

QUESTIONS RECEIVED FROM CONTRACTORS

DESCRIPTION OF PROJECT: KEY WEST HARBOR DREDGING, 34-FOOT PROJECT, MAIN SHIP CHANNEL, CUT-A, CUT-B, CUT-C, AND TRUMAN HARBOR

Questions #1 - 13 posted July 21, 2003:

QUESTION #1: Providing a competitive and well-planned response to the RFP will require extensive planning, engineering, and possible site investigations. We therefore request a two week extension of the due date to August 27, 2003.

ANSWER #1: No. Funds expire 30 September 2003 and an award must be made no later than 30 September 2003.

QUESTION #2: The horizontal locations of borehole nos. CB-KWH-02.22 and BD-KWH-02.23 plot well outside of the dredging area. There appears to be a mistake in the coordinates. Can you provide us with the correct coordinates or verify those given?

ANSWER #2: Will be answered by subsequent amendment.

QUESTION #3: We have noted the "no anchor zones" shown on drawing 2/16. In what portions of the project area and Fleming Key are we permitted to moor and/or stage equipment outside of the channel, if any?

ANSWER #3: Anchoring is permitted in all areas where anchoring is generally permitted in the vicinity of Key West and the Florida Keys National Marine Sanctuary except as specifically restricted by this contract.

QUESTION #4: Is survey data available between Man of War Channel and Fleming Key?

ANSWER #4: No.

QUESTION #5: How wide is the pipeline corridor north of the project location in the channel, turning basin, and along the shore?

ANSWER #5: Will be answered by subsequent amendment.

QUESTION #6: Are boring logs available for the Main Ship Channel?

ANSWER #6: Only surface samples were obtained in the Main Ship Channel. This information is listed on Table 1 of the specifications, page 0320-16. Borings are being obtained where Cut A and the Main Ship Channel meet. The borings and lab information will be included in the subsequent amendment.

QUESTION #7: Does the USACE have available geotechnical information such as grain size distributions, unit weights, water contents, specific gravity, settling curves, and Atterburg Limits?

ANSWER #7: Laboratory results for the water work and Fleming Key will be included in the subsequent amendment.

QUESTION #8: Do the "no anchor zones" shown on drawing 2/16 dictate the limits of all protected resources? If not, will the USACE identify sea grass limits and other protected resources within and adjacent to the project work limits?

ANSWER #8: Will be answered by subsequent amendment.

QUESTIONS RECEIVED FROM CONTRACTORS

DESCRIPTION OF PROJECT: KEY WEST HARBOR DREDGING, 34-FOOT PROJECT, MAIN SHIP CHANNEL, CUT-A, CUT-B, CUT-C, AND TRUMAN HARBOR

QUESTION #9: We would like a copy of the Florida Department of Environmental Protection Permit No. 0207625-001-E1 as referenced in the Specifications.

ANSWER #9: Permit is available at <http://www.dep.state.fl.us/>

QUESTION #10a: Will the Government provide a lay down/staging area for the Contractor?

ANSWER #10a: No.

QUESTION #10b: If so, what is the location?

ANSWER #10b: N/A.

QUESTION #11: Will USACE acceptance surveys be required between dredging the "A" acceptance section and the "B" acceptance sections in the Turning Basin and Truman Harbor (Section 10-15)?

ANSWER #11: Yes.

QUESTION #12: Reference specification Section 02325, paragraph 1.4.3: Will the contractor be allowed to overflow from hopper dredges during loading provided he meets the turbidity requirements?

ANSWER #12: Yes.

QUESTION #13: Is the contractor allowed to work 24 hours per day on Fleming Key?

ANSWER #13: Yes.

The following Questions #14 - 19 posted August 1, 2003

QUESTION #14: Borehole logs KW02-9, KW02-10, and KW02-11 are missing from the contract documents. In the contract drawings, KW02-10 is a Station 0+00 Cut A; KW02-11 is at Station 1+00 Cut A; and KW02-9 is at Station 42+50 Cut A.

ANSWER #14: Will be addressed in subsequent amendment.

QUESTION #15a: Will the Government provide an offloading facility on or in the vicinity of Fleming Key?

ANSWER #15a: Refer to Section 02325, Paragraph 3.2.1.

