

<b>AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT</b>			1. CONTRACT ID CODE J	PAGE OF PAGES 1   21
2. AMENDMENT/MODIFICATION NO. 0003	3. EFFECTIVE DATE 09-Sep-2004	4. REQUISITION/PURCHASE REQ. NO. W16ROE-4085-7150		5. PROJECT NO.(If applicable)
6. ISSUED BY USA ENGINEER DISTRICT, NEW YORK ATTN:CENAN-CT ROOM 1843 26 FEDERAL PLAZA NEW YORK NY 10278	CODE W912DS	7. ADMINISTERED BY (If other than item 6) <b>See Item 6</b>		
8. NAME AND ADDRESS OF CONTRACTOR (No., Street, County, State and Zip Code)		<input checked="" type="checkbox"/>	9A. AMENDMENT OF SOLICITATION NO. W912DS-04-B-0015	
		<input checked="" type="checkbox"/>	9B. DATED (SEE ITEM 11) 05-Aug-2004	
			10A. MOD. OF CONTRACT/ORDER NO.	
			10B. DATED (SEE ITEM 13)	
CODE	FACILITY CODE			
<b>11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS</b>				
<input checked="" type="checkbox"/> The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offer <input checked="" type="checkbox"/> is extended, <input type="checkbox"/> is not extended. Offer must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended by one of the following methods: (a) By completing Items 8 and 15, and returning <u>1</u> copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.				
12. ACCOUNTING AND APPROPRIATION DATA (If required)				
<b>13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.</b>				
A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.				
B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(B).				
C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:				
D. OTHER (Specify type of modification and authority)				
E. IMPORTANT: Contractor <input type="checkbox"/> is not, <input type="checkbox"/> is required to sign this document and return _____ copies to the issuing office.				
14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.) IAW FAR 14.208, this solicitation is amended as follows:  1. To extend the bid due date and time, from 13 SEP 04, at 1100 hours local time, to 17 SEP 04, at 1300 hours local time (1:00pm EDT); 2. To incorporate changes to the plans and specifications (see SF30 continuation page); 3. To incorporate questions and answers pertaining to this requirement (see SF30 continuation page); 4. To correct informational CLIN 0008 (see revised bid schedule); 5. All other terms and conditions of this solicitation shall remain the same and unchanged. NOTE: Bidders must acknowledge receipt of this amendment by the date specified in the solicitation (or as amended) by one of the following methods: in the space provided on the SF1442, by separate letter, or by telegram, or by signing block 15 below. FAILURE TO ACKNOWLEDGE AMENDMENTS BY THE DATE AND TIME SPECIFIED MAY RESULT IN REJECTION OF YOUR BID IN ACCORDANCE WITH THE LATE BID, LATE MODIFICATIONS OF BIDS OR LATE WITHDRAWAL OF BIDS (FAR14.304).  Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.				
15A. NAME AND TITLE OF SIGNER (Type or print)		16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print)		
		TEL: _____ EMAIL: _____		
15B. CONTRACTOR/OFFEROR	15C. DATE SIGNED	16B. UNITED STATES OF AMERICA	16C. DATE SIGNED	
_____ (Signature of person authorized to sign)		BY _____ (Signature of Contracting Officer)	09-Sep-2004	

## SECTION SF 30 BLOCK 14 CONTINUATION PAGE

## SUMMARY OF CHANGES

## SECTION SF 30 - BLOCK 14 CONTINUATION PAGE

The following have been added by full text:

AMENDMENT 0003

1. The following change shall be made to the plans:

Plans

1. Sheets 17 through 19, Typical Section. Delete reference to Item No. 25 (Turf) and replace it with Item No. 47 (Lawn Seed Mix).
2. Sheet 31, Section A. Delete dimension +/-26 FT.
3. **Sheet 44, Plan view, is revised as follows:**
  - a. **Delete dimension of 30.4161 on plan view in upper left corner.**
  - b. **The station for the center line on this plan view should read 37+18, not 0+30.**
  - c. **Delete station 14+50.**
4. Sheet 49 is revised as follows:
  - a. Section 4/49 should read: "Eastern Wetland – Sta. 69+84 to Sta. 83+36 – Typical Section".
  - b. **Section 3/49 should read: " Western Wetland – Sta. 58+75 to Sta. 69+34 – Bulkhead Board Removal details".**
  - c. **Section 5/49 should read: " Station 68+71 Western Wetland Bulkhead Cutdown".**
5. **Sheet 54. Delete cross-hatching between STA 86+00 and STA 88+50.**

