



March 6, 2024

**TO: Holders List**

**SUBJECT: 071940 Banana Yard Rail Switch Upgrade 2024**

**Responses to Bid Questions #1**

1. BIDDER QUESTION Q-001984

The project specifications state "Rail, switch points, and frog castings shall be new, fabricated in the United States. With the exception of turnout BUB-1 all rail shall be 115RE as shown on the Drawings and conform to Section 34 05 17 "Railroad Work". There is a Buy America contract requirement."

Our question is regarding the Buy America requirement for the frogs. The frogs on this project contain manganese inserts. Based on prior experience bidding recent projects, 4 different trackwork suppliers have all indicated that they either have extremely long lead times for the domestic manganese inserts, or in some case they were unable to provide a quote at all. The suppliers who were able to quote frogs with domestic manganese inserts advised us that the lead time for those frogs was at least a year. Typically, frogs have a two-to-three-month lead time. In addition to the year long lead time, the cost was quote as \$5,000 to \$10,000 more for the frogs with manganese inserts.

Is it possible to obtain a waiver from the Buy America requirement for the Manganese Inserts on the frogs? This would prevent a significant delay in material procurement as well as avoiding an additional cost of up to \$10,000 per turnout. All other turnout components are available domestically with a reasonable lead time.

**RESPONSE**

The Port has engaged with FRA on requesting a waiver. A waiver request for manganese frogs is not likely. See addendum #2 for adjustment to contract time to allow for Buy America eligible frogs.

2. BIDDER QUESTION (email)

Does the above project currently have an estimated value, mobilization date, and completion date?

## RESPONSE

See Section 00 11 13 – Advertisement for Bids of the solicitation.

### 3. BIDDER QUESTION Q-001990

The specifications for Geotextile Fabric seem to have been missed. Please provide the specification for the Geotextile Fabric.

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#### 2.02 GEOTEXTILE SEPARATION FABRIC

##### A. 2.03 OFF-SITE BORROW SOURCE CHARACTERIZATION

## RESPONSE

The following text shall be inserted into Paragraph 2.02 of Section 31 00 00

#### 2.02 GEOTEXTILE SEPARATION FABRIC

- A. Geotextile separation fabric shall be a non-woven, needle punched geotextile made of polypropylene filament with a minimum tensile strength of 250 lbs in accordance with ASTM D-4632, minimum puncture strength of 150 lbs as determined per ASTM D-4833, minimum CBR puncture strength of 600 lbs as determined by ASTM D-6241 and water flow rate of 80 gal/min/sf as determined by ASTM D-4491.

### 4. BIDDER QUESTION Q-001991

Specification section 34 05 17 2.01B references Buy America Requirements section 00 73 00 Supplementary Conditions. Is this specification section 00 73 00 available? One of the major special track suppliers wants to know if it's OK to use non-domestic inserts, non-domestic manganese frog castings and non-domestic manganese tips for switch points to meet the contract time requirements.

## RESPONSE

The following text shall replace in whole Paragraph 2.01B of Section 34 05 17

- B. All materials shall be new and meet Buy America requirements outlined in the Additional Information included in Section 00 11 13.

In addition, see response to Bidder Question Q-001984 for additional information on the use of non-domestic track elements.

### 5. BIDDER QUESTION Q-002026

Section 01 74 16, 1.02B states that "Soils excavated within the projects areas, as shown on the drawings, are anticipated to be free of contamination..." Does this include the ballast? Please confirm that if hazardous materials/hazardous waste is encountered that the Port would be considered the generator and sign any necessary generator manifests.

## RESPONSE

Yes, the ballast is considered excavated soils that fall under Section 01 74 16 1.02B. As stated the soils are anticipated to be free of contamination. In the event that the ballast is tested and confirmed to be contaminated then that would be a change in conditions. Additionally, the Port would be the waste generator in this case.

### 6. BIDDER QUESTION Q-002025

Please define the requirements for when a railroad flagger would be required vs. a spotter as described in Bid Item 11, and what the requirements are for a qualified spotter.

## RESPONSE

Please see Code of Federal Regulations (CFR) Title 49 Subtitle B Chapter II Part 214 for the definition of railroad flagger "Flagman" and spotter "Watchman/lookout." Part 214 also provides the requirements for when a railroad flagger and/or spotter is needed.

### 7. BIDDER QUESTION Q-002024

Please provide whom supplies the railroad flaggers being covered by Bid Item 11 and the cost per day or hour.

## RESPONSE

The bidder or their subcontractor is responsible for providing the railroad flaggers being covered by Bid Item 11.

