



Oregon

Tina Kotek, Governor

Department of Transportation
Statewide Project Delivery Branch
Project Development Section
Project Controls Office
555 13th St NE
Salem, OR 97301

DATE: July 31, 2026

Addendum No. 1

TO: PLAN HOLDERS

PREPARED BY: **GAMBLE**
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FINAL ELECTRONIC DOCUMENT AVAILABLE UPON REQUEST

SUBJECT: US101: Gold Beach (Rogue River) Bridge Project
Oregon Coast Highway
Curry County
Structure
(Bids Closing September 17, 2026)

The following changes are made to the Project Special Provisions:

1. Section Project Wage Rates - This Section is replaced with the following Section:

PROJECT WAGE RATES

Applicable Wages - The following federal prevailing wage rates and the State prevailing wage rates (including any wage rate determinations, modifications, or amendments), last published prior to Bid Opening apply to this Project and will be incorporated into the Contract:

- (1) U.S. Department of Labor (USDOL), "General Wage Determinations Issued under the Davis-Bacon and Related Acts: Oregon Highway Construction Projects", and
- (2) Oregon Bureau of Labor and Industries (BOLI), "Prevailing Wage Rates For Public Works Contracts".

Wage Rates are Subject to Change - Modifications or amendments to the Davis-Bacon and BOLI wage rates applicable to this Project may occur any time before Bid Opening.

Bidders are responsible to monitor the USDOL website, BOLI website, and the ODOT web page for modifications and amendments up until Bid Opening.

Wage Rates are Internet-Accessible - Contractor may access the Davis-Bacon/BOLI Combined Prevailing Wage Rates, on the table provided by Bid Opening Date on the web page located at:

<https://www.oregon.gov/ODOT/Business/Pages/Project-Wages.aspx>

Covered Occupations – The BOLI publication titled “Definitions of Covered Occupations” last published prior to bid opening applies to this project and is located at:

<https://www.oregon.gov/boli/employers/pages/occupational-definitions.aspx>

2. Subsection 00130.80 Project Site Restriction - This subsection is added after subsection 00130.50:

00130.80 Project Site Restriction - Replace the paragraph that begins “Until the Agency sends the Contractor ...” with the following paragraph:

Until the Agency sends the Contractor written Notice to Proceed with the Work, and the Contractor has filed the public works bonds required in 00170.65(b), the Contractor shall not go onto the Project Site on which the Work is to be done, nor move Materials, Equipment, or workers onto that Project Site.

3. Subsection 00170.20 Public Works Bond - This subsection is added after subsection 00170.10(g):

00170.20 Public Works Bond – Delete this subsection.

4. Subsection 00170.65 Minimum Wage and Overtime Rates for Public Works Projects - This subsection is added after subsection 00170.61(a):

00170.65 Minimum Wage and Overtime Rates for Public Works Projects – Replace this subsection with the following subsection:

00170.65 Requirements for Public Works Projects:

(a) General - The provisions of ORS 279C.800 through ORS 279C.875 and OAR 839-25 are applicable to this Public Works Project (“Prevailing Wage Rate Provisions”). The Contractor, a Subcontractor or other person or Entity Contractor uses in performing all or part of the Contract who are required to comply with the Prevailing Wage Rate Provisions are collectively referred to as “Covered Employers” for the purposes of 00170.65. Covered Employers include employers of workers described in 00170.65(c)(1). “Covered Occupation” as used in 00170.65, refers to each occupation defined in the applicable Oregon Bureau of Labor and Industry (“BOLI”) publication titled *Definitions of Covered Occupations for Public Works Contracts in Oregon*.

As required by ORS 279C.520, the Contractor shall comply with ORS 652.220 and shall not unlawfully discriminate against any of the Contractor’s employees in the payment of wages or other compensation for work of comparable character on the basis of an employee’s membership in a protected class. “Protected class” means a group of persons distinguished by race, color, religion, sex, sexual orientation, national origin, marital

status, veteran status, disability, or age. The Contractor's compliance with this provision constitutes a material element of the Contract and failure to comply constitutes a material breach that entitles the Agency to exercise any remedies available under the Contract, including, but not limited to, termination for default.

As required by ORS 279C.520, the Contractor shall not prohibit any of the Contractor's employees from discussing the employee's rate of wage, salary, benefits or other compensation with another employee or another person and shall not retaliate against an employee who discusses the employee's rate of wage, salary, benefits or other compensation with another employee or another person.

