

2011 NAVFAC Atlantic Industry Forum Questions and Answers

Question #	Question	Answer
EV Overview Session		
1	Is the majority of the work in the states or overseas?	Primarily stateside primarily due to compliance with US environmental laws. There is some work overseas, but not nearly as much. At EURAFSWA we strive to comply with the laws of the country and those of the US. The overseas work is mainly compliance.
2	What about storm water impacts?	Biggest storm water issues: storm water fees (Are they fees or taxes?), treating of storm water, executive orders (EOs) like with the Chesapeake Bay EO (partnering with other federal agencies to work on solutions). The Compliance session will have more details.
3	Has there been discussion on multiple award contracts where contractors spend lots of money competing for a contract and then the contracts are awarded to multiple contractors so the opportunities end up being small for work off of those contracts for each contractor.	The decision about 3 year contracts and multi-year contracts came from higher levels that focus on huge billion dollar contracts.
4	For what types of contracts are the multiple award contracts used?	Specific sessions will talk to these. Multiple award contracts are about 30% of the total Environmental (EV) contracts; the goal is 25%.
5	Are the units on the Small Business (SB) slide dollars or awards?	Dollars
6	Does the SB percentage include all Set-Asides?	It includes all participations in set-asides (primes; not subs).
7	Is the portal, annotating proposed contracts, publicly accessible?	Yes
8	What has caused the slow-down in pushing contracts out over the past few years?	A lot of challenges related to acquisition: 1. Impacts on structuring contracts to make them more cost effective. 2. There have been several protests on contracts resulting in more reviews and oversight. 3. Large contracts require a new peer review. 4. BRAC and ARRA surge workload has drained acquisition (AQ) capacity. With BRAC and ARRA wrapping up, the capacity of AQ should increase.
9	Do you see any impacts in EV from cut-	CNO N45 was successful in keeping EV

2011 NAVFAC Atlantic Industry Forum Questions and Answers

Question #	Question	Answer
	backs in DOD?	from being cut and even increasing them slightly. Installation Restoration (IR) was going to be cut, but HQ was successful in retaining resources. A lot of emphasis is on energy, but none of that money has come out of EV yet.
10	Does energy audit work fall under EV contracts?	The energy work will fall under Public Works (PW) and some under Capital Improvements (CI).

11	How has the stand up of Marine Corps Installations Command (MCI) affected workload?	Those commands have not changed the dynamic of how work gets awarded. Marine Corps (MC) compliance work is still usually handled by MC at their bases. West Coast MC leans more on NAVFAC than East Coast MC. There has been no change due to MCI East and West. They are still fairly independent and autonomous.
12	How do we get big businesses to recognize and utilize small businesses? Who has the contracts and understands to whom to talk with to get in on the contracts. Does the portal have a list of who has the contracts?	Yes, the portal is public information and that information is posted. We will revise the portal to ensure easy access to that information. The link should have the information on it of who was awarded what contract. – ACTION: NAVFAC LANT EV

Environmental Planning and Range Sustainment

13	What is the difference between the contracts that Kelly talked about for NEPA/Range Sustainment and those that she said will also show up on the Environmental Restoration slides?	There is no difference. The same two contracts cover NEPA/Range Sustainment and Environmental Restoration work.
14	Is there an ORC contract coming out at Camp Lejeune?	<p>This answer will be provided after the forum as the answer was not readily known.</p> <p>Follow-up: The NC IPT is not working on an ORC (or any other UXO type) contract to be put out on the street. Currently, the bulk of the ORC work is being done through the SW contract, however, this will not be used again until DON and RASO decide who has what responsibility. The NC IPT is also using 8(a) contracts for various ORC and other UXO type work (i.e. addressing</p>

