

<b>AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT</b>				1. CONTRACT ID CODE	PAGE OF PAGES 1   1
2. AMENDMENT/MODIFICATION NO. Four (4)		3. EFFECTIVE DATE 08/26/04	4. REQUISITION/PURCHASE REQ. NO. N/A		5. PROJECT NO. (If applicable)
6. ISSUED BY CODE		7. ADMINISTERED BY (If other than Item 6) CODE			
National Institutes of Health Office of Logistics and Acquisition Operations 6011 Executive Blvd., Room 529-Q, MSC 7663 Bethesda, Maryland 20892-7663					
8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code)				(X)	9A. AMENDMENT OF SOLICITATION NO. 263-04-P (BC) -0013
				X	9B. DATED (SEE ITEM 11) 07/20/04
					10A. MODIFICATION OF CONTRACT/ORDER NO.
					10B. DATED (SEE ITEM 11)
CODE	FACILITY CODE				

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

The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers  is extended,  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 10 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 your 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 ONLY APPLIES TO MODIFICATION OF CONTRACTS/ORDERS.  
IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.**

CHECK ONE	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 10 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 AMENDMENT IS:

- To provide a re-formatted Section L which corrects the page numbers.
- The Closing Date and Time remain: September 10, 2004 at 1:00 PM, local time.

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)	
15B. CONTRACTOR/OFFEROR  (Signature of person authorized to sign)		15C. DATE SIGNED	16B. UNITED STATES OF AMERICA  (Signature of Contracting Officer)
			16C. DATE SIGNED

## PART IV - REPRESENTATION AND INSTRUCTIONS

### SECTION L

#### INSTRUCTIONS, CONDITIONS AND NOTICES TO OFFERORS

##### ARTICLE L.1 GENERAL INFORMATION

##### SOLICITATION DEFINITIONS (FAR 52.202-1)(DEC 2001)

"Government" means United States Government.

"Offer" means "proposal" in negotiation.

"Solicitation" means Request for Proposal(s) (RFP) in negotiation.

"Service Provider" and "Contractor" are used interchangeably.

##### NOTICE OF SMALL BUSINESS SET-ASIDE

- (a) **General.** Bids or proposals under this procurement are solicited only from small business concerns. The procurement is to be awarded only to one or more such concerns, organizations, or individuals. This action is based on a determination by the Contracting Officer, alone or in conjunction with a representative of the Small Business Administration, that it is in the interest of maintaining or mobilizing the Nation's full productive capacity, or in the interest of war or national defense programs, or in the interest of assuring that a fair proportion of Government procurement is placed with small business concerns. Bids or proposals received from others will be considered non-responsive.
- (b) **Definitions.** The term "small business concern" means a concern, including its affiliates, which is independently owned or operated, is not dominant in the field of operation in which it is bidding on Government contracts, and can further qualify under the criteria set forth in the regulations of the Small Business Administration (13 CFR 121.3-8). In addition to meeting these criteria, a manufacturer or a regular dealer submitting bids or proposals in his own name must agree to furnish in the performance of the contract end items manufactured or produced in the United States, its territories and possessions, Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, and the District of Columbia, by small business concerns. Provided, that this additional requirement does not apply in connection with construction or service contracts.

##### TEAM DESIGNATIONS, RESPONSIBILITIES, AND RESTRICTIONS

This acquisition will be conducted in accordance with Attachment B, "Public-Private Competitions," of the OMB Circular No. A-76 (Revised May 29, 2003). Offerors are hereby advised that the NIH has employed a consultant to assist in various phases of the acquisition. Said consultant is familiar with the GAO Jones/Hill Venture Decision B-286194.4; B-286194.5; B-286194.6 and will scrupulously maintain a separation between its employees that are assisting the NIH in the development of the PWS and the MEO. The consultant agrees that any "individuals or groups working on the development of the PWS shall not share information or in any way influence the development of MEO."

##### FIREWALLS

The procedures for conducting this solicitation are in compliance with Circular No. A-76 (Revised, May 29, 2003). The Government with the assistance of its consultant developed the Performance Work Statement (PWS) to be included in the solicitation under Section C. The Government was also assisted by its consultant to develop Section C, Section B, Section L and Section M. The Government with the assistance of its consultant will also develop its Agency Tender, a proposal, in response to this solicitation. The Source Selection Evaluation Board will be Government employees who may receive technical assistance

from other consultants. In order to avoid the potential for or appearance of a conflict of interest a "firewall" exists between Government and its consultant employees that developed the PWS, Sections C, B, L and M and the Agency Tender. The Government and consultant will not allow its employees that develop the PWS, Sections C, B, L and M to participate in any way in the Agency Tender. Government and its consultant's employees developing the Agency Tender did not participate in the development of this solicitation in any manner and will only receive information about this solicitation that is made public information. The Government employees who will serve on the Source Selection Evaluation Board (SSEB) may have participated in the development of the PWS but in no manner participated or was associated with the development of the Agency Tender. The consultant's employees that assisted in the development of the PWS, Sections C, B, L and M and the Agency Tender will not participate on the SSEB in any manner or participate in the evaluation of the Agency Tender or other proposals.

**All of the consultant's employees supporting the NIH Circular A-76 program have signed Non-Disclosure Certificates.**

The Government and its consultant's employees that developed the PWS, Sections C, B, L and M received and signed letters that include the following:

"Your duties will include serving as a technical and functional expert. You shall be responsible for: (1) assisting in the development of the PWS, Quality Assurance Surveillance Plan (QASP), supporting workload data, and any information relating to the activity being competed; (2) Documenting the determination of government furnished property, equipment and facilities; (3) assisting the Contracting Officer (CO) in data collection and analysis used to develop the solicitation; and (4) compliance with OMB Circular A-76 (Revised).

You may be personally and substantially participating in the development of the solicitation, and could forfeit your Right-of-First-Refusal (FAR 52.207-3) and your right to employment with the MEO before the award decision is final, including the resolution of all protests. You are also in a conflict of interest to solicit employment from potential offerors prior to the comparison decision. Efforts will be taken to minimize your involvement that could affect post-employment opportunities.

You will be preparing procurement sensitive data and must comply with non-disclosure and non-competition requirements. As a member of the PWS team, you are required to act in full compliance with OMB Circular A-76, which prohibits any discussion between the MEO team members, and PWS team members regarding the content of the MEO or PWS. You are also prohibited from disclosing confidential, proprietary, and/or source selection information to any individual or entity, unless that individual or entity is authorized by the CO to receive such information.

Your acceptance of your duties and responsibilities as PWS Team member and your signature below acknowledges your agreement to abide by the Rules of Conduct regarding conflicts of interest and the safeguarding of confidential information."

The Government and its consultant's employees developing the Agency Tender received and signed letters that included the following:

"Your duties will include serving as a technical and functional expert. You shall be responsible for complying with the Circular and assisting the ATO, Human Resources Advisor (HRA) and the MEO team leader in developing the agency tender.

You will be preparing procurement sensitive data and must comply with non-disclosure and non-competition requirements. As a member of the MEO team, you are required to act in full compliance with OMB Circular A-76, which requires you to maintain a firewall and prohibits any discussion between the MEO team members and PWS team members regarding the content of the MEO. You are also prohibited from disclosing confidential, proprietary, and/or source selection information to any individual or entity, unless that individual or entity is authorized by the Contracting Officer to receive such information. Your acceptance of your duties and responsibilities as an MEO Team member and your signature below acknowledges your agreement to abide by the Rules of Conduct regarding conflicts of interest and the safeguarding of confidential information."

The Government employees servicing on the SSEB received and signed letters the included the following:

That you, your spouse, and dependent child(ren) do not have any direct or indirect financial interest or any other beneficial interest in a potential competing contractor on this procurement. Please note any exceptions to this below:

That you, your spouse, and dependent child(ren) agree not to acquire any direct or indirect financial interest or any other beneficial interest in an actual competing contractor on this procurement during the source selection process

That you are not related to anyone, by blood or by marriage, who is employed by a potential or actual competing contractor on this procurement. Please note any exceptions to this below:

That you agree not to solicit or accept, directly or indirectly, any promise of future employment or business opportunity from an officer, employee, representative, agent, or consultant of a competing contractor on this procurement during the source-selection process;

That you agree not to discuss any future employment or business opportunity from an officer, employee, representative, agent, or consultant of a competing contractor on this procurement during the source selection process;

The Government and its consultant's employees working on the **PWS Team** had a separate work space with locking doors and files, stand alone computer (not connected to a network) and paper shredder to maintain the security of procurement sensitive documents. Staff stressed on a daily basis the importance of firewalls with all team members and identified items that were procurement sensitive for the entire PWS Team.

