PRESENTATION FOR INDUSTRY:
WORKING WITH THE US ARMY
CORPS OF ENGINEERS,
EUROPE DISTRICT

Online Presentation

Presentation available for download:
USACE TEAM INTRODUCTIONS

Mr. Joshua Mueller
Project Manager

Ms. Jennifer Aldridge
Strategic Engagement Coordinator

Major Andrene Alexander
Contracting Officer

Ms. Spenser Ruvalcaba
Project Manager
<table>
<thead>
<tr>
<th>Industry Day: Online Agenda</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>About US Army Corps of Engineers (USACE)</td>
<td>3:00 - 08:20</td>
</tr>
<tr>
<td>Doing Business with the USACE: Part 1</td>
<td>8:21 - 17:57</td>
</tr>
<tr>
<td>Systems and Registrations</td>
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<tr>
<td>Source Selection, Procurement Tools &amp; Project Delivery Methods</td>
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<tr>
<td>Understanding the Solicitation and Proposal Preparation</td>
<td></td>
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<tr>
<td>US Procurement Law &amp; Overseas Contracting: Part 4</td>
<td>28:45 - 44:40</td>
</tr>
<tr>
<td>USACE Specific Requirements: Part 5</td>
<td>44:41 - 48:34</td>
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<tr>
<td>Construction Quality Management Course, Safety, Schedule &amp; Payments, Resident Management System (RMS)</td>
<td></td>
</tr>
<tr>
<td>Conclusions/Points of Contact</td>
<td>48:35 - 49:42</td>
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</tbody>
</table>

**Note:** The table above represents the agenda for an Industry Day event hosted by the US Army Corps of Engineers (USACE). The agenda includes various sessions focused on doing business with the USACE, covering topics from understanding the solicitation and proposal preparation to specific requirements and legal aspects. Each session is scheduled with a specific time slot, providing a clear outline for participants.
Information Provided During this Presentation

This presentation is for general information and will not change the terms and conditions of any subsequent solicitation or contract.
ABOUT THE US ARMY CORPS OF ENGINEERS (USACE)

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

• USACE supports engineering needs of the US military both at home and overseas.

• USACE consists of approximately 37,000 dedicated Civilians and Soldiers delivering engineering services to customers in more than 130 countries worldwide.
USACE is globally engaged and regionally aligned

- NAU Commander: Colonel John K. Baker, P.E.
- Headquartered in Wiesbaden, Germany
Europe District MILCON projects (past, present, and future) are located in 16 countries throughout the **EUCOM AOR**:

<table>
<thead>
<tr>
<th>Code</th>
<th>Country</th>
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<tbody>
<tr>
<td>BEL</td>
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<td>BGR</td>
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<td>CZE</td>
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<td>DNK</td>
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<td>TUR</td>
<td>Turkey</td>
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Europe District AOR (2 of 2) – Non-MILCON Workload

**EUCOM Non-MILCON Workload**
*(not already included in MILCON)*

<table>
<thead>
<tr>
<th>ALB</th>
<th>Albania</th>
<th>ARM</th>
<th>Armenia</th>
<th>AZE</th>
<th>Azerbaijan</th>
<th>GEO</th>
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<th>ISR</th>
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<td>MKD</td>
<td>North Macedonia</td>
<td>SRB</td>
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<td>UKR</td>
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**AFRICOM Non-MILCON Workload**

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<td>Tunisia</td>
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EUROPE DISTRICT OFFICES

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

- Hessen Area Office – Wiesbaden, Germany
  - Wiesbaden RO
  - CIC PO
  - Grafenwoehr RO
  - Ansbach PO
  - Hohenfels PO
  - Garmisch PO
  - Stuttgart RO

- District HQ – Wiesbaden
  - Special Projects RO (AFRICOM/EUCOM)

- BENELUX RO - Mons, Belgium
  - Brunssum PO Netherlands
  - Brussels PO - Brussels

- ROBMC (Hospital) Area Office*

- Poland MD Area Office (Redzikowo, Poland)

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

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

- Southern Europe Area Office (MK, Romania)
  - 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

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

- Israel Area Office
  - North RO
  - Haifa PO
  - Central RO
  - South RO

- •Planned Office
DOING BUSINESS WITH THE U.S. ARMY CORPS OF ENGINEERS: PART 1

SYSTEMS AND REGISTRATIONS

MAJOR ANDRENE ALEXANDER
CONTRACTING OFFICER
OVERVIEW: SYSTEMS AND REGISTRATIONS

- General Information: Registrations & ID Numbers
- DUNS Number
- Cage Code
- SAM Registration
### REGISTRATIONS & IDENTIFICATION NUMBERS

<table>
<thead>
<tr>
<th>System</th>
<th>Description</th>
<th>Website</th>
<th>General Timeline</th>
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</thead>
<tbody>
<tr>
<td><strong>DUNS</strong></td>
<td>Dun &amp; Bradstreet Number (DUNS): Unique nine-digit identification number for each physical location of your business</td>
<td><a href="https://fedgov.dnb.com/webform/">https://fedgov.dnb.com/webform/</a></td>
<td>24-48 hours</td>
</tr>
</tbody>
</table>
| **CAGE / NCAGE** | Commercial and Government Entity (CAGE) Code  
[https://eportal.nspa.nato.int/AC135Public/CageTool/home](https://eportal.nspa.nato.int/AC135Public/CageTool/home) | 7-11 business days |
| **SAM** | System for Award Management (SAM) is a registration database required for all US Federal Government Contracts and where you will find opportunities. | [www.sam.gov](http://www.sam.gov) | 12-15 business days go active |
What is a DUNS Number? It’s a unique nine-digit identification number for each physical location of your business.

