



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE
GOVERNOR

EUGENE A. CONTI, JR.
SECRETARY

September 1, 2011

Addendum No. 1

RE: Contract ID C202323

WBS # 32919.3.1

F. A. # BRZ-1112(2)

Haywood County (B-3187)

Bridge Over West Fork Pigeon River and Approaches On
SR-1112 (Chamber Farm Lane)

September 20, 2011 Letting (Advertisement extended from August 16, 2011 Letting)

To Whom It May Concern:

This project was originally scheduled for an August 16, 2011 bid opening. It was decided to extend the advertisement to allow time for receipt of the required TVA permit and open bids on Tuesday, September 20, 2011 at 2:00 PM.

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

The following revision has been made to the Roadway and Structure plans:

The letting date on the Title Sheet of each set of plans has been revised. Please void the Title Sheets in your plans and staple the revised Title Sheets thereto.

The following revisions have been made to the Proposal:

The bid opening date on the proposal cover sheet has been revised from August 16, 2011 to September 20, 2011. Please void the proposal cover sheet and staple the revised proposal cover sheet thereto.

On Page No. 1 the availability date was revised within the project special provision entitled "Contract Time and Liquidated Damages". Also on Page No. 1 the availability date and completion date within the project special provision entitled "Intermediate Contract Time Number 1 and Liquidated Damages" was revised. Please void Page No. 1 in your proposal and staple the revised Page No. 1 thereto.

On Page No. 2, the base index price for diesel fuel has been updated within the project special provision entitled "Fuel Price Adjustment". Please void Page No. 2 in your proposal and staple the revised Page No. 2 thereto.

MAILING ADDRESS:

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

TELEPHONE: 919-707-6900
FAX: 919-250-4119

WEBSITE: WWW.NCDOT.ORG

LOCATION:

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

On Page No. 3 the progress percentages have been revised within the project special provision entitled "Schedule of Estimated Completion Progress". Please void Page No. 3 in your proposal and staple the revised Page No. 3 thereto.

On Page No. 72 the base price index for asphalt binder has been revised within the project special provision entitled "Price Adjustment-Asphalt Binder For Plant Mix". Please void Page No. 72 in your proposal and staple the revised Page No. 72 thereto.

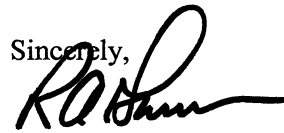
On Page No. 167 the first paragraph of the project special provision entitled "Permits" has been revised. Please void Page No. 167 in your proposal and staple the revised Page No. 167 thereto.

New Page Nos. 168 thru 176 have been added to include the TVA permit. Please staple New Page Nos. 168 thru 176 after revised Page No. 167 in your proposal.

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

The Expedite File has been updated to reflect the change of letting date. Please delete the EBS file you previously downloaded for the August 16, 2011 letting and download the new EBS file listed for the September 20, 2011 letting. Bid Express will not accept your bid unless the new EBS file associated with the September 20, 2011 letting is used.

Sincerely,



R. A. Garris, PE
Contract Officer

RAG/jag

Attachments

cc: Mr. Jon Nance, PE
Mr. Ron Hancock, PE
Mr. J. B. Setzer, PE
Ms. D. M. Barbour, PE
Mr. Art McMillan, PE
Mr. J. V. Barbour, PE
Ms. Lori Strickland
Project File (2)

Mr. R.E. Davenport, PE
Ms. Natalie Roskam, PE
Mr. G.R. Perfetti, PE
Ms. Marsha Sample
Mr. Larry Strickland
Mr. Ronnie Higgins
Ms. Penny Higgins

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

PROPOSAL

Revised 9-1-11

DATE AND TIME OF BID OPENING: **SEPTEMBER 20, 2011 AT 2:00 PM**

CONTRACT ID C202323
WBS 32919.3.1

FEDERAL-AID NO. BRZ-1112(2)
COUNTY HAYWOOD
T.I.P. NO. B-3187
MILES 0.099
ROUTE NO. SR 1112
LOCATION BRIDGE OVER WEST FORK PIGEON RIVER AND APPROACHES ON SR-1112
(CHAMBER FARM LANE).
TYPE OF WORK GRADING, DRAINAGE, PAVING, AND STRUCTURE.

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 & STRUCTURE PROPOSAL

5% BID BOND OR BID DEPOSIT REQUIRED

PROJECT SPECIAL PROVISIONS**GENERAL****CONTRACT TIME AND LIQUIDATED DAMAGES:**

(7-20-99) (Rev. 12-18-07)

SP1 G04

The date of availability for this contract is **October 31, 2011**, except that work in jurisdictional waters and wetlands shall not begin until a meeting between the DOT, Regulatory Agencies, and the Contractor is held as stipulated in the permits contained elsewhere in this proposal. This delay in availability has been considered in determining the contract time for this project.

The completion date for this contract is **August 15, 2013**.

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 **Five Hundred Dollars (\$500.00)** per calendar day.

INTERMEDIATE CONTRACT TIME NUMBER 1 AND LIQUIDATED DAMAGES:

The Contractor shall complete the work required of **Phase III, Step 1** as shown on **Sheet TCP-3** and shall place and maintain traffic on same.

