

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT	1. CONTRACT ID CODE	PAGE OF PAGES
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2. AMENDMENT/MODIFICATION NO.	3. EFFECTIVE DATE	4. REQUISITION/PURCHASE REQ. NO.	5. PROJECT NO. (If applicable)
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6. ISSUED BY CODE	7. ADMINISTERED BY (If other than Item 6) CODE
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8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code)	(X)	9A. AMENDMENT OF SOLICITATION NO.
		9B. DATED (SEE ITEM 11)
		10A. MODIFICATION OF CONTRACT/ORDER NO.
		10B. DATED (SEE ITEM 11)
CODE	FACILITY CODE	

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers is extended, is not extended. Offers 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 _____ 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 your 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 ONLY APPLIES TO MODIFICATION OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

CHECK ONE	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 is not, 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.)

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)
15B. CONTRACTOR/OFFEROR (Signature of person authorized to sign)	15C. DATE SIGNED
16B. UNITED STATES OF AMERICA (Signature of Contracting Officer)	16C. DATE SIGNED

Item 14. Continued.

Replacement Sections – Replace the following sections with the accompanying new sections of the same number and title, bearing the notation “ACCOMPANYING AMENDMENT NUMBER 0002 TO DACA63-01-R-0013.”

SECTION L INSTRUCTIONS, CONDITIONS AND NOTICES TO BIDDERS
SECTION M EVALUATION FACTORS FOR AWARD

END OF AMENDMENT

SECTION L
INSTRUCTIONS, CONDITIONS AND NOTICES TO BIDDERS

LOCAL INSTRUCTION

L.1 PROJECT INFORMATION

a. For technical information regarding plans and specifications contact Fort Worth District Office, Corps of Engineers, Fort Worth, Texas, telephone, (817) 978-3032.

b. For information regarding proposal procedures or bonds, contact Contracting Division (817) 978-4413, or visit Room 2A19, 819 Taylor Street, Fort Worth, Texas. Collect calls not accepted.

c. Offers will NOT be publicly opened. Information concerning the status of the evaluation and/or award will NOT be available after receipt of proposals.

L.2 GENERAL NOTICES

a. In the technical specifications wherever the term "stabilized aggregate base course" is used, or wherever a reference is made to a section entitled "Stabilized Aggregate Base Course," it shall be deemed to mean "Aggregate Base Course."

b. Offerors must provide full, accurate, and complete information as required by this solicitation and its attachments. The penalty for making false statements in Offers is prescribed in 18 USC 1001. (FAR 52.214-4)

c. The Affirmative Action Requirement of the Equal Opportunity Clause may apply to any contract resulting from this RFP.

L.3 OFFEROR'S QUALIFICATIONS

Pursuant to FAR 9.1, before an offer is considered for award, the offeror will be requested by the Government to submit a statement regarding his previous experience in performing comparable work, his business and technical organization, financial resources, and plant available to be used in performing the work.

L.4 NOTICE REGARDING POTENTIAL EMPLOYMENT ON MILITARY INSTALLATION

If the work called for by this request for proposal is located on a military installation, offerors should check with post/base security to determine if potential employees will be allowed on the base/post to seek employment.

L.5 SUBCONTRACTING PLAN

a. This notice applies to Large Businesses only.

b. Reference FAR 52.219-9, SMALL BUSINESS SUBCONTRACTING PLAN. The bidder/offeror shall take into consideration only those subcontracts that he/she will award when preparing the subcontracting plan required by the FAR.

c. The Contracting Officer will NOT make award under this solicitation without an APPROVED subcontracting plan.

d. To be approved, the plan must contain at a minimum, the eleven elements set forth in FAR 52.219-9, paragraph (d). Pursuant to AFARS 19.705-4(d), your plan will be reviewed and scored in accordance with AFARS Appendix CC to ensure it clearly represents your firm's ability to carry out

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the terms and conditions set forth in the contract clauses. AFARS Appendix CC may be accessed via the Internet at <http://acqnet.sarda.army.mil/library/afar/afartoc.htm>.

e. Subcontracting Plan Floors. These are the minimum percentages of subcontracted dollars that will be approved. The current floors for Fiscal Year 2001 are as follows:

Small Business	61.4%
Small Disadvantages Business	9.1%
Women-Owned Small Business	5.0%
American Veteran-Owned Small Business	3.0%
Historically Black Colleges/Universities and Minority Institutions (where applicable)	2.0%
HUBZone Small Business	1.0%

f. Current copies of Standard Form 294 and 295 can be found at <http://www.gsa.gov/forms/farnumer.htm>.

L.6 AMENDMENT TO THIS REQUEST FOR PROPOSALS (RFP)

All amendments to this RFP n will be made through the use of the Internet. No additional media (CD ROMS, Floppy Disks, Faxes, or paper) will be provided unless the Government determines that it is necessary. Contractors may view/download this solicitation and all amendments from the Internet after solicitation issuance at the following Internet address: <http://ebs.swf.usace.army.mil>. All offerors are required to check the Ft. Worth District Contracting Division website daily to be notified of any changes to this solicitation.

L.7 SPECIAL NOTICE CONCERNING INDIVIDUAL SURETIES

The Security interest, including pledged assets as set forth in the FAR 52.228-11, PLEDGES OF ASSETS, and executed Standard Form 28 entitled "AFFIDAVIT OF INDIVIDUAL SURETY" shall be furnished with the bond. Failure to provide with the bid bond a pledge of assets (security interest) in accordance with FAR 28.203-1 will result in rejection of a bid which is bonded by individual sureties.

L.8 ESTIMATED CONSTRUCTION COST

The estimated cost of the proposed construction is not-to-exceed \$20,000,000.00 for each contract.

L.9 PARTNERING

In order to accomplish this contract, the government is encouraging the formation of a cohesive partnership with the contractor and its subcontractors. This partnership would strive to draw on the strengths of each organization in an effort to achieve a quality project done right the first time, within budget, and on schedule. This partnership would be bilateral in make-up and participation would be totally voluntary. Any cost associated with effectuating this partnership will be agreed to by both parties and will be shared equally with no change in contract price.

L.10 PRINCIPAL CONTRACTING OFFICER

The Contracting Officer who signs this contract will be the Principal Contracting Officer for this contract. However, any Contracting Officer assigned to the Fort Worth District, contracting within his or her authority, may take formal action on this contract when a contract action needs to be taken and the Principal Contracting Officer is unavailable.

L.11 PERFORMANCE OF WORK BY CONTRACTOR

The successful bidder/offeror must furnish the Contracting Officer within 20 days after award the following a description of the work which he intends to perform with his own organization (e.g., earthwork, paving, brickwork, or roofing), the percentage of the total work this represents, and the estimated cost thereof.

AM#0002

L.12 BASIS OF AWARD

(a) The Government will award a firm fixed-price contract to that responsible Offeror whose proposal, conforming to the solicitation, is fair and reasonable, and has been determined to be most advantageous to the Government, quality (comprised of technical approach and performance capability factors), price and other factors considered. **All evaluation factors other than cost or price, when combined, are significantly more important than cost or price.** As technical scores and relative advantages and disadvantages become less distinct, differences in price between proposals are of increased importance in determining the most advantageous proposal. Conversely, as differences in price become less distinct, differences in scoring and relative advantages and disadvantages between proposals are of increased importance to the determination.

(b) The Government reserves the right to accept other than the lowest priced offer. The right is also reserved to reflect any and all offers. The basis of award will be a conforming offer, the price or cost of which may or may not be the lowest. If other than the lowest priced offer is accepted, that offer must be sufficiently more advantageous than the lowest priced offer to justify the payment of additional amounts.

