

<b>AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT</b>				1. CONTRACT ID CODE		PAGE OF PAGES	
						1      36	
2. AMENDMENT/MODIFICATION NO.		3. EFFECTIVE DATE		4. REQUISITION/PURCHASE REQ. NO.		5. PROJECT NO. (If applicable)	
0003		03/23/2021					
6. ISSUED BY		CODE		7. ADMINISTERED BY (If other than Item 6)		CODE	
Bureau of Reclamation		R60					
Great Plains Region							
Regional Office							
PO Box 36900							
Billings MT 59107							
8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code)				(x)			
				9A. AMENDMENT OF SOLICITATION NO.			
				140R6020R0025			
				9B. DATED (SEE ITEM 11)			
				02/11/2021			
				10A. MODIFICATION OF CONTRACT/ORDER NO.			
				10B. DATED (SEE ITEM 13)			
CODE		FACILITY CODE					
<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 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 <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 electronic communication which includes a reference to the solicitation and amendment numbers. 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 electronic communication, provided each letter or electronic communication 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 ONLY APPLIES TO MODIFICATION OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.</b>							
CHECK ONE	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 FAR 43.103(b).						
	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 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.)							

See attached for changes:

Except as provided herein, all terms and conditions of the document referenced in Item 9 A or 10A, as heretofore changed, remains unchanged and in full force and effect.			
15A. NAME AND TITLE OF SIGNER (Type or print)		16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print)	
		Stormy Gallagher	
15B. CONTRACTOR/OFFEROR	15C. DATE SIGNED	16B. UNITED STATES OF AMERICA	16C. DATE SIGNED
_____		_____	
(Signature of person authorized to sign)		(Signature of Contracting Officer)	

**Description of Changes:**

1. In Part I – Section B – Price Schedule delete in its entirety and replace with Section B – Price Schedule.
2. In Part I – Section C – Specifications delete Section 01 33 00 – Submittals in its entirety and replace with revised Section 01 33 00 – Submittals .
3. In Part I – Section F - Deliveries or Performance delete in its entirety and replace with revised Section F - Deliveries or Performance.
4. In Part IV -- Section M – Evaluation Factors for Award delete in its entirety and replace with revised Section M – Evaluation Factors for Award.

**Acknowledgement:** See Block 11 above regarding how to acknowledge this amendment. The Government must receive the acknowledgement at the place designated for receipt of bids (See Block 10 of the Standard Form 1442).

**Third Party:** If you have given a copy of the solicitation to someone else, please forward this amendment accordingly.

**CONTINUATION OF  
SECTION B – SUPPLIES OR SERVICES AND COSTS**

**LEADVILLE MINE TREATMENT PLANT AND FACILITIES  
SUPPLY OF MEMBRANE FILTRATION SYSTEM  
LEADVILLE MINE DRAINAGE TUNNEL PROJECT, COLORADO**

**B.1 PRICE SCHEDULES**

- (a) Offers will be considered for award on the following Price Schedules, but no offer will be considered for award on only part of the Price Schedules.
- (1) Offerors shall complete Price Schedules 1 through 4. Offers for less than the total of Schedules 1 through 4 will be considered nonresponsive and will not be evaluated for award.
  - (2) Offers will be evaluated based on the total of Price Schedule 1 and based on pricing offered in Optional Price Schedules 2, 3, and 4.
  - (3) Government will award Price Schedule 1. Optional Price Schedules 2, 3, and 4 may be awarded if required. If required, Optional Price Schedule 4 shall be in accordance with FAR 52.217-7, Option for Increased Quantity-Separately Priced Line Item, with an option exercise period of within 588 days after Notice to Proceed.
- (b) Offers are subject to terms and conditions of this solicitation.
- (c) Quantities in the Price Schedule are estimated quantities for comparison of offers only. Except as provided in contract clause at FAR 52.211-18, Variation in Estimated Quantity, no claim shall be made against Government for overruns or underruns.
- (d) Definitions:
- (1) CLIN – Contract Line Item Number.

**PRICE SCHEDULE 1**

CLIN	Section	Supplies or Services	Quantity and Unit	Unit Price	Amount
1	46 61 33	Membrane Filtration System – Fabrication	For the lump-sum of		\$
2	46 61 33	Membrane Filtration System – Delivery	For the lump-sum of		\$

PRICE SCHEDULE 1

CLIN	Section	Supplies or Services	Quantity and Unit	Unit Price	Amount
3	46 61 33	Membrane Filtration System – Spare Parts	For the lump-sum of		\$
4	46 61 33	Membrane Filtration System – Base Warranty	For the lump-sum of		\$

TOTAL FOR PRICE SCHEDULE 1 \$ \_\_\_\_\_

OPTIONAL PRICE SCHEDULE 2

CLIN	Section	Supplies or Services	Quantity and Unit	Unit Price	Amount
5	46 61 33	Membrane Filtration System – Warranty Extension 1	For the lump-sum of		\$

TOTAL FOR OPTIONAL PRICE SCHEDULE 2 \$ \_\_\_\_\_

OPTIONAL PRICE SCHEDULE 3

CLIN	Section	Supplies or Services	Quantity and Unit	Unit Price	Amount
6	46 61 33	Membrane Filtration System – Warranty Extension 2	For the lump-sum of		\$

TOTAL FOR OPTIONAL PRICE SCHEDULE 3 \$ \_\_\_\_\_

OPTIONAL PRICE SCHEDULE 4

CLIN	Section	Supplies or Services	Quantity and Unit	Unit Price	Amount
7	46 61 33	Membrane Filtration System – Storage	3 months	\$	\$

TOTAL FOR OPTIONAL PRICE SCHEDULE 4 \$ \_\_\_\_\_

**GRAND TOTAL:**

**SCHEDULE 1 + SCHEDULE 2 + SCHEDULE 3 + SCHEDULE 4: \$**\_\_\_\_\_

**END OF SUPPLIES OR SERVICES AND COSTS**

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**SECTION 01 33 00**  
**SUBMITTALS**

## PART 1      GENERAL

## 1.01 MEASUREMENT AND PAYMENT

- A. Cost:
1. Include in prices offered in the Price Schedule for other items of work.

## 1.02 DEFINITIONS

- A. Days: Calendar days.
- B. Required Submittal Number (RSN): Identifies items to be submitted together as a complete submittal.
- C. Submittals: Considered “shop drawings” within terms of clause at FAR 52.236-21, Specifications and Drawings for Construction.

### 1.03 REFERENCE STANDARDS

- |    |   |   |
|----|---|---|
| A. | American Society of Mechanical Engineers (ASME) |   |
| 1. | ASME Y14.1-12                                   | Decimal Inch Drawing Sheet Size and Format      |
|    |   |   |
| B. | National Institute of Building Sciences (NIBS)  |   |
| 1. | NIBS NCS-14                                     | United States National CAD Standards, Version 6 |

## 1.04 SUBMITTAL REQUIREMENTS

- A. In case of conflict between requirements of this section and requirements included elsewhere in these specifications, requirements in this section take precedence.
- B. General:
  1. Prepare in English.
  2. Label with contract number and title and RSN.
  3. Measurement Units: US Customary Units.

C. Drawings:

1. Minimum Identification in Title Block:
  - a. Contract number and title.
  - b. Contractor's or supplier's title and drawing number.
  - c. Date.
2. Reserve 3- by 3-inch space next to title block for review stamps.
3. Print Size: ANSI D size (22- by 34-inches).
4. Draw to scale using computer drafting:
  - a. In accordance with NIBS NCS.
  - b. Electronic file format: Compatible with AutoCAD version 2019 or later.
  - c. Compile using "eTransmit" utility in AutoCAD.
  - d. Government will provide electronic AutoCAD format template.
  - e. Title block and sheet format:
    - 1) As shown on Standard Drawing 40-D-7102.
    - 2) Government will supply template.
    - 3) Government will supply specific title block information to be used.

D. Product Data:

1. Mark manufacturer's data for commercial products or equipment, such as catalog cut sheets:
  - a. Identify manufacturer's name, type, model, size, materials of construction, and characteristics.
  - b. Illustrate product or equipment meets requirements of specifications.
  - c. Mark items to be furnished in a manner that will photocopy (no highlighter).
  - d. Strike through items that do not apply.

E. Certifications:

1. Certifications by a registered professional: Signed and sealed by registered professional.
2. Manufacturer's certifications: Signed by authorized representative of manufacturer.

