

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT			1. CONTRACT ID CODE J	PAGE OF PAGES 1 6
2. AMENDMENT/MODIFICATION NO. 0002	3. EFFECTIVE DATE 01-Mar-2004	4. REQUISITION/PURCHASE REQ. NO. W26GLG-4014-7937	5. PROJECT NO.(If applicable)	
6. ISSUED BY USA ENGINEER DISTRICT, NORFOLK CONTRACTING OFFICE 803 FRONT STREET NORFOLK VA 23510-1096	CODE W91236	7. ADMINISTERED BY (If other than item 6) See Item 6		
8. NAME AND ADDRESS OF CONTRACTOR (No., Street, County, State and Zip Code)		X	9A. AMENDMENT OF SOLICITATION NO. W91236-04-B-0009	
		X	9B. DATED (SEE ITEM 11) 10-Feb-2004	
			10A. MOD. OF CONTRACT/ORDER NO.	
			10B. DATED (SEE ITEM 13)	
CODE	FACILITY CODE			
11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS				
<input checked="" type="checkbox"/> The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offer <input type="checkbox"/> is extended, <input checked="" type="checkbox"/> is not extended.				
Offer must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended by one of the following methods: (a) By completing Items 8 and 15, and returning <u>1</u> copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.				
12. ACCOUNTING AND APPROPRIATION DATA (If required)				
13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.				
A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.				
B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(B).				
C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:				
D. OTHER (Specify type of modification and authority)				
E. IMPORTANT: Contractor <input type="checkbox"/> is not, <input type="checkbox"/> is required to sign this document and return _____ copies to the issuing office.				
14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.) Subject solicitation for Maintenance Dredging Thimble Shoal Channel, Chesapeake Bay, Virginia is modified as follows: (Refer to Continuation Sheet)				
Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.				
15A. NAME AND TITLE OF SIGNER (Type or print)		16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print)		
		TEL: _____ EMAIL: _____		
15B. CONTRACTOR/OFFEROR	15C. DATE SIGNED	16B. UNITED STATES OF AMERICA	16C. DATE SIGNED	
_____ (Signature of person authorized to sign)		BY _____ (Signature of Contracting Officer)	01-Mar-2004	

SECTION SF 30 BLOCK 14 CONTINUATION PAGE

The following items are applicable to this modification:W9123604B0009 0002

A. STANDARD FORM 1442: Refer to Item No. 13D. ADDITIONAL SOLCITATION REQUIREMENTS: Insert "60" before the word "calendar".

B. SECTION 00010, SOLICITATION CONTRACT FORM:

(1) Page 3 of 143, CLIN ITEM 0002: **CHANGE** quantity from "238,100" to "283,100".

(2) Page 5 of 143, AFTER CLIN ITEM 0006:

INSERT the following:

(i) TOTAL ESTIMATED AMOUNT (Base Bid + Optional Line Items).....\$_____

(ii) FOR INFORMATION ONLY:

CLIN Item Nos. 0003 through 0006 are optional line items. The Government reserves the right to exercise these optional numerous of times throughout the contract performance period if warranted.

(3) A new BIDDING SCHEDULE is provided herewith this amendment as Attachment A.

(4) Page 11 of 143: **DELETE** in its entirety Clause 52.252-5, AUTHORIZED DEVIATIONS IN PROVISIONS (APR 1984).

(5) Page 15 & 16 of 143: Correct E4LC30, CONTRACTOR PERFORMANCE AND BANKING INFORMATION to print correctly and is herewith provided with this amendment as Attachment B.

(6) **INSERT** Clause No. 52.219-4, NOTICE OF PRICE EVALUATION PREFERENCE FOR HUBZONE SMALL BUSINESS CONCERNS and is provided herewith this amendment.

C. SECTION 00800, SPECIAL CONTRACT REQUIREMENTS:

(1) Page 140 of 143, Clause No. 52.236-4, PHYSICAL DATA (APR 1984):

Refer to Paragraph (a) **DELETE** ".....[insert a description of investigational methods used, such as surveys, auger borings, core borings, test pits, probings, test tunnels]." **INSERT** "N/A".

(2) Refer to Paragraph (b) **DELETE** "....(insert a summary of weather records and warnings)." **INSERT** "N/A."

(3) Refer to Paragraph © **DELETE** ".....(insert a summary of transportation facilities providing access from the site, including information about their availability and limitations)." **INSERT** "N/A."

(4) Refer to Paragraph (d) **DELETE** ".....(insert other pertinent information)." **INSERT** "N/A".

(5) Page 141 of 143, Clause No. E4LC11, DEPARTMENT OF LABOR WAGE DECISION (CONSTRUCTION): After second line word "as" **INSERT** "General Decision No. VA020070 dated 06/13/2003".

(6) **INSERT** Clause No. 52.0217-0007, OPTION FOR INCREASED QUANTITY – SEPARATELY PRICED LINE ITEM (MAR 1989) and is herewith provided with this amendment.

(7) **INSERT** Clause No. E4LC26, SMALL BUSINESS STANDARD FOR DREDGING and is herewith provided.

