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DESIGN
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SUBDIVISIONS
TITLE SURVEYS
TOPOGRAPHIC SURVEYS

ADDENDUM NO. 2

CONTRACT NO. TSA-181

PLATTE CLOVE ROAD CULVERT REPLACEMENT

NY RISING COMMUNITY RECONSTRUCTION PROGRAM

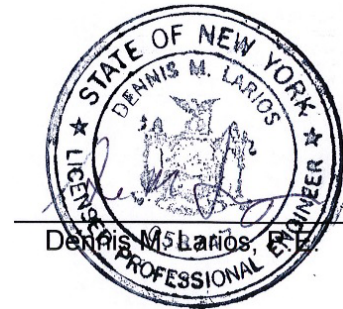
NEW YORK STATE GOVERNOR'S OFFICE OF STORM RECOVERY

FOR THE

TOWN OF SAUGERTIES

ULSTER COUNTY, NEW YORK

SEPTEMBER 24, 2018



SPECIFICATIONS:

EJCDC 410 Pages 1-9

BID FORM - **Delete** in its entirety and **replace** with the attached REVISED BID FORM – EJCDC 410 Pages 1-10.

NOTE: A Bid Addition item unit cost has been added to cover boring and jacking through solid bedrock or bedrock ledge.

Page 01020-1

SECTION 01020 – ALLOWANCES – 1.02 DESCRIPTION OF REQUIREMENTS – After subsection B.1. **Add** the following:

2. Bid Addition Unit Price Item

Page 01020-2

SECTION 01020 – ALLOWANCES – 1.03 SUBMITTALS – Subsection D. **delete** in its entirety and replace with the following:

D. Payment for work performed under this Section will be paid on a time and material basis **or unit price basis** and will be based on the Contractor's related cost for

materials or systems, labor costs, and overhead and profit margin as outlined in General Conditions, Supplemental Conditions and Division 1 sections of these specifications, as approved by the Engineer.

List of RFI's

Are made part of this Addendum No. 2.

END OF ADDENDUM NO. 2
[EXCEPT FOR THE FOLLOWING ATTACHMENTS]

Revised Bid Form
List of RFI's

ADDENDUM NO. 2

**BID FORM
FOR CONSTRUCTION CONTRACTS**

CONTRACT NO. TSA-181

PLATTE CLOVE ROAD CULVERT REPLACEMENT

FOR THE

TOWN OF SAUGERTIES

ULSTER COUNTY, NEW YORK

ADDENDUM NO. 2 – REVISED BID FORM

ADDENDUM NO. 2

REVISED BID FORM

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ADDENDUM NO. 2 – REVISED BID FORM

ARTICLE 1 – BID RECIPIENT

- 1.01 This Bid is submitted to:
Town Clerk, Town of Saugerties, Town Hall, 4 High Street, Saugerties, New York 12477.
- 1.02 Bids shall be delivered by the following date and time at which point the bids will be publicly opened and read: **2:00 PM local time on Thursday, September 27, 2018.**
- 1.03 The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an Agreement with Owner in the form included in the Bidding Documents to perform all Work as specified or indicated in the Bidding Documents for the prices and within the times indicated in this Bid and in accordance with the other terms and conditions of the Bidding Documents.