F. Manuals:

1. Copies:
  - a. Printed copies: Bound and indexed.



- b. Electronic copies: Adobe pdf on thumb drive. Bookmark longer files to assist in navigating file.
- 2. Contents:
  - a. Parts identification lists, lists of special tools, and accessories.
  - b. Schematics and wiring diagrams.
  - c. Detailed instructions for installing, operating, lubricating, and maintaining equipment.
  - d. Manufacturer's drawings, photographs, and test records or reports if required by specification.

## **1.05 SUBMITTALS PROCEDURES**

- A. Submit only checked submittals. Submittals without evidence of Contractor's approval will not be reviewed.
- B. Submit complete sets of required materials for each RSN as specified in "Submittals Required" column in Table 01 33 00A – List of Submittals. Complete set includes all listed items for RSNs with multiple parts.
- C. Submit sets specified in "Sets to be sent:" columns in Table 01 33 00A – List of Submittals.
  - 1. Electronic Submittals:
    - a. In Portable Document Format (.pdf):
      - 1) Optical Character Recognition (OCR).
      - 2) Compliant with Section 508 of the Rehabilitation Act.
      - 3) RSNs having more than one requirement shall be bookmarked.
      - 4) RSNs with requirements for files other than .pdf (e.g., .xer, .plf, .dwg, etc.) shall be combined using WinZip.
    - b. Include RSN transmittal letter.
    - c. Personally Identifiable Information (PII) shall be encrypted using WinZip or Adobe Acrobat before transmitting electronically.
  - 2. Submit electronic submittals via electronic mail or thumb drive based on size:
    - a. Government can receive electronic mails up to 25 MB. However, e-mail over 10 MB should be considered extra-large. E-mailing of electronic submittals exceeding 10 MB should only occur after transmittal of extra-large size e-mail has been verified.
    - b. Address e-mail of electronic submittals less than extra-large size to: sha-GPR-CONSTSVCS@usbr.gov.

- c. Electronic submittals that are too large to e-mail shall be submitted on thumb drive.
  - d. Submittals received after 5:00 p.m. Mountain Time shall be documented as received next business day.
- D. Include the following information in transmittal letters:
  - 1. Contract number and title.
  - 2. RSN for each attached submittal.
  - 3. Responsible code.
  - 4. Identify submittal as initial or resubmittal.
- E. Resubmittal of submittals not approved:
  - 1. Mark changes such that they are readily identifiable and show revision date.
  - 2. Describe and link changes (i.e. with bookmarks) in transmittal letter.
  - 3. Resubmit returned submittals within 28-days after receiving comments.
  - 4. Requirements for initial submittals apply to resubmittals.
  - 5. Resubmittals shall be complete submittals without reference to original submittal.
- F. Submit each RSN under a separate transmittal letter. Multiple RSNs submitted under a single letter will not be reviewed.

## **1.06 REVIEW OF SUBMITTALS**

- A. Time Required:
  - 1. Submittal review will require 42-days for review of each submittal or resubmittal, unless otherwise specified.
  - 2. Time required for review of each submittal or resubmittal begins when complete sets of materials required for a particular RSN are received and extends through return e-mail postmark date.
- B. Time in Excess of Specified:
  - 1. CO may extend contract completion date to allow additional time for completing work affected by excess review time:
    - a. Time extension will be to extent that excess review time caused delay to contract completion date.
    - b. Time extension will not exceed time used in excess of specified number of days for review of submittals or resubmittals.
    - c. Concurrent days of excess review time resulting from review of 2 or more separate submittals or resubmittals will be counted only once in extending contract completion date.

2. No time extension will be allowed if Contractor fails to make complete action submittals in sequence and within time periods specified.
3. Adjustment for delay will be made only to extent that:
  - a. Approval was required under contract,
  - b. Requests for approval were properly and timely submitted and were approved.
4. Adjustment will be subject to terms of paragraphs (b) and (c) of clause at FAR 52.242-14, Suspension of Work; however, no such delay shall be deemed to be a “suspension order” as term is used in that clause.

C. Submittal Response:

1. Response letter will indicate whether submittal is acceptable, not acceptable, approved, not approved, or acknowledged receipt:
  - a. Submittals that are not approved shall be revised and resubmitted.
  - b. Do not change designs without approval of CO after drawings, documentation, and technical data have been approved.
2. RSNs reviewed by CO may not be responded to unless considered deficient.

**1.07 TRANSMITTAL**

A. Addresses for codes receiving paper copy submittals listed in Table 01 33 00A – List of Submittals:

1. CO: Contracting Officer, Bureau of Reclamation, Attention: GP-5000, P.O. Box 36900, Billings, MT 59107-6900. Physical address is 2021 4th Avenue North, Billings, MT 59101.
2. COR: Contracting Officer’s Representative, Bureau of Reclamation, Attention: GP-2600, P.O. Box 36900, Billings, MT 59107-6900. Physical address is 2021 4th Avenue North, Billings, MT 59101.

B. Electronic mail address for electronic submittals listed in Table 01 33 00A – List of Submittals: sha-GPR-CONSTSVCS@usbr.gov:

1. Submit electronic submittals that are too large for e-mail to physical address above.

C. Submittals required by specifications, but not listed in Table 01 33 00A – List of Submittals:

1. Submit in accordance with this section.
2. Submit to COR unless otherwise specified.

## PART 2 PRODUCTS

Not Used

## PART 3 EXECUTION

Not Used

Table 01 33 00A – List of Submittals

\* CO indicates Contracting Officer; COR indicates Contracting Officer's Representative.

RSN	Clause or Section Title	Submittals required	Due date or delivery time	Responsible code	Sets to be sent: *	
					CO	COR
1	Performance and Payment Bonds – Other Than Construction FAR 52.228-16	Performance and Payment Bonds - Other Than Construction	Within 10 calendar days after award	CO	1 electronic	0
2	Additional Bond Security FAR 52.228-02	Evidence of Increase in Bond Security	Within 10 calendar days after modifications increasing contract value	CO	1 electronic	0
3	Insurance-Work on a Government Installation WBR 1452.228-70	1) Written certification that required insurance has been obtained 2) Current certification of insurance for each subcontractor	Before commencing onsite work	CO	1 electronic	0
4	Liability Insurance WBR 1452.228-70	Acceptable Certificate of Liability Insurance	Prior to commencement of work under the contract	CO	1 electronic	0
5	Equal Opportunity FAR 52.222-26	Information required by Executive Order 112246 (SF-100)	Within 30-days following award	CO	1 electronic	0
6	Reporting Executive Compensation and First Tier Subcontract Awards FAR 52.204-10	Certification that executive compensation and subcontract awards were reported	Within 10-days of each report being submitted	CO	1 electronic	0
7	Release of Claims WBR 1452.204-70	Release of Claims (DI-137) against the Government	After completion of the work and prior to final payment	CO	1 electronic	0
8	Schedule of Values H.3	Schedule of Values for lump-sum CLINs	Submitted and approved before payment aside from bonds and insurance	COR	0	1 electronic



**Table 01 33 00A – List of Submittals**

\* CO indicates Contracting Officer; COR indicates Contracting Officer's Representative.

RSN	Clause or Section Title	Submittals required	Due date or delivery time	Responsible code	Sets to be sent: *	
					CO	COR
01 78 30-1	Project Record Documents	Extra Materials	Within 14-days of completion of work	COR	0	1 electronic
01 78 30-2	Project Record Documents	Warranties	Within 14-days of completion of work	COR	0	1 electronic
01 79 20-1	Training	Instructor's Qualifications	Submitted and approved at least 42-days prior to training	COR	0	1 electronic
01 79 20-2	Training	Training Outline	Submitted and approved at least 42-days prior to training	COR	0	1 electronic
01 79 20-3	Training	Approval Training Materials	Submitted and approved at least 42-days prior to training	COR	0	1 electronic
01 79 20-4	Training	Final Training Materials	Within 14-days after training	COR	0	1 electronic + 2 paper copies
46 61 33-1	Membrane Filtration System	Approval Drawings and Data	56-days after Notice to Proceed	COR	0	1 electronic
46 61 33-2	Membrane Filtration System	Qualifications	Within 14-days after procurement of material	COR	0	1 electronic
46 61 33-3	Membrane Filtration System	Material Certification	Submitted and approved prior to procurement of material	COR	0	1 electronic
46 61 33-4	Membrane Filtration System	Test Plan	Submitted and approved prior to beginning fabrication	COR	0	1 electronic
46 61 33-5	Membrane Filtration System	Final Drawings and Data	Within 28-days after installation	COR	0	1 electronic
46 61 33-6	Membrane Filtration System	Storage Plan	Submitted and approved at least 30-days prior to start of storage	COR	0	1 electronic
46 61 33-7	Membrane Filtration System	End of Warranty Inspection Letter	Within 7-days after inspection	COR	0	1 electronic

**END OF SECTION**

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## SECTION L -- INSTRUCTIONS, CONDITIONS AND NOTICES TO OFFERORS

### L.1 52.204-7 SYSTEM FOR AWARD MANAGEMENT

OCT 2018

(a) Definitions. As used in this provision—

"Electronic Funds Transfer (EFT) indicator" means a four-character suffix to the unique entity identifier. The suffix is assigned at the discretion of the commercial, nonprofit, or Government entity to establish additional System for Award Management records for identifying alternative EFT accounts (see [subpart 32.11](#)) for the same entity.

