

ARMY OPEN SOLICITATION (AOS)

W9128Z-25-S-A002

U.S. Army Contracting Command - Aberdeen Proving Ground (ACC-APG)

Digital Capability Contracting Center of Excellence (DC3oE)

Issuing Agency: U.S. Army Contracting Command – Aberdeen Proving Ground (ACC-APG); Digital Capability Contracting Center of Excellence (DC3oE)

Agencies Capable of Issuing Contracts/Agreements: U.S. Army Users/Sponsoring Organizations.

Period of Availability: This Army Open Solicitation will remain open in perpetuity until canceled by the U.S. Army. Call for Solutions will specify individual response times and requirements.

Description of Program: This solicitation aims to support the Army Mission and to revive the industrial base in order to maximize the lethality of the Army. This open solicitation spans all Army mission areas. This solicitation will enable the Army to rapidly acquire and deliver innovative solutions to the Warfighter using commercial technology advancements and research and development solutions.

SECTION A – INTRODUCTION AND AUTHORITY

The Army has identified the following needs: (1) to accelerate the adoption of advanced commercial technology; (2) to transform Army capabilities; and (3) to grow the industrial base that can support the Army.. This solicitation aims to provide the Army with access to innovative solutions enabling the U.S. Army to evolve quickly and maintain a competitive edge over adversaries.

Industry is at the forefront of innovation, developing cutting-edge capabilities that will enhance the Department of Defense (DoD) capabilities and protect the Warfighter.

The Army may select vendors whose solutions demonstrate the greatest potential to achieve the Army's missions.

ACC-APG is maximizing existing authorities by publishing this open solicitation combining any single authority or a combination of the authorities below:

- Federal Acquisition Regulation (FAR) 6.102(d)(2) – Other Competitive Procedures
- FAR 35.016 Broad Agency Announcement / Defense Federal Acquisition Regulation
- Defense Federal Acquisition Regulation Supplement (DFARS) 235.016 Broad Agency Announcement / DFARS 235.006-71 – Competition
- 10 U.S.C. §4021 – Research projects: transactions other than contracts and grants
- 10 U.S.C. §4022 – Authority of the Department of Defense (DoD) to carry out certain prototype projects
- 10 U.S.C. §4023 – Procurement for experimental purposes
- 10 U.S.C. §3458 – Authority to acquire innovative commercial products and commercial services using general solicitation competitive procedures / DFARS 212.70 – Defense Commercial Solutions Opening
- Employee Stock Ownership Pilot (ESOP) Program authorized by Section 874 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2022, as amended by Section 872 of the NDAA for FY2024.

Note - To align with DoD guidance the default approach will be to utilize Commercial Solution Opening (CSO) solicitation authority (10 U.S.C. §3458) with award of Other Transactions (OTs) when acquiring capabilities designated under the planning phase of the Software Acquisition Pathway (SWP).

SECTION B - GENERAL INFORMATION

The Army anticipates that the Open Solicitation will be updated frequently to improve processes and to keep pace with the threats, needs and innovations. The Open Solicitation will be open in perpetuity until canceled by the U.S. Army.

Companies are informed that ONLY a warranted Government Contracting/Agreements Officer (not a Contracting Officer Representative or other personnel) may contractually bind the Government. The Government shall not be liable to pay for work performed by a Company unless a warranted Contracting/Agreements Officer has signed an agreement in writing agreeing that the Government shall pay. The Government does not fund preparation of solution briefs/proposals, or support work efforts or tasks that are inferred from discussions with technical project officers.

SECTION C - ARMY EXAMPLE AREAS

This open solicitation covers any of the following example areas. These example areas shall be viewed as suggestive, rather than limiting and are not reflective of the ONLY Army areas or in any priority of order.

- Intelligence, Electronic, Warfare, and Sensors
- Army Enterprise Business Solutions
- Tactical Communications
- Soldier Equipment
- Ground Combat Systems
- Missiles and Space
- Simulation Training and Instrumentation
- Aviation
- Supply Chain and Logistics
- Installation Support and Innovation
- Advance Manufacturing

SECTION D - OPEN SOLICITATION PROCEDURES

There are two methods for responding under this open solicitation: (1) Active Capability Gap submissions and (2) Call for Solution submissions.

