

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT			1. CONTRACT ID CODE	PAGE OF PAGES
			J	1 9
2. AMENDMENT/MODIFICATION NO. 0001	3. EFFECTIVE DATE 19-Oct-2005	4. REQUISITION/PURCHASE REQ. NO.		5. PROJECT NO.(If applicable)
6. ISSUED BY USACE, CONTRACTING DIVISION P. O. BOX 60267 NEW ORLEANS LA 70160-0267	CODE W912P8	7. ADMINISTERED BY (If other than item 6) USACE, CONTRACTING RFO 1ST FLOOR 1900 NORTH LOBDELL BLVD BATON ROUGE LA 70806		CODE W912P8
8. NAME AND ADDRESS OF CONTRACTOR (No., Street, County, State and Zip Code)			X	9A. AMENDMENT OF SOLICITATION NO. W912P8-06-R-0004
			X	9B. DATED (SEE ITEM 11) 12-Oct-2005
				10A. MOD. OF CONTRACT/ORDER NO.
				10B. DATED (SEE ITEM 13)
CODE	FACILITY CODE	11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS		
<input checked="" type="checkbox"/> The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offer <input type="checkbox"/> is extended, <input checked="" type="checkbox"/> is not extended. Offer must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended by one of the following methods: (a) By completing Items 8 and 15, and returning <u>1</u> copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.				
12. ACCOUNTING AND APPROPRIATION DATA (If required)				
13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.				
A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.				
B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(B).				
C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:				
D. OTHER (Specify type of modification and authority)				
E. IMPORTANT: Contractor <input type="checkbox"/> is not, <input type="checkbox"/> is required to sign this document and return _____ copies to the issuing office.				
14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.) The above numbered solicitation is hereby amended as follows: 1. Incorporate the following in Section L, Instructions, Conditions & Notices to Bidders L.3. AWARD. (a) The Government intends to award without discussions. Limited exchanges with offerors may be conducted for clarifications, and discussions may be held when it is determined to be in the Government's best interest. (b) The Government recognizes that it is possible that some offerors may have submitted its proposal in response to this solicitation prior to the date of this Amendment. In the event this Amendment results in the need to supplement your Management Plan to address the criteria set forth herein, the Government will accept your additional information for the Management Plan only via e-mail @ Diane.G.Taylor@mvn02.usace.army.mil. Supplemental data on any other element will not be considered in the evaluation process. Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.				
15A. NAME AND TITLE OF SIGNER (Type or print)		16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print)		
		TEL: _____ EMAIL: _____		
15B. CONTRACTOR/OFFEROR (Signature of person authorized to sign)	15C. DATE SIGNED	16B. UNITED STATES OF AMERICA BY _____ (Signature of Contracting Officer)	16C. DATE SIGNED 19-Oct-2005	

SECTION SF 30 BLOCK 14 CONTINUATION PAGE

SUMMARY OF CHANGES

SECTION L - INSTRUCTIONS, CONDITIONS AND NOTICES TO BIDDERS

The following have been added by full text:

52.215-1 INSTRUCTIONS TO OFFERORS--COMPETITIVE ACQUISITION (JAN 2004)

(a) Definitions. As used in this provision--

“Discussions” are negotiations that occur after establishment of the competitive range that may, at the Contracting Officer's discretion, result in the offeror being allowed to revise its proposal.

“In writing or written” means any worded or numbered expression which can be read, reproduced, and later communicated, and includes electronically transmitted and stored information.

“Proposal modification” is a change made to a proposal before the solicitation's closing date and time, or made in response to an amendment, or made to correct a mistake at any time before award.

“Proposal revision” is a change to a proposal made after the solicitation closing date, at the request of or as allowed by a Contracting Officer as the result of negotiations.

“Time”, if stated as a number of days, is calculated using calendar days, unless otherwise specified, and will include Saturdays, Sundays, and legal holidays. However, if the last day falls on a Saturday, Sunday, or legal holiday, then the period shall include the next working day.

