

ADDENDUM NO. 1

**WIN: 024101.00 and 024585.00
Cottage Road Pedestrian and Safety Improvements
Cottage Road Mill and Overlay
City of South Portland**

December 2, 2022

SPECIFICATIONS: Notice is hereby given that the contract documents shall be updated with the following revisions:

1. A new Special Provision (SP 105) – Build America, Buy America dated November 10, 2022 shall replace the previously issued SP 105.
2. A new bid form is issued to add item number 206.07 Structural Rock Excavation – Drainage and Minor Structures. **Submitted bids must be on the form labeled Addendum No. 1: December 2, 2022.**
3. Invitation to bid has been modified to change the bid opening date to December 14, 2022 at 2 PM.

PLANS: Notice is hereby given that the contract documents shall be updated with the following revisions:

1. Sheet 3 shall be modified to add Note # 2 to the cross pipe trench detail outlining the following: “If unsuitable materials are encountered by the Contractor, aggregate subbase course gravel type “D” shall be furnished and installed and paid for under item 304.10, as determined by the City or Engineer.”

BIDDER QUESTIONS: Notice is hereby given that Addendum #1 provides clarification for questions submitted by bidders prior to the Pre-Bid Meeting:

Question: Asphalt escalation does not apply to this project, is that correct?

Answer: The City will allow asphalt escalation for this project. Asphalt escalation now applies.

Question: Would the City consider extending the bid date by 1 week (or at least a couple of days)?

Answer: The bid date has been extended to December 14, 2022.

Question: The milling goes from Stations 85+65 to 137+55 and the Stations outside of 107+85-130+50+/- are really shown. Do you have any plans or maps that show the limits of the mill?

Answer: The limits of the mill are on the Title Sheet. The mill and overlay runs from the intersection of Highland Avenue to the Cape Elizabeth town line.

Question: Are the lump sum items like mobilization or traffic control capped at a percentage of the bid?

Answer: No, the items are not capped at a percentage of the bid.

PRE-BID QUESTIONS: Notice is hereby given that Addendum #1 provides clarification for questions asked during the pre-bid meeting on November 30, 2022.

Question: What is the purpose of the police detail item and the number of hours? Could those hours be reduced?

Answer: *Per the South Portland Ordinance, police detail is required when alternating traffic is utilized on Cottage Road. As such, the hours represent this expectation.*

Question: Could it be considered to add a flagger item as opposed to within lump sum for traffic control?

Answer: *The lump sum traffic control item is being retained.*

Question: Section 1.13 of the specifications says “no subsurface soils information, including but not limited to ledge, boring, refusal, groundwater elevations, is available. The contractor shall make their own investigation’s regarding the actual location and/or nature of such information and shall not make claims to extra payments based on these findings.” Can this be removed as it seems to put a lot of liability on the contractor.

Answer: *This specification is retained. However, some adjustments to the project have been made to remedy discussed situations including encountering ledge, groundwater, or unsuitable materials:*

- *A bid item 206.07 Structural Rock Excavation – Drainage and Minor Structures has been added in the event that ledge is encountered.*
- *Per section 1.15 of the specifications dewatering is incidental to the contract. Dewatering for MaineDOT projects is generally also incidental.*
- *We have added a note to the plans that if unsuitable materials are encountered as a part of the roadway excavation, as confirmed with the City and Engineer, new gravel will be paid for under 304.10.*

Question: Can you attach the list of Pre-Bid Attendees?

Answer: *The list of pre-bid attendees is attached.*

SPECIAL PROVISION
SECTION 105
GENERAL SCOPE OF WORK
(Build America, Buy America)

105.11 Other Federal Requirements Amend this section by adding the following:

This special provision was created for the Build America, Buy America Act (BABA) to expand the list of construction materials required to be manufactured in the United States beyond what is currently only required for steel/iron products. The Infrastructure Investment and Jobs Act (IIJA), Public Law No. 117-58 includes the Build America, Buy America Act. The Office of Management and Budget issued memorandum M-22-11 to provide guidance on the law which can be found here:

<https://www.whitehouse.gov/wp-content/uploads/2022/04/M-22-11.pdf>

All iron/steel, including the iron/steel in construction materials and manufactured products, must satisfy Buy America 23 CFR 635.410 requirements.