How does my firm obtain a DUNS number? Go to the following web location to obtain a DUNS number at no cost: https://fedgov.dnb.com/webform/

For any questions regarding your legal business name and physical address or technical difficulties, contact Dun & Bradstreet at SAMHelp@dnb.com
Begin D-U-N-S Request Process:
https://fedgov.dnb.com/webform/CCRSearch.do?val=1
The CAGE or NCAGE code is a required piece of data for registering in the System for Award Management (SAM).

• **DOMESTIC FIRMS - What is a CAGE Code?** The “Commercial and Government Entity (CAGE)” Code is a unique five character ID used by the US Government to identify domestic companies and federal agencies.
  - 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/](https://cage.dla.mil/)

• **INTERNATIONAL FIRMS - What is an NCAGE Code?** It’s a five-character ID number used by the US Government to identify international companies. All non-US firms must obtain an NCAGE code.
  - How does your company obtain an NCAGE Code? If you are a vendor located outside the United States, one can be obtained at no cost by visiting: [https://eportal.nspa.nato.int/AC135Public/CageTool/home](https://eportal.nspa.nato.int/AC135Public/CageTool/home)
CAGE AND NCAGE CODE

Request New NCAGE Code:
https://eportal.nspa.nato.int/AC135Public/CageTool/
• U.S. Federal Government mandates contractor registration in the System for Award Management (SAM) prior to the award of a Federal contract.

• How does your company register in SAM? Go to: https://www.sam.gov/

• The website contains a video overview briefing and user guides for assistance.
US Contract 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.

All US Contractors are required to update SAM registration ANNUALLY.

In order to be eligible for the contract award resulting from a solicitation, 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 the contracting office.
The System for Award Management (SAM) is an official website of the U.S. government. There is no cost to use SAM. You can use this site for FREE to:

- Register to do business with the U.S. government
- Update or renew your entity registration
- Check status of an entity registration
- Search for entity registration and exclusion records

Getting Started

Create A User Account
Start by creating a SAM user account.

Register Entity
After creating your SAM user account, log in to register your entity.

Search Records
Do a public search for existing entity registration records or exclusion records.

Federal users can log in to see additional information.
IMPORTANT SPECIAL NOTICE

• SAM has a new entity registration requirement that firms submit an original, signed notarized letter identifying the authorized Entity Administrator for the entity associated with the Data Universal Numbering System (DUNS) number before the registration will be activated.

• Applies to all new entity registrations AND all entity registration renewals.

• NOTE: The instructions are different for domestic (U.S. based) and international (not U.S. based) firms.

For More Information:

- Go to General Services Administration’s (GSA) announcement page at https://www.gsa.gov/samupdate
- Also refer to Federal Service Desk’s (FSD) instructions on how to comply with this new requirement https://www.fsd.gov/fsd-gov/home.do.
SAM Quick Start Guide for International Registrations:

SAM Helpful Hints for International Registrants:

Video on How to Obtain a NATO Commercial and Government Entity (NCAGE) Code
https://www.youtube.com/watch?v=FWZByOu8K9o

NCAGE & SAM POINT OF CONTACT LISTED BY COUNTRY!
For any questions regarding the legal business name and physical address associated with your NCAGE Code as listed in the NCAGE Code Request tool, please contact your National Codification Bureau (NCB) representative for NCAGE matters.
IMPORTANT CHANGES!

FBO.gov is Transitioning to beta.SAM.gov

… moved…
Notices for proposed actions are publicized when contract actions are expected to exceed $25,000. Notices include solicitations, pre-solicitations, sole source justifications, awards and other notices related to the acquisition of supplies and services.

• A free web-based portal which allows vendors (contractors) to review U.S. Federal Procurement Opportunities

• Primary source of identifying U.S. Federal Opportunities.

• Vendors (Contractors) use it to retrieve Solicitations and Amendments issued by the U.S. Army Corps of Engineers (unclassified).
• **Sources Sought:** Used as a market research by contracting officers.

• **Pre-Solicitation Notice:** Makes vendors aware that a solicitation may follow. Vendors may add themselves to the Interested Vendors List, if the posting agency has enabled this feature.

