

April 16, 2025

Subject: Eastern Trail WIN 019426.00 & 019426.10

Location: Scarborough and South Portland

Amendment No. 3

Dear Sir/Ms.:

Please make the following changes to bid documents:

In the Bid Book:

REMOVE Section 105 General Scope of Work (Environmental Requirements) and **REPLACE** with attached Section 105 General Scope of Work (Environmental Requirements):

The following questions have been received:

Question: Would the town consider a one-week extension for preparation of bids? New bid date of 04/24/2025?

Response: Yes, refer to addendum 2.

Question: The CSX PUBLIC PROJECT INFORMATION MANUAL and PROTECTION OF RAILROAD TRAFFIC AND STRUCTURES SPECIAL PROVISION refer to tracks as fouled and subject to hazard when any object is brought nearer than 25ft. to the gauge line of the near rail of the track. There are 4ea. lines of tracks that run through the CSX Crossing Site, but 3ea. sets of these tracks appear to be abandoned and unusable. Can you please clarify whether this 25' offset is from the near rail of all 4 lines of tracks, and if not – which of the lines of tracks this applies to?

Response: The 25' offset shall apply to all track lines.

Question: The CSX PUBLIC PROJECT INFORMATION MANUAL Appendix Section III.A.3 states "All lifting equipment , rigging devices and other load bearing elements shall have a rated (safe lifting) capacity that is greater than or equal to 150% of the load it is carrying, as a factor of safety.". If utilizing a 2-Crane lift, does that require that each crane must be required to have a capacity of 150% of their individual anticipated load AFTER already derating each crane to 75% of their rated capacities?

Response: The intent is for the collective capacity of the cranes to be greater than or equal to 150% of the weight that they are anticipated to lift together.

Question: Special Provision Section 528.03 states, "Unless otherwise specified, all material shall be fabricated prior to preservative treatment." Is the intent that all cuts, holes for carriage & lag bolt fasteners, etc. are also made prior to treatment?...

Response: Yes, all anticipated cuts and holes shall be made prior to preservative treatment.

Question: Should the bond be made payable solely to The Municipality of Scarborough, or does The Maine Department of Transportation need to be included also?

Response: The bond payment should be made to the Municipality of Scarborough only.

Question: Special Provision Section 105 – (Environmental Requirements – Federal Consultation) Section I states:

- a. Tree clearing shall not be allowed when bats may be active within the project area: April 15 – October 31 (Clearing is allowed November 1 – April 14), and
- b. If tree clearing is not expected to be complete by April 15, 2025 additional coordination will be needed and the Town or it's designated representative must contact the MaineDOT Environmental (ENV) Office by April 1.

Has MaineDOT ENV been notified, and is there opportunity for confirmation of bat activity or inactivity in the project area to allow for clearing prior to November 1, 2025?

Response: The MaineDOT Environmental Office has been notified. Refer to the revised Special Provision 105.

Question: There is a note on the Army Core permit that states they are reissuing this permit with updated dates. Assuming work cannot commence until it has been reissued; when is this permit expected to be received?

Response: The updated permit is currently under review by the Army Corp. There is no expected date for when the permit will be issued.

Question: Special Provision Section 528.03 states, "Unless otherwise specified, all material shall be fabricated prior to preservative treatment.", but section 528.11(a) states "...Cuts, abrasions, and holes bored after treatment shall be treated with two coats of copper naphthenate solution...." Does this mean that all cuts and holes need to be done prior to timber treatment – with the copper naphthenate solution procedure for miscellaneous changes in the field. Or just that the raw timbers should be cut and planed prior to treatment – then when making cuts to length and drilling holes for actual fabrication of the bridge structure you have to use the procedure in 528.11(a)?

Response: The intent is for all anticipated cuts and holes to be made prior to application of the preservative. Section 528.11(a) provides guidance on how to treat the wood in areas where unanticipated cuts and holes are needed.

Question: Please confirm that grubbing unsuitable material as directed by resident shown on the typical sections will be measured and paid under item 203.20.

Response: Grubbing unsuitable material will be paid under item 203.20 in accordance with Section 203 of the Standard Specifications.

Question: There are discrepancies in takeoff quantities of earthwork related items that cannot be verified without existing and design elevations for the complete trail. Please provide the information on how quantities for items 203.20, 203.24, and 304.10 were obtained at station 104+50 to 116+00 and 126+50 to 183+00.

Response: Quantities for this segment of trail were estimated by using average end areas from a design model. Since no proposed elevations are given for these segments of trail, actual quantities should be measured in the field for accurate payment.

Question: Will the crushed stone fill outside of the MSE wall reinforced fill zone as shown on sheet 44 and 45 be measured and paid under item 203.35?

Response: Crushed stone fill outside of the MSE wall reinforced zone shall be paid under item 203.35.

Question: Can the contractor use the section of Eastern Trail and the Access Road to the pump station from Desfosses Ave for access to the Nonesuch River Crossing?

Response: Access from Desfosses Ave using the access road to the pump station is not explicitly provided by the Contract. If the Contract wishes to use this road for access the Contractor should pursue an agreement with the landowner.

