

<b>AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT</b>		1. CONTRACT ID CODE	PAGE OF PAGES 1   2	
2. AMENDMENT/MODIFICATION NO. AM-0003		3. EFFECTIVE DATE 4/30/04	4. REQUISITION/PURCHASE REQ. NO.	5. PROJECT NO. (If applicable)
6. ISSUED BY US Army Engineer District, Honolulu Corps of Engineers, Bldg S-200 Fort Shafter, HI 96858-5440 Contract Specialist: Kent Tamai		7. ADMINISTERED BY (If other than Item 6)	CODE	
8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State, and Zip Code)		(x)	9A. AMENDMENT OF SOLICITATION NO. W9128A-04-R-0010	
		X	9B. DATED (SEE ITEM 11) 3/31/04	
			10A. MODIFICATION OF CONTRACT/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 ACKNOWLEDGEMENT 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.**

(x)	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.)

Multiple Award Task Order Contract (MATOC) for Design-Build Construction Services and Design-Bid-Build Construction Services, Various Locations, Hawaii

See Page 2 of 2 Pages

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)	

AM-0003  
RFP No. W9128A-04-R-0010  
Item No. 14 (Continued)

Standard Form 30  
Page 2 of 2 Pages

1. CHANGES TO THE SOLICITATION. Attached hereto are new and revised pages to the solicitation. The revision mark "(AM-0003)" is shown on each page.

a. NEW PAGES. The following Sections are added to the specification:

Section 00900, Pages A.6 through A.9

2. Amendment AM-0004 will be issued shortly

3. The proposal due date is EXTENDED to May 12, 2004, 2:00 P.M., Hawaii Standard Time.

SECTION 00900  
RESPONSES TO QUESTIONS  
SUBMITTED BY PLANHOLDERS  
FOR  
RFP NO. W9128A-04-R-0010

Q17. From Yum Vo, PER Inc, e-mail dated 4/19/04:

We would like USACE to consider projects under Factor I, Past Experience that are currently under construction. Also, we would like to know if the \$5 million floor for Relevant Projects can be lowered at all.

A17. Since the Government will evaluate both past experience and past performance on the same projects submitted by the offerors, only completed projects will be considered. The \$5 million floor for relevant projects cannot be lowered.

Q18. From Tony Diaz, Parsons, e-mail dated 4/16/04:

This question regards Section 00010-Proposal Schedule, Part 4-Contract Management Costs and Part 5-Field Office Management Costs. The instructions are as follows, "The fixed costs includes labor, labor burden, fringe benefits, travel and transportation." Our firm discloses three separate indirect rates that are applied to direct labor to derive our fully burdened labor cost; a fringe benefits rate, an overhead rate and a G&A rate. Based on the instructions quoted above, we assume that by applying our fringe benefit indirect rate to the proposed fixed cost work day rate we are meeting the government's intention for including fringe benefits in the fixed cost proposed. Further, we assume that by applying our overhead rate and G&A rate to the proposed fixed cost work day rate is in accordance with the requirement to include labor burden in the fixed cost proposed. Are these assumptions correct?

A18. Yes your assumptions are correct.

Q19. From Tony Diaz, Parsons, e-mail dated 4/16/04:

Our firm has a DCAA approved home office overhead rate that we assume should be included in Section 00010, Part 3. Per our disclosed practices, this overhead rate is applied to direct labor performed by personnel located in a "home office" facility. In our parlance, a home office facility is one where the occupancy cost (i.e.; rent, mortgage, utilities, maintenance) are charged to the home office indirect pool. In accordance with Section 00120, Part 2.5.1.7 it appears that the government intends to apply the proposed Home Office Overhead rate against the total cost proposed for Contract Management and Field Office Management. Per the instructions included in Section 00010, Parts 4 and 5, the proposed cost for Contract Management and Field Office Management include fringe benefits, labor burden, travel and transportation in addition to direct labor. Applying our firm's disclosed home office overhead rate to this base is inappropriate since our rate is only applied to direct labor performed at a home office facility, plus by applying it to the intended base it will make our firms "relative price" appear higher than it should. Or we misinterpreting the solicitation's definition of "home office" overhead?

A19. No, an offeror is responsible to determine the appropriate percentage for the Home Office Overhead rate that will be evaluated by the Government.

Q20. From Lance Wilhelm, Kiewit Pacific, e-mail dated 4/16/04:

The previous MATOC RFP gave the Contractors a model Task Order on which they based their small business subcontracting plan. If we are to provide a subcontracting plan listing both percentages and dollar amounts, we will need a typical or model contract amount to use as a basis.

A20. Assume that the contract price equals \$50M (\$50,000,000) for the purposes of the Small Business Subcontracting Plan.

