**NOTES TO THE BUYER**

**ECONOMY ACT**

This action will be executed pursuant to the Economy Act 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.

# Requirement Title

Insert RMS number and Title of Task Order

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# Technical Focus Areas

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 (1.4.2.2.1)

[ ]  Reliability, Maintainability, Quality, Supportability, and Interoperability (RMQSI) (1.4.2.2.2)

[ ]  Military Sensing (1.4.2.2.3)

[ ]  Advanced Materials (1.4.2.2.4)

[ ]  Energetics (1.4.2.2.5)

[ ]  Non-Lethal Weapons and Information Operations (1.4.2.2.6)

[ ]  Directed Energy (1.4.2.2.7)

[ ]  Autonomous Systems (1.4.2.2.8)

[ ]  Weapons Systems (1.4.2.2.9)

[ ]  Command, Control, Communications, Computers, Intelligence, Surveillance, and Reconnaissance (C4ISR) (1.4.2.2.10)

## Cyber Security and Information Systems Domain

[ ]  Software and Data Analysis (1.4.2.3.1)

[ ]  Cyber Security (CS) (1.4.2.3.2)

[ ]  Modeling and Simulation (M&S) (1.4.2.3.3)

[ ]  Knowledge Management and Information Sharing (1.4.2.3.4)

## Homeland Security and Defense Domain

[ ]  Homeland Security and Defense (1.4.2.4.1)

[ ]  Critical Infrastructure Protection (CIP) (1.4.2.4.2)

[ ]  Weapons of Mass Destruction (WMD) (1.4.2.4.3)

[ ]  Biometrics (1.4.2.4.4)

[ ]  Medical (1.4.2.4.5)

[ ]  Cultural Studies (1.4.2.4.6)

[ ]  Alternative Energy (1.4.2.4.7)

[ ]  CBRN Non-Laboratory (1.4.2.4.8)

[ ]  CBRN Laboratories (1.4.2.4.9)

# Deliverable Items

Select all that apply. (Does not include data.)

[ ]  Reports

[ ]  Hardware (Equipment) – See Unit Item ID & Valuation DFARS 252.211-7003

[ ]  Software (Software Code)

[ ]  Software (Commercial Off-the-Shelf (COTS))

[ ]  Prototypes (Need to have means of tracking cost to build)

# Mandatory Use Contracts

Does your agency have any mandatory use contracts for this type of requirement?

[ ]  Yes [ ]  No

If yes, please identify the mandatory use contract vehicle and provide the wavier documentation obtained.

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# 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(s) and the percentage of the work in the PWS that they are currently executing or have executed in the past:

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The previous contract(s) and task order number(s) is (are):

|  |
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Previous/current contract a Small Business Set-Aside?

[ ]  Yes [ ]  No

Current contract end date:

|  |
| --- |
|  |

Date current contract is expected to be fully funded based on average annual burn rate:

|  |
| --- |
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Transition out plan provided in previous contract?

[ ]  Yes [ ]  No

# Inherently Governmental Functions

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.

* 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%>.
* 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.

## 6.1 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.

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[ ]  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.

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# Organizational Conflict of Interest

[ ]  None

[ ]  There is a potential conflict of interest on this effort, as described below (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.

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# REQUESTED Length of Task Order

Insert number of months.

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# Options

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: 29 SEP 2027
* IAC MAC PoP End Date: 29 SEP 2032

[ ]  Yes [ ]  No

# Special Funding

Advisory & Assistance Services coded funds will be used?

[ ]  Yes [ ]  No

Foreign Military Sales (FMS) coded funds will be used?

[ ]  Yes [ ]  No

# Initial MIPR Funds

Insert which quarter and fiscal year (FY) initial funds will be provided:

|  |
| --- |
|  |

[ ]  Single Year Funds Insert amount and type of initial funding

|  |
| --- |
|  |

[ ]  Multi-Year Funds Insert amount and type of initial funding

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# Funding Profile

Insert Total Direct Cost for each year. (Does not include CSDC.)

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Base** | **Year 2** | **Year 3** | **Year 4** | **Year 5** | **Total** |
|  |  |  |  |  |  |

# Full Time Equivalents ESTIMATE

Insert number of FTEs per year.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Base** | **Year 2** | **Year 3** | **Year 4** | **Year 5** |
|  |  |  |  |  |

# Place of Performance

(Insert estimated percentage of FTEs for each applicable location.)

