

# **\*2020\***

## **Special Provisions Section**

**Drains to be Maintained Under the Special Provisions Section in 2020 are:**

**Aiken Ditch**  
**Barnett Ditch**  
**Cypress Dale Maddox**  
**Eagle Slough**  
**East Side Urban North Half includes:**  
Boesche,  
Crawford Brandeis Extension  
**East Side Urban South Half includes:**  
Bonnie View,  
Bonnie View Extension,  
Crawford Brandeis,

Hirsch,  
Kelly,  
Nurrenbern,  
Stockfleth,  
Wabash-Erie  
**Edmond Ditch**  
**Harper Ditch**  
**Henry Ditch**  
**Keil Ditch**  
**Kolb Ditch**  
**Sonntag Stevens Ditch**

Drains or parts thereof not listed above will be maintained under General Specifications or under specifications published at a later date.

Persons interested in bidding any ditch listed above are advised that all work performed on these ditches will be described, performed, inspected, and approved only in accordance with the conditions and requirements set out in the Special Provisions Section and General Specifications (where applicable), unless otherwise specified in Section SP-200.



**Jeffrey D. Mueller, Vanderburgh County Surveyor**

**Prepared by: Linda Freeman, Chief Deputy**

**VANDERBURGH COUNTY SURVEYOR'S OFFICE**  
**Room 325 Civic Center ♦ One NW Martin Luther King, Jr. Blvd.**  
**Evansville, IN 47708-1833 ♦ Phone: (812) 435-5210**

**[www.VanderburghSurveyor.com](http://www.VanderburghSurveyor.com)**

February 5, 2020

**→Bids due by 12:00 noon local time on Tuesday, March 24, 2020←**

(Bids are tentatively scheduled to be awarded on April 14, 2020.)

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## **SP-100.00 PURPOSE**

**The purpose of the Special Provisions Section is to detail needed ditch maintenance activities supplemental to, additional to, or in lieu of those described in the Standard or General Specifications.**

## **SP-101.00 "SPECIAL PROVISIONS PROJECTS" MUST BE BID ACCORDING TO CONDITIONS AND REQUIREMENTS OF THIS "SP" SECTION**

**For all drains and ditches listed to be maintained under Special Provisions, the Bidder must submit bids in accordance with conditions, requirements, and other information contained in the Special Provisions Section and on the Bid Schedules attached in Section SP-200.**

**Only those bids submitted in accordance with the Special Provisions Section will be considered for awards of contracts for work on Special Provisions Projects.**

**All herbicide applications within a category shall be completed within 14 (fourteen) calendar days of starting that category. Weather permitting.**

## **SP-102.00 SINGLE DRAINS SEPARATED INTO MULTIPLE WORK AREAS**

Individual drains will be separated into multiple work areas in order that each work area of a ditch receives specific treatments that address specific needs.

For example, a single ditch may need brush removal by mowing and chipping only along half its length; and the same ditch may require broadleaf herbicide treatment with no mowing needed along only the other half of its length.

The separation of drains into work areas will be at the direction and discretion of the Surveyor who shall determine the treatment needed to address specific existing conditions.

Separate work areas are specified and described in the Special Provisions Section, and ditch footage together with the category of treatment is specified again on the separate Bid Schedules attached in Section SP-200.

## **SP-103.00 MULTIPLE AWARDS ON SINGLE DRAINS**

Wherever single drains are separated into multiple work areas as described above, the Board may award the work on a single drain to one individual bidder, or to a combination of bidders as recommended by the Surveyor.

The bidders selected for contract awards will be determined based upon their qualifications to perform the work and their appropriate response(s) to the invitation to bid in accordance with the applicable specifications and statutes.

## **SP-103.99 BIDS MAY BE ACCEPTED, BE SET ASIDE OR BE DISREGARDED**

The Board, at its discretion, or upon the recommendation of the Surveyor, may:

- (a) Accept a bid and award a contract based upon the bid;
- (b) Set the bid aside for thirty (30) days or longer, if agreeable with the bidder; or
- (c) Disregard or reject the bid for any legitimate reason including lack of available funds to pay for all the work for which bids are received.

## **SP-104.00 WORK DIVIDED INTO CATEGORIES OF TREATMENT**

Work on the drains shall be divided into several categories of treatment to address the specific needs of the drains listed under the Special Provisions Section for this year.

The Bidder is advised to read each category closely to determine the exact nature of the work required, and to calculate and submit the bid(s) accordingly.

***ADVISORY:*** *The Bidder is advised to visit each work site prior to bidding to determine if there are any existing conditions, materials, obstructions, or other factors within or associated with the ditch and the work area that will prevent the bidder from accomplishing the work exactly as described herein; or to determine if manpower or special equipment not normally employed by the bidder will be needed to complete the work.*

### **SP-104.01 CATEGORY ONE: STERILIZING DITCH BOTTOMS**

This category of work includes sterilizing the ditch bottom by spraying approved herbicides in an appropriate and effective manner resulting in the eradication of all vegetation as described under the General Specifications and Special Provisions with regard to herbicide applications.

The bidder must read the specific requirements, make the bid, and accomplish the work in accordance with all conditions and requirements pertaining to herbicide handling, licensing, permitting, insuring, recording in the log, and application dates as directed in the General Specifications and Special Provisions with regard to sterilizing ditch bottoms with herbicides.

