**FAIR OPPORTUNITY PLANNING DOCUMENT**

**NOTES TO THE BUYER (NTB)**

**MEMORANDUM FOR RECORD**

**ECONOMY ACT**

This action will be executed pursuant to the Economy Act in accordance with Federal Acquisition Regulation (FAR) 17.500(b) and local agency requirements. When a Department of Defense (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.

**SELECTION OF THE IAC MAC**

The Office of the Secretary of Defense (OSD) issued a preferred use memorandum co-signed by Defense Pricing and Contracting (DPC) and the Assistant Secretary of Defense for Research and Engineering (ASD (R&E)) dated 27 July 2018 that identified the Information Analysis Center (IAC) contracts as best value vehicles to acquire services that fall within the applicable scope areas and recommended that all new and ongoing efforts should consider the DoD IAC contracts as vehicles of first choice.

# Requirement Title and Requiring Activity (RA)

Insert title of Task Order (TO) and RA:

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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 Performance Work Statement (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)

[ ]  Chemical, Biological, Radiological, and Nuclear (CBRN) Non-Laboratory (1.4.2.4.8)

[ ]  CBRN Laboratories (1.4.2.4.9)

# DoD Modernization priorities

Indicate if your requirement touches any of the 11 DOD Modernization Priorities from the list below.

[ ]  5G

[ ]  AI/ML (Artificial Intelligence/Machine Learning)

[ ]  Autonomy

[ ]  Biotechnology

[ ]  Cyber

[ ]  Directed Energy

[ ]  FNC3 (Fully Networked Command, Control, and Communications)

[ ]  Hypersonics

[ ]  Microelectronics

[ ]  Quantum Science

[ ]  Space

# Deliverable Items

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

[ ]  Reports

[ ]  Hardware (Equipment) – See Unit Item ID & Valuation Defense Federal Acquisition Regulation Supplement (DFARS) 252.211-7003

[ ]  Software (Software Code)

[ ]  Software (Commercial Off-the-Shelf (COTS)) – Government may not receive full data rights.

[ ]  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 waiver 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. A copy of current PWS(s) may be required.

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The previous contract(s) and TO number(s) is (are):

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Is the previous/current contract a Small Business Set-Aside?

[ ]  Yes [ ]  No

Current contract end date:

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

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Is there a potential mission gap/stop work situation?

[ ]  Yes [ ]  No

If yes, explain any plan of action for mitigation, if applicable.

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Is a 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 In Accordance With (IAW) the FAR 7.503 definition nor outsourced IAW Title 10, United States Code § 2461. 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:

* Office of the Under Secretary of Defense (OUSD) for Acquisition, Technology, and Logistics (AT&L)/Defense Procurement and Acquisition Policy (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.
* Title 10, United States Code § 2461.
* Office of Management and Budget Circular A-76.

## [ ]  This requirement has NO inherently governmental functions as defined within the applicable regulations cited above.

## 7.1 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 Office of Federal Procurement Policy (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 one of the following)

[ ]  CL = "functions closely associated to inherently governmental functions" (IGF::CL::IGF)

If CL, insert explanation of the implemented control and oversight that will be taken to ensure this does not become inherently governmental.

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[ ]  CT = "critical functions" (IGF::CT::IGF)

[ ]  OT = "other functions" (IGF::OT::IGF)

[ ]  A combination of CL and CT (IGF::CL,CT::IGF)

If CL, CT, or a combination of both, then insert explanation of the implemented control and oversight that will be taken to ensure this does not become inherently governmental.

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# Non-personal service

[ ]  This requirement is a Non-Personal Service. The requirement does not include unauthorized personal services, either in the way the PWS is written or in the way the TO operates.

[ ]  This requirement performs Personal Services.

# 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 as soon as possible.

Insert description of contractor requirements and why there is a conflict of interest.