2. The following change shall be made to the specifications:

Specifications

1. **Section 00902. Add the attached specification.**
2. **Section 02462 shall be revised as follows:**
  - a. **Para. 1.1. Delete Reference to ASTM D 3966 (1990; R 1995) Piles Under Lateral Load.**
  - b. **Para. 3.3.3.3, Lateral Load Test. Delete in its entirety.**
3. **Section 02630, para. 2.3.5. Add the following sentence to the end of paragraph:**

**“Provide anchor bolts by the valve manufacturer cast into the concrete cap for mounting.”**

- 4. Section 02921, para. 2.2. Add the following sentence to the end of paragraph:  
“Upland topsoil shall consist of a minimum of 6" depth of clean topsoil in all areas to be seeded or planted.”**

3. The following are responses to questions received from bidders (FOR INFORMATIONAL PURPOSES ONLY).

**Question No. 1. Drawing 4 notes on the “Typical Pavement Section” that “Bituminous Pavement Section shown shall be used for all paved areas indicated on plans”. It is difficult to determine where this work extends to existing pavement, please quantify the area of this work or provide information so the limits of work are more definitive to determine a quantity.**

**Response:** In Amendment 2, the pavement work was deleted from the contract. See Amendment 2, Item 1.3.

**Question No. 2: On drawing 6 a note near Station 51+00 states “Remove and replace ship tie downs”, please provide a detail for the tie downs.**

**Response:** Existing tie downs shall be reserved and re-installed in the same manner as existing installation.

**Question No. 3: Note on drawing 9 reads to “Demolish concrete headwall and pipe to limits shown, see sheet 41”. Drawing No. 41 does not show the removal limits, please clarify.**

**Response** New inverts and top of headwall elevations are shown on sheet 41. Pipe removal shall be in accordance with these dimensions.

**Question No. 4: Addendum #2 (page 4 of 55) states “e. Para. 3.8, Subgrade. Delete paragraph in its entirety”. There is no paragraph under this description, is it intended to delete paragraph 3.8.1 instead? Please Clarify.**

**Response:** Paragraph 3.8, including subparagraphs 3.8.1 through 3.8.3, should be deleted in its entirety.

**Question No. 5: Addendum #2 (page 21 of 55) for Item No. 8 reads “Work associated with Stations 86+25 through 92+13.59”. These stations do not match the Option #4 limits, is this stationing intended to be from Stations 50+24.70 to 52+24.70? Please Clarify.**

**Response:** See revision to Bid Schedule included in this amendment.

**Question No. 6: Will all pile tests indicated in specification 02462 section 3.3 be performed on production piles? Please clarify.**

Response The contractor is responsible for developing and submitting his pile test plan, addressing the requirements of § 02462 paras. 3.3.1, 3.3.2 and 3.3.3. Test piles, provided they pass the appropriate load tests, may be included in the work. Reference § 02462, para. 3.3.3 *Pile Load Tests* and answers to questions 32 and 33 below... Load test piles indicated or directed to be driven in permanent locations may be incorporated into the work if, after satisfactory completion of load test, they are approved for inclusion in the work...

**Question No. 7: Specification section 02230 – Page 1 – “1.2.1 Clearing” states; “All objectionable material including stones, boulders, tires, trash, and any other debris as directed by the Contracting Officer shall also be cleared.” The nature of the site creates a difficulty to accurately ascertain estimated quantities of clearing debris, some which very possibly may be contaminated. As the plans also recognize this dilemma, we respectfully request that this item of work be further clarified with an amendment to the “Solicitation Contract Form”.**

Response: Note 3 on Plan Sheets 4 through 10 indicates the area to be cleared.

**Question No. 8: Not used.**

**Question No. 9: On drawings 53 and 54 (from station 83+36 to station 92+13.59) shows “approximate limits of grading” below the proposed “shrub marsh” yet there are missing symbols from the “Legend” for work required in this area. Please clarify the work required below the “shrub marsh” between stations 83+36 to 92+13.59.**

Response: No planting below tidal shrub marsh (el 4.0 - 5.0 ft) is planned from Station 83+36 to Sta. 92+13.59. The area will be graded, cleared of debris, and left as mudflat.

**Question No. 10: Specification section 02463A Page 5 under “3.1.5 Pulling and Redriving” states “Any piling so pulled and found to be damaged to the extent the its usefulness in the structure is impaired shall be removed and replaced at the Contractor’s expense.” Please clarify how the Contractor is to be compensated for “damaged” piling for this quantity cannot be determined prior to the construction of the project.**

Response: The damaged piling is included in the quantities “PULLED STEEL SHEET PILING” and “REDRIVEN STEEL SHEET PILING” in the revised bid schedule. See Amendment 2.

**Question No. 11: Is the contractor to include taxes on permanent materials?**

Response: There is no sales tax on materials for Government work.

**Question No. 12:** On Revised Typical Section page 49 there is detail “Primary Wetland – Typical Section”, between what stations of work would this typical section apply?

