



**DEPARTMENT OF THE ARMY**  
SEATTLE DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 3755  
SEATTLE, WASHINGTON 98124-3755

REPLY TO  
ATTENTION OF

Military/HTRW Unit  
Contracting Division

SUBJECT: Transmittal of Contract No. W912DW-04-C-0001

Atherton Construction Inc  
Attn: John Furlong  
3855 S. Jones Blvd Street 101  
Las Vegas NV 89103-2296

Gentlemen:

You are hereby notified that your response to Request for Proposal No. DACA67-03-R-0213 in the amount shown in block 22 of the contract (SF1442) is accepted. Your copy of the executed contract is enclosed.

Project Title: Design-Build: Family Housing, Phase 3, Malmstrom AFB, Montana.

Your attention is directed to the enclosed Instruction Sheet regarding the Bonds. The original Performance Bonds, enclosed, and original Payment Bonds, enclosed, are to be executed and returned to this office as soon as possible but not later than 10 days after receipt by you.

Notice to proceed with the work will be covered by separate correspondence upon evidence of insurance. Insurance certificate is due as soon as possible, but not later than 10 calendar days after Notice of Award.

The following additional information relating to this contract is furnished:

- a. Inspection and Supervision -  
Dennis Scalf

has been designated Administrative Contracting Officer (ACO), duplicate enclosed, and, if Government Furnished Property is included in the contract, my primary representative for Property Administration for this project. He will be responsible for inspection, supervision and acceptance of the work in accordance with the contract clauses and will act as my representative to whom all correspondence and inquiries are to be directed after initiation of work. Additional instructions relating to specific provisions of the contract will soon be given by the ACO.

- b. Insurance - Special Clause 5, Insurance - Work on a Government Installation of the contract requires that you furnish evidence of Insurance prior to commencement of work

under the contract. Also, evidence is required of a commitment by the Insurance Company to notify Contracting Officer in writing of any material change, expiration or cancellation of any of the Insurance policies required, not less than 30 days before such change, expiration or cancellation is effective. This evidence for your own concern must be submitted at the time you sign and return your bonds, ATTN: Sonya Lira CENWS-CT. Subcontractors must likewise be covered. Insurance Certificates for subcontractors should be submitted to my representative as soon as possible after award, in any event prior to their commencing work.

c. If Government Furnished Property is included in the contract, it is necessary that you furnish a list of names and sample signatures of your representatives who will be authorized to receive and receipt for Government property. Please send this list and property receipts to the ACO, ATTN: Property Administrator, at the address shown above. In addition, upon receiving each piece of Government property you are required to submit a copy of DD Form 1348-1, DOD single Line Item Release/Receipt Document, or similar form documenting receipt of Government property to the Property Administrator. Government property in the custody of contractors is to be reported annually on a DD Form 1662 (enclosure) to the addressee in block 1 of the form not later than 15 October. Questions may be addressed to the ACO's property administrator.

Please note conditions of the contract relative to safety and insurance which prohibit commencement of work prior to compliance with foregoing requirements. No extension of time can be allowed for delay in compliance with these particular requirements.

The point of contact for this letter is the undersigned at (206)764-3203.

Sincerely,



Susan K. Sherrell  
Contracting Officer

Enclosures  
Contractor  
Contract File

<b>SOLICITATION, OFFER, AND AWARD</b> <i>(Construction, Alteration, or Repair)</i>		1. SOLICITATION NUMBER <b>DACA67-03-R-0213</b>	2. TYPE OF SOLICITATION <input type="checkbox"/> SEALED BID (IFB) <input checked="" type="checkbox"/> NEGOTIATED (RFP)	3. DATE ISSUED <b>05 Jan 2004</b>	PAGE OF PAGES <b>1</b>
<b>IMPORTANT - The "offer" section on the reverse must be fully completed by the offeror.</b>					
4. CONTRACT NUMBER		5. REQUISITION/PURCHASE REQUEST NUMBER <b>W68MD9-3028-6345</b>		6. PROJECT NUMBER	
7. ISSUED BY Seattle District, Corps of Engineers ATTN: CENWS-CT-CB-MU PO Box 3755 Seattle, WA 98124-3755		CODE <b>DACA67</b>	8. ADDRESS OFFER TO Seattle District, Corps of Engineers PO Box 3755 ATTN: CENWS-CT-CB-MU Seattle, WA 98124-3755  HAND CARRY: Seattle District Corps of Engineers Contracting Division 4735 East Marginal Way South Seattle, WA 98134-2329		
9. FOR INFORMATION CALL 		A. NAME <b>THOMAS R. DEGONIA</b>		B. TELEPHONE NUMBER (Include area code) (NO COLLECT CALLS) <b>206-766-6449</b>	

