

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT			1. CONTRACT ID CODE	PAGE OF PAGES 1 2	
2. AMENDMENT/MODIFICATION NO. Am-0001		3. EFFECTIVE DATE 21 Aug 08	4. REQUISITION/PURCHASE REQ. NO.	5. PROJECT NO. (If applicable)	
6. ISSUED BY USAED, Honolulu, Bldg 230 Contracting Division, CEPOH-CT-C Ft Shafter, HI 96858-5440		CODE	7. ADMINISTERED BY (If other than Item 6)		CODE
8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State, and Zip Code)			(x) X	9A. AMENDMENT OF SOLICITATION NO. W9128A-08-B-0005	
				9B. DATED (SEE ITEM 11) 18 Aug 08	
				10A. MODIFICATION OF CONTRACT/ORDER NO.	
				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 ___ 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 ACKNOWLEDGEMENT 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) NA

13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS, IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

(x)	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: FAR CLAUSE 52.243-4, CHANGES
	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.)

W9128A-08-B-0005, FY07 OMA Pkg A-018, Construct Fire Suppression Dip Tank at MPRC & FY07 OMA Pkg A-019, Construct Fire Suppression Dip Tank at West Side, Pohakuloa Training Area, Island of Hawaii, Hawaii

(See page 2)

15A. NAME AND TITLE OF SIGNER (Type or print)		16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print)	
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)	

1. CHANGES TO SOLICITATION. Attached hereto are revised pages to the solicitation. Revised pages replace like-numbered pages. The revision mark "Am-0001" is shown on each page.

REVISED PAGES. The following are revised items to the solicitation. Changes are indicated in bold print.

- A. SECTION 00010 SF 1442, Bidding Schedule
SF 1442 block 14 and 17, Page 2
Paragraph 5 Evaluation Order, Pages 4
Payments, Page 5
- B. SECTION 00100 Instructions, Conditions and Notice to Bidders
52.236-37 SITE VISIT (CONSTRUCTION) (FEB 1995) – ALTERNATE I (FEB 1995),
Page 11
S-36.3 PRE-BID CONFERENCE (JUL 1995), Page 13
- C. SECTION 00700 Contract Clauses
52.211-10 COMMENCEMENT, PROSECUTION, AND COMPLETION OF WORK
(APR 1984), Page 10

2. The bid opening date of September 15, 2008, 2:00 p.m. Hawaiian Standard Time remains unchanged.

SOLICITATION, OFFER, AND AWARD <i>(Construction, Alteration, or Repair)</i>	1. SOLICITATION NO. W9128A-08-B-0005	2. TYPE OF SOLICITATION <input checked="" type="checkbox"/> SEALED BID (IFB) <input type="checkbox"/> NEGOTIATED (RFP)	3. DATE ISSUED 18-Aug-2008	PAGE OF PAGES 1 of 5
	IMPORTANT - The "offer" section on the reverse must be fully completed by offeror.			

4. CONTRACT NO.	5. REQUISITION/PURCHASE REQUEST NO.	6. PROJECT NO.
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7. ISSUED BY CONTRACTING DIVISION USAED, HONOLULU BLDG S230 FT. SHAFTER HI 96858-5440 TEL: FAX:	CODE W9128A	8. ADDRESS OFFER TO (If Other Than Item 7) CODE See Item 7 (Deliver hand-carried bid to building 230 room 103, Fort Shafter, Hawaii) TEL: FAX:
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9. FOR INFORMATION CALL:	A. NAME KRIS E NAKASHIMA	B. TELEPHONE NO. (Include area code) (NO COLLECT CALLS) 808-438-8567
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SOLICITATION

NOTE: In sealed bid solicitations "offer" and "offeror" mean "bid" and "bidder".

