

80 – 20 RULE

Specification and Related Materials

(January 1, 2022)

The information presented in this manual applies to all Public Works' Highway Construction and Maintenance Projects where the 80-20 rule is in effect.

Note: Although care has been taken to ensure the accuracy of the information contained herein, errors or omissions may still occur. If you notice an error, or have questions, please contact: Marlene Osmond, Senior Program Admin Officer via phone: 902-424-4321 or email: Marlene.Osmond@novascotia.ca

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ACRONYMS

NSPW:	Nova Scotia Public Works
TANS:	Truckers Association of Nova Scotia
NSRBA:	Nova Scotia Road Builders Association

SECTION A

Directives

1 Item Moved to Directive 19 – Truck Haul Distances

2 Payment of Truck Haul Rates

It is the Departments practice and policy to pay any portion of a kilometre as a full kilometre with respect to Truck Haul Rates. For example, 1.1 kilometres would be paid as 2 kilometres.

3 Guidelines for Reasonable Notification to TANS from Contractors

The Contractor will contact the dispatcher of the Local County Branch of TANS when requesting trucks. The Contractor will give as much notice as possible, but a minimum of 12 hours' notice must be provided.

Emergencies will be handled on an "as required" basis but should include consultation with the Truckers Association.

NOTE: Notification means call for dispatch

NOTE: for emergencies consultation will be with the local County Branch of TANS

4 Workers Compensation Board Requirements

All truckers working on any NSPW project (Highway Maintenance or Highway Construction) must provide a valid Clearance Letter issued by the Worker's Compensation Board of Nova Scotia (WCB) indicating they are in good standing and have coverage under the Worker's Compensation Act.

5 Safety Certification

Effective July 1, 1997, all truckers working on Department of Public Works projects (Highway Maintenance or Highway Construction) must provide proof they hold a valid WCB Safety Certified accreditation or Certificate of Recognition (COR) issued by an audit provider approved by the Workers' Compensation Board of Nova Scotia.

6 Use of Back-Up Beepers

All trucks operating on NSPW projects must be equipped with back-up beepers.

7 Secondary Locking Devices (DIR-2020-06)

Effective September 14, 2020, for all NSPW Highway Construction and Maintenance Projects, truck and trailer gates are required to have a secondary locking device installed regardless of the material or equipment being hauled. Load securement is the responsibility of the truck driver and owner. The driver is to ensure all locking devices on gates are engaged, and the load is secure, before leaving the scales, base, or jobsite.

8 Securing Loads on Vehicles - Tarpaulins (DIR-2020-09)

Effective September 28, 2020 all trucks hauling material on NSW Highway Construction and Maintenance Projects, must be covered entirely by a tarpaulin, or other covering, so that none of the load can escape from the vehicle. Tarping is the responsibility of the truck driver. All material must be properly tarped before leaving the scales, base, or jobsite.

9 80-20 Rule (Exemptions)

Maintenance Work: The 80-20 rule does not apply to NSW maintenance work. In order to effectively utilize Department fleet, the Department reserves the right to use as many Department trucks as are available to fill their trucking requirements. If NSW hires TANS trucks, posted truck rates will apply.

Rural Impact Mitigation (RIM): Rural Impact Mitigation (RIM) work is excluded from the 80-20 rule as it is considered maintenance work. However, the Operations / Maintenance Supervisors may contact the local branch of TANS when private (non-departmental) trucks are required. If NSW hires TANS trucks, posted truck rates will apply.

Lump Sum Contracts: The 80-20 rule does not apply to lump sum contracts if there are no quantities specified.

Design Build Contracts: The 80-20 rule does not apply to design build contract.

10 Breaking the Load (Prior to Backing into the Spreader the Truck Body Shall be Partially Elevated)

As a result of safety concerns associated with “breaking the load”, effective immediately on all NSW paving and repaving contracts the requirement to break loads will be suspended pending review.

