

SOLICITATION, OFFER, AND AWARD <i>(Construction, Alteration, or Repair)</i>	1. SOLICITATION NUMBER DACW67-02-B-0014	2. TYPE OF SOLICITATION <input checked="" type="checkbox"/> SEALED BID (IFB) <input type="checkbox"/> NEGOTIATED (RFP)	3. DATE ISSUED 12 August 2002	PAGE OF PAGES 1
	IMPORTANT - The "offer" section on the reverse must be fully completed by the offeror.			

4. CONTRACT NUMBER DACW67-02-C-0015	5. REQUISITION PURCHASE REQUEST NUMBER W68MD9-2176-0979	6. PROJECT NUMBER
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7. ISSUED BY Seattle District, Corps of Engineers ATTN: CENWS-CT-CB-CU PO Box 3755 Seattle, WA 98124-3755	CODE DACW67	8. ADDRESS OFFER TO Seattle District, Corps of Engineers PO Box 3755 ATTN: CENWS-CT-CB-CU Seattle, WA 98124-3755 HAND CARRY: Preston Conference Room 4735 East Marginal Way South Seattle, WA 98134-2385 BID OPENING ROOM: Preston Conference Room
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9. FOR INFORMATION CALL A. NAME See Information Page inside Front Cover	B. TELEPHONE NUMBER (Include area code) (NO COLLECT CALLS) See Information Page inside Front Cover
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SOLICITATION

NOTE: In sealed bid solicitations "offer" and "offeror" mean "bid" and "bidder".

10. THE GOVERNMENT REQUIRES PERFORMANCE OF THE WORK DESCRIBED IN THESE DOCUMENTS (Title, identifying number, date).

Furnish all labor, materials and equipment and perform all work for Neah Bay Breakwater Repairs and Rehabilitation at Clallam County, Washington, in accordance with the attached Contract Clauses, Special Clauses, Technical Specifications and Drawings.

1. Solicitation No. DACW67-02-B-0014 dated 12 August 2002, with 0 amendments thereto.
2. Wage Determination No. WA010001 with 12 modifications thereto.
3. Drawings is listed.

NOTE: Award will be made pursuant to the Small Business Competitive Demonstration Program.

11. The Contractor shall begin performance within 5 calendar days and complete it within * calendar days after award, notice to proceed. This performance period is mandatory, negotiable. (See * Paragraph SC-1, 00800.)

12A. THE CONTRACTOR MUST FURNISH ANY REQUIRED PERFORMANCE PAYMENT BONDS? <i>(If "YES" indicate within how many calendar days after award in Item 12B.)</i>	12B. CALENDAR DAYS
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	10

13. ADDITIONAL SOLICITATION REQUIREMENTS

A. Sealed offers in original and 1 copies to perform the work required are due at the place specified in Item 8 by 2:00 p.m. (hour) local time 19 August 2002 (date). If this is a sealed bid solicitation, offers will be publicly opened at that time. Sealed envelope containing offers shall be marked to show the offeror's name and address, the solicitation number, and the date and time offers are due.

B. An offer guarantee is, is not required.

C. All offers are subject to the (1) work requirements, and (2) other provisions and clauses incorporated in the solicitation in full text or by reference.

D. Offers providing less than 90 calendar days for Government acceptance after the date offers are due will not be considered and will be rejected.

00010-1

OFFER (Must be fully completed by offeror)

14. NAME AND ADDRESS OF OFFEROR (Include ZIP Code) MILLER CONTRACTING, INC. 8828 River Road Delta, British Columbia, Canada V4G 1B5 Tax ID No: <u>24460339</u> DUNS No: <u>242894889 3AP36</u> eMail: <u>jmillers@jjmconstruction.com</u>	15. TELEPHONE NUMBER (Include area code) 604 946.0978 FAX: 604 946.9327 16. REMITTANCE ADDRESS (Include only if different than Item 14) <p align="center">N/A</p>
CODE	FACILITY CODE

17. The offeror agrees to perform the work required at the prices specified below in strict accordance with the terms of this solicitation, if this accepted by the Government in writing within 90 calendar days after the date offers are due. (Insert any number equal or greater than minimum requirement stated in 13D. Failure to insert any number means the offeror accepts the minimum in Item 13D.)