10. THE GOVERNMENT REQUIRES PERFORMANCE OF THE WORK DESCRIBED IN THESE DOCUMENTS (Title, identifying no., date):

REQUEST FOR BID NO. W9128A-08-B-0006, FY07 OMA Pkg A-018, Construct Fire Suppression Dip Tank at MPRC & FY07 OMA Pkg A-019, Construct Fire Suppression Dip Tank at West Side, Pohakuloa Training Area, Island of Hawaii, Hawaii

(See Main Table of Contents)

11. The Contractor shall begin performance within 7 calendar days and complete it within (See Section 00700, Clause 52.211-10)
 award, notice to proceed. This performance period is mandatory, negotiable. (See Section 00700, Clause 52.211-10)

12A. THE CONTRACTOR MUST FURNISH ANY REQUIRED PERFORMANCE AND PAYMENT BONDS? (If "YES," indicate within how many calendar days after award in Item 12B.) <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	12B. CALENDAR DAYS 14
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13. ADDITIONAL SOLICITATION REQUIREMENTS:

A. Sealed offers in original and 1 copy to perform the work required are due at the place specified in Item 8 by 2:00 P.M. (hour) local time 15 Sep 2008 (date). If this is a sealed bid solicitation, offers will be publicly opened at that time. Sealed envelopes containing offers shall be marked to show the offeror's name and address, the solicitation number, and the date and time offers are due.

B. An offer guarantee is, is not required.

C. All offers are subject to the (1) work requirements, and (2) other provisions and clauses incorporated in the solicitation in full text or by reference.

D. Offers providing less than * calendar days for Government acceptance after the date offers are due will not be considered and will be rejected.
*See Bid Schedule

SOLICITATION, OFFER, AND AWARD (Continued)

(Construction, Alteration, or Repair)

OFFER (Must be fully completed by offeror)

14. NAME AND ADDRESS OF OFFEROR <i>(Include ZIP Code)</i> Duns No. _____ Cage Code _____ Tax Identification No. _____ CODE _____ FACILITY CODE _____	15. TELEPHONE NO. <i>(Include area code)</i> 16. REMITTANCE ADDRESS <i>(Include only if different than Item 14)</i> See Item 14
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17. The offeror agrees to perform the work required at the prices specified below in strict accordance with the terms of this solicitation, if this offer is accepted by the Government in writing within _____ calendar days after the date offers are due. *(Insert any number equal to or greater than the minimum requirements stated in Item 13D. Failure to insert any number means the offeror accepts the minimum in Item 13D.)*

AMOUNTS	(See Section 00010, Bid Schedule)
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18. The offeror agrees to furnish any required performance and payment bonds.

19. ACKNOWLEDGMENT OF AMENDMENTS

(The offeror acknowledges receipt of amendments to the solicitation – give number and date of each)

AMENDMENT NO.									
DATE									

20A. NAME AND TITLE OF PERSON AUTHORIZED TO SIGN OFFER <i>(Type or print)</i>	20B. SIGNATURE	20C. OFFER DATE
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AWARD (To be completed by Government)

21. ITEMS ACCEPTED:

22. AMOUNT	23. ACCOUNTING AND APPROPRIATION DATA
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24. SUBMIT INVOICES TO ADDRESS SHOWN IN <i>(4 copies unless otherwise specified)</i>	ITEM	25. OTHER THAN FULL AND OPEN COMPETITION PURSUANT TO <input type="checkbox"/> 10 U.S.C. 2304(c) <input type="checkbox"/> 41 U.S.C. 253(c)
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26. ADMINISTERED BY _____ CODE _____	27. PAYMENT WILL BE MADE BY: _____ CODE _____
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CONTRACTING OFFICER WILL COMPLETE ITEM 28 OR 29 AS APPLICABLE

<input type="checkbox"/> 28. NEGOTIATED AGREEMENT <i>(Contractor is required to sign this document and return _____ copies to issuing office.)</i> Contractor agrees to furnish and deliver all items or perform all work, requisitions identified on this form and any continuation sheets for the consideration stated in this contract. The rights and obligations of the parties to this contract shall be governed by (a) this contract award, (b) the solicitation, and (c) the clauses, representations, certifications, and specifications or incorporated by reference in or attached to this contract.	<input type="checkbox"/> 29. AWARD <i>(Contractor is not required to sign this document.)</i> Your offer on this solicitation, is hereby accepted as to the items listed. This award consummates the contract, which consists of (a) the Government solicitation and your offer, and (b) this contract award. No further contractual document is necessary.
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30A. NAME AND TITLE OF CONTRACTOR OR PERSON AUTHORIZED TO SIGN <i>(Type or print)</i>	31A. NAME OF CONTRACTING OFFICER <i>(Type or print)</i>				
30B. SIGNATURE	30C. DATE	TEL: _____	EMAIL: _____	31B. UNITED STATES OF AMERICA BY	31C. AWARD DATE

