

## 52.212-1 INSTRUCTIONS TO OFFERORS--COMMERCIAL ITEMS

### Instructions to Offerors -- Commercial Items (Jan. 2004)

(a) *North American Industry Classification System (NAICS) code and small business size standard.* The NAICS code and small business size standard for this acquisition appear in Block 10 of the solicitation cover sheet (SF 1449). However, the small business size standard for a concern which submits an offer in its own name, but which proposes to furnish an item which it did not itself manufacture, is 500 employees.

(b) *Submission of offers.* Submit signed and dated offers to the office specified in this solicitation at or before the exact time specified in this solicitation. Offers may be submitted on the SF 1449, letterhead stationery, or as otherwise specified in the solicitation. As a minimum, offers must show --

- (1) The solicitation number;
- (2) The time specified in the solicitation for receipt of offers;
- (3) The name, address, and telephone number of the offeror;
- (4) A technical description of the items being offered in sufficient detail to evaluate compliance with the requirements in the solicitation. This may include product literature, or other documents, if necessary;
- (5) Terms of any express warranty;
- (6) Price and any discount terms;
- (7) "Remit to" address, if different than mailing address;
- (8) A completed copy of the representations and certifications at FAR 52.212-3;
- (9) Acknowledgment of Solicitation Amendments;
- (10) Past performance information, when included as an evaluation factor, to include recent and relevant contracts for the same or similar items and other references (including contract numbers, points of contact with telephone numbers and other relevant information); and
- (11) If the offer is not submitted on the SF 1449, include a statement specifying the extent of agreement with all terms, conditions, and provisions included in the solicitation. Offers that fail to furnish required representations or information, or reject the terms and conditions of the solicitation may be excluded from consideration.

(c) *Period for acceptance of offers.* The offeror agrees to hold the prices in its offer firm for 30 calendar days from the date specified for receipt of offers, unless another time period is specified in an addendum to the solicitation.

(d) *Product samples.* When required by the solicitation, product samples shall be submitted at or prior to the time specified for receipt of offers. Unless otherwise specified in this solicitation, these samples shall be submitted at no expense to the Government, and returned at the sender's request and expense, unless they are destroyed during preaward testing.

(e) *Multiple offers.* Offerors are encouraged to submit multiple offers presenting alternative terms and conditions or commercial items for satisfying the requirements of this solicitation. Each offer submitted will be evaluated separately.

(f) *Late submissions, modifications, revisions, and withdrawals of offers.*

(1) Offerors are responsible for submitting offers, and any modifications, revisions, or withdrawals, so as to reach the Government office designated in the solicitation by the time specified in the solicitation. If no time is specified in the solicitation, the time for receipt is 4:30 p.m., local time, for the designated Government office on the date that offers or revisions are due.

(2)

(i) Any offer, modification, revision, or withdrawal of an offer received at the Government office designated in the solicitation after the exact time specified for receipt of offers is "late" and will not be considered unless it is received before award is made, the Contracting Officer determines that accepting the late offer would not unduly delay the acquisition; and—

**(A)** If it was transmitted through an electronic commerce method authorized by the solicitation, it was received at the initial point of entry to the Government infrastructure not later than 5:00 p.m. one working day prior to the date specified for receipt of offers; or

**(B)** There is acceptable evidence to establish that it was received at the Government installation designated for receipt of offers and was under the Government's control prior to the time set for receipt of offers; or

**(C)** If this solicitation is a request for proposals, it was the only proposal received.

(ii) However, a late modification of an otherwise successful offer, that makes its terms more favorable to the Government, will be considered at any time it is received and may be accepted.

**(3)** Acceptable evidence to establish the time of receipt at the Government installation includes the time/date stamp of that installation on the offer wrapper, other documentary evidence of receipt maintained by the installation, or oral testimony or statements of Government personnel.

