

## Questions and Answers Post #1

### COMMERCIAL CREW INTEGRATED CAPABILITY Announcement: NASA-CCiCap

- 1. Please elaborate on the level of detail required for the two sets of optional milestones. Like the CCiCap base milestones, is a descriptive title, detailed objective, success criteria, rationale and planned achievement dates (month and year) required?**

**Answer:** The same level of detail is required for both Base and Optional Period milestones and shall be included in Appendix 2 of the draft SAA submitted with the proposal. Refer to section 5.2.3 of the Announcement; *Section II: Technical Approach, Performance Milestones*.

- 2. Does the same guidance of one milestone per calendar quarter apply? Appendix 2B.1 and Appendix 2b.2 on p. A35 and A36 would imply the same level of detail, but please confirm.**

**Answer:** Yes, at least one milestone per quarter should be proposed and shall be included in Appendix 2 of the draft SAA submitted with the proposal. Refer to section 5.2.3 of the Announcement; *Section II: Technical Approach, Performance Milestones*.

- 3. Is it necessary for the optional milestones to not only anticipate the total amount of funding required, but to identify the sources, NASA and non-NASA?**

**Answer:** For performance milestone submission in Appendix 2 of the SAA, it is not necessary for base period and optional milestones to identify all sources of funding for each milestone, but only NASA's funding as proposed by the Participant. For Section III: Business Information (Finance), the Participant shall discuss the total amount of funding anticipated from NASA and non-NASA sources for both base agreement period and optional milestone period.

- 4. Please clarify what “description of these sources should be sufficient to provide confidence” requires (see p. 14)?**

**Answer:** The citation is in reference to “sources of funding” (Refer to section 5.2.4 of the Announcement; *Section III: Business Information, Finance*), Participants shall identify the specific amount of funding required from each source to include NASA and Non-NASA sources of funding and appropriate descriptions. The information would need to support the proposed plan and provide confidence that it is viable and can be performed successfully.

- 5. On page A32 its states that a completion date and funding amount will be negotiated not to exceed the amount of the milestone provided in the original Appendix 2B response so should that be interpreted that funding amounts should be not to exceed estimates?**

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**Answer:** Yes, If during the period of the agreement, NASA determines to add any of the optional milestones to the Agreement, the negotiated funding amount for the optional milestone shall not exceed the amount of that milestone as listed (and agreed to) in Appendix 2(b) at the time of the Agreement Award.

- 6. Please clarify at what levels of reduced funding should a “prioritized list of activities” be prepared to? 10% less than proposed? 20% or at some given dollar increments between the proposed award amounts of \$300-500M?**

**Answer:** No specific “levels” are required; Participants should show flexibility in their proposed activities to successfully meet the goals of the Announcement while considering that not all of the proposed milestones or content may be included in an awarded SAA. The prioritized list of activities is requested for the base and both funding profiles in the optional period. This list should be provided for NASA to identify potential impacts to a Participant’s proposed plan if NASA chooses not to fund all proposed milestones.

- 7. Please clarify the intent of “orbital crewed demonstration no later than the middle of the decade.” Does that mean 2015 or does 2016 or 2017 meet the intent? The graphical strategy chart from the NASA Forum indicates a transition to ISS services ~ Q2 2017 so does any time before that meet the intent?**

**Answer:** Participants shall propose the earliest date achievable for their associated integrated CTS, while ensuring human safety. The reference to “middle of the decade” is not meant to be interpreted as 2015 explicitly.

- 8. Please clarify the meaning of “significant industry investment” by quantifying significant. Is the amount of industry investment an evaluation criteria and how will it be considered?**

**Answer:** The strategic goal does not reflect a defined quantifiable amount. The investment proposed will be considered in relation to each Participant’s unique proposal attributes and to determine the effectiveness and confidence to successfully perform the milestones proposed. It is important that Participants contribute a significant investment and a serious commitment that reflects a credible overall approach, given all funding sources.

- 9. Can NASA dollars buy an Atlas rocket with Russian engines under INKSNA rules?**

**Answer:** The Participant may not use CCiCap funds to pay a prohibited Russian entity. If a proposal includes use of Russian engines, the Participant must explain how either the Russian supplier is not a prohibited entity as defined by INKSNA, or how the Participant will implement its approach without providing CCiCap funds to the Russian supplier.

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**10. Will questions/ comments be accepted after the initial February 13, 2012 deadline and when will responses be posted if accepted?**

**Answer:** The Announcement cover letter is anticipated to be amended to extend the date to February 28, 2012 for receipt of questions. NASA's goal is to provide answers by March 6, 2012. Questions may be submitted after February 28; however, a response may not be provided to industry.

