

**ADDENDUM NO. 3**  
**NEW CREAMERY ROAD SEWAGE PUMP STATION**  
**CONTRACT NO. 001**

1. The goods and services under this Contract are being funded with federal monies and have statutory requirements commonly known as “Build America, Buy America;” that requires all of the iron and steel, manufactured products, and construction materials used in the project to be produced in the United States (“Build America, Buy America Requirements”) including iron and steel, manufactured products, and construction materials provided by the Contactor. The Contractor will be required to represent and warrant to and for the benefit of the Owner and Funding Authority (a) the Contractor has reviewed and understands the Build America, Buy America Requirements, (b) all of the iron and steel, manufactured products, and construction materials used in the project will be and/or have been produced in the United States in a manner that complies with the Build America, Buy America Requirements, unless a waiver of the requirements is approved, and (c) the Contractor will provide any further verified information, certification or assurance of compliance with this paragraph, or information necessary to support a waiver of the Build America, Buy America Requirements, as may be requested by the Owner or the Funding Authority. Bidders are advised that the goods and services under this Contract are related to a project that is subject to the Build America, Buy America Act (BABAA) requirements under Title IX of the Infrastructure Investment and Jobs Act (“IIJA”), Pub. L. 177-58. Absent an approved waiver, all iron, steel, manufactured products, and construction materials used in this project must be produced in the United States, as further outlined by the Office of Management and Budget's Memorandum M-22-11, Initial Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure, April 18,2022. *See below:*
  - a. Domestic Preference Requirements for Federal Financial Assistance to Non-Federal Entities. Federal Financial Assistance to Non-Federal Entities, defined pursuant to 2 CFR 200.1 as any State, local government, Indian tribe, Institution of Higher Education, or nonprofit organization, shall be governed by the requirements of Section 70914 of the Build America, Buy America Act (BABAA), under Title IX of the Infrastructure Investment and Jobs Act, Pub. L. 177-58. Any requests for waiver of these requirements must be submitted pursuant to USDA’s guidance available online at <https://www.usda.gov/ocfo/federal-financial-assistance-policy/USDABuyAmericaWaiver>.
  - b. **EJCDC C-200 Instructions to Bidders for Construction Contract** are hereby amended to include the following additional Instructions: Any request for substitute or “or equal” shall include the Manufacturer’s Certification of compliance with the Build America, Buy America Act (BABAA) requirements mandated by Title IX of the Infrastructure Investment and Jobs Act (“IIJA”), Pub. L. 177-58. BABAA requirements apply to this project.
  - c. **EJCDC C-410 Bid Form for Construction Contract** is hereby amended to include the following additional Bidder’s Representations under Article 8, Subarticle 8.01. Bidder’s representation section: Bidder is familiar with all laws and regulations that may affect cost, progress, and performance of the work, including BABAA requirements.

- d. **EJCDC C700 General Conditions and EJCDC C-800 Supplementary Conditions of the Construction Contract** are hereby amended to include the following additional definitions under Article 1 – Definitions and Terminology of EJCDC C-800:

Build America, Buy America Act (BABAA) – Requirements instituted by the Bipartisan Infrastructure Law of 2021 mandating domestic preference that all iron and steel, manufactured products, and construction materials are produced in the United States.

Construction Materials for BABAA requirements– Those articles, materials, or supply – other than an item of primarily iron or steel; a manufactured product; cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives – that are or consist primarily of: non-ferrous metals, plastic and polymer-based products, glass, lumber or drywall.

Manufactured Product for BABAA requirements – Items assembled out of components, or otherwise made or processed from raw materials into finished products. Manufactured products must be manufactured (assembled) in the United States, and the cost of components that were mined, produced, or manufactured in the United States must be greater than 55 percent of the total cost of all components of the project.

Manufacturer’s Certification for BABAA requirements – Documentation provided by a Manufacturer, certifying that the items provided by Manufacturer meet the domestic preference requirements of BABAA.

- e. **EJCDC C-700 General Conditions and EJCDC C-800 Supplementary Conditions of the Construction Contract** are hereby amended to include the following additional Contractor’s Responsibilities under Article 7 – Contractor’s Responsibilities of EJCDC C-800:

All products must meet BABAA requirements.

Contractor shall include Manufacturer’s Certification for BABAA requirements with all applicable submittals. If a specific manufacture is used in the bidding, a statement that Manufacturer will comply with BABAA must be included with the bid submission. Contractor shall comply with BABAA requirements, including coordination with manufacturers, distributors, and suppliers to correct deficiencies in any BABAA documentation.

Engineer/Architect approval of shop drawings or samples shall include review of BABAA documentation.

Contractor shall certify upon completion that all work and materials have complied with BABAA requirements.

For any change orders, Contractor shall provide BABAA documentation for any new products or materials required by the change.

Installation of materials or products that are not compliant with BABAA requirements shall be considered defective work. Contractor should ensure that Engineer/Architect has an approved Manufacturer's Certification or waiver prior to items being delivered to the project site.

