

**SECTION L - INSTRUCTIONS, CONDITIONS, AND NOTICES TO OFFERORS**

**L.1 LISTING OF PROVISIONS INCORPORATED BY REFERENCE**

NOTICE: The provisions in this Section are incorporated by reference, with the same force and effect as if they were given in full text. Provisions incorporated by reference which require a fill-in by the Government include the text of the affected paragraph(s) only. This does not limit the provision to the affected paragraph(s). The Contractor is responsible for understanding and complying with the entire provision. The full text of the provision is available at the addresses contained in clause 52.252-1, Provisions Incorporated by Reference, of this contract. The following contract provisions pertinent to this section are hereby incorporated by reference:

**I. FEDERAL ACQUISITION REGULATION (48 CFR CHAPTER 1)**

PROVISION NUMBER	DATE	TITLE
52.214-34	APR 1991	SUBMISSION OF OFFERS IN THE ENGLISH LANGUAGE
52.214-35	APR 1991	SUBMISSION OF OFFERS IN U.S. CURRENCY
52.215-1	JAN 2004	INSTRUCTIONS TO OFFERORS - COMPETITIVE ACQUISITION
52.232-38	MAY 1999	SUBMISSION OF ELECTRONIC FUNDS TRANSFER INFORMATION WITH OFFER

**II. NASA FAR SUPPLEMENT (48 CFR CHAPTER 18) PROVISIONS**

PROVISION NUMBER	DATE	TITLE
------------------	------	-------

None included by reference.

**L.2 1852.215-77 PREPROPOSAL CONFERENCE (DEC 1988)**

(a) A preproposal conference will be held as indicated below:

Date: April 20, 2007

Time: 9:00 AM EDT

Location: NASA Langley Research Center, Main Gate Badge and Pass Office

Other Information, as applicable: The purpose of this conference will be to allow prospective offerors to take a Government led tour of the facility. Additionally, prospective offerors will be provided the opportunity to obtain the CD, which contains a center map and facility layout, as described in Section L.14, below, provided that the offeror provides the Government all information required in L.14 a minimum of 4 days prior to the conference.

The following is a tentative agenda for the conference:

Opening Remarks

Facilities Tour

Questions and Answers Related to the Tour and Grounds of NASA LaRC

The briefing will be unclassified. Please contact Michael Kaszyca 757-864-2436 or via email at [Michael.Kaszyca-1@nasa.gov](mailto:Michael.Kaszyca-1@nasa.gov) to register for the conference. Provide a list of planned attendees and indicate whether or not they are U.S. citizens. For non-U.S. Citizens, provide the visitor's full name, date of birth, citizenship, and city and country of birth. The Non-U.S. Citizen will also have to present credentials (e.g., Visa, Resident Alien Card) upon arrival at the Center (**Prospective offerors shall provide the above registration information no later than 2:00 PM EDT on April 17, 2007.**). Prospective offerors are requested to submit any written questions to Michael Kaszyca no later than April 18, 2007 so that NASA will be able to answer as many questions as possible at the conference.

(b) Attendance at the preproposal/pre-bid conference is recommended; however, attendance is neither required nor a prerequisite for proposal/bid submission and will not be considered in the evaluation.

(End of provision)

### **L.3 52.216-1 TYPE OF CONTRACT (APR 1984)**

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

(End of provision)

### **L.4 52.233-2 SERVICE OF PROTEST (SEP 2006)**

(a) Protests, as defined in section 33.101 of the Federal Acquisition Regulation, that are filed directly with an agency, and copies of any protests that are filed with the Government Accountability Office (GAO), shall be served on the Contracting Officer (addressed as follows) by obtaining written and dated acknowledgment of receipt from:

NASA Langley Research Center  
Attn: Panice H. Clark, MS 126  
Hampton, VA 23681

(b) The copy of any protest shall be received in the office designated above within one day of filing a protest with the GAO.

