

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT				1. CONTRACT ID CODE	PAGE 1 OF 13 PAGES
2. AMENDMENT/MODIFICATION NO. 0001		3. EFFECTIVE DATE 08/25/16	4. REQUISITION/PURCHASE REQ. NO.	5. PROJECT NO. (If applicable)	
6. ISSUED BY Naval Facilities Engineering Command, Mid-Atlantic 9742 Maryland Avenue Norfolk, VA 23511		CODE N40085	7. ADMINISTERED BY (If other than Item 6)		CODE
8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code)			(X)	9A. AMENDMENT OF SOLICITATION NO. N40085-16-R-1454	
				9B. DATED (SEE ITEM 11) 08/18/16	
				10A. MODIFICATION OF CONTRACT/ORDER NO.	
				10B. DATED (SEE ITEM 11)	
CODE		FACILITY CODE			

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers is extended, is not extended.
 Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods:
 (a) By completing items 8 and 15, and returning 1 copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted;
 or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment your desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA (If required)

**13. THIS ITEM ONLY APPLIES TO MODIFICATION OF CONTRACTS/ORDERS.
IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.**

CHECK ONE	A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.
	B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).
	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:
	D. OTHER (Specify type of modification and authority)

E. IMPORTANT: Contractor is not, is required to sign this document and return _____ copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)

PIER 14, CEP111 BULKHEAD, Q8 BULKHEAD AND PIER 4 FENDER SYSTEM REPAIRS, NAVAL STATION, NORFOLK, VIRGINIA

This amendment is issued to 1) provide text changes to the drawings, and 2) provide Section 01 35 40.00, Marine Mammal Protection Plan.

Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or print)		16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print)	
15B. CONTRACTOR/OFFEROR		16B. UNITED STATES OF AMERICA	16C. DATE SIGNED
(Signature of person authorized to sign)		(Signature of Contracting Officer)	

DIVISION 00 – PROCUREMENT AND CONTRACTING REQUIREMENTS

SECTION 00 01 15 LIST OF DRAWINGS

PART 1 GENERAL

1.2 CONTRACT DRAWINGS

Make the following revisions to the drawings:

NAVFAC Drawing No. 12,725,433 (MMPA-101)

General Notes: **REVISE** “ZONE 1” to **READ:**

“IMPACT HAMMER FOR TIMBER, COMPOSITE, OR CONCRETE PILES (ALL) – 550 FEET (OR AS IDENTIFIED)”

REVISE “ZONE 2” to **READ:**

“VIBRATORY HAMMER FOR TIMBER, COMPOSITE, OR STEEL PILES (UP TO 24”) – 5,550 FEET”

NAVFAC Drawing No. 12,727,690 (MMPA-101)

General Notes: **REVISE** “ZONE 1” to **READ:**

“IMPACT HAMMER FOR TIMBER, COMPOSITE, OR CONCRETE PILES (ALL) – 550 FEET (OR AS IDENTIFIED)”

REVISE “ZONE 2” to **READ:**

“VIBRATORY HAMMER FOR TIMBER, COMPOSITE, OR STEEL PILES (UP TO 24”) – 5,550 FEET”

NAVFAC Drawing No. 12,727,699 (MMPA-101)

General Notes: **REVISE** “ZONE 1” to **READ:**

“IMPACT HAMMER FOR TIMBER, COMPOSITE, OR CONCRETE PILES (ALL) – 550 FEET (OR AS IDENTIFIED)”

REVISE “ZONE 2” to **READ:**

“VIBRATORY HAMMER FOR TIMBER, COMPOSITE, OR STEEL PILES (UP TO 24”) – 5,550 FEET”

NAVFAC Drawing No. 12,719,000 (MMPA-101)

General Notes: **REVISE** “ZONE 1” to **READ:**

“IMPACT HAMMER FOR TIMBER, COMPOSITE, OR CONCRETE PILES (ALL) – 550 FEET (OR AS IDENTIFIED)”

REVISE “ZONE 2” to **READ:**

“VIBRATORY HAMMER FOR TIMBER, COMPOSITE, OR STEEL PILES (UP TO 24”) – 5,550 FEET”

PROJECT TABLE OF CONTENTS

DIVISION 01 – GENERAL REQUIREMENTS

ADD the following NEW Section:

“SECTION 01 35 40.00 25 MARINE MAMMAL PROTECTION PLAN”

Section 01 35 40.00 25 MARINE MAMMAL PROTECTION PLAN accompanies this amendment and becomes a part hereof.

