

Peer Review Recommendations, Lessons Learned

Incentive and Award Fee Feedback

<i>Type of Feedback</i>	<i>Review Phase</i>	<i>Type of Contract</i>
Recommendation	Phase 1	Logistical Services (Competitive)

Feedback:

Solicitation containing provision for an award-term--recommended adding language to indicate that an award of "Excellent" does not automatically guarantee exercise of an award term option by the Government.

If feedback was a recommendation, was it implemented? Yes

Comments:

Requirements/PWS/SOW Feedback

<i>Type of Feedback</i>	<i>Review Phase</i>	<i>Type of Contract</i>
Recommendation	Phase 1	Weapon System, Technology Demonstration

Feedback:

The Peer Review team suggest the acquisition team consider asking the contractors to submit trade studies that analyze filling gaps balanced against schedule acceleration; balancing objective and threshold requirements; and prioritizing threshold requirements in the context of user stated priorities (i.e. sensitivity analysis). Also, they asked the team to consider adding a requirement for a contractor risk assessment along with a risk mitigation plan which would provide a waterfall, describe the risk management process, and discuss the contractor's plans for risk mitigation.

If feedback was a recommendation, was it implemented? Yes

Comments:

Language added to the SOW and contract data requirements lists (CDRL).

Peer Review Recommendations, Lessons Learned

<i>Type of Feedback</i>	<i>Review Phase</i>	<i>Type of Contract</i>
Recommendation	Phase 1	Weapon System, Technology Demonstration

Feedback:

The Peer Review team noted that the draft RFP requires Capability Maturity Model Integration (CMMI) Level 3. The Peer Review team provided the guidance from DoD 5000.02 and recommended the acquisition team reconsider making CMMI Level 3 mandatory in light of the 5000.02 guidance.

If feedback was a recommendation, was it implemented? Yes

Comments:

The acquisition team deleted CMMI certification stipulations from Sections L&M of the RFP and modified the SOW to require "CMMI Level 3 or equivalent" software processes be utilized. A Section H Special Contract Provision was added to prohibit contractors from directly charging the cost of certification.

Source Selection Feedback

<i>Type of Feedback</i>	<i>Review Phase</i>	<i>Type of Contract</i>
Recommendation	Phase 1	Weapon System, Technology Demonstration

Feedback:

For a program in which the acquisition strategy is to down select to two vendors through Engineering Manufacturing and Development (EMD), and then down select again into production, there is no mention in the RFP as to how competition will be maintained into production. (The acquisition team was considering leader-follower and dual sourcing, but the quantities didn't seem to justify it.) Recommendation was to lay the groundwork for competition in production now at the technology demonstration phase.

If feedback was a recommendation, was it implemented? Yes

Comments:

The acquisition team modified Section A of the RFP to better explain the Government's long-term production execution strategy. Also, SOW language was added for the delivery of a Cost Operational Effectiveness Analysis, where contractors will be required to provide an early assessment (NLT 6 months after award of the technology demonstration contract) of their emerging design and their ability to meet the interface control document (ICD) requirements. This report will be used by the Government to refine the capability development document (CDD) content for Milestone B.

Peer Review Recommendations, Lessons Learned

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Recommendation	Phase 1	Logistical Services (Competitive)

Feedback:

The Peer Review team expressed concern that the evaluation concept was based on non-price factors in total being significantly more important than price. Given the fact this was a best value source selection, the concern was that the approach made price so insignificant that it left very little flexibility for choices in a best value scenario. Recommendation was to structure the solicitation to make non-price factors "more important" rather than "significantly more important" than price.

If feedback was a recommendation, was it implemented? Yes

Comments:

<i>Type of Feedback</i>	<i>Review Phase</i>	<i>Type of Contract</i>
Recommendation	Phase 1	Weapon System, Technology Demonstration

Feedback:

The Peer Review team inquired as to whether the individuals employed by various support contractors have signed non-disclosure agreements that specify rules of engagement for handling proprietary data and personal conflicts of interest. The Peer Review team noted that there are individual company agreements in place. The Peer Review team inquired as to whether the support contractors have the contractual responsibility to the Government to ensure their employees do not have conflicts of interest.

If feedback was a recommendation, was it implemented? Yes

Comments:

The acquisition team will review the support contracts to ensure the appropriate requirements are in place.

Peer Review Recommendations, Lessons Learned

<i>Type of Feedback</i>	<i>Review Phase</i>	<i>Type of Contract</i>
Recommendation	Phase 1	Weapon System, Technology Demonstration

Feedback:

The Peer Review team noted that the solicitation states that no value will be assigned to meeting objective criteria. The Peer Review team observed that contractors need to understand criteria required not only for the instant technology demonstration phase contract, but also for the engineering manufacturing development (EMD) down select. The draft capability development document (CDD) and performance specification include OBJECTIVE requirements. The Peer Review team inquired as to how these will be evaluated and why they are included.

