**NOTES TO THE BUYER**

|  |  |
| --- | --- |
| Program Name: | *Insert title of TO* |
| Previous/Current Contract info |
| Is a contractor doing, or has a contractor ever done, any part of the work that is detailed in the PWS for this effort? | [ ] Yes [ ] No *If Yes, insert current contractor name and the percentage of the work in the PWS that they are currently executing or have executed in the past*  |
| The previous contract(s) and task order number(s) is(are): |  *Insert current contract number(s) and delivery order number(s), if applicable* |
| Current contract end date: | *Insert current contract end date, if applicable* |
| Transition out plan provided in previous contract? | [ ] Yes [ ] No [ ] NA |
| Previous/current contractor a Small Business? | [ ] Yes [ ] No [ ] NA |
| Name/Size: | *Insert name and size of previous/current Small Business contractor* | [ ] NA |
| Average annual burn rate on previous contract: | *Insert average burn rate on previous/current contract* | [ ] NA |
| Technical focus areas (TFA) |
| Indicate which Technical Focus Areas from the lists below apply to the work to be performed in the PWS. |
| Defense Systems Domain |  |
|[ ]  Survivability and Vulnerability |
|[ ]  Reliability, Maintainability, Quality, Supportability, and Interoperability (RMQSI) |
|[ ]  Military Sensing |
|[ ]  Advanced Materials |
|[ ]  Energetics |
|[ ]  Non-Lethal Weapons and Information Operations |
|[ ]  Directed Energy |
|[ ]  Autonomous Systems |
|[ ]  Weapons Systems |
|[ ]  Command, Control, Communications, Computers, Intelligence, Surveillance, and Reconnaissance (C4ISR) |
|  |  |
| Cyber Security and Information Systems Domain |  |
|[ ]  Software and Data Analysis |
|[ ]  Cyber Security (CS) |
|[ ]  Modeling and Simulation (M&S) |
|[ ]  Knowledge Management and Information Sharing |
| Homeland Security and Defense Domain |
|[ ]  Homeland Security and Defense |
|[ ]  Critical Infrastructure Protection (CIP) |
|[ ]  Weapons of Mass Destruction (WMD) |
|[ ]  Biometrics |
|[ ]  Medical |
|[ ]  Cultural Studies |
|[ ]  Alternative Energy |
|[ ]  CBRN Non-Laboratory |
|[ ]  CBRN Laboratories |
| Mandatory Use contracts |
| Does your agency have any mandatory use contracts for this type of requirement? |  [ ] Yes [ ] No |
| Funding Profile (total does not include CSDC) |
| **Base** | **Year 2** | **Year 3** | **Year 4** | **Year 5** | **Total** |
| $ | $ | $ | $ | $ | $ |
| Initial Funds available  | (Amount / Quarter / Year) |
| When available? | *Insert which FY quarter initial funds will be provided* |
|[ ]  1 Year Funds | *Insert amount of initial funding* |
|[ ]  Multi-Year Funds | *Insert amount of initial funding* |
|[ ]  Both | *Insert amount of initial funding* |

|  |
| --- |
| OPTIONS[ ] Yes [ ] No Note: If ONLY one-year money (i.e., O&M funds) is anticipated and the period of performance is greater than twelve (12) months, the contract must be set up with a base period and options. Be cognizant of the hard cut-off period of performance dates for the IAC MAC contract below when determining option periods.IAC MAC Ordering End Date: TBDIAC MAC PoP End Date: TBDSPECIAL FUNDING |
| Advisory & Assistance Services coded funds are used? [ ] Yes [ ] No Foreign Military Sales (FMS) coded funds are used? [ ] Yes [ ] No  |  |  |  |  |
| Economy Act |
|  | [ ]  This organization has made the appropriate Economy Act decisions in accordance with FAR 17.500(b) and local agency requirements. When a DoD contracting office is the servicing agency for the requirement submitted by a non-DoD customer, a copy of the Determinations and Findings that supports the Economy Act Decision is to be provided to the DoD contracting office.  |
| PERIOD OF PERFORMANCE  | *Insert number of months* |
| Transition Plan |
| Transition In: | [ ] Yes [ ] No | Period: | *Insert allowable transition-in period expressed in terms of number of days. (30 days is preferred.)* |
|  |  |  |  |
| Transition Out: | [ ] Yes [ ] No | Period: | *Insert allowable transition-out period expressed in terms of number of days. (60 days is preferred.)* |
|  |  |  |  |
| Type of requirement/customer –  | (check one) |
|[ ]  An estimated number of projects per year, where the nature of the projects is predictable, to get the most amount of STI for the Government budget amount, and funding is per project with ebb & flow or fluctuations. |

|  |
| --- |
|[ ]  Known project(s) with defined start and completion requirements. |

