

<b>AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT</b>				1. CONTRACT ID CODE	PAGE 1 OF 9 PAGES
2. AMENDMENT/MODIFICATION NO. AMENDMENT NO. 0003		3. EFFECTIVE DATE 06/02/09	4. REQUISITION/PURCHASE REQ. NO.	5. PROJECT NO. (If applicable) 08-0188	
6. ISSUED BY CODE		CODE rmb	7. ADMINISTERED BY (If other than Item 6) CODE See Item 6		
Officer in Charge of Construction MCI-East 1005 Michael Road Camp Lejeune, NC 28547-2521					
8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code)				(X)	9A. AMENDMENT OF SOLICITATION NO. N40085-09-R-5308
				X	9B. DATED (SEE ITEM 11) 05/15/09
					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.)

N40085-09-R-5308, MULTIPLE AWARD CONSTRUCTION CONTRACT (MACC), GENERAL CONSTRUCTION PROJECTS, NORTH CAROLINA AREA

~ SEE CONTINUATION PAGE ~

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

CONTINUATION SHEET

1. In Specification Section 00700, Page 28, DELETE Clause 52.219-4, Notice of Price Evaluation for HubZone Small Business Concerns (JUL 2005).
2. In Specification Section 00700, Page 46, DELETE Clause 5252.236-9313, Design-Build Contract-Incorporation of Designer of Record Final Design (JUL 2008).
3. QUESTION: What are the personnel qualifications for this contract?  
ANSWER: There are no evaluation Factors for "personnel".
4. QUESTION: Can a relevant project be near completion (approximately 80% - 90%) at the time of proposal submission??  
ANSWER: The requirement under Factor 1 for Corporate Experience is for completed general construction projects within the last three years.
5. Various questions have been submitted with reference to Joint Ventures (JVs) and Mentor Protégés (MPs) agreements. Offerors are referred to The Code of Federal Regulations or the Small Business Administration for questions related to JVs & MPs. Offerors are advised that the Proposal Requirements have changed and are provided herein below and as follows:

**In Section 00800 – Special Contract Requirements, PROPOSAL REQUIREMENTS: DELETE Pages 48 through 52, AND REPLACE with the following:**

**PROPOSAL REQUIREMENTS:**

The technical proposal and price proposal shall be submitted in separate volumes. The technical proposal by the offeror to whom the award is made will be incorporated into the contract at the time of award.

Proposals shall be submitted to the address in BLOCK 7 of this solicitation, Standard Form 1442, to the attention of: "BOBBY BLACK". The Offerors shall submit the following information:

Volume (1) – PRICE: Original and 1 copy of the completed SF1442, acknowledgment of all amendments, Bid Bond and Price Proposal for the SEED Project.

Volume (2) – TECHNICAL: Original and 5 copies of the Technical Proposal (Evaluation Factors 1 through 3).

**Proposal Format –**

**Price: Submit one original and one copy in three-ring binders. The Price proposal shall include: Cover Page with Solicitation Number, Solicitation Title, Prime Contractor Name, Address, Phone/Fax Number, DUNS, Cage Code, Prime Contractor Point of Contact and phone/email addresses; the SF1442, signed with (Schedule B), Bid Bond, completed form LLL; Copy of Representations & Certifications from ORCA; Commitment of Surety and the price for the seed project. A written commitment on surety or authorized agent letterhead, stating the surety's commitment to issue to the performance and payment bonds on multiple general construction projects in a cumulative total of at least \$5,000,000.00. A copy of the Power of Attorney for the Attorney-in-Fact must be attached.**

**Technical: Submit one original and five copies in three-ring binders, 8 1/2" x 11" format, font size 12, limited to 100 pages. Also provide three electronic copies on CD ROM in Adobe Acrobat PDF format for the technical proposal. All CD ROMs shall be verified and submitted virus free. Include a cover**

page indicating solicitation number and title, name, address, phone number, fax number and point of contact of the prime contractor.

