**SECTION L  – INSTRUCTIONS, CONDITIONS AND NOTICES TO OFFERORS**

**L.1** **FAR 52.252-1 SOLICITATION PROVISIONS INCORPORATED BY REFERENCE (FEB 1998)**

This solicitation incorporates one or more solicitation provisions by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available. The offeror is cautioned that the listed provisions may include blocks that must be completed by the offeror and submitted with its quotation or offer. In lieu of submitting the full text of those provisions, the offeror may identify the provision by paragraph identifier and provide the appropriate information with its quotation or offer. Also, the full text of a solicitation provision may be accessed electronically at this/these address(es):

https://www.acquisition.gov/browse/index/far

(End of provision)

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| **FAR SOURCE** | **TITLE AND DATE** |
| 52.204-7 | System for Award Management (Oct 2018) |
| 52.204-16 | Commercial and Government Entity Code Reporting (Aug 2020) |
| 52.212-1 | Instructions to Offerors—Commercial Products and Commercial Services (Nov 2021) |

**L.2** **QUOTE AND EVALUATION PHASES**

The Government intends to conduct the evaluation process in two (2) phases, which are outlined below.

After the Government completes evaluation of Phase I submissions (Factor 1), Offerors will receive an advisory notification via email from the Contracting Officer or Contract Specialist. Offerors who rate most highly for Factor 1 will be advised to proceed to Phase II. Offerors who were not among the most highly rated will be advised that they are unlikely to be viable competitors, along with the general basis for that opinion, and not to proceed to Phase II. Factor 1 evaluation results will carry forward to Phase II and will be considered in the best value award decision.

The intent of this advice is to minimize proposal development costs for those Offerors with little chance of receiving an award. Discontinuing the pursuit of the requirement following the notification is voluntary. The Government does not intend to provide debriefings or brief explanations after the completion of the advisory down select notifications. Failure to participate in Phase I precludes further consideration of an Offeror. Phase II Offeror submissions will not be accepted from Offerors who have not submitted Phase I requirements by the due date and time provided for in this solicitation.

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| **Phase** | **Factor** | **Date** |
| Phase I: Written | Factor 1: Case Study and Artifacts – 15 page limit for case study, 5 page limit for artifacts, no page limit for code repository    Offeror may include cover page | August 15, 2022 at 12:00 PM EDT |
| Phase II: Oral and Written | Factor 2: Design and Product Challenge – artifacts and presentation (25 slide limit) | Artifacts and presentation slide deck due August 26, 2022 at 5:00 PM EDT    Oral Presentations scheduled between August 30-September 1, 2022 |
| Factor 3: Staffing Approach – 5 page limit. Key personnel resume – no page limit | August 26, 2022 at 5:00 PM EDT |
| Written Submission –  Factor 4: Pricing | August 26, 2022 at 5:00 PM EDT |

**L.3** **GENERAL INSTRUCTIONS**

(1) Offeror is invited to submit a quote in response to this solicitation. All quotes received will become part of the official file.

(2) The quote must be signed by an official authorized to bind your organization.

1. ***Phase I.*** You must submit one (1) **electronic copy** of your written potions of the quote under Phase I to CDC/OAS via email to x Subject: (Company Name) Quote to RFQ 75D301-22-Q-75277 – Phase I. Facsimile proposals are not authorized.

1. ***Phase II.*** You must submit (1) electronic copy of the written portions of your quote and the oral presentation slide deck under Phase II to CDC/OAS via email to x on the date identified when Phase II notices are provided. Subject: (Company Name) Quote to RFQ 75D301-22-Q-75277 – Phase II. Facsimile proposals are not authorized.

**L.4   PHASE I SUBMISSION INSTRUCTIONS**

**Case Study and Artifacts**

The offeror shall submit a case study related to developing digital products/systems within the last 3 years that addresses each of the two areas outlined below (design and software engineering/DevSecOps).

**Requirements of the Case Study**

* The work must have been performed by the prime contractor/team lead.
* As described in the two areas below, the case study must discuss evidence of human-centered design activities/methodologies and engineering that the offeror has used to deliver digital products/systems.
* The product must be currently live or live within the past 3 years and have been launched to real users.
* The product must be from the public sector, in support of either state, local or federal government.
* A federal, state, or local POC with email and phone number must be provided for any product presented to confirm whether or not the product described was in fact the offeror’s work.

