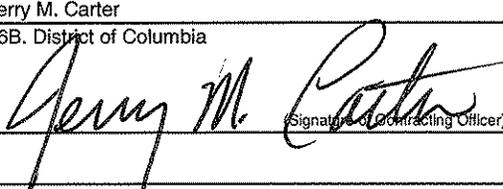


<b>AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT</b>			1. Contract Number DCKA-2010-B-0195	Page of Pages 1 8
2. Amendment/Modification Number 2	3. Effective Date See 16C	4. Requisition/Purchase Request No.		5. Solicitation Caption Rehab. Of New York Avenue Bridge
6. Issued By: Department of Transportation Office of Contracting and Procurement 2000 14th Street, NW 6th Floor Washington, DC 20009		Code	7. Administered By (If other than line 6) 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 (No. Street, city, country, state and ZIP Code)			(X)	9A. Amendment of Solicitation No. DCKA-2010-B-0195
				9B. Dated (See Item 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 <input type="checkbox"/> is extended. <input checked="" type="checkbox"/> 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 _____ 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 <input checked="" type="checkbox"/> is not, <input type="checkbox"/> is required to sign this document and return _____ copies to the issuing office.				
14. Description of amendment/modification (Organized by UCF Section headings, including solicitation/contract subject matter where feasible.) A CONTRACT AMENDMENT IS NECESSARY TO MODIFY SPECIAL PROVISIONS (SP) AND OTHER ITEMS OF THE SOLICITATION AS FOLLOWS:				
<b>APPENDICES</b>				
DELETE "Employee Training Requirements", "Participation By Disadvantaged Business Enterprise And Non-Disadvantaged Business Enterprise Firms" and "Monthly Employment Report (ARRA)" and REPLACE with the attached "Employee Training Requirements, "Participation By Disadvantaged Business Enterprise and Non-Disadvantaged Business Enterprise Firms" and "Monthly Employment Utilization Report".				
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		15C. Date Signed	16B. District of Columbia	16C. Date Signed
(Signature of person authorized to sign)				4/8/11
			(Signature of Contracting Officer)	

**EMPLOYEE TRAINING REQUIREMENTS**

23 CFR, Part 230, Subpart A, Appendix B applies to this contract, except as modified below. Prior to commencing, the contractor shall submit to the DC Department of Transportation Contracting Officer for approval, the number of trainees to be trained in each selected and classification and providing the prospective trainee's home address(es) and social security number(s). The number of trainees to be trained under this contract is ( 4 ) shall be in the following classifications:

<u>CRAFT</u>	<u>NUMBER</u>
Electrical Apprentices	2
HVAC Mechanics	2

The minimum length and type of training for each classification will be as established in the training program selected by the contractor and approved by the Contracting Officer, DC Department of Transportation and the Division Engineer, Federal Highway Administration.

For purposes of this requirement, a trainee is defined as a person who is registered and receiving on-the-job training in a construction or construction management occupation under a program which has been approved and certified in advance by the U.S. Department of Labor, Employment and Training Administration or by the Division Engineer, Federal Highway Administration.

A trainee differs from an apprentice in that an apprentice means (1) a person employed and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Employment and Training Administration, Bureau of Apprenticeship and Training, or with a State Apprenticeship Agency recognized by the Bureau, or (2) a person in the first 90 days of probationary employment in an apprenticeship program, who is not individually registered in the program, but who has been certified by the Bureau of Apprenticeship and Training or a State Apprenticeship Agency (where applicable) to be eligible for probationary employment as an apprentice.

Contractors are encouraged to utilize the resources of the District of Columbia, Department of Employment Services, Employer Services Center and the District of Columbia, Department of Transportation to recruit and hire prospective trainees. Prospective trainees who are not enrolled in any approved program may be selected from among the contractor's construction workforce, subject to the approval of the Contracting Officer.

The District Department of Transportation-Construction Contract Branch will monitor your training program closely during the life of the project to ensure that the training program is being administered in compliance with the applicable Federal regulations and that the assigned number of trainees are enrolled and receiving

training. Contractors are reimbursed only for training actually given and carefully documented by the Project Engineer and verified by the District Department of Transportation-Construction Contract Branch.

**APPRENTICESHIP PROGRAM:**

All prime Contractors and subcontractors who contract with the District of Columbia Government to perform construction or renovation work with a single contract or cumulative contracts of at least \$500,000.00, let within a twelve (12) month period, shall be required to register and apprenticeship program with the District of Columbia Apprenticeship Council. (D.C. Code 36-409((1981))).

**APPRENTICES AND TRAINEES:**

This S.P. supplements APPRENTICES AND TRAINEES, ARTICLE 3 of STANDARD CONTRACT PROVISIONS FOR USE WITH SPECIFICATIONS FOR DISTRICT GOVERNMENT CONSTRUCTION PROJECTS, DATED 1973; as amended by the Transmittal Sheet No. 5.

- (1) In Items A, B and C, except for subparagraph C5, wherever the words "Apprenticeship Council, D.C. Department of Labor" appear, add immediately after: "and/or U.S. Department of Labor."
- (2) In Item B. Trainees, add the following: "Training programs approved under the requirements of Article IV; Section 4 and 5 of Required Contract Provisions, Federal Aid Construction Contracts (Form FHWA-1273) will satisfy the requirements of this item.

The contractor and all subcontractors shall furnish to the Contracting Officer written evidence of the registration of his/her program and apprentices as well as the appropriate ratios and wage rates for the areas of construction, prior to using any apprentice on the contract.

