



DEPARTMENT OF THE ARMY
ALBUQUERQUE DISTRICT, CORPS OF ENGINEERS
4101 JEFFERSON PLAZA NE
ALBUQUERQUE NM 87109-3435

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MAY 13 2014

February 10, 2014

Contracting Division

NMED
Hazardous Waste Bureau

Subject: Kirtland AFB Bulk Fuels Facility Remediation Contract with CB&I (Contract Number W912DY-10-D-0014)

Colonel Tom D. Miller
Commander
377 ABW/CC
2000 Wyoming Boulevard, SE
Kirtland Air Force Base, NM 87117-5600

Dear Colonel Miller:

Thank you for your letter dated January 15, 2014 regarding the addition of milestones to the subject contract. I appreciate your concerns and can confirm that the Albuquerque District is attentive to the requests of the New Mexico Environment Department (NMED) concerning execution.

Remediation of the Kirtland AFB Bulk Fuels Facility is required to comply with the Resource Conservation Recovery Act (RCRA), Part B permit guidelines. We are in agreement that the milestones listed in your letter are included in the RCRA process as Interim Measures (IM) in which the NMED has regulatory oversight. Installation of IM is part of CB&I's contract performance objectives and Contract Line Items, which have been awarded.

However, since the task order with CB&I is a Performance Based Contract, the addition of these three milestones as contractual requirements is not appropriate and cannot be issued as a unilateral contract modification. The three milestones as IM were not specifically identified at the time of contract award.

Currently, CB&I, in coordination with Kirtland AFB 377th MSG, is working with the NMED on implementing the IM and meeting the milestones listed in your letter. The NMED has stated its firmness in requiring CB&I to meet the dates listed for each milestone. However, while the NMED has been provided project schedules for review they have not, to date, responded with their requested input (and agreement) on review times for the various documents, reports, etc. Completion of the milestones detailed in



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your letter depends upon the NMED completing the necessary reviews in a timely manner, in addition to completing a finalized project schedule. Therefore, the issuance of a Notice of Violation (NOV) by the NMED, should these milestones not be met, could be refuted.

NMED
Business The authority to modify the contract ultimately lies with the Albuquerque District Contracting Chief, Lieutenant Colonel Joseph Davis. Please feel free to refer any future questions regarding this contract to Lieutenant Colonel Davis directly at 505-342-3458 or <Joseph.M.Davis@usace.army.mil>.

Sincerely,



Antoinette R. Gant
 Lieutenant Colonel, US Army
 District Commander

cc:

Chief, Albuquerque District Contracting Division (LTC J. Davis)
 Albuquerque District COR (J. McBee)
 EPA Region 6 (King)
 AFCEE/CMSE (Oyelowo)