

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT				1. CONTRACT ID CODE	PAGE OF PAGES
				J	1   32
2. AMENDMENT/MODIFICATION NO. 0004	3. EFFECTIVE DATE 09-Jun-2015	4. REQUISITION/PURCHASE REQ. NO.		5. PROJECT NO.(If applicable)	
6. ISSUED BY NAVFAC EUROPE AFRICA SOUTHWEST ASIA VIALE PORTO CAPODICHINO NAPOLI 80144	CODE N33191	7. ADMINISTERED BY (If other than item 6)		CODE	
		<b>See Item 6</b>			
8. NAME AND ADDRESS OF CONTRACTOR (No., Street, County, State and Zip Code)				X	9A. AMENDMENT OF SOLICITATION NO. N33191-15-R-0824
				X	9B. DATED (SEE ITEM 11) 28-Apr-2015
					10A. MOD. OF CONTRACT/ORDER NO.
					10B. DATED (SEE ITEM 13)
CODE		FACILITY CODE			
<b>11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS</b>					
<input checked="" type="checkbox"/> The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offer <input type="checkbox"/> is extended, <input checked="" type="checkbox"/> is not extended.					
<p>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:</p> <p>(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.</p>					
12. ACCOUNTING AND APPROPRIATION DATA (If required)					
<b>13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.</b>					
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.)					
Amendment 0004 is being issued for the following reasons:					
1) Notify all bidders/Offerors that the last day for PPIs/RFIs/Questions concerning this solicitation is close of business on Thursday, 11 June 2015. Any requests for information/questions received after Thursday, June 11th 2015 will not receive a government response.					
2) Provide an updated list of Government responses to submitted PPIs/RFI questions.					
3) Price Proposal section of the solicitation has been revised to include submittal requirements for the Annual Financial balance sheets and Financial Resources.					
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)		
			Maryann Hough, Contracting Officer TEL: 081-568-6401 EMAIL: maryann.hough@eu.navy.		
15B. CONTRACTOR/OFFEROR		15C. DATE SIGNED	16B. UNITED STATES OF AMERICA		16C. DATE SIGNED
_____ (Signature of person authorized to sign)			BY <u>Maryann Hough</u> (Signature of Contracting Officer)		09-Jun-2015

## SECTION SF 30 BLOCK 14 CONTINUATION PAGE

## SUMMARY OF CHANGES

## SECTION SF 30 - BLOCK 14 CONTINUATION PAGE

The following have been added by full text:

AMENDMENT 0004

**The last day for PPIs/RFI questions pertaining to this solicitation is close of business on Thursday, 11 June 2015.**

Listed below is the updated Government Response to submitted PPIs/RFI questions:

RFI	Question/Inquiry	Government Response
1	Reference Solicitation Section 1.7 – Instructions for the Submission of Offers, Paragraph 1.11 – Clasificación de Empresas de Obras Certification (page 13 of 81). Will the US Government’s evaluation of the Offerors’ compliance with the referenced certification be based on local, Host Nation laws and requirements?	Yes, the evaluation will be based on compliance with the Host Nation laws and requirements for Spain.
2	Does the Combined Synopsis/Solicitation under solicitation number N3319115R0824 contain requirements similar to a current contract? If possible, please provide the current contract number. Or, is this a new requirement for the government?	No there is no similar requirement. This is a new requirement.
3	Regarding this Project are all attachments needed in order to start the process already included in the NECO? Under line Items I can see four attached documents.	All required documents are uploaded to FBO, EURONECO/NECO websites. They should be as follows: 1) Solicitation 2) Solicitation Parts 2-6 3) Solicitation Attachments and 4) Country Clearance Requirements
4	Also If wanting to go as a Joint Venture, do both companies need to be registered in SAM etc., or if one is already registered would this be valid for both entities?	Joint Ventures need to be registered under the Joint Venture name in SAM. Therefore, Joint Ventures should have their own DUNS number and registration in SAM. Please refer to pages 8 and 9 of the joint venture.
5	Please Provide:  1) List of Items, Schedule of Requirements, Scope of Work, Terms of Reference, Bill of Materials required.  2) Soft Copy of the Tender Document through email.  3) Names of countries that will be eligible to participate in this tender.  4) Information about the Tendering Procedure and	1) Information regarding “List of Items, Schedule of Requirements, Scope of Work, Terms of Reference, Bill of Materials required” may be found in Solicitation N3319115R0824 and all Amendments posted on the EURONECO/NECO website or on FBO at www.fbo.gov, www.neco.navy.mil or euro.neco.navy.mil.  2) Soft copy is available on FBO, EURONECO, and NECO Websites at www.fbo.gov, www.neco.navy.mil or euro.neco.navy.mil.

<p>Guidelines</p> <p>5) Estimated Budget for this Purchase</p> <p>6) Any Extension of Bidding Deadline?</p> <p>7) Any Addendum or Pre Bid meeting Minutes?</p> <p>8. We would like to be informed of future tenders from your organization. Hence, we request you to add our name to your bidder's list and do inform us about upcoming Projects, Tenders.</p> <p>9. We will be highly obliged if you can send us your complete &amp; latest contact information. This will help us reaching to you faster.</p>	<p>3) This is a full and open competition, which means that all eligible bidders are welcomed to bid this solicitation. To be an eligible bidder you must meet the requirements of the solicitation which include but are not limited to not being a Government of a Country that is a State Sponsor of Terrorism, deemed as responsible as defined in the solicitation, and not be listed on the Excluded Parties List found at</p> <p>4) Information regarding Tendering Procedure and Guidelines is found in Solicitation N3319115R0824 and all Amendments. These may be found on the FBO, EURONECO, and NECO Websites at <a href="http://www.fbo.gov">www.fbo.gov</a>, <a href="http://www.neco.navy.mil">www.neco.navy.mil</a> or <a href="http://euro.neco.navy.mil">euro.neco.navy.mil</a> .</p> <p>5) The Estimated Budget is between \$1,000,000 and \$5,000,000 as stated in the Solicitation N3319115R0824 found on the FBO, EURONECO, and NECO Websites at <a href="http://www.fbo.gov">www.fbo.gov</a>, <a href="http://www.neco.navy.mil">www.neco.navy.mil</a> or <a href="http://euro.neco.navy.mil">euro.neco.navy.mil</a> .</p> <p>6) The bidding deadline is June 26th 2015 at 2pm CEST (Central European Standard Time) please continue to review Amendments posted to Solicitation N3319115R0824 found on the FBO, EURONECO, and NECO Websites at <a href="http://www.fbo.gov">www.fbo.gov</a>, <a href="http://www.neco.navy.mil">www.neco.navy.mil</a> or <a href="http://euro.neco.navy.mil">euro.neco.navy.mil</a> . Amendments will provide information on any revision to the original due date and/or solicitation.</p> <p>7) No pre-bid Addendum or Pre-Bid meeting was held. A site visit is scheduled for Monday, May 18th at 10:00 am CEST (Central European Standard Time). Please continue to check the Amendments posted to FBO, EURONECO, and NECO Websites at <a href="http://www.fbo.gov">www.fbo.gov</a>, <a href="http://www.neco.navy.mil">www.neco.navy.mil</a> or <a href="http://euro.neco.navy.mil">euro.neco.navy.mil</a>.</p> <p>8.) Future tenders or bidding opportunities are posted to FBO, EURONECO, and NECO Websites at <a href="http://www.fbo.gov">www.fbo.gov</a>, <a href="http://www.neco.navy.mil">www.neco.navy.mil</a> or <a href="http://euro.neco.navy.mil">euro.neco.navy.mil</a> . There is no bidder's list maintained by our organization. If you would like to receive notices, please register to receive bid opportunities via the FBO, EURONECO and NECO websites at <a href="http://www.fbo.gov">www.fbo.gov</a>, <a href="http://www.neco.navy.mil">www.neco.navy.mil</a> or <a href="http://euro.neco.navy.mil">euro.neco.navy.mil</a> .</p>
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		9.) You currently have my complete & latest contact information under solicitation N33191-15-R-0824 on the NECO/FBO websites. Since the Contract Specialist/Contracting Officer for each bid opportunity changes, it is best to obtain that information via the bid postings on FBO, EURONECO and NECO Websites at www.fbo.gov, www.neco.navy.mil or euro.neco.navy.mil .
6	<p>We would be the main contractor and we would subcontract the other company's services. In this scenario would they also need to be registered into SAM and have a DUNS number and NCAGE code?</p> <p>Also can we use their certifications in order to fulfill all requirements?</p>	Proposals received from Prime Contractors which do not have an appropriate Certificate of Classification under this contract, shall be required to subcontract a firm with the Certificate of Classification as described in the Solicitation. Proposals received from firms, either prime contractors or Subcontractors, which do not have individually or jointly an appropriate Certificate of Classification shall be considered non-responsive. (page 13 of the solicitation)
7	What requirements would we need in order to go as a Joint Venture. I know that we would need to register the new JV into SAM, CREATE A DUNS etc. This process is timely so can we still participate if we show proof that we are in the process.	Yes, if you submitting a bid as a Joint Venture, your Joint Venture would need to be registered in SAM. You may still participate in the bid provided you can demonstrate that you are in the process of registering for SAM. Usually SAM will show a registration is pending. Please refer to pages 8 and 9 of the solicitation.
8	Section 1.2 PRE-PROPOSAL CONFERENCE AND SITE VISIT states that a site visit will be held on Tuesday May 18th 2015 at 10:00am CET (Central European Summer Time). Please confirm that it should be Monday, May 18th 2015.	Section 1.2 PRE-PROPOSAL CONFERENCE AND SITE VISIT should read that the site visit will be on MONDAY, May 18th 2015 at 10:00 a.m. CEST (Central European Summer Time).
9	Is the site visit is mandatory or recommended?	The site visit is recommended, it is <u>not</u> mandatory.
10	<p>Graphic information: (RFP Part 3 Appendix C) Is any further graphic information to be provided prior to the deadline of June 26th? Are any photographs to be provided to serve as guidelines for the assessment of groundworks and demolitions as well as for the coherence of the building design?</p> <p>The drawings that make up Appendix C contain indications about utility modifications that, as we understand, are related to the Main Exchange Consolidation Project. Is any of these operations yet to be performed? In that case, is any of them to be taken on in this project?</p>	<p>See solicitation requirements. No photographs are required to be provided.</p> <p>The drawings contained in Appendix C are Existing Utility and As-Built drawings intended to show existing utilities. These are not new work drawings.</p>
11	RFP Part Three. Chapter 3. Page 1. Location/Site boundaries: In spite of the non-exhaustive relation of project objectives and work inclusions we would appreciate clarification about the inclusion within the scope of works of: West border: is the curb line and the lighting	<p>West Border: The lighting elements, sidewalk and curb that serve the existing parking lot to the west are to remain.</p> <p>South Border: The existing pedestrian sidewalk shall be removed to allow space for new construction. The pedestrian/cycling access shall be re-routed through the new</p>

