

INVITATION TO BID

PROPOSAL

**BID NO. 11-3-1-4**

**SKIDAWAY ROAD SHOULDER IMPROVEMENTS**

**PREBID CONF: 2:00PM, NOVEMBER 4, 2010**

**BID OPENING: 2:00PM, NOVEMBER 18, 2010**

THE COMMISSIONERS OF CHATHAM COUNTY, GEORGIA

PETE LIAKAKIS, CHAIRMAN

COMMISSIONER HELEN J. STONE

COMMISSIONER HARRIS ODELL JR.

COMMISSIONER JAMES J. HOLMES

COMMISSIONER DAVID M. GELLATLY

COMMISSIONER PATRICK O. SHAY

COMMISSIONER DEAN KICKLIGHTER

COMMISSIONER PATRICK J. FARRELL

COMMISSIONER PRISCILLA D. THOMAS

R. JONATHAN HART, COUNTY ATTORNEY

CHATHAM COUNTY, GEORGIA  
DOCUMENT CHECK LIST

The following documents, when marked, are contained in and made a part of this Bid Package or are required to be submitted with the bid. It is the responsibility of the bidder to read, complete and sign, where indicated, and return these documents with his/her bid. **FAILURE TO DO SO MAY BE CAUSE FOR DISQUALIFYING THE BID.**

  X   GENERAL INFORMATION AND INSTRUCTIONS TO BID WITH ATTACHMENTS

  X   SURETY REQUIREMENTS (A Bid Bond of 5% with this ITB)

  X   PROPOSAL

       PLANS/DRAWINGS - ( **Plans and Specifications are available and must be purchased at the Purchasing Department for \$50 non-refundable**)

  X   BID SCHEDULE

       PERFORMANCE BOND - **UPON AWARD OF CONTRACT**

       PAYMENT BOND - **UPON AWARD OF CONTRACT**

       CONTRACT

  X   LEGAL NOTICE

  X   AFFIDAVIT OF PAYMENT

  X   ATTACHMENTS: A. DRUG FREE WORKPLACE; B. NONDISCRIMINATION STATEMENT; C. DISCLOSURE OF RESPONSIBILITY STATEMENT; D. IMMIGRATION & SECURITY FORM; E. CONTRACTOR/SUBCONTRACTOR AFFIDAVIT & AGREEMENT.

       DOCUMENTATION OF ABILITY TO PERFORM BID REQUIREMENTS. THIS MAY BE REQUIRED OF BIDDERS AFTER SUBMISSION OF BIDS.

**COUNTY TAX CERTIFICATE REQUIREMENT** - Contractor must supply a copy of their Tax Certificate from their location in the State of Georgia, as proof of payment of the occupational tax where their office is located.

CURRENT TAX CERTIFICATE NUMBER

CITY \_\_\_\_\_

COUNTY \_\_\_\_\_

OTHER \_\_\_\_\_

The Chatham County of Commissioners have established goals to increase participation of minority and female owned businesses. In order to accurately document participation, businesses submitting bids or proposals are encouraged to report ownership status. A minority or female business is defined as a business with 51% or greater minority of female ownership. Please check ownership status as applicable:

African-American \_\_\_\_\_ Asian American \_\_\_\_\_ Hispanic \_\_\_\_\_

Native American or Alaskan Indian \_\_\_\_\_ Female \_\_\_\_\_

In the award of "Competitive Sealed Proposals", minority/female participation may be one of several evaluation criteria used in the award process when specified as such in the Request for Proposal.

RECEIPT IS HEREBY ACKNOWLEDGED OF ADDENDA NUMBERS \_\_\_\_\_

The undersigned bidder certifies that he/she has received the above listed and marked documents and acknowledges that his/her failure to return each, completed and signed as required, may be cause for disqualifying his/her bid.

BY: \_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE

TITLE: \_\_\_\_\_

COMPANY: \_\_\_\_\_

CHATHAM COUNTY, GEORGIA  
OFFICE OF THE PURCHASING AGENT  
POST OFFICE BOX 15180  
SAVANNAH, GEORGIA 31416  
(912) 790-1622

**Date: October 12, 2010**

**BID NO. 11-3-1-4**

**GENERAL INFORMATION FOR INVITATION FOR BID/PROPOSAL**

This is an invitation to submit a bid or proposal to supply Chatham County with construction, equipment, supplies and/or services as indicated herein. Sealed bids or proposals will be received at the Office of the Purchasing Agent, **at The Chatham County Citizens Service Center, 1117 Eisenhower Drive, Suite C, Savannah, Georgia, up to 2:00PM, NOVEMBER 18, 2010** at which time they will be opened and publicly read. **The County reserves the right to reject all bids or proposals for any bid or proposal that is non-responsive or not responsible.**

Instructions for preparation and submission of a bid or proposal are contained in this Invitation For Bid/Proposal package. Please note that specific forms for submission of a bid/proposal are required. Bids must be typed or printed in ink. If you do not submit a bid/proposal, return the signed bid invitation sheet and state the reason; otherwise, your name may be removed from our bidders list.

A **pre-bid conference** has been scheduled to be conducted **at the Chatham County Purchasing & Contracting Office located at The Chatham County Citizens Service Center, 1117 Eisenhower Drive, Suite C, Savannah, Georgia, at 2:00PM, NOVEMBER 4, 2010** to discuss the specifications and resolve any questions and/or misunderstanding that may arise. You are encouraged to attend.

Any changes to the conditions and specifications must be in the form of a written addendum to be valid; therefore, the Purchasing Agent will issue a written addendum to document each approved change. Generally when addenda are required, the bid opening date will be changed.

Chatham County has an equal opportunity purchasing policy. Chatham County seeks to ensure that all segments of the business community have access to supplying the goods and services needed by County programs. The County affirmatively works to encourage utilization of disadvantaged and minority business enterprises in our procurement activities. The County provides equal opportunity for all businesses and does not discriminate against any persons or businesses regardless of race, color, religion, age, sex, national origin or handicap. The terms "disadvantaged business," "minority business enterprise," and "minority person" are more specifically defined and explained in the Chatham County Purchasing Ordinance and Procedures Manual, Article VII - Disadvantaged Business Enterprises Program.

**This project is Special Purpose Local Option Sales Tax (SPLOST) Project. See paragraph 2.22 for MBE/WBE participation goals.**

## INSTRUCTIONS TO BIDDERS/PROPOSERS

1.1 **Purpose:** The purpose of this document is to provide general and specific information for use in submitting a bid or proposal to supply Chatham County with equipment, supplies, and/or services as described herein. All bids/proposals are governed by the Code of Chatham County, Chapter 4, Article IV, and the laws of the State of Georgia.

1.2 **How to Prepare Bid Proposals:** All bid proposals shall be:

- a. Prepared on the forms enclosed herewith, unless otherwise prescribed, and **all documents must be submitted.**
- b. Typewritten or completed with pen and ink, signed by the business owner or authorized representative, with all erasures or corrections initialed and dated by the official signing the proposal. **ALL SIGNATURE SPACES MUST BE SIGNED.**

Bidders are encouraged to review carefully all provisions and attachments of this document prior to submission. Each bid constitutes an offer and may not be withdrawn except as provided herein.

1.3 **How to Submit Bid Proposals:** All bid proposals shall be:

- a. **Submitted in sealed opaque envelopes, plainly marked with the bid number and title, date and time of bid opening, and company name.**
- b. Mailed or delivered as follows in sufficient time to ensure receipt by the Purchasing Agent on or before the time and date specified above.

1. **Mailing Address: Purchasing Agent, Post Office Box 15180, Savannah, Georgia 31416.**

2. **Hand Delivery: Purchasing Agent, Chatham County Citizens Service Center, 1117 Eisenhower Drive, Suite C, Savannah, Georgia.**

**BIDS NOT RECEIVED BY THE TIME AND DATE SPECIFIED WILL NOT BE OPENED OR CONSIDERED.**

1.4 **How to Submit an Objection:** Objections from bidders to this invitation to bid and/or these specifications should be brought to the attention of the County Purchasing Agent in the following manner:

- a. When a pre-bid conference is scheduled, bidders shall either present their oral objections at that time or submit their written objections at least two (2) days prior to the scheduled pre-bid conference.
- b. When a pre-bid conference is not scheduled, the bidder shall submit any objections he may

have in writing not less than five (5) days prior to the opening of the bid.

- c. The objections contemplated may pertain to form and/or substance of the invitation to bid documents. Failure to object in accordance with the above procedure will constitute a waiver on the part of the business to protest this invitation to bid.

- 1.5 **Failure to Bid:** If a bid is not submitted, the business should return this invitation to bid document, stating reason therefore, and indicate whether the business should be retained or removed from the County's bidders list.
- 1.6 **Errors in Bids:** Bidders or their authorized representatives are expected to fully inform themselves as to the conditions, requirements, and specifications before submitting bids. Failure to do so will be at the bidder's own risk. In case of error in extension of prices in the bid, the unit price will govern.
- 1.7 **Standards for Acceptance of Bid for Contract Award:** The County reserves the right to reject any or all bids and to waive any irregularities or technicalities in bids received whenever such rejection or waiver is in the best interest of the County. The County reserves the right to reject the bid of a bidder who has previously failed to perform properly or complete on time contracts of a similar nature, or a bid from a bidder whom investigation shows is not in a position to perform the contract.
- 1.8 **Bidder:** Whenever the term "bidder" is used it shall encompass the "person," "business," "contractor," "supplier," "vendor," or other party submitting a bid or proposal to Chatham County in such capacity before a contract has been entered into between such party and the County.
- 1.9 **Responsible / Responsive Bidder:** *Responsible Bidder* means a person or entity that has the capability in all respects to perform fully and reliably the contract requirements. *Responsive Bidder* means a person or entity that has submitted a bid or proposal that conforms in all material respects to the requirements set forth in the invitation for bids or request for proposals.
- 1.10 **Compliance with Laws:** The bidder and/or contractor shall obtain and maintain all licenses, permits, liability insurance, workman's compensation insurance and comply with any and all other standards or regulations required by federal, state or County statute, ordinances and rules during the performance of any contract between the contractor and the County. Any such requirement specifically set forth in any contract document between the contractor and the County shall be supplementary to this section and not in substitution thereof.
- 1.11 **Contractor:** Contractor or subcontractor means any person or business having a contract with Chatham County. The Contractor/Vendor of goods, material, equipment or services certifies that they will follow equal employment opportunity practices in connection with the awarded contract as more fully specified in the contract documents.
- 1.12 **\*Local Preference:** On 27 March, 1998 the Board of Commissioners adopted a Local Vendor Preference Ordinance. This Ordinance does not apply to construction contracts. However, contractors are encouraged to apply the same method when awarding bids to local and local M/WBE businesses when ever possible in order to promote growth in Chatham County's economy. **NOTE: Local Preference does not apply to Public Works Construction contracts.**

- 1.13 **Debarred Firms and Pending Litigation:** Any potential proposer/firm listed on the Federal or State of Georgia Excluded Parties Listing (Barred from doing business) **will not** be considered for contract award. Proposers **shall disclose** any record of pending criminal violations (Indictment) and/or convictions, pending lawsuits, etc., and any actions that may be a conflict of interest occurring within the past five (5) years. Any proposer/firm previously defaulting or terminating a contract with the County will not be considered. Also, any contractor or subcontractor that has pending litigation with the County will not be considered for contract award.

**\*\* All bidders or proposers are to read and complete the Disclosure of Responsibility Statement enclosed as an Attachment to be returned with response. Failure to do so may result in your solicitation response being rejected as non-responsive.**

Bidder acknowledges that in performing contract work for the Board, bidder shall not utilize any firms that have been a party to any of the above actions. If bidder has engaged any firm to work on this contract or project that is later debarred, Bidder shall sever its relationship with that firm with respect to Board contract.

- 1.14 **Performance Evaluation:** On April 11, 2008, the Chatham County Board of Commissioners approved a change to the County Purchasing Ordinance requiring Contractor/Consultant Performance Evaluations, as a minimum, annually, prior to contract anniversary date.

Should Contractor/Consultant performance be unsatisfactory, the appointed County Project Manager for the contract may prepare a Contractor/Consultant Complaint Form or a Performance Evaluation to the County Purchasing Agent.

- 1.15 **Payment of Taxes:** No contract shall be awarded unless all real and personal property taxes have been paid by the successful contractor and/or subcontractors as adopted by the Board of commissioners on April 8, 1994.

- 1.16 **State Licensing Board for General Contractors:** Pursuant to Georgia law, the following types of contractors **must obtain a license from the State Licensing Board of Residential and General Contractors by July 1, 2008:**

\* **Residential - Basic Contractor** (Contractor work relative to detached one-family and two-family residences and one-family townhouses not over three stories in height).

\* **Residential - Light Commercial Contractor** (Contractor work or activity related to multifamily and multiuse light commercial buildings and structures).

\* **General Contractor** (Contractor work or activity that is unlimited in scope regarding any residential or commercial projects).

**A copy of your licence must be a part of your bid documents at the time of the bid opening.**

- 1.17 **Immigration:** On July 1, 2008 the Georgia Security and Immigration Compliance Act (SB 529, Section 2) became effective. All contractors and subcontractors with 100 or more employees entering into a contract or performing work must sign an affidavit that he/she has used the E-Verify System. E-Verify is a no-cost federal employment verification system to insure employment eligibility. Affidavits are enclosed in this

solicitation. You may download M-274 Handbook for Employers at <http://www.dol.state.ga.us/spotlight/employment/rules>. You may go to <http://www.uscis.gov>. To find the E-Verify information.

**Protection of Resident Workers.** Chatham County Board of Commissioners actively supports the Immigration and Nationality Act (INA) which includes provisions addressing employment eligibility, employment verification, and nondiscrimination. Under the INA, employers may hire only persons who may legally work in the United States (i.e., citizens and nationals of the U.S.) and aliens authorized to work in the U.S. The employer must verify the identity and employment eligibility of anyone to be hired, which includes completing the Employment Eligibility Verification Form (I-9). The Contractor shall establish appropriate procedures and controls so no services or products under the Contract Documents will be performed or manufactured by any worker who is not legally eligible to perform such services or employment.

## **GENERAL CONDITIONS**

- 2.1 **Specifications:** Any obvious error or omission in specifications shall not inure to the benefit of the bidder but shall put the bidder on notice to inquire of or identify the same from the County. Whenever herein mention is made of any article, material or workmanship to be in accordance with laws, ordinances, building codes, underwriter's codes, A.S.T.M. regulations or similar expressions, the requirements of these laws, ordinances, etc., shall be construed to be the minimum requirements of these specifications.
- 2.2 **Multiple Bids:** No vendor will be allowed to submit more than one bid. Any alternate proposals must be brought to the Purchasing Agent's attention during the Pre-bid Conference or submitted in writing at least five (5) days preceding the bid opening date.
- 2.3 Not Used.
- 2.4 **Prices to be Firm:** Bidder warrants that bid prices, terms and conditions quoted in his bid will be firm for acceptance for a period of sixty (60) days from bid opening date, unless otherwise stated in the bid.
- 2.5 **Completeness:** All information required by Invitation for Bids/Proposals must be completed and submitted to constitute a proper bid or proposal.
- 2.6 **Quality:** All materials, or supplies used for the construction necessary to comply with this proposal shall be of the best quality, and of the highest standard of workmanship.  
  
Workmanship employed in any construction, repair, or installation required by this proposal shall be of the highest quality and meet recognized standards within the respective trades, crafts and of the skills employed.
- 2.7 **Guarantee:** Unless otherwise specified by the County, the bidder shall unconditionally guarantee the materials and workmanship on all material and/or services. If, within the guarantee period any defects occur which are due to faulty material and or services, the contractor at his expense, shall repair or adjust the condition, or replace the material and/or services to the complete satisfaction of the County. These repairs, replacements or adjustments shall be made only at such time as will be designated by the County as being least detrimental to the operation of County business.
- 2.8 **Liability Provisions:** Where bidders are required to enter or go onto Chatham County property to take



measurements or gather other information in order to prepare the bid or proposal as requested by the County, the bidder shall be liable for any injury, damage or loss occasioned by negligence of the bidder, his agent, or any person the bidder has designated to prepare the bid and shall indemnify and hold harmless Chatham County from any liability arising therefrom. The contract document specifies the liability provisions required of the successful bidder in order to be awarded a contract with Chatham County.

- 2.9 **Cancellation of Contract:** The contract may be canceled or suspended by Chatham County in whole or in part by written notice of default to the Contractor upon non-performance or violation of contract terms. An award may be made to the next low bidder, for articles and/or services specified or they may be purchased on the open market and the defaulting Contractor (or his surety) shall be liable to Chatham County for costs to the County in excess of the defaulted contract prices. See the contract documents for complete requirements.
- 2.10 **Patent Indemnity:** Except as otherwise provided, the successful bidder agrees to indemnify Chatham County and its officers, agents and employees against liability, including costs and expenses for infringement upon any letters patent of the United States arising out of the performance of this Contract or out of the use or disposal for the account of the County of supplies furnished or construction work performed hereunder.
- 2.11 **Certification of Independent Price Determination:** By submission of this bid, the bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, that in connection with this procurement:
- (1) The prices in this bid have been arrived at independently, without consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor;
  - (2) Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly to any other bidder or to any competitor; and
  - (3) No attempt has been made or will be made by the bidder to induce any other person or firm to submit or not be submit a bid for the purpose or restricting competition.
- 2.12 **Award of Contract:** The contract, if awarded, will be awarded to that responsible bidder whose bid/proposal will be most advantageous to Chatham County, price and other factors considered. The Board of Commissioners will make the determination as to which bid or proposal that serves as the best value to Chatham County.
- 2.13 **Procurement Protests:** Objections and protests to any portion of the procurement process or actions of the County staff may be filed with the Purchasing Agent for review and resolution. The Chatham County Purchasing Procedures Manual, Article IX - Appeals and Remedies shall govern the review and resolution of all protests.
- 2.14 **Qualification of Business (Responsible Bidder or Proposer):** A responsible bidder or proposer is defined as one who meets, or by the date of the bid acceptance can meet, certifications, all requirements for licensing, insurance, and registrations, or other documentation required by the Design Professional engaged

to develop Scope of work, specifications and plans. These documents will be listed in the Special Conditions further on in this solicitation. Chatham County has the right to require any or all bidders to submit documentation of the ability to perform, provide, or carry out the service or provide the product requested.

Chatham County has the right to disqualify the bid or proposal of any bidder or proposer as being unresponsive or irresponsible whenever such bidder/proposer cannot document the ability to deliver the requested product.

- 2.15 **Chatham County Tax Certificate Requirement:** A current Chatham County Tax Certificate is required unless otherwise specified.

Please contact the Building Safety and Regulatory Services (912) 201-4300 for additional information.

- 2.16 **Insurance Provisions, General:** The selected CONTRACTOR shall be required to procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Contractor, his agents, representatives, employees or subcontractors. The cost of such insurance shall be included in the Bid. It is every contractor's responsibility to provide the County Purchasing and Contracting Division current and up-to-date Certificates of Insurance for multiple year contracts before the end of each term. Failure to do so may be cause for termination of contract. **NOTE: SOME OF THE INSURANCE REQUIREMENTS HAVE BEEN MODIFIED FOR THIS SPECIFIC PROJECT. READ CAREFULLY.**

2.16.1 General Information that shall appear on a Certificate of Insurance:

- I. Name of the Producer (Contractor's insurance Broker/Agent).
- II. Companies affording coverage (there may be several).
- III. Name and Address of the Insured (this should be the Company or Parent of the firm Chatham County is contracting with).
- IV. A Summary of all current insurance for the insured (includes effective dates of coverage).
- V. A brief description of the operations to be performed, the specific job to be performed, or contract number.
- VI. Certificate Holder (This is to always include Chatham County).

