

A 000 7146

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT				1. CONTRACT ID CODE 075	PAGE OF PAGES 1 2
2. AMENDMENT/MODIFICATION NO. P00011		3. EFFECTIVE DATE 07/31/95	4. REQUISITION/PURCHASE REQ. NO.		5. PROJECT NO. (If applicable) UCO-01
6. ISSUED BY US ARMY ENGR DIST NEW ORLEANS PO BOX 60267 NEW ORLEANS LA 70160-0267 Sheila W. Enclade		CODE ISSUE1	7. ADMINISTERED BY (If other than Item 6) US ARMY ENGR DIST, NEW ORLEANS ATTN CELMN-CT PO BOX 60267 NEW ORLEANS LA 70160-0267		CODE ADMIN1
8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code) Vendor ID: 00001344 B&K CONSTRUCTION 1905 HIGHWAY 59 MANDEVILLE LA 70448				<input checked="" type="checkbox"/>	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) 07/11/94

CODE	OGTN3	FACILITY CODE
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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) See attached.	Mod Obligated Amount US	\$25,000.00
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13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS, IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

<input checked="" type="checkbox"/>	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
<input type="checkbox"/>	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).
<input type="checkbox"/>	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:
<input type="checkbox"/>	D. OTHER (Specify type of modification and authority)

E. IMPORTANT: Contractor is not, is required to sign this document and return _____ 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, LA & Vicinity, HPL, London Avenue Outfall Canal, Parallel Protection, Mirabeau Avenue to Leon C. Simon Boulevard Floodwall, Orleans Parish, LA to close the gaps in the protection to elevation 11.5 NGVD on the west side of the canal in the vicinity of Robert E. Lee and from station 109+53 to station 108+37. This shall be accomplished by pulling the existing piling to elevation 11.5 NGVD or driving piling from

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) 15B. CONTRACTOR/OFFEROR		16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) Chester Ashley, ACO 007	
15C. DATE SIGNED		16B. UNITED STATES OF AMERICA BY <i>Chester Ashley</i> (Signature of Contracting Officer)	16C. DATE SIGNED 7/31/95
(Signature of person authorized to sign)			

SF 30 CONTINUATION SHEET

Block 12. Accounting and Appropriation Data continued:

Funds in the amount of \$25,000 are available under Appropriation 96X3122, account number BEC2111000NOLML.

Block 14. Description of Amendment/Modification continued:

stockpiles at the jobsite to elevation 11.5 NGVD. "Seams" will be closed with the use of sandbags.

CHANGE TO THE BIDDING SCHEDULE: There is no change to the bidding schedule.

CHANGE TO THE SPECIFICATIONS: There is no change to the specifications.

CHANGE TO THE DRAWINGS: There is no change to the drawings.

You are directed to immediately proceed with this change.

There will be no partial payments made with this modification. Payment(s) for this action will be directed under a separate modification.

PRICE NEGOTIATION MEMORANDUM

Lake Pontchartrain, Louisiana and Vicinity,
High Level Plan,
London Avenue Outfall Canal, Parallel Protection,
Mirabeau Avenue to Leon C. Simon Boulevard Floodwall,
Orleans Parish, Louisiana,
DACW29-94-C-0079, CIN 05,
B & K Construction Company, Incorporated

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

2. DESCRIPTION OF MODIFICATION:

a. SUMMARY AND NECESSITY FOR CHANGE: This modification is required to provide emergency gap closures due to Hurricane Erin.

b. REASON FOR OMISSION FROM PLANS AND SPECIFICATIONS: There was no omission from the plans and specifications.

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>
\$29,009.90 10 days	\$22,858.46 3 days	\$22,173.00 2 days

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.

