



State of Delaware  
Department of Natural Resources and Environmental Control  
**Delaware Division of Parks and Recreation**  
89 Kings Highway  
Dover, Delaware 19901

**PRE-BID MEETING AGENDA**

Date: December 18, 2018  
To: File  
From: Julio Seneus  
Subject: Auburn Heights State Park - Wetland Construction Sites  
Contract No.: 2018-NVF-200  
Project No.: NVF-18  
Meeting Date: December 18, 2018  
Location: Center for the Creative Arts

**ADMINISTRATIVE:**

**Sign-In Sheet:** Please make sure to fill out the sign in sheet, otherwise you will not be considered in attendance and will not be permitted to submit a bid.

**Questions during Bidding:** All questions shall be submitted via email to [Cindy.Todd@state.de.us](mailto:Cindy.Todd@state.de.us). Last day for questions shall be January 4, 2018 (2:30 PM) any questions received after this time will not be addressed. Questions will be answered via Addendum. Phone calls will not be replied to.

**Bonds:** Bid bond is required and is required to be submitted with your bid. Performance, Maintenance, and Payroll bonds will be required for the work. Bond forms are included in the bid package and will be required upon notice of award of the contract, along with a certificate of insurance.

**Wages/Payroll:** Prevailing wage and payroll reporting are applicable to this project. The project determination is Heavy Construction.

**Bids Due: Wednesday, January 9, 2019 at 2:30 PM** Local Time. Any bid received after the stated time will be returned unopened. Bids shall be accepted by overnight mail, or in person at DNREC – Division of Parks and Recreation, 89 Kings Highway, Dover DE 19901.

Sealed Bids shall be addressed to the following address, the outer envelope shall clearly indicate **"DNREC CONTRACT NO. 2018-NVF-200, SEALED BID – DO NOT OPEN"**.

**Sealed Bids shall be addressed to the following address:**

Dept. of Natural Resources & Environmental Control  
Division of Parks and Recreation  
Office of Design and Development  
89 Kings Highway, Dover DE 19901  
Attn: Cindy A. Todd, RLA. Phone Number: 302-739-9210

**Bids will be opened and read aloud in the DNREC Auditorium.**

**Unit Prices:** A total of three (3) Unit Prices are required for this project:

- Unit Price No. 1 – Silt Fence.
- Unit Price No. 2 – Furnish & Install 6” Topsoil.
- Unit Price No. 3 – Furnish & Install Seed & Mulch.

**On-Site Superintendent:** The contractor shall designate a superintendent who shall be on site for the duration of the project.

**Completion of Work:**

- Notice of Contract Award: Within thirty (30) days of receipt and acceptance of qualified low bid.
- Purchase Order Issuance: The issuance of a State of Delaware purchase order is contingent upon the successful Contractor submitting bonds on State-approved forms, signed contracts and insurance certificates to the State of Delaware within 20 days of Notice of Award. A purchase order will be issued in approximately thirty days after these items have been submitted to the State of Delaware.
- On-Site Mobilization: Upon receipt of State of Delaware purchase order.
- Substantial Completion: The work shall be completed **240 calendar days** from on-site start of work.
- Completion of Punch List: 21 days from date of substantial completion.

**Shop Drawings:** All shop drawings and Source of Supply documents will be submitted electronically to the project to the project manager. The contractor will designate a point of contact for access. The project team will have 15 days to review and respond to all shop drawings and Source of Supply documents. Please consider this when making submissions and scheduling the work.

**Successful Bidder** will be expected to enter into a Standard A101-2007 Agreement between Owner and Contractor.

**Permits:**

- See the revised Specifications Section noted below.

**SCOPE OF WORK:**

**Base Bid:** Construction of (2) wetland areas as well as one (1) stream restoration and one (1) vegetation management area within Auburn Valley State Park near Yorklyn, Delaware. Included work shall consist of clearing, grubbing, excavation, vegetation management, grading, plantings, riprap, as well as erosion and sediment control devices as shown on the plans.

**Alternates:**

- Alternate 1: Wetland Construction Area B
  - State the amount to be added to the Base Bid to complete all work at Area B including grading, seeding, plantings, rip rap, erosion and sediment control items. Work at Area B will be initiated following approval of all required permits.

**Allowances:**

- Allowance 1:
  - Lump-Sum Allowance: Include the sum of \$80,000 for improvements to Gun Club Road, including but not limited to pavement removal, excavation, grading, GABC and new hot-mix pavement.

**Pre-Bid Meeting Discussions:**

- An overview of the scope of work at each project site and the identified the following items:
  - Area B is not included with the Base Bid, but as Alternate #1 due to expected delays in permit approvals compared with the other locations.
  - The project will include a Maintenance Bond that is tied to the maintenance of plantings and mowing of meadow areas following the completion of construction as defined in the Project Manual.
  - The Prevailing Wage Rates Determination for Heavy Construction is included in the specification package, and the project is also subject to the EPA Revolving Loan Fund Requirements.
    - Davison Mwale provided an overview of the requirements for the EPA Revolving Loan and the additional documentation that is to be submitted with the Bid Forms
  - Multiple permits remaining pending:
    - New Castle County Floodplain (Included with Addenda #2)
    - DNREC Div. of Watershed Stewardship
    - USACE
    - DE SHPO – Area B Only
  - The contractor shall prepare bids with the assumption that all excavated material will be required to be hauled off site.
  - An allowance of \$80,000 shall be included with the Base Bid for improvements to Gun Club Road.
  - The sites shall be constructed one location at a time unless another approach is discussed and agreed upon between the Owner and the Contractor.

