



# Navy Virtual SYSCOM SeaPort Concept of Operations Guide

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## Document History

Version	Date	Changed By	Description
10.0	11/28/2006	Aquilent	Revamped document from MS PowerPoint to MS Word to facilitate a topic-based approach with table-of-contents.
10.1	3/12/2007	Aquilent	Updated section 2.16 ("Small Business Review & Restricted Competitions") to reflect changes in 8(a) program guidance.
10.2	5/22/2007	Aquilent	Updated multiple sections based on new Command Coordinator role replacing Zone Coordinator, and revisions to roles of SeaPort-e Council and Governance Council in Sections 2.6 and 2.7; added information about TD/TI use in Section 2.13; deleted web links that were not functioning in Section 2.19; updated Section 4.4 to reflect latest MOPAS guidance; added language to section 5.6 regarding legal review for scope determinations; added language to Section 5.9 addressing vendor's ability to voluntarily recertify; added Section 5.11 Past Performance Reference Content and revised numbering of remaining paragraphs in Section 5; add Section 9.5 for Task Order Completion and Close-out; and made other minor administrative changes.
10.3	11/17/2009	SeaPort PMO	Update Section 2.16 to reflect change allowing 8(a) competitions, 5.14 to reflect change to mandatory proposal response times and 5.16 to expand recommended description
10.4	4/14/2012	SeaPort PMO	Updated guide in its entirety
10.5	5/9/2012	SeaPort PMO	Updated Section 2.22 to include waiver authority and provide guidance on level of effort task order periods of performance.
10.6	4/14/2016	SeaPort PMO	Updated CONOPS Guide in its entirety. Replace Exhibit B – Seaport Standard Ratings with updated Ratings from the Source Selection Guide dated 31 March 2016.

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# 1 Operations Procedures

Due to the decentralized ordering of services by all Virtual SYSCOM activities from SeaPort-e vendors, the need to establish overarching processes and common procedures is necessary to ensure consistency throughout the SeaPort ordering offices and to provide the maximum opportunity for competition.

## 1.1 Points of Contact

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The following points of contact are provided for the Seaport-e Program Office:

[Seaport\\_EPCO@navy.mil](mailto:Seaport_EPCO@navy.mil) - Questions for the MAC Contracting Officer regarding specific SeaPort-e MAC contracts such as size status, ordering period information, vendor name/address/DUNs/CAGE Code changes and Rolling Admissions

[Seaport\\_PM@navy.mil](mailto:Seaport_PM@navy.mil) – Questions for the Seaport Program Management Team regarding Governance, CONOPS, training opportunities, Seaport-e programmatic issues and policies

[Seaport\\_Ombudsman@navy.mil](mailto:Seaport_Ombudsman@navy.mil) – Requests for the overarching Ombudsman, located at NAVSEA, to provide additional reviews of solicitation or task order issues after they have been reviewed by the activity's local Ombudsman. See **Exhibit K** for a listing of all local ombudsmen

[Seaportsupport@aquilent.com](mailto:Seaportsupport@aquilent.com) - Seaport-e Helpdesk address when access to the portal is not available – Please input formal helpdesk tickets when access is available for questions concerning technical issues with the Seaport-e system and functionality

Password resets and/or Seaport access should be sent to the local field administrator. Questions regarding awarded task orders or the development of solicitations should first be posed to the issuing contracts office and contracting officers

## 2 Basic Ground Rules

### 2.1 Use of SeaPort-e

SeaPort-e is a tool by which all activities can obtain cost effective non-commercial services through competitive and efficient means. SeaPort-e is available for use in conducting competitive unrestricted procurements and also procurements restricted for competition within the small business, 8(a), Hub zone, Small Disadvantaged Veteran Owned small business and Economically Disadvantaged Woman Owned small business sub-categories

Small Business Innovative Research (SBIR) requirements cannot be procured through SeaPort-e

Only authorized Ordering Activities (**Exhibit L**) may place orders under SeaPort-e

Neither Time and Material orders nor undefinitized orders are permitted

All potential SeaPort-e task orders shall offer a fair consideration/opportunity to all offerors in the appropriate zone. In the event a valid basis to not offer a fair opportunity exists, an alternative (non-SeaPort-e) contracting vehicle will be used

No sole source work is allowable in SeaPort, which includes increases in ceiling or level of effort regardless of whether or not the scope has changed. The follow depicts certain circumstances where ceiling adjustments may be made:

- The only instance where the ceiling of a cost-type task order can be increased is where the increase is required for wage determinations under Task Orders subject to the Service Contract Act of 1965, as amended
- It is permissible to increase the cost ceiling in order to obtain the contracted level of effort, i.e. as an overrun, It is also permissible to increase the cost only ODC CLIN(s) in instances where legitimate changes have occurred that were not known at the time of award, i.e., increased travel requirements
  - Ceiling from ODC CLINs cannot be transferred to Labor CLINs in order to increase the LOE of a task order
- In Firm Fixed Price orders, the total FFP ceiling cannot be increased; there is latitude to realign level of effort between Option Years, as long as it does not exceed the established FFP for the entire order. In most cases the realignment between Option Years will result in a shorter period of performance. The Option to Extend Service Clause 52.217-8 cannot be invoked unless a Fixed Price was obtained prior to award of the contract for any anticipated extension. It is advised when soliciting using FFP to add an Option CLIN so contractors may price an extension, if needed

### 2.2 Ombudsman

Each Authorized Ordering Office shall appoint an Ombudsman. The Ombudsman will review complaints from the contractors and ensure that all contractors are afforded a fair opportunity to be considered, consistent with the procedures in the contract

It is recommended that either the Competition Advocate or the Deputy for Small Business be appointed as Ombudsman

The Overarching Ombudsman resides in NAVSEA 02. The Overarching Ombudsman will review complaints from SeaPort-e contractors after the individual site Ombudsman has reviewed without resolution

The Overarching Ombudsman will ensure that all contractors are afforded a fair opportunity to be considered, consistent with the procedures in the contract

The latest version of the SeaPort-e Command Coordinators and Ombudsman list is available on the SeaPort-e portal. Government users log in on the Buy Site, click on the Modules Tab, choose Proposal Event, then click on the “? Help Icon” in the upper right corner. Vendors must logged in to the Vendor Site and view the list via the “? Help Icon” in the upper right corner. Requests for revisions to the list should be submitted to the SeaPort program office (Attn: [Seaport\\_PM@navy.mil](mailto:Seaport_PM@navy.mil) )

## 2.3 Contract Administration

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Only the SeaPort-e Multiple Award Contract (MAC) Contracting Officer may make modifications to the SeaPort-e contract or represent the Navy on its behalf in regards to these contracts. The Director of Contracts (SEA 02) shall appoint the SeaPort-e MAC Contracting Officer. The SeaPort-e MAC Contracting Officer shall monitor the MAC ceilings to ensure that task orders are not placed in excess of the ceiling

## 2.4 Small Business Targets

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The NAVSEA Director for Small Disadvantaged Business Utilization (SADBU) shall monitor overall SeaPort-e contract actions against the SeaPort-e contracts’ small business targets (both for prime obligations and subcontracting)

Each activity’s Deputy for Small Business shall work closely with the NAVSEA SADBU and the relevant Command Coordinator to ensure that small business participation is maximized. A complete listing of Command Coordinators is available within the CONOPS Tab, under Reference Materials

Contracting Officers are responsible to check the small business report within the portal annually to ensure the small business prime is performing greater than 50% of the effort

## 2.5 Warrant Levels

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The warrant levels as issued by the respective Commands shall apply to Task Orders awarded by their Contracting Officers

All Task Orders shall be awarded in accordance with specific warrant authority

## 2.6 SeaPort-e Governance Council

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The SeaPort-e Governance Council shall be a user oriented group to provide input with regard to best practices, change requests (CR), etc.

