



BROAD AGENCY ANNOUNCEMENT

Explosives Division Targeted BAA HSHQDC-15-R-B0003

Amendment III

Standoff Explosives Detection on Vehicles (SED-V)

White Papers Due: See Anticipated Schedule of Events in section 4.5

Full Proposals Due: See Anticipated Schedule of Events in section 4.5

October 5, 2015

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1 GENERAL INFORMATION

1.1 Introduction

This solicitation is a Targeted 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. The Department of Homeland Security (DHS) Science & Technology (S&T) Directorate is soliciting white papers which will be evaluated in accordance with this BAA. This BAA is for basic and applied research as well as development not relating to a specific piece of hardware or system in accordance with FAR 35.106(a). This BAA will not be used to obtain support services, such as engineering, contracting, evaluation, or intermediary services, nor will it be used for venture capital-type investments of other companies. This BAA is seeking prime contractor offerors who will, themselves, be doing the R&D sought in this solicitation. From the submitted and evaluated white papers, participants may be invited to submit full proposals under this BAA. Awards 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) 2015. Contract awards are subject to the availability of funds.

Important Note: DHS intends to use Noblis, Inc. for routine administrative support during the evaluation process of both white papers and full proposals. Offerors, Prime Contractors only, must submit an executed Company to Company Agreement with Noblis, Inc., found in Appendix C, along with their white paper submission. The Agreement found in Appendix C shall not be altered. Submissions that do not include an executed Agreement will be considered non-responsive and will not be considered. Please see Section 5.2 for Noblis, Inc. Point of Contact information. Offerors are encouraged to allow sufficient time to permit agreement execution.

1.2 Agency Name

Department of Homeland Security
Science & Technology Directorate
Homeland Security Advanced Research Project Agency
Explosives Division
Washington, DC 20005

1.3 Research Opportunity Title

Standoff Explosives Detection on Vehicles (formerly presented as Vehicle Eye Safe Trace)

1.4 Program Name

Standoff Explosives Trace Detection Program

1.5 Research Opportunity Number

Targeted BAA HSHQDC-15-R-B0003

1.6 Solicitation and Response Approach

DHS S&T 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 submissions received in response to this solicitation. No funding for direct reimbursement of proposal development costs will be allowed. White papers, full

proposals or any other material submitted in response to this BAA will not be returned. However, DHS S&T will adhere to FAR policy on handling source selection information and proprietary proposals in accordance with any and all markings on the proposal. 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. All submissions should be unclassified. Documents containing sensitive information that are not suitable for uncontrolled public dissemination must 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, if authorized at time of award. Additionally, should the situation warrant, and if appropriate, Firm-Fixed Price contracts may be awarded. In the event an offeror or subcontractor is a Federally Funded Research and Development Center (FFRDC), Department of Energy National Laboratory, or other federally funded entity, DHS S&T will work with the appropriate sponsoring agency to issue an interagency agreement pursuant to the Economy Act (31 U.S.C. 1531) or other appropriate authority.

A two-step selection process will be used for this solicitation.

Important Note: DHS intends to use Noblis, Inc. for routine administrative support during the evaluation process of both white papers and full proposals. Offerors, Prime Contractors only, must submit an executed Company to Company Agreement with Noblis, Inc., found in Appendix C, along with their white paper submission. The Agreement found in Appendix C shall not be altered. Submissions that do not include an executed Agreement will be considered non-responsive and will not be considered. Please see Section 5.2 for Noblis, Inc. Point of Contact information. Offerors are encouraged to allow sufficient time to permit agreement execution.

Step 1 is mandatory for all potential offerors and will consist of the solicitation, receipt, and evaluation of white papers. **White paper submission is mandatory.** Prior to the white paper submission deadline, DHS S&T will offer a brief question and answer (Q&A) period for necessary clarification of the government’s intentions of the solicitation. The government will NOT provide any indication of interest or critique in the offeror’s technical approach or teaming arrangements. Frequently asked questions (FAQ) and responses will be posted following this period. Following an evaluation period, select white paper offerors will be encouraged to participate in Step 2. **All white paper offerors, both those “encouraged” and those “not encouraged”, will be permitted to submit a full proposal for consideration.**

Step 2 consists of the solicitation, receipt, and evaluation of full proposals and supporting documents.

Table 1: Two-step Selection Process

<p>White paper (Step 1) Required before full proposal will be considered.</p>	<p>Subject matter expert (SME) panel review and select letters of encouragement. Formal feedback will not be offered.</p>
<p>Full proposal (Step 2)</p>	<p>SME panel review, source selection procedures, and notification of intentions to proceed with pre-award negotiations. Feedback sessions for those <u>not</u> selected for pre-award negotiations will be offered.</p>

1.7 Response Dates

White papers due: See anticipated schedule of events in section 4.5.

Full proposals due: See anticipated schedule of events in section 4.5.

1.8 Research Opportunity Description

1.8.1 Background

The Homeland Security Act of 2002 (Public Law 107-296) states that DHS 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 Explosive Division (EXD) seeks to develop standoff detection capabilities for a wide range of explosive threats.

The standoff detection of explosives remains an important, yet elusive, capability requirement for DHS components as well as many agencies in the Department of Defense. Furthermore, there are increasing opportunities for the deployment of standoff detection capabilities within non-government based security industries (i.e. large private corporations, theme parks and sporting venues, hotels and the cruise ship industry, etc.). The amenability of standoff detection technologies to portable configurations greatly expands the possibility of deploying explosives detection measures to non-traditional venues such as political campaign events and mass transit platforms.

The Standoff Explosives Trace Detection Program will develop technologies to enable and/or improve screening for explosives and explosive devices. Specifically, these detection systems will allow non-contact, near real-time screening against person-borne and vehicle-borne threats; a capability not currently available for federal facilities. The Standoff Explosives Trace Detection Program will enable new security capabilities for the Federal Protective Service (FPS) and General Services Administration (GSA), with potential applications to a variety of other federal agencies including the United States Secret Service (USSS) and Transportation Security Administration (TSA). This program will develop explosive threat detection technologies for implementation in a variety of operational environments. The Standoff Explosives Trace Detection Program is structured in a phased approach; currently the program is focused on vehicle-borne threats. As core technologies are developed, the Standoff Explosives Trace Detection Program will evolve and implement these capabilities to address person-borne threats.

1.8.2 The Problem

Federal facilities continue to be attractive targets for terrorists and native extremists due to their symbolism and the criticality of the missions executed by the federal agencies therein.

Currently, vehicle screening methods consist of visual inspections and occasional random trace or canine inspections. Although these measures offer substantial deterrence value, they provide very limited discrimination capabilities against harmless items. Furthermore, such screening methods are manpower intensive and time consuming. Throughput and safety concerns limit or even prohibit the use of currently available commercial screening technologies.

Personnel screening methods consist primarily of identification checks, metal detection, and x-ray screening of personal belongings. Secondary screening methods may consist of explosive trace detectors and pat-downs or visual inspection and random canine searches. As with vehicle screening methods,

these are manpower intensive and time consuming. Often throughput limitations prohibit the use of such screening technologies to screen employees at many of the federal buildings under FPS protection. Safety concerns of using technologies further limit the potential technologies deployed to such sites.

The Standoff Explosives Trace Detection Program will develop non-contact, near real-time detection technologies for federal facility protection. Technologies will be designed to screen potential vehicle- and person-borne threats in both fixed and portable checkpoint configurations. Solutions for standoff explosives detection and identification will be realized through emerging optical techniques, such as Raman and Infrared Reflectance Spectroscopy. The feasibility of using such techniques has previously been demonstrated for a variety of relevant trace explosive materials.

1.8.3 BAA Overview

NOTE: DHS S&T presented a draft pre-solicitation Vehicle Eye Safe Trace BAA to industry in July 2014 in Washington DC. In response to recent technical advances and emerging operational requirements, DHS S&T revised and renamed the BAA. A revised, three-phase Standoff Explosives Detection on Vehicles program appears below. The most notable change is the elimination of “phase 0” activities.

This BAA addresses the advancement of standoff detection techniques for explosive residues on external vehicle surfaces. Techniques requiring sample collection and/or pre-concentration for subsequent analysis will be considered non-responsive. For example, vapor collection techniques with subsequent analysis are not considered “standoff”, even though direct contact with a subject is not necessary.

Some of the specific technical requirements for this program are classified. Upon award and upon the enactment of appropriate security measures, and at an appropriate point in the development cycle, an appendix of classified requirements will be provided to the awardee. Figures of merit for each phase of the development cycle are described in the sections below. An unclassified summary of the technical requirements is in Table 2. Technology Readiness Levels are defined in Appendix A.

