

NOTIFICATION OF ADDENDUM

ADDENDUM NO. 1

DATED 2/04/2009

Control	0271-07-300
Project	IM 0107(416)
Highway	IH 10
County	HARRIS

Ladies/Gentlemen:

Attached please find an addendum on the above captioned project. Included in the attachment is an addendum notification which details the changes and the respective proposal pages which were added and/or changed.

Except for new bid insert pages, it is unnecessary to return any of the pages attached.

Bid insert pages must be returned with the bid proposal submitted to the Department, unless your firm is submitting a bid using a computer print out. The computer print out must be changed to reflect the new bid item information.

Contractors and material suppliers, etc. who have previously been furnished informational proposals are not being furnished a copy of the addendum. If you have a subcontractor on the above project, please advise them of this addendum. Acknowledgment of this addendum is not requested if your company has been issued a proposal stamped "This Proposal Issued for Informational Purposes."

You are required to acknowledge receipt of this addendum on the Addendum Acknowledgement form contained in your bid proposal by placing a mark in the box next to the respective addendum.

Failure to Acknowledge receipt of this addendum in your bid proposal will result in your bid not being read.

SUBJECT: PLANS AND PROPOSAL ADDENDUMS

PROJECT: IM 0107(416)

CONTROL: 0271-07-300

COUNTY: HARRIS

LETTING: 02/10/2009

REFERENCE NO: 0203

PROPOSAL ADDENDUMS

- PROPOSAL COVER
- BID INSERTS (SH. NO.:
- X GENERAL NOTES (SH. NO.: A,D & E (PLAN SHEETS 5,5A & 5B))
- X SPEC LIST (SH. NO.: 1-2 AND 2-2)
- X SPECIAL PROVISIONS:)
 - ADDED: 000--1493, 004---013
 - DELETED: 000--1002, 003---026, 004---012
- SPECIAL SPECIFICATIONS:
 - ADDED:
 - DELETED:
- X OTHER: PLAN SHEETS 2, 5, 5A, 5B, 21.

DESCRIPTION OF ABOVE CHANGES
(INCLUDING PLANS SHEET CHANGES)

PLAN SHEETS:

- SHEET 2: INDEX REVISED TO SHOW SHEET 21 AS OMITTED.
- SHEET 5: DELETED A NOTE REGARDING FIELD OFFICE.
- SHEET 5A,5B: DELETED THE PARAGRAPHS REGARDING STATIC MESSAGE BOARDS
UNDER ITEM 502. TEXT REALIGNED DUE TO THE REVISION.
- SHEET 21: SHEET DELETED FROM THE PLAN SET.

Project Number:

Sheet

County: Harris

Control: 0271-07-300

Highway: IH-10

General Notes:

General

Notify the Engineer immediately if discrepancies are discovered in the horizontal control or the benchmark data.

References to manufacturer's trade name or catalog numbers are for the purpose of identification only. Similar materials from other manufacturers are permitted if they are of equal quality, comply with the specifications for this project, and are approved, except for roadway illumination, electrical, and traffic signal items.

The cost for materials, labor, and incidentals to provide for traffic across the roadway and for ingress and egress to private property in accordance with Article 7.7 of the standard specifications is subsidiary to the various bid items. Restore access roadways to their original condition upon completing construction.

Clearly mark or highlight on the shop drawings, the items being furnished for this project. Submit required shop drawings in accordance with the shop drawing distribution list shown in the note for Item 5 for review and distribution.

General: Site Management

Do not mix or store materials, or store or repair equipment, on top of concrete pavement or bridge decks unless authorized by the Engineer. Permission will be granted to store materials on surfaces if no damage or discoloration will result.

Personal vehicles of employees are not permitted to park within the right of way, including sections closed to public traffic. Employees may park on the right of way at the Contractor's office, equipment, and materials storage yard sites.

Control the dust caused by construction operations.

Prior to completion of the project, clean any remaining excess polyurethane sealant and any and all other excess joint material from the wall panels and clean all pavement areas within the limits of work where dirt and debris has collected. This work is to be performed to the satisfaction of the Engineer and is considered incidental to the various bid items.

Assume ownership of debris and dispose of at an approved location. Do not dispose of debris on private property unless approved in writing by the District Engineer.

