

(Published in the Tulsa Daily Commerce  
and Legal News)

January 20, 2012

Ordinance No. 22597

AN ORDINANCE AMENDING TITLE 11, TULSA REVISED ORDINANCES ENTITLED "PUBLIC WORKS DEPARTMENT" BY REPEALING CHAPTER 10 ENTITLED "STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION" AND ENACTING A NEW CHAPTER 10 ENTITLED "STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION"; ADOPTING THE STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION, 2009 EDITION; REVISING TERMS FOR ALL SECTIONS OF THE CHAPTER, PROVIDING FOR SEVERABILITY AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY OF TULSA:

*Section 1. That Title 11, Chapter 10, Tulsa Revised Ordinances, be and the same is hereby amended and shall read as follows:*

**CHAPTER 10**

**STANDARD SPECIFICATIONS FOR  
HIGHWAY CONSTRUCTION**

Section 1000. Adoption of State Standard Specifications.  
Section 1001. Additions, Revisions and Deletions.

**SECTION 1000. ADOPTION OF STATE STANDARD SPECIFICATIONS**

Those certain documents, three (3) copies of which have been filed in the Office of the City Clerk of the City of Tulsa, being marked and designated as Standard Specifications for Highway Construction, 2009 Edition, as published by the Oklahoma Department of Transportation, are hereby adopted as the standard specifications for public improvement projects for the City with the exceptions given in SECTION 1001.

*Ord. Nos. 19955, 17285, 17472*

**SECTION 1001. ADDITIONS, REVISIONS AND DELETIONS**

**1001.A THE FOLLOWING TERMS ARE HEREBY REVISED AS FOLLOWS FOR ALL SECTIONS OF THIS CHAPTER:**

**101.05 DEFINITIONS.**

**101.05.A Acceptance Date. Delete.**

- 101.05.P Bond.** All references to the “Department” shall mean “City of Tulsa,” a municipal corporation.
- 101.05.V Commission.** All references to the “Commission” shall mean “The City of Tulsa, Oklahoma, a municipal corporation acting by and through its duly authorized officers and agents.”
- 101.05.Y Contract.** Replace definition with the following: “The written agreement between the City and the Contractor setting forth obligations of the parties thereunder, including, but not limited to, the performance of the work, the furnishing of labor and materials, and the basis of payment.
- The Contract includes the Notice to Bidders, Proposal, Contract Form, all Contract Bonds, Specifications, Special Specifications, Special Provisions, all Plans, Work Orders and Change Orders that are required to complete the construction of the work in an acceptable manner, including authorized extensions.”
- 101.05.AG Department.** Replace definition with the following: “Engineering Services Department of the City of Tulsa, Oklahoma.”
- 101.05.AI Director.** Replace definition with the following: “The Director of the Engineering Services Department of the City of Tulsa.”
- 101.05.AL Engineer.** Replace definition with the following: “The City Engineer of the City of Tulsa or his designee.”
- 101.05. AT Holiday.** Replace definition with the following: “Those days declared to be holidays for regular Civil Service employees of the City of Tulsa.”
- 101.05.AV Inspector.** Replace definition with the following: “The City of Tulsa’s Engineering Services Department authorized representative assigned to make inspections of the work.”
- 101.05.AX Letter of Credit.** All references to the “State” shall mean “The City of Tulsa, Oklahoma, a municipal corporation acting by and through its duly authorized officers and agents.”
- 101.05.BF Materials Division.** Replace definition with the following: “The Director of the Engineering Services Department of the City of Tulsa.”
- 101.05.BG Materials Engineer.** Replace definition with the following: “The City Engineer of the City of Tulsa or his designee.”

- 101.05.BR Plans.** All references to the “Resident Engineer” shall mean “The direct representative of the Engineering Services Department of the City of Tulsa for the oversight of construction projects with authority for oversight of all aspects of the construction project.”
- 101.05.BZ Resident Engineer.** Replace definition with “The direct representative of the Engineering Services Department of the City of Tulsa for the oversight of construction projects with authority for oversight of all aspects of the construction project.”
- 101.05.CC Right-of-Way.** Replace definition with the following: “Right-of-Way or ROW shall mean the surface, the airspace above ground, and the area below the surface of any public street, highway, parkway, lane, path, alley, sidewalk, boulevard, drive, bridge, tunnel, stormwater drainage system, easement, park, or similar property in which the City now or hereafter holds a property interest and/or a maintenance responsibility which, consistent with the purposes for which it was granted or dedicated, may be used to install, operate and maintain Facilities.”
- 101.05.CH State.** All references to the “State” shall mean the “The City of Tulsa, Oklahoma, a municipal corporation acting by and through its duly authorized officers and agents.”
- 101.05.CP Supplemental Agreement.** Delete.
- 1001.B CITY OF TULSA EXCEPTIONS TO THE 2009 EDITION OF THE STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION ARE HEREBY DESCRIBED AS FOLLOWS:**
- 102.01 Pre-Qualification.** Replace section with “The City of Tulsa requires General / Prime Contractors to be Prequalified according to Title 11 Chapter 11 of the City of Tulsa Ordinances.”
- 102.06 Examination of Plans, Specifications, Special Provisions, and the Work Site.** Replace the fourth paragraph with, “If the City has boring logs and subsurface investigation results, bidders may contact the Contract Administrator at the following address during normal business hours:
- City of Tulsa  
Engineering Services Department  
2317 S. Jackson Ave.  
Tulsa, OK 74107”
- 102.10 Delivery of Proposal.** Replace section with the following: “Each bid Proposal shall be completed electronically on the electronic media provided, then printed, signed and submitted along with the electronic media and the

