Questions and Answers AG-645S-S-08-0002

The following two questions refer to the following sections:

Section C, Paragraph C.3 (page 14)
Section C, Paragraph C.6 (page 20)
Section G, Paragraph G.5 (page 50)
Section G, Paragraph G.7.1, (page 51)

1. With respect to the ordering of services, please clarify whether the Government will decide on a task-order-by-task-order basis the single "awardee pool" in which a Task Order Request will be competed since the Large Business, Small Business and SDVOSB award pools all include Functional Area 5 in their respective Statements of Work.

   A: For Functional Areas 1-4 work, only the three contractors who received the awards under the two set-aside contracts will compete for task orders. For Functional Area 5 work, all six contractors who received awards from the two set-aside contracts and the full and open competition contract will compete for work. There will not be a case-by-case selection of which contractor can and cannot compete. The only determining factor in who can/cannot compete is the type of work, i.e., which Functional Area the work in the individual task order is derived.

2. If a specific pool will be selected to compete for a Task Order Request on a task-order basis, can vendors conclude that the three "pools" will not compete directly against each other for a Task Order within Area 5?

   A: No. All six contractors who received awards will compete for any and all task orders issued for work derived from Functional Area 5.

3. Reference Paragraph C.1 and C.2 – At various locations in these paragraphs there is reference to the "Statement of Work" and to the "Performance Work Statement." Since no performance metrics are specified and none were requested to be submitted in the proposal, is it correct to assume that Section C of the solicitation provides a Statement of Work (SOW)?

   A: Yes.

4. Reference Paragraph C.7.1 Key Management Personnel – Is it desired that the proposal identify Key Management Personnel even if those key personnel may not be in a direct charge status – such as key contract manager or project control personnel?

A: As described in Section L.12.1.3 – Subfactor 2.4(b), this RFP requires the resume of the proposed program manager for Kansas City, MO. The other required key personnel will be identified later in the task order proposals

5. Reference Paragraph C.8 – Many of the Labor Categories listed do not hav not have education requirements identified. Is it up to the contractor to determine what the education requirements for these labor categories will be and what experience may substitute for the education?

   A: Yes, any additional requirements will be addressed in individual task orders.

6. Reference Paragraph E.5 – Do the terms "in writing" and "written" in this paragraph and elsewhere in the solicitation mean electronic submission via email.

   A: Do not see "in writing" or "written" in Section E.5. However, generally email is acceptable unless otherwise notified.

7. Reference Paragraph H.2 – Does the Government desire proposed contract and task order close out procedures to be included in the proposal?

   A: No.

8. Ref. Paragraph H.3.1 - Reference second paragraph, second line "….(including both mainstream and miscellaneous support categories)." Please define "mainstream" and "miscellaneous" as no such distinction is included in the Para C.7 and C.8 labor categories.

   A. Reference is to be deleted from solicitation.

9. Ref. Paragraph H.3.1(d) – this para refers to both a Project Manager and a Program Manager – please clarify. Does this "Project Manger" relate to the task order Project Leader?

   A: They are the same in this paragraph. However "Project" Manger will be changed to "Program" Manager.

10. Ref. Paragraph H.23 – The second paragraph requires documentation available in alternative formats. Does this refer only to technical papers which the contractor may request permission from the Government to publish?

    A: This is documentation created by the Contractor. Details will be provided in the task orders.

11. Ref. Paragraph L.7 – refers to proposal due date specified on the SF33. When will the SF33 be issued?

A: An amendment will be issued no later than November 30, 2007 with the SF33 provided.

12. Ref. Paragraph L.12 – last line of the first paragraph refers to "…maximum pages stated in the chart below…" Please provide the chart referred to.

    A: This reference will be deleted. Maximum pages are identified in Section L.11.1.

13. Ref. Paragraph L.12.1.3 – Subfactor 2.3 – Please clarify, is the Program Manager resume the only resume required to be submitted with the proposal?

    A: Yes.

14. Ref. Paragraph L.13 – Are there any page count limitations for Volume II overall or for any of the tab sections of that volume?

    A: Volume II only has no page limits such that each Tab is limited to the documents required in that particular Tab with no extraneous self-serving, i.e. company advertising materials, presented. Tab A is limited to a description of any and all exceptions/deviations taken. If none taken then it will be empty. Tab B is limited to those documents described in Paragraph L.13.2. Tab E is the only Tab with no page limit but it is to be presented on a CD per Paragraph L.13.5

15. Ref. Paragraph L.13.5 – identifies "no page limit." Does this imply that there are page limits on the other tabs of Volume II? If so, please identify those page limits.

    A: Please see response above.

16. Will a proposal evaluation debriefing be provided if requested?

    A. Yes. Reference FAR 15.506(a)(1) "An offeror, upon its written request received by the agency within 3 days after the date on which that offeror has received notification of contract award in accordance with 15.502(b), shall be debriefed…"

17. Ref. Paragraph C.6.4, E-commerce is a very broad area. Can the FSA further clarify its e-commerce requirements so we can target our response accordingly?

    A: It has been decided that E-Commerce shall be removed from the FAST RFP.

18. Ref. Paragraph C.6.5, Program Evaluation Software – Since this is not an industry term, can you please provide clarification or guidance with respect to this business category?

A: The Government is removing Program Evaluation Software from the FAST RFP. "GIS Enhanced Planning" remains.

19. Ref. Paragraph B.5 – Please clarify that the reference to paragraph B.4.b in paragraph B.5 should be a reference to paragraph B.3.5(b) on page 11.

    A: Correction will be made to final copy. Reference is to paragraph B.3.5(b).

20. Ref. Paragraph C.7.1, fourth paragraph – Please clarify that the reference to *Attachment G* in C.7.1 should be a reference to *Attachment F.*

    A: Correction will be made in final copy. Reference is to Attachment F.

21. Ref. Paragraph C.6.5 – Since Functional Area (FA) 5 is part of the Small Business Set-Aside solicitation (AG-645S-S-08-0001), can small business vendors conclude that if they want to respond to FA5 as a small business, they can provide their response as part of a proposal under the small business set-aside solicitation (recognizing that FA5 is not set-aside) and do not have to provide a separate response to solicitation AG-645S-S-08-0003 that is designated for full and open competition?

    A: Contractors shall respond to **all** Functional Areas of Section C in their proposals for AG-645S-S-08-0001. If contractors want to respond only to Functional Area 5 whether they are small business or not, they would do so by responding only to AG-645S-S-08-0003.

22. Ref. Cover Page, paragraph questions submission date – Does the Government plan to answer questions as they receive questions or will the Government answer all questions submitted after the December 21, 2007 deadline?

    A: It is the Government's intent to post the first round of Q&A's on November 19, 2007 with weekly updates when available.

23. Ref. Cover Page, paragraph questions submission date – If the Government will answer questions in a "rolling" fashion, how often can vendors expect to see questions and answers?

    A: See response to Question #22.