This group shall meet monthly via phone con with representation from all SYSCOMS at the ordering office level

The minutes of the meetings will be distributed to all members electronically before the next scheduled meeting. It is the responsibility of each Governance Council member to disseminate any policy or functionality changes and any system outages to its own command

The SeaPort-e Governance Council will perform quarterly reviews of awarded task orders to ensure compliance with all policies and procedures governing the use of SeaPort. A quarterly report detailing all task orders awarded during the period will be provided to the Governance Council member representing DASN AP, who will randomly select a representative sample from each activity for review. The results of the review will be documented and forwarded to DASN AP

The Governance Council members of each command shall be the primary collection point for the identification of desired Portal modifications or chronic problems

Updates to the Governance distribution list can be emailed to [Seaport\\_PM@navy.mil](mailto:Seaport_PM@navy.mil)

## 2.7 Rolling Admissions

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Rolling Admissions is the process in which SeaPort-e can expand the number of contract holders and ordering offices. During the Rolling Admissions period, current MAC holders also have the opportunity to expand into additional zones as well as recertify the size status of their company. Rolling Admissions is conducted by the MAC Contracting Officer

## 2.8 Contracting Officer's Representative's

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In accordance with DFAR PGI Part 201.602-(i)(A), a Contracting Officer's Representative (COR) must be designated by the Contracting Officer for any services contract. Under SeaPort-e, the COR previously had been described as the Task Order Manager (TOM)

The COR must be identified in the Portal and in the Task Order for which they are being appointed. The COR must be registered in SeaPort-e and have the role of COR assigned to them in order to be selected from the dropdown menu. A modification to the Task Order must be issued to officially change the COR

The COR appointment letter, along with training documentation (either the training certificate or other evidence of training) shall be uploaded into the electronic 1102 file for the task order in the portal. The COR must be appointed in compliance with the procedures in place at the requiring activity (including training, certification, appointment letters, etc.) Since both the 1102 and COR files contained within the portal are the official contract files, the files used in any internal/external review, the COR information contained in the COR tool does not substitute for the information being uploaded in the SeaPort portal

The COR shall use the electronic COR files in the portal as the official COR file

## 2.9 Portal User Accounts

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Each activity shall identify to the SeaPort program office (Attn: Seaport\_PM@navy.mil ) a Primary and Alternate Facility User Administrator (FUA) who will be responsible for approval and management of user accounts, including disabling accounts upon a user's departure from government service

These FUAs will be responsible for management of user accounts and will not be required to perform any other function of SeaPort system administration. FUAs are responsible for ensuring that the appropriate level access is provided to users.

FUAs shall validate the need for access to the system when the user initially applies and at any time additional roles are requested.

- FUA shall validate any request for the role of COR by receiving a copy of the COR training certificate and nomination documentation, along with identification of the specific task order(s) for which they will be performing the role of COR. FUAs shall keep a record of these validations for audit purposes.
- FUAs shall validate the role of Contracting Officer by ensuring the individual does indeed hold a contracting officer warrant before approving the request. FUAs shall keep a record of these validations for audit purposes.
- FUAs shall also ensure that user's accounts are **Deleted**, as opposed to **Deactivated**, whenever a user detaches from the activity, even if the user is transferring to another Navy activity. The receiving activity FUA is required to establish a new account for the user and shall not simply modify the existing account to reflect the new location.
- FUAs shall ensure that access provided to evaluators (individual's not needing access in order to perform their normal responsibilities) is **deleted** as soon as award is made or, in the event of a protest when the protest is adjudicated.

Bi-annually, FUAs are required to perform a review to ensure individuals granted access still require both access and the specific level of access. FUAs will document the results of these bi-annual reviews, specifying the date and time the review was conducted and what, if any, actions were taken. The documentation shall be forwarded to the SeaPort Program Manager, ([Seaport\\_PM@navy.mil](mailto:Seaport_PM@navy.mil)) for retention

Annually, FUAs are required to perform a review to ensure individuals granted access as warranted contracting officers at their respective activity still require that level of access. FUAs will document the results of the annual review, specifying the date and time the review was conducted and what, if any, actions were taken. The documentation shall be forwarded to the SeaPort Program Manager, ([Seaport\\_PM@navy.mil](mailto:Seaport_PM@navy.mil)) for retention

The latest version of the SeaPort-e Field User Administrator list is available on the SeaPort-e Buy Site under the ConOps Tab

Only Government employees and Military personnel associated with authorized ordering activities with an account may have access to the Buy Site of the portal. Absolutely no contractor access to the Buy Site is authorized

## 2.10 Notification of Problems – Account Administration

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Day to day portal issues shall be addressed to the Facility User Administrator (FUA). The FUA can do the following:

- Reactivate accounts
- Establish and modify system roles

Unresolved issues shall be referred to the SeaPort-e Help Desk support provided by Aquilent – contact information: [seaportsupport@aquilent.com](mailto:seaportsupport@aquilent.com)

## 2.11 Notification of Problems – Portal Access

**The SeaPort Portal shall be used to place all SeaPort-e Task Orders. The electronic version of all pre-award and post-award actions serves as the Official Record**

In the event that the Portal is technically unavailable or experiencing performance issues, the Command Coordinator and the SeaPort-e Helpdesk should be promptly notified of the specific issues and the solicitation or task order affected.

In the unlikely event that the SeaPort Portal is unavailable during proposal submission, proposals may be submitted in accordance with clause H.5 of the SeaPort-e contract. The cognizant Contracting Officer for the competitive procurement affected is then responsible for making sure that all proposals are properly uploaded within the respective "Award Determination" area of the applicable procurement "Package" prior to task order award

## 2.12 Task Order Requirements

The award of Task Orders should only be made for known requirements. Task Orders may not be awarded for requirements that are not defined or used as larger umbrella vehicles for work to be defined later. Therefore, **task orders may not be issued as BPAs, BOAs, or IDIQs**

Task Order requirements may be subject to Technical Instructions (TI) or Technical Directions (TD), issued in accordance with Command policy and procedures and signed by the COR listed in Section G of the Task Order, if authorized in the Task Order

TI/TDs must be within the general scope of work stated in the order

TI/TDs may be used to:

- Provide direction to suggest pursuit of certain lines of inquiry, shift work emphasis, fill in details or otherwise accomplish the contractual SOW

- Provide guidelines to assist in the interpretation of drawings, specifications or technical portions of work description

TI/TDs may not be used to

- Assign additional work under the order;

- Direct a change as defined in the "CHANGES" clause of the basic contract;

- Increase or decrease the order price or estimated order amount (including fee), as applicable, the level of effort, or the time required for order performance; or

- Change any of the terms, conditions or specifications of the contract and order; or

Be used to order spare parts/materials/prototypes that are not specified within the task order. In order to ensure adequate accountability of government property, material must be identified within the task order and have a contractual delivery date, similar to the requirements under a non-Seaport order. Material purchases under SeaPort-e shall not be a significant portion of the total value of the order, SeaPort-e task orders are not supply orders. If the parts/material is not identifiable in its entirety at the time of solicitation, every attempt shall be made to identify as much as possible under a separate CLIN(s). Once in Post award, as soon as the parts/material/prototype is defined, the task order shall be modified to include the defined parts/material/prototype.

The TI/TD 1102 review process will be determined at the TO level. The COR appointment letter should include the responsibilities for submitting TI/TD's for review in accordance with

local activity procedures. Ultimately the contracting officer is responsible for ensuring TI/TDs are within the scope of the work stated in the order. Follow Command policy/procedures if TI/TD's are to be utilized.

## 2.13 Subcontractor Teaming

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The SeaPort-e MAC Contracting Officer is the only individual authorized to add team members to the SeaPort-e MACs

Approval of subcontractors has not been delegated to the ACO for the MAC or Task Orders

### **Pre-Award Teaming Arrangements:**

Only existing Prime Contractors may submit a teaming request

This can be accomplished at any time by clicking on the "Create Teaming Request" button found on the "Teaming" tab within the SeaPort-e Vendor Portal

- This capability is available only to authenticated Vendor Portal users who have the "Vendor Admin" role
- Requests to add new team member(s) shall allow a minimum of three working days for processing
- Once the subcontractor is approved as a team member, the new subcontractor may be proposed on any upcoming task order competition, but is not automatically approved for use on any existing task order

### **Post-Award Subcontractor Additions:**

In order for a new subcontractor to participate on an existing task order, the prime contractor must submit a written request to the specific Task Order Contracting Officer requesting approval to add the new subcontractor. A post-award subcontractor does not have to be an approved Team Member at the MAC level

The Contracting Officer shall follow the requirements of FAR 52.244-2, which outlines the information to be reviewed. Issues to be addressed include:

- Specifics regarding what work the additional subcontractor is to perform
- Revised list of Team Members utilized on the subject Task Order
- Explanation of the impact to the cost/level of effort/labor categories/performance based initiatives/cost incentives
- Explanation of how the proposed additional subcontractor will enhance performance
- Explanation regarding who was originally proposed to perform the work and what changed to necessitate the addition of a new subcontractor
- If the change involved substitution/addition of key personnel, the request must also include the resumes. The resumes must be submitted in accordance with the clause H-7 SUBSTITUTION OF TEAM MEMBER AND SUBSTITUTION OF PERSONNEL of the basic contract and any provision(s) included in the Task Order
- If the Prime Contractor is a large business, the impact to the small business utilization must be addressed
- If the Task Order was awarded as a set-aside, the prime contractor must demonstrate compliance to the limitation of subcontracting, as appropriate for the specific set-aside

- If the Task Order was awarded as cost plus incentive fee, the prime contractor must address whether there will be an impact to the average proposed fully-burdened labor rate, including detailed explanation if there proposed addition would result in an increase

The request is provided to the Contracting Officer, who after review will request concurrence from the cognizant COR in accordance with local policy. If the Contracting Officer agrees with the addition, acceptance of the request for the additional team member may be forwarded via e-mail to the contractor; however the task order shall be modified to reflect the additional team member at the earliest convenience

For NAVSEA/NAVSEA Field Activities: When a prime contractor requests to add a new subcontractor(s) to a Task Order post award:

- The Task Order PCO must ensure the prime contractor provides rationale for selection of subcontractor (work to be performed and why this sub) and address any impact to cost and their subcontracting goals.
- If Task Order PCO concurs with the request, they will then provide this information to the COR, who must receive concurrence in writing from applicable Program Manager or equivalent. PM concurrence may be elevated to higher levels as specified by the PEO/Director/Field Activity CO/TD.
- If PM concurrence is received, the Task Order PCO will modify the Task Order to reflect the additional subcontractor.

