

<b>AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT</b>		1. CONTRACT ID CODE	PAGE OF PAGES 1      2	
2. AMENDMENT/MODIFICATION NO.  AM-0009		3. EFFECTIVE DATE  5/20/04	4. REQUISITION/PURCHASE REQ. NO.	5. PROJECT NO. (If applicable)
6. ISSUED BY      CODE		7. ADMINISTERED BY (If other than Item 6)      CODE		
US Army Engineer District, Honolulu Corps of Engineers, Bldg S-200 Fort Shafter, HI 96858-5440 Contract Specialist: Kent Tamai				
8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State, and Zip Code)		<input checked="" type="checkbox"/> 9A. AMENDMENT OF SOLICITATION NO. W9128A-04-R-0010  <input checked="" type="checkbox"/> 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.**

<input checked="" type="checkbox"/>	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)	

1. CHANGES TO THE SOLICITATION. Attached hereto are new and revised pages to the solicitation. The revision mark "(AM-0009)" is shown on each page.

a. REVISED PROVISIONS/CLAUSES/PAGES.

Following are revised pages to the solicitation. Changes are indicated in **bold** print.

Standard Form 1442, Page 1 (Proposal due date corrected)

Section 00120

Pages 00120-1 through 00120-14 (Paragraphs 1.4, 2.3, 2.4.1, 2.4.2.1, 2.4.3.2, 2.4.4 and 2.5.1.3)

b. NEW PAGES. The following are new and revised Sections to the specification:

Section 00700

Pages 00700-124 and 00700-125

Section 00900

Page A.13 through A.15

2. The proposal due date is extend to May 24, 2004, 3:00 P.M., Hawaii Standard Time.

<b>SOLICITATION, OFFER, AND AWARD</b> <i>(Construction, Alteration, or Repair)</i>	1. SOLICITATION NO. W9128A-04-R-0010	2. TYPE OF SOLICITATION <input type="checkbox"/> SEALED BID (IFB) <input checked="" type="checkbox"/> NEGOTIATED (RFP)	3. DATE ISSUED 31 MAR 2004	PAGE OF PAGES 1 OF 5
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**IMPORTANT - The "offer" section on the reverse must be fully completed by offeror.**

4. CONTRACT NO.	5. REQUISITION/PURCHASE REQUEST NO. CTCKAT-FY04-0005	6. PROJECT NO.
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7. ISSUED BY Contracting Division USAED, HONOLULU BLDG S230 FT SHAFTER, HI 96858 5440	CODE W9128A	8. ADDRESS OFFER TO Contracting Division (CEPOH-CT-C) US Army Engineer District, Honolulu Bldg 230 Fort Shafter, Hawaii 96858-5440 (Deliver hand-carried proposals to Room 115, Bldg 200, Fort Shafter, Hawaii 96858-5440)
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9. FOR INFORMATION CALL:	A. NAME KENT A. TAMAI	B. TELEPHONE NO. (Include area code) (NO COLLECT CALLS) 808-438-9700
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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 no., date):

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

MAIN TABLE OF CONTENTS

11. The Contractor shall begin performance within \_\_\_\_\_ calendar days and complete it within \_\_\_\_\_ calendar days after receiving  
 award,  notice to proceed. This performance period is  mandatory,  negotiable. (Sec 52.211-10)

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

A. Sealed offers in original and 6 copies to perform the work required are due at the place specified in Item 8 by 3:00 PM (hour) local time 5/24/04 (date). If this is a sealed bid solicitation, offers will be publicly opened at that time. Sealed envelopes 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.

SECTION 00120

PROPOSAL SUBMISSION REQUIREMENTS  
AND EVALUATION FACTORS

1.0 GENERAL

1.1. Cost of Preparing Proposals

The Government will not reimburse any Offeror any costs incurred in the preparation and submittal of an offer in response to this solicitation.

1.2. Inquiries

Address all inquiries regarding this Request for Proposals to:

U.S. Army Engineer District, Honolulu  
Attn: Mr. Kent Tamai (CEPOH-CT-C)  
Building S-200  
Fort Shafter, Hawaii 96858-5440  
Phone No. (808) 438-9700  
Fax No. (808) 438-8588  
E-Mail: kent.a.tamai@usace.army.mil

1.3 Submittal of Proposals

Submit proposal packages to the US Army Corps of Engineers ("the Government") as shown in Block 8 of Standard Form 1442.

Proposals received by the Government after the date and time set for receipt of proposals will be handled in accordance with the requirements of Provision "52.215-1, Instructions to Offerors—Competitive Acquisition (Jan 2004)," subparagraph (c), found in Section 00100.

1.4 Contract Award

**The Government intends to award a minimum of two contracts to 8(a) Offerors whose proposals have been determined to represent the best value to the Government, non-price and price factors considered. In the event an offeror submits both the highest non-price proposal and the lowest price, it will be one of the awardees under this solicitation. The remaining awardees will be determined by using the "Best Value" process involving a cost-technical tradeoff analysis.**

1.4.1 Proposal Evaluation

Numerical scores and other point-scoring techniques will not be used in the evaluation process. Each factor or subfactor will be rated on an adjectival rating system. The Government will evaluate offers in accordance with the NON-PRICE EVALUATION FACTORS described in paragraph 2.4 of this section and the offeror's proposed total price.

