# BROAD AGENCY ANNOUCEMENT (BAA)

## Explosives Division (EXD) BAA 12-08

## Amendment 0002

## Rapid Improvement of Existing Handheld Technologies for AIT Anomaly Resolution

**White Papers Due: See Anticipated Schedule of Events in paragraph 4.6**

**Full Proposals Due: See Anticipated Schedule of Events in paragraph 4.6**

# 1. GENERAL INFORMATION

## 1.1. Introduction

This solicitation is a Broad Agency Announcement (BAA) issued under the provisions of Paragraph 6.102(d)(2) of the Federal Acquisition Regulation (FAR) to provide for the competitive selection of research proposals. A formal Request for Proposal (RFP) will not be issued in this matter. The Department of Homeland Security (DHS) Science & Technology (S&T) Directorate is soliciting white papers which will be evaluated in accordance with this BAA. From the pool of submitted white papers worthy participants will be invited to submit full proposals under this BAA. Contracts based on responses to this BAA are considered to be the result of full and open competition and in full compliance with the provisions of Public Law (PL) 98-369, "The Competition in Contracting Act of 1984." Awards under this BAA are planned in Fiscal Year (FY) 2012. No contract awards will be made until appropriated funds are available from which payment for contract purposes can be made.

## 1.2. Agency Name

Department of Homeland Security
Science & Technology Directorate
Explosives Division
Washington, DC

## 1.3. Research Opportunity Title

Rapid Improvement of Existing Handheld Technologies for AIT Anomaly Resolution

## 1.4. Program Name

Checkpoint, Explosives Division, Science and Technology Directorate, Department of Homeland Security

## 1.5. Research Opportunity Number

BAA 12-08

## 1.6. Solicitation and Response Approach

The Department of Homeland Security (DHS) Science & Technology (S&T) Directorate will not issue paper copies of this announcement. DHS S&T reserves the right to select for award and fund all, some, or none of the Full Proposals received in response to this solicitation. No funding for direct reimbursement of proposal development costs will be allowed. White Papers in "DHS Explosives Division Project Proposal Form" (see Section 8.2, Appendix B), Technical and Cost Proposals (or any other material) submitted in response to this BAA will not be returned. However, depending on the markings on the proposal, DHS S&T will adhere to FAR policy on handling source selection information and proprietary proposals. It is the policy of DHS S&T to treat all proposals as sensitive competitive information and to disclose their contents only for the purposes of evaluation. Offerors are to provide unclassified proposals. Documents containing sensitive information that are not suitable for uncontrolled public dissemination should be marked "For Official Use Only" (FOUO). When transmitted electronically, FOUO proposals should be sent with password protection.

Award type is anticipated to be in the form of a Cost Reimbursement type contract or other transaction agreement.

A two-step proposal selection process will be used for this solicitation to minimize the cost and effort for prospective offerors. Step 1 will consist of the solicitation, receipt, and evaluation of white papers (using standardized DHS Explosives Division "Project Proposal Form" format from potential performers). Entries in the various sections of the Project Proposal Forms (White Papers) should be concise and conform to the specified formatting limitations. No formal transmittal letter is required for the Step 1 responses.

An evaluation process will be conducted by DHS S&T and those Step 1 white paper proposals selected will be encouraged to participate in Step 2, which will consist of the solicitation, receipt, and evaluation of a Full Proposal, limited to 30 pages, excluding the Formal Transmittal Letter, Cover Page, Table of Contents and resumes/biographical information for proposed performers.

**1.7. Response Dates**

White Papers Due: See Anticipated Schedule of Events in paragraph 4.6
Full Proposals Due: See Anticipated Schedule of Events in paragraph 4.6

**1.8. Research Opportunity Description**

**1.8.1 DHS S&T- Rapid Improvement of Existing Handheld Technologies for AIT Anomaly Resolution**

The Homeland Security Act of 2002 (Public Law 107-296) states that Department of Homeland Security (DHS) Science & Technology Directorate (S&T) will "support basic and applied homeland security research to promote revolutionary changes in technologies; advance the development, testing and evaluation, and deployment of critical homeland security technologies; and accelerate the prototyping and deployment of technologies that would address homeland security vulnerabilities." Pursuant to this mission, DHS S&T's Explosives Division (EXD) recognizes the need for state-of-the-art passenger screening at checkpoints that shall effectively and reliably resolve anomalies on passengers during secondary screening. TSA has deployed Advanced Imaging Technology (AIT) to screen passengers at aviation checkpoints. Current resolution of anomalies presented on the AIT is limited to directed, and sometimes sensitive, area pat downs. This initiative is focused on reducing the number of passenger pat downs required to resolve AIT anomalies. This capability shall be implemented as a handheld AIT anomaly resolution tool.

This BAA sets forth the requirements to accomplish a variety of specific tasks related to the rapid improvement of existing handheld technologies designed to resolve AIT anomalies by improving the sensitivity of current systems as well as expand threat detection capabilities. The identified requirements presented here have a direct impact on meeting the requirements outlined in the Aviation and Transportation Security Act of 2001, Public Law 107-71.

### 1.8.2 Scope of Work

The primary objective of this BAA is to rapidly develop an improved handheld AIT anomaly resolution tool based on existing handheld technologies. At a minimum, Handheld Detectors for AIT Alarm Resolution should provide highly sensitive and broad threat detection capability. The ability to define threats, as opposed to merely localizing an anomaly, is highly desirable. Detection of person-borne improvised explosives devices should include devices using any explosive including military, commercial, and homemade explosive (HME) substances, yet provide acceptable false alarm rates. DHS S&T will evaluate and pilot available handheld detection systems as an alternative to pat downs for secondary screening of passengers and accelerate the development of advanced handheld passenger screening systems.

Improved Handheld Detector systems offering multiple threat detection capabilities are encouraged but are not required. It is expected that advanced handheld screening systems could incorporate one or more orthogonal technologies to detect threat objects such as bulk explosives, metal threat objects and/or non-metal threat objects. Materials of interest detected by the AIT resolution tool may include but are not limited to: military and conventional explosives, homemade explosives, nitrates, chlorates and hydrogen peroxide. Preferably, the device will detect a broad range of formulations such as fuel/oxidizer mixtures, particulates, vapors, liquids, and precursor compounds, while meeting the parameters listed below.

Handheld Technology for AIT Anomaly Resolution Performance Parameters:

1. Physical footprint/appearance: handheld device should be ergonomically designed for extended use and non-threatening in appearance. The device must be capable of operation with only one hand during screening.
2. Weight: less than 5 pounds
3. Physical configuration: standalone - not tethered to a desktop computer, power supply, or external detection unit
4. Operation: The handheld unit should perform sampling, scanning, and/or analysis as a single step from an operational standpoint. Use of a swab or preconcentration cartridge which must be analyzed in a separate step should be avoided. The device should be capable of screening all areas of the body without removal of clothing beyond outerwear.
5. Anomaly detection performance: The AIT Resolution Tool will be designed to improve anomaly resolution during the secondary screening process by adding additional screening techniques to locate, classify, and/or identify the anomaly. At a minimum, the device will identify Tier I items defined in the TSA Imaging Technology for Checkpoint Screening Operation (Classified Appendix). If possible, the goal is to detect all threats including metal and explosives.
6. Trace explosive detection: If the AIT Anomaly Resolution Tool incorporates a trace detection capability, it is expected to meet the requirements (as tailored) in the TSA Functional Requirements Document for the Explosives Trace Detector, dated 31 March 2011.
7. Throughput: Results of secondary screening for a single anomaly/location should be obtained in less than 15 seconds. In the event of a secondary screening alarm or alert, the

AIT Resolution Tool should be available to screen the next passenger within 1 minute of previous screening.

8. Control point interface (TSO station): detachable charging cord or charging/docking station
9. Notification capability: In the event of an alarm, the TSO screening the passenger should be notified. In the event of an alarm or alert, the handheld device should have the specifics displayed visually (alarm light) and audibly.

Offeror should provide an estimate of the system's detection capability types, level of detection capability for the analytes of interest and false positive rates.

