

NEXT DRAFT RFP QUESTIONS & ANSWERS

SECTION H

1. Please clarify the payment process.

RFP Reference: H.2(b), H.2(e), (pages H-1 and H-2) and Attachment J-3.

Response: In a contract with standard commercial terms, FAR 52.212-4(i) indicates payment occurs when items have been accepted by the Government and delivered to the contractual delivery destination. Due to the time and nature of the launch service, it is NASA's intent to use Commercial Interim payments, which FAR 32.001 defines "any payment that is not a commercial advance payment or a delivery payment. These payments are contract financing payments for prompt payment purposes (*i.e.*, not subject to the interest penalty provisions of the Prompt Payment Act in accordance with FAR Subpart 32.9). A commercial interim payment is given to the contractor after some work has been done, whereas a commercial advance payment is given to the contractor when no work has been done." Criteria for approval of payment requests is defined at H.3(e) and Attachment J.3 Milestone Deliverable Descriptions and Requirements.

2. The Draft Launch Service Payment Schedule and Termination for Convenience of the Government language establishes a potential liability for the contractor. Is it NASA's intent to place the contractor at risk, such that the contractor could find itself obligated to repay millions of dollars?

RFP Reference: H.2 Table H-1, I.2(l) page I-5, I.10 (page I-17)

Response: NASA believes that the Table H-1: Launch Service Payment Schedule provides adequate incentive to industry to participate in NASA Launch Services (NLS) Enabling eXploration & Technology (NEXT) contract, while mitigating risk to the government. However, based on industry comments and further analysis, Table H-1 has been revised. Additionally, clause I.10 "Advance Understanding Regarding Termination Settlement Under FAR 52.212-4(l)" has been deleted and previously tailored clause I.2(l) "Termination for the Government's Convenience" has been restored to its standard FAR wording. It is the prerogative of the offeror if they wish to mitigate their risk through the acquisition of insurance. Offerors are reminded that the contemplated contract will be awarded on a Low Priced Technically Acceptable basis.

3. There are multiple references in the Draft Request for Proposal (DRFP) to Central Contractor Registration (CCR) and Online Representations and Certifications Application (ORCA), which have been replaced by the System for Award Management (SAM). Can NASA provide direction on how to continue to utilize ORCA and CCR, given that it appears to be no longer accessible by previous methods?

RFP Reference: H.3, I.1, I.2(t), I.3(a)(47), K.1

Response: The FAR references have been updated to reflect SAM.

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SECTION I

4. What are the proposed intellectual property provisions?

RFP Reference: FAR I.1

Response: FAR 52.227-14 Rights in Data – General (Dec 2007) is incorporated by reference in order to provide protection of properly marked data received in furtherance of the work under this contract.

5. Can the contractor assume NASA is responsible for generating the data needed to verify the payload is undamaged after separation and completion of the launch service?

RFP Reference: I.2 (page I-1)

Response: Yes, the Government will verify that the payload is undamaged. The contractor shall be able to verify that the launch environments did not exceed the parameters stated in the Interface Control Document (ICD).

6. Will the Government make a distinction between a separated, undamaged but non-functioning payload that has failed to operate due to an internal issue, as opposed to a launch-related issue?

RFP Reference: I.2 (page I-1)

Response: Yes, the Government will make the distinction between a failure due to a payload internal issue as opposed to a launch-related issue. The contractor shall be able to verify that the launch environments did not exceed the parameters stated in the Interface Control Document ICD.

7. Can the contractor assume that the Government is responsible for determining whether the separated payload(s) have been delivered to "... the proper orbit conditions and insertion accuracies ..." particularly if there are any post-separation payload maneuvers ?

RFP Reference: I.2 (page I-1)

Response: Yes, the Government will verify that the payload has been delivered to the proper orbit. However, the contractor shall be able to verify that the payload was delivered to the required orbit parameters.

8. Please clarify the total small business set-aside requirement.

RFP Reference: I.4 (page I-12)

Response: The NEXT acquisition is a total small business set aside under NAICS code 336414, "Guided missile and space vehicle manufacturing " with a small business size standard of 1, 000 employees. There are currently no prohibitions on teaming or subcontracting to meet the NEXT requirements. FAR 52.219-14, Limitations on Subcontracting, is incorporated by reference in this solicitation and the resultant contract.