• **Solicitation (Combined Synopsis/Solicitation):** Most opportunities classified this way are open for bids from eligible vendors. These opportunities include specifications for the product or service requested and a due date for the proposal. The notice will specify bidding procedures in the details of the solicitation.
• **Award Notice:** When a federal agency awards a contract in response to a solicitation, they may choose to upload a notice of the award to allow the interested vendors to view the vendor receiving the awarded contract, and amount agreed upon.

• **Special Notice:** Most opportunities classified this way are open for bids from eligible vendors (For Examples: MATOCs). These opportunities include specifications for the product or service requested and a due date for the proposal. The notice will specify bidding procedures in the details of the solicitation. Also used for announcing Industry Days.
THE BASICS
You will notice that many of the features and functionality that you utilize in FBO.gov will move to beta.SAM.gov under new names.

Watchlist will become Follow in beta.SAM.gov. If you want to follow a contract opportunity, select follow on the display page.
Migrate Your Roles

If you have a user account at any of the applications that are moving to the new beta.SAM.gov, you may migrate your roles and keep your same permissions. Begin Now.
Search agent will become Saved Search in beta.SAM.gov. Saved searches can be created directly from search results and managed from your workspace.

 Archived will become Inactive in beta.SAM.gov. Open notices are labeled as Active.
### Saved Searches

#### Truck

<table>
<thead>
<tr>
<th>Domain</th>
<th>Page</th>
<th>Sort By</th>
<th>Date Last Saved</th>
<th>Keyword(s)</th>
<th>Active Only?</th>
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<tbody>
<tr>
<td>All Domains</td>
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<td>Relevance(Desc)</td>
<td>Mar 28, 2019</td>
<td>truck</td>
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#### CO

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<tr>
<td>Contract Opportunities</td>
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</table>
HOW TO SEARCH

- Search through each award domain separately or across all domains at once with a single search tool
- Easy to understand display
- More consistent results with award data filtering options
- Sort search results by title or date modified
- Search by keyword or ID (ex: DUNS, contract number)
- Find comprehensive data about an entity with a single search
Contract Opportunity

General Information
Classification
Synopsis/Description
Packages
Contact Information
History

16--CAP, LINEAR ACTUATION

Notice ID
SPRTA1-17-R-0329

Office
Air Force Materiel Command

Location
PK/PZ Tinker AFB

General Information
29--VALVE,FUEL PRESSURI, 2915010353771NZ, 3B

Notice ID
SPRTA1-15-Q-0128

Office
Air Force Materiel Command

Location
PK/PZ Tinker AFB

General Information

Contract Opportunity Type: Updated Presolicitation
Update/Amendment Posted Date: Jun 16, 2015
Original Published Date: Dec 23, 2014
NO SYNOPSIS IS REQUIRED IAW FAR 5.202(a)(13)(i). ON 16 JUN 2015 SOLICITATION SPRTA-15-Q-0128-0001 01 THE REQUIREMENT IS CANCELLED IN ITS ENTIRETY.
NEED ASSISTANCE?

• For Help with registration, Contact the Federal Service Desk:  www.fsd.gov

Live Chat or Web form or via Phone
Hours of Operation: Monday - Friday 8 a.m. to 8 p.m. ET

<table>
<thead>
<tr>
<th>Federal Service Desk</th>
<th>Contact FSD</th>
<th>News and Announcements</th>
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<tbody>
<tr>
<td>Purpose</td>
<td></td>
<td>ALERT: FBO has Transitioned to beta.SAM.gov</td>
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<tr>
<td>The purpose of the Federal Service Desk (FSD.gov) is to help visitors get the information and assistance they need for the systems (websites) that the FSD supports. Note: There are NO fees associated with any FSD supported systems.</td>
<td>Live Chat</td>
<td>FBO has moved to beta.SAM.gov on November 8, 2019. To ensure vendors have no gaps in functionality or performance, read our Contractor Quick Start Guide. For current Federal user, you can now migrate your FBO.gov roles to beta.SAM.gov. For more information, please read our Federal User Transition Quick Start Guide, or Visit our Learning Center for more info: learning center</td>
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<tr>
<td>Supported Systems</td>
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<tr>
<td>System for Award Management (SAM) beta.SAM.gov (beta) Contract Opportunities (BetaSAM) Electronic Subcontracting Reporting System (eSRS) Federal Procurement Data System (FPDS-NG) FFATA Subaward Reporting System (FSRS)</td>
<td>Web Form</td>
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DOING BUSINESS WITH THE U.S. ARMY CORPS OF ENGINEERS: PART 2

SOURCE SELECTION AND ACQUISITION PROCEDURES

MAJOR ANDRENE ALEXANDER CONTRACTING OFFICER
OVERVIEW: SOURCE SELECTION AND ACQUISITION PROCEDURES

• Source Selection Process Overview
• Source Selection Approaches
• Source Selection Teams & Responsibilities
• Simplified Acquisition Procedures
• Project Delivery Methods
SOURCE SELECTION PROCESS OVERVIEW