2011 NAVFAC Atlantic Industry Forum Questions and Answers

Question #	Question	Answer
		UXO/DMM/MMPPEH at other construction sites). MIDLANT's EV Industry Forum presentation stated that the NC IPT will likely award another 8(a) contract in FY12 and/or FY13 to provide a variety of UXO support, which includes ORC work.
15	In the future will SW have a contract for TAP II or will there only be one contract for TAP II across NAVFAC?	The strategy is that there will be one TAP contract at LANT and one at PAC.
16	What is the reason for the level of decline in workload that is mentioned on the summary slide?	Funding for munitions response work will not pick up until shortly after FY14, which accounts for much of the \$250,000 contract requirement.
17	Are any of the EV Planning projects evaluating alternative storm water management plans and designs?	We look at sustainable development in all of our EV planning documents, but none are specifically evaluating alternative treatment of storm water.
Natural, Marine, and Cultural Resources		
18	Is NAVFAC LANT switching the Biological Services contract from full and open to SB?	Right now we are planning on using a SB contract, but it could be unrestricted. We will do a sources sought.
19	What does a multiple award approach look like?	This will be dependent on the number of qualified firms, but each task order will be competed.
Environmental Compliance/Environmental Restoration		
20	Does NAVFAC have a future POL contract planned?	The future POL contract is not on the presentation because the presentation only covers up to FY14.
Panel		
21	How does energy, remediation efforts, and clean up lead to energy savings?	We have objectives in place addressing sustainable remediation. A separate discussion ensued after the forum ended between the PW BLM and the gentleman who asked this question. However, this discussion focused on Renewable Energy Credits and financing.

2011 NAVFAC Atlantic Industry Forum Questions and Answers

Navy Energy

- Q1. What is DDC?
A1. Direct Digital Controls
- Q2. What is SIR?
A2. Savings to Investment Ratio
- Q3. What is eROI
A3. eROI is a program developed by CNIC, Commander Navy Installations Command, to add factors above the traditional LCCA - Life Cycle Cost Analysis. The eROI has five tabs that include soft numbers:
1. Maximize Financial Benefits
 2. Min. Shore Energy Consumption
 3. Provide Reliable Energy
 4. Regulatory and SH Expectations
- Q4. Have you considered bundling multiple buildings in a energy package?
A4. Yes, such as Building Optimization and Recommissioning, DDC Energy Conservation & Control, Retro Commissioning. Multiple technologies have been bundled together in past projects, but are generally kept within a defined geographical area (a single base or installation).
- Q5. Do you buy sell RECs for PPA and/or Renewables?
A5. The Navy cannot sell RECs (no contractual mechanism), and we are not allowed to buy RECs in order to meet renewable energy goals. We can, in principal, trade or swap RECs. A PPA will generally result in the project developer retaining the RECs since the developer owns the assets.
- Q6. What is the Navy's position on Renewable tax credits?
A6. If the Navy finances a renewable energy project or otherwise owns the assets, the tax credits do not apply (Navy does not pay taxes per se). If the project assets are owned by a developer then the developer may take advantage of the tax credits.

2011 NAVFAC Atlantic Industry Forum Questions and Answers

“NAVFAC Construction: Expectations & What’s New” Session

Question 1: How was the ECI pilot project contracted?

Speaker’s Response: Separate contracts were awarded (ideally this is done concurrently). One to the Designer of Record for design/engineering services and one to a Construction Contractor (G.C.) for preconstruction services with an option for Construction Award. The award to the Construction Contractor is based upon best value source selection process. Preconstruction services include constructability review, input into materials/equipment selection, scheduling/phasing, cost estimating, etc.

Question 2: Please clarify subcontractor safety requirements for pilot at NAVFAC SE.

Speaker’s Response: A not to exceed EMR and DART rate for subcontractors at all tiers is established as part of the contract specifications. The prime contractor cannot enter into any subcontract agreement (at any tier) unless the subcontractor’s EMR is less than or equal to 1.1 and DART is less than or equal to 3.0. A waiver can be requested for extenuating circumstances. The prime contractor’s Site Safety and Health Officer receives, organizes, and maintains subcontractor EMR and DART records and provides to the Govt upon request. The required EMR and DART rates will be included in the specification prior to contract award.

Question 3: Regarding the difficulty in processing prior-year (O&M) funding requests in support of construction contract modifications, what triggers/constitutes a shutdown of work at the jobsite? How are contractors expected to manage that?

Speaker’s Response: Legally, contractors should not be performing additional/changed work without the issuance of a contract modification. Contractors must maintain good documentation and provide proper notification to the Govt any time changed conditions are encountered at the jobsite in accordance with the FAR. Contractors are advised to work closely with the NAVFAC field office and its leadership to determine the appropriate course of action in these circumstances (which should include risk analysis).

Question 4: Please provide more information on RAPIDGate program (for contractor access/badging reqmts).

Speaker’s Response: Information on costs and requirements to participate and enroll in Navy Commercial Access Control Systems (NCACS) is available at <http://www.rapidgate.com/vendors/how-to-enroll> or by calling 1-877-727-4342.