Table 2: Summary of Program Requirements

Performance Metric	Unclassified Description
Detection Sensitivity	Thumbprint quantities (<250 µg/cm ²)
Detection Selectivity	Material identification in the presence of relevant, commonly encountered backgrounds and applicable substrates/coatings. Additional information is provided below in the context of performance metrics. Further guidance will be provided upon contract award.
Threat Materials	Applicable explosives materials for small/large passenger vehicles, to include military, commercial, and homemade explosives. Additional information is provided below in the context of performance metrics. Further guidance will be provided upon contract award.
Screening Frequency or Throughput	System shall not significantly impair normal business operations. Additional information is provided in paragraph 1.8.4.2, “Screening Frequency” in the context of performance metrics.

Standoff Detection Range	0.25 – 2.00 meters, variable.
User Interface	No operator “in the loop” until a secondary screening event is required.
Program Technology Entrance Level	Technology Readiness Level (TRL) \geq 3. Feasibility of underlying phenomenology must be clearly established. Important Note: Certain technologies are excluded from consideration.
Program Technology Exit Level	TRL \geq 6
Form Factor / System Design	A fixed site capability is desired to retrofit existing entry control points at federal facilities with limited impact on existing infrastructure. See paragraph 1.8.4.2, Form Factor/System Design for a conceptual drawing and additional details.

1.8.4 Program Structure

This purpose of this solicitation is to initiate a three-phase developmental activity for standoff detection capabilities. **Technologies will enter into this program at TRL \geq 3, with clearly established feasibility of the phenomenology for trace explosives detection.** A series of GO/NO GO criteria will serve to advance technologies through the phases of the program. Upon completion of this developmental program, TRL 6 technologies will be inserted into a variety of test and evaluation activities and, potentially, into an operational pilot. **All submissions must propose efforts for all three developmental phases.**

1.8.4.1 Three-Phase Program Structure

Table 3: Three-Phase Development Program

Base Period Phase 1 (12-18 months)	Advanced feasibility demonstration and Preliminary Design Review (PDR)
Option Period 1 Phase 2 (12-18 months)	Eye safety validation and Critical Design Review (CDR)
Option Period 2 Phase 3 (12-18 months)	Prototype completion and test readiness review

Individual Phase 1 awards shall not exceed \$850k in cost and 18 months in duration.

1.8.4.2 Technical Requirements

Many specific technical requirements are classified, as noted above. Upon contract award and upon the enactment of appropriate security measures, and at an appropriate point in the development cycle, an appendix of classified requirements will be provided. Technical proposals should address all of the summary requirements provided in Table 2 as well as the following descriptions. **It is important to note that neither Laser Induced Breakdown Spectroscopy (LIBS) nor Terahertz Spectroscopy (THz) will be considered for this solicitation.** The government has thoroughly evaluated these technologies and does not find them suitable for this opportunity. While LIBS is a relatively mature

technique for elemental analysis, the destructive nature of the laser/sample interactions precludes eye-safe operations¹. The influence of surface morphology upon reflectance THz signatures, coupled with the sensitivity requirements of this activity, prevents THz Spectroscopy from being a viable technical solution for this opportunity².

Detection Sensitivity. The intention of this program is to develop technologies to screen vehicle exteriors for residual threat quantities indicative of immediate threats. For Phase 1, detection of first generation thumbprint quantities must be demonstrated. For Phase 1 demonstrations, a first generation thumbprint is defined to contain less than 250 micrograms per square centimeter ($\mu\text{g}/\text{cm}^2$) of explosives. Lower detection limits will be required for subsequent phases. These detection limit requirements for Phases 2 and 3 are classified.

Detection Selectivity. The proposed technical solution must provide selective detection of explosive materials on relevant substrates and coatings and in the presence of commonly encountered background materials. Further guidance will be provided upon contract award.

Threat Materials. The proposed technical solution must provide detection capabilities for a variety of explosive materials, applicable to passenger vehicles. Threat materials shall include military, commercial, and homemade explosives, spanning a wide variety of explosive classes. Pertinent explosive classes include, but are not limited to, the following: Nitramines, Peroxides, Chlorates, Ammonium Nitrate, and Urea Nitrate based explosives. Detection of six (6) unique explosives is required during Phase 1 demonstrations. Specific classified requirements will be provided upon contract award and enactment of appropriate security measures.

Screening Frequency. Conceptual renderings of a deployed capability are given below. Specific requirements are sensitive and will only be provided upon contract award. In general terms, a screening event should not significantly impair normal vehicle entry control point operations. A screening event is defined as the time necessary for the subject system to interrogate and collect data, process data, and present a GO/NO GO response to the operator. Details of these screening “steps” will be provided upon contract award. The amount of time permitted for a single screening event is less than 20 seconds for Phase 1 demonstrations. A shorter screening time will be required for subsequent phases.

User Interface. As with other aspects of this program, User Interface requirement will evolve during the developmental phases. A capability is desired that does not require an “operator in the loop” during measurements. However, user access to multiple data levels are desired for troubleshooting, calibrations, and validation purposes. For example, a “super user” may have access to spectral data and statistics, whereas an “operator” may only have access to GO/NO GO indicators. Achievable confidence levels in measurements and data processing may drive these requirements. Progress toward a “no operator in the loop” capability must be demonstrated in Phase 1.

Technology Entrance Level. A prerequisite for any proposed technical solution is a clear demonstration of feasibility for explosives detection by the proposed phenomenology. Feasibility of the

¹ Wallin, S. et.al, *Laser-based standoff detection of explosives: a critical review*, Anal Bioanal Chem (2009) 395:259–274

² Kemp, M., *Explosives Detection by Terahertz Spectroscopy – A bridge too far?* IEEE Trans Thz Sci Tech, Vol. 1(1), Sept 2011

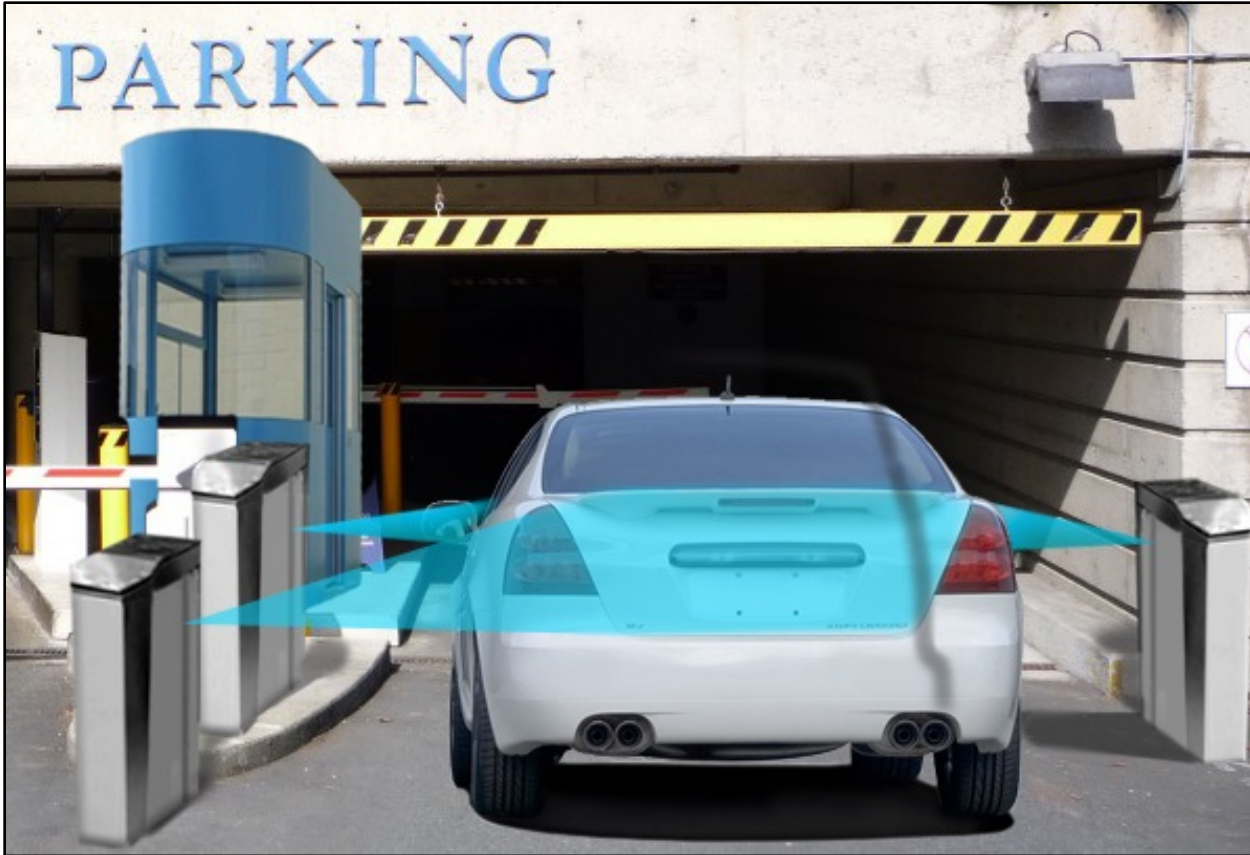
proposed approach must be supported by laboratory measurements. A TRL 3 is required for consideration in this program

Technology Exit Level. Upon program completion, the offeror is expected to deliver TRL 6 prototype(s) to the government for insertion into a test and evaluation program. Metrics for TRL 6 designation will be provided upon the successful completion of Phase 1 activities. These metrics will be informed by the classified requirement noted elsewhere in this solicitation.

