

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT				1. CONTRACT ID CODE	PAGE	OF	PAGES
2. AMENDMENT/MODIFICATION NO.		3. EFFECTIVE DATE	4. REQUISITION/PURCHASE REQ. NO.		5. PROJECT NO. (If applicable)		
6. ISSUED BY		CODE	7. ADMINISTERED BY (If other than Item 6)		CODE		
8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code)				(X)	9A. AMENDMENT OF SOLICITATION NO.		
					9B. DATED (SEE ITEM 11)		
					10A. MODIFICATION OF CONTRACT/ORDER NO.		
					10B. DATED (SEE ITEM 11)		
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 _____ 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.
	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.)

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

NOTICE TO BIDDERS

CONTRACT FORMAT:

Offerors should note that the format of this contract is in accordance with Federal Acquisition Regulations (FAR), promulgated by the General Services Administration (GSA), effective April 1, 1984, including all applicable revisions. Applicable FAR provisions and clauses are incorporated in this contract by reference or full text as indicated in the INDEX before the D-page in this booklet. FAR provisions and clauses incorporated by reference can be accessed on the Internet on the GSA website at www.arnet.gov/far/. Offerors are encouraged to review the documents thoroughly before bidding.

PROPOSAL BOOKLET AND OFFER SUBMITTAL:

It is the responsibility of the Offeror to verify that this proposal is complete as listed in the Table of Contents. The Offeror is responsible for submitting all required forms and documents with the offer. Offerors should use the Checklist for Bid Submittal included in this booklet to check that their bids are complete.

CONSTRUCTION CONTRACTS:

As stated in FAR Clause 52.236-1, the **Contractor shall perform on the site, and with its own organization, work equivalent to at least 50%**. Additional guidance is given in FAR Subpart 35.005 where the majority of the project work is complex and specialized such as restoration work, bridge painting, and proprietary construction techniques (i.e. proprietary Cintec arch strengthening.) There are exceptions and they will be reviewed on a case-by-case basis.

HAZARDOUS MATERIALS IDENTIFICATION AND MATERIAL SAFETY DATA:

As required by FAR Clause 52.223-3, Hazardous Materials Identification and Safety Data, the apparent low Offeror must submit prior to award a Material Safety Data Sheet (MSDS's) for all hazardous materials that the Offeror identifies in paragraph (b) of this clause in the D-pages of this booklet. Failure to submit MSDS's may render the Offeror ineligible for award of contract. The apparent low Offeror should submit their MSDS's within two weeks after bid opening.

DBE PARTICIPATION/CONTRACT GOAL AND GOOD FAITH EFFORTS:

For purposes of this Contract, the DBE subcontracting goal is 20 percent of the total contract amount, as determined by the Virgin Islands Department of Public Works with the concurrence of the Contracting Officer. When the contract goal DBE participation is zero percent (0%), the contractor, if not an approved DBE, must still submit a small business subcontracting plan prior to award identifying all DBE's which the contractor intends to use on the project.

This Contract will be awarded only to the low responsive and responsible bidder who meets this goal or who demonstrates good faith efforts to do so. Failure to make a good faith effort is defined as willful or intentional failure to perform in accordance with the requirements of this Contract, or willful or intentional action to frustrate the achievement of the Subcontracting Plan, if applicable. Guidance on what constitutes good faith efforts is described in the Virgin Islands Department of Public Works' (VIDPW) approved DBE Program. Copies of the program can be obtained from the VIDPW's DBE Liaison Officer.

FINANCING ASSISTANCE: Minority, Women-owned, and Disadvantaged Business Enterprises (DBE's). The Department of Transportation (DOT) offers working capital financing assistance for transportation related contracts. DOT's Short-Term Lending Program (STLP) offers lines of credit to finance accounts receivable. Maximum line of credit is \$750,000 with interest at the prime rate. For further information, call (800) 532-1169. Internet address: <http://osdbuweb.dot.gov>.

NOTICE TO BIDDERS - (CONT'D.)

