

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT			1. CONTRACT ID CODE	PAGE 1 OF 2 PAGES
2. AMENDMENT/MODIFICATION NO. Am-0002	3. EFFECTIVE DATE 6/2/03	4. REQUISITION/PURCHASE REQ. NO.	5. PROJECT NO. (If applicable)	
6. ISSUED BY	CODE	7. ADMINISTERED BY (If other than Item 6)		CODE
U.S. Army Engineer District, Honolulu Corps of Engineers, Building 230 ATTN: CEPOH-CT-C (Jennifer Ko) Fort Shafter, Hawaii 96858-5440				
8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code)		(√)	9A. AMENDMENT OF SOLICITATION NO. DACW83-03-R-0004	
		×	9B. DATED (SEE ITEM 11) 5/6/03	
			10A. MODIFICATION OF CONTRACTS/ORDER NO.	
			10B. DATED (SEE ITEM 13)	
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 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 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.)

Solicitation No. DACW83-03-R-0004, Tern Island Shore Protection Projects, Tern Island, French Frigate Shoals, Hawaii

(Continued on Page 2)

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

1. **CHANGES TO SPECIFICATIONS.** Attached hereto are new and revised pages to the solicitation. The revision mark (Am-0002) is shown on each new and revised page.

a. REVISED SECTIONS/PAGES/CLAUSES/PARAGRAPH. Following are revised pages to the solicitation. Changes are indicated in **bold** print.

Section 00010, SF 1442, Solicitation, Offer, and Award
(Front and Back)

Section 00900, Index of Miscellaneous Attachments (1 page)

b. NEW PAGES. The following are new pages to the solicitation.

Section 00900, Miscellaneous Attachments:

Contractor Questions and Answers (2 pages)

2. The proposal due date of June 5, 2003, is EXTENDED to June 12, 2003, 2:00 P.M., Hawaiian Standard Time.

SOLICITATION, OFFER, AND AWARD <i>(Construction, Alteration, or Repair)</i>	1. SOLICITATION NUMBER	2. TYPE OF SOLICITATION	3. DATE ISSUED	PAGE OF PAGES
	DACW83-03-R-0004	<input type="checkbox"/> SEALED BID (IFB) <input checked="" type="checkbox"/> NEGOTIATED (RFP)	6 May 03	1

IMPORTANT - The "offer" section on the reverse must be fully completed by the offeror.

4. CONTRACT NUMBER	5. REQUISITION/PURCHASE REQUEST NUMBER	6. PROJECT NUMBER
7. ISSUED BY U.S. Army Engineer District, Honolulu ATTN: CEPOH-CT-C Building 230 Fort Shafter, Hawaii 96858-5440	CODE	8. ADDRESS OFFER TO U.S. Army Engineer District, Honolulu ATTN: CEPOH-CT-C Building 230 Fort Shafter, Hawaii 96858-5440 (Deliver hand-carried proposals to Building 200, Fort Shafter, Hawaii)

9. FOR INFORMATION CALL	A. NAME JENNIFER KO	B. TELEPHONE NUMBER (Include area code) (NO COLLECT CALLS) (808) 438-8584
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SOLICITATION

NOTE: In sealed bid solicitations "offer" and "offeror" mean "bid" and "bidder".

10. THE GOVERNMENT REQUIRES PERFORMANCE OF THE WORK DESCRIBED IN THESE DOCUMENTS (Title, identifying number, date):

Tern Island Shore Protection Projects, Tern Island, French Frigate Shoals, Hawaii

(See Main Table of Contents)

*See Section 00700, Clause 52.211-10

11. The Contractor shall begin performance within 7 calendar days and complete it within * calendar days after receiving award, notice to proceed. This performance period is mandatory, negotiable. (See Section 00700, 52.211-10)

12A. THE CONTRACTOR MUST FURNISH ANY REQUIRED PERFORMANCE PAYMENT BONDS? <i>(If "YES," indicate within how many calendar days after award in Item 12B.)</i>	12B. CALENDAR DAYS
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	14

13. ADDITIONAL SOLICITATION REQUIREMENTS:

A. Sealed offers in original and 2 copies to perform the work required are due at the place specified in Item 8 by 2:00pmHST (hour, local time 6/12/03 (date). If this is a sealed bid solicitation, offers will be publicly opened at that time. Sealed envelope containing offers shall be marked to show the offeror's name and address, the solicitation number, and the date and time offers are due.

B. An offer guarantee is, is not required.

C. All offers are subject to the (1) work requirements, and (2) other provisions and clauses incorporated in the solicitation in full text or by reference.

D. Offers providing less than 60 calendar days for Government acceptance after the date offers are due will not be considered and will be rejected.

OFFER (Must be fully completed by offeror)

14. NAME AND ADDRESS OF OFFEROR <i>(Include ZIP Code)</i> CODE _____ FACILITY CODE _____	15. TELEPHONE NUMBER <i>(Include area code)</i> 16. REMITTANCE ADDRESS <i>(Include only if different than Item 14)</i>
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17. The offeror agrees to perform the work required at the prices specified below in strict accordance with the terms of this solicitation, if this offer is accepted by the Government in writing within _____ calendar days after the date offers are due. *(Insert any number equal or greater than the minimum requirement stated in 13D. Failure to insert any number means the offeror accepts the minimum in Item 13D.)*

AMOUNTS (See Section 00010, Proposal Schedule)

18. The offeror agrees to furnish any required performance and payment bonds.

19. ACKNOWLEDGEMENT OF AMENDMENTS
(The offeror acknowledges receipt of amendments to the solicitation - give number and date of each)