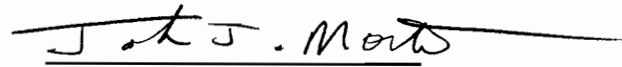
c. Participants. The negotiator for the contractor was Mr. Boone Kenyon. The lead Government negotiator was Mr. John Morton.

d. NEGOTIATION SUMMARY: An unpriced change order was issued on 31 July 1995 directing the contractor to install and remove the emergency closure on the west side of the canal in the vicinity of Robert E. Lee and from station 109+53 to station 108+37. A request for proposal was made of the contractor on 31 July 1995. The contractor submitted a written proposal on 22 August 1995 in the amount of \$29,009.90 and an increase of 10 calendar days to the contract time. An independent Government estimate was prepared on 14 August 1995 in the amount of \$20,303.35 and an increase of 3 calendar days to the contract time. The contractor was contacted on 15 September 1995 to discuss labor rates, labor hours, equipment ownership rates, standby rates and an invoice from Orleans Materials. While waiting for the contractor to revise his proposal, the Government estimate was revised to reflect changes that were omitted in the original Government estimate. These items included standby costs for a Koehring 535 Crane, operating costs for the rented Mantis 3612 Crane and welder, an increased quantity of sheetpiling, and increased labor hours. With these revisions, the Government estimate was revised to \$22,858.46. A revised proposal was received from the contractor on 18 September 1995, in the amount of \$28,314.55 and an increase of 10 calendar days to the contract time. The contractor's revised proposal included a decrease in labor hours. The equipment rates, however, were calculated using the blue book rates and not the rates from the Construction Equipment Ownership and Operating Expense Schedule. The contractor was asked to revise his proposal to reflect the correct equipment rates. A second revision to the contractor's proposal was received on 21 September 1995, in the amount of \$26,797.97. This proposal included the corrected equipment rates, reduced materials costs and standby rates. However, the contractor increased his profit from 7-1/2% to 10% and added extended overhead for 5 calendar days. The contractor was informed that the 7-1/2% was previously agreed upon and that 10% profit would not be acceptable. It was agreed that the extended overhead would be added for 2 calendar days. The contractor provided backup for his 13.42% general and administrative. The contractor was informed that this rate would be used on all future modifications. The contractor revised his proposal to \$22,173.00 and 2 calendar days. This 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: No additional funds required.

SUBMITTED FOR APPROVAL

Date: 12 October 1995

A handwritten signature in black ink, reading "John J. Morton", with a long horizontal line extending to the right.

JOHN J. MORTON
Lead Government Negotiator

Pam

CELMN-CD-NO

25 Oct 95

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

FOR C/Contr Div

SUBJECT: Contract No. DACW29-94-C-0079, Lake Pontchartrain, LA & Vicinity, London Avenue Outfall Canal, Parallel Protection, Mirabeau Avenue to Leon C. Simon Blvd. Floodwall, Orleans Parish, Louisiana

Modification A00001, CIN-05 to the subject contract is forwarded for the contract file.

Enclosure

John J. Mortis

CHESTER ASHLEY
Area Engineer
New Orleans Area Office

For

OCT 26 1995

9500415



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY

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

^{5J}
MORTON

MA led 10/18/95

October 17, 1995

New Orleans Area Office

SUBJECT: Contract DACW29-94-C-0079, Lake Pontchartrain and Vicinity, High Level Plan, London Avenue Outfall Canal, Parallel Protection, Mirabeau Avenue to Leon C. Simon Boulevard Floodwall, Orleans Parish, Louisiana, Modification A00001, CIN-05

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

DUTTON

HABBAZ

BERNARD

ASHLEY

Gentlemen:

Enclosed is proposed Modification No. A00001, CIN 05 to the subject contract for emergency gap closures constructed because of Hurricane Erin.

If you agree with this modification as written, please sign and date the modification and return to this office, Attn:Mr. John Morton, by October 27, 1995. 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

CHANGE REQUEST

UCO & CIN 05

CONTRACT NO. 94-C-0079 DATE: 7/31/95

TITLE/LOCATION: Lake Port. London Ave Canal
Parallel Protection

TO: Gordon Albert FROM (Const. Mgr): Jim Berry
MOD POC: Jim Berry

1. DESCRIPTION OF CHANGE (INCLUDE PLANS, SPECS, & REFERENCES):
Provide sheet pile protection to eley
U.S. AS NGVD. Entails Closing @ DOLF
of F/W

