Ladies and Gentlemen:

Enclosed is Addendum No. 1 for the referenced contract consisting of the following:

1. The Bid Proposal Cover, revised, to be substituted for the same page of the Proposal.
2. Two (2) pages, Table of Contents, pages iv and v, revised, to be substituted for the same pages in the Proposal.
3. One (1) page, State Prevailing Wage Rate, revised, page 35, to be substituted for the same page in the Proposal. The contract number was corrected at the bottom of the page.
4. One (1) page, General Decision DE20190005, revised, page 36, to be substituted for the same page in the Proposal. The heading of the Davis-Bacon Wage Rates for Highway Construction has been updated.
5. Two (2) pages, Special Provision 202560 - Contaminated Material, pages 45A through 45B, new, to be added to the Proposal.
6. One (1) page, Special Provision 763564 - Special Bidding Procedure, page 114, revised, to be substituted for the same page in the Proposal.

Please note the revisions listed above and submit your bid based upon this information.

Sincerely,

~signature on file~

Connie Ivins
Competitively Bid Contracts Coordinator
Delaware Department of Transportation
BID PROPOSAL

for

CONTRACT T201907402.02

FEDERAL AID PROJECT NO. NH-N059(44)

CFDA NO. 20.205

REHABILITATION OF I-95, 2ND STREET ON-RAMP IMPROVEMENTS

NEW CASTLE COUNTY

ADVERTISEMENT DATE: January 3, 2020

COMPLETION TIME: 763564 - SPECIAL BIDDING PROCEDURES

Bids will be received in the Bidder's Room at the Delaware Department of Transportation's Administration Building, 800 Bay Road, Dover, Delaware prior to 2:00 P.M. local time January 28, 2020
**TABLE OF CONTENTS**

**GENERAL DESCRIPTION** ........................................................... i
- LOCATION ................................................................ 1
- DESCRIPTION .............................................................. 1
- COMPLETION TIME .......................................................... 1
- PROSPECTIVE BIDDERS NOTES ............................................... 1
- CONSTRUCTION ITEMS UNITS OF MEASURE .......................... iii

**GENERAL NOTICES** ................................................................... 1
- SPECIFICATIONS ............................................................ 1
- CLARIFICATIONS ............................................................... 1
- ATTESTING TO NON-COLLUSION ............................................. 1
- QUANTITIES ............................................................... . 1
- PREQUALIFICATION REQUIREMENT .......................................... 1
- EQUALITY OF EMPLOYMENT OPPORTUNITY ON PUBLIC WORKS .......................... 1
- TAX CLEARANCE ........................................................... 1
- LICENSE ................................................................... 2
- DIFFERING SITE CONDITIONS ................................................ 2
- CONFLICT WITH FEDERAL STATUTES OR REGULATIONS .......................... 2
- FEDERAL LABOR AND EMPLOYMENT REQUIREMENTS .......................... 3
- CONVICT PRODUCED MATERIALS: ........................................... 4
- TO REPORT BID RIGGING ACTIVITIES .................................... 4
- NOTICE OF REQUIREMENT FOR AFFIRMATIVE ACTION ................. 5
- STANDARD FEDERAL EQUAL EMPLOYMENT OPPORTUNITY ............ 6
- TRAINING SPECIAL PROVISIONS ............................................. 9
- INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT .......... 10
- DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM SPECIFICATION . .. 10
- CRITICAL DBE REQUIREMENTS ............................................. 12
- GUIDANCE FOR GOOD FAITH EFFORT ....................................... 13

**REQUIRED CONTRACT PROVISIONS - FEDERAL-AID CONSTRUCTION CONTRACTS** .............................................................. 15
I. GENERAL .............................................................................. 15
II. NONDISCRIMINATION .................................................. 15
III. NONSEGREGATED FACILITIES .......................................... 19
IV. DAVIS-BACON AND RELATED ACT PROVISIONS ................. 19
V. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT ............ 24
VI. SUBLETTING OR ASSIGNING THE CONTRACT ......................... 24
VII. SAFETY: ACCIDENT PREVENTION ....................................... 25
VIII. FALSE STATEMENTS CONCERNING HIGHWAY PROJECTS ............ 26
IX. IMPLEMENTATION OF CLEAN AIR & WATER POLLUTION CONTROL ACT ..... 26
X. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY .......... 27
XI. CERTIFICATION REGARDING USE OF CONTRACT FUNDS FOR LOBBYING ........ 29
CARGO PREFERENCE ACT .................................................. 30
BUY AMERICA ........................................................................ 30
APPENDICES TO THE TITLE VI ASSURANCE .................................. 32

**PREVAILING WAGES** ............................................................ 34
- PREVAILING WAGE REQUIREMENTS ........................................... 34
- APPLICABILITY OF DAVIS-BACON LABOR STANDARD PROVISIONS TO FLAGGERS . . . 38
- ALL AGENCY MEMORANDUM NO. 130 ....................................... 39

