

**ADDENDUM No. 1
TO
CONTRACT DOCUMENTS FOR CONSTRUCTION OF
JICARILLA APACHE NATION – CUTTER INTERTIE
WATER SUPPLY PROJECT**

THE JICARILLA APACHE NATION

April 24, 2020

This is ADDENDUM No. 1 to the CONTRACT DOCUMENTS FOR CONSTRUCTION OF JICARILLA APACHE NATION – CUTTER INTERTIE WATER SUPPLY PROJECT, bid package published April 2020. This ADDENDUM No. 1 consists of four (4) pages. All interested bidders are hereby notified of the following modifications to the Contract Documents, as described in detail below

Item 1. Additional information regarding Site Visit by potential bidders (*Instructions to Bidders, Article 4.03*)

A guided vehicle tour and site visit for potential bidders will take place on Tuesday, April 28th, 2020 at 10 a.m. Attendance is strongly encouraged.

Potential bidders who wish to attend the tour must notify the Owner and Engineer by email no later than 2 p.m. on Monday, April 27th, as follows:

Address To: complianceo@ymail.com
With CC: DOLOffice5@gmail.com; waterway777@yahoo.com;
 ryan.biehl@soudermiller.com; wacey.jodie@soudermiller.com

Subject: [Name of your organization], potential bidder requesting temp. permit for
 JAN-Cutter Intertie guided site visit

In body of email, provide the following details:

- [Organization name]
- [Contact phone number]
- [Names of individuals who plan to attend]
 - Limit those attending from your organization to no more than four (4) people.
- [License Plate No. and State of Issue for vehicle(s) to be used during tour]
 - Please limit vehicles used per organization during the tour to no more than two (2).

The Engineer will confirm receipt of this information by email. Potential bidders who have sent the required information and received confirmation of receipt need not obtain further documentation from the Owner before attending on the day of the guided site visit.

Those attending the site visit shall be at the Apache Nugget Travel Center and Casino parking lot (located at the intersection of Hwy 550 and Hwy 537, north of Cuba, N.M.), from where the tour will commence, driving to and stopping at the following locations along the project:

- Station 0+00
- JAN Border Tank Site
- Wash Crossing at Sta 42+11 (Optional, requires walking)
- Road and gas line crossings at Sta 65+81
- Sandstone outcrop at Sta 119+68
- End of Phase 2 of project at Sta 129+10

This guided visit will be the only opportunity for potential bidders to visit the site in person. Potential bidders may also notify the Engineer by email prior to the site visit if they wish to stop for more time to view other locations along the project so that these may be incorporated into the tour ahead of time, where feasible.

Supplemental to the vehicle tour and in-person site visit, the Engineer and Owner have taken video documentation of the project site and confirmed access routes and mileages to the project site from highway 550. These will be made available by future addendum prior to the tour on April 28th.

Health precautions: To help limit the spread of COVID-19, please observe at a minimum the following precautions during the tour:

- 1) When outside of vehicles (at attendees' option) at points of interest along the project, attendees should always maintain at least 6 feet of distance between themselves and other attendees they are not traveling with.
- 2) Do not congregate with other attendees outside of vehicles while awaiting the start of the tour at the travel center /casino parking lot.

Item 2. Modification of Bidder's Representations included on Bid Form (*Instructions to Bidders, Article 3.01.B*)

Article 3.01.B is hereby modified to read as follows:

- ~~B. Bidder has visited the Site, conducted a thorough, alert visual examination of the Site and adjacent areas, and become familiar with and satisfied itself as to the general, local, and Site conditions that may affect cost, progress, and performance of the Work.~~
- B. Bidder has had adequate opportunity to visit the Site; to conduct a thorough, alert visual examination of the Site and adjacent areas; and to become familiar with and satisfy itself as to the general, local, and Site conditions that may affect cost, progress, and performance of the Work.

The Bid Form will be updated and provided to bidders electronically in a future addendum.

Item 3. Clarification regarding request to consider a factory powder coated bolted steel tank as a substitute for welded steel water storage tank

A potential bidder asked if a factory powder coated bolted steel tank could be bid for this Project.

A factory powder coated bolted steel tank will not be considered an acceptable substitute to the welded steel water storage tank specified for this project.

