

**AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT** 1. CONTRACT ID CODE PAGE OF PAGES  
 1 1

2. AMENDMENT/MODIFICATION NO. 0002 3. EFFECTIVE DATE June 10, 2011 4. REQUISITION/PURCHASE REQ. NO. NFFKHC30-11-00285 5. PROJECT NO. (If applicable)

6. ISSUED BY CODE U.S. DEPT OF COMMERCE/NOAA EASTERN ACQUISITION DIVISION-KC 601 E. 12TH STREET, RM 1756 KANSAS CITY, MO 64106  
 7. ADMINISTERED BY (If other than Item 6) CODE U.S. DEPT OF COMMERCE/NOAA EASTERN ACQUISITION DIVISION-KC 601 E. 12TH STREET KANSAS CITY, MO 64106

8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code) (X) 9A. AMENDMENT OF SOLICITATION NO. WC133F-11-RB-0004  
 9B. DATED (SEE ITEM 11) MAY 17, 2011  
 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 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.)  
 DREDGING AND CONSTRUCTION FOR BA38 PELICAN ISLAND BARATARIA BARRIER SHORELINE RESTORATION PROJECT, GULF OF MEXICO, LOUISIANA IAW THE COASTAL WETLANDS PLANNING, PROTECTION, AND RESTORATION ACT.

The solicitation is hereby amended as follows: See attached.

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)

WC133F-11-RB-0004, Amendment 0002  
June 10, 2011

SF 1442 - Block 14. Description of amendment/Modification – continued

SF1442

Page 1

Block 13A. Sealed bid submission date of June 17, 2011 is revised to read June 24, 2011. Other information remains the same.

Page 3

Supplies or Services and Prices/Costs – Column One(1) - Item No's are added for Optional Items 0003A and 0003B. Description is revised as follows:

CLIN 0002 Option 0003A Dune and Beach Fill – 250,000 c.y.

CLIN 0003 Option 0003B Dune and Beach Fill – 500,000 c.y.

Optional Items may be exercised within 60 calendar days of award.

Page 8

B.1. Solicitation Information.

DATE ISSUED is revised from May 16, 2011 to May 17, 2011.

CLOSING DATE/TIME is revised from: June 17, 2011/1:00 PM (CDT) (Amendment 0001)  
to: **June 24, 2011/1:00 PM (CDT)**

The following additional information is added concerning the bid opening process:

Paragraph 10.

“Interested parties may call 866 724-2155 and enter passcode 2747752 followed by the # (pound sign) to telephonically listen to the bid opening process.

Bids must be physically submitted in accordance with Section L and any other requirements in the solicitation.

Bids will be accepted until bid opening time at:

NOAA/AGO-EAD-KC  
Rm 1756, 601 E. 12<sup>th</sup> Street  
Kansas City, MO 64155

Escort into the building is required. Call 816-426-2067, 816-426-7426, or 816-426-2068 for escort or pick up of bid package. Please ensure that you allow enough time prior to bid opening to deal with the security process.”

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B.2. BID SCHEDULE

Item 0008 Jetty Extension Foundation, “Quantity” column, add “Estimated” to the Quantity of 19,630.

Item 0009 Jetty Extension Armor Stone, "Quantity" column, add "Estimated" to the Quantity of 10,620.

Item 0012 Sea Turtle Relocation Trawling, "Quantity" column, add "Estimated" to the Quantity of 20 days.

Page 11

B.2. BID SCHEDULE – Notes:

Paragraph (1) change "...when 95% of the volume is placed.." to "when 95% is reached"

Paragraph (1) insert the following on line 3 after ... items 0003 ", 0008, 0009, 0012," and if ....

Paragraph (2) line 3 revise "B.3." to say "B.2."

VARIATIONS IN ESTIMATED QUANTITIES – SUBDIVIDED ITEMS paragraph

First sentence. Add, ", 0008, 0009, 0012" after "...Item Nos. 0003 and before 0003A-0003B."

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F.3. 52.211-12 LIQUIDATED DAMAGES—CONSTRUCTION (SEP 2000)

Paragraph (a) correct calendar day liquidated damages from: \$1, 974.00 to: \$2,074.00.

Page 17

F.5 1352.270-70 PERIOD OF PERFORMANCE (APR 2010)

Paragraph (c) change FAR clause from 52.217-9 to 52.217-7

Add: F.6 52.217-7 OPTION FOR INCREASED QUANTITY--SEPARATELY PRICED LINE ITEM (MAR 1989)

The Government may require the delivery of the numbered line item, identified in the Schedule as an option item, in the quantity and at the price stated in the Schedule. The Contracting Officer may exercise the option by written notice to the Contractor at time of award or within 60 days of contract award. Delivery of added items shall continue at the same rate that like items are called for under the contract, unless the parties otherwise agree.

(End of Clause)

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L. 8 BID SUBMISSION

Paragraph (d) – Revise as follows:

"...Bid Bond in the amount of twenty (20) percent of the base bid and all options or \$3,000,000 ..."

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M. 1. 52.217-4 EVALUATION OF OPTIONS EXERCISED AT TIME OF CONTRACT AWARD (JUN 1998) is replaced with the following:

“ Except when it is determined in accordance with FAR 17.206(b) not to be in the Government’s best interests, the Government will evaluate the total price for the basic requirement together with any option(s) exercised at time of award. Option(s) not exercised at time of award will be evaluated for fairness and reasonableness and may be exercised within 60 days of contract award.”

