



State of Utah

JON M. HUNTSMAN, JR.  
Governor

GARY R. HERBERT  
Lieutenant Governor

## Department of Administrative Services

KIMBERLY K. HOOD  
Executive Director

### Division of Facilities Construction and Management

DAVID G. BUXTON  
Director

# ADDENDUM NO. 1

Date: June 29, 2009

To: Contractors

From: Darrell Hunting– Project Manager

Reference: Raceway Cover – Whiterocks Fish Hatchery  
Division of Wildlife Resources  
DFCM Project No. 09090520

Subject: **Addendum No. 1**

Pages	Addendum Cover Sheet	1 page
	<u>American Recovery and Reinvestment Act Requirements</u>	<u>2 pages</u>
	Total	3 pages

**Note: This Addendum shall be included as part of the Contract Documents. Items in this Addendum apply to all drawings and specification sections whether referenced or not involving the portion of the work added, deleted, modified, or otherwise addressed in the Addendum. Acknowledge receipt of this Addendum in the space provided on the Bid Form. Failure to do so may subject the Bidder to Disqualification.**

While we contend that SB220 should only be potentially applicable to a contract issued after the effective date of said bill, this is to clarify that for purposes of this contract, regardless of the execution or effective dates of this contract, the status of Utah Law and remedies available to the State of Utah and DFCM, as it relates to any matter referred to or affected by said SB220, shall be the Utah law in effect at the time of the issuance of this Addendum.

#### 1.1 **SCHEDULE CHANGES:** No Schedule Changes

#### 1.2 **GENERAL ITEMS:**

- a. Added Risk Factor – There are endangered Native Orchids on the West side of the raceway, they can not be disturbed.
- b. Added Risk Factor - All equipment used to work on project site must be disinfected be DWR guidelines, more info in stage two.
- c. DFCM will issue a preliminary geo-tec study ASAP is stage two. Design Build teams will still be responsible for site condition investigation, and design build teams will use this information at their own risk.
- d. Lights on East side of raceways may be removed, but building mounted exterior lighting will be required.
- e. Site contact information – Dana Dewey – Ph. (435\_353-4855 Email – danadewey@utah.gov
- f. See attached American Recovery and Reinvestment Act Requirements.

## **American Recovery and Reinvestment Act Requirements**

Funds for this project are provided by the Federal Government from the American Recovery and Reinvestment Act, Public Law 111-5, (ARRA) and the following provisions apply.

### A. REQUIRED USE OF AMERICAN IRON, STEEL, AND MANUFACTURED GOODS—SECTION 1605 OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (2 CFR §176.140)

This award term and condition implements (i) Section 1605(a) of the American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5) (Recovery Act), by requiring that all iron, steel, and manufactured goods used in the project are produced in the United States.

"Domestic iron, steel, and/or manufactured good"

(1) Is wholly the growth, product, or manufacture of the United States; or

(2) In the case of a manufactured good that consists in whole or in part of materials from another country, has been substantially transformed in the United States into a new and different manufactured good distinct from the materials from which it was transformed. There is no requirement with regard to the origin of components or subcomponents in manufactured goods or products, as long as the manufacture of the goods occurs in the United States.

“Manufactured good” means a good brought to the construction site for incorporation into the building or work that has been--

(1) Processed into a specific form and shape; or

(2) Combined with other raw material to create a material that has different properties than the properties of the individual raw materials.

“Public building” and "public work" means a public building of, and a public work of, a governmental entity (the United States; the District of Columbia; commonwealths, territories, and minor outlying islands of the United States; State and local governments; and multi-State, regional, or interstate entities which have governmental functions).

The award official may add other iron, steel, and manufactured goods to the list in paragraph (b)(3) of this award term and condition if the Federal government determines that—

The cost of domestic iron, steel, and/or manufactured goods would be unreasonable. The cost of domestic iron, steel, and/or manufactured goods used in the project is

unreasonable when the cumulative cost of such material will increase the overall cost of the project by more than 25 percent;

The iron, steel, and/or manufactured goods is not produced, or manufactured in the United States in sufficient and reasonably available commercial quantities of a satisfactory quality; or

The application of the restriction of section 1605 of the Recovery Act would be inconsistent with the public interest.

**B. WAGE RATE REQUIREMENTS UNDER SECTION 1606 OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009**

a) Section 1606 of the Recovery Act requires that all laborers and mechanics employed by contractors and subcontractors on projects funded by the Recovery Act shall be paid Davis-Bacon wage rates (as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code). These regulations also apply to any sub-contract.

Davis-Bacon wage rates for Uintah County, Utah may be found at the following website:

<http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=Davis-Bacon&docid=UT20080054>

See: GENERAL DECISION: UT20080054 10/31/2008 UT54-For Construction Type: Building

The contractor will be required to submit weekly a copy of all payrolls to the DIVISION. The required weekly payroll information may be submitted in any form desired. Optional Form WH-347 is available for this purpose from the Wage and Hour Division Web site at <http://www.dol.gov/esa/whd/forms/wh347instr.htm>. The prime contractor is responsible for the submission of copies of payrolls by all subcontractors.