

**AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT**

BPA NO.

1. CONTRACT ID CODE

PAGE

OF PAGES

1

56

2. AMENDMENT/MODIFICATION NO.

3

3. EFFECTIVE DATE

10/30/2003

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)

## **14. RESPONSES TO REQUESTS FOR CLARIFICATION**

1. Is this a re-solicitation or a new solicitation?
  - a. **This is a new solicitation**
2. In Section C.3 the RFP states: The processing centers must be located no more than a maximum of 30 miles (commuting distance) from the DOL Regional Office located in the following cities:
  1. Philadelphia, Pennsylvania; and 2. Dallas, Texas

In order to allow for more flexibility on the part of the Service Provider will the Government amend this Section to read as follows? The processing centers must be located no more than a maximum of 45 miles (commuting distance) from any of DOL's Regional Offices located in the following cities:

1. Boston, MA
  2. New York, NY
  3. Philadelphia, PA
  4. Atlanta, GA
  5. Chicago, IL
  6. Kansas City, KS
  7. Dallas, TX
  8. Denver, CA
  9. Seattle, WA
  10. San Francisco, CA
- a. **The Department gave careful consideration to the locations of the backlog reduction centers and is firmly committed to Dallas and Philadelphia.**
3. Were there any other companies involved with the pilot, other than TMS?
  - a. **There were no other companies other than TMS involved in the pilot.**
4. This solicitation requests the two processing centers (Dallas, Texas and Philadelphia, Pennsylvania) be located within reasonable commuting distance (maximum of 30 miles) from the current Department of Labor Regional offices. Please verify the addresses of the two current Department of Labor Regional offices to be used as reference points for the 30 mile radius.
  - a. **Philadelphia Regional Office  
The Curtis Center  
Suite 825 East  
170 South Independence Mall West  
Philadelphia, PA 19106-3315**

**Dallas Regional Office  
Federal Building  
Room 317  
525 Griffin Street  
Dallas, Texas 75202**

5. The NAICS code for this solicitation is listed as 541611 with a size standard of \$6 million. NAICS code 541611 is entitled "Administrative Management and General Management Consulting Services" and described as "providing operating advice and assistance to businesses and other organizations on administrative management issues". This NAICS code seems inappropriate for an organization operating a processing facility. Wouldn't the NAICS code 518210, "Data Processing Services" described as "provide complete processing and specialized reports from data supplied by clients or provide automated data processing and data entry services" be more appropriate? Will there be a change to a more appropriate NAICS code?

a. **On October 7, 2003, the Small Business Administration, Office of Hearings and Appeals decided that the appropriate NAICS code for this solicitation was 561110, Office Administrative Services, with a \$6 million annual receipts size standard.**

6. Is the level of effort for this project \$16 - \$20 million (ref. Section C.3), or \$16 - \$18 million (ref. section F.3)?

a. **The level of effort for this project is \$16-18 million.**

7. The leasing of office space requires a commitment for a certain period of time, and the RFP states that costing should be based on a duration of "the base year plus all option years" for a total of four years. But the RFP also states that the funding "is subject to change based upon congressional appropriations." Multi-year leases yield a lower facilities cost. If the appropriations are changed significantly such that one or more of the leases must be exited early, will the DFRC pay the penalties for early termination of the lease(s)?

a. **Department of Labor cannot guarantee appropriations; it is therefore the responsibility of the offeror to negotiate leasing agreements that minimize loss or penalties if DOL does not receive appropriations or received reduced appropriations for the backlog elimination.**

8. What are the computing equipment requirements for implementing the CAPS system on the scale envisioned for the two centers? Is there a redundancy, system backup and interconnection/synchronization requirement for the centers?

a. **The minimum requirements for each component are as follows:**

**Database Server**

**Dual Intel Pentium III processors running at 1 GHz or better**

**2 GB System RAM**

**RAID 5 SCSI Disk Storage**

**Microsoft Windows 2000 Server Operating System**

**Microsoft SQL Server 2000 Database**

**Web Server**

**Intel Pentium III processor running at 1 GHz or better**

**1 GB System RAM**

**Microsoft Windows 2000 Server Operating System**

**Microsoft IIS Web Server**

## Client Computers

Intel Pentium III processor running at 1 GHz or better

512 MB System RAM

Microsoft Windows 2000 Professional Operating System

Microsoft Office Professional

There is no intra-center interconnection or synchronization requirement as CAPS is run at a single site with no database replication. Access to the web application is provided over a 128-Bit encrypted SSL connection. The publicly accessible web server is hosted on a DMZ network segment and connects to the LAN hosted databaseserver through a stateful packet inspection firewall.

Scaling the system to the projected number of users at the two proposed centers would require redundancy and system backup facilities for the one location where the CAPS system is hosted in order to ensure disaster recovery capabilities and maximum availability for system access. Additionally, the Internet connection provided at the CAPS host site should be a T1 or better circuit.

9. The CAPS system is described as "allowing for remote access for privileged users." Please describe what the Government means by "remote access for privileged users".
  - a. The web-based CAPS system contains integrated authentication and access security. User accounts are defined in the CAPS database by a system administrator. Unauthorized users are denied access.
10. Who will be responsible for the implementation, operation, and on-going maintenance of the CAPS system (the PMSC, the contractor, ETA IT support, other)?
  - a. The PMSC contract was awarded September 30, 2003. One of the PMSC's assignments will be to conduct the necessary evaluation and tests of the CAPS system to resolve any issues with operating CAPS at the processing center scale. The PMSC will provide advice and assistance to the processing center contractor during implementation and start-up on installing and operation of the system, including training of all staff. It is expected that the processing center contractor will have on their staff individual(s) to provide routine maintenance, however changes to program source code should only be performed in collaboration with the PMSC's technology specialist. The PMSC will be available throughout the project to provide advice and assistance as needed.
11. Has the ETA determined the quantity of applications that will be transferred to each processing center?
  - a. No, as described in the scope-of-work under Task 4(d) and Task 5 the quantity and schedule for transferring applications from the state workforce agencies to the processing centers will be determined during the implementation phase. For the purposes of estimating the costs of filing and storage of the paper applications and transportation from the SWAs to

the processing centers offerors should base their estimates on an inventory of 45,000 applications at each center during the first year.

12. Is it necessary for all applications to be transferred at once from all locations at the beginning of the program, or in phased shipments over the duration of the contract?
  - a. DOL anticipates that shipments will be phased to the extent necessary to maintain an orderly process, however a sizeable inventory as described above is also anticipated. DOL's objective is to have the applications transferred to the processing centers as soon as possible after start-up. This will enable the PCC to start data entry and send out initial letters in a timely manner. This is important because of the relatively lengthy cycle times involved in some of the application processing. As noted in the scope-of-work at Task 5, a sufficient number of applications should be in the database in order to test processing initiatives and team approaches. As also noted under Task 5, DOL is interested in offerors suggestions and recommendations in this area.
13. Is the transfer of the backlog identified in the PWC report to the two centers the responsibility of the contractor?
  - a. As described in Task 4, the PCC will be responsible for collecting and transporting the applications from the SWA's to the processing centers. The SWA's will place the applications in boxes for collection, and affix shipping labels depending on the PCC's procedures for collecting applications.
14. Who determines the amount and which centers the backlog will go to?
  - a. Please see the answer to question no. 11. For the purposes of planning and cost estimating offerors should assume equal distribution between the two centers.
15. Will the shipping costs for the applications be borne by the ETA, or do these have to be estimated and included in our proposals?
  - a. Shipping costs shall be included in the offerors business proposal.
16. The RFP states that "the PCC will be responsible for collecting and transporting the applications" to the processing centers. What does the ETA envision is entailed in the collecting activity?
  - a. The PCC will arrange for collection of the boxes of applications from the SWA's and transportation to the processing centers. The PMSC will assist the PCC in coordinating with the SWA's. The locations and number of applications to be collected from specific SWA's will be finalized during the 60 day implementation and start-up phase - Task 4 (d).
17. Is it necessary for contractor staff to go to the SWAs and Regional Offices to collect and package the applications, and supervise their loading for shipping?
  - a. How to best organize and conduct the transfer will be finalized during the planning and implementation phase. The PCC will clearly have a responsibility to supervise the transfer process. It is expected that the PCC

will have on board sufficient staff at this juncture to assist in the transfer process. The offeror should propose a reliable and cost-effective procedure to be used for the collection of applications, e.g., engaging the services of a shipping company to collect and to transport the applications. The applications will be placed in boxes and labeled by the SWA's.

18. The RFP states that "The PCC shall prepare, and have available within 72 hours following receipt of transferred applications at the processing centers, a highly accurate and complete inventory of all cases received." Does the DFCL have a current/preferred inventory system or is the contractor expected to provide one as part of their proposal?
  - a. It was originally thought that CAPS would be the system for the inventory. However, because CAPS was not designed for this purpose, i.e., a quick turnaround inventory system, CAPS might not be appropriate. Offerors are welcomed to make suggestions however; DOL wants to avoid creating a burdensome and potentially duplicative requirement, i.e., requiring a quick turnaround inventory in a separate system prior to entering the applications in the CAPS database. Therefore, DOL proposes to suspend this requirement until discussions can be held during the planning and implementation phase. One possible solution is that the states prepare and hand over an inventory from their tracking systems. We do not believe the issue will have a significant if any impact on proposed costs. At the time that transfer of applications to the processing centers begins, the contractor must have significant numbers of project dedicated staff on board. It is a question of efficient use of their time.
19. The RFP states "Completed applications must be maintained (archived) in accordance with government regulations. The PCC will be responsible for preparing completed applications for archiving." Is there a separate facility already in place that performs this archiving, or is the PCC responsible for the archiving? What is required in preparing the applications for archiving?
  - a. The current policy in effect for file retention and archiving requires that closed files or applications be held for two years from the date of the final determination. After two years the files can then be shipped to the National Archives and Records Administration. Files closed by the PCC will not be returned to the SWA's and therefore must be boxed and stored by the PCC. The current policy is based on a fairly old policy directive. ETA will review this policy and determine if changes can be made to the length of time the files are stored prior to transferring to the records center. However, for the purposes of proposal preparation the current policy shall be followed. Details on the actual archiving process and preparation will be provided; it basically consists of labeling the boxes and preparing a transmittal form. Documents to be retained include the ETA 750, amendments to ETA 750, recruitment information, correspondence, and the final determination.
20. Given that the Project Director will have significant interaction with the PMC and the COTR, where are these people/groups going to be located?
  - a. Both the PMSC and the COTR are located in Washington D.C.

