

AMENDMENT OF SOLICITATION / MODIFICATION OF CONTRACT				1. Contract Number	Page of Pages
				1	14
2. Amendment/Modification Number		3. Effective Date		4. Requisition/Purchase Request No.	5. Solicitation Caption
DCAM-2009-R-0002-004		February 4, 2009			IDIQ for Construction Management (CMS) Services
6. Issued by:			Code	7. Administered by (If other than line 6)	
Office of Contracting and Procurement Construction, Design and Building Renovation 441 4 th Street, NW, Suite 700S Washington, DC 20001			LRT	Office of Contracting and Procurement Construction, Design and Building Renovation 441 4 th 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.	
Code	DUNS:	TIN	FEIN:	10B. Dated (See Item 13)	
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)				
E. IMPORTANT: 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)					
1. Page 1 of Amendment No. 002, delete Pursuant to Article 3, Changes Clause of the General Provisions (Construction Contract), Government of the District of Columbia Standard Contract Provisions For Use With Specifications for District of Columbia Construction Projects January 2007, the subject solicitation is hereby amended as follows: Substitute with the following: 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.					
2. Listed below are the response to questions that was submitted to the Office of Contracting and Procurement in writing as Request for Information, RFI Q14 through Q77.					
3. Renumbering of Section L.15 through L.21. See attached pages.					
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
			Diane Wooden		2/4/09
(Signature of person authorized to sign)			(Signature of Contracting Officer)		

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

- Q14
Question: Is \$3M/yr cap for the entire contract or for each of the 8 firms? (i.e. \$24M/yr)
Response: The \$3M/yr cap is for each of the 8 firms.
- Q15
Question: Does the 35% requirement apply to the value of work subcontract by the CM or is it a requirement of 35% of the value of the CM requirement?
Response: For all non-construction contracts in which a portion will be subcontracted at least 35% of the dollar volume must be subcontracted to Small Business Enterprises (SBEs). The costs of materials, goods and supplies are not counted towards the 35% subcontracting requirement unless such materials, goods and supplies are purchased from SBEs.
- Q16
Question: Is the 35% required covered by use of LBE's, DBE's and SBE's or just SBE?
Response: See response to Q15.
- Q17
Question: How do you get to \$1.5B in construction in five (5) years with \$3M caps for each firm for five years a \$24M total for each firm. Please explain the order of magnitude estimate.
Response: This statement has no bearing on the \$3M cap. See response to Q14.
- Q18
Questions: What or Who are the core competency of the firms selected?
Response: Question is unclear, unable to respond.
- Q19
Question: Does the proposer have to hourly rates for all labor positions indicated in the Schedule B.5?
Response: Yes. The Offeror is to provide hourly rates for all labor categories listed in the Schedule, Section B.5.

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

Q20

Question: Can you confirm the deadline for submitting questions regarding the solicitation? Two dates are stated in the solicitation. – 5 days after proposal; 10 days before submission due date.

Response: See Amendment No. 001 dated 12/22/08.

Q21

Question: On page 34, Section C.15.5 should CMA be CCM

Response: See response to Q07 under Amendment No. 002 dated 1/13/09.

Q22

Question: The CM tools and PM Plan, write-up are not scored. In the Evaluation Factors – Hope will those write-ups count?

Response: See response to Q06 under Amendment No. 002 dated 1/13/09.

Q23

Question: There are substantial CBE, labor standard and EEO contract compliance requirements. I don't see where those services are accounted for in the schedule. How are those services accounted for?

Response: Offerors should account for these requirements in the fixed hourly rates proposed to the District.

Q24

Question: Will there be interviews?

Response: No. There will be no interviews.

Q25

Question: In evaluation criteria Section, the point of value for PMP Section is not mentioned. Could you please provide the max point value for the PMP Section.

Response: See response to Q06 under Amendment No. 002 dated 1/13/09.

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

- Q26
Question: Should "sub-contractor" plan, located in the Attachment, be included in the RFP?
Response: Yes, if you plan to subcontract.
- Q27
Question: Considering that the 19th is a Federal Holiday and 20th is an Inauguration Day, with many Firms shutting down on the 29th, will the due date be pushed back?
Response: The closing date for receipt of proposals is February 18, 2009. See Amendment No. 003 dated 2/2/09.
- Q28
Question: Will the sign in sheet be issued as amendment following this meeting?
Response: See Amendment No. 001 dated 12/22/08.
- Q29
Question: Is there a preferred project software of the District?
Response: The selected CM Firms are expected to utilize the industry standards including but not Limited to Prolong, Primavera and/or Microsoft Project.
- Q30
Question: Section L.4.6.1.2.3 & 4, requests info of Key Personnel. Can you better define "Key Personnel" or specify approximate no. of resumes requested?
Response: See response to Q2 under Amendment No. 002 dated 1/13/09.
- Q31
Question: Are CBE's encouraged to submit as Prime Consultants? What is the difference between SBE and a CBE?
Response: CBEs are awarded points or percentage price reduction for bidding as a prime contractor, therefore Offerors are encouraged to submit as prime contractor. A Small Business Enterprise (SBE) is a Certified Business Enterprise (CBE). All business entities registered with Department of Small and Local Business Dvelopment are CBEs. Not all CBEs are SBEs because there are specific limits on annual gross revenues. Some CBEs have gross revenues in excess of the limits which disqualifies them for certification as SBEs (Please see D.C. 2-218.32).