*If the offeror is proposing as a Joint Venture and or Mentor-Protégé, the offeror shall provide a copy of the joint venture agreement and/or mentor-protégé agreement with their proposal under this tab. The mentor-protégé agreement shall have prior approval by the Small Business Administration (SBA).*

*Proposals that fail to contain an SBA approved Mentor-Protégé agreement will result in a lower rating.*

**Factor 1: CORPORATE EXPERIENCE**

RFP SUBMITTAL REQUIREMENT:

a. ***Small Businesses*** shall submit a maximum of five (5) completed general construction projects within the last three (3) years, which demonstrate relevant experience in new construction, demolition, repair, and interior/exterior alteration/renovation of buildings, systems and infrastructure. Each project shall range from \$100,000.00 to \$5,000,000.00. Provide projects of the same size and scope of the proposed task orders. *However, if the Offeror is a Joint Venture/Mentor Protégé, a maximum of 3 projects per Joint Venture partner/Mentor Protégé partner shall be submitted.*

For each project, your proposal shall provide the following minimum information:

- Contract Number/Project Title/Location:
- Original Contract Price:
- Final Contract Price:
- Award Date:
- Original contract completion date:
- Actual contract completion date:
- Participated as: (select one) Prime Contractor or Subcontractor
- Percentage of Work Accomplished by Your Firm: \_\_\_\_\_
- Project Description: (describe salient features of the work)
- Customer POC; Organization; Tel #; Fax #; and Email. *It is the offeror's responsibility to ensure points of contact, telephone numbers and Email addresses are accurate and current.*

*Note: Failure to provide all the above information for each project may result in receiving a lower rating for this factor.*

b. Demonstrate experience managing several construction projects simultaneously in the designated dollar range.

(ii) Basis of Evaluation:

The standard has been met when the proposal demonstrates corporate experience in new construction, demolition, repair, and interior/exterior alteration/renovation of buildings, systems and infrastructure between \$100,000.00 to \$5,000,000.00. More weight will be given to proposals that demonstrate (1) experience performing as the prime contractor, (2) experience working simultaneously on several relevant projects, and /or (3) experience performing a diversified range of general construction projects.

*Offerors who fail to submit projects for all Joint Venture partners or Mentor Protégé partners will result in a lower rating for this factor. If Joint Venture/Mentor Protégé has previously worked together on project submitted, it may be rated higher.*

*A higher rating may be achieved where a Joint Venture/Mentor Protégé has experience performing together on construction contracts demonstrating relevant experience as opposed to those agreements being formed for performance of this solicitation.*

*All Joint Ventures shall submit information to demonstrate the contractual relationship between the parties and identify the work in terms of type and proportion to be performed by each of the parties.*

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**Factor 2: PAST PERFORMANCE**

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RFP SUBMITTAL REQUIREMENT:

a. For each project listed under Factor 1, Corporate Experience, the offeror, *or its team members: Joint Venture Partners/Mentor-Protégé*, shall provide each client the cover letter and Past Performance Questionnaire provided in the RFP (ATTACHMENT A). The offeror shall complete Questionnaire Items A through F under "Contract Information" prior to sending the form to each client. Each client shall submit a completed past performance questionnaire to the ROICC office as requested in the cover letter on or before the date proposals are due. Completed questionnaires will NOT be accepted directly from the Offeror being evaluated. Completed questionnaires received from your clients will be used as part of the Government's evaluation for Past Performance. It is the contractor's responsibility to ensure that clients submit the completed past performance questionnaires. The government will review and evaluate past performance questionnaires that are submitted within the required timeframe. The government may contact the listed clients for additional information.

b. In addition to the above, the Government may review any other sources of information for evaluating past performance. Other sources may include, but are not limited to, past performance information retrieved through the Past Performance Information Retrieval System (PPIRS) using all CAGE/DUNS numbers of team members (partnership, joint venture, teaming arrangement, or parent company/subsidiary/affiliate) identified in the offeror's proposal, inquiries of owner representative(s), and any other known sources not provided by the offeror.

c. While the Government may elect to consider data from other sources, the burden of providing detailed, current, accurate and complete past performance information rests with the Offeror.

Notes:

1. The assessment of past performance information is separate from the responsibility determination required under FAR Subpart 9.1.

2. Offerors without a record of relevant past performance or for whom information on past performance is not available will not be evaluated favorably or unfavorably on past performance but will be evaluated with a "No Rating" rating.

(ii) Basis of Evaluation:

The standard has been met when the proposal demonstrates a positive trend of satisfactory performance. More weight will be given if the proposal demonstrates a positive trend of better than satisfactory performance on relevant construction projects.