INTERNET BASED DATA BASES - REQUIRED INPUT:

According to the FAR Subpart 4.1102 contractors **MUST** be registered in Central Contractor Registration (CCR) **prior** to the award of any contract. Access the following web site to register: www.ccr.gov

According to the FAR Subpart 4.1201 contractors **MUST** complete their Online Annual Representations and Certifications Application (ORCA) **prior** to the closing date of the bid on line at <http://orca.bpn.gov/>.

According to the FAR Subpart 22.1302 (b) contractors and sub-contractors **MUST** complete the required Annual Vets-100 Form in order to be eligible for a contract award. It can be completed on-line at <http://vets100.cudenver.edu/>. **This should be completed before submitting a bid package.**

PAYMENT:

Offerors are advised to review the Federal Projects (FP) - Manual, subsection 109.05, concerning **direct** and **indirect** payment included under a pay item in the bid schedule.

PROGRESS PAYMENTS:

ALL payments will be made via Electronic Funds Transfer (EFT) as such; the payment information in the CCR must be accurate in order for contractors' invoices to be considered proper invoices for the purpose of prompt payment under DOT contracts. Contractors must input and maintain (update as necessary) their EFT information in the CCR database. Offerors are advised that under FAR Clause 52.232-5, Payments Under Fixed Price Construction Contracts, upon request, progress payments will include premiums paid by the Contractor to obtain performance and payment bonds as required under this contract. These payments shall not be made in addition to the contract price. As specified in FP Manual subsection 151 - "MOBILIZATION", payments for performance and payment bond premiums shall be included in mobilization.

WELFARE-TO-WORK INITIATIVE:

The President's Welfare Reform Bill was initiated to assist welfare recipients and hopefully aid welfare recipients to find gainful employment. In support of this bill, Contractors are encouraged to hire welfare recipients whenever possible and to use welfare recipients in performance of duties on Government contracts.

INCREASING SEAT BELT USE IN THE UNITED STATES:

The President's Executive Order 13043 dated April 16, 1997, was issued to increase the use of seat belts in the United States. In support of this Order, contractors and subcontractors are encouraged to adopt and enforce on-the-job seat belt policies for their employees when operating company-owned, rented, or personally owned vehicles.

OBTAINING BID DOCUMENTS:

Bid documents **will not be** mailed. All bid documents are available for direct download from the Federal Business Opportunities (FBO) website:

http://www.fbo.gov/spg/DOT/FHWA/71/postdatePrevDays_1.html

or the Eastern Federal Lands Highway Division website:

<http://www2.efl.fhwa.dot.gov/Documents.aspx>

Contractors are encouraged to register on the FBO website (for this specific project) in order to receive Email Notifications automatically when a document is added or updated for this specific project. All questions about this construction project must be emailed to the following address:

eflhd.contracts@fhwa.dot.gov.

NOTICE TO BIDDERS

THE CONTRACTOR IS SOLELY RESPONSIBLE FOR MONITORING THE WEB PAGES NOTED ABOVE FOR ALL CHANGES TO THE SOLICITATION AND ACTING ON SAID CHANGES.

PLEASE NOTE: for security reasons, individuals requiring access to all government buildings must present a valid photo ID and be escorted to their destination by a Government employee. All visitors attending bid openings are urged to arrive at least 1 hour prior to schedule bid opening. All visitors must register with the receptionist in Room 100. A Government employee will collect all bids. Prior to bid opening, a Government employee will escort all bidders to the bid opening. Unescorted visitors will be denied entry and no exceptions will be made.

CHECKLIST FOR BID SUBMITTAL (continuation)

1. Bid Envelope:

- a. Addressed as shown in Block 8 of Page A-1
- b. In lower left corner, indicate Solicitation No., Project Name & Number, time for Receipt of Offers and send to Mr. Aloy W. Nielsen, Deputy Commissioner of Engineering, Virgin Islands Public Works Department, 6002 Estate Anna's Hope, Christiansted, St. Croix, VI 00820-4428.