(End of provision)

### **L.5 52.252-1 SOLICITATION PROVISIONS INCORPORATED BY REFERENCE (FEB 1998)**

This solicitation incorporates one or more solicitation provisions 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. The offeror is cautioned that the listed provisions may include blocks that must be completed by the offeror and submitted with its quotation or offer. In lieu of submitting the full text of those provisions, the offeror may identify the provision by paragraph identifier and provide the appropriate information with its quotation or offer. Also, the full text of a solicitation provision may be accessed electronically at this/these address(es): Federal Acquisition Regulation (FAR) clauses:

<http://www.acqnet.gov/far/>

NASA FAR Supplement (NFS) clauses:

<http://www.hq.nasa.gov/office/procurement/regs/nfstoc.htm>

(End of provision)

**L.6 1852.215-81 PROPOSAL PAGE LIMITATIONS (FEB 1998)**

(a) The following page limitations are established for each portion of the proposal submitted in response to this solicitation.

<b>Proposal Section</b>	<b>Page Limit</b>
Standard Form (SF) 33 and Sections B-J of Model Contract, including Completed Representations and Certifications (Section K)	N/A
Volume I – Management/Technical	35
Volume II – Price/Cost	No Limit
Volume III – Past Performance	No Limit
Safety and Health Plan	No Limit

(b) A page is defined as one side of a sheet, 8 1/2 x 11, with at least one inch margins on all sides, using not smaller than 12 point type. Foldouts count as an equivalent number of 8 1/2 x 11 pages. The metric standard format most closely approximating the described standard 8 1/2 x 11 size may also be used.

(c) Title pages and tables of contents are excluded from the page counts specified in paragraph (a) of this provision. In addition, the Cost section of your proposal is not page limited. However, this section is to be strictly limited to cost and price information. Information that can be construed as belonging in one of the other sections of the proposal will be so construed and counted against that section's page limitation.

(d) If final revisions are requested, separate page limitations will be specified in the Government's request for that submission.

(e) Pages submitted in excess of the limitations specified in this provision will not be evaluated by the Government and will be returned to the offeror.

(End of provision)

**L.7 PROPOSAL SUBMISSION INFORMATION**

Submit the **original and 3 copies** of each volume of the proposal on or before the date and hour shown in Block 9 of the SF 33. Proposals may be submitted to the address shown in Block 8 of the SF 33 (face page of the solicitation) or, if hand carried, to the depository listed in Block 9. Be aware that heightened and varying security requirements may preclude or delay access to the Center; however, such circumstances will not provide a basis for acceptance of a proposal that arrives at the place specified after the exact time specified.

**L.8 ELECTRONIC SUBMISSION OF PROPOSAL/PROPOSED CONTRACT**

**A. General**

(1) This solicitation requires **one original and 3 copies** of your proposal, along with **4 electronic proposal copies**.

(2) The original hard-copy shall be identified as such and remaining copies marked (i.e., 1 of 3, 2 of 3, etc.) for documentation control. All volumes shall have consecutive page numbers. The cover/title page of all volumes shall be marked “Source Selection Information, See FAR 2.101 and 3.104.” All volumes of the hard-copy proposal shall be formatted the same as the electronic proposal.

(3) The electronic proposal shall be saved on a CD. Each CD submitted shall include an external label with the offeror’s name, date of proposal, and the solicitation number. The electronic proposal shall be scanned for viruses prior to submission. In the event of an inconsistency between the electronic proposal and the hard-copy proposal, the hard copy shall be considered the intended version.

**B. Volume I, Technical Proposal, and Volume III, Past Performance Proposal**

(1) Volumes I and III shall be prepared in Microsoft Word.

(2) It is preferred that all data/information be provided in one file. However, if the information requires more than one file, all files shall be saved in one directory. No two files or folders shall have the same file name.

**C. Volume II, Price/Cost**

(1) Volume II shall be compatible with Microsoft Excel 2003 and Microsoft Word (supporting narrative). Electronic spreadsheets in word processing and PDF formats are not acceptable.