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**Factor 3: SAFETY**

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**For Subfactors 3A, 3B, 3C and 3D: If the Offeror is a Joint Venture/Mentor Protégé information for each Subfactor shall be submitted for the Joint Venture/Mentor Protégé. If there is no information for the joint venture/Mentor Protégé, information should be submitted separately for each joint venture partner/mentor protégé partner.**

**Subfactor 3A: Experience Modification Rating (EMR)**

RFP SUBMITTAL REQUIREMENT:

a. Offerors shall submit the insurance company’s EMR for the offeror’s firm for years 2006, 2007, and 2008. Insurance companies establish an EMR for the company based on corporate past experience. The better the safety record of the contractor the lower the rate. Each company when initially established starts with a rate of 1.0. As experience is obtained the carrier either increases the rate to above 1.0 for poor performance or reduces the rate below 1.0 for good performance. A good performer pays a reduced amount (rate) for insurance. If an EMR is not available from the insurance carrier, please certify that it is not available. Provide a point of contact with the insurance carrier for verification. Note: Please advise the agent that the Government will contact them to confirm these EMRs. The offeror may also include justification for upward or downward trends and may explain any extenuating circumstances that would have affected the results.

b. Provide the name of the firms’ Workman’s Compensation Insurance carrier, local Agency, and the name and phone number of the agent within the Insurance Agency.

(ii) Basis of Evaluation:

Excellent	.86 or less
Good	.87 to .91
Satisfactory	.92 to .97
Marginal	.98 to 1.2
Poor	greater than 1.2

**Subfactor 3B: OSHA Lost Work Day Rate**

RFP SUBMITTAL REQUIREMENT:

a. Offerors shall submit Occupational Safety and Health Act (OSHA) Lost Workday Rate for years 2006, 2007 and 2008. This rate is based on an industry standard calculation and may be obtained from the offerors insurance carrier. The offeror may include any justification for upward or downward trends and may explain any extenuating circumstances that would have affected the results.

$$\text{LOST WORK DAY RATE} = \frac{(200,000 \times A)}{B}$$

Where A = the number of lost workday cases and B = total number of hours worked.

(ii) Basis of Evaluation:

Excellent	1.0 or less
Good	1.1 to 2.0

Satisfactory	2.1 to 3.0
Marginal	3.1 to 4.0
Poor	greater than 4.0

**Subfactor 3C: OSHA Recordable Incidents Rate (RIR)**

RFP SUBMITTAL REQUIREMENT:

a. Offerors shall submit Occupational Safety and Health Act (OSHA) Recordable Incidents Rate for the years 2006, 2007 and 2008. This rate is based on an industry standard calculation and may be obtained from the offerors insurance carrier. The offeror may also include any justification for upward or downward trends and may explain any extenuating circumstances that would have affected the results.

$$\text{RECORDABLE INCIDENTS RATE} = \frac{(200,000 \times C)}{B}$$

Where C = the number of recordable incidents and B = total number of hours worked.

(ii) Basis of Evaluation:

Excellent	3.0 or less
Good	3.1 to 5.0
Satisfactory	5.1 to 7.0
Marginal	7.1 to 9.0
Poor	greater than 9.0

**Subfactor 3D: Federal, State, and Municipal OSHA Citations.**

RFP REQUIREMENT:

a. Offerors shall submit Federal, State, and Municipal OSHA violations for years 2006, 2007 and 2008. Indicate whether citations are serious, resulted in fines, or are repetitive. The Government shall refer to OSHA establishment search to verify issued citations at <http://www.osha.gov/pls/imis/establishment.html>. This provides an explanation for the results of OSHA inspections. These inspections often result in sizeable fines for deficiencies observed by OSHA Compliance Officers. The searched data will also indicate the type of violation. Violations such as deficiencies in confined space, electrical, or fall protection should be treated with greater weight. The search also indicates what promulgated the citation whether resulting from a scheduled or programmed visit, an employee complaint, or an accident. TEB verification may be obtained from local OSHA office. The telephone number for OSHA in North Carolina is (919) 807-2900

Offerors shall provide a brief explanation of the circumstances regarding serious violations, including the amount of any fines, whether the violation was the result of a random or scheduled inspection, complaint or incident, and the steps your firm has taken to avoid future violations.

(ii) Basis of Evaluation:

The standard has been met when the offeror demonstrates minimal citations. Violations that are serious will be treated with greater weight.

## EVALUATION FACTORS

A. Price Factor. Price shall be evaluated on the basis of the cumulative price for all the line items shown in the Schedule of Section B for the SEED Project. The SEED Project is: "REPLACE WINDOWS BUILDING RR-4", Marine Corps Base, Camp Lejeune, NC.