The date of availability for this intermediate contract time is **October 31, 2011**.

The completion date for this intermediate completion time is **November 1, 2012**.

The liquidated damages for this intermediate contract time are **Five Hundred Dollars (\$500.00)** per calendar day.

INTERMEDIATE CONTRACT TIME NUMBER 2 AND LIQUIDATED DAMAGES:

(2-20-07)

SP1 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 a **2-lane, 2-way** traffic pattern. The Contractor shall not close **-Y1- SR 1111 Lake Logan Road** during the following time restrictions:

DAY AND TIME RESTRICTIONS

Monday 2:00 P.M. to Tuesday 9:00 A.M.
Tuesday 2:00 P.M. to Wednesday 9:00 A.M.
Wednesday 2:00 P.M. to Thursday 9:00 A.M.
Thursday 2:00 P.M. to Monday 9:00 A.M.

The time of availability for this intermediate contract time will be the time the Contractor begins to install traffic control devices required for road closures according to the time restrictions stated herein.

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 a **2-lane, 2-way** traffic pattern

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

CONSTRUCTION MORATORIUM

SP1 1-15

No in-water work or land disturbance within the 25 ft wide buffer zone shall be allowed from **November 1** through **April 15** of any year.

MAJOR CONTRACT ITEMS:

(2-19-02)

SP1 G28

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

Line #	Description
20	Asphalt Concrete Base Course, Type B25.0B
92	Reinforced Concrete Deck Slab

SPECIALTY ITEMS:

(7-1-95)

SP1 G37

Items listed below will be the specialty items for this contract (See Article 108-6 of the *2006 Standard Specifications*).

Line #	Description
34 thru 39	Guardrail
40 thru 41	Fencing
45 thru 47	Signing
61	Utility Construction
62 thru 87	Erosion Control
88	Reforestation

FUEL PRICE ADJUSTMENT:

(11-15-05) (Rev 8-16-11)

SP1 G43

Revise the *2006 Standard Specifications* as follows:

Page 1-93 Subarticle 109-8, add the following:

The base index price for DIESEL #2 FUEL is \$ **3.2724** per gallon.

Where any of the following are included as pay items in the contract, they will be eligible for fuel price adjustment.

The pay items and the fuel factor used in calculating adjustments to be made will be as follows:

Description	Units	Fuel Usage Factor Diesel
Unclassified Excavation	Gal/CY	0.29
Borrow Excavation	Gal/CY	0.29
Class IV Subgrade Stabilization	Gal/Ton	0.55
Aggregate Base Course	Gal/Ton	0.55
Asphalt Concrete Base Course, Type ____	Gal/Ton	2.90
Asphalt Concrete Intermediate Course, Type ____	Gal/Ton	2.90
Asphalt Concrete Surface Course, Type ____	Gal/Ton	2.90
Open-Graded Asphalt Friction Course	Gal/Ton	2.90
Sand Asphalt Surface Course, Type ____	Gal/Ton	2.90
Aggregate for Cement Treated Base Course	Gal/Ton	0.55
Portland Cement for Cement Treated Base Course	Gal/Ton	0.55
____ In. Portland Cement Concrete Pavement	Gal/SY	0.245
Concrete Shoulders Adjacent to ____ In. Pavement	Gal/SY	0.245

SCHEDULE OF ESTIMATED COMPLETION PROGRESS:

(7-15-08)

SP1 G58

The Contractor's attention is directed to the Standard Special Provision entitled *Availability Of Funds Termination Of Contracts* included elsewhere in this proposal. The Department of Transportation's schedule of estimated completion progress for this project as required by that Standard Special Provision is as follows:

	<u>Fiscal Year</u>	<u>Progress (% of Dollar Value)</u>
2012	(7/01/11 - 6/30/12)	50% of Total Amount Bid
2013	(7/01/12 - 6/30/13)	47% of Total Amount Bid
2014	(7/01/13 - 6/30/14)	3% of Total Amount Bid

The Contractor shall also furnish his own progress schedule in accordance with Article 108-2 of the *2006 Standard Specifications*. Any acceleration of the progress as shown by the Contractor's progress schedule over the progress as shown above shall be subject to the approval of the Engineer.

REVISION TO FHWA-1273 CONCERNING PERSONAL INFORMATION ON PAYROLL SUBMISSIONS:

(1-20-09)

SP1G59

Revise the *Standard Special Provision FHWA-1273 Required Contract Provisions Federal-Aid Construction Contracts* as follows:

Section V, Paragraph 2b is replaced with the following:

The payroll records shall contain the name, and the last four digits of the social security number of each such employee, his or her correct classification; hourly rates of wages paid (including

PRICE ADJUSTMENT - ASPHALT BINDER FOR PLANT MIX:

(11-21-00)

SP6 R25

Price adjustments for asphalt binder for plant mix will be made in accordance with Section 620 of the *2006 Standard Specifications*.

The base price index for asphalt binder for plant mix is \$ **592.14** per ton.

This base price index represents an average of F.O.B. selling prices of asphalt binder at supplier's terminals on **August 1, 2011**.