## 2.14 Solicitations

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Task Orders shall be solicited in the zone corresponding to the principal place of performance for the services acquired

- Section M of the solicitation should clearly identify the zone solicited
- Determination as to which zone should be solicited for a requirement is not governed by the location of the ordering office, but instead the principal place of performance
- For Task Order requirements OCONUS, the zone solicited will be the zone in which the activity resides (ordering office) who has the Task Order requirement

Ex. → If the principle place of performance is England and the Task Order requirement originates at NSWC Carderock, Zone 2 would be solicited

For NAVSEA activities, review of the solicitation by the cognizant Legal Counsel, along with adjudication of any comments received, shall occur prior to release of the solicitation. . For non-NAVSEA activities, the requirement for a legal review shall be in accordance with local procedures

The General Information section of the solicitation shall also clearly identify the zone being solicited.

## 2.15 Deputy for Small Business (DSB) Review

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SeaPort-e has a goal of 33% of all awards should be made to small businesses as primes.

Small Business Coordination Record with the draft SOW and sections L and M shall be reviewed in the portal by the local activity's cognizant DSB prior to release of the solicitation

Other document reviews by the DSB should be conducted in accordance with local policy

The activity's Deputy for Small Business must review each requirement package

- The review must take place prior to posting the solicitation to the portal
- This review shall aid the Contracting Officer in determining whether a restricted competition for small business (i.e., 100% SB, SDVOSB, etc.) should be made
- This review and Contracting Officer determination shall be documented in the SeaPort Portal Small Business Area, which takes the place of the DD 2579-Small Business Coordination Record

Any restricted competitions for Small Business, 8(a), Hub zone, Service Disabled Veteran Owned Small Businesses or Economically Disadvantaged Woman Owned Small Businesses shall clearly identify that fact in the Task Order Solicitation.

8(a) restricted competitions within the SeaPort-e Program are authorized pursuant to an agreement with the Small Business Administration. Guidance is provided under Reference Materials under the ConOps Tab.

The SeaPort-e Program Manager has determined that the SeaPort-e Cascading Set-Aside feature is not presently required for the program to achieve its overarching program related small business goals. Therefore, until further notice, the use of this feature is not authorized within SeaPort-e. The SeaPort procurement system has been modified to deactivate the related system functionality. If the SeaPort-e Program Manager determines at some future date that it is necessary to reactivate the Cascading Set-aside functionality, SeaPort-e Procuring Contracting Officers (PCOs) will be notified via e-mail

## 2.16 Promoting Small Business Participation (Subcontract Level)

Large Business prime contractors within SeaPort-e are contractually required to subcontract a minimum of 20% of the dollars obligated under their contract to small business concerns

Consistent with this prime contract threshold, a SeaPort-e program goal had been established for 20% of total dollar obligations under SeaPort-e large business prime contracts to be subcontracted to small business concerns

To assist both the SeaPort-e Program and the SeaPort-e large business prime contractors in achieving their respective program and contract level small business subcontracting goals, U.S. Navy ordering offices are encouraged to actively promote small business subcontracting participation at the first tier subcontract level on non-small business restricted SeaPort-e procurements

One approach that has been effectively employed within the SeaPort program has been through the utilization of a technical evaluation sub-factor that requires large business prime contractors to demonstrate that a minimum percentage of the total dollars obligated under their prospective task order would represent awards to small business concerns at the first tier subcontract level

Another approach is to require large business prime contractors to submit a Small Business Subcontracting Approach as part of their proposal for the competitive task order. The Small Business Subcontracting Approach provides detailed information regarding the extent of participation of proposed small businesses, specifically what effort will be performed by the proposed small businesses, along with details regarding the basis for the selection of the proposed small businesses.

The stated percentage may be derived through a review and roll-up of data contained within the historical SF 294 reports associated with the population of requirements comprising the

Statement of Work to be solicited, with the intent being to both preserve and enhance the level of small business participation associated with the given requirement

In addition to the “Pass/Fail” aspect of large businesses demonstrating their achievement of the stated minimum percentage of first tier small business subcontracting participation, the evaluation factor may also provide for additional discrimination amongst the prospective large business offerors by requiring their proposals to address:

- Small Business sub-category achievement against goals recommended within the RFP
- The reasons for, and advantages of selecting the particular small business subcontractors being proposed
- How the specific tasks to be accomplished by small business subcontractors represents “Meaningful Work” that is critical to the success of the overall effort, and how the respective small business subcontractor’s accomplishment of the effort will broaden the contractors level of capability and facilitate their becoming a more valued future source to the U.S. Navy

## 2.17 Security Concerns

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Facility clearances, if required, will be handled at the task order level, not at the basic IDIQ MAC level. The government ordering office, or cleared contractor in the case of subcontracting, is responsible for requesting the sponsorship letter from Defense Security Service (DSS) for new facility clearances.

All classified task orders will require a facility security clearance issued by the DSS. The security classification and guidance of classified task orders will be specified in the Contract Security Classification Specification DD Form 254. The DD Form 254 will be prepared by the ordering activity and issued with the resulting task order.

Solicitations shall not limit competition to only those contractors who currently have a facility clearance. PCO’s should include language stating that the contractor must have or be eligible to obtain the clearance, and provide the link to the DSS Website which outlines the facility clearance process. Consider including an evaluation criteria subfactor related to the offeror demonstrating their completion of the preparatory steps necessary to be granted the facility clearance. Additional information related to the facility clearance process can be obtained by visiting [www.dss.mil](http://www.dss.mil) or [http://www.dss.mil/isec/pcl\\_index.htm](http://www.dss.mil/isec/pcl_index.htm).

Contractor personnel shall be required to have a security clearance at the level required for each specific task order

The planned utilization of non-U.S. Citizens in task order performance must be identified by name and country of citizenship in the task order proposal. Foreign Nationals shall not be allowed access to classified or critical program information unless approved on a case by case basis by DSS

Since all SeaPort-e Task Order Solicitations are posted on the SeaPort-e Portal and on the Vendors’ public website, **Task Order Solicitations shall not contain any classified material. Further, Task Order solicitations shall not contain any U-NNPI (Unclassified - Naval Nuclear Propulsion Information) material.** It is the Task Order Contracting Officer’s responsibility when reviewing redacted task orders for **Controlled Unclassified Information (CUI)** that may not be releasable on the Vendors’ public website. The Ordering Activity’s Local Security Managers should be consulted if there is a question relating to security issues or potential CUI

## 2.18 OSD Certification for Business IT

Contracting Officers: Please note, the rules governing the acquisition of Business IT were drastically changed by the FY05 National Defense Authorization Act

Any contract valued at \$1M or more spent on “Development or Modernization” of a Business IT system must receive OSD review and approval in advance. Failure to obtain OSD certification for the Business IT system in advance violates the Anti-Deficiency Act.

- An officer or employee of the United States Government that knowingly and willfully obligates funds for a defense business system modernization, with a total cost over \$1M without an approved certification will violate 31 USC 1341(a)(1) (the Anti-Deficiency Act (ADA)). The ADA provides for a fine of up to \$5000, and imprisonment. ∴

[http://www.dod.mil/dbt/faq\\_certification.html](http://www.dod.mil/dbt/faq_certification.html)

For definitions of what constitutes a business system, what constitutes development & modernization, and what the process for review & approval are see USD (AT&L) Memo DTD 2 JUN 05 available here:

- [http://www.dod.mil/bmmp/products/investment/Final\\_IRB\\_CONOPS.pdf](http://www.dod.mil/bmmp/products/investment/Final_IRB_CONOPS.pdf)

For definitions of a business system, what constitutes development and modernization and the review and approval process, refer to 10 U.S.C Section 2222 and DoD 5000.02 dated December 8 2008, Enclosure 11.

