



STATE OF MAINE
 DEPARTMENT OF TRANSPORTATION
 16 STATE HOUSE STATION
 AUGUSTA, MAINE
 04333-0016

JOHN ELIAS BALDACCI
 GOVERNOR

DAVID A. COLE
 COMMISSIONER

January 16, 2009
 Subject: **Old Town**
 Federal Project No. BH-1104(300)X
 State Pin No.011043.00
Amendment No. 3

Dear Sir/Ms:

Make the following change to the Bid Document:

In the Bid Book (pages 33 and 34), **REMOVE** "SPECIAL PROVISION, SECTION 105, General Scope of Work, (Environmental Requirements), 2 pages dated 12/29/08 and **REPLACE** with the attached new "SPECIAL PROVISION, SECTION 105, General Scope of Work, (Environmental Requirements), 2 pages dated 1/16/09.

The following question has been received:

Question: Could the proposed utility line path be clarified? Is the new pole located at 30+71 59' RT of a guy pole or a line pole? If it is a line pole, how is the Contractor suppose to construct a detour with aerial equipment? If it is a guy pole, what pole will it be attached to? There is no pole designated to be installed to the left of this pole in Special Provision 104, Utilities.

Response: The pole located at Station 28+36-22' LF is a service pole for the Ketchen property. The new location for the 3 phase power is parallel to the centerline on the east side running from pole 28+25-51' RT to 30+71-59'RT. To construct the temporary bridge, MDOT is assuming that sheet piles will be installed along the toe of the riprap. Although space is clearly tight, there is room for a temporary bridge to be installed between the existing bridge and the new power line location. Also, please see General Note 28 on Sheet 2 of the plan set.

Consider these changes and information prior to submitting your bid on **January 28, 2009.**

Sincerely,

Scott Bickford
 Contracts & Specifications Engineer



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SPECIAL PROVISION
SECTION 105
General Scope of Work
(Environmental Requirements)

In-Water work consists of any activity conducted below the normal high water mark of a river, stream, brook, lake, pond or “Coastal Wetland” areas that are subject to tidal action during the highest tide level for the year which an activity is proposed as identified in the tide tables published by the National Ocean Service. <http://www.oceanservice.noaa.gov/> For the full definition of “Coastal Wetlands”, please refer to 38 MRSA 480-B(2)

I. In-Water Work shall not be allowed between the dates of Oct 1 through Nov. 30, AND April 1 through July 14

(In-Water work is allowed from July 15 to September 30. AND Dec. 1 to March 30)

II. In-Water work window applies to the following water bodies:

1. Pushaw Stream

III. Approvals:

1. Temporary Soil Erosion and Water Pollution Control Plan

IV. All activities are prohibited (including placement and removal of cofferdams unless otherwise permitted by Regulatory Agencies) below the normal high water mark if outside the prescribed in-water work window, except for the following:

1. Work within a cofferdam constructed according to MaineDOT’s Standard Specifications and in adherence with the contractors approved “Soil Erosion and Water Pollution Control Plan”.

V. No work is allowed that completely blocks a river, stream, or brook without providing downstream flow.

NOTE: Regulatory Review and Approval is required to modify the existing In-Water work window. Procedure to modify the existing in-water work window can be found on the back of this document or the next page.

PROCEDURE FOR PROCESSING ANY IN-WATER WORK EXTENSION

MaineDOT will not incur any claims as a result of an In-Water modification being denied.

The following procedure will assist in processing a review by the Regulatory Agencies when the in-water work restrictions of a permit need modification:

1. The Contractor shall submit to the MaineDOT Resident in writing the in-water work extension request. The written request shall be submitted **in accordance with State of MaineDOT Standard Specification section 107.4 Scheduling of Work**. This is a change in the contract, and per MaineDOT Standard Specification section 109, a contract modification is required.
2. The Contractor's written request shall have the following items identified for the MaineDOT Environmental Office to evaluate adequate justification to continue forward with the modification of existing Contract Permit Conditions:
 - A) Description of the scope of In-Water work
 - B) Total number of working days requested to complete the scope of In-Water work
 - C) The reason(s) the In-Water work cannot be done in accordance with the Permit Conditions and/or Special Provision 105 Specification.
 - D) Benefit(s) to the MaineDOT for this change of Contract requirement
 - E) Photographs of the area of work described
3. MaineDOT is held harmless from claims and liability if the request to "Modify" the Contract Permit Conditions are denied.

Please Note: depending on the level of State and Federal Permitting required for the project, permit modification timeframes will vary depending on revised consultations and approvals. Timeframes will vary from project to project (even site to site on individual projects) and contractors will not count this review/modification "timeframe" as time lost from doing in-water work.
4. If the request is approved by the Regulatory Agencies, then a Contract Modification will be issued by the MaineDOT Resident indicating the monetary and time commitment this change has on the MaineDOT's contract.