

PHASE 1 - Pre-RFP

Type of Feedback	Type of Contract	Feedback Category	Feedback
Best Practice	Weapon System, Technology Demonstration	Requirements/ PWS/SOW	The Peer Review Team (PRT) noted as a Best Practice the Section L provision addressing the Integrated Master Schedule (IMS) requires the offerors to submit their proposed IMS in support of and consistent with the Integrated Master Plan (IMP) (incorporating the IMP key events, accomplishments and criteria) and it shall consist of a detailed plan for the initial six (6) months of contractual effort. Planning packages shall be utilized through the first prototype product delivery in the Engineering & Manufacturing Development (EMD) phase.
Best Practice	Competitive Multiple Award Services Contract	Source Selection	Use of sample task orders for use in evaluation is considered a best practice. The sample tasks are based on past scenarios, revised so as not to provide incumbents an unfair advantage, yet enable accurate evaluation of pricing and cost estimates.
Best Practice	Weapon System Development (Sole Source)	Pricing	Thoughtful development of the appropriate objective ceiling amount for the fixed-price-plus-incentive-fee (FPPIF). Specifically, the team analyzed the potential risk factors and dollarized that risk to arrive at a value that equates to a percent of the target cost.
Best Practice	Non-Competitive Supplies Contract	Pricing	The Peer Review Team (PRT) inquired about the procuring activity's objective position with respect to the contractor's proposed material inbound freight overhead expense. The contractor proposed this cost element as a factor. The PRT acknowledged the thoughtful analysis performed by the procuring activity to realize that there is no strong correlation between the production rate and inbound freight expenses.
Best Practice	Non-Competitive Supplies Contract	Pricing	The Peer Review Team (PRT) noted the significant difference between proposed and objective profit. In developing their pre-negotiation objective, the requiring activity took into account the fact that the contractor's cost risk is significantly reduced by virtue of the fact that the undefinitized contract action has been funded at 75% of the Not-To-Exceed price. The PRT concurred with the requiring activity's decision to utilize a unilateral determination of price, if necessary.
Best Practice	Competitive procurement of services	Source Selection	To offset any potential advantage by the incumbent, the acquisition team employed the use of government-provided "plug" dollar amounts for the offerors to use to propose travel, training, per diem, and non-material such as housing or overtime.
Best Practice	Competitive procurement of services	Requirements/ PWS/SOW	The Request for Proposal (RFP) contained a requirement for submission of a small business participation plan as part of the technical proposal as a technical sub-factor. The small business participation plan goal will be incorporated into the resultant contract and will serve as a measure of contractor performance. The Peer Review Team (PRT) recommends measuring small business participation against total contract value as a best practice.
Best Practice	Competitive procurement of services	Incentive and Award Fee	The acquisition strategy utilized a thoughtful balance between an incentive fee and cost sharing if the contractor achieves an actual cost below the target cost. Additionally, the incentive structure has been carefully tailored to ensure that the contractor cannot achieve any meaningful incentive target fee cost sharing below the target cost unless the contractor achieves a specified percent of mission performance. The Peer Review Team (PRT) believes using a minimum performance requirement before any cost share can be earned is a best practice.
Best Practice	Competitive procurement of services	Requirements/ PWS/SOW	The acquiring activity included within section L the statement, "Offerors are cautioned that "parroting" of the Mission Capability Requirements or the performance work statement (PWS) with a statement of intent to perform does not reflect understanding of the requirement or capability to perform." The Peer Review Team (PRT) considered this a "Best Practice."

Lesson Learned	Competitive procurement of services	Requirements/ PWS/SOW	The Contract Line Item Numbers (CLIN) structure was a result of lessons learned from the previous procurement. Separate CLINS were created to collect Defense Base Act (DBA) Insurance costs, and country-specific CLINs (vice individual places of performance) to enable flexibility in responding to changes.
Lesson Learned	Competitive procurement of services	Incentive and Award Fee	The acquiring activity has used the acquisition process as an opportunity to develop data gathering mechanisms and strengthen record maintenance. This will facilitate the future transition from Cost Plus Incentive Fee (CPIF) to Fixed Priced Incentive Firm (FPIF) by creating a robust and useful transaction history.
Recommendation	Commodity (Competitive)	Source Selection	Peer Review Team (PRT) recommended modification to Sections L and M to make more clear what constitutes "technical acceptability." (Source selection to employ lowest priced, technically acceptable approach.)
Recommendation	Logistical Services (Competitive)	Terms & Conditions	Recommended revisions to require prospective contractor to employ a tailored earned value management system (EVMS).
Recommendation	Logistical Services (Competitive)	Terms & Conditions	Recommend revising section L language from "intent to award without discussions" to "reserve the right to award without discussions."
Recommendation	Logistical Services (Competitive)	Source Selection	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.
Recommendation	Logistical Services (Competitive)	Incentive and Award Fee	Solicitation contained provision for an award-term. Peer Review Team (PRT) recommended adding language to indicate that an award of "Excellent" does not guarantee exercise of an award term option by the Government.
Recommendation	Logistical Services (Competitive)	Pricing	Recommended improvements to the cost and price analysis to include a DCAA review of the task order proposals (or part thereof).
Recommendation	Logistical Services (Competitive)	Pricing	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 (DBA) insurance.
Recommendation	Weapon System, Technology Demonstration	Source Selection	Recommendation to develop a matrix showing the crosswalk between the performance specification, the statement of work, and Sections L&M of the Request for Proposal (RFP).
Recommendation	Weapon System, Technology Demonstration	Source Selection	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 Request for Proposal (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.
Recommendation	Weapon System, Technology Demonstration	Terms & Conditions	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 (PRT) 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 may end up as a sole source to the manufacturer.
Recommendation	Weapon System, Technology Demonstration	Terms & Conditions	The Peer Review Team (PRT) asked whether a fixed price contract might make more sense and asked how the program planned to deal with cost overruns.

