



ADDENDUM NO. 2

TO
SPECIAL PROVISIONS
FOR
MARKLEY CREEK CULVERT REPLACEMENT PROJECT
Project No. PW 141-9

ISSUED: April 11, 2012

This Addendum No. 2 must be signed by the bidder and attached to the **CONTRACT PROPOSAL PACKAGE** for consideration by the City. The City reserves the right to disregard any proposal, which does not include this Addendum. The City may waive this requirement at its sole discretion.

Prepared By:
Randell T. Harrison, P.E.

A handwritten signature in black ink that reads "Randell T. Harrison".



BIDDER'S CERTIFICATION

I acknowledge receipt of this Addendum No. 2 and accept all conditions contained herein.

Bidder

By:

Item 1: The Construction Details (Special Provisions) are revised as follows:

Sections C-51 is appended to Division C of the Construction Details as follows:

SECTION C-51: TEMPORARY WILDLIFE EXCLUSION FENCE

Temporary wildlife exclusion fence, hereafter called "Temporary Silt Fence" shall conform to the requirements of the Biological Opinion in Appendix C, these special provisions, and as directed by the Engineer.

Exclusionary fencing shall be furnished, installed, maintained, and removed to segregate all activity areas that are within 100 feet of or adjacent to potential California red-legged frog habitat to prevent the species from entering the project area.

Materials

Materials for temporary silt fence shall conform to the provisions in Section 20-2, "Materials," of the Standard Specifications.

Temporary wildlife exclusion fence shall be a prefabricated silt fence with a minimum woven polypropylene fabric width of 48 inches, such that 36 inches will project above the ground after installation. Post stakes shall be longer to support the fabric.

On the downstream side of the project, clean sand or gravel shall be used to mount the temporary silt fence and fill the interstices of the rock slope protection to prevent wildlife passage. The clean sand or gravel shall conform to the gradation requirements shown in the following table:

Clean Sand and Gravel Gradation

SIEVE SIZE	PERCENT PASSING
1"	100
¾"	60-90
No. 4	25-60
No. 30	0-20

Installation

Temporary silt fence shall be installed as described in these special provisions and in conformance with Detail SC-1 in the Caltrans Construction Site Best Management Practices Manual of the Caltrans Storm water Quality Handbooks and State Standard Plan T51.

When joints are necessary, the temporary silt fence shall overlap a minimum of 6 inches with both posts tied together.

Temporary silt fences shall be maintained to provide for adequate sediment holding capacity. Sediment deposits shall be removed when the sediment deposit reaches approximately one-third of the fence height. Removed sediment shall be deposited within the project in such a way that the sediment is not subject to erosion by wind or water, or as directed by the Engineer.

Temporary silt fences shall remain until all construction activities are completed. When no longer required for the intended purpose, as determined by the Engineer, temporary silt fence shall be removed from the site of the work.

Holes, depressions or any other ground disturbance caused by the removal of the temporary silt fence shall be backfilled and repaired in conformance with the provisions in the second paragraph of Section 15-1.02, "Preservation of Property," of the Standard Specifications.

On the downstream side of the project, clean sand or gravel shall be placed on top of the rock slope protection to mount the temporary silt fence and prevent wildlife from passing underneath the fence. The sand and gravel mixture shall be delivered as a uniform mixture, and shall be deposited in a manner to avoid segregation. Compaction of the clean sand and gravel is not required.

PAYMENT

The quantity of temporary silt fence will be measured by the linear foot as determined from actual measurements, the measurements to be made parallel with the ground slope along the line of the completed temporary silt fence, deducting the widths of openings.

The contract price paid per linear foot for "Temporary Silt Fence" shall include full compensation for furnishing all labor, materials, tools, equipment, and incidentals, and for doing all the work involved in installing temporary silt fence, complete in place, including trench excavation and backfill, and maintenance and removal of temporary silt fence as specified in the Standard Specifications and these special provisions, and as directed by the Engineer.

The contract price paid per linear foot of "Temporary Silt Fence" shall also include the cost to furnish, haul, place, grade, and remove the clean sand or gravel used to mount the temporary silt fence.

No adjustment of compensation will be made for any increase or decrease in the quantities of temporary silt fence required, regardless of the reason for the increase or decrease. The provisions in Section 4-1.03B, "Increased or Decreased Quantities," of the Standard Specifications shall not apply to temporary silt fence.