21. Will the PMC or COTR require office space at either or both of the facilities?
  - a. **During the implementation phase it is anticipated that the PMSC will have a fairly continuous presence at the processing centers. Permanent office space is not required; however, a temporary office or area such as a conference room or other common space would suffice.**
  
22. The past performance section states that we shall provide contract information for references for 5 relevant contracts and subcontracts completed within the past 3 years, etc. for projects/ work similar in nature. We are told in Section L.7 "Offerors should not provide general information of their performance on the identified contracts. General performance information will be obtained from the references." In section L.8, part 2 under the heading "Experience" we are told "The proposal shall describe the offerors past experience in performing work of a similar nature." These projects will be one and the same. We assume that we are required to provide references in the first case and detailed descriptions in the second case. Is our assumption correct?
  - a. **Yes, please provide references for past performance and descriptions for experience using Attachment J.7, Past Performance Reference Information Sheet.**
  
23. The solicitation states "Offerors shall submit the following information as part of their proposal for both the offeror and proposed major subcontractors: A list of five (5) "relevant" contracts and subcontracts completed during the past three (3) years and all contracts and subcontracts currently in process." Given the ability to team with large business, the listing of "all contracts and subcontracts currently in process" seems excessive considering it could involve thousands of references and several volumes of information. Is it the Government's intent to review and evaluate this mass of information?
  - a. **Offerors should submit a list of five "relevant" contract and major subcontracts completed during the past three years. Of the five references, three should be from the prime contractor.**
  
24. The proposal instructions as stated in paragraph (2) requires the submission of the technical proposal and the proposal instructions require a second technical proposal as a "separate enclosure". Are these two distinct and separate technical proposals or one and the same?
  - a. **The offeror is required to submit one original and three copies of the technical proposal.**
  
25. Please confirm that the government wants 2 copies of the "Representations, Certifications, and other Statements of Offerors and all other attachments thereto"1 copy included in Part 1 (as requested on page L-7, Section L.9) and 1 copy included in Part 2 (as requested on Page L-8, Section L.9)?
  - a. **In Part 1, offerors should submit an original and two copies of completed Standard Form 33, Solicitation, Offer and Award, Original and two (2) signed copies of Section K, the Representations, Certifications and other Statements of Offerors and all attachments thereto except those items required in Part 2 and 3, which will be submitted as outlined in their**

respective parts. The attachments that are required in Part 2 and 3 are detailed in the instructions for those parts.

26. What is the range of application dates for Backlog applications?
- Based on the PwC report, the age of applications varies considerably by regions and may be as much as three to four years old. The PwC report contains a fairly detailed description of the backlog. This is most the definitive description available.
27. What is the average number of pages per Backlog application?
- The size of the application package varies by traditional and RIR applications. Traditional applications average about seven or eight pages, while RIR applications can run to 18 to 20 pages. For planning purposes, the government suggests using an average of 13 pages.
28. Is the format of Backlog applications consistent over the date range - i.e., has ETA750 changed during this time?
- The format is consistent. There have been no changes during the relevant period.
29. How are the Backlog applications stored and identified? Contained in folders/jackets? Contained in boxes? Stapled? Duplex v. Simplex? What locations?
- For locations of the application backlog, please see the PwC report which describes the number of cases by region or city. There are some 54 state workforce agencies. As noted in the PwC report, there is considerable variation in how the state agencies conduct the process. Therefore, we cannot with certainty state how the applications are stored and identified. Applications are "paper intensive" (see PwC report page 23) and usually kept in folders or jackets. When the applications are collected from the SWA's, the folders or jackets will be placed in boxes by the SWA employees.
30. How will the Backlog applications be delivered to contractor?
- Please see the answer to question no. 13.
31. Please confirm the address for Philadelphia Office:
- Philadelphia District Office**  
US Dept. of Labor  
ESA Wage & Hour Division  
US Custom House, Room 400  
Second & Chestnut Streets  
Philadelphia, PA 19106
- Please see the answer to question no. 4.
32. Please confirm the address for Dallas Office:



Dallas District Office  
US Dept. of Labor  
ESA Wage & Hour Division  
The Offices @ Brookhollow  
1701 E. Lamar Blvd., Suite 270, Box 22  
Arlington, TX 76006-7303

a. Please see the answer to question no. 4.

33. What training is currently provided for DOL analysts and SWA analysts?
- a. We do not know the kind or the extent of training across the various state workforce agencies or regional offices; however the PMSC will be responsible for designing and delivering training to the PCC staff.
34. How long does the training last for DOL analysts and SWA analysts?
- a. See answer to questions no. 33.
35. How long does it currently take analysts before reaching full productivity for DOL analysts and SWA analysts?
- a. The expectation is that the PCC analysts and data entry specialists will be productive after receiving the four-day on-site training provided by the PMSC. "Full productivity" should be attained through a combination of the training and experience gained through a few weeks of operation, i.e., about one month after the start of the backlog reduction processing.
36. How much time will CAPS installation require?
- a. DOL does not think it is possible to say at this time. However, as noted previously it is our plan to try and resolve any issues between now and the time of award of the PCC contracts in order that implementation and start-up will proceed quickly.
37. What CAPS training will be provided?
- a. The PMSC will finalize the training manual and conduct the training, including CAPS training. Training on operation of the CAPS system will be embedded in the training of the PCC staff.
38. How long does CAPS training take?
- a. The duration of the training will be determined during the implementation phase. See the SOW, Task 4 (1b).
39. My company has formed a Joint Venture (JV) with an 8(a) firm under the SBA rules for "Mentor/Protégé". These require that the 8(a) have no prior experience or contracts with any federal agency. The JV is a qualified 8(a) firm under this arrangement and we wish to pursue the above procurement as the JV. We understand the rules and regulations requiring the 51%/49% obligations for work awarded under any procurement. While there are other partnering options we could pursue, our preference is to employ the JV. Our intent is to use my

company's past performance experience in responding to this RFP on behalf of the JV. We would like to understand how "Section M D. Contractor's Past Performance" will be evaluated and whether our past performances can be used in responding as the JV.

**a. The RFP does not prohibit consideration of each entity's past performance. The RFP essentially paraphrases FAR 15.305(a) (2)(iii). Thus, the Government shall be evaluating the JV based on the past performance of each of its constituent companies, and more particularly, the Government shall pay attention to which company will perform which part of the work, so that the past performance of that party is relevant to the work it will perform.**

**40. When will PERM system be implemented?**

**a. The anticipated date for PERM implementation is April or May 2004.**

**41. Should PERM requirements be used for Backlog application analysis?**

**a. The existing application backlog must be processed under the existing regulations.**

**42. Will Backlog applications be resubmitted as PERM applications?**

**a. Under the proposed PERM regulations, employers may withdraw their applications under the existing system and re-file under PERM. The potential impact to the backlog of re-filing under PERM is not known at this time.**

**43. What is the number and percentage of the new applications that DOL and SWA offices will complete during contract periods - will additional backlog accrue during the contract periods?**

**a. In general the backlog or number of applications filed will continue to increase until the PERM system is operational. There is no existing data on the number or percentage of applications that will be completed by DOL and the SWAs during the contract period. However, the PwC report may be a source for estimating and does include some projections of backlog growth and reduction.**

**44. Is the average staffing cost, documented in the Permanent Labor Certification Process Management Review, based upon analyst costs or is it an average of all staff costs at DOL and SWA offices?**

**a. The staffing cost provided in the PwC review on page 26 states it is for both DOL and the SWA offices.**

**45. Which of the recommendations of the Draft Final Report on Order for Supplies and Services No. AS-12737-03-40 has been accepted/approved by DOL?**

**a. DOL has not formally accepted or approved any of the recommendations. DOL is interested in considering the recommendations in both the PwC report and the above referenced report to enhance the certification process, see Task 5 of the SOW.**

46. Is DOL open to digital scanning of ETA 750 forms - including OCR/ICR and other recognition technologies?
- a. **Yes, DOL will consider any proposed process improvements that can be demonstrated to improve timeliness and cost-effectiveness of application processing and is consistent with law and regulation.**
47. Is DOL open to bar-coding letters, such NOF letters to implement automation improvements?
- a. **DOL is open to discussion of any techniques for improving the process.**
48. Is DOL open to process improvements whereby manual lookups, for example (intended employment) County, are replaced by automated processes?
- a. **Please see the answer to question no. 46.**
49. Can DOL provide copies of databases, such as O\*Net Code Connector?
- a. **The O\*Net Code connector is available on-line to the contractor at [www.onetcodeconnector.org](http://www.onetcodeconnector.org).**
50. Where can information about DOL retention schedules for Foreign Labor Certification be located?
- a. **The question is not clear, if the question refers to staff retention at the SWA level we are not aware of any information or studies.**
51. What procedures must be in put place for return/permanent storage of processed Backlog applications?
- a. **See answer to question no. 19.**
52. Why doesn't DOL use EIN and/or D&B lookup for employer verification?
- a. **These methods can be used but the simulation has shown that the results are not always reliable or definitive.**
53. The definition of professional personnel is somewhat ambiguous. For solicitation purposes, what is the Government's definition of professional personnel?
- a. **Professional personnel is defined as all staff excluding consultants, administrative staff and analysts.**
54. When is the bidders conference be held?
- a. **Due to the large number of requests for clarification, the Contracting Officer has determined that a pre-proposal conference will not be held.**
55. Will the up to eight federal staff be on site full time? Does the contractor need to supply eight separate spaces (offices and/or cubicles) or will a lesser number suffice?

- a. **The answer to both questions is yes, for space and equipment planning, offerors should consider eight federal staff, fulltime. One office space, for the senior federal official at each location, shall be an enclosed office of approximately 150 square feet. Office space for non-senior federal officials is set at 72 square feet.**
  
56. The RFP states that option year costs will be increased by the rate of inflation as determined by BLS. Would you like us to project the costs for option years 1 through 3 or just provide our estimate for base year costs?
  - a. **Please submit cost for the Base Year as well as for Option Years 1 through 3.**
  
57. Does the co-location of federal staff require the contractor to adhere to special federal standards or regulations regarding office space? If yes, what are these standards/regulations?
  - a. **The General Service Administration no longer prescribes or regulates office square footage by grade, position. The DOL's expectations are that the office space will be comfortable, in new condition, but modest. Modular furniture is typical and generally required at DOL for all positions or grades relevant to this project. Each center should have one enclosed office for the senior federal staff person of 150 square feet. The standard space allocation for a non-senior level federal staff person is 72 square feet.**
  
58. Does the government have an estimate of how many applications will be transferred with each shipment from State and Regional offices? What is the estimated number of shipments? What is the estimated frequency of the shipments?
  - a. **Please see above responses to questions nos. 12, 13, 15, 16, and 17.**
  
59. Regarding the federal staff to be co-located in each of the processing centers. Question is "what are they going to do" if the contractor is processing the applications. Also, what responsibility do we have for the federal staff, e.g., space -who pays- , etc? In addition, where will this federal staff come from?
  - a. **As noted in the SOW, the final disposition of an application, whether certified or denied, must be made by a federal certifying officer. The certifying officer will review each application after processing by the PCC staff and submittal to the certifying officer for certification. Discussion, clarification, or rejection of the file as submitted by the PCC may be necessary; therefore it is critical that the certifying staff be on-site. The federal staff will most likely be current employees of the Dallas and Philadelphia regional offices. The contractor will provide office space, equipment and furnishings for the federal staff. These costs shall be included in the offerors business proposal.**
  
60. Task 4 states that *Offerors should not anticipate nor include in their equipment estimates any government furnished equipment or transitioned equipment.* What equipment will the government furnish other than CAPS?

