

ADDENDUM NO. 3

**Landfill Operations Road and Mass Grading for Cells #1 and #2
Layon, Inarajan, Guam
Project No. SWMD-09-01
December 31, 2008**

GENERAL INTENT:

It is the intent of this addendum to effect the following changes to the Contract documents. Failure to acknowledge receipt of the addendum shall be grounds for the Bidder's disqualification and rejection of the Bidder's proposal.

Following is a list of Requests for Information (RFI's) received from prospective Bidders for the subject project. Similar RFI's received from more than one prospective Bidder have been combined. Some questions were edited for clarity. Responses to the RFI's shall be treated as part of the Contract documents.

Q1: (A) Please advise if grubbed materials can be left on site for future use.
(B) Can we use part of future Cells 3 & 4 adjacent to Cell 2 for temporary stock piling of clearing and grubbing material?

A1: At the option of the Contractor, vegetative material from on-site clearing activities can be chipped and stockpiled for use on newly created slopes as an enhancement to erosion and sediment control efforts. The chipped material may be stockpiled at an area to be designated by the Contracting Officer. The Contractor shall submit an official request to elect this option with a stockpiling plan with corresponding proper erosion control measures conforming to the requirements of the Guam EPA. Materials permitted for stockpiling shall be limited to biodegradable green waste. Refuse from the Contractor's clearing and grading activities as well as general operations will not be permitted.

[Note: GEPA has agreed to the use of on-site biodegradable green waste provided that it is addressed in the re-vegetation plan.]

Q2: (A) Please confirm that the access road (paved and unpaved) we used in the site visit on December 16, will be the same access road to be used during the construction period.
(B) Primary access road (from public road to Project site) - During construction does Government/Owner provide right of entry and passable access to Contractor?

A2: Yes, the same roads will be used to access the construction site and the Government/Owner provides right of entry to the Contractor.

Q3: Does the performance and payment bond have to be from a US Treasury listed surety company?

A3: Yes, the same as for the Bid Bond.

Q4: (A) We consider the contract time of 210 calendar days very short considering the potential lost time due to rain. We request the contract time be extended to one (1) year.
(B) The contract time 210 days (including rainy days) is too short. Please provide construction time 365 days to complete such large Earthwork thru the rainy season.

A4: The contract completion time of 210 calendar days was calculated after allowing for the number of lost work days as indicated in Section 7.3, Climatic Conditions, of the General Conditions. The contract time will remain at 210 calendar days.

Q5: What is the status of the grading and building permits for this project? Do we need to get a permit from GEPA for the monitoring well caps?

A5: The Clearing & Grading Permit and the Building Permit are expected to be obtained by no later than the bid opening on January 22. The Clearing & Grading Permit and the Building Permit fees will be paid by the Owner. The Building Permit will be conditionally approved pending award of the Contract for this project. The contracted Contractor will need to get the Building Permit reissued in their name. The Contractor will be responsible for the \$20 fee to be paid to One Stop for conversion of the Building Permit to their name.

The Contractor is responsible for getting all permits required for abandonment of the wells, see Q5/A5 of Addendum No. 2.

Q6: (A) Please postpone the bid submittal date by one (1) week.
(B) Would you extend Bid date at least one week in order for us to provide competitive price?
(C) Bidder is hereby requesting for Government's consideration of a 2 weeks extension of the bid proposal deadline.

A6: The bid submittal deadline is changed from 2:00 pm on January 8, 2009 local Guam time to 2:00 pm on January 22, 2009 local Guam time.

In addition, the **INSTRUCTIONS TO BIDDERS, SECTION 21.0, ADDENDA AND INTERPRETATIONS** is revised as follows.

(Revisions indicated by bold lettering and underlining)

1. Third paragraph, first sentence is to be replaced with the following.

“In order to be given consideration, any request for interpretation must be received by the Government **by no later than 12:00 (noon) on Friday, January 9, 2009 local Guam time.**”

2. Third paragraph, third sentence is to be replaced with the following.
“Such responses shall be sent to Bidders **by no later than 12:00 (noon) on Thursday, January 15, 2009 local Guam time.**”

Q7: (A) What are the working hours? Are we allowed to work at night and on week-ends? Will we be charged for Inspector overtime and if so, how much?

