

Addendum No. 1 for

SPANISH FORK CANYON PIPELINE - REACH 3

CONTRACT C-2009-03



CENTRAL UTAH
WATER CONSERVANCY DISTRICT



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MAY 2009



ADDENDUM NO. 1 to
Spanish Fork Canyon Pipeline – Reach 3
Contract C-2009-03

May 11, 2009

The following ADDENDUM (2 pages of text, 0 Drawings and 1 Attachment) shall be made part of the contract documents, and the bidder shall acknowledge receipt thereof on page B1-3 of the BID FORM.

VOLUME 1 - SPECIFICATIONS

- A1.1 Page NB-1, after “Appendix B – . . .”, ADD “Appendix C - UDOT Highway Specifications”; and on pg GC-6-3, after “Fifth: Special Conditions (Division 1)”, ADD “ Appendix C - UDOT Highway Specifications govern construction of all UDOT facilities. Divisions 2-16 specification sections govern construction of all CUWCD and other facilities.”
- A1.2 General. Throughout all Contract Documents, CHANGE “State Route 89” and “SR 89” to “US 89”.
- A1.3 Per General Conditions, paragraph 8-5, procure all required permits and pay all their charges and fees. This includes UDOT and RR permit costs for inspection, flaggers, etc for a temporary 30-inch water line. As Union Pacific RR R/W overlaps UDOT R/W southwest of guardrail from about Sta 315+00 to 330+00 a temporary 30” water line southwest of guardrail may require a RR permit.
- A1.4 Section 01280, after 3rd paragraph “When 5% . . .” INSERT the following: “When 10% of the original Contract amount is earned, 50% of the amount bid for mobilization, or 5% of the original Contract amount, whichever is lesser, will be paid.”
- A1.5 Section 01529, line 2, after “shoring, bracing, sloping” INSERT “rock falls, slope failures,”.
- A1.6 Section 01999, DELETE entire section and SUBSTITUTE **Attachment 1** (10 pgs), 01999 America Recovery and Reinvestment Act of 2009.
- A1.7 Section 02010, pg 8, in 2nd & 4th lines from top of pg CHANGE “US6” to “US 6 or US 89”.
Page 8, line 1, CHANGE “US 6” to “US 6 and US 89”.
Page 9, after paragraph C ADD: “Keep one traffic lane open at all times. On US 89, from Sta 373+00 to 388+00, keep two lanes open at all times.”
Page 9, paragraph D.6, line 2, CHANGE “Be sure” to “Provide.”
- A1.8 Section 02200, DELETE paragraph 1.5.A.5: “Dispose of excess earth . . .”, also Paragraph 1.3.H., line 3, after “Embankment” ADD “, trench backfill, and other”.
- A1.9 Section 02223, paragraph 2.10.B, CHANGE “(Only for . . .Pipes)” to “(use with all pipes and conduits except 96” WSP). Also, DELETE paragraph 3.08.D: “Within 100 feet of . . .”
Also, pg 9, after paragraph 3.09.A., ADD “The only exception to these constraints is between Stations 315+00 and 330+00 where the Contractor may have the entire 1500 feet open at one time.”

