

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT			1. CONTRACT ID CODE	PAGE OF PAGES
2. AMENDMENT/MODIFICATION NO. 0003		3. EFFECTIVE DATE 01-Feb-2009	4. REQUISITION/PURCHASE REQ. NO.	
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) 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-0040
			X	9B. DATED (SEE ITEM 11) 13-Jan-2009
				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.				
<p>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:</p> <p>(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 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.</p>				
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.)				
A. The purpose of this Amendment is to make changes to Section 00120, Paragraph B.2. See revision in the attached Section 00120.				
B. The proposal due date of 12 February 2009, 5:00PM Kabul Time 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	15C. DATE SIGNED	16B. UNITED STATES OF AMERICA		16C. DATE SIGNED
_____ (Signature of person authorized to sign)		BY _____ (Signature of Contracting Officer)		31-Jan-2009

SECTION SF 30 BLOCK 14 CONTINUATION PAGE

SUMMARY OF CHANGES

SECTION 00100 - BIDDING SCHEDULE/INSTRUCTIONS TO BIDDERS

The following have been modified:

SECTION 00120

SECTION 00120

PROPOSAL EVALUATION AND CONTRACT AWARD

A. BASIS FOR AWARD and prerequisite

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 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 Order of Importance - Volume I (Management Technical). ~~Factors are listed in order of importance, with the Contractors Project Experience the most important factor. Factor 2—Project Management Plan and Security Plan is the most important factor. Factor 1—Experience, Factor 3—Personnel and Resources and Factor 4—Past Evaluations/Performance are of equal importance to each other. All non-price /technical factors will be treated equally.~~ There are no sub-factors under each factor. The four factors will be evaluated and assigned merit ratings using the adjectives of excellent (E), good (G), satisfactory (S), marginal (M), and unsatisfactory (U). Proposals that are determined to be non-responsive (lacking in mandatory information) will be determined to be unacceptable. The non-pricing Volumes (I, Management-Technical) taken together are significantly more important compared to the pricing factor (Volume II) in the evaluation and selection process.

1.0 VOLUME 1 – MANAGEMENT-TECHNICAL PROPOSAL EVALUATION CRITERIA**1.1 CONTENT****1.1.1 Factor 1 – Experience**

The Government will evaluate the 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's experience with similar 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 projects. Offerors must provide a list three (3) projects valued at over \$1,000,000.00. Offerors with experience on same/similar relevant

projects (type of services, similar dollar value, complexity, USACE design / construction requirements, and applicable quality standards) will receive a higher rating than those with dissimilar or non-relevant projects. The list of projects shall include the information required by Template 1. Offerors that fail to provide the required number of responsive, complete and accurate information regarding their experience may be considered non-responsive and not considered for award.

1.1.2 Factor 2 – Project Management and Security Plan

The Government will initially evaluate and rate the Project Management and Security Plan for responsiveness and completeness in accordance with Template 2 in Section 00110. Offeror's proposals that fail to address all of the subjects identified in Template 2 may be considered non-responsive and not considered for award.

The Government will evaluate the Project Management and Security Plan by applying the following standards or criteria to the subjects identified in Template 2 of Section 00110:

- * Did the Offeror identify and demonstrate a thorough understanding of the conditions, challenges, issues, and time constraints pertinent to performance of this contract.
- * Did the Offeror provide realistic solutions or alternatives to the conditions, challenges, issues and time constraints that they identified.
- * Was the Offeror's action plan feasible, viable, clear and demonstrate a commitment that would ensure successful execution of the Project Management Plan and Security Plan.

The offeror who identifies all the relevant conditions, challenges, issues or time constraints and provides the most specific and compelling solutions or alternatives that are most likely to ensure successful contract completion will receive the highest ratings.

The Offeror's commitments provided in the Project Management and Security Plan will be used as the basis for agreements between the government and the awardee. The government intends to enforce the agreement based on the awardee's Project Management and Security Plan and evaluate the contractor's performance accordingly.

