

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT

BPA NO.

1. CONTRACT ID CODE

PAGE

OF PAGES

1

1

2. AMENDMENT/MODIFICATION NO.

02

3. EFFECTIVE DATE

4. REQUISITION/PURCHASE REQ. NO.

5. PROJECT NO. (If applicable)

6. ISSUED BY

CODE

USAID/Vietnam
Office of Acquisition and Assistance (OAA)
15/F Tung Shing Building,
2 Ngo Quyen
Hanoi, Vietnam

See Block 16 C

7. ADMINISTERED BY (If other than Item 6)

CODE

8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code)

To all Offerors

(X)

9A. AMENDMENT OF SOLICITATION NO.

IFB No. 72044021B00001

9B. DATED (SEE ITEM 11)

10A. MODIFICATION OF CONTRACT/ORDER NO.

10B. DATED (SEE ITEM 13)

CODE

FACILITY CODE

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers is extended, is not extended.

Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods:

(a) By completing Items 8 and 15, and returning one copies of the amendment; (b) By acknowledging receipt of this amendment of each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA

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

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

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

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

D. OTHER (Specify type of modification and authority)

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

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

Invitation for Bids (IFB) No. 72044021B00001 USAID Civil Works for Dioxin Remediation at Bien Hoa Airbase Area – Phase 1

The purpose of this amendment is to incorporate questions received and answers thereto as an integral part of the IFB. See also the Revised No. 2 of IFB as attached. Except as so stated, all other terms and conditions in the original RFP remain the same.

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

15A. NAME AND TITLE OF SIGNER (Type or print)

16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print)

Suzanne H. Johnson

15B. CONTRACTOR/OFFEROR

15C. DATE SIGNED

16B. UNITED STATES OF AMERICA

16C. DATE SIGNED

(Signature of person authorized to sign)

BY

/s/

(Signature of Contracting Officer)

January 15, 2022

Questions Received Pertaining to IFB No. 72044021B00001 and Corresponding USAID Answers:

1. Invitation for Bid (page 10, Table 1, Year 1 Dry Season), Source Decision Units /Activities “NF-04A, NF-04B”, Is NF-04D missing or is it intentionally left out? Attachment J.7-20_D_H_NF-04 does show NF-04D as a DU of excavation. Please clarify.

USAID: The recent confirmatory sampling results of NF-04 confirmed that dioxin concentration in NF-04 is below the action limit, and MND has concurred with these results. Therefore, no action is required in the NF-04 Decision Units (DUs). References to NF-04 have been removed from Section C and “Table 1. Estimated Annual Volume of Dig and Haul.” Please note that Table 1 includes other updates as well.

2. Invitation for Bid (page 13), Section C.7, First para, At the time must be met (1) a local Contractor must hold a valid Construction Operation Capability Certificate (in construction implementation and construction design)”
The fact is: A Certificate in Construction Implementation could be separate from that Certificate in Construction Design. Does a contract require a single local contractor to hold a Certificate in both; or a joint-venture (of more than 2 local contractors) presenting collective Certificates also qualifies?

USAID: A single local contractor (either as a prime or sub) must hold respective certificates in construction and/or design. The certificate holder could be the prime or sub depending on who is implementing the design or the construction element. For example, either the prime contractor or the subcontractor responsible for preparing shop drawings must have an eligibility certificate for design. Additionally, any prime contractor or subcontractor performing construction work must have an eligibility certificate for construction execution.

The prime contractor, either as a single entity or as a joint-venture (one registered company), must hold an eligibility certificate for construction execution at any grade (refer to [Article 83 of Decree 15/2021/NDCP](#)).

There are three potential scenarios for joint-venture arrangements:

1. Joint-venture between foreign companies - the joint-venture company (one company) must submit with their bid package the qualifying materials required to apply for a construction operating license for foreign contractors.
2. Joint-venture between foreign and local companies - the foreign company must submit with their bid package the qualifying materials required to apply for a construction operating license for foreign contractors and the Vietnamese company must submit an eligibility certificate applicable to their role (construction execution and/or design).
3. Joint-venture between local companies (i.e. Vietnamese companies) - each company must have the required eligibility certificate applicable to their role (construction execution and/or design).

Please note that Section C.7 has been revised to reflect the above.

“C.7 REQUIRED REGISTRATION AND LICENSES

At the time of bid submission and throughout the period of performance, the following licensing requirements must be met (1) a local (either Prime or Sub) Contractor must hold and submit a valid eligibility certificate for construction execution at any grade (refer to Article 83 of Decree 15/2021/NDCP) or (2) a foreign (either Prime or Sub) Contractor must submit with their bid package the qualifying materials required to apply for a construction operating license for foreign contractors (refer to Article 102, Article 103 and Article 104 of Decree 15/2021/NDCP).

At the time of bid submission and throughout the period of performance, either the Prime Contractor or the subcontractor responsible for preparing shop drawings must hold a valid eligibility certificate in design (refer to Article 83 of Decree 15/2021/NDCP). If this requirement is fulfilled through a subcontractor, the Bid Package must include an affirmation signed by the Prime Contractor and subcontractor confirming that the license of their subcontractor will cover all construction design related activities for this contract.

