Kosciuszko Bridge Project - (BIN 1075699)

PIN X731.24, Contract D900011

DB CONTRACT DOCUMENTS

ADDENDUM #1

September 13, 2013
Modification to the Request for Proposals
Kosciuszko Bridge Project
PIN X731.24, Contract D900011

General Instructions
Delete Page 149 of Part 2 – DB Section 100 and substitute the attached revised Page 149.
Delete Page 214 of Part 2 – DB Section 100 and substitute the attached revised Page 214.
Delete Pages 49 and 50 of Part 3 – Project Requirements and substitute the attached revised Pages 49 and 50.
Subsequent status updates will be provided via the Department’s Acquisition and Clearance Status Report. The Design-Builder shall not enter onto parcels until the Department has issued a notice of availability for each parcel.

**DB 107-22.4 Change in Project Design**

If, after the Contract award, the Design-Builder identifies additional parcels to be acquired and/or modifications to the ROW Limits (fee takings, easements, or other property rights), the Design-Builder shall provide justification of the need for additional ROW, indicate the limits of affected parcels, and request the Department to prepare new or revised surveys, legal descriptions, and ROW maps. The Department will review the request, determine whether the proposed acquisition is appropriate and necessary, and notify the Design-Builder regarding the minimum time required to complete the acquisition.

If the Department determines that the acquisition is appropriate and required for the Project, the Department will acquire the ROW in accordance with Department’s procedures, subject to the conditions specified in this DB §107-22 regarding allocation of time and cost responsibilities.

**DB 107-22.5 Delay in Acquisition**

The Design-Builder shall meet with the Department to review ROW acquisition status at progress meetings. The Department will notify the Design-Builder of any anticipated delay in acquisitions to enable the Design-Builder to undertake appropriate efforts to reschedule its activities to accommodate the delay and reduce impacts to schedule and cost. In the event that the Design-Builder determines that the Critical Path may be affected, the Design-Builder shall notify the Department immediately, and in no event later than 24 hours after making such determination, and shall coordinate with the Department to ascertain the best course of action to avoid such delay through alternative design or construction methods or revisions to the Design-Builder’s Baseline Progress Schedule or ROW Acquisition Schedule.

If properties are not available by the dates shown in the ROW Acquisition Schedule, the Design-Builder shall exercise good faith efforts to work around any delay and to minimize any time or cost impacts associated with changes in the ROW Acquisition Schedule, provided that the Design-Builder shall consult with Department regarding its workaround plans, and shall in no event take any actions that might jeopardize the safety of the property owners or restrict access to the properties. If Department fails to provide access by the scheduled dates through no fault of the Design-Builder, delaying the Critical Path, the Design-Builder may be entitled to delay damages for the schedule delay to the extent provided in DB §109-15.1.

**DB 107-22.6 Precedence of ROW Acquisition Schedule**

The Baseline Progress Schedule and the design of the Project furnished by the Design-Builder shall not require the Department to acquire any real property except in accordance with the ROW Acquisition Schedule or as agreed by the Department and the Design-Builder.

**DB 107-22.7 ROW within Federal or State Lands**

Deviations from planned ROW may be allowed within federal government land boundaries. However, acquisition of additional ROW from federal agencies generally requires considerably more time than a private property acquisition.
DB 111-9.5 Design Review Duration

It is intended that design review durations by the Design Quality Assurance Engineer be as short as possible. To make this possible the Design-Builder shall develop a design schedule that clearly shows the occurrence of design reviews (definitive designs for a set level of completion, interim designs, Release for Construction designs, etc.) so that the Design Quality Assurance Engineer can be prepared to receive the documents and set time aside to complete the review.

Also it is intended that the Design Quality Assurance Engineer will be at the designer’s office as often as necessary to comment on the design and attend the designer’s progress and quality review meetings so as to be fully aware what the details of the design are and to give early comments on the design. It would be expected that these informal “over the shoulder” reviews will allow the formal submission of designs to be reviewed quickly and with few if any comments.

Designs will be reviewed by the Design Quality Assurance Engineer and the formal reviews will be completed within the following time frames after the design documents are received.

- Definitive design review – 5 business days
- Interim design review – 10 business days
- Release for Construction design review – 105 business days for all design elements except for those design packages associated with the cable-stayed structure which shall require a design review time of 28 calendar days.

The Department will attempt to expedite and shorten these review durations as resources permit.

As a prerequisite to ensuring that these review durations by the Design Quality Assurance Engineer are achieved, the Design-Builder shall provide documentation demonstrating that all the Designer’s Quality Control activities have been completed for the plans, specifications, and necessary calculations in accordance with the Design-Builder’s Quality Control Plan and the Contract Requirements.

DB 111-10 WORK PLANS

Work Plans shall comprise the development and production of working drawings. The Design-Builder shall check, review, and certify working drawings in accordance with DB §111-12.1 through 12.3 and DB §111-14, prior to their being issued for construction.

