

New York State Office of General Services
NYS Procurement
Corning Tower Building
Empire State Plaza
Albany, New York 12242
<http://www.ogs.ny.gov>

PURCHASING MEMORANDUM

BID SOLICITATION UPDATE

IFB NUMBER: 22757

DATE: December 17, 2013

GROUP: 31555 Liquid Bituminous Materials
(2014 NYSDOT Specific Projects)
(Chip Seal; Cold Recycling;
Crack Sealer; Micro-surfacing;
and Paver Placed Surface Treatment)
(Federal & State Funds)

**PLEASE ADDRESS INQUIRIES TO
DESIGNATED CONTACTS:**

José DeAndres
Contract Management Specialist
(518) 474-3024
jose.deandres@ogs.ny.gov

BID OPENING: December 19, 2013

Joseph Hodder
Team Leader
(518) 474-3668
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SUBJECT: CLARIFICATION TO BID SPECIFICATION

TO PROSPECTIVE BIDDERS:

Clarifications on the aforementioned Invitation for Bid begin on page two (2) of this Purchasing Memorandum. It is the responsibility of the bidder to incorporate any changes into their bid documents.

All other terms and conditions of the bid solicitation remain unchanged. All bids shall be considered on the basis of this amendment.

If submitting a bid, this letter should be signed, attached to, and made a part of your bid.

BID OF (COMPANY): _____

ADDRESS: _____

CITY, STATE, ZIP: _____

SIGNATURE OF BIDDER: _____

PRINTED COPY OF SIGNATURE: _____ **DATE:** _____

CLARIFICATION TO BID SPECIFICATION

INQUIRY: The last Purchasing Memorandum dated December 13, 2013 says that a new updated Attachment 1 – Price Pages should be used in our solicitation. How can I know I'm using the right updated version of the Attachment 1 – Price Pages?

RESPONSE: The quickest and easiest way to check that you are using the new updated Attachment 1 – Price Pages is to open the excel file and look at the top of the page: rows 1 & 2 of the excel file. **The color of the box with the heading located in those rows should be blue** (where it says Group #31555 – IFB #22757 – Liquid Bituminous Materials – 2014 NYSDOT Specific Projects – Federal & State Funds). That would indicate that the right Attachment 1 – Price Pages is being used.
Also you can check that the following changes mentioned in the Purchasing Memorandum dated December 13, 2013 are included in the Attachment 1 - Price Pages that you have:

OGS ITEM 10: Project 680489B – Rte 247 & 364 – Yates County

410.0101: 263,453 SY
410.0102: 263,453 SY
410.0105: 210,762 GAL
410.0106: **105,381 GAL**
410.0107: **263,453 SY**

OGS ITEM 15: Project 2V1411 – Rte. 10, Fulton County

51405.0294 – 30,225 SY
623.0x – **850 Tons**
702.xxxx – **29,244 Gallons**
OR
PG 64-22 – **19,496 Gallons**

OGS ITEM 16: 2V1412 – Rte. 29, Fulton County

51405.0294 – 74,741 SY
623.0x – **2,590 Tons**
702.xxxx – **89,115 Gallons**
OR
PG 64-22 – **59,410 Gallons**

OGS ITEM 17: 2V1421 – Rte. 28, Hamilton County

51405.0294 – 66,411 SY
623.0x – **2,220 Tons**
702.xxxx – **76,202 Gallons**
OR
PG 64-22 – **50,802 Gallons**

OGS ITEM 18: 2V1461 – Rte. 8, Madison County

51405.0294 – 91,989 SY
623.0x – **2,850 Tons**
702.xxxx – **98,026 Gallons**
OR
PG 64-22 – **65,350 Gallons**

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BID OPENING: December 19, 2013

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SUBJECT: REVISIONS AND CLARIFICATIONS TO BID SPECIFICATION

TO PROSPECTIVE BIDDERS:

Revisions on the aforementioned Invitation for Bid begin on page two (2) of this Purchasing Memorandum. It is the responsibility of the bidder to incorporate any changes into their bid documents.

