

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT

2. AMENDMENT/MODIFICATION NO. 0002		3. EFFECTIVE DATE 03/03/2023	4. REQUISITION/PURCHASE REQ. NO.	5. PROJECT NO. (If applicable)
6. ISSUED BY International Boundary and Water Commission (IBWC) USIBWC - ACQUISITIONS DIV 4191 NORTH MESA ST EL PASO, TX 79902-1441		CODE IBWC NAME Philip Johnson TEL. EMAIL philip.johnson@ibwc.gov	7. ADMINISTERED BY (If other than Item 6) CODE	

8. NAME AND ADDRESS OF CONTRACTOR (No., street, country, state and ZIP Code)		(X)	9A. AMENDMENT OF SOLICITATION NO. 191BWC23R002
CONTACT: _____ UEI: _____		X	9B. DATED (SEE ITEM 11) 02/03/2023
CODE _____ FACILITY CODE _____			10A. MODIFICATION OF CONTRACT/ORDER NO.
			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 ONLY APPLIES TO MODIFICATION OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. 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 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.)
This purpose of this amendment 0002 is as follows.

1. Replaces attachments J.01 with J.01A and J.02 with J.02A.
 2. Incorporates Q&A attachment J.05
 3. The question due date is hereby extended to 7 March. 2023.
- Proposal due date is hereby changed to 28 March 2023.

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) Philip Johnson	
15B. CONTRACTOR/OFFEROR (Signature of person authorized to sign)	15C. DATE SIGNED	16B. UNITED STATES OF AMERICA By _____ (Signature of Contracting Officer)	16C. DATE SIGNED

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Section E - Inspection and Acceptance

E.02 - Inspection and Acceptance

- a. Inspection. Inspection of all deliverable/submittal items will be by the appointed Contracting Officer's Representative or Contracting Officer as set forth in this Contract and individual Task Order.
- b. Acceptance. Acceptance will be by the appointed Contracting Officer Representative (COR) or Contracting Officer (CO) based upon conformance to the requirements set forth in this Contract and individual Task Order.

Section F - Deliveries or Performance

F.02 - Contract Period of Performance

Five (5) year ordering period.

Section G - Contract Administration Data

G.01 - Contracting Officer

“Contracting Officer” means a person with the authority to enter into, administer, and/or terminate contracts and make related determinations and findings. The term includes certain authorized representation of the Contracting Officer within the limits of their authority as delegated by the Contracting Officer.

In no event, shall any understanding or agreement between the Contractor and any Government employee other than the Contracting Officer on any contract, modification, change order, letter or verbal direction to the Contractor be effective or binding upon the Government. All such actions must be formalized by a proper contractual document executed by an appointed Contracting Officer.

The

Contractor is hereby put on notice that in the event a Government employee other than the Contracting Officer directs a change in the work to be performed or increases the scope of the work to be performed, it is the Contractor's responsibility to make inquiry of the Contracting Officer before making the deviation. Payments will not be made without being authorized by an appointed Contracting Officer with the legal authority to bind the Government.

G.03 - Contracting Officer Representative (COR)

The Contracting Officer shall designate a technical representative to act for the Contracting Officer during the contract period. The Contracting Officer's Representative (COR) will act for the Contracting Officer only in technical matters and will not be authorized to commit the Government on any contract terms, conditions, or changes in unit price, total price, quantity, or delivery schedule. Any changes to the contract in unit price, total contract price, quantity, quality, or delivery schedule will be made only by the Contracting Officer by executed modification to the contract.

The Contracting Officer's Representative will be appointed in writing after contract award.

Section H - Special Contract Requirements

H.03 - Control of Study and Analysis Reports

All studies or reports that are produced as a result of this Contract and individual Task Orders shall not be released outside the USIBWC until final approval or official review of the study is accomplished. Accordingly, the Contractor shall affix to the cover of all interim, draft, and final reports the following disclaimer: "The views, opinions, and findings contained in this report are those of the author(s) and shall not be construed as an official USIBWC position, policy, or decision, unless designated by other documentation." Distribution of studies or reports in any stage of development or completion to other than the addressee as identified in each individual Task Order shall not be made without the study/report sponsor's approval. The Contractor shall submit any request for distribution other to the addressee as identified in each individual Task Order to the Contracting Officer.

H.05 - Notification to the Government of Delays

In the event the Contractor encounters difficulty in meeting performance requirements, or anticipates difficulty in complying with the delivery schedule or dates, or whenever the Contractor has knowledge that any actual or potential situation is delaying or threatens to delay the timely performance of individual Task Orders, the Contractor shall immediately notify the Contracting Officer and the Contracting Officer's Representative in writing, giving pertinent details. NOTE: this data shall not be construed as a waiver by the Government of any delivery schedule or dates or of any rights or remedies provided by law or under this Contract.

