

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT			1. CONTRACT ID CODE J	PAGE OF PAGES 1 6
2. AMENDMENT/MODIFICATION NO. 0002	3. EFFECTIVE DATE 09-Mar-2016	4. REQUISITION/PURCHASE REQ. NO.		5. PROJECT NO.(If applicable)
6. ISSUED BY NAVFAC SOUTHWEST COASTAL IPT CODE ROPMA NAVAL STATION SAN DIEGO 2730 MCKEAN ST BLDG 291 SAN DIEGO CA 92136	CODE N62473	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. N62473-16-R-3201	
		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 checked="" type="checkbox"/> is extended, <input type="checkbox"/> is not extended. Offer must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended by one of the following methods: (a) By completing Items 8 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.				
12. ACCOUNTING AND APPROPRIATION DATA (If required)				
13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.				
A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.				
B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(B).				
C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:				
D. OTHER (Specify type of modification and authority)				
E. IMPORTANT: Contractor <input type="checkbox"/> is not, <input type="checkbox"/> is required to sign this document and return _____ copies to the issuing office.				
14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.) The purpose of this amendment is to address contractor submitted Requests for Information and revise the Phase I Submittal Instructions. The proposal due date is also revised as a result of this amendment.				
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 09-Mar-2016

SECTION SF 30 BLOCK 14 CONTINUATION PAGE

SUMMARY OF CHANGES

SECTION 00010 - SOLICITATION CONTRACT FORM

The required response date/time has changed from 22-Mar-2016 02:00 PM to 29-Mar-2016 02:00 PM.

SECTION 00100 - BIDDING SCHEDULE/INSTRUCTIONS TO BIDDERS

The following have been added by full text:

AMENDMENT 02

09 March 2016

N62473-16-R-3201: IDIQ MACC FOR CONSTRUCTION OF COMMERCIAL AND INSTITUTIONAL FACILITIES FOR NAVAL SPECIAL WARFARE COMMAND

All Amendments Must Be Acknowledged

- 1.) The provision under FAR 52.203-2 – Certificate of Independent Price Determination is hereby incorporated into this solicitation.
- 2.) Sections 00100 and 00800 are hereby revised to redact the language pertaining to the required Exclusive Agreement between Offerors and Lead Design Firms which was incorporated by Amendment 0001. The revision shall apply to these sections, as well as anywhere else in the RFP where the change may have been applied.
 - a) Section 00100, Paragraph 2- Proposal Submittal Requirements, is hereby revised to incorporate the following changes:

2. Proposal Submittal Requirements

Proposals submitted in response to this solicitation shall be formatted as follows and furnished in the number of copies stated herein. A cover letter shall accompany the proposal.

The cover letter shall include—

- a) The solicitation number;
- b) The name, address, telephone and facsimile numbers, and email address of the Offeror;
- c) The DUNS Number, CAGE Code, and Tax Identification Number (TIN) of the Offeror;
- d) A statement specifying the extent of agreement with all terms, conditions, and provisions included in the solicitation and agreement to furnish any or all items upon which prices are offered at the price set opposite each item;
- e) Names, titles, phone and facsimile numbers, and email addresses of persons authorized to negotiate on the Offeror's behalf with the Government in connection with this solicitation and;
- f) Name, title, and signature of person authorized to sign the proposal. Proposals signed by an agent shall be accompanied by evidence of that agent's authority, unless that evidence has been previously furnished to the issuing office.

~~Offerors will be required to submit an agreement for each Lead Design Firm (LDF) proposed. The agreement shall state that the LDF will exclusively partner with the Offeror on this procurement and will not participate with any other Offeror in competing for or performing on a contract to be awarded under this solicitation. The Offeror and LDF shall both sign the agreement. All Offerors proposing the same LDF(s) will be rejected as unacceptable.~~

In addition to the cover letter, the Offeror shall submit an Offeror's Team Consent Form for each major subcontractor/teaming partner (e.g., team member, legal partner, subcontractor (i.e., Lead Design Firm(s)), parent company, subsidiary, or other affiliated company, etc.) identified in the Offeror's proposal.