SECTION 00010
BID SCHEDULE

FY08 OMA Package A-018 – Construct Fire Suppression Dip Tank at MPRC and
FY08 OMA Package A-019, Construct Fire Suppression Dip Tank at West Side
Pohakuloa Training Area, Oahu, Hawaii

BASE SCHEDULE:

SCHEDULE A

ITEM NO.	DESCRIPTION	QTY	UNIT	AMOUNT (see Note 3)	
				SCHEDULE A1 (30 days)	SCHEDULE A2 (90 days)
0001	PKG A-018, MPRC site	1	LS	\$	\$

SCHEDULE B

ITEM NO.	DESCRIPTION	QTY	UNIT	AMOUNT (see Note 3)	
				SCHEDULE B1 (30 days)	SCHEDULE B2 (90 days)
0001	PKG A-019, West side site	1	LS	\$	\$

SCHEDULE C

ITEM NO.	DESCRIPTION	QTY	UNIT	AMOUNT (see Note 3)	
				SCHEDULE C1 (30 days)	SCHEDULE C2 (90 days)
0001	PKG A-018, MPRC site	1	LS	\$	\$
0002	PKG A-019, West side site	1	LS	\$	\$
	TOTAL			\$	\$

THE FOLLOWING WILL BE COMPLETED BY THE CONTRACTING OFFICER UPON AWARD:

ITEM NO.	DESCRIPTION	QUANTITY	UNIT	AMOUNT
0001	PKG A-018, MPRC Site and PKG A-019, West Side Site (Schedule C)	1	LS	\$ _____
0002	PKG A-018, MPRC Site and (Schedule A)	1	LS	\$ _____
0003	PKG A-019, West Side Site (Schedule B)	1	LS	\$ _____
TOTAL AWARD, SCHEDULE _____				\$ _____

NOTES TO BID SCHEDULE:

1. Available funding for this contract is limited. Each Item is subject to an administrative limit of \$636,000.00. Bids in excess of this amount on any line item may not be eligible for award.
2. Failure to bid on all items in all Schedules may cause the bid to be considered nonresponsive.
3. The price bid in Schedules A1, B1 and C1 should reflect a bid acceptance period not to exceed 30 calendar days after the date bids are due. The price bid in Schedules A2, B2 and C2 should reflect a bid acceptance period not to exceed 90 calendar days after the **bid opening date**. See also Standard Form 1442, paragraph 13D.
4. It is the Government's objective to construct both tanks. The Government may award one (1) or two (2) contract(s) based on either Schedule C or a combination from Schedules A and B. Award of any contract(s) is subject to availability of funds. The evaluation for award will be made at the time of award depending on the time that has elapsed since the **bid opening date**.
5. Evaluation Order.

Evaluation for award will be made in accordance with the following order of precedence. Condition 1 will be evaluated first. If Condition 1 cannot be met, then Condition 2 will apply.

- a. Condition 1. Funds are available to award both Pkg A-018 (Schedule A) and Pkg A-019 (Schedule B)

Award will be made to the lower of Schedule C **or** Schedule A and Schedule B. Award of Schedule C will result in one contract to the lowest **price** bidder on Schedule C. Award of Schedule A and Schedule B **may** result in two (2) contracts, one contract each to the **lowest price bidder on Schedule A and the lowest price bidder on Schedule B**.

- b. Condition 2. Funds are available to award only one Package.

At the time of award, the Government will decide which Package to award, either Pkg A-018 (Schedule A) or Pkg A-019 (Schedule B). The remaining package **may** be awarded at a later date upon availability of additional funds. Award of the first Package does not guarantee award of the second Package to the same contractor. Award under Condition 2 will be made to the **lowest price bidder on the Package to be awarded at that time**.