General: Traffic Control and Construction

When design details are not shown on the plans, provide signs and arrows conforming to the latest "Standard Highway Sign Designs for Texas" manual.

Project Number:

Sheet

County: Harris

Control: 0271-07-300

Highway: IH-10

General: Utilities

The approximate locations of known underground utilities are shown in the plans. To prevent damage to or interference with existing underground utilities, contact a utility Notification Center a minimum of 48 hours before starting any excavation near them. The statewide toll-free utility locate number is 800-545-6005, or dial 811. Be prepared to provide the excavation limits or address, type of work, and anticipated duration. The Center will provide a reference number to verify compliance with the Texas Underground Facility Damage Prevention and Safety Act. Be aware that violators may be subject to civil penalty.

This action does not relieve the Contractor of the responsibilities under the terms of the contract on the plans and specifications. Repair any damage caused by the Contractor's operations at no expense to the Department and restore the facilities to service in a timely manner.

At least 48 hours before starting work, make arrangements for locating existing TxDOT-owned above ground and underground fiber optic, communications, power, illumination, and traffic signal cabling and conduit. Do this by notifying Mr. Doug Vanover or Ms. Mona Kozman of the TxDOT Houston District Traffic Signal Operations office by telephone at (713) 802-5661 or (713) 802-5895, by fax at (713) 802-5900, or by E-mail at mkozma1@dot.state.tx.us or dvanove@dot.state.tx.us to schedule marking of underground lines on the ground. Use caution if working in these areas to avoid damaging or interfering with existing facilities.

If overhead or underground power lines need to be de-energized, contact the electrical service provider to perform this work. Costs associated with de-energizing the power lines or other protective measures required are at no expense to the Department.

If working near power lines, comply with the appropriate sections of Texas State Law and Federal Regulations relating to the type of work involved.

Before beginning any underground work, notify the City of Houston's Chief Inspector, Public Works and Engineering, at (713) 859-3371 to establish the locations of any existing electrical systems for lighting facilities within the limits of this project.

Item 7: Legal Relations and Responsibilities

Do not initiate activities in a Project Specific Location (PSL), associated with a U.S. Army Corps of Engineers (USACE) permit area, that have not been previously evaluated by the USACE as part of the permit review of this project. Such activities include those pertaining to, but are not limited to, haul roads, equipment staging areas, borrow and disposal sites. Associated defined here means materials are delivered to or from the PSL. The permit area includes the waters of the U.S. or associated wetlands affected by activities associated with this project. Special restrictions may be required for such work. Assume responsibility for consultations with the USACE regarding activities, including PSLs that have not been previously evaluated by the

USACE. Provide the Department with a copy of consultations or approvals from the USACE before initiating activities.

The Contractor may proceed with activities in PSLs that do not affect a USACE permit area if a self-determination has been made that the PSL is non-jurisdictional or if proper USACE clearances have been obtained in jurisdictional areas or have been previously evaluated by the USACE as part of the permit review of this project. The Contractor is solely responsible for documenting any determinations that their activities do not affect a USACE permit area. Maintain copies of their determinations for review by the Department or any regulatory agency.

Document and coordinate with the USACE, if required, before hauling any excavation from or hauling any embankment to a USACE permit area by either 1 or 2 below:

1. Restricted Use of Materials for the Previously Evaluated Permit Areas.

Document both the Project Specific Locations (PSL) and their authorization. Maintain copies for review by the Department or any regulatory agency. When an area within the project limits has been evaluated by the USACE as part of the permit process for this project:

- a. Suitable excavation of required material in the areas shown on the plans and cross sections as specified in the Item, "Excavation" is used for permanent or temporary fill (under the Item, "Embankment") within a USACE permit area.
- b. Suitable embankment (under the Item, "Embankment") from within the USACE permit area is used as fill within a USACE evaluated area.
- c. Unsuitable excavation or excess excavation, "Waste" (under the Item, "Excavation"), that is disposed of at a location approved within a USACE evaluated area.

