

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT				1. CONTRACT ID CODE	PAGE OF 1
2. AMENDMENT/MODIFICATION NO. 0002		3. EFFECTIVE DATE 15 Feb 2002	4. REQUISITION/PURCHASE REQ. NO.		5. PROJECT NO. (If appli
6. ISSUED BY USAED, WILMINGTON Attn: John B. Roberts II 69 Darlington Ave (28403) PO Box 1890 Wilmington, NC 28402-1890			7. ADMINISTERED BY (If other than Item 6)		
8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code)			(Y)	9A. AMENDMENT OF SOLICITATION DACW54-01-R-0009	
			X	9B. DATED (SEE ITEM 11) 14 Jan 2002	
				10A. MODIFICATION OF CONTRACT/ 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 1 copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the amendment 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, 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.

(Y)	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 pay rates, 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)

Solicitation No. DACW54-01-R-0009, Anchorage Basin and Passing Lane Dredging is amended as follows:

a. Attached are questions and revised answers from the preproposal conference held 6 Feb 2002. The questions and revised answers are provided for offerors information only. They are not a part of the contract. The questions and answers made orally at the preproposal conference have been edited for clarity, and substantive changes have been made in some answers, to correct errors and reflect changes that will be made by future amendment.

b. The time and date set for receipt for proposals IS NOT EXTENDED.

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 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
BY _____ (Signature of person authorized to sign)		BY _____	16C. DATE SIGNED

**Anchorage Basin – Passing Lane Solicitation
Questions & Answers**

Question #1: Standard Form 1442, Section 10, notes that,

“The desired completion of Phase I . . . is December 31, 2003, and the required completion date is January 31, 2004.”

What is meant by desired? What penalties would the Contractor incur should Phase I not be complete by either of those dates? Clause 52.211-10 (Section 00800) addresses assessment of Liquidated Damages should the entire contract not be completed with 1425 days, but it is silent on assessment of LD's for failure to complete Phase I on time. Without penalties for nonperformance, any interim milestones will be ignored by contractors who might knowingly be incapable of completing Phase I by the desired completion date.

USACE-W answer.

The questioner is correct in noting that there are no Liquidated Damages associated with a failure to complete Phase I by January 31, 2004. Please note, however, that work on Phase I is the required first order of work. The “desired” date shown on SF1442 reflects the needs of North Carolina State Ports Authority to bring in deep draft vessels at the earliest practicable date. The offeror’s plan to achieve deep water to the State Ports within the Phase I time frame is significant in the evaluation of proposals.

Question #2: A. Section 00010, Solicitation Contract Form. Bid Item 0003, Maintenance Dredging, is priced by the hour. However, no performance specifications or dredge size requirements are included in the specifications. Please clarify.

B. Paragraph 3.24.2 of Section 02325 of the Specifications states that maintenance dredging shall be accomplished by a separate piece of equipment other than that being used to accomplish the unclassified excavation. Item 0003 of the *Proposal, entitled Maintenance Dredging*, indicates a quantity of 3,800 Hours at an Hourly Unit Price. The Specifications do not specify type of dredge, reaches, or disposal area. Request clarification of type of dredge, equipment required with each dredge, and recommend different Proposal Items for different types of dredges.

USACE-W answer.

Specific maintenance dredging plant requirements will be addressed by future amendment.

Question #3: Section 02325, Dredging, paragraph 3.24.2, Maintenance Dredging, outlines the required time for maintenance dredging. The paragraph states “The Contracting Officer will identify the areas which require maintenance dredging and provide written notice to the Contractor to proceed to the areas to perform maintenance dredging. Within 30 days of receipt of the written notice, the Contractor shall begin removal of maintenance material from the specified area(s).” If the contractor selects a piece of equipment such as a hopper dredge, which is restricted to working from 16 November to 31 January, how will maintenance dredging be performed during any other time than within the environmental window?

USACE-W answer.

An environmental window for maintenance dredging will be addressed by future amendment.

Question #4: In Clause 52.0215-4305 V, Proposal Submissions and Evaluation Factors for Award, paragraph 2, Best Value Acquisition, states the non-cost factors are approximately equal to the cost factors, however a valuation system is not set up for evaluation of the total proposal, price and technical. The proposal format and required information and submittals are very well detailed, but the evaluation of the proposals is extremely vague. There is no system for rating the technical proposal; the only thing that is mentioned is in paragraph 7., where the Government will evaluate the offerors technical proposal for clarity, completeness, thoroughness and reasonableness. We have provided a detailed evaluation procedure from DACW17-00-R-0025 Shore Protection Project, Dade County Florida, which has a specific point system for evaluation of the technical proposal. Please see paragraph 5.1 of this specification for the detailed award basis, this may aid in formulating a detailed evaluation, for the Wilmington project. Proposal

USACE-W answer.