## M.2. EVALUATION OF BIDS SUBMISSION

Second line – Replace “...award to a...” with “...award to the...”

# SOLICITATION, OFFER, AND AWARD

(Construction, Alteration, or Repair)

1. Solicitation No. WC133F-11-RB-0004	2. Type of Solicitation <input checked="" type="checkbox"/> Sealed Bid (IFB) <input type="checkbox"/> Negotiated (RFP)	3. Date Issued May 17, 2011	Page of Pages 1 of <del>5024</del>
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IMPORTANT – The "offer" section on the reverse must be fully completed by offeror.

4. Contract No.	5. Requisition/Purchase Request No. NFFKHC30-11-00285	6. Project No. 131450
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7. Issued By U.S. DEPT OF COMMERCE/NOAA EASTERN ACQUISITION DIVISION-KC 601 EAST 12TH STREET, RM. 1756 KANSAS CITY, MO 64106	Code AJ830023	8. Address Offer to U.S. DEPT OF COMMERCE/NOAA EASTERN ACQUISITION DIVISION-KC 601 EAST 12TH STREET, RM. 1756 KANSAS CITY, MO 64106	Code AJ830023
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9. For Information Call:	A. Name PAMELA L. STICHWEH (ID PS1)	B. Telephone No. (Include area code) (No Collect Calls) 816-426-2067 Pamela.L.Stichweh@noaa.gov
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## SOLICITATION

NOTE: In sealed bid solicitation "offer" and "offeror" mean "bid" and "bidder"

10. THE GOVERNMENT REQUIRES PERFORMANCE OF THE WORK DESCRIBED IN THESE DOCUMENTS: (Title, Identifying No., Date)

**Dredging and Construction for BA38 Pelican Island Barataria Barrier Shoreline Restoration Project, Gulf of Mexico, Louisiana IAW The Coastal Wetlands Planning, Protection, and Restoration Act (CWPPRA).**

**NAICS: 237990 - Other Heavy and Civil Engineering Construction**

**Small Business Size Standard - \$20 Million for Dredging**

**Magnitude of Construction Project: >\$10,000,000.00**

**Unrestricted Full and Open Competition**

11. The Contractor shall begin performance within 10 calendar days and complete it within \* calendar days after receiving the  award,  notice to proceed. This performance period is  mandatory  negotiable. ( See \*See Sec F.2. 52-11-10.)

12A. The Contractor must furnish any required performance and payment bonds?  
(If "YES", indicate within how many calendar days after award in item 12B.)  
 Yes  No

12B. Calendar Days  
10

13. Additional Solicitation Requirements:

- A. Sealed offers in original and 3 copies to perform the work required are due at the place specified in Item 8 by 01:00 PM CDT (hour) local time June 17, 2011, June 24, 2011 (date). If this is a sealed bid solicitation, offers must 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 90 calendar days for Government acceptance after the date offers are due will not be considered and will be rejected.

**Supplies or Services and Prices/Costs**

Item No.	Supplies/Services	Quantity	Unit	Unit Price	Amount
	See Attached				
0001	DREDGING Dredging and Construction for BA38 Pelican Island Barataria Barrier Shoreline Restoration Project, Gulf of Mexico, Louisiana in accordance with the project Specifications and Drawings (See Section J)	1	JB		
	Base Schedule			<u>    Total Base    </u> <u>    Schedule    </u>	
<u>0002</u>	Option 0003A <u>Dune and Beach Fill – 250,000 c.y</u>				
<u>0003</u>	Option 0003B <u>Dune and Beach Fill – 500,000 c.y</u>				
	<u>Optional Items may be exercised within 60 calendar days of award</u>			<u>    Total Option 0003A    </u> <u>    Total Option 0003B    </u>	
				<u>    Grand Total    </u>	
	DELIVERY DATE: 12/31/2012 SHIP TO: NOAA/NMFS/OFFICE OF HABITAT CONSERVATION 1315 EAST WEST HIGHWAY 14TH FLOOR SILVER SPRING, MD 20910				

B.1 SOLICITATION INFORMATION

U.S. DEPARTMENT OF COMMERCE  
CENTRAL REGION ACQUISITION DIVISION

SOLICITATION INFORMATION

SOLICITATION NO: WC133F-11-RB-0004

X  SEALED BID (IFB)           NEGOTIATED (RFP)           QUOTATION (RFQ)

DATE ISSUED: May 16 17, 2011 CLOSING DATE/TIME:

June 17, 2011 1:00 PM (CDT) (Amendment 0001)      June 24, 2011/1:00 PM (CDT)

Pre-Bid Conference - See Section L.23; Site Visit for Information - See Section L.22; Bid Submission Requirements - See Section L.8

THIS PROCUREMENT IS FOR: Dredging and Construction for BA38 Pelican Island Barataria Barrier Shoreline Restoration Project, Gulf of Mexico, Louisiana.

THIS PROCUREMENT IS:

X  Unrestricted OR Set-Aside for      8(a) OR      Small Business OR      Labor Surplus Area Concerns

Small Business Size Standard applicable to this procurement is \$20,000,000.00 (for Dredging) (Average annual receipts for preceding 3 fiscal years) and the applicable North American Industry Classification System Code (NAICS) code is 237990.

-----CAUTION-----

**BEFORE SIGNING AND MAILING THIS BID**, please take note of the following, as failure to perform any one of these actions may cause your offer to be rejected.

