



DEPARTMENT OF THE ARMY
GALVESTON DISTRICT, CORPS OF ENGINEERS
P. O. BOX 1229
GALVESTON, TEXAS 77553-1229

REPLY TO
ATTENTION OF

SEP 29 2008

Contracting Division

Kiewit Texas Construction L.P.
Mr. Keith N. Sasich
13119 Old Denton Road
Fort Worth TX 76117-2403

Dear Mr. Sasich:

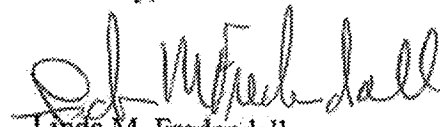
Reference your proposal dated 25 September 2008 in response to Indefinite Delivery/Indefinite Quantity (IDIQ) Multiple Award Task Order Contract (MATOC) for Primary Border Fence, Rio Grande Valley, Texas Map ID # 0-14, Request for Proposal No. RGVUR-08-R-0006.

Reference your proposal in the total evaluated price of \$29,587,000 is accepted. Award is being made under W912BV-08-D-2011 Task Order DZ02.

You are hereby notified that Mr. Rafael Rubalcaba, Southwestern regional Engineer, is appointed as Administrative Contracting Officer (ACO) and Mr. Pablo Hernandez, Area Engineer, is appointed Contracting Officer Representative (COR). A copy of their authority is enclosed.

Any questions relative to the contract documents or their manner of execution may be resolved by calling Mrs. Jacqueline Adekanbi at (409) 766-3100 or email address jacqueline.b.adekanbi@usace.army.mil.

Sincerely,


Linda M. Fredendall
Contracting Officer

Enclosures

1. Task Order 2
2. ACO Appointment
3. Safety Letter

ORDER FOR SUPPLIES OR SERVICES

PAGE OF
1 6

1. CONTRACT/PURCH. ORDER/AGREEMENT NO. W912BV-08-D-2011	2. DELIVERY ORDER/ CALL NO. DZ02	3. DATE OF ORDER/ CALL (YYYYMMDD) 2008 Sep 29	4. REQ/ PURCH. REQUEST NO. W912VAK26262008	5. PRIORITY
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6. ISSUED BY USAED, GALVESTON CONTRACTING DIVISION 2000 FORT POINT ROAD GALVESTON TX 77553-1229	CODE W912HY	7. ADMINISTERED BY (if other than 6) SEE ITEM 6	CODE	8. DELIVERY FOB <input checked="" type="checkbox"/> DESTINATION <input type="checkbox"/> OTHER (See Schedule if other)
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9. CONTRACTOR NAME AND ADDRESS KIEWIT TEXAS CONSTRUCTION L.P. JOE INIGUEZ 13119 OLD BENTON ROAD FORT WORTH TX 76117-2403	CODE 1HZN1	FACILITY 1HZN1	10. DELIVER TO FOB POINT BY (Date) (YYYYMMDD) SEE SCHEDULE	12. DISCOUNT TERMS	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 See item 15		

14. SHIP TO SEE SCHEDULE	CODE	15. PAYMENT WILL BE MADE BY USACE FINANCE CENTER ATTN: CEFC-AO-P 5722 INTEGRITY DRIVE MILLINGTON TN 38054-6005	CODE 954145	MARK ALL PACKAGES AND PAPERS WITH IDENTIFICATION NUMBERS IN BLOCKS 1 AND 2.
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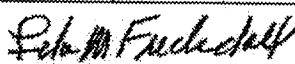
16. TYPE OF ORDER	DELIVERY CALL	<input checked="" type="checkbox"/>	This delivery order/call is issued on another Government agency or in accordance with and subject to terms and conditions of above numbered contract.
	PURCHASE	<input type="checkbox"/>	Reference your quote dated _____ Furnish the following on terms specified herein. REF: _____

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 type="checkbox"/> 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 different, enter actual quantity accepted below quantity ordered and encircle. 24. UNITED STATES OF AMERICA TEL: 409 756 2452 EMAIL: linda.m.fredendall@usace.army.mil BY: LINDA M FREDENDALL	 CONTRACTING / ORDERING OFFICER	25. TOTAL \$26,587,000.00 26. DIFFERENCES
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27a. QUANTITY IN COLUMN 20 HAS BEEN
 INSPECTED RECEIVED 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
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e. MAILING ADDRESS OF AUTHORIZED GOVERNMENT REPRESENTATIVE	28. SHIP NO.	29. DO VOUCHER NO.	30. INITIALS
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f. TELEPHONE NUMBER	g. E-MAIL ADDRESS	<input type="checkbox"/> PARTIAL <input type="checkbox"/> FINAL	32. PAID BY	33. AMOUNT VERIFIED CORRECT FOR
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36. I certify this account is correct and proper for payment.

