



# Bid Solicitation Update

**Subject: Clarification to Bid Specification**

**DATE:** March 04, 2015

**IFB/RFP:** 22920      **BID OPENING DATE | TIME:** March 10, 2015      | 11:00 AM

**GROUP | TITLE:** **GROUP: 31555 – Liquid Bituminous Materials (2015 NYSDOT Specific Projects)(Federal & State Funds) (Chip Seal; Cold Recycling; Crack Sealer; Micro-surfacing; and Paver Placed Surface Treatment – Conventional & Rubber Modified)**

**OGS DESIGNATED CONTACTS:**

José DeAndres | CMS 2 | 518-474-3024      jose.deandres@ogs.ny.gov

Joseph Hodder | CMS 3 | 518-474-3668      joseph.hodder@ogs.ny.gov

**To Prospective Bidders:**

**Revisions on the aforementioned Invitation for Bids begin on page two (2) of this Bid Solicitation Update.**

**It is the responsibility of the bidder to incorporate any changes into their bid documents.**

All other terms and conditions of the bid solicitation remain unchanged. All bids shall be considered on the basis of this amendment.

**If submitting a bid, this letter should be signed, attached to and made a part of your bid.**

**Bid of (Company):** \_\_\_\_\_

**Address:** \_\_\_\_\_

**City, State, Zip:** \_\_\_\_\_

**Signature of Bidder:** \_\_\_\_\_

**Printed Copy of Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

---

**Clarification to Bid Specification**

**Inquiry:** “For project 1V1581 (Route 40 Washington County RM 1025 to 1055), Since material in the 8-10 foot shoulder is required to only be placed in the shoulder will we be restricted to cut with a maximum width of cutter of 8’ on the shoulder work?”

Some equipment can only cut a minimum of 10’, so we need to know if we can over cut the shoulder in the 8’ sections or if an 8’ milling head is required for this work. If a tem’cutter is allowed then in some locations 2’ of shoulder material will be placed in the mainline.”

**Response:** The 10’ Cutting head is allowable, and NYSDOT recognizes that they will be 2’ into Mainline for the shoulder pass. This is acceptable.

**Inquiry:** “For project 6M1501 (Item 25), can the estimated quantities for the I-86 EB rest area be verified, as well as Rte. 305 - RM 1144-1265 in Allegany County?”

**Response:** As with any project in this Invitation for Bids, all quantities should be independently verified by the bidders.

Based on the size of the Rest Area and the assumption that the entire Rest Area will be crack sealed (including along the curb lines and parking areas), the quantity remains viable.

As for Rte. 305, this project is significantly cracked. The project is 12.1 CL miles\*2 lane mile/CL mile\*assumed 600 gallons on average per mile due to the significance of the cracking. No changes in this project are being issued at this time by NYSDOT.



# Bid Solicitation Update

## Subject: Revision and Clarification to Bid Specification

DATE: March 03, 2015

IFB/RFP: 22920      BID OPENING DATE | TIME: March 10, 2015      | 11:00 AM

GROUP | TITLE: **GROUP: 31555 – Liquid Bituminous Materials (2015 NYSDOT Specific Projects)(Federal & State Funds) (Chip Seal; Cold Recycling; Crack Sealer; Micro-surfacing; and Paver Placed Surface Treatment – Conventional & Rubber Modified)**

**OGS DESIGNATED CONTACTS:**

José DeAndres | CMS 2 | 518-474-3024      jose.deandres@ogs.ny.gov

Joseph Hodder | CMS 3 | 518-474-3668      joseph.hodder@ogs.ny.gov

**To Prospective Bidders:**

Revisions on the aforementioned Invitation for Bids begin on page two (2) of this Bid Solicitation Update.

It is the responsibility of the bidder to incorporate any changes into their bid documents.

All other terms and conditions of the bid solicitation remain unchanged. All bids shall be considered on the basis of this amendment.

If submitting a bid, this letter should be signed, attached to and made a part of your bid.

Bid of (Company): \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Signature of Bidder: \_\_\_\_\_

Printed Copy of Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Revision to Bid Specification**

Due to unexpected NYSDOT’s funding issues in NYSDOT Region 4, Project 400561 (OGS Items 18) **has been eliminated** from the above Invitation for Bids.

**Revision to Bid Specification (Page 49)**

On page 49 of the above Invitation for Bids, the following Special Note clause for Project 5V1513 (clause “7.15.8 – NYSDOT Region 5 – Project 5V1513 - Special Note – Seneca Nation of Indians Business License”) has been included:

**7.15.8 NYSDOT Region 5 – Project 5V1513 - Special Note – Seneca Nation of Indians Business License**

The Contractor, all Sub-Contractors, and any Supplier delivering materials or performing services on the project site must comply with the Seneca Nation of Indians Business Code. This code requires the Contractor, all Sub-Contractors, and any Supplier delivering materials or performing services on the project site to obtain an annual license to perform services and/or deliver materials on Nation Territory.