1. **AMENDMENTS:** Have you acknowledged receipt of ALL amendments? If in doubt as to the number of amendments issued, please contact Pam Stichweh at 816-426-2067.
2. **SEALED BIDS:** Sealed envelopes containing bids shall be marked to show the offeror's name and address, the solicitation number, amendments received, and the date and time bids are due.
3. **AMENDED BID PAGES:** If any of the Amendments furnished amended proposal pages, the amended bid pages must be used in submitting your bid.
4. **BID GUARANTEE:** See Section I - FAR Clause 52.228-1 for requirements.
5. **LATE BIDS:** See FAR Clause 52.214-7 Late Submissions, Modifications, and withdrawals of Bids (Nov 1999) for information regarding the disposition of late bids. It is the bidder's responsibility to submit bids prior to date and time established for receipt of bids.
6. **FACSIMILE BIDS OR MODIFICATIONS:** WILL NOT be considered.
7. **HAND-DELIVERED BIDS:** If bids are hand-delivered, you must be aware of security requirements in effect in the Federal Building. A valid picture ID is required in addition to electronic screening. You must be escorted

**SECTION B**

8. **SALES TAX:** Contractors are reminded that certain states exempt material purchased for, or use in, Government construction projects from the application of sales tax or use tax. The contractor bidder should satisfy itself as to the application of such taxes to this project.
9. **Small Business Subcontracting Plan - Reference FAR 52.219-9 Alternate I - Small Business Subcontracting Plan** - The Apparent successful bidder, if considered to be a large business concern or also known as other-than-small business concern, shall submit an acceptable subcontracting plan prior to award of the contract. The Contracting Officer will make a written request for the plan to the apparent successful bidder.

10. The following additional information is added concerning the bid opening process:

"Interested parties may call 866 724-2155 and enter passcode 2747752 followed by the # (pound sign) to telephonically listen to the bid opening process.

Bids must be physically submitted in accordance with Section L and any other requirements in the solicitation.

Bids will be accepted until bid opening time at:

NOAA/AGO-EAD-KC  
Rm 1756, 601 E. 12<sup>th</sup> Street  
Kansas City, MO 64155

Escort into the building is required. Call 816-426-2067, 816-426-7426, or 816-426-2068 for escort or pick up of bid package. Please ensure that you allow enough time prior to bid opening to deal with the security process."



**SECTION B**

**B.2 BID SCHEDULE**

BID SCHEDULE FOR PELICAN ISLAND RESTORATION (BA-38-1)					
<b>BASE</b>					
Item	Description	Quantity	Unit	Unit Price	Amount
0001	Mobilization		1 LS		
0002	Performance and Payment Bonds		1 LS		
0003	Dune and Beach Fill	Estimated 1,400,000	c.y.		
0004	Marsh Fill	Estimated 1,600,000	c.y.		
0005	Primary Dikes	Estimated 15,000	l.f.		
0006	Sand Fencing	Estimated 13,900	l.f.		
0007	Settlement Plates	9	unit		
0008	Jetty Extension Foundation	Estimated 19,630	s.f.		
0009	Jetty Extension Armor Stone	Estimated 10,620	ton		
0010	Pre-Construction Survey	1	LS		
0011	As-Built Survey	1	LS		
0012	Sea Turtle Relocation Trawling	Estimated 20	days		
<b>TOTAL BASE SCHEDULE</b>					
Note: Transfer this amount to the appropriate line on the "Supplies or Services and Prices/Costs" page of the SF1442.					
<b>Overhead % for Modifications</b>					_____ %
<b>Profit % for Modifications</b>					_____ %

BID SCHEDULE FOR PELICAN ISLAND RESTORATION (BA-38-1)					
<b>OPTIONAL ITEMS 0003A-0003B</b>					
Listed in order of Priority					
Item	Description	Quantity	Unit	Unit Price	Amount *See Note
OPTION 0003A	Dune and Beach Fill	250,000 Estimated	c.y.		
OPTION 0003B	Dune and Beach Fill	500,000 Estimated	c.y.		
Note: *Transfer these amounts to the appropriate line on the "Supplies or Services and Prices/Costs" page of the SF1442.					

## SECTION B

### NOTES:

(1) Contractor is not authorized to exceed the stated estimated quantities and shall notify the Contracting Officer's Representative when 95% ~~of the volume is placed is reached~~ for items 0003, 0008, 0009, 0012, and if applicable 0003A - 0003B. FAR Clause 52.211-18 Variation in Estimated Quantities applies only to estimated quantities for items 0003 through 0006 and items 0008, 0009, and 0012 of the base bid schedule and Optional items 0003A and 0003B if exercised.

(2) Bidders must bid on both Base and Optional items on the "Supplies and Services and Prices/Costs" page of the SF1442 and must complete all bid schedules in Section ~~B-3 B.2~~. **Failure to do so shall render the bid non-responsive.** See Provision 52.214-18 (Section L).

(3) See Section L.8 for Bid Submission Information.

(4) Failure to complete and return all required submissions from this solicitation could render your bid non-responsive.

(5) The bid guarantee amount shall be based on the contractor's total bid for the base bid schedule and options (See 52.228-1 in Section I.)

### VARIATIONS IN ESTIMATED QUANTITIES - SUBDIVIDED ITEMS

This variation in estimated quantities clause - subdivided items is applicable only to Item Nos. 0003, 0008, 0009, 0012, and 0003A-0003B.