- a. In preparing their business proposal, the offeror should assume that no GFE of any kind will be provided with the exception of CAPS. The difference in size and number of work stations between the simulation contract and the processing center(s) contract is so substantial that any GFE would be minimal at best.
61. Archiving - What is the final disposition of the applications?
- a. Please see answer to question no. 19.
62. Section L.7 - Past Performance. Does the government require Attachment J.7 to be completed for: 5 relevant contracts each for the prime *and* 5 relevant contracts for any subcontractors - totaling 10 or more? 5 relevant contracts for prime and subcontractors combined - totaling 5 only?
- a. The offeror is required to submit 5 past performance references (three for the prime and two references for major subcontractors).
63. Please clarify: Section F.3 LEVEL OF EFFORT states - The level of effort for this project is estimated to be between 16 million dollars and 18 million dollars for the base period (1 year). Section C.3 LEVEL OF EFFORT/SITE LOCATIONS/CONTRACT FINANCING states .....The estimated level of staffing under this solicitation is approximately 100 individuals at each processing center. The government estimate is between \$16 million and \$20 million per year for both centers, i.e., \$8 million and \$10 million per processing center. Which is correct?
- a. The estimated level of effort for both processing centers combined is \$16 to \$18 million.
64. What is the anticipated date of award?
- a. The anticipated date of award for this solicitation is the first Quarter of calendar year 2004.
65. Will an Executive Summary, and any other tables, charts, and matrices be excluded from the 20-page limitation?
- a. The page limit is extended to 30 pages. Any tables, charts and matrices as well as an executive summary must be included in that 30 page limit.
66. Are appendices allowed for items such as resumes, past performance, etc?
- a. Yes, appendices are allowed for resumes, and past performance information.
67. Because this is a cost reimbursement contract, should we assume that the government will absorb the cost of breaking leases and/or contracts should the backlog become eliminated before 4 years *OR* if the government does not receive funding?
- a. Please see the answer to question no. 7.
68. When do you anticipate the Bidders Conference to be held?

- a. Please see the answer to question no. 54.
69. Under C.4, are any of the other analytical or administrative positions covered under the Service Contract Act?
- a. Please see the answer to question no. 150.
70. In section H.3 you specify that a total of 9 paid Holidays will be observed. Can you specify which Federal Holiday will not be observed?
- a. Section H.3 is corrected to specify that a total of 10 paid Holidays will be observed.
71. In L.8, Oral Presentation, you state "Offerors may not use company senior or general managers or consultants to make any part of the oral presentation." Senior corporate managers are often most qualified to address broader corporate resources and processes that have been used effectively before in areas such as implementation and start up and staffing. Will you relax this restriction on use of senior or general managers?
- a. Senior or general managers or consultants are not permitted to make any part of the oral presentation. However, the Government is aware that in small businesses corporate officials are often the individuals designated to manage the contracts. Our concern is corporate officials or others making the oral presentation that will not manage the projects or will be not part of the performance team. If a company senior manager is proposed as the Project Manager/Director, or other key personnel and is designated in the budget for the requirement, then yes, that person will be allowed to present at the oral presentation.
72. Under L.9, Submission of Proposal, resumes are to be submitted for all "professional personnel". Are resumes excluded from the 20 double-spaced page limitation?
- a. The 30 page limitation only pertains to the technical approach and is not inclusive of resumes.
73. With respect to Project Personnel under section L.10, will you accept years of experience as a substitution for educational experience for project personnel?
- a. All key staff must adhere to the required educational experience. However, analysts may have three years of relevant experience and/or two years with the educational experience.
74. Under L.10 you state that the winning offeror must be able to demonstrate at least \$1 million in combined lines of credit and available cash reserves. Even so, a contract of the magnitude of \$16 million to \$20 million per year could create serious cash flow difficulties for a small business under \$6 million. Will you consider a larger small business standard for this procurement?
- a. Please see the answer for question no. 5.

75. What is the likelihood of an extension given that the bidders' conference has not yet been scheduled?
- a. **The closing date for the RFP is December 12, 2003. Please see the answer to question no. 54.**
76. When do you anticipate announcement of the award to the Project Management and Support Contractor?
- a. **The Management and Support contract was awarded on September 30, 2003, to TATC Consulting, Washington, D.C.**
77. Is it the Government's intent to have the offeror include a full compliment of Resumes and Past Performance Reference Information within subpart (2) (the separate enclosure entitled "Technical Proposal") as well as in subpart (3) and subpart (4) of Part 2?
- a. **Part 2 is the technical proposal, which is inclusive of the technical approach, all resumes and past performance reference information. Offerors are required to include an original and three copies of the resumes and an original and three copies of the past performance reference information.**
78. In the interests of submitting a fully compliant and responsive proposal, additional clarification as to what constitutes the page limited section of the proposal entitled Technical Approach is required. Our understanding is that this applies only to paragraph 2 under Problem and Approach on page L-8 of the Instructions. Is this the correct interpretation? If it is not, please provide additional clarification?
- a. **The page limitation pertains only to the technical approach section of the technical proposal (Part 2).**
79. The RFP states that, "There is a page limit not to exceed 20 double-spaced, single-sided pages" and "Text type shall be at least 12 pitch or larger." Do the double-space and pitch requirements apply only to text and not tables and graphics?
- a. **The space and pitch requirements pertain only to text.**
80. Is the Simulation Contractor eligible to bid on this proposal?
- a. **No, the simulation contractor is a subcontractor to TATC, the PMSC, and is therefore ineligible to bid.**
81. What GFE will be transitioned to the new contractor?
- a. **Please see the answer to question no. 82.**
82. Will there be GFE for the Regional officers working on site?
- a. **There will not be GFE for the Regional officers working on the site.**

83. Should we include costs for postage when mailing letters to applicants or will DOL provide pre-franked government envelopes to use for mailing purposes?
- a. **Government envelopes and stationary will be used for correspondence. However, offerors shall include estimated postage costs in their business proposal for mailing letters/correspondence. A basis for estimating is to assume that every application will require at least one letter (See question No. 84). Offerors shall also include postage costs for at least one mass mailing to all applicants in the database for the purpose of processing initiatives. The use of certified or overnight mail is rare and generally at the expense of the applicants.**
84. Based on the simulation, what percentage of applicants required letters to be mailed?
- a. **Letters were mailed to 100% of the applicants.**
85. Based on the simulation, how accurately did the simulation validate the Cycle Time and level of effort breakdown scheme as depicted in Figure 9 on page 21 of the PriceWaterhouse Cooper Management Review?
- a. **The Cycle time and level of effort breakdown presented on page 21 of the PwC report describes the current process in which the initial information gathering is performed by the SWA, and the determinations are issued by the ETA Regional Offices. The Simulation Project and the backlog elimination effort combine both phases of the process at a single location, therefore, the cycle time and level of effort breakdown does not exactly reflect the processing that will take place at the Processing Centers; however, ranges provided for cycle time and level of effort have been shown to be generally accurate in the conduct of the Simulation. The cycle times are relatively fixed by the regulations guiding the administration of the program; however, the Simulation has disclosed that technology can be used effectively to reduce levels of effort.**
86. In order to determine storage space, what is the size of each box of applications?
- a. **There is no standard "size of each box of Applications". However, a size frequently used by the states that participated in the simulations was 16 inches long, 12 inches wide and 11 inches deep.**
87. Should the contractor include costs in the proposal for transporting applications from the states and regional offices to the contractor's sites? If yes, what is the average weight of one box of mixed applications?
- a. **See previous responses. The average weight of the boxes described in the response to question #86 is 26 pounds. It holds approximately 100 traditional applications or 50 RiR applications.**
88. How long will it take to make changes to the CAPS software system when implementing approved recommendations for the project?
- a. **This question is not possible to answer without knowing the complexity of the changes, the degree of impact to the database schema, the number of**



screens and programs impacted, the length of time required for requirements analysis and design process etc. The PMSC will work closely with the PCC to expedite the process as much as possible.

89. What changes have been made to CAPS as a result of the finishing the Simulation Project?
- a. The simulation project is still operating and improving CAPS is an on-going process that will continue until the processing centers start operating. The PCC contractor's staff will be trained with the most recent version. After award of the PCC contract improvements will be joint efforts.
90. Will the CAPS system be able to handle this volume of applications and follow up documentation and letters?
- a. The PMSC is responsible for evaluating the scalability of the CAPS System and ensuring that the system is fully capable of handling the volume of applications to be processed by the PCC. If the existing CAPS program fails the stress/load test and is deemed not scalable, the source code will be modified to provide a tool capable of handling the increased workload.
91. Does the CAPS system store a copy of all documents created and mailed to applicants/employers? If not, are copies of each letter added to the case file?
- a. The CAPS program does not store a copy of any document created and mailed to the applicants/employers. A paper copy is printed and added to the application file.
92. Where will the CAPS server reside and whose responsibility will it be for daily, monthly, annual maintenance?
- a. The plan is to host the CAPS system at the Philadelphia location. Philadelphia users will access the CAPS system locally from within a corporate or campus LAN. Dallas users will access the CAPS system remotely over the public Internet. A T1 or better Internet connection is highly recommended for optimum performance for remote users. All maintenance for the CAPS system is the responsibility of the PCC.
93. What percentage of the applications will be 245i's?
- a. Please see the scope-of work at Task 4 (d) and the PwC report.
94. Are all project employees required to be U.S. citizens?
- a. There is no requirement for citizenship. All employees must be have legal residence in the U.S.
95. When will the Government determine a date and time for the pre-proposal conference mentioned on page B-1 (ninth paragraph) of the solicitation?
- a. Please see the answer to question no. 54.

