

**AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT**

BPA NO.

1. CONTRACT ID CODE

PAGE

OF PAGES

1

8

2. AMENDMENT/MODIFICATION NO.

4

3. EFFECTIVE DATE

11/13/2003

4. REQUISITION/PURCHASE REQ. NO. jlm

03-2989

5. PROJECT NO. (If applicable)

6. ISSUED BY

CODE

U.S. Department of Labor, ETA/OGCM  
Division of Contract Services  
200 Constitution Avenue, NW  
Room S-4203  
Washington DC 20210

7. ADMINISTERED BY (If other than Item 6)

CODE

U.S. Department of Labor, ETA  
Division of Contract Services  
200 Constitution Avenue, NW  
Room S-4203  
Washington DC 20210

8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code)

To all Offerors/Bidders

(X)

9A. AMENDMENT OF SOLICITATION NO.

RFP-DCS-03-43

X

9B. DATED (SEE ITEM 11)

09-05-2003

10A. MODIFICATION OF CONTRACT/ORDER NO.

10B. DATED (SEE ITEM 13)

CODE

FACILITY CODE

**11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS**

The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers  is extended,  is not extended.

Offers 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 0 copies of the amendment; (b) By acknowledging receipt of this amendment of 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.**

(X) 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  is not,  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.)

Please see attached

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)

KEITH A. BOND  
Contracting Officer

15B. CONTRACTOR/OFFEROR

15C. DATE SIGNED

16B. UNITED STATES OF AMERICA

16C. DATE SIGNED

(Signature of person authorized to sign)

BY \_\_\_\_\_  
(Signature of Contracting Officer)

## CONTINUATION PAGE

**14. RESPONSES TO REQUESTS FOR CLARIFICATION**

1. Will the contractor be addressing the backlog of Permanent Certification Labor cases from the regions?
  - a. A decision regarding transfer of backlogged applications from the federal regional offices to the processing centers has not been made. The determination will be made after start-up of the processing centers. Consideration will be given to the workload or activity level of the co-located federal staff and a review of the current backlog at the regional offices.**
  
2. What is the basis for the estimated level of effort of 100 individuals at each processing center? If this estimate was based on the TMS simulation, is the data that supports this level of effort available? If so, will it be made available to those contractors requesting copies?
  - a. The estimated level of approximately 100 individuals was not based on the TMS simulation. The level of effort is based on the anticipated funding level for the base year and option years. Should the expected level of funding change adjustments will have to be made.**
  
3. Does the government currently own the software application or is it owned by TMS? a. Is documentation available now on the application's technical aspects so that we might better plan to expand and scale the application?
  - a. Please see the responses to several questions related to the CAPS software in Amendment Number 3, issued on October 30, 2003. The Government has full rights to the CAPS software in accordance with the rights in data provisions of the FAR.**
  
4. The statement is made: "...space requirements will include workstations for up to a total of sixteen (16) fulltime, Federal staff." Does the term "workstation" describe a physical space or a space the contractor provides with the typical office equipment, such a desktop computer?
  - a. Work stations refer to the physical space and the typical office equipment. Also see related questions in Amendment No. 3.**
  
5. Will the contractor be held responsible for potential deficiencies in the CAPS that impact project performance?
  - a. It is not appropriate to assess responsibility on a hypothetical or general basis. If there are deficiencies of any kind that impact performance, responsibility must be determined based on the facts, the nature of the deficiencies, and the terms and conditions of the contract.**
  
6. Does the government have a preference for which e-mail product we use?
  - a. No, the government does not have a preference for which email product the contractor uses.**

