

**Responses to Questions Received on JSC Environmental Services (JES)
Draft Statement of Work (SOW) and Associated Documents**

Question # 1: Does Executive Order 13495 of January 30, 2009 – Nondisplacement of Qualified Workers under Service Contracts, apply to this re-compete?

Response: No. At this time, Executive Order 13495 has not yet been promulgated into a FAR Clause. The Contracting Officer will provide additional direction when this Executive Order is promulgated into a FAR Clause.

Question # 2: Is the complete package out? If yes, we have downloaded 7 documents from the FBO.GOV website, is this the solicitation?

Response: The documents posted to FBO.gov and NASA Acquisition Internet Service (NAIS) are marked as DRAFT documents. It is not the complete package/solicitation.

Question # 3: Is the deadline to ask questions August 31st?

Response: The documents posted to FBO.gov and NAIS are marked as DRAFT documents. It is not the complete package/solicitation. The requested due date for questions was Aug 31st. Further questions will be entertained once the final RFP is released.

Question # 4: There are very few requirements for municipal solid waste and recycling on the draft statement of work, was this intentional or an oversight?

Response: The collection of municipal solid waste, including recyclables, is managed by the custodial contractor. Refer to the draft Statement of Work (SOW) and draft Sample Task Order A for the requirements potentially performed by the JES contractor.

Question # 5: Is restoration going to be included in the statement of work?

Response: Yes, restoration is included as a service that may be ordered, if required, under Section C.5, Indefinite Delivery Indefinite Quantity, of the draft SOW.

Question # 6: I was wondering if there was a schedule on this contract's Request for Proposal (RFP) being released, yet?

Response: Please, visit the acquisition website at <http://procurement.jsc.nasa.gov/jes/> for the current schedule, including the release of the RFP

Question # 7: Is it the government's intention that offerors will prepare a proposal in response to the draft sample task order to be included as part of the overall proposal effort?

Response: Yes, it is anticipated that, in addition to the SOW, Sample Task Orders will be included in the final RFP. Offerors will be expected to include a response to the Sample Task Orders in their proposal.

Question # 8: When will the government make the rest of the draft RFP, specifically Sections L & M, and information on evaluation factors, selection criteria, requirements for key personnel, available?

Response: A draft SOW was released in lieu of a draft RFP. No further draft documents will be released. Please visit the acquisition website at <http://procurement.jsc.nasa.gov/jes/> for the current schedule, including the release of the RFP.

Question # 9: Will the government provide NASA pricing templates and will these be required for use by offerors, and if so, when will they be available?

Response: Yes, NASA pricing templates will be required to be used by Offerors and will be available with the final RFP.

Question # 10: Why is FAR 52.222-41, Service Contract Act (SCA) and the corresponding Department of Labor (DOL) Wage Determination (WD) not included in the RFP?

Response: The SCA (41 U.S.C. § 351, *et seq.*) applies to every contract entered into by the United States or the District of Columbia, the principal purpose of which is to furnish services in the United States through the use of service employees. Section 8(b) of the SCA defines the term "service employee" as any person engaged in the performance of a contract or that portion of a contract subject to the

SCA except those employees in bona fide executive, administrative, or professional capacities as those terms are defined in the FLSA regulations found at 29 C.F.R. Part 541. In practice, a 10 to 20 percent guideline has been used to determine whether there is more than a minor use of service employees. This contract is anticipated to employ only one secretary/administrative labor category. Therefore, the SCA is not triggered by this contract.

A Department of Labor (DOL) WD is not required for this procurement as the SCA is not triggered by this procurement. Therefore, there is no DOL WD or Collective Bargaining agreement (CBA) in Section J. However, Offerors are reminded that compliance with the Fair Labor Standards Act (FLSA) – in absence of a DOL WD – is mandatory per FAR 22.1002-2.

Question # 11: Will the government provide the CBAs (Collective Bargaining Agreements), and if so, when will they be available?

Response: A Department of Labor (DOL) WD is not required for this procurement. Therefore, there is no DOL WD or Collective Bargaining Agreement (CBA) in Section J. Refer to question 10 for more details.

Question # 12: Does the government plan to award one contract or will contractors have the opportunity to bid on specific contract sections?

Response: The Government plans to award one contract.

Question # 13: Will contractors be required to pick-up waste from accumulation sites for each facility?

Response: Yes, as identified in Section C.4.5.2 of the draft SOW, it is anticipated that the contractor shall pickup ISW from accumulation areas at JSC, Ellington Field and Sonny Carter Training Facility.

Question # 14: Will waste be collected from accumulation site and brought to Storage facility prior submittal of Task order for disposal?

Response: Yes, as identified in Section C.4.5.4 of the draft SOW, it is anticipated that the contractor shall pickup ISW from accumulation areas and deliver it to the <90 day hazardous waste storage

facilities. The requirement to arrange for transportation and disposal of ISW from the <90 day hazardous waste storage facility to authorized commercial disposal facilities is also included in C.4.5.4. These services are expected to be performed under the base portion of the contract, not through the issuance of Task Orders. It is also anticipated that the contractor shall obtain subcontracts with authorized transporters and permitted Transportation, Storage, Disposal and/or Recycling facilities for off-site disposition of ISW.

Question # 15: Are the Storm water discharge points easily accessible for each location?

Response: The storm water discharge points are relatively easily accessible but some are in vegetated, sloped terrain away from direct vehicular access.

Question # 16: Is there an incumbent contractor? If so, what company is it?

Response: The incumbent contractor for the current JSC Environmental Support Services Contract, NNJ08JB01C, is Earth Resources Technology, Inc (ERT) with an approximate value of \$14.5M for five years. This information is also contained in the Virtual Industry Day Presentation which can be accessed at:
<http://procurement.jsc.nasa.gov/jes/>.

Question # 17: What is the estimated value of the JES contract per year?

Response: A Government Resources Estimate (GRE) will be released with the final RFP.

Question # 18: The qualifications for the JES Program Manager include the requirement to have a work history with Texas & EPA Regional environmental regulations. Would a Program Manager with similar experience; but without the direct Texas & EPA regional experience be considered? (We suggest that a well qualified PM could rely on staff to supplement the local experience. The removal of this requirement would open up the pool of candidates to a much wider field to be considered.)

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JSC Environmental Services

Modification 3

Response:

The Government will consider changing the requirement to make Texas experience preferred rather than required. Check the RFP for final requirements when it is released.