The contractor will perform the following tasks for this SOW:

**1.8.2.1 TASK 1: Design and Development**

Task 1 shall include the design and development of a handheld AIT Anomaly Resolution Tool that meets the performance parameters listed above. This effort is focused on reducing the number of passenger pat downs required to resolve AIT anomalies. The contractor will provide technical reports, system design documentation, Preliminary Design Review (PDR), Critical Design Review (CDR), test plans and other documentation for Government review and evaluation. Upon review of the CDR, the Government will determine whether or not it is in the best interest of the Government to proceed with Optional Task 2.

It is anticipated that Task 1 will be 6 months in duration.

**1.8.2.2 OPTIONAL TASK 2: Fabrication, Test and Delivery**

Optional Task 2 efforts will include the fabrication, testing, and delivery of three prototype Handheld Systems. Deliverables will include design, draft and final test plans, draft final and final reports, and instruction manuals. Optional Task 2 will conclude with the delivery of three handheld system prototypes to the Government for Developmental Test and Evaluation (DT&E). Prototype delivery will include the prototype handhelds for demonstration and test purposes.

Delivery of three handheld systems to DHS S&T will occur no later than 12 months after the contract award date. The Contractor(s) will prepare and submit a Vendor Data Package to include supporting test data no later than 30 days before delivery. Delivery of the handheld systems will be made to the test facility selected by the Government. The Contractor(s) will assist in installation and training of the handheld systems at a test facility selected by the Government.

It is anticipated that Optional Task 2 will be 6 months in duration.

*Program Management and Systems Engineering*
Personnel provided by the Contractor(s) shall have the skills and technical background necessary to successfully complete the tasks described in this SOW, including but not limited to the following:

a.) The Contractor(s) shall host a Post-Award Conference (PAC) within one month after contract award. The Contractor(s) shall provide the Government with the meeting minutes for the PAC within 5 days after the meeting.
b.) The Contractor(s) shall conduct a PDR within 3 months after contract award and CDR within 6 months after contract award to establish the development configuration. The Contractor(s) shall present and provide the Government access to the detailed design and drawings at the CDR. The PDR and CDR may be held at the contractor's facilities.
c.) The Contractor(s) shall conduct and administratively support Technical Interchange Meetings (TIMs). The Contractor and the Contracting Officer's Technical Representative (COTR) will mutually agree to the date, location and agenda of each TIM. The Contractor(s) shall provide the Government the meeting minutes for each TIM within 5 days after the meeting.
d.) The Contractor(s) shall prepare and submit proof of their facility's Test Readiness Certification in preparation for testing, no later than 15 days before the first test event.
e.) The Contractor(s) shall submit Monthly Status Reports on the 15th of each month starting the first month after award date, or 30 days after award date, whichever comes second.
f.) The Contractor(s) shall submit Meeting Minutes within 5 days after each meeting for every meeting held in support of this effort.
g.) The Contractor(s) shall prepare and submit Briefing Charts no later than 1 day before any TIM and no later than 3 days before a design review.
h) The Contractor(s) shall provide meeting space at their facility and/or a telecom bridge as required to support the reviews and activities listed in 1.8.2.3

The 12-month Period of Performance (PoP) will include a Government evaluation of technical reports, PDR, CDR, test plans and other design documentation. This effort will conclude with the delivery, installation, and training of the Handheld AIT Anomaly Resolution Tool provided by the Contractor(s) to the test facility selected by the Government. DHS S&T will evaluate and pilot available handheld passenger screening systems as an alternative to pat downs for secondary screening of passengers and accelerate the development of advanced handheld screening systems.

The Government reserves the right to witness all Contractor-conducted test activities. The Contractor(s) shall provide the Government at least one week written notice prior to conducting the final factory test.

**1.8.2.3 Deliverables**

The contractor shall provide the following deliverables to DHS:

a.) Monthly Report(s)
b.) Vendor data package to include but not be limited to maintenance instructions/manuals and operator instructions/manuals
c.) Three prototypes for testing (TRL 6-7) - See Appendix D for definition of TRL 6-7
d.) Final Report

| Program Element / Project | Major Sub-Tasks | Key Milestones and Deliverables |
|---|---|---|
| Task 1: Design and Development (month 1-6) | • Post Award Conference (PAC)<br>• Complete Preliminary Design<br>• Complete Critical Design | • Monthly reports<br>• PAC (30 Days After Contract Award Date (DAC))<br>• PDR (90 DAC)<br>• CDR (180 DAC)<br>• Submit test plans for component and subsystem test (as required)<br>• TIM (as required) |
| Optional Task 2: Fabrication, Test and Delivery (month 7-12) | • Fabricate Handheld AIT Anomaly Resolution Tool<br>• Operational instruction and manuals<br>• Installation/instruction at test facility. | • Monthly reports<br>• Deliver three prototypes to DHS, S&T (330 DAC)<br>• Installation (330 DAC)<br>• Vendor data package (345 DAC)<br>• Final Report (345 DAC) |

***Days/months for deliverables are measured after contract award date unless otherwise indicated.***

### 1.9. Government Representatives

Technical:
Frederick F. Myers, Ph.D.
Program Manager
Explosives Division
Science & Technology Directorate
Department of Homeland Security
Washington, DC 20528

Contracting:
Duane Schatz
Contracting Officer
Science & Technology Acquisitions Division
Office of Procurement Operations
Department of Homeland Security
Washington, DC 20528

## 2. AWARD INFORMATION

### 2.1. Available Amount of Funding Expected to be Awarded Through this BAA

Although subject to official fiscal appropriation and availability, it is anticipated that the S&T will have approximately $3M for all awards to be made under this BAA for the period of performance.

### 2.2. Limitation of Funds.

The Government reserves the right to incrementally fund contracts awarded from this BAA as provided by the FAR 52.232-22, "Limitation of Funds."

### 2.3. Anticipated Number of Awards

DHS S&T expects to make at least one, and possibly up to three awards under this BAA.

### 2.4. Anticipated Award Types

Award type is anticipated to be in the form of a Cost Reimbursement type contract.

### 2.5. Anticipated Period of Performance for New Awards

The period of performance for research efforts and studies proposed should not exceed 12 months. Proposals that build on current or previous work are encouraged. If Offerors are extending work performed under other DHS projects or projects for other sponsors, the proposal must clearly identify the point of departure and what existing work will be brought forward and what new effort will be performed under this BAA. The final deliverables will be three prototypes (at a desired TRL 6-7) and a final report.

## 3. ELGIBILITY INFORMATION

This BAA is open to **ALL** responsible sources.

Offerors may include single entities or teams from academia, private sector organizations, Government laboratories, and Federally Funded Research and Development Centers (FFRDCs), including Department of Energy National Laboratories and Centers.

### 3.1. Federally Funded Research & Development Centers

FFRDCs, including Department of Energy National Laboratories and Centers, are eligible to respond to this BAA, individually or as a team member of an eligible principal Offeror, so long as they are permitted under a sponsoring agreement between the Government and the specific FFRDC.

### 3.2. Nonprofit Organizations, Educational Institutions and Small Business Set Aside

The Government encourages nonprofit organizations, educational institutions, small businesses, small disadvantaged business (SDB) concerns, Historically Black Colleges and Universities (HBCU)/ Minority Institutions (MI) (HBCU/MIs), women-owned businesses (WB), and Historically Underutilized Business (HUB) zone enterprises as well as large businesses, academic institutions, and Government laboratories to submit research proposals for consideration and/or to join others in

submitting proposals; however, no portion of the BAA will be set-aside for these special entities pursuant to FAR Part 19.502-2, because of the impracticality of reserving discrete or severable areas of research and development in any specific requirement area.

To ensure full consideration in these programs, registration in the https://baa2.st.dhs.gov/ website, described later in this document, requires the appropriate business type selection as well as accurate up-to-date information.

### 3.3. Organizational Conflict of Interest

Organizational Conflict of Interest issues will be evaluated on a case-by-case basis, as outlined below. Offerors who have existing contract(s) to provide scientific, engineering, technical and/or administrative support directly to the DHS S&T Directorate will receive particular scrutiny.

(a) Determination. The Government has determined that this effort may result in an actual or potential conflict of interest, or may provide one or more Offerors with the potential to attain an unfair competitive advantage.

(b) If any such conflict of interest is found to exist, the Contracting Officer may (1) disqualify the Offeror, or (2) determine that it is otherwise in the best interest of the United States to contract with the Offeror and include the appropriate provisions to mitigate or avoid such conflict in the contract awarded. After discussion with the Offeror, the Contracting Officer may determine that the actual conflict cannot be avoided, neutralized, mitigated, or otherwise resolved to the satisfaction of the Government, and the Offeror may be found ineligible for award.

