

# USDA



## AGRICULTURE ACQUISITION CIRCULAR

November 12, 1999

AAC 96-02

Agriculture Acquisition Circular (AAC) 96-02 is issued under the authority of the Senior Procurement Executive. The policies, provisions, and clauses of this Circular are effective for all solicitations issued after the dates appearing in the List of Subjects.

### List of Subjects

<u>Item</u>	<u>Title</u>	<u>Effective Date</u>
I	Simplified Acquisition Procedures	October 22, 1999
II	Contracting by Negotiation	November 29, 1999

Issued by: Office of the Assistant Secretary for Administration  
Office of Procurement, Property, and Emergency Preparedness  
Procurement Policy Division

## **AAC 96-02 Filing Instructions**

### Item I, Simplified Acquisition Prodedures

#### Remove Pages

Structure of the AGAR to the  
Subpart Level, pp. 3 and 4

Part 413 Table of Contents (TOC)

413-1

453-1 and 453-2

#### Insert Pages

Structure of the AGAR to the  
Subpart Level, pp. 3 and 4

Part 413 TOC

413-1

453-1 and 453-2

### Item II, Contracting by Negotiation

#### Remove Pages

Structure of the AGAR to the  
Subpart Level, pp. 3 and 4

401-1 and 401-2

Part 415 TOC

415-1 through 415-3

Part 437 TOC

437-1 and 437-2

452-3 through 452-6

#### Insert Pages

Structure of the AGAR to the  
Subpart Level, pp. 3 and 4

401-1 and 401-2

Part 415 TOC

415-1 through 415-3

Part 437 TOC

437-1 and 437-2

452-3 through 452-6

Please do not file Item II until its effective date (November 29).

## AAC 96-02 ITEM SUMMARY

### Item I– Simplified Acquisition Procedures

**This final rule (AGAR Case 96-05) becomes effective October 22, 1999.** It reorganizes part 413 to reflect the reorganization of FAR part 13, and updates a citation to part 413 which appears in part 453.

Replacement pages: Structure of the AGAR to the Subpart Level, pp. 3 and 4; Part 413 Table of Contents (TOC); 413-1; 453-1 and 453-2.

### Item II–Contracting by Negotiation

**This final rule (AGAR Case 96-04) becomes effective November 29, 1999.** It amends AGAR Parts 401, 415, 437, and 452 to reflect changes in FAR part 15. The following changes have been made to the AGAR:

1. AGAR 401.106 is amended to update a citation to AGAR part 415. The reference to AGAR subpart 415.4 is changed to read AGAR subpart 415.2.
2. AGAR part 415 is revised and reorganized to reflect the streamlining and restructuring of FAR part 15. AGAR sections supplementing sections which were removed from FAR part 15 are removed. Section 415.303, Responsibilities, is added to specify that the head of the contracting activity (HCA) is authorized to appoint an individual other than the contracting officer as the source selection authority. Section 415.305, Proposal Evaluation, is added to authorize contracting activities to establish procedures for release of cost information to technical evaluation teams.
3. AGAR section 437.204 is added to authorize HCAs to approve the use of non-Government evaluators for proposal evaluation. Substantially similar guidance had been provided by AGAR subsection 415.413-2.
4. AGAR provision 452.215-71 is amended to delete Alternates I and II, which were made obsolete by changes to FAR parts 15 and 53. Citations to AGAR part 415 were updated in AGAR part 452.

Replacement pages: Structure of the AGAR to the Subpart Level, pp. 3 and 4, 4; 401-1 and 401-2; Part 415 Table of Contents (TOC); 415-1 through 415-3; Part 437 TOC; 437-1 and 437-2; 452-3 through 452-6

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- 409.7            [Reserved]

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413.306 SF 44, Purchase Order-Invoice-Voucher.