Effective April 2001 - the Department of the Army prohibited the use of numerical weighting to evaluate proposals. Evaluation factors/subfactors must be definable in readily understood qualitative terms.

FAR 15.304(d) reads, "All factors and significant subfactors that will affect contract award and their relative importance shall be stated clearly in the solicitation. The rating method need not be disclosed in the solicitation.

Section 00100, Paragraph 4.1. Volume I - Technical Proposal, states the Technical Proposal submitted in response to this RFP will be evaluated based on the three factors and associated sub-factors and lists the evaluation factors and subfactors and their relative importance.

Question #5: Section 01354, paragraph 3.4.3, Hopper Dredge, states that upon taking two sea turtles, all work by hopper dredges under this contract will be terminated. Is this for the length of the contract or each year?

USACE-W answer.

If 2 sea turtles are taken within 24 hours or 3 turtles are taken in a year, consultation is required with the Contracting Officer to determine compliance with the contract requirements. If 5 turtles are taken in one year, all work by hopper dredge under this contract will be terminated at no cost to the Government and the Contractor shall complete the work remaining for that year with other plant and equipment. The first year begins the date the notice to proceed is issued, and subsequent years start on the anniversary date of the notice to proceed. This will be addressed by future amendment.

Question #6: Section 02325, Dredging, paragraph 3.8 (a), Measurement and Payment, states that in some areas of the existing channel where shoaling has occurred, the Contracting Officer may determine that material above elevation -39 feet MLLW will not be paid for as unclassified excavation, but instead will be paid for at the contract price per hour for "Maintenance Dredging." How can this be paid for at

the price per hour if it is dug in conjunction with the Unclassified Excavation? Is the intention of this to say that no material above -39.0 feet MLLW will be paid at the Unclassified Excavation unit price?

USACE-W answer.

Clarification of how the Government will determine whether material is paid for as unclassified excavation or as maintenance dredging will be addressed by future amendment.

Question #7: In Section 02325, Dredging, paragraph 3.24.1.1, Order of Work, gives the desired order of work by Phase I and Phase II. Is it possible for the contractor to change the order of work? In the Lower Lilliput Channel you require the original channel to be dredged in Phase I and then a 100-foot widener on each side in Phase II, can this be accomplished by dredging a 400-foot wide channel that includes one of the wideners for Phase I and then complete the remaining 200-foot (all on one side) for Phase II?

USACE-W answer.

Phase I is the *required* first order of business. Realigning the channel in this area requires coordination with the USCG & Cape Fear Pilots, and may require reconfiguring navigation controls; this would delay the procurement of this contract. The work in phase I in this area remains as stated in the solicitation. However, the government will consider a value engineering proposal after award to implement such a realignment, if the successful offeror has the concurrence of the USCG & Pilots.

Question #8: *We believe that* it is in the best interest of the Corps to restructure this single large contract into separate smaller contracts. Doing so would lessen the financial risks imposed on contractors with a single large contract, reduce the risks of schedule overruns, increase the amount of control the Corps has over managing smaller contracts, maximize competition, and puts the most efficient industry plant to use on specific reaches. As suggested, the scope of work involved lends itself to the creation of three contracts:

The first, Passing Lane, is approximately 7.0 million yards of overburden with virtually no rock. Because of the location of this work it will not likely be pumped to Eagle Island (distance of 30,000 feet up to 80,000 feet). The material will likely go to the new ODMDS.

The second would be from station 60+00 in Lower Brunswick up to Mile 25.5 (start of Anchorage Basin just north of State Ports). This area is primarily overburden with sporadic areas of low face rock. The overburden will likely be pumped directly into Eagle Island and the rock may or may not be removed with drilling and blasting.

The last area would be the Anchorage Basin; this area has approximately 1.0 million yards of overburden and 400,000 yards of rock. The rock in this area is generally higher in volume for the area and will likely require drilling and blasting for removal. The overburden will be pumped into Eagle Island and the blasted rock will likely be removed mechanically and disposed of in the new ODMDS.

USACE-W answer.

Acquisition planning determined it to be in the best interest of the Government and its customers to structure this requirement as one (1) contract.

Question #9:

Not all boreholes that are indicated on the plans are provided in the specifications, Volume 2. Several drilling log descriptions are also missing. Please provide information on all missing boreholes and drilling log descriptions.

