

February 21, 2008

NOTICE TO ALL OFFERORS

REFERENCE: AMENDMENT NO. 1
RFP DOL081RP20142

Additional information has been requested by prospective offerors and it has been determined by the Contracting Officer that this information is made available to all bidders. The closing date and time for the receipt of proposals remain March 14, 2008, 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
1OF PAGES
132. AMENDMENT/MODIFICATION NO.
00013. EFFECTIVE DATE
02/21/08

4. REQUISITION/PURCHASE REQ. NO.

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 C-4310
Washington DC 202107. ADMINISTERED BY (If other than Item 6)
CODE
U.S. Department of Labor, ETA
TBD
200 Constitution Avenue, NW
Room
Washington DC 202108. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code)
To all Offerors/Bidders

(X) 9A. AMENDMENT OF SOLICITATION NO.

DOL081RP20142

9B. DATED (SEE ITEM 11)
X 01-29-2008

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.

12. ACCOUNTING AND APPROPRIATION DATA (If required) N/A

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 (Zero) 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)

KEITH A. BOND
Contracting Officer

15B. CONTRACTOR/OFFEROR

15 C. DATES SIGNED

16B. UNITED STATES OF AMERICA

16 C. DATES SIGNED

(Signature of person authorized to sign)

BY (Signature of Contracting Officer)

14. Responses to Technical Questions

1. Is this opportunity a consolidation of contracts DOLJ071A20543 (Awarded to CMW & Associates, Inc.), and DOLJ071A20542 (Awarded to Cobb & Associates)?

Answer: No.

- a. Or is this a new opportunity that DOL is looking to procure?

Answer: This is a new procurement.

2. Is this a new requirement?

Answer: See Question 1.a above.

3. Is this a follow on to a proposal that was recently out with a contract awarded?

Answer: No. This solicitation is being issued to provide significant expansion in contractor staffing at the National Processing Centers (NPCs) located in Atlanta and Chicago.

4. Who is the incumbent for this contracted activity?

Answer: There is no incumbent for this activity. However, Oliver F. Cobb and Associates of Dalton, Georgia, and CMW & Associates of Springfield, Illinois are currently working at these centers on similar contracts. The successful offeror under this solicitation will perform and be integrated within the existing processing units at each NPC and will work harmoniously and cooperatively with the other contractors on site.

5. According to Part I, Section B, of the solicitation, DOL is consolidating the current contracts into a single contract and adding more than 100 additional contractors. The financial issues and management challenges to a single, very small business would seem to place your consolidation effort at a high risk. Would the government consider modifying the NAICS code to conform to a \$23M size standard?

Answer: This solicitation is not consolidating the current contracts. This is a new procurement and the NAICS code will not be modified.

6. Is there an incumbent for the above solicitation? If so, who?

Answer: See Question 4 above.

7. According to Section F.4 paragraph B, and Section C.3 sub-paragraph (f), bi-monthly invoicing is acceptable. Is this statement accurate?

Answer: Yes, bi-monthly invoicing is acceptable.

8. Are any or all of the positions under this contract SCA positions?

- a. If so, which ones?

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Answer: The Wage Determination Nos. are: 2005-2167 for Illinois and 2005-2133 for Georgia. The registers are attached to this amendment.

9. For SCA positions: What are the incumbent's liabilities to the current employees?
- What liabilities will transfer to the incoming contractor?
 - For example, will the incoming contractor be required to honor any remaining Paid Time Off which incumbent personnel may have from the previous contract?

Answer: The successful offeror under this solicitation will not assume any liabilities to the individuals employed under the existing contracts. The contracts will remain active consistent with their terms and conditions. As noted on Page B-1, the contracts will be awarded with a base year plus four (4) 1-year option years.

10. When will the transition period begin?

Answer: There will be no transition period. The successful offeror under this solicitation will begin performance under this contract upon award and in accordance with the time frame described in Section C.1.

11. Section H.8 sub-paragraph (b) requires that subcontractors' financial records be audited. What type of information or certification will the government require of the Prime Contractor?

Answer: The U.S. Department of Labor shall be responsible for scheduling all audits of the prime contractors' books, documents, papers and records.

- Is DCAA or external CPA audit documentation sufficient?

Answer: The Department will use its own audit resources or shall use certified or public accountants under contract or auditors from another Federal agency.

12. Section C.3 states that the contractor will ensure that employees are paid at certain GS rates. Should we use FY'07 or FY'08 GS schedule for processing?

