

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT			1. CONTRACT ID CODE J	PAGE OF PAGES 1 43
2. AMENDMENT/MODIFICATION NO. 0002	3. EFFECTIVE DATE 17-Oct-2016	4. REQUISITION/PURCHASE REQ. NO. ACQR3901040		5. PROJECT NO.(If applicable) 17587
6. ISSUED BY NAVFAC MID ATLANTIC MARFORRES FST 520 DEWEY AVE, BUILDING 5 GREAT LEAKES IL 60088-3147	CODE N40085	7. ADMINISTERED BY (If other than item 6) See Item 6		
8. NAME AND ADDRESS OF CONTRACTOR (No., Street, County, State and Zip Code)		X	9A. AMENDMENT OF SOLICITATION NO. N40085-16-R-3607	
		X	9B. DATED (SEE ITEM 11) 10-May-2016	
			10A. MOD. OF CONTRACT/ORDER NO.	
			10B. DATED (SEE ITEM 13)	
CODE	FACILITY CODE			
11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS				
<input checked="" type="checkbox"/> The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offer <input checked="" type="checkbox"/> is extended, <input type="checkbox"/> is not extended. Offer must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended by one of the following methods: (a) By completing Items 8 and 15, and returning <u>1</u> copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.				
12. ACCOUNTING AND APPROPRIATION DATA (If required)				
13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.				
A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.				
B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(B).				
C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:				
D. OTHER (Specify type of modification and authority)				
E. IMPORTANT: Contractor <input type="checkbox"/> is not, <input type="checkbox"/> is required to sign this document and return _____ copies to the issuing office.				
14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.) P-125 DESIGN BUILD JOINT RESERVE CENTER, DES MOINES, IA - PHASE II THIS AMENDMENT APPLIES TO PHASE II OFFERORS ONLY. Offerors selected for Phase II are notified to submit a Non-Price Proposal for Factors 5-7, Subfactors 7A and 7B and a Price Proposal in accordance with Solicitation N40085-16-R-3607-including all provisions and clauses, this Amendment and the Statement of Work for P125 Joint Reserve Center Project. Acknowledgement of this Amendment is required. Updated construction wage rates IA160042, IA42, dated 8/26/2016 are included.				
Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.				
15A. NAME AND TITLE OF SIGNER (Type or print)		16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print)		
		TEL:	EMAIL:	
15B. CONTRACTOR/OFFEROR _____ (Signature of person authorized to sign)	15C. DATE SIGNED	16B. UNITED STATES OF AMERICA BY _____ (Signature of Contracting Officer)		16C. DATE SIGNED 17-Oct-2016

SECTION SF 30 BLOCK 14 CONTINUATION PAGE

SUMMARY OF CHANGES

SECTION SF 30 - BLOCK 14 CONTINUATION PAGE

The following have been added by full text:

CONSTRUCT WAGE RATES-PHASE II

CONSTRUCTION WAGE RATES

General Decision Number: IA160042 08/26/2016 IA42

Superseded General Decision Number: IA20150042

State: Iowa

Construction Type: Building

County: Polk County in Iowa.

BUILDING CONSTRUCTION PROJECTS (does not include single family homes or apartments up to and including 4 stories).

Note: Under Executive Order (EO) 13658, an hourly minimum wage of \$10.15 for calendar year 2016 applies to all contracts subject to the Davis-Bacon Act for which the solicitation was issued on or after January 1, 2015. If this contract is covered by the EO, the contractor must pay all workers in any classification listed on this wage determination at least \$10.15 (or the applicable wage rate listed on this wage determination, if it is higher) for all hours spent performing on the contract in calendar year 2016. The EO minimum wage rate will be adjusted annually. Additional information on contractor requirements and worker protections under the EO is available at www.dol.gov/whd/govcontracts.

Modification Number	Publication Date
0	01/08/2016
1	01/22/2016
2	05/13/2016
3	05/27/2016
4	06/03/2016
5	06/24/2016
6	07/15/2016
7	08/26/2016

BRIA0002-003 05/05/2013

Rates Fringes

Bricklayer and Stonemason
 Zone 1.....\$ 29.37 10.55

 BRIA0003-005 05/01/2016

	Rates	Fringes
TILE SETTER.....	\$ 30.70	12.47

 CARP0106-006 05/01/2014

	Rates	Fringes
CARPENTER, Includes Drywall Hanging and Metal Stud Installaton.....	\$ 26.73	11.26

 ELEC0347-005 12/01/2015

	Rates	Fringes
ELECTRICIAN low voltage wiring including voice, data, video.....	\$ 26.80	10.62
all other work.....	\$ 33.78	14.25

 ELEV0033-001 01/01/2016

	Rates	Fringes
ELEVATOR MECHANIC.....	\$ 41.26	30.285

FOOTNOTE:

a) Employer contributes 8% of basic hourly rate for over 5 years service and 6% of basic hourly rate for under 5 years service as Vacation Pay Credit.

b) Eight Paid Holidays - New Year's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, the Friday after Thanksgiving Day and Christmas Day.

 ENGI0234-015 05/01/2013

	Rates	Fringes
Power equipment operators:		
GROUP 1.....	\$ 24.77	14.50
GROUP 2.....	\$ 24.48	14.50
GROUP 3.....	\$ 22.58	14.50

POWER EQUIPMENT OPERATORS CLASSIFICATIONS

GROUP 1 - Backhoes; Crane; Excavators
 GROUP 2 - Bulldozers; Forklift; Scraper
 GROUP 3 - Bobcat/Skid Loader; Grader/Blade; Loader; Rollers

 * IRON0067-007 05/01/2016

	Rates	Fringes
IRONWORKER		
Ornamental, Reinforcing and Structural.....	\$ 26.02	18.99

 LABO0177-003 05/01/2015

	Rates	Fringes
LABORER		
Common or General.....	\$ 24.67	9.93
Mason Tender - Brick.....	\$ 22.82	9.63
Mason Tender - Cement/Concrete.....	\$ 22.82	9.63
Pipelayer.....	\$ 22.82	9.63

 PAIN0081-020 09/01/2015

	Rates	Fringes
GLAZIER.....	\$ 21.71	21.92

 PAIN0246-004 05/01/2016

	Rates	Fringes
Painters:		
Brush & Roller.....	\$ 24.08	12.36
Brush and Roller.....	\$ 24.81	11.80
Drywall Finishing/Taping, and Paperhanging.....	\$ 25.62	11.34
Spray.....	\$ 23.90	10.05

 PLAS0021-003 05/01/2015

	Rates	Fringes
CEMENT MASON/CONCRETE FINISHER...	\$ 24.75	14.12

 PLAS0021-004 05/01/2015

	Rates	Fringes
PLASTERER.....	\$ 26.04	11.40

 PLUM0033-012 06/01/2016

	Rates	Fringes
PIPEFITTER, Excludes HVAC Pipe Installation.....	\$ 30.07	16.59
PLUMBER, Includes HVAC Pipe Installation.....	\$ 30.07	16.59

ROOF0142-003 06/01/2016

	Rates	Fringes
ROOFER.....	\$ 25.58	11.15

SHEE0045-008 06/01/2011

	Rates	Fringes
SHEET METAL WORKER Including HVAC Duct and System Installation.....	\$ 30.12	14.55

TEAM0090-002 05/01/2016

	Rates	Fringes
TRUCK DRIVER.....	\$ 21.92	12.4675+A

a. Holidays paid at double the hourly rate: New Years Day,
Decoration Day, Fourth of July, Labor Day, Thanksgiving Day
and Christmas Day.

SUIA2008-038 09/11/2008

	Rates	Fringes
ASBESTOS WORKER/HEAT & FROST INSULATOR.....	\$ 12.06	0.00
LABORER: Landscape & Irrigation.....	\$ 8.98	0.00
OVERHEAD DOOR INSTALLER.....	\$ 18.11	6.29

WELDERS - Receive rate prescribed for craft performing
operation to which welding is incidental.

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Unlisted classifications needed for work not included within
the scope of the classifications listed may be added after
award only as provided in the labor standards contract clauses
(29CFR 5.5 (a) (1) (ii)).

The body of each wage determination lists the classification and wage rates that have been found to be prevailing for the cited type(s) of construction in the area covered by the wage determination. The classifications are listed in alphabetical order of "identifiers" that indicate whether the particular rate is a union rate (current union negotiated rate for local), a survey rate (weighted average rate) or a union average rate (weighted union average rate).

Union Rate Identifiers

A four letter classification abbreviation identifier enclosed in dotted lines beginning with characters other than "SU" or "UAVG" denotes that the union classification and rate were prevailing for that classification in the survey. Example: PLUM0198-005 07/01/2014. PLUM is an abbreviation identifier of the union which prevailed in the survey for this classification, which in this example would be Plumbers. 0198 indicates the local union number or district council number where applicable, i.e., Plumbers Local 0198. The next number, 005 in the example, is an internal number used in processing the wage determination. 07/01/2014 is the effective date of the most current negotiated rate, which in this example is July 1, 2014.

Union prevailing wage rates are updated to reflect all rate changes in the collective bargaining agreement (CBA) governing this classification and rate.

Survey Rate Identifiers

Classifications listed under the "SU" identifier indicate that no one rate prevailed for this classification in the survey and the published rate is derived by computing a weighted average rate based on all the rates reported in the survey for that classification. As this weighted average rate includes all rates reported in the survey, it may include both union and non-union rates. Example: SULA2012-007 5/13/2014. SU indicates the rates are survey rates based on a weighted average calculation of rates and are not majority rates. LA indicates the State of Louisiana. 2012 is the year of survey on which these classifications and rates are based. The next number, 007 in the example, is an internal number used in producing the wage determination. 5/13/2014 indicates the survey completion date for the classifications and rates under that identifier.

Survey wage rates are not updated and remain in effect until a new survey is conducted.

Union Average Rate Identifiers

Classification(s) listed under the UAVG identifier indicate that no single majority rate prevailed for those classifications; however, 100% of the data reported for the classifications was union data. EXAMPLE: UAVG-OH-0010 08/29/2014. UAVG indicates that the rate is a weighted union average rate. OH indicates the state. The next number, 0010 in the example, is an internal number used in producing the wage determination. 08/29/2014 indicates the survey completion date for the classifications and rates under that identifier.