Proposals shall be submitted in three ring binders or bound, with tabs or separators. Page limits, if stipulated, must be adhered to. Proposals shall be submitted on 8.5" X 11" paper, utilizing both sides of the paper. **ALSO**, Offerors shall submit one (1) Electronic Copy of the proposal in .pdf format on a CD.

The format for the proposal is as follows:

Phase One:

-Cover Letter

~~-Exclusive Agreement~~

-Offeror's Team Consent Form(s)

-Offeror's Joint Venture Agreement (with SBA approved Mentor-Protégé agreement-if applicable)

-First two pages of SF1442 - with blocks 14 through 20c completed

-Financial Questionnaire (Original in sealed envelope from financial institution in original proposal folder only)

-Surety Form

-Section 0600 – Representations and Certifications

-VETS-4212 Report Submission Confirmation (or Statement of Non-applicability)

Tab 1 - Factor 1, Technical Approach (Exhibit "A," Organizational Chart, and Signed Copies of Agreements or Letters of Commitment for Each Member of the Offeror's Team)

Tab 2 - Factor 2, Experience (Exhibits "B")

Factor 3, Past Performance (Exhibits "C" or CCASS/ACASS Evaluations) (Evaluations should immediately follow the project shown on Exhibit "B" to which they pertain)

Tab 3 - Address any adverse past performance issues, if applicable

THE FOLLOWING EVALUATION FACTORS ARE APPLICABLE ONLY TO THOSE OFFERORS WHO ARE SELECTED TO PROCEED TO PHASE TWO OF THE SOURCE SELECTION PROCESS. DO NOT SUBMIT TABS 4 THROUGH 7 IN PHASE ONE PROPOSALS.

Phase Two:

Tab 4 - Factor 4, Safety (Exhibit "D")

Tab 5 - Factor 5, Technical Solution (Narrative and Drawings)

Tab 6 - Factor 6, Energy and Sustainable Design (Narrative)

Tab 7 - Factor 7, Small Business Utilization (Offeror Only)

7A – Past Performance in Utilization of Small Business Concerns (Exhibit "E" or SF294s/ISRs)

7B – Small Business Participation (Exhibit "F" or Exhibit "G")

Tab 8 - Factor 8, Price (In sealed envelope in original proposal folder only) – The envelope shall contain the following original documents: SF1442 (Solicitation, Offer, and Award) with blocks 14 through 20c completed; Bid Bond (in the amount of 20% for PTO #0001)

Representations and Certifications, Financial Questionnaires, and Surety Forms will not be rated. However, they will be considered in assessing the Offeror's responsibility.

Offerors are asked to submit only the information/exhibits required. Do not submit any additional information such as brochures, CDs, or other pre-printed materials.

A total of one (1) original and three (3) hard copies of the complete **Phase One** proposal in response to

this RFP must be received by this office no later than the date and time stated in Block 13 of the SF1442. Offerors should address all **Phase One** evaluation factors and shall submit the proposal to the following address:

Naval Facilities Engineering Command Southwest
Coastal Integrated Products Team (IPT) /OPUA.MK
Attention: Matt Koontz
2730 McKean Street, Building 291
San Diego, CA 92136

Proposal must be clearly marked on the outside of the package with the solicitation number.

LATE PROPOSAL SUBMITTALS WILL NOT BE CONSIDERED. Read the following information carefully.

It is an Offeror's responsibility to deliver its proposal to the proper place at the proper time which includes allowing a reasonable amount of time for the delivery of the proposal (FAR 15.208(a)). Proposals that are received after the stated date and time in Block 13 of the SF1442 will not be considered.

Offerors shall ensure that proposals are mailed or sent by courier in a timely manner to be delivered to the NAVFAC Southwest facility no later than the date and time stated in Block 13 of the SF1442.

Offerors intending to deliver the proposals in person to the facility at the address above are cautioned that this NAVFAC Southwest facility is located aboard Naval Base San Diego (NBSD) within a secure Government facility. To gain access, Offerors must have a RapidGate pass. Concessions may be made to have Government personnel meet Offerors delivering proposals in person at the NBSD Pass and ID Office.

