

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT				1. CONTRACT ID CODE	Page 1 of 8
2. AMENDMENT/MODIFICATION NO. 0001	3. EFFECTIVE DATE 11/21/2008	4. REQUISITION/PURCHASE REQ. NO.	5. PROJECT NO. (If applicable)		
6. ISSUED BY DOT/Maritime Administration, MAR-380 1200 New Jersey Ave SE, MAR380 W28-201 Washington, DC 20590		CODE 00091	7. ADMINISTERED BY (If other than Item 6) DOT/Maritime Administration, MAR-380 1200 New Jersey Ave SE, MAR380 W28-201 Washington, DC 20590		CODE 00091
8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and Zip Code) No Contractor Information Available			(X)	9A. AMENDMENT OF SOLICITATION NO. DTMA1Q09001	
			(X)	9B. DATED (SEE ITEM 11) 11/06/2008	
				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 _____ 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 ONLY APPLIES TO MODIFICATION OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

CHECK ONE	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.
<input type="checkbox"/>	
<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 purpose of this Amendment is to add clause and amend and existing clause in the standing quotation.

- A. Add E-Verify requirement covered by FAR 52.222.54.
- B. Amend paragraph A.2 Procurement Summary and Information to update information regarding Section 3502 of the Defense Authorization Act of 2009 (Public Law No. 110-417).
- C. All other terms and conditions remain unchanged.
- D. See summary for additional information.

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) John Desch	
15B. CONTRACTOR/OFFEROR (Signature of person authorized to sign)	15C. DATE SIGNED	16B. United States of America BY _____ (Signature of Contracting Officer)	16C. DATE SIGNED 11/21/2008

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No Funding Information

Line Item Number	Description	Delivery Date (Start date to End date)	Quantity	Unit of Issue	Unit Price	Total Cost
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This RFQ is issued for the sole purpose of reviewing and evaluating technical proposals to establish a pool of standing quotations. No awards will be made under this RFQ.

No Changed Line Item Fields

Previous Total:
Modification Total:
Grand Total:

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SECTION A -- SOLICITATION/CONTRACT FORM

A.1 SUMMARY OF CHANGES

The free form item '52.222-54-Employment Eligibility Verification (E-Verify)(Jan 2009)' has been added.

The free form item 'Procurement Summary and Introduction' has been edited.

A.2 PROCUREMENT SUMMARY AND INTRODUCTION

Notice of the U.S. Maritime Administration's (MARAD) Intent to Use Standing Quotations to Make Ship Disposal Awards

Due to legislation enacted in Congress, section 3502 of the Defense Authorization Act of 2009 (Public Law No. 110-417), the Maritime Administration's ability to utilize foreign recycling facilities has been restricted. New general technical proposals from Offerors proposing to recycle ships at foreign facilities are not currently being accepted.

The following language from DFAA FY 2009 is referenced:

SEC. 3502. LIMITATION ON EXPORT OF VESSELS OWNED BY THE GOVERNMENT OF THE UNITED STATES FOR THE PURPOSE OF DISMANTLING, RECYCLING, OR SCRAPPING.

IN GENERAL.--Except as provided in subsection (b), no vessel that is owned by the Government of the United States shall be approved for export to a foreign country for purposes of dismantling, recycling, or scrapping.

(b) EXCEPTION.--Subsection (a) shall not apply with respect to a vessel if the Administrator of the Maritime Administration certifies to the Committee on Armed Services of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that--

- (1) a compelling need for dismantling, recycling, or scrapping the vessel exists;
- (2) there is no available capacity in the United States to conduct the dismantling, recycling, or scrapping of the vessel;
- (3) any dismantling, recycling, or scrapping of the vessel in a foreign country will be conducted in full compliance with environmental, safety, labor, and health requirements for ship dismantling, recycling, or scrapping that are equivalent to the laws of the United States; and
- (4) the export of the vessel under this section will only be for dismantling, recycling, or scrapping of the vessel.