(c) Disclosure: The Offeror must represent, as part of its proposal and to the best of its knowledge that: (1) It is not aware of any facts which create any actual or potential organizational conflicts of interest relating to the award of this contract; or (2) It has included information in its proposal, providing all current information bearing on the existence of any actual or potential organizational conflicts of interest, and has included the mitigation plan in accordance with paragraph (d) of this provision.

(d) Mitigation/Waiver. If an Offeror with a potential or actual conflict of interest or unfair competitive advantage believes it can be mitigated, neutralized, or avoided, the Offeror shall submit a mitigation plan to the Contracting Officer for review. Award of a contract where an actual or potential conflict of interest exists shall not occur before Government approval of the mitigation plan.

(e) Other Relevant Information: In addition to the mitigation plan, the Contracting Officer may require further relevant information from the Offeror. The Contracting Officer will use all information submitted by the Offeror, and any other relevant information known to DHS, to determine whether an award to the Offeror may take place, and whether the mitigation plan adequately neutralizes or mitigates the conflict.

(f) Corporation Change. The successful Offeror shall inform the Contracting Officer within thirty (30) calendar days of the effective date of any corporate mergers, acquisitions, and/or divestures that may affect this provision.

(g) Flow-down. The contractor shall insert the substance of this clause in each first tier subcontract that exceeds the simplified acquisition threshold.

## 4. APPLICATION AND SUBMISSION INFORMATION

### 4.1. BAA Package Download.

This BAA package may be downloaded in its entirety from the FedBizOpps website http://www.fbo.gov or from https://baa2.st.dhs.gov .

Registration is not required to download the BAA package; however, a registration in https://baa2.st.dhs.gov/ is required to upload a response to the BAA.

### 4.2. Application and Submission Process

Submissions will not be accepted from organizations that have not registered. Any organization that wishes to participate in this solicitation must register at: https://baa2.st.dhs.gov/ . Interested parties are encouraged to register early in the process.

To submit your White Paper (a completed Project Proposal Form, see Section 8.2, Appendix B), select the appropriate submission button, fill out the requested fields, upload your files, and then submit. Users will receive confirmation of their submission via e-mail. You may revise your White Paper submission until the deadline. Failure to submit a White Paper will disqualify an Offeror from consideration for submitting a Full Proposal.

In teaming situations, the lead organization must remain the same on both the White Paper and the Full Proposal. Any Full Proposal submitted by organizations that were not the lead organization for the White Paper submission will be considered non-responsive.

No Classified White Papers or Full Proposals (or portions of proposals) will be accepted.

The DHS BAA website at https://baa2.st.dhs.gov offers electronic access to BAA solicitations, frequently asked questions (FAQs), answers to FAQs, abstracts of previously funded projects, and hyperlinks to other useful information.

Please refer to the "Registrations and Submissions Training Guide" at https://baa2.st.dhs.gov/portal/jsp/public/help/public_portal_registration_and_submissions_training_guide.pdf for step-by-step instructions for registering your company and submitting your proposal.

**IMPORTANT:** Before submitting a proposal for the first time, you must first register your company and user account in the system. It is recommended that the Business Official, or an authorized representative designated by the Business Official, be the first person to register for your company. Your company's Taxpayer Identification Number (TIN) is required during registration. (If your company does not have a TIN, you can generate a unique ID by following the prompts provided in the system). After your company is registered, other new users may register and associate their information with the company's existing record. When registration is complete, users can submit and manage their proposals.

Note: User registration is not sufficient for registering the White Paper. To register your White Paper, you must log on with your credentials. Click the "Start New Proposal" button. When the Start New Proposal page displays, pick the solicitation and topic, and then enter the title of the white

paper/proposal that you are submitting. Note: if the solicitation that you want to submit against is not listed, click on the "click here to register a solicitation" link to gain access. When you have entered the title, click the "Add Proposal to Activity Worksheet" button. The Proposal Activity worksheet page lists your proposal in the Proposals in Progress section of the page. Your white paper is registered a this point. Repeat this step before the White Paper registration deadline for every white paper you wish to register.

After you have completed the Coversheets and uploaded your White Paper document, you must click on the "Submit White Paper" button to submit the White Paper; simply uploading the document is not sufficient. After you have uploaded your Full Proposal documents, you must click on the "Submit Proposal" button to submit the Full Proposal; simply uploading the documents is not sufficient.

**4.3. Format and Content of White Paper**

**DHS S&T Project Proposal Forms are being solicited in the White Paper narrative form.** For the purposes of the website, a completed DHS Explosives Division Project Proposal Form (a MS Word document) constitutes a White Paper. See the Anticipated Schedule of Events in paragraph 4.6 for the due date for the White Papers (completed DHS Project Proposal Forms) and for when notification of DHS S&T evaluation of White Papers will be issued via e-mail. **White Papers WILL NOT BE ACCEPTED after the published due date.**

White papers should capture the essence of a proposal. The Government will evaluate the White papers to determine those submittals worthy of a full proposal.

White papers shall include, as a minimum, the following:

a. A top-level narrative summary of the balance of the content of the document (not to exceed ½ page).

b. A description of the core technologies, what unique capabilities those technologies bring to bear on the problem of AIT Anomaly Resolution.

c. A description of all supporting technology required to complete and operate the handheld wand, such as, but not limited to, power supplies/sources, and detection sub-systems.

d. A discussion of how the performance requirements detailed in paragraph 1.8 will be met.

e. A description of any supporting technology in terms of whether or not the offeror is dependent upon others to provide that technology or expertise in order to be able to constitute a prototype at a desired TRL 6-7.

f. A discussion of the suitability of the technology and concept of operations within the context of the DHS security checkpoint environment.

g. A suggested approach for development test and evaluation identifying the what and how key parameters should be tested to verify and validate the technology, the ability of the offeror(s) to meet the prototype performance goals established in this BAA, and clearly identify the lead organization for the effort, along with which organization is responsible for specific technology areas.

h. A description of the offeror's organization and team members: identify qualifications to perform the program, lines of authority, and a summary of the management approach. Clearly identify the lead organization and the roles/responsibilities of each of the team members contributing to the technology.

i. A list of any government furnished equipment required and any associated security plans.

j. A rough order of magnitude (ROM) estimate of the cost to acquire and deploy. Provide the basis for the ROM.

Space permitting, the offeror may also address other elements of their technology and concept of operations.

**Format and size limitations**

White papers may include narrative, pictures, figures, tables, and charts in a legible size and may consist of not more than 10 (ten) pages (8.5" x 11"), and must be accompanied by a one-page (8.5" x 11") quad chart. Therefore, the entire white paper submission shall not exceed 11 (eleven) pages. Except for text embedded in graphics or tables, all text must be no smaller than 12-point. Text embedded within graphics or tables in the body of the white paper or the quad chart may not be smaller than 8-point.

A White paper shall consist of ONE (1) electronic file in portable document format (PDF), readable by IBM-compatible personal computers (PCs).

**Organization of Quad Chart**

| | |
|---|---|
| BAA Number: | Offeror Name: |
| Title: *(Brief/Short Title to Describe Offeror's Proposed Effort)* | Date: |
| Photograph or artist's concept:<br>*Provide a simple but sufficiently detailed graphic that will convey the main idea of the final capability/use/deployment of the prototype, and its technological methodology* | Technology Readiness Level:<br>*Provide information on the current state of the proposed technology in terms of the DHS (S&T) TRL Chart. Identify strengths and weaknesses relative to the TRL Chart.* |
| Proposed Technical Approach:<br>*How will the problem be approached? Describe tasks to be performed. Describe any ongoing related efforts by the offeror. Describe the technology involved and how it will be used to solve the problem. Describe key technical challenges.* | Schedule, Cost, Deliverables & Contact Info:<br>*Summarize key schedule, cost, and deliverable elements and full contact information for the lead offeror as well as other key technical contributing organizations, including phone numbers and email* |

Figure 1. Quad Chart

Quad Charts shall not use any font smaller than 8-point and shall be organized as shown in Figure 1.