(c) Offerors are reminded to include their best technical and price terms in their initial offer and not to automatically assume that they will have an opportunity to participate in discussions or be asked to submit a revised offer. The Government may make award of a conforming proposal without discussions, if deemed to be within the best interests of the Government.

L.13 PREPROPOSAL CONFERENCE

a. A preproposal conference will be held:

DATE: June 29, 2001
LOCATION: Fort Worth, Texas
SITE: Federal Office Building
Room 1A03/Training
819 Taylor Street
TIME: 10:00 a.m.

An information meeting is scheduled. Seating is limited. The first 80 requests will be accepted. Please limit your request to two participants. Those wishing to attend should fax a request to 817/978-4547, ATTN: Frank Wilson, voice 817/978-4413. Please provide your company name, phone and fax numbers and name and title of participant(s). Prospective offerors are encouraged to submit, in writing prior to the preproposal conference, any questions they desire to be discussed and answered at the conference. Although questions will be accepted at the conference, it is highly recommended that inquiries be submitted in writing not later than 3 working days prior to the conference to assure all questions can be appropriately answered at the conference.

Your questions may be submitted to the following:

By FAX: (817) 978-4547

By Mail:

US Army Corps of Engineer District, Fort Worth
ATTN: CESWF-CT-C (Wilson)
Post Office Box 17300
819 Taylor Street, Room 2A19

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Fort Worth, Texas 76102-0300
By Email: Frank.A.Wilson@swf02.usace.army.mil

FAR INSTRUCTIONS

L.14 52.203-2 CERTIFICATE OF INDEPENDENT PRICE DETERMINATION (APR 1985)

(a) The offeror certifies that --

(1) The price in this offer have been arrived at independently, without, for the purpose of restricting competition, and consultation, communication, or agreement with any other offeror or competitor relating to (i) those prices, (ii) the intention to submit an offer, or (iii) the methods of factors used to calculate the prices offered:

(2) The prices in this offer have not been and will not be knowingly disclosed by the offeror, directly or indirectly, to any other offeror or competitor before bid opening (in the case of a sealed bid solicitation) or contract award (in the case of a negotiated solicitation) unless otherwise required by law; and

(3) No attempt has been made or will be made by the offeror to induce any other concern to submit or not to submit an offer for the purpose of restricting competition.

(b) Each signature on the offer is considered to be a certification by the signatory that the signatory --

(1) Is the person in the offeror's organization responsible for determining the prices offered in this bid or proposal, and that the signatory has not participated and will not participate in any action contradictory to subparagraphs (a)(1) through (a)(3) above; or

(2) (i) Has been authorized, in writing, to act as an agent for the following principals in certifying that those principals have not participated, and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) above

_____ (insert full name of person(s) in the offeror's organization responsible for determining the prices offered in this bid or proposal, and the title of his or her position in the offeror's organization);

(ii) As an authorized agent, does certify that the principals named in subdivision (b)(2)(i) above have not participated, and will not participate, in any action contrary to subparagraphs (a)(1) through (a)(3) above; and

(iii) As an agent, has not personally participated, and will not participate, in any action contrary to subparagraphs (a)(1) through (a)(3) above.

(c) If the offeror deletes or modifies subparagraph (a)(2) above, the offeror must furnish with its offer a signed statement setting forth in detail the circumstances of the disclosure.

(End of clause)

L.15 52.204-6 DATA UNIVERSAL NUMBERING SYSTEM (DUNS) NUMBER (JUN 99)

(a) Contractor identification is essential for complying with statutory contract reporting requirements. Therefore, the offeror is requested to enter, in the block with its name and address on the Standard Form 33 or similar document, the annotation "DUNS" followed by the DUNS number which identifies the offeror's name and address exactly as stated in the offer.

(b) If the offeror does not have a DUNS number, it should contact Dun and Bradstreet directly to obtain one. A DUNS number will be provided immediately by telephone at no charge to the offeror. For information on obtaining a DUNS number, the offeror, if located within the United States, should call Dun and Bradstreet at 1-800-333-0505. The offeror should be prepared to provide the following information:

- (1) Company name.
- (2) Company address.
- (3) Company telephone number.
- (4) Line of business.

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- (5) Chief executive officer/key manager.
- (6) Date the company was started.
- (7) Number of people employed by the company.
- (8) Company affiliation.

(c) Offerors located outside the United States may obtain the location and phone number of the local Dun and Bradstreet Information Services office from the Internet Home Page at <http://www.customerservice@dnb.com/>. If an offeror is unable to locate a local service center, it may send an e-mail to Dun and Bradstreet at globalinfo@dnb.com.

(End of provision)

L.16 52.211-2 AVAILABILITY OF SPECIFICATIONS LISTED IN THE DOD INDEX OF SPECIFICATIONS AND STANDARDS (DODISS) AND DESCRIPTIONS LISTED IN THE ACQUISITION MANAGEMENT SYSTEMS AND DATA REQUIREMENTS CONTROL LIST, DOD 5010.12-L (DEC 1999)

Copies of specifications, standards, and data item descriptions cited in this solicitation may be obtained--

(a) From the ASSIST database via the Internet at <http://assist.daps.mil>; or

(b) By submitting a request to the--Department of Defense Single Stock Point (DoDSSP), Building 4, Section D, 700 Robbins Avenue, Philadelphia, PA 19111-5094, Telephone (215) 697-2667/2179, Facsimile (215) 697-1462.

(End of provision)

L.17 52.211-14 NOTICE OF PRIORITY RATING FOR NATIONAL DEFENSE USE (SEP 1990)

Any contract awarded as a result of this solicitation will be DO rated order certified for national defense use under the Defense Priorities and Allocations System (DPAS) (15 CFR 700), and the Contractor will be required to follow all of the requirements of this regulation.

(End of provision)

L.18 52.214-34 SUBMISSION OF OFFERS IN THE ENGLISH LANGUAGE (APR 1991)

Offers submitted in response to this solicitation shall be in the English language. Offers received in other than English shall be rejected.

(End of provision)

L.19 52.214-35 SUBMISSION OF OFFERS IN U.S. CURRENCY (APR 1991)

Offers submitted in response to this solicitation shall be in terms of U.S. dollars. Offers received in other than U.S. dollars shall be rejected.

(End of provision)

L.20 52.215-1 INSTRUCTIONS TO OFFERORS--COMPETITIVE ACQUISITION (MAR 2001)

(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, writing, or written means any worded or numbered expression that can be read, reproduced, and later communicated, and includes electronically transmitted and stored information.

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"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

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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) represent 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

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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) The Government may disclose the following information in postaward debriefings to other offerors:

- (i) The overall evaluated cost or price and technical rating of the successful offeror;
- (ii) The overall ranking of all offerors, when any ranking was developed by the agency during source selection;
- (iii) A summary of the rationale for award; and
- (iv) For acquisitions of commercial items, the make and model of the item to be delivered by the successful offeror.

(End of provision)

L.21 52.215-5 SOLICITATION DEFINITIONS (JUL 1987)

"Government" means United States Government.

"Offer" means "proposal" in negotiation.

"Solicitation" means a request for proposals (RFP) or a request for quotations (RFQ) in negotiation.

(End of provision)

L.22 13 52.215-7 UNNECESSARILY ELABORATE PROPOSALS OR QUOTATIONS (APR 1984)

Unnecessarily elaborate brochures or other presentations beyond those sufficient to present a complete and effective response to this solicitation are not desired and may be construed as an indication of the offeror's or quoter's lack of cost consciousness. Elaborate artwork, expensive paper and bindings, and expensive visual and other presentation aids are neither necessary nor wanted.