- Develop Requirement & Conduct Market Research
- Develop Acquisition Strategy/Plan
- Government Issues Solicitation (via beta.sam)
  - Pre-proposal conferences/Site Visits will be held for large or complex procurements
  - Offerors submit questions and Government may amend solicitation
- Contractors submit Proposals
- Government Evaluates Proposals
- Award on Initial Offers (Decision Point)
- Establish Competitive Range
- Conduct “meaningful” Discussions
- Request & Receive Final Proposal Revisions
- Evaluate Final Proposals & Make Source Selection Decision
- Contract Award
- Debriefings
SOURCE SELECTION PROCESS OVERVIEW

Single Phase Evaluation

1. Solicitation Issued
2. Proposal Material Received
3. Final Proposal Revisions
4. Individual Evaluations
5. Caucus
6. SSA Briefing
7. Discussions* (If Required)
8. Award Decision
9. Contract Award
10. Debriefings

Comments:
- Strengths
- Weaknesses
- Merit & Confidence Ratings

Consensus:
- Strengths
- Weaknesses
- Merit & Confidence Ratings
Two COMMON Approaches

• Lowest price technically acceptable (FAR 15.101-2)
  ➢ Best value is expected to result from selection of a technically acceptable proposal with the lowest evaluated price

• 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
  ➢ All evaluation factors and significant subfactors that will affect contract award and their relative importance shall be clearly stated
  ➢ Possible Trade-offs: Technical, Past Performance, and Price/Cost
- Simplified Acquisition Procedures are similar to Source Selection but much more streamlined.

- Used by the Europe District for many humanitarian or peacekeeping projects valued at or below $500,000 and to be performed outside the United States

- The evaluations procedures are in accordance with Federal Acquisition Regulation Part 13.106-2(b)(3) – Price and Other Factors.

- Award will be made to an Offeror proposing the combination most advantageous to the Government based upon an integrated assessment of the proposals received, including price and non-price evaluation factors described in the solicitation. The award decision may be base on one or more of the following:

  - (A) The contracting officer’s knowledge of and previous experience with the supply or service being acquired;
  - (B) Customer surveys, and past performance questionnaire replies
  - (C) The Contractor Performance Assessment Reporting System (CPARS) at https://www.cpars.gov; or
  - (D) Any other reasonable basis.
PROJECT DELIVERY METHODS

**Design-Bid-Build**

**Design-Build**

**Design-Build Project Delivery**

Owner manages only one contract with a single point of responsibility; designer and contractor are on the same team, providing unified recommendations. Changes are addressed by design-build entity, not used as excuses.

**Traditional Project Delivery**

Owner must manage two separate contracts; owner becomes middleman, settling disputes between the designer and the contractor. Designer and contractor can easily blame one another for cost overruns and other problems.
DOING BUSINESS WITH THE U.S. ARMY CORPS OF ENGINEERS: PART 3

UNDERSTANDING THE SOLICITATION, PROPOSAL PREPARATION, AND USACE SPECIFIC REQUIREMENTS

MAJOR ANDRENE ALEXANDER
CONTRACTING OFFICER
OVERVIEW: UNDERSTANDING THE SOLICITATION, PROPOSAL PREPARATION, AND USACE SPECIFIC REQUIREMENTS

- Understanding the Solicitation
- Preparing your Proposal
- Exchanges with Offerors & Debriefings
- USACE/U.S. Government Specific Requirements
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.

Understanding each section prior to preparing your first RFP response will certainly save you time.
## UNDERSTANDING THE SOLICITATION PACKAGE

<table>
<thead>
<tr>
<th>Section</th>
<th>Table of Contents</th>
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<tbody>
<tr>
<td>Section 00 01 10</td>
<td>Table of Contents</td>
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<tr>
<td>Section 00 01 15</td>
<td>List of Drawing Sheets</td>
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<tr>
<td>Section 00 10 00</td>
<td>Solicitation, Contract Line Items (CLINs)</td>
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<tr>
<td>Section 00 21 16</td>
<td>Instructions to Proposers</td>
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<tr>
<td>Section 00 22 16</td>
<td>Supplementary Instructions to Proposers</td>
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<tr>
<td>Section 00 45 00</td>
<td>Representations and Certifications</td>
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<td>Section 00 70 00</td>
<td>Conditions of Contract</td>
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<td>Section 00 72 00</td>
<td>General Conditions</td>
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<td>General Requirements</td>
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<td>Section 00 73 00</td>
<td>Supplementary Conditions</td>
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<td>Sections 02 00 00 – 49 99 99</td>
<td>Technical Sections</td>
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Solicitation and Contract Standard Forms (SFs)

- Standard Form 33, Solicitation, Offer and Award
- Standard Form 1449, Solicitation / Contract / Order for Commercial Items
- Standard Form 1442, Solicitation / Contract
- Standard Form 18, Request for Quotation
- Standard Form 26, Award / Contract

Request for Proposal (RFP): This is a negotiated contract where further discussion may take place after the proposal is submitted. The offeror may have the opportunity to change pricing or technical requirements. A SF 33 or SF 1442 must be signed and submitted. Once the government agency signs the appropriate form, the contract becomes binding. (Offer & Acceptance)
### SOLICITATION, OFFER, AND AWARD
*(Construction, Alteration, or Repair)*

**IMPORTANT** - The "offer" section on the reverse must be fully completed by offeror.

<table>
<thead>
<tr>
<th>4. CONTRACT NUMBER</th>
<th>5. REQUEST/PURCHASE REQUEST NUMBER</th>
<th>6. PROJECT NUMBER</th>
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<th>7. ISSUED BY</th>
<th>8. ADDRESS OFFER TO</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**NOTE** - In sealed bid solicitations "offer" and "offeror" mean "bid" and "bidders".

