

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER, MS 43
1727 30TH STREET
P.O. BOX 168041
SACRAMENTO, CA 95816-8041
FAX (916) 227-6214
TTY 711



*Flex your power!
Be energy efficient!*

November 24, 2009

05-SLO-101-35.6/46.3
05-OG0304
SARRA-Q101(159)N

Addendum No. 1

Dear Contractor:

This addendum is being issued to the contract for CONSTRUCTION ON STATE HIGHWAY IN SAN LUIS OBISPO COUNTY IN AND NEAR ATASCADERO FROM CUESTA GRADE OVERHEAD TO 0.2 MILE SOUTH OF 101/41 SEPARATION AND FROM 0.1 MILE NORTH OF 101/41 SEPARATION TO 0.4 MILE NORTH OF TRAFFIC WAY UNDER CROSSING.

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 Wednesday, December 2, 2009.

This addendum is being issued to revise the Notice to Bidders and Special Provisions.

In the Special Provisions, Section 2-1.03, "TIE BID RESOLUTION," is added as follows:

"2-1.03 TIE BID RESOLUTION

After bid verification, if there is a tie between 2 or more bidders, the Department breaks the tie by tossing a coin."

In the Special Provisions, Section 2-1.04, "DISADVANTAGED BUSINESS ENTERPRISES," is added as attached.

In the Special Provisions, Section 3-1.017, "SMALL BUSINESS PARTICIPATION REPORT," is added as attached.

In the Special Provisions, Section 10-1.01, "ORDER OF WORK," the following paragraph is added after the nineteenth paragraph:

"New or existing steel posts, new or existing plastic blocks, and new hardware shall be furnished and used to reconstruct thrie beam barrier."

In the Special Provisions, Section 10-1.035, "CONSTRUCTION SUPPORT FACILITIES," is added as attached.

In the Special Provisions, Section 10-1.35, "EXISTING HIGHWAY FACILITIES," subsection "RECONSTRUCT METAL BEAM GUARD RAILING," the fourth paragraph is revised as follows:

"New or existing steel posts, new or existing plastic blocks, and new hardware shall be furnished and used to reconstruct metal beam guard railing. New posts and blocks shall conform to the provisions in Section 83-1.02B, "Metal Beam Guard Railing," of the Standard Specifications."

Addendum No. 1
Page 2
November 24, 2009

05-SLO-101-35.6/46.3
05-0G0304
SARRA-Q101(159)N

In the Special Provisions, Section 10-1.95, "METAL BEAM GUARD RAILING," the third paragraph is revised as follows:

"Line posts shall be steel. Blocks shall be plastic."

In the Special Provisions, Section 10-1.98, "THRIE BEAM BARRIER," the following paragraph is added after the second paragraph:

"Line posts shall be steel. Blocks shall be plastic."

To Bid 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 Bidders section of the Notice to Bidders 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 Bid book.

Submit bids in the Bid 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.

This addendum and attachments are available for the Contractors' download on the Web site:

http://www.dot.ca.gov/hq/esc/oe/project_ads_addenda/05/05-0G0304

If you are not a Bid 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
Office Engineer
Division of Engineering Services

Attachments

2-1.04 DISADVANTAGED BUSINESS ENTERPRISES

Under 49 CFR 26.13(b):

The Contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The Contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the Contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

Take necessary and reasonable steps to ensure that DBEs have opportunity to participate in the contract (49 CFR 26).

To ensure there is equal participation of the DBE groups specified in 49 CFR 26.5, the Department specifies a goal for Underutilized Disadvantaged Business Enterprises (UDBEs). UDBE is a firm that meets the definition of DBE and is a member of one of the following groups:

1. Black Americans
2. Native Americans
3. Asian-Pacific Americans
4. Women

References to DBEs include UDBEs, but references to UDBEs do not include all DBEs.

Make work available to UDBEs and select work parts consistent with available UDBE subcontractors and suppliers.

Meet the UDBE goal shown in the Notice to Bidders or demonstrate that you made adequate good faith efforts to meet this goal.

It is your responsibility to verify that the UDBE firm is certified as DBE at date of bid opening. For a list of DBEs certified by the California Unified Certification Program, go to:

http://www.dot.ca.gov/hq/bep/find_certified.htm

Only UDBE participation will count towards the UDBE goal. DBE participation will count towards the Department's federally mandated statewide overall DBE goal.

Credit for materials or supplies you purchase from UDBEs counts towards the goal in the following manner:

1. 100 percent counts if the materials or supplies are obtained from a UDBE manufacturer.
2. 60 percent counts if the materials or supplies are obtained from a UDBE regular dealer.
3. Only fees, commissions, and charges for assistance in the procurement and delivery of materials or supplies count if obtained from a UDBE that is neither a manufacturer or regular dealer. 49 CFR 26.55 defines "manufacturer" and "regular dealer."

You receive credit towards the goal if you employ a UDBE trucking company that performs a commercially useful function as defined in 49 CFR 26.55.

UDBE Commitment Submittal

Submit UDBE information on the Caltrans Bidder - UDBE - Commitment form included in the Bid book. If the form is not submitted with the bid, remove the form from the Bid book before submitting your bid.

If the UDBE Commitment form is not submitted with the bid, the apparent low bidder, the 2nd low bidder, and the 3rd low bidder must complete and submit the UDBE Commitment form to Office Engineer. UDBE Commitment form must be received by the Department no later than 4:00 p.m. on the 4th business day after bid opening.

