



DEPARTMENT OF THE ARMY
ALBUQUERQUE DISTRICT, CORPS OF ENGINEERS
4101 Jefferson Plaza, NE
Albuquerque, New Mexico 87109-3435
Fax (505) 342-3496

June 27, 2008

Serial Letter No. 01

Contracting Division

Mr. Gary D. Kite, Vice President
Kiewit New Mexico Co.
2415 Princeton Drive, NE Suite E.
Albuquerque, NM 87107

Dear Mr. Kite,

You are hereby notified that your offer submitted in response to Solicitation No. ELPUR-08-R-0004 is accepted in the amount of \$31,235,828.00. Enclosed are two copies of Task Order DM03 to MATOC Contract No. W912BV-07-D-2026, Department of Homeland Security Customs and Border Protection Program, Construction of Primary Border Barrier Fence along the Rio Grande Levee in the vicinity of Fabens, Texas (K-3).

Please sign and date Block 16 of the copy that has been marked for return to the Contracting Division, C/O Monique Chisholm, Contract Specialist. An additional copy of the task order has been marked for your retention.

Notice to proceed for this task order will be given upon receipt of properly prepared performance and payment bonds. Performance and Payment Bond forms are enclosed.

If you have any questions, please call Monique Chisholm at 505-342-3447.

Sincerely,

Clarence C. Hairston
Contracting Officer

Enclosures

ORDER FOR SUPPLIES OR SERVICES

PAGE 1 OF 4

| | | | | | | | | | | |
|--|------------------------------------|--|---|---|---|--|---|-------------|------------------------|--|
| 1. CONTRACT/PURCH ORDER/ AGREEMENT NO. W912DV-07-D-2026 | | 2. DELIVERY ORDER/ CALL NO. DM03 | | 3. DATE OF ORDER/ CALL (YYYYMMDD) 2008 Jun 27 | | 4. REF / PURCH REQUEST NO. W81G868178000 | | 5. PRIORITY | | |
| 6. ISSUED BY US ARMY ENGINEER DISTRICT, ALBUQUERQUE ATTN: CONTRACTING DIVISION 4101 JEFFERSON PLAZA NE ALBUQUERQUE NM 87109-3436 | | | 7. ADMINISTERED BY (if other than 6) SOUTHERN AREA OFFICE 1342 TULAROSA RD. BLDG 841, RM 157 PG DRA HOLLOMAN AFB NM 89330-0401 | | 8. DELIVERY FOB <input checked="" type="checkbox"/> DESTINATION <input type="checkbox"/> OTHER (See Schedule if other) | | | | | |
| 9. CONTRACTOR NAME: KIEWIT NEW MEXICO CO. ADDRESS: GRAY D. KITE 2415 PRINCETON DRIVE NE, SUITE E ALBUQUERQUE NM 87107 | | 10. DELIVER TO FOB POINT BY (Date) (YYYYMMDD) SEE SCHEDULE | | 11. MARK IF BUSINESS IS <input type="checkbox"/> SMALL <input type="checkbox"/> SMALL DISADVANTAGED <input type="checkbox"/> WOMEN-OWNED | | 13. MAIL INVOICES TO THE ADDRESS IN BLOCK Orig to Bloc 7 + 1 to Bloc 15 | | | | |
| 14. SHIP TO SEE SCHEDULE | | 15. PAYMENT WILL BE MADE BY DEPARTMENT OF THE ARMY US ARMY CORPS OF ENGRS FINANCE CENTER 5722 INTEGRITY DRIVE MILLINGTON TN 38054-5095 | | 16. DISCOUNT TERMS Net 14 Days | | 17. ACCOUNTING AND APPROPRIATION DATA/ LOCAL USE See Schedule | | | | |
| 16. TYPE OF ORDER | | DELIVERY/ CALL | | X | | This delivery order/ call is issued on another Government agency or in accordance with and subject to terms and conditions of above numbered contract. References your quote dated Furnish the following on terms specified herein, REF: | | | | |
| <p>ACCEPTANCE. THE CONTRACTOR HEREBY ACCEPTS THE OFFER REPRESENTED BY THE NUMBERED PURCHASE ORDER AS IT MAY PREVIOUSLY HAVE BEEN OR IS NOW MODIFIED, SUBJECT TO ALL OF THE TERMS AND CONDITIONS SET FORTH, AND AGREES TO PERFORM THE SAME.</p> | | | | | | | | | | |
| NAME OF CONTRACTOR | | | SIGNATURE | | | TYPED NAME AND TITLE | | | DATE SIGNED (YYYYMMDD) | |
| <input checked="" type="checkbox"/> If this box is marked, supplier must sign Acceptance and return the following number of copies: 1 | | | | | | | | | | |
| 18. ITEM NO. | 19. SCHEDULE OF SUPPLIES/ SERVICES | | | | 20. QUANTITY ORDERED/ ACCEPTED* | 21. UNIT | 22. UNIT PRICE | 23. AMOUNT | | |
| SEE SCHEDULE | | | | | | | | | | |
| * If quantity accepted by the Government is same as quantity ordered, indicate by X. If different, enter actual quantity accepted below quantity ordered and encircle. | | | | 24. UNITED STATES OF AMERICA TELE: 505-342-3482 MAIL: CLARENCE C. HARPSTON CAMP, 511 ATTN: CLARENCE C. HARPSTON | | | 25. TOTAL | | 26. DIFFERENCES | |
| | | | | | | | | | \$31,235,526.00 | |
| 27a. QUANTITY IN COLUMN 20 HAS BEEN <input type="checkbox"/> INSPECTED <input type="checkbox"/> RECEIVED <input type="checkbox"/> ACCEPTED, AND CONFORMS TO THE CONTRACT EXCEPT AS NOTED | | | | | | | | | | |
| b. SIGNATURE OF AUTHORIZED GOVERNMENT REPRESENTATIVE | | | | | c. DATE (YYYYMMDD) | | d. PRINTED NAME AND TITLE OF AUTHORIZED GOVERNMENT REPRESENTATIVE | | | |
| e. MAILING ADDRESS OF AUTHORIZED GOVERNMENT REPRESENTATIVE | | | | | 28. SHIP NO | 29. DO VOUCHER NO | 30. INITIALS | | | |
| f. TELEPHONE NUMBER | | g. E-MAIL ADDRESS | | | <input type="checkbox"/> PARTIAL <input type="checkbox"/> FINAL | 32. PAID BY | 33. AMOUNT VERIFIED CORRECT FOR | | | |
| 36. I certify this account is correct and proper for payment. | | | | | 31. PAYMENT <input type="checkbox"/> COMPLETE <input type="checkbox"/> PARTIAL <input type="checkbox"/> FINAL | 34. CHECK NUMBER | | | | |
| a. DATE (YYYYMMDD) | | b. SIGNATURE AND TITLE OF CERTIFYING OFFICER | | | 35. BILL OF LADING NO. | | | | | |
| 37. RECEIVED AT | | 38. RECEIVED BY | 39. DATE RECEIVED (YYYYMMDD) | | 40. TOTAL CONTAINERS | 41. SR ACCOUNT NO | 42. SR VOUCHER NO. | | | |

Section B - Supplies or Services and Prices

| ITEM NO | SUPPLIES/SERVICES | MAX QUANTITY | UNIT | UNIT PRICE | MAX AMOUNT | |
|---------|--|--------------|----------|-------------|------------|-------------|
| 000102 | | | Lump Sum | \$1.00 | \$0.00 | |
| | Additional Funding FFP FOB: Destination MILSTRIP: W81G6981786099 PURCHASE REQUEST NUMBER: W81G6981786099 | | | | | |
| | | | | MAX NET AMT | \$0.00 | |
| | ACRN AB CIN: W81G69817860990003 | | | | | \$13,800.00 |

| ITEM NO | SUPPLIES/SERVICES | MAX QUANTITY | UNIT | UNIT PRICE | MAX AMOUNT | |
|---------|--|--------------|----------|-------------|------------|----------------|
| 000101 | | | Lump Sum | \$0.00 | \$0.00 | |
| | Additional Funding FFP FOB: Destination MILSTRIP: W81G6981786099 PURCHASE REQUEST NUMBER: W81G6981786099 | | | | | |
| | | | | MAX NET AMT | \$0.00 | |
| | ACRN AA CIN: W81G69817860990002 | | | | | \$5,786,926.00 |

| ITEM NO | SUPPLIES/SERVICES | QUANTITY | UNIT | UNIT PRICE | AMOUNT |
|---------|--|------------|----------|------------|-----------------|
| 0001 | Primary Fence Fabens, Texas K-3 FFP | 31,235,828 | Lump Sum | \$1.00 | \$31,235,828.00 |

Construction of Primary Border Barrier Fence along the Rio Grande Levee in the vicinity of Fabens, Texas (K-3).

The Contractor shall furnish all plant, labor, equipment, and supervision necessary to perform the construction of the Primary Border Barrier Fence in the vicinity of Fabens, Texas, in strict accordance with plans and specifications issued on 19 May 2008. Contract line items 0001 through 0004 which includes base bid, amendments 0001 through 0008, dated May 21, 28, 30, June 02, 06, 10, 11, 12, respectively, of the contractor's price proposal dated 16 June 2008, is accepted in the amount of \$31,235,828.00.

Wage Decision TX080031, 02/08/2008 is applicable to this Task Order DM03.

Period of Performance: All work under this Task Order shall be completed within 120 calendar days after receipt of Notice to Proceed (NTP).

Notice to Proceed shall be issued after receipt of properly prepared Performance and Payment Bonds. Bonds shall be submitted to the Contracting Office within 10 days of this award.

NOTE:

1. In the event modifications are issued on this Task Order, you are responsible for increasing bonding capacity and providing verification of increase to the Contract Administration Office.

2. In accordance with FAR 52.222-24 NOTICE OF REQUIREMENT FOR AFFIRMATIVE ACTION TO ENSURE EQUAL EMPLOYMENT OPPORTUNITY FOR CONSTRUCTION (FEB 1999) - The covered area for this Task Order is Fabens, Texas. Goals for minority participation for each trade are 57.8%.

FOB: Destination

MILSTRIP: W81G6981786099

PURCHASE REQUEST NUMBER: W81G6981786099

NET AMT \$31,235,828.00

ACRN AA
CIN: W81G69817860990001 \$25,435,102.00

Section G - Contract Administration Data

ACCOUNTING AND APPROPRIATION DATA

AA: 96X31220000 082454 323052LB74099993 NA 96291

AMOUNT: \$31,222,028.00

CIN W81G69817860990001: \$25,435,102.00

CIN W81G69817860990002: \$5,786,926.00

AB: 96X31220000 082454 32302LFC84099993 NA 96291

AMOUNT: \$13,800.00

CIN W81G69817860990003: \$13,800.00

PERFORMANCE BOND
(See instructions on reverse)

DATE BOND EXECUTED (Must be same or later than date of contract)

OMB No.: 9000-0045

Public reporting burden for this collection of information is estimated to average 25 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the FAR Secretariat (MVR), Federal Acquisition Policy Division, GSA, Washington, DC 20406

PRINCIPAL (Legal name and business address)

TYPE OF ORGANIZATION ("X" one)

- INDIVIDUAL PARTNERSHIP
 JOINT VENTURE CORPORATION

STATE OF INCORPORATION

SURETY(IES) (Name(s) and business address(es))

PENAL SUM OF BOND

| | | | |
|------------|-------------|------------|-------|
| MILLION(S) | THOUSAND(S) | HUNDRED(S) | CENTS |
| | | | |

CONTRACT DATE CONTRACT NO.