24. Ref. The answer to question 18 for the draft RFP stated, "The solicitation is expected to include several examples of anticipated task orders." – The final RFP does not contain any "anticipated task orders," but the final RFP states for Subfactor 2.2, Technical Approach: "An acceptable rating is met when the offeror provides evidence that they have identified the key technical task areas that require technical assistance in implementation and guidance of the solution and will be evaluated as to appropriateness, comprehensiveness and technical

soundness of the Contractor's schedule and detailed plan for carrying out the contract work. The contractor's detailed plan indicates they have provided enough experience to meet the Government requirement." In the absence of any example task orders, it is unclear what topics are to be covered in a detailed plan. Can the Government provide more specific guidance on the intended content of the required detailed plan?

A: The Government is expecting contractors to elaborate on their understanding, capability and methodologies of the work described in the RFP. At contractors' discretion, they may include a sample project plan with a work breakdown structure proving that they understand how to achieve the work in the solicitation.

25. Ref. Section C.7, the RFP states "All staff employed by the Contractor shall meet or exceed the requirements listed in each category description." AND Section C.8.1 specifies that Project Leaders have the following qualifications: "General Experience: Six (6) years of progressive IT software development and software management experience using structured system development methodologies, as well as systems life cycle management methodology. Specialized Experience: Includes four (4) years of experience managing and controlling system development projects using systems life cycle management, system development methodologies and structured analysis and design techniques. Project experience includes client-server, web-enabled and standalone applications." - These requirements seem to be specifically applicable only to Functional Area 5. Will the Government provide experience requirements for Task Leaders that are more applicable to Functional Areas 1-4?

    A: Specific requirements for project leaders will be provided in each individual task order issued.

26. Ref. Subfactor 2.1: Software Development Standards Processes. – Why is there a separate subfactor for Software Development Processes? Wouldn't these be evaluated under Subfactor 2.2, in describing an Offeror's technical approach to Functional Area 5? Doesn't this separate Subfactor cause software development to be weighted too heavily in the small business procurement?

    A: The Government determined that this type of information is needed for all of the FAST solicitations.

27. Ref. Section C.6 Functional Area Descriptions – Each functional area lists a variety of examples of requirements that could be included in Task Orders. For example, Functional Area 1 lists 19 somewhat disparate requirements. Is the Offeror's proposal required to address each of these various requirements in order to receive a higher rating for Subfactor 2.2 Technical Approach?

A: As stated above, the Government is expecting contractors to elaborate on their understanding, capability and methodologies of the work described in the RFP.

28. Ref. Paragraph B.3.1(b) states program management costs associated with contract-level management, reporting requirements and related travel and meeting attendance costs for the contractor's program management staff are billed separately from individual task order "project leader" support costs as hourly labor rates against individual task orders. AND Paragraph L.2(b)(1)(i) states that the fully burdened labor rates shall include a rate to accommodate the cost of the contract level program management specified in Section B.3.1(2) "Contractor Site Rates." - From these references it is unclear whether the Program Manager labor is to be charged direct to individual Task Orders or is to be considered an indirect cost. Please clarify. Since a fully burdened labor rate for the Program Manager is to be included in the Pricing Table, it is assumed that the Program Manager's labor is billed direct to individual TO's.

    A: Program Manager labor rate is to be billed under individual task orders.

29. Ref(s) Section L.13.2 states that the offeror shall provide copies of its approved accounting and purchasing systems. Section M.4.2 – Tab B also refers to copies of approved accounting and purchasing systems. However, there is no requirement for the approval of either system.

    A: The reference will be removed.

30. Ref. Section L.12.1.3 Tab C – Factor 2: Understanding the Requirement states "An acceptable rating is met when the offeror provides evidence that they have identified the key technical task areas that require technical assistance in implementation and guidance of the solution and will be evaluated as to appropriateness, comprehensiveness and technical soundness of the Contractor's schedule and detailed plan for carrying out the contract work. The contractor's detailed plan indicates they have provided enough experience to meet the Government requirement. The Offeror's technical approach shall address the full scope of the statement of work for this solicitation. – A detailed plan with schedule would be an appropriate request for an individual Task Order but this requirement is too broad for the Government's requirements as documented in Section C. Recommend providing specific guidance on the key technical tasks to be addressed to ensure a consistent evaluation across all Offerors' proposals or delete the requirement for a detailed plan and schedule.

    A: The Government is expecting contractors to elaborate on their understanding, capability and methodologies of the work described in the RFP. At a contractor's discretion, it may include a sample project plan with a work breakdown structure proving it understands how to achieve the work in the solicitation.

31. Ref. Section L.3 indicated the Government intends to award three (3) small business IDIQ contracts. Will one of these 3 awards be to a service disabled veteran-owned (SDVO) small business?

    A: The Government intends to award two (2) awards under the small business set-aside and one (1) award under the SDVOSB set-aside, and three awards under the full and open competition solicitation.

32. Are large firms allowed to bid as a subcontractor on a small business team if they are bidding on the large business solicitation?

    A: You need to clarify this question in regards to which solicitation and the type of team, i.e., a large business can respond as the prime or as a sub on the full and open solicitation. However a large business can only be a member of a team with its part being less than 49% when responding to the SB set-aside or the SDVOSB set-aside.

33. Is there a list of potential bidders available?

    A: I refer you to the AMD website http://www.fsa.usda.gov/amd. Each solicitation has its own potential bidders list.

34. Ref. Paragraph L.13.7 Notes to Offerors, paragraph 1, page 125 says that "Offerors shall provide its technical response in both the written format described in Section L and on one (1) CD" but Section L.12 on page 115 requires two CD copies of both proposal volumes. Please indicate which number of CDs is correct.

    A: Section L.12 shall be corrected to "two."

35. Ref. Paragraph M.3, paragraph 2 describing Subfactor 2.2, page 127, notes that evaluation of the Technical Approach will include the factors "Complexity" and "Technical Methodology." – Will the Government please provide additional insight into how "complexity" will be evaluated?

    A: The following is an example of different types of complex activities:

    <u>Examples of Highly Complex Activities:</u>

    Designing and delivering software applications that:

    - implement complex business rules spanning multiple business processes or applications (possibly involving processes from multiple agencies)

- implement complex interfaces between multiple external customers and business partners in various operating environments while maintaining required levels of security and performance for interactive users.
- Implement complex business using new multiple cutting edge technologies that must be synchronized to produce the business and performance results needed

Examples of Medium Complex Activities:

Designing and delivering software applications that:

- implement complex business rules within a single line of business or program delivery application while meeting security and performance requirements
- implement complex interfaces between business services and possibly COTS packages to provide the business result required while meeting security and performance requirements

Examples of Routine Activities:

Designing and delivering software applications that:

- implement business rule changes within a single line of business program delivery application while meeting security and performance requirements
- implement change requests and performance improvements within an existing business application
- implement business logic changes necessary to maintain system functionality

36. Ref. Paragraph L.13.7 Notes to Offerors, the paragraph reads: "Offeror shall provide is technical response in both the written format described in Section L and on one (1) CD. The technical response shall follow the format set forth in Attachment B (excel)." This contradicts the instructions under L.12. Please provide clarification of the proposal format/instructions for Volume I (Technical/Management Proposal) and Volume II (Contract, Small Business Participation, EVMS, Cost/Price Proposal).

