

<b>AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT</b>		1. CONTRACT ID CODE	PAGE 1 OF PAGES 2
2. AMENDMENT/ MODIFICATION NO. A00009	3. EFFECTIVE DATE 07/23/96	4. REQUISITION/ PURCHASE REQ. NO.	5. PROJECT NO. (If applicable) CIN-11
6. ISSUED BY U. S. Army Engineer District, New Orleans Corps of Engineers P.O. Box 60267 New Orleans, LA 70160-0267		7. ADMINISTERED BY (If other than Item 6)	
8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code)  B&K Construction Company, Inc. 1905 Highway 59 Mandeville, LA 70448		(X)	9A. AMENDMENT OF SOLICITATION NO.
CODE OGTN3 FACILITY CODE			9B. DATED (See Item 11)
		X	10A. MODIFICATION OF CONTRACT/ ORDER NO. DACW29-94-C-0079
			10B. DATED (See Item 13) 7/11/94
11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS			
<input type="checkbox"/> The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers <input type="checkbox"/> is extended, <input type="checkbox"/> is not extended. Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: (a) By completing Items 8 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.			
12. ACCOUNTING AND APPROPRIATION DATA (If required)			
13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ ORDERS, IT MODIFIES THE CONTRACT/ ORDER NO. AS DESCRIBED IN ITEM 14.			
	A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.		
	B. THE ABOVE NUMBERED CONTRACT/ ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103 (b).		
X	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF: CC I.83, "CHANGES"		
	D. OTHER (specify type of modification and authority)		
<b>E. IMPORTANT:</b> Contractor <input type="checkbox"/> is not, <input checked="" type="checkbox"/> is required to sign this document and return <u>original</u> copies to the issuing office.			
14. DESCRIPTION OF AMENDMENT/ MODIFICATION (Organized by UCF section headings, including solicitation/ contract subject matter where feasible.)  The following change is made to the above numbered contract for Lake Pontchartrain, Louisiana and Vicinity, High Level Plan, London Avenue Outfall Canal, Parallel Protection, Mirabeau Avenue to Robert E. Lee Blvd., West Bank; Mirabeau Avenue to Leon C. Simon Blvd., East Bank Floodwall, Orleans Parish, Louisiana to change the limit of the "No Work" area on the east side of the canal at pumping station #4 from Sta. 100+11.29 EB/L to Sta. 99+69.22 EB/L. This modification cancels modification A00002 in its entirety.			
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)	
		Chester Ashley, Administrative Contracting Officer	
15B. CONTRACTOR/ OFFEROR	15C. DATE SIGNED	16B. UNITED STATES OF AMERICA	16C. DATE SIGNED
		BY	9/19/96
(Signature of person authorized to sign)		(Signature of Contracting Officer)	

10/2  
by

2

.

2

2

SF 30 CONTINUATION SHEET

14. Description of Amendment/ Modification (Cont.)

CHANGES TO THE BIDDING SCHEDULE: The schedule of Contract Items, Descriptions, Estimated Quantities, Units, Unit Prices, and estimated Amounts is modified as follows:

Item No.	Description	Estimated Quantity	Unit	Unit Price	Estimated Amount	Amount of Change
0010	Redrive Existing AZ-18 Steel Sheet Piling	LS	--	LS	\$0.00	(-) \$5,000.00
0014	Reinforced Concrete Floodwall	LS	--	\$1,487,731.00	\$1,487,731.00	(-) \$100.00

CHANGES TO THE CONTRACT SPECIFICATIONS: The contract specifications are changed as follows:

- (a) Page C2F-1, para. C2F-1. Delete the last sentence, "The work also consists...near Pumping Station No. 4," in its entirety.
- (b) Page C2G-6, para. C2G-8.4.1. Delete the paragraph in its entirety.
- (c) Page C16B-11, para. C16B-16.1.1.
  1. In the first sentence, change "Sta. 99+91.07 EB/L" to "Sta. 99+69.22 EB/L."
  2. Delete the second sentence, "From stations 99+91.07 to 100+17.54...during the construction," in its entirety.
- (d) Page C16B-12, para. C16B-16.1.3. Delete the second sentence, "From Sta. 99+88.47...during construction," in its entirety.
- (e) Page C16B-13, para. C16B-18.1. Delete the first sentence, "FL-422 and FL-340 on eastside...to 100+17.54 EB/L," in its entirety.

CHANGES TO THE CONTRACT DRAWINGS: The contract drawings are changed as follows:

Delete drawings 12, 13, 15, 16, 20, 23, 24, 25, 39, 46, 48, and 51 of 73 in their entirety FILE NO. H-4-40295, dated February 1994, and substitute with drawings 12, 13, 15, 16, 20, 23, 24, 25, 39, 46, 48, and 51 of 73.41 of 73, FILE NO. H-4-40295, dated August 1995.

