

| AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT | | | 1. CONTRACT ID CODE | PAGE OF PAGES | |
|--|----------------------------------|--|--|---|---|
| | | | J | 1 | 5 |
| 2. AMENDMENT/MODIFICATION NO. 0009 | 3. EFFECTIVE DATE 29-Apr-2004 | 4. REQUISITION/PURCHASE REQ. NO. W25PHS-3294-4374 | | 5. PROJECT NO.(If applicable) | |
| 6. ISSUED BY US ARMY ENGINEER DISTRICT, PHILADELPHIA CONTRACTING DIVISION WANAMAKER BUILDING 100 PENN SQUARE EAS PHILADELPHIA PA 19107-3390 | CODE W912BU | 7. ADMINISTERED BY (If other than item 6) | | CODE | |
| | | See Item 6 | | | |
| 8. NAME AND ADDRESS OF CONTRACTOR (No., Street, County, State and Zip Code) | | | X | 9A. AMENDMENT OF SOLICITATION NO. W912BU-04-R-0003 | |
| | | | X | 9B. DATED (SEE ITEM 11) 17-Nov-2003 | |
| | | | | 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 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 <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 above numbered RFP is amended as follows: | | | | | |
| a. The date and time set for receipt of Phase II Proposals is extended to 4:00 p.m., 12 May 2004. | | | | | |
| b. CAL files identifying the location of the utilities at the Ft. Mifflin location have been posted in a '.zip' on the District's web site and are available for download. Railroad construction standards have also been posted to the web site and are available for download. | | | | | |
| c. Attached for offeror information purposes are several questions and answers. | | | | | |
| 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) | | 29-Apr-2004 | |

SECTION SF 30 BLOCK 14 CONTINUATION PAGE

Questions Related to Environmental and Ecosystem Issues:

1) The EA provided as Appendix J in the solicitation did not include the figures from the original EA document that we understand was completed for the site. Could you please provide the figures from the EA that show the specific project footprint covered by the assessment as well as any ecosystem impact conclusions that were arrived upon by any other previous report/assignment?

Answer: All available EA data was provided as an Attachment in the Phase I solicitation.

2) Has CENAP or other agency conducted any biological surveys, particularly herpetological surveys, at Fort Mifflin CDF? If so, could you provide those results for review?

Answer: None is required. All of the Corps owned property is part of our disposal area and is not jurisdictional land.

3) Has a wetland delineation been performed on all federal property at Fort Mifflin CDF? If so, could you please provide the results from this delineation. Are any jurisdictional wetlands present? Specifically, are the discharge ditches from the various containment cells considered jurisdictional wetlands?

Answer: Same as above. This property is an active disposal area and is not considered jurisdictional wetlands

4) If any wetland mitigation is required, does USACE have wetland credits or an existing mitigation site available for expansion? Can USACE expedite the wetland mitigation issues that would be associated with completion of a construction project on your property?

Answer: Same as above. No mitigation will be needed for the Corps owned property.

5. Construction and Operation Staffing: Recent previous contracted work by agencies other than USACE for dredge material removal from Fort Mifflin have required the use of Operating Engineers and/or use of Davis bacon prevailing wages. We understand that other USACE contracted work at Fort Mifflin may not require union labor or prevailing wages. Please advise as to the requirements during the Construction Phase and the Operating Phase as to your requirements for open shop versus union labor or prevailing wages.

Answer: See page B-3.

6. In view of the fixed price requirements, absence of ACOE project design documents and indicated liquidated damage clauses, adequate time is needed to review site information and complete a detailed approach upon which to develop the bid as provide for within the FAR (Federal Acquisition Regulations). Therefore, request that the ACOE extend the due date of this propose 30 days following the USACE's provision to all bidder's Request for Clarification which will permit the ACOE to receive from all bidders, better prepared and more complete proposals that will afford the ACOE a superior review, selection and ultimately, contract administration process once this project is awarded for execution.

Answer: The date and time set for receipt of proposals has been extended by this amendment to 4:00 p.m., 11 May 2004. No further extensions will be issued.

7. When does the ACOE plan to exercise line item 0004A or 0004B found under the pricing table, "0004 Optional Price Items" found on page B-3 of Amendment 0007?

Answer: The time periods in which the Government may exercise its options is stated in the solicitation at Article M.3.

8. How can bidders review the contents of the CEDTI Communication and Coordination Plan referenced on page C-5?

Answer: See Amendment 0008.

9. Will there be an opportunity for negotiation of any appropriate design/construction modifications based on the results of the geotechnical investigation required in Section H, Part 01012

Answer: See Section H, Part 01012, paragraph 3.5.3.

10. What USACE's design/construction standards are required in regard to the railroad grade crossing at the public entrance to the Fort Mifflin/USACE's/National guard property?

Answer: Norfolk Southern Standards.

11. What USACE's design/construction standards are required in regard to the railroad grade crossing with the property boundaries of the Fort Mifflin/USACE'S/National guard site (I.e., crossing the site access road to the PA National Guard Facility, etc.)?

Answer: Norfolk Southern Standards.

12. Will the USACE's railroad grade crossing protection system at the public entrance crossing be consistent with or exceed Norfolk Southern's minimum operating requirements for grade crossing safety and the federal railway safety act as stipulated under and pursuant to the FRA (Federal Railroad Administration) regulations?