**Response:** See revision to Sheet 49 included in this amendment.

**Question No. 13:** On drawings 17 through 19 on the Typical Sections there is a reference to item 25 “Turf”, what is the scope and specification for this item of work? Please clarify.

**Response:** See revision to Sheets 17 through 19 included in this amendment.

**Question No. 14:** Sheets 29, 30, 31 & 32 show plan view and details for All-Thread Tie Rod 1 3/4” diameter, 150 KSI. Do these tie rods need to be epoxy coated or galvanized.

**Response:** From Section 02462 TAPERED STEEL PILES FOR A-FRAME ANCHORAGE para. 2.1 MATERIALS: “Material orders, material lists and material shipping bills shall conform to the requirements of Section 05055A METALWORK FABRICATION, MACHINE WORK, MISCELLANEOUS PROVISIONS. Concrete shall conform to the requirements of Section 03301A CAST-IN-PLACE STRUCTURAL CONCRETE unless otherwise noted. Threaded Reinforcing steel rods shall be ASTM A722 Grade 150ksi and shall conform to the requirements of Section 02390 ANCHORS.”

Tie Rods for the A-Frame anchorage shall be epoxy-coated in accordance with Section 03200A CONCRETE REINFORCEMENT per ASTM A 775A/775M (2001) Epoxy-Coated Reinforcement Steel Bars.

**Question No. 15:** Drawing 23 section B-B indicates that typical precast lagging is 9” thick. Drawing 28 section B-B indicates that special precast lagging installed at 48” sanitary sewer station 58+70 is 1’-3” thick Please indicate if 15” precast lagging occurs only over existing 48” sanitary sewer station 58+70 or occurs at other locations.

**Response:** 1'-3" Precast concrete lagging occurs at station 58+70 as shown.

**Question No. 16:** What is the required thickness for “Upland Topsoil” installation (Item No. 49)?

**Response:** See revision to Section 02921 included in this amendment.

**Question No. 17:** Minish Park Interpretive Signs. Will the contractor be required to create any artwork or are we only required to finalize the design layouts with artwork, text and design plans provided by you?

**Response:** The contractor shall be supplied with a print ready electronic copy of artwork. The contractor shall be required to submit the artwork for manufacturing. Sign manufacturing and installation are the responsibility of the contractor.

**Question No. 18:** On page 54 of the plans: What kind of plantings do you use on the river side of the shrub marsh area? It appears the high harsh hashings between Sta. 86+00 and 88+50 is different than the legend.

**Response:** There is no planting planned below the tidal shrub marsh zone (el 4.0 - 5.0 ft) from 83+36 to 92+13.59. See revision to Plan Sheet 54 included in this amendment.

**Question No. 19:** On page 44 of the plans: In the upper left hand corner of the drawings titled "PLANS". Is this the right scale on the plans. There appears to be some confusion as to the dimensions shown and where the project starts.

**Response:** See revision to Plan Sheet 44 included in this amendment.

**Question No. 20:** The 1/2" x 6" studs welded to the sheet piling. Who welds the studs onto the sheeting? Contactor driving the sheets or Option 1 contractor?

**Response:** Contractor installing the cap is responsible for providing and welding studs to sheet pile.

**Question No. 21:** Option #1 cap. 1/2" x 6" studs welded to the sheet piling. Who welds the studs onto the sheeting? Contractor in Option 1 or the contractor in Option 5 within Option 1 (Sta. 50+24.7 to 52+24.7)?

**Response:** Contractor installing the cap is responsible for providing and welding studs to sheet pile.

**Question No. 22:** In Section 02462 "Tapered Steel Piles for A-Frame Anchorage", Section 2.1.2, 2<sup>nd</sup> paragraph, the material and licensing of pile driving is a proprietary product, with only one company available. We are requesting an alternate to the tapered piles which will allow the contractor more flexibility in the product required.

**Response:** Contractor may provide an "or equal" product indicated in the amended (Amendment 2) specifications.

**Question No. 23:** What types of plantings are required between the Shrub Marsh and the Limits of Excavation in the area of Option #5?

**Response:** See response to Question 19 in this amendment.

**Question No. 24:** Who will provide and install the 1/2" diameter x 6" long studs between Stations 45+71.33 and 50+24.70? Is it the Option #1 contractor, or the contractor providing the sheet piling?

**Response:** Contractor installing the cap is responsible for providing and welding studs to sheet pile.

**Question No. 25:** Who will provide and install the 1/2" diameter x 6" long studs between Stations 50+24.70 and 52+24.70? Is it the Option #1 contractor, the Option #3 contractor or the Option #4 contractor?

**Response:** Contractor installing the cap is responsible for providing and welding studs to sheet pile.

**Question No. 26:** Is there any waler to be installed in the area of the concrete cap in Option #1?

**Response:** Sheet pile and anchorage (including waler installation) for stations 45+71.33 and 52+24.70 are not part of Option 1.