413.307 Forms.

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

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**PART 413**

**SIMPLIFIED ACQUISITION  
PROCEDURES**

**SUBPART 413.3--SIMPLIFIED  
ACQUISITION METHODS**

**413.301 Governmentwide commercial  
purchase card.**

USDA policy and procedures on use of the Governmentwide commercial purchase card are established in Departmental Regulation Series 5000.

**413.306 SF 44, Purchase Order-  
Invoice-Voucher.**

The Standard Form 44 (and the previously prescribed USDA Form AD-744) is not authorized for use within USDA.

**413.307 Forms.**

Form AD-838, Purchase Order, is prescribed for use by USDA in lieu of Optional Forms 347 and 348.

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### PART 453

#### FORMS

#### 453.000 Scope of part.

This part: (a) Prescribes USDA (AD) forms for use in acquisition, (b) Contains requirements and information generally applicable to AD forms and forms prescribed by FAR Part 53, and (c) illustrates AD forms.

#### SUBPART 453.1--GENERAL

#### 453.103 Exceptions.

(a) The contracting officer shall submit a request for exceptions to forms prescribed in FAR Part 53 through the head of the contracting activity (HCA) to the Senior Procurement Executive (SPE) for referral to the GSA.

(b) Requests for exceptions to AD forms prescribed in Part 453 shall be handled as individual or class deviations, as appropriate (see Subpart 401.4).

#### 453.108 Recommendations concerning forms.

Contracting officers shall submit recommendations for new forms or to revise, eliminate, or consolidate forms prescribed by FAR 53 and Part 453 through the HCA to the SPE.

#### SUBPART 453.2--PRESCRIPTION OF FORMS

#### 453.200 Scope of subpart.

This subpart prescribes USDA (AD) forms for use in acquisition. Consistent with the approach used in FAR Subpart 53.2, this subpart is arranged by subject matter, in the same order as, and keyed to, the parts of the AGAR in which the form usage requirements are addressed.

#### 453.213 Simplified Acquisition and other simplified purchase procedures (AD-838).

Form AD-838, Purchase Order, is prescribed for use as a Simplified Acquisition Procedure /delivery order/task order document in lieu of OF 347 and OF 348 (see 413.307).

#### 453.270 Request for contract action (AD-700).

Form AD-700, Procurement Request, may be used as a contract requisition document by contracting activities in USDA.

#### SUBPART 453.3 ILLUSTRATIONS OF FORMS

#### 453.300 Scope of subpart.

This subpart contains illustrations of USDA (AD) forms for use in acquisitions.

Forms are not illustrated in the FEDERAL REGISTER or Code of Federal Regulations. Individual copies



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**453.303 AGRICULTURE ACQUISITION REGULATION (AGAR)**

may be obtained from any USDA contracting activity or the office of the SPE.

**453.303 Agency forms.**

**453.303-700 Procurement Request (AD-700).**

**453.303-838 Purchase Order (AD-838).**

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- 409.6 [Reserved]
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- 411.1 Selecting and Developing Requirements Documents
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- 411.3 [Reserved]
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- 412.5 [Reserved]
- 412.6 [Reserved]

**SUBCHAPTER C--CONTRACTING METHODS AND CONTRACT TYPES**

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- 413.4 [Reserved]
- 413.5 [Reserved]

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- 414.1 [Reserved]
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- 414.3 [Reserved]
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417.2	Options
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### **PART 418--[RESERVED]**

## **SUBCHAPTER D--SOCIOECONOMIC PROGRAMS**

### **PART 419--SMALL BUSINESS PROGRAMS**

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419.3	[Reserved]
419.4	[Reserved]
419.5	Set-Asides for Small Business
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419.8	[Reserved]
419.9	[Reserved]
419.10	[Reserved]

### **PART 420--[RESERVED]**

**PART 401**  
**AGRICULTURE ACQUISITION**  
**REGULATION SYSTEM**

**401.000 Scope of Part.**

This part presents basic policies and general information about the Department of Agriculture's (USDA) Acquisition Regulation, subsequently referred to as the AGAR. The AGAR is an integral part of the Federal Acquisition Regulations System.

