

April 22, 2021

Re: Webster Water and Wastewater Improvements Project
Webster, South Dakota
A-7763/7764

Bid Opening: **April 26, 2021**
3:00 pm Local Time

ADDENDUM NUMBER 1

The following modifications become a part of the original plans and specifications, taking precedence over the items that may conflict. The bidder shall note receipt and make acknowledgement of the addendum on his bid form, incorporating its provisions in his bid.

CONTRACT DOCUMENTS AND TECHNICAL SPECIFICATIONS

1. INSTRUCTIONS TO BIDDERS, *Add the following Articles at the conclusion of Article 23.*

ARTICLE 24 - WAGE RATE REQUIREMENTS

24.01 The requirements for bidders and contractors under these orders are explained in the Supplementary Conditions.

ARTICLE 25 - NONDISCRIMINATION IN EMPLOYMENT

25.01 Bidders on this work will be required to comply with the Presidents Executive Order Nos. 11246 as amended, 11518, and 11625 as amended. The requirements for bidders and contractors under these orders are explained in the Supplementary Conditions.

25.02 Bidder shall include with a fully executed USDA Form RD 400-6 Compliance Statement or Part G – Certification of Nondiscrimination with the bid proposal.

ARTICLE 26 - WORKFORCE GOALS

26.01 The following goals for minority and female utilization apply to construction contracts and subcontracts for the Project which are in excess of \$10,000. The goals are applicable to the contractor's aggregate on-site construction workforce, not merely that part of the workforce that is performing work on a Federal or Federally-assisted contract or subcontract.

A. WORKFORCE GOALS FOR ALL CRAFTS

- B. DISADVANTAGED/MINORITY PARTICIPATION 1.3%
- C. WORKFORCE GOALS FOR ALL CRAFTS
- D. FEMALE PARTICIPATION 6.9%

26.02 The workforce goals as shown are based on the total number of new positions created to complete the work generated by the contract. The requirements for bidders and contractors under these orders are explained in the Supplementary Conditions.

ARTICLE 27 - GOALS FOR DBE/MBE AND WBE PARTICIPATION

27.01 Bidders on this work will be required to comply with Title 40 CFR 33 and Executive Order 12138. The requirements for bidders and contractors under this regulation which concerns utilization of Disadvantaged/Minority Business Enterprises (DBE/MBE) and Women's Business Enterprises (WBE) are explained in the Supplementary Conditions.

27.02 The project goals for utilization of Disadvantaged/Minority Business Enterprises (DBE/MBE) and Women's Business Enterprises (WBE) are expressed as a percentage of the total dollar value of the contract to be awarded, and are as follows:

- A. DISADVANTAGED/MINORITY ENTERPRISES 1.0%
- B. WOMEN'S BUSINESS ENTERPRISES 4.0%

27.03 Bidders shall submit a fully executed Part C – State Disadvantaged/Minority (DBE/MBE) and Women's (WBE) Business Enterprise Assurance Form or Disadvantaged/Minority Business Enterprise Assurance or DBE Subcontractor Utilization Form with their bid proposal, including all supporting documentation. FAILURE TO DO SO WILL RENDER THE BID NULL AND VOID. If not included with the bid proposal, the bidder will provide a fully executed DBE Subcontractor Participation Form within 10 days of the bid opening. The award of contract, if awarded, will be made to the lowest responsive, responsible bidder that is able to demonstrate that good faith efforts were made to meet or exceed the contract goals. Meeting or exceeding the contract goals shall conclusively establish that the bidder has made such good faith efforts.

27.04 The South Dakota Department of Transportation maintains a directory containing a list of firms that are currently certified by the Department as meeting the definition criteria and qualifications of "Disadvantaged Business Enterprise". The Department's DBE directory is available on-line at <http://sddot.com/business/contractors/docs/DBEDirectory.pdf>. The DBE directory is also available by contacting the SDDOT Operations Support Office.

