



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE
GOVERNOR

EUGENE A. CONTI, JR.
SECRETARY

May 8, 2009

Addendum No. 1

RE: Contract ID: C201976
WBS# 34414.3.GV1
F.A. # NHF-0017(93)
Craven-Jones Counties (R-2301A)
US-17 (New Bern Bypass) From US-17 South of New
Bern To US-70

May 19, 2009 Letting

To Whom It May Concern:

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

The following revision has been made to the Proposal:

On Page No. 4, the project special provision entitled "Intermediate Contract Time Number 4 and Liquidated Damages" has been revised. Please void Page No. 4 in your proposal and staple the revised Page No. 4 thereto.

On Page No. 186, the project special provision entitled "Permits" has been revised. Please void Page No. 186 in your proposal and staple the revised Page No. 186 thereto. Also, new Page Nos. 287 thru 292 are being added to include the "Central Coastal Plain Capacity Use Area" permit. Please staple new Page Nos. 287 thru 292 after Page No. 286 in your proposal.

The Table of Contents has been revised to reflect the above mentioned revision. Please void the Table of Contents in your proposal and staple the revised Table of Contents thereto.

Sincerely,

A handwritten signature in black ink, appearing to read "R. A. Garris".

R. A. Garris, PE
Contract Officer

RAG/jag
Attachments

cc: Mr. J.G Nance, PE
Mr. Ron Hancock, PE
Mr. C. E. Lassiter, PE
Ms. D. M. Barbour, PE
Mr. Art McMillan, PE
Mr. J.V. Barbour, PE
Mr. Mark Staley (2)
Project File (2)

Mr. Robert Memory
Mr. R. E. Davenport, Jr., PE
Mr. Ronnie Higgins
Mr. Larry Strickland
Ms. Marsha Sample
Ms. Norma Smith
Ms. Lori Strickland

INTERMEDIATE CONTRACT TIME NUMBER 3 AND LIQUIDATED DAMAGES

(2-20-07)

M1 G14 D

The Contractor shall complete the required work of installing, maintaining and removing the traffic control devices for road closures and restoring traffic to **the existing traffic pattern**. The Contractor shall not close **US 70 (-Y4-) and Tuscarora-Rhems Road (SR 1224)** during the following time restrictions:

DAY AND TIME RESTRICTIONS

Monday through Sunday from 6:00 A.M. to 10:00 P.M.

The time of availability for this intermediate contract time for **placing bridge girders** will be the time the Contractor begins to install traffic control devices required for road closures according to the time restrictions stated herein. **The Contractor shall close only one direction of US 70 (-Y4-) at a time unless otherwise directed by the Engineer.**

The completion time for this intermediate contract time will be the time the Contractor is required to complete the removal of traffic control devices required for the road closures according to the time restrictions stated herein and restore traffic to the **existing traffic pattern**.

The liquidated damages are **One Thousand Dollars (\$ 1,000.00)** per 15 minute time period.

INTERMEDIATE CONTRACT TIME NUMBER 4 AND LIQUIDATED DAMAGES:

(2-20-07)

M1 G14 F

The Contractor shall complete the work required of **Phase I, Step 2A as shown on Sheets TCP-09 and PMP-02** and shall place and maintain traffic on same.

The time of availability for this intermediate contract time will be the time the Contractor elects to begin the work.

The completion time for this intermediate contract time will **November 1, 2009**.

The liquidated damages are **Five Hundred Dollars (\$500.00)** per calendar day.

MAJOR CONTRACT ITEMS:

(2-19-02)

M1 G28

The following listed items are the major contract items for this contract (See Articles 101 and 104-5 of the *2006 Metric Standard Specifications*):

Line #	Description
199	Borrow Excavation
202	Asphalt Concrete Base Course, Type B25.0C
	or
205	Borrow Excavation
207	Aggregate Base Course

186**PROJECT SPECIAL PROVISION**

(10-18-95)

Z-1

PERMITS

The Contractor's attention is directed to the following permits, which have been issued to the Department of Transportation by the authority granting the permit.

