

ADDENDUM NO. 1

**CONTRACT SECTION I –
8TH STREET WATER & SEWER RELOCATIONS
(S.W. I STREET TO S.E. D STREET)**

City of Bentonville, Arkansas
AHTD Project No. 090977
Federal Aid Project HHP2-3314(1)
USI Project No. 1009022

The Contract Documents, Plans, and Specifications for the above entitled project are hereby changed or clarified in the following particulars:

ADVERTISEMENT FOR BIDS – BID #16-33

A “Statement of Bidder’s Qualifications” form has been included for Bidder’s use to comply with the last paragraph on page 1-1 of the “Advertisement for Bids” which reads as follows:

“Each bid must include an acceptable statement of the bidder’s qualifications. The requirements of the bidder’s statement of qualifications will be furnished to prospective bidders with the specifications.”

TECHNICAL SPECIFICATIONS

Supplementary Conditions - SC 5.03 A

Paragraph A is hereby deleted and replaced with the following paragraph:

Report by Burns & McDonnell titled “Subsurface Information for the BEUD 8th Street Overhead Relocation Bentonville, AR” dated December 2015, is included with this Addendum.

Section 01000 – Project Requirements

Paragraph Q. Noise Ordinance Ordinance No. 2006-69 is included with this Addendum for reference.

Section 01025 – Measurement & Payment

Bid Items 39 thru 42 - Direct Bury (Open Cut) Welded Steel Pipe Encasement

Add restrained joints on all water lines in Direct Bury (Open Cut) Welded Steel Pipe Encasement. The PVC pipe restrained joints may be external (similar to EBBA IRON or FORD Bell Restraint) or internal (similar to JM EAGLE LOC 900 or NORTH AMERICAN PIPE CERTA-LOK). The DIP restrained joints may be external (similar to EBBA MEGALUG) or internal (boltless restraining gaskets similar to US PIPE GRIPPER FIELD-LOK GASKET or AMERICAN PIPE FAST GRIP GASKET).

QUESTION RESPONSES FROM PRE-BID MEETING OR INQUIRIES

1) “Temp. Asphalt Repairs” called out in some areas. “Permanent Asphalt Repairs” in other places. There is only one pay item. Please explain in detail how the asphalt repairs, the Cl. 7 base backfill, and the concrete patch under the asphalt will be paid for. The difference between “Permanent Asphalt Repairs” and “Temporary Asphalt Repairs” is that the Permanent repair requires concrete pavement under the asphalt surface. The asphalt, concrete and Full depth class 7 trench backfill pay items cover each type of material used in the Temporary and Permanent Asphalt repairs.

Are any of these items subsidiary for any surface repair for water lines, sewer lines, or sewer service lines? No.

2) The detail sheet shows asphalt repairs for Highway repairs. Will this detail be used on 8th St.? If so, how will it be paid for? This detail covers highway repairs - there are NO highway crossings on this project.

3) Can full street closures be made for the area in and around the Wal-Mart headquarters and parking garage? WL Xing 1A-1 and 1-1, sewer crossings, etc. The City will work with the Contractor and Walmart to schedule all street closings. Street crossings may require the Contractor to keep one lane open for emergency vehicles.

4) Is restrained pipe required through the street crossing casing for water lines? If so, what type restraint is acceptable? Yes, see addendum item for type of restraint allowed.

5) Is restrained pipe required through the street crossing casing for sewer lines? If so, what type restraint is acceptable? No.

6) Does Sewer Line 1D get encasement in the crossing? No.

7) In previous bid the Cl. 7 backfill, concrete patch, and asphalt repair was not paid on open cut service crossings. Are these items being paid for now? Yes.

8) Is the Contractor responsible for taking out any more trees or concrete foundation than what is required to lay the water line or sewer line? No. If we can work around the trees can we leave them in place? Yes. If we only need to take out a partial concrete slab can we leave the remainder in place? Yes. Has the contract for demolition work been completed or will there be additional trees, structures, and concrete slabs removed before this contract begins? Not been bid as of this date. When the demolition work is done, some of these items will be removed.

9) Will we have full access to the area around the new parking garage being constructed at this time? You will have access to the easement for the water line construction. It appears we will be working very close to the new building and well within their fenced in area. Will that area be cleared for our use before we receive a work order? You will need to coordinate with the building contractor on the removal and replacement of the construction fence and any other items within the easement.

GENERAL

Acknowledge receipt of this Addendum by signing in the space provided below and return the signed Addendum to USI Consulting Engineers, Inc. by facsimile transmission to (479) 872-7118 or by email to bids@usi-ce.com. Also acknowledge receipt of the Addendum in the space provided on page 4-1 of the BID.