11 Loading / Unloading Delays

It is the intention of this Department to use the hourly rate per axle when transporting any materials where there are built in loading and/or unloading delays associated with the operation, i.e., ditching, pothole patching, culvert replacement. Contractors, or TANS trucks which are designated as Contractor’s trucks, cannot claim the fuel surcharge for hourly work. On other activities that may be more or less defined as production runs, where the operation basically involves loading, transportation to the discharge site and return for another load, the method of payment will be by the cubic metre-km or tonne-km. It is recognized that there may be delays in loading and unloading associated with “production runs” as well but these delays, normally

associated with equipment breakdowns, inappropriate numbers of trucks, traffic, etc., would not create the necessity to revert to an hourly axle rate.

It should also be pointed out that when hauling by the cubic metre, Department employees will ensure that truck boxes are properly measured and loaded so that they are actually carrying the volume of material for which they are being paid.

12 Item Moved to Pre-Job Meeting Section

13 Pup Trailers

The TANS/NSPW Committee had recommended the current practice of emptying the pup trailer, pulling ahead, disconnecting the pup trailer, and returning to the position of last among those trucks waiting to discharge their loads be continued.

Division 4, Section 4 in the Department's Standard Specification manual states, "Ordinarily there shall not be more than five trucks to unload ahead of the spreader". In making these recommendations, the Committee understood that the pup trailer would return in line to no more than 5th position and anticipated no problems. In case of breakdowns, traffic tie up, etc., when there can be a lineup of more than 5 trucks, the pup trailer returns to the 5th position.

14 Use of 360° Vehicle Mounted Amber Flashing Lights

For shoulder, partial lane blockage and full lane closure conditions all vehicles within a work area shall be equipped with and have activated at least a 360° amber flashing light.

Vehicles engaged in an off-shoulder area are not required to have an activated 360° amber flashing light.

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17 Item Moved to Section B - Pre-Job Meeting

18 Weigher's Daily Reports

Department Weigher's shall record the time trucks are tared on the Weigher's Daily report. Copies of the Weigher's Daily Report are to be sent to the local county President care of the dispatcher on a weekly basis.

19 Truck Haul Distances

Trucks are paid for the distance travelled from the point where the trucks are loaded to the point where they unload. In other words, the distance is to be measured from the loading site to the unloading site.

Length of Haul Distance When Using Interchanges: The haul distance measurement for determining the truck payment is to be determined by measuring the distance from the production site to the placement location and return and divided by two.

To alleviate the confusion associated with truck haul distances (80-20 rule) for NSPW Projects, Construction Managers and PE's are to be advised that the following procedures shall be followed:

- The PE shall not permit the Contractor to haul any material covered under the 80-20 rule until the dead haul distance (point of loading to a predetermined Station number) is agreed to be the TANS representatives and the Contractor. This should be determined at the pre-job meeting.
- If TANS and the Contractor cannot agree on a dead haul distance, the PE shall measure the route and determine the distance, prior to any material being hauled.
- NSPW shall post at the scale house the pit name and dead haul distance for each pit from which material is being hauled.
- NSPW Checker shall record on the weigh slip the Station number at the point of unloading.

20 Moved to Directive 23 (TANS Unable to Supply all Trucks Requested by the Contractor)

21 Moved to Directive 22 (Guide for Hiring TANS Trucks)

22 Guide for Hiring TANS Trucks

The scope and nature of NSPW contracts varies significantly throughout the construction season and throughout the Province. Identifying the optimum number and type of TANS dispatched trucks best suited for these projects is challenging and requires effective communication between the Contractor and the local TANS dispatcher.

Asphalt concrete paving operations inherently have idle or wait times resulting from established production and asphalt laydown processes, regulated traffic control procedures, project phasing and unique planning. These factors impact cycle times and the number of haul units required. The initial identification and right sizing of the truck fleet can be accomplished by considering the nature of the material to be hauled, identifying the haulage distance, estimating the anticipated

cycle times and balancing these factors with the desired production and placement. Established processes for the allocation of TANS and Contractor units as per the 80-20 rule will remain in place, as well as the timely communication of any potential shortfalls in TANS dispatched units.