<u>PERMIT</u>	<u>AUTHORITY GRANTING THE PERMIT</u>
Dredge and Fill and/or Work in Navigable Waters (404)	U. S. Army Corps of Engineers
State Dredge and Fill and/or CAMA	Division of Coastal Management, DENR State of North Carolina
Water Quality (401)	Division of Environmental Management, DENR State of North Carolina
CCPCUA	Division of Water Resources, DENR State of North Carolina
Stormwater	Division of Environmental and Natural Resources, DENR, State of North Carolina
Buffer Certification	Division of Environmental Management, DENR State of North Carolina

The Contractor shall comply with all applicable permit conditions during construction of this project. Those conditions marked by * are the responsibility of the department and the Contractor has no responsibility in accomplishing those conditions.

Agents of the permitting authority will periodically inspect the project for adherence to the permits.

The Contractor's attention is also directed to Articles 107-10 and 107-14 of the *Standard Specifications* and the following:

Should the Contractor propose to utilize construction methods (such as temporary structures or fill in waters and/or wetlands for haul roads, work platforms, cofferdams, etc.) not specifically identified in the permit (individual, general, or nationwide) authorizing the project it shall be the Contractor's responsibility to coordinate with the Engineer to determine what, if any, additional permit action is required. The Contractor shall also be responsible for initiating the request for the authorization of such construction method by the permitting agency. The request shall be submitted through the Engineer. The Contractor shall not utilize the construction method until it is approved by the permitting agency. The request normally takes approximately 60 days to process; however, no extensions of time or additional compensation will be granted for delays resulting from the Contractor's request for approval of construction methods not specifically identified in the permit.

Where construction moratoriums are contained in a permit condition which restricts the Contractor's activities to certain times of the year, those moratoriums will apply only to the portions of the work taking place in the waters or wetlands provided that activities outside those areas is done in such a manner as to not affect the waters or wetlands.

Revised 5-8-09

287

North Carolina
Environmental Management Commission
Department of Environment and Natural Resources

**Permit For The Withdrawal And Use Of Water
In The Central Coastal Plain Capacity Use Area**

In accordance with the provisions of Part 2, Article 21 of Chapter 143, General Statutes of North Carolina as amended, and any other applicable Laws, Rules and Regulations,

Permission Is Hereby Granted To

NC Department of Transportation

Project No. R-2301A (US 17 New Bern Bypass from US 7 south of New Bern to US 70)

FOR THE

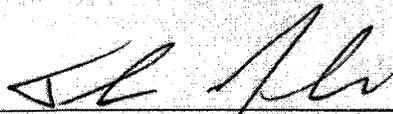
Withdrawal and Use of Water in Craven and Jones Counties, North Carolina in accordance with the grantee's application dated November 19, 2008, and any supporting data submitted with the application, all of which are filed with the Department of Environment and Natural Resources and are considered part of this Permit.

This Permit shall be effective from the date of its issuance until January 31, 2014, and shall be subject to the specified conditions and/or limitations contained in Sections I - X of this Permit.

Permit issued this the 30 day of January, 2009.

NORTH CAROLINA ENVIRONMENTAL MANAGEMENT COMMISSION

BY



Thomas A. Reeder
Director, Division of Water Resources

By Authority of the Secretary of the Department of Environment and Natural Resources

PERMIT #CU4016

I. WITHDRAWALS**A. USE**

This Permit allows the withdrawal of water for the purpose of dewatering borrow pits to extract material for road construction.

B. RATES OF WITHDRAWALS

The maximum quantity of water that may be withdrawn shall not exceed what is established in the Reclamation Plan as specified in NCDOT's CCPCUA Special Provisions document.

C. SOURCE(S) OF WITHDRAWALS

Ground Water Source(s): Withdrawals shall be made from sumps in borrow pits in the surficial aquifer.

D. MONITORING OF WITHDRAWALS

Withdrawals from each source, whether well or sump, shall be measured by an approved metering device equipped with a totalizing indicator, and having an accuracy within plus or minus five percent.