The simplified acquisition process authorized in Federal Acquisition Regulations (FAR) Part 13 provides, in FAR 13.103, for the use of standing quotations, a competitive process that will facilitate the disposal of MARAD's obsolete vessels through dismantlement. Use of simplified acquisition procedures for these commercial services is authorized under FAR 13.5, Test Program for Certain Commercial Items; therefore no contract awarded under the standing quotation process will exceed \$5,500,000. This RFQ will be used to award contracts for ship dismantlement during the period between posting of the RFQ through December 31, 2009.

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MARAD's obsolete vessels are principally located in three reserve fleet locations: the James River Reserve Fleet, (JRRF), Ft. Eustis, VA, (JRRF), Suisan Bay Reserve Fleet, (SBRF), Benicia, CA (SBRF) and Beaumont Reserve Fleet, Beaumont TX (BRF). A list of obsolete vessels available for disposal, including those designated as high priority vessels, is located in the library of MARAD's Virtual Office of Acquisition (VOA) website, <http://voa.marad.dot.gov>. As awards are made this list will be periodically updated.

It is MARAD's intent to establish and maintain a pool of vendors from whom vessel-specific dismantlement pricing can be requested. Through this Request for Quotation (RFQ) MARAD will evaluate all the quotations it receives and, from those that are found to be technically acceptable, will create and maintain a pool of standing quotations. MARAD will use these standing quotations to make its contract awards for ship disposal in the period between the posting of the RFQ through December 31, 2009. The pool will remain open for vendors to submit quotations continuously in response to the RFQ until the RFQ expires.

A standing quotation shall consist of a technical proposal, including a Technical Compliance Plan (TCP) and a generic dollar per ton price quotation based on an average sized MARAD vessel of approximately 7500 tons for CLIN 1. MARAD will only accept quotations submitted through MARAD's VOA website. For Technical Compliance Plan (TCP), towing, bonding, and insurance requirements see MARAD's VOA web-site library. The generic dollar per ton price quotation shall be a notional value during the evaluation of the technical proposals and establishment of the pool of standing quotations. The notional price per ton will not be used for technical or price evaluations and will be superseded when MARAD requests pricing for specific vessels after establishment of the pool of standing quotations.

When the program office identifies specific vessel(s) for dismantlement, MARAD will solicit firm-fixed price, vessel-specific revised price quotations from the pool of vendors with technically acceptable standing quotations. Awards will be made on the basis of best value to the Government and in accordance with the Evaluation Criteria clause set forth in this RFQ. Awards will be dependent upon the availability of the vessel and availability of funding.

MARAD will post a list of obsolete ships to be used as a guide by the offerors. However, not all vessels may be available for award and the list is subject to revision based on the changing condition of the vessels and contract awards. All of MARAD's obsolete vessels are subject to the requirements of the National Historic Preservation Act. MARAD's obsolete vessels are undergoing a historic assessment process to determine if they possess historic value and are eligible for placement on the National Register. Not all of MARAD's obsolete ships have completed the historic assessment.

State Consent Requirements for Aquatic Invasive Species. The National Invasive Species Act (NISA) requires entities to mitigate the transmission of non-indigenous aquatic species. 16 USC 4701 applies. To this end, except for vessels transiting to a qualified facility within the jurisdiction of the same US Coast Guard Captain of the Port as the fleet where the vessel is currently berthed, the hulls of obsolete vessels included in a request for revised pricing will be cleaned in accordance with the USCG Interim Criteria for Cleaning Hulls of MARAD Vessels Prior to Relocation (dated 27 June 2006) posted in the VOA Library. The Maritime Administration requires the State in which the obsolete vessels will be recycled to consent, in writing, under terms acceptable to the Maritime Administration, to allow vessels with their hulls cleaned in accordance with the USCG Interim Criteria referenced above to enter that State's waters for recycling. Offers will only be accepted if they comply with these State Consent Requirements. The Current Status of State Consent will be posted in the VOA Library.

