have sufficient intensity to be visible at 500 feet in normal daylight and a flash rate between 1Hz and 4Hz. The vehicle flashing system shall be in continuous operation while the vehicle is on any part of the project and positioned or mounted in such a way to not be obstructed by vehicle mounted or other equipment. Dump trucks and utility trucks shall have a strobe light mounted on each side of the vehicle. Temporary Mainline Lane Closures

A lane closure may be required whenever personnel or equipment will be present within four feet of a travel lane.

Loading/unloading trucks shall not be closer than six feet from an open travel lane when being loaded or unloaded within the work zone. Temporary lane closures will only be allowed at the times outlined in Special Provision, Section 652, Specific Project Maintenance of Traffic Requirements or as contained within the Work Permit being issued by the Authority. These hours may be adjusted based on the traffic volume each day by the Resident.

The lane closure setup may not begin until the beginning time specified. Lane closures that are setup early or that remain in place outside of the approved period shall be subject to a lane rental fee of \$500 per five minutes for every five minutes outside of the approved time. The installation of the construction signs will be considered setting up the lane closure. Removal of the last construction sign will be considered the removal of a lane closure. Construction signs shall be installed immediately prior to the start of the lane closure and shall be promptly removed when no longer required. The installation and removal of a lane closure including signs, channelizing devices and arrow boards shall be a continuous operation. The Authority reserves the right to order removal of an approved lane closure.

State Police will be used to stop traffic.

The maximum time for which traffic may be stopped and held for an equipment move at any single time shall be five (5) minutes. The duration shall be measured as the time

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between the time the last car passes the Resident until the time the Resident determines that all travel lanes are clear. The traffic shall only be stopped for the minimum period of time required to complete the approved activity. The Contractor shall reimburse the Authority at a rate of \$500 per minute for each minute in excess of the five-minute allowance.

Unapproved movement of equipment or materials across the travel lanes shall be considered a violation of the Maintenance of Traffic Requirements and is subject to a minimum fine of \$500 per occurrence with an additional \$500 per minute thereafter.

Request for Complete Stoppage of Traffic

A request for a complete stoppage of traffic must be submitted to the Resident for approval. The Resident is required to receive approval from the Maine Turnpike Authority for all stoppages. The request shall be submitted to the Authority by the Resident at least five (5) working days prior to the day of the requested stoppage of traffic and two (2) days for a stoppage less than five minutes. All requests must be received by 12:00 p.m. noon to be considered as received on that day. Requests received after 12:00 p.m. shall be considered as received the following day. The Contractor shall plan the work accordingly.

Application Package – MTA Work Permit / License

Attached is a copy of the Maine Turnpike Authority's Application for Work Permit or License to Locate Facilities on MTA Land, along with a sample MTA Work Permit and sample MTA License.

- A Work Permit is required for work on MTA property of a temporary nature where no permanent facility will be installed.
- A License is required for work on MTA property when a facility will be installed on MTA property which is designed to remain when the applicant's work is complete.

The requirements of the documents are very similar. The MTA will determine which document is appropriate given the nature of the application. Depending on the nature of the work, a contractor may be issued a work permit while the eventual owner / operator of the facility will be issued a license for the facility.

Please review the attached application and the requirements of the sample documents. Any questions on these requirements may be directed to Ben Bolduc of the MTA's Right of Way Department.

Submit application and all related materials to:

Ben Bolduc
Maine Turnpike Authority
Right of Way Department
2360 Congress Street
Portland, ME 04102
Tel: (207)871-7771 x355
Fax: (207)879-5567
BBolduc@maineturnpike.com



MAINE TURNPIKE AUTHORITY
APPLICATION FOR WORK PERMIT or LICENSE to LOCATE
FACILITIES on MTA LAND
(March, 2019 Revision)

APPLICANT _____

STREET ADDRESS _____

CITY, STATE, ZIP _____

MAILING ADDRESS _____

CONTACT _____ PHONE () _____

NAME OF PERSON TO EXECUTE ANY AGREEMENT _____

TITLE _____

TYPE OF FACILITY D ELECTRICAL TRANSMISSION/DISTRIBUTION

 D STORM DRAIN

 D COMMUNICATION LINE

 D SANITARY SEWER

 D WATER DISTRIBUTION

 D CABLE TV

 OTHER (DESCRIBE) _____

TYPE OF INSTALLATION D OVERHEAD - CLEARANCE _____

 D SUBSURFACE

 D SLEEVE, ATTACHMENT TO BRIDGE

 D OTHER _____

LOCATION ROAD _____

 TOWN _____

 BASELINE STATION OF TURNPIKE _____

 DISTANCE TO NEAREST
ROAD, STREAM, OR TOWN LINE _____

THE FOLLOWING MATERIAL **MUST** BE SUBMITTED BEFORE THE MTA WILL REVIEW THIS APPLICATION.

