

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT				1. CONTRACT ID CODE		PAGE 1 OF 19 PAGES	
2. AMENDMENT/MODIFICATION NUMBER A00005		3. EFFECTIVE DATE 06/06/2022		4. REQUISITION/PURCHASE REQUISITION NUMBER		5. PROJECT NUMBER (If applicable) 131038	
6. ISSUED BY Indian Health Service (IHS) Division of Engineering Services (DES) 1301 Young Street, Suite 840 Dallas, TX 75202		7. ADMINISTERED BY (If other than Item 6)		CODE			
8. NAME AND ADDRESS OF CONTRACTOR (Number, street, county, State and ZIP Code)				(X)		9A. AMENDMENT OF SOLICITATION NUMBER	
				<input type="checkbox"/>		75H701-22-R-00039	
				<input type="checkbox"/>		9B. DATED (SEE ITEM 11) 05/11/2022	
				<input type="checkbox"/>		10A. MODIFICATION OF CONTRACT/ORDER NUMBER	
CODE				FACILITY CODE		10B. DATED (SEE ITEM 13)	
11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS							
<input checked="" type="checkbox"/> The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers <input checked="" type="checkbox"/> is extended. <input type="checkbox"/> is not extended. Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: (a) By completing items 8 and 15, and returning <u>1</u> copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or electronic communication 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 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)							
13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NUMBER AS DESCRIBED IN ITEM 14.							
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 NUMBER IN ITEM 10A.						
<input type="checkbox"/>							
<input type="checkbox"/>	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).						
<input type="checkbox"/>	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:						
<input type="checkbox"/>	D. OTHER (Specify type of modification and authority)						
E. IMPORTANT: 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.) The purpose of this amendment is to: 1) Add Factor 5: Indian Preference to Section L and M. A complete revised copy of Sections L&M are provided as well (pages 5-19). 2) Extend the proposal due date from June 10, 2022, 2:00PM CT to July 11, 2022, 2:00PM CT.							
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							
(Signature of person authorized to sign)				(Signature of Contracting Officer)			

SUMMARY OF CHANGES

The solicitation is hereby amended to address the following:

1. Revise Section L.11 and Section M as follows:

******L.11. PROPOSAL PREPARATION INSTRUCTIONS******

a) The offeror proposal package shall be submitted electronically in PDF format only. No facsimile, or other alternate method of submission will be accepted. Each electronic file submitted as an attachment to an email transmission shall not exceed 8 megabytes in size. If the aforementioned electronic file exceeds 8 megabytes, divide data into separate files so as not to exceed 8 megabytes per file. Due to file size limitations, each electronic file should be attached to a separate email and the subject line of each email shall be named with 75H701-22-R-00039 the addition of “email X of X” (e.g. email 1 of 2).

******The offeror’s proposal must be submitted in two (2) volumes (see below).** Each of the volumes shall be separate and complete so that evaluation of each may be accomplished independently.

- I. Volume I - Technical Proposal (Factor 1: Specialized Experience; Factor 2: Technical Approach; Factor 3: Key Personnel; Factor 4: Past Performance; Factor 5: Indian Preference)
- II. Volume II - Price Proposal

The price proposal shall be a separate and complete file so that evaluation of each may be accomplished independently. Volume I (Technical Proposal) and Volume II (Price Proposal) shall be separate PDF files.

Page Limit: Factors 1, 2 3 and 3 5 of Volume I are limited to 30 pages (front and back) total. There is no page limit for the submission of Factor 4 if submitting PPQs. Attachment J13 Indian Economic Enterprise Representation Form and controlling enterprise’s Tribal enrollment/certificate of Degree of Indian Blood documentation doesn’t count towards the 30 pages limit.

Late submissions shall be handled in accordance with FAR 52.215-1, Instruction To Offerors – Competitive Acquisition reference subparagraphs (c)(3)(ii)(A) and (1), and FAR 15.208.

Offerors shall allow sufficient time for electronic submission of proposals. Special attention is called to FAR 15.208 which states, “Any proposal, modification, or revision, that is received at the designated Government office (i.e., email address) in the solicitation after the exact time specified for receipt of proposals is “late” and will not be considered unless it is received before award is made; and (1) If it was transmitted through an electronic commerce method authorized by the solicitation (i.e., email), 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) It is the only proposal received.

It is the Offeror’s responsibility to ensure sufficient time is provided for electronic submission to be processed through the Government’s electronic point of entry.

VOLUME I (Technical Proposal)

5. FACTOR 5: Indian Preference Submission Requirements: Offerors will be evaluated on the preference it gives to firms that are Indian Economic Enterprises (IEEs), to include Indian Small Business Economic Enterprises (ISBEs) or proposed IEEs/ISBEs as subcontractors. Offerors are required to identify in terms of dollar value and percentages of the total acquisition the extent of work the IEE(s)/ISBEE(s) will perform. In addition, Offerors are required to describe what work activities will be performed by the IEE(s)/ISBEE(s).

If the prime contractor is an IEE, submission under this Factor also requires submission Attachment J13 – IHS IEE Representation Form (Jan 2022) AND the controlling enterprise's Tribal enrollment/certificate of Degree of Indian Blood documentation included in your firms proposal. Please note that there shall be no personally identifiable information (PII), such as social security numbers, included in the documentation submitted. Any PII shall be redacted prior to submission.

Indian Economic Enterprises are defined as any business activity owned by one or more Indians or Indian Tribes that is established for the purpose of profit, provided that (1) the combined Indian or Indian Tribe ownership must constitute not less than 51 percent of the enterprise; (2) the Indians or Indian Tribes must, together, receive at least a majority of the earnings from the contract; and (3) the management and daily business operations of an enterprise must be controlled by one or more individuals who are Indians. To ensure actual control over the enterprise, the individual(s) must possess requisite management or technical capabilities directly related to the primary industry in which the enterprise conducts business. These conditions must exist: (a) at the time an offer is made in response to a written solicitation; (b) at the time of contract award; and (c) during the full term of the contract.