Best Practice:

- (a) The Guide for Hiring TANS Trucks will be utilized to establish baseline requirements for haulage on a project by project, operation by operation basis. Site conditions may require an adjustment of the haulage fleet to reflect these circumstances.
- (b) The Contractor will monitor cycle times and the general flow of product from the source to the placement site during the first full day of production
- (c) At the end of the first full day of production, the Contractor will contact local TANS dispatch to discuss the progress of the project and identify opportunities for improvement.
- (d) Discussion may include, but not be limited to, any delays or construction processes which affected the haulage cycle times, communication of actual cycle times as compared to the initial truck flow assessment. Delays affecting cycle times may be related to weather, production (e.g. asphalt) delays, quality management, general planning, safety, or traffic control specific to the project
- (e) Key to the Contractor/TANS open discussion will be consideration for and awareness of the potential for ordering more trucks than are required for the operation (i.e. over trucking) or alternatively a shortfall in dispatched units. To address these scenarios, the Contractor will work closely with TANS dispatch to ensure the number and nature of the haulage units reflects actual cycle times and established production targets.
- (f) The purpose of the timely dialogue between the Contractor and TANS dispatch is to ensure that the flow of product is consistent throughout the day and that cycle times are fair and respective of the mutual need to achieve production targets and a reasonable number of payload trips per day for TANS members.
- (g) As the project progresses and haul distances become longer or shorter, every effort will be made by the Contractor to work closely with TANS dispatch to discuss and adjust the number of TANS units needed on the project. Flexibility remains key given the potential for unforeseen events.

With the goal of hiring enough trucks to haul a particular material to ensure a steady delivery of material and to avoid unnecessary wait times the following guide shall be utilized by the Contractor.

The following example is based on hauls where tonne-km rates apply for the production and placement of 100 tonnes of material per hour. These examples can be scaled up or down.

Assumed Truck Capacity	
Tandem = 15 tonnes	Trailer = 25 tonnes

Cycle Time (minutes)	Trucks required (100 tonnes/hour) *			
	Capacity	1	Tandems	Trailers
30	Round	50 t	4	2
40		66.7 t	5	3
50		83.3 t	6	4
60		100 t	7	4
65		109 t	7	5
70		117 t	8	5
75		125 t	8	5
80		134 t	9	5
85		142 t	10	6
90		150 t	10	6
95		158 t	11	6
100		167 t	11	7
105		175 t	12	6
110		184 t	12	7
115		192 t	13	8
120		200 t	13	8

(*) Depending on circumstance any combination of trucks may be utilized to accommodate required tonnage to be hauled.

23 TANS Unable to Supply all Trucks Requested by the Contractor.

If requested by the Contractor, TANS shall supply the names and contact information for trucks that have committed to the haul. If TANS is unable to supply the number of trucks requested by the Contractor (as per Directive 22, Guide for Hiring TANS Trucks) the following protocol shall be utilized.