*****END OF AMENDMENT*****

SECTION 01 35 40.00 25

MARINE MAMMAL PROTECTION PLAN

PART 1 GENERAL

The Marine Mammal Protection Act (MMPA) Compliance Plan is intended to reduce the risks of exposing marine mammals to dangerous levels of underwater noise.

1.1 DEFINITIONS

Definitions pertaining to sustainable development are as defined in as specified.

- a. Endangered: Defined under the ESA as "any species which is in danger of extinction throughout all or a significant portion of its range."
- b. Harassment: Under the 1994 Amendments to the MMPA, harassment is statutorily defined as, any act of pursuit, torment, or annoyance which:

Level A Harassment - has the potential to injure a marine mammal or marine mammal stock in the wild; Level A harassment or,

Level B Harassment - has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering but which does not have the potential to injure a marine mammal or marine mammal stock in the wild.

- c. Incidental Taking: An unintentional, but not unexpected, taking.
- d. Line of Sight: An imaginary unobstructed straight line running from the starting point to the horizon.
- e. Marine Environment: The oceans and the seas, including estuarine and brackish waters.
- f. Marine Mammal:
 - (A) is morphologically adapted to the marine environment cetaceans (whales, porpoise, dolphin), the sirenians (sea-cows, including manatees and dugong) and the pinnipeds (the carnivores of the group, seals, sealions, walruses), or
 - (B) primarily inhabits the marine environment (such as the polar bear and the sea otter).
- g. Marine Mammal Commission: A three-member panel appointed by the President to oversee implementation of the MMPA, and provide scientific advice to the Secretaries of Commerce and Interior. All permit applications for scientific research must be reviewed by the Commission and its 10-member Committee of Scientific Advisors on Marine Mammals.
- h. MMPA: Marine Mammal Protection Act of 1972, as amended, 16 U.S.C. 1361 et seq.

- i. Pier Slip: The water area in between adjacent piers measured from the bulkhead to the offshore end of the piers in question.
- j. Safety Zone: Because of potential disturbance to marine mammals, zones have been established that included all areas where the underwater Sound Pressure Level (SPL) was anticipated to equal or exceed that which could result in a disturbance around in-water construction. It is line-of-sight radial distance (plus a 300 ft buffer) measured from the offshore end of the pier and including the pier slip for which the in-water construction operations is occurring. These zones have been established so that mammals entering or traveling in are spotted so that appropriate actions can be implemented.
- k. Take: means to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal. According to the ESA, the term "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.
- l. Threatened: Defined under the ESA as "any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range."

1.2 SUBMITTALS

Government approval is required for submittals with a "G" designation; submittals not having a "G" designation are for Contractor Quality Control approval. When used, a designation following the "G" designation identifies the office that will review the submittal for the Government. The following shall be submitted in accordance with Section 01 33 00 SUBMITTAL PROCEDURES:

SD-01 Preconstruction Submittals

Marine Mammal Protection Plan; G

Marine Mammal Protection Manager Qualifications; G

Marine Mammal Protection Observer Qualifications; G

Submit the Marine Mammal Protection Plan including Manager and Observer qualifications and and experience prior to start of construction.

SD-03 Product Data

Hand-held Binoculars; G

Long-Range Optical equipment; G

Camera with Telephoto Lens; G

SD-09 MMPA Observer Field Reports

Marine Mammal Observation Record Forms; G

Submit daily the documentation for MMPA reporting. Submit copies of application receipts for fee payments, judgments, correspondence, records, delay, and similar documents, established

for compliance with the MMPA regulations bearing on performance of the work.

SD-11 Closeout Submittals; G

Marine Mammal Observation Record Forms

Submit all record forms and a summary report of the marine mammal monitoring that was conducted throughout the project.