D. TECHNICAL SPECIFICATION CHANGES FOLLOWS:

SECTION 01355:

a. Delete paragraph 3.7.4, and substitute therefore the following:

3.7.4 Endangered Species Disposition

After completing an Incident Report, the Endangered Species Observer shall notify Carrie Upite (978) 281-9388 or Mary Colligan (978) 281-9116 at NMFS within 24 hours of the take. An Incident Report for sea turtle and shortnose sturgeon take shall also be completed by the observer and sent to Carrie Upite via FAX (978) 281-9394 within 24 hours of the take. The Endangered Species Observer identifying any dead turtle to be a Kemp's Ridley Sea Turtle or any other dead sea turtle species, shortnose sturgeon, turtle parts, or shortnose sturgeon parts taken incidental to the work as identified in the National Marine Fisheries Service Incidental Take Statement shall photograph and place the remains in plastic bags, labeled to show the contract title and location, time, date, specific location taken, load number, and placed in cold storage until final disposition. In addition, the remains of these turtles, shortnose sturgeon, turtle parts, or shortnose sturgeon parts shall be labeled to indicate if the remains appear to be recent or old, based on fresh blood, odor, and length of time estimated to have been dead in water at the time of discovery. Final disposition of these turtles, shortnose sturgeon, turtle parts, or shortnose sturgeon parts will be as directed by the National Marine Fisheries Service; however, final disposition shall not be allowed until identified dead sea turtles, shortnose sturgeon, turtle parts, or shortnose sturgeon parts have been inspected by the Contracting Officer. The Endangered Species Observer identifying any dead turtle to be a Kemp's Ridley Sea Turtle shall determine the location of final disposition of these turtles. All other dead sea turtles, shortnose sturgeon, turtle parts, or shortnose sturgeon parts shall be attached to a weight and disposed overboard in the Dam Neck placement area where the remains will not re-enter the dredging area as directed by the NMFS. Turtles determined to be injured shall be maintained and attended on-board the vessel as directed by the Endangered Species Observer until transported to an approved rehabilitation facility (Virginia Marine Science Museum (757)437-4949 and Virginia Institute of Marine Science (804) 684-7313). All findings and determinations of live turtles by the Endangered Species Observer shall be recorded on the Incident Report and Endangered Species Observer Form.

b. Paragraph 3.7.6, revise “e. Calculated depth of plowing for the leading edge of deflector at the maximum +/- gimbale deflection range and expected operation depths.” to read “In determining the calculated depth of plowing for the leading edge of deflector using the intended drag arm, drag head, and turtle deflector configuration, the Contractor shall take into consideration the appropriate gimbale angles, approach angles, depths, nominal draft and similar related functions at the expected operating depths.”

c. Paragraph 3.7.6, after sub-part “j.”, insert the following “k. Onboard instrumentation shall provide readouts verifying in real-time the proper operation of the turtle deflector. As a minimum, the instrumentation readouts shall verify the procedures employed by the Contractor meet all requirements for proper operation of the turtle deflector, such as the gimbale angle, approach angle, difference in depth between two points on the drag arm, and multiple depth readings along the dragarm and draghead. Instrumentation readouts shall be approved by the Contracting Officer as acceptable for verification of proper turtle deflector operation in accordance with the Contractor’s calculations for depth of plowing of the turtle deflector utilized by the Contractor.”

SECTION 00010 - SOLICITATION CONTRACT FORM

E4LC 30 CONTRACTOR PERFORMANCE AND BANKING INFORMATION

1. Prior to awarding a contract, the Government must conduct a PRE-AWARD SURVEY of the firm selected for award. In order for us to minimize delays in conducting the survey and awarding the contract, you are requested to provide the following information with your offer:

a. BANK: Branch/Location

Point-of-Contact

Telephone Number/Fax Number

Please contact the bank in advance so they will release the necessary information regarding average balances in your operating accounts, lines of credit, and credit history.

b. 3 CURRENT PROJECTS OF SIMILAR SCOPE AND SIZE:

Project Title/Contract Number

Customer

Point-of-Contact

Telephone Number/Fax Number

\$ Value

% Complete

Scheduled Completion Date

c. 3 COMPLETED PROJECTS OF SIMILAR SCOPE AND SIZE:

Same as CURRENT PROJECTS; however, in lieu of "% Complete" and "Scheduled Completion Date," provide "Completion Date."

d. DO NOT PROVIDE VOLUMINOUS LISTINGS OF YOUR FIRM'S CONTRACTING HISTORY.

2. If you wish to shield this information from public view at the bid opening, the information may be placed in an envelope with the following legend:

PRE-AWARD SURVEY INFORMATION

SOLICITATION NO. _____

<YOUR FIRM'S NAME>

SECTION 00100 - BIDDING SCHEDULE/INSTRUCTIONS TO BIDDERS

52.219-4 NOTICE OF PRICE EVALUATION PREFERENCE FOR HUBZONE SMALL BUSINESS CONCERNS (JAN 1999)

(a) Definition. HUBZone small business concern, as used in this clause, means a small business concern that appears on the List of Qualified HUBZone Small Business Concerns maintained by the Small Business Administration.