(2) It is preferred that all electronic spreadsheets be provided in one file with as many workbooks as necessary. However, if the information requires more than one file, all files shall be saved under one folder. No two files or folders shall have the same file name. All linking must be within each folder, and all linked files must be provided. Do not include external links.

(3) All electronic spreadsheets shall be self calculating and shall not contain hidden cells, be locked/protected or secured by password. The offeror shall explain any “absolute values.”

**D. Contract Offer**

(1) A contract offer shall be submitted with the original of Volume II, Price/Cost. It is critical that a conforming signed contract offer be submitted with the proposal since it is anticipated that award will be made without discussion.

(2) An electronic copy of the completed contract document shall also be submitted with its proposal. The hard-copy contract offer shall be formatted the same as the electronic proposal.

(3) The contract offer shall consist of the following:

(i) One signed original of SF33 with Blocks 12-18 completed, Part I, The Schedule (Sections B-H) and Part II, Contract Clauses (Section I), and any required Exhibits. **All shaded**

**areas are to be completed by the offeror.** The additional Exhibits listed in Section J will be added to the contract document by the Contracting Officer at the time of contract award.

(ii) Executed Section K.

(iii) Properly acknowledge solicitation amendments (if any).

(iv) A cover letter stating acceptance of exception to the proposed contract terms and conditions that are incorporated into the contract offer and PWS.

#### **L.9 OFFEROR ACCEPTANCE PERIOD**

Proposals submitted in response to this solicitation shall remain firm for at least 120 days after the date specified for receipt by the Government and shall contain a statement to this effect.

(End of provision)

#### **L.10 1852.223-73 SAFETY AND HEALTH PLAN (NOV 2004)**

(a) The offeror shall submit a detailed safety and occupational health plan as part of its proposal (see NPR 8715.3, NASA Safety Manual, Appendices). The plan shall include a detailed discussion of the policies, procedures, and techniques that will be used to ensure the safety and occupational health of Contractor employees and to ensure the safety of all working conditions throughout the performance of the contract.

(b) When applicable, the plan shall address the policies, procedures, and techniques that will be used to ensure the safety and occupational health of the public, astronauts and pilots, the NASA workforce (including Contractor employees working on NASA contracts), and high-value equipment and property.

(c) The plan shall similarly address subcontractor employee safety and occupational health for those proposed subcontracts that contain one or more of the following conditions:

(1) The work will be conducted completely or partly on premises owned or controlled by the government.

(2) The work includes construction, alteration, or repair of facilities in excess of the simplified acquisition threshold.

(3) The work, regardless of place of performance, involves hazards that could endanger the public, astronauts and pilots, the NASA workforce (including Contractor employees working on NASA contracts), or high value equipment or property, and the hazards are not adequately addressed by Occupational Safety and Health Administration (OSHA) or Department of Transportation (DOT) regulations (if applicable).

(4) When the assessed risk and consequences of a failure to properly manage and control the hazards warrants use of the clause.

(d) See Attachment L-1 for additional Safety and Health Plan Instructions, which are specific for NASA Langley Research Center.

(e) This plan, as approved by the Contracting Officer, will be included in any resulting contract.

(End of provision)

### **L.11 ADDITIONAL SAFETY AND HEALTH PLAN INSTRUCTIONS**

Address the approach to Safety and Health as required by NFS 1852.223-70, Safety and Health. Submit a complete Safety and Health Plan as required by NFS 1852.223-73, Safety and Health Plan and attachment L-1, Additional Safety and Health Plan Instructions. **NOTE:** The Safety and Health Plan will not be rated. The Plan will be reviewed by the NASA LaRC Safety Officer to ensure it addresses the requirements of NFS 1852.223-70, NFS 1852.223-73, and Attachment L-1 to this RFP. Corrections to the Plan, if any, will be addressed after an offeror is selected for award and will not necessitate otherwise unneeded discussions.