(End of provision)

(AV 7-2003.40 1969 OCT)

L.23 52.215-8 AMENDMENTS TO SOLICITATIONS (DEC 1989)

(a) If this solicitation is amended, then all terms and conditions which are not modified remain unchanged.

(b) Offerors shall acknowledge receipt of any amendment to this solicitation by (1) signing and returning the amendment, (2) identifying the amendment number and date in the space provided for this purpose on the form for submitting an offer, (3) letter or telegram, or (4) facsimile, if facsimile offers are authorized in the solicitation. The Government must receive the acknowledgment by the time specified for receipt of offers.

(End of provision)

L.24 52.215-9 SUBMISSION OF OFFERS (JUL 1995)

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(a) Offers and modifications thereof shall be submitted in sealed envelopes or packages (1) addressed to the office specified in the solicitation, and (2) showing the time specified for receipt, the solicitation number, and the name and address of the offeror.

(b) Telegraphic offers will not be considered unless authorized by the solicitation; however, offers may be modified by written or telegraphic notice.

(c) Facsimile offers, modifications or withdrawals will not be considered unless authorized by the solicitation.

(d) Offers submitted by electronic commerce shall be considered only if the electronic commerce method was specifically stipulated or permitted by the solicitation.

(e) Item samples, if required, must be submitted within the time specified for receipt of offers. Unless otherwise specified in the solicitation, these samples shall be (1) submitted at no expense to the Government, and (2) returned at the sender's request and expense, unless they are destroyed during preaward testing.

(End of provision)

L.25 52.215-10 LATE SUBMISSIONS, MODIFICATIONS, AND WITHDRAWALS OF PROPOSALS (JUL 1995)

(a) Any proposal received at the office designated in the solicitation after the exact time specified for receipt will not be considered unless it is received before award is made and it--

(1) Was sent by registered or certified mail not later than the fifth calendar day before the date specified for receipt of offers (e.g., an offer submitted in response to a solicitation requiring receipt of offers by the 20th of the month must have been mailed by the 15th);

(2) Was sent by mail or, if authorized by the solicitation, was sent by telegram or via facsimile and it is determined by the Government that the late receipt was due solely to mishandling by the Government after receipt at the Government installation;

(3) Was sent by U.S. Postal Service Express Mail Next Day Service-Post Office to Addressee, not later than 5:00 p.m. at the place of mailing two working days prior to the date specified for receipt of proposals. The term "working days" excludes weekends and U.S. Federal holidays;

(4) Was transmitted through an electronic commerce method authorized by the solicitation and was received by the Government not later than 5:00 p.m. one working day prior to the date specified for receipt of proposals; or

(5) Is the only proposal received.

(b) Any modification of a proposal or quotation, except a modification resulting from the Contracting Officer's request for "best and final" offer, is subject to the same conditions as in subparagraphs (a)(1), (2), and (3) of this provision.

(c) A modification resulting from the Contracting Officer's request for "best and final" offer received after the time and date specified in the request will not be considered unless received before award and the late receipt is due solely to mishandling by the Government after receipt at the Government installation.

(d) The only acceptable evidence to establish the date of mailing of a late proposal or modification sent either by U.S. Postal Service registered or certified mail is the U.S. or Canadian Postal Service postmark both on the envelope or wrapper and on the original receipt from the U.S. or Canadian Postal Service. Both postmarks must show a legible date or the proposal, quotation, or modification shall be processed as if mailed late. "Postmark" means a printed, stamped, or otherwise placed impression (exclusive of a postage meter machine impression) that is readily identifiable without further action as having been supplied and affixed by employees of the U.S. or Canadian Postal Service on the date of mailing. Therefore, offerors or quoters should request the postal clerk to place a legible hand cancellation bull's eye postmark on both the receipt and the envelope or wrapper.

(e) The only acceptable evidence to establish the time of receipt at the Government installation is the time/date stamp of that installation on the proposal wrapper or other documentary evidence of receipt maintained by the installation.

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(f) The only acceptable evidence to establish the date of mailing of a late offer, modification, or withdrawal sent by Express Mail Next Day Service-Post Office to Addressee is the date entered by the post office receiving clerk on the "Express Mail Next Day Service-Post Office to Addressee" label and the postmark on both the envelope or wrapper and on the original receipt from the U.S. Postal Service. "Postmark" has the same meaning as defined in paragraph (d) of this provision, excluding postmarks of the Canadian Postal Service. Therefore, offerors or quoters should request the postal clerk to place a legible hand cancellation bull's eye postmark on both the receipt and the envelope or wrapper.

(g) Notwithstanding paragraph (a) of this provision, 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.

(h) Proposals may be withdrawn by written notice or telegram (including mailgram) received at any time before award. 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 entitled "Facsimile Proposals." Proposals may be withdrawn in person by an offeror or an authorized representative, if the representative's identity is made known and the representative signs a receipt for the proposal before award.

(End of provision)

L.26 52.215-12 RESTRICTION ON DISCLOSURE AND USE OF DATA (APR 1984)

Offerors or quoters who include in their proposals or quotations data that they do not want disclosed to the public for any purpose or used by the Government except for evaluation purposes, shall--

(a) Mark the title page with the following legend:

"This proposal or quotation 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 or quotation. If, however, a contract is awarded to this offeror or quoter 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

(b) 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 or quotation."

(End of provision)

(R 3-501(b) Sec L (xxiv))

L.27 52.215-14 EXPLANATION TO PROSPECTIVE OFFERORS (APR 1984)

Any prospective offeror desiring an explanation or interpretation of the solicitation, drawings, specifications, etc., must request it in writing soon enough to allow a reply to reach all prospective offerors before the submission of their offers. Oral explanations or instructions given before the award of the contract will not be binding. Any information given to a prospective offeror concerning a solicitation will be furnished promptly to all other prospective offerors as an amendment of the solicitation, if that information is necessary in submitting offers or if the lack of it would be prejudicial to any other prospective offerors.

(End of provision)

(R SF 33A, Para 3, 1978 JAN)

L.28 52.215-38 PREPARATION OF OFFERS--CONSTRUCTION (JAN 1991)

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(a) Offers must be (1) submitted on the forms furnished by the Government or on copies of those forms, and (2) manually signed. The person signing an offer must initial each erasure or change appearing on any offer form.

(b) The offer form may require Offerors to submit offer prices for one or more items on various bases, including--

(1) Lump sum offer;

(2) Alternate prices;

(3) Units of construction; or

(4) Any combination of subparagraphs (b)(1) through (b)(3) of this provision.

(c) If the solicitation requires an offer on all items, failure to do so will disqualify the offer. If an offer on all items is not required, Offerors should insert the words "no offer" in the space provided for any item on which no price is submitted.

(d) Alternate offers will not be considered unless this solicitation authorizes their submission.
(End of provision)

L.29 52.216-1 TYPE OF CONTRACT (APR 1984)

The Government contemplates award of two (2) - Firm-Fixed Price, Job Order Contracts (JOC) resulting from this solicitation.

(End of clause)

L.30 52.232-13 NOTICE OF PROGRESS PAYMENTS (APR 1984)

The need for customary progress payments conforming to the regulations in Subpart 32.5 of the Federal Acquisition Regulation (FAR) will not be considered as a handicap or adverse factor in the award of the contract. The Progress Payments clause included in this solicitation will be included in any resulting contract, modified or altered if necessary in accordance with subsection 52.232-16 and its Alternate I of the FAR. Even though the clause is included in the contract, the clause shall be inoperative during any time the contractor's accounting system and controls are determined by the Government to be inadequate for segregation and accumulation of contract costs.

