

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT		1. CONTRACT ID CODE	PAGE OF PAGES 1 7
2. AMENDMENT/MODIFICATION NO. PR-R7-09-10251/0001	3. EFFECTIVE DATE 6/01/09	4. REQUISITION/PURCHASE REQ. NO. PR-R7-09-10251	5. PROJECT NO. (If applicable)
6. ISSUED BY U.S. EPA Region VII PLMG/RFMB/AAMS 901 North 5th Street Kansas City, KS 66101		7. ADMINISTERED BY (If other than Item 6) Not Applicable.	
8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code) To All Offerors/Bidders.		<input checked="" type="checkbox"/>	9A. AMENDMENT OF SOLICITATION NO. PR-R7-09-10251
		<input checked="" type="checkbox"/>	9B. DATED (SEE ITEM 11) 05/21/09
			10A. MODIFICATION OF CONTRACT/ORDER NO.
			10B. DATED (SEE ITEM 13)
CODE	FACILITY CODE		

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.

<input checked="" type="checkbox"/>	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)

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 modification is to make correction and addition to the following clauses: Inspection and Acceptance, Key Personnel, Publicity, Field Sampling-Documents and Reporting, Background Checks for On-Site Contractor Employees, Option Quantities, Instruction to Bidders and Pre-Bid Conference.

Also this modification adds the Quality Assurance Surveillance Plan (QASP) as part of the Performance Work Statement.

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) YOLANDA M. NERO	
15B. CONTRACTOR/OFFEROR	15C. DATE SIGNED	16B. UNITED STATES OF AMERICA	16C. DATE SIGNED 06/01/09
<i>(Signature of person authorized to sign)</i>		<i>(Signature of Contracting Officer)</i>	

AMENDMENTS TO THE SOLICITATION

1. The Section E clause entitled "INSPECTION AND ACCEPTANCE (EP 52.246-100) (APR 1984)" has been modified. The text is as follows:

(a) The Contracting Officer or the duly authorized representative will perform inspection and acceptance of materials and services to be provided.

(b) For the purposes of this clause, the Project Officer **Pauletta France-Isetts** is the authorized representatives of the Contracting Officer. In her absence, Alternate Project Officers **Donald Bahnke, Daniel Garvey and Robert Feild** will be the authorized CO representatives. The PO may delegate this authority to other designated EPA officials via's 1900-65 COR Delegation form.

(c) Inspection and acceptance will be performed at:

On-site at residential properties in Omaha, NE.
Reports/plans will be inspected and accepted at the EPA Regional Office located at 901 N 5th Street, in Kansas City, KS 66101.

2. The Section H clause entitled "OPTION QUANTITIES" has been modified. The text is as follows:

This contract allows for the exercise of option quantities. Each option increment is for the remediation of up to 400 additional properties for the two year base period and up to 300 additional properties for option period one. Exercise of an option increment can be issued at anytime during each contract year. Consequently, if the base quantities and all additional option quantities are exercised in the contract period, 1300 properties remediations can be ordered in the two year base period and 700 properties in option period one.

Option quantities will be priced and invoiced using the quantity option pricing (CLIN 0006 and 1006) in effect during that contract period. The intent of these options is to provide additional contract capacity. However, it should be noted that EPA is not responsible for reimbursement of quantities ordered (exercised) but not delivered.

Option quantities, if exercised, will be issued by written notice to the contractor via modification to the contract.

3. The Section H clause entitled "KEY PERSONNEL (EPAAR 1552.237-72) (APR 1984)" has been modified. The text is as follows:

(a) The Contractor shall assign to this contract the following key personnel:

Project Manager _____

Construction Assurance Manager _____

Site Superintendent _____

Health and Safety Officer _____

(b) During the first ninety (90) calendar days of performance, the Contractor shall make no substitutions of key personnel unless the substitution is necessitated by illness, death, or termination of employment. The Contractor shall notify the Contracting Officer within 15 calendar days after the occurrence of any of these events and provide the information required by paragraph (c) of this clause. After the initial 90-day period, the Contractor shall submit the information required by paragraph (c) to the Contracting Officer at least 15 days prior to making any permanent substitutions.

(c) The Contractor shall provide a detailed explanation of the circumstances necessitating the proposed substitutions, complete resumes for the proposed substitutes, and any additional information requested by the Contracting Officer. Proposed substitutes should have comparable qualifications to those of the persons being replaced. The Contracting Officer will notify the Contractor within 15 calendar days after receipt of all required information of the decision on substitutions. This clause will be modified to reflect any approved changes of key personnel.

