

| AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT   |                                  |  | 1. CONTRACT ID CODE  | PAGE OF PAGES   |
|--|----------------------------------|--|--|---|
|  |                                  |  | J  | 1   11  |
| 2. AMENDMENT/MODIFICATION NO.<br>0002  | 3. EFFECTIVE DATE<br>02-Sep-2004 | 4. REQUISITION/PURCHASE REQ. NO.<br>W16ROE-4182-0275   |  | 5. PROJECT NO.(If applicable)                         |
| 6. ISSUED BY<br>USA ENGINEER DISTRICT, NEW YORK<br>ATTN:CENAN-CT ROOM 1843<br>26 FEDERAL PLAZA<br>NEW YORK NY 10278  | CODE<br>W912DS                   | 7. ADMINISTERED BY (If other than item 6)<br>OPS-SUPPORT-MGMT SUPPORT<br>26 FEDERAL PLAZA RM 1934<br>NEW YORK NY 10278 |  | CODE<br>E3R0205                                       |
| 8. NAME AND ADDRESS OF CONTRACTOR (No., Street, County, State and Zip Code)  |                                  |  | X  | 9A. AMENDMENT OF SOLICITATION NO.<br>W912DS-04-B-0013 |
|  |                                  |  | X  | 9B. DATED (SEE ITEM 11)<br>12-Aug-2004                |
|  |                                  |  |  | 10A. MOD. OF CONTRACT/ORDER NO.                       |
|  |                                  |  |  | 10B. DATED (SEE ITEM 13)                              |
| CODE   | FACILITY CODE                    |  |  |   |
| 11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS  |                                  |  |  |   |
| <input checked="" type="checkbox"/> The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offer <input type="checkbox"/> is extended, <input checked="" type="checkbox"/> is not extended.<br>Offer 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:<br>(a) By completing Items 8 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted;<br>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.<br>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 <input type="checkbox"/> is not, <input type="checkbox"/> 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.)  |                                  |  |  |   |
| 1. The purpose of this amendment is to incorporate the (Right of Entry), see attached next 9 pages of this document for the disposal site at Browns Creek From Town of Islip and Suffolk County, which is related to section 00900-ATT D, Permit. The date of receipt of bids, 13 September 2004 at 1:00 PM local time.  |                                  |  |  |   |
| 2. In FAR 52.219-1, Small Business Program Representations in section 00600 page 13, paragraph (2) in solicitation, The small business size standard is to be corrected from \$28.5M to \$17.0M.   |                                  |  |  |   |
| 3. All other terms and conditions remain unchanged.  |                                  |  |  |   |
| 4. NOTE: Bidders must acknowledge receipt of this amendment by the date specified in the solicitation (or as amended) by one of the following methods: in the space provided on the SF 1442, by separate letter, or by telegram, or by signing block 15 below. FAILURE TO ACKNOWLEDGE AMENDMENTS BY THE DATE AND TIME SPECIFIED MAY RESULT IN REJECTION OF YOUR BID IN ACCORDANCE WITH THE LATE BID, LATE MODIFICATIONS OF BIDS OR LATE WITHDRAWAL OF BIDS (FAR 14.304).<br>Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains 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) |   |
|  |                                  |  | TEL: _____ EMAIL: _____                                    |   |
| 15B. CONTRACTOR/OFFEROR  | 15C. DATE SIGNED                 | 16B. UNITED STATES OF AMERICA  |  | 16C. DATE SIGNED                                      |
| _____<br>(Signature of person authorized to sign)  |                                  | BY _____<br>(Signature of Contracting Officer)   |  | 02-Sep-2004   |

SECTION SF 30 BLOCK 14 CONTINUATION PAGE

**SUMMARY OF CHANGES**

(End of Summary of Changes)

**COUNTY OF SUFFOLK**



**STEVE LEVY**  
SUFFOLK COUNTY EXECUTIVE

**DEPARTMENT OF  
PARKS, RECREATION AND CONSERVATION**

**RONALD F. FOLEY**  
COMMISSIONER

August 10, 2004

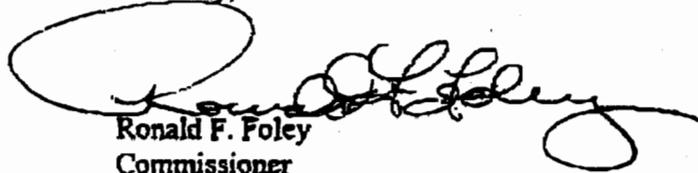
Honorable Christopher Bodkin, Councilman  
Town of Islip  
Ockers House  
965 Montauk Highway  
Oakdale, NY 11769

Re: Brown's River Dredging Project – Use of 9.5 acres County spoil site

Dear Councilman Bodkin,

The Suffolk County Parks Department hereby approves the Town of Islip and the U. S. Army Corps of Engineers to dump dredged spoil on the above referenced county property at Brown's River contingent on your obtaining all necessary permits and filing copies of same with Nick Gibbons of this office. Use of the county parcel for disposal of dredged spoil from private property is prohibited.

