



DEPARTMENT OF THE NAVY
NAVAL FACILITIES ENGINEERING COMMAND MARIANAS
PSC 455, BOX 195
FPO AP 96540-2937

IN REPLY REFER TO:
25 August 2015

N40192-15-R-1301, FY15 MAINTENANCE DREDGING AT VARIOUS LOCATIONS, APRA HARBOR, NAVAL BASE GUAM

NOTICE 01 – REQUEST FOR INFORMATION

QUESTION(Q) 1: Paragraph 2.3.v requires a Letter from bonding agent or surety. At the same time SF 1442 states that an Offer Guarantee is required. Please clarify what the letter is supposed to state and what value it would have, since there is already a bid bond requirement.

RESPONSE(R) 1: The letter is the copy of the agent's authority to sign bonds for the surety company, which is not required in electronic format as referenced in the paragraph.

Q2: The Guam Deep Ocean Disposal Site (G-ODMDS) is located well offshore of the Line of Demarcation (Boundary Line) that extends from Orote Point to the tip of the Glass Breakwater across the entrance to the outer Apra Harbor. Under U.S. Coast Guard Load Line Regulations, all vessels that conduct voyages beyond the designated Boundary Line and return directly to originating US port such as the Port of Guam or Apra Harbor are required to have a Load Line certificate. Please confirm that the scow(s) and towing vessel used to transport dredge material from the dredge site to the G-ODMDS site will be required to comply with the U.S. Coast Guard Load Line Regulations.

R2: The scow(s) and towing vessel used to transport dredge material from the dredge site to the G-ODMDS site will be required to comply with the U.S. Coast Guard Load Line Regulations.

Q3: Section 19.H.01 of the EM-385-1-1 Safety Manual states: "Scows dumping in open ocean waters should be equipped with remote opening devices to preclude the transfer of personnel between the vessels." Please confirm that since the scows for this project will be dumping in open ocean waters offshore of Apra Harbor that the scows should be equipped with remote opening devices.

R3: The scows shall be equipped with remote opening devices per 19.H.01 of EM 385-1-1.

Q4: Does a dredge and scow(s) performing work on this dredging project have to be built in the United States to comply with applicable Federal laws including the Foreign Dredge Act? In addition, does a dredge and scow(s) performing work on this dredging project have to be owned by a U.S. Citizen to comply with applicable Federal laws including the Foreign Dredge Act?

R4: All Offerors must comply with the requirements of the contract and the applicable laws and regulations. These requirements include, but are not limited to:

- (i) Section 00100, Para. 8, referencing FAR Subpart 9.104, which provides in part that "a prospective contractor must -- (g) [b]e otherwise qualified and eligible to receive an award under applicable laws and regulations.";
- (ii) WON 1370757, RFP PART 2 - SECTION 01 35 26.05 20 - Page 6, Para. 1.5;
- (iii) applicable United States Federal laws and regulations, including those applicable to the Territory of Guam; and
- (iv) applicable laws and regulations of the Territory of Guam.

"KNOW SAFETY, NO MISHAPS"

Offerors are responsible for availing themselves of the requirements of the contract and the applicable laws and regulations.

Q5: Par.2.1.e states that the Contracting Officer may discount favorable past performance and experience of a subcontractor unless the prime contractor clearly provides, in its proposal, evidence of a binding teaming agreement or other contractual agreement which creates legal responsibility on the part of the subcontractors. However Factor 1 - Experience, only made reference to Joint Venture (JV), affiliates/ subsidiaries/parent/LLC/LTD member companies and did not include subcontractors. Please confirm if the KO will consider past performance by a subcontractor with evidence of binding teaming agreement for past performance and experience? Additionally, is a subcontractor allowed to have binding teaming agreement with numerous bidders or does the teaming agreement needs to be exclusive between a prime contractor and a subcontractor?

R5: The Offeror may utilize the experience and past performance of a subcontractor that will perform major or critical aspects of the requirement provided there is a binding teaming agreement or other contractual agreement submitted with the proposal. Additionally, the Government will recognize contractor team arrangements provided the arrangements are identified and company relationships are fully disclosed in the proposal. The prime contractor is fully responsible for contract performance regardless of any team arrangement between the prime contractor and its subcontractors.

-----End of Notice-----