Answer: Norfolk Southern Standards

13. Is grade crossing at the Ft. Mifflin National Historic Site entrance is located on government property designated as a "public roadway", therefore requiring PUC review and approval.

Answer: The grade crossing is not designated a 'public roadway'.

14. If the grade crossing at the "public entrance" does not require PUC review and approval, what government regulations must be adhered to from a liability/safety perspective since the grade crossing will be used by the public to access the Fort Mifflin historic site?

Answer: A rail crossing already exists at this road. Only noticeable elements are at grade crossing and crossing sign.

15. While it is anticipated that all construction and site improvements will be confined within the property boundaries of the Ft. Mifflin government reservation, what local permitting requirements will the ACOE need to coordinate with Tinicum Township (I.e., Highway RXR Grade Crossing Petition, etc.)

Answer: As stated on pg c-4, permitting, compliance and regulatory communication plan is a required submittal. Beginning on page C-6, environmental compliance and permits section places the full burden of obtaining all necessary permits on the contractor, i.e., NPDES, Coastal Zone consistency. Page C-8 requires contractor to obtain soil erosion and sediment control plan. The area within the disposal area limits is exempt from this permit requirement, however rail construction/transfer facility should obtain required permit.

16. Request any and all historic/archived and as-built drawings associated with the former Norfolk Southern switch into Ft. Mifflin and the culvert design and culvert elevations under the paved access road in front of the PA National Guard and the ACOE properties.

Answer: There are no as-built drawings of these items. Evaluation and replacement and or modification of these items is the responsibility of the contractor.

17. Requests any and all historic/archived and as-built drawings associated with the location and identification of surface and subsurface utilities (i.e., power distribution, water, fire protection, gas, sewer, storm drainage, steam, telephone/fiber optic, etc.).

Answer: Utility drawings of Ft. Mifflin are provided by this amendment at the Web site.

18. The instructions for the Price Proposal require the offeror to submit line item prices. Is the offeror required to submit cost or pricing data and or a breakdown of the elements of cost of each line item?

Answer: The solicitation does not require the submission of cost and pricing data.

19. What are the specific material performance parameters (i.e., percent moisture) to which the excavated sediment material that is to shipped to the Bark Camp Rum Mine Restoration Site to meet.

Answer: There are no parameters with respect to moisture. Material limits are defined beginning on page C-8

20. The instructions for the Price Proposal require the offeror to submit line item prices. Is the offeror required to submit cost or pricing data and or a breakdown of the elements of cost of each line item?

Answer: The solicitation does not require the submission of cost and pricing data.

21. Amendment 0008 provided USACE Subcontracting Goals for 2004, since the award will be a prime contract, is the contractor to use the "prime Contract Award" goals?

Answer: Identification of the Corps' Subcontracting Goals was provided in Amendment 0008. Selection of a set of goals is dependant upon the offeror's own determination of its business size.

22. CLINS 0004A and 0004B are option items, when during the conduct of the project does the USACE plan on exercising or advising the contractor what approach (phased or initial production facility followed by full production) is planned on being taken and will this be incorporated into the contract in an exercise of option clause?

Answer: Exercise of any option will be by contract modification.

23. Amendment 0008 indicates that the \$9,250 per day liquidated damages pertains to CLIN0003B, should the "up to \$10,150 per day) in the Amendment 0008 change to page C-13 be \$9,250?

Answer: No. Depending on circumstances, the maximum liquidated damage amount is \$10,150 per day as per page C-13.

24. After discussion with PADEP regarding this Fort Mifflin planned dredge removal project, we are uncertain whether the General Permit for the 50,000 cy demonstration to Bark Camp will apply to the Option C Bid that requires the removal and transportation of 500,000 cy during a 1-year period. Please advise as: 1) Bark camp is apparently not permitted to accept any more than the currently planned 50,000 cy of dredge; 2) What disposal/beneficial reuse sites are acceptable to CENAP for the 500,000 cy Option? We understand that only 1 mine reclamation site (Lehigh Coal Tamaqua) is currently permitted under a General Permit to place dredge materials that need to be processed at the mine with fly ash, CKD and LKD; 3) What portions of the total dredge costs are to be included in the Option C Bid - Removal/Rail Loading at Ft Mifflin - Rail Transportation - Dredge Processing and Disposal for Mine Reclamation?

Answer: Because the General Permit for Philadelphia District is for only 50,000 CY, the 500,000 CY is listed as an Option Item.

25. If the current USACE General Permit does not apply to this project, under what PADEP General Permit process will this project apply (including the Options for 500,000 cy)? There are significant additional PADEP sampling requirements for the dredge if another General Permit is to apply to this project.

Answer: PADEP permit processes will apply IF the Government elects to exercise the 500,000 CY option.

26. We understand the specs to require that all trucks entering/leaving the Fort Mifflin site need to do so via the Pennrose Ferry Road which is adjacent to Cell B. Is this the requirement even if the track configuration is selected that has rail entering at the main Fort Mifflin gate? What degree of road improvements will then be required for the truck access along the berms/off-roads to facilitate long-term use by triaxle trucks? We experienced significant ongoing requirements for road improvements during the 5-month dredge demonstration project - Are we to assume that these efforts/costs will be the responsibility of the Contractor or USACE?

Answer: It is the offeror's responsibility to ensure all costs related to the project's construction are included in the proposal prices.