PAYMENT(S)

Compensation for all work to be performed under this contract will be made under the payment item(s) listed herein. Price(s) and payment(s) for the item(s) shall cover all work, complete and finished in accordance with the specifications, schedules, and drawings, and shall be full compensation for all work in connection therewith, including quality control and cost of performance-and payment-bond premiums as specified in the CONTRACT CLAUSES. Price(s) and payment(s) shall constitute full and final compensation for furnishing all materials, equipment, management, supervision, labor, transportation, fuel, power, water, and all incidental items necessary to complete the work, except as otherwise specified to be furnished by the Government. For the purpose of CONTRACT CLAUSE entitled "PROMPT PAYMENT FOR CONSTRUCTION CONTRACTS", the term "designated billing office" and "designated payment office" are as follows:

a. Billing Office
U.S. Army Engineer District, Honolulu
Fort Shafter Area Office, Bldg. 230
Fort Shafter, HI 96858-5440

b. Payment Office
USACE Finance Center
Attn: CEFC-FP
5722 Integrity Drive
Millington, TN 38054-5005

Item numbers mentioned herein after correspond to the item numbers in the BID SCHEDULE.

a. Item No. 0001, Pkg A-018, MPRC site **and Pkg A-019, West side site**, will be paid for at the contract price complete in place and ready for use, including all incidental items necessary to complete the work.

b. Item No. 0002, **Pkg A-018, MPRC site**, will be paid for at the contract price complete in place and ready for use, including all incidental items necessary to complete the work.

c. **Item No. 0003, Pkg A-019, West side site, will be paid for at the contract price complete in place and ready for use, including all incidental items necessary to complete the work.**

52.233-2 SERVICE OF PROTEST (SEP 2006)

(a) Protests, as defined in section 33.101 of the Federal Acquisition Regulation, that are filed directly with an agency, and copies of any protests that are filed with the Government Accountability Office (GAO), shall be served on the Contracting Officer (addressed as follows) by obtaining written and dated acknowledgment of receipt from

U.S. Army Engineer District, Honolulu
Corps of Engineers, Bldg 230
ATTN: CECT-POH-C
Fort Shafter, Hawaii 96858-5440

(b) The copy of any protest shall be received in the office designated above within one day of filing a protest with the GAO.

(End of provision)

52.236-27 SITE VISIT (CONSTRUCTION) (FEB 1995) – ALTERNATE I (FEB 1995)

(a) The clauses at 52.236-2, Differing Site Conditions, and 52.236-3, Site Investigations and Conditions Affecting the Work, will be included in any contract awarded as a result of this solicitation. Accordingly, offerors or quoters are urged and expected to inspect the site where the work will be performed.

(b) An organized site visit has been scheduled for--
September 8, 2008, 9:00 AM

(c) Participants will meet at--
Pohakuloa Training Area, Island of Hawaii, Hawaii

(End of provision)

252.236-7006 COST LIMITATION (JAN 1997)

(a) Certain items in this solicitation are subject to statutory cost limitations. The limitations are stated in the Schedule.

(b) An offer which does not state separate prices for the items identified in the Schedule as subject to a cost limitation may be considered nonresponsive.

(c) Prices stated in offers for items subject to cost limitations shall include an appropriate apportionment of all costs, direct and indirect, overhead, and profit.

(d) Offers may be rejected which--

(1) Are materially unbalanced for the purpose of bringing items within cost limitations; or

(2) Exceed the cost limitations, unless the limitations have been waived by the Government prior to award.

(End of provision)

S-28.1 EXECUTION OF BID BOND (AUG 1994)

- c. A copy of bidder's or offeror's last three (3) financial statements, including the names of banks or other financial institutions with which the bidder or offeror conducts business. If the latest financial statement is more than 60 days old, a certificate should be attached stating that the financial condition is substantially the same, or if not the same, the changes that have taken place. Such statement will be treated as confidential.
- d. A list of present commitments, including the dollar value thereof, and name of office under which the work is being performed.