96. What was the start date of the simulation?
- a. **The start date of the simulation was October 1, 2002**
97. What is the anticipated end date of the simulation?
- a. **The anticipated end date of the simulation is December 31, 2003.**
98. If the simulation is ongoing, is the simulation contractor (Technology & Management Services, Inc.) prohibited from bidding on RFP-DCS-03-43?
- a. **TMS is a subcontractor under the Project Management Support Contract and therefore may not "bid" on this RFP.**
99. What percentage of applications processed during simulation by Technology & Management Services, Inc. (TMS) were Supervised Recruitment (Basic)?
- a. **58 percent of the applications processed during the simulation by TMS were Supervised Recruitment.**
100. What percentage of applications processed during simulation by TMS were Reduction in Requirement (RIR)?
- a. **42 percent of the applications were RIR.**
101. Approximately, how much time did it take TMS to process a Basic application during the simulation?
- a. **The length of time required to process the average basic application ranged from 150 days to 200 days.**
102. Approximately, how much time did it take TMS to process a RIR application during the simulation?
- a. **The length of time to process the average RiR application was less than 60 days.**
103. To date, what is the total number of direct labor hours billed to the Government for the TMS simulation?
- a. **The information is not available nor relevant to this project.**
104. Is PricewaterhouseCoopers (PwC) conflicted out of this procurement (i.e., ineligible to team or subcontract with a small business prime)?
- a. **No, we are not aware of any conflict of interest or other basis of ineligibility.**
105. PricewaterhouseCoopers (PwC) conflicted out of assisting in the role of "Project Support Contractor" (i.e., ineligible to team or subcontract with a small business prime on solicitation RFP-DCS-03-34)?
- a. **The Project Support Contract was awarded to TATC Consulting .**

106. Is the current simulation contractor (Technology & Management Services, Inc.) prohibited from bidding on RFP-DCS-03-43 due to the "perceived" unfair advantage TMS might have gained because of its participation in the simulation project?
- a. **Please see the answer to question no. 98.**
107. DCS-03-43 directs potential offerors to propose facilities and services for a base year and three option years. Based on our reading of the PwC and TMS reports, this contractor believes continuous process improvements could allow us to eliminate the backlog in less than four years. Considering the time and expense of establishing and equipping two processing centers, what costs would the Government pay if the backlog was cleared up early (e.g., early termination costs for the facility and equipment leases, etc.)?
- a. **Please see the answer to question no. 7. Any partial or full termination will be subject to the termination clauses.**
108. In the first paragraph of under Task 2, the Government refers to a GSA Web site ([www.gsa.gov/realpropertypolicy](http://www.gsa.gov/realpropertypolicy)) as a source for recommendations of space standards. This prospective offeror searched the site but was not able to locate information on space standards. Is the Government able to provide the specific URL for the GSA space standards?
- a. **The GSA site states that GSA no longer establishes standards for space requirements. It further states that in estimating overall space requirements it recommends 200 square feet per person including all common space and other space requirements.**
109. In the second paragraph of Section C-3, the Government provides an estimate of "\$16 million and \$20 million per year for both centers." If Congress appropriates substantially less than \$16 million per year (e.g., \$10 million), would the Government still expect the successful offeror to clear up the entire backlog during the contract period (base and option periods)?
- a. **Clearly, the rate at which the backlog can be reduced or eliminated is related to the funding level. The uncertainties surrounding funding levels are one of the factor that was considered in establishing option years.**
110. Under Task 3 (Additional Requirements), the Government refers to telephones with automated response features. Does this mean the Government expects the successful offeror to provide an interactive voice response (IVR) system or similar technology at each processing center? Please explain.
- a. **Yes, the objective is to provide good customer service and at the same time allow the analyst periods of uninterrupted time to process applications.**
111. Under Task 3 (Hardware), the Government states that the "successful offeror...may be eligible to purchase equipment off GSA schedule." Please confirm that the successful offeror can purchase equipment and/or services off the GSA Schedules. This information is necessary because it could affect an offeror's pricing strategy.

- a. **Contractors under a cost-reimbursement contract with the government are permitted to make purchases from GSA schedule contracts with the authorization of the contracting officer.**
112. The second paragraph under Task 4 states, "the Government will award a separate management and support contract in September 2003." To whom did the Government award the project management and support contract?
- a. **TATC Consulting of Washington D.C. was awarded the Management and Support contract.**
113. Under Task 4 (Implementation and Start-up), the Government discusses its expectation that implementation and start-up will not exceed 60 days. The Government goes on to say that "Should the contractor fail to be fully operational..." the Government will assess responsibility. Please define the Government's use of the term "processing inefficiencies" as it relates to the definition of fully operational provided in footnote 4. This is important because both the PwC report and TMS Draft Training Manual for CAPS make several mentions of the steep learning curve associated with processing applications for permanent labor certification.
- a. **Footnote 4 and the reference under Task 4 to processing inefficiencies refer to the offeror being ready to begin the actual processing of applications within the stated time frame and in accordance with the offerors implementation plan. The type of issues DOL is concerned with is the offerors failure to secure space, order equipment, or timely complete other critical tasks items within its control that would delay start-up. The DOL recognizes that there will be a learning curve associated with the number of applications processed per month, week, etc. by the analyst. The DOL's intention is that within four to six months after the contract award date the PCC, DFCL/COTR, and the PMSC will be able reach agreement on reasonable and fair productivity standards and that the PCC will measure their staff's performance against the standards and take appropriate action for habitual under-performers. Financial penalties are not under consideration for the application processing standards; application processing will be a measure of performance.**
114. Task 4, paragraph 1b) states that the PMSC will provide training to the processing center staff. If the learning curve is steep, it would appear that the PMSC itself would require training to enable it to transfer knowledge to the successful offeror's processing center staff. Who will certify that the PMSC is prepared to train the processing center staff?
- a. **The COTR and other officials of the Division of Foreign Labor Certification will review and evaluate the training program prior to delivery. That being said, it is noted that the PMSC is an experienced training contractor and we are confident that the training will be delivered in an informative and professional manner.**
115. Please clarify the last paragraph of Section H.20F.

- a. **An insurance company must notify the contractor and the government 35 days prior to canceling its insurance. The insurance policy must contain such an endorsement.**
116. Does the Government intend to pay a prorated share of the insurance for privately owned vehicles used in conjunction with this contract?
- a. **The government sees no need for the use of privately owned vehicles in conjunction with this contract. Should there be a need for approved travel using privately owned vehicles the government mileage rate would apply. Any such use would require prior approval or agreement by government.**
117. Will the Government also pay the insurance cost of any leased vehicle(s) used solely for this contract?
- a. **The government does not see any need for leased vehicles used solely for this contract. Please see the answer to question no. 116.**
118. Section 4.2, Recommendation 1 in the TMS Draft Final Report, dated April 18, 2003, states that "TMS will develop a training guide focused exclusively on prevailing wage issues to serve as a supplement to the general training manual."
- a. **We are not certain of the question, however see question no. 120.**
119. Is the "Centralized Processing of Permanent Labor Certification Program Backlog" Draft Training Manual synonymous with the term "general training manual"?
- a. **We are not certain of the reference. The need for training manuals is currently being reviewed by the PMSC and it is likely other training materials will be developed.**
120. Where can we locate the proposed TMS training guide for prevailing wage issues?
- a. **The proposed training guide for prevailing wage issues has not been prepared. If it is determined by DOL that a guide is needed, it will be prepared and delivered as part of the training.**
121. Has the Government considered awarding a cost-plus-incentive-fee contract for this work? It appears to this potential offeror that a cost-plus-incentive-fee contract would be appropriate and in accordance with FAR 16.405-1 and 16.301-3.
- a. **The Government maintains that a cost plus fixed fee type contract is contemplated.**
122. Please define the term "major subcontractors" as used at the top of page L-4.
- a. **Major subcontractors includes any subcontractor who holds a substantial or critical role in the performance of the contract.**
123. Would the Government accept an offeror's "approved" GSA schedule hourly rates in lieu of detailed cost and pricing data?

**a: No, the Government will not accept an offerors approved GSA hourly rates in lieu of detailed cost and pricing data.**

**124.** Please confirm the Government's desire that each offeror limit its technical approach to 20 double-spaced, single-sided pages, which is equivalent to 10 single-spaced pages (Section L.9(A)(2)).

**a: Please see the answer to question no. 79.**

**125.** The last sentence on page L-7 refers the reader to "the attached schedule (PART I - SECTION C)." Are there additional attachments to Section J?

**a: There are no additional attachments to Section J. Page L-7 refers to Section C, the Statement of Work.**

**126.** The sentence at the top of page L-8 refers to a "Technical Proposal." Is the technical referred to on page L-8 in addition to the technical proposal described on page L-7. If the answer to the question above is "yes," are offerors also limited to 20 double-spaced, single-sided pages in this section?

**a: The technical proposal referred to on L-8 is the same as the technical proposal referred to on page L-8. Please see the answer to question no. 79.**

**127.** Please clarify the resume and letter of intent requirements found in Section M.3C (page M-3). Is it the Government's intent to require resumes and letters of intent "all professional staff" or simply the offeror's key professional staff (i.e., Project Director(s), Managers and Supervisory Staff)?

**a: Resumes are required for all professional staff exclusive of administrative staff and analysts.**

**128.** Please clarify how the Government plans to conduct the evaluation of Factor C. Item iii under Factor C includes Administrative Staff; however, letters and intent and resumes are not required for this category of personnel.

**a: Under Factor C Administrative Staff will not be evaluated.**

**129.** C-2 Is Technology & Management Services, Inc (TMS), or any organization that is a contractor of TMS or that has a similar relationship with TMS precluded for bidding on this solicitation.

**a: TMS is precluded from bidding on this solicitation because they are a subcontractor to the Management and Support prime contractor.**

**130.** Approximately, how many monthly 45-day letters did Technology & Management Systems, Inc. (TMS) prepare during the simulation?

**a: As of 10/16/2003, approximately 3,325 45-day letters have been prepared over a 10 month period under the simulation, an average of 333 letters per month for 3,083 cases.**

**131. Approximately, how long did it take TMS to prepare the 45-day letters during the simulation?**

**a: Each letter takes anywhere from five minutes up to one hour to prepare depending on the types and number of issues being addressed in the letter. An average would be about 10 – 15 minutes.**

**132. Approximately, what percentage of applications resulted in a Notification of findings during the simulation?**

**a: Approximately 22 percent of cases have required a Notice of Findings.**

**133. Please describe the support TMS provided during the simulation to assist in case preparation and hearings.**

**a: TMS has not had to participate in case preparation to-date. Appeals, and therefore case preparation, are the exception and infrequent in occurrence. The references in the RFP were for information purposes and did not mean to imply that case preparation was a significant activity.**

**134. Approximately how many hours per month did TMS dedicate to assistance with case preparation during the simulation?**

**a: Please see the answer to question no.133.**

**135. Approximately how much time was required for TMS to process a Basic application?**

**a: Please see the answer to question no. 101.**

**136. Approximately how much time was required for TMS to process a RIR application?**

**a: Please see the answer to question no. 102.**

**137. Please provide a clear copy of the exhibits displayed in the Draft Final Report on Order for Supplies and Services No. As 12737-03-40 (Simulation Training Manual)**

**a: Please see - <http://wdsc.doleta.gov/sga/rfp/SIMTrainingManual.pdf>**

**138. What if any problems are associated with CAPS, and what is the status and time frame established by the simulation contractor for correcting these issues?**

**a: The evaluation of CAPS is the responsibility of the PMSC, and any opportunities for improvement in the system will be recommended by**

the PMSC and executed by that contractor prior to the start up of the processing centers.

139. Does the Government contemplate any modifications to CAPS may affect the performance of this contract?

**a: Please see the answer to question no. 138.**

140. Does the Government anticipate implementing any pending program or procedural modifications that may affect this contract but were not disclosed in the RFP?

**a: The statement of work references implementation of the PERM program sometime in 2004, there are no other pending programs under consideration that may affect this RFP.**

141. What method of storage does the Government and/or TMS currently use to maintain closed files (e.g., in lateral or vertical file cabinets, open storage shelves, etc.)?