(B) Should we need, are we allowed to work beyond normal working hours, holidays and night time shift?

A7: The normal working hours are 8:00 am to 5:00 pm Monday through Friday. The normal working hours can be changed with the approval of the Contracting Officer. Work at night and on the week-ends will be allowed as approved by the Contracting Officer.

The Contractor will not be charged for the Owner’s inspectors overtime, see Q12/A12 of Addendum No. 2.

Q8: (A) Is there a designated staging area? Can we use Cell 10 for staging?

(B) Can we use part of Cells 10 & 11 (right side of service road) for Project Staging area?

A8: There is no designated staging area. This will be worked out between the contracted Contractor and the Contracting Officer. It is anticipated the staging area will be within the Project property. The Contractor will be responsible for obtaining and paying for any permits required for the staging area, plus maintenance of all required erosion control measures, and other items related to the staging area.

Q9: The General Conditions 4.11 (f) & (g) require insurance limits of \$5 million. Can these be reduced to \$1 million?

A9: All insurance limits will remain as indicated in the Bid documents.

Q10: Is the Contractor expected to maintain the landfill access road?

A10: The Contractor is to maintain the coral based access road to the landfill in the same passable condition as of the date of the Notice to Proceed. The Contractor is also responsible for maintenance of the erosion control measures for the coral based access road. The Contractor is responsible for maintenance of the road and erosion control features starting from the Notice to Proceed and ending with final acceptance of the Contract.

In addition, the Contractor will be responsible for traffic control and for any damage caused by his operations to the concrete paved road going to Talofofa Falls Park. The Contractor is also responsible for keeping the road and road right-of-way clean by removing any dirt, debris, etc. caused by his operations. The Contractor is to thoroughly document the condition of the concrete road before he begins to use it.

Q11: Are there any potential archaeological findings existing within the project limits?

A11: The archaeological survey indicates there are no significant archaeological sites within the Project site. Site 1 on the attached Figure 1, Location of Identified Site and Isolated Objects, is to be protected. However, there is always the possibility of uncovering an archaeological finding during construction. The Contractor shall notify the Contracting Officer of any potential archaeological finding encountered during the Contract. The Owner will contract for any archaeological monitoring required during the Contract. The Contractor will not be responsible for archaeological monitoring.

Q12: Is the wetland map, dated 12/12/05, the current one and is any further delineation required? Can we assume the wetlands documented in the Bid Package are the only wetlands in and adjacent to the project?

A12: The wetland map dated December 12, 2005 is the most current and it identifies the wetlands in the area of the Project. No further delineation of wetlands is required by the Contractor. There are no wetlands within the Project construction area. The Contractor is reminded they are responsible for protecting the adjacent wetlands identified in the bid documents from damage in accordance with all permit conditions.

Q13: Identify nearest water source for the project construction activities and did the Owner secure permission from GWA for needed (2" diameter meter) hookup?

A13: As per Section 4.21 of the General Conditions, the Contractor is to verify the nearest available source for a water connection. In addition, the Contractor shall make all necessary applications, pay all fees and charges, and obtain all necessary permits for construction of temporary water required for this Project.

Q14: The list attached for wage rates (Local & Alien workers) is not the most current one. Please provide the latest one that applies to this project.

A14: The Prevailing Wage Rates, PWR-1, of the Bid documents is to be replaced with the attached Amended Common Construction Prevailing Wage Rates for Guam, effective September 29, 2008. The Government of Guam Department of Labor has stated these

wage rates apply equally to both H-2B workers and U.S. workers employed by a Contractor.

Q15: The rip rap swale drainage (Details 3/C3.7A, 4/C3.7A, and 4/C3.8) can be constructed along with road works. Is this scope of swale work in this contract?

A15: Yes, all rip rap swale drainage work within the limits of construction for the operations and perimeter roads are to be constructed and included in this bid.

Q16: Provide the station or limits of drainage for Details 3/C3.7A, 4/C3.7A, 4/C3.8, and 6/C3.8, and specify the respective bid item.

A16: Station limits are shown on Sheet C3.2, and the corresponding pay items are: 60802 – Paved Waterway, Riprap, Class I; and 60803 – Grouted Riprap, Class I.