QUESTION #15b: If so, please describe the facility in terms of water depth, waterfront structures, environmental restrictions, etc.

QUESTIONS RECEIVED FROM CONTRACTORS

DESCRIPTION OF PROJECT: KEY WEST HARBOR DREDGING, 34-FOOT PROJECT, MAIN SHIP CHANNEL, CUT-A, CUT-B, CUT-C, AND TRUMAN HARBOR

ANSWER #15b: Refer to Section 02325, Paragraph 3.2.1.

QUESTION #16: Reference specification section 00100A, paragraph A-2.4.4. Does project information required for each dredge type also apply to rental projects? Some of the information asked for is not always kept for rental projects.

ANSWER #16: Yes.

QUESTION #17: Specification Section 00100A, page 6-9, Utilization of Small Business concerns. Subfactor (5) states that the contractor will be evaluated on the extent of participation of small business concerns in terms of the total price of the proposal, yet no subcontracting plan is required. Please clarify the type of information that you want.

ANSWER #17: All offerors are required to submit the information identified in the solicitation. If the offeror will be required to submit a subcontracting plan (i.e., offeror is other than small business), the offeror may fulfill this requirement by submitting a complete subcontracting plan.

QUESTION #18: Section 00100A; does the Corps want to see a written summary of subfactors 1-5 placed in Package 1? All of the information except pricing of subcontractors is given in Package 3. Please clarify the extent of information that you want to see in each Package.

ANSWER #18: In accordance with instructions given in the solicitation all information related to small business participation (whether past performance or the technical subfactor) goes in package 1.

QUESTION #19: Can the x, y coordinates of the Pls" of the levee alignment on Flemming Key be provided?

ANSWER #19: Will be answered by subsequent amendment.

Questions #20 posted August 12, 2003:

QUESTION #20a: Will the Ammunition Dock on Fleming Key be available for the Contractor's use as a barge offloading facility?

ANSWER #20b: See Question 15a, Refer to Section 02325, Paragraph 3.2.1.

Questions #21 – 28 posted August 15, 2003:

QUESTION #21a: Section 01270 "Measurement and Payment" At the Site Visit / Preproposal meeting, questions 10a, b, & c addressed the surveys methods that were to be employed by both the contractor and government and the response was that it would be answered by subsequent amendment, there has been no response in any amendment to date. Currently the specifications state in paragraph 1.2.1.1(c), 1.2.2.1(c), & 1.2.3.1(c) that soundings for payment purposes shall be made by the Government at the frequency listed in the Channel Survey Notes on the contract drawings. The Channel Survey Notes under Note 6 states bathymetric data was obtained using an Odom Echotrac model MKII survey grade echosounder with a 200KHZ narrow beam transducer. Does this mean that only single beam surveys will be performed for acceptance surveys on the project?

QUESTIONS RECEIVED FROM CONTRACTORS

DESCRIPTION OF PROJECT: KEY WEST HARBOR DREDGING, 34-FOOT PROJECT, MAIN SHIP CHANNEL, CUT-A, CUT-B, CUT-C, AND TRUMAN HARBOR

ANSWER #21a: No. The Government reserves the right to use other survey methods.

QUESTION #21b: Will multibeam surveys be required in new work hard material areas as per guidelines in your manual EM1110-2-1003 Engineering and design Manual for Hydrographic Surveying chapter 3?

ANSWER #21b: Yes.

QUESTION #22: We would like to bring to the Corps' attention a flaw in the Solicitation DACA17-03-R-0012 ("Solicitation") created by Amendment 0002. Specifically, Amendment 0002, at Section 01270 ¶¶ 1.2.2.1(d), 1.2.2.2(b) and 1.2.3.2(b), provides for a different measurement for payment method to be used depending on whether the contractor removes the material in Acceptance Sections ("AS") 10-15 in a single pass of the dredge (removing all loose sediment and in situ rock at one time) or more than one pass (hereafter "two-pass" method) (attempting to remove loose sediment before dredging remaining material). As set forth in more detail below, this portion of the Solicitation is flawed for at least four reasons:

- it provides an unfair price evaluation preference for offerors who plan to perform the work using a two-pass method;
- it prevents bidders who plan to perform the work using different methods from competing on a fair and equal basis;
- it ensures that if a two-pass method is used, the government will pay the substantially higher price for in situ rock excavation for the removal of a substantial portion of the loose sediment; and
- it provides no assurance that selection of the lowest price offeror will result in the government paying the lowest price for the work.