Answer: Offerors shall use the 2008 rates to determine the minimum salaries to be proposed for the staff categories.

13. Must employees be provided separate sick leave, or can that leave be built into the Paid Time Off?

Answer: This is at the discretion of the employer as long as the guidelines in Section H.4, Vacations, Sick-Leave Holidays, of the RFP, are followed.

14. Section H.8 states that audit costs for subcontractors are allowable expenses. Should these costs be built into the Prime Contractor's G&A or will there be a separate CLIN for these expenses?

Answer: These costs should be built into the Prime Contractor's G&A.

- How often are subcontractor audits required?

Answer: Pursuant to Section H.8 (b), the contractor shall audit or have audited subcontractor financial records, as needed, in order to determine the fiscal integrity of financial transactions and compliance with laws, regulations, and administrative requirements.

15. Section L.7 subsection 2, bullet 3 requires that the Prime Contractor and all subcontractors submit a statement certifying accounting procedures for T&M type contracts. What type of documentation is required or acceptable?

Answer: See Section L.8, Part 3, (3) for this information.

16. Section H.21, subsection F requires a 35 day cancellation clause. Our insurance carrier has informed us that they cannot provide a 35 day cancellation clause and has assured us that 30 days is the acceptable industry standard. Request that you modify that section as read as follows:

“Should any of the above described policies be cancelled before the expiration date thereof, the issuing company will mail 30 days written notice to the certificate holder named to the left, only if the cancellation is initiated by the Insurance Carrier, but failure to mail such notice shall impose no obligation or liability of any kind upon the company, its agents or representatives.”

Answer: The 35-day cancellation clause remains unchanged.

17. Are the payment grades of GS-5, GS-11, and GS-12 a requirement or non-prescriptive?

Answer: The pay grades are a requirement for establishing the minimum pay for each labor category. Please see section C.3 TASKS, page C-3.

18. Since much of this requirement deals with clerical staff, must all of the Assistant Project Managers be degreed?

Answer: The Assistant Project Managers, one at each location, must have a bachelor’s degree as required by the solicitation.

19. Can you clarify the requirements for the PM?

Answer: The contractor’s Project Managers (one at each of the Centers) will be responsible for those tasks assigned to the contractor described in the Scope-of-work. The experience and qualification requirements for the Project Managers are described in Section M.3.A.

20. Sections L and M do not provide details on the written proposal - page limits, exact format, etc.

a. Are there page limits?

b. Requested formats?

Answer: There are no page limits. It is the offerors responsibility to respond fully to the tasks and criteria in the solicitation. Sections L and M provide information on the format for submitting proposals.

21. This RFP states: “the new contractor must demonstrate a firm commitment to working harmoniously and cooperatively with other contractors on-site.” Since this RFP will award the support for both sites to a single contractor, are the processes and report the same?

a. One status report for both sites, or one from each center?

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Answer: The processes and reports are the same for each center. A status report will be submitted by each center.

22. Please clarify the last sentence in Section H.1.4 regarding the attachment copy of the non-disclosure agreement.

Answer: Section H.1 is deleted in its entirety.

23. Please clarify the number of resumes needed for key personnel.

Answer: Please see Section L.8, Part 2, item 2.

24. Federal regulations require that a prospective bidder certify that they meet this acquisition's small business size standard (NAICS Code 561311, \$6.5M) by using a three-year average of revenue based on Federal corporate tax returns. As federal returns are due March 17th, please confirm that a company must use the average of tax years 2005, 2006 and 2007 to determine eligibility for an award under the \$6.5M size standard.

Answer: Yes. A company may use the average of tax years 2005, 2006 and 2007 to determine eligibility for an award under the \$6.5 million size standard.

25. Section M.3.B.5. The time commitment of all professional personnel assigned to the project (the number of hours per month that each individual will devote to the project over its life). Does "professional personnel" in the reference above refer to Key Personnel only?

Answer: Professional personnel under Section M.3, B 5 refers to key staff. Additionally offerors should provide the time commitment of consultants or other subject experts, if any, proposed by the offeror. Letters of Intent must be provided for all professional personnel, i.e., key personnel plus any consultants or other subject matter experts.

26. Is the Systems/Database Analyst the same as the Systems Analyst?

a. Which is considered Key Personnel?

Answer: They are the same and are defined as key personnel under the solicitation.

