



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

ROY COOPER  
GOVERNOR

J. ERIC BOYETTE  
SECRETARY

May 22, 2023

**NOTICE TO PROSPECTIVE BIDDERS**

**Contract Number:** DN12080720  
**TIP Number:** N/A  
**Federal Aid Number:** State Funded  
**WBS Number:** 14.102011, ETC  
**County:** Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Polk, Swain, and Transylvania  
**Location:** Various Routes Throughout Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Polk, Swain, And Transylvania Counties  
**Description:** ID/IQ On-Call Slope Stabilization Services  
**Project Length:** To Be Determined at the Work Order Level  
**Letting Date:** June 13, 2023

The Department of Transportation does not exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by this program on the basis of race, color, sex, political affiliation/ influence, or national origin.

This proposal was advertised previously but had to be withdrawn from the letting due to last-minute questions/concerns posed by a bidder that could not be answered in the short time that remained for advertisement. Since that time, the proposal has been significantly revised to meet the current needs of the Department.

Below is a list of those questions that were posed by a bidder, along with the corresponding responses to those questions/concerns:

**Question/Concern 1:** "What performance and payment bond value should be anticipated for the ID/IQ contract given the bid value is not indicative of work to be performed?"

**Response 1:** The nature of this contract is such that there is no foreknowledge of a given slope repair service scope, thus there is no corresponding payment and performance bond amount that can be predicted. If the estimated value of a work order scope is \$450,000 or higher, then that would trigger payment and performance bonds. Also, keep in mind that the Department may require payment and performance bonds at any time that it feels there is an undesired risk to the Department. For this bid submittal, a bid bond will be required, but payment and performance bonds will not be required as a part of the contract execution, but

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may be required at the work order level, depending on the scope of the work order assignment.

**Question/Concern 2:** “Non-Exclusive Contract, and Page 10, Work Order Assignment (multiple awards) for IDIQ: How does the Department plan to conduct site visits with multiple contractors to establish lowest price work order within the 48-hour time between invitation to site visit and proposal outlined by this specification? Lower unit prices (bid) are not indicative of more efficient/effective designs and may result in higher site repair costs to NCDOT.”

**Response 2:** The Multi-Year Maintenance Contracts (ID/IQ) provision has been removed so that you eliminate the concerns.

**Question/Concern 3:** “The proposal states “the Bidder must show that they have sufficient personnel and equipment capacity to design, supervise, and repair multiple sites within a timely manner, and have extensive experience repairing retaining walls, slopes, and other features. - Is there a form that this information should be submitted on or is a statement of qualifications to be included with the bid documents so that NCDOT can determine if a bidder is truly responsive to all the specification requirements?”

**Response 3:** The multi-site requirement has been removed.

**Question/Concern 4:** “The Bidder must show that they have sufficient personnel and equipment capacity to design, supervise, and repair multiple sites” – How many sites should the contractors be prepared to service simultaneously?”

**Response 4:** The multi-site requirement has been removed.

**Question/Concern 5:** “States “There will be no direct pay for Mobilization as it will be incidental to the other bid items” and later “There will be no minimum quantities for any line item associated with a particular mobilization: Would the Department consider adding a “Work Order Mobilization” line item? The absence of a work-order mobilization line item, places significant risk to the contractor on small projects, and significant risk to NCDOT on larger projects since any costs to mobilize crew, equipment and materials to a job must be distributed into unspecified quantities. Sites with larger quantities would result in significantly higher work order cost to the Department.”

**Response 5:** NCDOT is now allowing for routine mobilization per each on ID-IQ contracts, so mobilization will no longer be incidental to other pay items in the contract.

**Question/Concern 6:** “Under work in National Forest section, should it be expected that items such as site restoration, ROW locate, clearing, erosion control and other ancillary items will be covered by the DOT as outlined in Department Scope?”

**Response 6:** For inside National Forests, NCDOT will perform ROW locate, clearing, and EC. ‘Site Restoration’ is too vague for the Department to agree to. The contractor shall leave the worksite in a finished-graded condition, free of waste materials. The Department is responsible for permanent restoration items such as vegetation establishment, slope armoring and plating and re-forestation.