Item 2: The Construction Details (Special Provisions) are revised as follows:

The following attached Biological Opinion shall be appended to Appendix C (Permits) of the Construction Details:

1. United States Department of the Interior Fish and Wildlife Service letter to the United States Army Corps of Engineers, dated July 27, 2009.
2. United States Department of the Interior Fish and Wildlife Service letter to the United States Army Corps of Engineers, dated May 18, 2008

Item 3: The Bid Form is revised as follows:

Bid item No. 52 "Temporary Silt Fence" is added to the Bid Form. Both Pages P-15 and P-16 of the Special Provisions are reissued as attached.

SCHEDULE OF BID PRICES*

*MODIFIED PER ADDENDUM No. 2

Addendum No. 2

Item No.	Unit	Quantity	Description	Unit Price	Extended Amount
1	LS	1	Traffic Control System	\$	\$
2	LS	1	Clearing and Grubbing	\$	\$
3	LS	1	Construction Area Signs	\$	\$
4	SF	532	Reconstruct Sidewalk	\$	\$
5	EA	1	Reconstruct Gate	\$	\$
6	LF	168	Remove Fence	\$	\$
7	CY	4	Remove Concrete (Ditch Lining)	\$	\$
8	LF	60	Remove 60-inch Reinforced Concrete Pipe	\$	\$
9	LF	61	Remove 72-inch CSP Culvert	\$	\$
10	EA	1	Remove Manhole	\$	\$
11	CY	6	Remove Concreted Rock Slope Protection (Partial)	\$	\$
12	LF	234	Remove Traffic Striping –Detail 21 (Thermoplastic)	\$	\$
13	LF	427	Remove Traffic Striping –Detail 27B (Thermoplastic)	\$	\$
14	LS	1	Relocate Electrolier	\$	\$
15	LS	1	Excavation Safety (Shoring)	\$	\$
16	LS	1	Dewatering	\$	\$
17	CY	1,010	Wall Excavation (F)	\$	\$
18	CY	159	Over-Excavation and Structure Backfill (Culvert)	\$	\$
19	CY	159	Over-Excavation and Bridging Material (Culvert)	\$	\$
20	CY	144	Over-Excavation and Structure Backfill (Walls)	\$	\$
21	CY	843	Import Borrow	\$	\$
22	SQYD	5,822	Erosion Control (Type D)	\$	\$
23	EA	2	Portable Changeable Message Sign	\$	\$
24	SF	21,782	Temporary Roadway (3" HMA / 8" CL2AB)	\$	\$
25	LF	2	Temporary Type III Barricade	\$	\$
26	LF	929	Temporary Traffic Striping –Detail 21 (Paint)	\$	\$
27	EA	1,858	Temporary Traffic Striping –Detail 27B (Paint)	\$	\$
28	EA	33	Temporary Surface Mounted Channelizers	\$	\$
29	EA	113	Temporary Portable Channelizers	\$	\$
30	LF	440	Temporary Railing (Type K)	\$	\$
31	EA	3	Temporary Crash Cushion (Array TS11)	\$	\$

Item No.	Unit	Quantity	Description	Unit Price	Extended Amount
32	EA	2	Temporary Crash Cushion System (Type 350)	\$	\$
33	CY	575	Salvage Rock Slope Protection (Light)	\$	\$
34	SF	1,850	Reconstruct Roadway (6" HMA / 18" CL2AB)	\$	\$
35	LF	872	Reconstruct Fence	\$	\$
36	LS	1	Irrigation System Restoration	\$	\$
37	LF	308	Traffic Striping –Detail 21 (Thermoplastic)	\$	\$
38	LF	574	Traffic Striping –Detail 27B (Thermoplastic)	\$	\$
39	CY	253	Concrete Structures (Headwall, Endwall, Wingwalls)	\$	\$
40	LS	1	Pipeline Insulation Work	\$	\$
41	LB	22,916	Reinforcing Steel (Headwall, Endwall, Wingwalls)	\$	\$
42	LF	163	60-inch Reinforced Concrete Pipe (Class 3)	\$	\$
43	LF	196	96-inch Reinforced Concrete Pipe (Class 3)	\$	\$
44	CY	179	Rock Slope Protection (1 Ton, Method A)	\$	\$
45	CY	422	Rock Slope Protection (Light, Method B)	\$	\$
46	SF	3,427	Rock Slope Protection Fabric (Type B)	\$	\$
47	CY	2.63	Concrete (Ditch Lining)	\$	\$
48	EA	1	Type III Manhole and Precast Manhole Section	\$	\$
49	LF	27	Chain Link Fence (3.5' high)	\$	\$
50	LF	162	Chain Link Railing (3.5' high)	\$	\$
51	LS	1	Water Pollution Control	\$	\$
52	LF	330	Temporary Silt Fence	\$	\$
TOTAL BID PRICE				\$	

(F) –Denotes Final Pay Item per Section 9-1.015 of the Standard Specifications

TOTAL BID PRICE: _____
(Written in Words)

All costs associated with the work required in the Plans and Specifications must be included in the bid items. This certifies that the prices in the proposal include all work as shown in the Plans and Specifications necessary to complete the work, in place and in full working order.