Recommendation	Weapon System, Technology Demonstration	Requirements/ PWS/SOW	Recommendation to ensure deliverables are identified in Section F or mapped to a contract data requirements list (CDRL). The Peer Review Team (PRT) noted that some statement of work (SOW) requirements include delivery statements and suggested the team make sure the SOW does not conflict with the CDRLs. The Peer Review Team (PRT) 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.
Recommendation	Weapon System, Technology Demonstration	Requirements/ PWS/SOW	The Peer Review Team (PRT) noted that the draft Request for Proposal (RFP) requires Capability Maturity Model Integration (CMMI) Level 3. The PRT provided the guidance from DoD 5000.02 and recommended the acquisition team reconsider making CMMI Level 3 mandatory in light of the DODI 5000.02 guidance.
Recommendation	Weapon System, Technology Demonstration	Terms & Conditions	The Peer Review Team (PRT) 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.
Recommendation	Weapon System, Technology Demonstration	Source Selection	The Peer Review Team (PRT) noted that the solicitation states that no value will be assigned to meeting objective criteria. The PRT 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 PRT inquired as to how these will be evaluated and why they are included.
Recommendation	Weapon System, Technology Demonstration	Requirements/ PWS/SOW	The Peer Review Team (PRT) 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.
Recommendation	Weapon System, Technology Demonstration	Terms & Conditions	The Peer Review Team (PRT) 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 PRT noted that there are individual company agreements in place. The PRT inquired as to whether the support contractors have the contractual responsibility to the Government to ensure their employees do not have conflicts of interest.
Recommendation	Weapon System, Technology Demonstration	Pricing	For the Section L provision that will require offerors to include documentation demonstrating certifications for DCMA/DCAA approved systems, the Peer Review Team (PRT) 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 (FPRRs)). 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.

Recommendation	Weapon System, Technology Demonstration	Terms & Conditions	The Peer Review Team (PRT) noted that the draft Request for Proposal (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 PRT 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.
Recommendation	Weapon System, Technology Demonstration	Source Selection	The Peer Review Team (PRT) noted that the draft Request for Proposal (RFP) lists in Section M's Past Performance Factor (PPF) a significant number of specific program requirements for which the Government will evaluate the offerors' and significant subcontractors' record of performance. The PRT recommended re-assessing this listing and retaining only those program requirements which are considered to be meaningful discriminators.
Recommendation	Competitive procurement of services	Requirements/ PWS/SOW	The Peer Review Team (PRT) recommends the acquiring activity align the Statement of Objectives (SOO), a Performance-Based acquisition tool, with proposal requirements for the service being procured. As written, the SOO requires Government approval of all the offerors' resumes. This practice is inconsistent with the purpose of a Performance-Based acquisition, creates the appearance of personal services, and relieves the contractor of responsibility for staffing with qualified personnel by shifting the determination of what constitutes "qualified" to the Government.
Recommendation	Weapon System Development	Terms & Conditions	Prospective offerors need sufficient information in the Request for Proposal (RFP) to understand what it takes to win the down select at Engineering, Manufacturing & Development (EMD) and, if at all possible, what it will take to win the production contract.
Recommendation	Non-Competitive Services Contract	Terms & Conditions	The contractor, a Federally Funded Research and Development Center (FFRDC), proposed a performance rating system found to be mathematically weighted to drive a higher, final outcome. The Peer Review Team (PRT) recommends using a Government-provided performance rating system.
Recommendation	Competitive Multiple-Award IDIQ	Terms & Conditions	FAR 52.217-8 "Option to Extend Services" is not applicable at either the task order level or the Indefinite Delivery/Indefinite Quantity (IDIQ) contract level itself for the procurement of Advisory and Assistance Services (A&AS).
Recommendation	Competitive Multiple-Award IDIQ	Terms & Conditions	In the Request for Proposal (RFP), it should be specified that the organizational conflict of interest risk management plan should be submitted as soon as possible but not later than 30 days after release of the RFP. Also, it should be specified that failure to mitigate organizational conflicts of interest may preclude award.
Recommendation	Competitive Supplies Contract	Pricing	Provisions regarding risk allocation in the Request for Proposal (RFP) should be reviewed and clearly stated so the offeror is able to accurately price the contract effort and disputes between the government and offeror can be minimized.
Recommendation	Non-Competitive Services Contract	Requirements/ PWS/SOW	In order to increase competition in the future, input from multiple Federally Funded Research and Development Centers (FFRDC) should be obtained to see if they can provide the required services, and this input should be reviewed by the program office to see if it would meet their technical requirements. Reference GAO-09-15, Federal Research: Opportunities Exist to Improve the Management and Oversight of FFRDCs, dated October 2008.
Recommendation	Non-Competitive Services Contract	Terms & Conditions	The contracting officer (CO) should ensure that the subcontractors sign the appropriate disclosures and Conflict of Interest (COI) forms.