**11. Page 13 of the Announcement lists 7 things to be met by the milestones. Number 3 asks to reflect Participant funding schedule and sources for CCiCap. Do they mean participant funding or NASA funding or both? How is this to be shown in the milestones? In the Appendix in the table or in words? Item 5 of the 7 asks to establish the proposed level of Government insight. How does NASA want this information presented?**

**Answer:** Referring to bullet # 3 of the Announcement (page 13) - Reflect Participant funding schedule and sources for CCiCap: The intent is for Participants to propose appropriate funding for financing milestones. It is anticipated that funding milestones will be submitted outlining the funding from all sources; however, funding sources are not required for each milestone proposed (see question 3 on sources of funding to be provided in section III: Business Information).

Referring to bullet #5 of the Announcement - Establish the proposed level of Government insight including data access and availability: The proposed Government insight should identify the timing, data access/availability and the level of Government participation for the overall set of milestones proposed. Performance milestone information shall be submitted in Appendix 2 of the SAA.

**12. Page 7 of the Announcement discusses two Allocation of Risk provisions, one for activities affecting ISS and one not affecting ISS. Does this pertain to the demonstration flight? Can you explain this and how either case will be included in the SAA?**

**Answer:** Yes, this pertains to the demonstration flight. The Participant proposes the mission design of the demonstration flight. If the flight includes the ISS, the ISS cross-waiver provision will be added to the SAA. If the flight does not include the ISS, the non-ISS provision will be added to the SAA. Both provisions will be posted for Participants' information. The appropriate provision will be added to the SAA as part of due diligence negotiations.

**13. Performance Milestones: May participants provide a summary of the milestones in Section II of the proposal, with all detailed information provided in Appendix 2 of the SAA?**

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**Answer:** The preferred submission is for all information pertaining to the milestones to be submitted in Appendix 2 of the SAA.

**14. Performance Milestones: Are the payment amounts for the milestones to be provided in the SAA only?**

**Answer:** Yes, in Appendix 2.

**15. Organizational Structure and Management: The Announcement asks for a description of major teaming arrangements. Can NASA define "major"? For example, does this requirement only apply to entities whose role represents a certain funding amount or percent of the proposed effort?**

**Answer:** The Participants should describe teaming arrangements with entities that have significant responsibilities for a particular aspect of the integrated CTS design and implementation.

**16. Organizational Structure and Management: Should teaming arrangements with government centers be described in this section of the proposal?**

**Answer:** No, all agreements for use of critical Government and key external resources shall be identified in the Resources Section; however, there may be references linking the agreements with the respective Organizational Structure if the Government is deemed to be a major team member.

**17. Finance: The Announcement says that "the Participant should establish, in preparation for negotiations, a prioritized list of activities for funding should the amount offered by NASA be less than proposed." Please clarify that this is simply a note for participants to be prepared and there is no requirement to include this list in the proposal.**

**Answer:** See the Answer to Question #6. Participants shall provide a prioritized list of activities for funding in their proposal.

**18. Resources: The requirements focus on government and key external resources. Please clarify that there is no requirement to discuss internal resources. Also, please distinguish between these requirements and the requirement to describe teaming arrangements in the Organizational Structure and Management write-up.**

**Answer:** The Resources section requires discussion of Government and key external resources only, not internal resources. Internal resources should be described in the Organizational Structure and Management Section or other sections of the proposal to support the efforts under CCiCap.

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- 19. Compliance:** Please verify that the heading number 5.2.5 preceding Compliance should be deleted and that the Compliance write-up should be included as a subsection of the Business Information section (under heading 5.2.4). This would be consistent with the outline provided on page 11.

**Answer:** Compliance information submission shall be included with the Business Information Section.

- 20. Termination for Unacceptable Risk to Human Life:** For participants that intend to rely on Russian suppliers, can NASA terminate for Unacceptable Risk to Human Life if Russia does not allow NASA full access to all Russian technical information?

**Answer:** This provision applies to all CCiCap activities with potential risk to Human life. NASA may terminate the Agreement for any CCiCap activity that poses an unacceptable risk, regardless of the cause of the risk.

- 21. Appendix 1, Executive Summary:** For the proposal submission, is it acceptable to only include the Executive Summary in Section I, and avoid re-inserting it in the SAA?

**Answer:** The Executive Summary shall be included in Section I of the proposal and also included in Appendix 1 of the SAA.

- 22. Appendix 2, Performance Milestones and Success Criteria:** The forms for milestones show only 5 milestones in each listing. Please verify that this is an example only and that the number of milestones is up to the offeror.

