AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT

1. CONTRACT ID CODE	PAGE OF PAGES
	1 | 7

2. AMENDMENT/MODIFICATION NO.	3. EFFECTIVE DATE	4. REQUISITION/PURCHASE REQ. NO.	5. PROJECT NO.(If applicable)
0002	12-Jun-2009		Sarobi to Khenj Kot

6. ISSUED BY	CODE W917PM	7. ADMINISTERED BY (If other than item 6)	CODE
AFGHANISTAN ENGINEER DISTRICT US ARMY CORPS OF ENGINEERS KABUL APO AE 09356		See Item 6	

8. NAME AND ADDRESS OF CONTRACTOR (No., Street, County, State and Zip Code)			
		X	9A. AMENDMENT OF SOLICITATION NO. W917PM-09-R-0022
		X	9B. DATED (SEE ITEM 11) 24-May-2009
			10A. MOD. OF CONTRACT/ORDER NO.
			10B. DATED (SEE ITEM 13)
CODE	FACILITY CODE		

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

[X] The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offer [ ] is extended, [X] 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 1 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 [ ] 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.)

Project: Sarobi to Khenj Kot

The purpose of this amendment is to provide the Questions and Answers from the pre-proposal conference.
Request for Proposal Date of 27 June 2009 remains unchanged.

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 (Signature of person authorized to sign)	15C. DATE SIGNED	16B. UNITED STATES OF AMERICA BY (Signature of Contracting Officer)	16C. DATE SIGNED 12-Jun-2009

SECTION SF 30 BLOCK 14 CONTINUATION PAGE

SUMMARY OF CHANGES

SECTION 00010 - SOLICITATION CONTRACT FORM

The Issued By organization has changed from
US ARMY CORPS OF ENGINEERS-CETAC-CT
TRANSATLANTIC PROG. CNTR, CETAC-CT
PO BOX 2250
WINCHESTER VA 22604-1450
to
AFGHANISTAN ENGINEER DISTRICT
US ARMY CORPS OF ENGINEERS
KABUL
APO AE 09356

The following have been added by full text:
ATTACHMENT 1

Pre-proposal Conference – 7 June 2009
Solicitation W917PM-09-R-0021
Solicitation W917PM-09-R-0022
Response to Questions
9 June 2009

The following responses are provided to questions which were submitted prior to and during the Pre-proposal Conference, which was held 7 June 2009 for the subject solicitations.

Question 1. I have been told that one or both of these projects were started earlier and were halted due to security reasons. Mainly attacks on the contractors performing the work? Do you have verification if this is accurate information and/or any details if in fact it is accurate? Such as the time frame etc.

Response1: There have been no contracts previously issued for these roads. Both projects had Advance Notices publicized in the Fall of 2008; however, the solicitations were never advertised. The project was placed on hold to reassess route priorities and to reconfigure the number of contracts that would be solicited.

Question 2. Has any work been done previously on the proposed routing corridor? Such as mass excavation clearing of the proposed right of way corridor in which the road will be placed?

Response 2: The Afghanistan Engineer District (AED) has no knowledge of any previous work on the road right-of-way.

Question 3. Is there any information available as to the existing topography on the proposed routing corridor? My main concern is our ability to determine an accurate estimate, for bidding purposes, of the mass excavation required to prepare the sub-grade elevation which will ultimately be designed. As well, any information which would assist in determining culvert/drainage structures, retaining-sidewalls etc. so that we may be able to make an initial estimate based upon "sound data".

Response 3: AED has no mapping to provide for either solicitation. As stated in the solicitations for each project, and as discussed during the 7 June 2009 Pre-proposal Conference, this is a Design-Build contract, where the Contractor is responsible for verifying information and quantities before bidding this project. The Contractor is also responsible for locating the proposed roadway alignment between the beginning and ending point, as stated in either solicitation, and shall develop the roadway design generally based upon the existing roadway

alignment, adjusting to meet design standards. Please refer to Section 01010 and Section 01015 for structure design requirements.

Question 4. Are there any aerial overlays that may reflect the proposed routing, such a Google earth etc., that we may be able to review and get some idea as to the existing topography within the proposed corridor routing?