The annual fee for this license is \$150 and each entity is required to reapply at the beginning of every calendar year. The Application for the Seneca Nation of Indians Business License can be obtained from the Resident Engineer.

**Revision to Bid Specification (Page 49)**

On page 49 of the above Invitation for Bids, the following Special Note clause for Project 5V1513 (clause “7.15.9 – NYSDOT Region 5 – Project 5V1513 - Special Note – Seneca Nation of Indians Business License”) has been included:

**7.15.9 NYSDOT Region 5 – Project 5V1513 - Special Note - Seneca Nation of Indians, Cattaraugus Territory Roads**

**Compliance with Applicable Laws Including Seneca Nation of Indians**

**TRIBAL EMPLOYMENT RIGHTS ORDINANCE (TERO)**

NYSDOT expects the Contractor to comply with all applicable federal, state, municipal, and Seneca Nation of Indians statutes, ordinances, regulations, and other legal requirements that apply to the performance of the work involved in the performance of this federal-funded maintenance contract. Seneca Nation legal requirements apply because this project is located within the boundaries of Seneca Nation territory, and the Seneca Nation has certain sovereign powers within Seneca Nation territories recognized by treaty with the United States.

The contractor is advised that applicable Seneca Nation requirements enacted and administered directly by the Seneca Nation include Tribal Employment Rights Ordinance (TERO) requirements including administrative fees (see below) and subcontracting, workforce hiring and scrap materials; and Seneca Nation environmental permitting requirements. There will be no separate pay items in this contract for compliance with such requirements. The contractor is expected to include the cost for compliance with such requirements in the bid price for the various items in the contract. The contractor is further advised that, while TERO requirements are Seneca Nation legal requirements rather than State legal requirements, any failure to comply with such requirements might affect adversely not only the contractor’s continued ability to perform the work of the project, but also the State’s ongoing working relationship with the Seneca Nation on this and other projects; and accordingly might raise issues requiring review, on a case by case basis, of the contractor’s responsibility to receive the award of future competitively-bid state contracts.

The Council (Legislature) of the Seneca Nation of Indians enacted a Tribal Employment Rights Ordinance (TERO) on June 23, 1993, and most recently amended such TERO ordinance on March 30, 2005. The Contractor is responsible for obtaining a copy of the TERO ordinance from the Seneca Nation, and reviewing, understanding, and complying with it. The purpose of the TERO ordinance, as expressed by the Seneca Nation, is to guarantee a rightful share of business, employment, training, promotion and economic opportunities to qualified Indian-owned business and Indian workers for projects within the Nation’s territories.

The Seneca Nation’s TERO ordinance requires, among other things, that:

- Every covered employer (i.e. the Contractor) with a prime contract of \$50,000 or more shall pay directly to the Nation a one-time administrative **fee of 3 percent of the total amount of the contract**. The payment of such fee, payable to the Seneca Nation of Indians Treasurer, shall be required prior to commencing work
- All persons and entities (i.e. the Contractor) performing work or business within the Seneca Nation’s territories must apply a preference for qualified Indians in subcontracting and in employment.
- Covered employers (i.e. the Contractor) may be required to deliver scrap steel or other scrap materials from the project to the Seneca Nation for salvage
- The Seneca Nation may also require the issuance of a Seneca Nation Waterways Permit for any projects involving work within or over waterways, and may impose additional environmental and/or construction monitoring fees in connection with such permits.

The Seneca Nation expects the Contractor to negotiate a TERO Compliance Plan addressing such TERO requirements for the project prior to the commencement of any work within the Seneca Nation’s territory.

For Additional Information Contact The Seneca Nation TERO Office at Either of The Following Addresses:

<i>Allegany Territory</i>	<i>Cattaraugus Territory</i>
Seneca Nation TERO Office	Seneca Nation TERO Office
P.O. Box 231	12885 Route 438
Salamanca, NY 14779	Irving, NY 14081
Telephone: (716) 945-1790, ext. 3039	Telephone: (716) 532-1033, ext. 5413
Fax: (716) 945-1565	Fax: (716) 532-6178

**Revision to Bid Specification (Page 49)**

On page 49 of the above Invitation for Bids, the following Special Note clause for Project 5V1525 (clause “**7.15.10 – NYSDOT Region 5 – Project 5V1525 - Special Note**”) has been included:

**7.15.10 NYSDOT Region 5 – Project 5V1525 - Special Note**

For limits of this project the contractor shall mill each shoulder to a depth as directed by the engineer. All material milled during this operation shall be properly disposed of by the contractor. The recycling operation shall then mill the remainder of the roadway to depth of 4” or as directed by the engineer and spread the recycled millings and stone across the full width of the pavement and shoulders.