All other terms and conditions of the bid solicitation remain unchanged. All bids shall be considered on the basis of this amendment.

If submitting a bid, this letter should be signed, attached to, and made a part of your bid.

BID OF (COMPANY): _____

ADDRESS: _____

CITY, STATE, ZIP: _____

SIGNATURE OF BIDDER: _____

PRINTED COPY OF SIGNATURE: _____ **DATE:** _____

REVISION TO BID SPECIFICATION (Attachment 1 – Price Pages)

Material item quantities for the following OGS Items (Projects) have changed:

- OGS Item 10 (Project 680489B)
- OGS Item 15 (Project 2V1411)
- OGS Item 16 (Project 2V1412)
- OGS Item 17 (Project 2V1421)
- OGS Item 18 (Project 2V1461)

Also a new material item has been included in OGS Item 10 (Project 680489B).

Refer to the NEW UPDATED “Attachment 1 – Price Pages” to see the changes.

Please use and include this NEW UPDATED “Attachment 1 – Price Pages” as your Price Pages in your proposal

REVISION TO BID SPECIFICATION (Attachment 9 – Detailed Specifications, page 10)

On page 10 of the above Attachment, clause “Cold Recycling Asphalt Concrete - Equipment” has been replaced with the following:

EQUIPMENT:

Use equipment capable of:

- a. Milling the existing pavement to the appropriate depth, profile, and cross section. The equipment will control profile with a moving reference at least 30 feet in length. The moving reference may be a floating beam or ski.
- b. Processing the reclaimed material to pass a 2 inch sieve
- c. Mixing the reclaimed material with bituminous material
- d. Paving and compacting the reclaimed material to the correct grade using a paver described by 402-3.02.
- e. Controlling surge material caused by changes in paving width, and irregularities in the pavement surface.
- f. Monitoring water usage with a totalizing water meter.

Any requests for alternate equipment will be approved by the Director of the Materials Bureau.

Calibration: Calibrate the mixing equipment prior to the start of work, in accordance with calibration procedures in Materials Method 416. Submit the calibration results for approval to the Director, Materials Bureau at least 7 days prior to the start of work.

The first calibration of each calendar year must be witnessed by Department personnel. Submit subsequent calibrations with written certification that proper procedures were followed and that all measurements and calculations are accurate. If the results submitted in subsequent calibrations are more than 5.0% different from the first calibration of the season, the equipment must be calibrated in the presence of Department personnel.

Calibration approval is valid for 90 days from the date of calibration. Provide a copy of the calibration approval letter to the Engineer before the start of work.

REVISION TO BID SPECIFICATION (Attachment 3 – New York State Required Certifications – page 2)

On page 2 of the above Attachment, clause “**Diesel Emission Reduction Act**” has been replaced with the following:

DIESEL EMISSION REDUCTION ACT

Pursuant to §19-0323 of the N.Y. Environmental Conservation Law (“the Law”) it is a requirement that heavy duty diesel vehicles in excess of 8,500 pounds use the best available retrofit technology (“BART”) and ultra low sulfur diesel fuel (“ULSD”). The requirement of the Law applies to all vehicles owned, operated by or on behalf of, or leased by State agencies and State or regional public authorities. It also requires that such vehicles owned, operated by or on behalf of, or leased by State agencies and State or regional public authorities with more than half of its governing body appointed by the Governor utilize BART.