**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 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 Marianas;
  - (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 **seventeen percent (17%)** 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](mailto:glenda.payne@dc.gov)

Ms. Tammy Paige-Sterling, DBE Program Assistant  
Washington Metropolitan Area Transit Authority (WMATA)  
600 Fifth Street, NW  
Washington, DC 20001  
Office: (202) 962-2409  
Email: [tpsterling@wmata.com](mailto:tpsterling@wmata.com)

DC OFFICE OF HUMAN RIGHTS  
SYSTEMIC ENFORCEMENT DIVISION  
AFFIRMATIVE ACTION REVIEW UNIT

DISTRICT OF COLUMBIA GOVERNMENT  
MONTHLY EMPLOYMENT UTILIZATION REPORT

1. REPORTING PERIOD

FROM / / TO: / /

This report is required by the Office of Human Rights' Affirmative Action Review Unit pursuant to Mayor's Order 85-85, Part C, Section 1. Failure to report may result in contracts being canceled, terminated or suspended, in whole or in part, and the contractor being declared ineligible for future District of Columbia Government contracts of any kind.

2. PROJECT NAME, LOCATION, CONTRACT NUMBER AND % COMPLETED \_\_\_\_\_ %

3. CONTRACTOR'S NAME, ADDRESS AND CCB NUMBER

4. CONTRACTING AGENCY

AMOUNT \$ \_\_\_\_\_

5. CONSTRUCTION TRADE	6. WORK-HOUR OF EMPLOYMENT										9.			10. TOTAL NUMBER OF MINORITY EMPLOYEES				
	6a. TOTAL ALL EMPLOYEE BY TRADE		6b. BLACK (Not of Hispanic Origin)		6c. HISPANIC		6d. ASIAN OR PACIFIC ISLANDERS		6e. AMERICAN INDIAN OR ALASKAN NATIVE		7. MINORITY PERCENTAGE	8. FEMALE PERCENTAGE	TOTAL NUMBER OF EMPLOYEES					
	M	F	M	F	M	F	M	F	M	F			M		F			
Journey Worker																		
APPRENTICE																		
Helper/Laborer																		
SUB-TOTAL																		
Journey Worker																		
APPRENTICE																		
Helper/Laborer																		
SUB-TOTAL																		
Journey Worker																		
APPRENTICE																		
Helper/Laborer																		
SUB-TOTAL																		
Journey Worker																		
APPRENTICE																		
Helper/Laborer																		
SUB-TOTAL																		
Journey Worker																		
APPRENTICE																		
Helper/Laborer																		
SUB-TOTAL																		
TOTAL JOURNEY WORKERS																		
TOTAL APPRENTICES																		
TOTAL HELPERS/LABORERS																		
GRAND TOTAL																		

11. COMPANY OFFICIAL'S SIGNATURE AND TITLE \_\_\_\_\_

12. TELEPHONE NUMBER (include area code) \_\_\_\_\_

13. DATE SIGNED \_\_\_\_\_

14. PAGE 1 OF 2

## INSTRUCTIONS FOR FILING MONTHLY EMPLOYMENT UTILIZATION REPORT (AARU-102)

The Monthly Employment Utilization Report is to be completed by each subject contractor (both prime and sub) and signed by a responsible official of the company. The reports are filed by the 5th day of each month during the term of the contract, and they shall include the total work-hours for each employee classification in each trade in the covered area for the monthly reporting period. The prime contractor shall submit this report for each project work force and collect and submit reports for each subcontractor's project work force to the D. C. Government compliance agency that has Mayor's Order 85-85 responsibility. (Additional copies of this form may be obtained from the contracting agency responsible for the construction project.)

Compliance Agency	D. C. Government agency assigned responsibility for equal opportunity. (Secure this information from the contracting agency responsible for the construction project.)
Contracting Agency	D. C. Government agency funding project (in whole or in part). If more than one agency, list all.
Contractor	Any contractor who has a construction contract with D. C. Government or a contract funded in whole or in part with D. C. Government funds.
Minority	Includes Blacks, Hispanics, American Indians, Alaskan Natives, and Asian and Pacific Islanders--both men and women.
1. Reporting	Monthly, or as directed by the compliance agency, beginning with the effective date of the contract.
2. Project	Project name, location(s), contract number and percent completed. List ward in which project is located.
3. Contractor	Contractor's name, address, and CCB No. Check appropriate boxes--minority or non-minority, prime or sub.
4. Contracting Agency	Name(s) of contracting agency(s) funding or supervising project. List contract amount for each contract.
5. Construction Trade	Only those construction trades which contractor employs on this project.
6. Work-Hours of Employment(a-e)	<p>a: The total number of male hours and the total number of female hours worked by employees in each classification.</p> <p>b-3: The total number of male hours and the total number of female hours worked by each specified group of minority employees in each classification.</p>
Classification	The level of accomplishment or status of the worker in the trade (Journey Worker, Apprentice, Helper/Laborer).
7. Minority Percentage	The percentage of total minority work-hours of all work-hours (the sum of columns 6b, 6c, 6d, and 6e divided by column 6a; just one figure for each construction trade).
8. Female Percentage	For each trade the number reported in 6a, (F divided by the sum of the number of reported in 6a M and F).
9. Total Number of Employees	Total number of male and total number of female employees working in each classification of each trade in the contractor's project work force during reporting period.
10. Total Number of Minority Employees	Total number of male minority employees and total number of female minority employees working in each classification in each trade in contractor's project work force during reporting period.