

JORDAN INDUSTRY DAY

16 January 2018
Grand Hyatt Hotel
Amman Jordan



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AGENDA

Sign-in	Dawn Stoneburner	09:00 – 09:30
Introduction, Logistics and Rules	Brandon Chance	09:30 – 09:45
USACE in Jordan Overview	Brandon Chance	09:45 – 10:30
Contracting / Acquisition	Christina Loy	10:30 – 11:30
Lunch Break		11:30 – 12:30
Construction Management	Sherif Rizk	12:30 – 13:15
Legal Considerations	Sarah Hinkle	13:15 – 14:00
Break		14:00 – 14:15
Questions and Answers	Brandon Chance	14:15



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USACE PARTICIPANTS

Brandon Chance, Program Manager

Sherif Rizk, Senior Project Engineer, Contracting Officer's Representative

Christina W. Loy, Contracting Officer

Kenneth G. Baker, Contract Specialist

Sara Hinkle, Assistant District Counsel

Dawn Stoneburner, Program Assistant



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LOGISTICS AND RULES

Introduction/Welcome

Please put your Cell Phones, Pagers, Blackberries, etc. on silent

Restroom locations

Questions/Answers



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INDUSTRY DAY OBJECTIVES

To provide information to industry on how to compete for and perform US Government construction contracts

Specifically, to:

- Provide Information on upcoming opportunities
- Provide Information on unique requirements of our US Federal Acquisition Regulations (FAR) and acquisition processes.
- Provide Information on unique construction management requirements of our contracts.
- Facilitate the development of business relationships.