**SUBPART 401.1--PURPOSE,**  
**AUTHORITY, ISSUANCE**

**401.101 Purpose.**

(a) The AGAR provides for the codification and publication of uniform policies and procedures for acquisitions by contracting activities within USDA.

(b) The purpose of the AGAR is to implement the Federal Acquisition Regulation (FAR), where further implementation is needed, and to supplement the FAR when coverage is needed for subject matter not covered in the FAR. The AGAR is not by itself a complete document, as it must be used in conjunction with the FAR.

**401.103 Authority.**

The AGAR and amendments thereto are issued under 5 U.S.C. 301 and 40 U.S.C. 486(c). The Senior

Procurement Executive (SPE) has the delegated authority to promulgate Departmental acquisition regulations.

**401.104 Applicability.**

The FAR and AGAR apply to all USDA acquisitions of supplies and services (including construction) which obligate appropriated funds, unless otherwise specified in this chapter or excepted by law.

**401.105 Issuance.**

**401.105-1 Publication and code arrangement.**

(a) The AGAR is codified in the Code of Federal Regulations (CFR) as Chapter 4 of Title 48, Federal Acquisition Regulations System, to implement and supplement Chapter 1 which constitutes the FAR. Parts 400 through 499 have been assigned to USDA by the Office of the Federal Register.

(b) The AGAR and its subsequent changes are published in: (1) daily issues of the Federal Register, (2) cumulative form in the CFR, and (3) loose-leaf form for distribution within USDA.

(c) Section 553(a)(2) of the Administrative Procedure Act, 5 U.S.C. 553, provides an exception from the standard public rulemaking procedures to the extent that the rule involves a matter relating to agency management or personnel or to public

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**401.105-2 AGRICULTURE ACQUISITION REGULATION (AGAR)**

<p>property, loans, grants, benefits, or contracts. OFPP Policy Letter 83-2 requires rulemaking for substantive acquisition rules but allows discretion in the matter for other than significant issues meeting the stated criteria. The AGAR has been promulgated and may be revised from time to time in accordance with the rulemaking procedures of the Administrative Procedure Act and OFPP Policy Letter 83-2.</p>	<p><b>AGAR Segment</b></p> <p><b>411.170</b></p> <p><b>415.2</b></p> <p><b>436.575</b></p> <p><b>437.110</b></p>	<p><b>OMB Control Number</b></p> <p><b>0505-0014</b></p> <p><b>0505-0013</b></p> <p><b>0505-0011</b></p> <p><b>0505-0015</b></p>
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**401.105-2 Arrangement of regulations.**

<p>AGAR coverage parallels the FAR in format, arrangement, and numbering system. However, subdivisions below the section and subsection levels may not always correlate directly to FAR designated paragraphs and subparagraphs.</p>	<p><b>437.270</b></p> <p><b>452.211-1</b></p> <p><b>452.215-71</b></p> <p><b>452.236-75</b></p> <p><b>452.237-74</b></p>	<p><b>0505-0016</b></p> <p><b>0505-0014</b></p> <p><b>0505-0013</b></p> <p><b>0505-0011</b></p> <p><b>0505-0015</b></p>
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**401.105-3 Copies.**

<p>Copies of the AGAR published in CFR form may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Requests should reference Chapter 4 of Title 48 CFR.</p>	<p><b>452.237-76</b></p> <p><b>0505-0016</b></p>
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**401.170 Electronic access to regulatory information.**

**401.106 OMB approval under the Paperwork Reduction Act.**

The following OMB control numbers apply to USDA solicitations and specified information collections within the AGAR:

The USDA Departmental Administration Procurement Homepage provides access to the AGAR, AGAR amendments (circulars), AGAR Advisories, and other USDA procurement policy and guidance in electronic form. The Internet address for the

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**PART 415--CONTRACTING BY NEGOTIATION**

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415.604 Agency points of contact.