A UAVG rate will be updated once a year, usually in January of each year, to reflect a weighted average of the current negotiated/CBA rate of the union locals from which the rate is based.

WAGE DETERMINATION APPEALS PROCESS

1.) Has there been an initial decision in the matter? This can be:

- * an existing published wage determination
- * a survey underlying a wage determination
- * a Wage and Hour Division letter setting forth a position on a wage determination matter
- * a conformance (additional classification and rate) ruling

On survey related matters, initial contact, including requests for summaries of surveys, should be with the Wage and Hour Regional Office for the area in which the survey was conducted because those Regional Offices have responsibility for the Davis-Bacon survey program. If the response from this initial contact is not satisfactory, then the process described in 2.) and 3.) should be followed.

With regard to any other matter not yet ripe for the formal process described here, initial contact should be with the Branch of Construction Wage Determinations. Write to:

Branch of Construction Wage Determinations
Wage and Hour Division
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

2.) If the answer to the question in 1.) is yes, then an interested party (those affected by the action) can request review and reconsideration from the Wage and Hour Administrator (See 29 CFR Part 1.8 and 29 CFR Part 7). Write to:

Wage and Hour Administrator

U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

The request should be accompanied by a full statement of the interested party's position and by any information (wage payment data, project description, area practice material, etc.) that the requestor considers relevant to the issue.

3.) If the decision of the Administrator is not favorable, an interested party may appeal directly to the Administrative Review Board (formerly the Wage Appeals Board). Write to:

Administrative Review Board
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

4.) All decisions by the Administrative Review Board are final.

END OF GENERAL DECISION

INSTRUCT TO OFFERORS-PHASE II

**PHASE II
NEW JOINT RESERVE CENTER (P-125)
N40085-16-R-3607**

INSTRUCTIONS TO OFFERORS

1. POINT OF CONTACT:

Ms. Judith A. Honold, Contracting Officer
Phone: (847) 688-3368 extension 107
Email: judy.honold@navy.mil

2. STATEMENT OF WORK (SOW):

This Solicitation incorporates the Statement of Work (SOW) entitled "P-125 Design-Build REQUEST FOR PROPOSAL (RFP): Joint Reserve Center, Des Moines, IA". All work shall be accomplished in accordance with the SOW and this Solicitation. The SOW, along with any drawings, will be provided via AMRDEC.

3. NAICS AND SIZE STANDARD:

NAICS code for this solicitation is 236220 with a Small Business Size Standard of \$36.5M.

4. SITE VISIT: A pre-proposal conference will be conducted on **Tuesday, October 26, 2016 at 9:00 a.m.** The site for this facility is an open field and Offerors are welcome to visit the site at their convenience.

5. PRE-PROPOSAL INQUIRIES (PPIs) – ATTACHMENT A – PHASE II:

Inquiries and questions regarding this RFP shall be submitted in writing to Ms. Judy Honold (Judy.honold@navy.mil), Contracting Officer, using the Pre-Proposal Inquiry (PPI) form provided as Attachment A- Phase II of this Amendment. **Please ensure that the PPI form is returned as an Excel spreadsheet, not as a**

.pdf. All PPIs must be received no later than **2:00 p.m. Central Standard Time (CST), Wednesday, November 7, 2016**. Do not submit the same inquiry more than once. Please verify that the PPIs were received by the Government. A response will be provided via an amendment.

PROPOSAL ACCEPTANCE PERIOD: 120 days from receipt of offers.

6. TIME FOR COMPLETION:

All work shall be completed and ready for use no later than **555 calendar days after the date of award** (this includes time for processing of base passes, pre-construction submittals, all construction work, closeouts and any other work associated with this project).

7. LIQUIDATED DAMAGES: In accordance with FAR 52.211-12, Liquidated Damages (LDs) in the amount of – \$8,015.00 will be assessed for every calendar day of delay until the work is completed and accepted.

8. DEPARTMENT OF LABOR (DoL) CONSTRUCTION WAGE RATE DETERMINATION(S): In accordance with FAR 22.407 (Clause 52.222-6, Construction Wage Rate Requirements), Department of Labor General Decision Number IA160042, dated 08/26/2016, IA42 will apply to this Award. If these wage determinations are updated by the Department of Labor prior to award of this contract, the most current wage determinations will be provided via an amendment.

9. SYSTEM FOR AWARD MANAGEMENT (SAM):

Offerors must be registered in the SAM database IAW FAR 52.204-7 in order to be awarded a contract.

10. ESTIMATED COST RANGE:

In accordance with DFARS 236.204, the magnitude of Construction is between \$10,000,000 to \$25,000,000 million. The design-build budget amount for this project is \$16 million.

11. ELECTRONIC INVOICING:

The Department of Defense (DoD) Wide Area Workflow (WAWF) system shall be used for the submission of Invoices In Accordance With DFAR CLAUSE 252.232-7006.

12. BONDING AND INSURANCE:

a) **BID GUARANTEE:** A bid guarantee is required with this proposal. The bid guarantee shall be in a penal sum equal to at least 20 percent of the largest amount for which award can be made under the bid submitted, but in no case exceed \$3,000,000.

b) **PERFORMANCE AND PAYMENT BONDS:** Performance and Payment bonds equal to 100% of the awarded dollar value *are required* after award In Accordance With (IAW) FAR 52.228-15. Bonds are required within 10 days after award.

c) **INSURANCE:** Also, IAW 52.225-5, Insurance Work on a Government Installation, insurance coverage is required. No work on Government Installation may start until insurance and bonds have been approved by the Procuring Contracting Officer.

13. PROPOSAL DUE DATE & SUBMISSION INSTRUCTIONS: Proposal is due no later than **Thursday, November 30, 2016 by 1:00 pm, CST**. Electronic (email) submission of proposals will not be accepted.

The Price proposal must include the following elements:

- a) Contractor Information Sheet (**Attachment B-Phase II**) – Must be on company letterhead and include DUNS number, CAGE Code, Tax ID, Names, Titles, Phone Number(s) and email address(es) of persons authorized to negotiate on the Offeror's behalf with the Government. Cover sheet shall indicate that the proposal is good for at least 120 calendar days from the solicitation due date.

- b) Pricing (**Attachment C – Phase II**) – Amendment 0002 with Price Worksheet: Signed SF 1442, Amendment 0002 and listing price data on Addendum Worksheet. The total price shall be indicated on the Worksheet CLINs 0001 (SubCLIN 0001AB – 0001AE) through CLIN 0007 (Bid Options 1 – 5) and a percentage for FF&E and AV, not to exceed 5% shall be established and submitted for a future planned modification to CLIN 0008.
- c) Bank Verification Form(**Attachment D – Phase II**) – **Form must be submitted to judy.honold@navy.mil before the Solicitation due date (currently November 30, 2016).**
- d) Amendments – Signed copies of any issued amendments.

PRICE AND NON-PRICE PROPOSAL, IN SEPARATE VOLUMES SHOULD BE SENT TO THE FOLLOWING ADDRESS:

Naval Facilities Engineering Command
Mid-Atlantic, MARFORRES FST
ATTN: Ms. Judith Honold
520 Dewey Avenue, Building 5
Great Lakes, IL 60088-2913

14. RECORD SHOP DRAWINGS: Record shop drawings are required in accordance with the Statement of Work

15. GOVERNMENT FURNISHED PROPERTY: None

16. BASIS FOR AWARD: Best Value Trade-Off Process.

17. EVALUATION FACTORS FOR AWARD

The Solicitation requires the evaluation of Price and the following Non-Price Factors and Subfactors:

- ... Factor 5 – Technical Solution
- ... Factor 6 – Energy and Sustainable Design
- ... Factor 7 – Small Business Utilization
 - Subfactor 7A - Past Performance in Utilization of Small Business Concerns
 - Subfactor 7B - Small Business Participation

NOTE: The relative order of importance of the non-price evaluation factors and subfactors is the non-price factors for

Phase II (Factors 5-7) and their respective subfactors (Subfactors 7A and 7B) are of equal importance to each other and, when combined, are equal in importance to the past performance evaluation/performance confidence assessment factor (Factor 3). When the proposal is evaluated as a whole, the non-price factors when combined are approximately equal to price.

The importance of price will increase if the Offerors' non-price proposals are considered essentially equal in terms of overall quality, or if price is so high as to significantly diminish the value of a non-price proposal's superiority to the Government. Award will be made to the responsible Offeror(s) whose offer conforms to the solicitation and represents the best value to the +Government, price and non-price factors considered.

PRICE REQUIREMENTS

(a) PRICE (PHASE II): Offerors shall submit one (1) Original, marked "Original" and two (2) copies of their price proposal with the following information included:

(1) **SOLICITATION SUBMITTAL REQUIREMENTS:** Offerors shall complete the Price Worksheet (**Attachment C – Phase II**) for Contract Line Item Numbers (CLINs) 0001 and 0002 base work and CLINs 0003-0007) (Bid Options 1– 5) and a percentage for FF&E and AV, not to exceed 5% shall be established and submitted for a future planned modification to CLIN 0008. Prices shall also be included on the SF1442 Form besides each respective CLIN listed in Solicitation N40085-16-R-3607.

- ... Provide a Bid Bond In Accordance With (IAW) FAR Clause 52.228-1 Bid Guarantee.
- ... Signed Amendment 0002
- ... Submit **Attachment B Phase II** – Contractor’s Information Sheet
- ... Price Proposal – **Attachment C Phase II** – Offerors shall complete and sign Price Worksheet (CLINs 0001 and 0002 for base work, CLINs 0003-0007 for Bid Options 1-5, and a percentage for FF&E and AV, not to exceed 5% shall be established and submitted for a future planned modification to CLIN 0008.
- ... Complete and return Representations and Certifications Clauses in 00600 of the SF 1442 Form (Solicitation N40085-16-R-3607)
- ... Joint Venture/Partnership Agreements and Approvals (if applicable)
- ... Financial/Bank Verification Form – **Attachment D** Phase II

NOTE: FF&E and A/V– Procurement and Installation Bid Option (Price Worksheet - Attachment C Phase II)

Offerors may propose a rate, up to, but not to exceed 5%, for the Handling and Administration of the FF&E and A/V. This rate will account for all administrative costs, overhead, bonding fees, administration of subcontractors, profit and any other costs associated with and related to the coordination and processing of the procurement and installation of FF&E and A/V. No other charges, expenses, fee, mark-ups, etc., will be authorized. The prime contractor’s proposed Handling and Administrative Rate (HAR) shall be applied to the Government budget amount of FF&E and A/V for the FF&E Bid Option listed on Attachment C.