CHANGES TO THE CONTRACT PRICE: The contract price is decreased by \$5,100.00.

CHANGES TO THE CONTRACT TIME: The contract time remains unchanged.

It is further understood and agreed that this adjustment constitutes compensation in full on behalf of the contractor, its subcontractors and suppliers for all costs and markups directly or indirectly attributable to the changes ordered, for all delays, impacts and extended overhead related thereto, and for performance of the change within the time frame stated.

## PRICE NEGOTIATION MEMORANDUM

Lake Pontchartrain, Louisiana and Vicinity, High Level Plan,  
London Avenue Outfall Canal, Parallel Protection,  
Mirabeau Avenue to Robert E. Lee Blvd., West Bank;  
Mirabeau Avenue to Leon C. Simon Blvd., East Bank Floodwall, Orleans Parish, Louisiana  
Contract Number DACW29-94-C-0079,  
CIN 11  
B & K Construction Co., Inc.

1. **CONTRACT DESCRIPTION.** The subject contract was awarded on 11 July 1994 in the amount of \$4,554,500.00. The contract consists of clearing and grubbing; driving of sheet piling; drilling anchor bolts; construction of a levee ramp; placing of reinforced concrete; placing of geotextile fabric and riprap; fertilizing, seeding and mulching; construction of an asphaltic and concrete exercise/bike path; and installation of a chain link fence.

### 2. DESCRIPTION OF MODIFICATION.

a. **SUMMARY AND NECESSITY FOR CHANGE.** This modification revises the credit accepted by the Government in modification A00002 from bid item 0014 to bid items 0010 and 0014. The work in bid item 0010, "Redrive Existing AZ-18 Steel Sheet Piling," was deleted in its entirety. Therefore, this item is being deleted. The additional work associated with the ties is included in bid item 0014, "Reinforced Concrete Floodwall." The change correctly distributes and describes the credit.

b. **AUTHORITY FOR MODIFICATION.** This change is issued under the authority provided by Contract Clause I.83, CHANGES.

### 3. PRICE AND TIME JUSTIFICATION.

#### a. SUMMARY.

<u>Contractor Proposal</u>	<u>Government Estimate</u>	<u>Negotiated Settlement</u>
(\$2,362.12)	(\$5,044.63)	(\$5,100.00)

b. **PRICING STRATEGY.** A price analysis was used to evaluate the contractor's proposal using an independent Government Estimate which was prepared based on site specific resources and standard industry practices.

c. **PARTICIPANTS.** Mr. H. B. Kenyon was the Lead Negotiator for the contractor and Mr. Fidel Perez was the Lead Negotiator for the Government.

d. NEGOTIATION SUMMARY. A request for proposal was made of the contractor on 13 September 1995. The contractor submitted a written proposal on 27 September 1995 in the amount of (\$2,362.12) with no increase in contract time. An independent Government estimate was prepared on 26 September 1995 in the amount of (\$5,044.63) with no increase in contract time. Mr. Perez called Mr. Boone Kenyon on 29 September 1995 and was informed that Mr. Kenyon would not return to the office Until the week of 9 October 1995. Mr. Kenyon contacted Mr. Perez on 10 October 1995 and a meeting at the job site was set for 12 October 1995. Mr. Perez discussed the contractor's credits for removing and disposing of 17 feet of concrete cap is less than half that of the Government estimate. Also, no labor and equipment was added to the work that would have been performed by the prime contractor and the markups had not been applied to the credits. Mr. Kenyon stated that he would revise his proposal and give Mr. Perez a new price within one week. Mr. Kenyon called Mr. Perez on 17 October 1995 with a revised credit proposal of \$5,100.00.

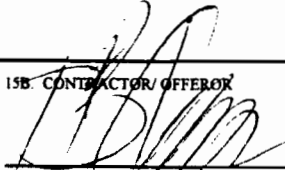
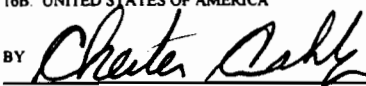
This revised proposal compared favorably with the Government estimate, was considered to be fair and reasonable and was accepted. The contractor also agreed that this modification eliminated all impacts to the contract as a result of this change.

Upon review of the June 1996 pay estimate, it was determined that no work was performed as described in bid item 0010 (Redrive Existing AZ-18 Steel Sheet Piling), therefore no payment is to be made under this item. However, upon review of the contractor's proposal and Government Estimate in modification A00002 it was determined that the credit included the deletion of bid item 0010. Therefore in order to provide payment, it was decided that modification A00002 must be rewritten to include the credit under bid item 0010 and remove the same credit from bid item 0014 (Reinforced Concrete Floodwall). Mr. Perez contacted Mr. Kenyon on 18 July 1996 and Mr. Kenyon agreed to the above changes.

