

FOIA Electronic Reading Room

Document Coversheet

Document Description: N68936-05-C-0028 MODs A00001 & P00001 thru P00002



This document has been released in its entirety.



Portions of this document have been excised pursuant to the Freedom of Information Act. The applicable portion(s) excised and the exemption(s) applied are below indicated.

- Exemption (b)(1) Information excised is properly and currently classified in the interest of national defense or foreign policy
- Exemption (b)(2) Information excised is related solely to the internal rules and practices of the Agency.
- Exemption (b)(3) Information excised is specifically exempt from disclosure by an Executive Order or Statute. Specifically:
- Exemption (b)(4) Information excised is commercial or financial information received from outside the Government and is likely to cause substantial harm to the competitive position of the source providing the information.
- Exemption (b)(5) Information excised is internal advice, recommendations, or subjective evaluations pertaining to the decision-making process of the Agency.
- Exemption (b)(6) Information excised is certain individual names and personal identifiers and is excised for heightened interest in the personal privacy of Department of Defense personnel that is concurrent with the increased security awareness demands.
- Exemption (b) (7) Information excised is investigatory records or information compiled for law enforcement purposes
- Exemption (b)(8) Information excised is records for the use of any agency responsible for the regulation or supervision of financial institutions
- Exemption (b)(9) Information excised is records containing geological and geophysical information (including maps) concerning wells.

Please direct inquiries regarding this document to:
Commander (Code K00000D FOIA)
Naval Air Warfare Center Weapons Division
1 Administration Circle Stop 1009
China Lake, CA 93555-6100.

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT			1. CONTRACT ID CODE J	PAGE OF PAGES 1 1	
2. AMENDMENT/MODIFICATION NO. A00001	3. EFFECTIVE DATE SEE BLOCK 16C	4. REQUISITION/PURCHASE REQ. NO. See Schedule	5. PROJECT NO. (If applicable)		
6. ISSUED BY DCMA SANTA ANA 34 CIVIC CENTER PLAZA ROOM 5001 SANTA ANA CA 92701-4056 Sheldon Musick 562-465-7677, fax 562-465-7666	CODE S0513A	7. ADMINISTERED BY (If other than Item 6)		CODE	
8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code) HOKU SCIENTIFIC INC. 1075 OPAKAPAKA STREET KAPOLEI HI 96707-1887			(X)	9A. AMENDMENT OF SOLICITATION NO.	
				9B. DATED (SEE ITEM 11)	
				10A. MODIFICATION OF CONTRACT/ORDER NO. N68936-05-C-0028	
			X	10B. DATED (SEE ITEM 13) 2004 NOV 29	
CODE 1XVX9	FACILITY CODE				

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

The abovenumbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers is extended, is not extended.

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:

(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; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGEMENT 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)

NO CHANGE IN OBLIGATION AMOUNT

13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS, IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

(X)	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: FAR 42.302, and Contractor's ltr. dtd 9/06/05.
	D. OTHER (Specify type of modification and authority)

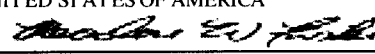
E. IMPORTANT: Contractor is not, is required to sign this document and return _____ copies to the issuing office.

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

The purpose of this modification is to change the contractor's address
 from: HOKU Scientific, Inc. 2151 N. King Street, Suite 300 Honolulu, Hawaii 96819-4570 Cage Code 1XVX9
 to: HOKU Scientific, Inc. 1075 Opakapaka Street Kapolei, Hawaii, 96707-1887 Cage Code 1XVX9

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) GEORGE L. NEWKIRK Administrative Contracting Officer george.newkirk@dcma.mil	
15B. CONTRACTOR/OFFEROR (Signature of person authorized to sign)	15C. DATE SIGNED	16B. UNITED STATES OF AMERICA BY _____ /s/ George L. Newkirk (Signature of Contracting Officer)	16C. DATE SIGNED 20050908