***Preferences* for the Case Study**

Preference will be given to:

* A single case study, referring to a single product, which can be used to demonstrate evidence in both areas outlined below. However, the offeror may refer to up to two different products as needed to demonstrate the requested evidence/expertise in the areas outlined below.
* A product that has competition, where the user has alternative tool/application options in addition to the product the offeror worked on.

**Phase I Submission Format**

The submission shall consist of a written response, a code submission, and other relevant artifacts. Details about the code submission are described in Case Study below. The page count limit for the written response is no more than 15 pages total, split anyway amongst the topic areas. Pages shall be double-spaced, Times New Roman equivalent at 10 point font or larger and with margins of 1” or larger. Text pages should use portrait orientation. Page formatting can alter for illustrations and tables but must be easily readable. Offerors may use no less than 8-point font on graphs and 10-point font on tables (Arial font acceptable for graphics and tables). Header/footer information (which does not include any information to be evaluated) may be included in the 1" margin space. Cover pages and tables of contents do not count toward the page limit.

**Area 1: Evidence of Design in Software Development**

This section of the case study should focus on the design process and artifacts developed. The offeror shall also submit relevant design artifacts developed during performance of the work described in the case study (i.e. journey maps, wireframes, storyboards, etc.) that illustrate the offeror’s expertise with human-centered design activities. This artifact portion of the submission shall not be more than five (5) pages and will not count towards the overall page count.

**Our goal:** to see a demonstration of the design thought process used for solving a specific problem. We want to understand your methods for exploring the problem space and how you went about identifying the specific difficulties users were facing, what specific techniques you used to solve the problem(s), what users told you was difficult, etc. In other words, show your homework that led to arriving at the solution.

Together, the written response and the artifacts are intended to complement each other and answer the following:

1. How did you utilize the three key design techniques listed below?
2. User Research/Generative Research: Research work done to understand the users and define the problem.
3. Interaction Design/Product Design/UX Design: The work done to solve the defined problem for the users. This may include content strategy, information architecture, visual design or other sub-disciplines.
4. Usability Testing/Evaluative Research: The work done to iteratively improve what was designed through testing with users as they use the product.

**Area 2: Evidence of Software Engineering and DevSecOps**

This section of the case study should focus on the organization’s expertise in software engineering and DevSecOps. Together, the written response and code repository referenced below are intended to complement each other, to illustrate the offeror’s expertise in software engineering/DevSecOps, and to answer the following questions:

**Our goal: to see a real-life demonstration that shows a process for delivering changes in a reliable and seamless manner**

1. Describe a bug that made it into one of your production systems.  How did you discover, assess, and debug the issue?  What was your process for resolving the issue and deploying a fix?
2. Describe a real emergency operational incident you had with a production system and how you dealt with it.

**Note: For the following questions, the Government does not *require* any relation to the real-life product(s) mentioned earlier, though we encourage Offerors to relate the following answers as much as possible to the product(s) and code repository presented.**

1. Describe how you have approached, or would approach, a delivery/release process for a Software-as-a-Service product that also offers a self-hosted option (where self-hosting can be either on-prem or in a customer-managed cloud).
2. Describe how you have approached, or would approach, making changes to a software system that lacks test coverage.
3. Describe how you would or have evaluated, monitored, and addressed the security of complex, aging software with low test coverage. How did/do you verify/ensure that the product/system meets performance (speed), volume (throughput capacity), and security needs?

In addition to answering the questions above the offeror must also provide online access to an actual source code repository for product(s) discussed above. If the offeror is not able to provide access to the actual repository, they shall explain the reasoning for why (i.e. the agency that the offeror wrote the code for is not allowing it to be shared) and provide a *sample* repository that is representative of the actual source code and use case. The source code must have been written by either the prime contractor/team lead, or a subcontractor/team member with significant workshare as confirmed by a Contract Teaming Arrangement. For source code repository submissions, a version-controlled repository that provides the full revision history for all files must be submitted (for example, a zipped folder containing a Git-backed product, including the Git metadata). ***No matter what is being submitted, the Offeror must identify specific parts of code by file path which the company worked on, and which they believe is representative of work needed for the government's requirements.***

**L.5** **PHASE II SUBMISSION INSTRUCTIONS**

**Factor 2 - Design and Product Challenge**

The challenge will be provided to offerors after the evaluation of the Phase I submissions.