If standing water, weather conditions, or other factors prevents the application of the herbicide in a significant portion of the ditch designated to be sterilized, the Contractor shall have the choice of:

- (a) Returning to the untreated site(s) at a later time and completing the work.
- (b) Leaving the work unfinished and reducing the claim for payment by an amount equal to the number of untreated feet times the price bid per foot to complete the treatment; and in accordance with the formula below:

"A significant portion of the ditch" shall be defined as: A continuous stretch of ditch greater than two hundred (200) feet in length as measured along the top of its longest bank. Untreated "significant portions" shall be measured along the top of the longest bank, totaled, rounded-off downward to the closest multiple of ten (10) feet, and the resulting distance shall be multiplied times the price bid per foot to determine the deduction for unfinished work that will be subtracted from the payment otherwise due the Contractor.

The method and formula given above for deducting untreated footage from the total bill for a drain shall be employed only in cases where the remainder of a drain was treated satisfactorily, but a "significant portion" was left untreated due to standing water, or other conditions preventing proper application of specific herbicide(s).

In cases where the entire drain (or specified work area thereof) was not treated, no payment shall be considered due nor shall be paid to the Contractor.

Any application of herbicide not in accordance with all above said or referenced specifications must receive approval of the Surveyor prior to the application.

Payment for work described in Category One shall be only for the footage of the drain verified as treated in accordance with the specifications, conditions, and requirements described and/or referenced above, and only at the rate per foot as shown on the Bid Form(s) of the successful bidder (Contractor.)

**All Category One – Sterilizing Ditch Bottoms spraying shall start no sooner than April 1 and prior to potential crop damage with completion no later than June 30, of the contract year.**

**See Section SP-200 for details of Work Areas, Bid Schedules, and other bidding information related to drains to be bottom sterilized.**

**SP-104.02 CATEGORY TWO: BROADLEAF HERBICIDES / BRUSH KILLERS / GROWTH INHIBITORS**

Category Two covers the application of approved broadleaf herbicides, growth inhibiting chemicals, and/or approved brush killers to the side banks and top banks of drains in an appropriate and effective manner resulting in the eradication of all broadleaf and undesirable vegetation, and/or the retardation of grass growth, if applicable, and all as described under the General Specifications with regard to herbicide applications. Coverage shall extend to five (5) feet from the top of banks. Except for applications made to Aiken Ditch south of the levee and Eagle Slough, which shall be twenty-five (25) feet from the top of banks in non-residential, non-cropland areas.

The bidder must read specifications, make the bid, and accomplish the work in accordance with all of the conditions and requirements pertaining to herbicide handling, licensing, permitting, insuring, recording in the log, and application dates as directed in the General Specifications and Special Provisions for the particular herbicide (spraying) applications.

There will be no allowances made for adverse weather and ditch conditions as in ditch bottom sterilization.

The determination of finished work under Category Two shall be made according to the required kill rate of ninety (90) percent as described in the Standard Specifications, unless:

- (a) otherwise provided for in the Special Provisions Section, or;
- (b) by prior arrangement such as a bid statement attached to the Bid Form(s) with the authorization of the Surveyor and approval by the Board.

The only other allowance which may be made, and then only by prior agreement authorized by the Surveyor, is that if the kill rate is achieved on one bank of the ditch but cannot be achieved on the opposite bank due to conditions beyond the control of the Contractor, the Surveyor may recommend payment of no more than fifty (50) percent of the total payment that otherwise would have been due for that particular stretch (footage) of ditch as measured along its centerline.

Payment for work described in Category Two shall be made only for the footage of the drain actually physically treated in accordance with the specifications, conditions, and requirements described and/or referenced above, and only at the rate per foot as shown on the Bid Form(s) of the successful bidder (Contractor.)

**All Category Two – Broadleaf Herbicides / Brush Killers / Growth Inhibitors spraying shall start no sooner than April 1 and prior to potential crop damage with completion no later than June 30, of the contract year. Except as noted.**

**See SP-200 for details of Work Areas, Bid Schedules, and other bidding information relative to application of broadleaf herbicides/brush killers.**

### **SP-104.03 CATEGORY THREE: MOWING WATERWAYS**

Work described as Category Three includes mowing the entire waterway channel and to a distance of five (5) feet outside the top edges of the ditch banks as specified in the General Specifications, or:

Mowing the waterway more particularly as specified for an individual drain within the Special Provisions Sections, including as described in the attachments found in SP-200.

The bidder shall enter a "per foot" price under the heading of "Category Three Waterway Mowing" for which price the bidder is willing to complete the contracted mowing(s) of the waterway(s) in accordance with all requirements and conditions of the General Specifications and applicable Special Provisions, as well as in accordance with the following conditions:

.03a. The Contractor shall "Spring Mow" the entire drain, or the designated portion(s) thereof, once between the award date, and April 15, contract year, unless the Surveyor authorizes alternate mowing dates.

.03b. The Contractor shall "Late Spring Mow" the entire drain, or the designated portion(s) thereof, once between May 15, and June 15, contract year, unless the Surveyor authorizes alternate mowing dates.

.03c. The Contractor shall "Mid Summer Mow" designated portions of the drain(s) contracted once between July 15, and August 15, year of contract, unless otherwise ordered or authorized by the Surveyor.