"Registered in the System for Award Management (SAM)" means that—

- (1) The Offeror has entered all mandatory information, including the unique entity identifier and the EFT indicator, if applicable, the Commercial and Government Entity (CAGE) code, as well as data required by the Federal Funding Accountability and Transparency Act of 2006 (see [subpart 4.14](#)) into SAM
- (2) The offeror has completed the Core, Assertions, and Representations and Certifications, and Points of Contact sections of the registration in SAM;
- (3) The Government has validated all mandatory data fields, to include validation of the Taxpayer Identification Number (TIN) with the Internal Revenue Service (IRS). The offeror will be required to provide consent for TIN validation to the Government as a part of the SAM registration process; and
- (4) The Government has marked the record "Active".

"Unique entity identifier" means a number or other identifier used to identify a specific commercial, nonprofit, or Government entity. See [www.sam.gov](http://www.sam.gov) for the designated entity for establishing unique entity identifiers.

(b)

- (1) An Offeror is required to be registered in SAM when submitting an offer or quotation, and shall continue to be registered until time of award, during performance, and through final payment of any contract, basic agreement, basic ordering agreement, or blanket purchasing agreement resulting from this solicitation.
- (2) The Offeror shall enter, in the block with its name and address on the cover page of its offer, the annotation "Unique Entity Identifier" followed by the unique entity identifier that identifies the Offeror's name and address exactly as stated in the offer. The Offeror also shall enter its EFT indicator, if applicable. The unique entity identifier will be used by the Contracting Officer to verify that the Offeror is registered in the SAM.

(c) If the Offeror does not have a unique entity identifier, it should contact the entity designated at [www.sam.gov](http://www.sam.gov) for establishment of the unique entity identifier directly to obtain one. The Offeror should be prepared to provide the following information:

- (1) Company legal business name.
- (2) Tradestyle, doing business, or other name by which your entity is commonly recognized.
- (3) Company physical street address, city, state, and Zip Code.
- (4) Company mailing address, city, state and Zip Code (if separate from physical).
- (5) Company telephone number.
- (6) Date the company was started.
- (7) Number of employees at your location.
- (8) Chief executive officer/key manager.
- (9) Line of business (industry).
- (10) Company headquarters name and address (reporting relationship within your entity).

(d) Processing time should be taken into consideration when registering. Offerors who are not registered in SAM should consider applying for registration immediately upon receipt of this solicitation. See <https://www.sam.gov> for information on registration.

**L.2 52.204-22 ALTERNATIVE LINE ITEM PROPOSAL**

**JAN 2017**

(a) The Government recognizes that the line items established in this solicitation may not conform to the Offeror's practices. Failure to correct these issues can result in difficulties in acceptance of deliverables and processing payments. Therefore, the Offeror is invited to propose alternative line items for which bids, proposals, or quotes are requested in this solicitation to ensure that the resulting contract is economically and administratively advantageous to the Government and the Offeror.

(b) The Offeror may submit one or more additional proposals with alternative line items, provided that alternative line items are consistent with subpart 4.10 of the Federal Acquisition Regulation. However, acceptance of an alternative proposal is a unilateral decision made solely at the discretion of the Government. Offers that do not comply with the line items specified in this solicitation may be determined to be nonresponsive or unacceptable.

**L.3 52.211-1 AVAILABILITY OF SPECIFICATIONS LISTED IN THE GSA INDEX OF FEDERAL SPECIFICATIONS, STANDARDS AND COMMERCIAL ITEM DESCRIPTIONS, FPMR PART 101-29**

**AUG 1998**

(a) The GSA Index of Federal Specifications, Standards and Commercial Item Descriptions, FPMR Part 101-29, and copies of specifications, standards, and commercial item descriptions cited in this solicitation may be obtained for a fee by submitting a request to--

GSA Federal Supply Service  
Specifications Section, Suite 8100  
470 East L'Enfant Plaza SW  
Washington, DC 20407  
Telephone (202) 619-8925  
Facsimile (202) 619-8978.

(b) If the General Services Administration, Department of Agriculture, or Department of Veterans Affairs issued this solicitation, a single copy of specifications, standards, and commercial item descriptions cited in this solicitation may be obtained free of charge by submitting a request to the addressee in paragraph (a) of this provision. Additional copies will be issued for a fee.

**L.4      52.211-2      AVAILABILITY OF SPECIFICATIONS, STANDARDS, AND      APR 2014**  
**DATA ITEM DESCRIPTIONS LISTED IN THE**  
**ACQUISITION STREAMLINING AND STANDARDIZATION**  
**INFORMATION SYSTEM (ASSIST)**

(a) Most unclassified Defense specifications and standards may be downloaded from the following ASSIST websites:

- (1) ASSIST (<https://assist.dla.mil/online/start/>);
- (2) Quick Search (<http://quicksearch.dla.mil/>);
- (3) ASSISTdocs.com (<http://assistdocs.com>).

(b) Documents not available from ASSIST may be ordered from the Department of Defense Single Stock Point (DoDSSP) by—

- (1) Using the ASSIST Shopping Wizard (<https://assist.dla.mil/wizard/index.cfm>);
- (2) Phoning the DoDSSP Customer Service Desk (215) 697-2197, Mon-Fri, 0730 to 1600 EST;  
or
- (3) Ordering from DoDSSP, Building 4, Section D, 700 Robbins Avenue, Philadelphia, PA  
19111-5094, Telephone (215) 697-2667/2179, Facsimile (215) 697-1462.

**L.5      52.214-34      SUBMISSION OF OFFERS IN THE ENGLISH LANGUAGE      APR 1991**

Offers submitted in response to this solicitation shall be in the English language. Offers received in other than English shall be rejected.

**L.6      52.214-35      SUBMISSION OF OFFERS IN U.S. CURRENCY      APR 1991**

Offers submitted in response to this solicitation shall be in terms of U.S. dollars. Offers received in other than U.S. dollars shall be rejected.

**L.7      52.215-1      INSTRUCTIONS TO OFFERORS -- COMPETITIVE      JAN 2017**  
**ACQUISITION**

(a) **Definitions.** As used in this provision --

“Discussions” are negotiations that occur after establishment of the competitive range that may, at the Contracting Officer’s discretion, result in the offeror being allowed to revise its proposal.”

“In writing,” “writing,” or “written” means any worded or numbered expression which can be read, reproduced, and later communicated, and includes electronically transmitted and stored information.

“Proposal modification” is a change made to a proposal before the solicitation’s closing date and time, or made in response to an amendment, or made to correct a mistake at any time before award.

“Proposal revision” is a change to a proposal made after the solicitation closing date, at the request of or as allowed by a Contracting Officer as the result of negotiations.

“Time,” if stated as a number of days, is calculated using calendar days, unless otherwise specified, and will include Saturdays, Sundays, and legal holidays. However, if the last day falls on a Saturday, Sunday, or legal holiday, then the period shall include the next working day.

(b) **Amendments to solicitations.** If this solicitation is amended, all terms and conditions that are not amended remain unchanged. Offerors shall acknowledge receipt of any amendment to this solicitation by the date and time specified in the amendment(s).

(c) **Submission, modification, revision, and withdrawal of proposals.**

(1) Unless other methods (e.g., electronic commerce or facsimile) are permitted in the solicitation, proposals and modifications to proposals shall be submitted in paper media in sealed envelopes or packages

(i) addressed to the office specified in the solicitation, and

(ii) showing the time and date specified for receipt, the solicitation number, and the name and address of the offeror. Offerors using commercial carriers should ensure that the proposal is marked on the outermost wrapper with the information in paragraphs (c)(1)(i) and (c)(1)(ii) of this provision.

