



December 5th, 2023

CHELAN COUNTY NATURAL RESOURCES DEPARTMENT
COIC IMPROVEMENT PROJECT – DELIVERY PIPELINES

ADDENDUM NO. 1

To the Contractors, Subcontractors, Planholders and Suppliers:

The following items contain additions, deletions, or modifications to the Plans and/or Specifications. This Addendum forms as a part of the Contract Documents. All addendums and applicable updated contract Documents can be found at <https://www.co.chelan.wa.us/natural-resources/pages/current-opportunities>.

Bidders must acknowledge receipt of this Addendum on the Bid Proposal Declaration within the Bid Package.

A. SPECIAL PROVISIONS

A.1. DIVISION 1: GENERAL REQUIREMENTS

A.1.1 1-06 CONTROL OF MATERIAL

The following new subsection is added:

(*****)

1-06.2 Buy America: Required Use of American Iron, Steel, Manufactured Products, and Construction Materials for Infrastructure

As required by Section 70914 of the Bipartisan Infrastructure Law (also known as the Infrastructure Investment and Jobs Act), P.L. 117-58, on or after May 14, 2022, none of the funds under a federal award that are part of a Federal financial assistance program for infrastructure may be obligated for a project unless all of the iron, steel, manufactured products, and construction materials used in the project are produced in the United States, unless subject to an approved waiver.

The subject infrastructure project is at least partially funded by an award of Federal financial assistance. To lawfully utilize this funding, each of the following requirements must be met:

- 1) all iron and steel used in the project are produced in the United States—this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;
- 2) all manufactured products used in the project are produced in the United States—this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and

- 3) all construction materials are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States.

The domestic content procurement preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a domestic content procurement preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project, but are not an integral part of the structure or permanently affixed to the infrastructure project.

Chelan County must ensure that the domestic content procurement preference flows down to all contracts and subcontracts, and that the contractors, subcontractors, and any subrecipients comply with the domestic content procurement preference. As such, all Buy America provisions provided herein must be included in all sub-awards, contracts, subcontracts, and purchase orders for work performed under the infrastructure project.

For further information on the Buy America preference, please visit the White House Made in America Office website: www.whitehouse.gov/omb/management/made-in-america/, and/or the website of the applicable Federal funding agency.

Certification of Compliance

Chelan County must certify or provide equivalent documentation for proof of compliance that a good faith effort was made to solicit bids for domestic products used in the infrastructure project receiving Federal financial assistance.

Chelan County must also maintain certifications or equivalent documentation for proof of compliance that those articles, materials, and supplies that are consumed in, incorporated into, affixed to, or otherwise used in the infrastructure project, not covered by a waiver or exemption, are produced in the United States. The certification or proof of compliance must be provided by the suppliers or manufacturers of the iron, steel, manufactured products and construction materials and flow up from all contractors, subcontractors and vendors to Chelan County. Chelan County must keep these certifications with the award/project files and be able to produce them upon request from Federal funding agency, auditors, or Office of Inspector General.

Waivers

When necessary, the applicable Federal funding agency may grant a waiver request from the domestic content procurement preference.

When the Federal agency has made a determination that one of the following exceptions applies, the awarding official may waive the application of the domestic content procurement preference in any case in which the agency determines that:

- 1) applying the domestic content procurement preference would be inconsistent with the public interest;

- 2) the types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or
- 3) the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent.

There may be instances where an award qualifies, in whole or in part, for an existing general applicability waiver. If the specific financial assistance agreement, infrastructure project, or non-domestic materials meets the criteria of an existing general applicability waiver within the limitations defined within the waiver, there is no need to request a separate waiver for non-domestic materials.

If a general applicability waiver does not already apply, and it is believed that one of the above circumstances applies to an award, a request may be submitted to waive the application of the domestic content procurement preference.

Waiver Request Instructions

Each federal agency may provide specific instructions on the format, contents, and supporting materials required for any waiver request. If you believe your project, contract, or subcontract qualifies for a waiver from the Buy America requirements, please contact Mary Jo Sanborn at MaryJo.Sanborn@co.chelan.wa.us. Please use the subject line: “Buy America Waiver Request”.

Do not include any Privacy Act information, sensitive data, or proprietary information with the waiver request.

