

March 5, 2007

NOTICE TO ALL OFFERORS

REFERENCE: AMENDMENT NO. 2
DOL071RP20105

Additional information has been requested by prospective offerors and it has been determined by the Contracting Officer that this information be made available to all bidders. The closing date and time for the receipt of proposals is still March 16, 2007, 2:00 p.m. local time.

Keith A. Bond

KEITH A. BOND
Contracting Officer

Attachment(s)

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT

BPA NO.

1. CONTRACT ID CODE

PAGE

OF PAGES

1

11

2. AMENDMENT/MODIFICATION NO.
00023. EFFECTIVE DATE
03-05-2007

4. REQUISITION/PURCHASE REQ. NO.

5. PROJECT NO.(If applicable)

6. ISSUED BY CODE

ETA

7. ADMINISTERED BY (If other than Item 6)

CODE

U.S. Department of Labor, ETA/OGCM
Division of Contract Services
200 Constitution Avenue, NW
Room N-4655
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.

DOL071RP20105

X

9B. DATED (SEE ITEM 11)

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 on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.
03-16-2007 2:00PM ES

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 0 copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)

(See Attachment)

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)

CHARI A. MAGRUDER
Contracting Officer

15B. CONTRACTOR/OFFEROR

15C. DATE SIGNED

16B. UNITED STATES OF AMERICA

16C. DATE SIGNED

(Signature of person authorized to sign)

BY

(Signature of Contracting Officer)

CONTINUATION PAGE**14. RESPONSES TO TECHNICAL QUESTIONS**

1. Do all employees have to be hired at the first step of each GS level, or can education and experience be considered to bring that employee on at a higher step?
 - a. No. The GS levels noted in the RFP include a wage scale and are not intended to be prescriptive. It is appropriate for respondents to take into account education and experience in making wage offer determinations.
2. When are the Past Performance references due for submission?
 - a. As stated in Section L.7(A), Part 2(4), offerors are to submit an original and three copies of relevant past performance information. This information is to be submitted with the offeror's proposals by 2:00 p.m. March 16, 2007., attention: Dayle White, 200 Constitution Avenue, N.W., Room N-4655, Washington, D.C. 20210.
3. Where should the Past Performance references be sent? Can the contractor mail them or should they be mailed directly from the contractor's clients?
 - a. Please see answer 2a..
4. When does the government expect the selected contractor (s) to be fully staffed in all staffing positions?
 - a. We expect the selected contractor to be fully staffed in all staffing positions immediately following the expiration date of the current contracts. OFLC operates a production environment, and any "downtime" will have an immediate and deleterious impact on the existing staff workload queues.
5. Will the staff hired in either of the two centers be part of a separate processing unit(s), reporting to the project manager and working on specific aspects of the process or will they be integrated into existing processing units? In other words, how will the new staff fit into the reporting structure of the centers?
 - a. Staff hired in each of the National Processing Centers (NPCs) will be integrated into the existing processing units. The NPC Director and Federal Certifying Officers will provide day-to-day direction to all staff regarding assignments for case processing. The on-site Project Manager and Assistant for the selected contractor will provide management support to the NPC Director, assist in setting planned weekly production goals, track the performance of contractor staff against established productivity goals, and directly participate in case processing to alleviate any backlogs. The official performance evaluation of the selected contractor's staff will be done in collaboration with the NPC Director and Federal Certifying Officers.
6. Can we bid on one center as the Prime contractor and bid on another center as a subcontractor to another 8(a) prime contractor?

- a. Yes.
7. pg. C-4 - 1st paragraph states the offeror must prepare estimated labor hours required by labor category... including efforts of consultants and subcontract personnel. Question: The preceding pages indicate how many people are needed in each of the labor categories as well as the GS pay grade. Should we request actuals of current contractors so that we can see the level of effort required in the past? (Initially I thought it would just be those specific people at 2,080 hours). The question also relates to page F-1, paragraph F-3 Level of Effort.
- a. Actuals of current contractors will not be provided.
8. pg. F-1 - Last paragraph, Progress/Performance Reports - the reports are required daily and weekly as specified. Question: Does the NPC system track data entry by personnel such that these reports may be generated from the system to readily measure against the productivity goals?
- a. The case management systems that are used by the existing NPC staff does track case processing activity at the staff level. There are basic management reports in place that will allow the selected contractor to assess the performance of each staff. In addition, the government will provide the database administrator, who will be hired by the selected contractor as outlined in the RFP, with direct access the Oracle databases that support the case management systems. This access will allow the selected contractor to extract any additional management information to assess staff performance OR respond to requests for management information from the NPC Director or Certifying Officer.
9. pg. H-4 - paragraph H.6 States prior written approval from DOL is required before consultants may be used. Question: Does this mean our firms can not use outside contractors/everyone have to be a full-time employee of the respective firms?
- a. Offerors can use outside contractors. Offerors should submit their budgets based on the information provided in the RFP. Pursuant to Section H.6 of the solicitation, written approval must be obtained from the Contracting Officer before hiring a consultant.
10. pg L-7 Proposal submission - The "Note" states - Parts 1, 2, and 3 should be in sealed envelopes and included in one master package. Question: Does that mean the original and each copy should be in separate envelopes or should all copies of Part 1 (for example) be in the same envelope...and then the same for 2 and 3?
- a. Parts 1, 2, and 3 should be in sealed separated envelopes and included in one master package.
11. Does each contract have to have been completed for at least 12 months in duration?
- a. Yes. Offerors that are newly formed entities without prior contracts should list contracts and subcontracts for all key personnel. See Section L.5 A.