SUBMITTED FOR APPROVAL

Date: 21 August 1996

  
FIDEL PEREZ  
Lead Government Negotiator

<b>AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT</b>			1. CONTRACT ID CODE	PAGE 1 OF PAGES 2
2. AMENDMENT/MODIFICATION NO A00009	3. EFFECTIVE DATE 07/23/96	4. REQUISITION/PURCHASE REQ NO.		5. PROJECT NO. (If applicable) CIN-11
6. ISSUED BY U. S. Army Engineer District, New Orleans Corps of Engineers P.O. Box 60267 New Orleans, LA 70160-0267		7. ADMINISTERED BY (If other than Item 6) CODE		
8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code)  B&K Construction Company, Inc. 1905 Highway 59 Mandeville, LA 70448			(X)	9A. AMENDMENT OF SOLICITATION NO.
				9B. DATED (See Item 11) <b>SEP 27 1996</b>
			X	10A. MODIFICATION OF CONTRACT/ ORDER NO. DACW29-94-C-0079
CODE OGTN3	FACILITY CODE			10B. DATED (See Item 13) 7/11/94
<b>11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS</b>				
<input type="checkbox"/> The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers <input type="checkbox"/> is extended, <input type="checkbox"/> is not extended. Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: (a) By completing Items 8 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.				
12. ACCOUNTING AND APPROPRIATION DATA (If required)				
13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ ORDERS, IT MODIFIES THE CONTRACT/ ORDER NO. AS DESCRIBED IN ITEM 14.				
A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.				
B. THE ABOVE NUMBERED CONTRACT/ ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103 (b).				
X	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF: CC I.83, "CHANGES"			
D. OTHER (specify type of modification and authority)				
<b>E. IMPORTANT:</b> Contractor <input type="checkbox"/> is not, <input checked="" type="checkbox"/> is required to sign this document and return <u>original</u> copies to the issuing office.				
14. DESCRIPTION OF AMENDMENT/ MODIFICATION (Organized by UCF section headings, including solicitation/ contract subject matter where feasible)				
The following change is made to the above numbered contract for Lake Pontchartrain, Louisiana and Vicinity, High Level Plan, London Avenue Outfall Canal, Parallel Protection, Mirabeau Avenue to Robert E. Lee Blvd., West Bank; Mirabeau Avenue to Leon C. Simon Blvd., East Bank Floodwall, Orleans Parish, Louisiana to change the limit of the "No Work" area on the east side of the canal at pumping station #4 from Sta. 100+11.29 EB/L to Sta. 99+69.22 EB/L. This modification cancels modification A00002 in its entirety.				
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)	
			Chester Ashley, Administrative Contracting Officer	
15B. CONTRACTOR/ OFFEROR	15C. DATE SIGNED	16B. UNITED STATES OF AMERICA		16C. DATE SIGNED
 (Signature of person authorized to sign)		BY  (Signature of Contracting Officer)		9/19/96

SF 30 CONTINUATION SHEET

14. Description of Amendment/ Modification (Cont.)

**CHANGES TO THE BIDDING SCHEDULE:** The schedule of Contract Items, Descriptions, Estimated Quantities, Units, Unit Prices, and estimated Amounts is modified as follows:

Item No.	Description	Estimated Quantity	Unit	Unit Price	Estimated Amount	Amount of Change
0010	Redrive Existing AZ-18 Steel Sheet Piling	LS	--	LS	\$0.00	(-) \$5,000.00
0014	Reinforced Concrete Floodwall	LS	--	\$1,487,731.00	\$1,487,731.00	(-) \$100.00

**CHANGES TO THE CONTRACT SPECIFICATIONS:** The contract specifications are changed as follows:

- (a) Page C2F-1, para. C2F-1. Delete the last sentence, "The work also consists...near Pumping Station No. 4," in its entirety.
- (b) Page C2G-6, para. C2G-8.4.1. Delete the paragraph in its entirety.
- (c) Page C16B-11, para. C16B-16.1.1.

- 1. In the first sentence, change "Sta. 99+91.07 EB/L" to "Sta. 99+69.22 EB/L."
- 2. Delete the second sentence, "From stations 99+91.07 to 100+17.54...during the construction," in its entirety.

(d) Page C16B-12, para. C16B-16.1.3. Delete the second sentence, "From Sta. 99+88.47...during construction," in its entirety.

