

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



*Flex your power!
Be energy efficient!*

March 20, 2009

04-Sol-80-15.4/20.1
04-4C15U4
SARRA-080-2(356)E

Addendum No. 5

Dear Contractor:

This addendum is being issued to the contract for CONSTRUCTION ON STATE HIGHWAY IN SOLANO COUNTY IN FAIRFIELD FROM 0.4 MILE WEST OF ROUTE 80/12 SEPARATION TO 0.9 MILE EAST OF AIR BASE PARKWAY OVERCROSSING.

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 Tuesday, April 14, 2009.

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

In the Notice to Bidders, the following paragraph is added after the eighth paragraph:

"The UDBE Contract goal is 6 percent."

In the Notice to Bidders, the thirteenth paragraph is revised as follows:

"A prebid meeting is scheduled for this project at 10:00 am, on March 27, 2009, at District 4 Auditorium, 111 Grand Avenue, Oakland, CA 94623."

In the Special Provisions, Section 2, "BIDDING," Section 2-1.01, "DISADVANTAGED BUSINESS ENTERPRISES," is added as attached.

In the Special Provisions, Section 5, "GENERAL," Section 5-1.00, "MONTHLY EMPLOYMENT REPORT (AMERICAN RECOVERY AND REINVESTMENT ACT)," is added as attached.

In the Special Provisions, Section 5, "GENERAL," Section 5-1.035, "PERFORMANCE OF UDBES," is added as attached.

In the Special Provisions, Section 10-1.12, "CONSTRUCTION AREA SIGNS," is revised as attached.

Addendum No. 5
Page 2
March 20, 2009

04-Sol-80-15.4/20.1
04-4C15U4
ACIM-080-2(355)E

The Bid book, is replaced in its entirety as attached.

To Bid book holders:

Replace the entire Bid book with the attached.

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.

This office is sending this addendum by GSO overnight mail to Bid 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/addendum_page.html

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

Attachments

2-1.01 DISADVANTAGED BUSINESS ENTERPRISES

The second paragraph in Section 2-1.05, "Disadvantaged Business Enterprises," of the Standard Specifications does not apply.

Take necessary and reasonable steps to ensure that DBEs have opportunity to participate in the contract (49 CFR 26).

To ensure there is equal participation of the DBE groups specified in 49 CFR 26.5, the Department specifies a goal for Underutilized Disadvantaged Business Enterprises (UDBEs). A UDBE is a firm that meets the definition of DBE and is a member of one of the following groups:

1. Black Americans
2. Native Americans
3. Asian-Pacific Americans
4. Women

References to DBEs include UDBEs, but references to UDBEs do not include all DBEs.

Make work available to UDBEs and select work parts consistent with available UDBE subcontractors and suppliers.

Meet the UDBE goal shown in the Notice to Bidders or demonstrate that you made adequate good faith efforts to meet this goal.

It is your responsibility to verify that the UDBE firm is certified as DBE at date of bid opening. For a list of DBEs certified by the California Unified Certification Program, go to:

http://www.dot.ca.gov/hq/bep/find_certified.htm

Only UDBE participation will count towards the UDBE goal. DBE participation will count towards the Department's federally mandated statewide overall DBE goal.

Credit for materials or supplies you purchase from UDBEs counts towards the goal in the following manner:

1. 100 percent counts if the materials or supplies are obtained from a UDBE manufacturer.
2. 60 percent counts if the materials or supplies are obtained from a UDBE regular dealer.
3. Only fees, commissions, and charges for assistance in the procurement and delivery of materials or supplies count if obtained from a UDBE that is neither a manufacturer or regular dealer. 49 CFR 26.55 defines "manufacturer" and "regular dealer."

You receive credit towards the goal if you employ a UDBE trucking company that performs a commercially useful function as defined in 49 CFR 26.55.

UDBE Commitment Submittal

Submit UDBE information on the Caltrans Bidder - UDBE - Commitment form included in the Bid book. If the form is not submitted with the bid, remove the form from the Bid book before submitting your bid.

If the UDBE Commitment form is not submitted with the bid, the apparent low bidder, the 2nd low bidder, and the 3rd low bidder must complete and submit the UDBE Commitment form to Office Engineer. UDBE Commitment form must be received by the Department no later than 4:00 p.m. on the 4th business day after bid opening.

Other bidders do not need to submit the UDBE Commitment form unless the Department requests it. If the Department requests you to submit a UDBE Commitment form, submit the completed form within 4 business days of the request.

Submit written confirmation from each UDBE stating that it is participating in the contract. Include confirmation with the UDBE Commitment form. A copy of a UDBE's quote will serve as written confirmation that the UDBE is participating in the contract.

If you do not submit the UDBE Commitment form within the specified time, the Department finds your bid nonresponsive.

Good Faith Efforts Submittal

If you have not met the UDBE goal, complete and submit the Good Faith Efforts Documentation form with the bid showing that you made adequate good faith efforts to meet the goal. Only good faith efforts directed towards obtaining participation by UDBEs will be considered. If good faith efforts documentation is not submitted with the bid, it must be received by the Department no later than 4:00 p.m. on the 4th business day after bid opening.

