



August 26, 2009

Associated Pennsylvania Constructors
800 North Third Street
Harrisburg, Pennsylvania 17102

Attention: Robert Latham

Dear Mr. Latham:

Attached for your information is one (1) copy of a new, draft Standard Special Provision entitled "DIESEL VEHICLE EMISSION CONTROL REQUIREMENTS FOR CITY OF PHILADELPHIA FEDERAL-AID MUNICIPAL (FAM) PROJECTS", which has been submitted to FHWA for acceptance.

This new Standard Special Provision is intended to comply with City of Philadelphia Executive Order 1-07, which requires the inclusion of clean diesel specifications in contracts for public works projects, by establishing diesel engine and diesel engine retrofit requirements for the off-road construction vehicles that will be utilized on these projects. When developing the draft specification, the City's Air Management Services Unit obtained substantial input from the construction contracting industry and reviewed its cost impacts.

Also attached is a copy of the Air Management Services Diesel Emission Certification, which will be included in bid proposals that include the subject Standard Special Provision and must be submitted by the low bidder within a specified time after the bid opening. The Department's prior submission of this specification, dated August 5, 2009, is replaced by this submission and should be disregarded.

If you have any questions regarding the attached specification, please contact Mr. Scott G. Vottero, P.E., at (717) 783-6400.

Sincerely,

Scott G. Vottero P.E./s/
for Brian G. Thompson, P.E.
Director
Bureau of Design

Enclosure

Standard Special Provision

Index or Category: **Measurement:**

Sequence ID: XXXXX

District:

Provision Name: aXXXXX DIESEL VEHICLE EMISSION CONTROL REQUIREMENTS FOR CITY OF PHILADELPHIA FEDERAL-AID MUNICIPAL (FAM) PROJECTS

- Allow Edits in Body
- Allow Edits in Header
- Allow Edits in Project Specific Details

Version:

Status:

Effective Dates: From: **To:**

- Include on all projects
- Include on all federally funded projects
- Include on all 100% State funded projects

Associated Item(s):

Instructions for Usage: Use on all City of Philadelphia Federal-aid Municipal (FAM) projects let through May 31, 2010 where the contract amount is estimated to be \$1,000,000 or more. Use in all City of Philadelphia FAM projects let on or after June 1, 2010.

Include the proposal attachment entitled "Air Management Services Diesel Emission Certification".

Header:

DIESEL VEHICLE EMISSION CONTROL REQUIREMENTS FOR CITY OF PHILADELPHIA FEDERAL-AID MUNICIPAL (FAM) PROJECTS

In accordance with Executive Order 1-07, as it may be amended from time to time, the City of Philadelphia has established a requirement to include clean diesel specifications in contracts for public works projects. In furtherance of the purposes of Executive Order 1-07, the successful bidder on this project must meet the requirements of this specification.

I. Vehicles Covered.

Vehicles covered under this specification include any piece of construction equipment with a diesel engine having a horsepower greater than 50 that is in use on the project site, or is anticipated to be in use on the project site, for a period in excess of 7 working days, whether consecutive or non-consecutive. Vehicles that do not meet the above criteria are exempt from the requirements of this specification.

II. Requirements.

In the performance of the work associated with this contract, use only ultra low sulfur diesel fuel, and a listed clean diesel technology for reducing the emission of pollutants from diesel-powered, non-road vehicles. Listed technologies include diesel retrofit emission control devices or vehicles listed by the Environmental Protection Agency (EPA) as meeting "Tier 4" emissions requirements. Utilize diesel retrofit emission control devices consisting of diesel oxidation catalysts, diesel particulate filters, closed crankcase technologies, flow-through

filters, emissions upgrade groups, selective catalytic reduction, or similar retrofit equipment control technology that is:

- Included on the Environmental Protection Agency (EPA) Verified Retrofit Technology List or the California Air Resources Board (CARB) Currently Verified Technologies List, and
- Listed by EPA or CARB as providing a minimum emissions reduction of twenty percent (20%) of particulate matter with a mean aerodynamic width of less than ten (10) microns (PM10) in the application for which it is verified.

It is not required that the emission control device installed be specifically verified for the application on which it is being used. Engine repowers may also be used if the contractor can provide documentation from the technology vendor that the new equipment reduces particulate matter emissions by 20% or more.

The apparent low bidder is required to submit the Air Management Services Diesel Emission Certification attached to the proposal, executed by an authorized representative of the Contractor, stating the Contractor's agreement to comply with the provisions of this specification. Submit the executed certification to Air Management Services, at the address listed below, within 14 calendar days after the bid opening. If the executed certification is not submitted within 14 calendar days after the bid opening, the contract may be awarded without the certification; however, no payments will be made for any items of work until a properly executed certification is submitted. With the Certification, include an attachment that identifies the truck-staging zone(s) that will be used for delivery vehicles waiting to load or unload material at the project site. Such zones are to be located where emissions from delivery vehicles will have the least possible impact on the public.

On or before the start of work on the project, provide the Project Manager for the City of Philadelphia and Air Management Services (AMS) with a Fleet List (i.e. a list of the non-road vehicles and/or equipment to be used on the project site and the emissions control technologies, if any, installed on each). Subsequently, if vehicles and/or equipment must be added to the Fleet List for use on the project site, notify the Project Manager for the City of Philadelphia and AMS of the addition, in writing, at least 24 hours before the vehicles and/or equipment are brought on site.