BORROW EXCAVATION AND SHPO DOCUMENTATION FOR BORROW/WASTE**SITES:**

(12-18-07) (4-15-08)

SP8 R02

Revise the *2006 Standard Specifications* as follows:

Division 2 Earthwork

Page 2-16, Subarticle 230-1(D), add the words: *The Contractor specifically waives* as the first words of the sentence.

Page 2-17, Article 230-4(B) Contractor Furnished Sources, first paragraph, first sentence replace with the following:

Prior to the approval of any borrow sources developed for use on any project, obtain certification from the State Historic Preservation Officer of the State Department of Cultural Resources certifying that the removal of the borrow material from the borrow sources(s) will have no effect on any known district, site building, structure, or object, architectural and/or archaeological that is included or eligible for inclusion in the National Register of Historic Places.

Division 8 Incidentals

Page 8-9, Article 802-2 General Requirements, add the following as the 1st paragraph:

Prior to the removal of any waste from any project, obtain certification from the State Historic Preservation Officer of the State Department of Cultural Resources certifying that the deposition of the waste material to the proposed waste area will have no effect on any known district, site building, structure, or object, architectural and/or archaeological that is included or eligible for inclusion in the National Register of Historic Places. Furnish a copy of this certification to the Engineer prior to performing any work in the proposed waste site.

Page 8-10, Article 802-2, General Requirements, 4th paragraph, add the following as the 2nd sentence:

The Department's borrow and waste site reclamation procedures for contracted projects is available on the NCDOT website and shall be used for all borrow and waste sites on this project.

PROJECT SPECIAL PROVISION

(10-18-95)

Z-1

PERMITS

The Contractor's attention is directed to the following permit, which has been received by the Department of Transportation from the authority granting the permit.

PERMIT

AUTHORITY GRANTING THE PERMIT

TVA

Tennessee Valley Authority

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.

Added 9-1-11

✓
RABR
8-29-11

168



Tennessee Valley Authority
Section 26a Approval

Permit # 189772	Reservoir Holston-Cherokee-Douglas WT - Off	Category 3
DOT Project # B-3187 32919.1.1 BRZ-1112		

Name	Company	Address	Phone/Email
	North Carolina Dept. of Transportation	1581 Mail Service Center Raleigh NC 27699-1581	919-250-4037

Tract(s)

Subdivision/Lot(s)	Stream	Mile	Bank	Map Sheet(s)
	Pigeon R		B	184 Quad Sheet NW

The facilities and/or activities listed below are APPROVED subject to the plans and general and special conditions attached.

- 1. Bridge - Vehicular Length (ft., in.): 160'; Width (ft., in.): 26'

This permit SUPERSEDES all previous TVA approvals at this location including permits approved under land record numbers:

TVA Representative: Martha E Podren Date: Aug 29 2011

May require review by U.S. Army Corps of Engineers (USACE). Plans have been forwarded to the USACE.
No construction shall commence until you have written approval or verification that no permit is required.
 Applicant is also responsible for all local and state approvals that may be required relating to water quality.
No construction shall commence until you have written approval or verification that no permit is required.

GENERAL STANDARDS AND CONDITIONS

Section 26a and Land Use

General Conditions

- 1) You agree to make every reasonable effort to construct and operate the facility authorized herein in a manner so as to minimize any adverse impact on water quality, aquatic life, wildlife, vegetation, and natural environmental values.
- 2) This permit may be revoked by TVA by written notice if:
 - a) the structure is not completed in accordance with approved plans;
 - b) if in TVA's judgement the structure is not maintained in a good state of repair and in good, safe, and substantial condition;
 - c) the structure is abandoned;
 - d) the structure or work must be altered to meet the requirements of future reservoir management operations of the United States or TVA, or;
 - e) TVA finds that the structure has an adverse effect upon navigation, flood control, or public lands or reservations.
 - f) all invoices related to this permit are not timely paid.
- 3) If this permit for this structure is revoked, you agree to remove the structure, at your expense, upon written notice from TVA. In the event you do not remove the structure within 30 days of written notice to do so, TVA shall have the right to remove or cause to have removed, the structure or any part thereof. You agree to reimburse TVA for all costs incurred in connection with removal.
- 4) In issuing this Approval of Plans, TVA makes no representations that the structures or work authorized or property used temporarily or permanently in connection therewith will not be subject to damage due to future operations undertaken by the United States and/or TVA for the conservation or improvement of navigation, for the control of floods, or for other purposes, or due to fluctuations in elevations of the water surface of the river or reservoir, and no claim or right to compensation shall accrue from any such damage. By the acceptance of this approval, applicant covenants and agrees to make no claim against TVA or the United States by reason of any such damage, and to indemnify and save harmless TVA and the United States from any and all claims by other persons arising out of any such damage.
- 5) In issuing this Approval of Plans, TVA assumes no liability and undertakes no obligation or duty (in tort, contract, strict liability or otherwise) to the applicant or to any third party for any damages to property (real or personal) or personal injuries (including death) arising out of or in any way connected with applicant's construction, operation, or maintenance of the facility which is the subject of this Approval of Plans.
- 6) This approval shall not be construed to be a substitute for the requirements of any federal, state, or local statute, regulation, ordinance, or code, including, but not limited to, applicable building codes, now in effect or hereafter enacted. State 401 water quality certification may apply.
- 7) The facility will not be altered, or modified, unless TVA's written approval has been obtained prior to commencing work.
- 8) You understand that covered second stories are prohibited by Section 1304.204 of the Section 26a Regulations.
- 9) You agree to notify TVA of any transfer of ownership of the approved structure to a third party. Third party is required to make application to TVA for permitting of the structure in their name (1304.10). Any permit which is not transferred within 60 days is subject to revocation.
- 10) You agree to stabilize all disturbed areas within 30 days of completion of the work authorized. All land-disturbing activities shall be conducted in accordance with Best Management Practices as defined by Section 208 of the Clean Water Act to control erosion and sedimentation to prevent adverse water quality and related aquatic impacts. Such practices shall be consistent with sound engineering and construction principles; applicable federal, state, and local statutes, regulations, or ordinances; and proven techniques for controlling erosion and sedimentation, including any required conditions under Section 6 of the Standard Conditions.
- 11) You agree not to use or permit the use of the premises, facilities, or structures for any purposes that will result in draining or dumping into the reservoir of any refuse, sewage, or other material in violation of applicable standards or requirements relating to pollution control of any kind now in effect or hereinafter established.

