

## Instructions, Conditions and Notices to Offerors

### INSTRUCTIONS TO OFFERORS

RFP-ITC-RFP-09-0004

BEST VALUE ACQUISITION (IAW FEDERAL ACQUISITION REGULATION AND 15.101)

A. The following introductory information (letter format is acceptable) is required on the first page of Volume I of your offer:

- (1) Solicitation Number \_\_\_\_\_
- (2) Name and address of offeror;
- (3) Name and telephone number of your point-of-contact;
- (4) Name of your contract administration office (if available);
- (5) Confirmation of type of contract action;
- (6) Total proposed price;
- (7) Whether you will require the use of Government property in the performance of the agreement, and, if so, what property: N/A because this is specified in the Performance Work Statement (PWS);
- (8) Contract type;
- (9) Date of submission; and,
- (10) Name, title and signature of authorized representative.

B. General Instructions: This is a Performance Price Tradeoff best value source selection acquisition. Technical Capability will be evaluated on an acceptable or unacceptable basis. Award will be made based on an integrated assessment of the Evaluation Factors. It is our intent to award a single Order to the contractor who will provide the best overall value to USITC as determined by an integrated assessment. The proposal instructions in this section are designed to assist offerors in preparing a complete response that reflects a full understanding of the approach proposed to accomplish all work required herein.

(1) The Government reserves the right to make award without discussions. Therefore, the offeror's initial proposal should contain the offeror's best terms from a cost or price and technical standpoint. The Government reserves the right to conduct discussions if the Contracting Officer later determines them to be necessary. If the Government awards without discussions, the offerors may be given the opportunity to clarify certain aspects of proposals (e.g., the relevance of an offeror's past performance information and adverse past performance information to which the offeror has not previously had an opportunity to respond) or to resolve minor clerical errors.

(2) The offeror's proposal shall include all data and information requested and shall be submitted in accordance with these instructions. The offer shall be compliant with the requirements as stated in the PWS. **Non-conformance with the instructions provided may result in an unfavorable proposal evaluation, rendering it ineligible for award.**

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(3) The proposal shall not simply rephrase or restate the Government's requirements, but rather shall provide convincing rationale to address **how** the offeror intends to meet these

requirements. Offerors shall assume that the government has no prior knowledge of their experience and will base its evaluation on the information presented in the offeror's proposal. The offeror's proposal must convey to the Government that the offeror is capable; possesses sufficient technical expertise and experience; possesses sufficient resources; and is able to plan, organize, and use those resources in a coordinated and timely fashion such that technical requirements will be achieved and costs will be controlled.

(4) Offerors should **address questions, concerns, or requests for clarification in writing** (by fax, or e-mail) to the point of contact(s) (POCs) listed below **by no later than Wednesday, April 15, 2009 at 2 p.m. Eastern Standard Time (EST)**. Telephonic inquiries will not be accepted. When using email, please send to both recipients at the addresses indicated below. Electronic submissions shall be followed up with a phone call confirming receipt prior to the due date and time. USITC assumes no responsibility for non-delivery due to problems with email servers, and no extensions will be granted for these matters. USITC will post an amendment to this solicitation to the FedBizOps site answering questions when received.

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(5) Proposals shall be submitted on 8½ x 11-inch paper, double-spaced. Except for reproduced sections of the solicitation document, text shall be no smaller than 12 pitch font. Margins on all four sides of each sheet will be at least one inch. All pages shall be printed on one side only. Special consideration will not be given for colors, pictures or unnecessary graphics. Audio and Video recordings, or any other electronic media (ie: CD, tape) will not be accepted. Proposals shall be submitted as follows:

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**Table 1**

Section	Title	# Of Copies	Page and other limitations
I	Past Performance	2 (Original & 1 Copy)	a. Work performed by the Contractor(s) being put forth must be within the past 3 years (at least 6 months of completed performance). Limit response to 1 page per reference. No maximum number of references for this part of the Past Performance submission.
II	Technical a. Technical Ability b. Copyright Law Plan d. Technical Approach	2 (Original & 1 Copy)	Maximum of 10 pages.
III	Price, Administration, and Certifications	2 (Original & 1 Copy)	No limit

(6) In addition to these requirements, provide the following on the cover page (not included in the page count) of each volume:

- (a) Solicitation title and number;
- (b) Name, address, and contact information of offeror;
- (c) Name of section;
- (d) Date of proposal and validity date; and
- (e) Indication of whether the volume is an original or copy.