At any point during these periods, if the Contractor no longer meets the eligibility requirements, the contractor must provide immediate written notification to the Contracting Officer.

Failure to provide the required documentation at any of the three (3) time periods listed above, may result in the proposal being disqualified from any preference given and may result in termination of the contract.

VOLUME II (Price Proposal) Submittal Requirements:

2. **Price Proposal:** The proposal shall be a Firm Fixed Price (FFP) proposal for the items listed above in Section B.1 and the following shall be submitted as part of the Price Submittal:

(a) Fully complete, submit and sign the SF1442, Page 2, Blocks 14-20c. *Any and all solicitation amendments require acknowledgement in Block 19 of the SF1442.*

(b) SECTION B.1., Price Schedule, shall be filled out in its entirety.

(c) Fully completed Attachment J18 Price Breakdown

(d) A copy of the Bid Bond (FAR 52.228-1 Bid Guarantee). A scanned copy is acceptable. Form can be found on the GSA website at: <https://www.gsa.gov/forms-library/bid-bond>

(e) Fully complete and submit Section K (in its entirety) **OR SAM.gov** profile printout.

(f) Fully complete and submit **Attachment J14, Self-Performed Calculation Sheet** in accordance with FAR Clause 52.219-14 Limitations on Subcontracting (SEP 2021).

a. By submission of an offer and execution of a contract, the Offeror/Contractor

agrees that in performance of the contract in the case of a contract for *General construction*. The concern will **perform at least 15 percent of the cost of the contract, not including the cost of materials, with its own employees.**

~~(g) INDIAN-OWNED BUSINESSES: For Indian-owned businesses, the contractor shall complete and submit ATTACHMENT J13 – IHS IEE Representation Form (Jan 2022) along with your firm's proposal along with the controlling enterprise's Tribal enrollment/certificate of Degree of Indian Blood documentation. Please note that there shall be no personally identifiable information (PII), such as social security numbers, included in the documentation submitted. Any PII shall be redacted prior to submission.~~

~~The enterprise must meet the definition of "Indian Economic Enterprise" throughout the following time periods:~~

- ~~(1) At the time an offer is made in response to this solicitation;~~
- ~~(2) At the time of contract award; and~~
- ~~(3) During the full term of the contract performance period. At any point during these periods, if the Contractor no longer meets the eligibility requirements, the contractor must provide immediate written notification to the Contracting Officer.~~

~~Failure to provide the required documentation at any of the three (3) time periods listed above, may result in the proposal being disqualified from any preference given and may result in termination of the contract.~~

This requirement is a total Small Business set-aside and the associated NAICS is 236220, Commercial and Institutional Building Construction with small business size standard of \$39.5M. Pursuant to HHSAR 326.603-1(h), preference will be given to Indian Economic Enterprise (IEE) Firm offerors who are technically capable and provide fair and reasonable pricing.

M.2 EVALUATION CRITERIA

Proposals shall be evaluated in accordance with Sections L and M of this solicitation. The evaluation criteria includes following factors:

Volume 1: Technical Proposal

- Factor 1: Specialized Experience
- Factor 2: Technical Approach
- Factor 3: Key Personnel
- Factor 4: Past Performance
- Factor 5: Indian Preference

Volume 2: Price Proposal

M.3 RELATIVE IMPORTANCE OF EVALUATION FACTORS

It is in the best interests of the Government to consider tradeoffs between price and non-price related factors.

The relative importance of all evaluation factors is that non-price Factors 1-45 are approximately

equal to each other. When the proposal is evaluated as a whole, the non-price factors are **more important than price**.

The importance of price will increase if the Offerors' technical proposals are considered essentially equal in terms of overall quality, or if price is so high as to significantly diminish the value of the technical proposal's superiority to the Government. Proposals will be evaluated on the basis of the established criteria and award will be made to the responsible Offerors whose offer conforms to the solicitation and represents the best value to the Government in accordance with FAR 15.101-1, price and non-price factors considered.

M.4 BASIS OF EVALUATION

M.4.1 VOLUME I: TECHNICAL PROPOSAL

FACTOR 5 – Indian Preference

The basis of evaluation will be an assessment of the preference the Offeror gives to firms that are Indian Economic Enterprises (IEEs), to include Indian Small Business Economic Enterprises (ISBEs) or proposed IEEs/ISBEs as subcontractors. Offerors are required to identify in terms of dollar value and percentages of the total acquisition the extent of work the IEE(s)/ISBE(s) will perform. In addition, Offerors are required to describe what work activities will be performed by the IEE(s)/ISBE(s).

If the prime contractor is an Indian Economic Enterprise, submission under this Factor also requires submission of Attachment J13 IEE Representation Form and required proof as stated in Section L.11

END OF SECTION

2. To provide a revised copy of Section L and M as follows:

SECTION L – INSTRUCTIONS, CONDITIONS, & NOTICES TO OFFERORS

L.1. FAR 52.252-1 SOLICITATION PROVISIONS INCORPORATED BY REFERENCE (FEB 1998)

This solicitation incorporates one or more solicitation provisions by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available. The offeror is cautioned that the listed provisions may include blocks that must be completed by the offeror and submitted with its quotation or offer. In lieu of submitting the full text of those provisions, the offeror may identify the provision by paragraph identifier and provide the appropriate information with its quotation or offer. Also, the full text of a solicitation provision may be accessed electronically at this/these address(es): Federal Acquisition Regulations -

<https://www.acquisition.gov/FAR/>

(End of provision)