## 2.19 Task Order Documentation/1102 Files

**The SeaPort Portal shall be used to place all SeaPort-e Task Orders. The electronic 1102 file within the portal is the official contract file and as such all pre-award and post-award documents shall be filed in the 1102 file within the portal. All Task Order Source Selection Documentation, including pre/post negotiation memorandum(s) and its attachments, shall be uploaded to the “1102 Files” of the respective procurement package within the Portal prior to award whenever possible and in no case later than five days after award.**

The “1102 Files” tab includes an 1102 File checklist of documents. The checklist includes, but is not limited to, Source Selection Documentation, pre/post negotiation memorandums, COR nomination packages, subcontractor teaming requests, substitution of personnel requests, and correspondence.

## 2.20 VS Mandatory Use of SeaPort-e

VS MOA No. 19 dated 05 OCT 2004 designates SeaPort-e as the mandatory acquisition vehicle to procure contractor support services in the following functional areas:

- Engineering
- Financial
- Program Management

The MOA lists three circumstances when the use of SeaPort-e is not mandatory:

- Existing VS contractor support services contracting vehicles will be authorized for continued use until the expiration of their contract period of performance, which can include all existing contract option periods
- The contractor support services required do not fit into the Engineering, Financial, and Program Management areas
- When use of an alternate vehicle is in the best interest of the Government

## 2.21 VS SeaPort-e Usage

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Each VS member should utilize their own internal procedures, consistent with the VS Mandatory Use of SeaPort-e policy and the VS SeaPort-e Policy Migration Plan policy found in the previous two sections, to govern and monitor SeaPort usage

Each command will follow its local procedures for processing a Waiver to SeaPort-e

As a point of reference, NAVSEA has taken the following approach:

- All competitive service acquisitions shall use SeaPort-e as the tool to contract for these services
- NAVSEA Activities requesting a waiver from the use of SeaPort shall prepare the following:
  - NTE 1 page discussion that contains a description of what's being contracted for, the potential value of the acquisition, reason(s) why SeaPort cannot be used, and (if applicable) a plan to ultimately move the work to SeaPort
  - The request must be reviewed and concurred with by the SeaPort Program Manager and approved by the NAVSEA Deputy Commander/Executive Director for Contracts

## 2.22 Task Order Period of Performance

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**The period of performance of a Task Order awarded under the SeaPort-e Multiple Award IDIQ contracts may not exceed 5 years, including all options and Award Terms. The current ordering period for all MACs is set to expire April, 04, 2019. All task orders placed prior to the ordering period's expiration date may have a period of performance that does not exceed 5 years.**

If the task order was awarded on a level of effort basis, and at the end of the period of performance the contractor has not provided the total level of effort contracted for, it is acceptable to do an extension to the period of performance to obtain the remaining level of effort. Doing so is not considered an increase in scope but rather requiring the contractor to deliver what was originally contracted for. In most cases, having LOE remaining would be as a result of the contractor expending the ceiling prior to expending the level of effort, in which case the remaining level of effort would be required to be provided at cost only (no additional fee). Activities need to balance the ability to extend the period of performance against the possibility that the level of effort required was initially overstated by the Government. As with all decisions, Contracting Officers need to exercise sound business judgment.

If the activity intends to use the FAR Clause 52.217-8 as a means to extend the services, there should be a priced option in the task order at the time of award. Invoking the clause near the end of the period of performance and simply extending pricing from the last year of performance can be viewed as sole source additional scope. Contracting Officers should

consult with legal counsel prior to pursuing this method of extending the period of performance.

## 3 Common Processes – Acquisition Planning

### 3.1 Advanced Planning Matrix/Information

In order to foster competition, it is important to provide advanced notice of all procurements in SeaPort. All activities will provide notification to SeaPort-e Contractors as early as practicable using the methods below. For NAVSEA and its field activities, the use of an advanced planning matrix (**Exhibit N**) that covers all competitions will be used:

- Advance Planning Matrix – The matrix uses a POA&M chart that is non-binding and includes tentative milestones throughout the acquisition process that both the Government and Contractors may use for planning purposes.
- The planning matrix will be utilized to capture all Task Order competitions with an estimated value of \$1 million or more.
- The planning matrix will be utilized to provide early notice to SeaPort contractors; therefore, inclusion of upcoming competitions early in the process of developing the solicitation is encouraged. Timelines should reflect the best information available at the time of initial entry and be updated as greater fidelity in schedule is determined.
- The matrices shall be posted under the SeaPort Proposal System (Vendor Portal) by creating an “Advance Notice/Draft” or “Other” event and updated at least monthly to reflect current status. The Contracting Officer may, if performance is expected in more than one Zone, release the information to more than one Zone. The Contractors receive an Event Notification.
- The incumbent currently meeting the requirement and the contract number will be identified in the notice if applicable. This posting will reflect the DSB review and Contracting Officer concurrence as soon as practicable
- The Advance Planning function within the portal no longer generates a report that is viewable by Vendors.

### 3.2 Sources Sought for Task Order Competition

When it is questionable that there are two or more capable vendors to permit a socio-economic set-aside, or in any other situation where a competitive market is not assured, a sources sought notice should be announced in the “Proposal Event” of the portal to solicit information such as:

- Technical description of the requirement in sufficient detail for potential contractors to understand the requirements
- Draft SOW/Statement of Objectives
- Labor expertise and required knowledge and estimated Full Time Equivalent (FTE)
- Geographic location of where work will be performed
- Expected contract type
- Specific performance outcomes
- Incumbent Contractor and Contract Number
- Other requirements (security, facilities, etc.)

Sources sought should request the following types of information from industry in their response:

- What type of work the company has performed in the past in support of the same or similar requirements
- If the company has managed a task of this nature before
- If the company has managed a team of subcontractors, and if so, how many
- The specific technical skills the company possesses which ensure capability to perform the requirements
- Explanation of the company's ability to perform greater than 50% of the efforts required
- Business size and status of the company

**It is in the best interest of all parties that as the bid event is created, the notice contain as much information as possible with regard to the description of the requirement. Vague statements and/or lack of detail in the description force vendors to dive further into the event or post questions just to ascertain whether or not their company is interested in submitting the information.**

### 3.3 Pre-Solicitation Notice

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Contracting Officers, when appropriate, will post pre-solicitation notices on upcoming procurements to the SeaPort Bid Event Site under the event sub-category entitled "Advance Notice/Draft". Notices should be sent to all vendors in the zone being solicited, regardless of whether or not the solicitation is to be a set-aside. This fosters teaming.

Pre-Solicitation notice should contain a brief synopsis of the requirement in a manner similar to a synopsis posted to the "FedBizOpps" site

The name of the contractor currently performing the service and the applicable contract number will be identified within the notice

The pre-solicitation notice shall be reviewed by the responsible Contracting Officer and should be reviewed by the DSB prior to posting to the SeaPort Bid Event Site

A sample Pre-Solicitation Notice is available within the ConOps, and is available for viewing on the SeaPort-e Buy Site under the ConOps Tab

### 3.4 Draft Solicitations

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Contracting Officers, when appropriate, will issue draft solicitations

Activities will issue draft solicitations to the SeaPort Bid Event Site under the sub-category entitled "Advance Notice/Draft"

The name of the contractor currently performing the service and the applicable contract number will be identified within the "General Information" section of the draft solicitation

In the event that a given requirement represents a "New Requirement," such information shall also be provided within the "General Information" section of the draft solicitation

The draft solicitation shall be reviewed in accordance with local agency procedures. It is recommended the review include the responsible Contracting Officer and DSB, as well as legal counsel prior to its posting to the SeaPort Bid Event Site.

### 3.5 Acquisition Plan

The SeaPort-e Acquisition Plan (AP) DL-04-01 approved 10-16-03 by NAVSEA 02B, identifies in general terms the services to be acquired.

The AP revision DL-04-01 Rev 11-04 incorporated the expansion of SeaPort-e to the VS members.

The AP revision DL-04-01 Rev 04-08 incorporated the provisions of the MOA between the Navy and the SBA regarding the use of SeaPort-e for 8(a) competitions.

The SeaPort-e Acquisition Strategy (AS) was approved 5-9-05 by ASN (RD&A).

The SeaPort-e AP does not provide AP coverage for those procurements that exceed the AP threshold of \$50M. **Exhibit A** provides a sample MOPAS.

Services in support of weapons systems or automated information systems being reviewed and approved under DoD/DoN 5000 series guidance shall be documented and approved as part of that AP management review process.

In accordance with DON MOPAS 2 Policy of 01 Dec 06, an AS should be documented in accordance with local implementing MOPAS 2 policy.

This documentation should be signed in accordance with local policy approval designations and included within 1102 files section of the portal.

The AP, AP revisions, and AS are available under the CONOPS Tab.

### 3.6 Source Selection Plans

Source Selection Plans are not required in accordance with FAR 16.505(b)(1)(ii). However, in accordance with FAR 16.505(b)(ii), (iii), and (iv) a fair opportunity to be considered for each order is required, and at a minimum that would include the traditional Section L Instructions to the Offerors and Section M Evaluation Factors for Award. A Source Selection Guide is available under **Exhibit B** and a sample Section L and M is available under **Exhibit C**.