4. The Section H clause entitled "PUBLICITY (EPAAR 1552.237-74) (APR 1984) DEVIATION" has been modified. The text is as follows:

(a) The Contractor agrees to notify and obtain the verbal approval of the Project Officer prior to releasing any information to the news media regarding the removal or remedial activities being conducted under this contract.

(b) It is also agreed that the Contractor shall acknowledge EPA support whenever the work funded in whole or in part by this contract is publicized in any news media.

5. The Section H clause entitled "BACKGROUND CHECKS FOR ON-SITE CONTRACTOR EMPLOYEES" has been modified. The text is as follows:

The contractor shall provide qualified personnel that meet the background check requirement identified below. The EPA has established 2 levels of criteria. Level 1 contains background check criteria applicable to all contractor employees working at a response site. Level 2 contains background check criteria requirement that apply to all contract employees working at sites that are designated by EPA as "Sensitive Sites." Examples of sensitive sites include those that involve law enforcement activities, apparent or suspected terrorist activities, including private residences), drug lab cleanups, and response actions at geographically sensitive locations such as military installations and government buildings. The Contracting Officer or Project Officer will notify the contractor whenever EPA designates a response site as a sensitive site. The designation will be provided to the contractor in the task order, work assignment, or verbally, as the situation warrants.

If the designation is provided verbally, the contracting officer will issue a written designation as soon as practicable after the verbal notification.

LEVEL 1 - EPA Background Check Criteria:

- Can be a non U.S. citizen with a valid visa,
- No convictions for crimes involving issues of National Security. A "national security crime" is defined as any criminal activity involving espionage or foreign aggression against the United States, intelligence or counterintelligence activities, concerned with undermining or overthrowing the government of the United States and unlawful handling or disclosure of classified information.
- No weapons offense in the last five (5) years,
- No felony conviction in the last three (3) years,
- Not a fugitive from justice,
- Not listed in the Excluded Parties Listing System (EPLS). EPLS is a web-based database that identifies parties excluded throughout the U.S. Government from receiving federal contracts or subcontracts. The EPLS is available at: <http://epls.gov>

LEVEL 2 - EPA Background Check Criteria For Sensitive Sites:

- Must be a U.S. citizen,
- No convictions for crimes involving issues of National Security. A "national security crime" is defined as any criminal activity involving espionage or foreign aggression against the United States, intelligence or counterintelligence activities, concerned with undermining or overthrowing the government of the United States and unlawful handling or disclosure of classified information.
- No weapons offense in the last ten (10) years,
- No felony conviction in the last seven (7) years,
- No misdemeanor conviction in the last five (5) years,
- No convictions for three (3) separate offenses in the last ten (10) years (excluding traffic offenses),
- Not a fugitive from justice,
- Not listed in the Excluded Parties Listing System (EPLS). EPLS is a web-based database that identifies parties excluded throughout the U.S. Government from receiving federal contracts or subcontracts. The EPLS is available at: <http://epls.gov><http://www.epls.gov>

THE OMAHA LEAD SITE IS NOT CONSIDERED A SENSITIVE SITE FOR PURPOSE OF THIS SOLICITATION

The requirements in Level 1 or 2 may be waived by the Contracting Officers, on a case-by-case basis, at a specific location, or for a specific individual.

If the results of an employee's background check do not meet the criteria in either level 1 or 2, as required, the Contractor may apply for a waiver. To initiate the waiver process, the contractor must submit, in writing, the background report on the employee and an explanation of the need for the employee. The Director of the Superfund/RCRA Regional Procurement Operations Division must approve the waiver before the employee performs contract services for EPA. The contracting officer will notify the contractor of the Agency decision within five (5) days of receipt of the contractor's request for a waiver.

The contractor shall submit its request to the Director, Superfund/RCRA Regional Procurement Operations Division at:

By Mail:

U.S. Environmental Protection Agency
Director, SRRPOD
Mail Code 3805R
1200 Pennsylvania Avenue, NW
Washington, DC 20460

By Courier/Hand Carried:

U.S. Environmental Protection Agency
Director, SRRPOD
Bid and Proposal Room
Ronald Reagan Building, 6th floor, Room 61107
1300 Pennsylvania Avenue, NW
Washington, DC 20004

The Bid and Proposal Room hours of operation are 8:00 AM - 4:30 PM weekdays, except Federal holidays.

6. The Section H clause entitled "FIELD SAMPLING - DOCUMENTATION AND REPORTING" has been modified. The text is as follows:

The contractor shall be required to use EPA's field sampling software to manage the sample collection, documentation and submissions of all relevant reports for all Superfund activities. This software is called ORACLE.