	<p>elements to be removed and substituted for? In this case, is a new underground electrical line to be constructed?</p> <p>South border: north to the Dog Kennel compound fence there is a pedestrian/cycling itinerary connecting the area south to the existing parking lot (not to be affected) with Water Tower Road. Is this pathway to be maintained or reconstructed according to the new layout and technical solutions of the MRW area?</p> <p>East border: we consider that demolitions and groundwork will require the removal and relocation of the existing overhead electrical line and its wooden poles. We would like confirmation of the above and clarification about the convenience of repaving the parallel stretch of Water Tower Road</p>	<p>MWR Multi-Activity Facility pedestrian circulation system and tie back into the sidewalk along Water Tower Road.</p> <p>East Border: The removal/relocation of the existing overhead electrical lines and wooden poles will be required. Any disturbances required for construction on Water Tower Road will need to be resurfaced or pavement patches provided.</p>
<p>12</p>	<p>IRT the N33191-15-R-0824 solicitation – you show there will be Government provide Walk-in Fridges/freezers. As we are a certified commercial food service equipment small business with the ability to provide OCONUS support – would you be procuring those walk-ins in a separate solicitation?</p>	<p>The walk-in fridges/freezers will be customer supplied (MWR).</p>
<p>13</p>	<p>As per Solicitation Form 1442, Section 13.  <b>ADDITIONAL SOLICITATION REQUIREMENTS:</b> Bids are due by 02:00 PM on 26 Jun 2015.</p> <p>Due to various factors in pricing that need to come from the US driven by regulations such as the NATIONAL FIRE PROTECTION ASSOCIATION (NFPA and UFC 3-600-01, <i>Fire Protection Engineering for Facilities</i>. we request a time extension to assure all requested information and prices are available to us to provide a firm price in our bid versus estimations that may not be mutually beneficial for us and the US Government.</p> <p>We are particularly having difficulty in obtaining reliable pricing for the following:</p> <ol style="list-style-type: none"> <li>1. The fire alarm control panel which shall be capable of handling a minimum of 500 individually identified sensors within the main control panel. Provide Class B, Style Notification Appliance Circuits, Class B Style Signaling Line Circuits, and Class B Initiation Device Circuits. Provide back-up amplifiers for combination fire alarm/mass notification systems as noted on page 253, PART 3 - CHAPTER 6 / ESR D40 – Page 1</li> <li>2. Fire Protection Engineering Technicians and</li> </ol>	<p>The fire alarm control panel requirements are standard requirements and should not be a reason for a bid extension.</p> <p>A (NICET) Fire Protection Engineering Technician will not be required for this project. A Fire Protection QC Specialist is required as per RFP Requirements.</p>

	Fire Protection QC Specialist: Page 483, PART 4 - SECTION D40 – Page 2	
14	<p>Per page 279, paragraph G204090, page 196 paragraph 3.23 and page 262 conceptual list of commercial equipment, the only Government furnished material for the kitchen and concession areas are two walk-in coolers. All remaining required kitchen and concession equipment will be furnished by the contractor. Is this assumption correct?</p> <p>The define utilities on page 262 are 480V 3 phase, 208V 3 phase, 208V single phase, 120V single phase. However, what is missing is the reference to cycles. On Rota NS does 50 Hz or 60Hz power exist? If 60 Hz, will this require all electrical equipment to be imported from the USA to meet the 60 Hz power?</p>	<p>Yes.</p> <p>60Hz power as stated in RFP G4010 Electrical Distribution. All Electrical/Mechanical components shall be compatible with the base power requirements.</p>
15	<p>Regarding this Project the announcement reads that the dollar amount is between 1 mil up to 5 mil. This is a big dollar amount difference an in order to draft the most suitable offer on our end. We would need to know is possible if the navy is taking into account a project with the lowest cost as possible, closer to the 1mil bracket or in the other hand the dollar value is not an impediment closer to the 5mil bracket.</p> <p>Our engineers have expressed several engineering options for this project and as you well know the dollar amount does make a big difference.</p>	<p>Per regulation we are required to state the magnitude of construction for projects in accordance with the price ranges provided under FAR 36.204. Therefore the magnitude of construction is between \$1M and \$5M. It is the Governments recommendation that your firm submit its <u>best offer</u> based on the requirements of the solicitation. To better understand the evaluation process; please see pages 16 through 22.</p>
16	Can you tell me if there is a 1391 available for the project? I believe this is an O&M funded project, so a 1391 is not readily available online.	Yes there is a 1391. This is a NAF-MWR funded project.
17	Would you be able to release the attendee list from the Site Visit for the subject opportunity - we are looking to Sub to interested GCs? Often times we see the list as an amendment to the RFP.	A list of the site visit attendees was released with Amendment 0003.
18	In the SOW, part 3, chapter 4, par. 2 “Space Relationships” the picture shows a “slot machines” area next to the bar/storage, but at the previous par. 1 “Space tabulation” the chart states only “BAR” and “BAR STORAGE”, while “slot machines” area is not mentioned. Is the slot machines area placed within the bar? Please clarify	Correct, slot machines will be located within the 'BAR" area.
19	In the SOW, part 3, chapter 2, par. 3 “Project specific Priorities” is stated that a theater designer	There is no specific certification for the theater designer. The theater designer cannot be the

	<p>is required for the project. Could you please clarify what certification is needed for this person?</p>	<p>project Architect or Interior Designer and cannot be affiliated with the products specified.</p>
20	<p>In the SOW, part 3, chapter 2, par. 3 “Project specific Priorities” is stated that a kitchen planning professional consultant, member of Foodservice Consultant Society, is required for the project. Could you please clarify what certification is needed for this person?</p>	<p>There is no specific certification for the kitchen planning professional consultant. The kitchen planning professional consultant cannot be the project Architect or Interior Designer and cannot be affiliated with the products selected.</p>
21	<p>As per Solicitation Form 1442, Section 13. <b>ADDITIONAL SOLICITATION REQUIREMENTS:</b> Bids are due by 02:00 PM on 26 Jun 2015. Due to various factors in pricing that need to come from the US driven by regulations such as the NATIONAL FIRE PROTECTION ASSOCIATION (NFPA and UFC 3-600-01, Fire Protection Engineering for Facilities. we request a time extension to assure all requested information and prices are available to us to provide a firm price in our bid versus estimations that may not be mutually beneficial for Eiffage Infraestructuras and the US Government.</p> <p>We are particularly having difficulty in obtaining reliable pricing for the following:</p> <ol style="list-style-type: none"> <li>1. The fire alarm control panel which shall be capable of handling a minimum of 500 individually identified sensors within the main control panel. Provide Class B, Style Notification Appliance Circuits, Class B Style Signaling Line Circuits, and Class B Initiation Device Circuits. Provide back-up amplifiers for combination fire alarm/mass notification systems as noted on page 253, PART 3 - CHAPTER 6 / ESR D40 – Page 1</li> <li>2. Fire Protection Engineering Technicians and Fire Protection QC Specialist: Page 483, PART 4 - SECTION D40 – Page 2</li> </ol>	<p>See response to Bid Inquiry #13.</p>
22	<p>Per page 279, paragraph G204090, page 196 paragraph 3.23 and page 262 conceptual list of commercial equipment, the only Government furnished material for the kitchen and concession areas are two walk-in coolers. All remaining required kitchen and concession equipment will be furnished by the contractor. Is this assumption correct? The define utilities on page 262 are 480V 3 phase, 208V 3 phase, 208V single phase, 120V single phase. However, what is missing is the reference to cycles. On Rota NS does 50 Hz or 60Hz power exist? If 60 Hz, will this require all electrical</p>	<p>See response to Bid Inquiry #14.</p>