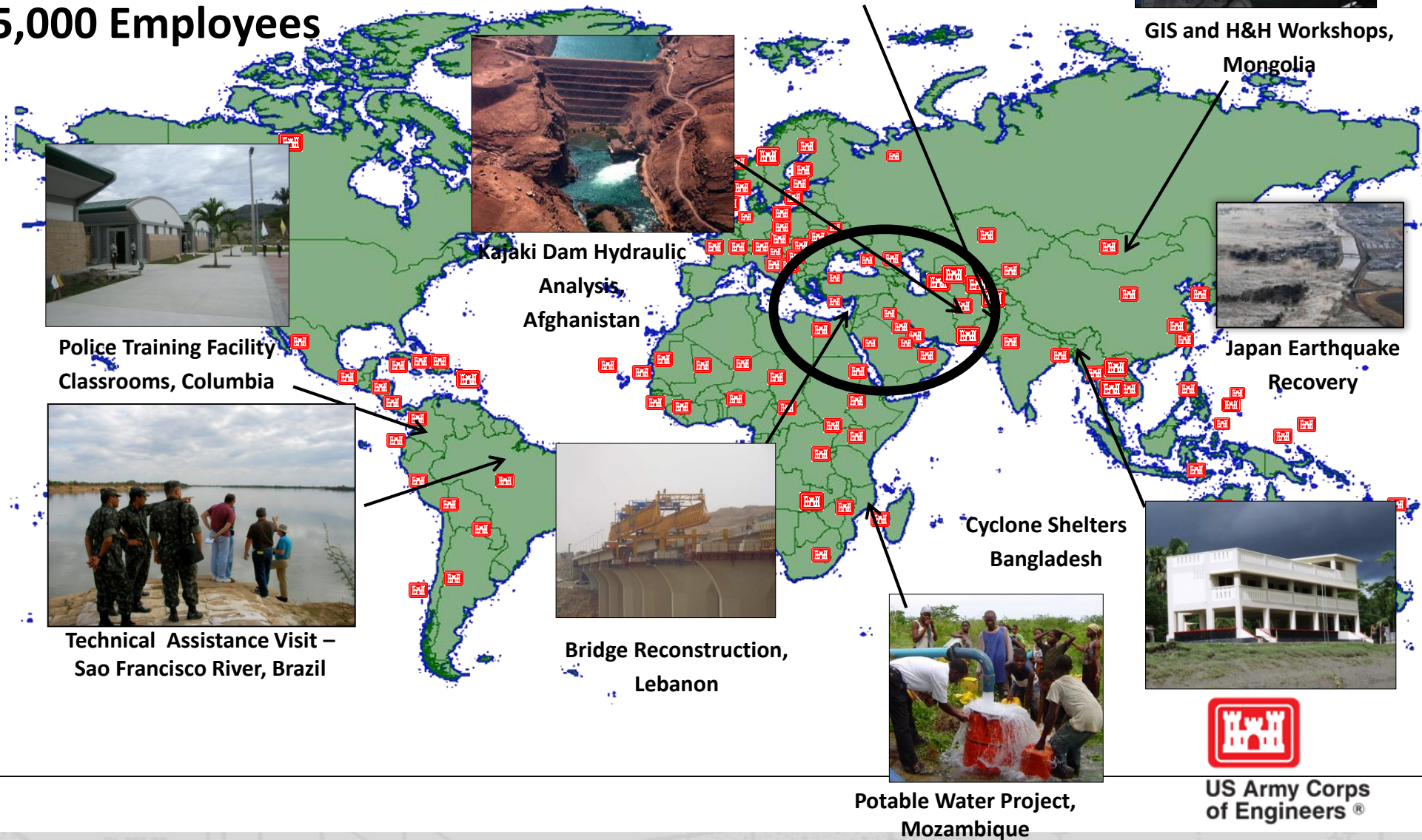


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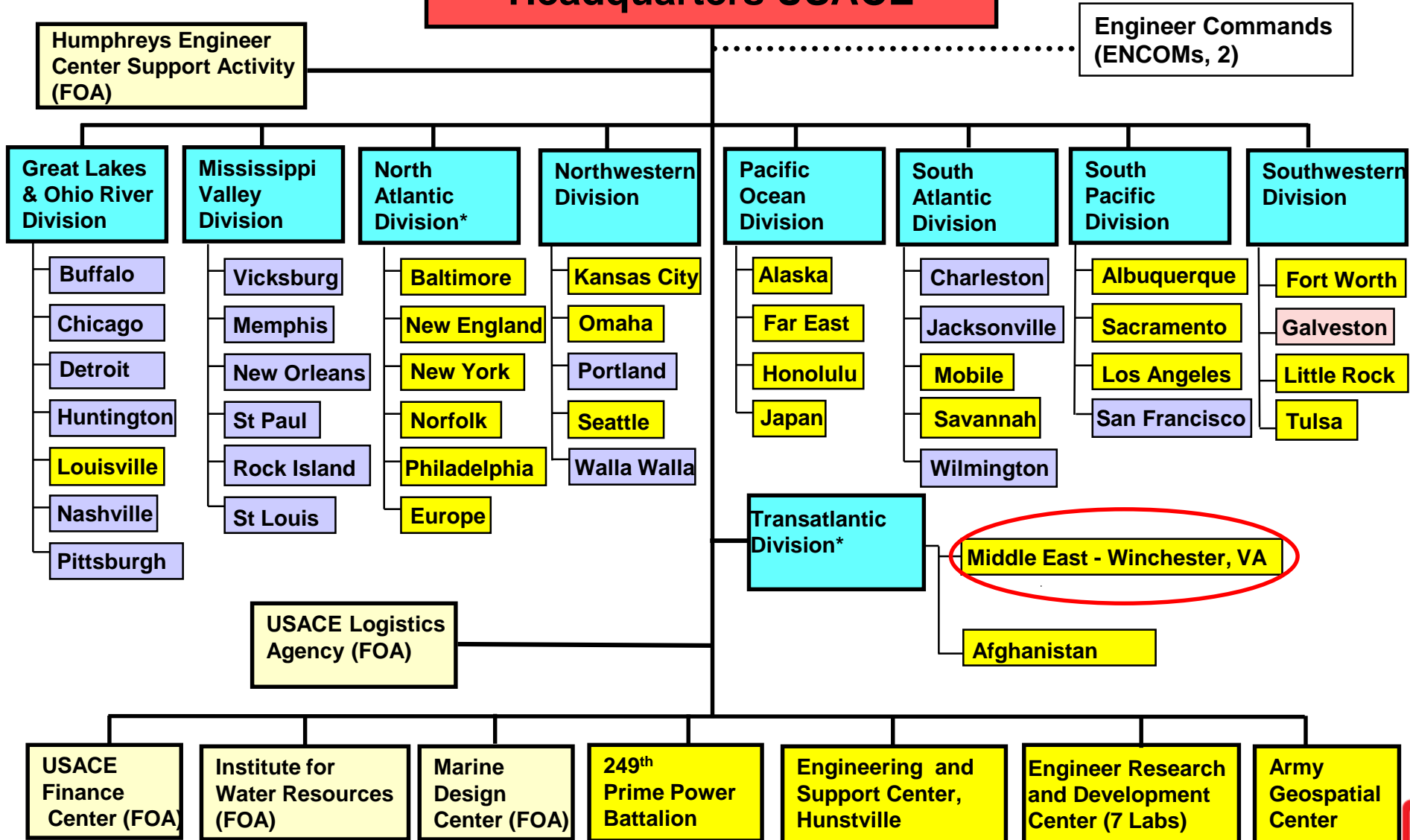


