

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT			I. CONTRACT ID CODE J	PAGE OF PAGES 1 4
2. AMENDMENT/MODIFICATION NO. 0002	3. EFFECTIVE DATE 18-Jun-2004	4. REQUISITION/PURCHASE REQ. NO. W26GLG-4132-1411		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-0016	
		X	9B. DATED (SEE ITEM 11) 02-Jun-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 Southern Branch Elizabeth River, Virginia is modified as follows: <div style="text-align: center;">REFER TO CONTINUATION SHEET</div>				
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)		18-Jun-2004

SECTION SF 30 BLOCK 14 CONTINUATION PAGE

The following items are applicable to this modification:

W91236-04-B-0016 0002

Subject amendment for Maintenance Dredging Southern Branch of Elizabeth River, Virginia is modified as follows:

A. **AMENDMENT NO. 0001:** There will no Amendment No. 0001 issued.

Note: An internal error occurred within our automated system.

B. SECTION 00010, SOLICITATION CONTRACT FORM:**FAR CLAUSE 52.222-23, NOTICE OF REQUIREMENT FOR AFFIRMATIVE ACTION TO ENSURE EQUAL EMPLOYMENT OPPORTUNITY FOR CONSTRUCTION (FEB 1999):**

Paragraph (b): Insert the following percentage under each respective goal,

Goals for minority participation for each trade: 26.6%

Goals for female participation for each trade: 6.9%

Paragraph (e): DELETE “[Contracting Officer shall insert description of the geographical areas where the contract is to be performed, giving the State, county, and city].” And ADD “Norfolk, VA”

C. SECTION 00700, CONTRACT CLAUSES:**FAR CLAUSE 52.228-1, BID GUARANTEE (SEP 1996):**Paragraph ©: Insert the following 1st blank “ 20“ and 2nd blank “\$3,000,000.00”.**D. SECTION 00800, SPECIAL CONTRACT REQUIREMENTS:****1. FAR 52.211-10, COMMENCEMENT, PROSECUTION, AND COMPLETION OF WORK APR 1984:** INSERT as a full text document which follows,

“52.211-10 COMMENCEMENT, PROSECUTION, AND COMPLETION OF WORK (APR 1984)

The Contractor shall be required to (a) commence work under this contract within 15 calendar days after the date the Contractor receives the notice to proceed, (b) prosecute the work diligently, and (c) complete the entire work ready for use not later than 60 calendar days.

Should the total quantity of material to be paid for and actually removed under this contract exceed the quantity from the Bidding Schedule, additional time will be allowed at the rate of one day for each 2,000 cubic yards in excess of the estimated quantity.

(End of clause)”

2. FAR 52.211-12, LIQUIDATED DAMAGES – CONSTRUCTION SEP 2000: INSERT as a full text document which follows,

“52.211-12 LIQUIDATED DAMAGES--CONSTRUCTION (SEP 2000)

(a) If the Contractor fails to complete the work within the time specified in the contract, the Contractor shall pay liquidated damages to the Government in the amount of \$425.00 for each calendar day of delay until the work is completed or accepted.

(b) If the Government terminates the Contractor's right to proceed, liquidated damages will continue to accrue until the work is completed. These liquidated damages are in addition to excess costs of repurchase under the Termination clause.

(End of clause)”

3. INSERT the following local provisions to the end of Section 00800:

DREDGING AND DREDGE RELATED MARINE WORK

The contractor shall comply with the provisions of EM 385-1-1. If the contractor is a currently accepted participant in the Dredging Contractors of America (DCA)/United States Army Corps of Engineers (USACE) Dredging Safety Management Program (DSMP), as determined by the DCA/USACE Joint Committee, and holds a current valid Certificate of Compliance for both the Contractor Program and the Dredge(s) to be used to perform the work under this contract, the contractor may, in lieu of the submission of an Accident Prevention Plan (APP),

- (1) make available for review, upon request, the contractor’s current Safety Management system (SMS) documentation,
- (2) submit to the Contracting Officer the current valid Company Certificate of Compliance for it’s SMS,
- (3) submit the current dredge(s) Certificate of Compliance based on third party audit, and
- (4) submit for review and acceptance, site-specific addenda to the SMS as specified in the solicitation.

4. **FAR 52.236-4, PHYSICAL DATA (APR 1984)** DELETE in its entirety and SUBSTITUTE New FAR 52.236-4, PHYSICAL DATA (APR 1984):

52.236-4 PHYSICAL DATA (APR 1984)

Data and information furnished or referred to below is for the Contractor's information. The Government shall not be responsible for any interpretation of or conclusion drawn from the data or information by the Contractor.

a) The indications of physical conditions on the drawings and in the specifications are the result of site investigations by the methods identified in Division 1 of the specification.

