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ADDENDUM NO. 1

Date: June 3, 2024
 Project: **Biosolids Land Application Services 2024**
 Job No.: 24580-01

To: All Planholders and Prospective Bidders

The following changes and/or clarifications are hereby made to the Contract Documents and shall become a part of the Contract Documents dated April 2024.

1. Volume 3 Technical Specifications, Division 1, Section 01 10 00 Summary of Work, page 359, 1.04 Contract Description, A.1.b, change as noted in ~~strikeout~~ and in bold, “A minimum of 2.0 million gallons of District liquid biosolids at approximately four percent total solids shall be ~~dredged~~ **removed** from the Sludge Storage Ponds, beginning with Pond B, or as otherwise directed by the District, followed by Pond C, or as otherwise directed by the District. Contractor shall pay special attention during dredging operation as to not damage the existing lining systems of the Sludge Storage Ponds.”
2. Volume 3 Technical Specifications, Division 1, Section 01 10 00 Summary of Work, page 359, 1.04 Contract Description, A.1.c., change as noted in ~~strikeout~~ and in bold, “...the dredged Class B liquid biosolids shall be land applied (~~i.e.~~ **e.g.**, subsurface injected)...”
3. Volume 3 Technical Specifications, Division 1, Section 01 10 00 Summary of Work, page 360, 1.04 Contract Description, C, change as noted in ~~strikeout~~ and in bold, “The Contractor shall maintain compliance with applicable requirements of all federal, state and local laws and regulatory agencies having jurisdiction over activities covered under this Agreement, including, but not limited to the regulatory requirements in effect as of the commencement of this Contract. The Contractor shall be responsible for obtaining all regulatory permits and approvals for executing the Work in accordance with all permits, laws, and regulations, **including:**”

Questions Received from Proposers/Bidders:

The following questions were submitted on or before 5/29/2024, questions that are received after the bid questions deadline may not be answered in addendum. LGVSD responses to the questions are in bold.

1. We respectfully request an extension for submittal of proposal of at least one week to incorporate the answers to the questions and requests for information that are submitted herein.

Response: The District is not considering an extension to the bid opening at this time.

2. Spec page 94 paragraph 1. Please specify what permit required by the contractor for environmental permitting and monitoring.

Response: Please see second full paragraph on page 94, “The Work includes obtaining of all permits, licenses, waste acceptance profiling, and approvals required by federal, state, and local laws and regulations to handle, transport, convey, and reuse wastewater liquid

biosolids by land application (i.e., subsurface injection). The Contractor shall be responsible for complying with the General Order included in the District’s NOA/MRP, in addition to the NOA/MRP Sections listed in Paragraph 5, “Scope of Work” of this Notice Inviting Sealed Bids, as well as all federal, state, and local laws and regulations including monitoring, recordkeeping, and reporting requirements for biosolids land application (e.g., nitrogen compounds, 503 metals, and percent solids at time of land application as required under the General Order). All fees associated with said permits, licenses, insurance, and approvals and all cost to meet biosolids reuse requirements including Contractor’s laboratory testing, monitoring, record keeping, and reporting shall be included in the unit price per dry ton of biosolids removed as paid to the Contractor for said work and no additional compensation will be made therefore.”

3. Spec page 271 site specific and other requirements. Land applied biosolids will be approx. 3%, please confirm how this can be applied if moisture content can not be below 50 %.

Response: Bullet #7 of Section V on page 271, Site Specific and Other Requirements, states, “The application of Class B biosolids containing a moisture content of less than 50 percent is prohibited.” An estimated 4% total solids from the Sludge Storage Ponds would equate to an estimated moisture content of 96%. If the Contractor estimates that the land applied biosolids will be approximately 3% total solids, this implies the material will have a moisture content of about 97%, which is not below 50% moisture content (i.e., 97% moisture content is greater than 50% moisture content).

4. Section 01 10 00 Summary of Work Project Background describes the biosolids as Class B. Please confirm that the biosolids meet all of the criteria for land application under the 40 CFR Part 503 Rule including pathogen reduction, vector attraction reduction and pollutant concentrations and that the District will provide the Notice and Necessary Information as required under 40 CFR 503.