**SUPPLEMENTAL SPECIFICATIONS** ............................................. 40

**SPECIAL PROVISIONS** ............................................................ 41
- CONSTRUCTION ITEM NUMBERS ............................................. 41
- 401502 - ASPHALT CEMENT COST ADJUSTMENT .............................. 43
- 202518 - SETTLEMENT MONUMENT .......................................... 44
- 202560 - CONTAMINATED MATERIAL .......................................... 45A
401699 - QUALITY CONTROL/QUALITY ASSURANCE OF BITUMINOUS CONCRETE .......................................................... 46
601503 - CLEANING BRIDGE SCUPPERS .................................................................................................................. 59
604502 - PROTECTION OF EXISTING STRUCTURES .............................................................................................. 60
605509 - MICROPILES ................................................................................................................................................. 64
605510 - MICROPILE PROOF TEST .......................................................................................................................... 64
623500 - BRONZE BEARINGS .................................................................................................................................. 73
625503 - ADDITIONAL LATEX-MODIFIED CONCRETE FOR PARTIAL DECK REPAIRS ............................................. 76
625504 - POLYESTER POLYMER CONCRETE SAND MIX FOR RUMBLE STRIPS ......................................................... 77
628502 - REMOVAL OF EXISTING DECK REPAIRS .................................................................................................. 84
701509 - CURB RETAINING WALL, TYPE 3 .................................................................................................................. 85
711500 - ADJUST AND REPAIR EXISTING SANITARY MANHOLE ........................................................................... 87
711503 - GUIDED TUNNEL BORING .......................................................................................................................... 88
711504 - GUIDED TUNNEL BORING OBSTRUCTION REMOVAL .................................................................................... 88
727548 - PORTABLE CHAINLINK FENCE .................................................................................................................. 95
760500 - TOTAL SURFACE HYDRODEMOLITION .................................................................................................... 96
760501 - DEEP CUT HYDRODEMOLITION ................................................................................................................ 96
763501 - CONSTRUCTION ENGINEERING ........................................................................................................... 101
763508 - PROJECT CONTROL SYSTEM DEVELOPMENT PLAN ................................................................. 108
763509 - CPM SCHEDULE UPDATES AND/OR REVISED UPDATES ........................................................................ 108
763564 - SPECIAL BIDDING PROCEDURE ............................................................................................................ 113
830501 - JUNCTION BOX ON STRUCTURE ............................................................................................................... 117
850522 - LUMINAIRE (LED), 400 WATTS HPS EQUIVALENT ..................................................................................... 118
850527 - LED WALL PACK, 150 WATTS HPS EQUIVALENT ..................................................................................... 118
905500 - SUPER SILT FENCE ...................................................................................................................................... 121

UTILITY STATEMENT .................................................................................................................................................. 123
RIGHT OF WAY CERTIFICATE .................................................................................................................................. 134
ENVIRONMENTAL STATEMENT .................................................................................................................................. 135
RAILROAD STATEMENT ............................................................................................................................................. 136
BID PROPOSAL FORMS ................................................................................................................................................. 137
SPECIAL BIDDING PROCEDURE FORM ..................................................................................................................... 159
BREAKOUT SHEET ....................................................................................................................................................... 160

DRUG TESTING AFFIDAVIT ........................................................................................................................................ 163
CERTIFICATION .......................................................................................................................................................... 164
BID BOND ................................................................................................................................................................. 166
Addendum No. 1
January 9, 2020

STATE OF DELAWARE
DEPARTMENT OF LABOR
DIVISION OF INDUSTRIAL AFFAIRS
OFFICE OF LABOR LAW ENFORCEMENT
PHONE: (302) 761-8200

Mailing Address:
4425 North Market Street
3rd Floor
Wilmington, DE 19802

Located at:
4425 North Market Street
3rd Floor
Wilmington, DE 19802

PREVAILING WAGES FOR **HIGHWAY CONSTRUCTION** EFFECTIVE MARCH 15, 2019

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<td>TRUCK DRIVERS</td>
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CERTIFIED: 09/11/2019BY:  [Signature]
ADMINISTRATOR, OFFICE OF LABOR LAW ENFORCEMENT


CLASSIFICATIONS OF WORKERS ARE DETERMINED BY THE DEPARTMENT OF LABOR. FOR ASSISTANCE IN CLASSIFYING WORKERS, OR FOR A COPY OF THE REGULATIONS OR CLASSIFICATIONS, PHONE 302-761-8200

NON-REGISTERED APPRENTICES MUST BE PAID THE MECHANIC'S RATE.