OBLIGATION:

We, the Principal and Surety(ies), are firmly bound to the United States of America (hereinafter called the Government) in the above penal sum. For payment of the penal sum, we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally. However, where the Sureties are corporations acting as co-sureties, we, the Sureties, bind ourselves in such sum "jointly and severally" as well as "severally" only for the purpose of allowing a joint action or actions against any or all of us. For all other purposes, each Surety binds itself, jointly and severally with the Principal, for the payment of the sum shown opposite the name of the Surety. If no limit of liability is indicated, the limit of liability is the full amount of the penal sum.

CONDITIONS:

The Principal has entered into the contract identified above.

THEREFORE:

The above obligation is void if the Principal -

(a)(1) Performs and fulfills all the undertakings, covenants, terms, conditions, and agreements of the contract during the original term of the contract and any extensions thereof that are granted by the Government, with or without notice to the Surety(ies), and during the life of any guaranty required under the contract, and (2) performs and fulfills all the undertakings, covenants, terms conditions, and agreements of any and all duly authorized modifications of the contract that hereafter are made. Notice of those modifications to the Surety(ies) are waived.

(b) Pays to the Government the full amount of the taxes imposed by the Government, if the said contract is subject to the Miller Act, (40 U.S.C. 270a-270e), which are collected, deducted, or withheld from wages paid by the Principal in carrying out the construction contract with respect to which this bond is furnished.

WITNESS:

The Principal and Surety(ies) executed this performance bond and affixed their seals on the above date.

PRINCIPAL

| | | | | |
|-------------------------------|----|--------|--------|----------------|
| SIGNATURE(S) | 1. | 2. | 3. | Corporate Seal |
| | | (Seal) | (Seal) | |
| NAME(S) & TITLE(S) (Typed) | 1. | 2. | 3. | Corporate Seal |
| | | | | |

INDIVIDUAL SURETY(IES)

| | | |
|--------------------|----|--------|
| SIGNATURE(S) | 1. | 2. |
| | | (Seal) |
| NAME(S) (Typed) | 1. | 2. |
| | | |

CORPORATE SURETY(IES)

| | | | | |
|----------|-------------------------------|---------------|-----------------|----------------|
| SURETY A | NAME & ADDRESS | STATE OF INC. | LIABILITY LIMIT | Corporate Seal |
| | SIGNATURE(S) | 2. | \$ | |
| | NAME(S) & TITLE(S) (Typed) | 2. | | |

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Previous edition not usable

STANDARD FORM 25 (REV. 5-88)
Prescribed by GSA-FAR (48 CFR) 53.228(b)

CORPORATE SURETY(IES) (Continued)

| SURETY B | NAME & ADDRESS | STATE OF INC. | LIABILITY LIMIT | Corporate Seal | |
|----------|--------------------------------------|---------------|-----------------|----------------|----|
| | SIGNATURE(S) | 1. | 2. | | \$ |
| | NAME(S) & TITLE(S) <i>(Typed)</i> | 1. | 2. | | |
| SURETY C | NAME & ADDRESS | STATE OF INC. | LIABILITY LIMIT | Corporate Seal | |
| | SIGNATURE(S) | 1. | 2. | | \$ |
| | NAME(S) & TITLE(S) <i>(Typed)</i> | 1. | 2. | | |
| SURETY D | NAME & ADDRESS | STATE OF INC. | LIABILITY LIMIT | Corporate Seal | |
| | SIGNATURE(S) | 1. | 2. | | \$ |
| | NAME(S) & TITLE(S) <i>(Typed)</i> | 1. | 2. | | |
| SURETY E | NAME & ADDRESS | STATE OF INC. | LIABILITY LIMIT | Corporate Seal | |
| | SIGNATURE(S) | 1. | 2. | | \$ |
| | NAME(S) & TITLE(S) <i>(Typed)</i> | 1. | 2. | | |
| SURETY F | NAME & ADDRESS | STATE OF INC. | LIABILITY LIMIT | Corporate Seal | |
| | SIGNATURE(S) | 1. | 2. | | \$ |
| | NAME(S) & TITLE(S) <i>(Typed)</i> | 1. | 2. | | |
| SURETY G | NAME & ADDRESS | STATE OF INC. | LIABILITY LIMIT | Corporate Seal | |
| | SIGNATURE(S) | 1. | 2. | | \$ |
| | NAME(S) & TITLE(S) <i>(Typed)</i> | 1. | 2. | | |

| | | |
|---------------------|------------------------|------------|
| BOND PREMIUM | RATE PER THOUSAND (\$) | TOTAL (\$) |
|---------------------|------------------------|------------|

INSTRUCTIONS

1. This form is authorized for use in connection with Government contracts. Any deviation from this form will require the written approval of the Administrator of General Services.

2. Insert the full legal name and business address of the Principal in the space designated "Principal" on the face of the form. An authorized person shall sign the bond. Any person signing in a representative capacity (e.g., an attorney-in-fact) must furnish evidence of authority if that representative is not a member of the firm, partnership, or joint venture, or an officer of the corporation involved.

3. (a) Corporations executing the bond as sureties must appear on the Department of the Treasury's list of approved sureties and must act within the limitation listed therein. Where more than one corporate surety is involved, their names and addresses shall appear in the spaces (Surety A, Surety B, etc.) headed "CORPORATE

SURETY(IES)." In the space designated "SURETY(IES)" on the face of the form, insert only the letter identification of the sureties.

(b) Where individual sureties are involved, a completed Affidavit of Individual Surety (Standard Form 28) for each individual surety, shall accompany the bond. The Government may require the surety to furnish additional substantiating information concerning their financial capability.

4. Corporations executing the bond shall affix their corporate seals. Individuals shall execute the bond opposite the word "Corporate Seal", and shall affix an adhesive seal if executed in Maine, New Hampshire, or any other jurisdiction requiring adhesive seals.

5. Type the name and title of each person signing this bond in the space provided.

PAYMENT BOND
(See instructions on reverse)

DATE BOND EXECUTED (Must be same or later than date of contract)

OMB No.: 9000-0045

Public reporting burden for this collection of information is estimated to average 25 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the FAR Secretariat (MVP), Federal Acquisition Policy Division, GSA, Washington, DC 20405

| | | | | |
|--|-------------------------------------|--------------------------------------|--|--------------------------------------|
| PRINCIPAL (Legal name and business address) | TYPE OF ORGANIZATION ("X" one) | | | |
| | <input type="checkbox"/> INDIVIDUAL | <input type="checkbox"/> PARTNERSHIP | <input type="checkbox"/> JOINT VENTURE | <input type="checkbox"/> CORPORATION |
| SURETY(IES) (Name(s) and business address(es)) | STATE OF INCORPORATION | | | |
| | PENAL SUM OF BOND | | | |
| | MILLION(S) | THOUSAND(S) | HUNDRED(S) | CENTS |
| | CONTRACT DATE | | CONTRACT NO. | |

OBLIGATION:

We, the Principal and Sureties, are firmly bound to the United States of America (hereinafter called the Government) in the above penal sum. For payment of the penal sum, we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally. However, where the Sureties are corporations acting as co-sureties, we, the Sureties, bind ourselves in such sum "jointly and severally" as well as "severally" only for the purpose of allowing a joint action or actions against any or all of us. For all other purposes, each Surety binds itself, jointly and severally with the Principal, for the payment of the sum shown opposite the name of the Surety. If no limit of liability is indicated, the limit of liability is the full amount of the penal sum.

CONDITIONS:

The above obligation is void if the Principal promptly makes payment to all persons having a direct relationship with the Principal or a subcontractor of the Principal for furnishing labor, material or both in the prosecution of the work provided for in the contract identified above, and any authorized modifications of the contract that subsequently are made. Notice of those modifications to the Surety(ies) are waived.

WITNESS:

The Principal and Surety(ies) executed this payment bond and affixed their seals on the above date.

| PRINCIPAL | | | | |
|------------------------------|----------------|---------------|--------|-----------------|
| SIGNATURE(S) | 1. | 2. | 3. | Corporate Seal |
| | (Seal) | (Seal) | (Seal) | |
| NAME(S) & TITLE(S) (Type) | 1. | 2. | 3. | |
| INDIVIDUAL SURETY(IES) | | | | |
| SIGNATURE(S) | 1. | 2. | | |
| | | (Seal) | | (Seal) |
| NAME(S) (Type) | 1. | 2. | | |
| CORPORATE SURETY(IES) | | | | |
| SURETY A | NAME & ADDRESS | STATE OF INC. | | LIABILITY LIMIT |
| | | | | \$ |
| | SIGNATURE(S) | 1. | 2. | Corporate Seal |
| NAME(S) & TITLE(S) (Type) | 1. | 2. | | |

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Previous edition is usable

STANDARD FORM 25A (REV. 10-98)
Prescribed by GSA-FAR (48 CFR) 53.2228(e)

CORPORATE SURETY(IES) (Continued)

| SURETY B | NAME & ADDRESS | STATE OF INC. | LIABILITY LIMIT | Corporate Seal | |
|----------|--------------------------------------|---------------|-----------------|----------------|----|
| | SIGNATURE(S) | 1. | 2. | | \$ |
| | NAME(S) & TITLE(S) <i>(Typed)</i> | 1. | 2. | | |
| SURETY C | NAME & ADDRESS | STATE OF INC. | LIABILITY LIMIT | Corporate Seal | |
| | SIGNATURE(S) | 1. | 2. | | \$ |
| | NAME(S) & TITLE(S) <i>(Typed)</i> | 1. | 2. | | |
| SURETY D | NAME & ADDRESS | STATE OF INC. | LIABILITY LIMIT | Corporate Seal | |
| | SIGNATURE(S) | 1. | 2. | | \$ |
| | NAME(S) & TITLE(S) <i>(Typed)</i> | 1. | 2. | | |
| SURETY E | NAME & ADDRESS | STATE OF INC. | LIABILITY LIMIT | Corporate Seal | |
| | SIGNATURE(S) | 1. | 2. | | \$ |
| | NAME(S) & TITLE(S) <i>(Typed)</i> | 1. | 2. | | |
| SURETY F | NAME & ADDRESS | STATE OF INC. | LIABILITY LIMIT | Corporate Seal | |
| | SIGNATURE(S) | 1. | 2. | | \$ |
| | NAME(S) & TITLE(S) <i>(Typed)</i> | 1. | 2. | | |
| SURETY G | NAME & ADDRESS | STATE OF INC. | LIABILITY LIMIT | Corporate Seal | |
| | SIGNATURE(S) | 1. | 2. | | \$ |
| | NAME(S) & TITLE(S) <i>(Typed)</i> | 1. | 2. | | |

INSTRUCTIONS

1. This form, for the protection of persons supplying labor and material, is used when a payment bond is required under the Act of August 24, 1935, 49 Stat. 793 (40 U.S.C. 270a-270e). Any deviation from this form will require the written approval of the Administrator of General Services.