The Government and its consultant's employees working on the **Agency Tender** have a separate work space with locking doors and files, stand alone computer (not connected to a network) and paper shredder to maintain the security of the Agency Tender documents. Staff stresses on a daily basis the importance of firewalls with all team members. Team members know that allowing information to be given to anyone outside the Agency Tender Team could potentially harm the Agency Tender and provide the competition with an unfair advantage.

The Government employees serving on the **SSEB** conduct themselves in the manner consistent with all Government proposal evaluations.

**NOTICE OF COST COMPARISON (NEGOTIATED) (52.207-2)(FEB 1993)**

- (a) This solicitation is part of a Government cost comparison to determine whether accomplishing the specified work under contract or by Government performance is more economical. If Government performance is determined to be more economical, this solicitation will be canceled and no contract will be awarded.
- (b) The Government's cost estimate for performance by the Government will be based on the work statement in this solicitation and will be submitted by designated agency personnel to the Contracting Officer in a sealed envelope not later than the time set for receipt of initial proposals.
- (c) After completion of proposal evaluation, negotiation, and selection of the most advantageous proposal, the Contracting Officer, in the presence of the preparer of the cost estimate for Government performance, will open the sealed cost estimate envelope. These officials will make a cost comparison before public announcement. Depending on whether the cost comparison result favors performance under contract or Government performance, the procedure in either paragraph (1) or (2) following applies:
  - (1) If the result of the cost comparison favors performance under contract and administrative approval is obtained, the Contracting Officer will award a contract and publicly reveal the completed cost comparison form showing the cost estimate for Government performance, its detailed supporting data, and the Contractor's name. However, this award is conditioned on the offer remaining the more economical alternative after
    - (i) completion of a public review period of **20 working days** beginning with the date this information is available to interested parties and

- (ii) resolution of any requests for review under the agency appeals procedure (see paragraph (d) of this section). The Government assumes no liability for costs incurred during the periods specified in (i) and (ii). The Contracting Officer will then either notify the Contractor in writing that it may proceed with performance of the contract or will cancel the contract at no cost to the Government.
- (2) If the result of the cost comparison favors Government performance, the Contracting Officer will publicly disclose this result, the completed cost comparison form and its detailed supporting data, and the cost/price of the offer most advantageous to the Government. After (i) completion of a public review period of **20 working days** beginning with the date this information is available to interested parties and (ii) resolution of any requests for review under the agency appeals procedure (see paragraph (d) of this section), the Contracting Officer will either cancel this solicitation or award a contract, as appropriate.
- (d) During the public review period, directly affected parties may file with the Contracting Officer written requests, based on specific objections, for administrative review of the cost comparison result under the agency appeals procedure. The appeals procedure shall be used only to resolve questions concerning the calculation of the cost comparison and will not apply to questions concerning award to one offeror in preference to another. Agency determinations under the appeals procedure shall be final.
- (e) A cost estimate for Government performance is considered a proposal for purposes of this solicitation's Late Submissions, Modifications, and Withdrawal of Proposals or Quotations provision, and a late modification that displaces an otherwise low cost estimate for Government performance shall not be considered.

**TYPE OF CONTRACT (FAR 52.216-1)(APR 1984)**

The Government contemplates award of a Firm Fixed-Price type contract resulting from this solicitation.

**EVALUATION OF OPTIONS (FAR 52.217-5) (JUL 1990)**

Except when it is determined in accordance with FAR 17.206(b) not to be in the Government's best interests, the Government will evaluate offers for award purposes by adding the total cost/price for all options to the total cost/price for the basic requirement. Evaluation of options will not obligate the Government to exercise the option(s).

**NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM (NAICS) CODE AND SIZE STANDARD**

Note: The following information is to be used by the offeror in preparing its Representations and Certifications (See Section K of this RFP), specifically in completing the provision entitled, SMALL BUSINESS PROGRAM REPRESENTATION, FAR Clause 52.219-1.

- (1) The North American Industry Classification System (NAICS) Code for this acquisition is **493110 General Warehousing and Storage Services.**
- (2) The small business size standard is **\$21.5 M.**

**SERVICE OF PROTEST (FAR 52.233-2)(AUG 1996)**

- (a) Protest, as defined in Section 33.101 of the Federal Acquisition Regulations, that are filed directly with an agency, and copies of any protests that are filed with the General Accounting Office (GAO) shall be served on the Contracting Officer (addressed as follows) by obtaining written and dated acknowledgment of receipt from the National Institutes of Health, Office of Logistics and Acquisition Operations, ATTN: Sheri Custer, 6011 Executive Blvd., Room 529Q, MSC 7663, Bethesda, MD 20892-7663.
- (b) The copy of any protest shall be received in the office designated above or within one day of filing a protest with GAO.

**CLAUSES INCORPORATED BY REFERENCE (FAR 52.252-2)(FEB 1998)**

The contract incorporates one or more clauses by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available. Also, the full text of a clause may be accessed electronically at this address: <http://www.acqnet.gov/far>

FEDERAL ACQUISITION REGULATION (48 CFR Chapter 1) CLAUSE

52.215-1 Instructions to Offerors - Competitive Acquisitions (Jan 2004)  
52.222-24 Pre-Award On-Site Equal Opportunity Compliance Review (Feb 1999)

**DATA UNIVERSAL NUMBERING SYSTEM (DUNS)NUMBER (FAR 52.204-6) (OCT 2003)**

(a) The offeror shall enter, in the block with its name and address on the cover page of its offer, the annotation "DUNS" or "DUNS+4" that identifies the offeror's name and address exactly as stated in the offer. The DUNS number is a nine-digit number assigned by Dun and Bradstreet, Inc. The DUNS+4 is the DUNS number plus a 4-character suffix that may be assigned at the discretion of the offeror to establish additional CCR records for identifying alternative Electronic Funds Transfer (EFT) accounts (see Subpart 32.11) for the same parent concern.

(b) If the offeror does not have a DUNS number, it should contact Dun and Bradstreet directly to obtain one.

(1) An offeror may obtain a DUNS number:

- (i) If located within the United States, by calling Dun and Bradstreet at 1-866-705-5711 or via the Internet at <http://www.dnb.com>; or
- (ii) If located outside the United States, by contacting the local Dun and Bradstreet office.

(2) The offeror should be prepared to provide the following information:

- (i) Company legal business name.
- (ii) Tradestyle, doing business, or other name by which your entity is commonly recognized.
- (iii) Company physical Street Address, City, State and Zip Code.
- (iv) Company mailing address, City State and Zip Code (if separate from physical).
- (v) Company telephone number.
- (vi) Date the company was started.
- (vii) Number of employees at your location.
- (viii) Chief Executive Officer/Key Manager.
- (ix) Line of business (industry).
- (x) Company Headquarters name and address (reporting relationship within your entity).

**COMMITMENT OF PUBLIC FUNDS**

The Contracting Officer is the only individual who can legally commit the Government to the expenditure of public funds in connection with the proposed procurement. Any other commitment, either explicit or implied, is invalid.

**COMMUNICATION PRIOR TO CONTRACT AWARD**

Offerors shall direct all communications to the attention of the Contracting Officer cited on the face page of this RFP. Communications with other officials may compromise the competitiveness of this procurement and result in cancellation of the requirement.

## RELEASE OF INFORMATION

Contract selection and award information will be disclosed to offerors in accordance with regulations applicable to OMB Circular A-76 negotiated procurement. Prompt written notice will be given to unsuccessful offerors as they are eliminated from the competition, and to all offerors following award.

## PROPOSALS FROM PEER MEMBERS

Proposals received from organizations or individual contractors whose employees are members of a peer review group which assisted in developing the scope of work for this acquisition and/or will be a participant in the project advisory group responsible for the technical evaluation of proposals received in response to this solicitation will not be considered for award.

## COST OF PROPOSAL PREPARATION

The RFP does not commit the Government to pay any cost for the preparation and submission of a proposal.

## ARTICLE L.2 ADDITIONAL CONSIDERATIONS

### SITE VISITS (FAR 52.237-1)(APRIL 1984)

Offerors are urged and expected to inspect the site where services are to be performed and to satisfy themselves regarding all general and local conditions that may affect the cost of contract performance to the extent that the information is reasonably obtainable. In no event shall failure to inspect the site constitute grounds for a claim after contract award. Video equipment and cameras are prohibited.

