

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT			1. CONTRACT ID CODE J	PAGE OF PAGES 1 7
2. AMENDMENT/MODIFICATION NO. 0001	3. EFFECTIVE DATE 08-Mar-2016	4. REQUISITION/PURCHASE REQ. NO.		5. PROJECT NO.(If applicable)
6. ISSUED BY COMMANDER NAVFAC ATLANTIC 6506 HAMPTON BLVD NORFOLK VA 23508-1278	CODE N62470	7. ADMINISTERED BY (If other than item 6) See Item 6		
8. NAME AND ADDRESS OF CONTRACTOR (No., Street, County, State and Zip Code)		X	9A. AMENDMENT OF SOLICITATION NO. N62470-16-R-6003	
		X	9B. DATED (SEE ITEM 11) 11-Feb-2016	
			10A. MOD. OF CONTRACT/ORDER NO.	
			10B. DATED (SEE ITEM 13)	
CODE	FACILITY CODE			
11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS				
<input checked="" type="checkbox"/> The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offer <input type="checkbox"/> is extended, <input checked="" type="checkbox"/> is not extended. Offer must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended by one of the following methods: (a) By completing Items 8 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.				
12. ACCOUNTING AND APPROPRIATION DATA (If required)				
13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.				
A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.				
B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(B).				
C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:				
D. OTHER (Specify type of modification and authority)				
E. IMPORTANT: Contractor <input type="checkbox"/> is not, <input type="checkbox"/> is required to sign this document and return _____ copies to the issuing office.				
14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.) P-115 ELEMENTARY AND HIGH SCHOOL ADDITIONS, NAVAL STATION ROTA, SPAIN See continuation page				
Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.				
15A. NAME AND TITLE OF SIGNER (Type or print)		16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print)		
		TEL:	EMAIL:	
15B. CONTRACTOR/OFFEROR _____ (Signature of person authorized to sign)	15C. DATE SIGNED	16B. UNITED STATES OF AMERICA BY _____ (Signature of Contracting Officer)		16C. DATE SIGNED 08-Mar-2016

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 0001

Amendment 0001 is being issued for the following reasons:

1. To revise Section 00100 – Bidding Schedule/Instructions to Bidders/Instruction to Offerors
2. To provide responses to PPIs 1 – 10

CHANGES TO SECTION 00100:

Section 00100 – Bidding Schedule/Instructions to Bidders/Instructions to Offerors/3. ELIGIBILITY FOR AWARD is changed as follows:

FROM:**SYSTEM FOR AWARD MANAGEMENT**

To be eligible for award, your firm(s) must be registered in the System for Award Management (SAM) database as required as required by FAR 52.204-7, System for Award Management (Jul 2013).

See Section 00100 and the following:

Note that the System for Award Management (SAM) is required for all offerors, including Joint Ventures (JV) (registration must state the NAME of the JV). Offerors not currently registered in SAM must obtain a Dun & Bradstreet (DUNS) number and a CAGE or NCAGE prior to registering in SAM.

All offerors, including JV offerors, must submit with their proposal a DUNS number. In addition to the DUNS number required for JV offerors, JV offerors **must submit with their proposal 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 (see above.)

CAGE/NCAGE – A CAGE/NCAGE code is required for all offerors, including JV offerors. JV offerors must acquire a CAGE Code registered in the JV name.

(a) U.S. Offerors, including Joint Venture offerors: U.S. offerors must obtain a CAGE Code prior to registering in the SAM database, part of the SAM registration process (see paragraph above.)

TO:

System for Award Management (SAM) registration is required for all offerors, including Joint Venture (JV) **or Union Temporal de Empresas (UTE)** offerors (registration must state the NAME of the JV/UTE). 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.

A DUNS number is required for all offerors, including JV **or UTE** offerors. In addition to the DUNS number required for JV **or UTE** offerors, JV **or UTE** 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.

Firms offering a response to this notice should ensure that they are registered in the System for Award Management (SAM) database (<https://www.sam.gov>), and complete the provisions associated with the annual representations and certifications identified in the Federal Acquisition Regulation (FAR) subpart 4.1202 and Defense FAR Supplement (DFARS) subpart 204.1202. Firms shall also ensure to obtain a registered DUNS number prior to award.

NOTE: CONTRACTORS MUST COMPLETE BOTH THE FAR AND DFARS REPRESENTATIONS AND CERTIFICATIONS ON THE SAM WEBSITE. CONTRACTORS ARE PROVIDED ACCESS TO THE DFARS PROVISIONS ONLY WHEN THEY ANSWER AFFIRMATIVELY THAT THEY WOULD LIKE TO DO BUSINESS WITH THE DEPARTMENT OF DEFENSE. Contractors are advised that both FAR and DFARS provisions must be listed on their SAM record in order to participate in this solicitation.

CAGE/NCAGE CODE

A CAGE/NCAGE Code is required for all offerors, including JV or UTE offerors. JV or UTE offerors must acquire a CAGE/NCAGE Code registered in the JV or UTE name.

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.

Non-U.S. (foreign) Offerors ONLY, including JV or UTE offerors: 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.

