

SOLICITATION No. W912PP25BA001

Date: July 2025



U.S. ARMY CORPS OF ENGINEERS

N80 EARTH COVERED MAGAZINE

White Sands Missile Range, NM

PN: 515771

Solicitation Specifications

Not For Construction

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SOLICITATION, OFFER, AND AWARD <i>(Construction, Alteration, or Repair)</i>		1. SOLICITATION NUMBER W912PP25BA001	2. TYPE OF SOLICITATION <input checked="" type="checkbox"/> SEALED BID (IFB) INVITATION FOR BID <input type="checkbox"/> NEGOTIATED (RFP) REQUEST FOR PROPOSAL	3. DATE ISSUED 7/28/2025	PAGE OF PAGES 1 52
IMPORTANT - The "offer" section on the reverse must be fully completed by offeror.					
4. CONTRACT NUMBER		5. REQUISITION/PURCHASE REQUEST NUMBER		6. PROJECT NUMBER W912PP	
7. ISSUED BY W075 ENDIST ALBUQUERQUE KO CONTRACTING DIVISION, 4101 JEFFERSON PLAZA NE ALBUQUERQUE, NM 87109-3435 UNITED STATES DIANA KEERAN, EMAIL: DIANA.M.KEERAN@USACE.ARMY.MIL TELEPHONE: 505-342-3263		CODE W912PP	8. ADDRESS OFFER TO W075 ENDIST ALBUQUERQUE KO CONTRACTING DIVISION, 4101 JEFFERSON PLAZA NE ALBUQUERQUE, NM 87109-3435 UNITED STATES		
9. FOR INFORMATION CALL: 		a. NAME DIANA KEERAN		b. TELEPHONE NUMBER <i>(Include area code) (NO COLLECT CALLS)</i> 505-342-3263	

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)*

PROJECT TITLE: N80 EARTH COVERED MAGAZINE FOR WHITE SANDS MISSILE RANGE, DOÑA ANA COUNTY, NEW MEXICO
PROJECT LOCATION: WHITE SANDS MISSILE RANGE

N80 EARTH COVERED MAGAZINE FOR WHITE SANDS MISSILE RANGE, DOÑA ANA COUNTY, NEW MEXICO

THIS ACQUISITION IS AN 8(A) COMPETITIVE SET-ASIDE.

MAGNITUDE OF CONSTRUCTION IS BETWEEN \$5,000,000 AND \$10,000,000.

BIDS MUST BE DELIVERED NOT LATER THAN THE TIME/DATE SET FOR OPENING IN BLOCK 13A. BIDS RECEIVED AFTER THE TIME SPECIFIED IN BLOCK 13A WILL NOT BE ACCEPTED. PLEASE SEE INSTRUCTIONS TO OFFERORS FOR MORE INFORMATION.

FUNDS ARE NOT PRESENTLY AVAILABLE FOR THIS ACQUISITION. NO CONTRACT AWARD WILL BE MADE UNTIL APPROPRIATED FUNDS ARE MADE AVAILABLE.

11. The contractor shall begin performance within <u>10</u> calendar days and complete it within <u>300</u> calendar days after receiving <input type="checkbox"/> award, <input checked="" type="checkbox"/> notice to proceed. This performance period is <input checked="" type="checkbox"/> mandatory <input type="checkbox"/> negotiable. <i>(See FAR 52.211-10)</i> .	
12a. THE CONTRACTOR MUST FURNISH ANY REQUIRED PERFORMANCE AND PAYMENT BONDS? <i>(If "YES", indicate within how many calendar days after award in Item 12b.)</i> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	12b. CALENDAR DAYS 10
13. ADDITIONAL SOLICITATION REQUIREMENTS:	
a. Sealed offers in original and <u>1</u> copies to perform the work required are due at the place specified in Item 8 by <u>02:00 PM</u> <i>(hour)</i> local time <u>28 AUG 2025</u> (date). If this is a sealed bid solicitation, offers will be publicly opened at that time. Sealed envelopes 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 <input checked="" type="checkbox"/> is, <input type="checkbox"/> 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 <u>60</u> 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)		15. TELEPHONE NUMBER (Include area code)	
		16. REMITTANCE ADDRESS (Include only if different than Item 14.)	
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 offer is accepted by the Government in writing within _____ calendar days after the date offers are due. (Insert any number equal to or greater than the minimum requirement stated in Item 13d. Failure to insert any number means the offeror accepts the minimum in Item 13d.)

AMOUNTS



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

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

AMENDMENT NUMBER										
DATE										

20a. NAME AND TITLE OF PERSON AUTHORIZED TO SIGN OFFER (Type or print)	20b. SIGNATURE	20c. OFFER DATE
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AWARD (To be completed by Government)

21. ITEMS ACCEPTED:

22. AMOUNT	23. ACCOUNTING AND APPROPRIATION DATA
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24. SUBMIT INVOICES TO ADDRESS SHOWN IN (4 copies unless otherwise specified)	ITEM	25. OTHER THAN FULL AND OPEN COMPETITION PURSUANT TO THE UNITED STATES CODE AT <input type="checkbox"/> 10 U.S.C. 3204(a) () <input type="checkbox"/> 41 U.S.C. 3304(a) ()
26. ADMINISTERED BY		27. PAYMENT WILL BE MADE BY

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 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.) 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 (Type or print)	31a. NAME OF CONTRACTING OFFICER (Type or print)
30b. SIGNATURE	30c. DATE
	31b. UNITED STATES OF AMERICA BY
	31c. DATE

PROPOSAL SCHEDULE
(To be attached to SF 1442)

Item No.	Description	Quantity	Unit	Unit Price	Amount
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BASE BID

0001	Total cost of Minor Construction for Primary Facility, Complete	1	JOB	***	\$ _____
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TOTAL AMOUNT BASE BID					\$ _____
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BID OPTION NO. 1

0002	Geosynthetic Composite Cementitious Mat (GCCM)	1	JOB	***	\$ _____
------	---	---	-----	-----	----------

TOTAL AMOUNT - BID OPTION NO. 1					\$ _____
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RECAPITULATION

1.	TOTAL AMOUNT - BASE BID	\$ _____
2.	TOTAL AMOUNT - BID OPTION NO. 1	\$ _____
3.	TOTAL AMOUNT - BASE BID and BID OPTION NO. 1	\$ _____

PROPOSAL SCHEDULE

NOTES:

1. AWARD OF PROPOSAL ITEMS:

Award of all proposal items will be made to one bidder. Bidders must bid on all items.

2. EXERCISE OF OPTIONS:

The Government reserves the right to exercise the option(s) by written notice to the Contractor either singularly or in any combination for up to 30 calendar days after award of the Base Bid without an increase in the Offeror's bid price. Completion of added options shall continue at the same schedule as the Base Bid unless otherwise noted in Section 00 70 00, CONDITIONS OF THE CONTRACT.

3. EVALUATION OF OPTIONS:

(FAR 52.217-5) (JUL 1990) Except when it is determined in accordance with FAR 17.206(b) not to be in the Government's best interests, the Government will evaluate offers for award purposes by adding the total price for all options to the total price for the basic requirements. Evaluation of options will not obligate the Government to exercise the options.

4. ARITHMETIC DISCREPANCIES:

(a) For the purpose of initial evaluation of bids, the following will be utilized in the resolving arithmetic discrepancies found on the face of bidding schedule as submitted by the bidder:

(1) Obviously misplaced decimal points will be corrected;

(2) Discrepancy between unit price and extended price, the unit price will govern;

(3) Apparent errors in extension of unit prices will be corrected;

(4) Apparent errors in addition of lump-sum and extended prices will be corrected.

(b) For the purposes of bid evaluation, the government will proceed on the assumption that the bidder intends the bid to be evaluated on basis of the unit prices, the totals arrived at by resolution of arithmetic discrepancies as provided above and the bid will be so reflected on the abstract of bids.

(c) These correction procedures shall not be used to resolve any ambiguity concerning which bid is low.