The Design-Builder shall invite the Department to participate in the review of Work Plans. The Department may invite the Stakeholders to participate in reviews of Work Plans.

Work Plans include, but are not limited to, the following:

A) Working drawings, as defined in DB §101;

B) Material and product data from Manufacturers; and

C) Calculations.
SECTION 7 RIGHT-OF-WAY

7.1 SCOPE

The Right of Way (ROW) for the Project has been acquired, as identified in Table 7-1, and is shown on the Directive Plan included in Part 6 – RFP Plans. The Design-Builder shall perform all the permanent Project Work within the limits of the ROW for the Project. Any additional property the Design-Builder requires for any purpose shall be acquired by the Design-Builder at no cost to the Department. The Design–Builder will not be allowed to acquire any additional permanent ROW beyond what is shown on the Acquisition Plans.

The Design-Builder shall be responsible for coordinating the Project Requirements herein with DB §107-1, DB §107-22 and DB §107-30.

7.2 STANDARDS

Section not used.

7.3 REQUIREMENTS

7.3.1 ROW Provided by the Department

The ROW within the Project Limits shown on the Acquisition Maps shows the Fee, Temporary Easements and Permanent Easements immediately available to the Project. The Acquisition Plan and Maps are available on the Department’s Project website. All property acquisitions indicated on the Plans have been completed except for as noted in Table 7.3-1. In addition to the properties listed in Table 7.3.1, refer to Table 7.3.2 for properties on the Plans unavailable to the contractor at this time and the anticipated availability date for each. See the Directive Plans in Part 6 – RFP Plans for further information regarding the acquired properties and associated requirements and restrictions.

Table 7.3-1 –Remaining Properties to be Acquired

<table>
<thead>
<tr>
<th>Property Owner</th>
<th>Map and Parcel Numbers</th>
<th>Type of Acquisition</th>
<th>Anticipated Acquisition Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sagres 9 LLC</td>
<td>M121 P 173</td>
<td>Temporary Easement</td>
<td>September 6 October 1, 2013</td>
</tr>
</tbody>
</table>

15 foot (minimum) wide clearance zones must be provided beyond the new bridge fascias but within the Permanent Easements to facilitate future maintenance and inspection of the structures. The fascias of the new permanent works structures shall not encroach into the 15 foot wide clearance zones as measured perpendicular to the Permanent Easement limits.

All acquired property is vacant except as noted in Table 7.3-2.
Right of ownership of all ROW and the improvements made thereon by the Design-Builder shall remain at all times with the Department. The Design-Builder’s right to entry and use of the ROW arises solely from permission granted by the Department under the Contract.

**Table 7.3-2 – Occupied Properties within NYSDOT Acquired ROW – Vacancy Pending**

<table>
<thead>
<tr>
<th>Tenant</th>
<th>Map and Parcel Numbers</th>
<th>Anticipated Vacancy Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>NYPD</td>
<td>M1 P3, P4, P5</td>
<td>August 31, 2013</td>
</tr>
<tr>
<td>Lanoves, Inc.</td>
<td>M28 P46, P47, P48</td>
<td>March 1–October 18, 2013</td>
</tr>
</tbody>
</table>

The Design-Builder should proceed under the assumption that Sunny Lumber (Map 28) and Karp Associates (Map 31) will not be vacated until after the Notice to Proceed has been issued. Provisions in the proposal should accommodate and avoid these occupied properties until such time as the Design-builder receives a Notice of Availability in writing for each individually listed parcel from the Department. The Design-Builder should make provisions in their proposal to accommodate for these properties being occupied until May 15, 2014.

**7.3.2 Notification of Property Owners**

The Design-Builder shall coordinate with property owners and/or tenants so as to minimize impact on the property owners’ and/or tenants’ operations when performing work in the Permanent and Temporary Easements. The Design-Builder shall inform the property owners and/or tenants 72 hours in advance of occupying any Permanent or Temporary Easement, and shall provide the Department with a two week look ahead schedule of planned operations that may impact or affect property owners or tenants.

**7.3.3 Property Interests Identified by the Design-Builder for its Convenience**

The Design-Builder shall be responsible for the acquisition and all costs associated therewith for any temporary land or other property required for the Design-Builder’s convenience outside the ROW Limits, such as for staging, lay-down, access, office space, temporary works, or other purposes. The Design-Builder shall assume responsibility for satisfying all Federal and State regulations, identifying, analyzing, and documenting the environmental impacts associated with the additional space and securing all necessary consent, including that of the Department, prior to initiating use of the space, in accordance with DB §107-1.

The Design-Builder shall be aware that the acquisition of temporary land or other property beyond what is shown on the indicative plans may require a review in relation to the FEIS, Reevaluation Statement and other Environmental Approvals. If it is determined that the proposed acquisitions require a further reevaluation of the FEIS or other Environmental Approvals, the Design-Builder shall revise the plans such that they are in conformance with all existing Environmental Approvals. Such revisions shall be carried out at no additional cost to the Department.