USACE Global Engagements

- Engagement - 100+ Countries
- Physical Presence - 34 Countries
- Over 35,000 Employees



Headquarters USACE



*Alignment with a Combatant Command

Yellow box Organization with a Military Mission



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MIDDLE EAST DISTRICT PROJECT LOCATIONS

US Central Command Area of Responsibility

Afghanistan
Bahrain
Egypt
Iraq
Jordan
Kazakhstan
Kuwait
Kyrgyzstan
Oman
Pakistan
Qatar
Saudi Arabia
Tajikistan
U.A.E.

No current projects:

Iran
Lebanon
Syria
Turkmenistan
Uzbekistan
Yemen



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USACE AND JORDAN

- USACE has been performing construction and engineering services in Jordan since 1978.
- From 2004-2015, USACE assisted in the development and construction of several substantial programs and projects in the Hashemite Kingdom of Jordan
- Upcoming Firm and Potential Programs for 2018-2023 valued in excess of \$200M



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TYPES OF FACILITIES IN UPCOMING CONSTRUCTION PROGRAMS

- Significant Airfield Pavements (Asphalt and Concrete)
- Airfield Lighting Systems and Pavement Marking
- Pre-engineered and steel framed aircraft shelters and sunshades
- Tensioned Fabric Shelters
- Outdoor Shooting Ranges
- Various Military Training Facilities



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TYPES OF FACILITIES IN UPCOMING CONSTRUCTION PROGRAMS

- Housing Facilities
- Ammunition Storage Facilities
- Air Traffic Control Tower
- Aircraft Maintenance Hangars
- Petroleum Storage and Distribution Facilities
- Various Entry Control and Security features
- Asphalt Roads



TYPES OF FACILITIES IN UPCOMING CONSTRUCTION PROGRAMS

- Electrical Utility Systems
- Telecommunication Utility Systems
- Water Distribution Systems
- Fire Water Distribution Systems
- Sanitary Sewer and Wastewater Treatment Systems
- Drainage and Stormwater features
- Earthwork and Grading



File Name



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CONSTRUCTION PROJECT CONTRACT OPPORTUNITIES

2018-2020

Community Facilities

Approx. Area (SM)

Concrete/CMU Block Wall on Slab, Built-up Roof, Interior Finishes

• Fitness Center Annex	1000
• Personnel Office	1000
• Base Exchange	1000
• Medical Clinic <i>(see detail slide)</i>	800
• Laundry Facility	700
• Library	500
• Administrative Facilities	500
• Religious Center	300
• Post Office	250
• Law Center	250

Residential Facilities

Approx. Area (SM)

Insulated Panel over Steel Frame on Slab, Interior Finishes

• Two Story Dormitories	120
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Outdoor Recreation

Approx. Area (SM)

• Stage with Canopy and Bar Area	1800
• Pool & Shower Facility	525

Industrial Facilities

Approx. Area (SM)

Insulated Panel over Steel Frame on Slab

• Aircraft Operations Facility	2000
• Large Vehicle Maintenance Facility	1100
• Aircraft Parts Warehouse	1000
• Aircraft Maintenance Facility	1000
• Communications Network Control Center	500
• Fire Substation <i>(see detail slide)</i>	500
• Working Dog Kennel <i>(see detail slide)</i>	300

Pavements, Utilities, Communications

Approx. Length (LM)

• Pave Two-Lane Asphalt Roads	10000
• Underground Communications Duct Bank	3000
• Telecommunications Tower	30



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DESIGN-BUILD CONTRACT CONSTRUCTION PROJECT

MEDICAL CLINIC

Space Use

- Pharmacy
- Dental
- Exam Rooms
- Trauma Room
- Laboratory
- Mental Health
- Ambulance Shelter
- Restrooms
- Waiting Room