**a: It would be reasonable to assume that the offeror will segregate closed files and periodically prepare them for storage in boxes and eventual transfer to a federal records center.**

142. This reference states that the transparencies submitted will be considered the offeror's technical proposal. This reference indicates that the "Offeror's shall submit an original and three copies of their technical proposal which includes technical approach, resumes, letters of intent,...There is a page limit not to exceed 20 pages double spaced, single-sided pages with one inch margins for the technical approach. "These two references identify the "technical proposal" differently (one a transparency presentation and one a document). Please clarify.

**a: The transparencies are included in the technical proposal; however, the 30 page limitation refers only to the technical approach section of the technical proposal (Part 2).**

143. Block 5 of the SF 33 should reflect September 5, 2003 not September 5, 2004.

**a: Block 5 of SF 33 should reflect September 5, 2003.**

144. On page B-1, Section B states that this Solicitation is a 100% Small Business Set-Aside. Is a small business, qualifying under the \$6 million size standard, permitted to subcontract up to 49% of the labor effort to a non-small business, pursuant to FAR 52.219.14?

**a: Yes, a small business, qualifying under the \$6 million size standard is permitted to subcontract up to 49% of the labor effort to a non-small business. FAR 52.219-14, Limitations on Subcontracting, states, "At least 50 percent of the cost of contract performance incurred for personnel shall be expended for employees of the concern."**



**145.** On page C-2, it is stated that The PWC report was completed in January, 2002. Is there more current information available as it relates to the size of the current backlog other than the information from the PWC report?

**a: No, there is not more current information available as it relates to the size of the current backlog.**

**146.** Can the Government provide any additional details from the simulation results that support the notion that the combining of state and regional processes at a central location is a viable model for eliminating the backlog within two years?

**a: No, the reports referenced in the RFP are the only reports available at this time.**

**147.** On page C-3, the Government is allowing bi-weekly invoicing/payments. Will the Government allow this to be semi-monthly?

**a: Yes, assuming that is the offerors existing company policy.**

**148.** The DOL has chosen to make this a Cost Plus Fixed Fee contract. In order to ensure fair comparisons during the cost analysis, would the DOL consider using a plug number for Other Direct Costs (ODCs) to ensure companies are including all the costs associated with managing the operations.

**a: No, DOL will not consider using a plug number for ODCs.**

**149.** What is the current status of the DOL budget and how much is requested for this program?

**a: The DOL is currently operating under a continuing resolution. The estimated cost range in the RFP is the estimated level of funding.**

**150.** Some of the labor categories that are going to be bid are covered by the Service Contract Act. Will the DOL incorporate the Wage Determinations for the various areas? If yes, can we use the benefits required by the SCA versus the sick and annual leave requirements stated in the RFP?

**a: The RFP is not covered by the Service Contracting Act, therefore, DOL will not incorporate Wage determinations for various areas.**

**151.** What is the anticipated target date for completion of the backlog?

**a: The anticipated target date is two years, however this date is subject to the productivity achieved, implementation, the impact of the PERM program and the level of funding made available in DOL's budget by the Congress. Offerors must recognize that adjustments in the level of effort may have to be made and that ETA cannot with any certainty predict the future funding levels.**

**152.** The PWC report states that they believe there will be an improvement in productivity if the DOL converts the operations to contractor operations. Does the DOL have productivity numbers for the simulation operations? If yes, please provide.

**a:** Offerors must recognize, as stated in the RFP, that the simulation was conducted on a small scale and the opportunity for enhancements to the process was therefore limited.

**153.** The Program Electronic Review Management System (PERM) is slated to be operational in 2004. Is this on schedule to be deployed in 2004? If not, is it reasonable to assume the backlog will continue to be sent to the contractor?

**a:** PERM is scheduled for implementation in April or May of 2004. The backlog will likely continue to be sent to the contractor.

**154.** Will the DOL make times available to visit the simulation contractor's operations prior to submission of the bids?

**a:** DOL believes that it is not necessary for potential bidders to visit the simulation site. Ample information on the simulation has been provided in the documents attached to the RFP and in the responses to these requests for clarification. To attempt to arrange and escort possible multiple visits would be both disruptive and impractical. Further, the difference in scale and size between the simulation and the proposed processing centers is so large as to make any comparisons of limited value.

**155.** The California operations were determined by PWC to be the best operating location. Will the DOL provide potential bidders the opportunity to visit the location?

**a:** No. DOL feels that there is no need for potential bidders to visit the California SWA. The California office is responsible only for the state component of the process, whereas the PCC will be responsible for both the state and regional office functions; therefore, a visit to that office would be of limited value. It's operations are effectively summarized in the PriceWaterhouse report.

**156.** Section C.4, Key Staff requires that Supervisory personnel must have a minimum of a Bachelors degree from an accredited university. Will the DOL allow contractors to substitute years of work experience for a college degree?

**a:** No, DOL will not allow contractors to substitute years of work experience for a college degree where Key personnel are concerned. Please see the answer to question no. 73 for analysts.

**157.** What are the GS levels of the Government personnel that will be housed in the contractor's location?

**a:** It has not been determined.

**158.** What software must be installed on computers provided for Government personnel?

**a:** At this time it is not anticipated that the federal staff's computers will be configured any differently than the contractor's. There may be additions concerning ETA's automated time and attendance system or similar administrative applications but it is not known for certain. Such applications would be provided by DOL.

**159.** How many files will be stored at the centers? How many regular (non-RIR & L/R) type files would loosely fit in a foot of shelf space? Is the contractor required to maintain all files for the duration of the contract?

**a:** Please see the answer to question no. 11. The files currently at the simulation contractor's site will likely be transferred to the centers for storage and disposal.

**160** The PWC report keeps reiterating that the 245l's were usually incomplete and slow to process. Is there anything else that makes them slow other than the time it takes to generate a 45 day letter for incompleteness?

**a:** Not that we are aware.

**161.** Is processing the ETA 750's by the oldest date still a requirement?

**a:** Yes.

**162.** Is there a schematic of the CAPS network architecture to show the physical location of the CAPS SQL Database files (at the Centers or at a DOL location)? What is the required/supported workstation configuration (hardware / software, peripheral devices (scanners, Web access Speeds, barcode & work station printers etc...)?

**a:** A schematic of the CAPS network architecture does not yet exist. The database will reside at one of the processing centers, most likely Philadelphia. The PMSC will provide a schematic of the CAPS network architecture and other related specifications to the successful offeror.

**163.** What are the technical requirements and architecture including hardware and software including desktop computer configurations at the simulation site?

**a:** Please see answer to question no. 8.

**164.** Per RFP paragraph L.9 (A) (2) can a pitch smaller than 12 pitch be used for graphics and tables?

**a:** Yes, a pitch smaller than 12 may be used for graphs and tables.

**165.** Per RFP paragraph L.9 (A), Part 2, Para 3: "Offerors shall submit an original and three copies of resumes of all "professional personnel" (See

Section M.3(C))". Does this requirement mean that resumes should be packaged and submitted separately from the technical volume?

**a: Resumes (an original and three copies) should be included in the technical proposal (Part 2).**

**166.** Per RFP paragraph L.9 (A), Part 2, Para 4: "Offerors shall submit an original and three copies of relevant past performance information (See Section L.7 and M.3 (D))." Does this requirement mean that the Attachment J.7 past performance forms is to be packaged and submitted separately from the technical volume?

**a: Past Performance information (an original and three copies) should be included in the technical proposal (Part 2).**

**167.** Per RFP paragraph L.9 (A), Part 2, the Technical Proposal is to be provided on 20 pages with and keyed to the following three requirements: (1) Problem and Approach, (2) Experience, and (3) Personnel. Section M indicates that the technical approach should address each of the four "subtasks" i.) Work plan, ii.) Implementation and Start-up, iii.) Staffing, and iv.) Application Processing. Is the Offeror required to address these last four sections separately and distinctly in its response if they are already being addressed in one of the three areas as outlined in Section L? Please clarify.

**a: Yes, the offeror is required to address the last four sections separately and distinctly.**

**168.** Per RFP paragraph L.8.8, the Government will provide an overhead slide projector for offeror use. Can the contractor bring their own LCD projector and laptop computer for use during the presentation?

**a: No, offerors are required to use transparencies and are limited to those slides that were submitted in their technical proposal (Part 2).**

**169.** RFP paragraph L.9 (A) (2) Personnel indicates in subparagraph (e) that Offeror Representations, Certifications and Acknowledgments are to be provided in conjunction with the resumes. Please clarify.

**a: Offeror Representations, Certification and Acknowledgements are to be provided in Part 1 of the proposal, not with the resumes.**

**170.** What resumes are required to be included in the proposal in addition to those for key personnel?

**a: All professional staff excluding analysts and administrative staff are required to submit resumes.**

**171.** Considering that the management contract has not yet been awarded, does the DOL recognize that proceeding with the current 10/27/2003 due date for RFP-DCS-0343 may tend to limit competition by making it

more difficult for companies not selected for the management contract to adequately prepare submissions for RFP-DCS-03-43?

**a: The management contract was awarded to TATC Consulting of Washington D.C. on September 30, 2003.**

**172.** Considering the importance of a pre-proposal conference, which has not yet been scheduled, in order for interested vendors to adequately prepare for this competition, will the government consider extending the 10/27/2003 due date for RFP-DCS-03-43 for a minimum of 30 days?

**a: Please see the response to question no. 54.**

**173.** Considering the benefits to DOL of having input by the management contract awardee with regard to the operations contract, does the government intend to allow the management contract awardee to complete its initial transition period in order to ensure that all key issues have been surfaced prior to receipt of submissions in response to RFP-DCS-03-43?

**a: The PMSC started operating on September 30, 2003. With the extension of the due date for proposals to December 12, 2003, the awardee will have ample time to complete its initial transition period.**

**174.** Will the government consider adding on-site (at regional offices) digitization and electronic transfer of backlogged or new applications to the scope of this work?

**a: DOL will consider any proposed process improvements.**

**175.** Does the government anticipate that employees assigned to the operations contract will be solely responsible for telephone contact with companies regarding incomplete or "special case" applications?

**a: Yes, the contractor will be responsible for the complete process except for certification or denial and will be trained accordingly.**

**176.** Draft training materials for the operations contract were provided along with RFP-DCS-03-43? However, vendors can more adequately prepare their submissions if they have access to the final training materials. Will the government provide these training materials in time for interested vendors to review them fully prior to completing their submissions in response to RFP-DCS-03-43?

**a: Because of the schedule it will not be possible. Also see responses to related questions.**

**177.** In the interests of effective competition and to ensure that vendors fully understand what is required of them, it is extremely important that they have the opportunity to see the Centralized Application Processing System (CAPS) in

operation. Will the government, prior to the due date for RFP-DCS-03-43, afford vendors this opportunity?

**a: See previous response at question no. 163. DOL believes ample information has been provided to offerors in the form of the scope-of-work, the PwC report, the simulation reports, and the clarifications provided here, to insure an "effective" and fair competition.**

**178.** What will be the interface between the selected management contractor and the successful operations contract offeror?

