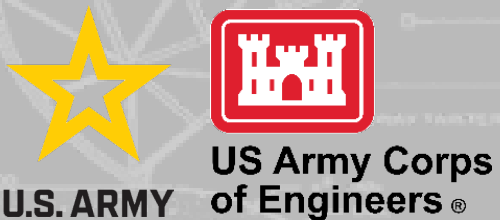


# PRE-PROPOSAL CONFERENCE FY24/25 GERMANY BENELUX DB-DBB MATOC W912GB24R0044

Presented by:  
U.S. Army Corps of Engineers  
Europe District  
31 Jul 2024

Sheraton Frankfurt Airport Hotel and Conference  
Center, Germany





# GROUND RULES AND PROCEDURES



1. Mute/silence phone
2. Avoid sidebar discussions
3. No technical discussion will be held in this forum



# USACE TEAM INTRODUCTIONS



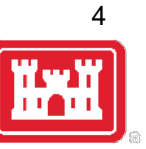
**Jennifer Aldridge**  
*Program Manager*

**Tiffany Erwin**  
*Program Manager*

**Christian Solinsky**  
*Contracting Officer*

**Andy Cochran**  
*Contract Specialist*

**Regina Schowalter**  
*Office of Counsel*



## AGENDA

**Welcome / Introductory Remarks**

**About the U.S. Army Corps of Engineers (USACE) and Europe District**

**U.S. Procurement Law & Overseas Contracting**

**Doing Business with the USACE: Part 1**

Systems and Registrations

**Doing Business with the USACE: Part 2**

Source Selection

**Germany BENELUX MATOC Solicitation**

**USACE Requirements**

**Q&A Session / Closing Remarks**



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# DISCLAIMER

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## **Information Provided During the Pre-proposal Conference**

Any remarks or explanations provided during this presentation today are for general information and will not change the terms and conditions of any resultant solicitation or subsequent contract.

**Any solicitation questions must be submitted in ProjNet for Government responses.**



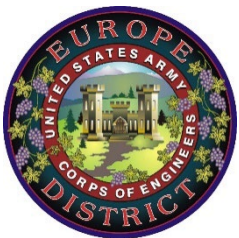
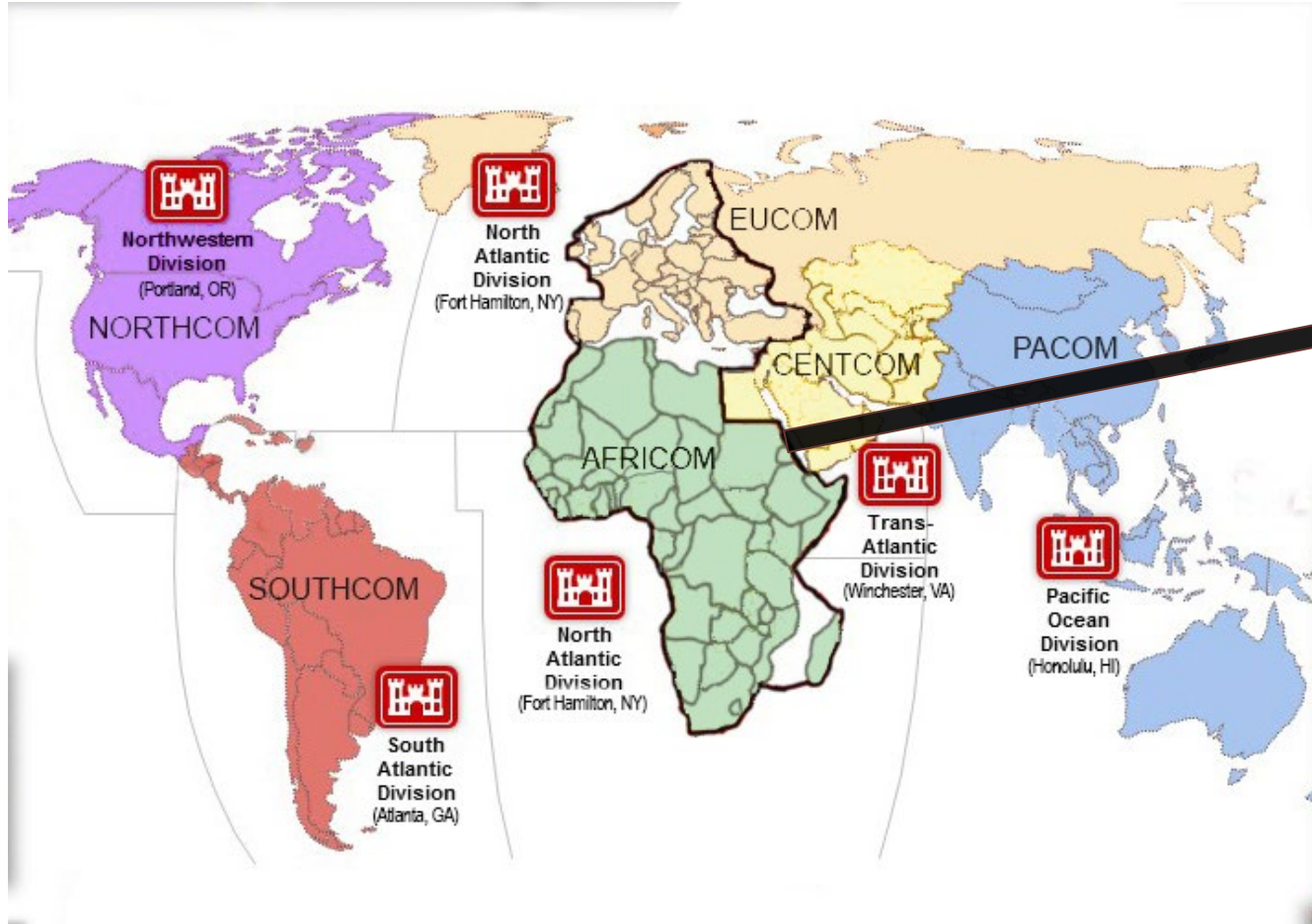
# U.S. Army Corps of Engineers

***Mission:*** USACE provides vital engineering solutions, in collaboration with our partners, to secure our Nation, energize the economy, and reduce risks of disasters.



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# USACE is globally engaged and regionally aligned



- NAU Commander: Colonel Daniel Kent
- Headquartered in Wiesbaden, Germany
- Six broad portfolios: Enduring Base Support, Forward Basing and Posture, Medical Facilities, School Facilities, Defense Security Cooperation, and Missile Defense.



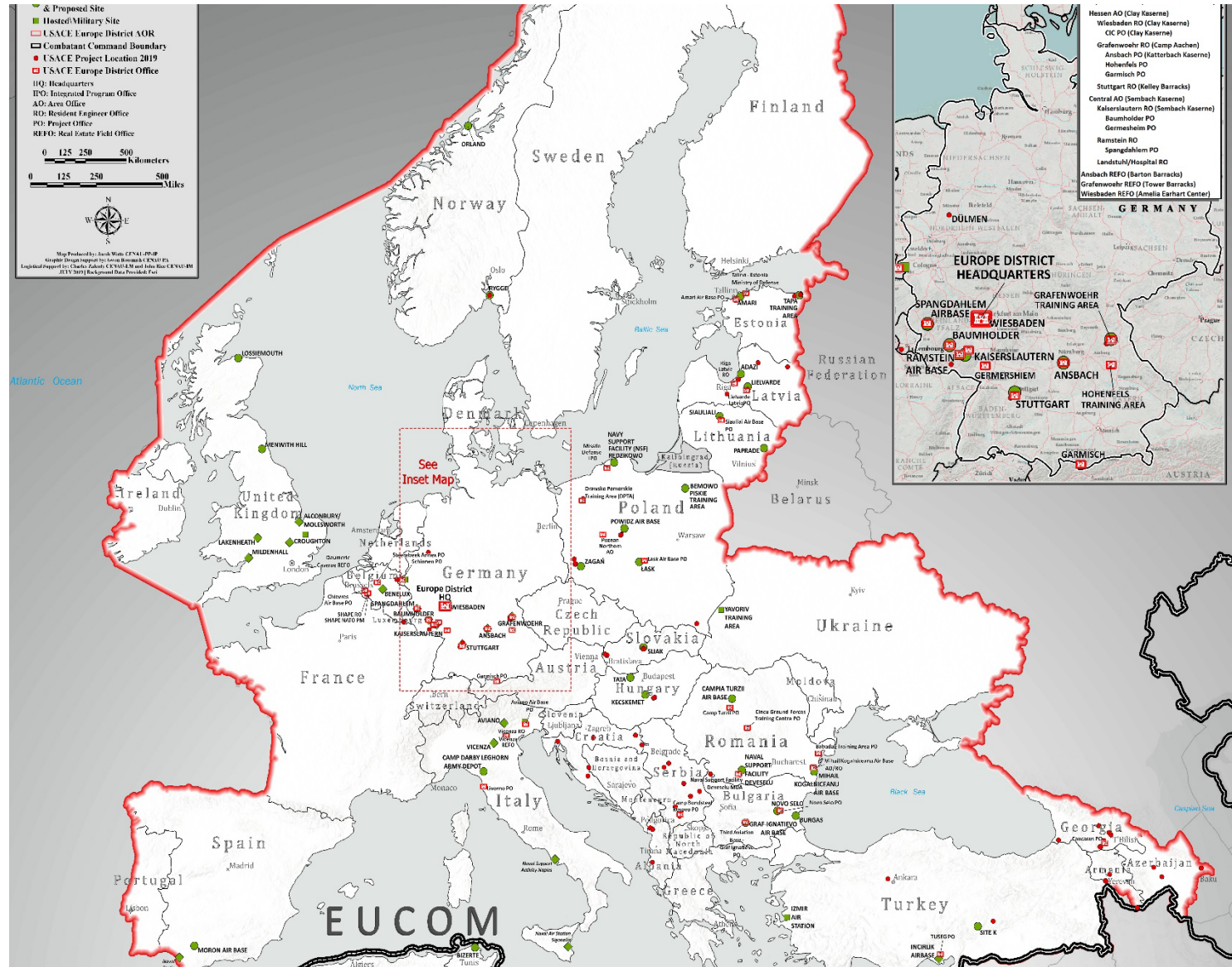
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# Europe District AOR (1 of 2) – MILCON Workload



Europe District MILCON projects (past, present, and future) are located in 17 countries throughout the EUCOM AOR:

BEL	Belgium
BGR	Bulgaria
CZE	Czech Republic
DNK	Denmark
EST	Estonia
DEU	Germany
HUN	Hungary
ITA	Italy
LVA	Latvia
LTU	Lithuania
LUX	Luxembourg
NLD	Netherlands
NOR	Norway
POL	Poland
ROU	Romania
SVN	Slovakia
TUR	Turkey