(b) Amendments to solicitations. If this solicitation is amended, all terms and conditions that are not amended remain unchanged. Offerors shall acknowledge receipt of any amendment to this solicitation by the date and time specified in the amendment(s).

(c) Submission, modification, revision, and withdrawal of proposals. (1) Unless other methods (e.g., electronic commerce or facsimile) are permitted in the solicitation, proposals and modifications to proposals shall be submitted in paper media in sealed envelopes or packages (i) addressed to the office specified in the solicitation, and (ii) showing the time and date specified for receipt, the solicitation number, and the name and address of the offeror. Offerors using commercial carriers should ensure that the proposal is marked on the outermost wrapper with the information in paragraphs (c)(1)(i) and (c)(1)(ii) of this provision.

(2) The first page of the proposal must show--

(i) The solicitation number;

(ii) The name, address, and telephone and facsimile numbers of the offeror (and electronic address if available);

(iii) A statement specifying the extent of agreement with all terms, conditions, and provisions included in the solicitation and agreement to furnish any or all items upon which prices are offered at the price set opposite each item;

(iv) Names, titles, and telephone and facsimile numbers (and electronic addresses if available) of persons authorized to negotiate on the offeror's behalf with the Government in connection with this solicitation; and

(v) Name, title, and signature of person authorized to sign the proposal. Proposals signed by an agent shall be accompanied by evidence of that agent's authority, unless that evidence has been previously furnished to the issuing office.

(3) Submission, modification, or revision, of proposals.

(i) Offerors are responsible for submitting proposals, and any modifications, or revisions, so as to reach the Government office designated in the solicitation by the time specified in the solicitation. If no time is specified in the solicitation, the time for receipt is 4:30 p.m., local time, for the designated Government office on the date that proposal or revision is due.

(ii)(A) Any proposal, modification, or revision received at the Government office designated in the solicitation after the exact time specified for receipt of offers is "late" and will not be considered unless it is received before award is made, the Contracting Officer determines that accepting the late offer would not unduly delay the acquisition; and--

(1) If it was transmitted through an electronic commerce method authorized by the solicitation, it was received at the initial point of entry to the Government infrastructure not later than 5:00 p.m. one working day prior to the date specified for receipt of proposals; or

(2) There is acceptable evidence to establish that it was received at the Government installation designated for receipt of offers and was under the Government's control prior to the time set for receipt of offers; or

(3) It is the only proposal received.

(B) However, a late modification of an otherwise successful proposal that makes its terms more favorable to the Government, will be considered at any time it is received and may be accepted.

(iii) Acceptable evidence to establish the time of receipt at the Government installation includes the time/date stamp of that installation on the proposal wrapper, other documentary evidence of receipt maintained by the installation, or oral testimony or statements of Government personnel.

(iv) If an emergency or unanticipated event interrupts normal Government processes so that proposals cannot be received at the office designated for receipt of proposals by the exact time specified in the solicitation, and urgent Government requirements preclude amendment of the solicitation, the time specified for receipt of proposals will be deemed to be extended to the same time of day specified in the solicitation on the first work day on which normal Government processes resume.

(v) Proposals may be withdrawn by written notice received at any time before award. Oral proposals in response to oral solicitations may be withdrawn orally. If the solicitation authorizes facsimile proposals, proposals may be withdrawn via facsimile received at any time before award, subject to the conditions specified in the provision at 52.215-5, Facsimile Proposals. Proposals may be withdrawn in person by an offeror or an authorized representative, if the identity of the person requesting withdrawal is established and the person signs a receipt for the proposal before award.

(4) Unless otherwise specified in the solicitation, the offeror may propose to provide any item or combination of items.

(5) Offerors shall submit proposals in response to this solicitation in English, unless otherwise permitted by the solicitation, and in U.S. dollars, unless the provision at FAR 52.225-17, Evaluation of Foreign Currency Offers, is included in the solicitation.