2. REASON FOR CHANGE:
Potential Storm Threat.

3. AUTHORITY FOR CHANGE: Changes

4. DATE CHANGE DISCOVERED: 7/31/95

5. DESIGN ASSISTANCE REQUIRED: None

6. ESTIMATED COST: \$25,000 ESTIMATED TIME: 3 days

7. COMMENTS, REMARKS AND/OR FUNDING LIMITATIONS:

8. CONST. MGR./DATE: 7/31/95 CHG. CAT. 6

FUNDING REQUEST

1. Please Program and Commit \$ 25,000.00 for 4th QTR, FY 95
2. Estimated total contract amount is \$ 4,604,967.96 Org Code: VD
3. Accounting Data: 96X3122 BECL111000NOLML Acctg Elem: 284

DISTRIBUTION	APPROVAL	DATE	FUNDING STAMP
PROJECT MANAGER (Program Funds)	<u>C. Ritter</u>	<u>7-31-95</u>	Date <u>7/31/95</u> Funds Available: <u>25000.00</u> Appropriation: <u>96X3122</u> <input checked="" type="checkbox"/> Committed <input type="checkbox"/> Obligated for Bureau use or, F & A Officer <u>Judith Reese</u> Installation Accounts Clerk
PP-P (Certify Funds)	<u>A. Yum</u>	<u>7/31/95</u>	
F&A (Commit Funds)	<u>J</u>	<u>7/31/95</u>	

Judy Yum x2944
Program Analyst, POC

Richard T. Hill
Chief, Construction Division/ Date
RICHARD T. HILL

CF: CELMN-CD-~~EA~~/NO CELMN-PP-P CELMN-PP/OD/ED CELMN-CD-CS (Berry)

PRE NEGOTIATION OBJECTIVES

Lake Pontchartrain, Louisiana and Vicinity,
High Level Plan,
London Avenue Outfall Canal, Parallel Protection,
Mirabeau Avenue to Leon C. Simon Boulevard Floodwall,
Orleans Parish, Louisiana,
DACW29-94-C-0079, CIN 05,
B & K Construction Company, Incorporated

1. CONTRACT DESCRIPTION: Work under this contract consists of clearing, selective demolition, cutting existing steel sheet piling, pulling, cleaning and delivering existing steel sheet piling, driving new steel sheet piling, constructing reinforced concrete I-type floodwalls on existing and new steel piling, concrete slope pavement, driving steel sheet piling under South Central Bell telephone cables, relocating New Orleans Sewerage and Water Board 10-foot feeder cables, modifying existing utilities, degrading existing levees, placing embankment, fertilizing, seeding and mulching. The contract was awarded to B & K Construction Company, Incorporated, on 11 July 1994, in the amount of \$4,554,500.00.
2. PROPOSED MODIFICATION DESCRIPTION: Settlement of UCO-01. This modification provides for the installation and removal of emergency closures on the west side of the canal in the vicinity of Robert E. Lee Blvd and from Sta. 109+53 to Sta. 108+37 (approximately 120 feet) due to Hurricane Erin.
3. CONTRACTOR PROPOSAL: The contractor submitted a proposal on 22 August 1995 in the amount of \$29,009.90 and a time extension of 10 days. A revised proposal was submitted on 14 September 1995 in the amount of \$28,314.55 and a time extension of 10 days.
4. GOVERNMENT POSITION: A Government estimate was prepared on 14 August 1995 for a total cost of \$19,608.45 and a time extension of 3 days. The labor rates were obtained from the contract payrolls. The equipment rates were obtained from the Construction Equipment Ownership and Operating Expense Schedule, Region III. The equipment and labor hours were the actual hours worked according to the inspector's time and materials report. The Government estimate was revised on 14 September 1995 to include increased labor burden and overhead rates and costs that were previously omitted. These changes increased the Government estimate to \$22,858.46.

<u>Contractor Proposal</u>	<u>Government Estimate</u>	<u>Cost Difference</u>
\$28,314.55	\$22,858.46	\$5,456.09

5. COST DIFFERENCE: In developing his proposal, the contractor used the weekly blue book rates and not the rates in the Construction Equipment Ownership and Operating Expense Schedule. This made the contractor's equipment rates somewhat higher than the rates in the Government estimate. The contractor's proposal and the Government estimate also have differences in the equipment and labor hours. The contractor also included a proposal amount of \$488.04 for materials purchased from Orleans Materials. The invoice from Orleans Materials indicates a total price of \$108.56. The contractor also requested 6.5 days standby costs for a Koehring 535 crane.