(7) Each section shall have a table of contents. All attachments or appendices shall be identified in the table of contents included in the page count, unless specified otherwise.

(8) All sections shall contain page numbers. Offeror shall use a standard page numbering system. All critical information from any appendices shall be summarized in the technical proposal.

(9) If page limitations are exceeded, the excess pages will not be read or considered in the evaluation of the proposal.

**(10) Pricing Information: All pricing information shall be addressed ONLY in the Price proposal section.**

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(11) Proposal Distribution: The "original" proposal shall be identified and mailed or delivered to:

U.S. International Trade Commission  
Attn: Myra Lay  
500 E Street SW, Suite 315D  
Washington, DC 20436

C. Section Instructions:

**(1) Section I – Past Performance**

(a) General: Each offeror shall submit a past and present performance section with its proposal, containing past performance information on relevant and related references of the same or similar work in terms of size and scope within the past three (3) years. Provide this information on one (1) page per reference stating relevancy and giving POC information and data on the contract number, value, period of performance. Provide the information requested in the Past Performance Information Format (Attachment 1) for each contract/program being described. Provide frank, concise comments regarding your performance on the contracts you identify. Limit the number of past efforts submitted to the **past three (3) years (at least 6 months of completed performance) and the length of each submission to one (1) page (no maximum number of references for the Contractor Organization).**

(b) The Past Performance section will be evaluated in accordance with the Evaluation Criteria and Basis for Award.

(c) The Offeror shall submit a past performance section containing all of the following:

(1) Table of Contents

(2) Past Performance Information Form(s): Provide a completed copy of the attached Past Performance Information format for each contract/program being described. Provide frank, concise comments regarding your performance on the contracts you identify. Past performance information shall be submitted on past performance references that you consider most recent and relevant in demonstrating your ability to perform the proposed effort. You may also include information on contracts performed by your teaming partners and/or significant subcontractors that you consider most relevant in

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demonstrating their ability to perform the proposed effort. Include rationale supporting your assertion of relevance. Each contract shall be considered a separate contract for purposes of this evaluation. Each Past Performance Information Form shall contain one contract citation.

(d) Offerors shall distribute the Past Performance Questionnaire (Attachment 2) with cover letter (Attachment 3) to the referenced POCs identified in the Past Performance Section. Have clients that you worked with or have worked with within the last 3 years who are willing to be references, send the questionnaire with the cover letter to the POC at your client's office. The referenced POCs shall complete and deliver the questionnaire to the Contracting Officer identified on the questionnaire no later than the offer due date of Wednesday, April 15, 2009.

(e) Offerors are cautioned that the Government will use data provided by each offeror in this section and data obtained from other sources in the evaluation of past performance.

(f) Recency, Relevancy, and Quality: The Government may look at recency, relevancy, and the quality of the offeror's performance history on the past performance information submitted. Recency as it applies to this solicitation is defined as on-going contracts/sub-contracts or contracts/sub-contracts that have been completed within the last three years from the date of the issuance of this solicitation. Relevancy as it applies to this solicitation is defined as the characteristic of performance history work items as being the same as or similar in nature, complexity, and magnitude to that identified in the PWS (Government may not necessarily agree with offeror as to relevancy). Quality is part of the evaluation to help determine "how well" the offeror performed.

(2). Section II –Technical Capability

(a) The Technical Capability Section will be evaluated in accordance with the Evaluation Criteria and Basis for Award.

(b) This information shall be detailed, specific, and complete. Legibility, clarity, and coherence are very important. Responses will be evaluated against the Factors and Subfactors defined in the Evaluation Criteria and Basis for Award.

