

<b>AMENDMENT OF SOLICITATION / MODIFICATION OF CONTRACT</b>				1. Contract Number		Page of Pages	
						1   3	
2. Amendment/Modification Number DCAM-2009-R-0002-005		3. Effective Date February 10, 2009		4. Requisition/Purchase Request No.		5. Solicitation Caption IDIQ for Construction Management (CMS) Services	
6. Issued by: Office of Contracting and Procurement Construction, Design and Building Renovation 441 4 <sup>th</sup> Street, NW, Suite 700S Washington, DC 20001				7. Administered by (If other than line 6) Office of Contracting and Procurement Construction, Design and Building Renovation 441 4 <sup>th</sup> Street, NW, Suite 700S Washington, DC 20001			
8. Name and Address of Contractor (No. street, city, county, state and zip code)				9A. Amendment of Solicitation No. DCAM-2009-R-0002			
				9B. Dated (See Item 11) December 8, 2008			
				10A. Modification of Contract/Order No.			
				10B. Dated (See Item 13)			
Code		DUNS:		TIN		FEIN:	
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 Offers <input type="checkbox"/> is extended <input checked="" type="checkbox"/> is not extended. Offeror's 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 <u>2</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 fax which includes a reference to the solicitation and amendment number. 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 may be made by letter or fax, provided each letter or telegram 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) <i>To be cited on individual orders issued on behalf of participating agencies</i>							
13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS , IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14							
X A. This change order is issued pursuant to (Specify Authority): 27 DCMR, Chapter 36, Section 3603 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 data etc.) set forth in item 14, pursuant to the authority of							
C. This supplemental agreement is entered into pursuant to authority of:							
D. Other (Specify type of modification and authority)							
<b>E. IMPORTANT:</b> Contractor <input checked="" type="checkbox"/> is not <input type="checkbox"/> is required to sign this document and return 2 copies to the issuing office.							
14. Description of Amendment/Modification (Organized by UCF Section headings, including solicitation/contract subject matter where feasible Pursuant to Article 3, Changes Clause of the Standard Contract Provisions for Use With District of Columbia Government Supplies and Services Contracts dated March 2007 the subject solicitation, is hereby amended as follows:  1. Listed below are the response to questions that was submitted to the Office of Contracting and Procurement in writing as Request for Information, RFI Q61 and Q71.  Q61 Question: Item L.4.6.1.3.2, CM Tools, (page 79 revised, amendment #2) requires that we describe our web-based construction management tools and applications to interact with the District et.al. Does the District have an existing system it already utilizes and if so, can name of the system(s) be provided?							
Except as provided herein, all terms and conditions of the document is referenced in Item 9A or 10A remain unchanged and in full force and effect.							
15A. Name and Title of Signer (Type or print)				16A. Name of Contracting Officer Diane Wooden			
15B. Name of Contractor		15C. Date Signed		16B. District of Columbia		16C. Date Signed	
				<i>Diane Wooden</i>		2/10/09	
(Signature of person authorized to sign)				(Signature of Contracting Officer)			

(Continuation)

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14. Description of Amendment/Modification (Organized by UCF Section headings, including solicitation/contract subject matter where feasible).

Response: No, the District does not have an existing system. The Contractor must describe the web-based construction management tools and application that your company will utilize and have deployed on other projects.

Q71

Question: (1) Amendment 2 identifies 12 Key Personnel positions; however, these positions differ from the Labor Categories outlined in the original RFP. Are these new labor categories or should they replace other labor categories? If so, which line items should be replaced? The following Key positions from Amendment #002 are not in the original RFP Labor Category list:

- a. CPM Scheduler
- b. Claim Manager
- c. Commissioning Manager
- d. Site/Civil Inspector
- e. Structural Inspector

Response: Delete 12 Key Personnel positions, substitute with 11 Key Personnel positions, as specified in item #2 below.

The below listing are the Key positions in the original RFP Labor Category List.

- a. Scheduler
- b. Project Claims Analyst
- c. MEP Commissioning Manager
- d. Civil/Structural Inspector

Q40

Question: Page 91 Section M.4.7.2 indicates that any vendor seeking certification or provisional certification in order to receive preferences under this solicitation should contact the Department of Small and Local Business Development. We have contacted them and have also signed up for the CBE Pre-Certification Orientation. However, when we called the DSLBD number at (202) 727-3900 as per the RFP we were told that DSLBD no longer issues provisional certifications. Is there an alternate route or do have any additional suggestions for preferences eligibility?