**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 Construct Family Housing Units Phase 3, Malmstrom AFB, Montana in accordance with the attached Contract Clauses, Special Clauses, Technical Specifications and Drawings.

11. The Contractor shall begin performance within 10 calendar days and complete it within 460 calendar days after receiving

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?  
(If "YES," indicate within how many calendar days after award in Item 12B.)

YES  NO

12B. CALENDAR DAYS

**10**

13. ADDITIONAL SOLICITATION REQUIREMENTS:

A. Sealed offers in original and see Sec. 00110 copies to perform the work required are due at the place specified in Item 8 by 2:00 p.m. (hour) local time 18 June 2003 (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.

**OFFER (Must be fully completed by offeror)**

14. NAME AND ADDRESS OF OFFEROR (Include ZIP Code)  Atherton Construction, Inc. 3855 S. Jones Blvd, #101 Las Vegas, NV 89103 Tax ID No: 87-0440084 DUNS No: 18-802-1604 eMail: atherton@lvcm.com	15. TELEPHONE NUMBER (Include area code) (702) 889-3600 Fax No.: (702) 222-1976  16. REMITTANCE ADDRESS (Include only if different than Item 14)
CODE FACILITY CODE Cage Code: 1BGH3	

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 offer accepted by the Government in writing within 90 calendar days after the date offers are due. (Insert any number equal or greater than the minimum requirement stated in 13D. Failure to insert any number means the offeror accepts the minimum in Item 13D.)

AMOUNTS

See Page 00010-5 Thru 00010-8

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.	0001	0002	0003	0004	0005					
DATE	6-02-03	6-04-03	6-09-03	6-10-03	6-11-03					

20A. NAME AND TITLE OF PERSON AUTHORIZED TO SIGN OFFER (Type or print)  John Furlong, Vice President	20B. SIGNATURE 	20C. OFFER DATE  6-18-03
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**AWARD (To be completed by Government)**

21. ITEMS ACCEPTED  
 Item No. Awarded: 0001,0002,0003,0005, 0006, 0007, 0008, 0012, 0013, 0014, 0021, 0022 and 0023 accordingly to schedule dated September 10, 2003.

22. AMOUNT  \$5,019,907.00	23. ACCOUNTING AND APPROPRIATION DATA 21220500000 088082 323088169670000000000 E314 35026 200357170400000 088082 320085213899130000000 NA 35026 200357170400000 088082 320085213899130000000 NA 35026
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24. SUBMIT INVOICES TO ADDRESS SHOWN IN (4 copies unless otherwise specified)	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  See Invoice Page 00010-2a	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**

<input type="checkbox"/> 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.	<input type="checkbox"/> 29. AWARD. (Contractor is not required to sign this document.) You 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.
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30A. NAME AND TITLE OF CONTRACTOR OR PERSON AUTHORIZED TO SIGN (Type or print)	31A. NAME OF CONTRACTING OFFICER (Type or print) Susan K. Sherrell Contracting Officer		
3. SIGNATURE	30C. DATE	31B. UNITED STATES OF AMERICA BY	31C. AWARD DATE Jun 15, 2004

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Send the following office 1 Original Invoice and 1 copy