Prior to posting on the portal, Legal Counsel for the ordering activity should review the source selection criteria for clarity and legal sufficiency, and legal review shall be obtained prior to receipt of proposals for all NAVSEA activities. For non-NAVSEA activities, the requirement for legal review shall be in accordance with local procedures

### 3.7 Fair Opportunity to Be Considered

All potential SeaPort-e task orders shall offer a fair consideration/opportunity to all offerors in the appropriate zone

**Exceptions to the fair opportunity to be considered under multiple award contracts are allowed by statute and regulation; however their use is not authorized under SeaPort-e**

Only the SeaPort-e MAC Contracting Officer, currently at NSWC-Dahlgren, is authorized to issue an order pursuant to the minimum guaranteed order amount exception under a multiple-award contract

Any exception will be challenged for validity, and alternate contracting vehicles to satisfy the requirements will be examined to preserve the competitive integrity of the SeaPort-e vehicles

**If a valid exception is determined to exist to not offer a fair opportunity exists, an alternative contracting vehicle will be used**

All SeaPort-e solicitation and procurement related notices shall clearly identify whether the applicable requirement shall be solicited in an unrestricted or restricted manner. SeaPort-e restricted competition alternatives include: Small Business, 8(a), Hub Zone, Service-Disabled Veteran-Owned Small Business or Economically Disadvantaged Woman Owned Small Business. Government users are reminded that the portal does not screen proposals to block submittal by vendors who may not be certified at the size status solicited. The contracting officer/specialist must check the size status, **as certified at the MAC level which may be different from the status in SAM**, if there is any doubt with regard to an offerors size status

### 3.8 Security Office Reviews

Since as a term of the SeaPort-e MAC, all MAC holders are required to post a copy of the most recent task order awards on their public website, the PCO/task order contracting officer shall ensure that all SeaPort SOWs/SOOs are reviewed by the cognizant OPSEC program manager or representative prior to issuance of the solicitation or at a minimum prior to award to ensure that there is no information not suitable for public release, either through review associated with the DD254 or separately if no DD254 is required

## 4 Common Processes - Solicitation Development

### 4.1 Identification of Incumbent

Identification of Incumbent in RFP on “Follow-on” Task Orders:

- The name of the contractor(s) currently performing the service to be contracted and the applicable contract number(s) shall be identified within the “General Information” section of the solicitation
- If the services to be procured represent a “New Requirement”, this information should also be identified within the “General Information” section of the solicitation in order to maximize competition and minimize related vendor questions from the SeaPort-e community

### 4.2 Statement of Work Location

SOW's shall be included within the requirements section of the SeaPort portal (Section C) in lieu of being included as a solicitation attachment whenever possible

### 4.3 Response to Prospective Offerors Questions

Offerors may pose questions on the RFP via the proposal event site

The Contracting Officer is notified when a vendor posts question(s) and shall review & post a response via the proposal event site. It is not necessary to include the questions and answers in an amendment to the solicitation as all vendors in the zone that access the bid event will see all questions and responses

As appropriate, Contracting Officers shall incorporate changes to the RFP arising as a result of these questions and answers via a formal amendment to the solicitation

On the Vendors' side of the portal where these questions and answers appear, the detail as to who submitted the question and who answered it is not displayed. Everyone in the Zone who has access to the solicitation event has access to see all the questions being asked via the Bid Event

There is nothing to preclude the Government from asking questions or clarifying previous responses by asking a follow-on question through this mechanism

### 4.4 NAICS Federal Supply Classification Code Management

All SeaPort-e MACs and subsequent task orders are awarded using a single NAICS, 541330, using exception - Military and Aerospace Equipment and Military Weapons. Other NAICS shall not be referenced in SeaPort-e solicitations or task orders

To the extent practicable, Statements of Work within SeaPort-e Task Orders should be segregated by functional task areas that are aligned with appropriately described CLINs/SLINs. The attention to such structural alignment within the solicitation, and resultant task order, will facilitate the proper selection of the Product and Service Code (PSC) that describes the predominate service based on dollar value when completing Federal Procurement Data System-Next Generation (FPDS-NG) Contract Action Report (CAR) on

SeaPort-e task orders. The SeaPort-e system allows for the assignment of PSCs at the CLIN level

To enhance the quality of PSC data reporting within the SeaPort-e Program, Contracting Officer's and Contract Specialists should be diligent in their approach for determining the appropriate PSC Code that represents the predominate service based on dollar value, and shall refrain from defaulting to PSC Code R499 (other professional services) to the maximum extent possible

## 4.5 CLIN Structures

CLIN structures under the SeaPort-e MAC are shown in Table 1 below

Within SeaPort-e, it is acceptable to maintain a CLIN that is rightfully exercised in a given period, even if it overlaps into a subsequent period

For example, a CLIN exercised in February 2009 with a 1-year period of performance could maintain that CLIN ID into the adjacent period of performance under the base contract – i.e., it is not required that the line item be broken out into 2 separate CLINs correlating to the period of performance under the base contract

**Table 1: CLIN ID Format**

CLIN	Category	Period Of Performance
7000s	Cost	5 April 2014 – 4 April 2019*
8000s	Fixed	5 April 2014 – 4 April 2019*
9000s	ODC	5 April 2014 – 4 April 2019*

\*The current Ordering Period for the SeaPort-e MACs are set to end 04 April 2019; however, Task Order issued prior to the end date may have a period of performance for up to 5 years after the end of the MAC. The CLIN numbering system for the additional years will continue to use the 7000, 8000 and 9000 series, but how options are delineated will be left to the individual ordering activities. It is recommended that CLINs continue to use the same numbering system for their option years as previous years had been, i.e. 7000, 7100, 7200, 7300, 7400

The category type of Cost includes Cost Plus Fixed Fee, Cost Plus Incentive Fee and Cost Plus Award Fee. The category type of Fixed includes Firm Fixed Price and Fixed Price Incentive. The category ODC includes travel, and incidental material. Material that is more than incidental to the value of the task order should be captured under separate CLIN/CLINs, with identifiable delivery dates and inspection/acceptance criteria

Every Task Order will follow the same general CLIN structure that was established in the MAC contracts:

- **COST-PLUS-FIXED FEE (CPFF) Items** - All requirements for Cost-plus-Fixed Fee (CPFF) level of effort (hours) or completion type services will be placed under these CLINs. Other Direct Costs, e.g. travel, associated with performance of work under these CLINs are included separately since contractors will not be paid any fee on the ODC costs
- **FIRM FIXED PRICE (FFP) Items** - All requirements for firm fixed price level of effort (hours) or completion type services will be placed under these CLINs. Included in the

price are all direct and indirect costs, including Other Direct Costs, to complete the effort and profit

- **COST ONLY Items** - These are cost only CLINs (contractor receives no fee) where contractors will be reimbursed for the allowable, allocable and reasonable other direct costs (ODCs) required to perform the effort. These items may include costs such as travel, facilities, incidental supplies, and mailing/packaging costs. Whether or not a specific type of charge should be classified as an ODC directly chargeable to the contract will depend on the Contractor's accounting system

## 4.6 Performance Based Statements of Work

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Contracting Officers are encouraged to use the Performance Based contract provisions of the MACs. For those Task Orders that are not Performance Based, the rationale shall be documented in the contract file

## 4.7 Section H Savings Clause

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The Savings Clause of the Seaport-e contracts requires to the maximum extent practicable for the acquisition of repetitive, high dollar value professional support services, that the contractor reduce the price for services performed under each sequential year by the amount provided in their cost proposal. It is understood that this requirement does not apply to Fixed Price Task Orders

Task Order Solicitations in which the Contracting Officer determines that the Savings Clause provisions apply, shall provide notification to offerors within the Task Order Solicitation

## 4.8 Section K Certifications

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In accordance with SBA regulation, 13 C.F.R. section 121.404(g), size status is determined at the time of award of the contract and re-certification is only required either as result of a merger or acquisition. SeaPort-e Contractors submitting proposals in response to task order solicitation requirements shall not be required to recertify. It is noted that SeaPort-e small business related certifications made at the time of their SeaPort-e base contract award remain valid through the completion of the base period of their SeaPort-e contract, unless a firm's size status is changed as a result of a merger or acquisition

Task Order Contracting Officers are to use the size reflected in a contractor's MAC when determining eligibility for set-asides, not SAM. If there is a question concerning size status, the MAC Contracting Officer should be contacted

In accordance with H-19 in the basic contract, vendors have the opportunity to voluntarily re-submit reps and certs during Rolling Admissions to reflect changes that have occurred, with regard to business size and status, since their last submission

