

<b>AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT</b>			1. CONTRACT ID CODE J	PAGE OF PAGES 1   11
2. AMENDMENT/MODIFICATION NO. 0005	3. EFFECTIVE DATE 30-Oct-2007	4. REQUISITION/PURCHASE REQ. NO.		5. PROJECT NO.(If applicable)
6. ISSUED BY AFGHANISTAN ENGINEER DISTRICT US ARMY CORPS OF ENGINEERS KABUL APO AE 09356	CODE W917PM	7. ADMINISTERED BY (If other than item 6) CODE  <b>See Item 6</b>		
8. NAME AND ADDRESS OF CONTRACTOR (No., Street, County, State and Zip Code)		X	9A. AMENDMENT OF SOLICITATION NO. W917PM-07-R-0102	
		X	9B. DATED (SEE ITEM 11) 13-Oct-2007	
			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.)  The purpose of this amendment is to answers questions for prospective offerors: 1. Clarify amendment 0004 release of revised sections 00110 and 00120. 2. Clarify the performance duration of the project.				
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)		30-Oct-2007

SECTION SF 30 BLOCK 14 CONTINUATION PAGE

**SUMMARY OF CHANGES**

SECTION 00010 - SOLICITATION CONTRACT FORM

The contractor period of performance end date has increased by 60 days from 240 days to 300 days.

(End of Summary of Changes)

**The following items are applicable to this modification:**

SECTION 00100 - BIDDING SCHEDULE/INSTRUCTIONS TO BIDDERS

QUESTIONS & ANSWERS

Reference is made to Amendment No.0004 of 27 October, 2007 and Amendment No.0002 of 17 October, 2007.

Q1. According to Q&A 7 in Amendment No.0002, the contract duration is 240 days, however 300 days is specified in Page 39 and 40, Section 01010 Summary of Work/Contractor Requirements, revised by Amend.0004. What is the contract duration?

The contract performance period is 300 calendar days.

Q2. Section 00110 and 00120 can be found both at Page 14 to 20 of 122 and Page 28 to 36 of 122. Which one prevails?

The correct sections 00110 and 00120 are included to this amendment.

## SECTION 00110

### PROPOSAL PREPARATION

#### PART 1 - GENERAL

**A. PROPOSAL PREPARATION.** Instructions for the preparation and organization of each proposal are included herein. The proposal submittal shall include **(a) one original and three copies of Volume I and (b) one original and two copies of Volume II.** The Volume II proposal and all copies thereof shall be sealed in a single package separate from the Volume I proposal and all copies thereof, and both packages shall be clearly marked. The proposal shall be submitted as required herein and elsewhere in the RFP.

Volume I shall be typed, with numbered pages and sections tabbed. A cover sheet shall identify the offeror and the project and the second sheet shall be a table of contents. The Volume I proposal is limited to no more than 50 single-sided or 25 double-sided pages, printed on 8-1/2" x 11" sheets, not including the cover sheet, designs/sketches, table of contents and letters of recommendation / evaluations / related certificates. Do not use condensed print. Do not submit any extraneous materials with your proposal.

#### 1. VOLUME I – MANAGEMENT-TECHNICAL PROPOSAL PREPARATION

**1.1 Content.** The Management/Technical proposal shall include the information as described below and shall be presented in the sequence listed.

**1.1.1 Factor 1 - Past Evaluations/Performance.** For the projects listed under Paragraph 1.1.2, Factor 2 - Experience, provide the following information (Attachment 1):

- Project Manager's (Point of Contact) name, telephone, email
- List the problems encountered and the corrective actions taken
- List of change orders and circumstances associated with them
- Construction time duration beyond the contract time and why.
- Construction cost in dollars beyond the contract amount and why.
- Safety record and accident report
- The offeror may also provide letters of recommendation, references, performance evaluations or other evidence of successful performance of the project.

The Source Selection Evaluation Board may attempt to contact the references provided in the list of projects. They may also contact Government personnel who have worked with the offerors. References' comments may affect the scoring of proposals. It is important to verify that the points of contact listed are still available at the phone number and addresses provided and that they are individuals who have sufficient knowledge of the project and your performance to be able to offer meaningful comments.

In the event that an offeror does not have a record of past performance, a written explanation of the reasons why no record is available is requested. In the case of an offeror without a record of relevant past performance or for whom information on past performance is not available, the offeror will not be evaluated favorably or unfavorably on past performance. A neutral rating with unknown risk will be assigned.

