

H E A R I N G

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In Re: C & D Canal Recreational Trail  
Project No. T200669001.01  
Pre-Bid Meeting

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MAR 27 '12 AM 8:52

Grassdale Center  
108 Old Reedy Point Bridge Road  
Delaware City, Delaware 19706  
Thursday, March 15, 2012  
10:47 a.m.

BEFORE: Scott S. Gottfried, Competitively Bid  
Contracts Coordinator

PRESENT: Jeff Niezgoda, DelDOT, Project Manager  
Michael J. Rothenheber, P.E., JMT  
Jim Westhoff, DelDOT, Community  
Relations Officer  
Wanda Morales, DelDOT, Administrative  
Staff

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**ORIGINAL**

1 MR. GOTTFRIED: Good morning,  
2 everybody. This is a pre-bid meeting for  
3 contract number T200669001.01. It's a federal  
4 aid project, C&D Canal Recreational Trail in New  
5 Castle County. Welcome, my name is Scott  
6 Gottfried. I'm the competitively bid contracts  
7 coordinator for DelDOT. Please note this  
8 contract as a 243 calendar day contract.

9 Today's meeting will start with me  
10 talking about the administrative handling of the  
11 contract and then I will turn the project over to  
12 the equipment staff or engineers. As we go along  
13 if you have any questions, please ask. I would  
14 ask that you ask your question by stating your  
15 name and the company you represent and, please,  
16 only one person speaking at a time.

17 Procedures before bidding. All  
18 questions must come to me. That's very easy to  
19 do. You can send them to my E-mail address at  
20 [scott.gottfried@state.de.us](mailto:scott.gottfried@state.de.us) or you may send them  
21 to the DOT Ask Box which if you open up your  
22 proposals, which were given to you on a disk, you  
23 will see there is a special form on there. Since  
24 this project was not given out in paper form



1 there is a DOT app that you can send all your  
2 questions to.

3 Please note no questions go to the  
4 engineers or project managers. If there is a  
5 true need to speak with them, I will handle the  
6 information. I will make arrangements so we can  
7 have a conference call. Other than that please  
8 do not call them, they will not speak to you.  
9 Any information they would give you if you speak  
10 to them would be null and void and wouldn't be  
11 considered in your bid.

12 After this meeting there will be at  
13 least one addendum issued to each of those  
14 attending the pre-bid meeting and the addendum  
15 will consist of the minutes of this meeting,  
16 whatever plan or specs comes as a result of this  
17 meeting, the transcript of this meeting and the  
18 list of attendees.

19 Please make sure you sign the list.  
20 If your firm is not signed in you cannot bid. I  
21 want to make it clear there is a sign-in sheet  
22 going around. I don't care if you sit here the  
23 whole time, if your company name and your name is  
24 not on that sign-in sheet you might as well not



1 even be here. Okay? I want to make that  
2 perfectly clear. You must sign that sheet before  
3 you leave here today.

4 I strongly encourage you to look over  
5 the plan as soon as possible. We are not  
6 planning to change the bid date of April 3, 2012.  
7 I please ask that you have all your questions in  
8 to me seven calendar days prior to the bid  
9 opening.

10 Joint ventures, if any firms are  
11 planning to bid as joint ventures both firms need  
12 to be registered with the department. I want to  
13 make it very clear to you that you may want to  
14 call my office and check to make sure that your  
15 vendor registry is up-to-date. You have to  
16 re-certify at least I believe -- Wanda, is it  
17 once every year or once every two years?

18 MS. MORALES: Once every year. No,  
19 two years, I'm sorry.

20 MR. GOTTFRIED: You have to  
21 re-certify with my office once every two years.  
22 If you are in our system, but you are considered  
23 to be obsolete, you will not be allowed to turn a  
24 bid in. The easiest was to find out is to call



1 my office, which is 302-760-2031, and ask to  
2 speak to Karen or Wanda and ask them to go into  
3 the system and check if your vendor registry is  
4 up-to-date. If it is not, you must supply us  
5 with your new vendor registry before you bid.