**Question No. 27:** Will any anchors or tie rods required in the Option #1 area be the responsibility of the Option #1 contractor, or will they be installed by the contractor providing and installing the sheet piling?

**Response:** Sheet pile and anchorage (including waler installation) for stations 45+71.33 and 52+24.70 are not part of Option 1.

**Question No. 28:** The future culvert opening to be installed as part of the Option #2 work, is shown to be centered at Station 37+18 and according to sheet 44 there is a 15x50 waler extending 15' +/- either side of the centerline. If this is the case, that waler will extend beyond the Sta. 37+10 limit of work.

**Response:** See revision to Plan Sheet 44 included in this amendment.

**Question No. 29:** Additionally, the plan view on Sheet 44 does not seem to be to any scale, and the 6'-2" length scaled out is longer than the 6'-4" length.

**Response:** See revision to Plan Sheet 44 included in this amendment.

**Question No. 30:** Sheet 9 refers to demolishing the headwall and 42" RCP to the limits shown on Sheet 41. Sheet 41 contains no information regarding this demolition.

**Response:** The Note on Sheet 9 refers to the demolition limits shown on sheet 9, not Sheet 41 (approximately 12 linear feet of pipe removal). New inverts and top of headwall elevations are shown on sheet 41. Pipe removal shall be in accordance with these dimensions.

**Question No. 31** Based on the questions asked and many of the suppliers being on vacation last week, we again ask that the bid date be postponed until Sept. 20<sup>th</sup>, 2004 so that we may be able to put together a responsible bid.

**Response:** See revision to bid opening hour and date included in this amendment.

**Question No. 32:** Are the proposed load tests for this work to be conducted on plumb or battered piles? Normally we only load test plumb piles for compression, tension and lateral capacities, and establish capacities of the batter piles by vector analysis of the test results. This is an appropriate, straightforward approach that does not require special measures for testing. However, this will require that supplementary plumb piles to be driven as all of the production piles for this work are battered.

**Response:** The contractor is responsible for developing and submitting his pile test plan and pile load tests (and subsequent analyses) may be conducted on supplementary plumb or non-battered piles in accordance with ASTM D 1143 (1981; R 1994e1) *Piles Under Static Axial Compressive Load*, and ASTM D 3689 (1990, R 1995) *Individual Piles Under Static Axial Tensile Load*.

Pile load tests may be conducted on batter piles per ASTM D 1143 and ASTM D 3689, though these standards recognize that there are special testing apparatus and safety concerns regarding testing of battered piles. Special apparatus for testing of battered piles must be thoroughly described in the contractor's pile test plan, including plans for such equipment stamped and sealed by a registered professional engineer, and submitted for approval by the Contracting Officer's Representative.

**Question No. 33:** If battered piles are to be used for the testing then please specify details about how the tests are to be constructed. And advise as to whether lateral capacity is to be tested with batter piles -- or plumb piles. If it is to be tested with plumb piles the resultant maximum loads for the 14" and 18" diameters will fall far short of the desired 100 tons.

**Response:** See revision to Section 02462 included in this amendment. Lateral load testing of piles is not a requirement of this contract.

**Question No. 34:** The Planting Plans (Sheets 50 - 54) call for Herbivory Fence around the perimeter of the High and Low Marshes, and across the interior at 50' intervals, however, the Detail on Sheet 55 shows an arrangement which apparently has a grid of fencing at 10' intervals, as well as fencing on diagonals. Based on the Detail, we calculate that 641 LF of fence will be required for every 2500 sq. ft. of marsh area. This would result in over 3600 LF of fence being required in the west marsh area, and over 14,600 LF of fence in the east marsh area. Is the Note on the Plan correct, or is the Detail on Sheet 55 correct?

**Response:** [The Detail on Sheet 55 is correct.](#)

**Question No. 35:** There are Notes on Sheet 9 regarding the Demolition of the existing Headwall and 42" RCP at STA 77+77 which refer to information on Sheet 41, however there is no information on Sheet 41 regarding this demolition.

**Response:** The Note on Sheet 9 refers to the limits shown on sheet 9 (approximately 12 linear feet of pipe removal).

**Question No. 36: Regarding the flap gates: What head do we need to design for at each location?**

**Response:** Contractor shall use tide data shown on cross sections to coordinate with Manufacturer on required design.

**Question No. 37: Regarding the flap gates: Do you have any prints that can be sent?**

**Response:** The flap valves shall be in accordance with Section 02630. Contractor shall submit manufacturers cut sheets and detailed drawings for approval.