(1) Technical Ability: Demonstrate an understanding of the requirements of the PWS and the ability to perform all performance objectives listed in the PWS, while maintaining quality and timeliness.

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(2) Copyright Law Plan: Provide a thorough plan for ensuring that clips/citations provided by your company did not violate U.S. copyright laws.

(3) Technical Approach, Analytical Support: Offeror shall describe the technical approach to meeting all requirements in PWS. Each proposal will be compared to the PWS for a determination of adherence to all requirements and understanding of the efforts required.

(3) Section III – Price, Administration, and Certifications:

(a) The Price, Administration, and Certifications Section will be evaluated in accordance with the Evaluation Criteria and Basis for Award.

(b) Offeror shall submit a firm fixed price for each performance period of this service and then a total for all 5 years. Failure to do so will render the proposal nonresponsive and unawardable.

(c) Provide signed Page 1 of the Solicitation, all signed amendments, and proof of ORCA compliance.

D. Additional Information

1. Notice of Award: A written notice of award or acceptance of an offer, mailed or otherwise furnished to the successful offeror within the time for acceptance specified in the offer, shall result in a binding order without further action by either party.

2. Discrepancies: If an Offeror believes that the requirements in these instructions contain an error, omission, or are otherwise unsound, the offeror shall immediately notify the Contracting Officer in writing with supporting rationale.

3. Adequate Responses: Cursory responses or responses, which merely reiterate or reformulate the PWS (with all of its attachments/addendums) and instructions will not be considered as being responsive to the requirements of the solicitation. Assurance of experience, capability and qualifications, which clearly demonstrate and support the offeror's claim are essential. The absence of such evidence will adversely influence the evaluation of the proposal and render its proposal ineligible for award.

4. Competitive Range: The Contracting Officer may determine that the number of proposals that would otherwise be in the competitive range exceeds the number at which an efficient competition can be conducted. The Contracting Officer may limit the number of proposals in the competitive range to the greatest number that will permit an efficient competition. Therefore, the offeror's initial proposal should contain the offeror's best terms from a price and technical standpoint.

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5. Final Proposal Revisions: If discussions are conducted, final proposal revisions may be required at the Governments discretion.

6. Debriefings: If a competitive range determination is made, the contracting officer will promptly notify offerors of any decision to exclude them from the competitive range, whereupon they may request and receive a debriefing in accordance with FAR 15.505. The contracting officer will notify unsuccessful offerors within the competitive range of the source selection decision, in accordance with FAR 15.506. Upon such notification, unsuccessful offerors may request and receive a debriefing. Offerors desiring a debriefing must make their request in accordance with the requirements of FAR 15.505 or 15.506, as applicable.

**Evaluation Factors for Award**

EVALUATION FACTORS FOR AWARD

This is a Performance Price Tradeoff best value source selection acquisition. Technical Capability will be evaluated on an acceptable or unacceptable basis. Award will be made based on an integrated assessment of the Evaluation Factors. It is our intent to award a single Order to the contractor who will provide the best overall value to the USITC as determined by an integrated assessment. The following factors shall be used to evaluate offers:

**EVALUATION FACTORS FOR AWARD**

1. **Evaluation Criteria.** This section outlines the criteria the Government will use in *evaluating* the offeror’s capabilities and proposals for this Order. The government will compare each offeror’s capabilities and proposal elements using the following criteria:

EVALUATION CRITERIA
FACTOR 1 - PAST PERFORMANCE
FACTOR 2 - TECHNICAL CAPABILITY  2.1 Technical Ability; 2.2 Copyright Law Plan; 2.3 Technical Approach
FACTOR 3 – PRICE, ADMINISTRATION, AND CERTIFICATIONS

2. **Basis for Award.** The government reserves the right to award to other than the lowest priced offeror based on a trade off between price and past performance. All proposals will be evaluated against the stated evaluation criteria. The proposals will be evaluated for the entire performance period on the basis of evaluation factors listed

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below. Following an in-depth evaluation of the criteria in Section II to determine

contractor's acceptable or unacceptable, Section I and III will be thoroughly evaluated and award will be made to the offeror whose proposal is determined to be the most advantageous (best value) to the USITC. Subjective judgment on the part of the Government is implicit in the evaluation process.