- 12) The Native American Graves Protection and Repatriation Act and the Archaeological Resources Protection Act apply to archaeological resources located on the premises of land connected to any application made unto TVA. If LESSEE (or licensee or grantee (for easement) or applicant (for 26a permit)) discovers human remains, funerary objects, sacred objects, objects of cultural patrimony, or any other archaeological resources on or under the premises, LESSEE (or licensee, grantee, or applicant) shall immediately stop activity in the area of the discovery, make a reasonable effort to protect the items, and notify TVA by telephone (865-228-1374). Work may not be resumed in the area of the discovery until approved by TVA.
- 13) You should contact your local government official(s) to ensure that this facility complies with all applicable local floodplain regulations.
- 14) You agree to abide by the conditions of the vegetation management plan. Unless otherwise stated on this permit, vegetation removal is prohibited on TVA land.
- 15) You agree to securely anchor all floating facilities to prevent them from floating free during major floods.
- 16) You are responsible for accurately locating your facility, and this authorization is valid and effective only if your facility is located as shown on your application or as otherwise approved by TVA in this permit. The facility must be located on land owned or leased by you, or on TVA land at a location approved by TVA.
- 17) You agree to allow TVA employees access to your water use facilities to ensure compliance with any TVA issued approvals.
- 18) It is understood that you own adequate property rights at this location. If at any time it is determined that you do not own sufficient property rights, or that you have only partial ownership rights in the land at this location, this permit may be revoked. TVA may require the applicant to provide appropriate verification of ownership.
- 19) In accordance with 18 CFR Part 1304.9, Approval for construction covered by this permit expires 18 months after the date of issuance unless construction has been initiated.

Standard Conditions (Only items that pertain to this request have been listed.)

2) Ownership Rights

- b) You are advised that TVA retains the right to flood this area and that TVA will not be liable for damages resulting from flooding.
- e) You recognize and understand that this authorization conveys no property rights, grants no exclusive license, and in no way restricts the general public's privilege of using shoreland owned by or subject to public access rights owned by TVA. It is also subject to any existing rights of third parties. Nothing contained in this approval shall be construed to detract or deviate from the rights of the United States and TVA held over this land under the Grant of Flowage Easement. This Approval of Plans does not give any property rights in real estate or material and does not authorize any injury to private property or invasion of private or public rights. It merely constitutes a finding that the facility, if constructed at the location specified in the plans submitted and in accordance with said plans, would not at this time constitute an obstruction unduly affecting navigation, flood control, or public lands or reservations.

3) Shoreline Modification and Stabilization

- c) Bank, shoreline, and floodplain stabilization will be permanently maintained in order to prevent erosion, protect water quality, and preserve aquatic habitat.

5) Bridges and Culverts

- a) You agree to design/construct any instream piers in such a manner as to discourage river scouring or sediment deposition.
- b) Applicant agrees to construct culvert in phases, employing adequate streambank protection measures, such that the diverted streamflow is handled without creating streambank or streambed erosion/sedimentation and without preventing fish passage.
- c) Concrete box culverts and pipe culverts (and their extensions) must create/maintain velocities and flow patterns which offer refuge for fish and other aquatic life, and allow passage of indigenous fish species, under all flow conditions. Culvert floor slabs and pipe bottoms must be buried below streambed elevation, and filled with naturally occurring streambed materials. If geologic conditions do not allow burying the floor, it must be otherwise designed to allow passage of indigenous fish species under all flow conditions.
- d) All natural stream values (including equivalent energy dissipation, elevations, and velocities; riparian vegetation; riffle/pool sequencing; habitat suitable for fish and other aquatic life) must be provided at all stream modification sites. This must be accomplished using a combination of rock and bioengineering, and is not accomplished using solid, homogeneous riprap from bank to bank.