- b) Section 00801, Paragraph 5 – Description of Work, is hereby revised to incorporate the following changes:

5. DESCRIPTION OF WORK:

The work to be acquired under this contract is for new construction and renovation within the NAICS code listed, by design-build or design-bid-build, of Commercial and Institutional building construction projects at Naval Special Warfare Command locations in Southern California. However, it is anticipated that the majority of the work will be performed at the Silver Strand Training Complex-South, in Imperial Beach, CA. If available, any additional capacity may be utilized for projects within the NAVFAC SW AOR, as approved by the NAVFAC SW Chief of Contracting Office (CCO).

Types of projects may include, but are not limited to: administration buildings, academic and applied instruction training facilities, athletic centers with swimming pools, military operations facilities, and other similar facilities.

In support of design-build strategies, each Offeror shall possess in-house capabilities or **exclusively** employ the services of Lead Architect-Engineering (A-E) Design Firm(s) experienced in the design development and coordination of projects within the scope of this contract. In an effort to avoid a potential conflict of interest, Offerors are encouraged to offer multiple design teams to satisfy a variety of project types projected to be awarded during the term of the contract(s). ~~Offerors will be required to submit an agreement for each Lead Design Firm (LDF) proposed. The agreement shall state that the LDF will exclusively partner with the Offeror on this procurement and will not participate with any other Offeror in competing for or performing on a contract to be awarded under this solicitation. The Offeror and LDF shall both sign the agreement. All Offerors proposing the same LDF(s) will be rejected as unacceptable.~~ The Offeror and the proposed Lead Design Firm(s) for the basic contract(s) will be evaluated as a team. Lead A-E Design Firm(s), their subsidiaries and affiliates that are involved at the RFP

or design stage of a particular project under another contract will not be allowed to propose or be used on a Task Order for that project under this contract. All professional disciplines shall be registered and/or certified in their discipline. In any state requiring specialized knowledge of local permitting or regulatory agency requirements, the professional discipline shall be registered or certified in that state.

3.) The following answers are issued in response to Contractor Requests for Information:

Contractor RFI # 7: The Note in section 1 of Exhibit B states, “The firm who performed the work of this project must be named on Exhibit “A” and fully described as a team member who will have meaningful involvement in performance of the relevant work of this contract. If the Offeror fails to demonstrate the firm’s meaningful involvement in the performance of this contract, the project will not be considered relevant and will not be evaluated.”

Respectfully request the Government remove the requirement to include as a team member on Exhibit A, the firm that performed the project cited as relevant experience.

Rationale: An offeror could submit a relevant project performed by a prime contractor joint venture where the offeror was the managing partner of the joint venture. The joint venture existed only to perform the referenced project and, as a business entity, will have no role in this project. To list the joint venture “as a team member who will have meaningful involvement in performance of the relevant work of this contract” is not possible. We believe completing the two sections immediately above the note will provide the Government with enough information to establish the offeror’s involvement in the cited project and the proposed project.

Government Response: Factor 1 requires that the Offeror describe the proposed primary construction firm(s) and primary design firm(s) for this contract. Factor 2 requires that the Offeror demonstrate construction and design experience. If the project in Factor 2 was performed by the Offeror for this contract as part of a joint venture, then the firm that is submitting a proposal under this contract is the one to be identified in Factor 1, not a firm that is not party to this solicitation. In accordance with Factor 2, "the description of the project shall clearly describe the scope of work performed" by the Offeror.

In the example provided in the RFI, only the primary construction firm (or firms in the case of a joint venture Offeror) would be listed on Exhibit A. If a previous partner is not participating in this solicitation, they would not be listed.

Contractor RFI # 8: In consideration of Amendment No. 1, are we correctly interpreting that architectural design firms can only be on one Offeror's team? Or is it acceptable that one Lead Design Firm is exclusive to each Offeror, and additional architectural firms supporting the team can partner with multiple Offerors?

Limiting design firm teaming with exclusivity to Offerors will limit the quantity of highly qualified Offerors that are able to respond. For instance, if an Offeror had planned to have two design firms on their team and both firms decide to team with other Offerors since they must be exclusive - then that Offeror will no longer be able to respond.