Construction Type

- 800 SM single-story facility
- Insulated concrete form walls on slab
- Finished interior
- Flat, built-up roof
- Central HVAC
- 50Hz interior electrical distribution, utility supplied power
- Diesel generator back up power
- Interior plumbing, connect to water/wastewater utility system
- Fire alarmed, wet pipe fire suppression system



Project Timeline

- Request For Proposal Solicitation: Q1 2018
- Proposal Submittal and Evaluation: Q2 2018
- Contract Award: Q2 2018
- Design Review Phase: Q3 2018
- Start Construction: Q1 2019



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DESIGN-BUILD CONTRACT CONSTRUCTION PROJECT

FIRE SUBSTATION

Space Use

- 24 hour/day living quarters
- Bedrooms
- Kitchenette
- Equipment Storage Room
- Fire Engine Parking Garage
- Restrooms with showers

Construction Type

- 500 square meter single-story facility
- Insulated concrete form walls on slab
- Metal gabled roof
- Central HVAC
- 50Hz interior electrical distribution, utility supplied power
- Interior plumbing, connected to water/wastewater utility system
- Fire alarmed

Project Timeline

- Request For Proposal Solicitation: Q1 2018
- Proposal Submittal and Evaluation: Q2 2018
- Contract Award: Q2 2018
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- Start Construction: Q1 2019



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DESIGN-BUILD CONTRACT CONSTRUCTION PROJECT

WORKING DOG KENNEL

Space Use

- 10 dog interior/exterior kennel
- Equipment storage room
- Dog handler administrative space
- Wash room

Construction Type

- 300 square meter single-story facility
- Insulated concrete form walls on slab construction
- Metal gabled roof
- Two segregated central HVAC systems
- 50Hz interior electrical distribution, utility supplied power
- Interior plumbing, connect to water/wastewater utility system
- Fire alarmed



Project Timeline

- Request For Proposal Solicitation: Q1 2018
- Proposal Submittal and Evaluation: Q2 2018
- Contract Award: Q2 2018
- Design Review Phase: Q3 2018
- Start Construction: Q1 2019



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CONTRACTING AND ACQUISITION TOPICS



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AGENDA

- Acquisition/Contracting Process
- Acquisition Approach
- Requests for Proposals
- Source Selection
- International Balance of Payment / Trade Agreement Act
- Mandatory Elements



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ACQUISITION/CONTRACTING PROCESS

Phases and activities in the Acquisition Process



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ACQUISITION APPROACH

- Work will be for Design-Bid-Build (D-B-B), Design-Build (D-B) and Site Adapt projects.
- Firm-Fixed-Price Contracts.
- Proposals will be evaluated using Best Value Trade-Off (BVTO) methodology, where the Government is not required to award to the lowest bidder.
- Negotiations/discussions/clarification permissible, but the Government may award without discussions if they are not necessary.



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RFP PROCESS: REQUEST FOR PROPOSALS

- Pre-Solicitation Notice: Issued at least 15 Days prior to the Request for Proposals
- Request for Proposals
 - Posted on Federal Business Opportunities (FedBizOpps), www.fbo.gov
 - Instructions to Offerors
 - Evaluation Criteria
 - Terms and Conditions
 - Drawings and Specifications
- The RFP will provide the address and due date for your proposal submittal.
- You must read the RFP carefully and follow all instructions for the development and submission of your proposal. Offerors will not be reimbursed for proposal preparation costs or fees.
- Offerors can ask questions via ProjNet Inquiry www.projnet.org/projnet
- Offerors are normally afforded an opportunity to attend a pre-bid site inspection for each solicitation
- Proposal **MUST** be received by due date/time indicated on RFP – NO EXECPTIONS.