Form Factor / System Design. A fixed site capability is desired to retrofit existing entry control points at federal buildings. This should be accomplished with limited impact on existing infrastructure. Conceptual design illustrations and additional details are provided below. Offerors should consider the trade-off between utility, performance, cost, and complexity in their designs. The findings of these trade-off studies should be presented to the government in Phase 1.

Conceptual Drawings for Potential Operational Concepts and Form Factors





1.8.4.3 Operational Considerations

External Residue Detection. The focus of this activity is the detection of explosive residues on exterior vehicle surfaces only. Techniques which interrogate a vehicle's cabin or trunk for concealed explosives, including vapors, will be considered non-responsive to this solicitation.

Maintenance Requirements and System Availability. Formal requirements for maintenance and availability will be provided in advance of Phase 2 CDR. The technical solution should be capable of operations in outdoor environments expected at temperate weather US facilities, during both night and daylight.

Calibration. Projected calibration techniques should be discussed in the offeror's technical proposal. Considerations should be made for spatial tracking or targeting, spectral calibrations, background or substrate variations, and any other reoccurring measurements necessary. The frequency, time required and associated costs of these considerations should be addressed in the white paper and proposal.

Eye Safety. Eye safety assertions of a proposed technology, inherently or operationally, must be clearly stated in an offeror's proposal. The government will provide guidance regarding measurements and guidelines for consideration upon contract award. The offeror must demonstrate a clear understanding of optical properties and the factors influencing eye and skin safety. **The government is concerned with the overall safety of a deployable system as opposed to the individual components therein.** For example, it is possible that Class IV lasers could be integrated into a system and operated in an eye safe fashion. In such an example, the overall system classification would be accessed for eye safety purposes.

Areas to be Screened. It is the desire of the government to screen as much of the vehicle’s exterior as possible. However, practical considerations must be made regarding the aforementioned technical requirements (e.g. screening frequency, form factor, etc.). For this reason, specific areas will be predetermined for screening. “Hot spots”, such as door handles and other primary contact points, will be defined upon contract award. The complete area within these predetermined hot spots must be screened (i.e., the complete door handle as opposed to a single point on the handle).

1.8.4.4 Other Key Considerations

Derivative Capabilities. This program is focused on a fixed site capability for a very specific application. However, the goal of the overarching Standoff Explosives Trace Detection Program is to develop additional capabilities for other operational concepts and end users. Ideally, the core capabilities developed under this program will be amenable to other form factors and technical requirements (e.g. portable or handheld capabilities). Offerors are encouraged to discuss potential derivative capabilities.

Screening Modalities. Both active and passive screening technologies will be considered. Likewise, both imaging and area detection techniques will be considered. Trade-offs between complexity, cost, and utility must be considered for beam expansion techniques, mechanical rastering approaches, and multiple aperture systems.

Sample Provisions. Offerors must demonstrate knowledge of sample morphology and the associated effects upon spectral features and chemometric approaches. The government will provide test samples at appropriate points in the developmental cycle. The government will also provide guidance to contract awardees regarding the commercial availability of dilute explosive standards. Further guidance will be provided, upon contract award, regarding applicable explosive formulations and threats.

1.8.4.5 Key Milestones and Deliverables

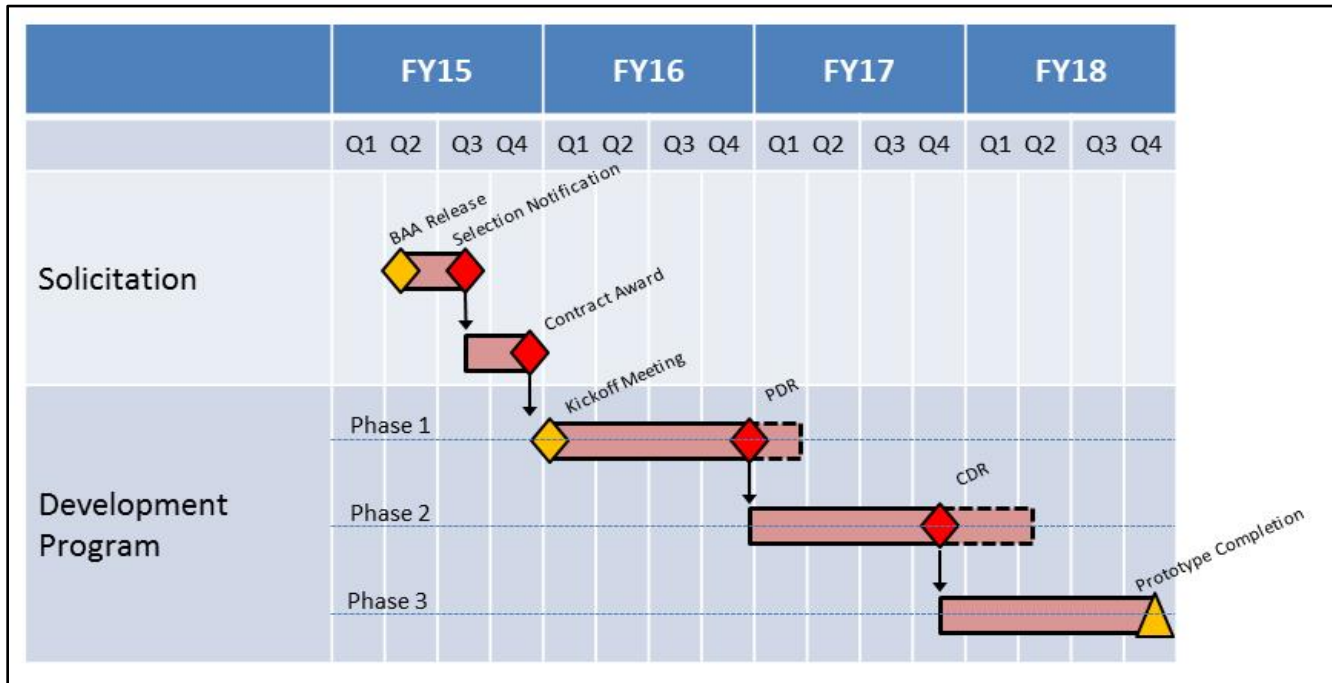
Program Element	Major Tasks	Key Milestones and Deliverables
Base Period: Phase 1 (12-18 months)	<ul style="list-style-type: none"> • Advanced Feasibility Demonstrations (AFD) • Technical Requirements Refinement (Classified) • Preliminary Design Review (PDR) • TRL Advancement 	<ul style="list-style-type: none"> • AFD Documentation • Form factor trade-off study and findings • PDR documentation • Phase 1 Final Report • <i>Appropriate progress reporting*</i>
Option Period 1 Phase 2 (12-18 months)	<ul style="list-style-type: none"> • Eye Safety Validation (ESV) and technology demonstrations • Operational requirements refinement (Classified) • Critical Design Review (CDR) • TRL Advancement 	<ul style="list-style-type: none"> • ESV Documentation • CDR Documentation • Operational considerations trade-off study and finding • Phase 2 Final Report • <i>Appropriate progress reporting*</i>

Program Element	Major Tasks	Key Milestones and Deliverables
Option Period 2 Phase 3 (12-18 months)	<ul style="list-style-type: none"> • Prototype completion • Developmental test and evaluation • Training and maintenance manual development • Prototype delivery to government 	<ul style="list-style-type: none"> • Engineering documentation • Training and maintenance manuals • Prototype system(s) • Final reporting for all phases, to include a separable Phase 3 Test and Evaluation Summary Report

**Additional reporting requirements are discussed below. Specific reporting templates, to include monthly and quarterly progress reports, will be provided upon contract award.*

1.8.4.6 Project Timeline

Below is a summary of the tasking timeline for this effort:



1.9 Government Representatives

Contracting Officer’s Representative (COR):

Michael Shepard, PhD
 Standoff Explosives Trace Detection Program
 Manager
 Explosives Division
 Science and Technology Directorate
 Department of Homeland Security
 Washington, DC 20528

Contracting Officer:

Carolyn Smith
 Contracting Officer
 Science and 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 DHS S&T will have approximately \$3.5M for all awards to be made under this BAA for the base period of performance. Additional funding from the Department of Defense, the United Kingdom of Great Britain and Northern Ireland and the Kingdom of Sweden may also be provided, subject to their respective availability of funds, as well as interest in the particular proposal(s).