(1) Variation from the estimated quantity in the actual work performed under any second or subsequent sub-item or elimination of all work under such a second or subsequent sub-item will not be the basis for an adjustment in contract unit price.

(2) Where the actual quantity of work performed for item No. 0003 and 0003A-B or combination thereof depending on award of options is less than 85% of the quantity of the first sub-item listed under such item, the contractor will be paid at the contract unit price for that sub-item for the actual quantity of work performed and, in addition, an equitable adjustment shall be made in accordance with the clause FAR 52.212-11, Variation in Estimated Quantities.

(3) If the actual quantity of work performed under Item No. 0003 and 0003A-B or combination thereof depending on award of options exceeds 115% or is less than 85% of the total estimated quantity of the sub-item under that item and/or if the quantity of the work performed under the second sub-item or any subsequent sub-item under Item No. 0003A - 0003B exceeds 115% or is less than 85% of the estimated quantity of any such sub-item, and if such variation causes an increase or a decrease in the time required for performance of this contract the contract completion time will be adjusted in accordance with the clause.

Should additional quantities over the base bid quantity for line item 0003 not be required (i.e. options 0003A - 0003B or any combination) the option(s), if awarded, will be deleted by modification at the discretion of the Government. The Contractor shall not be paid for work not performed.

**SECTION F  
DELIVERIES OR PERFORMANCE**

**F.1 52.242-14 SUSPENSION OF WORK (APR 1984)**

(Reference 42.1305)

**F.2 52.211-10 COMMENCEMENT, PROSECUTION, AND COMPLETION OF WORK (APR 1984)**

The Contractor shall be required to

(a) commence work under this contract within ten (10) 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 Base Bid - 430 calendar days from date of receipt of written Notice To Proceed (NTP). Option 0003A - 25 additional calendar days added to base bid; Option 0003B - 50 additional calendar days added to base bid. The time stated for completion shall include final cleanup of the premises.

(End of Clause)

**F.3 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 ~~\$1,974.00~~ \$2,074.00 (amount is the same for base bid or combination of base bid and any exercised options 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)

**F.4 SCHEDULE OF DELIVERABLES**

The following is a schedule of deliverables, including administrative deliverables, required during the period of performance of this contract:

See Specification - General Conditions, paragraph 34, Technical Provisions, paragraph 43, and Environmental Protection Provisions, paragraph 16 for technical deliverables as applicable to this contract.

See Section B Pricing Schedule and Section F, 52.211-10 Commencement, Prosecution and Completion of Work.

The following clauses/provisions contain language that requires the submission of information and/or deliverables in reference to the resulting contract if applicable.

52.203-7 -- Anti-Kickback Procedures. (JUL 1995)	(2) When the Contractor has reasonable grounds to believe that a violation described in paragraph (b) of this clause may have occurred, the Contractor shall promptly report in writing the possible violation. Such reports shall be made to the inspector general of the contracting agency
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**SECTION F  
DELIVERIES OR PERFORMANCE**

52.236-21 Specifications and Drawings for Construction (FEB 1997)	(g) The Contractor shall submit to the Contracting Officer for approval four copies (unless otherwise indicated) of all shop drawings as called for under the various headings of these specifications. Three sets (unless otherwise indicated) of all shop drawings, will be retained by the Contracting Officer and one set will be returned to the Contractor.
1352.209-72 - Restrictions Against Disclosures (MARCH 2000)	a. ... The Contractor agrees to immediately notify the Contracting Officer in writing in the event that the Contractor determines or has reason to suspect a breach of this requirement.
See General Conditions, Technical Provisions and Environmental Protection Provisions for a listing of all required deliverables.	Please see General Conditions paragraph 34-Schedule of Deliverables, Technical Provisions paragraph 43-Schedule of Deliverables and Environmental Protection Provisions paragraph 16-Schedule of Deliverables for more information in regards to the deliverables that are required for this project.

**F.5 1352.270-70 PERIOD OF PERFORMANCE (APR 2010)**

(a) The base period of performance of this contract is from Notice To Proceed through as determined by the selected bid. Base Bid - 430 calendar days from date of receipt of written Notice To Proceed (NTP). Option 0003A - 25 additional calendar days added to base bid; Option 0003B - 50 additional calendar days added to base bid. The total period of performance if base and all options are exercised is 505 calendar days. If an option is exercised, the period of performance shall be extended through the end of that option period.

(b) The options may be exercised at time of award or within 365 days of contract award.

(c) The notice requirements for unilateral exercise of option periods are set out in FAR ~~52.217-9~~ 52.217-7.  
(End of clause)

**F.6 52.217-7 OPTION FOR INCREASED QUANTITY--SEPARATELY PRICED LINE ITEM (MAR 1989)**

The Government may require the delivery of the numbered line item, identified in the Schedule as an option item, in the quantity and at the price stated in the Schedule. The Contracting Officer may exercise the option by written notice to the Contractor at time of award or within 60 days of contract award. Delivery of added items shall continue at the same rate that like items are called for under the contract, unless the parties otherwise agree.