(b) Weather conditions: See Division 1 of the specification.

(c) Transportation facilities: See Division 1 of the specification.

(d) Other Physical Data: See Division 1 of the specification.

(End of clause)

5. **E4LC11, DEPARTMENT OF LABOR WAGE DECISION (CONSTRUCTION):** After second line INSERT the following after as “General Decision Number VA030026 dated 06/13/2003”.

6. **GENERAL DECISION NUMBER VA030026:** INSERT after Section 00800, provided with this amendment.

E. TECHNICAL SPECIFICATION CHANGES FOLLOWS:

1. SECTION 01005

A. Page 01005-4, paragraph 1.3.1, lines 4 and 5, change “Denny Copperthite” to “Samuel E. McGee III”

B. Page 01005-9, paragraph 1.6.3, in the Benchmark description for “USC&GS DRAW RM 2, 1912, RESET 1959”, in the last sentence change “Stations 81+00 through 149+00” to “Stations 68+00 through 149+00”. In the Benchmark description for “CE TBM HESS, 1981” in the last sentence change “Station 150+00 to Station 243+37.5” to “Station 150+00 through Station 243+37.5”.

2. SECTION 01270

Page 01270-3, paragraph 1.3.1, in line 20, after “...acceptance of the work.”, delete the remainder of the paragraph and insert the following, “Computations for payment purposes will be made by the Government using, as defined in EM 1110-2-1003, the Average End Area (AEA) method, Triangulated Irregular Network (TIN) method, or a combination of these methods at the discretion of the Government, utilizing proprietary electronic data processing software and machines for the calculations. Determination of quantities removed and the deductions made to determine quantities in place to be paid for in the areas specified, after having once been made, will not be reopened except on evidence of collusion, fraud, or obvious error.”

3. SECTION 02881

A. Page 02881-4, paragraph 3.1.1, in the next to last sentence of the paragraph change “Overflow of the barges or scows” to “Overflow of dredged material from the barges or scows”.

B. Page 6, paragraph 3.4.2, line 3, change “one foot” to “two feet”.

General Decision Number VA030026
 Superseded General Decision No. VA020026
 State: Virginia Construction Type:
 DREDGING County(ies):
 STATEWIDE
 DREDGING CONSTRUCTION PROJECTS (Excluding HOPPER DREDGING)
 Modification Number Publication Date
 0 06/13/2003

COUNTY(ies):
 STATEWIDE
 ENGI0025J 02/01/2003

	Rates	Fringes
HYDRAULIC DREDGES 20" & OVER		
Leverman	19.90	4.01+a
Engineer	18.72	4.01+a
Derrick Operator	17.37	4.01+a
Electrician	17.70	4.01+a
Carpenter	17.27	3.01+a
Mate	15.70	3.81+a
Welder	16.79	3.81+a
Spill Barge Operator	17.03	3.81+a
Oiler	12.75	3.61+a
Deckhand	11.93	3.61+a
Shoreman	11.70	3.61+a
Handyman	11.93	3.61+a
Fill Placer	17.27	4.01+a
Assistant Fill Placer	15.71	4.01+a
CLAMSHELL DREDGES:		
Operator	19.80	4.01+a
Engineer	17,71	4.01+a
Welder	16.52	3.81+a
Mate	15.91	3.81+a
Oiler	12.75	3.61+a
Deckhand	11.93	3.61+a
Scowman	12.10	3.61+a
Handyman	11.93	3.61+a
TUGS TENDING CLAMSHELL DREDGES:		
LESS THAN 600 HP:		
Tug Master	15.88	4.01+a
Tug Captain	15.37	4.01+a
Tug Deckhand	11.93	3.61+a
TUGS TENDING CLAMSHELL DREDGES:		
600 HP TO 1350 HP:		
Tug Master	16.87	4.01+a
Tug Captain	15.53	4.01+a
Tug Deckhand	11.93	3.61+a
TUGS TENDING CLAMSHELL DREDGES:		
GREATER THAN 1350 HP:		
Tug Master	17.95	4.01+a
Tug Captain	17.02	4.01+a
Tug Engineer	17.02	4.01+a
Tug Deckhand	11.93	3.61+a

STEWARD DEPARTMENT ON
CLAMSHELL DREDGES::

Steward	13.14	3.81+a
2nd Cook	11.93	3.61+a
Night Cook	11.93	3.61+a
Messman	11.70	3.61+a
Janitor	11.93	3.61+a

FOOTNOTE:

a. PAID HOLIDAYS: New Year's Day, Memorial Day, Independence Day, Good Friday, Labor Day, Thanksgiving Day, Christmas Day. Plus Vacation contribution of 7% of straight time pay for all hours worked.