(6) Offerors may submit modifications to their proposals at any time before the solicitation closing date and time, and may submit modifications in response to an amendment, or to correct a mistake at any time before award.

(7) Offerors may submit revised proposals only if requested or allowed by the Contracting Officer.

(8) Proposals may be withdrawn at any time before award. Withdrawals are effective upon receipt of notice by the Contracting Officer.

(d) Offer expiration date. Proposals in response to this solicitation will be valid for the number of days specified on the solicitation cover sheet (unless a different period is proposed by the offeror).

(e) Restriction on disclosure and use of data. Offerors that include in their proposals data that they do not want disclosed to the public for any purpose, or used by the Government except for evaluation purposes, shall--

(1) Mark the title page with the following legend: This proposal includes data that shall not be disclosed outside the Government and shall not be duplicated, used, or disclosed--in whole or in part--for any purpose other than to evaluate this proposal. If, however, a contract is awarded to this offeror as a result of--or in connection with-- the submission of this data, the Government shall have the right to duplicate, use, or disclose the data to the extent provided in the resulting contract. This restriction does not limit the Government's right to use information contained in this data if it is obtained from another source without restriction. The data subject to this restriction are contained in sheets [insert numbers or other identification of sheets]; and

(2) Mark each sheet of data it wishes to restrict with the following legend: Use or disclosure of data contained on this sheet is subject to the restriction on the title page of this proposal.

(f) Contract award. (1) The Government intends to award a contract or contracts resulting from this solicitation to the responsible offeror(s) whose proposal(s) represents the best value after evaluation in accordance with the factors and subfactors in the solicitation.

(2) The Government may reject any or all proposals if such action is in the Government's interest.

(3) The Government may waive informalities and minor irregularities in proposals received.

(4) The Government intends to evaluate proposals and award a contract without discussions with offerors (except clarifications as described in FAR 15.306(a)). Therefore, the offeror's initial proposal should contain the offeror's best terms from a cost or price and technical standpoint. The Government reserves the right to conduct discussions if the Contracting Officer later determines them to be necessary. If the Contracting Officer determines that the number of proposals that would otherwise be in the competitive range exceeds the number at which an efficient competition can be conducted, the Contracting Officer may limit the number of proposals in the competitive range to the greatest number that will permit an efficient competition among the most highly rated proposals.

(5) The Government reserves the right to make an award on any item for a quantity less than the quantity offered, at the unit cost or prices offered, unless the offeror specifies otherwise in the proposal.

(6) The Government reserves the right to make multiple awards if, after considering the additional administrative costs, it is in the Government's best interest to do so.

(7) Exchanges with offerors after receipt of a proposal do not constitute a rejection or counteroffer by the Government.

(8) The Government may determine that a proposal is unacceptable if the prices proposed are materially unbalanced between line items or subline items. Unbalanced pricing exists when, despite an acceptable total evaluated price, the price of one or more contract line items is significantly overstated or understated as indicated by the application of cost or price analysis techniques. A proposal may be rejected if the Contracting Officer determines that the lack of balance poses an unacceptable risk to the Government.

(9) If a cost realism analysis is performed, cost realism may be considered by the source selection authority in evaluating performance or schedule risk.

(10) A written award or acceptance of proposal mailed or otherwise furnished to the successful offeror within the time specified in the proposal shall result in a binding contract without further action by either party.

(11) If a post-award debriefing is given to requesting offerors, the Government shall disclose the following information, if applicable:

- (i) The agency's evaluation of the significant weak or deficient factors in the debriefed offeror's offer.
- (ii) The overall evaluated cost or price and technical rating of the successful and the debriefed offeror and past performance information on the debriefed offeror.
- (iii) The overall ranking of all offerors, when any ranking was developed by the agency during source selection.
- (iv) A summary of the rationale for award.
- (v) For acquisitions of commercial items, the make and model of the item to be delivered by the successful offeror.
- (vi) Reasonable responses to relevant questions posed by the debriefed offeror as to whether source-selection procedures set forth in the solicitation, applicable regulations, and other applicable authorities were followed by the agency.