By submitting an application for payment, based in whole or in part on furnishing equipment or materials, Contractor certifies that such equipment and materials, to contractor's knowledge, are compliant with BABAA requirements.

- f. **EJCDC C-700 General Conditions and EJCDC C-800 Supplementary Conditions of the Construction Contract** are hereby amended to include the following additional Federal Requirements under Article 19 – Federal Requirements of EJCDC C-800:

Domestic Preference: Iron and steel products, Manufactured Products, and Construction Materials used in this project comply with the Build America, Buy America Act (BABAA) requirements mandated by Title IX of the Infrastructure Investment and Jobs Act ("IIJA"), Pub. L. 117-58.

2. See attached MDE Sewerage Construction Permit No. 22-23-1103.
3. The deadline for questions is **Thursday, March 2, 2023 at 5:00 P.M.** All questions must be in writing and should be e-mailed to Jeffrey S. Grow, PE at [jgrow@rkk.com](mailto:jgrow@rkk.com) and copy Robert A. Linthicum, PE at [rlinthicum@rkk.com](mailto:rlinthicum@rkk.com); Cathy Willets at [cwillets@emmitsburgmd.gov](mailto:cwillets@emmitsburgmd.gov); and Madeline Shaw at [mshaw@emmitsburgmd.gov](mailto:mshaw@emmitsburgmd.gov). Questions will be answered via addendum. The final addendum will be published **NLT Monday, March 13, 2023 at 5:00 P.M.** at [https://www.emmitsburgmd.gov/null/public\\_bidding.php](https://www.emmitsburgmd.gov/null/public_bidding.php).

## Questions from Bidders

The following questions were asked via e-mail. The questions (shown in *italics*) and answers (shown in **bold**), as presented, are hereby made part of the Contract Documents.

1. *Is there required MBE Participation Percentage for this project? The State Procurement website eMMA shows 15% for this project however the specs do not specify.*

**The Contractor is required to solicit for Small, Minority, and Women's Businesses in accordance with the Bid Documents; however, there is no required MBE Participation Percentage. The 15% showing on the eMMA website was not correct.**

2. *Please specify the voltage of the overhead electric line that passes through the property.*

**Based on correspondence with Potomac Edison, the voltage of the overhead electric lines shown on Sheets C2 and C3 is 12,470 volts.**

3. *What is the average daily flow at the pump station (not the max flow 3300 gpm)?*

**The average daily flow at the pump station has not been determined. The pump station discharge is pumped to the Town of Emmitsburg Wastewater Treatment Plant (WWTP). The WWTP average daily flow at the WWTP is 0.75 MGD and the WWTP peak hourly flow is 5.64 MGD. Note that the bypass pumping system shall be capable of bypassing the flow around the work area and of releasing any amount of flow up to full available flow into the work area as necessary for satisfactory performances of work in accordance with Specification Section 02750.**

4. *Does the existing force main end at STA 18 on plan sheet C7? If not where does it end (what is the total length of the existing force main)? What is the static elevation change from the PS to the highest point?*

**The existing force main conveys flow beyond STA 18 shown on Sheet C7 through a continuation of the 14-inch force main in a southeasterly direction from the high point of EL 431.4 at STA 18+02 to discharge at the Town of Emmitsburg WWTP headworks facility located at 101 Creamery Court, Emmitsburg, MD. The available force main as-built drawings are attached. The hydraulic grade line (HGL) at the WWTP headworks facility is EL 413.28 at the WWTP average daily flow and EL 415.23 at the WWTP peak hour flow. The additional force main length beyond STA 18 is approximately 700 LF. The total length of the existing force main is approximately 2,500 feet. Contractor shall determine the static head based upon the bypass pump low water elevation and the highest point located at STA 18+02.**

5. *Can the question deadline be extended?*

**Yes. The deadline for questions is hereby changed to Thursday, March 2, 2023 at 5:00 PM. The final addendum is hereby changed to be published NLT Monday, March 13, 2023 at 5:00 PM.**



**Maryland**  
Department of  
the Environment

Wes Moore, Governor  
Aruna Miller, Lt. Governor

Serena McIlwain, Secretary Designate  
Suzanne E. Dorsey, Deputy Secretary

**WATER AND/OR SEWERAGE CONSTRUCTION PERMIT**

Permit No.: 22-23-1103  
Permit Fee: NA

Date Issued: 02/10/2023  
Expiration Date: 02/10/2026

This permit authorizes the Town of Emmitsburg, to construct a sewage pumping station together with all appurtenances, at the site of 17700 Creamery Road, Frederick County, in accordance with an application dated September 15, 2022 and received by the Maryland Department of the Environment on September 19, 2022 titled in part:

**CREAMERY ROAD SEWAGE PUMP STATION  
TOWN OF EMMITSBURG, MARYLAND  
SHEETS NOS 1 THRU 60 OF 60 AND SPECIFICATIONS**

**THIS PERMIT IS ISSUED SUBJECT TO THE ATTACHED FOLLOWING CONDITIONS:**

**Note:** This permit may be suspended or revoked upon a final, unreviewable determination that the permittee lacks, or is in violation of federal, state or local approval necessary to conduct the activity authorized by this permit.