AMOUNTS See page 00010-5

18. The offeror agrees to furnish any required performance and payment bonds.

19. ACKNOWLEDGEMENT OF AMENDMENTS
(The offeror acknowledges receipt of amendments to the solicitation - give number and date of each)

AMENDMENT NO.	NIL								
DATE									

20A. NAME AND TITLE OF PERSON AUTHORIZED TO SIGN OFFER (Type or print) J.J. Miller-President	20B. SIGNATURE 	20C. OFFER DATE August 19, 2002
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AWARD (To be completed by Government)

21. ITEMS ACCEPTED

 Line 0001 thru 0004

22. AMOUNT \$648,500.00	23. ACCOUNTING AND APPROPRIATION DATA 96X31230000 0824333 067314964533230A00178 NA A00178
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24. SUBMIT INVOICES TO ADDRESS SHOWN IN <i>(4 copies unless otherwise specified)</i>	ITEM 26	25. OTHER THAN FULL AND OPEN COMPETITION PURSUANT TO <input type="checkbox"/> 10 U.S.C. 2304(c) () <input type="checkbox"/> 41 U.S.C. 253(c) ()
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26. ADMINISTERED BY CODE <input type="checkbox"/> United States Army Corps of Engineers Seattle District Northwest Area Office PO Box 92146 Tillicum, WA 98492-0146	27. PAYMENT WILL BE MADE BY US Army Corps of Engineers Finance Center CEFC-AO-P 5722 Integrity Drive Millington, TN 38054-5005
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CONTRACTING OFFICER WILL COMPLETE ITEM 28 OR 29 AS APPLICABLE

28. NEGOTIATED AGREEMENT (Contractor is required to sign this document and return _____ copies to the issuing office.) Contractor agrees to furnish and deliver all items or perform all work requirements identified on this form and any continuation sheets for the consideration stated in this contract. The rights and obligations of the parties to this contract shall be governed by (a) this contract award, (b) the solicitation, and (c) the clauses, representations, certifications, and specifications incorporated by reference in or attached to this contract.

29. AWARD. (Contractor is not required to sign this document.) Your offer on this solicitation is hereby accepted as to the items listed. This award consummates the contract, which consists of (a) the Government solicitation and your offer, and (b) this contract award. No further contractual document is necessary.

30A. NAME AND TITLE OF CONTRACTOR OR PERSON AUTHORIZED TO SIGN <i>(Type or print)</i>	30B. SIGNATURE	30C. DATE	31. NAME OF CONTRACTING OFFICER (Type or print) KENT R. PAUL CONTRACTING OFFICER 31B. UNITED STATES OF AMERICA BY	31C. AWARD DATE 27 Aug 02
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ALTERATIONS IN CONTRACT (FAR 52.252-4) (APR 1984)

PORTIONS OF THIS CONTRACT ARE ALTERED AS FOLLOWS:

1. Items Accepted for Award –

Base Items:

CLIN 0001	
0001A	\$192,000.00
0001B	37,500.00
0001C	45,000.00
CLIN 0002	
0002AA	80,000.00
0002AB	20,000.00
0002AC	24,000.00
CLIN 0003	125,000.00
CLIN 0004	125,000.00
 Total Base Items Accepted for Award	 \$648,500.00

Optional Items

CLIN 0005	60,000.00
CLIN 0006	60,000.00
CLIN 0007	192,000.00
CLIN 0008	37,500.00
 Total Optional Items	 \$349,500.00

Total Contract Amount including Base
& Optional Items \$998,000.00

2. Reference Section 8, Measurements and Payment, of the Statement of Work; Para. (b)(2) is revised as follows:

Daily Payment: Payment will be made based on the actual number of days for each type of equipment including operator(s) used in the performance of this contract. All equipment time will be tracked by equipment time cards signed by operators. Contractor employees/operators will be tracked by name and job title; this is for certified payrolls.

Payment for stone will be based on actual quantities used for breakwater repairs.

3. FAR 52.211-18 Variation in Estimated Quantities clause included in Section 00700 is applicable to CLINS 0003 thru 0006.