**(4)** If an emergency or unanticipated event interrupts normal Government processes so that offers cannot be received at the Government office designated

for receipt of offers by the exact time specified in the solicitation, and urgent Government requirements preclude amendment of the solicitation or other notice of an extension of the closing date, the time specified for receipt of offers 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.

**(5)** Offers may be withdrawn by written notice received at any time before the exact time set for receipt of offers. Oral offers in response to oral solicitations may be withdrawn orally. If the solicitation authorizes facsimile offers, offers may be withdrawn via facsimile received at any time before the exact time set for receipt of offers, subject to the conditions specified in the solicitation concerning facsimile offers. An offer may be withdrawn in person by an offeror or its authorized representative if, before the exact time set for receipt of offers, the identity of the person requesting withdrawal is established and the person signs a receipt for the offer.

(g) *Contract award (not applicable to Invitation for Bids)*. The Government intends to evaluate offers and award a contract without discussions with offerors. Therefore, the offeror's initial offer should contain the offeror's best terms from a price and technical standpoint. However, the Government reserves the right to conduct discussions if later determined by the Contracting Officer to be necessary. The Government may reject any or all offers if such action is in the public interest; accept other than the lowest offer; and waive informalities and minor irregularities in offers received.

(h) *Multiple awards*. The Government may accept any item or group of items of an offer, unless the offeror qualifies the offer by specific limitations. Unless otherwise provided in the Schedule, offers may not be submitted for quantities less than those specified. The Government reserves the right to make an award on any item for a quantity less than the quantity offered, at the unit prices offered, unless the offeror specifies otherwise in the offer.

(i) *Availability of requirements documents cited in the solicitation*.

(1)(i) The GSA Index of Federal Specifications, Standards and Commercial Item Descriptions, FPMR Part 101-29, and copies of specifications, standards, and commercial item descriptions cited in this solicitation may be obtained for a fee by submitting a request to--

GSA Federal Supply Service Specifications Section

Suite 8100  
470 L'Enfant Plaza, SW  
Washington, DC 20407  
Telephone (202) 619-8925)

Facsimile (202 619-8978).

(ii) If the General Services Administration, Department of Agriculture, or Department of Veterans Affairs issued this solicitation, a single copy of specifications, standards, and

commercial item descriptions cited in this solicitation may be obtained free of charge by submitting a request to the addressee in paragraph (i)(1)(i) of this provision. Additional copies will be issued for a fee.

(2) The DoD Index of Specifications and Standards (DoDISS) and documents listed in it may be obtained from the--

Department of Defense Single Stock Point (DoDSSP)  
Building 4, Section D

700 Robbins Avenue  
Philadelphia, PA 19111-5094

Telephone (215) 697-2667/2179

Facsimile (215) 697-1462.

(i) Automatic distribution may be obtained on a subscription basis.

(ii) Order forms, pricing information, and customer support information may be obtained—

(A) By telephone at (215) 697\_2667/2179; or

(B) Through the DoDSSP Internet site at <http://dodssp.daps.mil>.

(3) Nongovernment (voluntary) standards must be obtained from the organization responsible for their preparation, publication or maintenance.

(j) *Data Universal Numbering System (DUNS) Number.* (Applies to offers exceeding \$25,000, and offers of \$25,000 or less if the solicitation requires the Contractor to be registered in the Central Contractor Registration (CCR) database. The offeror shall enter, in the block with its name and address on the cover page of its offer, the annotation “DUNS” or “DUNS+4” followed by the DUNS or DUNS+4 number that identifies the offeror’s name and address. The DUNS+4 is the DUNS number plus a 4-character suffix that may be assigned at the discretion of the offeror to establish additional CCR records for identifying alternative Electronic Funds Transfer (EFT) accounts (see FAR Subpart 32.11) for the same parent concern. If the offeror does not have a DUNS number, it should contact Dun and Bradstreet directly to obtain one. An offeror within the United States may contact Dun and Bradstreet by calling 1-866-705-5711 or via the Internet at <http://www.dnb.com>. An offeror located outside the United States must contact the local Dun and Bradstreet office for DUNS number.