9. What funds are available for this contract?

RFP Reference: I.6 (page I-13)

Response: Funding for the NEXT Launch Service is available and is reserved commensurate with NASA's average market cost for a comparable rideshare launch of CubeSat class payloads as well as based on market research for the industry.

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10. Who is the service provider identified in NASA FAR Supplement (NFS) Clause 1852.237-73 Release of Sensitive Information (JUN 2005)?

RFP Reference: I.7 (Page I.15)

Response: The service provider is a contractor that provides management activities and administrative functions to NASA. The NEXT Contractor is not a service provider as defined in NFS 1852.237-73 Release of Sensitive Information (JUN 2005).

SECTION J – Attachments

11. Are the provisions found in the CDRL and Milestone requirements the extent of NASA oversight and insight?

RFP Reference: Attachment J.2, Attachment J.3

Response: Yes

12. Can you please elaborate on NASA's expectations for the NEXT contract?

RFP Reference: Attachment J.1 Statement of Work, Section 1.1

Response: Currently, NASA has 50 CubeSats that have been selected to fly as part of the CubeSat Launch Initiative. NASA anticipates awarding a single contract for a single launch service with the capability to launch three (3-3U) CubeSat-Class payloads. No future launches are currently scheduled or contemplated.

13. It appears that the definition of the minimum orbit, required payload margin, altitude, and specific inclination are vague. Can you please clarify these requirements?

RFP Reference: Attachment J.1 Statement of Work, Section 1.1

Response: It is NASA's expectation that the contractor will propose their approach to delivering the CubeSats based on the minimum requirements given in the SOW. The contractor may propose any inclination between 0 and 98 degrees to deliver a payload with a minimum total payload mass of 15kg to a minimum orbital altitude of 425km.

14. If a supplier can be ready to launch before 2016, is a schedule advance acceptable? If the baseline project schedule and associated costs are based on a nominal launch date of January 15, 2016 (per note 1 to Table H-1), can the Contractor assume that any subsequent delays not of its making, up to the no later than date of December 15, 2016, will be addressed in separate change orders?

RFP Reference: Attachment J.1 Statement of Work, Section 1.1

Response: Yes, a schedule advance is acceptable. Yes, any NASA caused delays will be addressed separately. The note referencing the January 2016 launch date has been deleted.

15. Given the fixed price contract, should the Contractor budget for the costs unique to conducting an engineering investigation in the event of a mission failure or will these costs be addressed as a change order in the event such an investigation task becomes necessary?

RFP Reference: Attachment J.1.2.2(h)

Response: The requirement for an engineering investigation has been deleted. Attachment J.1 has been revised.

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16. Overall, there is a lack of consistency between the SOW (Attachment J.1) and Attachment J.4, which identifies the configuration requirements for the potential CubeSat payload.

RFP Reference: Attachment J.1 Sections 1.1, 4.0(a), 4.0(b), Attachment J.4

Response: Attachment J.4 has been updated to correct any inconsistencies.

17. Will NASA deliver the payload to the launch site?

RFP Reference: Attachment J.1, Section 5.0

Response: Yes, NASA will deliver the payload to the launch site.

18. Are the payloads suitable for either horizontal or vertical installation?

RFP Reference: Attachment J.1, Section 5.0

Response: Attachment J.4 provides the required payload envelope and interface requirements of the Government provided CubeSat deployer.

19. Should the Contractor assume payload integration will be directly with the Government, or will there be any other third party integrator(s) involved in addition to the payload provider? Will the Launch Service Contractor communicate directly with the payload providers?

RFP Reference: Attachment J.1 Statement of Work, Section 5.0

Response: Yes, payload integration will occur directly with the Government. However, the Government may include third party CubeSat owner expertise during the integration process. The Contractor will need to coordinate with NASA when communicating with the payload providers.

20. Can the Contractor assume that it is in charge of all payload integration activities once encapsulation is complete? What access requirements will there be after encapsulation?