The only certification to be added at the task order level are those relative to specific certification of Organizational Conflict of Interest and such local certification not included in SAM

## 4.9 Contractor Resume Content

SeaPort-e solicitations shall require only a limited number of resumes, if any. SeaPort-e solicitations shall not mandate a specific resume format, but shall specify that the following minimum information be contained within contractor submitted resumes:

- NTE 2 pages
- Employee name
- Years of professional experience
- Current position/title
- Educational history
- Chronology of professional experience
- Current level of security clearance

Specific task related, relevant information should be included in the offerors technical proposal

## 4.10 Past Performance References Content

SeaPort-e solicitations shall require only a limited number of past performance references. The following minimum information be contained within contractor submitted references:

- Contract Number/Delivery Order Number
- Contract Type
- Program Name
- Total Contract Cost
- Brief description of work performed
- Valid name and phone number of Contracting Officer and Contracting Officer Representative
- Small Business Contracting Goals and actual accomplishment information (Large Businesses Only)

SeaPort-e task order solicitations may also indicate the intent to use other information such as Award Fee Letter and the Past Performance Information Retrieval System to evaluate past performance. The solicitation may also include language to reserve the right to limit or expand the number of references to contact and to contact other references than those provided by the Offeror

## 4.11 Maximum Fee

The maximum fee proposed during the MAC process only applies to cost plus fixed fee orders. In the case, of cost-plus award fee orders, Contracting Officers should provide for award fees that are reasonable and provide the proper incentive for high quality support

## 4.12 Proposal Response Times

The following **mandatory** proposal submission timelines have been established in order to promote competition:

- Task Orders with an estimated value less than \$5.5 million– minimum of 10 working days
- Task Orders with an estimated value greater than \$5.5 million – minimum of 25 working days
- **NOTE: In accordance with DFARS 216.505-70 and 215.371**
  - **Any solicitations released for less than 30 calendar days which receive only one bid must be reissued for a minimum of 30 additional days**
  - **If the solicitation was open for at least 30 days, or has been re-advertised, and still only one offer is received, the contracting office shall determine the proposal to be fair and reasonable through cost and price analysis (as applicable DFARS 215.371-3(b) (1) or obtain certified cost or pricing data, if applicable, TINA certification and enter into negotiations with the offeror, unless this requirement is specifically waived by the HCA**

## 4.13 Solicitation Release Guidelines

In order to receive maximum competition during the fair consideration process, as a general rule Task Order Solicitations should **not** be issued after 1400 local time on Fridays. Further, Task Orders solicitations should **not** have a closing date that falls on a day after a Federal Holiday

## 4.14 Event Description Uniformity

Per industry feedback, the Event Description supplied when creating a bid event shall provide a standard level of data, to include as applicable:

- Description of the work to be performed (for example, for an Pre-solicitation notice: Engineering Services Support, PMA-299, Zone 2, Unrestricted, for a Sources Sought notice: Engineering Services Support, PMA-299, Zone 2, Sources Sought)
- Requiring activity
- Breadth of services to be performed
- Estimated level of effort
- Period of performance
- Anticipated award date
- POC phone & email
- Incumbent information

The Event Descriptions should match or closely correlate with those provided in any Advanced Notice/Sources Sought/Draft Solicitation stage(s)

## 4.15 Solicitation Amendments

Solicitation amendments developed within the SeaPort Buy Site represent “conformed” versions of the respective solicitation

Therefore, to preclude the need for both government and contractor personnel to perform “side-by-side” reviews of entire conformed solicitation documents, SeaPort-e Contracting Offices will include within the “General Information” section of each SeaPort-e solicitation amendment a summary of changes made within the respective amendment

All text in the “General Information Section” of the conformed solicitation which delineated the “amendment summary of changes”, will be deleted at the time of Task Order award

## 5 Common Processes – Proposal Submission

### 5.1 Submission of Proposals via the SeaPort Portal

Proposals from both prime and subcontractors shall be submitted via the SeaPort-e Vendor Portal. In the event the portal is technically unavailable, then follow the procedures in accordance with H.5 of the SeaPort-e IDIQ contracts

Government users should be aware that there is nothing in the portal that prohibits a vendor from submitting a proposal under a set-aside for which they are not qualified, i.e., a large business is not blocked from submitting a proposal against a small business set aside. It is incumbent on the contracting officer/contract specialist to verify the size status of vendors submitting prime proposals by checking the size status at the MAC-level. The size status in SAM is not necessarily reflective of the status that was in effect at the time the MAC was awarded, which is the sole status applicable for SeaPort-e task orders

Contracting Officers should also be aware that in accordance with FAR 52.219-4, 52.219-27 and the Seaport-e MAC's H.5 clause, two or more HUBZone or SDVOSB vendors may combine their efforts to perform the 51% of a set aside requirement. Both contractors must be a SeaPort-e Prime of the same size status at the MAC level although only one contractor can be the Prime. The Prime should outline the use of FAR 52.219-4 or 52.219-27 in their cover letter and specify who the subcontractor is that will be contributing to the 51% of work.

If only one bid is received, the Contracting Office shall re-solicit or enter into negotiations in accordance with OSD AT&L guidance, which will be reflected in the business clearance

For NAVSEA/NAVSEA Field Activities: One bids received under a competitive solicitation, will be reported by the PCO to the PEO/Directorate Head/Field Activity CO & TD. Business clearance approval for all one bid procurements, > \$150K conducted by Field Activities, will be elevated to SEA 02 HQ

Contracting Officers should be aware that all contractors are bound by a "one-contract per company" rule as stated in their basic contract and solicitation under which a contract was received. Under this rule, only one company within a family of affiliated companies can hold a Seaport-e contract. Because of this limitation, the contract provides for affiliated companies to act in the prime contractor role. When acting as the prime contractor under this rule, affiliated companies can perform up to 100% of the contract tasking unless limited by a set-aside requirement. This relationship allows all affiliated companies to utilize the Seaport-e contract vehicle, while still adhering to the "one contract per company" rule. The affiliate's relationship should be outlined in the company's cover letter and should not be evaluated negatively. If there is a need to verify an affiliate's relationship, contact the MAC Contracting Officer

### 5.2 Avoidance of Last Minute Bidding Problems

To avoid last minute bidding problems, Aquilent has provided the following guidance to vendors on the industry side of the portal:

- "How to avoid last-minute bidding problems"
- Please consider the following suggestion for avoiding last-minute bid submission problems:

Verify your account's ability to submit the necessary bid information (either as a prime or a sub) well in advance of the event's closing time. This may be accomplished through the following steps:

1. Login to the portal and access the View Event Details page for the event on which you are considering bidding as a prime or a sub
2. Click on “Place New Bid” in the Bids section of the page. This will open the Place New bids page
3. Ensure that the prime company’s contract under which you are bidding (either your own as a prime, or another’s as a sub) appears in the “Prime” drop-down listing
4. If you are bidding as a prime, ensure that the “Enter Pricing Info” button is visible and enabled. From here, you may simply hit the “Cancel” button to return to the previous page. If things do not appear as you believe they should, please let us know at [navseasupport@aquilent.com](mailto:navseasupport@aquilent.com)”.

### 5.3 Consideration of Late Proposal Submissions

The following guidelines have been established with regard to contractor bid submissions:

- All proposals for SeaPort Task Order Solicitations shall be submitted electronically via the portal, and before the closing date and time specified in the Solicitation
- In the unlikely event the SeaPort system is not operational, experiences technical difficulties or a contractor is temporarily unable to access or use the system, the Contractor shall immediately notify the Contracting Officer. This Notification must occur **prior** to the proposal submission deadline. The Contracting Officer shall allow manual submissions of written proposals in the event of technical difficulties of which they have been made aware

In the event that the vendor alleges technical difficulties and does not notify the contracting officer until **after** the closing date and time, the contracting officer or contract specialist should submit a helpdesk ticket requesting a review of the system logs and the specific contractor’s account, to determine if there was a problem with the system. After consulting legal, the contracting officer will then determine if they would accept the vendor’s late proposal submission

### 5.4 Subcontractor Cost Data Submitted Via Portal

SeaPort-e Contracting Offices shall include within solicitations language requiring subcontractors to submit their cost proposal under their prime contractor via the SeaPort Bid Event Site

The SeaPort Bid Event Site contains functionality that allows SeaPort-e subcontractors and consultants to submit their cost proposals under their respective prime contractor without the prime contractor being able to view or access this business sensitive information. However, only subcontractor or consultant team members of a prime contractor that have both a DUNS number and CAGE Code are provided the requisite SeaPort-e Vendor Portal privileges to submit their cost proposals in this manner