**DHS Project Form Preparation and Submission Guidelines**

Submitters will be encouraged to submit Full Proposals based on the White Paper review. Awards will be based on the Full Proposal.

Entries in the various sections of the Project Proposal Form should be concise. All pages shall be printed single-spaced on 8-1/2 by 11 inch paper with type not smaller than 12 point font. Pertinent figures, tables, and charts are encouraged and are not included in the font size limitation for the various sections of the Project Proposal Form. The font for diagrams, figures, or tables should have fonts that are legible – no smaller than 8- point font.

**4.4. Format and Content of Full Proposals**

Full Proposals

See the Anticipated Schedule of Events in paragraph 4.6 for the due date for receipt of Full Proposals. **Full Proposals WILL NOT BE ACCEPTED after the published due date.** Proposals that exceed the page limit will not have the extra pages reviewed, which may affect the proposal rating.

ONLY OFFERORS WHO SUBMIT A RESPONSIVE WHITE PAPER WILL BE CONSIDERED FOR FULL PROPOSALS. THE GOVERNMENT WILL ADVISE IN WRITING THOSE OFFERORS ENCOURAGED TO SUBMIT FULL PROPOSALS. OFFERORS NOT ENCOURAGED TO SUBMIT A FULL PROPOSAL ARE NOT PROHIBITED FROM SUBMITTING A FULL PROPOSAL.

Feedback will not be provided to Offerors not encouraged to submit a full proposal.

Full Proposal Format: Volume 1 Technical Proposal; and Volume 2 - Cost Proposal

Full proposals will consist of two volumes: a Technical Proposal volume and a Cost Proposal volume.

- Paper Size – 8.5-by-11-inch paper
- Margins – 1 inch
- Spacing – Single- or double-spaced
- Font – Times New Roman, 12 point. Text embedded within graphics or tables in the body of the Project Description Form should be legible and not smaller than 8 point.
- Number of Pages –
    - Volume 1 (Technical Proposal): No more than 30 single-sided pages. Full proposals exceeding the page limit will not be evaluated. The Official Transmittal Letter, as well as the cover page, table of contents and resumes/biographical information about potential performers in the Full Proposal are not subject to the page limitation.

- Volume 2: (Cost Proposal): No page limitation.

- Copies – A proposal shall consist of one electronic file for the Technical Proposal volume and one electronic file for Cost proposal volume. Electronic files will be in portable document format (PDF), readable by IBM-compatible PCs. Each file size must be no more than 10 MB.

Full Proposal Content

**Volume 1: Technical Proposal**

Volume I of the Full Proposal shall be in the form of a Technical Proposal volume. Responsiveness to the order and content of sections listed in Volume I is important to assure thorough and fair evaluation of proposals. Nonconforming proposals may be rejected without review. The Technical Proposal shall cover all of the elements of the Project Proposal Form (White Paper) that was submitted. In particular, the Technical Proposal must cover the following points in more detail:

- Official Transmittal Letter: This is an official transmittal letter with authorizing official signature. For an electronic submission, the letter can be scanned into the electronic proposal. The letter of transmittal shall state whether this proposal has been submitted to another government agency, other than DHS S&T, and if so, which one and when.

- Cover Page: This should include the words "Technical Proposal" and the following:
  1) BAA number;
  2) Title of Proposal;
  3) Identity of prime Offeror and complete list of subcontractors, if applicable;
  4) Technical contact (name, address, phone/fax, electronic mail address);
  5) Administrative/business contact (name, address, phone/fax, electronic mail address); and,
  6) Duration of effort (separately identify the basic effort and any options)

- Table of Contents

- Executive Summary: Summarize the Proposal and the expected benefits of the solution.

- Proposal: Describe the proposed work and the associated technical and management issues.

- Performance Goals: Describe the overall methodology and how it will meet the objectives.

- Detailed Technical Approach: Describe the proposed technical issues and methodology to address the stated program objectives set forth.

- Statement of Work (SOW), Schedule, and Milestones: Provide an integrated display for the proposed research, showing each task with major milestones. Include a proposed schedule for the effort (estimated dates of tasks, milestones and deliverables). Describe how each task will be performed and identify sub-tasks, if appropriate. Include a section clearly marked as the SOW you propose to undertake. It is anticipated that the proposed SOW will be incorporated as an attachment to the resultant award instrument. To this end, proposals must include a

severable self-standing SOW without any proprietary restrictions, which can be attached to the contract or agreement award.

- Deliverables: Provide a brief summary of all deliverables proposed under this effort, including data, hardware, reports/papers, and sensor image outputs consistent with the objectives of the work, along with due dates (calendar days after the effective date of award). This section shall be severable, i.e., it will begin on a new page and the following section shall begin on a new page. It is anticipated that the proposed detailed list and description of all deliverables will be incorporated as an attachment to the resultant award instrument. To this end, proposals must include a severable self-standing detailed list and description of all deliverables without any proprietary restrictions, which can be attached to the contract or agreement award.

- Management Plan: Provide a brief summary of the management plan, including an explicit description of what role each participant or team member will play in the project, and their past experience in technical areas related to this proposal.

- Facilities: List the location(s) where the work will be performed, and the facilities to be used. Describe any specialized or unique facilities which directly affect the effort.

- Government-Furnished Resources: Provide a brief summary of required information and data which must be provided by the Government to support the proposed work, if any.

- Cost Summary: Summarize the projected total costs for each task in the initial period of performance and any proposed option years of the effort, including a summary of subcontracts, man hours, and consumables.

- Resumes for Key Personnel: In Appendix A, provide resumes and *curriculum vitae* (CVs) for each of the key personnel. These resumes do not count toward the 30-page limit.

- Other DHS Support: As an appendix, provide a list of any current or pending awards or proposals with DHS that pertain to this work. This section will not count towards the 30-page limit.

- Assertion of Data Rights: Due to the nature of this research and development project, the Government will need information to evaluate the deliverable in a field prototype evaluation scenario with Government personnel, such as the Transportation Security Agency (TSA), Customs and Border Protection (CBP), Secret Service, etc. Therefore, include here a summary of any assertions to any technical data or computer software that will be developed or delivered under any resultant award. This includes any assertions to pre-existing results, prototypes, or systems supporting and/or necessary for the use of the research, results, and/or prototype. Any rights asserted in other parts of the proposal that would impact the rights in this section must be cross-referenced. If less than unlimited rights in any data delivered under the resultant award are asserted, the Offeror must explain how these rights in the data will affect its ability to deliver research data, subsystems, and toolkits for integration as set forth below. Additionally, the Offeror must explain how the program goals are achievable in light of these proprietary and/or restrictive limitations. If there are no claims of proprietary rights in pre-existing data, this section shall consist of a statement to that effect.

Proposals submitted in response to this BAA shall identify all technical data or computer software that the Offeror asserts will be furnished to the Government with restrictions on access, use, modification, reproduction, release, performance, display, or disclosure. Offeror's pre-award identification shall be submitted as an attachment to its offer and shall contain the following information:

(1) Statement of Assertion. Include the following statement: "The Offeror asserts for itself, or the persons identified below, that the Government's rights to access, use, modify, reproduce, release, perform, display, or disclose only the following technical data or computer software should be restricted:"

(2) Identification of the technical data or computer software to be furnished with restrictions. For technical data (other than computer software documentation) pertaining to items, components, or processes developed at private expense, identify both the deliverable technical data and each such item, component, or process as specifically as possible (e.g., by referencing specific sections of the proposal or specific technology or components). For computer software or computer software documentation, identify the software or documentation by specific name or module or item number.

(3) Detailed description of the asserted restrictions. For each of the technical data or computer software identified above in paragraph (2), identify the following information:

(i) Asserted rights. Identify the asserted rights for the technical data or computer software.

(ii) Copies of negotiated, commercial, and other non-standard licenses. Offeror shall attach to its offer for each listed item copies of all proposed negotiated license(s), Offeror's standard commercial license(s), and any other asserted restrictions other than Government purpose rights; limited rights; restricted rights; rights under prior Government contracts, including Small Business Innovation Research (SBIR) data rights for which the protection period has not expired; or Government's minimum rights.

(iii) Specific basis for assertion. Identify the specific basis for the assertion. For example:

(A) Development at private expense, either exclusively or partially. For technical data, development refers to development of the item, component, or process to which the data pertains. For computer software, development refers to the development of the software. Indicate whether development was accomplished exclusively or partially at private expense.