(e) Page C16B-13, para. C16B-18.1. Delete the first sentence, "FL-422 and FL-340 on eastside...to 100+17.54 EB/L," in its entirety.

**CHANGES TO THE CONTRACT DRAWINGS:** The contract drawings are changed as follows:

Delete drawings 12, 13, 15, 16, 20, 23, 24, 25, 39, 46, 48, and 51 of 73 in their entirety FILE NO. H-4-40295, dated February 1994, and substitute with drawings 12, 13, 15, 16, 20, 23, 24, 25, 39, 46, 48, and 51 of 73.41 of 73, FILE NO. H-4-40295, dated August 1995.

**CHANGES TO THE CONTRACT PRICE:** The contract price is decreased by \$5,100.00.

**CHANGES TO THE CONTRACT TIME:** The contract time remains unchanged.

It is further understood and agreed that this adjustment constitutes compensation in full on behalf of the contractor, its subcontractors and suppliers for all costs and markups directly or indirectly attributable to the changes ordered, for all delays, impacts and extended overhead related thereto, and for performance of the change within the time frame stated.

## PRICE NEGOTIATION MEMORANDUM

Lake Pontchartrain, Louisiana and Vicinity, High Level Plan,  
London Avenue Outfall Canal, Parallel Protection,  
Mirabeau Avenue to Robert E. Lee Blvd., West Bank;  
Mirabeau Avenue to Leon C. Simon Blvd., East Bank Floodwall, Orleans Parish, Louisiana  
Contract Number DACW29-94-C-0079,  
CIN 11  
B & K Construction Co., Inc.

1. **CONTRACT DESCRIPTION.** The subject contract was awarded on 11 July 1994 in the amount of \$4,554,500.00. The contract consists of clearing and grubbing; driving of sheet piling; drilling anchor bolts; construction of a levee ramp; placing of reinforced concrete; placing of geotextile fabric and riprap; fertilizing, seeding and mulching; construction of an asphaltic and concrete exercise/bike path; and installation of a chain link fence.

### 2. DESCRIPTION OF MODIFICATION.

a. **SUMMARY AND NECESSITY FOR CHANGE.** This modification revises the credit accepted by the Government in modification A00002 from bid item 0014 to bid items 0010 and 0014. The work in bid item 0010, "Redrive Existing AZ-18 Steel Sheet Piling," was deleted in its entirety. Therefore, this item is being deleted. The additional work associated with the ties is included in bid item 0014, "Reinforced Concrete Floodwall." The change correctly distributes and describes the credit.

b. **AUTHORITY FOR MODIFICATION.** This change is issued under the authority provided by Contract Clause I.83, CHANGES.

### 3. PRICE AND TIME JUSTIFICATION.

#### a. SUMMARY.

<u>Contractor Proposal</u>	<u>Government Estimate</u>	<u>Negotiated Settlement</u>
(\$2,362.12)	(\$5,044.63)	(\$5,100.00)

b. **PRICING STRATEGY.** A price analysis was used to evaluate the contractor's proposal using an independent Government Estimate which was prepared based on site specific resources and standard industry practices.

c. **PARTICIPANTS.** Mr. H. B. Kenyon was the Lead Negotiator for the contractor and Mr. Fidel Perez was the Lead Negotiator for the Government.




d. **NEGOTIATION SUMMARY.** A request for proposal was made of the contractor on 13 September 1995. The contractor submitted a written proposal on 27 September 1995 in the amount of (\$2,362.12) with no increase in contract time. An independent Government estimate was prepared on 26 September 1995 in the amount of (\$5,044.63) with no increase in contract time. Mr. Perez called Mr. Boone Kenyon on 29 September 1995 and was informed that Mr. Kenyon would not return to the office Until the week of 9 October 1995. Mr. Kenyon contacted Mr. Perez on 10 October 1995 and a meeting at the job site was set for 12 October 1995. Mr. Perez discussed the contractor's credits for removing and disposing of 17 feet of concrete cap is less than half that of the Government estimate. Also, no labor and equipment was added to the work that would have been performed by the prime contractor and the markups had not been applied to the credits. Mr. Kenyon stated that he would revise his proposal and give Mr. Perez a new price within one week. Mr. Kenyon called Mr. Perez on 17 October 1995 with a revised credit proposal of \$5,100.00.

This revised proposal compared favorably with the Government estimate, was considered to be fair and reasonable and was accepted. The contractor also agreed that this modification eliminated all impacts to the contract as a result of this change.