7. The Section L clause entitled "INSTRUCTION TO BIDDERS" has been modified. The text is as follows:

PLEASE NOTE: Access to properties to be addressed under this contract has not yet been acquired from property owners. Bidders and other interested parties may view properties to be addressed under this contract from public areas, i.e. streets or sidewalks, but shall not encroach upon any private property for any purpose prior to contract award. Interested parties SHOULD NOT trespass on residential properties that are private property and are in no way authorized to do so before contract award.

The contractor shall provide 2 copies of the bid. Bids shall include: resumes, Project Management Plan, a completed section B.2 PRICING SCHEDULE, and 3 client references (contracts/subcontracts may include those entered into with Federal, State and local governments, and commercial businesses) for which work of a similar nature, magnitude and complexity has been performed within the last 3 years, and a completed Section K. NOTE: Similar nature is defined to mean the performance of the removal of lead-contaminated soils; and magnitude is defined to mean at least 50 properties completed.

The contractor shall address in their DRAFT PLANS SUBMISSION the following items to be submitted with their proposal.

1. **Health and Safety Plan:** Precaution which prevent disturbing utilities located above and below ground and process for reporting

a vehicle accident.

2. **Quality Assurance Plan:** Preparation procedure for X-Ray Florescence Analyzer (XRF) samples and details related to checking the XRF calibration.
3. **Project Management Plan:** Responsibilities for key personnel and process for coordinating with the EPA Contract Office Representative (COR).

FAILURE TO SUBMIT ANY OF THE DOCUMENTS LISTED ABOVE WILL DEEM THE BIDDER NON-RESPONSIVE.

Client references shall include: name of contracting activity, contract number, contract title, contract type, brief description of requirement, total contract value, period of performance, contracting officer (name, phone number, and email address), project officer/manager (name, phone number, and email address), list of subcontractors if applicable.

Resumes of key personnel and support staff who will be responsible for the work specified in the Performance Work Statement shall be included.

The Project Management Plan (PMP) shall address the approach advocated, the resources required, the intended interface/communications processes with EPA and the public, preliminary project scheduling, and the overall management approach that will be applied to accomplish the work described in the Performance Work Statement. After award, this plan will be regularly updated to reflect progress made and any changes to process or procedure that occurred.

The Draft Health and Safety Plan shall describe the identified lines of communication that will be used in the even of an accident, include the phone numbers and transportation routes to the nearest hospital or urge care center, and describe the measures the contractor and on-site employees will take to ensure a safe and accident-free work environment.

Any bid submitted with conditions for acceptance will not be considered.

All bids shall be submitted in "hard copy". No facsimile or electronic bids will be accepted.

Bids received that do not include all the information requested by this clause will be considered non-responsive.

8. The Section L clause entitled "PRE-BID CONFERENCE" has been modified. The text is as follows:

EPA will conduct a pre-bid conference at EPA Region 7, Science and Technology Building 300 Minnesota, Kansas City, KS 66101 on **Thursday, June 4, 2009 at 1:00 p.m.** The front of the laboratory is limited parking of approximately 12 vehicles. There is parking across the street under the bridges. Cars will be allowed to park along the front fence line on the street. Request to carpool

if possible. 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 12:45 P.M. (CST)**.

Bidders planning to attend this event should provide written notification (email encouraged) to Yolanda Nero at least 3 calendar days prior to the date of the event. Email address: nero.yolanda@epa.gov.

Technical questions prior to the pre-bid conference should be directed to BOTH Yolanda Nero (address above) and Pauletta France-Isetts: France-Isetts.Pauletta@epa.gov. All questions must be received no later than **June 1, 2009 at 12:00 p.m. CST** in order to allow EPA to prepare and share responses at the pre-bid conference.

ATTENTION!ATTENTION! - EPA is initially identifying and providing property sketches for 400 of the 900 properties to be addressed under the Base Period contract. Property sketches for these initial 400 properties will be available on CD at the pre-bid conference and will be posted on-line at <http://www.epa.gov/oam/regions/index.htm#solam>. For the remaining properties to be addressed under the base period, property sketches will be provided on CD for an additional 250 properties within 60 days of after contract award and will be provided for the final 250 properties within 120 days after contract award. Property sketches for option quantities will be provided at the time of option award. To receive the CD, contact Pauletta France-Isetts, either by email at the address specified above, or by telephone at (913)551-7701.

A court reporter will attend the conference to record all proceedings. A transcript of the minutes of the conference will be posted at www.epa.gov/oam/regions/index.htm as part of the amendment to the solicitation.