

## **SCP-FSS-004 SPECIFIC PROPOSAL INSTRUCTIONS FOR SCHEDULE 70 (MAR 2016)**

- (a) Read the entire solicitation document prior to preparation of an offer.
- (b) **CRITICAL INFORMATION** - See attachment "Critical Information Specific to Schedule 70." Thoroughly read the attachment for additional information, requirements, and terms and conditions specific to Schedule 70.
- (c) The Offeror must comply with the instructions outlined in either SCP-FSS-001-N *Instructions Applicable to New Offerors (Alternate I – MAR 2016)* or SCP-FSS-001-S *Instructions Applicable to Successful FSS Program Contractors*, as applicable.
- (d) Offerors submitting an offer under Schedule 70 must also comply with the following:

### **I Section I Administrative/Contract Data**

- (1) All proposed products must comply with the Trade Agreements Act (TAA). It is the responsibility of the Offeror to determine TAA compliance. When an item consists of components from various countries and the components are assembled in an additional country, the test to determine country of origin is "substantial transformation" (reference FAR 25.001(c)(2)). The Offeror may also request an opinion from a third-party expert or make the determination itself. Offerors can go to The Office of Regulations and Rulings within U.S. Customs and Border Protection (CBP), which is the Federal agency responsible for making final substantial transformation determinations( reference 19 CFR Part 177 Subpart B). CBP's determinations or opinions are based upon tariff laws . The Internet address for CBP is: <http://www.cbp.gov/>. The Offeror should keep this requirement in mind when completing the TAA certification section of its SAM registration. When evaluating offers, the contracting officer will rely on the representations and certifications of the Offeror and will not make substantial transformation determinations.
- (2) If the Offeror is not the manufacturer of the product(s) being proposed, an acceptable Letter of Commitment/Supply must be provided. See clause I-FSS-644 Dealers and Suppliers in the Basic Solicitation and the letter requirements. Failure to provide acceptable Letters of Commitment/Supply may result in rejection of the offer. See Letter of Supply Template for required language.
- (3) If offering END USER LICENSE AGREEMENTS (EULAs), TERMS OF SERVICE (TOS) AGREEMENTS FOR SOFTWARE USE, AND/OR OTHER AGREEMENTS – Often ordering activities will decline to place an order because of Federally non-compliant terms (e.g., customer indemnification). This results in a loss of business for the Schedule holder. In order to facilitate GSA's review and negotiation of each individual set of terms for compliance with Federal law, the Offeror is required to submit its EULA or TOS Agreement in an editable format, and preferably with the Federally non-compliant terms and conditions already removed. Such submissions may help GSA avoid delays in reviewing and negotiating each individual agreement. "Clickwrap" submissions or links to agreements are not acceptable. The Offeror must clearly define what additional products, services, and prices are included with its EULA, TOS Agreement, and other Agreements.

### **II Section II Technical Proposal:**

#### **The Offeror must address a fourth technical factor as described below:**

- (1) Factor Four – Relevant Project Experience: The Offeror must submit a narrative demonstrating relevant project experience. A narrative is required for each proposed total solution or service SIN, (this includes, but is not limited to, SIN132-51 -Information Technology Professional Services and SIN 132-60f - Identity and Access Management Professional Services). The narrative must include the following:

- (i) The narrative must include a description of three (3) relevant projects, not to exceed four (4) pages per project. Each description must clearly indicate the SIN to which it applies, and identify the specific services being proposed under that SIN. For companies with less than two years of corporate experience, Offeror shall submit relevant projects of key personnel.

Each project description must also address the following elements:

- (A) Detailed description of SIN-relevant work performed and results achieved
- (B) Methodology, tools, and/or processes utilized in performing the work
- (C) Demonstration of compliance with any applicable laws, regulations, Executive Orders, OMB Circulars, professional standards, etc.
- (D) Project schedule (i.e., major milestones, tasks, deliverables), including an explanation of any delays
- (E) How the work performed is similar in scope and complexity to the work solicited under the proposed SIN
- (F) Demonstration of required specific experience and/or special qualifications detailed under the proposed SIN.

The Offeror may use the same project in support of more than one SIN as long as the description clearly identifies the SIN-relevant work. All examples of completed services must have been deemed acceptable by the customer.

