



WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY
600 Fifth Street, NW, Washington, DC 20001-2651

AMENDMENT OF SOLICITATION / MODIFICATION OF CONTRACT

1. AMENDMENT A001		2. EFFECTIVE DATE SEE BLOCK 17	
3. ISSUED BY PURCHASING SECTION Lydia Pepper Office of Procurement & Materials, Rm 301-A 600 Fifth St, NW Washington, D.C. 20001		4. ADMINISTERED BY (If other than block 3)	
5. CONTRACTOR NAME AND ADDRESS (Street, city, county, state, and Zip Code)		6. FORM TYPE - (Check only one) <input checked="" type="checkbox"/> AMENDMENT OF SOLICITATION NO. <u>FQ18129/LP</u> <u>Dated: June 27, 2018</u> (See block 7) <input type="checkbox"/> MODIFICATION OF CONTRACT/ORDER NO. _____ DATE _____ (See block 9)	
7. THIS BLOCK APPLIES ONLY TO AMENDMENTS OF SOLICITATIONS <input checked="" type="checkbox"/> The above numbered solicitation is amended as set forth in block 10. The hour and date specified for receipt of Offers <input checked="" type="checkbox"/> is extended, <input type="checkbox"/> is not extended. Offerors 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 signing and returning <u>one</u> copy of this 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 solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE ISSUING OFFICE 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 such telegram makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.			
8. ACCOUNTING AND APPROPRIATION DATA (If required) N/A			
9. THIS BLOCK APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS (a) <input type="checkbox"/> This Change Order is issued pursuant to _____ The Changes set forth in block 10 are made to the above numbered contract/order. (b) <input type="checkbox"/> The above numbered contract/order is modified to reflect the administrative changes (such as changes in paying office, appropriation data, etc.) set forth in block 10. (c) <input type="checkbox"/> This Supplemental Agreement is entered into pursuant to authority of _____ It modifies the above numbered contract as set forth in block 10.			
10. DESCRIPTION OF AMENDMENT – Battery Assemblies for 6k Railcar a. IFB NO.: FQ18129/LP is amended to respond to Technical, Contractual or Administrative questions – see continuation page 2 of Amendment 001. b. A Site Visit will be held on July 31, 2018 at 10:00 a.m. c. The IFB Bid Opening Date is changed from July 25, 2018 to <u>August 15, 2018 at 2:00 p.m EST.</u> End of Amendment 001 Except as provided herein, all terms and conditions of the document referenced in block 6, as heretofore changed, remain unchanged and in full force and effect.			
11. <input checked="" type="checkbox"/> CONTRACTOR/OFFEROR IS REQUIRED TO SIGN THIS MODIFICATION AND RETURN <u>1</u> COPIES TO ISSUING OFFICE.		<input type="checkbox"/> CONTRACTOR/OFFEROR IS NOT REQUIRED TO SIGN THIS DOCUMENT	
12. NAME OF CONTRACTOR/OFFICE BY _____ (Signature of person authorized to sign)		15. WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY BY <u>F.R. Voellm</u> (Signature of Contracting Officer)	
13. NAME AND TITLE OF SIGNER (Type or print)	14. DATE SIGNED	16. NAME OF CONTRACTING OFFICER (Type or print) Frederick Voellm	17. DATE SIGNED July 23, 2018

[n/a] Certificate of Non-Compliance with 49 U.S.C. § 5323(j)(1)

The offeror hereby certifies that it cannot comply with the requirements of 49 U.S.C. § 5323(j)(1) and 49 C.F.R. § 661.5, but it may qualify for an exception pursuant to 49 U.S.C. §§ 5323(j)(2)(A), 5323(j)(2)(B), or 5323(j)(2)(D), and 49 C.F.R. § 661.7.

15.2.2 Certification requirement for procurement of buses, other rolling stock and associated equipment:

[] Certificate of Compliance with 49 U.S.C. § 5323(j)(2)(C)

The offeror hereby certifies that it will comply with the requirements of 49 U.S.C. § 5323(j)(2)(C) and the regulations at 49 C.F.R. § 661.11.

[] Certificate of Non-Compliance with 49 U.S.C. 5323§ (j)(2)(C)

The offeror hereby certifies that it cannot comply with the requirements of 49 U.S.C. § 5323(j)(2)(C) and 49 C.F.R. § 661.11, but may qualify for an exception pursuant to 49 U.S.C. §§ 5323(j)(2)(A), 5323(j)(2)(B), or 5323(j)(2)(D), and 49 C.F.R. § 661.7.

Name	Signature
Title	Company
Date	

16. CERTIFICATION OF NON-DELINQUENT TAXES

This certification is applicable to federally assisted contracts.