September 15, 2016

USI Consulting Engineers, Inc.
4847 Kaylee Avenue
Springdale, Arkansas 72762
(479) 872-7115 Telephone
(479) 872-7118 Facsimile
bids@usi-ce.com

Signature

Print Name

Company Name

ORDINANCE NO. 2006-69

**AN ORDINANCE AMENDING TITLE 7 PUBLIC PEACE,
SAFETY AND MORALS TO REGULATE NOISE POLLUTION**

WHEREAS, excessive sound and vibration are serious hazards to the public health and welfare, safety, and the quality of life; and,

WHEREAS, a substantial body of science and technology exists by which excessive sound and vibration may be substantially abated; and,

WHEREAS, the people have a right to and should be ensured an environment free from excessive sound and vibration that may jeopardize their health or welfare or safety or degrade the quality of life;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY
OF BENTONVILLE, ARKANSAS:**

Section 1. That the Bentonville Municipal Code, Title 7 Public Peace, Safety and Morals should be and the same is hereby amended with the following Attachment A, three copies of which are on file with the City Clerk and which is hereby adopted by reference as though it were copied herein fully.

Section 2. This Ordinance shall be in full force and effect 30 days from the date of its passage and approval.

PASSED and APPROVED this 9th day of May, 2006.

APPROVED:

Terry Black Coberly
Mayor Terry Black Coberly

ATTEST:

Reginae Dieder
City Clerk

Attachment "A"

7.48 NOISE

7.48.01 Intent. It is the intent of these regulations to provide citizens with an environment free from such excess sounds or noise as may jeopardize their health, welfare and safety, or degrade the quality of life.

7.48.02 Applicability. This ordinance shall apply to the control of all sound and vibration originating within the limits of the City of Bentonville.

7.48.03 Definitions.

Construction: Any site preparation, assembly, erection, substantial repair, alteration, or similar action, but excluding demolition, for or of public or private rights-of-way, structures, utilities or similar property.

Decibel (dB): A unit for measuring the volume of a sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).

Demolition: Any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces, or similar property.

Emergency: Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

Motor Vehicle: Any vehicle which is propelled or drawn on land by a motor, such as, but not limited to, passenger cars, trucks, truck-trailers, semi-trailers, campers, go-carts, snowmobiles, amphibious craft on land, dune buggies, or racing vehicles, but not including motorcycles.

Motorcycle: An unenclosed motor vehicle having a saddle for the use of the operator and two or three wheels in contact with the ground, including, but not limited to, motor scooters and minibikes.

Noise: Any sound which endangers or injures the safety or health of humans or animals, or annoys or disturbs a reasonable person of normal sensitivities, or endangers or injures personal or real property.

Plainly Audible: Capable of being heard. It is not necessary to distinguish words or melodies. A plainly audible sound may consist of bass alone.

Real Property Boundary: An imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.

Sound: An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

Sound Level: The weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B, or C as specified in American National Standards Institute specifications for sound level meters (ANSI S1.4-1971, or the latest approved revision thereof). If the frequency weighting employed is not indicated, the A-weighting shall apply.

Sound Level Meter: An instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter, and weighting networks used to measure sound pressure levels.

Vibration: An oscillatory motion of solid bodies of deterministic or random nature described by displacement, velocity, or acceleration with respect to a given reference point.

7.48.04 Administration.

- A. **Lead.** The noise control program established by this chapter shall be administered by the Police Department.
- B. **Departmental Cooperation.** All departments and agencies shall cooperate with the lead department to the fullest extent in enforcing these regulations.
- C. **Sound Level Meter.** Sound level measurements shall be made with a sound level meter Type II or better using the A-weighted scale in conformance with the standards promulgated by the American National Standards Institution (ANSI).
- D. **Procedure for Measurement.** All tests shall be conducted according to the following procedures:
 - 1. *Complaint Driven.* When the measurement procedure is the result of a complaint, measurements will be taken at the property line of the receiving property.
 - 2. *Normal Monitoring.* When the measurement procedure is in the normal course of monitoring sound, the measurements will be taken at the real property line.
 - 3. *Outdoor Conditions.* No outdoor measurements shall be taken while winds exceed (including gusts) 15 miles per hour; under conditions that will allow the sound level meter to become wet; or when the ambient temperature is out of range of tolerance of the sound level meter.

4. *Monitoring Report.* The report for each measurement session shall include: (a) the day, date and time of the measurements, (b) time of calibration, (c) weather conditions, (d) identification of the monitoring equipment, (e) location and description of the source, and (f) sound level measurement.
5. *Meter Placement.* The sound level meter shall be placed a minimum of three feet above the ground or from any reflective surface.
6. *Extraneous Sounds.* If there are extraneous sound sources that are unrelated to the measurements and increase the monitored sound level, the measurement shall be postponed until these noises subside.

7.48.05 Unreasonable or Excessive Noise Prohibited. No person shall unreasonably make, continue, or cause to be made or continued, any noise disturbance, including noise of such character, intensity or duration as to be detrimental to the life, health or safety of an individual, or in disturbance of the public peace and welfare.