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

Q32

Question: Are funds initially allocated by providing an estimated with a set contingency? What is the protocol for advising COTR when the cost category estimate is exceeding the initial allocations? How are additional funds allocated?

Response: This question is applicable to contract awardee(s).

Q33

Question: Is there a standard form/computer software system which shall be used when providing monthly reports documenting progress, budget, schedule and actions and decisions?

Response: The selected CM Firms are expected to utilize the industry standards including but not limited to Prolog, Primavera, Microsoft Project, Microsoft Excel and Microsoft Word.

Q34

Question: Please elaborate on H.4.3 & H.4.4 with respect to 51% new Hire requirement?

Response: This applies only to new employees hired for the contract.

Q35

Question: Section L.4.6.1.4.1 indicates that we are to provide information on projects greater than \$50 million. Is this correct.

Response: See Page 1, No. 2 of Amendment No. 002 dated 1/13/09.

Q36

Question: Can you circulate sign up sheet via e-mail or website?

Response: Sign up sheet is included under Amendment No. 001 dated 12/22/08.

Q37

Question: Is there a preferred format or standard format to use on the bid submission?

Response: The Standard Format for submission of proposals is addressed in Amendment No. 002 dated 1/13/09.

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

Q38
Question: Are the estimated number of hours projected over the first year, or all contract years totaled? Are they for all eight awardees or per each awardee?
Response: The same number of estimated hours are projected for each year. They are for each awardee.

Q39
Question: The labor categories listed on the pricing sheets in Section B do not correspond with the labor categories described under C.15 Contractor Employee Qualifications. Would you please provide labor category descriptions including minimum qualifications for the labor categories specified in Section B?

Section L.4.6.1.4.1, under Past Performance on Pages 78 and 79: You indicated at the pre-proposal meeting that the contents of this section would be revised by amendment. This section is pivotal to proposal preparation – please provide the section revision as soon as possible.

Response: Section B.5 – Delete “Closeout Phase Manager” CLINs #0049, #1049, #2049, #3049 and #4049

Section B.5 – Delete “Expeditor” CLINs #0055, #1055, #2055, #3055 and #4055

Section C.15.37 – Delete Security System Contractor. Replace with Security System Specialist

Section C.15.44 – Delete in its entirety General Inspector. Replace with Office Administrative Support – Administrative Assistant with extensive clerical, word Processing and general office administration experience.

Section C.15.48 – Delete in its entirety Hazardous Materials Technician. Replace with Project Engineer – Qualified professional with a minimum bachelor degree in related Fields who engages in the daily execution of the project, including but not limited to cost controls, project controls and site administration.

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: This is not a function of the Office of Contracting and Procurement.

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

Q41
Question: Based on sections G.9.2 and G.9.3, a \$3,000,000.00 total dollar amount per year for the submission equates to a blended hourly unit cost of less than \$80/hour based on the estimated hours. Can you please confirm that this your intention and that projected total costs cannot exceed \$3,000,000.00 per year and \$15,000,000.00 per a (5) year contract.

Response: See Section B.6 – The estimated number of hours is for price evaluation purposes only.

Q42
Question: On page 78 section L.4.6.1.4 'Past Performance' it states to not include price or pricing information in this section; however, section L.4.6.1.4.1 (6) states that the total project cost at the time of award is greater than \$25,000,000.00 in construction value. Please clarify.

Response: Page 78 refers to your price proposal. Section L.4.6.1.4.1 (6) is asking that you describe your experience on projects greater than \$25,000,000.00 in construction value.

Q43
Question: Please clarify that the CBE subcontractors performance must comprise at least 35% of total dollar value as opposed to total hours worked?

Response: See response to Q15.

Q44
Question: Please confirm that a non CBE prime contractor responding to this solicitation is not eligible for the 12 point maximum preference award per section M.4.5

Response: A non CBE prime contractor responding to this solicitation is not eligible for the 12 point maximum preference award per section M.4.5

Q45
Question: Amendment No. 002 refers to the use of the General Provisions (Construction Contract), Government of the District of Columbia Standard Contract Provisions For Use With Specification for District of Columbia Construction Projects January 2007. Does the reference of these provisions indicated the previously include provisions are superseded, i.e. the RFP Section I.10 (1st paragraph) item (5) states the Standard Contract Provisions for use with "Supplies and Goods", dated March 2007 is incorporated into the contract? Related and maybe more important, should the provisions for this contract be the ones for "Supplies and Services?"(attached). The Offeror is not physically constructing a project but providing CM services.

Response: See Page 1 of this Amendment No. 004.

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

Q46

Question: Will exceptions be permitted to the terms and conditions of the contract?

Response: No exceptions will permitted to the terms and conditions of the contract.

Q47

Question: From Amendment 2, we understand resumes are required for the labor categories identified in L.4.6.1.2.4. Are these positions also to be identified as "key personnel" who will manage the overall Offeror efforts per L.4.6.1.2.3 or are "key personnel" to be indentified at the Offeror's discretion?

Response: See response to Amendment No. 002 Q02.

Q48

Question: From Amendment 2, it appears that the requirements L.4.6.2 are no longer included on page "80 revised". Should they be?

Response: Attached are the renumbering of pages, 75-87 in Section L and 88-95 in Section M.

Q49

Question: Article 9 – Indemnification; This provision is not in accordance with industry standard. Will it be revised to reflect the industry standard of negligent-based indemnity?

Response: Article 9 – The Indemnification will not be revised.