Section 00100 – Bidding Schedule/Instructions to Bidders/Instructions to Offerors/6. INQUIRIES, PROPOSAL FORMAT AND DUE DATE/Special Joint Venture (JV) Requirements is changed as follows:

FROM:

Special Joint Venture (JV) Requirements:

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 price proposal in its original language version along with a certified English translation of the notarized JV. 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 severably liable for the performance of the whole contract and will be incorporated into the contract award if award is made to the JV.

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 ____)
- (e) The statement "The composition and structure of the JV will remain unchanged from award to one (1) year after the work has been finally inspected and accepted by the Government."
- (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.

2. 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 Subpart 42.12, which will be approved/disapproved at the discretion of the Contracting Officer.

TO:

BINDING TEAMING AGREEMENTS: JOINT VENTURE, UNIÓN TEMPORAL DE EMPRESAS (UTE), LIMITED LIABILITY COMPANIES AND LIMITED PARTNERSHIP

- a. For 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.
- b. Unión Temporal de Empresas (UTE):
 1. The Spanish Ministry of Industry provides definition of “Union Temporal de Empresas (UTE)” as temporary business alliances set up for a specified or unspecified period of time, for the purpose of carrying out a specific project or service. Website: http://www.investinspain.org/guidetobusiness/en/2/art_2_23.html
 2. Provide temporary UTE number from the Spanish tax department. If awarded the contract, the UTE shall provide the permanent UTE number to the procuring agency (U.S. Navy) within 15 working days after award. The Spanish Tax Department provides guidance on UTE registration requirements. Website: <https://www.agenciatributaria.gob.es/AEAT.sede/procedimientos/GC00.shtml>
- c. Each Joint Venture or Unión Temporal de Empresas (UTE) must provide one (1) CAGE/NCAGE code, one (1) DUNS number for the Joint Venture or Unión Temporal de Empresas (UTE) and one (1) DUNS number for each member comprising the Joint Venture or UTE.
- d. Each Joint Venture or UTE must be registered in the System for Award Management (SAM) using the name of the Joint Venture or UTE.
- e. Joint Venture (JV) and UTE Offerors shall provide with their proposal a notarized legal document that establishes the JV or UTE. The JV or UTE 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. Failure to submit a JV or UTE Agreement in English translation with notary is a failure to meet a material requirement.
- f. The Joint Venture also needs to complete the online representations and certifications for each joint venture member as well as for the joint venture itself. Refer to “Paragraph 1.7 of Section 00100 – Bidding Schedule/Instructions to Bidders” and “Section 00600 – Representations and Certifications.”
- g. The Joint Venture Agreement and UTE Agreement shall include, at a minimum, the following:
 1. Name of firms that form the JV or UTE and the name of the JV or UTE.

2. Name and title of the corporate officials signing on behalf of each party.
3. Solicitation number.
4. The statement "The composition and structure of the JV or UTE will remain unchanged from award to one (1) year after contract completion."
5. Date of issuance of the agreement and notarized signature of the corporate officials signing in behalf of each party.
6. Statement under oath stating that the Joint Venture(JV) or UTE 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 or UTE.

The U.S. Government reserves the right to review the actual JV or UTE Agreement to determine its basis and compliance with the applicable laws. Any internal agreements affecting the internal composition of the existing JV or UTE 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 or UTE will require the JV or UTE to formally request a Novation Agreement in accordance with FAR 42.12, which will be approved/disapproved at the discretion of the Contracting Officer.

- h. Joint Ventures, Uniones Temporales de Empresas, Limited Liability Companies, and Limited Partnerships shall submit the following additional documentation regarding their business entities:
 1. A copy of the JV, UTE, LLC, or LTD agreement.
 2. A detailed statement outlining the following in terms of percentages where appropriate:
 - i. The relationship of the team/partners/parties in terms of business ownership, capital contribution, profit distribution or loss sharing.
 - ii. Description of the responsibilities in terms of work category for each member (for example: Firm A performing 25% of electrical work).
 - iii. The management approach in terms of who will conduct, direct, supervise, and control.
 - iv. The structure and decision-making responsibilities of the partners/parties in terms of who will control the manner and method of performance of work.
 - v. Identify (by name and title) the personnel having the authority to legally bind the partners/parties (including authority to execute the contract documents and bonds).
 - vi. The statement "The composition and structure of the JV or UTE will remain unchanged from award to one (1) year after contract completion.
 3. A list of partners/parties, to include company name, DUNS and CAGE Numbers, Address, Point of Contact, e-mail address, phone number and facsimile number

Responses to PPIs 1 – 10

1. QUESTION: In the solicitation N62470-16-R-6003, I did not see an emergency kit for the schools in the case of an emergency kit for students. Big Blok provides such a kit which is for short or long term emergencies providing not only water but food and medical supplies. It is self-contained and can included human waste handling needs as well. Has your clients considered this? If not, please see if they would be interested and we can provide the necessary in formation.

RESPONSE: Emergency kit(s) are not required for this solicitation.