1. A PLAN SHOWING THE LOCATION OF THE PROPOSED INSTALLATION, IF ANY
2. ENGINEERING DESIGN PLANS IN SUFFICIENT DETAIL FOR OUR ENGINEERING CONSULTANTS TO REVIEW THE PROPOSAL, INCLUDING TRAFFIC CONTROL PLANS
3. A PROPOSED SCHEDULE FOR THE WORK
4. DRAINAGE CALCULATIONS FOR STORMWATER DISCHARGE ONTO MAINE TURNPIKE AUTHORITY LAND, IF ANY
5. IF THE APPLICANT IS A CORPORATION, YOU MUST STATE THE CORPORATE ADDRESS AND STATE OF INCORPORATION.
6. DOCUMENTATION OF APPLICANT'S EXISTING GENERAL LIABILITY, AUTOMOBILE AND WORKERS' COMPENSATION INSURANCE
7. NON-REFUNDABLE APPLICATION FEE OF \$250 MADE PAYABLE TO THE MAINE TURNPIKE AUTHORITY. (THIS APPLICATION FEE DOES NOT APPLY TO NON-PROFITS OR MUNICIPALITIES).

The applicant acknowledges and agrees that the Applicant shall be responsible for all costs incurred by the Maine Turnpike Authority in connection with the review of this application, including, but not limited to, costs of reviewing any materials or documents submitted with the application; any field work done in connection therewith, and any engineering, survey, or legal fees associated therewith, whether or not the application is ever carried to a successful conclusion.

If, for any reason the Applicant fails to conclude or consummate necessary negotiations or actions, or fails to act within a reasonable period of time or withdraws, abandons, cancels or neglects the application, the Applicant shall pay, upon presentation of an invoice, the Maine Turnpike Authority, its agents or assigns all actual costs incurred by the Maine Turnpike Authority up to that date and time.

Date _____

By _____

Title _____

Office Use Only

Received:

By:

MAINE TURNPIKE AUTHORITY

WORK PERMIT

The **Maine Turnpike Authority** grants permission to _____ (Permittee) to enter upon the property of the Maine Turnpike in _____, Maine for the purpose of conducting the following work.

Description of Work (and/or plan reference):

All work shall be subject to the following conditions:

1. Approval of Plans: The MTA may require that Permittee supply it with plans & specifications of the proposed work prior to any entry onto MTA property. If required, Permittee shall not proceed with any work until said documents have been reviewed and approved in writing by the MTA.

Required _____ Not Required _____ Special (see below) _____

2. Dig Safe: If earthwork is a component of the work, proof of location of all utilities in the vicinity of the work must be obtained through Dig Safe, for public utilities, **and** DigSmart of Maine for private utilities (which includes existing MTA installations that may be present). Proof of utility location from **both** DigSafe and DigSmart must be provided to the MTA and approved before any work will be allowed under this permit.

3. Entry onto Land: Permittee must provide the MTA with a work plan, including schedule, traffic control plan, and any other documentation requested by the MTA. This documentation must be provided at least two weeks in advance of any work on MTA property. The MTA must approve the documentation, and may decide to have an MTA Inspector present while the work is being completed. Restrictions may be imposed based on MTA operational considerations, including but not limited to time of day restrictions based on time of year and peak travel flow. Weekly schedule updates shall be provided by noon on Thursday for the

following Saturday to Sunday period. Permittee must notify the MTA Traffic Management Control Center (TMCC) (871-7701) each day regarding traffic control installed on the roadway, and must notify the TMCC each time any traffic control device is set up, dismantled, on relocated on the roadway or shoulder.