(End of provision)

The following have been modified:

INSTRUCTIONS TO OFFERORS

SECTION L Instructions, Conditions and Notices to Offerors

L.1. GENERAL

Proposals shall be in original and four (4) copies.

L.2. PREAWARD INFORMATION

- (a) Prior to making an award, the Contracting Officer must determine that any offeror eligible for an award is responsible both financially and technically and has the capability to properly manage the contract during performance and complete the work on time.
- (b) In order to initiate action toward making the required determinations, the Contracting Officer must have available from each offeror who is or may become eligible for an award certain current information concerning each apparent or prospective eligible offeror. In many cases it is deemed advisable to conduct investigations of several offerors concurrently in order to avoid any delay in making award on urgent programs should an investigation disclose that the apparent successful offeror is not eligible to receive an award.
- (c) Accordingly, each offeror is required to furnish with his proposal a statement of whether he is now or ever has been engaged in any work similar to that covered by the specifications herein, the dollar value thereof, the year in which such work was performed, and the manner of its execution, and giving such other information as will tend to show the offeror's ability to prosecute the required work. The other information referred to above shall include, but is not limited to the following:

- (1) Banking Institution name and address with name of contact at the bank and telephone number.

- (2) Current Company Financial Statement. If the financial statement is more than 60 days old, a certificate must be attached certifying that the firm's financial condition is substantially the same as the final statement submitted, or if not the same, the changes that have taken place. Such statement will be treated as confidential.
- (3) Similar past and present projects with names of contacts, telephone numbers, contract numbers and total contract amounts.
- (4) A list of all existing commercial and governmental business commitments (including contract numbers, contract amounts, and percentage of completion).
- (5) List of equipment to be used if required by the specifications.

L.3. AWARD.

(a) The Government intends to award without discussions. Limited exchanges with offerors may be conducted for clarifications, and discussions may be held when it is determined to be in the Government's best interest.

(b) The Government recognizes that it is possible that some offerors may have submitted its proposal in response to this solicitation prior to the date of this Amendment. In the event this Amendment results in the need to supplement your Management Plan to address the criteria set forth herein, the Government will accept your additional information for the Management Plan only via e-mail @ Diane.G.Taylor@mvn02.usace.army.mil. Supplemental data on any other element will not be considered in the evaluation process.

SECTION M - EVALUATION FACTORS FOR AWARD

The following have been modified:

EVALUATION FACTORS FOR AWARD

EVALUATION CRITERIA

General Basis for Contract Award

1. Award will be made to the offeror(s) that the Government determines can accomplish the requirements set forth in the Request for Proposal in a manner most advantageous to the Government, cost or price and other factors considered. The Government reserves the right to award a contract(s) to other than the lowest price offeror after consideration of all factors.
2. Cost or price will be a factor in the Source Selection Authority's (SSA's) decision. Selection will be based upon the most advantageous offer, price or cost and other factors considered. Offerors should perform technical-cost tradeoffs to achieve a balance which reflects and permits the cost-effective pursuit of high quality performance. The basis of the proposed cost must be compatible with all other elements of the proposal. No advantage will accrue to an offeror who submits an unrealistically low cost proposal. Such a proposal may be viewed as indicative of a lack of understanding of the Government's desired objective.

EVALUATION FACTORS FOR AWARD - BEST VALUE

This is a Best Value acquisition. The following terminology is used to offer an explanation of the relative importance of the technical factors:

SIGNIFICANTLY MORE IMPORTANT. The criterion is two times or greater in value than another criterion.

MORE IMPORTANT. The criterion is greater in value than another criterion, but less than two times greater.

COMPARATIVELY EQUAL. The criterion is nearly the same in value as another criterion; any difference is very slight, and unimportant.

The following factors will be used to determine acceptability and merit of the proposal.