(B) Rights under a prior Government contract, including SBIR data rights for which the protection period has not expired.

(C) Standard commercial license customarily provided to the public.

(D) Negotiated license rights.

(iv) Entity asserting restrictions. Identify the corporation, partnership, individual or other person, as appropriate, asserting the restrictions.

(4) Previously delivered technical data or computer software. The Offeror shall identify the technical data or computer software that are identical or substantially similar to technical data or computer software that the Offeror has produced for, delivered to, or is obligated to deliver to the Government under any contract or subcontract. The Offeror need not identify commercial technical data or computer software delivered subject to a standard commercial license.

(5) Estimated cost of development. The estimated cost of development for that technical data or computer software to be delivered with less than Unlimited Rights.

(6) Supplemental information. When requested by the Contracting Officer, the Offeror shall provide sufficient information to enable the Contracting Officer to evaluate the Offeror's assertions. Sufficient information must include, but is not limited to, the following:

(i) The contract number under which the data or software were produced;

(ii) The contract number under which, and the name and address of the organization to whom, the data or software were most recently delivered or will be delivered; and

(iii)Identification of the expiration date for any limitations on the Government's rights to access, use, modify, reproduce, release, perform, display, or disclose the data or software, when applicable.

**Ineligibility for award**. An Offeror's failure to submit or complete the identifications and assertions required by this provision with its offer may render the offer ineligible for award.

It is anticipated that the proposed Assertion of Data Rights will be incorporated as an attachment to the resultant award instrument. To this end, proposals must include a severable self-standing Assertion of Data Rights without any proprietary restrictions, which can be attached to the contract or agreement award.

**VOLUME 2: Cost Proposal**

The Cost Proposal shall consist of a cover page and two parts, Part 1 and Part 2. Part 1 will provide a detailed cost breakdown of all costs by cost category and Part 2 will provide a Cost breakdown by task/sub-task using the same task numbers in the Statement of Work. Options must be separately priced.

Cover Page: The use of the SF 1411 is optional. The words "Cost Proposal" should appear on the cover page in addition to the following information:

- BAA number;
- Title of Proposal;

- Identity of prime Offeror and complete list of subcontractors, if applicable;
- Technical contact (name, address, phone/fax, electronic mail address);
- Administrative/business contact (name, address, phone/fax, electronic mail address); and,
- Duration of effort (separately price out the basic effort and any options)

Part 1: Detailed breakdown of all costs by cost category. The Offeror should provide a total estimated price for major demonstrations and other activities associated with the program, including cost sharing, if any. The Offeror should state whether any Independent Research and Development (IR&D) program is or will be dedicated to this effort, or if IR&D is being pursued to benefit related programs as well. Any cost sharing estimates should include the type of cost share, i.e. cash or in-kind. If in-kind is proposed, the Offeror should provide a discussion of how the cost share was valued.

- Direct Labor – Individual labor category or person, with associated labor hours and ***unburdened*** direct labor rates;
- Indirect Costs – Fringe Benefits, Overhead, G&A, COM, etc. (***Must show base amount and rate***)
- Travel – Number of trips, destinations, durations, etc.
- Subcontract – A cost proposal ***as detailed as the Offeror's cost proposal*** will be required to be submitted by the subcontractor. The subcontractor's cost proposal can be provided in a sealed envelope with the Offeror's cost proposal or will be requested from the subcontractor at a later date;
- Consultant – Provide consultant agreement or other document which verifies the proposed loaded daily/hourly rate;
- Materials should be specifically itemized with costs or estimated costs. Where possible, indicate purchasing method (competition, engineering estimate, market survey, etc.)
- Other Directs Costs, particularly any proposed items of equipment or facilities. Equipment and facilities generally must be furnished by the contractor/recipient. Justifications must be provided when Government funding for such items is sought.
- Fee/Profit including fee percentage.

Part 2: Cost breakdown by task/sub-task using the same task numbers in the Statement of Work.

The Cost Proposal should be consistent with your proposed SOW. Activities such as demonstrations required to reduce the various technical risks should be identified in the SOW and reflected in the Cost Proposal. The Offeror should provide a total estimated price for the major Research, Development, Test, and Evaluation (RDT&E) activities associated with the program. Certified cost and or pricing data may be required

For the Cost Proposal, the DHS BAA website system has a web form where the Offeror may enter data regarding the cost proposal. The system does not allow the Full Proposal to be submitted without completing this Cost Proposal web form. Offerors may choose to not enter information in the Cost Proposal web form since the Cost Proposal cover page, Part 1, and Part 2 will be uploaded separately. However, Offerors will still need to go to the last page of the Cost Proposal web form and hit the confirmation button, noting that the Offeror has reviewed the empty web form and is submitting the web form blank.

### 4.5. Protection of Information Uploaded to BAA Website:

All data uploaded to https://baa2.st.dhs.gov/ is protected from public view or download. All submissions will be considered proprietary/source selection sensitive and protected accordingly. Documents may only be reviewed by the registrant, authorized Government representatives, and assigned evaluators. Offerors submitting proprietary information should specifically mark or identify any information they perceive is proprietary for which they seek added protection. Submissions to this solicitation (e.g., white papers and full proposals) constitute the offeror's consent to access of this information by authorized Government representatives, assigned evaluators, and support contractors providing administrative support to the evaluators.

### 4.6. Significant Dates and Times

DHS S&T plans to review all Project Proposal Forms (referred to as White Papers on the website) and subsequent Full Proposals in accordance with the "Anticipated Schedule of Events" set forth in the table in this section, using the evaluation criteria described in Section 5.1. After the Project Proposal Forms (White Papers) review, DHS S&T will notify Offerors, electronically or in writing, either encouraging or discouraging submission of a Full Proposal based upon that review. A Review Panel will evaluate the Full Proposals using the criteria specified under the evaluation criteria set forth in Section 5.1. Following that review, Offerors will be notified whether or not their proposal has been selected for negotiation. It is anticipated that multiple awards may be made under this BAA.

The Government reserves the right to fund none, some, or all of the proposals received. It is the intention upon completion of the proposal evaluation to notify Offerors of an initiation of negotiation for awards or rejection of their proposal. Awards will be made based on the evaluation, funds availability, and other programmatic considerations.

**Anticipated Schedule of Events**

| Anticipated Schedule of Events | | |
|---|---|---|
| **Event** | **Due Date** | **Time (E.S.T.)** |
| BAA Posted to Website | April 18, 2012 | |
| Deadline for submissions of White Paper Questions | May 2, 2012 | 4:30 PM |
| White Paper Website Registration Deadline | June 1, 2012 | 4:30 PM |
| White Paper Due Date | June 4, 2012 | 4:30 PM |
| Invitations to Submit Full Proposals Sent | June 25, 2012 | N/A |
| Full Proposal Website Registration Deadline – Full Proposal Due Date | July 25, 2012 | 4:30 PM |
| Notification of Selection for Award Negotiations | August 22, 2012 | N/A |
| Contract Award | TBD | N/A |
| Kickoff Meetings | TBD | TBD |

### 4.7. Submission of Late White Papers and Full Proposals

White Papers and Full Proposals **WILL NOT BE ACCEPTED** after the published due dates.

### 4.8. Further Assistance Needed for this BAA

The applicable electronic address for all correspondence for this BAA is: BAA12-08@hq.dhs.gov

For technical assistance with using the https://baa2.st.dhs.gov/ website, submit questions to the administrators at dhsbaa@reisys.com , phone 703-480-7676.

### 4.9. BAA Contractual and Technical Questions.

All contractual and technical questions regarding this BAA, including the published requirements and instructions, must be directed to the Contracting Officer at BAA mailbox: BAA12-08@hq.dhs.gov. The program and technical staff will not acknowledge, forward, or respond to any inquiries received in any other manner concerning this BAA. Contractual questions and answers will be posted periodically under the Frequently Asked Questions (FAQs) section on the www.fbo.gov and https://baa2.st.dhs.gov websites.

## 5. EVALUATION INFORMATION

### 5.1. Evaluation Criteria

The evaluation of White Papers and Full Proposals will be accomplished through a Peer or Scientific Review using the following criteria, which are listed in descending order of relative importance:

**Criterion I: Scientific/Technical Merit**: Presentation of a sound technical approach to the proposed work that demonstrates reasonableness and responsiveness to, understanding of, as well as a clear path to address the technical requirements presented by Section 1.8 of this BAA.