16.1 By submission of this offer, the offeror certifies, and in the case of a joint offer, each party thereto certifies as to its own organization, that in connection with this procurement:

16.1.1 It has not been convicted over the past three (3) years of violating any Federal criminal tax law or failed to pay any tax.

16.1.2 It has certified if it has been notified of an unresolved tax lien or any unsatisfied Federal tax delinquency in excess of \$3,000 and that it is paying tax debts through an installment agreement or has requested a collections due process hearing.

16.1.3 The offeror agrees that a breach of this certification is a violation of the Federal Acquisition Regulation (FAR).

16.1.4 As used in this certification, the term "tax delinquency" means an outstanding debt for which a notice of lien has been filed in public records.

16.1.5 It further agrees that (except where it has obtained identical certifications from proposed subcontractors for specific time periods) it will:

16.2 Obtain identical certifications from proposed subcontractors before the award of subcontracts under which the subcontractor will be subject to the FAR.;

16.3 Retain such certifications in its files; and

16.4 Forward the following notice to such subcontractors (except if the proposed subcontractors have submitted identical certifications for specific time periods):

Revised 32 - Amendment 001 dated July 23, 2018

AMENDMENT OF SOLICITATION (CONT)
IFB NO.: FQ18129/LP – A001
Description: Battery Assemblies for 6k Railcar

This Amendment is to respond to the following Technical, Contractual or Administrative questions as referenced in the IFB:

Clarification regarding the following observations: Q= Questions, A= Answer

1. Q - IFB SOLICITATION INSTRUCTIONS, Paragraph 1c - INTRODUCTION states:
if multiple awards are to be made, they cannot be made to more than one supplier. Bidders must base their costs/pricing on the quantities being shipped and recycled that are stated on the bid.
A - One award will be made to the responsive, responsible bidder with the lowest price.

2. Q – REPRESENTATIONS AND CERTIFICATIONS: Paragraph 15. BUY AMERICA ACT CERTIFICATION, 15.2.1 - 49 C.F.R. § 661.5 (manufactured product) referenced in this section is incorrect. The replacement batteries for the WMATA 6K cars should be classified as 49 C.F.R. § 661.11 (rolling stock component). Thereby the total BAA content should be ≥ 65%. This information was given to the bidder by a qualified BAA consultant. For reference, to avoid confusion, the FTA adopted a "Non-Shift" approach. This basically means that once the product is considered a rolling stock component (as the battery was when it was originally supplied to CAF), it will continue to be a rolling stock component.
Moreover, according to 49 C.F.R. § 661.5 (manufactured product), 100% of the battery would need to be manufactured in U.S.A. This means every part of the battery down to the lowest level (misc hardware, active material, plates, separators, electrolyte, etc.) needs to be 100% manufactured in U.S.A. I don't believe that a manufacturer of NiCd railway batteries meeting this requirement exists. Therefore, the bidders will need to check the box certifying non-compliance and a waiver must be granted.
Please consider changing the requirement to 49 C.F.R. § 661.11 (rolling stock component).
A – Remove Page 32 and Replace it with the attached Revised Page 32 to allow completion of BUY AMERICA ACT CERTIFICATION, 15.2.2 – rolling stock component.

3. Q – TERMS AND CONDITIONS: It is understood that if bidders take exception to any requirements in the bid documents (including terms and conditions), they may be considered non-responsive. That said, we noticed that there is no "Limitation of Liability" clause in this section. This means the amount of liability to the bidder/contractor is virtually uncapped. This could be very damaging to any company. We respectfully request that WMATA consider adding the following language to the terms and conditions:

LIMITATION OF LIABILITY

NEITHER PARTY SHALL BE LIABLE FOR INCIDENTAL, CONSEQUENTIAL, INDIRECT OR REMOTE DAMAGES, INCLUDING LOSS OF PROFITS OR LOSS OF USE, OR FOR PUNITIVE, EXEMPLARY OR OTHER SPECIAL DAMAGES, HOWEVER STYLED, WHETHER ARISING UNDER THIS AGREEMENT OR OTHERWISE.

The total aggregate liability of the Contractor arising out of or in connection with the performance of the Agreement shall in no event exceed the total amount received by Contractor under this Agreement
A – Bidders cannot take exceptions to any terms and conditions in an IFB.