Overall Past Performance is significantly more important than price. In using this best value approach, the Government seeks to award to an offeror who gives the USITC the greatest confidence that it will best meet our requirements affordably. Past performance will be evaluated to determine performance and risk of the offeror as well as the key person on similar past contracts.

The application of technical capability will be evaluated on an acceptable/unacceptable basis in accordance with the requirements stated in Section II. Offerors shall meet all Section II requirements in order to receive an acceptable rating and to be considered responsive to the requirements of this solicitation. Although past performance is more important than price, the Government will ultimately select the proposal it determines is the best value.

**3. Evaluation.** Each offeror's proposal will be evaluated against three (3) Factors: Past Performance, Technical Capability, and Price. Evaluation ratings will be provided at the Factor level. The technical capability will be evaluated on an acceptable/unacceptable basis in accordance with the requirements stated in Section II. Past Performance will be afforded primary emphasis in the evaluation. The offeror's proposal must convey to the Government that the offeror is capable; possesses sufficient technical expertise and experience; possesses sufficient resources; and is able to plan, organize, and use those resources in a coordinated and timely fashion such that technical requirements will be achieved and costs will be controlled.

Section I - Factor 1 -- Past Performance

Recent/relevant past performance data and references for work of the same or similar size and scope, performed in the **past three (3) years, with at least 6 months of completed performance.**

**The past performance evaluation will be accomplished through assignment of a confidence assessment rating based on assessing the performance risk. The risk assessment is accomplished by reviewing aspects of the offeror's relevant past performance, focusing on and targeting performance that is relevant to the Technical factors and price.**

- a. The confidence assessment rating is then established through an integrated analysis of those risks and strengths identified at the subfactor level as determined

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by the offeror’s recent, current and relevant past performance. The recency and relevancy of the past performance information is critical in determining what contracts will be evaluated. Current performance will have greater impact in the performance confidence assessment than less recent performance. In determining relevancy, consideration will be given, but not limited to, such things as project similarity, project complexity, contract type, contract environment, and subcontractor interaction.

b. The evaluation will be constrained to the most recent and relevant contracts for a comprehensive review.

c. In performing the past performance evaluation, each offeror will be assigned one of the following ratings:

High Confidence	Based on the offeror’s performance record, essentially no doubt exists that the offeror will successfully perform the required effort.
Significant Confidence	Based on the offeror’s performance record, little doubt exists that the offeror will successfully perform the required effort.
Confidence	Based on the offeror’s performance record, some doubt exists that the offeror will successfully perform the required effort.
Unknown Confidence	No performance record identifiable.
Little Confidence	Based on the offeror’s performance record, substantial doubt exists that the offeror will successfully perform the required effort.
No Confidence	Based on the offeror’s performance record, extreme doubt exists that the offeror will successfully perform the required effort.

d. This factor will be evaluated on the basis of information obtained concerning the Offerors’ performance on contracts consistent in scope and complexity with the project that were performed during the last three years. Past performance information can be obtained from references provided by the Offeror, together with information from any other sources available to the Government (e.g., Government-controlled Contractor performance databases, Inspector General or General Accounting Office reports, etc.).