### **L.12 1852.233-70 PROTESTS TO NASA (OCT 2002)**

Potential bidders or offerors may submit a protest under 48 CFR Part 33 (FAR Part 33) directly to the Contracting Officer. As an alternative to the Contracting Officer's consideration of a protest, a potential bidder or offeror may submit the protest to the Assistant Administrator for Procurement, who will serve as or designate the official responsible for conducting an independent review. Protests requesting an independent review shall be addressed to Assistant Administrator for Procurement, NASA Code H, Washington, DC 20546-0001.

(End of provision)

### **L.13 COMMUNICATIONS REGARDING THIS SOLICITATION**

(a) Questions or comments regarding this solicitation must be submitted in writing, cite the solicitation number, and be directed to the following Government representative:

Name: Michael Kaszyca  
Email: [Michael.Kaszyca-1@nasa.gov](mailto:Michael.Kaszyca-1@nasa.gov)  
Fax: 757-864-9775

Address: NASA Langley Research Center  
9B Langley Blvd., MS 126  
Hampton, VA 23666

Oral questions will not be answered due to the possibility of misunderstanding or misinterpretation.

(b) Questions or comments should be submitted within 10 calendar days of the issuance of the solicitation to allow for analysis and dissemination of responses in advance of the proposal due date. Late questions or comments are not guaranteed a response prior to the proposal due date.

(c) Questions or comments shall not be directed to the technical activity personnel.

(End of provision)

### **L.14 REQUEST FOR CONTROLLED OR NON-PUBLISHABLE DOCUMENTS**

A. The following portions of this solicitation are not available via the internet in accordance with NASA LaRC Internet Publishing Content Guidelines and Export Controlled Regulations:

1. Center-Wide Map, which provides information on the size, location and layout of the land parcels at NASA LaRC. (NOTE: This information is required to ensure a complete understanding of SOW Sections 10.1, 10.2 and 10.3.)
2. Layout of Buildings 1285 and 1286, which are the buildings being provided for use under this contract.

If you are interested in submitting a proposal you must obtain a copy of the compact disk (CD) which contains these documents to have a complete copy of the solicitation. This disk shall not be distributed to any foreign person, whether in the United States (U.S.) or abroad, any U.S. person representing a foreign entity, any foreign entity, or to any person who will knowingly retransmit the information to a non-U.S. person, foreign representative, or foreign entity. By taking possession of the disk, offerors certify that they will destroy all copies upon award of a contract resulting from this solicitation.

B. You are required to email the following information on company letterhead to Michael.Kaszyca-1@nasa.gov. Please identify the solicitation number located on the cover sheet of this document, provide your company name, mailing address, name and title of requestor, phone number, and fax number. In addition, include a copy of your business license. When all the requested information is provided, the requested documents will be sent to you via regular mail.

C. Only one (1) compact disk will be provided to each offeror. Any copies or distribution performed by the offeror shall be in accordance with the legend/label provided on the Government disk. In addition, the copied disk(s) shall be marked with the same legend/label as the Government disk.

D. This CD may be provided to the prospective offeror at the Preproposal Conference only if the offeror has provided the information required above by 2:00 PM EDT on April 17, 2007.

#### **L.15 COMBINATION OF THE TWO ENDS OF THE NEGOTIATED SOURCE SELECTION CONTINUUM - PROPOSAL INSTRUCTIONS**

This procurement will be conducted utilizing a combination of technically acceptable baseline requirements and tradeoff of past performance and cost/price. Based on FAR 52.215-1(f), the Government seeks to select an offeror whose proposal represents the best value after evaluation. The Government's requirements are stated as baseline requirements (minimum government needs). All offers will be evaluated against the specifications/statement of work included as Contract Exhibit A of the Request for Proposal (RFP). An initial review will be conducted to determine the acceptability of the proposals. All unacceptable proposals will be eliminated from further evaluation. The Government has the option, depending on the specific circumstances of the offers received, to utilize one of the following methods:

1. Make selection and award without discussions (Offerors may be contacted only for clarification purposes.); or
2. After discussions with all finalists, afford each offeror an opportunity to revise its offer, and then make selection.

The three factors for evaluation are Technical Acceptability, Cost/Price and Past Performance. These three factors, and associated subfactors, if applicable, are discussed in detail below.

