

Ohio Department of Transportation

Prebid Questions

Project No. 050520

Sale Date - 10/21/2005

Question Submitted: 10/11/2005

Question Number: 1

Proposal Notes on page 41 (Special Clauses in the Proposal - Norfolk Southern Railway Company, item 6.), and page 45 (Special Clauses in the Proposal - GCRTA Grade Separation, item 6.) indicate that NS Railway, GCRTA and the City of Cleveland are to be named, along with the State of Ohio, as MULTIPLE OBLIGEES on our Bond (performance and payment). Is it mandatory that these entities be favored in this way ? Also, what protection is granted the Contractor from potential abuse of the rights given by such obligation to the third parties so named? Would the State consider amending the language to satisfy the concerns of our Surety with regard to the additional risks assigned to the Contractor and ultimately the Surety as a result of the Multiple Obligee requirement?

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Question Submitted: 10/12/2005

Question Number: 2

Proposal notes on pages 41 and 45 reference ORC Section 5525.16 and states this ORC requires the bond be in favor of the State of Ohio, City of Cleveland, Norfolk Southern and the GCRTA. However, ORC 5525.16, states additional obligees are required for "grade separation projects". This is not a grade separation project. Furthermore, in cases where a grade separation does exist, it states the bond "will indemnify any railroad company involved". The City of Cleveland and the GCRTA are not railroad companies.

We request the additional obligees be removed from these notes.

At a minimum the City of Cleveland and the GCRTA should be removed.

A copy of ORC 5525.16 is below for your reference.

5525.16. Contract performance bond; payment bond.

(A) Before entering into a contract, the director of transportation shall require a contract performance bond and a payment bond with sufficient sureties, as follows:

(1) A contract performance bond in an amount equal to one hundred per cent of the estimated cost of the work, conditioned, among other things, that the contractor will perform the work upon the terms proposed, within the time prescribed, and in accordance with the plans and specifications, will indemnify the state against any damage that may result from any failure of the contractor to so perform, and, further, in case of a grade separation will indemnify any railroad company involved against any damage that may result by reason of the negligence of the contractor in making the improvement.

(2) A payment bond in an amount equal to one hundred per cent of the estimated cost of the work, conditioned for the payment by the contractor and all subcontractors for labor or work performed or materials furnished in connection with the work, improvement, or project involved.

(B) In no case is the state liable for damages sustained in the construction of any work, improvement, or project under this chapter and Chapters 5501., 5503., 5511., 5513., 5515., 5516., 5517., 5519., 5521., 5523., 5527., 5528., 5529., 5531., 5533., and 5535. of the Revised Code.

This section does not require the director to take bonds as described in division (A) of this section in connection with any force account work, but the director may require those bonds in connection with force account work.

If any bonds taken under this section are executed by a surety company, the director may not approve such bonds unless there is attached a certificate of the superintendent of insurance that the company is authorized to transact business in this state, and a copy of the power of attorney of the agent of the company. The superintendent, upon request, shall issue to any licensed agent of such company the certificate without charge.

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The bonds required to be taken under this section shall be executed by the same surety, approved by the director as to sufficiency of the sureties, and be in the form prescribed by the attorney general.

(C) Any person to whom any money is due for labor or work performed or materials furnished in connection with a work, improvement, or project, at any time after performing the labor or furnishing the materials but not later than ninety days after the acceptance of the work, improvement, or project by the director, may furnish to the sureties on the payment bond a statement of the amount due the person. If the indebtedness is not paid in full at the expiration of sixty days after the statement is furnished, the person may commence an action in the person's own name upon the bond as provided in sections 2307.06 and 2307.07 of the Revised Code.

An action shall not be commenced against the sureties on a payment bond until sixty days after the furnishing of the statement described in this section or, notwithstanding section 2305.12 of the Revised Code, later than one year after the date of the acceptance of the work, improvement, or project.

(D) As used in this section, "improvement," "subcontractor," "materialman," and "materials" have the same meanings as in section 1311.01 of the Revised Code, and "contractor" has the same meaning as "original contractor" as defined in that section.

HISTORY: GC § 1178-64; 121 v 455; Bureau of Code Revision, 10-1-53; 135 v H 200 (Eff 9-28-73); 135 v H 145 (Eff 10-31-73); 136 v H 1 (Eff 6-13-75); 141 v H 2 (Eff 9-4-85); 143 v H 238 (Eff 4-10-91); 144 v S 338 (Eff 4-16-93); 146 v S 287. Eff 3-13-97.

The bidding documents have been reviewed by the Office of Contracts administration and we have been advised that the the Proposal notes referred to are correct and clear.

Question Submitted: 10/12/2005

Question Number: 3

1) Please provide clarification of the time constraints on this project. The following provided information is resulting in some confusion.