**Chatham County as an Additional Insured:** Chatham County invokes the defense of sovereign immunity. In order not to jeopardize the use of this defense, the County **is not** to be included as an Additional Insured on insurance contracts.

2.16.2 **Minimum Limits of Insurance** to be maintained for the duration of the contract:

- a. **Commercial General Liability:** Provides protection against bodily injury and property damage claims arising from operations of a Contractor or Tenant. This policy coverage includes: premises and operations, use of independent contractors, products/completed operations, personal injury, contractual, broad form property damage, and underground, explosion and collapse hazards. Minimum limits: \$1,000,000 per person and \$3,000,000 per occurrence.

- b. **Worker's Compensation and Employer's Liability:** Provides statutory protection against bodily injury, sickness or disease sustained by employees of the Contractor while performing within the scope of their duties. Employer's Liability coverage is usually included in Worker's Compensation policies, and insures common law claims of injured employees made in lieu of or in addition to a Worker's Compensation claim. Minimum limits: \$500,000 for each accident., disease policy limit, disease each employee and Statutory Worker's Compensation limit.
- c. **Business Automobile Liability:** Coverage insures against liability claims arising out of the Contractor's use of automobiles. Minimum limit: \$1,000,000 combined single limit per accident for bodily injury and property damage. Coverage should be written on an Any Auto basis.

2.16.3 Special Requirements:

- a. **Claims-Made Coverage:** The limits of liability shall remain the same as the occurrence basis, however, the Retroactive date shall be prior to the coincident with the date of any contract, and the Certificate of Insurance shall state the coverage is claims-made. The Retroactive date shall also be specifically stated on the Certificate of Insurance.
- b. **Extended Reporting Periods:** The Contractor shall provide the County with a notice of the election to initiate any Supplemental Extended Reporting Period and the reason(s) for invoking this option.
- c. **Reporting Provisions:** Any failure to comply with reporting provisions of the policies shall not affect coverage provided in relation to this request.
- d. **Cancellation:** Each insurance policy that applies to this request shall be endorsed to state that it shall not be suspended, voided, or canceled, except after thirty (30) days prior to written notice by certified mail, return receipt requested, has been given to the County.
- e. **Proof of Insurance:** The contractor shall not produce or maintain in force any insurance policy which might have the effect of reducing the loss payable under any of the policies required by this agreement. Prior to issuance of the Notice to Proceed, the contractor shall deliver a current and valid certificate of insurance or statement of self-insurance to the County, together with reasonably satisfactory evidence to the County that premiums have been paid or, in the case of self-insurance that assets are available to cover claim costs that may be incurred during the period the Revocable License Agreement is in effect.
- f. **Insurer Acceptability:** Insurance is to be placed with an insurer having an A.M. Best's rating of A or better and a financial size rating of class "XI" or greater. If an insurer does not qualify for averaging on a five year basis, the current total Best's rating will be used to evaluate insurer acceptability.
- g. **Lapse in Coverage:** A lapse in coverage shall constitute grounds for contract termination by the Chatham County Board of Commissioners.

- h. **Deductibles and Self-Insured Retention:** Any deductibles or self-insured retention must be declared to, and approved by, the County. At the option of the County, either: the insurer shall reduce or eliminate such deductibles or self-insured retention as related to the County, its officials, officers, employees, and volunteers; or the Contractor shall procure a bond guaranteeing payment of related suits, losses, claims, and related investigation, claim administration and defense expenses.
- i. **Wavier of Subrogation:** Each policy required by this Agreement shall also contain a provision waiving the contractor's or contractor's insurance carrier's right to subrogate against the County.

2.16.4 **Additional Coverage for Specific Procurement Projects:**

- a. **Professional Liability:** Insure errors or omission on behalf of architects, engineers, attorneys, medical professionals, and consultants.

Minimum Limits: \$1 million per claim/occurrence

Coverage Requirement: If claims-made, retroactive date must precede or coincide with the contract effective date or the date of the Notice to Proceed. The professional must state if tail coverage has been purchased and the duration of the coverage.

- b. **Builder's Risk: (For Construction or Installation Contracts)** Covers against insured perils while in the course of construction.

Minimum Limits: All-Risk coverage equal 100% of contract value

Coverage Requirements: Occupancy Clause - permits County to use the facility prior to issuance of Notice of Substantial Completion.

- 2.17 **Compliance with Specification - Terms and Conditions:** The Invitation to Bid, Legal Advertisement, General Conditions and Instructions to Bidders, Specifications, Special Conditions, Vendor's Bid, Addendum, and/or any other pertinent documents form a part of the bidders proposal or bid and by reference are made a part hereof.
- 2.18 **Signed Bid Considered Offer:** The signed bid shall be considered an offer on the part of the bidder, which offer shall be deemed accepted upon approval by the Chatham County Board of Commissioners, Purchasing Agent or his designee. In case of a default on the part of the bidder after such acceptance, Chatham County may take such action as it deems appropriate, including legal action for damages or lack of required performance.
- 2.19 **Notice to Proceed:** The successful bidder or proposer shall not commence work under this Invitation to Bid until a written contract is awarded and a Notice to Proceed is issued by the Purchasing Agent or his designee. If the successful bidder does commence any work or deliver items prior to receiving official notification,

he does so at his own risk.

2.20 **Payment to Contractors:** Instructions for invoicing the County for products delivered to the County are specified in the contract document.

- a. Questions regarding payment may be directed to the Finance Department at (912) 652-7905 or the County's Project Manager as specified in the contract documents.
- b. Contractors will be paid the agreed upon compensation upon satisfactory delivery of the products or completion of the work as more fully described in the contract document.
- c. Upon completion of the work or delivery of the products, the Contractor will provide the County or contractor with an affidavit certifying all suppliers, persons or businesses employed by the Contractor for the work performed for the County have been paid in full.
- d. Chatham County is a tax exempt entity. Every contractor, vendor, business or person under contract with Chatham County is required by Georgia law to pay State sales or use taxes for products purchased in Georgia or transported into Georgia and sold to Chatham County by contract. Please consult the State of Georgia, Department of Revenue, Sales and Use Tax Unit in Atlanta (404) 656-4065 for additional information.

2.21 Not Used.

2.22 The Chatham County Board of Commissioners has adopted an aggressive program that establishes goals for minority/female, small and disadvantaged business participation in construction, professional services, and general procurement.

- a. The Chatham County Board of Commissioners under Georgia law may reject any bid as non-responsive if they feel a bidder did not exercise **“Good Faith Effort”** in obtaining the goal established for M/WBE participation.
- b. The Chatham County Board of Commissioners adopted a policy establishing goals oriented to increase participation of minority and female owned businesses, through MBE/FBE certification and development. In order to accurately document participation, businesses submitting bids, quotes or proposals are encouraged to report ownership status. A bidder or vendor that is certified by any agency of the Federal Government or State of Georgia may submit a copy of their certification with their bid as proof of qualifications. Bidders that intend to engage in joint ventures or utilize subcontractors must submit to the County Contracts Administrator, a report on Minority/Female Business Enterprise participation.

**Goals established for this project is 30% MBE/ WBE combined.**

- c. A Minority/Female Business Enterprise (M/FBE) is a business concern that is at least 51% owned by one or more minority/female individuals (2) and whose daily business operations are managed and directed by one or more of the minority/female owners.

- 2.23 Bidders or proposers are required to make a **Good Faith Effort**, where subcontracting is to be utilized in performing the contract, to subcontract with or purchase supplies from qualified M/WBEs. Bidders or proposers are required to state if they intend to subcontract any part of the work. Goals will be established for each contract at the onset. **Forms** requiring the signatures of bidders or proposers are enclosed as **Attachments** and must be completed and returned with your bid response. If forms are not completed and submitted, the bid may be considered nonresponsive.

Each bidder or proposer is required to maintain records of such efforts in detail adequate to permit a determination of compliance with these requirements. All contracts will reflect **Good Faith Efforts** and reporting requirements for the term of the contract. The County particularly urges general contractors to give emphasis to subcontracting with local area firms. **For all questions regarding M/WBE participation and Good Faith Effort only**, contact : **Arneja Riley, Chatham County M/WBE Coordinator, 124 Bull Street, Suite 310 Savannah, Ga. 31401. Ph 912-652-7860; fax 912-652-7849; e-mail [alriley@chathamcounty.org](mailto:alriley@chathamcounty.org) or <http://purchasing.chathamcounty.org>**

- 2.24 **GEORGIA OPEN RECORDS ACT** - The responses will become part of the County's official files without any obligation on the County's part. Ownership of all data, materials and documentation prepared for and submitted to Chatham County in response to a solicitation, regardless of type, shall belong exclusively to Chatham County and will be considered a record prepared and maintained or received in the course of operations of a public office or agency and subject to public inspection in accordance with the Georgia Open Records Act, Official Code of Georgia Annotated, Section 50-18-70, et. Seq., unless otherwise provided by law.

Responses to RFPs shall be held confidential from all parties other than the County until after the contract is awarded by the Board of Commissioners.

The vendor and their bid price in response to IFBs will be read aloud at public bid openings. After Bid Tabulations, the IFB shall be available for public viewing.

Chatham County shall not be held accountable if material from responses is obtained without the written consent of the vendor by parties other than the County, at any time during the solicitation evaluation process.

- 2.25 **GEORGIA TRADE SECRET ACT of 1990**- In the event a Bidder/Proposer submits trade secret information to the County, the information must be clearly labeled as a Trade Secret. The County will maintain the confidentiality of such trade secrets to the extent provided by law.

- 2.26 **CONTRACTOR RECORDS**-The Georgia Open Records Act is applicable to the records of all contractors and subcontractors under contract with the County. This applies to those specific contracts currently in effect and those which have been completed or closed for up to three (3) years following completion. Again, this is contract specific to the County contracts only.

- 2.27 **EXCEPTIONS**-All proceedings, records, contracts and other public records relating to procurement transactions shall be open to the inspection of any citizen, or any interested person, firm or corporation, in accordance

- a. Cost estimates relating to a proposed procurement transaction prepared by or for a public body shall not be open to public inspection.
- b. Any competitive sealed bidding bidder, upon request, shall be afforded the opportunity to inspect bid records within a reasonable time after the opening of all bids but prior to award, except in the event that the County decides not to accept any of the bids and to rebid the contract. Otherwise, bid records shall be open to public inspection only after award of the contract. Any competitive negotiation offeror, upon request, shall be afforded the opportunity to inspect proposal records within a reasonable time after the evaluation and negotiations of proposals are completed but prior to award except in the event that the County decides not to accept any of the proposals and to reopen the contract. Otherwise, proposal records shall be open to the public inspection only after award of the contract except as provided in paragraph "c" below. Any inspection of procurement transaction records under this section shall be subject to reasonable restrictions to ensure the security and integrity of the records.
- c. Trade secrets or proprietary information submitted by a bidder, offeror or contractor in connection with a procurement transaction shall not be subject to public disclosure under the Georgia Open Records Act; however, the bidder, offeror or contractor must invoke the protections of this section prior to or upon submission of the data or other materials, and must identify the data or other materials to be protected and state the reasons why protection is necessary.
- d. Nothing contained in this section shall be construed to require the County, when procuring by "competitive negotiation" (Request for Proposal), to furnish a statement of the reasons why a particular proposal was not deemed to be the most advantageous to the County.

2.28 **REFERENCES - \$500,000 or more:** On July 25, 2003 the Board of Commissioners directed that all construction projects with a bid of \$500,000 or more, for bidders to be responsive each must provide information on the most recent five (5) projects with similar scope of work as well as other information to determine experience and qualifications as follows:

- a. Project Name: \_\_\_\_\_  
 Location: \_\_\_\_\_  
 Owner: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City and State: \_\_\_\_\_  
 Contact: \_\_\_\_\_  
 Phone & Fax: \_\_\_\_\_  
 \*Architect or Engineer: \_\_\_\_\_  
 Contact: \_\_\_\_\_  
 Phone & Fax: \_\_\_\_\_  
 Email: \_\_\_\_\_
- b. The awarded bid amount and project start date.
- c. Final cost of project and completion date.
- d. Number of change orders.

- e. Contracted project completion in days.
- f. Project completed on time. Yes\_\_\_ No\_\_\_ Days exceeded\_\_\_\_\_.
- g. List previous contracts your company performed for Chatham County by Project Title, date and awarded/final cost.
- h. Has contractor ever failed to complete a project? If so, provide explanation.
- i. Have any projects ever performed by contractor been the subject of a claim or lawsuit by or against the contractor? If yes, please identify the nature of such claim or lawsuit, the court in which the case was filed and the details of its resolution.

**\$499,000 and less:** Provide references from owners of at least three (3) projects of various sizes for which contractor was the prime contractor. Include government owners if possible. If the contractor has performed any work for the Chatham County Board of Commissioners within the last five (5) years, at least one (1) of the three (3) owner references must be from the appropriate party within the Chatham County Government. provide in the format as in (a) above on the attached form.

**Failure to provide the above information may result in your firm's bid being rejected and ruled as non-responsive.**

**NOTE: FORMS FOR YOU TO FILL OUT FOR YOUR REFERENCES ARE ATTACHED TO THE BACK OF THIS BID PACKAGE.**



## ADDITIONAL CONDITIONS

**3.1 Price Change:** Preference shall be given to the bidder submitting the lowest and best firm price as his bid. Should it be found that due to unusual market conditions it is to the best interest of the County to accept a price with an escalation clause, the following shall apply:

The contract price shall be frozen for a specified period. This period must be shown on your bid **11-3-1-4** Cost data to support any proposed increase must be submitted to the Purchasing Agent not less than ten (10) days prior to the effective date of any such requested price increase.

Any adjustment allowed shall consist of bona fide material cost increases which may be passed on to the consumer.

No adjustment shall be made to compensate a supplier for inefficiency in operation, or for additional profit.

Bids indicating "price in effect at time of shipment" will be considered invalid.

**3.2. METHOD OF COMPENSATION.** The compensation provided for herein shall include all claims by the CONTRACTOR for all costs incurred by the CONTRACTOR in the conduct of the Project as authorized by the approved Project Compensation Schedule and this amount shall be paid to the CONTRACTOR after receipt of the invoice and approval of the amount by the COUNTY. The COUNTY shall make payments to the CONTRACTOR within thirty (30) days from the date of receipt of the CONTRACTOR's acceptable statement on forms prepared by the CONTRACTOR and approved by the COUNTY.

Should the Project begin within any one month, the first invoice shall cover the partial period from the beginning date of the Project through the last day of the month (or on a mutually agreeable time) in which it began. The invoices shall be submitted each month until the Project is completed. Invoices shall be itemized to reflect actual expenses for each individual task; also refer to the requirements concerning changes, delays and termination of work under Sections I-8, 9, and 10 of the contract. Each invoice shall be accompanied by a summary progress report which outlines the work accomplished during the billing period and any problems that may be inhibiting the Project execution. The terms of this contract are intended to supersede all provisions of the Georgia Prompt Pay Act.

As long as the gross value of completed work is less than 50% of the total contract amount, or if the contractor is not maintaining his construction schedule to the satisfaction of the engineer, the County shall retain 10% of the gross value of the completed work as indicated by the current estimate approved by the engineer.

After the gross value of completed work becomes to or exceed 50% of the total contract amount within a time period satisfactory to the County, then the total amount to be retained may be reduced to 5% of the gross value of the completed work as indicated by the current estimate approved by the engineer, until all pay items are substantially completed.

When all work is completed and time charges have ceased, pending final acceptance and final payment the amount retained may be further reduced at the discretion of the County.

The CONTRACTOR may submit a final invoice to the County for the remaining retainage upon COUNTY'S acceptance of the Certificate of Substantial Completion. Final payment constituting the entire unpaid balance due shall be paid by the COUNTY to the CONTRACTOR when work has been fully completed and the contract fully performed, except for the responsibilities of the CONTRACTOR which survive final payment. The making of final payment shall constitute a waiver of all claims by Chatham County except those arising from unsettled liens, faulty or defective work appearing after substantial completion, failure of the work to comply with the requirements of the Contract Documents, or terms of any warranties required by the Contractor Documents or those items previously made in writing and identified by the COUNTY as unsettled at the time of final application for payment. Acceptance of final payment shall constitute a waiver of all claims by the CONTRACTOR, except those previously made in writing and identified by the CONTRACTOR as unsettled at the time of final application for payment.

3.2.1. **FORCE ACCOUNT:** When no agreement is reached for additional work to be done at Lump Sum or Unit Prices, then such additional work shall be done based on the following Cost-Plus-Percentage basis of payment. The Georgia Department of Transportation specifications for the use of a force account will not be used.

a. For work performed by the prime contractor/general contractor, the contractor shall be reimbursed for actual cost incurred in doing the work, and an additional payment of 15% to cover overhead and profit.

b. For work performed by a sub-contractor, the sub-contractor shall be reimbursed for actual cost incurred in doing the work, and an additional payment of 10% to cover overhead and profit. The contractor shall be allowed an overhead and profit mark-up not to exceed 7% on the subcontractor's price. The County shall not recognize subcontractors of subcontractors.

c. The term "Actual Cost" shall include the cost of material and labor as follows:

i. Material cost - Direct cost of material, sales tax, freight and equipment rental.

ii. Labor cost - Man hour cost listed separately by trade, payroll costs including workman's compensation, social security, pension and retirement.

d. The term "Overhead and Profit" shall include bonds (Payment & Performance, Roof & Wall), insurance (Liability, Builders Risk), permits, supervision costs (cost of subcontractor to supervise own work, cost of contractor to supervise work of sub-contractor), proposal preparation and all administrative costs.

3.2.2. **LIQUIDATED DAMAGES:** Failure to complete the work within the duration of **110 calendar days** plus any extension authorized in writing by the County Engineer shall entitle the County to deduct as "Liquidated Damages" from the monies due the Contractor the amount of **\$250** for each calendar day in excess of the authorized construction time.

### 3.3 SURETY REQUIREMENTS and Bonds: (Check where applicable)

☒ A. Such bidder shall post a bid bond, certified check or money order made payable to the Chatham County Finance Department in the amount of 5% of the bid price.

☒ B. Contractor(s) shall post a payment/performance bond, certified check or money order made payable to the Chatham County Finance Department in the amount of 100% of the bid price if

awarded the purchase. Such bond(s) are due prior to contract execution as a guarantee that goods meet specifications and will be delivered per contract. Such bonds will also guarantee quality performance of services and timely payment of invoices to any subcontractors.

- X C. Whenever a bond is provided, it shall be executed by a surety authorized to do business in the State of Georgia and approved by Chatham County.
- X D. Bidder acknowledges Chatham County's right to require a Performance and Payment Bond of a specific kind and origin. "Performance Bond" means a bond with good and sufficient surety or sureties for the faithful performance of the contract and to indemnify the governmental entity for any damages occasioned by a failure to perform the same within the prescribed time. Such bond shall be payable to, in favor of, and for the protection of the governmental entity for which the work is to be done. "Payment Bond" means a bond with good and sufficient surety or sureties payable to the governmental entity for which the work is to be done and intended for the use and protection of all subcontractors and all persons supplying labor, materials, machinery, and equipment in the prosecution of the work provided for in the public works construction contract.
- X E. Forfeit the amount of the Bid Bond if he/she fails to enter into a contract with Chatham County to do and/or furnish everything necessary to provide service and/or accomplish the work stated and/or specified in this bid proposal for the bid amount, and;

3.4 **Warranty Requirements:** (Check where applicable):

- a. Provisions of item 2.12 apply.
- b. Warranty required.
  - 1. Standard warranty shall be offered with bid.
  - 2. Extended warranty shall be offered with bid. The cost of the extended warranty will be listed separately on the bid sheet.