ARTICLE 2 – BIDDER’S ACKNOWLEDGEMENTS

- 2.01 Bidder accepts all of the terms and conditions of the Instructions to Bidders, including without limitation those dealing with the disposition of Bid security. This Bid will remain subject to acceptance for 45 days after the Bid opening, or for such longer period of time that Bidder may agree to in writing upon request of Owner.
- 2.02 Notwithstanding any inconsistent provision of any general, special or local law, whenever as a condition precedent to the reception or consideration of a bid for furnishing supplies, materials, or equipment or performing work for a political subdivision or any officer, board or agency thereof or of any district therein, a deposit of a certified check, money, bonds or other obligations is required, a person or corporation submitting a bid may withdraw the same if no award of the contract be made within forty-five days after the receipt thereof, and upon such withdrawal such deposit shall be forthwith returned. A certified check, money, bonds or other obligations or security deposited to secure a bid shall be retained under the jurisdiction and control of the chief fiscal officer or other officer of the political subdivision or district having custody of its money, until returned to the bidder or forfeited.
- 2.03 This project is being financed by the NYS Governor’s Office of Storm Recovery. Bidder is aware of the Section 3 requirements, M/WBE goals, Federal labor standards and wage rates, online reporting requirements using Elations System, Inc. and GOSR Supplementary Contract Conditions.

ARTICLE 3 – BIDDER’S REPRESENTATIONS

- 3.01 In submitting this Bid, Bidder represents that:
- A. Bidder has examined and carefully studied the Bidding Documents, and any data and reference items identified in the Bidding Documents, and hereby acknowledges receipt of the following Addenda:

ADDENDUM NO. 2 – REVISED BID FORM

<u>Addendum No.</u>	<u>Addendum, Date</u>
_____	_____
_____	_____
_____	_____
_____	_____

- B. Bidder has visited the Site, conducted a thorough, alert visual examination of the Site and adjacent areas, and become familiar with and satisfied itself as to the general, local, and Site conditions that may affect cost, progress, and performance of the Work.
- C. Bidder is familiar with and has satisfied itself as to all Laws and Regulations that may affect cost, progress, and performance of the Work.
- D. Bidder has carefully studied all: (1) reports of explorations and tests of subsurface conditions at or adjacent to the Site and all drawings of physical conditions relating to existing surface or subsurface structures at the Site that have been identified in the Supplementary Conditions, especially with respect to Technical Data in such reports and drawings, and (2) reports and drawings relating to Hazardous Environmental Conditions, if any, at or adjacent to the Site that have been identified in the Supplementary Conditions, especially with respect to Technical Data in such reports and drawings.
- E. Bidder has considered the information known to Bidder itself; information commonly known to contractors doing business in the locality of the Site; information and observations obtained from visits to the Site; the Bidding Documents; and any Site-related reports and drawings identified in the Bidding Documents, with respect to the effect of such information, observations, and documents on (1) the cost, progress, and performance of the Work; (2) the means, methods, techniques, sequences, and procedures of construction to be employed by Bidder; and (3) Bidder’s safety precautions and programs.
- F. Bidder agrees, based on the information and observations referred to in the preceding paragraph, that no further examinations, investigations, explorations, tests, studies, or data are necessary for the determination of this Bid for performance of the Work at the price bid and within the times required, and in accordance with the other terms and conditions of the Bidding Documents.
- G. Bidder is aware of the general nature of work to be performed by Owner and others at the Site that relates to the Work as indicated in the Bidding Documents.
- H. Bidder has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Bidder has discovered in the Bidding Documents, and confirms that the written resolution thereof by Engineer is acceptable to Bidder.
- I. The Bidding Documents are generally sufficient to indicate and convey understanding of all terms and conditions for the performance and furnishing of the Work.
- J. The submission of this Bid constitutes an incontrovertible representation by Bidder that Bidder has complied with every requirement of this Article, and that without exception the

ADDENDUM NO. 2 – REVISED BID FORM

Bid and all prices in the Bid are premised upon performing and furnishing the Work required by the Bidding Documents.