### **CONSTRUCTION DRAWINGS REVISIONS**

- None

### **SPECIFICATIONS REVISIONS**

- 00 01 10      TABLE OF CONTENTS
  - Updated per receipt of NCC Floodplain Permit
- 00 11 16      INVITATION TO BID
  - Notes added to clarify that Allowance #1 shall be included with the Base Bid
  - Notes added to identify that Area C shall be constructed prior to the other locations
- 00 41 13      BID FORM
  - Notes added to clarify that Allowance #1 shall be included with the Base Bid
  - Added Subcontractors List Categories
- 01 24 00      PERMITS
  - Updated per receipt of NCC Floodplain Permit
- Appendix #6 – New Castle County Floodplain Permit
  - Permit is attached with this Addendum

Specifications for this project are arranged in accordance with the Construction Specification Institute numbering system and format. Section numbering is discontinuous and all numbers not appearing in the Table of Contents are not used for this Project.

DOCUMENTS BOUND HEREWITH

Division ....	Section Title	Pages
<b>SERIES 0 - PROCUREMENT AND CONTRACT REQUIREMENTS</b>		
00 01 10	TABLE OF CONTENTS	5
00 01 15	LIST OF DRAWINGS	1
00 11 16	INVITATION TO BID	2
00 21 13	INSTRUCTIONS TO BIDDERS	12
00 41 13	BID FORM	11
00 43 13	BID BOND	1
00 52 13	STANDARD FORM OF AGREEMENT BETWEEN OWNER AND CONTRACTOR A101-2007	1
00 54 13	SUPPLEMENTARY CONDITIONS TO THE CONTRACT	1
00 61 13.13	PERFORMANCE BOND	2
00 61 13.16	PAYMENT BOND	2
00 61 14	MAINTENANCE BOND	2
00 62 76	APPLICATION OF PAYMENT (SAMPLE AIA G702 & G703)	2
00 62 77	BUY AMERICA	1
00 65 00	REVOLVING LOAN FUND REQUIREMENTS	55
00 72 13	GENERAL CONDITIONS TO THE CONTRACT (AIA A201)	1
00 73 13	SUPPLEMENTARY GENERAL CONDITIONS	11
00 73 46	DELAWARE DEPARTMENT OF LABOR PREVAILING WAGE RATES	2
00 73 46/2	DAVIS BEACON WAGE RATES	4
00 81 13	GENERAL REQUIREMENTS	15
00 81 14	DRUG TESTING FORMS	2
<b>DIVISION 1 - GENERAL REQUIREMENTS</b>		
01 10 00	SUMMARY	6
01 14 00	WORK RESTRICTIONS	2
01 21 00	ALLOWANCES	3
01 22 00	UNIT PRICES	2
01 23 00	ALTERNATES	2
01 24 00	PERMITS	2
01 25 00	CONTRACT MODIFICATION PROCEDURES	2
01 29 00	PAYMENT PROCEDURES	3
01 31 00	PROJECT MANAGEMENT AND COORDINATION	3
01 31 50	FIELD ENGINEERING	2
01 32 00	CONSTRUCTION PROGRESS DOCUMENTATION	4
01 32 23	PHOTOGRAPHIC DOCUMENTATION	2
01 33 00	SUBMITTAL PROCEDURES	10
01 40 00	QUALITY REQUIREMENTS	7
01 42 00	REFERENCE STANDARDS AND DEFINITIONS	3
01 50 00	TEMPORARY FACILITIES AND CONTROLS	8
01 56 00	ENVIRONMENTAL PROTECTION	3
01 60 00	PRODUCT REQUIREMENTS	10
01 73 00	EXECUTION REQUIREMENTS	6

01 73 29	CUTTING AND PATCHING	4
01 74 19	CONSTRUCTION WASTE MANAGEMENT AND DISPOSAL	9
01 77 00	CLOSEOUT PROCEDURES	6
01 78 39	PROJECT RECORD DOCUMENTS	4

**DIVISION 2 – EXISTING CONDITIONS**

02 41 19	SELECTIVE DEMOLITION	4
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**DIVISION 3 - CONCRETE**

**DIVISION 4 - MASONRY**

**DIVISION 5 - METALS**

**DIVISION 6 – WOOD, PLASTICS AND COMPOSITES**

**DIVISION 7 - THERMAL AND MOISTURE PROTECTION**

**DIVISION 8 - OPENINGS**

**DIVISION 9 - FINISHES**

**DIVISION 10 - SPECIALTIES**

**DIVISION 11 - EQUIPMENT**

**DIVISION 12 - FURNISHINGS**

**DIVISION 13 - SPECIAL CONSTRUCTION**

**DIVISION 14 - CONVEYING SYSTEMS**

**DIVISION 22 - PLUMBING**

**DIVISION 23 – HEATING, VENTILATING AND AIR CONDITIONING**

**DIVISION 26 – ELECTRICAL**

**TABLE OF CONTENTS**

**DIVISION 27 – COMMUNICATIONS**

**DIVISION 28 – ELECTRONIC SAFETY AND SECURITY**

**DIVISION 31 – EARTHWORK**

31 10 00	SITE CLEARING	4
31 20 00	EARTH MOVING	5

**DIVISION 32 – EXTERIOR IMPROVEMENTS**

32 92 00	TURF AND GRASSES	9
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**DIVISION 33 - UTILITIES**