All construction materials, as defined in the following, that are permanently incorporated into federal-aid projects shall meet Build America, Buy America requirements.

For the purpose of this Specification, construction materials shall include an article, material, or supply that is or consists primarily of the following.

- Non-ferrous metals,
- Plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables),
- Glass (including optic glass),
- Lumber, or
- Drywall.

All manufacturing processes for construction materials shall occur within the United States. The category of construction materials excludes cement and cementitious materials, aggregates such as stone, sand, or gravel, or aggregate binding agents or additives.

Due to a nationwide waiver, BABA requirements do not apply to manufactured products for FHWA funded projects. Manufactured products are items that consist of two or more of the listed construction materials that have been combined through a manufacturing process, and items that include at least one of the listed materials combined with a material that is not listed (including steel/iron) through a manufacturing process.

The Contractor shall certify in writing that all permanently incorporated Construction Materials for this contract meet the BABA requirements.

INVITATION TO BID

CITY OF SOUTH PORTLAND, MAINE
COTTAGE ROAD PEDESTRIAN AND SAFETY IMPROVEMENTS + MILL AND OVERLAY
WIN(s): 24101.00, 24585.00

Sealed bids for construction of the Cottage Road Pedestrian and Safety Improvements + Mill and Overlay will be received by the City of South Portland Purchasing Office, South Portland City Hall, 25 Cottage Road, South Portland, ME 04106 until **December 14, 2022**, 2:00 PM local time and that time and place publicly opened and read. Bids submitted after this time will not be accepted. Each bidder must submit a single sealed envelope, the outside of which must be clearly marked "Cottage Road Pedestrian and Safety Improvements + Mill and Overlay."

The lowest responsive bidder must have completed, or successfully complete, a Highway or Project-Specific prequalification through the Maine Department of Transportation to be considered for the award of this contract.

Location

The Cottage Road Pedestrian and Safety Improvements + Mill and Overlay is located along Cottage Road beginning at intersection of Highland Avenue and extending east 0.98 miles.

Outline of Work

The work includes: Mill and overlay, construction of new concrete sidewalk with associated curb, drainage, and other incidental work.

Basis of Award

Contract shall be awarded to the responsible bidder whose bid, complying with conditions and requirements provided in this Notice and Bid Form, is the lowest total bid as identified on the Bid Form.

Other Information

The contractor shall make note of the schedule requirements presented in the contract documents. The City has established a start date any time after April 10, 2023. The project shall be Complete, including finish pavement by October 20, 2023.

The Contract Documents may be examined at the following locations:

1. South Portland City Hall, 25 Cottage Road, South Portland, ME 04106
2. Sebago Technics, Inc., 75 John Roberts Road, Suite 4A, South Portland, ME 04106

The Issuing Office is Sebago Technics, 75 John Roberts Road, Suite 4A, South Portland, ME 04106. Electronic (PDF) copies of the Contract Documents may be obtained by contacting Shane Kelly at skelly@sebagotechnics.com or 207-200-2078. Hard copies of Contract Documents may be obtained upon payment of a fee of **\$100.00** per set. Plans and specification will be available on November 16, 2022 after 10:00 a.m. Partial sets will not be distributed. All requests for mailed documents must be accompanied by an additional non-refundable fee of **\$25.00** to cover postage and handling. **Checks should be made payable to SEBAGO TECHNICS. Credit cards will not be accepted.**

A Mandatory Pre-Bid Conference will be held for General Contractors on **November 30, 2022 at 9:00 AM at the South Portland Public Works Facility at 929 Highland Avenue, South Portland, Maine.** Attendance by Subcontractors, while encouraged, is not mandatory.

To be considered a responsive Bidder, the Contractor shall have obtained one set of plans and specifications electronically (PDF format) from the Engineer (Sebago Technics). A link to download the plans may be obtained by contacting Shane Kelly at skelly@sebagotechnics.com or (207)-200-2078. The bid will not be awarded to the Bidder unless a record for obtaining documents from the Engineer exists in the office of the Engineer.

All questions are to be submitted to Engineer in writing. Questions may be transmitted by e-mail to skelly@sebagotechnics.com. Questions received less than 5 working days prior to the date for opening of Bids may not be answered. Only questions answered by Addenda will be binding.