ARTICLE 4 – BIDDER’S CERTIFICATION

4.01 Bidder certifies that:

- A. This Bid is genuine and not made in the interest of or on behalf of any undisclosed individual or entity and is not submitted in conformity with any collusive agreement or rules of any group, association, organization, or corporation;
- B. Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham Bid;
- C. Bidder has not solicited or induced any individual or entity to refrain from bidding; and
- D. Bidder has not engaged in corrupt, fraudulent, collusive, or coercive practices in competing for the Contract. For the purposes of this Paragraph 4.01.D:
 1. “corrupt practice” means the offering, giving, receiving, or soliciting of any thing of value likely to influence the action of a public official in the bidding process;
 2. “fraudulent practice” means an intentional misrepresentation of facts made (a) to influence the bidding process to the detriment of Owner, (b) to establish bid prices at artificial non-competitive levels, or (c) to deprive Owner of the benefits of free and open competition;
 3. “collusive practice” means a scheme or arrangement between two or more Bidders, with or without the knowledge of Owner, a purpose of which is to establish bid prices at artificial, non-competitive levels; and
 4. “coercive practice” means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in the bidding process or affect the execution of the Contract.

ADDENDUM NO. 2 – REVISED BID FORM

ARTICLE 5 – BASIS OF BID

5.01 Bidder will complete the Work in accordance with the Contract Documents for the following price(s):

REVISED PROPOSAL – GENERAL CONSTRUCTION

CONTRACT NO. TSA-181

PLATTE CLOVE ROAD CULVERT REPLACEMENT
NY RISING COMMUNITY RECONSTRUCTION PROGRAM

N.Y.S. GOVERNOR’S OFFICE OF STORM RECOVERY
TOWN OF SAUGERTIES

The Project consists of the following: site preparation, maintenance and protection of traffic, erosion and sediment control, stream protection measures, tree clearing, construction of a temporary access road and staging area, furnishing and installing 106 linear feet of 48” diameter steel culvert via boring and jacking methodology, precast concrete headwall, precast concrete stairs, excavation, rip-rap, backfill, select fill, guide rail, site restoration and other related work for a complete project on Platte Clove Road in the Town of Saugerties, Ulster County, New York for the lump sum of:

1.	Lump Sum Bid Amount	\$ _____
2.	Field Change Payment Allowance	\$ 45,000.00
TOTAL AMOUNT BID (1+2)		\$ _____

TOTAL AMOUNT BID WRITTEN IN WORDS:

BID ADDITION

DESCRIPTION OF WORK	UNIT	UNT COST Dollars Per Unit
Boring and Jacking Through Solid Bedrock and/or Bedrock Ledge	Linear Foot (LF)	\$ _____/LF

NOTE: Total additional compensation if the Contractor encounters solid bedrock or bedrock ledge while performing boring and jacking, shall be the unit cost times the linear feet of solid bedrock or bedrock ledge.

ADDENDUM NO. 2 – REVISED BID FORM

ARTICLE 6 – TIME OF COMPLETION

- 6.01 Bidder agrees that the Work shall be substantially complete within 180 calendar days after the date when the Contract Times commence to run as provided in Paragraph 4.01 of the General Conditions, and will be completed and ready for final payment in accordance with Paragraph 15.06 of the General Conditions within 210 calendar days after the date when the Contract Times commence to run.
- 6.02 Bidder accepts the provisions of the Agreement as to liquidated damages.

ARTICLE 7 – ATTACHMENTS TO THIS BID

- 7.01 The following documents are submitted with and made a condition of this Bid:
 - A. Exhibit 1 – Non-Collusive Bidding Certification;
 - B. Attachment “D”, Iranian Energy Sector Divestment Certification;
 - C. Required Bid security;
 - D. Required Bidder Qualification Statement with supporting data (EJCDC C-451);
 - E. List of Proposed Subcontractors and Suppliers;
 - F. List of Project References;
 - G. Evidence of authority to do business in the state of the Project; or a written covenant to obtain such license within the time for acceptance of Bids;
 - H. M/WBE Utilization Plan (PROC-2 Revised 2/2012).

ARTICLE 8 – DEFINED TERMS

- 8.01 The terms used in this Bid with initial capital letters have the meanings stated in the Instructions to Bidders, the General Conditions, and the Supplementary Conditions.