(b) Evaluation preference. (1) Offers will be evaluated by adding a factor of 10 percent to the price of all offers, except-

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(i) Offers from HUBZone small business concerns that have not waived the evaluation preference;

(ii) Otherwise successful offers from small business concerns;

(iii) Otherwise successful offers of eligible products under the Trade Agreements Act when the dollar threshold for application of the Act is exceeded (see 25.402 of the Federal Acquisition Regulation (FAR)); and

(iv) Otherwise successful offers where application of the factor would be inconsistent with a Memorandum of Understanding or other international agreement with a foreign government.

(2) The factor of 10 percent shall be applied on a line item basis or to any group of items on which award may be made. Other evaluation factors described in the solicitation shall be applied before application of the factor.

(3) A concern that is both a HUBZone small business concern and a small disadvantaged business concern will receive the benefit of both the HUBZone small business price evaluation preference and the small disadvantaged business price evaluation adjustment (see FAR clause 52.219-23). Each applicable price evaluation preference or adjustment shall be calculated independently against an offeror's base offer.

These individual preference amounts shall be added together to arrive at the total evaluated price for that offer.

(c) Waiver of evaluation preference. A HUBZone small business concern may elect to waive the evaluation preference, in which case the factor will be added to its offer for evaluation purposes. The agreements in paragraph (d) of this clause do not apply if the offeror has waived the evaluation preference.

___ Offeror elects to waive the evaluation preference.

(d) Agreement. A HUBZone small business concern agrees that in the performance of the contract, in the case of a contract for

(1) Services (except construction), at least 50 percent of the cost of personnel for contract performance will be spent for employees of the concern or employees of other HUBZone small business concerns;

(2) Supplies (other than procurement from a nonmanufacturer of such supplies), at least 50 percent of the cost of manufacturing, excluding the cost of materials, will be performed by the concern or other HUBZone small business concerns;

(3) General construction, at least 15 percent of the cost of the contract performance incurred for personnel will be will be spent on the concern's employees or the employees of other HUBZone small business concerns; or

(4) Construction by special trade contractors, at least 25 percent of the cost of the contract performance incurred for personnel will be spent on the concern's employees or the employees of other HUBZone small business concerns.

(e) A HUBZone joint venture agrees that in the performance of the contract, the applicable percentage specified in paragraph (d) of this clause will be performed by the HUBZone small business participant or participants.

(f) A HUBZone small business concern nonmanufacturer agrees to furnish in performing this contract only end items manufactured or produced by HUBZone small business manufacturer concerns. This paragraph does not apply in connection with construction or service contracts.

(End of clause)

SECTION 00800 - SPECIAL CONTRACT REQUIREMENTS

E4LC26 SMALL BUSINESS STANDARD FOR DREDGING

- (a) FAR 52.219-1, SMALL BUSINESS PROGRAM REPRESENTATION, provides the SIC Code and small business size standard for dredging.
- (b) Additionally, to be considered small, a firm must perform at least 40% of the yardage with its own dredging equipment or equipment owned by another small dredging firm.

52.217-7 OPTION FOR INCREASED QUANTITY--SEPARATELY PRICED LINE ITEM (MAR 1989)

The Government may require the delivery of the numbered line item, identified in the Schedule as an option item, in the quantity and at the price stated in the Schedule. The Contracting Officer may exercise the option by written notice to the Contractor within * . Delivery of added items shall continue at the same rate that like items are called for under the contract, unless the parties otherwise agree.

*throughout the performance period of this contract

(End of clause)

Section 00010 - Solicitation Contract Form

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0001	BASE BID ITEMS FFP Mobilization and Demobilization PURCHASE REQUEST NUMBER: W26GLG-4014-7937	1	Lump Sum	\$_____	

NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0002	FFP Maintenance Dredging Thimble Shoal Channel to a depth of 51 feet MLLW with one foot of allowable overdepth, complete, including all associated work as indicated and specified. THIS IS AN ESTIMATED QUANTITY.	283,100	Cubic Yard	\$_____	

NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0003	OPTIONAL BID ITEMS (CLIN 3 THRU 6) FFP Mobilization and Demobilization for Sea Turtle Trawling	1	Lump Sum	\$_____	
					NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0004	FFP Period of required sea turtle trawling and relocation of sea turtles, complete, including all direct and indirect labor and other associated work as indicated and specified.	5	Days	\$_____	
					NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0005	FFP Subsequent period of require sea turtle trawling and relocation of sea turtles, complete, including all direct and indirect labor and other associated work as indicated and specified.	1	Days	\$_____	
					NET AMT

FOB: Destination

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0006		1	Days	\$_____	
	FFP Government directed trawler standby time				

NET AMT

FOB: Destination

TOTAL ESTIMATED AMOUNT BID (INCLUDE BASE BID + OPTIONAL ITEMS).....\$_____

FOR INFORMATION ONLY:

CLIN Item Nos. 0003 through 0006 are optional line items. The Government reserves the right to exercise these optional items, numerous of times throughout the contract performance period, if warranted.