A bid must be accompanied by Bid security made payable to Owner in an amount of 5% of Bidder's maximum bid price and in the form of a certified check or Bid bond issued by surety meeting the requirements of the General Conditions. No bid may be withdrawn for at least 60 days after receipt of bids unless released by the Owner.

Within five days after the receipt of bids, the apparent low responsive bidder shall deliver to the Engineer and Owner for review and acceptance the listing of subcontractors, suppliers or entities for the work listed in Supplementary Condition SC-7.06.

The successful bidder must furnish within **10 calendar days** after the Notice of Award the required number of copies of the **signed Agreement, 100% Performance Bond, 100% Payment Bond, Insurance Policy** and begin execution of this contract within 10 calendar days following the Notice to Proceed. **The General Contractor shall be responsible for the full amount the 100% Performance Bond and the 100% Payment Bonds. Combining bonds of subcontractors is not acceptable.**

Failure of the successful bidder to complete the pre-award requirements of this program may result in finding that the bidder is non-responsible and therefore not entitled to award of this contract.

This Contract is subject to all applicable federal and state laws, as well as the Disadvantaged Business Enterprise program requirements as set forth by the Maine Department of Transportation.

All work shall be governed by the Maine Department of Transportation's Standard Specifications (March 2020 Edition) and Standard Details (March 2020 Edition). They may be ordered by phone at (207) 624-3536 from 8:00 a.m. to 4:30 p.m., price \$10 [\$15 by mail]. These publications also are available online: <https://www.maine.gov/mdot/contractors/publications/>

The Municipality reserves the right to reject any or all bids.

BID FORM

PROJECT IDENTIFICATION: Cottage Road Pedestrian and Safety Improvements + Mill and Overlay
WIN(s): 024101.00, 024585.00

THIS BID IS SUBMITTED TO: City of South Portland
25 Cottage Road
South Portland, Maine 04106

1. The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an agreement with Owner in the form included in the Contract Documents to perform and furnish all Work as specified or indicated in the Contract Documents for the Contract Price and within the Contract Time indicated in this Bid and in accordance with the other terms and conditions of the Contract Documents.
2. Bidder accepts all of the terms and conditions of the Advertisement or Invitation to Bid and Instructions to Bidders, including without limitation those dealing with the disposition of Bid security. This Bid will remain subject to acceptance for 60 days after the day of Bid opening. Bidder will sign and submit the Agreement with the Bonds and other documents required by the Bidding Requirements within fifteen days after the date of Owner's Notice of Award.
3. In submitting this Bid, Bidder represents, as more fully set forth in the Agreement, that:
 - (a) Bidder has examined copies of all the Bidding Documents and the following Addenda (receipt of all which is hereby acknowledged):

<u>Date</u>	<u>Number</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

- (b) Bidder acknowledges that his Bid will be rejected unless the Issuing Office has a record that the Bidder has purchased at least one set of paper Bidding Documents from the Issuing Office.
 - (c) Bidder has familiarized itself with the nature and extent of the Contract Documents, Work, site, locality, and all local conditions and Laws and Regulations that in any manner may affect cost, progress, performance or furnishing of the Work.

