



IN REPLY
REFER TO

DEFENSE LOGISTICS AGENCY
DEFENSE NATIONAL STOCKPILE CENTER
8725 JOHN J. KINGMAN ROAD, SUITE 4616
FT. BELVOIR, VIRGINIA 22060-6223

May 14, 2003

DNOSC-C1

**AMENDMENT NO. 052 TO
INVITATION FOR BIDS FOR
ALUMINUM OXIDE – ABRASIVE GRAIN
UNDER DLA-ALUMINUM OXIDE-ABRASIVE GRAIN-002**

The above referenced Invitation for Bids, DLA-ALUMINUM OXIDE-ABRASIVE GRAIN-002, dated July 29, 1997, for the sale of aluminum oxide-abrasive grain is hereby amended to update the listing of available material and make necessary changes to terms and conditions, as follows:

1. Amendment Nos. 001 through 051 are deleted in their entirety and are no longer applicable to offerings of aluminum oxide-abrasive grain under Invitation of Bids under DLA-ALUMINUM OXIDE-ABRASIVE GRAIN-002.

2. SECTION A - INVITATION, Subsection A.1 Introduction (JUL 97), Paragraph a.

Delete this paragraph in its entirety and replace with the following:

a. The Defense Logistics Agency (DLA), Defense National Stockpile Center (DNOSC), is soliciting bids for the sale of approximately **6,000 short tons** of aluminum oxide-abrasive grain in Fiscal Year 2003. Bid openings will be held at 10:00 a.m., local time, on the fourth Wednesday of each month, at Fort Belvoir, VA. **The next bid opening under this Invitation will be held at 10:00 a.m., local time, Fort Belvoir, VA., on Wednesday, May 28, 2003.** Bids must be received at the address in Section **B.2.a** by 10:00 a.m., local time, Fort Belvoir, VA. In the event that the fourth Wednesday of any month is a holiday, or DNOSC is otherwise closed at that time, bids for that day will be received at 10:00 a.m., local time, Fort Belvoir, VA, on the next DNOSC business day.

3. Add the following Subsection A.3 – Foreign Trade Statistics Regulations:

A.3 Foreign Trade Statistics Regulations

1. The Contractor shall determine any export license requirements, obtain any export license or other official authorization required for export, and

carry out any U.S. Customs formalities for the export of any material awarded under this Solicitation U.S. Customs formalities for the export of any material awarded under this Solicitation.

2. The Contractor shall comply with United States Bureau of Export Administration Foreign Trade Statistics and Export Administration Regulations as set forth in 15 CFR Parts 30 and 732 (as amended by 65 FR 42556-42575, July 10, 2000 or any subsequent rule making).
 3. If the Contractor is not a United States domestic entity or does not have a physical presence in the United States, and the material is to be exported, the Contractor shall either --
 - a. Engage a United States forwarding agent or other agent in accordance with 15 CFR 30.4(a) and (c); or
 - b. Engage a United States Order Party, in accordance with 15 CFR 30.4(a)(1)(iii), to conduct all negotiations, correspondence, and arrangements for sale, and to arrange for export of the material purchased.
 4. The Defense National Stockpile Center shall not be named as the United States Principal Party in Interest and will not execute any Shipper's Export Declaration required by the Foreign Trade Statistics regulations.
4. Add the following **Subsection A.4 – Financial Exposure Limit (MAR 02)**:

A.4 Financial Exposure Limit (MAR 02)

1. The Government will establish a financial exposure limit (maximum level of business the Government will allow) for each Bidder. The financial exposure limit shall be determined based upon the following:
 - a. Financial Position of the Bidder
 - b. Past Performance
 - c. References (Suppliers, Financial Institutions)
 - d. Credit Reports
2. If the Contractor reaches its financial exposure limit, subsequent sales will cease until such time that the Contractor satisfactorily performs existing contracts or the Government increases the exposure limit.