6 Please note if you are planning to do  
7 this as a joint venture both firms need to be  
8 registered plus the joint venture participants  
9 must inform me so I can get you the correct  
10 certification and bid bond forms. The ones that  
11 are in the initial proposal package are for only  
12 a single entity bidding. I will as soon as I get  
13 the information that you are bidding a joint  
14 venture will complete the joint venture forms and  
15 E-mail them to you or mail them.

16 Bonding requirement. This contract,  
17 as with every other DelDOT contract has a bonding  
18 requirement, uses a ten percent bid bond with  
19 100 percent performance bond. Please note I will  
20 not accept any AIA bonds and your bonding company  
21 must use my bonds form. This is not a DelDOT  
22 requirement. This is a state law that is in the  
23 codes. If you do not use my form, you will  
24 automatically be disqualified. If your bonding



1 company has an issue with using my form, then  
2 please have your bonding company contact me and  
3 we will work it out before the bid opening. Once  
4 you turn in a bad bond there is no saving it.  
5 You are disqualified immediately.

6 Please note this is a ten percent bid  
7 bond, not five percent. As of late I have had a  
8 lot of people giving me five percent bonds  
9 because Maryland requires a five percent bond.  
10 Do not make that mistake. Also, when you turn  
11 your bid bond make sure that the person that  
12 signs the DelDOT bond form is the same attorney  
13 or name on your power of attorney. I've gotten  
14 several where the bonding company has made the  
15 mistake and sent the wrong power of attorney to  
16 the company. The companies don't look at them.  
17 They just forward the bonds to me and think  
18 they're correct. If they're incorrect and your  
19 bonds company made a mistake, I'm so sorry, you  
20 will still be disqualified.

21 Any questions so far?

22 (No response.)

23 The next thing I'm going to go over  
24 is the bids form quantities sheets. We are using



1 5.2B expedite that is on the disk that you have.  
2 If you need the installation program for this,  
3 you may go to our website, which is  
4 [www.deldot.gov](http://www.deldot.gov). Click on Doing Business with  
5 DelDOT, look up bidding forms and it will allow  
6 you to download and expedite the bidding form or  
7 our program to use the file that is on the disk  
8 that brings up all the quantities.

9 I suggest you do that, but, if you  
10 choose to use the forms that are in the back of  
11 the proposal, please note if you use these forms  
12 they must be typewritten. I will not accept  
13 handwritten forms. Please note that the third  
14 column is for unit prices. Please do not put  
15 your extended amounts in the unit price column  
16 because if you do, I'm not going to disqualify  
17 your bid, all I'm going to do is multiply it out  
18 and you will have a trillion dollar bid and that  
19 may sounds like it's crazy, but I've actually had  
20 those.

21 Real quickly, a couple things I want  
22 to go over with this project before I turn it  
23 over to the engineers here. Number one, there is  
24 a training requirement on this job. I am making



1 that perfectly clear. There is one training on  
2 this. The training special provision will be  
3 added with the first addendum. I do not want to  
4 hear somebody say after we bid this, Well, we  
5 don't know about the training. I'm making it  
6 clear right now. That special provision will be  
7 added. There is one training in the federal  
8 paperwork right now in the front end of the  
9 language, but the hours and the training on line  
10 item will be added by addendum. Okay?

11 Any reference to any forms that have  
12 to be turned in at the time of bid except for the  
13 bids forms, the bid bond, basically  
14 certifications, on page three I believe of the  
15 plans that will change. I am not looking for the  
16 DNREC card, your little blue card, I'm not  
17 looking for any forms as far as cards or anything  
18 at the time of bid. You will be given  
19 instructions on those when you turn those in. Is  
20 everybody clear on that?

21 If there is any reference made here  
22 that you have to have something at the time of  
23 bid that is going to be removed if it's a  
24 certification, whether it be for sediment



1 control, painting, DNREC. So, basically what I'm  
2 saying is I'm not disqualifying if it doesn't  
3 come in at the time of bid, but at the time of  
4 bid I better see your quantity sheets, your  
5 certification form and your bid bond, no  
6 exceptions. Okay?