In the event that a subcontractor or consultant included within a prime contractor cost proposal does not have a DUNS number and CAGE Code, these firms would be required to transmit their cost proposal in an appropriately password protected manner to their respective prime contractor, for inclusion within the prime contractor’s proposal submission package within the SeaPort-e Vendor Site. Subcontractor or consultant submitting their password protected cost proposals through their prime contractor in this manner must ensure that the

applicable passwords are appropriately communicated to the Contracting Officer or Contract Specialist responsible for the procurement

It is noted that proposed subcontractor or consultant contribution to labor on procurements solicited on a cost basis should be incorporated under the labor CLINs/SLINs as opposed to under the ODC CLINs/SLINs, which under the SeaPort-e contracts are "cost only" and therefore non-fee bearing

## 6 Common Processes – Proposal Evaluation

### 6.1 BCM / PNM

The contracting officer shall document under the “1102 Files” in the portal the rationale for placement and price of each order, including the basis for award and the rationale for any tradeoffs among cost or price and non-cost considerations in making the award decision. This documentation must identify the tradeoffs that led to the decision. Effort should be made to ensure that all Pre-Award compliances are accurate. All task order documentation for Pre-Award and Post-Award activities shall be stored under the “1102 Files” of the respective procurement package within the portal. Activities shall follow current clearance approval thresholds

- For NAVSEA, activities should follow current clearance approval thresholds in the NAVSEA Contracts Handbook. Clearances for acquisitions required to be sent SEA 02 for approval, shall be in the format detailed in NAVSEA Contracts Handbook
- Virtual SYSCOM commands shall follow the current clearance approval thresholds within their respective organizations

### 6.2 Accounting System Reviews

It is the contracting officer’s responsibility to verify that the contractor being awarded a task order within SeaPort maintains an adequate accounting system

To assist businesses, especially small businesses, to be eligible to receive cost type task orders, a process has been developed to help ready them for a pre-award audit. A portal message is sent to all new awardees to contact Pat Mika, a NAVSEA employee, to begin the accounting system audit process. Companies are provided a questionnaire to complete and return to Mr. Mika. The completed questionnaire will be reviewed and any issues resolved prior to the initiation of the accounting system review by DCMA/DCAA. The accounting system status is maintained by Mr. Mika and can be checked by emailing [Seaport\\_EPCO@navy.mil](mailto:Seaport_EPCO@navy.mil)

Prior to executing a task order, check with the cognizant DCMA to confirm that the latest accounting system audit report that has been issued for the prospective vendor is acceptable

### 6.3 Cost Realism Analysis Approach

Contractor billing rates are not established at the MAC level. Contracting Officers should consult with DCMA/DCAA for the most recent available billing rates. **Exhibit G** provides a sample DCAA Rate Check Form.

For NAVSEA/NAVSEA Field Activities, Prior To Award: When proposed fully burdened labor rates are in excess of \$156/MH in any labor category, then the PCO shall ensure the SSA is aware. The SSA shall address these rates with the cost & technical teams and document analysis of this issue within the Best Value Determination (BVD). SEA 00/00B shall be notified prior to award.

Trade-off decision based cost realism analysis approach

- In performing the cost realism analysis on proposals submitted in response to SeaPort-e requirements being solicited on a cost reimbursement basis, SeaPort-e

Contracting Offices are encouraged to limit the breadth of their cost realism review to those contractor proposals that represent the most likely candidates for award based on information derived from initial technical review and relative cost considerations. Decisions regarding why other offers were not considered competitive should be documented in the PNM/BCM.

- The Contracting Officer may opt to defer performing an in-depth cost realism analysis on proposals that represent “borderline” candidates for award until further technical analysis is completed.

## 6.4 Technical Evaluation

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In performing the Technical Evaluation of proposals submitted in response to SeaPort-e solicitations, Contracting Offices will utilize ConOps **Exhibit B** Seaport Standard Ratings Definitions (JAN 2011).

SeaPort-e Contracting Offices are encouraged to emphasize to Technical Evaluation Teams that it is prudent to utilize the full breadth of the rating scale in performing technical evaluations on procurements containing “Best Value” source selection criteria.

**Exhibits E and F**, sample Recent and Relevant Past Performance Questionnaire and Previous Contracting Efforts are provided to assist in past performance evaluation.

**Exhibit H** provides a sample Staffing Plan.

Further, it is recommended that SeaPort-e Contracting Offices develop resident expertise to facilitate a standard process of preparing and coaching evaluation team members prior to beginning the evaluation.

The Technical Evaluation shall be reflected in the Award Determination Document

## 6.5 SeaPort-e Prime Contract Rate Caps

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Each MAC includes a provision that caps:

- Fee on CPFF orders
- Pass through amounts that prime contractors add to subcontractor costs
- Escalation

Fee Caps

- Each MAC includes a provision that caps fee on CPFF orders. The MACs do not include a maximum fee for CPAF orders.
- When evaluating cost proposals for a competitive CPFF task order, the Government should ensure that each offeror’s proposed fee does not exceed the fee cap included in the offeror’s MAC.
- Prime contractor fee on subcontractor price should be included in the fee column (rather than the cost column) of Section B of each task order.
- Prime contractors are required to flow down their maximum fee rate to all subcontractors, regardless of whether or not the subcontractor under a SeaPort solicitation is also a SeaPort MAC holder with a different maximum fee rate. For example, if the prime’s rate is 7.5% and a proposed subcontractor has a contract with

a maximum fee rate of 8%, the prime would have to hold the subcontractor to the 7.5% rate.

- The SeaPort-e Governance Team has developed a “Cost Summary Worksheet” (see CONOPS **Exhibit D** under Exhibits) to incorporate standardization of cost proposal submission and to serve as an aid for Government users to evaluate fee and pass through

#### Pass Through Cap

- Pass through is defined in the Section H Savings Clause as the cumulative amount of the two elements listed below divided by the price paid to the subcontractor or the vendor:

Any and all indirect costs applied by a prime contractor to subcontractor effort including, but not limited to, program management, subcontract management, invoice processing, Quality Assurance, overhead, material handling charges, G&A, burdens and mark-ups; and

Any and all prime contractor profit or fee applied to subcontractor price

- The Pass through Cap specified in each IDIQ MAC does not apply to pass through applied to Other Direct Costs (ODCs).

The proposal evaluation process should include verification that each proposal adheres to the rate caps specified in the applicable MAC. This should be accomplished through the following 3-step process:

- Step 1 - Pass Through Analysis: Verify that proposed pass through values (which includes all adders and any prime contractor fee applied to subcontractor labor cost plus fee or price) do not exceed the cap specified in the MAC. **All SeaPort-e MACs have a pass through cap of 8%.**
- Step 2 – Fee Analysis: Verify that the prime contractor’s proposed fixed fee does not exceed the fixed fee rate cap specified in the MAC. If the proposal is not on a CPFF basis, this step is not applicable. \*\*
- Step 3 – Escalation Analysis: Verify that the prime contractor’s proposed escalation does not exceed the escalation cap specified in the MAC. \*\*

\*\* Fee and escalation cap values for each SeaPort-e offeror are listed in the ‘Contract Info’ link within the Award Process tab.

## 6.6 Other Direct Costs (ODCs)

CLINs/SLINs for ODC’s are Non-Fee Bearing

CLINs/SLINs for ODC’s may include applicable indirect cost elements such as G&A, and Material and Handling, but may not include fee

For NAVSEA/NAVSEA Field Activities,

Prior to Award, if ODCs are estimated > **5%** of the total labor value or **\$3M** (whichever is lower) for any given contract year, then the rationale for the ODC requirements must be provided to the PCO and the methods for monitoring these ODC charges shall be documented in the Quality Assurance Surveillance Plan (QASP). When excessive ODCs are comprised of material Items, consideration as to why these costs are not specifically defined and managed as supply items.

## 6.7 Award Determination – Cost Premium

Awards to other than the low cost, technically acceptable offeror at a premium greater than 10% of any other technically acceptable offeror shall be approved by an individual at the next level above the individual making the award decision and the documentation uploaded to the “1102 Files”.

- For NAVSEA/NAVSEA field activities, any Best Value Source Selection Premium >10% over the lowest technically acceptable offeror’s Total Evaluated Cost/Price will be elevated to the PEO/Directorate/Field Activity CO/TD for review prior to award. If the total value of the procurement is **>\$10M** and the Best Value Source Selection Premium is **>10%** over the lowest technically acceptable offeror’s Total Evaluated Cost/Price, the procurement will be further elevated to SEA 00/00B for review prior to award.

## 7 Common Processes – Task Order Award

### 7.1 Notification of Award

Both the successful offeror and the unsuccessful offerors will be notified via a SeaPort-e system generated e-mail upon the award of each SeaPort-e task order. **Exhibit I** under the ConOps Tab provides a sample of the system generated e-mail.