ARTICLE 9 – BID SUBMITTAL

BIDDER: *[Indicate correct name of bidding entity]*

By:

[Signature] _____

[Printed name] _____

(If Bidder is a corporation, a limited liability company, a partnership, or a joint venture, attach evidence of authority to sign.)

Attest:

[Signature] _____

ADDENDUM NO. 2 – REVISED BID FORM

[Printed name]

Title:

Submittal Date:

Address for giving notices:

Telephone Number:

Fax Number:

Contact Name and e-mail address:

**NON-COLLUSIVE BIDDING CERTIFICATION REQUIRED BY
SECTION 139-D OF THE STATE FINANCE LAW**

SECTION 139-D, Statement of Non-Collusion in bids to the State:

BY SUBMISSION OF THIS BID, BIDDER AND EACH PERSON SIGNING ON BEHALF OF BIDDER CERTIFIES, AND IN THE CASE OF JOINT BID, EACH PARTY THERETO CERTIFIES AS TO ITS OWN ORGANIZATION, UNDER PENALTY OF PERJURY, THAT TO THE BEST OF HIS/HER KNOWLEDGE AND BELIEF:

[1] The prices of this bid have been arrived at independently, without collusion, consultation, communication, or agreement, for the purposes of restricting competition, as to any matter relating to such prices with any other Bidder or with any competitor;

[2] Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the Bidder and will not knowingly be disclosed by the Bidder prior to opening, directly or indirectly, to any other Bidder or to any competitor; and

[3] No attempt has been made or will be made by the Bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

A BID SHALL NOT BE CONSIDERED FOR AWARD NOR SHALL ANY AWARD BE MADE WHERE [1], [2], [3] ABOVE HAVE NOT BEEN COMPLIED WITH; PROVIDED HOWEVER, THAT IF IN ANY CASE THE BIDDER(S) CANNOT MAKE THE FOREGOING CERTIFICATION, THE BIDDER SHALL SO STATE AND SHALL FURNISH BELOW A SIGNED STATEMENT WHICH SETS FORTH IN DETAIL THE REASONS THEREFORE:

[AFFIX ADDENDUM TO THIS PAGE IF SPACE IS REQUIRED FOR STATEMENT.]

Subscribed to under penalty of perjury under the laws of the State of New York, this _____ day of _____, 20____ as the act and deed of said corporation of partnership.

IF BIDDER(S) (ARE) A PARTNERSHIP, COMPLETE THE FOLLOWING:

NAMES OF PARTNERS OR PRINCIPALS

LEGAL RESIDENCE

IF BIDDER(S) (ARE) A CORPORATION, COMPLETE THE FOLLOWING:

NAME

LEGAL RESIDENCE

President: _____

Secretary: _____

Treasurer: _____

President: _____

Secretary: _____

Treasurer: _____

Identifying Data

Potential Contractor _____

Address _____

Street

City, Town, etc.

Telephone _____

Title _____

If applicable, Responsible Corporate Officer

Name _____

Title _____

Signature _____

Joint or combined bids by companies or firms must be certified on behalf of each participant.

Legal name of person, firm or corporation

Legal name of person, firm or corporation

By _____

Name

Name

Name

Title

Title

Title

Address _____

Address _____

Street

Street

City State

City State

City

State

City

State

Attachment "D"
Certification Pursuant to Section 103-g
Of the New York State
General Municipal Law