- (d) Bidder has studied carefully all reports and drawings of subsurface conditions and drawings of physical conditions which are identified in the Supplementary Conditions as provided in Paragraph 4.02 of the General Conditions, and accepts the determination set forth in Paragraph SC-4.02 of the Supplementary Conditions of the extent of the technical data contained in such reports and drawings upon which Bidder is entitled to rely.
- (e) Bidder has obtained and carefully studied (or assumes responsibility for obtaining and carefully studying) all such examinations, investigations, explorations, tests and studies (in addition to or to supplement those referred to in (c) above) which pertain to the subsurface or physical conditions at the site or otherwise may affect the cost, progress, performance or furnishing of the Work as Bidder considers necessary for the performance or furnishing of the Work at the Contract Price, within the Contract Time and in accordance with the other terms and conditions of the Contract Documents, including specifically the provisions of Paragraph 4.02 of the General Conditions; and no additional examinations, investigations, explorations, tests, reports or similar information or data are or will be required by Bidder for such purposes.
- (f) Bidder has reviewed and checked all information and data shown or indicated on the Contract Documents with respect to existing Underground Facilities at or contiguous to the site and assumes responsibility for the accurate location of said Underground Facilities. No additional examinations, investigations, explorations, tests, reports or similar information or data in respect of said Underground Facilities are or will be required by Bidder in order to perform and furnish the Work at the Contract Price, within the Contract Time and in accordance with the other terms and conditions of the Contract Documents, including specifically the provisions of Paragraph 4.03 of the General Conditions.
- (g) Bidder has correlated the results of all such observations, examinations, investigations, explorations, tests, reports and studies with the terms and conditions of the Contract Documents.
- (h) Bidder has given Engineer written notice of all conflicts, errors or discrepancies that it has discovered in the Contract Documents and the written resolution thereof by Engineer is acceptable to Bidder.
- (i) The Bid is genuine and not made in the interest of or on behalf of any undisclosed person, firm or corporation and is not submitted in conformity with any agreement or rules of any group, association, organization or corporation; Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham Bid; Bidder has not solicited or induced any person, firm or corporation to refrain from bidding; and Bidder has not sought by collusion to obtain for itself any advantage over any other Bidder or over Owner.
- (j) Bidder understands that the Owner reserves the right to reject any or all bids.

(k) Bidder understands that, if the contract is to be awarded, it will be awarded to the lowest responsive, responsible bidder whose evaluation by Owner indicates to Owner that the award will be in the best interests of the Project.

(l) The bid security attached in the amount of five percent of the Total Bid is to become the property of the Owner in the event the contract and bond are not executed within the time above set forth, as liquidated damages for the delay and additional expense to the Owner caused thereby.

4. Bidder will complete the Work described in the Contract Documents for the following price(s):

BID SCHEDULE

COTTAGE ROAD PEDESTRIAN AND SAFETY IMPROVEMENTS + MILL AND OVERLAY

Bid Item	Spec. No. Pay Item	Quantity	Item with Unit Bid Price Written in Words	Unit Price In Figures	Amount In Figures
1	202.15	2 EA	Removing Existing CB or MH @ _____ _____ _____ Per Each	\$ _____	\$ _____
2	202.16	22 LF	Remove Existing Pipe @ _____ _____ _____ Per Linear Foot	\$ _____	\$ _____
3	202.202	21,150 SY	Removing Pavement Surface @ _____ _____ _____ Per Square Yard	\$ _____	\$ _____
4	203.20	1450 CY	Common Excavation (Plan Quantity) @ _____ _____ _____ Per Cubic Yard	\$ _____	\$ _____
5	206.07	25 CY	Structural Rock Excavation – Drainage and Minor Structures @ _____ _____ _____ Per Cubic Yard	\$ _____	\$ _____

BID SCHEDULE

COTTAGE ROAD PEDESTRIAN AND SAFETY IMPROVEMENTS + MILL AND OVERLAY

Bid Item	Spec. No. Pay Item	Quantity	Item with Unit Bid Price Written in Words	Unit Price In Figures	Amount In Figures
6	304.10	1125 CY	Aggregate Subbase Coarse - Gravel @ _____ _____ _____ Per Cubic Yard	\$ _____	\$ _____
7	403.2081	1750 TONS	Hot Mix Asphalt 12.5 MM Surface Polymer Modified @ _____ _____ _____ Per Ton	\$ _____	\$ _____
8	403.209	60 TONS	HMA 9.5 MM (Sidewalks, Drives, Etc) @ _____ _____ _____ Per Ton	\$ _____	\$ _____
9	403.211	600 TONS	Hot Mix Asphalt (Shimming) @ _____ _____ _____ Per Ton	\$ _____	\$ _____
10	403.213	270 TONS	HMA 12.5 MM Base @ _____ _____ _____ Per Ton	\$ _____	\$ _____
11	409.15	1710 GAL	Bituminous Tack Coat @ _____ _____ _____ Per Gallon	\$ _____	\$ _____
12	603.159	505 LF	12" Culvert Pipe Option III @ _____ _____ _____ Per Linear Foot	\$ _____	\$ _____
13	604.072	6 EA	Catch Basin Type A1-C @ _____ _____ _____ Per Each	\$ _____	\$ _____