### 7.2 Contract Announcements

Contract announcements are not required for Task Order Awards

- See DFARS 205.303 Announcement of Contract Awards

### 7.3 Treatment of Unsuccessful Offerors

In order to maintain a consistent approach in providing "debriefing oriented information" to unsuccessful offerors on SeaPort-e procurements, SeaPort-e Contracting Offices will provide unsuccessful offerors, upon request, with debriefing material consistent with FAR 15.506(d).

Contracting Officers are encouraged not to entertain "face-to-face" post-award discussion sessions with unsuccessful offerors, however, Contracting Officers have the latitude to entertain "face-to-face" post-award discussions at their discretion.

### 7.4 Posting Of Award Data

The SeaPort portal automatically posts Task Order Award Documents to EDA, including attachments.

## 8 Common Processes – Task Order Administration

### 8.1 FPDS-NG Posting (Formerly DD350 Posting)

FPDS-NG Contract Action Reports (CARs) will be executed via the SeaPort-e Portal

There is a direct link between SeaPort-e and FPDS-NG allowing users to enter data directly within FPDS-NG while still allowing a limited number of FPDS-NG data elements to be entered on the FPDS-NG page. Data is submitted to FPDS-NG but the data validation occurs within FPDS-NG

If an error is identified during the validation in FPDS-NG an error message will display stating, "Error(s) were found during the approval process in FPDS-NG. To correct the error(s), click on the FPDS-NG Transmission Status button." If this message occurs, the user needs to address the issue at that time. If the user fails to correct any issues, the Contract Action Report (CAR) within FPDS-NG will not be validated; and therefore, will not be finalized. This results in initiated but un-finalized CARs within FPDS-NG. It is the responsibility of the individual contracting officers to ensure the CARs are finalized

Detailed guidance is provided within SeaPort-e under the ConOps Tab, Release Notes, "FPDS-NG Integration Supplemental Document." It also is available as **Exhibit M**.

### 8.2 Post Award Administration

The MAC contracting officer has not delegated post award administration duties to DCMA other than Novation Agreements and the negotiation of final rates on cost type orders. Each contracting activity is responsible for the post award administration of their awarded task orders. If any post award administration duties at the task order level are further delegated to DCMA, a copy of the delegation letter should be forwarded to the MAC contracting officer.

For NAVSEA/NAVSEA Field Activities: The COR will monitor monthly actual spend data and will notify the PCO and PEO/Director/Field Activity CO/TD of all fully burdened labor charges in any labor category > \$156/hour, which were not originally specified in the contractor's proposal at award. The COR will monitor monthly actual average spend rates compared to average bid rate averages. Any variation of actual-to-bid rate averages > 10% requires notification to the PCO, Program Manager (or equivalent) and the cognizant SEA 02 Branch Head/Field Activity CCO. Averages > 15% for more than three consecutive months will be elevated to the PEO/Director/Field Activity CO/TD.

For NAVSEA/NAVSEA Field Activities: If ODCs are estimated >5% of the total labor value for any Individual Technical Instruction (TI), then the rationale shall be provided to the PCO when the TI is routed for PCO concurrence and reported to the PEO/Director/Field Activity CO/TD.

For NAVSEA/NAVSEA Field Activities: When a prime contractor requests to add a new subcontractor(s) to a Task Order post award, The Task Order PCO must ensure the prime contractor provides rationale for selection of subcontractor (work to be performed and why this sub) and address any impact to cost and their subcontracting goals.

If Task Order PCO concurs with the request, they will then provide this information to the COR, who must receive concurrence in writing from applicable Program Manager or equivalent. PM concurrence may be elevated to higher levels as specified by the PEO/Director/Field Activity CO/TD.

If PM concurrence is received, the Task Order PCO will modify the Task Order to reflect the additional subcontractor.

### 8.3 Task Order Modifications

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Task Order modifications developed within the SeaPort Portal represent “conformed” versions of the Task Order.

Therefore, to preclude the need for both government and contractor personnel to perform “side-by-side” reviews of entire conformed Task Order documents, SeaPort-e Contracting Offices will include within the “General Information” section of each SeaPort-e Task Order modification, a summary of changes made within the respective modification.

The type of modification and authority should be identified and cited (e.g., supplemental agreement) in the Task Order modification as appropriate.

In the event a division of a Prime Contractor will be performing the requirements, include the sample language below for DFAS payments within General Information:

“ATTENTION DFAS: The requirements of this Task Order are being performed by (insert name), a division of (insert name of Prime Contractor).”

### 8.4 Bilateral Task Order Modifications

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Bilateral modifications – changes to task orders that require the execution of bilateral modifications to SeaPort-e Task Orders shall obtain the applicable contractor’s electronic signature as follows:

- SeaPort-e Contracting Officer prepares draft modification. The modification should cite the proper authority under which the modification is being executed (i.e. supplement agreement).
- SeaPort-e Contracting Office posts draft modification to the SeaPort Bid Event Site under the sub-category entitled “Task Order/Mod” and sends a message to the applicable contractor via the SeaPort Bid Event Site.
- The contractor should communicate directly with the Contracting Officer for review and comment.
- The applicable SeaPort-e contractor downloads reviews and re-uploads the draft modification document to the SeaPort Bid Event Site triggering the electronic signature functionality within the SeaPort Bid Event Site. If an error requires correction, the contractor may reject the mod and a message is sent to the Contracting Officer. The modification must then be unlocked, corrected, and re-posted.
- SeaPort-e Contracting Officer completes the FPDS-NG panel, executes the modification and SeaPort feeds the executed document to EDA for distribution.

### 8.5 Task Orders Subject to Service Contract Act of 1965, as amended

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Task Orders subject to the Service Contract Act of 1965, as amended, are authorized ceiling adjustments for the purpose of wage determination.

Documentation of the ceiling adjustments shall be completed in accordance with local procedures and uploaded to the 1102 files

## 8.6 Past Performance Evaluations

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Past performance data for all SeaPort TOs, regardless of dollar value, should be reported via CPARS on an annual basis and at the completion of TO performance in the same manner that past performance data is reported for non-SeaPort procurements. Past performance feedback is required on all TOs to capture performance feedback which will be used in the evaluation associated with exercise of available Award Term Options, as well as for use on future SeaPort-e source selections. Information regarding past performance reporting requirements and the use of CPARS is provided below.

### 8.6.1 Past Performance Data Bases Used by the Navy

Two separate web-based systems are used to manage past performance data for Navy procurements. CPARS is used Navy-wide to collect data for ongoing and completed procurements. The Past Performance Information Retrieval System (PPIRS) is used government-wide to access past performance data from systems like CPARS for use in the source selection process. Information regarding each system and how it can be accessed is provided below.

### 8.6.2 CPARS

CPARS is a web-based application that collects and manages a library of automated contractor performance evaluations. In general, contractor performance assessments or evaluations provide a record, both positive and negative, for a given contract or task order during a specified period of time. When evaluating contractor performance each assessment or evaluation should be based on objective facts and supported by program and contract management data, such as cost performance reports, customer comments, quality reviews, technical interchange meetings, and management reviews. Changes to CORs must be accomplished with TO modifications and the change must be made in CPARS to facilitate access and subsequent e-mail notification prompting CORs to complete performance reviews. Complete information regarding access to and use of CPARS is provided at <http://www.cpars.navy.mil>.

### 8.6.3 PPIRS

PPIRS is a web-enabled, government-wide application that provides timely and pertinent contractor past performance information from several Federal performance information collection systems, one of which is CPARS. PPIRS assists Federal acquisition officials in making source selection decisions by serving as a central warehouse for performance assessment reports received. Government access is restricted to those individuals who are working on source selections.

Complete information regarding access to and use of PPIRS is provided at <http://www.ppirs.gov>.

## 8.7 Task Order Completion and Close-Out

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The system automatically identifies TOs as “Complete” within the Document Library when the Period of Performance expires.

Task Orders are to be closed-out in accordance with local activity procedures. Once the TO has been closed-out, the SeaPort-e Contracting Officer shall activate the “Task Order Closed” button on the TO Package Home Page. This will change the status of the order to “Closed” on the Document Library and Package Home Page, but the TO will remain accessible.

## Appendix A - Samples and other Documentation

The following samples/documents are available for viewing under the Exhibits under ConOps:

- A. Sample MOPAS
- B. Source Selection Ratings and Definitions – from Source Selection Procedures – issued March 31, 2016.
- C. Sample Sections L and M
- D. Sample Cost Summary Format
- E. Sample Recent and Relevant Past Performance Questionnaire
- F. Sample Previous Contracting Efforts
- G. Sample DCAA Rate Check Form
- H. Sample Staffing Plan Format
- I. Sample System Generated Award Notification
- J. MAC Section H and I Clauses
- K. Local Ombudsman Listing
- L. Seaport-e Authorized Ordering Activities
- M. FPDS-NG Integration Supplemental Document
- N. Sample Advance Planning Matrix