Item 4. Clarification regarding stamped design of welded steel water storage tank

A potential bidder indicated they have the ability to manufacture the tank, but would need to outsource the required tank foundation and structural design that is to be provided by the Tank Manufacturer and stamped by a New Mexico P.E. This bidder asked if it would be a conflict of interest for Souder, Miller, & Associates (the Engineer) to provide a quote, scope of work, and schedule to the bidder for these tank foundation and structural design drawings and calculations?

The Engineer will not be able to provide a quote, scope of work, and schedule to potential bidders for preparation of the stamped foundation and structural design drawings and calculations for the welded steel water storage tank.

These design elements are in addition to the tank design drawings and specifications already provided by the Engineer in the bidding package. Tank foundation and structural design drawings and calculations are intentionally required to be stamped and submitted by the tank manufacturer's licensed Engineer because they require specialized calculations and expertise regarding tank design.

Potential bidders are encouraged to reference Sheet DT-17, as well as Technical Specification Section 33 16 19, Articles 1.9 and 2.4.A for more information pertinent to this topic.

Item 5. Clarifications regarding Surveying (Technical Specification 02 21 13):

A potential bidder asked if Souder, Miller & Associates (SMA) would be able to provide a quote and scope of services for construction survey/staking for the project (without creating a conflict of interest)?

Given that SMA as the Engineer will already be conducting the Owner-provided survey services detailed in Technical Specification Section 02 21 13, SMA will not be able to provide separate quotes for survey services as a subcontractor to potential bidders on this project.

Should the Contractor wish to obtain additional survey support from SMA beyond what is provided at no cost by the Owner, the "Authorization of Contractor Reimbursed Work" form provided in Appendix E is to be used.

Note that bidders are not prohibited from seeking additional construction survey support from Surveyors other than SMA as the Owner-provided Surveyor. However, outside services will be at the Contractor's sole expense and Surveying services provided by any other Surveyor shall be subject to Owner's approval of the Surveyor's qualifications.

The following information on Owner-provided survey was discussed during the pre-bid conference and provides further information relevant to this question:

- a. Owner-provided Surveyor:
 - i. Certain survey tasks and services shall be provided by the Owner (one time) at no cost to the Contractor:
 - 1. ROW/TCE limit staking
 - 2. Pipe centerline & profile staking
 - 3. Structures and Site Staking

4. Road staking
5. As-builts
- ii. Tank overflow elevation: Owner's Surveyor will provide a benchmark in the vicinity of the tank. Contractor shall be wholly responsible to determine proper tank overflow elevation based on these benchmarks. Owner's surveyor will not survey the weir elevations of new tanks prior to as-built survey.
- i. Any re-staking or resurveying not due to Owner requested changes, due to a facility moving after it has been surveyed for as-builts, due to substandard work, or associated with BMPs in the Contractor's SWPPP shall be at Contractor's sole expense.
- ii. Refer to Section 02 21 13 – Surveying for more details specific services to be provided by the Owner, exclusions, and responsibilities of the Contractor.
- iii. Also see Appendix E for Survey Authorization Forms to be used.

Item 6. Clarification regarding Sovereign Immunity

A potential bidder indicated that their Bonding Agent has requested that the Jicarilla Apache Nation agree to a Waiver of Sovereign Immunity in order to proceed with bonding for this project. Can you please advise as to such agreement by the Jicarilla Apache Nation, or provide a contact regarding the matter?

The Jicarilla Apache Nation (Owner) has not and is not anticipated to agree to a Waiver of Sovereign Immunity for this Project.

Item 7. Clarification regarding additional questions received to date

Additional questions received to date as well as other items discussed in the pre-bid conference will be included in a subsequent Addendum.

Item 8. Clarification regarding bid opening date and time

As of the issuance of this addendum, the bid opening date, time, and place remain unchanged. Any change in the bid opening, if warranted, will be provided by future addendum.

This Addendum No. 1 constitutes clarification, changes, additions, modifications and deletions to the aforementioned contract documents. All provisions of the contract documents not in conflict with Addendum No. 1 shall remain in full force. Receipt of this Addendum shall be acknowledged on the Bid Form.

Additional questions should be directed to the Project Engineer in writing at ryan.biehl@soudermiller.com, with cc: to the Project Manager Assistant at wacey.jodie@soudermiller.com. Should a bidder first call with a question, the Engineer will request the bidder submit the question in writing. All questions will be answered by written addendum.

Ryan Biehl, P.E.

April 24, 2020

Date