There are five (5) different sites with seven (7) buildings to visit. Due to extremely limited parking on the NIH Bethesda Main Campus, all attendees ARE REQUIRED to report to the Gaither Distribution Center, 16050 Industrial Drive, Gaithersburg, MD 20877. Round-trip bus transportation will be provided between the various sites and buildings. All attendees are required to arrive one (1) hour prior to the established specified time. Therefore, the ARRIVAL TIME for all sites is tentatively set for 8:00 A.M. local time. The tour will start at 9:00 A.M. The Site Visits are **scheduled for July 27 AND July 28, 2004.** (Times are subject to change)

Due to security reasons, Offerors are required to submit via email to the Contracting Officer ([custers@od.nih.gov](mailto:custers@od.nih.gov)) and Rosanne Wilson ([wilsonr@od.nih.gov](mailto:wilsonr@od.nih.gov)) a list of prospective attendees that will be attending the site visits by **July 23, 2004 at 1:00 p.m. local time**. Due to space limitations, each offeror shall have no more than three (3) representatives at the site visit. Offerors are required to submit all questions in writing to the Contracting Officer no later than **4:00 p.m., local time (within 24 hours after the site visits) July 29, 2004**. Questions must be submitted via electronic mail ONLY to the attention of Sheri Custer at [custers@od.nih.gov](mailto:custers@od.nih.gov) Questions must specify the Section , Paragraph of the solicitation, and Designate which Site the question is being addressed, and for which clarification is desired.

## TECHNICAL LIBRARY

There will be a Technical Library for offerors to review supply services related documents. The library will open Monday through Friday during the hours of 9:00 a.m. to 3:00 p.m. The library is located in Suite 300 Conference Room at the Gaither Distribution Center, 16050 Industrial Drive, Gaithersburg, MD 20877.

## OMB CIRCULAR A-76

In accordance with OMB Circular A-76 and HHS's General Administration Manual Chapter 18-10, the Government is preparing an estimated cost for the in-house performance of the work required by this solicitation, a process that will take place concurrently with the development of bids/proposals by the private sector. Accordingly, a contract will result from this

solicitation, after technical and cost evaluations have been completed for both in-house performance and contracted-out performance. A copy of the completed cost comparison will be made available to all parties.

If this solicitation/contract results in the conversion of a function from in-house performance by the Government to contractual performance, there is the possibility that HHS employees consider employment with the contractor. The contractor is required to give these displaced personnel the right of first refusal for employment openings on the contract, provided that they are qualified for the openings (See clause above). Utilization of former Government employees by a contractor must be consistent with post-employment conflict of interest standards as set forth in the code of Federal Regulations, Title 5, Part 737.

*HHS has a policy that Reduction-In-Force (RIF) authority will NOT be used to implement in-house performance changes or in conversion to contract. Therefore, all offerors should consider significantly different models for availability of affected workers in comparison to DOD experiences where RFI authority made more effective workers available for the Service Provider to hire. The differences are anticipated in regard to availability of affected workers for employment and the willingness of affected workers to accept lower pay and benefits.*

#### **NOTICE TO OFFERORS**

- (a) It is brought to the attention of the offerors the unique A-76 environment they will find themselves in at the NIH. The fact that the Secretary of HHS has promised that no one will 'lose a job' may have a substantive effect on the ability of offerors to hire existing NIH employees.
- (b) The NIH does not intend to 'Terminate for Convenience' any contracts within the scope of the PWS during their current period of performance.

#### **ORAL PRESENTATIONS**

Oral presentations may or may not be a part of discussions. **Should oral presentations be necessary, more information will be provided after the initial technical evaluation.** Oral presentations will be provided as specified in the directions for each proposal volume. **Offerors found to be in the competitive range after an initial evaluation may be required to give oral presentations.** The oral presentation shall not exceed two (2) hours and will be followed by a one (1) hour question and answer session. Each offeror will be given at least **two calendar days** notice of the scheduled date for oral presentations.

Cost and/or price issues may be discussed during the oral presentation. The oral presentation and the question and answer session shall constitute discussions.

The offeror's presenter must be from among the offeror's proposed key personnel. The offeror may not use a professional speaker, however individuals proposed as key personnel from a subcontractor may participate. The proposed Project and Deputy Project Manager must attend. The offeror may not send more than five (5) representatives to the oral presentation. The oral presentation shall commence with an introduction by name, position, company affiliation, area of expertise for each key personnel, and role related to their proposal. Introductions will count towards the time limit. If slides are part of the presentation, the offeror shall provide printed copies to the Contracting Officer at the time of the presentation. Slides shall be designated for insertion into the proper Tab by Volume, as detailed in Article L3. The **offeror's technical person** will videotape their presentation and the follow-on question and answer session and provide a copy of the tape to the Contracting Officer at the end of the session. **The Government will not provide a duplicate.**

#### **INFORMATION TECHNOLOGY SYSTEMS SECURITY**

- (a) **Sensitivity and Security Level Designations.**

The Statement of Work (SOW) requires the successful offeror to develop or access a Federal Automated Information System (AIS). Based upon the security guidelines contained in the *Department of Health and Human Services (DHHS)*

*Automated Information Systems Security Program (AISSP) Handbook*, the Government has determined that the following apply:

(1) Category of Safeguarded Information

The safeguarded agency information that the successful offeror will develop or access is categorized as:

- Non Sensitive Information  
 Sensitive Information - Confidential  
 Classified Information:  
     Confidential    Top Secret    Special Access

(2) Security Level Designations

The information that the successful offeror will develop or access is designated as follows:

- Level 5C Applies to the sensitivity of the data.  
Level      Applies to the optional criticality of the data.

(3) Position Sensitivity Designations

Prior to award, the Government will determine the position sensitivity designation for each contractor employee that the successful offeror proposes to work under the contract. For proposal preparation purposes, the following designations apply:

- Level 6C: Sensitive - High Risk (Requires Suitability Determination with a BI).**  
Contractor employees assigned to a Level 6C position are subject to a Background Investigation (BI)
- Level 5C: Sensitive - Moderate Risk (Requires Suitability Determination with NACIC).**  
Contractor employees assigned to a Level 5C position with no previous investigation and approval shall undergo a National Agency Check and Inquiry Investigation plus a Credit Check (NACIC), or a possibly a Limited Background Investigation (LBI).
- Level 4C: Classified (Requires Special Access Clearance with an SSBI).**  
Contractor employees assigned to a Level 4C position are subject to a Single Scope Background Investigation (SSBI).
- Level 3C: Classified (Requires Top Secret Clearance with an SSBI).**  
Contractor employees assigned to a Level 3C position are subject to a Single Scope Background Investigation (SSBI)
- Level 2C: Classified (Requires Confidential or Secret Clearance with an LBI).**  
Contractor Employees assigned to a Level 2C position shall undergo a Limited Background Investigation (LBI).
- Level 1C: Non Sensitive (Requires Suitability Determination with an NACI).**  
Contractor employees assigned to a Level 1C position are subject to a National Agency Check and Inquiry Investigation (NACI).

Contractor employees who have met investigative requirements within the past five years may only require an updated or upgraded investigation.

(b) **Information Technology (IT) System Security Program**

The offeror's proposal must include:

- (1) Include a detailed outline (commensurate with the size and complexity of the requirements of the SOW) of its present and proposed IT systems security program;

- (2) Demonstrate that it complies with the AISSP security requirements of the SOW, the Computer Security Act of 1987; Office of Management and Budget (OMB) Circular A-130, Appendix III, "Security of Federal Automated Information Systems;" and the DHHS AISSP Handbook.

At a minimum, the offeror's proposed information technology systems security program must address the minimum requirements of a **Security Level 5C** identified in the DHHS AISSP Handbook, Exhibit III-A, Matrix of Minimum Security Safeguards.

- (3) Include an acknowledgment of its understanding of the security requirements in the SOW.  
(4) Provide similar information for any proposed subcontractor developing or accessing an AIS.

(c) **Required Training for IT Systems Security**

DHHS policy requires that contractors receive security training commensurate with their responsibilities for performing work under the terms and conditions of their contractual agreements.

The successful offeror will be responsible for assuring that each contractor employee has completed the following NIH Computer Security Awareness Training course prior to performing any contract work: <http://irtsectraining.nih.gov/> The contractor will be required to maintain a listing of all individuals who have completed this training and submit this listing to the Government.

Additional security training requirements commensurate with the position may be required as defined in OMB Circular A-130 or NIST Special Publication 800-16, "Information Technology Security Training Requirements." These documents provide information about IT security training that may be useful to potential offerors:

(d) **Prospective Offeror Non-Disclosure Agreement**

The Government has determined that prospective offerors will require access to the sensitive information described below in order to prepare an offer.

Any individual having access to this information must possess a valid and current suitability determination at the following level:

- Level 6C: Sensitive - High Risk  
 Level 5C: Sensitive - Moderate Risk

To be considered for access to the sensitive information, a prospective offeror must:

- (1) Submit a written request to the Contracting Officer identified in the solicitation;  
(2) Complete and submit the "Prospective Offeror Non-Disclosure Agreement" provided as an attachment in Section J of this solicitation; and  
(3) Receive written approval from the Contracting Officer.