(2) The first page of the proposal must show –

(i) The solicitation number;

(ii) The name, address, and telephone and facsimile numbers of the offeror (and electronic address if available);

(iii) A statement specifying the extent of agreement with all terms, conditions, and provisions included in the solicitation and agreement to furnish any or all items upon which prices are offered at the price set opposite each item;

(iv) Names, titles, and telephone and facsimile numbers (and electronic addresses if available) of persons authorized to negotiate on the offeror’s behalf with the Government in connection with this solicitation; and



(v) Name, title, and signature of person authorized to sign the proposal. Proposals signed by an agent shall be accompanied by evidence of that agent's authority, unless that evidence has been previously furnished to the issuing office.

**(3) Submission, modification, revision, and withdrawal of proposals.**

(i) Offerors are responsible for submitting proposals, and any modification, or revisions, so as to reach the Government office designated in the solicitation by the time specified in the solicitation. If no time is specified in the solicitation, the time for receipt is 4:30 p.m., local time, for the designated Government office on the date that proposal or revision is due.

(ii)(A) Any proposal, modification, or revision received at the Government office designated in the solicitation after the exact time specified for receipt of offers is "late" and will not be considered unless it is received before award is made, the Contracting Officer determines that accepting the late offer would not unduly delay the acquisition; and –

(1) If it was transmitted through an electronic commerce method authorized by the solicitation, it was received at the initial point of entry to the Government infrastructure not later than 5:00 p.m. one working day prior to the date specified for receipt of proposals; or

(2) There is acceptable evidence to establish that it was received at the Government installation designated for receipt of offers and was under the Government's control prior to the time set for receipt of offers; or

(3) It is the only proposal received.

(B) However, a late modification of an otherwise successful proposal that makes its terms more favorable to the Government, will be considered at any time it is received and may be accepted.

(iii) Acceptable evidence to establish the time of receipt at the Government installation includes the time/date stamp of that installation on the proposal wrapper, other documentary evidence of receipt maintained by the installation, or oral testimony or statements of Government personnel.

(iv) If an emergency or unanticipated event interrupts normal Government processes so that proposals cannot be received at the office designated for receipt of proposals by the exact time specified in the solicitation, and urgent Government requirements preclude amendment of the solicitation, the time specified for receipt of proposals will be deemed to be extended to the same time of day specified in the solicitation on the first work day on which normal Government processes resume.

(v) Proposals may be withdrawn by written notice received at any time before award. Oral proposals in response to oral solicitations may be withdrawn orally. If the solicitation authorizes facsimile proposals, proposals may be withdrawn via facsimile received at any time before award, subject to the conditions specified in the provision at 52.215-5, Facsimile Proposals. Proposals may be withdrawn in person by an offeror or an

authorized representative, if the identity of the person requesting withdrawal is established and the person signs a receipt for the proposal before award.

(4) Unless otherwise specified in the solicitation, the offeror may propose to provide any item or combination of items.

(5) Offerors shall submit proposals in response to this solicitation in English, unless otherwise permitted by the solicitation, and in U.S. dollars, unless the provision at FAR 52.225-17, Evaluation of Foreign Currency Offers, is included in the solicitation.

(6) Offerors may submit modifications to their proposals at any time before the solicitation closing date and time, and may submit modifications in response to an amendment, or to correct a mistake at any time before award.

(7) Offerors may submit revised proposals only if requested or allowed by the Contracting Officer.

(8) Proposals may be withdrawn at any time before award. Withdrawals are effective upon receipt of notice by the Contracting Officer.

(d) **Offer expiration date.** Proposals in response to this solicitation will be valid for the number of days specified on the solicitation cover sheet (unless a different period is proposed by the offeror).

(e) **Restriction on disclosure and use of data.** Offerors that include in their proposals data that they do not want disclosed to the public for any purpose, or used by the Government except for evaluation purposes, shall --

(1) Mark the title page with the following legend:

This proposal includes data that shall not be disclosed outside the Government and shall not be duplicated, used, or disclosed -- in whole or in part -- for any purpose other than to evaluate this proposal. If, however, a contract is awarded to this offeror as a result of -- or in connection with -- the submission of this data, the Government shall have the right to duplicate, use, or disclose the data to the extent provided in the resulting contract. This restriction does not limit the Government's right to use information contained in this data if it is obtained from another source without restriction. The data subject to this restriction are contained in sheets [insert numbers or other identification of sheets]; and

(2) Mark each sheet of data it wishes to restrict with the following legend:

Use or disclosure of data contained on this sheet is subject to the restriction on the title page of this proposal.

(f) **Contract award.**

(1) The Government intends to award a contract or contracts resulting from this solicitation to the responsible offeror(s) whose proposal(s) represents the best value after evaluation in accordance with the factors and subfactors in the solicitation.

(2) The Government may reject any or all proposals if such action is in the Government's interest.



- (3) The Government may waive informalities and minor irregularities in proposals received.
- (4) The Government intends to evaluate proposals and award a contract without discussions with offerors (except clarifications as described in FAR 15.306(a)). Therefore, the offeror's initial proposal should contain the offeror's best terms from a cost or price and technical standpoint. The Government reserves the right to conduct discussions if the Contracting Officer later determines them to be necessary. If the Contracting Officer determines that the number of proposals that would otherwise be in the competitive range exceeds the number at which an efficient competition can be conducted, the Contracting Officer may limit the number of proposals in the competitive range to the greatest number that will permit an efficient competition among the most highly rated proposals.
- (5) The Government reserves the right to make an award on any item for a quantity less than the quantity offered, at the unit cost or prices offered, unless the offeror specifies otherwise in the proposal.
- (6) The Government reserves the right to make multiple awards if, after considering the additional administrative costs, it is in the Government's best interest to do so.
- (7) Exchanges with offerors after receipt of a proposal do not constitute a rejection or counteroffer by the Government.
- (8) The Government may determine that a proposal is unacceptable if the prices proposed are materially unbalanced between line items or subline items. Unbalanced pricing exists when, despite an acceptable total evaluated price, the price of one or more line items is significantly overstated or understated as indicated by the application of cost or price analysis techniques. A proposal may be rejected if the Contracting Officer determines that the lack of balance poses an unacceptable risk to the Government.
- (9) If a cost realism analysis is performed, cost realism may be considered by the source selection authority in evaluating performance or schedule risk.
- (10) A written award or acceptance of proposal mailed or otherwise furnished to the successful offeror within the time specified in the proposal shall result in a binding contract without further action by either party.
- (11) If a post-award debriefing is given to requesting offerors, the Government shall disclose the following information, if applicable:
  - (i) The agency's evaluation of the significant weak or deficient factors in the debriefed offeror's offer.
  - (ii) The overall evaluated cost or price and technical rating of the successful and the debriefed offeror and past performance information on the debriefed offeror.
  - (iii) The overall ranking of all offerors, when any ranking was developed by the agency during source selection.
  - (iv) A summary of the rationale for award.

(v) For acquisitions of commercial items, the make and model of the item to be delivered by the successful offeror.

(vi) Reasonable responses to relevant questions posed by the debriefed offeror as to whether source-selection procedures set forth in the solicitation, applicable regulations, and other applicable authorities were followed by the agency.

**L.9      52.216-1                      TYPE OF CONTRACT    APR 1984**

The Government contemplates award of a Firm Fixed-Price contract resulting from this solicitation.

**L.10      52.225-6                      TRADE AGREEMENTS CERTIFICATE    MAY 2014**

(a) The offeror certifies that each end product, except those listed in paragraph (b) of this provision, is a U.S.-made or designated country end product, as defined in the clause of this solicitation entitled "Trade Agreements."

(b) The offeror shall list as other end products those supplies that are not U.S.-made or designated country end products.

Other End Products:

Line Item Number	Country of Origin

- (a) The Government will evaluate offers in accordance with the policies and procedures of [part 25](#) of the Federal Acquisition Regulation. For line items covered by the WTO GPA, the Government will evaluate offers of U.S.-made or designated country end products without regard to the restrictions of the Buy American statute. The Government will consider for award only offers of U.S.-made or designated country end products unless the Contracting Officer determines that there are no offers for such products or that the offers for those products are insufficient to fulfill the requirements of this solicitation.

**L.11      52.232-13                      NOTICE OF PROGRESS PAYMENTS    APR 1984**

The need for customary progress payments conforming to the regulations in subpart 32.5 of the Federal Acquisition Regulation (FAR) will not be considered as a handicap or adverse factor in the award of the contract. The Progress Payments clause included in this solicitation will be included in any resulting contract, modified or altered if necessary in accordance with subsection 52.232-16 and its Alternate I of the FAR. Even though the clause is included in the contract, the clause shall be inoperative during any time the contractor's accounting system and controls are determined by the Government to be inadequate for segregation and accumulation of contract costs.