USACE-W answer.

The boring logs and probe refusal elevations, which were missing, will be added by future amendment. Probe locations, which were shown as a number (location), for example, 2(AB), do not have logs. They were probed prior to 1964. The pre 1964 probes may be of limited value because of inaccuracies inherent in survey technology available at that time and due to the subsequent channel deepening from – 34 feet to – 38 feet.

Question #10:

Please provide the geographical coordinates (Latitudes & Longitudes) for the proposed New Wilmington ODMDS.

USACE-W answer.

Coordinates for the new ODMDS are provided as Northing and Easting with horizontal datum NAD 1983. This is the coordinate system provided to represent all aspects of the contract documents. The Offeror may translate these coordinates to Latitude and Longitude, or any other appropriate system, for their convenience.

Question #11:

Paragraph 3.13.1 of Section 02325 of the specifications states that excavated material shall be placed in disposal areas as shown on the drawings and directed by the Contracting Officer. If the Contractor identifies the disposal area(s) for dredge material from each channel reach or dredging area in his Dredge Material Disposal Plan, which is approved, can the Contracting Officer change the location of the disposal area(s) from the ODMDS disposal area to an upland disposal area or from an upland disposal area to the ODMDS disposal area? Would this necessitate a modification to the contract?

USACE-W answer.

The approved Dredge Material Disposal Plan will be the basis for allocating dredge material to the ODMDS or upland disposal facilities. The Government owns and operates the upland disposal facility at Eagle Island. In managing this facility at Eagle Island, the Contracting Officer will direct, as necessary, which cell(s) within the disposal facility are to be utilized to optimize the operation. Depending on the situation, it may or may not necessitate a modification to the contract. Dredged material disposal requirements will be clarified by future amendment.

Question #12:

A number of boreholes (IM2565, IM2563, 6) are referred in table 1 of the Geotechnical Data on pages G24 and G25 of Volume II of the Cape Fear –Northeast Cape Fear River Comprehensive Study, which show very high UCS values but do not show locations or sample depths. *Request* information is provided on the locations and sample depths of these boreholes.

USACE-W answer.

The items (IM2565) and (IM2563) are not borehole numbers. These are lab results for rock samples that were collected from a dredge material disposal area. The strength data was included in the referenced report as “peripheral” information. This means they were intended to show the possibility of rock of this strength may exist in the designated channel reach. The “borehole” 6 may or may not be a borehole. Its location and boring log, if one exists, is not known to us.

Question #13:

Paragraph 3.18(b) of Section 02325 of the Specifications states that overflow of scows will not be allowed upstream of Station 0+00 of Upper Brunswick Channel. Will overflow be allowed when loading trailing suction hopper dredges?

USACE-W answer.

No overflow associated with any dredging operations is allowed upstream of station 0+00 of Upper Brunswick Channel. This clarification will be addressed by future amendment.

Question #14:

Request the original MicroStation (.dgn) files and the original survey data files for all cuts under this RFP are provided,

USACE-W answer.

MicroStation (.dgn) files, including original survey data, will be provided by future amendment.

Question #15A:

In the borings provided, we found descriptions such as “poorly graded sands with rock fragments.” They have often been accompanied by high SPT values. In addition, the description often refers to USCS SM or SP. This description should only be used with granular material, not for cemented materials. ... these sands are soft or weak cemented sands that have been disintegrated by the coring and sampling method. Can you confirm this? Or can you confirm that we should expect the above-mentioned sands to be truly granular as indicated by the USCS designations, and not being cemented materials or soft rock?

USACE-W answer.

The information provided is based on standard sampling methods. Offerors must draw their own conclusions based on the limits of testing methods used.

Question #15B:

These discrepancies are misleading and might cause a contractor to substantially under estimate the amount of rock that should or will be encountered. Can you clarify this issue prior to submittal of the RFP?

USACE-W answer.

We do not consider these as discrepancies. They merely reflect the sampling methods used.

Question #15C:

Request additional borings be taken prior to receipt of proposals. We recommend a total of 8 additional borings with two be taken in each of the Anchorage, Between Channel, Jetty Channel and Upper Lilliput.

USACE-W answer.

The Government considers the information provided adequate. The offerors are free to perform additional sampling at their own expense. Subsequent to issuing the solicitation, additional information concerning material in the vicinity of Fourth East Jetty Channel became available and will be provided by future amendment.

Question #16:

Who should be contacted regarding aircraft/ helicopter blast control security operations?

USACE-W answer.

The FAA is the federal agency having authority over aircraft operations.