complete bound copy of the contract documents or as instructed in the Notice to Bidders. In the event of a discrepancy between the pricing on the electronic media and the hard copy of a Proposal, the hard copy pricing will govern. If an electronic media is not provided and the bid Proposal is manual, the bid Proposal shall be submitted in ink. The written words shall govern over the figures. Erroneous entries shall be lined out, initialed by the bidder, and the correct entry inserted. The unit price bid must cover all expense for furnishing the labor, materials, tools, equipment, and apparatus of every description to construct, erect, and furnish all work required by and in conformance with the Plans and Specifications.

Each bid shall be enclosed in a sealed envelope addressed to the:

City Clerk's Office  
The City of Tulsa  
One Technology Center  
175 E. 2<sup>nd</sup> Street, Suite 260  
Tulsa, Oklahoma 74103

or as otherwise instructed in the Notice to Bidders, and identified on the outside with the words:

PROJECT NO.

Pre-qualification Certificate Number \_\_\_\_\_.

All addenda to the contract documents shall accompany the bid when submitted. Any bid turned in prior to 96 hours before opening is non-responsive.”

- 102.13 Public Opening of Proposals.** Replace section with the following: “Proposals shall be publicly opened and read on the date and at the hour and place set forth in the advertisement and Notice to Bidders in the manner established by the City.”
- 102.16 Non-Collusive Bidding Certification.** Replace ODOT form with the form provided in the Bid Documents.
- 103.08 Approval of Contract.** Replace section with the following: “The Contract shall not be binding upon the City until it has been executed and approved in the manner set forth in the Tulsa City Charter.”
- 105.17.C Final Acceptance.** Replace definition with the following: “The date on which the Request for Action (RFA) for final payment has been signed by the Mayor of the City of Tulsa.”

- 105.18**      **Claims for Adjustment.** Delete section.
- 106.03**      **Samples, Tests and Cited Specifications.** Insert the following after the second sentence: "FAST Guide shall mean current City of Tulsa testing guidance as shown in the Special Provisions."
- 106.04.D**    **Distribution of Certifications.** Replace section with the following: "The Contractor shall submit certifications to the Engineer with another copy mailed to:
- Construction Engineer  
City of Tulsa  
Engineering Services Department  
2317 S. Jackson Ave.  
Tulsa, OK 74107"
- 106.05**      **Plant Inspection.** In this section, "Oklahoma City" shall mean "Tulsa."
- 106.11**      **Guarantees and Warranties.** In first paragraph, replace "six month" with "twelve month."
- 107.14**      **No Waiver of Legal Rights.** Delete section.
- 107.19**      **Regulated Floodways.** Add the sentence, "The Contractor shall also follow the requirements of Title 11A of the City ordinances."
- 107.20**      **Stormwater Management.** Insert after the first sentence, "The Contractors shall also follow the requirements of Title 11A of the City ordinances."
- 108.02**      **Notice to Proceed and Preconstruction Conference.** Modify the second paragraph to read: "After the Contractor and Resident Engineer hold a preconstruction conference, the Contractor shall receive a Notice to Proceed, before the start of construction."
- 108.07.B**    **Calendar Day Contract.** Delete the second paragraph and replace with the following: "There are fifteen ( 15 ) working days in every month of the year."
- 108.08**      **Incentive/Disincentive for Early/Late Completion.** Delete section.
- 108.09**      **Failure to Complete on Time.** Delete Table 108:1.
- 109.04.B**    **Submitting a Claim.** Delete Sections 1 through 4. Insert the following after the first paragraph: "Change Orders to be processed according to City policy."

- 109.06**      **Progress Payments.** In the second paragraph delete language regarding “semi-monthly progressive estimates.”
- 109.08**      **Final Payment.** Delete last paragraph of the section and replace with the following: “Contractor shall submit final payment within 90 days of completion of job unless otherwise approved by the City.”
- 109.10.A**    **Recoverable Costs.** Delete section.
- 109.11**      **Payment to Subcontractors.** Delete last paragraph of the section.
- 220.04.C**    **Contractor Responsibilities for SWPPP.** Delete the first sentence of the second paragraph and replace with the following: “A Contractor Certification statement for subcontractors is required.”
- 401.04.A**    **Tolerances.** Delete entire section and replace with the City of Tulsa Special Provision for Pavement and Bridge Deck Smoothness provided in the contract documents.
- 414.02**      **Materials.** Delete Fly Ash. Fly Ash is not allowed in any concrete mixture unless specifically specified in the Special Provisions / Plans.
- 414.03.B**    **Placing and Finishing Equipment.** In the first paragraph add the sentence, “If paving is not performed by a slip form paver a hand vibrator shall be required.”
- 509.06**      **Basis of Payment.** Delete pay factors for air content.
- 516.06**      **Basis of Payment.** Delete the Obstructions pay item.
- 701.01.B**    **Cement Substitution.** Delete Fly Ash. Fly Ash is not allowed in any concrete mixture unless specifically specified in the Special Provisions/ Plans.
- 702.01**      **Fly Ash.** Delete Fly Ash. Fly Ash is not allowed in any concrete mixture unless specifically specified in the Special Provisions / Plans.
- 801.02**      **Materials.** Replace Department's Traffic Engineering Division Qualified Products List (QPL) with the City of Tulsa Traffic Engineering's Approved Products List (APL).
- 801.04.B**    **Bonding and Diagram.** Delete and replace section with the following:  
  