2. Insert the full legal name and business address of the Principal in the space designated "Principal" on the face of the form. An authorized person shall sign the bond. Any person signing in a representative capacity (e.g., an attorney-in-fact) must furnish evidence of authority if that representative is not a member of the firm, partnership, or joint venture, or an officer of the corporation involved.

3. (a) Corporations executing the bond as sureties must appear on the Department of the Treasury's list of approved sureties and must act within the limitation listed therein. Where more than one corporate surety is involved, their names and addresses shall appear in the spaces (Surety A, Surety B, etc.) headed "CORPORATE SURETY(IES)." in the space

designated "SURETY(IES)" on the face of the form, insert only the letter identification of the sureties.

(b) Where individual sureties are involved, a completed Affidavit of Individual Surety (Standard Form 28) for each individual surety, shall accompany the bond. The Government may require the surety to furnish additional substantiating information concerning their financial capability.

4. Corporations executing the bond shall affix their corporate seals. Individuals shall execute the bond opposite the word "Corporate Seal", and shall affix an adhesive seal if executed in Maine, New Hampshire, or any other jurisdiction requiring adhesive seals.

5. Type the name and title of each person signing this bond in the space provided.

| | | | | |
|---|------------------------------------|--|--------------------------------|------------------------|
| AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT | | | 1. CONTRACT ID CODE J | PAGE OF PAGES 1 3 |
| 2. AMENDMENT/MODIFICATION NO. | 3. EFFECTIVE DATE SEE BLOCK 16C | 4. REQUISITION/PURCHASE REQ. NO. | 5. PROJECT NO. (If Applicable) | |
| 8. ISSUED BY Albuquerque District 4101 Jefferson Plaza, NE Albuquerque, NM 87109 | CODE | 7. ADMINISTERED BY (If other than item 8) Albuquerque District 4101 Jefferson Plaza, NE Albuquerque, NM 87109 | CODE | |

| | |
|---|---|
| 9. NAME AND ADDRESS OF CONTRACTOR (No., Street, County, State and Zip Code) Kiewit New Mexico Co. 2415 Princeton Dr. NE Suite #E Albuquerque NM 87107 USA | 9A. AMENDMENT OF SOLICITATION NO. |
| | 9B. DATED (SEE ITEM 11) |
| | 10A. MODIFICATION OF CONTRACT/ORDER X W912BV-07-D-2026 DMO3 10B. DATED (SEE ITEM 13) 27 Jun 2008 |
| CODE | FACILITY CODE |

11. THIS ITEM APPLIES ONLY 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 solicitations and amendment numbers. FAILURE OF YOUR ACKNOWLEDGEMENT 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

Contract Amount Unchanged

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

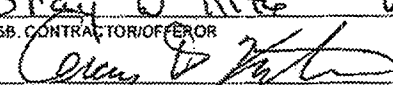
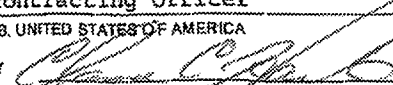
| | |
|---|---|
| A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify Authority) TRACT ORDER NO. IN ITEM 10A. | THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CON- |
| B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (Such as changes in paying office, appropriation data, 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: X 52.0243-0004- CHANGES | |
| D. OTHER (Specify type of modification and authority) | |

E. IMPORTANT: Contractor is not, is required to sign this document and return original and 1 copies to the issuing office.

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

Contract for PF225 K-3 at .
Reference No. P00001
C-001 Provide Welding in lieu of Bolting
See Page 2.

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) Gray D Kite Vice President | 16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) Clarence C. Hairston Contracting Officer |
| 15B. CONTRACTOR/OFFEROR  (Signature of person authorized to sign) | 15C. DATE SIGNED 8/27/07 |
| 15B. UNITED STATES OF AMERICA BY  (Signature of Contracting Officer) | 16C. DATE SIGNED 2008 Aug 28 |

| | | | |
|---------------------------------|-----------------------|------------------------------|------------------------|
| MODIFICATION OF CONTRACT | | DATE SIGNED See Block 16C | PAGE OF PAGES 2 3 |
| Contract No: | W912BV-07-D-2026 DM03 | Reference No. PO0001 | |
| Modification No: | | | |
| Contractor: | Kiewit New Mexico Co. | | |
| Contract Title: | PF225 K-3 | | |
| Location: | | | |

14. DESCRIPTION OF MODIFICATION (Continued)

A. SCOPE OF WORK

C-001 Provide Welding in lieu of Bolting

Furnish all necessary plant, material, labor, equipment, transportation, and supervision to (1) Provide wire mesh welded attachments in lieu of nuts and bolts, (2) Install the braces at an angle or preferably vertically on the fence panel or use additional supports in other areas to negate the need for these supports, and (3) Remove the spacer between the two layers of mesh and install each layer directly on top of the other, in accordance with the Contractor's shop drawings sheet 1 thru 4 of 4, dated 18 August 2008. Delete the following from original contract drawings by reason of this modification:

Sheet No. Deleted Drawing Sheet or Details

Sheet D-1.1. Delete in its entirety.

Sheet D-1.2. Delete in its entirety.

Sheet D-1.3. Delete Detail 1, Mesh Splice and Detail 3, Typical Post Bracket.

Sheet D-1.4. Delete Detail 6, Post Bracket Detail.

B. CHANGE IN CONTRACT DRAWINGS

It is understood and agreed that the contract drawings affected by this Modification will be updated to reflect as-built conditions necessitated by this change, and that cost for such updates are included within this Modification amount.

C. CHANGE IN CONTRACT PRICE

Total contract price is unchanged.

New CLINE

| CLIN No. | DESCRIPTION | QUANTITY | UNIT PRICE | CHANGE AMOUNT |
|----------|------------------------------------|----------|------------|---------------|
| 0006 | Provide Welding in lieu of Bolting | 1.00LS | \$0.00 | \$0.00 |

Total Change Amount

D. CHANGE IN CONTRACT TIME

The contract completion date shall be extended by 33 calendar days by reason of this modification.

E. CHANGE IN CONTRACT SCHEDULE

The revised contract required completion date is 15 December 2008.

F. CLOSING STATEMENT

It is understood and agreed that pursuant to the above, the contract time is extended the number of calendar days stated, and the contract price is unchanged by this Modification, which reflects all credits due the Government and all debits due the Contractor. It is further understood and agreed that this adjustment constitutes compensation in full on behalf of the Contractor and its Subcontractors and Suppliers for all costs and markups directly or

MODIFICATION OF CONTRACT

DATE SIGNED

PAGE OF PAGES

See Block 16C

3

3

Contract No: W912BV-07-D-2026 DM03

Reference No. P00001

Modification No:

Contractor: Kiewit New Mexico Co.

Contract Title: PF225 K-3

Location:

indirectly attributable for the change ordered, for all delays related thereto, for all extended overhead costs, and for performance of the change within the time frame stated.



DEPARTMENT OF THE ARMY
ALBUQUERQUE DISTRICT, CORPS OF ENGINEERS
4101 Jefferson Plaza, NE
Albuquerque, New Mexico 87109-3435
Fax (505) 342-3496

September 15, 2008

Serial Letter No. 01

Contracting Division

Mr. Gary Kite
Kiewit New Mexico Co.
2415 Princeton Drive, NE Suite E.
Albuquerque, NM 87107

Dear Mr. Kite,

You are hereby notified that your offer submitted in response to Solicitation No. ELPUR-08-R-0002 is accepted in the amount of \$6,454,000.00 for the Base Bid only. Enclosed are two copies of Task Order DM06 to MATOC Contract No. W912BV-07-D-2026, Department of Homeland Security Customs and Border Protection Program, Construction of Approximately 1.33 Miles of Primary Fence along the Rio Grande Levee in the Vicinity of El Paso, Texas (K-1C).

Please sign and date Block 16 of the copy that has been marked for return to the Contracting Division, C/O Monique Chisholm, Contract Specialist. An additional copy of the task order has been marked for your retention.

Notice to proceed for this task order will be given upon receipt of properly prepared performance and payment bonds. Performance and Payment Bond forms are enclosed.

If you have any questions, please call Monique Chisholm at 505-342-3447.