PROPOSAL SCHEDULE

NOTES: (Cont'd)

5. MODIFICATIONS TO BID BASED ON UNIT PRICE:

If a modification to a bid based on unit price is submitted, which provides for a lump sum adjustment to the total estimated cost, the application of the lump sum adjustment to each unit price in the bid schedule must be stated. If it is not stated, the bidder agrees that the lump sum adjustment shall be applied on a pro rata basis to every unit price in the bid schedule.

6. PROGRESS PAYMENT REQUESTS:

Progress payment Requests made by the Contractor pursuant to the provisions of Contract Clause, PAYMENTS UNDER FIXED-PRICE CONSTRUCTION CONTRACTS, shall be submitted on ENG FORM 93 to the administration office as designated in Block 26,

Standard Form 1442 Back, Solicitation, Offer and Award. ENG FORM 93 shall be submitted to that office on the 1st of each month in appropriate form and certified. Photocopies of the form shall be furnished on that same date to the Corps of Engineers offices designated at the Pre-Construction Conference.

7. ACCRUALS:

In accordance with USACE Engineer Financial Regulation (ER) 37-1-30, and other applicable Federal and DOD financial accounting standards, the

Contractor must assist government personnel with providing reasonably accurate estimates of the value of goods and/or services rendered to the Government pursuant to this contract for each calendar month during which goods and services are delivered. Standard forms and instructions will be provided by the Government to assist with meeting this requirement. These monthly estimates, which facilitate timely entry of accruals, must be received by the Government on or before four (4) business days prior to each calendar month-end.

8. ALL OTHER WORK NOT SEPARATELY LISTED:

All other work not separately listed shall not include Mobilization, Demobilization and Distributed Cost (for example Insurance, Quality Control, and/or Home Office Overhead, Field Overhead) related to other Bid Items.

9. UNIT ABBREVIATIONS:

EA. = EACH

L.S. = LUMP SUM

L.F. = LINEAR FEET

S.F. = SQUARE FEET

C.F. = CUBIC FEET

M. = METER

S.M. = SQUARE METER

C.M. = CUBIC METER

S.Y. = SQUARE YARD

C.Y. = CUBIC YARD

- END OF PROPOSAL SCHEDULE -

CORPORATE, PARTNERSHIP, JOINT VENTURE CERTIFICATES

If the offer is submitted by a corporation, partnership or a Joint Venture, the applicable form listed below must be completed and submitted with the Standard Form 1442. In the alternative, other evidence must be submitted to substantiate the authority of the person signing the offer. If a corporation, the same officer shall not execute both the offer and the certificate.

CORPORATE CERTIFICATE

I, _____, certify that I am the Secretary of the corporation named as Offeror/Contractor herein; that _____ who signed this offer/contract on behalf of the Offeror/Contractor was then _____ of said corporation; that said offer/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.

-

_____(CORPORATE SEAL)

(Secretary)

AUTHORITY TO BIND PARTNERSHIP

This is to certify that the names and signatures of all partners are listed below and that the person signing the offer had authority to actually bind the partnership pursuant to its partnership agreement. 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.

(Type or Print Name)

(Signature)

OFFEROR'S CHECKLIST

Administrative Notice to Offerors. Before signing and submitting this proposal, please take note of the following administrative details, as failure to properly perform any one of these actions may cause your proposal to be rejected:

- ☐ Have you acknowledged receipt of ALL solicitation amendments? If in doubt as to the number of amendments issued, please contact Diana Keeran, Contract Specialist, at (505)342-3269.

- ☐ Have you completed Section 00 45 00, Representations and Certifications?

- ☐ Is your offer in sealed envelopes, price and technical, marked to show the Offeror's name and address, the solicitation number, and the date and time offers are due?

- ☐ If any of the solicitation amendments involved changes to the proposal schedule, did you use the amended schedule for submitting your proposal?

- ☐ Is your proposal guarantee in the proper form and amount?

- ☐ Will your proposal arrive on time? In order for a late proposal to be considered, it must have been dispatched in accordance with the provisions of FAR 52.215-1, "Instructions to Offerors-Competitive Acquisition." Facsimile proposals will not be accepted.

- ☐ Have you reviewed your proposal for possible errors in calculations or work left out?

Section 00 20 00 - Instructions for Procurements

THE FOLLOWING ARE INSTRUCTIONS TO OFFERORS TO SECTION 00 20 00:

SUBMITTAL INFORMATION FOR BIDDERS

The following documents must be returned with your bid:

- A. Tab 1--The completed Standard Form 1442 with continuation pages, duly executed with an original signature by an official authorized to bind the company. Ensure that the firm's CAGE is entered in the block 14 with its name and address.
- B. Tab 2 - Your acknowledgement of all Amendments to the solicitation in accordance with the instructions on the Standard Form 30 Amendment. Note: If the SF 1442 and/or the pricing schedule was changed by amendment, be sure to use the amended pages when submitting your bid.
- C. Tab 3 - The completed Contract Line Item Number (CLIN) Schedule on the SF1442, and the Bid Schedule with your proposed CLIN prices inserted where indicated. Prices must be proposed for all CLINS. Unit prices are to be extended to the actual "dollar and cents" amounts (i.e. to two decimal places). Do not round off extended prices to the nearest dollar. Check your pricing submission very carefully for mathematical and clerical errors prior to submission.
- D. Tab 4 -- Your completed Reps and Certs and/or SAM registration information
- E. Tab 5 - Your Bid Guarantee (eg., Standard Form 24, "Bid Bond")
- F. Tab 6 - Pre Award Survey

DIRECTIONS FOR SUBMITTING BIDS:

The Government will not accept telegraphic or facsimile bids.

Bids must be delivered to 4101 Jefferson Plaza NE, Albuquerque, NM 87109-3435, NO LATER THAN the time/date set for opening in Block 13A of the SF1442. Due to the security requirements at the U.S. Army Corps of Engineers, Albuquerque District Building, it may take longer to check in on the day of bid opening. Therefore, please allow sufficient time for turning in your bid.

PRE-AWARD INFORMATION AND DETERMINATION OF CONTRACTOR RESPONSIBILITY

PRE-AWARD SURVEY. In accordance with FAR Part 9.104, the contractor is required to provide a statement regarding previous experience and past performance in performing comparable work, information related to the business organization, financial resources, and equipment to be used in performing the work. Using the attached pre award survey below (Attachment A) each bidder shall furnish documentation of whether he is now or ever has been engaged in any work similar to that covered by these specifications, the dollar value thereof, the year in which such work was performed, and the manner of its execution. Documentation to be provided should demonstrate the bidder's ability to prosecute the required work. This documentation shall include but is not limited to the following:

- (a) The name and address of the office or firm under which such similar work was performed and the bidder's role in that work. Bidder shall be able to demonstrate at least three (3) years recent experience (within five (5) years of the IFB closing date) with work similar to the work outlined in this solicitation.
- (b) Awardee will be required to provide at least three (3) references for similar work, to include Business Name, Point of Contact, and telephone number.
- (c) A list of key personnel available for this project and their qualifications.
- (d) A copy of bidder's latest financial statement, including the names of banks or other financial institutions with which the bidder conducts business. If the financial statement is more than 60 days old, a certificate should be attached stating that the financial condition is substantially the same, or if not the same, the changes that have taken place. Such statement will be treated as confidential.
- (e) A list of present commitments, including the dollar value thereof, and name of office under which the work is being performed.
- (f) A list of total equipment and facilities owned for performing the prospective contract and present status as to whether or not it is currently committed to existing contracts. Acceptable evidence of "the ability to obtain" the required, adequate resources normally consists of a commitment of explicit arrangement that will be in existence at the time of contract award to rent, purchase, or otherwise acquire the needed facilities, equipment, other resources, or personnel.
- (g) Current and previous two years workers' compensation experience modification rating worksheet issued by the applicable rate service organization, such as the National Council of Compensation Insurance (NCCI). Rating must be on an NCCI form or on letterhead from your insurer. Purpose: Identify Experience Modifier Rate and backup safety data.

(h) OSHA incidence rate for last 24-month period. OSHA 200 form information. Purpose: Identify number of OSHA recordable injuries.