SUVA2041A 11/01/1994

	Rates	Fringes
HYDRAULIC DREDGES UNDER 20":		
Leverman	14.53	2.96+a
Engineer	14.18	2.96+a
Derrick Operator	13.20	2.96+a
Electrician	13.45	2.96+a
Carpenter	13.14	2.96+a
Mate	12.39	2.96+a
Welder	12.78	2.96+a
Spill Barge Operator	12.97	2.96+a
Spider Barge Operator	12.97	2.96+a
Tug Master	12.29	2.96+a
Tug Mate	11.76	2.96+a
Steward	10.42	2.96+a
Oiler	10.12	2.96+a
Deckhand	9.50	2.96+a
Tug Deckhand	9.50	2.96+a
Shoreman	9.32	2.96+a
Second Cook	9.50	2.96+a
Messman	9.32	2.96+a
Rodman	9.50	2.96+a
Handyman	9.50	2.96+a
Night Cook	9.50	2.96+a
Janitor/Porter	9.50	2.96+a
DIPPER DREDGES:		
Operator	14.59	2.96+a
Engineer	14.04	2.96+a
Welder	12.78	2.96+a
Mate	12.39	2.96+a
Oiler	10.12	2.96+a
Deckhand	9.50	2.96+a
Launchman	10.12	2.96+a
Scowman	9.63	2.96+a
Rodman	9.50	2.96+a
Handyman	9.50	2.96+a
TUGS:		
(Tending Dipper Dredges)		
Tug Master	13.16	2.96+a
Engineer	12.96	2.96+a
Tug Mate	11.87	2.96+a
Assistant Engineer	11.75	2.96+a
Deckhand	9.37	2.96+a
Cook	9.63	2.96+a

STEWARD DEPARTMENT:

(On Dipper Dredges)

Cook	9.27	2.96+a
Mess Cook	8.74	2.96+a
Messman and Janitor	8.61	2.96+a

DRILL BOATS:

Engineer	14.18	2.96+a
Blaster	13.69	2.96+a
Driller	13.69	2.96+a

FOOTNOTES APPLICABLE TO ALL ABOVE CRAFTS:

a. PAID HOLIDAYS AND VACATION:

New Year's Day, Memorial Day, Independence Day,
Good Friday, Labor Day, Thanksgiving Day, and Christmas
Day; plus vacation contribution of 7% of straight time
pay for all hours worked.

Unlisted classifications needed for work not included within
the scope of the classifications listed may be added after
award only as provided in the labor standards contract clauses
(29 CFR 5.5(a)(1)(ii)).

In the listing above, the "SU" designation means that rates
listed under that identifier do not reflect collectively
bargained wage and fringe benefit rates. Other designations
indicate unions whose rates have been determined to be
prevailing.

WAGE DETERMINATION APPEALS PROCESS

1.) Has there been an initial decision in the matter? This can
be:

- * an existing published wage determination
- * a survey underlying a wage determination
- * a Wage and Hour Division letter setting forth a
position on a wage determination matter
- * a conformance (additional classification and rate)
ruling

On survey related matters, initial contact, including requests
for summaries of surveys, should be with the Wage and Hour
Regional Office for the area in which the survey was conducted
because those Regional Offices have responsibility for the
Davis-Bacon survey program. If the response from this initial
contact is not satisfactory, then the process described in 2.)
and 3.) should be followed.

With regard to any other matter not yet ripe for the formal
process described here, initial contact should be with the Branch
of Construction Wage Determinations. Write to:

Branch of Construction Wage Determinations
Wage and Hour Division
U. S. Department of Labor
200 Constitution Avenue, N. W.
Washington, D. C. 20210

2.) If the answer to the question in 1.) is yes, then an
interested party (those affected by the action) can request
review and reconsideration from the Wage and Hour Administrator
(See 29 CFR Part 1.8 and 29 CFR Part 7). Write to:

Wage and Hour Administrator
U.S. Department of Labor
200 Constitution Avenue, N. W.

Washington, D. C. 20210

The request should be accompanied by a full statement of the interested party's position and by any information (wage payment data, project description, area practice material, etc.) that the requestor considers relevant to the issue.

3.) If the decision of the Administrator is not favorable, an interested party may appeal directly to the Administrative Review Board (formerly the Wage Appeals Board). Write to:

Administrative Review Board
U. S. Department of Labor
200 Constitution Avenue, N. W.
Washington, D. C. 20210

4.) All decisions by the Administrative Review Board are final.

END OF GENERAL DECISION