PROJECT: **T201907402.01 (Re-advertised as T201907402.02)** Rehabilitation of I95 2nd street on Ramp Improvements, New Castle County
GENERAL DECISION: DE20200005 01/03/2020

Superseded General Decision Number: DE20190005

State: DELAWARE

Construction Type: HIGHWAY

COUNTY: New Castle County in Delaware

HIGHWAY CONSTRUCTION PROJECTS

Note: Under Executive Order (EO) 13658, an hourly minimum wage of $10.80 for calendar year 2020 applies to all contracts subject to the Davis-Bacon Act for which the contract is awarded (and any solicitation was issued) on or after January 1, 2015. If this contract is covered by the EO, the contractor must pay all workers in any classification listed on this wage determination at least $10.80 per hour (or the applicable wage rate listed on this wage determination, if it is higher) for all hours spent performing on the contract in calendar year 2020. If this contract is covered by the EO and a classification considered necessary for performance of work on the contract does not appear on this wage determination, the contractor must pay workers in that classification at least the wage rate determined through the conformance process set forth in 29 CFR 5.5(a)(1)(ii) (or the EO minimum wage rate, if it is higher than the conformed wage rate). The EO minimum wage rate will be adjusted annually. Please note that this EO applies to the above-mentioned types of contracts entered into by the federal government that are subject to the Davis-Bacon Act itself, but it does not apply to contracts subject only to the Davis-Bacon Related Acts, including those set forth at 29 CFR 5.1 (a) (2) - (60). Additional information on contractor requirements and worker protections under the EO is available at [www.dol.gov/whd/govcontracts](http://www.dol.gov/whd/govcontracts).

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SUDE2018-002 03/15/2018

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<td>24.30</td>
</tr>
<tr>
<td>Truck Driver</td>
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</tr>
</tbody>
</table>
**Description:**

Contaminated Material is defined as solids or liquids (including soil) potentially contaminated with a hazardous substance, requiring special handling and/or disposal per state or federal regulation.

This work describes the excavation, removal and treatment/disposal of contaminated materials resulting from project construction including utility and other types of excavation activities in accordance with the locations and notes on the Plans, and as directed by the Engineer or the Department's environmental representative. The Contractor will be notified of the Department's environmental representative at the pre-construction meeting.

**Overview of Costs:**

Potential contaminated solids may affect contractor's costs as follows:

Additional cost to normal excavation requirements:
- Cost of 8 mil plastic for placement under and over solid contaminated material,
- Maintaining the segregated contaminated solids staging area.

Reduced cost to normal excavation requirements:
- Not required to, or charged for, transport of contaminated material from site.
- Not required to, or charged for, disposal of contaminated soil.

Potential contaminated liquids will affect contractor’s cost as follows:

Additional cost to normal excavation requirements:
- None

Reduced cost to normal excavation requirements:
- None

**Construction Methods and Responsibilities:**

Contractor's Responsibilities for potential contaminated solids:

The Contractor shall be responsible for providing the appropriate equipment and personnel necessary to excavate, stage, and load contaminated material for off-site disposal, as identified from previous site environmental investigations or identified during construction activities. The work will be performed in accordance with the procedures described in the site specific "Contaminated Material and Water Removal Work Plan" prepared by the Department's environmental representative. The Department will provide a copy of this plan after the project is awarded and before any work begins. The Contractor shall adhere to applicable Occupational Safety and Health standards, Guidelines and/or Laws. This will include compliance with 29 CFR Part 1910.

After award of the Contract, the Contractor shall immediately be responsible for notifying the Department's HAZMAT Program Manager's office (760-2463) for scheduling coordination with the environmental representative. The contractor shall submit a proposed schedule of work to the Department for review and approval prior to any commencement of work on this site. The Contractor is required to perform to a high standard of workmanship to assure protection of workers, local water supplies, and the environment. The Contractor shall coordinate with the utility companies prior to excavation. The Department's environmental representative shall be present during all phases of work associated with the excavation and removal of potentially contaminated material. Payment will not be made for any work done when a Department approved Inspector or environmental representative is not present to provide environmental oversight.

Specific tasks to be performed by the Contractor will include excavating soil per the project specifications. The Contractor will segregate "contaminated" soil as designated by the Department or their environmental representative, from "clean" soil and place the "contaminated" soil in a designated on-site staging area constructed by the Contractor. At a minimum the staging area needs to be lined with 8-mil plastic and a berm constructed to minimize storm water run-off. The "contaminated" soil will need to be covered by the Contractor at the end of each work day. The Contractor will be responsible for loading contaminated soil onto trucks arranged by the Department's environmental representative on the days the contaminated soil is
shipped off-site to a licensed disposal/treatment facility. The Contractor will backfill and compact the excavated area(s) according to the project specifications and payment will be made under that item of the Contract.

