

## NOTICE TO BIDDERS

July 13, 2009

### ADDENDUM NO. 1

#### WASHINGTON STREET RECONSTRUCTION ROCHESTER, NH

CWSRF Project No. CS-333122-10

DWSRF No. 2001010-06C

BID NO. 10-04

Bidders shall acknowledge receipt of this Addendum No. 1  
on the Bid Form, Page A-3.1

#### Item 1: Bid Date/Time

Bidders are hereby notified that there has been no change in the bid due date or time. All bids are due on July 23, 2009, at 2:30 PM local time, at the City of Rochester, Business Office, City Hall, 31 Wakefield Street, Rochester, NH 03867.

#### Item 2: Withdrawal of Bids (Page A-2.9) of Bidding Requirements

Insert the following after WITHDRAWAL OF BIDS page A-2.9 of Bidding Requirements:

#### DEBARMENT

The Bidder/Contractor shall not knowingly award a sub-contract to an entity which has been debarred or suspended by the federal government. The Bidder/Contractor shall compare the names of its proposed sub-contractors against the searchable list in the federal "Excluded Parties List System" (EPLS) database, which can be found at <https://www.epls.gov>.

Note to Bidders/Contractors: Before visiting the database, your web browser must be configured to allow secure connections using TLS 1.0. Instructions are provided below.

To enable TLS in *Internet Explorer*, perform the following steps:

1. Click the **Tools** drop down menu and select **Internet Options** to open the **Internet Options** dialog window.
2. Click the **Advanced** tab at the top of the **Internet Options** dialog window.
3. Scroll down to the end of the list of items and locate the item labeled "Use TLS 1.0".
4. Check the box next to "Use TLS 1.0".
5. Click the **OK** button at the bottom of the dialog window to confirm the change.
6. You should now be able to access the EPLS web site at <https://www.epls.gov>.

To enable TLS in *Firefox*, perform the following steps:

1. Click the **Tools** drop down menu and select **Options** to open the **Options** dialog box.
2. Click the **Advanced** icon at the top of the **Options** dialog window.
3. Click the **Encryption** tab in the area of the window below the icons.
4. Click the box next to "Use TLS 1.0".
5. Click the **OK** button at the bottom of the dialog window to confirm the change.
6. You should now be able to access the EPLS web site at <https://www.epls.gov>.

If problems are incurred, contact the EPLS help desk at:

Phone: 1-866-GSA-EPLS  
1-866-472-3757

Email: [support@epls.gov](mailto:support@epls.gov)  
[eplscomments@epls.gov](mailto:eplscomments@epls.gov)

### DUNS NUMBER

The Bidder/Contractor and any Subcontractor shall furnish to the Owner a Data Universal Numbering System (DUNS) number. A DUNS number may be obtained by visiting <http://fedgov.dnb.com/webform> and providing the following information:

- a. Legal Name
- b. Tradestyle, Doing Business As (DBA), or other name by which your company is commonly recognized
- c. Physical Address, City, State and Zip Code
- d. Mailing Address (if separate)
- e. Telephone Number
- f. Contact Name
- g. SIC Code (Line of Business)
- h. Number of Employees at your location
- i. Headquarters name and address (if there is a reporting relationship to a parent corporate entity)
- j. Is this a home-based business?

## ACCESS TO RECORDS

The Comptroller General of the United States, an appropriate Inspector General appointed under Section 3 or 8G of the Inspector General Act of 1978 (5 U.S.C. App.), or an authorized representative of either of the foregoing officials, or of the State of New Hampshire shall have access to and the right to:

- a. Examine any of the Owner's, Contractor's or any Subcontractor's records that pertain to and involve transactions relating to this contract or a subcontract hereunder; and
- b. Interview and officer or employee regarding such transactions.
- c. The Owner shall insert paragraphs a. and b. in its contract with the Contractor and require the Contractor to insert paragraphs a. and b. in all subcontracts under this contract.

## WHISTLEBLOWER PROTECTION

ARRA Section 1553 established whistleblower protections that apply to the Owner, Contractor and any Subcontractor pursuant to this agreement. The Owner shall post notice of employees rights and remedies for whistleblower protections provided under ARRA Section 1553 and cause the Contractor to include the substance of this paragraph in all subcontracts.

## JOBS CREATED/RETAINED REPORTING

During the duration of the project, the Contractor and its first tier subcontractors must report to the Owner by the seventh day of each month, the following jobs data for the previous month:

- a. An estimate of the completion status of the project or activity;
- b. An estimate of the number of jobs created by the project or activity;
- c. The total number of jobs retained by the project or activity;
- d. The total number of jobs created by the project or activity;
- e. Total hours of employees working on the project or activity (subtotal by new hire and existing);
- f. Total wages for employees working on the project or activity (subtotal by new hire and existing);
- g. The information contained in paragraphs a. through f. for any first tier subcontracts awarded by the prime contractor.

