

COMMERCIAL SOLUTION OPENING Air Force Acquisition COVID-19 Task Force (DAF ACT)

1. General Information

1.1 Background & Authority

The Department of the Air Force (DAF) has been tasked to address mission needs in response to the national crisis caused by the COVID-19 pandemic. The Air Force Senior Acquisition Executive (SAE) established the Department of the Air Force Acquisition COVID-19 Task Force (DAF ACT) across the acquisition enterprise (i) to execute all requirements from the Office of the Under Secretary of Defense for Acquisition and Sustainment Joint Acquisition Task Force, (JATF) and (ii) to collect and consolidate funding requests needed to recover programs from COVID-19 impacts. The DAF ACT contains four primary lines of effort (LOE's): (1) Relief for external assistance requirements; (2) Resilience for Defense Industrial Base Efforts; (3) Recovery for consolidating funding requests that minimize program impacts; and (4) Rapid for solicitation and execution of large-scale rapid small business contracts across all lines of effort.

1.2 CSO Definition & Scope

This CSO is a competitive solicitation posted on this Government Point of Entry (www.beta.sam.gov) through 30 September 2020. This CSO solicitation is a competition seeking solution briefs/proposals from all interested offerors, to include a variety of organizations, including *defense contractors* as defined in 10 U.S.C. 2302 *large and small businesses and research institutions* as defined in 15 U.S.C. 632 . This CSO seeks innovative, commercial technologies that propose new solutions and/or potentially new capabilities that fulfill requirements, close capability gaps, or provide potential technological advancements in support of the COVID-19 Response Acquisition Task Force (DAF ACT) mission to provide relief, resilience, recovery, and stability to the nation in response to the COVID-19 pandemic.

The CSO authority is Section 879 of the National Defense Authorization Act for FY2017, Public Law 114-328, and Class Deviation – *Defense Commercial Solutions Opening Pilot Program*, DARS Tracking No. 2018-O0016, <https://www.acq.osd.mil/dpap/policy/policyvault/USA001228-18-DPAP.pdf>. In this context, *innovative means any technology, process, or method, including research and development that is new as of the date of submission of a proposal. Or innovative means any application that is new as of the date of submission of a proposed use of technology, process, or method existing as of such date.*

This CSO may result in the award of prototype projects, which include not only commercially-available technologies fueled by commercial or strategic investment, but also concept demonstrations, pilots, and agile development activities that can incrementally improve commercial technologies, existing government-owned capabilities, and/or concepts for broad defense and/or public application(s). The Government reserves the right to award a FAR Part 12 contract or an Other Transaction (OT) under 10 USC 2371b agreement, including prototype and follow-on production, or no contract instrument at all, a contract as a result of this solicitation. Consistent with 10 USC 2371b, awards of follow-on production contracts must be made through the use of competitive procedures unless the award of an initial OT

provides for a follow-on production contract and the OT participant successfully completed the prototype project.

This CSO is soliciting Solution Briefs through posted DAF ACT Areas of Interest (AoIs). Each published AoI is categorized within predetermined **Mission Focus Areas**. Each Mission Focus Area identifies a generalized area of need, as we combat COVID-19 pandemic effects on the national/regional/local populations and economies.

MISSION FOCUS AREAS

- I. **Combating the Spread** (predictive analytics, next hotspot, threat to current activities, decision support, etc.)
- II. **Welfare of Citizens** (effects to transportation, movement of people and goods, education and development, physical training, regular HR functions, job transition, etc.)
- III. **Readiness** (continuing operations through the outbreak, coordinating with allies and partners, continuing long term projects, etc.)
- IV. **Logistics** (security and protection, supply chain protection and assessment, etc.)
- V. **Industrial Base Impacts** (impacts on small businesses, payments, contracts, large system programs, protection and expansion of critical assets, etc.)
- VI. **Medical** (telehealth, medical capacity and sustainment, medical supplies and equipment, etc.)
- VII. **Other** - Any solution/proposal that is not covered by the above topic areas but support the national response to the COVID-19 pandemic

Additional details, and specific requirements established within these Mission Focus Areas will be published separately, within an AoI, by the COVID-19 DAF ACT acquisition teams. All AoIs will be posted as amendments to this solicitation on the Government Point of Entry (GPE): <https://beta.sam.gov/>

Note: In the event of any ambiguities between any information posted on the GPE website, the AFWERX COVID19 website (<https://www.afwerx.af.mil/coronavirus.html>), or other web or social media posting relating to this CSO, the information on the GPE website will be controlling.

1.3 CSO Procedure

All Solution Briefs submitted in response to any DAF ACT AoI will be in response to and governed by this CSO. The CSO outlines the procedures to submit a response to an AoI to ensure a competitive process, comprised of three-spirals:

Spiral 1 Solution Briefs: Shall be submitted as specified in Section(s) 1.6.2-1.6.3 of this CSO. The Government will evaluate Solution Briefs against the criteria stated in this CSO. The Government will not be obligated to pay offerors responding to this CSO for the costs associated with Solution Brief submissions or follow-on Spiral proposal activity.