Signature of Bidder

Company Name Printed



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Sacramento Fish and Wildlife Office
2800 Cottage Way, Room W-2605
Sacramento, California 95825-1846

In Reply Refer To:
81420-2008-F-0382-2

JUL 27 2009

Ms. Kathy Dadey, Ph.D.
Regulatory Branch
U.S. Army Corps of Engineers
1325 J Street, Room 1480
Sacramento, California 95814-2922

Subject: Reinitiation of Consultation of the Biological Opinion on the Proposed Remediation of Landfill Sites along Markley Creek in the City of Antioch, Contra Costa County, California

Dear Dr Dadey:

This letter reinitiates consultation on the May 18, 2008, biological opinion from the U.S. Fish and Wildlife Service (Service) (Service file: 81420-2008-F-0382) on the effects of the proposed remediation of landfill sites along Markley Creek on the threatened California red-legged frog (*Rana aurora draytonii*). This reinitiation revises the original biological opinion to include a culvert replacement that was originally proposed as a separate project. This document is in accordance with section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act).

The following changes are made to the May 18, 2008, biological opinion:

Page 2, Project Description, Add:

The existing 72-inch diameter 60-foot long corrugated metal pipe culvert that routes Markley Creek through the existing Somerville Road embankment will be replaced with a new 186-foot linear length of 96-inch reinforced concrete pipe (RCP) (Exhibits 2 and 3). Currently, a pipe running from a detention basin for the Black Diamond Ranch Development west of Somerville Road conveys stormwater to Markley Creek by emptying into the existing 72-inch culvert under Somerville Road. Following replacement of the existing culvert, water from the detention basin will be routed to Markley Creek through a separate secondary 60-inch diameter pipe. Culvert replacement will include removal of Portland concrete cement chunks used as rip-rap structure and installation of new headwalls and new rock rip-rap. Rock rip-rap will not be placed within

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the creekbed on the west side of Somerville Road. The new culvert will have a natural bottom to facilitate wildlife movement under Somerville Road. Culvert replacement will be accomplished using open cuts through Somerville Road. Installation will include the placement of approximately 500 cubic yards of clean fill that will supplement the approximately 1,500 to 2,000 cubic yards of fill put in place in the summer of 2008 during creek remediation work. This previously deposited fill was required to facilitate the success of the Markley Creek Remediation Project and tie into the upcoming Culvert Replacement Project. Some minor grading of the creek bottom will take place in order to conform to existing creek grades. Approximately 0.25 acre within 115 linear feet of riparian woodland will be disturbed. Standard BMP practices per water board specifications will be implemented inclusive of storm water pollution and prevention plan and erosion control plan. Dredged materials will be disposed of in an area that avoids impacts to sensitive and native species and habitat and will not be discharged into waters of the United States. Little erosion is anticipated, but wattle, coco matting, and hydro seeding may be used as necessary to minimize the potential for erosion.

Page 3, Minimization of Adverse Effects, Change:

The proposed action will result in temporary adverse effects to a maximum of 1.59 acres of aquatic and upland dispersal habitat for the California red-legged frog. The Corps shall ensure that the project proponent implements the minimization measures identified in the programmatic biological opinion.

To:

The proposed action will result in temporary adverse effects to a maximum of 1.84 acres of aquatic and upland dispersal habitat for the California red-legged frog. The Corps shall ensure that the project proponent implements the minimization measures identified in the programmatic biological opinion.

The other portions of the Project Description, Programmatic Consultation Requirements, Minimization of Adverse Effects, and Terms and Conditions in the Biological Opinion remain the same. No additional effects to the California red-legged frog are anticipated as a result of the changes to the project. The original biological conclusion of "no jeopardy" remains for the revised project.


This concludes the reinitiation of the consultation on the Proposed Remediation of Landfill Sites along Markley Creek. As provided in 50 CFR § 402.16, reinitiation of formal consultation is required where discretionary Federal agency involvement or control over the action has been maintained (or is authorized by law) and if: (1) the amount or extent of incidental take is exceeded; (2) new information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not considered in this opinion; (3) the agency action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in this opinion; or (4) a new species is listed or critical habitat designated that may be affected by the action.