10. THE GOVERNMENT REQUIRES PERFORMANCE OF THE WORK DESCRIBED IN THESE DOCUMENTS (Title, identifying number, date)

| 11. The contractor shall begin performance within _______ calendar days and complete it within _______ calendar days after receiving award. Notice to proceed. This performance period is _______ mandatory. _______ negotiable. *(See _______)*. |
|---|---|
|   |   |

12a. **THE CONTRACTOR MUST FURNISH ANY REQUIRED PERFORMANCE AND PAYMENT BONDS?** *(If "YES": Indicate within how many calendar days after award in item 12c.)*

<table>
<thead>
<tr>
<th>12b. CALENDAR DAYS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

13. ADDITIONAL SOLICITATION REQUIREMENTS

a. Sealed offers in original and _______ copies to perform the work required are due at the place specified in item 8 by _______ (hour)
   local time _______ (date). If this is a sealed bid solicitation, offers will 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 _______ is, _______ 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 _______ calendar days for Government acceptance after the date offers are due will not be considered and will be rejected.
OFFER (Must be fully completed by offeror)

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

15. TELEPHONE NUMBER (Include area code)

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

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

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) 20b. SIGNATURE 20c. OFFER DATE
The magnitudes are provided in FAR 36.204 and DFARS 236.204

<table>
<thead>
<tr>
<th>Magnitude Range</th>
</tr>
</thead>
<tbody>
<tr>
<td>$500,000 - $1,000,000</td>
</tr>
<tr>
<td>$1,000,000 - $5,000,000</td>
</tr>
<tr>
<td>$5,000,000 - $10,000,000</td>
</tr>
<tr>
<td>$10,000,000 - $25,000,000</td>
</tr>
<tr>
<td>$25,000,000 - $100,000,000</td>
</tr>
<tr>
<td>$100,000,000 - $250,000,000</td>
</tr>
</tbody>
</table>

Typical Language in the Solicitations:
Per FAR 36.204, the estimated price range of this contract (base and all options) is between $1,000,000 and $5,000,000.
**CONTRACT LINE ITEMS – SECTION 00 10 00**

Contract line items (CLINS) Price/Costs:

<table>
<thead>
<tr>
<th>Item Number</th>
<th>Supplies/Services</th>
<th>Quantity</th>
<th>Unit</th>
<th>Unit Price</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>0001</td>
<td>Construction of Warehouse</td>
<td>1</td>
<td>Job</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>0001AA</td>
<td>Design of Warehouse</td>
<td>1</td>
<td>Job</td>
<td>$1,000.00</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>0001AB</td>
<td>Construction of Warehouse</td>
<td>1</td>
<td>Job</td>
<td>$1,000.00</td>
<td>$1,000.00</td>
</tr>
</tbody>
</table>

*Fill in the highlighted sections*

*Should include all item 0001 costs*
This section provides instructions for preparing your proposal including:

- **PROPOSAL ORGANIZATION:** Volume I – Technical Proposal  
  Volume 2 – Price Proposal  

- **FORMAT:** Details regarding PDF readable format, font, and/or page limitation  

- **DEADLINES** for submitting questions regarding the RFP and proposal due date  

- **PROPOSAL DELIVERY METHOD:** For example, beta.SAM.GOV, Email or hard copy submission, address, number of originals and copies, etc.  

- **NOTICES, CONDITIONS OR OTHER INSTRUCTIONS**
This section will typically include:

- **Basis for Award:**
  - Best Value determination
  - Technical Factors level of importance

- **Evaluation Factors & Approach:** Outlines how the agency will assess and evaluate the proposals.

- **Adjectival Ratings/Descriptions:** Focuses on strengths and weaknesses of the proposal compared to the requirements in the SOW.
The Statement of Work (SOW) describes what the government agency wants you to do or supply.