6. OBJECTIVE: The equipment rates, equipment and labor hours, material invoice, and standby costs will be addressed during negotiations with the objective being to reach a fair and reasonable adjustment.

DATE: 9/19/95

J. J. Morton

John J. Morton
Lead Negotiator

DATE: 9/19/95

Chester Ashley

Chester Ashley
Administrative Contracting Officer

EQUIPMENT DIFFERENCES

	B&K	GOVT	DIFFERENCE
Tool Trailer w/tools (Govt uses 5% of labor)	\$492.56	\$387.66	\$104.90
Komatsu 200 LC2 Excav (1985) B&K 34 Hrs @ \$48.01 GE - 30 hrs @ \$34.87	\$1,632.34	\$1,046.10	\$586.24
Komatsu 200 LC2 Excav (1988) B&K - 3 hrs @ \$49.51 GE - 1 hr utilized included in above equipment	\$148.53	\$0.00	\$148.53
Komatsu D37P Dozer (1991) B&K - 20 hrs @ \$29.08 GE - 13 hrs @ \$16.25; 2hrs standby @3.90	\$581.60	\$247.52	\$334.08
Case 580K Backhoe (1988) B&K - 31 hrs @ \$17.88 GE - 22 hrs @ \$10.93; 2 hrs standby @ \$2.93	\$554.28	\$246.32	\$307.96
Case 580K Backhoe (1988) B&K - 10 hrs @ \$17.88 GE - not included in estimate	\$178.80	\$0.00	\$178.80
MKT V5 Vibro Hammer (1993) B&K - 26 hrs @ \$38.33 GE - 17 hrs @ \$26.94	\$996.58	\$457.98	\$538.60
Mack Tractor Truck (1991) B&K - 12 hrs @ \$27.40 GE - 8 hrs	\$328.80	\$202.96	\$125.84
35T Lidell Trailer (1987) B&K - 12 hrs @ \$10.02 GE - 8 hrs @ \$4.55	\$120.24	\$36.40	\$83.84
Chevy 1/2T Pickup (1991) B&K - 47 hrs @ \$8.25 GE - ??? (distributed cost)	\$387.75	\$0.00	\$387.75
Welding Torch B&K - 4 hrs @ \$0.44 GE - included in small tools percentage	\$1.76	\$0.00	\$1.76
Koehring 535 Crane B&K - not included GE - 4 hrs @ \$35.11	\$0.00	\$140.45	-140.45
<u>Rental Equipment (Operating Costs)</u>			
Mantis (PC300) B&K - 35 hrs @ \$24.30 GE - 24 hrs @ \$24.30	\$850.00	\$583.20	\$266.80
Welder B&K - 18 hrs @ \$1.45 GE - 25.5 hrs @ \$1.45	\$26.10	\$36.98	(\$10.88)
Mantis Crane 3612 B&K - 27 hrs @ \$37.16 GE - 24 hrs @ \$37.16	\$1,003.32	\$891.84	\$111.48
Welder B&K - 18 hrs @ \$2.63 GE - 25.5 hrs @ \$1.56	\$47.34	\$39.78	\$7.56
TOTAL EQUIPMENT	\$7,350.00	\$4,317.19	\$3,032.81

The difference in equipment rates is the result of the contractor computing his rates using the Weekly Blue Book Rates in lieu of Construction Equipment Ownership and Operating Expense Schedule.