    A: The Government does not see any contradictory information between the sections mentioned, but for the clarification that two (2) CDs are to be submitted referring to the answer to Question #53. Section L.12 provides the instructions for Volume I's components, which shall be provided to the Government in written form and CD. Section L.13 provides the instructions for Volume II's components, which shall be provided to the Government in written form and CD.

    As Section L.12 opening paragraph states offerors are to prepare an Original and three (3) paper copies of each volume (I & II) and two (2) CD copies of each

volume. Therefore, there will be a total of eight (8) volumes and four (4) CDs submitted by each Offeror.

37. Ref(s) Section L.13.3 (4) requests a cost breakdown for the labor rates and factors. Please note FAR 52.215-20 Requirements for Cost or Pricing Data or Information Other Than Cost or Pricing Data (Alt IV) states that "Submission of cost or pricing data is not required." Section L.13.3 (4) also encourages contractors to propose labor rates from other Government contracts for which fair and reasonable determinations have already been made. Please confirm, in accordance with FAR 52.215-20 (Alt IV) that (a) cost breakdown information (labor, overhead, G&A, fee, etc) is NOT required and (b) previously approved/commercial prices at which the same item or similar items have previously been sold in the commercial market is adequate for evaluating the reasonableness of the price for this acquisition.

    A: <u>This section will be revised by amendment.</u> While this is not a commercial contract and therefore the commercial rules do not apply, the FAR does require that the Contracting Officer should use every means available to ascertain whether a fair and reasonable price can be determined before requesting cost or pricing data. "Information other than cost or pricing data" means any type of information that is not required to be certified in accordance with 15.406-2 and is necessary to determine price reasonableness or cost realism. This section will be revised to clarify what information is required.

38. Ref. Paragraphs M.4.4 Tab C and M.3 – The section states "Labor and factor rates will be reviewed for cost realism, reasonableness, and understanding of the requirements." Section M.3 Order of Importance states: "Each non-price is more important than the price factor and together the non-price factors are significantly more important than the price factor." – If the Government receives more than three proposals for the AG-645S-S-08-0003 solicitation that rate the non-price factors in the 90% - 100% range, it seems price will be a determining factor for award. Because there are no hours quantities specified for any of the on-site or off-site rates by location, how will the Government evaluation an Offeror's price in comparison to another Offeror? How will pricing for additional labor categories provided by Offerors as specified in L.13.2(2) (page 122) be factored into the evaluation if all offerors are not providing rates for the same labor categories in the same locations?

    A: <u>The solicitation will be amended to clarify this point.</u>

39. Ref. Paragraph L.12.1.2, Subfactor 1.1 Past Performance Questionnaires and Results the RFP requires that offerors provide "…a description of how the Offeror's past performance demonstrates their capability and capacity to deliver high quality service and solutions. The response shall focus on the key requirements of the project, as well as the size, scope and complexity of the efforts, and relevance to the each area." However, Section M provides no

evaluation criteria for this requirement. Please describe how past performance information submitted (not questionnaires) will be evaluated and weighted in relations to other parts of the proposal.

A: Paragraph M.3.1 defines how past performance will be reviewed. Information from the questionnaires themselves will be included in this evaluation.

40. Ref. Paragraph M.4.4 Tab D states that labor rates and factor rates will be reviewed for cost realism, reasonableness, and understanding of the requirements. – How will the Government measure cost realism, reasonableness, and understanding of the requirements? Will the offerors rates be compared against each other or against industry indices? If so, how will these results influence the selection of the three full and open awardees? If industry indices are to be used, please identify the indices.

    A: Rates will be independently reviewed and evaluated to ensure that they are realistic for the work to be performed, reflect a clear understanding of the requirements, and are consistent with the various elements of the offeror's technical proposal. Use of a specific industry index is not anticipated. Comparisons to other proposed rates, historical rates paid by FSA, and industry norms and other techniques consistent with FAR Part 15.4 are anticipated.

41. Ref. Paragraph L.13.6 (5) the paragraph states that "offerors shall identify the major subcontractors, or major subcontracted effort if major subcontractors have not been selected, planned for application of the guidelines." What criteria should an offeror use to determine if there is a "major subcontractor" for this procurement? What criteria would determine that there is, in the alternative, a "major subcontracted effort?"

    A: A major subcontractor would include any subcontractor responsible for accomplishing the authorized work.

42. Will the Government prevent a contractor from bidding on Functional Area 5 Task Orders based on Organizational Conflicts of Interest as a result of the contractor subbing to a Prime that wins work on Functional Area 1? Will the Government prevent a contractor from bidding on Functional Area 5 Task Orders based on Organizational Conflicts of Interest as a result of the contractor having a sub on its team that wins work on Functional Area 1?

    A: If an organizational conflict of interest exists for a specific project – i.e., IV & V tasks may not be performed by the program's developer – the contractor with the conflict will not be permitted to participate for the affected task order. The general rules of FAR Part 9.505and paragraph H.4 will be used.

43. RFP Section H.4, Page 63 of 196, Paragraph 1. USDA states that a Contractor will be precluded for any follow-on procurement of a system, subsystem, or major component, including training, for which the Contractor provides technical support services, analyses, system design and evaluation of other types of assistance ordered under the contract. Is it USDA's intent to preclude a Contractor as a source of supply for any follow-on procurement as a result of performing any and all technical support services or is it USDA's intent to only preclude a Contractor as a source of supply only where the Contractor has prepared a SOW, or designed and developed specifications or requirements as stated in Paragraph 4 of H.4? AS opposed to automatic organizational preclusion from any follow-on procurement, will USDA consider a contract-specific conflict of interest avoidance plan to result in any staff performing evaluation, systems design and requirements being separate and autonomous from other employees or divisions within the organization?

    A: See FAR Part 9.505 for examples of follow-on procurements that will be impacted. Each situation is examined on the basis of its particular facts and the nature of the proposed contract effort. The underlying principles of this rule are to prevent the existence of conflicting roles that might bias a contractor's judgment and preventing unfair competitive advantage.

44. RFP Section L.12.1.2 requires "The Offeror shall identify two (2) recent and relevant Government and/or commercial efforts on which it has performed as the prime contractor." Should this information be provided for each subcontractor as well, or just for the prime?

    A: The information is required of the prime contractor.

45. RFP Section L.13.5 states that "The Offeror shall include its two most recently audited annual financial statements. Any interim financial statements such as quarterly reports shall also be provided if the annual statements are more than six months old." If the Offeror does not have audited financial statements, may unaudited statements be provided?

    A: <u>The solicitation will be amended to clarify this point.</u> If the offeror does not have audited financial statements, unaudited statements may be provided with an explanation of why audited statements are not available.

44. Is the Table of Contents part of the page count?

    A: <u>The solicitation will be amended to include cover sheet, table of contents, tabs, cover letter and tables</u> in the exclusion from the page count.