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RFP PROCESS: SOURCE SELECTION

- Each proposal will be reviewed for responsiveness (i.e. Did the offeror provide all the mandatory elements as specified in the solicitation?)
- Only Proposals determined to be responsive will be evaluated.
- Proposals will be evaluated based on the evaluation criteria and factors outlined in the solicitation and the Scope of Work
- Example Evaluation Factors:
 - Factor 1 – Experience
 - Factor 2 – Management Plan / Technical Approach
 - Factor 3 – Past Performance
 - Factor 4 – Price



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COMBINED TECHNICAL/RISK RATINGS

Rating	Description
Outstanding	Proposal indicates an exceptional approach and understanding of the requirements and contains multiple strengths, and risk of unsuccessful performance is low.
Good	Proposal indicates a thorough approach and understanding of the requirements and contains at least one strength, and risk of unsuccessful performance is low to moderate.
Acceptable	Proposal meets requirements and indicates an adequate approach and understanding of the requirements, and risk of unsuccessful performance is no worse than moderate.
Marginal	Proposal has not demonstrated an adequate approach and understanding of the requirements, and/or risk of unsuccessful performance is high.
Unacceptable	Proposal does not meet requirements of the solicitation, and thus, contains one or more deficiencies, and/or risk of unsuccessful performance is unacceptable. Proposal is unawardable.



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RFP PROCESS: SOURCE SELECTION AND CONTRACT AWARD

- Based on the Government's evaluation of the price and non-pricing factors, the Contracting Officer will select an offeror and award the Contract.
- The awardee's price must be fair and reasonable, but does not need to be the lowest price offer.
- The Contracting Officer's selection will be to the offeror whose proposal provides the greatest overall benefit to the Government for that particular requirement at that particular location.
- Unsuccessful Offerors may request a debriefing by the Contracting Officer, in order to receive feedback on their proposal's evaluation



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INTERNATIONAL BALANCE OF PAYMENTS PROGRAM & TRADE AGREEMENTS ACT

Foreign Acquisitions, FAR Part 25 and DFARS Part 225:

Balance of Payments Program

- Applies to purchases of supplies or construction materials for use outside the US.
- Exceptions found in [DFARS 225.75](#)

Trade Agreements Act

- Provides the authority for the President to waive the Buy American Act and other discriminatory provisions for eligible products from countries that have signed an international trade agreement with the United States, or that meet certain other criteria, such as being a least developed country. (19 USC 2501; [FAR 25.4](#))



INTERNATIONAL BALANCE OF PAYMENTS PROGRAM

Restricts the purchase of supplies that are not domestic end products, for use outside the United States, and restricts the use of construction materials that are not domestic, for performance of construction contracts outside the United States.

Exceptions to the Balance of Payments Program for construction materials are generally determined prior to solicitation and assignment of contracting responsibility. The contracting officer must identify excepted supplies and construction materials in the contract.

Exceptions are found at FAR 25.3



INTERNATIONAL BALANCE OF PAYMENTS

Exception: Before issuing the solicitation:

The Contracting Officer determines that a requirement can best be filled by a foreign end product or construction material

This includes determinations that:

- A subsistence product is perishable and delivery from the United States would significantly impair the quality at the point of consumption;
- An end product or construction material, by its nature or as a practical matter, can best be acquired in the geographic area concerned, e.g., ice or books; or bulk material, such as sand, gravel, or other soil material, stone, concrete masonry units, or fired brick;

Exception: After receipt of offers:

OR, at any time during the acquisition process, the Head of the Agency determines that it is not in the public interest to apply the restrictions of the Balance of Payments Program to the end product or construction material. The Head of the Agency for USACE is the Secretary of the Army



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TRADE AGREEMENTS ACT (TAA)

Governs trade agreements negotiated between the United States and other countries.

TAA can restrict procurement of goods and services for federal contracts. FAR 25.4 includes guidance for TAA compliance. In general, a product is "Compliant" if it is made in the United States or a "Designated Country," including

- Those with a free trade agreement with the U.S.
- Countries that participate in the World Trade Organization Government Procurement Agreement


Prohibits procurement of end products from non-designated countries (e.g., China, India, etc.)

A full list of Designated/Qualifying Countries is in FAR 25.003




MANDATORY ELEMENTS – SYSTEM FOR AWARD MANAGEMENT (SAM) REGISTRATION


- There is no fee to register for this site. Entities may register at no cost directly from the SAM website located at [HTTPS:WWW.SAM.GOV](https://www.sam.gov)
- The FAR requires all prospective vendors to be registered in SAM prior to the award of a contract
- Reduces the time it takes to award a contract
- Federal agencies will be able to look in one place for entity pre-award information

**SAM**
SYSTEM FOR AWARD MANAGEMENT


Quick Start Guide for Entities Interested in Being Eligible for Government Contracts

How to register your entity to be eligible for CONTRACTS in SAM:


Before you register, you need to know the following:

What is an Entity?
In SAM, your company/business/organization is now referred to as an "Entity."