As an alternative, perhaps exclusivity between Offerors and Lead Design Firms could be required only when responding to a task order for the shortlisted Offerors? We feel that Offeror-Design Firm exclusivity does not benefit NAVFAC at this phase.

Government Response: The Exclusive Agreement Language which was incorporated in Amendment 0001 is hereby redacted.

Contractor RFI # 9: Exhibit B for the Offeror has a note in section 1 that states, “The firm who performed the work of this project must be named on Exhibit “A” and fully described as a team member who will have meaningful involvement in performance of the relevant work of this contract. If the Offeror fails to demonstrate the firm’s meaningful involvement in the performance of this contract, the project will not be considered relevant and will not be evaluated.”

Furthermore, Section 00210, Factor 1, para. a.(1) states that, "If the experience of an entity is being claimed in Factor 2, that entity must be named in the above narrative and organizational chart," and Section 00210, Factor 1, para. a.(2) requires a letter of commitment for each member of the Offeror's team identified in Exhibit A.

As the Offeror for this proposal, we want to claim experience for previous work we performed as the lead partner in a joint venture, but the above cited references would seem to preclude us from doing so unless the entire joint venture is proposed as part of the team for this project. Is it your intent to preclude such prior experience or is it acceptable to claim experience performed as the lead firm of a joint venture without identifying the entire joint venture as a team member for this project on Exhibit A and the organizational chart and providing a letter of commitment?

Government Response: See response to RFI # 7 above. If the project in Factor 2 was performed by the Offeror for this contract as part of a joint venture, then the firm that is submitting a proposal under this contract is the one to be identified in Factor 1, not a firm that is not party to this solicitation. In accordance with Factor 2, "the description of the project shall clearly describe the scope of work performed" by the Offeror.

Contractor RFI # 10: Our company is teaming with another contractor for the referenced MACC, and we would like to request that the Navy reconsider the requirements for Factor 4 – Safety.

At this time we are currently working on other two-step proposals for NAVFAC that have replaced the requirement for contractors to provide their three-year EMR rate under Factor 4 – Safety, and have instead asked for the contractors' DART and more importantly, the contractors' OSHA Total Recordable Case (TRC) Rate. This is primarily because certain Integrated Product Teams (IPTs) within NAVFAC as well as other governmental agencies have become aware that EMR is an inaccurate and generally erroneous statistical determinant in the evaluation of jobsite safety, which is the central focus of Factor 4. The current trending by governmental agencies away from the use of EMR and over to DART and TRC is primarily because of non-jobsite safety factors that can skew EMR (i.e. an aging office employee with a claim for carpal tunnel syndrome), and also because the rate can be manipulated by using a company's National EMR rate versus its California EMR (or vice versa), or by restructuring payroll. In light of this situation, we would like to request that the requirements for Factor 4 – Safety be amended to either eliminate the use of EMR and/or allow the EMR to be replaced with or supplemented with the use of the OSHA TRC rate, particularly since the OSHA TRC and DART rates are the only truly reliable and accurate assessors of jobsite safety.

Government Response: This is the approved Safety Factor for design-build, best value trade-off procurements. The Government will not revise Technical Factor 4 –Safety.

Contractor RFI # 11: If the Offeror has a Past Performance Questionnaire (PPQ) on file previously completed by the Client that matches all fields of the required Exhibit "C", may this be submitted in lieu of requesting a new PPQ specific to this solicitation?

Government Response: Yes, a previously completed PPQ may be submitted in lieu of requesting a new PPQ specific to this solicitation. Refer to Frequently Asked Questions #17 on the exhibit entitled, "N6247316R3201_MACC_Frequently_Asked_Questions.pdf".

ALL OTHER PARAGRAPHS, PROVISIONS, AND CONDITIONS TO N62473-16-R-3201 REMAIN UNCHANGED

SECTION 00700 - CONTRACT CLAUSES

The following have been added by reference:

52.203-2

Certificate Of Independent Price Determination

APR 1985

(End of Summary of Changes)