- A. By submission of this bid/proposal, each bidder/proposer and each person signing on behalf of any bidder/proposer certifies, and in the case of a joint bid, each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief that each bidder is not on the list created pursuant to paragraph (b) of subdivision 3 of Section 165-a of the New York State Finance Law.
- B. A Bid/Proposal shall not be considered for award, nor shall any award be made where the condition set forth in Paragraph A above has not been complied with; provided, however, that in any case the bidder/proposer cannot make the foregoing certification set forth in Paragraph A above, the bidder/proposer shall so state and shall furnish with the bid a signed statement which sets forth in detail the reasons therefor. Where Paragraph A above cannot be complied with, the Purchasing Unit to the political subdivision, public department, agency or official thereof to which the bid/proposal is made, or his designee, may award a bid/proposal, on a case by case business under the following circumstances:
1. The investment activities in Iran were made before April 12, 2012, the investment activities in Iran have not been expanded or renewed after April 12, 2012, and the Bidder/Proposer has adopted, publicized and is implementing a formal plan to cease the investment activities in Iran and to refrain from engaging in any new investments in Iran; or
 2. The political subdivision makes a determination that the goods or services are necessary for the political subdivision to perform its functions and that, absent such an exemption, the political subdivision would be unable to obtain the goods or services for which the contract is offered. Such determination shall be made in writing and shall be a public document.

Signature

Title

Company

Date

CONTRACT NO. TSA-181
PLATTE CLOVE ROAD CULVERT REPLACEMENT
ADDENDUM NO. 2
REQUEST FOR INFORMATION (RFI) AND RESPONSES

Listed below are RFI's and the responses that were submitted by September 24, 2018:

1. It was mentioned in the pre-bid meeting that the 48" is proposed so that if the contractor hits an obstruction they could go up the pipe to deal with any issues. In the event this may occur is the Time and Equipment used for mining the obstruction to be kept track and paid from the Bid allowance?

Response: *Base Bids should include all costs for drilling through the subsurface materials reported on the two boring logs which were provided with Addendum No. 1. If an "Obstruction" is encountered that differs from the materials reported on the boring logs, this would be handled as outlined in Section 5 of the Standard General Conditions of the Construction Contract.*

2. How will Rock or Obstructions be addressed if encountered in the Drilling / Bore Operations? Several Sub Contractors have excluded this from their quotes.

Response: *If the boring and jacking operation encounters solid bedrock or a bedrock ledge, this would be handled as a differing site condition. Based on the comments/questions from the Bidders, Addendum No. 2 is being issued with a revised Bid Form that includes a separate Bid Addition unit price (\$/LF) for boring and jacking through solid bedrock or bedrock ledge material.*

3. Ramming Pipe By use of an Air Actuated Hammer has been proposed as a means of installation of the new culvert pipe, will this be an acceptable method of installation? It has been pointed out this is an efficient and accurate method based on the soil types shown in the borings.

Response: *Air actuated hammering will not be acceptable on this project due to the following reasons:*

- A. *The increased noise level produced by this method is unacceptable.*
- B. *The Town is not willing to take the risk of damaging the dry-laid bluestone wall to the west. The air actuated hammer method produces sudden forward movement (uncontrolled jerking as the hammer hits) vs constant pressure delivered via hydraulic jacking.*

4. It is inevitable that the work will require road closures. Can you provide further clarification on what will be acceptable? Durations, frequency?

Response: *If the work is performed during the time period when the Platte Clove Road seasonal road closure is not in-place, the traffic control plan objective is to provide at least one lane for traffic during construction. The one lane could be temporarily shut down for up to 15 minutes if required. The frequency of closing the one lane of traffic would be dependent on the volume of traffic on Platte Clove Road. If frequent road closures are required, the Contractor would have to*

gather hourly traffic volume information and present a road closure plan to the Town for review and acceptance.

If the work is performed during the Platte Clove Road seasonal road closure, then the Contractor could submit a Modified Traffic Control Plan for the closure of Platte Clove Road for review and acceptance by the Town. The Modified Traffic Control Plan could install additional road closure signage on the southern side of the work area and make special provision to provide ingress/egress for the private properties north of the modified road closure.

5. Can we use a single or multiple casings that equal the volume of the existing twin 24-inch drainage pipes? There are other jack and bore methods that can be employed in these ground conditions that do not require personnel to enter the pipe. And can be performed in a negative pitch orientation.

Response: *No, multiple casings in lieu of a 48" diameter steel pipe will not be accepted.*