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT			1. CONTRACT ID CODE J	PAGE OF PAGES 1 4
2. AMENDMENT/MODIFICATION NO. P00001	3. EFFECTIVE DATE 30-Sep-2005	4. REQUISITION/PURCHASE REQ. NO. SEE SCHEDULE		5. PROJECT NO. (If applicable)
6. ISSUED BY CDR NAWCWD CODE 220000D ATTN: P. RICHTER (760) 939-4272 429 E BOWEN RD - STOP 4015 CHINA LAKE CA 93665-6108	CODE N68936	7. ADMINISTERED BY (If other than item 6) DCMA SANTA ANA 34 CIVIC CENTER PLAZA ROOM 5001 SANTA ANA CA 92701-4056		CODE S0513A
8. NAME AND ADDRESS OF CONTRACTOR (No., Street, County, State and Zip Code) HOKU SCIENTIFIC, INC. SCOTT PAUL 1075 OPAKAPAKA STREET KAPOLEI HI 96707-1887			9A. AMENDMENT OF SOLICITATION NO.	
			9B. DATED (SEE ITEM 11)	
			X	10A. MOD. OF CONTRACT/ORDER NO. N68936-05-C-0028
			X	10B. DATED (SEE ITEM 13) 07-Mar-2005
CODE 1XVX9	FACILITY CODE			
11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS				
<input 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 type="checkbox"/> is not extended. 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: (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; 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) See Schedule				
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).				
X C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF: mutual agreement of the parties				
D. OTHER (Specify type of modification and authority)				
E. IMPORTANT: Contractor <input type="checkbox"/> is not, <input checked="" type="checkbox"/> is required to sign this document and return <u>1</u> copies to the issuing office.				
14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.) Modification Control Number: richterp052394 see herein				
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) THEODORE W FISKE / PROCUREMENT CONTRACTING OFFICE TEL: (760) 939-8182 EMAIL: theodore.fiske@navy.mil		
15B. CONTRACTOR/OFFEROR (Signature of person authorized to sign)	15C. DATE SIGNED	16B. UNITED STATES OF AMERICA BY  (Signature of Contracting Officer)	16C. DATE SIGNED 30-Sep-2005	

EXCEPTION TO SF 30
APPROVED BY OIRM 11-84

30-105-04

STANDARD FORM 30 (Rev. 10-83)
Prescribed by GSA
FAR (48 CFR) 53.243

SECTION SF 30 BLOCK 14 CONTINUATION PAGE

SUMMARY OF CHANGES

This modification is issued to correct the contractor's address, implement Wide Area Work Flow and exercise OPTION CLINS 0007 & 0008.

CONTRACTOR'S ADDRESS CHANGED

FROM: 2153 N King Street, Suite 300, Honolulu, HI 96819-4570

TO: Hoku Scientific, Inc.

1075 Opakapaka Street

Kapolei, Hawaii 96707 USA

SECTION A - SOLICITATION/CONTRACT FORM

The total cost of this contract was increased by \$2,450,001.00 from \$2,099,999.00 to \$4,550,000.00.

SECTION B - SUPPLIES OR SERVICES AND PRICES

CLIN 0007 The option status has changed from Option to Option Exercised.

CLIN 0008 The option status has changed from Option to Option Exercised.

SUBCLIN 000701 is added as follows:

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
000701					
	For Funding purposes only FFP Accounting data FOB: Destination PURCHASE REQUEST NUMBER: 0010150711				
	CIN: 001015071100001		ACRN AB	FUNDED AMOUNT	\$1,057,626.00

SUBCLIN 000801 is added as follows:

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
000801					
	For accounting purposes only FFP Funding data FOB: Destination PURCHASE REQUEST NUMBER: 0010150752				
	CIN: 001015075200001		ACRN AB	FUNDED AMOUNT	\$1,392,375.00

SECTION E - INSPECTION AND ACCEPTANCE

The following Acceptance/Inspection Schedule was added for SUBCLIN 000701:

INSPECT AT	INSPECT BY	ACCEPT AT	ACCEPT BY
N/A	N/A	N/A	Government

The following Acceptance/Inspection Schedule was added for SUBCLIN 000801:

INSPECT AT	INSPECT BY	ACCEPT AT	ACCEPT BY
N/A	N/A	N/A	Government

SECTION F - DELIVERIES OR PERFORMANCE

The Delivery for CLIN 0007 is 7 March 2006.

The following Delivery Schedule item for CLIN 0008 has been changed from:

	DELIVERY DATE	QUANTITY	SHIP TO ADDRESS	UIC

	07-MAR-2006	1	N/A FOB: Origin	
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To:

	DELIVERY DATE	QUANTITY	SHIP TO ADDRESS	UIC
	07-MAR-2007	1	N/A FOB: Origin	

SECTION G - CONTRACT ADMINISTRATION DATA

Accounting and Appropriation

Summary for the Payment Office

As a result of this modification, the total funded amount for this document was increased by \$2,450,001.00 from \$2,099,999.00 to \$4,550,000.00.