.03d. The Contractor shall "Fall Mow" the entire drain, or the designated portion(s) thereof, once between September 15, and October 15, year of contract, unless the Surveyor authorizes alternate mowing dates.

.03e. "Special/Additional Mowing" notices will be given by the Surveyor in cases where the mowing is needed to comply with weed control ordinances, to promote public health,

safety or to address a serious drainage problem (dependent on weather and growing conditions). "Special/Additional Mowing" will be paid for at the per foot price submitted by the Contractor for Category Three.

.03f. In all cases CATEGORY THREE: MOWING WATERWAYS must be started and completed by the dates indicated in the Special Provisions [SP-190.00 DATES FOR STARTING WORK AND COMPLETION DATES](#), unless otherwise specified in SP-200 or ordered by the Surveyor to commence mowing.

.03g. Any soil disturbed by mowing, including equipment, personnel, etc. shall be seeded and mulched as described in Special Provisions [SP-180.01 SEEDING AND MULCHING](#).

.03h. The Contractor shall begin mowing only after giving the Surveyor or his designated representative a notice twenty-four (24) hours prior to the commencement of mowing activities on an individual ditch or drain.

.03i. The Contractor shall give a verbal progress report to the Surveyor or his designated representative at least once every working day during the course of the Contractor's mowing activity, including "rain days."

.03j. The Contractor shall notify the Surveyor or his designated representative within twenty-four (24) hours of completion of mowing of an individual drain or ditch.

.03k. The Bidder shall be aware, prior to submitting a bid that the General Specifications may give mowing dates different than mowing dates given in the Special Provisions Section; and that:

The mowing dates given in the Special Provisions Section shall prevail over the dates given in General Specifications only for those ditches and drains listed in the Special Provisions Section.

.03l. Unless otherwise specifically described and/or defined, "**Mowing**" shall be defined as the removal of all standing vegetation by cutting with mechanically driven or hand held blades, from the vegetation's standing height down to a height of no more than four (4) inches nor less than one (1) inch as measured from the average top remaining level of the vegetation to the ground from which it stands over the entire work area of the waterway and its banks. Mowing does not include trees or brush that have a caliper greater than the mowing equipment used by the Bidder can safely mow.

.03m. The Bidder shall be aware that in some locations the Surveyor has included shopping cart and or debris removal to be included in the per foot price.

**See SP-200 for details of Work Areas, Bid Schedules, and other bidding information related to ditch mowing.**

#### **SP-104.04 CATEGORY FOUR: HEAVY MOWING / FORESTRY MULCHING**

Work classified as Heavy Mowing / Forestry Mulching consists of removing standing living, dormant or dead vegetation generally classified as or commonly called brush, brambles, vines, saplings, tree sprouts, briars, etc. from an area within and alongside the waterway as

specifically described for certain drains listed within the Special Provisions. When heavy mowing/mulching, the "Work Area" will be described by exact location and dimensions.

Removal shall include all of standing live, dormant or dead vegetation with a primary stalk, primary stem, or trunk diameter up to eight (8) inches when measured at a vertical distance of three (3) feet above the plant's emergence from the ground:

**EXCEPT FOR:** agricultural crops, gardens, **bald cypress** trees of any size, and desirable grass cover where it can be avoided. The Contractor shall not harm or cause harm to any trees that are havens for brown bats or wood ducks (wood duck boxes).

The removal of the brush and trees shall be complete to the extent that no remains of the primary stem, primary stalk, or trunk shall protrude upward from the ground greater than (4) inches in height within the waterway nor greater than two (2) inches in height within the twenty-five (25) foot wide areas outside the top of either ditch bank.

The removal of the brush and trees shall be accomplished by mechanical mulcher, brush cutter or masticator type machinery also known as a forestry mulcher. Known brand names include but are not limited to; Racyco, Barko, Bron, Orthman, Fecon, Seppi, etc. Tree and brush removal shall not include excavation, uprooting, or other land surface disturbance other than that associated with tire and track trails necessary to access and leave the site. Rubber-tired or rubber tracked equipment is preferred. The use of rotary mowers, brush hog, rotary cutters, or Bush Hog ® type equipment will NOT be allowed for Category Four – Heavy Mowing / Forestry Mulching.

All cuttings from the brush and tree removal operation shall be removed from the site or shall be chipped and spread on site within the work area so long as the chipping and spreading results in a mat of chips no deeper than six (6) inches anywhere within the work area or on private or public property adjacent to the work area; except on paved surfaces, railways or other road beds, all which shall be left broom clean. Soil disturbed areas (over one acre) shall be seeded and mulched in accordance with NRCS guidelines.

The Contractor shall leave the work area free of all other waste generated during the course of the work by his workmen, equipment, visitors, service persons, and other parties associated with the work.

**See Section SP-200 for details of Work Areas, Bid Schedules, and other bidding information to submit bids for heavy mowing/forestry mulching in greater detail.**

#### **SP-104.05 CATEGORY FIVE: SILT DIPPING & BANK REPAIR**

Removing and disposing of accumulated silt, sediment, earth, along with associated organic material within such accumulated sediment all from the bottom of the waterway, and/or from the side banks if specified, and all as specifically described for certain drains listed within the Special Provisions.

The Contractor shall use excavation machinery and equipment outfitted with buckets and blades to reach into the waterway and remove all accumulated soil, silt, and associated sediment and debris from the ditch bottom area between the two toes of the two bank slopes.