	equipment to be imported from the USA to meet the 60 Hz power?	
23	In the SOW, part 3, chapter 4, par. 2 "Space Relationships" the picture shows a "slot machines" area next to the bar/storage, but at the previous par. 1 "Space tabulation" the chart states only "BAR" and "BAR STORAGE", while "slot machines" area is not mentioned. Is the slot machines area placed within the bar? Please clarify.	See response to Bid Inquiry #18.
24	Solicitation, Standard Form 1442, Section 13D, page 1/81 states that "Offers providing less than 150 calendar days for Government acceptance after the date offers are due will not be considered and will be rejected" while on page 6/81 of the same document, Price Schedule Form, it is stated that "Offers providing less than 90 calendar days for Government acceptance of CLIN 0001, after the date offers are due will not be considered and will be rejected". Please, confirm which one is correct.	Page 1 is incorrect and will be amended. The correct number of days for Government Acceptance of the offer should be 90 days.
25	Solicitation, Part 1 Instructions to Offerors, Section 1.10 Pre-award Survey, page 13/81 states that the following information shall be submitted by prospective contractors:  a) Annual financial balance sheets for the past three years b) Financial resources available to perform the contract  Please, confirm if the previous documentation shall be submitted with the proposal or at a later stage, once the contract is awarded.	Yes, the following documentation should be submitted with the price proposal package:  a) Annual financial balance sheets for the past three years and b) Financial resources available to perform the contract
26	Solicitation, Part 1 Instructions to Offerors, Section 1.17 Basis of Evaluation, page 21/81 states that three conceptual drawings are allowed. Please, confirm if 3D computer graphics could be submitted as supporting documentation.	Up to three (3) Conceptual drawings may be provided to supplement the narrative. It is up to the Offeror on what types of drawings/graphics are included.
27	Solicitation part 1, Instructions to Offerors, FAR Clause 252.229-7005, page 58/81 states that according to tax relief agreements between the United States Government and the Spanish Government, the contract will be exempt of the 17 taxes listed in that clause. Please, could you clarify if it should be any other tax exemption not specified in that list? In particular, What should be the Value-Added Tax treatment?	The Government is not aware of any other tax exemptions.  The current VAT rate is 21%.
28	According Factor (2) experience (page 18) are considered projects of similar scale those found in the price range between one (1) and	The correct range for past performance and experience should be between \$1 and \$5 Million.

	<p>three (3) million. However, the factor (3) Past performance (page 20) similar projects were considered those that are between one (1) and five (5) million.</p>	
<p>29.</p>	<p>Reference Solicitation Section 1.10 Pre-award Survey/Responsibility determination. In this section we are required for some information as follows:</p> <p>a. Annual financial balance sheets for the past three years. b. Financial resources available to perform the contract.</p> <p>Regarding to this requirement we have two questions:</p> <ol style="list-style-type: none"> <li>1. Where should be included these information? In the Price Proposal package or in the Non-Price Proposal package?</li> <li>2. What kind of document is needed to evidence the availability of working/operating capital for the performance of the contract? Could the Government provide a valid sample?</li> </ol>	<ol style="list-style-type: none"> <li>1) The information for the following needs to be included with the Price Proposal Package:             <ol style="list-style-type: none"> <li>a. Annual financial balance sheets for the past three years.</li> <li>b. Financial resources available to perform the contract.</li> </ol> </li> <li>2) The Offeror shall:             <ol style="list-style-type: none"> <li>a. Provide the latest three complete fiscal year financial statements, certified by an independent accounting firm or at least by an authorized officer of the organization.  If a new joint venture/teaming/partnership arrangement is being proposed, include the latest three complete fiscal year financial statements for each firm, certified by an independent accounting firm or at least by an authorized officer of the organization:</li> <li>b. Submit evidence of availability of working/operating capital from an independent financial institution, which will be used for the performance of the resultant contract.</li> <li>c. If a Joint Venture is being proposed, include copies of agreements and letters of commitment signed by the appropriate individuals of each firm. Agreements must include company name, DUNS number, address, point of contact, email address, and phone number. The agreements shall demonstrate the relationship between firms and identify contractual relationships and authorities to bind the joint venture.</li> </ol> </li> </ol>

		d. For joint venture arrangements, discuss the financial responsibilities among the companies.
30	RFP Part 2, Section 01.45.00.05 20 Page 10, Par. 1.4.4.1. Fire Protection QC Specialist, calls for a U.S. Certified FP Engineer during construction.  Are we correct in assuming a U.S. Certified Fire Protection Engineer is also required for the design phase of this project?	Yes. A U.S. Certified Fire Protection Engineer is also required for the design phase to serve as the Designer of Record (FPDOR).
31	Please clarify the payment schedule for this contract.	The payment schedule for this contract is Net14.  The payments will be made in accordance with the terms of the basic MACC contract, which includes FAR 52.232-5: “ The Government shall pay the contractor upon the submission of properly certified invoices or vouchers, the amount due for services rendered and accepted, less deductions , if any, as herein provided.” (End of clause)

## SECTION 00100 - BIDDING SCHEDULE/INSTRUCTIONS TO BIDDERS

The following have been modified:

PART 1**DOCUMENT 00100 - INSTRUCTIONS TO OFFERORS****PART I. GENERAL**

1.1 GENERAL DESCRIPTION &amp; SCOPE OF WORK

1.2 PRE-PROPOSAL CONFERENCE AND SITE VISIT

1.3 ENGLISH SPEAKING REPRESENTATIVE

1.4 JOINT VENTURES (JV), LIMITED LIABILITY COMPANIES (LLC), LIMITED PARTNERSHIPS (LTD), ETC.

1.5 SYSTEM FOR AWARD MANAGEMENT

1.6 CAGE/NCAGE CODE

1.7 INSTRUCTIONS FOR THE SUBMISSION OF OFFERS

1.8 INSTRUCTIONS FOR SUBMITTING PRE-PROPOSAL INQUIRIES (PPI)

1.9 AMENDMENTS

1.10 PREAWARD SURVEY/RESPONSIBILITY DETERMINATION

1.11 CLASIFICACION DE EMPRESAS DE OBRAS CERTIFICATION

1.12 PERFORMANCE GUARANTEE OR BOND REQUIREMENTS

1.13 INTENT TO AWARD WITHOUT DISCUSSIONS

1.14 COMPETITIVE RANGE

1.15 ENFORCEABILITY OF PROPOSAL

**PART II. EVALUATION CRITERIA/FACTORS**

1.16 BASIS OF EVALUATION AND SUBMITTAL REQUIREMENTS FOR EACH FACTOR

1.17 EVALUATION FACTORS FOR AWARD

**ATTACHMENTS:**

Attachment 1 – PRICE SCHEDULE FORM

Attachment 2 – CONSTRUCTION & DESIGN EXPERIENCE PROJECT DATA SHEET

Attachment 3 – PAST PERFORMANCE QUESTIONNAIRE

Attachment 4 – PRE-PROPOSAL INQUIRIES

Attachment 5 – COUNTRY CLEARANCE

--End Document Table of Contents--

**PART 1**  
**PRICE SCHEDULE FORM**

CLIN DESCRIPTION	PRICE \$ (Dollars)
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*Offerors must provide the below with their Price Proposal. The Price Proposal will include all labor, materials, supervision and equipment for:*

**CLIN DESCRIPTIONS PRICE (Dollars)**

**CLIN 0001 - BASE PRICE**

CLIN 0001 - FFP The work includes, but is not limited to, the furnishing of all labor, management, supervision, tools, materials, and equipment necessary to for construction of an MWR Multi-Activity Facility in Rota Spain, in accordance with the requirements as described in Solicitation N33191-15-R-0824.

Price:           \$ \_\_\_\_\_

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Offerors must complete the following:

**Offers providing less than 90 calendar days for Government acceptance of CLIN 0001, after the date offers are due will not be considered and will be rejected.**

COMPANY NAME: \_\_\_\_\_

OFFER ACCEPTANCE PERIOD: \_\_\_\_\_

AMENDMENT ACKNOWLEDGED: \_\_\_\_\_

\_\_\_\_\_  
Signature of Offeror

\_\_\_\_\_  
Date

## **1.1 GENERAL DESCRIPTION & SCOPE OF WORK**

(a) This is a stand-alone procurement which will result in the award of a Firm-Fixed Priced Design-Build Construction Contract. The contract will be procured using negotiated procedures, as it has been determined in accordance with FAR 6.401 to be the most appropriate method of contracting for the subject requirements. The tradeoff process on the best value source selection continuum, as described in FAR 15.101, will be used for this procurement.