**L.12      52.252-5                      AUTHORIZED DEVIATIONS IN PROVISIONS    APR 1984**

(a) The use in this solicitation of any Federal Acquisition Regulation (48 CFR Chapter 1) provision with an authorized deviation is indicated by the addition of "(DEVIATION)" after the date of the provision.

(b) The use in this solicitation of any provision with an authorized deviation is indicated by the addition of "(DEVIATION)" after the name of the regulation.

**L.13    1452.215-71    USE AND DISCLOSURE OF PROPOSAL INFORMATION—    APR 1984**  
**DEPARTMENT OF THE INTERIOR**

(a) **Definitions** - For the purposes of this provision and the Freedom of Information Act (5 U.S.C. 552), the following terms shall have the meaning set forth below:

(1) "Trade Secret" means an unpatented, secret, commercially valuable plan, appliance, formula, or process, which is used for making, preparing, compounding, treating or processing articles or materials which are trade commodities.

(2) "Confidential commercial or financial information" means any business information (other than trade secrets) which is exempt from the mandatory disclosure requirement of the Freedom of Information Act, 5 U.S.C. 552. Exemptions from mandatory disclosure which may be applicable to business information contained in proposals include exemption (4), which covers "commercial and financial information obtained from a person and privileged or confidential," and exemption (9), which covers "geological and geophysical information, including maps, concerning wells."

(b) If the offeror, or its subcontractor(s), believes that the proposal contains trade secrets or confidential commercial or financial information exempt from disclosure under the Freedom of Information Act, (5 U.S.C. 552), the cover page of each copy of the proposal shall be marked with the following legend:

"The information specifically identified on pages \_\_\_\_\_ of this proposal constitutes trade secrets or confidential commercial and financial information which the offeror believes to be exempt from disclosure under the Freedom of Information Act. The offeror requests that this information not be disclosed to the public, except as may be required by law. The offeror also requests that this information not be used in whole or part by the government for any purpose other than to evaluate the proposal, except that if a contract is awarded to the offeror as a result of or in connection with the submission of the proposal, the Government shall have the right to use the information to the extent provided in the contract."

(c) The offeror shall also specifically identify trade secret information and confidential commercial and financial information on the pages of the proposal on which it appears and shall mark each such page with the following legend:

"This page contains trade secrets or confidential commercial and financial information which the offeror believes to be exempt from disclosure under the Freedom of Information Act and which is subject to the legend contained on the cover page of this proposal."

(d) Information in a proposal identified by an offeror as trade secret information or confidential commercial and financial information shall be used by the Government only for the purpose of evaluating the proposal, except that (i) if a contract is awarded to the offeror as a result of or in connection with submission of the proposal, the Government shall have the right to use the information as provided in the contract, and (ii) if the same information is obtained from another source without restriction it may be used without restriction.



(e) If a request under the Freedom of Information Act seeks access to information in a proposal identified as trade secret information or confidential commercial and financial information, full consideration will be given to the offeror's view that the information constitutes trade secrets or confidential commercial or financial information. The offeror will also be promptly notified of the request and given an opportunity to provide additional evidence and argument in support of its position, unless administratively unfeasible to do so. If it is determined that information claimed by the offeror to be trade secret information or confidential commercial or financial information is not exempt from disclosure under the Freedom of Information Act, the offeror will be notified of this determination prior to disclosure of the information.

(f) The Government assumes no liability for the disclosure or use of information contained in a proposal if not marked in accordance with paragraphs (b) and (c) of this provision. If a request under the Freedom of Information Act is made for information in a proposal not marked in accordance with paragraphs (b) and (c) of this provision, the offeror concerned shall be promptly notified of the request and given an opportunity to provide its position to the Government. However, failure of an offeror to mark information contained in a proposal as trade secret information or confidential commercial or financial information will be treated by the Government as evidence that the information is not exempt from disclosure under the Freedom of Information Act, absent a showing that the failure to mark was due to unusual or extenuating circumstances, such as a showing that the offeror had intended to mark, but that markings were omitted from the offeror's proposal due to clerical error.

**L.14    1452.233-2        SERVICE OF PROTEST -- DEPARTMENT OF THE        SEP 2006**  
**INTERIOR (DEVIATION)**

(a) Protests, as defined in section 33.101 of the Federal Acquisition Regulation, that are filed directly with an agency, and copies of any protests that are filed with the General Accounting Office (GAO), shall be served on the Contracting Officer (addressed as follows) by obtaining written and dated acknowledgment of receipt from:

Bureau of Reclamation – Missouri Basin Region  
2021 4<sup>th</sup> Avenue North  
P.O. Box 36900  
Billings, MT 59101

(b) The copy of any protest shall be received in the office designated above within one day of filing a protest with the GAO.

(c) A copy of the protest served on the Contracting Officer shall be simultaneously furnished by the protester to the Department of the Interior Assistant Solicitor for Procurement and Patents, 1849 C Street, NW, Room 6511, Washington, D.C. 20240.

**L.15    WBR                SOURCE EVALUATION AND SELECTION PROCEDURES --    MAY 2005**  
**1452.215-80        BUREAU OF RECLAMATION**

The Government intends to evaluate proposals submitted under this solicitation and select a source for contract award without discussions (unless the contracting officer later determines discussions to be necessary) in accordance with the following provision: FAR 52.215-1 Instructions to Offerors -- Competitive Acquisition (Jan 2004). Source selection shall be in accordance with procedures contained in FAR Part 15, Department of the Interior Acquisition Regulation (DIAR) Part 1415 (48 CFR 1415) and

Bureau of Reclamation Acquisition Regulation WBR Part 1415. These procedures are summarized as follows:

(a) **Technical evaluation** - Technical proposals are being requested in order to obtain information to be used in the evaluation process. A Technical Proposal Evaluation Committee has been established to objectively evaluate technical proposals in accordance with the Evaluation Factors for Award -- Bureau of Reclamation provision in Part IV, Section M of this solicitation. Technical proposals shall be submitted in accordance with the Technical Proposal Instructions -- Bureau of Reclamation provision in Part IV, Section L of this solicitation.

(b) **Past Performance Evaluation** - In addition to any other past performance information required under the solicitation, the Contracting Officer (CO) shall use past performance information available from the Past Performance Information Retrieval System (PPIRS.GOV) in the source selection process on offerors competing for awards in excess of \$100,000, unless the CO has documented an exception from past performance consideration in accordance with FAR 15.304(c)(2)(iv).

(c) **Cost or price evaluation** - An objective cost or price evaluation of contract pricing proposals will be made in accordance with the Evaluation Factors for Award provision in Part IV, Section M of this solicitation. A cost or price analysis will be performed to determine price reasonableness and any instances of unbalanced pricing, using one or more of the techniques at FAR 15.404-1.

(d) **Clarifications** - Clarifications are limited exchanges, between the Government and offerors that may occur when award without discussions is contemplated. If award will be made without conducting discussions, offerors may be given the opportunity to clarify certain aspects of proposals (e.g., the relevance of an offeror's past performance information and adverse past performance information to which the offeror has not previously had an opportunity to respond) or to resolve minor or clerical errors.

(e) **Communications** - Communications are exchanges, between the Government and offerors, after receipt of proposals, leading to establishment of the competitive range. Communications may be conducted to enhance Government understanding of proposals, allow reasonable interpretation of the proposal, or facilitate the Government's evaluation process. Such communications may not be used to cure proposal deficiencies or material omissions, materially alter the technical or cost elements of the proposal, and/or otherwise revise the proposal. Communications are for the purpose of addressing issues that must be explored to determine whether a proposal should be placed in the competitive range. They shall not provide an opportunity for the offeror to revise its proposal, but may address ambiguities in the proposal or other concerns and information relating to past performance.

(f) **Competitive range** - If discussions are to be conducted, the contracting officer shall establish the competitive range based on the ratings of each proposal against all evaluation criteria. The competitive range shall comprise all the most highly rated proposals, unless the range is further reduced for purposes of efficiency. The contracting officer may determine that the number of most highly rated proposals that might otherwise be included in the competitive range exceeds the number at which an efficient competition can be conducted. The contracting officer may then limit the number of proposals in the range to the greatest number that will permit an efficient competition among the most highly rated proposals. If, after discussions have begun (see paragraph (g) below), an offeror originally in the competitive range is no longer considered to be among the most highly rated offerors being considered for award, that offeror may be eliminated from the range whether or not all material aspects of the proposal have been discussed, or whether or not the offeror has been afforded an opportunity to submit a proposal revision.