**SPECIFICATIONS INCLUDED BY REFERENCE:**

**DELAWARE DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION (AUGUST 2016, OR MOST CURRENT AT THE DATE OF ADVERTISEMENT)**

SECTION 209 – BORROW  
SECTION 301 – GRADED AGGREGATE BASE COURSE  
SECTION 401 – BITUMINOUS PAVEMENT  
SECTION 708 – GEOTEXTILES  
SECTION 801 – TEMPORARY TRAFFIC CONTROL, GENERAL  
SECTION 805 – PLASTIC DRUMS  
SECTION 911 - PLANTINGS  
SECTION 1006 – STONE FOR RIPRAP  
SECTION 1060 – GEOTEXTILE

**STATE OF DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL EROSION AND SEDIMENT CONTROL HANDBOOK (APRIL 2016 OR MOST CURRENT AT THE DATE OF ADVERTISEMENT)**

SECTION 3.1.2 – SILT FENCE  
SECTION 3.1.7 – COMPOST FILTER LOG  
SECTION 3.2.1 – PORTABLE SEDIMENT TANK  
SECTION 3.2.2 – PUMPING PIT  
SECTION 3.4.1 - TOPSOILING  
SECTION 3.4.3 - VEGETATIVE STABILIZATION  
SECTION 3.4.5 – MULCHING  
SECTION 3.4.6 – STABILIZATION MATTING  
SECTION 3.4.7 – STABILIZED CONSTRUCTION ENTRANCE  
SECTION 3.4.8 - DUST CONTROL  
SECTION 3.5.3 - TURBIDITY CURTAIN  
SECTION 3.6.1 - CONSTRUCTION SITE WASTE MGT & SPILL CONTROL  
SECTION 3.7.2 – SENSITIVE AREA PROTECTION  
SECTION 3.7.3 – SOIL STOCKPILE  
SECTION 3.3.10 – RIPRAP OUTLET PROTECTION

PLEASE NOTE THAT IN ALL SPECIFICATIONS INCLUDED BY REFERENCE, “THE DEPARTMENT” SHALL MEAN “PARKS.” ALL TESTING REQUIREMENTS IN REFERENCED SPECIFICATIONS SHALL BE CONFIRMED WITH THE OWNER PRIOR TO COMPLETING SPECIFIED TESTING.

## APPENDICES

- 1) DNREC Division of Watershed Stewardship – Detailed Plan Approval – **PENDING** (Concurrent Submittal)
- 2) USACE Nationwide Permit #27 –
  - a. Area A, Area C, Area D, & Area E – **PENDING** (Concurrent Submittal)
  - b. Area B – **PENDING** (Concurrent Submittal)
- 3) Delaware State Historic Preservation Office (SHPO) - Letter of No Adverse Effect
  - a. Area A, Area C, Area D, & Area E – Concurrence Dated 11/26/2018
  - b. Area B – **PENDING** (Concurrent Submittal)
- 4) Architectural Accessibility Board – “No Impact” Approval – (Dated 8/28/2018)
- 5) Division of Facilities Management – (Approval Dated 9/18/2018)
- 6) New Castle County – Floodplain Permit – **PENDING** (Concurrent Submittal) Approval Dated 12/17/2018

## END OF TABLE OF CONTENTS



## SECTION 00 11 16 – INVITATION TO BID

The Department of Natural Resources and Environmental Control, Division of Parks and Recreation, **Office of Design and Development will receive sealed bids in the Auditorium, DNREC Building, 89 Kings Highway, Dover Delaware 19901, 2:30 p.m. local time on January 9<sup>th</sup>, 2019,** until at which time they will be publicly opened and read aloud in the Auditorium. Bidder bears the risk of late delivery. Any bid received after the stated time will be returned unopened.

Project involves the construction of two (2) wetland areas as well as one (1) stream restoration and one (1) vegetation management area. A single additional wetland area is included as Alternate #1. Allowance #1 shall be included with the Base Bid, not as a separate line item. Area C shall be constructed prior to the other locations.

The project shall be awarded based upon the Base Bid price only.