4. Q - TECHNICAL SPECIFICATION: Paragraph 1.2 Documentations must be submitted with this bid:
Certificates of compliance for shock and vibration test reports can be provided for similar bidder's batteries as the one which will be offered on this bid. Special testing would involve additional cost and could potentially take several months to complete, as it must be scheduled and performed by independent testing lab. The bid due date would need to be extended.
- A - **Any comparable battery shock and vibration test is acceptable. The actual test report for the proposed battery shall be provided as part of the FAI.**
5. Q - Proposed battery assembly drawings and BOM's cannot be provided since battery assembly has not yet been developed. A site visit will be necessary in order to inspect and measure 6K railcar battery box to determine shims/hardware which will be required to secure battery in the battery box. Then additional time will be needed for the bidder's engineering dept. to create the specific battery assembly drawing. We suggest bid due date be extended in order to allow for this.
- A - a. **Site Visit is scheduled for July 31, 2018 at 10:00 a.m. local time.**
Location of Site Visit is as follows:
Washington Metropolitan Area Transit Authority
5801 Sunnyside Avenue,
Commissioning Facility, Bldg. H, 3rd Floor,
Conference room to be determined.
College Park, MD 20740
- b. **Bid opening date is on August 15, 2018 – 2:00 p.m. local time**
c. **Preliminary drawings (dimensions) can be provided to include layout dimension at a minimum.**
6. Q - 3.0 Contractor Scope of Services – Paragraph 3.0, d - As stated above, site visit must be conducted prior to bid due date. This needs to be extended.
- A - **See above #5**
7. Q - Paragraph e - the bidder proposes submitting shock and vibration test reports done on higher capacity cell types of same product family. Special testing would involve additional cost and could potentially take several months to complete, as it must be scheduled and performed by independent testing lab. The bid due date would need to be extended.
- A - **See above #4 & 5b.**
8. Q - Paragraph f - Each spent battery pickup should consist of full truckloads of approximately 25 sets per pickup.
- A - **WMATA cannot guarantee twenty-five (25) spent batteries per pick up.**
9. Q - 7.0 Operations and Maintenance Training Requirements (Post Award)
Paragraph l - Battery maintenance training takes approximately 2 hours max. We propose "eight (8) hours each" be removed from the spec.
- A - **Change eight (8) hours to four (4) hours minimum to include hands-on, service maintenance procedures, battery capacity checks.**

10. Q. – a. Section 10.0 Technical Requirements for Battery Assemblies

Re: 10.1 Battery type - M plate performance is incorrect. Batteries must be H plate performance, same as existing batteries.

A. a. Section 10.1, Battery Type - Change M Plate to H Plate.

Q - b. Section 10.8 Date Code - This describes the location of the date code on the existing bidder's steel cells. Date Code on bidder's plastic cells is heat stamped on the cell container cover.

A - b. Remove Section 10.8 – Date Code of the Technical Specifications and replace with the revised Section 10.8 Date Code to read: - The manufacturing date code must be heat stamped on the edge of the lid of each cell by month (first two digits) and year (third and fourth digits), e.g., 0517 for May 2017. The manufacturing date and other relevant battery information must be on the identification label of the crate.

11. Q - ATTACHMENT 2 – SAMPLE BATTERY QUALIFICATION

Not sure the significance of this document in terms of how it adds any information to help the bidder. There's too much information to comment on. Much of this information is regarding the existing batteries that will be replaced. I believe it would be counterproductive to try and dissect this document during the bid process, as it would only add unnecessary delays. I would anticipate that much of the document will need to be updated with information from the successful bidder's manual.

A. - Attachment 2 – Sample Battery Qualification with Engineering Test Procedure (ETP) is for information only: it's part of the FAI process and internal to WMATA. Contractor shall provide similar documentation for the proposed battery once awarded with the contract.

12. Q - To complete the design, there needs to be a visit to WMATA's shop to evaluate the vehicle's battery box.

A - See above #5a

13. Q - Will the order for 2 Test Batteries be given to both suppliers regardless of pricing to validate the battery being offered?

A - No. See above #1.

14. Q - Since there is a 0% DBE requirement, can all the DBE forms in Appendix B be omitted?

A - Yes. Delete Appendix B in its entirety.

15. Q - On page 20, Item 23.b, states that the Authority may make multiple awards as a result of this solicitation. Does that mean the order of 92 batteries may be split between the 2 suppliers?

A - No. See above #1.

16. Q - In the Insurance Requirements, Professional Liability is required. This type of insurance is for professional advice- and service-providing individuals and companies from bearing the full cost of defending against a negligence claim made by a client. This is not applicable to a product supplier. As stated on page 66, this insurance states that it is for consulting services which again proves not to be applicable.

A - The SOW references that the Contractor shall provide technical documentation and training to WMATA designated personnel regarding engineering, function, service maintenance, troubleshooting, etc. during the warranty duration period, and for equipment testing/diagnostic techniques. This exposure is the reason why Professional Liability was listed as an insurance requirement.

17. Q - For the Buy America Act, what % is required for this project? 60%?

A - 65%.