Proposal Tips:

➢ When responding to the SOW, don’t be afraid to be redundant and don’t assume the proposed agency already knows the SOW.
➢ Demonstrate an approach to delivering on the listed SOW and illustrate your firm’s capabilities to the agency.
In addition to the general FAR Clauses, this section will also include local clauses including:

<table>
<thead>
<tr>
<th>Clause Number</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>52.000-4059</td>
<td>LETTER OF ASSURANCE</td>
</tr>
<tr>
<td>52.000-4062</td>
<td>BANK LETTER OF GUARANTY</td>
</tr>
<tr>
<td>52.000-4103</td>
<td>DISCLOSURE OF LOBBYING ACTIVITIES</td>
</tr>
<tr>
<td>52.000-4133</td>
<td>WORKERS COMPENSATION INSURANCE (DEFENSE BASE ACT) – COUNTRIES WITH WAIVERS</td>
</tr>
<tr>
<td>52.000-4092</td>
<td>INSTALLATION CLEARANCE / ACCESS REQUIREMENTS</td>
</tr>
<tr>
<td>STR 52.000-4004</td>
<td>IMMUNITY FROM LEGAL PROCESS</td>
</tr>
<tr>
<td>STR 52.000-4008</td>
<td>DESIGNATED COUNTRY CITIZENS ON USAREUR ACCESS-CONTROLLED INSTALLATIONS</td>
</tr>
<tr>
<td>STR 52.000-4023</td>
<td>UNAUTHORIZED SERVICE</td>
</tr>
<tr>
<td>STR 52.000-4024</td>
<td>RELATIONSHIP BETWEEN GOVERNMENT, CONTRACTOR, AND CONTRACTOR PERSONNEL</td>
</tr>
<tr>
<td>STR 52.000-4038</td>
<td>ENGLISH SPEAKING REPRESENTATIVE</td>
</tr>
<tr>
<td>STR 52.000-4043</td>
<td>CORRESPONDENCE IN THE ENGLISH LANGUAGE</td>
</tr>
<tr>
<td>STR 52.000-4074</td>
<td>TAX RELIEF</td>
</tr>
</tbody>
</table>
This section typically includes:

- **Terms for Inspection and Acceptance**
- **Deliveries or Performance**
  - Defines the terms of the contract and states any options to extend the term of the contract
  - Lists the Delivery Dates for each CLIN of the contract
- **Contract Administrative Data**
  - Invoice data
- **Special Contract Requirements**
  - Security requirements and base access (if applicable)
• REMEMBER that each Solicitation is different.

• Follow each solicitation instructions **EXACTLY**. The solicitations will instruct you on what should be submitted, where and when. It is very important to follow those instructions in order to be competitive.

• Offerors are advised to provide their **BEST PROPOSAL** in the first submission.
A Debriefing under FAR Part 15 is an opportunity for an offeror to better understand the basis for an agency’s selection decision. Debriefings give you a chance to hear from the agency regarding:

- the evaluation process;
- how your proposal was evaluated in relation to the evaluation criteria;
- what was successful in your proposal;
- what was lacking in need of improvement in your proposal; and
- reasonable responses to relevant questions about whether the source selection procedures were followed.

Offeror must submit a debriefing request to USACE within 3 calendar days after notification of exclusion from the competitive range or contract award.
US PROCUREMENT LAW & OVERSEAS CONTRACTING: PART 4
OVERVIEW: US PROCUREMENT LAW & OVERSEAS CONTRACTING

• US Procurement Regulations and Important Clauses
• Defense Base Act Insurance
• Import Tax and Value Added Tax (VAT)
• Prime Contractor Project Management
• Teaming Agreements: Joint Ventures, Key Subcontractors, Affiliates
• Bonding Requirements
• US Contracting Officer Authority
Contracts are awarded and executed under United States Procurement laws and regulations.

- Federal Acquisition Regulation (FAR)  
  (https://www.acquisition.gov/browse/index/far)

- Defense FAR Supplement (DFARS)  
  (https://www.acquisition.gov/dfars)

- Army FAR Supplement (AFARS)  
  (https://www.acquisition.gov/afars)
• Contract disputes are ruled by the Contract Disputes Act (41 United States Code, Chapt. 71), which is implemented under FAR Subpart 33.2, Disputes and Appeals

• Each contract will include a contract clause 52.233-1, Disputes, which invokes the Contract Disputes Act and establishes “claim” procedures for contractors.
  – A “claim” is a written demand seeking relief relating to a contract, in the form of a payment of money, an adjustment or interpretation of contract terms, or other relief
  – This clause is accessible online at: https://www.acquisition.gov/content/52233-1-disputes
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.

This clause is accessible online at:
CLAUSE 52.000-4004

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.
The US Government is very concerned that laborers on our projects receive working conditions and wages in accordance with Host Nation laws and regulations.

The provision “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.

The Government will always hold the prime responsible.
DEFENSE BASE ACT (DBA) INSURANCE

• The DBA covers persons employed under contract with the US Government for outside the United States for public works or national defense. The DBA provides medical treatment and compensation to employees of defense contractors injured in the scope and course of their work for the US Government.

• Some countries have waivers from the DBA Insurance requirements with respect to workers covered by their respective nations’ workers’ compensation for on-the-job injuries laws. These waivers are determined by the US Department of Labor and the US Army Corps of Engineers cannot change these determinations.