2. Contractor Materials from Areas Other than Previously Evaluated Areas.

Provide the Department with a copy of USACE coordination or approvals before initiating any activities for an area within the project limits that has not been evaluated by the USACE or for any off right of way locations used for the following, but not limited to, haul roads, equipment staging areas, borrow and disposal sites:

- a. The Item, "Embankment" used for temporary or permanent fill within a USACE permit area.
- b. Unsuitable excavation or excess excavation, "Waste" (under the Item, "Excavation"), that is disposed of outside a USACE evaluated area.

Maintain the roadway slope stability. Maintaining slope stability is subsidiary to the various bid items.

Item 8: Prosecution and Progress

The Department will supply bidders, upon written request, one electronic copy of the time determination schedule. The time determination schedule provided is for informational use only and is not intended for bidding or construction purposes.

The Department will not adjust the number of days for the project and milestones, if any, due to differences in opinion regarding any assumptions made in the preparation of the schedule or for errors, omissions, or discrepancies found in the time determination schedule.

Working days will be computed and charged based on a 7-day workweek in accordance with Article 8.3.A.3 with night-time work only for weekdays in accordance with Article 8.3.C.2.a.

The Lane Closure Assessment Fee is \$ 300.00. This fee applies to the Contractor for closures or obstructions that overlap into restricted hour traffic for each hour or portion thereof, per lane, regardless of the length of lane closure or obstruction. For Restricted Hours subject to Lane Assessment Fee refer to the Item, "Barricades, Signs, and Traffic Handling."

Item 502: Barricades, Signs, and Traffic Handling

Use a traffic control plan for handling traffic through the various phases of construction. Follow the phasing sequence unless otherwise agreed upon by the Area Engineer and the Project Manager. Ensure this plan conforms to the latest "Texas Manual on Uniform Traffic Control Devices" and the latest Barricade and Construction (BC) Standard Sheets.

Submit changes to the traffic control plan to the Area Engineer. Provide a layout showing the construction phasing, signs, striping, and signalizations for changes to the original traffic control plan.

Furnish and maintain the barricades and warning signs, including the necessary temporary and portable traffic control devices, during the various phases of construction. Place and construct these barricades and warning signs in accordance with the latest "Texas Manual on Uniform Traffic Control Devices" for typical construction layouts.

Cover work zone signs when work related to the signs is not in progress, or when any hazard related to the signs no longer exists.

Keep the delineation devices, signs, and pavement markings clean. This work is subsidiary to the Item, "Barricades, Signs, and Traffic Handling".

Cover or remove the permanent signs and construction signs that are incorrect or that do not apply to the current situation for a particular phase.

Replace the overhead signs, informational signs, and exit signs to be removed, with temporary signs providing the correct information to the traveling public. Size the replacement signs and include them in the traffic control plan.

Do not mount signs on drums or barricades, except those listed in the latest Barricades and Construction standard sheets.

Use traffic cones for daytime work only. Replace the cones with plastic drums during nighttime hours.

Place positive barriers to protect drop-off conditions greater than 2 ft. within the clear zone that remain overnight.

Full Closure (Silber Ramp)

Day	Daytime Closure Hours	Nighttime Closure Hours	Restricted Hours Subject to Lane Assessment Fee
Mon - Fri	N/A	09:00PM – 05:00 AM	05:00 AM - 09:00 PM
Saturday	05:00 AM - 05:00 PM	05:00 PM - 05:00 AM	N/A
Sunday	05:00 AM - 05:00 PM	05:00 PM - 05:00 AM	N/A

The above times are approved for the traffic control conditions listed. The Area Engineer may approve other closure times if traffic counts warrant. The Area Engineer may reduce the above times for special events.

Provide full-time, off-duty, uniformed, certified peace officers, as part of traffic control operations. The peace officers must be able to show proof of certification by the Texas Commission on Law Enforcement Officers Standards. The cost of the officers is paid for on a force account basis.

Provide 1 portable changeable message signs as shown on the Traffic Control Plan and the Special Specification Item, “Portable Changeable Message Signs.” These changeable message signs are subsidiary to the Item, “Barricades, Signs, and Traffic Handling.”

Item 506: Temporary Erosion, Sedimentation and Environmental Control

The use of hay bales is not permitted as Storm Water Pollution Prevention Plan (SW3P) measures.