Recommendation	Non-Competitive Services Contract	Incentive and Award Fee	Compared to other types of contractors, Federally Funded Research & Development Centers (FFRDCs) have unique fee arrangements, which are discussed in DFARS 215.404.75, Fee Requirements, typically referred to as "fee-for-need." DFARS states that FFRDCs may be provided no fee and that the decision to pay fee rest solely with the contracting offer.
Recommendation	Competitive Multiple Award Services Contract	Terms & Conditions	The Peer Review Team (PRT) cautioned the acquisition team to pay extra close attention to proposals from special purpose entities (SPEs). A special purpose entity may be created to isolate financial risk, usually bankruptcy, or to avoid taxation and regulations. SPEs created for the sole purpose of supporting a particular effort offer no protection to the Government if a resultant contract has financial difficulty.
Recommendation	Competitive Multiple Award Services Contract	Terms & Conditions	The requirements for CONUS and OCONUS are identical except that one solicitation is focused towards small businesses and the other solicitation is open to both small and large businesses. A thorough edit of both solicitations is required to ensure the language is correct to reflect the difference. For example, the small business participation plan requirement for a small business may dilute the ability of a small business to perform.
Recommendation	Competitive Multiple Award (Combination of firm-fixed price and cost type line items)	Source Selection	Minimal source selection experience within the government evaluation team has resulted in heavy reliance on contractor expertise. Recommend obtaining assistance from DAU in developing the source selection framework.
Recommendation	Competitive Multiple Award (Combination of firm-fixed price and cost type line items)	Source Selection	The Peer Review Team (PRT) does not believe that realistic pricing can be obtained for the out years (draft RFP contemplated an 8-year period of performance) and recommends consideration of a shorter period of performance.
Recommendation	Competitive Multiple Award (Combination of firm-fixed price and cost type line items)	Source Selection	To mitigate both time pressure and risk associated with evaluators' modest source selection experience, the Peer Review Team (PRT) recommends the source selection team (SST) review and document its evaluation of a small portion of one of the proposals, followed by legal counsel comment. This initial 'mini-evaluation' will help evaluators baseline how best to draft appropriate documentation of their evaluation comments and decision processes. This initial step should help the team avoid lost time and backtracking later as it will help will help evaluators baseline how best to draft appropriate documentation.
Recommendation	Competitive Multiple Award (Combination of firm-fixed price and cost type line items)	Incentive and Award Fee	Award Fee Plan (AFP) does not reflect the best business arrangement for the government in the following areas: a) Roll-Over of award fee amounts; b) Provisional fees. Therefore, the acquisition team was encouraged to consider developing cost and performance incentives in lieu of award fees in accordance with DoD policy.

Recommendation	Competitive Multiple Award (Combination of firm-fixed price and cost type line items)	Source Selection	Evaluation Criteria - Relative ranking: i. Ranking technical lower than both past performance and cost may result in awards to offerors with less capability that may not meet the government's requirements. ii. The relative ranking presupposes that no new entrants will participate in the procurement. Evaluation scheme needs to ensure that offerors with no past performance will be treated as neutral evaluation scoring. iii. Best value tradeoffs are traditionally based on technical and other factors being more important than cost. It is unclear what effect having cost in the middle range of the rankings will have on the best value process. iv. Recommend conducting a mock Source Selection Evaluation Team (SSET) evaluation scoring an award recommendation analysis to ensure that having technical subordinated in rank to cost permits a best value tradeoff.
Recommendation	Competitive Multiple Award (Combination of firm-fixed price and cost type line items)	Source Selection	Recommend the following to level the competitive playing field: 1) Develop an evaluation plan that compensates for use of Government Furnished Equipment/Government Furnished Property/Government Furnished Information (GFE/GFP/GFI) vs. elections by offerors not to use GFE/GFP/GFI; and 2) Discussion of GFE/GFP/GFI is inconsistent throughout the documents. Provide one comprehensive list and provide cross references throughout.
Recommendation	Competitive Multiple Award (Combination of firm-fixed price and cost type line items)	Source Selection	Apply the following paradigm throughout the solicitation: Tell the offerors what you want them to provide; tell them how you are going to evaluate what they provide; and document that you have done exactly what was stated.
Recommendation	Competitive Services Contract	Terms & Conditions	The (voluntary) customer survey process the Government intends to use to evaluate contractor performance needs to be included in the Request for Proposal (RFP). The peer review team cautioned that the survey process might not work as planned and that the contracting officer might have to modify the incentive structure of the contract should the survey process prove ineffective.
Recommendation	Competitive Multiple Award Services Contract	Source Selection	Throughout the Request for Proposal (RFP) there are references to 'high quality,' 'first class,' 'high levels.' Unless defined, their use can create problems during the proposal evaluation process. The Peer Review Team (PRT) recommends not using such words unless they are defined in a manner that they can be evaluated.
Recommendation	Competitive Multiple Award Services Contract	Source Selection	The Peer Review Team (PRT) discussed availability of the numerous documents referenced throughout the RFP. The plan is to provide them through FedBizOps.
Recommendation	Competitive Multiple Award Services Contract	Terms & Conditions	The Request for Proposal (RFP) refers to 'contract year' throughout. The Peer Review Team (PRT) believes it would be better to use the term 'base contract and options.'
Recommendation	Competitive Multiple Award Services Contract	Incentive and Award Fee	As drafted, offerors will propose a fee pool percentage and the evaluation team/Procuring Contracting Officer (PCO) must determine whether or not the offer is 'balanced.' The Peer Review Team (PRT) suggested defining the fee pool percentage and not allowing the offerors to propose a percentage. This ensures there is an adequate pool and simplifies the evaluation of proposals by eliminating the need to evaluate 'balance.'