Upon review of the June 1996 pay estimate, it was determined that no work was performed as described in bid item 0010 (Redrive Existing AZ-18 Steel Sheet Piling), therefore no payment is to be made under this item. However, upon review of the contractor's proposal and Government Estimate in modification A00002 it was determined that the credit included the deletion of bid item 0010. Therefore in order to provide payment, it was decided that modification A00002 must be rewritten to include the credit under bid item 0010 and remove the same credit from bid item 0014 (Reinforced Concrete Floodwall). Mr. Perez contacted Mr. Kenyon on 18 July 1996 and Mr. Kenyon agreed to the above changes.

SUBMITTED FOR APPROVAL

Date: 21 August 1996

  
FIDEL PEREZ  
Lead Government Negotiator

CELMN-CD-NO

23 Sep 96

MEMORANDUM THRU C/Const Div, ATTN: Contr Admin Br

FOR C/Contr Div

SUBJECT: Contract No. DACW29-94-C-0079, Lake Pontchartrain, Louisiana and Vicinity, London Avenue Outfall Canal, Parrallel Protection, Mirabeau Avenue to Robert E. Lee Boulevard Floodwall, Orleans Parish, Louisiana

Modification A00009, CIN-11 to the subject contract is forwarded for the contract file.

Enclosure

*J. J. Mads*

*Ja*

CHESTER ASHLEY  
Area Engineer  
New Orleans Area Office

SEP 26 1996



September 18, 1996

New Orleans Area Office

SUBJECT: Contract DACW29-94-C-0079, Lake Pontchartrain, Louisiana and Vicinity, High Level Plan, London Avenue Outfall Canal, Parallel Protection, Mirabeau Avenue to Robert E. Lee Blvd., West Bank; Mirabeau Avenue to Leon C. Simon Blvd., East Bank Floodwall, Orleans Parish, Louisiana Modification A00009, CIN-11

B & K Construction, Incorporated  
1905 Highway 59  
Mandeville, Louisiana 70448

Gentlemen:

Enclosed for your file is the duplicate original of Modification No. A00009, CIN 11 for Contract No. DACW29-94-0079.

Sincerely,

Chester Ashley  
Administrative Contracting Officer

Enclosure

Letter of Transmittal

B & K CONSTRUCTION, INC.  
1905 Highway 59  
Mandeville, LA 70448  
(504) 626-1866

B & K JOB NO. 9402

TO: U.S. ARMY CORPS OF ENGINEERS  
P.O. BOX 60267  
NEW ORLEANS, LA 70160-0267

DATE: September 13, 1996

RE: CONTRACT NO. DACW29-94-C-0079  
LAKE PONTCHARTRAIN & VICINITY  
HIGH LEVEL PLAN, LONDON AVENUE  
OUTFALL CANAL, PARALLEL  
PROTECTION, MIRABEAU AVE TO  
LEON C. SIMON BLVD. FLOODWALL  
ORLEANS PARISH, LOUISIANA

ATTN: MR. ~~FIDEL PEREZ~~

*Chester Ashley*

WE ARE SENDING YOU (xx) Attached VIA \_\_\_\_\_  
( ) Under separate cover VIA \_\_\_\_\_ the following items:

- ( ) Shop Drawings ( ) Prints ( ) Plans ( ) Samples
- ( ) Specifications ( ) Copy of Letter (XX) Change Order
- ( ) Other - Specify:

COPIES	DATE	NO.	DESCRIPTION
1	9/07/96	A00009- CIN-07	MODIFICATION - RESCINDING MODIFICATION NO. A00002, CIN 06

THESE ARE TRANSMITTED as checked below:

- ( ) For approval ( ) Approved as submitted ( ) Resubmit \_\_\_ copies for approval
- (XX) FOR YOUR FINAL EXECUTION ( ) Approved as noted see drawings ( ) Submit \_\_\_ Copies for distribution
- (XX) AS REQUESTED ( ) Return for corrections ( ) Return \_\_\_ corrected prints
- ( ) For review and signature ( ) \_\_\_\_\_
- ( ) FOR BIDS DUE \_\_\_\_\_ 19\_\_\_\_ ( ) Plans to be returned

REMARKS:

COPIES TO: \_\_\_\_\_ (with enclosures)  
CONTRACT DOCUMENTS \_\_\_\_\_ (XX)

Thank you,  
B & K CONSTRUCTION, INC.

SIGNED: *Kathleen Lafleur*  
Kathleen Lafleur,  
Administrative Assistant

RECEIVED BY

SEP 13 1996

N. O. A. C.



REPLY TO  
ATTENTION OF:

DEPARTMENT OF THE ARMY

NEW ORLEANS DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 60267  
NEW ORLEANS, LOUISIANA 70160-0267

September 7, 1996

New Orleans Area Office

SUBJECT: Contract DACW29-94-C-0079, Lake Pontchartrain, Louisiana and Vicinity, High Level Plan, London Avenue Outfall Canal, Parallel Protection, Mirabeau Avenue to Robert E. Lee Blvd., West Bank; Mirabeau Avenue to Leon C. Simon Blvd., East Bank Floodwall, Orleans Parish, Louisiana Modification A00009, CIN-11

B & K Construction, Incorporated  
1905 Highway 59  
Mandeville, Louisiana 70448

Gentlemen:

Enclosed is proposed Modification No. A00009, CIN 11 to the subject contract to rescind Modification No. A00002, CIN 06 and correct items 0010 and 0014 in the bidding schedule.