At the time of bid submission and throughout the period of performance either the Prime Contractor or the subcontractor(s) responsible for handling contaminated material must also hold a valid Vietnamese Ministry of Natural Resources and Environment Government of Vietnam Hazardous Waste Disposal License (Giấy Phép Xử Lý Chất Thải Nguy Hại). If this requirement is fulfilled through a subcontractor, the Bid Package must include an affirmation signed by the Prime Contractor and subcontractor confirming that the license of their subcontractor will cover for all activities of this contract as required by MONRE.”

3. Invitation for Bid (page 33), Section H.3 “Contractor must not subcontract with the Government of Vietnam entities unless specifically approved in writing by USAID Contracting Officer” There will be lab works during implementation of the contract, for instance, serum blood sampling and analysis for dioxin. There is a limited number of local labs that can perform the work and most of them are belonging to the Government entities. Does USAID already have a list of local labs exclusively approved for providing services to the Project? Or shall Contractor have to request for special approval if such entity is proposed? How long this approval would take?

USAID: USAID does not have a list of local labs approved for the Project. It is up to Bidders to identify local qualified labs to perform the work in accordance with the IFB requirements.

Please note that if the Offerors decide to use laboratory services from a government-owned entity, prior USAID approval must be obtained. USAID must first review the information and process internal approval [the Determination and Finding (D&F) in accordance with USAID ADS 302] on a case-by-case basis. Once the D&F is approved, USAID will then grant a separate approval for the Contractor to subcontract with the government-owned entity. Historically, this approval has been granted for the Center for Analytical Services and Experimentation (CASE) at Ho Chi Minh city to provide dioxin analytical service.

4. Attachment J.10 – LCSA, HCSA and Staging Area, Attachment J.2- Bid form (LI# 01.50.01) Is LCSA also covering IM1’s CLIN 2 area in PI-13, or it only covers LCSA itself? This will impact demolition as well as site restoration related to this area. Please clarify.

USAID: Bid Item Number 01.50.01 also covers IM1’s CLIN 2 area in PI-13. This Bid Item has been renamed to in the updated “Attachment J. 2 Bid_form” included with this amendment. In addition, the description for LCSA in Section C, Work Component 5 (page 12) has been revised:

- “LCSA: Upon removal of all contaminated material to the LTSA, demolish LCSA and adjacent IM 1 CLIN 2 area in PI-13, clean/treat all materials and dispose in accordance with the Compendium. Level berms, match existing adjacent grade, and ensure positive site drainage.”

5. There is a missing attachment in IFB package posted on SAM (www.sam.gov) which is J.7- Hauling Road. This Attachment is available on Vietnam local website <https://muasamcong.mpi.gov.vn>

USAID: J.7-Hauling Road was included in the RFI posting. However, that attachment was developed further for the IFB posting and is now included as Attachment “J.8 30 Roadways.”

6. If an entity already has a DUNS number and NCAGE code, is it a must that the entity is registered in SAM at the time of bid submission? We are having system error while registering in SAM and are seeking help from them now.

USAID: Yes, the Bidders must be registered in SAM.gov upon bid submission.

7. IFB document, Part II- Contract Clauses Section, I.11 FAR 752.229-71 Reporting of foreign taxes Does this reporting requirement apply to Local Contractor?

USAID: Yes.

8. Attachment J.5_Decision_Units, Drawing DU-10 (Page 12)

- a. Data in the Table “DU Information/Thông tin đơn nguyên” seems incorrect. It is impossible that all SDU has the same surface area (4307sqm). Also, the SDU names in the Table do not 100 match % with SDU names on map.

USAID: Attachment “J.5 Decision Units” has been updated and included with this amendment.

- b. It looks like that the Triangle Area covers many houses (residential land), especially to the west. We understand work in this Area is optional (under CLIN4) and no excavation design is available by now, we still need to know what would be the status of this area by the time it is handed over to the Contractor for remediation work? To which extent the excavation (soil removal) in this area would be?

USAID: MND is coordinating with the Dong Nai People Committee to clear this area of above ground structures. Once completed, MND and USAID will then need to conduct further characterization to finalize the excavation design of this area.

9. J.2-Bid_form, There are discrepancies between PDF version and Excel version of J.2-Bid_form as published on Vietnam Local website (www.muasamcong.mpi.vn). On SAM, there is only Excel version of Bid Form and it is the same with the version published on local website. Please clarify.

USAID: An updated “Attachment J. 2 Bid_form” is included with this amendment in MS Excel format. Please use this version for submission.