(i) OSHA severity rate for last 24-month period. Purpose: Identify severity of OSHA recordable injuries.

(j) Copy of bidder's safety and health plan or program.

RESPONSIBILITY. Award will be made to the lowest, responsible bidder whose bid, conforming to the invitation for bids, will be the most advantageous to the Government. To be determined responsible, the apparent low bidder shall:

(1) Have adequate financial resources to perform the contract, or the ability to obtain them. The contractor will be required to provide the Name of the Financial Institution, POC, and phone number.

(2) Have a satisfactory performance record. The contractor shall have no performance annotated with an individual rating of less than SATISFACTORY on any Final Evaluation within the last six (6) years from the bid opening date.

(3) Have a satisfactory record of integrity and business ethics. Awardee will be required to provide at least three (3) references for similar work, to include Business Name, Point of Contact, and telephone number.

(4) Have the necessary organization, experience, accounting and operational controls, and technical skills, or the ability to obtain them (including, as appropriate, such elements as production control procedures, property control systems, quality assurance measures, and safety programs applicable to materials to be produced or services to be performed by the prospective contractor and subcontractors). Per FAR 9.104-3, acceptable evidence normally consists of a commitment or explicit arrangement that will be in existence at the time of the contract to acquire the needed facilities, equipment, other resources or personnel.

(5) Have the necessary production, construction, and technical equipment and facilities, or the ability to obtain them; and

(6) Be otherwise qualified and eligible to receive an award under applicable laws and regulations

BASIS FOR AWARD:

The Government contemplates award of one contract to the responsive, responsible bidder who submits the low bid for the total of all CLINS listed in the SF 1442.

USE OF THE WORDS "PROPOSER" AND "OFFEROR"

Whenever the word "Proposer" appears in the RFP it shall be construed to have the same meaning as the word "Offeror."

REQUIREMENTS FOR PROTECTING FEDERAL CONTRACT INFORMATION (FCI) AND CONTROLLED UNCLASSIFIED INFORMATION (CUI)

Perspective offerors are advised that per current DoD guidance, they are required to comply with FAR 52.204-21, DFARS 252.204-7012, and DFARS 252.204-7020 requirements for safeguarding FCI and CUI for ALL DoD contract awards. In order to be considered for award, contractors are required to complete a cybersecurity assessment in the Supplier Performance Risk System (SPRS), <https://www.sprs.csd.disa.mil> PRIOR to submitting a proposal. Offerors must be registered in the Procurement Integrated Enterprise Environment (PIEE) in order to access SPRS. Offerors can register for PIEE access at <https://pice.eb.mil/pice-landing>.

AVAILABILITY OF PLANS AND SPECIFICATIONS

This solicitation will be issued via Internet only. Notification of amendments shall be made via Internet only, as well. It is therefore the contractor's responsibility to check the following address daily for any posted changes to this solicitation. For security reasons, all technical and engineering data related to this solicitation will be distributed using SAM.gov, formerly Federal Business Opportunities (fbo.gov). SAM.gov is a consolidation of ten legacy sites into a single database. In order to save searches, follow contract opportunities, request secure documents or sign up for an Interested Vendor List, you will need a login.gov account in SAM.gov. To create a login.gov account or link an existing login.gov account with SAM.gov follow the instructions on the SAM.gov website. Contractors registered with SAM.gov may view and/or download this solicitation and all amendments from the Internet after solicitation issuance at this site.

BIDDER INQUIRY AND PROPOSAL INFORMATION

a. Technical inquiries and questions relating to proposal procedures or bonds are to be submitted via Bidder Inquiry in ProjNet at www.projnet.org.

1. To submit and review bid inquiry items, bidders will need to be a current registered user or self register into the system. To self-register, go to the aforementioned web page and click on the BID tab. Select Bidder Inquiry, select agency USACE, and enter the Bidder Inquiry Key for this solicitation listed below, your email address, and then click login. Fill in all required information and click create user. Verify that information on next screen is correct and click continue.

2. From this page, you may view all bidder inquiries or add inquiry.

2. Bidders will receive an acknowledgement of their question via email, followed by an answer to their question after it has been processed by our technical team.

3. The Solicitation Number is: W912PP25BA001
The Bidder Inquiry Key is: 3QWIYG-JADW5Y

- b. The Bidder Inquiry System will be unavailable for new inquiries 7 calendar days prior to IFB closing date at 2:00PM Mountain time, in order to ensure adequate time is allotted to form an appropriate response and amend the solicitation if necessary.
- c. Offerors are requested to review the specification in its entirety, review the Bidder Inquiry System for answers to questions prior to submission of a new inquiry.
- d. The call center operates weekdays from 8AM to 5PM U.S. Central Time Zone (Chicago). The telephone number for the Call Center is 800-428-HELP.

CONTRACTING OFFICER AUTHORITY

The Contracting Officer who signs this contract will be the primary Contracting Officer for this contract. However, any Contracting Officer assigned to the Albuquerque District, contracting within his or her authority, may take formal action on this contract when a contract action needs to be taken and the primary Contracting Officer is unavailable.

NAICS CODE AND SMALL BUSINESS SIZE STANDARD

The North American Industry Classification System (NAICS) code for this acquisition is 236220. The small business size standard is: the average annual receipts of the concern and its affiliates for the preceding three fiscal years must not exceed \$45 million.

The small business size standard for a concern which submits an offer in its own name, other than on a construction or service contract, but which proposes to furnish a product which it did not itself manufacture, is 500 employees.

WHO MAY SUBMIT PROPOSALS

Any legally organized Offeror may submit a proposal.

Firms submitting a proposal as a joint venture (JV) must ensure the following requirements are met:

- a. Obtain a Tax Identification Number (TIN) for the joint venture.
- b. Prepare the Section 004500, Representations and Certifications as a joint venture (e.g., providing the TIN for the JV)
- c. Register in the System for Award Management (SAM) formerly Central Contractor Registration (CCR) as a joint venture in which a Unique Entity Identifier (UEI) will be issued and CAGE Code will be obtained. See FAR Clause 52.204-7, System for Award Management for further information in Section 002100.
- d. Provide a copy of the JV agreement in the proposal submission.

SYSTEM FOR AWARD MANAGEMENT (SAM) REGISTRATION

The Offeror must ensure that your company's data at the System for Award Management (SAM) website, <https://www.sam.gov/portal/public/SAM/>, is current per FAR 52.204-13, System for Award Management Maintenance. (This clause is included in Section 007000 of this RFP.)

BONDS (FAR 28.102-2)

- a. Bid Bond. Each Offeror shall submit with his offer a Bid Bond (Standard Form 24) with good and sufficient surety or sureties acceptable to the Government, or other security as provided in FAR 52.228-1. When the penal sum is expressed as a percentage, a maximum dollar limitation may be stated. The bid bond shall remain in effect until Performance and Payment Bonds are provided and accepted.
- b. Performance and Payment Bonds. Within ten (10) calendar days after contract award, and prior to contract performance, the Contractor shall furnish two bonds, a Performance Bond (Standard Form 25) and a Payment Bond (Standard Form 25-A), each with good and sufficient surety or sureties acceptable to the Government. The penal sum of such bonds will be as indicated in FAR 52.228-15.

NEW MEXICO GROSS RECEIPTS TAX (NMGR)

The Offeror should be aware that NMGR tax is applicable to this contract and the rate may vary for each county and city. The Gross Receipts Tax Rate is available from the New Mexico Taxation and Revenue Department, (505) 841-6200. The Gross Receipts Tax Rate is available at <http://www.tax.newmexico.gov>.

FEDERAL, STATE AND LOCAL TAXES

The Offeror shall include all applicable federal, state and local taxes in the contract price. See FAR 52.229-3, Federal, State, and Local Taxes in Section 007000 for additional information.

PERFORMANCE OF WORK BY CONTRACTOR (FAR 36.501)

Unless such description has been submitted with the offer, the successful Offeror must furnish the Contracting Officer within 20 days after award, a description of the work that he intends to perform with his own organization (e.g., earthwork, paving, brickwork, or roofing), the percentage of the total work this represents, and the estimated cost thereof.