Q50

Question: Attachment J.2.2 of the RFP, the First Source Employment Agreement, on page 8 for "Current Employees" in addition the prime contractor employees, should this form be filled out by each individual sub-consultant for their employees?

Response: See response to Q11 under Amendment No. 002 dated 1/13/09.

Q51

Question: Is it acceptable in the proposal to use one or two 11"x17" sheets for charts, etc.?

Response: It is acceptable to use one or two 11"x17" sheets for chart.

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

Q52

Question: Attachment J.1.2 Subcontracting sample form has room for 5 subcontractors. Our team has more than 5 subcontractors. Do I make a copy of page two?

Response: Yes, you can make extra copies of page two as needed.

Q53

Question: Is there an electronic version of this form or do I fill it out manually?

Response: There is no electronic version of the form.

Q54

Question: I can not find a description of the "0004 Project Engineer" in the RFP. Is there a description for this position?

Response: See response to Q39.

Q55

Question: On page 4 and 6 of the RFP there are two positions that appear to be duplicative. Please clarify the difference between CLIN # 0009 – Permitting Expeditor and CLIN# 0055 – Expeditor. While there is a description for the 0009 Permitting Expeditor, no explanation is giving for the 0055 Expeditor.

Response: See response to Q39.

Q56

Question: Please clarify what professional licenses, registrations, accreditations or other professional designations, if any, are required for each position listed under section "C.15 Contractor Employee Qualifications..." While some of these descriptions clearly articulate these requirements many state that the individual needs to be a "Qualified professional", which could be interpreted many ways.

Response: All potential Offerors need to review employees resume's and assemble the teams that will help optimize highest scoring.

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

Q57
Question: Item C.4.4.1, On-site Office, on page 24 of the RFP states that we will have to furnish and maintain an on-site construction office for the duration of the construction phase and as directed by the District. This seems to contradict item C.10 on page 32, which states that the District will provide the contractor physical space. Please clarify.

Response: If a site construction office is required, it will be a reimbursable expense to the CM.

Q58
Question: Section I.5.1.5, Professional E&O Liability, Considering that this is not a design or design/build procurement, please clarify the requirement for Professional E&O Liability insurance.

Response: Professional E&O Liability Insurance is not required for this solicitation.

Q59
Question: Amendment 2, Responses to Questions Q09 and Q10 regarding items L.16 and L.17 respectively state that these sections should be part of Volume 1, Technical Proposal. Would it be acceptable if these items were tabbed separately in our response?

Response: Tabbing is fine as long as the proposal package has a table of contents which specify the location and page number of your information.

Q60
Question: Will the District allow exceptions to the RFP? If so, under what section should those be stated?

Response: No, the District will not allow any exceptions to the RFP.

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?

Response: The response to this question will be forthcoming.

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Contract Number	Amendment/Modification No	Effective Date	Page of Pages
DCAM-2009-R-0002	DCAM-2009-R-0002-004	February 4, 2009	11 of 14

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

Q62
Question: Item L.4.6.1.3, Project Management Plan & CM Tools, (page 78 revised, Amendment #2) appears to include the Past Performance requirements although it is not listed in the title for this section, is the intent to include this portion in this section? Recall from item M.3.1 (page 88 revised) the Past Performance section has its own rating.

Response: The Past Performance requirements is specified in Section 4.6.1.4.1, see the attached renumbering of pages 75 through 89 to Sections L and M.

Delete Section M.3.1 (page 88 revised) to Section M.3.1 (page 89).

Q63
Question: Which section in our response does the "Subcontracting Plan" go?
Response: The Subcontracting Plan can be placed in the technical proposal "Volume I" to include Table of Contents indicating the location and page number of the information.

Q64
Question: **L.4.6.1.4.1 Page 78 Past Performance:** Similar project is defined as a project that is comparable in nature, type, and complexity as defined by all of the following characteristics. Would a project that satisfies the majority but not all of the characteristics qualify as "similar"?

Response: Higher points shall be awarded to similar projects meeting all the characteristics.

Q65
Question: **L.4.6.1.4.2 Page 79 Past Performance References:** Such information shall, at a minimum, include: Owner's name and address, point (s) of contact for the Owner, A/E firm, GC firm with telephone and fax numbers. If we use more than three projects in Past Performance, do they all need to have all of the above reference information? Would it be acceptable to provide all of the reference information for at least three projects, and whatever reference information is available for the additional projects? Is this stipulation just for the Prime or is it also a requirement for any of our subcontractors' projects we use in Past Performance?

Response: See response to Q42.

Q66
Question: **I.5.1.5 Professional E&O Liability:** Please confirm that Professional E&O Liability Insurance is not required, as was stated during the pre-bid meeting.

Response: See response to Q58.

Continuation)

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DCAM-2009-R-0002	DCAM-2009-R-0002-004	February 4, 2009	12 of 14

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

Q67
Question: Would you like us to include the Subcontracting Plan Sample Form – Prime Contractor Information and Subcontractor Information as part of Volume 2?

Response: See response to Q63.

Q68
Question: **L.4.6.2.2 Page 80 Representations and Certifications – Section K:** Is it correct that the Prime submits all of Section K (K1 through K7) with all entries completed and submit K-2 only for our subcontractors.

Response: The Prime Contractor is responsible for providing and completing all of the required information in the solicitation.