45. Can we provide a compliance matrix outside of the page limit constraints?

    A: Please clarify the compliance matrix in regards to your question.

46. Is Past Performance section outside the page limit constraints?

A: Please read Paragraph L.11.1.

47. RFP Section 12.1.2 references Attachment F. Should this instead be a reference to Attachment E?

A: Please see Question #21's response.

48. RFP Section L.12.1.3 requires that "The offeror shall provide the number of personnel currently in place within the business unit proposing on this procurement, the number of personnel, the education and professional certifications obtained by the work force, their average length of service, and the turnover rate experience of the workforce for the last three (3) year period." Should this information be provided for each subcontractor as well?

A: Yes.

49. Should Section K, Representations and Certifications be included in Tab B of Volume II?

A: Yes.

50. Should the Offeror return RFP Attachment C with the proposal?

A: Yes.

51. Past Performance: Should the offeror provide the past performance information required in sub factor 1.1 within the proposal response or should it be provided just in the past performance questionnaire?

A: The past performance questionnaire is provided by an offeror's customers. The offeror is to attempt to ensure that its customers provide the questionnaire to the Contract Specialist so that the offeror is given consideration for them as a part of its proposal. The past performance information discussed in Paragraph L.12.1.2 provides the appropriate information evaluated under subfactor 1.1. Please review Paragraph L.12.1.2 for this information.

52. L.12, Subfactor 2.2, The RFP indicates "An acceptable rating is met when the offeror provides evidence that they have identified the key technical task areas that require technical assistance in implementation and guidance of the solution and will be evaluated as to appropriateness, comprehensiveness and technical soundness of the Contractor's schedule and detailed plan for carrying out the contract work." The RFP identifies the key technical areas for each Functional

Area in Section C. Is the Government's expectation for the contractor to develop a subset of those requirements as Key Technical Areas?

A: Yes.

53. Functional Areas Descriptions: Is it possible to get some more information on each of the bullets listed within the 5 functional areas of section C.6?

A: More specific information will be provided in each of the task orders request for proposals.

54. Ref. C.6.3 Functional Area 3. Virus detection/recovery monitoring – Does the FSA need virus protection for a large enterprise network, backup tapes, firewall and/or desktops?

A: It has been decided that Virus detection/recovery monitoring shall be removed from this RFP. The solicitation will be amended to reflect this change.

55. Ref. C.6.4 Functional Area 4. E-commerce is a very broad area. Can the FSA further clarify its e-commerce requirements so we can target our response accordingly?

A: It has been decided that E-Commerce shall be removed from this RFP. The solicitation will be amended to reflect this change.

56. Ref. C.6.5 Functional Area 5, Program evaluation software – Since this is not an industry term, can you please provide clarification or guidance with respect to this business category?

A: It has been decided that Program Evaluation Software shall be removed from this RFP. The solicitation will be amended to reflect this change.

57. Does the USDA have any published software standards? If yes, where may these documents be accessed for review during proposal preparation?

A: Yes. All Vendors attending the FAST Industry Day received a copy of the SDLC on CD. We can provide additional copies if needed. In addition there are many Federal and USDA standards that must be followed; some are referenced in the SDLC. To request a copy of the CD please send an email request to the contract specialist responsible for this RFP, Liz Green with your address, at Elizabeth.green@kcc.usda.gov.

58. Ref. Paragraph C.6.2 – Functional Area 2. Please clarify what is meant by the last bullet item "User Acceptance Certification Testing."

A: User Acceptance Certification Testing includes:

- documentation of test cases in the Agency defined test tool with results upon test completion;
- verifying automated software functionality meets user requirements and other change request documentation. (May include recommendations to improve functionality or user experience)
- conducting 508 Testing
- verifying FSA Standards for look and feel and best business practices have been met
- verifying database/file updates are correct and have an appropriate audit trail
- ensuring security access controls are appropriate and properly enforced
- providing maintenance and troubleshooting of test tools

59. Ref. C.6.3 – Functional Area 3: Information Security and Other Computer-Related Services, Independent Verification & Validation:

(a) What systems are in-scope for the IV&V requirement?

A: Requirements are unknown at this time. This is a placeholder to obtain the qualified skills to perform and IV&V if needed.

(b) With the IV&V requirement support the accreditation decision of FSA's Major applications and General Support Systems?

A: This depends on the purpose of the IV&V. Usually FSA is working within USDA and Federal guidance and if the IV&V is related would fall under FSA and the higher level decisions.

(c) Does this requirement include application code review of government-off-the-shelf (GOTS) applications for functionality?

A: Not sure of the meaning of GOTS. However, no known IV&V's are planned but it certainly could include applications, processes, security, etc.

(d) Does this requirement include application code review of government-off-the-shelf (GOTS) applications for security?

A: Not sure of the meaning of GOTS. However, no known IV&V's are planned but it certainly could include applications, processes, security, etc.

(e) Is this IV&V requirement being used to replace a current Quality Assurance or Configuration Management software development process?

A: IV&V's have been conducted when a need is recognized and doesn't replace current processes although the IV&V may result in process changes.

60. **A: Digital Libraries: It has been decided that Digital Library support shall be removed from this RFP.** The solicitation will be amended to reflect this change. **Therefore, these questions will not be answered:**

- How does the Digital Library support the FSA's mission?
- Who is the target audience for the Digital Library?
- What is the current maturity level of the Digital Library: preliminary, planning, production?
- What type of materials are currently (or will be) stored in this Digital Library?
- What type of hardware is the Digital Library hosted on?
- Is there a browser-based interface? If so, what type of web application hosts the site (e.g. Microsoft IIS, Apache, etc.)?
- If a browser-based interface is employed, is website design in scope for this requirement? If so, what type of design software is used and will the government provide this software?
- Where is the Digital Library physically housed?
- Is the digital library accessible from the Internet to the public?
- Is an ID and password necessary to access the Digital Library? If so, what technology stores the ID and password and provides authentication? (e.g, eAuth, Active Directory, Databases, etc.)
- How often is the content updated now?
- Does the government expect the contractor to update the site more frequently than is current done? If so, what is the desire frequency of content update?
- How is the digital material created? (e.g. typing, scanning, purchased, etc.)
- Who will be responsible for content creation, the government or the contractor?
- How is new content posted or existing content updated now? Is this the expectation the FSA has of the contractor?
- Are data/record conversions in scope for this requirement? If so, what percentage of the contractor's time will be spent with data/record conversion activities?
- Are cataloging and indexing in scope for this requirement? If so, what percentage of the contractor's time will be spent with Cataloging and indexing activities?

61. Will the Government prevent a contractor from bidding on Functional Area 5 Task Orders based on Organizational Conflicts of Interest as a result of the Contractor subbing to a Prime that wins work on Functional Area 1?

A: See response to question #63.

62. Will the Government prevent a contractor from bidding on Functional Area 5 Task Orders based on Organizational Conflicts of Interest as a result of the contractor having a sub on its team that wins work on Functional Area 1?

A: See response to question #63.