VOLUME 2 - DRAWINGS

- A1.10 Dwg P-19, Sta 312+50, ADD “Protect Exst 6” BO drain pipe”. Also, Sta 315+00 to 320+00, DELETE 1.2:1 cut slope including cut limits and toe of slope lines and callouts
- A1.11 Dwgs P-23, P-24, P-25. Backfill trench to 5’ min over pipe. Provide 2% min slope away from road.
- A1.12 Dwg TC-1, CHANGE the two 11’ lanes and 2’ median to two 12’ lanes without median.
- A1.13 Dwg C-1, ADD note: “Limits of 0.25:1 rock cut shown have not been approved by UDOT and may require rock bolts and or soil nail walls to support them. It is the Contractor’s sole responsibility to develop this option acceptable to UDOT.
- A1.14 Dwg C-2, CHANGE line one or upper right note to read “HAUL & PLACE ALL MATERIAL CUT OUTSIDE UDOT R/W FROM STA”. Also ADD fifth line to note: “DISPOSE OF MATERIAL EXCAVATED INSIDE UDOT R/W AT CONTRACTOR DISCRETION & PER SPECS.”
- A1.15 Dwg SD-3, in trench details (801) & (804) CHANGE “REQUIRED SHORING PER SPECS” to “REQUIRED SLIDE RAIL SHORING PER SPECS” (applies Sta 309+00 to 329+90).
- A1.16 Dwg SD-4, Detail (871), after Note 3, ADD: “Remove existing paint without grinding. Replace paint to existing inlay when repaving is done. Any saw cut into an asphalt travel lane requires the entire travel line to be rotomilled down 2-inches and replaced with new, UDOT-approved, PG mix and surface course.”
- A1.17 Dwg SD-8, Detail (15449), ADD note: “Cast seep ring into center of roof slab similar to Detail (15608). Provide GE coupling (where applicable) 6” to 12” below roof.”

VOLUME 3 – GEOTECHNICAL REPORTS (Electronic Documents on CD)

- A1.18 Values in column “Approx. Pipe Invert Depth” have changed from 85% plans to bid documents. DELETE this column in table and use the May 2009 plan and profile drawing pipe depths.
- A1.19 AutoCAD files of bid drawings (Vol. 2 of contract documents) are available on CD and may be picked up from Chris Hansen (801) 226-7140.

END OF ADDENDUM NO. 1

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01999 AMERICA RECOVERY AND REINVESTMENT ACT OF 2009

A portion of the funding for this project is provided by the America Recovery and Reinvestment Act of 2009. The selected Contractor must comply with the provisions of said act as specified in the act and in the contract documents including but not limited to the following sections of said act.

Sec. 902. Access of Government Accountability Office.

(a) *ACCESS-* Each contract awarded using funds made available in this Act shall provide that the Comptroller General and his representatives are authorized--

(1) to examine any records of the contractor or any of its subcontractors, or any State or local agency administering such contract, that directly pertain to, and involve transactions relating to, the contract or subcontract; and

(2) to interview any officer or employee of the contractor or any of its subcontractors, or of any State or local government agency administering the contract, regarding such transactions.

(b) *RELATIONSHIP TO EXISTING AUTHORITY-* Nothing in this section shall be interpreted to limit or restrict in any way any existing authority of the Comptroller General.

SEC. 1512. REPORTS ON USE OF FUNDS.

(a) *Short Title-* This section may be cited as the `Jobs Accountability Act'.

(b) *Definitions-* In this section:

(1) *RECIPIENT-* The term `recipient'--

(A) means any entity that receives recovery funds directly from the Federal Government (including recovery funds received through grant, loan, or contract) other than an individual; and

(B) includes a State that receives recovery funds.

(2) *RECOVERY FUNDS-* The term `recovery funds' means any funds that are made available from appropriations made under this Act.

(c) *Recipient Reports-* Not later than 10 days after the end of each calendar quarter, each recipient that received recovery funds from a Federal agency shall submit a report to that agency that contains--

(1) the total amount of recovery funds received from that agency;

(2) the amount of recovery funds received that were expended or obligated to projects or activities; and

(3) a detailed list of all projects or activities for which recovery funds were expended or obligated, including--

(A) the name of the project or activity;

(B) a description of the project or activity;

(C) an evaluation of the completion status of the project or activity;

(D) an estimate of the number of jobs created and the number of jobs retained by the project or activity; and

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(E) for infrastructure investments made by State and local governments, the purpose, total cost, and rationale of the agency for funding the infrastructure investment with funds made available under this Act, and name of the person to contact at the agency if there are concerns with the infrastructure investment.

