AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT

1. CONTRACT ID CODE	PAGE OF PAGES
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2. AMENDMENT/MODIFICATION NO.	3. EFFECTIVE DATE		5. PROJECT NO. *(If applicable)*
0003	April 26, 2023		

6. ISSUED BY CODE SPE605

DEFENSE LOGISTICS AGENCY ENERGY
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7. ADMINISTERED BY (*If other than Item 6*) CODE

8. NAME AND ADDRESS OF CONTRACTOR (*NO., street,city,county,State,and ZIP Code*)

BIDDER CODE: CAGE CODE:

CODE FACILITY CODE

(☐) X

9A. AMENDMENT OF SOLICITATION NO. SPE60523R0206

9B. DATED *(SEE ITEM 11)* March 30, 2023

10A. MODIFICATION OF CONTRACT/ORDER NO.

10B. DATED *(SEE ITEM 13)*

11. **THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS**

[X] The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers [ ] is extended,[X] 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 1 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 solicitation and amendment numbers. **FAILURE OF YOUR ACKNOWLEDGMENT 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** *(If required)*

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)* THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.
	B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES *(such as changes in paying office appropriation date, 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:
	D. OTHER *Specify type of modification and authority)*

E. **IMPORTANT:** Contractor [ ] is not, [ ] is required to sign this document and return ___ copies to the issuing office.

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

SPE60523R0206

Offerors must acknowledge receipt of this amendment by filling out block 8 above, and signing and dating blocks 15A, 15B, and 15C below, and returning this document with their offer to DLAEnergyFEPBA@dla.mil or e-mail to danette.stewart@dla.mil/matthew.womer@dla.mil.

SEE CONTINUATION PAGE

Except as provided herein, all terms and conditions of the document referenced in Items 9A or 10A, as heretofore changed, remain unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (*Type or print*)		16A. NAME AND TITLE OF CONTRACTING OFFICER *(Type or print)*	
CONTRACTOR/OFFEROR *(Signature of person authorized to sign)*	15C. DATE SIGNED	16B. UNITED STATES OF AMERICA *(Signature of Contracting Officer)*	16C. DATE SIGNED

This amendment is issued under SPE60523R0206 for the following:

A. Below are questions asked by Vendors and Answered by DLA Energy:

Question 1: For item # 0206, the price escalator says "ODAUST2U – OPIS AUSTIN 2ULSD." What type of pricing is this?
Answer: ODAUST2U is an internal escalator ID. OPIS Austin 2 ULSD is the publication for number 2 diesel in Austin Texas.

Question 2: For the quantities listed, for example, item #0206 mentions 50,000, is that number is stretched over the entire period of performance??
Answer: The quantities listed are the quantities expected to be lifted for the life of the contract. Note, if awarded a contract, it will be requirements type contract.

Question 3: Am I able to submit for a specific line item?
Answer: Any line item without "Group" beside it may be offered as individual. All line items with "Group" must be offered on together.

Question 4: How do I see if the country that I am sourcing the fuel from is authorized for supply to the USA? Is Azerbaijan an acceptable origin?
Answer: Review trade agreements listed in the Solicitation

Question 5: Do I have to coordinate delivery to the end destination?
Answer: Yes, government does not take receipt of fuel until it has reached the final destination.

Question 6: I want to more easily find out if my supplier can supply any of the listed items. What is the easiest attachment to show them to see what is being requested? I believe I can also share the base reference attachment?
Answer: Use Attachment A for the description of requirements and Attachment I for base reference price. Also, the C-QAP attachment for fuel specifications.

Question 7: The solicitation calls for MUR, but this escalator is not MUR related. Is it possible ODTLSAUHG9 is GUR?
Answer: Yes, that escalator can be used for either MUR or GUR.

Question 8: Clarify the meaning of TTW under Mode**.**
Answer: Tank Truck with pump.

Question 9: There are locations with the delivery Mode of Tank Wagon but have both large and small tanks or a tank that is large enough for Tank Truck delivery. Can the large tanks be delivered by Tank Truck and if so, please separate them so Tank Truck and Tank Wagon can be quoted separately.
Answer: Tank size does not drive the operation. Mission dictate the size of the truck needed not the tank size.

Question10: In the past you have accepted terminal bill of ladings in place of metered tickets from truck equipment. Will this substitution still be allowed for the new contract?
Answer: No, you must follow the conditions of the terms and conditions of the solicitation.

Question 11: CLIN **0301** has a Mode of both TW and TT. It lists one 30k tank. What is the correct delivery mode?
Answer: The mode of delivery is Tank Truck (TT)

Question 12: Quality Control Plan: Please clarify if the QCP plan is met via terminal BOL for delivered fuel. As it is written, it only applies to aviation and all Post, Camps and Stations non aviation fuel shipments via pipeline or waterborne transport. That is understood to apply to FOB, Pipeline or ship/waterborne deliveries for bulk fuel.
Answer: Per TAB 9 Attachment H Energy QAP E1 page 2 The contractor is required to provide and maintain an inspection system. The QCP plan must be submitted to DLA Energy with offer or within 30 days of award of first delivery.