**a: Please review the statement of work. There will be considerable and continuing interface, the role of the parties will change as the project progresses. As noted in the RFP, the management contractor will, in addition to providing technical assistance during start-up, monitor, on behalf of the government, the processing center contractor's performance.**

**179.** Will the government provide more specific guidance with regard to volumes of applications it intends for the operations contractor to process, so that we can adequately prepare our submissions in order to ensure timely reduction of the applications backlog and limit the development of new backlogs?

**a: The estimated number is 300,000. Adjustments in this number may be made but it is not possible to state what the adjustments will be at this time. As noted in the RFP, continually assessing the backlog and ways to eliminate it are seen as a continuing process.**

**180.** Given that the Department has not held or released information about the pre-proposal conference, and that the award has not yet been made for the Management and Support contract, we request that the proposal due date be extended 30 calendar days. This will allow adequate time for all industry participants to compete.

**a: The closing date for the RFP is December 12, 2003.**

**181.** Additionally, we request that the Department allow Requests for Clarification (RFCs) to be submitted up to two business days following a bidders' conference to allow our teams to fully assess any new information or insights provided at that meeting.

**a: Please see the answer to question no. 54.**

**182.** Section B states, "The period of performance will be twelve (12) months from the date of contract execution plus three 1-year options to be exercised at the Government's direction."

**a: The period of performance shall be twelve (12) months from the date of contract execution plus three 1-year options to be exercised at the Government's discretion.**

**183.** Section B does not provide a schedule of price/cost for base year and option years, indicating the expected contract award date. Will a schedule be

provided in a later amendment to the RFP or are Attachment J-1 SF1411 and Attachment J-2, Cost and Price Analysis intended to substitute a Section B price/cost schedule?

**a: The offeror must submit price and cost information in Part 3 of the proposal. Please see Section L.9 of the solicitation.**

**184.** We request that the Department of Labor provide access to and a demonstration of the Centralized Application Processing Systems (CAPs) with test data at the bidders' conference to allow industry competitors an opportunity to view system capability and functionality first hand. Because system functionality and response times have a critical impact on operations, we believe that a demonstration of CAPS will reduce the number of assumptions bidders will need to make and ensure the bidder can provide more optimal approaches and pricing to DOL.

**a: Please see answers to questions nos. 162 and 177.**

**185.** Also, has the Department or its contractor performed stress testing on the application to ensure that it can be scaled to support up to 300,000 documents over two sites?

**a: The PMSC will be responsible for performing the appropriate testing of CAPS for the larger processing environment prior to award of the processing center RFP.**

**186.** "During the planning sessions the COTR, PMSC, and the PCC will agree on a schedule and finalize ways and means for collecting and transferring labor certification applications from the SWAs and regional offices to the contractor's processing centers. The schedule will include identification of the locations and numbers of applications to be collected and transferred from each location to the contractor's center and a method for providing coordination with the SWAs and regional offices for collection.

**a: We are not certain that there is a question, however see previous responses related to the section quoted.**

"The government at this time has no plans to screen applications or select applications for transfer based on type. Therefore, applications transferred from the SWA's will include all types of applications as described in the PwC report. The government is unable to specify the type or percentage of each type of applications that will be transferred, i.e., Regular, RIR, 245(i), or the status of the applications. A careful reading of the PwC report should provide the offeror with sufficient information to inform the offeror of the likely percentages of different types of applications."

**a: Again, we are do not understand the question, however there are several questions and responses related to the section cited that may address the offerors concerns.**

**187.** Given a 60-day implementation schedule, when will the type and percentage of forms be finalized after contract award?

**a: During the planning and implementation sessions.**

**188.** What level of effort and role will the PMSC and the SWAs play in document inventory and shipping?

**a: Please see the answer to questions Nos. 12, 13, 15, 16, and 17.**

**189.** What approximate total number of applications will be sent to the PCC?

**a: Please see the answer to question No. 11.**

**190.** What is the level of detail required per filing for the inventory report, or is this to be proposed by the bidders?

**a: Sufficient information to identify the name of the applicant and employer, assigned priority date if there is one, location of the processing center, where shipped from (SWA), and possibly other elements. Final agreement on the level of detail will be determined during the planning sessions. Also see the answer to question No. 18.**

**191.** Please provide a complete inventory of what will be transitioned to the offeror as part of the CAPS transition from the government's project support contractor, such as:

Hardware, including servers, workstations, storage devices, peripherals, scanners

Commercial-off-the-shelf (COTS) software, including production, test and development software (e.g., compilers, development environments, configuration management tools)

CAPS source code and supporting software products (e.g., requirements, design, test, and training documentation) required to ensure rapid start-up and successful production, test, and development use

**a: Please see the answer to question no. 8.**

**192.** List of known issues with the current release of CAPS

**a: Please see the answer to question no. 138.**

**193.** Will the offeror be responsible for maintenance of the entire CAPS system?

**a: Yes, the offeror will be responsible for the maintenance of the entire CAPS system.**

**194.** Will any part of the CAPS system be maintained or used by anyone other than the offeror? If so, please describe the nature of the relationship regarding CAPS maintenance and use.

**a: CAPS will be used and maintained primarily by the offeror, the PMSC and the COTR may use CAPS as a reporting and monitoring tool.**

**195.** Has CAPS addressed the security issues associated with providing access to Privacy Act data in a distributed environment?



**a: The CAPS system provides integrated security so that only authorized users of the system have access to Privacy Act applicable data.**

**196.** Please provide the test scenario and results of any load/stress testing that have been performed demonstrating that CAPS can handle the load associated with processing in excess of 300,000 applications distributed over two sites.

**a: Please see the answer to question 185.**

**197.** What is the format used by CAPS for capturing scanned application images (e.g., TIF, PDF, other)?

**a: Scanned images stored in CAPS are in a PDF format.**

**198.** What are the CAPS system's reporting capabilities?

**a: Currently, CAPS provides a status report that counts cases by status assigned queue. Because the DBMS is Microsoft SQL Server 2000, queries and reports can easily be generated by Microsoft products and other 3<sup>rd</sup> party tools as required.**

**199.** Is the submission of Attachment J.2, Cost and Price Analysis, ETA 8555, intended for the Base Period only or is the contractor required to submit separate attachments for each of the three option years?

**a: Attachment J.2, Cost and Price Analysis is required for the base and all option years.**

**200.** "The PCC shall prepare, and have available within 72 hours following receipt of transferred applications at the processing centers, a highly accurate and complete inventory of all cases received. Copies of the inventory will be delivered by overnight mail to the regional offices, SWA's, the PMSC, and the DFLC."

**a: We do not understand the question, however, see a previous responses regarding this area, (question no. 18).**

**201.** Given that the volume and type of documents will not be finalized until after contract award, we recommend that the turnaround time for the inventory be finalized once full volumes are known and the bidder's management plan is accepted by the Government.

**a: DOL agrees and has revised the requirement in accordance with question No. 18. DOL recognizes that circumstances and details may change or be revised on this issue as detailed plans are developed. The purpose of the inventory is to protect all the parties by having a record of what was received and know where applications are located.**

**202.** The California State Workforce Agency is described as offering best practices in processing the applicable ETA DFLC forms. We request that DOL facilitate a site

visit for vendors to see the operation first hand. If vendors are allowed to see a live demonstration of the processing environment, this will enable more optimal approaches and pricing. Alternatively, a site visit to the vendor's location providing the pilot demonstration would also aid in our analysis. Although vendors will develop their own approaches, based on experience and industry best practices, access to the current operations will provide critical insight that cannot be obtained through paper documentation alone. The Government's goals of a quick and cost-effective transition may be impeded - as well as industry's ability to participate - if we are not allowed direct access to the current 'best practices' solution(s).

**a: Please see the answer to question no. 155.**

**203.** The backlog is estimated at 300,000. What are the estimated volumes to be processed under this contract? In addition, does the Government have an estimate as to what percentage of these will be withdrawn and/or cancelled, as of the expected transition date?

**a: The estimate we are using is 300,000, the government does not have an estimate of the percentage withdrawn or cancelled as of the expected transition date.**

**204.** These questions are related to data completeness as it pertains to (1) system functions and (2) current pilot operations.

Please provide a list of all edits performed by CAPS on the data entered by Team 1(a).

**a: During the original data entry activity for every case, there are 56 data elements that require information from the ETA Form 750. There are 28 additional data elements associated with other documents in the case folder that may be completed during the initial data entry activity.**

**205.** Page 11 indicates that ". . . if the application is determined to be incomplete, CAPS will generate a 45-day letter and a completeness checklist that identifies deficiencies." Is the completeness determined by the system based on programmatic edits? Is the letter system-generated and automatic, or does it require manual intervention from an agent?

**a: Determination of completeness is a two step process. The first step, "Computer Evaluated Requirements", is computer generated based upon values in the database previously entered by users. The second step, "Manual Analysis Requirements", is subjective and is based upon existence of other documents and compliance of those documents with requirements. The resulting 45-day letter is system generated; however, there are times when the computer generated letter must be edited to communicate special circumstances to the employer and request specific information. The case analyst converts the computer generated document to a Microsoft Word document and performs the required editing.**

**206.** It appears that the scanned applications are automatically associated with the data entered by Team 1(a). Please confirm that this is true.

**a:** This is true. Each scanned ETA 750 application is associated with the corresponding database record via the ETA Case Number, which is a computer generated number. The scanned image file is named based upon this number and a hyperlink is created based upon the .PDF file name.

**207.** Is an automated workflow-type system used to route data and images between teams (e.g. between Team 1(a) and 1(b), and between Team 1(a) and 1(c)), or do teams need to manually retrieve data to process?

**a:** Most of the time, the cases are automatically routed within the workflow environment. The CAPS workflow system is based upon activities. Activities are assigned to members of teams. The activity assignments can be changed at any time. Each activity has a queue and the cases are automatically assigned to these queues. Therefore, CAPS users pull cases from activity queues by clicking the ETA Case Number on the screen. With few exceptions, CAPS users do not have to manually retrieve cases to process them. Every case is always assigned to one and only one queue.

**208.** Are "tickler" dates maintained automatically by CAPS or do Team members have to maintain these individually?

**a:** "Tickler" dates for letters are maintained automatically by CAPS. Team members do not have to maintain them individually?

**209.** Is data entered once, or is 100% verification performed? From Section 3.3 on page 12, it appears that only a percentage is verified. If so, what is that percentage and does the system automatically and route the application?

**a:** The intent is to have a representative sample of the cases run through the quality control process. The percentage will be determined when the volume of applications processed by each center is determined. The routing system for this feature is not fully developed or tested but the objective is to have the routing automatically done by CAPS.

**210.** Please describe how CAPS maintains or disposes of:  
45 day letters  
inactivated applications  
withdrawn applications  
unsolicited correspondence from employers

**a:** The ETA Case Number for every letter automatically generated by CAPS is electronically placed in the Incoming Mail Activity Queue immediately after the letter is printed and processed. Every day, the Incoming Mail Activity Queue is automatically scanned for cases that have been in the queue beyond the required waiting period. Aged cases are automatically routed to the Inactivation Letter Activity Queue. When a response to an outstanding letter is received, the analyst user retrieves the case from the Incoming Mail Activity Queue, processes it accordingly, and routes it to the appropriate queue based upon the response received. An analyst user may retrieve and route a case to the Withdrawal Letter Activity Queue at any time regardless of its currently assigned queue. Any case can be retrieved and updated as a result of unsolicited communication from the employer; however, the case remains in its currently assigned queue.