3.5 **Terms of Contract:** (check where applicable):

- a. Annual Contract
- b. One-time Purchase

- X c. Other **ONE TIME CONTRACT**

**CONVERSATIONS OR CORRESPONDENCE REGARDING THIS SOLICITATION OR REPORT BETWEEN PROSPECTIVE OFFERORS AND PERSONS OUTSIDE THE CHATHAM COUNTY PURCHASING OFFICE WILL NOT BE CONSIDERED OFFICIAL OR BINDING UNLESS OTHERWISE SPECIFICALLY AUTHORIZED WITHIN THIS DOCUMENT.**

The undersigned bidder or proposer certifies that he/she has carefully read the preceding list of instructions to bidders and all other data applicable hereto and made a part of this invitation; and, further certifies that the prices shown in his/her bid/proposal are in accordance with all documents contained in this Invitation for Bids/ Proposals package, and that any exception taken thereto may disqualify his/her bid/proposal.

This is to certify that I, the undersigned bidder, have read the instructions to bidder and agree to be bound by the provisions of the same.

This \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_.

BY \_\_\_\_\_

SIGNATURE

\_\_\_\_\_

TITLE

\_\_\_\_\_

COMPANY

\_\_\_\_\_

Phone / Fax No's.

**Project Description and Special Conditions**  
**For**  
**Skidaway Road Shoulder Improvements**

**Project Description:**

The project is located along the northeast side of Skidaway Road in Unincorporated Chatham County approximately 0.4 miles southeast of Ferguson Avenue.

The project consists of all work required to install a storm drainage system and shoulder improvements from the marsh northwest of Fallowfield Drive to southeast of Paxton Drive.

Soil erosion and sedimentation control is required and must be implemented prior to, and maintained during construction of the work. Construction phasing and maintenance of traffic is required.

The project includes liquidated damages for not completing work within the specified time.

**Contract Documents Include:**

Georgia Department of Transportation Standard Specifications of Transportation Systems, current edition  
<http://www.dot.state.ga.us/doingbusiness/TheSource/Pages/specifications.aspx>

- I. Drawings
  - A. 1.01 Cover Sheet
  - B. 2.01 Index
  - C. 3.01 Revision Summary Sheet
  - D. 4.01 General Notes/Project Notes
  - E. 5.01-5.02 Typical Sections
  - F. 6.01 Summary of Quantities
  - G. 7.01 Quantities Amendment
  - H. 9.01 Detailed Estimate
  - I. 13.01-13.04 Mainline Roadway Plan Sheets
  - J. 21.01 Drainage Area Map
  - K. 22.01-22.04 Drainage Profiles
  - L. 23.01-23.09 Earthwork Cross Sections
  - M. 24.01 Utility Plans
  - N. 41.01-41.13 Georgia Department of Transportation Standard Drawings
  - O. 52.01-52.06 Erosion Control Legend and Uniform Code Sheets
  - P. 54.01-54.04 Erosion Control BMP Location Details
  - Q. 56.01-56.05 Georgia Department of Transportation Construction Details for Erosion Control

### **Contractor's Responsibility to Maintain Public Access**

Work hours shall be limited to 7:00 am to 5:30 pm Monday through Friday and shall exclude holidays. The contractor shall maintain public access through the project construction site at all times and shall not install lane closures, pace traffic or move equipment or materials on Skidaway Road between 8:30 am to 9:30 am and between 3:15 pm to 4:30 pm. A single lane of traffic along Skidaway Road may be closed during other times with adequate traffic control providing that no traffic queues shall last more than 5 minutes during morning and afternoon school bus hours. Paxton Drive may only be closed to traffic between 9:30 am and 3:15 pm, or after 4:30 pm until 5:30 pm. All lanes of all roads shall be open to traffic during all non-working hours.

The contractor shall submit a Traffic Control Plan to the Chatham County Department of Engineering for approval prior to beginning work. All necessary traffic control devices, flagmen, notifications shall be provided for by the contractor and approved by the Chatham County Department of Engineering. The Contractor shall obtain an Encroachment Permit from the Department of Public Works prior to any work within road rights of way.

### **Preconstruction Inspection**

A preconstruction photographic record is required and must be submitted to Chatham County Department of Engineering for approval prior to start of any land disturbing work. The photographic record shall consist of a bound photo album (such as a 3-ring binder with plastic sleeves) with 3" by 5" color photographs. Each photograph shall be described as to location and feature represented.

Special emphasis shall be given to record pre-disturbance condition of roadway pavements, curbing, sidewalks, driveways, buildings, utilities and other improvements located within or within 50 feet of the project limits. The preconstruction photographic record shall be provided to and accepted by the County prior to issuance of Notice to Proceed. This is in addition to other inspections and surveys required of the Contractor or performed by the County.

### **Post-construction Inspection**

The Contractor shall provide and pay all costs of a video inspection record of the completed pipe produced by a qualified sewer inspection company or agency (Chatham County or City of Savannah inspection crews are acceptable, however the Contractor shall remain responsible for paying all costs). The video inspection record shall be provided on standard DVD and compatible with County viewing software. All deficiencies identified by the inspection shall be corrected by the Contractor prior to acceptance of the work as substantially complete.

### **Erosion and Sedimentation Control:**

The Contractor will be responsible for installation, maintenance and repair of the sedimentation and erosion control facilities and for any modifications or adjustments necessary for the project to remain in compliance with the Georgia Erosion and Sedimentation Act during performance of the work. The Contractor will have on site at all times of construction activity a Georgia Soil and Water Conservation Commission Level 1A certified person.

The contractor shall perform sediment and erosion control inspection and reporting requirements, recording daily precipitation amounts, and other duties as described in the contract documents. Inspection reports shall be provided on forms provided by the County (see attached) or as approved by the County. Signed copies of the Contractor's reports shall be submitted to the County with each Request for Payment. Water quality testing and reporting will be provided by the County.

The total contract amount will be reduced by an amount specified on the bid form for each occurrence of failure to conform to the sediment and erosion control requirements of the contract. For the purpose of this paragraph an occurrence shall be defined as each 24-hour period with consecutive 24-hour periods being measured as separate occurrences. This fee shall be in addition to any penalties or assessments made against the Contractor for non-compliance of the Georgia Water Quality Control Act.

#### **Documentation to be Provided with Requests for Payment**

In addition to the documentation described elsewhere in the Contract Documents, the Contractor shall submit with each request for payment the following:

1. Inspection reports of the sediment and erosion control facilities as described in the attached General Permit No. GAR100002. A copy of the Georgia Soil and Water Conservation Commission certification card(s) of the person(s) completing the reports shall also be submitted. Missing or incomplete documentation of inspection reports may be cause for denial of payment.
2. Copies of material delivery tickets acknowledged and dated by the County's representative (engineer, inspector, project manager). The Contractor shall be responsible for collecting these documents at the time of delivery and presenting them to the County's agent at the time of delivery or as soon as possible thereafter for countersignature. The representative's acknowledgment of the delivery tickets shall not relieve the Contractor of his responsibility to ensure the materials are in accordance with the contract documents. Missing or incomplete documentation of delivered materials may be cause for denial of payment.
3. Prior to submitting a request for payment, the Contractor shall review the extent of work completed with the County's representative for accuracy and completeness.

#### **Construction Staking and Control of Work**

The County shall engage a surveyor to provide initial construction stakeout and demarcation of project limits and property lines. Ongoing control of the project work shall be the responsibility of the Contractor. The cost for resurvey work to reestablish initial project controls shall be paid for by the Contractor. The Contractor shall provide access and schedule all work in order to accommodate the survey work by the County's surveyor.

#### **Special Requirements of Construction**

1. The Contractor shall confine all personnel, equipment, materials and work to the area defined as the project limits shown on the drawings.
2. No excavation of materials shall be performed on the property of Wormsloe Historic Site (Parcel 5 on the drawings). The Contractor shall allow inspection of the property line staking (provided by the County) prior to any land disturbing activities.
3. The Contractor shall provide special insurance coverage as described elsewhere in the contract documents.
4. The Contractor shall accommodate the ebb and flow of tidal waters at the project site.

5. The Contractor shall accommodate dry weather and wet weather drainage flows through the project site without hindrances or damage to the work.



## CHECKLIST FOR SUBMITTING BID

Sign below and submit this sheet with Bid

**NOTE:** All of the following items must be submitted with your Bid to be considered “responsive”.

- 1. ACKNOWLEDGMENT OF ANY/ALL ADDENDUMS (Page 3 of ITB)**
- 2. ORIGINAL SURETY BOND (5% OF BID) ALONG WITH *SURETY REQUIREMENTS* SHEET FILLED OUT (Page 15 of ITB )**
- 3. BID SHEET COMPLETELY FILLED OUT AND SIGNED.**
- 4. “LIST OF SUBCONTRACTORS” SHEET FILLED OUT WITH ALL SUBCONTRACTORS AND SUPPLIERS.**
- 5. “% TO MBE SUBCONTRACTORS/SUPPLIERS” SHEET COMPLETELY FILLED OUT SHOWING \$ AMOUNT AS WELL AS % OF PROJECT THAT IS PROJECTED TO GO TO M/WBE SUBCONTRACTORS / SUPPLIERS.**
- 6. SECTION 2.28 OF ITB (page 15) REFERENCES: Read this section and submit the correct number of “References” (based on total dollar amount of project) Note: Supply ALL the information that is requested for each Reference. NOTE: *Forms for Reference Information are attached to this Bid Package.***
- 7. COMPLETE AND SUBMIT ALL *ATTACHMENTS* TO THE ITB (Attachments A thru G).**
- 8. SUBMIT A COPY OF YOUR *STATE OF GEORGIA CONTRACTORS LICENSE*.**

---

NAME / TITLE

---

COMPANY

---

ADDRESS

---

PHONE / FAX NO'S.

## **PROPOSAL**

SPECIFICATIONS FOR:

### **SKIDAWAY ROAD SHOULDER IMPROVEMENTS**

**BID NO. 11-1-3-4**

The project is located along the northeast side of Skidaway Road in Unincorporated Chatham County approximately 0.4 miles southeast of Ferguson Avenue.

The project consists of all work required to install a storm drainage system and shoulder improvements from the marsh northwest of Fallowfield Drive to southeast of Paxton Drive.

Soil erosion and sedimentation control is required and must be implemented prior to, and maintained during construction of the work. Construction phasing and maintenance of traffic is required.

The project includes liquidated damages for not completing work within the specified time.

**Note: This shall be a unit price contract. Quantities are approximate and payment shall be for actual in-place work measurements.**

### **COMMENCEMENT AND COMPLETION:**

**WORK SHALL BEGIN WITHIN 10 DAYS AFTER RECEIPT OF "NOTICE TO PROCEED".  
ALL WORK SHALL BE COMPLETED WITHIN 110 CALENDAR DAYS AFTER THE TEN  
DAY PERIOD.**

**BID SCHEDULE**  
**SKIDAWAY ROAD SHOULDER IMPROVEMENTS**  
**CHATHAM COUNTY**

ROADWAY						
LINE	ITEM NO.	DESCRIPTION	QUANTITY	UNITS	UNIT PRICE	TOTAL
1	150-1000	TRAFFIC CONTROL	JOB	LS		
2	210-0100	GRADING COMPLETE	JOB	LS		
3	207-0203	FOUND BK FILL MATL, TP II	220	CY		
4	310-1101	GR AGGR BASE CRS, INCL MATL	33	TN		
5	318-3000	AGGR SURF CRS	40	TN		
6	441-0016	DRIVEWAY CONCRETE, 6 IN TK	150	SY		
7	441-0600	CONC HEADWALLS	4	CY		
8	550-1180	STORM DRAIN PIPE, 18 IN, H 1-10	44	LF		
9	550-1240	STORM DRAIN PIPE, 24 IN, H 1-10	40	LF		
10	550-1360	STORM DRAIN PIPE, 36 IN, H 1-10	1,200	LF		
11	550-4224	FLARED END SECTION 24 IN, STORM DRAIN	2	EA		
12	550-4236	FLARED END SECTION 36 IN, STORM DRAIN	1	EA		
13	643-8200	BARRIER FENCE (ORANGE), 4 FT	210	LF		
14	668-2100	DROP INLET, GP 1	14	EA		
15	668-2110	DROP INLET, GP 1, ADDL DEPTH	11	LF		
16	668-4300	STORM SEWER MANHOLE, TP 1	4	EA		
17	668-4311	STORM SEWER MANHOLE, TP 1, ADDL DEPTH, CL 1	5	LF		
18	670-1060	WATER MAIN, 6 IN	62	LF		
			<b>SUBTOTAL ROADWAY</b>			
PERMANENT EROSION CONTROL						
ITEM	ITEM NO.	DESCRIPTION	QUANTITY	UNITS	UNIT PRICE	TOTAL
19	603-1024	STN PLAIN RIP RAP, 24 IN	74	SY		
20	603-7000	PLASTIC FILTER FABRIC	74	SY		
21	706-1003	TURF ESTABLISHMENT, TP C	1	AC		
			<b>SUBTOTAL PERMANENT EROSION CONTROL</b>			
TEMPORARY EROSION CONTROL						
ITEM	ITEM NO.	DESCRIPTION	QUANTITY	UNITS	UNIT PRICE	TOTAL
22	163-0232	TEMPORARY GRASSING	1	AC		
23	163-0240	MULCH	10	TN		
24	163-0300	CONSTRUCTION EXIT	2	EA		
25	163-0503	CONSTRUCT AND REMOVE SILT CONTROL GATE, TP 3	5	EA		
26	163-0528	CONSTRUCT AND REMOVE FABRIC CHECK DAM - TYPE C SILT FENCE	1600	LF		
27	163-0541	CONSTRUCT AND REMOVE ROCK FILTER DAMS	1	EA		
28	163-0550	CONSTRUCT AND REMOVE INLET SEDIMENT TRAP	14	EA		
29	165-0030	MAINTENANCE OF TEMPORARY SILT FENCE, TP C	300	LF		
30	165-0041	MAINTENANCE OF CHECK DAMS - ALL TYPES	800	LF		
31	165-0087	MAINTENANCE OF SILT CONTROL GATE, TP 3	5	EA		
32	165-0101	MAINTENANCE OF CONSTRUCTION EXIT	2	EA		
33	165-0105	MAINTENANCE OF INLET SEDIMENT TRAP	14	EA		
34	165-0110	MAINTENANCE OF ROCK FILTER DAM	1	EA		
35	171-0030	TEMPORARY SILT FENCE, TYPE C	600	LF		
36	700-8000	FERTILIZER MIXED GRADE	1	TN		
37	989-9000	DEDUCTION FOR NON-CONFORMANCE WITH SEDIMENT AND EROSION CONTROL REQUIREMENTS. THE ACTUAL DEDUCTION SHALL BE CALCULATED BASED ON THE NUMBER OF DAILY OCCURANCES OF NON-COMPLIANCE.	Determined during Construction	OCCURANCE	-\$300.00	\$0.00
			<b>SUBTOTAL TEMPORARY EROSION CONTROL</b>			
SUMMARY						
<b>SUBTOTAL ROADWAY FROM ABOVE</b>						
<b>SUBTOTAL PERMANENT EROSION CONTROL FROM ABOVE</b>						
<b>SUBTOTAL TEMPORARY EROSION CONTROL FROM ABOVE</b>						
<b>PROJECT TOTAL</b>						
		(Signed)	(Date)	COMPANY		
		(Printed Name and Title)		PHONE /FAX NONE		

### LIST OF SUBCONTRACTORS

I do \_\_\_\_\_, do not \_\_\_\_\_, propose to subcontract some of the work on this project. I propose to subcontract work to the following subcontractors:

[illegible]

SIGNED: \_\_\_\_\_  
CONTRACTOR

PROJECT	CONTRACT AMOUNT	% SUBCONTRACTED	% AMOUNT TO M.B.E.	COMMENTS
TOTALS				

ATTACHMENT A

**DRUG - FREE WORKPLACE CERTIFICATION**

THE UNDERSIGNED CERTIFIES THAT THE PROVISIONS OF CODE SECTIONS 50-24-1 THROUGH 50-24-6 OF THE OFFICIAL CODE TO GEORGIA ANNOTATED, RELATED TO THE \*\*DRUG-FREE WORKPLACE\*\*, HAVE BEEN COMPLIED WITH IN FULL. THE UNDERSIGNED FURTHER CERTIFIES THAT:

1. A Drug-Free Workplace will be provided for the employees during the performance of the contract; and
2. Each sub-contractor under the direction of the Contractor shall secure the following written certification:

\_\_\_\_\_ (CONTRACTOR) certifies to Chatham County that a Drug-Free

Workplace will be provided for the employees during the performance of this contract known as Skidaway Road  
Shoulder Improvements.

(PROJECT)

pursuant to paragraph (7) of subsection (B) of Code Section 50-24-3. Also, the undersigned further certifies that he/she will not engage in the unlawful manufacture, sale, distribution, possession, or use of a controlled substance or marijuana during the performance of the contract.

\_\_\_\_\_  
CONTRACTOR

\_\_\_\_\_  
DATE

\_\_\_\_\_  
NOTARY

\_\_\_\_\_  
DATE

ATTACHMENT B

PROMISE OF NON-DISCRIMINATION STATEMENT

Know All Men By These Presence, that I (We), \_\_\_\_\_,

Name

\_\_\_\_\_, \_\_\_\_\_ (herein after

"Company"),

Title \_\_\_\_\_ Name of Bidder \_\_\_\_\_

in consideration of the privilege to bid/or propose on the following Chatham County project procurement Skidaway Road Shoulder Improvements. hereby consent, covenant and agree as follows:

(1) No person shall be excluded from participation in, denied the benefit of or otherwise discriminated against on the basis of race, color, national origin or gender in connection with the bid submitted to Chatham County or the performance of the contract resulting therefrom;

(2) That it is and shall be the policy of this Company to provide equal opportunity to all business persons seeking to contract or otherwise interested with the Company, including those companies owned and controlled by racial minorities, and women;

(3) In connection herewith, I (We) acknowledge and warrant that this Company has been made aware of, understands and agrees to take affirmative action to provide minority and women owned companies with the maximum practicable opportunities to do business with this Company on this contract;

(4) That the promises of non-discrimination as made and set forth herein shall be continuing throughout the duration of this contract with Chatham County;

(5) That the promises of non-discrimination as made and set forth herein shall be and are hereby deemed to be made a part of and incorporated by reference in the contract which this Company may be awarded;

(6) That the failure of this Company to satisfactorily discharge any of the promises of non-discrimination as made and set forth above may constitute a material breach of contract entitling the County to declare the contract in default and to exercise appropriate remedies including but not limited to termination of the contract.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## Attachment C

### DISCLOSURE OF RESPONSIBILITY STATEMENT

Failure to complete and return this information will result in your bid/offer/proposal being disqualified from further competition as non-responsive.

1. List any convictions of any person, subsidiary, or affiliate of the company, arising out of obtaining, or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract.  

