



DEFENSE LOGISTICS AGENCY
DEFENSE NATIONAL STOCKPILE CENTER
8725 JOHN J. KINGMAN ROAD, SUITE 3229
FT. BELVOIR, VIRGINIA 22060-6223

January 16, 2004

IN REPLY
REFER TO

DNOSC-C1

AMENDMENT NO. 016
SOLICITATION OF OFFERS FOR
TITANIUM SPONGE
UNDER DLA-TITANIUM SPONGE-003

Effective immediately the above referenced Solicitation for the sale of Titanium Sponge is hereby amended to identify the next bid opening and update Section **I.2 Item Offer Page**.

1. **SECTION A - SOLICITATION**

a. Subsection A.1 Introduction (JUL 97)

Delete paragraph A.1.a in its entirety and replace with the following:

The Defense Logistics Agency (DLA), Defense National Stockpile Center (DNOSC) is soliciting offers for the sale of approximately 14,000,000 pounds of Titanium Sponge in Fiscal Year 2004. The **second offering** in Fiscal Year 2004 will be held on **Tuesday, February 10, 2004 at 2:00 PM local time, Ft. Belvoir, VA**. If all material is not sold, subsequent offerings will be announced. Offerors are advised to telephone the Directorate of Stockpile Contracts at (703) 767-6500 to ascertain the availability of material. Offers must be received at the address in Section **B.2.a**. by 2:00 PM local time, Ft. Belvoir, VA. **In the event a day scheduled for receipt of offers is a holiday or DNOSC is otherwise closed at the time set, offers will be received at 2:00 PM local time, Ft. Belvoir, VA on the next DNOSC business day.**

2. Section **I.2 Item Offer Page -Titanium Sponge (Oct FY04)** is hereby deleted in its entirety and replaced with Section **I.2 Item Offer Page -Titanium Sponge (Jan FY04)**, see attached.
3. A Contractor must use a carrier that has an "en route security plan" conforming to the requirements of 49 CFR 172.802.
4. Please complete the attached ANNUAL CERTIFICATIONS AND REPRESENTATIONS, if you have not already done so; they will remain on file and current through FY 2004. If changes within your company occur, then an updated copy should be forwarded. These reps and certs are also accessible via our website at <https://www.dnosc.dla.mil>. Please note that these are in addition to the submittals required for each offering (I.2, I.3 and I.4), attached.

5. Offerors shall acknowledge receipt of this Amendment by signing in the space provided below and returning this form to the following address. Offerors may also submit this form to DNSC-C via facsimile at (703) 767-5541.

ATTN: Bid Custodian (DNSC-XO)
Defense National Stockpile Center
8725 John J. Kingman Road, Suite 3229
Fort Belvoir, VA 22060-6223
Facsimile number is (703) 767-5541

6. Amendment Nos. 002, 005, 009, 013 and 14 to this solicitation are no longer applicable and hereby deleted.

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

Except as provided herein, all other terms and conditions of DLA-TITANIUM SPONGE-003 and Amendment Nos. 001, 003, 004, 006, 007, 010, 011, 012 and 015 thereto, remain unchanged and in full force and effect.

Name of Firm: _____

Address: _____

Signature: _____

Title: _____

Date: _____ FAX: _____

I. 2 Item Offer Page -- Titanium Sponge (JAN FY04)

<u>Item #</u>	<u>Location</u>	<u>Type</u>	<u>Producer</u>	<u>BHN Range</u>	<u>Quantity (lbs)</u>	<u>Quantity Offered On (lbs)</u>	<u>Unit Price (\$ per lb)</u>	<u>Total Price (\$)</u>
19	Curtis Bay, MD	A	Osaka & Toho	<100 - 140	1,408,657	X	=	
22	Pt. Pleasant, WV	A	Cramet	<100 - 120	480,000	X	=	
27	Somerville, NJ	A	Dupont	<100 - 140	306,000	X	=	
40	Somerville, NJ	A	[Misc. samples, sweepings]		310	X	=	
30	Warren, OH	C	RMI	<100 - 150	1,200,000	X	=	
31	Warren, OH	C	Electromet	<100 - 150	700,000	X	=	
Total:					4,094,967			

Minimum offer quantity per location is one truckload (40,000 lbs).

Storage: Curtis Bay -- outside (not palletized); Pt. Pleasant -- inside (palletized);
 Somerville -- inside (palletized); Warren -- inside (palletized)

Company Name

Name and Title of Person Submitting Offer

Signature and Date

I.3 Certificate of Independent Price Determination (JAN 01)

- a. The offeror certifies that:
- (1) The prices in this offer have been arrived at independently, without, for the purpose of restricting competition, any consultation, communication, or agreement with any other offeror or competitor relating to (i) those prices, (ii) the intention to submit an offer, or (iii) the methods or factors used to calculate the prices offered;
 - (2) The prices in this offer have not been and will not be knowingly disclosed by the offeror, directly or indirectly, to any other offeror or competitor before bid opening (in the case of a sealed bid solicitation) or contract award (in the case of a negotiated solicitation) unless otherwise required by law; and
 - (3) No attempt has been made or will be made by the offeror to induce any other concern to submit or not to submit an offer for the purpose of restricting competition.
- b. Each signature on the offer is considered to be a certification by the signatory that the signatory:
- (1) Is the person in the offeror'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 offeror's organization responsible for determining the prices offered in this bid or offer, and the title of his or her position in the offeror'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 offeror deletes or modifies subparagraph a.(2) above, the offeror must furnish with its offer 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 Offeror certifies, to the best of its knowledge and belief, that -
- (i) The Offeror 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 offer, 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 offers; 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 offer, 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 Offeror has has not , within a three-year period preceding this offer, 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 Offeror answers affirmatively to **(a)(1)**, above, the Offeror shall include in its offer 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 Offeror shall provide immediate written notice to the Contracting Officer if, at any time prior to contract award, the Offeror 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 Solicitation. However, the certification will be considered in connection with a determination of the Offeror's responsibility. Failure of the Offeror to furnish a certification or provide such additional information as requested by the Contracting Officer may render the Offeror 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 Offeror 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 Offeror 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 Solicitation for default.