27. Please clarify the differences between the roles and responsibilities of the NPC Director and the Federal Center Director as it relates to this effort?

Answer: They are the same.

28. In Section C (p.C-1) under Purpose, the RFP states: "The successful offeror under this solicitation will perform and be integrated within the existing processing units at each NPC." Does DOL have a plan for this integration?

a. If so, please share this plan or is it the offeror to provide this plan as part of their proposal?

Answer: The purpose of this statement in the solicitation is to advise offerors that the goal is to have an integrated staffing operation among contractors at each center. Offerors ideas or approach to accomplishing this goal are welcome. The government does not have a plan at this time.

29. Request clarification of the number of staff at each center:

- a. 25 Analyst Is, 75 Analyst IIs, plus the 4 key staff (PM, APM, 2 Systems Analysts) = 104
- b. 25 Analyst Is, 67 Analyst IIs, and 8 key staff = 100

Answer: The number of staff at each center under this solicitation is 25 Analyst I positions, 75 Analysts II positions, one Project Manager, one Assistant Project Manager, and two Systems/Data Analysts for a total of 104.

- 30. Section I.8 of the RFP suggests that the subsequent contract award will be subject to the Service Contract Act of 1965 (2007). If this is true, which Wage Determination No. is applicable?

Answer: The Wage Determination Nos. are: 2005-2167 for Illinois and 2005-2133 for Georgia. The registers are attached to this amendment.

- 31. The RFP instructions state that the offerors must use Attachment J.7 for past performance information; however, the information requested in the Attachment is not inclusive of some of the information requested under L.6 (e.g. list of major subcontractors, etc.). Should we then update the form to capture the requested information under L.6?

Answer: Yes.

- 32. Section J lists the attachments relevant to the RFP; however, some of the attachments listed, specifically J.2 - Loaded Hourly Labor Rate Chart and J.10 - Example of a Modified Resume, has not been made available. Therefore, we request copies of the aforementioned attachments.

Answer: The Attachments J.2 - Loaded Hourly Labor Rate Chart, and J.10 - Example of a Modified Resume, are attached to this amendment.

- 33. Section H.1 of the RFP states that the contractor shall submit written procedures to the designated DOL agency describing the method by which investigation requirements will be satisfied. Are these procedures to be submitted post-award?

Answer: See Question 22 above.

- 34. Page M-3, Item (1) speaks of the experience and qualifications of project managers; however, the second sentence states, "the proposed assistant project managers must have a minimum of a four year college degree...." Was this suppose to state the PM must have minimum of a four year college...vs. the assistant PM must have a minimum....?

Answer: Both the proposed Project Managers and the proposed Assistant Project Managers must have a minimum of a four year college degree.

- 35. Section C.1 Purpose states; "The period of time of the overlap...." Please explain/further define what is meant by the overlap.

Answer: As noted in the introduction, there will be two active contracts in operation at each site with different performance periods.

- 36. Section C.3 Tasks regarding Staffing Plan:

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- a. Are the positions of onsite Project Manager/Analyst and Assistant Project Manager/Analyst to be considered as part of the 75 Analyst II positions?

Answer: No.

- b. Are the two positions, Systems/Database Analyst, to be considered as part of the 75 Analyst II positions?

Answer: No.

Answer: Also, please see the answer to question 29.

37. Attachment J.2 is entitled Loaded Hourly Labor Rate Chart (2 pages). It doesn't appear that there is a corresponding form on your website at <http://www.doleta.gov/sga/rfpforms.cfm>. The form on the website entitled "Cost and Pricing Analysis" does have Attachment J.2 in the upper right corner of the form, but it is 8 pages in length, not 2 as stated in the RFP. Please clarify where we can find the Loaded Hourly Labor Rate Chart.

Answer: See Question 32, above.

38. Section L.8.A. Part 3 does not specify how many full time equivalents (FTEs) we should be pricing. Section F states "The contractor shall submit a budget for the 12 month base year that is based on the full complement of 100 positions at each center and in accordance with the staffing positions and numbers described."

- a. Does the reference to 'budget' imply that this is our pricing?
b. Should we only price out the base year or the base and all 4 option years?

Answer: Section F.3 should state the "full compliment of 104 positions at each center" as clarified in response number 29 and described elsewhere in the solicitation. The term budget does refer to pricing. Offerors need only price the base year.