(4) Detailed information on any subcontracts or subgrants awarded by the recipient to include the data elements required to comply with the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109-282), allowing aggregate reporting on awards below \$25,000 or to individuals, as prescribed by the Director of the Office of Management and Budget.

(d) Agency Reports- Not later than 30 days after the end of each calendar quarter, each agency that made recovery funds available to any recipient shall make the information in reports submitted under subsection (c) publicly available by posting the information on a website.

(e) Other Reports- The Congressional Budget Office and the Government Accountability Office shall comment on the information described in subsection (c)(3)(D) for any reports submitted under subsection (c). Such comments shall be due within 45 days after such reports are submitted.

(f) COMPLIANCE- Within 180 days of enactment, as a condition of receipt of funds under this Act, Federal agencies shall require any recipient of such funds to provide the information required under subsection (c).

(g) GUIDANCE- Federal agencies, in coordination with the Director of the Office of Management and Budget, shall provide for user-friendly means for recipients of covered funds to meet the requirements of this section.

(h) REGISTRATION- Funding recipients required to report information per subsection (c)(4) must register with the Central Contractor Registration database or complete other registration requirements as determined by the Director of the Office of Management and Budget.

SEC. 1514. INSPECTOR GENERAL REVIEWS.

(a) Reviews- Any inspector general of a Federal department or executive agency shall review, as appropriate, any concerns raised by the public about specific investments using funds made available in this Act. Any findings of such reviews not related to an ongoing criminal proceeding shall be relayed immediately to the head of the department or agency concerned. In addition, the findings of such reviews, along with any audits conducted by any inspector general of funds made available in this Act, shall be posted on the inspector general's website and linked to the website established by section 1526, except that portions of reports may be redacted to the extent the portions would disclose information that is protected from public disclosure under sections 552 and 552a of title 5, United States Code.

SEC. 1515. ACCESS OF OFFICES OF INSPECTOR GENERAL TO CERTAIN

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RECORDS AND EMPLOYEES.

(a) Access- With respect to each contract or grant awarded using covered funds, any representative of an appropriate inspector general appointed under section 3 or 8G of the Inspector General Act of 1978 (5 U.S.C. App.), is authorized--

- (1) to examine any records of the contractor or grantee, any of its subcontractors or subgrantees, or any State or local agency administering such contract, that pertain to, and involve transactions relating to, the contract, subcontract, grant, or subgrant; and*
- (2) to interview any officer or employee of the contractor, grantee, subgrantee, or agency regarding such transactions.*

(b) Relationship to Existing Authority- Nothing in this section shall be interpreted to limit or restrict in any way any existing authority of an inspector general.

SEC. 1553. PROTECTING STATE AND LOCAL GOVERNMENT AND CONTRACTOR WHISTLEBLOWERS.

(a) Prohibition of Reprisals- An employee of any non-Federal employer receiving covered funds may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing, including a disclosure made in the ordinary course of an employee's duties, to the Board, an inspector general, the Comptroller General, a member of Congress, a State or Federal regulatory or law enforcement agency, a person with supervisory authority over the employee (or such other person working for the employer who has the authority to investigate, discover, or terminate misconduct), a court or grand jury, the head of a Federal agency, or their representatives, information that the employee reasonably believes is evidence of--

- (1) gross mismanagement of an agency contract or grant relating to covered funds;*
- (2) a gross waste of covered funds;*
- (3) a substantial and specific danger to public health or safety related to the implementation or use of covered funds;*
- (4) an abuse of authority related to the implementation or use of covered funds; or*
- (5) a violation of law, rule, or regulation related to an agency contract (including the competition for or negotiation of a contract) or grant, awarded or issued relating to covered funds.*

(b) Investigation of Complaints-

- (1) IN GENERAL- A person who believes that the person has been subjected to a reprisal prohibited by subsection (a) may submit a complaint regarding the reprisal to the appropriate inspector general. Except as provided under paragraph (3), unless the inspector general determines that the complaint is frivolous, does not relate to covered*

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funds, or another Federal or State judicial or administrative proceeding has previously been invoked to resolve such complaint, the inspector general shall investigate the complaint and, upon completion of such investigation, submit a report of the findings of the investigation to the person, the person's employer, the head of the appropriate agency, and the Board.