Question 13: Which locations billed net or gross.
Answer: You will have to look at each location by the mode of transportation. The Net is under the TT & Gross is under TW.

Question 14: What is the standard delivery window? Is it 24, 48 hours or some other increment for delivered fuel products?
Answer: You will be given a minimum of 48 hours delivery order request or fuel delivery.

Question 15: Exception: Vendor does not accept credit card/purchasing card payments. How is this acknowledged in the offer?
Answer: Standard payment will go through WAWF with invoicing. We do not use credit/purchasing cards.

Question 16: Will customer accept emailed Invoices that are not mailed out?
Answer: Invoices are to be uploaded into WAWF.

Question 17: Are all applicable taxes required to be in the bid number regardless of knowledge of exemption?
Answer: All required Federal, State & local taxes must be included in the offer price. It is the vendors responsibility to know the taxes for the areas they are doing business.

Question 18: Please clarify if all line items are held for Small Business Set Aside and SDVOSB's and will not be awarded to vendors that don't have those designations. *This solicitation will be a Total Small Business Set-Aside with approximately 691 of the line items for small businesses and 67 for Service-disabled Veteran-owned Small Businesses (SDVOSBs).*
Answer: All Vendors that have been certified as a Small Business may offer on the 681 line items set aside for small businesses. **Only** Vendors that have been certified as a *Service-disabled Veteran-owned Small Businesses (SDVOSBs)* may offer on the line items set aside for *SDVOSBs.*

Question 19: *Where may we find the data for each CLIN, identifying if it is Transport, Tankwagon or other, including expected volumes and tanks sizes? If it is all located in the AMPS system, please advise.*
Answer: All requirements (quantity, mode of transportation, addresses etc.) may be found in both Attachments TAB 9 Attachment A Schedule by CLIN & TSW.

Question 20: Are tax exemption forms filled out as a blanket form for all agencies or by CLIN?
Answer: It depends on the entity receiving type of fuel and type of tax. The CLINs are tied to the location/state fuel is delivered. For example, if specific type of fuel is going to federal civilians (FedCivs) and they are not exempt for the type of taxes in that State, we will not provide an exemption certificate if vendors need even if they did not include taxes and thought FedCivs are exempt. Vendors need to research on their own and include applicable taxes in the price or exclude them from the price if exempt and request an exemption certificate from DLA Energy. That being said, if DOD, NG and FedCivs all are exempt in any particular State for any particular product, we will provide a blanket form.
Last, Vendor can provide an exemption form and we will fill out or we will research on our own if we think the form that vendor provided is not correct.

Question 21: Is the Federal Government exempt on state excise tax, in all states? If not please advise what states are not exempt from state excise tax.
Answer: The federal government is not exempt. Please check with individual states to see what taxes the federal government may be exempt. **Attached is a Tax Compilation for each state.**

Question 22: Please confirm is pricing based on Gross or net "OPIS and AXXIS" reports.
Answer: Gross

Question 23: Please confirm pricing will be based on 4:59pm instead of 6PM. Per OPIS 6PM closing does not exist.
Answer: Yes, OPIS Closing prices are based on a 4.59 pm ET snapshot

Question 24: Please advise will pricing will be based on OPIS Average or Contract Average?

Answer: Closing OPIS Rack Average

Question 25: We have noticed that in Solicitation #SPE60523R0206 DLA has changed a number of escalators, meaning that escalators for the same locations and product types in current contract differ from the ones in Solicitation. We would like to enquire if there is a possibility for DLA to use the same escalators in Solicitation #SPE60523R0206

Answer: The DLA Marketing Department makes an evalution each contract period and provide escalators that are in the best interest of the government. No escalator change are being considered at this time.

Question 26: What licenses does a SDVOSB US company need to have in place to supply the petroleum products listed in the tender to the federal government (i.e., specific Federal and State licenses)?

Answer: Vendors must be officially certified by the small business office as a Service Disabled Veterans-Owned Small Business (SDVOSB) to offer on the set-aside line items. SDVOSB has to be license to do business as all business to provide fuel in the state they are delivering. Please contact each State License office for further details on licensing to do business in their state.

Question 27: Can we, as the primary contractor, leverage the licenses of essential.

Answer: Vendors or their subcontractor has to be license in the state to legally operate in the state they are delivering fuel. It is the vendors responsibility to know the rules of the business they are operating. Please contact each State License office for further details on licensing to do business in their state.

Question 28: I wanted to confirm what we are putting in our price submission for each line item; when I select the applicable fees and taxes, I see the spill fee and the underground storage fee, but I am not seeing the Superfund fee. Do we need to include the Superfund fee into the price we input into the Price column, or is the Superfund called something else in the dropdown for taxes?

Answer: Please use the spreadsheet provided for the Federal Superfund Tax only if it applies. We provided it to make it easier to add your taxes. Ensure all taxes are included in your offer price.

B. Offerors must acknowledge receipt of this amendment by filling out block 8 above, and signing and dating blocks 15A, 15B, and 15C below, and returning this document via email to DLAEnergyFEPBA@dla.mil and danette.stewart@dla.mil / Matthew.Womer@dla.mil.

C. All other terms and conditions set forth under solicitation SPE605-23-R-0206 remain in-force and unchanged