Dr. Kathy Dadey

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If you have any questions regarding this reinitiation to the biological opinion for the Proposed Remediation of Landfill Sites along Markley Creek, please contact Ryan Olah of my staff at (916) 414-6625 or via email at ryan_olah@fws.gov.

Sincerely,


Susan K. Moore
Field Supervisor

cc:

Scott Wilson, California Department of Fish and Game, Yountville, CA



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Sacramento Fish and Wildlife Office
2800 Cottage Way, Room W-2605
Sacramento, California 95825-1846

In Reply Refer To:
81420-2008-F-0382

MAY 18 2008

Mr. William H. Guthrie
Senior Project Manager
U.S. Army Corps of Engineers
Sacramento District
1325 J Street
Sacramento, California 95814

Subject: Appending the Proposed Remediation of Landfill Sites along Markley Creek in the City of Antioch, Contra Costa County, California, to the California Red-legged Frog Programmatic Consultation on Nationwide Section 404 Permits in California (Corps File No. 26768S)

Dear Mr. Guthrie:

This is in response to your November 19, 2007, request for consultation with the U.S. Fish and Wildlife Service (Service) on the effects of the proposed remediation of landfill sites along Markley in Antioch, California. Your letter concerning this proposed action was received in our office on November 23, 2007. At issue are the potential effects of the proposed action on the threatened California red-legged frog (*Rana aurora draytonii*). The Service has determined that the proposed action is appropriate to append to the January 26, 1999, *Programmatic Formal Endangered Species Act Consultation on Issuance of Permits under Section 404 of the Clean Water Act or Authorizations under the Nationwide Permit Program for Projects that May Affect the California Red-legged Frog (Rana aurora draytonii)* (Programmatic Consultation). A copy of the Programmatic Consultation is enclosed with this letter. This response is in accordance with section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) (Act).

Project Description

The City of Antioch (project proponent) proposes remove solid waste along Markley Creek. This waste has been discharged into the creek as a result of bank failure from the former Old Antioch Landfill, which was capped and closed in 1968. The project consists of limited excavation of waste in the creek channel and placement of engineered fill to isolate waste material residing within and beneath the creek channel from surface water. The creek banks will then be regarded and buttressed to provide stable slopes and prevent sloughing of waste material

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into the creek. Finally, recreation of a viable creek channel will be constructed on top of the fill material. Excavated and relocation of waste material residing on the upland portions of the action area will be limited to material located within 20 feet of the edge of the creek banks. Excavated material will be transported offsite to an existing waste collection facility. Waste material on top of the creek banks residing outside of the excavation limits will be stabilized with and vegetated soil cover. The total length of channel slated for restoration is about 1,300 feet. The project site will be revegetated and erosion control measures will be implemented until the vegetation is sufficiently rooted. Post-construction monitoring of the project area will also occur to ensure all erosion and sedimentation measures are working as designed.

Proposed Avoidance and minimization measures

1. The name and credentials of a biologist qualified to act as construction will be submitted to the Service for approval at least 15 days prior to the commencement of work.
2. A Service-approved biologist shall survey the work site two weeks before the onset of construction activities. If red-legged frogs, tadpoles, or eggs are found, the approved biologist shall contact the Service to determine if moving any of these life-stages is appropriate. In making this determination the Service shall consider if an appropriate relocation site exists. If the Service approves moving animals, the approved biologist shall be allowed sufficient time to move California red-legged frogs from the work site before work activities begin. Only Service-approved biologists shall participate in activities associated with the capture, handling, and monitoring of California red-legged frogs.
3. Before any construction activities begin on a project, a Service-approved biologist shall conduct a training session for all construction personnel. At a minimum, the training shall include a description of the California red-legged frog and its habitat, the importance of the California red-legged frog and its habitat, the general measures that are being implemented to conserve the California red-legged frog as they relate to the project, and the boundaries within which the project may be accomplished. Brochures, books and briefings may be used in the training session, provided that a qualified person is on hand to answer any questions.
4. A Service-approved biologist shall be present at the work site until such time as all removal of California red-legged frogs, instruction of workers, and habitat disturbance has been completed. After this time, the contractor or permittee shall designate a person to monitor on-site compliance with all minimization measures. The Service-approved biologist shall ensure that this individual receives training outlined above in measure 3 and in the identification of California red-legged frogs. The monitor and the Service-approved biologist shall have the authority to halt any action that might result in impacts that exceed the levels anticipated by the Corps and Service during review of the proposed action. If work is stopped, the Corps and Service shall be notified immediately by the Service-approved biologist or on-site biological monitor.
5. During project activities, all trash that may attract predators shall be properly contained, removed from the work site and disposed of regularly. Following construction, all trash and

construction debris shall be removed from work areas.