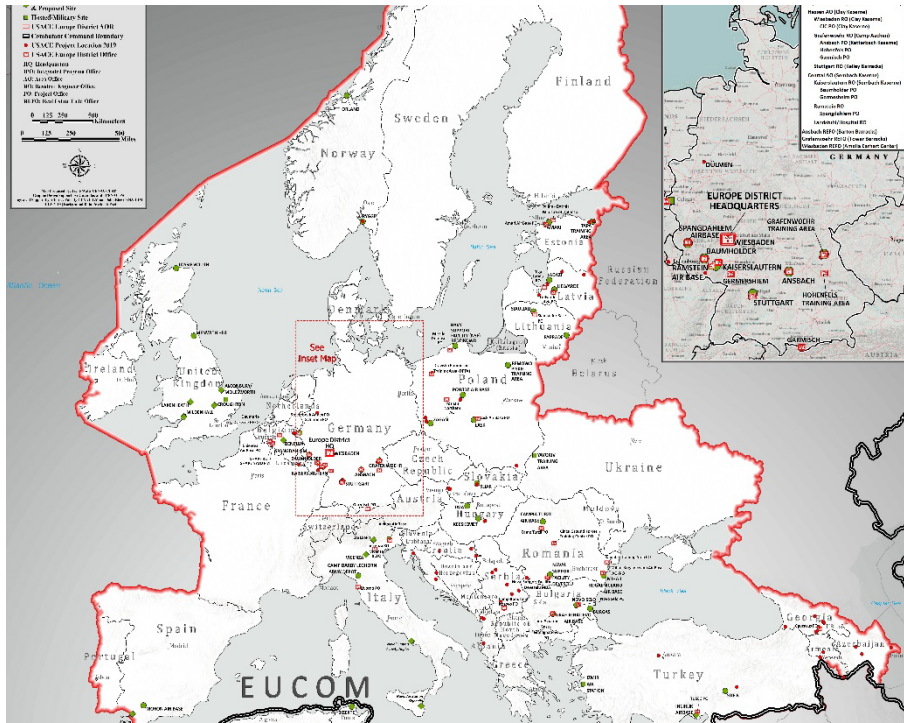






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# Europe District AOR (2 of 2) – Non-MILCON Workload



## EUCOM Non-MILCON Workload

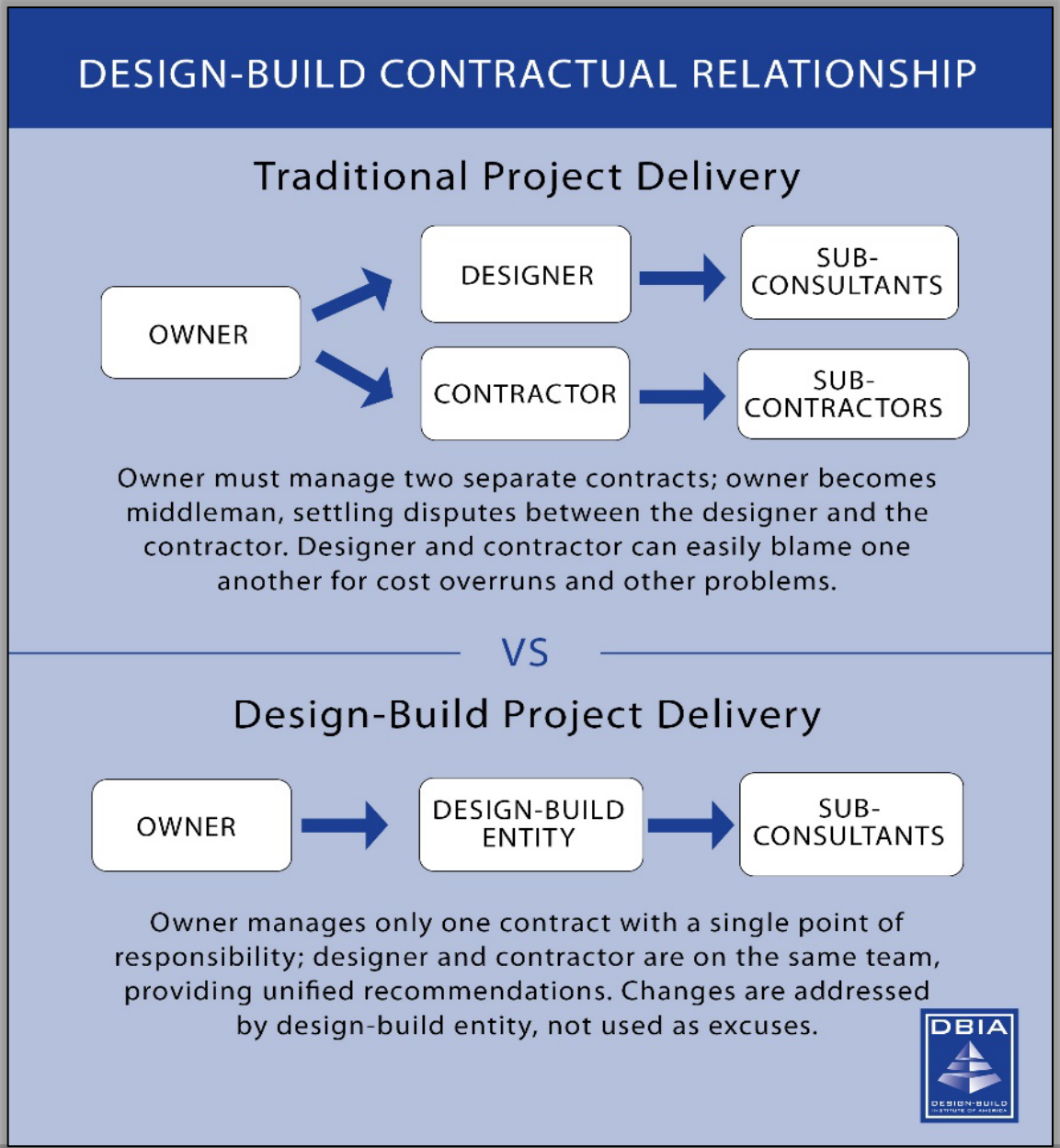
(not already included in MILCON)

ALB	Albania
ARM	Armenia
AZE	Azerbaijan
GEO	Georgia
HVR	Croatia
XKX	Kosovo
MKD	North Macedonia
SRB	Serbia
UKR	Ukraine



## AFRICOM Non-MILCON Workload

BEN	Benin
BFA	Burkina Fasso
CMR	Cameroon
TCD	Chad
DJI	Djibuti
GAB	Gabon
GHA	Ghana
KEN	Kenya
LSO	Lesotho
MWI	Malawi
MOZ	Mozambique
NER	Niger
NGA	Nigeria
STP	Sao Tome
SEN	Senegal
SLE	Sierra Leone
ZAF	South Africa
SWZ	Swaziland
TGO	Togo
TUN	Tunisia





# EUROPE DISTRICT OFFICES



- 500+ Employees
- 25% Local Nationals
- More than 30 field offices in 14 countries



**District HQ – Wiesbaden**  
 Special Projects RO  
 (AFRICOM/EUCOM)  
 Expeditionary Area Office\*



**BENELUX RO - Mons, Belgium**  
 Brunssum PO Netherlands  
 Brussels PO – Brussels  
 Dülmen PO - Germany



**Central Area Office – Sembach, Germany**  
 Ramstein AFB RO  
 Spangdahlem AFB PO  
 Kaiserslautern RO  
 Germersheim PO\*  
 Baumholder RO



**ROBMC (Hospital) Area Office\***



**Hessen Area Office –Wiesbaden, Germany**  
 Wiesbaden RO  
 CIC PO  
 Grafenwoehr RO  
 Ansbach PO  
 Hohenfels PO  
 Garmish PO  
 Stuttgart RO



**Poland MD Area Office (Redzikowo, Poland)**

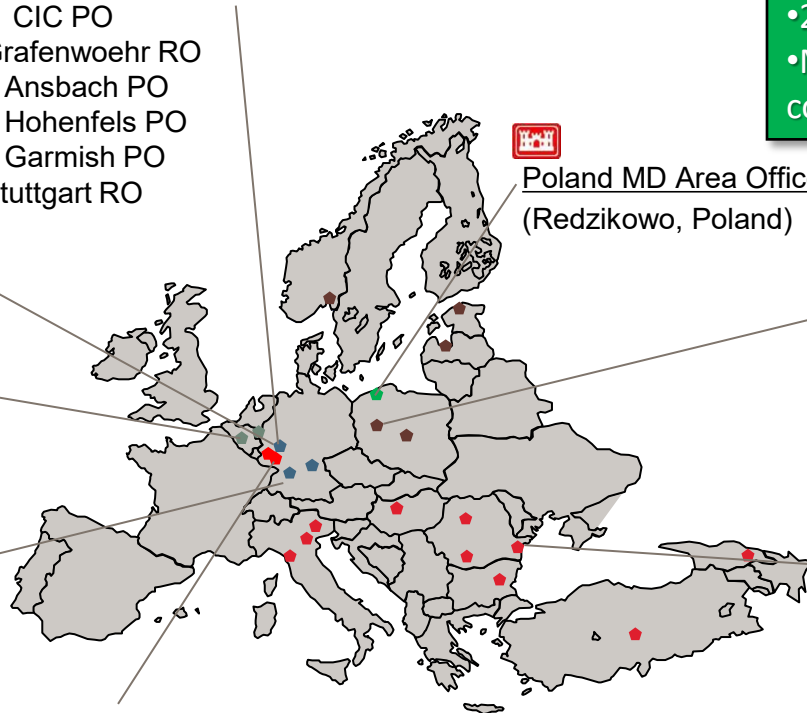


**Northern Europe Area Office (Poznan, Poland)**  
 Powidz RO – Powidz, Poland  
 Riga RO – Riga, Latvia  
 Tallinn PO – Tallinn, Estonia



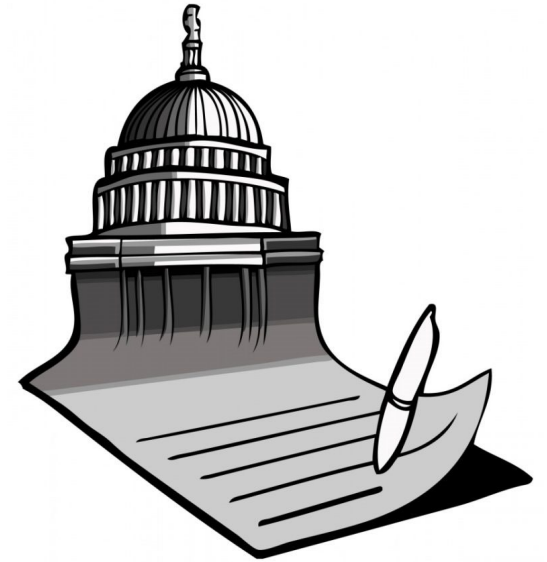
**Southern Europe Area Office (Vicenza, Italy)**  
 Romania RO – Mihail Kogalniceanu (MK)  
 Campia Turzii PO – Romania  
 Romania MD PO – Deveselu, Romania  
 NSTA PO – Bulgaria  
 Mediterranean RO – Vicenza, Italy  
 Aviano PO  
 Livorno PO  
 TUSEG – Incirlik AB, Turkey  
 Caucasus PO – Tbilisi, Georgia  
 Hungary RO – Budapest\*

RO: Resident Office  
 PO: Project Office  
 \*Planned Office





# U.S. PROCUREMENT LAW & OVERSEAS CONTRACTING



Regina Schowalter  
OFFICE OF COUNSEL



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# OVERVIEW

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- US Procurement Regulations and Important Clauses
- Prime Contractor Project Management
- US Contracting Officers
- Joint Ventures, Teaming Agreements, Key Subcontractors, Affiliates
- Defense Base Act Insurance
- Taxes and VAT
- Bonding Requirements
- Questions



# U.S. PROCUREMENT LAW AND REGULATIONS



Contracts are awarded and executed under United States procurement laws and regulations.