Method 1 - Active Capability Gap (ACG)

- a. Provides a flexible and open-ended opportunity for industry partners to submit solution briefs addressing any of the identified Army Areas in Section C. This aspect of the Open Solicitation is designed to identify and bridge gaps in mission-critical capabilities by inviting innovative solutions from the private sector. The purpose is to encourage a wide range of responses that can enhance and support the example areas, fostering

collaboration and leveraging cutting-edge technologies and methodologies to meet evolving operational needs.

- b. Companies shall follow the procedures outlined in Section D.1 and Attachment 1 when providing a submission to an ACG.
- c. Individual submission mailboxes are identified for each of the 10 Army Example Areas. See Section J.

Method 2 - Call for Solutions

- a. Provides an opportunity for industry partners to submit innovative solutions in response to Government issued Call for Solutions under any Army Example Area in Section C. Call for Solutions aim to pinpoint and address critical gaps in essential capabilities by welcoming creative proposals from private sector entities.
- b. Companies shall follow the procedures outlined in Section D.2 below.
- c. The Call for Solution will identify how to submit a response.

D.1 ACG OVERVIEW

Companies submitting an ACG under the Army Example Areas in Section C, shall follow the procedures outlined within Attachment 1. The ACG award procedures will utilize up to three (3) phases:

- 1. Solution Brief
- 2. Live Pitch (unless bypassed)
- 3. Solution Proposal

Attachment 1 outlines the submission requirements/content, evaluation criteria and selection process required for each Phase.

D.2 CALL FOR SOLUTIONS OVERVIEW

Call for Solutions (referred to as “Calls”) will be released and posted via SAM.gov as an amendment under this solicitation and will designate whether it is a Call under CSO authority or BAA authority. The Call will include all relevant submission requirements and evaluation procedures and shall govern the process for evaluations and award. Submission requirements may vary in phases and may take the form of solution briefs, white papers, demonstrations, live pitches, etc. Call for Solutions are independent from the ACG procedures discussed above in Section D.1 and Attachment 1. ACG Procedures do not apply to individual Calls.

Calls may be written in a broad manner to maximize efficiency, innovation and application when approaching a problem and to allow for maximum participation from commercial vendors who may not be familiar with submitting proposals to Government solicitations. The Government may post Calls at any time. Interested Companies are

encouraged to frequently check SAM.gov for updates to this solicitation and posted Calls for Solutions.

SECTION E - AWARDS

Upon selectable review of the Request for Solution Proposal (RSP) under ACGs and Calls for Solution procedures and subject to the availability of funds, the Government may choose to make an award(s).

The Contracting/Agreements Officer reserves the right to negotiate directly with the Company on the terms and conditions prior to execution of the resulting award instrument, including payment terms, and will execute the instrument on behalf of the Government. All payment obligations of the Government shall be subject to receiving appropriations from Congress for the purpose, time, and amount of the obligation. ***Be advised, only a Contracting or Agreements Officer has the authority to enter into, or modify, a binding instrument on behalf of the United States Government.***

In order to receive an award, the following must be met:

- a. Companies shall have a Unique Entity ID (UEI) number and must register in the System for Award Management (SAM) prior to receiving an instrument. If a Company does not possess a valid and active SAM registration, Companies are advised to commence SAM registration upon receipt of an RSP. Companies are required to maintain registration in SAM throughout the period of performance of the instrument and during any subsequent follow-on award.
- b. Companies shall also register in the prescribed government invoicing system (Wide Area Work Flow: <https://wawf.eb.mil/xhtml/unauth/registration/notice.xhtml>).
- c. Companies shall represent their small business size and status as required in this solicitation.
- d. Companies shall be determined to be responsible by the Contracting/Agreements Officer and must not be suspended or debarred from award by the Federal Government nor be prohibited by Presidential Executive Order and/or law from receiving an award.
- e. Any actual or potential OCIs shall be identified to KO/AO prior to award.

SECTION F – ITERATIVE PROTOTYPING

Iterative prototyping is a development methodology where a prototype is created, tested, and refined through multiple cycles, incorporating user feedback and improvements in each iteration, to ensure the final product meets user requirements and expectations effectively. An OT for a prototype awarded against this open solicitation shall allow for an iterative prototyping process and will be indicated with the RSP.