5. SECTION B – PREPARATION AND SUBMISSION OF BIDS, Subsection B.1. Submittals, Paragraph c.

Delete this paragraph in its entirety and replace with the following:

- c. **Section I.3 Certificate of Independent Price Determination (JUL 97).**
- d. **Section I.4 Certification Regarding Debarment, Suspension, Proposed Debarment, Environmental Compliance and Other Responsibility Matters (JUL 97).**
- e. Representations, Certifications and Identifications at Sections I.5. through I.9. **Bidders please note: If Annual Representations, Certifications, and Identifications have previously been submitted they need not be resubmitted unless there has been a change in the information.**
- f. Bidders must submit copies of the most recent income statement and balance sheet for the company and any other documentation that will validate the level of business transactions and financial condition of the firm (e.g., a list of references).
- g. The Government will evaluate the financial documentation to determine an applicable financial exposure limit. DNSC may require the Contractor to submit updated information at any time.
- h. Bidders shall submit the financial documentation to the following address/facsimile number:

Defense National Stockpile Center
Attn: (Alum Oxide) Contract Specialist, DNSC-C1
8725 John J. Kingman Road, Suite 3229
Fort Belvoir, VA 22060-6223
Fax: (703) 767-5541

**6. SECTION B – PREPARATION AND SUBMISSION OF BIDS, Subsection B.9
Responsibility Determination (MAR 02)**

Delete this paragraph in its entirety and replace with the following:

- a. No award shall be made unless the Contracting Officer makes an affirmative determination of responsibility.
- b. To be determined responsible and eligible for award, the Bidder shall have adequate financial resources, a satisfactory performance record with DNSC, and a satisfactory record of integrity and ethics. For example, a Bidder may be determined to be non-responsible and ineligible to submit bids if there is a record of poor payment (e.g., checks returned for insufficient funds) or poor performance (e.g., failure to pay for and/or remove material on time). In addition to looking at past performance, DNSC will also review current Dun & Bradstreet reports and any other credit reports.

7. SECTION G – CONTRACT ADMINISTRATION DATA, Subsection G.3 Title (APR 96)

Delete this Subsection in its entirety and replace with the following:

Title to the material shall pass to the Contractor upon payment or shipment of material whichever comes first.

8. All references to Section I.3 Certificate of Independent Price Determination (MAY 95) and Section I.4 Certification Regarding Debarment, Suspension, Proposed Debarment, Environmental Compliance and Other Responsibility Matters (JUN 95) are updated to read: “Section I.3 Certificate of Independent Price Determination (JUL 97)” and “Section I.4 Certification Regarding Debarment, Suspension, Proposed Debarment, Environmental Compliance and Other Responsibility Matters (JUL 97)”, respectively.

9. Section I.3 Certificate of Independent Price Determination (MAY 95) and Section I.4 Certification Regarding Debarment, Suspension, Proposed Debarment, Environmental Compliance and Other Responsibility Matters (JUN 95) are deleted and the attached Section I.3 Certificate of Independent Price Determination (JUL 97) and Section I.4 Certification Regarding Debarment, Suspension, Proposed Debarment, Environmental Compliance and Other Responsibility Matters (JUL 97) are inserted therefor.

10. All references to Section I.2 Item Bid Page - DLA-ALUMINUM OXIDE-ABRASIVE GRAIN-002 and Section J.2 Storage Locations are updated to read: "Section I.2 Item Bid Page - DLA-ALUMINUM OXIDE-ABRASIVE GRAIN-002 (MAY 03)" and "Section J.2 Storage Locations (MAY 03)", respectively.

11. All previous Sections I.2 Item Bid Page - DLA-ALUMINUM OXIDE-ABRASIVE GRAIN-002 and Sections J.2 Storage Locations are deleted and the attached Section I.2 Item Bid Page - DLA-ALUMINUM OXIDE-ABRASIVE GRAIN-002 (MAY 03) and Section J.2 Storage Locations (MAY 03) are inserted therefor.

Bidders shall indicate acknowledgment of receipt of this Amendment by signing in the space provided below and returning this form and the attached Sections **I.1 Sale of Government Property Bid and Award (JAN 95)**, **I.3 Certificate of Independent Price Determination (JUL 97)** and **Section I.4 Certification Regarding Debarment, Suspension, Proposed Debarment, Environmental Compliance and Other Responsibility Matters (JUL 97)** along with their bid to:

ATTN: DNSC-XO/Bid Custodian
Defense National Stockpile Center
8725 John J. Kingman Road
Suite 3229
Fort Belvoir, VA 22060-6223
Facsimile No. (703) 767-5541

Failure to acknowledge receipt of this Amendment may result in the bidder being ineligible for award.