# DELIVERABLE ITEMS (not including data)

[ ]  Reports

[ ]  Hardware (see Unit Item ID & Valuation DFARS 252.211-7003)

[ ]  Software

[ ]  Prototype (need to have means of tracking cost to build)

[ ]  Other: Insert description here.

# RIGHTS IN TECHNICAL DATA

Review in its entirety DFARS 227.7103-5, Government Rights, which defines the three standard levels of government rights (unlimited, Government purpose, and limited) as well as specially negotiated rights for technical data other than computer software.

Review in its entirety DFARS 227.7203-5, Government Rights, which defines the three standard levels of government rights (unlimited, government purpose, and restricted) as well as specially negotiated rights for computer software and computer software documentation.

Note that greater levels of rights equate to greater levels of cost to the government.

Reviewed: [ ] Yes [ ] No

Applicable: [ ] Yes [ ] No

|  |  |
| --- | --- |
| Full time equivalents (FTE) | (insert estimated number of FTEs/year) |
| **Base** | **Year 2** | **Year 3** | **Year 4** | **Year 5** |
| # of FTEs | # of FTEs | # of FTEs | # of FTEs | # of FTEs |

|  |  |
| --- | --- |
| Place of performance | (insert estimated % of FTEs) |
|[ ]  **Contractor location** |
|  |[ ]  CONUS FTEs | *% FTEs* |[ ]  OCONUS FTEs | *% FTEs* |
|  | Contractor location limitations:  |
|  | *Specify any contractor location limitations, e.g. “Contractor facility must be within 20 miles of base X.”* |
|[ ]  **Government location** |
|  |[ ]  CONUS FTEs | *% FTEs* |[ ]  OCONUS FTEs | *% FTEs* |
|  | Government address: | *Insert Government address.* |
|  | Government location limitations: |
|  | *Specify any Government location limitations, e.g. “Government location only has room for two contractors on base.”* |
| Classification |
|[ ]  This program is unclassified. |
|[ ]  This program is classified to the *insert classification level*. SSO approved solicitation DD254 (or SSO concurrence email of solicitation with DD254 draft) with addenda attached. |
|[ ]  Personnel Security (Provide description) |
|  | *Insert description here.* |
|[ ]  Storage Security at Contractor Site (Provide description) |
|  | *Insert description here.* |
| Item Unique Identification (IUID)  |
| Item Unique Identification (IUID) is a globally unique and unambiguous identifier that distinguishes an item from all other like and unlike items valued at $5K or more. The UII is derived from a UII Data Set of one or more data elements marked on an item from which the concatenated IUID can be derived. (**Ref: MIL-STD-130N Change 1**) |
|[ ]  None |
|[ ]  List any anticipated deliverables and value that fall in this category: |
|  | *Insert anticipated deliverables and value that fall in this category here.* |
| Government FUrnished Property/Equipment (GFP/E) (Select more than one if applicable) |
|[ ]  None |
|[ ]  No GFP/E but Government will provide access to property, work space, facilities, etc. |
|  | *Insert items you will be giving access to.* |
|[ ]  The following GFP/E will be provided to the contractor (quantity, date of delivery, length of use, shipping/disposition instructions, and dollar value): *Insert GFP/E list or provide attachment.* The GFP/E is currently available and its condition is suitable as is for its intended purpose. The property is presently in the possession of *Insert applicable POC.* |
|[ ]  The GFP/E will be provided to the contractor on a rent-free non-interference basis. The property is presently accountable to *Insert the current Government contract number that the GFP/E is accountable to and include a POC.* |
| Note: | GFP/E is defined as property in the possession of, or directly acquired by, the Government and subsequently furnished to the contractor for performance of a contract. Government furnished property includes, but is not limited to, spares and property furnished for repairs, maintenance, overhaul, or modification. Government furnished property also includes contractor acquired property if the contractor acquired property is a deliverable under a cost contract when accepted by the Government for continued use under the contract.” Reference: Federal Acquisition Regulation Part 45.101 (<https://www.acquisition.gov/far/current/html/Subpart%2045_1.html>) |
| Government Furnished Information (GFI)  |
| Will there be GFI? | [ ] Yes [ ] No |
| Do offerors need the GFI in order to propose? | [ ] Yes [ ] No | (If yes, provide list within PWS or as an attachment to PWS.) |
| List any additional information, websites, or sources: |
| *List any additional information, websites, or sources here.* |