**Question No. 38: Regarding the flap gates: Are we bolting to the wall?**

**Response:** See revision to Section 02630 included in this amendment

**Question No. 39: On sheet 31 Section "A" depicts the scheme between STA. 37+10 to 37+50 (Anchorage only) and 37+50 and 39+60 (wall and anchorage). What is meant by the terms "Anchorage only" and "Wall and Anchorage"?**

**Response:** **“Anchorage Only” means that the waler, tie-rod and A-Frame comprise the wall's anchorage, while the bulkhead's wall from Stations 37+10 to 37+50 is constructed as shown on sheet 23. That is, the bulkhead from stations 37+10 to 37+50 consists of a HZ 575A steel pile and precast concrete lagging, anchored utilizing the A-frame anchorage and waler as shown on sheet 31.**

**Question No. 40: Also on sht. 31, Section "A" calls for the center of the tension and compression piles to be 26'+/- from the back of the bulkhead, however if you scale sht 29 in the area between St. 37+10 and Sta. 39+60, the distance to the center of the pile cap varies between 33'+/- and 44'+/-. What is the correct distance?**

**Response:** See revision to Sheet 31 included. **The "+/- 26 FT" dimension is invalid; the distance varies as indicated on sheet 29.**

**Question No. 41: The typ. waler plan on sht 32 calls for AZ26 sheeting from Sta. 37+10 to St. 39+60 and CAZ25 from Sta. 39+60 to Sta. 42+17.51. Other plans call for the sheeting from Sta. 37+10 to Sta. 37+50 to be HZ575A, and from Sta. 34+50 to Sta. 42+17.51 to be CAZ26 Box pile. Which is correct???**

**Response:** **Sheeting conforms to that indicated on sheet 31:  
The bulkhead sheeting for Stations 37+10 through 37+50 conforms to that shown on Sheet 23 (HZ575A and precast lagging).  
The bulkhead sheeting for Stations 37+50 through 39+60 is AZ26.  
The bulkhead sheeting for Stations 39+60 through 42+17 is CAZ26.**

**4. This amendment shall be attached to the specifications and shall be a part thereof.**

SECTION 00902

## SECTION 00902

## FEDERAL CONSISTENCY DETERMINATION/WATER QUALITY CERTIFICATION

The Federal Consistency Determination/Water Quality Certification is to be issued. Although the permit has not yet been received to date from the State of New Jersey, Department of Environmental Protection, the following permit conditions are anticipated to be included in the permit language, and the contractor maybe expected to adhere to the below conditions if identified in the NJDEP Water Quality Certificate.

Note: Monitoring requirements are the responsibility of the Government.

- 1) A “No barge overflow” condition applies to the dredging and transport of any contaminated dredged material.
- 2) All dredging of contaminated fine-grained material shall be accomplished during low tide on the exposed mud flat. Where this is not possible, silt fences, curtains or other containment features shall be employed to prevent contaminant sediment from entering the Passaic River.
- 3) Dredged material shall be placed deliberately in the barge in order to prevent spillage of material overboard.
- 4) All barges, scows or containers used to transport sediment shall be watertight and tarped during transit.
- 5) All soil meeting the Non-residential Direct Soil Cleanup Criteria may be used as backfill behind the newly constructed bulkhead. However, the material must be covered with a minimum of six inches of clean soil or crushed stone upon project completion.
- 6) All workers shall have received requisite training for handling contaminated soil and sediments in accordance with OSHA requirements.
- 7) Nothing in this approval shall be deemed to in any way affect the responsibilities of PSE&G under their Memorandum of Agreement with the Department.
- 8) The Corps, its contractor and PSE&G shall work cooperatively to develop a contingency plan that outlines what procedures and remedies shall be implemented should petroleum product or coal tar be encountered during construction of this project. Said procedures and remedies shall be designed to prevent discharge of any contamination into the Passaic River. Further, should this level of contamination be encountered during construction, the bulkhead design shall be revisited to determine that it will not interfere with a remedial strategy for the site.
- 9) A minimum 40-foot wide permanent easement shall be provided along the entire length of bulkhead constructed under this contract reserving the area for the future permanent public promenade and landscaping.
- 10) No material will be dredged until the contractor has identified a suitable placement site and received an approval from the Department for use of that site. The contractor shall be responsible to secure an Acceptable Use Determination from the Department of Environmental Protection, Office of Dredging and Sediment Technology for the end use of the decontaminated sediment once the final placement site has been identified. Based on preliminary sediment analytical results it appears as though the material will exceed the placement criteria established for the currently operating upland beneficial use sites. Therefore, it is likely that this material will have to go to a solid waste facility licensed to accept the material.
- 11) Avoid construction activities that cause excessive siltation during fish migration periods (April 1 to June 30) or coordinate with the Department to minimize impacts to fish resources during this migration period.