63. Ref. Paragraph H.4 Organizational Conflict of Interest and Limitation of Future Contracting – Will the Government allow an offeror to submit an Organizational Conflict of Interest Mitigation Plan to a single performing division level, at the IDIQ level or task order level, so that another performing division within a company is not precluded from solicitations for acquisition of a system, subsystem, or major component thereof?

A: It is possible that the Government will allow this, however there are no guarantees and each request/issue shall be reviewed on a case by case basis.

64. Regarding Schedule – Does the Government have an estimated timeframe for notification of the IDIQ awardees?

A: The Government intends to notify the awardees in March 2008.

65. Does the Government have an estimated release timeframe for the first Task Orders to be administered under the FAST IDIQ?

A: The first task order RFP's will be sent out to selected contractors shortly after selections are made. Current contract efforts that are known to be considered for the FAST IDIQ contracts expire on May 20, 2008. It is FSA's intention to have all of these task orders in place before the current contracts expire. New task order efforts, if identified, may have different start dates.

66. What start date should contractors assume for Year 1?

A: A specific start date for the five-year IDIQ contracts has not been identified, however it is anticipated to be sometime during Spring 2008. Each task order will have its own start date. Labor rates are not dependent on the start date of the contract and the offeror should identify the period of time each set of rates is applicable in their proposal.

67. Contractor X recognizes the importance of the software development function to FSA, and we have built a team that can provide superior support to FSA in that critical area. However, since only small businesses will be competing for the TO's issued against Functional Areas 1 – 4, we believe that it is in the best interest of the government to increase the evaluation weighting of these areas relative to Functional Area 5. Our assessment of the RFP and the initial response

to questions leads us to conclude that Functional Area 5 is disproportionably weighted in the small business procurements.

A: While the Government does not agree with Contractor X's analysis, the Government reiterates the language in L.12.1.3 Tab C, Subfactor 2.1: Software Development Standards Processes which states that "…information is needed on the stable and repeatable standard and consistent processes used within the organization for both software engineering and management activities." Paragraph L.12.1.3 should be reviewed so that the contractor can see that in its entirety it is focused on all aspects of software issues, not simply development, and that these issues cover the spectrum of all the Functional Areas. Therefore, Subfactor 2.1 applies across all five Functional Areas in some shape or manner and not to the preference on Functional Area 5. For all of the Functional Areas in Section C utilize "…software…management activities" in some manner.

Therefore based on the above answer, the Government will not be resopnding to the below questions:

While a precise set of weighting factors was not provided, one can infer an estimate from the guidance provided as follows (using 100 points for the overall Technical/Management Proposal)

Evaluation Factors	**RFP Guidance**	**Weighting**
Factor 1: Past Performance –	**Each non-price is more important than the price factor and together the non-price factors are significantly more important than the price factor.**	**40%**
1.1 Past Performance Questionnaires	The Questionnaire subfactor is significantly more important than the Certifications, Quality Recognition and Awards subfactor.	30%
1.2 Certifications, Quality Recognition and Awards		10%
Factor 2 Understanding the Requirement	**Understanding the Requirement is more important than Past Performance.**	**60%**
2.1 S/W Dev Standards Processes	The Software Development Standards Processes and Technical Approach subfactors are equal to each other and significantly more important than both the Program Management and Quality Control and Staffing subfactors.	25%
2.2 Technical Approach		25%

2.3 Program Management and Quality Control	Program Management and Quality Control and Staffing subfactors which are … equal to one another.	5%
2.4 Staffing		5%

From these rough estimates, one could conclude that each Functional Area as evaluated under "Technical Approach" would have an equal value of 5 points. However, Subfactor 2.1 alone has a weighting of 25%, so the overall Software Development area would seem to have a weighting of 25 + 5 = 30%. Even if Functional Areas 1 - 4 are added together, they have a weighting of only 20 points.

Essentially, it is the inclusion of Subfactor 2.1 as a separate and highly-weighted criterion that we believe heavily skews the evaluation toward software development to the detriment of the other functional areas. While it might be possible to interpret Subfactor 2.1 more generally, the title "**Software Development Standards Processes"** does not support the more general interpretation nor does the specific reference to "software engineering" in the requirements. Additionally, since the exact same wording is used for "Understanding the Requirement" and the Evaluation Factors in both the Small Business RFP and the Full and Open RFP, it appears no tailoring of the RFP to address the unique nature and importance of Functional Areas 1 – 4 is intended.

To provide a better balance to the evaluation of all five functional areas, we recommend one of the following options:

1. Re-title Subfactor 2.1 to capture a more general focus on process controls and evaluate responses based on the more general focus without favoring specific software development process descriptions, or
2. Integrate Subfactor 2.1 into the evaluation of Functional Area 5. For the purposes of this procurement, each of the functional areas has its own unique set of applicable processes and there is fundamentally no need to give more weight to software processes over those applicable to the other functional areas; or
3. Evaluate Subfactor 2.1 and Functional Area 5 on simple "Pass/Fail" criteria. FSA could set the bar high enough to ensure the winner would be qualified to compete for Functional Area 5 task orders but the final awards would be determined by teams evaluated highest in Functional Areas 1 – 4.

Why Functional Areas 1 – 4 Are Important to FSA, and Should Receive Higher Evaluation Weighting in the SBSAs:

- The intent of the FAST PWS appears to be a vehicle by which FSA can receive the best services for each stage of the IT lifecycle. Without equalizing the weighting of the evaluation criteria, the procurement may result in vehicle with 5 exceptional SW development companies.
- Strong, process-oriented software development is important but will only result in an optimized solution if planned, funded, and consistent with the

FSA EA (FA 1); integrated with existing platforms and network capacity (FA 2); certified and accredited (FA3); and rolled out to a user base that is well-trained (FA4). Therefore, all 5 functional areas are equally important in the IT lifecycle.

- There may is a risk to FSA that the imbalance of the weighting across functional areas may result in awardees that are strong in area 5 but not as strong in areas 1 through 4, thus reducing the competition for TOs in the other 4 areas.

Questions added 12/10/2007

68. We are a minority small business company under SBA 8(a)(d). We wish to use a major US software company as our sub-contractors to support us in staffing, management and other aspects of the FAST project, if we are awarded. They are not a small business or minority owned company. Is it allowed in this RFP and FAST Project? If yes, how many subcontractors can the prime contractor have to execute the project?

A: The prime contractor may use as many subcontractors on the project as they can manage and are necessary to address the required effort. On the two set-aside solicitations - AG-645S-S-08-0001 and AG-645S-S-08-0002 – however, FAR 52.219-14 LIMITATIONS ON SUBCONTRACTING (DEC 1996) is applicable and specifically states in (b)(1) that "at least 50 percent of the cost of contract performance incurred for personnel shall be expended for employees of the concern." In addition to this requirement that at least half of the cost is for work done by the prime contractor's own employees, having a large quantity of subcontractors may result in a finding of greater performance risk because of the difficulty of managing so many different contractors.

69. If allowed to have subcontractors, do the subcontractors need to sign individual NDAs when the proposal is submitted?