If you agree with this modification as written, please sign and date the modification and return to this office, Attn: Mr. Fidel Perez, by September 21, 1996. When executed by the Contracting officer, the duplicate original of the modification will be sent to you for your file.

Sincerely,

A handwritten signature in black ink that reads "Chester Ashley".

Chester Ashley  
Administrative Contracting  
Officer

Enclosure

BA

PEREZ/1a/1245

*JD*

September 7, 1996

MORTON  
CELMN-CD-NO-E

New Orleans Area Office

DUHON  
CELMN-CD-NO-Q

SUBJECT: Contract No. DACW29-94-C-0079, Lake Pontchartrain, Louisiana and Vicinity, London Avenue Outfall Canal, Parallel Protection, Mirabeau Avenue to Leon C. Simon Boulevard Floodwall, Orleans Parish, Louisiana, Modification A00009, CIN-11

HABBAZ  
CELMN-CD-NO

BERNARD  
CELMN-CD-NO

B & K Construction Company, Incorporated  
1905 Highway 59  
Mandeville, Louisiana 70448

ASHLEY  
CELMN-CD-NO

Gentlemen:

Enclosed is proposed Modification No. A00009, CIN-11 to the subject contract to rescind Modification No. A00002, CIN-06 and correct items 0010 and 0014 in the bidding schedule.

*Handwritten notes:*  
modified  
9/16

If you agree with this modification as written, please sign and date the modification and return to this office, ATTN: Mr. Fidel Perez, by September 21, 1996. When executed by the Contracting Officer, the duplicate original of the modification will be sent to you for your file.

Sincerely,

Chester Ashley  
Administrative Contracting  
Officer

Enclosure

CF:

Ofc Engr (Perez)

Admin

MOD TO Delete

BID ITEM 0010

Re. dr. ve. existing ~~A2~~-18  
steel sheet piling

---



**MENT OF SOLICITATION MODIFICATION OF CONTRACT**

1. CONTRACT ID CODE

PAGE OF PAGES  
1 2

2. AMENDMENT/ MODIFICATION NO.  
A00002

3. EFFECTIVE DATE  
10/12/95

4. REQUISITION/ PURCHASE REQ. NO.

5. PROJECT NO. (If applicable)  
CIN-06

6. ISSUED BY CODE  
U. S. Army Engineer District, New Orleans  
Corps of Engineers  
P.O. Box 60267  
New Orleans, LA 70160-0267

7. ADMINISTERED BY (If other than Item 6) CODE

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

B&K Construction Company, Inc.  
1905 Highway 59  
Mandeville, LA 70448

(X)

9A. AMENDMENT OF SOLICITATION NO.

9B. DATED (See Item 11)

X

10A. MODIFICATION OF CONTRACT/ ORDER NO.  
DACW29-94-C-0079

10B. DATED (See Item 13)  
7/11/94

CODE OGTN3

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

12. ACCOUNTING AND APPROPRIATION DATA (If required)  
Funds are decreased by \$5,100.00.

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

A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.  
CC I.83, "CHANGES"

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 original copies to the issuing office.

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

The following change is made to the above numbered contract for Lake Pontchartrain, Louisiana and Vicinity, High Level Plan, London Avenue Outfall Canal, Parallel Protection, Mirabeau Avenue to Robert E. Lee Blvd., West Bank; Mirabeau Avenue to Leon C. Simon Blvd., East Bank Floodwall, Orleans Parish, Louisiana by changing the limit of the "No Work" area on the east side of the canal at pumping station #4 from Sta. 100+11.29 EB/L to Sta. 99+69.22 EB/L.

RECORDED AT  
NOV 9 1995  
N. O. A. O.

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)

H.B. KENYON, PRES.