| Note: | GFI is generally defined as any information in the possession of, or directly acquired by, the Government and subsequently furnished to the contractor for performance of a contract. Government furnished information includes, but is not limited to, technical data, source code, etc. If there is proprietary information in the potential GFI, then measures must be taken to avoid violation of applicable regulations. |
| Ozone Depleting Substances (ODS) |
|[ ]  I have reviewed the requirement, including available technical documentation, and believe that it does not require the contractor to use Class I Ozone depleting substances (ODS) in Air Force Policy, nor is it written so that it can only be met by the use of a Class I ODS. |
|[ ]  Attached is a list of Class I ODS with required approval/documentation. |
| INherently governmental functions applies |
| Services contracts shall not be used for the performance of inherently governmental functions IAW FAR 7.503 definition. IAW Office of Federal Procurement Policy letter 92-1: As a matter of policy, an "inherently governmental function" is a function that is so intimately related to the public interest as to mandate performance by Government employees. These functions include those activities that require either the exercise of discretion in applying Government authority or the making of value judgments in making decisions for the Government. Governmental functions normally fall into two categories: (1) the act of governing, i.e., the discretionary exercise of Government authority, and (2) monetary transactions and entitlements. 1. Guidance for this determination may be found at: REFERENCE: OUSD(AT&L)/DPAP Memo, 25 Feb 13; [http://www.acq.osd.mil/dpap/policy/policyvault/USA007619-12-DPAP.pdf#zoom=100%](http://www.acq.osd.mil/dpap/policy/policyvault/USA007619-12-DPAP.pdf%23zoom%3D100%25)2. Federal Register Notice; <http://www.gpo.gov/fdsys/pkg/FR-2011-09-12/pdf/2011-23165.pdf> : Policy Letter 11-01 starts on page 10. |
|[ ]  As the designated requirements official, I have reviewed the statement of work/statement of objectives IAW FAR 7.503. I hereby determine the functions to be performed are not inherently governmental. Using the contractor provided services or work products does not affect the discretionary authority, the decision-making responsibility, or the accountability of Government officials. |
| **Definitions** |
| **Closely Associated Functions** | Supporting or providing advice or recommendations with regard to inherently governmental activities. Some examples of inherently governmental functions listed in the OFPP Policy Letter include: participation as a voting member on any source selection board; determining prices to be fair and reasonable; and, awarding contracts. The OFPP Policy Letter provides test whereby managers can determine if the needed tasks are inherently governmental functions. Tasks that are closely associated with inherently governmental functions are those contractor duties that could expand to become inherently governmental functions. Some examples of closely associated with inherently governmental functions include: participating as a technical advisor to a source selection board; drafting the price negotiation memorandum; or, providing inspection services. |
| **Critical Functions** | A function that is necessary to the agency being able to effectively perform and maintain control of its mission and operations. Typically, critical functions are recurring and long-term in duration. |
| **Other Functions** | The services are neither of the above. (Select the applicable code below) |
| (Select one of the following) |
|[ ]  CL = "functions closely associated to inherently governmental functions" (IGF::CL::IGF) (If CL, provide explanation of the implemented control & oversight that will be taken to ensure this does not become inherently governmental.) |
|  | *Insert explanation of the implemented control & oversight that will be taken to ensure this does not become inherently governmental.* |
|[ ]  CT = "critical functions", or (IGF::CT::IGF) |
|[ ]  OT = "other functions" or (IGF::OT::IGF) |
|[ ]  A combination of CL and CT (IGF::CL,CT::IGF) (If CL,CT provide explanation of the implemented control & oversight that will be taken to ensure this does not become inherently governmental.) |
|  | *Insert explanation of the implemented control & oversight that will be taken to ensure this does not become inherently governmental.* |
| Unit identification code | *Insert applicable UIC(s) – can be obtained from your manpower office as this code is required for manpower reporting.* |