The prime contractor’s FF&E and A/V HAR will be incorporated into the contract via a modification and will not be adjusted regardless of fluctuations from the Government’s budget amount of FF&E and A/V. The HAR is a fixed rate. When the final FF&E and A/V package is priced, the contractor’s HAR shall be applied to the FF&E and A/V supplier’s and vendor’s quotes.

The Government is not obligated to award the FF&E and A/V line item. Should the Government choose to award the FF&E and A/V, the line item will be awarded as a negotiated modification to the contract.

(2) **Basis of Evaluation:** The Government intends to evaluate all options and has included the provision FAR 52.217-5, Evaluation of Options (JUL 1990) in the solicitation (N40085-16-R-3607). Except when it is determined in accordance with FAR 17.206 (b) not to be in the Government’s best interests, the Government will evaluate offers for award purposes by adding the total price for all options to the total price for the basic requirement. Evaluation of options will not obligate the Government to exercise the option(s).

The Customer’s Design-Build Budget amount for this project is approximately \$16M. Proposals that provide total price offers greater than the Design-Build Budget amount may be rejected.

Analysis will be performed by one or more of the following techniques to ensure a fair and reasonable price:

- (i) Comparison of proposed prices received in response to the RFP.
- (ii) Comparison of proposed prices with the IGCE.
- (iii) Comparison of proposed prices with available historical information.
- (iv) Comparison of market survey results.

NON-PRICE/TECHNICAL REQUIREMENTS: Offerors shall submit one (1) original, marked “Original” CD, and four (4) copies, each in a separate three ring binder with the following:

- ... 8 ½ X 11 format (11X17 format for all drawings)
- ... 12 point font
- ... Include a cover page with Request for Proposal (RFP) Number, Title of the Project, Prime Contractor’s Name, Address, Phone Number, Fax Number, DUNS, Cage Code, as well as the Point of Contact, their phone number, and email address.
- ... Proposals shall be labeled “ FOR OFFICIAL USE ONLY” and “SOURCE SELECTION INFORMATION – FAR 3.104”.

PHASE II NON-PRICE FACTORS

Factor 5 – Technical Solution

(1) Solicitation Submittal Requirements:

Provide a narrative describing the technical solution to the project that meets the requirements of the RFP. Include the following:

- Interior circulation/adjacencies
- Enclosure/envelope, structural and mechanical systems.
- Exterior façade describing how the proposed construction demonstrates compatibility with nearby existing and potential future residential developments.
- Site layout including a description of the building orientation, roadways, parking (include ingress and egress), emergency vehicle access, and ATRP standoff distances. Also include in the narrative a description of the general concept proposed to meet low impact development (LID).

Narrative shall not exceed three (3) double-sided pages (or six (6) single-sided pages).

Offerors shall provide conceptual drawings. At a minimum provide conceptual drawings to supplement the narrative as follows:

- Scaled Concept Floor and Roof Plans
 - Include general sizes and locations of major mechanical equipment and system types
 - Incorporate the concept structural system type and layout
- Scaled Concept Site Plan
 - Include landscaping and site features
 - Include site equipment and screening features
- Scaled Concept Elevations
 - Include every exterior building surface in elevation drawings with each Material and system indicated. Accurately portray scale, proportions, and sizes of components.”
- Scaled Concept Wall Sections
 - Showing each typical wall and roof construction system.

(2) Basis of Evaluation:

The Government will evaluate the narrative and conceptual drawings considering the extent to which the Offeror demonstrates a clear understanding of the architectural and engineering requirements of the project. The Government will evaluate the Offeror's technical solution to determine adherence to the technical requirements of the RFP.

Factor 6 – Energy and Sustainable Design

(1) Solicitation Submittal Requirements:

Provide the following information, which describes how the project will meet or exceed the following sustainable design contract requirements.

Energy Efficiency Narrative:

Using the guidance outlined in Part 3 of the Technical RFP, provide a detailed narrative to describe whether the proposed solution will meet or exceed the goal of a 30% energy reduction using the ASHRAE Std 90.1-2010,

Appendix G, Building Performance Rating Method, excluding receptacle and process loads. Provide the proposed percent energy reduction. Provide the assumptions the Offeror will use to obtain a high-performance building, which will comply with these energy reduction goals. Describe the Offeror's proposed building with regards to building orientation, shape, fenestration, solar heat gain coefficients (SHGC), wall and roof insulation values (U-values), HVAC systems, water heating systems, lighting systems, and control systems. Organize/divide the assumptions into four areas; building orientation and configuration, building envelope, mechanical systems, and electrical systems. Do not exceed two (2) double-sided pages (or four (4) single-sided pages). *Note: Building performance rating and percent energy reduction are calculated in terms of energy rather than energy cost.*

(2) **Basis of Evaluation:**

The Government will evaluate the Offeror's response to the Energy and Sustainable Design Factor considering the proposed energy savings.

Energy Efficiency Narrative: The Government will evaluate the Offeror's proposed energy budget reduction relative to ASHRAE Std 90.1-2010 energy efficiency goals, including evaluation of assumptions.

Factor 7 – Small Business Utilization

Factor 7 consists of two Subfactors, 7A, Past Performance in Utilization of Small Business Concerns, and 7B, Small Business Participation. The evaluation of Subfactors 7A and 7B are of equal importance to the determination of Factor 7 Rating.

Definitions: "SB" as used herein, is intended to include Small Business concerns, Small Disadvantaged Business concerns (SDB), Women-Owned Small Business concerns (WOSB), Historically Underutilized Business Zone Small Business concerns (HUBZone), Veteran-Owned Small Business concerns (VOSB), and Service-Disabled Veteran-Owned Small Business concerns (SDVOSB). All small business programs are self-certifying programs with the exception of HUBZone certifications, see HUBZone SB Certifications below. Small Business Program requirements and definitions may be found in the Federal Acquisition Regulations (FAR), Part 19.

HUBZone SB Certifications: Offerors are reminded that HUBZone SB concerns must obtain formal certification from the Small Business Administration (SBA) if they expect to receive the evaluation benefits associated with the HUBZone SB programs either as a prime or subcontractor(s). For more information on the HUBZone SB certification requirements and available benefits, contact your local SBA representative. Certified HUBZone SB firms are listed on the U.S. Small Business Administration's Dynamic Small Business Search (DSBS) website at http://web.sba.gov/pro-net/search/dsp_dsbs.cfm. It is the responsibility of the prime contractor to periodically check the DSBS as certifications are subject to change.

SUBFACTOR 7A – PAST PERFORMANCE IN UTILIZATION OF SMALL BUSINESS CONCERNS

(1) **Solicitation Submittal Requirements:** Proposals that do not include responses addressing ALL elements of the requirements stated below (a. through d.) must include an explanation why that element is not addressed.

- a. Provide performance evaluation ratings (i.e., SF1420, DD2626, or equivalent) obtained on the implementation of small business subcontracting plans for all of the offeror's projects referenced under Factor 2, Experience for construction. Recently completed project evaluations are desired, however, in the absence of recently completed project evaluations, interim ratings for projects that are 80% complete may be considered. If more than five (5) evaluation ratings are provided, only the first five (5) will be considered. In addition, the Government may consider past performance information on other projects as made available to the Government from other sources (such as the Construction Contractor Appraisal Support Systems (CCASS)), Architect-Engineer Contract Administration Support System (ACASS) and Contractor Performance Assessment Reporting System (CPARS).
- b. Provide small business subcontracting history. Large businesses with Federal prime contracting experience shall provide final or current Subcontracting Report for Individual Contracts (SF294) or

- Individual Subcontracting Reports (ISR's) on prime (only) contracts submitted under Factor 3, Past Performance. If Factor 3 submitted contracts are not prime contracts, submit SF294s or ISRs for contracts of similar scope performed as the prime contractor. If goals were not met on any submitted contracts, an explanation for each unmet goal is required. Large Businesses with no documented SF294/ISR history shall submit a subcontracting history on **Attachment (E)**, Small Business Past Performance. If more than five (5) reports are provided, only the first 5 reports will be considered.
- c. Small Business proposers shall provide a subcontracting history on (**Attachment E**), Small Business Past Performance.
 - d. If an Offeror is utilizing past performance information of affiliates/subsidiaries/parent/LLC/LTD member companies (name is not exactly as stated on the solicitation), the proposal shall clearly demonstrate that the affiliates/subsidiaries/parent/LLC/LTD member companies will have meaningful participation of all members in the management of the subcontracting program/plan by identifying the personnel or resources from the member companies that will be dedicated to managing the plan, and an organization chart which demonstrates the reporting chain within the membership.

If the Offeror is a Joint Venture, Partnership LLC or other entity consisting of more than one entity, provide past performance information, elements a. through d., for each individual business entity(ies) that will be responsible for managing the subcontracting program/plan.

Proposals including information on any of the following additional elements may be rated higher, based on the evaluated extent to which the information addresses the basis of evaluation in paragraph (2):

- a. Provide information on national-level, and industry-issued awards that offerors received for outstanding support to SB concerns within the past five (5) years. Include purpose, issuer, and date of award(s). National and industry-issued awards received beyond five (5) years will not be considered.
- b. Provide information on previous, existing, planned or pending mentor-protégé agreements (MPA) under any Federal Government, or other, program held within the last five years. Information should include, at a minimum, the members, objectives, period of performance, and major accomplishments during the MPA.
- c. Provide information on past use of Community Rehabilitation Program (CRP) organizations certified under the AbilityOne Program by SourceAmerica, or the National Industry for the Blind (NIB). Information should include the contract type, type of work performed, period of performance, and number of employed severely handicapped persons.