Recommendation	Competitive Multiple Award Services Contract	Terms & Conditions	The draft Statement of Work required that contractor personnel adhere to DoD 5500.7-R Joint Ethics Regulation. The Peer Review Team (PRT) does not believe the DoD 5500.7-R is appropriate because it has requirements that cannot be met by an offeror. The offeror should be asked to provide their ethics plan and then evaluate it for adequacy or be provided what ethics requirements must be met. The PRT recommends FAR 52.203-13, Contractor Code of Business Ethics and Conduct, be added to the solicitation. This new clause became effective in Dec 2008 and amends the FAR to amplify requirements for a contractor code of business ethics and conduct, establishing an internal control system, and requires contractors to disclose to the Government certain violations of criminal law, violations of the civil False Claims Act, or significant overpayments.
Recommendation	Competitive Multiple Award Services Contract	Pricing	Request for Proposal (RFP) states if the Economic Price Adjustment (EPA) is made, the increase carries over to each of the remaining years on the contract. The Peer Review Team (PRT) believes this is a mistake and that the adjustment in any given year needs to stand by itself.
Recommendation	Competitive Multiple Award Services Contract	Terms & Conditions	DFARS clause 252.219-7003 - Rothe Decision - discussed impact of the decision in which the Court held that 10 U.S.C. 2323 was unconstitutional in its entirety. By memorandum dated March 10, 2009, USD (AT&L) provided guidance that all activity that relies exclusively on section 2323 should cease. The provisions in the clause at DFARS 252.219-7003 pertaining to Historically Black College and University's and Minority Institutions are based on section 2323. Accordingly, the Peer Review Team (PRT) recommended that the Government coordinate a deviation with the DAR Council to ensure consistency with a class deviation being developed by the Council.
Recommendation	Competitive Services Contract	Pricing	Submission of rate data may be problematic. Asking for overheads, expense ratios, and G&A means they must be evaluated. Given the fact this effort is competitive, there should be no need to do a cost analysis. The evaluation team should be able to use the labor valued proposed to compare against the independent Government estimate to determine if the contractor understands the magnitude of the effort.
Recommendation	Competitive Design/Build Fixed Price Incentive Fee	Incentive and Award Fee	The Peer Review Team (PRT) reviewed the Special Incentive for the Technical Data Package (TDP) and made the following suggestions: <ol style="list-style-type: none"> 1) Specifying exactly when delivery of the TDP would be required 2) The number of reviews 3) The amount of the fee the contractor would receive if they fell behind in meeting the TDP delivery plan
Recommendation	Competitive Design/Build Fixed Price Incentive Fee	Source Selection	The Peer Review Team (PRT) recommended that the language describing the weighting of the six technical/management evaluation factors be made clearer regarding the importance of the first three factors relative to the second three factors.
Recommendation	Competitive Services Contract	Requirements/ PWS/SOW	Throughout the statement of work (SOW) are directions about what should be included in the proposal. These directions should be in Section L.
Recommendation	Competitive Services Contract	Source Selection	In section M, the Peer Review Team (PRT) recommend using the word "demonstrate" vice "provide." In L, the offeror provides information. In M, we're evaluating whether or not the offeror demonstrated meeting the requirement.

Recommendation	Competitive Services Contract	Terms & Conditions	The sentence from the FAR - "Fee is payable at the expiration of the agreed-upon period if the contractor has performed satisfactorily and expends the required level-of-effort" - is misleading since for this contract the fees will be paid on a regular basis during contract performance. This FAR reference implies no fee will be paid until performance is complete. The reference is accurate when discussing the final fee payment on the contract.
Recommendation	Competitive Services Contract	Terms & Conditions	The Peer Review Team (PRT) noted the Source Selection team's approach to evaluate the offeror's teaming arrangement. The PRT suggested using a clause creating non-exclusive binding agreements, subject only to award of the contract, for the primes and major subs for an indentified period of the contract to ensure the proposed/evaluated team is the team that will actually perform the work.
Recommendation	Competitive Services Contract	Terms & Conditions	Consider providing a technical library so that offerors other than incumbent can have access to requirement information, historical scope of the work, and places of performance and duration without providing proprietary or classified information.
Recommendation	Competitive Services Contract	Requirements/ PWS/SOW	Clarify relationship between Contract Line Item Numbers (CLINs), Contract Data Requirements Lists (CDRLs), and the related requirements in the statement of work (SOW). Recommend that the SOW highlight applicability to each CLIN and SOW paragraphs map to CDRLs.
Recommendation	Competitive IDIQ for Information Technology Products	Source Selection	Request for Proposals (RFPs) need to undergo theater business clearance process--mandated for contracts that will have contractors operate in Iraq and Afghanistan. There are JCC I/A unique clauses in various sections of this RFP. It might make sense to consolidate all these clauses in section and make it clear they are applicable for performance in Iraq and Afghanistan and do not apply to other areas. Current policy requires contracting officers (CO) to refer to the Geographic Combatant Commander's (COCOMs) websites to determine if there are unique requirements for each area of responsibility where contractor employees may be called upon deploy. See Http://www.acq.osd.mil/dpap/pacc/cc/areas_of_responsibility.html
Recommendation	Competitive IDIQ for Information Technology Products	Requirements/ PWS/SOW	There are multiple places throughout the statement of work (SOW) that use phrases "such as" and "including." These leave the offerors uncertain as to what other systems/requirements must be met. Either state the requirement or say the list is inclusive of all required interface systems.
Recommendation	Competitive IDIQ for Information Technology Products	Terms & Conditions	The Request for Proposal (RFP) should be modified to make type of data rights required clear and consistent. Access to the data should be explicitly stated, including the government's right to require delivery of the data in paper or electronic format in a useable form such as spreadsheet, flat file, or Microsoft's Access Database.
Recommendation	Non-Competitive Weapon System Development	Incentive and Award Fee	In addition to products, the acquisition also includes system support. The procuring activity had planned to acquire these services as a Level of Effort (LOE) via a Cost Plus Incentive Fee (CPIF) arrangement. Ideally, the contracting officer (CO) would utilize Cost Plus Fixed Fee (CPFF) LOE with a performance incentive, but the acquisition team expressed concern that the FAR does not provide for CPFF with a performance incentive. In this unique circumstance, DPAP expressed a willingness to consider a deviation to allow CPFF with a performance incentive for this contract.
Recommendation	Competitive IDIQ for Information Technology Products	Source Selection	The Peer Review Team (PRT) believes it is the Government's intent to give no value for exceeding the performance specification. The best value trade off will be based on a comparison of the relative risk that the evaluators assign to each proposal for meeting the performance specification within the required schedule. If it is indeed the Government's intent to give value during the evaluation process for enhancements, the evaluation factors must be revised to identify what enhancements will be valued and how they will be evaluated.