**Criterion II: Sound Management Approach**: Presentation of a sound managerial approach to the proposed work, including a demonstrated understanding of the issues and challenges associated with fulfilling project requirements, as well as a strategy to address project requirements, issues and challenges. A successful team will possess multidisciplinary expertise to address the complexity of the effort and clearly identify the lead organization and the roles/responsibilities of each of the team members contributing to the technical approach.

**Criterion III: Offeror's Capabilities/History of Performance**: Demonstration of a capability of the contractor's team and team members to perform the proposed work, including history of previous performance in developing related solutions and technologies.

**Criterion IV: Cost Realism:** Presentation of accurate, well-founded and reasonable estimates of all costs related to performance of the proposed effort, including an appropriate allocation of labor resources.

Evaluation of White Papers and Full Proposals will be based on an assessment of the proposed solutions which are most advantageous to the Government based on the aforementioned criteria. Awards will be made based upon Full Proposal evaluation, funds availability, and other programmatic considerations, including awards to lesser rated proposals where alternative approaches and technologies are deemed to be more technically advantageous.

**NOTE: DHS S&T reserves the right to select for award and fund all, some, or none of the Full Proposals received in response to this announcement.**

### 5.2. Evaluation Panel

All properly submitted White Papers (in Project Proposal Form format) and Full Proposals that conform to the BAA requirements will be evaluated by a review panel comprised of Government technical experts drawn from staff within DHS S&T and other Federal agencies. All Government personnel are bound by public law to protect proprietary information.

Contract personnel who provide administrative support to the panel and who have access to proposals will be bound by appropriate non-disclosure agreements to protect proprietary and source-selection information. They will not be permitted to release any source-selection information to third parties, including others in their organization. Submissions and information received in response to this BAA constitute permission to disclose that information to certified evaluators under these conditions.

### 5.3. Feedback

Due to the estimated number of white papers to be submitted in response to this targeted BAA, the Government shall not provide feedback to Offerors not encouraged to submit a full proposal. The Government shall provide feedback on full proposals submitted, if requested by unsuccessful Full Proposal Offerors within three calendar days of being notified that their Full Proposal was not selected for an award.

## 6. AWARD ADMINISTRATION INFORMATION

### 6.1. Reporting

The following *minimum* deliverables will be required under traditional procurement contracts or other transactions agreements awarded to those Offerors whose Full Proposals are selected for award.

<u>Monthly Project Status Report</u>
Reports of project status will be solicited on a monthly basis from all performers using "Monthly Project Status Report Forms." A sample of the Monthly Project Status Report Form is provided in Appendix C of this BAA. These reports will be electronically submitted to the program manager within fifteen days after the last day of each month. The Monthly Project Status Report Forms provide a standardized format to collect the following information:

<u>Static Information (Information that does not change monthly over the project)</u>:

- Project Title
- DHS Project Control #

- Period of Performance
- Principal Investigator's Name, Telephone Number, E-mail and Unclassified/Secure Facsimile Number(s)
- Performer's Financial Contact Name and Telephone Number

Monthly Update Information to Be Provided in Bulleted or Short Narrative Format:

- Activity During the Past Reporting Period (month)
- Progress Achieved Against Deliverable(s) During Reporting Period
- Progress Achieved Against Project Milestones and Tasks During Reporting Period
- Deliverables Submitted This Period
- Milestones Reached/Achieved This Period
- Other Noteworthy Accomplishments (Meetings, Presentations, Publications, etc.)
- Topics of Concern/Slippage (Technical, Schedule and/or Cost)
- Recovery Plan (if needed)
- Explicit Plans for Next Month
- Project Budget Information (Amount Spent During Reporting Period, Cumulative Amount Spent Since Project Inception, and Amount of Funding Remaining)

Performers are requested to provide monthly update information only in those sections of the form that are applicable to the activities performed during the reporting period. If there is no updated information to report in a section, it can be marked "N/A" for Not Applicable, or left blank.

The following deliverables, primarily in contractor format, are anticipated as necessary. However, specific deliverables should be proposed by each Offeror and finalized with the contracting agent:

- Monthly Progress Status Reports
- Presentation Material
- Other Documents or Reports
- Final Report (suitable for publishing and peer review)

### 6.2. Project Conferences, Meetings and Reviews

Program status reviews may also be held to provide a forum for reviews of the latest results from experiments and any other incremental progress towards the deliverables and major demonstrations. These meetings will be held at various sites throughout the country. For costing purposes, Offerors should assume that one of these one-day meetings will be at or near DHS S&T, Washington D.C., and one other meeting will be held at the contractor's facility or a near-by government facility.

## 7. OTHER INFORMATION

### 7.1. Security Classification

No Classified Project Description Forms or Full Proposals (or portions of proposals) will be accepted.

The Contractor and its affiliates **shall not** be permitted to advertise or make endorsement claims of any kind relating to this procurement, the project sites, or the evaluated systems and process, existing or proposed. The Contractor personnel and the Contractor shall sign non-disclosure agreements protecting all "official use only" and other sensitive aspects of the project from outside release upon contract award.

### 7.2. Information for White Paper and Full Proposal Respondents

This BAA is for planning purposes only. It will not be construed as an obligation on the part of the Government to acquire any products or services. No entitlement to payment of direct or indirect costs or charges by the Government will arise as a result of submission of responses to this BAA and the Government's use of such information. Unnecessarily elaborate responses containing extensive marketing materials are not desired.

### 7.3. SAFETY Act

As part of the Homeland Security Act of 2002, Congress enacted the Support Anti- Terrorism by Fostering Effective Technologies Act of 2002 (the "SAFETY Act"). The SAFETY Act puts limitations on the potential liability of firms that develop and provide qualified anti-terrorism technologies. DHS S&T, acting through its Office of SAFETY Act Implementation (OSAI), encourages the development and deployment of anti-terrorism technologies by making available the SAFETY Act's system of "risk management" and "liability management." Offerors submitting proposals in response to this BAA are encouraged to submit SAFETY Act applications for their existing technologies. They are invited to contact OSAI for more information, at 1-866-788-9318 or helpdesk@safetyact.gov . They also can visit OSAI's Web site at www.safetyact.gov .

### 7.4. Subcontracting Plan

Successful contract proposals that exceed $650,000.00, submitted by all but small business concerns, will be required to submit a Small Business Subcontracting Plan in accordance with FAR 52.219-9, prior to award.

### 7.5. Certificate of Current Cost or Pricing Data

Successful contract proposals that exceed $700,000.00 may require the submission of a Certificate of Current Cost or Pricing Data in accordance with FAR 15.403-4(b)(2), prior to award.

### 7.6. Solicitation Provisions

**HSAR 3052.209-70 Prohibition on Contracts With Corporate Expatriates (Jun 2006).**
(a) Prohibitions.
Section 835 of the Homeland Security Act, 6 U.S.C. 395, prohibits the Department of Homeland Security from entering into any contract with a foreign incorporated entity which is treated as an inverted domestic corporation as defined in this clause, or with any subsidiary of such an entity. The Secretary shall waive the prohibition with respect to any specific contract if the Secretary determines that the waiver is required in the interest of national security.
(b) Definitions. As used in this clause:

*Expanded Affiliated Group* means an affiliated group as defined in section 1504(a) of the Internal Revenue Code of 1986 (without regard to section 1504(b) of such Code), except that section 1504 of such Code shall be applied by substituting `more than 50 percent' for `at least 80 percent' each place it appears.
*Foreign Incorporated Entity* means any entity which is, or but for subsection (b) of section 835 of the Homeland Security Act, 6 U.S.C. 395, would be, treated as a foreign corporation for purposes of the Internal Revenue Code of 1986.
*Inverted Domestic Corporation.* A foreign incorporated entity shall be treated as an inverted domestic corporation if, pursuant to a plan (or a series of related transactions)—
(1) The entity completes the direct or indirect acquisition of substantially all of the properties held directly or indirectly by a domestic corporation or substantially all of the properties constituting a trade or business of a domestic partnership;
(2) After the acquisition at least 80 percent of the stock (by vote or value) of the entity is held—
(i) In the case of an acquisition with respect to a domestic corporation, by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation; or
(ii) In the case of an acquisition with respect to a domestic partnership, by former partners of the domestic partnership by reason of holding a capital or profits interest in the domestic partnership; and
(3) The expanded affiliated group which after the acquisition includes the entity does not have substantial business activities in the foreign country in which or under the law of which the entity is created or organized when compared to the total business activities of such expanded affiliated group.
*Person, domestic, and foreign* have the meanings given such terms by paragraphs
(1), (4), and (5) of section 7701(a) of the Internal Revenue Code of 1986, respectively.
(c) Special rules. The following definitions and special rules shall apply when determining whether a foreign incorporated entity should be treated as an inverted domestic corporation.
(1) *Certain stock disregarded.* For the purpose of treating a foreign incorporated entity as an inverted domestic corporation these shall not be taken into account in determining ownership:
(i) Stock held by members of the expanded affiliated group which includes the foreign incorporated entity; or
(ii) Stock of such entity which is sold in a public offering related to an acquisition described in section 835(b)(1) of the Homeland Security Act, 6 U.S.C. 395(b)(1).
(2) *Plan deemed in certain cases.* If a foreign incorporated entity acquires directly or indirectly substantially all of the properties of a domestic corporation or partnership during the 4-year period beginning on the date which is 2 years before the ownership requirements of subsection (b)(2) are met, such actions shall be treated as pursuant to a plan.
(3) *Certain transfers disregarded.* The transfer of properties or liabilities (including by contribution or distribution) shall be disregarded if such transfers are part of a plan a principal purpose of which is to avoid the purposes of this section.
(d) *Special rule for related partnerships.* For purposes of applying section 835(b) of the Homeland Security Act, 6 U.S.C. 395(b) to the acquisition of a domestic partnership, except as provided in regulations, all domestic partnerships which are under common control (within the meaning of section 482 of the Internal Revenue Code of 1986) shall be treated as a partnership.
(e) Treatment of Certain Rights.
(1) Certain rights shall be treated as stocks to the extent necessary to reflect the present value of all equitable interests incident to the transaction, as follows:
(i) warrants;
(ii) options;
(iii) contracts to acquire stock;
(iv) convertible debt instruments; and

(v) others similar interests.
(2) Rights labeled as stocks shall not be treated as stocks whenever it is deemed appropriate to do so to reflect the present value of the transaction or to disregard transactions whose recognition would defeat the purpose of Section 835.
(f) *Disclosure*. The offeror under this solicitation represents that [Check one]:
__ it is not a foreign incorporated entity that should be treated as an inverted domestic corporation pursuant to the criteria of (HSAR) 48 CFR 3009.108-7001 through 3009.108-7003;
__ it is a foreign incorporated entity that should be treated as an inverted domestic corporation pursuant to the criteria of (HSAR) 48 CFR 3009.108-7001 through 3009.108-7003, but it has submitted a request for waiver pursuant to 3009.108-7004, which has not been denied; or
__ it is a foreign incorporated entity that should be treated as an inverted domestic corporation pursuant to the criteria of (HSAR) 48 CFR 3009.108-7001 through 3009.108-7003, but it plans to submit a request for waiver pursuant to 3009.108-7004.
(g) A copy of the approved waiver, if a waiver has already been granted, or the waiver request, if a waiver has been applied for, shall be attached to the bid or proposal.

(End of provision)

**FAR 52.222-54 Employment Eligibility Verification (Jan 2009).**
(a) *Definitions*. As used in this clause—

"Commercially available off-the-shelf (COTS) item"—

(1) Means any item of supply that is—

(i) A commercial item (as defined in paragraph (1) of the definition at 2.101);

(ii) Sold in substantial quantities in the commercial marketplace; and

(iii) Offered to the Government, without modification, in the same form in which it is sold in the commercial marketplace; and

(2) Does not include bulk cargo, as defined in section 3 of the Shipping Act of 1984 (46 U.S.C. App. 1702), such as agricultural products and petroleum products. Per 46 CFR 525.1(c)(2), "bulk cargo" means cargo that is loaded and carried in bulk onboard ship without mark or count, in a loose unpackaged form, having homogenous characteristics. Bulk cargo loaded into intermodal equipment, except LASH or Seabee barges, is subject to mark and count and, therefore, ceases to be bulk cargo.
"Employee assigned to the contract" means an employee who was hired after November 6, 1986, who is directly performing work, in the United States, under a contract that is required to include the clause prescribed at 22.1803. An employee is not considered to be directly performing work under a contract if the employee—

(1) Normally performs support work, such as indirect or overhead functions; and

(2) Does not perform any substantial duties applicable to the contract.

"Subcontract" means any contract, as defined in 2.101, entered into by a subcontractor to furnish supplies or services for performance of a prime contract or a subcontract. It includes but is not limited to purchase orders, and changes and modifications to purchase orders.

"Subcontractor" means any supplier, distributor, vendor, or firm that furnishes supplies or services to or for a prime Contractor or another subcontractor.

"United States," as defined in 8 U.S.C. 1101(a)(38), means the 50 States, the District of Columbia, Puerto Rico, Guam, and the U.S. Virgin Islands.

(b) *Enrollment and verification requirements.*

(1) If the Contractor is not enrolled as a Federal Contractor in E-Verify at time of contract award, the Contractor shall—

(i) *Enroll.* Enroll as a Federal Contractor in the E-Verify program within 30 calendar days of contract award;

(ii) *Verify all new employees.* Within 90 calendar days of enrollment in the E-Verify program, begin to use E-Verify to initiate verification of employment eligibility of all new hires of the Contractor, who are working in the United States, whether or not assigned to the contract, within 3 business days after the date of hire (but see paragraph (b)(3) of this section); and

(iii) *Verify employees assigned to the contract.* For each employee assigned to the contract, initiate verification within 90 calendar days after date of enrollment or within 30 calendar days of the employee's assignment to the contract, whichever date is later (but see paragraph (b)(4) of this section).

(2) If the Contractor is enrolled as a Federal Contractor in E-Verify at time of contract award, the Contractor shall use E-Verify to initiate verification of employment eligibility of—

(i) *All new employees.*

(A) *Enrolled 90 calendar days or more.* The Contractor shall initiate verification of all new hires of the Contractor, who are working in the United States, whether or not assigned to the contract within 3 business days after the date of hire (but see paragraph (b)(3) of this section); or

(B) *Enrolled less than 90 calendar days.* Within 90 calendar days after enrollment as a Federal Contractor in E-Verify, the Contractor shall initiate verification of all new hires of the Contractor, who are working in the United States, whether or not assigned to the contract, within 3 business days after the date of hire (but see paragraph (b)(3) of this section); or

(ii) *Employees assigned to the contract.* For each employee assigned to the contract, the Contractor shall initiate verification within 90 calendar days after date of contract award or within 30 days after assignment to the contract, whichever date is later (but see paragraph (b)(4) of this section).

(3) If the Contractor is an institution of higher education (as defined at 20 U.S.C. 1001(a)); a State or local government or the government of a Federally recognized Indian tribe; or a surety performing under a takeover agreement entered into with a Federal agency pursuant to a performance bond, the Contractor may choose to verify only employees assigned to the contract, whether existing employees or new hires. The Contractor shall follow the applicable verification requirements at

(b)(1) or (b)(2), respectively, except that any requirement for verification of new employees applies only to new employees assigned to the contract.

(4) *Option to verify employment eligibility of all employees*. The Contractor may elect to verify all existing employees hired after November 6, 1986, rather than just those employees assigned to the contract. The Contractor shall initiate verification for each existing employee working in the United States who was hired after November 6, 1986, within 180 calendar days of—

(i) Enrollment in the E-Verify program; or

(ii) Notification to E-Verify Operations of the Contractor's decision to exercise this option, using the contact information provided in the E-Verify program Memorandum of Understanding (MOU).

(5) The Contractor shall comply, for the period of performance of this contract, with the requirement of the E-Verify program MOU.

(i) The Department of Homeland Security (DHS) or the Social Security Administration (SSA) may terminate the Contractor's MOU and deny access to the E-Verify system in accordance with the terms of the MOU. In such case, the Contractor will be referred to a suspension or debarment official.