Individual Phase 1 awards shall not exceed \$850k in cost and 18 months in duration.

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 anticipates making four (4) to five (5) awards using FY15 funds.

2.4 Anticipated Award Types

Award type is anticipated to be in the form of Cost Reimbursement type contracts. However the government reserves the right to award Other Transactions (OTs) and interagency agreements (IAAs) to appropriate parties, such as FFRDCs and National Laboratories should the situation warrant. Additionally, should the situation warrant, and if appropriate, Firm-Fixed Price contracts may be awarded.

2.5 Adequate Accounting System for Cost Reimbursement Type Contracts

Evidence of an adequate accounting system would include a written opinion or other statement from the cognizant federal auditor (CFA) or the cognizant federal agency official (CFAO) that the system is approved or has been determined to be adequate. If available, the offeror shall provide the audit report number and date associated with the accounting system review. If the offeror does not have a copy of the report, the offeror may furnish a copy of the audit report number.

If the offeror does not have an accounting system that has been determined adequate by the CFA or CFAO, but believes its accounting system is adequate, the offeror shall so state in its proposal. As part of the pre-award evaluation process, the government will obtain the necessary review by the CFA. The offeror will be required to allow the CFA to review the accounting system and correct (or have a timely action plan to correct) any issues identified as precluding the system from being adequate. The offeror will provide the CFA name, address and telephone number and the point of contact as part of its proposal.

Educational institutions and non-profit organizations must comply with accounting and audit standards found in Office of Management and Budget (OMB) Circular A-133.

2.6 Potential Within-Scope Changes

Potential within-scope changes are possible for resultant awards for this solicitation. Possible types of within-scope changes may include an expanded detection threat list, additional prototypes, additional testing, or collaboration with others.

3 ELIGIBILITY INFORMATION

This BAA is open to **ALL** responsible sources. Offerors may include single entities or teams from academia, private sector organizations, government laboratories, and 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 will receive particular scrutiny.

HSAR 3052.209-72 Organizational Conflict of Interest

(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. Please refer to the “Registration and Submission Training Guide” section on this website for step-by-step instructions to register your company or organization and submit a white paper and full proposal. Submissions will not be accepted from organizations that have not registered. Organizations that wish to participate in this solicitation must register at: <https://baa2.st.dhs.gov/>. Interested parties are encouraged to register early in the process.

4.2 Application and Submission Process

A white paper must be submitted in response to this BAA. White papers will be reviewed, and offerors notified if they are encouraged to submit a full proposal submission. **OFFERORS NOT ENCOURAGED TO SUBMIT A FULL PROPOSAL ARE NOT PROHIBITED FROM SUBMITTING A FULL PROPOSAL.**

IMPORTANT: Before submitting a white paper and full proposal for the first time, offerors must register their organization and user account at <https://baa2.st.dhs.gov/>. Offerors **MUST** refer to the “Registration and Submission Training Guide” on the FAQ page for step-by-step instructions to register their company or organization and submit a white paper and full proposal.

4.3 Further Assistance Needed for this BAA

All contractual and technical questions regarding this BAA, including the published requirements and instructions, must be directed to the contracting officer at BAA-15-R-B0003@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 FAQs section at www.fbo.gov and <https://baa2.st.dhs.gov>. For technical assistance submissions, contact the administrators at dhsbaa@reisystems.com or 703-480-7676.

4.4 Considerations for White Papers and Full Proposals

Only unclassified white papers and full proposals will be accepted. White papers or full proposals received with any classified information will be disqualified and not evaluated. An appropriate response from DHS S&T security offices will ensue.

4.5 Significant Dates and Times

DHS S&T plans to review all white papers 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 below in Section 5. After white paper reviews, DHS S&T will notify offerors whether or not they are encouraged to submit a full proposal. Following the subsequent review of full proposals, offerors will be notified whether or not their proposal has been selected for negotiation. The government reserves the right to fund none, some, or all of the proposals received. Awards will be made based on the

evaluation, funds availability, and other programmatic considerations. **Submissions will not be accepted after the published due dates.**

Table 4. Anticipated Schedule of Events

Event	Due Date	Eastern Time
BAA posted to website	06/22/2015	-
Deadline for submissions of white paper questions	07/08/2015	12:00pm (noon)
White paper registration deadline	07/22/2015	12:00pm (noon)
White paper due date	07/30/2015	12:00pm (noon)
Notification of encouraged/not encouraged to submit full proposals	10/05/2015	-
Full proposal due date	11/05/2015	12:00pm (noon)
Notification of selection for award negotiations	12/07/2015	-
Contract award preparation begins	Varying Dates	-
Kickoff meetings begin	Varying Dates	-

4.6 White Paper Submission

IMPORTANT: User registration on the BAA Portal, see Section 4.1, is **not sufficient** for registering the white paper. To register a white paper, offerors must logon and select the “Start New Proposal” button. When the Start New Proposal page displays, select the solicitation and topic, and then enter the title of the white paper/proposal and technical area number that is being submitted. With the title entered, select “Add Proposal to Activity Worksheet”. The Proposal Activity worksheet page lists proposals in the Proposals In-progress section. White papers are registered at this point. Repeat this step before the white paper registration deadline for every white paper being registered.

IMPORTANT: After completing the coversheets and uploading the white paper document, **offeror must select on the “Submit White Paper”** button to submit the white paper; simply uploading the document is not sufficient.

4.7 White Paper Format and Content

White papers are due no later than 12:00 pm (noon) (local Eastern Time) on July 30, 2015. **White papers WILL NOT BE ACCEPTED after the published due date.** Notification of encouraged/not encouraged to submit a full proposal will be made via email on or about **October 5, 2015.**

Page limits and format are as follows:

- 8.5 x 11 inch paper size
- 1 inch margins
- Single spaced
- Times New Roman font 12 point

White papers shall not exceed twenty (20) pages in length broken down as follows:

Section	Page Limit
Cover Page	1 Page
Executive Summary (Inclusive of Cost, Schedule, and Technical Proposal)	1 Page
Background (To Establish Offeror's Knowledge of the Topic Area)	1 Page
Core Technical Proposal	8 Single Sided Pages
Cost Summary	3 Single Sided Pages
Schedule Summary (Including a Graphical Representation of the Schedule)	3 Single Sided Pages
Resumes of Key Personnel	3 Single Sided Pages (1 Page per Resume)

The Core Technical Proposal shall include a description of the technical phenomenology, TRL assertions and relevant data, proposed operational concepts, projected detection metrics, proposed system form factors, and a descriptive list of key prototypes and deliverables. Reporting requirements are detailed in the sections below. All white papers will be evaluated solely on content; all pertinent information should be presented within the white paper. White papers exceeding the page limit will not be evaluated. Submissions can be in portable document format (PDF) or Microsoft Word 2010 or earlier compatible format.

4.8 Proposal Submission

After uploading full proposal documents to the BAA Portal, see Section 4.1, **users must select the "Submit Proposal" button** to submit the full proposal; simply uploading the documents is not sufficient. Offerors may revise their full proposal submission until the deadline. To revise the full proposal, offerors must call the DHS BAA Website Help Desk at 703-480-7676. The Help Desk will contact the contracting officer for approval. With that approval, the Help Desk will open the full proposal for edits.

4.9 Full Proposal Format and Content

Full proposals are due no later than 12:00 pm (noon) (local Eastern Time) on **05 November 2015**. **Full proposals WILL NOT BE ACCEPTED after the published due date. A full proposal shall consist of two (2) volumes: Volume 1 – Technical Proposal and Volume 2 – Cost Proposal.**

Page limits and format are as follows:

- 8.5-by-11-inch paper
- 1 inch margins

- Single spaced
- Times New Roman, 12 point. Text embedded within graphics or tables in the body of the full proposal may not be smaller than 10 point.
- Number of pages –All full proposals will be evaluated solely on content, therefore all pertinent information shall be presented within the full proposal. Full proposals exceeding the page limit will not be evaluated.
 - Volume 1: No more than 35 single-sided pages
 - Volume 2: No page limitations
- Copies – Each volume shall consist of ONE electronic PDF file, readable by a personal computer using Microsoft Office 2010 or earlier.