Q17: Part of storm water road crossing (Detail 5/C3.8) and interceptor drain (Detail 1/C3.8) can be done only along with road works. Please specify the limit of work in this contract.

A17: The road crossing and interceptor drain will be constructed as part of the perimeter road construction. The limits of construction are the toe or top of slope as depicted on the contour grading plans as shown on Sheets C3.1, C3.2, C3.4, C3.5, and C3.6. The perimeter road construction limits are from Station 0+00 to 20+50+/-.

Q18: Please provide required limits for the payment and performance bonds in term of % of the total project cost.

A18: The payment and performance bond is to be one hundred percent (100%) of the Bidder's total Contract amount as per the Bid Form.

Bidders are to note the conditions placed on the project by Guam EPA as per the attached letter dated December 23, 2008 regarding the Clearing, Grading & Stockpiling Permit Clearance. Item 21 has been clarified with Guam EPA to read "That the clearing/grading/stockpiling subgrade in Cell #1 and Cell #2 is **below** the proposed liner system." The Water Quality Monitoring Plan required by Item 22 will be prepared and submitted by the Owner.

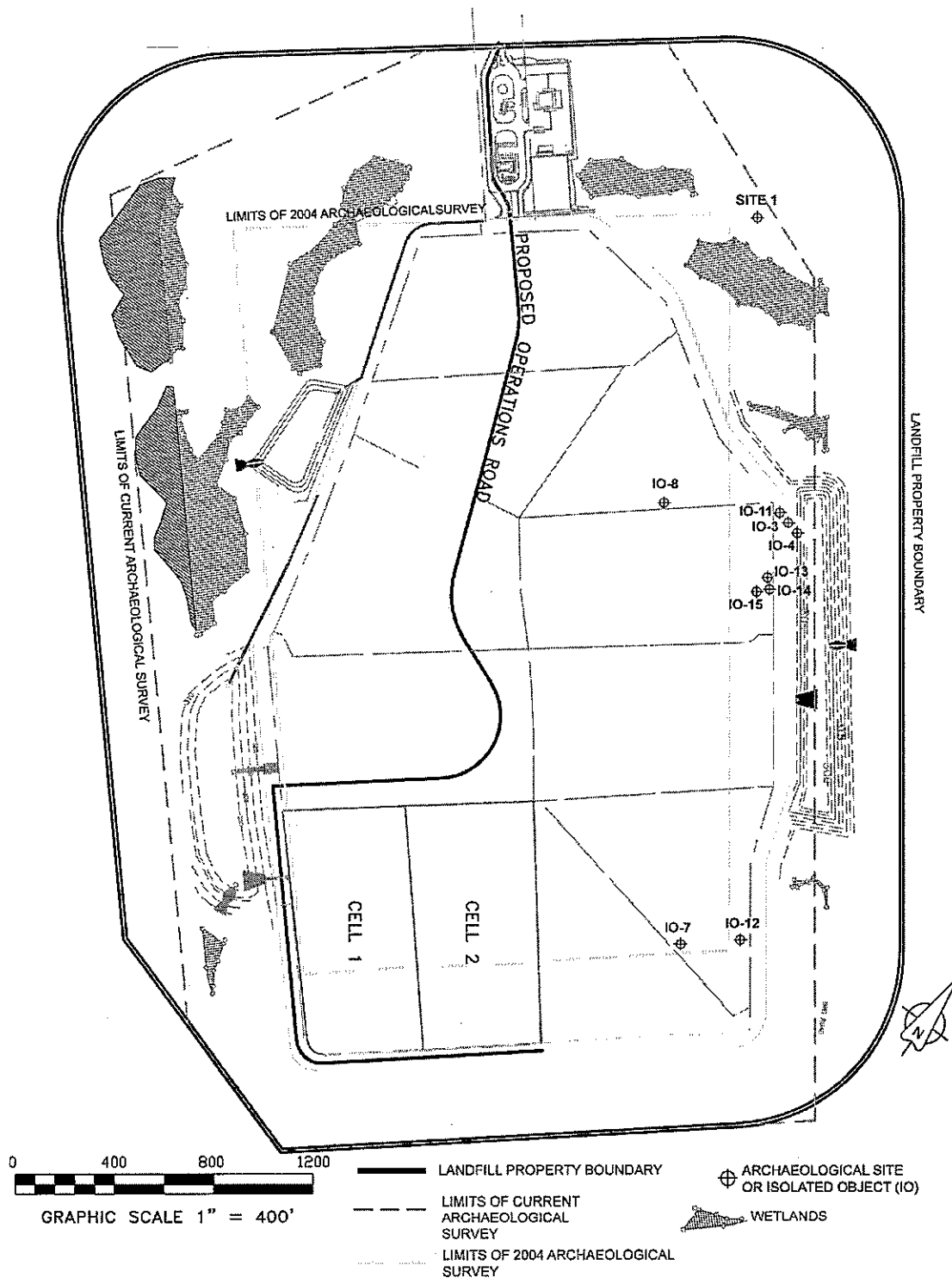


Figure 1. Location of Identified Site and Isolated Objects



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AMENDED
COMMON CONSTRUCTION PREVAILING
WAGE RATES FOR GUAM

Pursuant to 8 CFR 214.2(h)(b)(ii)(v)(F)(2) prevailing wage rates for common construction occupations in Guam must be approved by the U.S. Citizenship & Immigration Service (USCIS) Commissioner of Immigration prior to implementation. These Prevailing Wage Rates apply only to H-2B workers and similarly employed U.S. workers in Guam. USCIS has reviewed and reconsidered the Government of Guam's proposed rates and has approved new rates effective September 29, 2008 as follows:

Table with 2 columns: OCCUPATION and HOURLY WAGE RATES. Lists various construction jobs and their corresponding hourly rates, such as BRICKLAYER at \$14.02 and WELDER at \$16.09.

These prevailing wage rates are effective for both new and extension temporary labor certifications. The prevailing wage rate on Temporary Labor Certifications approved prior to the implementation of these new rates shall remain in effect for the duration of the existing labor certifications.