FEDERAL ACQUISITION REGULATION (48 CFR CHAPTER 1)

Number	Title	Date
52.204-7	System for Award Management	Oct 2018
52.204-18	Commercial and Government Entity Code Maintenance	Aug 2020
52.211-6	Brand Name or Equal	Aug 1999
52.215-1	Instructions to Offerors -- Competitive Acquisition	Jan 2017
52.215-20	Requirements for Certified Cost or Pricing Data and Data Other Than Certified Cost or Pricing Data	Oct 2010
52.232-13	Notice of Progress Payments	Apr 1984

CLAUSES INCORPORATED BY FULL TEXT**L.2. FAR 52.216-1 TYPE OF CONTRACT (APR 1984)**

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

(End of Provision)

L.3. FAR 52.222-5 CONSTRUCTION WAGE RATE REQUIREMENTS – SECONDARY SITE OF THE WORK (MAY 2014)

(a)(1) The offeror shall notify the Government if the offeror intends to perform work at any secondary site of the work, as defined in paragraph (a)(1)(ii) of the FAR clause at 52.222-6, Construction Wage Rate Requirements, of this solicitation.

(2) If the offeror is unsure if a planned work site satisfies the criteria for a secondary site of the work, the offeror shall request a determination from the Contracting Officer.

(b)(1) If the wage determination provided by the Government for work at the primary site of the work is not applicable to the secondary site of the work, the offeror shall request a wage determination from the Contracting Officer.

(2) The due date for receipt of offers will not be extended as a result of an offeror's request for a wage determination for a secondary site of the work.

(End of Provision)

L.4. FAR 52.222-23 NOTICE OF REQUIREMENT FOR AFFIRMATIVE ACTION TO ENSURE EQUAL EMPLOYMENT OPPORTUNITY FOR CONSTRUCTION (FEB 1999)

(a) The offeror's attention is called to the Equal Opportunity clause and the Affirmative Action Compliance Requirements for Construction clause of this solicitation.

(b) The goals for minority and female participation, expressed in percentage terms for the Contractor's aggregate workforce in each trade on all construction work in the covered area, are as follows:

Goals for minority participation for each trade	Goals for female participation for each trade
49.0%	6.9%

These goals are applicable to all the Contractor's construction work performed in the covered area. If the Contractor performs construction work in a geographical area located outside of the covered area, the Contractor shall apply the goals established for the geographical area where the work is actually performed. Goals are published periodically in the *Federal Register* in notice form, and these notices may be obtained from any Office of Federal Contract Compliance Programs office.

(c) The Contractor's compliance with Executive Order 11246, as amended, and the regulations in 41 CFR 60-4 shall be based on

- (1) its implementation of the Equal Opportunity clause,
- (2) specific affirmative action obligations required by the clause entitled "Affirmative Action Compliance Requirements for Construction," and
- (3) its efforts to meet the goals.

The hours of minority and female employment and training must be substantially uniform throughout the length of the contract, and in each trade. The Contractor shall make a good faith effort to employ minorities and women evenly on each of its projects. The transfer of minority or female employees or trainees from Contractor to Contractor, or from project to project, for the sole purpose of meeting the Contractor's goals shall be a violation of the contract, Executive Order 11246, as amended, and the regulations in 41 CFR 60-4. Compliance with the goals will be measured against the total work hours performed.

(d) The Contractor shall provide written notification to the Deputy Assistant Secretary for Federal Contract Compliance, U.S. Department of Labor, within 10 working days following award of any construction subcontract in excess of \$10,000 at any tier for construction work under the contract resulting from this solicitation. The notification shall list the --

- (1) Name, address, and telephone number of the subcontractor;
- (2) Employer's identification number of the subcontractor;
- (3) Estimated dollar amount of the subcontract;
- (4) Estimated starting and completion dates of the subcontract; and
- (5) Geographical area in which the subcontract is to be performed.

(e) As used in this Notice, and in any contract resulting from this solicitation, the "covered area" is Otero County, New Mexico.

(End of Provision)

L.5. FAR 52.225-12 NOTICE OF BUY AMERICAN REQUIREMENT--CONSTRUCTION MATERIALS UNDER TRADE AGREEMENTS - ALTERNATE II (JUNE 2009)

(a) *Definitions.* "Commercially available off-the-shelf (COTS) item," "construction material," "designated country construction material," "domestic construction material," "foreign construction material," and "Bahrainian, Mexican, or Omani construction material" as used in this provision, are defined in the clause of this solicitation entitled "Buy American-Construction Materials Under Trade Agreements" (Federal Acquisition Regulation (FAR) clause [52.225-11](#)).

(b) *Requests for determination of inapplicability.* An offeror requesting a determination regarding the inapplicability of the Buy American statute should submit the request to the Contracting Officer in time to allow a determination before submission of offers. The offeror shall include the information and applicable supporting data required by paragraphs (c) and (d) of FAR clause [52.225-11](#) in the request. If an offeror has not requested a determination regarding the inapplicability of the Buy American statute before submitting its offer, or has not received a response to a previous request, the offeror shall include the information and supporting data in the offer.

(c) Evaluation of offers.

(1) The Government will evaluate an offer requesting exception to the requirements of the Buy American statute, based on claimed unreasonable cost of domestic construction materials, by adding to the offered price the appropriate percentage of the cost of such foreign construction material, as specified in paragraph (b)(4)(i) of FAR clause [52.225-11](#).

(2) If evaluation results in a tie between an offeror that requested the substitution of foreign construction material based on unreasonable cost and an offeror that did not request an exception, the Contracting Officer will award to the offeror that did not request an exception based on unreasonable cost.

(d) Alternate offers.