**Question/Concern 7:** “Will aggregate backfill line item be eligible for a fuel surcharge under the “Aggregate Base Course” line?”

**Response 7:** No, aggregate backfill is not eligible for a fuel price adjustment.

**Question/Concern 8:** “Will the shotcrete line items be eligible for a fuel surcharge under the ‘Portland Cement Concrete Pavement’ line?”

**Response 8:** No, shotcrete is not eligible for a fuel price adjustment.

**Question/Concern 9:** “Soil nails and micropiles are not explicitly named in the eligible bid items for steel price adjustment. Are they considered "reinforcing steel (bridge)", "encasement pipe", or "permanent steel casings for (dia drilled pier), or "approx....lbs structural steel?"

**Response 9:** No, since soil nails and micropiles are not explicitly named in the eligible bid items for steel price adjustment there will be no price adjustment.

**Question/Concern 10:** “Similar to above, wire mesh (Type 1 & 2) is not explicitly named in the eligible bid items for steel price adjustment. Please confirm if all pinned and draped mesh will be eligible for payment under “fence items” Category 5.”

**Response 10:** No, since wire mesh is not explicitly named in the eligible bid items for steel price adjustment there will be no price adjustment.

**Question/Concern 11:** “Under Department Scope, can the following items be added under #2: Clearing, grubbing, potholing of utilities.”

**Response 11:** The Department will be responsible for clearing and grubbing. The Contractor shall be responsible for all utility locates and for resolving all utility conflicts that impact the project.

**Question/Concern 12:** “Under Department Scope, can the following items be added under #13: Flagging personnel and MOT plans.”

**Response 12:** The Contractor shall be responsible for all traffic control during the life of the project. Pay items and a provision have been added to address traffic control.

**Question/Concern 13:** “Can site restoration, potable water supply, and yard space for materials be added to the list under Department Scope?”

**Response 13:** See last 3 sentences of Response Number 6 to address the question regarding site restoration. The Contractor shall be responsible for supplying and transporting the potable water. The Department will designate locations within its maintenance yard to use as yard space while a repair is in progress.

**Question/Concern 14:** “Previous versions of the NCDOT slope stabilization contract, and other similar geohazard contracts issued by other DOT Agencies across the country require contractors and engineers to jointly endorse a 5-year performance warranty given the expedited process that is often used to design and construct the solutions and the associated

risks the state assumes by following an expedited process. In considerations to those risks. Is a 5-year warranty no longer required for this contract?"

**Response 14:** A 5-year Performance Bond shall be required to guarantee materials and workmanship against latent and patent defects arising from faulty materials, faulty workmanship or negligence for this contract. The 12-month Performance Bond requirement has been removed; however, 12-month Payment Bond shall still be required.

**Question/Concern 15:** "Part A- states "The Contractor will not be responsible for damage due to faulty design..." Unlike in bid-to-spec construction projects, the design is the Contractor's design, **should the Contractor be responsible for a faulty design?** The twelve-month express warranty is significantly shorter than the statute of repose in North Carolina. An express warranty generally similar in duration to the statute of repose seems appropriate."

**Response 15:** See **Response 14** above.

**Question/Concern 16:** "Part B, 2nd paragraph- is this intended for maintenance type repairs? What if the Contractor's repair does not perform well, should they be asked to return to the site to make repairs/additional work?"

**Response 16:** See **Response 14** above.

**Question/Concern 17:** "Under the line-item Horizontal Drains, could this be modified to note "up to 30 feet"? Can a 2nd Horizontal Drains line item be added to note "30+ feet"? Generally, the methods and equipment for installing deeper subsurface drains vary from shallow subsurface drains and both are useful items to have for the contractor's engineers to design with."

**Response 17:** The provision for Horizontal Drains, SP8 R17, has been revised to indicate lengths less than or equal to 30 linear feet and lengths greater than 30 linear feet.

**Question/Concern 18:** "Given the distances listed in Table 1101-1 are not likely achievable for most sites in the Appalachian region, consider adding a note "unless otherwise approved by the work-order specific maintenance of traffic plan" or similar."