415.606 Agency procedures.

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

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**PART 415  
CONTRACTING BY  
NEGOTIATION**

**SUBPART 415.2--SOLICITATION  
AND RECEIPT OF PROPOSALS  
AND INFORMATION**

**415.204 Contract format.**

The Senior Procurement Executive is authorized to exempt contracts from the uniform contract format.

**415.207 Handling proposals and information.**

(a) Throughout the source selection process, agency personnel and non-Government evaluators with access to proposal information shall disclose neither the number of offerors nor their identity except as authorized by FAR subpart 15.5. (See also FAR 5.403)

(b) The contracting officer shall obtain the following written agreement from the non-Government evaluator prior to the release of any proposal to that evaluator.

**AGREEMENT GOVERNING THE  
USE AND DISCLOSURE OF  
PROPOSALS**

RFP# \_\_\_\_\_  
Offeror \_\_\_\_\_

1. To the best of my knowledge and belief, no conflict of interest exists that may diminish my capacity to perform an impartial and objective review of the offeror's proposal, or may otherwise

result in a biased opinion or an unfair advantage. If a potential conflict of interest arises or if I identify such a conflict, I agree to notify the Government promptly concerning the potential conflict. In determining whether any potential conflict of interest exists, I agree to review whether my or my employer's relationships with other persons or entities, including, but not limited to, ownership of stocks, bonds, other outstanding financial interests or commitments, employment arrangements (past, present, or under consideration), and, to the extent known by me, all financial interests and employment arrangements of my spouse, minor children, and other members of my immediate household, may place me in a position of conflict, real or apparent, with the evaluation proceedings.

2. I agree to use proposal information only for evaluation purposes. I understand that any authorized restriction on disclosure placed upon the proposal by the prospective contractor or subcontractor or by the Government shall be applied to any reproduction or abstracted information of the proposal. I agree to use my best effort to safeguard such information physically, and not to disclose the contents of, or release any information relating to, the proposal(s) to anyone outside of the Source Evaluation Board or other panel assembled for this acquisition, the Contracting Officer, or other individuals designated by the Contracting Officer.

3. I agree to return to the Government



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**415.209 AGRICULTURE ACQUISITION REGULATION (AGAR)**

all copies of proposals, as well as any abstracts, upon completion of the evaluation.

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(Name and Organization)

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(Date )

(End of provision)

(c) The release of a proposal to a non-Government evaluator for evaluation does not constitute the release of information for purposes of the Freedom of Information Act (5 U.S.C. 552).

(d) The contracting officer shall attach a cover page bearing the following notice: GOVERNMENT NOTICE FOR HANDLING PROPOSALS - This proposal shall be used and disclosed for evaluation purposes only. Attach a copy of this Government notice to every reproduction or abstract of the proposal. Any authorized restrictive notices which the submitter places on this proposal shall be strictly complied with. Disclosure of this proposal outside the Government for evaluation purposes shall be made only to the extent authorized by, and in accordance with, FAR 3.104-5, FAR 15.207, and AGAR 415.207.

**415.209 Solicitation provisions and contract clauses.**

(a) The provision at 452.215-71, Instructions for the Preparation of Technical and Business Proposals, may

be used when offerors will be required to submit technical and business proposals. Contracting officers should tailor the clause to reflect the degree of information required for the specific acquisition.

(b) The contracting officer shall insert the provision at 452.215-72, Amendments to Proposals, in solicitations which require the submittal of lengthy, complex technical proposals.

**SUBPART 415.3--SOURCE SELECTION**

**415.303 Responsibilities.**

The head of the contracting activity (HCA) is authorized to appoint an individual other than the contracting officer as the source selection authority.