U.S. ARMY CORPS OF ENGINEERS SAFETY AND HEALTH REQUIREMENTS MANUAL, EM 385-1-1 AND OSHA REQUIREMENTS

The successful contractor to this Request for Proposals will be required to comply with all pertinent provisions of the latest version of the U.S. Army Corps of Engineers Safety and Health Requirements Manual, EM 385-1-1, in effect on the date of the solicitation. EM 385-1-1 and its changes are available at <http://www.publications.usace.army.mil>, by selecting "Safety and Occupational Health" followed by "EM 385-1-1". The Contractor must

also comply with Occupational Safety and Health Act (OSHA) standards. OSHA standards are subject to change. It is the Contractor's responsibility to maintain familiarity with current OSHA standards.

Zero Accident Goal: The Albuquerque District, in its continual pursuit of excellence in safety has established a goal of zero accidents. To attain this goal, it will be necessary for contractor management to set the expectation that worker injury is unacceptable and to create a culture where employees at all levels accept ownership of their safety performance.

AMENDMENTS TO REQUEST FOR PROPOSALS

The right is reserved, as the interest of the Government may require, to revise the specifications and drawings both before and after the date set for receipt of offers. Such revisions, if any, will be announced by amendment(s) to the Request for Proposal. If the revisions and amendments are of a nature which require material changes in quantities, or prices offered, or both, the date set for receipt of offers may be postponed by such number of days as in the opinion of the Contracting Officer will enable the Offeror to revise the offer. In such cases, the amendment will include an announcement of the new date for receipt of offer.

COSTS RELATED TO PROPOSAL PREPARATION

All costs related to proposal preparation, including travel, will be borne solely by the Offeror. The Government is not liable for any costs incurred by the Offeror submitting an offer in response to this solicitation.

CONTRACTOR PERFORMANCE EVALUATIONS

In accordance with the provisions of Subpart 36.201 (Evaluation of Contractor Performance) of the Federal Acquisition Regulation (FAR), construction contractor's performance shall be evaluated throughout the performance of the contract. The United States Army Corps of Engineers (USACE) follows the procedures outlined in Engineering Regulation 415-1-17 to fulfill this FAR requirement. For construction contracts awarded at or above \$750,000.00, the USACE will evaluate contractor's performance and prepare a performance report using the Construction Contractor Appraisal Support System (CCASS), which is a web-based system. After an evaluation (interim or final) is written up by the USACE, the contractor will have the ability to access, review and comment on the evaluation for a period of 30 days. Accessing and using CCASS requires specific software, called PKI certification, which is installed on the user's computer. The certification is a Department of Defense requirement and was implemented to provide security in electronic transactions. The certification software could cost approximately \$110 - \$125 per certificate per year and is purchased from an External Certificate Authorities (ECA) vendor. Current information about the PKI certification process and for contacting vendors can be found on the web site: <http://www.cpars.gov/>. If the Contractor wishes to participate in the performance evaluation process, access to PPIRS and PKI certification is the sole responsibility of the Contractor.

ARMY CONTRACT WRITING SYSTEM (ACWS) TRANSITION INFORMATION FOR BIDDERS

a. The Department of the Army is in the process of deploying a new contract writing software application to Army contracting offices worldwide. Known as the Army Contract Writing System (ACWS), this modern software application will replace legacy Army contract writing systems.

b. During this transition period, Bidders are hereby advised:

1. The Contracting Office may use any combination of contract writing systems to create and release documents related to this solicitation (i.e., solicitation amendments and awards, if any). As a result:

i. Solicitation may contain different offer submission instructions than other solicitations released by the same Contracting Office (i.e., requiring offer submission via the Procurement Integrated Enterprise Environment (PIEE) Solicitation Module versus e-mail). Bidders should review all offer submission instructions contained in the solicitation documents and direct any questions or concerns to the designated point of contact contained in the solicitation.

ii. If ACWS is deployed prior to contract award, documents received from the Contracting Officer or view on the System for Award Management (SAM.gov) or other forums may appear noticeably different than the initial solicitation or previous solicitations or awards from the same Contracting Office. This is normal and expected.

iii. A change between contract writing systems may cause important information concerning solicitation response (amendments) or accepted terms (awards) to take on different formatting or appear in different parts of later documents issued. Offerors shall review all documents carefully to locate this important information and direct any questions or concerns to the designated point of contact contained in the solicitation.

2. The Government does not intend to use the transition between contract writing systems to effect any changes to solicitation or award terms and conditions without accompanying document narratives explicitly stating such changes are deliberate and desired. While the Contract Specialist and Contracting Officer will take care to minimize or eliminate any inadvertent changes when adapting to the new contract writing software, the Bidder, maybe the first to identify such errors. Therefore, Bidders shall:

i. Notify the designated point of contact contained in the solicitation immediately if any observed changes, removals, or additions that would affect award eligibility, violate, or alter existing quote/ bidder terms, or could affect Contract performance post-award.

ii. Take special care to ensure all fill-in Clauses are populated and remain populated across documents received from the Contracting Office throughout the solicitation and award process.

iii. Notify the designated point of contact contained in the solicitation for guidance if any inadvertent change is noticed or suspected between document issuances.

3. In the unlikely event that a network disruption, contract writing system error, or financial system error threatens timely award of the requirement set forth in this solicitation, the Contracting Officer:

- i. May elect to use alternative mechanisms to obligate funds and allow work or deliveries to legally begin to the benefit of, and with legal protection for, both parties.
- ii. Will incorporate the latest version of this Solicitation into such mechanisms to serve as a framework for contract execution until any such system problems are resolved.
- iii. Will ensure any action taken does not conflict with the stated offer evaluation and award methodology of this requirement.
- iv. Will issue a complete, properly formatted award that accurately reflects this requirement and all applicable terms and conditions once systems return to normal.

4. After contract award, the Contracting Officer will correct problems affecting award documents (if any) via bilateral modification, at no cost to the Contractor. Any such modification will reconcile the award with the latest version of this solicitation reflecting deliberate action by the Contracting Officer (i.e., the first issuance if no amendments, or the latest amendment with accompanying narratives).

ATTACHMENT A – PRE AWARD SURVEY

CONSTRUCTION CONTRACTOR DATA		DATE:
Firm Name and Telephone Number	Main Office Address (Street, City, and State)	
Branch Offices		Services Rendered Construction Design Consultant
Organization Individual Joint Venture Partnership Corporation	Date Organized	Date Incorporated: State:
Names of Officers and Other Key Personnel		
I – PRESENT PAYROLL PERSONNEL (List Number of Each Category Below)		
Partners:	Remainder:	Subtotal Permanent:
Officers: Other Key:	Total:	Maximum Personnel at Any Time: Date:
II—EQUIPMENT OWNED		III—FINANCIAL DATA AS OF (DATE):
Present Value (\$)		Current Assets:
Acquisition Cost (\$)		Current Liabilities:
		Net Worth:
IV—TOTAL VALUE OF CONSTRUCTION AND DEMOLITION WORK IN PAST 6 YRS EXCLUSIVE OF JOINT VENTURE (LIST MOST RECENT FIRST)		V—LARGEST JOB EVER CONTRACTED (If Other Than in Past Six Years)
\$	LARGEST JOB IN PAST 6 YRS	Contract Amount: Date: Description:
\$	Contract Amount: Date: Description:	Owner:
\$	Owner:	
\$		
\$		
\$		

Avg. Annual Income \$		
VI—TYPE OF WORK IN WHICH FIRM SPECIALIZES		
NAME AND POSITION/TITLE OF PERSON SIGNING		SIGNATURE
See attachment for explanations or detailed description of item(s) reported above.		

The completed Construction Contractor Data Form with Supplemental Schedules A-C (see format which follows). If the offeror is a large multi- segmented business concerns, the data provided on the supplemental schedules may be limited to information that directly pertains to the specific segment of the business concern (e.g., the division, group, unit, etc.) proposed to perform work under the prospective contract with its own work force. If the offer is being submitted by a Joint Venture, submit a separate form for each Joint Venture participant. The offeror may submit pre-award survey information in another format, provided that the information furnished is substantially the same as that which would be furnished on the Construction Contractor Data Form and its supplemental schedules.