## **Federal Acquisition Regulation (FAR)**

<http://acquisition.gov>

## **Defense FAR Supplement (DFARS)**

<http://acquisition.gov>

## **Army FAR Supplement (AFARS)**

<http://acquisition.gov>





# CHOICE OF LAW (OVERSEAS)



## **DFARS 252.233-7001**

**This contract shall be construed and interpreted in accordance with the substantive laws of the United States of America.** By the execution of this contract, the Contractor expressly agrees to waive any rights to invoke the jurisdiction of local national courts where this contract is performed and agrees to accept the exclusive jurisdiction of the United States Armed Services Board of Contract Appeals and the United States Court of Federal Claims for the hearing and determination of any and all disputes that may arise under the Disputes clause of this contract.



# DISPUTES AND CLAIMS REGULATIONS



41 United States Code (U.S.C.) Chapt. 71 - Contract Disputes

FAR Subpart 33.2, Disputes and Appeals

FAR 52.233-1, Disputes





# IMMUNITY FROM LEGAL PROCESS



## In Specification Binder – RFP Attachment

The contractor agrees to indemnify and save harmless the United States Government against all claims and suits of whatsoever nature arising under or incidental to the performance of this contract by any **subcontractor** against the United States Government. The Contractor further agrees to waive his rights to bring suit or other legal action against the United States Government, except as provided in the Disputes clause of this contract and in the United States Federal Statutes.



# COMPLIANCE WITH LOCAL LABOR LAWS



- The U.S. Government is very concerned that laborers on our projects receive working conditions and wages in accordance with Host Nation laws and regulations.
- “Compliance With Local Labor Laws,” provides that contractors must comply with all host nation labor laws and regulations including laws and regulations relating to hours of work and compensation.
- Be **aware** that this **applies to subcontractors** as well as the prime contractor – the prime contractor is responsible for ensuring that all workers on the project are properly paid, regardless of whether the workers are employed directly by the prime contractor, principal subcontractor or subcontractors at any tier.



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# PRIME CONTRACTOR PROJECT MANAGEMENT

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- The U.S. Government contracts are with the prime contractors.
- USACE expects the **prime contractor** to actively manage the project and ensure the work meets contract requirements and the U.S. Government will hold the prime contractors responsible for contract execution.
- When issues arise, the U.S. Government deals with primes, not subcontractors.



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# PRIME CONTRACTOR PROJECT MANAGEMENT (CONT.)

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The Solicitation Specifications Binder covers contractor responsibilities and obligations:

- Adequately manning and staffing the project.
- The contractor assumes the risk and cost of obtaining the necessary labor to execute the project.
- The U.S. Government will not compensate you if labor turns out to be more expensive than you expected. This is true even if the reason for the added expense is a change in the host nation (HN) laws/regulations that increases your labor cost.
- The U.S. Government cannot influence the HN regarding visas or work permits and may not provide any assistance.



# U.S. CONTRACTING OFFICERS



- The U.S. acts through warranted Contracting Officers (KOs).
- Contracting Officers are assisted by Administrative Contracting Officers (ACOs) and Contracting Officer's Representatives (CORs) acting within the bounds of authority delegated to them by the Contracting Officer.
- Only a warranted Contracting Officer (or designated ACO) may provide direction to a contractor on a U.S. Government contract.



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# JOINT VENTURES, TEAMING AGREEMENTS, KEY SUBCONTRACTORS, AFFILIATES

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- What if the Prime is a host nation company with a lot of experience, but no or very little experience with the U.S. Government or the U.S. Department of Defense?
- What if the Prime has a lot of U.S. Department of Defense experience, but no or little experience working in the Host Nation?



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# JOINT VENTURES

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- To be more competitive in terms of experience, applicants often form Joint Ventures (JVs). In JVs, the two (or more) companies become the Prime and the Government deals directly with the designated point of contact for the JV. Each JV member must agree to be jointly and severally liable to the US Government and responsible for all work performed (liability and responsibility for work is not tied to the members' contributions as far as the US Government is concerned).



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# JOINT VENTURES

[See Request for Proposal \(RFP\) for exact Instructions](#)

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If submitting a proposal as a joint venture (JV), the experience and past performance for **each** joint venture partner will be considered for the joint venture entity. JVs shall submit the following:

- A legally binding JV agreement signed by an authorized officer from each of the firms comprising the JV.
- Shall identify the chief executive of each entity identified
- Shall be translated into English
- Shall include a detailed statement outlining, in terms of percentages, which JV member is responsible for what aspects of the project, the relationship of the JV in terms of ownership/capital contribution, profit/loss sharing; and which party has overall **control**, etc.
- *Note: The Contract will provide that JV members are jointly and severally liable for any obligations under the contract. The JV Agreement must also state this.*





# TEAMING ARRANGEMENTS & LETTERS OF COMMITMENT



- If forming a JV is not an option, contractors may receive credit for the past performance and capabilities of a teaming partner (i.e., a subcontractor, formal teaming partner or an affiliate) but only if the proposal includes a Commitment Letter with the substantive terms of the Solicitation attachment. Do not add or delete any terms to that attachment. The Government must be able to assess the past experience of the teaming partner, so at least one of the 5 projects you submit for past performance should include a relevant and recent past project for that team member.

-The Commitment Letter or proposal must explain the major or critical aspects of the work to be performed by each team member (to include identification of team members, and a full description of roles and responsibilities of team members). The “credit” given will depend on the nature and extent of the proposed participation of the teaming partner.



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# RFP ATTACHMENT - COMMITMENT LETTERS

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## LETTER OF COMMITMENT SAMPLE

See Solicitation - Evaluation Factors for Award

If an Offeror wishes to be credited with the past performance of a subcontractor, team member, or affiliate (defined in FAR 2.101), the appropriate Letter of Commitment below must be completed with all information required, signed by authorized representatives of all parties and submitted with the proposal. Offerors should select the appropriate Commitment Letter sample from the following alternatives as applicable:

- Alternative 1 Subcontractor Commitment
- Alternative 2 Affiliate Commitment



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# ALTERNATIVE 1 – KEY SUBCONTRACTORS

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(PRIME CONTRACTOR LETTERHEAD)

US Army Corps of Engineers  
Europe District  
Konrad Adenauer Ring 39, Box 7  
ATTN: Contracting Officer  
65187 Wiesbaden, Germany

(Insert Date)

Subject: Letter of Commitment for Solicitation No. XXXXXXXXXXXXX, Project Name

In the event that Prime Contractor X is awarded a contract under the subject solicitation, Prime Contractor X commits to using Subcontractor Y as a subcontractor for the services described in this Letter of Commitment and Subcontractor Y agrees to perform as a subcontractor to Prime Contractor X for those services.



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# ALTERNATIVE 1 – KEY SUBCONTRACTORS, CONT. 1



Prime Contractor X will perform as the prime contractor while Subcontractor Y will perform the following services as a subcontractor under the resultant contract:

(Describe the work to be performed by the subcontractor, e.g., electrical, mechanical, civil, etc.)

Prime Contractor X may be credited with the experience, expertise and/or past performance of Subcontractor Y as they relate to the services described in this Letter of Commitment.

In the event that Prime Contractor X is awarded the resultant contract, another firm cannot be substituted for Subcontractor Y without prior written approval of the contracting officer. Approval or disapproval of a substitute subcontractor is a matter within the sole discretion of the Contracting Officer, considering such factors as whether the contracting officer considers the proposed substitute to be equally qualified and the substitution to be in the best interests of project execution.



# ALTERNATIVE 1 – KEY SUBCONTRACTORS, CONT. 2



In approving a substitution, the contracting officer may impose such conditions on the substitution as the contracting officer deems appropriate in the exercise of his/her sole discretion.

In the event Prime Contractor X is not awarded a contract under the subject solicitation, this Letter of Commitment is null and void.

Signatures:

\_\_\_\_\_  
John D. Prime  
Authorized Representative  
Prime Contractor X  
Title

\_\_\_\_\_  
Hans Richard  
Authorized Representative  
Subcontractor Y  
Title



# AFFILIATES



- During Source Selection, prime contractors can receive credit for the experience of an “Affiliate.” The term “Affiliate” is defined in the U.S. regulations, but typically it refers to a parent corporation or a “sister” company (both subsidiaries of the same parent corporation.)
- If the prime wants to rely on the experience of an Affiliate, a Letter of Commitment is required demonstrating a firm commitment that the Affiliate will participate meaningfully in terms of roles and responsibilities in the performance of the contract. This commitment letter must be signed by authorized representatives of both the prime and its Affiliate.



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# ALTERNATIVE 2 – AFFILIATES



(PRIME CONTRACTOR LETTERHEAD)

US Army Corps of Engineers  
Europe District  
Konrad Adenauer Ring 39, Box 7  
ATTN: Contracting Officer  
65187 Wiesbaden, Germany

(Insert Date)

Subject: Letter of Commitment for Solicitation No. XXXXXXXXXXXX,

In the event that Prime Contractor X is awarded a contract under the subject solicitation (Contract), Prime Contractor X commits to using Affiliate Y for the services or other contributions described in this Letter of Commitment and Affiliate Y commits to perform such services or to make such contributions in furtherance of Prime Contractor X's performance of the Contract.



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# ALTERNATIVE 2 - AFFILIATES, CONT. 1

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Prime Contractor X will perform as the prime contractor while the Affiliate Y will perform the following services or make the following contributions in furtherance of Prime Contractor X's performance of the Contract:

(Describe the type[s] of contributions and services to be performed by the Affiliate Y, e.g., electrical, mechanical, civil, design, services; or the specific equipment or types and quantities of affiliate personnel who will be committed to work on this Contract. There must be sufficient detail provided here about Affiliate Y's contributions to the Contract effort to enable the Government to assess if the Affiliate Y's participation will be meaningful enough to warrant crediting Prime Contractor X with the experience, expertise and/or past performance of Affiliate Y).

Prime Contractor X may be credited with the experience, expertise and/or past performance of Affiliate Y to the extent they relate to the services or contributions described in this Letter of Commitment.