Except as provided herein, all other terms and conditions of DLA-ALUMINUM OXIDE-ABRASIVE GRAIN-002 remain unchanged and in full force and effect.

NAME OF FIRM: _____

ADDRESS: _____

TELEPHONE: _____

FACSIMILE: _____

BY: _____

SIGNATURE: _____

TITLE: _____

DATE: _____

I.3 Certificate of Independent Price Determination (JUL 97)

a. The Bidder certifies that -

(1) The prices in this bid have been arrived at independently, without, for the purpose of restricting competition, any consultation, communication, or agreement with any other Bidder or competitor relating to (i) those prices, (ii) the intention to submit a bid, or (iii) the methods or factors used to calculate the prices offered.

(2) The prices in this bid have not been and will not be knowingly disclosed by the Bidder, directly or indirectly, to any other Bidder or competitor before bid opening (in the case of a sealed bid Invitation) or contract award (in the case of a negotiated Invitation) unless otherwise required by law; and

(3) No attempt has been made or will be made by the Bidder to induce any other concern to submit or not to submit a bid for the purpose of restricting competition.

b. Each signature on the bid is considered to be a certification by the signatory that the signatory -

(1) Is the person in the Bidder's organization responsible for determining the prices being offered in this bid or offer, and that the signatory has not participated and will not participate in any action contrary to subparagraphs a.(1) through a.(3), above; or

(2) (i) Has been authorized, in writing, to act as agent for the following principals in certifying that those principals have not participated, and will not participate in any action contrary to subparagraphs a.(1) through a.(3), above

(insert full name of person(s) in the Bidder's organization responsible for determining the prices offered in this bid or offer, and the title of his or her position in the Bidder's organization);

(ii) As an authorized agent, does certify that the principals named in subdivision **b.(2)(i)**, above, have not participated, and will not participate, in any action contrary to subparagraphs **a.(1)** through **a.(3)** above; and

(iii) As an agent, has not personally participated, and will not participate, in any action contrary to subparagraphs **a.(1)** through **a.(3)**, above.

c. If the Bidder deletes or modifies subparagraph **a.(2)** above, the Bidder must furnish with its bid a signed statement setting forth in detail the circumstances of the disclosure.

I.4 Certification Regarding Debarment, Suspension, Proposed Debarment, Environmental Compliance and Other Responsibility Matters (JUL 97)

a. (1) The Bidder certifies, to the best of its knowledge and belief, that -

(i) The Bidder and/or any of its Principals -

(A) Are (____) are not (____) presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any Federal agency;

(B) Have (____) have not (____), within a three-year period preceding this bid, been convicted of or had a civil judgment rendered against them for: commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, state or local) contract or subcontract; violation of Federal or state antitrust statutes relating to the submission of bids; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; and

(C) Are (____) are not (____) presently indicted for, or otherwise criminally or civilly charged by a governmental entity with, commission of any of the offenses enumerated in subdivision **a.(1)(i)(B)** of this provision.

(D) Are ____ are not ____ presently indicted for or otherwise criminally or civilly charged by a Federal, state or local entity with violation of any environmental laws;

(E) Have ____ have not ____ within the three-year period preceding this bid, been convicted of or had a civil judgment rendered against them for violation of a Federal, state or local environmental statute or regulation.

(ii) The Bidder has (____) has not (____), within a three-year period preceding this bid, had one or more contracts terminated for default by any Federal agency.

(2) "Principals," for the purposes of this certification, means officers; directors; owners; partners; and, persons having primary management or supervisory responsibilities within a business entity (e.g., general manager; plant manager; head of a subsidiary, division, or business segment, and similar positions).

(3) If the Bidder answers affirmatively to a.(1), above, the Bidder shall include in its bid an explanation of the circumstances, including the outcome.

This certification concerns a matter within the jurisdiction of an agency of the United States and the making of a false, fictitious, or fraudulent certification may render the maker subject to prosecution under section 1001, title 18, United States Code.

b. The Bidder shall provide immediate written notice to the Contracting Officer if, at any time prior to contract award, the Bidder learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

c. A certification that any of the items in paragraph **a.** of this provision exists will not necessarily result in withholding of an award under this Invitation. However, the certification will be considered in connection with a determination of the Bidder's responsibility. Failure of the Bidder to furnish a certification or provide such additional information as requested by the Contracting Officer may render the Bidder nonresponsible.

d. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render, in good faith, the certification required by paragraph **a.** of this provision. The knowledge and information of a Bidder is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

e. The certification in paragraph **a.** of this provision is a material representation of fact upon which reliance was placed when making award. If it is later determined that the Bidder knowingly rendered an erroneous certification, in addition to the other remedies available to the Government, the Contracting Officer may terminate the contract resulting from this Invitation for default.