- **REGISTERING IN SAM IS FREE.**
- If you were registered in CCR, your company's information is already in SAM. You just need to set up a SAM account. See the "Migrating Roles" Quick Start Guide.

Your Entity's DUNS Number
You need a DUNS to register your entity in SAM.

- If you do not have a DUNS number, you can request a DUNS number for free by visiting D&B at <http://fedgov.dnb.com/webform>.
- It takes 1-2 business days to obtain a DUNS.


Your Entity's Taxpayer Identification Number (TIN)
You need your entity's Tax ID Number (TIN) and taxpayer name (as it appears on your last tax return). Foreign entities that do not pay employees within the U.S. do not need to provide a TIN.


- A TIN is an Employer Identification Number (EIN) assigned by the Internal Revenue Service (IRS).
- Sole proprietors may use their Social Security Number (SSN) assigned by the Social Security Administration (SSA) if they do not have a TIN, but please be advised it will not be treated as privacy act data in SAM.
- To obtain an EIN visit: www.irs.gov/businesses/small/article/0,id=102767,00.html
- Activating a new EIN with the IRS takes 2-5 weeks.

Steps For Registering Your Entity in SAM

1. Go to www.sam.gov
2. Create a Individual Account and Login
3. Click "Register New Entity" under "Register/Update Entity" on your "My SAM" page
4. Select your type of Entity
5. Select "Yes" to "Do you wish to bid on contracts?"
6. Complete "Core Data"
 - ✓ Validate your DUNS information
 - ✓ Enter Business Information (TIN, etc.)
 - ✓ Enter CAGE code if you have one. If not, one will be assigned to you after your registration is completed. Foreign registrants must enter NCAGE code.
 - ✓ Enter General Information (business types, organization structure, etc)
 - ✓ Financial Information (Electronic Funds Transfer (EFT) Information)
 - ✓ Executive Compensation
 - ✓ Proceedings Details
7. Complete "Assertions"
 - ✓ Goods and Services (NAICS, PSC, etc.)
 - ✓ Size Metrics
 - ✓ EDI Information
 - ✓ Disaster Relief Information
8. Complete "Representations and Certifications"
 - ✓ FAR Responses
 - ✓ Architect-Engineer Responses
 - ✓ DFARS Responses
9. Complete "Points of Contact"
10. Your entity registration will become active after 3-5 days when the IRS validates your TIN information.

How do I get more information? Take a look at the SAM User Guide.

Go to Our Website: www.sam.gov

Contact the SAM Help Desk: www.fsd.gov

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MANDATORY ELEMENTS – SYSTEM FOR AWARD MANAGEMENT (SAM) REGISTRATION

- DUNS number from Dun & Bradstreet, and the name and address associated with that DUNS (2 days)
- Your CAGE Code, if you already have one (if you don't, one will be assigned to you during registration)
- Your Electronic Funds Transfer information, such as your financial institution's ABA Routing Number and your account number, with the bank phone or fax number
- You will be unable to submit your registration online unless all the mandatory information is provided



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MANDATORY ELEMENTS -- PERFORMANCE AND PAYMENT BONDS

Performance Bonds:

- Performance bonds provide an obligee with a guarantee that in the event of a contractor's default, the surety can be called upon to meet its obligations under the bond.
- If the bonded contractor fails to perform its work in accordance with the plans and specifications, the owner, which has performed its contractual obligations, has a right of action against the surety to obtain completion of the contract and enforce the owner's rights under the contract.

Payment Bonds:

- Payment bonds provides security for payment for labor and materials incorporated into the project by certain laborers, subcontractors, and suppliers, if the principal fails to pay for labor & materials supplied for the project.
- The Contractor Shall furnish proof of the guarantee prior to receiving a Notice to Proceed (NTP) with the work or being allowed to start work.

Department of the Treasury's Listing of Approved Sureties (Department Circular 570)
<https://www.fiscal.treasury.gov/fsreports/ref/suretyBnd/c570.htm>

Contract Notice to Proceed (NTP) will not be issued without sureties.



