

INDUSTRY DAY QUESTIONS AND RESPONSES FROM 25 JULY 2016 AND 26 JULY 2016

	QUESTIONS	RESPONSES
1	1) Will you hold Industry Day for other contracts? 2) How critical is cost plus experience? 3) What is the split between BRAC and active bases?	1) We will hold an Industry Day for the UR EMAC. We will not hold an Industry Day for the 8(a) procurement. 2) In response to this question, the Government requested feedback from Industry Day participants on the importance of Cost Plus experience. 3) We don't know how much active base and BRAC work will be awarded on the contract.
2	Cost Modeling - Two people indicated they had bid on projects using cost modeling before and found it superior to a seed project. 1) If rates are the same for five years, how is that done on a cost plus contract? 2) Are you following the Air Force or the ACOE on the structure? 3) Will the Navy consider time and materials rates instead of cost plus?	1) Rates don't stay the same but there are caps/ceiling rates. 2) We are following LANT recent RAC procurement. 3) We (Navy) will not consider time and materials rates.
3	PMO Alternatives – The EPA does it by labor hours. Contractors- annual basis, per project basis. Most believed that since this was a RAC (as opposed to a CLEAN) that PMO is justified. Another said that if it is multiple award then no PMO should be needed. Another said it depended on the unidentified data needs from the Navy. If they don't request a lot of data, then PMO is not needed. 1) Does the contractor have to have an office in CA?	1) The contractor does not need to have an office in California when responding to the RFP; however, at the time of the contract award the contractor is required to have an established office in California.
4	Performance Based – 1) Enclosure 1 states contract is performance based? 2) Is it a conflict to have a cost-plus performance based contract? 3) What is the size requirement for past performance?	1) Yes, this will be a performance based contract. 2) The Navy does not believe there is conflict with a cost-plus performance based contract. 3) Currently, we don't know the size requirements for past performance until market research is completed.
5	Information provided on contract structure – Ed Chevalier, Deputy of ACQ informed all Industry Day participants that we are working on releasing the contract structure in a pre-solicitation notice to give the ktrs time to form JVs, hopefully about two months before the solicitation comes out. Mr. Chevalier, and Lora Morrow, Deputy of SB, discussed that if market research shows that there are two or more SB firms that can do the work, then contract will be 100% SB set aside. If they can't do all of the work (i.e. can only do below certain \$ threshold) then it will be 2 SBs/1 LB, or unrestricted with 1 SB/2 LBs, or all LBs. There will be no more than three contractors. 1) Will 2-phase affect schedule if selected? 2) How would SB/LB bid work? 3) How many contractors will you award to?	1) Yes. 2) Task Order under a certain threshold would get competed amongst the Small Businesses. Any project over the specific threshold would be competed amongst SB and LB businesses. The threshold will be determined after market research is completed. 3) The number of contracts awarded will depend on the quality of proposals and market research. However, the government is contemplating 2 or 3 awards; this is dependent on the contractor's ability to work on multiple task order simultaneously.
6	Contract structure (cont.) - 1) If multiple small businesses can do the work can large businesses compete? 2) If TO over threshold would it go to the large business? 3) Can you have two large businesses? 4) Are you using the number of employees standard under this NAICS code? Contractor statement - Disabled veterans (DVs) are at a disadvantage for past performance because there are no Navy or ACOE DV CP contracts. 5) If an 8a responds with their mentor will they be evaluated under the mentor protégé agreement? 6) What is the dollar threshold (if this has a reserved component) when it will go to the LB. 7) Why a MAC RAC? 8) What are the bonding requirements?	1) No. If market research shows there are two or more SBs that can perform the work, then the "Rule of Two" will apply. 2) No. Projects over the threshold would be competed amongst all contractors under the MAC. 3) Yes. If that is what market research bears out, then the procurement will go Unrestricted. 4) The NAICS code standard has not yet been determined. 5) The small business has to have done or demonstrated they can do 40% of the work and it has to be substantive, not administrative. 6) It doesn't have to be a dollar threshold, it can be complexity, and it would allow the large business to compete. 7) LANT made the decision to issue a MAC RAC. NAVFAC Southwest has no justification to issue a single award. 8) Bonding requirement will depend on the <u>preponderance of work</u> .
7	LPTA - 1) What's to stop contractors from low balling the TOs and doing change orders later if this is an LPTA contract? Contractors - "unknowns are antithetical to LPTA". 2) Does trade-off mean the work will rotate between the two small businesses?	1) It is not likely that LPTA will be the basis of awarding task orders for this procurement. 2) Trade off process: When the Government considers awarding to other than the lowest price offeror, or other than the highest <u>technically rated offeror</u> .
8	Hybrid CP/FFP – ktr-as sites become more definitized can go from CP to FFP. LANT's Global Contingency Contract (GCC) is like that now and works very well. The EPA RAC is a successful example of a hybrid contract. 1) How would you transition from CP to FFP on a TO? 2) Would any task orders start off as FFP?	1) We will be asking LANT for feedback on the process used when transitioning task orders from CP to FFP. 2) Probably not, they will start out as CP then transition to FFP.
9	Key Personnel – The Government suggested to the Industry day participants that Key Personnel may not be used as part of an evaluation criteria, and would rather put in a clause that at the TO level the Government can request resumes, and other information to verify key personnel. 1) How will the Navy evaluate key personnel? 2) Usually certain fields have requirements like certifications for the QA Manager, would these not be required?	1) Key Personnel will need to meet key criteria, it's most important for specialized fields. 2) Contractually the contractor is required to obtain experience personnel capable of performing the work; however, the government does not want to include Key Personnel as part of an evaluation factor. The government has the right to ask for <u>any certification at any time during the contract award</u> .
10	DCAA Audit - 1) If we have a recent audit, can we use it? 2) Is having done an audit part of the evaluation criteria?	1) DCAA audits must be completed for every procurement. However, if you have a recent audit, the process for DCAA to perform an audit on your firm may not take as long. Audits are not required at the time of proposal submission, however, they must be completed prior to the award of the contract. The Government cannot stress enough the importance of being responsive to DCAA. When contractors are unresponsive (or one of the JV partners) it slows the whole process down. 2) No, but you can be excluded if you are unresponsive to DCAA.