**1.1.2 Factor 2 – Experience.** Demonstrate the experience of the team, including sub-contractors, on projects similar to that described in this RFP which use the design-build process. Provide a list of no more than ten similar and relevant design-build projects underway or completed in the last **five** years that best demonstrates your experience. The list of projects shall include the following information (Attachment 2):

- Project name and location.
- Nature of firm's responsibility (design/build or design or construction).
- Project owner's name, address, telephone, email (to be contacted by the Government).
- Contractor a prime or sub-contractor for this project
- Project completion date (estimated if in progress, as well as current portion completed)
- Construction cost
- Brief explanation that illustrates your design/build capabilities and relevant job experiences.

### **1.1.3 Factor 3 - Project Management**

The Project Management Plan shall include the following (Attachment 3):

- The team structure described with an organizational chart (Attachment 4) to include:
  - Key design personnel names and their titles;
  - Key construction personnel names and their titles;
- The quality control process for both design work;
- The quality control process for construction work;
- The interaction process with the Corps of Engineers and the roles that the team members will have in dealing with;
  - Processes for resolving problems like modifications to the contract (design and construction);
  - Resolving potential design or construction delays
  - Reviewing and approving submittals;
  - Attending progress meetings and facilitating contract completion and closeout;
  - Process to control cost over runs while maintaining the project budget during design and construction.

### **1.1.4. Factor 4 – Personnel and Equipment Resources**

**1.1.4.1 - Personnel.** Provide professional resume data on the following individuals who will be key personnel on the project team. Key personnel identified in this section should be senior working-level people who will be involved in design and construction on a day-to-day basis, as opposed to departmental level supervisors or executives. By identifying these personnel, the offeror makes a commitment that, barring unforeseen circumstances; they are the personnel who shall be assigned to the project. All key personnel shall have a minimum of **five** years of professional experience. (Attachment 5)

- Project Manager for design and for construction
- Quality Control Manager
- Project Architect
- Senior Structural Engineer
- Senior Civil Engineer
- Senior Mechanical Engineer
- Senior Electrical Engineer
- Fire Protection Engineer
- Construction Superintendent
- Construction Foreman (if different from above)

Information to be provided for key personnel should be limited to no more than **one page** per person and shall include: (Attachment 5)

- Name and title
  - Project assignment
  - Name of firm with which associated
  - Years experience with this firm and with other firms
  - Education degree(s), year, specialization
  - Active registration, year first registered
  - Other experience and qualifications relevant to the proposed project
- 
- Provide the proposed use of Afghan contractors and labor in numbers or percentages.

**1.1.4.2 – Equipment Resources.** Provide equipment resources to be utilized for this project (i.e. offices, shops, warehouses, machinery, construction tools, vehicles, loaders, etc.) and other resources (i.e. cooperating companies supplying materials and/or services)

## 1.2 Notes

**1.2.1 Joint Ventures and Teaming Arrangements.** Any contractors submitted in the proposal as part of a joint venture must submit a legally binding joint venture agreement. The Government will not evaluate the capability of any contractors that are not included in the joint venture agreement. Joint ventures must include a copy of the legal joint venture signed by an authorized officer from each of the firms comprising the joint venture with the chief executive of each entity identified and a translation in English, if the original agreement is in a language other than English. Incomplete evidence of a joint venture results will not be considered.

If submitting a proposal as a Joint Venture, the experience, past performance, management plan and equipment submittal of each of the Joint Venture Partners can be submitted for the Joint Venture Entity. The experience for each Joint Venture Partner will be considered the experience of the Joint Venture entity.

The proposal may receive a higher rating if the proposal contains evidence of the Joint Venture Entity working successfully together previously on relevant projects.

**1.2.2 Credit For Others.** If an Offeror wishes to be credited with a subcontractor or supplier, i.e. a firm that is not the prime contractor or part of the joint venture, a letter of commitment signed by the subcontractor must be submitted. The commitment letter must be submitted even if the firm is in some way related to a joint venture partner (for example, the subcontractor is a subsidiary of a joint venture partner, or a subsidiary of a firm to which the joint venture partner is also a subsidiary). In regard to the Experience and Past Performance factors, if an Offeror submits projects demonstrating experience in one of the factors or sub-factors, and that project was completed by a subcontractor, a subsidiary, or a supplier, as opposed to the prime or one of the joint venture partners, the Offeror **MUST** submit a signed letter of commitment from the contractor who performed and completed the work. If a letter of commitment is not submitted, the experience will not be considered.

## **2. VOLUME II - PRICE PROPOSAL PREPARATION**

**2.1 Proposal Schedule.** Offerors shall provide a signed cover letter and complete the Proposal Schedule by filling out the pricing data blanks. An executable Proposal Schedule is included in Section 00010 herein. Overhead and profit shall be applied proportionally to each category and shall not be required to be shown separately. The proposal shall include allowances in the Price Proposal and shall schedule any contingency for weather delays for severe weather in accordance with weather requirements. All prices shall be firm.