II. WATER LEVELS**A. MAXIMUM DRAWDOWN LEVELS**

1. Pump intakes for the well(s) shall not be set below the depth specified in the permit application or associated documentation without prior approval of the Division of Water Resources.
2. In the event that data from the permitted wells or other wells within the zone influenced by pumping of the permitted wells indicates a deterioration of quality or quantity in surrounding aquifers or the source aquifer, an alternate maximum pumping level may be established by the Division of Water Resources.

B. MONITORING OF WATER LEVELS

1. The pumping water level in each supply well shall be measured once a month:
 - a. by a steel or electric tape from a fixed reference point, or by using the air-line method
 - b. within accuracy limits of plus or minus one percent,
 - c. just prior to shutting off the pump, or after sufficient time of pumping, so that a maximum drawdown may be obtained, and
 - d. during the last planned pumping day of the month, or within the last five days of the month.

2. The static water level in each supply well shall be measured once a month:
 - a. by a steel or electric tape from a fixed reference point, or by using the air-line method
 - b. within accuracy limits of plus or minus one percent,
 - c. after the pump is shut off for approximately 12 hours, and
 - d. within the last five days of the month.
3. Unused supply wells or other suitable wells that may be available shall be monitored when such monitoring is specified by the Division of Water Resources and when pertinent to observation or evaluation of the effects of withdrawals made under this permit.

III. OTHER PROVISIONS

A. WELL CONSTRUCTION APPROVAL

A Well Construction Permit shall be required prior to the construction of any well that will be used to withdraw any portion of the water regulated under this Permit. Application for these permits must be submitted to the Washington Regional Office, Division of Water Quality, P.O. Box 2188, Washington, NC 27889.

B. ACCESS TO FACILITIES

The Environmental Management Commission and employees of the Department of Environment and Natural Resources shall have reasonable access to areas owned and under control of the permittee for observation and inspection of water use and related facilities pertinent to the provisions of this permit and other regulations.

IV. REPORTS REQUIRED

A. WITHDRAWALS

Monthly reports of daily withdrawal totals from each well or sump shall be furnished to the Division on a quarterly basis, within 30 days after the end of March, June, September and December.

B. WATER LEVELS

Water level measurements for each supply well shall be measured in accordance with Condition II. B. 1. of this permit and submitted to the Division not later than 30 days after the end of the calendar month in which the measurement was taken.

V. MODIFICATION OR REVOCATION**A. MODIFICATION**

1. The Permittee must notify the Director of any proposed major changes in usage and apply for a modification of the permit for such changes or for any revisions of the terms of this permit.
2. The Director may modify the terms of the permit, after 60 days written notice to the permittee, if he finds that the terms of the permit and/or the resulting water use are found to be contrary to the purposes of the Water Use Act of 1967 or contrary to public interest or having an unreasonably adverse effect upon other water uses in the capacity use area. Modifications may include, but are not limited to, requirements for alternate pumping levels or the collection, analysis, and reporting of ground or surface water quality samples.

B. REVOCATION

The Director may revoke the permit if he finds that:

1. the Permittee has violated the terms of the permit; or
2. the terms of the Permit and/or the resulting water use are contrary to the purpose of the Water Use Act of 1967 or contrary to the public interest or having an unreasonably adverse effect upon other water uses in the capacity use area and cannot be cured by modification; or
3. the Permittee made false or fraudulent statements in the application for the water use permit; or
4. water withdrawn under the terms of the permit is used for purposes other than those set forth in the permit.

VI. CONSTRUCTION OF PERMIT

- A. The terms and conditions shall not be construed to relieve the Permittee of any legal obligation or liability, which it owes or may incur to third parties as the result of the conduct of its operations in conformity with this Permit.
- B. When under the terms hereof, any provision of this Permit requires approval of the Department or becomes effective at the discretion of the Department, the notice of approval or the exercise of such discretion shall be evidenced by written instrument issued by the Department.
- C. The terms and conditions of this Permit shall not be construed as a limitation of the powers, duties, and authority vested in the Environmental Management Commission or any other State, Federal, or local agency, or any applicable laws hereafter enacted.

