

National Aeronautics and Space Administration
Kennedy Space Center
Kennedy Space Center, FL 32899



November 19, 2013

Reply to Attn of:

SEB-CCtCap

TO: All Prospective Offerors

SUBJECT: Request for Proposal (RFP) NNK14467515R, Commercial Crew
Transportation Capability Contract (CCtCap)

The National Aeronautics and Space Administration (NASA), Kennedy Space Center (KSC), is pleased to release the RFP for the CCtCap acquisition. The CCtCap acquisition is the second phase in NASA's two phased acquisition to certify fully integrated crew transportation systems (CTS) that meet specified NASA safety and ISS requirements and standards, and begin missions to the ISS. As with all human spaceflight systems, safety of the crew remains a priority. This solicitation replaces the Draft RFP NNK14467515R-DRAFT issued on July 19, 2013, in its entirety. Attached is an executive summary that identifies significant changes from the Draft RFP (dRFP).

All written questions and comments resulting from the dRFP and interim updates were reviewed, and where applicable, changes have been reflected in the RFP. Questions and answers regarding the dRFP have been posted on the NASA Acquisition Internet Service (NAIS) Web site at <http://prod.nais.nasa.gov/cgi-bin/eps/synopsis.cgi?acqid=157250>.

Questions regarding this RFP must be submitted no later than 12:00 noon (EST) on December 6, 2013, in accordance with provision L.15, *Communications Regarding this Solicitation*. Questions regarding the RFP will be answered and posted on the NAIS/FedBizOps Web site. Any questions that result in changes to the RFP will be communicated through an amendment to the RFP and will be posted on the NAIS/FedBizOps Web site.

A pre-proposal conference will be held at 9:00 a.m. EST on December 4, 2013 at Kennedy Space Center. At the conclusion of the conference, a Federal Aviation Administration (FAA) representative will provide a briefing to discuss and answer questions regarding the NASA/FAA partnership for commercial human spaceflight that seeks to enable licensing of post certification missions conducted under the CCtCap contract. Attendance is recommended; however, attendance is neither required nor a prerequisite for proposal/bid submission and will not be considered in the evaluation. Additional pre-proposal conference details will be provided via the NAIS/FedBizOps website.

In accordance with the RFP Section L, Provision L.11, *Delivery Instructions For Bid/Proposals*, Offerors are required to deliver proposals to the Central Industry Assistance Office (CIAO), 7110 N. Courtenay Parkway, Merritt Island, Florida, 32953, which is located

on State Road 3, approximately two (2) miles south of Gate 2 to KSC. Access to KSC is not required. Proposals that arrive after the prescribed time for receipt of proposals will be considered late and treated in accordance with FAR 52.215-1, Instructions to Offerors – Competitive Acquisitions (Alternate I). Offerors are instructed to coordinate all proposal deliveries with the CCtCap Contracting Officer.

It is the Offeror's responsibility to monitor the following NAIS Web site for any changes or posting of amendments to the RFP:

<https://prod.nais.nasa.gov/cgibin/eps/synopsis.cgi?acqid=158768>

Offeror's are requested to submit their CAGE Code and DUNs number for both the Offeror and their major subcontractors (as defined in the RFP).

Current CCtCap acquisition information can be obtained on the CCP Web site at the following address: <http://commercialcrew.nasa.gov/>

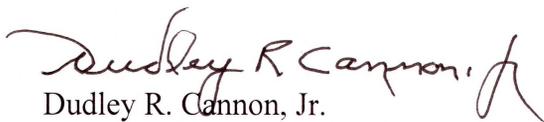
Offerors are reminded that a "blackout letter" for this procurement will be distributed to all NASA personnel concurrently with the release of the RFP to industry. Therefore, all communications pertaining to this procurement must be directed to the CCtCap Contracting Officer.

Potential Offerors have expressed interest in using NASA facilities, equipment, and services in performance of the work they propose for the CCtCap effort. During the blackout period, limited communications are allowed between industry and NASA for the potential use of NASA facilities, equipment, and services the Offeror requests for its CCtCap effort. In order to protect the integrity of this competitive process, Offerors must use the identified, Funded Space Act Agreement (FSAA) and Reimbursable Space Act Agreement (RSAA) single point of contact list provided on the CCP website for all communications to ensure that any communications regarding such agreements are limited to providing information regarding the specific work requested by the Offeror. The work must be requested by the Offeror; NASA will not suggest or offer work other than the work requested by the Offeror. NASA's communications with Offerors will not include any assistance in preparing the Offeror's proposal, advice or opinions on the Offeror's proposed design solution or approach for performing the work, or any information regarding the competition or its technical requirements.