7 Real quickly I would like to go over  
8 the forms in the back of this book. Please note  
9 there are breakout sheets that must be filled  
10 out. The breakout sheets may be handwritten.  
11 Please note I did say the breakout sheets must be  
12 handwritten. They must be legible. Please note  
13 you may not bid a zero amount on any breakout  
14 sheet. If you have problem with the item on the  
15 breakout sheet that you can't bid an item for it,  
16 you must contact my office. If you submit a  
17 breakout sheet with a zero amount in it, you will  
18 be disqualified.

19 I would like to go over the  
20 certification page. Even though this may sound  
21 redundant or really silly at the top of this page  
22 it says the undersigned bidder. That's not the  
23 name of the person filling out the form like I  
24 just got last week. That is the name of your



1 company.

2 Please note at the bottom it says  
3 disadvantaged business enterprise percent. This  
4 contract requires a ten percent goal. If you  
5 cannot meet that ten percent goal and you give me  
6 less than ten percent, you must turn in good  
7 faith paperwork at the time of bid. That must be  
8 turned in. If you are not going to meet the DBE  
9 goal and you are going lower than ten percent,  
10 you must turn your good faith paperwork in at the  
11 time of bid. That is through the DBE office,  
12 which is run by Travis Crawford now. Carla  
13 Elliott is no longer with us.

14 If you have any concerns regarding  
15 the training or DBE goal you need to contact his  
16 office. His phone number is 302-760-2555. Also,  
17 you must fill in the DBE goal on this form. If  
18 you leaf it blank, you will be disqualified.  
19 Please note the certification page is a two-page  
20 form. There is a back to it. If you have a  
21 corporate seal, you must put your corporate seal  
22 on here, it must be notarized and must be signed  
23 by your corporate secretary and whoever in your  
24 company can obligate you into a contract.



1           Please note about halfway down the  
2 page there is a section that says failure to  
3 acknowledge receipt of all addenda and final  
4 questions and answers will result in the bid  
5 being declared. You have a spot to put where  
6 your addendums came in and when you received  
7 them. There is also a section here you must  
8 insert the final questions and answers on the  
9 website. The final questions and answers will be  
10 put up on the website no later than two calendar  
11 days before the bid opening, okay?

12           You must fill that date in. If you  
13 leave that date blank and I know this is not  
14 something everybody is used to doing, but as we  
15 are doing stuff on the web we have to make sure  
16 when you see all the final questions you must  
17 fill that in. If you leave it blank, you will be  
18 considered irregular.

19           The next thing is the bid bond. Very  
20 simple, that's my form, you must use it along  
21 with your power of attorney from your bonding  
22 company, no exceptions. A couple things I  
23 suggest you look closely at if you are bidding  
24 this project for the first time and this is the



1 first time you have dealt with DelDOT is our  
2 standard specifications, dated August 2001, and  
3 all the supplementals. Please note the  
4 supplementals are not in the proposal book, you  
5 must go on-line to view the supplementals. Any  
6 supplemental changes that were instilled at the  
7 time of this advertisement will apply to this  
8 contract.

9 Please note I also suggest that you  
10 play close attention to section 102.06, which is  
11 preparation of your bid, and 102.07, which is  
12 irregular proposals. It will give you about nine  
13 things the reasons why I will disqualify your  
14 bid, no questions asked.

15 Now, earlier I said that you could  
16 not handwrite any of your numbers. I am  
17 reasonable, I do understand there will be people  
18 out in my parking lot at 1:45 on the day of the  
19 bid getting final figures in and making changes  
20 on the bid forms. You are not going to have a  
21 computer there to print off your quantity forms.  
22 You may handwrite a number after you have crossed  
23 out the number that is already there. In other  
24 words, on your quantity forms if -- there must be



1 a number there already. It can't be zero, you  
2 must have bid some number. You may strike that  
3 out with a single black line, legibly write the  
4 correct amount and initial it and I will accept  
5 that. Is everybody clear on that?