Q21. From Tom Valentine, Hawaiian Dredging, e-mail dated 4/21/04:

Section 00120 paragraph 2.1.2. This paragraph outlines the information required for Volume II Price Proposal. One of the requirements is for the submission of "one original and two copies of the offer guarantee" and references the amount of the offer guarantee to Section 00100 S-28.3 "Penal Sum and Form of Offer Guarantee". S-28.3 indicates that this provision is only applicable to offers exceeding \$100,000. Since this proposal does not have a value (no project work scope has been identified at this stage) are the proposers required to submit an offer guarantee? If so, what is the value of this offer guarantee?

A21. Amendment AM-0002 amended Section 00100, "S-28.3 Penal Sum and form of Offer Guarantee" to reflect an amount for the offer guarantee.

Q22. From Tom Valentine, Hawaiian Dredging, e-mail dated 4/21/04:

Section 00120, paragraph 2.1.3. This paragraph outlines the information required for Volume III Subcontracting Plan. The offerors are instructed to submit a subcontracting plan in accordance with FAR 52.219-9 and are referenced to a sample subcontracting plan in Section 00100 Appendix A. No Appendix A is included with the RFP. With the government provide this information?

A22. A sample Subcontracting Plan is included after Section 00700.

Q23. From Tom Valentine, Hawaiian Dredging, e-mail dated 4/21/04:

Section 00120, paragraph 2.4.1. This paragraph describes the criteria for Relevant Projects that can be included in Volume I Non-Price Proposal. According to this paragraph qualifying projects must have been completed between April 1998 and April 2004. The Project Data Sheets (see Section 00120, Attachment 1) indicate that relevant projects must have been completed between March 1999 and March 2004. Which is correct?

A23. Criteria in Section 00120, Paragraph 2.4.1 is correct. Information on the Project Data Sheet has been corrected in Amendment AM-0001.

Q24. From Tony Diaz, Parsons, e-mail dated 4/19/04:

In a situation where a JV is proposing, and is awarded the contract, will the small business commitments of the JV partners count toward goal achievement? For instance, we know that the JV will submit an SF294, but can it be based on the small business utilization of the individual partners (summed up to a JV-level SF294)?

A24. The SF 294 - SUBCONTRACTING REPORT FOR INDIVIDUAL CONTRACTS, requires data from subcontract awards that are identified with the performance of that specific contract.

Q25. From Tony Diaz, Parsons, e-mail dated 4/19/04:

There is a Bid Bond requirement at Section S-28.3, which requires security in the amount of 20% of the offered price or three million dollars (\$3,000.0000), whichever is less. However, the term "offered price" is not defined in the RFP. Therefore, it is not clear, if the government intends the "offered price" to be based on the "Relative Price" as determined by the formula set forth in Section 2.5.17; the guaranteed minimum quantity of \$500,000 for the base period of the contract or some other amount. Could you please provide a definition of "offered price". We do not want to misinterpret the government's intention in this matter and provide greater or less than the required security in our Bid Bond.

A25. Amendment AM-0002 amended Section 00100, "S-28.3 Penal Sum and form of Offer Guarantee" to reflect an amount for the offer guarantee.

Q26. From Fred Thornhill, Miller/Watts Constructors, e-mail dated 4/7/04:

We have a question regarding the offer guarantee.

What are we to base the bond amount for the offer guarantee on? This RFP does not have a seed project and Section 00010 Proposal Schedule only addresses overhead rates and unit pricing for personnel. Could you please clarify what scope we are to use as a basis for our offer guarantee amount

A26. Amendment AM-0002 amended Section 00100, "S-28.3 Penal Sum and form of Offer Guarantee" to reflect an amount for the offer guarantee.

Q27. From Kim Jones, Carothers Construction, e-mail dated 4/27/04:

What is the anticipated dollar amount /range for each project to be procured using this MATOC?

A27. Please review Section 00700, FAR clause 52.216-19, "Order Limitations."

Q28. From Kim Jones, Carothers Construction, e-mail dated 4/27/04:

Is there a list of potential projects available that would fall under this MATOC?

A28. No.

Q29. From Edna Sakai, Nan, Inc., e-mail dated 4/27/04:

For the above mentioned solicitation, what **proposed contract price assumption** should be used for Factor IV, Small Business Program, as well as the Small Business Subcontracting Plan.

A29. Assume the contract price equals \$50M (\$50,000,000) for purposes of the Small Business Subcontracting Plan.

Q30. From Fred Thornhill, Miller Watts Constructors, e-mail dated 4/26/04:

In section 00010 page 00010-3 section 4. Subsection (a) it lists Program Manager and asks for a daily rate. In section 00120, page 00120-13 section 2.5.1.5 (Contract Management Fixed Costs). This position is listed as a "project manager", as the cost for a Project manager and a Program manager are different which position are we to price.

A30. Section 00120, Paragraph 2.5.1.5 will be changed to program manager.