**A. FACTOR 1: VOLUME I - TECHNICAL ACCEPTABILITY**

The proposal shall demonstrate that the offered items(s)/services(s) meet the baseline requirement. The Government's baseline requirement is made up of the Statement of Work (SOW) included in this solicitation, as well as the subfactors noted below. Within the response to each subfactor, identify and discuss any programmatic risks and the approach for managing these risks as set forth in NFS 1815.305, Proposal Evaluation. In addition to responding to these items, offerors should include in their proposals any additional information that demonstrates their understanding of the work and their ability to perform it.

The Offeror shall describe or provide the following:

1. Subfactor 1: Technical Requirements

- 1.1 Discuss your plan for accomplishing the work in the Statement of Work from both a technical and schedule standpoint. Identify the resources needed in sufficient detail to permit an assessment of the adequacy of the amounts and kinds of materials and equipment. Include a listing of the type of equipment to be provided by the offeror for work and any other items required for the proposed method of implementation.
- 1.2 Address the planned organizational structure for efficiently managing the work. Also address the overall approach to contract management, the authority and responsibilities vested in the contract manager, as well as the manager's access to company resources. Discuss proposed interfaces with NASA personnel and any subcontractors.
- 1.3 Discuss the approach for recognizing, reporting, solving and following-up on technical and schedule problems. Your discussion should also include the identification and the proposed resolution of any potential problems likely to be encountered during contract performance.

2. Subfactor 2: Staffing Plan

- 2.1 Provide a complete resume for the Project Manager. This information must cover, at a minimum, the experience, education, training and commitment to this contract of the individual proposed.
- 2.2 Discuss the proposed approach to transition work from the incumbent contractor.
- 2.3 Discuss proposed plans for staffing, training, maintaining and retaining a qualified workforce throughout the course of the contract.
- 2.4 Discuss proposed plans for maintaining staffing flexibility to accommodate changes in requirements and fluctuation in seasonal workloads.

3. Subfactor 3: Phase-In Plan

- 3.1 Submit a Phase-In Plan that demonstrates the Offeror's ability to meet full performance beginning with the first day of the contract. The plan shall contain, at a minimum, the following information:

- 3.1.1 Plans for effecting a smooth phase-in in order to maintain efficient operations at NASA LaRC for the 30 day period prior to contract start. Provide a schedule for all phase-in steps and how the schedule will be met.
- 3.1.2 Plans for recruiting and training your personnel during the phase-in period.
- 3.1.3 Initial staffing plan, including incumbent personnel retention and the rationale utilized to develop the initial staffing plan.
- 3.1.4 Relationships during phase-in with incumbent contractor and NASA, including support, resources and interfaces expected from each.

## **B. FACTOR 2: VOLUME 2 - COST/PRICE**

Under requirements of the Federal Acquisition Regulation (FAR), the Contracting Officer is responsible for determining reasonableness of cost. It is expected that adequate price competition will be obtained under this solicitation and that a determination of price reasonableness will be made in accordance with FAR 15.403-3. However, to establish the extent to which prices reflect performance addressed in the Technical Proposal, each Offeror is required to submit information other than cost or pricing data with its proposal pursuant to FAR 52.215-20, Alternate IV.

### 1. REQUIREMENTS FOR COST OR PRICING DATA OR INFORMATION OTHER THAN COST OR PRICING DATA (FAR 52.215-20)(OCT 1997) (ALTERNATE IV):

(a) As prescribed in 15.408(l),

(i) Submission of cost or pricing data is not required.

(ii) Provide information described in this section for Factor 2 – Cost/Price.

2.(a) The Offeror is required to submit information Other than Cost or Pricing Data. When information other than cost or pricing data is required pursuant to 15.403-3 and 52.215-20, Offerors shall comply with FAR 15.408, Solicitation provisions and contract clauses, Table 15-2, Instructions for Submitting Cost/Price Proposals, Section I, paragraphs A, E, and G, and of Section II, Cost Elements. Offerors shall also comply with the instructions in this section and those on the Cost Forms in Attachment L-3. Include sufficient detail to support and explain all costs proposed, giving figures and narrative explanation. Since an award may be made without further discussions, this information must be submitted with an Offeror's proposal. If contract years cross Offeror fiscal years, show how fiscal year rates were apportioned to establish contract year rates.