(2) TIME LIMITATIONS FOR ACTIONS-

(A) IN GENERAL- Except as provided under subparagraph (B), the inspector general shall, not later than 180 days after receiving a complaint under paragraph (1)--

(i) make a determination that the complaint is frivolous, does not relate to covered funds, or another Federal or State judicial or administrative proceeding has previously been invoked to resolve such complaint; or

(ii) submit a report under paragraph (1).

(B) EXTENSIONS-

(i) VOLUNTARY EXTENSION AGREED TO BETWEEN INSPECTOR GENERAL AND COMPLAINANT- If the inspector general is unable to complete an investigation under this section in time to submit a report within the 180-day period specified under subparagraph (A) and the person submitting the complaint agrees to an extension of time, the inspector general shall submit a report under paragraph (1) within such additional period of time as shall be agreed upon between the inspector general and the person submitting the complaint.

(ii) EXTENSION GRANTED BY INSPECTOR GENERAL- If the inspector general is unable to complete an investigation under this section in time to submit a report within the 180-day period specified under subparagraph (A), the inspector general may extend the period for not more than 180 days without agreeing with the person submitting the complaint to such extension, provided that the inspector general provides a written explanation (subject to the authority to exclude information under paragraph (4)(C)) for the decision, which shall be provided to both the person submitting the complaint and the non-Federal employer.

(iii) SEMI-ANNUAL REPORT ON EXTENSIONS- The inspector general shall include in semi-annual reports to Congress a list of those investigations for which the inspector general received an extension.

(3) DISCRETION NOT TO INVESTIGATE COMPLAINTS-

(A) IN GENERAL- The inspector general may decide not to conduct or continue an investigation under this section upon

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providing to the person submitting the complaint and the non-Federal employer a written explanation (subject to the authority to exclude information under paragraph (4)(C)) for such decision.

(B) ASSUMPTION OF RIGHTS TO CIVIL REMEDY- Upon receipt of an explanation of a decision not to conduct or continue an investigation under subparagraph (A), the person submitting a complaint shall immediately assume the right to a civil remedy under subsection (c)(3) as if the 210-day period specified under such subsection has already passed.

(C) SEMI-ANNUAL REPORT- The inspector general shall include in semi-annual reports to Congress a list of those investigations the inspector general decided not to conduct or continue under this paragraph.

(4) ACCESS TO INVESTIGATIVE FILE OF INSPECTOR GENERAL-

(A) IN GENERAL- The person alleging a reprisal under this section shall have access to the investigation file of the appropriate inspector general in accordance with section 552a of title 5, United States Code (commonly referred to as the 'Privacy Act'). The investigation of the inspector general shall be deemed closed for purposes of disclosure under such section when an employee files an appeal to an agency head or a court of competent jurisdiction.

(B) CIVIL ACTION- In the event the person alleging the reprisal brings suit under subsection (c)(3), the person alleging the reprisal and the non-Federal employer shall have access to the investigative file of the inspector general in accordance with the Privacy Act.

(C) EXCEPTION- The inspector general may exclude from disclosure--

(i) information protected from disclosure by a provision of law; and

(ii) any additional information the inspector general determines disclosure of which would impede a continuing investigation, provided that such information is disclosed once such disclosure would no longer impede such investigation, unless the inspector general determines that disclosure of law enforcement techniques, procedures, or information could reasonably be expected to risk circumvention of the law or disclose the identity of a confidential source.

(5) PRIVACY OF INFORMATION- *An inspector general investigating an alleged reprisal under this section may not respond to any inquiry or disclose any information from or about any person alleging such reprisal, except in accordance with the provisions of section 552a of*

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title 5, United States Code, or as required by any other applicable Federal law.