(b) Public Works Bond - Before starting Work, Covered Employers shall each file with the Construction Contractors Board, and maintain in full force and effect, a separate public works bond, in the amount of \$30,000 unless otherwise exempt, as required by ORS 279C.830(2) and ORS 279C.836. The Contractor shall verify each Covered Employer has filed a public works bond before that employer begins work.

(c) Prevailing Wage Requirements - Each Covered Employer must pay its workers on the Project in each Covered Occupation not less than the prevailing rate of wage for each Covered Occupation as set by BOLI in the applicable version of its publication entitled Prevailing Wage Rates for Public Works Contracts.

If the Class of Project is Federal-aid, each Covered Employer must pay its workers on the Project in each Covered Occupation not less than the applicable BOLI prevailing wage rate or the federal prevailing wage rate required under the Davis Bacon Act (40 U.S.C. 3141 et seq.), whichever is higher.

The Contractor is responsible for investigating local labor conditions. The Agency does not imply that labor can be obtained at the minimum hourly wage rates specified in State or federal wage rate publications, and no increase in the Contract Amount will be made if wage rates paid are more than those listed.

The applicable Project Wage Rates and *Definitions of Covered Occupations for Public Works Contracts in Oregon* are included in the Special Provisions.

(1) Satellite Location Bespoke Work Subject to ORS 279C.800(G) - As required in ORS 279C.800(G) and OAR 839-025-0800, Covered Employers include employers of workers performing bespoke work at satellite locations when the applicable version of the BOLI publication entitled Prevailing Wage Rates for Public Works Contracts has expressly made a wage rate applicable to the satellite location bespoke work. Contractor must provide the Engineer with written notice of the satellite work that will be performed as part of its Consent to Subcontract. If the Covered Employer is not a Subcontractor, Contractor must provide the Engineer with a copy of its agreement with that Covered Employer prior to that Covered Employer performing any Work on the Project. The agreement must meet the requirements of 00170.65(f).

(2) Payroll and Certified Statements - As required in ORS 279C.845, every Covered Employer shall submit written certified statements to the Engineer on the form prescribed by the Commissioner of BOLI in OAR 839-025-0010 certifying compliance with wage payment requirements and accurately setting out the

Contractor's or Subcontractor's weekly payroll records for each worker employed on the Project.

If the Class of Project is Federal-aid, in addition to providing the payroll information and certified statements required under ORS 279C.845, every Covered Employer shall submit written certified statements that also meet the requirements in FHWA Form 1273.

The Covered Employers shall preserve the certified statements for a period of 6 years from the date of completion of the Contract.

(3) Retainage for Noncompliance with 279C.845:

a. Agency - As required in ORS 279C.845(7) the Agency will retain 25% of any amount earned by the Contractor on the Project until the Contractor has filed the certified statements required in ORS 279C.845 and in FHWA Form 1273, if the Class of Project is Federal-aid. The Agency will pay to the Contractor the amount retained within 14 Days after the Contractor files the required certified statements, regardless of whether a Subcontractor has failed to file certified statements.

b. Contractor - As required in ORS 279C.845(8) the Contractor shall retain 25% of any amount earned by a first-tier Subcontractor on the Project until the first-tier Subcontractor has filed with the Agency the certified statements required in ORS 279C.845 and in FHWA Form 1273, if the Class of Project is Federal-aid. Before paying any amount retained, the Contractor shall verify that the first-tier Subcontractor has filed the certified statement. Within 14 Days after the first-tier Subcontractor files the required certified statement, the Contractor shall pay the first-tier Subcontractor any amount retained.

(4) Posting Requirements - Every Covered Employer must post the prevailing wage rates and notices in accordance with OAR 839-025-0033.

(d) Overtime Requirements - As a condition of the Contract, the Contractor shall comply with the pertinent provisions of ORS 279C.520 and ORS 279C.540. If the Class of Project is Federal-aid, the Contractor shall comply with the overtime provision affording the greatest compensation required under FHWA Form 1273 and ORS 279C.540.

(1) Maximum Hours of Labor and Overtime Pay - According to ORS 279C.540, no person shall be employed to perform Work under this Contract for more than 10 hours in any 1 Day, or 40 hours in any 1 week, except in cases of necessity, emergency, or where public policy absolutely requires it. In such instances, the Contractor shall pay the employee at least time and a half pay:

- For all overtime in excess of 8 hours a day or 40 hours in any 1 week when the work week is 5 consecutive days, Monday through Friday; or
- For all overtime in excess of 10 hours a day or 40 hours in any 1 week when the work week is 4 consecutive days, Monday through Friday; and
- For all Work performed on Saturday and on any legal holiday specified in ORS 279C.540.

For additional information on requirements for overtime and establishing a work schedule see OAR 839-025-0050 and OAR 839-025-0034.

