



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

JOHN ELIAS BALDACCI
GOVERNOR

DAVID A. COLE
COMMISSIONER

December 28, 2010
Subject: **Brooksville,
Callahan Mine**
Federal Project No: 12521.08
State Pin No: 012521.08
Amendment No. 5

Dear Sir/Ms:

Make the following change to the Bid Document:

In the Bid Book (pages 21 and 22), **REMOVE** the "BID SCHEDULE", 2 pages, replaced in Amendment #4 and **REPLACE** with the attached new "BID SCHEDULE" 2 pages dated 12/28/10.

The following questions have been received:

Question: Bid item 23 – Demolition – What size do the demolished concrete structural materials need to be reduced to for stockpiling on-site?

Response: As small enough as is manageable with heavy equipment.

Question: Bid item 9 – Interim Stockpile Cover – Please confirm if the Stink Cove sediment will have to be screened or not prior to use as cover and, if so, what are the screening requirements?

Response: Bidder should assume that no screening is required for the Stink Cove sediment.

Question: Would the Contractor be considered a "Responsible Action Contractor" by federal law?

Response: Yes, the contractor working at the Callahan Mine Superfund Site to implement the Operable Unit 1 cleanup action would be a Responsible Action Contractor.



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Question: Could the Contractor be considered a “responsible party” as defined as defined in Maine Revised Statues Title 38, Chapter 13-B, Section 1362?

Response: The selected remediation contractor will not be considered a Responsible Party as defined by Title 38 M.R.S.A. § 1362 for the remediation work that it conducts in accordance with the contract with the Department of Environmental Protection and the work is not considered negligent, reckless, wanton or intentional misconduct. The contractor may be considered a Responsible Party for any work that is conducted outside the contract or any work that is considered negligent, reckless, wanton or intentional misconduct. The bidders and others involved in the bidding process should consult their own legal counsel on legal matters.

Question: Could the Contractor be considered a “responsible party” as defined as defined in Maine Revised Statues Title 38, Chapter 13-B, Section 1362 for non-negligent performance of the contract?

Response: Refer to response above.

Question: Is the Callahan Mine Superfund Site considered an “uncontrolled site” as defined in Maine Revised Statues Title 38, Chapter 13-B, Section 1362?

Response: The Callahan Mine Superfund Site is considered an “Uncontrolled Site” as defined by Title 38 M.R.S.A. § 1362.

Question: Would the Contractor be exempt from liability as set forth in Maine Revised Statues Title 38, Chapter14, Section 1402? Or do we fall under the exceptions laid out in Maine Revised Statues Title 38, Chapter 14, Section 1403?

Response: The immunity and exceptions described in Title 38 M.R.S.A. § 1402 and Title 38 M.R.S.A. § 1403 are both applicable to the selected contractor and its subcontractors. As described in Title 38 M.R.S.A. § 1404, “Nothing in section 1402 limits or otherwise affects the liability of any person for damages resulting from that person's gross negligence, or from that person's reckless, wanton or intentional misconduct.” The bidders and others involved in the bidding process should consult their own legal counsel on legal matters.

Question: In Amendment #4, page 4, you clarify the Bid Item #16 will be paid by the acre. The new Bid Schedule that was included does not show this change. Are we to make the change to the Bid Schedule or will a new one be sent out?

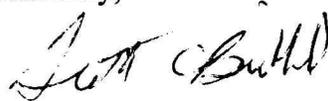
Response: Acre is correct; please see the attached new Bid Schedule.

Question: Section 1.2.1 Residential Use Area on page 131 states that “Excavation beyond the excavation limits in the Restoration Plans will require implementation Contractor to develop and obtain approval of a revised Restoration Plan from the property owners and Owner.” This has the potential to create delays in the remediation, increase costs of environmental protection of the work site as well as the stockpile site while waiting for approvals. Are these issues to be handled as changes in the field or are they incidental to Bid Item #6 – Residential Use Area Excavation and Stockpiling?

Response: The bidder shall provide a bid based on the scope of work and quantities described in the Project Manual and amendments. Work that is necessary or requested in addition to these quantities will be addressed in accordance with the provisions outlined in the General Conditions (e.g., change orders). Also, refer to previous responses concerning finalizing the restoration plan and coordinating with the residents.

Consider this change and information prior to submitting your bid on **January 5, 2011**.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Bickford".

Scott Bickford
Contracts & Specifications Engineer

**OPERABLE UNIT 1 REMEDIATION – CALLAHAN MINE SUPERFUND SITE, BROOKSVILLE,
MAINE
BID SCHEDULE**

ITEM NO.	DESCRIPTION	APPROX. QUANTITY	UNIT	UNIT PRICE (NUMERALS)	TOTAL AMOUNT
1	Mobilization	1	LS		
2	Remedial Action Work Plans	1	LS		
3	Erosion and Sedimentation Control	1	LS		
4	Clearing and Grubbing	4.75	AC		
5	Rough Grading	4.75	AC		
6	Residential Use Area Excavation and Stockpiling	2,100	CY		
7	Residential Use Area Sampling and Analysis	450	EACH		
8	Ore Pad Removal and Stockpiling	16,700	CY		
9	Common Borrow	3,800	CY		
10	Interim Stockpile Cover	1,100	CY		
11	16 oz Non-Woven Geotextile	60,000	SF		
12	60 mil HDPE Geomembrane	60,000	SF		
13	Double Sided Geocomposite	60,000	SF		
14	Aggregate Base	250	CY		
15	Aggregate Subbase	600	CY		
16	Topsoil	820	CY		
17	Restoration	4.75	AC		
18	Boat Ramp	1	ALLOW	\$50,000	\$50,000
19a	Wastewater Treatment and Disposal Fasnacht Tax Map 9 Lot 28	1	LS		

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ITEM NO.	DESCRIPTION	APPROX. QUANTITY	UNIT	UNIT PRICE (NUMERALS)	TOTAL AMOUNT
19b	Wastewater Treatment and Disposal Sandecki & Betts Tax Map 9 Lot 29	1	LS		
19c	Wastewater Treatment and Disposal Peters Tax Map 9 Lot 31	1	LS		
19d	Wastewater Treatment and Disposal Gray Tax Map 9 Lot 32	1	LS		
20	PCB \geq 50 ppm Excavation	500	CY		
21	PCB \geq 50 ppm Disposal	750	TON		
22	PCB \leq 50 ppm Excavation	4,000	CY		
23	PCB \leq 50 ppm Disposal	6,000	TON		
24	PCB Area Sampling and Analysis	250	EACH		
25	Demolition	1	LS		
26	Remedial Action Report	1	LS		
27	Rock Removal	500	CY		

TOTAL BID _____

ALTERNATE A – OLD MINE ROAD PAVING					
A1	2" 19 mm HMA	175	TON		
A2	1½" 12.5 mm HMA	130	TON		

Total Alternate A _____