1. Prior to the first day of production the Contractor shall contact TANS Dispatch. If TANS cannot supply the number of trucks requested by the Contractor (up to 80% required) for hauling the specified material, the Contractor is permitted on that day and for the next 4 days (5 consecutive days in total) of hauling the same specified material, to fill the shortfall of trucks on each of the 5 days by dispatching that number of trucks from;
 - (a) the Contractor's own fleet of trucks, or
 - (b) by hiring another private truck(s) not registered as an active member of TANS
 During the 5 day cycle the Contractor is only obligated to accept from TANS, upon confirmation with TANS Dispatch, the number of trucks TANS was able to supply on the first day of the cycle.
2. Should a TANS truck(s) committed to the haul not be available on the day requested the Contractor may fill any shortage of required trucks, 2 hours after the established start time. The Contractor is permitted on that day and for the next 4 days (5 consecutive days in total) of hauling the same specified material, to fill the shortfall of trucks on each of the 5 days by dispatching that number of trucks from;
 - (c) the Contractor's own fleet of trucks, or
 - (d) by hiring another private truck(s) not registered as an active member of TANS
3. At the end of the 5-day cycle, the Contractor shall contact TANS Dispatch.
 - (a) If TANS is able to supply (up to 80% required) the number of trucks requested by the Contractor for the material being hauled, then TANS will be permitted to continue supplying trucks until the operation is concluded.
 - (b) If TANS is still unable to supply the number of trucks requested by the Contractor, then the Contractor shall be permitted to invoke Clause 1.
4. The Contractor shall be permitted to invoke Clause 1., 2. or 3. (b) for as many consecutive 5-day cycles as TANS is unable to supply the requested trucks on the Contract.
5. With any change in material to be hauled (e.g. gravel to asphalt concrete) TANS Dispatch shall be engaged to dispatch trucks up to a minimum of the 80% required.
6. ***Revised: May 2020:*** TANS Dispatch shall notify the Contractor they are unable to supply and specify the number of trucks they are unable to supply. The Contractor shall, at this time, clearly indicate they are Invoking Directive 23. This shall be

followed with an email from the Contractor, to TANS (Executive Director ED@TANS.ca) and cc: Project Engineer. The Contractor is under no obligation to obtain permission from the PE to engage this protocol. If the Protocol is not being adhered to then either party may contact the PE for a resolution.

24. Rate Increases

Whenever rate increases are approved for TANS trucks hauling material on NSPW Contracts, contracts that are carried over from the previous year will also be entitled to the new year approved rate, retroactive to the rate increase effective date. TANS are entitled to the new rate regardless of the reason for carry over.

Effective April 1, 2019 NSPW has approved the following rate increases for TANS trucks hauling material on NSPW contracts:

A 3% rate increase to the hourly rate and the tonne-km rates for gravel and asphalt concrete when delivered by TANS in a live bottom trailer. The Weigher will indicate “live floor or bottom” on all applicable tickets. Effective July 15, 2019, the 3% rate increase to the hourly rate and the tonne-km rates for gravel and asphalt concrete when delivered by TANS in a live bottom trailer has been extended to include pusher (ejector) trailers. The 3% rate increase does not apply when using a live bottom or an ejector truck for hauling stone chips for seals or for hauling aggregates for micro surfacing.

SECTION B

Interpretation

Bulletins

Policy Regarding: Hiring and Truck Dispatch – Issued 26 June 1996

A TANS member is permitted to be the contractor's first truck, without penalty, for ten (10) working days. The member's second (2nd) truck cannot be used as a contractor's truck and must be in the second (2nd) hiring rotation. The ten (10) days as a contractor's first truck is a total for the membership year and cannot be repeated for different contractors or projects. Following the ten (10) days as the Contractor's first truck, the member's first (1st) and second (2nd) trucks can go back into the rotation.

Construction Pre-Job Meeting Requirements (trucking related topics)

Depending on the scope of work, the pre-job meeting must include one or more-representatives from the Truckers Association of Nova Scotia.

TANS members are to be included in all pre-job meetings regardless of the format (Skype, Teams, Conference Call, in person, etc.) for at least the TANS/Trucking discussion portion of the meeting. On some projects the TANS discussion may be very short, however TANS are to be present even if only for a few minutes. If you plan to discuss confidential information such as bid prices, proprietary items, or Human Resource issues, please have any TANS or trucking related items discussed first; then, if required, TANS may be asked to leave or to disconnect from the call.

TANS Pre-Job Checklist: The TANS, Pre-job checklist (prepared by TANS) was sent to all PE's. Although it is not mandatory, the PE may want to refer to it to ensure all TANS related issues have been covered. The TANS representative may have their own copy of the checklist and may review it to ensure all topics are covered.

For more detail please see Directive 19.

The following items are to be discussed at the pre-job meeting:

Items Affecting TANS Members, Contractor and NSPW

- a. Length of haul distance and pit location

Note: These items must be agreed to in writing and signed by NSPW, TANS and the Contractor before any material is hauled from the source.