a. DATE (YYYYMMDD)	b. SIGNATURE AND TITLE OF CERTIFYING OFFICER	<input type="checkbox"/> COMPLETE <input type="checkbox"/> PARTIAL <input type="checkbox"/> FINAL	34. CHECK NUMBER
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37. RECEIVED AT	38. RECEIVED BY	39. DATE RECEIVED (YYYYMMDD)	40. TOTAL CONTAINERS	41. S/R ACCOUNT NO.	42. S/R VOUCHER NO.
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Section 00010 - Solicitation Contract Form

AWARD SUMMARY
ITEMS ACCEPTED

1. Base Bid 0001 through 0002 as per attached Price Schedule, Request for Proposal No. RGVUR-08-R-0006. Amendments 0001 through 0002 relating thereto, drawings and conditions set forth therein.
2. Contractor is to provide all labor, material, and equipment necessary to perform all work in accordance with the RFP.
3. This award is for the Base Bid in the amount of \$29,587,000.
5. Performance Period is 80 calendar days after contractor received Notice to Proceed (NTP).
6. General Wage decision No General Decision Number TX 080029, dated 02-08-2008 is incorporated and made a material part of this contract.
7. Contractor is to provide satisfactory Performance and Payment Bonds within 10 days and prior to starting work.

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0001	Segment 0-14 FFP Installation of Approximately 2.41 Miles of Primary Border Barrier Fence and all components Necessary to Complete the Construction as Outlined in this Request for Proposal, including Clearing and Grubbing, Labor and Equipment FOB: Destination PURCHASE REQUEST NUMBER: W45VAK26262008	1	Lump Sum	\$29,445,000.00	\$29,445,000.00

NET AMT	\$29,445,000.00
ACRN AA	\$29,445,000.00

CIN: 00000000000000000000000000000000

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0002	Bond Premium FFP Bond Premium FOB: Destination PURCHASE REQUEST NUMBER: W45VAK26262008	1	Lump Sum	\$77,000.00	\$77,000.00

NET AMT	\$77,000.00
ACRN AA	\$77,000.00

CIN: 00000000000000000000000000000000

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0005	Construction Oversight FFP	1	Lump Sum	\$50,000.00	\$50,000.00

Construction Oversight costs associated with the Resident Engineer's Office and all equipment within that office as described within this RFP.

FOB: Destination

PURCHASE REQUEST NUMBER: W45VAK26262008

NET AMT \$50,000.00

ACKN AA

CIN: 00000000000000000000000000000000

\$50,000.00

Section 00800 - Special Contract Requirements

ACCOUNTING AND APPROPRIATION DATA

AA: 96 NA X 3122.0000 M3 X 08 2456 099993 96413 3230 LD850J
AMOUNT: \$29,587,000.00
CIN 00000000000000000000000000000000: \$29,587,000.00



DEPARTMENT OF THE ARMY
GALVESTON DISTRICT, CORPS OF ENGINEERS
P. O. BOX 1229
GALVESTON, TEXAS 77553-1229

SEP 29 2008

REPLY TO
ATTENTION OF

CESWG-CT

MEMORANDUM FOR Mr. Rafael Rubalcaba, USACE, Rio Grande Valley Field Office, 3605 West Alberta, Edinburg, TX 78539

SUBJECT: Designation of Administrative Contracting Officer (ACO)

1. Reference:

- a. NOTICE OF APPOINTMENT EFARS 1.602-1-100
- b. CONTRACT NO.: W912BV-08-D-2011, TO DZ02
- c. CONTRACTOR: Kiewit Texas Construction L.P.
- d. FOR: Primary Border Barrier Fence, Rio Grande Valley Sector, Cameron County, Texas MAP ID # 14.