Offerors are advised that the Government intends to award without discussions. Upon completing the evaluation of all proposals, the Contracting Officer

will, in accordance with the provisions of this solicitation and applicable acquisition regulations, proceed to award without discussions. However, if discussions are determined necessary, the Contracting Officer will establish a competitive range and conduct discussions only with those Offerors within the competitive range. Upon conclusion of discussions, if necessary, the Contracting Officer will request final proposal revisions from the Offerors remaining in the competitive range and may, upon receipt of final proposal revisions, proceed to award a contract without further discussions or notice.

## 2.0 PROPOSAL FORMAT

### 2.1 General

Proposals shall be submitted in three (3) separate envelopes. Proposals shall be prepared in the English language.

#### 2.1.1 Volume I, Non-Price Proposal

One envelope shall be clearly marked, "VOLUME I, NON-PRICE PROPOSAL FOR RFP NO. W9128A-04-R-0010." It shall contain an original and six (6) copies of the items provided in response to the Non-Price Factors listed in paragraph 2.3.

Proposals shall completely address the requirements of the RFP. Elaborate format, binders, special reproduction techniques, and the like are not necessary. However, the proposal shall be neatly organized and bound.

Information presented should be organized so as to pertain to only the evaluation factor in which section the information is presented. Information pertaining to more than one evaluation factor should be repeated in the tab for each factor.

#### 2.1.2 Volume II, Price Proposal

The second envelope shall be clearly marked, "VOLUME II, PRICE PROPOSAL FOR RFP NO. W9128A-04-R-0010." It shall contain one original and two copies of the Offeror's completed Standard Form (SF) 1442, using a printed copy of the SF 1442 included in this solicitation.

Volume II shall also include the following:

- One original and two copies of Section 00010, Price Proposal Schedule. Indicate whether or not Facilities Capital Cost of Money is included in the Offeror's costs of performing the work. Proposals that state that Facilities Capital Cost of Money is not included, or proposals that do not address Facilities Capital Cost of Money, will be deemed to have waived Facilities Capital Cost of Money.
- One original and two copies (certified as a true copy) of the Offeror's executed joint venture agreement and identify the size status for each member of the JV (if the Offeror is a joint venture).
- One original and two copies of the Offeror's completed Section 00600, Representations and Certifications, using a printed copy of Section 00600 included in this solicitation.

- One original and two copies of the Offeror's completed, if applicable, SF LLL, Disclosure of Lobbying Activities, using a printed copy of the SF LLL included as Appendix A in Section 00600.
- One original and two copies of the offer guarantee in the form and amount that is required by the provision entitled "Penal Sum and Form of Offer Guarantee", in Section 00100 and other pertinent provisions and clauses in this solicitation.

### 2.1.3 Volume III, Subcontracting Plan (Large Business Concerns)

If the Offeror is a large business concern, the Offeror shall submit a subcontracting plan in accordance with FAR 52.219-9 (See Section 00700, Appendix A for a sample).

The third envelope shall be clearly marked, "VOLUME III, SUBCONTRACTING PLAN FOR RFP NO. W9128A-04-R-0010." Volume III will not be evaluated or rated. Only the selected Offeror's plan will be reviewed and must be approved prior to award of the contract.

### 2.1.4 Table of Contents

Proposal volumes shall be tabbed. Each of the proposal volumes shall include a Table of Contents that includes the title of the subject matter discussed therein and the page number where the information can be found. The volumes shall be organized in the same order described in paragraph 2.3 of this Section. Each evaluation factor and subfactor shall be separately tabbed. Proposals that are not correctly tabbed may be considered non-responsive.

## 2.2 Proposal Content

Proposals shall be in a narrative format, organized and titled so that each section of the proposal follows the order and format of the factors and subfactors set forth below in paragraph 2.4, "VOLUME I, NON-PRICE PROPOSAL".

Offeror is cautioned that "parroting" of the RFP requirements with a statement of intent to perform will not be construed to indicate that the Offeror understands the problem or is capable of solving it. The inclusion of "filler" material from previous proposals or commercial applications shall be avoided unless it has a direct application to the objective of this RFP.

Offeror shall include sufficient details in the proposal, and shall present the details in the same order in which they are requested in this Section to permit the Government to promptly, completely, and accurately evaluate the proposal from both a technical and a management standpoint. 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.

Legibility, clarity, coherence, and contents are important. Offerors shall not submit verbatim sections of this RFP as part of their proposal. Offerors that disregard these standards unnecessarily delay the evaluation process and may be rejected by the Government after initial evaluation without receiving any further consideration.

Any information, presented in a proposal that the Offeror wants safeguarded from disclosure to other parties must be identified and labeled in accordance

with the requirements of Provision "52.215-1, Instructions to Offerors—Competitive Acquisition (Jan 2004)," subparagraph (e), which is found in Section 00100 of this solicitation. The Government will endeavor to honor the restrictions against release requested by Offerors, to the extent permitted under United States law and regulations.