In the event that Prime Contractor X is awarded the Contract, another firm cannot be substituted for Affiliate Y without prior written approval of the contracting officer. Approval or disapproval of a





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## ALTERNATIVE 2 - AFFILIATES, CONT. 2

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substitute firm is a matter within the sole discretion of the Contracting Officer, considering such factors as whether the contracting officer considers the proposed substitute to be equally qualified and the substitution to be in the best interests of project execution.

In approving a substitution, the contracting officer may impose such conditions on the substitution as the contracting officer deems appropriate in the exercise of his/her sole discretion.

In the event Prime Contractor X is not awarded the Contract, this Letter of Commitment is null and void.

John D. Prime  
Authorized Representative  
Prime Contractor X  
Title

Hans Richard  
Authorized Representative  
Affiliate Y  
Title



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# TEAMING AGREEMENTS, KEY SUBCONTRACTORS & AFFILIATES

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- The ability to get “credit” for such teaming arrangements has its limits, however. Past performance is still a factor and reliance on Teaming Arrangements for past performance does not relieve the Offeror of its obligation to demonstrate its own past performance on the portions of the contract it will perform or manage.
- Also, whether the teams have worked together before successfully will be considered (this is true for new JV’s as well). If there is no prior experience together, be sure to address in the Management factor why that will not present any risk to successful performance.



# WHAT IF A SUBSTITUTION IS NEEDED?



- Since the U.S. Government will rely on the past performance of JV members, teaming partners, key subcontractors, key personnel and Affiliates in deciding which proposal offers the best value, the inability or failure to use those same entities or personnel in the manner proposed could result in a termination of the contract.
- In general, substitutions are not guaranteed. The Contracting Officer must determine if the substituted entity or person is comparable to the entity or person proposed in terms of experience and capabilities. If they are not, the Contracting Officer has the discretion to decline the proposed substitution.



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# DEFENSE BASE ACT (DBA) INSURANCE

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- The DBA covers all employees, regardless of nationality, engaged in employment activities:
  - For private employers on U.S. military bases or on any lands used by the U.S. for military purposes outside of the U.S., including U.S. Territories and possessions;
  - On public work contracts with any U.S. government agency to be performed outside the U.S.;
  - On contracts approved and funded by the U.S. under the Foreign Assistance Act; and
  - For American employers providing welfare or similar services outside of the U.S. for the benefit of the Armed Forces, e.g. the USO.
- Germany, Belgium, and the Netherlands have a waiver from compliance with DBA insurance requirements for workers who are covered by German compulsory workers' compensation laws. Luxembourg does not have a waiver.



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# DBA INSURANCE, CONTINUED



If the employer also has DBA-covered employees who fall outside the scope of the waiver, the employer would still be required to pay and secure benefits for those DBA-covered employees. See DBA section 1(a)(4)-(5); 42 U.S.C. § 1651(a)(4)-(5); LHWCA section 4(a), 932, 33 U.S.C. 904(a), 932.

Further, under longstanding DOL policy, waivers outside of the United States only exclude foreign workers hired from DBA coverage. Waivers do not exclude citizens or legal residents of the United States or employees hired in the United States from DBA coverage.

So, if an employer has any United States citizens or residents working overseas on a contract covered by the DBA, that employer must secure the payment of compensation under the DBA notwithstanding the fact that DOL has waived the application of the DBA for foreign workers



# BONDING REQUIREMENTS



- Typically, US Government requires 100% Performance and Payment bonds issued by approved US surety companies (See FAR 28.102)

Those approved surety companies are often unwilling to bond projects outside of the US. If specifically allowed in the RFP (which it is here), a Bank Letter of Assurance (BLA) and after award a Bank Letter of Guarantee (BLG) may be submitted instead of the 100% performance and payment bonds.

- Other surety alternatives are also available as set forth in the RFP

*Note: If a Joint Venture (JV), the Bank Letter of Assurance must cover the JV, not just one member of the JV.*



# TAX AND TAX EXEMPTIONS



- Generally, **United States contractors** when working solely for the purpose of supporting the U.S. Government should not be subject to any form of income or profits tax by a foreign government.
- Importation of articles by **any contractors** acting on behalf of the U.S. should be free of any import duties or taxes.
- Articles and services acquired by **contractors acting on behalf of the U.S.** should not be subject to direct or indirect taxation, to include value added taxes, excise taxes, sales taxes or similar taxes.



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**QUESTIONS?**





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# DOING BUSINESS WITH THE U.S. ARMY CORPS OF ENGINEERS: PART 1





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# OVERVIEW

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- General Information: Registrations & ID Numbers
- Unique Entity ID
- Cage / NCAGE Code
- SAM Registration
- Procurement Integrated Enterprise Environment (PIEE)



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# REGISTRATIONS & IDENTIFICATION NUMBERS



System	Description	Website	General Timeline
<p>Unique Entity Identifier (UEI)</p>	<p>Unique nine-digit identification <b>number</b> for each physical location of your business</p>	<p><a href="https://www.sam.gov/">https://www.sam.gov/</a></p>	<p>7-10 business days</p>
<p>CAGE / NCAGE</p> 	<p>Commercial and Government Entity (CAGE) Code</p> <p>NATO Commercial and Government Entity (NCAGE) Code</p>	<p><a href="https://cage.dla.mil/Home/UsageAgree">https://cage.dla.mil/Home/UsageAgree</a></p> <p><a href="https://eportal.nspa.nato.int/AC135Public/default.aspx">https://eportal.nspa.nato.int/AC135Public/default.aspx</a></p>	<p>7-10 business days</p>
<p>SAM</p> 	<p>System for Award Management (SAM) is a registration database required for all US Federal Government Contracts and where you will find opportunities.</p>	<p><a href="https://www.sam.gov/">https://www.sam.gov/</a></p>	<p>2 weeks to go active  <b>**Review Alerts to See Possible Delays**</b></p>



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# UNIQUE ENTITY IDENTIFIER

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**What is Unique Entity Identifier (UEI) (formerly DUNS)** It's a unique identification number that identifies your entity registration in SAM.gov and used in other federal award systems (FPDS, FSRS, eSRS, FAPIIS, CPARS).

DUNS Number to Unique Entity ID transitioned in APRIL 2022 - DUNS Number is no longer valid.

**How does my firm obtain a UEI?** Go to [sam.gov](https://sam.gov) obtain a UEI at no cost.



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# CAGE AND NCAGE CODE

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The CAGE or NCAGE code is a required piece of data for registering in the System for Award Management (SAM).

- **What is a CAGE Code?** The Commercial and Government Entity (CAGE) Code is a unique identifier assigned to suppliers to various government or defense agencies, as well as to government agencies themselves and also various organizations.
  - How does your company obtain a CAGE Code? If you are a vendor located **inside** the United States, one can be obtained by visiting: <https://cage.dla.mil/>
- **What is an NCAGE Code?** The NATO Codification System (NCS) was established in 1954. In order to differentiate between the U.S. and NATO systems, CAGE was referred to as NATO COMMERCIAL and GOVERNMENTAL ENTITY CODE (NCAGE) in the NCS community.
  - How does your company obtain an NCAGE Code? If you are a vendor located **outside** the United States, one can be obtained by visiting <https://eportal.nspa.nato.int/AC135Public/default.aspx>



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# NCAGE PORTAL



REQUEST NCAGE:

<https://eportal.nspa.nato.int/AC135Public/CageTool>

NATO Support Agency (NSPA):

<https://eportal.nspa.nato.int/AC135Public/scage/CageList.aspx>



# SYSTEM FOR AWARD MANAGEMENT



- Provisions/clauses require all contractors to register and maintain an active SAM entity registration in order to be eligible for contract awards, as prescribed by the regulation at FAR Subpart 4.11.
  - Solicitations Provision: FAR 52.204-7 SAM or FAR 52.212-1 Instructions to Offerors--Commercial Items
  - Contract Clause: FAR 52.204-13 SAM Maintenance or 52.212-4 Contract Terms and Conditions--Commercial Items.
- Contractors are required to update SAM registration ANNUALLY.
- In order to eligible for contract award, Offerors are advised to take immediate action to ensure your SAM entity registration is current and/or will be current at the time of proposal receipt by this contracting office.



# SAM REGISTRATION



An official website of the United States government. Here's how you stay.

Entity Validation Ticket Review Show Details Jan 24, 2023 [X] See All Alerts

Planned Maintenance Schedule Show Details Apr 4, 2022 [X]

Home Search Data Bank Data Services Help Sign In

**SAM.GOV** Official U.S. Government Website 100% Free

The Official U.S. Government System for:

- Contract Opportunities (was fbo.gov)
- Contract Data (Reports ONLY from fpdfs.gov)
- Wage Determinations (was wdot.gov)
- Federal Hierarchy Departments and Subties
- Assistance Listings (was cfda.gov)
- Entity Information Entities, Disaster Response Registry, Exclusions, and Responsibility Qualification (was fapils.gov) **NEW**
- Entity Reporting SCR and Bio Preferred Reporting

Register Your Entity or Get a Unique Entity ID

Register your entity or get a Unique Entity ID to get started doing business with the federal government.

Get Started

Renew Entity

Check Entity Status

Already know what you want to find?

Select Domain... e.g. 160GN020Q02

**Announcements**

**Entity Validation Review Time** Jan 24, 2023  
Entity validation review time will depend on whether we can make a match from your original document submission, or if we need to request additional documentation. Most entities find a match immediately, but in some cases additional documentation and a manual review is required. The average...

**FAPIS has moved to SAM.gov** Dec 9, 2022  
On December 12, 2022, FAPIS.gov integrated with SAM.gov as part of the ongoing IAE modernization. FAPIS.gov is where users found federal awarded performance and integrity information. Now that it is integrated with SAM.gov, these records are renamed "responsibility/qualification" (R/Q)...

**State and Local Government Guide for SAM Entity Validation** Nov 29, 2022  
Attention: State and Local Governments registering in SAM.gov. We now have a guide to help you with your Entity Validation.

**Small business joint ventures, WOSBs, and HUBZone small business concerns** Nov 23, 2022  
Are you a small business joint venture, service disabled veteran owned small business (SDVOSB) joint venture, a Women Owned Small Business, Economically Disadvantaged Women Owned Small Business concern eligible under the WOSB Program, or a Historically Underutilized Business Zone small business? This announcement is for you.

**What do I need to know about Entity Validations in SAM.gov?** Apr 26, 2022  
Entity validation is the first step in getting your Unique Entity ID, registering your entity or updating your entity registration in SAM.gov. Go to our online resources page to better understand the entity validation process and learn what documents may be needed to validate your entity.

**Have Questions about SAM.gov?**

Get a Unique Entity ID

**UNIQUE ENTITY ID**  
23-character alphanumeric value  
Solely assigned, managed, and owned by the Federal government  
Validates your organization's legal business name and address

Video: How to get a Unique Entity ID

**Frequently Asked Questions**

- Do I need a user account?
- What's the difference between signing up and registering?
- What if I already have a login.gov account?
- What do I need to register my entity?