Current financial statements. If the financial statement is more than 60 days old, submit a certificate stating that the firm's financial condition is substantially the same, or, if not the same, state the changes that have taken place. If a Joint Venture, provide this information for each participant in the Joint Venture.

CONSTRUCTION CONTRACTOR DATA – SCHEDULE A – EXISTING COMMITMENTS				
List below the construction projects your firm currently has under way, including recent awards. Also list construction projects for which your firm is the apparent successful offeror/bidder, but for which a contract has not yet been awarded.				
CONTRACT NUMBER	CONTRACT AMOUNT	DESCRIPTION/ LOCATION	ORGANIZATION/ CONTACT PERSON/ PHONE NUMBER	PERCENT COMPLETE

Banking information. Provide letters from banks or other financial institutions with which the contractor conducts business. The letters should contain information about your firm's accounts, loans, lines of credit, etc. The Government is interested in financial stability, timely payments, the length and nature of the relationship between the firm and the financial institution, and the firm's financial ability to perform the contract. The letters should also provide the name and telephone number of the bank representative the Government may contact. If a Joint Venture, provide this information for each Joint Venture participant.

The Government will treat the pre-award survey information submitted by the offeror as proprietary

CONSTRUCTION CONTRACTOR DATA – SCHEDULE B – COMPLETED PROJECTS				
List below the principal construction projects your firm has completed within the past five years, including all DoD contracts. Description provided should demonstrate experience with work similar to this project.				
CONTRACT NUMBER	CONTRACT AMOUNT	DESCRIPTION/ LOCATION	ORGANIZATION/ CONTACT PERSON/ PHONE NUMBER	PERCENT SUBLET

CONSTRUCTION CONTRACTOR DATA – SCHEDULE C – CONSTRUCTION AND/OR TECHNICAL EQUIPMENT

List total equipment and facilities owned for performing the prospective contract and present status as to whether or not it is currently committed to existing contracts.

QUANTITY	DESCRIPTION	CONDITION	YEARS OF SERVICE	PRESENT STATUS

Section 00 21 00 - Instructions

FAR Clauses Incorporated by Reference

Number	Title	Effective Date	Alternate/ Deviation	Variation Effective Date
52.204-7	System for Award Management.	Nov 2024		
52.204-16	Commercial and Government Entity Code Reporting.	Aug 2020		
52.204-22	Alternative Line Item Proposal.	Jan 2017		
52.211-6	Brand Name or Equal.	Aug 1999		
52.214-3	Amendments to Invitations for Bids.	Dec 2016		
52.214-4	False Statements in Bids.	Apr 1984		
52.214-5	Submission of Bids.	Dec 2016		
52.214-6	Explanation to Prospective Bidders.	Apr 1984		
52.214-7	Late Submissions, Modifications, and Withdrawals of Bids.	Nov 1999		
52.214-12	Preparation of Bids.	Apr 1984		
52.214-34	Submission of Offers in the English Language.	Apr 1991		
52.214-35	Submission of Offers in U.S. Currency.	Apr 1991		
52.222-5	Construction Wage Rate Requirements-Secondary Site of the Work.	May 2014		
52.225-10	Notice of Buy American Requirement-Construction Materials.	May 2014		

DFARS Clauses Incorporated by Reference

Number	Title	Effective Date	Alternate/ Deviation	Variation Effective Date
252.204-7019	Notice of NIST SP 800-171 DoD Assessment Requirements.	Nov 2023		
252.204-7024	Notice on the Use of the Supplier Performance Risk System.	Mar 2023		
252.215-7009	Proposal Adequacy Checklist.	Mar 2023		
252.215-7013	Supplies and Services Provided by Nontraditional Defense Contractors.	Jan 2023		

FAR Clauses Incorporated by Full Text

52.216-1 Type of Contract. **(Apr 1984)**

Type of Contract (Apr 1984)

The Government contemplates award of a firm fixed price[Contracting Officer insert specific type of contract] contract resulting from this solicitation.

(End of provision)

52.228-1 Bid Guarantee. **(Sep 1996)**

Bid Guarantee (Sept 1996)

(a) Failure to furnish a bid guarantee in the proper form and amount, by the time set for opening of bids, may be cause for rejection of the bid.

(b) The bidder shall furnish a bid guarantee in the form of a firm commitment, e.g., bid bond supported by good and sufficient surety or sureties acceptable to the Government, postal money order, certified check, cashier's check, irrevocable letter of credit, or, under Treasury Department regulations, certain bonds or notes of the United States. The Contracting Officer will return bid guarantees, other than bid bonds-

(1) To unsuccessful bidders as soon as practicable after the opening of bids; and

(2) To the successful bidder upon execution of contractual documents and bonds (including any necessary coinsurance or reinsurance agreements), as required by the bid as accepted.

(c) The amount of the bid guarantee shall be 20 percent of the bid price or \$3,000,000.00, whichever is less.

(d) If the successful bidder, upon acceptance of its bid by the Government within the period specified for acceptance, fails to execute all contractual documents or furnish executed bond(s) within 10 days after receipt of the forms by the bidder, the Contracting Officer may terminate the contract for default.

(e) In the event the contract is terminated for default, the bidder is liable for any cost of acquiring the work that exceeds the amount of its bid, and the bid guarantee is available to offset the difference.

(End of clause)

52.233-2 Service of Protest.

(Sep 2006)

Service of Protest (Sept 2006)

(a) Protests, as defined in section 33.101 of the Federal Acquisition Regulation, that are filed directly with an agency, and copies of any protests that are filed with the Government Accountability Office (GAO), shall be served on the Contracting Officer (addressed as follows) by obtaining written and dated acknowledgment of receipt from U.S. Army Corps of Engineers ATTN: Contracting Division (Contracting Officer) 4101 Jefferson Plaza NE Albuquerque, NM 87109-3435.

(b) The copy of any protest shall be received in the office designated above within oneday of filing a protest with the GAO.

(End of provision)

52.236-27 Site Visit (Construction). (Alternate I)

(Feb 1995) Alternate I (Feb 1995)

Alternate I (Feb 1995). If an organized site visit will be conducted, substitute a paragraph substantially the same as the following for paragraph (b) of the basic provision:

(b) An organized site visit has been scheduled for-

14 AUG 2025 at 11:30am MST

(c) Participants will meet at-

EVERYONE is to submit their name and contact information to Mike Pace at michael.pace@usace.army.mil on the WSMR Short Term Pass NLT 07 AUG 2025 if you do not already have CAC cards. (c) Mr. Pace will meet those who need to be sponsored at the WSMR Las Cruces Gate (Owen Road, White Sands Missile Range, NM 88002) 1 hour before the site visit. All others contact Mr. Pace for the site visit location via email at michael.pace@usace.army.mil. All attendees requiring sponsorship must present a Real ID, along with proof of vehicle registration and insurance at the gate.

52.252-1 Solicitation Provisions Incorporated by Reference.

(Feb 1998)

Solicitation Provisions Incorporated by Reference (Feb 1998)

This solicitation incorporates one or more solicitation provisions by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available. The offeror is cautioned that the listed provisions may include blocks that must be completed by the offeror and submitted with its quotation or offer. In lieu of submitting the full text of those provisions, the offeror may identify the provision by paragraph identifier and provide the appropriate information with its quotation or offer. Also, the full text of a solicitation provision may be accessed electronically at this/these address(es):

<https://www.acquisition.gov/>

(End of provision)

52.252-3 Alterations in Solicitation.

(Apr 1984)

Alterations in Solicitation (Apr 1984)

Portions of this solicitation are altered as follows:

(End of clause)

52.252-5 Authorized Deviations in Provisions.

(Nov 2020)

Authorized Deviations in Provisions (Nov 2020)

(a) The use in this solicitation of any Federal Acquisition Regulation (48 CFR Chapter 1) provision with an authorized deviation is indicated by the addition of "(DEVIATION)" after the date of the provision.