---
2. List any indictments or convictions of any person, subsidiary, or affiliate of this company for offenses such as embezzlement, theft, fraudulent schemes, etc. or any other offenses indicating a lack of business integrity or business honesty which affects the responsibility of the contractor.  

---
3. List any convictions or civil judgments under states or federal antitrust statutes.  

---
4. List any violations of contract provisions such as knowingly (without good cause) to perform, or unsatisfactory performance, in accordance with the specifications of a contract.  

---
5. List any prior suspensions or debarments by any governmental agency.  

---
6. List any contracts not completed on time.  

---
7. List any penalties imposed for time delays and/or quality of materials and workmanship.  

---
8. List any documented violations of federal or any state labor laws, regulations, or standards, occupational safety and health rules.  

---



I, \_\_\_\_\_, as \_\_\_\_\_  
Name of individual Title & Authority

of \_\_\_\_\_, declare under oath that

Company Name \_\_\_\_\_

the above statements, including any supplemental responses attached hereto, are true.

\_\_\_\_\_  
Signature

State of \_\_\_\_\_

County of \_\_\_\_\_

Subscribed and sworn to before me on this \_\_\_\_\_ day of \_\_\_\_\_

2008 by \_\_\_\_\_ representing him/herself to be

\_\_\_\_\_ of the company named herein.

\_\_\_\_\_  
Notary Public

My Commission expires:

\_\_\_\_\_

Resident State: \_\_\_\_\_

## Attachment D

### IMMIGRATION AND SECURITY FORM

SB529 (The Ga Security and Immigration and Compliance Act) requires contractors to file an affidavit that the contractor and its subcontractors have registered and participate in a federal work authorization program intended to insure that only lawful citizens or lawful immigrants are employed by the contractor or subcontractor. This requirement of SB529 is a phased-in affidavit filing requirement based on the size of the contractor. Contractors with 500 or more employees are required to file an affidavit of compliance beginning 7/1/07. However, because the requirement is set forth in OCGA 13-10-91 which is a part of Chapter 10 of Title 13 governing public works contracts, the affidavit filing requirements of SB529 therefore only apply to public works contracts.

A. In order to insure compliance with the Immigration Reform and Control Act of 1986 (IRCA), D.L. 99-603 and the Georgia Security and Immigration Compliance Act OCGA 13-10-90 et.seq., Contractor must initial one of the sections below:

\_\_\_\_\_ Contractor has 500 or more employees and Contractor warrants that Contractor has complied with the Immigration Reform and Control Act of 1986 (IRCA), D.L. 99-603 and the Georgia Security and Immigration Compliance Act by registering at <https://www.vis-dhs.com/EmployerRegistration> and verifying information of all new employees; and by executing any affidavits required by the rules and regulations issued by the Georgia Department of Labor set forth at Rule 300-10-1-.01 et.seq.

\_\_\_\_\_ Contractor has 100-499 employees and Contractor warrants that no later than July 1, 2008, Contractor will register at <https://www.vis-dhs.com/EmployerRegistration> to verify information of all new employees in order to comply with the Immigration Reform and Control Act of 1986 (IRCA), D.L. 99-603 and the Georgia Security and Immigration Compliance Act; and by executing any affidavits required by the rules and regulations issued by the Georgia Department of Labor set forth at Rule 300-10-1-.01 et.seq.

\_\_\_\_\_ Contractor has 99 or fewer employees and Contractor warrants that no later than July 1, 2009, Contractor will register at <https://www.vis-dhs.com/EmployerRegistration> to verify information of all new employees in order to comply with the Immigration Reform and Control Act of 1986 (IRCA), D.L. 99-603 and the Georgia Security and Immigration Compliance Act; and by executing any affidavits required by the rules and regulations issued by the Georgia Department of Labor set forth at Rule 300-10-1-.01 et.seq.

B. Contractor warrants that Contractor has included a similar provision in all written agreements with any subcontractors engaged to perform services under this Contract.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

Firm Name: \_\_\_\_\_

Street/Mailing Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

**Attachment E**

**CONTRACTOR AFFIDAVIT AND AGREEMENT**

By executing this affidavit, the undersigned contractor verifies its compliance with O.C.G.A. 13-10-91, stating affirmatively that the individual, firm, or corporation which is contracting with (name of public employer) has registered with and is participating in a federal work authorization program\* [any of the electronic verification of work authorization programs operated by the United States Department of Homeland Security or any equivalent federal work authorization program operated by the United States Department of Homeland Security to verify information of newly hired employees, pursuant to the Immigration Reform and Control Act of 1986 (IRCA), P.L. 99-603], in accordance with the applicability provisions and deadlines established in O.C.G.A. 13-10-91.

The undersigned further agrees that, should it employ or contract with any subcontractor(s) in connection with the physical performance of services pursuant to this contract with (name of public employer), contractor will secure from such subcontractor(s) similar verification of compliance with O.C.G.A. 13-10-91 on the Subcontractor Affidavit provided in Rule 300-10-01-.08 or a substantially similar form. Contractor further agrees to maintain records of such compliance and provide a copy of each such verification to the (name of the public employer) at the time the subcontractor(s) is retained to perform such service.

\_\_\_\_\_  
EEV / Basic Pilot Program\* User Identification Number

\_\_\_\_\_  
BY: Authorized Officer or Agent  
(Contractor Name)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title of Authorized Officer or Agent of Contractor

\_\_\_\_\_  
Printed Name of Authorized Officer or Agent

SUBSCRIBED AND SWORN  
BEFORE ME ON THIS THE

\_\_\_\_ DAY OF \_\_\_\_\_, 200\_\_

\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_  
\* As of the effective date of O.C.G.A. 13-10-91, the applicable federal work authorization program is the "EEV / Basic Pilot Program" operated by the U. S. Citizenship and Immigration Services Bureau of the U.S. Department of Homeland Security, in conjunction with the Social Security Administration (SSA).

**SUBCONTRACTOR AFFIDAVIT**

By executing this affidavit, the undersigned subcontractor verifies its compliance with O.C.G.A. 13-10-91, stating affirmatively that the individual, firm or corporation which is engaged in the physical performance of services under a contract with (name of contractor) on behalf of (name of public employer) has registered with and is participating in a federal work authorization program\* [any of the electronic verification of work authorization programs operated by the United States Department of Homeland Security or any equivalent federal work authorization program operated by the United States Department of Homeland Security to verify information of newly hired employees, pursuant to the Immigration Reform and Control Act of 1986 (IRCA), P.L. 99-603], in accordance with the applicability provisions and deadlines established in O.C.G.A. 13-10-91.

\_\_\_\_\_  
EEV / Basic Pilot Program\* User Identification Number

\_\_\_\_\_  
BY: Authorized Officer or Agent  
(Subcontractor Name)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title of Authorized Officer or Agent of Subcontractor

\_\_\_\_\_  
Printed Name of Authorized Officer or Agent

SUBSCRIBED AND SWORN  
BEFORE ME ON THIS THE

\_\_\_\_ DAY OF \_\_\_\_\_, 200\_\_

\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_  
\* As of the effective date of O.C.G.A. 13-10-91, the applicable federal work authorization program is the "EEV / Basic Pilot Program" operated by the U. S. Citizenship and Immigration Services Bureau of the U.S. Department of Homeland Security, in conjunction with the Social Security Administration (SSA).

ATTACHMENT F

CHATHAM COUNTY, GEORGIA

**BIDDER'S CERTIFICATION REGARDING DEBARMENT, SUSPENSION,  
INELIGIBILITY AND VOLUNTARY EXCLUSION**

The undersigned certifies, by submission of this proposal or acceptance of this contract, that neither Contractor nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency, State of Georgia, City of Savannah, Board of Education of local municipality. Bidder agrees that by submitting this proposal that Bidder will include this clause without modification in all lower tier transactions, solicitations, proposals, contracts, and subcontracts. Where the Bidder or any lower tier participant is unable to certify to this statement, that participant shall attach an explanation to this document.

**Certification – the above information is true and complete to the best of my knowledge and belief.**

---

(Printed or typed Name of Signatory)

---

(Signature)

---

(Date)

**NOTE:** The penalty for making false statements in offers is prescribed in 18 U.S.C. 1001

---

**END OF DOCUMENT Mod. CC P & C 6/2005**

---

**State of Georgia  
Department of Natural Resources  
Environmental Protection Division**

**Authorization To Discharge Under The  
National Pollutant Discharge Elimination System  
Storm Water Discharges Associated With Construction Activity  
For Infrastructure Construction Projects**

In compliance with the provisions of the Georgia Water Quality Control Act (Georgia Laws 1964, p. 416, as amended), hereinafter called the "State Act," the Federal Clean Water Act, as amended (33 U.S.C.1251 et seq.), hereinafter called the "Clean Water Act," and the Rules and Regulations promulgated pursuant to each of these Acts, new and existing storm water point sources within the State of Georgia that are required to have a permit, upon submittal of a Notice of Intent, are authorized to discharge storm water associated with construction activity to the waters of the State of Georgia in accordance with the limitations, monitoring requirements and other conditions set forth in Parts I through VI hereof.

This permit shall become effective on August 1, 2008.

This permit and the authorization to discharge shall expire at midnight, July 31, 2013.

Signed this 1st day of August 2008.



A handwritten signature in black ink, appearing to read "Carol A. Couch", is written over a horizontal line.

Director,  
Environmental Protection Division

**TABLE OF CONTENTS**

<b><u>Section</u></b>	<b><u>Page</u></b>
<b>Part I. COVERAGE UNDER THIS PERMIT</b>	
A. Permit Area.....	4
B. Definitions.....	4
C. Eligibility.....	7
D. Authorization.....	9
E. Continuing Obligations of Permittees.....	9
<b>Part II. NOTICE OF INTENT REQUIREMENTS</b>	
A. Deadlines for Notification.....	9
B. Notice of Intent Contents.....	10
C. Notice of Intent Submittal.....	11
D. Fees.....	11
E. Renotification.....	11
<b>PART III. SPECIAL CONDITIONS, MANAGEMENT PRACTICES, PERMIT VIOLATIONS AND OTHER LIMITATIONS</b>	
A. Prohibition on Non-Storm Water Discharges.....	11
B. Releases in Excess of Reportable Quantities.....	12
C. Discharges into, or within One Mile Upstream of and within the Same Watershed as, Any Portion of a Biota Impaired Stream Segment .....	12
D. Management Practices and Permit Violations.....	14
<b>Part IV. EROSION, SEDIMENTATION AND POLLUTION CONTROL PLAN</b>	
A. Deadlines for Plan Preparation and Compliance.....	16
B. Signature and Plan Review.....	17
C. Keeping Plans Current.....	17
D. Contents of Plan.....	17
1. Checklist.....	18
2. Site Description.....	18
3. Controls.....	18
4. Inspections.....	21
5. Maintenance.....	22
6. Sampling Requirements.....	22
7. Non-storm Water Discharges.....	26
E. Reporting.....	26
F. Retention of Records.....	26

Part V. STANDARD PERMIT CONDITIONS

A. Duty to Comply.....	27
B. Continuation of the Expired General Permit.....	27
C. Need to Halt or Reduce Activity Not a Defense.....	27
D. Duty to Mitigate.....	27
E. Duty to Provide Information.....	27
F. Other Information.....	28
G. Signatory Requirements.....	28
H. Oil and Hazardous Substance Liability.....	29
I. Property Rights.....	29
J. Severability.....	29
K. Other Applicable Environmental Regulations and Laws.....	29
L. Proper Operation and Maintenance.....	29
M. Inspection and Entry.....	29
N. Permit Actions.....	30

Part VI. TERMINATION OF COVERAGE

A. Notice of Termination Eligibility.....	30
B. Notice of Termination Contents.....	30
C. Notice of Termination Submittal.....	30

APPENDIX A. EPD District Office.....	32
--------------------------------------	----

APPENDIX B. Nephelometric Turbidity Unit (NTU) Table.....	34
---	----



## **Part I. COVERAGE UNDER THIS PERMIT**

### **A. Permit Area.**

This permit regulates point source discharges of storm water to the waters of the State of Georgia from construction activities, as defined in this permit.

**B. Definitions.** All terms used in this permit shall be interpreted in accordance with the definitions as set forth in the Georgia Water Quality Control Act (Act) and the Georgia Rules and Regulations for Water Quality Control Chapter 391-3-6 (Rules), unless otherwise defined in this permit:

1. "Best Management Practices" (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the "Manual for Erosion and Sediment Control in Georgia" (Manual) published by the State Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted to prevent or reduce the pollution of waters of Georgia. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
2. "Buffer" means the area of land immediately adjacent to the banks of State waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.
3. "Certified Personnel" means a person who has successfully completed the appropriate certification course approved by the State Soil and Water Conservation Commission.
4. "Commencement of Construction" means the initial disturbance of soils associated with clearing, grading, or excavating activities or other construction activities.
5. "Construction Activity" means the disturbance of soils associated with clearing, grading, excavating, filling of land, or other similar activities which may result in soil erosion. Construction activity does not include agricultural and silvicultural practices, but does include agricultural buildings.
6. "CPESC" means Certified Professional in Erosion and Sediment Control with current certification by Certified Professional in Erosion and Sediment Control Inc., a corporation registered in North Carolina, which is also referred to as CPESC or CPESC, Inc.
7. "CWA" means Federal Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972).
8. "Design Professional" means a professional licensed by the State of Georgia in the field of: engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a person that is a Certified Professional in Erosion and Sediment Control (CPESC) with a current certification by Certified Professional in Erosion and Sediment Control Inc.
9. "Director" means the Director of the Environmental Protection Division or an authorized representative.
10. "Division" means the Environmental Protection Division of the Department of Natural Resources.
11. "Erosion" means the process by which land surface is worn away by the action of wind, water, ice or gravity.
12. "Filling" means the placement of any soil or solid material either organic or inorganic on a natural ground surface or an excavation.

13. "Final Stabilization" means that all soil disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100% of the soil surface is uniformly covered in permanent vegetation with a density of 70% or greater, or equivalent permanent stabilization measures (such as the use of rip rap, gabions, permanent mulches or geotextiles) have been used. Permanent vegetation shall consist of: planted trees, shrubs, perennial vines; a crop of perennial vegetation appropriate for the time of year and region; or a crop of annual vegetation and a seeding of target crop perennials appropriate for the region. Final stabilization applies to each phase of construction. For infrastructure construction projects on land used for agricultural or silvicultural purposes, final stabilization may be accomplished by stabilizing the disturbed land for its agricultural or silvicultural use.

14. "General Contractor" means the operator of the infrastructure construction or site.

15. "Impossible" means the monitoring location(s) are either physically or legally inaccessible, or access would cause danger to life or limb.

16. "Infrastructure Construction" or "Infrastructure Construction Project" means construction activities that are not part of a common development that are being conducted by an infrastructure company or infrastructure contractor.

17. "Infrastructure Company" or "Infrastructure Contractor" means, for the purposes of this Permit, an entity or sub-contractor that is responsible, either directly or indirectly, for the construction, installation and maintenance of roadway projects and conduits, pipes, pipelines, substations, cables, wires, trenches, vaults, manholes, and similar or related structures or devices for the conveyance of natural gas (or other types of gas), liquid petroleum products, electricity, telecommunications (telephone, data, television, etc.), water or sewage.

18. "Landfill" means an area of land or an excavation in which waste materials are placed for permanent disposal, and which is not a land application unit, surface impoundment, injection well or waste pile as defined by Georgia NPDES General Permit GAR000000, and which area of land or excavation must be certified by EPD before it can begin waste disposal operations.

19. "Landfill Cell(s)" means a defined area within a landfill where waste materials are permanently disposed and that must be certified by EPD for use before such cell(s) can begin receiving waste materials after which those activities associated with waste receipt and disposal in the landfill cell(s) shall not be considered construction activity as defined by this permit.

20. "Local Issuing Authority" means the governing authority of any county or municipality which is certified pursuant to Official Code of Georgia Section 12-7-8(a).

21. "Mass Grading" means the movement of earth by mechanical means to alter the gross topographic features (elevations, slopes, etc.) to prepare a site for final grading and the construction of facilities (buildings, roads, parking, etc.).

22. "Nephelometric Turbidity Unit (NTU)" means a numerical unit of measure based upon photometric analytical techniques for measuring the light scattered by fine particles of a substance in suspension.

23. "NOI" means Notice of Intent to be covered by this permit (see Part II).

24. "NOT" means Notice of Termination (see Part VI).

25. "Operator" means the entity that has the primary day-to-day operational control of those activities at the construction site necessary to ensure compliance with Erosion, Sedimentation and Pollution Control Plan requirements and permit conditions.

26. "Other Water Bodies" means ponds, lakes, marshes and swamps which are waters of the State.
27. "Outfall" means the location where storm water, in a discernible, confined and discrete conveyance, leaves a facility or construction site or, if there is a receiving water on site, becomes a point source discharging into that receiving water.
28. "Owner" means the legal title holder to the real property on which is located the facility or site where construction activity takes place. For purposes of this permit, this definition does not include the legal title holder to property on which the only construction activity planned and being conducted is by a infrastructure company or infrastructure contractor and the legal title holder has no significant control over design and implementation of the construction activity.
29. "Permittee" means any entity that has submitted a Notice of Intent.
30. "Phase" or "Phased" means sub-parts or segments of infrastructure construction projects where the sub-part or segment is constructed and stabilized prior to completing the entire construction site.
31. "Point Source" means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure or container from which pollutants are or may be discharged. This term also means sheetflow which is later conveyed via a point source to waters of the State. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.
32. "Primary Permittee" means the Owner or the Operator or both of a tract of land for a construction project subject to this permit.
33. "Primary Trout Waters" means streams supporting a self-sustaining population of Rainbow, Brown, or Brook Trout as indicated in the Rules and Regulations for Water Quality Control, Chapter 391-3-6 at [www.gaepd.org](http://www.gaepd.org).
34. "Proper design" and "properly designed" means designed in accordance with the design requirements and specifications contained in the "Manual for Erosion and Sediment Control in Georgia" (Manual) published by the State Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted and amendments to the Manual as approved by the State Soil and Water Conservation Commission up until the date of NOI submittal.
35. "Receiving Water(s)" means waters of the State supporting warm water fisheries, or waters of the State classified as trout streams, into which the runoff of storm water from a construction activity will actually discharge, either directly or indirectly.
36. "Secondary Trout Waters" means streams with no evidence of natural trout reproduction but capable of supporting trout throughout the year as indicated in the Rules and Regulations for Water Quality Control, Chapter 391-3-6 at [www.gaepd.org](http://www.gaepd.org).
37. "Sediment" means solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by, wind, water, ice, or gravity as a product of erosion.
38. "Sedimentation" means the action or process of forming or depositing sediment.
39. "Sheetflow" means runoff which flows over the ground surface as a thin, even layer, not concentrated in a channel.
40. "Site" or "Construction Site" means a facility of any type on which construction activities are occurring or are to occur which may result in the discharge of pollutants from a point source into the waters of the State.
41. "Storm Water" means storm water runoff, snow melt runoff, and surface runoff and drainage.

42. "Structural Erosion and Sediment Control Practices" means measures for the stabilization of erosive or sediment producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss.

43. "Sub-contractor" means an entity employed or retained by the permittee to conduct any type of construction activity at an infrastructure construction site.

44. "Surface Water Drainage Area" means the hydrologic area starting from the lowest downstream point where the storm water from the construction activity enters the receiving water(s) and following the receiving water(s) upstream to the highest elevation of land that divides the direction of water flow. This boundary will connect back with the storm water entrance point. Boundary lines follow the middle of the highest ground elevation or halfway between contour lines of equal elevation.