The proposal must set forth full, accurate, and complete information as required by this solicitation. The Government will rely on such information in the award of a contract. By submission of an offer, the Offeror agrees that all items in its proposal (minimum qualifications for key positions, targets for utilization of eligible SDB concerns, etc.) will be enforced throughout the duration of the contract and any substitutions of any item will require prior approval of the Contracting Officer.

### 2.3 Evaluation Factors

**All proposals will be evaluated on non-price and price factors. Offerors are required to provide data addressing all stated factors. If an Offeror does not have data relating to a specific factor, it shall be clearly stated. Offers that do not address all factors may be considered non-responsive and may not receive further consideration.**

Non-price factors have equal importance. Subfactors of Factor IV are equal in importance. Non-price factors combined are significantly more important than price.

#### VOLUME I - NON-PRICE PROPOSAL

Factor I, Past Experience

Factor II, Past Performance

Factor III, Management Plan

Factor IV, Small Business Program

Subfactor A - Extent of proposed Small Business participation in the performance of the proposed contract.

Subfactor B - Past performance in complying with Small Business Subcontracting Plan goals.

#### VOLUME II - PRICE PROPOSAL

### 2.4 Volume I, Non-Price Proposal

Data provided in response to the non-price technical factors described below shall be included in Volume I, "Non-Price Proposal". All references to Offeror includes all proposed joint venture partners. All contractors in a joint venture must provide evidence of a binding teaming agreement or other contractual agreement, which creates legal responsibility on the part of all contractors in the joint venture. Information provided from potential sub-contractors (not included in the joint venture) will not be considered or evaluated.

#### 2.4.1 Relevant Projects

**A relevant project is defined as: (1) having construction awards above \$5M, (2) were completed between April 1998 and April 2004, and (3) are those in which the offeror was the prime contractor. In addition, relevant projects include areas such as civil, architectural, structural, mechanical, electrical, security, communications, asbestos removal and lead abatement.** Examples of relevant projects include but are not limited to military training ranges, office buildings, barracks, warehouses, housing, hangars, road work, utilities, site improvements, etc.

Single or Multiple Award task order contracts, such as Job order Contracts, Indefinite Delivery, Indefinite Quantity Contracts, Multi-trade Contracts etc. are not considered relevant projects, even if the total value of the contract is over \$5M. However, an individual task order that exceeds \$5M may be considered as a relevant project.

#### 2.4.2 Factor I, Past Experience

Offerors shall identify a maximum of 10 relevant Design-Bid-Build projects. Offerors shall also identify a maximum of 3 relevant Design-Build projects. Provide a Project Data Sheet (Attachment 1 to this section) for each of the projects identified. All requested information shall be provided. Failure to provide any of the requested data may be cause to eliminate a project from consideration in the evaluation.

##### 2.4.2.1 Evaluation Standards

The Government will evaluate the project data sheets provided by the offerors. If more than 10 Design-Bid-Build projects are submitted, only the first 10 Design-Bid-Build projects identified in the proposal will be reviewed. Of those 10 projects only the relevant projects will be evaluated. If more than 3 Design-Build projects are submitted, only the first 3 Design-Build projects identified in the proposal will be reviewed. Of those 3 projects only the relevant projects will be evaluated. Therefore it is important that the offeror provide the right number of relevant projects in the proposal. Projects that are not relevant will not be considered in the evaluation.

**Diverse general construction experience refers to the offeror's experience in managing various types of vertical construction, utilities, site work and hazardous waste/abatement type work. Examples of general construction work include but are not limited to:**

- Civil construction such as, grading, water lines, sewer lines, paving/repaving roadways, sidewalks, parking lots, shore protection, stream bank stabilization, and dredging.
- Architectural construction such as, painting, roofing, renovation of interiors of existing buildings, new building construction.
- Mechanical construction such as, heating, ventilation, and air conditioning (HVAC) systems and components, refrigeration systems, fire suppression systems, material transport systems, automatic box conveyor systems, incinerators, fuel lines, elevators, escalators, dumb waiters, as well as plumbing systems including water, solid and hazardous waste control.
- Electrical construction such as, power and service supplies, distribution, and utilization systems (including lighting), power generators and uninterrupted power supplies (UPS). Instrumentation work

may include but is not limited to, plant management systems using direct digital technology, public address systems and fire alarm systems. Communications such as telephone and information management systems.

- Security construction such as intrusion detection and surveillance systems.
- Asbestos, lead-based paint, and petroleum-contaminated material abatement and disposal.
- Structural systems.