(b) The Offeror shall prepare the cost proposal in a manner consistent with its current accounting system. Provide a statement verifying that the Offeror has an approved accounting system, including the approval date and the name of the reviewing office. List any other systems, e.g., estimating, purchasing, billing, compensation, and budgeting, that have been reviewed or are under review, showing the status, outstanding issues, approval date, and name of the reviewing office. Identify the responsible Government Audit Agency (GAA) Office and point of contact. If applicable, provide a copy of the most current Forward Pricing Rate Agreement, a statement on the status of the Cost Accounting Standards Disclosure Statement, whether the submitted proposal was developed in accordance with that Disclosure Statement, and the status of any unresolved Cost Accounting Standard issues.

(c) An Offeror's failure to comply with all cost proposal instructions (including those for electronic submissions) may result in rejection of its proposal.

3. Cost Forms:

Offerors are required to complete the Cost Forms, including the Rate Chart, in Attachment L-3 to this solicitation. Cost Forms in word processing or PDF formats are not acceptable. The cost evaluation will be focused on the completed Cost Forms and the supporting narrative. Offerors may submit additional spreadsheets only if the narrative does not adequately support the information in the Cost Forms. Any information provided on contractor-generated spreadsheets that does not specifically flow into or support a Cost Form could impact NASA's confidence level in the offeror's cost proposal.

4. Subcontractor Proposal Information:

Each subcontract expected to exceed a total of \$650,000 and to provide direct labor shall also be supported in a manner consistent with the cost/pricing instructions of this solicitation. Prospective subcontractors may submit proprietary cost data directly to the Government on separate Cost Forms no later than the date and time specified in the instructions for receipt of offers for this solicitation. All subcontractors' proposed prices should be identical to the prices identified in the Offeror's proposal for the subcontracted effort. If there is a discrepancy, the price presented in the offeror's proposal for the subcontracted effort will be considered the intended price. Offerors shall support the selection of their subcontractors and address their determination of the price/cost reasonableness of the subcontractors. (See FAR 15.404-3, Subcontract pricing considerations).

5. Phase-In/Contract Period of Performance:

Offerors shall assume a Phase-In start date of August 1, 2007 and a contract start date of September 1, 2007.

6. Direct Labor:

(a) Propose all direct labor hours. Show the hours and costs by labor classification/category; however, the resultant contract will not reflect a specified level-of-effort. Show the derivation of your productive man-year. Explain any composite hourly labor rates. Identify each labor category as Wage Determination (WD) or exempt.

(b) For evaluation purposes, the Government will consider "direct labor hours" to be those productive hours that the offeror proposes its personnel or its subcontractor's personnel to expend in performing the contract requirements.

Direct labor hours do include overtime hours and direct labor hours provided under subcontracts.

Direct labor hours do include all hours expended by first-line supervisors or team/group leaders even though they may be dual- function positions.

Direct labor hours do not include sick leave, vacation, holiday leave, military leave, or any type of administrative leave.

(c) Exhibit D is a copy of the Register of Wage Determinations and Fringe Benefits (WD) issued by the Department of Labor for employees under this proposed contract. Identify those proposed positions

subject to the WD and correlate them to the WD positions. Note that the wage rates and benefits specified therein are minimum rates and that the WD might not list all labor classes to be employed under this contract. Paragraph (c)(2) of the contract clause entitled "Service Contract Act of 1965" states that in this event, conformable rates must be established for those service employees to be employed under the contract but not listed on the WD. There are no conformed occupation titles under the existing contract.

