



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE  
GOVERNOR

EUGENE A. CONTI, JR.  
SECRETARY

September 2, 2010

**Addendum No. 1**

RE: Contract ID C202612  
WBS # 5CR.20921.28

**Wake County**

11 Sections of Secondary Roads

**September 7, 2010 Special Letting (Advertisement extended from August 17, 2010 Letting)**

To Whom It May Concern:

This project was originally scheduled for an August 17, 2010 bid opening. It was decided to extend the advertisement, make some changes and open bids on Tuesday, September 7, 2010 at 2:00 PM.

Reference is made to the proposal furnished to you on this project.

The following revisions have been made to the Proposal:

The bid opening date on the proposal cover sheet has been revised from "August 17, 2010" to "September 7, 2010". Please void the existing cover sheet and staple the revised cover sheet (Dated Revised 9-2-10) thereto.

On Page No. 1 the availability date within the Project Special Provisions entitled "Contract Time and Liquidated Damages" and "Intermediate Contract Time Number 1 and Liquidated Damages" has been revised. Also on Page No. 1 the availability and completion dates have been revised within the Project Special Provision entitled "Intermediate Contract Time Number 2 and Liquidated Damages". Please void Page No. 1 in your proposal and staple the revised Page No. 1 thereto.

The MBE goal and WBE goal have been re-evaluated in light of the recent changes to our MB/WB Program and it has been determined that no change to the goals is necessary for this project.

**MAILING ADDRESS:**

NC DEPARTMENT OF TRANSPORTATION  
CONTRACT STANDARDS AND DEVELOPMENT UNIT  
1591 MAIL SERVICE CENTER  
RALEIGH NC 27699-1591

TELEPHONE: 919-250-4128  
FAX: 919-250-4119

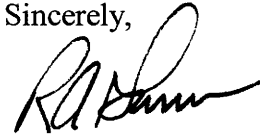
WEBSITE: [WWW.NCDOT.ORG](http://WWW.NCDOT.ORG)

**LOCATION:**

CENTURY CENTER COMPLEX  
ENTRANCE B-2  
1020 BIRCH RIDGE DRIVE  
RALEIGH NC 27610

The Expedite File has been updated to reflect the change of let date. Do not use the EBS file you previously downloaded. Please download the new Expedite EBS file dated 9/02/10 associated with the September 7, 2010 letting. Bid Express will not accept your bid unless the new EBS file is used. You will also need to download the new "dbe\_nc.bin" file for use in entering your MBE/WBE participation. This new file reflects the changes to the NCDOT MBE/WBE Program (reference memo dated September 2, 2010 from State Contract Officer R. A. Garris, PE for further information).

Sincerely,



R. A. Garris, PE  
Contract Officer

RAG/jag

Attachments

cc: Mr. Jon Nance, PE  
Mr. Ron Hancock, PE  
Mr. J.W. Bowman, PE  
Ms. D. M. Barbour, PE  
Mr. Art McMillan, PE  
Mr. J. V. Barbour, PE  
Ms. Marsha Sample  
Project File (2)

Mr. R.E. Davenport, PE  
Ms. Natalie Roskam, PE  
Mr. Larry Strickland  
Ms. Penny Higgins  
Ms. Jaci Kincaid  
Mr. Ronnie Higgins  
Ms. Lori Strickland

STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION  
RALEIGH, N.C.

PROPOSAL

Revised 9-2-10

DATE AND TIME OF BID OPENING: **SEPTEMBER 7, 2010 AT 2:00 PM**

CONTRACT ID C202612  
WBS 5CR.20921.28

FEDERAL-AID NO. STATE FUNDED  
COUNTY WAKE  
T.I.P. NO.  
MILES 19.720  
ROUTE NO.  
LOCATION 11 SECTIONS OF SECONDARY ROADS.

TYPE OF WORK MILLING, RESURFACING, AND SHOULDER RECONSTRUCTION.

**NOTICE:**

ALL BIDDERS SHALL COMPLY WITH ALL APPLICABLE LAWS REGULATING THE PRACTICE OF GENERAL CONTRACTING AS CONTAINED IN CHAPTER 87 OF THE GENERAL STATUTES OF NORTH CAROLINA WHICH REQUIRES THE BIDDER TO BE LICENSED BY THE N.C. LICENSING BOARD FOR CONTRACTORS WHEN BIDDING ON ANY NON-FEDERAL AID PROJECT WHERE THE BID IS \$30,000 OR MORE. EXCEPT FOR CERTAIN SPECIALTY WORK AS DETERMINED BY THE LICENSING BOARD. BIDDERS SHALL ALSO COMPLY WITH ALL OTHER APPLICABLE LAWS REGULATING THE PRACTICES OF ELECTRICAL, PLUMBING, HEATING AND AIR CONDITIONING AND REFRIGERATION CONTRACTING AS CONTAINED IN CHAPTER 87 OF THE GENERAL STATUTES OF NORTH CAROLINA. NOT WITHSTANDING THESE LIMITATIONS ON BIDDING, THE BIDDER WHO IS AWARDED ANY PROJECT SHALL COMPLY WITH CHAPTER 87 OF THE GENERAL STATUTES OF NORTH CAROLINA FOR LICENSING REQUIREMENTS WITHIN 60 CALENDAR DAYS OF BID OPENING, REGARDLESS OF FUNDING SOURCES.