Question #17A:

Rock contours on the plans were drawn with the borings, probes and seismic data. Is this data available to contractors?

USACE-W answer.

Yes, seismic data is available as per specification section 02325, paragraph 3.25.5. The offeror may make arrangements to view this information at the U.S. Army Corps of Engineers Wilmington District office, 69 Darlington Avenue, Wilmington, NC 28403 by contacting Tom Child at (910) 251-4708 or Jimmy Hargrove at (910) 251-4479

Question #17B:

Why is vessel/ towing traffic through the Bald Head Shoal Channel new alignment not permitted when towing to the offshore dump?

USACE-W answer.

The contractor shall use whatever is the current navigable channel as the work is being performed. This will be addressed by future amendment.

Question #17C:

What is the estimated capacity of the Eagle Island disposal cells?

USACE-W answer.

Sufficient capacity will be made available through improvements to the disposal facility during the contract period.

Question #17D: Are there any turbidity requirements at the disposal sites?

USACE-W answer.

There are no turbidity requirements at the ODMDS. Turbidity requirements at the other disposal facilities will be clarified by future amendment.

Question #17E: Are there any more plans and/or more information on Disposal Areas 8 & 10?

USACE-W answer.

These disposal areas will be upgraded and sufficient capacity will be made available for maintenance dredging. This information will be provided to the successful offeror after contract award.

Question #18: *The solicitation specifications require that the maximum ground vibration level at any structure shall not exceed a particle velocity value of 0.5 ips. Why such a low level?*

Industry standards are:

Historical Structures	< 0.50
Residential Structures	< 1.00
Other Structures	< 2.00
High Strength Structures	< 4.00
Frequency Dependent	

USACE-W answer.

The ground vibration level of 0.5 IPS, given in the specifications, is not a damage threshold. It was established as the threshold of risk that the Wilmington District has determined to be acceptable for this contract. This should not be restrictive to the Contractor and we do not envision changes to the specifications.

Question #19: What is a Traffic Control Manager? What qualifications should he/ she have? Five years experience in what?

USACE-W answer

Maintaining the existing channel open to safe vessel traffic while performing the work is essential. Therefore a traffic control manager is required to coordinate these activities. Five years experience is required in logistics management of similar nature. This will be addressed by future amendment.

Question #20: Reference question # 17E Will disposal areas 8 & 10 be capable of handling all maintenance material?

USACE-W answer

Disposal areas 8 & 10 are available for disposal of maintenance material only. Appropriate disposal sites will be identified for maintenance dredging in specified reaches. This will be addressed by future amendment.

Question #21:

Reference Question # 11. There is a specific schedule for opening cells at Eagle Island. However, if the contractor anticipates using cell 1 until it is full before moving to cell 2 in its Dredged Material Disposal Plan and the Corps does not allow this, is this a change in the contract?

USACE-W answer

Schedule for use of cells at Eagle Island will be revised by future amendment.

Question #22:

Section 52.215-1 found on pages 12 & 13 of 146 read as follows;

paragraph (v)(4) "... offeror may propose to provide any item or combination of items."

paragraph (f)(1) "... government intend to award a contract or contracts...."

paragraph (f)(5) "...award any item for a quantity less than the quantity offered...."

The above referenced items infer that a bidder can provide the government with a bid to perform something less than the entire scope of the existing specifications. Is this the Corps' intent?

USACE-W answer

No. The Solicitation is to be read as a whole, including the plans, specifications, and amendments.

52.215-1 is a Standard Clause. 52.0215-4305 V will be used for the basis of Award. Offerors are to submit a proposal for the entire scope of work, as defined by the plans, specifications, and amendments to Solicitation DACW54-01-R-0009.

52.216-1 states "The government contemplates award of 'a' Firm Fixed Price Construction (Dredging) Contract . . ."

Question #23:

Reference Disposal Areas 8 & 10 in Section 02324:
When does the Corps anticipate the dike work and spillway work for disposal areas 8 & 10?

USACE-W answer.

Dike and spillway improvements at Disposal Areas 8 and 10 will be completed under separate Government contract prior to the Contracting Officer directing the Contractor to perform maintenance dredging.

Question #24:

Reference Question 20: What quantity will be allowed in DA 8 & 10? This is needed to estimate dredging / disposal methods & sail/ pipeline length to come up with a reasonable cost

USACE-W answer.

Disposal Areas 8 and 10 will be limited to disposal of maintenance dredging material only. Appropriate disposal areas will be identified for maintenance dredging in specified reaches by future amendment. From this information, maximum pipeline lengths can be determined.