Outstanding	<p>The Offeror provided at least 7 relevant Design-Bid-Build projects, 3 of which were constructed in Hawaii or contracted by an agency of the Department of Defense.</p> <p>And</p> <p>The Offeror provided 2 relevant Design-Build projects, at least 1 of which was constructed in Hawaii or contracted by an agency of the Department of Defense.</p> <p>And</p> <p>Projects identified shows the offeror has outstanding diverse general construction experience.</p>
Above Average	<p>The Offeror has provided at least 6 relevant Design-Bid-Build projects, at least 2 of which were constructed in Hawaii or contracted by an agency of the Department of Defense.</p> <p>And</p> <p>The Offeror provided at least 1 relevant Design-Build project, which was constructed in Hawaii or was contracted by an agency of the Department of Defense.</p> <p>And</p> <p>Projects identified shows the offeror has very good diverse general construction experience.</p>
Satisfactory	<p>The Offeror has provided at least 5 relevant Design-Bid-Build projects, at least 1 of which was constructed in Hawaii or contracted by an agency of the Department of Defense.</p> <p>And</p> <p>Projects identified shows the offeror has good diverse general construction experience.</p>
Marginal	<p>The Offeror has provided at least 4 relevant Design-Bid-Build projects</p> <p>And</p> <p>Projects identified shows the offeror has marginal diverse general construction experience.</p>
Unsatisfactory	<p>The projects provided by the Offeror are either not relevant or do not meet the Marginal requirements above.</p>

After the Government determines the rating (above) for each proposal, the Government will determine the relative strength of the proposals within each rating. Based on the projects submitted (up to 10 Design-Bid-Build projects

and up to 3 Design-Build Projects) the Government will assign additional weight as indicated below:

a. Additional weight will be given based upon the number of relevant projects submitted (up to 10 Design-Bid Build projects and up to 3 Design-Build projects).

b. Additional weight will be given based upon the number of relevant projects that were contracted by an agency of the Department of Defense

c. Additional weight will be given based upon the number of relevant projects that were constructed in Hawaii

d. Additional weight will be given based upon the number of relevant projects that were Military Range construction projects

e. Additional weight will be given based upon the number of relevant projects that were Army Military Range construction projects

Note: Military training range construction projects are permanent or semi-permanent facilities such as firing ranges, confidence courses, urban assault complexes and battle simulation centers. Examples of relevant military training range construction projects include but are not limited to Battle Area Complexes, Combined Arms Collective Training Facilities, Qualifications Training Ranges, Urban Assault Courses, Anti-Armor Training Range, Virtual Fighting Training Facilities, and Multi-purpose Training Ranges.

#### 2.4.3 Factor II, Past Performance - General

Provide Past Performance Evaluation Sheets, (Attachment 2 to this section), to owners or the owner's representatives for all projects identified in Factor I, Past Experience. The Contracting Officer or his/her designated Representative shall fill out evaluations for Federal Government projects. Evaluations shall be submitted to the Point of Contact shown in subparagraph 1.2 of this section by the date and time set for receipt of proposals.

##### 2.4.3.1 Other Evaluation Sources

In addition to the information provided above, the Government may obtain and evaluate additional past performance information from owners or owners representatives on other relevant projects completed by the offeror between April 1998 and April 2004. The Government may also obtain and evaluate existing past performance information on relevant projects completed between April 1998 and April 2004 from historical Government databases (CCAS, ACAS, etc.) or any other sources.

##### 2.4.3.2 Evaluation Standards

Outstanding	None of the final performance ratings (including those from other evaluation sources) evaluated by the Government are less than Satisfactory and at least half are outstanding.
Above Average	None of the final performance ratings (including those from other evaluation sources) evaluated by the Government are less than Satisfactory and at least half are above average.
Satisfactory	None of the final performance ratings (including those from other evaluation sources) evaluated by the Government are less than Satisfactory.
Marginal	None of the final performance ratings (including those from other evaluation sources) evaluated by the Government are less than Marginal.

Unsatisfactory	At least one of the final performance ratings (including those from other evaluation sources) evaluated by the Government received an Unsatisfactory final performance rating.
Neutral	<b>Offerors will not be rated favorably or unfavorably if the Offeror does not have a record of relevant past performance.</b>

2.4.4 Factor III, Management Plan

1. Offerors shall identify the minimum qualifications for the key positions listed below. Do not provide resumes. Identify the minimum qualifications for each of the positions. Note: The Offeror's minimum requirements provided will be enforced throughout the life of the contract for current and future personnel occupying that position.

Key Personnel	Contract Section	Minimum Contract Requirement	Offeror's Minimum Requirement
Contract Quality Control System Manager	01451Q	5 years of experience in Quality Control on Department of Defense construction projects  Employed by the Prime Contractor  Completed "Construction Quality Management for Contractor's" course within the past 5 years	
Quality Control Representative	01451Q	Construction person with a minimum of 3 years experience in quality control on Department of Defense construction projects  On site at all times and employed by the prime contractor	
Quality Control Personnel	01451Q	Civil - Graduate Civil Engineer with 2 year experience or technician with 5 years experience  Mechanical - Graduate Mechanical Engineer with 2 years experience or person with 5 years related experience  Electrical - Graduate Electrical Engineer with 2 years related experience or person with 5 years related	

