

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING SERVICES
OFFICE ENGINEER, MS 43
1727 30TH STREET
P.O. BOX 168041
SACRAMENTO, CA 95816-8041
FAX (916) 227-6214
TTY 711



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June 4, 2009

03-Yol-16-41.6
03-1E9804
ACHSSTP-P016(033)E
HSIPL-6203(041)

Addendum No. 1

Dear Contractor:

This addendum is being issued to the contract for CONSTRUCTION ON STATE HIGHWAY IN YOLO COUNTY IN WOODLAND AT KENTUCKY AVENUE.

Submit bids for this work with the understanding and full consideration of this addendum. The revisions declared in this addendum are an essential part of the contract.

Bids for this work will be opened on Wednesday, June 10, 2009.

This addendum is being issued to revise the Notice to Bidders and Special Provisions.

In the Special Provisions, Section 5-1.10, "CONTRACTOR FURNISHED BIOLOGICAL MONITOR," is added as attached.

To Bid book holders:

Inquiries or questions in regard to this addendum must be communicated as a bidder inquiry and must be made as noted in the Notice to Bidders section of the Notice to Bidders and Special Provisions.

Indicate receipt of this addendum by filling in the number of this addendum in the space provided on the signature page of the Bid book.

Submit bids in the Bid book you now possess. Holders who have already mailed their book will be contacted to arrange for the return of their book.

Inform subcontractors and suppliers as necessary.

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This office is sending this addendum by confirmed facsimile to all book holders to ensure that each receives it. A copy of this addendum is available for the Contractors' use on the Web site:

http://www.dot.ca.gov/hq/esc/oe/weekly_ads/addenda.php

If you are not a Bid book holder, but request a book to bid on this project, you must comply with the requirements of this letter before submitting your bid.

Sincerely,

ORIGINAL SIGNED BY

REBECCA D. HARNAGEL, Chief
Office of Plans, Specifications & Estimates
Division of Engineering Services - Office Engineer

Attachment

5.1-10 CONTRACTOR FURNISHED BIOLOGICAL MONITOR

The Contractor shall retain, and have available, the services of a qualified biologist(s) to act as a Swainson's hawk Biological Monitor (SH Biological Monitor) as specified in this special provision for pre-construction surveys of the project site, on site monitoring, producing reports, all state or federally listed species handling that may be required by these special provisions, and all other duties contained in these special provisions required to be performed by a SH Biological Monitor.

"SH Biological Monitor" and "Biologist" referenced elsewhere in these specifications refers to a biologist retained by the Contractor. A qualified SH Biological Monitor is defined as a person with appropriate education, training and experience to conduct Swainson's hawk (*Buteo swainsoni*) surveys, monitor project activities, provide worker education programs, and to supervise or perform other implementing actions. The SH Biological Monitor shall have experience working with the Swainson's hawk and its habitat, and shall have experience monitoring for the Swainson's hawk. The Engineer must approve all SH Biological Monitors for this project.

The Contractor may retain more than one qualified SH Biological Monitor if approved in writing by the Engineer.

The Contractor shall submit the name and resume of all SH Biological Monitors with the potential to work on this contract to the Engineer for approval, at least 30 calendar days prior to performing any work activities. Approval of the SH Biological Monitor(s) by the Engineer is required prior to performing any work.

MONITORING

The SH Biological Monitor(s) shall be available throughout all phases of project construction.

Any tree removal or utility pole relocation within Swainson's hawk habitat shall be conducted between September 1 and February 1. All other construction activities within Swainson's hawk habitat shall be conducted between February 15 and August 31 only in the presence of the SH Biological Monitor. Swainson's hawk habitat (SH habitat) is defined as all areas within ¼ mile of the project limits.

No more than 24 hours prior to commencement of any construction activities each year within SH habitat, as defined in this special provision, the SH Biological Monitor will inspect the project site. The SH Biological Monitor shall provide the Engineer with a field report form documenting the pre-construction surveys within 24 hours of commencement of construction activities.

The SH Biological Monitor shall be available during all construction activities within SH habitat.

The SH Biological Monitor shall be present during installation of Temporary fencing Type ESA within SH habitat, as defined in this special provision.

The SH Biological Monitor shall conduct field inspections at least once every week for the duration of construction activities within SH habitat, as defined in this special provision.