7.48.06 Exceptions. The provisions of this chapter shall not apply to:

- A. The emission of sound for the purpose of alerting persons to the existence of an emergency or the emission of sound in the performance of emergency work.
- B. Any facility, vehicles or equipment of the city, county, state or federal government while engaged upon necessary public business.
- C. The use of bells or chimes in conjunction with places of religious worship.
- D. The intentional sounding or permitting the sounding of any fire, burglar or civil defense alarm, siren, whistle or similar stationary or emergency signaling device for emergency purposes or for testing, provided such testing uses only the minimum cycle test time.
- E. Movement of aircraft which are in all respects, conducted in accordance with, or pursuant to applicable Federal Laws or regulations.

7.48.07 Limitations by Zoning District.

- A. No person shall operate or cause to be operated, or permit, contract or allow to be operated on premises of public or private property any identifiable source of sound in such a manner as to create a sound level within the zoning districts in Table 1 below, which exceeds the maximum noise levels as set forth in Table 1 as measured at any point on the boundary of the property from which the sound or noise was emanating. A complaint under this section must be brought by a property owner or leaseholder affected by the excessive noise on their property.

Table 1		
Zone	7:00 am to 10:00 pm	10:00 pm – 7:00 am
Residential Zone	60 dB(A)	55 dB(A)
Commercial Zone	65 dB(A)	60 dB(A)
Industrial Zone	70 dB(A)	65 dB(A)

- B. **District Boundaries.** When a noise source can be identified and its noise measured in more than one zoning district, the noise level limits of the most restrictive zoning district shall apply at that district boundary.
- C. **Commercial Source.** Notwithstanding the zoning classification of the underlying parcel, restaurants, night clubs, private clubs, auditoriums, dance halls, and rehearsal studios are defined as commercial sound sources existing in commercial zones for the purposes of this chapter.

7.48.08 Specific Prohibitions. The following acts, and the causing thereof, are declared to be in violation of this chapter:

- A. **Radios, loudspeakers and public address systems.**
 - 1. **Commercial Use.** Use, operation or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets from a point of origin located on public or private property, for the purpose of commercial advertising or attracting the attention of the public to any building or structure.
 - 2. **Non-Commercial Use.** The use or operation of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets from a point of origin located on public or private property, for a non-commercial purpose shall not be operated in such a manner or at such a volume as to annoy or disturb the quiet, comfort or repose of persons in any office, hospital, dwelling, hotel, or other type of residence in the vicinity and shall be restricted by the limitations of the zoning district set forth in section 7.48.07.
- B. **Radios, televisions, musical instruments and similar devices.** Operating, playing or permitting the operation or playing of any radio, television, musical instrument, sound amplifier, or similar device which produces, reproduces or amplifies sound in such a manner or with such volume, particularly during the hours between 10:00 pm and 7:00 am, as to annoy or disturb the quietness, comfort or peace of any persons in or around any office, hospital, or in any dwelling, hotel or other type of residence.
- D. **Construction.** Operation of construction, demolition, or excavation equipment; performance of any outside construction or repair work on buildings, structures, or projects; or operation of any pile driver, power shovel, pneumatic hammer, derrick, power hoist, or any other construction-type device in order to erect, demolish, alter, or repair any building, street, or highway within a residential zone or on any property within a radius of 500' of a residential zone on Sundays; legal holidays; Monday through Saturday between the hours of 7 pm and 6 am the following day in May, June, July, August and September; and Monday through Saturday between the hours of 6 pm and 6

am during the remainder months of the year. Construction work shall be subject to the maximum noise level limitations specified for industrial zones in Section 7.48.07.

E. Motor vehicles and motorcycles.

1. **Repair noise.** The repairing, rebuilding, modifying or stationary testing of any motor vehicle, motorcycle, or motorboat in such a manner as to cause a sound plainly audible across any property boundary line between the hours of 10:00 p.m. and 7:00 a.m.
2. **Sound amplification device.** The operation or occupancy of a vehicle, which is moving or stationary, standing or parked, from which any sound amplification or producing device or similar equipment is creating a sound that is plainly audible at least 30 feet from the source of the sound.
3. **Engine noise.** The operating or occupancy of a vehicle, which is moving or stationary, standing or parked, from which the engine noise is creating a sound that is in excess of the maximum noise levels established for the time period and zoning districts set forth in section 7.48.07 when measured at least 30 feet from the source of the sound.
4. **Horns.** The sounding any horn or other auditory signaling device on or in any motor vehicle on any public right-of-way or public place, except as a warning of danger.

F. Animals.

Noise from animals shall be enforced in accordance with the Animal Control Ordinance.

7.48.09 Permit for variance. Any person may apply to the City Council for a permit to conduct activities which might otherwise violate this chapter. The City Council may impose such limitations as time and geographic area for such activity. The City Council shall consider such factors as adequate police protection, interference with established businesses and the like. Such activities shall include, but not be limited to, functions advancing the arts, holiday festivals, parades, public functions protected by the First Amendment and election activities.