Feedback

**Our Website**  
About This Site  
Our Community  
Release Notes  
System Alerts

**Our Partners**  
Acquisition.gov  
USASpending.gov  
Grants.gov  
More Partners

**Policies**  
Privacy Policy  
Disclaimers  
Freedom of Information Act  
Accessibility

**Customer Service**  
Help  
Check Entity Status  
Federal Service Desk  
External Resources  
Contact

**GSA General Services Administration**

This is a U.S. General Services Administration Federal Government computer system that is **FOR OFFICIAL USE ONLY**. This system is subject to monitoring. Individuals found performing unauthorized activities are subject to disciplinary action including criminal prosecution.



Entity Validation Ticket Review Show Details  
Jan 24, 2023 [X]

See All Alerts



Planned Maintenance Schedule Show Details  
Apr 4, 2022 [X]

Entity Validation Ticket Review Hide Details  
Jan 24, 2023 [X]

Entity validation is the first step in getting your Unique Entity ID or registering in SAM.gov. Review time will depend on whether we can make a match from your original document submission or if we need to request additional documentation. Have questions? Our online resource page contains helpful information about this process.

See All Alerts

Planned Maintenance Schedule Hide Details  
Apr 4, 2022 [X]

SAM.gov will undergo scheduled maintenance on Tuesdays, Thursdays, and Fridays from 8:00 PM ET - 11:00 PM ET.

These are planned maintenance events and will persist until further notice. During these maintenance windows, access to the site may be intermittent or disrupted.





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# PROCUREMENT INTEGRATED ENTERPRISE ENVIRONMENT (PIEE)



The PIEE Solicitation Module establishes a more automated and secure process for capturing solicitations, attachments, and responses from industry

Replaces DoD SAFE

See Attachment 11 for Instructions How to Submit a Proposal

	PIEE Solicitation Module	DoD SAFE	Email
Size Limit			
- Per File	1.9 GB	8.0 GB	20 MB
- Total	No Maximum	8.0 GB	20 MB
Number of Files	No Limit	25	
Data Formats Supported	92 Extensions	No Restrictions	Varies
Availability	Based on Records Retention Policy	7 Days	-



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# DOING BUSINESS WITH THE U.S. ARMY CORPS OF ENGINEERS: PART 2





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# DOING BUSINESS WITH THE U.S. ARMY CORPS OF ENGINEERS PART 2: OVERVIEW

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- Source Selection Process
- Understanding the Solicitation
- Preparing your Proposal



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# FY24/25 GERMANY BENELUX DB/DBB MATOC W912GB24R0044





# SOURCE SELECTION PROCESS OVERVIEW



- Develop Requirement & Conduct Market Research
- Develop Acquisition Strategy/Plan
- Government Issues Solicitation (via PIEE) – Phase I
  - Pre-proposal conferences/Site Visits may be held - Phase I PPC 31 Jul 24
  - Offerors submit questions and Government may amend solicitation
- Offerors Submit Phase I Proposals
- Government Evaluates Phase I Proposals
- Most Highly Qualified Offerors Invited to Phase II (Decision Point)
- Offerors Submit Phase II Proposals
- Government Evaluates Phase II Proposals
- If Necessary, Establish Competitive Range, Hold Discussions, & Request & Receive Final Proposal Revisions
- Evaluate Final Proposals & Make Source Selection Decision
- Contract Award
- Debriefings, as requested



**OFFER (Must be fully completed by offeror)**

14. NAME AND ADDRESS OF OFFEROR (Include ZIP Code)

[Blank area for offeror name and address]

15. TELEPHONE NUMBER (Include area code)

[Blank area for telephone number]

16. REMITTANCE ADDRESS (Include only if different than Item 14.)

[Blank area for remittance address]

CODE

FACILITY CODE

17. The offeror agrees to perform the work required at the prices specified below in strict accordance with the terms of this solicitation, if this offer is accepted by the Government in writing within \_\_\_\_\_ calendar days after the date offers are due. (Insert any number equal to or greater than the minimum requirement stated in Item 13d. Failure to insert any number means the offeror accepts the minimum in Item 13d.)

AMOUNTS



[Large blank area for listing amounts]

18. The offeror agrees to furnish any required performance and payment bonds.

**19. ACKNOWLEDGMENT OF AMENDMENTS**

(The offeror acknowledges receipt of amendments to the solicitation -- give number and date of each)

AMENDMENT NUMBER										
DATE.										

20a. NAME AND TITLE OF PERSON AUTHORIZED TO SIGN OFFER (Type or print)

[Blank area for name and title]

20b. SIGNATURE

[Blank area for signature]

20c. OFFER DATE

[Blank area for offer date]



<b>SOLICITATION, OFFER, AND AWARD</b> <i>(Construction, Alteration, or Repair)</i>		1. SOLICITATION NO. W912GB24R0044	2. TYPE OF SOLICITATION <input type="checkbox"/> SEALED BID (IFB) <input checked="" type="checkbox"/> NEGOTIATED (RFP)	3. DATE ISSUED 16-Jul-2024	PAGE OF PAGES 1 OF 91
<b>IMPORTANT - The "offer" section on the reverse must be fully completed by offeror.</b>					
4. CONTRACT NO.		5. REQUISITION/PURCHASE REQUEST NO.		6. PROJECT NO.	
7. ISSUED BY CONTRACTING DIVISION US ARMY CORPS OF ENGINEERS KONRAD ADENAUER RING 39 D-65187 WIESBADEN GERMANY WIESBADEN 65187 TEL: _____ FAX: _____		CODE W912GB	8. ADDRESS OFFER TO <i>(If Other Than Item 7)</i> CODE  <b>See Item 7</b>  TEL: _____ FAX: _____		
9. FOR INFORMATION CALL:	A. NAME JOHN J DUBOIS		B. TELEPHONE NO. <i>(Include area code)</i> <i>(NO COLLECT CALLS)</i> 314-570-2625		
<b>SOLICITATION</b>					
<b>NOTE: In sealed bid solicitations "offer" and "offeror" mean "bid" and "bidder".</b>					
10. THE GOVERNMENT REQUIRES PERFORMANCE OF THE WORK DESCRIBED IN THESE DOCUMENTS <i>(Title, identifying no., date):</i>  DB/DBB IDIQ MATOC - DE/DE/BENELUX  DESIGN BUILD (DB) AND DESIGN BID-BUILD (DBB) CONSTRUCTION \$495M MULTIPLE AWARD TASK ORDER CONTRACT (MATOC) IN SUPPORT OF DEPARTMENT OF DEFENSE (DOD) AND FEDERAL AGENCIES LOCATED ON US MILITARY INSTALLATIONS OR IN SUPPORT OF DEFENSE OPERATIONS WITHIN GERMANY (DE), BELGIUM (BENELUX)  Primary Point of Contact (POC) for this solicitation will be as follows:  Contract Specialist: Andy Cochran E-Mail: andrew.a.cochran@usace.army.mil  Contracting Officer: Christian Solinsky E-Mail: christian.solinsky@usace.army.mil					
DRAFT					
11. The Contractor shall begin performance within <u>10</u> calendar days and complete it within _____ calendar days after receiving <input type="checkbox"/> award, <input checked="" type="checkbox"/> notice to proceed. This performance period is <input checked="" type="checkbox"/> mandatory, <input type="checkbox"/> negotiable. <i>(See Task Order RFP _____.)</i>					
12 A. THE CONTRACTOR MUST FURNISH ANY REQUIRED PERFORMANCE AND PAYMENT BONDS? <i>(If "YES," indicate within how many calendar days after award in Item 12B.)</i> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO				12B. CALENDAR DAYS 14	
13. ADDITIONAL SOLICITATION REQUIREMENTS: A. Sealed offers in original and <u>1</u> copies to perform the work required are due at the place specified in Item 8 by <u>12:00 AM</u> <i>(hour)</i> local time <u>05 Oct 2024</u> <i>(date)</i> . If this is a sealed bid solicitation, offers must be publicly opened at that time. Sealed envelopes containing offers shall be marked to show the offeror's name and address, the solicitation number, and the date and time offers are due. B. An offer guarantee <input checked="" type="checkbox"/> is, <input type="checkbox"/> is not required. C. All offers are subject to the (1) work requirements, and (2) other provisions and clauses incorporated in the solicitation in full text or by reference. D. Offers providing less than <u>120</u> calendar days for Government acceptance after the date offers are due will not be considered and will be rejected.					

Currently  
Due:  
5 OCT



# INFORMATION TO OFFERORS



## MAGNITUDES of CONSTRUCTION

**The magnitudes are provided in FAR 36.204 and DFARS 236.204**

Less than \$25,000	Between \$25,000 and \$100,000
Between \$100,000 and \$250,000	Between \$250,000 and \$500,000
Between \$500,000 and \$1,000,000	Between \$1,000,000 and \$5,000,000
Between \$5,000,000 and \$10,000,000	More than \$10,000,000

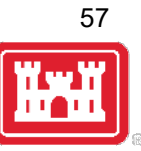
### **Typical Language in the Solicitations:**

Per FAR 36.204, the estimated price range of task orders on this contract is between \$500,000.00 and \$30,000,000.00 (FAR Clause 52.216-19). The total dollar value of this contract is not to exceed \$495,000,000.00.





# UNDERSTANDING THE SOLICITATION PACKAGE AND PREPARING THE PROPOSAL



- The typical Request for Proposal (RFP) is a significantly long document that reads like a legal text, and has very specific requirements. Make sure you thoroughly **read** and **understand** the proposal submission requirements and process.
- You may be disqualified for submitting a proposal that does not meet **all** of the requirements.
- Offerors are advised to provide their **BEST PROPOSAL** in the first submission.



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# PRE-PROPOSAL INQUIRIES VIA PROJNET



Offerors shall submit inquiries via “Bidder Inquiry” in ProjNet at [www.projnet.org/projnet](http://www.projnet.org/projnet). See the solicitation for ProjNet registration instructions.

**Bidder Inquiry Key:**  
**9C9DWJ-NUBUJ2**

Bidder Inquiries will be closed to new inquiries **on 25 September 2024** in order to appropriately respond and amend the solicitation, if necessary.

Select USACE

Enter Email

Enter Inquiry Key

The ProjNet Suite: design, bid, build.