3. Indemnification: Permittee indemnifies and holds the MTA harmless from any liability or third party claims related to Permittee's presence on MTA land, regardless of Permittee's negligence or lack thereof. This includes all losses or expenses related to any third party claim, including attorney's fees, and specifically includes, but is not limited to, claims that are brought by employees or agents of Permittee. Nothing contained herein is intended to waive any defenses or immunities available to the MTA with respect to third parties including, but not limited to, the defenses and immunities provided under the Maine Tort Claims Act.

Any damages to MTA real or personal property caused by Permittee shall be repaired promptly by Permittee or the MTA shall undertake said repairs, in which case Permittee shall reimburse the MTA for all costs incurred.

4. Insurance & Bonding: Prior to any entry onto MTA land, Permittee will file with the MTA certificates of insurance evidencing general liability insurance, automobile insurance, and workers' compensation insurance with such limits as the MTA shall require, which in all cases shall be a minimum of one million dollars per occurrence. The amount required, if higher, shall be noted below. Permittee shall maintain this insurance coverage for so long as work continues on MTA property.

The MTA shall be covered as an Additional Insured under the general liability and automobile insurance policies. The workers' compensation policy shall include an endorsement waiving subrogation in favor of the MTA for all claims relating to work on MTA land. Copies of the endorsements providing this coverage and waiver of subrogation will be provided to the MTA along with the insurance certificates.

The MTA may require performance and/or payment bonds depending on the nature of Permittee's project. Bonding requirements, if any, will be noted below.

5. Maine Tort Claims Act: Any endorsement adding the MTA as Additional Insured shall include the following provision. An endorsement that does not contain said provision, including endorsements that generally provide additional insured status when required by contract, shall be interpreted as if it did:

“Without limiting in any way Insurer's obligation to defend, coverage under this policy for actions seeking tort damages pursuant to provisions of the Maine Tort Claims Act is governed by the immunities and limitations on damages contained in the Maine Tort Claims Act.”

6. Costs: Permittee shall fully and promptly reimburse the MTA for any costs incurred by the MTA, including but not limited to the cost of personnel involved in reviewing Permittee's plans and specifications or supervising Permittee's work. Prepayment of costs may be required at the MTA's discretion.

7. Safety & MTA Operations: Permittee must abide by all applicable laws and regulations pertaining to workplace safety, and must also comply with the requirements of the most current MTA Supplemental Specification for construction contracts (<http://www.mainturnpike.com/Projects/Construction-Contracts.aspx>).

Median openings shall not be used and U-Turns at toll plazas shall not be permitted. Traffic stoppages require MTA approval and must be conducted with participation of the Maine State Police. Shoulder and lane closure times on the turnpike must be approved in advance.

When the speed limit has been reduced to 45 mph due to weather or other conditions, Permittee must remove temporary traffic control devices, stop work, and return the roadway to passable condition. Permittee shall not be allowed to reestablish traffic control devices until speed is restored. During this time, Permittee will not be able to work adjacent to the turnpike unless the work area is protected by concrete barrier.

Permittee shall comply with all other specific instructions of MTA personnel and take all other steps required to avoid or minimize disruption to MTA operations.

8. Contacts: The following are the formal contact persons responsible for administration of this Work Permit. All material that Permittee is required to provide under this Permit must be provided to the MTA Contact listed below. When approval of the MTA is required under this permit, the MTA contact listed below is the only person authorized to grant said approval. Communications and direction addressed to Permittee's contact below will be binding upon Permittee.

MTA: _____

Permittee: _____

Address: 2360 Congress Street _____

Address: _____

Phone: _____

Phone: _____

E-Mail: _____

E-Mail: _____

9. Special Conditions or Requirements:

A. Work requiring a stoppage of traffic on the mainline will require Maine State Police and due to police staffing considerations work requiring a stoppage shall not be permitted unless a request for such work is submitted to the MTA two weeks in advance of the work.

B. The following day and time restrictions are in place for this Work *(but are subject to change at discretion of MTA)*:

Insert Other Special Conditions / Requirements:

10. Revocation: The MTA reserves the right to revoke this permit in the event of any breach of its conditions as well as for any reason whatsoever that, in the sole judgment of the Authority, warrants such a revocation.

Maine Turnpike Authority

Permittee

**Stephen R. Tartre, PE
Director of Engineering
Maine Turnpike Authority**

Name

Title

Company Name