The ditch bottom area between the toe of one bank slope to the toe of the opposite bank slope shall be shaped in such a manner that will restore the originally planned or previously constructed flow line, grade, and ditch bottom configuration.

The resulting stream grade along the bottom of the repaired ditch shall be free flowing and uninterrupted by obstructions of silt, soil, grass, or other debris at the completion of the work as inspected and determined by the Surveyor or authorized representative.

The dirt spoil and organic waste removed from the ditch bottom by the silt dipping operation shall be removed from the site, or shall be spread evenly across the land laying on either bank of the ditch and to a distance of up to seventy-five (75) feet outward from the top of either bank unless otherwise specified or directed by the Surveyor.

The spoil, if spread, shall be spread as thinly and evenly as possible, and in no case shall the spreading of the spoil redirect or obstruct the previously existing surface water drainage patterns whether overland or through channels, nor cause the pooling of storm water in the lands adjacent to the drain.

The spoil may be placed to fill voids or cavities in the land only if directed by the Surveyor or by the landowner(s) of the real estate over which the seventy-five foot wide drain "easements" exist.

The ditch bottom shall be defined as the area from the toe of one ditch bank across the flow line to the toe of the opposite ditch bank; or that area which is generally submerged, wet or damp during low water conditions.

When silt or accumulated material is removed from the side banks of the drain, either in association with the bottom dipping operation, due to the necessity to stabilize the side bank or toe, or at the direction of the Surveyor, such removal shall result only in the restoration of the originally designed or previously existing side bank slope, or shall conform generally to the existing upstream and/or downstream stable portions of the ditch banks.

Silt dipping projects shall be accomplished from one side of the ditch bank only. The contractor may move to the other side, but shall not disturb both banks along the same portion of the ditch. The embankments and channel shall be repaired and all disturbed areas (except ditch bottom or normal flow line) shall be seeded and mulched in accordance with NRCS recommended practices.

"Over-excavation" of the ditch bottom or excavation which extends below the normal, pre-existing, or planned flow line shall be only for the installation of "silt traps" at the direction or determination of the Surveyor; and in no case shall such "silt traps" be excavated greater than two (2) feet deeper than the normal flow line, nor shall any one "silt trap" exceed twenty (20) feet in horizontal length, nor shall any two "silt traps" be placed closer together than six hundred sixty (660) feet.

All work in this category shall be accomplished by September 15th and shall include seeding and mulching as directed by the County Surveyor. Seed mixtures will include grasses, legumes and other seed appropriate to the site and as listed in the specifications for the jobs or as specified by the USDA, NRCS or per the Vanderburgh County Surveyor's direction.

**See SP-200 for details of Work Areas, Bid Schedules, and other bidding information related to Category Five – Silt Dipping and Bank Repair.**

#### **SP-104.06 CATEGORY SIX: OBSTRUCTION REMOVAL**

Removing specific obstructions such as beaver dams, large fallen trees, waste concrete and/or other improperly discarded construction materials, old pipes, bridges, or other ditch crossings, log jams, flood debris, or other items which may be designated as "obstructions" by the Surveyor during the course of the work year.

This category also allows the Bidder to designate certain work which obviously needs to be done, but for which work the Bidder either was not asked to bid, does not normally accomplish, does not have the equipment to accomplish, etc.; but which work the Bidder decides to offer a bid price, or the Surveyor decides to ask for a bid price because the need for the work was discovered during an inspection of the work site.

Work found to be needed after a windstorm, beaver invasion, flood, or other natural or man-made causes are examples of Category Six work.

All bids submitted for Category Six work must be very specific as to how the work will be accomplished, what equipment will be used, how and where the debris and waste material will be disposed, how the work site will be left, etc.; and the names of subcontractor, if any, must be listed with the bid.

**See Section SP-200 for bid schedule to submit bid for obstruction removal in greater detail.**

#### **SP-104.07 CATEGORY "X": EXTRA OR ADDITIONAL WORK**

Category "X" covers very specific additional maintenance as described per individual drain within the Special Provisions.

Most of Category "X" work is specialized work which may be needed only once in a great while; or special projects which require extensive additional specification.

Examples of Category "X" work might be:

- 1) Installation of riprap or other revetment treatment along a bank or end of a pipe culvert where erosion control is required.
- 2) Installation of paved ditch liners replacing old earthen channels.
- 3) Installation of a variety of erosion control practices per Indiana Handbook on Erosion Control in Developing Areas.
- 4) Installation of specially designed check dam structures or other grade control or water elevation control structures.

**See SP-200 for details of Work Areas, Bid Schedules, and other bidding information related to Category "X".**

## **SP-104.08 CATEGORY EIGHT: DORMANT SPRAYING**

Category Eight covers the application of approved dormant herbicides to the side banks and top banks of drains in an appropriate and effective manner resulting in the eradication of all undesirable vegetation. Coverage shall extend to five (5) feet from the top of banks. Except for applications made to Aiken Ditch south of the levee and Eagle Slough, which shall be twenty-five (25) feet from the top of banks in non-residential, non-cropland areas.

The bidder must read specifications, make the bid, and accomplish the work in accordance with all of the conditions and requirements pertaining to herbicide handling, licensing, permitting, insuring, recording in the log, and application dates as directed in the General Specifications and Special Provisions for herbicide (spraying) applications.