A: All contractor employees, whether they are prime or subcontractor employees must sign non-disclosure agreements if and when they are working on Privacy Act covered material.

70. If allowed to have subcontractors, do the subcontractors need to submit their audited financial records, when proposal is submitted?

A: This question has been answered previously, only prime contractors must submit their financial documents.

71. In the cost of proposal, can we include the cost of converting H1 Visas of consultants from other companies? If the answer is yes, can we include the immigration attorney fees for visa conversion?

A: No.

72. In the cost of proposal, can we include the cost of converting H1 Visas into Green Cards? If the answer is yes, can we include the immigration attorney fees for Green Card conversion?

A: No.

73. Can we include the fees for background check, credit check, drug test before a consultant is sent to your site?

A: No.

Also, can we include the cost of conducting technical online tests, telephone interviews from experts in the screening process?

A: These are costs that should be part of a contractor's general and administrative costs that should be distributed accordingly.

74. Can we include the cost of flying consultants from their place to workplace (Kansas City or other) for the first time to report to duties?

A: Travel costs are to be proposed separately on an as needed basis according to each task order. Relocation travel is not anticipated to be part of any task order and is the responsibility of the contractor.

75. Consultant Salary + Benefits + Overhead Expenses + Taxes + Profit is the final price of placing a consultant. Are there upper limits to these components?

A: A contractor is to provide a proposed rate. The Government does not tell the contractor what to propose for its labor burden. This is a competitive contract and excessive rates will impact the competitiveness of the contractor's proposal.

76. Can we include the cost of putting out of town consultants in hotels for a week or two, till they find their place of living?

A: No. Travel costs for work at the primary place of performance are not authorized and should not be included in your proposal. See section G.10 of the solicitation

77. For management people to travel from Atlanta to Kansas City to attend meetings or supervise the progress of the project, can they include the flight and hotel expenses in the Proposal?

A: No. Travel costs for work at the primary place of performance are not authorized and should not be included in your proposal. See section G.10 of the solicitation

78. Reference: RFP Section L.13.6 Tab E -Earned Value Management System (EVMS), Page 122. Question: Are all of the contractor's teaming partners required to have a Federally accepted EVMS?

A: Only prime contractor or members of a Joint Venture must have an EVMS. The date from subcontractors will feed into the prime contractor's system.

79. Reference RFP Section B.3.5 Rate Refreshment, Item (b); and Section B.5 Hourly Rate Table, Page 11. Question: Could the Government clarify where we may view Part Be of the Section B Labor Rate Table?

A: Part B of the Section B Labor Rate Table is an excel spreadsheet which has been provided for downloading at the AMD website at http://www.fsa.usda.gov/amd. The Contractor is to provide their proposed labor rates for all labor categories.

80. Reference RFP Section L.13.3 Tab C- Cost/Price Proposal, (4) Part IV: Cost Breakdown for labor rates and factors, page 121. Question: Does the Government required sealed bids from the Prime Offeror's subcontractors?

A: No.

81. Reference FAST Q&A document (solicit_1_faq.pdf), issued 11/29/07, Questions #35 & #36. Question: The Government indicated that the solicitation will be revised to include clarifications for these questions. When will the amendment be issued?

A: The amended RFP's should be available for downloading on or before Friday, December 14, 2007.

82. Reference FAST Q&A document (Solicit_1_faq.pdf), issued 11/29/07), Question #45. Can we provide a compliance matrix outside of the page limit constraints? A. Please clarify the compliance matrix in regards to your question. **Question:** In clarification, a compliance matrix is a table that correlates each RFP requirement with the written proposal section where the requirement is answered. It typically has column headers of: Solicitation Section, Solicitation Text, and Proposal Reference. It helps both the proposal producer and evaluator locate specific area(s) of the proposal that cover a particular topic. May we provide this table to the Government with exclusion from the page count?

A: A compliance matrix may be provided by contractors outside of the page limit constraints.

83. Is the majority of the work in Kansas City going to be performed at the Beacon Drive address?

A: See Section C.2 and G.1 of the RFP. Prior historical knowledge of the FSA indicates that over 85% of the work will be on-site in Kansas City, approximately 5% on-site in St. Louis, 5% in WDC, and less than 5% in Salt Lake City.

84. Reference RFP Sections I.8, paragraph (d), subparagraphs 1,2,3 & 4, pages 87 and 88 and L.12.1.2 Tab B- Factor 1, Subfactor 1.1., paragraph one, page 117. Question: Can past performance for a joint venture's members be used as past performance for the joint venture?

A: If there is a formal joint venture agreement which must be submitted with the proposal documents, then yes.

85. Reference Section K- Representations, Certifications and Other Statements of Offerors, Paragraph 1, page 93 of the RFP. Question: Does the Government require completed Section K- Representations, Certifications and Other Statements of Offerors from each subcontractor teammate, or just the prime contractor?

A: The Government only requires this information from the prime contractor, unless the proposal is from an official joint venture. Then it would be from all parties to the joint venture.

86. Reference Attachment D – Service Contract Act Wage Determination. Question: Are all labor categories specified in Schedule B to be designated as service employees subject to the Wage Determination/Service Contract Act?

A: No, the labor categories provided by the Government in Schedule B are professional labor categories and are therefore not covered by the Wage Determinations provided and are not covered by the Service Contract Act. All non-professional labor categories provided by the Wage Determination are governed by the Service Contract Act.

87. Will the government provide a crosswalk between the labor categories specified in Schedule B and the Occupation Codes specified in the related Wage Determinations? If so, when?

A: <u>The solicitation shall be amended to remove the crosswalk requirement.</u>

88. Will all awardees or potential awardees receive the opportunity to propose rates to proposed labor categories before and after the FAST contract is awarded? In other words, if Vendor A proposes a new labor category and it is accepted by FSA, will all other vendors receive the opportunity to propose rates for the newly accepted labor category?

A: Additional labor categories are not anticipated as most, if not all, anticipated skill requirements have been covered in the solicitation. It is anticipated that

additional labor categories that are approved will be contractor specific and therefore will not result in a change to any other contract.

89. The answer to Question 76 affirms the need to supply workforce turnover data for each subcontractor. Certainly we understand the government's need for this data as it relates to the prime contractor's workforce to determine its stability, as well as the overall health of the prime contractor's company. Many socio economically-focused subcontractor organizations are in business to provide staff augmentation services rather than technical solutions. As such, their workforce turnover ate is appreciably above the prime contractor's turnover rates and does little to communicate the prime contractor's ability to deliver required services in Functional Area 5. This type of data is often unavailable from the subcontractor organizations because of their staff augmentation business focus, and if it is available, it is not available for the past 3 years. WE respectfully request to adhere to the solicitation's original requirement to provide prime contractor workforce turnover rate data for the past 3 years because of the questionable availability and quality of the subcontractor organizations' workforce turnover rate data.

    A: The answer is changed to NO, unless members are a Joint Venture. Then all members of the JV are required to submit the required data

90. Reference Section L.13.5, Tab F, Page 122 – Should this be changed to Section L.13.3 and Constitute Tab C?

    A: The solicitation shall be amended to reflect correction.