The Offeror will provide a virtual presentation no longer than 60 minutes, in which they will present their solution to the challenge including the rationale for why decisions were made in the way they were. Participants in the presentations must include the Key Personnel UX Designer and at least one Technical Product Manager who have been committed to the project. The government also encourages Offerors to involve both the UX Designer and Technical Product Lead as vital participants in the challenge itself. No more than five (5) total Offeror participants shall attend the presentation. Although attendees can be supporting any other roles, the team is expected to be able to answer any follow-up questions or clarifications. After the 60 minute virtual presentation, there will be a question and answer session of up to 30 minutes.

Offerors must submit PowerPoint slides to accompany their presentations. The slide limit is 25; however, the Offeror is reminded to consider that the presentation is time-boxed and is encouraged to consider how many slides can be adequately covered. The content of the presentation, the challenge artifacts submitted, as well as the knowledge of the individuals presenting, is being evaluated and any challenge material not presented at the presentation will not be considered in the evaluation, regardless if it was included in the slide deck.

**Rules of Engagement for Presentations:**

1.  The Government WILL NOT ask questions about information contained in a Offeror’s submission for Phase I. Phase I submissions will be submitted and evaluated prior to Phase II presentations being conducted.

2. The Offeror may not generally ask questions during the presentation. Any questions asked must be directed to the Contracting Officer, and should only deal with logistics and conduct of the presentation.

3. The Government intends for the presentation to be an interactive dialogue between the Offeror and the Government. These exchanges are viewed as a component of the presentation itself and do not constitute discussions. As such, the Government will not ask questions that will invite or allow the Offeror to change its quote. The Offeror shall not volunteer any information that might be construed as changing its quote. Presentations are distinct from the Government’s reserved right to conduct exchanges.

4. The Offeror participants shall not reach back, by telephone, e-mail or any other means, to any other personnel or persons for assistance during the presentation.

5. The Government will not ask questions during the presentation itself, but will hold any questions for the followup after the presentation is complete. Questions may reference artifacts submitted as part of the challenge.

**Factor 3 - Staffing Approach**

In no more than five (5) pages, the Offeror must describe their approach to talent recruitment, management, and retention. Specifically, how have you adapted to the challenges presented in the past few years to attracting and keeping qualified talent?  In addition: 1) What is your average retention rate over the past 36 months for similar positions that are needed for this contract? 2) What is the average amount of time it has taken to fill technical positions (where “fill” means an individual started on the security clearance process) on similar client engagements in the past 36 months?

In addition, key personnel resumes for each of the first four core teams must be submitted. The resumes must demonstrate the competency of each proposed individual to support the requirements and objectives of the contract. Each resume must be no more than three pages and does not count toward the page limit for the Staffing Approach.

If there are any teaming arrangements, they must describe and state all team roles, responsibilities, and the services to be performed by each team member. Indicate the team members(s) GSA Schedule Number. Teaming arrangements do not count towards page limits.

Pages shall be double-spaced, Times New Roman equivalent at 10 point font or larger and with margins of 1” or larger. Text pages should use portrait orientation. Page formatting can alter for illustrations and tables but must be easily readable. Offerors may use no less than 8-point font on graphs and 10-point font on tables (Arial font acceptable for graphics and tables). Header/footer information (which does not include any information to be evaluated) may be included in the 1" margin space. Cover pages, tables of acronyms, and tables of contents do not count toward the page limit.

**Factor 4 - Pricing**

Since all of the offerors are on a current GSA schedule, they must submit their price quotation with all applicable discounts in accordance with the terms of the schedule. Submission of certified cost or pricing data is not required. In addition, offerors are encouraged to discount their prices. The Government has estimated other direct costs in Section B of this RFQ, but offerors are permitted to submit a different estimate with their quote.

The government has attached a pricing workbook that must be completed and returned by the Offeror. **For ease of submission, only fields in green need to be filled out under the Base and Option Period tabs. Attachment J-2 - Full-Scale NBS Modernization Role Descriptions should be used as a guide in determining labor categories and hourly rates.**

**Summary of Written Submissions for Phase II:**

1. Design and Product Challenge Artifacts as described in the separate Design Challenge Document
2. Challenge Presentation Slides
3. Written Staffing Approach and Key Personnel Resumes
4. Pricing Workbook

**L.6** **INCURRING COSTS**

This solicitation does not commit the Government to pay any cost for the preparation and submission of a proposal.

In addition, the Contracting Officer is the only individual who can legally commit the Government to the expenditure of public funds in connection with the proposed acquisition.