An iterative prototyping process will allow the government to modify, by mutual agreement, the scope of a prototype contractor or OT to allow for the adaptation and modification of the technology being prototyped to meet additional unique and discrete purposes/mission sets. The sequential prototype iterations may result in separate phased prototype awards rather than a modification of the original prototype award. These additional unique and discrete purposes/mission sets can be generated by the government.

SECTION G - SUCCESSFUL COMPLETION OF PROTOTYPE

A prototype is complete upon the written determination of the appropriate approving official (program manager and Contracting/Agreements Officer) for the matter in question that the efforts conducted under a prototype contract or OT: (1) met the key technical goals of a project; (2) met the metrics incorporated into the prototype contract or OT; or (3) accomplished a particularly favorable or unexpected result that justifies the transition to a production contract or OT. Furthermore, prior to successful completion of a prototype under this open solicitation, the government can transition any complete and substantive aspect of the prototype determined to provide utility into production, while remaining aspects of the prototype have yet to be completed.

SECTION H - FOLLOW-ON PRODUCTION OF A PROTOTYPE

After award of a prototype using either the CSO or BAA methods and corresponding authority, the Government and Company may negotiate a follow-on contract or OT for production or solution integration with or without further competition. Any solution/concept successfully proven through a contract or Prototype OT can be transitioned into a production award. The Government reserves the right to award a follow-on award before the prototype is complete, under competitive procedures as provided in 10 U.S.C. 4022. The Government reserves the right to extend performance of all, some, or none of the selected solutions/concepts and will be made based on the availability of government funds.

SECTION I – NON-GOVERNMENT ADVISORS

Non-Government advisors may be used in the evaluation of Solution Briefs, Pitches and during the Request for Solution Proposal phase and negotiations under the ACG procedures or in Call for Solutions. Non-Government advisors will have signed non-disclosure agreements (NDAs) with the Government. The Company understands that the Government may share proprietary Company information with non-Government personnel for evaluation and administrative purposes only. If non-Government advisors are used during evaluations, the Government will provide notice of the non-Government advisors in the individual Call and/or at the different phases of the ACG procedures, as

applicable. With respect to ACG Solution Brief submissions, the Government cannot anticipate when Companies plan to submit, therefore it is incumbent upon the Company to reach out to the Government to confirm if Non-Government Advisors will be utilized. By submitting information to the Government, the Company further understands that it had an opportunity to enter into a NDA directly with the Non-Government Advisor and therefore waives any and all claims against the Government for any disclosures of proprietary information by the non-Government personnel. Such NDAs are the responsibility of the Company, and the Government shall not be a party to them. Companies shall provide a copy of the signed NDAs to the Government with submissions.

The Government understands that information provided in response to this open solicitation is presented in confidence and may contain trade secret or commercial or financial information, and it agrees to protect such information from unauthorized disclosure to the maximum extent permitted or required by Law, to include:

- a. 18 U.S.C. 1905 (Trade Secrets Act);
- b. 18 U.S.C. 1831 et seq. (Economic Espionage Act);
- c. 5 U.S.C. 552(b)(4) (Freedom of Information Act);
- d. Executive Order 12600 (Pre-disclosure Notification Procedures for Confidential Commercial Information); and,
- e. Any other statute, regulation, or requirement applicable to Government employees.

Companies shall label any information they want protected as confidential. Submissions will not be returned. The original copy of each submission received will be retained by the Army and all other non-required copies destroyed.

SECTION J - CONTACT INFORMATION

ACG Solution Brief submissions as detailed in Section D.1, shall be submitted to the email address listed below and shall include the associated Army Example Area.

