## AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT

<table>
<thead>
<tr>
<th>2. Amendment/Modification Number</th>
<th>3. Effective Date</th>
<th>4. Requisition/Purchase Request No.</th>
<th>5. Solicitation Caption</th>
</tr>
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<tbody>
<tr>
<td>2</td>
<td>3/15/2007</td>
<td></td>
<td>South Cap Street Near Term Impv.</td>
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</table>

**6. Issued By:**
District Department of Transportation  
Office of Contracting and Procurement  
2000 14th Street, NW, 6th Floor  
Washington, DC 20009  

**7. Administered By:**
Department of Public Works  
Office of Contracting and Procurement  
Reeves Center, 3rd Floor  
2000 14th Street, NW  
Washington, DC 20009

**8. Name and Address of Contractor:**

<table>
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<tr>
<th>Code</th>
<th>Facility</th>
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**9A. Amendment of Solicitation No.:** DCKA-2007-B-0078  
**9B. Dated (See Item 11):** 3/7/2007  

**10A. Modification of Contract/Order No.:** 2  
**10B. Dated (See Item 13):** 3/15/2007

### I1. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

- The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers is 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 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 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 date, 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 required to sign this document and return copies to the issuing office.

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

**INVITATION NUMBER**

The correct invitation number is: DCKA-2007-B-0078

**SPECIFICATIONS**

ADD THE FOLLOWING: WMATA REQUIREMENTS - see attached

**APPENDICES**

DELETE: "PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISE AND NON-DISADVANTAGED BUSINESS ENTERPRISE FIRMS" AND REPLACE WITH THE ATTACHED "PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISE AND NON-DISADVANTAGED BUSINESS ENTERPRISE FIRMS" - THE NEW GOAL IS 29%

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:**

Jerry M. Carter

**15B. Name of Contractor:**

**16B. District of Columbia:**

**15C. Date Signed:**

3/15/2007

**16C. Date Signed:**

(Signature of person authorized to sign)  
(Signature of Contracting Officer)
INVITATION NO.: DCKA-2007-B-0078

PROJECT TITLE: SOUTH CAPITOL STREET NEAR-TERM IMPROVEMENTS – VOLUME I-ROADWAY, VOLUME II-PEDESTRIAN

FAP NOS.: NH-1501 (036) AND NH-1501 (040)

BIDDERS shall acknowledge receipt of this addendum on official Bid Form. Failure to do so may result in rejection of your bid.

CURRENT BID OPENING DATE: April 9, 2007

BIDDERS are informed that the above named project is modified as follows:

INVITATION NUMBER

The correct invitation number is: DCKA-2007-B-0078

VOLUMES I AND II

SPECIFICATIONS

ADD: WMATA REQUIREMENTS: See attached

CONTRACT DRAWINGS

ADD: attached contract drawings.

APPENDICES
DELETE “PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISE AND NON-DISADVANTAGED BUSINESS ENTERPRISE FIRMS” and REPLACE with the following:

**PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISE AND NON-DISADVANTAGED BUSINESS ENTERPRISE FIRMS**

**Policy:** It is the policy of the Department of Transportation (DOT) that Disadvantaged Business Enterprises (DBE’s) as defined in 49 CFR Part 26 shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with Federal funds under this agreement. Consequently, the DBE requirements of 49 CFR Part 26 applies to this agreement.

**DBE Obligation:** The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and Administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in result in the termination of this contract or such other remedy, as the recipient deems appropriate.

**Definitions** - The following definitions apply to this contract:

A. "Disadvantaged business" means a small business concern, (a) which is at least fifty-one percent (51%) owned by one or more socially and economically disadvantaged individuals or in the case of any publicly owned business, at least fifty-one percent (51%) of the stock of which is owned by one or more socially and economically disadvantaged individuals; and (b) whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

B. "Small business concern" means a small business as defined pursuant to Section (3) of the Small Business Act, as amended, including all applicable and relevant rules and regulations promulgated pursuant thereto.

C. "Socially and economically disadvantaged individuals" means those individuals who are citizens of the United States (or lawfully admitted permanent residents) and who are:

   1. "Black Americans", which includes persons having origins in any of the Black racial groups of Africa;

   2. "Hispanic Americans", which includes persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;

   3. "Native Americans", which includes persons who are American Indian, Eskimos, Aleuts, or Native Hawaiians;
(4) “Asian-Pacific Americans”, which includes persons whose origins are from Japan, China, Taiwan, Korea, Vietnam, Laos, Cambodia, Burma, Thailand, the Philippines, Samoa, Guam, the U.S. Trust Territories of the Pacific, and the Northern Mariana;

(5) “Asian-Indian Americans”, which includes persons, whose origins are from India, Pakistan, and Bangladesh;

(6) Women (of all races); and

(7) “Any other minorities or individuals found to be economically and socially disadvantaged by the Small Business Administration under Section 8(a) and 8(d) of the Small Business Act, as amended, (15 U.S.C. 637(a)).

