

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION
600 EAST BOULEVARD AVE, DEPT 408
BISMARCK ND 58505-0480

SOLICITATION AMENDMENT 4

March 18, 2022

Solicitation Number: 408.22.02.003
Title: 2022 Garrison Phase 5 AML Project
Deadline for Receipt of Bids: March 24, 2022, 11:00 a.m. CT
Solicitation Issued: February 28, 2022

The solicitation established a deadline for receipt of written questions. The written questions received by the deadline and their answers are provided below. They do not change the solicitation except where noted.

1. QUESTION: "Specs mention 2000 CY of grout is estimated. However, the bid quantity is 3000. Is this on purpose?"

ANSWER: 2000 yards of grout is estimated. Solicitation Amendment 3 posted on March 11, 2022, corrected this error.

2. QUESTION: "Casing section states "Casing may be reused if it has not been used as a grout conduit." Does this mean that PVC cannot be reused if the contractor has grouted through it? Since casing is only installed on void holes, in what instances can PVC be re-used?"

ANSWER: Yes. Casing cannot be reused if grout is pumped through the casing. Some casings will not be pumped directly and can be reused if clean.

No amendment necessary.

3. QUESTION: "On the drilling section is mentioned that the recess (spudded) needs to be backfilled with the pre-existing material, is asphalt or concrete repair anticipated?"

ANSWER: Yes. A minimal amount of asphalt repair may be needed in spots. See photo 2 of the Prebid, Virtual Tour for possible locations.

No amendment necessary.

4. QUESTION: "If a hole is properly flushed to continue grouting the next day but the grout migrates upward overnight, will the contractor be expected to re-drill, re-case this hole at its expense?"

ANSWER: No. The contractor would still be expected to attempt to pump grout into the existing hole.

No amendment needed.

5. QUESTION: “If contractor is following the project specifications and Engineer’s directions, will the contractor be responsible for damages to home foundations or similar occurrences?”

ANSWER: Yes. See Section 4, Risk Management Requirements on pages 13-15 of the 2022 Garrison Phase 5 AML Project IFB (IFB).

No amendment needed.

6. QUESTION: “On section 6.300.C.2.a.i for grout injection, three options are given.
a. In option 2, does the PVC need to be raised to top of mining void or rubblelized zone?
b. On option 3, as the tremie pipe is raised, will the PVC need to be raised too? To what depth?”

ANSWER:

- a. See Section 6, 300. Provisions, B. Drilling, 2. Construction Requirements, c. casing, item “iii”, “Casing length will be 5 feet less than the depth to the top of the void or as directed by the Commission’s Project Manager.” The casing will be above the top of the void during pumping.
b. For option 3, the PVC will not need to be raised with the tremie.

No amendment needed.

7. QUESTION: “Answer to Question 1 of the addendum provided several void holes, which are already drilled. Can you provide a general location/path where drilling will be performed under this contract?”

ANSWER: Once the 2022 Exploratory Drilling AML Project is completed the Commission’s Project Manager will issue a drilling and grouting sequence.

No amendment needed.

8. QUESTION: “On the clean-up specifications it is stated to “Grade and gravel all areas impacted by drilling or grouting activities as directed by the Commission’s Project Manager... CONTRACTOR shall provide DOT Class 5 gravel to be spread...” Therefore, can you highlight on a map the area which will likely be disturbed or provide an estimated quantity of the area to be graded?”

ANSWER: No. Some drilling may take place on the gravel roads in the subdivision, but the majority will be in grass yards or the ditch. This will be paid for under Section 6 Specific Provisions & Attachments, Section 300 E. Clean-up.

No amendment needed.

9. QUESTION: “Can grading and gravel become a force account task? Since it is an unknown quantity, the contractor might need to price it higher than it actually is, thus increasing the cost to the state. Under force account, the state will pay only what is utilized.”

ANSWER: No. Estimated quantities are not provided because the amount of clean-up needed may vary depending on the methods used by the contractor.

No amendment needed.

10. QUESTION: "After completing grouting on a hole, if the PVC get stack and it has to be cut below surface and be left in place, will the hole be considered complete or must the contractor re-drill it?"

ANSWER: The hole will be considered complete.

No amendment needed.

11. QUESTION: "Section 200.A, Estimated Quantities, states "No allowance will be made for any increased expense, loss of expected reimbursement, or loss of anticipated profits suffered or claimed by CONTRACTOR resulting either from field conditions or unbalanced bid prices or any other cause." However, section 105.6 of the AML standard specifications says, "Should the quantity of one or more major items of work be increased or decreased by more than 25%, either party to the Contract may demand that a supplemental agreement be negotiated with an adjustment of unit prices satisfactory to both parties." Please clarify which statement prevails in case of a 25% change in quantities.

ANSWER: Section 5 Sample Contract Item 19 MERGER AND MODIFICATION, CONFLICT IN DOCUMENTS (page 22 of the IFB) states, "This Contract, including the following documents, constitutes the entire agreement between the parties. There are no understandings, agreements, or representations, oral or written, not specified within this Contract. This Contract may not be modified, supplemented or amended, in any manner, except by written agreement signed by both parties. Notwithstanding anything herein to the contrary, in the event of any inconsistency or conflict among the documents making up this Contract, the documents must control in this order of precedence:

- A. The terms of this Contract as may be amended.
- B. STATE's Solicitation: Invitation for Bid 408.22.02.003, 2022 Garrison Phase 5 AML Project.
- C. CONTRACTOR's Bid Response.
- D. Standard Specifications for AML Reclamation Projects.

No amendment needed.

12. QUESTION: In section 4, General Provisions subpart 2 states, "The Contractual Amount is firm for the duration of this Contract and constitutes the entire compensation due CONTRACTOR for performance of its obligations under this Contract regardless of the difficulty, materials or equipment required, including fees, licenses, overhead, profit and all other direct and indirect costs incurred by CONTRACTOR, except as provided by an amendment to this Contract." However, section 105.4 in the AML standard specifications mentions a range of situations to notify the owner for differing site conditions which might signify a change in the contractual amount. Please clarify which statement prevails or how differing conditions will be handled.

ANSWER: Section 5 Sample Contract Item 19 MERGER AND MODIFICATION, CONFLICT IN DOCUMENTS (page 22 of the IFB) states, "This Contract, including the following documents, constitutes the entire agreement between the parties. There are no understandings, agreements, or representations, oral or written, not specified within this Contract. This Contract may not be modified, supplemented or amended, in any manner, except by written agreement signed by both parties. Notwithstanding anything herein to the contrary, in the event of any inconsistency or conflict among the documents making up this Contract, the documents must control in this order of precedence:

- A. The terms of this Contract as may be amended.
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- C. CONTRACTOR's Bid Response.
- D. Standard Specifications for AML Reclamation Projects.

No amendment needed.

13. QUESTION: Is there a preference for grouting existing versus new holes?

ANSWER: No.

No amendment needed.

Questions regarding this amendment must be submitted to the Procurement Officer.

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