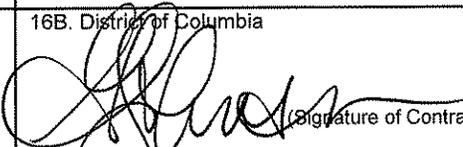


<b>AMENDMENT OF SOLICITATION / MODIFICATION OF CONTRACT</b>			1. Contract Number	Page of Pages 1   1	
2. Amendment/Modification Number DCKT-2011-B-0038-003	3. Effective Date See 16C Below	4. Requisition/Purchase Request No.	5. Solicitation Caption Rental of Spray Injection Patcher Drivers/Operators		
6. Issued by: Office of Contracting and Procurement Transportation and Specialty Equipment Commodity Group 2000 14 <sup>th</sup> Street, NW, 6 <sup>th</sup> Floor Washington, DC 20009		Code	7. Administered by (If other than line 6)		
8. Name and Address of Contractor (No. street, city, county, state and zip code)  Potential Bidders		X	9A. Amendment of Solicitation DCKT-2011-B-0038		
Code			9B. Dated (See Item 11) 12/31/10		
Facility			10A. Modification of Contract Order No.		
			10B. Dated (See Item 13)		
<b>11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS</b>					
<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 checked="" type="checkbox"/> is extended. <input 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 <u>1</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)					
<b>13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTORS/ORDERS, IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14</b>					
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)					
<b>E. IMPORTANT:</b> Contractor <input type="checkbox"/> is not <input checked="" type="checkbox"/> is required to sign this document and return <u>1</u> copies to the issuing office.					
14. Description of Amendment/Modification (Organized by UCF Section headings, including solicitation/contract subject matter where feasible.)  Solicitation DCKT-2011-B-0038, Rental of Spray Injection Patcher Drivers/Operators is hereby amended as follows:  A. Responses to Bidders' questions are provided as Attachment A. B. The bid opening date is extended to Monday, January 24, 2011 at 2:00 pm. C. Section H.11.7 is added as follows:  The contractor's work hours will be from 7:30 am – 4:00 pm. The contractor will be required to pickup work orders daily from the CA and complete all pothole repair work orders within 48 hours of receipt of the order. The Contractor shall notate on the work order when repairs are completed. The Contractor shall submit the work order to the CA when completed, but no later than 48 hours after receipt. Pothole work orders will be downloaded each morning from the DDOT Street & Bridge Maintenance Office.					
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 Gena Johnson		
15B. Name of Contractor  (Signature)		15C. Date Signed	16B. District of Columbia  (Signature of Contracting Officer)		16C. Date Signed 1/20/11

**Solicitation DCKT-2011-B-0038**  
**Amendment 003**  
**ATTCHMENT A**

Question #1 What will be the required number of hours per day for patching operations? Will it involve night or weekend work?

Answer: Spray Patcher Units & Operators are required to be on DC Government Owned and maintained roadways filling potholes for eight (8) hours per day, Monday Through Friday, 7:30 am – 4:00 pm. Travel time to and from the contractors dispatch location is not included. Weekends will be required only if rain or inclement weather days prevent spray patching on any weekday. Lost weekday hours will be made up on weekends. Weekly hours in excess of 40 hours must be approved in advance by the Contract Administrator (CA).

Question #2 How many days per month will you require patchers to be in operation.

Answer: Monday through Friday each week of every month. Approximately 21-23 work days per month.

Question #3 The pay items are based on a monthly rate per unit. How will the contractor be paid in the instance that the unit is used a portion of a month.

Answer: A prorated amount for the month would be applied. A per day amount would be calculated based on the monthly rate divided by the number of workdays in that month.

Question #4 The listed required heavy equipment is very susceptible to break downs in the course of a month's operations, how will the contractor be paid in the instance of a break down?