Question: In references to activities requiring de-energizing, given the number of pile, pile lengths, and close proximity to the power lines and railroad tracks, can additional days be allowed for driven pile at the two abutments and piers.

Response: The number of days allowed for de-energizing the lines has been increased from 3 days to 10 days. Refer to addendum 2.

Question: Please confirm the allowable time for deenergizing the CMP lines at the two bridge sites is limited to just one 3-day period during each spring and fall time frame? Or will multiple 3-night closures be allowed at each site per season? If limited to only 1 3-night closure per season is allowed, construction schedules could be severely delayed should unforeseen conditions occur, and certain work activities not completed.

Response: The number of days each closure can occur has been increased from 3 days to 10. Refer to addendum 2. In addition, each closure period is for each bridge site.

Question: Will contractors be eligible for compensation for cancelation of 3-night closures, when “little advance notice” is given by CMP due to increases in electrical demand?

Response: Contractors will not be eligible for compensation in the event of cancellation of the closures.

Question: Would CMP consider insulating lines to avoid the need for 3-night closure windows? This would avoid disturbance to neighbors due to pile driving activity at night and tight work windows for critical work.

Response: Based on past discussed with CMP, it is unlikely that CMP would allow this. The Contractor should expect to need to adhere to the restrictions as noted in the updated 104 specification which now allows for a 10 – night closure window. If the Contractor wishes, they may discuss this further with CMP at the pre construction meeting.

Question: Could there be an allowance established for incidental work associated with railroad costs, specifically inspection/flagging outlined in section SP 104 Utilities 21. Inspection/Flagging?

Response: There will be no allowance for the Contractor associated with railroad costs as outlined in SP 104 Utilities. The Town of Scarborough will be paying for railroad flaggers as outlined in the 104 specification.

Question: Can there be a time extension for the bid?

Response: Yes, refer to addendum 2.

SPECIAL PROVISION
SECTION 105
GENERAL SCOPE OF WORK
(Environmental Requirements)

- I. In Stream Work consists of any activity conducted below the normal high water mark of a river, stream, brook, lake, pond or “Coastal Wetland” areas that are subject to tidal action during the highest tide level for the year which an activity is proposed as identified in the tide tables published by the National Ocean Service.
<http://www.oceanservice.noaa.gov/>
- A. In Stream Work shall not be allowed between the dates of October 1 and July 14
(in stream work is allowed from July 15 to September 30, this is the “In Stream Work window”)
- B. The In Stream Work window applies to the following water bodies at the following approximate locations:
1. Nonesuch River crossing at Sta. 100+20
 2. Unnamed stream (“A”) crossing at Sta. 162+92
 3. Unnamed stream (“B”) crossing at Sta. 174+25
 4. Unnamed stream (“C”) crossing at Sta. 175+58
 5. Unnamed stream (“C”) crossing at Sta. 176+26
- C. To avoid and minimize potential effects to endangered bat species all work must comply with the following:
1. Tree clearing shall not be allowed when bats may be active within the project area: April 15 – October 31 (Clearing is allowed November 1 – April 14).
 2. If tree clearing is not expected to be complete by April 1, 2025 additional coordination will be needed and the Town or its designated representative must contact the MaineDOT Environmental (ENV) Office.
 3. If the Contractor witnesses a bat (dead or alive), any activities that may injure any live bats must cease immediately and must contact the ENV Office for further coordination. Dead and/or injured bats will be collected by a MaineDOT Biologist for further investigation or transfer to a veterinarian. Work in the vicinity of the live/dead bat sighting will not resume until the ENV Office or project resident confirms it is acceptable to do so.
- D. To protect migratory birds pursuant to the Migratory Bird Treaty Act of 1918:

1. If the Contractor observes an active bird nest within the project limits, any activities that may disturb the nest or injure birds (i.e., nesting adults, chicks, eggs) must cease immediately, and the Contractor shall contact the ENV Office for further coordination.

E. Approvals:

1. Temporary Soil Erosion and Water Pollution Control Plan
2. Maine Department of Environmental Protection Permit
 - a. L-28061-NJ-D-N
 - b. L-28061-TE-E-N
 - c. L-28061-2F-F-N
3. United States Army Corps of Engineers Permit

F. All activities are prohibited below the normal high water mark if outside the prescribed in water work window, except for the following:

1. Work within a cofferdam constructed according to MaineDOT's Standard Specifications and in adherence with the contractors approved "Soil Erosion and Water Pollution Control Plan".

G. No work shall be allowed that completely blocks a river, stream, or brook without providing downstream flow.

H. Special Conditions:

1. Conditions of the Maine Army Corps of Engineers General Permit shall apply to this project (see permit and conditions in the contract document).
2. Conditions of the Maine Natural Resources Protection Act Permit shall apply to this project (see permit and conditions in the contract document).

NOTE: Regulatory Review and Approval shall be required to modify the existing In Stream Work window. Requests for work window extensions shall be submitted to the Engineer. Approval of request for work window extensions shall not be guaranteed and may result in delays in construction schedule that shall be the sole responsibility of the contractor.