45. "Trout Streams" means waters of the State classified as either primary trout waters or secondary trout waters, as designated in the Rules and Regulations for Water Quality Control, Chapter 391-3-6 at [www.gaepd.org](http://www.gaepd.org).

46. "USGS Topographic Map" means a current quadrangle, 7½ minute series map prepared by the United States Department of the Interior, Geological Survey.

47. "Vegetative Erosion and Sediment Control Practices" means measures for the stabilization of erosive or sediment producing areas by covering the soil with: (1) permanent seeding, sprigging or planting, producing long-term vegetative cover; (2) temporary seeding, producing short-term vegetative cover; or (3) sodding, covering areas with a turf of perennial sod forming grass.

48. "Waters Supporting Warm Water Fisheries" means all waters of the State that sustain, or have the potential to sustain, aquatic life but excluding trout waters and man-made conveyances primarily intended to transport storm water.

49. "Waters of Georgia" or "Waters of the State" means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, wetlands, and all other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

### **C. Eligibility.**

**1. Construction Activities.** This permit authorizes, subject to the conditions of this permit:

a. all discharges of storm water associated with infrastructure construction projects that will result in land disturbance equal to or greater than one (1) acre occurring on or before, and continuing after, the effective date of this permit, (henceforth referred to as existing storm water discharges from construction activities) except for discharges identified under Part I.C.3.;

b. all discharges of storm water associated with infrastructure construction projects that will result in land disturbances equal to or greater than one (1) acre occurring after the effective date of this permit, (henceforth referred to as storm water discharges from construction activities), except for discharges identified under Part I.C.3.;

c. coverage under this permit is not required for discharges of storm water associated with infrastructure construction projects that result in land disturbance of less than five (5) acres and consist solely of routine maintenance for the original purpose of the facility that is performed to maintain the original line and grade and the hydraulic capacity, as applicable. The permittee shall, as a minimum, implement and maintain best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than,

those practices contained in the "Manual for Erosion and Sediment Control in Georgia" (Manual) published by the State Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity is being conducted. In order to be eligible for this exemption the project must comply with the following conditions: (1) no mass grading shall occur on the project, (2) the project shall be stabilized by the end of each day with temporary or permanent stabilization and (3) the project shall have a duration of less than 90 calendar days; and

d. coverage under this permit is not required for discharge of stormwater associated with railroad construction projects and emergency re-construction conducted pursuant to the Federal Railway Safety Act, the Interstate Commerce Commission Termination Act and which consist solely of routine maintenance for the original purpose of the facility that is performed to maintain the original line and grade and the hydraulic capacity, as applicable. The construction activity should, at a minimum, implement and maintain best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation consistent with the requirements of the Federal Railway Safety Act and applicable requirements of the Clean Water Act.

**2. Mixed Storm Water Discharges.** This permit may only authorize a storm water discharge from a construction site or construction activities that is mixed with a storm water discharge from an industrial source or activity other than construction where:

- a. the industrial source or activity other than construction is located on the same site as the construction activity and is an integral part of the construction activity;
- b. the storm water discharges associated with industrial activity from the areas of the site where construction activities are occurring are in compliance with the terms of this permit; and
- c. storm water discharges associated with industrial activity from the areas of the site where industrial activity other than construction are occurring are covered by a different NPDES general permit or individual permit authorizing such discharges and the discharges are in compliance with a different NPDES permit.

**3. Limitations on Coverage.** The following storm water discharges from construction sites are not authorized by this permit:

- a. storm water discharges associated with an industrial activity that originate from the site after construction activities have been completed and the site has undergone final stabilization;
- b. discharges that are mixed with sources of non-storm water other than discharges which are identified in Part III.A.2. of this permit and which are in compliance with Part IV.D.7. (non-storm water discharges) of this permit;
- c. storm water discharges associated with industrial activity that are subject to an existing NPDES individual or general permit. Such discharges may be authorized under this permit after an existing permit expires provided the existing permit did not establish numeric limitations for such discharges; and
- d. storm water discharges from construction sites that the Director (EPD) has determined to be or may reasonably be expected to be contributing to a violation of a water quality standard.

**4. Compliance with Water Quality Standards.** No discharges authorized by this permit shall cause violations of Georgia's in-stream water quality standards as provided by the Rules and Regulations for Water Quality Control, Chapter 391-3-6-.03.

#### **D. Authorization.**

1. Any person desiring coverage under this permit must submit a Notice of Intent (NOI) to the EPD and the NOI must be received by the EPD in accordance with the requirements of Part II, using NOI forms provided by the EPD (or an exact photocopy thereof), in order for storm water discharges from construction sites to be authorized.
2. Unless notified by the Director to the contrary, a permittee who submits an NOI in accordance with the requirements of this permit is authorized to discharge storm water from construction sites under the terms and conditions of this permit fourteen (14) days after the date that the NOI is postmarked. The Director may deny coverage under this permit and require submittal of an application for an individual NPDES permit or alternative general NPDES permit based on a review of the NOI or other information. Should the Director deny coverage under this permit, coverage under this permit is authorized until the date specified in the notice of denial by the Director.
3. Where a new permittee is to begin work on-site after an NOI for the facility/construction site has been submitted, that new permittee must submit a new NOI in accordance with Part II.

**E. Continuing Obligations of Permittees.** Unless and until responsibility for a site covered under this permit is properly terminated according to the terms of the permit, the initial permittee remains responsible for compliance with all applicable terms of the permit and for any violations of said terms.

### **Part II. NOTICE OF INTENT REQUIREMENTS**

#### **A. Deadlines for Notification.**

1. Except as provided in Part II.A.2., II.A.3. and II.A.5., Owners or Operators or both who intend to obtain coverage under this general permit for storm water discharges from a construction site (where construction activities begin after issuance of this permit), shall submit a Notice of Intent (NOI) in accordance with the requirements of this Part at least fourteen (14) days prior to the commencement of construction activities.
2. For sites where construction activities, subject to this permit, are occurring on the effective date of this permit, the Owner or Operator or both shall submit an NOI in accordance with the requirements of this part no later than sixty (60) days after the effective date of this permit.
3. A discharger is not precluded from submitting an NOI in accordance with the requirements of this part after the dates provided in Parts II.A.1. or II.A.2. of this permit. In such instances, EPD may bring an enforcement action for failure to submit an NOI in a timely manner or for any unauthorized discharges of storm water associated with construction activity that have occurred on or after the dates specified in Part II.A.1. and II.A.2.
4. Where an Owner or an Operator or both changes after an NOI has been filed, the subsequent Owner or Operator or both must file a new NOI in accordance with this Part, not later than seven (7) days before beginning work at the facility/construction site. In the event a lender or other secured creditor acquires legal title to the facility/construction site, such party must file a new NOI in accordance with this Part by the earlier to occur of (a) seven (7) days before beginning work at the facility/construction site; or (b) thirty (30) days from acquiring legal title to the facility/construction site. Stabilization and BMP installation and/or maintenance measures of a disturbed site, by the subsequent Owner or Operator, may occur in advance of filing a new NOI, without violation of this permit.
5. For sites where construction activities will result in land disturbance equal to or greater than one (1) acre that are required as a result of storm- or emergency-related repair work, the Owner or Operator or both shall notify the appropriate EPD District Office within three (3) days of commencement of said construction activities. The Owner or Operator or both shall submit the NOI to the appropriate EPD District Office as soon as possible after the

storm- or emergency-related event but no later than fourteen (14) days after the commencement of construction activities and shall submit the Plan in accordance with Part IV.A.6.

**B. Notice of Intent Contents.**

**1. Primary Permittee.** A single Notice of Intent for the primary permittee (i.e., one NOI signed by the Owner or the Operator or both) shall be signed in accordance with Part V.G. of this permit and shall include the following information:

- a. The site/project name, GPS location of the beginning and end of each Phase in the form degrees/minutes/seconds as determined by GPS unit, city (if applicable) and county of the construction site for which the notification is submitted. The site location information must be sufficient to accurately locate the construction site;
- b. The Operator's legal name, address, and telephone number; or the Owner's legal name, address, and telephone number;
- c. The name and telephone number of the individual to whom the permittee has assigned the responsibility for the daily operational control (i.e., construction superintendent, etc.) of the site;
- d. The name of the initial receiving water(s) or if unnamed, the first named blue line stream indicated on the appropriate USGS Topographic map, and when the discharge is through a municipal separate storm sewer system (MS4), the name of the local government operating the municipal separate storm sewer system and the name of the receiving water(s) which receives the discharge from the MS4, and the permittee's determination of whether the receiving water(s) supports warm water fisheries or is a trout stream as indicated in the Rules and Regulations for Water Quality Control, Chapter 391-3-6 at [www.gaepd.org](http://www.gaepd.org).
- e. The name of the receiving water(s) located within one (1) linear mile upstream of and within the same watershed as, any portion of an Impaired Stream Segment identified as "not supporting" its designated use(s) shown on Georgia's 2008 and subsequent "305(b)/303(d) List Documents (Final)" for the criteria violated, "Bio F" (Impaired Fish Community) and/or "Bio M" (Impaired Macroinvertebrate Community), within Category 4a, 4b or 5, and the potential cause is either "NP" (nonpoint source) or "UR" (urban runoff) at [www.gaepd.org/Documents/305b.html](http://www.gaepd.org/Documents/305b.html);
- f. An estimate of project start date and completion date, a schedule for the timing of the various construction activities, the number of acres of the site on which soil will be disturbed, and the surface water drainage area (if applicable). For projects that began on or before the effective date of this permit, the start date must be the actual start date of construction;
- g. A certification that an Erosion, Sedimentation and Pollution Control Plan (Plan) has been prepared in accordance with Part IV of this permit, and that such Plan provides for compliance with this permit provided however, that for construction activities that began on or before the effective date of this permit, the certification shall state that a Plan will be prepared in accordance with Part IV of this permit, and that such Plan will provide for compliance with this permit;
- h. The type of construction activity category (from those listed on the NOI) conducted at the site;
- i. The location of the receiving water(s) or outfall(s) or a combination of receiving water(s) and outfall(s) to be monitored on a map or drawing of appropriate scale. When it is determined by the primary permittee that some or all of the outfall(s) will be monitored, the applicable nephelometric turbidity unit (NTU) selected from Appendix B (i. e. i.e., based upon the size of the construction site and the surface water drainage area) must be shown for each outfall to be monitored. The following certification shall be signed in accordance with Part V.G. of this permit:

"I certify that the receiving water(s) or the outfall(s) or a combination of receiving water(s) and outfall(s) will be monitored in accordance with the Erosion, Sedimentation and Pollution Control Plan."

j. For infrastructure projects disturbing more than 50 acres, which began after the effective date of this permit, include a single copy of the Erosion, Sedimentation and Pollution Control Plan;

k. NOIs may be submitted for separate phases of projects with a total planned disturbance greater than 5.0 acres, provided that each phase shall not be less than 1.0 acre. Phased NOIs shall include all documentation required by this permit for each phase, including fees; and

l. Any other information specified on the NOI in effect at the time of submittal.

**C. Notice of Intent Submittal.** NOIs are to be submitted by *return receipt certified mail* (or similar service) to both the appropriate EPD District Office according to the schedule in Appendix A of this permit and to the Local Issuing Authority in jurisdictions authorized to issue a Land Disturbance Activity permit for the permittee's construction site pursuant to O.C.G.A. 12-7-1, et seq. If an electronic submittal service is provided by EPD then the NOI may be submitted electronically so long as a paper copy is also submitted by return receipt or similar service. The permittee shall retain a copy of the proof of submittal at the construction site or the proof of submittal shall be readily available at a designated alternative location from commencement of construction until such time as a Notice of Termination (NOT) is submitted in accordance with Part VI.

**D. Fees.** Any applicable fees shall be submitted by the **Primary Permittee** in accordance with Rules and Regulations for Water Quality Control (Rules) promulgated by the Board of Natural Resources. By submitting an NOI for coverage under this permit the primary permittee agrees to pay any fees required, now or in the future, by such Rules authorized under O.C.G.A. Section 12-5-23(a)(5)(A), which allows the Board of Natural Resources to establish a fee system. Fees may be assessed on land disturbing activity proposed to occur on or after the effective date of this permit and shall be paid in accordance with such Rules.

**E. Renotification.** Upon issuance of a new or different general permit for some or all of the storm water discharges covered by this permit, the permittee is required to notify the EPD of their intent to be covered by the new or different general permit. The permittee must submit a new Notice of Intent in accordance with the notification requirements of the new or different general permit.

### **PART III. SPECIAL CONDITIONS, MANAGEMENT PRACTICES, PERMIT VIOLATIONS AND OTHER LIMITATIONS**

#### **A. Prohibition on Non-Storm Water Discharges.**

1. Except as provided in Part I.C.2. and III.A.2., all discharges covered by this permit shall be composed entirely of storm water.

2. The following non-storm water discharges may be authorized by this permit provided the non-storm water component of the discharge is explicitly listed in the Erosion, Sedimentation and Pollution Control Plan and is in compliance with Part IV.D.7.; discharges from fire fighting activities; fire hydrant flushing; potable water sources including water line flushing; irrigation drainage; air conditioning condensate; springs; uncontaminated ground water; and foundation or footing drains where flows are not contaminated with process materials or pollutants.



**B. Releases in Excess of Reportable Quantities.**

1. The discharge of hazardous substances or oil in the storm water discharge(s) from a site shall be prevented. This permit does not relieve the permittee of the reporting requirements of Georgia's Oil or Hazardous Material Spills or Releases Act (O.C.G.A. §§12-14-2, et seq.), 40 CFR Part 117 and 40 CFR Part 302. Where a release containing a hazardous substance in an amount equal to or in excess of a reporting quantity established under either Georgia's Oil or Hazardous Material Spills or Releases Act (O.C.G.A. §§12-14-2, et seq.), 40 CFR 117 or 40 CFR 302 occurs during a 24 hour period, the permittee is required to notify EPD at (404) 656-4863 or (800) 241-4113 and the National Response Center (NRC) at (800) 424-8802 in accordance with the requirements of Georgia's Oil or Hazardous Material Spills or Releases Act (O.C.G.A. §§12-14-2, et seq.), 40 CFR 117 and 40 CFR 302 as soon as he/she has knowledge of the discharge.

This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill.

**C. Discharges into, or within One Mile Upstream of and within the Same Watershed as, Any Portion of a Biota Impaired Stream Segment.**

For construction activities where the NOI was submitted prior to January 1, 2009, the requirements of Part III.C. of this permit are not applicable.

Any permittee who intends to obtain coverage under this permit for storm water discharges associated with construction activity into an Impaired Stream Segment, or within one (1) linear mile upstream of and within the same watershed as, any portion of an Impaired Stream Segment identified as "not supporting" its designated use(s), as shown on Georgia's 2008 and subsequent "305(b)/303(d) List Documents (Final)" at the time of NOI submittal, must satisfy the requirements of Part III.C. of this permit if the Impaired Stream Segment has been listed for criteria violated, "Bio F" (Impaired Fish Community) and/or "Bio M" (Impaired Macroinvertebrate Community), within Category 4a, 4b or 5, and the potential cause is either "NP" (nonpoint source) or "UR" (urban runoff). Those discharges that are located within one (1) linear mile of an Impaired Stream Segment, but are not located within the watershed of any portion of that stream segment, are excluded from this requirement. Georgia's 2008 and subsequent 305(b)/303(d) List Documents (Final)" can be viewed on the EPD website, [www.gaepd.org/Documents/305b.html](http://www.gaepd.org/Documents/305b.html).

1. If a Total Maximum Daily Load (TMDL) Implementation Plan for sediment has been finalized at least six (6) months prior to the permittee's submittal of the NOI, the Erosion, Sedimentation and Pollution Control Plan (Plan) must address any site-specific conditions or requirements included in the TMDL Implementation Plan that are applicable to the permittee's discharge(s) to the Impaired Stream Segment within the timeframe specified in the TMDL Implementation Plan. If the TMDL Implementation Plan establishes a specific numeric wasteload allocation that applies to an permittee's discharge(s) to the Impaired Stream Segment, then the permittee must incorporate that allocation into the Erosion, Sedimentation and Pollution Control Plan and implement all necessary measures to meet that allocation. A list of TMDL Implementation Plans can be viewed on the EPD website, [www.gaepd.org](http://www.gaepd.org).

2. In order to ensure that the permittee's discharge(s) do not cause or contribute to a violation of State water quality standards, the Plan must include at least four (4) of the following best management practices (BMPs) for those areas of the site which discharge into or within one (1) linear mile upstream and within the same watershed as the Impaired Stream Segment:

- a. During construction activities, double the width of the 25 foot undisturbed vegetated buffer along all State waters requiring a buffer and the 50 foot undisturbed vegetated buffer along all State waters classified as "trout streams" requiring a buffer. During construction activities, EPD will not grant variances to any such buffers that are increased in width pursuant to this section.
- b. Increase all temporary sediment basins and retrofitted storm water management basins to provide sediment storage of at least 3600 cubic feet (134 cubic yards) per acre drained.

- c. Use baffles in all temporary sediment basins and retrofitted storm water management basins to at least double the conventional flow path length to the outlet structure.
- d. Place a large sign (minimum 4 feet x 8 feet) on the site visible from the roadway identifying the construction site, the permittee(s), and the contact person(s) and telephone number(s).
- e. Use anionic polyacrylamide (PAM) and/or mulch to stabilize areas left disturbed for more than seven (7) calendar days in accordance with Part III.D.1. of this permit.
- f. Conduct turbidity and Total Suspended Solids (TSS) sampling after every rain event of 0.5 inch or greater within any 24 hour period, recognizing the exceptions specified in Part IV.D.6.d. of this permit.
- g. Comply with the applicable end-of-pipe turbidity effluent limit, without the "BMP defense" as provided for in O.C.G.A. 12-7-6(a)(1).
- h. Limit the total planned site disturbance to less than 50% impervious surfaces (excluding any State-mandated buffer areas from such calculations).
- i. Limit the amount of disturbed area at any one time to no greater than 25 acres or 50% of the total planned site, whichever is less.
- j. Use "Dirt II" techniques to model and manage storm water runoff (e.g., seep berms, sand filters, anionic PAM), available on the EPD website, [www.gaepd.org](http://www.gaepd.org).
- k. Add appropriate organic soil amendments (e.g., compost) and conduct pre- and post-construction soil sampling to a depth of 6 (six) inches to document improved levels of soil carbon after final stabilization of the construction site.
- l. Use mulch filter berms, in addition to a silt fence, on the site perimeter wherever storm water may be discharged.
- m. Apply the appropriate Georgia Department of Transportation approved erosion control matting or blankets or bonded fiber matrix to all slopes steeper than 3:1.
- n. Use appropriate erosion control matting or blankets instead of concrete in construction storm water ditches and storm drainages designed for a 25 year, 24 hour rainfall event.
- o. Use anionic PAM under a passive dosing method (e.g., flocculant blocks) within construction storm water ditches and storm drainages that feed into temporary sediment basins and retrofitted management basins.
- p. Install sod for a minimum 20 foot width, in lieu of seeding, along the site perimeter wherever storm water may be discharged.
- q. Use a surface draining skimmer designed to drain temporary sediment basins and retrofitted storm water management basins over a minimum three (3) day period.
- r. Certified personnel shall conduct inspections at least once every seven (7) calendar days and within 24 hours of the end of the storm that is 0.5 inches rainfall or greater in accordance with Part IV.D.4.a.(2). (a) – (c) of this permit.
- s. Apply the appropriate compost blankets (minimum depth 1.5 inches) to protect soil surfaces until vegetation is established during the final stabilization phase of the construction activity.