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

Chester Ashley, Administrative Contracting Officer

15B. CONTRACTOR/ OFFEROR

*[Signature]*

(Signature of person authorized to sign)

15C. DATE SIGNED

16B. UNITED STATES OF AMERICA

BY *Chester Ashley*  
(Signature of Contracting Officer)

16C. DATE SIGNED

11/6/95

## Description of Amendment/ Modification (Cont.)

**CHANGES TO THE BIDDING SCHEDULE:** The schedule of Contract Items, Descriptions, Estimated Quantities, Units, Unit Prices, and estimated Amounts is modified as follows:

Item No.	Description	Estimated Quantity	Unit	Unit Price	Estimated Amount	Amount of Change
0014	Reinforced Concrete Floodwall	LS	--	\$1,483,159.96	\$1,483,159.96	(-) \$5,100.00

**CHANGES TO THE CONTRACT SPECIFICATIONS:** The contract specifications are changed as follows.

(a) Page C2F-1, para. C2F-1. Delete the last sentence, "The work also consists...near Pumping Station No. 4," in its entirety.

(b) Page C2G-6, para. C2G-8.4.1. Delete the paragraph in its entirety.

(c) Page C2G-10.

→ 1. Para. C2G-11.1.2. Delete the paragraph in its entirety.

2. Para C2G-11.1.5. Delete the last sentence, "No separate measurement...pulled and cleaned up to elevation 14.4," in its entirety.

(d) Page C2G-11, para. C2G-11.2.2. Delete the paragraph in its entirety.

(e) Page C16B-11, para. C16B-16.1.1.

1. In the first sentence, change "Sta. 99+91.07 EB/L" to "Sta. 99+69.22 EB/L."

2. Delete the second sentence, "From stations 99+91.07 to 100+17.54...during the construction," in its entirety.

(f) Page C16B-12, para. C16B-16.1.3. Delete the second sentence, "From Sta. 99+88.47...during construction," in its entirety.

(g) Page C16B-13, para. C16B-18.1. Delete the first sentence, "FL-422 and FL-340 on eastside...to 100+17.54 EB/L," in its entirety.

**CHANGES TO THE CONTRACT DRAWINGS:** The contract drawings are changed as follows:

Delete drawings 12, 13, 15, 16, 20, 23, 24, 25, 39, 46, 48, and 51 of 73 in their entirety FILE NO. H-4-40295, dated February 1994, and substitute with drawings 12, 13, 15, 16, 20, 23, 24, 25, 39, 46, 48, and 51 of 73.41 of 73, FILE NO. H-4-40295, dated August 1995.

**CHANGES TO THE CONTRACT PRICE:** The contract price is decreased by \$5,100.00.

**CHANGES TO THE CONTRACT TIME:** The contract time remains unchanged.

is further understood and agreed that this adjustment constitutes compensation in full on behalf of the contractor, its subcontractors and suppliers for all costs and markups directly or indirectly attributable to the changes ordered, for all delays, impacts and extended overhead related thereto, and for performance of the change within the time frame stated.

## PRICE NEGOTIATION MEMORANDUM

Lake Pontchartrain, Louisiana and Vicinity, High Level Plan,  
London Avenue Outfall Canal, Parallel Protection,  
Mirabeau Avenue to Robert E. Lee Blvd., West Bank;  
Mirabeau Avenue to Leon C. Simon Blvd., East Bank Floodwall, Orleans Parish, Louisiana  
Contract Number DACW29-94-C-0079,  
CIN 06  
B & K Construction Co., Inc.

1. **CONTRACT DESCRIPTION.** The subject contract was awarded on 11 July 1994 in the amount of \$4,554,500.00. The contract consists of clearing selective demolition; cutting existing steel sheet piling; pulling, cleaning and delivering existing steel sheet piling; driving new steel sheet piling; construction reinforced concrete I-type floodwalls on existing and new steel piling; concrete slope pavement, driving steel sheet piling under South Central Bell telephone cables and New Orleans Sewerage & Water Board 10-foot relocating Sewerage and Water Board feeder cables; modifying existing utilities; degrading existing levees; placing embankment; fertilizing, seeding, and mulching.

### 2. DESCRIPTION OF MODIFICATION.

a. **SUMMARY AND NECESSITY FOR CHANGE.** The change provides for changing the southern limit of the "No Work Area" from Sta. 100+11.29 EB/L to Sta. 99+69.22 EB/L. This eliminates temporary work on this contract and the permanent floodwall will be completed in the next phase contract.

b. **REASON FOR OMISSION FROM PLANS AND SPECIFICATIONS.** The next phase of work for this area will be contracted in the near future.

c. **AUTHORITY FOR MODIFICATION.** This change is issued under the authority provided by Contract Clause I.83, CHANGES.