6 Are there any questions on the  
7 administrative handling of the bid, any questions  
8 for me?

9 A VOICE: Does it have to be  
10 initialed?

11 MR. GOTTFRIED: Yes. Any other  
12 questions?

13 (No response.)

14 MR. GOTTFRIED: Well, if I have no  
15 questions I will turn the meeting over to Jeff  
16 Niezgoda, who is the project manager for this  
17 project.

18 MR. NIEZGODA: We put together a list  
19 of a couple points we just want to make. Mike  
20 Rothenheber from JMT is here and he is going to  
21 actually take the front end and I'll pick up the  
22 back. So, I'll turn it over to Mike.

23 MR. ROTHENHEBER: Just a few things I  
24 want to make sure everybody understands. We will



1 get to everybody's questions that are sent in and  
2 get answers back as quick is possible. There are  
3 a few unique things with this. When this project  
4 first started it was going to include both  
5 Delaware and Maryland portions of the trail. The  
6 project has been revised to only include the  
7 Delaware portions of the trail now. However,  
8 when you look at the mapping it is to the  
9 Maryland coordinate system, both horizontal and  
10 vertical. So, please, with any of your surveyors  
11 make sure they are not using the Delaware  
12 coordinate system, but the Maryland coordinate  
13 system.

14 The mapping that was done on this  
15 project was actually done off of some aerial  
16 photography from 1997 with some select surveying  
17 back in 2007. The Corps of Engineers does run  
18 active activities out through here and  
19 maintenance going on through here. So, there  
20 might be a few minor areas where they have  
21 changed a few things through here. We are not  
22 aware of any of those right now, but we want to  
23 point it out to everybody who goes out to the  
24 place to look at this as they're going through



1 their bids.

2 Another unique thing is the fact that  
3 this project is on the Corps of Engineers  
4 property and it will be DNREC maintained  
5 afterwards and, of course, DelDOT is putting this  
6 project forward. When you look at the plans  
7 there is actually standards from all three  
8 agencies in there. So, make sure when you are  
9 looking at any of the techniques or any of the  
10 details through there you look to see which  
11 standards apply to each of these areas because  
12 both DelDOT, DNREC and the Corps of Engineers  
13 standards are called out in the plans.

14 Another unique aspect is this  
15 project, like most roadway projects, follow ADA.  
16 This is a trail project. So, our guidelines  
17 follow the 2009 accessible guidelines for outdoor  
18 areas. It is called out in your plans. The  
19 project has been designed that way, but as  
20 everything is checked on through you make sure  
21 you follow those guidelines, not the standard ADA  
22 guidelines that a roadway would have to follow.

23 The trail is going to be along what  
24 is known as tier one and basically the Corps of



1 Engineers has several tiers out there that they  
2 maintain with their operations through here, but  
3 tier one is where it is going to be on. There is  
4 a stationing on the set of plans. That  
5 stationing is not the center line of the trail.  
6 That is a survey station line throughout the  
7 entire project. So, please be aware about that.  
8 The trail does not follow that baseline going  
9 through.

10 The plan also calls out several areas  
11 that can be used for turnaround and stockpile  
12 areas. They're suggested areas that we have  
13 already worked out with the owners out there and  
14 the users that they are available. If there is  
15 other areas that the contractor wants to use for  
16 those they need to be pre-approved by DelDOT and  
17 we also need to look to see about other permits.  
18 If you are going to do any changes going through  
19 with your limited disturbance that may affect you  
20 initial permit, for example, it will be your  
21 responsibility to make sure you take care of  
22 those and get those approved before moving  
23 forward also.

24 The entire limit of construction



1 needs to be clearly marked out along this project  
2 at the very beginning. There are a number of  
3 sensitive environmental areas and wildlife areas  
4 throughout the canal area that are very important  
5 to DNREC and the Corps of Engineers to maintain.  
6 So, it's important we mark them out at the very  
7 beginning and they will be walked through and  
8 approved with the construction team before work  
9 is actually started.