7. Indirect Costs:

For each indirect pool, identify the rates and bases used to determine the proposed costs for this proposal. State whether this contract has been considered in determining the proposed indirect rates. If indirect rates have not been reviewed within the last 12 months by the responsible Government Audit Agency (GAA), provide a cost history for the last three years, including the actual expense pools and application base amounts for the larger indirect pools (e.g., overhead, fringe benefits, and G&A). Detail any labor elements in the pools and provide history of all indirect rates.

For personnel covered by WD, demonstrate in proposal spreadsheets that all minimum benefits, including health and welfare, are met.

8. Other Direct Costs (ODC):

Other than the Installation-Accountable Government Property and Services identified in Clause G.3 (NFS 1852.245-77) of the contract, provide an itemized breakdown and detailed explanation of all ODC costs proposed.

Address applicable city/county business license taxes for both on-site and off-site work (consult with the City of Hampton). Do not include the ID/IQ maximum in the calculation of business license taxes in establishing the estimated contract cost.

9. Facilities Capital Cost of Money (FCCOM):

Clearly identify FCCOM if you choose to include it in your proposal (ref. FAR 52.215-16 Facilities Capital Cost of Money). If FCCOM is not proposed, FAR Clause 52.215-17, Waiver of Facilities Capital Cost of Money, will be included in the contract.

As required by NASA FAR Supplement 1815.404-471-5(a), when FCCOM is included as an item of cost in the proposal, a reduction in the profit/fee objective will be made in an amount equal to the amount of FCCOM allowed in accordance with FAR 31.205-10(a)(2) or 1 percent of the cost base, whichever is less.

10. Escalation:

Include anticipated escalation factors and amounts unless escalation is prohibited by law, regulation, or a specific clause in this document (See FAR 52.222-43-Fair Labor Standards Act and Service Contract Act-Price Adjustment (Multiple Year and Option Contracts)). Provide the derivation and rationale for the proposed escalation rates. Discuss the rationale for not escalating any elements that would normally be escalated.

11. Profit:

Show the amounts proposed for profit for each contract period. Provide rationale for the proposed amounts. Show how FCCOM was considered in the calculation of the proposed fee.

12. Phase-In:

Phase-In costs, if proposed, shall be fully detailed and supported, and should correlate with the technical proposal. Propose the Phase-In costs as a firm-fixed price.

During Phase-In, the Government will provide the services and facilities listed in Section G.3.

13. INDEFINITE DELIVERY INDEFINITE QUANTITY (IDIQ) SCHEDULE OF UNIT PRICES:

The Contract Rate Schedules (Unit Prices) set forth in Exhibit B of the contract, shall be completed and submitted as part of the contract and with the offeror's detailed cost proposal. If the labor categories, labor rates and indirect rates used to determine the IDIQ Schedules are not consistent with those used to establish the offeror's proposed costs for the Base Work, explain and support the inconsistencies.

13.1. Labor:

- (a) Identify all labor categories necessary to perform the requirements set forth in the SOW for the IDIQ effort.
- (b) Labor rates shall be fully burdened through profit.
- (c) Pursuant to FAR 52.222-43, Fair Labor Standards Act and Service Contract Act-Price Adjustment, no escalation shall be included unless specially provided for elsewhere (e.g., in a Collective Bargaining Agreement).
- (d) Explain the direct and indirect rates and application bases used to derive the proposed fully burdened rate and provide supporting spreadsheets that correlate with and are traceable to those used to establish the proposed contract estimate above.
- (e) Explain any composite hourly rates crossing fiscal years or combining several labor categories. Do not combine or reflect Offeror and subcontractor rates as composite.
- (f) If a labor category is to be subcontracted, in whole or in part, identify it in the Contract Rate Schedules. If any labor category is proposed to be performed by both the offeror and a subcontractor, add a line to that labor category within the Contract Rate Schedules (Unit Prices) table and list the labor rates on two lines, one with the offeror's burdened rate and one with the subcontractor's fully burdened rate.
- (g) Offerors shall provide sufficient information to support NASA's determination of price/cost reasonableness of subcontractors proposed costs. See FAR 15.404-3-Subcontract pricing considerations.