**A MANDATORY Pre-Bid Meeting will be held at 11:00 a.m., on December 18<sup>th</sup>, 2018 at the Center for the Creative Arts, 410 Upper Snuff Mill Row, Yorklyn, Delaware, 19736** for the purpose of establishing the listing of subcontractors and to answer questions. Representative's of each party to any Joint Venture must attend this meeting. **ATTENDANCE OF THIS MEETING IS A PREREQUISITE FOR BIDDING ON THIS CONTRACT.**

Sealed bids shall be addressed to the following address. The outer envelope should clearly indicate **"DNREC CONTRACT NO. 2018-NVF-200 SEALED BID – DO NOT OPEN".**

Dept. of Natural Resources & Environmental Control  
Division of Parks and Recreation  
Office of Design and Development  
89 Kings Highway, Dover DE 19901  
Attn: Cindy A. Todd, RLA. Phone Number: 302-739-9210

Contract documents may be obtained at the office of the Division of Parks and Recreation upon receipt of \$25.00 for each disc. This payment is non-refundable and the documents need not be returned. Checks are to be made payable to Division of Parks and Recreation.

Bidding documents will be available for review at the following locations: Division of Parks and Recreation; Delaware Contractors Association and Associated Builders and Contractors.

**This project is being funded by the Delaware Clean Water State Revolving Fund and the following provisions apply to this construction contract:**

- **Buy American Iron and Steel**
- **Federal Davis-Bacon Act wage provisions**
- **Delaware Prevailing Wage Regulations**

Bidders will not be subject to discrimination on the basis of race, creed, color, sex, sexual orientation, gender identity or national origin in consideration of this award, and Minority Business Enterprises, Disadvantaged Business Enterprises, Women-Owned Business Enterprises and Veteran-Owned Business Enterprises will be afforded full opportunity to submit bids on this contract. Each bid must be accompanied by a bid security equivalent to ten percent of the bid amount and all additive alternates. The successful bidder must post a performance bond and payment bond in a sum equal to 100 percent of the contract price upon execution of the contract. The Owner reserves the right to reject any or all bids and to waive any

informalities therein. The Owner may extend the time and place for the opening of the bids from that described in the advertisement, with not less than two calendar days notice by certified delivery, facsimile machine or other electronic means to those bidders receiving plans.

Shawn M. Garvin, Secretary

**END OF SECTION 00 01 16**

### BID FORM

For Bids Due: January 9<sup>th</sup>, at 2:30 p.m.

To: Dept. of Natural Resources and Environmental Control  
Division of Parks and Recreation  
Office of Design and Development  
89 Kings Highway, Dover DE 19901

Name of Bidder: \_\_\_\_\_

Delaware Business License No.: \_\_\_\_\_

Taxpayer ID No.: \_\_\_\_\_

(A copy of Bidder's Delaware Business License must be attached to this form.)

(Other License Nos.): \_\_\_\_\_

Phone Number: ( ) \_\_\_\_\_

Fax Number: ( ) \_\_\_\_\_

The undersigned, representing that he has read and understands the Bidding Documents and that this bid is made in accordance therewith, that he has visited the site and has familiarized himself with the local conditions under which the Work is to be performed, and that his bid is based upon the materials, systems and equipment described in the Bidding Documents without exception, hereby proposes and agrees to provide all labor, materials, plant, equipment, supplies, transport and other facilities required to execute the work described by the aforesaid documents for the lump sum itemized below:

\$ \_\_\_\_\_  
( \$ )

#### ALTERNATES

Alternate prices conform to applicable project specification section. Refer to specifications for a complete description of the following Alternates. An "ADD" or "DEDUCT" amount is indicated by the crossed out part that does not apply.

ALTERNATE No. 1: Wetland Construction Area B (Bid Price to be held for 120 Days)

Add/Deduct: \_\_\_\_\_  
( \$ )

#### ALLOWANCES

An allowance of \$80,000 shall be ~~added to~~ included in the Base Bid to provide materials and labor for pavement repairs to Gun Club Road.

**BID FORM**

**UNIT PRICES**

Unit prices conform to applicable project specification section. Refer to the specifications for a complete description of the following Unit Prices:

	<b><u>ADD</u></b>	<b><u>DEDUCT</u></b>
UNIT PRICE No. 1: <u>Silt Fence (LF)</u>	\$ <u>                    </u>	\$ <u>                    </u>
UNIT PRICE No. 2: <u>Furnish &amp; Install 6" Topsoil (SY)</u>	\$ <u>                    </u>	\$ <u>                    </u>
UNIT PRICE No. 3: <u>Furnish &amp; Install Seeding &amp; Mulching (SY)</u>	\$ <u>                    </u>	\$ <u>                    </u>

**BID FORM**

I/We acknowledge Addendums numbered \_\_\_\_\_ and the price(s) submitted include any cost/schedule impact they may have.

This bid shall remain valid and cannot be withdrawn for thirty (30) days from the date of opening of bids (60 days for School Districts and Department of Education), and the undersigned shall abide by the Bid Security forfeiture provisions. Bid Security is attached to this Bid.

The Owner shall have the right to reject any or all bids, and to waive any informality or irregularity in any bid received.

This bid is based upon work being accomplished by the Sub-Contractors named on the list attached to this bid.

Should I/We be awarded this contract, I/We pledge to achieve substantial completion of all the work within \_\_\_\_\_ calendar days of the Notice to Proceed.

The undersigned represents and warrants that he has complied and shall comply with all requirements of local, state, and national laws; that no legal requirement has been or shall be violated in making or accepting this bid, in awarding the contract to him or in the prosecution of the work required; that the bid is legal and firm; that he has not, directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken action in restraint of free competitive bidding.