A.3 52.222-54-EMPLOYMENT ELIGIBILITY VERIFICATION (E-VERIFY)(JAN 2009)

I. Federal Acquisition Regulation; Employment Eligibility Verification

The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have agreed on a final rule amending the Federal Acquisition Regulation (FAR) to require certain contractors and subcontractors to use the **E-Verify** system administered by the Department of Homeland Security, U.S. Citizenship and Immigration Services, as the means of verifying that certain of their employees are eligible to work in the United States. See 73 FR 67651-01.

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A. Given the above, effective January 15, 2009, the following clause will be included in all ship disposal contracts for the acquisition of disposal services awarded under RFQ DTMA1Q09001 that exceed \$100,000.00, unless the period of performance of the contract is less than 120 days. When included, the clause contains a requirement to flow the clause down on subcontracts valued in excess of \$3,000.00.

52.222-54 Employment Eligibility Verification (Jan 2009)

(a) Definitions. As used in this clause—

Commercially available off-the-shelf (COTS) item--

(1) Means any item of supply that is--

(i) A commercial item (as defined in paragraph (1) of the definition at 2.101);

(ii) Sold in substantial quantities in the commercial marketplace; and

(iii) Offered to the Government, without modification, in the same form in which it is sold in the commercial marketplace; and

(2) Does not include bulk cargo, as defined in section 3 of the Shipping Act of 1984 ([46 U.S.C. App. 1702](#)), such as agricultural products and petroleum products. Per [46 CFR 525.1\(c\)\(2\)](#), "bulk cargo" means cargo that is loaded and carried in bulk onboard ship without mark or count, in a loose unpackaged form, having homogenous characteristics. Bulk cargo loaded into intermodal equipment, except LASH or Seabee barges, is subject to mark and count and, therefore, ceases to be bulk cargo.

Employee assigned to the contract means an employee who was hired after November 6, 1986, who is directly performing work, in the United States, under a contract that is required to include the clause prescribed at 22.1803. An employee is not considered to be directly performing work under a contract if the employee--

(1) Normally performs support work, such as indirect or overhead functions; and

(2) Does not perform any substantial duties applicable to the contract.

Subcontract means any contract, as defined in 2.101, entered into by a subcontractor to furnish supplies or services for performance of a prime contract or a subcontract. It includes but is not limited to purchase orders, and changes and modifications to purchase orders.

Subcontractor means any supplier, distributor, vendor, or firm that furnishes supplies or services to or for a prime Contractor or another subcontractor.

United States, as defined in [8 U.S.C. 1101\(a\)\(38\)](#), means the 50 States, the District of Columbia, Puerto Rico, Guam, and the U.S. Virgin Islands.

(b) Enrollment and verification requirements.

(1) If the Contractor is not enrolled as a Federal Contractor in **E-Verify** at time of contract award, the Contractor shall--

(i) Enroll. Enroll as a Federal Contractor in the **E-Verify** program within 30 calendar days of contract award;

(ii) Verify all new employees. Within 90 calendar days of enrollment in the **E-Verify** program, begin to use **E-Verify** to initiate verification of employment eligibility of all new hires of the Contractor, who are working in the United States, whether or not assigned to the contract, within 3 business days after the date of hire (but see paragraph (b)(3) of this section); and

(iii) Verify employees assigned to the contract. For each employee assigned to the contract, initiate verification within 90 calendar days after date of enrollment or within 30 calendar days of the employee's assignment to the contract, whichever date is later (but see paragraph (b)(4) of this section).

(2) If the Contractor is enrolled as a Federal Contractor in **E-Verify** at time of contract award, the Contractor shall

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use **E-Verify** to initiate verification of employment eligibility of--

(i) All new employees.