| Note: | This is not the DODAAC. The UIC is a six (6) character alphanumeric code which uniquely identifies each United States Department of Defense Entity. |
| OCONUS Travel/Performance |
| If OCONUS travel and/or performance is required, answer the following: |
| 1. | Are there **International Traffic in Arms Regulations (ITAR)** concerns with your requirements? | [ ] Yes [ ] No |
|  | *If yes, insert applicable ITAR information here.* |
|  | Note: | ITAR regulations dictate that information and material pertaining to defense and military related technologies (items listed on the U.S. Munitions List) may only be shared with U.S. Persons unless authorization from the Department of State is received or a special exemption is used. U.S. Persons (including organizations) can face heavy fines if they have, without authorization or the use of an exemption, provided foreign persons with access to ITAR-protected defense articles, services or technical data. |
| 2. | Will travel and/or performance require consideration of a **Status of Forces Agreement (SOFA)**? | [ ] Yes [ ] No |
|  | If yes, check all that apply: |
|  |[ ]  US-Iraq Status of Forces Agreement |
|  |[ ]  US-Japan Status of Forces Agreement |
|  |[ ]  US-South Korea Status of Forces Agreement |
|  | Note: | A SOFA is an agreement between a host country and a foreign nation stationing military forces in that country. SOFAs are as part of a comprehensive security arrangement that is intended to clarify the terms under which the foreign military is allowed to operate and is more concerned with the legal issues associated with military individuals and property. |
| Organizational Conflict of Interest |
|[ ]  None |
|[ ]  There exists a potential conflict of interest on this effort. Describe the contractor requirements and why there is a conflict of interest (e.g., Contractor will monitor other contractors' performance and provide a report for Government approval which could cause conflict between the two contractor interests). See FAR 9.5 and discuss with contracting ASAP. |
|  | *Insert description of contractor requirements and why there is a conflict of interest.* |
| Earned Value Management System (EVMS) |
| Note: | Earned Value Management System (EVMS) is required for Major acquisitions for development, in accordance with OMB Circular A-11. EVMS is required for cost or incentive contracts and subcontracts valued at $20,000,000 or more. |
| Does requirement fall under a Major Systems Acquisition and valued at $20M or more? | [ ] Yes [ ] No |
| Best Value Approach |
|[ ]  Tradeoff: The non-cost factor is significantly more important than cost/price. This process allows for a tradeoff between non-cost factors (Mission Capability only) and cost/price and allows the Government to accept other than the lowest priced proposal or other than the highest technically rated proposal to achieve an overall best-value contract award.List 3 critical areas or Task/Subtask numbers from the PWS that you are willing to pay a premium for tradeoffs. |
|  | 1. | *Insert first critical area or Task/Subtask number.* |
|  | 2. | *Insert second critical area or Task/Subtask number.* |
|  | 3. | *Insert third critical area or Task/Subtask number.* |
|[ ]  Lowest Price Technically Acceptable (LPTA): The LPTA process is appropriate when best value is expected to result from selection of a technically acceptable proposal with the lowest evaluated price. Any evaluation criteria are of a pass/fail nature. |
| ACOR |
| RA understands Alternate Contracting Officer Representative (ACOR) must be trained (COR, Ethics, and Combating Human Trafficking) and appointed prior to TO award. |
| **Alternate Contracting Officer Representative (ACOR)** |
| Name: | *Name* | Title: | *Title* |
| Organization: | *Organization* | Office Code: | *Office Code* |
| COR Training Dates: | *COR Training Dates* | E-mail: | *E-mail* |
| Agency DODAAC or BPN: | *Agency DODAAC or BPN* | Phone Comm/DSN: | *Phone Comm/DSN* |
| Address: | *Address* |
| Name of IAC that will receive the STI: | IAC MAC |
| **ATTACHMENTS:****Needed with this NTB:** |
|[ ]  Performance Work Statement (PWS) (Use template) |
|[ ]  Independent Government Cost Estimate (IGCE) (Use template) |
|[ ]  Interservice Support Agreement (DD Form 1144) or Interagency Agreement (IAA) General Terms and Conditions (GT&C) (7600A) |
|[ ]  TO-unique DD Form 254 and RA SSO email concurrence |
| **Needed prior to FOPR release:** |
|[ ]  Proposal Evaluation Plan |
|[ ]  Funding Document(s) (MIPR, 7600B, or Administrative Commitment Document). See <http://iac.dtic.mil/how_to_send_mipr.html> for funding submittal instructions |