**Answer:** This is an example only. The number of milestones shall be submitted for the level of effort determined by the Participant and should include at least one milestone per calendar quarter.

- 23. Section 4.7, Anticipated Funding:** Does the \$400M per year that is identified for Options run in full calendar years subsequent to the CCiCap Base period, or is the \$400M value tied to GFY budget time frames?

**Answer:** The funding starts after the base period and is anticipated to run \$400M per year from the start of the optional period (e.g. June 2014 to June 2015).

- 24. Section 4.6, Legal Liability:** NASA states that there are 2 risk provisions that would be available dependent on the contractor's flight test program.

**The "Allocation of Risks provision for ISS activities" clause is referred to in paragraph 4.6, but not included in Appendix A- Space Act Agreement.**

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**Our research in the NASA CCP SAAs of 2011 discovered the following clause:**

**(1) 2.2.9.1.2. Liability and Risk of Loss (Cross-Waiver of Liability for Agreements Involving Activities Related to the ISS Sample Clause) (Based on 14 C.F.R. 1266.102)**

**Please verify whether the NASA SAA guide clause above is the “Allocation of Risks provision for ISS activities” referred to in 4.6 of the Announcement, or whether another clause is applicable**

**Please provide a copy of both provisions in order for the contractor to assess the risk mitigation afforded under either of these provisions.**

**Answer:** Yes, this is the referenced clause. The specific clause for the CCiCap SAA will be posted for industry information.

**25. SAA Article 16 (F), Termination,**

**Rights in Property:** Article 16(F) states that in the event of termination for any reason, NASA may purchase acquired or developed property.

**•Recommend right to purchase be limited to "tangible personal property acquired".**

**•Recommend termination be limited to Termination for Failure to Perform per Article 16.**

**Rationale:** Recommended to clarify that this does not include intellectual property. Intellectual property is addressed in Article 12 and 13. There are other clauses that deal with intellectual property.

**NASA agreed to this proposed language in CCDev2.**

**Answer:** Proposed changes to the draft SAA template shall be highlighted and rationale provided for the proposed changes in the draft SAA submitted with the proposal.

**26. SAA Article 27: Title and Rights in Property: Article 17 states that upon termination for any reason, NASA will have the right to purchase acquired or developed property.**

**•Recommend termination be limited to Article 16B- Failure to Perform.**

**•Recommend changing "property" to "tangible personal property".**

**•Recommend deleting predetermination of price language.**

**NASA agreed to this proposed language in CCDev2.**

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**Answer:** Proposed changes to the draft SAA template shall be highlighted and rationale provided for the proposed changes in the draft SAA submitted with the proposal.

- 27. The proposed budget released Monday includes funding for NASA infrastructure upgrades. How much of the budget, if any, will be allocated for commercial crew? And, can NASA provide insight into your plans for your upgrades?**

**Answer:** Funding for NASA infrastructure upgrades is outside the scope of CCiCap. Refer to Appendix B of the Announcement for NASA center contacts for additional information.

- 28. Is the program planning to levy requirements directly to the launch vehicles, or are they planning to levy requirements to the spacecraft who in turn will levy them on the launch vehicle (and associated ground systems)?**

**Answer:** The CCiCap SAA does not impose or levy any NASA requirements. Participants should consider potential customer standards in the establishment of criteria and plans for certification of their integrated CTS.

- 29. Will you be publishing the PEP names?**

**Answer:** The Participation Evaluation Panel will not be identified.

- 30. If a company desires to rendezvous and dock with ISS during the demonstration flight in the SAA optional milestone period, will you provide ISS damage cross-waiver coverage?**

**Answer:** The ISS cross-waiver will be included in all SAAs that propose use of the ISS for the demonstration flight.

- 31. The AFP states that NASA shall not be the only source of funding with the partners financing plan. Is this statement directed specifically to the CCiCap period?**

**Answer:** This statement is applicable to the Base period and Optional Milestones for CCiCap.

- 32. Will NASA astronauts be looking to participate in the orbital test flight?**

**Answer:** Reference Announcement Section 3.3, Optional Period Goal #4 – “NASA does not intend to provide crew for any proposed demonstration flights...”

- 33. Page 11 shows milestones submitted in appendix A, page 12 shows appendix 2. Are they the same?**

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**Answer:** See Answer to Questions #1 and 2.