Response 4: AED cannot guarantee such, but it may be possible to discern the route by use of Google Earth or another resource. There is an existing 'roadway' for either solicitation, which, given the resolution of the mapping from the source that you access, may be visible.

Question 5. Please add the site plan of both projects at the AED site.

Response 5: Both solicitations were checked on the Fed Biz Ops site, and the project location maps had been included. For your convenience, the maps are attached with this response. The solicitations are available at the following locations:

Sarobi to Maraw Kot:
https://www.fbo.gov/?s=opportunity&mode=form&id=726a96687d00ff64409f95ea01fa0490&tab=core&_cview=1

Sarobi to Khenj Kot:
https://www.fbo.gov/?s=opportunity&mode=form&id=70c1315ee2dbd684784c3f5a5fc2dc95&tab=core&_cview=1

Question 6. You write specification in the scope of work of 90km per hour. The width of road is 6 meters; from one hand the region is mountainous. What should we do and design in this case?

Response 6: The 90km per hour design would not apply for mountainous areas. That speed is applicable for flat to slightly rolling terrain. We do not intend for this design speed to be applied to mountainous areas, for this could require extensive excavation or fill. Additionally, this design speed would not apply through villages due to safety concerns. Use the road standards cited in the solicitation for guidance regarding applicable design speed for various terrain and locations. As noted in the Specifications, Section 01010, PART 1, *"The contractor shall develop the proposed roadway alignment and survey generally based upon existing roadway alignment, adjusting the alignment and profile to meet applicable design standards"*.

Question 7. Is a Contractor disqualified if their bid price is under the $25M minimum range?

Response 7: No. Award shall be made to the Contractor who provides the *Best Value* to the Government. The Best Value process involves a combination of Technical Capability and Price. All of the Technical Evaluation Factors (the five factors presented in Section 00110 of the solicitation), when combined, are more important than price. So, an award could be made for

less than $25M if the Contractor rates very high in the Technical Evaluation Factors, and when combined with their proposed price, they provide the *Best Value* to the Government.

Question 8. If the situation gets worse because of security and the Contractor loses more than 20 or 30 people in the project area, what is your policy? Does the Contractor have to complete the project? Is there any compensation?

Response 8: It is stressed that per Section 01010, Paragraph 3.1.C of the specifications, the Contractor assumes all risks associated with the project and is solely responsible for all aspects of security protection. The Contractor must assess the security situation to the best of their abilities so that they can provide sufficient security for all aspects of field activities. Contractors are urged to keep abreast of changes in the security condition, and are encouraged to meet with and coordinate their security plans with the local villagers, Afghan National Police and Army, Provisional Reconstruction teams (PRT) and Task Forces to gain as much support as possible. AED is sympathetic for any losses that a Contractor might suffer; however, contractors must make sure they purchase Defense Base Act insurance and the Contractor must do their best to comply with contract requirements and complete the road construction.

Question 9. (1) Do we need the initial survey and site pictures for these proposals?
(2) What about the road survey data; do we need that for the initial design?

Response 9 :
(1) You do not need the initial survey and site pictures for the proposals. However, as stressed during the Pre-proposal Conference, being a Design-Build contract, the Contractor is responsible for verifying information and quantities before bidding this project. Therefore, you need to do what you feel is necessary to gather data to prepare your Price Proposal. This may be via a site visit, review of aerial photography, etc.
(2) Road survey data will be required following Award of either solicitation to meet the Design Submittal requirements. For further information regarding the survey data requirements (following contract Award), please refer to Section 00150, Paragraph 2.B.2. 15% Survey, Section 01010, PART 3, Phase 1 and Section 01015, Paragraph 3.6. SURVEY.

Question 10. (1) What about weather delays?
(2) Is it possible that you could give these two projects to one company?

Response 10:
(1) Delays due to *unusually severe weather* are addressed in Section 01060, Paragraph 1.14.C. Time Extensions. Any delays due to unusually severe weather would have to be in excess of those anticipated in Paragraph 1.14.B of Section 01060. Extensions that may be granted due to unusually severe weather are <u>time only</u>, no monetary compensation is provided.
(2) Yes, it is possible that one company could be awarded both projects. Award of either solicitation is based upon the *Best Value* process. Therefore, if following evaluation of the

Technical and Price Proposals, one company provides the Best Value to the Government, for both solicitations, they would be awarded both contracts.