Prospective offerors are required to process their requests for access, receive Government approval, and then access the sensitive information within the period of time provided in the solicitation for the preparation of offers.

Nothing in this provision shall be construed, in any manner, by a prospective offeror as an extension to the stated date, time, and location in the solicitation for the submission of offers.

(e) **References**

The following documents are electronically accessible:

- (1) OMB Circular A-130, Appendix III: <http://csrc.ncsl.nist.gov/secplcy/a130app3.txt>  
(2) DHHS AISSP Handbook: <http://irm.cit.nih.gov/policy/aissp.html>

- (3) DHHS Personnel Security/Suitability Handbook: <http://www.hhs.gov/ohr/manual/pssh.pdf>
- (4) NIH Applications/Systems Security Template: <http://cit.nih.gov/security/secplantemp.html>
- (5) NIST Special Publication 800-16, "Information Technology Security Training Requirements":  
<http://csrc.nist.gov/publications/nistpubs/800-16/800-16.pdf>
- (6) NIH CIT – Policies, Guidelines and Regulations:  
Table 1 – Categories of Safeguarded Agency Information: <http://irm.cit.nih.gov/security/table1.htm>  
Table 2 – Security Level Designations for Agency Information: <http://irm.cit.nih.gov/security/table2.htm>  
Table 3 - Positions Sensitivity Designations for Individuals Accessing Agency Information:  
<http://irm.cit.nih.gov/security/table3.htm>

#### **ADDITIONAL TERMS AND CONDITIONS**

Proposals must stipulate that it is predicated upon all the terms and conditions of this RFP. Proposals will become part of the official file. Specific methods, approaches and position descriptions shall become part of the terms and conditions of the contract.

The Government will acquire the right to use, duplicate, or disclose in any manner and for any purpose whatsoever, and have or permit others to do so, all subject data required to be delivered under any contract resulting from this solicitation. Any reservations to these stated Government rights to data should be enunciated in your proposal and will be resolved during any subsequent negotiations

**ARTICLE L.3 INSTRUCTIONS TO OFFERORS**

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## GENERAL INSTRUCTIONS

### INTRODUCTION

The following instructions will establish the acceptable minimum requirements for the format and contents of proposals. Special attention is directed to the requirements for technical and business proposals to be submitted in accordance with these instructions.

- (1) **Contract Type and General Provisions:** It is contemplated that a firm fixed-price type contract will be awarded. Any resultant contract shall include the clauses applicable to the selected offeror's organization and type of contract awarded as required by Public Law, Executive Order or acquisition regulations in effect at the time of execution of the proposed contract.
- (2) **Authorized Official:** The proposal must be signed by an official authorized to bind your organization and must stipulate that it is predicated upon all the terms and conditions of this RFP. Your proposal shall be submitted in the number of copies and marked as indicated in Article L.4 Submission of Proposals. Proposals will be typewritten, paginated, reproduced, and will be legible in all required copies. To expedite the proposal evaluation, all documents required for responding to the RFP should be placed in the order as indicated in Article L.4 Submission of Proposals. Delivery of proposals will be addressed as stated below.
- (3) **Address for Delivery of Proposals:**  
If mailing your proposal through the U.S. Postal Service use the following address:

National Institutes of Health  
Office of Logistics and Acquisition Operations  
6011 Executive Blvd., Room 529Q MSC 7663  
ATTN: Sheri Custer  
Bethesda, MD 20892-7663

If hand delivering, or using a courier service such as: UPS, Federal Express, etc., use the following **City, State and Zip Code:** **Rockville, MD 20852**

**NOTE:** The U.S. Postal Service's "Express Mail" does not deliver to the Rockville, Maryland address. Any package sent to the Rockville address via this service will be held at a local post office for pick-up. **The Government is not responsible for picking up any mail at a local post office.** If a proposal is not received at the place, date, and time specified herein, it will be considered a "late proposal".

- (4) **Restriction on Disclosure and Use of Data (HHSAR 352.215-12)(APR 1984)**  
The proposal submitted in response to this request may contain data (trade secrets; business data, e.g., commercial information, financial information, and cost and pricing data; and technical data) which the offeror, including its prospective subcontractor(s), does not want used or disclosed for any purpose other than for evaluation of the proposal. The use and disclosure of any data may be so restricted; provided, that the Government determines that the data is not required to be disclosed under the Freedom of Information Act, 5 U.S.C. 552, as amended, and the offeror marks the cover sheet of the proposal with the following legend, specifying the particular portions of the proposal which are to be restricted in accordance with the conditions of the legend. The Government's determination to withhold or disclose a record will be based upon the particular circumstances involving the record in question and whether the record may be exempted from disclosure under the Freedom of Information Act:

"Unless disclosure is required by the Freedom of Information Act, 5 U.S.C. 552, as amended, (the Act) as determined by Freedom of Information (FOI) Officials of the Department of Health and Human Services, data contained in the portions of this proposals which have been specifically identified by page number, paragraph, etc., by the offeror as containing restricted information shall not be used or disclosed except for evaluation purposes."

The offeror acknowledges that the Department may not be able to withhold a record (data, document, etc.) nor deny access to a record requested pursuant to the Act and that the Department's FOI Officials must make that determination.

The offeror hereby agrees that the Government is not liable for disclosure if the Department has determined that disclosure is required by the Act.

If a contract is awarded to the offeror as a result of, or in connection with, the submission of this proposal, the Government shall have the right to use or disclose the data to the extent provided in the contract. Proposals not resulting in a contract remain subject to the Act.

The offeror also agrees that the Government is not liable for disclosure or use of unmarked data and may use or disclose the data for any purpose, including the release of the information pursuant to requests under the Act.

The data subject to this restriction are contained in pages (insert page numbers, paragraph designation, etc. or other identification).

In addition, the offeror should mark each page of data it wished to restrict with the following legend:

"Use or disclosure of data contained on this page is subject to the restriction on the cover sheet of this proposal or quotation."

Offerors are cautioned that proposals submitted with restrictive legends or statements differing in substance from the above legend, may not be considered for award. The Government reserves the right to reject any proposal submitted with a nonconforming legend.

(5) **Privacy Act**

The Privacy Act of 1974 (P.L. 93-579) requires that a Federal agency advise each individual whom it asks to supply information, the authority which authorizes the solicitation, whether disclosure is voluntary or mandatory, the principal purpose or purposes for which the information is intended to be used, the uses outside the agency which may be made of the information, and the effects on the individual, if any, of not providing all or any part of the requested information.

The NIH is requesting the information called for in this RFP pursuant to the authority provided by Sec. 301(g) of the Public Health Service Act, as amended, and P.L. 92-218, as amended.

Providing the information requested is entirely voluntary. The collection of this information is for the purpose of conducting an accurate, fair and adequate review prior to a discussion as to whether to award a contract.

Failure to provide any or all of the requested information may result in a less than adequate review.

In addition, the Privacy Act of 1974 (P.L. 93-579, Sec. 7) requires that the following information be provided when individuals are requested to disclose their social security number.

Provisions of the social security number are voluntary. Social security numbers are requested for the purpose of accurate and efficient identification, referral, review and management of NIH contracting programs. Authority for requesting this information is provided by Section 305 and Title IV of the PHS Act, as amended.

The information provided by you may be routinely disclosed for the following purposes:

- to the cognizant audit agency and the General Accounting Office for auditing.
- to the Department of Justice as required for litigation.
- to respond to congressional inquiries.
- to qualified experts, not within the definition of Department employees, for opinions as a part of the review process.

(6) **Selection of Offerors**

- (a) The acceptability of the technical portion of each contract proposal will be evaluated by the technical review committee. To be technically acceptable, an offeror must be evaluated as good or excellent in all four technical criteria and the two price/cost criteria. A neutral rating for past performance is technically acceptable. The committee will evaluate each proposal in strict conformity with the evaluation criteria of the RFP, utilizing pass/fail. The committee may suggest that the Contracting Officer request clarifying information from an offeror.
- (b) The business portion of each contract proposal will be subjected to a cost realism/price analysis, management analysis, etc.
- (c) The Contracting Officer will, in concert with program staff, decide which proposals are in the competitive range. Oral presentations may be a part of discussions and will be conducted with all offerors in the competitive range.

(7) **Acknowledgment of Amendments to the Solicitation**

- (a) If this solicitation is amended, then all terms and conditions which are not modified remain unchanged.
- (b) Offerors shall acknowledge receipt of any amendment to this solicitation (1) by signing and returning the amendment, (2) identifying the amendment number and date in the space provided for this purpose on the form for submitting an offer, (3) letter or telegram, or (4) facsimile, if facsimile offers are authorized in the solicitation. The Government must receive the acknowledgment by the time specified for receipt of offers.

