

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT			1. CONTRACT ID CODE	PAGE OF PAGES	
			J	1	5
2. AMENDMENT/MODIFICATION NO. 0001	3. EFFECTIVE DATE 19-Jul-2004	4. REQUISITION/PURCHASE REQ. NO. W81G67-4162-0710		5. PROJECT NO.(If applicable)	
6. ISSUED BY CONTRACTING DIVISION USAGE - ST. PAUL 190 5TH STREET E ST. PAUL MN 55101	CODE W912ES	7. ADMINISTERED BY (If other than item 6) See Item 6		CODE	
8. NAME AND ADDRESS OF CONTRACTOR (No., Street, County, State and Zip Code)			X	9A. AMENDMENT OF SOLICITATION NO. W912ES-04-B-0010	
			X	9B. DATED (SEE ITEM 11) 08-Jul-2004	
				10A. MOD. OF CONTRACT/ORDER NO.	
				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 type="checkbox"/> is extended, <input checked="" 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 <u>1</u> 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.) The purpose of this amendment is to change the pre-bid site visit date FROM July 22, 2004, TO July 29, 2004 as stated in clause 52.236-27. The meeting time and location are unchanged. See Attached Summary of Changes for additional changes.					
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	15C. DATE SIGNED	16B. UNITED STATES OF AMERICA		16C. DATE SIGNED	
_____ (Signature of person authorized to sign)		BY _____ (Signature of Contracting Officer)		19-Jul-2004	

SECTION SF 30 BLOCK 14 CONTINUATION PAGE

SUMMARY OF CHANGES

1. SECTION 00010 - SOLICITATION CONTRACT FORM –Section 1442, Block 10. Remove previous description and replace with the following:

The work of this solicitation includes raising and extending the existing levee at Devils Lake, North Dakota. This procurement is being issued on an unrestricted basis. The applicable NAICS code is 237990 with a small business size standard of \$28.5 million. Funds for this project are being provided by the Government and City of Devils Lake, North Dakota. Any contract to be awarded from this solicitation is subject to the availability of funds. The cost-share agreement that would make funding available for this project is currently being finalized. Award of a contract will be made pending execution of subject agreement and once funds needed for work to be completed during the current fiscal year have been allocated. Levee work may include, but is not limited to, the following features: clearing and grubbing, removals, stripping, impervious fill, pervious fill, geotextile fabric, bedding, riprap, topsoil, seeding, aggregate surfacing, and bituminous paving. Water and sanitary sewer systems may be relocated which may include, but is not limited to waterline, gate valves, hydrants, manholes septic tanks and forcemain. Surface features will be required to be restored..

2. SECTION 00800 - SPECIAL CONTRACT REQUIREMENTS

The following have been deleted:

52.212-5000	Evaluation of Subdivided Items (Mar 1995)--EFARS	JAN 2000
52.232-5002	Continuing Contracts (Alternate) (Mar 1995)--EFARS	JAN 2000

3. Attached are Bid Schedule Notes which are to be incorporated into this solicitation.

(End of Summary of Changes)

BID SCHEDULE NOTES

1. EFFECTIVE MAY 31, 1998, ALL CONTRACTORS MUST REGISTER WITH THE DEFENSE CENTRAL CONTRACTOR REGISTRATION (CCR) IN ORDER TO RECEIVE ANY CONTRACT AWARD. (Other than those made via the Government credit card program). Contractors may register on line at <http://www.ccr.gov>
2. FACSIMILE OF BIDS/PROPOSALS AND FACSIMILE OF MODIFICATIONS THERETO, WILL NOT BE ACCEPTED.
3. All Quantities are estimated except where unit is given as "EA" (EACH) or "LS" (LUMP SUM).
4. NOTICE TO LARGE BUSINESS: The U.S. Army Corps of Engineers, St. Paul District, is committed to the participation of Small Business, Small Disadvantaged Business and Women-Owned Small Business in the performance of work under this solicitation and resulting contract.

Your attention is directed to the solicitation clauses 52.219-8 entitled "Utilization of Small Business Concerns", 52.219-9 I entitled "Small Business Subcontracting Plan," and 252.219-7003 entitled "Small, Small Disadvantaged and Women-Owned Small Business Subcontracting Plan (DOD Contracts)".