The following definitions are provided for the purposes of this section:

Contract: means a mutually binding legal relationship obligating one party to provide materials or services (including construction) and the other to pay for them.

First-tier subcontract: means a subcontract awarded directly by a prime contractor whose contract is funded by the ARRA.

Jobs created: means an estimate of those new positions created and filled, or previously existing unfilled positions that re filled,

### Item 3: "Buy American" Certification (Page B-11.1) of Contract (ARRA/SRF)

Insert the following after "Buy American" Certification page B-11.1 of Contract (ARRA/SRF):

STATE OF NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES  
CLEAN WATER STATE REVOLVING FUND (CWSRF)  
AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA)

**CERTIFICATION OF ARRA "BUY AMERICAN" PROVISION**

**Instructions**

This certification must be completed and signed by the authorized representative of the Contractor, acknowledged by the authorized representative of the Owner, and submitted to the New Hampshire Department of Environmental Services upon substantial completion of the project.

Project Name: \_\_\_\_\_

City/Town/Entity: \_\_\_\_\_

Contractor Name: \_\_\_\_\_

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

Name/Title of Contractor Certifying Representative: \_\_\_\_\_

I hereby certify on behalf of the above named Contractor,

(please check one of the following and provide documentation as necessary)

☐ That the "Buy American" provisions of Section 1605 of the American Recovery and Reinvestment Act of 2009 (ARRA) have been met and that all iron, steel, and manufactured goods used in the project named above have been manufactured in the United States.

OR

☐ That the "Buy American" provisions of Section 1605 of the American Recovery and Reinvestment Act of 2009 (ARRA) were unable to be met. Not all of the iron, steel, or other manufactured goods used in the project named above have been produced in the United States.

Attach all documentation including EPA approved waivers for all materials and goods that do not meet the Buy American requirements of ARRA.

Signature of Certifying Contractor Representative: \_\_\_\_\_

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

Acknowledged by Authorized Owner Representative: \_\_\_\_\_

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

Insert the following after Section FF. RIGHT-OF-WAY:

**GG. ARCHAEOLOGICAL MONITORING**

The City of Rochester will employ an archaeological consultant to monitor construction activities in the vicinity of Strafford Square. The CONTRACTOR shall notify this consultant at least 48 hours in advance of any excavation scheduled to be performed as part of this project in the Strafford Square area. No excavation will be allowed without the archaeological consultant on-site or notification by same that excavation can proceed without presence. Failure by the CONTRACTOR to provide this notification may result in re-excavation and exposure of subsurface conditions to the satisfaction of the consultant and OWNER. The CONTRACTOR will not be paid for any re-excavation required by their failure to notify, and may be subject to liquidated damages should re-excavation activities result in delays to the completion of the contract by the specified completion date. Should conditions discovered during archaeological monitoring result in delays to the CONTRACTOR's completion of the work, the CONTRACTOR shall provide notification of a differing site condition in accordance with Section 20 of the General Conditions. The Consultant's contact information will be provided to the CONTRACTOR prior to commencement of these activities.

**END OF ADDENDUM NO. 1**



July 13, 2009

Stephen Roberts, P.E.  
NHDES – Wastewater Eng. Bureau  
29 Hazen Drive  
Concord, NH 03302-0095

Re: City of Rochester  
Washington Street Reconstruction – Addenda #1  
CWSRF No. CS-333122-10, DWSRF No. 2001010-06C, Bid No. 10-04  
CLD Reference No. 03-0406

Dear Mr. Roberts:

Please find attached Addendum No. 1 for the Washington St. Reconstruction Project in Rochester, NH. This addendum incorporates the following into the contract manual:

- Additions to Section A-Bidding Requirements regarding: Debarment; DUNS Number; Access To Records; Whistleblower Protecting; and Jobs Created Reporting.
- ARRA-Buy American Certification Form
- Addition to Prosecution of Work regarding coordination of Archeological Monitoring to meet NH Department of Historical Resources requirements for monitoring during water line excavation in the Strafford Square intersection.

Please review this addendum at your earliest convenience and advise if this is acceptable. Should you have any questions, please do not hesitate to call or e-mail.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Steve Reichert', is written over the typed name.

Steven W. Reichert, P.E.  
Resident Engineer

SWR:lab

Enclosures

cc: Tom Willis, P.E. - City Engineer

cc w/encls.: Robert Mann, P.E. - NHDES