(A) Enrolled 90 calendar days or more. The Contractor shall initiate verification of all new hires of the Contractor, who are working in the United States, whether or not assigned to the contract, within 3 business days after the date of hire (but see paragraph (b)(3) of this section); or

(B) Enrolled less than 90 calendar days. Within 90 calendar days after enrollment as a Federal Contractor in **E-Verify**, the Contractor shall initiate verification of all new hires of the Contractor, who are working in the United States, whether or not assigned to the contract, within 3 business days after the date of hire (but see paragraph (b)(3) of this section); or

(ii) Employees assigned to the contract. For each employee assigned to the contract, the Contractor shall initiate verification within 90 calendar days after date of contract award or within 30 days after assignment to the contract, whichever date is later (but see paragraph (b)(4) of this section).

(3) If the Contractor is an institution of higher education (as defined at [20 U.S.C. 1001\(a\)](#)); a State or local government or the government of a Federally recognized Indian tribe; or a surety performing under a takeover agreement entered into with a Federal agency pursuant to a performance bond, the Contractor may choose to verify only employees assigned to the contract, whether existing employees or new hires. The Contractor shall follow the applicable verification requirements at (b)(1) or (b)(2), respectively, except that any requirement for verification of new employees applies only to new employees assigned to the contract.

(4) Option to verify employment eligibility of all employees. The Contractor may elect to verify all existing employees hired after November 6, 1986, rather than just those employees assigned to the contract. The Contractor shall initiate verification for each existing employee working in the United States who was hired after November 6, 1986, within 180 calendar days of--

(i) Enrollment in the **E-Verify** program; or

(ii) Notification to **E-Verify** Operations of the Contractor's decision to exercise this option, using the contact information provided in the **E-Verify** program Memorandum of Understanding (MOU).

(5) The Contractor shall comply, for the period of performance of this contract, with the requirements of the **E-Verify** program MOU.

(i) The Department of Homeland Security (DHS) or the Social Security Administration (SSA) may terminate the Contractor's MOU and deny access to the **E-Verify** system in accordance with the terms of the MOU. In such case, the Contractor will be referred to a suspension or debarment official.

(ii) During the period between termination of the MOU and a decision by the suspension or debarment official whether to suspend or debar, the Contractor is excused from its obligations under paragraph (b) of this clause. If the suspension or debarment official determines not to suspend or debar the Contractor, then the Contractor must reenroll in **E-Verify**.

(c) Web site. Information on registration for and use of the **E-Verify** program can be obtained via the Internet at the Department of Homeland Security Web site: <http://www.dhs.gov/E-Verify>.

(d) Individuals previously verified. The Contractor is not required by this clause to perform additional employment verification using **E-Verify** for any employee--

(1) Whose employment eligibility was previously verified by the Contractor through the **E-Verify** program;

(2) Who has been granted and holds an active U.S. Government security clearance for access to confidential, secret, or top secret information in accordance with the National Industrial Security Program Operating Manual; or

(3) Who has undergone a completed background investigation and been issued credentials pursuant to Homeland Security Presidential Directive (HSPD)-12, Policy for a Common Identification Standard for Federal Employees and Contractors.

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(e) Subcontracts. The Contractor shall include the requirements of this clause, including this paragraph (e) (appropriately modified for identification of the parties), in each subcontract that--

(1) Is for—

- (i) Commercial or noncommercial services (except for commercial services that are part of the purchase of a COTS item (or an item that would be a COTS item, but for minor modifications), performed by the COTS provider, and are normally provided for that COTS item); or
- (ii) Construction;

(2) Has a value of more than \$3,000; and

(3) Includes work performed in the United States.

(End of clause)

II. FAR 52.222-54 will be included in the contract via a January 2009 change to 52.212-5 Contract Terms and Conditions Required to Implement Statutes or Executive Orders--Commercial Items, adding paragraph (b)(26) and paragraph (e)(1)(xi) as follows:

-- (26) 52.222-54, Employment Eligibility Verification (Jan 2009). ([Executive Order 12989](#)). (Not applicable to the acquisition of commercially available off-the-shelf items or certain other types of commercial items as prescribed in 22.1803.)

* * * * *

(e)(1) * * *

(xi) 52.222-54, Employment Eligibility Verification (Jan 2009).

* * * * *

(End of clause)