Walid Saffouri, P.E., Program Administrator  
Engineering & Capital Projects Program

Terri Wilson, Director  
Office of Budget & Infrastructure Financing

GENERAL CONDITIONS FOR WATER OR SEWERAGE CONSTRUCTION PERMIT

- The structural adequacy and expected performance characteristics of the various components are not certified by this permit.
- This permit is not transferable.
- A copy of this permit must be posted at the work site during construction.
- This permit will expire, if not specifically extended, unless the construction authorized under this permit has been initiated. The permit will then remain valid for the remainder of construction for a period of up to five years from the start of construction.
- If any provision of this permit shall be held invalid for any reason, the remaining provisions shall remain in full force and effect, and such invalid provision shall be considered severed and deleted from this permit.
- Persons violating the requirements of this permit are subject to penalties of up to \$1000 per day as set forth in Environment Article 9-268 and 9-334 through 9-342, Annotated Code of Maryland.
- A copy of the plans and specifications, authorized for use under this permit, shall be made available at the work site during construction of this project. A revised construction permit in accordance with COMAR 26.03.12 is required prior to making substantive changes or material alteration to the construction authorized under this permit.
- The owner shall secure all Federal, State or local permits, including approval of Sedimentation and Erosion Control Plans that may be required before starting the construction of the project.
- The owner shall insure that this project is inspected during the progress of construction to assure substantial compliance with the approved plans and specifications. A log and construction records shall be maintained by the inspector and may be requested for review at any time by this office.
- The project engineer of the Maryland Department of the Environment (the 'Department') shall be notified prior to the start of construction.
- Inspectors of the Department shall be afforded access to the project site, at reasonable times and upon presentation of credentials:
  - a. to inspect construction authorized under this permit and to determine compliance with applicable regulations;
  - b. to have access to and copy any records required to be kept by this permit and by applicable regulations; and
  - c. to obtain any photographic documentation or evidence.
- Within 60 days after completion of construction, a copy of as-built drawings and the attached construction completion certificate (page 3 of this permit) shall be submitted to the Department. Where construction was completed in accordance with the original plans approved under this permit, the submittal of as-built drawings will not be required.
- The owner shall maintain a permanent record of the as-built drawings, or the original plans if as-built drawings are not required.

**GENERAL CONDITIONS (CONTINUED)**

- Pursuant to Labor & Employment Article 9-201, the owner shall ensure that the contractor and subcontractors involved in the construction of this project must carry workers' compensation insurance for their employees. If the owner determines to perform the project construction by his/her labor force, the owner shall provide the same. If the entity, undertaking the project construction, is not covered by a workers' compensation policy, a Certificate of Compliance shall be submitted and approved by the Workers' Compensation Commission before initiation of the construction.
- Approval must be obtained from the Department before this project may be placed into service. Any exception allowing partial use of this project shall have the prior written approval of the Department. Approval may be obtained pursuant to the following procedure:
  - a. Where large political subdivisions, commissions, authorities etc. have their own inspection capabilities (satisfactory to the Department), the attached construction completion certificate shall be completed by the director of Public Works or similar responsible person and submitted to the Department.
  - b. Where an acceptable local construction inspection program does not exist, the attached construction completion certification shall be completed by a Professional Engineer licensed to practice in the State of Maryland (preferably the same engineer whose seal and signature appear on the plans approved under this permit) and submitted to the Department.
  - c. Upon receipt of the signed certificate, the Department shall, within (30) working days of the receipt, 1) issue an approval, 2) require further review and on-site inspection or 3) reject the construction certification. Approval shall be automatic for projects that have not received some form of written notification from the Department within (30) working days of receipt of the signed certificate.

22-23-1103  
Permit Number

Fredrick Omanyia  
Fredrick Omanyia  
Project Engineer  
Engineering & Capital Projects Program

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**WATER AND SEWER CONSTRUCTION COMPLETION CERTIFICATION**

The undersigned certifies that the construction authorized by this permit has been completed and inspected and that it substantially meets the terms of Environment Article 9-204, Annotated Code of Maryland.

<hr/> <b>Signature</b>	<hr/> <b>Title</b>	<hr/> <b>Date</b>
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The above project has been accepted by the Department within the terms of Environment Article 9-204, Annotated Code of Maryland.

<hr/> <b>Authorized Official</b>	<hr/> <b>Date</b>
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Complete this certificate and return to:  
Maryland Department of the Environment  
Engineering & Capital Projects Program (ECP)  
Office of Budget and Infrastructure Financing  
1800 Washington Boulevard  
Baltimore, MD 21230

06/2022



**Maryland**  
Department of  
the Environment

Wes Moore, Governor  
Aruna Miller, Lt. Governor

Serena McIlwain, Secretary Designate  
Suzanne E. Dorsey, Deputy Secretary

## NOTICE

**Prior to starting construction, please notify Fredrick Omany, Project Engineer at (410) 537- 3787. Upon completion of the project, the construction must be certified with the signed permit returned to this office along with a set of as-built drawings.**