10. It shows on the following Drawings that double- side textured HDPE geomembrane (1.5mm or 60 mils) will be used. There is no specification for this material in the Compendium. Table 2 (page 144) of the Compendium only shows values for liner of 1.0mm or 40mils thickness. Please clarify.
- J.13- Compendium Section 31 05 19.160- High Density Polyethylene (HDPE) Layer It shows on the Drawings that double- side textured HDPE geomembrane (1.5mm or 60 mils) will be used. There is no specification for this material in the Compendium. Table 2 (page 144) of the Compendium only shows values for liner of 1.0mm or 40mils thickness. Please clarify.
 - J.4-10_Treatment Area, Drawing 10C-42
 - J.9-40_LTSA_Cover, Drawing 40C-06

USAID: Clarification is provided in updates to Attachment “J.13 Compendium” included with this amendment.

11. Schedule of Values, "The contract type is Fixed-Price Construction Contracts, with Estimated Annual Volume of Dig and Haul has been Subclause C.5 - WORK COMPONENTS. So, in case the annual dig and haul volume carried out is smaller than the specified volume but not due to the Contractor' faults, can the Contractor receive the payment for the whole amounts?"

USAID: It is anticipated that the Contractor will handle all materials as estimated in “Table 1. Estimated Annual Volume of Dig and Haul.” The actual volume of materials for each year which will be provided to the Contractor may vary depending upon completion of the final designs. It is likely that the final volume will be higher than what is provided in CLIN 1 and CLIN 4. This is why CLIN 3 – UNIT PRICES FOR EXCESS QUANTITIES is critical for any excessive volume of materials to be handled outside of CLIN 1 and CLIN 4.

12. J.6 DIG AND HAUL SW-07, Section B- B on Excavation Plan SW-07 E - Drawing No. 20C-01 showed the depth of digging backside the resident house next to airbase fencing is 2,70 m, it is high risk to those structure, please consider it.

USAID: The Contractor is required to provide excavation safety measures necessary to mitigate potential impacts of excavation work on adjacent properties and structures as required in Attachment “J.13 Compendium”, see Sections 01 35 29 Health and Safety and 31 23 16 Excavation.

13. "J.4 10 TREATMENT AREA DESIGN, Access road to PTSA." "Section A- A of Detail C1004- Drawing No. 10C-41 showed the end of access ramp is not sufficient for heavy dump truck moving. And units used in presentation width of access and dowel bars show on ""PTSA Access Ramp"" should be corrected."

USAID: The “J.4 10 Treatment Area Design” Attachment has been revised and an updated version has been included with this Amendment.

14. List of IFB Attachments is included below. Please note, an update is planned for Attachments “J.4 10 Treatment Area” and” J.9 40 LTSA Final Cover” to reflect design progression and will be issued in a subsequent amendment. An additional update to the Attachment “J.13 Compendium” is planned to reflect design progression and will also be issued in a subsequent amendment with revisions noted.

ATTACHMENT NUMBER	ATTACHMENT	AMENDMENT NO. 2 REVISIONS
J.1	SF 1442 SOLICITATION, OFFER, AND AWARD (CONSTRUCTION, ALTERATION OR REPAIR)	
J.2	BID FORM	Revisions reflect modifications to the IFB description and attachments.

ATTACHMENT NUMBER	ATTACHMENT	AMENDMENT NO. 2 REVISIONS
J.3	CIVIL WORKS - PHASE 1 OVERVIEW	NF-04 removed.
J.4	10 TREATMENT AREA	Updated to reflect design progression. Further updated J.4 (i.e the pumping station) will be issued in the next IFB Amendment No.3
J.5	DECISION UNITS	Sheets ZT-02, DONRE-A1, PI-12, PI-15, DONRE-A2, and NW-03 updated.
J.6	20 DIG AND HAUL SW-07	Updated to reflect design progression.
J.7	20 DIG AND HAUL NF-04 (NOT USED)	NF-04 removed, attachment deleted.
J.8	30 ROADWAYS	Updated to reflect design progression.
J.9	40 LTSA FINAL COVER	Further updated J.9 (i.e final design of the irrigation system of the LTSA cover) will be issued in the next IFB Amendment No. 3.
J.10	IM1 LCSA, HCSA, AND STAGING AREA PLANS AND SECTIONS	Cover sheet replaced.
J.11	IM2 LTSA AND HCTS PLANS AND SECTIONS	Cover sheet replaced.
J.12	GROUNDWATER CONTOURS	Additional sheets added for estimated minimum and average.
J.13	COMPENDIUM	See table of revisions included in Compendium. Updated/final Compendium will be issued in the IFB Amendment No.3.
J.14	SITE-WIDE HEALTH AND SAFETY PLAN	
J.15	SITE-WIDE HEALTH AND SAFETY PLAN SIGN OFF PAGE	
J.16	SITE-WIDE ENVIRONMENTAL MITIGATION AND MONITORING PLAN	
J.17	SITE-WIDE ENVIRONMENTAL MITIGATION AND MONITORING PLAN SIGN OFF PAGE	
J.18	BRANDING IMPLEMENTATION PLAN AND MARKING PLAN	
J.19	CERTIFICATION OF KEY PERSONNEL QUALIFICATIONS	

[End of Attachment 1]