Quick Add Help

Managing Agency (req)  
USACE

Email (req)

Regular Accounts  
Password

OR

Key Access  
Quick Add Key

I agree to the [Privacy & Security Notice \(req\)](#)

Sign in

[Forgot your password?](#) | [Register](#)

Owners Operators  
Construction Management Agent  
Architects/Engineers Builders  
Consultants Sub-Contractors Suppliers & Mfgs



- **Task Orders**
  - Minimum Task Order \$500,000.00
  - Maximum Task Order is limited to \$30,000,000.00. However, smaller and larger dollar value projects may be considered at the discretion of the Contracting Officer.
- **Total maximum ordering value \$495,000,000.00 over five (5) Years and 6 months**
  - Base Ordering Period: Sixty Months (5 years)
  - IAW FAR 52.217-8 – 6 Month Extension



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# GENERAL SUBMISSION INFORMATION

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- **Electronic Proposals.** All responses to this announcement shall be submitted electronically via PIEE. Hand carried delivery or USPS/UPS/Fedex delivery of hard copies and/or CD-ROMs are not authorized. Facsimile submission is not authorized. Email is not authorized.
- Electronic submissions shall be via PIEE at <https://piee.eb.mil/>. See Attachment 11 - PIEE Instructions for Proposal Submittal
- **File Name.** Each filename shall begin with the solicitation number, followed by the word “RESPONSE”, followed by your firm’s name, and finally a brief file description. EXAMPLES:
  - “W912GB24R0044\_Firmname\_Volume I\_Past Performance.pdf”
  - “W912GB24R0044\_Firmname\_Volume I\_Management Approach.pdf”
  - “W912GB24R0044\_Firmname\_Volume I\_Pro Forma Information/Admin Matters.pdf”



# GENERAL SUBMISSION INFORMATION (CONT)



## File Organization, Formatting, and other instructions.

- Although hard copies are not accepted, each file shall be clearly indexed, and logically assembled. Font size shall be no smaller than 10-point font or larger. Pages shall be letter sized in A4 format (210mm x 297mm) **or 8.5in x 11in**. Pages larger than A4 formatting **or 8.5in x 11in**, such as papers requiring foldouts, etc. will be counted as two pages.
- Offerors shall prepare proposals in the English language.
- Proposals shall be in a narrative format, organized and titled so that each section of the proposal follows the order and format of the factors. Information presented should be organized so as to pertain to only the evaluation factor in the section that the information is presented.
- Files shall be submitted in their native format (i.e. doc, xls, ppt, etc.), or if in pdf format, **shall be in searchable text**.



# GENERAL SUBMISSION INFORMATION (CONT)



## Submission & Deadline.

- Interested parties shall submit responses no later than the date specified on solicitation document – (currently) **5 October 2024** by 1000 Central European Time (local time). (REF: Page 1 of RFP in the SF1442)
- The time and date of proposal receipt will be the upload completion/ delivery time & date on the Government's server.
- **Do not assume that electronic submission will occur instantaneously.** Offerors should time their proposal submission with prudence by not waiting until the last day—this will allow for unexpected delays in the transmittal process and troubleshooting.



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# PHASE ONE PROPOSAL FORMAT

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**Volume I: Factor 1 – Past Performance.** Provide up to 5 projects substantially complete (at least 75%) meeting the recency and relevancy definitions. Of the 5, 2 projects must have been performed by the Offeror as the prime contractor.

## **Volume I: Factor 2 - Management Approach.**

- Provide an Organization Chart depicting the planned organization structure for successful execution of the contract.
- Provide a narrative that describes the Offeror's proposed management and technical approach for executing the contract per the detailed requirements herein.
- Only the first 15 pages will be read and evaluated. (The 15-page limitation does Not include the Organization Chart.)



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# PHASE ONE PROPOSAL FORMAT

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**Volume I: Factor 1: Past Performance**

**Volume I: Factor 2: Management Approach**

**Volume II: Pro Forma Information / Administrative Matters (Not Rated)**

**\*\*NOTE:** If an Offeror fails to submit required documentation listed below, that may result in a determination of non-compliance and removal from consideration.

**Section A – Cover Letter**

**Section B – Standard Form SF1442 and Amendments, if applicable**

**\*\*NOTE\*\*:** The party with authority to bind the JV shall sign the SF1442 and the required surety documents for the Phase TWO proposal. Make sure to include as part of Volume II.

**Section C – Pre-Award Information, SAM Registration, Representation & Certifications**

**Section D – Financial Evidence, Bonding and Proof of Financial Ability**





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# FACTOR 1: PAST PERFORMANCE

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Submit up to five (5) projects meeting the following definition for recent and relevant projects -- recency and relevancy are elements of Past Performance. For Factor 1 evaluation purposes, the definition of a **recent and relevant** contract must meet the following conditions:

**Recency:** Past Performance projects submitted shall be projects that have been completed or substantially completed within the last **five** (5) years (from the solicitation issue date) and must be similar in size and scope to the work solicited under this MATOC.

**Relevancy.** Relevant projects will be similar in scope and size, shall be DB or DBB construction of new facilities, major building renovation, road and pavement repair, minor construction, excavation, plumbing, demolition, electrical, structural, mechanical, concrete work, and environmental (hazardous waste abatement and disposal) remedial work.

**\*\*USG (U.S. Government) considers substantially complete at 75% or greater completion\*\***



# SOURCE SELECTION APPROACH



**Trade-off Process (FAR 15.101-1)** In the best interest of the Government to consider award to other than the lowest priced offeror or other than the highest technically rated offeror. Factors include:

## **Non-Price Factors:**

- Factor 1 – Past Performance
- Factor 2 – Management Approach
- Factor 3 – Technical Approach Narrative & Schedule Seed Project

## **Price Factor**

- Factor 4 – Price – SEED Project Price

## **Relative Importance of the Evaluation Factors.**

Phase ONE evaluation ratings will continue into Phase TWO. In accordance with FAR 15.304(e), the non-price factors 1-3, when combined, are approximately equal to price. In addition, all non-price factors are approximately equal to one another in importance.



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# FACTOR 1: PAST PERFORMANCE

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The SSEB will evaluate Offerors' past performance that demonstrates the ability to accomplish the work specified under this Solicitation.

## Offeror Shall Submit:

- Provide descriptions of up to five (5) projects substantially complete (at least 75%) or completed by the Prime Contractor/Offeror (or by a JV member or other team member with a signed Commitment Letter – see **Attachment 5**) within the last five (5) years (from the solicitation issue date) that are similar to this project in size and scope.
- Of the projects submitted, at least **two (2)** projects must have been performed by the Offeror as the prime. Projects must demonstrate that the Offeror has performed at least **25%** of the cost of that project contract and at least **two (2) DB projects**.
- Projects considered similar in scope and shall be DB or DBB construction of new horizontal or vertical facilities and/or major building renovations that may include but is not limited to: road and pavement repair, minor construction, excavation, plumbing, demolition, electrical, structural, mechanical, concrete work, and environmental (hazardous waste abatement and disposal) remedial work.
- Projects must have a minimum price of 500,000.00 Euros and a maximum price of 30,000,000.00 Euros.

*Ref: Section 00 21 00 Phase One Instructions to Offerors*



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# FACTOR 1: PAST PERFORMANCE

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- For the purposes of evaluation under this factor, more consideration may be given to an Offeror that demonstrates the following (list is not in order of importance):
  1. Projects that demonstrate past performance **Germany or BENELUX**
  2. Projects that demonstrate working in European Union (EU) countries on **military bases** with the United States (US) Department of Defense (DoD).
- **\*\*NOTE:** If more than five (5) projects are submitted by an Offeror, the Government will only review the first five (5) projects. The projects will be reviewed in the order in which they are received in Offeror's submitted proposal.

*Ref: Section 00 21 00 Phase One Instructions to Offerors*



# FACTOR 1: PAST PERFORMANCE (CONFIDENCE ASSESSMENT)



The SSEB will then evaluate Offerors under this factor to determine how likely it is that Offerors will be successful when performing task orders under the awarded contract.

**\*\*Note\*\* the Government reserves the right to review all recent past performance records available to make a Confidence determination to include other projects not submitted by the Offeror. The Government also reserves the right to review past performance of any subcontractors or JV partners the Offeror may have submitted. Key focus areas will include the following (see CPARS or PPQ Form):**

- Quality
- Schedule/Timeliness of Performance
- Customer Satisfaction
- Management/Personnel/Labor
- Cost/Financial Management
- Safety/Security



NAVFAC/USACE PAST PERFORMANCE QUESTIONNAIRE (Form PPQ-0)	
<b>CONTRACT INFORMATION (Contractor to complete Blocks 1-4)</b>	
<b>1. Contractor Information</b>	
Firm Name:	CAGE Code:
Address:	DUNs Number:
Phone Number:	
Email Address:	
Point of Contact:	Contact Phone Number:
<b>2. Work Performed as:</b> <input type="checkbox"/> Prime Contractor <input type="checkbox"/> Sub Contractor <input type="checkbox"/> Joint Venture <input type="checkbox"/> Other (Explain)	
Percent of project work performed:	
If subcontractor, who was the prime (Name/Phone #):	
<b>3. Contract Information</b>	
Contract Number:	
Delivery/Task Order Number (if applicable):	
Contract Type: <input type="checkbox"/> Firm Fixed Price <input type="checkbox"/> Cost Reimbursement <input type="checkbox"/> Other (Please specify):	
Contract Title:	
Contract Location:	
Award Date (mm/dd/yy):	
Contract Completion Date (mm/dd/yy):	
Actual Completion Date (mm/dd/yy):	
Explain Differences:	
Original Contract Price (Award Amount):	
Final Contract Price (to include all modifications, if applicable):	
Explain Differences:	
<b>4. Project Description:</b>	
Complexity of Work <input type="checkbox"/> High <input type="checkbox"/> Med <input type="checkbox"/> Routine	
How is this project relevant to project of submission? (Please provide details such as similar equipment, requirements, conditions, etc.)	
<b>CLIENT INFORMATION (Client to complete Blocks 5-8)</b>	
<b>5. Client Information</b>	
Name:	
Title:	
Phone Number:	
Email Address:	
<b>6. Describe the client's role in the project:</b>	
<b>7. Date Questionnaire was completed (mm/dd/yy):</b>	
<b>8. Client's Signature:</b>	

NOTE: NAVFAC/USACE REQUESTS THAT THE CLIENT COMPLETES THIS QUESTIONNAIRE AND SUBMITS DIRECTLY BACK TO THE OFFEROR. THE OFFEROR WILL SUBMIT THE COMPLETED QUESTIONNAIRE TO USACE WITH THEIR PROPOSAL, AND MAY DUPLICATE THIS QUESTIONNAIRE FOR FUTURE SUBMISSION ON USACE SOLICITATIONS. CLIENTS ARE HIGHLY ENCOURAGED TO SUBMIT QUESTIONNAIRES DIRECTLY TO THE OFFEROR. HOWEVER, QUESTIONNAIRES MAY BE SUBMITTED DIRECTLY TO USACE. PLEASE CONTACT THE OFFEROR FOR USACE POC INFORMATION. THE GOVERNMENT RESERVES THE RIGHT TO VERIFY ANY AND ALL INFORMATION ON THIS FORM.



# Past Performance Relevancy Ratings:

Rating	Definition
<b>Very Relevant</b>	Present/past performance effort involved <u>essentially the same</u> scope and magnitude of effort and complexities this solicitation requires.
<b>Relevant</b>	Present/past performance effort involved <u>similar</u> scope and magnitude of effort and complexities this solicitation requires.
<b>Somewhat Relevant</b>	Present/past performance effort involved <u>some</u> of the scope and magnitude of effort and complexities this solicitation requires.
<b>Not Relevant</b>	Present/past performance effort involved <u>little or none</u> of the scope and magnitude of effort and complexities this solicitation requires.