Q69
Question: **Section B.5 Schedule** includes an entry for “Reimbursable/ODC Ceiling Allowance...\$200,000” at the end of each rate year. **Paragraph C.2.24** defines “ODC” as Other Direct Costs, and includes a list of those items. Please confirm that these items should not be included in the proposed hourly rates because they will be reimbursed as ODCs in the task orders.

Response: ODCs should not be included in the proposed hourly rates

Q70
Question: **Paragraph C.10 Office Facilities (Field Office on Work Site)** states that “the District will provide the Contractor physical space, furniture... Therefore, any costs related to these items must be excluded from the overhead costs or markups in future price proposals for any TO”. Please confirm that these items should not be included in the proposed labor rates because they will be provided by the District (or reimbursed as ODCs), and that this supersedes **Paragraph C.4.4.1**.

Response: Yes, such expenses are reimbursable as part of ODC’s.

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

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 2 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

(2) In Amendment 2, the responses to questions #9 and #10 suggest that the "Legal Status of Offeror" and "Local Operating Facilities" should be included in the cover letter. However, L.4.2.1 regarding the cover letter does not include all components of these sections as outlined in the original RFP. Are we required to include "Legal Status of Offeror" and "Local Operating Facilities" in the cover letter or may we include these sections elsewhere in Volume 1?

Response: (1) The response to question (1) will be forthcoming.

(2) The Local Operating Facilities can be placed in the technical proposal "Volume I" to include Table of Contents indicating the location and page number of the information.

Q72

Question: In Amendment DCAM-2009-R-0002-002 dated January 13, 2009, your response to Question Q2 references page 78 revised of the RFP. On page 78 revised L.4.6.1.2.4 states "Provide resumes for each of the labor categories listed below". The labor category "Project Engineer" is not defined in C.15 of the RFP. Please confirm whether the position of "Project Engineer" may be filled by an architect or construction manager. Or must it be filled by a Professional Engineer or Engineer in Training?

Response: See response to question Q39.

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

Q73

Question: (1) Is each firm allowed to participate on multiple teams in varying roles? In other words, may we submit as a Prime on one team and as a JV or sub-consultant on a different team?

(2) In the RFP, labor category #0009 refers to a Permitting Expeditor and #0055 refers to an Expeditor. Are these different positions?

Response: (1) Firms are not allowed to submit as a Prime on one teams and as a JV on a different team. A Prime is allowed to be a sub-consultant on a different team.

(2) CLIN 0055 has been deleted. See Q39.

Q74

Question: In Section L - 1.4.6.1.4.1 (1) - (7), is it mandatory that each similar project (past performance) include every single one of the characteristics listed? This will be a challenge since LEED has just recently gained such wide acceptance within project directives.

Response: See response to Q64.

Q75

Question: Under what scenario will our firm be prohibited from bidding on the construction phase services as GC if we participate in the CM ID/IQ?

Response: If your firm is involved in any pre-construction consulting services to the District under the CM ID/IQ, then your firm will not allowed to pursue the construction phase services as a GC.

Q76

Question: Does the District recommend that certified SBE/LSDBE firms pursue this in a Prime role?

Response: See response to Q32.

Q77

Question: On page 4 and 6 of the RFP there are two positions that appear to be duplicative. Please clarify the difference between CLIN # 0009 – Permitting Expeditor and CLIN# 0055 – Expeditor. While there is a description for the 0009 Permitting Expeditor, no explanation is giving for the 0055 Expeditor.

Response: CLIN 0055 has been deleted. See Q39

ATTACHMENTS

XII. SECTION L - INSTRUCTIONS, CONDITIONS AND NOTICES TO OFFERORS**L.1 CONTRACT AWARD:**

L.1.1 From this solicitation, the District intends to award multiple ID/IQ contracts to responsible Offeror(s) whose offer conforming to the solicitation will be most advantageous to the District, cost or price, technical and other factors, specified elsewhere in this solicitation considered.

L.1.2 Initial Offers

The District may award eight (8) contracts on the basis of initial offers received, without discussion. Therefore, each initial offer should contain the Offeror's best terms from a standpoint of cost or price, technical and other factors.

L.2 BEST AND FINAL OFFERS:

If, subsequent to receiving original proposals, negotiations are conducted, all Offerors within the competitive range will be so notified and will be provided an opportunity to submit written best and final offers at the designated date and time. After receipt of best and final offers, no discussions will be reopened unless the CO determines that it is clearly in the Government's best interest to do so, e.g., it is clear that information available at that time is inadequate to reasonably justify Offeror selection and award based on the best and final offers received. If discussions are reopened, the CO shall issue an additional request for best and final offers to all Offerors still within the competitive range.

L.3 PRE-PROPOSAL CONFERENCE:

L.3.1 A pre-proposal conference to discuss the contents of this solicitation and other pertinent matters will be held on *Friday, December 19, 2008, at 2:00 pm*, at the following location:

*One Judiciary Square
11th Floor Conference Room
Suite 1114
441 4th Street, NW
Washington D.C. 20001*

L.3.2 Prospective Offerors will be given an opportunity to ask questions regarding this solicitation at the conference. The purpose of the conference is to provide a structured and formal opportunity for the District to accept questions from bidders on the solicitation document as well as to clarify the contents of the solicitation. Attending Offerors must complete the Pre-Proposal Conference Attendance Roster at the conference so that proposal attendance can be properly recorded.