4.9.1 Volume 1: Technical Proposal

Volume 1, Technical Proposal, of the full proposal submission shall contain the following sections:

- Cover Sheet
- 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 transmittal letter shall state whether the proposal has been submitted to another government agency, and if so, the details of that submission and the outcome.
- Table of Contents
- Executive Summary: One page summary must be inclusive of the cost, schedule, and technical proposals.
- Core Technical Proposal: This section describes the proposed work and associated technical and program management details and considerations. This section is the centerpiece of the proposal and should describe the overall methodology and how it will meet the required and desired attributes and functionality specified in this solicitation. This section should include, but is not limited to, the following:
 - Demonstrated understanding of the relevant technical phenomenologies.
 - Assertions of current TRL and the basis for all claims (data, references, etc.).
 - Detailed technical execution plan and summary schedule.
 - Assertions of the proposed prototype’s suitability to meet aforementioned operational concepts found in Section 1.8.4.3.
 - Commercialization and/or production plans to supply a demonstrated capability to DHS.
 - Associated risks and mitigation plans.
 - Proposed technical merits and basis of assertions. Quantitative technical metrics asserted should be translated to potential operational benefits when possible. The proposed technical approach should identify when the asserted metrics will be realized in the development cycle.
- Challenges, Risks and Mitigation Strategies: Offerors shall address challenges, risks and mitigation strategies of the proposed technical approach. Risk metrics include, but are not limited to, the following: technical performance, schedule, cost (lifecycle or procurement), and security related issues. Risks should be characterized as high, moderate, or low with regard to impact to program success.
- Statement of Work (SOW), Schedule, and Milestones: An integrated display for the proposed work, including major milestones. It is important to note that the SOW, schedule, and milestones sections will be used for the initiation of contract negotiations for selected proposals. Accordingly, these sections

should be well organized and clearly marked as “Statement of Work”, “Schedule”, and Milestones”. Furthermore, these sections should be standalone and separable from the context of the proposal itself.

- **Deliverables**: A detailed list, schedule for delivery, and description of all deliverables proposed under this effort, including prototype hardware, technical data, computer software, or other intellectual property, test plans, and reports consistent with the reporting requirement noted elsewhere in this solicitation. This section should be separable from the context of the proposal for potential incorporation into the resultant award instrument. Reporting requirements are detailed in the sections below, specifically 6.1.
- **Management Plan**: 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 the technical areas related to this proposal and complexity of projects they managed.
- **Key Subcontracts**: Key subcontractors or subcontracts in the proposal should be identified. “Key” is defined as critical to the project in a developmental manner or critical supply chain component on the critical path from schedule or performance or if the subcontract is greater than 15% of the prime’s proposed costs. If selected for award negotiations, offerors must indicate if they will subcontract-out any technical or scientific work in performing their proposal in accordance with FAR 35.009
- **Facilities**: Describe key facilities that will be used in the proposed effort. Delineate between classified and unclassified facilities.
- **Requirements for Government Furnished Resources (GFR)**: Brief summary of required hardware, information, and data which must be provided by the government to support the proposed work. Provide a detailed breakout for all GFR that is requested by the offeror.
- **Assertion of Data Rights**: A summary of 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.
- **Cost Summary**: Summarize the projected total costs for each of the three phases, at the task level, in each year of the effort, including a summary of subcontracts, man hours, travel, and consumables. The offeror should summarize costs in a work breakdown structure (WBS) format on a task and sub-task basis. The cost summary should be consistent with the proposed SOW. Options and associated costs for additional prototype units are desirable.
- **Offeror’s Capabilities - Key Staff, Team, Partnerships and Organizational Structure**: Proposing organizations should describe institutional capabilities relevant to this solicitation and tasks proposed. A proposing organization should summarize research, development, and commercialization capabilities relevant to this solicitation. Provide a summary table of key personnel, along with their expertise and responsibilities associated with the proposed activity. Provide summary resumes or *curriculum vitae* (CVs) for all key personnel listed in this table. Resumes and CVs do not count toward the proposal page limit.
- **Other US Government Support**: As an appendix, provide a list of any current or pending awards or proposals, relevant to explosives detection, with the US Government. This section will not count toward the page limit.
- **Security**: Proposals must be unclassified. Security clearances will be necessary for this program. The requirement for access or generation of classified information will be evaluated on a case by case basis. Any potential security issues should be noted.

4.9.2 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 by Government fiscal year. Part 2 will be a cost breakdown by task/sub-task using the same task numbers in the Volume 1 SOW. Option Periods must be separately priced.

Cover Page: This page should summarize the proposed costs and development schedule in a severable table. This page should also include a summary table of contact information for the prime offeror and subcontractors (if applicable), principle investigator(s), and administrative leads. The use of the SF 1411 is optional. The words “Cost Proposal” should appear on the cover page.

Cost Proposal Part 1: Detailed breakdown of all costs, for each phase, by Government fiscal year and 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.

Costs should be described using the following categories:

- Direct Labor - Individual labor category or person, with associated labor hours and unburdened direct labor rates.
- Indirect Costs - Fringe benefits, overhead, general and administrative, etc. (Must show base amount and rate). If available, the offeror should submit the most recent Forward Pricing Rate Recommendation (FPRR) or Forward Pricing Rate Agreement (FPRA) from their cognizant federal audit agency.
- 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 shall be provided electronically along 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 - 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.

Cost Proposal Part 2: Cost breakdown by task/sub-task using the same task numbers in the SOW. The Cost Proposal should be consistent with the 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. (Option Periods must be separately priced.)

5 EVALUATION INFORMATION

5.1 Evaluation Panel

All properly submitted white papers 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.

Important Note: DHS intends to use Noblis, Inc. for routine administrative support during the evaluation process of both white papers and full proposals. Offerors, Prime Contractors only, must submit an executed Company to Company Agreement with Noblis, Inc., found in Appendix C, along with their white paper submission. The Agreement found in Appendix C shall not be altered. Submissions that do not include an executed Agreement will be considered non-responsive and will not be considered. Please see Section 5.2 for Noblis, Inc. Point of Contact information. Offerors are encouraged to allow sufficient time to permit agreement execution.

5.2 Notification to Offerors of Contractor Support Services In Support Of the Selection Process

(a) Offerors are advised that employees of Noblis, Inc. may serve as administrative support to Source Selection Evaluation Board members in the source selection process. These individuals will be authorized access to only those portions of proposal data and discussions that are necessary to enable them to perform their respective duties. Such firms are expressly prohibited from competing on the subject acquisition and from scoring or rating of proposals or recommending the selection of a source.

POC: BAA-15-R-B0003-NDA@hq.dhs.gov

(b) In accomplishing their duties related to the source selection process, the aforementioned firms may require access to proprietary information contained in the offerors' proposals. Therefore, pursuant to FAR 9.505-4, these firms must execute an agreement with each offeror that states that they will (1) protect the offeror's information from unauthorized use or disclosure for as long as it remains proprietary, and (2) refrain from using the information for any purpose other than that for which it was furnished. To expedite the evaluation process, each offeror must contact the above company to effect execution of such an agreement prior to submission of proposals. Each offeror shall submit copies of the agreement with its proposal.

The Noblis POC will only address questions relevant to the Company to Company Agreement.

5.3 Evaluation Criteria

White papers and full proposals will be evaluated through a peer or scientific review using the information in the following sections.

5.3.1 White Papers

The evaluation of white papers will be accomplished through an independent technical review of each using the following criteria, which are listed in descending order of importance.

5.3.2 White Paper Review

The criteria to be used to evaluate and select white papers for full proposal submission for this project are described in the following paragraphs. Each white paper will be evaluated on its merit and the relevance of the specific proposal as it relates to the DHS S&T SED-V Program rather than against other proposals for research in the same general area. Proposal evaluators will consider the overall technical importance to the government when evaluating the technical factors: quality and technical merit, impact of the project, and capabilities and experience.

The evaluation of white papers will be accomplished through an independent technical review of each using the following criteria, which are listed in descending order of importance:

Quality and Technical Merit: Presentation of a sound technical and managerial approach to the proposed work that demonstrates reasonableness and responsiveness to, understanding of, as well as a clear path to provide a solution to the problem presented by Section 1.8 of this BAA.

DHS will assess the soundness of the Offeror's technical and managerial approach to the proposed work and whether the approach demonstrated is reasonable and responsive and also demonstrates an understanding of the problem and presents a clear path to provide a solution to the problem presented by Section 1.8 of BAA-15-R-B0003.

Impact of the Project: Demonstration of an approach that will provide results that are operationally relevant and have the potential to make an impact towards the goals of the S&T Explosives Division and its partners.

DHS will make an assessment of the relevancy of the proposed approach and whether it meets the goals of the S&T Explosives Division and its partners and the potential impact of successful implementation of the proposed solution.

Capabilities and Experience: Demonstration of the qualifications, capabilities and experience needed to achieve the proposal objectives.

DHS will make an assessment of the offeror's qualifications, capabilities, and experience to determine if the proposed team has the expertise to perform the proposed work as well as the ability to manage the project cost and complete the project within the proposed schedule to achieve the proposed objectives.

Cost: White papers will be evaluated on the affordability of proposed technical work.

