

As a result of this Amendment 0002, the subject solicitation is hereby modified as follows:

1. This Amendment 0002 hereby incorporates all questions and answers posted on the USPTO Web page for this solicitation.
2. On SF33, in block 9, **delete** “2:00 P.M. Eastern Standard Time (EST), April 28, 2008” and **replace with** “2:00 P.M. Eastern Standard Time (EST), May 2, 2008”.
3. Under SECTION B – SUPPLIES OR SERVICES AND PRICES/COSTS, under clause B.5 Earned Value Management System – Task Orders, under paragraph (a)(2)a., **delete** “USPTO template (Attachment J.2.e)” and **replace with** “USPTO template will be provided after contract award”.
4. Under SECTION C - DESCRIPTION/SPECIFICATIONS/WORK STATEMENT, the following changes are hereby made:

A. Under paragraph C.4 titled “Description, Current Environment, and Requirements”, **delete** the following paragraph:

“In addition, the contractor shall comply with the requirements found in the following clauses in performance of CLIN 0003, **including the requirements for Certification and Accreditation Continuous Monitoring**: (1) H.26 CAR 1352.239-73 Security Requirements for Information Technology Resources (October 2003) (modified) (PTO-05C); (2) H.27 CAR 1352.239-74 Security Processing Requirements for Contactor/Subcontractor Personnel for Accessing USPTO Automated Information Systems (October 2003) and (3) H.28 CAR 1352.237-71 Security Processing Requirements for Contactor/Subcontractor Personnel Working on a Department of Commerce/USPTO Site or IT System (High or Moderate Risk Contracts).”

and **replace with the following paragraph**:

“In addition, the contractor shall comply with the requirements found in the following clauses in performance of CLINs 0003A and, if option(s) is/are exercised, items 0003B through 0003E for **Certification and Accreditation Continuous Monitoring**: (1) H.24 CAR 1352.239-73 Security Requirements for Information Technology Resources (October 2003) (modified) (PTO-05C); (2) H.25 CAR 1352.23 9-74 Security Processing Requirements for Contactor/Subcontractor Personnel for Accessing USPTO Automated Information Systems (October 2003) and (3) H.26 CAR 1352.237-71 Security Processing Requirements for Contactor/Subcontractor Personnel Working on a Department of Commerce/USPTO Site or IT System (High or Moderate Risk Contracts).”

B. Paragraph C.4.1.3.6 is **deleted and replaced as follows**: “C.4.1.3.6 Intentionally left blank.”

C. Paragraph C.4.1.3.12 is **deleted and replaced as follows**: “C.4.1.3.12 Intentionally left blank.”

5. Under SECTION H - SPECIAL CONTRACT REQUIREMENTS, the following changes are hereby made:

A. Clause H.17 “Option To Extend the Term of the Contract” is hereby deleted and replaced with clause H.17 “Intentionally Left Blank” since this was a duplicate of clause H.8.

B. Clause H.13 Key Personnel is hereby **deleted and replaced with** the following revised clause:

H.13 Key Personnel

(a) The Contractor shall identify the key personnel for each of the positions identified below. The Program Manager must be an employee of the prime contractor. Key personnel shall include:

- (1) Program Manager
- (2) Quality Manager

(b) The Program Manager shall be assigned and available on this contract from the date of contract award.

(c) During the first ninety (90) days of performance, the contractor shall make no substitutions of key personnel unless the substitution is necessitated by illness, death, or termination of employment. The contractor shall notify the Contracting Officer within 15 calendar days after the occurrence of any of these events and provide the information required by paragraph D below. After the initial 90-day period, the contractor shall submit the information required by paragraph D to the Contracting Officer at least 15 days prior to making any permanent substitutions.

(d) The contractor shall provide a detailed explanation of the circumstances necessitating the proposed substitutions, complete resumes for the proposed substitutes, and any additional information requested by the Contracting Officer. Proposed substitutes should have qualifications that are equal to or better than those of the persons being replaced. The Contracting Officer will notify the contractor, within 15 calendar days after receipt of all required information, of the decision on substitutions. The contract will be modified to reflect any approved changes of key personnel.