Additionally, regarding the requirements of clause H.14, the Offeror may utilize the "*Procedures for Obtaining NASA Support*," as provided on the CCP website in order to obtain use of any NASA property, facilities, assets or services available from a NASA Center or Component Facility.

The information provided in this cover letter and Executive Summary is not intended to be construed differently from the information in the RFP. Should any conflict in interpretation of these documents appear, the information in the RFP shall take precedence.

This solicitation neither commits the Government to pay any cost incurred in the submission of the offer or in making necessary studies or designs for preparing the offer, nor to contract for services or supplies. Any cost incurred in anticipation of a contract shall be at the Offeror's own risk.

A handwritten signature in cursive script that reads "Dudley R. Cannon, Jr." followed by a large, stylized flourish.

Dudley R. Cannon, Jr.
Procurement Officer

Commercial Crew Transportation Capability Contract Executive Summary

The Commercial Crew Transportation Capability (CCtCap) contract is the second phase of a phased acquisition strategy to develop a U.S. commercial crew space transportation capability to achieve safe, reliable and cost effective access to and from the International Space Station (ISS) with a goal of no later than 2017. Phase 1 of the acquisition is the Certification Products Contract (CPC), with the primary objective being the delivery, technical interchange, and NASA disposition of early lifecycle products that address Crew Transportation System (CTS) compliance with NASA's standards and requirements. In Phase 2 (CCtCap), the final Design, Development, Test, and Evaluation (DDTE) activities will be conducted to achieve NASA's certification of a CTS for the ISS Design Reference Mission (DRM), and, once the system is certified, to enable Post Certification Missions (PCM) to transport crew to and from the ISS. NASA's CTS certification under CCtCap means that the Contractor's CTS has met NASA's human spaceflight standards and requirements for transporting NASA's crew to and from the ISS.

The Request for Proposal (RFP) was developed based on NASA guidance, Commercial Crew Program (CCP) and International Space Station Program (ISSP) goals and requirements, Federal Acquisition Regulations (FAR), and inputs from Industry. The Firm Fixed Price (FFP) FAR Part 15 contract will include three (3) separate Contract Line Items (CLINs):

- CLIN 001 – DDTE/Certification (core contract): The purpose of this CLIN is to complete DDTE activities and certify the Contractor's CTS to NASA's requirements for safely transporting NASA crew to and from the ISS.
- CLIN 002 – Post Certification Missions (IDIQ): The purpose of this CLIN is to execute PCMs to and from the ISS.
- CLIN 003 – Special Studies (IDIQ): The purpose of this CLIN is to perform special studies, tests and analyses, as needed by NASA for risk reduction-type activities. These tasks do not include any work necessary to accomplish the requirements under CLIN 001 or CLIN 002.

The following narrative provides highlights of several key aspects of the RFP. These are particular areas where NASA has made significant changes since the draft RFP (dRFP) was released in July. In an effort to be responsive to the request from Industry participants (at the pre-solicitation conference) to share information incrementally and prior to the release of the RFP, NASA provided three interim updates to particular sections of the dRFP. NASA believes the changes made to the dRFP have created a balance between commercial Industry practices and Government requirements, providing an acceptable and flexible solution to all parties. Additionally, Offerors are reminded that the RFP package is being provided in its native MS Word format to allow Offerors to produce their own "legal blackline comparison" against the dRFP if Offerors choose to identify all changes. Instructions on how to perform this comparison can be found here: <http://office.microsoft.com/en-us/word-help/compare-documents-with-the-legal-blackline-option-HP010368863.aspx?CTT=1>.

Solicitation NNK14467515R for the Commercial Crew Transportation Capability (CCtCap) Contract
John F. Kennedy Space Center, Florida

Certification Products Contract (CPC) Performance

CCtCap is the second of a two phased procurement. For Offerors who did not participate in Phase 1, CPC, the Offerors shall demonstrate CTS design and certification maturity equivalent to that of the Phase 1 contract deliverable requirements as specified in CPC. This will include delivery and evaluation of the CPC products (Certification Plan, Verification and Validation Plan, Hazard Reports and Alternate Standards). (See RFP Provisions L.20-1-TA02; L.20-7; and M.1(g))