Upon receipt of written notice of the acceptance of this Bid, the Bidder shall, within twenty (20) calendar days, execute the agreement in the required form and deliver the Contract Bonds, and Insurance Certificates, required by the Contract Documents.

I am / We are an Individual / a Partnership / a Corporation

By \_\_\_\_\_ Trading as \_\_\_\_\_  
(Individual's / General Partner's / Corporate Name)  
\_\_\_\_\_  
(State of Corporation)

Business Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Witness: \_\_\_\_\_ By: \_\_\_\_\_  
(SEAL) ( Authorized Signature )  
\_\_\_\_\_  
( Title )  
Date: \_\_\_\_\_

**ATTACHMENTS**

Sub-Contractor List  
Non-Collusion Statement  
Affidavit of Employee Drug Testing Program  
Bid Security  
(Others as Required by Project Manuals)

## BID FORM

### SUBCONTRACTOR LIST

In accordance with Title 29, Chapter 6962 (d)(10)b Delaware Code, the following sub-contractor listing must accompany the bid submittal. The name and address of the sub-contractor **must be listed for each category** where the bidder intends to use a sub-contractor to perform that category of work. In order to provide full disclosure and acceptance of the bid by the *Owner*, **it is required that bidders list themselves as being the sub-contractor for all categories where he/she is qualified and intends to perform such work.**

Subcontractor Category	Subcontractor	Address (City & State)	Subcontractors tax payer ID # or Delaware Business license #
1. <u>Earthwork</u>	<hr/> <hr/>	<hr/> <hr/>	<hr/> <hr/>
2. <u>Landscaping</u>	<hr/> <hr/>	<hr/> <hr/>	<hr/> <hr/>
3. <u>Invasive Species Management</u>	<hr/> <hr/>	<hr/> <hr/>	<hr/> <hr/>
4.	<hr/> <hr/>	<hr/> <hr/>	<hr/> <hr/>
5.	<hr/> <hr/>	<hr/> <hr/>	<hr/> <hr/>
6.	<hr/> <hr/>	<hr/> <hr/>	<hr/> <hr/>
7.	<hr/> <hr/>	<hr/> <hr/>	<hr/> <hr/>
8.	<hr/> <hr/>	<hr/> <hr/>	<hr/> <hr/>

**BID FORM**

**NON-COLLUSION STATEMENT**

This is to certify that the undersigned bidder has neither directly nor indirectly, entered into any agreement, participated in any collusion or otherwise taken any action in restraint of free competitive bidding in connection with this proposal submitted this date to the Office of Design and Development, Division of Parks and Recreation.

All the terms and conditions of the **Auburn Valley State Park, Wetland Construction Sites** have been thoroughly examined and are understood.

NAME OF BIDDER

\_\_\_\_\_

AUTHORIZED REPRESENTATIVE  
(TYPED):

\_\_\_\_\_

AUTHORIZED REPRESENTATIVE  
(SIGNATURE):

\_\_\_\_\_

**TITLE:**

\_\_\_\_\_

ADDRESS OF BIDDER:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

E-MAIL:

\_\_\_\_\_

PHONE NUMBER:

\_\_\_\_\_

Sworn to and Subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_ of 20  
\_\_\_\_\_.

My commission expires \_\_\_\_\_.

NOTARY PUBLIC \_\_\_\_\_

**THIS PAGE MUST BE SIGNED AND NOTORIZED FOR YOUR BID TO BE CONSIDERED.**

**AFFIDAVIT  
OF  
EMPLOYEE DRUG TESTING PROGRAM**

4104 Regulations for the Drug Testing of Contractor and Subcontractor Employees Working on Large Public Works Projects requires that Contractors and Subcontractors implement a program of mandatory drug testing for Employees who work on Large Public Works Contracts funded all or in part with public funds.

We hereby certify that we have in place or will implement during the entire term of the contract a Mandatory Drug Testing Program for our employees on the jobsite, including subcontractors that complies with this regulation:

**Contractor/Subcontractor Name:**

\_\_\_\_\_

**Contractor/Subcontractor Address:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Authorized Representative (typed or printed):**

\_\_\_\_\_

**Authorized Representative (signature):**

\_\_\_\_\_

**Title:**

\_\_\_\_\_

Sworn to and Subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

My Commission expires \_\_\_\_\_. NOTARY PUBLIC \_\_\_\_\_.

**THIS PAGE MUST BE SIGNED AND NOTARIZED FOR YOUR BID TO BE CONSIDERED.**



## COMPLIANCE STATEMENT

This statement relates to a proposed contract with \_\_\_\_\_

\_\_\_\_\_  
(Name of borrower or grantee)

who expects to finance the contract with assistance from either the Delaware Water Pollution Control Revolving Fund or Delaware 21<sup>st</sup> Century Fund (whether by a loan, grant, loan insurance, guarantee, or other form of financial assistance). I am the undersigned bidder or prospective contractor, I represent that:

1. ☐ I have, ☐ have not, participated in a previous contract or subcontract subject to Executive Order 11246 (regarding equal employment opportunity) or a preceding similar Executive Order.
  2. If I have participated in such a contract or subcontract, ☐ I have, ☐ have not, filed all compliance reports that have been required to file in connection with the contract or subcontract.
- If the proposed contract is for \$50,000 or more and I have 50 or more employees, I also represent that:
3. ☐ I have, ☐ have not previously had contracts subject to the written affirmative action programs requirements of the Secretary of Labor.
  4. If I have participated in such a contract or subcontract, ☐ I have, ☐ have not developed and placed on file at each establishment affirmative action programs as required by the rules and regulations of the Secretary of Labor.