Sincerely,

Leslie M. Molina
Contracting Officer

Enclosures

ORDER FOR SUPPLIES OR SERVICES

PAGE 1 OF 4

| | | | | | | | | | |
|--|--|--|-----------|--|--|---|---|---|---------------------------------|
| 1. CONTRACT/PURCH ORDER/ AGREEMENT NO. W912BV-07-D-2026 | | 2. DELIVERY ORDER/ CALL NO. DM06 | | 3. DATE OF ORDER/ CALL (YYYYMMDD) 2008 Sep 15 | | 4. REQ /PURCH REQUEST NO. WRIG00220006 | | 5. PRIORITY | |
| 6. ISSUED BY US ARMY ENGINEER DISTRICT, ALBUQUERQUE ATTN: CONTRACTING DIVISION 4101 JEFFERSON PLAZA NE ALBUQUERQUE NM 87109-3435 | | | | 7. ADMINISTERED BY (if other than 6) SOUTHERN AREA OFFICE 1842 TULAROSA RD. BLDG 841, RM 157 PO DRA HOLLOMAN AFB NM 88330-0401 | | CODE L4L8M80 | | 8. DELIVERY FOB <input checked="" type="checkbox"/> DESTINATION <input type="checkbox"/> OTHER (See Schedule if other) | |
| 9. CONTRACTOR NAME: KIEWIT NEW MEXICO CO. GRAY D. KITE AND KIEWIT PLAZA ADDRESS: OMAHA NE 68131-3302 | | CODE: 49KW7 | | FACILITY REVIEWED FOR LEGAL SUFFICIENCY OFFICE OF COUNSEL BY: <i>W. S. Sumrell</i> DATE: <i>15 Sep 08</i> | | 10. DELIVER TO FOB POINT BY (Date) (YYYYMMDD) SEE SCHEDULE | | 11. MARK IF BUSINESS IS <input type="checkbox"/> SMALL <input type="checkbox"/> SMALL DISADVANTAGED <input type="checkbox"/> WOMEN-OWNED | |
| 12. DISCOUNT TERMS Net 14 Days | | 13. MAIL INVOICES TO THE ADDRESS IN BLOCK Org to Bloc 7 + 1 to Bloc 15 | | | | | | | |
| 14. SHIP TO SEE SCHEDULE | | CODE: | | 15. PAYMENT WILL BE MADE BY DEPARTMENT OF THE ARMY US ARMY CORPS OF ENGRS FINANCE CENTER 5722 INTEGRITY DRIVE MILLINGTON TN 38064-5005 | | CODE: 964145 | | MARK ALL PACKAGES AND PAPERS WITH IDENTIFICATION NUMBERS IN BLOCKS 1 AND 2. | |
| 16. DELIVERY CALL <input checked="" type="checkbox"/> This delivery order/call is issued on another Government agency or in accordance with and subject to terms and conditions of above numbered contract. PURCHASE <input type="checkbox"/> Reference our quote dated _____ Furnish the following on terms specified herein. REF: EUPUR08R0007 | | | | | | | | | |
| ACCEPTANCE. THE CONTRACTOR HEREBY ACCEPTS THE OFFER REPRESENTED BY THE NUMBERED PURCHASE ORDER AS IT MAY PREVIOUSLY HAVE BEEN OR IS NOW MODIFIED, SUBJECT TO ALL OF THE TERMS AND CONDITIONS SET FORTH, AND AGREES TO PERFORM THE SAME. | | | | | | | | | |
| NAME OF CONTRACTOR | | | SIGNATURE | | | TYPED NAME AND TITLE | | | DATE SIGNED (YYYYMMDD) |
| <input checked="" type="checkbox"/> If this box is marked, supplier must sign Acceptance and return the following number of copies: 1 | | | | | | | | | |
| 17. ACCOUNTING AND APPROPRIATION DATA/LOCAL USE See Schedule | | | | | | | | | |
| 18. ITEM NO. | | 19. SCHEDULE OF SUPPLIES/ SERVICES | | | 20. QUANTITY ORDERED/ ACCEPTED* | | 21. UNIT | 22. UNIT PRICE | 23. AMOUNT |
| SEE SCHEDULE | | | | | | | | | |
| * If quantity accepted by the Government is same as quantity ordered, indicate by X. If different, enter actual quantity accepted below quantity ordered and asterisk. | | | | 24. UNITED STATES OF AMERICA TRL: ORIGIN: BY: | | <i>Leslie M. Molina</i> CONTRACTING / ORDERING OFFICER | | 25. TOTAL | \$6,454,000.00 |
| 27a. QUANTITY IN COLUMN 20 HAS BEEN | | <input type="checkbox"/> INSPECTED <input type="checkbox"/> RECEIVED <input type="checkbox"/> ACCEPTED, AND CONFORMS TO THE CONTRACT EXCEPT AS NOTED | | | | | | | |
| b. SIGNATURE OF AUTHORIZED GOVERNMENT REPRESENTATIVE | | | | | c. DATE (YYYYMMDD) | | d. PRINTED NAME AND TITLE OF AUTHORIZED GOVERNMENT REPRESENTATIVE | | |
| e. MAILING ADDRESS OF AUTHORIZED GOVERNMENT REPRESENTATIVE | | | | | 28. SHIP NO. | | 29. DO VOUCHER NO. | | 30. INITIALS |
| f. TELEPHONE NUMBER | | g. E-MAIL ADDRESS | | | <input type="checkbox"/> PARTIAL <input type="checkbox"/> FINAL | | 32. PAID BY | | 33. AMOUNT VERIFIED CORRECT FOR |
| 36. I certify this account is correct and proper for payment. | | | | | 31. PAYMENT <input type="checkbox"/> COMPLETE <input type="checkbox"/> PARTIAL <input type="checkbox"/> FINAL | | 34. CHECK NUMBER | | |
| a. DATE (YYYYMMDD) | | b. SIGNATURE AND TITLE OF CERTIFYING OFFICER | | | | | 35. BILL OF LADING NO. | | |
| 37. RECEIVED AT | | 38. RECEIVED BY | | 39. DATE RECEIVED (YYYYMMDD) | | 40. TOTAL CONTAINERS | | 41. SR ACCOUNT NO. | |
| | | | | | | | | 42. SR VOUCHER NO. | |

Section B - Supplies or Services and Prices

| ITEM NO | SUPPLIES/SERVICES | QUANTITY | UNIT | UNIT PRICE | AMOUNT |
|---------|----------------------------------|----------|----------|------------|-------------|
| 0002 | Border Barrier Fence K-1C FFP | 10,000 | Lump Sum | \$1.00 | \$10,000.00 |

Construction of Approximately 1.33 Miles of Primary Border Barrier Fence along the Rio Grand Levee in the Vicinity of El Paso, Texas (K-1C).

The Contractor shall furnish all plant, labor, equipment, and supervision necessary to perform the construction of approximately 1.33 miles of Primary Border Barrier Fence along the Rio Grande Levee in the vicinity of El Paso, Texas, in strict accordance with plans and specifications issued on 03 July 2008. Contract line items 0001 through 0004 which includes the base bid only, along with amendments 0001 through 0007, dated July 09, 15, 21, 24, 28, August 01, and 06, respectively, of the contractor's price proposal dated 08 August 2008, is accepted in the amount of \$6,454,000.00.

Wage Decision TX080031, 02/08/2008 is applicable to this Task Order DM06.

Period of Performance: All work under this Task Order shall be completed and ready for use after receipt of Notice to Proceed (NTP) not later than 12/01/2008.

Notice to Proceed shall be issued after receipt of properly prepared Performance and Payment Bonds. Bonds shall be submitted to the Contracting Office within 10 days of this award.

NOTE:

- In the event modifications are issued on this Task Order, you are responsible for increasing bonding capacity and providing verification of increase to the Contract Administration Office.
- In accordance with FAR 52.222-23 NOTICE OF REQUIREMENT FOR AFFIRMATIVE ACTION TO ENSURE EQUAL EMPLOYMENT OPPORTUNITY FOR CONSTRUCTION (FEB 1999) - The covered area for this Task Order is Santa Teresa, New Mexico, Dona Ana County, New Mexico. Goals for minority participation for each trade are 57.8.0%.

FOB: Destination
 MILSTRIP: W81G6982590898
 PURCHASE REQUEST NUMBER: W81G6982590898

NET AMT \$10,000.00

ACRN AB \$10,000.00
 CIN: W81G69825908980002

| ITEM NO | SUPPLIES/SERVICES | QUANTITY | UNIT | UNIT PRICE | AMOUNT |
|---------|----------------------------------|-----------|----------|------------|----------------|
| 0001 | Border Barrier Fence K-1C FFP | 6,444,000 | Lump Sum | \$1.00 | \$6,444,000.00 |

Construction of Approximately 1.33 Miles of Primary Border Barrier Fence along the Rio Grand Levee in the Vicinity of El Paso, Texas (K-1C).

The Contractor shall furnish all plant, labor, equipment, and supervision necessary to perform the construction of approximately 1.33 miles of Primary Border Barrier Fence along the Rio Grande Levee in the vicinity of El Paso, Texas, in strict accordance with plans and specifications issued on 03 July 2008. Contract line items 0001 through 0004 which includes the base bid only, along with amendments 0001 through 0007, dated July 09, 15, 21, 24, 28, August 01, and 06, respectively, of the contractor's price proposal dated 08 August 2008, is accepted in the amount of \$6,454,000.00.

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NOTE:

1. In the event modifications are issued on this Task Order, you are responsible for increasing bonding capacity and providing verification of increase to the Contract Administration Office.

2. In accordance with FAR 52.222-23 NOTICE OF REQUIREMENT FOR AFFIRMATIVE ACTION TO ENSURE EQUAL EMPLOYMENT OPPORTUNITY FOR CONSTRUCTION (FEB 1999) - The covered area for this Task Order is Santa Teresa, New Mexico, Dona Ana County, New Mexico. Goals for minority participation for each trade are 57.8.0%.

FOB: Destination
 MILSTRIP: W81G6982590898
 PURCHASE REQUEST NUMBER: W81G6982590898

| | |
|------------------------------------|----------------|
| NET AMT | \$6,444,000.00 |
| ACRN AA CIN: W81G69825908980001 | \$6,444,000.00 |

Section G - Contract Administration Data

ACCOUNTING AND APPROPRIATION DATA

AA: 96X31220000 082454 3230D042J4099993 NA 96291
AMOUNT: \$6,444,000.00
CIN W81G69825908980001: \$6,444,000.00

AB: 96X31220000 082454 32302LFC84099993 NA 96291
AMOUNT: \$10,000.00
CIN W81G69825908980002: \$10,000.00

SECTION 00010

PRICE SCHEDULE

**DEPARTMENT OF HOMELAND SECURITY
 PRIMARY BORDER BARRIER FENCE**

Project Map ID#: K-1B, K-1C
 SBI Project #: 2015-1B, 2015-1C

EL PASO
 EL PASO COUNTY, TEXAS

Solicitation No. ELPUR-08-R-0002

Base Bid Project K-1C

| Item | Description | Estimated Quantity | Unit | Unit Price | Estimated Amount |
|-------|---|--------------------|-------|--------------|--|
| 0001 | Design of Approximately 1.33-Miles of Primary Border Barrier Fence Including All Components Necessary to Complete the Construction Outlined in this Request for Proposal | 1 | L.S. | *** | <u>\$ 150,000</u> |
| 0002 | Installation of Approximately 1.33 Miles of Primary Border Barrier Fence and All Components Necessary to Complete the Construction as Outlined in this Request for Proposal, Including Clearing, Grubbing, Labor and Equipment. | 1.33 | Miles | \$ 3,800,000 | <u>\$ 5,054,000</u> |
| 0002a | Construction Oversight costs associated with the Resident Engineer's Office and all equipment within that office as described within this RFP | 1 | L.S. | *** | \$ 1,900,000 1,200,000 GK |
| 0002b | Tribal Monitors as described within this RFP | | L.S. | *** | <u>\$ 0</u> |
| 0002c | All Other Work Not Separately Listed | 1 | L.S. | *** | <u>\$ 0</u> |
| 0002d | Bond Premium | 1 | L.S. | *** | <u>\$ 30,000</u> |
| 0003 | Final As-Built Drawings | 1 | L.S. | *** | <u>\$ 10,000</u> |
| 0004 | Operation and Maintenance Manuals | 1 | L.S. | *** | <u>\$ 10,000</u> |

TOTAL \$ ~~7,542,000~~

6,434,000 GK

L.S. = Lump Sum

(6) NOTES:

1. EXERCISE OF BASE BID. The Government reserves the right to exercise the base bid by written notice to the Contractor for up to 30 calendar days after receipt of offers without an increase in the Offeror's bid price.