For more detail and guidelines, please see Directive 19 (Truck Haul Distances).

- b. Requirements for all drivers:

- Safety Certification
- Workers Compensation

- WHMIS
- First Aid Training.
- In addition to the above, drivers hauling asphalt that contains an anti-strip agent must also have LAS training (proof required).

There will be zero tolerance on these requirements.

- c. Requirements for all trucks:
- First Aid Kit
 - Revolving Lights
 - Backup beepers
 - Tarps
 - Secondary locking device on Dump/Tail Gates
 - In addition to the above, trucks hauling asphalt must have a wind deflector
- d. Review of Traffic Regulations at the Construction Site.
- e. 12 hour call out
- f. Haul rates
- g. The number of trucks required for the Project
- h. 80-20 rule
- i. Any request for special type of truck to be used on the job
- j. Payment for truck hauls, working with planner
- k. Reasonable wait times (TANS and Contractor to discuss). PE to remain at arms length unless required to mitigate in the event of unreasonable wait time.

The TANS portion of the pre-job meeting minutes should be sent by the PE to the TANS representative at the pre-job meeting and to the Executive Director at the TANS Office in Enfield ~~Truro~~. (Email: TANS Executive Director: contact@TANS.ca). Distribution by email will be satisfactory.

Payment for Trial Mix Production

(2009) Further to our NSPW/TANS/NSRBA Joint Meeting where the hauling of trial mix on EPS jobs was discussed and the following was decided:

- Contractor to make clear to trucker that they are producing trial mix and hourly rate will apply
- Contractor to inform trucker when the trial mix has been completed, ending the hourly rate, and the work is over for the day, or
- Contractor to inform trucker when the trial mix has been completed, ending the hourly rate, and the work is continuing into production mode at the tonne-km rate.

SECTION C

Standard

Specification

STANDARD SPECIFICATION (80-20 Rule)

Also found in the Department of Public Work's, Highway Construction and Maintenance, Standard Specification Manual – Appendix C.

1.0 80-20 RULE.

The following is the practice to be adhered to by all Contractors working on Department Contracts and shall apply to materials, as noted in the following, hauled after 12:00 noon, local time, on the date of the Letting.

1.1 Hiring of Local Trucks.

The 80-20 rule shall apply to the hiring of local trucks for Department operations. At least 80% of the trucks hired on NSPW Contracts shall be private trucks hired, on a rotational basis, through the local branch of the Truckers Association of Nova Scotia, so that all trucks in the area receive a relatively equal amount of work. This is referred to as the 80-20 rule. The Contractor shall make every reasonable effort to balance the interests of the private trucks hired with the Contractor's requirement to accomplish the Work in an efficient and cost-effective manner.

1.2 Dispute Resolution.

In matters of disagreement between the Trucking Industry and the Contractor, the Engineer is empowered to adjudicate the dispute. The complaint shall be put in writing and presented to the Engineer by the Local President of the Truckers Association or the Contractor. The Engineer shall investigate the complaint and within 20 days shall present a resolution to the problem. This resolution shall not be limited in scope and shall be focused on ensuring the spirit of the Contract with respect to the hiring and payment of local trucks within specified area is upheld.

1.3 Hauling of Trial Mix on End Product Specification Projects.

The 80/20 rule applies to the hauling of Asphalt Concrete produced under the End Product Specification, during the production of any mix type when the Contractor is establishing their Job Mix Formula. Trucks hired under the 80/20 rule to haul trial mix asphalt concrete will be paid at the hourly rate for the hours worked during the trial period until production commences at which point tonne-km rates will apply.

1.4 Hauling of Granular Materials and Asphalt Concrete.

The 80-20 rule applies to hauling of all granular materials (including rock fill and loose laid rip rap) and asphalt concrete from a pit, crusher, or asphalt plant for a Department Contract. Department Truck Rates apply.