(ii) The following SINs have additional requirements that shall be addressed in the Relevant Project Experience narrative:

(A) SIN 132-54 Commercial Satellite Communications (COMSATCOM) and SIN 132-55 Commercial Satellite Communications (COMSATCOM) Subscription Services

(1) Address requirements in CI-FSS-152-N Additional Evaluation Factors for New Offerors Under Schedule 70 or CI-FSS-152-S Additional Evaluation Factors for Successful FSS Program Contractors Under Schedule 70

(2) Address requirements in CI-FSS-055 Commercial Satellite Communication (COMSATCOM) Services

(B) SINs 132-60A – 132-60F Identity, Credential and Access Management (ICAM)

(1) Address requirements in CI-FSS-152-N Additional Evaluation Factors for New Offerors Under Schedule 70 or CI-FSS-152-S Additional Evaluation Factors for Successful FSS Program Contractors Under Schedule 70

(2) Address requirements in CI-FSS-052 Authentication of Products and Services

(C) SIN 132-50 Training - The narrative must include the following:

(1) Course names, brief description, length of course, type of training, location (on or off customer site) and any other pertinent details to the training offered.

(2) If other than the manufacturer, submit proof of authorization to provide training course(s) for manufacturer's software and/or hardware products.

\* Note that commercially available products under this solicitation may be covered by the Energy Star or Electronic Product Environmental Assessment Tool (EPEAT) programs. For applicable products, offerors are encouraged to offer Energy Star-qualified products and EPEAT-registered products, at the Bronze level or higher. If offerors opt to offer Energy Star or Electronic Product Environmental Assessment Tool (EPEAT) products

then they shall identify by model which products offered are Energy Star-qualified and EPEAT-registered, broken out by registration level of bronze, silver, or gold.

### **III Section III Price Proposal:**

#### **The Offeror must address the price proposal factor as described below:**

(i) The Offeror must address additional pricing requirements as described below: The Offeror has the option to propose separate rates for "domestic" versus "overseas" and/or "customer facility" versus "contractor facility" if there are variations in costs that depend on where the work is performed. Rates proposed in this manner must be clearly labeled as such.

(A) For each proposed labor category, the Offeror must provide a detailed position description. Position descriptions must include functional responsibilities, minimum years of experience, minimum educational/degree requirements, and any applicable training or certification requirements. If it is the Offeror's standard commercial practice to substitute experience for education, explain the methodology in use (e.g., five years of experience equates to a BA/BS degree). Once the contract is awarded, these descriptions will become part of the Authorized Federal Supply Schedule Price List. It is the responsibility of the Offeror to post the approved descriptions to GSA *Advantage!*<sup>®</sup>.

(B) Proposed prices for services must represent fully-burdened rates inclusive of all cost factors (e.g., direct labor, indirect labor, G&A, profit, and IFF). (See Proposal Price Template - Labor Categories spreadsheet tab)

(ii) The Offeror must submit a Professional Compensation Plan in accordance with clause 52.222-46 Evaluation of Compensation for Professional Employees. Submission of the general compensation practices printed in the Offeror's employee handbook is often sufficient. Individual (By Employee Name) compensation disclosure is not required.

(iii) The Offeror must submit a copy of its policy that addresses uncompensated overtime, in accordance with clause 52.237-10 *Identification of Uncompensated Overtime*.

(iv) The Offeror must submit a copy of its proposed Authorized Federal Supply Schedule Pricelist for the General Purpose Commercial Information Technology, Equipment, Software and Services Schedule (see clause I-FSS-600 Contract Price Lists).

(v) Service Contract Act: Applicable to this solicitation (Service Contract Act 52.222-41, and related clauses 52.222-42, 52.222-43, and 52.222-49)

(A) The Service Contract Act (SCA) applies to all nonprofessional services to be provided under this Schedule except for any pricing offered for services outside of the United States. The SCA index of applicable wage determinations for this solicitation and resultant contract are shown in FedBizOpps document, "SCA Index of Wage Determinations". The full-text version of each wage determination can be viewed at [www.wdol.gov](http://www.wdol.gov). Some of the proposed labor categories may be subject to the SCA (usually nonprofessional categories). As such, the Offeror should verify that its proposed base rates and fringe benefit rates for these labor categories meet or exceed the SCA wage determination rates and fringe benefits for the areas included in the geographic scope of the contract (i.e., nationwide); the Offeror will be required to comply with applicable SCA wage determination rates and fringe benefits regardless of the price proposed and awarded on any resultant Schedule contract. The Offeror may be required to submit supporting documentation for the proposed rates that will allow the contracting officer to conduct cost analysis to determine that offered prices are fair and reasonable.