(2) Basis of Evaluation:

The extent to which the proposal demonstrates the proposer's level of past performance in utilizing Small Business (SB) concerns, AbilityOne, Mentor-Protégé Agreements, and other socio-economic programs, as defined in FAR Parts 26.1 and 26.2, in subcontracting, and in meeting established Small Business subcontracting goals.

SUBFACTOR 7B – SMALL BUSINESS PARTICIPATION (ATTACHMENT G)

(1) Solicitation Submittal Requirements:

Identify in terms of dollar value and percentage of the total acquisition, the extent of work you will perform as the prime contractor. If submitting an offer as a Joint-Venture, identify the percentage of work each member will be responsible for and indicate the size status of each member, e.g., LB, SB, SDB, WOSB, HUBZone SB, etc.

If you are a Large Business, submit a Small Business Subcontracting Plan for this project in the format provided in **Attachment F** for this factor, to include all information required in the attachment. If you are a Small Business, submit a subcontracting participation breakdown in the format provided in **Attachment G** for this factor. All proposers: To demonstrate commitment in using small business concerns, the Small Business Subcontracting Plan or subcontracting participation breakdown may list all subcontractors by name. If the proposed Small Business Subcontracting goals do not meet the minimum NAVFAC Small Business Subcontracting Targets, include a detailed explanation describing the actions taken to arrive at that determination, along with an explanation for the goals that actually were proposed. For proposals submitted on design-build solicitations, the proposer must identify its designer/design team in its Subcontracting Plan or Small Business Participation Breakdown.

Firm commitments to subcontract to multiple companies: The Offeror may provide a demonstration of commitments in planned subcontracts by listing multiple names of companies that will be used to support specific small business category (i.e., SB, SDB, WOSB, HUBZone SB, VOSB and SDVOSB).

(2) Basis of Evaluation:

The following will be evaluated on all proposals:

- a. The extent to which the proposal demonstrates maximum practicable participation of SBs in terms of the total value of the acquisition, including options.
- b. The extent to which the proposal demonstrates a commitment to use SB concerns that are specifically identified in the proposal, including but not limited to use of mentor protégé programs.
- c. The extent to which the proposal demonstrates SB participation in a variety of industries expected during the performance of work.
- d. The realism of the proposal to meet the proposed goals.

The following will be evaluated on proposals submitted by Large Business firms:

- a. The extent to which the proposal provides Small Business Subcontracting goals that meet or exceed the minimum NAVFAC Small Business Subcontracting Targets, and utilization of AbilityOne CRP organizations. Proposals that provide goals exceeding the NAVFAC Subcontracting Targets may be rated higher. The proposed goals and NAVFAC Subcontracting Targets are expressed as a percentage of total subcontracted values. The minimum NAVFAC Subcontracting Targets are as follows:

	FY2016
SB	65%
SDB	15%
WOSB	15%
HUBZone	6%
SDVOSB	5%

- b. The extent to which the proposer's Small Business Subcontracting Plan establishes reasonable efforts demonstrating the subcontracting targets can be met during the performance of the contract:

Note: Forms to be used for the submission of Small Business Utilization are included as follows:

Attachment A Phase II – Request For Information (RFIs)
 Attachment B Phase II – Contractor's Information Sheet
 Attachment C Phase II – Price Evaluation Worksheet

Attachment D Phase II – Bank Verification Form
Attachment E Phase II– Small Business Past Performance
Attachment F Phase II– Small Business Subcontracting Plan.
Attachment G Phase II– Small Business Proposed Subcontracting Breakdown

ATTACHMENT A - PHASE II
PRE-PROPOSAL INQUIRY FORM

Provided as an Attachment A – Phase II online (www.fbo.gov)

(PPIs shall be submitted by email to judy.honold@navy.mil)

ATTACHMENT B - PHASE II
CONTRACTOR'S INFORMATION

Offeror: _____ **Date:** _____

A. NAMES OF OFFICERS, OWNERS OR PARTNERS:

President: _____ Vice President: _____

Secretary: _____ Treasurer: _____

Owner or Partner: _____

Tax Identification Number for Firm: _____

Cage Code for Firm: _____

DUNs Number for Firm: _____

B. PERSONS AUTHORIZED TO SIGN OFFERS, MODIFICATIONS AND CONTRACT FOR COMPANY

NAME: _____ OFFICIAL CAPACITY: _____

EMAIL ADDRESS: _____

TELEPHONE NUMBER: _____

ATTACHMENT C – PHASE II

PRICE EVALUATION WORKSHEET

Also posted online as an attachment at www.fbo.gov

ATTACHMENT D – PHASE II

**LETTER TO FINANCIAL INSTITUTION/BANK
TO VERIFY FINANCIAL RESPONSIBILITY
(Return this completed form before the Solicitation due date)**

Date

Financial Institution/Bank
Attn: President or POC
Street Address
Suite XXX (if applicable)
City, State/Country ZIP Code

TRANSMITTED VIA _____(FACSIMILE/EMAIL)

Subj: FINANCIAL REFERENCE – (CONTRACTOR NAME)

The Commander, Naval Facilities Engineering Command Mid Atlantic, is conducting a pre-award survey on (Contractor Name), (Street Address or P.O. Box, City, State/Country ZIP Code), in conjunction with N40085-16-R-3607 P-125 Design-Build Joint Reserve Center, Des Moines, Iowa, 50109.

As part of this pre-award survey, we need to confirm this company has sufficient financial assets to perform any resultant contract. Accordingly, we request the following information be provided to us via email judy.honold@navy.mil not later than the Solicitation due date (currently November 30, 2016, but subject to change).

- a. ACCOUNT(s):
 - Checking: Date Opened: _____ *Average Balance : _____
 - Savings: Date Opened: _____ *Average Balance: _____

*Please note that the account balances may be provided by indicating a range, or only the number of figures, e.g., low five figures, high four figures, etc.

Loan(s): Date Opened: _____ Original Amount: _____
Current Balance: _____

b. Customer’s Line of Credit: _____ Expiration Date: _____

c. Would you be willing to grant this customer a Line of Credit Increase, or loan, if required?

_____ Yes _____ No

Should you have questions concerning this request, please contact me at (847) 688-3368 X107 it is imperative that we receive this information on, or before, the solicitation due date (currently November 30, 2016 but subject to change).

Sincerely,

Judy Honold
Contracting Officer

**SMALL BUSINESS PAST PERFORMANCE
(ATTACHMENT E)**

Small Business Offerors, newly established Large Business Offerors, or Large Business Offerors with no prior SF294/ISR history shall complete this form. Large Business Offerors with a SF294 or ISR history shall submit SF294s or ISRs in lieu of completing this form.

(a) SUBCONTRACTING ACHIEVEMENT – Include actual dollar values subcontracted for each of the categories listed. Include the percentage goal only if a goal was established.

(1) Contract Number/Title:	ACTUAL		GOAL (if applicable)
Completion Date: Total Contract Value: \$			
Total Subcontracted Value: \$	Whole Dollars	Percent	Percent
(a) Small Business Concerns (Including SDB, WOSB, HBCU/MI, HUBZone, VOSB, and SDVOSB) (Dollar amount and percent of line c.) Small Business Concerns (Non-Federal Certifications Examples: MBE (Minority Business Enterprise), DBE (Disadvantaged Business Enterprise), DVBE (Disabled Veteran Business Enterprise), SB (Small Business), WBE (Women’s Business Enterprise).			
(b) Large Business Concerns (Dollar amount and percent of line c.)			
(c) Total (sum of lines a & b above)			
(d) Small Disadvantaged Business Concerns (Dollar amount and percent of line c.) Including MBE & DBE			
(e) Women-Owned Small Business Concerns (Dollar amount and percent of line c.) Including WBE			
(f) HUBZone Small Business Concerns (Dollar amount and percent of line c.)			
(g) Veteran-Owned Small Business Concerns (Dollar amount and percent of line c.)			
(h) Service Disabled Veteran-Owned Small Business Concerns (Dollar amount and percent of line c.) Including DVBE			

Name of customer reference for this project: _____
 Phone Number: _____ FAX Number: _____
 Email address: _____

(2) Contract Number/Title:	ACTUAL		GOAL (if applicable)
Completion Date: Contract Dollar Value: \$			
Total Subcontracted Value: \$	Whole Dollars	Percent	Percent
(b) Small Business Concerns (Including SDB, WOSB, HBCU/MI, HUBZone, VOSB, and SDVOSB) (Dollar amount and percent of line c.) Small Business Concerns (Non-Federal Certifications Examples: MBE (Minority Business Enterprise), DBE (Disadvantaged Business Enterprise), DVBE (Disabled Veteran Business Enterprise), SB (Small Business), WBE (Women’s Business Enterprise).			
(b) Large Business Concerns (Dollar amount and percent of line c.)			
(c) Total (sum of lines a & b above)			

(d) Small Disadvantaged Business Concerns (Dollar amount and percent of line c.) Including MBE & DBE			
(e) Women-Owned Small Business Concerns (Dollar amount and percent of line c.) Including WBE			
(f) HUBZone Small Business Concerns (Dollar amount and percent of line c.)			
(g) Veteran-Owned Small Business Concerns (Dollar amount and percent of line c.)			
(h) Service Disabled Veteran-Owned Small Business Concerns (Dollar amount and percent of line c.) Including DVBE			

Name of customer reference for this project: _____
 Phone Number: _____ FAX Number: _____
 Email address: _____

(3) Contract Number/Title:			
	ACTUAL		GOAL (if applicable)
Completion Date: _____ Contract Dollar Value: \$ _____			
Total Subcontracted Value: \$ _____	Whole Dollars	Percent	Percent
(c) Small Business Concerns (Including SDB, WOSB, HBCU/MI, HUBZone, VOSB, and SDVOSB) (Dollar amount and percent of line c.) Small Business Concerns (Non-Federal Certifications Examples: MBE (Minority Business Enterprise), DBE (Disadvantaged Business Enterprise), DVBE (Disabled Veteran Business Enterprise), SB (Small Business), WBE (Women's Business Enterprise).			
(b) Large Business Concerns (Dollar amount and percent of line c.)			
(c) Total (sum of lines a & b above)			
(d) Small Disadvantaged Business Concerns (Dollar amount and percent of line c.) Including MBE & DBE			
(e) Women-Owned Small Business Concerns (Dollar amount and percent of line c.) Including WBE			
(f) HUBZone Small Business Concerns (Dollar amount and percent of line c.)			
(g) Veteran-Owned Small Business Concerns (Dollar amount and percent of line c.)			
(h) Service Disabled Veteran-Owned Small Business Concerns (Dollar amount and percent of line c.) Including DVBE			

Name of customer reference for this project: _____
 Phone Number: _____ FAX Number: _____
 Email address: _____

Note: Form may be expanded.