(8) **Notice of Compensation for Professional Employees**

Note the provisions relating to evaluation of compensation for professional employees set forth elsewhere in this solicitation. Failure to comply with these provisions may constitute sufficient cause to justify rejection of a proposal. The total compensation plan required to be submitted by the offeror will be viewed as being within the purview of Public Law 87-653 (10 U.S.C. 2306(f)).

(9) **Evaluation of Compensation for Professional Employees (FAR 52.222-46)(Feb 1993) - If Applicable**  
**Included In Volume V - Tab 2 - Price/Cost Proposal**

- (a) Recompensation of service contracts may in some cases result in lowering the compensation (salaries and fringe benefits) paid or furnished professional employees. This lowering can be detrimental in obtaining the quality of professional services needed for adequate contract performance. It is therefore in the Government's best interest that professional employees, as defined in 29 CFR 541, be properly and fairly compensated. As a part of their proposals, offerors will submit a total compensation plan setting forth salaries and fringe benefits proposed for the professional employees who will work under the contract. The Government will evaluate the plan to assure that it reflects a sound management approach and understanding of the contract requirements. This evaluation will include an assessment of the offeror's ability to provide uninterrupted high-quality work. The professional compensation proposed will be considered in terms of its impact upon recruiting and retention, its realism, and its consistency with a total plan for compensation. Supporting information will include data, such as recognized national and regional compensation surveys and studies of professional, public and private organizations, used in establishing the total compensation structure.
- (b) The compensation levels proposed should reflect a clear understanding of work to be performed and should indicate the capability of the proposed compensation structure to obtain and keep suitably qualified personnel to meet mission objectives. The salary rates or ranges must take into account differences in skills, the complexity of various disciplines, and professional job difficulty. Additionally, proposals envisioning compensation levels lower than those of predecessor contractors for the same work will be evaluated on the basis of maintaining program continuity, uninterrupted high-quality work, and availability of required competent professional service employees. Offerors are cautioned that lowered compensation for essentially the same professional work may indicate lack of sound management judgment and lack of understanding of the requirement.

- (c) The government is concerned with the quality and stability of the work force to be employed on this contract. Professional compensation that is unrealistically low or not in reasonable relationship to the various job categories, since it may impair the Contractor's ability to attract and retain competent professional service employees, may be viewed as evidence of failure to comprehend the complexity of the contract requirements.
  - (d) Failure to comply with these provisions may constitute sufficient cause to justify rejection of a proposal.
- (10) **Total Compensation Plan - Evaluation Included In Volume V - Tab 2 - Price/Cost Proposal**
- (a) **Total Compensation Plan (Professional Employees).** In establishing compensation levels for professional employees, the total compensation (both salaries and fringe benefits) proposed shall reflect a clear understanding of the requirements of the work to be accomplished and the suitability of the proposed compensation structure to obtain and retain qualified personnel to meet mission objectives. The salary rates or ranges must recognize the distinct differences in professional skills and the complexity of varied disciplines as well as job difficulty. Proposals offering total compensation levels less than currently being paid by the predecessor contractor for the same work will be evaluated, in addition to the above, on the basis of maintaining program continuity, uninterrupted work of high quality, and availability of required competent professional employees. Offerors are cautioned that instances of lowered compensation for essentially the same professional work may be considered a lack of sound management judgment in addition to indicating a lack of understanding of the requirement.
  - (b) **Cost (Professional Compensation).** Proposals which are unrealistically low or do not reflect a reasonable relationship of compensation to the professional job categories so as to impair the contractor's ability to recruit and retain competent professional employees, may be viewed as reflecting a failure to comprehend the complexity of the contract requirements. The Government is concerned with the quality and stability of the work force to be employed on this contract. The compensation data required will be used in evaluation of the offeror's understanding of the contract requirements.
  - (c) **Other (Labor Relations).** An assessment of the potential for adverse effect upon performance and maintenance of the required number of professional employees will requisite skills resulting from an unrealistically low compensation will also be made.
- (11) **Other Administrative Data**
- (a) **Acceptance Period**  
The proposal shall stipulate that it is predicated upon all the terms and conditions of this RFP. In addition, it shall contain a statement to the effect that it is firm for a period of at least 120 days from the date of receipt thereof by the Government.
  - (b) **Property**
    - (1) It is HHS policy that contractors will provide all equipment and facilities necessary for performance of contracts. Exception may be granted to furnish Government-owned property, or to authorize purchase with contract funds, only when approved by the Contracting Officer. IF the offeror is proposing that the Government provide any equipment, other than that specified under Government Furnished Property in the RFP, the proposal must include comprehensive justification which includes:
      - (i) An explanation that the item is for a special use essential to the direct performance of the contract the item will be used exclusively, etc., will not be provided under a contract except under very exceptional circumstances.
      - (ii) No practical or economical alternative exists (e.g., rental, capital investment) than can be used to perform the work.
    - (2) The offeror shall identify Government-owned property in its possession and/or contractor titled property acquired from Federal funds, which they propose to use in the performance of the prospective contract.

(3) The management and control of any Government property shall be in accordance with HHS Publication (OS) 74-115 entitled, "Control of Property in Possession of Contractors", a copy of which will be provided upon request.

- (c) **Royalties.** The offeror shall furnish information concerning royalties which are anticipated to be paid in connection with the performance of work under the proposed contract.
- (d) **Financial Capacity**  
The offeror shall indicate if it has the necessary financial capacity, working capital, and other resources to perform the contract without assistance from any outside source. If not, indicate the amount required and the anticipated source.
- (e) **Facilities Capital Cost of Money**  
(This is applicable if you are a commercial organization).

Facilities capital cost of money (see FAR 15.904) will be an allowable cost under the contemplated contract, but only if the contractor specifically identifies or proposes it in the cost proposal for the contract and elects to claim this cost by checking the appropriate box below. If the contractor does not specifically identify or propose facilities capital cost of money and does not elect to claim this cost, the contract will include the Waiver of Facilities Capital Cost of Money clause.

- The prospective contractor has specifically identified or proposed facilities capital cost of money in its cost proposal and elects to claim this cost as an allowable cost under the contract. Submit Form CASB-CMR (see FAR 31.205.10).
- The prospective contractor has not specifically identified or proposed facilities capital cost of money in its proposal and elects not to claim it as an allowable cost under the contract.

- (f) **Subcontractors**  
If subcontractors are proposed, please include a statement from the subcontractor detailing:
- (i) Willingness to perform as a subcontractor for specific duties.
  - (ii) What priority the work will be given and how it will relate to other work.
  - (iii) The amount of time and facilities available to this project.
  - (iv) Information on their cognizant FDA and OSHA offices.
  - (v) How rights to publications and patents are to be handled.
- (g) **Proposer's Annual Report**  
A copy of the organization's most recent annual report must be submitted as part of the business proposal.

## **Article L.4 SUBMISSION OF PROPOSALS**

This section specifies the format that offerors shall use in their proposal. The intent is not to restrict the offerors in the manner in which they will perform their work, but rather to ensure a certain degree of uniformity in the format of the responses for evaluation purposes.

The offeror shall submit their proposal in volumes subject to the following identification and quantities and submit two (2) CD ROMs encompassing all five (5) volumes. Microsoft programs shall be used and all cost data will be on Excel spreadsheets

<b>Volume Number and Name</b>	<b>Number of Copies</b>	<b>General Requirements</b>
I - Past Performance	Original and 10 copies	Related past performance history and references.
II – Technical Approach	Original and 10 copies	Description of proposed approach to perform all requirements described in the RFP.
III – Personnel	Original and 10 copies	Description of proposed positions and additional information for evaluation.
IV - Management	Original and 10 copies	Include all required information for evaluation, excluding any references to pricing.
V – Business	Original and 10 copies	Complete Cost/Price breakdown with supporting information. Complete Section B.
VI - Representations and Certifications	Original and 3 copies	Completed Representations and Certifications from Section K of the Solicitation.

### **GENERAL INSTRUCTIONS**

The written proposal must be prepared in accordance with the General Instructions, specific volume instructions, as well as with the Performance Work Statement, Section C of this Request for Proposals (RFP).

Each volume shall be separate and complete documents in order that evaluation of each may be accomplished independently of, or concurrently with, evaluation of the other. **The Past Performance, Technical Approach, Personnel, and Management proposals shall not include any information concerning cost/prices, i.e., unit prices, individual salary information, material cost, burden rates, profit amounts or total cost/price.** These instructions establish the acceptable minimum requirements for the format and content of proposals. Offerors shall direct all communications to the attention of the Contracting Officer cited on the face page of the solicitation. Communication with other NIH personnel may constitute improper actions.