For Offerors participating in CPC, the Offerors shall include their response to feedback in NASA's CCP Technical Summary Reports that are associated with achieving certification. The Offeror shall address how their responses are encompassed in the contract Performance Work Statement (PWS). Additionally, the Offerors shall provide all CPC products (initial and final versions) that were delivered in accordance with the CPC Contract on or before the proposal due date. These products will not be evaluated by the CCtCap Source Evaluation Board (SEB), but will be used only as supporting data for context and verification of proposal information. The SEB will receive the Initial Technical Summary Report from CCP the same day proposals are due (January 22, 2014). The Final Technical Summary Report will be issued to the SEB and CPC Contractors at the same time (date is TBD). (See RFP Provisions L.20-1-TA02, L.20-1-TA02, L.20-2-MA03, L.20-7, M.1, M.2-TA01, M.2-TA02 and M.2-MA03)

In addition to the standard past performance evaluation requirements for all Offerors, for those participating in CPC, one (1) of the required contracts and/or agreements must include CPC past performance. Past performance data will be provided at two (2) different times, correlating with the completion of the disposition on the initial and final deliveries under CPC, to both the CPC Contractors and the SEB by the CPC Contracting Officer. (See RFP Provisions L.20-6 and M.4)

CLIN 001 Milestone Changes

Several changes were made to the structure of CLIN 001, DDTE/Certification. The number of delivery milestones was reduced from five (5) to two (2). The first completion milestone is the International Space Station (ISS) Design Certification Review (DCR), and includes all the work from contract award through that DCR associated with the required crewed flight test to ISS. All cumulative payments under CLIN 001 made to the Contractor prior to and including this milestone are not to exceed 75% of the CLIN 001 price (an increase from the previous 40% constraint). The second completion milestone remains as the Certification Review, and includes all the work from the ISS DCR thru the completion of CLIN 001.

The three (3) remaining former delivery milestones are now mandatory interim financing milestones, and include the Certification Baseline Review (CBR), Flight Test Readiness Review (FTRR), and Operational Readiness Review (ORR). Based on the Offeror's proposed test flight approach, other mandatory interim milestones for additional Design Certification Reviews (DCR) or Flight Test Readiness Reviews (FTRR) may be required. There are updated schedule and payment constraints to these milestones identified in Provision L.21. NASA milestone readiness and acceptance criteria have been updated and are provided in Attachment J-03,

Appendix A, and correlating data packages and delivery requirements are provided in Attachment J-02, Data Requirement Deliverables (DRDs) for these mandatory interim milestones and the delivery milestones. As indicated in the dRFP, the Offeror may also propose additional interim financing milestones and their associated criteria in Attachment J-03, Appendix A. The Offeror is highly encouraged to include a significant design review(s) between CBR and the first DCR that ensures the detailed design will satisfy the requirements with adequate margins; is sufficiently mature to proceed with fabrication, assembly, integration, and test; and demonstrates completion of the product verification and validation plans. Offerors are required to provide narrative descriptions of their approach for all CLIN 001 milestones as required under Provision L.20-1-TA01, in addition to the submittal of the Milestone Review Plan, DRD-101. (See RFP Clauses B.3 and H.31; Provision L.20-1; Attachment J-03, Appendix A and Attachment J-02)

CLIN 002 Updates

Several updates were made to the approach to Post Certification Missions (PCMs) and correlating structure in CLIN 002, Post Certification Missions. PCM prices will be proposed based on the CTS full mission capability which includes the fulfillment of the DRM to the ISS, other contract requirements, and all inherent CTS capabilities. Inherent capabilities will be evaluated as part of Mission Suitability based upon value to the Government, which the RFP defines as “a robust design and an operational concept that increase reliability, lower risks, enhance operational flexibility and/or mission performance.”

NASA has reconsidered the mission payment constraints and failed mission penalty for a PCM. The Flight Readiness Review (FRR) payment constraint was reduced from 80 to 75% of the total value of the PCM, and the Post Flight Review was reduced from 20 to 10% of the total value of the PCM, allowing the Contractor to propose additional payment milestones as appropriate during this PCM timeframe. The failed mission penalty was reduced from 20 to 15%. The remedies for a mission failure determination have been clarified and are contained within Clause H.21.

Offerors should note that the requirement to deliver the Mission Integrated Operations Management Plan (MIOMP) (DRD-201), PCM Work Plan (DRD-202) and Mission Resource Allocation Document (MRAD) with the proposal have been deleted; however, Offerors shall address the elements of these plans within their narrative volume as described in Provision L.20-1-TA03. PCM milestone entrance and exit criteria should be proposed within the contract PWS, with documentation of milestones requiring payment in Table H.19.1. (See RFP Clauses H.19 and H.21; Provisions L.20-1, L.20-1-TA03, M.1 and M.2-TA03)

CLIN 004 Deletion

After careful consideration, NASA determined that CLIN 004, Capabilities in Excess of Requirements (as described in the interim update #2), added more confusion and complexity than it provided in benefits and has been deleted from the RFP (as explained in interim update #3). CCtCap CLIN 002 PCM pricing is intended to be comprehensive and include all capabilities of an Offeror’s CTS. Rather than capture CLIN 004 capabilities and pricing in the proposals, NASA may request any additional capabilities, if needed, as part of the Task Ordering clauses.