1.3 REGULATORY REQUIREMENTS

The waters surrounding Naval Station Norfolk are home to number of endangered and threatened species. As required by the Section 7 of the Endangered Species Act of 1973 (ESA), Naval Facilities Engineering Command (NAVFAC) is concerned of the potential effect of underwater noise could have on these species.

The Marine Mammal Protection Act, 16 U.S.C. §1361, is a U.S. law, enacted in 1972, to protect marine-dwelling mammals, including whales, dolphins, seals, walruses, sea lions, sea otters, polar bears, dugongs and manatees. The MMPA prohibits the importation or "taking" of these animals, where "take" is defined as "to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill." The MMPA is administered by the National Marine Fisheries Service and the U.S. Fish and Wildlife Service

The species most commonly found, but not limited to this area is the bottlenose dolphin. It has been documented transiting through the waters adjacent to Naval Station Norfolk which could be affected by acoustic disturbance due to in-water construction operations.

1.4 MARINE MAMMAL PROTECTION PLAN

Prepare and submit the Marine Mammal Protection Plan not less than 15 days after the preconstruction meeting. At a minimum, address the following elements in accordance with this section:

- a. Identification and contact information for Marine Mammal Protection Manager and Marine Mammal Observer(s).
- b. Summary of training program for manager, observer, and contract personnel.
- c. General demolition and construction operations and methods for all pile demolition and installations.
- d. Monitoring and quality control procedures.

Revise and resubmit Plan as required by the Contracting Officer. Approval of Contractor's Plan will not relieve the Contractor of responsibility for compliance with applicable local, state, and federal protection regulations.

1.4.1 MMPA Meeting

After award of Contract and prior to commencement of the work, the Contractor shall schedule and conduct a meeting with the Contracting Officer to discuss the Marine Mammal Protection Plan to develop a mutual understanding relative to project. The requirements for this meeting may be fulfilled during the coordination and mutual understanding meeting as

specified in Section 01 45 00.10 20 QC FOR MINOR CONSTRUCTION.

1.4.2 Documentation

The Project Superintendent and the Marine Mammal Protection Manager must prepare and sign the Marine Mammal Observation Record Form (MMORF), respectively. The MMORF shall be attached and submitted each day with the contractor QC and Daily Reports. Each calendar day throughout the life of the Contract shall be accounted for. Every space on the forms must be filled in. Use N/A if nothing can be reported in one of the spaces.

1.4.2.1 Marine Mammal Observation

Marine Mammal Observation Record Forms shall be required for each day that in-water work is performed and must be attached to the Contractor Quality Control Report prepared for the same day. Maintain current and complete records for Marine Mammal Protection compliance operations and activities. The forms identified will be provided at MMPA meeting.

1.4.2.2 Recording Contract Delays Due to MMPA Compliance

In the "remarks" or "comments" section of the Marine Mammal Observation Record Forms, enter pertinent information including problems encountered during pile removal or driving, work progress, directions received by the Contracting Officer, and any delays encountered.

1.5 CONTRACTOR'S MARINE MAMMAL PROTECTION MANAGER (MMPM)

Designate an on-site Marine Mammal Protection Manager responsible for overseeing the monitoring goals for the project and implementing procedures for compliance to the Marine Mammal Protection Act.

1.5.1 Duties

The Marine Mammal Protection Manager shall be responsible for the following:

- a. Compliance with applicable federal, state, and local environmental regulations, including maintaining required documentation.
- b. Implementation of the Marine Mammal Protection Plan.
- c. Ensure training for Contractor personnel in accordance with the position requirements and the NAVFAC Atlantic Marine Resources Staff.
- d. Monitoring and documentation of in-water construction and compliance procedures.

1.5.2 Qualifications

The Manager is not required to be marine biologists. However, having a marine biological background or previous experience in marine mammal observing is preferred. Resume or qualifications shall be submitted for approval. The Marine Mammal Protection Manager must have familiarity with Environmental Management Systems (EMSs); familiarity with environmental regulations applicable to construction operations, possess expertise in species identification of regional marine mammal species and experience collecting behavioral data and computer skills that enable the candidate to work competently with standard database software and computer hardware.