### **B. CLARIFICATIONS AND FINAL PROPOSAL REVISION:**

1. General. Any conflicting criteria which cannot be resolved by the terms of this RFP shall be brought to the attention of the Government by the offeror as part of the written clarification requirement of the proposal. In the absence of such request for clarification, the offeror shall perform to the most beneficial criteria as determined by the Government.

2. Written Clarification Requirement: In the event that clarifications are required prior to submitting the proposal, contact the individuals listed on the RFP letter; such contact shall be in writing. All RFP holders shall be advised of significant clarifications affecting the scope of the project.

3. Clarifications Submitted with Proposals. If ambiguities remain in the RFP at the time and date that proposals are due, written clarifications may be included in the proposal for consideration by the Government. Clarifications submitted with proposals shall clearly identify

the understanding of the RFP documents and how this understanding is reflected in the cost proposal. Qualifications, exclusions and exceptions in the form of clarifications may be considered by the Government to be non-responsive and may be grounds for rejection of the proposal.

4. Final Proposal Revision(s):

4.1 The Government intends to award a contract on the basis of the initial offers received without further discussions or negotiations. Offers should contain the offeror's best terms from a cost and management standpoint.

4.2 The Government may contact those firms whose proposals are within the competitive range and conduct discussions/negotiations concerning their proposal. Following resolution of the discussions/negotiations, offerors in the competitive range shall be given the opportunity to submit their Final Proposal Revision (otherwise known as 'Best and Final offer').

-- End of Section --

## SECTION 00120

### PROPOSAL EVALUATION AND CONTRACT AWARD

#### PART 1 – GENERAL

**A. BASIS FOR AWARD.** The Government intends to make one award for completion of the subject project. The award will be made to the offeror whose proposal represents the best overall value to the Government. Competing proposals shall be evaluated against the requirements of the solicitation in order to assess strengths, weaknesses and associated risks and deficiencies. The tradeoff process of evaluation between non-cost/price and cost/price aspects of the offerors' proposals will be used to determine those offers that may result in award of a contract. Implicit in the Government's evaluation and selection process is its willingness to accept other than the lowest priced offers.

#### **B. PROPOSAL EVALUATION.**

B.1 Proposals will be evaluated by a Source Selection Evaluation Board (SSEB). The SSEB will be composed of Corps of Engineers personnel and possibly a customer representative. The identity of SSEB members is confidential and members will not be available for contact or discussion prior to submission of proposals.

B.2 The Volume I (Management Technical) factors are listed in descending order of importance. Sub-factors under each factor are of equal importance. The factors and sub-factors will be evaluated and assigned merit ratings using the adjectives of excellent (E), good (G), satisfactory (S), marginal (M), and unsatisfactory (U). The non-pricing Volumes (I, Management-Technical taken together) have significantly more weight compared to the pricing factor (Volume II) in the evaluation and selection process.

B.3 Templates. Model templates are provided in this RFP as a possible format available to assist offerors in the preparation of their proposals. Use of the template format is not required. Sections 110 and 120 of this RFP govern and the templates do not supplant or substitute the requirements stated in these sections.

### **1. VOLUME 1 – MANAGEMENT-TECHNICAL PROPOSAL EVALUATION CRITERIA.**

#### **1.1 Content**

**1.1.1 Factor 1 – Past Evaluations/Performance.** This factor may be evaluated by contacting references for **customer satisfaction** and review of **quality performance** evaluations or other information provided by the offeror or obtained by the Government. The evaluators will consider the **relevance** of the past performance information and the success achieved on past projects to determine the rating. In the event that an offeror does not have a record of past performance evaluations, a written explanation of the reasons why no record is available is requested. In the

case of an offeror without a record of relevant past performance evaluations or for whom information on past performance is not available, the offeror will not be evaluated favorably or unfavorably on this factor. A neutral rating will be assigned.

Proposals with the most convincing evidence will receive the highest ratings.

**1.1.2 Factor 2 - Experience.** The Government will evaluate the relevant work experience of the contractor's company and designer, including subcontractors, on projects similar to that described in this RFP which use the design-build process. Contractor experience with similar relevant projects (type of construction, dollar value, design-build method, complexity, applicable standards such as EMS 385-1-1) will receive a higher rating than those with dissimilar or non-relevant projects.

Proposals with the most convincing evidence will receive the highest ratings.

### **1.1.3 Factor 3 – Project Management Plan.**

The Government will evaluate and rate the Project Management Plan which will include the contractor's and designer's key personnel professional qualifications and relevant work experience [we didn't ask for this in Factor 3 in Section 00110; instead it seems more in line with Factor 4.], the company's quality control procedures, their ability to team work (engineers, subcontractors and the government), their ability to handle cost controls and managing construction time tables completion, their ability to resolve problems and describe their interactions with the Corps of Engineers. The Plan will also address how the offeror will adequately manage the project described in this RFP in light of any other ongoing projects and contractual commitments it may have within Afghanistan.