Army Example Area	Submission Email
Intelligence, Electronic, Warfare, and Sensors	TBD
Army Enterprise Business Solutions	TBD
Tactical Communications	TBD
Soldier Equipment	TBD
Ground Combat Systems	TBD
Missiles and Space	TBD
Simulation Training and Instrumentation	TBD
Aviation	TBD
Supply Chain and Logistics	TBD
Installation Support and Innovation	TBD
Advance Manufacturing	TBD

Call for Solution Brief submissions (Section D.2) shall be submitted in accordance with the instructions and points of contact provided in the Call. General questions surrounding this open solicitation shall be submitted to: Email address:

usarmy.apg.acc.mbx.army-open-solicitation@army.mil

SECTION K – ORDER OF PRECEDENCE

The below is applicable to all contracts and agreements that **DO NOT** incorporate FAR clause 52.212-4. However, this section **WILL** apply to FAR 52.212-4, Alternate I. Any inconsistencies shall be resolved by giving precedence in the following order:

1. The schedule of supplies/services (if any).
2. The terms in this document.
3. Negotiated terms of the parties, as evidenced in a written agreement or contract.
4. Addenda to the agreement or contract.
5. Offeror Standard Commercial Terms.
6. Other documents, exhibits, and attachments.

Any language, provision, or clause that would require the Government to pay future fees, penalties, interest, legal costs, or to indemnify the Company or any other person or entity for damages, costs, fees, or any other loss or liability, would create an Anti-Deficiency Act violation (31. U.S.C. §1341). As a result, the following shall govern: (1) Any such language, provision, or clause is unenforceable against the Government; (2) Neither the Government nor any Government authorized end user shall be deemed to have agreed to such clause by virtue of it appearing in the agreement. If the agreement is invoked through an “I agree” click wrap license or other comparable mechanism, execution does not bind the Government or any Government authorized end user; And (3) Any such language, provision, or clause is deemed to be stricken from the commercial supplier agreement.

SECTION L - DEFINITIONS

“Broad Agency Announcement” (BAA) is a general announcement of an agency’s research interest including criteria for selecting proposals and soliciting the participation of all offerors capable of satisfying the Government’s needs.

"Call for Solution" A Call for Solution is an announcement posted on SAM.gov, which may result in a contract or OT and includes submission instructions, evaluation criteria, timelines, how the Army will treat late submissions, points of contact, and other specific information. The Call is a request for response from prospective industry partners.

“Commercial Solutions Opening” (CSO) is a competitive procedure contracting officers may use to acquire innovative commercial items, technologies, or services.

“Innovative” means any item that is (1) Any technology, process, or method, including research and development, that is new as of the date of submission of a proposal; or (2) Any application that is new as of the date of submission of a proposal of a technology, process, or method existing as of such date.

“Nontraditional Defense Contractor” is defined by DFARS 202.101 as an “entity that is not currently performing and has not performed any contract or subcontract for DoD that is subject to full coverage under the cost accounting standards prescribed pursuant to 41 U.S.C. 1502 and the regulations implementing such section, for at least the 1-year period preceding the solicitation of sources by DoD for the procurement (10 U.S.C. 3014).”

“Nonprofit Institution” is defined in 15 U.S.C. § 3703 as an organization owned and operated exclusively for scientific or educational purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

“Other Transaction” (OT) refers to the statutory authority to enter into transactions other than procurement contracts, grants, or cooperative agreements. The DoD has the authority to enter into Other Transactions for Research Projects (10 USC 4021), Other Transactions for Prototype Projects (10 USC 4022), and DoD relevant Other Transactions that support research (10 U.S.C. 4021).

“Prototype Project” in the context of an OT is defined in 10 USC § 4022(e)(5) and the DoD Other Transactions Guide (Version 2.0, July 2023) issued by the Office of the Under Secretary of Defense for Acquisition and Sustainment. Such projects can generally be described as a proof of concept, model, process; reverse engineering to address obsolescence; pilot, novel application of commercial technologies for defense purposes; agile development activity; creation, design, development, demonstration or operational utility; or combinations of the foregoing. A process, including a business process, may also be the subject of a prototype project. Although assistance terms are generally not appropriate in OT agreements in 10 U.S.C. § 4022, ancillary work efforts that are necessary for completion of the prototype project, such as test site training or limited logistics support, may be included in prototype projects. A prototype may be physical, virtual, or conceptual in nature. The quantity of prototypes/commercial solutions should generally be limited to that needed to prove technical or manufacturing feasibility or evaluate military utility.

“Request for Solution Proposal” (RSP): is a proposal that is submitted in response to a Call that is governed by a CSO or BAA or a response to an unsolicited proposal that is

invited to Phase 3. RSPs may be requested as a result of Solution Briefs and/or presentations/pitches.

“Small Business” is defined under Section 3 of the Small Business Act (15 U.S.C. 632).