The Storm Water Pollution Prevention Plan (SW3P) consists of temporary erosion control measures needed and provided for under this Item. This work is paid for by the force account for this Item. Since the disturbed area is less than 5 acres, a “Notice of Intent” (NOI) is not required.

Use appropriate measures to prevent, minimize, and control the spill of hazardous materials in the construction staging area. Remove and dispose of materials in compliance with State and Federal laws.

CONTROL : 0271-07-300
PROJECT : IM 0107(416)
HIGHWAY : IH 10
COUNTY : HARRIS

TEXAS DEPARTMENT OF TRANSPORTATION

GOVERNING SPECIFICATIONS AND SPECIAL PROVISIONS

ALL SPECIFICATIONS AND SPECIAL PROVISIONS APPLICABLE TO THIS PROJECT ARE IDENTIFIED AS FOLLOWS:

STANDARD SPECIFICATIONS: ADOPTED BY THE TEXAS DEPARTMENT OF
----- TRANSPORTATION JUNE 1, 2004.
STANDARD SPECIFICATIONS ARE INCORPORATED
INTO THE CONTRACT BY REFERENCE.

ITEMS 1 TO 9 INCL., GENERAL REQUIREMENTS AND COVENANTS
ITEM 500 MOBILIZATION
ITEM 502 BARRICADES, SIGNS, AND TRAFFIC HANDLING (6078)
ITEM 506 TEMPORARY EROSION, SEDIMENTATION, AND ENVIRONMENTAL
CONTROLS

SPECIAL PROVISIONS: SPECIAL PROVISIONS WILL GOVERN AND TAKE
----- PRECEDENCE OVER THE SPECIFICATIONS ENUMERATED
HEREON WHEREVER IN CONFLICT THEREWITH.

REQUIRED CONTRACT PROVISIONS, FEDERAL-AID
CONSTRUCTION CONTRACTS (FORM FHWA 1273,
MARCH, 1994)

WAGE RATES

SPECIAL PROVISION "SCHEDULE OF LIQUIDATED
DAMAGES" (000--1493)
SPECIAL PROVISION "PARTNERING" (000---002)
SPECIAL PROVISION "NOTICE TO ALL BIDDERS"
(000---003)
SPECIAL PROVISION "NOTICE OF REQUIREMENT FOR
AFFIRMATIVE ACTION TO ENSURE EQUAL EMPLOYMENT
OPPORTUNITY" (000---004)
SPECIAL PROVISION "DISADVANTAGED BUSINESS
ENTERPRISE IN FEDERAL-AID CONSTRUCTION"
(000---461)
SPECIAL PROVISION "STANDARD FEDERAL EQUAL
EMPLOYMENT OPPORTUNITY CONSTRUCTION CONTRACT
SPECIFICATIONS" (000---006)

SPECIAL PROVISION "ON-THE-JOB TRAINING PROGRAM"
(000--1001)

SPECIAL PROVISION "CERTIFICATION OF
NONDISCRIMINATION IN EMPLOYMENT" (000---009)

SPECIAL PROVISION "DEPARTMENT DIVISION MAILING
AND PHYSICAL ADDRESS" (000---011)

SPECIAL PROVISION "NOTICE OF CHANGES TO U.S.
DEPARTMENT OF LABOR REQUIRED PAYROLL
INFORMATION" (000--1483)

SPECIAL PROVISION TO ITEM 1 (001---005)

SPECIAL PROVISION TO ITEM 2 (002---013)

SPECIAL PROVISION TO ITEM 4 (004---013)

SPECIAL PROVISION TO ITEM 5 (005---004)

SPECIAL PROVISION TO ITEM 6 (006---030)

SPECIAL PROVISIONS TO ITEM 7 (007---213) (007---445)

SPECIAL PROVISION TO ITEM 8 (008---084)

SPECIAL PROVISIONS TO ITEM 9 (009---009) (009---015)

SPECIAL PROVISION TO ITEM 500 (500---005)

SPECIAL PROVISION TO ITEM 502 (502---033)

SPECIAL PROVISION TO ITEM 506 (506---010)

SPECIAL SPECIFICATIONS:

ITEM 4372 CLEANING AND SEALING OF JOINTSIN RIGID PAVEMENTS (EGP
METHOD)