Offers which deviate from RFP specifications or requirements may be considered weak or deficient.

Proposals the most convincing evidence will receive the highest ratings.

### **1.1.4 Factor 4 – Personnel and Equipment Resources.**

**1.1.4.1 Personnel.** The Government will evaluate the qualifications and experience of contractor's & designer's personnel for this project. Contractor personnel with experience with **similar relevant** projects (type of construction, dollar value, design-build method, complexity) will receive a higher rating than those with dissimilar or non-relevant project experience. Other personnel including the use of Afghan workers will be evaluated, with greater credit being given for Afghan workers unless logistics of using foreign workers is fully detailed.

Proposals will also address how the offeror will have adequate personnel for the project described in this RFP in light of any other ongoing projects and contractual commitments it may have within Afghanistan.

Proposals with the most convincing evidence will receive the highest ratings.

**1.1.4.2 Equipment Resources.** The Government will evaluate the adequacy of the offeror's equipment resources to successfully complete the project.

Proposals will also address how the offeror will have adequate equipment for the project described in this RFP in light of any other ongoing projects and contractual commitments it may have within Afghanistan.

Proposals with the most convincing evidence will receive the highest ratings.

**1.2 Format.** Proposal will be evaluated based on adherence to format requirements of Section 00110, Proposal Preparation.

### **1.3 Notes**

**1.3.1 Joint Ventures and Teaming Arrangements.** Any contractors submitted in the proposal as part of a joint venture must submit a legally binding joint venture agreement. The Government will not evaluate the capability of any contractors that are not included in the joint venture agreement. Joint ventures must include a copy of the legal joint venture signed by an authorized officer from each of the firms comprising the joint venture with the chief executive of each entity identified and a translation in English, if the original agreement is in a language other than English. Incomplete evidence of a joint venture results will not be considered.

If submitting a proposal as a Joint Venture, the experience, past performance, management plan and equipment submittal of each of the Joint Venture Partners can be submitted for the Joint Venture Entity. The experience for each Joint Venture Partner will be considered the experience of the Joint Venture entity.

The proposal may receive a higher rating if the proposal contains evidence of the Joint Venture Entity working successfully together previously on relevant projects.

**1.3.2 Credit For Others.** If an Offeror wishes to be credited with a subcontractor or supplier, i.e. a firm that is not the prime contractor or part of the joint venture, a letter of commitment signed by the subcontractor must be submitted. The commitment letter must be submitted even if the firm is in some way related to a joint venture partner (for example, the subcontractor is a subsidiary of a joint venture partner, or a subsidiary of a firm to which the joint venture partner is also a subsidiary). In regard to the Experience and Past Performance factors, if an Offeror submits projects demonstrating experience in one of the factors or sub-factors, and that project was completed by a subcontractor, a subsidiary, or a supplier, as opposed to the prime or one of the joint venture partners, the Offeror MUST submit a signed letter of commitment from the contractor who performed and completed the work. If a letter of commitment is not submitted, the experience will not be considered.

**2. VOLUME II - PRICE PROPOSAL PREPARATION.** The Government will evaluate whether the Volume II price proposals are complete and reasonable. The price proposals will not be assigned adjective ratings but will be assigned a confidence/risk rating. The government will evaluate the proposed pricing and supporting information [what supporting information are we requesting? Where is this requested?] to determine the reasonableness and completeness of the proposed price.

### **C. METHOD OF PROPOSAL EVALUATION**

**C.1** Proposals will be reviewed to determine if they contain the required minimum procurement and technical data [what data are we referring to here?]. Incomplete proposals may be eliminated. All forms shall be filled in and all requested data must be provided.

**C.2** After the compliance review, the SSEB will begin evaluation and scoring the factors and sub-factors set forth herein. The Price proposal information will be evaluated (not scored) with regard to reasonable and complete pricing and associated risks.

**C.3** If necessary, a competitive range may be determined. The competitive range will consist of all proposals which are considered to have a reasonable chance of being selected for award. However, the offeror is reminded that the Government intends to award without discussions and that their best offer should be provided with the initial proposal. After the determination of the competitive range, written and/or oral discussions may be conducted with all offerors within the competitive range. Upon completion of written and/or oral discussions, Final Proposal Revision will be requested.

**C.4** The Government may reject any or all proposals and waive minor informalities or minor irregularities in proposals.

**D. SELECTION and AWARD.** Award will be made to the offeror that, in the judgment of the Contracting Officer, provides the best combination of management and technical capability and reasonable cost. The Government reserves the right to make award to other than the lowest cost offeror, price and other factors considered under the provision of "best value" to the Government.

-- End of Section -