If your UDBE Commitment form shows that you have met the UDBE goal or if you are required to submit the UDBE Commitment form, you must also submit good faith efforts documentation within the specified time to protect your eligibility for award of the contract in the event the Department finds that the UDBE goal has not been met.

Good faith efforts documentation must include the following information and supporting documents, as necessary:

1. Items of work you have made available to UDBE firms. Identify those items of work you might otherwise perform with its own forces and those items that have been broken down into economically feasible units to facilitate UDBE participation. For each item listed, show the dollar value and percentage of the total contract. It is your responsibility to demonstrate that sufficient work to meet the goal was made available to UDBE firms.
2. Names of certified UDBEs and dates on which they were solicited to bid on the project. Include the items of work offered. Describe the methods used for following up initial solicitations to determine with certainty if the UDBEs were interested, and the dates of the follow-up. Attach supporting documents such as copies of letters, memos, facsimiles sent, telephone logs, telephone billing statements, and other evidence of solicitation. You are reminded to solicit certified UDBEs through all reasonable and available means and provide sufficient time to allow UDBEs to respond.
3. Name of selected firm and its status as a UDBE for each item of work made available. Include name, address, and telephone number of each UDBE that provided a quote and their price quote. If the firm selected for the item is not a UDBE, provide the reasons for the selection.
4. Name and date of each publication in which you requested for UDBE participation for the project. Attach copies of the published advertisements.
5. Names of agencies and dates on which they were contacted to provide assistance in contacting, recruiting, and using UDBE firms. If the agencies were contacted in writing, provide copies of supporting documents.
6. List of efforts made to provide interested UDBEs with adequate information about the plans, specifications, and requirements of the contract to assist them in responding to a solicitation. If you have provided information, identify the name of the UDBE assisted, the nature of the information provided, and date of contact. Provide copies of supporting documents, as appropriate.
7. List of efforts made to assist interested UDBEs in obtaining bonding, lines of credit, insurance, necessary equipment, supplies, and materials, excluding supplies and equipment that the UDBE subcontractor purchases or leases from the prime contractor or its affiliate. If such assistance is provided by you, identify the name of the UDBE assisted, nature of the assistance offered, and date. Provide copies of supporting documents, as appropriate.
8. Any additional data to support demonstration of good faith efforts.

5-1.00 MONTHLY EMPLOYMENT REPORT (AMERICAN RECOVERY AND REINVESTMENT ACT)

For the purpose of complying with the American Recovery and Reinvestment Act of 2009, submit a completed Monthly Employment Report form by the 3rd of each month for the previous month.

If you fail to submit a complete and accurate report, the Department withholds 2 percent of the monthly progress estimate. The Department does not withhold more than \$10,000 or less than \$1,000. The Department releases the withhold upon submission of the completed form.

The following is a copy of the Monthly Employment Report form:

**AMERICAN RECOVERY and REINVESTMENT ACT (ARRA)
MONTHLY EMPLOYMENT REPORT**

CEM-1204 (NEW 03/2009)

INSTRUCTIONS FOR COMPLETING MONTHLY EMPLOYMENT REPORT FORM

- BOX 1. *Contract Number*: The state-assigned project number or ID; district and expenditure authorization (EA).
- BOX 2. *Federal-aid Project Number*: The state-assigned federal-aid project number.
- BOX 3. *First Day of Reporting Period*: The first day of the first payroll period of the month. If the beginning of the month splits the payroll period, then the report will include dates from the prior month as necessary to complete the payroll period.
- BOX 4. *Report Month and Year*: The month and year covered by the report. Reported as "mm/yyyy" (e.g. May 2009 would be coded as "05/2009").
- BOX 5. *Contracting Agency*: The name of the contracting agency. For state projects, enter Caltrans. For non-state projects, enter the name of the contracting agency (federal agency, tribe, MPO, city, county, etc.).
- BOX 6. *Contractor Name and Address*: The name and address of the contractor must include the firm name, street address, city, state, and zip code.
- BOX 7. *Employment Data*
Subcontractor Name(s): The name of each subcontractor that was active on the project for the reporting month.
Employees: The number of new hires and existing employees on the contractor's workforce that month, and the number of new hires and existing employees for each of the active subcontractors that month. Do not include material suppliers. Report all data as whole numbers.
Hours: The total hours on the specified project for the new hires and existing employees on the contractor's workforce that month, and the total hours for the new hires and existing employees for each of the active subcontractors that month. Report all data as whole numbers.
Payroll: The total dollar amount of wages paid by the contractor that month for employees on the specified project, and the total dollar amount of wages paid by each of the active subcontractors that month. Wages are rounded to the nearest whole dollar. Refer to Section 9-1.03A(1), "Labor," of the *Standard Specifications*.
Prime and Subcontractor Subtotals: The subtotal for the number of employees, hours and payroll for new hires and existing employees for the contractor and listed subcontractor(s).
Prime and Subcontractor Totals (New + Existing): The total number of employees, hours and payroll for the contractor and listed subcontractor(s).
- BOX 8. *Certified by Contractor*
Name: Contractor representative or person responsible for certification of the information included on the form. By completing the form, the authorized representative certifies that they are knowledgeable of the hours worked and employment status for all employees. Contractors are responsible to maintain data to support the employment form and make that data available to the state should it request supporting materials.
Date: The date that the contractor completed the employment form is reported as "mm/dd/yyyy."
- BOX 9. *Reviewed by Contract Administrator (To be completed by the state or authorized representative.)*
Name: State representative, such as the resident engineer or contract manager, or authorized project representative responsible for reviewing the submitted form.
Date: The date that the state representative reviewed the form is reported as "mm/dd/yyyy."