10 I'm sorry, one more I forgot, I  
11 apologize. On the title sheet on the indexing  
12 sheets there is marked page 64 to 66 is Biddle  
13 Point Trailhead and page 67 to 69 is St. Georges  
14 Trailhead. Both of those on the title sheet say  
15 bid alternate in parentheses. That was not a bid  
16 alternate. Those quantities are included in the  
17 project. The title sheet is the only spot that  
18 had the words "bid alternate" through there.

19 MR. NIEZGODA: We'll correct that and  
20 that will be a part of that addendum one as well.  
21 We wanted to clarify that that was part of the  
22 overall contract, the quantities reflect the work  
23 of both trailheads and the mainline trail.

24 So, as you can imagine Summit Marina



1 and the U.S. Army Corps of Engineers have active  
2 operations, you know, throughout the project  
3 limit. So, we have to be sensitive and we just  
4 make a note that the Corps is required by law to  
5 maintain safe passageway for all shipping passage  
6 throughout the canal. So, at any time they could  
7 have maintenance vehicles coming through the  
8 site. They have been very supportive and  
9 cooperative throughout the design process on this  
10 project. So, I don't see that relationship  
11 changing once the contract is awarded. So, we'll  
12 just make the contractor aware of that and there  
13 is contact information that we can provide as  
14 well.

15 Dust control is going to be  
16 imperative on the project. There are some areas  
17 that are adjacent to neighborhoods. More in the  
18 summer when it's dry out there. So, that's going  
19 to have to be maintained. The anticipated start  
20 work date for this project is April 30th of 2012.  
21 Understanding that the bid opening is on the 3rd  
22 it's our intention to turn this thing around as  
23 fast as possible. It's a 243 calendar day  
24 contract. So, that puts us at a little over



1 eight months, which the intention of this project  
2 is to be completed before the end of this  
3 calendar year.

4           There are -- just another issue to  
5 point out. It's somewhat of an isolated area so  
6 it should just be noted that there is the  
7 potential for security issues on equipment,  
8 contracting equipment and things of that nature.  
9 So, that might be taken into consideration. The  
10 marina does provide 24-hour surveillance on their  
11 site. They have a person out there when they're  
12 not in operation and he is there in the evening.  
13 So, that may be something that the awarded  
14 contractor could reach out to and utilize.

15           The Army Corps of Engineers' contact  
16 person his name is Tim Kelly and I'll make you  
17 get his number for the record and then the Summit  
18 Marina -- is Chris here? They were supposed to  
19 show up. Chris Lloyd is the representative from  
20 the marina. That's all we have at this time.  
21 Does anybody have any questions that we can  
22 answer?

23           MR. COSTELLO: I'm Chris Costello  
24 with DelDOT Construction. This project is not



1 coming out under -- DelDOT is not the delegated  
2 agency for DNREC for erosion and sediment  
3 control. So, dealing with erosion and sediment  
4 control issues you are going to deal directly  
5 with DNREC. So, there is going to be an extra  
6 step involved. I want to make sure everybody  
7 understands that.

8 MR. NIEZGODA: As Mike was pointing  
9 out, DelDOT is the agency that is administering  
10 the construction of the project. Once the  
11 project is completed then DNREC will take over  
12 maintenance and operations of the trail and then,  
13 of course, continue a partnership with the Army  
14 Corps of Engineers. Does anybody have any  
15 questions at this time?

16 MR. DAVIS: Mike Davis with Diamond  
17 Materials. There is a note on the typical  
18 section that says you have to verify the depth  
19 and the quality of the existing GABC out there  
20 and that's like every 200 feet along the trail.  
21 It's incidental to 202. Are we going to be  
22 required to do gradations on that or just look at  
23 it and say it looks good? What is that quality  
24 going to be dictated by? And then it says if



1 it's not of sufficient or good quality it has to  
2 be removed and replaced, but it doesn't reference  
3 a method of payment for that. It says that the  
4 inspection of it as far as verification of depth  
5 and quality is incidental to 202, but doesn't  
6 tell whether you are going to pay to replace or  
7 not.

8 MR. ROTHENHEBER: I'll double-check  
9 on the requirement for the inspection because I  
10 don't want to steer you wrong right now, but, if  
11 the material does need to be replaced it's paid  
12 under the other normal quality items that are in  
13 there.