***Spiral 2 (Optional) Oral Presentation:** Offerors responding to this CSO may be invited to provide additional information to further elaborate and discuss their proposed concept/technology/solution. In the event that the Government requires a virtual demonstration, additional instructions will be provided within the subject AoI and/or within the official invitation to participate in Spiral 2.

Spiral 3 Request for Commercial Solution Proposal (CSP): Those offerors whose Solution Brief and/or oral presentation are evaluated and determined to hold technical merit, will be invited to submit a full written proposal following the instructions provided in Section(s) 1.6.6 - 1.6.9 of this CSO.

***NOTE:** The Government reserves the right to forgo Spiral 2 and go directly to Spiral 3.

The Government may add any amount of AoIs against this CSO's Mission Focus Areas at any time within the fiscal year. Interested offerors are encouraged to frequently check this CSO Solicitation on beta.sam.gov for new AoI postings.

1.5 CSO DEFINITIONS

"Area of Interest" (AoI) means an announcement posted on the GPE (beta.sam.gov) which may result in the award of a FAR Part 12 contract or an Other Transaction Agreement (OTA) under 10 USC 2371b.

"Commercial Solutions Opening" (CSO) is a competitive procedure contracting officers may use to acquire innovative commercial items, technologies, or services, as provided in Section 879 of the National Defense Authorization Act for FY2017, Public Law 114-328, and Class Deviation – *Defense Commercial Solutions Opening Pilot Program*, DARS Tracking No. 2018-O0016.

"Other Transaction" refers to the type of Other Transaction Agreement (OTA) that may be placed as a result of this CSO and associated AoIs. This type of OT is authorized by 10 U.S.C. § 2371b for prototype projects directly relevant to enhancing the mission effectiveness of military personnel and the supporting platforms, systems, components, or materials proposed to be acquired or developed by the DoD, or for the improvement of platforms, systems, components, or materials in use by the armed forces. This type of OTA is treated by DoD as an acquisition instrument, commonly referred to as an "other transaction" for a prototype project or a Section 2371b "other transaction".

"Prototype Project" is defined in the DoD Other Transactions Guide (Version 1, Nov. 2018) issued by the Office of the Under Secretary of Defense for Acquisition and Sustainment: [https://www.dau.edu/guidebooks/Shared%20Documents/Other%20Transactions%20\(OT\)%20Guide.pdf](https://www.dau.edu/guidebooks/Shared%20Documents/Other%20Transactions%20(OT)%20Guide.pdf). Such project can generally be described as a proof of concept, model, reverse engineering to address obsolescence, pilot, novel application of commercial technologies for defense purposes, agile development activity, creation, design, development, demonstration of technical or operational utility, or combinations of the foregoing. A process, including a business process, may also be the subject of a prototype project. Although assistance terms are generally not appropriate in OT agreements in 10 U.S.C. § 2371b, ancillary work efforts that are necessary for completion of the prototype project, such as test site training or limited logistics support, may be included in prototype projects. A prototype may be physical, virtual, or conceptual in nature. The quantity of prototypes/commercial solutions should generally be limited to that needed to prove technical or manufacturing feasibility or evaluate military utility.

"Nontraditional Defense Contractor" is defined in 10 U.S.C. § 2302(9) as an entity that is not currently performing and has not performed, for at least the one-year period preceding the solicitation of sources by the DoD for the procurement or transaction, any contract or subcontract for the DoD that is subject to full

coverage under the cost accounting standards prescribed pursuant to 41 U.S.C. § 1502 and the regulations implementing such section. This includes all small business concerns under the criteria and size standards in 15 U.S.C. 632 and 13 C.F.R. Part 121.

“Nonprofit Research Institution” means a nonprofit institution, as defined in 15 U.S.C. § 3703 as an organization owned and operated exclusively for scientific or educational purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

“Small Business Concerns” is defined in the Small Business Act (15 U.S.C. 632) and 13 CFR Part 121.

“Innovative” is defined, consistent with Section 879 of the National Defense Authorization Act for FY2017, Public Law 114-328, and Class Deviation – *Defense Commercial Solutions Opening Pilot Program*, DARS Tracking No. 2018-O0016—

- (1) any new technology, process, or method, including research and development that is new as of the date of submission of a proposal; or
- (2) any new application that is new as of the date of submission of a proposal of a technology, process, or method existing as of such date. F ACT or its tenant organizations.