For further information, please contact Maria Connelley, Director of Labor, at (671) 475-7075, or Greg Massey, Administrator for the Alien Labor Processing & Certification Division (ALPCD) at (671) 475-7005.

Handwritten signature of Felix P. Camacho

FELIX P. CAMACHO
Governor of Guam

OCT 06 2008



GUAM ENVIRONMENTAL PROTECTION AGENCY



AHENSIAN PRUTEKSION LINA'LA GUAHAN

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DEC 29 2008

Mr. Tor Gudmundsen, P.E.
President
TG Engineers, PC
Sunny Plaza, Suite 303
125 TJ Crisostomo Street
Tamuning, Guam 96913-3551

Dear Sir:

**Re: Clearing, Grading & Stockpiling Permit Clearance for
Layon Landfill Operations Road & Mass Grading for Cell#1 & Cell#2
Dandan, Inarajan, Guam
(GEPA Erosion Control Permit No. CGS-08-7300)**

Pursuant to §10101.C of the **Guam Soil Erosion and Sediment Control Regulations**, your proposed clearing/grading/stockpiling of the above referenced project has been approved subject to the following conditions:

1. That the permittee shall perform the clearing/grading/stockpiling activity in accordance with the latest edition of the Uniform Building Code, Chapter 33.
2. That all necessary erosion and sedimentation control measures shall be implemented by the permittee on all potentially problem areas prior to clearing, grading and stockpiling activity and shall be maintained during and after clearing/grading/stockpiling operation in accordance with §10105 of the Regulations and any other erosion control measures as directed by the Guam Environmental Protection Agency (GEPA) Administrator or his authorized representative(s). After the installation of temporary erosion control measures, the permittee shall inform the Agency of the completion and schedule inspection giving an advanced notice of twenty-four (24) hours prior to the scheduled date of inspection.
3. That all excess excavated materials and other debris that are not to be stockpiled for future use shall be removed by the permittee within thirty (30) days after the clearing/grading/stockpiling operation is completed. All excess excavated materials and debris shall be dumped at **Guam EPA**

"ALL LIVING THINGS OF THE EARTH ARE ONE"

Solid Waste -Management Permitted Facility for each type of waste as required by 10 GCA Chapter 51, §51110.