AMENDMENT NO.										
DATE										

20A. NAME AND TITLE OF PERSON AUTHORIZED TO SIGN OFFER <i>(Type or print)</i>	20B. SIGNATURE	20C. OFFER DATE
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AWARD (To be completed by Government)

21. ITEMS ACCEPTED

22. AMOUNT	23. ACCOUNTING AND APPROPRIATION DATA
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24. SUBMIT INVOICES TO ADDRESS SHOWN IN <i>(4 copies unless otherwise specified)</i>	ITEM	25. OTHER THAN FULL AND OPEN COMPETITION PURSUANT TO <input type="checkbox"/> 10 U.S.C. 2304(c) () <input type="checkbox"/> 41 U.S.C. 253(c) ()
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26. ADMINISTERED BY _____ CODE _____	27. PAYMENT WILL BE MADE BY
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CONTRACTING OFFICER WILL COMPLETE ITEM 28 OR 29 AS APPLICABLE

<input type="checkbox"/> 28. NEGOTIATED AGREEMENT <i>(Contractor is required to sign this document and return _____ copies to the issuing office.)</i> Contractor agrees to furnish and deliver all items or perform all work requirements identified on this form and any continuation sheets for the consideration stated in this contract. The rights and obligations of the parties to this contract shall be governed by (a) this contract award, (b) the solicitation, and (c) the clauses, representations, certifications, and specifications incorporated by reference in or attached to this contract.	<input type="checkbox"/> 29. AWARD. <i>(Contractor is not required to sign this document.)</i> You offer on this solicitation is hereby accepted as to the items listed. This award consummates the contract, which consists of (a) the Government solicitation and your offer, and (b) this contract award. No further contractual document is necessary.
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30A. NAME AND TITLE OF CONTRACTOR OR PERSON AUTHORIZED TO SIGN <i>(Type or print)</i>	31A. NAME OF CONTRACTING OFFICER <i>(Type or print)</i>
30B. SIGNATURE	31B. UNITED STATES OF AMERICA
30C. DATE	BY _____
	31C. AWARD DATE

SECTION 00900

INDEX OF MISCELLANEOUS ATTACHMENTS

1. Scope of Work for Removal of Contaminated Soils and Other Wastes
2. Section 401 Waste Quality Certification (WQC)
3. Special Use Permit
4. Shoreline Investigations, Tern Island National Wildlife Refuge, State of Hawaii
5. Appendix A, Best Management Practices, Tern Island Shore Protection Reconstructions
6. 401 Hawaii State Water Quality Certification Application, Tern Island Shore Protection
7. Applicable Monitoring and Assessment Plan.
8. List of Validated Laboratories
- 9. Contractor Questions and Answers**

SECTION 00900
MISCELLANEOUS ATTACHMENT
(Contractor Questions and Answers)

Q1. Section 00120 Proposal Submission mentions about the award being based on the Lowest Price Technically Accepted (LPTA) Method. Based on this information, will the options be awarded sequentially in the manner presented? Please reply.

RESPONSE: The Government reserves the right to exercise the options in any order.

Q2. WQC requires the use of water-tight forms, a silt curtain, and silt containment devices be used for this project. Would the Contractor have a problem with the USFWS if it lays out the silt curtain ahead of its work as is normally allowed for construction? Would our workers be stopped from laying out the curtain or be limited to work in the area if a monk seal approaches? Would the USFWS have a problem with a silt curtain that is deployed in the water around our construction area which naturally restricts the access of migrating turtles and seals from reaching the beach to lay eggs or sunbathe? would the contractor be required to stop its work?

RESPONSE: There is no problem in placing silt containment devices ahead of the actual construction. According to the Special Use Permit, page 6, paragraph 2.1.3 work must cease until the animal clears. USFWS has no problem with the silt curtain with respect to turtle migration and their eggs.

Q3. Other than the limitations stated for Items 1.15 and 1.16; Is there any other seasons or periods of time in which the Contractor cannot work because of migrating birds, turtles, or monk seal activities?

RESPONSE: No, other than identified in the Special Use Permit.

Q4. Paragraph 2.1.7 and 2.1.8 talks about nesting birds and the USFWS concerns about this matter. If there is a bird that has nested and has laid an egg on any one of our parked equipment, rock stockpile per construction area, what are the steps that will be taken by the USFWS? Will the Contractor be not allowed to use the equipment or the area?

RESPONSE: Nesting birds will be relocated by the USFWS personnel on the Island. Work, will be allowed to proceed.

Q5. First note under the proposal schedule states that the Government has the choice to, or not to, exercise the Options. Can the Government share any information on how the options will be awarded? Is the intent of the Government to award the options in the sequence presented? Does any one option take precedence over another? Any additional information of the award of options will be helpful in making the bargaining of materials cost effective.

RESPONSE: No. The Government reserves the right to exercise the options in any order. See Section 00800, Paragraph S-17.1.

SECTION 00900
MISCELLANEOUS ATTACHMENT
(Contractor Questions and Answers)

Q6. Note 1, page 0010-4 conflicts with S-17.1, Section 00800 regarding the period during which to award options. Note 1 allows award of options any time following date of award. Which specification rules?

RESPONSE: Note 1, page 00010-4 refers to Section 00800, paragraph S-17.1. The Government may require the construction of the numbered line item(s), identified in the proposal schedule as (an) option item(s), in the quantity and at the price stated. The Contracting Officer may exercise the option(s) at time of award or by written notice to the Contractor within Two Hundred Seventy (270) calendar days for Item Nos. 1 through 13, 15, 16 and One Hundred Eighty (180) calendar days for Item No. 14 from time of award. Performance period(s) for the option(s) will be identified in the FAR clause entitled COMMENCEMENT, PROSECUTION, AND COMPLETION OF WORK, in Section 00700.