91. Reference RFP Section L.13.6, Tab E, Page 123 – Should this be changed to Section L.13.4 and constitute Tab D?

    A: The solicitation shall be amended to reflect correction.

92. RFP Attachment C – Service Contract Act Wage Determinations, Page 147. This section appears to be a confidentiality agreement. Do we need to complete the confidentiality agreement with our proposal?

    A: While the Title of Attachment C is incorrect, please see answer to #50. The solicitation shall be corrected.

93. Reference Section B.3.2 Firm Fixed Price Task Orders. Will the Government please confirm that this section refers to the Firm Fixed price, level of effort type contract that is defined by FAR 16.207?

    A: No. Firm Fixed Price task orders are Firm Fixed Price competition not level of effort.

94. Reference Section G.11 Failure to Reach Agreement and Section I, FAR Clause 52.233-01. Contractors typically cannot accept a completely open possibility of unilateral direction by the Government regarding any and all conditions of a Task Order. In light of the coverage provided by the standard disputes provision, will the Government reconsider its inclusion of this clause?

    A: The contractor is obligated to honor any order within the terms and conditions of the base contract. Deletion of this clause does not affect this requirement. <u>The Government shall amend the RFP to clarify that it is within the terms and conditions of the base contract.</u>

95. The RFP provides a P.O. Box address for proposal submittal. Since delivery services other than U.S. Mail (i.e., Fed Ex, UPS, DHL, etc) do not deliver to a P.O. Box, will the Government allow hand delivery and provide confirmation of receipt (such as a bid desk)? If so, please provide location and contact information.

    A: The physical address is USDA/FSA, 6501 Beacon Drive, Kansas City, Missouri, 64133-4676. The Government physical security does not allow for a bid desk. However, once the delivery person is at the security desk the security officer will call to have either Liz Green extension 6-2617 or Patty Cochran extension 6-7828 pick up the bid and provide a receipt. All bids must be delivered by 2:30 CST on January 3, 2008.

96. Section L.11.1, page 115. The RFP requests "sequential page numbering," but then later states that the past performance contact information and resumes do not count in the maximum page count. The past performance data occurs in the middle of the Technical Volume. Question: How would the Government like contractors to exclude the past performance contact information while following the requirement to sequentially number each page? Will the Government consider accepting a submittal with the past performance contact information and resumes as separate attachment to avoid confusing the sequential numbering requirement?

    A: Contractor is to sequentially number the entire proposal and the Government will subtract those pages that are excluded from the page count to arrive at 50 or 75 depending upon the RFP.

97. Reference Attachment B, in regards to the Labor CLINS that were not included in the draft RFP – Depending on the kind of work these categories are assigned to perform, they could be a non-exempt position based on the Fair Labor Standards Act (FLSA) definition for computer services professionals such as CAD, Help Desk, and other categories that perform mechanical, repetitive, recurrent or routine work. Question: Is it contemplated that USDA/FSA will require such non-exempt services and if so, will the anticipated Statements of

Work of future task order RFQs require overtime? Is the Contractor expected to provide an overtime rate for FAST CLINS classified as non-exempt per FLSA?

A: At this time the Government does not contemplate overtime for its task orders therefore contractors do not need to provide OT rates.

98. Follow-up question regarding Q&A's posted on FSA AMD for solicitation #AG-645S-S-08-0003 (note contracting officer has determined it is applicable to all RFP's so has provided it on all Q&A's) Question 36 asked if the offerors could use Times New Roman 12 point font, instead of the requested Arial 12 point font. The answer was yes. However, Question 51 asked if 10 point Times New Roman could be used for proposal text and the answer was that offerors were to stay with the instructions provided and that no deviations were permitted. Could you please clarify whether offerors will be permitted to use Times New Roman 12 point font for the proposal text?

    A: Arial 12 point font and Times New Roman 12 point font are acceptable. The Government's intention is to not accept proposal text less than 12 point font.

NEW QUESTIONS AS OF 12/18/2007

70. Reference Paragraph B.3.3 – The paragraph states that profit is not allowed on ODCs. Paragraph L.13.3 [5] states that subcontract costs are considered ODCs. Is profit allowed on subcontract costs?
    A: No, profit to the prime contractor on subcontractor ODC costs is not allowed. As a matter of clarification though, L.13.3(5) refers to non-labor related subcontractor costs. Labor rates proposed by the offeror include prime and subcontractor rates and are not differentiated between the two in the schedule.

71. Reference Paragraph B.5.1 – The paragraph defining Hourly Rate includes Other Direct Costs as apart of the hourly rate. Is this just a misstatement, or does the Government want to bundle ODCs in with their hourly labor rates?
    A: The Government intended to state "…other Indirect Costs…" not "Direct Costs."

72. Paragraph G.12 – The RFP states that contractors must observe the ten cited holidays. The standard practice of some contractors might be different, and that we observe different holidays. Also, some employees might want to observe different days for reasons of their own. We understand that we might be locked out of Government sites on the cited days, but we often elect to work on those days and to use those days for other purposes, such as training. We don't charge those days to the contract. Can we interpret the language in G.12 as meaning that we should not plan to use Government facilities on the cited days?
    A: Yes.

73. Reference Section L.13.3.[2] – The paragraph requests a crosswalk between categories and functional areas. Providing a crosswalk is easy, but most offerors would have the incentive to apply all categories to all areas, and this would be of minimal value to the Government. Is this what the Government wants?
A: Amendment #0002 deleted this requirement.

74. Is there a formula on how much we pay to our employees from the final bit rate proposed to USDA?
A: No.

75. Inclement Weather Policy: What is the inclement weather policy on the solicitation submittal. Lately due to weather conditions there has been multiple weather related cancellations and long flight delays in Kansas City. This could have an impact on proposal submission for the companies that are bringing proposals from out of town.
A: The Contracting Officer will follow the guidelines in FAR 15.208 regarding the submission, modification, revision, and withdrawal of proposals. If the unlikely happens and the roads in Kansas City, Missouri are closed to all but emergency vehicles on the day proposals are due or another emergency or unanticipated event interrupts normal Government processes so that proposals cannot be received at the 6501 Beacon Avenue USDA building in Kansas City, Missouri, the time specified for receipt of proposals will be deemed to be extended to the same time of day specified in the solicitation on the first work day on which normal Government processes resume. If, as happened in 2001, air travel over the entire country is shut down on the day proposals are due, we will address that situation by finding an alternate method of submission. Neither of these circumstances is likely.

    Offerors come from all over the country and need to have a plan to get their proposals to us. We will not address problems related to the cities that our offerors work or live in.

76. RFP AG-645S-S-08-0001 is available on the website in PDF format only. Offerors are required to include a completed Section K and Attachment C as part of their response. Further, offerors responses are required to be submitted in not less than 12 point font. When we convert the PDF document to work in order to include it in our proposal, the font size is 10.
    (a) Will the government post a copy of the solicitation in Word format to make it easier to provide the completed Section K and Attachment C?
    A: No.
    (b) If the response to a is no, is it acceptable to submit Sections K and Attachment C in 10 point font size?
    A: Yes.