The Law may be applicable to vehicles used by contract vendors “on behalf of” State agencies and public authorities and require certain reports from contract vendors. All heavy duty diesel vehicles must have BART by **December 31, 2014 (unless further extended by Law)**. The Law also provides a list of exempted vehicles. Regulations set forth in 6 NYCRR Parts 248 and 249 provide further guidance. The Bidder hereby certifies and warrants that all heavy duty vehicles, as defined in NYECL §19-0323, to be used under this contract, will comply with the specifications and provisions of NYECL §19-0323, and 6 NYCRR Parts 248 and 249

REVISION TO BID SPECIFICATION (Page 21)

On page 21 of the above Invitation for Bids, clause “**5.8 - Diesel Emission Reduction Act of 2006**” has been replaced with the following:

5.8 Diesel Emission Reduction Act of 2006

Pursuant to §19-0323 of the N.Y. Environmental Conservation Law (“the Law”) it is a requirement that heavy duty diesel vehicles in excess of 8,500 pounds use the best available retrofit technology (“BART”) and ultra-low sulfur diesel fuel (“ULSD”). The requirement of the Law applies to all vehicles owned, operated by or on behalf of, or leased by State agencies and State or regional public authorities. It also requires that such vehicles owned, operated by or on behalf of, or leased by State agencies and State or regional public authorities with more than half of its governing body appointed by the Governor utilize BART.

The Law may be applicable to vehicles used by Contract vendors “on behalf of” State agencies and public authorities and require certain reports from Contract vendors. All heavy duty diesel vehicles must have BART by **December 31, 2014 (unless further extended by Law)**. The Law also provides a list of exempted vehicles. Regulations set forth in 6 NYCRR Parts 248 and 249 provide further guidance. The Bidder hereby certifies and warrants that all heavy duty vehicles, as defined in NYECL §19-0323, to be used under this Contract, will comply with the specifications and provisions of NYECL §19-0323, and 6 NYCRR Parts 248 and 249.

REVISION TO BID SPECIFICATION (Pages 37 and 38)

On pages 37 and 38 of the above Invitation for Bids, clause “**6.16.5 - NYSDOT Region 6 Special Notes (Chip Seal)**” has been replaced with the following:

6.16.5 NYSDOT Region 6 Special Notes (Chip Seal)

Paint is the only option permitted in Region 6 for temporary pavement markings, unless approved on a case by case basis by the Resident Engineer. Paint must meet the material requirements of Section 727 of the Standard Specifications. Offset the centerline temporary/interim pavement markings so that the permanent markings will cover up the temporary/interim markings, as follows: 8” centerline offset for 2 lane roads, 6” centerline offset for multi-lane roadways.

All Region 6 Chip, Fog, and Sand Overlay projects shall be completed no later than September 7, 2014. A schedule reflecting this shall be submitted before start of work to the Region’s ARDO, Stacey Forenz, for approval. Priority in scheduling shall be given to Project 680489B.

Projects 6V1411B, 6V1414B, 6V1443B, 6V1453B and 680489B are to receive a treatment of fog seal (410.0106) to be applied after the 10 day cure for the Cold in Place Recycle but minimally 12 hours prior to the application of the Chip, Fog, and Sand course at the same rate as indicated in the Chip Seal specifications for pay item 410.0106.

Project 680489B is a double course treatment Chip, Fog, Sand. Both courses need to be applied no later than September 7, 2014.

The following bridges and culverts are within the project limits are not to receive the chip seal, fog & sand treatment:

Project Number	BIN	Reference Marker
6V1411B	1042880	244-6101-1031
6V1414B	1016280	21-6101-1075
	1016300	21-6101-1088
6V1443B	1029440	70-6101-1039
6V1440	3334650	415-6401-1280

Per the Attachment 8 Chip Seal Specification, a speed limit reduction to 30mph is required for seven days upon completion of the chip seal. Region 6 interprets the signage to be a R2-1 sign with a G20-5aP sign mounted above. If the regulatory speed on the State Highway is >40mph, a reduced speed ahead sign (W3-5 orange on black) is required. Also required, is the State Highway’s regulatory speed within 500 feet of the end of the work area. These signs shall not be removed prior to the 7 day requirement without the approval of the Resident Engineer

REVISION TO BID SPECIFICATION (Pages 49 and 50)

On pages 49 and 50 of the above Invitation for Bids, clause “**7.15.4 - Special Note for Rail Road Involvement in 100% State Funded Projects (Cold Recycling): Basis of Payment**” has been replaced with the following:

Basis of Payment

All costs incurred by the contractor to comply with the requirements in this Special Note shall be included in the price bid per square yard for cold recycling. No extra payment shall be made.