Waiver Review Process

The Federal funding agency may request additional information for consideration of a waiver request. The Federal funding agency may reject or grant waivers in whole or in part depending on its review, analysis, and/or feedback. The Federal funding agency’s final determination regarding approval or rejection of the waiver request may not be appealable. If submitted, waiver requests are subject to public comment periods of no less than 15 days and must be reviewed by the Made in America Office.

Definitions

“Components” are the articles, materials, or supplies incorporated directly into the end manufactured products(s).

“Construction materials” includes an article, material, 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 is or consists primarily of:

- non-ferrous metals;
- plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables);
- glass (including optic glass);
- lumber;
- drywall;
- coatings (paints and stains);

- optical fiber;
- clay brick;
- composite building materials; or
- engineered wood products.

“Domestic content procurement preference” means no amounts made available through a program for Federal financial assistance may be obligated for an infrastructure project unless all iron and steel used in the project are produced in the United States; the manufactured products used in the project are produced in the United States; or the construction materials used in the project are produced in the United States.

“Infrastructure” includes, at a minimum, the structures, facilities, and equipment located in the United States, for: roads, highways, and bridges; public transportation; dams, ports, harbors, and other maritime facilities; intercity passenger and freight railroads; freight and intermodal facilities; airports; water systems, including drinking water and wastewater systems; electrical transmission facilities and systems; utilities; broadband infrastructure; and buildings and real property; and facilities that generate, transport, and distribute energy, including electric vehicle (EV) charging. The term “infrastructure” should be interpreted broadly, and the definition provided above should be considered as illustrative and not exhaustive.

“Manufactured Products” are items used for an infrastructure project made up of components that are not primarily of iron or steel; construction materials; cement and cementitious materials’ aggregates such as stone, sand, or gravel; or aggregate binding agents or additives.

“Primarily of iron or steel” means greater than 50% iron or steel, measured by cost.

“Project” means the construction, alteration, maintenance, or repair of infrastructure in the United States.

“Public”–The Buy America Requirement does not apply to non-public infrastructure. Infrastructure should be considered “public” if it is: (1) publicly owned or (2) privately owned but utilized primarily for a public purpose. Infrastructure should be considered to be “utilized primarily for a public purpose” if it is privately operated on behalf of the public or is a place of public accommodation.

A.1.2 Section 1-07.18(2) Additional Insured

The listed additional insured following the first paragraph is revised to read:

- The Contracting Agency and its officers, representatives, elected officials, employees, agents, and volunteers
- Anchor QEA, LLC; Project Engineer
- Washington Water Trust
- Cascade Orchards Irrigation Company (COIC)

B. TECHNICAL SPECIFICATIONS

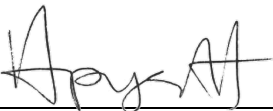
B.1 Specification Section 01 10 00 – General Requirements

B.1.1 Part 1- General, 1.01 – Summary, A – Purpose and Intent, Paragraph 8.

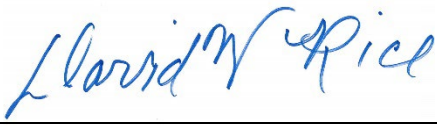
Paragraph 8 of Part 1 – General, 1.01 – Summary, A – Purpose and Intent, on Page 2 of Section 01 10 00 – General Requirements of the Technical Specifications is revised to read:

COIC is the system owner, hereafter referred to as the “Owner”, and will own and operate the system during and after Project construction. COIC is the express beneficiary of the project and therefore all warranties given by the Contractor shall flow directly to and be enforceable by COIC. COIC is the authorized assignee of all rights, interests and warranties associated with equipment purchased and installed for the project. COIC will designate a representative to observe construction and coordinate with the Construction Manager and COIC shareholders. COIC personnel may observe construction to ensure the completed Project is operable and meets its needs. COIC will not direct the Contractor’s work in the field. COIC may inform the Construction Manager and the COR of all observed deficiencies of the Contract Work, permit violations, safety concerns, or other requirements.

END OF ADDENDUM NO. 1

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Hannah Pygott, Sr. Natural Resource Specialist
Chelan County Natural Resources Department

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David Rice, Principal Water Resources Engineer
Anchor QEA, LLC