		<p>experience</p> <p>Structural - Graduate Structural Engineer with 2 years experience or person with 5 years related experience</p> <p>Architectural - Graduate Architect with 2 years experience or 5 years related experience</p> <p>Environmental - Graduate Environmental Engineer with 3 years experience</p> <p>Submittals - Submittal Clerk with 1 year experience</p> <p>Concrete, Pavements and Soils - Materials Technician with 2 years experience for the appropriate area</p> <p>Occupied Family Housing - Person, customer relations type, coordinator experience</p>	
Safety and Health Manager	01900Q	5 years of experience in safety on Department of Defense construction projects	
Design Quality Control Manager	01451Q	Registered Professional Engineer or architect	
		Verifiable engineering or architectural design experience	
Military Range Consultant		<p>5 years of experience in the construction of military training ranges for the Department of Defense.</p> <p>Verifiable military range experience and expertise in:</p> <ul style="list-style-type: none"> <li>a. Standard range layouts</li> <li>b. Range safety standards, including working in and around previous impact areas</li> <li>c. Targetry equipment interface and operations</li> <li>d. Army training doctrines</li> </ul>	

#### 2.4.4.1 Evaluation Standards

Outstanding	The Offeror's minimum requirements exceeded the minimum contract requirements for all key positions identified above.
Above Average	The Offeror's minimum requirements met the minimum contract requirements for all key positions identified above, and exceeded the minimum contract requirements for at least two of the key positions And The Offeror's minimum requirements exceeded the minimum contract requirements for the military range consultant.
Satisfactory	The Offeror's minimum requirements met the minimum contract requirements for all key positions identified above And The Offeror's minimum requirements met the minimum contract requirements for the military range consultant.
Marginal	The Offeror's minimum requirements met the minimum contract requirements for most of the key positions identified above And The Offeror's minimum requirements met the minimum contract requirements for the military range consultant.
Unsatisfactory	The Offeror's minimum requirements did not meet the minimum contract requirements for most of the key positions identified above Or The Offeror's minimum requirements did not meet the minimum contract requirements for the military range consultant.

#### 2.4.5 Factor IV, Small Business Program

Offerors shall submit data that demonstrate its use of Small Business Concerns for Subfactors A and B. Small Business Concerns (SB) include small disadvantaged businesses (SDB), women-owned small businesses (WOSB), HUBZone small businesses (HZ), veteran-owned small businesses (VOSB) and service disabled veteran-owned small businesses (SDVO).

2.4.5.1 Subfactor A - Extent of proposed Small Business participation in the performance of the proposed contract.

- Identify in terms of dollar value and percentage of the total proposed contract price, the extent of the work the offeror will perform as the prime contractor.
- If the offeror is submitting a proposal as a joint venture (JV), identify the size status of each member of the JV. Identify in terms of dollar value and percentage of the total proposed contract price, the extent of the work each member of the JV will perform.
- Identify in terms of dollar value and percentage of the total proposed contract price, the work to be subcontracted to SB, SDB, WOSB, HZ, VOSB, SDVO concerns, and if applicable, historically black colleges or universities/minority institutions (HBCU/MI).

- Identify in terms of dollar value and percentage of the proposed subcontract price, the work to be performed by SB, SDB, WOSB, HZ, VOSB, SDVO concerns, and if applicable, (HBCU/MI).
- Provide a list of SB, SDB, WOSB, HZ, VOSB, SDVO concerns, and if applicable, (HBCU/MI) which the offeror proposes to use as a subcontractor if awarded a contract under this solicitation. The listing shall include the name, address, telephone number, and type of work each concern is anticipated to perform.

#### 2.4.5.1.1 Evaluation Standards

Outstanding	Offeror's proposal shows extensive effort and commitment to utilize small business concerns for this project. All USACE subcontracting goals are exceeded. Specific SB, SDB, WOSB, HZ, VOSB, SDVO concerns, and if applicable, (HBCU/MI) to be utilized are identified.
Above Average	All USACE subcontracting goals are met and some exceeded. Specific SB, SDB, WOSB, HZ, VOSB, SDVO concerns, and if applicable, (HBCU/MI) to be utilized are identified.
Satisfactory	All USACE subcontracting goals are met. Specific SB, SDB, WOSB, HZ, VOSB, SDVO concerns, and if applicable, (HBCU/MI) to be utilized are identified. [Small Business concerns will be given at least a satisfactory rating.]
Marginal	Some USACE subcontracting goals are not met. Listing of subcontractors does not contain specific SB's.
Unsatisfactory	Most USACE subcontracting goals are not met. No listing of small businesses to be utilized is provided.

[NOTE: The USACE Small Business Subcontracting Goals for fiscal year 2004 are: 58% to SB, 10% to SDB, 10% to WOSB, 3% to HZ, 3% to VOSB, and 3% to SDVO. These are percentages of the total subcontracted amount.]

#### 2.4.5.2 Subfactor B - Past performance in complying with Small Business Subcontracting Plan goals.

- Provide SF 294's, "Subcontracting Report for Individual Contracts" for projects of similar scope and magnitude. Where subcontracting goals were not met, provide adequate justification why.
- Provide information on awards received for outstanding support of the small business program.
- Provide information on any existing or prior mentor-protégé agreements.