SUBCLIN 000701:

Funding on SUBCLIN 000701 is initiated as follows:

ACRN: AB

CIN: 001015071100001

Acctng Data: 1751319 44TX 252 00019 0 050119 2D 000000

Increase: \$1,057,626.00

Total: \$1,057,626.00

Cost Code: AIR710FAAA00

SUBCLIN 000801:

Funding on SUBCLIN 000801 is initiated as follows:

ACRN: AB

CIN: 001015075200001

Acctng Data: 1751319 44TX 252 00019 0 050119 2D 000000

Increase: \$1,392,375.00

Total: \$1,392,375.00

Cost Code: AIR710FAAA00

The following have been added by full text:

G-TXT-10 INVOICING INSTRUCTIONS AND PAYMENT (WAWF) (JUN 2005)

(a) Invoices under this Contract shall be submitted electronically through Wide Area Work Flow – Receipt and Acceptance (WAWF):

(1) The vendor shall self-register at the web site <https://wawf.eb.mil>. Vendor training is available on the internet at <http://www.wawftraining.com/>. Additional support can be accessed by calling the NAVY WAWF Assistance Line: 800-559-WAWF (9293).

(2) A separate invoice will be prepared [**insert desired invoice submission timing**].

(3) Select the invoice type within WAWF as specified below. Back up documentation (such as timesheets, etc.) can be included and attached to the invoice in WAWF. Attachments created in any Microsoft Office product are acceptable.

(b) The following information regarding Naval Air Warfare Center Weapons Division is provided for completion of the invoice in WAWF:

WAWF Invoice Type:	Invoice as 2-in-one (used for services)
Issuing Office DODAAC	N68936
Admin Office DODAAC:	S0513A
Inspector DODAAC (if applicable):	N68936

Acceptor DODAAC (if applicable):	N68936
Local Processing Office DODAAC:	
Paying Office DODAAC:	HQ0339

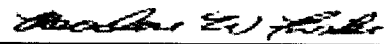
- (c) The contractor shall submit invoices for payment per contract terms.
(d) The Government shall process invoices for payment per contract terms.
(e) For Navy accounting purposes only:
Code 7J2000D, Name Charles "Chuck" Combs
Phone: 760-939-0048, Fax: 760-939-7366

The following have been deleted:

5252.232-9000 Submission Of Invoices (Fixed Price)

JUL 1992

(End of Summary of Changes)

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT			1. CONTRACT ID CODE	PAGE OF PAGES	
			J	1	3
2. AMENDMENT/MODIFICATION NO. F00002	3. EFFECTIVE DATE 02-Mar-2006	4. REQUISITION/PURCHASE REQ. NO. SEE SCHEDULE		5. PROJECT NO. (If applicable)	
6. ISSUED BY CDR NAWCWD CODE 220000D ATTN: P. RICHTER (760) 939-4272 429 E BOWEN RD - STOP 4015 CHINA LAKE CA 93555-6108	CODE N68936	7. ADMINISTERED BY (If other than item 6) DCMA SANTA ANA 34 CIVIC CENTER PLAZA ROOM 5001 SANTA ANA CA 92701-4056		CODE S0513A	
8. NAME AND ADDRESS OF CONTRACTOR (No., Street, County, State and Zip Code) HOKU SCIENTIFIC, INC. SCOTT PAUL 1075 OPAKAPAKA STREET KAPOLEI HI 96707-1887			9A. AMENDMENT OF SOLICITATION NO.		
			9B. DATED (SEE ITEM 11)		
			X 10A. MOD. OF CONTRACT/ORDER NO. N68936-05-C-0028		
CODE 1XVX9			FACILITY CODE		
			X 10B. DATED (SEE ITEM 13) 07-Mar-2005		
11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS					
<input 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 type="checkbox"/> is not extended.					
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: (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; 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) See Schedule					
13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACT/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:					
X D. OTHER (Specify type of modification and authority) mutual agreement of the parties					
E. IMPORTANT: Contractor <input type="checkbox"/> is not, <input checked="" type="checkbox"/> is required to sign this document and return <u>1</u> copies to the issuing office.					
14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.) Modification Control Number: richterp06998 see herein					
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) THEODORE W FISKE / PROCUREMENT CONTRACTING OFFICE TEL: (760) 939-8182 EMAIL: theodore.fiske@navy.mil		
15B. CONTRACTOR/OFFEROR (Signature of person authorized to sign)		15C. DATE SIGNED	16B. UNITED STATES OF AMERICA BY  (Signature of Contracting Officer)		16C. DATE SIGNED 02-Mar-2006