Addtl Information:

2011 NAVFAC Atlantic Industry Forum Questions and Answers

NCACS is a voluntary program in which Contractor personnel who enroll, and are approved, are subsequently granted access to the installation for a period up to one year, or the length of the contract, whichever is less, and are not required to obtain a new pass from the Base Pass and Identification Office for each visit. The Government performs background screening and credentialing. Throughout the year the Contractor employee must continue to meet background screening standards. Periodic background screenings are conducted to verify continued NCACS participation and installation access privileges. Under the NCACS program, no commercial vehicle inspection is required, other than for Random Anti-Terrorism Measures (RAM) or in the case of an elevation of Force Protection Conditions (FPCON). Information on costs and requirements to participate and enroll in NCACS is available at <http://www.rapidgate.com/vendors/how-to-enroll> or by calling 1-877-727-4342. Contractors should be aware that the costs incurred to obtain NCACS credentials, or costs related to any means of access to a Navy Installation, are not reimbursable. Any time invested, or price(s) paid, for obtaining NCACS credentials will not be compensated in any way or approved as a direct cost of any contract with the Department of the Navy.

One-Day Passes: Participation in the NCACS is not mandatory, and if the Contractor chooses to not participate, the Contractor's personnel will have to obtain daily passes, be subject to daily mandatory vehicle inspection, and will have limited access to the installation. The Government will not be responsible for any cost or lost time associated with obtaining daily passes or added vehicle inspections incurred by non-participants in the NCACS

2011 NAVFAC Atlantic Industry Forum Questions and Answers

Total Ownership Cost

Presenter – Rick Viohl (NAVFAC HQ)

Tri-Service TOC Team members present: Shirley Bowe (NF Atlantic), Brian Cooper (NAVFAC Atlantic)

Audience Questions:

1. What is the cost source used by the template? *Ans:* Proposers will use RS Means' Facility Maintenance and Repair Data as the data source for determining the annual preventive maintenance requirement/cost and service life for a given building component. The 40 year sustainment cost will be automatically calculated by the sustainment spreadsheet based on these entries. The Government baseline's sustainment cost is calculated using the annually published DoD sustainment unit cost factor for the given facility type, based on the facility's size and location.

Proposers will use any whole building energy simulation software that meets ASHRAE energy analysis standards to determine the annual energy consumption for their proposal, and enter the annual consumption for the first year in the template. Local utility rates and DOE energy discount factors are built into the energy spreadsheet so that the 40 year energy cost is automatically calculated based on the first year's energy consumption information. The Government baseline uses energy consumption pre-modeled for each facility type based on facility size, location and climate zone. The baseline models assume a minimum code facility, a simple rectangular shape, and ASHRAE 90.1 2007 energy standards.

2. Will this spreadsheet have to be submitted with our proposal? *Ans:* Yes.
3. It will be difficult to get all our information ready to submit by the "2pm deadline", as some of our subcontractor costs are not received until the last minute. *Ans:* We are trying to streamline the analysis – we realize it is additional work for proposers. We will reevaluate the bid preparation period after conducting a pilot program.
4. Any thought about making the analysis an in-house requirement for the project? *Ans:* The tool is meant to show the difference between proposals, i.e. differences between choices of building systems/components in the design solution. Only the proposer knows the specific components they intend to use in their design. A Government in-house analysis would have to assume the same choices for all proposals leading to identical TOC results.
5. Rick asked question_ – How many of you are doing work for NAVFAC Southeast? (4 or 5 hands were raised) If you are, you are already doing energy consumption analysis using whole building energy simulation software and submitting the analysis and the LEED EA Credit 1 summary report in your proposals. NAVFAC Southeast has had this requirement in place for all MILCON projects for almost 2 years. There was a big learning curve at first for both the Government and the proposers. Now things are going smoothly.
6. Can this analysis data be used for other projects, or is it just a throw away? It is a lot of work to do for a proposal. *Ans:* Yes, it is only used to evaluate that particular proposal.