ARTICLE 28 - ELIMINATION OF SEGREGATED FACILITIES CERTIFICATION

28.01 Contractors and subcontractors for the Project shall not maintain facilities provided for employees in a segregated manner, or permit employees to perform their services at any

location under contractor's or subcontractor's control where segregated facilities are maintained.

- 28.02 Additional requirements and information for contractors and subcontractors are included in the Supplementary Conditions.

ARTICLE 29 - AMERICAN IRON AND STEEL PROVISION OF THE CONSOLIDATED APPROPRIATIONS ACT OF 2014

- 29.01 The low responsive bidder will be required to certify to compliance with the American Iron and Steel provision of the Consolidated Appropriations Act of 2014. This certification form may be found on page AIS-21 of the State Revolving Fund (SRF) General Conditions and must be included in the bid proposal.
- 29.02 Please be advised that waivers or exemptions from the American Iron and Steel provision that cite International Trade Agreements **DO NOT** comply with the Consolidated Appropriations Act of 2014 as it applies to the SRF programs. Claims from suppliers that the American Iron and Steel provision does not apply to certain products based on the International Trade Agreement exemptions of the Consolidated Appropriations Act of 2014 will not be accepted
- 29.03 Page 184 Replace the language in SC-13.03E with the following: "The Contract Unit Price of an item shall not be subject to change under any conditions. South Dakota Bid Law does not allow for the change of price in Unit Price work. While the unit price may not be changed, the cost of the work may be adjusted by the inclusion of a new change order item for the adjustment under the following conditions:
- A. The requirements of SDCL 5-18B-19 for changes in the work are met; and
 - B. If the Bid price of a particular item of Unit Price Work amounts to 5 percent or more of the Contract Price and the variation in the quantity of that particular item of Unit Price Work performed by the Contractor differs by more than 25 percent from the estimated quantity of such item indicated in the Agreement; and
 - C. If there is no corresponding adjustment with respect to any other item of Work; and
- 29.04 If the Contractor believes that Contractor has incurred additional expense as a result thereof or if Owner believes that the quantity variation entitles Owner to an adjustment in the unit price, either Owner or Contractor may make a Claim for adjustment in the Contract Price in accordance with Article 10 if the parties are unable to agree as to the effect of any such variations in the quantity of Unit Price Work performed

ARTICLE 30 - PUBLIC LAW 115-232, PROHIBITION ON TELECOMMUNICATION EQUIPMENT



- 30.01 The low responsive bidder must assure compliance with the requirements of Public Law 115-232, Section 889, Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment. Contractors must assure that telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities), and video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital

Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities) WILL NOT be supplied for the project.

2. PART 2, Division 01 00 00, SECTION 01 55 26, Part 4, 4.02, A: *Shall be replaced with the following:* "Payment for furnishing, erecting, installing, and maintaining barricades, warning signs or other safety devices or for their subsequent removal, or for flag persons or any other incidentals necessary for the proper direction, safety, and convenience of vehicular and/or pedestrian traffic during construction as this work shall be incidental to the lump sum cost for Mobilization as provided in the Bid Form."

3. PART 2, Division 32 00 00, SECTION 32 12 16, Part 2, 2.01, A: *Replace "2004" with "2015", 2.02, A: Replace "2004" with "2015". 2.02, B: Replace "PG 64-22" with "PG 64-28", Part 3, 3.01, A: Replace "2004" with "2015". Part 3, 3.07, D, 2: Replace "(2.5)" with (3") Part 4.01, B: Delete "PG 58-28, PG 64-22 or"*

ALL OTHER ITEMS OF THE PLANS AND SPECIFICATIONS REMAIN UNCHANGED

BY:  

PROJECT ENGINEER – HELMS & ASSOCIATES

Acknowledge receipt of the Addendum by inserting its number on the Bid Form. Failure to do so may subject bidder to disqualification. This Addendum forms a part of the Contract Documents. It modifies them as above.