(End of Clause)

**SECTION L**  
**INSTRUCTIONS, CONDITIONS, AND NOTICES TO OFFERORS**

**L.1 52.252-1 SOLICITATION PROVISIONS INCORPORATED BY REFERENCE (FEB 1998)**

This solicitation incorporates one or more solicitation provisions by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available. The offeror is cautioned that the listed provisions may include blocks that must be completed by the offeror and submitted with its quotation or offer. In lieu of submitting the full text of those provisions, the offeror may identify the provision by paragraph identifier and provide the appropriate information with its quotation or offer. Also, the full text of a solicitation provision may be accessed electronically at this/these address(es):

<https://www.acquisition.gov> and <http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=b1110228a0947e36df514c65c3606567&rgn=div5&view=text&node=48:5.0.6.47.44&idno=48>

(End of Provision)

**L.2 52.211-1 AVAILABILITY OF SPECIFICATIONS LISTED IN THE GSA INDEX OF FEDERAL SPECIFICATIONS, STANDARDS AND COMMERCIAL ITEM DESCRIPTIONS, FPMR PART 101-29 (AUG 1998)**

(Reference 11.204)

**L.3 52.214-3 AMENDMENTS TO INVITATIONS FOR BIDS (DEC 1989)**

(Reference 14.201-6)

**L.4 52.214-4 FALSE STATEMENTS IN BIDS (APR 1984)**

(Reference 14.201-6)

**L.5 52.214-5 SUBMISSION OF BIDS (MAR 1997)**

(Reference 14.201-6)

**L.6 52.214-6 EXPLANATION TO PROSPECTIVE BIDDERS (APR 1984)**

(Reference 14.201-6)

**L.7 52.214-7 LATE SUBMISSIONS, MODIFICATIONS, AND WITHDRAWALS OF BIDS (NOV 1999)**

(Reference 14.201-6)

**L.8 BID SUBMISSION**

At a minimum, offerors shall return the following documents:

- (a) Completed Standard Form 1442 (back) Solicitation, Offer and Award with block 14 through 20c on the form completed - Three (3) copies each having an original signature; Ensure DUNS number is included.
- (b) Section B - Bid Schedule - Completed - (All bid pages & page 3 of the SF1442 - Supplies or Services and Prices/Costs) One (1) Original;
- (c) Section K, Representations, Certifications, and Other Statements of Offerors - One (1) Original; Also submit: One (1) complete copy of the company's Representations and Certifications from ORCA. See Note below.
- (d) Standard Form 24, Bid Bond in the amount of twenty percent (20%) of the Base bid ~~schedule including Options 0003A and 0003B and all options~~ or \$3,000,000 whichever is less - One (1) original SF24. Money orders, cashier's checks, or certified checks (if used) shall be payable to the "U.S. Department of Commerce, NOAA;" See Section J for form information.
- (e) Bidder's Qualification Sheet - See Section J for the form. For purposes of determining responsibility, offerors shall submit past performance information for five (5) recently completed contracts that are relevant to the current requirement in size and type of work. Information may be provided on the actual bidder's qualification sheet or on a document of similar format that contains all the required information.

WC133F-11-RB-0004

**SECTION M**  
**EVALUATION FACTORS FOR AWARD**

**M.1 52.217-4 EVALUATION OF OPTIONS EXERCISED AT TIME OF CONTRACT AWARD (JUN 1988)**

Except when it is determined in accordance with FAR 17.206(b) not to be in the Government's best interests, the Government will evaluate the total price for the basic requirement together with any option(s) exercised at the time of award. Option(s) not exercised at time of award will be evaluated for fairness and reasonableness ~~if a determination is made to exercise the option and may be exercised within 365 days of award~~ and may be exercised within 60 days of contract award.

(End of Provision)

**M.2 EVALUATION OF BIDS INFORMATION**

The Government intends to award a single contract from this solicitation. The Government will review all bids and ~~award to a~~ award to the responsive and responsible contractor with the lowest priced bid including the base schedule and any optional items exercised at time of award.

**CHANGES TO SOLICITATION NO. WC133F-11-RB-0004 SPECIFICATIONS:**

**FOR BID AMENDMENT #2**

**General Conditions:**

- (1). **2.2.1** Completion of site layout as specified in Section 17 and 30.20 of the Technical Provisions.
- (2). **2.3.1** The CONTRACTOR is authorized in writing to proceed after inspection by the COTR. The results of the inspection will be transmitted to the CONTRACTOR within 2 working days.
- (3). **4.6.4.3** Presentation by the CONTRACTOR of a release of all claims against the GOVERNMENT arising by virtue of this contract, other than claims, in stated amounts that the CONTRACTOR has specifically ~~accepted~~ excepted from the operation of the release. Release of Claims (Appendix III of the General Conditions) shall be the form of this release which shall be submitted with the final invoice.
- (4). **16 NIGHTTIME OPERATIONS**  
Nighttime is defined as the period of time from sunset to sunrise. During nighttime operations, the CONTRACTOR shall utilize lighting that is necessary to safely accomplish the Work. It is the responsibility of the CONTRACTOR to meet lighting requirements contained in the permits for the project, while also meeting OSHA lighting requirements, and to ensure safety on the job site. The CONTRACTOR shall shield or orient the lights to maximally confine the light employed to the work area. Beach grading and dressing will be limited to daylight hours only. Diking will be allowed at night ~~on an as-needed basis~~. The CONTRACTOR is strongly encouraged to conduct as much required work as possible during daylight hours.
- (5). **18.1 Fill Placement Requirements:** All dune/beach and marsh fill excavated from the borrow areas shall be transported to, and hydraulically deposited on, the dune/beach or marsh within the lines, grades, and cross-sections shown in the Plans for the type of fill being placed (marsh or dune/beach), unless otherwise provided for herein or directed by the GOVERNMENT. The topography of the fill area is subject to changes and the elevations on the beach at the time the Work is done may vary from the elevations shown in the Plans. The CONTRACTOR is to place the hydraulic fill in the fill area in such a manner as to establish a uniform dune/beach, and/or marsh platform between adjacent pay profile lines. Sections located between pay profiles shall not be under filled, as defined