If feedback was a recommendation, was it implemented? N/A

Comments:

The acquisition team responded by asserting that offerors' proposals will be evaluated for their ability to meet the threshold requirements. They confirmed with the requiring command that a product meeting the threshold requirements will meet the definition of "military utility." OBJECTIVE requirements are to be utilized by the contractors as possible trade space as they look to enhance their designs during the technology demonstration phase in a competitive atmosphere to provide greater value to the Government. Increased capabilities will be balanced with cost to ensure long-term affordability. The RFP has been modified to advise offerors how performance beyond threshold up to OBJECTIVE would be valued in the EMD phase.

<i>Type of Feedback</i>	<i>Review Phase</i>	<i>Type of Contract</i>
Recommendation	Phase 1	Weapon System, Technology Demonstration

Feedback:

Recommendation to ensure deliverables are identified in Section F or mapped to a contract data requirements list (CDRL). The Peer Review team noted that some SOW requirements include delivery statements and suggested the team make sure the SOW does not conflict with the CDRLs. The Peer Review team also recommended that numerous deliverables are required by the Preliminary Design Review (PDR) and suggested the requirement modified to require delivery X number of days in advance of PDR.

If feedback was a recommendation, was it implemented? Yes

Comments:

The acquisition team made a global change to the SOW and changed the tasking statement in the SOW from "delivery to ____" to "make available." Also, all non-CDRL deliverables have been added to Section F with delivery dates.

Peer Review Recommendations, Lessons Learned

<i>Type of Feedback</i>	<i>Review Phase</i>	<i>Type of Contract</i>
Recommendation	Phase 1	Weapon System, Technology Demonstration

Feedback:

The Peer Review team noted that the draft RFP lists in Section M's Past Performance Factor a significant number of specific program requirements for which the Government will evaluate the offerors' and significant subcontractors' record of performance. The Peer Review team recommended re-assessing this listing and retaining only those program requirements which are considered to be meaningful discriminators.

If feedback was a recommendation, was it implemented? Yes

Comments:

<i>Type of Feedback</i>	<i>Review Phase</i>	<i>Type of Contract</i>
Recommendation	Phase 1	Logistical Services (Competitive)

Feedback:

Recommendation to re-write the relevancy and recency descriptions in Section M to more clearly explain what constitutes a recent, relevant effort for past performance information.

If feedback was a recommendation, was it implemented? Yes

Comments:

RFP language amended to specify recency is defined as contracts that were awarded or commenced within 3 years of the date of the solicitation. Relevant contracts were defined as contracts for the same or similar services based on size, scope, complexity and contract type. The Section M provision went on to specify the types of effort that would be considered as same or similar scope.

Peer Review Recommendations, Lessons Learned

<i>Type of Feedback</i>	<i>Review Phase</i>	<i>Type of Contract</i>
Recommendation	Phase 1	Commodity (Competitive)

Feedback:

Peer Review team recommended modification to Sections L and M to make more clear what constitutes "technical acceptability." (Source selection to employ lowest priced, technically acceptable approach)

If feedback was a recommendation, was it implemented? Yes

Comments:

Section M was changed to: "A technically acceptable offer is one that meets the Government's product requirements in Section B, specifications in Section C, quality assurance requirements in Section E, and delivery requirements in Section F. An offer that proposes an exception to one of the foregoing requirements will be reviewed to determine whether the deliverable will meet the Government's specification and delivery requirements, can physically be accepted, and not compromise quality. If so, an offer containing the exception will also be technically acceptable."

Terms & Conditions Feedback

<i>Type of Feedback</i>	<i>Review Phase</i>	<i>Type of Contract</i>
Recommendation	Phase 1	Logistical Services (Competitive)

Feedback:

Recommended revisions to requirement prospective contractor to employ a tailored earned value management system (EVMS).

If feedback was a recommendation, was it implemented? Yes

Comments:

Peer Review Recommendations, Lessons Learned

<i>Type of Feedback</i>	<i>Review Phase</i>	<i>Type of Contract</i>
Recommendation	Phase 1	Logistical Services (Competitive)

Feedback:

Recommend revising section L language from "intent to award without discussions" to "reserve the right to award without discussions."

