

SECTION C – DESCRIPTION/SPECIFICATIONS/STATEMENT OF WORK

1.0 INTRODUCTION

The Federal Communications Commission (FCC) is an independent United States government agency. The FCC was established by the Communications Act of 1934 and is charged with regulating interstate and international communications by radio, television, wire, satellite and cable. The FCC's jurisdiction covers the 50 states, the District of Columbia, and U.S. possessions.

The National Office of the National Treasury Employees Union (NTEU or Union) has filed a Chapter Grievance with the FCC alleging violations of the Fair Labor Standards Act, 29 U.S.C. §§ 201 *et seq.* (FLSA), covering approximately 425 exempted bargaining unit employee positions across various job series, titles, and grades. In responding to the grievance, the FCC must review and assess the validity of the FLSA exemption status of the grieved positions.

2.0 BACKGROUND/OVERVIEW

The FCC is responding to a grievance filed by the National Treasury Employees Union (NTEU or Union) in which the Union has raised concerns about whether certain FCC employee positions are properly classified as exempt under the Fair Labor Standards Act, 29 U.S.C. §§ 201 *et seq.* (FLSA) The grievance covers approximately 425 bargaining unit positions across various job series, titles, and grades. Specifically, the grievance encompasses incumbents in 13 different job series, approximately 75 different job titles, and 7 different grade levels.

The Union has requested the exemption basis for each one of the above-noted positions. These positions are not all under different, distinct position descriptions (PDs). Some of the positions are under standard position descriptions or are very similar positions. Therefore, there are not 425 distinctly different jobs. In order to allow offerors to provide a realistic proposal and price, Attachment 1 identifies the number of positions within each job title/series/grade that are on distinctly different PDs. The approximate number of different PDs is 230.

The Agency must ensure that the grieved positions are correctly classified under the FLSA, and seeks outside expertise to assist with this task and in reaching a reasonable resolution of the grievance. The contractor shall review the positions that are the subject of the grievance and verify whether that they are appropriately classified as exempt under the FLSA. The contractor shall make recommendations and provide narrative justification to support the FLSA determinations for the grieved positions.

The FCC is soliciting the expertise of an outside expert(s) and therefore is interested in offerors providing their proposed strategic approaches and draft project plans as part of their submissions. The purpose of the approach and project plan is for the offeror to use its expertise in recommending an approach to best address the Agency's goal of ensuring whether its FLSA determinations are accurate and resolving the Union grievance. Although the FCC has identified deliverables, it does not want to unduly restrict the expertise and creativity of the contractor and

SECTION L – INSTRUCTION, CONDITIONS, AND NOTICES TO OFFERORS

The FCC is issuing this solicitation for the purpose of entering into a contract. The FCC will conduct this acquisition under Parts 12 and 13 of the Federal Acquisition Regulation (FAR). The Government intends to make award without conducting discussions with offerors. If you are interested in this acquisition, you may participate by submitting your response in accordance with the following instructions. **All proposals shall be submitted to: eProposals@fcc.gov. Be sure to place the following information in the subject line of your e-mail submission: “SOL09000007 FCC FLSA Support Services”.**

Note: It is the responsibility of each interested vendor to monitor the fedbizopps website at: www.fbo.gov for any updates and amendments to this solicitation. This solicitation will also be posted on the FCC website at: www.fcc.gov/omd/contracts/pre-award for information purposes only.

All offerors shall follow the instructions hereby set forth and submit their proposals with the completed proposal cover sheets (Attachments J.12). Your proposal shall indicate an **acceptance period of no-less-than 60 days** from the due date for submission.

The **proposal shall not exceed 15 pages**, excluding resumes and document example(s) as stated under item 3 below.

A page is defined as one side of an 8½” x 11” sheet of white, un-textured paper, single-spaced, with at least one inch margins on all sides, using not smaller than 12 characters per linear inch or be smaller than twelve (12) points, and shall not exceed six (6) lines per vertical inch. The type for all documents submitted (including charts and graphs) shall be black. The proposal shall be provided electronically via email as stated earlier. The technical and price proposal must be submitted separately for evaluation purposes.

SUBMISSION REQUIREMENTS

Your proposal **MUST** cite your tax identification number (TIN) and Dun & Bradstreet Number (DUNS), North American Industrial Classification System (NAICS), Standard Product Code (SPC) and other pertinent information found in Attachments J.12, Proposal Coversheets. Please ensure that your firm is CCR Certified (<http://www.ccr.gov>). **Be sure to submit complete coversheet information and place the coversheets as the first page of each portion of your technical proposal.**

The submission must include each of the following:

1. Copies of the resumes of each of the proposed contract personnel who will be conducting the FLSA assessment and risk assessment report. Each resume must include, but is not limited to: employment history relevant to the SOW (including dates of employment, name of employer, duties and accomplishments); education; and certifications.

“FCC FLSA Support Services”
Solicitation #SOL09000007

The contracting officer will contact each selected offeror to establish a date and time for its oral presentation. Requests from Offerors to reschedule their oral presentations may not be entertained by the Government. The Government reserves the right to reschedule oral presentations at the sole discretion of the contracting officer. Oral presentations will be held at the FCC headquarters at 445 12th Street SW in Washington, DC for offerors located within the metropolitan area. Video conferencing will be made available to offerors outside of the DC metropolitan area. Each offeror's oral presentation team shall include, at a minimum, the proposed key personnel and an individual authorized to commit the offeror. The Contracting Officer will maintain a record of oral presentations to document what the FCC relied upon in evaluating these presentations.

The proposal submission date (closing date) is 2:00 PM Eastern, May 18, 2009.

NOTE: As synopsisized in www.FBO.gov, the North American Industry Classification System (NAICS) code for this acquisition is 541618 – Other Management Consulting. The small business size standard is \$TBD.