



Department of Public Works
City Engineering Division

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June 4, 2012

NOTICE OF ADDENDUM

ADDENDUM NO. 1

CONTRACT NO. 6741

Forsythia Cunette Rehabilitation and Bordner Park – Cunette Removal

Revise and amend the contract document(s) for the above project as stated in this addendum, otherwise, the original document shall remain in effect.

Summary of Addendum:

- Intent: The DNR Ch. 30 permit for Forsythia was received on 5/30/2012, while the Bordner Park DNR Ch. 30 permit has not yet been received. This permit may not be received until early August, or later. The intention of this addendum is to allow construction of the Forsythia Cunette **only** under this contract in the event that a DNR Ch 30 permit for the Bordner Park Cunette Removal cannot be secured in time for construction. If the Bordner Park Ch. 30 permit is received before August 15, 2012 (or a later date if mutually agreed upon by the City and the Contractor) and the DNR permits the design as submitted (i.e, the permitted design is substantially similar to the submitted design, as determined by the City), construction of **both** projects under this contract shall proceed.
- Article 104.4 added to allow for possible deletion of quantities associated with work at Bordner Park.
- Language in Article 108.2 of Special Provisions updated to state that Ch. 30 permit for Bordner Park has been received, and a copy of permit added to Attachments to Special Provisions.
- Typo in Article 109.2 corrected to state that the Ch. 30 permit for Bordner is expected to be obtained after August (not July) 1.

Special Provisions:

Insert Article 104.4 Increased or Decreased Quantities on Page D-3 as follows:

ARTICLE 104.4 INCREASED OR DECREASED QUANTITIES

The Contractor shall note that the DNR Ch. 30 permit for Bordner Park may not be received in time for construction of the project. In the event that the Ch. 30 permit for the Bordner Park Cunette removal is not received by August 15, 2012 (or a later date if mutually agreed upon by the City and the Contractor), or the DNR will not approve the City's proposed design, the City may elect to delete the work at Bordner Park. The Contractor shall not be reimbursed for any deletions to the contract. No change to the unit bid prices will be allowed for reductions of the quantities associated with deleting the work at Bordner Park.

Revise Article 108.2 Permits on Page D-7 as follows:

In 1st paragraph under item 2, strike “Applied for but not yet received” and replace with “Forsythia - a copy of this permit is attached; Bordner – applied for but not yet received.”

In 2nd paragraph, strike “Contractor may not begin work until DNR Chapter 30 permits are received” and replace with “Contractor may not begin work at Bordner Park until the DNR Chapter 30 permit is received. The City reserves the right to delete the work at Bordner Park if receipt of the permit is delayed, or if the conditions on the permit received are not agreeable to the City.”

Revise Article 109.2 Prosecution of Work on Page D-7 as follows:

In 1st paragraph, strike “July 1” at the end of the third sentence and replace with “August 1.”

Attachments to Special Provisions:

Insert DNR Ch. 30 Permit for Forsythia as attached to this Addendum (5 pages).

Please acknowledge this addendum on page E1 of the contract documents.

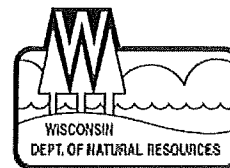
Electronic version of these documents can be found on the City of Madison web site at:

<http://www.cityofmadison.com/business/PW/contracts/openforBid.cfm>

If you are unable to download plan revisions associated with the addendum, please contact the Engineering office at 608-266-4751 to receive the material by another route.



Robert F. Phillips, P.E., City Engineer



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Forsythia
CH. 30

May 30, 2012

IP-SC-2012-13-01189

Robert Phillips
City of Madison
210 MLK Jr Blvd Rm 115
Madison, WI 53703

Dear Mr. Phillips:

We have reviewed your application for a permit to construct a waterway that connects with tributary to Lake Mendota, in the City of Madison, Dane County. You will be pleased to know your application is approved with a few limitations.

I am attaching a copy of your permit which lists the conditions which must be followed. A copy of the permit must be posted for reference at the project site. Please read your permit conditions carefully so that you are fully aware of what is expected of you.

Please note you are required to submit photographs of the completed project within 7 days after you've finished construction. This helps both of us to document the completion of the project and compliance with the permit conditions.

Your next step will be to notify me of the date on which you plan to start construction and again after your project is complete.

If you have any questions about your permit, please call me at (920) 387-7878.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dan Hunt'.

Dan Hunt
Water Management Specialist

cc: Simone Kolb, Project Manager - U.S. Army Corps of Engineers
Conservation Warden Henry Bauman

**STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES**

**ARTIFICIAL WATERBODY PERMIT
IP-SC-2012-13-01189**

Robert Phillips is hereby granted under Section 30.19(4), Wisconsin Statutes, a permit to construct a waterway that connects with tributary to Lake Mendota, in the City of Madison, Dane County, also described as in the SW1/4 of the NW1/4 of Section 19, Township 7 North, Range 9 East, subject to the following conditions:

PERMIT

1. You must notify Dan Hunt at phone (920) 387-7878 before starting construction and again not more than 5 days after the project is complete.
2. You must complete the project as described on or before May 30, 2015. If you will not complete the project by this date, you must submit a written request for an extension prior to the expiration date of the permit. Your request must identify the requested extension date and the reason for the extension. A permit extension may be granted, for good cause, by the Department. You may not begin or continue construction after the original permit expiration date unless the Department grants a new permit or permit extension in writing.
3. This permit does not authorize any work other than what you specifically describe in your application and plans, and as modified by the conditions of this permit. If you wish to alter the project or permit conditions, you must first obtain written approval of the Department.
4. You are responsible for obtaining any permit or approval that may be required for your project by local zoning ordinances and by the U.S. Army Corps of Engineers before starting your project.
5. Upon reasonable notice, you shall allow access to your project site during reasonable hours to any Department employee who is investigating the project's construction, operation, maintenance or permit compliance.
6. The Department may modify or revoke this permit if the project is not completed according to the terms of the permit, or if the Department determines the activity is detrimental to the public interest.
7. You must post a copy of this permit at a conspicuous location on the project site, visible from the waterway, for at least five days prior to construction, and remaining at least five days after construction. You must also have a copy of the permit and approved plan available at the project site at all times until the project is complete.
8. Your acceptance of this permit and efforts to begin work on this project signify that you have read, understood and agreed to follow all conditions of this permit.

9. You must submit a series of photographs to the Department, within one week of completion of work on the site. The photographs must be taken from different vantage points and depict all work authorized by this permit.
10. You, your agent, and any involved contractors or consultants may be considered a party to the violation pursuant to Section 30.292, Wis. Stats., for any violations of Chapter 30, Wisconsin Statutes or this permit.
11. Construction shall be accomplished in such a manner as to minimize erosion and siltation into surface waters. Erosion control measures (such as silt fence and straw bales) must meet or exceed the technical standards of ch. NR 151, Wis. Adm. Code. The technical standards are found at: <http://dnr.wi.gov/runoff/stormwater/techstds.htm> .
12. Erosion control measures must be in place at the end of each working day.
13. Erosion control measures must be inspected, and any necessary repairs or maintenance performed, after every rainfall exceeding 1/2 inch and at least once per week.
14. You must supply a copy of this permit to every contractor associated with this project.

FINDINGS OF FACT

1. Robert Phillips has filed an application for a permit to construct a waterway that connects with tributary to Lake Mendota, in the City of Madison, Dane County, also described as part of the SW1/4 of the NW1/4 of Section 19, T 7 N-R 9 E.
2. The city proposes to install a concrete cunette in an unnamed tributary to Lake Mendota. The purpose is to help control increased runoff and to protect shallow sanitary sewers that cross under the waterway.
3. The Department has completed an investigation of the project site and has evaluated the project as described in the application and plans.
4. The proposed project, if constructed in accordance with this permit will not adversely affect water quality, will not increase water pollution in surface waters and will not cause environmental pollution as defined in s. 283.01(6m), Wis. Stats.
5. The project as proposed will not impact wetlands.
6. The Department of Natural Resources and the applicant have completed all procedural requirements and the project as permitted will comply with all applicable

requirements of Sections 1.11, 30.19(4), Wisconsin Statutes and Chapters NR 150, 299 and 343 of the Wisconsin Administrative Code.

CONCLUSIONS OF LAW

1. The Department has authority under the above indicated Statutes and Administrative Codes, to issue a permit for the construction and maintenance of this project.

NOTICE OF APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know that the Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions shall be filed. For judicial review of a decision pursuant to sections 227.52 and 227.53, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review shall name the Department of Natural Resources as the respondent.

To request a contested case hearing of any individual permit decision pursuant to section 30.209, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources, P.O. Box 7921, Madison, WI, 53707-7921. The petition shall be in writing, shall be dated and signed by the petitioner, and shall include as an attachment a copy of the decision for which administrative review is sought. If you are not the applicant, you must simultaneously provide a copy of the petition to the applicant. If you wish to request a stay of the project, you must provide information, as outlined below, to show that a stay is necessary to prevent significant adverse impacts or irreversible harm to the environment. The filing of a request for a contested case hearing is not a prerequisite for judicial review and does not extend the 30-day period for filing a petition for judicial review. If you are not the permit applicant, you must provide a copy of the petition to the permit applicant at the same time that you serve the petition on the Department.

The filing of a request for a contested case hearing does not extend the 30 day period for filing a petition for judicial review.

A request for contested case hearing must meet the requirements of section 30.209, Wis. Stats., and section NR 310.18, Wis. Adm. Code, and must include the following information:

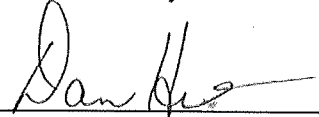
1. A description of the Department's action or inaction which is the basis for the request; and,
2. A description of the objection to the decision that is sufficiently specific to allow the department to determine which provisions of Chapter 30, Wis. Stats., may be violated; and

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3. A description of the facts supporting the petition that is sufficiently specific to determine how you believe the project may result in a violation of Chapter 30, Wis. Stats.; and,
4. Your commitment to appear at the contested case hearing, if one is granted, and present information supporting your objection.
5. If the petition contains a request for a stay of the project, the petition must also include information showing that a stay is necessary to prevent significant adverse impacts or irreversible harm to the environment.

Dated at Horicon Service Center, Wisconsin on May 30, 2012.

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES
For the Secretary

By 
Dan Hunt
Water Management Specialist