in the Contract Documents. ~~The dune/beach fill on the landward side of the template shall be placed and surveyed prior to the placement of marsh fill at that profile. Fill operations shall be conducted in a manner to ensure that marsh fill material is not discharged or placed within, or allowed to migrate or slough into, the limits of the beach fill template.~~ The CONTRACTOR shall maintain and protect the fill and all primary dikes in a satisfactory condition at all times until final completion and acceptance of the Work by the GOVERNMENT.

- (6). **29.3 Leaseholder Requirements:** The GOVERNMENT has obtained all temporary easements, servitudes, and right-of-way agreements required for construction of the access channels, primary dike, jetty extension, marsh fill, beach fill and sand fencing features as depicted on the drawings project. The agreements executed with leaseholders for the Work at the site contain special requirements. The CONTRACTOR shall abide by the following stipulations as set forth by the respective leaseholders.

### **Technical Provisions:**

- (1). **22.2 Excavation:** Three (3) borrow areas have been identified for potential use during this project: Sandy Point NW, Sandy Point SE, and Empire Borrow Area. The Sandy Point borrow areas will be used as the source of beach fill, while all three borrow areas can be used as a source of marsh fill. Sandy Point NW is located approximately eight and a half (8.5) miles south-southeast of the project area. ~~Sandy Point NW does not contain sufficient dune/beach or marsh fill to construct the entire project.~~ The Sandy Point SE borrow area is located approximately ten and a half (10.5) miles south-southeast of the project area and one and a half (1.5) miles southeast of the Sandy Point NW borrow area. ~~There is sufficient beach/dune fill and marsh fill in the Sandy Point NW borrow area to construct the entire project.~~ The Empire borrow area is located approximately one and three tenths (1.3) miles due south of the project area and contains twice the marsh fill template volume.
- (2). **23.5 Submerged Line Approvals:** Should the CONTRACTOR choose to use a submerged line from the borrow area to the placement area, or a pump out station to the placement area, the CONTRACTOR shall obtain all easements, rights of way, and permits required. The CONTRACTOR is required to conduct any field investigations or surveys necessary to establish the pipeline corridor. Pipeline information and data may be available at <http://www.gomr.mms.gov/homepg/pubinfo/repcat/arcinfo/index.html> or may be acquired by contacting the Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE).



- (3). **30.20-Jetty Layout Prior to Construction:** Prior to initiation of construction, excavation, or placement of marine mattress, the CONTRACTOR shall survey and layout the jetty crest, break in slope and toe of marine mattress at Sta 11+28, 12+00, 13+00, 14+00, 15+00, and 16+00. The break in slope and toe of marine mattress shall also be staked along the center line beyond Sta 16+00. The layout shall be surveyed and staked adequately to depict the limits and location of the work. The GOVERNMENT will conduct a hold-point inspection at the completion of site layout prior to construction. The GOVERNMENT may require restaking of the layout following excavation for placement of the marine mattress foundation.

**SOLICITATION NO. WC133F-11-RB-0004 QUESTIONS/ANSWERS:**

**BIDDERS**

**Question Number One:**

Reference Section F.5, paragraph 1352.270-70, item (b). Due to the nature of the Options being supplemental to the Base beach/dune fill quantity, we request the inclusion of contract language that ensures any Options must be awarded prior to commencement of beach/dune fill operations. This assures the Contractor the entire beach/dune fill quantity that is desired by the Government shall be placed in one effort, and that no thin and costly supplemental filling would be required due to late award of an Option after beach/dune fill activities had already commenced.

**Answer to Question Number One:**

See revised Section F.5, paragraph 1352.270-70, item (b).

**Question Number Two:**

Reference General Conditions, paragraph 2.3.1. Please establish a time limit within which the COTR must respond in writing following a hold point inspection, so as to permit the Contractor to proceed with covering the inspected work.

**Answer to Question Number Two:**

**Note-See revised General Conditions paragraphs 2.2.1 and 2.3.1.**

**Question Number Three:**

Reference General Conditions, paragraph 24.1. Please clarify if boarding facilities are required for one (1) or two (2) individuals. Also, please clarify the location of the boarding facilities required, i.e. aboard the dredge or on the mainland.

**Answer to Question Number Three:**

Boarding facilities are required for one (1) full-time, on-site observer. Boarding facilities and job office are to be provided in the same location as the Contractor's shore crew (i.e., on a quarters barge located at the project fill area). However, in the event that a hopper dredge is used for any portion of the work, the Contractor also is required to provide full-time sea turtle observers on-board the dredge as provided in Environmental Provisions, Section 7. Sea Turtle Protection Required for Use of Hopper Dredges.