L.3.3 Impromptu questions will be permitted and spontaneous answers will be provided at the District's discretion. Verbal answers given at the pre-proposal conference are only intended for general discussion and do not represent the Department's final position. All oral questions must be submitted in writing following the close of the pre-bid conference but no later than five working days after the pre-proposal conference in order to generate an official answer. Official answers will be provided in writing to all prospective Offerors who are listed on the official bidder's list as having received a copy of the solicitation. Answers will also be posted on the OCP website at www.ocp.dc.gov.

L.4 PREPARATION AND SUBMISSION OF OFFER:

L.4.1 Offerors shall submit **one (1) signed original** plus **nine (9) copies** of the offer. Proposals shall be typewritten in 12 point font size on 8.5" by 11" bond paper. Telephonic, telegraphic, and facsimile proposals will not be accepted. All items accepted by the District, all pages of the RFP, all attachments and all documents containing the Offeror's offer shall constitute the formal contract.

L.4.2 Proposal shall be submitted in two separate parts. Part One - Technical Proposal and Part Two – Price Proposal. Parts One and Two shall be submitted in separate envelopes at the time and place specified in Solicitation as follows:

L.4.2.1 Cover Letter – Technical proposals shall contain a cover letter that affirms the Offeror's acceptance of the solicitation provisions and provides the mailing address, name, e-mail address and telephone number for the Offeror's point of contact regarding the solicitation, and the signature of an authorized representative.

L.4.2.2 Table of Contents – The Offeror's technical proposal shall include a Table of Contents indicating the location and page number for the information required and describe in Sections K and L.

L.4.2.3 Offerors shall structure their proposals to address the Technical Proposal Evaluation subfactors identified in Section M, insubstantially the order Listed. Each proposal shall be submitted in a sealed envelope conspicuously marked: "Proposal in Response to Solicitation No. **DCAM-2009-R-0002, "ID/IQ for Construction Management (CM) Services"**.

L.4.3 The original offer shall govern if there is a variance between the original offer and the copy submitted by the Offeror. Each Offeror shall return the complete solicitation as its offer.

- L.4.4** The District may reject as unacceptable any offer that fails to conform in any material respect to the RFP.
- L.4.5** The District may also reject as unacceptable any offer submitted on forms not included in or required by the solicitation, or if the solicitation package is obtained from any source other than the District's official source listed below. Offerors shall make no changes to the requirements set forth in the solicitation.
- L.4.6** **TECHNICAL PROPOSAL VOLUME CONTENTS:**

L.4.6.1 **VOLUME 1, TECHNICAL CAPABILITY INFORMATION.** The Technical proposal shall be prepared in accordance with the instructions and format given in this section. Failure to provide a Technical proposal may render an offeror's proposal incomplete and unacceptable for award. In order for the District to evaluate the Offeror's understanding of the contract requirements, Offerors are required to discuss their technical and administrative capabilities in a manner that demonstrates these are adequate to meet contract requirements. Offerors are strongly cautioned to follow the format below in preparing their proposals. This will allow for ease of evaluation. Proposals will be evaluated in accordance with the evaluation criteria listed in Section M.3, Evaluation Criteria. Technical Proposals shall not include price or pricing information.

L.4.6.1.1 **PROFESSIONAL QUALIFICATIONS**

Describe professional qualifications of firm providing and performing professional construction management services for different types of facilities and clients. Show experience in managing and performing work as set forth in Section C, "Statement of Work". Discuss the firm's depth of resources available for project/client support. Discuss special capabilities that the firm has developed that distinguish firm as a leader in the professional CM arena. Provide an org chart that shows all the firms divisions. Include a table that lists in summary the total staff and their area of discipline.

L.4.6.1.2 **ORGANIZATION & TEAM EXPERIENCE**

L.4.6.1.2.1 Provide an Organizational Chart listing company; personnel, their titles and roles.

L.4.6.1.2.2 Describe the support and interface with your home office or corporate headquarters for such aspects as financial, management and technical support.

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.

L.4.6.1.2.4 Describe the education, training, experience and professional affiliation (i.e. AIA, PE, PMP, CCM) of the key personnel.

Provide resumes for each of the labor categories listed below:

1. Sr. Project Manager
2. Assistant/ Jr. Project Manager
3. CPM Scheduler
4. Cost Estimator
5. Claim Manager
6. Commissioning Manager
7. Site/Civil Inspector
8. MEP Inspector
9. Roofing Inspector
10. Safety/OSHA Inspector
11. Structural Inspector
12. Project Engineer (Change Orders)

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.

L.4.6.1.3 **PROJECT MANAGEMENT PLAN & CM TOOLS**

L.4.6.1.3.1 **PROJECT MANAGEMENT PLAN**

Offerors are to provide a detailed Project Management Plan (PMP) which defines objectives, allocation of resources, communications and recommended procedures. The PMP shall include methodology and overall approach to meeting the project requirements. Include specific discussion on change order, RFI and quality

assurance and quality control management.
The PMP shall not exceed 20 pages in length.

L.4.6.1.3.2 CM TOOLS

Describe the capability and experience of firm and team on using web-based construction management tools and applications to interact with the District, OPM, GC and A/E. Detail systems used, developed, and implemented at similar sized construction projects. Explain how these systems helped the overall project(s) in terms of communications, coordination and efficiency.

L.4.6.1.4 PAST PERFORMANCE

Past Performance includes current on-going (present) performance. Do not include price or pricing information in this section.