2. Standard Form 1442: Solicitation, Offer and Award (Pages A-1 and A-2)

- a. Block 14: Name and Address of Bidder.
- b. Block 15: Telephone Number of Bidder.
- c. Block 16: Remittance Address if different from Block 14.
- d. Block 19: **All** Amendments Acknowledged, with dates of Amendments.
- e. Block 20: Bid is signed and dated.

3. Bid Schedule - (Pages B-1 through B-8)

- a. Unit bid price and bid amount provided for each pay item in numbers.
- b. Corrections initialed.
- c. Price Evaluation eligibility is indicated on the Bid Summary page.

4. Disadvantaged Business Enterprise (DBE) Program Forms, to be completed within 5 business days after bid opening by the apparent low bidder.

- a. Form A-585 (Appendix A)
- b. BL-DBE Revised (Appendix B)
- c. BL-DBE Revised (Appendix C)
- d. Form (Appendix D)
- e. Form A-644 (Appendix E)

5. Standard Form 24, Bid Bond (Pages C-1 through C-2) (Required if bid guarantee is bid bond)

- a. Date executed
- b. Legal name and address of bidder.
- c. Type of organization.
- d. State of incorporation (if applicable).
- e. Name and business address of Treasury approved surety.
- f. Penal sum of bond (not less than 20% of bid total).
- g. Bid identification.
- h. Signature of Bidder
- i. Seal, if corporation
- j. Signature of Surety
- k. Seal, if corporation

BIDS RECEIVED WITHOUT A VALID BID BOND WILL BE REJECTED.

6. Power of Attorney.

- a. Dated on or before execution date of bond

CHECKLIST FOR BID SUBMITTAL (continuation)

- b. Power has original signature of surety, or is embossed with surety's seal in the certification section

BIDS RECEIVED WITHOUT A VALID POWER OF ATTORNEY WILL BE REJECTED.

7. Fill In's. The following full text Clauses and/or Provision numbers shall be checked or filled in and return with the bid package:

- a. 52.219-4 – HubZone ONLY - See Section F, Clause 52-219-4, paragraph "C", check block if wavier is applicable.

8. Bidder's Qualifications form (provided separately as part of the Bid Documents Package).

Form completed, signed and submitted with bid

9. Sub-Contracting Plan - Large Businesses Only: Submittal with the bid is not mandatory, **but it is encouraged**, as it will speed up the award process should your firm be the apparent low bid.

THE FOLLOWING THREE ITEMS ARE NOT TO BE SUBMITTED WITH THE BID; BUT FAILURE TO COMPLETE THE REQUIREMENTS WILL BE CAUSE TO REJECT THE BID.

10. Central Contractor Registration (CCR): The Contractor is currently registered in the Internet-Based CCR database at <http://www.ccr.gov>.

11. Online Representations and Certifications Application (ORCA): The Contractor's Representations and Certifications have been input online via the Internet-Based ORCA electronic database at <http://orca.bpn.gov>.

12. Vets100 Reporting: The Contractor has completed the annual Internet-Based reporting requirement online at <http://vets100>.

NOTE: THE CONTRACTOR IS FULLY RESPONSIBLE TO VERIFY THAT ALL DATA IN THE THREE DATABASES IS CORRECT EACH TIME A BID PACKAGE IS SUBMITTED. FAILURE PROPERLY INPUT AND/OR UPDATE YOUR DATA MAY CAUSE THE BID TO BE REJECTED.

VIRGIN ISLANDS DEPARTMENT OF PUBLIC WORKS
Disadvantaged Business Enterprise (DBE) Program
DBE Commitment Form – A-585
(CONTRACT GOAL FOR DBE IN HIGHWAY CONSTRUCTION)

Project Name _____

Project No. _____ Project Goal _____

DBE Subcontractor/Material Supplier _____

(Make copies and use one form for each subcontractor/or material supplier.)

Type or print legibly

Item No(s).	Description of Work (item, material, service)	Quantity	Price/Unit	Total Dollars
GRAND TOTAL				

1. Total Amount of the Bid \$ _____
2. Contractors DBE Participation* _____% Dollar Estimate & Participation: \$ _____ or _____ % of line 1
3. Contractor's DBE Liaison Officer _____

*Must equal or exceed established goal indicated above or bid may be rendered non-responsive.