#### 2.4.5.2.1 Evaluation Standards

Outstanding	All goals were exceeded or satisfactory justification provided. The Offeror has received awards for outstanding support of the small business program, and the Offeror is or has participated in mentor-protégé agreements or other outreach.
Above Average	All goals were met or exceeded or satisfactory justification provided. The Offeror has received award(s)

	for outstanding support of the small business program, or the Offeror is or has participated in mentor-protégé agreements or other outreach.
Satisfactory	All subcontracting goals were met or a satisfactory justification provided. Small business concerns will be given at least a satisfactory rating.
Marginal	Not all goals were met and no satisfactory justification provided.
Unsatisfactory	No goals were met and no satisfactory justification provided.
Neutral	Except in the case of small business offerors, offerors will not be rated favorably or unfavorably if the offeror does not have a record of relevant past performance in complying with small business subcontracting goals.

## 2.5 Volume II, Price Proposal

The Government will compare the price to the Independent Government Estimate (IGE) and the price of other offerors to determine reasonableness and affordability.

### 2.5.1 Price Evaluation

Data provided in response to price shall be included in Volume II, "Price Proposal".

#### 2.5.1.1 General

Offerors shall submit the cost data identified below that they are proposing to use in the development of all cost estimates that this contract may require. The proposed cost data, if awarded a contract, shall be used for the life of the contract, subject to review and resubmittal at the discretion of the Contracting Officer. Offerors shall indicate the start date of their fiscal accounting period. All cost data will be reviewed at least annually, generally coinciding with this accounting period. Adjustments to the cost data, based on current documentation, may be considered subject to approval of the Contracting Officer.

Offerors are reminded that the cost factors included in this proposal will be contractually binding and are cautioned not to "low ball" any of the numbers in its proposal and estimate in order to come out with a low total cost. If awarded one of the contracts, the factors shown in this proposal will be used in all future task orders.

#### 2.5.1.2 Workmen's Comp Insurance

Offerors shall submit premium statement(s) from their insurance company(ies) identifying all workmen's compensation insurance in effect at the time of this solicitation. Successful offerors will be required to maintain current premium statement(s) on file with the Contracting Officer throughout the life of the contract.

### 2.5.1.3 Performance and Payment Bond

**Offerors shall submit a statement from their surety defining the bond rate(s) in effect at the proposal due date.** Successful offerors will be required to maintain current bond rates on file with the Contracting Officer throughout the life of the contract.

### 2.5.1.4 Home Office Overhead

Offerors shall submit their proposed home office overhead rate, including all data and calculations used in arriving at that rate. Home office overhead components shall comply with FAR Part 31.

### 2.5.1.5 Contract Management Fixed Costs

Offerors shall submit their proposed fixed cost elements (based on work days) relating to the management of the contract, i.e. Program Manager, CQCSM, Contract Safety Officer. These costs shall be complete, including labor, labor burden, fringe benefits, travel and transportation. Provide the daily (work day) rate and annual rate and a breakdown of all cost elements proposed for each of the key personnel proposed in Section 00010, Item No. 4.

### 2.5.1.6 Field Office Management Fixed Costs

Offerors shall submit their proposed fixed cost elements (based on work days) relating to the management of task orders, i.e. Project Engineer, Project Superintendent, QCR, Site Safety representative. These costs shall be complete, including labor, labor burden, fringe benefits, travel and transportation. Provide the daily (work day) rate and annual rate and a breakdown of all cost elements proposed for each of the field office management key personnel proposed in Section 00010, Item No. 5.

### 2.5.1.7 Determination of Relative Price

As a measure of relative price, the Government will apply the following formula to the cost factors submitted in Section 00010. (Offerors shall ensure the data in Section 00010 is complete and accurate. Failure to provide the requested data in Section 00010 in the requested format may be cause for a determination of non-responsiveness.) Offerors shall not compute Total Price. The Government will perform this calculation during its evaluation. The resultant number/total price will be used to compare the cost of doing business among all Offerors.

$$\begin{aligned} & \{ \text{Contract management cost*} \\ & \quad + (\text{Field office management cost*}) \} \\ & \times (1 + \text{Home Office Overhead rate*}) \\ & \underline{\hspace{1.5cm}} \\ & = \text{Total Price} \end{aligned}$$

\* from Section 00010, Proposal Summary

## 2.6 Proposal Revisions

If discussions are held and the Contracting Officer requests proposal revisions, all revisions shall be submitted as page replacements with revised text readily identifiable, e.g. boldface print or underlining. Proposal

replacement pages shall be clearly marked "REVISED", shall show the date of revision, shall be submitted in the appropriate number of copies (e.g., if six copies of the original page was required, then six copies of the revised page will also be required), and shall be of a different color than the original pages they are to replace.

## 52.203-7 Anti-Kickback Procedures (Jul 1995)

### (a) Definitions.

"Kickback," as used in this clause, means any money, fee, commission, credit, gift, gratuity, thing of value, or compensation of any kind which is provided, directly or indirectly, to any prime Contractor, prime Contractor employee, subcontractor, or subcontractor employee for the purpose of improperly obtaining or rewarding favorable treatment in connection with a prime contract or in connection with a subcontract relating to a prime contract.

