

**DEPARTMENT OF TRANSPORTATION**  
DIVISION OF ENGINEERING SERVICES  
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March 15, 2010

11-Imp-8U-96.9  
11-2M0604

Addendum No. 3

Dear Contractor:

This addendum is being issued to the contract for CONSTRUCTION ON STATE HIGHWAY IN IMPERIAL COUNTY NEAR WINTERHAVEN AT COLORADO RIVER BRIDGE.

Submit bids for this work with the understanding and full consideration of this addendum. The revisions declared in this addendum are an essential part of the contract.

Bids for this work will be opened on Thursday, March 18, 2010.

This addendum is being issued to revise the Notice to Bidders and Special Provisions.

In the Notice to Bidders and Special Provisions, in the "NOTICE TO BIDDERS," the tenth paragraph is revised as follows:

"Complete the work within 185 working days."

In the Special Provisions, Section 4, "BEGINNING OF WORK, TIME OF COMPLETION, AND LIQUIDATED DAMAGES," the sixth paragraph is revised as follows:

"Complete the work within 185 working days."

In the Special Provisions, Section 5-1.11, "ENVIRONMENTALLY SENSITIVE AREA," is revised as follows:

**"5-1.11 ENVIRONMENTALLY SENSITIVE AREA**

An ESA exists on the project.

Limited access to the ESA is allowed for all work required to install, maintain and remove containment platforms, cleaning and painting the structure, taking air and soil samples. Notify the Engineer 5 business days before planned entry date. Any other access to an ESA is prohibited, unless approved by the Engineer."

11-Imp-8U-96.9  
11-2M0604

In the Special Provisions, Section 5-12, "MIGRATORY BIRD," is added.

**"5-1.12 MIGRATORY BIRD**

The Federal Migratory Bird Treaty Act (16 USC §703-711.), 50 CFR 10, and Fish & Game Code §3503, §3513, and §3800, protect migratory and nongame birds, their occupied nests, and their eggs.

The Federal Endangered Species Act of 1973 (16 USC §1531, §1543) and California Endangered Species Act (Fish & Game Code §2050-§2115.5) prohibit the take of listed species and protect occupied and unoccupied nests of threatened and endangered bird species.

The Bald and Golden Eagle Protection Act (16 USC §668) prohibits the destruction of bald and golden eagles and their occupied and unoccupied nests.

A Biologist will be provided by the State for this project. The Biologist will verify the presence or absence of migratory birds.

Attention is directed to "Order of Work" of these special provisions.

During the migratory bird nesting season between February 15 through August 31, the Contractor shall notify the Engineer in writing 15 working days prior to beginning work disturbing structures. The notification shall include the timing and order of work to be performed. The Contractor shall not begin work without written authorization from the Engineer.

The Contractor shall use exclusion techniques prior to the nesting season when determined by the Biologist and directed by the Engineer to prevent migratory birds from nesting on the structures within the project limits. Preventing nesting by using appropriate exclusion techniques will be paid for as extra work as provided in Section 4-1.03D, "Extra Work," of the Standard Specifications.

If evidence of bird nesting is discovered during the nesting season, the Contractor shall not disturb the nesting birds or nests, and shall immediately stop work adjacent to the nesting birds and notify the Engineer. During the nesting season migratory birds shall be handled as follows:

A. If nesting migratory birds are found within the project limits when exclusion is not feasible, the nesting area shall be designated as an environmentally sensitive area and no work shall occur within 65 feet until the nesting season is over.

Temporary fence (Type ESA), when required to delineate the boundaries of the environmentally sensitive areas for migratory birds, will be paid for as extra work as provided in Section 4-1.03D, "Extra Work," of the Standard Specifications.

A delay due to migratory birds or their nests, when ordered by the Engineer, will be considered a temporary suspension of work, in accordance with the provisions in Section 8-1.05, "Temporary Suspension of Work," of the Standard Specifications."

Addendum No. 3  
Page 3  
March 15, 2010

11-Imp-8U-96.9  
11-2M0604

In the Special Provisions, Section 10-1.01, "ORDER OF WORK," the third paragraph is revised as follows:

"Attention is directed to "Environmentally Sensitive Area" and "Migratory Bird."

To Bid book holders:

Inquiries or questions in regard to this addendum must be communicated as a bidder inquiry and must be made as noted in the Notice to Bidders section of the Notice to Bidders and Special Provisions.

Indicate receipt of this addendum by filling in the number of this addendum in the space provided on the signature page of the Bid book.

Submit bids in the Bid book you now possess. Holders who have already mailed their book will be contacted to arrange for the return of their book.

Inform subcontractors and suppliers as necessary.

This addendum is available for the Contractors' download on the Web site:

**[http://www.dot.ca.gov/hq/esc/oe/project\\_ads\\_addenda/11/11-2M0604](http://www.dot.ca.gov/hq/esc/oe/project_ads_addenda/11/11-2M0604)**

If you are not a Bid book holder, but request a book to bid on this project, you must comply with the requirements of this letter before submitting your bid.

Sincerely,

ORIGINAL SIGNED BY

LAURIE BERMAN  
District Director