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MANDATORY ELEMENTS -- DEFENSE BASE ACT (DBA) INSURANCE

- DBA is an extension of the Longshore and Harbor Workers' Compensation Act (LHWCA) which provides disability compensation and medical benefits to employees and death benefits to eligible survivors of employees of U.S. government contractors who perform work overseas.
- Required by US Federal Law (33 USC 901 et. seq.)
- The Federal Acquisition Regulation (FAR) sets out the workers' compensation insurance requirements for all overseas contracts at 52.228-3 and 52.228-4.
- DBA includes ALL employees, regardless of nationality:
 - U.S. citizens and residents,
 - Host Country nationals (local hires), and
 - Third Country Nationals (individuals hired from another country to work in the host country)
- The DOL table of authorized carriers and self-insured employers is available via the below URL:
<http://www.dol.gov/owcp/dlhwc/lscarrier.htm>
- **Contract Notice to Proceed (NTP) will not be issued without DBA Insurance.**



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MANDATORY ELEMENTS -- SPOT ACCESS

- Synchronized Pre-Deployment Operational Tracker (SPOT) Requirements
 - SPOT is a single source for the management, tracking and visibility of contractors accompanying U.S. forces overseas and contingency operations.
- SPOT is restricted to authorized, registered users through the on-line registration process via the below URL:

<https://spot.dmdc.mil/privacy.aspx>
- Click register link and follow the prompts to complete the registration. Access will be granted after SPOT's Help Desk receives confirmation.
- Individuals who are NOT citizens of the United States, United Kingdom, Canada, Australia and New Zealand are permitted to obtain a SPOT User Name and Password account.



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MANDATORY ELEMENTS – JOINT CONTRACTING AND CONTINGENCY SERVICES (JCCS) REGISTRATION

JCCS is a U.S. Government Information Technology (IT) system supporting contingency contracting. Theater Contracting Commands and Host Nation (HN) vendors access the JCCS website for accurate and up-to-date Contingency Business Information (CBI).

Registration Instructions: https://jcx.setcx.dla.mil/olvr2/bta_olvr_registration_instructions.aspx

The Vendor Registry process is a 4-step process as detailed below:

Step 1: Registration Instructions

Step 2: Company and Financial Information

Step 3: Point of Contact Information

Step 4: Registration Confirmation

Please do not register your company more than one time. Registering multiple times will not increase your chances of being awarded a contract.



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CONSTRUCTION MANAGEMENT CONSIDERATIONS



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CONTRACT CONSTRUCTION PROCEDURES – FOLLOWING AWARD

- Typically, 5 -21 days after contract award the contractor shall provide Bond and DBA Insurance documentation.
- Notice to Proceed (NTP) – Issued after Bonds and DBA documentation provided by the contractor and accepted. The contract period of performance (POP) starts with that NTP date.
- Preconstruction Submittals: After NTP, and prior to the Preconstruction Conference, the contract will require submittal of key plans and information, such as:
 - Quality Assurance Plan
 - Safety Plan
 - Preliminary (90 day) Schedule
 - Security Plan
 - Mobilization Area
 - Other submittals as described in the particular Contract
- Preconstruction Meeting: Construction kick-off meeting to confirm a mutual understanding of the contract. The meeting is led by the USACE COR.



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CONTRACT CONSTRUCTION PROCEDURES -- SAFETY

- USACE takes safety very seriously
- Contractors should become familiar with EM-385-1-1, USACE Safety and Health Requirements Manual, for all aspects of work during construction. This manual is also helpful to the contractor in preparing the AHA.
- This manual can be downloaded FREE from the internet.
<http://www.usace.army.mil/Safety-and-Occupational-Health/Safety-and-Health-Requirements-Manual/>
- The project or an activity can be stopped and put on hold any time for a safety incident or hazardous condition found on site which exposes workers to serious injury or damages property. Time extension or compensation will not be granted due to a safety incident or condition found on site.



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CONTRACT CONSTRUCTION PROCEDURES – QUALITY CONTROL

Three Phase Inspection Process:

- Ensure the end product quality is met within a safe environment
- **Preparatory Meeting** – done before any activity starts
- **Initial Inspection** – just after construction starts; a check on procedures agreed in Preparatory Meeting
- **Follow-up Inspection** – QC follows up daily on progress of construction activities

The contractor's Quality Control team is fully responsible for the project's quality; ensuring the end product, as well as the procedures to achieve that end product, are in conformance the contract requirements



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CONTRACT CONSTRUCTION PROCEDURES – RMS 3.0

Resident Management System (RMS) 3.0:

- RMS 3.0 is a web based communication tool used by the Government and the contractor. Through RMS 3.0 the contractor submits transmittals, progress payments, and any type of correspondence
- There are two modes under this system. The first is RMS 3/GM for government mode and the second is RMS 3/CM for contractor mode. USACE will provide the software to the contractor for **FREE**
- Data is “cloud” based. Imports/Exports will happen constantly in the background. When data is updated or added, and marked complete, the Government and Contractor will see the change or update within a few minutes.