"Person," as used in this clause, means a corporation, partnership, business association of any kind, trust, joint-stock company, or individual.

"Prime contract," as used in this clause, means a contract or contractual action entered into by the United States for the purpose of obtaining supplies, materials, equipment, or services of any kind.

"Prime Contractor" as used in this clause, means a person who has entered into a prime contract with the United States.

"Prime Contractor employee," as used in this clause, means any officer, partner, employee, or agent of a prime Contractor.

"Subcontract," as used in this clause, means a contract or contractual action entered into by a prime Contractor or subcontractor for the purpose of obtaining supplies, materials, equipment, or services of any kind under a prime contract.

"Subcontractor," as used in this clause,

(1) means any person, other than the prime Contractor, who offers to furnish or furnishes any supplies, materials, equipment, or services of any kind under a prime contract or a subcontract entered into in connection with such prime contract, and

(2) includes any person who offers to furnish or furnishes general supplies to the prime Contractor or a higher tier subcontractor.

"Subcontractor employee," as used in this clause, means any officer, partner, employee, or agent of a subcontractor.

### (b) The Anti-Kickback Act of 1986 (41 U.S.C. 51-58) (the Act), prohibits any person from --

(1) Providing or attempting to provide or offering to provide any kickback;

(2) Soliciting, accepting, or attempting to accept any kickback; or

(3) Including, directly or indirectly, the amount of any kickback in the contract price charged by a prime Contractor to the United States or in the contract price charged by a subcontractor to a prime Contractor or higher tier subcontractor.

(c)

(1) The Contractor shall have in place and follow reasonable procedures designed to prevent and detect possible violations described in paragraph (b) of this clause in its own operations and direct business relationships.

(2) When the Contractor has reasonable grounds to believe that a violation described in paragraph (b) of this clause may have occurred, the Contractor shall promptly report in writing the possible violation. Such reports shall be made to the inspector general of the contracting agency, the head of the contracting agency if the agency does not have an inspector general, or the Department of Justice.

(3) The Contractor shall cooperate fully with any Federal agency investigating a possible violation described in paragraph (b) of this clause.

(4) The Contracting Officer may

(i) offset the amount of the kickback against any monies owed by the United States under the prime contract and/or

(ii) direct that the Prime Contractor withhold from sums owed a subcontractor under the prime contract the amount of the kickback. The Contracting Officer may order that monies withheld under subdivision (c)(4)(ii) of this clause be paid over to the Government unless the Government has already offset those monies under subdivision (c)(4)(i) of this clause. In either case, the Prime Contractor shall notify the Contracting Officer when the monies are withheld.

(5) The Contractor agrees to incorporate the substance of this clause, including subparagraph (c)(5) but excepting subparagraph (c)(1), in all subcontracts under this contract which exceed \$100,000.

(End of Clause)

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

Q40. From Tom Valentine, Hawaiian Dredging, e-mail dated 4/28/04:

Section 00120-2.0 outlines the proposal format for this solicitation. According to this section three volumes are to be submitted. These volumes included "Non-price Proposal", "Price Proposal" and "Subcontracting Plan". The requirements for the "Subcontracting Plan" (Volume III) seem very similar to the submission requirements defined in Volume I (Non-Price Proposal), Factor IV, Subfactor A. Please clarify if Subfactor A should be included with Volume III.

A40. Volume I, Factor IV, Subfactor A does not need to be included in Volume III. However, that information should be coordinated with your proposed Subcontracting Plan (Volume III). Your Subcontracting Plan must include the requirements identified in Section 00120, Paragraph 2.1.3 and Section 00700 Paragraph 52.219-9.

Q41. From Howard, Niking Corp, e-mail dated 4/30/04:

In specification section 00120, paragraph 2.4.5.1, it states that offerors are to identify, in terms of dollar value and percentage of the total proposed contract price, the extent of the work they will perform as the prime contractor. We are told in Amendment 0003 that we are to assume a contract price of \$50 million. However, we will need more information with regards to scope of work in order to provide the information you require.

For example, if the scope of work consists only of electrical work, we can do it all, which means our company will perform \$50 million, or 100% of the contract. However, if the scope of work includes \$25 million of asphalt paving, then we will require a subcontractor. We will therefore perform \$25 million, or 50% of the contract.

In this same part of the RFP, it states that offerors are to identify, in terms of dollar value and percentage of the total proposed contract price, the work to be subcontracted to SB, SDB, WOSB, HZ, VOSB, SDVO concerns, and if applicable, historically black colleges or universities/minority institutions (HBCU/MI).

We would require the Government to provide a very detailed scope of work for us to use as a basis for our response. We work with several small business subcontractors of various types, covering a range of trades. The dollar amounts and percentages of different types of small businesses will be dependent on the definable features of work and the dollar amounts of these features in the assumed \$50 million amount.

A41. Since this is an indefinite delivery indefinite quantity contract, the Government cannot provide a very detailed scope of work at this time. Paragraph 2.4.2.1 shows the general diversity of work that could be expected on this contract. Section 00120, Paragraph 2.4.5.1 will help the Government evaluate each offeror's proposed and past commitment to Small Business Programs.