12. Are the incumbents eligible to resubmit on this RFP, as prime or subcontractors?
- a. Yes.
13. Is the existing contract for the incumbents being terminated? If so, for what reason?
- a. No. The existing incumbents are in their final option year.
14. Are the incumbents being released or is the new RFP to supplement the current contractor staff?
- a. No. The existing incumbents are in their final option year.
15. Will the contractor be augmenting existing NPC staff or does the contractor handle the entire process?
- a. The selected contractor will be augmenting and supporting the existing Federal staff at each National Processing Center (NPC). The NPC Director, along with the Federal Certifying Officers, is responsible for managing the entire process, and the selected contractor will be integrated into that existing reporting structure.
16. Approximately how many applications are processed at each center?
- a. Since March 28, 2005, the National Processing Centers (NPCs) have received approximately 175,000 applications for permanent labor certification (Chicago NPC = 87,500; Atlanta NPC = 91,000). On a weekly basis, the NPCs receive between 1,900 – 2,200 applications. For temporary labor certification programs, each NPC receives approximately 8,000 – 12,000 applications annually for processing.
17. If the new contractor is able to retain some of the incumbent's employees, for the purposes of vacation/sick day treatment, does their service continue or does it start over upon employment with the new contractor?
- a. This issue will be negotiated with the contract awardees.
18. Is there a sizing algorithm available to provide the ratio of processed applications per analyst?
- a. No.
19. Are there peak processing periods that would require additional staffing requirements?
- a. In the permanent labor certification program, we have not identified any noticeable peakloads in processing. The average weekly receipts of applications consistently range between 1,900 – 2,200. However, for temporary labor certification programs, there exists two distinct peakload "seasons" in which applications are received. The NPC Director will adjust staffing assignments when these peaks in processing temporary labor certifications occur. If OFLC believes that additional contractor staff

will be needed to alleviate any short-term backlogs, then the Department will discuss these matters with the selected contractor and process the appropriate modification to the contract.

20. Approximately what percentage of the applications is received electronically?

- a. In the permanent labor certification program, approximately 85% of all applications are submitted electronically. For temporary labor certifications, 100% of the applications are submitted via postal mail.

21. What training is available for the analysts' positions? How long does the training last?

- a. The selected contractor will be utilizing electronic case management systems that are owned and operated by the U.S. Department of Labor. Federal staff will provide on-site training to the selected contractor's staff, and such training will last approximately 4-5 business days.

22. What is the anticipated award date for this RFP?

- a. May 2007.

23. How long is the period to transition to the new vendor?

- a. 30 days.

24. What is the position risk/sensitivity level assigned to the positions in this RFP?

- a. If this question refers to the sensitivity of information or data being processed by the NPCs, there are no special security clearance requirements for these positions. Having said that, the information used in case processing is not to be disclosed to the public or any third party unless authorized by the National Office of Foreign Labor Certification in Washington, D.C.

25. Please clarify the last sentence in Section H.1 1c "If the Contractor bears the cost of the investigations,"

- a. Section H.1 is deleted in its entirety.

26. Please clarify Section H.1 1c, Who does bear the cost for the background investigation?

- a. Please see answer 25a.

27. Please clarify the last sentence in Section H.1 2a "If the Contractor has not received a completed OF-306 from the contractor employee within 5 days after requesting the form, the Contractor shall notify,"

- a. Please see answer 25a.

28. Please clarify the last sentence in Section H.1 2a “If the person answers “Yes” to one or more of questions 9 through 13, the Contractor shall notify immediately, ????”

a. Please see answer 25a.

29. Please clarify the last sentence in Section H.1 2a “This procedure is described in Chapter 2, Section 6,” of what document?

a. Please see answer 25a.

30. Please clarify the last sentence in Section H.1 4 for the attachment copy of the non-disclosure agreement.

a. Please see answer 25a.

31. Did not find a copy of attachment J.10, example of a modified resume with the other attachments.

a. Attachment J.10 is attached to this amendment.