(b) The purpose of this procurement is to provide a contract for a Multi-Activity Facility. This project includes the construction of a 1,125 square meter (12,100 square foot) single story building for the use as a MWR Multi-Activity entertainment facility to serve Naval Station Rota, Spain. The facility will provide food and entertainment to active duty personnel and civilians. The overall design and components of the facility shall be attractive and visually pleasing, enticing base civilian and active duty personnel to visit often and frequently. A planned future phase (Phase II) on the same site will expand the MWR Multi-Activity facility into the MWR Village, using the same common theme and Architectural vision, to become the entertainment hub of the base.

The facility will include (2) two movie theaters with stadium seating, a family gaming area, game room with slot machines, open dining area, administration area with a cash cage and a bar area serving beverages. A central kitchen used for food cutting, prepping, and light duty cooking will be used support the concession stand and quick service restaurants (QSR). Light duty cooking will also occur in the QSR spaces. The QSR space shall be capable of supporting national vendors that provide a broad range of food and services. Seating for the QSR shall be supported by the opening dining area.

The building and site design shall comply with the most current Naval Station, Rota Master Plan and Installation Appearance Plan (IAP). The site needs to be designed to accommodate a new building for Phase II that would be approximately 15,000-20,000SF. Phase II will be issued as a separate procurement and will not be part of this solicitation/RFP.

The estimated price range for this project is between \$1,000,000 and \$5,000,000 dollars.

(c) The Request for Proposal (RFP) will include the following Contract Line Items (CLINS) for the basic contract:

CLIN 0001 FFP The work includes, but is not limited to, the furnishing of all labor, management, supervision, tools, materials, and equipment necessary to for construction of an MWR Multi-Activity Facility in Rota Spain, in accordance with the requirements as described in Solicitation N33191-15-R-0824.

(d) Award will be made on the total of Contract CLIN 0001.

(e) The Government may reject an offer's price if it is materially unbalanced. An offer is unbalanced when it is based on prices significantly less than the price for some work and prices which are significantly overstated for other work.

(f) The Period of Performance for this award is 470 days after notice to proceed.

(g) This acquisition will be solicited on an unrestricted basis with full and open competition as authorized in the approved acquisition development plan.

## **1.2 PRE-PROPOSAL CONFERENCE AND SITE VISIT**

(a) The clauses at 52.236-2, Differing Site Conditions, and 52.236-3, Site Investigations and Conditions Affecting the Work, will be included in the contract awarded as a result of this solicitation. Accordingly, offerors are urged and expected to inspect the site where the work will be performed.

(b) In accordance with FAR 52.236-27 SITE VISIT (CONSTRUCTION) (FEB 1995), a site visit will be held on Tuesday May 18<sup>th</sup> 2015 at 10:00am CET (Central European Summer Time). The site visit will be attended by the

NAVFAC EURAFSWA Contracting Officer, Ms. Olga Muna. Please email Ms. Muna at [Olga.Muna@eu.navy.mil](mailto:Olga.Muna@eu.navy.mil) with any site visit access issues.

**BASE ACCESS REQUIREMENTS:** Base access requests will be processed by Ms. Vanessa Mejias. Please submit all required documentation and requests to Ms. Mejias at [Vanessa.MejiasCab.SP@eu.navy.mil](mailto:Vanessa.MejiasCab.SP@eu.navy.mil).

Rota Base access requirements are as follows:

- Spanish Nationals: need to fill out the "work pass request" (attached separately to the solicitation). Those requests need to be submitted to [Vanessa.MejiasCab.SP@eu.navy.mil](mailto:Vanessa.MejiasCab.SP@eu.navy.mil) and [Olga.Muna@eu.navy.mil](mailto:Olga.Muna@eu.navy.mil) seven (7) days prior to the site visit.
- European/American Citizens: same as above + copy of passport
- Other Nationals: need to fill out the "Country Clearance Request" (attached separately to the solicitation) and submit it to [Vanessa.MejiasCab.SP@eu.navy.mil](mailto:Vanessa.MejiasCab.SP@eu.navy.mil) and [Olga.Muna@eu.navy.mil](mailto:Olga.Muna@eu.navy.mil) **twenty one (21) days prior to the site visit.**
- A country clearance is required. See attachment.

### **1.3 ENGLISH SPEAKING REPRESENTATIVE**

At all times when any performance of the work at the site is being conducted by an employee of the Contractor or his subcontractors, the contractor shall have a representative present on the site capable of explaining the work operations and receiving instructions in the English language. The Contracting Officer shall have the right to determine, without appeal of such decision, whether the proposed representative has sufficient technical and lingual capabilities, and the Contractor shall immediately replace any individual not acceptable to the Contracting Officer.

### **1.4 JOINT VENTURES (JV) AGREEMENTS**

FOR THE PURPOSES OF THIS SOLICITATION, A JOINT VENTURE (JV) REFERS TO A U.S.-STYLED FORMAL LEGAL ENTITY IN THE NATURE OF A PARTNERSHIP COMPRISED OF TWO OR MORE PERSONS OR COMPANIES. EACH JOINT VENTURE MUST PROVIDE ONE (1) CAGE/NCAGE CODE, ONE (1) DUNS NUMBER FOR THE JOINT VENTURE AND ONE (1) DUNS NUMBER FOR EACH MEMBER COMPRISING THE JOINT VENTURE. EACH JOINT VENTURE MUST BE REGISTERED IN THE CCR USING THE NAME OF THE JOINT VENTURE.

Joint Venture Offerors (JV) offerors, shall provide with their proposal a notarized legal document that establishes the JV. The JV Agreement shall take effect upon the submission of the proposal and remain irrevocable until one (1) year after the work has been finally inspected and accepted by the Government. Submission of the notarized legal document that establishes the JV shall be furnished with the proposal in its original language version along with a certified English translation of the notarized JV document. **The Joint Venture must be formed and valid at the time of submission of the proposal.** The validated notarized legal document must include language that each member of the JV will be jointly and severally liable for the performance of the whole contract and will be incorporated into the contract award if award is made to the JV.

**\*\*Only offers from Prime Contractors and Joint Ventures (JV) will be accepted. For Italian Offerors, offers from Associazione Temporanea d'Imprese (ATI) or Offers using a contract of avallimento (contratto de avvalimento) will not be accepted for this procurement and will be considered non-responsive to the solicitation.\*\***

1. The Joint Venture Agreement shall include, at a minimum, the following:

- (a) Name of firms that form the JV and the name of the JV.
- (b) Name and title of the corporate officials signing on behalf of each party.
- (c) Solicitation number.

- (d) Description of the responsibilities in terms of work category for each member (for example: Firm A performing 100% of design).
- (e) The statement "The composition and structure of the JV will remain unchanged from award to one (1) year after contract completion."
- (f) Date of issuance of the agreement and notarized signature of the corporate officials signing in behalf of each party.
- (g) Statement under oath stating that the Joint Venture(JV) is in compliance at the time of proposal submission with all applicable laws, rules, and regulations. This statement must be signed under oath by all members comprising the Joint Venture.

The U.S. Government reserves the right to review the actual JV Agreement to determine its basis and compliance with the applicable laws. Any internal agreements affecting the internal composition of the existing JV and its potential liabilities in relation to the contract (performance guarantee, insurance, etc) will be sent to the Contracting Officer to provide notice of the same. Any change in the composition of the JV will require the JV to formally request a Novation Agreement in accordance with FAR 42.12, which will be approved/disapproved at the discretion of the Contracting Officer.

### **1.5 SYSTEM FOR AWARD MANAGEMENT**

1. System for Award Management (SAM) registration is required for all offerors, including Joint Venture (JV) offerors (registration must state the NAME of the JV). SAM registration can be accomplished at <https://www.sam.gov>. Offerors not registered in SAM shall obtain a DUN & Bradstreet (DUNS) number and a CAGE or NCAGE prior to registering in SAM.
2. A DUNS number is required for all offerors, including JV offerors. In addition to the DUNS number required for JV offerors, JV offerors must provide a **DUNS number for each member comprising the JV**. DUNS numbers can be obtained at <http://fedgov.dnb.com/webform>. The DUNS number is required in order to register in SAM.
3. Offerors must be registered in the SAM prior to the submission of proposals.

### **1.6 CAGE/NCAGE CODE**

1. A CAGE/NCAGE Code is required for all offerors, including JV offerors. JV offerors must acquire a CAGE/NCAGE Code registered in the JV name.
2. U.S. Offerors, including Joint Venture offerors: U.S. offerors must obtain a CAGE Code prior to registering in the SAM database, which is part of the SAM registration process.
3. Non-U.S. (foreign) Offerors ONLY: Non-U.S. offerors must obtain a NATO CAGE (NCAGE) Code instead of a CAGE Code prior to registering in the SAM database. NCAGE codes may be obtained at the NCAGE website [http://www.dlis.dla.mil/Forms/Form\\_AC135.asp](http://www.dlis.dla.mil/Forms/Form_AC135.asp).