4. **That the permittee shall implement the dust emission control measures during the clearing/grading/stockpiling activities as required by §1103.4, of the Guam Air Pollution Control Standards and Regulations.**
5. That in the event the permittee encounters any environmental problem(s) during the clearing/grading/stockpiling activity, the permittee shall immediately implement appropriate mitigation measure(s) and inform the Agency of the action taken within twenty-four (24) hours from the time environmental concern has been determined
6. That no structures or other improvements are authorized under this approval for clearing/grading/stockpiling activity, except for those approved activities for preventing erosion.
7. That no disturbed area with the exception of the cells, caused by the clearing/grading/stockpiling operation shall be left denuded for more than thirty (30) days. After thirty days, the permittee shall mulch and seed the slopes, ditches, berms, and any denuded or disturbed areas with temporary/permanent vegetative cover to minimize erosion. The permittee shall submit a re-vegetation plan.
8. That the permittee shall perform the clearing/grading/stockpiling so as not to violate the Guam Water Pollution Control Act, the Guam Water Quality Standards and the Guam Air Pollution Control Act.
9. That the permittee shall maintain a thirty (30) feet perimeter buffer zone around wetlands, springs, and rivers where no clearing/grading/stockpiling shall be performed. The perimeter buffer shall be established with required erosion control measures.
10. That the permittee shall inform the GEPA Water Pollution Control (WPC) Program for inspection twenty-four (24) hours after the completion of clearing/grading/stockpiling activities in accordance with §10107.B of the regulations.
11. That the permittee shall cease grading activity in the cell areas when groundwater is encountered during the clearing/grading/stockpiling activity and report the incident to Guam EPA within 24 hours.

12. That the permittee shall not perform any clearing/grading/stockpiling activity on wetlands without the approval from the Army Corps of Engineers (ACOE) and shall secure other applicable local and/or federal permits in conjunction with this permitted activity or any activity not covered by this permit prior to doing any field work.
13. That the issuance of this clearing/grading/stockpiling to the permittee shall constitute an authorization to do only work which is described on the approved permit application and plans and specifications.
14. That this permit clearance is good only for the period of completion stated on the permit application for the permittee or ONE (1) YEAR from the date of issuance of the permit clearance whichever comes first.
15. That if the clearing/grading/stockpiling has not commenced or started, this permit clearance shall expire after six (6) months or 180 days from date of issuance and the permittee shall submit a new application for renewal of the permit clearance.
16. That the approved permit application shall be revoked by the Administrator when (1) the permittee submits incorrect information; (2) it is determined that the permittee has not complied with the provisions of applicable laws, rules and regulation; (3) the clearing/grading/stockpiling is not performed in accordance with the terms and conditions of the approved permit; and (4) clearing/grading/stockpiling discloses objectionable and unsafe conditions.
17. That the Owner is responsible together with the Applicant and contractor to ensure compliance with the requirements and conditions of this clearance permit.
19. That permittee is responsible for its actions and that GEPA shall not be held liable for any damages caused as a result of this clearing/grading/stockpiling activity.
20. That this permit for clearing/grading/stockpiling is not valid without the approval of the Department of Public Works, Building Permit and Inspection Section.
21. That the clearing/grading/stockpiling subgrade in Cell#1 and Cell# is above the proposed liner system.

22. That Pond 3A shall have a Water Quality Monitoring Plan for its discharges to cover monitoring during construction; and a BMP that includes the frequency of the pond's maintenance and the planting of appropriate vegetation immediately below the discharge to control erosion.
23. That the SWPPP submittal serves as a general guideline for the contractor. However, it is the Contractor's responsibility to implement additional measures that are necessary per actual condition.

Failure to comply with the above conditions and/or any provisions of the Guam Soil Erosion and Sediment Control Regulations and other applicable GEPA rules and regulations may result in the issuance of a Stop Work Order or a Notice of Violation as required by §10113.

Please be advised that a Stop Work Order or a Notice of Violation in no way precludes the use of other enforcement action available to this Agency, including the pursuit of criminal charges and/or penalties applicable to any or other subsequent violation (s).

Sincerely,



LORILEE T. CRISOSTOMO
Administrator