1.6 GUIDELINES FOR SOLUTION BRIEFS, SPIRALS, AND PROPOSALS

1.6.1 General Guidelines

- a. Unnecessarily elaborate brochures or proposals are not desired.
- b. Use of a diagram(s) or figure(s) to depict the essence of the proposed solution is strongly encouraged.
- c. Offerors may submit multiple Solution Briefs in response to any single AoI if each submission represents a separate and distinct concept. Individual Solution Briefs may only address one concept based on the stated DAF ACT AoI.
- d. The period of performance for any Solution Brief or proposal submitted under this CSO should be 1-12 months (unless otherwise specified in the AoI).
- e. Technical data with a military application may require approval, authorization, or license for lawful exportation.
- f. All Solution Briefs and Proposals shall be unclassified. Solution Briefs and Proposals containing proprietary information that is not to be disclosed to the public for any purpose or used by the Government except for evaluation purposes shall include the following general disclaimer on the cover page:

“This [select one: Solution Brief or Proposal] includes proprietary information that shall not be disclosed outside the Government, except to non-Government personnel for evaluation purposes, and shall not be duplicated, used, or disclosed -- in whole or in part -- for any purpose other than to evaluate this submission. If, however, an agreement is awarded to this Offeror as a result of -- or in connection with -- the submission of this data, the Government shall have the right to duplicate, use, or disclose the data to the extent agreed upon by both parties in the resulting agreement. This restriction does not limit the Government's right to use information contained in this proprietary information if it is legally obtained from another source without restriction. The

data subject to this restriction are contained in sheets [insert numbers or other identification of sheets]”

Recommended marking (header or footer) for portions of business plans and/or technical information that are to be protected for a period of five years from FOIA disclosure:

“10 U.S.C. §2371(i), provides that disclosure of certain type of information [i.e. i. a proposal, proposal abstract, and supporting documents. ii. A business plan submitted on a Business Proprietary basis. iii. Technical information submitted on a confidential basis] is not required, and may not be compelled, under section 552 of title 5 for five years after the date on which the information is received by the Department of Defense.”

- g. Questions regarding the objectives or preparation of the Solution Brief should be addressed to CSO.COVID.RESPONSE@afwerx.af.mil
- h. Submissions shall be submitted electronically as prescribed in the respective AoI.
- i. Submissions sent through other mediums, channels, and/or after the prescribed AoI open period has ended will not be considered, reviewed nor evaluated.
- j. Solution Briefs that are not invited to a *Spiral Phase 2 Oral Presentation* or *Spiral Phase 3 Request for CSP* will be notified in writing as soon as practicable. Further verbal feedback may be provided, upon request, at the Contracting/Agreements Officer’s discretion. Debriefings to unsuccessful offerors shall be provided upon request in accordance with provisions and timelines of 10 U.S.C. 2305 and Section 818 of National Defense Authorization Act for 2018.

1.6.1.1. Small Business and Domestic Sourcing

- a. Representation of small business size and status: NAICS code currently identified for this CSO is 541715 - Research and Development in the Physical, Engineering, and Life Sciences (except Nanotechnology and Biotechnology) with a 1,000 employee small business size standard under 13 CFR Part 121. Additional NAICS codes may be assigned by amendment.

During Spiral 1 Solutions Brief and Spiral 2, Oral Presentation, offerors shall identify their small business size and socio-economic status, as well as small business size and socio-economic status of any proposed team members or subcontractors under the NAICS identified in this paragraph or the NAICS the offeror believes would be appropriate pursuant to FAR 52.219-1, *Small Business Program Representations* (February 2020). Socio-economic status refers to status as a small disadvantaged business, 8(a), women-owned, veteran-owned, service-disabled veteran-owned, and HUBZone small business concerns, and any related identifications. The Contracting Officer shall issue an amendment to this Solicitation assigning appropriate NAICS codes prior to requests for Spiral 3 Commercial Solutions Proposals, and shall require re-representation of small business size and status under the assigned NAICS codes.

- b. Awards under this CSO are anticipated to exceed the Simplified Acquisition Threshold. Due to effect of COVID-19 crisis conditions on market research for this CSO, the Contracting Officer cannot determine at this time whether FAR Part 19 conditions for total or partial small business set-aside can

be met for any FAR-based contracts under this solicitation. Consistent with DFARS 215.203-70, *Requests for proposals – tiered evaluation of offers*, consideration shall be given to the tiers of small businesses (e.g., 8(a), HUBZone small business, service-disabled veteran-owned small business, small business) before evaluating offers from other than small business concerns.