(1) When an offer includes foreign construction material, except foreign construction material from a designated country other than Bahrain, Mexico, or Oman that is not listed by the Government in this solicitation in paragraph (b)(3) of FAR clause [52.225-11](#), the offeror also may submit an alternate offer based on use of equivalent domestic or designated country construction material other than Bahrainian, Mexican, or Omani construction material.

(2) If an alternate offer is submitted, the offeror shall submit a separate [Standard Form 1442](#) for the alternate offer, and a separate price comparison table prepared in accordance with paragraphs (c) and (d) of FAR clause [52.225-11](#) for the offer that is based on the use of any foreign construction material for which the Government has not yet determined an exception applies.

(3) If the Government determines that a particular exception requested in accordance with paragraph (c) of FAR clause [52.225-11](#) does not apply, the Government will evaluate only those offers based on use of the equivalent domestic or designated country construction material other than Bahrainian, Mexican, or Omani construction material. An offer based on use of the foreign construction material for which an exception was requested-

(i) Will be rejected as nonresponsive if this acquisition is conducted by sealed bidding; or

(ii) May be accepted if revised during negotiations.

(End of Provision)

L.6. FAR 52.228-1 BID GUARANTEE (SEP 1996)

- (a) Failure to furnish a bid guarantee in the proper form and amount, by the time set for proposal submission, may be cause for rejection of the offer.
- (b) The offeror shall furnish a bid guarantee in the form of a firm commitment, e.g., bid bond supported by good and sufficient surety or sureties acceptable to the Government, postal money order, certified check, cashier's check, irrevocable letter of credit, or, under Treasury Department regulations, certain bonds or notes of the United States. The Contracting Officer will return bid guarantees, other than bid bonds --
- (1) To unsuccessful offerors as soon as practicable after an award decision has been made; and
 - (2) To the successful offeror upon execution of contractual documents and bonds (including any necessary coinsurance or reinsurance agreements), as required by the bid as accepted.
- (c) The amount of the bid guarantee shall be **20 percent of the bid price or \$3.0M**, whichever is less.
- (d) If the successful offeror, upon acceptance of its offer by the Government within the period specified for acceptance, fails to execute all contractual documents or furnish executed bond(s) within 10 days after receipt of the forms by the offeror, the Contracting Officer may terminate the contract for default.
- (e) In the event the contract is terminated for default, the offeror is liable for any cost of acquiring the work that exceeds the amount of its offer, and the bid guarantee is available to offset the difference.

(End of Provision)

L.7. FAR 52.233-2 SERVICE OF PROTEST (SEP 2006)

- (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 Government Accountability Office (GAO), shall be served on the Contracting Officer (addressed as follows) by obtaining written and dated acknowledgment of receipt from

Jennifer J. Scroggins
Supervisory Contracting Officer
Indian Health Service, Division of Engineering Services
1301 Young Street, Suite 840
Dallas, Texas, 75202-5433

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

(End of Provision)

L.8. FAR 52.236-27 SITE VISIT (CONSTRUCTION) (FEB 1995) ALTERNATE I (FEB 1995)

(a) The clauses at 52.236-2, Differing Site Conditions, and 52.236-3, Site Investigations and Conditions Affecting the Work, will be included in any contract awarded as a result of this solicitation. Accordingly, offerors or quoters are urged and expected to inspect the site where the work will be performed.

(b) An organized site visit has been scheduled for: Wednesday, May 25, 2022, 11AM MT

(c) Participants will meet at: 318 Abalone Loop, Mescalero NM 88340. Please meet on the west side of the facility.

Participants will be required to wear Personal Protective Equipment throughout the site visit.

(End of Provision)

L.9. INTERPRETATION OF SOLICITATION - DISCREPANCIES

(a) The Offeror has a duty to inquire and seek clarification concerning possible ambiguities and/or discrepancies. The Order of precedence for resolving any discrepancies among documents is solicitation document, specifications and drawings, descending in that order.

(b) It shall be the obligation of the Offeror to exercise due diligence to discover and to bring to the attention of the Contracting Officer at the earliest possible time any ambiguities, discrepancies, inconsistencies, or conflicts in or between the specifications and the applicable drawings or other documents incorporated by reference herein. Failure to comply with all obligations shall be deemed a waiver and release of any and all claims for extra costs or delays arising out of such ambiguities, discrepancies, inconsistencies, and conflicts.

(c) Under no circumstances will any oral statements made be binding upon the Government unless such statements or agreements are issued in writing by the Contracting Officer.

(d) Any prospective offeror desiring an explanation or interpretation of the solicitation, drawings, specifications, etc., must submit a request in writing to the Contracting Officer at Jenny.Scroggins@ihs.gov and Contract Specialist at Shaukat.Syed@ihs.gov. Terms of the solicitation and specification remain unchanged unless the solicitation is amended in writing.

L.10. INQUIRIES (COMMUNICATION WITH THE CONTRACTING OFFICE)

(a) Offerors shall submit all questions concerning this solicitation in writing to the Contracting Officer at Jenny.Scroggins@ihs.gov and Contract Specialist at Shaukat.Syed@ihs.gov. Questions should be received **no later than 14 days prior to the proposal receipt date** to allow time for a response. Responses to inquiries received after this date will be at the discretion of the Government. Any responses to questions will be writing included in an amendment to the solicitation, without identifying the questioner. Even if provided in other form, only the question responses included in the amendment to the solicitation will govern evaluation of offers and performance of the contract. **Information provided with each question should include a specific page, paragraph, clause or definitive citation requiring clarification or concern.**

(b) All inquiry emails shall have the name of firm, address, and contact number included in the text body of the email and be associated with a specific, named individual – first and last name and their position in the firm.

(c) **DO NOT** directly contact the COR or other Government personnel listed in the Specifications/Drawings. These personnel have been informed to direct all questions by interested offerors to be submitted to the Contract Specialist at Shaukat.Syed@ihs.gov and Contracting Officer, Jennifer Scroggins at Jenny.Scroggins@ihs.gov.