(B) Schedule contractors must comply with the base rate and fringe benefit rate requirements of the prevailing rate SCA Wage Determination (WD) Revision Number currently incorporated into the GSA Schedule contract. No prevailing rate WD may be incorporated into a task order as the order may then be in conflict with the Schedule contract terms and conditions. However, WDs based on

collective bargaining agreements (CBAs) may be incorporated into a task order if the task order is found to be a successor contract as used in FAR Subpart 22.10; a CBA WD would be applicable only to the task order it is incorporated into and no other orders under that Schedule contract.

(C) In the price proposal, indicate which proposed labor categories are subject to the SCA by placing a double asterisk (\*\*) next to the labor category name.

(D) The following paragraph is meant to be instructive and NOT to be copied as part of proposed Schedule pricing:

For all the Offeror's identified SCA-eligible labor categories, map them to the SCA-equivalent labor category title (titles/descriptions available at <http://www.wdol.gov> - click on the "library" link, then download the SCA Directory of Occupations, 5th Edition). Also identify the WD# that the labor categories in your offer are predicated on. Note that the applicable revision number for any Wage Determination number is the revision number identified in the solicitation index of wage determinations.

(E) There are two possible strategies for determining price adjustments under SCA-eligible labor categories. All price adjustments under SCA-eligible labor categories shall be in accordance with clause 52.222-43.

**52.222-43 Fair Labor Standards Act and Service Contract Act Price Adjustment (Multiple Year and Option Contracts).** Price adjustments for SCA-applicable labor categories shall be in accordance with clause 52.222-43 Fair Labor Standards Act and Service Contract Act Price Adjustment (Multiple Year and Option Contracts). When a modification is issued to all contract holders incorporating a revised index of wage determinations, contractors shall notify the contracting officer of any increase/decrease claimed under clause 52.222-43 within 30 calendar days after receipt of the modification.

In addition to clause 52.222-43, one of the following two methods of escalation will be awarded.

**Method 1:** An escalation method is negotiated prior to award in accordance with the clause I-FSS-969 Economic Price Adjustment - FSS Multiple Award Schedule, utilizing any of the methods available in the solicitation under that clause.

OR

**Method 2:** When the offered prices are based upon a commercial price list, only revisions in the commercial price list will enable the contractor to revise Schedule contract prices. Schedule contract price increases will be allowed only in accordance with clause 552.216-70 Economic Price Adjustment - FSS Multiple Award Schedule Contracts.

Regardless of the method used, the contractor must ensure that within 30 calendar days after the effective date of any contract modification to revise pricing based on changes in the applicable wage determination(s), the contractor's electronic catalog is updated on GSA Advantage!<sup>®</sup>.

Note 1: The contractor will not automatically be allowed an increase in prices based solely on new wage determinations.

Note 2: Reference Code of Federal Regulations, Title 29, Labor, Subtitle A Office of the Secretary of Labor, Part 4 Labor Standards for Federal Service Contracts, Subpart D Compensation Standards, paragraph 4.161 Minimum monetary wages under contracts exceeding \$2,500, which states: "No change in the obligation of the contractor or subcontractor with respect to minimum wages will result from the mere fact that higher or lower wage rates may be determined to be prevailing

for such employees in the locality after the award and before completion of the contract.”

(F) Utilize the following spreadsheet format (labor categories shown are for example purposes):

<b>SCA Matrix</b>		
<b>SCA Eligible Contract Labor Category</b>	<b>SCA Equivalent Code Title</b>	<b>WD Number</b>
Secretary	01115 General Clerk I	052059
Driver	31361 Truck driver, Light Truck	052059
Engineering Technician	29081 Engineering Technician I	052059
Administrative Assistant	01011 Accounting Clerk I	052059

(G) Insert the following language below the above SCA matrix and insert both (matrix and language) at the end of the proposed GSA price list.

"The Service Contract Act (SCA) is applicable to this contract and it includes SCA applicable labor categories. The prices for the indicated (\*\*) SCA labor categories are based on the U.S. Department of Labor Wage Determination Number(s) identified in the SCA matrix. The prices awarded are in line with the geographic scope of the contract (i.e. nationwide). "