- 12) The NY District shall complete and sign a Department approved conservation restriction for the mitigation site. The restriction shall be included on the deed, and recorded in the office of the County Clerk (the Registrar of Deeds and Mortgages in some counties), in the county wherein the lands of the mitigation project are located, within 10 days of approval of the wetland mitigation proposal.
- 13) The NY District shall notify the Department, in writing, at least thirty (30) days in advance of the start of construction of the wetland mitigation project for an on-site preconstruction meeting between the NY District, the contractor, the consultant and the Program.
- 14) The mitigation designer must be present during critical stages of construction of the mitigation project this includes but is not limited to herbicide applications, sub-grade inspection, final grade inspection, and planting inspection to ensure the intent of the mitigation design and their predicted wetland hydrology is realized in the landscape. Mitigation designers are not static documents and changes may be necessary to ensure success of the project. It shall be the prerogative of the mitigation consultant to make changes to the design should field conditions warrant such action.
- 15) Immediately following final grading of the site, a disc must be run over the site to eliminate compaction. The mitigation designer must be present to oversee this phase of the project and confirm with the Department this activity has occurred prior to planting of the site.
- 16) Immediately following the final grading of the mitigation site and prior to planting, the NY District shall notify the Department for a post-grading construction meeting between the NY District, contractor, consultant and the Department. The NY District must give the Program at least thirty (30) days notice prior to the date of this meeting.
- 17) Within 30 days of the following the final grading and planting of the mitigation project, the NY District shall submit a final report to the Department. The final report shall contain, at a minimum, the following information:
  - a) A completed WETLAND MITIGATION PROJECT COMPLETION OF CONSTRUCTION FORM (attached) which certifies that the mitigation project has been constructed as designed and that the proposed area of wetland creation, restoration or enhancement has been accomplished;
  - b) As built plans which depict final grade elevations at one foot contours and include a table of the species and quantities of vegetation that were planted including any grasses that may have been used for soil stabilization purposes;
  - c) Show on the as-built plans that the boundaries of the wetland mitigation area has been visibly marked with 3 inch white PVC pipe extending 4 feet above the ground surface. The stakes must remain on the site for the entire monitoring period;
  - d) Photos of the constructed wetland mitigation project with a photo location map as well as the GPS waypoints in NJ state plane coordinates NAD 1983;
  - e) To document that the required amount of soil has been placed/replaced over the entire area of the mitigation site, provide a minimum of 6 soil profile descriptions to a depth of 20 inches. The location of each soil profile description should be depicted on the as built plan as well as provide the GPS waypoints in the NJ state plane coordinates NAD 1983;
  - f) The NY District shall post the mitigation area with several permanent signs, which identify the site as a wetland mitigation project and that mowing cutting, dumping and draining of property is prohibited; and
  - g) The sign must also state the name of the site, a contact name and phone number.
- 18) If the Department determines that the mitigation project is not constructed in conformance with the approved plan, the NY District will be notified in writing and will have 60 days to submit a proposal to indicate how the project will be corrected.
- 19) The NY District shall monitor the mitigation project for 3 full growing seasons after the mitigation project has been constructed. The NY District shall submit monitoring reports to the

Department no later than December 31<sup>st</sup> of each monitoring year (All monitoring reports must include the standard items identified in the attachment and the information below).

- 20) All monitoring reports will include the following information:
- a) All monitoring reports except the final one must include documentation that it is anticipated, based on field data, that the goals of the wetland mitigation project including the transition area, as stated in the approved wetland mitigation proposal and the permit will be satisfied. If the NY District is finding problems with the mitigation project and does not anticipate the site will be a full success then recommendations on how to rectify the problems must be included in the report with a time frame in which they will be completed.
  - b) All monitoring reports except the final one must include field data to document that the site is progressing towards 85 percent survival and 85 percent area coverage of mitigation plantings or target hydrophytes (Target hydrophytes are non-invasive native species to the area and similar to ones identified on the mitigation planting plan). If the proposed plant community is a scrub/shrub or forested wetland or wetland buffer the NY District must also demonstrate each year with data that the woody species are thriving, increasing in stem density and height each year. If the field data shows that the mitigation project is failing to meet the vegetation survival, coverage and health goals, the monitoring report should contain a discussion of steps that will be taken to rectify the problem, including a schedule of implementation;
  - c) All monitoring reports except the final one must include documentation of any invasive or noxious species (see below list of species) colonizing the site and how they are being eliminated. The NY District is required to eliminate either through hand-pulling, application of a pesticide or other Department approved method any occurrence of an invasive/noxious species on the mitigation site during the monitoring period;
  - d) All monitoring reports except the final one must include documentation that demonstrates the proposed hydrologic regime as specified in the mitigation proposal appears to be met. If the NY District is finding problems with the mitigation project and does not anticipate the proposed hydrologic regime will be or has not been met then recommendations on how to rectify the problem must be included in the report along with a time frame within which it will be completed.
  - e) The final monitoring period must include documentation to demonstrate that the goals of the wetland mitigation project including the required wetland buffer, as stated in the approved wetland mitigation proposal and the permit, has been satisfied. Documentation for this report will also include a field wetland delineation of the wetland mitigation project based on techniques as specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (1989);
  - f) The final monitoring report must include documentation the site has an 85 percent survival and 85 percent area coverage of the mitigation plantings or target hydrophytes. The NY District must also document that all plant species are healthy and thriving and if the proposed plant community contains trees demonstrate that the trees are at least five feet in height;
  - g) The final monitoring report must include documentation demonstrating the site is less than 10 percent occupied by invasive or noxious species such as but not limited to *Phalaris arundinacea* (Reed canary grass), *Phragmites australis* (Common reed), *Pueraria lobata* (Kudzu), *Typha latifolia* (Broad-leaved cattail), *Typha angustifolia* (Narrow leaved cattail), *Lythrum salicaria* (Purple loosestrife), *Ailanthus altissima* (Tree-of-heaven), *Berberis thunbergii* (Japanese barberry), *Berberis vulgaris* (Common barberry), *Elaeagnus angustifolia* (Russian olive), *Elaeagnus umbellata* (Autumn olive),