******L.11. PROPOSAL PREPARATION INSTRUCTIONS******

- (a) The offeror proposal package shall be submitted electronically in PDF format only. No facsimile, or other alternate method of submission will be accepted. Each electronic file submitted as an attachment to an email transmission shall not exceed 8 megabytes in size. If the aforementioned electronic file exceeds 8 megabytes, divide data into separate files so as not to exceed 8 megabytes per file. Due to file size limitations, each electronic file should be attached to a separate email and the subject line of each email shall be named with **75H701-22-R-00039** the addition of "email X of X" (e.g. email 1 of 2).

******The offeror's proposal must be submitted in two (2) volumes** (see below). Each of the volumes shall be separate and complete so that evaluation of each may be accomplished independently.

- I. Volume I - Technical Proposal (Factor 1: **Specialized Experience**; Factor 2: **Technical Approach**; Factor 3: **Key Personnel**; Factor 4: **Past Performance**; Factor 5: **Indian Preference**)
- II. Volume II - **Price Proposal**

The price proposal shall be a separate and complete file so that evaluation of each may be accomplished independently. Volume I (Technical Proposal) and Volume II (Price Proposal) shall be separate PDF files.

Page Limit: Factors 1, 2, 3 and 5 of Volume I are limited to **30 pages** (front and back) total. There is no page limit for the submission of Factor 4 if submitting PPQs. Attachment J13 Indian Economic Enterprise Representation Form and controlling enterprise's Tribal enrollment/certificate of Degree of Indian Blood documentation doesn't count towards the 30 pages limit.

Late submissions shall be handled in accordance with FAR 52.215-1, Instruction To Offerors – Competitive Acquisition reference subparagraphs (c)(3)(ii)(A) and (1), and FAR 15.208.

Offerors shall allow sufficient time for electronic submission of proposals. Special attention is called to FAR 15.208 which states, "Any proposal, modification, or revision, that is received at the designated Government office (i.e., email address) in the solicitation after the exact time specified for receipt of proposals is "late" and will not be considered unless it is received before award is made; and (1) If it was transmitted through an electronic commerce method authorized by the solicitation (i.e., email), 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) It is the only proposal received.

It is the Offeror's responsibility to ensure sufficient time is provided for electronic submission to be processed through the Government's electronic point of entry.

- (b) **DUE DATE and PROPOSAL FORMAT.** Your proposal shall be submitted via email to Shaukat.Syed@ihs.gov at your earliest convenience but no later than by the date indicated in Block 13a of the SF1442 unless changed by amendment. Proposals submitted in response to this solicitation shall be formatted as follows below (Volume I (Technical Proposal) and Volume II (Price Proposal)). The Contractor's proposal must be supported by necessary documentation to indicate that adequate planning to accomplish the requirement has been done. **Failure to address any of the requirements herein may result in rejection of the offeror's proposal.**
- (c) Registration in the System for Award Management (SAM) database is mandatory to be considered for award. Offerors may obtain information on registration and annual confirmation requirements via the internet at: <https://www.sam.gov>. Contractors are encouraged to complete SAM registration as soon as possible; the government may not delay award for the purpose of allowing a contractor additional time to register in SAM.
- (d) The proposal shall contain the following two volumes. Each volume shall be a separate PDF file and can be included in the same email.

VOLUME I (Technical Proposal)

1. **FACTOR 1: Specialized Experience Submission Requirements:** Offerors are required to submit a comprehensive and complete technical proposal that demonstrates their ability to perform the work described in this solicitation and demonstrate a minimum of 7 years' experience doing work of similar scope and complexity. Offerors shall exhibit relevant past experience by reporting written narratives for a minimum of three (3) but no more than five (5) relevant renovation/expansion construction projects between \$5,000,000 and \$10,000,000 in project cost. **At least one (1) project shall demonstrate the relevant construction experience in medical office/clinic/hospital renovation/expansion.** The submitted narratives shall explain the work involved in sufficient detail for the Government to evaluate the depth and breadth of experience represented in that project, along with an assessment of the technical capabilities utilized to accomplish the work. All projects submitted for consideration must be at least 75% construction progress complete or completed within 7 years preceding the date proposals are due.

Experience will be evaluated based on the Offeror's demonstration of similar, relevant, and recent projects within the broad scope of this solicitation for services as described in this solicitation.

a) The projects must be similar in size, scope and complexity of that described in this solicitation to be considered relevant. For the purposes of this factor, "Relevant" is defined as experience with managing renovation/expansion projects that are similar to those as described in the Scope of Work (See Section C of this solicitation). "Recent" is defined as being completed within the past seven (7) years preceding the date proposals are due.

b) **Attachment J15, Company Specialized Experience Form** is provided as a reference for information that shall be included with each project. This form is not required, but each project shall include at least all information on this form (e.g., firm name, project name, location of project, type of project, owner, scope, firm's role, cost, subcontracts, dates (month/year), reference contact information, etc.).

If the Offeror is a Joint Venture (JV), relevant experience should be submitted by that JV entity. If the JV does not have shared experience, projects shall be submitted for each JV partner relevant to their overall JV partnership. Offerors who fail to submit experience for all JV partners may be rated less favorably. The JV agreement shall be in this section.

If an Offeror is utilizing experience or past performance information from any entity that does not match the name, CAGE code, and/ or Unique Entity ID (UEI) of the Offeror exactly as stated on the SF 1442 (e.g. affiliates, subsidiaries, parent companies, sister companies, etc.) the proposal shall clearly demonstrate how that entity will have meaningful involvement in the performance of the contract and specifically address which resources are being committed to the contract. Failure to comply with this requirement or failure to adequately demonstrate meaningful involvement and commitment of resources on behalf of that entity may result in that experience and past performance information to be considered not relevant and may result in lower ratings. This explanation shall be provided in paragraph (h) of B01 Attachment J15, Company Specialized Experience Form, as applicable for each project.