There will be no allowances made for adverse weather and ditch conditions as in ditch bottom sterilization.

The determination of finished work under Category Eight shall be made according to the required kill rate of ninety (90) percent as described in the Standard Specifications, unless:

- (a) otherwise provided for in the Special Provisions Section, or;
- (b) by prior arrangement such as a bid statement attached to the Bid Form(s) with the authorization of the Surveyor and approval by the Board.

The only other allowance which may be made, and then only by prior agreement authorized by the Surveyor, is that if the kill rate is achieved on one bank of the ditch but cannot be achieved on the opposite bank due to conditions beyond the control of the Contractor, the Surveyor may recommend payment of no more than fifty (50) percent of the total payment that otherwise would have been due for that particular stretch (footage) of ditch as measured along its centerline.

Payment for work described in Category Eight shall be made only for the footage of the drain actually physically treated in accordance with the specifications, conditions, and requirements described and/or referenced above, and only at the rate per foot as shown on the Bid Form(s) of the successful bidder (Contractor.)

**See SP-200 for details of Work Areas, Bid Schedules, and other bidding information related to dormant spraying.**

## **SP-105.00 PAYMENT FOR COMPLETED WORK**

All payments to Contractors shall be made only for approved completed work and only in accordance with all applicable statutes, as well as with the following:

### **SP-105.01 CATEGORIES 1, 2, 3, 4, 5, & 8 SHALL TYPICALLY BE "PER FOOT BIDS"**

All work specified in Category One through Category Five and Category Eight shall be bid on a "per foot" basis unless otherwise specified in SECTION SP-200 "Bid Schedules".

That is, the Bidder shall submit a Bid for the work described at the per foot rate for which the Bidder is willing to perform the work no matter how few or how many feet of the drain are completed during the course of the work.

In every case there is a designated minimum footage given in Section 200 for each drain or part thereof for which a contract is anticipated to be let in this year. No Contractor will be obligated to mobilize to treat less than the minimum footage shown for each drain or part of a drain as specified in SP-200.

After determining the per foot bid price, the Bidder must enter the per foot price in the appropriate blank on the Bid Schedule and on Bid Form 96.

The Bidder then must multiply the per foot price times the number of feet specified to be treated under to determine the Total Sum of the Bid for each category of work.

The sum(s) must be shown on the Bid Schedule(s) and on Bid Form(s) 96.

*Example:*

Blackwater Ditch: Category Two: 1000 L.F. Broadleaf Herbicide Application  
\$0.749 per lineal foot X 1,000 lineal feet = \$749.00 Total Bid

#### **SP-105.02 CATEGORY SIX BIDS SHALL BE A LUMP SUM**

Except where specifically noted, bids submitted for Category Six shall be given as a "Lump Sum" reflecting the total amount for which the Bidder is willing to accomplish described work; for example:

Hawk Slough: Category Six: Remove Beaver Dam 1320' west of Vicks Road:  
\$250.00 Lump Sum

#### **SP-105.03 CATEGORY "X" BIDS SHALL BE PER SPECIFICATION**

Due to the special nature of the work designated under Category "X" the Bids shall be submitted exactly as specified by the description of the work and exactly as called for on the designated Bid Schedule attached for use by the Bidder.

#### **SP-106.00 SUCCESSFUL BIDDER DETERMINED BY THE BOARD**

The Board shall determine the successful Bidder after opening and examining the bids, hearing the advice of the Board's council, and receiving the recommendation of the Surveyor with regard to the bids.

Awards of contracts for the completion of work may be made to one or more Bidders or Contractors on a single drain based upon the specifications and descriptions of work herein, the recommendation of the Surveyor with regard to bid price(s), qualifications of the bidder(s), and other criteria and considerations as allowed by statute.

For example, the Surveyor may recommend that on a single drain there be one mowing contractor, and a different contractor to spray herbicides.

Or the Surveyor may determine that all the bids submitted on a particular drain exceed the available funds; and that only half the drain will be treated in a given year; or that it will be mowed only once; or that it will be sprayed but not mowed; or any other appropriate decision based upon funds, needs, and other criteria.

In all cases, the determinations and decisions of the Surveyor will be made based upon sound judgment in accordance with needs and funds and shall be reported to the Board whenever and however is appropriate.

### **SP-107.00 PAYMENT OF CLAIMS**

All payments of all claims for work shall be made in accordance with the prices shown on the successful Bid and in the awarded Contract, in accordance with applicable statutes of the State of Indiana, and in accordance with the following:

SP-107.01: Payment of claims shall be made only for services rendered and work completed. No payment shall be made for footage not treated nor for unfinished work regardless of the reason the work was not accomplished, except that:

Partial payment for partially completed work (whether bid per foot or bid as a lump sum) may be paid only if determined appropriate by the Surveyor and the Board; and only in an amount equal to the percentage of work completed or the actual footage completed.

SP-107.02: Payment of claims will be made only after the Surveyor or his designated representative(s) has/have visited and inspected the work site, approved the work, and reported approval to the Board.

### **SP-108.00 BIDDER MUST BE QUALIFIED**

The Bidder must be qualified to perform the work on which the Bidder submits a bid; and the qualification of the Bidder shall be by virtue of licensing, experience, equipment ownership or leasing, and other specifics either given herein, appended hereto, or generally understood and accepted by the industry of which the work is a part.