- e) You agree to remove demolition and construction by-products from the site for recycling if practicable, or proper disposal—outside of the 100-year floodplain. Appropriate BMPs will be used during the removal of any abandoned roadway or structures.

6) Best Management Practices

- a) You agree that removal of vegetation will be minimized, particularly any woody vegetation providing shoreline/streambank stabilization.
- b) You agree to installation of cofferdams and/or silt control structures between construction areas and surface waters prior to any soil-disturbing construction activity, and clarification of all water that accumulates behind these devices to meet state water quality criteria at the stream mile where activity occurs before it is returned to the unaffected portion of the stream. Cofferdams must be used wherever construction activity is at or below water elevation.
- c) A floating silt screen extending from the surface to the bottom is to be in place during excavation or dredging to prevent sedimentation in surrounding areas. It is to be left in place until disturbed sediments are visibly settled.
- d) You agree to keep equipment out of the reservoir or stream and off reservoir or stream banks, to the extent practicable (i.e., performing work "in the dry").
- e) You agree to avoid contact of wet concrete with the stream or reservoir, and avoid disposing of concrete washings, or other substances or materials, in those waters.
- f) You agree to use erosion control structures around any material stockpile areas.
- g) You agree to apply clean/shaken riprap or shot rock (where needed at water/bank interface) over a water permeable/soil impermeable fabric or geotextile and in such a manner as to avoid stream sedimentation or disturbance, or that any rock used for cover and stabilization shall be large enough to prevent washout and provide good aquatic habitat.
- h) You agree to remove, redistribute, and stabilize (with vegetation) all sediment which accumulates behind cofferdams or silt control structures.
- i) You agree to use vegetation (versus riprap) wherever practicable and sustainable to stabilize streambanks, shorelines, and adjacent areas. These areas will be stabilized as soon as practicable, using either an appropriate seed mixture that includes an annual (quick cover) as well as one or two perennial legumes and one or two perennial grasses, or sod. In winter or summer, this will require initial planting of a quick cover annual only, to be followed by subsequent establishment of the perennials. Seed and soil will be protected as appropriate with erosion control netting and/or mulch and provided adequate moisture. Streambank and shoreline areas will also be permanently stabilized with native woody plants, to include trees wherever practicable and sustainable (this vegetative prescription may be altered if dictated by geologic conditions or landowner requirements). You also agree to install or perform additional erosion control structures/techniques deemed necessary by TVA.

Additional Conditions

1. All equipment used on site should be cleaned prior to use to ensure it is free of invasive weed seeds or plant parts.
2. Disturbed areas should be revegetated with native and nonnative noninvasive plant species. Clean and weed-free rock should be used for riprap in the area of new bridge construction.
3. All provisions of the MOA executed to mitigate the adverse effects to Site 31HW5 must be followed.
4. All nondiscretionary conservation measures, TCs and RPMs agreed to in the Biological Opinion by NCDOT to minimize take of the elktoe and impacts to its DCH in the project area must be followed.



172

RLR# 189772

STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

December 4, 2008

RECEIVED

JAN - 9 2008

STATE PROJECT: B-3187
WBS ELEMENT: 32919.1.1
F. A. PROJECT: BRZ-1112(2)
COUNTY: Haywood
DESCRIPTION: Bridge No. 79 over West Fork Pigeon River on SR 1112

Tennessee Valley Authority
Susan B. Fuhr, Manager
Attn: Mark Odom
Holston-Cherokee-Douglas Watershed Team
106 Tri-Cities Business Park Drive
Gray, Tennessee 37615-3497

Dear Ms. Fuhr,

The Board of Transportation purposes to replace bridge No. 79 in Haywood County. In addition to the package previously submitted to you, we are sending one copy of the addendum to the Planning Document dated October 3, 2008 for your review.

We request the Tennessee Valley Authority review and approve the attached plans as required by Section 26a of the Tennessee Valley Act of 1933, as amended.

If you have questions concerning this application, please contact Quang Nguyen, P. E. at (919) 250-4077.

Your prompt review and response will be appreciated.