Response: The materials are Class B Biosolids as defined in the 40 CFR Part 503 Rule. The materials specified in the scope of work are routinely tested per the District’s permit requirements, and information can be found in the annual biosolids reporting. The District will share the results of these tests with the selected Contractor.

5. Section 01 10 00 Summary of Work Project Background describes the historical dredging of about 1.5 million gallons at 4 percent solids; can the district provide operational data showing the pumping volume and the actual percent solids of the dredged biosolids?

Response: The District will share the available pumping volumes and measured percent solids of the dredged biosolids with the selected Contractor.

6. Section 01 10 00 Summary of Work 1.04 CONTRACT DESCRIPTION A.1.b. states that "a minimum of 2.0 million gallons of District liquid biosolids at approximately four percent solids shall be dredged". Please clarify that dredging is not a required method and that a lagoon mixing pump could also be used to remove liquid biosolids from the lagoon.

Response: The District does not dictate nor direct Contractor means and methods employed for performing the Work. See Item 1 above for replacing "dredged" with "removed."

7. Section 01 10 00 Summary of Work 1.04 CONTRACT DESCRIPTION A.1.b. states that "a minimum of 2.0 million gallons of District liquid biosolids at approximately four percent solids shall be dredged". Please clarify that the land application of liquid biosolids to the Land application parcel is controlled by the dry ton and the dry ton per acre application rate allowed and that the biosolids can be pumped at the highest percent solids possible and do not need to be limited or controlled to be pumped at "approximately four percent solids."

Response: The land application of liquid biosolids to the Land Application Parcel is controlled by allowable dry ton per acre application rate in accordance with the General Order and noted sections of the District's NOA/MRP (see Section 01 10 00 Summary of Work, 1.04 Contract Description, A.1.c.). The liquid biosolids can be pumped at the highest percent possible and does not need to be limited or controlled to be pumped at "approximately four percent solids." However, it should be noted that should the Contractor opt to increase liquid biosolids total solids concentration beyond the estimated 4% total solids for the purpose of pumping/conveying the material and/or land applying it at the Land Application Parcel, any liquid/wastewater removed from the stream extracted from the Sludge Storage Ponds shall not be returned to the Sludge Storage Ponds or treatment plant (see Section 01 10 00 Summary of Work, 1.04 Contract Description, A.1.d.).

8. Section 01 10 00 Summary of Work 1.04 CONTRACT DESCRIPTION A.1.b. states that "dredging will begin with Pond B, followed by Pond C, or as otherwise directed by the District". Can the District provide certainty as to the Pond that solids will be removed from or at least clarify the criteria to be used to determine the pond where the solids will be removed from.

Response: The District typically rotates sequentially from one Sludge Storage Pond to the next each year for removal of the liquid biosolids (see Page 342 for as-builts of Sludge Storage Ponds). That is, the District empties Pond A in Year 1, followed by Pond B in Year 2, followed by Pond C in Year 3, beginning again with Pond A in Year 4, and so on, with the understanding that the District may remove between one million gallons and 1.5 million gallons annually, requiring removal of up to 500,000 gallons from one or two of the other/remaining Sludge Storage Ponds after the primary Sludge Storage Pond has been emptied (i.e., each Sludge Storage Pond has about one million gallons of storage capacity); this practice is consistent with how the District conveys the liquid biosolids from its treatment

plant to the Sludge Storage Ponds where the youngest solids primarily remain in the Sludge Storage Pond that was emptied the prior year.

Liquid biosolids were removed from Pond A in 2023, and therefore “dredging will begin with Pond B, followed by Pond C, or as otherwise directed by the District” – for clarification purposes, the intent of the cited language, “or as otherwise directed by the District” is to offer the District and Contractor some flexibility as to choice of Sludge Storage Ponds to remove up to approximately one million gallons of additional liquid biosolids after removing approximately one million gallons of liquid biosolids from Pond B (emptying it), thus allowing for removal of liquid biosolids from Pond C and Pond A as needed to obtain the total additional one million gallons of liquid biosolids (e.g., Pond C may have less than one million gallons of liquid biosolids stored in it at the time Contractor performs Work). Note: the request to remove up to 2 million gallons of the liquid biosolids from the Sludge Storage Ponds is a 500,000 gallon increase from historical practice.