The Contracting Officer shall make a rebuttable prerogative that individuals in the above groups are socially and economically disadvantaged. This prerogative shall be based on criteria set forth in 49 CFR Part 26. The Contracting Officer also may determine, on a case-by-case basis, that individuals who are not members of one of the above groups are socially and economically disadvantaged.

**Prompt Payment**: The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract within 7 days from the receipt of each payment the prime contractor receives from DDOT. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of the recipient. This clause applies to both DBE and non-DBE subcontractor.

**Contract Goals**: 

The bidder shall subcontract **twenty-nine percent (29%)** of the dollar value of the total amount of this DOT-assisted contract to qualified DBE subcontractors. A complete DBE plan containing a list of DBE firms to be utilized on this project must be submitted within five (5) working days subsequent to bid opening to DDOT, Construction Contract Branch; 2000 14th Street, N.W., 6th floor Washington, D.C. 20009.

The DBE plan shall include, but it is not limited to:

1. The names, addresses of DBE firms that will participate in the contract;

2. A description of work that each DBE will perform;

3. The dollar amount of the participation of each DBE firm;

   4. Written and signed document of commitment to use the DBE subcontractor whose participation it submits to meet a contract goal;

   5. Written and signed confirmation from the DBE that it is participating in the contract as
provided in the prime contractor’s commitment.

6. If the bidder fails to meet the contract goal, evidence of good faith efforts, as described below shall be submitted.

A bidder who fails to meet these requirements and who cannot show good faith effort will be considered non-responsive.

**Good Faith Effort:**

The following actions, by the bidder, are generally considered a sign of good faith effort. This list is not exclusive or exhaustive, but should be used as a guide in determining good faith effort.

1. Attendance at pre-bid meetings scheduled to inform DBE’s of the project.
2. Advertisement in general circulation, trade association and minority focus media concerning subcontracting opportunities.
3. Written notice to DBE’s allowing sufficient time for reply.
4. Follow up of initial solicitation.
5. Selection of portions of the work likely to be performed by DBE’s.
6. Provide interested DBE’s adequate information for bidding.
7. Negotiation with interested DBE’s.
8. Assist interested DBE’s with bonding, insurance or credit.
9. Use of minority contractors’ groups and minority business assistance offices.

**DBE Directory:**

Information pertaining to lists of certified DBEs may be obtained by contacting:

- Mrs. Glenda Payne, EO Specialist
  DC Department of Transportation
  Civil Rights Division
  2000 14th Street, N.W., 6th Floor
  Washington, DC 20009
  Office: (202) 671-2268
  Email: glenda.payne@dc.gov

- Ms. Tammy Paige-Sterling, DBE Program Assistant
  Washington Metropolitan Area Transit Authority (WMATA)
  600 Fifth Street, NW
WMATA REQUIREMENTS:

Contractors shall note that the project includes construction of water, sanitary sewer and storm sewer pipelines, manholes and appurtenances above the Washington Metropolitan Area Transit Authority’s (WMATA) Navy Yard Metro Station (F Route). WMATA requires that all construction activities adjacent to, beneath, on, or over existing WMATA property, facilities, and/or operating Rights of Way must follow the requirements of the WMATA Adjacent Construction Design Manual. This manual can be found on the WMATA Website at: http://www.wmata.com/bus2bus/jd/adj_construction_manual.pdf

The requirements of all design and construction are provided in this manual along with the procedures for review and approval from WMATA. The design of the WASA water and sewer upgrades will require that the Contractor meet all eligible requirements of the WMATA Adjacent Construction Manual. If permits are required, the permitting fee shall be the responsibility of the Contractor. No permit will be required if the work takes place outside of the WMATA Right of Way, which is determined to be 40 feet vertically from the top of rail and 40 feet horizontally from the centerline of the structure as shown in Figure 9.5. Contractor shall calculate vertical location of structure to determine if structure is within WMATA’s right of way and submit to WMATA for confirmation.

If a permit is required, the application can be found at: http://www.wmata.com/about/parp_docs/permit_application_dec_2006.pdf

A sample permit can be found at: http://www.wmata.com/about/parp_docs/BoilerplatePermit.pdf

Initially, WMATA requires that the Contractor perform a stress analysis on WMATA's tunnel following the requirements of the Adjacent Construction Manual and provide a method of construction to determine the temporary loading on the tunnel. The stress analysis and the construction methodology will assist WMATA in determining if the construction has an impact on the tunnel.