(b) The use in this solicitation of any DFARS(48 CFR Chapter2) provision with an authorized deviation is indicated by the addition of "(DEVIATION)" after the name of the regulation.

(End of provision)

DFARS Clauses Incorporated by Full Text

252.215-7008 Only One Offer.

(Dec 2022)

ONLY ONE OFFER (DEC 2022)

(a) Cost or pricing data requirements. After initial submission of offers, if the Contracting Officer notifies the Offeror that only one offer was received, the Offeror agrees to-

(1) Submit any additional cost or pricing data that is required in order to determine whether the price is fair and reasonable (10 U.S.C. 3705) or to comply with the statutory requirement for certified cost or pricing data (10 U.S.C. 3702 and FAR 15.403-3); and

(2) Except as provided in paragraph (b) of this provision, if the acquisition exceeds the certified cost or pricing data threshold and an exception to the requirement for certified cost or pricing data at FAR 15.403-1(b)(2) through (5) does not apply, certify all cost or pricing data in accordance with paragraph (c) of DFARS provision 252.215-7010, Requirements for Certified Cost or Pricing Data and Data Other Than Certified Cost or Pricing Data, of this solicitation.

(b) Canadian Commercial Corporation. If the Offeror is the Canadian Commercial Corporation, certified cost or pricing data are not required. If the Contracting Officer notifies the Canadian Commercial Corporation that additional data other than certified cost or pricing data are required in accordance with DFARS 225.870-4(c), the Canadian Commercial Corporation shall obtain and provide the following:

(1) Profit rate or fee (as applicable).

(2) Analysis provided by Public Works and Government Services Canada to the Canadian Commercial Corporation to determine a fair and reasonable price (comparable to the analysis required at FAR 15.404-1).

(3) Data other than certified cost or pricing data necessary to permit a determination by the U.S. Contracting Officer that the proposed price is fair and reasonable ____ [U.S. Contracting Officer to provide description of the data required in accordance with FAR 15.403-3(a)(1) with the notification].

(4) As specified in FAR 15.403-3(a)(4), an offeror who does not comply with a requirement to submit data that the U.S. Contracting Officer has deemed necessary to determine price reasonableness or cost realism is ineligible for award unless the head of the contracting activity determines that it is in the best interest of the Government to make the award to that offeror.

(c) Subcontracts. Unless the Offeror is the Canadian Commercial Corporation, the Offeror shall insert the substance of this provision, including this paragraph (c), in all subcontracts exceeding the simplified acquisition threshold defined in FAR part 2.

(End of provision)

Section 00 22 00 - Supplementary Instructions

FAR Clauses Incorporated by Reference

Number	Title	Effective Date	Alternate/ Deviation	Variation Effective Date
52.217-5	Evaluation of Options.	Jul 1990		

Section 00 45 00 - Representations and Certifications

THIS DOCUMENT IS TO BE EXECUTED AND SUBMITTED WITH YOUR OFFER.

REPRESENTATIONS, CERTIFICATIONS, AND OTHER STATEMENTS OF OFFEROR

RFP NO. W912PP25BA001

PROJECT NAME/LOCATION: N80 Earth Covered Magazine for White Sands Missile Range, Dona Ana County, New Mexico

OFFEROR'S NAME AND ADDRESS

Date:

The Offeror makes the following representations and certifications as a part of the RFP identified above (check the appropriate boxes that follow):

FAR Clauses Incorporated by Reference

Number	Title	Effective Date	Alternate/ Deviation	Variation Effective Date
52.203-2	Certificate of Independent Price Determination.	Apr 1985		
52.203-11	Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions.	Sep 2024		
52.203-18	Prohibition on Contracting with Entities that Require Certain Internal Confidentiality Agreements or Statements-Representation.	Jan 2017		
52.204-24	Representation Regarding Certain Telecommunications and Video Surveillance Services or Equipment.	Nov 2021		
52.204-26	Covered Telecommunications Equipment or Services-Representation.	Oct 2020		
52.209-2	Prohibition on Contracting with Inverted Domestic Corporations-Representation.	Nov 2015		
52.209-5	Certification Regarding Responsibility Matters.	Aug 2020		
52.209-7	Information Regarding Responsibility Matters.	Oct 2018		
52.209-13	Violation of Arms Control Treaties or Agreements-Certification.	Nov 2021		
52.214-14	Place of Performance-Sealed Bidding.	Apr 1985		
52.222-38	Compliance with Veterans### Employment Reporting Requirements.	Feb 2016		
52.225-20	Prohibition on Conducting Restricted Business Operations in Sudan-Certification.	Aug 2009		
52.225-25	Prohibition on Contracting With Entities Engaging in Certain Activities or Transactions Relating to Iran-Representation and Certifications.	Jun 2020		
52.229-12	Tax on Certain Foreign Procurements.	Feb 2021		

DFARS Clauses Incorporated by Reference

Number	Title	Effective Date	Alternate/ Deviation	Variation Effective Date
252.203-7005	Representation Relating to Compensation of Former DoD Officials.	Sep 2022		
252.204-7008	Compliance with Safeguarding Covered Defense Information Controls.	Oct 2016		
252.204-7016	Covered Defense Telecommunications Equipment or Services-Representation.	Dec 2019		
	Prohibition on the Acquisition of Covered Defense Telecommunications Equipment or			

252.204-7017	Services-Representation.	May 2021
252.225-7031	Secondary Arab Boycott of Israel .	Jun 2005
252.225-7055	Representation Regarding Business Operations with the Maduro Regime.	May 2022
252.225-7057	Preaward Disclosure of Employment of Individuals Who Work in the People's Republic of China.	Aug 2022
252.225-7059	Prohibition on Certain Procurements from the Xinjiang Uyghur Autonomous Region-Representation.	Jun 2023
252.232-7015	Performance-Based Payments-Representation.	Dec 2022
252.232-7016	Notice of Progress Payments or Performance-Based Payments.	Apr 2020

FAR Clauses Incorporated by Full Text

52.204-29 Federal Acquisition Supply Chain Security Act Orders-Representation and Disclosures. (Dec 2023)

Federal Acquisition Supply Chain Security Act Orders-Representation and Disclosures (Dec 2023)

(a) Definitions. As used in this provision, Covered article, FASCSA order, Intelligence community, National security system, Reasonable inquiry, Sensitive compartmented information, Sensitive compartmented information system, and Source have the meaning provided in the clause 52.204-30, Federal Acquisition Supply Chain Security Act Orders-Prohibition.

(b) Prohibition. Contractors are prohibited from providing or using as part of the performance of the contract any covered article, or any products or services produced or provided by a source, if the prohibition is set out in an applicable Federal Acquisition Supply Chain Security Act (FASCSA) order, as described in paragraph (b)(1) of FAR 52.204-30, Federal Acquisition Supply Chain Security Act Orders-Prohibition.

(c) Procedures.

(1) The Offeror shall search for the phrase "FASCSA order" in the System for Award Management (SAM)(<https://www.sam.gov>) for any covered article, or any products or services produced or provided by a source, if there is an applicable FASCSA order described in paragraph (b)(1) of FAR 52.204-30, Federal Acquisition Supply Chain Security Act Orders-Prohibition.

(2) The Offeror shall review the solicitation for any FASCSA orders that are not in SAM, but are effective and do apply to the solicitation and resultant contract (see FAR 4.2303(c)(2)).

(3) FASCSA orders issued after the date of solicitation do not apply unless added by an amendment to the solicitation.

(d) Representation. By submission of this offer, the offeror represents that it has conducted a reasonable inquiry, and that the offeror does not propose to provide or use in response to this solicitation any covered article, or any products or services produced or provided by a source, if the covered article or the source is prohibited by an applicable FASCSA order in effect on the date the solicitation was issued, except as waived by the solicitation, or as disclosed in paragraph (e).

