

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

SOLICITATION AMENDMENT 1

March 31, 2025

Solicitation Number: 408.25.03.003  
Title: 2025 Buechler Velva Phase 3 AML Project  
Deadline for Receipt of Bids: April 8, 2025, 10:00 a.m. CT  
Solicitation Issued: March 12, 2025

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: Sealed bids are required to be delivered: The Bidders Instructions state the bidder must submit one copy of the bid response on a USB drive. Should bidders submit a USB with the 3 page bid form and bond, or do bidders also need to submit original signed documents?

Response: The original signed bid bonds must be included in the bid package. Submitting a Bid Response is required. The Bid Response can be an electronic submittal, a paper copy, on a USB flash drive, or other storage device.

Amendment: Page 6, **Submit in Person, by Mail or Delivery Service**: Delete: "Bidder shall submit one (1) copy of the Bid Response on a USB Flash Drive or other storage device."  
Replace with: "Bidder shall submit one (1) copy of the Bid Response as an electronic submittal, a paper copy, on a USB flash drive, or other storage device."

2. Question: Are there any concrete structures at the main site?

Response: Possibly, abandoned mines often contain old foundations. We are not aware of any concrete structures.

3. Question: Where should the pond water be pumped?

Response: It should be pumped to the downstream drainage that leads to the Velva Sportsman's Pond.

4. Question: What is the required shred size of the shredded trees, and can they be left in piles around the site?

Response: The trees must be shredded into pieces smaller than three inches (3"). No, they cannot be left in several piles around the site. The felled trees will be moved to an on-site

location approved by the Commission's Project Manager. See the proposed wood chip storage area identified on Sheet 3 – Existing Topography and Sediment Controls.

5. Question: Is there adequate topsoil and subsoil on site, and how do we determine what should be saved?

Response: The topsoil and subsoil quantities were estimated by an average depth overall the entire site. Topsoil is generally defined as the top six inches (6") of soil supporting vegetative growth; however, topsoil material thickness may vary in depth throughout the site. An estimated twelve inches (12") or 115,000 cubic yards of subsoil material will be removed, stockpiled, and re-spread. Subsoil is generally defined as approximately twelve (12") inches of brown soil below topsoil; however, subsoil material thickness may vary in depth throughout the site. Topsoil and subsoil can usually be identified by color. Generally, brown soil is to be kept, and gray soil is to be buried. The Commission's Project Manager must approve salvageable topsoil and subsoil material.

6. Question: Do we need to purchase the manure that is to be hauled and placed?

Response: No, the contractor must haul and place the manure, but the landowner will not be paid for the manure.

7. Question: How deep is the culvert buried at the repair site?

Response: The culvert is approximately four to six feet underground.

8. Question: Is there any engineer's estimate for the 2025 Buechler Velva Phase 3 AML Project?

Response: There is no engineer's estimate for the 2025 Buechler Velva Phase 3 AML Project.

9. Question: What are the daily liquidated charges for not completing the project by the end of the performance period?

Response: The Commission does not have a daily liquidated charge. If the contractor fails to meet the Construction Schedule provided to the Commission, the project manager will meet with the contractor representative and discuss a plan to regain satisfactory progress. Furthermore, Item No. 9 of Section 3 (Special Terms and Conditions) of the IFB outlines the performance period requirements. The Commission has the authority to set a reasonable daily charge for liquidated damages if the contractor does not meet the updated schedule. The Commission can cancel the contract and use the bonds provided to complete the project if necessary.

10. Question: Will all erosion and other supplies be on site at the start of the project?

Response: The supplies will not be on site. Item 200 under Scope of Work states: CONTRACTOR shall provide all material, equipment, and personnel necessary to perform the work.

11. Question: Will a contract extension be available?

Response: No, while the State does reserve the right to extend the contract, the Contractor will be held to the performance period stated in the IFB?

12. Question: Is there a possibility of using a different seed mix?

Response: No, the Contractor will use the seed mix stated in the IFB.

13. Question: I attended the pre-bid yesterday and it was mentioned that a very similar project was done last year. Can I get the plans and bid results from that job?

Response: A completed project summary and bid tabulations are available on the North Dakota Public Service Commission Website. (<https://www.psc.nd.gov/jurisdiction/aml/projects.php>)

14. Question: Can we get equipment to the repair site, and is the landowner aware of the project?

Response: Access to the site is identified on Sheet 7 Buechler Velva Phase 3 Culvert Removal & Slope Stability Repair of the plan sheets included with the solicitation. The landowner is aware of the project.

15. Question: How much water can we transfer to the two remaining ponds at the main site?

Response: The two existing ponds have surveyed water elevations of approximately 1950.5 for the north pond and 1957.5 for the south pond. The Contractor will keep the elevations within 3 feet of the existing water elevations and must monitor the ponds to ensure they do not breach.

16. Question: The Invitation to bid "Utilization of Minority or Women Owned Business..." page 53 #3 states the following: "Attached to this IFB is a list of labor surplus area counties in North Dakota as a reference source for bidders." The list does not appear to be attached. We looked it up at the U.S. Department of Labor, and there does not appear to be any counties currently listed in North Dakota. See the link below: [Labor Surplus Area | U.S. Department of Labor](#) How would you like us to proceed specifically regarding page 55 #6 "Labor Surplus Area Certification"?

Response: Since there are no area counties listed, the Contractor can either sign and date the "NEGATIVE CERTIFICATION" on page 55 or mark the certification as not applicable (NA).

17. Question: The Advertisement for Bids states sealed bids are to be delivered to the Public Service Commission; however, page 7 of the specs references submitting the bid electronically through the State Procurement Office Online System. Please confirm how this bid is to be delivered.

Response: Both options are available to the bidder. The bidder can submit the sealed bid by having it delivered to the Public Service Commission, or they can submit it electronically through the State Procurement Office Online System. If the bids are submitted electronically, the original bid bond must be delivered to the Public Service Commission before the bid opening.

18. Question: The Bidders Instructions lists 600 E. Blvd in Bismarck as the address for the Public Service Commission; however, the Introduction states the public opening will take place at 10 am on the 12th floor of the State Capitol. Is that location the same address?

Response: Yes, 600 E. Blvd is the address for the North Dakota Capitol building. The Public Service Commission is located on the 12<sup>th</sup> Floor of the Capitol building.