9. Section 01 10 00 Summary of Work1.04 CONTRACT DESCRIPTION A.1.c. states that "the dredged Class B liquid biosolids shall be land applied (i.e. , subsurface injected)" . Is subsurface injection required to meet vector attraction reduction or can the biosolids be surface applied?

Response: See Item 2 above replacing “i.e.” (that is) with “e.g.” (for example). For clarification purposes, liquid biosolids shall be land applied in accordance with the General Order (e.g., which includes 40 CFR 503 requirements) and noted sections of the District’s NOA/MRP. The District does not dictate nor direct Contractor means and methods it may employ to perform the Work.

10. Section 01 10 00 Summary of Work1.04 CONTRACT DESCRIPTION A.1.e. 2. describes the collection of daily composite sludge samples on sludge removal days and delivery to the District lab. This is different from the Section 01 10 00 Summary of Work1.06 MEASUREMENT METHODS that requires the contractor to perform the sampling and analysis. Is this intended to be a split sample of the daily composite that is delivered to the District lab? If so, what is the protocol for use of this analysis? As the specifications are written the state certified contract lab analysis will be used for monitoring and payment.

Response: It is intended that Contractor perform the sampling and analysis and that the analysis be conducted by a state certified contract lab as noted in the above-cited question. The District requests however that while the Contractor is sampling for this purpose, that the Contractor provide/deliver a duplicate or split sample to the District’s lab as noted at top of page on page 94, “District intends to run parallel tests of composite samples pulled by Contractor to verify Contractor reporting.”

The District does not dictate nor direct Contractor means and methods it employs to perform the Work. Note: materials and methods required to split a sample and/or provide a duplicate sample are typically provided by the contracted certified analytical laboratory.

11. Section 01 10 00 Summary of Work 1.04 CONTRACT DESCRIPTION C. states that the contractor shall be responsible for obtaining all regulatory permits and approvals for executing the Work in accordance with all permits, laws and regulations and then lists the District permits that apply to the work.

Response: See Item 3 above for change to Volume 3 Technical Specifications, Division 1, Section 01 10 00 Summary of Work, page 360, 1.04 Contract Description, C.

Item 2 b. Specifically calls out the District's Monitoring and Reporting Program, Section V.A. Biosolids Monitoring, Table 1. Table 1 requires annual (MRP) lists once per year sampling for nutrients, metals and other constituents. The MRP sampling is not included in section 1.04 A. of this section that only lists daily solids sampling.

Response: See 1.04 Contract Description, A.1.c, "The dredged Class B liquid biosolids material shall be land applied (i.e., subsurface injected) in accordance with the General Order and noted sections of the District's NOA/MRP, on Land Application Parcel, with any remaining biosolids to be subsurface injected on the District's permitted 9-acre Dedicated Land Disposal or "DLD" area shown in Volume 4 Figures 1 and 2. Contract shall apply remaining liquid biosolids material to DLD area in accordance with the District's permit for use of that area (see Volume 2 for copy of District's current permit for DLD area)." Clarification: "...and noted sections of the District's NOA/MRP..." is a reference to NOTICE INVITING SEALED BIDS, paragraph 5, second bullet, page 12, "MRP Section V.A., "Biosolids Monitoring, Table 1" (with the exception of any parameter frequency noted in table as once every 5 years)."

See also BID SCHEDULE, Bid Item 2A: Biosolids Land Application, paragraph 8, page 94, "The Contractor shall be responsible for complying with the General Order included in the District's NOA/MRP, in addition to the NOA/MRP Sections listed in Paragraph 5, "Scope of Work" of this Notice Inviting Sealed Bids, as well as all federal, state, and local laws and regulations including monitoring, recordkeeping, and reporting requirements for biosolids land application (e.g., nitrogen compounds, 503 metals, and percent solids at time of land application as required under the General Order)."

Please clarify if the MRP sampling for biosolids (Table 1) and soil monitoring MRP Section V.C. are required work items.

Response: Yes, MRP sampling for biosolids (Table 1) and soil monitoring MRP Section V.C. are required work items. See NOTICE INVITING SEALED BIDS, paragraph 5, "...In addition, the Contractor shall comply with the following specific Sections of the NOA/MRP:", second bullet, page 12, "MRP Section V.A., "Biosolids Monitoring, Table 1" (with the exception of any parameter frequency noted in table as once every 5 years)."