(k) *Central Contractor Registration.* Unless exempted by an addendum to this solicitation, by submission of an offer, the offeror acknowledges the requirement that a prospective awardee shall be registered in the CCR database prior to award, during performance and through final payment of any contract resulting from this solicitation. If the Offeror does not become registered in the CCR database in the time prescribed by the Contracting Officer, the Contracting Officer will proceed to award to the next otherwise successful registered Offeror.

Offerors may obtain information on registration and annual confirmation requirements via the Internet at <http://www.ccr.gov> or by calling 1-888-227-2423 or 269-961-5757.

(1) *Debriefing.* If a post-award debriefing is given to requesting offerors, the Government shall disclose the following information, if applicable:

- (1) The agency's evaluation of the significant weak or deficient factors in the debriefed offeror's offer.
- (2) The overall evaluated cost or price and technical rating of the successful and debriefed offeror and past performance information on the debriefed offeror.
- (3) The overall ranking of all offerors, when any ranking was developed by the agency during source selection.
- (4) A summary of rationale for award;
- (5) For acquisitions of commercial items, the make and model of the item to be delivered by the successful offeror.
- (6) Reasonable responses to relevant questions posed by the debriefed offeror as to whether source-selection procedures set forth in the solicitation, applicable regulations, and other applicable authorities were followed by the agency.

(End of Provision)

**SUPPLEMENTAL SOLICITATION INSTRUCTIONS:**

All vendors must be REGISTERED IN CCR EFFECTIVE October 1, 2003 in order to receive government contracts - [www.ccr.gov](http://www.ccr.gov) - reference FAC 01-16, which will be at FAR 52.406.

**RFQ DUE DATE**

The due date for responses to this RFQ, both technical and cost, **shall be via email** at the addresses specified below, on or before **June 3, 2:00 pm** Eastern Standard Time.

**ADDRESS FOR RECEIPT OF OFFERS**

Please submit your offers to the following email address: [shanda.georg@mms.gov](mailto:shanda.georg@mms.gov). Hard copies of the offerors packages are not required. Electronic submissions shall be submitted in a zipped format, and the contractor is responsible for contacting the CO for confirmation of receipt of RFQ, if returned email confirming receipt is not received. If you do not receive an email indicating "received, thank-you" – please call the CO to confirm that the email was received and printable.

This acquisition will be issued as a [time and material contract](#).

**TECHNICAL QUOTE**

Offerors shall provide a technical quote that includes:

- (1) discussion of the background, objectives, and work requirements of the statement of work as analyzed by the offeror,
- (2) discussion of proposed methods and techniques for completing each task,
- (3) discussion which supports how each task will be evaluated for full performance and acceptability of work from the offeror's viewpoint,
- (4) discussion of any anticipated major difficulties and problem areas, along with potential recommended approaches for their resolution, and
- (5) discussion on major logistical considerations.

**The technical submission shall include:**

1. A staffing plan
2. Resumes for key personnel
3. A description of the offerors current personnel resources for this activity, which addresses the offerors capabilities and experience relating to the attached Statement of Work;

4. Three (3) references of similar efforts performed by the offerors organization for the last three years.
5. Include a description of the project, project title, contract number, contract amount, client identification including agency or company name, contracting and technical reviewing official, address and telephone number. ***Offerors quote must demonstrate that both the organization and proposed key personnel can successfully complete this project.***

**PERIOD OF PERFORMANCE:** .

The period of performance (POP) shall be from contract award for a twelve (12) month period. This order also includes four (4) option periods (option period = 12 months each), which may be unilaterally exercised by the Government. The government is not obligated to exercise any or all option periods. An option period shall not exceed one year in duration. All terms and conditions applicable to the base period shall extend to the option unless otherwise agreed upon. Options are subject to the availability of funds.