If feedback was a recommendation, was it implemented? Yes

Comments:

<i>Type of Feedback</i>	<i>Review Phase</i>	<i>Type of Contract</i>
Lesson Learned	Phase 1	Logistical Services (Competitive)

Feedback:

Recommended adding explicit terms to make clear that contractor charges for medical services and related costs are not allowable (direct or indirect) when covered by insurance, such as Defense Base Act insurance.

If feedback was a recommendation, was it implemented? Yes

Comments:

<i>Type of Feedback</i>	<i>Review Phase</i>	<i>Type of Contract</i>
Recommendation	Phase 1	Weapon System, Technology Demonstration

Feedback:

Recommendation to develop a matrix showing the crosswalk between the performance specification, the statement of work, and Sections L&M of the RFP.

If feedback was a recommendation, was it implemented? Yes

Comments:

Peer Review Recommendations, Lessons Learned

<i>Type of Feedback</i>	<i>Review Phase</i>	<i>Type of Contract</i>
Recommendation	Phase 1	Weapon System, Technology Demonstration

Feedback:

The Peer Review team asked whether a fixed price contract might make more sense and asked how the program planned to deal with cost overruns.

If feedback was a recommendation, was it implemented? N/A

Comments:

The contracting officer determined that a cost plus type contract is the most appropriate based on the composite risk at this stage of the program. The program office will closely track expenditures of each of the contractors selected for this technology demonstration contract. Upon initial indications of an overrun situation, the acquisition team plans to direct the contractor to advise what steps will be taken to bring the plan into line. A failure to correct the issue would result in the contractor being told that additional funds would not be allocated to the contract. The contracting officer cited programmatic and technical complexity as factors that make it impracticable to reduce program risk to a level that would permit the use of a fixed priced contract.

<i>Type of Feedback</i>	<i>Review Phase</i>	<i>Type of Contract</i>
Recommendation	Phase 1	Weapon System, Technology Demonstration

Feedback:

The Peer Review team noted a number of Command-unique clauses, some of which were last modified 20+ years ago and appeared to accomplish much if not all of what is covered by the corresponding DFARS clause. Recommendation to review all such clauses across the command and consider forwarding non-standard clauses to the DAR Council for possible inclusion in the DFARS.

If feedback was a recommendation, was it implemented? Yes

Comments:

Some the non-standard clauses have been deleted and the command is researching justification for the remaining clauses.

Peer Review Recommendations, Lessons Learned

<i>Type of Feedback</i>	<i>Review Phase</i>	<i>Type of Contract</i>
Recommendation	Phase 1	Weapon System, Technology Demonstration

Feedback:

For the Section L provision that will require offerors to include documentation demonstrating certifications for DCMA/DCAA approved systems, the Peer Review team suggested this provision might also require the offerors to explain if proposed rates differ from their forward pricing rate agreements FPRAs (or forward pricing rate recommendations). Also, consider adding a sentence to require offerors to explain whether contract award will change the offeror's rate structure and whether this has been considered in the cost proposal.

If feedback was a recommendation, was it implemented? Yes

Comments:

Incorporated language into the RFP.

<i>Type of Feedback</i>	<i>Review Phase</i>	<i>Type of Contract</i>
Recommendation	Phase 1	Weapon System, Technology Demonstration

Feedback:

The Peer Review team noted that the draft RFP section M provision on "Determination of Responsibility" included the following: "To further clarify FAR 9.104-1 (e) for determination of responsibility for this contract, an offeror must have the necessary DCMA and DCAA, as applicable, systems in place prior to contract award to perform a cost reimbursement contract. These include an approved accounting system, estimating system, purchasing system and Earned Value Management System (EVMS)." The Peer Review team recommended consideration given to allow offerors that do NOT have approved system to submit a mitigation plan to "demonstrate the capability" of meeting responsibility requirements.

If feedback was a recommendation, was it implemented? Yes

Comments:

Section M language adjusted as recommended.

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Recommendation	Phase 1	Weapon System, Technology Demonstration

Feedback:

The program, which has a data management strategy to obtain government purpose rights, also plans a integrated logistics strategy to utilize performance based logistics (PBL). The Peer Review team observed that if PBL will be performed at Government facilities, the data strategy will be fine, but if the plan is to compete the PBL, then government purpose rights will NOT be adequate and the PBL will end up as a sole source to the manufacturer.

If feedback was a recommendation, was it implemented? No

Comments:

The acquisition team plans to acquire government purpose rights for the instant contract and implement a longer term data management strategy using a Section H special contract provision. They plan to purchase a technical data package as part of the competitive downselect for production. The Government plans to exercise its GPR to the maximum extent possible--per DFARS 252.227-7013, the Government will have the right to release or disclose technical data outside the Government to include competitive procurements.