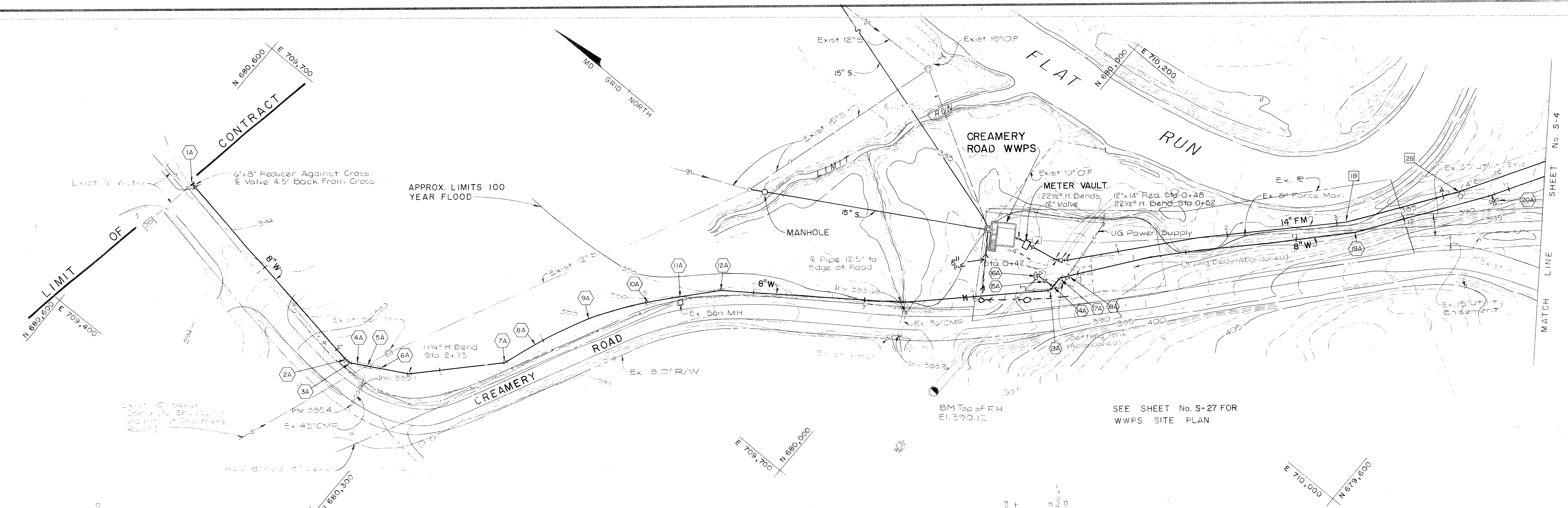
**Should you have any questions concerning the permit or its conditions, please contact me at (410) 537-3757.**

Sincerely,

A handwritten signature in black ink that reads "Walid Saffouri". The signature is written in a cursive style with a long horizontal stroke at the end.

**Walid Saffouri, Program Administrator  
Engineering and Capital Projects Program  
Office of Budget and Infrastructure Financing**