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# Requested Length of TO

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 (PoP) is greater than 12 months, the contract must be set up with a base period and options. Be cognizant of the hard cut-off PoP dates for the IAC Multiple Award Contract (MAC) 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

Will Advisory & Assistance Services coded funds be used?

[ ]  Yes [ ]  No

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

[ ]  Yes [ ]  No

# Initial Funds

Insert which quarter and Fiscal Year (FY) initial funds will be provided:

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

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[ ]  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 Customer Shared Direct Cost (CSDC).

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| --- | --- | --- | --- | --- | --- |
| **Year 1** | **Year 2** | **Year 3** | **Year 4** | **Year 5** | **Total** |
|  |  |  |  |  |  |

# Full Time Equivalents (FTE) Estimate

Insert number of FTEs per year.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Year 1** | **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.

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[ ]  **Government location(s)**

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

# 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 below. The Base Support details that will be provided to the contractor at each location are provided below.

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| --- | --- |
| Complete this section for each Government Location: (Identify Government location(s) and any limitations thereof. 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) \_\_\_\_\_\_ Specify any Government location limitations, e.g. “Government location only has room for two contractors on base”:

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# 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. GFP includes, but is not limited to, spares and property furnished for repairs, maintenance, overhaul, or modification. GFP 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: (*https://www.acquisition.gov/content/part-45-government-property*).

[ ]  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 Point of Contact (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. GFI 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:

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# Security Classification

[ ]  This requirement is unclassified.

[ ]  This requirement performs classified tasks. Specify the required security classification level(s) below and provide the appropriate Special Security Officer (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:

# International Traffic in Arms Regulations (ITAR)

Are there ITAR concerns with your requirements?

Note: ITAR regulations dictate that information and material pertaining to defense and military related technologies (items listed on the United States (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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# Foreign Travel and Performance

Is travel or performance anticipated to one of the locations below within six months after TO award?

Note: A Status of Forces Agreement (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:

[ ]  U.S.-IRAQ SOFA [ ]  U.S.-South Korea SOFA

[ ]  U.S.-Japan SOFA [ ]  Other (e.g., Germany or Afghanistan)

# Item Unique Identification (IUID)

*Note: 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 IUID is derived from an IUID 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 or Contractor Acquired Property (CAP) 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 (EVMS)

Note: An EVMS is required for major acquisitions for development, in accordance with Office of Management and Budget (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 MDAP, Major Automated Information System Program, or Major System?

[ ]  Yes [ ]  No

# Unit Identification Code (UIC)

Insert applicable UIC(s) – can be obtained from the manpower office as this code is required for manpower reporting.

NOTE: This is not the DODAAC. The UIC is a six character alphanumeric code which uniquely identifies each U.S. DoD entity.

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# Alternate Contracting Officer’s Representative (ACOR)

The Requiring Activity (RA) understands that the ACOR must be trained (i.e., COR, Ethics, and Combating Human Trafficking training must be completed) and appointed prior to TO award.

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

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

*(Customer Support Cell (CSC) will complete this section)*



# Coordination and Approval

|  |  |  |
| --- | --- | --- |
| Date | Program Manager/ Requiring Activity [ Name ][ Organization / Phone Number ] [ Email ] | Signature |
| Date | Contracting Officer [ Name ][ Organization / Phone Number ] [ Email ] | Signature |

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| **ATTACHMENTS:****Needed with this NTB:** |
|[ ]  Performance Work Statement (PWS) (Use template) |
|[ ]  Independent Government Cost Estimate (IGCE) (Use template) |
|[ ]  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 Fair Opportunity Proposal Request (FOPR) release:** |
|[ ]  Proposal Evaluation Plan |
|[ ]  Fully Executed Interagency Agreement (IAA) General Terms and Conditions (GT&C) (7600A) prior to Business Clearance Request |
|[ ]  Funding Document(s) (7600B or Administrative Commitment Document). See https://dodiac.dtic.mil/resources/#templates for funding submittal instructions. |