(e) Disclosures. The purpose for this disclosure is so the Government may decide whether to issue a waiver. For any covered article, or any products or services produced or provided by a source, if the covered article or the source is subject to an applicable FASCSA order, and the Offeror is unable to represent compliance, then the Offeror shall provide the following information as part of the offer:

(1) Name of the product or service provided to the Government;

(2) Name of the covered article or source subject to a FASCSA order;

(3) If applicable, name of the vendor, including the Commercial and Government Entity code and unique entity identifier (if known), that supplied the covered article or the product or service to the Offeror;

(4) Brand;

(5) Model number (original equipment manufacturer number, manufacturer part number, or wholesaler number);

(6) Item description;

(7) Reason why the applicable covered article or the product or service is being provided or used;

(f) Executive agency review of disclosures. The contracting officer will review disclosures provided in paragraph (e) to determine if any waiver may be sought. A contracting officer may choose not to pursue a waiver for covered articles or sources otherwise subject to a FASCSA order and may instead make an award to an offeror that does not require a waiver.

(End of provision)

52.209-11 Representation by Corporations Regarding Delinquent Tax Liability or a Felony Conviction under any Federal Law. (Feb 2016)

Representation by Corporations Regarding Delinquent Tax Liability or a Felony Conviction under any Federal Law (Feb 2016)

(a) As required by sections 744 and 745 of Division E of the Consolidated and Further Continuing Appropriations Act, 2015 (Pub. L. 113-235), and similar provisions, if contained in subsequent appropriations acts, the Government will not enter into a contract with any corporation that-

(1) Has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless an agency has considered suspension or debarment of the corporation and made a determination that suspension or debarment is not necessary to protect the interests of the Government; or

(2) Was convicted of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless an agency has considered suspension or debarment of the corporation and made a determination that this action is not necessary to protect the interests of the Government.

(b) The Offeror represents that-

(1) It is ☐ is not ☐ a corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability; and

(2) It is ☐ is not ☐ a corporation that was convicted of a felony criminal violation under a Federal law within the preceding 24 months.

(End of provision)

DFARS Clauses Incorporated by Full Text

252.204-7007 Alternate A, Annual Representations and Certifications.

(Oct 2024) Alternate A (Oct 2024)

ALTERNATE A, ANNUAL REPRESENTATIONS AND CERTIFICATIONS (OCT 2024)

Substitute the following paragraphs (b), (d), and (e) for paragraphs (b) and (d) of the provision at FAR 52.204-8:

(b)(1) If the provision at 52.204-7, System for Award Management, is included in this solicitation, paragraph (e) of this provision applies.

(2) If the provision at 52.204-7, System for Award Management, is not included in this solicitation, and the Offeror has an active registration in the System for Award Management (SAM), the Offeror may choose to use paragraph (e) of this provision instead of completing the corresponding individual representations and certifications in the solicitation. The Offeror shall indicate which option applies by checking one of the following boxes:

☐ (i) Paragraph (e) applies.

☐ (ii) Paragraph (e) does not apply and the Offeror has completed the individual representations and certifications in the solicitation.

(d)(1) The following representations or certifications in the SAM database are applicable to this solicitation as indicated:

(i) 252.204-7016, Covered Defense Telecommunications Equipment or Services-Representation. Applies to all solicitations.

(ii) 252.216-7008, Economic Price Adjustment-Wage Rates or Material Prices Controlled by a Foreign Government. Applies to solicitations for fixed-price supply and service contracts when the contract is to be performed wholly or in part in a foreign country, and a foreign government controls wage rates or material prices and may during contract performance impose a mandatory change in wages or prices of materials.

(iii) 252.225-7042, Authorization to Perform. Applies to all solicitations when performance will be wholly or in part in a foreign country.

(iv) 252.225-7049, Prohibition on Acquisition of Certain Foreign Commercial Satellite Services-Representations. Applies to solicitations for the acquisition of commercial satellite services.

(v) 252.225-7050, Disclosure of Ownership or Control by the Government of a Country that is a State Sponsor of Terrorism. Applies to all solicitations expected to result in contracts of \$150,000 or more.

(vi) 252.229-7012, Tax Exemptions (Italy)-Representation. Applies to solicitations and contracts when contract performance will be in Italy.

(vii) 252.229-7013, Tax Exemptions (Spain)-Representation. Applies to solicitations and contracts when contract performance will be in Spain.

(2) The following representations or certifications in SAM are applicable to this solicitation as indicated by the Contracting Officer:

☐ (i) 252.209-7002, Disclosure of Ownership or Control by a Foreign Government.

☐ (ii) 252.225-7000, Buy American-Balance of Payments Program Certificate.

☐ (iii) 252.225-7020, Trade Agreements Certificate.

☐ Use with Alternate I.

☐ (iv) 252.225-7031, Secondary Arab Boycott of Israel.

☐ (v) 252.225-7035, Buy American-Free Trade Agreements-Balance of Payments Program Certificate.

☐ Use with Alternate I.

☐ Use with Alternate II.

☐ Use with Alternate III.

☐ Use with Alternate IV.

☐ Use with Alternate V.

☐ (vi) 252.226-7002, Representation for Demonstration Project for Contractors Employing Persons with Disabilities.

☐ (vii) 252.232-7015, Performance-Based Payments-Representation.

(e) The Offeror has completed the annual representations and certifications electronically via the SAM website at <https://www.sam.gov>. After reviewing the SAM database information, the Offeror verifies by submission of the offer that the representations and certifications currently posted electronically that apply to this solicitation as indicated in FAR 52.204-8(c) and paragraph (d) of this provision have been entered or updated within the last 12 months, are current, accurate, complete, and applicable to this solicitation (including the business size standard applicable to the NAICS code referenced for this solicitation), as of the date of this offer, and are incorporated in this offer by reference (see FAR 4.1201); except for the changes identified below [Offeror to insert changes, identifying change by provision number, title, date]. These amended representation(s) and/or certification(s) are also incorporated in this offer and are current, accurate, and complete as of the date of this offer.

FAR/DFARS Provision #	Title	Date	Change
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Any changes provided by the Offeror are applicable to this solicitation only, and do not result in an update to the representations and certifications located in the SAM database.

(End of provision)

Section 00 50 00 - Contracting Forms and Supplements

ATTENTION

The proper Building Wage Determination for Dona Ana County is incorporated into this procurement; however, the wage determination does not include a "roofer" classification. Therefore, the most recent version of the Standard Form 1444 (Request for Authorization of Additional Classification and Rate) will need to be submitted upon award to the Albuquerque District for approval and forwarding to the Wage and Hour Division (WHD) of the Department of Labor.

In previous awards (in Bernalillo County), WHD set the prevailing rate at \$45.73 per hour (\$33.05 plus \$12.68 fringe). Potential offerors in the solicitation phase and subsequently the successful awardee should carefully review the wage determination for potential additional classifications and evaluate how submission of a Standard Form 1444 will affect their pricing.

Please visit <https://sam.gov/wage-determinations/resources/dba-conformances> and read Department of Labor's All Agency Memorandum 213 and 233 for further guidance.

"General Decision Number: NM20250045 03/07/2025

Superseded General Decision Number: NM20240045

State: New Mexico

Construction Type: Building
BUILDING CONSTRUCTION PROJECTS (does not include single family homes or apartments up to and including 4 stories).

County: Dona Ana County in New Mexico.

BUILDING CONSTRUCTION PROJECTS (does not include single family homes or apartments up to and including 4 stories).

Note: Contracts subject to the Davis-Bacon Act are generally required to pay at least the applicable minimum wage rate required under Executive Order 14026 or Executive Order 13658. Please note that these Executive Orders apply to covered contracts entered into by the federal government that are subject to the Davis-Bacon Act itself, but do not apply to contracts subject only to the Davis-Bacon Related Acts, including those set forth at 29 CFR 5.1(a)(1).

If the contract is entered into on or after January 30, 2022, or the contract is renewed or extended (e.g., an option is exercised) on or after January 30, 2022:	. Executive Order 14026 generally applies to the contract. . The contractor must pay all covered workers at least \$17.75 per hour (or the applicable wage rate listed on this wage determination, if it is higher) for all hours spent performing on the contract in 2025.
If the contract was awarded on or between January 1, 2015 and January 29, 2022, and the contract is not renewed or extended on or after January 30, 2022:	. Executive Order 13658 generally applies to the contract. . The contractor must pay all covered workers at least \$13.30 per hour (or the applicable wage rate listed on this wage determination, if it is higher) for all hours spent performing on that contract in 2025.