ATTACHMENT F

SMALL BUSINESS SUBCONTRACTING PLAN

*This template has been designed to be consistent with FAR 19.704, Subcontracting Plan Requirements and FAR clause 52.219-9, Small Business Subcontracting Plan (“Subcontracting Plan”). Other formats of a small business subcontracting plan may be acceptable. However, failure to include the essential information as exemplified in this template may be cause for either a delay in acceptance or the rejection of a bid or offer where the clause is applicable.

(TO BE SUBMITTED BY LARGE BUSINESSES)

(CONTRACTOR’S NAME)

(ADDRESS)

(Solicitation or Contract Number)

(Title of the Project and Location)

(Date Prepared)

Type of Report (Individual, Commercial, Master)

PLAN SUBMITTED BY:	
Signature: _____	Date: _____
Printed Name: _____	
Title: _____	
REVIEWED:	
_____ Small Business Specialist	_____ Date
REVIEWED:	
_____ Small Business Administration Procurement Center Representative	_____ Date
ACCEPTED:	
_____ Procuring Contracting Officer	_____ Date

SUBCONTRACTING PLAN

The following, together with any attachments, is submitted as a Subcontracting Plan to satisfy the requirements of Federal Acquisition Regulations 19.704. The following goals are established for the Base Period and/or all Bid Items including all option periods. This contract does not contain option periods. Use Attachment (1) for showing the breakdown of the base year and option periods. Percentages may be rounded to nearest tenth of a percent.

1.
 - a. Total Contract Value \$ _____
(including options)
 - b. Total Subcontracted \$ _____ % of 1.a
(inclusive of all planned subcontracting to all businesses, regardless of size)
 - c. Total Prime-performed \$ _____ % of 1.a
2. The following dollars and percentage goals are applicable to the contract cited above. (See FAR 19.704(a)(1) and (2))
 - a. Large Business (LB) \$ _____ % of 1.b

This number represents total planned subcontracting dollars under this contract that will go to subcontractors who are large business concerns.

- b. Small Business (SB) \$ _____ % of 1.b

This number represents total planned subcontracting dollars under this contract that will go to subcontractors who are small business concerns**; include contracts awarded under the AbilityOne Program (formerly Javits Wagner O'Day Act Contracts (JWOD)) to NISH and NIB; and awards to Alaskan Native Corporations (ANCs) and Indian Tribes as prescribed in FAR 19.703(c) & FAR 52.219-9.

(**includes all small businesses, including Small, Small Disadvantaged Business (SDB), Women-Owned Small Business (WOSB), Historically Underutilized Business Zone (HUBZone), Veteran-Owned Small Business (VOSB), Service-Disabled Veteran-Owned Small Business (SDVOSB) concerns, and Historically Black Colleges, Universities and Minority Institutions (HBCU/MI))

(Include 2.c, 2.d, 2.e, 2.f, 2.g, 2.h, 2.i, 2.j, and 2.k below).

Attach supporting rationale for goals less than _____%.

Notes:

(1) Lines 1.b + 1.c = 100% of Line 1.a

(2) Lines 2.a + 2.b = 100% of Line 1.b

(3) Lines 2.c, 2.d, 2.e, 2.f, 2.g, 2.h, 2.i, 2.j, and 2.k are calculated against Line 1.b, the total value of overall subcontracting dollars.

(4) Subcontracts to companies that qualify in multiple categories of SB must be reported under each category. For example: if you are planning to subcontract \$100,000 to company ABC, a woman-owned small disadvantaged business that is also a certified HUBZone, you will report \$100,000 on line 2.b (SB), 2.c (HUBZone), 2.d (WOSB) and 2.e (SDB).

(5) The sum of 2.c through 2.k does not automatically equate to the value of 2.b.

(6) Designated HUBZone Small Businesses must be certified by the Small Business Administration (SBA).

- c. HUBZone SB \$ _____ % of 1.b

This number represents total planned subcontracting dollars under this contract that will go to subcontractors who are qualified HUBZone small business concerns certified by SBA. Attach supporting rationale for goals less than _____%. (Included in 2.b, above, as a subset.)

d. Woman-Owned SB \$ _____ % of 1.b

This number represents total planned subcontracting dollars under this contract that will go to subcontractors who are WOSB. Attach supporting rationale for goals less than _____%. (Included in 2.b, above, as a subset.)

e. Small Disadvantaged Business \$ _____ % of 1.b

This number represents total planned subcontracting dollars under this contract that will go to subcontractors who are small business concerns owned and controlled by Socially and Economically Disadvantaged individuals (include in this category the planned subcontracting dollars to HBCU/MI shown in 2.h below, and the planned subcontracting dollars to ANCs and Indian Tribes shown in 2.j below). Attach supporting rationale for goals less than _____%. (Included in 2.b, above, as a subset.)

f. Veteran-Owned SB \$ _____ % of 1.b

This number represents total planned subcontracting dollars under this contract that will go to subcontractors who are small business concerns owned and controlled by VOSB (include in this category the planned subcontracting dollars to SDVOSB shown in 2.g below). Attach supporting rationale for goals less than _____%. (Included in 2.b, above, as a subset.)

g. Service-Disabled Veteran-Owned SB \$ _____ % of 1.b

This number represents total planned subcontracting dollars under this contract that will go to subcontractors who are small business concerns owned and controlled by SDVOSB. Attach supporting rationale for goals less than _____%. (Included in 2.b and 2.f, above, as a subset.)

h. Historically Black Colleges & Universities/Minority Institutions \$ _____ % of 1.b.

This number represents total planned subcontracting dollars under this contract that will go to HBCU/MI as identified in FAR 26. (Included in 2.b and 2.e, above, as a subset.)

i. AbilityOne (Formerly JWOD) \$ _____ % of 1.b.

This number represents total planned subcontracting dollars under this contract that will go to AbilityOne participating Nonprofit Agencies (sometimes referred to community rehabilitation programs, work centers, industries, or rehabilitation facilities). Per DFARS 219.703, subcontracts awarded to qualified non-profit agencies for the blind or severely disabled may be counted toward the small business subcontracting goal. (Included in 2.b, above, as a subset.)

j. Alaskan Native Corporations & Indian Tribes \$ _____ % of 1.b.

This number represents total planned subcontracting dollars under this contract that will go to ANCs and Indian Tribes that are not SDBs where you are either subcontracting directly to the ANC or Indian Tribe or where you have

been designated to receive their SDB credit. (See FAR 19.703 & FAR 52.219-9) (Included in 2.b and 2.e, above, as a subset.)

k. Alaskan Native

Corporations &
Indian Tribes

\$ _____ % of 1.b.

This number represents total planned subcontracting dollars under this contract that will go to ANCs and Indian Tribes that are not small businesses where you are either subcontracting directly to the ANC or Indian Tribe or where you have been designated to receive their SB credit. (See FAR 19.703 & FAR 52.219-9) (Included in 2.b, above, as a subset.)

3. The following principal products and/or services will be subcontracted under this contract. Additional sheets may be added as required. (See FAR 19.704(a)(3))

a. Products/services planned for subcontracting to LB concerns:

Or list firm commitments below:

Name of Firm

Products or Services

b. Products/services planned to be subcontracted to SB concerns:

Or list firm commitments below:

Name of Firm

Products or Services

c. Products/services planned to be subcontracted to HUBZone concerns:

Or list firm commitments below:

Name of Firm

Products or Services

d. Products/services planned to be subcontracted to WOSB concerns:

Or list firm commitments below:

<u>Name of Firm</u>	<u>Products or Services</u>
_____	_____
_____	_____

e. Products/services planned for subcontracting to SDB concerns:

Or list firm commitments below:

<u>Name of Firm</u>	<u>Products or Services</u>
_____	_____
_____	_____

f. Products/services planned for subcontracting to VOSB concerns:

Or list firm commitments below:

<u>Name of Firm</u>	<u>Products or Services</u>
_____	_____
_____	_____

g. Products/services planned for subcontracting to SDVOSB concerns:

Or list firm commitments below:

<u>Name of Firm</u>	<u>Products or Services</u>
_____	_____
_____	_____

h. Products/services planned for subcontracting to HBCU/MIs:

Or list firm commitments below:

<u>Name of Firm</u>	<u>Products or Services</u>
_____	_____
_____	_____

i. Products/services planned for subcontracting to AbilityOne organizations (formerly JWOD):

Or list firm commitments below:

Name of Firm Products or Services

j. Planned products/services for subcontracting to ANCs and Indian Tribes that are not SDBs. (See 2.j above for explanation):

Or list firm commitments below:

Name of Firm Products or Services

k. Planned products/services for subcontracting to ANCs and Indian Tribes that are not SBs. (See 2.k above for explanation.)