Recommendation	Competitive Multiple Award Services Contract	Pricing	In order to evaluate the options, the Peer Review Team (PRT) recommended considering asking the Offerors to provide sample task orders with out-year pricing, to include escalation, and the process the Offeror will use to bid out-year task orders.
Recommendation	Competitive Multiple Award Services Contract	Incentive and Award Fee	The Peer Review Team (PRT) believes the negative incentive structure will provide a strong incentive to the contractor to maintain service levels at or above target criteria. Specifically, incentives were structured such that failure to achieve minimum performance levels would result in tiers of withheld payment. Additionally and as an alternative to termination for default, the contracting officer (CO) reserved the right to reduce the price of the Contract Line Item Numbers (CLINS). If the contractor remedies performance within the next month, the amount previously withheld will be paid.
Recommendation	Competitive Multiple Award Services Contract	Source Selection	The relative importance of the Technical/Management and Cost/Price factors must be identified. Also, recommend not including Past Performance or Qualifying Criteria in the relative order of importance as they are merely pass/fail.
Recommendation	Competitive Multiple Award IDIQ Services Contract	Terms & Conditions	Identify which business systems must be approved at the time of the contract award. Perhaps a better approach may be the use of terminology such as "an adequate accounting system." If at the time of award, a small business is determined to have an inadequate accounting system for purposes of tracking costs, you could make the award and allow only fixed price type orders until the system were capable of tracking cost type efforts.
Recommendation	Competitive Weapon System Development	Incentive and Award Fee	Acquisition team was encouraged to consider developing cost and performance incentives - in lieu of award fee - in accordance with DoD policy.
Recommendation	Competitive Weapon System Development	Source Selection	Recommend not trying to separate risk evaluation from technical evaluation for this particular acquisition. If risk is separated, provide guidance to the evaluation team not to consider risk in the technical evaluations to avoid the 'bleeding effect' that would lead to double counting strengths or weaknesses.
Recommendation	Competitive Weapon System Development	Terms & Conditions	Ensure software deliverables are identified as executable code and/or source code, and clarify what data must be delivered with Government Purpose rights. Ensure consistency regarding the rights, and executable code/source code requirements.
Recommendation	Competitive Services Contract	Incentive and Award Fee	An Award Fee plan needs to conform with the FAR Rule 16.401(e). Specifically, the peer review team pointed out that an award-fee contract is appropriate only when the work to be performed is such that it is neither feasible nor effective to devise predetermined objective incentive targets applicable to cost, schedule, and technical performance (along with two other criteria). After discussion with the peer review team, the contracting officer agreed to eliminate the award fee provision from the solicitation.
Recommendation	Design/Build Construction Contract	Incentive and Award Fee	The Peer Review Team (PRT) recommended the contracting officer (CO) review the DoD/NASA Incentive Contracting Guide (dated Oct 1969). This guide describes a methodology for developing an incentive structure that operates over an appropriate range of incentive effectiveness.
Recommendation	Non-Competitive Weapon System Development	Incentive and Award Fee	The Peer Review Team (PRT) inquired about the procuring command's plan to negotiate a Fixed Priced Incentive Fee (FPIF) arrangement with a 50/50 share ratio and a ceiling price at 120% for the product. Historically, the product has been negotiated under a Cost Plus Incentive Fee (CPIF) arrangement and the contractor has delivered at or around target cost. The PRT expressed concern that by imposing an Fixed Priced Incentive (FPI) contract, the acquiring activity might end up paying more. Further, it remains unclear how a ceiling price of 120% can be justified.

Recommendation	Competitive Multiple Award Service Contract	Requirements/ PWS/SOW	Technical - If an Integrated Data Environment (IDE) will be used, the solicitation should clarify that postings to the IDE will constitute delivery to the Government so that the Government will be able to use the data immediately upon receipt.
Recommendation	Competitive Multiple Award Service Contract	Source Selection	Overall, there is a need to synchronize Sections L and M. It would be helpful to crosswalk the subfactors with paragraph numbers.
Recommendation	Competitive Multiple Award Services Contract	Pricing	Recommend inclusion of statement that puts offerors on notice that the proposed ceiling price rates are to be used for the purpose of conducting the competition. Future task order competitions will require offerors to submit competitively priced proposals. Further, ceiling price rates in the contract would only be used as an upper limit for the starting point of time & materials task orders and sole source negotiated offers.
Recommendation	Competitive Multiple Award Services Contract	Terms & Conditions	Recommend adding contract language that will require the contractor to protect and not disclose non-public and proprietary information provided to contractor; and that contractor will not use for any purpose other than intended. Consider including language that makes all information provided under contract by government 'non-public' unless available elsewhere.
Recommendation	Competitive Multiple Award Services Contract	Terms & Conditions	Recommend adding contract language that would require the contractor to obtain non-disclosure agreements from contractor employees and provide them to contracting officer. If actual wording of the non-disclosure agreements needs to be tailored for each task order, then contract language should allow for this. Non-disclosure contract language and clauses need to flow down to subs. Consider incorporation of DFARS 252-204-7000 to couple with section H non-disclosure language.
Recommendation	Competitive Multiple Award Services Contract	Source Selection	Recommend providing a solicitation attachment that lays out all possible permutations of proposal ratings and how they will roll-up to the overall rating.
Recommendation	Design/Build Construction Contract	Terms & Conditions	Recommend clarifying where the special contract requirements (SCRs) are in the order of precedence. Because of the conflict between FAR 52.236-31 and design build contracts, it will be important to delineate an order of precedence within the solicitation. For example, consider clearly stating that the SCRs should take precedence over the rest of the solicitation to avoid ambiguity.
Recommendation	Non-Competitive Supplies Contract	Pricing	One significant area of concern to the Peer Review Team (PRT) is the allocated costs that get charged to every part, whether it is a "buy" part or a "make" part. These costs are applied, like overhead, based on the shop cost (material is part of shop cost). Factors vary by product line but can add a significant percentage on top of the part cost, the total on which profit is calculated. Even without profit, adding this markup to every material dollar for parts the contractor doesn't handle is cause for concern. The larger "should cost" issue is whether the level of support is really required. At a minimum, the team recommended profit be adjusted depending on the classification of the part as "buy" or "make".
Recommendation	Competitive Services Contract	Incentive and Award Fee	Consider incorporating an incentive to maximize AbilityOne and Wounded Warrior programs. For information, contact OUSD AT&L/DPAP/CPIC.
Recommendation	Competitive Services Contract	Terms & Conditions	Section M of the Request for Proposal (RFP) states that financial capability will be evaluated to ensure adequate financial resources. This seems more appropriate for consideration in making the affirmative determination of responsibility, rather than as evaluation factors in a selection decision.