L.31 52.232-14 NOTICE OF AVAILABILITY OF PROGRESS PAYMENTS EXCLUSIVELY FOR SMALL BUSINESS CONCERNS (APR 1984)

The Progress Payments clause will be available only to small business concerns. Any bid conditioned upon inclusion of a progress payment clause in the resulting contract will be rejected as nonresponsive if the bidder is not a small business concern.

L.32 52.232-28 INVITATION TO PROPOSE PERFORMANCE -BASED PAYMENTS (MAR 2000)

(a) The Government invites the offeror to propose terms under which the Government will make performance-based contract financing payments during contract performance. The Government will consider performance-based payment financing terms proposed by the offeror in the evaluation of the offeror's proposal. The Contracting Officer will incorporate the financing terms of the successful offeror and the FAR clause, Performance-Based Payments, at FAR 52.232-32, in any resulting contract.

(b) In the event of any conflict between the terms proposed by the offeror and the terms in the clause at FAR 52.232-32, Performance-Based Payments, the terms of the clause at FAR 52.232-32 shall govern.

(c) The Contracting Officer will not accept the offeror's proposed performance-based payment financing if the financing does not conform to the following limitations:

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(1) The Government will make delivery payments only for supplies delivered and accepted, or services rendered and accepted in accordance with the payment terms of this contract.

(2) The terms and conditions of the performance-based payments must--

(i) Comply with FAR 32.1004;

(ii) Be reasonable and consistent with all other technical and cost information included in the offeror's proposal; and

(iii) Their total shall not exceed 90 percent of the contract price if on a whole contract basis, or 90 percent of the delivery item price if on a delivery item basis.

(3) The terms and conditions of the performance-based financing must be in the best interests of the Government.

(d) The offeror's proposal of performance-based payment financing shall include the following:

(1) The proposed contractual language describing the performance-based payments (see FAR 32.1004 for appropriate criteria for establishing performance bases and performance-based finance payment amounts).

(2) A listing of--

(i) The projected performance-based payment dates and the projected payment amounts; and

(ii) The projected delivery date and the projected payment amount.

(3) Information addressing the Contractor's investment in the contract.

(e) Evaluation of the offeror's proposed prices and financing terms will include whether the offeror's proposed performance-based payment events and payment amounts are reasonable and consistent with all other terms and conditions of the offeror's proposal.

(End of provision)

L.33 52.233-2 SERVICE OF PROTEST (AUG 1996)

(a) Protests, as defined in section 33.101 of the Federal Acquisition Regulation, that are filed directly with an agency, and copies of any protests that are filed with the General Accounting Office (GAO), shall be served on the Contracting Officer (addressed as follows) by obtaining written and dated acknowledgment of receipt from:

Chief, Contracting Division
U.S. Army Corps of Engineers, Fort Worth District
819 Taylor Street
Post Office Box 17300
Room 2A19
Fort Worth, Texas 76102-0300

(b) The copy of any protest shall be received in the office designated above within one day of filing a protest with the GAO.

(End of provision)

L.34 52.236-28 PREPARATION OF PROPOSALS--CONSTRUCTION (OCT 1997)

a) Proposals must be (1) submitted on the forms furnished by the Government or on copies of those forms, and (2) manually signed. The person signing a proposal must initial each erasure or change appearing on any proposal form.

(b) The proposal form may require offerors to submit proposed prices for one or more items on various bases, including--

(1) Lump sum price;

(2) Alternate prices;

(3) Units of construction; or

(4) Any combination of paragraphs (b)(1) through (b)(3) of this provision.

(c) If the solicitation requires submission of a proposal on all items, failure to do so may result in the proposal being rejected without further consideration. If a proposal on all items is not required, offerors should insert the words "no proposal" in the space provided for any item on which no price is

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submitted.

- (d) Alternate proposals will not be considered unless this solicitation authorizes their submission.
(End of provision)

L.35 252.204-7001 COMMERCIAL AND GOVERNMENT ENTITY (CAGE) CODE REPORTING (AUG 1999)

(a) The offeror is requested to enter its CAGE code on its offer in the block with its name and address. The CAGE code entered must be for that name and address. Enter "CAGE" before the number.

(b) If the offeror does not have a CAGE code, it may ask the Contracting Officer to request one from the Defense Logistics Information Service (DLIS). The Contracting Officer will--

- (1) Ask the Contractor to complete section B of a DD Form 2051, Request for Assignment of a Commercial and Government Entity (CAGE) Code;
(2) Complete section A and forward the form to DLIS; and
(3) Notify the Contractor of its assigned CAGE code.

- (c) Do not delay submission of the offer pending receipt of a CAGE code.
(End of provision)

L.36 252.204-7004 REQUIRED CENTRAL CONTRACTOR REGISTRATION.(MAR 2000)

(a) Definitions.

As used in this clause--

(1) Central Contractor Registration (CCR) database means the primary DoD repository for contractor information required for the conduct of business with DoD.

(2) Data Universal Numbering System (DUNS) number means the 9-digit number assigned by Dun and Bradstreet Information Services to identify unique business entities.

(3) Data Universal Numbering System +4 (DUNS+4) number means the DUNS number assigned by Dun and Bradstreet plus a 4-digit suffix that may be assigned by a parent (controlling) business concern. This 4-digit suffix may be assigned at the discretion of the parent business concern for such purposes as identifying subunits or affiliates of the parent business concern.

(4) Registered in the CCR database means that all mandatory information, including the DUNS number or the DUNS+4 number, if applicable, and the corresponding Commercial and Government Entity (CAGE) code, is in the CCR database; the DUNS number and the CAGE code have been validated; and all edits have been successfully completed.

(b)(1) By submission of an offer, the offeror acknowledges the requirement that a prospective awardee must be registered in the CCR database prior to award, during performance, and through final payment of any contract resulting from this solicitation, except for awards to foreign vendors for work to be performed outside the United States.

(2) The offeror shall provide its DUNS or, if applicable, its DUNS+4 number with its offer, which will be used by the Contracting Officer to verify that the offeror is registered in the CCR database.

(3) Lack of registration in the CCR database will make an offeror ineligible for award.

(4) DoD has established a goal of registering an applicant in the CCR database within 48 hours after receipt of a complete and accurate application via the Internet. However, registration of an applicant submitting an application through a method other than the Internet may take up to 30 days. Therefore, offerors that are not registered should consider applying for registration immediately upon receipt of this solicitation.

(c) The Contractor is responsible for the accuracy and completeness of the data within the CCR, and for any liability resulting from the Government's reliance on inaccurate or incomplete data. To remain registered in the CCR database after the initial registration, the Contractor is required to confirm on an annual basis that its information in the CCR database is accurate and complete.

(d) Offerors and contractors may obtain information on registration and annual confirmation requirements by calling 1-888-227-2423, or via the Internet at <http://www.ccr2000.com>.

(End of clause)

L.37 252.236-7008 CONTRACT PRICES - BIDDING SCHEDULES (DEC 1991)

(a) The Government's payment for the items listed in the Bidding Schedule shall constitute full compensation to the Contractor for --

- (1) Furnishing all plant, labor, equipment, appliances, and materials; and
- (2) Performing all operations required to complete the work in conformity with the drawings and specifications.

(b) The Contractor shall include in the prices for the items listed in the Bidding Schedule all costs for work in the specifications, whether or not specifically listed in the Bidding Schedule.