Or list firm commitments below:

Name of Firm Products or Services

(ATTACH ADDITIONAL PAGES IF ADDITIONAL SPACE IS REQUIRED)

4. The following method was used to develop the above subcontracting goals. Include a statement explaining how the products and services to be subcontracted were established, how the areas to be subcontracted to SB, SDB, WOSB, HUBZone, VOSB, SDVOSB concerns, HBCU/MIs, AbilityOne program participants, ANCs and Indian Tribes were determined, and how their capabilities were determined. (See FAR 19.704(a)(4))

5. Source lists utilized in making the determinations in paragraph 4, above are as follows: (See FAR 19.704(a)(5))

- 6. Indirect and overhead costs . have . have not been included in the goals specified in 1. and 2. above. If "have" is checked, explain the method used in determining the proportionate share of indirect and overhead costs to be allocated as subcontracts to SB, SDB, WOSB, HUBZone SB, VOSB, SDVOSB concerns, HBCU/MI, AbilityOne program participants, ANCs, and Indian Tribes, and the products and services planned: (See FAR 19.704(a)(6))

- 7. The following employee will administer the subcontracting program: (See FAR 19.704(a)(7))

NAME: _____

ADDRESS: _____

TELEPHONE NO.: _____ FAX NO.: _____

EMAIL: _____

TITLE: _____

This individual's specific duties, as they relate to the firm's subcontracting plan, are general overall responsibility for this company's Small Business Program. This person should have knowledge of the federal small business programs and be knowledgeable about federal procurement practices. If the prime decides to change the person in this position, they must notify the Contracting Officer and the Deputy for Small Business. The administrator is responsible for the development, preparation and execution of this subcontracting plan, and for monitoring performance relative to contractual subcontracting requirements contained in this plan, including, but not limited to:

- a. Developing and maintaining bidders lists of SB, SDB, WOSB, HUBZone SB, VOSB, SDVOSB concerns, AbilityOne program participants, HBCU/MIs, ANCs, and Indian Tribes (hereafter referred to as the small business community) from all possible sources.
- b. Ensuring that procurement packages are structured to permit the small business community to participate to the maximum extent possible.
- c. Assuring inclusion of the small business community in all solicitations for products or services, which they are capable of providing.
- d. Reviewing solicitations to remove statements, clauses, etc., which may tend to restrict or prohibit the small business community participation.
- e. Ensuring periodic rotation of potential subcontractors on bidders lists.
- f. Ensuring that the bid proposal review board documents its reasons for not selecting low bids submitted by the small business community.
- g. Ensuring the establishment and maintenance of records of solicitations and subcontract award activity.
- h. Attending or arranging for attendance of company counselors at Business Opportunity Workshops, Minority Business Enterprise Seminars, Trade Fairs, etc.
- i. Conducting or arranging for the motivational training for purchasing personnel pursuant to the intent of P.L. 95-507.
- j. Monitoring attainment of proposed goals.
- k. Preparing and submitting required periodic subcontracting reports.
- l. Coordinating contractor's activities during the conducting of compliance reviews by Federal agencies.
- m. Coordinating the conduct of contractor's activities involving its small business subcontracting program.
- n. Additions to (or deletions from) the duties specified above are as follows:

8. The following efforts will be taken to assure that the small business community will have an equitable opportunity to compete for subcontracts. (See FAR 19.704(a)(8))
- a. Outreach efforts will be made by identifying:
 - Contacts with minority and small business trade associations.
 - Contacts with business development organizations.
 - Attendance at small and minority business procurement conference and trade fairs.
 - b. Sources will be requested from the *Central Contractor Registration (CCR)* website available at <http://www.ccr.gov/> on the Internet.
Automated data base sources to be used, other than CCR, will be as follows.

 - c. The following internal efforts will be made to guide and encourage buyers:
 - (i) Workshops, seminars and training programs will be conducted.
 - (ii) Activities will be monitored to evaluate compliance with this subcontracting plan.
 - (iii) Arrange interviews with the small business community.
 - d. Describe how your small business data base, source lists, guides, and other data will be maintained and utilized by buyers in soliciting subcontracts; e.g., rotation of firms in the data base, keeping data base current and useful, etc.

 - e. Additions to (or deletions from) the above listed efforts are as follows:

9. The offeror (contractor) agrees that the FAR clause 52.219-8 entitled "Utilization of Small Business Concerns " will be included in all subcontracts which offer further subcontracting opportunities, and all subcontractors, except SB concerns, who receive subcontracts in excess of \$650,000 (\$1,500,000 for Construction) will be required to adopt and comply with subcontracting plan similar to this one. Such plans will be reviewed by comparing them with the provisions of P.L. 95-507 and assuring that all minimum requirements of an acceptable subcontracting plan have been satisfied. The acceptability of percentage goals shall be determined on a case-by-case basis depending on the supplies/services involved, the availability of potential small and small disadvantaged subcontractors, and prior experience. Once approved and implemented, plans will be monitored through the submission of periodic reports, and/or, as time and availability of funds permit, periodic visits to review subcontracting program progress. (See FAR 19.704(a)(9))
10. The offeror (contractor) agrees to submit such periodic reports and cooperate in any studies or surveys as may be required by the contracting agency or the Small Business Administration in order to determine the extent of compliance by the offeror (contractor) with the subcontracting plan and with FAR clause 52.219-8. (See FAR 19.704(a)(10)(i) and (ii))
11. The offeror (contractor) agrees to: (See FAR 19.704(a)(10)(iii)-(vi))
- a. Submit the Individual Subcontract Report (ISR) and the Summary Subcontract Report (SSR) using the Electronic Subcontracting Reporting System (eSRS) at <http://www.esrs.gov>, following the instructions in the eSRS and FAR Clause 52.219-9;

1st reporting period – Oct 1 through March 31

Submit NLT 30 April

2nd reporting period – Oct 1 through September 30 Submit NLT 30 October

A separate “Final” ISR is required at contract completion.

Upon award of the contract, the identity of the individual(s) responsible for acknowledging receipt or rejecting the ISR and the SSR will be provided to the awardee.

- b. Ensure that its large business subcontractors with subcontracting plans agree to submit the ISR and/or the SSR using the eSRS;
- c. Provide its prime contract number and its DUNS number, and the e-mail address of the Government or Contractor official responsible for acknowledging or rejecting the reports, to all first tier large business subcontractors with subcontracting plans so they can enter this information into the eSRS when submitting their reports; and
- d. Require that each large business subcontractor with a subcontracting plan provide the prime contract number and its own DUNS number, and the e-mail address of the Government or Contractor official responsible for acknowledging or rejecting the reports, to its large business subcontractors with subcontracting plans.
- e. Ensure that the identified Contracting Officer and Small Business Specialist assigned to the contract are included on the eSRS email notification distribution upon submission of each report.

****Note 1: If contract value is \$25,000 or more and the solicitation includes FAR Clause 52.204-10, Reporting Executive Compensation and First-Tier Subcontract Awards, ensure additional reporting requirements are met in eSRS in accordance with this clause.***

12. The offeror (contractor) agrees to maintain at least the following types of records to document compliance with this subcontracting plan: (See FAR 19.704(a)(11))
 - a. Source lists, guides, and other data identifying concerns in the small business community.
 - b. Organizations contacted to locate firms in the small business community.
 - c. On a contract-by-contract basis, records on all subcontract solicitations over \$150,000 and indicating for each solicitation:
 - (i) whether concerns in the small business community were solicited, and if not, why not; and
 - (ii) reasons for the failure of the solicited concerns in the small business community to receive the subcontract award.
 - (iii) written designations from ANCs or Indian Tribes, in accordance with FAR 19.703, if applicable.
 - d. Records to support other outreach efforts, e.g., contacts with small business trade associations, business development organizations, and attendance at small business procurement conferences and trade fairs, and frequency of accessing CCR.

*****END OF PLAN*****

The original copy of this plan is included in the file and made a material part of the contract.

Copy to:
Small Business Specialist
SBA PCR

BASE PERIOD AND OPTION YEAR SUBCONTRACTING GOALS
 SOLICITATION *(Insert Solicitation/Contract Number)*

	<u>Base Period</u>	<u>Option Period 1</u>	<u>Option Period 2</u>	<u>Total Periods</u>
1.a <u>Total Contract</u>	\$ _____	\$ _____	\$ _____	\$ _____
1.b <u>Total Subcontracted</u>	\$ _____	\$ _____	\$ _____	\$ _____
<u>(% of Line 1.a)</u>	% _____	% _____	% _____	% _____
1.c <u>Total Prime</u>	\$ _____	\$ _____	\$ _____	\$ _____
<u>(% of Line 1.a)</u>	% _____	% _____	% _____	% _____
2.a <u>To LB</u>	\$ _____	\$ _____	\$ _____	\$ _____
<u>(% of Line 1.b)</u>	% _____	% _____	% _____	% _____
2.b <u>To SB</u>	\$ _____	\$ _____	\$ _____	\$ _____
<u>(% of Line 1.b)</u>	% _____	% _____	% _____	% _____
2.c <u>To HUBZone SB</u>	\$ _____	\$ _____	\$ _____	\$ _____
<u>(% of Line 1.b)</u>	% _____	% _____	% _____	% _____
2.d <u>To WOSB</u>	\$ _____	\$ _____	\$ _____	\$ _____
<u>(% of Line 1.b)</u>	% _____	% _____	% _____	% _____
2.e <u>To SDB</u>	\$ _____	\$ _____	\$ _____	\$ _____
<u>(% of Line 1.b)</u>	% _____	% _____	% _____	% _____
2.f <u>To VOSB</u>	\$ _____	\$ _____	\$ _____	\$ _____
<u>(% of Line 1.b)</u>	% _____	% _____	% _____	% _____
2.g <u>To SDVOSB</u>	\$ _____	\$ _____	\$ _____	\$ _____
<u>(% of Line 1.b)</u>	% _____	% _____	% _____	% _____
2.h <u>To HBCU/MI</u>	\$ _____	\$ _____	\$ _____	\$ _____
<u>(% of Line 1.b)</u>	% _____	% _____	% _____	% _____
2.i <u>To AbilityOne</u>	\$ _____	\$ _____	\$ _____	\$ _____
<u>(% of Line 1.b)</u>	% _____	% _____	% _____	\$ _____
2.j <u>To ANCs/Indian Tribes, Not SDBs</u>	\$ _____	\$ _____	\$ _____	\$ _____
<u>(% of Line 1.b)</u>	% _____	% _____	% _____	% _____
2.k <u>To ANCs/Indian Tribes, Not SBs</u>	\$ _____	\$ _____	\$ _____	\$ _____
<u>(% of Line 1.b)</u>	% _____	% _____	% _____	% _____

ATTACHMENT G

**PROPOSED SUBCONTRACTING PARTICIPATION BREAKDOWN
(TO BE SUBMITTED BY SMALL BUSINESSES)**

(CONTRACTOR'S NAME)
(ADDRESS)

Solicitation or Contract Number

(Title of the Project)
(Location)

(Date Prepared)