L.4.6.1.4.1 Offerors are to provide information to demonstrate successful experience as a CM professional service contractor on at least three (3) similar projects within the past seven (7) years. Similar project is defined as a project that is comparable in nature, type, and complexity as defined by all of the following characteristics:

- (1) The project involved a new building or existing structure;
- (2) The project involved LEED Silver or higher Certification.
- (3) The project required coordination with occupied space in an existing building or an adjacent building and/or a site related building to maintain operations during construction;
- (4) The project involved requirements for noise control;

- (5) The project involved a restricted site with limited space for material staging plus requirements for maintaining pedestrian and vehicular traffic flow around site; and
- (6) The total project construction cost at award of the construction contract(s) was greater than \$25 million.
- (7) For each project listed indicate the following: Owner, Award Date, Completion Date, A/E firm, CM firm, and GC firm.
- (8) Also for each project listed indicate the number of change orders; total value of change orders submitted, total value of change orders approved; and whether the project was completed on time or time extension beyond contract terms.

L.4.6.1.4.2 Past Performance References – Offerors shall provide a list of references for each of the projects identified in response to (L.4.6.1.4.1). Such information shall, at a minimum, include: Owner’s name and address, point(s) of contact for the Owner, A/E firm, GC firm with telephone and fax numbers. This is to obtain an independent evaluation of prior contract performance for use in evaluating Past Performance.

L.4.6.1.4.3 Offerors lacking relevant Past Performance experience may submit experience information regarding predecessor companies, key personnel of the Offeror, and/or subcontractors that will perform major or critical aspects of the work as set forth in Section C, “Statement of Work”. Information submitted to satisfy the requirements of § L.4.6.1.4 shall, at a minimum, include: Name(s) of Predecessor Company/Subcontractor or Key Personnel and include: Complete Address and Point of

Contact; Telephone, Fax Number and email address; and a brief synopsis of the experience (a resume may be submitted for "Key Personnel") and relevancy to this project.

- L.4.6.1.4.4** Offerors are advised that the District may use all data provided by the Offeror in this volume and data obtained from other sources, to include but not limited to Government-wide databases, in the development of performance confidence assessments. Past Performance information on contracts not listed by the Offeror, or that of planned subcontractors, may also be evaluated. The District may contact references provided by the Offeror, as well as any other source it identifies, and information received may be used in the evaluation of the Offeror's Past Performance. While the District may elect to consider data obtained from other sources, the burden of providing current, accurate and complete Past Performance information rests with the Offeror.

L.4.6.2 VOLUME 2, PRICE INFORMATION

- L.4.6.2.1** Provide completed pricing sheets from Section-B of this RFP; attachments to the pricing sheets from the Offeror which detail pricing/information may be included as supporting document.
- L.4.6.2.2** Amendments, if any, attachments J.2.2, J.2.3, and J.2.4 of this solicitation, and Representations and Certifications - Section K with all entries completed. All copies must contain original signatures (dark blue ink) on all documents signed. Be sure that all information is correct and accurate.

L.5 OFFER SUBMISSION DATE AND TIME:

Offer must be submitted no later than **2:00 p.m. local time on Wednesday, January 21, 2009.**

L.6 WITHDRAWAL OR MODIFICATION OF OFFER:

An Offeror may modify or withdraw its offer upon written, telegraphic notice, or facsimile transmission if received at the location designated in the solicitation for submission of offer, but not later than the exact time set for opening of Offer.

L.7 LATE SUBMISSIONS, LATE MODIFICATIONS, AND LATE WITHDRAWALS:

L.7.1 Offer, modifications to Offer, or requests for withdrawals that are received in the designated District office after the exact local time specified above, are "late" and shall be considered only if they are received before the award is made and one (1) or more of the following circumstances apply:

L.7.1.1 The offer or modification was sent by registered or certified mail no later than the fifth (5th) calendar day before the date specified for receipt of offer; or

L.7.1.2 The offer or modification was sent by mail and it is determined by the CO that the late receipt at the location specified in the solicitation was caused by mishandling by the District after receipt.

L.7.2 Postmarks

The only acceptable evidence to establish the date of a late offer, late modification or late withdrawal sent either by registered or certified mail shall be a U.S. or Canadian Postal Service postmark on the wrapper or on the original receipt from the U.S. or Canadian Postal Service. If neither postmark shows a legible date, the offer, modification or withdrawal shall be deemed to have been mailed late. When the postmark shows the date but not the hour, the time is presumed to be the last minute of the date shown. If no date is shown on the postmark, the Offer shall be considered late unless the Offeror can furnish evidence from the postal authorities of timely mailing.

L.7.3 Late Submissions

A late offer, late request for modification or late request for withdrawal shall not be considered, except as provided in this section.

L.7.4 Late Offer

A late offer, late modification or late withdrawal of an offer that is not considered shall be held unopened, unless opened for identification, until after award and then retained with unsuccessful offer resulting from this solicitation.

L.7.5 Late Modifications

A late modification of a successful offer that makes its terms more favorable to the District will be considered at any time it is received and may be accepted.

L.8 HAND DELIVERY OR MAILING OF OFFER TO:

*Bid Room
Office of Contracting and Procurement
441 4TH Street, NW, Suite 703 South
Washington, D.C. 20001*

L.9 SUBMISSION OF SUBCONTRACTING PLAN
(To be submitted in accordance with TO requirements)

Each Offeror shall submit a certified and notarized subcontracting plan with each RFTOP for approval by the CO. This plan shall meet the requirements described under §§ M.4.2 and M.4.8 of this solicitation. A certified LSDBE prime who plans not to subcontract any portion of the contract work shall still submit such a plan stating so in writing. A Contractor cannot make any changes to its subcontracting plan without prior written approval by the CO and the Director of DSLBD. The approved plan will be incorporated into and become part of the TO.