PROPOSAL SUBMISSION REQUIREMENTS AND INSTRUCTIONS

L.38 DIRECTIONS FOR SUBMISSION OF OFFERS

Mailed proposals should be addressed to:
U.S. Army Engineer District, Fort Worth
ATTN: CESWF-CT-C, Frank A. Wilson
Post Office Box 17300
819 Taylor Street, Room 2A19
Fort Worth, Texas 76102-0300

Handcarried proposals may be delivered to:
U.S. Army Engineer District, Fort Worth
Fritz G. Lanham Federal Building
Contracting Division, Room 2A19
819 Taylor Street
Fort Worth, Texas 76102-0300

AM#0001 L.39 PROPOSAL SUBMISSION INSTRUCTIONS

a. PROPOSAL FORMAT: Proposals shall be submitted on 8 1/2 by 11 inch paper with any foldout sheets limited to 17 inches. Proposal revisions shall be submitted as page replacements with revised text readily identifiable, e.g., changes shall be underlined or printed in bold face. Revised pages shall be numbered, dated, submitted in appropriate number of copies, and shall be submitted on paper that is a different color than the original. Offerors are to submit four volumes, in two separate envelopes, as follows:

- (1) Volume I Technical Proposal (original and eight copies)
- (2) Volume II Past Performance (original and eight copies)
- (3) Volume III Price Proposal
 - (a) Price proposal (original and three copies)
 - (b) Price proposal supporting documentation (original and three copies)
 - (c) Bid bond (original and three copies)
 - (d) Surety's letter of intent to provide performance and payment bonds for any resulting contract (original and three copies)
- (4) Volume IV Subcontracting Plans (if offeror is a large business) (original and three copies, submit in Price Proposal Envelope)

b. An index of the sections shall be provided and should contain the title of the matters discussed referencing the specific topics addressed within this section of instructions. **The narrative** discussions shall be related as to Section C.

c. Offerors are cautioned that "parroting" of the requirements with a statement of intent to perform does not reveal the offeror's understanding of the problem or his capability to solve it. The inclusion of

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"filler" material from previous proposals or commercial applications shall be avoided unless it has a direct application to the objective of this solicitation.

d. PROPOSAL CONTENT: Offerors are responsible for including sufficient details to permit a complete and accurate evaluation of the proposal from both a technical and management standpoint. Offerors shall identify technical uncertainties and assumptions within the requirement set forth in this solicitation and provide specific proposal assumptions concerning the offeror's intent, capabilities, facilities, and experiences. Clear identification is the sole responsibility of the offeror.

e. TECHNICAL PROPOSALS:

(1) TECHNICAL PROPOSALS SHALL NOT INCLUDE PRICE OR PRICING INFORMATION.

(2) TECHNICAL PROPOSALS (Volume I) shall be submitted separately from the price proposal in an envelope or container clearly marked "Technical Proposal, RFP No. DACA63-01-R-0013." The technical proposal shall be limited to one three-inch (3"), three-ring binder. Pages shall be single-sided, using print which is 10 characters per inch or larger. Where any proposal exceeds the specified limit of one three-inch binder, only data presented in the first three-inch binder will be considered. Additional pages will not be considered for evaluation. Submit an original and nine copies of the technical proposal.

(3) Past Performance (Volume II) shall be submitted as a separate volume. Limit data to a maximum of 25 pages for the entire volume. Submit an original and nine copies. Submit information pertaining to current and completed contracts which you consider relevant to demonstrate your ability to perform the proposed contract effort. Explain what aspects of the contracts are relevant to the stated required efforts."

(4) To assure information is properly presented and to aid the Government in the evaluation process, offerors are requested to present technical proposal information in accordance with the instructions presented below and in Section M, Evaluation Factors for Award, which identifies factors and subfactors (in descending order of importance) to be addressed in each proposal. Offerors should use title blocks and/or cover pages to identify individual and separate responses to each criterion/subcriterion in the technical proposal. Cover each item in sufficient detail to clearly address required information in order to preclude the proposal from being returned as incomplete or rejected because an item has not been addressed.

- (a) Management Ability (Volume I)
- (b) Past Performance (Volume II)
- (c) Quality Control Program (Volume I)
- (e) Subcontracting Support Capability (Volume I)
- (f) Clarity of Proposal (Volumes I, II, III, and VI)

f. PRICE PROPOSAL (Volume III):

(1) The price proposal shall be submitted separately from the technical proposal in an envelope clearly marked "Pricing proposal, RFP No. DACA63-01-R-0013." Submit an original and **three copies** of the pricing proposal.

NOTE: The offeror shall include with the price proposal supporting documentation (all cost and pricing information) and rationale utilized to compute the coefficients entered in Section B. This information should define and explain the offeror's methodology of computing the coefficient. Supporting documentation shall include rates, bases, and methods of computation. Offerors are reminded this information is required for evaluation purposes only and that the coefficient submitted in Section B must represent all allowable costs as directed in Section B Notes. There is no limit to the number of pages for this supporting documentation.

(2) BID BOND: Bid Bond and surety's letter of intent to provide performance and payment bonds. **Submit an original and three copies.**

g. SUBCONTRACTING PLAN (Volume IV): All large businesses shall submit a subcontracting plan as a separate volume ~~and submitted with the Price Proposal envelope~~. The plan should be prepared in accordance with FAR 52.219-9. Failure to submit an acceptable subcontracting plan may make the offeror ineligible for award of the contract. The subcontracting plan submitted by a large business will be reviewed for compliance and will be scored in accordance with AFARS 19.7, Appendix CC. The submission of the subcontracting plan is in no way advantageous to large businesses over any small business in the evaluation process.

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h. Offerors are cautioned to submit sufficient information to enable the evaluation team to fully ascertain each offeror's capability to perform all requirements contemplated by this solicitation. The data submitted with each proposal should be complete and concise, but not overly elaborate. Reliance on promotional brochures is discouraged. The technical proposal must include necessary information to enable evaluators to form a concrete conclusion regarding the offeror's ability to perform complete execution of required construction services. In no case shall words such as "we will comply with the requirements of the contract" or equivalent statements be acceptable to meet the requirements of this request for proposals. Failure to comply with these instructions may result in rejection of the offeror's proposal. All commitments made in the proposal, which are in excess of the minimum requirements stated in the solicitation, will become a part of the resultant contract.

i. The Government may award a contract based upon initial offers received without discussion of such offers. Therefore, each initial offer should be submitted with the most favorable terms from a technical and price/cost standpoint which the offeror can submit to the Government.

AM#0001 L.40 TECHNICAL PROPOSAL AND PAST PERFORMANCE (VOLUMES I AND II)

Offerors' management proposals shall address the areas listed below in a format which follows the outline of evaluation factors specified in Section M, EVALUATION FACTORS FOR AWARD. TECHNICAL PROPOSAL (VOLUMES I AND II):

1. MANAGEMENT ABILITY (VOLUME I): Overall management ability to provide off-site technical support staff; the ability to provide corporate resources to comply with contract requirements, the ability to manage/construct multiple small to medium-scale construction and repair projects in different locations simultaneously; plan to demonstrate response time to Government needs and requests; plan to administer payroll and labor relations functions; management plan for on-site staff to include key managers and proposed staff. List proposed management staff, their backgrounds, and their respective positions with regard to this contract. Areas of consideration should be:

(A) MANAGEMENT PLAN: Offeror shall furnish an organization chart depicting the management structure proposed for the RFP and any resulting contract. Offeror's organization shall show supervision and quality control during all phases of work. Offerors shall identify the principal program personnel as outlined in Section C, RESPONSIBILITIES, with their areas of responsibility and relationship with the management structure. Qualifications of the principle program personnel shall be provided in resume format. Offeror shall have personnel of suitable background and experience to assure that all of the anticipated disciplines required in the RFP and proposed contract are represented. For all key personnel proposed, Offeror shall show if the employees will be employed full or part time, if they will have single or dual function responsibility (ies) and what those responsibilities will be.

(B) TECHNICAL SUPPORT: Offeror shall furnish an organizational chart depicting the management structure proposed for the proposed contract. Capability of the off-site technical staff; plan for architect-engineering support; and a list of registered professional engineers, their disciplines and their roles in the contract. Provide a detailed list of individuals' experience with general project management and dealing with negotiated contracts.