Please note the Small Business Administration (SBA) definition of Joint Venture that must be met in order to submit as a JV entity: "A joint venture is formed for the sole purpose of pooling resources of separate businesses to successfully and cost-effectively support the mission of a government agency. It is considered a new legal entity that requires approval by the Small Business Administration (SBA), a separate federal identification number, and a new SAM user account." (<https://www.sba.gov/federal-contracting/contracting-guide/typescontracts#section-header-12>).

2. **FACTOR 2: Technical Approach Submission Requirements:** Offerors shall submit a narrative not-to exceed ten (10) pages addressing the Offeror's approach to successful management of this contract, including a discussion on each of the following (the below items are not considered to be sub-factors):
- (1) Demonstrate and clearly describe approach to subcontractor coordination, scheduling and oversight and approach to establishing and maintaining subcontractor and local community relationships.
 - (2) Submit a management plan and demonstrate the degree to which the management plan and team organization, including degree of prime participation, coordination, division of work, quality assurance, cost control, a preliminary schedule, sequence of work, estimated work crew size, and proposed equipment to meet the overall requirements of this contract.
3. **FACTOR 3: Key Personnel Submission Requirements:** Offerors are required to submit resumes that demonstrate their ability to perform the work described in this solicitation and demonstrate a minimum of seven (7) years' experience doing work of similar size, scope and complexity to that described in the solicitation to be considered relevant on projects that are at least 75% construction complete, for the following positions:
- a. Project Manager
 - b. Superintendent
 - c. Safety Officer

* **Offerors must submit proof of relevant certification** (e.g., OSHA, Board of Certified Site Safety and Health Officers (BCSSHO), etc.) **for the Safety Officer**, OSHA 30-hour Construction Training Course is acceptable.

*** Superintendent and Safety Officer may be dual-hatted, but experience shall be demonstrated separately for each position (i.e., if submitting the same person for both roles, that individual must have and demonstrate relevant experience on projects as both the Superintendent and Safety Officer separately).**

Attachment J16, Key Personnel Resume Form is provided as a reference for information that shall be included with each individual key personnel submitted. This form is not required, but each key personnel submitted shall include at least all information on this form (e.g., name, title, assignment/project details, firms name, length with firm with month/year, education, registration, experience etc.). Each key personnel resume shall not exceed two (2) single-sided pages in length.

4. **FACTOR 4: Past Performance Submission Requirements:** In accordance with FAR 42.1503(g), past performance will be evaluated using the Contractor Performance Assessment Reporting System (CPARS). If no relevant past performance history is available for your UEI number, you may choose to utilize the attached Past Performance Questionnaire (PPQ) (**Attachment J17 – Past Performance Questionnaire**) which will be used for evaluation.

Projects submitted under Factor 1 shall also include consideration under this Factor by either a PPQ submission or information obtained in CPARS. The Government will only evaluate up to five (5) Customer Satisfaction Surveys/ Past Performance Questionnaires (PPQs) combined for the prime contractor and/or JV entity. Government databases will be checked and previous customers and/or evaluators may be contacted as references or verification of performance. All performance ratings shall be considered for contracts ongoing or completed within the past seven (7) years from the date

proposals are due. The Government reserves the right to evaluate past performance information on proposals submitted in response to this solicitation from any available source and for any project relevant to the work outlined in this solicitation.

All projects submitted on a Past Performance Questionnaire (PPQ) must be at least 75% construction progress complete or completed within seven (7) years preceding the date proposals are due. The PPQ included in the solicitation is provided for the Offeror to submit to the client for each project the Offeror includes in its proposal for Factor 1, Specialized Experience. Do not submit PPQs for projects that are not provided in Factor 1, Specialized Experience. Ensure correct phone numbers and email addresses are provided for the client point of contact. Completed Past Performance Questionnaires (PPQs) should be submitted with your proposal, but are not required. Offerors should follow-up with clients/references to ensure timely submittal of questionnaires. If the client requests, questionnaires may be submitted directly to the Government's point of contact, shaukat.syed@ihs.gov, via email prior to proposal closing date. Offerors shall not incorporate by reference into their proposal PPQs previously submitted for other RFPs. This does not preclude the Government from utilizing previously submitted PPQ information in the past performance evaluation. While the Government may elect to consider data from any and all other sources, the burden of providing detailed, current, accurate and complete past performance information rests with the Offeror.

Offerors may, and are in fact encouraged, to provide any information on problems encountered and the corrective actions taken on projects submitted under Factor 1 – Specialized Experience. Offerors may also address any adverse past performance issues. Explanations shall not exceed two (2) double-sided pages (or four (4) single-sided pages) in total.

The Government reserves the right to contact references for verification or additional information. The Government's inability to contact any of the Offeror's references or the references unwillingness to provide the information requested may affect the Government's evaluation of this factor.

5. **FACTOR 5: Indian Preference Submission Requirements:** Offerors will be evaluated on the preference it gives to firms that are Indian Economic Enterprises (IEEs), to include Indian Small Business Economic Enterprises (ISBEEs) or proposed IEEs/ISBEEs as subcontractors. Offerors are required to identify in terms of dollar value and percentages of the total acquisition the extent of work the IEE(s)/ISBEE(s) will perform. In addition, Offerors are required to describe what work activities will be performed by the IEE(s)/ISBEE(s).