I will abide by the Disadvantaged Business Enterprise (DBE) goal set forth for this project and hereby submit the names of the DBE firms that will participate in this project. Substitution(s) will not be allowed without prior submission of written justification to the DBE Program Manager for approval. I understand that failure to meet the goal may result in Liquidated Damages for the difference between the DBE goal and the actual DBE participation achieved. **The DBE should retain copies of all quotes submitted.**

This statement is my assurance that _____ agrees to comply with the requirements of the
(Name of Contractor)
contract, and the Virgin Island Department of Public Works' Disadvantaged Business Enterprise Program, and all the requirements contained therein.

Signature of Company Official

Signature of Subcontractor/Material Supplier

Date

Date

NOTICE TO CONSTRUCTION CONTRACTORS

BIDDERS LIST OF QUOTERS FOR THE DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM

In accordance with 49 CFR Part 26, the Department of Public Works will establish the Territory DBE goal using a Bidders List. The Bidders List will be a compilation of all quotes received by the Contractor during the advertising period. The Bidders List will be used to determine the relative availability of DBE's.

At the time the bid is submitted to the Contracting Officer/Department of Public Works, the Contractor shall list, on Form BL-DBE, the quotes received for the project, using additional sheets as necessary. The listing shall include EACH quoter's *name, address, telephone number, age of firm, annual gross receipts of the firm and whether the quoter is a Virgin Islands certified DBE.* **FAILURE TO COMPLY WITH THIS REQUIREMENT SHALL RENDER A BID NON-RESPONSIVE AND THE BID SHALL BE REJECTED.**

The term "quoter" shall include subcontractors and suppliers of materials with whom the Contractor contracts directly.

BIDDER/GENERAL CONTRACTOR: _____

ADDRESS: _____

TELEPHONE No.: _____ **FAX No.:** _____

PROJECT NAME: _____

LISTING OF QUOTERS

Name _____ Address _____ _____ Tel. No. _____	Age of Firm { 1-2 yrs { 3-5 yrs { 6-10 yrs { 11-15 yrs { 16 or more	Annual Gross Receipts { \$1000 to \$100,000 { \$100,000 to \$500,000 { \$500,000 to 1,000,000 { \$1,000,000 to \$5,000,000 { \$5,000,000 or more	{ DBE { Non-DBE
Name _____ Address _____ _____ Tel. No. _____	Age of Firm { 1-2 yrs { 3-5 yrs { 6-10 yrs { 11-15 yrs { 16 or more	Annual Gross Receipts { \$1000 to \$100,000 { \$100,000 to \$500,000 { \$500,000 to \$1,000,000 { \$1,000,000 to \$5,000,000 { \$5,000,000 or more	{ DBE { Non-DBE
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NOTICE TO DESIGN/OTHER CONSULTANTS

**BIDDERS LIST OF QUOTERS FOR THE
DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM**

In accordance with 49 CFR Part 26, the Department of Public Works will establish the Territory DBE goal using a Bidders List. The Bidders List will be a compilation of all quotes received by the Design/Other Consultant at the time of the proposal. The Bidders List will be used to determine the relative availability of DBE's.

At the time the proposal is submitted to the Contracting Officer/Department of Public Works, the Design/Other Consultant shall list, on Form DC-DBE, the quotes received for the project, using additional sheets as necessary. The listing shall include EACH quoter's *name, address, telephone number, age of firm, annual gross receipts of the firm and whether the quoter is a Virgin Islands certified DBE.* **FAILURE TO COMPLY WITH THIS REQUIREMENT SHALL RENDER A BID NON-RESPONSIVE AND THE BID SHALL BE REJECTED.**

The term "quoter" shall include subcontractors with whom the Design/Other Consultant contracts directly.

