

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT		1. CONTRACT ID CODE	PAGE OF PAGES
2. AMENDMENT/MODIFICATION NO. PR-R7-08-10078/0003		3. EFFECTIVE DATE 02/01/08	4. REQUISITION/PURCHASE REQ. NO. PR-R7-08-10078
5. PROJECT NO. (If applicable)		7. ADMINISTERED BY (If other than Item 6) CODE	
6. ISSUED BY U.S. EPA Region VII PLMG/RFMB/AAMS 901 North 5th Street Kansas City, KS 66101		Not Applicable.	
8. NAME AND ADDRESS OF CONTRACTOR (No, street, county, State and ZIP Code)		(✓)	9A. AMENDMENT OF SOLICITATION NO. PR-R7-08-10078
To All Offerors/Bidders.		(✓)	9B. DATED (SEE ITEM 11) 01/03/08
CODE			10A. MODIFICATION OF CONTRACT/ORDER NO.
FACILITY CODE			10B. DATED (SEE ITEM 13)

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers is extended, is not extended. Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: (a) By completing Items 8 and 15, and returning 1 copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. 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 change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA (If required)

13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS, IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

(✓)	A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A
	B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).
	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:
	D. OTHER (Specify type of modification and authority)

E. IMPORTANT: Contractor is not, 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)

The purpose of this amendment is to provide several clarifications and corrections as well as answers to questions that had not yet been answered. In addition, please note the time of the bid opening on 2/27/08 has been changed to 4:00 p.m.

Except as provided herein, all terms and conditions of the document referenced in Item 9A 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)	
15B. CONTRACTOR/OFFEROR	15C. DATE SIGNED	16B. UNITED STATES OF AMERICA	16C. DATE SIGNED
_____ <small>(Signature of person authorized to sign)</small>		_____ <small>(Signature of Contracting Officer)</small>	

AMENDMENTS TO THE SOLICITATION

1. The Section L clause entitled "PUBLIC BID OPENING" has been modified. The text is as follows:

EPA will conduct a **Public Bid Opening** at EPA Region 7, 901 N 5th Street, Kansas City, KS 66101 on **February 27, 2008 at 4:00 p.m. (CST)**. Anyone wishing to attend shall report to the security guard reception desk area and present photo ID to the security guard. Those planning to attend the bid opening should check-in no later than 3:50 p.m.

SEE ATTACHED PAGES 3, 4, 5, AND 6 FOR FURTHER CLARIFICATIONS/CORRECTIONS AND INFORMATION.

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Question at the pre-bid regarding Irrevocable Letters of Credit (ILC) regarding how much (\$) we would require on an ILC which was inadvertently not included in Amendment #0002.

Answer: After researching this topic and confirming findings with EPA's Office of General Counsel, the following statement is provided: An ILC can be used as security for a payment or performance bond but cannot be used in lieu of one. So, payment and performance bonds are still required. An ILC can be used in lieu of a bid bond, but there is no requirement for that under this solicitation. However, if one still wanted to obtain an ILC as well as the performance and payment bonds, then the amount of the ILC would equal 20% of the project price – the same as that required for the performance and payment bonds.

Clarification of past discussions regarding the need for a survey of existing conditions: A survey of existing conditions is not necessary. The earlier response to this question during the pre-bid meeting is revised to be consistent with the above statement. The existing survey information was obtained recently, is provided on the CADD drawings, and is sufficient. As discussed in the prior amendment, the only anticipated surveys are the pre- and post-cap placement surveys in order to assess the thickness of cover materials placed by the Contractor and the final survey of excavated areas which will be collectively used to generate the as-built drawings.

Clarification of past discussions regarding temporary and permanent sedimentation basins: There is only one permanent sedimentation basin and it is the large basin within work area A and it is shown on drawing sheet G-6. All of the other sedimentation basins, four in work area A and four in work area B, are temporary.

Question 17 from the pre-bid conference related to drawing G-6: A note regarding the large permanent sedimentation basin refers to detail 9/D-2. However, the basin depths shown on the sections and profiles associated with this detail are not consistent with the depth of this basin. Furthermore, this basin does not have two compartments as shown in this detail. Please provide clarification regarding these apparent discrepancies.

Answer: The large basin shown on drawing G-6 is a permanent detention basin and will not require sedimentation accumulation pits; however, it should be noted that the northern part of the basin is deeper (bottom elevation of 867) than the southern portion (bottom elevation of 877) as shown on drawing G-6. Parts of Detail 9 shown on sheet D-2, such as the basin inlet, spillway, and general profile are relevant and shall be used to construct the detention basin. The depths of the detention basin shown on drawing D-6 and in detail 20 on sheet D-3 supersede the depth shown in detail 9 on sheet D-2.

Question 27 from the pre-bid conference: According to our calculations, the total area

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set aside for waste disposal/consolidation totals 39 acres rather than 59. These calculations included the areas listed on drawings G-3 and G-4 and the large area drawn on – or, shown on drawing G-5. What areas have we not included?