If the Bidder does not enter a bid under a particular category listed on the Bid Schedule for a drain listed in the Special Provisions, the lack of an entry in that category shall indicate that the Bidder either is not interested in that particular category of work, or that the Bidder is not qualified to perform that category of work.

If the Bidder enters a bid under a particular category listed on the Bid Schedule for a drain, the entry of a bid in that category shall indicate that the Bidder is qualified to perform the work described by virtue of licensing, experience, equipment ownership or lease, skill of the Bidder's work force, and other qualifications necessary to perform the work adequately.

A Bidder who is discovered or determined to be not qualified to perform work for which the bidder submitted a bid shall be subject to be disregarded for all work specified under these General Specifications and Special Provisions.

Any Bidder who specifies a subcontractor who is discovered or determined to be not qualified to perform the work also shall be subject to be disregarded for work specified under these General Specifications and Special Provisions.

PAST PERFORMANCE: THE PAST PERFORMANCE OF A BIDDER WILL BE CONSIDERED FOR BID AWARD WITH REGARD TO QUALITY OF WORK COMPLETED BY A CONTRACTOR FOR SAME OR SIMILAR WORK, AND WITH REGARD TO HISTORY OF DEPENDABILITY TO PERFORM WORK IN CONFORMANCE WITH SPECIFICATIONS.

**SP-109.00 90% KILL RATE FOR HERBICIDE APPLICATIONS**

The Surveyor requires and the Spraying Contractors shall guarantee a kill percentage on ninety (90) percent of targeted vegetation unless otherwise specified in these Special Provisions or as specifically noted in the Contract.

**SP-109.01 REMOVAL OF NOXIOUS WEEDS**

The Contractor must control the following prohibited noxious weeds if they are found within the trapezoidal channel between the ditch banks, or within the areas up to five (5) feet from the tops of the ditch banks:

Canada Thistle  
Field Bindweed  
Hoary Cress

Johnson Grass  
Perennial Sowthistle

**SP-110.00 REPEAT SPRAYING TO ACHIEVE KILL RATE**

The responsibility and the costs of any additional applications (re-spraying) of herbicides required to achieve the designated kill rate shall be the Contractor's responsibility and at the Contractor's cost; and such additional applications shall continue until the designated kill rate is achieved.

**SP-111.00 ALL CONDITIONS AND REQUIREMENTS OF THE GENERAL SPECIFICATIONS APPLY TO THE SPECIAL PROVISIONS**

The General Specifications hereby are made a part of the Special Provisions, and the Special Provisions are made a part of the General Specifications.

The conditions and the requirements of the General Specifications must be met by the Contractors performing work on drains covered by the Special Provisions except where such conditions and requirements are in direct conflict, in which case the decision and determination of the Surveyor shall prevail

The conditions and requirements of the Special Provisions are additional to the General Specifications.

Any questions or corrections the Bidder may have or may offer regarding the General Specifications, Special Provisions, or material and attachments thereto must be made prior to submitting a bid, or the Board and the Surveyor shall assume that the Bid is made with the understanding that the Bidder shall abide solely according the General Specifications, Special Provisions, and the determinations of the Surveyor and the Board.

## **SP-112.00 SURVEYOR'S INTERPRETATION OF SPECIFICATIONS SHALL BE THE PREVAILING INTERPRETATION**

If there is a question by the Bidder or the Contractor as to the intended interpretations or expressed requirements of the General Specifications, Special Provisions, State Statutes, or any other written or verbal directives, the Bidder must ask the Surveyor prior to submitting a bid, and the Contractor must ask prior to performing the Work.

The Surveyor's interpretation of the conditions and requirements of the General Specifications and Special Provisions shall be the prevailing interpretation unless otherwise countermanded by the Board or higher legal authority.

## **SP-113.00 SURVEYOR AVAILABLE TO CONSULT WITH BIDDER**

The County Surveyor and staff are available to discuss and interpret the specifications and other particulars of the bidding instructions.

The Surveyor and staff are available to direct the Bidder with regard to the various work area locations, conditions, histories, and other attributes of the work sites.

## **SP-114.00 DITCH DESCRIPTIONS AND MAPS AVAILABLE**

Maps and written descriptions detailing the location of the various drains and work areas are available from the County Surveyor; and the Surveyor and staff are available to field locate sites upon the request of the Bidders and Contractors.

## **SP-115.00 BID SCHEDULES PROVIDED FOR SP DRAIN PROJECTS**

Please find in the following Section SP-200 individual descriptions of the location, nature, and specific instructions for work on drains listed for Special Provisions; as well as individual Bid Schedules for each SP Project.

The individual Bid Schedule for each SP Project must be completed in accordance with the instructions given herein, signed, notarized, attached to the required Bid Form 96, sealed in an envelope and delivered to the Vanderburgh County Auditor, Room 208 Civic Center, 1 N.W. Martin Luther King, Jr. Blvd., Evansville, Indiana, 47708 by the prescribed time and date.

Each Bid on each drain requires an individual Form 96, because each Bid is for work on an individual SP Project or job.

## **SP-116.00 BIDDER ADVISED TO INSPECT WORK SITES BEFORE BIDDING**

The Bidder's lack of awareness of existing or potential conditions at a work site shall not be cause to default on a submitted bid nor cause to request additional compensation nor cause to request or be granted special consideration.