See NOTICE INVITING SEALED BIDS, paragraph 5, “...In addition, the Contractor shall comply with the following specific Sections of the NOA/MRP:”, fourth bullet, page 12, “MRP Section V.C., “Soil Monitoring.”

If the contractor is required to conduct this sampling, please provide the Sampling and Analysis Plan that was submitted to the San Francisco Bay Regional Water Quality Control Board as required by the NOA.

Response: A copy of the draft Sampling and Analysis Plan that was submitted to the San Francisco Bay Regional Water Quality Control Board as required by the NOA will be provided to the selected Contractor.

Also, please clarify that the other section of the MRP V.D. Groundwater Monitoring is not a required work item.

Response: No, “the other section of the MRP V.D. Groundwater Monitoring” is not a required work item.

12. Section 01 10 00 Summary of Work 1.04 CONTRACT DESCRIPTION C.. The District's MRP Section V.B. 1. Pre-application oversight requires that the crop to be planted be defined. The contractor is required to seed ryegrass, however, the type and variety, seeding rate, seeding method are not defined, please provide more details on the ryegrass seeding.

Response: A copy of the Pre-Application Report (required under the General Order, which is included as part of the District's NOA/MRP) will be made available to the selected Contractor.

Also, the crop harvest is not discussed, the crop harvest plans and estimated yield will be required to determine an agronomic rate.

Response: A copy of the Pre-Application Report (required under the General Order, which is included as part of the District's NOA/MRP) will be made available to the selected Contractor.

Is the District farming the ground itself so that it will provide this information or is there a different farmer that will be harvesting the crop?

Response: The District intends to issue an RFP for harvesting services.

13. The agronomic application rate for biosolids depends on the estimated yield of the crop to be harvested. Can the district provide the estimated yield of the ryegrass hay crop to be planted and the nitrogen agronomic rate to be applied for that yield?

Response: A copy of the Pre-Application Report (required under the General Order, which is included as part of the District's NOA/MRP) will be made available to the selected Contractor.

14. Section 01-30-00 ADMINISTRATIVE REQUIREMENTS 3.01 Project Work Plan I. Emergency Biosolids Disposal Plan requires the contractor to identify the disposal options the Contractor will use in the event that the primary reuse method is interrupted for any reason. This requirement is not in the SUMMARY OF WORK section, is outside of the scope of this project and is outside of the contractors control. The requirement for an Emergency Biosolids Disposal Plan should either be removed from the Project Work Plan or emergency biosolids disposal added as an additional bid item.

Response: See Section 01 30 00 Administrative Requirements, Page 372, Part 3 Execution, 3.01 Project Work Plan, "...The Project Work Plan shall include the following information..."; Paragraph I, "Emergency Biosolids Disposal Plan: Identify the disposal options the Contractor will use in the event that the primary reuse method is interrupted for any reason." See page 11, Notice Inviting Sealed Bids, paragraph 5, Scope of Work, "The project work is generally described as:

The Work (i.e., "Project") includes but is not limited to furnishing all labor, materials, and equipment required to extract, contain, transport, convey, weigh, measure, and beneficially reuse the liquid wastewater biosolids removed from the Sludge Storage Ponds, including creation of a Work Plan to perform the Work,..."

Also see Section 01 10 00 Summary of Work, 1.04.A.5, "The Contractor shall develop and implement a Work Plan (to be reviewed by District), outlining Work to be performed..."

15. Section 01 10 00 Summary of Work 1.06 MEASUREMENT METHODS Q. describes the conversion of wet tonnage to dry weight basis through the percent total solids analysis performed by the contractor, however the section does not discuss how the wet tonnage will be determined. If pumping liquid and using a flow meter for volume determination is used what formula is to be used for determining the wet tons? If hauling in tank trucks is a scale required to be used to determine weight for each load or can the flow meter also be used to determine volume that is converted to wet tonnage?

Response: The District does not dictate nor direct Contractor in means and methods it may employ to perform the Work. Contractor to provide its planned measurement methods in its Work Plan.