Answer: The total waste disposal/consolidation area, excluding the large area for the future Badger wastes, is 39.7 acres. However, the larger area set aside for the future Badger subsite wastes must also be included. We have re-calculated the total area for waste disposal/consolidation and have a new value of 70.4 acres. The performance work statement is modified to include the updated value of 70.4 acres versus the original 59 acre amount. A spreadsheet with the specific areas and calculated amounts is attached.

Question 29 from the pre-bid conference on permanent sedimentation basin, drawing G-6: The basin's bottom elevation, 867, and the weir detail, 20/D-3, indicate that the basin depth is approximately 15 feet. However, detail 9/D-2 indicates a depth of 8 to 10 feet. Which depth is correct?

Answer: Please see the response to Question 17 above.

Verbal question asked during the pre-bid conference on page 31 of the pre-bid meeting transcript: Who is a source for the emission control devices.

Answer: The EPA Region 7 contact for information on diesel emissions controls, such as various types of filters and catalysts as well as alternative fuels, is Alan Banwart. He may be reached at (913) 551-7819 or banwart.alan@epa.gov. Additional information is provided on the EPA website at <http://www.epa.gov/cleandiesel/construction>

Verbal question asked during the pre-bid conference on pages 32 and 33 of the pre-bid meeting transcript: Mine waste quantity over-run tolerance?

Answer: The work will be conducted under a firm fixed-price approach, and as such, there are no over-run tolerances. Refer to Paragraph H.2 (Differing Site Conditions) should conditions at the site be materially different than depicted in the contract documents and amendments.

Verbal question asked during the pre-bid conference on page 33 of the pre-bid meeting transcript: Is the ROD available.

Answer: The Record of Decision (ROD) for operable unit #06, the Badger, Lawton, Waco, and Crestline subsites, is available in electronic format upon request to Dave Drake at drake.dave@epa.gov. It should be noted that the ROD covers three subsites in addition to the Waco subsite and is thus not a Waco contract-specific document.

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Additionally, the ROD covers other portions of the Waco subsite that are not within the scope of work for this contract.

Correction of Amendment #2 regarding the Response to Question #3, Amendment 2 (page 2) –Three mine shafts are shown on the project drawings: SA1 on drawing G-3; SB1 on drawing G-4; and SB2 on drawing G-5.

Correction of Amendment #2: The transcript (Page 32) states that the amendment will include a description of access roads to be provided by the contractor as part of the final grading. The amendment did not include this description.

Description: Approximately 6,700 lineal feet of access road, including incidental construction (e.g. culverts, sub-grade preparation) is estimated to be necessary. The final alignment and location of the access road will be coordinated with EPA and the land owner in the field. The road should be estimated at six inches thick (AB-3) and 12 feet wide. Type AB-3 material is referenced in the Kansas Department of Transportation standard specifications for State road and bridge construction.

Correction/Clarification: Paragraph 3.3.1 of Specs Section 02221A states that the contractor shall follow the Safety Plan outlined in Section 01351. This Spec was not been provided with the IFB. Consequently, that statement is corrected to state that “The Contractor shall follow the approved Safety Plan.” At the pre-bid conference it was stated that the contractor is responsible for developing the Health and Safety Plan. No template for this is being provided by EPA.

The following information is provided as a supplement to the EPA answer to Question 27 regarding Sheets G-3, G-4, and G-5.

Mine Waste Consolidation Areas (MWCAs) at the Waco Subsite
Cherokee County Superfund Site, Cherokee County, Kansas

<u>Sheet G-3</u>	<u>Square Feet</u>	<u>Acres</u>
Lily Pond	111,409	2.6
NW Pond	102,930	2.4
NE, SE, S Pond	241,130	5.5
State Line Pond	244,114	5.6

<u>Sheet G-4</u>	<u>Square Feet</u>	<u>Acres</u>
Small N area	2,954	0.1
Large MWCA	1,551,748	35.6

(Includes Overflow onto sheet G-5)

<u>Sheet G-5</u>	<u>Square Feet</u>	<u>Acres</u>
MWCA	808,724	18.6
TOTAL ACRES		<u>70.4</u>

Clarification - Regarding drawings G-3 and G-6 – The triple 36 inch HDPE culverts are not existing and will need to be installed. The culverts should extend into the basin. The weirs are intended to handle excess flow beyond the capacity of the culverts and act as an emergency spillway. Detail 7 on sheet D-1 is a general detail and the three 36 inch culverts should be installed similarly.

Correction – EPA has re-assessed AutoCad calculations and has confirmed the value of 74 acres to be excavated. The earlier IFB document value of 83 acres to be excavated is **hereby modified** to state 74 acres.

Clarification – Regarding Subsidence Pit Filling Procedures – The mine collapse features (subsidence pits) are intended to be backfilled with mining wastes. There is no requirement to fill these features with shot rock to within 3 feet of the surface as indicated in a portion of the specifications.