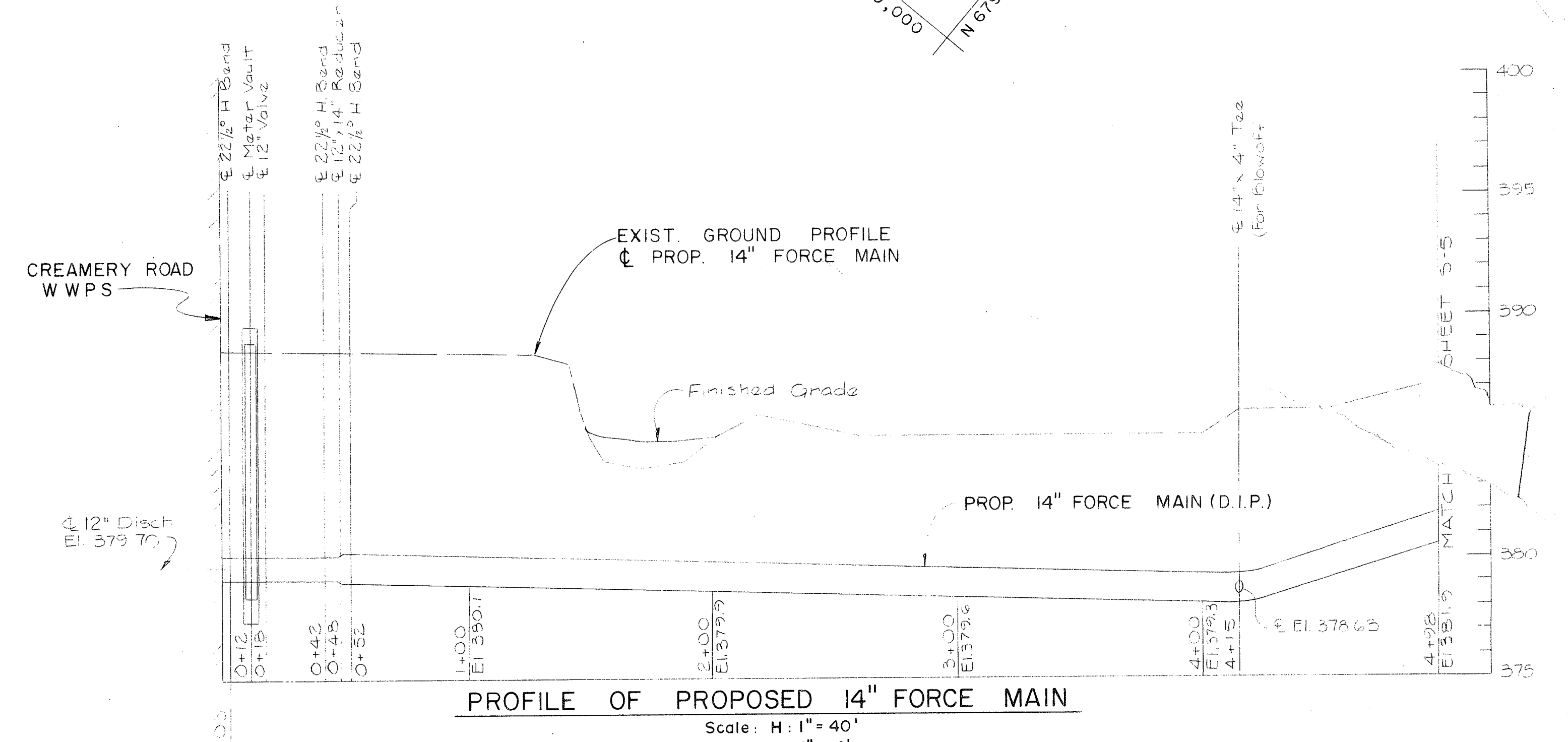


PLAN  
Scale: 1" = 40'

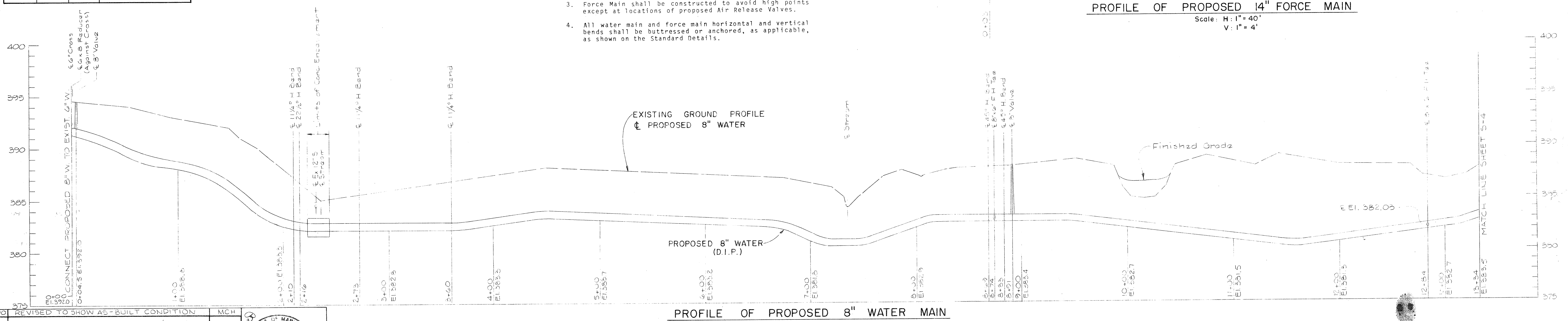
WATER MAIN			
Point	North	East	Description
1A	680,576	709,558	6" Cross
2A	680,368	709,524	11 1/4" H. Bend
3A	680,363	709,524	22 1/2" H. Bend
4A	680,356	709,527	Limit of Conc. Encasement
5A	680,349	709,533	10" Sewer
6A	680,338	709,538	Limit of Conc. Encasement
7A	680,254	709,516	11 1/4" H. Bend
8A	680,243	709,546	1/2" Pipe
9A	680,222	709,696	1/2" Pipe
10A	680,191	709,741	1/2" Pipe
11A	680,170	709,764	1/2" Pipe
12A	680,145	709,793	1/2" Pipe
13A	679,917	709,983	45" H. Bend
14A	679,917	709,987	8" Tee
15A	679,926	709,986	6" Valve
16A	679,934	709,986	Fire Hydrant
17A	679,938	709,996	45" H. Bend
18A	679,913	710,004	8" Valve
19A	679,740	710,200	1/2" Pipe
20A	679,661	710,302	Fire Hydrant

FORCE MAIN			
Point	North	East	Description
1B	679,752	710,202	1/2" Pipe
2B	679,691	710,289	14" x 4" Tee

- NOTE: (SHEET NOS. S-3, S-4 AND S-5)
- Pipe Elevations refer to top of pipe unless otherwise noted.
  - Water main shall have minimum 4' cover except where shown on Drawings for crossing of Existing Utilities.
  - Force Main shall be constructed to avoid high points except at locations of proposed Air Release Valves.
  - All water main and force main horizontal and vertical bends shall be buttressed or anchored, as applicable, as shown on the Standard Details.