*Ligustrum obtusifolium* (Japanese privet), *Ligustrum vulgare* (Common privet) and *Rosa multiflora* (Multiflora rosa);

- h) The final monitoring report must include documentation that demonstrates that the proposed hydrologic regime as specified in the mitigation proposal, which proves the mitigation site is a wetland has been satisfied. The documentation shall include when appropriate monitoring well data, tide gauge data, photographs and field observation notes collected throughout the monitoring period; and
- 21) Once the required monitoring period has expired and the NY District has submitted the final monitoring report, the Department will make the finding that the mitigation project is either a success or failure. This mitigation project will be considered successful if the NY District demonstrates all of the following:
    - a) That the goals of the wetland mitigation project including acreage and the required wetland buffer, as stated in the approved wetland mitigation proposal and the permit, has been satisfied. The NY District must submit a field wetland delineation of the wetland mitigation project based on the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (1989) which shows the exact acreage of wetlands in the mitigation area;
    - b) The site has an 85% survival and 85 percent area coverage of the mitigation plantings or target hydrophytes which are species native to the area and similar to ones identified on the mitigation planting plan. All plant species in the mitigation area are healthy and thriving. All trees area at least five feet in height;
    - c) The site is less than 10 percent occupied by invasive or noxious species but not limited to *Phalaris arundinacea* (Reed canary grass), *Phragmites australis* (Common reed), *Pueraria lobata* (Kudzu), *Typha latifolia* (Broad-leaved cattail), *Typha angustifolia* (Narrow leaved cattail), *Lythrum salicaria* (Purple loosestrife), *Ailanthus altissima* (Tree-of-heaven), *Berberis thunbergi* (Japanese barberry), *Berberis vulgaris* (Common barberry), *Elaeagnus angustifolia* (Russian olive), *Elaeagnus umbellate* (Autumn olive), *Ligustrum obtusifolium* (Japanese privet), *Ligustrum vulgare* (Common privet) and *Rosa multiflora* (Multiflora rosa); and,
    - d) The proposed hydrologic regime as specified in the mitigation proposal, which proves the mitigation site is a wetland has been satisfied.
  - 22) If the mitigation project is considered a failure, the NY District is required to submit a revised mitigation plan to rectify the wetland mitigation site. The plan shall be submitted within 60 days of receipt of the letter from the Program indicating the wetland mitigation project was a failure. The financial surety, if required, will not be released by the Program until such time that the NY District satisfies the success criteria as stipulated in condition number 15.
  - 23) The NY District shall assume all liability for accomplishing corrective work should the Department determine that the compensatory mitigation has not been 100% satisfactory. Remedial work may include re-grading and/or replanting the mitigation site. This responsibility is incumbent upon the NY District until such time that the Department makes the finding that the mitigation project is successful.

## SECTION 00010 - SOLICITATION CONTRACT FORM

The required response date/time has changed from 13-Sep-2004 11:00 AM to 17-Sep-2004 01:00 PM.

## CLIN 0008

The CLIN extended description has changed from WORK ASSOCIATED WITH STATIONS 86+25 THROUGH 92+13.59 to WORK ASSOCIATED WITH STATIONS 50+24.70 THROUGH 52+24.70.