(ii) During the period between termination of the MOU and a decision by the suspension or debarment official whether to suspend or debar, the Contractor is excused from its obligations under paragraph (b) of this clause. If the suspension or debarment official determines not to suspend or debar the Contractor, then the Contractor must reenroll in E-Verify.

(c) *Web site*. Information on registration for and use of the E-Verify program can be obtained via the Internet at the Department of Homeland Security Web site: http://www.dhs.gov/E-Verify .

(d) *Individuals previously verified*. The Contractor is not required by this clause to perform additional employment verification using E-Verify for any employee—

(1) Whose employment eligibility was previously verified by the Contractor through the E-Verify program;

(2) Who has been granted and holds an active U.S. Government security clearance for access to confidential, secret, or top secret information in accordance with the National Industrial Security Program Operating Manual; or

(3) Who has undergone a completed background investigation and been issued credentials pursuant to Homeland Security Presidential Directive (HSPD) -12, Policy for a Common Identification Standard for Federal Employees and Contractors.

(e) *Subcontracts*. The contractor shall include the requirements of this clause, including this paragraph (e) (appropriately modified for identification of the parties), in each subcontract that—

(1) *Is for*—

(i) Commercial or noncommercial services (except for commercial services that are part of the purchase of a COTS item (or an item that would be a COTS item, but for minor modifications), performed by the COTS provider, and are normally provided for that COTS item); or

(ii) Construction;

(2) Has a value of more than $3,000; and

(3) Includes work performed in the United States.

(End of Clause)

## 8. APPENDICES

### 8.1. Appendix A – List of Acronyms

### 8.2. Appendix B - Sample White Paper in DHS Explosives Division "Project Proposal Form" Format

### 8.3. Appendix C - Sample DHS Explosives Division "Monthly Project Status Reporting Form"

### 8.4. Appendix D – DHS S&T Technology Readiness Levels

## 8.1. - APPENDIX A – List of Acronyms

| | |
|---|---|
| AIT | Advanced Imaging Technology |
| BAA | Broad Agency Announcement |
| CA | Cooperative Agreement |
| CDA | Calendar Days After |
| CDR | Critical Design Review |
| DAC | days after contract award |
| DHS | Department of Homeland Security |
| DOE | Department of Energy |
| EXD | Explosives Division |
| FAQs | Frequently Asked Questions |
| FAR | Federal Acquisition Regulations |
| FedBizOps | Federal Business Opportunities (www.fbo.gov) |
| FOUO | For Official Use Only |
| FFRDC | Federally Funded Research and Development Center |
| FY | Fiscal Year |
| G&A | General and Administrative |
| GFE | Government-Furnished Equipment |
| GFI | Government-Furnished Information |
| GFR | Government-Furnished Resources |
| GFS | Government-Furnished Services |
| HBCU | Historically Black Colleges and Universities |
| HSPD | Homeland Security Presidential Directive |
| HUB | Historically Underutilized Business |
| IAA | Interagency Agreement |
| OSAI | Office of SAFETY Act Implementation (DHS) |
| OTs | Other Transactions |
| PAC | Post-Award Conference |
| PDF | Portable Document Format |
| PDR | Preliminary Design Review |
| PL | Public Law |
| POP | Period of Performance |
| PPF | Project Proposal Form (Form used in place of narrative White Paper- Treated as White Paper on website) |
| RFP | Request for Proposal |
| RDT&E | Research, Development, Test and Evaluation |
| S&T | Science and Technology |
| SAFETY Act | Support Anti-Terrorism by Fostering Effective Technologies Act 2002 |
| SDB | Small Disadvantaged Business |
| TIM | technical interchange meeting |
| TSA | Transportation Security Administration |
| TSL | Transportation Security Laboratory |

**8.2. – Appendix B - Sample White Paper in "DHS Explosives Division Project Proposal Form" Format**

# EXPLOSIVES DIVISION PROGRAM
# FY 2012 PROJECT PROPOSAL FORM (White Paper) **Name of Project**

**Project Name XXX**
**Name(s) and Contact Information of Performers**
Name: XXX
Mailing Address: XXX
Telephone: XXX
Fax: XXX
Secure Fax: XXX
Email: XXX
Secure Email : XXX
**Name and Contact Information of Financial Contact**
Name: XXX
Mailing Address: XXX
Telephone: XXX
Fax: XXX
Email: XXX
**Requirement Addressed** (Reference Technology Focus Area[s])
XXX
**Summary of Technical Approach & Project Activity**
XXX
**Justification & Potential Benefits/Outcomes of Project**
XXX
**List of Tasks and Schedule** (From Contract Award Date)
Task 1: Task Name XXX (Contract Award Date to X month)
Task 2: Task Name XXX (Month X to X month)
...
Task N: Task Name XXX (Month X to X month) (Note: POP not to exceed 12 months)
**Cost of Each Task/Total Project Cost**
Task 1 Cost: $ XXX
Task 2 Cost: $ XXX
Task N Cost: $ XXX
**Total Cost: $ XXX**
**Breakout and Categorization of Costs**
Labor: $ XXX
M&S: $ XXX
Capital Equipment: $ XXX
Travel: $ XXX
Indirects: $ XXX
Estimated Labor Hours: XX Hours
Average Cost per Labor Hour: **$** XXX/hour
**Description of Deliverable(s) and Schedule of Delivery**
Deliverable 1: Deliverable Name XXX (Contract Award Date + X months)
Deliverable 2: Deliverable Name XXX (Contract Award Date + X months)
...
Deliverable N: Deliverable Name XXX (Contract Award Date + X months)
**Go / No Go Decision Point(s) for Project Completion**

**8.3. – Appendix C- Sample DHS S&T EXD "Monthly Project Status Reporting Form"**

**DHS S&T EXD PROGRAM**

**FY 2012 MONTHLY PROJECT STATUS REPORT FORM**

**CONTRACTOR: XXX**

**MONTHLY PROJECT STATUS REPORT # x**

**For: xxx 201X (Month/Yr.)**

**Date Submitted: xxx ,201X**

**(Must be submitted to DHS PM by 15th of following month) Deliverable:**

**Project Title: Project Name XXX**

| | |
|---|---|
| **Purchase Request/IAA No.: XXX** | **Period of Performance: Contract Award Date (C.A.D.) [xx/xx/201X] + X Months = xx/xx/201X** |
| **Principal Investigator (PI): XXX** | **PI Telephone No.: XXX** |
| **PI Email: XXX** | **PI Facsimile No.: XXX** |
| **Financial Contact: XXX** | **Financial Contact Telephone No.: XXX** |
| **DHS Program Manager: XXX** | **DHS PM Telephone No.: XXX** |
| **DHS PM Email: XXX** | **DHS PM Facsimile No.: XXX** |

## 8.4. - Appendix D – DHS S&T Technology Readiness Levels

| TRL | Description | Notional Examples |
|---|---|---|
| 1 | Basic principles observed and reported. | Paper studies of a technology's basic properties, exploration of a technical phenomenon, and definition of a technical concept. |
| 2 | Technology concept and/or application reported. | Speculative applications, minimal proof or detailed analysis to support the assumptions. Limited to analytic studies, phenomenology and experimentation. |
| 3 | Analytical and experimental critical function and/or characteristic proof-of-concept. | Active research and development including analytical and laboratory studies to validate analytical predictions of separate elements of the technology. Examples include components that are not yet integrated. |
| 4 | Component validation in a laboratory environment. | Basic technological components are integrated to establish that they will work together. Examples include integration of modules and components in the laboratory. |
| 5 | Component validation in a relevant environment. | Basic technological components are integrated with reasonably realistic supporting elements so it can be tested in a simulated environment. |
| 6 | System/subsystem model or prototype demonstration in a relevant environment. | Representative model or prototype system is tested in a relevant environment. Examples include testing a prototype in a high-fidelity laboratory environment or in a simulated operational environment. |
| 7 | System prototype demonstration in relevant environment. | Prototype near, or at, planned operational system level. Requires demonstration of an actual system prototype in an operational environment. |
| 8 | Actual system completed and operationally qualified through test and demonstration. | System development complete. Examples include test and evaluation of the system in its intended system configuration and operational environment. |
| 9 | Actual system operationally proven through successful mission operations. | Actual application of the technology in its final form and under mission conditions, in accordance with the user's Concept of Operations. |