- a. Are there any specific e-mail interface requirements?
- a. There are no specific email interface requirements.**
- b. What is the expected level of e-mail traffic?
- a. The expected level of email traffic is not known at this time.**
7. Regarding the phone requirements, will the contractor be required to provide local and/or nationwide carriers?
- a. The contractor's phone contacts or calls will be nationwide.**
- a. Will the contractor be expected to provide an 800 toll-free number?
- a. No, the contractor will not be expected to provide an 800 toll-free number.**
- b. What is the expected volume of incoming and outgoing calls?
- a. The government is unable to give a number, however offerors should anticipate a high volume based on the staffing levels and volume of applications.**
8. Given that the anticipated contract is for a base year, does the government prefer to own vs. lease equipment (hardware)?
- a. The government does not at this time have a preference. Offerors are expected to propose the most cost effective approach given the anticipated contract duration, i. e., base year and option years.**
9. Is there existing ISP or CAPS SQL servers currently used by TMS that will be turned over to the contractor? Will the government provide anticipated volume levels for the fax and printer requirements so the configuration and numbers of required devices can be determined?
- a. Please see the responses to questions regarding volume levels in Amendment No. 3. Offerors should not anticipate any transitioned equipment in preparing their business proposals and systems requirements.**
10. Part 1. a) states that "...any transition issues from the simulation contractor's facility to the contractor's facility..." What is to be transitioned from the simulation contractor's facility to the contractor's facility?
- a. It is expected that closed and any remaining active files currently at the simulation site will be transferred to the processing centers. The number is 3000 total cases. Any other transition issues or items will be minimal.**
11. Part 1. b) states that "The offeror will be responsible for providing suitable space and computer equipment..." and "...audio visual equipment..." Is the training computer equipment separate from the production computer equipment? What are the specifications for the AV equipment and what is it being used for? If it for training purposes, is there a reason why the PMSC would not provide this instead as training falls under their purview.

a. The reason that AV equipment is included in the processing center solicitation is that there may be need for large screen monitors or TVs or other equipment that is not easily portable. It is also thought that the equipment could be used for continuing training or conferences and presentations throughout the contract period. Final decisions on what to purchase, including specifications, will be made during the implementation and planning stage. Offerors are expected to include costs for such items typically found in a modern office environment for training or presentations purposes in their business proposals. The computer equipment would be the same equipment to be used during the production phase.

12. Part 1. b) states that the training "...length, location, format, and number of training sessions will be agreed upon during the planning sessions..." Re training of analysts: Can some approximate time be given to provide training for planning purposes such as two weeks, one month, etc.? Will the PMSC be responsible for all training under this contract or only the initial training? Whose responsibility is training for natural staff attrition over the life of this contract?

a. The government does not believe it is necessary or advantageous to attempt to define the training format and length at this time, however training is more likely to be less than two weeks per individual or team rather than more. Scheduling training is impacted by the hiring schedule in the solicitation and the contractor's approach to staffing and teams/specialization. The government believes that the final training format should be based on discussions that take into account the successful offerors organizational structure and proposed processing approaches.

**It is expected that additional training related to staff attrition and new hires will be the responsibility of experienced staff of the PCC.**

13. It would seem that part of verifying the accuracy of the received inventory would be to compare the contractor's inventory to that of the sending SWAs. Will the SWAs' inventory data be available to the contractor to verify that all the intended files have successfully transferred?

a. **Yes, we hope to be able to utilize the SWA's inventory in the process. Important: Please see question and response No. 18 in Amendment No. 3.**

14. Will any of the documents transferred from the states be in electronic form? Does the Foreign labor program have any special requirements in addition to normal federal documentation regulations? Are the original documents used later in the application process?

a. **Applications transferred from the SWAs will be in paper format, not electronic. For information on archiving see Amendment No. 3. The original documents are used throughout the application process.**

15. The RFP states that "The contractor will provide weekly reports to the PMC and the COTR..." Is PMC the Project Management and Support Contractor (PMSC)?

a. **Yes, it should read PMSC.**

16. Under the section entitled *Personnel*, it requests that the Offeror provide very specific information regarding the proposed key personnel (such as previous work experience, work completed/on-going, educational background, position) but it seems to be redundant with the requirement to provide resumes under sub-bullet (3). Do you want specific

information regarding key personnel in two sections of the proposal (i.e., *Personnel* and Resumes)?

**a. Section M, Item C, Individual Staff Experience and Qualifications (20 Points) provides specific items the offeror shall include in the resumes for the purposes of proposal evaluation (page M-4) . The resumes shall be complete in accordance with the requirements in the solicitation, Section M, C 4. Other information requested under that section includes project organization and letters of intent. Generally it is not necessary or desirable to repeat information except as it contributes to the flow of the narrative or provides a more complete understanding.**

17. Under the sub-bullet (3) which discusses submission of resumes, it directs that the Offeror submit resumes for “professional personnel”. Do you want specific information regarding key personnel in two sections of the proposal (i.e., *Personnel* and Resumes)?

**a. See the answer to question No. 16 above.**

18. Section M.3.(C ) requires that the Offeror submit Letters of Intent; however, Section L does not direct where in our proposal the Government would like to have these letters included. We suggest that the Letters of Intent be included with the Resumes section. Where should Letters of Intent be included in the proposal?