1.5 Hauling Materials to Produce Granular Materials.

The 80-20 rule applies to the hauling of all material which is to be used to produce granular material including stone chips (with exception of material to be used to produce asphalt concrete). Department Truck Rates apply.

1.6 Hauling of Stone Chips for Seals.

The 80-20 rule applies to the hauling of stone chips for seals from the site where the stone chips are manufactured to a stockpile location on or near the Contract and also from the stockpile on or near the Contract to the spreader. Department Truck Rates apply. The 3% rate increase for use of live-bottom trailers is not applicable to this item.

1.7 Hauling of Aggregates for Micro Surfacing.

The 80-20 rule applies to the hauling of aggregate for Micro Surfacing from the site where the aggregate is manufactured to a stockpile location on or near the Contract. Department Truck Rates apply. The 3% rate increase for use of live-bottom trailers is not applicable to this item.

1.8 Hauling of Excavation or Borrow Material.

- **Section of Road Not Designated.** The 80-20 rule applies to the hauling of excavation and/or borrow material on a Contract where the section of road under Contract is not designated. Department Truck Rates apply.
- **Part or All of Section of Road Designated.** The 80-20 rule applies to the hauling of excavation and/or borrow material over a non-designated section of highway for a Contract where all or a portion of the section of road under Contract is designated. Department Truck Rates apply.

1.9 Hauling of Common and/or Borrow Material.

The 80-20 rule does not apply to hauling of common and/or borrow material for a Contract where the section of road under contract is designated, and the movement of material is confined to the designated limits. Department Truck Rates do not apply.

1.10 Hauling of Blend Sand.

The 80-20 rule does not apply to the hauling of material (including blend sand) to be processed into asphalt concrete. Department Truck Rates do not apply.

1.11 One Truck Only.

If only one truck is required on a Contract the Contractor may use a truck of their own choice. However, to comply with the 80-20 rule, before the Contractor could use another truck of their own choice they would have to have a minimum of 8 private trucks employed on the Contract

provided, of course, if private trucks were available. Under normal circumstances, upon start up, the Contractor would be expected to provide their own truck first followed by 8 private trucks, before providing another of their own trucks.

1.12 General.

Granular material is deemed to include all classes of Gravel, Special Gravel, Gravel Borrow, Rock Fill, Loose Laid Rip Rap and Fill Against Structure material.

Where Department rates apply, rates paid to all owners of trucks in the employ of the Contractor, Sub-contractor, or of any person doing or contemplating doing, the whole or any part of The Work contemplated by the Contractor, shall be at least equal to the rates of pay fixed by the Minister from time to time. It should be noted, however, that the rate to be used when hauling items for which the Contractor is paid on a per tonne basis shall be the tonne-km rate unless otherwise stated in the Special Provisions. The utilization of tonne-km rates and/or hourly rates shall be mutually agreed upon between the Contractor and the TANS representative at the pre-construction meeting.

The rates paid to all labourers or other persons in the employ of the Contractor, Sub-contractor, or of any person doing, the whole or any part of The Work for the Contractor shall be at least equal to the rates of pay that may be fixed by the Minister from time to time.

Workers shall not be required to work longer hours than those fixed by the custom of the trade in the district where The Work is carried on, except for the protection of life or property, or in case of other emergencies. In the event of a dispute arising as to wages, or what are the current hours fixed by the custom of the trade, it shall be determined by the Minister whose decision shall be final.

1.13 Removal of Asphalt from Overweight Trucks.

It shall be the joint responsibility of the paving Contractor and trucker to load the proper amount of asphalt concrete into each truck. Any excess amount that is removed shall be the joint responsibility of the paving Contractor and the trucker. The removal of the excess material shall be accomplished in a manner that is consistent with the Occupational Health & Safety Act and shall not impact on the integrity, or promote segregation, of the hot mix asphalt.