L.10 ERRORS IN OFFER

Offerors are expected to read and fully understand information and requirements in the solicitation; failure to do so will be at the Offeror's risk. In the event of a discrepancy between the unit price and the total price, the unit price will govern.

L.11 QUESTIONS ABOUT THE SOLICITATION

If a prospective Offeror has any questions relative to this solicitation, the prospective Offeror shall submit the questions in writing to the CO. The prospective Offeror shall submit questions no later than ten (10) calendar days prior to the closing date and time indicated for this solicitation. The District will not consider any questions received less than ten (10) calendar days before the date set for submission of offer. The District will furnish responses promptly to all other prospective Offerors. An amendment to the solicitation will be issued, if that information is necessary in submitting offer, or if the lack of it would be prejudicial to any other prospective Offerors. Oral explanations or instructions given before the award of the contract will not be binding.

L.12 FAILURE TO SUBMIT OFFER

Recipients of this solicitation not responding with an offer should not return this solicitation. Instead, they should advise the Office of Contracting and Procurement, CO, Construction, Design, Building & Renovation (CDBR) Group, 441- 4th Street, N.W., Suite 700S, Washington, DC 20001, by letter or postcard whether they want to receive future solicitations for similar requirements. It is also requested that such recipients advise the CO, of the reason for not submitting an offer in response to this solicitation. If a recipient does not submit an offer and does not notify the CO that

future solicitations are desired, the recipient's name may be removed from the applicable mailing list.

L.13 OFFER PROTESTS

Any actual or prospective Offeror or Contractor, who is aggrieved in connection with the solicitation or award of a contract, must file with the D.C. Contract Appeals Board (Board) a protest no later than 10 business days after the basis of protest is known or should have been known, whichever is earlier. A protest based on alleged improprieties in a solicitation which are apparent prior to offer opening or the time set for receipt of initial offer shall be filed with the Board prior to offer opening or the time set for receipt of initial offer. In procurements in which offer are requested, alleged improprieties which do not exist in the initial solicitation, but which are subsequently incorporated into this solicitation, must be protested no later than the next closing time for receipt of offer following the incorporation. The protest shall be filed in writing, with the Contract Appeals Board, 717 - 14th Street, N.W., Suite 430, Washington, D.C. 20004. The aggrieved person shall also mail a copy of the protest to the CO for the solicitation.

L.14 SIGNING OF OFFER:

L.14.1 The Contractor shall sign the offer and print or type its name on the offer form in the attached Offer Form Package. Each offer must show a full business address and telephone number of the Offeror and be signed by the person or persons legally authorized to sign contracts. Erasures or other changes must be initialed by the person signing the offer. Offer signed by an agent shall be accompanied by evidence of that agent's authority, unless that evidence has been previously furnished to the CO.

L.14.2 All correspondence concerning the offer or resulting contract will be mailed to the address shown on the offer in the absence of written instructions from the Offeror or Contractor to the contrary. Any offer submitted by a partnership must be signed with the partnership name by a general partner with authority to bind the partnership. Any offer submitted by a corporation must be signed with the name of the corporation followed by the signature and title of the person having authority to sign for the corporation. Offerors shall complete and sign all Representations, Certifications and Acknowledgments as appropriate. Failure to do so may result in an offer rejection.

L.15 ACKNOWLEDGMENT OF AMENDMENTS:

The Offeror shall acknowledge receipt of any amendment to this solicitation by (a) signing and returning the amendment; (b) by identifying the amendment number and date in the space provided for this purpose in item 20 of page 1 (Solicitation, Offer, Award Form) of the solicitation; or (c) by letter or telegram, including mailgrams. The District must receive the acknowledgment by the date and time specified for receipt of

offer. Offeror's failure to acknowledge an amendment may result in rejection of the offer.

L.16 ACCEPTANCE PERIOD:

The Offeror agrees that its offer remains valid for a period of 120 calendar days from the closing date. However, if for administrative reasons, the District is unable to make an award within this time period, the CO will request the Contractor to extend the offer for an additional thirty (30) days.

L.17 LEGAL STATUS OF OFFEROR:

L.17.1 Each offer must provide the following information:

L.17.2 Name, Address, Telephone Number, Federal Tax Identification Number and DUNS Number of Offeror;

L.17.3 District of Columbia license, registration or certification, if required by law to obtain such license, registration or certification. If the Offeror is a corporation or partnership and does not provide a copy of its license, registration or certification to transact business in the District of Columbia, the offer shall certify its intent to obtain the necessary license, registration or certification prior to contract award or its exemption from such requirements;

L.17.4 If the Offeror is a partnership or joint venture, names of general partners or joint ventures and copies of any joint venture or teaming agreements; and

L.17.5 The District reserves the right to request additional information regarding the Offeror's organizational status.

L.18 LOCAL OPERATING FACILITIES:

The Contractor shall provide and maintain its own operating quarters. Such quarters shall be of sufficient size and capacity and have the necessary facilities to adequately carry out the work to be performed under the contract.