Some parts of volumes contain specific page limitations. The limitation is a page number that cannot be exceeded. Clear, compliant communication in fewer pages is appreciated. Cover pages and tables of contents do NOT count towards page limitations and are not evaluated. A page is defined as an 8 ½ inch by 11 inch sheet of paper with one inch margins on all four sides. Text shall be in Arial or times new roman font of size 12 with single space between lines. Text pages should use portrait orientation. Page formatting can alter for illustrations and tables but must be easily readable. Fold-outs will be counted as the appropriate number of pages based upon an 8 ½ inch by 11 inch sheet of paper. The Contractor shall number each page in order to eliminate any confusion. In the event that the offeror creates an ambiguity in the numbering of pages, the Government will exercise its own discretion in the counting of pages. Pages in excess of limitations will NOT be evaluated. Volumes require specific organization of material behind required tabs. Required forms may use landscape orientation.

Each volume is required to have a volume cover that states the name of the offeror, the solicitation title and number, the date of submission and the volume number and title. Each volume shall include a table of contents that enhances the location of required data. Each volume is required to have the same cover page after the table of contents. The cover page shall state the: (1) name, address, point of contact, phone number, fax number, email, and website of the offeror; (2) name, address, point of contact, phone number, fax number, email, and website of each member of a joint venture or a subcontractor; (3) name, address, phone number, fax number, and email of key personnel whose experience is included in the past performance documentation.

### **SOLICITATION PROVISIONS UNIQUE TO THE AGENCY TENDER**

In accordance with Circular A-76, Attachment B (4) the agency tender is not required to include (a) a labor strike plan; (b) a small business strategy; (c) a subcontracting plan goal; (d) participation of small disadvantaged businesses; (e) licensing or other certifications; and (f) past performance information.

Agencies are required to use COMPARE (the costing software that incorporates the costing procedures of Circular A-76) to develop cost estimates and generate the Standard Competition Form (SCF) (the agency form that documents and certifies all costs calculated in the standard competition). The agency tender will use the SCF in lieu of completing Section B. The agency tender will also generate and submit the documentation to develop the SCF in lieu of completing Volume V – Business Proposal.

### **VOLUME I - PAST PERFORMANCE**

The Past Performance volume shall be organized as follows:

- **Cover**
- **Table of Contents**
- **Cover Page**

Past Performance is preferred from firms proposed as prime and subcontractors or as joint venture members. Large firms may submit past performance data only for the specific part of the firm submitting the offer. If required to demonstrate adequate past performance, new firms/ventures may submit past performance for personnel designated as key personnel. This combination of firms and personnel (as required) is referred to below as "team members."

**Tab 1 - Written Consent of Team Members** (No limitations on number. Letters shall not exceed one page and will be reviewed only for consent.)

The offeror shall provide written consent, on letterhead stationary (or equivalent), from each proposed team member, (1) allowing the Government to discuss that team member's proposal information with the offeror, and (2) allowing the Government to discuss that team member's past performance directly without contacting the offeror.

**Tab 2 - Relevant Contracts.** (NO Limitation on number of references)

The offeror shall complete form I-1 for all relevant contracts. Past performance data is required for all proposed team members.

Information must be provided on **all** Federal contracts for Supply Services support and related services that: (i) were awarded within three years prior to the closing date of this solicitation, or (ii) awarded more than three years ago, but completed within one year of the closing of this solicitation, and/or (iii) on-going contracts. The exclusion of any contracts meeting these time frames may be grounds for a marginal or poor evaluation. State and local Government contracts and/or commercial contracts may be included if the Federal Government contracts do not demonstrate adequate relevant experience in all phases of this project.

The Government will provide a standard questionnaire to references included on Form I-1 and to other persons knowledgeable of the offeror's performance. The Government reserves the right to determine to whom and for which contracts questionnaires will be sent to ensure that a fair sampling of past performance is considered.

The offeror is reminded that both data submitted by the offeror and data independently obtained by the Government may be used to evaluate the offeror's past performance as the basis to determine performance risk. Since the Government may not contact all of the references provided by the offeror, it is incumbent upon the offeror to fully explain the relevance of the data provided and to ensure that the data is current, accurate, and complete. The Government does not assume the duty to search for clarifications or cure problems it finds in the proposal. Proposals that do not contain the requested information, or are not in the format above, may risk not receiving credit for aspects of their past performance which may improve their performance risk rating.

**Tab 3 – Relevant Performance**

The offeror shall complete form I-2 for all references from form I-1. It is critical that offerors demonstrate performance quality and the ability to correct performance issues.

**Form I-1  
Past Performance**

(Page 1 – it is anticipated that the following information can fit on one page. The information can go to an additional page only when the exact, required information is in excess of one page)

1. Reference No: (for reference to Form I-2, and III-1)
2. Contract/Program Name: (for reference to Form I-2)
3. Firm or Key Personnel that performed the work:
4. Cage Code:
5. Client: (From Department to specific organization supported)
6. Contract Type:
7. Date Awarded:
8. Original Award Price/Cost:
9. Final Price/Cost: (or Price/Cost to date, notate which is shown)
10. Original base period completion date:
11. Option periods exercised and completion periods:
12. Option periods available but not exercised:
13. Procuring Contracting Officer name, address, telephone, and email:
14. Administrative Contracting Officer name, address, telephone, and email:
15. Technical or Contracting Officer's Representative name, address, telephone and email:
16. Other Significant POC's name, address, telephone and email:
17. Location(s) of Performance:

(Page 2 – The following should start on page 2 of the form and may NOT exceed a single page)

1. NIH requirements performed within scope of this past performance:
2. Statement of Relevancy: (explanation of specific relevancy in terms of scope, size, requirements, technical approach, standards, workload, management, positions, locations, problems encountered and lessons learned)

(This 2-page form may be reformatted for headers and footers. The page format and text format shall meet the requirements stated above)



## VOLUME II – TECHNICAL APPROACH

The Technical volume shall be organized as follows:

- **Cover**
- **Table of Contents**
- **Cover Page**
  
- **Tab 1 - Organization Chart** (no page limitation, but content is limited to the following)

The offeror shall provide an organizational chart that illustrates the proposed structure to accomplish all requirements at all locations. The organization chart shall specify all positions detailed in Volume III, Personnel. **Each Tab under Technical approach shall describe all sub-requirements under the parent requirement.**

**Example: C.5.1 tab shall include all sub requirements, i.e. C.5.1, C5.1.1, C.5.1.1.2, etc. All sub-requirements shall be addressed in the proposal. Additionally C.1 through C.4 requirements shall be addressed.**

- **Tab 2 - Introduction to the Technical Approach**
- **Tab 3 - C.5.1 Gaithers Distribution Center**
- **Tab 4 - C.5.2 National Library of Medicine**
- **Tab 5 - C.5.3 National Institute of Aging**
- **Tab 6 - C.5.4 National Institute of Dental and Craniofacial Research**
- **Tab 7- C.5.5 Center for Scientific Research**

**Tab 8 – Phase-in Plan.** Describe in detail a five (5) month Phase-in Plan that clearly describe the procedures for assuming responsibility for the PWS. Include training requirements, schedules, compliance with Section C-3, and detail every hour of proposed government assistance as completely as possible. Although difficult, this last element is considered a primary indicator of the offeror understands of the NIH requirements.

Tabs 2 through 8 are limited to 200 pages in total and should be sub sequentially numbered. Tabs 3 through 7 shall, at a minimum, address every requirement that is separately numbered in the RFP.

The technical approach shall be sufficiently specific, detailed and complete to clearly and fully demonstrate that the offeror has a thorough understanding of all RFP technical requirements. The technical proposal shall contain sufficient detail to indicate the proposed means for complying with the Performance Work Statement and shall include a complete explanation of the techniques and procedures to be utilized. A Standard Operating Procedure format is desired, but not mandatory. Include receipt of input; process for performance; quality, timelines, and productivity standards for output; and proposed process improvements for each of the requirements. Describe how policies, procedures, and practices will preserve Government property and equipment and

minimize life cycle costs. Explain specific approaches from Federal, state, local and commercial work that will be used.

- **Tab 9 – Additional Considerations** (Limited to 70 pages)

The offeror will address the following elements of the Technical Approach:

- Regular schedules for performance
- Ability to respond to emergencies
- Ability to respond to weekend and after hour requirements
- Effective ability to respond to peak workload
- Efficient ability to respond to workload “valleys”
- Specific approaches for leased facilities
- Coordination with Institutes and Centers

### **VOLUME III – PERSONNEL**

The Technical volume shall be organized as follows:

- **Cover**
- **Table of Contents**
- **Cover Page**
  
- **Tab 1 – Staffing Chart**

Offerors shall complete form III-1.