EXCEPTION TO SF 30
APPROVED BY OIRM 11-84

30-105-04

STANDARD FORM 30 (Rev. 10-83)
Prescribed by GSA
FAR (48 CFR) 53.243

SECTION SF 30 BLOCK 14 CONTINUATION PAGE

SUMMARY OF CHANGES

In order to accommodate the requirement for use of interGovernmental funding for testing at Pearl Harbor, the value of CLIN 0008 and the funding for CLIN 0008 are hereby reduced by \$8,000.00. In addition, the delivery schedule for CLINS 0007 and 0008 are adjusted and additional reports are required.

SECTION A - SOLICITATION/CONTRACT FORM

The total cost of this contract was decreased by \$8,000.00 from \$4,550,000.00 to \$4,542,000.00.

SECTION B - SUPPLIES OR SERVICES AND PRICES**CLIN 0008**

The unit price amount has decreased by \$8,000.00 from \$1,392,375.00 to \$1,384,375.00.

The total cost of this line item has decreased by \$8,000.00 from \$1,392,375.00 to \$1,384,375.00.

SECTION F - DELIVERIES OR PERFORMANCE

The following Delivery Schedule item for CLIN 0007 has been changed from:

DELIVERY DATE	QUANTITY	SHIP TO ADDRESS	UIC
07-MAR-2006	12	N/A FOB: Origin	

To:

DELIVERY DATE	QUANTITY	SHIP TO ADDRESS	UIC
30-SEP-2006	12	N/A FOB: Origin	

The following Delivery Schedule item for SUBCLIN 000701 has been changed from:

DELIVERY DATE	QUANTITY	SHIP TO ADDRESS	UIC
POP 01-OCT-2005 TO 01-MAR-2006	N/A	N/A FOB: Destination	

To:

DELIVERY DATE	QUANTITY	SHIP TO ADDRESS	UIC
POP 01-OCT-2005 TO 30-SEP-2006	N/A	N/A FOB: Destination	

The following Delivery Schedule item for CLIN 0008 has been changed from:

DELIVERY DATE	QUANTITY	SHIP TO ADDRESS	UIC
07-MAR-2007	1	N/A FOB: Origin	

To:

DELIVERY DATE	QUANTITY	SHIP TO ADDRESS	UIC
30-SEP-2007	1	N/A FOB: Origin	

The following Delivery Schedule item for SUBCLIN 000801 has been changed from:

DELIVERY DATE	QUANTITY	SHIP TO ADDRESS	UIC
POP 01-MAR-2006 TO 01-MAR-2007	N/A	N/A FOB: Destination	

To:

DELIVERY DATE	QUANTITY	SHIP TO ADDRESS	UIC
POP 01-MAR-2006 TO 30-SEP-2007	N/A	N/A FOB: Destination	

SECTION C: THE CONTRACTOR is hereby required to provide an additional monthly technical report that describes the testing done during the months of schedule slip. This report may be in the same format and distributed in the same manner as the progress reports.

SECTION G - CONTRACT ADMINISTRATION DATA

Accounting and Appropriation

Summary for the Payment Office

As a result of this modification, the total funded amount for this document was decreased by \$8,000.00 from \$4,550,000.00 to \$4,542,000.00.

SUBCLIN 000801:

AB: 1751319 44TX 252 00019 0 050119 2D 000000 AIR710FAAA00 (CIN 001015075200001) was decreased by \$8,000.00 from \$1,392,375.00 to \$1,384,375.00

In consideration of the modification agreed to herein as complete equitable adjustments for the required testing at Pearl Harbor, the Contractor hereby releases the Government from any and all liability under this contract for further equitable adjustments attributable to such facts or circumstances giving rise to this modification.

(End of Summary of Changes)