4. Contracting Officer's Representative (COR) will be Robert Parry, (206)764-3400

IF THE CONTRACTOR IS A CORPORATION OR PARTNERSHIP, THE APPLICABLE PORTION OF THE FORM LISTED BELOW MUST BE COMPLETED. IN THE ALTERNATIVE, OTHER EVIDENCE MUST BE SUBMITTED TO SUBSTANTIATE THE AUTHORITY OF THE PERSON SIGNING THE CONTRACT. IF A CORPORATION, **THE SAME OFFICER SHALL NOT EXECUTE BOTH THE CONTRACT AND THE CERTIFICATE.**

CORPORATE CERTIFICATE

I, N.J. Miller, certify that I am the Secretary Secretary of the Corporation named as Contractor herein; that J.J. Miller who signed this contract on behalf of the Contractor was then President of said corporation; that said contract was duly signed for and on behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

N.J. Miller (CORPORATE
(Secretary) **N.J. Miller** SEAL)

AUTHORITY TO BIND PARTNERSHIP

This is to certify that the names, signatures and Social Security Numbers of all partners are listed below and that the person signing the contract has authority actually to bind the partnership pursuant to its partnership agreements. Each of the partners individually has full authority to enter into and execute contractual instruments on behalf of said partnership with the United States of America, except as follows: (state "none" or describe limitations, if any)

This authority shall remain in full force and effect until such time as the revocation of authority by any cause whatsoever has been furnished in writing to, and acknowledged by, the Contracting Officer.

(Names, Signatures and Social Security Numbers of all Partners)

NAME	SIGNATURE	SOCIAL SECURITY NO.
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SECTION B SUPPLIES OR SERVICES AND PRICES/COSTS

BASE PERIOD

Item No.	Description of Item	Estimated Quantity	Unit	Unit Price	Amount
BASE ITEMS					
0001	One Barge, spud or anchor positioned, center positioned, pedestal mounted crane with a minimum 140' reach from center of crane, capable of placing 12 ton rock with a rock bucket or rock claw at its maximum radius. Crane will be working on a 24 hour a day * (See Note "A")				
0001A	24-hour days, Flat Rate.	8	Days	\$ <u>24000.00</u>	\$ <u>192,000.00</u>
0001B	Lay Days.	5	Days	\$ <u>7500.00</u>	\$ <u>37,500.00</u>
0001C	Mobilization/Demobilization (Roundtrip)	1	Roundtrip	\$ <u>45000.00</u>	\$ <u>45,000.00</u>
0002	One Tugboat sized properly for towing, moving and servicing the crane and rock barges on site. Operation will be 24 hours per day. Must meet all Corps of Engineers and Coast Guard safety requirements for the area of operation				
0002AA	24-hour days, Flat Rate.	8	Days	\$ <u>10000.00</u>	\$ <u>80,000.00</u>
0002AB	Lay Days.	5	Days	\$ <u>4000.00</u>	\$ <u>20,000.00</u>
0002AC	Mobilization/Demobilization (Roundtrip)	1	Roundtrip	\$ <u>24000.00</u>	\$ <u>24,000.00</u>
0003	3-12 Ton Armor stone with 50% larger than 7 ton, delivered with no downtime for crane.	1st 5000	Tons	\$ <u>25.00</u>	\$ <u>125,000.00</u>
0004	3-12 Ton Armor stone with 50% larger than 7 ton, delivered with no downtime for crane.	2nd 5000	Tons	\$ <u>25.00</u>	\$ <u>125,000.00</u>
TOTAL BASE ITEMS					\$ <u>648,500.00</u>
OPTION ITEMS					
0005	3-12 Ton Armor stone with 50% larger than 7 ton, delivered with no downtime for crane.	1st 3000	Tons	\$ <u>20.00</u>	\$ <u>60,000.00</u>
0006	3-12 Ton Armor stone with 50% larger than 7 ton, delivered with no downtime for crane.	2nd 3000	Tons	\$ <u>20.00</u>	\$ <u>60,000.00</u>
0007	Crane barge for additional days	8	Days	\$ <u>24000.00</u>	\$ <u>192,000.00</u>
0008	Crane barge for additional lay days	5	Days	\$ <u>7500.00</u>	\$ <u>37,500.00</u>
TOTAL OPTION ITEMS					\$ <u>349,500.00</u>
TOTAL BASE AND OPTION ITEMS					\$ <u>998,000.00</u>