AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT	1. Contract Number	Page of Pages 1 | 1

2. Amendment/Modification Number	3. Effective Date	4. Requisition/Purchase Request No.	5. Solicitation Caption
DCHA-2011-B-0145-0001	See Section 16C		Install New Playground and Walking Track at Dakota Park

6. Issued By: Code 03B	7. Administered By (If other than line 6)
Department of Real Estate Services Contracting and Procurement Division 2000 14th Street N.W., Suite 500 Washington, D.C. 20009	Department of Real Estate Services Contracting and Procurement Division 2000 14th Street N.W., Suite 500 Washington, D.C. 20009

8. Name and Address of Contractor (No. Street, city, country, state and ZIP Code)	(X)	9A. Amendment of Solicitation No. DCHA-2011-B-0145
		9B. Dated (See Item 11) 6-May-11
		10A. Modification of Contract/Order No.
		10B. Dated (See Item 13)
Code Facility		

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

[X] The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers [ ] is extended. [ ] is not extended. Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: (a) By completing Items 8 and 15, and returning 1 copy 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 ACKNOWLEDGEMENT 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 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)

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 data, etc.) set forth in item 14, pursuant to the authority of 27 DCMR, Chapter 36, Section 3601.2.
	C. This supplemental agreement is entered into pursuant to authority of:
	D. Other (Specify type of modification and authority)

E. IMPORTANT: Contractor [ ] is not, [x] is required to sign this document and return 1 copy to the issuing office.

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

The solicitation is hereby amended as follows in accordance with Attachment A:

1. Page 1, Delete Page 93 and substitute Page 1 of 93
2. Page 1, Delete SBE Set Aside and substitute Open Market with Set Aside for LSDBE subcontracting

3. Page 3, Section B.2, delete Designation of Solicitation for the Small Business Set Aside Market Only and substitute

Designation of Solicitation for the Open Market

4. Site Visit and Pre-Bid Conference, Section L.1.1. and L.1.3 is cancelled until further notice.

5. Add Section L.23 Brand Name of Equal

6. Add Section L.24 Requirement for Descriptive Literature
7. Add Section L.25 Special Standards of Responsibility
8. Page 92, Section M - Evaluation Preference Points, delete in entirety and substitute those in Attachment A hereto.

Except as provided herein, all terms and conditions of the document 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 (Signature of person authorized to sign)	15C. Date Signed	16B. District of Columbia Diane Wooden (Signature of Contracting Officer)	16C. Date Signed 5/12/11

ATTACHMENT A TO AMENDMENT #DCHA-2011-B-0145-0001 TO SOLICITATION NO. DCHA-2011-B-0145

1. Page 1, **DELETE:** PAGE 93 and **SUBSTITUTE** page 1 of 93.

2. Page 1, **DELETE:** SBE Set Aside; and **SUBSTITUTE:** Open Market with Set Aside for LSDBE subcontracting.

3. Page 3, Section B.2, **DELETE:** Designation of Solicitation for the Small Business Set Aside Market Only and **SUBSTITUTE:**

Designation of Solicitation for the **Open Market** (CONSTRUCTION) (35% SBE SUBCONTRACTING SET-ASIDE FOR CONTRACTS OVER $250,000) A bidder responding to this solicitation, unless exempted by Section M.1.5, must submit with its bid, a notarized statement detailing its subcontracting plan. Bidders responding to this IFB shall be deemed nonresponsive and shall be rejected if the bidder fails to submit a subcontracting plan that is required by law. For construction contracts in excess of $250,000, at least 35% of the dollar volume of the contract shall be subcontracted in accordance with Section M.1.5. The Subcontracting Plan shall meet the requirements described under Section M.1.9 of this Solicitation.

4. **CANCEL**, SITE VISIT AND PRE-BID CONFERENCE, Section L.1.1 and L.1.3. They will be rescheduled at a future date.

5. **ADD** the following Brand Name or Equal Clause to Section L – Instructions, Conditions and Notices to Bidders:

L. 23 BRAND NAME OR EQUAL

L. 23.1 As used in this clause, the term "brand name" includes identification of products by make and model.

L. 23.2 If items called for by this IFB have been identified in the schedule by a "brand name or equal" description, such identification is intended to be descriptive, but not restrictive, and is to indicate the quality and characteristics of products that will be satisfactory. Bids offering "equal" products will be considered for award if such products are clearly identified in the bids and are determined by the District to be equal in all material respects to the brand name products referenced in the IFB.

L. 23.3 Unless the bidder clearly indicates in his bid that he is offering an "equal" product, his bid shall be considered as offering a brand name product referenced in the IFB.

L. 23.4 If the bidder proposes to furnish an "equal" product, the brand name, if any, of the product to be furnished shall be inserted in the space provided in the IFB, or such product shall be otherwise clearly identified in the bid.

L. 23.5 The evaluation of bids and the determination as to equality of the product offered shall be the responsibility of the District and will be based on information furnished by the bidder or identified in his bid as well as other information reasonably available to the purchasing authority. **CAUTION TO BIDDERS:** The District is not responsible for locating or securing any information which is not identified in the bid and not reasonably available to the District.

L. 23.6 Accordingly, to insure that sufficient information is available, the bidder must furnish as a part of his bid all descriptive material (such as cuts, illustrations, drawings, or other information) necessary for the District to (i) determine the product offered meets the requirements of the IFB, and (ii) establish exactly what the bidder proposes to furnish and what the District would be binding itself to purchasing by making an award. The information furnished may include specific reference to information previously furnished or to information otherwise available to the District.