39. Will the government clarify the role of the Project Manager/Analyst in terms of the approximate percent of time expected to be devoted to project management tasks (e.g., staffing, work assignments, quality control, performance reviews, production goals, deliverables) versus analyst tasks (e.g., processing applications)?

Answer: It is expected that the amount of time for each activity will vary but the majority of the Project Manager's time is expected to be dedicated to project management.

40. Section C.3 states: "b. staff the national processing center with one onsite project manager/analyst, to be paid at the GS-13 level". Given the potential number of employees this person will be responsible for (100), will the government consider increasing the pay to that of a GS-14?

Answer: The government will not increase the grade level. It is noted that the grade levels specified are to establish the minimum pay per category of positions. The grade levels noted in the RFP include a wage scale and it is appropriate for offerors to consider education and experience in making salary or wage determinations.

41. What is the expected contract award/start date?

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Answer: It is anticipated that this contract will be awarded by May 2008.

42. Section C.3 states that the contractor should plan to staff at 25 Analyst I's, 75 Analyst II's, 1 Project Manager/Analyst, 1 Assistant Project Manager/ Analyst, and 2 Database/System Analysts for a total of 104 positions per center. However, Sections B, C.1 and F.3 state that the staffing will be at 100 positions per center. Please clarify.

Answer: Please see the response to question number 29.

43. Section G.1 provides details for submitting proper invoices for cost reimbursement and fixed price type contracts. Given that this is a time and materials type contract, should the reference to I.11 be substituted which refers to payment under time and materials and labor hour contracts?

Answer: Both Sections I.11 and G.1 apply. However, for Section G.1, use A.(1) for time and materials and labor hour contracts.

44. Section H.1.1.c states: "If the DOL Agency bears the cost for background investigations on contractor employees, the designated DOL Agency official will forward the required documents to OPM. If the Contractor bears the cost of the investigations,"

a. The last sentence is incomplete. Please clarify?

Answer: See Question 22 above.

b. Who will bear the cost of the background investigations?

Answer: See Question 22 above.

c. If the contractor is to bear the costs, please provide the cost per investigation.

Answer: See Question 22 above.

45. Section H.2 states "The Contractor shall submit written procedures to the designated DOL Agency official describing the method by which the following investigation requirements will be satisfied."

a. Are these procedures required as part of the proposal or after contract award?

Answer: This statement is not in Section H.2, but is in Section H.1. See Question 22 above.

b. If they are required as part of the proposal, please identify where in the proposal these procedures should be submitted.

Answer: See Question 22 above.

46. Section H.1.2.b details the investigation process for the SF-85, SF-85P, and SF-86 questionnaires. Which type of investigation will each position require for this contract, an SF-85, SF-85P, or SF-86?

Answer: See Question 22 above.

47. Section H.1.4 states "The Contractor shall require each contractor to review and sign the attached non-disclosure agreement..." There is no attached non-disclosure agreement. Will this agreement be provided after contract award?

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Answer: See Question 22 above.

48. Sections I.8 and I.9 are references to the Service Contract Act. Because the government has prescribed minimum rates equivalent to GS grades, are the Service Contract Act clauses relevant?

Answer:

49. Section J. - Attachment J.10, Example of a Modified Resume, has not been posted to the DOL/ETA website. Also, the descriptions of the information required in the modified resumes are not consistent in RFP sections L.8.A.Part 2 - (2), M.3.B.4, and M.3.B.5(iv).

Section L.8.A. Part 2 states:

"At a minimum, the resume shall include:

- a. The title and position to which the individual would be assigned for the project;
- b. The individual's current employment status and a list or description of the activities or projects on which the individual is currently working;
- c. The individual's previous work experience, to include position title, dates in position, employing organization, duties performed, and role performed, e.g., management, task leader, lead investigator, chief analyst, etc., and how these are relevant to the tasks and duties in this project;
- d. The titles of the individual's previous or in process written products or reports, with their date of completion or publication and other authors noted; and the relevance of these works to the tasks and duties in this project; and
- e. The individual's educational background and a brief description of its relevance to the individual's role in the project. The overall staffing plan is reasonable and likely to support the technical approach."

Section M.3.B says:

"...modified resumes should include the following:

- (a) Proposed title/position(s), component or task of the evaluation in which these will be performed, functional role(s), activities, number of hours and percentage for each functional role, and total hours and total percentage of hours for the individual. Each position in the project should be separately listed
- (b) Current employment status, title, and the activities or projects on which the individual is currently working;
- (c) Start and stop dates (by month/year) and roles for each item under work experience and a brief description of activities for each role."