Question 11. (1) Who is responsible to ensure that the 6 meter right-of-way is free from encroachments by existing structures, such as homes or government buildings?

(2) If an encroachment exists and payment of any kind is required to the land owner to remove it, who is liable to make the payment?

Response 11:
(1) The Contractor is responsible to ensure that the road right-of-way is either free from obstructions or that the road alignment is adjusted to avoid such encroachments. The Government is not involved in obtaining real estate or right-of-way.
(2) The Contractor is responsible to make any payments or restitution to landowners for removal of any obstructions or acquisition of any real estate that may be required to construct either road.

Question 12. Was this project (0021) awarded before to Nazary Construction Company?

Response 12: No; no contracts have been previously awarded for these roads. Please see response to Question No. 1.

Question 13. Do both Solicitations R-0021 and R -0022 have an existing road or path in place for the entire route, including the seven (7), 6km options?

Response 13: Yes, there is an existing road or path that covers the entire route, including the seven 6km options that are under Solicitation R-0022. Please refer to Specifications, Section 01015, Paragraph 3.3. Current Conditions, which states "*Portions of the subject roadway have been reconstructed from an unimproved dirt trail which ranges from 2m to 7m in width with an improved gravel surface that is in poor condition*". The final road alignments shall depend upon design in accordance with the Ministry of Rural Rehabilitation and Development (MRRD) "Standard Drawings" Ministry of Public Works (MPW), "Islam Republic of Afghanistan Ministry of Public Works Interim Road and Highway Standards" dated 21 March 2005 or latest edition, and the requirements as stated in the Specifications. As such, the existing road alignments may require adjustments. The road alignments will be received at the 15% Design submittal and adjustments may be required at that time to receive AED approval to proceed to the 65% Design submittal.

Question 14: In the proposal schedule for Solicitation R-0022, there are 7 Options, but there are no CLINS for each for design, survey, Mobilization /Demobilization . And DBA insurance, are we to put the costs in the base?

Response 14: The Base Contract only includes the separate CLINs for survey, design, mob/demob and DBA insurance, as they apply to the Base Contract alone. The incremental

costs for Survey, Design, Mob/Demob and DBA Insurance should be applied to EACH Option; there are no separate CLINs for these items in the Options.