2011 NAVFAC Atlantic Industry Forum Questions and Answers

7. What are you trying to attain? We do the analysis before we submit a project? Ans: It gives us a detailed breakdown of the energy savings you propose, that we can compare with the Government's baseline. It gives us more specifics than just a narrative of the proposed approach for achieving energy reduction.
8. It seems like a lot of work for a throwaway. Ans: The template is a "snapshot" of TOC at the proposal stage which can be compared to a similar Government baseline snapshot based on only considering the most significant TOC cost drivers in the analysis. Keep in mind that while the template spreadsheets appear complex and lengthy at first look, what you are really looking at is the master template that can be used for all projects with every conceivable type of building component that might need to be addressed. In practice, the template included in a given RFP for proposers to fill out will be significantly reduced so that only about a dozen or so components will need energy consumption information filled in and about 4 or 5 components will need sustainment information from the proposer.
9. I think contractors will default to the system (i.e. energy simulation software) that gives them the best savings in their proposal. Ans: The DOE determined that most energy calculation tools will give very close to the same answer for energy use. Use any tool you want as long as it meets the AHSRAE energy analysis standard, and input the answer into the template. We expect gaming the energy calculations will be minimal, but we will monitor the situation. Use the program defaults if you don't know all the specifics of the proposed design solution.
10. How will this template be used by NAVFAC as an evaluation factor? Ans: It will replace the current sustainability factor. It may or may not have a narrative to go with it. Anything that doesn't fit in the template can be proposed as a desirable or betterment as part of the proposer's submittal.

2011 NAVFAC Atlantic Industry Forum Questions and Answers

BOS Contract Presentation

Q: Is the Navy writing its own contracts, or using A&E or other contractor help?

A: Navy is currently writing all its own contracts. LANT is assisting specific FECs through reachback support.

Q: Adjectival ratings are different from CPARS. Will this be corrected?

A: This has been corrected and the language corrected.

Q: On slide 32/33, what is “SPS”?

A: Acronym for Standard Procurement System.

Q: On slide 13, is this the entire list of NAVFAC FSC/BOS templates?

A: Yes, those currently published to date.

Q: Are there any set-asides for Small Business?

A: Not necessarily. Some contracts go through market research (sources sought). Some of these may be done at the FEC.

Q: Why is contract enforcement inconsistent? Each FEC operates differently.

A: NAVFAC is conducting standardized technical training and has published standard Business Management System processes to rectify this across the enterprise. We welcome input to correct inconsistencies.

2011 NAVFAC Atlantic Industry Forum Questions and Answers

Asset Management Session

Q1 – Is there a joint Regional Integration Plan (RIP)?

A1 – Yes. Guam is an example. Naval District Washington (NDW) acquired an Air Force Base and their RIP also had an element of a joint RIP.

Q2 – How does NAVFAC determine asset utilization?

A2 – Navfac conducts asset evaluations (AEs) every 5 years for facilities. As part of an AE, long-term requirements of facilities are usually determined at the same time (BFRs).

Q3 – Please give a breakdown between CNIC and Navfac on EUL coordination.

A3 – All contracts are done by Navfac in accordance with the AM acquisition plan. Navfac prepares an acquisition plan in consultation with CNIC, who sets up the requirements for EULs.

Q4 – Can you comment on the EUL project involving biomass? Does the Navy receive energy from this project?

A4 – This project is financed by a 3rd party to generate and sell energy. The Navy would receive some in-kind consideration from this project.

Q5 – What is NASMOD?

A5 – It is a noise modeling program, typically used for compatibility or development analysis around airfields. It provides noise contours for various aircraft, flight tracks and time of day.

Q6 – Who funds studies for installation sustainability?

A6 – Typically by CNIC and the Marine Corps since sustainability is driven by SECNAV energy goals and need to be done by installation, not by project. We need to come up with a strategy for meeting the goals now across our installations, both Navy and MC.

Q7 – Does a site need to go thru the formal EUL process or can an unsolicited EUL site be proposed?

A7 – On occasion, yes. We can look at what is proposed and still need to do a request for proposal.

Q8 – Does AM get involved in facility condition assessment?

A8 – Public Works does. AM does the facility configuration, taking condition data from PW via ICAP. We need both for the overall facility asset evaluation.

Q9 – In the plans for facility plans (GSIPs, RIPs, installation plans,...), with the budget down, it is important with get with CNP to get a force structure in five years so a strategy for facility maintenance and configuration can be made.

A9 – Agree. AM has been partnering with the Marine Corps and CNIC to get an overall Navy-Marine Corps force strategy. CNIC has an initiative called “SHIF”, which is SHore Infrastructure For Tomorrow. SHIF has been paused for a while going thru POM (Program objective management) now. We plan to go back and update the GSIPs. Most of the data is already there.