Recommendation	Competitive Services IDIQ	Post Award Admin	The Peer Review Team (PRT) asked about the training requirements and management of the in-country team of contracting officer representatives (CORs) monitoring contractor performance. The PRT recommends that the contracting officer (CO) review the requirements in USD (AT&L) memorandum, subject: DoD Standard for Certification of Contracting Officer Representatives (CORs), dated 29 March 2010 and DEPSECDEF memorandum, subject: Monitoring Contract Performance in Contracts for Services, dated 22 August 2008. In particular, the PRT recommends coordinating with the CORs chain of command to ensure their COR responsibilities will be their primary duty and that their COR responsibilities will be addressed within their performance reports.
Recommendation	Non-competitive Weapon System Contract	Incentive and Award Fee	Recommend the performance incentive fee (PIF) be restructured so that the actual fee earned is dependent on final technical and schedule performance per the statement of work (SOW) in the contract. While the contract may provide for cash flow of the PIF based on meeting milestones, like the incentive fee on cost, the final earned performance incentive fee (EPIF) should depend on successful completion of the effort in accordance with the terms of the contract.
Recommendation	Weapon System Development	Incentive and Award Fee	The Peer Review Team (PRT) encouraged greater use of incentives. The program manager (PM) should consider the key goals that were articulated for the program and how they might be incentivized to ensure schedule and technical requirements are stressed.
Recommendation	Weapon System Development	Source Selection	A minimum set of management metrics that are used in common by both the Government and contractor should be specified and required, e.g., requirements stability, Technical Performance Measures (TPMs), DR profile and other software metrics, e.g., software sizing. In addition, consistent software metrics are needed to support software resources data report (SRDR) population used by OSD for cost estimation.
Recommendation	Weapon System Development	Requirements/ PWS/SOW	A robust description of the required system architecture that will facilitate reconfiguration, portability, maintainability, technology insertion, vendor independence, reuse, scalability, interoperability, upgradeability and long term supportability as required by the 23 December 2005, OPNAV N6/7 requirements letter was not apparent.
Recommendation	Competitive Multiple-Award Services Contract	Terms & Conditions	Throughout Section L, there are references to Section H. The Peer Review Team (PRT) is concerned about using Section H references. The section H procedures are for evaluating task orders after award of the contract and Section L for awarding the contract. There's the opportunity for a disconnect between the two. The logic for using the Section H clauses was to ensure there were no configuration control issues between the two. The PRT believes while the procedures are basically the same; they are for two different points in time and ought not be blended together.
Recommendation	Competitive Multiple Award Services Contract	Pricing	Although the solicitation as written provides a large number of labor categories, it does not require offerors to submit technical or price proposals against sample tasks. The peer review team is concerned that, as written, the pricing strategy does not provide for a standard upon which to base an assessment of the offerors' pricing of the requirements. It only provides for a strategy attuned to a T & M structure and does not address the strategy of how the pricing/rates will be evaluated from a realism standpoint.