- c. Evaluation and award of FAR-based contracts based on this solicitation (including follow-on productions contracts arising out of 10 U.S.C. 2371b OTs) shall be subject to disaster-related preference and unemployment-related priority for small business concerns in 15 U.S.C. 644:
 - i. As stated in 15 U.S.C. 644(d), *“priority shall be given to the awarding of contracts and the placement of subcontracts to small business concerns which shall perform a substantial proportion of the production on those contracts and subcontracts within areas of concentrated unemployment or underemployment or within labor surplus areas.”*
 - ii. As stated in 15 U.S.C. 644(f), *“An agency shall provide a contracting preference for a small business concern located in a disaster area if the small business concern will perform the work required under the contract in the disaster area.”* For purposes of this preference, the term *“disaster area”* means the area for which the President has declared a major disaster, during the period of the declaration.
- d. Subject to available funds and Presidential direction, FAR-based contracts and 10 U.S.C. 2371b OTs under this CSO may be funded the Defense Production Act (DPA) or otherwise be subject to DPA assistance. The following small business priorities shall apply to DPA-funded or DPA-assisted awards regardless of the type of award instrument:
 - i. Consistent with 50 U.S.C. 4518, in providing DPA assistance, strong preference shall be accorded for small business concerns which are subcontractors or suppliers, and, to the maximum extent practicable, to such small business concerns located in areas of high unemployment or areas that have demonstrated a continuing pattern of economic decline, as identified by the Secretary of Labor. Further, small business supplier shall be accorded strong preference for assistance, if any, related to modernization of equipment subject to conditions at 50 U.S.C. 4518.
 - ii. Consistent with 50 U.S.C. 4551, small business concerns shall be given the maximum practicable opportunity to participate as contractors, and subcontractors at various tiers, in all programs to maintain and strengthen the Nation’s industrial base and technology base.
 - iii. Consistent with 50 U.S.C. 4551, whenever the President makes a determination to exercise any authority to allocate any material pursuant to 50 U.S.C. 4511, small business concerns shall be accorded, to the extent practicable, a fair share of such material, in proportion to the share received by such business concerns under normal conditions, giving such special consideration as may be possible to emerging small business concerns.
- e. Follow-on production contracts under 10 U.S.C. 2371b may further use the following small authorities upon future notice:

- i. Based on future market research, solicitations for competitive follow-on production contracts under arising out of 10 U.S.C. 2371b OTs may utilize 13 C.F.R. Subpart 129 set-asides where only small business concerns located in the disaster area are allowed to compete for emergency response contracts, as well as total labor surplus area set-asides authorized by 15 U.S.C. 644(d) and Executive Order 12073, *Federal Procurement in Labor Surplus Areas*.
 - ii. If otherwise appropriate, non-competitive follow-on production contracts arising out of a 10 USC 2371b OT under this solicitation may utilize FAR Part 18 small business acquisition flexibilities, e.g, FAR 18.114, *Contracting with the Small Business Administration (The 8(a) Program)*, subject to provisions of the DoD-SBA 8(a) Partnership Agreement (2013) concerning acceptance into the 8(a) Program, FAR 18.115, *HUBZone sole source awards*, FAR 18.116, *Service-disabled Veteran-owned Small Business (SDVOSB) sole source awards*, FAR 18.117, *Awards to economically disadvantaged women-owned small business concerns and women-owned small business concerns eligible under the Women-Owned Small Business Program*. Notice of appropriate clauses will be included in prototype OTs that may qualify for future non-competitive production contracts using these flexibilities.
- f. Small business subcontracting plans and small business participation: FAR-based contracts awarded pursuant to this CSO (including 10 U.S.C. 2371b follow-on production contracts) shall include FAR 52.219-8, *Utilization of Small Business Concerns* (Oct. 2018). FAR-based contracts awarded pursuant to this CSO (including 10 U.S.C. 2371b follow-on production contracts) which are meeting FAR Subpart 19.7 criteria for small business subcontracting plans shall include FAR 52.219-9 *Small Business Subcontracting Plan* (March 2020). Offerors shall address plans to comply with these requirements as part of Spiral 3, Commercial Solutions Proposals if seeking FAR Part 12 contracts, or if seeking OTs which provide for follow-on non-competitive production contracts. Offerors not seeking either instrument in the preceding sentence shall clearly state so as part of their CSP and shall address these requirements as part of competition for follow-on production contracts. If the event that any follow-on production contracts are required to have small business subcontracting plans and are negotiated using FAR Part 15 negotiation procedures, DFARS 215.304(c) Small Business Participation Plans shall be required.
- g. Offerors seeking a Small Business Innovation Research (SBIR) or Small Business Technology Transfer (STTR) Phase III special acquisition preference or Phase III incentives for themselves or for their teaming partners and subcontractors shall establish compliance with eligibility and other requirements for Phase III under 15 U.S.C. 638 and the Combined SBIR//STTR Policy Directive (2019). The Phase III special acquisition preference shall be subject to factors in the law and the Policy Directive, including mission needs and optimum small business participation. SBIR/STTR Phase I and II awards will not be made under this CSO.
- h. Foreign-Owned businesses may independently submit a solution or do so as part of a teaming arrangement with one or more United States-Owned businesses. Foreign participation is subject to small business and domestic sourcing restrictions and incentives in this CSO, or as may be imposed in the future by the President pursuant to the Defense Production Act, 50 U.S.C. 50 U.S.C. 4501, et. seq., or the Department of the Air Force. The ability of Foreign-Owned businesses to obtain a contract award or OTA based upon a submission may depend upon the ability of the Foreign-Owned business to obtain necessary clearances and approvals to obtain proscribed information, and the ability to comply with U.S. laws, regulations, and contractual terms.