Licensing and Liability

The Contract establishes a cross-waiver between the Contractor and its Related Entities (e.g., contractors or customers) and the ISS International Partners and their Related Entities. The Contract also establishes a waiver of claims between the Contractor and its Related Entities and the Government, only to the extent such claims exceed the amount of insurance or financial capability required by the Contract to compensate for damage to Government property. Any damage to the on-orbit structures, modules or systems required for functionality of the ISS during Launch Services, Reentry Services, or transportation to, from or in proximity of the ISS is excepted from the requirement for insurance or financial capability. The Contract authorizes the Contracting Officer to approve a Contractor's demonstrated financial capability of \$100 million in lieu of required insurance, or the amount of required insurance (up to a maximum amount of \$100 million or the maximum amount available in the market at reasonable cost).

The Contract also includes a clause on third-party liability for Hazardous Activities conducted under the contract which are not subject to an FAA license. The clause requires the Contractor to obtain or maintain an insurance policy or financial capability (subject to Contracting Officer approval) for the maximum amount available in the commercial marketplace at reasonable cost, but not to exceed \$500 million for each test flight or mission. Once the Contractor or its insurers pay third-party claims up to the amount of insurance or the approved Contractor financial capability in lieu of insurance, NASA will consider any additional third-party claims for damages arising from covered Hazardous Activities in performance of this contract up to a limit of \$1.5 billion (plus additional amounts necessary to reflect inflation occurring after January 1, 1989) above the payments made by the Contractor or its insurers for such claims. The NASA Administrator must approve any part of a settlement to be paid out of appropriations of the Government. (*See RFP Clauses H.5, H.18 and H.22*)

Government Insight

NASA has reduced the required flow-down of these requirements to only major team members, subcontractors and suppliers performing or supporting work associated with this contract that the Contractor anticipates having a total contract value of \$100 million or more for the entire contract period. The Government and Contractor roles of the Joint Test Team (JTT) personnel have been clarified to prevent unintended, informal Government direction to the Contractor. Additionally, the scope of Government Quality Assurance (GQA) has been bounded to safety-critical items/processes/products as identified by a risk based analysis (RBA). (*See RFP Clause H.15*)

Government Property, Services and Data

In addition to the four (4) NASA Docking System (NDS) Block 1 units, the Government will also make available Tracking and Data Relay Satellite System (TDRSS), NASA Integrated Services Network (NISN) support, and the NDS Engineering data. The preliminary build-to-print package for NDS will be available by November 2014, and the final package by June 2016. (*Reference Clauses G.6 and H.12*)

The Offeror is responsible for obtaining and maintaining any necessary contracts, agreements, or task plans for the use of Government Property, Facilities, Assets or Services not otherwise

provided for under this contract, whether obtained from NASA or another Government Agency, at no increase in the price of this contract. However, the Offeror's use of Government Furnished Property and Services will be evaluated to determine whether an unfair competitive advantage exists, and if so, whether an imputed price adjustment or other adjustment is required or appropriate under FAR Parts 15 or 45.

(See RFP Clauses G.4, G.5, G.6, G.7 and H.14; Provisions L.20-1-TA01, L.20-5 and M.2-TA01)

Data Requirement Deliverables (DRDs) / Data Requirement List (DRL)

NASA has re-assessed the DRD types and reduced the quantity of Type 1 deliverables. Most all are now either Type 2 or 3 deliverables. Delivery requirements have been clarified to only "Baseline" and "Final" versions, and timeframes are provided for data deliveries in relation to major contract milestones, as appropriate. *(See RFP Attachment J-02)*

Certified Cost or Pricing Data Waiver

NASA has waived the Certified Cost or Pricing Data required per FAR 15.403-4 for contractors but not subcontractors. As a result, FAR 52.215-11, *Price Reduction for Defective Certified Cost or Pricing Data – Modifications (Aug 2011)* and FAR 52.215-13, *Subcontractor Certified Cost or Pricing Data – Modifications (Oct 2010)* have been included by reference in I.2. FAR 52.215-21 has been added in full text in clause I.4 to specify the process for potential exceptions and requirements for certified cost or pricing data for subcontractors.

The information provided in the cover letter and this Executive Summary is not intended to be construed differently from the information in the RFP. Should any conflict in interpretation of these documents appear, the information in the RFP shall take precedence.