SUBCONTRACTING BREAKDOWN – (Base Year and/or All Bid Items excluding Options)

1. Estimated \$ value of all planned subcontracting \$ _____
2. Estimated \$ value of all work to be performed by offeror's workforce \$ _____
3. Total \$ value of the proposal (sum of 1 and 2) \$ _____
4. Subcontracts for products and services to be awarded under this project.

a. Large Business: (LB)

<u>NAME OF COMPANY</u>	<u>TYPE OF SERVICES</u>	<u>\$ VALUE OF SUBCONTRACT</u>
		TOTAL: \$ _____

b. Small Business (SB)

<u>NAME OF COMPANY</u>	<u>TYPE OF SERVICES</u>	<u>\$ VALUE OF SUBCONTRACT</u>
		TOTAL: \$ _____

(1) SMALL DISADVANTAGED BUSINESSES: (SDB)

<u>NAME OF COMPANY</u>	<u>TYPE OF SERVICES</u>	<u>\$ VALUE OF SUBCONTRACT</u>
		TOTAL: \$ _____

(2) WOMEN-OWNED SMALL BUSINESSES: (WOSB)

<u>NAME OF COMPANY</u>	<u>TYPE OF SERVICES</u>	<u>\$ VALUE OF SUBCONTRACT</u>
------------------------	-------------------------	--------------------------------

TOTAL: \$ _____

(3) HISTORICALLY UNDERUTILIZED BUSINESS ZONE (HUBZone) BUSINESS:

<u>NAME OF COMPANY</u>	<u>TYPE OF SERVICES</u>	<u>\$ VALUE OF SUBCONTRACT</u>
------------------------	-------------------------	--------------------------------

TOTAL: \$ _____

(4) VETERAN OWNED SMALL BUSINESS: (VOSB)

<u>NAME OF COMPANY</u>	<u>TYPE OF SERVICES</u>	<u>\$ VALUE OF SUBCONTRACT</u>
------------------------	-------------------------	--------------------------------

TOTAL: \$ _____

(5) SERVICE-DISABLED VETERAN OWNED SMALL BUSINESS: (SDVOSB)

<u>NAME OF COMPANY</u>	<u>TYPE OF SERVICES</u>	<u>\$ VALUE OF SUBCONTRACT</u>
------------------------	-------------------------	--------------------------------

TOTAL: \$ _____

(6) HISTORICALLY BLACK COLLEGES AND UNIVERSITIES & MINORITY INSTITUTIONS: (HBCU/MI)

<u>NAME OF C, U, OR MI</u>	<u>TYPE OF SERVICES</u>	<u>\$ VALUE OF SUBCONTRACT</u>
----------------------------	-------------------------	--------------------------------

TOTAL: \$ _____

(7) ABILITYONE PROGRAM (FORMERLY JWOD) - NISH

<u>NAME OF COMPANY</u>	<u>TYPE OF SERVICES</u>	<u>\$ VALUE OF SUBCONTRACT</u>
------------------------	-------------------------	--------------------------------

TOTAL: \$ _____

NOTES:

1. The sum of lines 4.a and 4.b must equal line 1.
2. Lines 4.b. (1) through 4.b (7) identify various categories of small businesses under the main small business (SB) group. Subcontracts to companies that qualify in multiple categories must be reported under each category. For example: if you are planning to subcontract \$100,000 to ABC, a woman-owned small disadvantaged business that is also a certified HUBZone small business, you will report \$100,000 on line 4.b SB, line 4.b (1) SDB, line 4.b (2) WOSB and line 4.b.(3) HUBZone SB.

Line Item	<u>Base</u>	<u>Option 1</u>	<u>Option 2</u>	<u>TOTAL</u>
<i>DOLLARS</i>				
Total dollar value of this contract.	\$ _____	\$ _____	\$ _____	\$ _____
Total Subcontracted	\$ _____	\$ _____	\$ _____	\$ _____
Large Business	\$ _____	\$ _____	\$ _____	\$ _____
Small Business	\$ _____	\$ _____	\$ _____	\$ _____
SDB	\$ _____	\$ _____	\$ _____	\$ _____
WOSB	\$ _____	\$ _____	\$ _____	\$ _____
HUBZone SB	\$ _____	\$ _____	\$ _____	\$ _____
VOSB	\$ _____	\$ _____	\$ _____	\$ _____
SDVOSB	\$ _____	\$ _____	\$ _____	\$ _____
HBCU/MI	\$ _____	\$ _____	\$ _____	\$ _____
ABILITYON E -NISH	\$ _____	\$ _____	\$ _____	\$ _____

PERCENTAGES

*Large Business	_____ %	_____ %	_____ %	_____ %
*Small Business	_____ %	_____ %	_____ %	_____ %
*SDB	_____ %	_____ %	_____ %	_____ %
*WOSB	_____ %	_____ %	_____ %	_____ %
*HUBZone SB	_____ %	_____ %	_____ %	_____ %
*VOSB	_____ %	_____ %	_____ %	_____ %
*SDVOSB	_____ %	_____ %	_____ %	_____ %
*HBCU/MI	_____ %	_____ %	_____ %	_____ %
*ABILITYON NE-NISH	_____ %	_____ %	_____ %	_____ %
*% of total dollars subcontracted				

STATEMENT OF WORK – PHASE II

The Statement of Work for the P125 Design-Build Project at Des Moines, IA is available by AMRDEC upon request to judy.honold@navy.mil and is posted online at Navy E-Commerce Online (NECO), which is accessible through www.fbo.gov.

52.232-40 PROVIDING ACCELERATED PAYMENTS TO SMALL BUSINESS SUBCONTRACTORS (DEC 2013)

(a) Upon receipt of accelerated payments from the Government, the Contractor shall make accelerated payments to its small business subcontractors under this contract, to the maximum extent practicable and prior to when such payment is otherwise required under the applicable contract or subcontract, after receipt of a proper invoice and all other required documentation from the small business subcontractor.

(b) The acceleration of payments under this clause does not provide any new rights under the Prompt Payment Act.

(c) Include the substance of this clause, including this paragraph (c), in all subcontracts with small business concerns, including subcontracts with small business concerns for the acquisition of commercial items.

(End of clause)

SECTION 00010 - SOLICITATION CONTRACT FORM

The required response date/time has changed from 13-Jun-2016 02:00 PM to 30-Nov-2016 01:00 PM.

The required performance has changed from P-125 DESIGN-BUILD JOINT RESERVE CENTER, DES MOINES, IA THIS SOLICITATION IS FOR THE PHASE I FACTORS 1-4 ONLY. OFFERORS WHO HAVE BEEN SELECTED FOR PHASE II WILL BE NOTIFIED BY AMENDMENT TO SUBMIT A TECHNICAL PROPOSAL WITH NON- PRICE FACTORS 5-7 AND A PRICE PROPOSAL WITH PRICE FACTOR 8. IN ACCORDANCE WITH FAR 36.303-1(a)(4), A MAXIMUM OF FIVE (5) OFFERORS WILL BE SELECTED TO SUBMIT PHASE II PROPOSALS, UNLESS THE CONTRACTING OFFICER DETERMINES THAT A NUMBER GREATER THAN FIVE IS IN THE GOVERNMENT'S INTEREST. COMPETITION REQUIREMENTS: FULL AND OPEN COMPETITION PROCUREMENT METHOD: CONTRACTING BY NEGOTIATION SOURCE SELECTION PROCESS: BEST VALUE TRADE-OFF, TWO-PHASE TYPE OF CONTRACT: FIRM FIXED PRICE ESTIMATED FINANCIAL MAGNITUDE OF CONSTRUCTION IS OVER \$10M. NAICS CODE 236220; SIZE STANDARD: \$36.5M; FEDERAL SUPPLY CODE: Y1AZALL REQUESTS FOR INFORMATION MUST BE SUBMITTED NO LATER THAN June 3, 2016 AT 12:00 P.M. CENTRAL STANDARD TIME. THE PHASE I PROPOSAL DUE DATE IS June 13, 2016 AT 2:00 P.M. CENTRAL STANDARD TIME. to P-125 DESIGN-BUILD JOINT RESERVE CENTER, DES MOINES, IA THIS SOLICITATED IS FOR THE PHASE 1 FACTORS 1-4 ONLY. OFFERORS WHO HAVE BEEN SELECTED FOR PHASE II WILL BE NOTIFIED BY AMENDMENT TO SUBMIT A TECHNICAL PROPOSAL WITH NON-PRICE FACTORS 5-7 AND A PRICE PROPOSAL WITH PRICE FACTOR 8. IN ACCORDANCE WITH FAR 36.303-1(A)(4), A MAXIMUM OF FIVE (5) OFFERORS WILL BE SELECTED TO SUBMIT PHASE II PROPOSAL, UNLESS THE CONTRACTING OFFICER DETERMINES THAT A NUMBER GREATER THAN FIVE IS IN THE GOVERNMENT'S INTEREST. SOURCE SELECTION PROCESS: BEST VALUE TRADE-OFF, TWO-PHASE TYPE OF CONTRACT: FIRM FIXED PRICE ESTIMATED FINANCIAL MAGNITUDE OF CONSTRUCTION IS OVER \$10M. NAICS CODE 236220; SIZE STANDARD: \$36.5M; FEDERAL SUPPLY CODE: Y1AZALL REQUESTS FOR INFORMATION MUST BE SUBMITTED NO LATER THAN June 3,

2016 AT 12:00 P.M. CENTRAL STANDARD TIME. THE PHASE I PROPOSAL DUE DATE IS June 13, 2016
AT 2:00 P.M. CENTRAL STANDARD TIME..

The following have been deleted:

SECTION 000100

SECTION 00700 - CONTRACT CLAUSES

The following have been added by full text:

252.204-7012 SAFEGUARDING COVERED DEFENSE INFORMATION AND CYBER INCIDENT
REPORTING (DEC 2015)

(a) Definitions. As used in this clause--

Adequate security means protective measures that are commensurate with the consequences and probability of loss, misuse, or unauthorized access to, or modification of information.

Compromise means disclosure of information to unauthorized persons, or a violation of the security policy of a system, in which unauthorized intentional or unintentional disclosure, modification, destruction, or loss of an object, or the copying of information to unauthorized media may have occurred.