“Provide mechanically and electrically secure conduit, poles, and highway lighting cabinets to form a continuous system.

Provide No. 8 AWG copper wire for grounding traffic signal cabinet

Provide at least No. 6 AWG THHN green stranded copper wire for bond and ground jumpers for all other equipment.

Provide at least No. 6 AWG THHN green stranded copper wire for ground poles, securely attached to the pole and the ground rod, as shown on Plans.

All identified neutrals shall be white.”

- 802**            **Electrical Conduit.** Delete section and refer to City of Tulsa Specification 602, Electrical Conduit.
- 803**            **Pull Boxes and Ground Boxes.** Delete section and refer to City of Tulsa Specification 601, Pull Boxes.
- 804**            **Concrete Footings.** Delete section and refer to City of Tulsa Specification 603, Signal Pole Footings.
- 805.01**        **Description.** Delete section and replace with the following:  
 ”This work consists of the removal and delivery of the following equipment to the City of Tulsa Traffic Operations facility, which equipment shall remain the property of the City of Tulsa:  
 Traffic signal poles, signal heads, pedestrian heads, backplates, controller cabinet assembly, cabinet guard, mast arm signs, astro-brackets, span wire equipment and any other traffic signal equipment removed except for the pull boxes, conduit and wire which shall become the property of the contractor. Work to include the removal of all footings below ground or as directed by the engineer. Footings shall become the property of the contractor.”
- 805.04**        **Construction Methods.** Replace the second paragraph with the following:  
 “Do not damage traffic signal equipment during removal and storage. Remove all footings to below ground level or as directed by the engineer. Footings, pull boxes, conduit and wire shall become property of the contractor.”
- 806**            **Poles and Mast Arms.** Delete section and refer to City of Tulsa Specification 617, Poles and Mast Arms.
- 810**            **Power Supplies.** Delete section and refer to City of Tulsa Specification 607, Power Supplies.
- 811**            **Electrical Conductors Highway Lighting.** Delete section and refer to City of Tulsa specification 621, Electrical Conductors Highway Lighting.

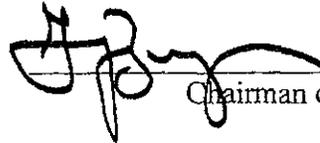
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- 825 **Traffic Signal Controller Assembly.** Delete section and refer to City of Tulsa specification 610, Traffic Signal Controller Assembly.
- 828 **Vehicle Loop Detector and Loop Detector Wire.** Delete section and refer to City of Tulsa specification 604, Detector Wire.
- 830 **Pedestrian Push Button.** Delete section and refer to City of Tulsa specification 613, Pedestrian Push Button.
- 831 **Traffic Signal Heads.** Delete section and refer to City of Tulsa specification 614, Traffic Signal Heads.
- 832 **Optically Programmed Adjustable Traffic Signal Heads.** Delete section.
- 833 **Traffic Signal Backplates.** Delete section.
- 834 **Electrical Conductors for Traffic Signals.** Delete section and refer to City of Tulsa specification 611, Electrical Conductors for Traffic Signals.

*Section 2. SEVERABILITY. If any section, subsection, paragraph, subparagraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and to this end, the provisions of this Ordinance are hereby declared to be severable.*

*Section 3. EMERGENCY CLAUSE. That an emergency is now declared to exist for the preservation of the public peace, health and safety, by reason whereof this ordinance shall take effect immediately from and after its passage, approval and publication.*

ADOPTED by the Council: 11/5/12  
Date

  
Chairman of the Council

ADOPTED as an emergency measure: \_\_\_\_\_  
Date

N/A  
Chairman of the Council

OFFICE OF THE MAYOR

Received by the Mayor: \_\_\_\_\_, at \_\_\_\_\_  
Date Time

Dewey F. Bartlett Jr., Mayor

By \_\_\_\_\_  
Secretary

APPROVED by the Mayor of the City of Tulsa, Oklahoma: JAN 09 2012  
Date

at \_\_\_\_\_  
Time

*Dewey F. Bartlett Jr.*  
\_\_\_\_\_  
Mayor



*Kim Bennett*  
\_\_\_\_\_  
**DEPUTY** City Clerk

APPROVED:

*Audrey D Blank*  
\_\_\_\_\_  
Asst City Attorney