## 1.7 INSTRUCTIONS FOR THE SUBMISSION OF OFFERS

### **PROPOSAL PACKAGE SUBMITTAL REQUIREMENTS:**

The non-price proposal and the price proposal shall be submitted in separated volumes. Each volume, as described below, shall be appropriately tabbed and present a clear, concise offer.

Volume I – Price Proposal

Volume II – Non-price Proposal

The non-price and the price proposal should be submitted on two (2) CDs compatible Word 2000-2010, Excel 2000-2010, and Adobe Acrobat software. The proposal shall contain the number of printed copies specified further below. The CD versions shall be used strictly to locate specific items of information. Should there be a discrepancy between the paper copies and the CD versions, the paper copies shall govern. **Note, if there are requirements missing from the CD or the printed proposal which are required for proposal submission/evaluation, then the package in its entirety will be considered “non-responsive.” It is the Offeror’s responsibility to ensure that both the CD and printed proposal are responsive to all the requirements of the solicitation/RFP.**

**Very Important:** Upon delivery or receipt of delivery confirmation, please email the Contract Specialist Cherie Mitchell at [cherie.mitchell@eu.navy.mil](mailto:cherie.mitchell@eu.navy.mil) with the following:

1. Date delivery was made/confirmed.
2. Method by which delivery was made.
3. Where delivery was made.
4. Name of the Government point of contact who accepted delivery.

**Proposals shall be submitted via delivery or hand-carry only.**

**Electronic (email) proposals will not be accepted.**

### **Methods for Delivery**

**(1) If using DHL or FED EX mail to:**

**ATTENTION POC (PRIMARY):** Cherie Mitchell

**ATTENTION POC (SECONDARY):** Maryann Hough

**Physical Mailing Address:** NAVFAC EURAFSWA  
Viale Porto, Box 51  
Aeroporto Capodichino  
Napoli, Italy 80144

**PLEASE NOTE:** “DHL” and “FEDEX” are the only mail carriers allowed on the U.S. Navy Base at Capodichino, Naples, Italy. DHL delivers once a day directly to NAVFAC EURAFSWA Office, while FEDEX delivers to the main gate. FEDEX and Other carriers may be prevented from entry to the base causing delays in the proposal delivery. Government takes no responsibility if the carrier is prevented from entering the base. If the delivery time is missed on the day the proposals are due, your proposal will be considered late. Therefore, please select your carrier carefully and check with your preferred carrier in advance for timely delivery. **If the delivery time is missed on the day the proposals are due, your proposal will be considered late.**

**(2) If using United States Postal Service (USPS) mail to:**

**ATTENTION POC (PRIMARY):** Cherie Mitchell

**ATTENTION POC (SECONDARY):** Maryann Hough

**PO Box Mailing Address:** NAVFAC EURAFSWA  
P.O. Box 51  
FPO, AE 09622

USPS delivers to the U.S. Navy Capodichino Base main post office from where the mail is distributed to tenant commands, however, delivery time and date to NAVFAC EURAFSWA office cannot be guaranteed. Please check with USPS in advance for timely delivery. If using USPS and mailing from U.S., please use the address above WITHOUT adding Naples or Italy; adding Naples or Italy will cause packages to be directed to the Italian mail delivery system which may cause proposals to be late.

**(3) HAND CARRYING: Hand carried proposals will be accepted. Please follow below instructions.**

- (a) If the contractor has access to the base. Please deliver your proposal package directly to the NAVFAC EURAFSWA Mail Office at Admin II Building, Second Floor and have it time stamped by the mail office clerk. Please email Cherie Mitchell at [cherie.mitchell@eu.navy.mil](mailto:cherie.mitchell@eu.navy.mil) with a copy to Maryann Hough at [maryann.hough@eu.navy.mil](mailto:maryann.hough@eu.navy.mil) two days in advance stating that you will be delivering your proposal to NAVFAC EURAFSWA OFFICE in person. Please include the person's name and phone number so we can inform the mail office clerk.
- (b) If the contractor has no access to the base, a contract specialist will meet the person delivering the proposal at the main gate U.S. Navy Capodichino Base. Hand carried/delivery of proposals at the main gate will only be scheduled for the morning of the proposal due date. Please include the person's name and phone number that will be making the delivery. Please email Cherie Mitchell at [cherie.mitchell@eu.navy.mil](mailto:cherie.mitchell@eu.navy.mil) with a copy emailed to Maryann Hough at [maryann.hough@eu.navy.mil](mailto:maryann.hough@eu.navy.mil) two days in advance stating the time on the proposal due date that you will be delivering your proposal to the main gate.
- (c) **Please note:** In an effort to maintain procurement integrity, **no meetings or discussions with the Contract Specialist/Contracting Officer will be permitted during the proposal drop-off.**

Submissions are due no later than **the date and time noted in block 13a of this solicitation. The local time is Central European Summer Time (CEST)**. Proposals not received at the above address on or before the hour and date set forth for receipt of proposals shall be subject to the provisions of FAR 52.215-1(c), "Submission, modification, revision and withdrawal of proposals."

**VOLUME I – PRICE PROPOSAL PACKAGE**

Offerors shall submit an original and one (1) paper copy of the Price proposal, and one (1) CD with the following:

1. Completed (Blocks 14 through 20c), signed & dated Standard Form (SF) 1442, Solicitation, Offer, & Award.
2. Acknowledgement of all amendments.
3. Price Proposal - All information required for Price Proposal including:
  - (1) Signed and completed PRICE SCHEDULE FORM.
  - (2) Completed FAR Clause 252.229-7001 (For assistance with this Clause, please refer to FAR Clause 252.229-7005).

**4. Annual Financial Balance Sheets for the past three years. The following should be included in the Price Proposal Package as part of the Financial Resource portion:**

- e. **Provide the latest three complete fiscal year financial statements, certified by an independent accounting firm or at least by an authorized officer of the organization.**

**B If a new joint venture/teaming/partnership arrangement is being proposed, include the latest three complete fiscal year financial statements for each firm, certified by an independent accounting firm or at least by an authorized officer of the organization:**

**5. Financial resources available to perform the contract. Submit evidence of availability of working/operating capital that will be used for the performance of the contract. If the offeror plans to rely on financial support, submit evidence of availability of working/operating capital from an independent financial institution, which will be used for the performance of the resultant contract. The following should be included in the Price Proposal Package as part of the Financial Resource portion:**

- a. **Submit evidence of availability of working/operating capital from an independent financial institution, which will be used for the performance of the resultant contract.**
- b. **If a Joint Venture is being proposed, include copies of agreements and letters of commitment signed by the appropriate individuals of each firm. Agreements must include company name, DUNS number, address, point of contact, email address, and phone number. The agreements shall demonstrate the relationship between firms and identify contractual relationships and authorities to bind the joint venture.**
- c. **For joint venture arrangements, discuss the financial responsibilities among the companies.**

**The printed format of the price proposal shall be as follows:**

- (1) Paper shall be white, 8-1/2" X 11" and have margins of 1-inch on all four sides with printing on one side only.
- (2) Text shall be a font of Arial with a type size no smaller than 11 point and single line spacing.
- (3) Graphic text shall be legible and no smaller than 8 point text.
- (4) The original proposal shall be identified as "ORIGINAL" on the cover.

## **VOLUME II - NON-PRICE PROPOSAL PACKAGE**

Offerors shall submit an original and two (2) paper copies of the Non-Price proposal, and two (2) CDs (bookmark all sections the same as the tabs in the paper copies). At a minimum, Volume II shall be tabbed by major factor (e.g., Factor 1).

**The following must be included in the Volume II submittal:**

- (1) First page of the proposal shall be in accordance with FAR 52.215-1(c)(2) Cover letter in accordance with FAR 52.215-1(c)(2), including Solicitation Number; name, address, telephone and email address of the Offeror; in case the Offeror is a JOINT VENTURE (JV), the name of the JV MUST BE CLEARLY IDENTIFIED; Name, title, and signature of the person authorized to sign the proposal; DUNS Number and CAGE or NCAGE Code of the Offeror, in case the Offeror is a JOINT VENTURE (JV), provide a DUNS Number for each member of the JV.
- (2) Certificate of Classification as described in Solicitation Section 1.11.