I understand that if I have failed to file any compliance reports that have been required of me, I am not eligible and will not be eligible to have my bid considered or to enter into the proposed contract unless and until I make an arrangement regarding such reports that is satisfactory to either the DNREC, or to the office where the reports are required to be filed.

I also certify that I do not maintain or provide for my employees any segregated facilities at any of my establishments, and that I do not permit my employees to perform their services at any location, under my control, where segregated facilities are maintained. I certify further that I will not maintain or provide for my employees any segregated facilities at any of my establishments, and that I will not permit my employees to perform their services at any location, under my control, where segregated facilities are maintained. I agree that a breach of this certification is a violation of the Equal Opportunity clause in my contract. As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, restrooms and wash rooms, restaurants and other eating areas time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, creed, color, or national origin, because of habit, local custom, or otherwise. I further agree that (except where I have obtained identical certifications for proposed subcontractors for specific time periods) I will obtain identical certifications from proposed subcontractors prior to the award of subcontracts exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity clause; that I will retain such certifications in my files; and that I will forward the following notice to such proposed subcontractors (except where the proposed subcontractors have submitted identical certifications for specific time periods):

**NOTICE TO PROSPECTIVE SUBCONTRACTORS OF REQUIREMENTS FOR  
CERTIFICATIONS OF NON-SEGREGATED FACILITIES**

A certification of Nonsegregated Facilities, as required by the May 9, 1967, order (32F.R. 7439, may 19, 1967) on Elimination of Segregated Facilities, by the Secretary of Labor, must be submitted prior to the award of a subcontract exceeding \$ 10,000 which is not exempt from the provisions of the Equal Opportunity clause. The certification may be submitted either for each subcontract or for all subcontracts during a period (i.e., quarterly, semiannually, or annually).

NOTE: The penalty for making false statements in offers is prescribed in 18 U.S.C. 1001.

---

(Signature)

---

(Date)

---

(Name and Title of Signer – Please Type)



Environmental  
Protection Agency

OMB Control No: 2090-0030  
Approved: 05/01/2008  
Approval Expires: 01/31/2011

**Disadvantaged Business Enterprise Program  
DBE Subcontractor Performance Form**

NAME OF SUBCONTRACTOR:		PROJECT NAME
ADDRESS		BID/PROPOSAL NO.
TELEPHONE NO.		E-MAIL ADDRESS
PRIME CONTRACTOR NAME		
CONTRACT ITEM NO.	ITEM OF WORK OR DESCRIPTION OF SERVICES BID TO PRIME	PRICE OF WORK SUBMITTED TO PRIME CONTRACTOR
<p>Currently certified as an MBE or WBE under EPA's DBE Program? ____ Yes ____ No Signature of Prime Contractor Date Print Name Title _____ _____ Signature of Subcontractor Date _____ _____ Print Name Title</p>		

'Subcontractor is defined as a company, firm, joint venture, or individual who enters into an agreement with a contractor to provide services pursuant to an EPA award of financial assistance.



Environmental  
Protection Agency

OMB Control No: 2090-0030  
Approved: 05/01/2008  
Approval Expires: 01/31/2011

**Disadvantaged Business Enterprise Program  
DBE Subcontractor Utilization Form**

BID/PROPOSAL NO.	PROJECT NAME
NAME OF PRIME BIDDER/PROPOSER	E-MAIL ADDRESS
ADDRESS	
TELEPHONE NO.	FAX NO.

<b>The following subcontractors<sup>1</sup> will be used on this project:</b>							
COMPANY NAME, ADDRESS, PHONE NUMBER, AND E-MAIL ADDRESS	TYPE OF WORK TO BE PERFORMED	ESTIMATE D DOLLAR AMOUNT	CURRENTLY CERTIFIED AS AN MBE OR WBE?				
<p>I certify under penalty of perjury that the forgoing statements are true and correct. In the event of a replacement of a subcontractor, I will adhere to the replacement requirements set forth in 40 CFR Part 33 Section 33.302(c).</p> <table><tr><td>_____ Signature of Prime Contractor</td><td>_____ Date</td></tr><tr><td>_____ Print Name</td><td>_____ Title</td></tr></table>				_____ Signature of Prime Contractor	_____ Date	_____ Print Name	_____ Title
_____ Signature of Prime Contractor	_____ Date						
_____ Print Name	_____ Title						

<sup>1</sup>Subcontractor is defined as a company, firm, joint venture, or individual who enters into an agreement with a contractor to provide services pursuant to an EPA award of financial assistance.