# FACTOR 1: PAST PERFORMANCE (CONFIDENCE - CONT)



Note: In the case of an Offeror without a record of relevant past performance or for whom information on past performance is not available or so sparse that no meaningful past performance rating can be reasonably assigned, the Offeror may not be evaluated favorably or unfavorably on past performance (see FAR 15.304(a)(2)(iv)). If an Offeror has no relevant past performance history, the Offeror must affirmatively state that it possesses no relevant directly related or similar past performance.

Offerors whose proposals receive a satisfactory confidence or substantial confidence rating for this factor may be considered more favorably than an Offeror with a neutral confidence rating.

**For the Past Performance evaluation, there will be a single overall confidence assessment rating assigned.**

- **Past Performance Relevancy.** The SSEB will first evaluate the relevancy of recent past performance identified in the proposal. Relevancy is Not rated. SSEB will determine how relevant a project is when compared to the scope, size and magnitude of effort and complexities of this solicited MATOC.
- **Performance Confidence Assessment.** The second aspect of the past performance evaluation is to determine how well the contractor performed on those projects (CPARS or PPQs). The Government reserves the right to check any and all cited references to verify supplied information and to assess owner satisfaction. In conducting the confidence assessment, each Offeror shall be assigned one overall confidence assessment rating.

*Ref: Section 00 21 00 Phase One Instructions to Offerors*





# FACTOR 1: CONFIDENCE RATING



Performance Confidence Assessments:	
Rating	Definition
Substantial Confidence	Based on the Offeror's recent/relevant performance record, the Government has a <u>high</u> expectation that the Offeror will successfully perform the required effort.
Satisfactory Confidence	Based on the Offeror's recent/relevant performance record, the Government has a <u>reasonable</u> expectation that the Offeror will successfully perform the required effort.
Neutral Confidence	No recent/relevant performance record is available or the Offeror's performance record is so sparse that no meaningful confidence assessment rating can be reasonably assigned. The offeror may not be evaluated favorably or unfavorably on the factor of past performance.
Limited Confidence	Based on the Offeror's recent/relevant performance record, the Government has a <u>low</u> expectation that the Offeror will successfully perform the required effort.
No Confidence	Based on the Offeror's recent/relevant performance record, the Government has <u>no</u> expectation that the Offeror will be able to 'successfully perform the required effort.

**Note:** In the case of an Offeror without a record of relevant past performance or for whom information on past performance is not available or so sparse that no meaningful past performance rating can be reasonably assigned, the Offeror may not be evaluated favorably or unfavorably on past performance (see FAR 15.304(a)(2)(iv)). If an Offeror has no relevant past performance history, the Offeror must affirmatively state that it possesses no relevant directly related or similar past performance.

*Ref: Section 00 21 00 Phase One Instructions to Offerors*

# **FACTOR 2: MANAGEMENT APPROACH**

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## **SUBMISSION REQUIREMENTS**

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The Offeror's Management Approach will be evaluated for completeness, reasonableness, risk, and logic. The Government will evaluate whether and to what extent the Management Approach:

1. Provide an organizational chart and narrative description of the Offeror's overall structure and management of the project team from the Offeror's Headquarters to the Offeror's site office(s).. (see Solicitation Section C – Factor 2)
  
2. Provide a narrative that demonstrates an understanding of the specific requirements associated with the design, construction and administration responsibilities associated with projects for the U.S. Government issued under this MATOC. Clearly and concisely describe the Offeror's team, how members of the team, including subcontractors (if applicable), will work collaboratively to ensure timely, safe, quality completion of future task orders.

The Management Approach Shall Include and Address the following:

- a. Discuss the Offeror's plan to obtain, retain, coordinate, and manage subcontractors. Include any established relationships with organizations qualified for work within the scope of this RFP, including number of projects that have been completed together and/or number of years of partnering. Identify the significant aspects of the work that are to be self-performed and those that will be subcontracted. Identify the nature and overall percent of work that will be performed by the Prime Contractor and all key sub-contractors. Offerors are reminded of the requirements of 52.236-1, Performance of Work by the Contractor.
- b. Discuss the Offeror's Criteria for selection of the Designer(s) of Record (DOR or architect- engineer) for future DB task order awards for the solicited MATOC; or if the Offeror has a selected DOR then provide the Letter of Commitment (LOC) and provide a narrative explaining the DORs capabilities; or if the Offeror has an in-house DOR, provide their in-house capabilities.
- c. Discuss knowledge of engineering, design and permitting in Germany and BENELUX to include coordination with local authorities and host nation codes.
- d. Discuss the Offeror's plan and capability to manage multiple task orders concurrently at multiple locations and countries.
- f. Offerors should identify any additional and/or unique management advantages their proposal provides to the Government.

**\*\*NOTE\*\*** Offeror's ability to communicate in English.

**\*\*NOTE\*\*** **Shall Not Exceed 15 pages.** Excludes Organizational Chart.



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# FACTOR 2: MANAGEMENT APPROACH

## EVALUATION CRITERIA

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- Evaluate Offeror's proposed method for accomplishing work under this MATOC
- To be considered Acceptable, Offeror must demonstrate an understanding of the specific requirements associated with the specific requirements associated with the design, construction and administration responsibilities associated with projects for the USG issued under this MATOC
- The Offeror's Management Plan will be evaluated for completeness, reasonableness, risk, and logic.
- The Government will evaluate whether and to what extent the management plan:
  - Clearly defines the planned organization structure and presents a logical, viable approach to perform the work described in the RFP documents and achieve the desired quality.
  - Delineates lines of authority appropriately including the relationship between the headquarters' office and the site office, including all involved with the management of the contract including subcontractors and JV partners (where applicable) and identifies which personnel are identified to communicate with the Government.
  - Comprehensively describes the duties, roles, major responsibilities, and authorities for key personnel, including roles of authorities for subcontractors and JVs.

*Ref: Section 00 21 00 Phase One Instructions to Offerors*



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# FACTOR 2: MANAGEMENT APPROACH

## EVALUATION CRITERIA

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- Evaluate Offeror's proposed method for accomplishing work under this MATOC
- To be considered Acceptable, Offeror must demonstrate an understanding of the specific requirements associated with the specific requirements associated with the design, construction and administration responsibilities associated with projects for the USG issued under this MATOC
- The Offeror's Management Plan will be evaluated for completeness, reasonableness, risk, and logic.
- The Government will evaluate whether and to what extent the management plan:
  - Describes management for performance of a potential task order including Offeror's planned approach to the following:
    - quality control
    - staffing (both management and labor to perform a typical design and construction project)
    - obtaining, retaining, coordinating, and managing subcontractors.
  - Whether the Offeror demonstrates a thorough knowledge of engineering and design in Germany and BENELUX to include coordination with host nation authorities.



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# FACTOR 2: MANAGEMENT APPROACH

## EVALUATION CRITERIA

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- Evaluate Offeror's proposed method for accomplishing work under this MATOC
- To be considered Acceptable, Offeror must demonstrate an understanding of the specific requirements associated with the specific requirements associated with the design, construction and administration responsibilities associated with projects for the USG issued under this MATOC
- The Offeror's Management Plan will be evaluated for completeness, reasonableness, risk, and logic.
- The Government will evaluate whether and to what extent the management plan:
  - Whether the Offeror demonstrates a thorough understanding of certification and registration requirements for companies in Germany and BENELUX and the ability to meet the requirements along with the demonstrated ability to communicate in English.
  - Whether the Offeror demonstrates the ability to manage and perform multiple task orders concurrently at multiple locations in Germany and BENELUX.



# FACTOR 2: MANAGEMENT APPROACH RATING



For Factor 2, Management Approach – Offerors will be assigned a combined Technical/Risk Rating from the following table, based on the evaluation of the Offerors proposal in accordance with the requirements of the Solicitation.

TECHNICAL/ RISK RATINGS		
Color	Rating	Description
Blue	Outstanding	Proposal demonstrates an exceptional approach and understanding of the requirements and contains multiple strengths, and/or at least one significant strength, and risk of unsuccessful performance is low.
Purple	Good	Proposal indicates a thorough approach and understanding of the requirements and contains at least one strength or significant strength, and risk of unsuccessful performance is low to moderate.
Green	Acceptable	Proposal meets requirements and indicates an adequate approach and understanding of the requirements, and risk of unsuccessful performance is no worse than moderate.
Yellow	Marginal	Proposal has demonstrated an adequate approach and understanding of the requirements, and/or risk of unsuccessful performance is high.
Red	Unacceptable	Proposal does not meet requirements of the solicitation, and thus, contains one or more deficiencies and is un-awardable, and/or risk of performance is unacceptably high.



# FACTOR 2: MANAGEMENT APPROACH RATING



The Adjectival Ratings, defined below, are Not separate ratings but will be used to define the levels of risk in the table on the previous slide.

Technical Risk Ratings	
Adjectival Rating	Description
Low	Proposal may contain weakness/weaknesses which have low potential to cause disruption of schedule, increased cost or degradation of performance. Normal contractor emphasis and normal Government monitoring will likely be able to overcome any difficulties.
Moderate	Proposal contains a significant weakness or combination of weaknesses which may have a moderate potential to cause disruption of schedule, increased cost or degradation of performance. Special contractor emphasis and close Government monitoring will likely be able to overcome difficulties.
High	Proposal contains a significant weakness or combination of weaknesses which is likely to have high potential to cause significant disruption of schedule, increased cost or degradation of performance. Special contractor emphasis and close Government monitoring will unlikely be able to overcome any difficulties.
Unacceptable	Proposal contains a deficiency or a combination of significant weaknesses that causes an unacceptable level of risk of unsuccessful performance.



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# PHASE ONE TO PHASE TWO

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SSEB will evaluate Non-Price proposals in order to determine the most highly qualified Phase ONE Offerors to compete in Phase TWO.

To be determined for the most highly qualified for Phase TWO the Offeror must receive a rating of no less than "Neutral Confidence" for Factor 1 and "Acceptable" for Factor 2.

To receive consideration for award, a rating of no less than "Neutral Confidence" for Factor 1 AND "Acceptable" for Factors 2 and 3 MUST be achieved in Phase ONE and TWO.

**\*\*Phase ONE Evaluation Ratings will continue into Phase TWO.\*\***

**Phase ONE evaluation ratings will continue into Phase TWO. Factor 1 is significantly more important than Factors 2 and Factor 3. Factors 2 and 3 are approximately equal. When combined, all non-price factors (Factor 1-3), are approximately equal in importance to price (Factor 4).**

*Ref: Section 00 21 00 Phase One Instructions to Offerors*





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# PHASE TWO PROPOSAL FORMAT

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## **Volume I – Factor 3: Technical Approach – SEED Project and Schedule**

## **Volume II – Section A: Executive Summary**

**\*\*NOTE\*\*:** The party with authority to bind the JV shall sign the SF1442 and the required surety documents for the Phase TWO proposal. Make sure to include as part of Volume II.