_____ LOCAL ADDRESS	_____ LOCAL TELEPHONE NUMBER/FAX
_____ CELL NUMBER	_____ EMERGENCY NUMBER
_____ EMERGENCY CONTACT PERSON	

L.19 TITLE OF CORRESPONDENCE, HAND DELIVERY OR MAILING OF SOLICITATION

All contractual correspondence must be directed to:

*Diane Wooden, Contracting Officer
Office of Contracting and Procurement
Construction, Design and Building Renovation Group
441- 4th Street, N.W., Suite 700-South
Washington, D.C. 20001
diane.wooden@dc.gov
(202) 724-2163*

L.20 OFFER DOCUMENTS:

L.20.1 Persons who obtain solicitation materials from anyone other than the District's official source as specified under Section L.19 are hereby notified that any addenda/amendments issued under this solicitation, and not acknowledged by an Offeror could affect the offer amount and/or responsiveness determinations.

L.20.2 The District assumes no responsibility for furnishing any addenda/ amendments to anyone who obtains solicitation materials through other than the official channels.

L.20.3 Amendments/Addenda to solicitation documents and solicitation material are available from the issuing office.

L.21 EXAMINATION OF OFFER DOCUMENTS AND SITE OF WORK [Applicable to each RFTOP and TO]

L.21.1 Offerors will be held to have:

L.21.1.1 Checked all measurements and visible features which would in any manner affect the work to be performed.

L.21.1.2 Verified conditions at the site.

L.22 STANDARDS OF RESPONSIBILITY

L.22.1 Pursuant to 27 DCMR, 2200.4 (a) through (h), the prospective Contractor shall submit the following documentation, within ten (10) days of the request by the District, in order to be determined responsible:

L.22.1.1 Evidence of financial resources adequate to perform the Contract, or ability to obtain them;

- L.22.1.2 Evidence of ability to comply with the required or proposed delivery or performance schedule, taking into consideration all existing commercial and district business commitments;
 - L.22.1.3 A satisfactory performance record;
 - L.22.1.4 A satisfactory record of integrity and business ethics;
 - L.22.1.5 The necessary organization, experience, accounting and operational controls and technical skills, or the ability to obtain them;
 - L.22.1.6 Compliance with the applicable District licensing and tax laws and regulations;
 - L.22.1.7 The necessary production, construction and technical equipment and facilities or the ability to obtain them, and
 - L.22.1.8 Other qualifications and eligibility criteria necessary to receive an award under the applicable laws and regulations.
- L.22.2 If the prospective Contractor fails to supply the information requested, the CO shall make the determination of responsibility or non-responsibility based upon available information. If the available information is insufficient to make a determination of responsibility, the CO shall determine the prospective Contractor to be non-responsible.

XIII. SECTION M - EVALUATION PREFERENCE POINTS

M.1 EVALUATION FOR AWARD [Not applicable to TOs]

The contracts will be awarded up to eight (8) responsible Offerors whose offer is most advantageous to the District, based upon the evaluation criteria specified in M.3 below. Thus, while the points in the evaluation criteria indicate their relative importance, the total scores will not necessarily be determinative of the award. Rather, the total scores will guide the District in making an intelligent award decision based upon the evaluation criteria.

M.2 TECHNICAL RATING [Not applicable to TOs]

The Technical Rating Scale is as follows:

Numeric Rating	Adjective	Description
0	Unacceptable	Fails to meet minimum requirements; e.g., no demonstrated capacity, major deficiencies which are not correctable; offeror did not address the factor.
1	Poor	Marginally meets minimum requirements; major deficiencies which may be correctable.
2	Minimally Acceptable	Marginally meets minimum requirements; minor deficiencies which may be correctable.
3	Acceptable	Meets requirements.
4	Good	Meets requirements and exceeds some requirements; no deficiencies.
5	Excellent	Exceeds most, if not all requirements; no deficiencies.

For example, if a sub factor has a point evaluation of 0 to 6 points, and (using the Technical Rating Scale) the District evaluates as "good" the part of the proposal applicable to the sub factor, the score for the sub factor is 4.8 (4/5 of 6). The sub factor scores will be added together to determine the score for the factor level.

M.3 EVALUATION CRITERIA

Proposals will be evaluated based on the following technical and price evaluation factors listed in descending order of importance.

M.3.1 Volume 1 – Technical Capability Information Evaluation 60 Points

The Technical Proposal must include necessary information to enable evaluators to form a concrete conclusion of the offeror’s ability to manage and perform the work identified in the solicitation. The evaluation of each Technical Proposal shall measure the ability of the Offeror to effectively manage general construction projects, provided in response to the submission requirements specified in Section L.4.6.

M.3.1.1 Professional Qualifications 15 Points

M.3.1.2 Organization & Team Experience 15 Points

M.3.1.3 Project Management Plan & CM Tools 10 Points

M.3.1.4 Past Performance 20 Points

M.3.2 Volume 2, Price Proposal Evaluation 40 Points

The price proposal evaluation will be objective. *The extended prices and the cost reimbursement ceilings for the base year and the option years will constitute the total price for the purpose of the price evaluation.* The Offeror with the lowest price will receive the maximum price points. All other proposals will receive a proportionately lower total score. The following formula will be used to determine each Offeror's evaluated price score:

$$\frac{\text{Lowest price proposal x weight}}{\text{Price of proposal being evaluated}} = \text{Evaluated price score}$$

M.3.3 Preference Points (12 Points)

The maximum preference points a Contractor can receive is 12. The preference points will be added to the Contractor evaluation score.

M.3.4 Total Points

The total points awarded under the solicitation are 112.