

<b>AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT</b>				1. CONTRACT ID CODE	PAGE OF PAGES 1   1
2. AMENDMENT/MODIFICATION NO. 0007	3. EFFECTIVE DATE 13 Sep 2004	4. REQUISITION/PURCHASE REQ. NO.		5. PROJECT NO. (If applicable)	
6. ISSUED BY CODE		7. ADMINISTERED BY (If other than Item 6) See Item 6		CODE	
USA ENGINEER DISTRICT, JACKSONVILLE PRUDENTIAL OFFICE BLDG 701 SAN MARCO BLVD, ATTN: CESAJ-CT JACKSONVILLE, FL					
8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code)				<input checked="" type="checkbox"/>	9A. AMENDMENT OF SOLICITATION NO. DACW17-03-R-0016
				<input checked="" type="checkbox"/>	9B. DATED (SEE ITEM 11) 16 July 2004
					10A. MODIFICATION OF CONTRACTS/ORDER NO.
					10B. DATED (SEE ITEM 13)
CODE	FACILITY CODE				

**11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS**

The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers tended.  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 \_\_\_\_\_ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA (If required)

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

A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.

B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).

C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:

D. OTHER (Specify type of modification and authority)

**E. IMPORTANT:** Contractor  is not,  is required to sign this document and return \_\_\_\_\_ copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)

**MAINTENANCE DREDGING, 36, 42, AND 44-FOOT PROJECT, CUT 1 THROUGH MAIN TURNING BASIN, CONSTRUCTION DREDGING, 42-FOOT PROJECT, FISHERMAN CHANNEL THROUGH LUMMUS TURNING BASIN, MIAMI HARBOR, DADE COUNTY, FLORIDA**

Delete Section 01270 in its entirety and replace with attached revised pages. Deletions are noted with line/crossouts and pertain only to changes made by this amendment.

**PROPOSAL DUE DATE IS 16 SEPTEMBER 2004 AT 4:00 P.M.**

Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or print)		16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print)	
15B. CONTRACTOR/OFFEROR	15C. DATE SIGNED	16B. UNITED STATES OF AMERICA BY <u>Cynthia S. Delle</u> (Signature of Contracting Officer)	16C. DATE SIGNED 13 Sep 04
(Signature of person authorized to sign)			

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SECTION 01270

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SECTION 01270

MEASUREMENT AND PAYMENT

PART 1 GENERAL

1.1 SUMMARY

This section describes how Line Items will be measured and paid for progress payments. Work to be measured is described in specification sections listed for each Line Item. Measurement procedures for payment, required quantity survey or procurement documentation and payment restrictions are described in applicable specification sections. Allocate costs for work not specifically mentioned to the Line Item most closely associated with work involved. Unless there is a specific Line Item for administrative costs, such as Quality Control and Safety, allocate such costs proportionally across all Line Items.

1.2 DEFINITIONS

The terms "Contract Line Item Number (CLIN)" and "Line Item" are interchangeable herein (e.g., CLIN 0001 is Line Item 0001). The term "CLIN" is a contracting term used in the Quality Control System (QCS) payment data base. See Section 01312 QUALITY CONTROL SYSTEM (QCS).

1.3 SUBMITTALS

Government approval is required for submittals with a "G" designation; submittals not having a "G" designation are for information only. When used, a designation following the "G" designation identifies the office that will review the submittal for the Government. Transmit submittal items in accordance with Section 01330 SUBMITTAL PROCEDURES.

SD-01 Preconstruction Submittals

Schedule of Values; G|COR

Provide a breakdown of lump sum items into proposed pay activities. Schedule of Values will become basis for CLIN and Pay Activity data in the QCS payment data base.

1.4 LUMP SUM PAYMENT ITEMS

Payment items for the work of this contract for which contract lump sum payments will be made are listed in the LINE ITEMS AND PRICING SCHEDULE and described below. All costs for items of work, which are not specifically mentioned to be included in a particular lump sum or unit price payment item, shall be included in the listed lump sum item most closely associated with the work involved. The lump sum price and payment made for each item

listed shall constitute full compensation for furnishing all plant, labor, materials, and equipment, and performing any associated Contractor quality control, environmental protection, meeting safety requirements, tests and reports, and for performing all work required for which separate payment is not otherwise provided.