Sincerely,

G. R. Perfetti ^{CRHN}
G. R. Perfetti, P. E.
State Bridge Design Engineer

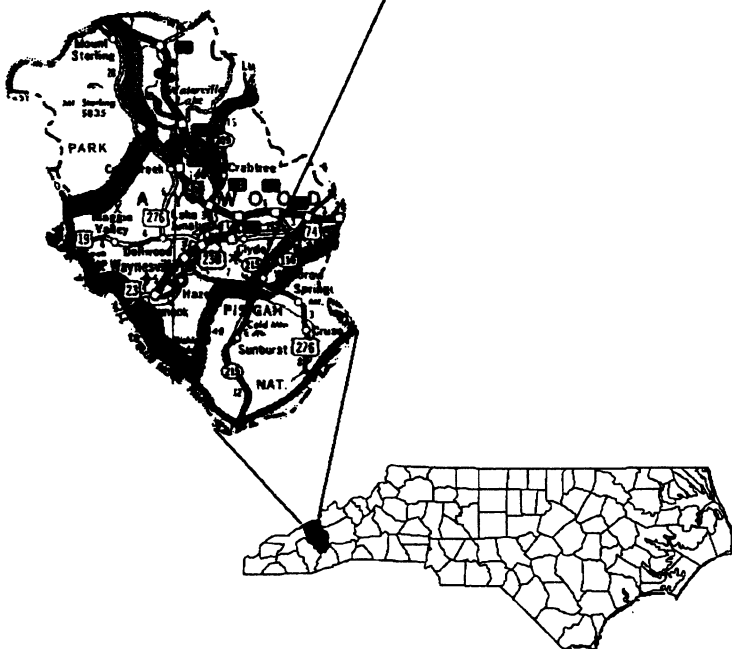
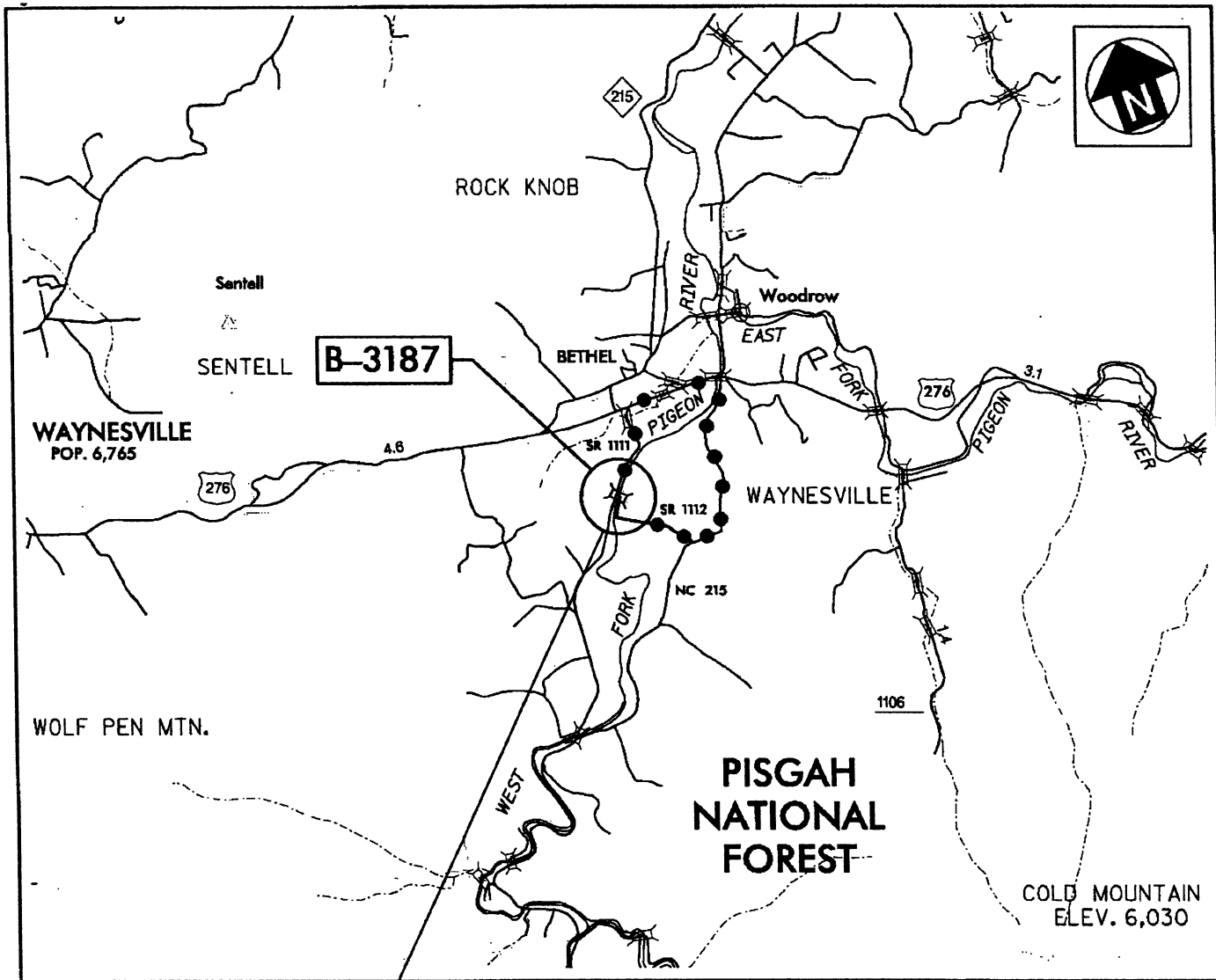
GRP/QHN/kmb

MAILING ADDRESS:
NC DEPARTMENT OF TRANSPORTATION
STRUCTURE DESIGN
1581 MAIL SERVICE CENTER
RALEIGH NC 27699-1581

TELEPHONE: 919-250-4037
FAX: 919-250-4082

WEBSITE: WWW.DOH.DOT.STATE.NC.US

LOCATION:
CENTURY CENTER COMPLEX
BUILDING A
1000 BIRCH RIDGE DRIVE
RALEIGH NC 27610



LEGEND

●●●● Studied Detour Route


	<p><i>North Carolina</i> Department Of Transportation <i>Project Development & Environmental Analysis</i></p>	
	<p>HAYWOOD COUNTY BRIDGE NO. 79 ON SR 1112 (CHAMBERS FARM LANE) OVER WEST FORK PIGEON RIVER B-3187</p>	
<p>0 kilometers 1.6 kilometers 3.2 0 miles 1.0 miles 2.0</p>		