Response: Same response as Q31 in Amendment #004

(Continuation)

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14. Description of Amendment/Modification (Organized by UCF Section headings, including solicitation/contract subject matter where feasible).

2. Page 78, delete Section L.4.6.1.2.3 through L.4.6.1.2.5 in its entirety, substitute with the following.

**L.4.6.1.2.3** Identify the key personnel who will manage the overall Offeror efforts and perform the duties required in this solicitation.

(a) Describe the education, training, experience and professional affiliation (i.e. AIA, PE, PMP, CCM) of the key personnel.

(b) Provide resumes for each of the proposed personnel for the following labor categories listed below:

Minimum of two resumes for each category

1. Sr. Project Manager
2. Jr. Project Manager
3. Scheduler
4. Cost Estimator
5. Project Claims Analyst
6. MEP Commissioning Manager

Minimum of three resumes for each category

7. Civil/Structural Inspector
8. M/E/P Inspector
9. Roofing Inspector
10. Safety/OSHA Inspector
11. Project Engineer (Change Orders)

**L.4.6.1.2.4 Intentionally Left Blank**

**L.4.6.1.2.5** Describe the extent of the proposed team's experience in performing CM services for facilities construction. Show experience in managing and performing work as set forth in Section C, "Statement of Work" and highlight any special capabilities. Indicate any previous successful experience by same team members working together.

3. Page 82, Section L.9, Submission of Subcontracting Plan, second line delete §§ M.4.2, substitute with §§ M.4.10.

4. Page 93, Section M.4.8, Subcontracting Plan, first paragraph, second line delete the words "within 5 days of the CO's request, substitute "with their proposal,"....etc.

5. Attached are pages 90 through 95 that wasn't included in Amendment #004 in response to Q48.

ATTACHMENT

**M.4 OPEN MARKET CLAUSES WITH SBE SUBCONTRACTING SET-ASIDE (SUPPLIES AND SERVICES)****M.4.1 Preferences for Local Businesses, Disadvantaged Businesses, Resident-owned Businesses, Small Businesses, Longtime Resident Businesses, or Local Businesses with Principal Offices Located in an Enterprise Zone**

Under the provisions of the “Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005” (the Act), Title II, Subtitle N, of the “Fiscal Year 2006 Budget Support Act of 2005”, D,C, Law 16-33, effective October 20, 2005, the District will apply preferences in evaluating bids or proposals from businesses that are small, local, disadvantaged, resident-owned, longtime resident, or local with a principal office located in an enterprise zone of the District of Columbia.

**M.4.2 Required Small Business Enterprise (SBE) Subcontracting Set-Aside**

35% of the total dollar value of this contract has been set-aside for performance through subcontracting with businesses certified by the Small and Local Business Opportunity Commission (SLBOC) or the Department of Small and Local Business Development (DSLBD), as applicable, as small business enterprises. Any prime contractor responding to this solicitation shall submit within 5 days of the CO’s request, a notarized statement detailing its subcontracting plan. Once the plan is approved by the CO, changes will only occur with the prior written approval of the CO and the Director of DSLBD.

**M.4.3 General Preferences**

For evaluation purposes, the allowable preferences under the Act for this procurement are as follows:

- M.4.3.1** Three percent reduction in the bid price or the addition of three points on a 100-point scale for a small business enterprise (SBE) certified by the Small and Local Business Opportunity Commission (SLBOC) or the Department of Small and Local Business Development (DSLBD), as applicable;
- M.4.3.2** Five percent reduction in the bid price or the addition of five points on a 100-point scale for a resident-owned business enterprise (ROB) certified by the SLBOC or the DSLBD, as applicable;
- M.4.3.3** Ten percent reduction in the bid price or the addition of ten points on a 100-point scale for a longtime resident business (LRB) certified by the SLBOC or the DSLBD, as applicable;
- M.4.3.4** Two percent reduction in the bid price or the addition of two points on a 100-point scale for a local business enterprise (LBE) certified by the SLBOC or the DSLBD, as applicable;

- M.4.3.5** Two percent reduction in the bid price or the addition of two points on a 100-point scale for a local business enterprise with its principal office located in an enterprise zone (DZE) and certified by the SLBOC or the DSLBD, as applicable; and
- M.4.3.6** Two percent reduction in the bid price or the addition of two points on a 100-point scale for a disadvantaged business enterprise (DBE) certified by the SLBOC or the DSLBD, as applicable.