**Question Number Four:**

Reference Technical Provisions, paragraph 5.1. As discussed at the pre-bid meeting, the mobilization effort required for this project is extensive, time-consuming, and costly due to the length of pipeline necessary and includes mobilization for various other features of

work that are likely to occur prior to commencement of any placement of material, e.g. jetty extension, primary dikes, overburden stripping, etc. Contractor will incur significant costs over an extended period of time for various mobilization efforts, therefore we request a provision be included for partial mobilization payments prior to commencement of dredging and placement of fill.

**Answer to Question Number Four:**

No change has been made to the solicitation in response to this question.

**Question Number Five:**

Reference Technical Provisions, paragraphs 8.2 and 8.6. We request a provision for partial payment for marsh fill prior to survey and acceptance. As pointed out in the pre-bid meeting, the 30-day waiting period after completion of a marsh fill section and prior to survey excessively extends the period for Contractor's reimbursement of significant costs. Additionally, the most efficient filling sequence of the marsh fill area may not produce completed, full-length acceptance profiles until the entire marsh fill quantity is nearly complete.

**Answer to Question Number Five:**

No change has been made to the solicitation in response to this question.

**Question Number Six:**

Reference Technical Provisions, paragraph 22.2. This paragraph contains contradictory statements regarding the sufficiency of quantity available in the Sandy Point NW borrow area to construct the entire project. Please clarify.

**Answer to Question Number Six:**

**Note-See revised Technical Provisions paragraph 22.2 Excavation.**

**Question Number Seven:**

Reference Technical Provisions, paragraph 28.1. We request the sand fence installation schedule requirements be relaxed to permit installation of the entire beach fill length in one installation effort. This would eliminate excessive costs due to repeated mobilizations/demobilizations of the fence installation equipment/personnel, or to otherwise maintain the specialty equipment at the site for the entire duration of the beach fill work.

**Answer to Question Number Seven:**

No change has been made to the solicitation in response to this question.

**Question Number Eight:**

Reference Technical Provisions, paragraph 30.3. If excavation is necessary to obtain flotation access from the Empire Waterway to the jetty extension footprint, can that excavated material be sidecast on location, and not be placed into the project footprint or used in construction of the primary containment dike?

**Answer to Question Number Eight:**

A survey conducted in May 2011 suggests that bathymetry within the immediate vicinity of the jetty is lower than -5.0 feet, NAVD, which is the estimated depth of excavation for construction of the jetty (though the depth of excavation is at the Contractor's discretion in order to meet the structure template).

In the event that site conditions at the time of construction suggest that light-loading (i.e., to less than fifty percent barge capacity) would be required to access the jetty extension footprint, the Government will seek permit modifications needed to provide adequate flotation from Empire Waterway to the jetty extension footprint. In this case, it is likely that the excavated material would be required to be placed within the project footprint due to the close proximity of this area to the Empire Waterway.

**Question Number Nine:**

Following up on Point #5 below, we request a provision for partial demobilization payments due to the extensive, time-consuming, costly and weather sensitive operations involved in the demobilization of the very large amount pipeline from the borrow area to Pelican Island.

**Answer to Question Number Nine:**

No change has been made to the solicitation in response to this question.

**Question Number Ten:**

TP-8.5 (b) requires 95% of the fill volume for acceptance segment. Is it correct that material above 2.6 can be used to offset material below +2.6 to meet the 95%? Request a provision for payment of marsh fill material between +2.6 and +3.1 to be paid up to the volume of material that was not placed between + 2.6 and +2.1. Request the same type of provision for the beach and dune fill.

**Answer to Question Number Ten:**

No changes have been made to the solicitation in response to this question. However, it is the intent of the Government to pay the Contractor for volume placed up to the template volume once the 95% provision has been met and the pay profile is within the upper and lower tolerances everywhere, except as allowed by compensating slope language. Material placed above the template and below the upper tolerance can be used to offset voids where the fill surface is below the template but above the lower tolerance.

**Question Number Eleven:**

TP-9.2 Please clarify the maintenance period for the primary dike. The requirement to provide maintenance of the primary dikes so they perform their intended function during the construction period for which they are needed can be interrupted.

**Answer to Question Number Eleven:**

The primary dikes are intended to provide complete containment of the marsh fill material throughout the period of construction. The Contractor is responsible for performing maintenance as needed throughout the entire period of construction.

**Question Number Twelve:**

TP-21 Submerged Pipeline Buoys. Clause indicates the Government will withhold of payments if the Contractor does not maintain the required buoys. Request deletion of the requirement that the contractor shall cease dredging if buoys are not maintained in the proper location until they are maintained, replaced, or repositioned.

**Answer to Question Number Twelve:**

No change has been made to the solicitation in response to this question.

**Question Number Thirteen:**

TP-22.4 Encountering Unacceptable Material in the Borrow Area. Request deletion of: "At the discretion of the Government these unacceptable materials that are excavated and placed in the fill areas may be required to be removed from the beach areas by the Contractor, at the Contractor's expense."

**Answer to Question Number Thirteen:**

No change has been made to the solicitation in response to this question

**Question Number Fourteen:**

GC-4.7.1 One Year Correction Period. Please clarify that this does not include erosion of the marsh fill and beach and dune fill.

**Answer to Question Number Fourteen:**

See General Conditions Section 4.7.2, Erosion and Settlement of Fill.

**Question Number Fifteen:**

Please provide limits of work.

**Answer to Question Number Fifteen:**

The limits of work are the extremities of the excavation or fill areas shown in the plan view drawings (seaward toe of fill, north border of secondary fill source, northern edge of marine mattress unit, outside toe of primary dike).