QUESTION #22a: The solution to these problems is simple, and we request that the Corps modify the Solicitation to make the measurement "by ratio" method set forth in paragraph 1.2.2.1(d) applicable regardless of whether the one-pass or two-pass method is used. With this change, offers will be evaluated on a fair and equal basis, and the government will avoid the prospect of paying the in situ rock price for the removal of a significant quantity of loose sediment if the contractor uses the two-pass approach..

ANSWER #22a: For the following reasons, the Government declines to change the measurement paragraphs:

- 1. The quantities of loose sediment and in-situ rock are based on the Government's best estimates. Should the final quantities vary from these estimates, price adjustments can be made in accordance with the VEQ clause. On the other hand, if we elected to measure payment based on estimated ratios, we could be opening the door for a differing site condition.
- 2. Offerors are expected to base their offers on the quantities given in the solicitation. As part of price evaluation, the Government will be checking for materially unbalanced offers. Offerors are reminded that the Government intends to award without discussions; therefore, a materially unbalanced offer could eliminate an offeror from the competition without being given an opportunity to fix the unbalanced offer.
- 3. The Government intends to closely monitor contractor performance throughout the life of this contract and will: (i) decide when the contractor has completed an acceptance section, and (ii) require the contractor to use the upland disposal area for any load that contains too much loose sediment (as determined by the COR).

QUESTION #22b: A principal problem with the current Solicitation arises from the fact that the estimated 137,180 cubic yards (cy) of loose sediment identified in contract line items ("CLINS") 0003 and 0010 is found in a very thin layer (typically less than one foot) on top of rock. Regardless of the type of dredging equipment that is used, it is nearly impossible to remove even one-half of this material during the first pass of a two-pass method. Thus,

QUESTIONS RECEIVED FROM CONTRACTORS

DESCRIPTION OF PROJECT: KEY WEST HARBOR DREDGING, 34-FOOT PROJECT, MAIN SHIP CHANNEL, CUT-A, CUT-B, CUT-C, AND TRUMAN HARBOR

assuming a contractor could successfully remove 50% of the loose sediment on the first pass, 68,950 cy of loose sediment would remain to be dug with the rock in the second pass.

Under the current RFP (at ¶ 1.2.2.2(b) and ¶ 1.2.3.2(b)), a contractor using a two-pass method would be paid for this remaining 68,590 cy of loose sediment dredged during the second pass at the **significantly higher** in situ rock price set forth in CLINS 0004 or 0011. By contrast, under the current Solicitation, a contractor who digs all of the material in a single pass would be paid for all or virtually all of this 68,590 cy at the lower loose sediment price as a result of “ratio rule” set forth in ¶ 1.2.2.1(d) of Section 01270.

As a result of this solicitation flaw, an offeror that bases its prices on a two-pass method receives an improper price evaluation preference. As noted above, if such an offeror can remove 50% of the loose sediment in the first pass, it will be paid for the approximately 68,590 cy of loose sediment left behind after the first pass at the in situ rock price. Its proposal will be evaluated for award purposes, however, by applying the much lower loose sediment price in CLINS 0003 and 0010 to this 68,590 cy. An offeror whose proposal is based on a one-pass method does not receive this benefit because of the different measurement rules set forth in Section 01270, however, and is at a competitive disadvantage.

It is a fundamental principle of federal procurement law that the Solicitation must be structured to permit all offerors to compete on a fair and equal basis for award of a contract. Because of the discrepancy noted above, offerors who plan to use a one-pass methodology cannot compete on a fair and equal basis. Moreover, the RFP as currently structured could require the Corps to pay millions of dollars more to a contractor using a two-pass method than it would have to pay to a contractor using a one-pass method. For example, if the price difference between the loose sediment and in situ rock CLINS was as little as \$25 per cy, the government would pay \$1,723,750 more than necessary to remove the 50% of loose sediment remaining after a first pass.