DESIGN/OTHER CONSULTANT: _____

ADDRESS: _____

TELEPHONE No.: _____ **FAX No.:** _____

PROJECT NAME: _____

LISTING OF QUOTERS

Name _____ Address _____ Tel. No. _____	Age of Firm { 1-2 yrs { 3-5 yrs { 6-10 yrs { 11-15 yrs { 16 or more	Annual Gross Receipts { \$1000 to \$100,000 { \$100,000 to \$500,000 { \$500,000 to 1,000,000 { \$1,000,000 to \$5,000,000 { \$5,000,000 or more	{ DBE { Non-DBE
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DC-DBE

Revised 2004

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APPENDIX C

Name _____ Address _____ Tel. No. _____	Age of Firm { 1-2 yrs { 3-5 yrs { 6-10 yrs { 11-15 yrs { 16 or more	Annual Gross Receipts { \$1000 to \$100,000 { \$100,000 to \$500,000 { \$500,000 to \$1,000,000 { \$1,000,000 to \$5,000,000 { \$5,000,000 or more	{ DBE { Non-DBE
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**VIRGIN ISLANDS
Department of Public Works
Disadvantaged Business Enterprise (DBE) Program**

CERTIFICATION OF CONSULTANT OR OFFEROR FOR DBE ANNUAL STATE GOAL

I Hereby certify that I am the _____ and duly authorized
(Title)
representative of _____, whose address is
(Firm)
_____, and acknowledge and certify as follows:

- (a) Understand that the Virgin Islands Department of Public Works Disadvantaged Business Enterprise (DBE) Program has an annual state goal, which this firm will seek to attain according to the DBE Program provisions.
- (b) Agreed, as an express or implied condition for obtaining the contract, to comply by the provisions of Title 49 Code of the Federal Regulation Part 26 as it pertains to Disadvantaged Business Enterprise Program.

Except as here expressly stated (if any):

I acknowledge that this certificate is to be furnished to the Virgin Islands Department of Public Works DBE Program Office, and the Federal Highway Administration, (if applicable), in connection with this contract involving participation of Federal-Aid highway funds (if applicable), and is subject to applicable State and Federal laws, both criminal and civil (if applicable).

Date

Name

VIRGIN ISLANDS
 Department of Public Works

MONTHLY PRIME CONTRACTOR OR PRIME CONSULTANT PAYMENT INFORMATION

To be completed by Prime Contractor/Consultant: Project Phase One__ Project Phase Two:___ Project
 Phase Three: ___
 Project Phasing does not apply to Construction

ITEM OR WORK DESCRIPTION	SUB. or MATERIAL SUPPLIER NAME	DBE YES/NO	ACTUAL PAYMENTS THIS PERIOD

IF ANY FIRM LISTED ABOVE IS A MATERIAL SUPPLIER, BUT NOT THE MANUFACTURER, THE CONTRACTOR MAY CREDIT ONLY 60% OF THE EXPENDITURE TO THE SUPPLIER FOR FINAL PAYMENT.

- 1. Project No. _____ Date Let (NTP)/Proposal: _____
- 2. Contractor or Consultant: _____ Project Control No. _____
- 3. Reporting Period _____ THRU _____ Monthly Estimate No. _____
- 4. Original Contract Amount: \$ _____
- 5. Contract Dollar paid to date \$ _____ % Time used _____
- 6. DBE Participation Annual Goal: _____

SUMMARY OF PAYMENT INFORMATION

a. Previous actual payments to DBEs		g. Previous actual payments to non DBEs	
b. Actual payment to DBEs this period		h. Actual payment to non DBEs this period	
c. Total actual payments to DBEs to date		i. Total actual payments to non DBEs to date	
d. Total actual payments to prime to date		j. Total actual payment to prime this period	
e. Total % of actual payments paid to DBEs to date		k. Total % of actual payments paid to non DBEs to date	
f. Total actual payments to Prime less Subs to date		l. Total actual payments to all Subs	

Name: _____ Project telephone No. _____

Title: _____
I certify that the above amount has been paid to the DBE Sub/Supplier: _____

BY: _____

Subscribed and sworn to before me this _____ day of _____ YEAR _____

NOTARY PUBLIC _____

My Commission Expires: _____