(g) **Preadward debriefing of offerors** - Offerors excluded from the competitive range or otherwise excluded from further consideration prior to the final source selection decision may request a debriefing before award. The process for requesting and conducting preaward debriefings may be found at FAR 15.505.

(h) **Discussions** - Discussions are exchanges between the Government and offerors, after establishment of the competitive range that are undertaken with the intent of allowing the offeror to revise its proposal. These discussions may include bargaining, including persuasion, alteration of assumptions and positions, give-and-take, and may apply to price, schedule, technical requirements, type of contract, or other terms of a proposed contract. Discussions are tailored to each offeror's proposal, and shall be conducted by the contracting officer with each offeror within the competitive range. The primary objective of discussions is to maximize the Government's ability to obtain best value, based on the requirement and the evaluation factors set forth in the solicitation.

(i) **Proposal revisions** - The contracting officer may request or allow proposal revisions to clarify and document understandings reached during negotiations. At the conclusion of discussions, each offeror in the competitive range shall be given an opportunity to submit a final proposal revision. The contracting officer is required to establish a common cut-off date only for receipt of final proposal revisions. Requests for final proposal revisions shall advise offerors that the final proposal revisions shall be in writing and that the Government intends to make award without obtaining further revisions.

(j) **Preadward survey** - A Government survey activity may contact an offeror, or visit its facility, to obtain information for determining its financial resources and/or its technical capabilities to perform the work when available information is not sufficient for the Contracting Officer to make a determination regarding contractor responsibility as required by FAR Subpart 9.1. Current financial statements and other information required to make this determination shall be made available to the survey activity. Information provided shall be protected from release or disclosure outside the Government, except as provided in FAR Subpart 24.2, Freedom of Information Act.

(k) **Organizational conflicts of interest** - Award will not be made to an apparent successful offeror when an organizational conflict of interest is determined to exist and cannot be avoided or mitigated, unless the Contracting Officer determines that award is in the best interest of the United States and a waiver is obtained pursuant to DIAR 1409.503 (48 CFR 1409.503).

(l) **Source selection decision** - The source selection authority's (SSA) decision shall be based on a comparative assessment of proposals against all source selection criteria in the solicitation. While the SSA may use reports and criteria prepared by others, the source selection decision shall represent the SSA's independent judgment. The source selection decision shall be documented, and the documentation shall include the rationale for any business judgments and tradeoffs made or relied on by the SSA, including benefits associated with additional costs. Although the rationale for the selection decision must be documented, that documentation need not quantify the tradeoffs that led to the decision.

(m) **Postaward notice** - After contract award, unsuccessful offerors will be provided with written notice regarding contract award (including the information listed in FAR 15.503(b)) by the Contracting Officer. Offerors receiving prior notice of exclusion from the competitive range under paragraph (f) of this provision will not receive this notice.

(n) **Postaward debriefing of offerors** - An offeror shall be debriefed and furnished the basis for the source selection decision and contract award if its written request is received by the contracting officer within three days after the offeror receives notice of contract award. The process for requesting and conducting postaward debriefings may be found at FAR 15.506.



**L.16 WBR GENERAL PROPOSAL INSTRUCTIONS -- BUREAU OF JAN 1998**  
**1452.215-81 RECLAMATION**

In addition to the requirements of the Instructions to Offerors - Competitive Acquisitions provision of this solicitation, each offeror shall submit a proposal in accordance with the instructions contained in this provision.

(a) **General contents** - Each proposal shall:

- (1) Be specific and complete in every detail;
- (2) Conform to all solicitation provisions, clauses, or other requirements;
- (3) Be logically assembled, practical, legible, clear, concise, coherent; and indexed (cross-indexed, where appropriate); and
- (4) Contain appropriately numbered pages of each volume or part.

(b) **Arrangement of Proposal** - The proposal shall consist of three (3) physically separated volumes, individually entitled as stated below. The required number of copies for each volume are shown below:

**NOTE: Contractors shall submit a CD that contains a PDF file of each volume of their proposal with original submission. This CD shall be included with Volume III.**

<b>Volume</b>	<b>Title</b>	<b>Copies Required</b>
I	Representations, Certifications, and Other Statements of Offerors and Subcontracting Plan (if Offeror is a Large Business or the Subcontracting Plan Worksheet (if Offeror is a Small Business)	1
II	Technical Proposal	1
III	Pricing Proposal	1

(c) **Separation of volumes** - All copies of each proposal volume (i.e., all copies of Volume I) are to be packaged individually and clearly marked to identify contents. The exterior of each package containing proposals shall be marked with the solicitation number, and the time and date for receipt of proposals and the name and address of the offeror, in order to prevent mishandling.

(d) **Representations, certifications, and other offeror statements (Volume I)** - Volume I shall incorporate the other Volumes by reference but shall not physically include them. It shall consist of:

- (1) A fully executed Solicitation, Offer, and Award form required by Part I, Section A of this solicitation;
- (2) Fully executed and completed offeror representations, certifications, and acknowledgments required by Part IV, Section K of this solicitation;
- (3) Additional information required by the solicitation to be furnished by the offeror which is not required to be obtained in another volume of the proposal;

(4) Make-or-buy program (if applicable);

(5) Subcontracting Plan or Subcontracting Worksheet, depending on whether Offeror is a Large or Small Business Concern; and

(6) A summary of any exemptions from, or deviations to, any other solicitation requirements.

(e) In accordance with FAR 19.702(a)(1), a subcontracting plan is required to be submitted with your offer. Small business concerns are NOT required to submit a subcontracting plan. Large Businesses shall submit a Subcontracting Plan with their proposal in accordance with the requirements found in Clause 52.219-09 Small Business Subcontracting Plan. Offerors shall provide an Individual Plan or a Commercial Plan which addresses and contains all information required by FAR 19.704 Subcontracting Plan Requirements. Although a Subcontracting Plan must be submitted with the initial proposal for review and approval prior to contract award, the plan itself is not considered one of the technical evaluation factors for award. Any requests by the Government for revisions to a subcontracting plan does not constitute discussions or require that revised proposals be solicited from Offerors. If an apparently successful Offeror fails to furnish an acceptable Subcontracting Plan within the time limits prescribed by the Contracting Officer, the Offeror will be ineligible for award. Subcontracting Plans must be submitted with offeror's proposals and included with Volume I.

#### SUBCONTRACTING PLAN Minimum Requirements:

- Large Business Concerns (submitting as a prime contractor) shall provide a subcontracting plan with their proposal for the Bull Lake Dam Spillway Modification which the Contracting Officer and the Small Business Administration will evaluate.

Reclamation is committed to assuring that maximum practicable opportunity is provided to small, HUBZone small, disadvantaged small, woman-owned small, veteran-owned small, and service-disabled veteran-owned small business concerns to participate in the effective and efficient performance of the government requirement. It is encouraged that other than small team leads (in a partnering agreement) or prime Offerors demonstrate aggressive small business subcontracting goals in order to meet Reclamation's small business goal needs. Reclamation's Great Plains Region's small business goals for this project are as follows:

Small Business Goal: 48%

Small Disabled Business Goal: 5.00%

HubZone Small Business Goal: 3.00%

Woman Owned Small Business Goal: 5.00%

Service Disabled Veteran Owned Small Business Goal: 3.00%

All large business Offerors are required to submit a small business subcontracting plan addressing all of the requirements outlined in the clause at 52.219-9 Small Business Subcontracting Plan. Prior to award, goals set in the Offeror's small business subcontracting plan will be negotiated and agreed upon. If no favorable agreement on the proposed small business subcontracting plan is reached, the Government reserves the right to terminate discussions and to move onto the next best value Offeror.

Successful Offeror is required to have access to the Electronic Subcontractor Reporting System (eSRS) at [www.esrs.gov](http://www.esrs.gov). The eSRS replaces hard copy filing of SF-294's and SF-295's and is an integral part of the President's Management Agenda for Electronic Government, the Small Business Administration, the Integrated Acquisition Environment, and a number of Agency partners to collect subcontracting

accomplishments.

(f) **Technical Proposal (Volume II)** - See WBR 1452.215-82, *Technical Proposal Instructions*

(g) **Pricing Proposal (Volume III)** - See WBR 1452.215-83, *Pricing Proposal Instructions*. Offerors are hereby notified that even if cost or pricing data are not initially requested in this solicitation, the Contracting Officer reserves the right to request such data if they are later found necessary pursuant to FAR 15.403-5(a)(1).