- i. Stafford Act: Disaster area set-asides under the Stafford Act may be utilized in accordance with FAR Part 18.
- j. Small business subcontractors shall receive prompt and accelerated payment under FAR 52.232-40, and DFARS 232.903.

1.6.1.2. Commercial Terms and Conditions

- a. Consistent with FAR Part 12, offerors may propose commercial terms and conditions.
- b. This contract is subject to FAR 52.212-4, Contract Terms and Conditions – Commercial Items (Oct 2018).
- c. Advance payments for commercial items shall be available on FAR Part 12 contracts pursuant FAR Part 32.

1.6.2 Spiral 1 - Solution Brief Content

- a. Solution Briefs should not exceed five (5) single-sided written pages using 12-point font or, alternatively, Solution Briefs may take the form of briefing slides which should not exceed fifteen (15) slides unless otherwise stated on the subject AoI.
- b. Solution Briefs must include the following:
 - 1. ***Offeror Name, Title, Date, Point of Contact Name, E-Mail Address, Phone, and Address.*** Specifically identify the AoI for which the Solution Brief is submitted.
 - 2. ***Executive Summary:*** Provide an executive summary of the technology. (This is included in the 5 written pages limit)
 - 3. ***Technology Concept:*** Show and/or describe how your proposed solution or potential new capabilities fulfill requirements, close capability gaps, or provide potential technological advancements in support of the DAF ACT mission to provide relief, resilience, recovery, and stability to the nation in response to the COVID-19 pandemic. Describe the unique aspects of your technology and the proposed work as it relates to the AoI. Identify whether the effort includes the pilot or demonstration of existing commercial technology (identified as commercially ready and viable technology), or the further development of commercial technology for potential defense application. If development or adaptation is proposed, identify a suggested path to mature the technology. Identify aspects of your proposal, to include data and software, which may be considered proprietary.
 - 4. ***Offeror Responsibility & Solution Viability:*** Provide a brief overview of the offeror. Provide a summary of current experience, qualifications, and resources or ability to obtain them in accordance with FAR Part Subpart 9.4, e.g., summary of the top line (gross sales/revenues) and balance sheet. Provide a summary of product development, manufacturing (if relevant), and logistics strategy to the best extent possible.
 - 5. Estimated Price and Delivery Schedule.
 - 6. Estimated Costs for any testing, validation or scaling requirements.
 - 7. Data Rights Assertions for Commercial Items (if applicable).
 - 8. Identify any Intellectual Property (IP) in the technology, all relevant owners and licensors, and associated restrictions on Government use.

Note: The Title Page does not count against page limit, however the executive summary does.

1.6.3 Spiral 1 Solution Brief - Basis of Evaluation

Solution Brief evaluation criteria are listed in order of importance from top to bottom. Individual Solution Briefs will be evaluated against the evaluation criteria described below:

- a. Responsiveness of the Solution Brief in addressing the AoI with a commercially available dual use product and/or process;
- b. Timeliness of response based on the associated requirement or impact timeline requirements;
- c. The Technical Merit of the proposed solution and demonstrated feasibility;
- d. An acceptable evaluation of the offeror's responsibility (ability to perform) and business solutions as it pertains to proposed production and logistics; and
- e. The approach or technology is innovative when considered against the government application.
- f. The price will be considered as appropriate, and must be fair and reasonable.
- g. Applicable sourcing and small business participation requirements or preferences are applied, as provided in this Solicitation.

Solution Briefs will be evaluated by DAF ACT/CRT reviewers using the evaluation criteria listed above, and not against other Solution Briefs submitted in response to the same AoI. The Government may elect to use external market research in the evaluation of a offeror's viability. The Government holds the right to select all, some, or none of the solution briefs submitted in response to the AoI. The Government will endeavor to complete the Spiral 1 Solution Brief evaluation of Solution Briefs within 2-3 calendar days from date of receipt, or within 2-3 calendar days of the closing of the submittal period. The Government will attempt to notify the offeror of the results of the evaluation as soon as practicable.

Additional technical evaluation criteria specific to a particular project may be used. In these instances, the additional criteria will be posted within, or as an attachment to, the AoI on the beta.sam.gov and the AFWERX website.

Upon review of a Solution Brief, the Government may elect to invite all, some, or none of the proposed solutions into Spiral 2, (Optional) Oral Presentation,

1.6.4 Spiral 2 (Optional) Oral Presentation Content

In Spiral 2, the offeror shall provide a virtual oral presentation to demonstrate and provide further details on the technical and business viability of their proposed solution. The AoI will provide specific instructions in the event that the Government requires a physical or virtual demonstration. In addition to the Oral Presentation, the Government, at its discretion, may request an additional written submission to supplement/or clarify the information provided in the Spiral 1 Solution Brief.