- (3) All information required by **Factor 1, Technical Approach**
- (4) All information required by **Factor 2, Experience**
- (5) All information required by **Factor 3, Past Performance**
- (6) All information required by **Factor 4, Safety.**
- (7) All information required by **Factor 5, Technical Solution.**

**The printed format of Volume II should be as follows:**

- (1) Offerors are strongly encouraged to limit the information submitted to pertinent information that responds to the non-price evaluation factors.
- (2) Paper shall be white, 8-1/2" X 11" and have margins of 1-inch on all four sides with printing on one side submitted bound (i.e. 3 D-ring binders). **The Government is not responsible if the submitted proposal is not properly bound and papers come loose and are lost or placed out of order.** For charts, graphs, and spreadsheets, paper shall be 11" x 17".
- (3) Text shall be a font of Arial with a type size no smaller than 11 point and single line spacing.
- (4) Graphic text shall be legible and no smaller than 8 point text.
- (5) Covers and spine inserts shall contain the following:
  - (a) Solicitation Number and Title
  - (b) Offeror's Name
  - (c) Volume Title: Non-price Proposal, Volume II and if applicable, Book 1 of 2, etc.
- (6) The original proposal shall be identified as "ORIGINAL" on the cover.

**1.8 INSTRUCTIONS FOR SUBMITTING PRE-PROPOSAL INQUIRIES (PPI)**

Pre-Proposal Inquiries (PPI) regarding the solicitation shall be submitted in writing via electronic mail to Ms. Cherie Mitchell, Contract Specialist, at [cherie.mitchell@eu.navy.mil](mailto:cherie.mitchell@eu.navy.mil). Pre-Proposal Inquiries shall reference the drawing/detail and/or the specification section, including paragraph number. Verbal queries will not be entertained. Responses to the Pre-Proposal Inquiries will be provided as an attachment to an amendment and will be posted on the Federal Business Opportunities (FBO) website at <https://www.fbo.gov>. The last date for Pre-Proposal Inquiries is **June 1<sup>st</sup> 2015**. Please submit one (1) question per form as a M.S Word document. The Pre-Proposal Inquiry (PPI) Template is provided as Attachment 3.

**1.9 AMENDMENTS**

Amendments will be posted to the FBO website <https://www.fbo.gov>. It is highly recommended that firms register on FBO as plan holders. It is the offeror's responsibility to check the FBO website periodically for any amendments to the solicitation.

**1.10 PREAWARD SURVEY/RESPONSIBILITY DETERMINATION**

FAR §9.104 requires prospective contractors to demonstrate, among other things, that they have adequate financial resources to perform the contract or ability to obtain them, capability to comply with the required performance schedule, a satisfactory performance record, and be otherwise eligible to receive an award under applicable laws and regulations. The pre-award survey is not a part of the technical evaluation. The following information shall be submitted:

a. Annual Financial Balance Sheets for the past three years.

b. Financial resources available to perform the contract. Submit evidence of availability of working/operating capital that will be used for the performance of the contract. If the offeror plans to rely on financial support, submit evidence of availability of working/operating capital from an independent financial institution, which will be used for the performance of the resultant contract. For joint ventures, discuss the financial responsibilities among companies and provide the same information for each partner.

### **1.11 CLASIFICACION DE EMPRESAS DE OBRAS CERTIFICATION**

Offerors must hold an updated Certificate of Classification issued by the "Clasificacion de Empresas de Obras" of the Ministerio de Economia y Hacienda" covering the following groups, subgroups, and categories.

Group	Subgroup	Category
C	1,2,6,8,9	f
I	6,9	d
J	2,4	d

Proposals received from firms which do not individually or jointly hold an appropriate Certificate of Classification shall be considered nonresponsive.

**Offeror/Awardee must comply with all Spanish Law requirements for certification and performing work in Spain.**

### **1.12 PERFORMANCE GUARANTEE OR BOND REQUIREMENTS**

The Contractor shall provide a notarized Performance Guarantee letter within ten (15) days after award or as required by the Contracting Officer. In lieu of the 10% Performance Guarantee requirement, the Offeror may provide Performance and Payment Bonds, pursuant to FAR Clause 52.228-15, through an approved surety under the United States Treasury Department Circular 570. If the Offeror fails to provide a Performance Guarantee letter or Performance and Payment Bonds within ten (10) days, the task order may be terminated for default. In such event, Offeror shall be liable for any cost of re-procuring the work which exceeds the amount of his offer. This Performance Guarantee replaces NFAS 5252.228-9306.

The Performance Guarantee letter shall be accompanied by a notarized document authenticating the financial institution's authority to sign the letter. An English translation of the Performance Guarantee letter shall be submitted at the same time.

Performance Guarantee: An amount equal to ten percent (10%) of the amount of the contract shall be deposited into a properly certified banking institution, which will then issue an irrevocable letter guaranteeing the payment of the amount deposited plus any applicable interest, to the United States Government, upon demand by the Contracting Officer. Demand will be made if the Contractor fails to comply with the terms and conditions of the contract, or does not fulfill its undertaking in whole or in part. Payment to the Contracting Officer will be by check made payable to the "United States of America by the U.S. Department of the Navy, Naval Facilities Engineering Command, Europe, Africa, Southwest Asia."

The Performance Guarantee shall take effect upon the date of signature of the Performance Guarantee letter and shall remain valid and irrevocable until one (1) year after the work has been finally inspected and accepted by the Government."

### **SAMPLE OF PERFORMANCE GUARANTEE ISSUED BY A BANK**

The sample guarantee on the next page meets the material requirements of clause NFAS 5252.228-9306, "Performance Guarantee." The Government will accept as valid a Performance Guarantee conforming to these requirements. **The guarantee should be on Bank Letterhead.**

To: United States of America  
U.S. Department of Navy  
Naval Facilities Engineering Command, Europe Africa Southwest Asia  
Viale Porto, Box 51  
Aeroporto Capodichino  
80144, Napoli, Italia

Attention: Contracting Officer

Date \_\_\_\_\_

Bank Letter of Performance Guarantee No. \_\_\_\_\_

I/We, the undersigned, acting as the duly authorized representative(s) of the Bank, declare that the Bank hereby guarantees and is jointly and severally liable as guarantor with the Contractor named below to effect payment to the Contracting Office that issued the contract stated below, by check made payable to the "United States of America by the U.S. Department of the Navy, Naval Facilities Engineering Command, Europe Africa and Southwest Asia," within five (5) calendar days after receipt of a simple written request by registered mail in amount up to sum of (Amount equal to ten (10%) percent of the contract amount in the currency stated in the contract), which represents the deposit required of the Contractor to guarantee fulfillment of his obligations for the satisfactory completion and timely performance of the work under Contract No. (insert contract number) for the construction of (insert name of construction contract Services) at (insert location of construction), in strict compliance with the terms, conditions and specifications of said contract entered into between the United States of America by the U.S. Department of Navy, Naval Facilities Engineering Command, Europe Africa and Southwest Asia and the Contractor (insert name of Contractor) on (insert contract date), plus legal interest to be calculated from the date of receipt of the registered letter of request by the Contracting Officer to the date of actual payment, without any need for the Contracting Officer to take any legal action or obtain the prior consent of the Contractor, or for any other proof, action or decision by any other authority. The request by the Contracting Officer shall simply inform the Bank that the Contractor failed to comply with the terms and conditions of the contract, or did not fulfill his undertaking in whole or in part.

I/We agree and consent that said contract may be modified by change order or supplemental agreement affecting the amount or the period of performance of the contract without prior consent of the Bank and without affecting the validity of this guarantee; provided, however, that the amount of this guarantee shall remain unchanged. This letter of performance guarantee will continue in effect without change in amount or terms until one year after final acceptance of the work by the Government by the Contracting Officer's legal representative.

(BANK NAME & ADDRESS)

(CONTRACTOR NAME & ADDRESS)

Signed by: \_\_\_\_\_

Signed by: \_\_\_\_\_

\_\_\_\_\_  
(Typed name)

\_\_\_\_\_  
(Typed name)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Title)

(This Performance Guarantee shall be accompanied by a notarized document authenticating the bank agent's Authority to sign the letter of performance guarantee for the bank company.)

## **PART I. GENERAL**

### **1.13 INTENT TO AWARD WITHOUT DISCUSSIONS**

The Government intends to evaluate all proposals received and award a contract without conducting discussions; therefore, the initial proposal shall conform to the solicitation requirements and should contain the best offer from a technical and price perspective.

### **1.14 COMPETITIVE RANGE**

If discussions are deemed necessary to maximize the Government's ability to obtain the best value, discussions will be held with those Offerors in the competitive range. The Government may limit the number of proposals in the competitive range to the most highly rated proposals, considering price and technical merit.

### **1.15 ENFORCEABILITY OF THE PROPOSAL**

The proposal must set forth full, accurate and complete information as required by this solicitation. The Government will rely on such information in the award of a contract. By submission of the offer, the Offeror agrees that all items proposed will be utilized for the duration of the contract and any substitutions will be equal or better than as proposed and accepted for contract award and shall require prior Contracting Officer's approval.

## **PART II EVALUATION FACTORS/RATING SCHEME**

### **1.16 EVALUATION CRITERIA AND BASIS OF AWARD**

The Government reserves the right to eliminate from consideration for award any or all offers at any time prior to award of the contract; to negotiate with Offerors in the competitive range; and to award the contract to the Offeror submitting the proposal determined to represent the best value—the proposal most advantageous to the Government, price and other factors considered.