FIGURE 1

Document Type: EA-Administrative Record
 Index Field: Finding of No Significant Impact (FONSI)
 Project Name: North Carolina Department of Transportation – Bridge 79, Haywood County
 Project Number: 2003-16

FINDING OF NO SIGNIFICANT IMPACT
TENNESSEE VALLEY AUTHORITY
 SECTION 26a APPROVAL FOR BRIDGE NO. 79 ON
 STATE ROUTE 1112 (CHAMBERS FARM LANE)
 HAYWOOD COUNTY, NORTH CAROLINA

The North Carolina Department of Transportation (NCDOT) has requested approval under Section 26a of the Tennessee Valley Authority (TVA) Act for the proposed replacement of Bridge No. 79 over West Fork Pigeon River on State Route (SR) 1112 in Haywood County, North Carolina. While the replacement bridge structure would not have bridge piers in the waters of the West Fork Pigeon River, the bridge piers would be constructed within the 100-year floodplain. The replacement structure would be approximately 160 feet in length and provide a minimum 26-foot roadway width, allowing two 9-foot travel lanes and 4-foot shoulders. The bridge replacement is necessary due to the poor condition of the existing Bridge No. 79; according to Federal Highway Administration (FHWA) standards, the existing bridge is considered structurally deficient and functionally obsolete. In accordance with its procedures for implementing the National Environmental Policy Act (NEPA), TVA has prepared an environmental assessment (EA) addressing the proposed action.

NCDOT/FHWA completed a categorical exclusion (CE) in December 2002 in which five Build Alternatives (Alternatives 1-5) and one No Build Alternative (Alternative 6) were studied with respect to the existing Bridge No. 79. Thereafter, a reassessment of alternatives was conducted, and three new alternatives (Alternatives 7-9) were evaluated in a CE addendum in 2008. As a result of this reassessment, Alternative 1, Replacing the Existing Bridge With a New Bridge 700 Feet Upstream, was selected as the Preferred Alternative by NCDOT.

TVA completed Categorical Exclusion Checklist (CEC) 20045 to evaluate potential impacts of the proposed new bridge construction. Based on preliminary evaluation of the proposed bridge replacement project, TVA concluded that impacts to wetlands, farmlands, recreation, air, noise, visual resources, and socioeconomics would be negligible (minor) or insignificant. TVA's EA further considers potential impacts associated with the issuance of Section 26a approval on floodplains, terrestrial and aquatic ecology, threatened and endangered species, and cultural resources. Two alternatives are considered by TVA in this EA—a No Action Alternative under which TVA would not issue Section 26a approval for the proposed bridge replacement structure and a Build Alternative (the NCDOT/FHWA Preferred Alternative, Alternative 1) under which TVA would issue Section 26a Permit approval for the proposed project as requested by the NCDOT.

Under the Build Alternative, the new replacement bridge would be constructed approximately 700 feet upstream of the existing Bridge No. 79, and approximately 0.3 acre of vegetation would be removed for the construction of the new bridge. The vegetation communities present within and around the project area are common and representative of the region, and NCDOT would implement construction-related best management practices (BMPs), which would result in insignificant impacts to the terrestrial plants of the region. TVA would require preventative measures listed under *Mitigation* to minimize the spread of invasive exotic weed species as directed by Executive Order 13112. Construction of the proposed replacement bridge would convert a very small amount of existing riparian habitat to roadway, and the project activities may temporarily displace commonly occurring wildlife species currently present in the area. The

project area is already regularly disturbed by agricultural practices, residential activity, and vehicular traffic, and wildlife that inhabit or frequent the area are likely tolerant of human disturbance. Therefore, impacts to terrestrial animals of the region are anticipated to be insignificant.

The proposed replacement bridge would require roadway refurbishments, new roadway approaches, and removal of trees on the land adjacent to the bridge, which could potentially affect surface water runoff and sediment load entering the stream. Implementation of roadway construction-related BMPs, along with the additional NCDOT protective measures for sensitive watersheds, would reduce surface water quality impacts to insignificant levels. NCDOT has also developed a storm water management plan, an erosion-control plan, and other measures to prevent accidental impacts from falling debris, as well as spillage of substances harmful to the aquatic environment. No bridge structures for the Bridge No. 79 replacement are proposed to be located in the riverbed, and therefore, a Section 404 (of the Clean Water Act) authorization is not required. Likewise, no Section 401 certification would be required for the project.

No federally listed plant or terrestrial animal species or habitat to support those species was observed within the action area. Based on the absence of appropriate habitat for federally and state-listed plant or terrestrial animal species, no effects on federally or state-listed plant or terrestrial animal species are anticipated. The protective measures identified to protect water quality should result in insignificant impacts to the hellbender. Bald eagles and their associated habitat were not observed in the project area.