Answer: Breakdowns hours will not be paid for. Breakdown hours / time can be made up or recovered by utilizing a working spray patcher for additional hours per day to make up for breakdown hours. However, if the time is not made up and a patcher is not operational for any full or partial day, then a deduction will be taken from the Contractor's invoice. An hourly cost / per day will be deducted from the Contractor's invoice for any spray patcher that is not utilized or suffers break down and cannot be used for any portion of a month. The deduction will be calculated using the following formula:

Monthly rental rate per truck \$\$ divided by the Number of workdays in the month # divided by 8 hours per day = \$ Equals hourly rate for deduction

Question #5 The contract calls for materials (stone and emulsion) to be provided. The amount of material required will vary greatly on the number of patches complete in a day. It would seem as if the materials should be paid under a separate pay item so the district only pays for material applied. Did you consider this option? The way the contract is currently written it would be beneficially to contractor to do as few patches as possible to save on material cost. Less pot holes less stone and emulsion.

Answer: A separate line for materials will not be added. See response to Question #11 below for the District's best estimate of the amount of material used.

Question #6 How many months in the year to you expect patching operations to take place? Will days not worked to due to weather be deducted from the monthly rental rate?

Answer: Patching Operations will take place twelve (12) months continuously, 5 Days per week, 8 hours per day. Days not worked due to weather can be made up or recovered by utilizing a working spray patcher for additional hours on weekends. If hours are not made up, then a prorated deduction will be made on the monthly invoice. See response to Answer #3 above.

Question #7 Will you provide a storage area for stock piled materials and equipment parking in off hours?

Answer: No, the contractor must provide its own storage area for stock piled materials and equipment parking in off hours

Question #8 Is this a sole source contract?

Answer: No, this solicitation is not sole source.

Question #9 You list very specific requirements for the equipment to be utilized in this work and in fact include model numbers of PK2000 and PK 2000MP. These units are manufactured by a Patch Management Inc. they are also a bidder on this performance construction contract. With them being the named equipment manufacturer of choice (others do not exactly meet the specification) and a bidder it seems as if they have an unfair advantage unless this is a sole source contract. We have inquired regarding purchase of equipment and they do not provide pricing and indicate they are a bidder.

Answer: PK2000 and PK 2000MP are use as references only, spray patchers of other makes and models will be considered. For instance a Rosco Patcher RA300 and RA400 would be considered equal. Equipment must be of ample size to spray patch highways, major & minor arterials as well as small enough to enter alleys to apply spray patching of potholes. If proposing an "Equal" patcher, the bidder should provide information that would indicate that the equipment is equal in all material respects to the brand name products. Refer to Section L.19.

Question #10 It is my understanding that the intent of this contract is to fill pot holes; it is unclear why very specific equipment requirements must be met. Most other contracts in the District are based on the finished product vs. the equipment utilized to accomplish the job. If you wanted to fill pot holes in your driveway at your house your concern would be the quality of the products used and the finished product vs. the piece of equipment used to get you the end result. Further the way this contract is written there is no incentive to be efficient in operations to provide best value for the District. I would think the District would want to get the most value for the dollar by contracting this work based number of pot holes filled, amount of raw material used and hours of use of specialized equipment.

Answer: See response to Question #9 above. If the bidder wants to determine, in advance, if a specific equipment model will be considered equal, it should send a request to the Contract Specialist, Adele Smith, prior to the bid opening date/time.

Question #11 Do you have any historical information indicating the amount of material (stone and emulsion) that will be utilized in a month?

Answer: DDOT has not officially captured stone and emulsion data. However, to the best of its knowledge, the amount of material that is used per day is as follows:

Approx. 10 tons of aggregate per day (for all 3 trucks)  
Approx. 300 gallons of emulsion per day (for all 3 trucks)  
Approx. 50 pot holes per day per truck

Question #12 The price schedule indicates PK2000 and PK2000MP or equal. What sections of the provided equipment specifications have to be met in order for another manufactures unit to be considered an equal?

Answer: See response to Question 9 above.

Question #13 Are all pot hole patchers that meet C.3.2 in section C.3 (Requirements) considered equal?

Answer: See response to Question 9 and 10 above.