Sincerely,

  
Ronald F. Foley  
Commissioner

RFF/tk

Cc: Tracey Bellone, Deputy Commissioner  
Bill Sickles, Sr. Superintendent of Parks  
Nick Gibbons, Sr. Environmental Analyst



**MEMORANDUM FROM:  
OFFICE OF THE SUPERVISOR**

No. 20

TO: SUPERVISOR PETE MC GOWAN  
COUNCILPERSON BRIAN FERRUGGIARI  
COUNCILPERSON PAMELA J. GREENE  
COUNCILPERSON CHRISTOPHER D. BODKIN  
COUNCILPERSON WILLIAM J. ROWLEY

FROM: JEANETTE MESSINA, DEPUTY SUPERVISOR

RE: TOWN BOARD DISCUSSION AGENDA

Authorization for the Supervisor to enter into a consent with the U.S. Army Corps of Engineers for dredging of Brown's Creek in Bayport

THIS ITEM IS TENTATIVELY SCHEDULED FOR INCLUSION ON THE TOWN BOARD DISCUSSION AGENDA FOR **August 10, 2004 AT 10:30 A.M.**

SHOULD YOU HAVE ANY QUESTIONS, OR IF YOU REQUIRE ADDITIONAL INFORMATION RELATIVE TO THE ATTACHED, PLEASE CONTACT:

Frank Smith

IF YOU HAVE ANY COMMENTS, PLEASE ADVISE AS SOON AS POSSIBLE.

JEANETTE MESSINA  
DEPUTY SUPERVISOR

enclosure:

cc: JOAN B. JOHNSON, TOWN CLERK  
VINCENT J. MESSINA, JR., TOWN ATTORNEY  
TRISH PASCIOTTI, PUBLIC INFORMATION  
EUGENE MURPHY, ACTING COMMISSIONER, PLANNING AND DEVELOPMENT  
DOUGLAS CELIBERTI, COMPTROLLER

**Town of Islip  
Sponsor's Memorandum  
for Town Board Resolution**

**Instructions:** All items for Town Board action must be accompanied by a sponsor's memorandum which shall be the covering document for all agenda submissions. All items shall be reported to the Deputy Supervisor no later than 12 days prior to the scheduled meeting.

**Purpose:** Describe the essence of the attached resolution and give a brief background. Explain any policy implications, whether this item has previously been before the Board, and if any similar resolutions have previously been passed or denied by the Board.

The attached resolution is for the purpose of authorizing the Supervisor to sign the Right of Entry Agreement with the U.S. Army Corps of Engineers for the Brown's Creek dredged material placement area. The Town of Islip has requested that the U.S. Army Corps of Engineers dredge Brown's Creek and the Town must grant permission for use of the Town property adjacent to the project to be used for placement of the dredged material. This action would be in keeping with Town policies of working with other levels of government to accomplish necessary public works projects. A similar resolution was before the Town Board in 1994 and was adopted.

**Specify Where Applicable:**

- 1. Entity or individual benefitted by resolution:  
Town of Islip, vessels using Brown's River and the United States
- 2. Site or Location effected by resolution:  
Town property adjacent to Brown's River Road, Bayport
- 3. Cost: N/A
- 4. Budget Line: None
- 5. Amount and source of outside funding: Funding provided by the U.S. Government

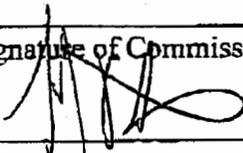
**Environmental Impact:** Is this action subject to a SEQR environmental review ?

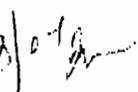
\_\_\_\_\_ Yes under Section 1, Sub.A, Number \_\_\_\_\_ of the Town of Islip 617 Check List, an environmental review is required

  X   No under Section II, Sub.   B  , Number   2   of the Town of Islip 617 Check List, no environmental review is required.

Signature of Commissioner/Department Head Sponsor:

Date:



8/2/04  


**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF ISLIP**

WHEREAS, the U.S. Army Corps of Engineers has requested permission to utilize Town of Islip property at Brown's River Road for the purpose of placing dredged material from the Brown's Creek Federal Navigation Project; and

WHEREAS, this property has been utilized for this purpose during the last dredging project in 1995; and

WHEREAS, this dredging project is in the public interest to provide adequate navigation channels for ferry service and access to public facilities; and

WHEREAS, it has been determined that there will be no significant adverse environmental impact as a result of this project in accordance with NEPA regulations; now therefore

On a motion by Councilman \_\_\_\_\_, seconded by Council \_\_\_\_\_, be it

RESOLVED, that the Supervisor of the Town of Islip is authorized to execute any required agreements or permits allowing the U.S. Army Corps of Engineers to utilize the Town property at Brown's River Road Tax Map # 0500-431-08-001 for purposes of disposing of the dredged material from the Brown's Creek Federal Navigation project.