### 3. PRICE AND TIME JUSTIFICATION.

#### a. SUMMARY.

<u>Contractor Proposal</u>	<u>Government Estimate</u>	<u>Negotiated Settlement</u>
(\$2,362.12)	(\$5,044.63)	(\$5,100.00)

b. **PRICING STRATEGY.** A price analysis was used to evaluate the contractor's proposal using an independent Government Estimate which was prepared based on site specific resources and standard industry practices.

c. PARTICIPANTS. Mr. H. B. Kenyon was the Lead Negotiator for the contractor and Mr. Fidel Perez was the Lead Negotiator for the Government.

d. NEGOTIATION SUMMARY. A request for proposal was made of the contractor on 13 September 1995. The contractor submitted a written proposal on 27 September 1995 in the amount of (\$2,362.12) with no increase in contract time. An independent Government estimate was prepared on 26 September 1995 in the amount of (\$5,044.63) with no increase in contract time. Mr. Perez called Mr. Boone Kenyon on 29 September 1995 and was informed that Mr. Kenyon would not return to the office Until the week of 9 October 1995. Mr. Kenyon contacted Mr. Perez on 10 October 1995 and a meeting at the job site was set for 12 October 1995. Mr. Perez discussed the contractor's credits for removing and disposing of 17 feet of concrete cap is less than half that of the Government estimate. Also, no labor and equipment was added to the work that would have been performed by the prime contractor and the markups had not been applied to the credits. Mr. Kenyon stated that he would revise his proposal and give Mr. Perez a new price within one week. Mr. Kenyon called Mr. Perez on 17 October 1995 with a revised credit proposal of \$5,100.00.

This revised proposal compared favorably with the Government estimate, was considered to be fair and reasonable and was accepted. The contractor also agreed that this modification eliminated all impacts to the contract as a result of this change.

4. APPROPRIATION DATA. Funds have been decreased in the amount of \$5,100.00 under appropriation 96X3122, BEC2111000NOLML, Lake Ponchartrain, New Orleans East Unit.

SUBMITTED FOR APPROVAL

Date: 18 October 1995

  
\_\_\_\_\_  
FIDEL PEREZ  
Lead Government Negotiator

## BIDDING SCHEDULE

(To be attached to Bid Form)

LAKE PONTCHARTRAIN, LOUISIANA AND VICINITY, HIGH LEVEL PLAN  
LONDON AVE. OUTFALL CANAL, PARALLEL PROTECTION,  
MIRABEAU AVE. TO LEON C. SIMON BLVD. FLOODWALL,  
ORLEANS PARISH, LOUISIANA

Item No.	Description	Estimated Quantity	Unit	Unit Price	Est. Amt.
0001.	Mobilization and Demobilization	Lump Sum	LS	200,000 <sup>00</sup>	200,000 <sup>00</sup>
0002.	Clearing and Grubbing	Lump Sum	LS	175,000 <sup>00</sup>	175,000 <sup>00</sup>
0003.	Selective Demolition	Lump Sum	LS	260,000 <sup>00</sup>	260,000 <sup>00</sup>
0004.	Pedestrian Bridge Demolition	Lump Sum	LS	15,000 <sup>00</sup>	15,000 <sup>00</sup>
0005.	Embankment, Semicompacted Fill	Lump Sum	LS	11,200 <sup>00</sup>	11,200 <sup>00</sup>
0006.	Structural Excavation and Backfill	Lump Sum	LS	59,000 <sup>00</sup>	59,000 <sup>00</sup>
0007.	Fertilizing, Seeding, and Mulching	8	AC	1,250 <sup>00</sup>	10,000 <sup>00</sup>
** 0008.	Cutting Off Existing AZ-18, RZ-10 and PZ-27 Sheet Piling	Lump Sum	LS	53,600 <sup>00</sup>	53,600 <sup>00</sup>
0009.	Pull, Clean, Salvage and Deliver Existing AZ-18 Steel Sheet Piling	Lump Sum	LS	20,500 <sup>00</sup>	20,500 <sup>00</sup>
* 0010.	Redrive Existing AZ-18 Steel Sheet Piling	Lump Sum	LS	5,000 <sup>00</sup>	5,000 <sup>00</sup>
0011.	Piling, Steel Sheet, Type PZ-22	187,844	SF	8 <sup>50</sup>	1,596,674 <sup>00</sup>
0012.	Piling, Steel Sheet, Type PSA-23	997	SF	18 <sup>00</sup>	17,946 <sup>00</sup>
0013.	Painting	Lump Sum	LS	7,000 <sup>00</sup>	7,000 <sup>00</sup>
0014.	Reinforced Concrete Floodwalls	Lump Sum	LS	1,487,320 <sup>00</sup>	1,487,320 <sup>00</sup>
0015.	Concrete Slope Pavement	188	SY	40 <sup>00</sup>	7,520 <sup>00</sup>
0016.	Utility Modifications	Lump Sum	LS	117,000 <sup>00</sup>	117,000 <sup>00</sup>