1.5.3 CONTRACTOR'S MARINE MAMMAL PROTECTION OBSERVER (MMPO)

Designate on-site Marine Mammal Protection Observer(s) will be responsible for monitoring all in-water construction and implementing procedures for compliance with the Marine Mammal Protection Act.

1.5.3.1 Duties

The Marine Mammal Protection Observer(s) shall be responsible for the following:

- a. Be capable of working independently without direct supervision under stressful conditions.
- b. Monitoring and documentation of in-water mammal observations.

1.5.3.2 Qualifications

Have physical ability to carry out the duties of an observer. The ability to distinguish the difference between marine mammal and fish. Experience in systematic observations and making clear, concise scientific notes/records. The ability to work independently while following direction from the MMPM.

1.6 MANAGER AND OBSERVER TRAINING

The MMPM and all MMPOs shall possess expertise in species identification of regional marine mammal species and experience collecting behavioral data.

All MMPM and MMPOs shall complete a training session (not to exceed 4 hours) at a NAVFAC Midlant conference room in Bldg Z-140 or Z-144, conducted by the NAVFAC Atlantic marine resources staff. The Contracting Officer will provide the Point of Contact (POC) of the designated Natural Resources Specialist that will review marine mammal observing procedures and schedule a training session and briefing on marine mammal identification and behavior.

Following the training session, the MMP personnel shall meet with the Contracting Officer and Contractor personnel and discuss the coordination and operational shutdown procedural requirements for the project.

NOTE: Also to be discussed shall be actual criteria for MMPA related shutdowns due to visibility and not wind speed as related to the "Beauford Sea State" and wave sizes. Wind Speed shall not govern an MMPA related shutdown, but the inability to properly monitor the applicable zone.

PART 2 PRODUCTS

2.1 Hand-held Binoculars

For distances greater than 0.0 mile to 0.5 miles. Provide binoculars with 7X or 10X magnification.

2.2 Long-Range Optical Equipment

For distances greater than 0.5 miles up to 5.0 miles long range optical enhancement shall be required. This shall consist of the provision of long-range binoculars or telescopes with sufficient magnification to visually identify and distinguish mammals that may be approaching or be

within the extents of the Safety Zone. Minimum Magnification of 25X with Minimum Object Lens Diameter of 100 mm and shall be equipped with built-in range finder to estimate the distance to a sightings. A stabilizing stand is required. For ranges greater than 5.0 miles 40X+ Magnification will be required.

2.3 Camera with Telephoto Lens

Contractor shall have on hand a camera with a telephoto lens, for photographs not able to be taken using the binoculars or telescopes for capturing and validation of mammal sightings.

PART 3 EXECUTION

3.1 MARINE MAMMAL PROTECTION

Comply with applicable regulations and these specifications. Under the MMPA, it is illegal to take or harass marine mammals without a special authorization from the NMFS.

3.1.1 General Operations

"Safety Zones" have been established to mitigate Level B types of harassment and to protect marine species by designating pre-determined safety zones. These zones have been established for all pile extraction and installation operations and shall be monitored during all in-water construction activities. This includes any mobilization/demobilization of the contractor for the deployment of any barge type "spud" piles and piles utilized for templates.

3.1.2 Penalties

Failure to comply with the MMPA requirements specified herein, or the preclude of a "take" of marine mammals under the jurisdiction of the Marine Mammal Protection Act (MMPA) can result in civil and criminal penalties. The zones shall be monitored during all in-water operation for the presence of marine mammals (example: bottlenose dolphin) and operations shall shutdown if a marine mammal approaches, enters, or is found in one of these zones in order to preclude any "take" as defined by the MMPA.

3.2 Zones of Influence

3.2.1 Pulsed and Non-Pulsed Equipment

NMFS has identified thresholds for for behavioral harassment of in-water construction of 160 dB rms for pluses (impact) and 120 dB rms for non-pulsed (vibratory) in-water construction work. These zones shall be monitored for the presence of marine mammals during all in-water construction which generates sound level above the designated thresholds.

3.2.2 Safety zone Maps

Safety Zones have been established and can be found with the drawing set. These maps provide an estimate of the areas which could experience sound pressure levels above the NMFS thresholds for behavioral harassment.