Fairchild Resident Office  
PO Box 1929  
Airway Heights, WA 99001-1929

And

Send the following office 1 copy of the Invoice

Malmstrom Project Office  
PO Box 6570  
Great Falls, MT 59406-6570

ALTERATIONS IN CONTRACT  
(FAR 52.252-4) (APR 1984)

PORTIONS OF CONTRACT ARE ALTERED AS FOLLOWS:

- 1) Modification No.0 to Wage Decision No. MT030026 is hereby incorporated into this contract. See attached Letter Dated June 30, 2003.
- 2) Section 00800 – Special Clauses and Drawings listed.
- 3) Extention letters dated Nov 24, 2003, June 30, 2003 with price verification letter dated June 23, 2003 and letter of pricing schedule change dated September 10, 2003 is incorporated into the contract.

For contract Line Item Number (CLIN) 0001, 0002, 0003, 0005AA  
21220500000 088082 32308B169670000000000 E314 35026

For contract Line Item Number (CLIN) 0005AB, 0006, 0007, 0008, 0012 and 0013AA  
57070400000 088082 3200852GD871300000000 NA 35026

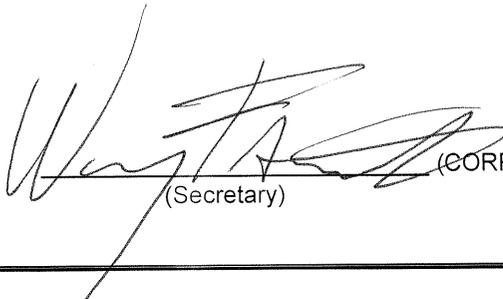
For contract Line Item Number (CLIN) 0013AB, 0014, 0021, 0022 and 0023  
200357170400000 088082 3200852GD871300000000 NA 35026

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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, Wayne Farnsworth, certify that I am the Secretary Secretary of the Corporation named as Contractor herein; that John Furlong, who signed this contract on behalf of the Contractor was then Vice 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.

  
(Secretary) (CORPORATE 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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03019/II

Replace Capehart Family Housing, Titan Phase 3, Malmstrom AFB, Mt.

**BID SCHEDULE**

REPLACE CAPEHART FAMILY HOUSING, TITAN PHASE 3

<u>Item No.</u>	<u>Description of Item</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Amount</u>
<b>BASE ITEMS</b>					
0001	Demolish Buildings Nos. 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4028, 4029, 4030 and 4031 in the Titan Housing Area	1	JOB	L.S.	\$ <u>272,823.00</u>
0002	All Work for Construction of Buildings Nos. 14009, 14011, 14013, 14015, 14028, 14029, 14030 and 14031 (16 Units) in the Titan Housing Area within a line 5 feet outside of the Building Exterior Walls	1	JOB	L.S.	\$ <u>2,736,369.00</u>
0003	Provide Titan Housing Area Site Work and Utilities for Item 0002 and Utilities for Items 0012, 0013, 0014 and 0015 from a line 5 feet outside of the Building Exterior Walls, except for Items 0004 and 0016 through 0023 (See Note 3)	1	JOB	L.S.	\$ <u>984,561.00</u>
0004	Not Used				
0005	All Work for As-Built Drawings as Specified in Section 01702 from Preparation to Final Approval for Base Items and any Optional Items Exercised	1	JOB	L.S.	\$15,000
0006	All Work for O&M Manuals as Specified in Section 01701 from Preparation to Final Approval for Base Items and any Optional Items Exercised	1	JOB	L.S.	\$10,000
0007	All Work for Form 1354 Checklist and Equipment in Place List as Specified in Sections 01704 and 01705 from Preparation to Final Approval for Base Items and any Optional Items Exercised	1	JOB	L.S.	\$ 6,000
TOTAL BASE ITEMS					\$ <u>4,024,753.00</u>
<b>OPTIONAL ITEMS</b>					
0008	Backfill (with satisfactory material), Compact, Finish and Fine Grade, Topsoil and Seeding (to cover excavation from demolition of Building No. 4016), as Indicated	1	JOB	L.S.	\$ <u>9,495.00</u>

03019/II

Replace Capehart Family Housing, Titan Phase 3, Malmstrom AFB, Mt.