13.2. Indirect Rates:

- (a) The indirect rates shall be those that are required to derive the cost load to be applied to each relevant direct dollar of cost.
- (b) Provide the source of or derivation of each rate.
- (c) The indirect rates applicable to labor related costs must be included in the loaded labor rates in determining the Contract Rate Schedules and not with the itemized non-labor related indirect

rates. Itemize each non-labor related indirect rate applicable to this contract along with its corresponding application base.

(d) Explain all composite indirect rates.

**C. FACTOR 3: VOLUME III - PAST PERFORMANCE**

1. Background - Past performance is one indicator of an offeror's ability to perform successfully. Therefore, this factor will assess each offeror's record (including the record of any significant subcontractors [over \$650,000] and/or teaming partners) of performing services or delivering products that are similar in size, scope, and complexity to the requirements of this solicitation. This assessment of past performance will provide an indicator of each offeror's likelihood for success on work arising from the current solicitation.
2. Content Guidelines - The proposal shall contain overall corporate or offeror past performance, but not the past performance of individuals who are proposed to be involved in the required work. However, for newly formed businesses having little or no experience as the new business entity, submit the past performance of a predecessor business entity or the past performance of the company's principal owner(s) or corporate officer(s). Newly formed business entities submitting such information shall also submit a thorough and clear explanation of why such information should be considered predictive of the offeror's performance under a contract resulting from this solicitation.
3. Proposal Content - Include a list of contracts that the offeror, as well as any significant (over \$650,000) subcontractors or teaming partners, has held within the past three years for requirements that are similar in size, scope, and complexity to the requirements of this solicitation. For each contract identified, include:
  - a. Contract Number
  - b. Contracting Agency
  - c. Points of contact in the program and contracting offices, including accurate telephone numbers
  - d. Contract type
  - e. Contract beginning and ending dates
  - f. Original cost/price and delivery terms, as well as actual cost/price and delivery
  - g. Base, fixed, incentive and award fee available, if applicable. Incentive and award fee actually earned (by contract year), if applicable
  - h. Brief contract description
  - i. The extent to which contract objectives were met, including (select, as appropriate)
    1. Technical
    2. Schedule
    3. Cost
    4. Management

5. Occupational Health
6. Safety - Did the Contractor's OSHA Total Case Incident Rates (TCIR) meet or exceed the Bureau of Labor Statistics (BLS) industry rates for the Contractor's NAICS code during the time of their contract with your organization? Did the Contractor's OSHA and Days Away from Work/Restricted Work or Job Transfer Rates (DART) meet or exceed the BLS industry rates for the Contractor's NAICS code during the time of their contract with your organization?
7. Security
8. Overall mission success (identify problems in delivered hardware and software that resulted in delays or failures)
9. Subcontracting goals (achievement of all goals, with emphasis on record of meeting small disadvantaged business subcontracting goals, as well as monetary targets for small disadvantaged business participation)

Include a list of the firms that will submit past performance questionnaires (see paragraph 4. below), along with the written consent of proposed subcontractors to allow NASA to discuss the subcontractors' past performance with the offeror.

4. Past Performance Questionnaires - Each offeror, as well as each significant subcontractor or teaming partner, shall select three customers for whom it has performed services or delivered products in the last three years that are similar in size, scope, and complexity to the requirements of this solicitation. The offeror shall provide each of these customers a Past Performance Questionnaire (Attachment L-2 to this solicitation) for completion and submission to the Contract Specialist for this solicitation. The selected customers must return by email or fax this questionnaire within the timeframe specified in this solicitation to the address or fax number provided on the questionnaire. NASA may verify the information submitted through discussions with the references provided.
5. Independent Past Performance Information - NASA may contact other references, aside from those provided by offerors, and may consider their comments during the source selection process. While NASA may elect to consider data obtained from other sources, offerors retain the burden of providing relevant references that NASA can readily contact.
6. Offerors with no past performance shall so state. Preference will be given, where possible to other U.S. Government contracts. Offerors with no previous Government contracts shall so state.

[End of Section]