3.2.3 Zone Monitoring

Marine Mammals Observer(s) shall be provided to monitor the designated

zones during all in-water construction. If any marine mammals approaches, enters, or is found in any of the designated zones, all in-water operations shall be halted to ensure a "take" does occur.

Operations can only proceed when it has been assured that the marine mammal will not enter, has safely exited the area, or 20 minutes has elapsed since the last sighting.

3.3 EQUIPMENT

3.3.1 Elevated Platform

The contractor shall provide a stable, self-deploying, self-supporting, elevated platform with which provides an unobstructed view of the water within the Safety Zone for a minimum of (2) observers.

3.3.1.1 Minimum Platform Requirements

The platform shall meet all applicable safety codes and be and shall be able to be removed or lowered when not in use. A minimum eye level sight of 25 feet above the pier deck shall be required when in operation. The platform shall be self supporting and shall not be "anchored" to the pier by mechanical means (drilling or embedding anchors into the pier structure shall not be allowed). Approximate pier surface area footprint available for platform is 20'x20' and deck loading shall not exceed 500 psf. The location and size of the platform shall not impact naval operations and will be located at the offshore end of the pier.

NOTE: Minimum operational allowable wind speed requirements for the platform shall meet or exceed that of the crane or cranes be utilized for pile driving operations. Wind speed alone shall not be a controlling factor for preventing MMPA observations and preventing the proper observation of pile driving activities.

3.3.2 MMPM and MMOs Personal Equipment

All MMPM and MMOs shall be equipped with Zones of Influence Maps, communication equipment, polarized sunglasses, and short and long-range observation equipment, camera, and appropriate data recording sheets.

In conditions of good visibility, MMOs will likely be able to detect mammals out to a range of approximately 0.5 miles with the naked eye and verification with hand-held binoculars. For distances greater than 0.5 miles utilization of Long-Range Optical Equipment enhancement shall be required.

The MMO shall be in constant voice or radio contact with the MMPM and Project Superintendent.

3.4 MARINE MAMMAL PROTECTION EXECUTION

3.4.1 General

The contractor shall ensure the Marine Mammal Protection Manager and sufficient Marine Mammal Observers are present during all in-water construction. For monitoring and observations of less than 600 feet, the MMOs may be stationed at unobstructed locations on the pier deck. For monitoring and observations exceeding 600 feet the MMO(s) shall be positioned on elevated platform(s).

The contractor with his MMPM and MMOs shall demonstrate their mammal identification capabilities to the satisfaction of the Contracting Officer prior to the arrival of any equipment that would generate any in-water noise. For zone monitoring less than 600 feet a minimum of (1) MMO will be required, for monitoring beyond 600 feet at least (2) MMOs, will be required for all in-water operations unless the contractor can adequately demonstrate that less personnel can perform this duty.

3.4.2 Marine Mammal Observer Responsibilities

While MMPM and the MMOs may be in the contractor's employment, the MMOs shall be dedicated solely to looking for mammals within or approaching the Safety Zone and will perform no other tasks while conducting monitoring operations. The contractor's MMOs shall ensure constant observations, monitoring, and reporting for the duration of the contract. New or inexperienced MMOs shall be paired with experienced MMOs to ensure that the quality of marine mammal observations and data recording is kept consistent.

3.5 MONITORING METHODOLOGY

Pile Removal or Installation Operations which may generate underwater noise.

3.5.1 Winter and Spring Season

Due to the prevalence of morning fog over the water, poor visibility may affect MMPA Compliance and therefore "no work" which would generate underwater noise shall begin until 1100 and then terminate one-half hour before sunset. The contractor may begin his operations earlier if visibility is not affected and with prior approval of the Contracting Officer.

3.5.2 Fall and Summer Season

Underwater noise generating operations or "no work" conditions shall not begin until one-half hour after sunrise and shall terminate one-half hour before sunset.

3.5.3 Normal Daily Operations

Utilizing the naked eye, short and/or long-range optical equipment, the MMO(s) will scan and systematically sweep the designated "SAFETY ZONE" for any evidence of mammal activity. A typical "sweep" would be a slow sweep going from left to right and the other returning from right to left. The length of time it takes to do the sweep will depend on the amount of area that needs to be covered, weather conditions, and the time it takes the observer to thoroughly survey the area.