BID SCHEDULE
COTTAGE ROAD PEDESTRIAN AND SAFETY IMPROVEMENTS + MILL AND OVERLAY

Bid Item	Spec. No. Pay Item	Quantity	Item with Unit Bid Price Written in Words	Unit Price In Figures	Amount In Figures
14	604.092	3 EA	Catch Basin Type B1-C @ _____ _____ _____ Per Each	\$ _____	\$ _____
15	604.16	2 EA	Alter CB to MH @ _____ _____ _____ Per Each	\$ _____	\$ _____
16	604.161	1 EA	Altering CB @ _____ _____ _____ Per Each	\$ _____	\$ _____
17	604.18	53 EA	Adjusting CB or MH to Grade @ _____ _____ _____ Per Each	\$ _____	\$ _____
18	608.08	1850 SY	4" Reinforced Concrete Sidewalk @ _____ _____ _____ Per Square Yard	\$ _____	\$ _____
19	608.081	320 SY	6" Reinforced Concrete Sidewalk @ _____ _____ _____ Per Square Yard	\$ _____	\$ _____
20	608.26	350 SF	Curb Ramp Detectable Warning Field @ _____ _____ _____ Per Square Foot	\$ _____	\$ _____
21	609.11	1925 LF	Vertical Curb Type 1 @ _____ _____ _____ Per Linear Foot	\$ _____	\$ _____
22	609.12	280 LF	Vertical Curb Type 1-Circular @ _____ _____ _____ Per Linear Foot	\$ _____	\$ _____

BID SCHEDULE
COTTAGE ROAD PEDESTRIAN AND SAFETY IMPROVEMENTS + MILL AND OVERLAY

Bid Item	Spec. No. Pay Item	Quantity	Item with Unit Bid Price Written in Words	Unit Price In Figures	Amount In Figures
23	609.221	590 LF	Terminal Curb Type 1 @ _____ _____ _____ Per Linear Foot	\$ _____	\$ _____
24	609.222	110 LF	Terminal Curb Type 1-Circular @ _____ _____ _____ Per Linear Foot	\$ _____	\$ _____
25	615.07	45 CY	Loam (Plan Quantity) @ _____ _____ _____ Per Cubic Yard	\$ _____	\$ _____
26	618.13	4 UNIT	Seeding Method Number 1 (Plan Quantity) @ _____ _____ _____ Per Unit	\$ _____	\$ _____
27	619.1201	4 UNIT	Mulch (Plan Quantity) @ _____ _____ _____ Per Unit	\$ _____	\$ _____
28	626.11	4 EA	Pre-Cast Concrete Junction Box @ _____ _____ _____ Per Each	\$ _____	\$ _____
29	626.22	95 LF	Non-Metallic Conduit @ _____ _____ _____ Per Linear Foot	\$ _____	\$ _____
30	626.3211	5 EA	20 Inch Diameter Foundation @ _____ _____ _____ Per Each	\$ _____	\$ _____

BID SCHEDULE

COTTAGE ROAD PEDESTRIAN AND SAFETY IMPROVEMENTS + MILL AND OVERLAY

Bid Item	Spec. No. Pay Item	Quantity	Item with Unit Bid Price Written in Words	Unit Price In Figures	Amount In Figures
31	627.733	4000 LF	4" White or Yellow Painted Pavement Marking Line @ _____ _____ _____ Per Linear Foot	\$ _____	\$ _____
32	627.75	2400 SF	White or Yellow Pavement and Curb Marking @ _____ _____ _____ Per Square Foot	\$ _____	\$ _____
33	627.752	2400 SF	Temp White or Yellow Pavement and Curb Marking @ _____ _____ _____ Per Square Foot	\$ _____	\$ _____
34	627.78	4000 LF	Temp 4 Inch Painted Pavement Marking Line, White or Yellow @ _____ _____ _____ Per Linear Foot	\$ _____	\$ _____
35	629.05	20 HR	Hand Labor, Straight Time @ _____ _____ _____ Per Hour	\$ _____	\$ _____
36	631.12	20 HR	All Purpose Excavator (Including Operator) @ _____ _____ _____ Per Hour	\$ _____	\$ _____
37	631.172	20 HR	Truck – Large (Including Operator) @ _____ _____ _____ Per Hour	\$ _____	\$ _____