5-1.035 PERFORMANCE OF UDBEs

UDBEs must perform work or supply materials as listed in the Caltrans Bidder - UDBE - Commitment form specified under Section 2, "Bidding," of these special provisions. Do not terminate a UDBE listed subcontractor for convenience and perform the work with your own forces or obtain materials from other sources without prior written authorization from the Department.

The Department grants authorization to use other forces or sources of materials for requests that show any of the following justifications:

1. Listed UDBE fails or refuses to execute a written contract based on plans and specifications for the project.
2. You stipulate a bond is a condition of executing the subcontract and the listed UDBE fails to meet your bond requirements.
3. Work requires a contractor's license and listed UDBE does not have a valid license under Contractors License Law.
4. Listed UDBE fails or refuses to perform the work or furnish the listed materials.
5. Listed UDBE's work is unsatisfactory and not in compliance with the contract.
6. Listed UDBE delays or disrupts the progress of the work.
7. Listed UDBE becomes bankrupt or insolvent.

If a listed UDBE subcontractor is terminated, you must make good faith efforts to find another UDBE subcontractor to substitute for the original UDBE. The substitute UDBE must perform at least the same amount of work as the original UDBE under the contract to the extent needed to meet the UDBE goal.

The substitute UDBE must be certified as a DBE at the time of request for substitution.

The Department does not pay for work or material unless it is performed or supplied by the listed UDBE.

10-1.12 CONSTRUCTION AREA SIGNS

Construction area signs for temporary traffic control shall be furnished, installed, maintained, and removed when no longer required in conformance with the provisions in Section 12, "Construction Area Traffic Control Devices," of the Standard Specifications and these special provisions.

Attention is directed to "Furnish Sign" of these special provisions.

Attention is directed to the provisions in "Prequalified and Tested Signing and Delineation Materials" of these special provisions. Type II retroreflective sheeting shall not be used on construction area sign panels. Type III, IV, VIII, or IX retroreflective sheeting shall be used for stationary mounted construction area sign panels.

Attention is directed to "Construction Project Information Signs" of these special provisions regarding the number and type of construction project information signs to be furnished, erected, maintained, and removed and disposed of.

The Contractor shall furnish and install 2 American Reinvestment and Recovery Act (ARRA) signs at locations designated by the Engineer before starting major construction activities visible to highway users. Upon completion of the project, the Contractor shall remove and dispose of ARRA signs. Manufacturing details for ARRA signs are available at:

<http://www.dot.ca.gov/hq/traffops/signtech/signdel/bondfundspecs.htm>

Unless otherwise shown on the plans or specified in these special provisions, the color of construction area warning and guide signs shall have black legend and border on orange background, except W10-1 or W47(CA) (Highway-Rail Grade Crossing Advance Warning) sign shall have black legend and border on yellow background.

Orange background on construction area signs shall be fluorescent orange.

Repair to construction area sign panels will not be allowed, except when approved by the Engineer. At nighttime under vehicular headlight illumination, sign panels that exhibit irregular luminance, shadowing or dark blotches shall be immediately replaced at the Contractor's expense.

The Contractor shall notify the appropriate regional notification center for operators of subsurface installations at least 2 business days, but not more than 14 days, prior to commencing excavation for construction area sign posts. The regional notification centers include, but are not limited to, the following:

Notification Center	Telephone Number
Underground Service Alert	811

Excavations required to install construction area signs shall be performed by hand methods without the use of power equipment, except that power equipment may be used if it is determined there are no utility facilities in the area of the proposed post holes. The post hole diameter, if backfilled with portland cement concrete, shall be at least 4 inches greater than the longer dimension of the post cross section.

Construction area signs placed within 15 feet from the edge of the travel way shall be mounted on stationary mounted sign supports as specified in "Construction Area Traffic Control Devices" of these special provisions.

The Contractor shall maintain accurate information on construction area signs. Signs that are no longer required shall be immediately covered or removed. Signs that convey inaccurate information shall be immediately replaced or the information shall be corrected. Covers shall be replaced when they no longer cover the signs properly. The Contractor shall immediately restore to the original position and location any sign that is displaced or overturned, from any cause, during the progress of work.

PAYMENT

Full compensation for furnishing and installing ARRA signs, including removal and disposal upon project completion, is included in the contract lump sum price paid for Construction Area Signs, and no separate payment will be allowed therefor.