H.08 - Ordering Procedures - Request for Task Order Proposal

(a) General – the issuance procedures shall be in accordance with FAR 16.505, FAR Subpart 36.6 and those stated herein:

(1) Work under this Contract will be ordered by written Task Order on Option Form (OF) 347, Order for Supplies or Services, to the Contractor by the Contracting Officer. Any IBWC Contracting Officer is authorized to award a Task Order under this IDIQ.

(2) Each award will cite the Contract Number and Task Order Number.

(3) The Government will not be obligated to reimburse the Contractor for work performed, items delivered, or any costs incurred, nor shall the Contractor be obligated to perform, deliver, or otherwise incur costs except as authorized by an executed Task Order from the Contracting Officer.

(4) The Contractor is not guaranteed issuance of any Task Orders above the minimum guarantee as identified in Section I of this Contract.

(5) Task Orders will be firm fixed price.

(6) Each Task Order will include as a minimum:

(i) Date of Order

(ii) Contract Number and Task Order Number

(iii) Statement of Work

(iv) Delivery or Performance Schedule

(v) Place of Delivery or Performance

(vi) Any Packaging, Packing, and Shipping Instructions

(vii) Accounting and Appropriation Date

(viii) Price

(ix) Place and Manner of Inspection and Acceptance

(x) Any Government Furnished Property, Material, or Facilities

(xi) Appropriate Wage Determination for Services Contract Act covered employees

(xii) Any Other Pertinent Information Required for Performance

(7) Task Orders will be based on the Government developed Statement of Work.

(8) Task Order may only be modified by an IBWC Contracting Officer.

(9) Modifications to Task Orders will be issued on Standard Form (SF) 30, Amendment of Solicitation/Modification of Contract, and will cite the Task Order and Contract Number.

(10) The Contractor shall contact the Contracting Officer within two (2) calendar days of notification of the Request for Task Order Proposal if the Contractor cannot submit a proposal on the Task Order.

(b) Task Order Awards

(1) Request for Task Order Proposal is limited to the A-E IDIQ Multiple Award Contractors. Contractors shall be provided with fair opportunity to be considered for each Task Order.

(2) Task Orders will be evaluated in accordance with FAR SUBPART 36.6. Task Orders shall be evaluated based on the demonstrated competency and qualifications to perform the services at a fair and reasonable price. The evaluation will be based on the following: (1) professional qualifications necessary for satisfactory performance of required services; (2) specialized experience and technical competence in the type of work required; (3) capacity to accomplish the work in the required time; (4) past performance

on contracts with the Government agencies and private industry in terms of cost control, quality of work, and compliance with performance schedules; (5) location in the general geographical area of the project and knowledge of the locality of the project; and (6) acceptability under other appropriate evaluation criteria (as defined in the Request for Task Order Proposal).

(3) If a Contractor is determined to be the most highly qualified firm, and receives award of a Task Order, a logical follow-on Task Order may be issued to that Contractor, provided that all awardees were given a fair opportunity to be considered for the Original Task Order.

(4) The basis for award will be specified in the Request for Task Order Proposal. The Contracting Officer's decision as to the selection for award of the Task Order is not subject to protest unless the protest is on the grounds that the order increases the scope, period, or maximum value of the contract (reference FAR 16.505 Ordering)

(5) No Contractor may be awarded a Task Order for Construction to include Construction Management if the Contractor designed the project.

(c) Requirement for Proposals

(1) The Government will make a written request for a Task Order proposal. Proposals shall be submitted in writing.

(2) Proposal shall address the evaluation criteria as established in the Request for Task Order Proposal.

(d) Selection

(1) The Contracting Officer will be the final selection authority at the Task Order level.

(e) Request for Task Order Proposal Requirements

(1) Request - the Contracting Officer will furnish all A-E IDIQ Contractors with a written Request for Task Order Proposal. The request will include:

(i) Task Order Statement of Work

(ii) Anticipated performance period and critical milestones

(iii) Place and manner of inspection and acceptance

(iv) Any other pertinent information (i.e. for the design of a facility, a list of area where recovered materials cannot be used in the facilities construction);

(2) Proposal - the Contractor shall, within the time specified in the RFP, provide an original and one (1) copy to the Contracting Officer. If electronic submission via email is authorized then the Contractor shall only submit one (1) copy. Proposals shall be submitted in two separate volumes. Volume I shall address the Contractor's Qualifications & Technical Understanding and Volume II shall address the Contractor's Proposed Price for the Task Order. (This Volume II shall be provided in an electronic format and encrypted or password protected. The password/encryption key will NOT be provided to IBWC until it is requested by the CO after a determination of the most highly qualified has been made in accordance with Subpart 36.6. Only the most highly qualified firm will be asked to provide the password/encryption key in order to begin negotiations.)