PROFILE OF PROPOSED 14" FORCE MAIN  
Scale: H: 1" = 40'  
V: 1" = 4'



PROFILE OF PROPOSED 8" WATER MAIN  
Scale: H: 1" = 40'  
V: 1" = 4'

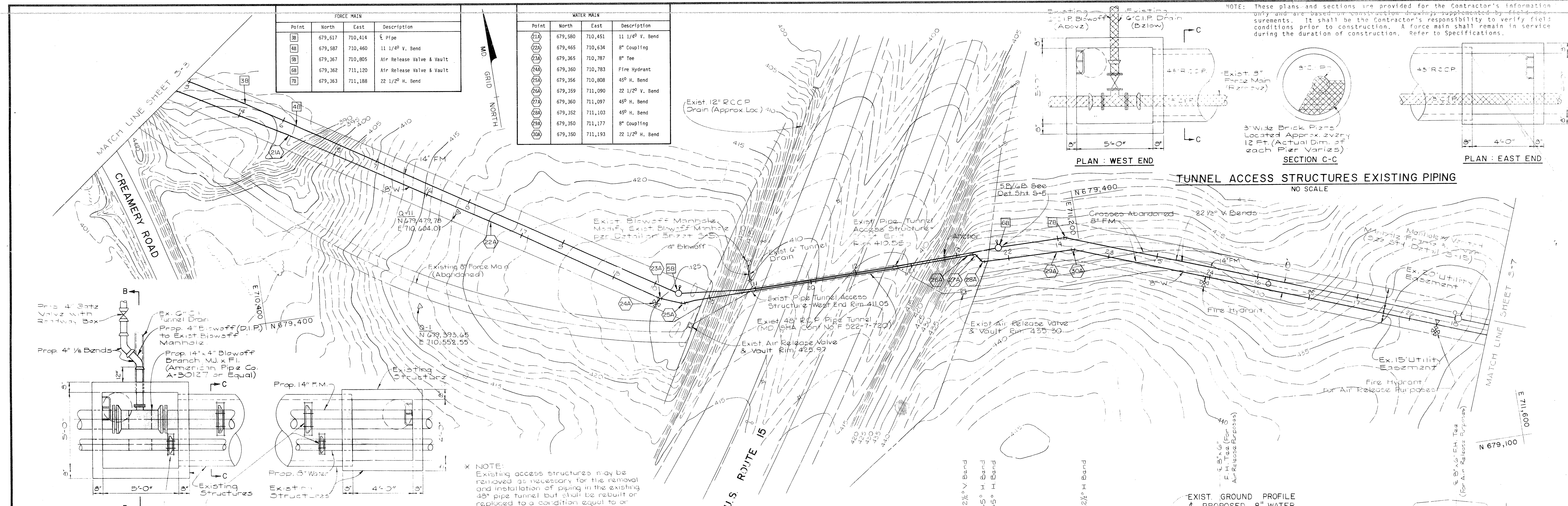
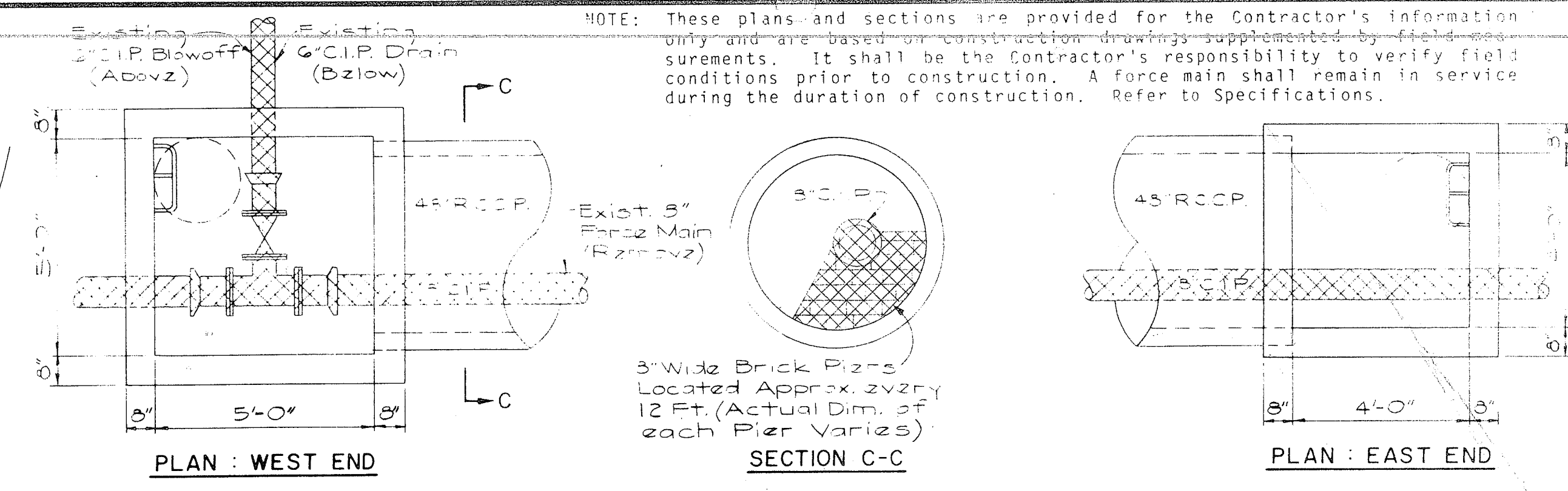
11/19/90	REVISED TO SHOW AS-BUILT CONDITION	MCH
DATE	REVISION	BY
BEAVIN COMPANY ENGINEERS - SURVEYORS BALTIMORE, MARYLAND		
P.E. REG. NO. 10396 DATE 4-12-90 DES. DFC DEN. CIVIL ENR. CHK. TND		