If a Swainson's hawk is encountered within the project limits during project construction activities, the SH Biological Monitor shall be contacted and if appropriate, as determined by the Engineer, all or some of the project construction activities in the immediate area shall be stopped until it is determined that construction related activities will not cause reproductive failure (i.e. nest abandonment and loss of eggs and/or young). Swainson's hawks encountered during construction activities should be allowed to move away from construction activities on their own.

All incidents of halted construction and any information regarding harm or harassment or suspected harm or harassment of a Swainson's hawk shall be reported to the Engineer within 12 hours. Notification shall include the date, time, and location of the incident or of the finding of a dead or injured Swainson's hawk. In the case of a dead Swainson's hawk, the hawk shall be held in a secure location until instructions are received from the Engineer.

TRAINING

The SH Biological Monitor shall present a worker-training program regarding the Swainson's hawk to all Contractor employees, subcontractors and the Contractor's representatives on the project site in connection with the Contractor's work activities.

Prior to initial construction activities all construction workers shall participate in an endangered species education program. Any workers new to the project site shall receive training within two weeks of arrival. An outline of the presentation shall be submitted to the Engineer for approval prior to conducting the presentation.

The training shall cover at least the following for Swainson's hawk:

1. A description of the Swainson's hawk and their habitat needs,
2. An explanation of the status of the Swainson's hawk and their protection under the State and Federal laws,
3. The importance of trees, agricultural fields and riparian areas, to the Swainson's hawk,
4. A description of the measures being taken to reduce effects to the Swainson's hawk during project construction and implementation,

5. The sensitivity of these species to construction and other human activities,
6. Statutory protections afforded these species,
7. Penalties for violations of Federal and State laws pertaining to the protection of listed species,
8. Reporting requirements,
9. Abiding by project avoidance and minimization features contained in these special provisions and applicable permits,
10. Equipment movement restrictions,
11. How to notify the Engineer and monitor when a listed species is seen,
12. Never to touch or move a listed species except in cases of imminent death or harm,
13. No firearms or canines are allowed on the project site,
14. Methods to avoid disturbance of the Swainson's hawk nest tree, etc.

A report with a description of the presentation shall be submitted to the Engineer within 5 working days of the completion of the training.

Written documentation of the training shall be submitted to the Engineer within 30 days of training.

REPORTS

The SH Biological Monitor shall provide the Engineer with a field report form documenting the pre-construction surveys within 24 hours of commencement of construction activities.

The SH Biological Monitor(s) shall prepare a Weekly Log, which contains results of any Swainson's hawk monitoring and the overall environmental compliance of the Contractor. The Weekly Log shall be submitted electronically and in signed, hard copy to the Engineer no later than 14 days following the date reported. The Weekly Log shall contain both a written record and digital photographs of the project site.

The SH Biological Monitor(s) shall prepare a Monthly Report, which contains the same information as the Weekly Log, to be submitted electronically and in signed, hard copy to the Engineer no later than 14 days following the end of each month. The Monthly Log shall contain both a written record and digital photographs of the project site.

The SH Biological Monitor shall be required to report any incidental take of Swainson's hawks, including capture and relocation, to the Engineer immediately. The report shall include date(s), location(s), habitat description, and any corrective measures taken to protect the bird(s) found. Any dead or injured Swainson's hawks shall be transferred to a DFG approved raptor rescue facility. The SH Biological Monitor shall submit locality information to the Engineer using completed California Native Species Field Survey Forms or their equivalent, no more than 14 calendar days after completing the last field visit of the project site. Each form shall have an accompanying scale map of the site such as a photocopy of a portion of the appropriate 7.5 minute U.S. Geological Survey map and shall provide at least the following information: township, range, and quarter section; name of the 7.5 or 15 minute quadrangle; dates (day, month, year) of field work; number of individuals and life stage (where appropriate) encountered; and a description of the habitat by community-vegetation type.

PAYMENT

The contract lump sum price paid for the Swainson's hawk Biological Monitor shall include full compensation for furnishing all labor, tools, equipment, incidentals, and for doing all the work involved in retaining a Swainson's hawk Biological Monitor, preparing reports, and conforming to the provisions of the Standard Specifications and these special provisions.

No adjustment shall be allowed under Section 4-1.03B, "Increased or Decreased Quantities," of the Standard Specifications.