**Department's Responsibilities:**

The Department is responsible for providing and paying; the environmental representative; the transportation of contaminated material for disposal; and the disposal of contaminated material.

The "Contaminated Material and Water Removal Work Plan" will identify; the procedures to be used to excavate and stage the contaminated material; the licensed treatment/disposal facility where the Department will ship the contaminated material; the method the material will be transported to the treatment/disposal facility; and any additional health and safety requirements for site personnel.

The Department's environmental representative will conduct a health and safety briefing prior to commencement of activities on the sites to insure an understanding of all applicable standards, guidelines, laws, procedures, etc. consistent with the successful completion of this type of activity. The Department's environmental representative will conduct air monitoring during any excavation activities at the site to identify and mitigate fire, explosion and vapor hazards.

The Department's environmental representative shall coordinate the excavation activities with all applicable local, state, and federal environmental regulatory agencies. The Department's environmental representative will also oversee the excavation, removal and treatment/disposal of the material in the designated area(s) and perform such tests as field screening for soil contamination utilizing vapor monitoring techniques and collect soil samples for laboratory analysis to meet the requirements of the treatment/disposal facility, DNREC and/or the USEPA. The Department's environmental representative's personnel will subcontract with the disposal/treatment facility to provide transportation and disposal/treatment of all contaminated materials to be removed as part of the project. The Department's environmental representative is responsible for measuring the quantity of contaminated material removed, via certified scale weights, for the Department's records.

**Method of Measurement:**

The quantity of contaminated material will not be measured. It will be included in the excavation quantity.

**Basis of Payment:**

No additional payment will be made for the handling of contaminated material included in the excavation quantities. Contractor's costs for handling contaminated material as described herein are to be included in the standard excavation pay items included in this contract, and will constitute full compensation for excavation, constructing and maintaining the segregated soil staging area, placement of the contaminated soil in the staging area, providing plastic and daily covering of the segregated soil staging area, and loading of contaminated soil for removal by the Department.

This item is a contingency item and the Department reserves the right to delete from the Contract. The Contractor shall make no claims for additional compensation because of deletion of the item.

08/14/2017
3. Incentive/Disincentive Amount

The Department will pay the Contractor an incentive for reaching Substantial Completion prior to the established number of Calendar Days stated by the Contractor on the Proposal Bid Form Part B, Proposed calendar days. The incentive will be $21,000.00 for each Calendar Day that is required to reach Substantial Completion prior to the number of Calendar Days stated by the Contractor on the Proposal Bid Form Part B, Proposed calendar days. The disincentive payment will not exceed sixty calendar (60) days or $1,260,000.00. The assessment may be deducted from any monies due or to become due to the Contractor.

The Department will assess the Contractor a disincentive for failure to reach Substantial Completion within the established number of Calendar Days stated by the Contractor on the Proposal Bid Form Part B, Proposed calendar days. The disincentive will be $21,000.00 for each Calendar Day the work remains incomplete after the expiration of the work days established by the Contractor until the Contractor reaches Substantial Completion. The disincentive payment will not exceed ninety calendar (90) days or $1,890,000.00. The assessment may be deducted from any monies due or to become due to the Contractor.

4. Proposal Guaranty

The proposal guaranty shall be based on 10% of the Contractor's total bid price as resulting from the summation of the unit bid prices on the Bid Proposal Forms. (Price of work proposed, Item A in Formula.)

5. Reduction and Extension of Contract Time

Contract time will be on the calendar day basis proposed by the successful bidder. In the event that contract changes affect the critical path for all work to be performed under the original proposal, contract time will be shortened or lengthened based on the Engineer's approval. The Construction Engineer shall be the sole judge as to what and whether a time extension shall be considered justifiable and each extension granted shall be documented in writing by the Construction Engineer with reason for extension. The Contractor is advised that in order to complete the work on or before the number of calendar days proposed in their bid, it will be necessary to provide multiple crews, work extended hours, overtime and or weekends and holidays, without additional cost to the Department.


The contract drawings and notes provide a sequence of construction for this contract. Time is an essential element of this Contract. Several temporary traffic conditions shown on the Plans and listed below will result in significant congestion, delay, and/or operational constraints to the traveling public.

A. Liquidated Damages for I-95 Lane Closures

Interim Road User Cost (RUC) liquidated damages for delays in opening lanes along I-95 NB and SB will be enforced according to the below charts.

<table>
<thead>
<tr>
<th>Time All Lanes Reopened</th>
<th>Northbound and Southbound I-95 (Monday through Friday)</th>
<th>Contractor Damages for Failure to Reopen Lanes</th>
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<td>&quot;Verizon Time&quot;</td>
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<td>6:00 AM to 6:14 AM</td>
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<td>6:15 AM to 6:29 AM</td>
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<td>6:30 AM to 6:44 AM</td>
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