**415.305 Proposal evaluation.**

HCAs are responsible for establishing procedures regarding the release of cost information to the members of the technical evaluation team.

**SUBPART 415.4--CONTRACT PRICING**

**415.404-4 Profit.**

(a) (1) USDA will use a structured approach to determine the profit or fee prenegotiation objective in acquisition actions when price negotiation is based on cost analysis.

(2) The following types of acquisitions are exempt from the requirements of the structured approach, but the contracting officer shall comply with FAR 15.404-4(d) when analyzing profit for these contracts or actions:

- (i) Architect-engineer contracts;
- (ii) Construction contracts;
- (iii) Contracts primarily requiring delivery of material supplied by subcontractors;
- (iv) Termination settlements; and
- (v) Cost-plus-award-fee contracts;

(b) Unless otherwise restricted by contracting activity procedures, the Contracting Officer may use another Federal agency's structured approach if that approach has been formalized and is maintained as part of that Agency's acquisition regulations (i.e., included in that Agency's assigned chapter of Title 48 of the Code of Federal Regulations).

(c) The HCA is responsible for establishing procedures to ensure compliance with this subpart.

**SUBPART 415.5--PREAWARD, AWARD, AND POSTAWARD NOTIFICATIONS, PROTESTS AND MISTAKES**

**415.570 Post-Award Conference.**

If a postaward conference is necessary, the contracting officer shall insert clause 452.215-73, Post-Award Conference.

**SUBPART 415.6--UNSOLICITED PROPOSALS**

**415.604 Agency points of contact.**

HCAs are responsible for establishing procedures to ensure compliance with the requirements of FAR 15.604.

**415.606 Agency procedures.**

HCAs are responsible for establishing the procedures for control of unsolicited proposals required by FAR 15.606(a) and for identifying the contact points as required by FAR 15.606(b).

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437.203 Policy.

| 437.204 Guidelines for determining availability of personnel. |

437.270 Solicitation provisions and contracts clauses.

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

**PART 437**

**SERVICE CONTRACTING**

**SUBPART 437.1--SERVICE  
CONTRACTS--GENERAL**

**437.104 Personal services contracts.**

USDA has the following specific statutory authorities to contract for personal services:

(a) Section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225) authorizes contracting with persons or organizations on a temporary basis, without regard to civil service compensation classification standards in 5 U.S.C., Chapter 51 and Subchapter III of Chapter 53, Provided:

(1) That no expenditures shall be made unless specifically provided for in the applicable appropriation, and

(2) Expenditures do not exceed any limitations prescribed in the appropriation.

(b) 7 U.S.C. 1627 authorizes the Secretary of Agriculture to contract with technically qualified persons, firms or organizations to perform research, inspection, classification, technical, or other special services, without regard to the civil-service laws, Provided: it is for a temporary basis and for a term not to exceed six months in any fiscal year.

**437.110 Solicitation provisions and contract clauses.**

(a) The contracting officer shall insert a clause substantially the same as the clause at 452.237-70, Loss Damage, Destruction or Repair, in contracts for equipment rental, whether the equipment is furnished with or without operator.

(b) The contracting officer shall insert a provision substantially the same as the clause at 452.237-71, Pre-Bid/Pre-Proposal Conference, in all solicitations if a conference with prospective offerors will be held prior to the submittal of bids or proposals.

(c) The contracting officer shall insert the provision at 452.237-73, Equipment Inspection visit, in solicitations if work is to be done on Government equipment and an offeror's inspection is encouraged for an understanding of the work to be performed prior to submittal of bids or proposals.

(d) The contracting officer shall insert a clause substantially the same as the clause at 452.237-74, Key Personnel, in contracts if contract performance requires identification of the contractor's key personnel.

(e) The contracting officer shall insert a clause substantially the same as the clause at 452.237-75, Restrictions Against Disclosure, in service contracts (including architect-engineer contracts) requiring restrictions on release of information developed or obtained in connection with performance of the contract.