The evaluation factors are listed in descending order of importance. Factor 1 is more important than Factor 2, with Factor 2 being more important than Factor 3, with Factor 3 being more important than Factor 4.

All evaluation factors other than cost or price, when combined are significantly more important than cost or price.

1. CAPACITY AND CAPABILITY

a. Demonstrate capacity and capability to quickly procure, assemble and mobilize necessary facilities, materials, equipment, labor, contracts and subcontractors from national resources to the required multiple project sites.

b. Demonstrate capability and capacity to provide necessary quality personnel skilled in:

- (1) home office management of multiple construction sites
- (2) engineering services supporting incidental design and adherence to state local and federal construction and safety practices
- (3) project management
- (4) project engineering
- (5) quality control
- (6) safety

c. Demonstrate capability to begin project site works within two weeks of task order inception.

2. PAST PERFORMANCE

a. Identify past or current contracts, (including Federal, State, and local government and private) for efforts similar to this requirement. Provide information on problems encountered on the identified contracts and the corrective actions taken.

b. Offerors with no relevant performance history will be rated as neutral.

3. SUBCONTRACTING PLAN

a. Subcontracting Plan shall reflect compliance with the Stafford Act.

b. Small business(s) awardees must provide documentation on compliance with the Stafford Act.

c. Identify subcontracting firms to be utilized and located in the affected geographic-location with type of work to be performed.

d. Provide subcontracting goals to Small, Service-disabled veterans, Small business HUBZone, Small Disadvantaged, and Small Woman-owned business concerns.

State the amounts to be subcontracted for each category as a percentage of totals subcontracted. Offerors who are large business concerns shall submit a formal subcontracting plan with their proposal in accordance with the contract clause in Section I, FAR 52.219-9. The U.S. Army, Corps of Engineers recommended subcontracting goals are 50.9% for Small business, 0.5% for Service-disabled veteran business, 2.9% for Small business HUBZone concerns, 8.8% for Small Disadvantaged business, and 7.2% for Small Woman-owned businesses.

4. MANAGEMENT PLAN

Describe approach and methodology to plan and execute the task(s) of site preparation and installation, making site improvements, installing all utilities. Proposal shall include all elements pertaining to prime and subcontractor(s) for operation of proposed solicitation from mobilization of equipment and manpower to final completion of project.

(1) Understanding of the requirements for each area of major operation as it pertains to the above and overall projects including but not limited to:

- (a) Key supervisory personnel and managers with letter of commitment to perform.
- (b) Organizational Chart and Plan, from top management level(s) to field supervisory level(s).
- (c) Emergency and regular operation of equipment that will be supplied.
- (d) Warranties of all labor, materials, and equipment.

COST/PRICE

The offeror's cost/price proposal based on sample task order, will not be rated or scored, but will be evaluated for realism and price reasonableness. The purpose of cost/price evaluation is to determine whether each offeror's proposal cost/price is realistic in relation to the solicitation and the technical proposal, and to provide an assessment of the reasonableness of the proposed price.

(End of Summary of Changes)

The following items are applicable to this modification:

CONTINUATION SHEET

Add FAR 52.215-1, Instructions to Offerors – Competitive Acquisition (Jan 2004)

2. Incorporate the following in Section M, Evaluation Factors for Award.

4. MANAGEMENT PLAN

Describe approach and methodology to plan and execute the task(s) of site preparation and installation, making site improvements, installing all utilities. Proposal shall include all elements pertaining to prime and subcontractor(s) for operation of proposed solicitation from mobilization of equipment and manpower to final completion of project.

(1) Understanding of the requirements for each area of major operation as it pertains to the above and overall projects including but not limited to:

- (a) Key supervisory personnel and managers with letter of commitment to perform.
- (e) Organizational Chart and Plan, from top management level(s) to field supervisory level(s).
- (f) Emergency and regular operation of equipment that will be supplied.
- (g) Warranties of all labor, materials, and equipment.

3. Contractor is required to acknowledge this amendment.