• Contracts will include either one of these two clauses:
  – When DBA applies, 52.228-3 Workers’ Compensation Insurance (Defense Base Act)
  – When DBA is waived, 52.228-4 Workers’ Compensation and War-Hazard Insurance Overseas

• Clauses are accessible online at: https://www.acquisition.gov/browse/index/far
DEFENSE BASE ACT (DBA) INSURANCE

• If the RFP indicates a DBA waiver, the RFP will have a web URL linked where you can click to get a copy of the terms of the country waiver. That web URL link is: https://www.dol.gov/owcp/dlhwc/dbawaivers/dbawaivers.htm

• When DBA is waived, the contractor must provide workers’ compensation coverage against the risk of work injury or death or ensure that adequate coverage is provided by the host or home country of the employee. The insurance coverage must also include liability for war-hazard injuries, death, capture, or detention of the employee and compensate their beneficiaries in the event of death. Furthermore, the Prime contractor in some instances will still need to carry DBA insurance for some employees: US citizens, lawful residents of the US, or employees hired in the US.

• When DBA applies, the contractor must obtain DBA Insurance coverage for employees under its contract and its subcontracts. No other insurance can serve as a substitute. DOL website has a list of authorized insurance carriers: http://www.dol.gov/owcp/dlhwc/lscarrier.htm

• The contractor must provide evidence of its DBA insurance before commencing work. Each RFP will have specific instructions.
TAX EXEMPTIONS: IMPORT TAX AND VALUE ADDED TAX (VAT)

• Contractors working solely for the purpose of supporting the US Government overseas shall not be subject to any form of income or profits tax by foreign governments overseas.

• Importation of articles by any contractors acting on behalf of the US Government overseas shall be free of any import duties or taxes. This means supplies and labor under contract for the US Government shall not be subject to direct or indirect taxation, to include value added taxes (VAT), excise taxes, sales taxes or similar taxes.

• Costs associated with import duties or taxes shall not be included in any price proposal.

• Exemption processes vary by country and prime contractors must be aware that the responsibility to process the paperwork required is the contractor’s responsibility. Each RFP will outline specific exemption procedures for each country.
• The US Government contracts are with the prime contractors. When issues arise, the US Government will not deal directly with subcontractors.

• The prime contractor must actively manage the project and ensure the work meets contract requirements and the US Government will hold the prime contractors responsible for contract execution.

• The Provision “Compliance With Host Country Rules and Customs” provides that the contractor is responsible for adequately manning and staffing the project.

• The contractor assumes the risk and cost of obtaining the necessary labor to execute the project.

• The US Government will not compensate a contractor if labor turns out to be more expensive than expected. This is true even if the reason for the added expense is a change in the host nation (HN) laws/regulations that increases a contractor’s labor cost.

• The US Government cannot influence the HN regarding visas or work permits and may not provide any assistance.
• The US Government’s policy is to recognize the integrity and validity of contractor team arrangements.

• What is a teaming arrangement? A team arrangement is a common way that two or more separate business entities may combine their capabilities and resources in such a way that they can better compete for contract opportunities and accomplish the resulting work.

• Essentially, an interested contractor may enter into a teaming arrangements with other entities that have experience or resources they may lack. Examples of where a team arrangement may be may beneficial:
  
  – A contractor that has significant design and construction experience, but little or no experience in the Host Nation where the work will be performed may benefit by teaming with a qualified local contractor.
  
  – A contractor has significant design and construction experience in the Host Nation where the work will be performed, but little or no experience working with the US Government or US Department of Defense or may benefit by teaming with a qualified contractor that does possess such experience.
• During Source Selection, the US Government may credit prime contractors for the experience, past performance and/or capabilities of a teaming partner if the proposal includes an agreement with full disclosure of the teaming arrangement and company relationships, which must be signed by authorized representatives of all team members.

• The proposal must explain the major or critical aspects of the work to be performed by each team member (to include identification of team members, a full description of roles and responsibilities of team members, and the duration of the agreement). The “credit” given will depend on the proposed participation of the teaming partner.
A Joint Venture (JV) is a common type of teaming arrangement. What constitutes a “legal” JV varies by country, but what USACE will require is described here.

If submitting a proposal as a JV, the JV must provide evidence of a legally binding JV agreement, which creates legal responsibility on the part of all contractors in the JV. The US Government may consider the experience and past performance for each joint venture partner.

The Contract will provide that JV members are jointly and severally liable for any obligations under the contract. The JV Agreement should also state this.

Each RFP will specify what must be included in the JV agreement. The following is an example:

- “The legally binding JV agreement shall be signed by an authorized officer from each of the firms comprising the JV. The JV agreement shall identify the chief executive of each entity identified, shall be translated into English, and 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.”
KEY SUBCONTRACTORS AND AFFILIATES

• In order to receive credit for the experience, past performance and/or capabilities of either a subcontractor or an “Affiliate”, the prime contractor must demonstrate what type of services the key subcontractor or Affiliate will provide, and what are the roles and responsibilities in the performance of the contract. Essentially, will it be providing facilities, labor, equipment, or anything else that will benefit the performance of the contract?