16. Section 01-30-00 ADMINISTRATIVE REQUIREMENTS 3.01 Project Work Plan 3.01 Odor Control Plan states that "contractor must include and have onsite an iron salt injection system to control hydrogen sulfide odors produced during dredging operations." This is not included in the summary of work section and more details need to be provided in order to bid this item. Please provide the criteria for determining if odor control is required and how will mitigation of odors be

measured. Alternatively, will the District consider prescribing the location and concentration of iron salts to be injected?

Response: The District does not dictate nor direct Contractor in means and methods it may employ to perform the Work. If the Contractor desires to propose an alternative means of odor control in its Work Plan, the Contractor may do so. Contractor is responsible for its own investigational work it deems necessary to develop the required Odor Control Plan.

17. Request the addition of the following language to Section 7.1 (P 1-33) Liquidated damages shall not apply when the delay in or impossibility of performance are as a result or are related to the presence of a Force Majeure Event, or Circumstance beyond the control of the contractor, as articulated in Section 7.2 of the agreement below."

Response: No contract revisions required. Per General Conditions Section 7.1, "No Damage for Delay Beyond District and Contractor Control. The Contractor will not be held responsible for delays in performance of the Work caused by delay beyond the control of both District and Contractor, such as by strikes, lockouts, or labor disturbances that are not within the control of the contractor to resolve, lack or failure of transportation, or acts of other government entities. This provision will not apply where the delay would not have occurred but for a previous contractor caused delay in the prosecution of the Work. The District will not be liable to the Contractor, any subcontractor or other entity engaged in the performance of the Work, any supplier, or any other person or organization, or to any surety or employee or agent of any of them, for damages arising out of or resulting from (i) delays beyond the control of the District and the Contractor including but not limited to fires, floods, epidemics, abnormal weather conditions, earthquakes and acts of God or acts or neglect by utility owners or other contractors performing other work, or (ii) delays caused by the District, its officials, officers, employees, agents, or volunteers, or delays caused by the District Engineer or the Architect or Engineer, which delays are reasonable under the circumstances involved and/or are within the contemplation of the District and the Contractor. An extension of the Time for Performance in an amount equal to the time loss due to such delay(s) will be the Contractor's sole and exclusive remedy for such delay(s).

18. Add the following language as classified as beyond the control of the contractor listed in Section 7.2 " a change in Federal, State, or local law or ordinance; orders or judgments of any Federal, State or local court, administrative agency or governmental body; change in permit conditions or requirements" (P 1-33)

Response: No contract revisions required. Per General Conditions Section 7.2 – No Damage for Delay Beyond District and Contractor Control, Contractor shall not be liable for delays beyond the control of both the District and Contractor, such as acts of other government entities.

19. Section 11.2.1.5 - Request the following addition to the language "District and Contractor agree in advance that if the District exercises its discretionary right to terminate for convenience, the District will pay Contractor for expenses incurred because of early termination. These expenses include, but are not limited to, recovery of capital costs, percent of lost profits, demobilization, employee severance payments and costs to terminate subcontractors and equipment leases."

Response: The suggested modification would require District legal counsel review and approval after award of a contract to the selected contractor.

20. Request the addition of Section 11.3.2.4 (Mutual Waiver of Consequential or Punitive Damages) - Parties agree in advance that neither party shall be liable for consequential or punitive damages on any claims arising out of the performance or non-performance of obligations under the Contract. "

Response: The suggested modification would require District legal counsel review and approval after award of a contract to the selected contractor.

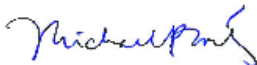
21. Will the District provide the Contractor with any and all testing for PFAS / PFOA or other 40 CFR 503 Regulated substances for the materials to be removed and land applied as defined in the scope of work.

Response: The materials are Class B Biosolids. The materials specified in the scope of work are routinely tested per the District's permit requirements, and information can be found in the annual biosolids reporting. There is no known regulatory requirement for the District to test its class B Biosolids for PFAS/PFOA. The District will share the results of these tests with the selected contractor.

This addendum consists of nine (9) pages including this page and attachments. Acknowledge receipt of this addendum in the space provided on page 2-5, Proposal Cover Page and Bid Schedule, of the Bid Forms, and by signing in the space provided below. **Submit original copy of this addendum cover page along with the bid. Failure to do so may disqualify the bidder.**

Las Gallinas Valley Sanitary District:

Bidder: _____



Michael P. Cortez, PE, District Engineer

(Authorized Signature)

(Date)