L. 23.7 If the bidder proposes to modify a product so as to make it conform to the requirements of the IFB, it shall (i) include in its bid a clear description of such proposed modifications, and (ii) clearly mark any descriptive material to show the proposed modifications.

L. 23.8 Modifications proposed after bid opening to make a product conform to a brand name product referenced in the IFB will not be considered.

6. **ADD** the following Requirement for Descriptive Literature Clause to Section L – Instructions, Conditions and Notices to Bidders

L. 24 REQUIREMENT FOR DESCRIPTIVE LITERATURE

L. 24.1 Descriptive literature must be furnished as a part of a bid and must be received before the time set for opening bids. The literature furnished must be identified to show the items in the bid to which it pertains. The descriptive literature is required to establish, for the purpose of bid evaluation and award, details of the products the bidder proposes to furnish as to design, material, quality, and construction and performance characteristics.

L. 24.2 Failure of descriptive literature to show that the product offered conforms to the specifications and other requirements of this invitation for bids may require rejection of the bid. Failure to furnish the descriptive literature by the time and date set for receipt of bids will require rejection of the bid, except that if the materials are transmitted by mail and received late, it may be considered under the provision for considering late bids, as set forth elsewhere in this invitation for bids. The Contracting Officer may waive the requirement for furnishing descriptive literature if either of the following occurs:

L.24.2.1 Bidder states in the bid that the product being offered is the same as a product previously or currently being furnished to the District; or

L.24.2.2 The CO, on advice of technical personnel determines that the product offered by the bidder complies with the specification requirements of the current invitation for bids.

7. **ADD** the following Special Standards of Responsibility Clause to Section L – Instructions, Conditions and Notices to Bidders

L.25 SPECIAL STANDARDS OF RESPONSIBILITY

Unusual or specialized expertise is required for adequate contract performance. Therefore, the special standards set forth below shall apply to all bidders or proposed subcontractors.

L.25.1 The General Contractor's (GC) or its proposed subcontractors shall have successfully completed at least five (5) design/build playground projects over the past five (5) years.

L.25.2 The GC's Playground installer shall be factory certified and shall have completed at least five (5) playground equipment projects over the past five (5) years.

L.25.3 Any playground equipment substitution must be pre-approved by DPR at least 5 business days prior to bid due date.

8. Page 92, Section M – Evaluation Preference Points **DELETE** in entirety and **SUBSTITUTE** the following:

M.1. Preferences for Certified Business Enterprises

Under the provisions of the "Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005", as amended, D.C. Official Code § 2-218.01 *et seq.* (the Act), the District shall apply preferences in evaluating bids from businesses that are small, local, disadvantaged, resident-owned, longtime resident, veteran-owned, local manufacturing, or local with a principal office located in an enterprise zone of the District of Columbia.

M.1.1. Application of Preferences

For evaluation purposes, the allowable preferences under the Act shall be applicable to prime contractors as follows:

M.1.1.1 Any prime contractor that is a small business enterprise (SBE) certified by the Department of Small and Local Business Development (DSLBD) will receive a three percent (3%) reduction

in the bid price for a bid submitted by the SBE in response to this Invitation for Bids (IFB).

M.1.1.2 Any prime contractor that is a resident-owned business (ROB) certified by DSLBD will receive a five percent (5%) reduction in the bid price for a bid submitted by the ROB in response to this IFB.

M.1.1.3 Any prime contractor that is a longtime resident business (LRB) certified by DSLBD will receive a five percent (5%) reduction in the bid price for a bid submitted by the LRB in response to this IFB.

M.1.1.4 Any prime contractor that is a local business enterprise (LBE) certified by DSLBD will receive a two percent (2%) reduction in the bid price for a bid submitted by the LBE in response to this IFB.

M.1.1.5 Any prime contractor that is a local business enterprise with its principal offices located in an enterprise zone (DZE) certified by DSLBD will receive a two percent (2%) reduction in the bid price for a bid submitted by the DZE in response to this IFB.

M.1.1.6 Any prime contractor that is a disadvantaged business enterprise (DBE) certified by DSLBD will receive a two percent (2%) reduction in the bid price for a bid submitted by the DBE in response to this IFB.

M.1.1.7 Any prime contractor that is a veteran-owned business (VOB) certified by DSLBD will receive a two percent (2%) reduction in the bid price for a bid submitted by the VOB in response to this IFB.

M.1.1.8 Any prime contractor that is a local manufacturing business enterprise (LMBE) certified by DSLBD will receive a two percent (2%) reduction in the bid price for a bid submitted by the LMBE in response to this IFB.

M.1.2 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 is twelve per cent (12%) for bids submitted in response to this IFB. There will be no preference awarded for subcontracting by the prime contractor with certified business enterprises.

M.1.3 Preferences for Certified Joint Ventures

When DSLBD 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.1.4 Vendor Submission for Preferences

M.1.4.1 Any vendor seeking to receive preferences on this solicitation must be certified at the time of submission of its bid. The CO will verify the bidder's certification with DSLBD or SLBOC, as appropriate, and the bidder should not submit with its bid any documentation regarding its certification as a certified business enterprise.

M.1.4.2 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: CBE Certification Program
441 Fourth Street, NW, Suite 970N
Washington DC 20001

M.1.4.3 All vendors are encouraged to contact the DSLBD at (202) 727-3900 if additional information is required on certification procedures and requirements.