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- e. The past performance information to be evaluated will include the Offerors’ records of providing high-quality services; standards of good technical and analytic workmanship; adherence to contract schedules; administrative aspects of contract performance; quality, availability and stability of personnel and commitment to customer’s goals.
- f. Past performance that is technically relevant to the requirements of the PWS will be given greater consideration than non-relevant past performance.
- g. A lack of relevant past performance information will result in a past performance evaluation rating of Unknown Confidence.
- h. **Recent:** For the purpose of this solicitation, recency is defined as work completed or ongoing for at least 6 months of actual performance during the past three (3) years.
- i. **Relevant:** The Government will perform an independent determination of relevancy of the offeror’s past performance (which includes, if applicable, the extent of its critical subcontractors’ or teaming partners’ involvement) based on data provided or obtained. The Government is not bound by the offeror’s opinion of relevancy. The following relevancy criteria apply:

<b>Relevancy Rating</b>	<b>Definition</b>
Very Relevant	Past performance programs of the same or greater magnitude of effort and complexities, including <i>essentially</i> the same activities as this solicitation requires.
Relevant	Past performance programs involved less magnitude of effort and complexities, including <i>most</i> of what this solicitation requires.
Somewhat Relevant	Past performance programs involved much less magnitude of effort and complexities, including <i>some</i> of what this solicitation requires.
Not Relevant	Did not involve any significant aspects noted of above.

j. **Quality:** Assess how well the offeror performed. This will be assessed based on the ratings received in the Past Performance Questionnaires.

- (1) If adverse Past Performance is received, the Government will disclose that information to the Offeror.
- (2) Adverse past performance is past performance information that supports a less than satisfactory rating on any evaluation aspect or any unfavorable

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comment received from sources without a formal rating system. Offeror(s) will be given the opportunity to address adverse past performance (FAR 15.306(a)(2) and FAR 15.306(b)(4)).

**Section II – Factor 2 – Technical Capability**

- a. Proposals will be evaluated to ensure the requirements outlined in the PWS can be met. Note that if an offeror’s proposal demonstrated a material failure to meet a Government requirement, that is deemed a deficiency in the offeror’s proposal and they will be deemed unacceptable and unawardable.

**Acceptable** Meets specified minimum performance or capability requirements necessary for acceptable contract performance.

**Unacceptable** Fails to meet specified minimum performance or capability requirements. Proposals with an unacceptable rating are not awardable.

Factor 2.1: Technical Ability: Ability of the offeror to provide the skills required to complete the tasks.

Factor 2.2: Copyright Law Plan: The offeror’s proposed copyright law plan for ensuring that clips/citations provided do not violate U.S. copyright laws is clear, comprehensive, and low risk.

Factor 2.3: The technical approach proposed: The proposed technical approach for the tasks and the management concept are clear, comprehensive, and low risk.

The Government will evaluate the Offerors’ proposals to ensure that sound approaches are proposed, and to ensure the Offerors’ ability to successfully achieve the tasks listed in the Performance Work Statement. Offerors’ understanding of both required services and tasks, including the work effort required to produce them, and demonstrated knowledge of PWS requirements. **Contractor is not to simply restate the PWS, but to explain how they will meet the requirements.**

**Section 3 – Factor 3 -- Price, Administration, and Certifications**

1. The offeror’s price proposal will be evaluated as follows:
  - a. The approach to the source selection for this procurement will be pursuant to a best value concept. The objective is to select the proposal that offers the best value for the Government, not necessarily the lowest price. However, as proposals become more equal technically, cost may become a determining factor in award selection.

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- b. although the Price is least in importance, it will contribute to the source selection decision. While price will not be rated, as are Sections I and II, it will be evaluated in terms of reasonableness and realism. After an evaluation of Sections I and II has been completed and rankings have been established, the price to the Government will be compared against these rankings to determine the combination most advantageous to the Government. Unrealistically high or low price estimates, initially or subsequently, may be grounds for eliminating a proposal from competition.
- c. The following Price evaluation factors will be considered in choosing the proposal that provides the best value to the government, when combined with the evaluation of technical factors:
  - (1) Price evaluation will be based on the offeror's total price.
  - (2) Price Reasonableness – Reasonableness determinations will be made by determining if competition exists, by comparing proposed prices with established commercial or GSA price schedules, and/or by comparing proposed prices with the Independent Government Estimate.
- 2. A written notice of award or acceptance of an offer, mailed or otherwise furnished to the successful offeror within the time for acceptance specified in the offer, shall result
- 3. in a binding agreement without further action by either party.