

<b>AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT</b>			1. CONTRACT ID CODE	PAGE OF PAGES 1   3	
2. AMENDMENT/MODIFICATION NO. 0002		3. EFFECTIVE DATE May 7, 2009	4. REQUISITION/PURCHASE REQ. NO.		5. PROJECT NO. (If applicable)
6. ISSUED BY DEFENSE ENERGY SUPPORT CENTER (DESC-MK) BLDG 1621 1014 Billy Mitchell Blvd. San Antonio, TX 78226 Contract Specialist: Kearne Anderson (210) 925-2111		CODE SP0600	7. ADMINISTERED BY (If other than Item 6) SAME AS BLOCK 6		CODE SP0600
8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code)			(X)	9A. AMENDMENT OF SOLICITATION NO. SP0600-09-R-0304	
			<input checked="" type="checkbox"/>	9B. DATED (SEE ITEM 11) Jan 14, 2009	
				10A. MODIFICATION OF CONTRACT/ORDER NO.	
			<input type="checkbox"/>	10B. DATED (SEE ITEM 13)	
CODE		FACILITY CODE			

**11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS**

The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers  is extended,  is not extended.

Offers 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 your 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 ONLY APPLIES TO MODIFICATION OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.**

CHECK ONE	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.
<input type="checkbox"/>	
<input type="checkbox"/>	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).
<input type="checkbox"/>	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:
<input type="checkbox"/>	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.)

SEE PAGE 2

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)	
		BRADLEY W. STATON	
15B. CONTRACTOR/OFFEROR	15C. DATE SIGNED	16B. UNITED STATES OF AMERICA	16C. DATE SIGNED
(Signature of person authorized to sign)		(Signature of Contracting Officer)	

A. The purpose of this amendment is to correct Provision M 2.14 EVALUATION – COMMERCIAL ITEMS (AEROSPACE ENERGY) (DESC OCT 2008). Specifically, block (e) (5) of M2.14 is checked and CLIN 0002 and 0004 added to the fill-in the blank of paragraph (e) (5).

B. As a result of the correction, the version of M 2.14 EVALUATION – COMMERCIAL ITEMS (AEROSPACE ENERGY) (DESC OCT 2008) contained in the original solicitation is hereby removed in its entirety and replaced with the revised M 2.14 EVALUATION – COMMERCIAL ITEMS (AEROSPACE ENERGY) (DESC OCT 2008) shown as full text below.

**M2.14 EVALUATION – COMMERCIAL ITEMS (AEROSPACE ENERGY) (DESC OCT 2008)**

(a) Award will be made on the basis of proposals meeting or exceeding the specific evaluation criteria contained in the solicitation. Non-cost factors to be evaluated shall be technical capability and past performance. In accordance with FAR 15.101-2(b)(3), proposals will be evaluated for acceptability but not ranked using the non-cost/price factors.

(b) Technical capability will be measured against requirements specified in the solicitation. As such, technical capability is considered acceptable when the offeror's proposal is in compliance with the requirements of the solicitation. Specific criteria used to judge acceptability are as follows and apply ONLY if the applicable box is checked:

(1) Acceptability of the narrative describing how the offeror will ensure a reliable supply of on-spec product and/or services to meet the annual estimated quantities in the RFP's Schedule.

(2) Acceptability of the narrative describing any Contractor-furnished equipment at a location other than the Contractor's facility (e.g., on Government property).

(3) Acceptability of method for securing delivery container and/or cargo tank openings with indicating devices (i.e., seals) to prevent tampering and/or pilferage from the time the cargo tank is loaded until it is delivered to its destination.

(4) Acceptability of the offeror's description of where the product(s) will be obtained and any written supply commitments if the offeror is not the producer of the product to be delivered under the contract.

(5) This paragraph describes additional criteria used to evaluate technical capability not described in the above paragraphs, if applicable.

---

N/A

---

---

(c) Past performance shall generally include verification of performance with the offeror's past and current customers, to include Federal, State, and local governments as well as private entities. The form entitled Contractor Performance Data Sheet, located in Section J of the solicitation, may be used to provide relevant performance history pursuant to this solicitation. In accordance with FAR 15.305(a)(2)(iv), offerors without a record of relevant past performance or for whom information on past performance is not available may not be evaluated favorably or unfavorably on past performance. Additionally, past performance data may be obtained through the Past Performance Information Retrieval System, similar systems or other Government departments and agencies, questionnaires tailored to the circumstances of this acquisition, Defense Contract Management Agency channels, interviews with program managers and contracting officers, and other sources known to the Government (including commercial sources). Offerors will be given the opportunity to address any negative performance information resulting from the past performance assessment inquiries.

(d) An offeror whose proposal is evaluated as acceptable from both a technical capability perspective as well as for past performance will be considered technically acceptable.