Within the curbed Hamlet, RM 83 5201/ 1118-1125 the recycling operation shall cease and surface shall be milled to a depth of 1 ½” with contractor properly disposing of all milled material.”

**Revision to Bid Specification (Page 81)**

On page 81 of the above Invitation for Bids, the rebate data for **Project 6V1521** has been replaced with the following:

<b>Project Number</b>	<b>Rebate Location</b>	<b>Rebate Width (feet)</b>
6V1521	328-6201-1060 project begin	70
	14-6201-1045 At Bridge on skew	92
	961M-6201-1010 at Cedar Street (each side of intersection)	2 @ 91
	961M-6201-1102 at bridge on skew project end	66

**Clarification to Bid Specification**

**Inquiry:** “Regarding the shoulder areas or sections that are less than 10' wide. Because of the physical limitations of available equipment, NYSDOT in the past has allowed for the shoulder material (approximately 2' over the length of the narrow section of shoulder) to be part of the mainline, just for that narrow section length. Will this be allowed on this particular project?”

**Response:** The requirement for separate recycling of the shoulders along this site is unchanged. The existing shoulder widths in the targeted section are generally 8 ft. or greater. The narrower 2 ft. shoulders begin north of the desired ending limit of this site, which is an existing pavement joint just north of the Sarles Ferry Rd intersection. There may be a slight discrepancy between the stated End RM of 1055 in the Invitation for Bids and the location of that RM marker in the field with respect to the pavement joint.

**Inquiry:** “There is no reference to Seneca Nation TERO requirements for project 5V1513. Part of this project is within Seneca Nation Territory. Does Seneca Nation TERO requirement apply to project 5V1513?”

**Response:** Yes. An amendment to the Invitation for Bids to include a TERO special notes has been made (see page 2 of this Bid Solicitation Update).

**Inquiry:** “Are night operations an option for Project 5V1531 (OGS Item 21)?”

**Response:** Yes, night operations are an option for this particular project, but the contractor would have to supply their own light plants and lights on all equipment and ANSI type II hats and vests. Everything will have to be included in the total bid price for this project. No extra payments for night operations will be allowed.

**Inquiry:** “For project 6V1521 the Road Markers have the PPST going through the intersection of Route 14 and S. Broadway to the beginning of Route 328 pavement change. In the rebate table it does not list any rebates for this intersection. Does the start/stop of the south end of the project start on the North side of the Route 14 intersection or does the state not plan on having any rebates through this intersection?”

**Response:** Project begin & end are as follows:

328-6201-1060 project begin.  
961M-6201-1102 at bridge on skew project end.

An amendment to the rebate table has been made for these adjustments (see page 4 of this Bid Solicitation Update)

---

**Clarification to Bid Specification**

**Inquiry:** “For project 6V1521 the road marker for the North end of the project is 1102. This has the project ending before the Kinyon Street intersection, but the description says "through the Kinyon Street intersection". Does this mean the project will end at the bridge that goes over S. Main Street or at Road Marker 1102?”

**Response:** Project begin & end are as follows:  
328-6201-1060 project begin.  
961M-6201-1102 at bridge on skew project end.

**Inquiry:** “Regarding NYSDOT Region 6 (in particular the project in Allegany county) I was wondering if NYSDOT Region 6 has any restrictions about running the recycle train against traffic as it would aid in cutting up against the guide rail tight to the edge of road. As you may be aware of, the Milling machine cutter drive belts are on the right side of machine.”

**Response:** NYSDOT Region 6 has no restrictions specific to going against traffic.

**Inquiry:** “Does the State Residency expect line abrading of existing pavement markings for project 911129 and 901871?”

**Response:** NYSDOT doesn't expect that abrading of lines will be required for successful placement of PPST. It is expected that painted lines will be sufficiently faded/thin without abrading. However, bidders should visit the site and determine if they feel that abrading will be required. **See excerpt from clause 10.5 “Site Visit” in the Invitation for Bids:**  
“Contractors intending to submit bids shall examine the sites of the projects and become fully knowledgeable of the quantities, character, location and other conditions affecting the work to be performed; **including the type, condition, and location of the existing pavement markings (to ascertain the necessity of their abrading)**, the existence of poles, wires, ducts, conduits, and other facilities and structures of municipal and other public service corporations on, over, or under the site. No claim will be made against the State due to reliance upon any estimates, test or other representations made by an officer or agent of the State with respect to the work to be performed.”