TOWN OF EMMITSBURG, MARYLAND		SCALE	CONTRACT NO. 85-01-S
WASTEWATER TREATMENT FACILITY		AS SHOWN	DRAWING NO. 3 OF 47
CREAMERY ROAD WWS FORCE MAIN AND WATER MAIN PLAN AND PROFILE			SHEET NO. S-3

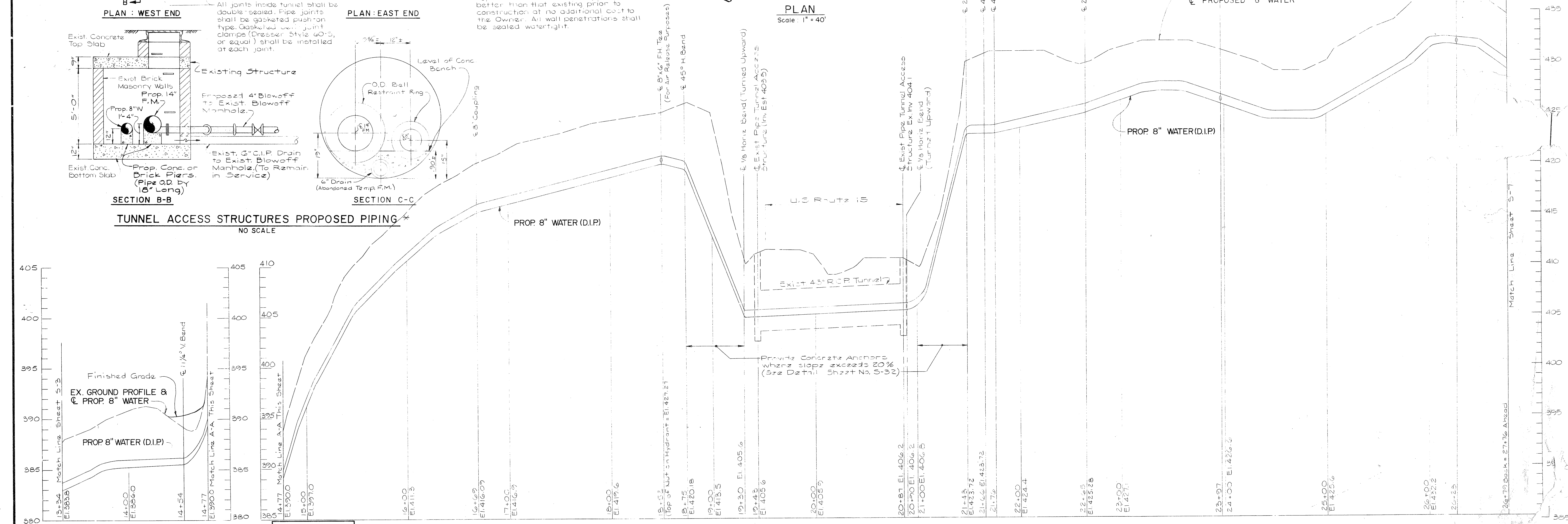
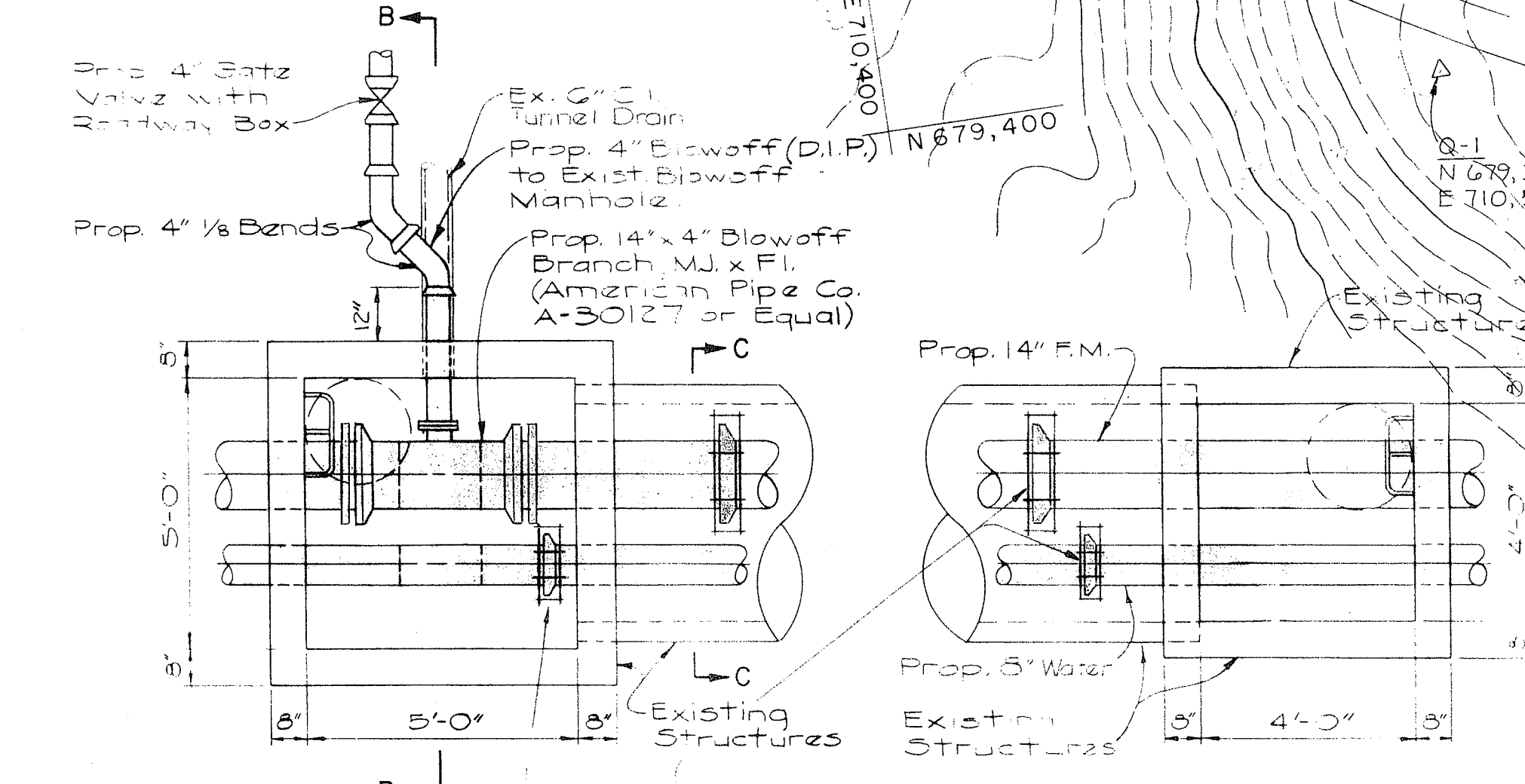
FORCE MAIN			
Point	North	East	Description
38	679,617	710,414	8" Pipe
46	679,587	710,460	11 1/4" V. Bend
58	679,367	710,805	Air Release Valve & Vault
68	679,362	711,120	Air Release Valve & Vault
76	679,363	711,188	22 1/2" H. Bend