Volume I shall at the minimum address:

(i) Qualifications/Evaluation Criteria;

(ii) Technical Understanding;

(iii) Proposal schedule for completing the Task Order; and

(iv) Other information requested in the Request for Task Order Proposal.

Volume II shall at a minimum address:

(i) Detailed cost/price proposal in accordance with the instructions set forth in the RFP and if applicable, FAR 15.403-5 and Table 15-2. Task Orders shall be Firm Fixed Price (FFP);

(ii) Rational for the proposed price.

(3) Negotiations - upon selection of the most highly qualified Contractor the CO will request the password/encryption key from the most highly qualified Contractor and send only the most highly qualified Contractor's Volume II to the evaluation team for review. After the evaluation team completes a cost analysis of that Contractor's Volume II, the CO will begin negotiation of a fair and reasonable price. If a fair and reasonable price cannot be negotiated, then the IBWC may begin negotiation with the next qualified firm. If the original proposed price is considered to be fair and reasonable then the Government is not obligated to conduct negotiations.

(4) Award - upon completion of this process, the Contracting Officer shall execute a Task Order on an OF-347 and forward it to the successful Contractor electronically. Only upon receipt of an executed Task Order, signed by the Contracting Officer, shall the Contractor commence work. Unsuccessful Offerors will be notified.

(5) Multiple Task Orders - due to scheduling needs the Contracting Officer may have multiple Task Orders under way simultaneously. Under such situations, the Contractor must still complete all orders within the allowed schedule. The Government reserves the right to direct the Contractor to work on Task Orders of higher priority. In such cases, time extensions will be granted for completion of Task Orders that have been delayed because of Government action.

H.09 - Contract Close Out Procedures for Architect-Engineering (A-E) Services

Close-Out Process

The following are items required prior to Final Payment on individual Task Orders:

COR:

- 1) Performance Evaluation for Architect-Engineering Services (Reference FAR Clause 42.15)
- 2) COR Certificate of Contract Completion

Contractor:

- 1) Release of Claims

Contracting Officer:

- 1) Certificate of Contract Completion (GSA Form 218)
- 2) Contracting Officer's Close-out Statement
- 3) Close-Out Checklist

J.01 - List of Attachments

J.01 Evaluation Factors for IDIQ A-E Services

J.01A Evaluation Factors for IDIQ A-E Services Rev 1

J.02 IDIQ A-E Services SOW

J.02A IDIQ A-E Services SOW Rev 1

J.02B SOW track changes

J.03 Standard Form 330- Architect-Engineer Qualifications

J.04 WD 2015-5229 Rev20 date 12.27.2023

J.05 Q&A

Section L - Instructions, Conditions, and Notices to Offerors and Respondents

L.02 - Submissions

Offerors shall review all information contained in this solicitation and the attachments prior to submitting a response. All A-E Contractors that meet the requirements described in this solicitation are invited to submit Standard Form (SF) 330, Architect-Engineer Qualifications (Rev.7/2021) and the additional information as requested in the attached, Evaluation Factors to the office identified in this Solicitation. SF 330's must also be submitted for all proposed subcontractors. The SF 330 must clearly indicate the office where the work will be performed and the qualification of the individuals and subcontractors proposed to work on the contract and their geographical location. The SF 330 shall also address the firm's technical capability to perform all services. Offerors shall submit one (1) original and four (4) copies for total of (5) binders plus a digital copy on CD.

Section M - Evaluation Factors for Award

M.01 - Evaluation Factors for Award

The Government will award a contract to at least three (3) Firms that are determined the most highly qualified resulting from this Solicitation to the responsible Offeror(s) whose offer conforming to the Solicitation demonstrates that they are the most highly qualified to perform the work pursuant to FAR SUBPART 36.6 – Architect-Engineering Services. The following factors shall be used to evaluate offers:

Merit Factor 1: Specialized Experience and Technical Competence

Merit Factor 2: Past Performance

Merit Factor 3: Professional Qualifications

Merit Factor 4: Capacity of Firm

Merit Factor 5: Firm's location in the general geographical area of the project Proposals will be evaluated in accordance with the criteria set forth in Section J, Attachment .01A of this Solicitation to determine the Offeror's demonstrated ability to provide the required services. The Government will conduct a full evaluation of the proposal in accordance with the stipulated criteria. The Offeror must address all the requirements of the Solicitation and must include all information specifically required in all sections of the Solicitation.