Q42. From Tom Valentine, Hawaiian Dredging, e-mail dated 5/18/04:

**Paragraph 1.4** -- This paragraph states that award will be made to at least 3 offerors whose proposals are determined to be the "best non-price evaluation and the lowest price." Furthermore the paragraph states that if "no offerors meet both of these criteria" the Government conduct a best value cost-technical trade off analysis. This paragraph suggests that before conducting any kind of cost technical trade off analysis the Government must first determine that none of the multiple offerors expected under this solicitation fall within the category of best non-price and lowest price. Does this mean that if one of the 3 offerors to whom award is intended to be made is deemed to be "best non-price and lowest price" the Army is precluded from conducting a cost-technical trade off of other offerors? If only one proposer is deemed "best non-price and lowest price" how will the other proposers be selected if the Army is to award at least three contracts?

A42. Paragraph 1.4 has been revised in this amendment.

Q43. From Tom Valentine, Hawaiian Dredging, e-mail dated 5/18/04:

**Paragraph 2.3** – This paragraph states that "[t]he Contracting Officer may use discretion in reasonably applying evaluation standards where offerors provide information to explain or justify deviation from the selection criteria listed in the solicitation." This sentence suggests that the Corps' Contracting Officer may apply evaluation factors that are not stated in the RFP for evaluating offerors that deviate from criteria outlined in the RFP and may evaluate any offeror on these unstated evaluation criteria provided that the offeror explains or justifies why it is unable to comply. Is this the correct interpretation of this paragraph? We are concerned that this interpretation would be inconsistent with the requirements of FAR 15.303, which requires source selection authorities to "[e]nsure that proposals are evaluated based solely on the factors and subfactors contained in the solicitation (10 U.S.C. 2305(b)(1) and 41 U.S.C. 253b(d)(3)). By reserving the Contracting Officer's right to use his discretion in reasonably applying evaluation standards to offerors who explain or justify deviation from the selection criteria, the Government would be applying unstated evaluation criteria and applying different evaluation standards to different offerors.

A43. The fourth sentence in Paragraph 2.3 has been deleted in this amendment.

Q44. From Tom Valentine, Hawaiian Dredging, e-mail dated 5/18/04:

**Paragraph 2.4.1** – This paragraph states that, to be considered a "relevant project" the project must have exceeded \$5 million and must have been completed between April 1998 and April 2004. It also states that "[r]elevant projects are also those in which the offeror was a prime contractor." This suggests that, so long as the offeror was a prime contractor, the dollar value and time period for completion is irrelevant and the \$5 million threshold and time limit only apply to subcontracts. Is this interpretation correct?

A44. Paragraph 2.4.1 has been revised in this amendment.

Q45. From Tom Valentine, Hawaiian Dredging, e-mail dated 5/18/04:

**Paragraph 2.4.2.1** – This paragraph contains a listing of activities to describe “diverse general construction experience” in managing construction contracts. Is the list appearing in Paragraph 2.4.2.1 all inclusive? In other words, must a contractor show that it has experience in all seven areas in order to qualify as a “relevant project,” or is it possible to have relevant experience in several areas, but not all areas?

A45. The list in Paragraph 2.4.2.1 is not all inclusive. Paragraph 2.4.2.1 has been revised in this amendment.

Q46. From Tom Valentine, Hawaiian Dredging, e-mail dated 5/18/04:

**Paragraph 2.4.3** – This Paragraph states that offerors that have no relevant past performance history will be given a “Neutral rating”. This standard indicates that offerors “without a record of relevant past performance history may be considered less favorably than an offeror with favorable past performance history.” This evaluation approach appears to be inconsistent with the Court of Federal Claims ruling in *Metcalf Constr. Co., Inc. v. United States*, 53 Fed. Cl. 6178 (2002) and the GAO’s decision in *Meridian Mgmt. Corp.*, B-285127, Jul. 19, 2000, 2000 CPD 121. By indicating that offerors who lack relevant past performance to be considered “less favorably” than those with favorable past performance histories, the Corps may be interjecting a quantitative evaluation that is inconsistent with FAR 15.305(a)(2)(iv).

A46. The second sentence in the Neutral Evaluation Standard has been deleted and will be revised in this amendment.

Q47. From Tom Valentine, Hawaiian Dredging, e-mail dated 5/18/04:

**Paragraph 2.5.1.3** – This Paragraph states that offerors must submit a statement from their surety defining the bond rate(s) “in effect at the time of this solicitation.” Does this mean at the time proposals are due or at the time the solicitation was issued?

A46. Paragraph 2.5.1.3 has been revised in this amendment.

Q48. From Tom McCabe, Parsons, e-mail dated 5/19/04:

“Please confirm that for Factor III, Management Plan, in Volume I, offerors should only provide a filled-in chart that states the contractor’s minimum qualifications for personnel to be provided. Please confirm that no resumes or management plan description or text is requested or will be considered.”

A49. Only the offeror’s minimum requirements will be evaluated for Factor III, Management Plan.