## **Volume II: Section B – Completed Solicitation Form SF 1442.**

## **Volume II: Section C – Financials. Bank Letter of Guaranty (BLG). Evidence of Ability to Obtain Bonding**

## **Volume II: Section D – Pre-Award Information, SAM Registration, Representation & Certifications**

## **Volume II: Section E – Factor 4, Pricing – SEED Project**

*Ref: Section 00 22 00 Phase Two Instructions to Offerors*



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# PHASE TWO: FACTOR 3 - TECHNICAL APPROACH

## SUBMISSION CRITERIA

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**\*\*The Government intends to hold a combined pre-proposal conference with site visit at the Seed project location in Phase TWO. Only the most highly qualified offerors selected from Phase ONE will participate in the pre-proposal conference for Phase TWO.\*\***

**\*\*Technical Approach Shall Not Exceed 15 pages. The Project Schedule is not included in the 15 -page limitation.\*\***

Offeror shall provide the following for the Technical Approach:

1. Provide a Technical Approach Narrative and a Project Schedule describing their proposed approach to executing the work required by the RFP Phase TWO Amendment documents for the SEED project.
2. Project Schedule shall be prepared in Primavera P6 and submitted in native XER Format and be specifically tailored to the SEED project. Project Schedule shall include all the major portions of the work such as submittals, reviews and approval periods.
  - a. Description of Offeror's plan for executing the work from start to finish meeting contractual milestone dates and performance requirements
  - b. Description of activities along the two most critical paths of the Project Schedule explaining how durations were determined and logic developed.
  - c. Consideration given to cold and inclement weather that may be encountered
  - d. Identification of three (3) major areas of risks identified by the Offeror in their Project Schedule
  - e. Identification of Offeror's constraints to the schedules presented (e.g. labor or material availability, permits, weather, etc).

***Ref: Section 00 22 00 Phase Two Instructions to Offerors***

# PHASE TWO EVALUATION / RATING



Offerors will be assigned a combined technical/risk rating from the following table, based on the evaluation of the Offeror's proposal.

<b>Table 5 Technical / Risk Assessment Ratings</b>	
Adjectival Rating	Description
<b>Outstanding</b>	Proposal indicates an exceptional approach and understanding of the requirements and contains multiple strengths, and/or at least one significant strength, and risk of unsuccessful performance is low.
<b>Good</b>	Proposal indicates a thorough approach and understanding of the requirements and contains at least one strength or significant strength, and risk of unsuccessful performance is low to moderate.
<b>Acceptable</b>	Proposal meets requirements and indicates an adequate approach and understanding of the requirements, and risk of unsuccessful performance is no worse than moderate.
<b>Marginal</b>	Proposal has not demonstrated an adequate approach and understanding of the requirements, and/or risk of unsuccessful performance is high.
<b>Unacceptable</b>	Proposal does not meet the requirements of the solicitation, and thus, contains one or more deficiencies and is un-awardable, and/or risk of performance is unacceptably high.



# PHASE TWO RATINGS



Adjectival ratings, defined below, are not separate ratings but will be used to define the levels of risk in the aforementioned table:

<b>Table 6 Technical Risk Descriptions</b>	
<b>Adjectival Rating</b>	<b>Description</b>
<b>Low</b>	Proposal may contain weakness(es) which have little potential to cause disruption of schedule, increased cost or degradation of performance. Normal contractor efforts and normal Government monitoring will likely be able to overcome any difficulties.
<b>Moderate</b>	Proposal contains a significant weakness or combination of weaknesses which may potentially cause disruption of schedule, increased cost or degradation of performance. Special contractor emphasis and close Government monitoring will likely be able to overcome difficulties.
<b>High</b>	Proposal contains a significant weakness or combination of weaknesses which is likely to cause significant disruption of schedule, increased cost or degradation of performance. Is unlikely to overcome any difficulties, even with special contractor emphasis and close Government monitoring.
<b>Unacceptable</b>	Proposal contains a material failure or a combination of significant weaknesses that increases the risk of unsuccessful performance to an unacceptable level.



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# FACTOR 3 – TECHNICAL APPROACH EVALUATION CRITERIA

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- Technical Approach Narrative and Project Schedule will be evaluated as one factor for the potential SEED project.
- Offeror's Technical Approach Narrative and project schedule for each SEED project will be evaluated for completeness, logic, reasonableness, and risk associated with the proposed schedule.
- Government will evaluate the schedules to assess conformance with the Solicitation requirements, the strength of understanding of the project scopes, and restrictions, which must be considered in the schedules (e.g., long lead items, critical milestones, logic of proposed phasing, etc.).
- Government reserves the right to request proof of ownership or binding commitments from equipment suppliers to provide any equipment identified prior to awarding a contract.
- **\*NOTE:** For this factor, Offerors will be assigned a combined technical/risk rating as shown in Table 5, based on the evaluation of the Offeror's proposal in accordance with the requirements of the Solicitation. The adjectival ratings as shown in Table 6, are not separate ratings but will be used to define the levels of risk.



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# FACTOR 4 – PRICE SEED PROJECT & MIN GUARANTEE

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- The Technical Approach Narrative and Schedule will be evaluated as one factor for the Seed project. The Government will evaluate pricing under Factor 4 independently from the technical evaluation in Factor 3.
- Price evaluation will not be assigned an adjectival rating but will be evaluated for completeness and reasonableness.
  - **Completeness:** To be complete, the Offeror must provide all data that is requested and necessary to prices, including completing all CLINs identified on Price Schedule. W912GB24R0044 Page 35 of 91 The Government will assess the extent to which the proposed prices comply with the content and format requirements set forth in this solicitation.
  - **Reasonableness:** The Offeror's proposal will be evaluated through price analysis techniques as described in FAR Part 15. For price to be reasonable, it must represent a price that provides best value to the Government. The Offeror's proposed prices will be evaluated to determine if any are unreasonably high in relation to the anticipated work under the contract as well as with current industry standards.
  - Prices proposed will be analyzed to determine if the prices are unbalanced. Unbalanced pricing exists when, despite an acceptable total evaluated price, the price of one or more contract line items is significantly over or understated. The Contracting Officer shall consider the risks to the Government associated with the unbalanced pricing. An offer will be rejected if the lack of balance poses an unacceptable risk to the Government.
- The Government intends to award a SEED project to one of the successful MATOC awardees.
- MATOC selected Awardees that were not awarded the SEED project will receive the Minimum Guarantee at the time of MATOC base contract award.

*Ref: Section 00 22 00 Phase Two Instructions to Offerors*



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**QUESTIONS?**



# USACE/U.S. GOVERNMENT SPECIFIC REQUIREMENTS

1. Construction Quality Management Course
2. Safety
3. CPM Schedule & Payments
4. Resident Management System (RMS)







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# USACE CONSTRUCTION QUALITY MANAGEMENT (CQM) COURSE

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Course developed in partnership with *Associated Builders and Contractors (ABC)* and the *Associated General Contractors (AGC)*



## Details:

- Instructs Contractor Superintendents, Quality Control (QC) Staff, and Foreman in construction quality control and how it relates to Owner quality assurance (QA)
- Describes the QC/QA system successfully used by USACE
- Required prior to commencement of construction. [Refer to §01 45 00]



## Upcoming Virtual Courses:

**17-18 October 2024**

**23-24 January 2025**

**Registration:** <https://www.nau.usace.army.mil/Business-With-Us/CQM/>

For other questions regarding registration or course information please email

[CENAU-EC-CQM@usace.army.mil](mailto:CENAU-EC-CQM@usace.army.mil).

*Sign Up Now!*

- Registration Fee is \$250.00 paid to University of North Florida during registration.
- Course is taught between 0900 – 1700 Central European Time (CET) both days.
- The course is taught in English and requires that proficiency.
- Course registration is on a first-come, first-served basis.
- Upon completion of the course, the certificate is good for 5 years. No in-person classes.



# SITE SAFETY AND HEALTH



## Engineer Manual (EM) 385-1-1 USACE Safety & Health Requirements Manual:

<http://www.publications.usace.army.mil/USACE-Publications/Engineer-Manuals/>



## USACE Specifications:

- 01 35 26 Safety and Occupational Health Requirements
- 01 45 00 USACE Quality Control
- 01 45 05 Contractor Site Personnel Requirements – CQC Personnel



# CPM SCHEDULE, PROGRESS PAYMENTS AND RMS



## PROJECT SCHEDULE (SECTION 01 32 01 )

- The schedule is the **basis for determining contract earnings** during each update period and therefore the amount of each progress payment.
- Activity cost loading must be reasonable and without front-end loading. Provide additional documentation to demonstrate reasonableness if requested by the Contracting Officer.

## PAYMENTS

### FAR 52.232-5 Payments under Fixed-Price Construction Contracts

- **Monthly Invoices**
  - ✓ An itemization of the amounts requested, related to the various elements of work required by the contract covered by the payment requested.
  - ✓ A listing of the amount included for work performed by each subcontractor under the contract.
  - ✓ A listing of the total amount of each subcontract under the contract.
  - ✓ A listing of the amounts previously paid to each such subcontractor under the contract.
  - ✓ Additional supporting data in a form and detail required by the Contracting Officer.

## RESIDENT MANAGEMENT SYSTEM (RMS) (SECTION 01 45 01)



- Comprehensive contract administration software used for ALL construction contracts.
- For example; Submittals, schedules, pay estimates, contract modifications



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# RESIDENT MANAGEMENT SYSTEM (RMS)

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The Resident Management System (RMS) is the contract administration program designed by the Corps Engineers. The systems provide an efficient method to plan, schedule, and control all aspects of construction.

Support and tutorials:

➤ RMS Support Center YouTube Channel:

[https://www.youtube.com/channel/UC\\_ID-JmaZgePmlrb2zdUOqg](https://www.youtube.com/channel/UC_ID-JmaZgePmlrb2zdUOqg)

➤ RMS 3 Contractor Mode User Manual:

<https://rms.usace.army.mil/datafiles/rmsdocwebsite/files/RMS3CM.pdf>

➤ Download RMS 3.0 Contractor Launcher:

<https://rms.usace.army.mil/datafiles/rmsdocwebsite/files/RMSLauncherSetupKtr25.exe>

➤ Installing RMS 3.0 Contractor Mode

<https://rms.usace.army.mil/datafiles/rmsdocwebsite/files/Installing%20RMS%203.pdf>



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# CONCLUSION / FINAL REMINDERS



# FINAL COMMENTS / REMINDERS



- Offerors with technical inquiries shall submit their inquiries via “Bidder Inquiry” in ProjNet at [www.projnet.org/projnet](http://www.projnet.org/projnet).
- **Bidder Inquiry Key: 9C9DWJ-NUBUJ2**
- To assure timely and equitable evaluation of proposals, Offerors must follow the instructions contained herein. Offerors are required to meet all Solicitation requirements, including terms and conditions, representations and certifications, and technical requirements, in addition to those identified as evaluation factors.
- Proposals *must be submitted via RFP instructions*.
- Current proposal due date is **5 October 2024**.



# POINTS OF CONTACT



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# THANK YOU!

# DANKE!