B. Technical factors for this RFP are:

Factor 1 – CORPORATE EXPERIENCE

Factor 2 – PAST PERFORMANCE

Factor 3 – SAFETY

Subfactor 3A – Experience Modification Rating (EMR)

Subfactor 3B – OSHA Lost Work Day Rate

Subfactor 3C – OSHA Recordable Incidents Rate

Subfactor 3D – Federal, State, and Municipal OSHA Citations

(1) Technical factors 1 through 3 are of equal importance. The technical subfactors for Factor 3 are in descending order of importance.

(2) The distinction between corporate experience and past performance is corporate experience pertains to the types of work and volume of work completed by a contractor that are comparable to the types of work covered by this requirement, in terms of size, scope, and complexity. Past performance relates to how well a contractor has performed.

## BASIS FOR AWARD

1. The Government reserves the right to eliminate from consideration for award any or all offers at any time prior to award of the contract; to negotiate with offerors in the competitive range; and to award the contract to the offeror submitting the proposal determined to represent the best value—the proposal most advantageous to the Government, price and other factors considered.

2. As stated in the solicitation, the Government intends to evaluate proposals and may award a contract after conducting discussions with offerors whose proposals have been determined to be within the competitive range. If the Contracting Officer determines that the number of proposals that would otherwise be in the competitive range exceeds the number at which an efficient competition can be conducted, the Contracting Officer may limit the range to the greatest number that will permit an efficient competition among the most highly rated proposals. The Government reserves the right to award without discussions.

3. The tradeoff process is selected as appropriate for this acquisition. The Government considers it to be in its best interest to allow consideration of award to other than the lowest priced offeror or other than the highest technically rated offeror.

4. As stated in the solicitation, all technical evaluation factors when combined are approximately equal to price. However, as proposals become more equal in technical merit, the evaluated price becomes more important.

5. Any proposal found to have a deficiency in meeting the stated solicitation requirements or performance objectives will be considered ineligible for award, unless the deficiency is corrected through discussions. Proposals may be found to have either a significant weakness or multiple weaknesses that impact either the individual factor rating or the overall rating for the proposal. The evaluation report must document the evaluation board's assessment of the identified weakness(s) and the associated risk to successful contract performance resulting from the weakness(s). This assessment must provide the rationale for proceeding to award without discussions.

**RATING SCHEME**

The following adjective ratings will be used in evaluation of the technical evaluation factors and subfactors. Upper case letters will be used for the major factors. Lower case letters will be used for the subfactors.

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**Rating scheme for Factors 1 through 3:**

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**Excellent (E):**

Proposal/factor demonstrates thorough and detailed understanding of requirements. Technical considerations and capabilities significantly exceed performance and capability standards. Proposal/factor offers one or more strengths. Strengths significantly outweigh weaknesses, if any. The proposal/factor represents a high probability of success with no apparent risk in meeting the Government's requirements.

**Good (G):**

Proposal/factor demonstrates clear understanding of requirements. Technical considerations and capabilities exceed performance and capability standards. Proposal/factor offers one or more strengths. Strengths outweigh any weaknesses. The proposal/factor represents a strong probability of success with overall low degree of risk in meeting the Government's requirements.

**Satisfactory (S):**

Proposal/factor demonstrates acceptable understanding of requirements. Technical considerations and capabilities meet performance and capability standards. Proposal/factor offers no strengths, or, if there are strengths, these strengths are offset by weaknesses. The proposal/factor represents a reasonable probability of success with overall moderate degree of risk in meeting the Government's requirements.

**Marginal (M):**

Proposal/factor demonstrates a limited understanding of requirements. Technical considerations and capabilities are questionable as to whether or not they meet performance and capability standards necessary for acceptable contract performance. Proposal/factor contains weaknesses and offers no strengths, or, if there are any strengths, these strengths are outweighed by weaknesses. The proposal/factor represents a low probability of success with overall high degree of risk in meeting the Government's requirements. Proposal/factor might be made satisfactory with additional information and without a major revision of the proposal.

**Poor (P):**

Proposal/factor demonstrates a lack of understanding of requirements. Technical considerations and capabilities do not meet performance and capability standards necessary for acceptable contract performance. Proposal/factor contains major errors, omissions, significant weaknesses and/or deficiencies. The proposal/factor represents a very low probability of success with an extremely high degree of risk in meeting the Government's requirements. Proposal/factor could only be made satisfactory with major revisions of proposal.

**No rating (NR):**

To Be Used Only for Past Performance Factor: The offeror has no record of relevant past performance or information on past performance is not available. This rating is considered neither favorable nor unfavorable.