### 8. BIDDER QUESTION Q-002023

Please clarify which locations comprises the 70 TF in Bid Item 10 Furnish and Install Non-Turnout Track vs. what which track is incidental to Bid Items 7, 8 and 9.

## RESPONSE

Track intended for Bid Items 7, 8, and 9 is shown on sheets C6, C7, and C8. Bid Item 10 covers track between the last common tie and tie 10A of separate turnouts. See G2 and C1 for track stationing and limits of work. After bid at time of shop drawings, the Port can be available to confirm the locations with the Contractor in the field.

### 9. BIDDER QUESTION Q-002022

Section 00 73 16-2, 1.03.4 requires the Contractor to name the Port and Tacoma Rail as insureds on the railroad protective liability ("RPL") policy. Only the railroad may be named as an insured on RPL policies. Please confirm we do not have to include the Port as an insured on the policy.

## RESPONSE

Bidder to provide Railroad Protective Liability insurance per Section 00 73 16 1.03D(3).

10. BIDDER QUESTION Q-002035

34 05 17, 2.01B states that "All materials shall be new and meet Buy America requirements of section 00 73 00 Supplementary Conditions. 00 73 00 is not included in the Project Manual. Please confirm that all materials shall meet Buy America requirements.

RESPONSE

See response to Bidder Questions Q-001984 and Q-001991

11. BIDDER QUESTION Q-002007

While preparing the bid proposal package, we were also reviewing the "Bidder Evaluation Checklist" to be certain that we complied with the requirements and to ensure that we can provide the appropriate documentation in a timely manner if we are the low bidder.

The following URLs are mentioned on page 00 45 13 - 5

<https://fortress.wa.gov/Ini/bbip/>

<http://dor.wa.gov/content/doingbusiness/registermybusiness/brd/>

<http://www.Ini.wa.gov/TradesLicensing/PrevWage/AwardingAgencies/DebarredContractors/>

<https://fortress.wa.gov/esd/twt/pwcinternet/>

Every one of those urls returns a "page not found" error. The last one is especially problematical, as we are trying to obtain the Washington Employment Security Department certificate of coverage letter. We are hoping to apply for this as soon as possible in order to allow for potential delays in having our request processed by the state.

RESPONSE

Updated Manual with new urls has been posted.

12. BIDDER QUESTION Q-002034

Drawing G2 shows estimated locations of the last common tie and the turnout lengths from PS to last common tie with the exception of Turnouts 25 and 26, which are covered under pavement. Drawing C6 shows the length of new No 9 Turnouts to be approximately 107' long. Please clarify if the turnouts are to be per Drawing C6 or modified by the information provided on G2. Please note that modifications to the standard detail will require additional engineering by the special trackwork supplier that

could impact lead times.

RESPONSE

See notes on C6 included in Addendum 1.

13. BIDDER QUESTION Q-002033

There are existing bond wires located on the existing rail. Please clarify if these are simply to be removed with the track removal and no replacement is required.

RESPONSE

Bond wires shall be removed with existing turnout demolition. Replacement of bonding is not required.

14. BIDDER QUESTION Q-002032

Section 00 72 00, 3.12 states “The Contractor shall bear the risk of loss if any of its work directly or indirectly damages or interrupts any utility service or causes or contributes to damages of any nature.” It goes on to state that “Where relocations or removal of utilities is necessary or required, it shall be performed at the Contractor’s sole expense...” No existing utility or utility relocation or removal drawings have been provided making it impossible to quantify existing utilities or any relocations or removals necessary or required. In additional, during the Pre-Bid Meeting, it was mentioned that the switch machines were powered at one time and that the power is still located within the footprint of the work area. Please provide drawings that clarify the extent of anticipated utilities to be encountered or needing relocation or removal, or clarify how this is to be handled through the contract.

RESPONSE

Utilities are generally shown on the plan set. Per Section 00 72 00 3.12 the Port does not guarantee their location therefore the contractor is to engage with locate services to identify utilities in the work area.

15. BIDDER QUESTION Q-002031

Please confirm that all rail joints are to be bolted and all joint materials are required to be new materials supplied by the Contractor.

RESPONSE

Per the contract documents, all materials shall be new materials supplied by the contractor, and rail joints shall be bolted joint bars.

16. BIDDER QUESTION Q-002030

Drawing C4, Detail 1, the 8'-6" dimensions from centerline of track are incorrectly shown. Are they supposed to be dimensioning to tie in point on the top of ballast or to

the toe of the slope? Also, 1 side of the detail calls for the slope to be a 2:1 and the other calls for a 1:1.