2011 NAVFAC Atlantic Industry Forum Questions and Answers

2011 NAVFAC Atlantic Industry Forum Questions and Answers

Q&A - SAFETY AND RISK MANAGEMENT POLICIES – IMPACT ON CONTRACTS AND PERFORMANCE

1. QUESTION: Experience Modification Rate (EMR) calculations don't take into account extenuating circumstances. Small companies can only reduce their EMRs so much because of their small size. How can small companies effectively compete for work?

RESPONSE: Over the course of discussions it was apparent that questions were based on the criteria from a previously used process and the majority in attendance had not been exposed to the new process designed to increase corporate standardization deployed January 2011. The new process gives offerors the opportunity (encouraged to do so) to explain elevated EMRs and any extenuating circumstances reflected in those rates. NAVFAC evaluates offers to determine if there is a demonstrated history of safe work practices taking into account any upward or downward trends and extenuating circumstances that impact the rating values. Specifically the new process states:

“Experience Modification Rate (EMR): For the three previous complete calendar years [INSERT EXACT YEARS REQUIRED], submit your EMR (which compares your company's annual losses in insurance claims against its policy premiums over a three year period). If you have no EMR, affirmatively state so, and explain why. Any extenuating circumstances that affected the EMR and upward or downward trends should be addressed as part of this element.”

2. QUESTION: Several attendees voiced frustration/concern that contractors aren't given credit for explanation of extenuating circumstances related to elevated EMRs. If you aren't going to use the information, why ask for it. (Editorial Comment: Several comments point to EMRs carrying greater weight in selection process than other safety elements. Several indicated averaging of EMRs to come up with one number that is then assigned a rating.)

RESPONSE: The focus for rating the safety factor is on overall safety performance trends. Within the NAVFAC process there are published Technical Evaluation Board (TEB - Government) member instructions which state the following: “The three elements of safety are not sub-factors. The evaluators should collectively consider all elements of safety when assigning an overall adjectival rating for this factor. The TEB will need to make a qualitative determination of the rating for this factor, taking into account the risk ratings for EMR and DART and the subjective evaluation of the narrative.

It also states that: “Evaluators will not average the rating from the three years for the EMR and the DART.”

To assist in assuring consistent evaluations a NAVFAC safety person is assigned as TEB advisor.

3. QUESTION: If we have 0 lost time cases, 0 OSHA citations, and low EMRs, why aren't we rated Excellent?

RESPONSE: The new process has changed the rating verbiage by incorporating a rating based on risk and incorporating a two page narrative for a contractor technical approach to safety including any innovations as well as what consideration is made for safety during the sub

2011 NAVFAC Atlantic Industry Forum Questions and Answers

contractor selection is also factored into the overall rating. Concerns should be annotated with an explanation for extenuating circumstances that may have impacted the values provided.

4. QUESTION: Have we considered using OSHA 300 Log to provide greater insight into EMRs and DART rates?

RESPONSE: NAVFAC had considered using OSHA 300 logs in the new process but decided not to. NAVFAC evaluates the overall safety record. The Government's sources of information for evaluating safety may include, but are not limited to, OSHA, Enterprise Safety Applications Management System (ESAMS), and other related databases. While the Government may elect to consider data from other sources, the burden of providing detailed, current, accurate and complete safety information regarding these submittal requirements rests with the Offeror. The evaluation collectively considers the following:

- Experience Modification Rate (EMR)
- OSHA Days Away from Work, Restricted Duty, or Job Transfer (DART) Rate
- Offeror Technical Approach to Safety
- Other sources of information available to the Government

5. QUESTION: As a result of 2 Near Misses, we instituted a requirement for all of our 800 employees, including office personnel, to complete OSHA 30-Hour training course. As a result, we've seen a dramatic improvement in our safety culture. However, we're still judged based on the results generated by our old culture. How can we get credit for our improved safety efforts?

RESPONSE: This is a good example of material which should be included in the Safety Narrative in the new process providing opportunity to address innovations and other positive changes.

6. QUESTION: Is there a way to distinguish between EMRs of companies who self perform most of the work and those companies who subcontract the bulk of the work?