REVISION TO BID SPECIFICATION (Page 50)

On page 50 of the above Invitation for Bids, clause “**7.15.5 - NYSDOT Region 1 Special Notes (Cold Recycling): Pavement Markings**” has been replaced with the following:

Pavement Markings

It shall be the contractor’s responsibility to inventory and document the existing pavement marking patterns prior to milling and submit to the Engineer a copy of the inventory prior to beginning work.

REVISION TO BID SPECIFICATION (Page 51)

On page 51 of the above Invitation for Bids, clause “7.15.6 - NYSDOT Region 2 Special Notes (Cold Recycling)” has been replaced with the following:

7.15.6 NYSDOT Region 2 Special Notes (Cold Recycling)

Pavement Markings

It shall be the contractor’s responsibility to inventory and document the existing pavement marking patterns prior to milling and submit to the Engineer a copy of the inventory prior to beginning work.

Project 2V1411- Rte. 10 Rte. 29 to Rte. 10A &

Project 2V1412- Rte. 29 – Dolgeville to Rte. 331

- The Cold Recycle **must be complete no later than August 31st**.
- Shoulders shall be milled to a depth of 4” and removed. The shoulder millings are *not* to be incorporated into the recycling process. All surplus millings will be delivered to:

NYSDOT
Fulton/Montgomery Residency
3059 State Rte. 5S
Fultonville NY 12072

Payment for the shoulder milling will be made under item 51405.0294. Delivery of the millings to be included in the price bid for item 51405.0294

- The cold recycled mat will be fog sealed at the end of each day’s production. Payment for the fog seal will be made under 702-xxxx.

Project 2V1421 - Rte. 28 - Northville Otter Bay to 4 miles north

- The Cold Recycle **must be complete no later than August 31st**.
- Shoulders shall be milled to a depth of 4” and removed. The shoulder millings are not to be incorporated into the recycling process. All surplus millings will be delivered to:

NYS DOT
Hamilton County Residency
6415 NYS Rte. 30
Indian Lake NY 12842

Payment for the shoulder milling will be made under item 51405.0294. Delivery of the millings to be included in the price bid for item 51405.0294

- The cold recycled mat will be fog sealed at the end of each day’s production. Payment for the fog seal will be made under 702-xxxx.

Project 2V1461- Rte. 8 – Chenango CL to Leonardsville

- The Cold Recycle **must be complete no later than September 30th**.
- Shoulders shall be milled to a depth of 4” and removed. The shoulder millings are not to be incorporated into the recycling process. All surplus millings will be delivered to:

NYS DOT
Oneida East Sub Residency
7579 State Rte. 20
Sangerfield, NY 13455

Payment for the shoulder milling will be made under item 51405.0294. Delivery of the millings to be included in the price bid for item 51405.0294

- The cold recycled mat will be fog sealed at the end of each day’s production. Payment for the fog seal will be made under 702-xxxx.

REVISION TO BID SPECIFICATION (Page 52)

On page 52 of the above Invitation for Bids, the following note has been included in clause “7.15.6 - NYSDOT Region 2 Special Notes (Cold Recycling)”:

In Region 6, provided the Contractor meets all other contractual requirements, most critically, weather and mix design, should both DOT and the Contractor agree that areas need to be fog-sealed post-Cold Recycling, the Cold Recycling Contractor will fog seal and the quantities will be included for payment in the emulsion quantities for the project. No additional payment will be made for WZTC. The Resident Engineer will be the DOT representative permitted to make the approval for this decision. Region 6 does NOT intend on using this often, based on past experience. However, should it be needed, this is the intent for Region 6 for method of payment.