RESPONSE

See revised Detail 1 on C4 in Addendum 1.

17. BIDDER QUESTION Q-002029

Section 31 00 00, 2.02 is blank and does not list the requirements of the geotextile separation fabric. Please provide the requirements for the geotextile fabric.

RESPONSE

See response to Bidder Question Q-001990.

18. BIDDER QUESTION Q-002028

If unsuitable subgrade materials are encountered, will the removal and replacement of these materials be paid for via a change order or the Unforeseen Conditions Allowance item?

RESPONSE

Unsuitable subgrade below the existing ballast would be considered a change in conditions and would be addressed via change order or use of the Unforeseen Conditions Allowance as deemed necessary by the Engineer.

19. BIDDER QUESTION Q-002027

If hazardous or contaminated material is encountered, will the haul and disposal of said materials be paid for via a change order or the Unforeseen Conditions Allowance item?

RESPONSE

Section 01 74 16 1.02B states that soils are anticipated to be free of contamination. Soils found to be contaminated would be considered a change in conditions and would be addressed via change order or use of the Unforeseen Conditions Allowance as deemed necessary by the Engineer.

20. BIDDER QUESTION Q-002021

Section 00 72 00-11, 3.09.D – Safety and 00 73 16 -3, 1.04.A requires the Contractor to have the risk of loss of the Work until Final Completion however caused yet the Port is responsible for purchasing and maintaining Builders All Risk Insurance. Very few details are provided about the limits, sub-limits, and coverage extensions to be provided by Owner's policy. It is not equitable to give the Contractor the financial risk of loss for loss or damage to the Work for which it is not able to insure. Please include language in the aforementioned sections limiting the Contractor's risk of loss to the

applicable deductible under the Port's builders' risk policy.

RESPONSE

Answer will be posted soon.

21. BIDDER QUESTION Q-002020

Section 00 73 16, 1.04 B – Section states that unless the Work includes construction, rehab or repair of any dam, road or bridge that the Owner will purchase a Builder's Risk "all-risk" policy. Please confirm that the Port will be providing the builders' risk insurance for this project and if so, please provide the limits, sublimit, and coverage extensions including but not limited to flood, earthquake, LEG 3, off-site storage, in-transit, extra expense, debris removal, pollution cleanup, and contractors continuing expenses and deductible amount.

RESPONSE

Answer will be posted soon.

22. BIDDER QUESTION Q-002019

Section 00 73 16, 1.03 D requires a flow down of coverage to subcontractors. Some of these coverages and limits may not be commercially available or would be cost prohibitive to most subcontractors. Specifically, the requirement for technology errors and omissions should not be flowed down. Please allow the Contractor to require Subcontractors to provide insurance per the Contractor's usual business practices. See proposed modified 1.03D below

D. This insurance shall cover all of the Contractor's operations, of whatever nature, connected in any way with the Contract, including any operations performed by the Contractor's Subcontractors of any tier. It is the obligation of the Contractor to ensure that all Subcontractors (at whatever level) carry insurance per the Contractor's usual business practices. The Port reserves the right to reject any insurance policy as to company, form, or substance. Contractor's failure to provide, or the Port's acceptance of, the Contractor's certificate of insurance does not waive the Contractor's obligation to comply with the insurance requirements of the Contract as specifically described below:

RESPONSE

Answer will be posted soon.

23. BIDDER QUESTION Q-002018

While obtaining material quotes for this project, our turnout supplier stated that they are of the understanding that FRA funding allows the use of foreign manufactured manganese inserts in the frogs.

Can you please confirm if the FRA funding allows the use of foreign mag inserts?

RESPONSE

See response to Bidder Question Q-001984.

24. BIDDER QUESTION Q-002011

During the site walk, we saw some insulated joints within the turnouts and rail head bonds at some of the compromise joints. Are IJ's and head bonds required for new turnouts and crossovers since the turnout drawing (C6) do not show IJ's and head bonds?

RESPONSE

New insulated joints and bonds are not included in the contract.

25. BIDDER QUESTION Q-002009

Are both flagger and spotter required during the shutdowns?

RESPONSE

See response to Bidder Question Q-002025.

26. BIDDER QUESTION Q-002008

During the site visit, it was observed that there are AEI tag readers in the project area, and that most of the track was bonded. We want to confirm that the AEI readers and bonding are to be removed as part of the project, and not reinstalled since the AEI readers are no longer in service.

Please confirm the expectations for these items. Also, if they are removed, do we delivered the salvaged readers to the Port or what is to be done with them?

RESPONSE

Equipment attached to rail and ties being removed shall be removed and not replaced.