**L.7** **CDC42.0001 Contractor Performance Assessment Reporting System (CPARS) Requirements (Aug 2021)**

In accordance with FAR 42.15, the Centers for Disease Control and Prevention (CDC) will review and evaluate contract performance.  FAR 42.1502 and 42.1503 requires agencies to prepare evaluations of contractor performance and submit them to the Contractor Performance Assessment Reporting System (CPARS).  The CDC utilizes this web-based system to prepare and report  contractor performance evaluations.  All information contained in these assessments may be used by the Government, within the limitations of FAR 42.15, for future source selections in accordance with FAR 15.304 where past performance is an evaluation factor.

The CPARS system requires a contractor representative to be assigned so that the contractor has appropriate input into the performance evaluation process.  The CPARS contractor representative will be given access to CPARS and will be given the opportunity to concur or not-concur with performance evaluations before the evaluations are complete.  The CPARS contractor representative will also have the opportunity to add comments to performance evaluations.

The assessment is not subject to the Disputes clause of the contract, nor is it subject to appeal beyond the review and comment procedures described in the guides on the CPARS website.  Refer to: [www.cpars.gov](http://www.cpars.gov) for details and additional information related to CPARS, CPARS user access, how contract performance assessments are conducted, and how Contractors participate.  Access and training for all persons responsible for the preparation and review of performance assessments is also available at the CPARS website.

The contractor must provide the CDC contracting office with the name, e-mail address, and phone number of their designated CPARS representative who will be responsible for logging into CPARS and reviewing and commenting on performance evaluations.  The contractor must maintain a current representative to serve as the contractor representative in CPARS.  It is the contractor’s responsibility to notify the CDC contracting office, in writing (letter or email), when their CPARS representative information needs to be changed or updated.  Failure to maintain current CPARS contractor representative information will result in the loss of an opportunity to review and comment on performance evaluations.

Provide the current CPARS representative information below.

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PRINT OR TYPE NAME

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EMAIL ADDRESS AND PHONE NUMBER

**L.8** **HHSAR 352.239-73 Electronic Information and Technology Accessibility Notice (December 18, 2015)**

(a) Section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d), as amended by the Workforce Investment Act of 1998 and the Architectural and Transportation Barriers Compliance Board Electronic and Information (EIT) Accessibility Standards (36 CFR part 1194), require that when Federal agencies develop, procure, maintain, or use electronic and information technology, Federal employees with disabilities have access to and use of information and data that is comparable to the access and use by Federal employees who are not individuals with disabilities, unless an undue burden would be imposed on the agency. Section 508 also requires that individuals with disabilities, who are members of the public seeking information or services from a Federal agency, have access to and use of information and data that is comparable to that provided to the public who are not individuals with disabilities, unless an undue burden would be imposed on the agency.

(b) Accordingly, any offeror responding to this solicitation must comply with established HHS EIT accessibility standards. Information about Section 508 is available at <http://www.hhs.gov/web/508>. The complete text of the Section 508 Final Provisions can be accessed at <http://www.access-board.gov/guidelines-and-standards/communications-and-it/about-the-section-508-standards>*.*

(c) The Section 508 accessibility standards applicable to this solicitation are stated in the clause at [352.239-74](https://www.hhs.gov/grants/contracts/contract-policies-regulations/hhsar/part-352-solicitation-provisions-contract-clauses/index.html#352.239-74), Electronic and Information Technology Accessibility.

In order to facilitate the Government’s determination whether proposed EIT supplies meet applicable Section 508 accessibility standards, offerors must submit an HHS Section 508 Product Assessment Template, in accordance with its completion instructions. The purpose of the template is to assist HHS acquisition and program officials in determining whether proposed EIT supplies conform to applicable Section 508 accessibility standards. The template allows offerors or developers to self-evaluate their supplies and document—in detail—whether they conform to a specific Section 508 accessibility standard, and any underway remediation efforts addressing conformance issues. Instructions for preparing the HHS Section 508 Evaluation Template are available under Section 508 policy on the HHS website <http://www.hhs.gov/web/508>.

In order to facilitate the Government’s determination whether proposed EIT services meet applicable Section 508 accessibility standards, offerors must provide enough information to assist the Government in determining that the EIT services conform to Section 508 accessibility standards, including any underway remediation efforts addressing conformance issues.