2. QUESTION: We are not able to download the following files for the solicitation in the subject. N6247016R6003Attach_I-8_Drawings_P_115_Elementary_and_High_School_Additions.pdf

N6247016R6003Attach_I-9_Drawings_P_115_Elementary_and_High_School_Additions.pdf

We receive an "error" message when trying to download. Please, send a new link or upload the files again.

RESPONSE: New attachment links for drawings I-8 and I-9 have been provided via this amendment. Documents can be accessed through the Federal Business Opportunities website which is linked to the Navy Electronic Commerce Online website.

3. QUESTION: We would like to study the solicitation number N62470-16-R-6003, "P-115 ELEMENTARY AND HIGH SCHOOL ADDITIONS, NAVAL STATION ROTA, SPAIN". We would appreciate it if you could send us the following attachments which have not been included in FBO: (D) Schedule B (E) Visitor Pass Request Form (F) Construction Experience Project Dada Sheet (G) Past Performance Questionnaire (H) P-115 Specifications (I) P-115 Final Drawings.

RESPONSE: New attachment links for drawings I-8 and I-9 have been provided via this amendment. All other attachment links have been determined to be functional and readily accessible. Documents can be accessed through the Federal Business Opportunities website which is linked to the Navy Electronic Commerce Online website.

4. QUESTION: FACTOR 1. CORPORATE EXPERIENCE: The Solicitation reads: "Submit a maximum of five construction projects that best demonstrate experience on relevant projects. A relevant project is a building with a minimum size of 500 SM, constructed of reinforced concrete and steel, completed within the past 5 years from the date of issuance of this RFP and has a minimum value of 2 million Euros." Based on the lack of Building Construction activity in Spain, specially on the Spanish Gov Public sector on the last 5 years, we kindly request that projects completed within 7 years are considered for experience evaluation.

RESPONSE: Factor 1 – CORPORATE EXPERIENCE remains unchanged.

5. QUESTION: Is it possible to get BIM or ACAD drawings?

RESPONSE: ACAD drawings will be provided to the successful Offeror upon award of the contract.

6. QUESTION: The due date for this proposal is March 28th. We kindly ask the Government to consider a time extension because in Spain the week from March 21st to March 27th is Easter time and there are 4 holiday days.

RESPONSE: The proposal due date of Monday, March 28, 2016 remains unchanged.

7. QUESTION: We have read that there is a site visit on 19th of March, is possible to go to this visit?, or is it too late?

RESPONSE: Site Visit instructions are provided on Page 7 of the SF1442.

8. QUESTION: RFP page 8 of 44 states that "SYSTEM FOR AWARD MANAGEMENT (SAM) IS REQUIRED FOR ALL OFFERORS INCLUDING JOINT VENTURES (JV) (registration must state the name of the JV)". We would like to inform you that the Joint Venture legal figure does not exist in Spain, our legal vehicle to perform these kind of commercial agreements is the UTE (Unión Temporal de Empresas), which is recognized by the Kingdom of Spain Law. The main difference between JV and UTE is that you need to have been already awarded a contract to be able to create a UTE, under the Spanish Law, because this contractual vehicle must have a specific commitment. At this point, we would like to have the possibility to submit only the DUNS and NCAGE of the companies forming the UTE, and not the DUNS and NCAGE of the new entity. Only once you have been awarded the contract, and not before, you will be able to register this new entity (composed by the two or more companies forming the UTE) in the Registro Mercantil and obtain the CIF (equivalent to the VAT Number). Once you have the CIF number you will be able to request the DUNS number of the new entity. Therefore, we would like to kindly request you to include the particularities of the Spanish Law, as the host country, and: - Include the use of the UTE and, - Allow the companies to submit after the award the DUNS and NCAGE of the new entity, submitting

in the bid proposal the DUNS and NCAGE of the entities that will compose the future UTE together with a notarized legal document of forming the UTE, sealed and signed by the parties, once awarded the contract.

ANSWER: Section 00100 is revised via Amendment 0001. Refer to changes outlined above.

9. QUESTION: We have detected that in Drawings FP101, FP102 and FP103 there are some fire lines missed in the drawings. It looks like the drawings are incomplete. Please provide these drawings with the fire protection lines completed.

ANSWER: All sprinkler head locations are shown for reflected ceiling coordination. All sprinkler cross main piping is shown for coordination purposes. Branchline piping from the cross mains to the sprinkler heads is shown ONLY where hydraulic calculations are required to verify pipe sizing. Sprinkler heads not within the remote area are shown but piping is not since sizing is typical to remote area shown. Full piping layouts are not a requirement of UFC 3-600-01 or UFC 3-600-10N, we provide the design basis of the system and prove it works with the water supply available. The contractor is required to complete the design layout as part of the shop drawing submission and review process per specification 21 13 13.

SECTION 00010 - SOLICITATION CONTRACT FORM

The Issued By organization has changed from

COMMANDER NAVFAC ATLANTIC
6506 HAMPTON BLVD
NORFOLK VA 23508-1278

to

NAVAL FACILITIES ENGINEERING COMMAND
ATLANTIC DIVISION
6506 HAMPTON BLVD
NORFOLK VA 23511

(End of Summary of Changes)