14 MR. NIEZGODA: We understand that  
15 April 9th is right around the corner so this  
16 addendum that Scott referred to will be turned  
17 around in an expedited fashion and all the  
18 questions that we receive that aren't able to be  
19 answered at this time will be included in that  
20 addendum one. So, we're hoping to get that out  
21 as soon as possible.

22 MR. DEPTULA: Jim Deptula, George &  
23 Lynch, Inc. I note about prime coat here on the  
24 details, you guys don't really want that, do you?



1 On the addendum one of these paving details or a  
2 couple of these paving details.

3 MR. NIEZGODA: Do you know which  
4 sheet you are actually looking at right now?

5 MR. DEPTULA: Not right offhand.  
6 I'll find it by the end of the meeting.

7 MR. ROTHENHEBER: I'll double-check  
8 with the pavement design engineers on that, so.

9 MR. NIEZGODA: Does anybody else have  
10 any questions at this time? If you have any,  
11 feel free to submit them. You said seven days  
12 minimum?

13 MR. GOTTFRIED: Minimum seven days  
14 prior. No other questions?

15 (No response.)

16 MR. GOTTFRIED: Is there a site visit  
17 scheduled?

18 MR. NIEZGODA: There is not a site  
19 visit scheduled. The site is open. The easiest  
20 accessible location is if you go under the St.  
21 Georges bridge there is a maintenance road that  
22 will take you right down to tier one and you can  
23 drive the whole length of the trail from one end  
24 to the other and there is a switchback that



1 brings you back up into Summit Marina on the east  
2 side.

3 To get to the west side of the trail  
4 it's a little bit difficult right now. There is  
5 construction activity ongoing at the marina,  
6 they're building floating dock equipment. So,  
7 you can get into the marina and to the upper tier  
8 parking lot, but then you will actually have to  
9 walk the rest of the trail at this time. That  
10 construction activity will either be completed or  
11 out of the way when our construction starts, but  
12 right now they're very active. So, you can't  
13 drive through that site.

14 MR. DAVIS: Bill Davis with Reybold.  
15 You are saying everything on the west side of the  
16 marina is not drivable?

17 MR. NIEZGODA: You can get into the  
18 marina itself and to the upper tier parking lot,  
19 but then you have to walk. They won't even let  
20 us drive through that.

21 MR. DAVIS: Even though the other  
22 access is by 896, that area, that's not drivable  
23 also?

24 MR. NIEZGODA: I don't know if you



1 can get down off of 896.

2 MR. ROTHENHEBER: I think there is a  
3 way to get there.

4 MR. NIEZGODA: By Lums Pond. You can  
5 -- tier one is open and any way you can get to  
6 it, you know, you walk through the wooded area  
7 and there is a switchback and it gets you right  
8 down into tier one. Right now the trail is very  
9 -- you can get to it pretty easy. One of the  
10 main objectives of this project was to limit  
11 access to the tier one and a lot of -- you'll  
12 note when you start looking at the plans there is  
13 a lot of gates going up on this project. So,  
14 right now it's accessible, but, in the future  
15 after this project is done, of course, it won't  
16 be as accessible. Anything else?

17 (No response.)

18 MR. GOTTFRIED: If there are no more  
19 questions, thank you for coming this morning.  
20 Look forward to seeing your bids. Did everyone  
21 sign in yet? Is there anyone who has not signed  
22 in?

23 (The hearing was concluded at 11:15  
24 a.m.)



1 State of Delaware )  
2 New Castle County )

5 CERTIFICATE OF REPORTER

7 I, Christina M. Vitale, Certified Court  
8 Reporter and Notary Public, do hereby certify  
9 that the foregoing record, pages 1 to 25  
10 inclusive, is a true and accurate transcript of  
11 my stenographic notes taken on Thursday, March  
12 15, 2011, in the above-captioned matter.

14 IN WITNESS WHEREOF, I have hereunto set my  
15 hand and seal this 21st day of March, 2012, at  
16 Wilmington.

18 

20 Christina M. Vitale, CCR