Include the following on the Fleet List:

- The vehicle identification number (VIN; *if applicable*), equipment number, type, make, year and owning entity;
- The horsepower rating of each engine;
- The emission control device manufacturer's name, model, and verifying organization; and
- The type of fuel to be used and the expected quantity.

The Air Management Services Diesel Emission Certification, the Fleet List, and the required notification of any additions to the Fleet List are to be directed, as specified, to the City's Project Manager and/or to AMS at:

**Chief of Source Registration
City of Philadelphia Department of Public Health
Air Management Services (AMS)
321 University Avenue, 2nd Floor
Philadelphia, PA 19104-4543**

Facsimile Number: (215) 685-7593

(Note: if faxing the Certification, the Fleet List, and/or notification of an addition to the Fleet List, a hard copy is to be mailed to AMS as well)

During periods of non-active use, do not permit idling of delivery vehicles, dump trucks, or other equipment on the project site in excess of the 5-minute limit established in the Philadelphia Traffic Code Anti-Idling Ordinance Section 12-1127(1) of the Philadelphia Code and the Pennsylvania Diesel-Powered Motor Vehicle Idling Act, Title 35 Purdon's Pennsylvania Statutes, Section 4601 et seq.

More information on the City of Philadelphia's Anti-Idling Ordinance can be found at:

http://www.phila.gov/philacode/html/data/title12/chapter_12_1100_miscellaneous_/12_1127_excessive_idling_of_an.html

III. Definitions.

- Project Site. All areas covered by the contract, as well as areas accessed for purposes of performing activities under the contract.
- Non-Active Use. The period of time, in excess of 5 minutes, when a piece of diesel equipment is not being operated in the performance of contract work.
- Non-Road Diesel Vehicle. Vehicles listed by EPA for use in non-road applications, including construction, agricultural, and other industrial vehicles that are not legally operable on highways.
- On-Road Vehicles. Vehicles listed by EPA for on-highway applications.
- Truck-Staging Zone. A designated area on the project site where delivery or pickup activities will take place.
- Ultra Low Sulfur Diesel Fuel. Diesel fuel with a sulfur content of 15 parts per million or less.
- Vehicle. A piece of diesel-powered equipment being used in the performance of contract activities.
- Listed Diesel Technology. Includes the following:
 - Diesel Oxidation Catalyst. A device similar to a catalytic converter that reduces diesel emissions and does not require regeneration.
 - Particulate Filter. A device that traps soot produced by the engine and vaporizes this soot through the application of heat, requiring only periodic maintenance.
 - Closed Crankcase Ventilation. A device that reduces fugitive emissions from the vehicle's crankcase by routing them through the tailpipe.
 - Selective Catalytic Reduction. A device that reduces emissions of oxides of nitrogen by treating exhaust with urea.
 - Emissions Upgrade Groups. Groups of replacement components that, when installed during vehicle overhaul, reduce engine emissions.
 - Engine Repower. The replacement of a vehicle's engine with a newer model to reduce tailpipe emissions.
 - Similar Retrofit Equipment Control Technology. Any other technology verified by EPA or CARB to reduce diesel particulate emissions by 20% or more.

IV. General

The City of Philadelphia reserves the right to request purchasing documents in order to verify the Contractor's installation of retrofit technology in a vehicle and/or equipment. Provide purchasing documents to the City's Project Manager and AMS within 5 calendar days of any such request. In addition, submit written notification to the City's Project Manager and AMS when an addition or deletion of diesel retrofit equipment occurs.

Any false certification or representation in connection with the requirements of this specification, and/or any failure to comply with the requirements outlined herein, will constitute a material breach of contract entitling the City of Philadelphia to all rights and remedies provided in the contract and otherwise available at law and/or in equity, including but not limited to the monetary assessment set forth herein. For contracts valued at \$500,000.00 or less, an assessment of \$500.00 per offense per day will be imposed upon the Contractor for every vehicle or piece of equipment operating in violation of this specification. For all other contracts, an assessment of \$1000.00 per offense per day will be imposed upon the Contractor for every vehicle operating in violation of this specification. In addition, it is understood that any false certification or representation is subject to penalties under Title 18 Pa. C.S.A. § 4904 (relating to unsworn falsification to authorities).

Insert or include this special provision in each subcontract, and further require its inclusion in any lower tier subcontract that may in turn be made.

Air Management Services Diesel Emission Certification

ECMS Project No. _____

State Route _____ Section _____

CERTIFICATION

_____ (“Contractor”) hereby certifies that it agrees
CONTRACTOR NAME
with the requirements of the contract Special Provision entitled “DIESEL VEHICLE
EMISSION CONTROL REQUIREMENTS FOR CITY OF PHILADELPHIA
FEDERAL-AID MUNICIPAL (FAM) PROJECTS” that is a part of the contract for the
above referenced project. Contractor will comply with the requirements of this Special
Provision should it become the successful bidder on the contract.

Contractor hereby understands and agrees that this signed and dated Certification
will become a part of the City of Philadelphia’s contract with Contractor should it
become the successful bidder.

Contractor hereby understands that any false statements made in this Certification are
subject to the penalties if 18 Pa. C.S.A. Section 4904, relating to unsworn falsification to
authorities.

AUTHORIZED REPRESENTATIVE

SIGNATURE

NAME & TITLE (PLEASE PRINT)

DATE

***NOTE:** Include an attachment that identifies the truck-staging zone(s) that will be used
for delivery vehicles waiting to load or unload material at the project site.