During the Spiral 2 Oral Presentation, the offeror must detail/address the following:

- a. Expanded details and/or demonstration as provided in the Spiral 1 Solution Brief
- b. Estimated Price and Delivery Schedule

- c. Should the solution require assistance with testing, validation and/or capacity for scaling, provide and discuss a rough order of magnitude (ROM/ estimate) and estimated schedule for how this concept could be tested, validated or scaled within DAF ACT COVID-19 Response time.
- d. The Solution Brief will identify all Intellectual Property (IP) in the technology, all owners and licensors thereof, and associated restrictions on the Government's use of that IP.

NOTE: The Government reserves the right to hold Spiral 2 using virtual conferencing and record presentations.

In addition to these required areas, the Government may request the offeror provide additional information/detail with respect to the Technology/Concept being presented from its Spiral 1 Solution Brief.

1.6.5 Spiral 2 Oral Presentation Basis of Evaluation

Individual Oral Presentations will be evaluated against the evaluation criteria below and not against any other oral presentations held under the same AoI. After completing the evaluation of Oral Presentation submissions, the DAF ACT/CRT Review Panel will notify the offeror that: 1) they may submit a CSP for evaluation in Spiral 3; 2) their proposed concept/technology/solution is not of continued interest to the Government and they will not be required to submit a CSP Spiral 3 evaluation; or *3) their proposed concept/technology/solution is of interest to the Government, but is not currently eligible for an invitation for Spiral 3 CSP submission due to the current lack of government resources and/or funding.

NOTE: If government funding and/or resources are not assigned by, 15 SEP 20, to an Oral Presentation receiving interest in Spiral 2 or funding is not made available after receipt of CSP in Spiral 3, the Government will provide a notification of non-eligibility and officially close the AoI selection process.

Oral Presentation evaluation criteria are listed in order of importance from top to bottom. Spirals shall be evaluated/scored on the following factors:

- a. Level of relevancy of the solution in addressing the AoI with a commercially available dual use product and/or process;
- b. The Technical Merit of the proposed solution adequately addressed DAF ACT need(s) and demonstrated feasibility for the Government to pursue the proposed solution;
- c. Level of innovative approach to solve the Government's need;
- d. Level of technical risk/maturity;
- e. Level of risk placed with the proposed ROM;
- f. Level of risk in the proposed prototype/milestone schedule and its ability to meet the AoI need within a relevant time period;
- g. Level of risk in the offeror's viability and business solution; and
- h. Level of potential risk in anticipated IP rights assertions.
- i. The price will be considered as appropriate, and must be fair and reasonable.

- j. Applicable sourcing and small business participation requirements or preferences are applied, as provided in this Solicitation.

1.6.6 Spiral 3 Proposal Content

The third and final spiral of the CSO process is the CSP. Based upon the results of Spiral 1 or optional Spiral 2 evaluation above, the Government may issue a Request for CSP. If that occurs, a offeror, or offerors will be invited to develop and submit a written proposal as well as negotiate appropriate terms and conditions, as applicable, governing the proposed solution and/or prototype. At this stage, the selected offerors may discuss proposal development details during the proposal writing process with their assigned Government subject matter expert(s) or Government teaming partner(s). Each proposal submitted shall consist of two sections: Section 1 shall provide the technical proposal; Section 2 shall address the price/cost/schedule portions of the proposal. Additionally, offerors are invited to provide their own internal terms and conditions that may be consolidated with those of the Government. This includes Service License Agreements (SLA) and/or User License Agreements (ULA).

Offerors should note that there are certain terms and conditions the Government may be unable to accept. However, projects awarded through the CSO may provide flexibility to adopt customary industry standards where it is otherwise legal and meets the Government's general public responsibility.

1.6.7 Section 1 - Technical Volume (Limited to 10 pages)

The Technical volume must include the following:

- a. Offeror Name, Title, Point of Contact Name, Date, E-Mail Address, Phone, and Address and any subcontractors or team members. Include an abstract which provides a concise description of the proposal.
- b. *Propose a Technical Approach:* Describe the background and objectives of the proposed work, the approach, deliverables, and the resources needed to execute and/or deliver the proposed solution and/or prototype. Include the nature and extent of the anticipated results. Include ancillary and operational issues such as certifications, algorithms, and any engineering/software development methodologies to be used. This proposal must include a Statement of Proposed Work (SOPW) identifying the work to be performed, anticipated work-breakdown structure and expected deliverables. Provide a project schedule that outlines the major milestones and deliverables within the proposed period of performance.
- c. *Government Support or Equipment Required:* Identify the type of support or equipment, if any, the offeror requests of the Government in general terms such as access to facilities, equipment, data, materials and/or information.