18. Q - In the Technical Specifications, on page 103, it states that 3 calendar days after notification, the arrangements for pick-up are to be made. The process for this requires the Recycling Center to request a Clearance by the EPA before they give us the permission to ship the units to them. This process can take up-to 2 weeks to occur. This topic needs to be discussed/revised.

A - **Contractor shall make arrangement for pick up three (3) calendar days after e-mail notification.**

19. Q - The bidder is planning to quote a 200 Ah capacity battery since a minimum of 195 Ah is specified. Since the bidder has done a Shock and Vibration Test of these cells in another battery box configuration to the IEC 61373 Specifications, would WMATA accept that Test Report? If not, the 10 days prior to the FAI mentioned in the Technical Specifications, page 103, is not feasible due to the time required to schedule and execute the Shock and Vibration testing.

A - **See above #4.**

20. Q - Section 10.2 of the Technical Specifications is the only means of determining the capacity requirement of the battery. Changing from an X-Type to an M-Type NiCad cell may require additional capacity to meet the load requirements of the vehicle. The bidder would prefer to calculate using a Load Profile to validate the size of the battery. The information in this section does not include enough details to do so. With this understanding, the bidder will quote a 200 Ah battery, but cannot guarantee that the load requirement of the vehicle will be met.

A - **Bidder must be able to meet vehicle load requirements. See above #10a.**

21. Q - 10.1 Battery Type

The battery shall be of nickel-cadmium-alkaline type. Each cell shall have an electrolyte reservoir capacity to hold enough/endure one year of normal service without requiring inspection of the electrolyte level or addition of water during summer operations under elevated temperatures. The battery shall consist of open (vented), low maintenance sintered PBE or fiber nickel-cadmium cells with H Plate performance design and shall comply with IEC 60623 5th edition released January 23, 2017.

A - **See above #10a.**

22. Q - Section 10.3 of the Technical Specifications defines the nickel cadmium cell to be sintered positive plates. This is not the process for the fabrication of the bidder's cells. Please remove this statement.

A - **Remove Section 10.3 of the Technical Specifications and replace with the revised Section 10.3 as follows: The positive plate shall be of the sintered or nickel fiber type. The negative plate shall be of the plastic bonded type and coated with cadmium oxide mixture. Graphite shall not be used in the plates. All nickel plated steel tabs shall be seam welded onto the plates to ensure the highest transfer of current and maximum mechanical strength. The cell plate groups shall be bolted/welded to the positive and negative terminal posts accordingly.**

23. Q - Section 10.3 of the Technical Specifications requires the plates to be stacked and bolted to the corresponding terminal posts. This is not the process for fastening the plates of the bidder's cells. The bidder welds them together. Please remove this statement.

A - **See above #22.**

24. Q - Section 10.7 of the Technical Specifications requires the negative terminals to have a black polarity washer. The bidder builds to international standards which requires blue negative washers. Please revise this requirement.

A - **IEC60623 only specifies the red for the positive terminal. Negative terminal is left for the manufacturer to decide upon what color to use.**

25. Q - This is also mentioned in Sample Battery Qualifications Attachment 2 and requires changing along with the use of wood crates for the new batteries. This attachment should be for reference only or revised to be applicable to the new type of batteries being provided.
A - **The Sample Battery Qualification is for reference purposes. Contents shall be updated by the Contractor once awarded with the contract. ETP is internal to WMATA and will be performed by WMATA.**
26. Q - Section 10.8 of the Technical Specifications requires that the date code that the bidder heat stamps on the lid of the cells be on the crate. The bidder's date code includes more than just the month and year and would not be applicable to be on the crate. It is also located along the edge of the lid near the negative terminal, NOT on the positive terminal. The bidder does identify the manufacturing date of the battery on the crate. Please revise the wording of this section.
A - **See above #10b.**
27. Q - Attachment B, Section 1.2 specified the torque for the terminals using an M8 torque wrench. The bidder's cells use of M10 bolts, so the torque value needs to be revised.
A - **Attachment B is for reference purposes only. Bidder will provide similar documentation for the proposed battery once awarded with the contract.**
28. Q - Attachment B, Section 1.5 specifies discharging the battery at 39 Amps. If the bidder provides 200 Ah cells, this should be changed to 40 Amps. Also, the procedure discharges the cells to 0.8 volts per cell followed by a wire to short the cell. This is NOT acceptable by the bidder. The bidder's cells are NOT to be discharged below 1.0 volts per cell. Negative charging the cells is also NOT acceptable to the bidder. Constant current charging of the batteries is to be at 40 Amps for the bidder's proposed batteries. Also, Constant Current Charging is to not be any greater than 7 hours or until the cells reach 1.8 volts. This complete procedure is NOT acceptable to the bidder. Either revise or remove.
A - **See above #27**

End of Amendment 001