[End of Statement]

S-36.2 MAGNITUDE OF THE PROPOSED PROJECT [FAR 36.204]

(a) Physical Characteristics:

This is a performance-based contract to construct 80,000 gallon Fire Suppression Dip Tanks (FSDTs) with supporting facilities at Pohakuloa Training Area (PTA), Hawaii. The FSDTs are required to support Army's Fire Department Mission to prevent and suppress wild fires at PTA. The FSDTs will provide water supply to support helicopter fire bucket operations.

Package A-018 (MPRC site) consisting of one (1) FSDT shall be constructed in the vicinity of the Multipurpose Range Complex (MPRC). The work in this package includes, but is not limited to, FSDT tank, foundation, piping, valves and appurtenances, concrete staging area pad, clearing, grubbing, grading, and erosion control measures.

Package A-019 (West side site) consisting of one (1) FSDT shall be constructed in the vicinity of the west side fuel break. The work in this package includes, but is not limited to, FSDT tank, foundation, piping, valves and appurtenances, concrete staging area pad, gravel access driveway and turn-around area for a 5,000-gallon water tanker truck, clearing, grubbing, grading, storm drainage, and erosion control measures.

(b) Estimated Price Range: The estimated price range of this work is:

Between \$1,000,000 and \$5,000,000

[End of Statement]

S-36.3 PRE-BID CONFERENCE (JUL 1995)

a. A pre-bid conference will be conducted by the Government on **September 8, 2008, 9:00AM at Pohakuloa Training Area, Island of Hawaii, Hawaii**. All planholders (prime contractors, subcontractors, and suppliers) are urged to attend this conference. Planholders who plan to attend should notify the Government of the number of attendees by **September 4, 2008**. Notification can be made as follows:

- (1) Telephone: (808)438-6587
Point of Contact: Kris Nakashima
- (2) Facsimile: (808)438-8588
- (3) Mail: U.S. Army Engineer District, Honolulu
Corps of Engineers, Bldg 230
ATTN: CECT-POH-C (K. Nakashima)
Fort Shafter, Hawaii 96858-5440

(2) The Contractor's knowledge of the reasons for the subcontractor being in the Excluded Parties List System.

(3) The compelling reason(s) for doing business with the subcontractor notwithstanding its inclusion in the Excluded Parties List System.

(4) The systems and procedures the Contractor has established to ensure that it is fully protecting the Government's interests when dealing with such subcontractor in view of the specific basis for the party's debarment, suspension, or proposed debarment.

(End of clause)

52.211-10 COMMENCEMENT, PROSECUTION, AND COMPLETION OF WORK (APR 1984)

The Contractor shall be required to (a) commence work under this contract within seven (7) calendar days after the date the Contractor receives the notice to proceed, (b) prosecute the work diligently, and (c) complete the entire work ready for use not later than the **number of calendar days** after the Contractor receives the notice to proceed. The time stated for completion shall include final cleanup of the premises.

Schedule A (Pkg A-018, MPRC site) 285 Calendar Days

Schedule B (Pkg A-019, West side site) 307 Calendar Days

Schedule C (Pkg A-018, MPRC site & Pkg A-019, West side site) 372 Calendar Days

(End of clause)

52.211-12 LIQUIDATED DAMAGES--CONSTRUCTION (SEP 2000)

(a) If the Contractor fails to complete the work within the time specified in the contract, the Contractor shall pay liquidated damages to the Government in the amount of \$1,574.00 for each calendar day of delay until the work is completed or accepted.

(b) If the Government terminates the Contractor's right to proceed, liquidated damages will continue to accrue until the work is completed. These liquidated damages are in addition to excess costs of repurchase under the Termination clause.

(End of clause)

52.211-13 TIME EXTENSIONS (SEP 2000)

Time extensions for contract changes will depend upon the extent, if any, by which the changes cause delay in the completion of the various elements of construction. The change order granting the time extension may provide that the contract completion date will be extended only for those specific elements related to the changed work and that the remaining contract completion dates for all other portions of the work will not be altered. The change order also may provide an equitable readjustment of liquidated damages under the new completion schedule.

(End of clause)

52.211-15 DEFENSE PRIORITY AND ALLOCATION REQUIREMENTS (APR 2008)

This is a rated order certified for national defense, emergency preparedness, and energy program use, and the Contractor shall follow all the requirements of the Defense Priorities and Allocations System regulation