BID SCHEDULE
COTTAGE ROAD PEDESTRIAN AND SAFETY IMPROVEMENTS + MILL AND OVERLAY

Bid Item	Spec. No. Pay Item	Quantity	Item with Unit Bid Price Written in Words	Unit Price In Figures	Amount In Figures
38	631.32	10 HR	Culvert Cleaner (Including Operator) @ _____ _____ _____ Per Hour	\$ _____	\$ _____
39	643.21	1 LS	Non-Invasive Detection-Stopline: Cottage Rd at Sawyer St @ _____ _____ _____ Per Lump Sum	\$ _____	\$ _____
40	643.62	1 LS	Solar Powered Rectangular Rapid Flashing Beacon (Pair) @ _____ _____ _____ Per Lump Sum	\$ _____	\$ _____
41	643.71	1 LS	Traffic Signal Modification: Cottage at Sawyer @ _____ _____ _____ Per Lump Sum	\$ _____	\$ _____
42	643.92	3 EA	Pedestal Pole @ _____ _____ _____ Per Each	\$ _____	\$ _____
43	645.106	2 EA	Demount Reg, Warning, Confirmation, and Route Marker Sign @ _____ _____ _____ Per Each	\$ _____	\$ _____
44	645.116	2 EA	Reinstall Reg, Warning, Confirmation, and Route Marker Sign @ _____ _____ _____ Per Each	\$ _____	\$ _____

BID SCHEDULE
COTTAGE ROAD PEDESTRIAN AND SAFETY IMPROVEMENTS + MILL AND OVERLAY

Bid Item	Spec. No. Pay Item	Quantity	Item with Unit Bid Price Written in Words	Unit Price In Figures	Amount In Figures
45	645.271	55 SF	Regulatory, Warning, Confirmation & Route Assembly Sign @ _____ _____ _____ Per Square Foot	\$ _____	\$ _____
46	652.381	950 HR	Traffic Officers with Vehicle @ _____ _____ _____ Per Hour	\$ _____	\$ _____
47	652.390	1 LS	Work Zone Traffic Control @ _____ _____ _____ Per Lump Sum	\$ _____	\$ _____
48	652.410	2 EA	Portable Changeable Message Sign @ _____ _____ _____ Per Each	\$ _____	\$ _____
49	656.75	1 LS	Temporary Soil Erosion and Water Pollution Control @ _____ _____ _____ Per Lump Sum	\$ _____	\$ _____
50	659.10	1 LS	Mobilization and General Conditions @ _____ _____ _____ Per Lump Sum	\$ _____	\$ _____
51	801.030	24 VF	Test Pits @ _____ _____ _____ Per Vertical Foot	\$ _____	\$ _____
52	841.48	15 EA	Bollards @ _____ _____ _____ Per Each	\$ _____	\$ _____

* Indeterminate quantities assumed for comparison of bids. Quantities are not guaranteed. Payment will be based on actual quantities constructed.

(BASIS OF AWARD) TOTAL BASE BID: Total of All Items
(Participating and Non-Participating)

_____ (\$ _____)
_____ (use figures)
_____ (use words)

5. Bidder agrees that the Work will be completed and ready for final payment in accordance on or before the dates or within the number of calendar days indicated in the Agreement.

RESPECTFULLY SUBMITTED on _____, 20__

If Bidder is

An Individual

By _____ (SEAL)
(Individual's Name)

doing business as _____

Business address: _____

Phone No.: _____

A Partnership

By _____ (SEAL)
(Firm Name)

_____ (General Partner)

Business address: _____

Phone No.: _____

A Corporation

By _____ (SEAL)
(Corporation Name)

(State of Incorporation)

By _____ (SEAL)
(Name of Person Authorized to Sign)

By _____
(Title)
(Corporate Seal)

Attest _____
(Secretary)

Business address: _____

Phone No.: _____

A Joint Venture

By _____ (SEAL)
(Name)

(Address)

By _____ (SEAL)
(Name)

By _____
(Address)

(Each joint venturer must sign. The manner of signing for each individual, partnership and corporation that is a party to the joint venture should be in the manner indicated above).

END OF SECTION