ITEM 4375 CLEANING AND SEALING OF JOINTSIN RETAINING WALLS (EGP
METHOD)

ITEM 6078 PORTABLE CHANGEABLE MESSAGE SIGNS

GENERAL: THE ABOVE-LISTED SPECIFICATION ITEMS ARE THOSE UNDER WHICH
----- PAYMENT IS TO BE MADE. THESE, TOGETHER WITH SUCH OTHER
PERTINENT ITEMS, IF ANY, AS MAY BE REFERRED TO IN THE ABOVE-
LISTED SPECIFICATION ITEMS, AND INCLUDING THE SPECIAL
PROVISIONS LISTED ABOVE, CONSTITUTE THE COMPLETE SPECIFI-
CATIONS FOR THIS PROJECT.

SPECIAL PROVISION
000--1493
Schedule of Liquidated Damages

For Amount of Original Contract		Amount of Daily Contract
From More Than	To and Including	Administration Liquidated
		Damages per Working Day
\$0	100,000	425
100,000	500,000	500
500,000	1,000,000	525
1,000,000	2,000,000	625
2,000,000	5,000,000	800
5,000,000	10,000,000	1100
10,000,000	15,000,000	1400
15,000,000	25,000,000	1550
25,000,000	Over 25,000,000	2800

SPECIAL PROVISION

004---013

Scope of Work

For this project, Item 4, "Scope of Work," of the Standard Specifications, is hereby amended with respect to the clauses cited below, and no other clauses or requirements of this Item are waived or changed hereby.

Article 4.2. Changes in the Work. The first paragraph is supplemented by the following:

The Contractor is responsible for notifying the sureties of any changes to the contract.

Article 4.4. Requests and Claims for Additional Compensation, Section A., Delay Claims is voided and replaced by the following:

A. Damages. Damages occur when impacts that are the responsibility of the Department result in additional costs to the contractor that could not have been reasonably anticipated at the time of letting. Costs of performing additional work are not considered damages. For contractor damages, the intent is to reimburse the Contractor for actual expenses arising out of a compensable impact. No profit or markups, other than labor burden, will be allowed. For damages, labor burden will be reimbursed at 35% unless the Contractor can justify higher actual cost. Justification for a higher percentage must be in accordance with the methodology provided by the Department, submitted separately for project overhead labor and direct labor, and determined and submitted by a Certified Public Accountant (CPA). Submit CPA-prepared labor burden rates directly to the Contract Letting and Contractor Prequalification Branch of the Construction Division.

1. Delay Damages

If the Contractor requests compensation for delay damages and the delay is determined to be compensable, then standby equipment costs and project overhead compensation will be based on the duration of the compensable delay and will be limited as follows:

a. Standby Equipment Costs.

- Standby costs will not be allowed during periods when the equipment would have otherwise been idle.
- No more than 8 hr. of standby will be paid during a 24-hr. day, nor more than 40 hr. per week, nor more than 176 hr. per month.
- For Contractor-owned equipment, standby will be paid at 50% of the rental rates found in the Rental Rate Blue Book for Construction Equipment and calculated by dividing the monthly rate by 176 and multiplying by the regional adjustment factor and the rate adjustment factor. For leased equipment on standby, 100% of the invoice cost of the leased equipment will be paid. Operating costs will not be allowed.

b. Project Overhead. Project overhead is defined as the administrative and supervisory expenses incurred at the work locations. When delay to project completion occurs, reimbursement for project overhead for the prime contractor will be made using the following options:

- reimbursed at 6% (computed as daily cost by dividing 6% of the original contract amount by the as-let number of working days) or
- actual documented costs for the impacted period.

Project overhead for delays impacting sub-contractors will be determined from actual documented costs submitted by the Contractor.

The granting of time extensions and suspensions alone will not be justification for reimbursement for project overhead.

c. Home Office Overhead. The Department will not compensate the Contractor for home office overhead.

Article 4.4. Requests and Claims for Additional Compensation, Section B., Dispute or Claims Procedure is supplemented by the following:

The deadline for filing a claim in accordance with 43 TAC Section 9.2, is the earlier of 1 year after the date of final acceptance, date of default, or date of termination except that claims for warranty enforcement can be made up to 1 year after expiration of the warranty period.