

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT			I. CONTRACT ID CODE J	PAGE OF PAGES 1 3
2. AMENDMENT/MODIFICATION NO. P00001		3. EFFECTIVE DATE 08-Jan-2003	4. REQUISITION/PURCHASE REQ. NO. W81G67-1344- -----	
6. ISSUED BY CONTRACTING DIVISION USACE - ST 190 5TH STREET ST PAUL MN 55101- ----		CODE DACW37	7. ADMINISTERED BY (If other than item 6) See Item 6	
8. NAME AND ADDRESS OF CONTRACTOR (No., Street, County, State and Zip Code)			<input checked="" type="checkbox"/> 9A. AMENDMENT OF SOLICITATION NO. DACW37-03-B-0001	<input checked="" type="checkbox"/> 9B. DATED (SEE ITEM 11) 17-Dec-2002
			<input type="checkbox"/> 10A. MOD. OF CONTRACT/ORDER NO.	<input type="checkbox"/> 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 checked="" type="checkbox"/> is extended, <input type="checkbox"/> is not extended.				
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: (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.				
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.) This amendment extends the bid opening date to February 4, 2003. It also removes clause 52.232-15 "Progress Payments Not Included" highlights a new GAO Decision on Contractor Bid Submission.				
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 _____ (Signature of person authorized to sign)	15C. DATE SIGNED	16B. UNITED STATES OF AMERICA BY _____ (Signature of Contracting Officer)		16C. DATE SIGNED

SUMMARY OF CHANGES

1. Bid Opening Date Change

The required response date/time has changed from 16-Jan-2003 02:00 PM to 04-Feb-2003 02:00 PM.

2. Clause Deleted

The following clause has been deleted:

52.232-15 Progress Payments Not Included APR 1984

3. Updated Bid Note:

The purpose of this amendment is to advise the bidders of a recent bid protest decision by the Comptroller General regarding the validity of bid bonds accompanied by powers-of-attorney that do not contain original certifications. A copy of that decision (Matter of: All Seasons Construction, Inc., B-291166.2, December 6, 2002) follows. This decision is significant because some powers-of-attorney that we considered valid prior to that case may now be invalid. Please note that an invalid power-of-attorney makes the bid bond invalid – an invalid bid bond makes the bid nonresponsive – a nonresponsive bid can not be corrected after bid opening and must be rejected.

Our Bid Schedule Note on Bid Bonds has been updated accordingly and the revised paragraph c is printed below for your reference. Bidders may wish to make this information available to their sureties and bonding agents. Bidders are also advised to submit their bid bond with either: (a) an original power-of-attorney or (b) a power-of-attorney containing an original certification. Bidders doing otherwise bear the risk that their bid will be rejected.

The following bid note has been modified:

13. Bid Bonds

- a. It is the responsibility of the bidder to include an acceptable bid guarantee with its bid. This bid note does not provide bidders with an all-inclusive checklist for submitting an acceptable bid bond – rather, it provides some “lessons learned” information as to the unacceptability of photocopied bid bonds.
- b. This solicitation requires bidders to submit a bid guarantee along with their bids (see clause 52.228-1). One acceptable form of bid guarantee is a bid bond. For a bid to be responsive, the bid bond accompanying the bid must unequivocally bind the bonding company – if it does not, the bid must be rejected as nonresponsive. Please note that a nonresponsive bid may not be corrected after bid opening to make it responsive – it must be rejected. The Contracting Officer has the authority and responsibility to determine whether the bid bond and its accompanying documentation clearly show that the person(s) executing the bid bond on behalf of the surety have the authority to unequivocally bind the bonding company. In order for a bid bond to be

acceptable, it must be accompanied by a valid power-of-attorney issued by the surety (the bonding company, not the insurance agency writing the bond).

- c. ***Photocopied or faxed powers-of-attorney are not acceptable. In order for a power-of-attorney accompanying a bid bond to be acceptable, it must be: (i) an original power-of-attorney (containing all original signatures) or (ii) a copy of a power-of-attorney accompanied by an original certification (original means original signature) by the secretary (or other authorized officer) of the surety stating that the copied power-of-attorney is still in full force and effect as of the date of the certification and has not been revoked. An original signature is one that (I) has been added at the time of the certification and (II) is manually affixed to the power of attorney (not computer generated). The presence of an original seal (a raised, crimped corporate seal or a paper or foil corporate seal that is manually attached) at the certification block of a power-of-attorney is not a substitute for an original signature.***