RESPONSE: NAVFAC safety advisors who participate in support of the TEB's are trained to consider this fact but in order to clearly address it should be included as an explanation where the values/rates are provided to help identify any extenuating circumstances described in question #1 above.

7. QUESTION: The post contract evaluations reflected in CPARS don't fully recognize/reward outstanding mishap prevention efforts/results as the overall contract is simply rated Satisfactory. Can such performance be given greater weight in the final evaluation?

RESPONSE: NAVFAC is considering additional steps to increase safety performance visibility in the end of contract evaluation process. A published Evaluation Rating Guide includes a note to raters which states: To justify Marginal/Unsatisfactory performance rating the rater (government) should include a narrative in block 20 that identifies a significant event that illustrates the rating(s) selecting in blocks 15 through 19 that the contractor had trouble overcoming and state how it impacted the

2011 NAVFAC Atlantic Industry Forum Questions and Answers

government. However a singular problem could be of such serious magnitude that it alone constitutes an unsatisfactory rating. A marginal/unsatisfactory rating should be supported by referencing the management tool that notified the contractor of the contractual deficiency (e.g. Management, Quality, Safety, or environmental Deficiency Report or letter).

8. QUESTION: When did new selection criteria go into effect and how well has it been publicized?

RESPONSE: 1 January 2011 for all new contracts. We found it particularly interesting that some of our NAVFAC personnel in attendance were not aware of the new process and plan to engage in a broad process communication to assure awareness.

9. QUESTION: Have you considered using adjectival criteria for safety instead of numeric factors, such as EMRs and mishap rates?

RESPONSE: The new source selection process makes use of adjectival ratings for each factor, including safety. Evaluation of EMRs and DART rates and a review of the Offeror's Technical Approach to Safety, including innovations and its subcontractor selection plan, are used in deriving the overall rating.

10. QUESTION: On the NAVFAC Southeast pilot program designed to establish a contract requirement for minimum criteria for sub-contractors hired how do you police prime contractors to ensure they only select those firms who meet criteria (EMR < 1.1 or DART < 3.0)?

RESPONSE: NAVFAC will rely on the integrity of each prime contractor to assure sub contractors used in the pilot program currently at NAVFAC Southeast meet the criteria. Should a discovery surface where a prime contractor failed to adhere to selection criteria additional information will be requested. The pilot does allow prime contractors who wish to use sub contractors that exceed the maximum performance rates to submit for a waiver should there be extenuating circumstances warranting additional consideration.

2011 NAVFAC Atlantic Industry Forum Questions and Answers

Topic: Small Business Utilization/Source Selection Factor Updates

Presenter: Ms. Barbara Taylor

1. Q: NAVFAC Woman Owned Small Business (WOSB) Directory – How do we get into that?

A: If you go to our small business website at <https://smallbusiness.navfac.navy.mil> under the Opportunities Tab there is information on how to be included and a NAVFAC Headquarters Point of Contact. This directory is not an endorsement of your company; it is simply a directory that houses information on firms that are interested in doing business with NAVFAC.

2. Q: Are you requiring the WOSB to be in the Repository in order to be added to the NAVFAC directory?

A: No. The NAVFAC WOSB Directory was established prior to the repository requirement. It includes firms interested in both prime and subcontracting opportunities.

3. Q: Mentor protégé references included in the subcontracting plan/source selection factor – Does that refer to SBA mentor protégé agreements or DoD mentor protégé agreements?

A: Either.

4. Q: In IDIQ contracts for A/E subcontracting plans how do I name firms or percentages if I have no idea what work will be issued once the contract is awarded?

A: Consider using historical data when developing plans. We understand there may be some difficulty on IDIQ type contracts but you should include your best estimate. When you submit your subcontracting achievement reports in eSRS, they will be based on the work that has been issued to you under the contract not the estimated value.

5. Q: Will the plan have to be revised if work issued doesn't match up with estimated/projected subconsultants?

A: The only time a subcontracting plan will be revised is if a modification greater than \$650K or \$1.5M for construction is issued. Changes or explanations will be included on the twice yearly ISR reports.

6. Q: Will NAVFAC require SDVOSBs to be VA verified?

A: Not yet but it may be required at some time in the future. Contracting Officers can and do check Vetbiz.

7. Q: Small Business Prime A/E submitting SF330 typically does not have many opportunities to subcontract to SB. How is this viewed?

A: Is that a set-aside or an unrestricted procurement? Audience Answer: Set-Aside.