In accordance with FAR 52.215-1, the Government intends to evaluate proposals and award a contract without discussions with offerors (except clarifications as described in FAR 15.306(a)). Therefore, the Offeror's initial proposal should contain the Offeror's best terms from a price and technical standpoint. The Government reserves the right to conduct discussions if the Contracting Officer later determines them to be necessary. If the Contracting Officer determines that the number of proposals that would otherwise be in the competitive range exceeds the number at which an efficient competition can be conducted, the Contracting Officer may limit the number of proposals in the competitive range to the greatest number that will permit an efficient competition among the most highly rated proposals.

The tradeoff process is selected as appropriate for this acquisition. The Government considers it to be in its best interest to allow consideration of award to other than the lowest priced Offeror or other than the highest technically rated Offeror.

The contract resulting from this solicitation will be awarded to the responsible Offeror whose offer, conforming to the solicitation, is determined to be the most advantageous to the Government considering "Price" and "Non-Price" evaluation factors. Award may be made to other than the lowest priced Offeror or other than the highest technically rated Offeror. The Non-Price evaluation factors are:

- Factor 1 – Technical Approach
- Factor 2 – Experience
- Factor 3 – Past Performance
- Factor 4 – Safety
- Factor 5 – Technical Solution

"The distinction between experience and past performance is experience pertains to the types of work and volume of work completed by a contractor that is comparable to the types of work covered by this requirement, in

terms of size, scope, and complexity. Past performance pertains to both the relevance of recent efforts and how well a contractor has performed on the contracts.”

Any proposal found to have a deficiency in meeting the stated solicitation requirements or performance objectives will be considered ineligible for award, unless the deficiency is corrected through discussions. Proposals may be found to have either a significant weakness or multiple weaknesses that impact either the individual factor rating or the overall rating for the proposal. It is the Government’s intent to award without discussions. However, the Government reserves the right to hold discussions if they are deemed necessary.

When the proposal is evaluated as a whole, the technical factors and past performance/performance confidence assessment factor combined (i.e., the Non-Price Evaluation Factors) are approximately equal to Price.

### **1.17 BASIS OF EVALUATION AND SUBMITTAL REQUIREMENTS FOR EACH FACTOR**

**Any Offeror who omits any portion of the submittal requirement will not be considered for award. The requirement for each factor is listed below.**

#### **Factor 1 – Technical Approach:**

##### **(1) Solicitation Submittal Requirements:**

The composition and management of the firms proposed as the design-build (DB) team for this contract will be evaluated in this factor.

The Offeror shall submit the following information:

- (1) Provide a narrative describing the proposed primary construction firms and primary design firms for this contract and the rationale for proposing this arrangement. Provide the role, responsibilities, and contractual relationships between the various firms (see FAR Subpart 9.6). The narrative shall also include a simple organizational chart that clearly identifies the lines of authority between the entities. If the experience of an entity is being claimed in Factor 2, that entity must be named in the above narrative and organizational chart.

The technical approach narrative shall be limited to one (1) double-sided page (or two (2) single-sided pages) including the organizational chart. The information requested in item #2 below is not included in this page limitation.

- (2) In addition to the narrative, the Offeror shall submit a signed copy of a joint venture agreement, partnership agreement, teaming agreement, approved mentor protégé agreement (MPA), or letter of commitment for each member of the Offeror’s team identified above (e.g., joint venture member, partner, team member, subcontractor, parent company, subsidiary, or other affiliated company, etc.).

##### **(b) Basis of Evaluation:**

The assessment of the Offeror’s technical approach in response to the submittal requirements as stated under Factor 1, will be used as a means to evaluate the organizational structure and teaming relationships proposed by the Offeror. This factor will be rated on an Acceptable or Unacceptable basis.

#### **Factor 2 – Experience:**

##### **(a) Solicitation Submittal Requirements:**

The Offeror shall submit the following information:

(1) Construction Experience:

Submit a maximum of five (5) relevant construction projects for the Offeror that best demonstrates your experience on relevant projects that are similar in size, scope, and complexity to the RFP. For purposes of this evaluation, a relevant project is further defined as a movie theatre, multi-use entertainment facility, restaurant and/or hospitality building. A similar project in size is further defined as a project within the same magnitude of construction (between \$1M-\$3M).

Projects submitted for the Offeror shall be completed within the past five (5) years of the date of issuance of this RFP.

A project is defined as a construction project performed under a single task order or contract. For multiple award and indefinite delivery/indefinite quantity type contracts, the contract as a whole shall not be submitted as a project; rather Offerors shall submit the work performed under a task order as a project.

The attached Construction & Design Experience Project Data Sheet (Attachment A) is MANDATORY and SHALL be used to submit project information. If the same project is being used to demonstrate construction and design experience, submit separate Project Data Sheets for construction and design. Except as specifically requested, the Government will not consider information submitted in addition to this form. Individual blocks on this form may be expanded; however, total length for each project data sheet shall not exceed one (1) double-sided page (or two (2) single-sided pages).

For all submitted projects, the description of the project shall clearly describe the scope of work performed and the relevancy to the project requirements of this RFP (i.e.: unique features, area, construction methods). In addition, the description should also address any sustainable features for the project, including specific descriptions of those features. Provide applicable documentation on projects that were validated and/or certified through U.S. Green Building Council (USGBC) or the equivalent organization or process.

If the Offeror is a Joint Venture (JV), relevant project experience should be submitted for projects completed by the Joint Venture entity. If the Joint Venture does not have shared experience, projects may be submitted for the Joint Venture members. Offerors who fail to submit experience for all Joint Venture members may be rated lower. Offerors are still limited to a total of five (5) projects combined.

If an Offeror is utilizing experience information of affiliates/subsidiaries/parent/LLC/LTD member companies (name is not exactly as stated on the SF1442), the proposal shall clearly demonstrate that the affiliate/subsidiary/parent firm will have meaningful involvement in the performance of the contract.

The Offeror may utilize experience of a subcontractor that will perform major or critical aspects of the requirement to demonstrate construction experience under this evaluation factor. The Offer must provide a letter of commitment and an explanation of the meaningful involvement that the subcontractor will have in performance of this contract. More weight may be given to the Offeror's projects than to those submitted for subcontractors.

(2) Design Experience

Submit a maximum of five (5) relevant design projects for the design team that best demonstrates design experience on relevant projects that are similar in size, scope, and complexity to the RFP. For purposes of this evaluation, a relevant project is further defined as a movie theatre, multi-use entertainment facility, restaurant and/or hospitality building. A similar project in size is further defined as a project within the same magnitude of construction (between \$1M-\$3M).

Projects submitted shall be completed within the past five (5) years of the date of issuance of this RFP. For design-build projects, the design portion of the contract shall have been completed within the past five (5) years of the date of issuance of this RFP.

A project is defined as a complete design effort performed under a single task order or contract/subcontract. For multiple award and indefinite delivery/indefinite quantity type contracts, the contract as a whole shall not be submitted as a project; rather Offerors shall submit the work performed under a task order as a project.

The attached Construction & Design Experience Project Data Sheet (Attachment A) is MANDATORY and SHALL be used to submit project information. If the same project is being used to demonstrate construction and design experience, submit separate Project Data Sheets for construction and design. Except as specifically requested, the Government will not consider information submitted in addition to this form. Individual blocks on this form may be expanded; however, total length for each project data sheet shall not exceed one (1) double-sided page (or two (2) single-sided pages).

For all submitted projects, the description of the project shall clearly describe the scope of work performed and the relevancy to the project requirements of this RFP (i.e.: unique features, area, construction methods). In addition, the description should also address any sustainable features for the project, including specific descriptions of those features. Provide applicable documentation on projects that were validated and/or certified through U.S. Green Building Council (USGBC) or the equivalent organization or process.

If an Offeror is utilizing experience information of affiliates/subsidiaries/parent/LLC/LTD member companies (name is not exactly as stated on the SF1442), the proposal shall clearly demonstrate that the affiliate/subsidiary/parent firm will have meaningful involvement in the performance of the contract.

The Offeror may utilize experience of a design subcontractor to demonstrate design experience under this evaluation factor. The Offer must provide a supporting joint venture agreement, partnership agreement, teaming agreement, or letter of commitment and an explanation of the meaningful involvement for the design subcontractor.

(b) **Basis of Evaluation:**

The basis of evaluation will include the Offeror's demonstrated experience and depth of experience in performing relevant construction and design projects as defined in the solicitation submittal requirements. The assessment of the Offeror's relevant experience will be used as a means of evaluating the capability of the Offeror to successfully meet the requirements of the RFP. The Government will only review five projects for construction and five for design. Any projects submitted in excess of the five (5) for Construction Experience and five (5) for Design Experience will not be considered.

Relevant projects where the Offeror and the proposed design firm(s) have previously worked together may be considered more favorably than those that have not worked together.