SECTION D

GENERAL

INFORMATION

GENERAL INFORMATION

Revised: Jan 2022

TANS Dispute: Joint Review Committee:

In the event of a dispute between a TANS member (the grievor) and TANS, the Nova Scotia Public Works (NSPW) will not become involved or interfere unless there is clear indication that a) Hiring was not done on a fair rotational basis so all truckers receive a relatively equal opportunity to work; b) membership is not open to all truckers in each area; c) the 80/20 ratio is not being met; or d) NSPW specifications/polices are not being followed. NSPW will consider all other matters internal to TANS.

- a. The dispute/matter being grieved must relate specifically and directly to the actual active member who is claiming the dispute.
- b. The Griever and TANS must have exhausted the internal Infraction and Discipline procedure found in the TANS By-Laws. This includes finalization of both the Informal and Formal Grievance procedures, and the Griever must have received a written notice of the final decision of the review panel.
- c. Only then may the grievor request a joint committee review of the matter. The joint committee shall consist of NSPW and TANS Executive Director. The grievor shall, present their grievance in writing (email is acceptable) to the Executive Director of TANS, and copy the Local President, indicating all relevant details and particulars of the incident that they wish investigated.
- d. The Executive Director of TANS, is responsible for (1) providing the notice and other information received to NSPW, and (2) correspond directly with the NSPW in all respects with regard to any dispute/matter presented under the By-Laws.
- e. Any Directors from the local to which the grievor belongs shall be excluded from the panel of the NSPW/TANS Joint Committee hearing the grievance.
- f. NSPW will advise both the Executive Director of TANS and the Griever in writing of the joint committee's decision within ten (10) business days of the review.

Payments of Truck Haul Rates

Where Department rates apply, rates paid to all owners of trucks in the employ of the Contractor, Sub-contractor, or of any person doing or contemplating doing, the whole or any part of the work contemplated by the Contractor, shall be at least equal to the rates of pay fixed by the Minister from time to time. It should be noted, however, that the rate to be used when hauling items for which the Contractor is paid on a per tonne basis must be the tonne-km rate.

Payments to truckers employed in the hauling of materials used in the construction, shall be made bi-weekly with payments for one pay period made prior to the end of the following pay period.

- **Ferry tolls**

The Contractor will reimburse ferry tolls to TANS members performing truck hauls for Department construction activities where the 80-20 rule applies. If a TANS member crosses the ferry when performing a truck haul for Department project, the Contractor will reimburse the trucker for the cash value of each ferry crossing (including return trips) as part of the payment of the truck haul, not including the distance traveled by water. Receipts are not required to be submitted by the trucker to receive payment; the number of ferry crossings will be determined from the weigh slips. Alternatively, the Contractor may decide to provide the trucker with tickets/tokens at no cost to the trucker.

SECTION E

Protocols and

Guidelines

NSPW Protocols and Guidelines Related to TANS

1. Number of Trucks. The general rule is 1 truck (tandem) per 1.6 kilometre (1 mile). This figure may vary depending on the route or site conditions (i.e. heavy traffic, detours etc.)
2. Haul Route. If safety or load restrictions (i.e. posted structure) are not identified in the Special Provisions, the Project Engineer is to be contacted for resolution.
3. Contractors cannot normally specify the type of truck (i.e. belly dump vs. end dump). A truck is a truck (unless job site is such to preclude a body type for safety or other legitimate reasons). If the Contractor is aware of specific truck requirements, the type of truck needed and the reasons for specific truck types must be discussed with TANS at the pre-job meeting. If the need is not known at the time of the pre-job meeting, the Contractor will discuss the requirement and the reason, with the local TANS County Dispatcher as soon as the need becomes known. Trucks are to be paid every 2 weeks. If a truck is not paid by a Contractor, then NSPW can pay (letter to Finance authorizing payment to Trucker from funds withheld from the Contractor payment). If a private truck is hired (not through TANS) then they would be treated as a subcontractor. NSPW can hold security until subcontractors are paid.
4. There is no protocol forcing payment (i.e. hourly rate or lump sum) to truckers who have been held up by a Contractor on a tonne-km job due to a delay (e.g. breakdown) where the Contractor has not released the trucks to be available for other work.
5. Rotation. Load a Contractor's truck first then 8 TANS truck. Loader cannot load all Contractors trucks one after another and leave TANS waiting unless agreed to by TANS. See Item 9 below. for count beyond 10 trucks.
6. Hand Laid Rip Rap is exempt from the 80-20 rule.
7. Free Material Haul - A truck may haul away fill for free from a Project, if approved by the Engineer. Contractors can move material via rail car or barge.
8. Revised Haul Rates (tonne-km; cubic metre-km and hourly rates). Rates are reviewed each year, usually early spring. This does not necessarily mean a rate increase will be applied, only that the rates will be reviewed. If a rate increase is warranted, the rate increase will apply from that time forward in all Contracts where they are referenced. Rate increases are also retroactive to the approved effective date. For Contracts that close before the revised rates are available the Contractor will pay the trucks at the revised rates and then NSPW will reimburse the Contractor for the difference in the rates (since the Contractor is unable to factor revised rates into their costs).