5.3.2.1 Ratings

The following ratings will be used in evaluating white papers in each of the 3 technical criteria:

Rating – EXCELLENT: The white paper meets or exceeds the expectations the BAA, and sets forth plans, approaches and analyses that show a high probability of successful implementation along with proposes potentially innovative and original ideas. The risks and technical challenges associated with simultaneously achieving all of the proposed outcomes are fully and completely understood, and the strategy to address those issues is robust.

Rating – GOOD: The white paper meets the expectations of the BAA, and sets forth plans, approaches and analyses that show a reasonable possibility of successful implementation. The offeror has presented an orderly plan to meet the stated goals, but the white paper does not necessarily demonstrate any exceptional features, innovations, analysis or originality. The technical analyses satisfactorily meet requirements and are technically correct.

Rating – FAIR: The white paper indicates a shallow or less-than-full understanding of the problem presented in the BAA. The plans, approaches and technical analyses only marginally meet the goals of the BAA and the Offeror fails to demonstrate a reasonable probability of successfully performing the proposed tasks.

Rating – UNACCEPTABLE: The white paper does not meet the BAA’s criteria.

The following ratings will be used in evaluating white papers in the non-technical criteria.

Rating –ACCEPTABLE: The cost proposed is determined to be affordable for the proposed technical work.

Rating – UNACCEPTABLE: The cost proposed is determined to be unaffordable for the proposed technical work.

5.3.2.2 Definitions of Findings

The following definitions will be used by reviewers during the evaluation of white papers:

Strength: Any part of a white paper that results in a benefit to the Government, or has the potential for positive impact on the quality of products or services.

Weakness: A flaw in the white paper that increases the risk of unsuccessful performance.

Deficiency: A material failure of a white paper to meet a Government requirement, as established in the BAA, and renders the white paper unacceptable; e.g., omits data, making it impossible to assess compliance with the evaluation factors, or contains ambiguities that must be clarified before an assessment of compliance can be made.

5.3.3 Notification of White Paper Evaluation

After an evaluation of the white papers, the Contracting Officer will either encourage or discourage the submission of a full proposal based on the recommendation of the SSA. The SSA will make these recommendations based on a finding of whether a white paper is selectable or not selectable. Such findings will be based on the evaluation conducted by the SSEB in accordance with the procedures found in Section 5 of this document. If the SSA determines, based on the criteria found in Section 5, that a full proposal should be discouraged the Offeror will be informed in writing by the CO. No additional feedback will be provided to Offerors when proposals are discouraged. Offerors are not restricted from

submitting a proposal even when notified in writing that the SSA is discouraging a full proposal. If the SSA determines, based upon the above criteria found in Section 5, that a full proposal should be encouraged the Offeror will be informed in writing by the CO.

5.4.1 Full Proposals

Volume I will be the primary proposal for the evaluation, with Volume II used as supplementary material at the discretion of the individual reviewer. The evaluation of proposals will be accomplished through an independent technical review of each using the following criteria, which are listed in descending order of importance.

5.4.2 Full Proposal Review

The criteria to be used to evaluate and select Full Proposals for this project are described in the following paragraphs. Only unclassified full proposals will be accepted and evaluated. Furthermore, full proposals that exceed the allowable page limit will not be evaluated. Each Full Proposal will be evaluated on its merit and the relevance of the specific Full Proposal as it relates to the DHS S&T SED-V Program rather than against other Full Proposals. Full Proposal evaluators will consider the overall technical importance to the Government when evaluating the technical factors (quality and technical merit, impact of the project, and capabilities and experience) as well as non-technical factors (cost reasonableness/cost realism).

Full Proposals will be evaluated by the following criteria which are listed in descending order of importance. Any sub-criteria listed under a particular criterion are of equal importance to each other. Proposals will be selected through a technical/scientific/business decision process with technical and scientific considerations being most important. The Government expects, in some cases, to receive multiple proposals with similar approaches and may select a set of proposals with a variety of approaches so as to spread its development risk. Full Proposal evaluators will consider the overall technical importance to the Government when evaluating the technical factors as well as other factors.

Quality and Technical Merit: Presentation of a sound technical and managerial approach to the proposed work that demonstrates reasonableness and responsiveness to, understanding of, as well as a clear path to provide a solution to the problem presented by Section 1.8 of this BAA.

DHS will assess the soundness of the Offeror's technical and managerial approach to the proposed work and whether the approach demonstrated is reasonable and responsive and also demonstrates an understanding of the problem and presents a clear path to provide a solution to the problem presented by Section 1.8 of BAA-15-R-B0003.

Impact of the Project: Demonstration of an approach that will provide results that are operationally relevant and have the potential to make an impact towards the goals of the S&T Explosives Division and its partners.

DHS will make an assessment of the relevancy of the proposed approach and whether it meets the goals of the S&T Explosives Division and its partners and the potential impact of successful implementation of the proposed solution.

Capabilities and Experience: Demonstration of the qualifications, capabilities and experience needed to achieve the proposal objectives.

DHS will make an assessment of the offeror's qualifications, capabilities, and experience to determine if the proposed team has the expertise to perform the proposed work as well as the ability to manage the project cost and complete the project within the proposed schedule to achieve the proposed objectives.

Cost Reasonableness and Cost Realism: Offerors must present accurate, well-founded estimates of all costs related to performance of the proposed effort. Costs of the proposal must be realistic and provide a high value to the Government. The proposed costs are reasonable (i.e., reflect a sufficient understanding of the technical goals and objectives of the BAA, and are consistent with the Offeror's technical/management approach (to include the proposed SOW)), and are based on realistic assumptions.

An assessment will be made of the offerors proposed costs and whether or not they are reasonable and realistic for the solution proposed.

5.4.2.1 Ratings

The following ratings will be used in evaluating full proposals in each of the 3 technical criteria:

Rating – EXCELLENT: The full proposal meets or exceeds the expectations the BAA, and sets forth plans, approaches and analyses that show a high probability of successful implementation along with proposes potentially innovative and original ideas. The risks and technical challenges associated with simultaneously achieving all of the proposed outcomes are fully and completely understood, and the strategy to address those issues is robust.

Rating – GOOD: The full proposal meets the expectations of the BAA, and sets forth plans, approaches and analyses that show a reasonable possibility of successful implementation. The offeror has presented an orderly plan to meet the stated goals, but the full proposal does not necessarily demonstrate any exceptional features, innovations, analysis or originality. The technical analyses satisfactorily meet requirements and are technically correct.

Rating – FAIR: The full proposal indicates a shallow or less-than-full understanding of the problem presented in the BAA. The plans, approaches and technical analyses only marginally meet the goals of the BAA and the Offeror fails to demonstrate a reasonable probability of successfully performing the proposed tasks.

Rating – UNACCEPTABLE: The full proposal does not meet the BAA's criteria.

The following ratings will be used in evaluating full proposals in the non-technical criteria.

Rating –ACCEPTABLE: The cost proposed is determined reasonable. The proposed labor hours, labor rates, material costs, burden rates and other costs in light of information available is considered reasonable. The cost meets the expectations of the BAA, and sets forth plans, approaches and analyses that show a reasonable possibility of meeting the Department of Homeland Security’s desired cost for completing the proposed effort.

Rating – UNACCEPTABLE: The cost proposed is determined unreasonable. The proposed labor hours, labor rates, material costs, burden rates and other costs in light of information available is considered unreasonable. The cost does not meets the expectations of the BAA, or set forth plans, approaches and analyses that show a reasonable possibility of meeting the Department of Homeland Security’s desired cost for completing the proposed effort.

5.4.2.2 Definitions

The following definitions will be used by reviewers during the evaluation of full proposals:

Strength: Any part of a full proposal that results in a benefit to the Government, or has the potential for positive impact on the quality of products or services.

Weakness: A flaw in the full proposal that increases the risk of unsuccessful performance.

Deficiency: A material failure of a full proposal to meet a Government requirement, as established in the BAA, and renders the full proposal unacceptable; e.g., omits data, making it impossible to assess compliance with the evaluation factors, or contains ambiguities that must be clarified before an assessment of compliance can be made.

5.4.3 Notification of Selection

After the SSA determines proposals to be selectable or not selectable for entrance into negotiations, the Contracting Officer will advise both successful and unsuccessful Offerors in writing or e-mail. The SSA will make this determination based on technical, importance to agency programs, and fund availability. Cost reasonableness and realism will also be considered to the extent appropriate. Such findings will be based on the evaluation conducted by members of the SSEB in accordance with the procedures found in Section 4 of this document.

Awards will only be made after the completion of successful negotiations with those selected and funding is available.

For those proposals that are selected but are on hold for funding, offerors will be so advised and asked to confirm that their proposals remain valid for funding for one year from date of submission.

5.5 Feedback

The government will not provide feedback regarding white paper submissions. The government will provide feedback, upon request, regarding full proposal submissions which are not selected for contract awards. Requests for feedback must be submitted to the Contracting Officer within 30 days of notice of non-selection. This feedback will be offered in the form of teleconferences at mutually agreeable times.