Note: Title Page (Not included in page count)

1.6.8 Section 2, Price Volume

The Offeror shall propose a total fixed price using Analogy or Engineering Build-up Cost Estimating methodologies. The Government reserves the right to request any other price data or supporting cost information the Government deems necessary to determine the total overall price is fair and reasonable. This can include but is not limited to commercial price catalog(s), previous commercial sales receipts,

and/or other proprietary information to help the government determine reasonableness and future budgetary cost estimates.

*The cost of preparing proposals in response to this CSO is not considered a direct charge to any resulting AoI award or any other contract. Proposal preparation costs are not recoverable unless otherwise specified in the AoI.

1.6.9 Spiral 3 CSP Basis of Evaluation

The DAF ACT CSO evaluation criteria are listed in order of importance from top to bottom. The Government panel of subject matter experts will first review the proposal for adequacy, eligibility, and determine if the following requirements are met:

- a. If the technical approach and respective risk elements are acceptable;
- b. If the proposal performance schedule & requested Gov't support is realistic and/or adequate;
- c. If the proposed price is fair and reasonable.
- d. Applicable sourcing and small business participation requirements or preferences are applied, as provided in this Solicitation.

If DAF ACT Contracting Officer decides to pursue an OT, then evaluation team will also review the proposal to determine if the following factors are met:

1. Fits the definition of a prototype: does/does not fit the CSO definition of a prototype;
2. Quantity: quantity is/is not limited to that needed to prove technical or manufacturing feasibility or evaluate military utility;
3. Meets mission effectiveness standard: Is/is not directly relevant to enhancing DoD mission effectiveness;
4. Meets 10 U.S.C. 2371b non-traditional participation/cost share requirement:
 - a. There is at least one nontraditional defense contractor or nonprofit research institution participating to a significant extent in the prototype project; or ;
 - b. All significant participants in the transaction other than the Federal Government are small businesses (including small businesses participating in a program described under section 9 of the Small Business Act (15 U.S.C. 638)) or nontraditional defense contractors; or
 - c. At least one third of the total cost of the prototype project is to be paid out of funds provided by sources other than the Federal Government; or
 - d. The senior procurement executive for the agency determines in writing that exceptional circumstances justify the use of a transaction that provides for innovative business arrangements or structures that would not be feasible or appropriate under a contract, or would provide an opportunity to expand the defense supply base in a manner that would not be practical or feasible under a contract.
5. Defense Utility: Solution is/is not applicable to a DoD platform, system, process or component;
6. Meets all published OT requirements.
7. The price will be considered as appropriate, and must be fair and reasonable.
8. Applicable sourcing and small business participation requirements or preferences are applied, as provided in this Solicitation.

If DAF ACT Contracting Officer decides to pursue a prototype contract (Non-OT), requirements 1-6 above will NOT be used.

Technical volumes will be reviewed as received by a government subject matter expert panel member.

In all cases, proprietary information shall be protected from unauthorized access to competitors and non-government personnel.

1.7 AWARDS - General Guidelines

Upon favorable review of the CSP and subject to the availability of funds, the Government may choose to make a fixed price award either using FAR Part 12 Acquisition of Commercial Items or OT authority. The Contracting/Agreements Officer reserves the right to negotiate directly with the offeror on the terms and conditions prior to execution of the resulting contract or OT, including payment terms, and will execute the contract/agreement on behalf of the Government. Be advised, only a Contracting or Agreements Officer has the authority to enter into, or modify, a binding contract or agreement on behalf of the United States Government.

In order to receive either a fixed price award either using FAR Part 12 Acquisition of Commercial Items or OT authority:

- a. Offerors must have a Dunn and Bradstreet (DUNS) number and must register in the System for Award Management (SAM) prior to receiving an award or agreement. Offerors are advised to commence SAM registration upon receipt of a Request for CSP.
- b. Offerors must also register in the prescribed government invoicing system (Wide Area Work Flow: <https://wawf.eb.mil/xhtml/unauth/registration/notice.xhtml>). DAF ACT and/or SBA PTAC personnel will provide assistance to those offerors from whom a full proposal is requested.
- c. Offerors must represent their small business size and status as required in this solicitation.
- d. Offerors must be determined to be responsible by the Contracting/Agreements Officer and must not be suspended or debarred from award by the Federal Government nor be prohibited by Presidential Executive Order and/or law from receiving an award.
- e. Receipt of a Request for CSP does not guarantee that a offeror will receive an award and the Government reserves the right not to award a contract/agreement.

1.7.1 Comptroller General Access to Information

If the prototype OT provides for payments in a total amount in excess of \$5,000,000, the Agreement will include a mandatory clause that provides for the Comptroller General the ability to examine the records of any party to the agreement or any entity that participates in the performance of the agreement.

1.7.2 Procurement Integrity Act (PIA)

As required by 10 U.S.C. § 2371b(h), all Agreements awarded under this CSO shall be treated as Federal Agency procurements for purpose of 41 U.S.C. Chapter 21. Accordingly, the CSO competitive solicitation process and awards made thereof must adhere to the ethical standards required by the PIA.