Other bidders do not need to submit the UDBE Commitment form unless the Department requests it. If the Department requests you to submit a UDBE Commitment form, submit the completed form within 4 business days of the request.

Submit written confirmation from each UDBE stating that it is participating in the contract. Include confirmation with the UDBE Commitment form. A copy of a UDBE's quote will serve as written confirmation that the UDBE is participating in the contract.

If you do not submit the UDBE Commitment form within the specified time, the Department finds your bid nonresponsive.

Good Faith Efforts Submittal

If you have not met the UDBE goal, complete and submit the Good Faith Efforts Documentation form with the bid showing that you made adequate good faith efforts to meet the goal. Only good faith efforts directed towards obtaining participation by UDBEs will be considered. If good faith efforts documentation is not submitted with the bid, it must be received by the Department no later than 4:00 p.m. on the 4th business day after bid opening.

If your UDBE Commitment form shows that you have met the UDBE goal or if you are required to submit the UDBE Commitment form, you must also submit good faith efforts documentation within the specified time to protect your eligibility for award of the contract in the event the Department finds that the UDBE goal has not been met.

Good faith efforts documentation must include the following information and supporting documents, as necessary:

1. Items of work you have made available to UDBE firms. Identify those items of work you might otherwise perform with its own forces and those items that have been broken down into economically feasible units to facilitate UDBE participation. For each item listed, show the dollar value and percentage of the total contract. It is your responsibility to demonstrate that sufficient work to meet the goal was made available to UDBE firms.
2. Names of certified UDBEs and dates on which they were solicited to bid on the project. Include the items of work offered. Describe the methods used for following up initial solicitations to determine with certainty if the UDBEs were interested, and the dates of the follow-up. Attach supporting documents such as copies of letters, memos, facsimiles sent, telephone logs, telephone billing statements, and other evidence of solicitation. You are reminded to solicit certified UDBEs through all reasonable and available means and provide sufficient time to allow UDBEs to respond.
3. Name of selected firm and its status as a UDBE for each item of work made available. Include name, address, and telephone number of each UDBE that provided a quote and their price quote. If the firm selected for the item is not a UDBE, provide the reasons for the selection.
4. Name and date of each publication in which you requested UDBE participation for the project. Attach copies of the published advertisements.
5. Names of agencies and dates on which they were contacted to provide assistance in contacting, recruiting, and using UDBE firms. If the agencies were contacted in writing, provide copies of supporting documents.
6. List of efforts made to provide interested UDBEs with adequate information about the plans, specifications, and requirements of the contract to assist them in responding to a solicitation. If you have provided information, identify the name of the UDBE assisted, the nature of the information provided, and date of contact. Provide copies of supporting documents, as appropriate.
7. List of efforts made to assist interested UDBEs in obtaining bonding, lines of credit, insurance, necessary equipment, supplies, and materials, excluding supplies and equipment that the UDBE subcontractor purchases or leases from the prime contractor or its affiliate. If such assistance is provided by you, identify the name of the UDBE assisted, nature of the assistance offered, and date. Provide copies of supporting documents, as appropriate.
8. Any additional data to support demonstration of good faith efforts.

3-1.017 SMALL BUSINESS PARTICIPATION REPORT

The Department has established an overall 25 percent small business participation goal. To determine if the goal is achieved, the Department is tracking small business participation on all contracts.

Complete and sign the Small Business (SB) Participation Report form included in the contract documents even if no small business participation is reported. Submit it with the executed contract.

10-1.035 CONSTRUCTION SUPPORT FACILITIES

Summary

This work includes temporary water pollution control practices associated with construction support facilities.

Submittals

At least 5 days before operating a construction support facility, submit:

1. A plan showing the location and quantity of temporary water pollution control practices associated with the construction support facility
2. If you operate a batch plant or crushing plant under the General Industrial Permit, submit a copy of:
 - 2.1. Notice of Intent (NOI) approved by the RWQCB
 - 2.2. Storm Water Pollution Prevention Plan (SWPPP) approved by the RWQCB

MATERIALS

Not used.

CONSTRUCTION

If you operate construction support facilities, then you must protect storm water systems or watercourses from the discharge of potential pollutants by using temporary water pollution control practices.

Temporary water pollution control practices include:

1. Soil stabilization
2. Sediment control and other perimeter controls
3. Tracking controls
4. Wind erosion controls
5. Storm drain inlet protection

Construction support facilities include:

1. Staging areas
2. Storage yards for equipment and materials
3. Mobile operations
4. Batch plants for PCC and HMA
5. Crushing plants for rock and aggregate
6. Other facilities installed for your convenience such as haul roads

If you operate a batch plant to manufacture PCC, HMA, or other material; or a crushing plant to produce rock or aggregate; then you must obtain coverage under the Industrial General Permit. You must be covered under the General Industrial Permit for batch plants and crushing plants located:

1. Outside of the jobsite
2. Within the jobsite that serve one or more contracts

Discharges from manufacturing facilities such as batch plants must comply with the general waste discharge requirements for Order No. 97-03-DWQ, NPDES General Permit No. CAS000001, issued by the State Water Resources Control Board (SWRCB) for "Discharge of Stormwater associated with industrial activities excluding construction activities". This General Industrial Permit is available at:

<http://www.waterboards.ca.gov/>

The Department does not pay for temporary water pollution control practices installed at construction support facilities.