If the prime contractor is an IEE, submission under this Factor also requires submission Attachment J13 – IHS IEE Representation Form (Jan 2022) AND the controlling enterprise's Tribal enrollment/certificate of Degree of Indian Blood documentation included in your firms proposal. Please note that there shall be no personally identifiable information (PII), such as social security numbers, included in the documentation submitted. Any PII shall be redacted prior to submission.

Indian Economic Enterprises are defined as any business activity owned by one or more Indians or Indian Tribes that is established for the purpose of profit, provided that (1) the combined Indian or Indian Tribe ownership must constitute not less than 51 percent of the enterprise; (2) the Indians or Indian Tribes must, together, receive at least a majority of the earnings from the contract; and (3) the management and daily business operations of an enterprise must be controlled by one or more individuals who are Indians. To ensure actual control over the enterprise, the individual(s) must possess requisite management or technical capabilities directly related to the primary industry in which the enterprise conducts business. These conditions must exist: (a) at the time an offer is made

in response to a written solicitation; (b) at the time of contract award; and (c) during the full term of the contract.

At any point during these periods, if the Contractor no longer meets the eligibility requirements, the contractor must provide immediate written notification to the Contracting Officer.

Failure to provide the required documentation at any of the three (3) time periods listed above, may result in the proposal being disqualified from any preference given and may result in termination of the contract.

VOLUME II (Price Proposal). Submittal Requirements:

1. A **cover letter** that shall include:
 - (a) The Solicitation number;
 - (b) The name, addresses, telephone and facsimile numbers, and e-mail addresses of the offeror.
 - (c) UEI number and Cage code
 - (d) Names, titles, phone numbers, facsimile numbers, and e-mail addresses of persons authorized to negotiate on the Offeror's behalf with the Government in connection with this solicitation, and;
 - (e) Name, title, and signature of person authorized to sign the proposal.
2. **Price Proposal:** The proposal shall be a Firm Fixed Price (FFP) proposal for the items listed above in **Section B.1** and the following shall be submitted as part of the Price Submittal:
 - (a) Fully complete, submit and sign the SF1442, Page 2, Blocks 14-20c. *Any and all solicitation amendments require acknowledgement in Block 19 of the SF1442.*
 - (b) SECTION B.1., Price Schedule, shall be filled out in its entirety.
 - (c) Fully completed Attachment J18 Price Breakdown
 - (d) A copy of the Bid Bond (FAR 52.228-1 Bid Guarantee). A scanned copy is acceptable. Form can be found on the GSA website at: <https://www.gsa.gov/forms-library/bid-bond>
 - (e) Fully complete and submit Section K (in its entirety) **OR SAM.gov** profile printout.
 - (f) Fully complete and submit **Attachment J14, Self-Performed Calculation Sheet** in accordance with FAR Clause 52.219-14 Limitations on Subcontracting (SEP 2021).
 - a. By submission of an offer and execution of a contract, the Offeror/Contractor agrees that in performance of the contract in the case of a contract for *General construction*. The concern will **perform at least 15 percent of the cost of the contract, not including the cost of materials, with its own employees.**

This requirement is a total Small Business set-aside and the associated NAICS is 236220, Commercial and Institutional Building Construction with small business size standard of \$39.5M. Pursuant to HHSAR 326.603-1(h), preference will be given to Indian Economic Enterprise (IEE) Firm offerors who are technically capable and provide fair and reasonable pricing.

END OF SECTION

SECTION M – EVALUATION FACTORS FOR AWARD

M.1 BEST VALUE DETERMINATION

This is a best value trade-off, competitive acquisition. Pursuant to HHSAR 326.603-1(h), preference will be given to Indian Economic Enterprises (IEE) offerors who provide fair and reasonable pricing. If no IEE proposal is determined to comply with the terms and conditions for this request for proposal and provide fair and reasonable pricing, award will be made to the Offerors whose offers conform to the solicitation requirements; who are determined responsible in accordance with FAR Subpart 9.1 by possessing the financial and other capabilities to fulfill the requirements of the contract; and whose proposals are judged, by an integrated assessment of price and non-price evaluation factors, to be the most advantageous to the Government. The Government will use the best value tradeoff process in determining which Offerors represent best value in accordance with FAR 15.101-1.

M.2 EVALUATION CRITERIA

Proposals shall be evaluated in accordance with Sections L and M of this solicitation. The evaluation criteria includes following factors:

Volume 1: Technical Proposal

- Factor 1: Specialized Experience
- Factor 2: Technical Approach
- Factor 3: Key Personnel
- Factor 4: Past Performance
- Factor 5: Indian Preference

Volume 2: Price Proposal

M.3 RELATIVE IMPORTANCE OF EVALUATION FACTORS

It is in the best interests of the Government to consider tradeoffs between price and non-price related factors.

The relative importance of all evaluation factors is that non-price Factors 1-5 are approximately equal to each other. When the proposal is evaluated as a whole, the non-price factors are **more important than price.**

The importance of price will increase if the Offerors' technical proposals are considered essentially equal in terms of overall quality, or if price is so high as to significantly diminish the value of the technical proposal's superiority to the Government. Proposals will be evaluated on the basis of the established criteria and award will be made to the responsible Offerors whose offer conforms to the solicitation and represents the best value to the Government in accordance with FAR 15.101-1, price and non-price factors considered.

M.4 BASIS OF EVALUATION

M.4.1 VOLUME I: TECHNICAL PROPOSAL

Factor 1 - Specialized Experience

The basis of evaluation will focus on the Offeror's demonstrated experience and depth of experience in performing relevant renovation/expansion projects as defined in the solicitation submittal requirements. The assessment of the Offeror's relevant experience will be used as a means of evaluating the capability of the Offeror to successfully meet the requirements of the RFP. The Government will only review a maximum of five (5) submitted projects under this Factor as stated in Section L. **Any projects submitted in excess of five (5) will not be considered.**

The Government will evaluate the Offer's Experience for strengths, weaknesses, and deficiencies. The standard for this factor is met when the Offeror:

- (1) Submits minimum of three (3) but no more than five (5) relevant renovation/expansion construction projects between \$5,000,000 and \$10,000,000 in project cost that collectively, meet the requirements outlined in the Statement of Work and this solicitation. **At least one (1) of the projects shall demonstrate the relevant construction experience in medical office/clinic/hospital renovation/expansion.** All projects submitted for consideration must be at least 75% construction progress complete or completed within 7 years preceding the date proposals are due.