<u>Item No.</u>	<u>Description of Item</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Amount</u>
0009	Backfill (with satisfactory material), Compact, Finish and Fine Grade, Topsoil and Seeding (to cover excavation from demolition of Building No. 4015), as indicated	1	JOB	L.S.	\$ <u>9,495.00</u>
0010	Backfill (with satisfactory material), Compact, Finish and Fine Grade, Topsoil and Seeding (to cover excavation from demolition of Building No. 4013), as indicated	1	JOB	L.S.	\$ <u>9,495.00</u>
0011	Backfill (with satisfactory material), Compact, Finish and Fine Grade, Topsoil and Seeding (to cover excavation from demolition of Building No. 4012), as indicated	1	JOB	L.S.	\$ <u>9,495.00</u>
0012	All Work for Construction of Building 14010 (2 Units) in the Titan Housing Area within a line 5 feet outside of the Building Exterior Walls and <u>All Work for Sitework</u> to include <u>Installation of Trees, and Shrubs and Sod</u> as shown on the Landscape Plans; Paving, Mowstrips, Driveways and Walks as indicated, and Duct Bank Work from the Building to the Transformer as shown on Electrical Drawing Plate E-003 (If this item is exercised, Optional Item 0008 WILL NOT be exercised)	1	JOB	L.S.	\$ <u>333,330.00</u>
0013	All Work for Construction of Building 14012 (2 Units) in the Titan Housing Area within a line 5 feet outside of the Building Exterior Walls and <u>All Work for Sitework</u> to include <u>Installation of Trees, and Shrubs and Sod</u> as shown on the Landscape Plans; Paving, Mowstrips, Driveways and Walks as indicated, and Duct Bank Work from the Building to the Transformer as shown on Electrical Drawing Plate E-003 (If this item is exercised, Optional Item 0009 WILL NOT be exercised)	1	JOB	L.S.	\$ <u>332,330.00</u>

REVISED BID SCHEDULE PER BID ACCEPTANCE PERIOD EXTENSION, SEPT. 10, 2003

03019/II

Replace Capehart Family Housing, Titan Phase 3, Malmstrom AFB, Mt.

<u>Item No.</u>	<u>Description of Item</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Amount</u>
0014	All Work for Construction of Building 14014 (2 Units) in the Titan Housing Area within a line 5 feet outside of the Building Exterior Walls and <u>All Work for Sitework</u> to include <u>Installation of Trees, and Shrubs and Sod</u> as shown on the Landscape Plans; Paving, Mowstrips, Driveways and Walks as indicated, and Duct Bank Work from the Building to the Transformer as shown on Electrical Drawing plate E-003 (If this item is exercised, Optional Item 0010 WILL NOT be exercised)	1	JOB	L.S.	\$ <u>294,375.00</u>
0015	All Work for Construction of Building 14016 (2 Units) in the Titan Housing Area within a line 5 feet outside of the Building Exterior Walls and <u>All Work for Sitework</u> to include <u>Installation of Trees, and Shrubs and Sod</u> as shown on the Landscape Plans; Paving, Mowstrips, Driveways and Walks as indicated, and Duct Bank Work from the Building to the Transformer as shown on Electrical Drawing Plate E-003 (If this item is exercised, Optional Item 0011 WILL NOT be exercised)	1	JOB	L.S.	\$ <u>294,375.00</u>
0016	Install Fencing for the Titan Housing Area Buildings (16 Units) (constructed in Item 0002) as shown on the drawings	1	JOB	L.S.	\$ <u>61,633.00</u>
0017	Install Fencing for the Titan Housing Area Building (2 Units) (constructed in Item 0012) as shown on the drawings	1	JOB	L.S.	\$ <u>7,449.00</u>
0018	Install Fencing for the Titan Housing Area Building (2 Units) (constructed in Item 0013) as shown on the drawings	1	JOB	L.S.	\$ <u>7,449.00</u>
0019	Install Fencing for the Titan Housing Area Building (2Units) (constructed in Item 0014) as shown on the drawings	1	JOB	L.S.	\$ <u>7,449.00</u>
0020	Install Fencing for the Titan Housing Area Building (2 Units) (constructed in Item 0015) as shown on the drawings	1	JOB	L.S.	\$ <u>7,449.00</u>
0021	Install Underground Sprinkler System in Common Areas for Item 0003 as shown on the Landscape Plans	1	JOB	L.S.	\$ <u>9,932.00</u>
0022	Install Trees in the Common Areas for Item 0003 as shown on the Landscape Plans	1	JOB	L.S.	\$ <u>9,071.00</u>