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**437.203 \_\_\_\_\_ AGRICULTURE ACQUISITION REGULATION (AGAR)**

**SUBPART 437.2--ADVISORY AND  
ASSISTANCE SERVICES**

**437.203 Policy.**

Contracting for advisory and assistance services is subject to the policy and procedures in Departmental Regulations (5000 series).

**437.204 Guidelines for determining availability of personnel.**

The head of the contracting activity (HCA) is authorized to approve the use of non-Government evaluators in proposal evaluation. Each such decision shall be supported by a written determination in accordance with FAR 37.204.

**437.270 Solicitation and contract clauses.**

(a) The contracting officer shall insert a clause substantially the same as the clause at 452.237-76, Progress Reporting, in all contracts for advisory and assistance services. It may also be used in other service contracts.

(b) The contracting officer shall insert a clause substantially the same as the clause at 452.237-78, Contracts with Consulting Firms for Services, in solicitations and contracts for consulting services which prohibit follow-on contracts with the contracting firm.

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**AGRICULTURE ACQUISITION REGULATION (AGAR)**

**452.215-71**

the necessary personnel, material, equipment, services and facilities (except as otherwise specified), to perform the Statement of Work/Specifications referenced in Section J.

(End of Clause)

**452.211-73 Attachments to Statements of Work/Specifications.**

As prescribed in 411.171, insert the following clause:

**ATTACHMENTS TO STATEMENT OF WORK/SPECIFICATIONS (FEB 1988)**

The attachments to the Statement of Work/Specifications listed in Section J are hereby made part of this solicitation and any resultant contract.

(End of Clause)

**452.211-74 Period of Performance.**

As prescribed in 411.404(a), insert the following clause:

**PERIOD OF PERFORMANCE (FEB 1988)**

The period of performance of this contract is from \_\_\*\_\_ through \_\_\*\_\_.

(End of Clause)

\*Contracting Officer shall insert the appropriate dates.

**452.211-75 Effective Period of the Contract.**

As prescribed in 411.404(b), insert the following clause:

**EFFECTIVE PERIOD OF THE CONTRACT (FEB 1988)**

The effective period of this contract is from \_\_\*\_\_ through \_\_\*\_\_.

(End of Clause)

\*Contracting Officer shall insert the appropriate dates.

**452.214-70 Award by Lot.**

As prescribed in 414.201-6, insert a provision substantially as follows:

**AWARD BY LOT (NOV 1996)**

Subject to the Section L provision FAR 52.214-10, "Contract Award-- Sealed Bidding," award will generally be made to a single bidder on each entire lot. However, the Government reserves the right to award by item within any lot when the contracting officer determines that it is advantageous to the Government.

(End of Provision)

**452.215-71 Instructions for the Preparation of Technical and Business Proposals.**

As prescribed in 415.209(a), insert a

**AAC 96-02 NOVEMBER 29, 1999**

**452.215-71**

**AGRICULTURE ACQUISITION REGULATION (AGAR)**

provision substantially as follows:

**INSTRUCTIONS FOR THE  
PREPARATION OF  
TECHNICAL AND BUSINESS  
PROPOSALS  
(SEP 1999)**

(a) General Instructions. Proposals submitted in response to this solicitation shall be furnished in the following format with the numbers of copies as specified below.

(1) The proposal must include a technical proposal and business proposal. Each of the parts shall be separate and complete so that evaluation of one may be accomplished independently from evaluation of the other. The technical proposal must not contain reference to cost; however, resource information (such as data concerning labor hours and categories, materials, subcontracts, etc.) must be contained in the technical proposal so that the contractor's understanding of the statement of work may be evaluated.

(2) Offerors may, at their discretion, submit alternate proposals or proposals which deviate from the requirement; provided, that an offeror also submit a proposal for performance of the work as specified in the statement of work. Any "alternate" proposal may be considered if overall performance would be improved or not compromised, and if it is in the best interest of the Government. Alternate proposals, or

deviations from any requirement of this RFP, must be clearly identified.