(d) Respondents to this solicitation must identify any exception to Section 508 requirements. If a offeror claims its supplies or services meet applicable Section 508 accessibility standards, and it is later determined by the Government, i.e., after award of a contract or order, that supplies or services delivered do not conform to the described accessibility standards, remediation of the supplies or services to the level of conformance specified in the contract will be the responsibility of the Contractor at its expense.

(End of provision)

**L.9**  **HHSAR 352.239-73 and HHSAR 352.239-74 Web Link(s)**

Offerors are advised that the web link(s) referenced within clause HHSAR 352.239-74 and provision HHSAR 352.239-73 may not be functioning.  Offerors shall refer to https://www.itic.org/policy/accessibility/vpat for additional information

**L.10** **FAR 52.216-1 Type of Contract**

The Government contemplates award of a time & materials contract resulting from this solicitation.Page Break

**SECTION M  - EVALUATION FACTORS FOR AWARD**

**M1.** **EVALUATION AND BASIS FOR AWARD**

The Vendor’s submission will be evaluated in accordance with FAR 8.4 using the following criteria.

Phase I: Case Studies and Artifacts;

Phase II: Design and Product Challenge Presentation/Artifacts;

Phase II: Staffing Approach; and

Phase II: Price

Past Performance

The Government will make award based on a best-value trade-off.  Phase I is of equal importance to Phase II non-price factors, and all non-price criteria including past performance, when combined, are more important than price.  Award may not necessarily be made to the lowest priced quote.

For Phase I, the Government will perform a comparative analysis  to select the quotes that are the best suited to fulfill the requirements and move on to Phase II, based on the offerors’ responses to the criteria outlined in this RFQ.

For Phase II, the Government will again perform a comparative analysis, which will include the evaluations from Phase I, to select the single quote that is the best suited to fulfill the requirements, based on the offerors’ responses to the criteria outlined in this RFQ.

Past Performance will be evaluated on a pass/fail or neutral basis using the offeror’s ratings in the Contract Contractor Performance Assessment Rating System (CPARS). Offerors with no relevant past performance history will be evaluated as a neutral.

**Exchanges and Best-Suited Determination**

The Government anticipates selecting the single best-suited offeror from initial quotes, without engaging in exchanges with other offerors. Offerors are strongly encouraged to submit their best solutions and price in response to this RFQ. Therefore, the Offeror’s initial quote should contain their best terms.

During the evaluation process, the Government may communicate with Offerors regarding quote elements at its discretion. The Government may exclude a quote from further consideration for any material failure to follow instructions, including the omission of required information, or when the Offeror is no longer considered to be among the most highly rated quotes being considered for award.

Once the Government determines the offeror that is the best-suited (i.e., the apparent successful quote), the Government reserves the right to communicate with only that offeror to address any remaining issues, if necessary, and finalize a task order with that offeror. These issues may include technical and price. If the parties cannot successfully address any remaining issues, as determined pertinent at the sole discretion of the Government, the Government reserves the right to communicate with the next best-suited offeror based on the original analysis and address any remaining issues. Once the Government has begun communications with the next best-suited offeror, no further communications with the previous offeror will be entertained until after the task order has been awarded. This process shall continue until an agreement is successfully reached and a task order is awarded.

**M.2** **PAST PERFORMANCE EVALUATION**  

Evaluation of past performance will be based on performance documentation or any other pertinent information available to the Government. The Government reserves the right to consider the Offeror's past performance not specifically provided by the Offeror.

Offerors with no relevant past performance history will not be evaluated favorably or unfavorably on past performance.  Past performance will be evaluated on a pass/fail or neutral basis.  Offerors with no relevant past performance history will be evaluated as a neutral.  The Government reserves the right to evaluate past performance records for the prime contractor, sub-contractors, and predecessor, affiliated, or related firms within the Contractor Performance Assessment Rating System (CPARS).

**M.3** **PRICE EVALUATION**

A price analysis of the price quote will be conducted to determine the reasonableness of the Contractor’s price quote and labor hour mix.  The Government reserves the right to conduct a price realism analysis of the proposal for such purposes as determining an offeror’s understanding of the solicitation’s requirements and/or assessing risk associated with an offeror’s proposal.

Offerors are not required to separately price out the FAR 52.217-8 option period on their price quotes. Evaluation of options under FAR 52.217-8 will be accomplished by using the prices offered for the last option period to determine the price for a 6-month option period, which will be added to the base and other option years to arrive at a total price. Evaluation of options will not obligate the Government to exercise the option(s).