If a mammal approaches or enters into the designated restricted Zone during noise generating operations, the MMO will ensure identification and then notify the MMPM via radio, cell phone, voice command, and/or visual signal and stop the operation.

3.5.3.1 MMO Personnel Rotation

The contractor shall provide for the provision of rotating the MMOs at least every three hours to avoid observer fatigue. During observer(s) hand-over sufficient time shall be provided to ensure there is no time lapse in the monitoring of the Zones.

3.5.4 Protocol for In-Water Construction

<u>Time</u>	<u>Activity</u>
("Tminus In-water Noise Generation)	
T-20 minutes:	MMO are in place and being scanning the Safety Zone. MMO conducts a radio check to confirm communications and once confirmation that the area is clear.
T-5 minutes:	Equipment Operational Controller (Project Superintendent/MMPM) checks in with the MMO to be given the all clear to begin operations. At this time, the MMO will either inform the Controller that he must hold on the 5 minute for a designated period of time or will give the all clear. Before the all clear is given, there should be no animals in the Safety Zone or entering the Safety Zone.
T-0 minute:	Controller informs MMO that operations have begun and will inform MMO when operations have been completed.
T+5 minutes:	All In-Water Noise generating operation are complete, MMO finalizes his observations, and the Equipment Controller releases the observer(s) from duty.

3.5.5 Delays not Attributed to Mammal Sightings

When visibility prevents the MMO from clearly seeing the water surface out to the minimum 100 foot distance beyond the designated Safety Zone, the MMPM shall halt all operations until visibility in that particular Safety Zone improve to the acceptable levels. The Contracting Officer shall be contacted prior to the work stoppage for approval and validation. The reason, conditions, and length of the delay shall be properly documented.

3.6 MONITORING AND REPORTING

3.6.1 Submission of Reports

Observers shall complete all Marine Mammal Observation Record Forms after each observation period. The summary report shall include the following electronic data spreadsheet compatible with NAVFAC software:

- (1) spreadsheet in chronological order listing each monitoring period and the corresponding data for that period.
- (2) spreadsheet listing all mammal sightings in chronological order,
- (3) spreadsheet in chronological order listing all pile machinery work durations where no mammal sighting occurred,
- (4) copies of all original Marine Mammal Observation Record Forms completed during the monitoring operations
- (6) clear, sharp color copies of photographs (printed on 8.5 x 11 pages) taken of mammal sightings (maximum two per page) with a fully descriptive title under each photograph.

3.6.2 Electronic Spread Sheets

The spreadsheets shall contain the same data as the Marine Mammal Observation Record Forms. Submit one hard copy of the report in a three-ring binder with a title sheet on the binder cover and spine, a table of contents, and tabbed dividers.

3.6.3 Data Storage

Submit two CD's (in separate clear plastic CD cases) each containing clear, sharp copies of the following: a single bookmark pdf file of the entire report, the native electronic files, a pdf file of the awarded task order (and any follow-on amendments, as applicable), a separate folder containing individual pdf files of the Marine Mammal Observation Record Forms completed during the monitoring operations (with the form date as part of the file name), and the sighting photographs in.png and jpeg format (with the date the photo was taken as part of the file name). Label the CD's with the report title, the contractor submitting the report, and the submittal date.

3.7 WORK-STOPPAGE COMPENSATION

There are times that pile driving operations can not occur as a result of weather, fog, rain, snow, sleet, water conditions (waves), wind, safety, or other adverse conditions and not a direct result of MMPA Compliance. These work-stoppage condition shall be submitted and agreed upon by the Contracting Officer prior to beginning pile driving operations so as not to confuse a delay with that of compliance requirements of MMPA.

It is only when scheduled pile work can not begin or work has to stop or temporarily halted, solely due to visibility and the inability of the MMO to perform the MMPA compliance monitoring and outside of the contract designated "no work" timeframe, that that MMPA compensation may be allocated by the Contracting Officer. If the contractor can reallocate personnel and equipment to perform other work other than pile driving operations, compensation may not be warranted.

-- End of Section --