I.1 Sale of Government Property Bid and Award (JAN 95)

**SALE OF GOVERNMENT PROPERTY
BID AND AWARD**

BID (This Section to be completed by the Bidder)	DATE OF BID (Day, month, and year) _____ 2003
<p>In compliance with this Invitation and subject to the Terms and Conditions cited within, the undersigned offers and agrees, if this Bid is accepted within 10 working days after date of Bid opening, to purchase and pay for any and all of the items or lots of property listed in Section I.2, and to remove the property within the time specified in the Invitation after contract award by the Government. The total amount bid is \$_____.</p>	
EXECUTION BY BIDDER	EXECUTION BY GOVERNMENT
<i>DATE (Day, Month, Year)</i>	<i>DATE OF ACCEPTANCE (Day, Month, Year)</i>
<i>NAME OF COMPANY</i>	<i>CONTRACT NUMBER</i> SPO833- _____
<i>ADDRESS (Street, City, State & Zip Code) (Type or Print)</i> _____ _____	<i>TOTAL AMOUNT</i> \$ _____
Telephone Number: _____ Facsimile Number: _____	<i>UNITED STATES OF AMERICA</i> <i>BY:</i> _____
<i>SIGNATURE AND TITLE OF PERSON AUTHORIZED TO SIGN THIS BID (Type or print name and title under signature)</i> _____ _____	<i>NAME AND TITLE OF CONTRACTING OFFICER</i> _____ Contracting Officer DNSC-C
<i>ALUMINUM OXIDE-ABRASIVE GRAIN AWARDED (to be completed by the Government):</i>	

Aluminum Oxide - Abrasive Grain

ITEM NUMBER	STORAGE LOCATION	COUNTRY OF ORIGIN	GRAIN SIZE	RANGE OF BULK DENSITY	NUMBER OF DRUMS	NUMBER OF POUNDS	SHORT TONS	BID QUANTITY (SHORT TONS)	UNIT PRICE (per ST)	TOTAL BID PRICE
CATEGORY I										
66	New Haven, IN	Domestic	20	1.93 - 2.02	812	814,440	407.00		\$	\$
67	New Haven, IN	Domestic	24	1.90 - 1.99	623	626,090	313.00		\$	\$
68	New Haven, IN	Domestic	30	1.86 - 1.95	341	340,806	170.00		\$	\$
70	New Haven, IN	Domestic	46	1.82 - 1.91	134	135,370	68.00		\$	\$
6	Voorheesville, NY	Domestic	20	1.93 - 2.02	1,696	1,785,286	892.64		\$	\$
7	Voorheesville, NY	Domestic	24	1.90 - 1.99	1,271	1,335,670	667.84		\$	\$
8	Voorheesville, NY	Domestic	30	1.86 - 1.95	83	87,788	43.89		\$	\$
10	Voorheesville, NY	Domestic	46	1.82 - 1.91	875	898,687	449.34		\$	\$
11	Voorheesville, NY	Domestic	54	1.81 - 1.90	1,188	1,221,337	610.67		\$	\$

COMPANY NAME: _____

NAME: _____

TITLE: _____

SIGNATURE: _____

DATE: _____

<u>SITE</u>	<u>HOURS</u>	<u>DAYS</u>	<u>AVAILABLE TRANSPORTATION</u>
VOORHEESVILLE, NY (UNSTAFFED DEPOT)	0730 - 1530 0830 - 1530	MONDAY - THURSDAY FRIDAY	TRUCK
NEW HAVEN, IN	0730-1500	MONDAY - FRIDAY	TRUCK & RAIL

**Defense Logistics Agency
Defense National Stockpile Center
ATTN: Phyllis Bullock
8725 John J. Kingman Road Suite 3223
Ft. Belvoir, VA 22060-6223**

**Telephone Number: (703) 767-7610
Facsimile Number: (703) 767-7608**