(C) CORPORATE SUPPORT: Offeror shall furnish an organizational chart depicting the management structure proposed for the proposed contract. Offeror shall demonstrate related corporate support. Corporate support is defined as the proven ability to provide resources from other parts of the corporation for unusual needs such as increased workload in a compressed time frame. Offeror shall provide a company resource chart that includes the following information:

- (1) The number of personnel employed, also give breakdown of each discipline
- (2) A description of related experience (as stated in Section C)
- (3) Resumes for the Program Manager, Project Manager and Quality Control Manager

(D) RELATED EXPERIENCE: Provide a detailed narrative that demonstrates" ability to manage/construct multiple (i.e., as many as 20 or more) small- to medium-scale construction and repair projects in different locations, simultaneously, and list projects pertaining to the last five (5) years any Federal, State and local government, and/or private contracts performed by the Offeror that are similar in nature to the requirements in this RFP. Include dates, and name and telephone numbers for points of contact for individual projects discussed in this required narrative.

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(1) Be specific regarding experience, especially that relating to medical facilities maintenance and repair projects and minor new construction for medical facilities.

(2) Identify scopes of work in previous projects to include types and levels of skills, trades, equipment utilized on these projects, and final performance evaluations for each project.

(E) RESPONSE TIME: Address responsibilities, capabilities, and levels of authority proposed for management staff to assure project accomplishment in a timely and responsive manner. Describe, in detail, management controls in this process, and discuss staffing levels available to scope and negotiate numerous task orders simultaneously and effectively. Offeror shall demonstrate related corporate support. Corporate support is defined as the proven ability to provide resources from other parts of the corporation for unusual needs such as increased workload in a compressed time frame. Offeror shall provide a company resource chart that includes the following information:

(1) The number of personnel employed, also give breakdown of each discipline

(2) A description of related experience (as stated in Section C)

(F) PAYROLL/LABOR RELATIONS: Describe staffing and training proposed to perform payroll administration and labor relation functions. Describe past experience of payroll and labor relations of staff to be assigned to the contract effort.

2. PAST PERFORMANCE (VOLUME II) (quality of Offeror's work and how well Offeror performed): Each offeror shall submit a past performance volume. Offerors shall provide information that indicates their ability to perform the proposed contract effort. Offeror shall provide information pertaining to the last five (5) active/completed Federal, State and local government, and/or private contracts performed by the Offeror that are similar in nature to the requirements in the RFP currently being evaluated -- i.e., processing multiple task orders simultaneously, working in/with medical facilities. Offeror shall explain what aspects of the previously performed contracts are relevant to the effort required by this RFP.

The required information submitted will be evaluated for the following items (A), (B), (C), (D), and (E) - numeric items (i.e., (1), (2)) are the areas to be considered when scoring items (A), (B), (C), and (D):

- (A) Effectiveness of Management as to:
 - (1) Cooperation and Responsiveness
 - (2) Management of Resources, Personnel
 - (3) Coordination and Control of Subcontractors
 - (4) Adequacy of Site Clean-Up
 - (5) Effectiveness of Job-Site Supervision
 - (6) Compliance with Laws and Regulations
 - (7) Professional Conduct
 - (8) Review/Resolution of Subcontractor's Issues
 - (9) Implementation of Subcontracting Plan (if Large Bus)
- (B) Timely Performance as to:
 - (1) Adequacy of Initial Progress
 - (2) Adherence to Approved Schedule
 - (3) Resolution of Delays
 - (4) Submission of Required Documentation
 - (5) Completion of Punchlist Items
 - (6) Submission of updated and Revised Progress Schedules
 - (7) Warranty Response
- (C) Quality Control as to:
 - (1) Quality of Workmanship
 - (2) Adequacy of the CQC Plan
 - (3) Implementation of the CQC Plan
 - (4) Quality of QC Documentation
 - (5) Storage of Materials
 - (6) Adequacy of Materials
 - (7) Adequacy of Submittals
 - (8) Adequacy of QC Testing
 - (9) Use of Specified Materials
 - (10) Identification/Correction of Deficient Work in a Timely Manner

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(D) Compliance with Labor Standards as to:
(1) Correction of Noted Deficiencies
(2) Payrolls Properly Completed and Submitted
(3) Compliance with Labor Laws and Regulations with Specific Attention to the Davis-Bacon Act and EEO Requirements

(E) Compliance with Safety Standards as to:
(1) Adequacy of Safety Plan
(2) Implementation of Safety Plan
(3) Correction of Noted Deficiencies

Submit "the following" information "for projects" which you consider relevant to demonstrate your ability to perform the proposed contract effort.

(A) Company Name (if different than Offeror's name, and Offeror shall explain the circumstances that caused the company name to be changed)

(B) Contract/Project Title (Government and Commercial)

(C) Project Manager/Engineer name and description of responsibilities/authorities

(D) Contracting Agency

(E) Contract Number

(F) Name, Address, and Telephone Number of Administrative Contracting Officer and Contracting Officer

(G) Brief description of Effort (include percentage of work completed by the prime contractor and disciplines of work performed))

(H) Number and severity of problems encountered, type of any subsequent corrective actions, and the effectiveness of that corrective action (s)

(I) Type of Contract (Firm-Fixed Price, Cost-Reimbursement, Incentive, Indefinite-Delivery, etc.)

(J) Period of Performance

(K) Original Contract Dollar Value and Current/Final Contract Dollar Value

(L) Original Completion Date and Actual Completion Date

(M) Point of Contact and Phone numbers of Three Different Supplies

(N) Name of Bank

(O) Name and Phone Number of Bank Point of Contact

NOTE: Please notify your bank that the Corps of Engineers may contact them and authorize them to release the following information regarding your account:

(i) Number of Years Business Conducted With Bank

(ii) Types of Open Accounts

(iii) Mean by Which Loans are Secured

(iv) Balance of Current Accounts (the bank will provide a "range of figures" for this information (i.e., medium five-figure range, etc.)

Provide Performance Evaluation Documents associated with the contract information required above, e.g. Standard Form 1420 Contractor Performance Evaluation, or equivalent.

Offerors shall identify those companies holding their worker's compensation policy(ies) for the past five years. Offerors shall provide their OSHA Form 200 for the same period for the Government's review, and mishap rates shall at least show a declining trend. Offerors shall list any subcontractors used, shall identify sizes and types of major mechanical, electrical, and utility control systems equipment used, and shall show the Offeror's percentage of participation on each job listed. The list shall indicate the Offeror's experience as a prime contractor. Failure to identify the subcontractors in the proposal shall invalidate their experience/credentials and that invalidated experience/credentials will not be considered or evaluated by the Government. If Offeror's list of experience was accomplished as a subcontractor, then the percentage (%) of work the Offeror expended (as subcontractor) on each job shall be shown.

FIRMS LACKING RELEVANT PAST PERFORMANCE HISTORY SHALL RECEIVE A NEUTRAL EVALUATION FOR PAST PERFORMANCE.

3. QUALITY CONTROL (VOLUME I): Quality control plan and staffing level to insure compliance with Government requirements as they are stated in the request for proposal.

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(A) Include inspection and acceptance procedures; workmanship and safety standards; meeting JCAHO Interim Life Safety Measures; submittals, testing, reporting, and shop drawing procedures; and QC staffing levels.

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(B) Explain how Contractor Quality Control requirements, as shown in the Contractor Quality Control exhibit, **DIVISION 1 SPECIFICATIONS**, will be incorporated into the contract effort.