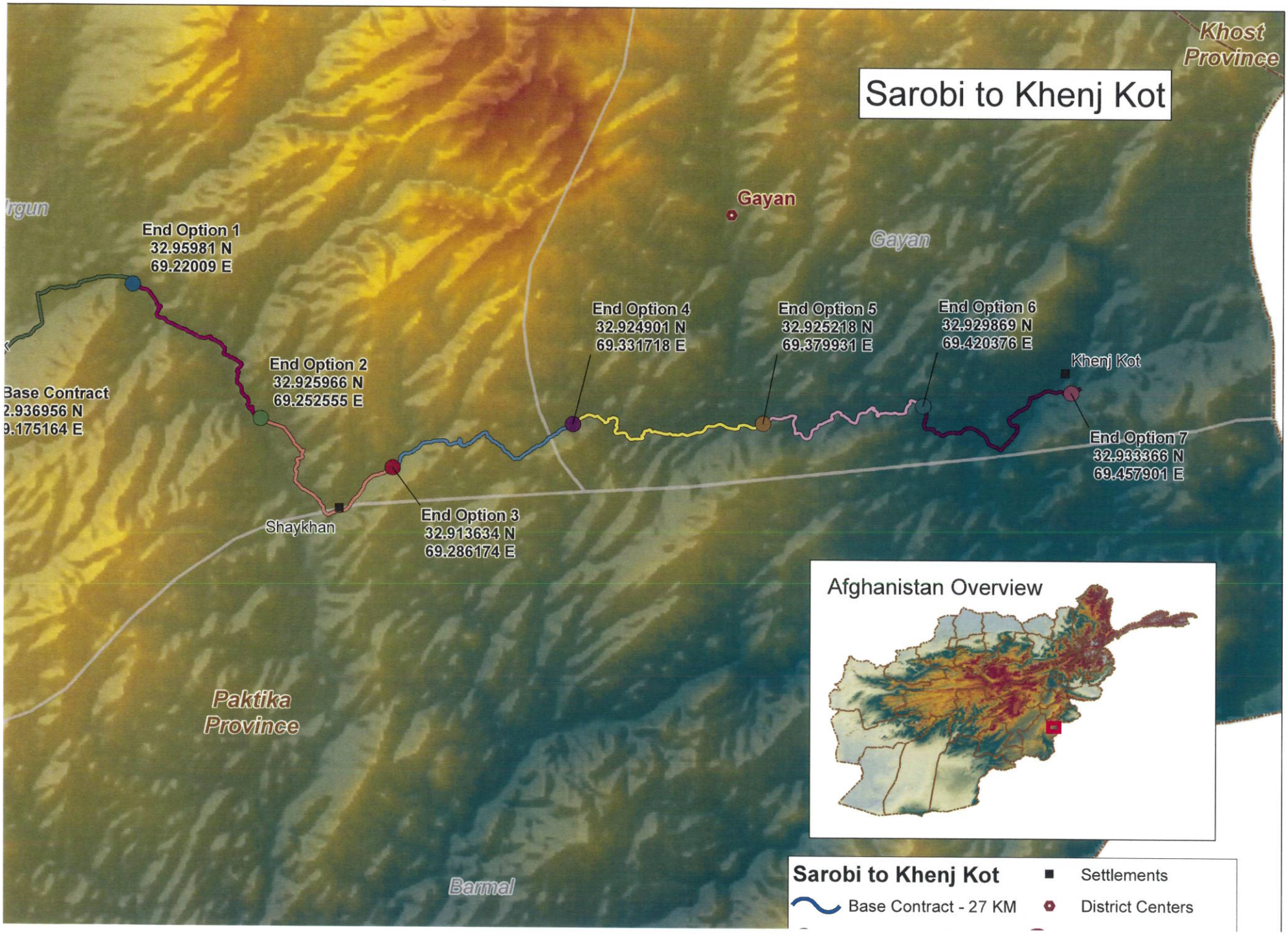
Question 15: As described by the Specifications, The road length is approx. 30 Km long. Along route of the road, some parts may have soft ground base, some parts may have hard soil ground and some parts may be rocky ground base. As the cost for doing road construction differ a lot on different type of existing ground conditions, we think that contractor has to know the amount of different existing road base condition (percentage) in order to come up with reasonable and realistic cost for the project. Otherwise, one tends to assume worse existing road base conditions and this will increase the proposal cost tremendously. Please advise.

Response 15: As noted in Section 01015, Paragraph 3.3 of the RFP, the current condition of the road is an improved gravel surface in poor condition. AED has not determined the percentage of different road base conditions. Per Section 01010, Paragraph 3.1, the Contractor is responsible for verifying information and quantities before bidding this project and shall design and construct the new road as specified in this RFP. Therefore, it is incumbent upon Contractors to perform a site visit to gather site information and use their judgment in determining road construction requirements.

Question 16: We think that it is within the best interest both for Contractor and U.S. Government in order to safely and successfully perform and complete the work. Therefore, in order to come up with security measures and security plans one has to know how much risky the area is and how high be the level of threats within the area. Please advise.

Response 16: The security threat in the area has not been assessed. Per Section 01010, Paragraph 3.1.C of the RFP, Contractors assume all risks associated with the project and must take into consideration all risks associated with threats throughout the region to determine security requirements. Contractors are encouraged to contact local Afghan National Police, Afghan National Army, Provisional Reconstruction Team or Coalition Forces to determine and coordinate security requirements for this project. Additionally, reference is made to Section 01010, Paragraph 1.2, Community Relations Plan. Community relations are considered an integral part of project security.

(End of Summary of Changes)


Sarobi to Khenj Kot
Khost Province
Gayan
Gayan
End Option 1
32.95981 N
69.22009 E
End Option 2
32.925966 N
69.252555 E
End Option 3
32.913634 N
69.286174 E
End Option 4
32.924901 N
69.331718 E
End Option 5
32.925218 N
69.379931 E
End Option 6
32.929869 N
69.420376 E
End Option 7
32.933366 N
69.457901 E
Khenj Kot
Shaykhan
Paktika Province
Barmal
Afghanistan Overview
Sarobi to Khenj Kot
Base Contract - 27 KM
Settlements
District Centers