(2) Notice of Hours of Labor - The Contractor shall give written notice to employees of the number of hours per day and days per week the employees may be required to work. Provide the notice either at the time of hire or before commencement of work on this Contract, or by posting a notice in a location frequented by employees.

(3) Exception - The maximum hours of labor and overtime requirements under ORS 279C.540 will not apply to the Contractor's Work under this Contract if the Contractor is a party to a collective bargaining agreement in effect with any labor organization. For a collective bargaining agreement to be in effect it shall be enforceable within the geographic area of the Project, and its terms shall extend to workers who are working on the Project (see OAR 839-025-0054).

(e) State Time Limitation on Claim for Overtime - According to ORS 279C.545, any worker employed by the Contractor is foreclosed from the right to collect any overtime provided in ORS 279C.540 unless a claim for payment is filed with the Contractor within 90 Days from the completion of the Contract, provided the Contractor posted and maintained a circular as specified in this provision. Accordingly, the Contractor shall:

- Cause a circular, clearly printed in boldfaced 12-point type and containing a copy of ORS 279C.545, to be posted in a prominent place alongside the door of the timekeeper's office or in a similar place that is readily available and freely visible to any or all workers employed to perform Work; and
- Maintain such circular continuously posted from the inception to the completion of the Contract on which workers are or have been employed.

(f) Required Terms for Agreements with Covered Employers - Contractor must have agreements with all Covered Employers. For each Covered Employer that is not a Subcontractor, the Contractor's agreement must include:

(1) A clause or condition that if the Contractor fails, neglects, or refuses to make payment to the Covered Employer, the Covered Employer may file a complaint with the Construction Contractors Board, unless payment is subject to a good-faith dispute as defined in ORS 279C.580.

(2) A provision requiring the Covered Employer to have a public works bond filed with the Construction Contractors Board before starting Work on the Project, unless exempt.

(3) A provision that requires the Covered Employer's workers on the Project to be paid not less than the specified minimum hourly rate of wage.

(4) A provision that requires the Covered Employer to be registered as a vendor in OregonBuys, the on-line electronic Automated Oregon Procurement System administered by the State's Department of Administrative Services; and

(5) A clause that requires the Covered Employer to include (1) – (4) in each of the Covered Employer's agreements with other Covered Employers of Workers on the

Project that are also subject to the requirements of ORS 279C.800 through ORS 279C.870.

5. Subsection 00170.65(b)(1) Minimum Wage Rates – This entire subsection is deleted.
6. Subsection 00180.20(e)(3) Submittals - This subsection is added after subsection 00180.20(e)(2):

00180.20(e)(3) Submittals - Replace this subsection, except for the subsection number and title, with the following:

The Contractor shall provide the Engineer with an executed copy of the trucking services agreement not later than 2 Days after the trucking services provider for hauling materials has started work. The Contractor shall make certain that the provider of approved trucking services submits payrolls required under Section 00170, complies with applicable Contract provisions, including, without limitation, 00170.07, and complies with applicable trucking services agreement provisions. The work or service provider will not be considered a Subcontractor under the Contract, but the work or services will be considered to have been performed by the Contractor's own organization for the purposes of determining compliance with 00180.20(a). If the trucking services are provided by an owner/operator attach a copy of the following data to the trucking services agreement before the time the services are performed and include without limitation for each owner/operator:

- Driver's name;
- Present driver license upon request;
- Vehicle identification number;
- Present vehicle registration upon request;
- Motor vehicle license plate number;
- Motor Carrier account number;
- Present ODOT Motor Carrier 1A Permit upon request; and
- Name of owner/operator from the side of the truck.

Each truck shall have the name of the owner/operator clearly displayed on the side of the truck.

7. Subsection 00180.40(b) On-Site Work - This subsection is added after subsection 00180.21(a):

00180.40(b) On-Site Work – Replace the bullet that begins “Filed with the Construction Contractors...” with the following bullet:

- Filed with the Construction Contractors Board the public works bond as required in 00170.65(b);

8. Subsection 00195.50(b) Retainage - This subsection is added after subsection 00195.12(d):

00195.50(b) Retainage – Replace the paragraph that begins “As provided in...” with the following paragraph:

As provided in 00170.65(c)(3) in addition to any retainage, a withholding of 25% of amounts earned will be withheld and released according to ORS 279C.845 when the Contractor fails to file the certified statements required in ORS 279C.845, FHWA Form 1273, and 00170.65.

These changes will be included in the Contract for this Project. It is understood that your Bid must and shall be submitted accordingly.

mg:DA