

DEPARTMENT OF TRANSPORTATION

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May 12, 2004

10-Ama-104-R5.6/R6.0
10-2A2704
ACSTP-S104(003)E

Addendum No. 3

Dear Contractor:

This addendum is being issued to the contract for construction on State highway in AMADOR COUNTY NEAR IONE FROM 0.2 KM WEST OF DRY CREEK BRIDGE TO 0.2 KM EAST OF DRY CREEK BRIDGE.

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 19, 2004.

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

In the Special Provisions, Section 5-1.171, "SWALLOW REQUIREMENTS," is added as attached.

In the Special Provisions, Section 5-1.173, "BAT REQUIREMENTS," is added as attached.

In the Special Provisions, Section 5-1.175, "SWAINSON'S HAWK," is added as attached.

To Proposal and Contract book holders:

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.

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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 and the modified wages rates are 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
Office Engineer

Attachments

5-1.171 SWALLOW REQUIREMENTS

Attention is directed to the Federal Migratory Bird Treaty Act (15 USC 703-711) 50 CFR Part 21 and 50 CFR Part 10, and the California Department of Fish and Game Code Sections 3503, 3513, and 3800, that protect migratory birds, their occupied nests, and their eggs including swallows from disturbance or destruction.

Between February 1 and September 1, the Contractor shall notify the Engineer prior to the application of nest removal or application of exclusionary devices for work that will disturb the Dry Creek Bridge. The Engineer will approve the beginning of work disturbing the bridge between February 15 and September 1.

If, in the opinion of the Engineer, completion of the work is delayed or interfered with by reason of the Engineer's delay in approving the work on structures, the Contractor will be compensated for resulting losses, and an extension of time will be granted, in the same manner as provided for in Section 8-1.09, "Right of Way Delays," of the Standard Specifications.

To avoid delays by nesting swallows, existing old nests shall be removed prior to February 15. Nest removal or exclusionary devices will be used to prevent nesting. Removal of partial nests (completed 1/3 nest or less) is permitted between February 15 and September 1. Partial nests must be removed every 48 hours. If nests become occupied with eggs, any work that would interfere with or discourage swallows from returning to their nests will not be permitted. Exclusionary devices will be approved by the Engineer and installed prior to February 15. If netting is used, the mesh size shall be 13 mm to 19 mm inch in diameter. The attachment of the netting must be secure and is not allowed to become loose. All exclusionary devices will be inspected daily to prohibit swallows from nesting without causing them harm.

If evidence of swallow nesting is discovered, the Contractor shall not disturb the nesting birds or nests until the birds have naturally left the nests. If evidence of swallow nesting is discovered after beginning work, the Contractor shall immediately stop work and notify the Engineer.

Nothing in this section shall relieve the Contractor from providing for public safety in conformance with the provisions in Section 7-1.09, "Public Safety," of the Standard Specifications.

Full compensation for conforming to the requirements in these special provisions shall be considered as included in the prices paid for the various contract items of work involved and no additional compensation will be allowed therefor.

5-1.173 BAT REQUIREMENTS

The California Department of Fish and Game (1601 Permit) protects pallid bats from disturbance. It is anticipated that pallid bats will roost on Dry Creek Bridge between February 15 and November 30. If any work is anticipated on the bridge during that period, the Contractor shall take such measures as necessary to prevent roosting on the structure that will cause a conflict between performing necessary work and roosting bats. No night work is allowed on the structure.

Between February 1 and September 1, the Contractor shall notify the Engineer 15 working days prior to beginning work disturbing the structure. The Engineer will approve the beginning of work the structure between February 15 and November 30.

If, in the opinion of the Engineer, completion of the work is delayed or interfered with by reason of the Engineer's delay in approving the disturbance of structures or trees, the Contractor will be compensated for resulting losses, and an extension of time will be granted, in the same manner as provided for in Section 8-1.09, "Right of Way Delays," of the Standard Specifications.

The Contractor shall use exclusion techniques directed by the Engineer to prevent bats from roosting on the structure within the project limits.

If evidence of roosting bats is discovered, the Contractor shall not disturb the bats until the bats have naturally left the structure. If evidence of roosting bats is discovered after beginning work, the Contractor shall immediately stop work and notify the Engineer.

Nothing in this section shall relieve the Contractor from providing for public safety in conformance with the provisions in Section 7-1.09, "Public Safety," of the Standard Specifications.

Full compensation for conforming to the requirements in these special provisions shall be considered as included in the prices paid for the various contract items of work involved and no additional compensation will be allowed therefor.

5-1.175 SWAINSON'S HAWK

The California Endangered Species Act protects threatened and endangered species including the Swainson's hawk.

Swainson's hawks may nest within 0.8-km of the project limits. If evidence of nesting Swainson's hawks is discovered between March 1 and September 15, work shall be stopped within 0.8-km of the nest until the Department's biologist evaluates the site. No work shall be performed between March 1 and September 15 if the Engineer determines that construction will disturb nesting activity.

Between February 15 and September 1, the Contractor shall notify the Engineer 15 working days before disturbing the ground, vegetation, or structures. The Engineer will approve the beginning of work that disturbs the ground, vegetation, or structures between March 1 and September 15.

If, in the opinion of the Engineer, completion of the work is delayed or interfered with by reason of the Engineer's delay in approving work that disturbs the ground, vegetation, or structures, the Contractor will be compensated for resulting losses, and an extension of time will be granted, in the same manner as provided for in Section 8-1.09, "Right of Way Delays," of the Standard Specifications.

If evidence of Swainson's hawk nesting is discovered within 0.8-km of the work after the beginning of work, the Contractor shall immediately stop working and notify the Engineer. The Contractor shall not disturb nesting birds or nests.

Nothing in this section shall relieve the Contractor from providing for public safety in conformance with the provisions in Section 7-1.09, "Public Safety," of the Standard Specifications.

Full compensation for conforming to the requirements in these special provisions shall be considered as included in the prices paid for the various contract items of work involved and no additional compensation will be allowed therefor.