**PRICING QUOTE**

Your cost quote shall be a separate volume from your technical submission. Cost Quote is to be submitted as a **time and material contract**. A separate price summary shall be provided for the base period, and each option period. Accordingly, a cumulative summary price sheet shall be submitted, which is inclusive of the base period and all options.

Offerors' cost quote must clearly identify the basis of the estimate. The Offeror must identify the labor category(s) to be utilized for this effort, a description of the skills and experience per category. Labor rate detail must be provided,. All odc's and travel detail must be provided. Detailed Subcontractor rate information shall also be included, if applicable.

1. Cost quote shall be based on a (12) month period of performance, and include 4, twelve month option periods, and a cumulative price summary.
2. The following information **MUST BE PROVIDED** with your COST Quote submission:
  - a. Tax identification number (TIN)
  - b. Dun & Bradstreet Number (DUNS)
  - c. Complete Business Mailing Address
  - d. Contact Name
  - e. Contact Phone
  - f. Contact Fax number
  - g. Contact email address
  - h. 52.212-3 Offeror Representations and Certifications-Commercial Items, **[Filled out by offeror]**

**ASSUMPTIONS, CONDITIONS, OR EXCEPTIONS**

Offerors must submit, under separate cover, all (if any) assumptions, conditions, or exceptions with **any** of the terms and conditions of this statement of work. If not noted in this section of your quote, it will be assumed that the offeror proposes no assumptions for award, and agrees to comply with all of the terms and conditions as set forth herein. It is not the responsibility of the Government to seek out and identify assumptions, conditions, or exceptions buried within the offeror's quote.

**EVALUATION**

Each Offeror's submission is evaluated according to the factors shown below. Factors A, B, C, and D are roughly equal to each other; factor E is less important. Sub-factors listed under each factor are of equal importance to each other.

**A. *Technical Approach***

1. Understanding of the work, including creativity and thoroughness shown in understanding the objectives of the SOW and specific tasks, and planned execution of the project.
2. Evidence of specific methods and techniques for completing each discrete task, to include such items as quality assurance, and customer-service.
3. Ability to address anticipated potential problem areas, and creativity and feasibility of solutions to problems and future integration of new processes and technology enhancements.
4. Degree to which the offerors submission demonstrates an understanding of logistics, schedule, and any other issues the Government should be aware of.
5. Quality and effectiveness of the Project Management Plan and allocation of personnel and resources.

**B. *Past Performance***

1. The organizations history of successful completion of projects; history of producing high-quality reports and other deliverables; history of staying on schedule and within budget.
2. The quality of cooperation of the contractor with it's own team; with key government team personnel, and the quality of cooperation and performance between the contractor with the government organization and its' clients.
3. The organization's specific past performance on prior similar efforts specified within this SOW.



**C. Personnel Qualifications**

1. The currency, quality and depth of experience of individual personnel in working on similar projects. Similar projects is meant to convey similarity in topic, dollar value, workload, duration, and complexity.
2. Quality and depth of education and experience on other projects which may not be similar enough to include in response to C.1. (Immediately above) but may be relevant.
3. The currency, quality and depth of how the Project Director will supervise and coordinate the workforce.

**D. Organizational Experience**

1. Evidence that the organization has current capabilities; and for assuring performance of this requirement. Evidence of supporting subcontractors, consultants and business partners will be considered,
2. Appropriate mix and balance of education and training of team members.

**E. Cost**

**CONTRACT AWARD**

Contract award shall be made to the responsible Offeror whose offer, in conforming to this RFQ, provides an overall best value to the Government, technical evaluation factors, and cost considered. The Government's objective is to obtain the highest technical quality considered necessary to achieve the project objectives, with a realistic and reasonable cost. Technical evaluation factors are more important than cost; however, between offers that are evaluated as technically equal in quality, cost will become a major consideration in selecting the successful Offeror.