77. You indicate that offerors are download from the website and complete the Excel spreadsheet for Attachment B. The header information on the Excel

Spreadsheet on your website indicates that the spreadsheet is for solicitation number AG-645S-07-0002 and AG-645S-07-0005. Please confirm that the Excel spreadsheet posted on the website is also applicable to AG-645S-S-08-0001 or provide the Excel spreadsheet that is applicable.

A: Those numbers were the draft solicitation numbers. The Excel spreadsheet provided at the AMD website is the applicable document for use for all three solicitations, AG-645S-S-08-0001/0001/0003.

78. Reference Section H.4 OCI and Limitation of Future Contracting, Subsection Paragraph number 3, page 63. Question: We are not certain what the FSA is trying to achieve by including this paragraph regarding contractor activities "until award of a contract." We are particularly concerned with section number (2) within paragraph #3. Please address what FSA is trying to achieve, and whether it would consider deleing this paragraph.

A: A conflict of interest does not go away if the one with the conflict acts as a subcontractor versus a prime contractor. In order to maintain the integrity of the procurement process, a contractor with a conflict of interest is not permitted to participate in the procurement for which the conflict exists. As an example, a task order includes a task to write a document that will be used to build the statement of work for a task to be competed. The contractor writing the initial document cannot then bid on the work either as a prime or a sub, nor discuss it with any one else because that establishes, or gives the appearance of, an unfair competitive advantage.

79. Reference Section H.5 Restrictions Against Disclosure, Subsection (b), page 64. Paragraph (a) limits the disclosure of information that is contained in source Documents or other media furnished by the Government in the strictest confidence and restricts access to Contractor employees an a "need to know" basis. Paragraph (b) then indicates that the "Contractor agrees not to disclose any information concerning work under this contract to any persons or individual…" Question: Are we to understand that (b) pertains to persons or individuals other than those covered by (a) above, or is it intended to address the same information in (a) above? Please clarify.

A: Paragraph (b) does both, it pertains to the persons and/or individuals covered by paragraph (a) as well as covering any persons and/or individuals who are not covered by paragraph (a) but are in some relations with the Contractor that could possibly provide access to the information that is non-disclosable.

80. Reference Section I Contract Clauses, FAR 52.246-25 Limitation of Liability – Services, page 81. Since Far 52.246-25 is included in the RFP the contractor is liable to correct any defects and deficiencies in services or materials furnished occurring after Government acceptance in subsection (c) provided the contractor carries insurance or has established a reserve for same. Question: Since the services or materials herein are for commercial type items, will the Government consider including FAR 52.212-4 in addition to FAR 52.246-25 so that the commercial "limitation of liability" in paragraph (p) will apply and the contractor will not be liable to the Government for consequential damages?

A: The Government is not utilizing a commercial contract for this solicitation thus, FAR 52.212-4 is not applicable.

If the Government will not include 52.212-4, will it otherwise consider a mutual waiver of consequential damages?

A: For purposes of the Base Contract, the Government will not consider a mutual waiver of consequential damages. However, it is possible that there might be a task order proposed that might permit this term due to time constraints or other extenuating circumstances. This would be on a task order per task order basis.

81. Reference G.11 Failure to Reach Agreement, page 57. If agreement cannot be reached on total price, period of performance, or any other term or condition of the Task Order, the Contracting Officer may unilaterally establish the terms and conditions of the Task Order. The Contractor may pursue any unilateral term or condition as a dispute under the "Disputes Alternate I" clause of this contract. (Reference Section I, FAR Clause 52.233-01). Question: We have concerns that Solicitation clause G.11, "Failure to Reach Agreement," could render FAST and any resulting task orders unenforceable due to a lack of consideration. We therefore request the deletion of this clause. Alternatively, please explain (1) the legal validity of this clause, or (2) whether the government intends the clause to mean that while it can unilaterally establish the terms and conditions of the Task Order, the contractor does not have to accept those terms and conditions and can instead choose to decline entering into that Task Order: i.e., that all Task Orders will be bilateral. (Note, however, that the latter interpretation would still require deletion of the second sentence of G.11 regarding the Disputes clause, because if there is no bilateral Task Order executed, there can be no dispute under that Task Order.)

A: See Q&A #201 AG-645S-S-08-0003, Reference Section G.11 Failure to Reach Agreement and Section I, FAR Clause 52.233-01. Contractors typically cannot accept a completely open possibility of a unilateral direction by the Government regarding any and all conditions of a Task Order. In light of the coverage provided by the standard disputes provision, will the Government reconsider its inclusion of this clause?

A: The contractor is obligated to honor any order within the terms and conditions of the base contract. Deletion of this clause does not affect this requirement. <u>The Government shall amend the RFP to clarify that it is within the terms and conditions of the base contract.</u>

82. Clarification of Q&A's number 72. Is the table of contents part of the page count? A: The solicitation will be amended to include cover sheet, table of contents, tabs, cover letter and tables in the exclusion from the page count.

Question: Are tables outside of the table of contents, cover letter and resumes considered outside the page count? An example of this mw be if we used a Certification, Quality Recognition and Award table, would this be considered outside of the page count?

A: See #90 Reference FAST Q&A document (Solicit_1_faq.pdf), issued 11/29/07), Question #45. Can we provide a compliance matrix outside of the

page limit constraints? A: Please clarify the compliance matrix in regards to your question. Question: In clarification, a compliance matrix is a table that correlates each RFP requirement with the written proposal section where the requirement is answered. It typically has column headers of: Solicitation Section, Solicitation Text, and Proposal Reference. It helps both the proposal producer and evaluator locate specific area(s) of the proposal that cover a particular topic. May we provide this table to the Government with exclusion from the page count?
A: A compliance matrix may be provided by contractors outside of the page limit constraints.

83. RFP Section L.13.2 – Tab B (page 122) and L.13.2 Tab D (page 123) requires SF-33, SF-30 in each section. Does FSA want the SF-33 and SF-30 to be included in each section?
A: The Government refers all contractors to Amendment #0002 which modified the numbering in Section L.13. L.13.2 Tab B and L.13.2 Tab D were duplicate requests and the RFP has been amended to reflect this. Please review the new numbering of those sections and only provide those documents that are requested. In this case the SF-33 and SF-30 (2 have been released to this date 12/18/2007).

84. Will it be acceptable for a Contractor to not bid against a Task Order RFP as a method of avoiding a possible Organization Conflict of Interest?
A: The Government believes this is an acceptable work around.

85. Sections C.6.1 page 20, L.12.1.1.2, page 118 and M.3.1, page 128. While CMMI was removed as a criterion for the RFPS and resultant proposals, it is still a requirement in Sections C, L and M. This is especially critical since Functional Area 1 is for small businesses only. Is CMMI a requirement for USDA FAST?
A: CMMI was removed as a mandatory requirement. It is listed as a "task example" in Functional Area 1, and a "certification example" in Section L. Please identify where in Sections C, L, and M it is listed as a "requirement"?