CLARIFICATION TO BID SPECIFICATION

INQUIRY: On page 10 of Attachment 9 – “Detail Specifications” (under Cold Recycling Specification: Equipment) section “a” reads “The equipment will control profile and cross slope with a moving reference at least 30 feet in length.” While the equipment can control profile with a 30 foot moving reference at the centerline of the pavement, it cannot control cross slope. Cross slope can be set on the milling machine, but without survey and stakeout of all proposed cross slopes on the project and transition points, cross slope can only be matched to existing cross slopes or modified slightly. Please clarify.

RESPONSE: The equipment is expected to be able to maintain existing cross slope, or to produce a given cross slope if provided. Attachment 9 has also been modified (see page 2 of this Purchasing Memorandum)

INQUIRY: On page 11 of Attachment 9 – “Detail Specifications” (under Cold Recycling Specification: Traffic Control) Pilot Vehicles are required. On page 49 of the IFB Main Document (under 7.15.3 - Special Note for Pilot Vehicle – Cold Recycling) Pilot Vehicles are specifically called out for Region 1 Cold Recycling projects. Nowhere are Pilot Vehicles called for in Cold Recycling projects in Regions 2, 3, and 6. Will Pilot vehicles be required for Cold recycling projects in regions 2, 3 and 6?

RESPONSE: Pilot vehicle is part of the Cold Recycling Specifications and it is required for all Cold Recycling projects irrespective of NYSDOT regions. In their special note, Region 1 just highlighted few details of their pilot vehicle requirement.

INQUIRY: On Page 49 of the Invitation for Bids, under 7.15.4 there is a special note regarding a railroad crossing on Project 1V1421. In the past, the Department of Transportation negotiated railroad force account agreements with the railroad, not the bidder. To shift that responsibility to several bidders during the bidding period is onerous. Each bidder will have to contact the railroad and get prices for track protection during work near the railroad's facilities and include that cost in their bids. Additionally, bidders do not have a railroad unit that has worked with the railroads and knows how to handle the negotiations. If the cost for railroad protection could be reimbursable to the contractor by the state, only the successful bidder would have to negotiate with the railroad and arrange for protection. Also, since our recycling equipment is approximately 70 feet long, in order not to foul the track, we would have to skip the recycling of Route 28N for 100 feet +/- on either side of the track. That would preclude any involvement of the Iowa Pacific Railroad and the additional cost and coordination required. Please let us know if that is permissible.

RESPONSE: There is no change in the Rail Road Involvement note for State funded projects from last year. The note was developed few years back by NYSDOT Design Support Section. The State does not have any intention to change this note.
Also, NYSDOT intention is for the contractor not to foul the track. In the case this happens, then the contractor will have to follow the “Construction Details” clause in page 50 of the Invitation for Bids.

INQUIRY: On Page 50 of the Invitation for Bids, the Special Note for Project 1V1411 requires the contractor to bail off millings between Reference Marker 1001 and 1003 to lower the finished profile to 1 inch below existing. Who owns these millings?

RESPONSE: The contractor would own these millings.

INQUIRY: Can NYSDOT please verify that the existing pavement markings for # 6V1440 are definitely epoxy and will need to be removed?

RESPONSE: For Projects 6V1440 and 6V1442, NYSDOT will be requiring abrading of the waterborne pavement markings per the clause 6.15.3 – “Abrading Existing Pavement Markings” (page 33 of the Invitation for Bids) per the Resident Engineer’s request.

INQUIRY: Will 6.3mm Polymer HMA Overlay be allowed as a substitute for the Paver Placed Surface Treatment for Project #406351?

RESPONSE: Current specifications for Paver Placed Surface Treatment **do not allow** 6.3 Polymer-Modified HMA Overlay as a substitute for the Paver Placed Surface Treatment.