Recommendation	Non-Competitive Supplies Contract	Terms & Conditions	The solicitation includes numerous mandatory “shall” actions for the contractor, with no stated consequence (besides termination) for noncompliance. Since termination is unlikely for issues that may not have a major effect on overall performance, enforcement of such clauses without stated consequences can become difficult (especially in a sole-source environment). If contractor compliance with these type of clauses has been problematic, we suggest that the contracting officer (CO) review the mandatory actions required of the contractor in the clauses, and determine which are important enough to warrant a (fee) withhold for non-compliance. Then, the CO should consider developing a special contract clause referencing those provisions and the amount of withhold applied to each, for non-compliance.
Recommendation	Competitive Weapon System Development	Requirements/ PWS/SOW	Systems Requirements Document (SRD) discussion: Recommend including a discussion about reliability growth. Guidance developed by Reliability Improvement Working Group is available at: https://acc.dau.mil/CommunityBrowser.aspx?id=219127&lang=en-US
Recommendation	Competitive Multiple Award IDIQ Services Contract	Terms & Conditions	As a rule, requirements should only be listed once in the contract rather than repeated in multiple places. As changes are made it is too easy to miss one and then create an inconsistency.
Recommendation	Competitive Multiple Award IDIQ Services Contract	Terms & Conditions	The Peer Review Team (PRT) recommends not incorporating the proposals into the contract unless there’s a specific reason to do so. For example, if there’s a need to bring forward a specific plan, it’s better to make it a Section J attachment. During discussion there was a concern that an offeror would offer a distinct service that would be lost if the proposal is not incorporated. Since the technical evaluation is acceptable/unacceptable, the PRT would be concerned with recognizing a “distinct service” not currently called for within the performance work statement (PWS). The team noted it would make more sense if the offeror offered any distinct service in later in the task order competition.
Recommendation	Competitive Weapon System Development	Pricing	The Peer Review Team (PRT) noted the inherent risk involved with the lengthy contract period of performance. Specifically, the team expressed concern regarding the pricing risk over such a long period and maintenance of the proposed prime - subcontractor relationship.
Recommendation	Competitive procurement of services	Source Selection	Sections L and M need to be revised to eliminate inconsistent and duplicative language on evaluation criteria. Section M should be written first, saying what/how the government will evaluate the proposal. As currently written, it is unclear whether offerors would be able to exceed evaluation criteria. Section L should then be written to detail what the offerors need to put in their proposal to allow the Government to do the evaluation. The discussion in L and M should be mirror images but not the exact same words. There should be nothing in Section L instructing the offerors to provide that does not line with specific evaluation criteria in Section M.
Recommendation	Competitive Weapon System Development	Pricing	As drafted, the Request for Proposal (RFP) is unclear as to whether some Contract Line Item Numbers (CLINS) are for services or supplies. Due to the type of acquisition and 10 year length of contract, this lack of clarity may complicate funding. The Peer Review Team (PRT) recommended CLINS be reviewed to ensure funding and contract structure is appropriate.
Recommendation	Competitive Weapon System Development	Source Selection	As drafted, the Request for Proposal (RFP) included numerous evaluation factors to an extent that prudent evaluation would be a very lengthy and time consuming task. The Peer Review Team (PRT) suggested simplifying the evaluation criteria. It was recommended the criteria be more selective and that the Procuring Contracting Officer (PCO) consider using an "acceptable/not acceptable" approach to some of the criteria.

Recommendation	Competitive Weapon System Development	Source Selection	The Peer Review Team (PRT) recommended providing tailored training to the evaluators encompassing ethics, evaluation mechanics, proper documentation, and on how to develop sufficient narratives articulating their ratings and associated impacts.
Recommendation	Competitive Weapon System Development	Source Selection	The Peer Review Team (PRT) recommended ensuring information kept at the source selection location is secured due to shared facilities. Further, it was recommended the procuring command determine if the secured portal is sufficiently portioned to allow for limited access to secured information.
Recommendation	Competitive Weapon System Development	Pricing	The Peer Review Team (PRT) noted the solicitation contains a single priced option for data rights in software. It is recommended the procuring team ensure that this price element be evaluated in a way that addresses the likely variability in offers.
Recommendation	Competitive Weapon System Development	Incentive and Award Fee	When examining the Performance Incentive Plan (PIP), the team noted its complexity and extremely tight earned value parameters that would have to be met to earn the fee. It was recommended that the Procuring Contract Officer (PCO) further refine the incentive structure to clearly create a meaningful and practical incentive for cost control.
Recommendation	Competitive Weapon System Development	Source Selection	The Request for Proposal (RFP) contained in several places slightly different descriptions of what would qualify as past performance. Additionally, some descriptions of relevant past performance were narrower than others, possibly excluding some potential bidders. As such, the Peer Review Team (PRT) suggested all language relating to required past performance experience be made consistent, and stated in a manner enabling competition to the maximum extent practical.
Recommendation	Competitive Weapon System Development	Requirements/ PWS/SOW	The Peer Review Team (PRT) noted for one Contract Line Item Number (CLIN), the solicitation includes software licenses as an ODC subject to a cap, rather than as a separate deliverable. Consider allowing the contractor to use the DoD Enterprise Software Initiative.
Recommendation	Competitive Weapon System Development	Requirements/ PWS/SOW	Execution of the contract requires interfacing with legacy software, the key algorithm of which is proprietary. Current language describing this is ambiguous and it could be construed as risky by bidders, potentially increasing bid prices. As such, the Peer Review Team (PRT) recommended the solicitation specifically state that interfaces to existing proprietary elements of this software are open and non-proprietary.
Recommendation	Competitive procurement of supplies	Source Selection	Recommend acquisition team consider increasing the Small Business requirement and/or increase incentives to encourage their inclusion in the procurement.
Recommendation	Competitive procurement of supplies	Requirements/ PWS/SOW	The Peer Review Team (PRT) recommended the Procuring Contract Officer (PCO) hold a pre-proposal conference, particularly to explain intended use of a reverse auction mechanism and generally to ensure bidders thoroughly understand the procurement.
Recommendation	Competitive procurement of supplies	Source Selection	Recommend the acquisition team provide specific and appropriate training to the evaluators, including specific expectations regarding appropriate degree of documentation.
Recommendation	Competitive procurement of supplies	Post Award Admin	The Peer Review Team (PRT) recommends establishing business rules that: (1) include identification of authorized ordering officers; (2) establish an ordering guide that delineates the ordering process; and (3) coordinate with the agency to identify roles and responsibilities for contract management.