The applicable Executive Order minimum wage rate will be adjusted annually. If this contract is covered by one of the Executive Orders and a classification considered necessary for performance of work on the contract does not appear on this wage determination, the contractor must still submit a conformance request.

Additional information on contractor requirements and worker protections under the Executive Orders is available at <http://www.dol.gov/whd/govcontracts>.

Modification Number Publication Date

0 01/03/2025

1 02/28/2025

2 03/07/2025

ASBE0076-008 01/01/2024

Rates Fringes

ASBESTOS WORKER/HEAT & FROST
INSULATOR.....\$ 36.66 11.83

CARP1245-006 06/01/2018

Rates Fringes

Carpenter
Excludes Drywall Hanging....\$ 24.08 10.79

* PLUM0412-015 01/02/2025

Rates Fringes

PIPEFITTER.....\$ 43.07 16.60

* PLUM0412-018 01/02/2025

Rates Fringes

PLUMBER.....\$ 43.07 16.60

SHEE0049-005 01/01/2024

Rates Fringes

Sheet Metal Worker (Includes
HVAC Duct Installation).....\$ 37.50 18.51

* SUNM2016-002 09/26/2018

Rates Fringes

CARPENTER (Drywall Hanging
Only).....\$ 19.64 6.20

CEMENT MASON/CONCRETE FINISHER...\$ 18.93 5.85

ELECTRICIAN.....\$ 29.26 8.98

IRONWORKER, STRUCTURAL.....\$ 28.00 8.21

LABORER: Common or General.....\$ 16.49 ** 4.54

LABORER: Mason Tender -
Cement/Concrete.....\$ 17.60 ** 0.00

OPERATOR:
Backhoe/Excavator/Trackhoe.....\$ 25.73 4.51

PAINTER (Brush and Roller).....\$ 16.60 ** 3.88

PAINTER: Spray.....\$ 16.51 ** 2.14

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.

** Workers in this classification may be entitled to a higher minimum wage under Executive Order 14026 (\$17.75) or 13658 (\$13.30). Please see the Note at the top of the wage determination for more information. Please also note that the minimum wage requirements of Executive Order 14026 are not currently being enforced as to any contract or subcontract to which the states of Texas, Louisiana, or Mississippi, including their agencies, are a party.

Note: Executive Order (EO) 13706, Establishing Paid Sick Leave for Federal Contractors applies to all contracts subject to the Davis-Bacon Act for which the contract is awarded (and any solicitation was issued) on or after January 1, 2017. If this contract is covered by the EO, the contractor must provide employees with 1 hour of paid sick leave for every 30 hours they work, up to 56 hours of paid sick leave each year. Employees must be permitted to use paid sick leave for their own illness, injury or other health-related needs, including preventive care; to assist a family member (or person who is like family to the employee) who is ill, injured, or has other health-related needs, including preventive care; or for reasons resulting from, or to assist a family member (or person who is like family to the employee) who is a victim of, domestic violence, sexual assault, or stalking. Additional information on contractor requirements and worker protections under the EO is available at <https://www.dol.gov/agencies/whd/government-contracts>.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29CFR 5.5 (a) (1) (iii)).

The body of each wage determination lists the classifications and wage rates that have been found to be prevailing for the type(s) of construction and geographic area covered by the wage determination. The classifications are listed in alphabetical order under rate identifiers indicating whether the particular rate is a union rate (current union negotiated rate), a survey rate, a weighted union average rate, a state adopted rate, or a supplemental classification rate.

Union Rate Identifiers

A four-letter identifier beginning with characters other than ""SU"", ""UAVG"", ?SA?, or ?SC? denotes that a union rate was prevailing for that classification in the survey. Example: PLUM0198-005 07/01/2024. PLUM is an identifier of the union whose collectively bargained rate prevailed in the survey for this classification, which in this example would be Plumbers. 0198 indicates the local union number or district council number where applicable, i.e., Plumbers Local 0198. The next number, 005 in the example, is an internal number used in processing the wage determination. The date, 07/01/2024 in the example, is the effective date of the most current negotiated rate.

Union prevailing wage rates are updated to reflect all changes over time that are reported to WHD in the rates

in the collective bargaining agreement (CBA) governing the classification.

Union Average Rate Identifiers

The UAVG identifier indicates that no single rate prevailed for those classifications, but that 100% of the data reported for the classifications reflected union rates. EXAMPLE: UAVG-OH-0010 01/01/2024. UAVG indicates that the rate is a weighted union average rate. OH indicates the State of Ohio. The next number, 0010 in the example, is an internal number used in producing the wage determination. The date, 01/01/2024 in the example, indicates the date the wage determination was updated to reflect the most current union average rate.

A UAVG rate will be updated once a year, usually in January, to reflect a weighted average of the current rates in the collective bargaining agreements on which the rate is based.

Survey Rate Identifiers

The ""SU"" identifier indicates that either a single non-union rate prevailed (as defined in 29 CFR 1.2) for this classification in the survey or that the rate was derived by computing a weighted average rate based on all the rates reported in the survey for that classification. As a weighted average rate includes all rates reported in the survey, it may include both union and non-union rates. Example: SUFL2022-007 6/27/2024. SU indicates the rate is a single non-union prevailing rate or a weighted average of survey data for that classification. FL indicates the State of Florida. 2022 is the year of the survey on which these classifications and rates are based. The next number, 007 in the example, is an internal number used in producing the wage determination. The date, 6/27/2024 in the example, indicates the survey completion date for the classifications and rates under that identifier.

?SU? wage rates typically remain in effect until a new survey is conducted. However, the Wage and Hour Division (WHD) has the discretion to update such rates under 29 CFR 1.6(c)(1).

State Adopted Rate Identifiers

The ""SA"" identifier indicates that the classifications and prevailing wage rates set by a state (or local) government were adopted under 29 C.F.R 1.3(g)-(h). Example: SAME2023-007 01/03/2024. SA reflects that the rates are state adopted. ME refers to the State of Maine. 2023 is the year during which the state completed the survey on which the listed classifications and rates are based. The next number, 007 in the example, is an internal number used in producing the wage determination. The date, 01/03/2024 in the example, reflects the date on which the classifications and rates under the ?SA? identifier took effect under state law in the state from which the rates were adopted.

WAGE DETERMINATION APPEALS PROCESS

1) Has there been an initial decision in the matter? This can be:

- a) a survey underlying a wage determination
- b) an existing published wage determination
- c) an initial WHD letter setting forth a position on a wage determination matter
- d) an initial conformance (additional classification and rate) determination

On survey related matters, initial contact, including requests for summaries of surveys, should be directed to the WHD Branch

of Wage Surveys. Requests can be submitted via email to davisbaconinfo@dol.gov or by mail to:

Branch of Wage Surveys
Wage and Hour Division
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

Regarding any other wage determination matter such as conformance decisions, requests for initial decisions should be directed to the WHD Branch of Construction Wage Determinations. Requests can be submitted via email to BCWD-Office@dol.gov or by mail to:

Branch of Construction Wage Determinations
Wage and Hour Division
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

2) If an initial decision has been issued, then any interested party (those affected by the action) that disagrees with the decision can request review and reconsideration from the Wage and Hour Administrator (See 29 CFR Part 1.8 and 29 CFR Part 7). Requests for review and reconsideration can be submitted via email to dba.reconsideration@dol.gov or by mail to:

Wage and Hour Administrator
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

The request should be accompanied by a full statement of the interested party's position and any information (wage payment data, project description, area practice material, etc.) that the requestor considers relevant to the issue.

3) If the decision of the Administrator is not favorable, an interested party may appeal directly to the Administrative Review Board (formerly the Wage Appeals Board). Write to:

Administrative Review Board
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210.

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END OF GENERAL DECISION"