NOTE: It is anticipated that worksheets and data bases may be used to develop the five required forms. The forms may be reformatted for headers and footers and to be printed from spreadsheets and databases in landscape or portrait orientation. The forms are not limited in number of pages, but are limited to the exact, required data.

- **Tab 2 – Productivity Factors**

Offerors shall complete form III-2.

- **Tab 3 – Staffing Realism**

Offerors shall complete form III-3.

- **Tab 4 - Position Descriptions**

Offerors shall complete form III-4.

- **Tab 5 – Work Schedules**

Offerors shall complete form III-5.

- **Tab 6 – Key Personnel Resumes**

Offerors shall complete form III-6 for proposed Key Management Personnel and Key Personnel that are used to demonstrate past performance for new firms.

- **Tab 7 – Personnel Management (Limited to 20 pages)**

The offeror shall address the following elements of personnel management:

- The ability to hire and retain personnel qualifying for the Position Descriptions at the rates proposed. Discuss historical experience in hiring, managing, and replacement of personnel in each labor category and pay range, and historical and anticipated turnover rates. Do not reveal actual hourly rates proposed, use percentage relationships between actual rates and proposed rates.
- The supervisor to worker ratios and explain the adequacy of management and supervision.
- Recruitment of Personnel and the plan that demonstrates the ability to provide and maintain the required skills, training, qualification, and certification necessary to perform the PWS.
- Initial training of personnel, retraining and training for new requirements and systems.
- Impact on hiring in consideration of HHS policy that all affected personnel will have a government job offer in the event of a conversion to contract.

**Form III-1  
Staffing Chart**

Ref	Organization	Position Title	Full Time Hours	Part Time Hours	Overtime Hours	Supervisor Ref	Company

**Key:**

Ref: Number to be used on Personnel Forms.

Organization: Title or Code from Volume II, Tab 1, Organization Chart

Position Title: As required to implement the technical Approach in Volume II

Full Time Hours: Proposed

Part Time Hours: Proposed

Overtime Hours: Proposed

Supervisor Ref: The Reference number of the supervisory position

Company: The firm that is proposed to provide the position. Show one row for each company per position title to reflect the number of proposed positions.

**Form III-2  
Productivity Factors**

Ref	Organization	Position Title (s)	Proposed Hours	Workload	Units	Productivity Factor	Past Performance Reference

**Key:**

Ref: From Form III-1

Organization: From Form III-1

Position Title: From Form III-1

Proposed Hours: The total number of hours proposed by organization by Position Title, from Form III-1

Workload: The workload count from the PWS that was used to determine the number of required hours

Unit: The nomenclature for the workload (i.e. Square feet, work orders, size of project)

Productivity Factor: The workload divided by the proposed hours, equaling the number of units produced per hour

Past Performance Reference: Reference number from form I-1 where similar productivity factors have been achieved and can be verified by government representatives

(This form is not limited in number of pages, but is limited to the exact, required data)

(This form may be reformatted to show multiple workload indicators per position, if applicable)

(This form may be reformatted for headers and footers and to be printed from spreadsheets and databases)

**Form III-3**  
**Staffing Realism**

Organization/ Labor Category	Proposed Positions	Current Number of Personnel	Number of Personnel in Labor Category in last 12 months	Range of Actual Salary as % of Proposed Salary	Number of Current Personnel whose actual salary is within 10% of Proposed Salary	Ratio 1	Ratio 2	Ratio 3	R

**Definitions:**

1. **Organization/Labor Category** – From Form III-1
2. **Proposed Positions** – From Form III-1
3. **Current Number of Personnel** - The number of personnel currently employed by the company in each labor category.
4. **Number of Personnel in Labor Category in last 12 Months** - The number of personnel that have been hired by the company in each labor category in the past 12 months.
5. **Range of Actual Salary as % of Proposed Salary** - Derived by identifying the direct salary of all personnel hired by the company in each labor category in the past 12 months. The highest and the lowest salaries are then identified and divided by the proposed salary for each labor category. For example, the proposed direct labor rate is \$10 per hour, the highest and lowest actual direct salary over the last 12 months is \$20 and \$10 per hour, therefore, the range entered for that labor category would be 100% to 200%.
6. **Number of Current Personnel whose actual salary is within 10% of the Proposed Salary** - For example, using the information from above, the offeror would count the number of current personnel in the example labor category that has a direct salary of \$9.90 to \$10.10.
7. **Ratio 1** – Column 2 divided by Column 3
8. **Ratio 2** – Column 3 divided by Column 4
9. **Ratio 3** – Column 2 divided by Column 6
10. **Ratio 4** – Column 3 divided by Column 6

All offerors are reminded that the backup financial data for this form is required as part of the cost proposal. This form should be completed for each member firm associated with the offeror, and then one summary form should be prepared based on the individual forms. It is recognized that some very large organizations may have difficulties in compiling this information for the total company. Such organizations may choose to limit the information to a specific subsection of the company. This is allowed, if it is clearly noted as a footnote to the Form. Each Offeror may choose how best to demonstrate that their proposal is realistic in terms of experience in hiring applicable positions at the proposed rates.

(This form is not limited in number of pages, but is limited to the exact, required data)  
(This form may be reformatted for headers and footers and to be printed from  
spreadsheets and databases)

**Form III-4**  
**Work Schedules**

Ref	Organization	Position Title	Normal Work Schedule

Key:

Ref: From Form III-1

Organization: From Form III-1

Position Title: From Form III-1

Normal Work Schedule: Scheduled starting and stopping for regular shifts, on applicable days, that demonstrates an understanding of NIH work schedule and the need to minimize disruption to mission requirements.

(This form is not limited in number of pages, but is limited to the exact, required data)

(This form may be reformatted for headers and footers and to be printed from spreadsheets and databases)

**Form III-5**  
**Positions Descriptions**

**Labor Category**

\_\_\_\_ Current or \_\_\_\_ Proposal Specific Position Description

Date Prepared: \_\_\_\_\_

Approving official: Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

**Minimum Years Experience:**

**Minimum Educational Requirements:**

**Experience Substitution for Education (if allowed):**

**Duties:**

**Abilities/Skills/Knowledge Required by the Position:**

**Supervisory Controls:**

**Guidelines:**

**(The number of forms is NOT limited. Each form is limited to two pages)**

**Form III-6**  
**Key Personnel Resume**

**Name, Labor Category**

Employment Status (Current, Contingent, etc.) and Employer

Years of Professional Experience:                      Years in proposed labor category:

Highest degree earned:                      Discipline:                      Date earned:

I certify the accuracy, currency, and completeness of this resume:

Signature \_\_\_\_\_ Date \_\_\_\_\_

**EMPLOYMENT HISTORY:** (list in chronological order by employer, use multiple listings if different positions were worked for the same employer)

**Current Employer, Dates of Employment, Current Position Title**

List relevant duties, accomplishments and productivity factors achieved.

**Additional Employers, Dates of Employment, Position Title**

List relevant duties, accomplishments and productivity factors achieved.

**Repeat format as required**

**EDUCATION:**

List degree, discipline, date, school

List other relevant training by title, date and school

**OTHER INFORMATION:** (use this header only as required)

List any other relevant information (i.e. membership in organizations, additional skills not covered above, etc.)

This form may not exceed two pages in length per resume.

## VOLUME IV – MANAGEMENT

The Management volume shall be organized as follows:

- **Cover**
- **Table of Contents**
- **Cover Page**

### **Tab 1 - Management Plan Examples** (Limited to 50 pages)

Provide specific applications of management plan highlights for the technical approach that compliments the staffing plan. Include consideration of:

1. Managing the size, scope and locations of all the requirements set forth in the RFP
2. Managing the complexities of the functions set forth in the PWS
3. Reducing turn-over
4. Implementing the Training Plan
5. Efficiencies to be achieved
6. Work-in-process management approaches
7. Tracking measures
8. Performance appraisal techniques
9. The authority to respond to the contract requirements and to assume and manage risk
10. Task management
11. Out-year transitions
12. Contract termination transition
13. Management of labor relations
14. Management of Government furnished property and equipment
15. Subcontract Management
16. Interface with the Project Officer and Contracting Officer in order to meet contract requirements and achieve program goals

### **Tab 2 - Quality Control Plan** (Text is unlimited and shall become part of the terms and conditions of the contract)

The Offeror shall provide a specific Quality Control Plan that is applicable to this contract, in consideration of all requirements at all locations. The Plan shall be written so that it can be implemented during Phase-in and be fully implemented on the first day of full performance. General statements, marketing materials and references to corporate philosophy are not considered appropriate.

### **Tab 3 - Conflict of Interest Plan**

The Offeror shall demonstrate how Organizational Conflicts of Interest will be prohibited throughout performance. The offeror shall fully disclose all current business relationships that could create an appearance of conflict of interest in performing this contract.