WATER MAIN			
Point	North	East	Description
21A	679,580	710,451	11 1/4" V. Bend
22	679,465	710,634	8" Coupling
23A	679,365	710,787	8" Tee
24	679,360	710,783	Fire Hydrant
25A	679,356	710,808	45° H. Bend
26A	679,359	711,090	22 1/2" V. Bend
27A	679,360	711,097	45° H. Bend
28	679,352	711,103	45° H. Bend
29A	679,350	711,177	8" Coupling
30A	679,350	711,193	22 1/2" H. Bend

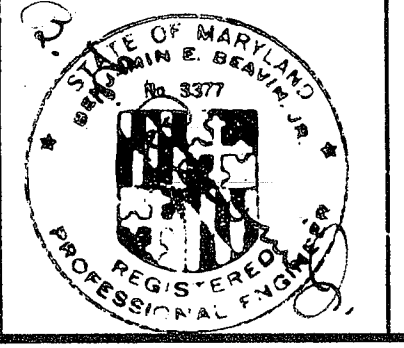
NOTE: These plans and sections are provided for the Contractor's information only and are based on construction drawings supplemented by field measurements. It shall be the Contractor's responsibility to verify field conditions prior to construction. A force main shall remain in service during the duration of construction. Refer to Specifications.



\* NOTE: Existing access structures may be removed as necessary for the removal and installation of piping in the existing 48" pipe tunnel but shall be rebuilt or replaced to a condition equal to or better than that existing prior to construction at no additional cost to the Owner. All wall penetrations shall be sealed watertight.



DATE	REVISION	BY
1/15/90	REVISED TO SHOW AS-BUILT CONDITION	MCH



PROFILE  
Scale: Horiz. 1" = 40'  
Vert. 1" = 4'

TOWN OF EMMITSBURG, MARYLAND  
WASTEWATER TREATMENT FACILITY  
CREAMERY ROAD WWPS FORCE MAIN AND WATER MAIN PLAN AND PROFILE

AS BUILT DRAWING  
SCALE: AS SHOWN  
CONTRACT NO. 85-01-S  
DRAWING NO. 4 OF 47  
SHEET NO. S-4

