



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

Janet T. Mills
GOVERNOR

Bruce A. Van Note
COMMISSIONER

January 22, 2025
Subject: Breakwater
State WIN: 026824.00
Location: **Lubec**
Amendment No. 5

Dear Sir/Ms.:

The following questions have been received:

Question: SP 105 (Marine Mammal Protection Requirements) states that all pile installation work must immediately cease if a Right Whale is detected in the vicinity of the project, or if construction activities cause a "Level A Take" of a marine mammal, or if a marine mammal approaches within 10 meters of pile installation activities. These work stoppages will cause pile crews and equipment to be idle. Because the contractor has no control over when these work stoppages occur or how long the stoppages last, can a bid item be added for pile installation standby time? Also, because installation of the pile is a critical path activity, will the Department extend the contract completion date to account for time lost due to these work stoppages?

Response: No bid item will be added for pile installation standby time. Standard Specification, Section 109.5.1, A. Excusable Delay, shall apply. The Department will need 30 days' notice for reauthorization of permits if delays result in permit expiration.

Question: SP 105 (Marine Mammal Protection Requirements) states "At least 2 PSOs will be on duty at the same time during pile installation." and "the PSO team will work in shifts: each PSO will work no more than four consecutive hours without a 2-hour break or longer than 12 hours during any 24 hour period." Does this mean that only two PSOs are required to be onsite for pile installation activities working alternating shifts or will a third PSO have to be onsite to serve as a "breaker" for the two on duty PSOs?

Response: The incidental take authorization requires 2 PSOs to be monitoring during pile installation activities. If pile installation requires more time than the requirements allow, that should be factored into the schedule and PSOs engaged with the project.

Question: Special Provisions Section 504.01 references the 504 Standard Specification and AWS D1.5 Welding Code for installation of miscellaneous structural steel. Will certified welding inspectors and nondestructive testing be required per AWS D1.5 during field welding activities? Will installation of the miscellaneous steel and connection bolts need to be done per the Bridge Steel Erection requirements of MaineDOT's 504 Standard Specification?

Response: Yes, for field welding activities, certified welding inspectors and nondestructive testing shall follow AWS D1.5 requirements. Yes, Standard Specification Section 504 shall apply.

Question: The Department of Environmental Protection document on pages 397 and 400 of the bid book states that the piles shall be installed between November 8th and April 8th and turbidity curtain shall be used during installation of pilings. Please confirm both these statements are no longer applicable to the current design.

Response: The DEP permit is being revised to allow for an open in water work window for pile installation and remove the turbidity curtain requirement for pile installation activities. DEP approval of that revision has no timeline. The rubble mound may be installed at any time of year if that approval is not received prior to bid closing.

Question: SP 105 (Environmental Requirements) Table 1. In-Water conditions and requirements state that no noise attenuation is required for installation of temporary falsework piles. However, Special Provision 105 (Marine Mammal Protection Requirements) indicates that PSOs are required for ALL impact and vibratory pile driving or down the hole drilling activities. Will?

Response: Yes. PSO monitoring is required for all pile installation activities.

Question: Are there any US Coast Guard permits or notifications required other than the one reference in Section 610.0434 for installation of the turbidity curtains?

Response: No other Coast Guard permits or notifications are required.

Question: Special Provisions Section 105 Marine Mammal Protection Requirements I.A.1. states, "PSO must be employed by a third-party observer provider". Can the third-party requirement be waived if the contractor has in-house staff that can meet all other PSO qualifications?

Response: NOAA will not allow removal of the third-party requirement from the PSO Qualifications.

Question: Typically, in-water work windows are outlined in Special Provision 105, Environmental Requirements. Special Provision 105 for this project does not mention any in-water work windows. However, Special Provision 105 does state that special conditions apply to this work including “Conditions of Maine Department of Environmental Protection (MDEP) Individual apply (see permit and conditions in contract documents)”. Page 8 of the Maine DEP Permit states “The pile shall be installed between November 8th and April 8th”. Does the November 8th to April 8th in-water work window for pile installation apply to this project as stated in the Maine DEP Permit?

Response: No. The DEP permit is being revised to allow for an open in water work window for pile installation, DEP approval of that revision has no timeline. The rubble mound may be installed at any time of year if that approval is not received prior to bid closing.

Question: Can the allowable noise decibel (Db) thresholds be provided for pile installation and down the hole drilling activities?

Response: No. The noise levels are considered within the take allowances and minimization measures are incorporated in the SP105 to minimize take. Monitoring noise levels is not required.

Question: Special Provision 501 states "The pipe pile shall be within 2 inches of the plan position in the horizontal plane at the plan elevation for the top of the pile. Pulling of pipe piles into position will not be permitted." Please advise if the horizontal tolerance can be increased at all to facilitate the contractor's means and methods for installing the piles.

Response: No, the 2-inch tolerance follows MaineDOT’s Standard Specification 501.043 Driving Procedures and Tolerances and must be met.

Question: Special Provision Spec 501.02 requires rock socket core beams to meet the requirements of Standard Spec 504. Does the Standard Spec 504.13 requirement to blast material to SP6 prior to fabrication apply to these uncoated members?

Response: No. The rock socket core beams do not need to be blast cleaned to SSPC SP-6 prior to installation.

Question: Standard Spec 504.12 requires material to be blasted to SP6 prior to galvanizing. Does preblasting material prior to fabrication meet the intention of this spec, or is blast cleaning required after fabrication is completed?

Response: Structural steel items to be fabricated in accordance with Standard Specification 504 and that are to be galvanized are to be blasted to SSPC SP6 after fabrication and prior to the galvanizing process.

Question: How will ditching and grading for the Town projects be paid for?

Response: All work at the Town Garage site will be paid for under Item 610.45 Level Lip Spreader, LS. All work at the Town Gravel Pit site will be paid for under Item 615.27 Underdrain Soil Filter, LS.

Question: How will the proposed culverts shown on the Town Gravel Pit, Drainage, & Erosion Control Plan be paid for?

Response: All work at the Town Gravel Pit site will be paid for under Item 615.27 Underdrain Soil Filter, LS.

Question: SP 531 requires that all hardware and fasteners be stainless steel type 316L, The dock manufactures have expressed concerns with the durability of this material in a marina environment. The manufactures have also expressed concerns with material warranty. Stainless steel hardware is also much more expensive than galvanized hardware. Would the Department consider allowing for the float hardware to be galvanized as opposed to stainless?

Response: Yes, float hardware may be galvanized. Galvanizing shall be by the hot dip method according to ASTM A 123 and A 153. All welding requirements referenced in Section 504 shall apply and all welding shall comply with AWS D1.5. Welding electrodes shall be E70XX grade.

Consider these changes and information prior to submitting your bid on January 29, 2025

Sincerely,



George M. A. Macdougall P.E.
Contracts & Specifications Engineer