Recommendation	Competitive procurement of supplies	Requirements/ PWS/SOW	The successful bidder is required to have a large variety and quantity of items available at pre-determined confidence intervals. The Peer Review Team (PRT) recommended the Procuring Contracting Officer (PCO) clarify at what point in time the vendor must comply with this requirement--differentiating between time of proposal submission vs. at contract award.
Recommendation	Competitive procurement of supplies	Source Selection	Recommend removing statement that offeror attest by signature that he will comply with the requirements of the statement of work (SOW). It is the opinion of the Peer Review Team (PRT) that it has no practical value.
Recommendation	Competitive procurement of supplies	Source Selection	Although the Peer Review Team (PRT) endorsed the Low Price Technically Acceptable (LPTA) model for this particular acquisition, it recommended the Procuring Contracting Officer (PCO) further articulate the merits of this approach, given the size and character of the acquisition. For example, by stating that, in this commodity class most innovation occurs in the private sector and the government is the indirect beneficiary.
Recommendation	Competitive procurement of supplies	Pricing	The reviewed acquisition was for non-developmental, commercial commodities for which the government is a minor buyer in regards to the market as a whole. Given that fact, members of the Peer Review Team (PRT) expressed concern about the 10 year period of performance. Specifically, they recommended that the acquisition team consider the advantages of more frequent competition and shorter option periods.
Recommendation	Competitive procurement of supplies	Source Selection	The Peer Review Team (PRT) recommends that when discussing the Reverse Auction mechanism in the solicitation, clarify: 1) whether or not the auction outcome constitutes the final proposal revision; and 2) whether only the lowest price (recommended) or the prices of all offerors will be disclosed.
Recommendation	Non-Competitive Supplies Contract	Pricing	The Peer Review Team (PRT) suggested that the acquiring activity confirm the contractor includes commercial sales projections in their future business base for overhead rates that will be employed on the reviewed contract. Additionally, the contractor should be compelled to provide additional information on the base projections proposed through the planned period of performance under this contract.
Recommendation	Non-Competitive Supplies Contract	Pricing	The Peer Review Team recommended the acquiring activity leadership engage the program office to stratify the major subcontracts into high, medium, and low technical risk for the purpose of establishing a composite profit objective that accounts for the prime contractor's management of its supply chain. Subcontractor cost that is identified as high risk should be assigned higher profit objectives than medium or low risk.
Recommendation	Non-Competitive Supplies Contract	Pricing	The Peer Review Team (PRT) suggested offering the contractor a share ratio that will provide a stronger enticement to underrun the target cost and a more aggressive position on target cost and target profit with an incentive tied to long term performance.
Recommendation	Non-Competitive Weapon System Development	Pricing	The Peer Review Team (PRT) recommended that the acquisition activity not conclude negotiations until it gets the prime contractor to secure firm price arrangements with the top group of subcontractors. The concern is that uncertainties are cascaded from the Low Rate Initial Production (LRIP) phase and by the time the government understands what has happened, the program is well into production lots. Until the program has a sense for where the contractor will end up from a cost perspective, it should insist on firm price arrangements for the major subcontractors.

Recommendation	Competitive procurement of services	Source Selection	The Peer Review Team (PRT) recommends that information conveyed to industry via draft Request for Proposal (RFP) questions and answers be formally captured in the formal RFP. This will enable the RFP to stand on its own without one needing to refer to supplemental documentation to fully understand the requirement.
Recommendation	Competitive procurement of services	Requirements/ PWS/SOW	The Peer Review Team (PRT) suggested that the procuring activity utilize a secure bidder's library to provide approved bidders greater insight into the requirements.
Recommendation	Competitive procurement of services	Incentive and Award Fee	The acquisition strategy envisioned a stair-stepped cost incentive that would enable the contractor to earn additional fee if the contractor were to realize specific cost savings. The Request for Proposal (RFP) provides that the contractor might earn an additional 1% of the estimated cost if it were to achieve a 4% reduction in cost; however this would not occur until the 4th year of the contract. The Peer Review Team (PRT) recommended a revision to initiate this mechanism such that the contractor's performance, with respect to cost, will be assessed after the 2nd contract year. In other words, if the contractor is able to perform the same scope of effort in the 2nd year at 98% of the estimated cost, then it would earn an additional 1 percentage point of fee. Waiting until the 4th year forestalls the incentive for the contractor to institute efficiencies and therefore the PRT recommends providing an incentive in the near term.
Recommendation	Sole source procurement of services	Pricing	The Peer Review Team (PRT) expressed concern regarding the disproportionate share of engineering hours proposed on a contract for what is essentially logistics and provisioning. This should not generally be the case in a mature production program. The PRT recommends that the requiring activities examine ways to reduce this cost.
Recommendation	Non-Competitive Weapon System Development	Pricing	The Peer Review Team (PRT) suggested that the acquiring activity go back and look at similar programs as datapoints for the learning curve analysis - early in production there is generally a steep slope. It appears that the learning curve utilized by the acquiring activity is rather shallow for a Low Rate Initial Production (LRIP) purchase.
Recommendation	Non-Competitive Supplies Contract	Pricing	The Peer Review Team (PRT) noted the cost analysis of the major subcontracts has not included a comprehensive assessment of the actual cost history for non-COTS supplies. The contracting officer must insist that this information be made available through the prime contractor, directly from the supplier, or via DCAA as required.
Recommendation	Competitive procurement of services	Incentive and Award Fee	The Peer Review Team (PRT) recommended the incentive structure be carefully reviewed to ensure the performance incentivized matched the desired outcomes as articulated in the performance work statement (PWS). It was suggested that language be added to the appropriate part of the Request for Proposal (RFP) clearly stating the desired outcome and then refer to the PWS. This would serve to tie the incentive structure to the PWS rather than the incentive structure defining the performance.
Recommendation	Non-Competitive Supplies Contract	Pricing	The contract was structured such that the acquiring activity planned to negotiate prices that would be effective for a three-year period based on actual cost data. This retro-determination of pricing does not adequately protect the government's interest as the contractor would potentially realize windfall profits in the intervening time between agreements on price for each item. The Peer Review Team (PRT) recommended instead using a Fixed Price Incentive (FPI) contract type.

Recommendation	Non-Competitive Weapon System Development	Pricing	The potential exists in the procurement for the contractor to implement cost reduction initiatives (CRIs). The Peer Review Team (PRT) inquired as to whether the procuring activity planned to pay for the CRIs, the cost/benefit of doing so, and what mechanism would be used to capture the savings. The PRT suggested that if CRIs are acquired, the contract should contain a clause that requires the savings be returned to the Government.
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