Section M.3.B.5 states:

"At a minimum, each resume shall include:

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- (a) The individual's current employment status and previous work experience, including position title, dates in position, duties performed, and employing organization. Duties shall be clearly defined in terms of the role performed, i.e., management, team leader, consultant. Also, indicate whether each individual is currently employed by the contractor, and (if so) for how long;
- (b) A statement of the work that the individual has completed or which is currently underway for work that is relevant to the proposed work; and
- (c) The individual's educational background."

Will DOL provide Attachment J.10 and clarify the requirements for the modified resumes?

Answer: See Question 32 above.

50. Section L.6.A states "relevant contracts or subcontracts completed during the past 3 years," however, Section L.6.D. references "existing or prior contracts for similar products or services." Will the government change the word "completed" to "performed" in Section L.6.A in order to allow offerors to reference ongoing relevant contracts?

Answer: Offerors can reference ongoing relevant contracts as long as they have been in performance for at least 12 months.

51. Section L.7 - Who will constitute the technical evaluation panel? What other government representatives will be present?

Answer: The Technical Evaluation Panel consists of Government representatives.

52. Is this contract under the Service Contract Act, and if so, which Wage Determination map to the Analyst I and Analyst II positions?

Answer: See Question 30 above.

53. Section C.3 Tasks - There are general task descriptions and no process descriptions about the labor certification provided in the RFP. How is an offeror to develop a WBS and describe inputs and outputs without this information?

Answer: Section C.2. Background provides a link to the Foreign Labor Certification web site. This site provides considerable information on the program and the application process, including relevant forms. Additionally the site contains the OFLC Performance Report 2006 (most recent) that contains detailed information on the number of applications per category.

54. Section F.3. Level of Effort - Isn't the full complement of staff 104 positions, which includes the Project Manager, Assistant Project Manager, and 2 Systems/Database Analysts?

Answer: Yes, see the response to question 29.

55. Section H.1 Contractor Employee Suitability and Security Requirements

- a. What are the clearance requirements?
- b. Who pays for the clearance as the statement is incomplete in the RFP?
- c. Can employees start work before submitting clearance documents, except for Critical-Sensitive positions, since they have to be submitted within 14 days of placement?
- d. Is having submitted all required paperwork enough for employee to start work at DOL, or do they have to receive Suitability notification?

Answer: See Question 22 above.

56. Section L.6 Past Performance

- a. RFP states in Item D., "Government will focus on information that demonstrates quality of performance relative to the size and complexity of the procurement under consideration." There are no process descriptions or production volumes provided in the RFP. How will the offeror be able to submit relevant past performance information without this information?

Answer: Please see the response to question 53. Additionally the solicitation emphasizes the importance of experience relevant to a production based environment involving the administration and processing of a large volume of customer applications or similar or related tasks.

- b. RFP states "Offerors that are newly formed entities without prior contracts should list contracts and subcontracts as required above for all key personnel." Please clarify how many past performances are needed for each key personnel for newly formed entities.

Answer: Five

57. Section L.7 Oral Presentation - Please confirm that the Project manager and Assistant Project manager for both sites are required at the Oral Presentation and that only one of four Systems/Database Analysts (key personnel) is allowed.

Answer: Section L.7 is clarified to require that the Project Managers and Assistant Project Managers from each site be present. The selection for a fifth participant is at the discretion of the offeror consistent with the requirements of Section L.7.4.

58. Section M.4 Understanding - The RFP does not provide any insight into foreign labor certification programs and processes or any production volume estimates.

Answer: For the first part of the question please see the response to question 53.

- a. How is an offeror to successfully respond to this section without being one of the incumbent prime contractors or subcontractors?

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Answer: The government believes that sufficient information has been provided in the solicitation and is available on-line and elsewhere for potential offerors to become knowledgeable and gain an understanding of immigration programs. Further, the criteria cited under Section M.3, evaluation criteria E, states that the proposal should provide the offerors "...understanding of a (emphasis added) production -based application processing environment".

b. Item 4 refers to one National Processing Center and requires contractor to explain how they will retain current staff. Isn't this RFP for two Centers, and don't the current staff work for the recently awarded contracts?

Answer: The RFP is to provide staffing for two centers, but only one contract award will be made for both centers under this solicitation. The reference to a retention plan is to staff that will be employed by the contractor under this solicitation.