A: The Small Business Program Office doesn't review the SF330s for set-aside procurements the Contracting Officer would perform this review. The review would consider specific RFP

2011 NAVFAC Atlantic Industry Forum Questions and Answers

requirements. On a small business set-aside a small business subcontracting plan would not be required.

8. Q: Regarding the requirement to notify the Contracting Officer if substitute firms named in the subcontracting plan. Would this include a requirement to notify the Contracting Officer if substitute a small business with another small business?

A: This question referred to the Small Business Administration Representative, Ms. Octavia Turner, who advised that it should still be coordinated but is not required.

9. Q: On a Small Business Set-aside project teaming versus JV? Benefits to JV?

A: Tough question and no carte blanche answer. This would be procurement and organization specific. Affiliation rule with JV on small business set-aside except for an SBA 8(a) mentor-protégé JV. Would recommend that you seek legal advice from a firm that specializes in Federal procurement.

10. Q: Does JV have to do 50%?

A: Yes. On a service contract for a small business set-aside the JV must comply with the limitation on subcontracting clause.

11. Q: Interested in standing up an SDVOSB firm. What is the first thing I should do?

A: Consult a Small Business Development Center (SBDC) in your local area. The SBDC has a wealth of knowledge and training all geared toward entities considering forming and recently formed. Among other things they can assist with business plan development and offer assistance and training free of charge to small businesses.

2011 NAVFAC Atlantic Industry Forum Questions and Answers

Topic: The Woman Owned Small Business Program

Presenter: Ms. Octavia Turner

1. Q: Referring to example project, if WOSB had both certifications, WOSB and EDWOSB, they would qualify, correct?

A: An EDWOSB is also a WOSB so they would qualify and could submit under either type of set-aside.

2. Q: In California we have USWO.

A: Believe you are referring to State program not a federal program.

3. Q: Where can you find required documents?

A: The required documents can be found at the SBA website. There is a compliance guide available with the information.

4. Q: Where can I find the repository? I'm in CCR and ORCA and can set it up myself.

A: The SBA website, www.sba.gov/wosb. Refer to the compliance guide on how to certify.

5. Q: Am I correct that no type of certification is received or anything once the information is uploaded to the repository?

A: Correct. Because it is a self certifying program no type of certification will be provided.

6. Q: Are you getting responses on sources sought?

A: Not sure. The Contracting Officers normally track that. Since the program is relatively new we are educating everyone at this time.

7. Q: 83 NAICS codes. Do you expect that to be expanded in the future?

A: Not sure at this time.

8. Q: Threshold \$3M or \$4M?

A: When Interim Rule was published the threshold was raised to \$4M. Please disregard the reference to \$3M.

9. Q: Is there any incentive for a contractor to have a woman owned small business as a subcontractor?

A: Other than normal participation/utilization goals, the woman owned small business is on equal footing with other programs.

10. Q: JV requirement that EDWOSB/WOSB must receive 51% of net profits, does this mean the WOSB/EDWOSB must do that portion of the work?

A: No. This relates to net profits only and applies to JVs.

2011 NAVFAC Atlantic Industry Forum Questions and Answers

Topic: Updates to SBA's 8(a) and Small Business Size Regulations

Presenter: Ms. Octavia Turner

1. Q: How do you procure a set-aside contract?

A: Need to market yourself.

2. Q: Perception is that the Contracting Officers only want to deal with firms that they already know.

A: Need to show what you bring to the table. Feel free to call NAVFAC Atlantic Office of Small Business Programs and we will review/forward your capability information out. Respond to sources sought announcements that you are capable of performing.

3. Q: We see sources sought announcements for 100% small business set-asides right at set-aside limit. For example \$4.5M when size standard is \$4.5M. Are they looking for large small businesses or are they looking for large businesses to respond in the event there are not enough small businesses?

A: We're talking two different things. A small business is small, organized for profit, and not dominant in its field. The total estimated contract value in the sources sought would be the total contract value for all options. So if it was for a base period with two one year options with a total value of \$4.5M, the \$4.5M would be for all three years. The size standard assigned to a NAICS code in a particular industry is used to determine whether a firm would be considered small or other than small under a particular procurement. A firm would compare their average annual receipts for the preceding three years to the size standard to determine their size.

4. Q: NAICS 236220 \$33.5M – Small Business wins 3 or 4 \$10M jobs in one year. What happens?

A: Average over three years to determine size.