- t. Use alternative BMPs whose performance has been documented to be superior to conventional BMPs as certified by a Design Professional (unless disapproved by EPD or the State Soil and Water Conservation Commission).

#### **D. Management Practices and Permit Violations.**

1. Best management practices, as set forth in this permit, are required for all construction activities, and must be implemented in accordance with the design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" (Manual) published by the State Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted to prevent or reduce the pollution of waters of Georgia. Proper design, installation, and maintenance of best management practices shall constitute a complete defense to any action by the Director or to any other allegation of noncompliance with Part III.D.3. and Part III.D.4.

2. Failure to properly design, install, or maintain best management practices shall constitute a violation of this permit for each day on which such failure occurs. BMP maintenance as a result of the permittee's routine inspections shall not be considered a violation for the purposes of this paragraph. If during the course of the permittee's routine inspection BMP failures are observed which have resulted in sediment deposition into waters of the State, the permittee shall correct the BMP failures and shall submit a summary of the violations to EPD in accordance with Part V.A.2. of this permit.

3. A discharge of storm water runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation for each day on which such discharge results in the turbidity of receiving water(s) being increased by more than ten (10) nephelometric turbidity units for waters classified as trout streams or more than twenty-five (25) nephelometric turbidity units for waters supporting warm water fisheries, regardless of a permittee's certification under Part II.B.1.i.

4. When the permittee has elected to monitor outfall(s), the discharge of storm water runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation for each day on which such condition results in the turbidity of the discharge exceeding the value selected from Appendix B applicable to the construction site. As set forth therein, the nephelometric turbidity unit (NTU) value shall be selected from Appendix B based upon the size of the construction site, the surface water drainage area and whether the receiving water(s) supports warm water fisheries or is a trout stream as indicated in the Rules and Regulations for Water Quality Control, Chapter 391-3-6 at [www.gaepd.org](http://www.gaepd.org).

#### **Part IV. EROSION, SEDIMENTATION AND POLLUTION CONTROL PLAN**

An Erosion, Sedimentation and Pollution Control Plan (Plan) shall be designed, installed and maintained for the entire construction activity covered by this permit. The Erosion, Sedimentation and Pollution Control Plan must be prepared by a design professional as defined by this permit. All persons involved in Plan preparation shall have completed the appropriate certification course, pursuant to O.C.G.A. 12-7-19 (b), approved by the State Soil and Water Conservation Commission. The design professional preparing the Plan must include in the Plan and sign in accordance with Part V.G. of this permit the following certification:

"I certify that the permittee's Erosion, Sedimentation and Pollution Control Plan provides for an appropriate and comprehensive system of best management practices required by the Georgia Water Quality Control Act and the document "Manual for Erosion and Sediment Control in Georgia" (Manual) published by the State Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, provides for the sampling of the receiving water(s) or the sampling of the storm water outfalls and that the designed system of best management practices and sampling methods is expected to meet the requirements contained in the General NPDES Permit No. GAR 100002."

The Plan shall include any additional certifications regarding the design professional's site visit in accordance with the Rules for Erosion and Sedimentation Control promulgated by the Board of Natural Resources;

"I certify under penalty of law that this Plan was prepared after a site visit to the locations described herein by myself or my authorized agent, under my supervision."

The Plan shall include, as a minimum, best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the "Manual for Erosion and Sediment Control in Georgia" (Manual) published by the State Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted and O.C.G.A. 12-7-6, as well as the following:

(i). Except as provided in Part IV.(iii). below, no construction activities shall be conducted within a 25 foot buffer along the banks of all State waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the Director has determined to allow a variance that is at least as protective of natural resources and the environment in accordance with the provisions of O.C.G.A. 12-7-6, or where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented. The buffer shall not apply to the following activities provided that adequate erosion control measures are incorporated into the project plans and specifications are implemented:

- (1) public drinking water system reservoirs,
- (2) fences,
- (3) stream crossings for water lines, provided that the stream crossings occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream and cause a width of disturbance of not more than 50 feet within the buffer,
- (4) stream crossings for sewer lines, provided that the stream crossings occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream and cause a width of disturbance of not more than 50 feet within the buffer, and
- (5) stream crossings for aerial utility lines, provided that: (a) the new utility line right-of-way width does not exceed 200 linear feet, (b) utility lines are routed and constructed so as to minimize the number of stream crossings and disturbances to the buffer, (c) only trees and tree debris are removed from within the buffer resulting in only minor soil erosion (i.e., disturbance to underlying vegetation is minimized), and (d) functional native riparian vegetation is re-established in any bare or disturbed areas within the buffer. The Plan shall include a description of the stream crossings with details of the buffer disturbance including area and length of buffer disturbance, estimated length of time of buffer disturbance, and justification;

(ii). No construction activities shall be conducted within a 50 foot buffer, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, along the banks of any State waters classified as 'trout streams' except when approval is granted by the Director for alternate buffer requirements in accordance with the provisions of O.C.G.A. 12-7-6, or where a roadway drainage structure must be constructed; provided, however, that small springs and streams classified as 'trout streams' which discharge an average annual flow of 25 gallons per minute or less shall have a 25 foot buffer or they may be piped, at the discretion of the permittee, pursuant to the terms of a rule providing for a general variance promulgated by the Board of Natural Resources including notification of such to EPD and the Local Issuing Authority of the location and extent of the piping and prescribed methodology for minimizing the impact of such piping and for measuring the volume of water discharged by the stream. Any such pipe must stop short of the downstream permittee's property, and the permittee must comply with the buffer requirement for any adjacent trout streams. The buffer shall not apply to the following activities provided that adequate erosion control measures are incorporated into the project plans and specifications are implemented:

- (1) public drinking water system reservoirs,
- (2) fences,

- (3) stream crossings for water lines, provided that the stream crossings occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream and cause a width of disturbance of not more than 50 feet within the buffer,
- (4) stream crossings for sewer lines, provided that the stream crossings occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream and cause a width of disturbance of not more than 50 feet within the buffer, and
- (5) stream crossings for aerial utility lines, provided that: (a) the new utility line right-of-way width does not exceed 200 linear feet, (b) utility lines are routed and constructed so as to minimize the number of stream crossings and disturbances to the buffer, (c) only trees and tree debris are removed from within the buffer resulting in only minor soil erosion (i.e., disturbance to underlying vegetation is minimized), and (d) functional native riparian vegetation is re-established in any bare or disturbed areas within the buffer. The Plan shall include a description of the stream crossings with details of the buffer disturbance including area and length of buffer disturbance, estimated length of time of buffer disturbance, and justification; and

(iii). Except as provided above, for buffers required pursuant to Part IV.(i). and (ii)., no construction activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed. After the submittal of a Notice of Termination, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed.

The Erosion, Sedimentation and Pollution Control Plan shall identify all potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges from the construction site. In addition, the Plan shall describe and the applicable permittee shall ensure the implementation of practices which will be used to reduce the pollutants in storm water discharges associated with construction activity at the site and to assure compliance with the terms and conditions of this permit. The applicable permittee must implement and maintain the provisions of the Plan required under this part as a condition of this permit.

Except as provided in Part IV.A.2., a single Erosion, Sedimentation and Pollution Control Plan must be prepared by the primary permittee for the infrastructure construction project.

#### **A. Deadlines for Plan Preparation and Compliance.**

1. Except as provided in Part IV.A.2. and Part IV.A.6., the Erosion, Sedimentation and Pollution Control Plan shall be completed prior to submitting the NOI and prior to conducting any construction activity by any permittee.
2. For construction activities that began on or before the effective date of this permit and were subject to the regulations under the previous permit, the permittee(s) shall continue to operate under the existing Plan.
3. For construction activities that begin after the effective date of this permit, the primary permittee shall be required to prepare the Plan for that phase of the infrastructure development that corresponds with the NOI being submitted and the primary permittee(s) shall implement the Plan on or before the day construction activities begin.
4. Additional Plan Submittals.
  - a. For all projects identified under Part I.C.1.b., in a jurisdiction where there is no certified Local Issuing Authority regulating that project, a single copy of the Plan must be submitted to the EPD Watershed Protection Branch and a second copy of the Plan must be submitted to the appropriate EPD District Office prior to or concurrent with the NOI submittal. The EPD Watershed Protection Branch will review Plans for deficiencies using the applicable Erosion, Sedimentation and Pollution Control Plan Checklist established by the State Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted
  - b. For sites that are equal to or greater than 50 acres of disturbed area, regardless of the existence of a certified Local Issuing Authority in the jurisdiction, one of the following submissions is also required:

- (i) for all projects which begin after the effective date of this permit a single copy of the NOI and a single copy of the Plan shall be submitted to the appropriate EPD District Office.
- (ii) for all projects which began on or before the effective date of this permit single copy of the NOI and a single copy of the Plan, if amended, shall be submitted to the appropriate EPD District Office.

5. For infrastructure projects that begin construction activity after the effective date of this permit, the primary permittee must retain the design professional who prepared the Erosion, Sedimentation and Pollution Control Plan, except when the primary permittee has requested in writing and EPD has agreed to an alternate design professional, to inspect the installation of the initial sediment storage requirements and perimeter control BMPs which the design professional designed within seven (7) days after installation. The design professional shall determine if these BMPs have been installed and are being maintained as designed. The design professional shall report the results of the inspection to the primary permittee within seven (7) days and the permittee must correct all deficiencies within two (2) business days of receipt of the inspection report from the design professional unless weather related site conditions are such that additional time is required.

6. For storm- or emergency-related repair work, the permittee shall implement appropriate BMPs and certified personnel (provided by the primary permittee) shall inspect at least once every seven (7) calendar days and within 24 hours of the end of a storm that is 0.5 inches rainfall or greater. If the storm- or emergency-related repair work will not be completed within sixty (60) days of commencement of construction activity, a single copy of the Plan shall be submitted to EPD and the permittee shall comply with all requirements of this permit on the sixty-first (61st) day.

#### **B. Signature and Plan Review.**

1. The Erosion, Sedimentation and Pollution Control Plan shall be signed in accordance with Part V.G., and be retained on the site (or, if not possible, at a readily accessible location) which generates the storm water discharge in accordance with Part IV.F. of this permit.

2. The primary permittee shall make Plans available upon request to the EPD; to designated officials of the local government reviewing soil erosion and sedimentation control plans, grading plans, or storm water management plans; or in the case of a storm water discharge associated with construction activity which discharges through a municipal separate storm sewer system with an NPDES permit, to the local government operating the municipal separate storm sewer system.

3. EPD may notify the primary permittee at any time that the Plan does not meet one or more of the minimum requirements of this Part. Within seven (7) days of such notification (or as otherwise provided by EPD), the primary permittee shall make the required changes to the Plan and shall submit to EPD either the amended Plan or a written certification that the requested changes have been made.

**C. Keeping Plans Current.** The primary permittee(s) shall amend their Plan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on BMPs with a hydraulic component (i.e., those BMPs where the design is based upon rainfall intensity, duration and return frequency of storms) or if the Plan proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified under Part IV.D.3. of this permit. Amendments to the Plan must be certified by a design professional as provided in this permit.

**D. Contents of Plan.** The Erosion, Sedimentation and Pollution Control Plan shall include, as a minimum, best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the "Manual for Erosion and Sediment Control in Georgia" (Manual) published by the State Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:

**1. Checklist.** Each plan shall include the applicable Erosion, Sedimentation and Pollution Control Plan Checklist established by the State Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted. The Checklist is available on the EPD website, [www.gaepd.org](http://www.gaepd.org).

**2. Site description.** Each Plan shall provide a description of pollutant sources and other information as indicated:

- a. A description of the nature of the construction activity;
- b. A description and chart or timeline of the intended sequence of major activities which disturb soils for major portions of the site (i.e., initial sediment storage requirements and perimeter BMPs, clearing and grubbing activities, excavation activities, grading activities, infrastructure activities, immediate and final stabilization activities);
- c. Estimates of the total area of the site and the total area of the site that is expected to be disturbed by excavation, grading, or other activities;
- d. An estimate of the runoff coefficient or peak discharge flow of the site prior to the construction activities and after construction activities are completed and existing data describing the soil or the quality of any discharge from the site;
- e. A site map or series of drawings indicating drainage patterns and approximate slopes anticipated after major grading activities, areas of soil disturbance, an outline of areas which are not to be disturbed, the location of major structural and nonstructural controls identified in the Plan, the location of areas where stabilization practices are expected to occur, surface waters (including wetlands), and locations where storm water is discharged to a surface water; and
- f. Identify the receiving water(s) and areal extent of wetland acreage at the site;

**3. Controls.** Each Plan shall include a description of appropriate controls and measures that will be implemented at the construction site including: (1) initial sediment storage requirements and perimeter control BMPs, (2) intermediate grading and drainage BMPs, and (3) final BMPs. For construction sites where there will be no mass grading and the initial sediment storage requirements and perimeter control BMPs, intermediate grading and drainage BMPs, and final BMPs are the same, the Plan may combine all of the BMPs into a single phase Plan. The Plan will include appropriate staging and access requirements for construction equipment. The Plan will clearly describe for each major activity identified in Part IV.D.2.b., appropriate control measures and the timing during the construction process that the measures will be implemented. The primary permittee is encouraged to utilize the document, Developing Your Stormwater Pollution Prevention Plan: A Guide for Construction Sites, EPA 833-R-060-04, May 2007 ([www.epa.gov/npdes/pubs/sw\\_swppp\\_guide.pdf](http://www.epa.gov/npdes/pubs/sw_swppp_guide.pdf)), when preparing the Plan. The description and implementation of controls shall address the following minimum components:

- a. Erosion and sediment controls.

(1). Stabilization measures. A description of interim and permanent stabilization measures, including site-specific scheduling of the implementation of the measures. Site plans should ensure that existing vegetation is preserved and that disturbed portions of the site are stabilized. Stabilization measures may include: temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures. A record of the dates when major grading activities occur, when construction activities temporarily or permanently cease on a portion of the site, and when stabilization measures are initiated shall be included in the Plan. Except as provided in paragraphs IV.D.3.(a).(1).(a). and (b). below, stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased.

(a). Where the initiation of stabilization measures by the 14th day after construction activity temporarily or permanently cease is precluded by snow cover or other adverse weather conditions, stabilization measures shall be initiated as soon as practicable.

(b). Where construction activity will resume on a portion of the site within 21 days from when activities ceased, (e.g., the total time period that construction activity is temporarily ceased is less than 21 days) then stabilization measures do not have to be initiated on that portion of site by the 14th day after construction activity temporarily ceased.

(2). Structural practices. A description of structural practices to divert flows from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable. Such practices may include silt fences, earth dikes, drainage swales, sediment traps, check dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins. Structural practices should be placed on upland soils to the degree attainable. The installation of these devices may be subject to Section 404 of the CWA.

(3). Sediment basins. For common drainage locations a temporary (or permanent) sediment basin providing at least 1800 cubic feet (67 cubic yards) of storage per acre drained, or equivalent control measures, shall be provided until final stabilization of the site. The 1800 cubic feet (67 cubic yards) of storage area per acre drained does not apply to flows from off-site areas and flows from on-site areas that are either undisturbed or have undergone final stabilization where such flows are diverted around both the disturbed area and the sediment basin. For drainage locations where a temporary sediment basin providing at least 1800 cubic feet (67 cubic yards) of storage per acre drained, or equivalent controls is not attainable, sediment traps, silt fences, wood mulch berms or equivalent sediment controls are required for all side slope and down slope boundaries of the construction area. When the sediment fills to a volume at most of 22 cubic yards per acre for each acre of drainage area, the sediment shall be removed to restore the original design volume. This sediment must be properly disposed. Sediment basins may not be appropriate at some construction projects. Careful consideration must be used to determine when a sediment basin is not to be used and a written rationale explaining the decision not to use sediment basins must be included in the Plan. Notwithstanding any other provisions of this paragraph, perennial and intermittent waters of the State shall not be used for temporary or permanent sediment detention.

(4). Alternative BMPs. The use of alternative BMPs whose performance has been documented to be equivalent or superior to conventional BMPs as certified by a Design Professional may be allowed (unless disapproved by EPD or the State Soil and Water Conservation Commission).

(5). High performance BMPs. The use of infiltration trenches, seep berms, sand filters, dry wells, polyacrylamide, etc. for minimizing point source discharges except for large rainfall events is encouraged.

b. Storm water management. A description of measures that will be installed during the construction process to control pollutants in storm water discharges that will occur after construction operations have been completed. Structural measures should be placed on upland soils to the degree attainable. The installation of these devices may be subject to Section 404 of the CWA. This permit only addresses the installation of storm water management measures, and not the ultimate operation and maintenance of such structures after the construction activities have been completed and the site has undergone final stabilization. Operators are only responsible for the installation and maintenance of storm water management measures prior to final stabilization of the site, and are not responsible for maintenance after storm water discharges associated with construction activity have been eliminated from the site.



(1). Such practices may include: storm water detention structures (including wet ponds); storm water retention structures; flow attenuation by use of open vegetated swales and natural depressions; infiltration of runoff on-site; and sequential systems (which combine several practices). The Plan shall include an explanation of the technical basis used to select the practices to control pollution where flows exceed pre-development levels.

(2). Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel for the purpose of providing a non-erosive velocity flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected (e.g., no significant changes in the hydrological regime of the receiving water(s)).

(3). Installation and use of Green Infrastructure approaches and practices that mimic natural processes and direct storm water where it can be infiltrated, evapotranspired or re-used with significant utilization of soils and vegetation rather than traditional hardscape collection, conveyance and storage structures are encouraged to the maximum extent practicable. Green Infrastructure practices or approaches include permeable or porous paving, vegetated swales instead of curbs and gutters, green roofs, tree boxes, rain gardens, constructed wetlands, infiltration planters, vegetated median strips, protection and enhancement of riparian buffers and floodplains, and the overall reduction in site disturbance and impervious area. Design information on Green Infrastructure practices and other ways to manage storm water can be found in the Georgia Stormwater Management Manual ([www.georgiastormwater.com](http://www.georgiastormwater.com)) and the Georgia Green Growth Guidelines ([crd.dnr.state.ga.us](http://crd.dnr.state.ga.us)). Additional information on Green Infrastructure can be found at: [cfpub.epa.gov/npdes/home.cfm?program\\_id=298](http://cfpub.epa.gov/npdes/home.cfm?program_id=298), [greenvalues.cnt.org/green-infrastructure](http://greenvalues.cnt.org/green-infrastructure), and [www.epa.gov/npdes/pubs/gi\\_action\\_strategy.pdf](http://www.epa.gov/npdes/pubs/gi_action_strategy.pdf).

c. Other controls.

(1). Waste disposal. Locate waste collection areas away from streets, gutters, watercourses and storm drains. Waste collection areas, such as dumpsters, are often best located near construction site entrances to minimize traffic on disturbed soils. The Plan should include secondary containment around liquid waste collection areas to further minimize the likelihood of contaminated discharges. Solid materials, including building materials, shall not be discharged to waters of the State, except as authorized by a Section 404 permit.

(2). Off-site vehicle tracking of dirt, soils, and sediments and the generation of dust shall be minimized or eliminated to the maximum extent practical. The Plan shall include the best management practice to be implemented at the site or construction activity.

(3). All permittees shall ensure and demonstrate that their Plan is in compliance with applicable State and/or local waste disposal, sanitary sewer or septic system regulations.