The Bidder may visit any work site prior to bidding to discover the existence of and/or potential conditions requiring attention by the Bidder prior to submitting a bid; and the Bidder may attach written conditions to the bid so long as such conditions are reasonable and legal.

The recommendations of the Surveyor to the Board, and the determinations of the Board with regard to submitted bids and contract awards are totally at the discretion and pleasure of the Surveyor and the Board as regulated by Indiana Drainage Statutes.

**SP-180.00 SOIL DISTURBING ACTIVITY**

Soil disturbing activity is any activity that removes the natural vegetation or man-made cover of the surface of the Earth that results in the exposure of the underlying soil. Any project that involves any soil disturbing activity shall not be started before April 1st and must be completed by September 15th of the contract year.

**SP-180.01 SEEDING AND MULCHING**

All work that involves excavating or any soil disturbing activities shall be completed no later than September 15th and shall include seeding and mulching as directed by the County Surveyor. Seed mixtures will include grasses, legumes and other seed appropriate to the site and as listed in the specifications for the jobs or as specified by the USDA, NRCS or per the Vanderburgh County Surveyor’s direction.

**SP-180.02 SILT DIPPING**

Any silt dipping projects shall be accomplished from one side of the ditch only. The contractor may move to the other side, but shall not disturb both banks along the same portion of the ditch. The embankments and channel shall be repaired and all disturbed areas (except ditch bottom or normal flow line) shall be seeded and mulched. All work in this category shall be accomplished by September 15th and shall include seeding and mulching as directed by the County Surveyor. Seed mixtures will include grasses, legumes and other seed appropriate to the site and as listed in the specifications for the jobs or as specified by the USDA, NRCS or per the Vanderburgh County Surveyor’s direction.

**SP-190.00 DATES FOR STARTING WORK AND COMPLETION DATES (typical):**

<b>Type of Work:</b>	<b>Earliest Start Date:</b>	<b>Must Be Completed By:</b>
Annual or Regular Maintenance: Spraying	April 1 & prior to crop damage	July 31, 2020
Annual or Regular Maintenance: Mowing	April 1, 2020	October 31, 2020
Mowing – Spring	Award Date 2020	April 15, 2020 or within 1 week of award
Mowing – Late Spring	May 15, 2020	June 15, 2020
Mowing – Mid Summer	July 15, 2020	August 15, 2020
Mowing – Fall	September 15, 2020	October 15, 2020
Spraying – Broadleaf; Brush; Growth Inhibitors, Sterilization	April 1 & prior to crop damage	June 30, 2020
Spraying – Dormant	No sooner than harvest 2020	No later than March 15, 2021
Soil Disturbing – Requires seed, mulch & fertilizer	April 1, 2020	September 15, 2020
Silt Dipping/Flow Line Re-Establishment	Award Date 2020	End of Year/Weather & Crop Dependent

Dates are subject to change with minimum 15 day notification to the Contractor by the Vanderburgh County Surveyor. Any dates that conflict with label directions need to be brought to the attention of the County Surveyor. This includes spraying or other work.

**\* Unless stated otherwise within the description of work and / or Bid Schedules.**



**SP-190.01 TABLE OF CATEGORIES & DITCHES ON WHICH TO BE ACCOMPLISHED**

Special Provisions Section – Category	Ditch Name(s)
<p><b>SP-104.01 One – Sterilizing Ditch Bottoms</b>  <i>Additional application for Creeping Water Primrose  MAY be added in August/September</i></p>	<p>Aiken Ditch – Portion  ESU S½ Portions – Crawford Brandeis, Hirsch,  Kelly, Nurrenbern, Stockfleth, Wabash Erie Canal  Harper Ditch  Kolb Ditch  Sonntag Stevens Ditch</p>
<p><b>SP-104.02 Two – Broadleaf/Brush Spraying/  Growth Inhibitors</b></p>	<p>Aiken Ditch - Portion  Barnett Ditch  Cypress Dale Maddox  Eagle Slough – between April 1 &amp; May 15  ESU N½ Portions – Crawford Brandeis Ext. &amp;  Boesche  ESU S½ Portions – Crawford Brandeis, Hirsch,  Kelly, Nurrenbern, Stockfleth, Wabash Erie  Edmond  Harper Ditch  Keil Ditch  Kolb Ditch  Sonntag Stevens</p>
<p><b>SP-104.03 Three – Mowing Waterways</b>  <i>Adding areas in 2020</i></p> <p>Adding additional seasonal mows to some drains</p> <p><i>Harper Ditch - Newton Ave Area</i></p> <p><i>Sonntag Stevens - adding an area</i></p>	<p>Aiken Ditch - Portions  ESU N ½ Portions – Crawford Brandeis Ext  ESU S½ Portions – Bonnie View Ext, Crawford  Brandeis  ESU S½ Portions - Stockfleth  ESU S½ Portions - Nurrenbern  ESU S½ Portions – RR/Canal  Harper Ditch  Henry Ditch  Keil Ditch - Portion  Kolb Ditch - Portions  Sonntag Stevens</p>
<p><b>SP-104.04 Four – Heavy Mowing/Forestry  Mulching</b></p>	<p><i>See Excavator/Heavy Equipment Operator Specs.</i></p>
<p><b>SP-104.05 Five – Silt Dipping &amp; Bank Repair</b></p>	<p><i>See Excavator/Heavy Equipment Operator Specs</i></p>
<p><b>SP-104.06 Six – Obstruction Removal</b></p>	<p><i>See Excavator/Heavy Equipment Operator Specs</i></p>
<p><b>SP-104.07 "X" – Extra or Additional Work</b></p>	<p><i>See Excavator/Heavy Equipment Operator Specs</i></p>
<p><b>SP-104.08 Eight – Dormant Spraying</b></p>	<p>Aiken Ditch  Eagle Slough  Edmond  ESU S½ Portions – Crawford Brandeis, Hirsch,  Kelly, Nurrenbern, Stockfleth, &amp; Wabash Erie  Henry Ditch  Keil Ditch  Sonntag Stevens Ditch</p>