2. ACO APPOINTMENT: Notice is hereby given that Mr. Rafael Rubalcaba has been appointed ACO to exercise the following limited contracting authority in connection with the aforementioned contract:

"The Administrative Contracting Officer appointed herein is authorized to enter into the following contractual actions: (i) to modify construction contracts within the scope of the contract under any of the following contract clauses: Changes, Differing Site Conditions, Value Engineering, and Suspension of Work; provided that no individual contract action under these clauses may exceed \$100,000.00 (the sum of deletions and additions); (ii) to modify construction contract performance periods for unusually severe weather conditions under the Default (Fixed Price Construction) clause; (iii) to modify purchase orders under the Changes and Changed Conditions clause (FAR 52.243-5) that do not cause the total value of the individual purchase order to exceed \$100,000.00."

3. The ACO appointed herein shall follow the procedures for Claim Investigation and Documentation within the time specified in accordance with SWGOM 1180-1-18, paragraph 12, dated 14 June 2000..

4. The authority of the aforementioned individual has been granted by appropriate authority and is so evidenced by a Certificate of Appointment (SF Form 1402).
5. AUTHORIZED ACO APPOINTMENTS: Under the authority of Engineer FAR Supplement (EFARS) 1.602-1-100, Mr. Rafael Rubalcaba is hereby appointed as my authorized representative and is empowered to take any action which could lawfully be taken by me except the actions listed in paragraph 8 below.
6. Under the same authority Mr. Rafael Rubalcaba is hereby designated as my authorized ACO on the above contract to inspect, examine, and test all materials and workmanship for compliance with the terms of the contract, and to receive, and/or approve samples, schedules, shop drawings, descriptive data, and such other similar items as may be called for in the contract.
7. Upon receipt by the ACO of the claim from the Contracting Division's Point of Contact, the ACO will investigate and prepare a claims analysis memorandum of the claim which will be forwarded to the Office of Counsel within the time specified in the transmittal memorandum Appendix C. If additional time is needed the Office of Counsel is to be notified for concurrence.
8. The following items are expressly excluded from these designations: the authority to waive any requirements of the contract provisions; the power to award, agree to, or sign any modification, or in any way to obligate the payment of money by the Government, except as authorized as ACO; the authority to render decision on any dispute; the authority to terminate the contract; or authority to approve final pay estimates; all such actions being expressly reserved and retained by the Contracting Officer.
9. The authorities granted above shall be effective until revoked by my successor or me or until you are relieved from your present duty assignment. These authorities may not be delegated to any other person, unless done so by the Contracting Officer.


LINDA M. FREDENDALL
Contracting Officer

CESWG-CT

SUBJECT: Designation of Administrative Contracting Officer (ACO), Contract W912BV-08-D-2011
TO DZ02

Receipt Acknowledged
for the Contractor _____
(Date)

By _____

Title _____

CESWG-CT

SUBJECT: Designation of Administrative Contracting Officer (ACO), Contract W912BV-08-D-2011
TO DZ02

Receipt Acknowledged.....

.....
Rafael Rubalcaba
Administrative Contracting Officer

Copies Furnished:

Contractor (dupe)
CESWG-RO-I (dupe)



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SEP 29 2008

REPLY TO
ATTENTION OF

Contracting Division

Kiewit Texas Construction L.P.
Mr. Keith N. Sasich
13119 Old Denton Road

Dear Mr. Sasich:

Reference is made to Contract No. W912BV-08-D-2011, Task Order DZ02, Section 00700, Contract Clause 52.236-13 "Accident Prevention" (NOV 1991), this clause references the U.S. Army Corps of Engineers' Safety and Health Requirements Manual, EM 385-1-1.

In accordance with EM 385-1-1, dated 3 November 2003, commencement of work at the site will not be permitted until you have submitted an acceptable Accident Prevention Plan (EM 385-1-1, Paragraph 01.A.11). Instructions pertaining to the preparation of said documents may be found in EM 385-1-1, Appendix A.

Your original documents are to be mailed to Mr. Rafael Rubalcaba, Administrative Contracting Officer (ACO), at the US Army Corps of Engineers, Rio Grande Valley Office, 3605 West Alberta, Edinburg, TX 78539 and a copy furnished to the Safety and Occupational Health Office, Attn: Dan Wyatt at the Galveston District Office. Both your Accident Plan and Activity Hazard Analysis should be submitted in a timely manner to allow the ACO five days to review the documents prior to the Pre-Construction Conference.

Please coordinate with the ACO the schedule for document submittal, the date and time for the Pre-Construction Conference, or for additional information concerning this contract clause.

Sincerely,

Linda M. Fredendall.
Contracting Officer

CF:

CESWG-SO
CESWG-RO-I