(4). The Plan shall include best management practices for the remediation of all petroleum spills and leaks as appropriate.

(5). The Plan shall include best management practices for concrete washdown of tools, concrete mixer chutes, hoppers and the rear of vehicles. Washout of the drum at the construction site is prohibited.

#### 4. Inspections.

##### a. Permittee requirements.

(1). Each day when any type of construction activity has taken place at a primary permittee's site, certified personnel provided by the primary permittee shall inspect: (a) all areas at the primary permittee's site where petroleum products are stored, used, or handled for spills and leaks from vehicles and equipment; (b) all locations at the primary permittee's site where vehicles enter or exit the site for evidence of off-site sediment tracking; and (c) measure rainfall once each 24 hour period at the site. These inspections must be conducted until a Notice of Termination is submitted.

(2). Certified personnel (provided by the primary permittee) shall inspect the following at least once every fourteen (14) calendar days and within 24 hours of the end of a storm that is 0.5 inches rainfall or greater (unless such storm ends after 5:00 PM on any Friday or on any non-working Saturday, non-working Sunday or any non-working Federal holiday in which case the inspection shall be completed by the end of the next business day and/or working day, whichever occurs first): (a) disturbed areas of the primary permittee's construction site that have not undergone final stabilization; (b) areas used by the primary permittee for storage of materials that are exposed to precipitation that have not undergone final stabilization; and (c) structural control measures. Erosion and sediment control measures identified in the Plan applicable to the primary permittee's site shall be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they shall be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving water(s). For areas of a site that have undergone final stabilization, the permittee must comply with Part IV.D.4.a.(3). These inspections must be conducted until a Notice of Termination is submitted.

(3). Certified personnel (provided by the primary permittee) shall inspect at least once per month during the term of this permit (i.e., until a Notice of Termination is received by EPD) the areas of the site that have undergone final stabilization. These areas shall be inspected for evidence of, or the potential for, pollutants entering the drainage system and the receiving water(s). Erosion and sediment control measures identified in the Plan shall be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they shall be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving water(s).

(4). Based on the results of each inspection, the site description and the pollution prevention and control measures identified in the Erosion, Sedimentation and Pollution Control Plan, the Plan shall be revised as appropriate not later than seven (7) calendar days following each inspection. Implementation of such changes shall be made as soon as practical but in no case later than seven (7) calendar days following each inspection.

(5). A report of each inspection that includes the name(s) of personnel making each inspection, the date(s) of each inspection, major observations relating to the implementation of the Erosion, Sedimentation and Pollution Control Plan, and actions taken in accordance with Part IV.D.4.a.(4) of the permit shall be made and retained at the site or be readily available at a designated alternate location until the entire site or that portion of a construction project that has been phased has undergone final stabilization and a Notice of Termination is submitted to EPD. Such reports shall identify any incidents of non-compliance. Where the report does not identify any incidents of non-compliance, the report shall contain a certification that the construction site is in compliance with the Erosion, Sedimentation and Pollution Control Plan and this permit. The report shall be signed in accordance with Part V.G. of this permit.

**5. Maintenance.** The Plan shall include a description of procedures to ensure the timely maintenance of vegetation, erosion and sediment control measures and other protective measures identified in the site plan.

**6. Sampling Requirements.** This permit requires the monitoring of nephelometric turbidity in receiving water(s) or outfalls in accordance with this permit. The following procedures constitute EPD's guidelines for sampling turbidity.

a. *Sampling Requirements* shall include the following:

(1) A USGS topographic map, a topographic map or a drawing (referred to as a topographic map) that is a scale equal to or more detailed than a 1:24000 map showing the location of the infrastructure construction; (a) the location of all perennial and intermittent streams and other water bodies as shown on a USGS topographic map, and all other perennial and intermittent streams and other water bodies located during mandatory field verification, into which the storm water is discharged and (b) the receiving water and/or outfall sampling locations for each representative stormwater outfall. When the permittee has chosen to use a USGS topographic map and the receiving water(s) is not shown on the USGS topographic map, the location of the receiving water(s) must be hand-drawn on the USGS topographic map from where the storm water(s) enters the receiving water(s) to the point where the receiving water(s) combines with the first blue line stream shown on the USGS topographic map;

(2). A written narrative of site specific analytical methods used to collect and analyze the samples including quality control/quality assurance procedures. This narrative must include precise sampling methodology for each sampling location;

(3). When the permittee has determined that some or all outfalls will be monitored, a rationale must be included for the NTU limit(s) selected from Appendix B. This rationale must include the size of the construction site, the calculation of the size of the surface water drainage area, and the type of receiving water(s) (i.e., trout stream or supporting warm water fisheries); and

(4). Any additional information EPD determines necessary to be part of the Plan. EPD will provide written notice to the permittee of the information necessary and the time line for submittal.

b. *Sample Type.* All sampling shall be collected by "grab samples" and the analysis of these samples must be conducted in accordance with methodology and test procedures established by 40 CFR Part 136 (unless other test procedures have been approved); the guidance document titled "NPDES Storm Water Sampling Guidance Document, EPA 833-B-92-001" and guidance documents that may be prepared by the EPD.

(1). Sample containers should be labeled prior to collecting the samples.

(2). Samples should be well mixed before transferring to a secondary container.

(3). Large mouth, well cleaned and rinsed glass or plastic jars should be used for collecting samples. The jars should be cleaned thoroughly to avoid contamination.

(4). Manual, automatic or rising stage sampling may be utilized. Samples required by this permit should be analyzed immediately, but in no case later than 48 hours after collection. However, samples from automatic samplers must be collected no later than the next business day after their accumulation, unless flow through automated analysis is utilized. Dilution of samples is not required. Samples may be analyzed directly with a properly calibrated turbidimeter. Samples are not required to be cooled.

(5). Sampling and analysis of the receiving water(s) or outfalls beyond the minimum frequency stated in this permit must be reported to EPD as specified in Part IV.E.

*c. Sampling Points.*

(1). For construction activities the primary permittee must sample all perennial and intermittent streams and other water bodies shown on the USGS topographic map and all other field verified perennial and intermittent streams and other water bodies, or all outfalls into such streams and other water bodies, or a combination thereof. However, provided for in and in accordance with Part IV.D.6.c.(2). of this permit, primary permittees on an infrastructure construction project may sample the representative perennial and intermittent streams, other water bodies or outfalls, or a combination thereof. Samples taken for the purpose of compliance with this permit shall be representative of the monitored activity and representative of the water quality of the receiving water(s) and/or the storm water outfalls using the following minimum guidelines:

(a). The upstream sample for each receiving water(s) must be taken immediately upstream of the confluence of the first storm water discharge from the permitted activity (i.e., the discharge farthest upstream at the site) but downstream of any other storm water discharges not associated with the permitted activity. Where appropriate, several upstream samples from across the receiving water(s) may need to be taken and the arithmetic average of the turbidity of these samples used for the upstream turbidity value.

(b). The downstream sample for each receiving water(s) must be taken downstream of the confluence of the last storm water discharge from the permitted activity (i.e., the discharge farthest downstream at the site) but upstream of any other storm water discharge not associated with the permitted activity. Where appropriate, several downstream samples from across the receiving water(s) may need to be taken and the arithmetic average of the turbidity of these samples used for the downstream turbidity value.

(c). Ideally the samples should be taken from the horizontal and vertical center of the receiving water(s) or the storm water outfall channel(s).

(d). Care should be taken to avoid stirring the bottom sediments in the receiving water(s) or in the outfall storm water channel.

(e). The sampling container should be held so that the opening faces upstream.

(f). The samples should be kept free from floating debris.

(g). Permittees do not have to sample sheetflow that flows onto undisturbed natural areas or areas stabilized by the project. For purposes of this section, stabilized shall mean, for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100% of the soil surface is uniformly covered in permanent vegetation with a density of 70% or greater, or equivalent permanent stabilization measures (such as the use of rip rap, gabions, permanent mulches or geotextiles) have been used. Permanent vegetation shall consist of: planted trees, shrubs, perennial vines; a crop of perennial vegetation appropriate for the time of year and region; or a crop of annual vegetation and a seeding of target crop perennials appropriate for the region. For infrastructure construction projects on land used for agricultural or silvicultural purposes, final stabilization may be accomplished by stabilizing the disturbed land for its agricultural or silvicultural use. Final stabilization applies to each phase of construction.

(h). All sampling pursuant to this permit must be done in such a way (including generally accepted sampling methods, locations, timing, and frequency) as to accurately reflect whether storm water runoff from the construction site is in compliance with the standard set forth in Parts III.D.3. or III.D.4., whichever is applicable.

(2). For infrastructure construction projects, the permittee is not required to sample a perennial or intermittent stream or other water bodies (or the associated outfall, if applicable) if the design professional preparing the Plan certifies that an increase in the turbidity of a specific identified receiving water to be sampled will be representative of the increase in the turbidity of a specific identified un-sampled receiving water. A written rationale and detailed analysis shall be prepared by the design professional justifying such proposed sampling. The rationale and analysis shall include the location and description of the specified sampled and un-sampled receiving water and shall contain a detailed comparison and discussion of each such receiving water in the following areas:

(a). site land disturbances and characteristics;

(b). receiving water watershed sizes and characteristics; and

(c). site and watershed runoff characteristics utilizing the methods in Appendix A-1 (United States Department of Agriculture Soil Conservation Service's TR-55, Urban Hydrology for Small Watersheds) of the most recent version of the "Manual for Erosion and Sedimentation Control in Georgia" for the various precipitation events and any other such considerations necessary to show that the increase in the turbidity of a specific identified sampled receiving water will be representative of the increases in the turbidity of a specific identified un-sampled receiving waters.

(3). For infrastructure construction projects, when the permittee determines that some receiving water(s) will not be sampled due to representative sampling, the design professional making this determination and preparing the Plan must include in the Plan and sign in accordance with Part V.G. of this permit the following certification:

"I certify that the permittee's Erosion, Sedimentation and Pollution Control Plan provides for the monitoring of: (a) all perennial and intermittent streams and other water bodies shown on the USGS topographic map and all other field verified perennial and intermittent streams and other water bodies, or (b) where any such specific identified perennial or intermittent stream and other water body is not proposed to be sampled, I have determined in my professional judgment, utilizing the factors required in the General NPDES Permit No. GAR 100002, that the increase in the turbidity of each specific identified sampled receiving water will be representative of the increase in the turbidity of a specific identified un-sampled receiving water."

(4). For infrastructure construction projects, if at any time during the life of the project a selected receiving water no longer represents another receiving water, then the permittee shall sample the latter receiving water until selection of an alternative representative receiving water.

(5). For infrastructure construction projects, if at any time during the life of the project a receiving water is determined not to be represented as certified in the Plan, the permittee shall sample that receiving water until a Notice of Termination is submitted or until the applicable phase is stabilized in accordance with this permit.

(6). For infrastructure construction projects, monitoring obligations shall cease for any phase of the project that has been stabilized in accordance with Part IV.D.6.c.(1).(g).

d. *Sampling Frequency.*

(1). The primary permittee must sample in accordance with the Plan at least once for each rainfall event described below. For a qualifying event, samples must be taken within forty-five (45) minutes of:

(a) the accumulation of the minimum amount of rainfall for the qualifying event, if the storm water discharge to a monitored receiving water or from a monitored outfall has begun at or prior to the accumulation, or

(b) the beginning of any storm water discharge to a monitored receiving water or from a monitored outfall, if the discharge begins after the accumulation of the minimum amount of rainfall for the qualifying event.

(2). However, where manual and automatic sampling are impossible (as defined in this permit), or are beyond the permittee's control, the permittee shall take samples as soon as possible, but in no case more than twelve (12) hours after the beginning of the storm water discharge.

(3). Sampling by the permittee shall occur for the following events:

(a). For each area of the site that discharges to a receiving stream, the first rain event that reaches or exceeds 0.5 inch and allows for monitoring during normal business hours\* (Monday thru Friday, 8:00 AM to 5:00 PM and Saturday 8:00 AM to 5:00 PM, excluding all non-working Federal holidays, when construction activity is being conducted by the Primary permittee) that occurs after all clearing and grubbing operations have been completed in the drainage area of the location selected as the representative sampling location;

(b). In addition to (a) above, for each area of the site that discharges to a receiving stream, the first rain event that reaches or exceeds 0.5 inch and allows for monitoring during normal business hours\* that occurs either 90 days after the first sampling event or after all mass grading operations have been completed in the drainage area of the location selected as the representative sampling location, whichever comes first;

(c). At the time of sampling performed pursuant to (a) and (b) above, if BMPs are found to be properly designed, installed and maintained, no further action is required. If BMPs in any area of the site that discharges to a receiving stream are not properly designed, installed and maintained, corrective action shall be defined and implemented within two (2) business days, and turbidity samples shall be taken from discharges from that area of the site for each subsequent rain event that reaches or exceeds 0.5 inch during normal business hours\* until the selected turbidity standard is attained, or until post-storm event inspections determine that BMPs are properly designed, installed and maintained; and

(d). Existing construction activities, i.e., those that are occurring on or before the effective date of this permit, that have met the sampling required by (a) above shall sample in accordance with (b). Those existing construction activities that have met the sampling required by (b) above shall not be required to conduct additional sampling other than as required by (c) above.

\*Note that the Permittee may choose to meet the requirements of (a) and (b) above by collecting turbidity samples from any rain event that reaches or exceeds 0.5 inch and allows for monitoring at any time of the day or week.

**7. Non-storm water discharges.** Except for flows from fire fighting activities, sources of non-storm water listed in Part III.A.2. of this permit that are combined with storm water discharges associated with construction activity must be identified in the Plan. The Plan shall identify and ensure the implementation of appropriate pollution prevention measures for the non-storm water component(s) of the discharge.

#### **E. Reporting.**

1. The applicable permittees are required to submit a summary of the monitoring results to the EPD at the address shown in Part II.C. by the fifteenth day of the month following the reporting period. Reporting periods are months during which samples are taken in accordance with this permit. Sampling results shall be in a clearly legible format. Upon written notification, EPD may require the applicable permittee to submit the sampling results on a more frequent basis. Sampling and analysis of any storm water discharge(s) or the receiving water(s) beyond the minimum frequency stated in this permit must be reported in a similar manner to the EPD. The sampling reports must be signed in accordance with Part V.G. Sampling reports must be submitted to EPD until such time as a NOT is submitted in accordance with Part VI.

2. All written correspondence required by this permit shall be submitted by return receipt certified mail (or similar service) to the appropriate District Office of the EPD according to the schedule in Appendix A of this permit. The permittee shall retain a copy of the proof of submittal at the construction site or the proof of submittal shall be readily available at a designated location from commencement of construction until such time as a NOT is submitted in accordance with Part VI.

3. All monitoring results shall include the following information:

- a. The date, exact place, and time of sampling or measurements;
- b. The name(s) of the individual(s) who performed the sampling and measurements;
- c. The date(s) analyses were performed;
- d. The time(s) analyses were initiated;
- e. The name(s) of the individual(s) who performed the analyses;
- f. References and written procedures, when available, for the analytical techniques or methods used;
- g. The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results; and
- h. Results which exceed 1000 NTU shall be reported as "exceeds 1000 NTU."

#### **F. Retention of Records**

1. The primary permittee shall retain the following records at the construction site or the records shall be readily available at a designated alternate location from commencement of construction until such time as a NOT is submitted in accordance with Part VI:

- a. A copy of all Notices of Intent submitted to EPD;
- b. A copy of the Erosion, Sedimentation and Pollution Control Plan required by this permit;
- c. The design professional's report of the results of the inspection conducted in accordance with Part IV.A.5. of this permit;
- d. A copy of all monitoring information, results, and reports required by this permit;
- e. A copy of all inspection reports generated in accordance with Part IV.D.4.a. of this permit;
- f. A copy of all violation summaries and violation summary reports generated in accordance with Part III.D.2. of this permit; and
- g. Daily rainfall information collected in accordance with Part IV.D.4.a.(1)(c) of this permit.

2. Copies of all Notices of Intent, Notices of Termination, reports, plans, monitoring reports, monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, Erosion, Sedimentation and Pollution Control Plans, records of all data used to complete the Notice of Intent to be covered by this permit and all other records required by this permit shall be retained by the permittee who either produced or used it for a period of at least three years from the date that the NOT is submitted in accordance with Part VI of this permit. These records must be maintained at the permittee's primary place of business or at a designated alternative location once the construction activity has ceased at the permitted site. This period may be extended by request of the EPD at any time upon written notification to the permittee.

## **Part V. STANDARD PERMIT CONDITIONS**

### **A. Duty to Comply.**

1. Each permittee must comply with all applicable conditions of this permit. Any permit noncompliance constitutes a violation of the Georgia Water Quality Control Act (O.C.G.A. §§12-5-20, et seq.) and is grounds for enforcement action; for permit termination; or for denial of a permit renewal application. Failure of a primary permittee to comply with any applicable term or condition of this permit shall not relieve any other primary permittee from compliance with their applicable terms and conditions of this permit.

2. Each permittee must document in their records any and all known violations of this permit at his/her site within seven (7) days of his/her knowledge of the violation. A summary of these violations must be submitted to EPD by the permittee at the addresses shown in Part II.C. within fourteen (14) days of his/her discovery of the violation.

3. Penalties for violations of permit conditions. The Federal Clean Water Act and the Georgia Water Quality Control Act (O.C.G.A. §§12-5-20, et seq.) provide that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit, makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine or by imprisonment, or by both. The Federal Clean Water Act and the Georgia Water Quality Control Act also provide procedures for imposing civil penalties which may be levied for violations of the Acts, any permit condition or limitation established pursuant to the Acts, or negligently or intentionally failing or refusing to comply with any final or emergency order of the Director.

**B. Continuation of the Expired General Permit.** This permit expires on the date shown on the cover page of this permit. However, an expired general permit continues in force and effect until a new general permit is issued, final and effective. Construction sites that have not obtained coverage under the permit by the permit expiration date cannot become authorized to discharge under the continued permit.

**C. Need to Halt or Reduce Activity Not a Defense.** It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

**D. Duty to Mitigate.** The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

**E. Duty to Provide Information.** The permittee shall furnish to the Director; a State agency approving soil erosion and sedimentation control plans, grading plans, or storm water management plans; or in the case of a storm water discharge associated with construction activity which discharges through a municipal separate storm sewer system with an NPDES permit, to the local government operating the municipal separate storm sewer system, any information which is requested to determine compliance with this permit. In the case of information



submitted to the EPD such information shall be considered public information and available under the Georgia Open Records Act.

**F. Other Information.** When the permittee becomes aware that he/she failed to submit any relevant facts or submitted incorrect information in the Notice of Intent or in any other report required to be submitted to the EPD, the permittee shall promptly submit such facts or information.

**G. Signatory Requirements.** All Notices of Intent, Notice of Terminations, Erosion, Sedimentation and Pollution Control Plans, reports, certifications or other information either submitted to the EPD or the operator of a large or medium municipal separate storm sewer system, or that this permit requires be maintained by the permittee, shall be signed as follows:

1. All Notices of Intent shall be signed as follows:

a. For a corporation: by a responsible corporate officer. For the purpose of this permit, a responsible corporate officer means: (1) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation; or (2) the manager of one or more manufacturing, production or operating facilities provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

c. For a municipality, State, Federal, or other public facility: by either a principal executive officer or ranking elected official.