If you are a large business and the apparent low bidder with a bid exceeding \$1,000,000.00, submission of a Subcontracting Plan in accordance with the above clauses will be required. The Contracting Officer will review the plan using the following goals to assure that it represents your best efforts to maximize subcontracting opportunities. Award will not be made until the Contracting Officer approves the Subcontracting Plan.

The following subcontracting goals are informational only and not legally binding but are considered reasonable and achievable during the resulting contract from this solicitation. The goals expressed in percent of total planned subcontracting dollars are:

Small Business	57.2%
Small Disadvantaged Business	8.9%
Women-Owned Small Business	8.1%
HUBZone Small Business	3.0%
Service-Disabled Veteran-Owned Small Business	3.0%
Subcontract Reporting (SF 294 & SF 295)	100.0%

5. The apparent low bidder will be requested to provide the following information as soon as possible after bid opening:
 - a. A Financial Statement, to include a balance sheet and income statement, and
 - b. A Bank Certification of Financial Capability (line of credit).

This information will be treated as confidential. The financial statements should be not over 60 days old. If over 60 days old, a certification should be attached stating that the financial condition of the firm is substantially the same or, if not the same, the changes that have taken place.

6. All extensions of the unit prices shown will be subject to verification by the Government. In case of a discrepancy between the unit price and the extension, the unit price will govern. For further information reference clause 52.214-5000 entitled "Arithmetic Discrepancies – EFARS" in Section 00800.

7. The original bid/proposal and any modifications must be complete as to all the items on the schedule. Award will be made to that bidder whose bid is most advantageous to the Government, based on price and the price related factors included in the solicitation.
8. Unbalanced Bids. The government may reject as non-responsive any bid that is materially unbalanced between contract line item numbers or sub-items on the bidding schedule. A bid is materially unbalanced when it is based on prices that are significantly less than cost for some work and significantly more than cost for other work. A materially unbalanced bid may be rejected if the Contracting Officer has a reasonable doubt as to whether the bid will result in the lowest overall cost to the government even though it may be the low evaluated bid. Additionally, a bid that is unbalanced so as to be tantamount to an advance payment will be rejected as non-responsive even if acceptance of the bid would result in the lowest overall cost to the government. Reference is made to paragraph (d) of clause 52.214-19, "Contract Award – Sealed Bidding – Construction."
9. Any prospective bidder desiring an explanation or interpretation of the solicitation, drawings, specifications, etc., must request it in writing in accordance with Section 00100, Contract Clause 52.214-6 entitled "Explanation To Prospective Bidders," not later than 10 days prior to bid opening. Questions can be faxed to (651) 290-5706, attention to James Roloff/Tammy Moore. Questions received after the deadline may or may not be answered prior to bid submittal.
10. The addresses, phone numbers, and Internet address (if available) for references cited in these specifications are listed in the Unified Facilities Guide Specification (UFGS) 01420 USACE SOURCES FOR REFERENCE PUBLICATIONS. UFGS 01420 is available on the TECHINFO page of the Corps of Engineers Huntsville District Internet site at: www.hnd.usace.army.mil/techinfo.
11. Any forthcoming amendments will only be available on this website: www.mvp.usace.army.mil. E-mail notifications will be sent upon issuance of any amendments to all registered firms. Given that e-mail message notifications may not be reliable, it is recommended that each registered firm check this web site periodically for updates. A paper hard copy of each amendment will not be mailed unless specifically requested in writing.
12. Bid Bonds
 - a. It is the responsibility of the bidder to include an acceptable bid guarantee with their 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 non-responsive. Please note that a non-responsive 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.

13. For purposes of the clause entitled “52.219-4 -- Notice of Price Evaluation Preference for HUBZone Small Business Concerns (Jan 1999)”, the term “otherwise successful offer” means the lowest responsive bid from a responsible bidder prior to the application of any evaluation preference required by this clause.

14. The solicitation clause FAR 52.219-4 expressed that Small Disadvantaged Business (SDB) firms would receive both the HUBZone and SDB evaluation preference adjustments (See FAR clause 52.219-23). Guidance from the Office of the Under Secretary of Defense provides that DOD contracting activities, including the Department of the Army, shall suspend the use of price evaluation adjustments for SDB businesses in DOD Acquisitions, as prescribed in FAR subpart 19.11. Therefore the clause 52.219-23 is not contained in this solicitation and no SDB evaluation preference adjustment will be utilized.