Two aquatic animal species, the federally listed Appalachian elktoe mussel and state-listed wavy-rayed lampmussel, have been reported within the project area. The proposed project site also occurs within designated critical habitat (DCH) for the Appalachian elktoe mussel. The NCDOT would implement special water quality protective measures for sensitive watersheds as well as adhere to United States Fish and Wildlife Service (USFWS) Reasonable and Prudent Measures (RPMs) and Terms and Conditions (TCs) that are actions designed to protect and minimize take of the Appalachian elktoe and adverse effects to DCH. These additional measures are identified in a biological opinion (BO) issued by the USFWS on May 23, 2011, in which the USFWS determined that the proposed project would not jeopardize the continued existence of this species and would not adversely affect or destroy DCH. TVA would require agency general and standard conditions (BMPs) for water quality protection, and no additional special protective measures would be necessary.

Haywood County is a participant in the National Flood Insurance Program (NFIP), and any development must be consistent with applicable regulations. The proposed bridge would be constructed within the 100-year floodplain, would be designed to meet the requirements of the NFIP administered by the Federal Emergency Management Agency, and would be in compliance with local flood ordinances. Furthermore, consistent with Executive Order 11988, a bridge is considered a repetitive action in the floodplain that would result in minor impacts because there would be no increase in upstream flood elevations.

FHWA has previously consulted with the North Carolina State Historic Preservation Officer (NC SHPO) and determined that the bridge replacement would have an adverse effect to Archaeological Site 31HW5. In February 2009, the FHWA and NC SHPO executed a memorandum of agreement (MOA) in order to mitigate the adverse effects to Site 31HW5. By letter dated August 14, 2009, TVA communicated to the NC SHPO that TVA concurs that the mitigation measures (data recovery, etc.) identified in the MOA would adequately mitigate the adverse effects of bridge replacement and that the MOA adequately addresses the impact of


TVA's permitting action. The NC SHPO concurred that TVA has fulfilled its obligation under Section 106 of the NHPA in a letter dated August 21, 2009.

Mitigation

1. In order to prevent the spread or introduction of exotic invasive species, all equipment used on site should be cleaned prior to use to ensure it is free of invasive weed seeds or plant parts.
2. Disturbed areas should be revegetated with native or nonnative noninvasive plant species. In addition, clean and weed-free rock should be used for riprap in the area of new bridge construction.
3. TVA Section 26a approval requires compliance with the MOA executed to mitigate the adverse effects to Site 31HW5.
4. TVA Section 26a approval requires compliance with nondiscretionary conservation measures, TCs, and RPMs agreed to in the BO by the NCDOT to minimize take of the elktoe and impacts to its DCH in the project area.

Conclusion and Findings

Based on the findings in the EA, TVA concludes that issuance of a Section 26a approval for the new bridge construction would not be a major action significantly affecting the environment. Accordingly, preparation of an environmental impact statement is not required.



August 19, 2011

Susan J. Kelly, Senior Manager
Federal Determinations
Environmental Permits and Compliance
Tennessee Valley Authority

Date Signed

TABLE OF CONTENTS

**COVER SHEET
PROPOSAL SHEET**

<u>PROJECT SPECIAL PROVISIONS</u> (WHITE SHEETS)	<i>PAGE No.</i>
Contract Time and Liquidated Damages.....	1
Intermediate Contract Time (s).....	1-2
Construction Moratorium.....	2
Major Contract Items.....	2
Specialty Items.....	2
Fuel Price Adjustment.....	2-3
Schedule of Estimated Completion Progress.....	3
Revision to FHWA 1273 Concerning Personal Information on Payroll Submissions	3-4
Disadvantaged Business Enterprises.....	4-14
Progress Schedule.....	14-15
Liability Insurance.....	15-16
Certification for Federal-Aid Contracts.....	16-17
U. S. Department of Transportation Hotline.....	17
Submission of Records – Federal-Aid Projects	17
Subsurface Information.....	17
Maintenance of the Project.....	17-18
Contractor Claim Submittal Form.....	18
Twelve Month Guarantee.....	18-19
Legal Relations and Responsibility to Public.....	19
Gifts from Vendors and Contractors.....	19
Erosion & Sediment Control / Storm Water Certification.....	20-25
Procedure for Monitoring Borrow Pit Discharge.....	25-26
Roadway.....	27-98
Traffic Control.....	99-100
Utilities By Others.....	101
Erosion Control.....	102-122
Project Special Provisions Structure / Culverts.....	123-166
<u>PERMITS</u> (PINK SHEETS).....	167-176
<u>STANDARD SPECIAL PROVISIONS</u> (YELLOW SHEETS)	
Availability of Funds – Termination of Contracts.....	1
General Seed Specification for Seed Quality.....	2-4
Errata.....	5-8
Plant and Pest Quarantines.....	9
Award of Contract.....	10
Minority and Female Employment Requirements.....	11-13
Required Contract Provisions Federal-Aid Construction Contracts.....	14-22
On the Job Training.....	23-25
<u>PROPOSAL ITEM SHEET AND SIGNATURE SHEET</u>	
Item Sheet (s)	
Signature Sheet (Bid Acceptance by Department)	