2. All reports, certification statements, or other reports required by the permit and other information requested by the EPD shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

a. The authorization is made in writing by a person described above and submitted to the EPD;

b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of manager, Operator, superintendent, or position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may be either a named individual or any individual occupying a named position);

c. Changes to authorization. If an authorization under Part II.B. is no longer accurate because a different Operator has responsibility for the overall operation of the construction site, a new Notice of Intent satisfying the requirements of Part II.B. must be submitted to the EPD prior to or together with any reports, information, or applications to be signed by an authorized representative; and

d. *Certification.* Documents shall be signed by the party that contracts for the document and that party shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that certified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or

persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

**H. Oil and Hazardous Substance Liability.** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under the Georgia Hazardous Waste Management Act, O.C.G.A. § 12-8-60, et seq. or under Chapter 14 of Title 12 of the Official Code of Georgia Annotated; nor is the Operator relieved from any responsibilities, liabilities or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act or Section 106 of Comprehensive Environmental Response Compensation And Liability Act.

**I. Property Rights.** The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

**J. Severability.** The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

**K. Other Applicable Environmental Regulations and Laws.** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the Clean Water Act. Nothing in this permit, unless explicitly stated, exempts the permittee from compliance with other applicable local, state and federal ordinances, rules, regulations, and laws. Furthermore, it is not a defense to compliance with this permit that a local government authority has approved the permittee's Erosion, Sedimentation and Pollution Control Plan or failed to take enforcement action against the permittee for violations of the Erosion, Sedimentation and Pollution Control Plan, or other provisions of this permit.

No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.

**L. Proper Operation and Maintenance.** The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit and with the required plans. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by an permittee only when necessary to achieve compliance with the conditions of the permit.

**M. Inspection and Entry.** The permittee shall allow the Director or an authorized representative of EPA or EPD or, in the case of a construction site which discharges through a municipal separate storm sewer system with an NPDES permit, an authorized representative of the municipal operator of the separate storm sewer system receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
2. Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit; and
3. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment).

**N. Permit Actions.** This permit may be revoked and reissued, or terminated for cause including but not limited to changes in the law or regulations. The filing of a request by the permittee for termination of the permit, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

## **Part VI. TERMINATION OF COVERAGE**

**A. Notice of Termination Eligibility.** Notice of Termination, signed in accordance with Part V.G. of this permit, must be submitted:

1. For infrastructure construction projects, by the permittee where the entire project has undergone final stabilization and all storm water discharges associated with construction activity that are authorized by this permit have ceased. Provided, however, that the permittee may submit a Notice of Termination after a phase(s) of the infrastructure construction project has undergone final stabilization and all storm water discharges associated with construction activity for that phase(s) that are authorized by this permit have ceased.

2. By the Owner or Operator or both when the Owner or Operator or both of the site changes. Where storm water discharges will continue after the identity of the Owner or Operator or both changes, the permittee must, prior to filing the Notice of Termination, notify any subsequent Owner or Operator or both of the permitted site as to the requirements of this permit.

### **B. Notice of Termination Contents:**

1. The permittee's legal name, address, telephone number;
2. The site/project name, site location, GPS location of the beginning and end of each Phase in the form degrees/minutes/seconds as determined by GPS unit, city (if applicable) and county of the site for which the notification is submitted. This information must correspond to the similar information as provided on the NOI. Where a mailing address for the site is not available, the location can be described in narrative terms and county where the construction site is located;
3. The NPDES permit number for the storm water discharge associated with construction activity identified by the Notice of Termination;
4. The name of the receiving water(s), and when the discharge is through a municipal separate storm sewer system (MS4), the name of the local government operating the municipal separate storm sewer system and the name of the receiving water(s) which receives the discharge from the MS4;
5. Any other information specified on the NOT in effect at the time of submittal; and
6. The following certification signed in accordance with Part V.G. (signatory requirements):

"I certify under penalty of law that either: (a) all storm water discharges associated with construction activity from the portion of the construction activity where I was an Owner or Operator have ceased or have been eliminated; (b) all storm water discharges associated with construction activity from the identified site that are authorized by General NPDES Permit No. GAR 100002 have ceased; (c) I am no longer an Owner or Operator at the construction site and a new Owner or Operator has assumed operational control for those portions of the construction site where I previously had ownership or operational control; and that discharging pollutants in storm water associated with construction activity to waters of Georgia is unlawful under the Georgia Water Quality Control Act and the Clean Water Act where the discharge is not authorized by a NPDES permit."

**C. Notice of Termination Submittal.** All Notices of Termination by this permit shall be submitted by **return receipt certified mail** (or similar service) to the appropriate EPD District Office according to the schedule in

Appendix A of this permit and to the Local Issuing Authority in jurisdictions authorized to issue a Land Disturbance Activity permit for the permittee's construction site pursuant to O.C.G.A. 12-7-1, et seq.

## APPENDIX A

### EPD DISTRICT OFFICES

All required correspondence, including but not limited to the Notice of Intent, Notice of Terminations, certifications, Erosion, Sedimentation and Pollution Control Plans and any other reports, shall be sent to the following District Offices of EPD.

**A. For facilities/construction sites located in the following counties:** Bibb, Bleckley, Chattahoochee, Crawford, Dooley, Harris, Houston, Jones, Lamar, Macon, Marion, Meriwether, Monroe, Muscogee, Peach, Pike, Pulaski, Schley, Talbot, Taylor, Troup, Twiggs, Upson

Information shall be submitted to: West Central District Office  
Georgia Environmental Protection Division  
2640 Shurling Drive  
Macon, GA 31211-3576  
(478) 751-6612

**B. For facilities/construction sites located in the following counties:** Burke, Columbia, Emanuel, Glascock, Jefferson, Jenkins, Johnson, Laurens, McDuffie, Montgomery, Richmond, Screven, Treutlen, Warren, Washington, Wheeler, Wilkinson

Information shall be submitted to: East Central District Office  
Georgia Environmental Protection Division  
1885-A Tobacco Road  
Augusta, GA 30906-8825  
(706) 792-7744

**C. For facilities/construction sites located in the following counties:** Baldwin, Banks, Barrow, Butts, Clarke, Elbert, Franklin, Greene, Hall, Hancock, Hart, Jackson, Jasper, Lincoln, Madison, Morgan, Newton, Oconee, Oglethorpe, Putnam, Stephens, Taliaferro, Walton, Wilkes

Information shall be submitted to: Northeast District Office  
Georgia Environmental Protection Division  
745 Gaines School Road  
Athens, GA 30605-3129  
(706) 369-6376

**D. For facilities/construction sites located in the following counties:** Carroll, Clayton, Coweta, DeKalb, Douglas, Fayette, Fulton, Gwinnett, Heard, Henry, Rockdale, Spalding

Information shall be submitted to: Mountain District - Atlanta Satellite  
Georgia Environmental Protection Division  
4244 International Parkway, Suite 114  
Atlanta, GA 30354-3906  
(404) 362-2671

**E. For facilities/construction sites located in the following counties:** Bartow, Catoosa, Chattooga, Cherokee, Cobb, Dade, Dawson, Fannin, Floyd, Forsyth, Gilmer, Gordon, Habersham, Haralson, Lumpkin, Murray, Paulding, Pickens, Polk, Rabun, Towns, Union, Walker, White, Whitfield

Information shall be submitted to: Mountain District - Cartersville Office  
Georgia Environmental Protection Division  
P.O. Box 3250  
Cartersville, GA 30120-1705  
(770) 387-4900

**F. For facilities/construction sites located in the following counties:** Appling, Atkinson, Bacon, Brantley, Bryan, Bulloch, Camden, Candler, Charlton, Chatham, Clinch, Coffee, Effingham, Evans, Glynn, Jeff Davis, Liberty, Long, McIntosh, Pierce, Tattnall, Toombs, Ware, Wayne

Information shall be submitted to: Coastal District - Brunswick Office  
Georgia Environmental Protection Division  
One Conservation Way  
Brunswick, GA 31520-8687  
(912) 264-7284

**G. For facilities/construction sites located in the following counties:** Baker, Ben Hill, Berrien, Brooks, Calhoun, Clay, Colquitt, Cook, Crisp, Decatur, Dodge, Dougherty, Early, Echols, Grady, Irwin, Lanier, Lee, Lowndes, Miller, Mitchell, Quitman, Randolph, Seminole, Stewart, Sumter, Telfair, Terrell, Thomas, Tift, Turner, Webster, Wilcox, Worth

Information shall be submitted to: Southwest District Office  
Georgia Environmental Protection Division  
2024 Newton Road  
Albany, GA 31701-3576  
(912) 430-4144

**H. For facilities/construction sites required to submit Plans required under Part IV.A.4.a. of this Permit:**

Information shall be submitted to: Watershed Protection Branch  
Environmental Protection Division  
4220 International Parkway, Suite 101  
Atlanta, Georgia 30354  
(404) 675-6240

## APPENDIX B

### Nephelometric Turbidity Unit (NTU) TABLES

#### Cold Water (Trout Stream)

Surface Water Drainage Area, square miles

Site Size, acres		Surface Water Drainage Area, square miles							
		0-4.99	5-9.99	10-24.99	25-49.99	50-99.99	100-249.99	250-499.99	500+
	1.00-10	25	50	75	150	300	500	500	500
	10.01-25	25	25	50	75	150	200	500	500
	25.01-50	25	25	25	50	75	100	300	500
	50.01-100	20	25	25	35	59	75	150	300
	100.01+	20	20	25	25	25	50	60	100

#### Warm Water (Supporting Warm Water Fisheries)

Surface Water Drainage Area, square miles

Site Size, acres		Surface Water Drainage Area, square miles							
		0-4.99	5-9.99	10-24.99	25-49.99	50-99.99	100-249.99	250-499.99	500+
	1.00-10	75	150	200	400	750	750	750	750
	10.01-25	50	100	100	200	300	500	750	750
	25.01-50	50	50	100	100	200	300	750	750
	50.01-100	50	50	50	100	100	150	300	600
	100.01+	50	50	50	50	50	100	200	100

To use these tables, select the size (acres) of the construction site. Then, select the surface water drainage area (square miles). The NTU matrix value arrived at from the above tables is the one to use in Part III.D.4.

Example 1: For a site size of 12.5 acres and a cold water drainage area of 37.5 square miles, the NTU value to use in Part III.D.4. is 75 NTU.

Example 2: For a site size of 51.7 acres and a warm water drainage area of 72 square miles, the NTU value to use in Part III.D.4. is 100 NTU.

## NPDES Inspection Report (1 of 2)

<b>Contractor</b>		<b>Inspector</b>	
<b>Job Name</b>		<b>Date</b>	
<b>Weather Conditions</b>		<b>Rain (Inches)</b>	

Circle One:    Daily            14 Days            After Rain (More than ½")            Monthly

**1. Disturbed Areas (not stabilized): All Inspections**

Location:	Activity (yes / no)	14-day rule? (yes / no)	Action Required.	Action Complete Date

**2. Petroleum Storage or Use: All inspections**

Location:	Type Use	Spill / Leak? (yes / no)	Action Required.	Action Complete Date

**3. Vehicle Exit Areas: All inspections**

Location:	Gravel Clean (yes / no)	Tracking Offsite? (yes / no)	Action Required.	Action Complete Date

**4. Exposed (Uncovered) Material Storage Areas with no Final Stabilization: 14 Days, After Rain**

Location:	Type of Material	Spill / Leak? (yes / no)	Action Required.	Action Complete Date



## NPDES Inspection Report (2 of 2)

<b>Contractor</b>		<b>Inspector</b>	
<b>Job Name</b>		<b>Date</b>	

### 5. Structural Control Practices / Vegetative Practices (BMPs): 14 Days, After Rain

Location / Type of Control:	Type Use	Spill / Leak? (yes / no)	Action Required.	Action Complete Date

### 6. Receiving Waters (Downstream of Outfalls): 14 Days, After Rain

Location:	Stormwater Flows? (yes/no)	Stormwater Impacts? (yes / no)	Action Required.	Action Complete Date

### 7. Other Pollution: 14 Days, After Rain

Location:	Debris? (yes / no)	Sheens? (yes / no)	Action Required.	Action Complete Date

### 8. Stabilized Areas: Monthly

Location:	Evidence of / Potential for Pollutant Discharge	Action Required.	Action Complete Date

Certification: I hereby certify that the above report is a true and complete representation of actual site conditions.

Signed \_\_\_\_\_

Date \_\_\_\_\_

Certification No. \_\_\_\_\_

Original: Chatham County Department of Engineering

Copies: \_\_\_\_\_

# # 1

## REFERENCE FORM

**REFERENCES - \$499,999 or less:** On July 25, 2003 the Board of Commissioners directed that all construction projects with a bid of \$499,999 or less, for bidders to be responsive each must provide information on the most recent three (3) projects with similar scope of work as well as other information to determine experience and qualifications as follows. If the contractor has performed any work for the Chatham County Board of Commissioners within the last five (5) years, at least one (1) of the three (3) owner references must be from the appropriate party within the Chatham County Government

- a. Project Name: \_\_\_\_\_  
Location: \_\_\_\_\_  
Owner: \_\_\_\_\_  
Address: \_\_\_\_\_  
City and State: \_\_\_\_\_  
Contact: \_\_\_\_\_  
Phone & Fax: \_\_\_\_\_  
  
\*Architect or Engineer: \_\_\_\_\_  
Contact: \_\_\_\_\_  
Phone & Fax: \_\_\_\_\_  
Email: \_\_\_\_\_
- b. The awarded bid amount and project start date. \_\_\_\_\_
- c. Final cost of project and completion date. \_\_\_\_\_
- d. Number of change orders. \_\_\_\_\_
- e. Contracted project completion in days. \_\_\_\_\_
- f. Project completed on time. Yes\_\_\_ No\_\_\_ Days exceeded\_\_\_\_\_.
- g. List previous contracts your company performed for Chatham County by Project Title, date and awarded/final cost.
- h. Has contractor ever failed to complete a project?\_\_\_ If so, provide explanation.
- i. Have any projects ever performed by contractor been the subject of a claim or lawsuit by or against the contractor? \_\_\_\_\_ If yes, please identify the nature of such claim or lawsuit, the court in which the case was filed and the details of its resolution.

## # 2

### REFERENCE FORM

**REFERENCES - \$499,999 or less:** On July 25, 2003 the Board of Commissioners directed that all construction projects with a bid of \$499,999 or less, for bidders to be responsive each must provide information on the most recent three (3) projects with similar scope of work as well as other information to determine experience and qualifications as follows. If the contractor has performed any work for the Chatham County Board of Commissioners within the last five (5) years, at least one (1) of the three (3) owner references must be from the appropriate party within the Chatham County Government

- a. Project Name: \_\_\_\_\_  
Location: \_\_\_\_\_  
Owner: \_\_\_\_\_  
Address: \_\_\_\_\_  
City and State: \_\_\_\_\_  
Contact: \_\_\_\_\_  
Phone & Fax: \_\_\_\_\_  
  
\*Architect or Engineer: \_\_\_\_\_  
Contact: \_\_\_\_\_  
Phone & Fax: \_\_\_\_\_  
Email: \_\_\_\_\_
- b. The awarded bid amount and project start date. \_\_\_\_\_  
c. Final cost of project and completion date. \_\_\_\_\_  
d. Number of change orders. \_\_\_\_\_  
e. Contracted project completion in days. \_\_\_\_\_  
f. Project completed on time. Yes\_\_\_ No\_\_\_ Days exceeded\_\_\_\_\_  
g. List previous contracts your company performed for Chatham County by Project Title, date and awarded/final cost.  
h. Has contractor ever failed to complete a project?\_\_\_ If so, provide explanation.  
i. Have any projects ever performed by contractor been the subject of a claim or lawsuit by or against the contractor? \_\_\_\_\_ If yes, please identify the nature of such claim or lawsuit, the court in which the case was filed and the details of its resolution.

### # 3

#### REFERENCE FORM

**REFERENCES - \$499,999 or less:** On July 25, 2003 the Board of Commissioners directed that all construction projects with a bid of \$499,999 or less, for bidders to be responsive each must provide information on the most recent three (3) projects with similar scope of work as well as other information to determine experience and qualifications as follows. If the contractor has performed any work for the Chatham County Board of Commissioners within the last five (5) years, at least one (1) of the three (3) owner references must be from the appropriate party within the Chatham County Government

- a. Project Name: \_\_\_\_\_  
Location: \_\_\_\_\_  
Owner: \_\_\_\_\_  
Address: \_\_\_\_\_  
City and State: \_\_\_\_\_  
Contact: \_\_\_\_\_  
Phone & Fax: \_\_\_\_\_  
  
\*Architect or Engineer: \_\_\_\_\_  
Contact: \_\_\_\_\_  
Phone & Fax: \_\_\_\_\_  
Email: \_\_\_\_\_
- b. The awarded bid amount and project start date. \_\_\_\_\_  
c. Final cost of project and completion date. \_\_\_\_\_  
d. Number of change orders. \_\_\_\_\_  
e. Contracted project completion in days. \_\_\_\_\_  
f. Project completed on time. Yes\_\_\_ No\_\_\_ Days exceeded\_\_\_\_\_  
g. List previous contracts your company performed for Chatham County by Project Title, date and awarded/final cost.  
h. Has contractor ever failed to complete a project?\_\_\_\_\_. If so, provide explanation.  
i. Have any projects ever performed by contractor been the subject of a claim or lawsuit by or against the contractor? \_\_\_\_\_ If yes, please identify the nature of such claim or lawsuit, the court in which the case was filed and the details of its resolution.

LEGAL NOTICE

CC NO. 164319

Invitation to Bid

Sealed Bids will be received until 2:00 P.M. on NOVEMBER 18, 2010 and publicly opened in Chatham County Purchasing & Contracting Department, at The Chatham County Citizens Service Center, 1117 Eisenhower Drive, Suite C, Savannah, Georgia, for: BID NO : 11-3-1-4 SKIDAWAY ROAD SHOULDER IMPROVEMENTS.

PRE-BID CONFERENCE: 2:00 P.M., NOVEMBER 4, 2010. A Conference will be held at the Chatham County Citizens Service Center, 1117 Eisenhower Drive, Suite C, Savannah, Georgia. You are encouraged to attend.

Bid Packages and Plan sheets are available from the office of the Chatham County Purchasing & Contracting Department, at the above address. **There is a \$50 non-refundable charge for this package.**

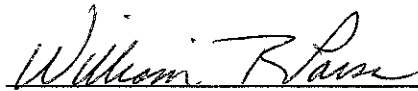
The Bid Package can be downloaded and printed from the County website <http://purchasing.chathamcounty.org> Also, all firms requesting to do business with Chatham County must also register on-line at website <http://purchasing.chathamcounty.org>

**The Bid Package and Plans must still be picked up and purchased from the Purchasing & Contracting Office.**

Bid Bond shall be required at the time of bid. (5% of total bid)  
Payment and Performance Bonds (100% of bid) will be required for this project at the time of contract award.

CHATHAM COUNTY HAS THE AUTHORITY TO REJECT ALL BIDS AND WAIVE MINOR FORMALITIES.

"CHATHAM COUNTY IS AN EQUAL OPPORTUNITY EMPLOYER, M/F/H, ALL BIDDERS ARE TO BE EQUAL OPPORTUNITY EMPLOYERS"



WILLIAM R. PARSON, CPPO, PURCHASING AGENT

SAVANNAH NEWS/PRESS INSERT: Oct. 18, Nov.1 , 2010

Please send affidavit to:  
Chatham County Purchasing & Contracting Department  
P.O. Box 15180  
Savannah, Georgia 31416  
(912) 790-1622