VII. ADDITIONAL CONDITIONS

- A. This Permit shall be subject to any limitations or conditions in other State permits, including but not limited to permits required pursuant to North Carolina General Statutes §143-215.1.
- B. Issuance of this Permit shall have no bearing on subsequent State decision(s) regarding any other water use or other permit application(s) submitted or which may be submitted by the Permittee, its successors or assigns.
- C. Compliance with the terms and conditions in this permit does not relieve the permittee of compliance with any provision, now in force or hereafter enacted or promulgated, of the Water Use Act of 1967, the regulations promulgated thereunder, or any other provision of State law.

VIII. PENALTIES

Violations of the terms and conditions of this Permit are subject to penalties as set forth in North Carolina General Statutes §143-215.17.

IX. PERMIT NONTRANSFERABLE

Water Use Permits shall not be transferred except with approval of the Environmental Management Commission.

X. RENEWAL OF PERMIT

The Permittee, at least three (3) months prior to the expiration of this permit, shall request its extension. Upon receipt of the request, the Commission will review the adequacy of the facilities described therein, and if warranted, will extend the permit for such period of time and under such conditions and limitations as it may deem appropriate.

**Report of Water Withdrawals
from Each Source**

North Carolina Department of Environment and Natural Resources
 Mail to: Division of Water Resources - NC DENR, Attention: Capacity Use Administration
 1611 Mail Service Center
 Raleigh, North Carolina 27699-1611

CHECK BOX IF NO USE THIS MONTH of _____
 Sheet # _____

Facility NCDOT - (R-2301A) Permit # CU4016

For month of _____ Year _____

Well/Sump ID →	meter readings ↓	gallons per day	meter readings ↓	gallons per day	meter readings ↓	gallons per day	Total Withdrawn
Beginning reading →							
Day 1							
Day 2							
Day 3							
Day 4							
Day 5							
Day 6							
Day 7							
Day 8							
Day 9							
Day 10							
Day 11							
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Day 26							
Day 27							
Day 28							
Day 29							
Day 30							
Day 31							

292

Revised 5-8-09

DWR CCPCUA-4 Name: _____ Signature: _____ Date: _____ January 6, 2003

TABLE OF CONTENTS

**COVER SHEET
PROPOSAL SHEETS**

<u>PROJECT SPECIAL PROVISIONS</u> (GREEN SHEETS)	<i>PAGE No.</i>
Contract Time and Liquidated Damages.....	1
Intermediate Contract Time(s).....	1-4
Major Contract Items.....	4
Specialty Items.....	5
Fuel Price Adjustment (Metric).....	5
Schedule of Estimated Completion Progress.....	6
Revision to FHWA 1273 Concerning Personal Information on Payroll Submissions	6
Disadvantaged Business Enterprises.....	6-16
Progress Schedule.....	17-18
Certification for Federal-Aid Contracts.....	18
Contractor Licenses Requirements.....	19
Submission of Bids – Alternates.....	19
U. S. Department of Transportation Hotline.....	19
Subsurface Information.....	20
Portable Concrete Barrier (Partial Payments for Materials).....	20
Removable Pavement Markings – (Partial Payments for Materials).....	20
Maintenance of the Project.....	20-21
Contractor Claim Submittal Form.....	21
Bid Documentation.....	21-24
Twelve Month Guarantee.....	24-25
Outsourcing Outside U.S.A.....	25
Act of God.....	25
Erosion & Sediment Control / Storm Water Certification.....	25-30
Procedure for Monitoring Borrow Pit Discharge.....	31-32
Liability Insurance	32-33
Additional Insured	33
Roadway.....	34-78
Signing.....	79-95
Traffic Control.....	96-97
Utility Construction.....	98
Utility Conflicts.....	99
Erosion Control.....	100-118
Signals and Intelligent Transportation Systems.....	119-144
Project Special Provisions Structure	145-185
<u>PERMITS</u> (WHITE SHEETS).....	186-292