211. What is the expected data accuracy for data entered through screens 1-6 (sections 1-6) in the CAPS application? Please describe any automated data verification checks built into the CAPS application.
- a: The expected data accuracy will be established by the PMSC working in cooperation with the DFCL.**
212. Is there any specification for how data maintained in electronic data systems should be transitioned/provided to DOL at the end of the contract?
- a: At this time there is no specification for how data maintained in electronic data systems should be transitioned/provided to DOL at the end of the contract.**
213. **Question:** "The proposed wage on the application (Item 12) must be at least 95 percent of the prevailing wage standard in order to be processed. However, if the wage was obtained by the Service Contract Act (SCA), Davis-Bacon Act (DBA) or a union agreement, the proposed wage on the application must be 100 percent of the prevailing wage standard."
- Based on data input, does the system automatically, through the application of appropriate business rules, determine (1) if the standard to be used is 95% or 100%, and (2) make the calculations and determination as to whether the wage meets the criteria?
- a: Yes, the system automatically, through the application of appropriate business rules, determines (1) if the standard to be used is 95% or 100%, and (2) makes the calculations and determination as to whether the wage meets the criteria?**
214. The list for determining unduly restrictive requirements on pages 17-18 is clear but some of the criteria will require subjective determinations. What are the review, escalation, and validation processes for making final determinations on the applications? Under the PCC contract, will that be done by the contractor or on-site Government personnel?
- a: As previously noted and as stated in the scope-of-work the final determination is made by the federal certifying officer. While we recognize the intent of the question we think the appropriate response is that the question relates to the PCC's analysts and supervisory staff gaining experience and familiarity with the application process and the certifying officers expectations as measured against the criteria on page 17 and 18 of the Draft Training Manual. We do not believe that the criteria are subjective but certainly the list beginning on page 17 is examples only.**
215. What is the contractor's vs. the Government's role in recruitment under this contract?
- a: The contractor is solely responsible for the recruitment of contractor staff in accordance with the requirements in the scope of work.**

216. Regarding the employer advertising requirement described on page 20 (first full paragraph above 5.1.b), does the analyst have to verify that (1) advertising occurred and (2) that it was completed within the 30-day recruitment period? Does the system prompt this monitoring? In general, does the system prompt analysts on key triggering events and deadlines?

**a: The analyst has to verify that the advertising occurred; however, CAPS handles the 30-day recruitment period assessment. In general, the system takes care of triggering actions based upon deadlines.**

217. What will the Government's (on-site personnel) role be vs. the contractor's role in "troubleshooting" and handling highly complex cases?

**a: It will be one of limited consultation but certainly as the PCC's staff gain experience there should and must be less need for consultation. The federal staff is on-site to certify or deny applications and cannot assume the role of trainers. The objective, through training and experience, is that the PCC's staff will work independently.**

218. For final disposition of a case, can the Government provide information about how the determinations are made? For instance, please confirm that the system automatically tracks all time requirements and automatically sends notifications based on applications that have expired. What happens when a duplicate application is received? Can cancellation happen based on a call from an employer, or is written documentation required?

**a: CAPS maintains a transaction history and a letter history for each case. These history records include dates. CAPS automatically routes a case to the Inactivation Untimely Letter Activity Queue when the required wait time has expired. CAPS tracks all requirements and maintains a record of discrepancies associated with the requirements. Compliance processing related letters sent to employers include a computer generated list of discrepancies that is maintained in the database. During the simulation, no duplicate applications were received. The fact that the process can only be initiated by the receipt of an original, signed version of the ETA 750 makes it unlikely that a duplicate would be filed. If it did occur, any sort on the employer's or the alien's name would turn up the duplicate entry. A withdrawal can be based on a fax but not a phone call; the file must contain correspondence in writing to document the action.**

219. Are all checklists part of the CAPS system's business rules?

**a: Yes, all checklist are a part of the CAPS system's business rules.**

220. The RFP contains no specifications for financial reporting. Will DOL require Monthly Work and Management Reports and CSSRs for the cost plus contract?

**a: DOL will require monthly work and management reports.**

221. Please provide additional detail about the relationship between the PMSC and CC contractor's and DOL for purposes of management, reporting, etc.

- a: Please review the scope of work. The scope of work and the clarifications provided in this amendment should provide the additional detail requested. Offerors may also review the solicitation/scope of work for the management support contract on the DOL/ETA web site for a description of the management support contractor's responsibilities in relation to the processing center contract.
222. Please clarify how postage costs will be handled for the correspondence requirements.
- a: Please see the answer to question no. 83.
223. Please clarify the anticipated archival requirements for the paper documents (timeframe and location).
- a: Please see the answer to question no. 19.
224. Please clarify whether the contractor will receive and assume responsibility for CAPS system, the server, etc., or will the system be maintained and any problems addressed by a third party.
- a: The contractor will receive and assume responsibility for CAPS. The PMSC will be available throughout the project to assist in problem resolution but the primary responsibility will be the PCC's.
225. Please clarify that the PCC contractor will have the ability to propose and implement enhancements to CAPS, as needed, to enhance throughput, accuracy, etc.
- a: The DOL has made it clear that it welcomes proposed suggestions or proposed initiatives to improvements, including CAPS. Prior consultation and agreement however is a must. It is important and required that there will be a continuing dialogue between DOL, the PMSC, and the PCC on process improvements.
226. Does the Government have any specification or preferences regarding how the final data set will be transition at contract close-out?
- a: Not at this time.
227. Please clarify how subcontractor pricing data is to be incorporated into the prime contractor's submittal for this work.
- a: The subcontractor is required to submit an SF 8555 for the base and all option years.
228. Please clarify whether PwC (now IBM) will be precluded from submitting a proposal on this RFP due to a conflict of interest arising out of its contract with DOL to provide the "Permanent Labor Certification Process Management Review," which is incorporated by reference into this RFP under Section J-10, "PricewaterhouseCoopers Report." See page J-1, Section J.10 of the RFP.

**a: PwC is not precluded from submitting a proposal due to a conflict of interest arising out of its contact with DOL to provide the "Permanent Labor Certification Process Management Review." Also, be advised that PWC/IBM is a large business and this solicitation is a total small business set-aside.**

**229.** When does DOL expect to announce a date for the pre-proposal

**a: Please see the answer to question no. 54.**

**230.** In Section L, page L-9 (c) of the RFP, offerors are required to include documentation demonstrating access to cash reserves, an available line of credit with a recognized financial institution or combination thereof in the minimum amount of \$1 million. If the offeror has an approval letter from a financial institution for a \$1 million line of credit and the letter indicates that the offeror has meet all criteria but it will take an additional three weeks (for example) before the account is actually opened due to all the paper work required, does this meet the requirement?

**a: Yes.**

**231.** In Section L, page L-9 (d) of the RFP, DCAA has reviewed and approved our accounting system for a prior federal government contract in 2002. They did not provide us with an executed statement. Is an executed statement from DCAA still required? (On a federal contract that we were awarded this year, we provided the name and contact information for the person who reviewed our system from DCAA.) What other entities of equivalent status are acceptable to the Government?

**a: Submission of a contact name and number are sufficient, however, if the contact cannot be reached in a reasonable amount of time, the offeror will be deemed non compliant on this matter.**

**232.** Is this the proper NAICS code for this effort or is a code of 541519 more appropriate?"

**a: Please see the answer to question no. 5.**

**233.** What is the current status of the PERM implementation?

**a: Please see the answer to question no. 40.**

**234.** What grade level are the DOL Certifying Officials to be located at the contractor facilities?

**a: Please see the answer to question no. 157.**

**235.** What are the physical security requirements for the two contractor-operated processing centers?

**a: Physical security or access to the processing centers should be controlled by a receptionists or similar position to monitor visitors to the center and identify authorized staff. The facility must be secure (locked) at night and we anticipate the contractor's will have a system in place for controlling**

**opening the facility in the morning and closing at night. Other than usual and prudent practices DOL does anticipate at this time special security requirements.**

- 236.** Is it the intention of the government to allow proposal instruction questions without restriction up to the date of the proposal submission?
- a: Potential offerors may submit requests for clarification after the RFC closing date; however, answering the questions is the discretion of the Contracting Officer.**
- 237.** What is the expected contract award date? What is the expected project start date?
- a: Please see the answer to question no. 64.**
- 238.** Can the requirement for 2 years of college for analysts be replaced with years of relevant experience?
- a: Please see the answer to question no. 73.**
- 239.** Who will be responsible for software, hardware and licensing costs associated with CAPS transition?
- a: The PCC.**
- 240.** What are the minimum specifications for computer hardware required to be provided?
- a: Please see the response to question no. 8.**
- 241.** What software licensing is the contractor required to provide on the contractor furnished Personal Computers? For example is the contractor responsible for providing MS SQL Server Licenses?
- a: The CAPS system is a web based application so client workstations would not require any software licensing for utilizing the system. The contractor would be responsible for providing server licenses for all applicable connections.**
- 242.** Did the Government make the award in September 2003 for a separate management and support contract? If so, please identify the contractor the offeror will be working with on this project. If not, when do you anticipate making the award and how will that decision affect the timeline for this procurement?
- a: The Management and Support contract was awarded September 30, 2003 to TATC Consulting of Washington, D.C.**
- 243.** What is the size requirement, if any, for the contractor furnished classrooms? How many workstations are required?



a: after the PCC award is made, the PMSC will arrange a meeting among the PCC, DFCL and the PMSC to work out the details of the training. Generally, there is an expectation that first-day sessions would be in a facility large enough to handle the entire staff of the center, i.e., 80 – 100 individuals. This could be a rented facility close to the center. Offerors should include costs in their proposal for the large scale session, one per center, for a maximum of two days. After that, there would be more intense specialized instruction by processing team. Depending upon the configuration of the processing center, this team-based instruction could be delivered at the work areas of the teams using their regular work stations.

244. Is the contractor required to store the archives? If yes, will the contract be required to store them at one or both of the processing centers or at some other secure off-site facility?

a: Please see previous responses to this subject starting at question No. 19. For the two year retention period it is assumed that closed files will be stored at the processing centers. ETA will review the retention requirements with the objective to determine if a shorter retention period is possible i.e., prior to transferring to a federal records center, but offerors shall operate under the current policy of two years retention for the purposes of planning storage.

245. Please identify the "Other Critical Positions".

a: The reference to critical positions in Footnote 4 refers to staff other than managers, supervisors, and analyst whom the offeror proposes and must have on board to ensure a successful start-up and operation. They could be technical positions, administrative, purchase agents, bookkeeping/accounting etc.