(c) Remedy and Enforcement Authority-

(1) BURDEN OF PROOF-

(A) DISCLOSURE AS CONTRIBUTING FACTOR IN REPRISAL-

(i) IN GENERAL- A person alleging a reprisal under this section shall be deemed to have affirmatively established the occurrence of the reprisal if the person demonstrates that a disclosure described in subsection (a) was a contributing factor in the reprisal.

(ii) USE OF CIRCUMSTANTIAL EVIDENCE- A disclosure may be demonstrated as a contributing factor in a reprisal for purposes of this paragraph by circumstantial evidence, including--

(I) evidence that the official undertaking the reprisal knew of the disclosure; or

(II) evidence that the reprisal occurred within a period of time after the disclosure such that a reasonable person could conclude that the disclosure was a contributing factor in the reprisal.

(B) OPPORTUNITY FOR REBUTTAL- The head of an agency may not find the occurrence of a reprisal with respect to a reprisal that is affirmatively established under subparagraph (A) if the non-Federal employer demonstrates by clear and convincing evidence that the non-Federal employer would have taken the action constituting the reprisal in the absence of the disclosure.

(2) AGENCY ACTION- Not later than 30 days after receiving an inspector general report under subsection (b), the head of the agency concerned shall determine whether there is sufficient basis to conclude that the non-Federal employer has subjected the complainant to a reprisal prohibited by subsection (a) and shall either issue an order denying relief in whole or in part or shall take 1 or more of the following actions:

(A) Order the employer to take affirmative action to abate the reprisal.

(B) Order the employer to reinstate the person to the position that the person held before the reprisal, together with the compensation (including back pay), compensatory damages, employment benefits, and other terms and conditions of employment that would apply to the person in that position if the reprisal had not been taken.

(C) Order the employer to pay the complainant an amount equal to the aggregate amount of all costs and expenses (including

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attorneys' fees and expert witnesses' fees) that were reasonably incurred by the complainant for, or in connection with, bringing the complaint regarding the reprisal, as determined by the head of the agency or a court of competent jurisdiction.

(3) CIVIL ACTION- If the head of an agency issues an order denying relief in whole or in part under paragraph (1), has not issued an order within 210 days after the submission of a complaint under subsection (b), or in the case of an extension of time under subsection (b)(2)(B)(i), within 30 days after the expiration of the extension of time, or decides under subsection (b)(3) not to investigate or to discontinue an investigation, and there is no showing that such delay or decision is due to the bad faith of the complainant, the complainant shall be deemed to have exhausted all administrative remedies with respect to the complaint, and the complainant may bring a de novo action at law or equity against the employer to seek compensatory damages and other relief available under this section in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy. Such an action shall, at the request of either party to the action, be tried by the court with a jury.

(4) JUDICIAL ENFORCEMENT OF ORDER- Whenever a person fails to comply with an order issued under paragraph (2), the head of the agency shall file an action for enforcement of such order in the United States district court for a district in which the reprisal was found to have occurred. In any action brought under this paragraph, the court may grant appropriate relief, including injunctive relief, compensatory and exemplary damages, and attorneys fees and costs.

(5) JUDICIAL REVIEW- Any person adversely affected or aggrieved by an order issued under paragraph (2) may obtain review of the order's conformance with this subsection, and any regulations issued to carry out this section, in the United States court of appeals for a circuit in which the reprisal is alleged in the order to have occurred. No petition seeking such review may be filed more than 60 days after issuance of the order by the head of the agency. Review shall conform to chapter 7 of title 5, United States Code.

(d) Nonenforceability of Certain Provisions Waiving Rights and Remedies or Requiring Arbitration of Disputes-

(1) WAIVER OF RIGHTS AND REMEDIES- Except as provided under paragraph (3), the rights and remedies provided for in this section may not be waived by any agreement, policy, form, or condition of employment, including by any predispute arbitration agreement.