- a. proposal indicates completion of 9/30/06 which would be extremely difficult to achieve)
- b. Detour limitation indicated on the sign detail on plan page 6/98 states 365 day closure (this closure limitation is not mentioned anywhere else and there is less than 365 days before the above mentioned completion date)
- c. Ref 132 field office is for 24 months (this doesn't coincide with the previous information)

2) Please confirm the substructure removal note on plan page 57/98 doesn't apply to pier removal.

3) Plan note for Item 530 Special - Structure Misc. Temporary false work and protective structures on plan page 59 and 60/98 are confusing. The 1st paragraph on page 60 indicates "minimal clearance between GCRTA eastbound and NS south industrial lead track and will not permit placement of temporary false work supports." Two paragraphs later we are required to submit proposed temporary horizontal clearances for these two tracks. So can we put a support between these track or not? Also, please provide track usage and speed information for the NS south industrial lead track.

Question Submitted: 10/13/2005

Question Number: 4

There are existing overhead utility lines running along the left side of the bridge. Are these being removed by the utility companies? The utility note in the proposal states that CEI will be removing poles, is this the utility in question or is it another location which we can not find? Where are the Qwest and MCI utilities located which are to remain active? Typically the utility notes are written with stations and offsets to easily identify which utilities are being described, can this be added to the note?

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Question Submitted: 10/3/2005

Question Number: 5

1. On page 46 of the proposal, the number of GCRTA trains is listed as "200 passenger trains per @ 60 miles per hour." Is this supposed to read per day?

2. What designation on page 53 of the proposal do these particular GCRTA tracks fall under (red line, blue/green line, or waterfront line)?

3. Will ODOT be paying for all flaggers required for this project or will the contractor be required to include the cost of flagging in the bid?

200 trains per day. Red line Odot will pay for force account work directly to Norfolk Southern. See page 46 of the proposal, section 7 paragraph 3. "The contractor shall provide and pay for GCRTA certified flaggers to protect railroad traffic made necessary or occasioned by his operations."

Question Submitted: 10/3/2005

Question Number: 6

1. Please provide the existing bridge plans ASAP on the ODOT ftp site for the contractors use.

2. Will ODOT be providing an official site visit where the contractors can access the track area under the bridge? We strongly encourage ODOT to do this during the week of 10/3 to give all bidders time to incorporate the findings into the bids.

Plans are available at the district 12 office between 8am-4pm Mon-Friday. The City or Odot will not provide for an official site visit. Odot recommends that you contact the perspective railroads to enter their property.

Question Submitted: 10/4/2005

Question Number: 7

Please verify that the plan quantity of 885 FT for reference No. 114, Concrete Railing, is correct. Shouldn't it be the same as the Vandal Protection Fence item No. 122 which has a quantity of 807 FT?

The quantity for Concrete Railing, Ref No. 114 is larger than the quantity for Vandal Protection Fence, Ref. No. 122 because there is no fence on the railing located on the southeast wingwall. Per Sheet 72, the railing quantity for the wingwall is 78 Feet, which is the difference between the two items. Fence goes along the entire superstructure (both sides) and along both approach slabs.

Question Submitted: 10/5/2005

Question Number: 8

Ref. 126- Concrete-Encased Conduit Banks- What is the standard bury depth to the top of the encasement? The plans give depths of knockouts in new manhole, but no actual bury depth is given. Also- plan sheet 48- under the installation portion of this item, it is indicated that "necessary spacers" being placed at no greater than 5' on center. Is there any detail or are we to assume to refer to the detail shown for the bridge-supported conduit bank on sheet 52?

1) The bury depth is controlled by the depth at the abutment backwalls, which is detailed in the plans. At the manholes, the depth is determined by the manhole details. The conduit runs in between are shown on the Cross Sections, Sheets 16-23, to be similar depth to the existing duct bank. This depth varies slightly, but is APPROXIMATELY 4.5 to 5 feet from finished pavement to top of concrete encasement. This depth is less at the abutments, and must be lowered beyond the transition to the PVC conduit. All this work must be installed as directed by CPP, and to fit actual field conditions. 2) The "necessary spacers" are mentioned in the last sentence of the fourth paragraph of the "ITEM 625 - Lighting, Misc. Concrete Encased Conduit Banks" note on Sheet 48. The detail on Sheet 52 only applies to the FRE ducts supported under the bridge. These "necessary spacers" hold the 8" c/c spacing of the conduits while the concrete is being poured. These plastic spacers are readily available from the conduit suppliers such as Osburn Associates, Inc. Sizes are made for various conduit sizes and spacings. There is no need to provide a "detail" for these standard items.

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