(e) Any changes to Key Personnel that take place after submittal of proposal(s), and prior to award of this contract, the contractor shall notify the Contracting Officer of those changes. Contractor shall submit resumes and signed letters of intent to perform for the proposed key personnel.

6. Under SECTION J - LIST OF ATTACHMENTS, under J.2 List of Attachments, delete “A. Attachment 1 – Section B with Labor Category Titles and Descriptions” and replaced with revised “A. Attachment 1 – Section B with Labor Category Titles and Descriptions”,. The purpose of the revised Attachment “1” is to (1) Add option CLINs 0003B through 0003E for the Offeror’s proposed prices for Certification and Accreditation Continuous Monitoring which occurs in the option periods and (2) Slightly reformat Attachment “1” to make it more clear for the Offeror to determine which blocks to fill in.

7. Under SECTION L – INSTRUCTIONS, CONDITIONS AND NOTICES TO BIDDERS, the following changes are hereby made:

A. Delete section L.10 and **replace with** the following revised section L.10:

L.10 INVITE AND RECEIVE OFFEROR'S SUBMISSIONS

“Offerors are prohibited from submitting proposals under this RFP that contain a Joint Venture or partnership business arrangement.

Offerors who wish to respond to the USPTO's needs as outlined in the RFP shall submit all documents as defined in Section L.14 (Proposal Requirements). Offerors shall submit statutorily required Certifications and Representations for review by the USPTO (See Section K).

All incomplete and/or non-compliant proposals may be removed from consideration and the Offeror notified. Offerors who fail to submit the requested information as detailed in Section L of the RFP by the proposal due date will not be considered for further evaluation.”

B. Under section L. 14, **delete** paragraph C. Experience and **replace with** the following revised paragraph C. Experience:

“C. Experience.

The Offeror shall demonstrate its previous company experience in providing the services required by Section C of this RFP. The Offeror shall accomplish this by providing five (5) reference contracts where the offeror served in the role of a prime contractor or subcontractor that will collectively demonstrate the Offeror's ability to perform the activities specified in Section C of this solicitation. No reference contracts will be accepted for the Offeror’s proposed teaming members/subcontractors. The

Offeror's experience will be evaluated based on the type, size and complexity of its previous experience compared to the type, size and complexity of the requirements specified in Section C of this RFP. For each of the reference contracts, the Offeror will complete a Relevant Experience worksheet. The Relevant Experience worksheet and Instructions are found in Attachment "3". For each relevant experience reference contract, the offeror shall be limited to the two page worksheet. **Offerors are prohibited from submitting proposals under this RFP that contain a Joint Venture or partnership business arrangement.** In addition to the aforementioned requirements, the proposed contract references shall also meet the following requirements:

1. Shall be valued at a minimum of \$1,000,000.00 a year over the life of the contract.
2. Shall be with Government and/or Commercial entities and must be currently in process or completed within the past three years from the due date of proposals.
3. Shall demonstrate a minimum of one (1) year of experience with the customer.

The Offeror shall provide information as to whether or not it, or (if applicable) any of its team members has had any of its prime contracts or subcontracts terminated for default during the past three (3) years from the date proposals are due under this RFP. If applicable, the Offeror shall complete a Termination Worksheet for each termination action identified. Both the Termination worksheet and instructions are found at Attachment "4."