**BIDS WILL BE RECEIVED AS SHOWN BELOW:**

THIS IS A ROADWAY PROPOSAL

**5% BID BOND OR BID DEPOSIT REQUIRED**

**1**

**PROJECT SPECIAL PROVISIONS**

**GENERAL**

**CONTRACT TIME AND LIQUIDATED DAMAGES:**

(7-1-95)(Rev. 12-18-07)

RG 10

The date of availability for this contract is **October 4, 2010**.

The completion date for this contract is **August 31, 2011**.

Except where otherwise provided by the contract, observation periods required by the contract will not be a part of the work to be completed by the completion date and/or intermediate contract times stated in the contract. The acceptable completion of the observation periods that extend beyond the final completion date shall be a part of the work covered by the performance and payment bonds.

The liquidated damages for this contract are **Eight Hundred Dollars (\$800.00)** per calendar day.

**INTERMEDIATE CONTRACT TIME NUMBER 1 AND LIQUIDATED DAMAGES:**

(2-20-07)

RG 14 F

The Contractor shall complete the work required on **Maps 8, 9, and 10; with the exclusion of placement of thermoplastic pavement markings**, and shall place and maintain traffic on same.

The time of availability for this intermediate contract time is **October 4, 2010**.

The completion time for this intermediate contract time is **December 16, 2010**.

The liquidated damages are **Eight Hundred Dollars (\$800.00)** per calendar day.

**INTERMEDIATE CONTRACT TIME NUMBER 2 AND LIQUIDATED DAMAGES:**

(10-28-09)

RG 14 J

The Contractor shall complete all work required on **Map 3** and shall place and maintain traffic on same.

The date of availability for this intermediate contract time is **October 4, 2010**.

The completion date for this intermediate contract time is **November 22, 2010**.

The liquidated damages are **Eight Hundred Dollars (\$800.00)** per calendar day.



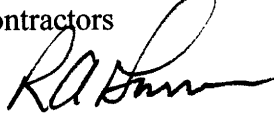
STATE OF NORTH CAROLINA  
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BEVERLY EAVES PERDUE  
GOVERNOR

EUGENE A. CONTI, JR.  
SECRETARY

September 2, 2010

NOTICE TO: All Prequalified Contractors

FROM: R.A. Garris, P.E.   
State Contract Officer

SUBJECT: Changes to NCDOT Minority Business Enterprise Qualifications

This letter is to advise you of changes to the North Carolina Department of Transportation's Minority Business and Women Business Enterprise Program ("MB/WB Program") resulting from legislative amendments to the general statute governing the program.

As you may be aware, the MB/WB Program was challenged as being unconstitutional. Based upon a Disparity Study that was completed in 2004, the United States Court of Appeals for the Fourth Circuit found there was a sufficient evidentiary basis in the 2004 study for the MB program for businesses owned by African Americans and American Indians. However, the court found there was not a sufficient basis in evidence for businesses owned by women, or for Asian Americans and Hispanic Americans.

In 2009, DOT received a new disparity study conducted by Euquant, entitled "Minority Business Opportunity: A Disparity Study of NCDOT's State and Federal Programs." The 2009 Study examined whether disparity in contracting was present in DOT state-funded construction projects and made recommendations for further improvements to the DOT's program.

On July 8, 2010, shortly before the Fourth Circuit Court of Appeals opinion, the General Assembly passed House Bill 1734 which included amendments to the MB/WB statute. Governor Perdue signed the legislation into law on August 2, 2010. The amendments included four matters that affect how the MB/WB Program will be operated. First, the bill changes the statutory reference from the 2004 disparity study to the 2009 disparity study and directs DOT to design the program based upon the findings of this study. Second, the agency is directed to set aspirational goals for participation every three years (rather than every year) to make the program consistent with the federal Disadvantaged Business Enterprise ("DBE") program. Third, the bill changes the definition of "Women" to formalize the treatment of firms with potential dual certification.

Finally, the bill extends the sunset of the program until 2014.

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RALEIGH NC

As a result of the changes to the statute during the 2010 session, DOT has examined the MB/WB Program in light of the 2009 disparity study and guidance provided by the Fourth Circuit opinion in the *H.B. Rowe* case. The 2009 disparity study provides an evidentiary basis for participation in the MB/WB Program that differs from that provided in the 2004 disparity study which was reviewed by the *H.B. Rowe* court. As a result of this examination, DOT has determined that African-American owned firms, Hispanic owned firms and women owned firms will be eligible for participation in the MB/WB Program at this time. These changes will be effective immediately, and the Transportation Directory has been updated to reflect the noted changes. Please note that these changes are directed solely to the MB/WB Program for state-funded projects. Unless DOT is directed otherwise by the Federal Highway Administration, the agency's operation of the federal DBE Program for federally-funded projects will not change.

Should you have any questions, please feel free to contact Mr. Michael McKoy or Ms. Terry Canales, P.E., of the Contractual Services Unit at 919-733-7174.