(6)

ORDER FOR SUPPLIES OR SERVICES

| | | | | |
|--|--|--|--|-------------|
| 1. CONTRACT/PURCH. ORDER/ AGREEMENT NO. W012BV-07-D-2028 | 2. DELIVERY ORDER/ CALL NO. OM01 | 3. DATE OF ORDER/ CALL (TTTTMMDD) 2008 Jul 02 | 4. DBO/ PURCH. REQUEST NO. W012BV0100044 | 5. PRIORITY |
|--|--|--|--|-------------|

| | | | |
|--|-----------------------|--|------------------------|
| 6. ISSUED BY US ARMY ENGINEER DISTRICT, ALBUQUERQUE ATTN: CONTRACTING DIVISION 4101 JEFFERSON PLAZA NE ALBUQUERQUE NM 87106-8428 | CODE W912PP | 7. ADMINISTERED BY (if other than #) SOUTHERN AREA OFFICE 1942 TULAROSA RD. BLDG B-41, RM 187 PO DRA HOLLOWAY AFB NM 86380-0401 | CODE L4L6M3D |
|--|-----------------------|--|------------------------|

8. DELIVERY FOR
 DESTINATION
 OTHER
 (See Schedule if other)

| | | | | |
|--|----------------------|----------|---|---|
| 9. CONTRACTOR KIEWIT NEW MEXICO CO. NAME GRAY D. KITE AND KIEWIT PLAZA ADDRESS OMAHA NE 68181-3302 | CODE ABRW7 | FACILITY | 10. DELIVER TO FOB POINT BY (Date) (TTTTMMDD) SEE SCHEDULE | 11. MARK IF BUSINESS IS <input type="checkbox"/> SMALL <input type="checkbox"/> SMALL DISADVANTAGED <input type="checkbox"/> WOMEN-OWNED |
|--|----------------------|----------|---|---|

13. MAIL INVOICES TO THE ADDRESS IN BLOCK
Orig to Bloc 7 * 1 to Bloc 15

| | | | | |
|------------------------------------|------|--|-----------------------|---|
| 14. SHIP TO SEE SCHEDULE | CODE | 15. PAYMENT WILL BE MADE BY DEPARTMENT OF THE ARMY US ARMY CORPS OF ENGRS FINANCE CENTER 5722 INTEGRITY DRIVE MILLINGTON TN 36884-6005 | CODE 984145 | MARK ALL PACKAGES AND PAPERS WITH IDENTIFICATION NUMBERS IN BLOCKS 1 AND 2. |
|------------------------------------|------|--|-----------------------|---|

| | | | |
|-------------------|----------------|-------------------------------------|--|
| 16. TYPE OF ORDER | DELIVERY/ CALL | <input checked="" type="checkbox"/> | This delivery order shall be issued on another Government agency or in accordance with and subject to terms and conditions of above numbered contract. Reference your quote dated _____ Furnish the following on terms specified herein, REF: DLPUR-08R-0003 |
|-------------------|----------------|-------------------------------------|--|

ACCEPTANCE. THE CONTRACTOR HEREBY ACCEPTS THE OFFER REPRESENTED BY THE NUMBERED PURCHASE ORDER AS IT MAY PREVIOUSLY HAVE BEEN OR IS NOW MODIFIED, SUBJECT TO ALL OF THE TERMS AND CONDITIONS SET FORTH, AND AGREES TO PERFORM THE SAME.

| | | | |
|--------------------|-----------|----------------------|---------------------------|
| NAME OF CONTRACTOR | SIGNATURE | TYPED NAME AND TITLE | DATE SIGNED (TTTTMMDD) |
|--------------------|-----------|----------------------|---------------------------|

If this box is marked, supplier must sign Acceptance and return the following number of copies:

17. ACCOUNTING AND APPROPRIATION DATA/LOCAL USE
See Schedule

| 18. ITEM NO. | 19. SCHEDULE OF SUPPLIES/ SERVICES | 20. QUANTITY ORDERED/ ACCEPTED* | 21. UNIT | 22. UNIT PRICE | 23. AMOUNT |
|---------------------|------------------------------------|---------------------------------|----------|----------------|------------|
| SEE SCHEDULE | | | | | |

| | | | |
|--|--|------------------------------------|-----------------|
| * If quantity accepted by the Government is some as quantity ordered, indicate by X. If different, enter actual quantity accepted below quantity ordered and accept. | 24. UNITED STATES OF AMERICA TRN: 305-342-0452 MAIL: CLARENCE O. BELMONT Bldg, Army, Bldg 871 CLARENCE O BELMONT CONTRACTING / OPERATOR OFFICER | 25. TOTAL 837,996,753.00 | 26. DIFFERENCES |
|--|--|------------------------------------|-----------------|

27. QUANTITY IN COLUMN 20 HAS BEEN
 INSPECTED RECEIVED ACCEPTED, AND CONFORMS TO THE CONTRACT EXCEPT AS NOTED

| | | |
|---|-----------------------|---|
| 28. SIGNATURE OF AUTHORIZED GOVERNMENT REPRESENTATIVE | c. DATE (TTTTMMDD) | d. PRINTED NAME AND TITLE OF AUTHORIZED GOVERNMENT REPRESENTATIVE |
|---|-----------------------|---|

| | | | |
|--|--------------|--------------------|--------------|
| e. MAILING ADDRESS OF AUTHORIZED GOVERNMENT REPRESENTATIVE | 29. SHIP NO. | 29. DO VOUCHER NO. | 30. INITIALS |
|--|--------------|--------------------|--------------|

| | | | | |
|---------------------|-------------------|--|-------------|---------------------------------|
| f. TELEPHONE NUMBER | g. E-MAIL ADDRESS | <input type="checkbox"/> PARTIAL <input type="checkbox"/> FINAL | 32. PAID BY | 31. AMOUNT VERIFIED CORRECT FOR |
|---------------------|-------------------|--|-------------|---------------------------------|

35. I certify this account is correct and proper for payment.

| | |
|-----------------------|--|
| a. DATE (TTTTMMDD) | b. SIGNATURE AND TITLE OF CERTIFYING OFFICER |
|-----------------------|--|

31. PAYMENT
 COMPLETE
 PARTIAL
 FINAL

| | | | | | |
|-----------------|-----------------|---------------------------------|----------------------|--------------------|--------------------|
| 37. RECEIVED AT | 38. RECEIVED BY | 39. DATE RECEIVED (TTTTMMDD) | 40. TOTAL CONTAINERS | 41. SR ACCOUNT NO. | 42. SR VOUCHER NO. |
|-----------------|-----------------|---------------------------------|----------------------|--------------------|--------------------|

Section B - Supplies or Services and Prices

| ITEM NO | SUPPLIES/SERVICES | QUANTITY | UNIT | UNIT PRICE | AMOUNT |
|---------|--|------------|----------|------------|-----------------|
| 0001 | EL Paso Sector MATOC, K-2A FFP Construction of Primary Border Barrier Fence along the Rio Grande Levee in the vicinity of El Paso, Texas (K-2A). | 37,956,753 | Lump Sum | \$1.00 | \$37,956,753.00 |

The Contractor shall furnish all plant, labor, equipment, and supervision necessary to perform the construction of the Primary Border Barrier Fence in the vicinity of El Paso, Texas, in strict accordance with plans and specifications issued on 19 May 2008. Contract line items 0001 through 0004 which includes base bid, amendments 0001 through 0008, dated May 21, 28, 30, June 02, 06, 10, 11, 12, respectively, of the contractor's price proposal dated 13 June 2008, is accepted in the amount of \$37,956,753.00.

Wage Decision TX080031, 02/08/2008 is applicable to this Task Order DM01.

Period of Performance: All work under this Task Order shall be completed within 140 calendar days after receipt of Notice to Proceed (NTP).

Notice to Proceed shall be issued after receipt of properly prepared Performance and Payment Bonds. Bonds shall be submitted to the Contracting Office within 10 days of this award.

NOTE:

1. In the event modifications are issued on this Task Order, you are responsible for increasing bonding capacity and providing verification of increase to the Contract Administration Office.

2. In accordance with FAR 52.222-24 NOTICE OF REQUIREMENT FOR AFFIRMATIVE ACTION TO ENSURE EQUAL EMPLOYMENT OPPORTUNITY FOR CONSTRUCTION (FEB 1999) - The covered area for this Task Order is El Paso, Texas. Goals for minority participation for each trade are 57.8%.

FOB: Destination

MILSTRIP: W81G6981836444

PURCHASE REQUEST NUMBER: W81G6981836444

NET AMT \$37,956,753.00

ACRN AA \$23,843,552.00
 CIN: W81G69818364440001

| ITEM NO | SUPPLIES/SERVICES | QUANTITY | UNIT | UNIT PRICE | AMOUNT |
|---------|--|----------|----------|------------|--------|
| 000101 | Additional Funding FFP FOB: Destination MILSTRIP: W81G6981836444 PURCHASE REQUEST NUMBER: W81G6981836444 | | Lump Sum | \$1.00 | \$0.00 |

NET AMT \$0.00

ACRN AA \$13,000,000.00
CIN: W81G69818364440002

| ITEM NO | SUPPLIES/SERVICES | QUANTITY | UNIT | UNIT PRICE | AMOUNT |
|---------|--|----------|----------|------------|--------|
| 000102 | Additional Funding FFP FOB: Destination MILSTRIP: W81G6981836444 PURCHASE REQUEST NUMBER: W81G6981836444 | | Lump Sum | \$1.00 | \$0.00 |

NET AMT \$0.00

ACRN AA \$986,441.00
CIN: W81G69818364440003

| ITEM NO | SUPPLIES/SERVICES | QUANTITY | UNIT | UNIT PRICE | AMOUNT |
|---------|--|----------|----------|------------|--------|
| 000103 | Additional Funding FFP FOB: Destination MILSTRIP: W81G6981836444 PURCHASE REQUEST NUMBER: W81G6981836444 | | Lump Sum | \$1.00 | \$0.00 |

NET AMT \$0.00

ACRN AB
CIN: W81G69818364440004 \$13,800.00

| ITEM NO | SUPPLIES/SERVICES | QUANTITY | UNIT | UNIT PRICE | AMOUNT |
|---------|--|----------|----------|------------|--------|
| 000104 | Additional Funding FFP FOB: Destination MILSTRIP: W81G6981836444 PURCHASE REQUEST NUMBER: W81G6981836444 | | Lump Sum | \$1.00 | \$0.00 |

NET AMT \$0.00

ACRN AA
CIN: W81G69818364440005 \$112,960.00

Section G - Contract Administration Data

ACCOUNTING AND APPROPRIATION DATA

AA: 96X31220000 082454 32309D101G099993 NA 96291
AMOUNT: \$37,942,953.00
CIN W81G69818364440001: \$23,343,552.00
CIN W81G69818364440002: \$13,000,000.00
CIN W81G69818364440003: \$986,441.00
CIN W81G69818364440005: \$112,960.00