6 AWARD ADMINISTRATION INFORMATION

6.1 Reporting

The following *minimum* deliverables will be required under contracts, OTAs, and IAAs awarded to those offerors whose full proposals are selected for award.

Monthly Project Status Report: Reports of project status will be required on a monthly basis from all performers. A template of the Monthly Status Report will be provided to the performer upon contract award. These reports will be electronically submitted to the program manager within fifteen days after the last day of each month. The Monthly Status Report Templates provide a standardized format to collect the following information:

Static information (information that does not change monthly over the project):

- Project Title and Contract Number
- 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
- Noteworthy accomplishments (meetings, presentations, publications, patent filings, 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 in US dollars and labor hours, including any significant equipment or material purchases, cumulative amount spent since project inception, and amount of funding remaining)

6.2 Project 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.

6.3 Additional Deliverables

Performers may propose additional task-specific deliverables as appropriate for the proposed approach. The following milestone reports will be required for all technical areas:

Milestone reports will consist of the following: Milestone reports should include a cover page and will be electronically submitted to the program manager 30 days after the scheduled milestone event. Example milestone events include the PDR and CDR. These reports will describe the activity surrounding the milestone, principals involved in the actual work of the period, technical progress achieved against goals, difficulties encountered, funds expended against, recovery plans (if needed), explicit plans from this milestone moving forward, and financial status.

Milestone meetings will consist of the following: A milestone meeting will take place at the scheduled and proper time in the milestone event between principal investigator, DHS S&T program manager, DHS component representatives, and any additional staff needed. Example milestone events include the PDR and CDR. The PDR should occur when the offeror has completed the design tradeoff phase and is ready to recommend proceeding with a single design. The CDR will occur when the offeror has completed the final design and is ready to begin the build phase of the program. This meeting will discuss technical progress achieved against goals, difficulties encountered, recovery plans (if needed), plans for the next milestone, and financial status. Location of these meetings will be determined based on the nature of the milestone, but will most likely occur at a DHS facility, a performer facility or government test site.

7 OTHER INFORMATION

7.1 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 and authorized government representatives. 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.

7.2 NAICS

The North American Industry Classification System (NAICS) code for this announcement and any award issued under Targeted BAA HSHQDC-15-R-B0003 is 541712, with a small business size standard of 500 employees.

7.3 System for Award Management

Successful Offerors not already registered in the System for Award Management (SAM) will be required to register in the SAM prior to award of any contract, or, if authorized by law at time of award, OT. Information regarding SAM registration is available at <http://www.sam.gov>.

7.4 Assertion of Data Rights.

Proposals should include 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, using the Assertions Table template found in Appendix B, 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) If making such a Statement of Assertion in the proposal, offerors shall describe the deliverable and associated limitations and the basis for such assertions.
- 3) 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.
- 4) Detailed description of the asserted restrictions. For each of the technical data or computer software identified above in paragraph (3), identify the following information:
 - (i) 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:
 1. Development at private expense. 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.
 2. Rights under a prior government contract, including SBIR data rights for which the protection period has not expired.
 3. Standard commercial license customarily provided to the public.
 4. Negotiated license rights.
 - (iv) Entity asserting restrictions. Identify the corporation, partnership, individual or other person, as appropriate, asserting the restrictions.
- 5) 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, as well as the government agency, contract

number, and government point of contact information. The offeror need not identify commercial technical data or computer software delivered subject to a standard commercial license.

- 6) Estimated cost of development. The estimated cost of development for that technical data or computer software to be delivered with less than unlimited rights.
- 7) 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.
- 8) 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.

7.5 Export Control Markings

Offerors are advised that the export of any goods or technical data from the United States, and the disclosure of technical data to foreign nationals, may require some form of export license from the U.S. Government. Failure to obtain necessary export licenses may result in criminal liability of offerors under U.S. laws.

Offerors are responsible for ensuring compliance with the International Traffic in Arms Regulations administered by the U.S. Department of State (22 C.F.R. Parts 120 to 130), Export Administration Regulations administered by the U.S. Department of Commerce (15 C.F.R. Parts 730 to 774), and Foreign Assets Control Regulations administered by the U.S. Department of Treasury (31 C.F.R. Parts 501 to 598), as warranted, and with compliance with all recordkeeping requirements under U.S. export regulations. Offerors are responsible for compliance with any applicable export license, reporting, or other preapproval requirements by the U.S. Government. DHS neither represents that a license or preapproval shall not be required nor that, if required, it shall be issued. Nothing granted herein to offerors provides any such export license or other preapproval.

Offerors are asked to identify any anticipated export compliance issues in their response to this solicitation. Specifically, offerors are advised to include information in their response regarding any known equipment, software or technical data that will be developed as a result of work to be performed under this solicitation that is subject to export control restrictions.

To the extent that export-controlled information may be provided to DHS by offerors in response to a solicitation, offerors are responsible for ensuring that such information is appropriately marked, and are responsible for complying with all applicable export controls and regulations in the process of providing such information.

7.6 Government Furnished Equipment, Information and Facilities

The Government may provide Government Furnished Equipment (GFE) and/or Government Furnished Information (GFI) upon request. These requests will be evaluated on a case by case basis. The government will not provide facilities under this program or the associated contract awards.

7.7 Security Classification

Secret level access is required. Secret level safeguarding/storage will be required at the contractor site. All performers will need to comply with the requirements of any DD-254 issued as part of their award.

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 processes, 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.

7.8 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. In addition, offerors may wish to apply for SAFETY Act protections for pilot studies, operational testing of prototypes, or eligible intellectual properties relating to the manufacture, sale, use, or operation of anti-terrorism technologies. Offerors may contact OSAI for more information at 1-866-788-9318 or helpdesk@safetyact.gov, or visit OSAI’s Web site at www.safetyact.gov.

7.9 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, at time of full proposal submission.

7.10 Certificate of Current Cost or Pricing Data

Successful FAR-based 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.

7.11 Foreign Government Participation

This BAA intends to have foreign government participation, to include access to white papers and subsequent proposal submissions for purposes of determining joint-funding and to include joint participation in overseeing projects throughout the contract period of performance. In particular, this BAA may involve cooperative activities in accordance with 6 U.S.C. §195(c) and existing bilateral international agreements on cooperation that DHS has with the United Kingdom of Great Britain and Northern Ireland and the Kingdom of Sweden. Specific details regarding foreign government cooperation are provided throughout the BAA. To review the international agreements, see the section titled, “Cooperation in Homeland/Civil Security Matters” at the following link:

<http://www.dhs.gov/international-activities>.

Foreign government personnel from the United Kingdom of Great Britain and Northern Ireland and the Kingdom of Sweden, participating as outlined in paragraph above, are bound by the non-disclosure provisions covering the protection of “business confidential” information, as stated in their international agreements with the DHS and are not permitted to release any information to third parties, including others in their organization. By submission of a white paper and/or subsequent proposal, offerors are hereby consenting access to financial, confidential, proprietary, and/or trade secret marked information in the white paper and/or subsequent proposal to these foreign government personnel. Foreign Government personnel will not be a part of any proposal evaluation panel.

7.11.1 Implementation of International Agreements

As noted in this BAA, resultant awards may involve joint funding between the United States and United Kingdom of Great Britain and Northern Ireland and/or the United States and the Kingdom of Sweden, pursuant to each country’s bilateral, international agreement. To ensure the rights of these international agreements are secured in any resultant joint-funded contract, the following terms and conditions will apply to each joint-funded contract awarded as a result of this targeted BAA HSHQDC-15-R-B0003:

a. **Limitation on Contractor’s Use of Data.** For the purposes of paragraphs (b)(2)(i) and (d) of the Rights in Data-General (FAR 52.227-14) clause of this contract, the contractor shall not use, release to others, reproduce, distribute, or publish any data first produced or specifically used in the performance of this contract for private purposes (to include publications) without the prior, written approval of the contracting officer.

b. **Publication of research results**

(1) For publication of materials based, in whole or part, on data first produced under this contract, the contractor shall transmit a copy to the DHS contracting officer at least **sixty (60) days prior** to such desired publication for review and approval by DHS and the United Kingdom of Great Britain and Northern Ireland and/or the Kingdom of Sweden. If approved, the contractor shall supply electronic copies of the final publications to DHS, as directed by the DHS contracting officer.

(2) Any copy of material published under this clause shall contain acknowledgment of DHS and the United Kingdom of Great Britain and Northern Ireland and/or the Kingdom of Sweden’s sponsorship, as appropriate, of the research effort and a disclaimer stating that the published material represents the position of the author(s) and not necessarily that of DHS or the United Kingdom of Great Britain and Northern Ireland or the Kingdom of Sweden.