6. All fueling and maintenance of vehicles and other equipment and staging areas shall occur at least 50 feet from Markley Creek
7. Stream contours shall be returned to their original condition at the end of project activities as described the project description.
8. Project plans and specifications shall minimize the number of access routes, number and size of staging areas, and the total area of the action area to the minimum necessary to achieve the project goals. Routes and boundaries shall be clearly demarcated.
9. Work activities shall be completed between April 1 and November 1. Should the proponent or applicant demonstrate a need to conduct activities outside this period, the Corps may authorize such activities after obtaining the Service's approval.
10. Exclusionary fencing shall be installed around all action areas that are within 100 feet of or adjacent to potential California red-legged frog habitat to prevent the species from entering the project area.
11. A spill prevention plan for potentially hazardous materials shall be prepared and implemented if necessary.
12. If a work site is to be temporarily dewatered by pumping, intakes shall be completely screened with wire mesh not larger than five millimeters (mm) to prevent California red-legged frogs from entering the pump system. Water shall be released or pumped downstream at an appropriate rate to maintain downstream flows during construction. Upon completion of construction activities, any barriers to flow shall be removed in a manner that would allow flow to resume with the least disturbance to the substrate.

Programmatic Consultation Requirements

The Service has determined that it is appropriate to append this proposed action to its January 26, 1999, Programmatic Consultation, and this letter represents the Service's biological opinion on the effects of the action. Minimization of effects for proposed actions appended to the Programmatic Consultation involves the implementation of the reasonable and prudent measures described in the programmatic biological opinion.

Minimization of Adverse Effects

The proposed action will result in temporary adverse effects to a maximum of 1.59 acres of aquatic and upland dispersal habitat for the California red-legged frog. The Corps shall ensure that the project proponent implements the minimization measures identified in the programmatic biological opinion.

Terms and Conditions

To be exempt from the prohibitions of section 9 of the Act, the Corps must ensure that the project proponent complies with the following term and condition, which implements the reasonable and prudent measure described in the programmatic biological opinion:

The Corps shall ensure the project proponent implements the measures described in the "Minimization of Adverse Effects" sections from both the programmatic biological opinion and this inclusion to the programmatic biological opinion.

The following measures are hereby incorporated into this term and condition as requirements of the proposed action:

1. All aspects of the proposed action shall be implemented as proposed in the Corps' November 19, 2007, consultation request letter and associated material including the Corps Nationwide permit special conditions and as described in the April 2008 Biological Assessment.
2. Sightings of any listed or sensitive species shall be reported to the California Natural Diversity Database of the California Department of Fish and Game. A copy of the reporting form and a topographic map clearly marked with the location the species were observed also should be provided to the Service.
3. The Service shall be notified within one (1) working day of the finding of any dead listed species or any unanticipated take of the California red-legged frog. The Service contacts are Chris Nagano, Deputy Assistant Field Supervisor in our Endangered Species Program, at (916) 414-6600 and Scott Heard, Resident Agent-in-Charge of the Service's Law Enforcement Division at (916) 414-6660.

The Service is tracking losses of habitat permitted under the Programmatic Consultation in each county under the jurisdiction of the Sacramento Fish and Wildlife Office and within the range of the California red-legged frog. The Service will evaluate the effectiveness of the Programmatic Consultation at least every year to ensure that continued implementation will not result in unacceptable effects to the ecosystem upon which the listed species depends.

As provided in 50 CFR 402.16, reinitiation of formal consultation is required where discretionary Federal agency involvement or control over the action has been maintained (or is authorized by law) and if: (1) the amount or extent of incidental take is exceeded; (2) new information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not considered in this opinion; (3) the agency action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in this opinion; or (4) a new species is listed or critical habitat designated that may be affected by the action. In instances where the amount or extent of incidental take is exceeded, any operations causing such take must cease pending reinitiation.

Mr. William H. Guthrie

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If you have any questions regarding this opinion on the proposed Markley Creek remediation project in Antioch, California, please contact Ryan Olah at (916) 414-6625 or via email at ryan_olah@fws.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Nagano". The signature is fluid and cursive, with the first name "Chris" and last name "Nagano" clearly distinguishable.

Chris Nagano
Deputy Assistant Field Supervisor

Enclosure