#### Appendix 4: Sample Construction Contract Language

ALL CONTRACTS MUST HAVE A CLAUSE REQUIRING COMPLIANCE WITH THE AIS REQUIREMENT. THIS IS AN EXAMPLE OF WHAT COULD BE INCLUDED IN ALL CONTRACTS IN PROJECTS THAT USE SRF FUNDS. EPA MAKES NO CLAIMS REGARDING THE LEGALITY OF THIS CLAUSE WITH RESPECT TO STATE OR LOCAL LAW:

The Contractor acknowledges to and for the benefit of the **DNREC- Division of Parks and Recreation** ("Purchaser") and the **State of Delaware** (the "State") that it understands the goods and services under this Agreement are being funded with monies made available by the Clean Water State Revolving Fund and/or Drinking Water State Revolving Fund that have statutory requirements commonly known as "American Iron and Steel;" that requires all of the iron and steel products used in the project to be produced in the United States ("American Iron and Steel Requirement") including iron and steel products provided by the Contractor pursuant to this Agreement. The Contractor hereby represents and warrants to and for the benefit of the Purchaser and the State that (a) the Contractor has reviewed and understands the American Iron and Steel Requirement, (b) all of the iron and steel products used in the project will be and/or have been produced in the United States in a manner that complies with the American Iron and Steel Requirement, unless a waiver of the requirement is approved, and (c) the Contractor will provide any further verified information, certification or assurance of compliance with this paragraph, or information necessary to support a waiver of the American Iron and Steel Requirement, as may be requested by the Purchaser or the State. Notwithstanding any other provision of this Agreement, any failure to comply with this paragraph by the Contractor shall permit the Purchaser or State to recover as damages against the Contractor any loss, expense, or cost (including without limitation attorney's fees) incurred by the Purchaser or State resulting from any such failure (including without limitation any impairment or loss of funding, whether in whole or in part, from the State or any damages owed to the State by the Purchaser). While the Contractor has no direct contractual privity with the State, as a lender to the Purchaser for the funding of its project, the Purchaser and the Contractor agree that the State is a third-party beneficiary and neither this paragraph (nor any other provision of this Agreement necessary to give this paragraph force or effect) shall be amended or waived without the prior written consent of the State.

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Bidder Signature

---

Date

## **SECTION 01 24 00 - PERMITS**

### **PART 1 - GENERAL**

#### **1.1 RELATED DOCUMENTS**

- A. Drawings and general provisions of the Contract, including General and Supplementary Conditions and other Division 1 Specification Sections, apply to this Section.

#### **1.2 SUMMARY**

- A. This Section includes permits that have been issued for this Project as well as permits-in-progress initiated by the Owner and those required Contractor application.

#### **1.3 DEFINITIONS**

- A. Permits: A document issued by the Authorities having jurisdiction approving specific construction. Permits may approve the documents as submitted or contain caveats that are to be followed.
  - 1. Preconstruction Permits: Permits issued prior to the bidding and award and which are required prior to proceeding to this stage.
  - 2. Post Bid Permits: Permits required to be applied for by the successful contractor. These include demolition permits, building permits and sub-permits such as mechanical, electrical, fire suppression and plumbing.
  - 3. Post Construction Permits: Permits issued by the authorities having jurisdiction stating that a structure or portion of the structure has been approved as complying with applicable laws, regulations and codes and may be occupied and put to its intended use.

#### **1.4 RESPONSIBILITIES**

- A. The Contractor shall abide by the approved permits which are to include the notations provided by the entity/person approving the permit.
- B. The Contractor is responsible for obtaining and paying for all construction permits unless stated otherwise in the construction documents.
  - 1. The Contractor shall conform to all of the regulations and requirements, and shall be responsible for costs associated therewith, of all permits required of the Work.
  - 2. The Contractor shall be responsible for scheduling all inspections as required by the permits.

### **PART 2 - PRODUCTS (Not Used)**

### **PART 3 - EXECUTION**

### 3.1 SCHEDULE OF ISSUED PERMITS

- A. New Castle County (Floodplain) – ~~PENDING, Concurrent Submittal.~~ Approval Dated 12/17/2018.
- B. Department of Natural Resources and Environmental Control (DNREC).
  - 1. Sediment and Stormwater – Detailed Plan Approval – PENDING, Concurrent Submittal.
- C. USACE – Nationwide Permit #27 – Aquatic Habitat Restoration, Enhancement, & Establishment Activities
  - 1. Area A, Area C, Area D, & Area E – PENDING, Concurrent Submittal.
  - 2. Area B – PENDING, Concurrent Submittal.
- D. Delaware Division of Facilities Management (DFM) – Approval Dated 9/18/2018
- E. Architectural Accessibility Board (AAB) – No Impact Approval Dated 8/28/2018
- F. Delaware State Historic Preservation Office (SHPO) - Letter of No Adverse Effect
  - 1. Area A, Area C, Area D, & Area E – Concurrence Dated 11/26/2018.
  - 2. Area B – PENDING, Concurrent Submittal.