**L.17      WBR                      TECHNICAL PROPOSAL INSTRUCTIONS -- BUREAU OF              OCT 2015**  
**1452.215-82                      RECLAMATION**

(a) **General.** The technical proposal shall be identified as Volume II of the offeror's proposal and shall be an orderly, specific, and complete document in every detail. It should be presented in a manner which allows it to "stand alone" without the need to reference other documents. It should convincingly describe the capability of the offeror's organization to participate in this project and effectively demonstrate a thorough understanding of the work statement contained in Part I, Section C of this solicitation. The proposal shall be organized and written so that it can be easily read and meaningfully evaluated by Reclamation personnel from a variety of different functional and technical disciplines. It should be a coherent document free of internal inconsistencies as well as inconsistencies with other volumes of the proposal.

(b) **Use and Disclosure of Proposal Information.** In accordance with the Use and Disclosure of Proposal Information -- Department of the Interior provision of this solicitation, offerors shall mark trade secret or confidential commercial or financial information contained in the proposal with the restrictive legends specified. The offeror shall also clearly and separately mark all proprietary information (as defined in FAR 3.104-3) contained in the proposal with the restrictive legend "Proprietary Information."

(c) **Format and General Content.** To assist in the uniform evaluation of proposals, the following format shall be utilized in preparing the technical proposal:

(1) **Table of Contents.** The Table of Contents shall list all sections of the technical proposal. Any future amendments, additions and/or revisions to the proposal shall be included in an updated Table of Contents;

(2) **Index.** The Index section shall cross reference the statement of work/specifications/performance work statement to the terms of the proposal and indicate how the proposal conforms to the evaluation factors contained in Part IV, Section M;

(1) **Enclosures.** The Enclosures Section shall include a list of any tables, drawings, charts, and any other enclosures which summarize data or information;

(2) **General Content of Technical Proposal (as detailed in Paragraph M.1)**

**Factor 1 - Technical Plan for Design and Fabrication:**

**Factor 1A – Technical Workplan** – The offeror shall provide a narrative work plan that addresses the following:



Detailed explanations of proposed approaches to performing and accomplishing the work, including preliminary design and other information indicating configuration and functions of components as applicable, and a specific outline of the actual tasks proposed to be performed in order to complete the work. Repeating the work statement without elaborating on the specific tasks to be performed is unacceptable.

Detailed discussion of the storage and delivery means and methods to maintain equipment in as-fabricated condition in accordance with the delivery schedule specified in Section F – Deliveries or Performance.

A specific statement of any problems or major difficulties anticipated in performing or accomplishing the work, an evaluation of the various methods considered for resolution of the problems/difficulties, substantiation of the method(s) selected, principles or techniques which are proposed to solve the problem, and the degree of success expected.  
An estimate of the extent of anticipated subcontracting together with a list of items or work to be subcontracted.

**Factor 1B – Schedule** – The offeror shall provide schedule detailing major milestones, from the notice of Award through completion of the contract. Ensure appropriate times are included for preparation of design submittals, submittal reviews by Government personnel, typical factory lead times for fabrication of system components, and preparation of final drawings. At a minimum, the schedule must address the following elements:

- A discussion of the method(s) and resources to be used in timely preparation and transmittal of reports and submittals required by the solicitation.
- Resources available to the offeror to accelerate the schedule.

**Factor 1C – Design and Fabrication** – Submit a narrative of the proposed equipment design with regards to salient characteristics required to meet the site and functional requirements. At a minimum, the design plan must:

- Describe the proposed space requirements, performance, monitoring, controls, automation, and ancillary systems and components required to meet the Section C specifications;
- Provide a preliminary list of all components that are likely to be used, the manufacturers, manufacturing plant, and country of origin; and
- Provide a statement of ability to meet the design and performance requirements of the Section C specifications.

**Factor 2 – Company Experience** – The offeror's company experience information will be evaluated to assess the offeror's experience level on recent contracts for similar work. The greater the extent to which the offeror can demonstrate successful completion of projects similar in size and complexity as that required under this solicitation, the more favorably the proposal will be rated. The contractor shall demonstrate a minimum of 5-years' experience regularly engaged in business specified herein.

Provide a list of projects similar in scope, complexity, and magnitude to the work required under this solicitation which the offeror has completed during the past 5 years. Similar scope and complexity are defined as work involving design, fabrication, delivery, startup, testing, and training for the type of water treatment equipment specified herein.

For each project, include:

- (i) Name of the project;
- (ii) Description of the work;

- (iii) Contract number, date and type;
- (iv) Point of contact information must include the name, address and phone number(s) of the acquiring Government agency or commercial customer;
- (v) Initial and final contract amounts;
- (vi) Any problems encountered in performance of the work and documented corrective action(s) taken;
- (vii) State if the project involved removal of similar equipment as applicable to this solicitation; and
- (viii) Name(s) and telephone number(s) of references from the acquiring agency or customer who may be contacted for further information.

Failure to provide any of the required information listed above may result in a lower or an unacceptable rating. Owner or other references with incorrect or missing phone numbers and contact names may not be able to be evaluated, which may result in lower ratings as well.

**Factor 3 – Past Performance** – The Government will be relying on the Contract Performance Assessment Reporting System (CPARS) for reviewing and evaluating each offerors' past performance. If an offeror intends on utilizing subcontractors to perform any work, their proposal shall include the DUNS number for each proposed subcontractor so that their past performance may be evaluated as well.

**Factor 4 – Price** – To permit objective evaluation of the technical proposal, no cost or price information shall be included in the technical proposal. However, the technical proposal shall include a list the spare parts to be provided under the applicable CLIN in Section B.

**(d) Reserved**

**(e) Cost/Price Information.** To permit objective evaluation of the technical proposal, no cost or price information shall be included in the technical proposal. However, the proposal shall include:

- (1) A breakdown of unpriced labor hour estimates for each labor category proposed to accomplish each task or phase of the work and the basis for each estimate;
- (1) Identification of the types and quantities of proposed materials and equipment necessary to perform the work.

**L.18 WBR  
1452.215-83**

**PRICING PROPOSAL INSTRUCTIONS -- BUREAU OF  
RECLAMATION**

**OCT 2015**

(a) General. The technical proposal shall be identified as Volume II of the offeror's proposal and shall be an orderly, specific, and complete document in every detail. It should be presented in a manner which allows it to "stand alone" without the need to reference other documents. It should convincingly describe the capability of the offeror's organization to participate in this project and effectively demonstrate a thorough understanding of the work statement contained in Part I, Section C of this solicitation. The proposal shall be organized and written so that it can be easily read and meaningfully evaluated by Reclamation personnel from a variety of different functional and technical disciplines. It should be a coherent document free of internal inconsistencies as well as inconsistencies with other volumes of the proposal.

(b) Use and Disclosure of Proposal Information. In accordance with the Use and Disclosure of Proposal Information -- Department of the Interior provision of this solicitation, offerors shall mark trade secret or confidential commercial or financial information contained in the proposal with the restrictive legends

specified. The offeror shall also clearly and separately mark all proprietary information (as defined in FAR 3.104-3) contained in the proposal with the restrictive legend "Proprietary Information."

(c) Format and General Content. To assist in the uniform evaluation of proposals, the following format shall be utilized in preparing the technical proposal:

(1) Table of Contents. The Table of Contents shall list all sections of the technical proposal. Any future amendments, additions and/or revisions to the proposal shall be included in an updated Table of Contents;

(2) Index. The Index section shall cross reference the statement of work/specifications/performance work statement to the terms of the proposal and indicate how the proposal conforms to the evaluation factors contained in Part IV, Section M;

(3) Enclosures. The Enclosures Section shall include a list of any tables, drawings, charts, and any other enclosures which summarize data or information;

(4) Executive Summary. The Executive Summary shall include a brief discussion of how the required work will be performed and important highlights of the proposal.