Progress payments for lump sum CLINs will be made in accordance with the Payment Under Fixed-Price Construction Contracts clause of Section 00700 CONTRACT CLAUSES. Provide a list of pay activities, (Schedule of Values) to breakdown offer for each lump sum CLIN. Within 20 calendar days after receiving Notice to Proceed, submit Schedule of Values for Government approval. An unbalanced Schedule of Values and Pay Activity Schedule will be returned for revision. Linking a CLIN to a schedule of values of pay activities and construction schedule are described in Section 01312 QUALITY CONTROL SYSTEM (QCS). If this contract contains either the Continuing Contracts clause or the Continuing Contracts (Alternate) clause, the Contractor should take into account the amount reserved for contract payments when preparing the construction schedule.

1.4.1 Mobilization and Demobilization (Line Items 0001, 0003AA, 0006AA, and 0007AA)

Payment will be made for costs associated with or incidental to mobilization and demobilization and establishment of initial project management and coordination. See Clause PAYMENT FOR MOBILIZATION AND DEMOBILIZATION of Section 00700 CONTRACT CLAUSES and Section 01310 ADMINISTRATIVE PROCEDURES.

1.4.2 Endangered Species Monitoring (Hopper Dredges Only) (Line Items 0002AB, 0003AC, 0004AB, 0005AB, 0006AC, and 0007AC)

Payment will be made for costs associated with or incidental to endangered species observers. See Section 01355 ENVIRONMENTAL PROTECTION.

1.4.3 Turbidity and Placement Monitoring (Line Items 0002AC, 0003AD, 0004AC, 0005AC, 0006AD, and 0007AD)

Payment will be made for costs associated with or incidental to obtaining, analyzing, and reporting the results of monitoring for turbidity. See Section 01411 TURBIDITY AND DISPOSAL MONITORING.

1.4.4 Construction/Vibration Controls and Monitoring (Lines Item 0002AD, 0004AD, and 0005AD)

Payment will be made for costs associated with or incidental to the protection of existing structures from construction activities and blasting operations. See Section 01525 GENERAL SAFETY REQUIREMENTS.

1.4.5 Marine Mammal/Turtle Watch Plan Operations (Line Items 0002AF, 0004AF, and 0005AF)

Payment will be made for costs associated with or incidental to conducting Marine Mammal/Turtle Watch Plan Operations. See Section 01355 Environmental Protection.

~~1.4.6 Interim Demobilization and Remobilization (Line Items 0008AA through 0008AF)~~

~~Payment will be made only in the event (i) funding is exhausted prior to completion of the base work or any currently exercised options and (ii) the Contractor elects to stop work until additional funds are made available. The amount to be paid for each exhaustion of funds shall be limited to the least of:~~

- ~~a. The actual costs incurred for demobilization and remobilization;~~
- ~~b. The amount included in the contract pricing schedule for the applicable line item; or~~
- ~~c. A reasonable daily standby rate for the period that funds are not available.~~

~~See note 5 of Section 00010A LINE ITEMS AND PRICING SCHEDULE.~~

1.5 UNIT PRICE PAYMENT ITEMS

Payment items for the work of this contract on which the contract unit price payments will be made are listed in the LINE ITEMS AND PRICING SCHEDULE and described below. The unit price and payment made for each item listed shall constitute full compensation for furnishing all plant, labor, materials, and equipment, and performing any associated Contractor quality control, environmental protection, meeting safety requirements, tests and reports, and for performing all work required for each of the unit price items.

Each Unit Price CLIN may be a single pay activity item or may be broken down into pay activities with smaller quantities equal to CLIN total. Contract unit price multiplied by agreed quantity is full compensation.

1.5.1 Excavation, Unclassified (Line Items 0002AA, 0003AB, 0004AA, 0005AA, 0006AB, and 0007AB)

1.5.1.1 Payment

a. Payment will be made for costs associated with or incidental to excavation, transportation, and disposal of materials; providing and maintaining access to the work site(s) and disposal area(s); noise control; debris removal; installation, operation or maintenance of the electronic tracking system for surveillance of all dredging and disposal activities and ocean disposal area marking. See Sections 02325 DREDGING and 01355 ENVIRONMENTAL PROTECTION.

b. Insofar as consistent with the paragraph CONTINUITY OF WORK -- DREDGING OF ROCK of Section 02325 DREDGING, monthly partial payments will be based on approximate quantities determined by soundings or sweepings performed by the Contractor behind the dredge. The term "area designated by the Contracting Officer" as used in the CONTINUITY OF WORK paragraph, is defined as "acceptance section".

c. Soundings for payment purposes shall be made by the Government at the frequency listed in the Channel Survey Notes on the contract drawings.