**END OF SECTION 01 24 00**

**Matthew S. Meyer**  
**County Executive**



**Richard E. Hall, AICP**  
**General Manager**

**Department of Land Use**

December 17, 2018

Julio Seneus  
State of Delaware  
DNREC  
DE Division of Parks and Recreation  
89 Kings Highway  
Dover, DE 19901

RE: Auburn Heights Preserve  
Flood and Wetland Mitigation Sites  
Delaware Division of Parks and Recreation  
NCC Application # 20180701

Dear Mr. Seneus:

New Castle County has reviewed the above referenced project. The project involves the construction of three (3) flood mitigation sites, one (1) stream restoration area and one (1) wetland restoration area along the Red Clay Creek in New Castle County, DE. This project is exempted by Section 80 of House Bill No. 450 from New Castle County zoning and regulations. However, the project is subject to the minimum standards of the National Flood Insurance Program (NFIP).

The project is within a FEMA floodplain as described in Section 40.10.302 of the UDC. The project is located on Panel 145K and a floodway is established at the project location. Pursuant to the NFIP, for projects within the Special Flood Hazard Area with base flood elevations and a regulatory floodway adopted, no encroachment is permitted within the floodway unless a hydrologic and hydraulic analyses is performed that demonstrates no increase in flood levels in the community. Projects are proposed within the regulatory floodway by this project. However, none of the proposed projects will result in an increase to the base flood elevation at any point in the community as each of the projects increases flood storage within the Special Flood Hazard Area.

Pursuant to UDC 40.10.311, New Castle County confirms that the application meets the standards of New Castle County's flood ordinance.

Please contact me at (302) 395-5473 if you have any questions.

Sincerely,

**John**

**Gysling**

John Gysling, PE, CFM  
Civil Engineer III  
Floodplain Administrator

Digitally signed by John Gysling  
DN: cn=John Gysling, o, ou,  
email=jgysling@nccde.org,  
c=US  
Date: 2018.12.17 11:03:49  
-05'00'

Cc: Alex Schmidt, Century Engineering, Inc.



## **QUESTIONS**

1. Has the soil been tested for contamination resulting from the previous industrial uses in the area?
  - *All sites have been tested by the DNREC Site Investigation and Restoration Section (SIRS). No hazardous or contaminated material was encountered during the investigation.*

# ATTENDANCE SHEET

CONSTRUCTION PRE-BID MEETING – CONTRACT # 2018- NVF-200

NAME: NVF – WETLANDS CONSTRUCTION

DATE: December 18, 2018 at 11:00 – 12:00 AM

NAME	AGENCY/COMPANY	TELEPHONE	EMAIL
Cindy Todd	DNREC	302-739-9210	Cindy.Todd@state.de.us
Julio Seneus	DNREC	302-739-9211	Julio.Seneus@state.de.us
Pierce Thompson	DNREC	302-270-3014	Pierce.Thompson @state.de.us
John Welsh	DNREC	302-739-9212	<a href="mailto:John.Welsh@state.de.us">John.Welsh@state.de.us</a>
Josh Sebelman	Brightfields Inc.	302-656-9600	jsebelman@brightfields.inc.com
MATT BACCHETTA	MERIT CONSTR. ENGRS.	302-992-9810	MATB@MLEBS.COM.
STEVE JOHNSTON	MEADVILLE LAND SERVICE	814-337-1974	KRISTIN@MEADVILLELANDSERVICE.COM
Kathy Lindstrom	Lindstrom Excavating	410 778 6344	Kathy@lindexc.com
LEW CONLEY	SUNCO ECO	857-939-1019	LCONLEY@SUNCOECO.COM
Kathy Ferguson	mumford & miller	302 373 5771	kferguson@mumfordandmiller.com
Nick Hetrick	Richard E. Pierson Const. Co.	609- <sup>743</sup> <del>743</del> -0111	nhetrick@repierson.com
MATT TOEN	GES	302.918.3070	MATTAREGESONKALL.COM
Tony Pistonia	Civillo Bros	302-326-1540	Tony@civillobros.com
Danny Hanna	A-DEL Construction	302-453-8286	estimates@a-del.com

NVF – WETLANDS CONSTRUCTION

12/18/2018

NAME	AGENCY/COMPANY	TELEPHONE	EMAIL
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BRAD BLACKWELDER	CHILLO & FENNAMA	302-377-1246	GHP.bblackwelder1@gmail.com
Wla Nyema Wla Vinton	TRICON Construction	302-838-6500	wa.vinton@tricontristate.com
Danny Carrow	Carrow Construction	302-275-7592	danny.carrow@carrowconstruction.com
Julian Heal	The Ambient Group	856-582-1765	jheal@ambientgr.com
Laura Lee	Auburn Valley State Park WREC	302-729-4278	Laura.Lee@state-de.us
Brad Terzi	Berg Const	484-267-7099	bad@bergconst.com
Davison M Wale	AWER	302-739-9948	davison.M.wale@state-de.us
Bob Leboffe	Gessler Construction Co	610-497-2480	gesslerconstruction@Comcast.net
Matt Ruff	JJID	302-363-2004	Mruff@JJID.com
Lewis Allen	JMC CONTRACTORS	610-420-9111	JMCCONTRACTORS@comcast.net
Mark Strickland	CENTURY ENG.	302-734-9188	MSTRICKLAND@CENTURYENG.com

NVF – WETLANDS CONSTRUCTION

12/18/2018