REVISED BID SCHEDULE PER BID ACCEPTANCE PERIOD EXTENSION, SEPT. 10, 2003

03019/II

Replace Capehart Family Housing, Titan Phase 3, Malmstrom AFB, Mt.

<u>Item No.</u>	<u>Description of Item</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Amount</u>
0023	Additional Cost to Place 2" Asphalt on Pathway in lieu of 2" Aggregate Surface Course (placed under Base Item 0003)	1	JOB	L.S.	\$ <u>6,621.00</u>
0024	Additional Cost to Provide Solid Surface Nonporous Countertops in Lieu of Laminated Plastic Countertops and Splash in the Kitchens of the Buildings (16 Units) Constructed under Base Item 0002	1	JOB	L.S.	\$ <u>37,140.00</u>
0025	Additional Cost to Provide Solid Surface Nonporous Countertops in lieu of Laminated Plastic Countertops and Splash at Cooktops in the Kitchens of the Building (2 Units) Constructed under Option Item 0012	1	JOB	L.S.	\$ <u>4,518.00</u>
0026	Additional Cost to Provide Solid Surface Nonporous Countertops in lieu of Laminated Plastic Countertops and Splash at Cooktops in the Kitchens of the Building (2 Units) Constructed under Option Item 0013	1	JOB	L.S.	\$ <u>4,518.00</u>
0027	Additional Cost to Provide Solid Surface Nonporous Countertops in lieu of Laminated Plastic Countertops and Splash at Cooktops in the Kitchens of the Building (2 Units) Constructed under Option Item 0014	1	JOB	L.S.	\$ <u>4,518.00</u>
0028	Additional Cost to Provide Solid Surface Nonporous Countertops in lieu of Laminated Plastic Countertops and Splash at Cooktops in the Kitchens of the Building (2 Units) Constructed under Option Item 0015	1	JOB	L.S.	\$ <u>4,518.00</u>
TOTAL OPTIONAL ITEMS					\$ <u>1,464,655.00</u>
TOTAL BASE AND OPTIONAL ITEMS					\$ <u>5,489,408.00</u>

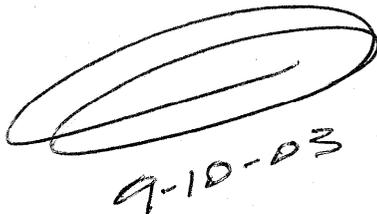
See Notes on the following page.

03019/II

Replace Capehart Family Housing, Titan Phase 3, Malmstrom AFB, Mt.

NOTES:

1. The dollar amounts established in Items No. 0005, 0006 and 0007 shall not be revised by bidders.
2. Reference Section 01270 MEASUREMENT AND PAYMENT for additional descriptive information regarding Schedule Items.
3. Transformer and sectionalized enclosures with fencing, pathway and light standards, concrete handicap aprons with curb cuts, painted crosswalks and signage and two bollards at each end of the pathway, and backfill material are included in Item 0003. .
4. Option 0017 will not be awarded unless Option Item 0012 is awarded.
5. Option 0018 will not be awarded unless Option Item 0013 is awarded.
6. Option 0019 will not be awarded unless Option Item 0014 is awarded.
7. Option 0020 will not be awarded unless Option Item 0015 is awarded.



A handwritten signature, possibly reading 'G. J. ...', is written in black ink. Below the signature, the date '9-10-03' is written in a similar cursive style.