AB: 96X31220000 082454 32302LFC84099993 NA 96291
AMOUNT: \$13,800.00
CIN W81G69818364440004: \$13,800.00

ORDER FOR SUPPLIES OR SERVICES

| | | | | | | | | | | |
|--|------------------------------------|--|-----------|--|--|---|---|---|------------------------|-----------|
| 1. CONTRACT/PURCH. ORDER/ AGREEMENT NO. W912BV-07-D-2028 | | 2. DELIVERY ORDER/ CALL NO. DM02 | | 3. DATE OF ORDER/ CALL (YYYYMMDD) 2008 Jul 08 | | 4. REQ/ PURCH REQUEST NO WB106981006778 | | 5. PRIORITY | | |
| 6. ISSUED BY US ARMY ENGINEER DISTRICT, ALBUQUERQUE ATTN: CONTRACTING DIVISION 4101 JEFFERSON PLAZA NE ALBUQUERQUE NM 87109-3435 | | | | 7. ADMINISTERED BY (if other than 6) SOUTHERN AREA OFFICE 1342 TULAROSA RD. BLDG 841, RM 157 PO DRA HOLLOMAN AFB NM 88330-0401 | | 8. DELIVERY FOB <input checked="" type="checkbox"/> DESTINATION <input type="checkbox"/> OTHER (See Schedule if other) | | | | |
| 9. CONTRACTOR NAME: KIEWIT NEW MEXICO CO. AND: GRAY D. KITE ADDRESS: 2415 PRINCETON DRIVE NE, SUITE E ALBUQUERQUE NM 87107 | | | | 10. DELIVER TO FOB POINT BY (Date) (YYYYMMDD) SEE SCHEDULE | | 11. MARK IF BUSINESS IS <input type="checkbox"/> SMALL <input type="checkbox"/> SMALL DISADVANTAGED <input type="checkbox"/> WOMEN-OWNED | | 13. MAIL INVOICES TO THE ADDRESS IN BLOCK Orig to Bloc 7 + 1 Bloc 15 | | |
| 14. SHIP TO SEE SCHEDULE | | | | 15. PAYMENT WILL BE MADE BY DEPARTMENT OF THE ARMY US ARMY CORPS OF ENGRS FINANCE CENTER 5722 INTEGRITY DRIVE MILLINGTON TN 38054-3005 | | 12. DISCOUNT TERMS Net 14 days | | MARK ALL PACKAGES AND PAPERS WITH IDENTIFICATION NUMBERS IN BLOCKS 1 AND 2. | | |
| 16. DELIVERY/ CALL <input checked="" type="checkbox"/> PURCHASE <input type="checkbox"/> This delivery order/call is issued on another Government agency or in accordance with and subject to terms and conditions of above numbered contract. Reference your quote dated _____ Furnish the following on terms specified herein. REF: ELPUR09R3005 | | | | | | | | | | |
| ACCEPTANCE. THE CONTRACTOR HEREBY ACCEPTS THE OFFER REPRESENTED BY THE NUMBERED PURCHASE ORDER AS IT MAY PREVIOUSLY HAVE BEEN OR IS NOW MODIFIED, SUBJECT TO ALL OF THE TERMS AND CONDITIONS SET FORTH, AND AGREES TO PERFORM THE SAME. | | | | | | | | | | |
| NAME OF CONTRACTOR | | | SIGNATURE | | | TYPED NAME AND TITLE | | | DATE SIGNED (YYYYMMDD) | |
| <input checked="" type="checkbox"/> If this box is marked, supplier must sign Acceptance and return the following number of copies: 1 | | | | | | | | | | |
| 17. ACCOUNTING AND APPROPRIATION DATA/ LOCAL USE See Schedule | | | | | | | | | | |
| 18. ITEM NO. | 19. SCHEDULE OF SUPPLIES/ SERVICES | | | | 20. QUANTITY ORDERED/ ACCEPTED* | 21. UNIT | 22. UNIT PRICE | 23. AMOUNT | | |
| | SEE SCHEDULE | | | | | | | | | |
| * If quantity accepted by the Government is not the quantity ordered, indicate by X. If different, enter actual quantity accepted below quantity ordered and enclose. | | | | 24. UNITED STATES OF AMERICA TEL: 505-342-3356 EMAIL: Karen.K.Irving@usace.army.mil BY: KAREN K. IRVING | | <i>Karen K. Irving</i> CONTRACTING / ORDERING OFFICER | | 25. TOTAL | 26. DIFFERENCES | 27. TOTAL |
| 27a. QUANTITY IN COLUMN 20 HAS BEEN <input type="checkbox"/> INSPECTED <input type="checkbox"/> RECEIVED <input type="checkbox"/> ACCEPTED, AND CONFORMS TO THE CONTRACT EXCEPT AS NOTED | | | | | | | | | | |
| b. SIGNATURE OF AUTHORIZED GOVERNMENT REPRESENTATIVE | | | | | c. DATE (YYYYMMDD) | | d. PRINTED NAME AND TITLE OF AUTHORIZED GOVERNMENT REPRESENTATIVE | | | |
| e. MAILING ADDRESS OF AUTHORIZED GOVERNMENT REPRESENTATIVE | | | | | 28. SHIP NO. | 29. DO VOUCHER NO | 30. INITIALS | | | |
| f. TELEPHONE NUMBER | | g. E-MAIL ADDRESS | | | <input type="checkbox"/> PARTIAL <input type="checkbox"/> FINAL | 32. PAID BY | 33. AMOUNT VERIFIED CORRECT FOR | | | |
| 36. I certify this account is correct and proper for payment. | | | | | 31. PAYMENT <input type="checkbox"/> COMPLETE <input type="checkbox"/> PARTIAL <input type="checkbox"/> FINAL | | 34. CHECK NUMBER | | | |
| a. DATE (YYYYMMDD) | | b. SIGNATURE AND TITLE OF CERTIFYING OFFICER | | | | | 35. BILL OF LADING NO. | | | |
| 37. RECEIVED AT | | 38. RECEIVED BY | | 39. DATE RECEIVED (YYYYMMDD) | 40. TOTAL CONTAINERS | 41. SR ACCOUNT NO | 42. SR VOUCHER NO | | | |

Section B - Supplies or Services and Prices

| ITEM NO | SUPPLIES/SERVICES | QUANTITY | UNIT | UNIT PRICE | AMOUNT |
|---------|-----------------------------|-----------|----------|------------|----------------|
| 0001 | EL Paso Sector MATOC FFP | 5,787,029 | Lump Sum | \$1.00 | \$5,787,029.00 |

Construction of Primary Border Barrier Fence along the Rio Grande Levee in the vicinity of El Paso, Texas (K-2B).

The Contractor shall furnish all plant, labor, equipment, and supervision necessary to perform the construction of the Primary Border Barrier Fence in the vicinity of El Paso, Texas, in strict accordance with plans and specifications issued on 19 May 2008. Contract line items 0001 through 0004 which includes base bid, amendments 0001 through 0008, dated May 21, 28, 30, June 02, 06, 10, 11, 12, respectively, of the contractor's price proposal dated 16 June 2008, is accepted in the amount of \$9,117,909.00.

Wage Decision TX080031, 02/08/2008 is applicable to this Task Order DM02.

Period of Performance: All work under this Task Order shall be completed within 140 calendar days after receipt of Notice to Proceed (NTP).

Notice to Proceed shall be issued after receipt of properly prepared Performance and Payment Bonds. Bonds shall be submitted to the Contracting Office within 10 days of this award.

NOTE:

1. In the event modifications are issued on this Task Order, you are responsible for increasing bonding capacity and providing verification of increase to the Contract Administration Office.

2. In accordance with FAR 52.222-24 NOTICE OF REQUIREMENT FOR AFFIRMATIVE ACTION TO ENSURE EQUAL EMPLOYMENT OPPORTUNITY FOR CONSTRUCTION (FEB 1999) - The covered area for this Task Order is El Paso, Texas. Goals for minority participation for each trade are 57.8%.

FOB: Destination

MILSTRIP: W81G6981896778

PURCHASE REQUEST NUMBER: W81G6981896778

NET AMT

\$5,787,029.00

ACRN AA

CIN: W81G69818967780001

\$5,787,029.00

| ITEM NO | SUPPLIES/SERVICES | QUANTITY | UNIT | UNIT PRICE | AMOUNT |
|---------|--|-----------|----------|------------|----------------|
| 0002 | EL Paso Sector MATOC FFP FOB: Destination MILSTRIP: W81G6981896778 PURCHASE REQUEST NUMBER: W81G6981896778 | 3,317,080 | Lump Sum | \$1.00 | \$3,317,080.00 |

| | |
|---------|----------------|
| NET AMT | \$3,317,080.00 |
|---------|----------------|

| | |
|-------------------------|----------------|
| ACRN AA | \$3,317,080.00 |
| CIN: W81G69818967780002 | |

| ITEM NO | SUPPLIES/SERVICES | QUANTITY | UNIT | UNIT PRICE | AMOUNT |
|---------|--|----------|----------|------------|-------------|
| 0003 | EL Paso Sector MATOC FFP FOB: Destination MILSTRIP: W81G6981896778 PURCHASE REQUEST NUMBER: W81G6981896778 | 13,800 | Lump Sum | \$1.00 | \$13,800.00 |

| | |
|---------|-------------|
| NET AMT | \$13,800.00 |
|---------|-------------|

| | |
|-------------------------|-------------|
| ACRN AB | \$13,800.00 |
| CIN: W81G69818967780003 | |

Section G - Contract Administration Data

ACCOUNTING AND APPROPRIATION DATA

AA: 96X31220000 082454 32301KGD96099993 NA 96291

AMOUNT: \$9,104,109.00

CIN W81G69818967780001: \$5,787,029.00

CIN W81G69818967780002: \$3,317,080.00

AB: 96X31220000 082454 32302LPC84099993 NA 96291

AMOUNT: \$13,800.00

CIN W81G69818967780003: \$13,800.00



DEPARTMENT OF THE ARMY
ALBUQUERQUE DISTRICT, CORPS OF ENGINEERS
4101 Jefferson Plaza, NE
Albuquerque, New Mexico 87109-3435
Fax (505) 342-3496

August 26, 2008

Serial Letter No. 01

Contracting Division

Mr. Gray Kite
Kiewit New Mexico Company
2415 Princeton Drive N.E., Suite E
Albuquerque, New Mexico 87107

Dear Mr. Kite

You are hereby notified that your offer submitted in response to Solicitation No. ELPUR-08-R-0010 is accepted in the amount of \$33,334,357.00. Enclosed are two copies of Task Order DM05 to MATOC Contract No. W912BV-07-D-2026, Department of Homeland Security Customs and Border Protection, El Paso Sector, Construction for approximately 7.57 miles of Primary Fence along the Rio Grande Levee in the Vicinity of El Paso, TX. (K-2C).

Please sign and date Block 16 of the copy that has been marked for return to the Contracting Division, C/O Monique Chisholm, Contract Specialist. An additional copy of the task order has been marked for your retention.

Notice to proceed for this task order will be given upon receipt of properly prepared performance and payment bonds. Performance and Payment Bond forms are enclosed.