## **Special Notice Regarding Excavation in Ditch Channels**

After January 1, 2010, as part of any work on regulated drains in Vanderburgh County, Indiana:

All excavation work including silt dipping, sediment removal, embankment repairs, reconstruction or other land disturbing activities within the channel and to the extent of land disturbance outside the channel must begin no sooner than the 1<sup>st</sup> day of July and be completed and prepared for reseeding or application of erosion control fabrics, rip rap or other stabilizing materials no later than the 10<sup>th</sup> day of September unless specifically authorized by the Vanderburgh County Surveyor or authorized representative thereof.

All spoil and excess earth generated by the work must be spread across the adjacent seventy-five (75) feet outside the top of each bank, or to a distance specified in the bid documents for an individual job, and to a depth not to exceed one/half (0.5) foot greater in elevation than existed prior to the work and in a fashion as will not alter the pre-project pattern of surface storm water run-off or impede the flow of surface run-off from adjacent land into the ditch channel or designated inlets.

If the spreading of the spoil as required in the paragraph above cannot be achieved, the county surveyor will provide for alternative disposal, and the specifications will contain specific instructions with regard to such alternative disposal. In such cases, the bid price for the work must contain cost item(s) for such alternative disposal.

If the spoil or excess soil can be and is intended to be spread across adjacent land surfaces but the land owner wishes the spoil or excess soil transported and applied to other land surfaces on the appropriate landowner's property, then the relevant landowner shall pay any excess cost of such transportation and disposal, and such costs and other arrangements shall be arrived at between the contractor and the landowner without the involvement or the liability of the county surveyor or county drainage board.

Damages to crops or property outside the designated work areas or designated ingress/egress to the work areas specified in the contract documents or attachments thereto shall be solely the responsibility and at the cost of the contractor.

Reseeding, sodding or any other method of revegetation of the work areas within the repaired, reworked or reconstructed channel must be completed no later than September 15 of the same year in which the excavation was completed and in a manner as instructed in the specifications for the work.

The reseeded, sodded or otherwise revegetated work site must be inspected and approved as adequate final land surface stabilization by the county surveyor or authorized representative thereof within sixty (60) days of the completion of activity to reseed, sod or otherwise revegetate the work area.

The county surveyor or authorized representative thereof will notify the affected landowner(s) of the intent to complete work during a crop season and the landowner can then make the choice whether to plant a crop knowing the peril of losing the crop to the proposed work between July 1 and September 15 of the same year. Therefore, the county surveyor and the county drainage board shall not be liable for crop damages within the 75 feet disposal zone on each side of the channel bank as described above.

## **IMPORTANT NOTES TO THE CONTRACTOR:**

- ***Ohio River water levels can affect access to several regulated drains in Vanderburgh County, Indiana. Including, but not limited to:***

***Aiken Ditch – south east Vanderburgh County – Knight Township***

***Eagle Slough – south east Vanderburgh County – Knight Township***

***Barnett – south west Vanderburgh County – Union Township***

***Cypress Dale Maddox – south west Vanderburgh County – Union Township***

***Edmond – south west Vanderburgh County – Union Township***

***Helfrich Happe – south west Vanderburgh County – Union Township***

***Kamp – south west Vanderburgh County – Union Township***

***Successful Bidder MUST be aware of Ohio River levels and accomplish the awarded work during the designated time spans. Unusual elevated water levels as determined by the Surveyor exempted.***

- ***If any of the work will damage crops, gardens, trees, or other property, the Contractor must notify the Vanderburgh County Surveyor quickly enough that the property owner can be notified no less than ten (10) days prior to the contemplated damage.***
- ***The Contractor must notify the Surveyor or his designated representative PRIOR to the start of any work on an individual drain, ditch, or project.***
- ***The Contractor must notify the Surveyor or his designated representative within twenty-four (24) hours of completion of work on an individual drain or ditch or by the next business day if work is completed on a holiday or during the weekend.***
- ***Spray contractors shall complete spraying of the particular category within fourteen calendar days of starting said category. Weather permitting.***
- ***Spray contractors shall notify Surveyor of impassable or very difficult areas of accessibility with a written description of the area and the legal drain.***
- ***Under NO circumstances shall any Contractor work off of railroad tracks or within railroad right of way.***

**PLEASE CONTINUE TO SECTION SP-200 FOR INDIVIDUAL BID SCHEDULES**

***\*Bids are due March 24, 2020\****

***\*\*Tuesday – 12:00 noon – local time\*\****

Additional copies of bid forms, specifications and bid schedules available online at  
[www.VanderburghSurveyor.com](http://www.VanderburghSurveyor.com).