(3) Publication under the terms of this clause does not release the contractor from the obligation of preparing and submitting to the contracting officer a final report containing the findings and results of research, as set forth in the schedule of the contract.

7.11.2 Foreign Partner Requirements Regarding Intellectual Property Rights

As stated throughout this solicitation, DHS may provide BAA submissions to its United Kingdom of Great Britain and Northern Ireland and/or the Kingdom of Sweden for potential, joint-funding. In turn, both international partners have expressed desires to have the same rights to intellectual property as those DHS will obtain in contract deliverables (in accordance with the funding instrument’s contract clauses). Consequently, if a contract is negotiated for award under this BAA per the Federal Acquisition Regulation (FAR), 48 C.F.R. § 1 et seq., the following items may need to be added:

- FAR 52.227-11, Alts I and II = Pursuant to FAR 27.303(b)(3), DHS may need to add Alternate I and/or II to recognize the United Kingdom’s international agreement with DHS and rights therein as well as the Kingdom of Sweden’s agreement with DHS and the rights therein.

- FAR 52.227-14, Alt II = Pursuant to FAR 27.404-2(c)(1)(v), DHS may need to tailor the ALT II “Limited Rights Notice” to allow dissemination of such technical data (contract) deliverables to the United Kingdom and/or the Kingdom of Sweden.
- FAR 52.227-14, Alt III = Pursuant to FAR 27.404-2(d)(4), DHS may need to tailor the ALT III “Restricted Rights Notice” to allow dissemination of such computer software (contract) deliverables to the United Kingdom and/or the Kingdom of Sweden.

If a contract is negotiated for award under this BAA as an OTA, 6 U.S.C. § 391, similar-like requirements to those above may be sought by DHS during negotiation (despite the FAR not being applicable to OTAs).

7.12 Solicitation Provisions and Clauses

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 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 DHS 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 (HSPDET) -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)

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 DHS 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)

Data rights clauses applicable to contract awards may include the following:

FAR Clause	Title
52.227-1	Authorization and Consent ALT I, II
52.227-2	Notice and Assistance Regarding Patent and Copyright Infringement
52.227-3	Patent Indemnity ALT I, II, III
52.227-6	Royalty Information
52.227-7	Patents -Notice of Government Licensee
52.227-9	Refund of Royalties
52.227-11	Patent Rights -- Ownership by the Contractor ALT I [Fi11-in: "All countries listed in paragraph 7.9 of BAA HSHODC-15-R-B0003 and ALT II
52.227-14	Rights in Data - General ALT I, II, III
52.227-15	Representation of Limited Rights Data and Restricted Computer Software
52.227-16	Additional Data Requirements
52.227-17	Rights in Data -- Special Works
52.227-18	Rights in Data – Existing Works
52.227-19	Commercial Computer Software Licenses

The clauses in the table above are being provided for informational purposes.

Appendix A. Technology Readiness Levels

Level	Hardware TRL	Description	Supporting Information
1	Basic principles observed and reported	Lowest level of technology readiness. Scientific research begins to be translated into applied research and development (R&D). Examples might include paper studies of a technology's basic properties.	Published research that identifies the principles that underlie this technology. References to who, where, when.
2	Technology concept and/or application formulated	Invention begins. Once basic principles are observed, practical applications can be invented. Applications are speculative, and there may be no proof or detailed analysis to support the assumptions. Examples are limited to analytic studies.	Publications or other references that outline the application being considered and that provide analysis to support the concept.
3	Analytical and experimental critical function and/or characteristic proof of concept	Active R&D is initiated. This includes analytical studies and laboratory studies to physically validate the analytical predictions of separate elements of the technology. Examples include components that are not yet integrated or representative.	Results of laboratory tests performed to measure parameters of interest and comparison to analytical predictions for critical subsystems. References to who, where, and when these tests and comparisons were performed.
4	Component and/or breadboard validation in a laboratory environment	Basic technological components are integrated to establish that they will work together. This is relatively "low fidelity" compared with the eventual system. Examples include integration of "ad hoc" hardware in the laboratory.	System concepts that have been considered and results from testing laboratory-scale breadboard(s). References to who did this work and when. Provide an estimate of how breadboard hardware and test results differ from the expected system goals.
5	Component and/or breadboard validation in a relevant environment	Fidelity of breadboard technology increases significantly. The basic technological components are integrated with reasonably realistic supporting elements so they can be tested in a simulated environment. Examples include "high fidelity" laboratory integration of components.	Results from testing a laboratory breadboard system are integrated with other supporting elements in a simulated operational environment. How does the "relevant environment" differ from the expected operational environment? How do the test results compare with expectations? What problems, if any, were encountered? Was the breadboard system refined to more nearly match the expected system goals?

6	System/subsystem model or prototype demonstration in a relevant environment	Representative model or prototype system, which is well beyond that of TRL 5, is tested in a relevant environment. Represents a major step up in a technology's demonstrated readiness. Examples include testing a prototype in a high-fidelity laboratory environment or in a simulated operational environment.	Results from laboratory testing of a prototype system that is near the desired configuration in terms of performance, weight, and volume. How did the test environment differ from the operational environment? Who performed the tests? How did the test compare with expectations? What problems, if any, were encountered? What are/were the plans, options, or actions to resolve problems before moving to the next level?
7	System prototype demonstration in an operational environment	Prototype near or at planned operational system. Represents a major step up from TRL 6 by requiring demonstration of an actual system prototype in an operational environment (e.g., in an aircraft, in a vehicle, in space).	Results from testing a prototype system in an operational environment. Who performed the tests? How did the test compare with expectations? What problems, if any, were encountered? What are/were the plans, options, or actions to resolve problems before moving to the next level?
8	Actual system completed and qualified through test and demonstration	Technology has been proven to work in its final form and under expected conditions. In almost all cases, this TRL represents the end of true system development. Examples include developmental test and evaluation of the system in its intended weapon system to determine if it meets design specifications.	Results of testing the system in its final configuration under the expected range of environmental conditions in which it will be expected to operate. Assessment of whether it will meet its operational requirements. What problems, if any, were encountered? What are/were the plans, options, or actions to resolve problems before finalizing the design?
9	Actual system proven through successful mission operations	Actual application of the technology in its final form and under mission conditions, such as those encountered in operational test and evaluation. Examples include using the system under operational mission conditions.	Operational test and evaluation reports.

Appendix B. Assertions Table

For each deliverable listed in the below table, please identify any assertion of restriction on the Government’s Use, release or disclosure of technical data or computer software.

Deliverable	Technical Data or Computer Software to be Furnished With Restrictions*	Basis for Assertion**	Asserted Rights Category***	Name of Person Asserting 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. For computer software or computer software documentation identify the software or documentation.

**Generally, development at private expense, either exclusively or partially, is the only basis for asserting restrictions. For technical data, other than computer software documentation, development refers to development of the item, component, or process to which the data pertain. The Government's rights in computer software documentation generally may not be restricted. For computer software, development refers to the software. Indicate whether development was accomplished exclusively or partially at private expense. If development was not accomplished at private expense, or for computer software documentation, enter the specific basis for asserting restrictions.

***Enter asserted rights category (e.g., government purpose license rights from a prior contract, limited, restricted, or government purpose rights under this or a prior contract, or specially negotiated licenses).

****Corporation, individual, or other person, as appropriate, or enter “none” when all data or software will be submitted without restrictions.

Completed by:

Signature
Printed Name and Title

Date

Patents: All Offerors must include documentation proving ownership or possession of appropriate licensing rights to all patented inventions to be used for the proposed project. If a patent application has been filed for an invention, but it includes proprietary information and is not publicly available, an Offeror must provide documentation that includes: the patent number, inventor name(s), assignee names (if any), filing date, filing date of any related provisional application, and summary of the patent title, with either: (1) a representation of invention ownership, or (2) proof of possession of appropriate licensing rights in the invention (i.e., an agreement from the owner of the patent granting license to the Offeror).

Appendix C. Company to Company Agreement

COMPANY TO COMPANY AGREEMENT

COMPANY TO COMPANY AGREEMENT: DHS BROAD AGENCY ANNOUNCEMENT
(BAA) HSHQDC-15-R-B0003

The Parties to the subject Agreement agree that Noblis (3150 Fairview Park Drive South, Falls Church, VA 22042-4504) may have access to proprietary information contained within the technical and cost proposals that were submitted on behalf of your company/facility solely for the purpose of performing technical advisory and/or administrative support services for the Government, in evaluating proposals submitted in response to this BAA Call.

The Parties agree to protect the proprietary information from unauthorized use or disclosure for a period of 10 years, or less if the disclosed information ceases to remain proprietary, and to refrain from using the information for any purpose other than that for which it was furnished.

Offeror's Company Name

Name of Offeror's Company Official (Printed)

Signed/ Dated

Name of Noblis Company Official (Printed)

Signed/ Dated