Upon a vote being taken, the result was:

VOTED ON AND PASSED UNANIMOUSLY  
BY THE TOWN BOARD ON AUGUST 10, 2004

CHRIS BOOKIN  
\_\_\_\_\_



TOWN OF ISLIP

DEPARTMENT OF PARKS, RECREATION &amp; CULTURAL AFFAIRS

50 IRISH LANE • EAST ISLIP, NEW YORK 11730-2098 • (631) 224-5400

Pete McGowan, Supervisor  
Jeanette Messina, Commissioner

August 26, 2004

Department of the Army  
New York District, Corps of Engineers  
Jacob K. Javits Federal Building  
New York NY 10278-0090Att: Joseph Olha, Oceanographer/project Manager  
Re: Maintenance Dredging, Browns Creek, New York, Federal Navigation Project

Dear Mr. Olha:

As a follow up to our telephone conversation of August 3, 2004, the mooring season for boats in the Town of Islip's marinas ends on November 15, 2004. Effective November 16, 2004, the Town of Islip will have all of the mooring poles removed at the Town's marina along the east side of Brown's River, to facilitate the dredging project.

In addition, enclosed please find a Right of Entry Agreement for the Brown's River project, signed by Pete McGowan, Town Supervisor, for a temporary easement to deposit dredge spoil on Town of Islip property. I am also enclosing a certified copy of the Town Board Resolution authorizing the Supervisor to sign the Right of Entry Agreement.

If you need anything else to help you with this project, please contact either Tom Marquardt at (631) 224-5445 or myself at (631) 224 5413.

Very truly yours,

Frank V. Smith  
Deputy Commissioner

FVS:mc

cc: Jeanette Messina, Commissioner  
Thomas Marquardt, Principal Planner

**RIGHT OF ENTRY  
MAINTENANCE DREDGING, BROWN'S CREEK  
FEDERAL NAVIGATION CHANNEL, NEW YORK**

THIS INDENTURE made this 24 day of August 2004 between the Town of Islip (the "Grantor") and the UNITED STATES OF AMERICA, acting by and through the District Engineer, U.S. Army Engineer District, New York (the "Government").

**WITNESSETH:**

WHEREAS, The Grantor is desirous of having certain parcels situate at Brown's Creek Disposal Site in the Town of Islip receive dredged material from the Brown's Creek Federal Navigation Channel (see item 4 for description of the parcel);

**NOW, THEREFORE, the parties agree as follows:**

1. In consideration of the premises herein mentioned, the Grantor does hereby grant unto the Government, its officers, agents and contractors a temporary easement and right-of-way in , on , over and across the parcel for a period expiring on January 31, 2005, beginning with date possession of the land is granted to the Government, for use by the Government, its representatives, agents and contractors as access to the dredged material placement areas, including the right to deposit fill hereon; move, store and remove equipment and supplies; and erect and remove temporary structures on the land and to perform any other work necessary incident to the implementation of the maintenance dredging of the Browns Creek Federal Navigation Project, together with the right to trim, cut, fell and remove there from all trees, underbrush, obstructions, and other vegetation, structures, or obstacles within the limits of the right-of-way; reserving , however, to the landowner, their heirs and assigns, all such rights and privileges as may be used without interfering with or abridging the rights easement hereby granted; subject, however, to existing easements for public road and highways, public utilities, railroads and pipelines.

2. The Grantor will hold and save the Government free from damages due to dredging and disposal operations (except for damages caused by the fault and /or negligence of the Government and/or its agents, servants or employees). The Grantor shall not be responsible or liable for compliance with the terms of any necessary governmental approval or permit issued to the District Engineer relating to the Government's use of the premises under this agreement.
3. All work will be performed in accordance with the plans and specifications issued by the Government.
4. Real Property Tax Map of Suffolk County briefly described as:  
District 0500 Section 431 Block 08 Lot 001



(Signature)

Pete McGowan / Supervisor

(Name/Title)

August 10, 2004

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WHEREAS, it has been determined that there will be no significant adverse environmental impact as a result of this project in accordance with NEPA regulations; now therefore

On a motion by Councilman Bodkin, seconded by Councilman Rowley,  
be it

RESOLVED, that the Supervisor of the Town of Islip is authorized to execute any required agreements or permits allowing the U.S. Army Corps of Engineers to utilize the Town property at Brown's River Road Tax Map # 0500-431-08-001 for purposes of disposing of the dredged material from the Brown's Creek Federal Navigation project.

Upon a vote being taken, the result was: Unanimously carried.