**34. Can you clarify the milestone funding event comment made during the technical section discussion? Specifically, do you expect us to propose a funding milestone for planned company or outside investment?**

**Answer:** Funding milestones are expected to be provided to identify company and/or external investments.

**35. Prior such efforts have expected that the business case be closed with services to non-NASA customers. Past competitors have been graded down because they did not assume a robust non-NASA market. Does NASA expect such unrealistic projections this time?**

**Answer:** The business case will be evaluated based on its overall viability with or without non NASA markets. The business plan will also be evaluated against strategic goal #5 (developing a capability to LEO that supports commercial markets for both commercial and Government customers).

**36. To what extent will NASA enable the emergence/sustenance of a commercial market by allowing non-NASA (i.e. private citizen) visitation to the ISS-US element? (e.g. emulate the Russian's position with commercial flyers aboard Soyuz taxi flights?)**

**Answer:** The current NASA crew transportation plans do not allow for commercial spaceflight participants to visit the International Space Station. NASA is focused on working with its international partners to support the Expedition crews on orbit and to maximize the science and research activities aboard the Station. Even though NASA's current plans do not allow for commercial spaceflight participant transportation to the International Space Station, NASA is investigating the regulations and requirements that would apply if commercial spaceflight participants were to visit the International Space Station.

**37. In the budget brief yesterday, the NASA administration stated that the next phase would be a full and open competition (in approximately 21 months). Is this consistent with your plans for the option period and transition in to the services period?**

**Answer:** The certification phase, anticipated to begin in 21 months is a notional contractual activity independent from the CCiCap SAA. NASA anticipates this certification activity to be a full and open competition. NASA is aware that this certification activity may overlap with the CCiCap option period.



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**38. The first speaker (during the Pre-Proposal Conference) stated that we are in a blackout period. I thought that one of the benefits of the SAA process was no blackout. Please clarify.**

**Answer:** In order to maintain the integrity of the SAA competition, NASA utilizes blackout procedures to ensure the dissemination of uniform responses to all inquiries and eliminate the possibility of creating an unfair competitive advantage for any prospective participant.

**39. Please describe/delineate planned GFE or potential GFE to be provided in support of the CCiCap.**

**Answer:** NASA will not provide GFE via the CCiCap SAA. Participants that desire GFE shall contact the appropriate NASA Center POC as listed in Appendix B of the Announcement.

**40. Is there a motivation for large companies to select small businesses for teaming?**

**Answer:** The CCiCap SAA is not a procurement under the Federal Acquisition Regulation (FAR) nor the NASA FAR supplement; therefore, a small business goal or plan is not required.

**41. Will an attendee list from today's workshop be made available?**

**Answer:** A list of companies represented during the Pre-Proposal Conference has been provided. The list is available at the CCiCap website <http://commercialcrew.nasa.gov>.

**42. Insight plan is referenced in both the technical and business volumes. Do we need to repeat the plan in both places?**

**Answer:** Insight is a requirement for both sections and reflects specific focus of each proposal section. The business information section should describe how Government insight activities relate to your Organization Structure and Management and describe the accommodation of Government insight during performance of the CCiCap. In the Technical Section, Development and Demonstration Plan, Participants shall describe proposed Government insight relating to your approach for bringing the CTS concept in its current state to an orbital crewed demonstration flight. Additionally, it is desired that the proposed level of insight be established in the Performance Milestones.

**43. How does NASA view using IPO or equivalent funding mechanisms when an internal financial ability does not currently exist?**

**Answer:** The Participant shall provide and discuss its current financial status and financial plan to include funding anticipated from all sources (e.g. Initial Public

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Offering). Significant funding events should be considered for financial milestones and will be evaluated from the Business Information section to assess the effectiveness and the likelihood of successful performance in meeting the goals of the Announcement.

**44. Will an offeror be prejudiced by needing to rely on standard finance industry methods for financing?**

**Answer:** See answer for Question #43.

**45. How does an offeror demonstrate financial viability without revealing proprietary financial data?**

**Answer:** Participants should appropriately mark all documents containing proprietary information submitted in response to the Announcement. It is the policy of NASA to treat all proposals as sensitive competitive information and to disclose the contents only for the purposes of evaluation.

**46. Will it be mandatory for the CTS provider to utilize a NASA approved “human rated” launch vehicle?**

**Answer:** The CCiCap SAA does not impose requirements for the utilization of a specific launch vehicle.

**47. Must the Offeror demonstrate and document insurability?**

**Answer:** See Announcement Section 4.6 “NASA is not authorized to, and will not, indemnify a CCiCap Participant for any claims/damages of any kind. Thus, CCiCap Participants should consider obtaining appropriate insurance coverage in addition to applicable FAA requirements. Such insurance coverage could include coverage for damage to the Participant’s property (such as its launcher and any other flight hardware) and for third-party damages not otherwise addressed by FAA requirements.”