(2) PREDISPUTE ARBITRATION AGREEMENTS- Except as provided under paragraph (3), no predispute arbitration agreement shall be valid or enforceable if it requires arbitration of a dispute arising under this

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section.

(3) *EXCEPTION FOR COLLECTIVE BARGAINING AGREEMENTS-* Notwithstanding paragraphs (1) and (2), an arbitration provision in a collective bargaining agreement shall be enforceable as to disputes arising under the collective bargaining agreement.

(e) *Requirement to Post Notice of Rights and Remedies-* Any employer receiving covered funds shall post notice of the rights and remedies provided under this section.

(f) *Rules of Construction-*

(1) *NO IMPLIED AUTHORITY TO RETALIATE FOR NON-PROTECTED DISCLOSURES-* Nothing in this section may be construed to authorize the discharge of, demotion of, or discrimination against an employee for a disclosure other than a disclosure protected by subsection (a) or to modify or derogate from a right or remedy otherwise available to the employee.

(2) *RELATIONSHIP TO STATE LAWS-* Nothing in this section may be construed to preempt, preclude, or limit the protections provided for public or private employees under State whistleblower laws.

(g) *Definitions-* In this section:

(1) *ABUSE OF AUTHORITY-* The term `abuse of authority' means an arbitrary and capricious exercise of authority by a contracting official or employee that adversely affects the rights of any person, or that results in personal gain or advantage to the official or employee or to preferred other persons.

(2) *COVERED FUNDS-* The term `covered funds' means any contract, grant, or other payment received by any non-Federal employer if--
(A) the Federal Government provides any portion of the money or property that is provided, requested, or demanded; and
(B) at least some of the funds are appropriated or otherwise made available by this Act.

(3) *EMPLOYEE-* The term `employee'--
(A) except as provided under subparagraph (B), means an individual performing services on behalf of an employer; and
(B) does not include any Federal employee or member of the uniformed services (as that term is defined in section 101(a)(5) of title 10, United States Code).

(4) *NON-FEDERAL EMPLOYER-* The term `non-Federal employer'--
(A) means any employer--

(i) with respect to covered funds--

(I) the contractor, subcontractor, grantee, or recipient, as the case may be, if the contractor, subcontractor, grantee, or recipient is an employer; and

(II) any professional membership organization, certification or other professional body, any agent

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or licensee of the Federal government, or any person acting directly or indirectly in the interest of an employer receiving covered funds; or

(ii) with respect to covered funds received by a State or local government, the State or local government receiving the funds and any contractor or subcontractor of the State or local government; and

(B) does not mean any department, agency, or other entity of the Federal Government.

(5) STATE OR LOCAL GOVERNMENT- The term 'State or local government' means--

(A) the government of each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, or any other territory or possession of the United States; or

(B) the government of any political subdivision of a government listed in subparagraph (A).

SEC. 1605. USE OF AMERICAN IRON, STEEL, AND MANUFACTURED GOODS.

(a) None of the funds appropriated or otherwise made available by this Act may be used for a project for the construction, alteration, maintenance, or repair of a public building or public work unless all of the iron, steel, and manufactured goods used in the project are produced in the United States.

(b) Subsection (a) shall not apply in any case or category of cases in which the head of the Federal department or agency involved finds that—

(1) applying subsection (a) would be inconsistent with the public interest;

(2) iron, steel, and the relevant manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(3) inclusion of iron, steel, and manufactured goods produced in the United States will increase the cost of the overall project by more than 25 percent.

(c) If the head of a Federal department or agency determines that it is necessary to waive the application of subsection (a) based on a finding under subsection (b), the head of the department or agency shall publish in the Federal Register a detailed written justification as to why the provision is being waived.

(d) This section shall be applied in a manner consistent with United States obligations under international agreements.