INDUSTRY DAY QUESTIONS AND RESPONSES FROM 25 JULY 2016 AND 26 JULY 2016

	QUESTIONS	RESPONSES
11	<p>JVs and teaming - 1) Can you propose as a team? 2) For cost modeling how does the JV bid? 3) If there is not enough time to put a JV in place, can you say that it's in progress? 4) Can a LB submit as a prime and a team member? 5) Will you consider other set asides? 6) Do you look at the JV as populated or unpopulated? 7) If mentor protégé is an entity can that entity JV with other businesses?</p>	<p>1) The Navy prefers JVs as it is less risk on the Government. Formation of a team / teaming partners is not a binding agreement, therefore, there is more risk on the Government. 2) The JV will bid as one entity. 3) No. A joint venture must be formed at the time the proposal is submitted. 4) Yes. But the question is how contractor address conflicts of interest at the TO level if both win? Lora Morrow, SB Deputy, clarified that the LB can't do more than 49% of the work if they are a subcontractor. 5) Socioeconomic set-asides are considered first, then other small businesses. 6) We don't see them as either, they are both the prime. 7) We haven't seen this be done before; however, approval will be done by SBA.</p>
12	<p>Market Research - 1) Describe the process and schedule for market research.</p>	<p>1) Based on the needs of the government, a sources sought containing a general description of the work, and specific evaluation factors, whcih will be posted in FBO. The sources sought is not considered a selection of the procurement award. The results of the source sought will be used to determined if there are enough qualified SBs that can performed the work. Lora Morrow, SB Deputy commented on the importance of responding to the sources sought announcement; this is the only opportunity firms will have on influencing the procurement.</p>
13	<p>RAD - What percentage will be for RAD and MRP? 2) In an earlier presentation the Navy said MRP would be picking up, has this changed? 3) What is the status of RAD EMAC?</p>	<p>1) We are losing \$135M out of our budget in the next five years so most or all MRP sites will move to the right. It's likely there will be no or few MRP awards. RAD will only be incidental (i.e. if found during cleanup). 2) Yes. In April, we based our numbers on FY15 year end, last week the budget was decimated. 3) The RAD EMAC is still in source selection.</p>
14	<p>Feedback – 1) There is concern from contractors that the procurement is geared for 8a mentor proteges. 2) The Navy wants you to show experience on 30 things and only allows 10 projects, I would like to list an IDIQ, not specific projects?</p>	<p>1) Not true. There are many types of JVs as long as you meet the SB definition under this NAICS code. Check the SBA website for JV requirements for each type of set aside (i.e. disabled veteran, hub zone, etc.). 2) The Navy will consider an IDIQ contract versus individual task order projects for experience.</p>
	<p>Special Notification: Back in January 2016 new legislation was passed that stated that if the procurement was set-aside for a small business, or any specific socio-economic program, then the prime contractor could work for "similarly situated" firms as part of meeting the limitations on subcontracting requirement. this means that if you did a SDVOSB set-aside, the prime SDVOSB contractor could count work it subcontracted to SDVOSB firms as part of meeting the limitations on subcontracting requirements.</p>	<p>Even though the regulation has passed, we (DoD procurement offices) will NOT implement it until it comes out in the Federal Acquisition Regulation (FAR).</p>