The following have been added by full text:

SECTION 00010 (REVISED)

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0001	BULKHEAD CONSTRUCTION WORK FFP ALL CONSTRUCTION WORK ASSOCIATED WITH THE BULKHEAD, APPURTENANCES, AND WETLAND FOR STATIONS 52+24.70 THROUGH 86+25, COMPLETE, IAW THE ATTACHED PLANS AND SPECIFICATIONS. PURCHASE REQUEST NUMBER: W16ROE-4085-7150	1	Lump Sum		

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NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0002	RIVER EXCAVATION WORK FFP ALL WORK ASSOCIATED WITH THE EXCAVATION AND TREATMENT OF CONTAMINATED RIVER SEDIMENT MATERIAL FROM BELOW MEAN HIGH TIDE, FROM STATIONS 52+24.70 THROUGH 86-25, COMPLETE, IAW THE ATTACHED PLANS AND SPECIFICATIONS PURCHASE REQUEST NUMBER: W16ROE-4085-7150	1	Lump Sum		

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NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0003		2,310	Square Foot		

FFP  
PULLED STEEL SHEET PILING

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NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0004		2,310	Square Foot		

FFP  
RE-DRIVEN STEEL SHEET PILING

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NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0005		1	Lump Sum		

OPTION #1  
FFP  
ALL WORK ASSOCIATED WITH THE CONCRETE CAP AND DRAINAGE FOR STATIONS 45+71.33 THROUGH 52+24.70, COMPLETE, IAW ATTACHED PLANS AND SPECIFICATIONS, IF EXERCISED.

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NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0006 OPTION	OPTION #2 FFP ALL WORK ASSOCIATED WITH STATIONS 37+10 THROUGH 45+71.33, COMPLETE, IF EXERCISED				

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NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0006AA OPTION	FFP ALL WORK ASSOCIATED WITH THE CONSTRUCTION OF BULKHEAD AND APPURTENANCES FOR STATIONS 37+10 THROUGH 45+71.33, COMPLETE, IAW ATTACHED PLANS AND SPECIFICATIONS, IF EXERCISED.	1	Lump Sum		

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NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0006AB OPTION	FFP ALL WORK ASSOCIATED WITH THE EXCAVATION AND TREATMENT OF CONTAMINATED RIVER SEDIMENT MATERIAL FROM BELOW MEAN HIGH TIDE FOR STATIONS 37+10 THROUGH 45+71.33, IF EXERCISED.	1	Lump Sum		

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NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0006AC		2,560	Square Foot		
OPTION	FFP PULLED STEEL SHEET PILING				

NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0006AD		2,560	Square Foot		
OPTION	FFP RE-DRIVEN STEEL SHEET PILING				

NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0007		1	Lump Sum		
OPTION	OPTION #3 FFP SHEETPILE FOR STATION 50+24.70 THROUGH 52+24.70, MATERIAL ONLY, IF EXERCISED.				

NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0008 OPTION	OPTION #4 FFP WORK ASSOCIATED WITH STATIONS 50+24.70 THROUGH 52+24.70				

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NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0008AA OPTION	FFP SHEETPILE FOR STATION 50+24.70 THROUGH 52+24.70, LABOR ONLY, IF EXERCISED.	1	Lump Sum		

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NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0008AB OPTION	FFP PULLED STEEL SHEET PILING	640	Square Foot		

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NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0008AC		640	Square Foot		
OPTION	FFP RE-DRIVEN STEEL SHEET PILING				

NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0009					
OPTION	OPTION #5 FFP ALL WORK ASSOCIATED WITH STATIONS 86+25 THROUGH 92+13.59, COMPLETE, IF EXERCISED				

NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0009AA			Lump Sum		
OPTION	FFP ALL WORK ASSOCIATED WITH STREAMBANK STABILIZATION, FROM STATIONS 86+25 THROUGH 92+13.59, COMPLETE, IAW ATTACHED PLANS AND SPECIFICATIONS, IF EXERCISED				

NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0009AB OPTION	FFP EXCAVATION AND TREATMENT OF CONTAMINATED RIVER SEDIMENT MATERIAL FROM BELOW MEAN HIGH TIDE, FROM STATIONS 86+25 THROUGH 92+13.59, COMPLETE, IAW THE ATTACHED PLANS AND SPECIFICATIONS, IF EXERCISED.	1	Lump Sum		

NET AMT

FOB: Destination

NOTES

TOTAL BASE BID: \_\_\_\_\_

TOTAL OPTION # ONE (1): \_\_\_\_\_

TOTAL OPTION # TWO (2): \_\_\_\_\_

TOTAL OPTION # THREE (3): \_\_\_\_\_

TOTAL OPTION # FOUR (4): \_\_\_\_\_

TOTAL OPTION # FIVE (5): \_\_\_\_\_

TOTAL BASE BID INCLUDING ALL OPTIONS: \_\_\_\_\_

(End of Summary of Changes)