If you have any questions, please call Monique Chisholm at 505-342-3447.

Sincerely,

Leslie M. Molina
Contracting Officer

Enclosures

ORDER FOR SUPPLIES OR SERVICES

| | | | | | | | | | | |
|---|--|-------------------------------------|-----------|--|---|---|---|---|------------------------|--------------------|
| 1. CONTRACT/PURCH. ORDER/ AGREEMENT NO. W912BV-07-D-2026 | | 2. DELIVERY ORDER/ CALL NO. DM05 | | 3. DATE OF ORDER/ CALL (YYYYMMDD) 2008 Aug 26 | | 4. REQ / PURCH. REQUEST NO. W91GBB2300825 | | 5. PRIORITY | | |
| 6. ISSUED BY US ARMY ENGINEER DISTRICT, ALBUQUERQUE ATTN: CONTRACTING DIVISION 4101 JEFFERSON PLAZA NE ALBUQUERQUE NM 87106-3435 | | | | 7. ADMINISTERED BY (if other than 6) SOUTHERN AREA OFFICE 1342 TULAROSA RD. BLDG 841, RM 157 PO DRA HOLLOMAN AFB NM 88330-0401 | | 8. DELIVERY FOB <input checked="" type="checkbox"/> DESTINATION <input type="checkbox"/> OTHER (See Schedule if other) | | | | |
| 9. CONTRACTOR NAME: KIEWIT NEW MEXICO CO. GRAY D. KITE ADDRESS: KIEWIT PLAZA OMAHA NE 68131-3202 | | | | 10. DELIVER TO FOB POINT BY (Date) (YYYYMMDD) SEE SCHEDULE | | 11. MARK IF BUSINESS IS <input type="checkbox"/> SMALL <input type="checkbox"/> SMALL DISADVANTAGED <input type="checkbox"/> WOMEN-OWNED | | | | |
| 14. SHIP TO SEE SCHEDULE | | | | 15. PAYMENT WILL BE MADE BY DEPARTMENT OF THE ARMY US ARMY CORPS OF ENGRS FINANCE CENTER 6732 INTEGRITY DRIVE MILLINGTON TN 38054-6005 | | 12. DISCOUNT TERMS Net 14 Days | | 13. MAIL INVOICES TO THE ADDRESS IN BLOCK Org to Bloc 7 + 1 to Bloc 15 | | |
| <p>16. DELIVERY/ CALL <input checked="" type="checkbox"/> PURCHASE <input type="checkbox"/> This delivery order/call is issued on another Government agency or in accordance with and subject to terms and conditions of above numbered contract.</p> <p>Reference your quote dated _____</p> <p>Furnish the following on forms specified herein REF: ELPUR 466-R 0010</p> <p>ACCEPTANCE. THE CONTRACTOR HEREBY ACCEPTS THE OFFER REPRESENTED BY THE NUMBERED PURCHASE ORDER AS IT MAY PREVIOUSLY HAVE BEEN OR IS NOW MODIFIED, SUBJECT TO ALL OF THE TERMS AND CONDITIONS SET FORTH, AND AGREES TO PERFORM THE SAME.</p> | | | | | | | | | | |
| NAME OF CONTRACTOR | | | SIGNATURE | | | TYPED NAME AND TITLE | | | DATE SIGNED (YYYYMMDD) | |
| <input checked="" type="checkbox"/> If this box is marked, supplier must sign Acceptance and return the following number of copies: 1 | | | | | | | | | | |
| 17. ACCOUNTING AND APPROPRIATION DATA/ LOCAL USE See Schedule | | | | | | | | | | |
| 18. ITEM NO. | | 19. SCHEDULE OF SUPPLIES/ SERVICES | | | 20. QUANTITY ORDERED/ ACCEPTED* | 21. UNIT | 22. UNIT PRICE | 23. AMOUNT | | |
| SEE SCHEDULE | | | | | | | | | | |
| * If quantity accepted by the Government is same as quantity ordered, indicate by X. If different, enter actual quantity accepted below quantity ordered and enclose | | | | | 24. UNITED STATES OF AMERICA TEL: _____ FAC: _____ BY: _____ | | 25. TOTAL | \$3,334,387.00 | | |
| 27a. QUANTITY IN COLUMN 20 HAS BEEN | | | | | CONTRACTS / ORDERING OFFICER | | 26. DIFFERENCES | | | |
| <input type="checkbox"/> INSPECTED <input type="checkbox"/> RECEIVED <input type="checkbox"/> ACCEPTED, AND CONFORMS TO THE CONTRACT EXCEPT AS NOTED | | | | | | | | | | |
| b. SIGNATURE OF AUTHORIZED GOVERNMENT REPRESENTATIVE | | | | | c. DATE (YYYYMMDD) | | d. PRINTED NAME AND TITLE OF AUTHORIZED GOVERNMENT REPRESENTATIVE | | | |
| e. MAILING ADDRESS OF AUTHORIZED GOVERNMENT REPRESENTATIVE | | | | | 25. SHIP NO. | 29. DO VOUCHER NO. | 30. INITIALS | | | |
| f. TELEPHONE NUMBER | | g. E-MAIL ADDRESS | | | <input type="checkbox"/> PARTIAL <input type="checkbox"/> FINAL | 32. PAID BY | 33. AMOUNT VERIFIED CORRECT FOR | | | |
| 36. I certify this account is correct and proper for payment. | | | | | 31. PAYMENT | <input type="checkbox"/> COMPLETE <input type="checkbox"/> PARTIAL <input type="checkbox"/> FINAL | 34. CHECK NUMBER | | | |
| h. DATE (YYYYMMDD) | i. SIGNATURE AND TITLE OF CERTIFYING OFFICER | | | | 37. RECEIVED AT | 38. RECEIVED BY | 39. DATE RECEIVED (YYYYMMDD) | 40. TOTAL CONTAINERS | 41. SR ACCOUNT NO. | 42. SR VOUCHER NO. |

Section B - Supplies or Services and Prices

| ITEM NO | SUPPLIES/SERVICES | QUANTITY | UNIT | UNIT PRICE | AMOUNT |
|---------|----------------------------------|------------|----------|------------|-----------------|
| 0001 | Border Fence Segment K-2C FFP | 33,334,357 | Lump Sum | \$1.00 | \$33,334,357.00 |

Construction of Approximately 7.57 Miles of Primary Fence Along the Rio Grande Levee in the Vicinity of El Paso, Texas (K-2C).

The Contractor shall furnish all plant, labor, equipment, and supervision necessary to perform the construction of approximately 7.57 miles of primary fence along the Rio Grande Levee in the vicinity of El Paso, Texas in the El Paso Sector, in strict accordance with plans and specifications issued on 03 July 2008. Contract line items 0001 through 0006 which includes base bid, amendments 0001 through 0003, dated June 17, June 21, and June 25, 2008, respectively, of the contractor's price proposal dated 28 July 2008, is accepted in the amount of \$33,334,357.00.

Wage Decision TX080031, 02/08/2008 is applicable to this Task Order DM05.

Period of Performance: After receipt of Notice to Proceed (NTP), all work under this Task Order shall be completed and ready for use not later than 12/01/2008.

Notice to Proceed shall be issued after receipt of properly prepared Performance and Payment Bonds. Bonds shall be submitted to the Contracting Office within 10 days of this award.

NOTE:

1. In the event modifications are issued on this Task Order, you are responsible for increasing bonding capacity and providing verification of increase to the Contract Administration Office.

2. In accordance with FAR 52.222-23 NOTICE OF REQUIREMENT FOR AFFIRMATIVE ACTION TO ENSURE EQUAL EMPLOYMENT OPPORTUNITY FOR CONSTRUCTION (FEB 1999) - The covered area for this Task Order is El Paso, Texas, El Paso County. Goals for minority participation for each trade are 57.8%.

FOB: Destination
 MILSTRIP: W81G6982399825
 PURCHASE REQUEST NUMBER: W81G6982399825

NET AMT \$33,334,357.00

ACRN AA \$33,334,357.00
 CIN: W81G69823998250001

Section G - Contract Administration Data

ACCOUNTING AND APPROPRIATION DATA

AA: 96X31220000 082454 32302397JC099993 NA 96291

AMOUNT: \$33,334,357.00

CIN W81G69823998250001: \$33,334,357.00

SECTION 00010

PRICE SCHEDULE

**DEPARTMENT OF HOMELAND SECURITY
PRIMARY BORDER BARRIER FENCE**

Project Map ID#: K-2C
SBI Project #: 2016-3

EL PASO
EL PASO COUNTY, TEXAS

Solicitation No. ELPUR-08-R-0010

| Item | Description | Estimated Quantity | Unit | Estimated Amount |
|------|-------------|-----------------------|------|---------------------|
|------|-------------|-----------------------|------|---------------------|

The following items 0001 through 0003 shall be initiated by NTP 1

| | | | | |
|------|--|---|----|--------------|
| 0001 | Obtain Permits/Submittal Approvals, Mobilization to Staging Area(s), Procurement of non Government Furnished Materials, Order Government-Furnished Materials, Off-Site Fabrication | 1 | LS | \$ 6,576,871 |
| 0002 | All other off-site items not separately listed | 1 | LS | \$ 0 |
| 0003 | Bond Premium | 1 | LS | \$ 90,000 |

The following items 0004 through 0006 shall be initiated by NTP 2

| | | | | |
|------|---|---|----|---------------|
| 0004 | Installation of Approximately 7.57 Miles of Primary Border Barrier Fence and All Components Necessary to Complete the Installation and Construction as Outlined in the Request For Proposals. | 1 | LS | \$ 26,647,486 |
| 0005 | Final As-Built Drawings | 1 | LS | \$ 10,000.00 |
| 0006 | Operation and Maintenance Manuals | 1 | LS | \$ 10,000 |

TOTAL ESTIMATED AMOUNT

\$ 33,334,357

LS = Lumped Sum



DEPARTMENT OF THE ARMY
ALBUQUERQUE DISTRICT, CORPS OF ENGINEERS
4101 Jefferson Plaza, NE
Albuquerque, New Mexico 87109-3435
Fax (505) 342-3496

August 14, 2008

Serial Letter No. 01

Contracting Division

Mr. Gray Kite
Kiewit New Mexico
2415 Princeton Drive N.E., Suite E
Albuquerque, New Mexico 87107

Dear Mr. Kite

You are hereby notified that your offer submitted in response to Solicitation No. ELPUR-08-R-0008 is accepted in the amount of \$45,270,024.00. Enclosed are two copies of Task Order DM04 to MATOC Contract No. W912BV-07-D-2026, Department of Homeland Security Customs and Border Protection, El Paso Sector, Construction for approximately 9.57 miles of Primary Border Barrier Fence along the Rio Grande Levee in the Vicinity of El Paso, TX. (K-2D).

Please sign and date Block 16 of the copy that has been marked for return to the Contracting Division, C/O Francesca Thomas, Contract Specialist. An additional copy of the task order has been marked for your retention.