246. What are the indirect rate ceilings?

a: Indirect Rate ceilings are limits for G&A and Overhead that are set by offerors through an Indirect Cost Rate Agreement. Indirect Cost Rate Agreements are reviewed and approved by an offerors cognizant agency.

247. Are a total of five (5) relevant contracts required to be submitted or 5 from each team member, i.e., 5 from the prime and 5 from each subcontractor?

a: Please see the answer to question no. 62.

248. Does the Government want only those contracts and subcontracts in process that are "project/work similar in nature" or all contracts the offeror and proposed major subcontractors currently have in process even if the work is unrelated to the scope of this project?

a: Please see the answer to question no. 23.

249. Did the Government mean to say, "...the offeror shall provide the Technical Evaluation Panel with a listing...? Or, are we required to provide our own Technical Evaluation of the presentation?
- a: The Government Evaluation Panel will evaluate your oral presentation. Please see Section L.8, Oral Presentation of the solicitation.**
250. Is only the prime contractor required to have an Accounting System Certification?
- a: Both the prime and all major subcontractors are required to have an Accounting System Certification.**
251. What is the anticipated response date to contractors for the answers to the Requests for Clarification (RFC)?
- a: The anticipated response date for Requests for Clarification was October 27, 2003.**
252. Is the Government expecting resumes and letters of intent to be included in the proposal for the "analysts?"
- a: No, see the statement-of-work at C.4, Other Staff, Note.**
253. With regard to the "Contractor Decision Matrix" noted on page 56 of the PwC report, has there been a determination of which "Contractor Responsibility, Low, Medium or High" will be employed for the purpose of this solicitation?
- a: Based on the scope-of-work it is the government's intent that the contractor's responsibility fall under the High category. The contractor is to perform the complete application process up to certification or denial by the federal certifying officer.**
254. In the appendix to this report section A-2 "Samples of Letters", we note that some of the sample letters, in particular A2-35/36/37/38 are all signed by the CPG. Is there a reason for the designation of this group to sign these particular form letters as opposed to the "Certifying Officer," as is the case on A2-39?
- a: This approach is consistent with current state/regional office practices, however, since federal Certifying Officers will be on-site at the processing centers, DFCL may require that one or more of the letters referenced above be signed by the Certifying Officer.**
255. Article H.3 VACATIONS, SICK-LEAVE HOLIDAYS on Page H-1 states that "The Contractor may grant leave in accordance with its established written policy, provided that policy is accepted by the Contracting Officer or, in the absence of an established policy, leave may be granted as follows: Maximum of paid holidays (9 paid holidays)." Since there are 10 paid Federal holidays included in the prevailing wage determinations issued by the Department of Labor for the Philadelphia and Dallas areas, will 10 paid holidays be accepted by the Contracting Officer? There may also be a conflict between the RFP and the prevailing wage determinations issued by the Department of Labor for the

Philadelphia and Dallas areas related to the maximum of 10 paid vacation days. Please clarify.

**a: Please see the answer to question no. 70.**

256. Article H.1 BUDGET LINE ITEM FLEXIBILITY on Page H-1 states that “This flexibility of cost does not apply to the wages, salaries and fringe benefits line items (including proposed changes by the Contractor in the mixture, number of hours, wages, and / or bonuses or personnel paid under the contract) wherein no increases is permitted without the prior review and approval by the Contracting Officer.” This is a highly unusual provision since this is not a personal services contract. This may also cause a conflict with prevailing wage determinations issued by the Department of Labor for the Philadelphia and Dallas areas related to minimum wages and benefits. Will the CO approve the increases authorized in the prevailing wage determinations for contractor staff during the contract term if such increases cause the total estimated cost of the Contract to be exceeded?

**a: The contracting officer will review any requests for increases in the total cost of the contract during the contract term.**

257. Article H.7 ACCOUNTING AND AUDITING SERVICES on Page H-3 states that “Costs for which the U. S. Department of Labor is responsible are unallowable.” Is it the intent of this provision to disallow costs under this contract that are associated with obtaining annual audited financial statements that are conducted in accordance with auditing standards generally accepted in the United States by the contractor’s / subcontractor’s Independent Auditors (public accounting firm) unless such audits are scheduled or approved by the Government?

**a: The contract language which indicates that contract funds cannot be used to pay for audits for which DOL is responsible simply means that when DOL does the audit, the agency funds and not contract funds pay for the audit. Costs can either be charged directly or indirectly through the indirect cost pool.**

258. Article H.27 INDIRECT COSTS on Page H-8 states that “The total amount of contract funds will not be increased to reimburse organizations for higher indirect costs than those rates identified in this clause.” Does this apply to increases to the provisional billing rates even if they are less than the indirect cost ceiling rates or does it only apply to indirect cost increases that exceed the indirect cost ceiling?

**a: This clause applies to indirect cost increases that exceed the indirect cost ceiling. Provisional billing rates are used when a contractor does not have an approved Indirect Cost Rate Agreement (IDCRA). In the instance where the contractor does not have an IDCRA, provisional rates may be used. The contractor may not exceed those provisional rates and has 90 days to get an approved IDCRA.**

259. In Section C of the Solicitation, it states that the ultimate size of the application processing centers will be contingent upon the amount of resources included in the Department’s fiscal year 04 budget approved by Congress. Will the costs associated with early termination, in whole or in part, of the facility

lease for the application processing center in Philadelphia and/or Dallas be evaluated for purposes of determining facility lease costs?

**a: Please see the answer to question no. 7.**

**260.** Amendment 1 to the Solicitation added language to Section C, Task 4, page C-6 limiting the reduction of reimbursement of fixed costs for failure to be fully operational within 60 days of contract award to the daily rent or lease costs of the facilities. However, Amendment 1 also added FAR 52-211.11 Liquidated Damages – Supplies, Services or Research and Development to Section I.1, Notice Listing Contract Clauses Incorporated by Reference, which authorizes the Contracting Officer to assess liquidated damages per calendar day of delay if the Contractor fails to deliver the supplies or perform the services within the time specified in the contract. Will the government agree to limit the penalty for failure to be fully operational within 60 days of contract award under both provisions to an amount no greater than the daily rent or lease costs of the facilities?

**a. No.**

**261.** What is the difference between the information to be described in the Technical Approach (20 page version) and the enclosure version (both the Technical Approach (20 page version) and the enclosure entitled, Problems and Approach, call for offerors to describe their technical approach to accomplishing the tasks listed in the SOW). Number 2 under the title, Problem and Approach, on page L-8, calls for the contractor to “fully describe the proposed technical approach to comply with each of the requirements specified under the Statement of Work” in the enclosure. This appears to duplicate the requirement with respect to describing the technical approach under the previous section in the RFP. Please clarify.

**a: One version of the technical approach is required in the submission of the technical proposal (Part 2).**

**262.** Who has the responsibility to collect the information on Attachment J8, Past Performance Evaluation Questionnaire? Does the contractor collect the information and submit it with the bid? Or does the contract enclose a blank form for ETA, so you can collect the information independently? Please clarify.

**a: The Government will collect responses to the Past Performance Evaluation Questionnaire by contacting the references the offeror supplied in Part 2 of its proposal.**

**263.** Figure 9 defines various elapsed lines times in the Permanent Labor Certification Process Report by PricewaterhouseCoopers. These times are listed below actual times for performing the work. Can you explain the purpose of the elapsed times for functions that are performed internally? For example, easily approved RIRs take 15-30 minutes to approve with 1 day to 1 month of elapsed time.

**a:** There are two types of elapsed times referenced in the PwC chart: internal processes and external processes. The 4 weeks - 4 months elapsed time for a supervised recruitment is an example of an external process in which the elapsed time is attributable to response time allowed to the applicant by regulations and program guidelines. These external process elapsed times will impact the backlog processing centers as well as the state offices. The "easily approved" RIR elapsed time of 1 day - 1 month is an example of an internal process elapsed time. In most cases, they are a function of the small size of the state staff dedicated to the processing of the applications, e.g., 3 or 4 staff. A single analyst could have hundreds of RIR applications in the queue, and, while each review takes only 30 minutes to an hour, it could take the analyst a month or more to review all the applications in the queue. Since the backlog centers will have much more staff and be more fully automated, these internal process elapsed times should disappear.

**264.** Please describe, in detail, the way in which the CAPS system is to be accessed in the processing of the backlog forms, including method of access (http, ftp, secure shell, secure http, etc), from start to finish, particularly the "scanning of forms into CAPS".

**a:** Please see the answer to question no. 8.

**265.** Is the CAPS system that will be accessed by each processing facility to reside on an external server, maintained separately by the DOL and accessed remotely over the Internet, or is the contractor going to need to provide infrastructure to host and maintain the CAPS system and database in-house?

**a:** Please see the answer to question no. 92.

**266.** Are there page limitations on any other sections (other than the technical section)? Does the 20 page limitation include figures, charts, etc?

**a:** The 30 page limitation refers only to the technical approach part of the technical proposal. The limitation however is inclusive of figures, charts, etc in the technical approach section of the proposal.

**267.** Section H.13 Laws Applicable states that the Contractor has "responsibility for compliance with the provisions of the Fair Labor Standards Act, as amended." Other labor laws may be applicable. Specifically, will this be considered to be a services contract and thereby subject to the provisions of the Services Contract Act?

**a:** No.

**268.** On the accounting system certification, DCAA says that they do not provide such as executed statement as requested on page L-9. They say that the ACO's of the agencies call them to ask if the accounting system is adequate. I was instructed by DCAA to put in the RFP that my accounting system has been determined to be adequate by DCAA and to include the contact name and number for the agency to call to verify/confirm. Is this acceptable?

a: It is acceptable to include the contact name and number for the agency to call to verify/confirm, however, if the contact cannot be reached in a reasonable time, the offeror will be non-compliant on this matter.

**269. RFP-DCS-03-43 BIDDERS LIST**

<p>Recana Solutions, LLC 6060 N. Central Expressway Suite 560 Dallas, Texas 75206</p> <p>ABBTECH Staffing 45625 Willow Pond Place Sterling, VA 20164</p> <p>PlanetGov Inc. 14155 Newbrook Drive Chantilly, VA 20151 POC: Jean Murphy</p> <p>ParadigmWorks, Inc. 1718 Peachtree Street, NW Suite 484 Atlanta, GA 30309</p> <p>Thomas M McDonald 1801 Reston Parkway Suite 100 Reston VA 20190</p> <p>Administrative Services, Inc. 4600 East-West Hwy., Suite 900 Bethesda, MD 20814 POC: Steven L. Mason</p> <p>SysTeam, Inc. 1804 Highway 231 South Lacey's Spring, AL 35754 POC: Steve Taylor</p>	<p>GALT Solutions, Inc. 1101 King Street, Suite 570, Alexandria, VA 22314 (703) 518-5230 POC: Mariam Garriga</p> <p>Enterprise Information Services, Inc. 1951 Kidwell Drive, Suite 400 Vienna, VA 22182 POC: Vinod Goyal, President</p> <p>SysTeam, Inc. 1804 Highway 231 South Lacey's Spring, AL 35754 POC: Steve Taylor</p>
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