

DEPARTMENT OF TRANSPORTATION
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**** WARNING ** WARNING ** WARNING ** WARNING ****
This document is intended for informational purposes only.

Users are cautioned that California Department of Transportation (Department) does not assume any liability or responsibility based on these electronic files or for any defective or incomplete copying, excerpting, scanning, faxing or downloading of the contract documents. As always, for the official paper versions of the bidders packages and non-bidder packages, including addenda write to the California Department of Transportation, Plans and Bid Documents, Room 0200, P.O. Box 942874, Sacramento, CA 94272-0001, telephone (916) 654-4490 or fax (916) 654-7028. Office hours are 7:30 a.m. to 4:15 p.m. When ordering bidder or non-bidder packages it is important that you include a telephone number and fax number, P.O. Box and street address so that you can receive addenda.

February 6, 2007

04-Ala-92,880-7.8/10.9,25.1/28.3
04-016014

Addendum No. 1

Dear Contractor:

This addendum is being issued to the contract for construction on State highway in ALAMEDA COUNTY IN HAYWARD ON ROUTE 880 FROM 0.3 KM NORTH OF TENNYSON ROAD OVERCROSSING TO 0.5 KM SOUTH OF WINTON AVENUE OVERCROSSING AND ON ROUTE 92 FROM 0.1 KM WEST OF MOUNT EDEN OVERHEAD TO 0.2 KM EAST OF SANTA CLARA STREET.

Submit bids for this work with the understanding and full consideration of this addendum. The revisions declared in this addendum are an essential part of the contract.

Bids for this work will be opened on May 2, 2007, instead of the original date of April 11, 2007.

This addendum is being issued to set a new bid opening date as shown herein and revise the Notice to Contractors and Special Provisions.

In the Special Provisions, Section 2-1.05, "BIDDERS COMPENSATION," is added as attached.

In the Special Provisions, Section 3, "AWARD AND EXECUTION OF CONTRACT," the third paragraph is revised as follows:

"Bids will be compared on the basis of the Engineer's Estimate of the quantities of work to be done and the number of working days bid for completion of the work, except plant establishment. The award of the contract, if it be awarded, will be made within 60 days after the opening of the proposals. This period will be subject to extension for such further period as may be agreed upon in writing between the Department and the bidder concerned. The award, if made will be to the lowest responsible bidder whose proposal complies with all the requirements prescribed and who has met the goal for DVBE participation or has demonstrated, to the satisfaction of the Department, good faith efforts to do so. The lowest bid will be determined on the basis of the "Total Basis for Comparison of Bids (A+B)" set forth in the proposal. The contract price for the awarded contract will be the "Total Bid (A)" set forth in the proposal."

To Proposal and Contract book holders:

Inquiries or questions in regard to this addendum must be communicated as a bidder inquiry and must be made as noted in the NOTICE TO CONTRACTORS section of the Notice to Contractors and Special Provisions.

Indicate receipt of this addendum by filling in the number of this addendum in the space provided on the signature page of the proposal.

Submit bids in the Proposal and Contract book you now possess. Holders who have already mailed their book will be contacted to arrange for the return of their book.

Inform subcontractors and suppliers as necessary.

Addendum No. 1
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This office is sending this addendum by confirmed facsimile to all book holders to ensure that each receives it. A copy of this addendum is available for the contractor's use on the Internet Site:

http://www.dot.ca.gov/hq/esc/oe/weekly_ads/addendum_page.html

If you are not a Proposal and Contract book holder, but request a book to bid on this project, you must comply with the requirements of this letter before submitting your bid.

Sincerely,

ORIGINAL SIGNED BY

REBECCA D. HARNAGEL, Chief
Office of Plans, Specifications & Estimates
Division of Engineering Services - Office Engineer

Attachment

2-1.05 BIDDERS COMPENSATION

The Department recognizes that significant costs are incurred in preparing bids and performing the advance engineering for projects of large scale. To encourage responsible bidders to submit responsive bids, the low, second low and third low bidders shall each receive \$100,000 as compensation for a portion of the costs of preparing a responsive bid. Other bidders, not of the low, second low and third low bidders, shall not be compensated for their bids.

Bidders whose bids are determined by the Department to be non-responsive, or who fail to submit a reasonable bid, or who fail to execute the contract shall not be eligible for bidder compensation.

Payment of the bidder compensation shall be made within 90 calendar days after award of the contract. Within 30 calendar days after award of the contract, the Department will notify the Contractor of the identity of the second low and third low bidders for payment of the bidder compensation.

The Contractor shall make the necessary arrangements and administer the bidder compensation payments, of the \$100,000 each, to the second and third low bidders. The Contractor shall provide the Engineer, proof of payment by invoices, in accordance with the provisions of Section 9-1.03, "Work Performed by Special Forces or Other Special Services," of the Standard Specifications within 5 working days of the payment of the bidder compensation.

The Department will compensate the Contractor, \$200,000, for payment of bidders compensation to the second low and third low bidders, in the next monthly progress payment, in conformance with the provisions of Section 9-1.03B, except that no mark up will be added, and the Department will pay the Contractor \$100,000 as bidder compensation to the low bidder.

Full compensation for the costs of preparing a responsive bid, performing the advance engineering and making bidder compensation payments to the second low and third low bidders shall be considered as included in the contract prices paid for the various contract items of work and no additional compensation will be allowed therefor.

If the Department rejects all bids and cancels the solicitation, the Department will provide bidders compensation, of \$100,000 each, to the low, second low, and third low responsible bidders who have submitted responsive bids.