**Response 18:** The provision, Material and Equipment Storage & Parking of Personal Vehicles, 1101 SP11 R03, shall remain unrevised; the Contractor shall have the burden of meeting the provision stipulations.

**Question/Concern 19:** " "use a prequalified design consultant", is it the intent of the department to require the bidding contractors who have in-house engineering to engage with a prequalified wall consultant for work performed under this contract if they are already prequalified for the work codes AND have in house registered professional engineers? Will a representative of the contractor's pre-qualified consultant be required to attend the site visit within 24 hours such that the written estimate of materials delivered 24 hours after the site visit is fully backed by the Engineer of Record and representative of a valid engineer's estimate vs a contractor's guess?"

**Response 19:** The Submittal Method section of the provision, Design Plan Submittal, has been revised to include the wording "prequalified in-house staff."

**Question/Concern 20:** “Header states, ‘Bidder may bid all or any combination of services in this section’ Are bidders required to bid all line items in the proposal? The header on Page 76 contradicts statement from Page 5 that says, ‘bidder shall submit a price for every line item’.”

**Response 20:** The Proposal has been revised, eliminating the multi-award provision; it is now a single award condition.

**Question/Concern 21:** “Could a line item for the geotextile fabric be added (per SF) for the Geosynthetically Reinforced Wall? This would allow for fair compensation at various base: height ratios of geosynthetic reinforced zones that are expected based on differing site-specific geometry requirements.”

**Response 21:** A pay item for Geotextile for Soil Stabilization (SF) has been added to the bid item sheet, along with the corresponding provision in the Roadway section of the Proposal.

**Question/Concern 22:** “Under Rock Slope Scaling, may a line item for temporary rockfall protection be added (cost per day)? In cases where there is insufficient ditch for scaled debris, temporary rockfall protection may be utilized to prevent damage attributed by the Contractor’s means and methods. Alternately, will NCDOT be willing to bring in steel plate or sand to provide temporary protection of the asphalt surface when scaled materials are expected to impact the travel lanes?”

**Response 22:** The Department will discuss the temporary rockfall protection required for a given field condition. Once the required protection has been determined, the Department will either provide that protection or negotiate with the Contractor to have the Contractor supply the same.

**Question/Concern 23:** “*Materials used for soil nails and micropiles shall be readily available standard geotechnical industry items such as casing, continuous threaded solid bars, and continuous threaded hollow bars with sacrificial bits.*” – How is the state validating a bidder’s ability to mobilize within 24 hours with all of the materials that could be required under this IDIQ.”

**Response 23:** No validation will be made at the time of award. The Contractor will be subject to assessed liquidated damages if they do not meet the mobilization time requirements.

## **BIDDER REQUIREMENTS**

**There is NO pre bid meeting associated with this proposal.**

## **BID OPENING**

Sealed bids must be received in the Division 14 Office at 253 Webster Road, Sylva, NC 28779 by 2:00 PM on Tuesday, June 13, 2023. Bids will be opened and publicly read at NCDOT Division 14 Office, 253 Webster Road, Sylva NC, at the above date, shortly after the time that the bids submissions are due. The As-Read Bid Summaries will be posted with 48 hours of the bid opening. Results **will not** be provided by any other means than posting to the website.

## **BID DOCUMENTS**

The contract proposal, and supplemental project information are available online at <https://connect.ncdot.gov/letting/Pages/Division.aspx>.

The printing of all bid-related documents, including the proposal, plans, and any supplemental project information shall be the responsibility of the bidder. Division 14 no longer provides hard copies of bid documents.

## **SUPPLEMENTAL BIDDING INFORMATION**

### **ADDENDA**

- All addenda files will only be posted on the Division 14 Bidding & Letting website: <https://connect.ncdot.gov/letting/Pages/Division.aspx>

### **ASSISTANCE**

- Project specific questions should be directed to the Division 14 Contract Office at [d14contracts@ncdot.gov](mailto:d14contracts@ncdot.gov).