• Key Subcontractors: Prime contractors must include letter of commitment that signed by authorized representatives of both the prime and subcontractor. A template for commitment letters is typically included as an attachment to each RFP.

• Affiliates: Prime contractors can also receive credit for an “Affiliate.” The term “Affiliate” is defined in US regulations, but typically it refers to either another subsidiary that shares the same parent corporation as the prime contractor (aka “sister company”), or the parent company itself. The prime contractor’s proposal MUST describe the nature of the relationship between the Affiliates, and it MUST demonstrate how the Affiliate will participate meaningfully under the contract, and include a commitment signed by authorized representatives of both the prime contractor and its Affiliate.
TEAM ARRANGEMENTS: SUBSTITUTIONS

• Since the US Government will rely on the experience, past performance and/or capabilities of JV members, teaming partners, key subcontractors, and Affiliates in deciding which proposal presents the best value during its award decision, failure to use those same entities or personnel in the manner proposed could result in a termination of the contract for default.

• Such instances are rare, but the prime contractor must propose a substitution to the Contracting Officer in advance, who will look at any proposed substitution closely to determine if it is comparable to the entity proposed.

• In general, substitutions are not guaranteed. The Contracting Officer has no obligation to accept a substitute, and if they are not comparable in terms of experience and/or capabilities, the Contracting Officer has the discretion to decline the proposed substitution.
BONDING REQUIREMENTS

• Typically US Government requires 100% Performance and Payment bonds, which protect the US Government from a contractor defaulting on its contract obligations. These bonds are issued by approved US based surety companies (See FAR 52.228-15).

• If the RFP specifies, a contractor may submit a Bank Letter of Guarantee (BLG) instead of bond. Typically the BLG is a percentage of the contract value. Typically also, the RFP will require the contractor to provide Bank Letter of Assurance (BLA) with its proposal that shows it can produce the BLG if awarded the contract.

• The Government must be able to draw on the BLG upon request to the bank without the need to take any legal action or obtain the consent of the contractor.

• Note that if the contractor is a Joint Venture (JV), the BLA and BLG must cover all parties of the JV, not just a single member.
• The US Government establishes and modifies contracts through appointed Contracting Officers and Administrative Contracting Officers (ACOs).

• Only a warranted Contracting Officer or designated ACO has the authority to modify or otherwise change the terms and conditions of a US Government contract. If an individual other than the Contracting Officer attempts to change the terms and conditions of a contract, the contractor shall not proceed with the change and shall immediately notify the Contracting Officer.

• Contracting Officers are assisted by Contracting Officer’s Representatives (COR) who are appointed with the responsibility of directing the contractor under the terms of the contract, and monitoring the contractor’s performance for quality assurance.

• These are very important points, because legally, USACE is not responsible to pay a contractor for work performed outside what is required in the contract unless the Contracting Officer has agreed. This is true even if the work is requested by other US personnel or HN stakeholders who are not Contracting Officers (or specifically designated ACOs).
USACE/U.S. GOVERNMENT SPECIFIC REQUIREMENTS

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

MS. SPenser RUVALCABA
PROJECT MANAGER
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]
Location: Wiesbaden, Germany

Registration & Schedule:

Requirements:
- Class space is limited to the first 35 students.
- Registration deadline is two (2) weeks prior to start date.
- There is **no fee** for course attendance. For other questions regarding registration or course information please email CENAU-EC-CQM@usace.army.mil.
Engineer Manual (EM) 385-1-1 USACE Safety & Health Requirements Manual:

USACE Specifications:
• 01 35 26 Safety and Health Occupational Requirements
• 01 45 01 USACE Quality Control
• 01 45 01.01 Additional Quality Control Personnel
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)

- Comprehensive contract administration software used for ALL construction contracts.
- E.g. Submittals, schedules, pay estimates, contract modifications
The Resident Management System (RMS) is the contract administration programs designed by Resident 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-JmaZgePmlrb2zdUOqq


QUESTIONS/POINTS OF CONTACT

For questions, or to download this presentation with active hyperlinks, please visit:

### INDUSTRY DAY: ONLINE SUMMARY

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<th>Details</th>
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<tr>
<td>Doing Business with the USACE: Part 1</td>
<td>Systems and Registrations</td>
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<tr>
<td>Doing Business with the USACE: Part 2</td>
<td>Source Selection, Procurement Tools &amp; Project Delivery Methods</td>
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<td>Doing Business with the USACE: Part 3</td>
<td>Understanding the Solicitation and Proposal Preparation</td>
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<td>US Procurement Law &amp; Overseas Contracting: Part 4</td>
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<tr>
<td>USACE Specific Requirements: Part 5</td>
<td>Construction Quality Management Course, Safety, Schedule (Critical Path Method) &amp; Payments, Resident Management System (RMS)</td>
</tr>
</tbody>
</table>

**CONCLUSIONS**

THANK YOU!