**Question Number Sixteen:**

At the Pre-bid meeting the Government indicated that they had secured oyster leases that might be impacted. Please provide a drawing of the project indicating the oyster leases secured by the government.

**Answer to Question Number Sixteen:**

Reference Appendix IV of the Environmental Provisions.

**Question Number Seventeen:**

TP-17 Fill Placement Requirements. The cross-sections from 19+08 to 118+86 indicate that there is an existing sand dune along the gulf side of the marsh fill. Please provide for the ability of the contractor to pump marsh fill in this area prior to pumping beach fill.

**Answer to Question Number Seventeen:**

The intent of the project drawings and specifications is to ensure that marsh fill material is not placed in the beach fill template. Marsh fill material may be placed if the pre-construction conditions do not require sand to be placed to fill the beach template prior to the placement of marsh material. This will require that: 1. At the time of construction, there is an existing sand dune feature adequate to prevent the migration or sloughing of marsh fill into the beach template, or 2. The Contractor elects to construct secondary dikes as provided in Technical Provision Section 18.3, Control of Fill.

**Note- See revised General Conditions paragraph 18.1 Fill Placement Requirements.**

**Question Number Eighteen:**

Drawing DE-1 indicates the maximum dike size is +7.0' NAVD with 1V:8H. Please indicate how contractor is to proceed if the material will not stabilize on 1V:8H or steeper.

**Answer to Question Number Eighteen:**

The means and methods for the Contractor to construct the primary dike are at the Contractor's discretion.

**Question Number Nineteen:**

Due to the very complex nature of this project and the significant effort necessary to evaluate the various risks and to allow ample time to properly estimate the cost to construct the project, we request the bid opening be postponed by not less than 14 days.

**Answer to Question Number Nineteen:**

**Note-See revised SF1442, Block 13A and revised Section B.1.**

**Question Number Twenty:**

In reference to TP-30 Jetty Extension paragraphs 30.0 to 30.4.8, the specification showing the size stone to be used is too tight, it requires 1.7 to 2.8 ton stones. In order to have stone that will interlock you need some larger and some smaller stone than what is listed. The COE spec for 2-4 ton stone is what is normally used in that area, please consider this gradation as acceptable. The spec also states that 15 stones will be selected for testing by weight, and 50% must be over 2.2 tons, is this measurement going to be by count of stones or weight? Also it states that 8 stones will be selected for a drop test and that all 8 must pass to approve the quarry. If one of these stones does not pass is the quarry going to be rejected or can additional stone be dropped to pass the quarry?

**Answer to Question Number Twenty:**

The median stone weight is 2.2 tons and follows USACE standard of  $\pm 25\%$  median stone weight. The Contractor may use larger stone than specified but this stone may not fit within the template.

50% of the stones shall be over 2.2 tons by count of stones, not weight.

An additional 8 stones may be dropped if a stone in the original batch fails. The drop test is intended to assist the Contractor with ensuring the quality of stone and avoid transporting stone to the project site from a quarry providing unfit stone. It is assumed that by the time the stone is readied for the drop test that it would have been handled such that cracks and fissures in the stone are evident. The Contractor may inspect the stone prior to the drop test.

**Question Number Twenty One:**

In Section L, Page 44, Paragraph L.8 "Bid Submission", Item (c), Section K, Reqs and Certs and other statements to offerors you require (1) original and also submit (1) complete copy of the Reqs and Certs from ORCA. Our ORCA submission is 26 pages....So my question is do we need to supply three copies of Section K (4 pages) and three copies of our ORCA submission (26 pages), because the SF1442 requires an original and three copies (that would be a total of 120 pages just for the Reqs and Certs)?

**Answer to Question Number Twenty One:**

Only one (1) copy of Section K Representations and Certifications and only one (1) copy of the representations and certifications from ORCA is required to be submitted with your total bid submission package.

**Question Number Twenty Two:**

Please state in the order of work that we can pump the marsh fill before the beach fill if we elect to pump the marsh first.

**Answer to Question Number Twenty Two:**

See answer to Question Number Seventeen.

**Question Number Twenty Three:**

The specifications currently allow the Government 365 days to award any/all options. This delay requires a conservative mindset when pricing the work and will not provide the most favorable pricing. In the Pelican Island specs on page TP-42 section 31.5 the contractor is required to conduct a pre-construction survey prior to the pre-construction meeting. These surveys are then utilized to determine the "updated" volume requirements. Any options should be awarded at this time so that the templates are established just once. In this case, the pay volume(s) would follow the Contractor's schedule.

**Answer to Question Number Twenty Three:**

See answer to Question Number One.

**Question Number Twenty Four:**

The spec reads that the stone must be 1.7 to 2.8 tons each and 50% has to be over 2.2 tons. That leaves the spec too tight to make. We would like to see a 1 to 3 ton range or better, the COE 2-4 ton spec would be best. At the current spec all the stone would be close to the same size. Also 15 stones must be selected and weighed for gradation, is the 50% over measured by count or by weight?

**Answer to Question Number Twenty Four:**

See answer to Question Number Twenty.

**Question Number Twenty Five:**

The spec states to be an approved quarry you must pick out 8 stones and do a drop test and all must pass to approve the quarry. If any break does that reject the quarry or can you drop additional stones to pass the test.



**Answer to Question Number Twenty Five:**

See answer to Question Number Twenty.