Notice to proceed for this task order will be given upon receipt of properly prepared performance and payment bonds. Performance and Payment Bond forms are enclosed.

If you have any questions, please call Francesca Thomas at 505-342-3453.

Sincerely,

Leslie M. Molina
Contracting Officer

Enclosures

ORDER FOR SUPPLIES OR SERVICES

| | | | | |
|---|-------------------------------------|---|--|-------------|
| 1. CONTRACT/PURCH. ORDER/ AGREEMENT NO. W912BV-07-D-2026 | 2. DELIVERY ORDER/ CALL NO. DM04 | 3. DATE OF ORDER/ CALL (YYYYMMDD) 2008 Aug 13 | 4. REQ. / PURCH. REQUEST NO. WB/C8882258300 | 5. PRIORITY |
|---|-------------------------------------|---|--|-------------|

| | | | | |
|--|----------------|---|-----------------|---|
| 6. ISSUED BY US ARMY ENGINEER DISTRICT, ALBUQUERQUE ATTN: CONTRACTING DIVISION 4151 JEFFERSON PLAZA NE ALBUQUERQUE NM 87108-3405 | CODE W912PP | 7. ADMINISTERED BY (if other than 6) SOUTHERN AREA OFFICE 1342 TULAROSA RD. BLDG 841, RM 157 PO DRA HOLLOMAN AFB NM 88002-0001 | CODE L4L9M30 | 8. DELIVERY FOB <input checked="" type="checkbox"/> DESTINATION <input type="checkbox"/> OTHER (See Schedule if other) |
|--|----------------|---|-----------------|---|

REVIEWED AND FOUND TO BE LEGALLY SUFFICIENT

W. J. Summer

| | | | | |
|--|---------------|----------|---|---|
| 9. CONTRACTOR KIEWIT NEW MEXICO CO. NAME GRAY D. RITE AND KIEWIT PLAZA ADDRESS OMAHA NE 68131-3202 | CODE 49KW7 | FACILITY | 10. DELIVER TO FOB POINT BY (Date) (YYYYMMDD) SEE SCHEDULE | 11. MARK IF BUSINESS IS <input type="checkbox"/> SMALL <input type="checkbox"/> SMALL DISADVANTAGED <input type="checkbox"/> WOMEN-OWNED |
|--|---------------|----------|---|---|

| | | | | |
|------------------------------------|------|--|----------------|--|
| 14. SHIP TO SEE SCHEDULE | CODE | 15. PAYMENT WILL BE MADE BY DEPARTMENT OF THE ARMY US ARMY CORPS OF ENGRS FINANCE CENTER 5722 INTEGRITY DRIVE MILLINGTON TN 38864-5005 | CODE 964146 | 13. MAIL INVOICES TO THE ADDRESS IN BLOCK Orig to Bloc 7 + 1 to Bloc 15 |
|------------------------------------|------|--|----------------|--|

| | | | |
|-------------------|----------------|-------------------------------------|---|
| 16. TYPE OF ORDER | DELIVERY/ CALL | <input checked="" type="checkbox"/> | This delivery order(s) is issued on another Government agency or in accordance with and subject to terms and conditions of above numbered contract. |
|-------------------|----------------|-------------------------------------|---|

ACCEPTANCE. THE CONTRACTOR HEREBY ACCEPTS THE OFFER REPRESENTED BY THE NUMBERED PURCHASE ORDER AS IT MAY PREVIOUSLY HAVE BEEN OR IS NOW MODIFIED, SUBJECT TO ALL OF THE TERMS AND CONDITIONS SET FORTH, AND AGREES TO PERFORM THE SAME.

| | | | |
|--------------------|-----------|----------------------|---------------------------|
| NAME OF CONTRACTOR | SIGNATURE | TYPED NAME AND TITLE | DATE SIGNED (YYYYMMDD) |
|--------------------|-----------|----------------------|---------------------------|

If this box is marked, supplier must sign Acceptance and return the following number of copies:

17. ACCOUNTING AND APPROPRIATION DATA/LOCAL USE
See Schedule

| 18. ITEM NO. | 19. SCHEDULE OF SUPPLIES/ SERVICES | 20. QUANTITY ORDERED/ ACCEPTED* | 21. UNIT | 22. UNIT PRICE | 23. AMOUNT |
|---------------------|------------------------------------|---------------------------------|----------|----------------|------------|
| SEE SCHEDULE | | | | | |

| | | | |
|--|---|------------------------------|-----------------|
| * If quantity accepted by the Government is same as quantity ordered, indicate by X. If difference, enter actual quantity accepted below quantity ordered and units. | 24. UNITED STATES OF AMERICA TEL: (505)431- FAX: (505)431- BY: <i>Lois M. Malone</i> | 25. TOTAL \$48,790,963.00 | 26. DIFFERENCES |
|--|---|------------------------------|-----------------|

27. QUANTITY IN COLUMN 20 HAS BEEN
 INSPECTED RECEIVED ACCEPTED, AND CONFORMS TO THE CONTRACT EXCEPT AS NOTED

| | | |
|--|-----------------------|---|
| a. SIGNATURE OF AUTHORIZED GOVERNMENT REPRESENTATIVE | c. DATE (YYYYMMDD) | b. PRINTED NAME AND TITLE OF AUTHORIZED GOVERNMENT REPRESENTATIVE |
|--|-----------------------|---|

| | | | |
|--|--------------|--------------------|--------------|
| a. MAILING ADDRESS OF AUTHORIZED GOVERNMENT REPRESENTATIVE | 28. SHIP NO. | 29. DD VOUCHER NO. | 30. INITIALS |
|--|--------------|--------------------|--------------|

| | | | | |
|---------------------|-------------------|--|-------------|---------------------------------|
| f. TELEPHONE NUMBER | g. E-MAIL ADDRESS | <input type="checkbox"/> PARTIAL <input type="checkbox"/> FINAL | 33. PAID BY | 32. AMOUNT VERIFIED CORRECT FOR |
|---------------------|-------------------|--|-------------|---------------------------------|

| | | | | |
|---|--|--|------------------|------------------------|
| 36. I certify this account is correct and proper for payment. | | | | |
| a. DATE (YYYYMMDD) | b. SIGNATURE AND TITLE OF CERTIFYING OFFICER | 31. PAYMENT <input type="checkbox"/> COMPLETE <input type="checkbox"/> PARTIAL <input type="checkbox"/> FINAL | 34. CHECK NUMBER | 35. BILL OF LADING NO. |

| | | | | | |
|-----------------|-----------------|---------------------------------|----------------------|--------------------|--------------------|
| 37. RECEIVED AT | 38. RECEIVED BY | 39. DATE RECEIVED (YYYYMMDD) | 40. TOTAL CONTAINERS | 41. SR ACCOUNT NO. | 42. SR VOUCHER NO. |
|-----------------|-----------------|---------------------------------|----------------------|--------------------|--------------------|

Section B - Supplies or Services and Prices

| ITEM NO | SUPPLIES/SERVICES | QUANTITY | UNIT | UNIT PRICE | AMOUNT |
|---------|----------------------------------|------------|----------|------------|-----------------|
| 0001 | Border Barrier Fence K-2D FFP | 45,270.024 | Lump Sum | \$1.00 | \$45,270,024.00 |

Construction of Primary Border Barrier Fence along the Rio Grande Levee in the vicinity of El Paso, Texas (K-2D).

The Contractor shall furnish all plant, labor, equipment, and supervision necessary to perform the construction of the Primary Border Barrier Fence in the vicinity of El Paso, Texas, in strict accordance with plans and specifications issued on 13 June 2008. Contract line items 0001 through 0004 which includes base bid, amendments 0001 through 0003, dated June 20, 27, and July 02, respectively, of the contractor's price proposal dated 08 July 2008, is accepted in the amount of \$45,270,024.00.

Wage Decision TX080031, 02/08/2008 is applicable to this Task Order DM04.

Period of Performance: All work under this Task Order shall be completed after receipt of Notice to Proceed (NTP) and be ready for use no later than December 01, 2008.

Notice to Proceed shall be issued after receipt of properly prepared Performance and Payment Bonds. Bonds shall be submitted to the Contracting Office within 10 days of this award.

NOTE:

1. In the event modifications are issued on this Task Order, you are responsible for increasing bonding capacity and providing verification of increase to the Contract Administration Office.

2. In accordance with FAR 52.222-24 NOTICE OF REQUIREMENT FOR AFFIRMATIVE ACTION TO ENSURE EQUAL EMPLOYMENT OPPORTUNITY FOR CONSTRUCTION (FEB 1999) - The covered area for this Task Order is El Paso, Texas. Goals for minority participation for each trade are 57.8%.

FOB: Destination

MILSTRIP: W81G6982258830

PURCHASE REQUEST NUMBER: W81G6982258830

NET AMT \$45,270,024.00

ACRN AA

CIN: W81G69822588300001

\$45,270,024.00

| ITEM NO | SUPPLIES/SERVICES | QUANTITY | UNIT | UNIT PRICE | AMOUNT |
|---------|--|----------|----------|------------|--------|
| 000101 | Additional Funding FFP FOB: Destination MILSTRIP: W81G6982258830 PURCHASE REQUEST NUMBER: W81G6982258830 | | Lump Sum | \$1.00 | \$0.00 |

NET AMT \$0.00

ACRN AA \$0.00
CIN: W81G69822588300002

| ITEM NO | SUPPLIES/SERVICES | QUANTITY | UNIT | UNIT PRICE | AMOUNT |
|---------|--|----------|----------|------------|--------|
| 000102 | Additional Funding FFP FOB: Destination MILSTRIP: W81G6982258830 PURCHASE REQUEST NUMBER: W81G6982258830 | | Lump Sum | \$1.00 | \$0.00 |

NET AMT \$0.00

ACRN AB \$0.00
CIN: W81G69822588300003

| ITEM NO | SUPPLIES/SERVICES | QUANTITY | UNIT | UNIT PRICE | AMOUNT |
|---------|--|----------|----------|------------|--------|
| 000103 | Additional Funding FFP FOB: Destination MILSTRIP: W81G6982258830 PURCHASE REQUEST NUMBER: W81G6982258830 | | Lump Sum | \$1.00 | \$0.00 |

NET AMT \$0.00

ACRN AC \$0.00
CIN: W81G69822588300004

Section G - Contract Administration Data

ACCOUNTING AND APPROPRIATION DATA

AA: 96X31220000 082454 3230JGD458099993 NA 96291
AMOUNT: \$45,270,024.00
CIN W81G69822588300001: \$45,270,024.00
CIN W81G69822588300002: \$0.00

AB: 96X31220000 082454 32302LFCB40999993 NA 96291
AMOUNT: \$0.00
CIN W81G69822588300003: \$0.00

AC: 96X31220000 082454 3230HB72LF099993 NA 96291
AMOUNT: \$0.00
CIN W81G69822588300004: \$0.00