4. SUBCONTRACTING SUPPORT CAPABILITY (VOLUME I): "Provide a detailed narrative" of relationships with subcontractors regarding response time and extent of subcontracting specialty. Be specific in description of experience with medical facility maintenance and repair work and minor new construction for medical facilities.

(A) Delineate means by which management will control timeliness and quality of subcontracted effort.

(B) Provide the number and size of proposed subcontractors, and your rationale for their selection. Be specific in description of experience with medical facility maintenance and repair work and minor new construction for medical facilities.

5. CLARITY OF PROPOSAL AND SUITABILITY FOR INCLUSION IN THE CONTRACT (VOLUMES I, II, III, and IV): The offeror's proposal will become a contract document upon contract award. It is important that the proposal be written in a clear, concise manner. The proposal shall present the details that follow same order as the evaluation factors in Section M to permit the Government to promptly, completely and accurately evaluate the proposal from both a management and technical standpoint. Offeror shall identify any technical uncertainties and assumptions within the requirements as set forth in the RFP, and offeror shall provide specific proposals for the resolution of any technical uncertainties or assumptions so identified. The Government will not make any assumptions concerning the Offeror's intent, capabilities, facilities, or experience. Clear identification of the pertinent details shall rest solely with the Offeror."

L.41 PRICE PROPOSAL (VOLUME III)

a. The envelope containing the price proposal should be sealed and marked in the bottom right-hand corner PRICE PROPOSAL SUBMITTED UNDER RFP NO. DACA63-01-R-0013.

b. Offerors shall submit their price proposal with a completed Standard Form 1442 (Solicitation, Offer, and Award), Section B (Supplies or Services & Prices/Costs), Section K (Representations, Certifications and Other statements of Offerors), and Bid Bond as provided in the solicitation.

c. Additional information to be included with the price proposal are the surety's letter of commitment (see Section L, clauses entitled "Bonds"), and documentation to support coefficient calculations (see Section B Notes and Section L, clause entitled "Proposal Submission Instructions")."

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L.42 SUBCONTRACTING PLAN (VOLUME IV)

****THIS PARAGRAPH APPLIES TO LARGE BUSINESSES ONLY****

Volume IV Subcontracting Plan *may* be submit in Price Proposal (Volume III) Envelope *or the subcontracting plan (if submitted in a separate envelope) should be sealed and marked in the bottom right-hand corner SUBCONTRACTING PLAN SUBMITTED UNDER RFP NO. DACA63-01-R-0013.* All large businesses shall submit a subcontracting plan along with their technical, past performance, and price proposal. The plan should be prepared in accordance with FAR 52.219-9. Failure to submit an acceptable subcontracting plan may make the offeror ineligible for award of the contract. The subcontracting plan will be reviewed for compliance and will be scored in accordance with AFARS 19.7, Appendix CC. The submission of the subcontracting plan is in no way advantageous to large businesses over any small business in the evaluation process.

END OF SECTION L

SECTION M
EVALUATION FACTORS FOR AWARD

M.1 CRITERIA FOR AWARD

- a. This Section outlines the criteria which the Government will consider to evaluate the offeror's capabilities and proposals for the JOC contract. These criteria reflect the scope of the evaluation to be performed on proposals submitted in response to the RFP. Evaluations will be accomplished by comparing offeror capabilities and proposal elements against Government requirements. Section L (Instructions, Conditions, and Notices to Offerors) defines proposal elements and data to be submitted in each offeror's proposal.
- b. The offeror's technical proposal and the Army's Job Order Contract Guide will be incorporated into the contract award documents.

M.2 DETERMINATION OF COMPETITIVE RANGE

Pursuant to FAR 15.306, the Contracting Officer's determination of competitive range for proposals submitted as a result of this solicitation will consider such factors as technical evaluation/ranking of the proposal, initial cost/price proposed, and other items as set forth in Section M of this solicitation. Offerors are hereby advised that only those most highly rated proposals will be included in the competitive range. Offerors who are not included in the competitive range will be promptly notified.

M.3 CONTRACTOR RESPONSIBILITY

To be eligible for award of a contract pursuant to subject solicitation, an offeror must be determined by the Contracting Officer to be a responsible prospective contractor. To be determined responsible, a contractor must:

- a. Have adequate resources, or the ability to obtain such resources, sufficient to perform the contract.
- b. Be able to comply with the required or proposed delivery or performance schedule, taking into consideration all its existing commercial and governmental business commitments.
- c. Have a satisfactory performance record.
- d. Have a satisfactory record of integrity and business ethics.
- e. Have the necessary organization, experience, accounting and operational controls, and technical skills (or the ability to obtain them).
- f. Have the necessary production, construction, and technical equipment and facilities (or the ability to obtain them).
- g. Be otherwise qualified and eligible to receive an award under applicable laws and regulations.

M.4 EVALUATION OF TECHNICAL PROPOSAL

a. BASIS FOR AWARD: The Government intends to award a contract based upon initial offers received, without discussion of such offers. Each offer should contain the offeror's best terms from a cost or price and technical standpoint. The Government reserves the right to conduct discussions if that is later determined by the Contracting Officer to be necessary. The right is reserved to accept other than the lowest offer and to reject any or all offers. Award may be made to the superior offer which is not the lowest price offer, but which is sufficiently more advantageous than the lowest offer so as to justify the payment of a higher price. As technical

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proposals become more equivalent, cost consideration becomes more significant and may become the determining factor for award. Any award price must be determined to be fair and reasonable. In the event technical and price become more equivalent for two or more large businesses, the subcontracting plan will become more significant and may become the determining factor for award. All evaluation factors other than cost or price, when combined, are significantly more important than cost or price.

b. The technical proposals received in response to this request for proposal will be evaluated utilizing an evaluation system to select the proposal that is the most advantageous to the Government, considering other than just price and price related factors. The evaluation system will depict how well the offeror's proposal meets the evaluation standards and solicitation requirements.

c. A risk assessment will be determined for each criterion/subcriterion to assess the risks associated with the offeror's proposed effort as it relates to accomplishing the requirements of this solicitation.

d. For proposals to be considered responsive, each Offeror shall specifically address each of the evaluation factors set forth in this section. Offerors are cautioned to submit sufficient information to enable evaluators to fully ascertain the offeror's understanding of work tasks required and their capability to perform complete project execution of required contractual services. Any data submitted with a proposal should be concise and complete but not overly elaborate. Reliance on promotional brochures is discouraged.

e. Technical proposals must be submitted so as to be fully and clearly acceptable without additional explanation or information, since the Government reserves the right to make a final determination as to whether a proposal is acceptable or unacceptable solely on the basis of the proposal as submitted. However, the Government, may request from offerors additional information which clarifies or supplements, but does not basically change, any proposal as originally submitted.

f. In no case shall statements such as, "WE WILL COMPLY WITH THE REQUIREMENTS OF THE CONTRACT", or equivalent statements, be acceptable to meet the requirements of this request for proposals.

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M.5 SPECIFIC CRITERIA FOR AWARD

a. The following MAJOR FACTORS, ~~listed in descending order of importance,~~ will be considered during proposal evaluation (see paragraph EVALUATION FACTORS FOR TECHNICAL PROPOSALS).

1. MANAGEMENT ABILITY (Volume I): The relative weight of Management Ability is 25% of the total relative weight of the technical proposal. Management Ability consists of six subfactors whose weights compose approximately 20%, 20%, 20%, 20%, 10%, and 10% (respectively) of the total relative weight of Management Ability.

2. PAST PERFORMANCE (Volume II): The relative weight of Past Performance is 25% of the total relative weight of the technical proposal. Past Performance consists of five subfactors whose weights compose approximately 30%, 25%, 20%, 15%, and 10% (respectively) of the total relative weight of Past Performance.