Contractor attributional/proprietary information means information that identifies the contractor(s), whether directly or indirectly, by the grouping of information that can be traced back to the contractor(s) (e.g., program description, facility locations), personally identifiable information, as well as trade secrets, commercial or financial information, or other commercially sensitive information that is not customarily shared outside of the company.

Contractor information system means an information system belonging to, or operated by or for, the Contractor.

Controlled technical information means technical information with military or space application that is subject to controls on the access, use, reproduction, modification, performance, display, release, disclosure, or dissemination. Controlled technical information would meet the criteria, if disseminated, for distribution statements B through F using the criteria set forth in DoD Instruction 5230.24, Distribution Statements on Technical Documents. The term does not include information that is lawfully publicly available without restrictions.

Covered contractor information system means an information system that is owned, or operated by or for, a contractor and that processes, stores, or transmits covered defense information.

Covered defense information means unclassified information that--

(i) Is--

(A) Provided to the contractor by or on behalf of DoD in connection with the performance of the contract; or

(B) Collected, developed, received, transmitted, used, or stored by or on behalf of the contractor in support of the performance of the contract; and

(ii) Falls in any of the following categories:

(A) Controlled technical information.

(B) Critical information (operations security). Specific facts identified through the Operations Security process about friendly intentions, capabilities, and activities vitally needed by adversaries for them to plan and act effectively so as to guarantee failure or unacceptable consequences for friendly mission accomplishment (part of Operations Security process).

(C) Export control. Unclassified information concerning certain items, commodities, technology, software, or other information whose export could reasonably be expected to adversely affect the United States national security and nonproliferation objectives. To include dual use items; items identified in export administration regulations, international traffic in arms regulations and munitions list; license applications; and sensitive nuclear technology information.

(D) Any other information, marked or otherwise identified in the contract, that requires safeguarding or dissemination controls pursuant to and consistent with law, regulations, and Governmentwide policies (e.g., privacy, proprietary business information).

Cyber incident means actions taken through the use of computer networks that result in a compromise or an actual or potentially adverse effect on an information system and/or the information residing therein.

Forensic analysis means the practice of gathering, retaining, and analyzing computer-related data for investigative purposes in a manner that maintains the integrity of the data.

Malicious software means computer software or firmware intended to perform an unauthorized process that will have adverse impact on the confidentiality, integrity, or availability of an information system. This definition includes a virus, worm, Trojan horse, or other code-based entity that infects a host, as well as spyware and some forms of adware.

Media means physical devices or writing surfaces including, but is not limited to, magnetic tapes, optical disks, magnetic disks, large-scale integration memory chips, and printouts onto which information is recorded, stored, or printed within an information system.

Operationally critical support means supplies or services designated by the Government as critical for airlift, sealift, intermodal transportation services, or logistical support that is essential to the mobilization, deployment, or sustainment of the Armed Forces in a contingency operation.

Rapid(ly) report(ing) means within 72 hours of discovery of any cyber incident.

Technical information means technical data or computer software, as those terms are defined in the clause at DFARS 252.227-7013, Rights in Technical Data-Non Commercial Items, regardless of whether or not the clause is incorporated in this solicitation or contract. Examples of technical information include research and engineering data, engineering drawings, and associated lists, specifications, standards, process sheets, manuals, technical reports, technical orders, catalog-item identifications, data sets, studies and analyses and related information, and computer software executable code and source code.

(b) Adequate security. The Contractor shall provide adequate security for all covered defense information on all covered contractor information systems that support the performance of work under this contract. To provide adequate security, the Contractor shall--

(1) Implement information systems security protections on all covered contractor information systems including, at a minimum--

(i) For covered contractor information systems that are part of an Information Technology (IT) service or system operated on behalf of the Government--

(A) Cloud computing services shall be subject to the security requirements specified in the clause 252.239-7010, Cloud Computing Services, of this contract; and

(B) Any other such IT service or system (i.e., other than cloud computing) shall be subject to the security requirements specified elsewhere in this contract; or

(ii) For covered contractor information systems that are not part of an IT service or system operated on behalf of the Government and therefore are not subject to the security requirement specified at paragraph (b)(1)(i) of this clause--

(A) The security requirements in National Institute of Standards and Technology (NIST) Special Publication (SP) 800-171, "Protecting Controlled Unclassified Information in Nonfederal Information Systems and Organizations," <http://dx.doi.org/10.6028/NIST.SP.800-171> that is in effect at the time the solicitation is issued or as authorized by the Contracting Officer, as soon as practical, but not later than December 31, 2017. The Contractor shall notify the DoD CIO, via email at osd.dibcsia@mail.mil, within 30 days of contract award, of any security requirements specified by NIST SP 800-171 not implemented at the time of contract award; or

(B) Alternative but equally effective security measures used to compensate for the inability to satisfy a particular requirement and achieve equivalent protection accepted in writing by an authorized representative of the DoD CIO; and

(2) Apply other security measures when the Contractor reasonably determines that such measures, in addition to those identified in paragraph (b)(1) of this clause, may be required to provide adequate security in a dynamic environment based on an assessed risk or vulnerability.

(c) Cyber incident reporting requirement.

(1) When the Contractor discovers a cyber incident that affects a covered contractor information system or the covered defense information residing therein, or that affects the contractor's ability to perform the requirements of the contract that are designated as operationally critical support, the Contractor shall--

(i) Conduct a review for evidence of compromise of covered defense information, including, but not limited to, identifying compromised computers, servers, specific data, and user accounts. This review shall also include analyzing covered contractor information system(s) that were part of the cyber incident, as well as other information systems on the Contractor's network(s), that may have been accessed as a result of the incident in order to identify compromised covered defense information, or that affect the Contractor's ability to provide operationally critical support; and

(ii) Rapidly report cyber incidents to DoD at <http://dibnet.dod.mil>.

(2) Cyber incident report. The cyber incident report shall be treated as information created by or for DoD and shall include, at a minimum, the required elements at <http://dibnet.dod.mil>.

(3) Medium assurance certificate requirement. In order to report cyber incidents in accordance with this clause, the Contractor or subcontractor shall have or acquire a DoD-approved medium assurance certificate to report cyber incidents. For information on obtaining a DoD-approved medium assurance certificate, see <http://iase.disa.mil/pki/eca/Pages/index.aspx>.

(d) Malicious software. The Contractor or subcontractors that discover and isolate malicious software in connection with a reported cyber incident shall submit the malicious software in accordance with instructions provided by the Contracting Officer.

(e) Media preservation and protection. When a Contractor discovers a cyber incident has occurred, the Contractor shall preserve and protect images of all known affected information systems identified in paragraph (c)(1)(i) of this clause and all relevant monitoring/packet capture data for at least 90 days from the submission of the cyber incident report to allow DoD to request the media or decline interest.

- (f) Access to additional information or equipment necessary for forensic analysis. Upon request by DoD, the Contractor shall provide DoD with access to additional information or equipment that is necessary to conduct a forensic analysis.
- (g) Cyber incident damage assessment activities. If DoD elects to conduct a damage assessment, the Contracting Officer will request that the Contractor provide all of the damage assessment information gathered in accordance with paragraph (e) of this clause.
- (h) DoD safeguarding and use of contractor attributional/proprietary information. The Government shall protect against the unauthorized use or release of information obtained from the contractor (or derived from information obtained from the contractor) under this clause that includes contractor attributional/proprietary information, including such information submitted in accordance with paragraph (c). To the maximum extent practicable, the Contractor shall identify and mark attributional/proprietary information. In making an authorized release of such information, the Government will implement appropriate procedures to minimize the contractor attributional/proprietary information that is included in such authorized release, seeking to include only that information that is necessary for the authorized purpose(s) for which the information is being released.
- (i) Use and release of contractor attributional/proprietary information not created by or for DoD. Information that is obtained from the contractor (or derived from information obtained from the contractor) under this clause that is not created by or for DoD is authorized to be released outside of DoD--
- (1) To entities with missions that may be affected by such information;
 - (2) To entities that may be called upon to assist in the diagnosis, detection, or mitigation of cyber incidents;
 - (3) To Government entities that conduct counterintelligence or law enforcement investigations;
 - (4) For national security purposes, including cyber situational awareness and defense purposes (including with Defense Industrial Base (DIB) participants in the program at 32 CFR part 236); or
 - (5) To a support services contractor ("recipient") that is directly supporting Government activities under a contract that includes the clause at 252.204-7009, Limitations on the Use or Disclosure of Third-Party Contractor Reported Cyber Incident Information.
- (j) Use and release of contractor attributional/proprietary information created by or for DoD. Information that is obtained from the contractor (or derived from information obtained from the contractor) under this clause that is created by or for DoD (including the information submitted pursuant to paragraph (c) of this clause) is authorized to be used and released outside of DoD for purposes and activities authorized by paragraph (i) of this clause, and for any other lawful Government purpose or activity, subject to all applicable statutory, regulatory, and policy based restrictions on the Government's use and release of such information.
- (k) The Contractor shall conduct activities under this clause in accordance with applicable laws and regulations on the interception, monitoring, access, use, and disclosure of electronic communications and data.
- (l) Other safeguarding or reporting requirements. The safeguarding and cyber incident reporting required by this clause in no way abrogates the Contractor's responsibility for other safeguarding or cyber incident reporting pertaining to its unclassified information systems as required by other applicable clauses of this contract, or as a result of other applicable U.S. Government statutory or regulatory requirements.
- (m) Subcontracts. The Contractor shall--
- (1) Include this clause, including this paragraph (m), in subcontracts, or similar contractual instruments, for operationally critical support, or for which subcontract performance will involve a covered contractor information system, including subcontracts for commercial items, without alteration, except to identify the parties;

and

(2) When this clause is included in a subcontract, require subcontractors to rapidly report cyber incidents directly to DoD at <http://dibnet.dod.mil> and the prime Contractor. This includes providing the incident report number, automatically assigned by DoD, to the prime Contractor (or next higher-tier subcontractor) as soon as practicable.

(End of clause)

The following have been deleted:

252.204-7012 (Dev) Safeguarding Covered Defense Information and Cyber Incident Reporting OCT 2015

(End of Summary of Changes)