**a. Letters of Intent should be submitted in Part II of the proposal, with the resumes.**

19. Section M.3.B, there are two (2) Factor B’s listed in the RFP. Please clarify.

**a. Criterion B and Factor B are one in the same. The Technical Approach will be evaluated based on the sub-factors listed below the Please Be Advised section of Criterion B.**

20. Section M.3.B.iii requires Offeror’s provide names, qualifications, and experience of professional personnel. The RFP, Section C (page C-4) states that “Offerors are not required to identify specific individuals for the analyst positions when submitting their technical proposals and staffing plan.” Please clarify that the names and experience of personnel are only required for Key Staff.

**a. While resumes are not required for analysts, names and experience are required for all professional personnel. Professional personnel include all staff except administrative staff and analysts.**

21. A 20-page, double-spaced limitation for the Technical Approach section of the Technical Proposal seems a bit ambitious given this section includes the following items: Problem and Approach, Experience, and Personnel. The Experience and Personnel sections, (L.9.(A).Part 2 (2) refers), seem redundant with Past Performance and Resumes, (L.9.(A).Part 2 (3) and (4) refers , respectively. Can the 20-page, double-spaces limitation be applied to the Problem and Approach section only?

**a. The 30-page limitation refers to the technical approach section of Part II of the proposal.**

22. Section M.3.C, Factor C (sub-bullets i, ii, and iii) states that the Offeror will be evaluated on the following factors: Experience and qualifications of the Project Director, Other Managers/Supervisory Staff, and Other Professional and Administrative Staff. In addition, sub-bullet iv in the same section indicates that the Offeror must submit a “resume for each

professional personnel to be assigned to the project.” This seems contradictory to Section C.4 (page C-4) which states “Offerors are not required to identify specific individuals for the analyst positions when submitting their technical proposals and staffing plan.” We are interpreting the requirement for the identification of personnel by name and their respective experience to be included in our proposal for only the Key Staff. Is this correct?

**a. Please see the answer to question No. 20.**

23. Will the government allow submission of alternate proposals if we feel that there may be a more cost effective technical solution for processing these applications, keeping in mind that the workflow process must remain intact?

**a. The government will not allow submission of alternate proposals. The government is, at this time, committed to the two center approach. Within this requirement, the solicitation language should be clear that the government is interested in benefiting from the offerors experience in similar efforts and innovative approaches to application processing.**

24. Must each facility operate at the same staffing level or can some functions be performed at only one facility if it proves to be more cost effective?

**a. Within the required intent to establish two processing centers, offerors may propose different organizational structures as stated in Task C.4., last paragraph.**

25. In Section C, there was a discussion about the two primary methods of processing applications but neither of them discussed Limited Reviews. Will the contractor be performing the processing of limited review applications?

**a. As noted in the PwC report at page 12, Limited Review cases can include both RiR applications and supervised recruitment cases. The PwC report also notes that limited review cases are rare and limited review is not widely used by the states, therefore the percentage of cases classified as limited review is not known. Certainly, if the opportunity to use limited review is identified the contractor can recommend it. However, it is not anticipated that limited review will have a significant impact on backlog reduction.**

26. In Section L.7 of RFP-DCS-03-43 it states: “ A list of five “relevant” contracts and subcontracts completed during the past three years and all contracts and subcontracts currently in process.”

Q: Please clarify ‘completed.’ If we are still performing contracts do these count as currently in process?

**a. If a contractor is still completing a contract and the period of performance has not expired then that contract would qualify as work currently in progress.**

27. TMS was COI'd out of the operations contract if they won the management contract, but was that only if they won it as a PRIME? In other words, since they have reportedly won it as a SUB on the TATS team, are they still COI'd out of participating - as a sub - in the operations contract?

**a. TMS is not eligible to participate as a subcontractor or other team member under the processing center contract.**

28. Is there any reasonably quick way to get access to a more detailed view of the process simulation that TMS developed?

**a. Please see the various responses in Amendment No. 3 regarding the simulation.**

29. Must all personnel be employed by the prime and/or subcontractor(s)?

**a. Consultants are permitted.**

30. Are personnel that are not employed by the prime and/or subcontractor(s) considered to be included in the labor breakout when determining the 51% labor requirement?

**a. Personnel that are not employed by the prime and/or subcontractor(s) are not considered to be included in the labor breakout when determining the 51% labor requirement.**