3. QUALITY CONTROL PROGRAM (Volume I): The relative weight of Quality Control Plan is 25% of the total relative weight of the technical proposal. Quality Control Plan consists of five subfactors whose weights compose approximately 20%, 20%, 20%, 20%, and 20% (respectively) of the total relative weight of Quality Control Plan.

4. SUBCONTRACTING SUPPORT CAPABILITY (Volume I): The relative weight of Subcontracting Support Capability is 20% of the total relative weight of the technical proposal. Subcontracting Support Capability consists of **three** subfactors whose weights compose approximately 45%, 35%, and 20% (respectively) of the total relative weight of Subcontracting Support Capability.

5. CLARITY OF PROPOSAL (Volumes I, II, III, and IV): The relative weight of Clarity of Proposal is 5% of the total relative weight of the technical proposal.

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6. PRICE/COST (Volume III): The evaluation of price will be based primarily upon the offeror's proposed coefficient.

NOTE: SEE REQUIREMENT TO SUBMIT COEFFICIENT CALCULATIONS (TO INCLUDE PROFIT), SECTION L, CLAUSE PROPOSAL SUBMISSION INSTRUCTIONS")

b. Work Plan/Price Proposal cost will also be considered. While price/cost will not be rated, it will be evaluated in terms of completeness, reasonableness, and realism (see paragraph EVALUATION FACTORS FOR PRICE PROPOSALS).

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M.6 EVALUATION FACTORS FOR TECHNICAL PROPOSALS

Emphasis will be placed on demonstrated ability to perform in the following areas.

a. MANAGEMENT ABILITY (Volume I): Overall management ability as evidenced by the following sub-factors:

1. Management plan for on-site staff to include a list of key managers and proposed staff, their backgrounds, and their respective positions with regard to this contract. Include in this information a list of technical personnel, project managers, business managers, and other on-site personnel and their qualifications, experience with related work, and respective positions with regard to this contract.

2. Technical Support - Capability of the off-site technical staff; plan for architect-engineering support; and registered professional engineers, their disciplines and their roles in the contract. Individuals' experience with general project management and negotiated contracts.

3. Corporate Support - Corporate support is defined as the proven ability to provide resources from other parts of the corporation for unusual needs such as increased workload in a compressed time frame. A plan of action for providing this corporate support in a timely manner. Training plan to ensure timely and fullest integration of workforce into the MEDJOC program to achieve its objectives and comply with contract requirements.

4. Related Experience - Demonstrate ability to manage/construct multiple (i.e., as many as 20 or more) small to medium-scale construction and repair projects, in different locations, simultaneously. Describe experience with various types of related construction work and capability to do same or similar related work. List projects completed within the last five (5) years to include duration dates, due dates, time extensions, agency, contact points on individual projects, and telephone numbers for point of contact. Indicate scopes of work; levels and types of skills, trades, and equipment utilized on completed projects; and final performance evaluation for each contract.

5. Proposed plan to demonstrate response time to Government needs and requests.

6. Proposed plan to administer payroll and labor relations functions.

b. PAST PERFORMANCE (Volume II): Overall past performance as evidenced by the following sub-factors:

1. Effectiveness of management

2. Timely Performance

3. Quality Control

4. Compliance with Labor Standards

5. Compliance with Safety Standards

c. QUALITY CONTROL PROGRAM (Volume I): Overall management ability as evidenced by the following sub-factors:

1. Contractor's plan for the inspection and acceptance of work. Address pertinent information regarding inspection of work, correction of nonconforming work, and acceptance and close-out procedures.

2. Proposed plan to communicate workmanship and safety standards to subcontractors.

3. Proposed plan to meet JCAHO Interim Life Safety Measures during construction in a medical facility.

4. Proposed plan for submittals and conformance to JOC specifications.

5. Proposed plan for providing testing, quality control reporting, and shop drawing and drafting support. Proposed plan for quality control staffing levels and quality control

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responsibilities. Proposed testing methods and frequencies for soils, asphalt, concrete, and nondestructive tests.

d. SUBCONTRACTING SUPPORT CAPABILITY (Volume I): Overall management ability as evidenced by the following sub-factors, BE SPECIFIC IN DESCRIPTION OF EXPERIENCE WITH MEDICAL FACILITY MAINTENANCE AND REPAIR WORK AND MINOR NEW CONSTRUCTION FOR MEDICAL FACILITIES:

1. Describe plan to minimize response time between the prime contractor and his subcontractors.

2. Identify proposed subcontractors and services they will perform under this contract, both technical and trade subcontractors (include experience with maintenance and repair and new construction work of medical facilities). Identify each subcontractor's specialty and your rationale for their selection.

3. Describe plan to maximize small and small disadvantaged business participation.

e. CLARITY OF PROPOSAL (Volumes I, II, III, and IV): OVERALL MANAGEMENT ABILITY AS EVIDENCED BY THE FOLLOWING:

Offerors are informed their proposal will become a contract document upon award. It is important that proposals be written in a clear and concise manner. Offers will be evaluated for clarity and suitability for inclusion into a contract (see Section L).

M.7 EVALUATION FACTORS FOR PRICE PROPOSALS

a. The evaluation of price/cost will be based primarily upon each offeror's proposed coefficient (Work Plan/Price Proposal cost are also considered).

b. While proposed coefficients will not be rated as are technical evaluation criteria, they are considered to be a substantial factor and will be evaluated in terms of completeness, reasonableness, and realism in accordance with Army Federal Acquisition Regulation Supplement (AFARS) 15.404 Evaluation in this area will be geared toward determining the offeror's overall understanding of the proposed scope and effort of the specifications and of their adequate coverage of operating expenses.

1. Completeness: All price/cost information required by the request for proposals has been submitted, and the coefficient factors proposed conform with requirements specified in Sections B and L of the RFP.

2. Reasonableness: Prices/Costs are compatible with the proposed scope and effort of the specifications, i.e., costs are neither excessive nor insufficient for the effort to be accomplished. Unrealistically low or UNREALISTICALLY HIGH coefficients or other price/cost data may be grounds for eliminating a proposal from competition either on the basis that the offeror does not understand the requirements or has made an improvident proposal.

3. Realism: Prices/Costs are fully justified and documented, i.e., developed by using appropriate and acceptable methodologies, factual or verifiable data, and estimates supported by valid and suitable assumptions and estimating techniques. NOTE: Offerors shall submit with the price proposal the data utilized to calculate coefficients (to include break out of profit figures) (as required in Section B Notes and in Section L). This data is required to support the proposed coefficients and for the Government to assess the offeror's understanding of contract requirements, ability to meet financial requirements (such as bonding), and to plan for covering initial cash flow deficits. Failure of the offeror to include this data may result in inability of the Government to determine the offeror's clear understanding of contractual requirements.

4. Award may be made to the superior offer which is not the lowest offered price, but which is sufficiently more advantageous than the lowest offer so as to justify the payment of a higher price. As technical proposals become more equivalent, cost consideration becomes more significant and may become the determining factor for award.

c. For evaluation purposes, the Government will assume that ninety-five (95%) of the work will be done during the 7:00 a.m. to 9:00 p.m. portion of the normal duty hours defined in this solicitation as 12:01 a.m. to 11:59 p.m.

M.8 SUBCONTRACTING PLANS

****FOR LARGE BUSINESSES ONLY:** Subcontracting plans will be reviewed for compliance with the FAR 52.219-9 and will be scored in accordance with AFARS 19.7, Appendix CC. If in the event technical and price becomes more equivalent for two or more large businesses who are being considered for award, the subcontracting plan will then become more significant and may become the determining factor for award.

(End of Clause)

END OF SECTION M