C. Under section L. 14, **delete** paragraph D. Past Performance and **replace with** the following revised paragraph D. Past Performance:

"D. Past Performance

The USPTO Project Team will assess the quality of the **Offeror's** past and present performance in similar services in programs of similar size and complexity. **The following past performance information will not be accepted:** Past performance for the Offeror's proposed teaming members/subcontractors, affiliated entities, parent corporations (if recently acquired) and subsidiaries, etc. **Offerors are prohibited from submitting proposals under this RFP that contain a Joint Venture or partnership business arrangement.**

The USPTO will utilize past performance information submitted by each Offeror in response to the solicitation. Each Offeror will have the cognizant contract reference complete a Past Performance Questionnaire for each contract provided as a past performance reference under its proposal (see Attachment "5" to this RFP). Each cognizant contract reference must (1) Fully complete and sign the questionnaire found at Attachment "5"; (2) Place the questionnaire in a sealed envelope clearly indicating the

cognizant contract reference agency's/company's name and address and (3) Return the sealed envelope to the evaluated Offeror for inclusion in Volume I of the Offeror's proposal to be submitted to the USPTO by the RFP closing date and time. Offerors are prohibited from opening the sealed envelope containing the completed questionnaire. If the USPTO determines that the Offeror opened the sealed references or tampered with a questionnaire in any way, the Offeror will be deemed ineligible for award. **In the event that the cognizant contract reference has a policy that precludes them from releasing past performance information directly to the Offeror, then the cognizant contract reference may fax the completed past performance questionnaire to the Contracting Officer, Chris Hannah, at 571-273-6555. Any past performance questionnaires faxed to the Contracting Officer are required to be received at the fax number by the RFP closing date and time or they may not be considered.**

Each prime contractor shall provide no more than ten (10) Government and/or commercial past performance contract references. In addition, at a minimum, each Offeror shall submit a past performance questionnaire for each of the five (5) contracts utilized under paragraph L.14C. Experience. If Offeror's do not submit a past performance questionnaire for each of the five (5) contracts utilized under paragraph L.14C. Experience, the Offeror may be considered noncompliant under the Past Performance Factor. **These contract references must be currently in process or completed within the past three years. In addition, the contract references shall be or shall have been the customer receiving the actual services provided.**

The USPTO reserves the right to either contact the references provided or to rely on the reference submissions. By providing the USPTO the above contacts, the Offeror is certifying that it has contacted the referenced individuals and given permission for the USPTO to contact said individuals. In the event that the USPTO needs to contact the reference for further information and the reference does not respond within a reasonable time frame, the past performance reference may not be considered."

D. Under section L. 16 SUBMISSION REQUIREMENTS, **delete** "All proposal documents shall be received no later than 2:00 p.m., Eastern Standard Time (EST), Wednesday, April 28, 2008" **and replace with** "All proposal documents shall be received no later than 2:00 p.m., Eastern Standard Time (EST), Friday May 2, 2008".

8. Under Section M – EVALUATION FACTORS FOR AWARD, under paragraph M.5 EVALUATION PROCEDURES, **delete** paragraph E. Price and **replace with** the following revised paragraph E. Price:

“E. Price

The USPTO will examine whether the proposed costs are fair and reasonable to the Government by evaluating the following elements in the Offeror’s Price Proposal:

The USPTO will evaluate the Offeror’s total proposed price (base year price plus price for all option years) by calculating the sum of the following items: The USPTO calculated total price for (1) CLINs 0001A – 0001E and (2) the firm fixed price for CLINs 0003A – 0003E. The USPTO calculated total price for CLINs 0001A – 0001E will be computed by plugging in the Offeror’s proposed fully burdened labor rates into the USPTO calculated representative labor mix. The USPTO will calculate the total price for the base year and each option year by utilizing an average of each Offeror’s proposed labor rates costed for each of the three alternatives identified in section L.13.E (On-Site (with Government Furnished Furniture), On-Site (Government provides space only, no furniture provided) and Off-Site), also taking into account any proposed quantity discount based on hours ordered by the Government. The USPTO evaluated total price for all CLINs for the base year plus all option years will be calculated for and compared between each Offeror to assist in determining price reasonableness. The USPTO will also utilize its independent government price estimate calculated for the requirement to help determine price reasonableness. In addition, the government may compare Offeror’s labor rates to industry average labor rates to assist in determining price reasonableness.”

Offerors must acknowledge receipt of this amendment prior to the closing date of the RFP by completing block 14 on each copy of the signed Standard Form 33 submitted with the offeror’s proposal. Failure to do so may result in rejection of the offeror’s proposal.