1.5.1.2 Measurement

a. The maps and/or drawings already prepared (paragraph CONTRACT DRAWINGS, MAPS, AND SPECIFICATIONS of Section 00700 CONTRACT CLAUSES) are believed to represent accurately average existing conditions, but the depths shown thereon may be verified and corrected by soundings taken before dredging. Determination of quantities removed and the deductions made therefrom to determine quantities by place measurement to be paid for in the area specified, after having once been made, will not be reopened, except on evidence of collusion, fraud, or obvious error.

b. The total amount of material removed, and to be paid for under the contract, will be measured by the cubic yard in place and quantities determined by the average end area method. The volume computed shall be between the bottom surface shown by soundings taken within 3 weeks before dredging and the bottom surface shown by the soundings taken within 3 weeks after the work specified in each acceptance section indicated on the drawings has been completed. The Contractor shall give 10 days advance notice, in writing, to the Contracting Officer's Representative of the need for a pre-dredging survey or after-dredging survey for final acceptance for each acceptance section. The quantity shall include the volume within the limits of the side slopes described in subparagraph "Side Slopes" of paragraph REQUIRED DEPTH, ALLOWABLE OVERDEPTH, AND SIDE SLOPES of Section 02325 DREDGING, less any deductions that may be required for misplaced material described in subparagraph "Misplaced Materials" of paragraph DISPOSAL OF EXCAVATED MATERIAL of Section 02325 DREDGING.

1.5.1.3 Unit of Measure

Cubic yard.

1.5.2 Drilling and Blasting Operations (Line Items 0002AE, 0004AE, and 0005AE)

1.5.2.1 Payment

a. Payment will be made for costs associated with and incidental to drilling and blasting operations. See Sections 01525 GENERAL SAFETY REQUIREMENTS.

b. Insofar as consistent with the paragraph CONTINUITY OF WORK -- DREDGING OF ROCK of Section 02325 DREDGING, monthly partial payments will be based on quantities determined by the volume indicated in the approved shot report. The term "area designated by the Contracting Officer" as used in the CONTINUITY OF WORK paragraph is defined as "acceptance section." All methods other than drilling and blasting used to loosen or fracture rock prior to excavation are prohibited.

1.5.2.2 Measurement

The total amount of material drilled and blasted, and to be paid for under the contract, will be measured by the cubic yard in place and quantities determined by the average end area method. The volume computed shall be between the bottom surface shown by soundings indicated in the approved shot plan and the surface of the design template for each acceptance section. The quantity shall include the volume within the limits of the side slopes described in subparagraph "side Slopes" of paragraph REQUIRED DEPTH, ALLOWABLE OVERDEPTH, AND SIDE SLOPES of Section 02325 DREDGING, less any deductions that may be required for misplaced material described in subparagraph "Misplaced Materials" of paragraph DISPOSAL OF EXCAVATED MATERIAL of Section 02325 DREDGING. No payment for drilling and blasting will be made until the area loosened by drilling and blasting is sufficiently excavated and disposed. No areas of drilling and blasting shall be left unexcavated for more than 30 days. Contractor shall certify to the Contracting Officer any loosened and unexcavated rock shall not impose a hazard to navigation by performing surveys as necessary. A maximum 1-foot tolerance above pre-blast elevations is acceptable until excavation can occur. Any material exceeding this tolerance shall be removed immediately.

1.5.2.3 Unit of Measure

Cubic Yard

PART 2 PRODUCTS (NOT APPLICABLE)

PART 3 EXECUTION

3.1 PAYMENT PROCEDURES

See Section 01312 QUALITY CONTROL SYSTEM (QCS) for in-depth payment procedure instructions. Upon receiving initial Resident Management System import file, go to "Pay Activities" and establish a link between offer breakdown schedule of values of "Pay Activities" to contract CLINs using "Schedule Activities" data entry page.

3.1.1 Requesting Progress Payment

For progress payments, ensure "Activity Schedule", "Feature Schedule", submittal register, and punchlists are all up to date. Use "Progress Payments" to "request Activity Earnings" for both "Activity Earnings" data entry page and "Other Earning". Provide hard copies of supporting invoices and quantity measurement to support all requested earnings. Ensure that sum of payment activities do not exceed contract award CLIN funding amounts, or "unbalanced" CLINS error will prevent processing the payment.

3.1.2 Options and Modification CLINS

When additional work is added by modification, existing CLINs funding amounts must be updated, or new CLINs for modification will be created. If contract has option CLINs not yet awarded, option CLINs will appear as zero

Maint & Constr Dredging, Miami Harbor, Florida

dollar CLINs until option is awarded by modification. No payment may be requested for Options or modification CLINs until contract modification has been funded and signed.

-- End of Section --