(5) Technical Approach. The Technical Approach section shall include proposed technical aspects to accomplish the statement of work/specifications/performance work statement. The discussion of the technical approach shall:

(i) Contain detailed explanations of proposed approaches to performing and accomplishing the work, including preliminary design and other information indicating configuration and functions of components as applicable, and a specific outline of the actual tasks proposed to be performed in order to complete the work. Repeating the work statement without elaborating on the specific tasks to be performed is unacceptable;

(ii) Contain a specific statement of any problems or major difficulties anticipated in performing or accomplishing the work, an evaluation of the various methods considered for resolution of the problems/difficulties, substantiation of the method(s) selected, principles or techniques which are proposed to solve the problem, and the degree of success expected;

(iii) Include specific statements of any interpretations, deviations, and exceptions to the work statement, specifications, or other solicitation requirements (unless alternate proposals are permitted by the General Proposal Instructions -- Bureau of Reclamation

provision of this solicitation, offerors are cautioned that deviations and exceptions to the solicitation requirements may be detrimental to the evaluation of a proposal);

(iv) In accordance with the statement of work/specifications/performance work statement, include a proposed project plan which divides the work into severable tasks or phases which indicates for each task or phase the work to be accomplished, start/completion schedule, milestone chart, and labor hours by labor category including the basis for the hour estimates;



(v) Include a discussion of the method(s) and resources to be used in timely preparation and transmittal of reports and submittals required by the solicitation;

(vi) Include an estimate of the extent of anticipated subcontracting together with a list of items or work to be subcontracted; and

(vii) Address each of the technical factors listed in the Technical Evaluation Criteria in Part IV, Section M of this solicitation.

(6) Project Management. The Project Management section shall include the proposed organization to manage the work, its relationship to the offeror's overall corporate structure, and the function and responsibilities of any subcontractors.

(7) Personnel Qualifications. The Personnel Qualifications section shall include the following information for offeror's direct personnel and any subcontractors managing a major/critical portion or function of the work (e.g. construction, equipment removal, installation, testing, etc):

(i) The identity of specific personnel to be assigned to perform the requirements contained in the statement of work/specifications/performance work statement;

(A) The names of specific key personnel to be assigned or subcontracted for direct work functions on the project and as direct technical supervisors. Information to include, but not limited to, education, background and experience (related to the assigned task/function), accomplishments, and other pertinent information; resumes that include this information is sufficient.

(ii) Any additional personnel required for full employment, subcontract, or consultation and the source from which they will be obtained;

(iii) A statement of assurance that the proposed additional personnel will be available for work on this contract; and

(iv) A list of alternate personnel sources to be utilized in the event proposed personnel are not available as planned (Include full resume by name of all additional personnel listed);

(8) Offeror Experience and Past Performance. Provide a list of projects similar in scope and magnitude to the work required under this solicitation which the offeror has completed during the past [fill-in] years. For each project, include:

(i) Name of the project;

(ii) Description of the work;

(iii) Contract number, date and type;

(iv) Point of contact information must include the name, address and phone number(s) of the acquiring Government agency or commercial customer;

(v) Initial and final contract amounts; and

(vi) Any problems encountered in performance of the work and documented corrective action(s) taken; and

(vii) State if the project involved removal of similar equipment as applicable to this solicitation; and

(viii) Name(s) and telephone number(s) of references from the acquiring agency or customer who may be contacted for further information.

**L.19    WBR                    NOTICE OF PROPOSED PARTNERING -- BUREAU OF                    MAY 1994**  
**1452.233-82                   RECLAMATION**

Reclamation policy is to try to resolve all contractual issues in controversy by mutual agreement through the use of an appropriate alternative disputes resolution process. Thus to most effectively complete the work required under the future contract, the Bureau of Reclamation proposes to mutually form a voluntary Partnering arrangement with the Contractor. This bilateral relationship would strive for mutual trust, dedication to common goals, and a understanding of each other's individual expectations and values. The expected benefits would include improved efficiency, cost effectiveness and innovation between all parties to ensure a quality deliverable that is completed on time and within budget. Any cost associated with implementing this Partnering arrangement will be agreed to by both parties and will be shared equally, with no change in contract price. Additional information on Partnering and suggested implementation procedures are contained in the Bureau of Reclamation "Partnering" guide book, that is available from the contracting officer.

## **SECTION M – EVALUATION FACTORS FOR AWARD**

### **M.1 52.217-5 EVALUATION OF OPTIONS**

**JUL 1990**

Except when it is determined in accordance with FAR 17.206(b) not to be in the Government's best interests, the Government will evaluate offers for award purposes by adding the total price for all options to the total price for the basic requirement. Evaluation of options will not obligate the Government to exercise the option(s).

### **M.2 WBR EVALUATION FACTORS FOR AWARD – QUALITY 1452.215-85 PREDOMINANCE -- BUREAU OF RECLAMATION**

**OCT 2015**

(a) Award will be made to the responsible offeror submitting a proposal which conforms to the solicitation and is most advantageous to the Government considering the factors and any significant subfactors listed in this provision.

(b) In the evaluation of proposals, all evaluation factors other than cost or price (listed in this provision), when combined, are considered to be significantly more important than cost or price. The relative importance to be placed on the factors in relation to each other is contained in paragraph (e) of this provision. However, the degree of importance of cost or price may increase with the degree of non-cost or non-price equality between the proposals. If a proposal is determined by the Contracting Officer to be "technically unacceptable" as a result of evaluating all factors other than cost or price, the proposal may be rejected from further consideration. The Contracting Officer reserves the right to make award to other than the technically-acceptable offeror with the lowest cost/price. The Contracting Officer also reserves the right to make award to a lower-cost/price, lower-scored offeror if it is determined that the cost/price premium involved in awarding to a higher-rated, higher-cost/price offeror is not justified.

In accordance with WBR 1452.215-80(a), even though technical proposals are being solicited to obtain information to be used in the evaluation, the Government reserves the right to use information outside of the proposal to evaluate the capability of offerors and the value of offers.

(c) Pursuant to FAR 15.305, a cost or price evaluation will be performed to determine the using one or more of the techniques at FAR 15.404.

(d) The following factors and significant subfactors (if listed), will be considered in evaluating proposals and making the source selection:

Factor 1: Technical Approach. The evaluation will be based on acceptability of the plan as compared to the specification requirements:

Subfactor 1A: Technical Work Plan - The evaluation will consider stated engineering, innovation, manufacturing, quality, and testing capabilities and methods.

Subfactor 1B: Schedule - The evaluation will consider the detail and discussion of the submitted schedule, including the Offeror's ability to perform the work based on the

schedule, the Offeror's inclusion of components lead times, and the Offeror's resources to accelerate its schedule if necessary.

Subfactor 1C: Design and Fabrication - The evaluation will be based on acceptability of the design as compared to the specification requirements. The evaluation will also be based on the listing of components provided. Proposals that include more complete listings and/or products from manufacturers that have a proven track record of producing high quality, reliable equipment that meets or exceeds their customer's requirements will be evaluated more favorably. Plans that do not meet the performance requirements in the specification will be rated unacceptable.

Factor 2: Company Experience. This evaluation will be based on offeror's experience level on recent contracts for similar work.

Factor 3: Past Performance. This evaluation will be based on the Offeror's Contract Performance Assessment Reporting System (CPARS) information on contracts for similar work.

Factor 4: Price. All proposed prices will be reviewed for price reasonableness and any instances of unbalanced pricing. For any trade-offs performed, the price component will be the Grand Total of Price Schedule 1 plus Price Schedule 2 plus Price Schedule 3. The price proposals will be evaluated against the Government Price Estimate, as well as other price proposals received. The estimate will be used as a benchmark for which the price evaluation will be conducted. The analysis of the variance between the Government's estimate and each offer and variance among the offerors will indicate whether further review is necessary in order to determine if the price is fair and reasonable. The Government will only make an award if it can determine the offeror's price to be fair and reasonable.

(e) The relative importance of the factors listed in paragraph (d) of this provision is as follows: Factors 1-3 are approximately equal in importance to each other. Subfactors under each factor are approximately equal to other subfactors under each factor. The combined importance of factors 1-3 is Significantly more important than cost or price.

<b>M.3</b>	<b>WBR</b>	<b>NOTICE OF WORLD TRADE ORGANIZATION</b>	<b>MAY 2005</b>
	<b>1452.225-82</b>	<b>GOVERNMENT PROCUREMENT AGREEMENT</b>	
		<b>EVALUATIONS-BUREAU OF RECLAMATION</b>	

In accordance with the Agreement on Government Procurement, as amended by the Uruguay Round Agreements Act (Pub. L. 103-465), and other trade agreements, FAR Subpart 25.4, World Trade Organization Government Procurement Agreement, applies to Bureau of Reclamation acquisitions. In order to apply trade agreements unique to Reclamation, the contracting officer will (irrespective of any other provision or clause of this solicitation) evaluate acquisitions at or above the dollar thresholds listed in FAR 25.402(b) without regard to the restrictions of the Buy American Act.

**END OF SECTION**