(3) The Government will evaluate proposals in accordance with the evaluation criteria set forth in Section M of this RFP.

(4) Offerors shall submit their proposal(s) in the following format and the quantities specified:

(a)   \* copies of the completed, signed offer (Sections A through K of the solicitation package)

(b)   \* copies of the technical proposal

(c)   \* copies of the business/cost proposal

(b) Technical Proposal Instructions. The technical proposal will be used to make an evaluation and arrive at a determination as to whether the proposal will meet the requirements of the Government. Therefore, the technical proposal must present sufficient information to reflect a thorough understanding of the requirements and a detailed, description of the techniques, procedures and program for achieving the objectives of the specifications/ statement of work. Proposals which merely paraphrase the requirements of the Government's specifications/ statement of work, or use such phrases as "will comply" or "standard techniques will be employed" will be considered unacceptable and will not be considered further. As a minimum, the proposal must clearly provide the following:

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(Contracting Officer shall identify in this section the minimum information required to evaluate each technical evaluation factor listed in Section M.)

(c) Business Proposal Instructions.

(1) Cost Proposal.

In addition to any other requirements for cost/pricing information required in clause FAR 52.215-20, Requirements for Cost or Pricing Data or Other Than Cost or Pricing Data (OCT 1997), the following is required:

(Contracting Officer shall identify additional information required if appropriate.)

(2) Business Proposal.

(a) Furnish financial statements for the last two years, including an interim statement for the current year, unless previously provided to the office issuing the RFP, in which case a statement as to when and where this information was provided may be furnished instead.

(b) Specify the financial capacity, working capital and other resources available to perform the contract without assistance from any outside source.

(c) Provide the name, location,

and intercompany pricing policy for other divisions, subsidiaries, parent company, or affiliated companies that will perform work or furnish materials under this contract.

(End of Provision)

\*Contracting officer shall insert number of copies required.

**452.215-72 Amendments to Proposals.**

As prescribed in 415.209(b), insert the following provision:

**AMENDMENTS TO PROPOSALS  
(FEB 1988)**

Any changes to a proposal made by the offeror after its initial submittal shall be accomplished by replacement pages. Changes from the original page shall be indicated on the outside margin by vertical lines adjacent to the change. The offeror shall include the date of the amendment on the lower right corner of the changed pages.

(End of Provision)

**452.215-73 Postaward Conference.**

As prescribed in 415.570, insert a clause substantially as follows:

**POST AWARD CONFERENCE  
(NOV 1996)**



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A post award conference with the successful offeror is required. It will be scheduled within   \*   days after the date of contract award. The conference will be held at:                   \*.

(End of Clause)

\*Contracting officer to insert number of days and location.

**452.216-70 Award Fee.**

As prescribed in 416.405, insert a clause substantially as follows:

**AWARD FEE (FEB 1988)**

The amount of award fee the Contractor earns, if any, is based on a subjective evaluation by the Government of the quality of the Contractor's performance in accordance with the award fee plan. The Government will determine the amount of award fee every   \*   months beginning with   \*\*  . The Fee Determination Official (FDO) will unilaterally determine the amount of award fee. The FDO's determination will be in writing to the Contractor and is not subject to the "Disputes" clause. The Government may unilaterally change the award fee plan at any time and will provide such changes in writing to the Contractor prior to the beginning of the applicable evaluation period. The Contractor may submit a voucher for the earned award fee. Available award fee not earned during one period does not carry over to subsequent periods.

(End of Clause)

\* Contracting Officer shall insert appropriate number of months.

\*\*Contracting Officer shall insert appropriate date.

**452.216-71 Base Fee and Award Fee Proposal.**

As prescribed in 416.470, insert the following provision:

(The next page is 452-7)