RFP Reference: Attachment J.1, Section 6.1 (d)

Response: Yes, the contractor will be in charge of all payload integration activities once encapsulation is complete. For this mission there are no access requirements after encapsulation.

21. Is there a possibility that the payloads will present hazardous conditions?

RFP Reference: Attachment J.1 Statement of Work, Section 5.0

Response: Yes, there is the possibility that the payloads will present hazardous conditions.

22. Does NASA have any constraints on location and medium for conducting reviews?

RFP Reference: Attachment J.3

Response: No, there are no constraints on location or medium for conducting reviews. Limited number of Government personnel will participate. Attachment J-3 has been revised.

23. Will NASA's approval of the Qualification Testing (QT) be based solely on the Contractor's criteria, or is there a possibility that NASA will control or impose specific qualification testing requirements in addition to those that Contractor specifies?

RFP Reference: Attachment J.3 (Page 4)

Response: NASA's approval will be based on the Contractor's criteria.

24. The System Requirements Review (SRR) states that the payload interface and environmental requirements will be established in the SRR. This is needed prior to the proposal in order to determine

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how well proposed vehicles can satisfy the requirements. When will the payload interface and environmental requirements be provided?

RFP Reference: Attachment J-3 System Requirements Review (SRR)

Response: The envelope and basic specifications for the required payload interface parameters are in Attachment J-4. The environmental requirements for the selected CubeSats are flexible, therefore the Contractor should propose their launch vehicle environments as specified in Attachment J.1. These interfaces and environmental requirements shall be included in the SRR and documented in Contract Data Requirements List (CDRL) NEXT-3 (Interface Control Document) as their definition matures throughout the various lifecycle reviews.

25. Please clarify the requirements for environmental control during integration and while the payload(s) are on the launch vehicle.

RFP Reference: Attachment J.4

Response: For this mission there are no requirements for environmental control during the integration process. The CubeSats will need to be stored in an office like environment

SECTION K

26. In the System Award Management (SAM), there is a clause addressing Representation of Extent of Transportation by Sea. There is no similar clause in the NEXT DRFP. Consequently, can it be assumed that ocean-based launch services are NOT considered to be "Transportation by Sea" per DFARS 252/247-7022?

RFP Reference: K.1

Response: The Defense Federal Acquisition Regulation Supplement (DFARS) does not apply to NASA.

SECTION L

27. The draft questionnaire is quite extensive. We are already getting pushback from previous customer representatives who have already had to fill out and submit multiple customer surveys other projects. Furthermore, in several cases, the customer personnel have since moved on to new positions / assignments / organizations, such that current staffs have minimal first-hand awareness of our contracting history. In addition, we have found that the contractor negotiators defaulted to us the responsibility of having to follow-up with said contracting personnel to get the questionnaire completed and submitted. Can the Contractor assume that the Government will take the lead in collecting these questionnaires once they have been distributed?

RFP Reference: L.3.2, Attachment L-2

Response: The offeror has the responsibility to provide relative past performance references that best shows its ability to perform the requirements of the contemplated contract. In accordance with FAR 15.305(a)(2)(iv), an offeror without a record of relevant past performance, or for whom information on past performance is not available, may not be evaluated favorably or unfavorably on past performance.

28. In L.3.1 NASA has asked the offeror to "identify any technical, scheduling, performance or financial risks associated with their proposals..." Can you elaborate on what is expected by the identification of financial risks?

RFP Reference: L.3.1

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Response: In an effort to mitigate NASA's risk the offeror is expected to provide a financial plan that demonstrates financial viability to deliver the proposed launch service, which may include identification of other funding sources, other contracts and anticipated awards.

SECTION M

29. Can NASA provide a detailed explanation of the chosen contract type and evaluation criteria?

RFP Reference: Section M

Response: The reasonably definite functional specifications identified in the SOW provide a basis for using the lowest price technically acceptable source selection process for a firm fixed price contract.

OTHER

30. Who is responsible for mission success of the launch service, NASA or the contractor?

Response: The NEXT contractor is ultimately responsible for success of the launch service.