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CONTRACT CONSTRUCTION PROCEDURES – DAILY REPORTS

Daily Report:

- A daily report will be provided by the contractor thru RMS 3/CM. This report shows progress of all ongoing activities, any inspections performed and findings, any received material, types and number of personnel on site, type and number of equipment on site, safety status and any direction taken from USACE COR or QA
- Should the contractor receive direction on site by a Government representative that they consider not part of the contract, they should notify the USACE Contracting Officer immediately



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CONTRACT CONSTRUCTION PROCEDURES - SUBMITTALS

Submittals:

- A construction activity cannot start unless the associated shop drawings and/or the proposed material are submitted and approved by USACE
- Preparatory meeting for any specific activity cannot be held unless the shop drawings and material proposed for such activity are submitted and approved



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CONTRACT CONSTRUCTION PROCEDURES – SCHEDULES AND PAYMENT

Schedule:

- Contractor will submit a schedule for the whole contract (Base Line Schedule). This schedule will be updated monthly and provided with each monthly progress payment. Payment can be rejected for not submitting an acceptable, updated schedule
- A percentage from the progress payment can be deducted where the contractor is found behind schedule
- The contractor must consider weekends, holidays, and reduction in daily working hours due to religious occasions while preparing the construction schedule

Progress Payment:

- Contractor can submit a monthly invoice for the performed work that meets the contract requirement
- The progress payment is discussed and reviewed by the COR. After both contractor and COR agree on quantities, the contractor submits the invoice through RMS 3/CM.
- The invoice shall be signed by the CQC certifying to the best of their knowledge the information submitted with progress payment is correct
- A complete rejection or a deducted percentage of an activity found not complying with requirement can be applied



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LEGAL CONSIDERATIONS



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GUIDING PRINCIPLES (FAR 1.102) AND ETHICS

The Federal Acquisition Regulations [FAR] are written to ensure, among other things, that the USA conducts business with:

- Integrity
- Fairness
- Openness

Procurement Integrity and Conflicts of Interest.

The Government and its representatives:

- Cannot direct a requirement to a particular vendor
- Cannot favor a particular vendor
- Cannot provide source selection information to vendors
- Cannot accept gifts or services of any kind from vendors
- Cannot use their position for gain of any kind (gifts, future employment, discounts)
- Cannot do anything that gives even the appearance of favoring a particular vendor



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GRATUITIES (FAR 52.203-3), GIFTS AND KICKBACKS (FAR 52.203-7)

- In general, it is illegal for US Government employees to request or accept gifts of any kind from Contractors or Contractor personnel.
- The contract may be terminated if the Contractor, its agent, or another representative offered or gave a gratuity (e.g., an entertainment or gift) to an officer, official, or employee of the US Government intending to obtain favorable treatment under a contract.
- Contractors have a duty to report possible violations.
- Contractors are Prohibited From:
 - Providing or offering to provide any thing of value (“kickback”) for favorable treatment from a prime or subcontractor.
 - Soliciting, accepting, or attempting to accept any kickback; or
 - Including, directly or indirectly, the amount of any kickback in the contract price charged by a prime Contractor to the United States.



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CONTRACTING AUTHORITY (FAR 1.602), AND CHANGES TO THE CONTRACT

- A Contracting Officer is the only person authorized to commit the U.S. Government.
- An Administrative Contracting Officer (ACO) or Contracting Officer's Representative (COR) has specific limited authority to administer contracts in accordance with the FAR and regulations.
- What is a change to the contract?
 - A condition or requirement that is different from what you agreed to perform
- Who can authorize a change?
 - Only the Contracting Officer
- What do you do if you think a contract change has occurred or been directed?
 - Inform the Contracting Officer in writing



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THANK YOU! AND CONTACTS

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Kenneth Baker– Contract Specialist

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Sara Hinkle, Assistant District Counsel

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Link to this presentation:

<http://www.tam.usace.army.mil/xxxxx>



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