**M.4.4** **Application of Preferences**

The preferences shall be applicable to prime contractors as follows:

- M.4.4.1** Any prime contractor that is an SBE certified by the SLBOC or the DSLBD, as applicable, will receive a three percent (3%) reduction in the bid price for a bid submitted by the SBE in response to an Invitation for Bids (IFB) or the addition of three points on a 100-point scale added to the overall score for proposals submitted by the SBE in response to a RFP.
- M.4.4.2** Any prime contractor that is an ROB certified by the SLBOC or the DSLBD, as applicable, will receive a five percent (5%) reduction in the bid price for a bid submitted by the ROB in response to an IFB or the addition of five points on a 100-point scale added to the overall score for proposals submitted by the ROB in response to an RFP.
- M.4.4.3** Any prime contractor that is an LRB certified by the SLBOC or the DSLBD, as applicable, will receive a ten percent (10%) reduction in the bid price for a bid submitted by the LRB in response to an IFB or the addition of ten points on a 100-point scale added to the overall score for proposals submitted by the LRB in response to an RFP.
- M.4.4.4** Any prime contractor that is an LBE certified by the SLBOC or the DSLBD, as applicable, will receive a two percent (2%) reduction in the bid price for a bid submitted by the LBE in response to an IFB or the addition of two points on a 100-point scale added to the overall score for proposals submitted by the LBE in response to an RFP.
- M.4.4.5** Any prime contractor that is an DZE certified by the SLBOC or the DSLBD, as applicable, will receive a two percent (2%) reduction in the bid price for a bid submitted by the DZE in response to an IFB or the addition of two points on a 100-point scale added to the overall score for proposals submitted by the DZE in response to an RFP.

**M.4.4.6** Any prime contractor that is a DBE certified by the SLBOC or the DSLBD, as applicable, will receive a two percent (2%) reduction in the bid price for a bid submitted by the DBE in response to an IFB or the addition of two points on a 100-point scale added to the overall score for proposals submitted by the DBE in response to an RFP.

**M.4.5** **Maximum Preference Awarded**

Notwithstanding the availability of the preceding preferences, the maximum total preference to which a certified business enterprise is entitled under the Act for this procurement is twelve percent (12%) for bids submitted in response to an IFB or the equivalent of twelve (12) points on a 100-point scale for proposals submitted in response to an RFP. There will be no preference awarded for subcontracting by the prime contractor with certified business enterprises.

**M.4.6** **Preferences for Certified Joint Ventures**

When the SLBOC or the DSLBD, as applicable, certifies a joint venture, the certified joint venture will receive preferences as a prime contractor for categories in which the joint venture and the certified joint venture partner are certified, subject to the maximum preference limitation set forth in the preceding paragraph.

**M.4.7** **Vendor Submission for Preferences**

**M.4.7.1** Any vendor seeking to receive preferences on this solicitation must submit at the time of, and as part of its bid or proposal, the following documentation, as applicable to the preference being sought:

**M.4.7.1.1** Evidence of the vendor's or joint venture's certification by the SLBOC as an SBE, LBE, DBE, DZE, LRB, or RBO, to include a copy of all relevant letters of certification from the SLBOC; or

**M.4.7.1.2** Evidence of the vendor's or joint venture's provisional certification by the DSLBD as an SBE, LBE, DBE, DZE, LRB, or RBO, to include a copy of the provisional certification from the DSLBD.

**M.4.7.2** Any vendor seeking certification or provisional certification in order to receive preferences under this solicitation should contact the:

Department of Small and Local Business Development  
ATTN: LSDBE Certification Program  
441 4<sup>th</sup> Street, N.W., Suite 970N  
Washington, DC 20001

**M.4.7.3** All vendors are encouraged to contact the DSLBD at (202) 727-3900 if additional information is required on certification procedures and requirements.

**M.4.8** **Subcontracting Plan**

Any prime contractor responding to a solicitation in which there is an SBE subcontracting set-aside, shall submit with their proposal, a notarized statement detailing its subcontracting plan. Each subcontracting plan shall include the following:

- M.4.8.1** A description of the goods and services to be provided by SBEs;
- M.4.8.2** A statement of the dollar value of the bid or proposal that pertains to the subcontracts to be performed by the SBEs;
- M.4.8.3** The names and addresses of all proposed subcontractors who are SBEs;
- M.4.8.4** The name of the individual employed by the prime contractor who will administer the subcontracting plan, and a description of the duties of the individual;
- M.4.8.5** A description of the efforts the prime Contractor shall make to ensure that SBEs will have an equitable opportunity to compete for subcontracts;
- M.4.8.6** In all subcontracts that offer further subcontracting opportunities, assurances that the prime Contractor shall include a statement, approved by the CO, that the subcontractor shall adopt a subcontracting plan similar to the subcontracting plan required by the contract;
- M.4.8.7** Assurances that the prime Contractor shall cooperate in any studies or surveys that may be required by the CO, and submit periodic reports, as requested by the CO, to allow the District to determine the extent of compliance by the prime contractor with the subcontracting plan;
- M.4.8.8** List the type of records the prime Contractor shall maintain to demonstrate procedures adopted to comply with the requirements set forth in the subcontracting plan, and include assurances that the prime Contractor shall make such records available for review upon the District's request; and
- M.4.8.9** A description of the prime contractor's recent effort to locate SBEs and to award subcontracts to them.

#### **M.4.9 Enforcement and Penalties for Willful Breach of Subcontracting Plan**

The willful breach by a contractor of a subcontracting plan for utilization of local, small, or disadvantaged businesses in the performance of a contract, the failure to submit any required subcontracting plan monitoring or compliance report, or the deliberate submission of falsified data may be enforced by the DSLBD through the imposition of penalties, including monetary fines of \$15,000 or 5% of the total amount of the work that the contractor was to subcontract to local, small, or disadvantaged businesses, whichever is greater, for each such breach, failure, or falsified submission.

#### **M.4.10 Subcontracting Requirements**

- All construction contracts in excess of \$250,000 must include the following requirements:
  - At least **35%** of the dollar volume must be subcontracted to Small Business Enterprises. The costs of materials, good and supplies are not counted towards the 35% subcontracting requirement unless such materials, goods and supplies are purchased from Small Business Enterprises.
  - If there are insufficient qualified Small Business Enterprises to fulfill the 35% subcontracting requirement, then the subcontracting requirement, then the subcontracting requirement may be satisfied by subcontracting 35% of the dollar volume to any certified business enterprises, provided that all reasonable efforts are made to ensure that qualified Small Business Enterprises are significant participants in the overall subcontracting work.
  
- All non-construction contract s in which a port ion will be subcontracted must include the following requirements:
  - At least **35%** of the dollar volume must be subcontracted to Small Business Enterprises. The costs of materials, good and supplies are not counted towards the 35% subcontracting requirement unless such materials, goods and supplies are purchased from Small Business Enterprises.
  - If there are insufficient qualified Small Business Enterprises to fulfill the 35% subcontracting requirement, then the subcontracting requirement, may be satisfied by subcontracting 35% of the dollar volume to any certified business enterprises, provided that all reasonable efforts are made to ensure that qualified Small Business Enterprises are significant participants in the overall subcontracting work.



- Each construction contract for which a CBE is selected as a prime contractor, and is granted points or a price reduction or is selected through a set-aside program, must include a requirement that the business enterprise perform at least 35% of the contracting effort (excluding the cost of materials, goods, and supplies) with its own organization and resources.
  - If the business enterprise subcontracts, 35% of the subcontracted effort (excluding the cost of materials, goods, and supplies), must be with CBEs.
  - If the total contracting effort (excluding the cost materials, goods, and supplies) proposed to be performed by CBEs is less than 35%, then the business enterprises shall not be eligible to receive preference points or price reductions for at least 2 years.
  
- Each construction contract for which a joint venture is selected as a prime contract or and is granted points or a price reduction or is selected through a set-aside program, shall include a requirement that the CBE perform at least **50%** of the contracting effort (excluding the cost of materials, goods, and supplies) with its own organization and resources.
  - If the joint venture subcontracts, 35% of the subcontracted effort must be with CBEs.
  - If the total contracting effort (excluding the cost of materials, goods, and supplies) proposed to be performed by CBEs is less than 50%, then the business enterprise shall not be eligible to receive points or price reductions for at least 2 years.
  
- Each construction contract of \$1million or less for which a CBE is selected as a prime contractor, and is granted points or a price reduction or is selected through a set-aside program, must include a requirement that the business enterprise perform at least **50%** of the on-site work with its own work force.
  
- Bids or proposals responding to solicitations will be deemed nonresponsive and will be rejected if the solicitation requires submission of a CBE subcontracting plan and the prime contractor fails to submit a subcontracting plan as part of its bid or proposal.
  
- The subcontracting requirements may be waived by the Director of DSLBD.