[ ]  **Contractor location(s)**

[ ]  CONUS FTEs: *% FTE* [ ]  OCONUS FTEs: *% FTE*

Contractor location limitations:

Specify any contractor location limitations.

|  |
| --- |
|  |

[ ]  **Government location(s)**

[ ]  CONUS FTEs: *% FTE* [ ]  OCONUS FTEs: *% FTE*

Government address/addresses:

|  |
| --- |
|  |

Government location(s) limitations:

Specify any Government location limitations, e.g. “Government location only has room for two contractors on base.”

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# base support

Government will provide access to property, facilities, work space, etc.

[ ]  No

[ ]  Yes, the Government will provide the contractor access to facilities, office space, workstations, telephones, computers/laptops, office supplies, equipment, etc. Proper local agency procedures have been followed to ensure contractors will have access to Government property at each Government location specified above. The Base Support details that will be provided to the contractor at each location are provided below.

|  |
| --- |
| Complete this section for each Government Location: (Location(s) need to match those specified in the PWS)Location: [ ]  Number of people \_\_\_\_\_\_[ ]  Number of workstations \_\_\_\_\_\_[ ]  Number of telephones \_\_\_\_\_\_[ ]  Number of computers/laptops \_\_\_\_\_\_[ ]  Other access items include (if applicable, describe) \_\_\_\_\_\_  |

# Government Furnished Property (GFP)

Note: GFP 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*](https://www.acquisition.gov/far/current/html/Subpart%2045_1.html)).

[ ]  No GFP will be provided or is required to begin performance.

[ ]  Yes, GFP will be provided to the contractor to begin performance. The GFP is currently available and its condition is suitable as is for its intended purpose. The property is presently in the possession of:

Insert the applicable government POC and any accountable contract number(s) for the GFP.

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# Government Furnished Information (GFI)

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.

Do offeror(s) need GFI in order to propose?

[ ]  Yes [ ]  No

If yes, provide list within the PWS or as an attachment to the PWS.

List any additional information, websites, or sources:

|  |
| --- |
|  |

# Security Classification

[ ]  This requirement is unclassified.

[ ]  This requirement is classified. Specify the required security classification level(s) below and provide the appropriate SSO approved draft DD254 for solicitation (or SSO concurrence email of the draft DD254 for solicitation) with any attached addenda.

Personnel Security Level:

Facility Storage Security Level:

# ITAR

Are there International Traffic in Arms Regulations (ITAR) concerns with your requirements?

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.

[ ]  Yes [ ]  No

If yes, insert applicable ITAR information here:

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# SOFA

Will travel and/or performance require consideration of a Status of Forces Agreement (SOFA)?

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.

[ ]  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

# Item Unique Identification (IUID)

Note: 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:

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# 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.

Applicable:

[ ]  Yes [ ]  No

# Earned Value Management System

Note: An 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. A Major Defense Acquisition Program (MDAP) is a program that meets or exceeds the Acquisition Category (ACAT) I requirements in DoD Instruction 5000.02 “Operation of the Defense Acquisition System” and is classified as a MDAP by the Milestone Decision Authority. The IAC MAC has not been structured to execute major acquisitions that require EVMS.

Does this requirement fall under the definition of a Major Defense Acquisition Program, Major Automated Information System Program, or Major System?

[ ]  Yes [ ]  No

# UNIT IDENTIFICATION CODE (UIC)

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.

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# ACOR

RA understands that the ACOR must be trained (COR, Ethics, and Combating Human Trafficking) and appointed prior to TO award.

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| --- |
| ACOR Information |
| Name: |  | Title: |  |
| Organization: |  | Office Code: |  |
| COR Training Dates: |  | E-Mail: |  |
| Agency DODAAC or BPN: |  | Phone Comm/DSN: |  |
| Address: |  |

# Milestone (Notional Timeline - Starts when the PWS, NTB, IGCE, DD254 w/SSO Concurrence and Support Agreement (DD1144/7600A) are completed and an initial request for contracting review has been requested).

*(CSC will complete this section)*

|  |
| --- |
| **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)-DRAFT  |
|[ ]  TO-unique DD Form 254 and RA SSO email concurrence-DRAFT |
| **Needed prior to FOPR release:** |
|[ ]  Proposal Evaluation Plan |
|[ ]  Fully Executed Interservice Support Agreement (DD Form 1144) or Interagency Agreement (IAA) General Terms and Conditions (GT&C) (7600A) prior to Business Clearance Request |
|[ ]  Funding Document(s) (MIPR, 7600B, or Administrative Commitment Document). See <http://iac.dtic.mil/how_to_send_mipr.html> for funding submittal instructions |