32. Please clarify Section L.5 D, “The Government may contact references other than those identified by other the offeror . . .”???

a. The sentence, “The Government may contact references other than those identified by other the offeror and may use this information to evaluate the offeror’s past performance,” is corrected to state, “References other than those identified by the offeror may be contacted by the Government with the information received/used in the evaluation of the offeror's past performance.”

33. Please clarify Section L.7 Part 2-3, “The letter must state that the individual will be available for at least one (1) year.” From what date?

a. One year from the date the letter is signed.

34. We have been provided two contradictory proposal submission dates and times. Please verify the proposal deadline submission date and time.

a. March 16, 2007 2:00 PM EST.

35. Is this a new procurement? We have noted the incumbents listed and the Atlanta contractor’s contract is valid through 2008. Therefore, we were not sure if this RFP would replace the current contractor or if this RFP would provide for an additional contractor in Atlanta. Please clarify.

a. This is a new procurement. The existing incumbent contractors are in their final option year.

36. Is DOL only considering awarding contracts to vendors located in the areas where the FLCs will be located?

a. No.

37. The RFP states that similar experience is required. Without having experience managing a FLC center, what other types of experience does DOL consider similar?

a. The Government will not recommend types of experience. Similar experience to the tasks described in section C of the RFP.

38. Can firms who do not have direct experience managing a FLC center be considered for this opportunity?

a. Yes.

39. Can our proposal assume that if awarded we would hire personnel currently providing services to FLC center in Atlanta?

a. The Department believes that the selected contractor will consider the existing personnel providing case processing services at each NPC, but this is not a requirement in the RFP.

40. Do proposals have to identify people for positions or can proposals identify the types of positions required and describe hiring efforts, including time frames, for the position?

a. The RFP only requires the respondent to identify the Project Manager and Assistant positions. For all other positions, the Department expects the respondent to provide a detailed description of the advertising/recruitment efforts and timeframes for hiring the types of analyst positions being requested in the RFP.

41. Will the government consider a firm fixed price award?

a. No. A time and material/labor hour type contract is contemplated.

42. Does item H.9 allow printing/reproduction of a single page requiring more than 5,000 copies or printing/reproduction requiring 25,000 copies total to be subcontracted?

a. No.

43. Will the Department of Labor require all Analyst II's to be paid at the 11/12 level? This makes it difficult to promote individuals for good performance which is critical for retention. Will the Department of Labor consider varying levels within the various GS pay scales as long as the individuals have 4 year degrees and can perform the duties?

- a. The GS levels noted in the RFP include a wage scale and are not intended to be prescriptive. It is appropriate for respondents to take into account education and experience in making wage offer determinations.

44. What is the Period of Performance expected for this effort?

- a. As stated in Section F.2, Period of Performance, the period of performance shall be twelve (12) months from the date of contract execution plus four (4) one-year options to extend at the discretion of the Government.

45. We are looking for other companies to potentially team with. Can you provide us with a list of other 8(a) contractors currently doing Foreign Labor Certification or similar work?

- a. Attached is a bidders list of potential offerors who are interested in networking.

46. Is the government satisfied with the current contractors in Atlanta and Chicago?

- a. All qualified offerors are encouraged to submit a proposal under this RFP.

47. Page 1, paragraph 2, last sentence reads "Potential offerors/bidders are asked to complete and submit a proposal/bid intent form." Can you please direct me to where I can obtain this form, and advise on the deadline for submission of the form?

- a. It is the Standard Form 33, page 2 of the solicitation. Item 9 on this form lists the deadline as March 16, 2007 at 2:00 PM.

48. Will DOL consider current staff?

- a. Yes. The respondent has the flexibility to consider existing personnel providing case processing services at each NPC.

49. How many people are currently on staff?

- a. In each NPC, there are approximately 30 Federal staff and an almost equal number of contractor staff.

50. What was the amount of the last contract?

- a. Section B states that the incumbent contract amounts are \$2,998,421 for Cobb and Associates and \$2,992,509 for CMW.

51. Is there any additional information on what support services are needed? Also is it possible for the support services to take place at a remote location?

- a. At this time, no additional support services have been identified and there are no plans for providing services from a remote location.

52. A quick clarification question. We are to give you all contact information on Past Performances but we are not to have our Past Performance folks fill out any evaluation form. This as I read it is going to be done by DOL? Is this correct?

- a. Yes. See answers 2a and 3a.

53. Throughout the RFP, it is mentioned Letters of Intent are needed by the Project Manager and Assistant Project Manager only. This is in direct conflict with section (iv) on page M-3 of the proposal. Could you clarify?

- a. Letters of Intent are required for the Key Personnel only. The Project Manager and Assistant Project Manager are the only key personnel.