For each of these reasons, respectfully requests that the Corps modify Section 01270 and apply the “ratio” method of measurement set forth in ¶ 1.2.2.1(d) of the RFP regardless of whether a one-pass or two-pass method of performing the work is utilized.

ANSWER #22b: See answer to 22a above.

QUESTION #23a: Section 00320 “Geotechnical Data” In amendment #1 under questions #1-13, posted July 21, 2003, questions #6 and #7 request specific additional geotechnical information at location within the project. The Corps response was the some of the specific data will be provided in a subsequent amendment, however no addition geotechnical data has been provided to date.

ANSWER #23a: Additional geotechnical data is included within the current amendment. See Page 0320-8 of the amendment. Lab data is provided in para. 1.4.5., it includes gradation curves, atterburg limits and sediment rate curves. Core borings CB-KWH03-4 through CB-KWH03-7 were taken by the sponsor's Contractor in Cut A and the northern end of the Main Ship Channel by using divers to hammer a metal tube into the sediment on the channel floor. Core boring logs were not provided to the Government. A material description is included on the gradation curves along with the depths the samples were taken. The borings are plotted on the plan sheets.

QUESTION #23b: Does the Corps have additional geotechnical information?

ANSWER #23b: See ANSWER #23a.

QUESTION #23c: Will this information be available in another amendment?

ANSWER #23c: See ANSWER #23a.

QUESTIONS RECEIVED FROM CONTRACTORS

DESCRIPTION OF PROJECT: KEY WEST HARBOR DREDGING, 34-FOOT PROJECT, MAIN SHIP CHANNEL, CUT-A, CUT-B, CUT-C, AND TRUMAN HARBOR

QUESTION #24: Section 02323 “Dredging” Section 01411 “Turbidity and Disposal Monitoring” has been deleted from the contract specifications, the result was placing the turbidity requirements in the dredging section of the specification. There are no indications as to the frequency of the test that will be required should the compliance samples be within the required tolerance. What is the frequency of turbidity testing?

ANSWER #24: Every two hours.

QUESTION #25a: In paragraph 3.3.2 “Turbidity Standards” a compliance reading of above 15 NTU’s and below 29 NTU’s triggers a required retest every 15 minutes. The spec allows you one hour to get the turbidity levels below 15 NTU’s, however even if you get the turbidity below 15 NTU’s you must continue testing every 15 minutes for up until 3 hours or the compliance sample is equal to background. Is this the correct interpretation?

ANSWER #25a: Yes

QUESTION #25b: If the compliance sample never gets above 15 NTU’s it is apparent the retests are not required, is this correct?

ANSWER #25b: Yes

QUESTION #25c: If so, why are retests required once the turbidity levels subside below 15 NTU’s once the retests have been triggered by going over 15 NTU’s?

ANSWER #25c: Special conditions in FDEP and ACOE permits.

QUESTION #26: If you are required to have the compliance return to background, once this is accomplished, when will the next sample be taken (this goes back to not knowing the frequency of testing)?

ANSWER #26: Once turbidity returns to background testing frequency returns to every two hours. In addition, if and when dredging ceases for exceeding turbidity standards, unless the reason for exceeding the standards is clearly related to a problem with the dredge, the turbidity monitoring contractor will be required to continue testing every 15 minutes until turbidity readings return to background. If the reason for exceeding standards is related to a problem with the dredge, the turbidity monitor will resume testing within 15 minutes of the time the dredge contractor reports that the dredge problem has been fixed.

QUESTION #27: In order to know the full scope of the turbidity requirements we require to see the turbidity specifications for the independent contract for turbidity monitoring.

ANSWER #27: The general features of the turbidity monitoring contract have been included in the specifications for this RFP (DACA17-03-0012) and in the answers to contractor questions (see answer for question #26 above). The actual specifications for the turbidity monitoring contract have not been completed but they will incorporate the requirements we have included in answers to questions about turbidity monitoring.

QUESTION #28: The contract specifications refer to drawing 3/1 for location of the weir discharge for decanted water from the CDF. We cannot find reference to the discharge location on the drawing. Please provide clarification.

ANSWER #28: Refer to Section 02325, paragraph 3.4.8.2.