Offers that demonstrate a greater depth and breadth of recent and more relevant construction experience in medical office/clinic/hospital renovation/expansion shall be rated more favorably.

FACTOR 2 – Technical Approach

The basis of evaluation will be a subjective assessment of the Offeror's approach to effectively managing this contract for the submission requirements under this Factor stated in Section L.11. The Government will evaluate the Offeror's Technical Approach for strengths, weaknesses, and deficiencies. The standard for this factor is met when the offeror's narrative adequately addresses each of the submission requirements.

More favorable ratings will be given to Offerors who demonstrate a sound management approach, ability to account for unique challenges associated with this contract, and identifies quantitative or qualitative benefits to the Government within their technical narrative.

Failure to address **any one** of the submission requirements may result in lower ratings. Proposals providing only a generic acknowledgement of the requirements of this factor may also be given lower ratings.

Any narrative that exceeds the page limitation will be evaluated up to the first ten (10) single-sided, five (5) double-sided pages only; any information beyond this limit will not be evaluated and may be considered a failure to address requirements.

FACTOR 3 – Key Personnel

The basis of evaluation will be an assessment of the offeror's key personnel project experience. In order to meet the requirements of this factor, all three (3) key personnel must demonstrate a minimum of seven (7) years' experience doing work of similar size, scope and complexity for the requirement on projects that are at least 75% construction complete. As a minimum, the Safety Officer must submit proof of relevant certification.

FACTOR 4 - Past Performance

The basis of evaluation will be the degree to which past performance evaluations (to include PPQs if applicable) and all other past performance information reviewed by the government (i.e., CPARS, FAPIIS, eSRS, performance recognition documents, etc.) reflect a trend of satisfactory performance. Evaluation of this factor will be an assessment of the overall past performance record.

Offerors need not submit for this factor; but if they choose to, offerors shall submit past performance information on relevant projects that are at least 75% construction progress complete or completed within seven (7) years preceding the date proposals are due on projects submitted under Factor 1, Specialized Experience. The Government may seek all relevant performance information on all Offerors in the competitive range through sources such as CPARS or other government databases and other sources that are available. The Government shall not be limited in its search for performance data.

In the case of an offeror without a record of relevant past performance or for whom information on past performance is not available, the offeror may not be evaluated favorably or unfavorably on past performance (see FAR 15.305(a)(2)(iv)). Therefore, the offeror shall be determined to have unknown past performance.

FACTOR 5 – Indian Preference

The basis of evaluation will be an assessment of the preference the Offeror gives to firms that are Indian Economic Enterprises (IEEs), to include Indian Small Business Economic Enterprises (ISBEs) or proposed IEEs/ISBEs as subcontractors. Offerors are required to identify in terms of dollar value and percentages of the total acquisition the extent of work the IEE(s)/ISBEE(s) will perform. In addition, Offerors are required to describe what work activities will be performed by the IEE(s)/ISBEE(s).

If the prime contractor is an Indian Economic Enterprise, submission under this Factor also requires submission of Attachment J13 IEE Representation Form and required proof as stated in Section L.11

M.4.2 VOLUME II: Price Proposal

- a) Offerors must offer on all items of the Project included in Section B and Section J, B01 Attachment J18 Price Breakdown, in order to be considered for award.
- b) The proposed prices will be evaluated but not scored. The price evaluation will determine whether the prices proposed are fair and reasonable. Analysis will be performed by one or more of the techniques listed at FAR 15.404-1 to ensure a fair and reasonable price.
- c) The degree of importance of the proposed price will increase with the degree of equality of the proposals in relation to the other factors on which selection is to be based.
- d) The Government reserves the right to make an award to other than the lowest priced Offeror or to the Offeror with the highest technical rating if the Contracting Officer determines that to do so would result in the best value to the Government.

M.5 PROPOSAL REVIEW PROCESS

- a) Initial Evaluation of Proposals. The Government intends to make awards without discussions based solely upon initial proposals. Therefore, Offerors should ensure that their initial proposal constitutes their best offer in

terms of both price and the technical solution being proposed. If awards are not made upon initial proposals, then the Contracting Officer may establish a competitive range comprised of the most highly rated proposals.

b) 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. Only those Offerors in the competitive range will be offered an opportunity to participate further in the procurement.

c) Discussions/Final Proposal Revisions. The Contracting Officer may engage in discussions with all Offerors in the competitive range in accordance with FAR 15.306. If necessary, at the conclusion of discussions, a final common cut-off date for submission of final proposal revisions will be established. Those Offerors remaining in the competitive range will be notified to submit any Final Proposal Revisions.

d) Final Evaluation of Offers. A final proposal evaluation will be performed after receipt of Final Proposal Revisions, if necessary.

END OF SECTION

This amendment does extend the proposal due date/time from June 10, 2022, 2:00pm CT to July 11, 2022, 2:00PM CT.

As stated in the Solicitation, all inquiries must be received no later than 14 days prior to the proposal receipt date (July 11, 2022) to allow time for a response.

NOTICE TO OFFERORS: Offerors must acknowledge receipt of any and all amendments by number and date on their cover letter in their offer or by submitting a signed copy of the SF30. All other terms and conditions remain unchanged.

END OF SUMMARY OF CHANGES