5. Q: What is the timeline for further size standard updates.

A: I'm not sure.

6. Q: Sources Sought Feedback. Understand that debriefs are not required but small business world has frustration with not knowing if they were determined qualified or not after responding to sources sought. Is there any way to get feedback?

A: I don't think so. But if a set-aside is used the rule of two must have been met.

7. Q: What is the thought process by acquisition in how the solicitation goes out?

A: It would be the Contracting Officer's discretion what type of set-aside is used.

Q: Firm wants to obtain list of respondees to sources sought notice but Contracting Officers will not release. Why not?

2011 NAVFAC Atlantic Industry Forum Questions and Answers

A: It is our policy not to release this information. We consider the Sources Sought issuances to be part of the solicitation process, and we protect all of the information obtained through that process, including the names of submitters, as source selection information, per FAR 3.104

Topic: Subcontracting Plans and Reporting/Compliance Reviews

Presenters: Ms. Barbara Taylor and Mr. Steve Shapro

Note: A typographical error was noted on page 4 of the slide presentation. DELETE the 3rd bulleted note for Pages 3 & 4 following "Important!" in its entirety and SUBSTITUTE the following in lieu thereof:

Lines 2.c., 2.d., 2.e., 2.f., 2.g., 2.h., 2.i., 2.j., and 2.k., are calculated against Line **1**.b., total value of overall subcontracting dollars. (The corresponding bullet included in the Small Business Subcontracting Plan Template is correct as written.)

1. Q: Option periods versus options. Is there a difference?

A: Yes. May want to check with the Contracting Officer to ask if the subcontracting plan should include options.

2. Q: Should this be handled through the RFI process?

A: Yes.

3. Q: Is there a separate line for just small business?

A: No. Line 2.b includes subcontracted work to small businesses as well as other subcategories of small business.

4. Q: Can we count firms in multiple categories?

A: Yes. However, subcategories will not necessary add up to the amount shown in 2.b.

5. Q: Design Build. We don't have same goals as prime. Are we held to same goals?

A: If your subcontract is over \$650K or \$1.5 for construction you should have a subcontracting plan with your own goals/requirements.

6. Q: Should goals in 2nd or 3rd tier be same as prime goals?

A: Not necessarily. It depends on the type of work being subcontracted. The prime contractor is responsible for assigning the NAICS for the particular subcontract as well as negotiating goals.

7. Q: Difficult enforcing something that you don't get credit for. Currently only get credit for 1st tier subcontracts.

A: True. However, information for subcontracting can be pulled at higher levels if subcontracting reports for all tiers are in the eSRS system. This is why, as a prime, you are required to provide lower tier subcontractors with DUNS number, contract number, etc.

2011 NAVFAC Atlantic Industry Forum Questions and Answers

8. Q: Have you ever considered including small businesses as part of the compliance review?

A: Not sure would be comfortable with that. The compliance review process involves looking at internal records. However, it is entirely appropriate for the Government Team to contact small business concerns listed on the Subcontracting Plan to ask any relevant questions.

9. Q: If only look at top tier of subcontracting, large businesses are not getting credit for entire program.

A: The compliance review process allows the agency to get a broad overview of the large business firm's subcontracting program.

10. Q: One NAICS for Solicitation; if prime contractor identifies work to subcontract as a separate NAICS it should do so. For example, general construction contractor identifies drywall SDVOSB subcontractor. Would separate NAICS be listed in plan?.

A: No. The plan would include the planned SDVOSB drywall subcontractor but a separate NAICS would not be identified in the plan.

11. Q: What is the upshot of failing a compliance review?

A: Failing a compliance review becomes part of the CCASS or ACASS evaluation and potentially dollar for dollar liquidated damages. We typically see the firm turn around any problem areas.

12. Q: We are listed as a subcontractor on tons of plans. How do we know that they, the large business, have not failed a compliance review?

A: There are pending regulations focused on accountability. Additionally, FAR 52.204.10, Reporting Subcontract Awards, requires large business primes to report their subcontract awards and will provide an avenue to check up on what prime contractors are doing. The information will be available to the public at USA Spending.gov.

13. Q: Should we ask for a copy of plans?

A: Many large businesses have internal procedures to de-brief unsuccessful offerors on large subcontracts and purchase orders. This is a best practice that the Government encourages.