1.8 - Iterative Prototyping

A contract or OT for a prototype awarded against this CSO shall allow for an iterative prototyping process.

An iterative prototyping process will allow the Government to modify, by mutual agreement, the scope of a prototype contract or OT to allow for the adaptation and modification of the technology being prototyped to meet additional unique and discrete purposes/mission sets. The sequential prototype iterations may result in a separate spiral prototype project rather than a modification of the original prototype contract or OT. These additional unique and discrete purposes/mission sets can be generated by DAF ACT or originate within any DAF ACT subordinate or supported organization.

1.8.1 – Successful Completion of Prototype

A prototype project is complete upon the written determination of the appropriate approving official (program manager and Contracting/Agreements Officer) for the matter in question that the efforts conducted under a prototype contract or OT: (1) met the key technical goals of a project; (2) met the metrics incorporated into the prototype contract or OT; or (3) accomplished a particularly favorable or unexpected result that justifies the transition to a production contract or OT.

Furthermore, prior to successful completion of a prototype project under this CSO, the Government can transition any aspect of the prototype project determined to provide utility into production while other aspects of the prototype project have yet to be completed.

1.8.2 – Follow-on Production of a Prototype

After award of a prototype using either a fixed price award either using FAR Part 12 Acquisition of Commercial Items or OT authority, the Government and offeror may negotiate a follow-on contract or OT for production or solution integration with or without further competition. Any concept/technology/solution successfully proven through a contract or Prototype OT can be transitioned to a production contract. The Government reserves the right to award a follow-on contract or OT before the prototype is complete, under competitive procedures as provided in 10 U.S.C. 2371b.

1.8.3 Any AoI posted by the Government under this CSO could result in the potential award of a follow-on production or solution integration contract or OT.

1.8.4 The Government reserves the right to extend performance to all, some, or none of the selected solutions and will be made based on the availability of government funds.

1.9 – Non-Government Advisors

Non-Government advisors may participate, as non-scoring members, in the evaluation of all Spirals and shall have signed a non-disclosure agreement (NDA) with the Government. Non-government advisors

may also serve in administrative & assistance support capacities. If non-Government advisor(s) are used, offerors will be notified of the name and corporate affiliation of these advisors. Offerors will be afforded the opportunity to enter into a specific NDA with the corporate entity prior to submission of their solution brief, spiral, or proposal.

The Government understands that information provided in response to this CSO is presented in confidence and may contain trade secrets or commercial or financial information, and it agrees to protect such information from unauthorized disclosure to the maximum extent permitted or required by Law, to include:

- 18 U.S.C. 1905 (Trade Secrets Act);
- 18 U.S.C. 1831 et seq. (Economic Espionage Act);
- 5 U.S.C. 552(b)(4) (Freedom of Information Act);
- Executive Order 12600 (Pre-disclosure Notification Procedures for Confidential Commercial Information); and,
- Any other statute, regulation, or requirement applicable to Government employees

2.0 Source Selection Sensitive Information: DAF policy is to treat all submissions as source selection information, and will only disclose their contents for the purpose of evaluation. Restrictive notices notwithstanding, during the evaluation process, submissions may be handled by Non-Government advisors for administrative purposes and/or to assist with technical evaluation(s). All government support contractors performing this role are expressly prohibited from performing DAF ACT technical research and are bound by appropriate NDAs.

Submissions will not be returned. The original of each submission received will be retained with the 338th SCONS and all other non-required copies destroyed. A certification of destruction may be requested, provided the formal request is received by the contracting office within 5 days after notification that the proposal was not selected.

3.0 – CSO CONTACT INFORMATION

CSO_Ombudsman: Lt Col Jorge L. Manresa - jorge.manresa@afwerx.af.mil

CSO_Administrative Contracting/Agreements Officer:

Michael.Piller@afwerx.af.mil or yanju.woolfolk@afwerx.af.mil

CSO_Contract Specialist: jess.steinhoff@afwerx.af.mil

3.1 AOI CONTACT INFORMATION

*See instructions within each respective AoI for Cognizant Contracting Officer contact information

3.2 CSO Provision-Subject to Availability of Funds.

Funds are not presently available for this CSO. The Government's obligation under this CSO is contingent upon the availability of appropriated funds from which payment for CSO purposes can be made. No legal liability on the part of the Government for any payment may arise until funds are made available to the Contracting Officer for subsequent AOIs until the Contractor receives notice of such availability, to be confirmed in writing by the Contracting Officer.

3.3 Notifications of Award and Protests

Unsuccessful offerors shall receive notification of award and small business status of awardees. Protests may be filed in accordance with FAR Part 33, DFARS Part 233, and AFFARS Part 5333. Protests of small business size or status to the SBA may be filed pursuant to 13 CFR Part 121 and FAR Part 19.