1.1.3 Factor 3 – Personnel and Resources

1.1.3.1 Personnel

The Government will initially evaluate the qualifications and experience of the contractor's and the designer's key personnel for this project in accordance with the requirements outlined in Template 3 in Section 00110. Contractor personnel with experience working on similar projects (type of construction, dollar value, design-build method, complexity) will receive a higher rating than those with dissimilar or non-relevant project experience.

Contractor's use of other workers will be evaluated, with greater credit being given for Afghan workers unless logistics of using foreign workers is fully detailed.

Proposals will also be evaluated by how completely the offeror addresses how they 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 complete and detailed submissions will receive the highest ratings.

1.1.3.2 Resources

The Government will initially evaluate the proposal for compliance with the minimum requirements of this solicitation. Offeror's proposals that fail to address all of the subjects identified in Section 00110, Paragraph 1.1.3.5

may be considered non-responsive and not considered for award. In order to receive a satisfactory rating for this factor, the Offeror must meet the following requirements:

- * The Offeror submitted a list of ALL current ongoing contracts or projects.
- * The list included the contract number, contract amount, original contract completion date, current official contract completion date, and the current progress.
- * The Offeror identified the key personnel assigned to each of those projects delineated in **Paragraph 2.1.3.2. of Section 00110.**

FACTOR 3 – PERSONNEL for each of the current contracts or projects.

- * The Offeror provided a narrative that satisfactorily explains how award of this contract will not adversely affect any current contracts or projects.
- * The Offeror provided a narrative that satisfactorily explains how the current contracts or projects will not adversely affect this contract if it is awarded to the contractor.
- * The Offeror provided a narrative that satisfactorily explains how they are going to assume the responsibility for this additional contract or project as well as an explanation of the resources they will use on this contract without adversely affecting current contract or projects.
- * The contractor's responses will be evaluated to determine if the contractor has additional capacity to handle the project.

The Government will evaluate the adequacy of the Offeror's resources to successfully complete the project based on the completeness and realism of their narrative responses to the issues identified by this factor.

Proposals with the most complete and detailed submissions will receive the highest ratings.

1.1.4 Factor 4 – Past Evaluations/Performance

In order to be considered responsive to this factor, the Offeror must submit "Experience Information" forms for all the projects listed under Factor 1 – Experience, attached at the end of Section 00110, in response to Factor 1- Experience. All blocks must be filled in and all data should be accurate, current, and complete.

- * The Government will evaluate past performance information to assess the level of performance risk associated with the Offeror's likelihood of success in performing the requirements stated in the solicitation.
- * The currency and relevance of the information (as determined by the Government), the source of the information, context of the data, and general trends in the contractor's performance may be considered.
- * Information submitted by the Offeror pertaining to recent, relevant contracts will be evaluated as well as data obtained from other sources, including automated databases and questionnaires.
- * References other than those identified by the Offeror may be contacted by the Government . The Government may take into consideration the Offeror's performance of contracts with the agency; other Federal, State, and local government activities; and commercial concerns. The result will be a performance risk rating based on each Offeror's record of past performance.

For the purpose of the past performance evaluation, offerors shall be defined as business arrangements and relationships, such as Joint Venture participants, teaming partners, and major subcontractors. The past performance record of each firm in the business arrangement may be evaluated by the Government.

In the case of an Offeror without a record of recent, relevant past performance (and for which there is also no recent, relevant past performance information for its predecessor companies or key subcontractors), or for whom information on past performance is not available or cannot be verified, the Offeror will not be evaluated favorably or unfavorably on past performance. A neutral rating will be assigned. This does not preclude the Government from

making award to a higher-priced Offeror with a favorable past performance record over a lower-priced Offeror with a neutral past performance rating.

1.2 Format

Proposal will be evaluated based on adherence to the 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.

2.0 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 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 as required by sections 00110 and 00120. 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 based upon irregularities in the proposal or 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 --

(End of Summary of Changes)