

DEPARTMENT OF TRANSPORTATION

ESC/OE MS #43
1727 30TH Street, 2ND Floor
Sacramento, CA 95816



February 1, 2001

08-SBd-40-R191.5/R200.3
08-0A2304

Addendum No. 1

Dear Contractor:

This addendum is being issued to the contract for construction on State highway in SAN BERNARDINO COUNTY NEAR NEEDLES FROM 6.0 km EAST OF MOUNTAIN SPRINGS OVERCROSSING TO 5.6 km EAST OF HOMER WASH BRIDGE.

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 February 15, 2001.

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

In the Special Provisions, Section 4, "BEGINNING OF WORK, TIME OF COMPLETION AND LIQUIDATED DAMAGES," is revised as follows:

"In the fifth paragraph, "15 working days" is revised to "30 working days".
In the sixth paragraph, "\$900 per day" is revised to "\$500 per day".

In the Special Provisions, Section 5-1.13, "ENDANGERED SPECIES PROTECTION (DESERT TORTOISE)," is added as attached.

In the Special Provisions, Section 10-1.13, "ASPHALT CONCRETE," the first paragraph is revised as follows:

"Asphalt concrete shall be Type A, 12.5-mm Maximum, Coarse grading conforming to the provisions in Section 39, "ASPHALT CONCRETE," of the Standard Specifications."

To Proposal and Contract book holders:

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

Submit bids in the Proposal and Contract 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.

If you are not a Proposal and Contract 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 Office Engineer

Attachment

5-1.13 ENDANGERED SPECIES PROTECTION (DESERT TORTOISE)

The Contractor shall be fully informed of the laws, rules, regulations, and conditions regarding the desert tortoise, as specified in these special provisions, and shall conduct all work operations accordingly.

APPLICABLE LAWS (Tortoise)

The laws applicable to protection of the desert tortoise are: the Federal Endangered Species Act of 1973 (16 U.S.C. 1531-1543) and the California Endangered Species Act.

TORTOISE HABITAT

This project is within or near identified Desert Tortoise (*Gopherus agassizii*) range/habitat. The Desert Tortoise is under the protection of both the Federal Endangered Species Act and the State Endangered Species Act. The range/habitat includes areas within the Department's right of way.

VIOLATIONS AND LEGAL CONSEQUENCES (Tortoise)

Section 9 of the Federal Endangered Species Act prohibits the "Take" of listed species without special exemption. "Take" is defined as harassing, harming, pursuing, hunting, shooting, wounding, killing, capturing, collecting, or attempting to engage in any such activity. Penalties for any of the above listed actions include: (1) Possible fines up to \$50,000, or (2) Possible imprisonment up to one year, or both.

TRAINING PROGRAM REQUIREMENTS (Tortoise)

The Contractor shall be responsible for providing information and training to all employees, subcontractors, and the Contractor's representatives on the project site in connection with the Contractor's work activities. This includes laborers, tradesmen, material suppliers, equipment maintenance personnel, supervisors, foremen, office personnel, food vendors, and all other non-State personnel.

TORTOISE TRAINING BROCHURE

A Departmental information brochure entitled "Protection of the Desert Tortoise During Limited Scope Projects" has been prepared to assist the Contractor in fulfilling the training requirements. A copy of this brochure is included in the bid package and is available from the Engineer, or the Office of the District Director of Transportation, located at 464 West Fourth Street, San Bernardino, California, for the Contractor to reproduce and distribute.

TORTOISE REPORTING

The Contractor shall report immediately all sightings of, or encounters with, any tortoise within the project limits to the Engineer or to the Departmental biological coordinator specified by the Engineer. If a tortoise enters the work area or is unearthed during excavation operations, that work shall immediately cease until the animal(s) is/are removed to safety. In no case shall any unauthorized person handle or otherwise move or disturb a tortoise.

TORTOISE HANDLING

Tortoises shall be purposefully handled or moved only by a qualified biologist approved by the United States Forest and Wildlife Service (USFWS) and the California Department of Fish and Game (CDFG) and acting on behalf of these agencies or the State as authorized agents for the Federal Highway Administration. Tortoise handling shall be accomplished only in conformance with the procedures established by the USFWS and the CDFG.

TORTOISE MONITOR

The Department will retain, and have available, the services of a qualified biologist as specified in these special provisions for a pre-construction sweep of the project site, on-site monitoring, if required, and all tortoise handling that may be required. The Contractor shall submit to the Engineer in writing a request for the biological pre-construction sweep at least 10 days prior to the performance of any work activities. The Engineer will forward the request to the Chief of Biological Studies, District 8.

LITTER CONTROL PROGRAM

A litter (trash) control program shall be placed in effect on the project by the Contractor. Closeable trash containers shall be provided in appropriate locations, as approved by the Engineer, for the use of project personnel. These trash containers shall be kept closed at all times and routinely serviced to remove trash from the job site. The Contractor shall require that all personnel use these containers for disposal of food scraps, wrappers, cans, bottles, and related items, and that any employee not using the trash containers shall secure such items and remove them from the job site at the end of their work shift. These requirements shall also apply to any food vendor allowed on the job site.

PRE-CONSTRUCTION ACTIVITIES

A pre-construction tortoise sweep of the project site shall be performed by a qualified biologist, to verify that there are no tortoise or occupied burrows in the project work area. Any pre-sweep construction or other activity within the tortoise habitat area shall only be done in the presence of the qualified biologist. The biologist shall accompany any crew or person involved in that activity and shall have the authority to direct movements to avoid harm to a tortoise or burrow. This includes, but is not limited to, fencing, core drilling, sampling, material drops, or any movement of equipment. All potential hazards to a tortoise, as determined by the Engineer, resulting from operations of the Contractor shall be removed or made safe prior to leaving the area.

CONSTRUCTION ACTIVITY IN HABITAT AREA

All construction activity shall be confined within the identified work area. At no time shall equipment or personnel be allowed outside the identified work area. Construction activity includes, but is not limited to, temporary haul or access roads unless otherwise approved by the Engineer, the USFWS, and the CDFG. Approval may also be required from the Bureau of Land Management (BLM), the United States Forest Service (USFS), or the National Park Service (NPS), if applicable.

TIME EXTENSION

If suspension of a work activity is ordered by the Engineer due to an encounter with a tortoise, and if, in the opinion of the Engineer, the Contractor's current controlling operation is delayed or interfered with by reason of the suspension, the delay will be considered a right of way delay as specified in Section 8-1.09, "Right of Way Delays," of the Standard Specifications.

PAYMENT

Full compensation for conforming to the provisions of this section, not otherwise provided for, shall be considered as included in the contract prices paid for the various contract items of work involved and no additional compensation will be allowed therefor.