### **VOLUME V – BUSINESS PROPOSAL**

The Business Proposal shall be organized as follows:

- **Cover**
- **Table of Contents**
- **Cover Page**

This volume shall be specific, complete in every detail and separate from your technical proposal and comply with the content for each section as listed below and shall include completion of Section B of this RFP.

#### **Tab 1 - Section B**

The Offeror shall insert the completed Section B.

#### **Tab 2 - Price/Cost Proposal**

Cost or Pricing Data or Information Other than Cost and Pricing Data refers to the portion of the offeror's submission, which is factual. The requirement for cost or pricing data is satisfied when all facts reasonably available to the contractor up to the time of agreement on cost/price, and which might reasonably be expected to affect the price negotiations, are accurately disclosed to the Contracting Officer. See FAR 15.403 to determine the necessity for Cost and Pricing Data.

Offerors must submit, at a minimum, cost proposals fully supported by information adequate to establish the reasonableness of the proposed amount. If cost or pricing data is necessary, it should be in the format indicated in Table 15-2 of FAR 15.408. This table shall also be used to present information Other than Cost or Pricing Data. A detailed breakdown of estimated costs by phase, segment, or year must be submitted. For each separate cost estimate or line item (CLIN), the offeror must furnish a breakdown by cost elements as indicated in Table 15-2. In addition, summary total amounts shall be furnished for the following cost elements as appropriate for the offeror's cost proposal.

1. **Direct Materials**

For any proposed direct materials over and above those specified in CLIN 7, your proposal must separately show any major items (those equal to or greater than \$2,000 or 10% of the direct materials cost, whichever is lower) and their estimated costs. You must also show the basis for the

cost estimate, e.g.; competitive bids, catalog prices or vendor quotations and the names of proposed vendors.

2. Direct Labor

For each CLIN in Section B, provide schedules indicating types or categories of labor, man-hours and hourly rates used to calculate the proposed unit prices. Indicate whether current rates or escalated rates are used. If escalation is included, state the degree (percentage) and methodology, e.g., annual percentage rate applied to a base hourly rate as of a specific date or a mid-pointed percentage rate for the period of performance. If any proposed labor category is covered by the Service Contract Act (SCA), specify which SCA job classification and minimum hourly wage applies and show how the proposed hourly rate complies with the SCA Wage Determination(s) and is consistent with your organization's salary scales and/or the hourly rates currently paid by your organization. State whether any additional direct labor (new hires) will be required during the performance period of this contract. If so, state the number required and the anticipated date of hire. Offerors are encouraged to use the Staffing Plan as a basis for building these schedules.

3. Fringe Benefits

For each CLIN in Section B, provide the fringe benefits rate(s) used in calculating the proposed unit prices. If you proposed the fringe benefits rate(s) on your current Negotiation Agreement with an agency of the Federal government, you must attach a copy of the agreement. If you do not have a fringe benefits rate(s) negotiated with an agency of the Federal government, you must provide the basis for the proposed rate(s), i.e., a breakdown of the fringe benefits cost pool(s) and the labor costs base(s) used to calculate the proposed rate(s).

If fringe benefits are accounted for as part of your indirect costs and not separately proposed, so state.

Whether fringe benefits are included in indirect costs or separately proposed, you must provide information to clearly document that the minimum fringe benefits (Health and Welfare, paid vacation and holidays) required by the Service Contract Act (SCA) Wage Determination(s) have been proposed for those job classifications covered by the SCA.

4. Subcontracted Effort

For each CLIN in Section B, include parts, components, assemblies, and services that are to be produced or performed by others in accordance with offeror's design, specifications, or direction and that are applicable only to the prime contract and that were used in calculating the proposed unit prices. Subcontract costs must be shown in the same detail as that required for the prime offeror. For each subcontract over \$500,000, the

support should provide a listing by source, item, quantity, price, type of subcontract, degree of competition, and basis for establishing source and reasonableness of price, as well as the results of review and evaluation of subcontract proposals when required by FAR 15.404-3.

5. Overhead, General and Administrative Expense

For each CLIN in Section B, detail the proposed indirect cost rate(s) used in calculating the proposed unit prices. If you proposed the indirect rate(s) on your current Negotiation Agreement with an agency of the Federal Government, you must address the impact, if any, the subject contract would have on the negotiated rates. In addition, you must detail any rate adjustment required because of the HHS treatment of IR&D as noted below. If you have current indirect cost Negotiation Agreement with an agency of the Federal government, attach a copy of the agreement.

If you do not have a current indirect cost Negotiation Agreement with an agency of the Federal government or you did not use the indirect rates on your current Negotiation Agreement when calculating the proposed unit prices for any CLIN, you must provide detailed projected estimates of the proposed indirect rates. These projected estimates (based on company-wide or division-specific cost data) must be broken down by expense category for both the indirect cost pool(s) and the indirect cost base(s) used to distribute the pool(s). The projected estimates should be based on annualized costs for the planned mode and level of operation during the period in which effort is to be expended under the subject contract. These estimates should take into consideration all operating changes. Comparative details of the costs incurred and their associated computed rates for the previous fiscal year also be provided.

NOTE: It is the policy of the Department of Health and Human Services (HHS) not to participate in or contribute to the cost of independent research and development (IR&D). As noted in the HHS Acquisition Regulation at 352.216-72, it is HHS policy that IR&D costs are unallowable and shall bear a proportionate share of overhead and G&A costs; therefore, IR&D costs should be excluded from indirect expense pools and included in the appropriate distribution bases. If your organization has no IR&D costs, a statement to that effect should be included with the above-required information. If your company does have IR&D costs they must be identified and the required adjustment(s) to your rates must be detailed.

6. Special Equipment

If special purpose equipment is being proposed, provide a description of the items, details of the proposed cost including competitive prices, and a justification as to why the Government should furnish the equipment or

allow its purchase with contract funds. (See the paragraphs below of this section for policy on equipment.). If fabrication by the prime contract is contemplated, include details of material, labor and overhead.

7. Consultant Service

For each CLIN in Section B, proposed consultant services should be explained by indicating the specific area in which such services are to be used. Identify the contemplated consultants by name and state the number of hours of such services estimated to be required and the consultant's quoted rate per hour, and indicate the number of hours in which work will be performed. State whether the consultant has received the proposed hourly rate in performing similar services for other Organizations, especially when Federal funds were not involved.

8. Other Direct Costs

You must identify and provide documentation to support the proposed costs of any items/services not otherwise included elsewhere in your proposal.

9. Fee

Offerors shall identify a base fee.

10. Monthly Deductions

For the tasks listed in Schedule 1 of Section B -1, offerors must propose a monthly deduction for each of the performance standards in Section C for failure to meet Acceptable Quality Levels. Offeror's proposed deductions may be negotiated during evaluation. Deductions will be taken from the fixed price portion of the contract only.

### **Tab 3 - Cost Realism**

The offeror shall document:

- (1) The realism of the proposed cost to the requirements (by the six major requirements by location)
- (2) The realism of the proposed costs compared to the proposed technical approach and staffing (by the six major requirements by location, with specific attention to the ability to staff the position descriptions at the proposed rates per location)
- (3) The realism of proposed costs to current business practices
- (4) The history of cost realism in regard to proposed cost compared to actual billed cost on past performance

### **Tab 4 - Business Capacity**

The offeror shall provide complete financial statements, including notes, (current and two prior years) and use numbers, percentages and ratios to document:

- (1) Current capacity in terms of available funding and personnel
- (2) Available capacity in terms of additional funds and personnel readily available to the offeror
- (3) The adequacy of the current and available capacity in relationship to the requirements of this contract
- (4) The realism of the offer to initiate and maintain performance from a Business Capacity perspective

This small business set-aside contract requires continuity of services, which are tied to business capacity throughout the performance periods. Specific attention should be given to the business capacity during the transition period and the base performance period.

## **VOLUME VI – REPRESENTATIONS AND CERTIFICATIONS**

Provide the requirements identified in Section K, including signatures, representations, certifications, amendments, and other official documents.

### **Article L.5 INCENTIVES AND DISINCENTIVES**

In addition to the period of performance of the base year and four options years, the Service Provider may earn extensions (hereinafter called “award terms”) up to three additional years for a high performing organization that continued cost savings justifies the extension based upon the quality of performance during the specified evaluation periods. The evaluation periods and methods of evaluation are explained in the Quality Assurance Surveillance Plan (QASP). Award term extensions will not be granted if there is not a bona fide continued need for the services provided.

The Service Provider’s performance will be evaluated in accordance with the QASP. The plan may be changed at any time during the agreement between the Service Provider and the Government.