9. Ratio: Contractor to TANS (80-20 Rule)

Trucks Required	Contractor	TANS
1	1	0
2	1	1
3	1	2
4	1	3
5	1	4
6	1	5
7	1	6
8	1	7
9	1	8
10	2	8
11	2	9
12	2	10
13	2	11
14	2	12
15	3	12
16	3	13
17	3	14
18	3	15
19	3	16
20	4	16
21	4	17
22	4	18
23	4	19
24	4	20
25	5	20
26	5	21
27	5	22
28	5	23
29	5	24
30	6	24

SECTION F

Diesel Fuel

Surcharge/

Rebate

Fuel Surcharge/Rebate

Determining TANS Fuel Surcharge/Rebate

1. A baseline price of \$1.00 per litre for diesel fuel has been established.
2. Each month an average diesel fuel price is determined by NSPW for the Province.
3. The Nova Scotia Utility and Review Board posts weekly high and low prices for self-service each of the six zones in Nova Scotia in cents per liter.
4. Prices for ultra-low sulfur diesel (self-service) from the last Friday of each month are averaged for each zone and then an average Provincial price is calculated.
5. The baseline price (expressed in cents) is subtracted from the calculated average price in cents. The remainder is equal to the percentage increase in fuel prices relative to the baseline price.
6. This percentage change is then compared to values in a table established in March 2009. Fuel Surcharges from 0% to 22% have been established for percentage changes up to 55%.
7. Once established the Fuel Surcharge is posted on the NSPW internet site. The Fuel Surcharge is in effect for the upcoming month.
8. Diesel fuel prices lower than \$1.00 per litre could result in a Rebate to the Province.
9. Fuel Surcharges are paid by NSPW at the end of the Contract (line item: 99.00.06 TANS Diesel Fuel Surcharge/Rebate 80/20)
10. Contractor to submit documents to PE showing costs associated with applying the Fuel Surcharge (or recovered from Rebate). Contractor's documents shall show the dollar value of the work TANS trucks have earned (or recovered).
11. PE will check and verify documents.
12. Both TANS and Contractor trucks may claim the Fuel Surcharge, or have the Rebate applied when hauling by the cubic metre-km or the tonne-km. However, when hauling by the hourly rate, only TANS Dispatch trucks are eligible for the Fuel Surcharge/Rebate. Contractor's trucks, or TANS trucks designated as Contractor trucks are not eligible for the Fuel Surcharge when hauling on an hourly basis. Add the Surcharge (+) or Rebate (-) dollar values to get the overall value to the Contractor to either recover costs associated with applying the Surcharge or reimburse NSPW for the Rebate.
13. On the progress or final estimate enter the net value (~~+~~ or ~~-~~) as a lump sum dollar value to the line item "99.00.06 TANS Diesel Fuel Surcharge/Rebate 80/20".
14. HST is not applied to the total.
15. Retain all the records in the item contract file.

NOTE: Rebate will not be collected by NSPW until further notice