(e) After evaluating technical capability and past performance, the Contracting Officer will award based on the following price evaluation procedure(s) and only apply if the applicable box is checked:

(1) **For F.O.B. Origin product CLINs.** For price evaluation purposes, the evaluated price of each CLIN or subCLIN for product (AA through \_\_\_\_ ) [Buyer fill in the CLIN(s)] to be delivered on an f.o.b. origin basis will be calculated by multiplying the estimated quantity by the proposed unit price of the product. To each CLIN/subCLIN, the Government will add as an "other price-related factor," the Government's estimated costs for transporting the product from the offeror's proposed fill plant, production facility, and/or storage facility, as stated in the offeror's proposal, to the individual customer locations designated in an attachment to the solicitation. The estimated number of shipments shown in the attachment will also apply. The lowest laid down price is calculated by adding the sum of the evaluated prices for each CLIN/subCLIN to the Government's total estimated cost for transportation and the total of all "other price related factors", if any, as described in the paragraph below. Transportation rates are derived from--

(i) For CONUS locations, the Surface Deployment and Distribution Command's (SDDC's) competitively awarded contracts will be used.

(ii) For OCONUS locations, the Government rates for both air and sea transportation will be taken from the DoD's Single Mobility System (SMS) Air Cargo/PAX Cost Calculator.

(2) **For F.O.B. Destination product CLINs.** For price evaluation purposes, the evaluated price of each CLIN or subCLIN for product **(0001)** will be calculated by multiplying the estimated quantity by the proposed unit price of the product(s), which should include all costs associated with the offeror's delivery of product to the location specified in the Schedule. F.o.b. destination CLINs are normally individual DESC customer locations, unless otherwise specified.

(3) **Non-product CLINs/subCLINs.** For price evaluation purposes, the following non-product CLINs/subCLINs will be evaluated for award: **(0003)**. Each non-product CLIN/subCLIN's evaluated price will be calculated by multiplying the estimated quantity by the offered unit price. Offerors who do not propose on all non-product CLINs and subCLINs stated in the Schedule (where one award will be made), or where a group of CLINs/subCLINs will be evaluated for award, or where the Schedule contains specific customer locations to be evaluated and awarded, may not be considered for evaluation and award unless the offeror proposes prices on all applicable CLINs/subCLINs.

(4) This paragraph describes the evaluation process for product or non-product CLINs/subCLINs or additional "other price related factors" not otherwise described in any of the above paragraphs, if applicable. *[Buyer fill in information or indicate N/A.]*

---

---

---

(5) The offered prices for the following CLINs/subCLINs will not be included in the evaluation for award, but will be evaluated for price reasonableness and included as a CLIN/subCLIN in each contract award: **0002 & 0004.**

(6) **Lowest Total Evaluated Price for F.O.B. Origin Requirements.** If Schedule B includes both f.o.b. origin product CLINs as well as non-product CLINs that are to be evaluated in accordance with this provision, the evaluated prices for all the non-product CLINs will be added to the lowest laid down price of all the product CLINs that are otherwise designated as one group, such as in a region, to determine the lowest total evaluated price. Otherwise, only the product CLINs (or those applicable to the designated group) will be added to determine the lowest total evaluated price. If no region or group is designated in the Schedule, all the evaluated prices of all the CLINs in the solicitation will be added together for determination of the lowest total evaluated price.

(7) **Lowest Total Evaluated Price for F.O.B. Destination Requirements.** If Schedule B includes both f.o.b. destination product CLINs as well as non-product CLINs that are to be evaluated in accordance with this provision, the evaluated prices for all the non-product CLINs will be added to the evaluated price(s) of the applicable f.o.b. destination product CLINs to determine the lowest total evaluated price. Otherwise, only the product CLINs applicable to the group or designated customer location will be added to determine the lowest total evaluated price. Where more than one customer location is contained in the Schedule, the lowest total evaluated price shall be all product CLINs and non-product CLINs for a specific customer location, added together.

(8) If Schedule B is for services only and as such does not include any product CLINs, the total evaluated price will be the total of the evaluated prices for all the services CLINs, as designated in paragraph (e)(3) above.

(f) If options are included, the Government will evaluate offered prices by using the same price evaluation procedures as described above, except, as follows: *[Buyer fill in or indicate N/A.]* \_\_\_\_\_

The Government may determine that an offered price under an option CLIN is unacceptable if the option prices are significantly unbalanced. Evaluation of options shall not obligate the Government to exercise the option(s).

(g) **BASIS FOR AWARD.** The Contracting Officer will award to the responsible, technically acceptable offeror with the lowest total evaluated price for the designated group of CLINs and/or customer locations, including options, if contained in the solicitation. If group(s) of CLINs or individual customer locations are not otherwise designated in the Schedule, only one contract will be awarded for all the CLINs specified in the Schedule. Where the Government is soliciting for a group of CLINs, such as on a regional basis, as well as for individual customer locations on a f.o.b. destination basis, more than one contract award may be made as price evaluation and award will be made on a customer location by customer location basis.

(h) A written notice of award or acceptance of offer, mailed or otherwise furnished to the successful offeror within the time for acceptance specified in the offer, shall result in a binding contract without further action by either party. Before the offer's specified expiration time, the Government may accept an offer (or part of an offer), whether or not there are negotiations after its receipt, unless a written notice of withdrawal is received before award.

(DESC 52.212-9F70)

C. The period for initial offers is hereby extended to Thursday, May, 14, 2009 at 2:00pm CDT. Offerors who have previously submitted an initial offer do not have to re-submit their initial offer, however, receipt must be acknowledged in accordance to Block 11.