LABOR DIFFERENCES

	REGULAR HOURS		OT HOURS		REG RATE		OT RATE		TOTAL		DIFFERENCE
	B&K	GOVT	B&K	GOVT	B&K	GOVT	B&K	GOVT	B&K	GOVT	
QCR - Justice	41.50	28.50			17.12				710.48		710.48
Operator - Audibert	36.00	26.00		3.50	10.37	15.04		22.50	373.32	469.79	(96.47)
Laborer - Bailey	37.50	31.00		0.50	8.00	11.60		16.40	300.00	367.80	(67.80)
Carpenter - Al Brown	48.50	28.00		0.50	14.81	21.47		32.20	718.29	617.26	101.02
Operator/Foreman - Comeau	33.00	26.00			14.11	20.46			465.63	531.96	(66.33)
Carpenter - Delaune	28.50	26.00		5.50	14.81	21.47		32.20	422.09	735.32	(313.23)
Laborer - Dillon	36.50	20.00		2.50	8.00	11.60		16.40	292.00	273.00	19.00
Laborer - Jackson	42.50	26.00		2.50	8.00	11.60		16.40	340.00	342.60	(2.60)
Cement Finisher - Lee	21.50	12.00		2.50	13.90	21.61		32.41	298.85	340.35	(41.49)
Operator - Leonard	48.00	30.00		3.00	16.00	23.20		34.80	768.00	800.40	(32.40)
Survey - Thome	31.00				11.00	0.00			341.00	0.00	341.00
Laborer - Thompson	25.50	22.00		1.50	7.54	10.93		16.40	192.27	265.06	(72.79)
Carpenter - Turgeau	38.50	28.00		5.50	14.81	21.47		32.20	570.19	778.26	(208.07)
Carpenter/Foreman - Verdun	37.00	29.00			15.81	22.92			584.97	664.68	(79.71)
Cement Finisher - Jones	21.00	14.00		1.00	14.90	21.61		32.41	312.90	334.95	(22.05)
Truck Driver - Harper	12.00	8.00			11.00	15.95			132.00	127.60	4.40
									6,821.98	6,649.03	172.95
56.25% PR TAX & LABOR (CONTRACTOR) 45% LABOR BURDEN (GOVT)									3,837.36		
									10,659.34	6,649.03	4,010.31

LABOR DIFFERENCES

	REGULAR HOURS		OT HOURS		REG RATE		OT RATE		TOTAL		DIFFERENCE
	B&K	GOVT	B&K	GOVT	B&K	GOVT	B&K	GOVT	B&K	GOVT	
QCR - Justice	35.00	30.00			17.12				599.20		599.2
Operator - Audibert	36.00	28.00		3.50	10.37	16.20		22.50	373.32	532.35	(159.03)
Laborer - Bailey	37.50	39.00		0.50	8.00	12.50		16.40	300.00	495.70	(195.70)
Carpenter - Al Brown	40.50	28.00		0.50	14.81	23.14		32.20	599.81	664.02	(64.21)
Operator/Foreman - Comeau	35.00	26.00			14.11	22.05			493.85	573.30	(79.45)
Carpenter - Delaune	28.50	26.00		5.50	14.81	23.14		32.20	422.09	778.74	(356.66)
Laborer - Dillon	28.50	20.00		2.50	8.00	12.50		16.40	228.00	291.00	(63.00)
Laborer - Jackson	33.50	34.00		2.50	8.00	12.50		16.40	268.00	466.00	(198.00)
Cement Finisher - Lee	21.50	12.00		2.50	13.90	23.28		32.41	298.85	360.39	(61.53)
Operator - Leonard	42.00	32.00		3.00	16.00	25.00		34.80	672.00	904.40	(232.40)
Survey - Thome	31.00	24.00			11.00	17.19			341.00	412.56	(71.56)
Laborer - Thompson	25.50	22.00		1.50	7.54	11.78		16.40	192.27	283.76	(91.49)
Carpenter - Turgeau	32.50	30.00		5.50	14.81	23.14		32.20	481.33	871.30	(389.98)
Carpenter/Foreman - Verdun	33.00	32.00			15.81	24.70			521.73	790.40	(268.67)
Cement Finisher - Jones	21.00	14.00		1.00	14.90	23.28		32.41	312.90	358.33	(45.43)
Truck Driver - Harper	16.00	12.00			11.00	17.90			176.00	214.80	(38.80)
									6,280.34	7,997.05	(1,716.71)
56.25% PR TAX & LABOR (CONTRACTOR) 56.25% LABOR BURDEN (GOVT)									3,532.69		
									9,813.02	7,997.05	1,815.98