Relevant projects that demonstrate design-build experience may be considered more favorably than those that do not have design-build experience.

Relevant projects that demonstrate experience with sustainable features may be considered more favorably than those that do not demonstrate experience with sustainable features.

Offerors who submit relevant projects that demonstrate experience self-performing relevant features of work may receive a higher rating than those who do not demonstrate self-performance.

**Factor 3 – Past Performance:**

(a) **Solicitation Submittal Requirements:**

If a completed Construction Contractor Appraisal Support System (CCASS) evaluation is available, it shall be submitted with the proposal for each project included in Factor 2 for construction experience. If a completed AE Contractor Appraisal Support System (ACASS) evaluation is available, it shall be submitted with the proposal for each project included in Factor 2 for design experience. If there is not a completed CCASS or ACASS evaluation then

submit Past Performance Questionnaires (Attachment B) for each project included in Factor 2 for both Construction Experience and Design Experience. The Offeror should provide completed Past Performance Questionnaires (PPQ) in the proposal. Offerors shall not incorporate by reference into their proposal PPQs previously submitted for other RFPs. However, this does not preclude the Government from utilizing previously submitted PPQ information in the past performance evaluation. If the Offeror is unable to obtain a completed PPQ from a client for a project(s) before proposal closing date, the Offeror shall complete and submit with the proposal the first page of the PPQ, which will provide contract and client information for the respective project(s). The Government may make reasonable attempts to contact the client noted for that project(s) to obtain the PPQ information. However, Offerors should follow-up with clients/references to help ensure timely submittal of questionnaires. If the client requests, questionnaires may be submitted directly to the Government's point of contact, Cherie Mitchell, [cherie.mitchell@eu.navy.mil](mailto:cherie.mitchell@eu.navy.mil).

Offerors may provide any information on problems encountered and the corrective actions taken on projects submitted under Factor 2 – Experience. Offerors may also address any adverse past performance issues. Explanations shall not exceed two (2) double-sided pages (or four (4) single-sided pages) in total.

The Government reserves the right to contact references for verification or additional information. The Government's inability to contact any of the Offeror's references or the references unwillingness to provide the information requested may affect the Government's evaluation of this factor.

Performance award or additional information submitted will not be considered.

**(b) Basis of Evaluation:**

This evaluation focuses on how well the Offeror performed on the relevant projects submitted under Factor 2 – Experience and past performance on other projects currently documented in known sources. More emphasis will be placed on more relevant projects. In addition to the above, the Government reserves the right to obtain information for use in the evaluation of past performance from any and all sources including sources outside of the Government. Other sources may include, but are not limited to, past performance information retrieved through the Past Performance Information Retrieval System (PPIRS) using all CAGE/DUNS numbers of Contractors who are part of a partnership or joint venture identified in the Offeror's proposal, inquiries of owner representative(s), Federal Awardee Performance and Integrity Information System (FAPIIS), Electronic Subcontract Reporting System (eSRS), and any other known sources not provided by the Offeror.

The Government will consider the currency and relevance of the information, the source of the information, context of the data, and general trends in the Contractor's performance. Relevancy is further defined as a project with the same magnitude of construction (between \$1M-\$5M).

This evaluation is separate and distinct from the Contracting Officer's responsibility determination. The assessment of the Offeror's past performance will be used as a means of evaluating the Offeror's probability to successfully meet the requirements of the RFP.

Offerors lacking relevant past performance history will not be evaluated favorably or unfavorably in past performance and will receive an Unknown Confidence rating.

**Factor 4 – Safety:**

**(a) Submittal Requirements:**

The Offeror shall submit the following information:

**(1) Technical Approach for Safety:**

Describe the Offeror's technical approach to safety for its employees as well as the plan that the Offeror will implement to evaluate and measure safety performance of potential subcontractors, as a part of the selection process for all levels

of subcontractors. The narrative shall address each contractor that is part of the partnership or joint venture, if applicable. The Safety Narrative shall be limited to two pages.

**(b) Basis of Evaluation:**

A subjective assessment that the Offeror has consistently demonstrated a commitment to safety and that the Offeror plans to properly manage and implement safety procedures for itself and its subcontractors. The Government will evaluate the Offeror's overall safety record and the Offeror's plan to select and monitor subcontractors. The Government's sources of information for evaluating safety may include, but are not limited to, Government agencies, OSHA, Contractor Incident Reporting System (CIRS) databases, and other related resources. While the Government may elect to consider data from other sources, the burden of providing detailed, current, accurate and complete safety information regarding these submittal requirements rests with the Offeror. The evaluation will collectively consider the following:

- Offeror Technical Approach to Safety
- Other sources of information available to the Government

(1) Technical Approach to Safety:

The Government will evaluate the narrative to determine the degree to which subcontractor safety performance will be considered in the selection of all levels of subcontractors. The Government will also evaluate the narrative to determine the degree to which innovations are being proposed that may enhance safety on this procurement. Those Offerors whose plan demonstrates a commitment to hire subcontractors with a culture of safety and who propose innovative methods to enhance a safe working environment may be given a higher rating in the evaluation.

**Factor 5 – Technical Solution:**

**(a) Solicitation Submittal Requirements:**

Provide a narrative describing the technical solution to the project that meets the requirements of the RFP. Include the following:

- Interior circulation/adjacencies describing movie theatre location, restaurants and food court.
- Exterior façade describing how the proposed construction integrates with the surrounding area and existing base facilities design or architectural theme.
- Describe how the overall design and components of the facility will be attractive and visually pleasing, enticing base civilian and active duty personnel to visit often and frequently.
- Site layout including a description of the building orientation, roadways, parking (include ingress and egress), emergency vehicle access, and ATRP standoff distances. Also include in the narrative a description of the general concept proposed to meet low impact development (LID).

Narrative shall not exceed three (3) single-sided pages. Up to three (3) conceptual drawings may be provided to supplement the narrative (i.e. floor plan, exterior elevation, and site plan). Size limit for the conceptual drawings is three (3) A3 or 11"x17".

**(b) Basis of Evaluation:**

The Government will evaluate the narrative and conceptual drawings (if included) considering the extent to which the Offeror demonstrates a clear understanding of the architectural and engineering requirements of the project. The Government will evaluate the Offeror's technical solution to determine adherence to the technical requirements of the RFP.

## **PRICE PROPOSAL**

*Proposal Submission Requirements:* Complete the Price Schedule provided on page 1 including acknowledgement of any amendments and submit it with the non-price proposal. Failure to provide a completed Price Schedule will result in the offeror being ineligible for award. **In summary the price submittal should include the following:**

**1. Completed (Blocks 14 through 20c), signed & dated Standard Form (SF) 1442, Solicitation, Offer, & Award.**

**2. Acknowledgement of all amendments.**

**3. Price Proposal - All information required for Price Proposal including:**

**(1) Signed and completed PRICE SCHEDULE FORM.**

**(2) Completed FAR Clause 252.229-7001 (For assistance with this Clause, please refer to FAR Clause 252.229-7005).**

**4. Annual Financial Balance Sheets for the past three years. The following should be included in the Price Proposal Package as part of the Financial Resource portion:**

**f. Provide the latest three complete fiscal year financial statements, certified by an independent accounting firm or at least by an authorized officer of the organization.**

**B If a new joint venture/teaming/partnership arrangement is being proposed, include the latest three complete fiscal year financial statements for each firm, certified by an independent accounting firm or at least by an authorized officer of the organization:**

**5. Financial resources available to perform the contract. Submit evidence of availability of working/operating capital that will be used for the performance of the contract. If the offeror plans to rely on financial support, submit evidence of availability of working/operating capital from an independent financial institution, which will be used for the performance of the resultant contract. The following should be included in the Price Proposal Package as part of the Financial Resource portion:**

**d. Submit evidence of availability of working/operating capital from an independent financial institution, which will be used for the performance of the resultant contract.**

**e. If a Joint Venture is being proposed, include copies of agreements and letters of commitment signed by the appropriate individuals of each firm. Agreements must include company name, DUNS number, address, point of contact, email address, and phone number. The agreements shall demonstrate the relationship between firms and identify contractual relationships and authorities to bind the joint venture.**

**f. For joint venture arrangements, discuss the financial responsibilities among the companies.**

**Price Proposals should be submitted in US Dollars (\$).**

## **BASIS OF EVALUATION**

The Government will evaluate price based on the total price. Total price consists of the basic requirement. Analysis will be performed by one or more of the following techniques to ensure a fair and reasonable price:

1. Comparison of proposed prices received in response to the RFP.

2. Comparison of proposed prices with the independent Government estimate.
3. Comparison of proposed prices with available historical information.
4. Comparison of proposed prices to market research.

#### **BASIS OF AWARD**

The Government will evaluate each proposal using one of the methods described under the Basis for Evaluation to determine the competitive range. The award will be made to the Offeror within the competitive range whose proposal represents the best value to the Government . **Any Offeror who omits any portion of the submittal requirement will not be considered for award.**

(End of Summary of Changes)