• Will be posted to the Federal Business Opportunities website

• If submitting classified information, pay attention to due dates in BAA

• **Important Dates:**
  - Proposers’ Day: May 17, 2019
  - Posting Date: TBD
  - Questions Due Date: TBD
  - Proposal Due Date: TBD
  - BAA Closing Date: 180 days from date of posting on FBO (TBD)

**NOTE:** If there is any discrepancy between what is presented today and the BAA, the BAA takes precedence.
• Described in Federal Acquisition Regulation Part 35:
  ➢ For the acquisition of basic and applied research
  ➢ FAR 35.016 (a): Shall only be used when “meaningful proposals with varying technical/scientific approaches can be reasonably anticipated.”
  ➢ Not a Request for Proposal (RFP)
  ➢ FAR Part 15 does not apply*

*NOTE: FAR SUBPART 15.4 WILL APPLY FOR CONTRACT PRICING
BAA Process: Evaluation

- Per FAR 35.016(d): “Proposals received as a result of the BAA shall be evaluated in accordance with evaluation criteria specified therein through a peer or scientific review process. Written evaluation reports on individual proposals will be necessary but proposals need not be evaluated against each other since they are not submitted in accordance with a common work statement.”

- Proposals are not ranked. No color, adjectival, or numerical “scoring” systems are employed during the Scientific Review Process.
BAA Process: Draft Evaluation Criteria

• In Descending Order of Importance:
  ➢ Overall Scientific and Technical Merit
  ➢ Potential Contribution and Relevance to the DARPA Mission
  ➢ Cost and Schedule Realism

• Complies with guidance at FAR 35.016(e):
  “The primary basis for selecting proposals for acceptance shall be technical, importance to agency programs, and fund availability. Cost realism and reasonableness shall also be considered to the extent appropriate.”
Multiple Awards are anticipated

Three (3) phase program – must address all phases
- Phase 1: Base period
- Phase 2: priced option
- Phase 3: priced option

Four (4) technical areas (TA1-TA4)
- TA1 addressed through separate BAA
- TA2-TA4 addressed through this BAA
• DARPA reserves the right(s) to:
  
  ➢ Select for negotiation all, some, one, or none of the proposals received and to make awards with/without discussions

  ➢ Accept proposals in their entirety or only portions of proposals for award
    • Segregate portions of proposal into pre-priced options
    • Negotiations may be opened with proposer
BAA Process: Award Information

• DARPA reserves the right(s) to:
  ➢ Fund proposals in phases with options for continued work at the end of one or more of the phases
  ➢ Remove proposers from award consideration should the parties fail to reach agreement on award terms, conditions and cost/price

• Fundamental/Non-Fundamental Research:
  ➢ Indicate in proposal whether scope of research is fundamental or not
  ➢ Non-fundamental: Pre-publication approval will be required
BAA Process: Award Instrument(s)

- FAR-based procurement contract or Other Transaction (OT) Agreement

- **No grants or cooperative agreements**

- Proposers without a DCAA-approved cost accounting system should submit an SF 1408 with proposal to receive a cost reimbursement contract

- Other Transaction (OT) – must meet eligibility criteria – refer to 10 U.S.C. § 2371b

- CO has sole discretion to select award instrument type and to negotiate all instrument terms and conditions with selectees
BAA Process: Eligibility Information

- Only organizations capable of receiving, processing, and storing export-controlled information are eligible for awards.

- Non-U.S. organizations/individuals may not participate as a prime contractor.

- Non-U.S. organizations/individuals may act as subcontractors to the extent that the prime contractor can ensure such participants comply with any necessary non-disclosure agreements, security regulations, export control laws and other governing statutes applicable under the circumstances.

- No portion of the BAA will be reserved for small business, no evaluation preference.

- Classified submissions have specific requirements.
BAA Process: Eligibility Information

• Government agencies/labs, FFRDCs cannot propose to this BAA in any capacity, **UNLESS:**
  
  ➢ Can clearly demonstrate the work is not otherwise available from the private sector, AND

  ➢ Provide written documentation citing the specific statutory authority (as well as, where relevant, contractual authority) establishing eligibility to propose to government solicitations
Organizational Conflicts of Interest:

- Without prior approval or a waiver from the DARPA Deputy Director, in accordance with FAR 9.503, a contractor cannot simultaneously provide scientific, engineering, technical assistance (SETA) or similar support and also be a technical performer.

- Must address in your proposal if providing SETA or similar support to any DARPA technical office(s) through an active contract or subcontract.

- Contact DARPA in advance of submitting proposal.
BAA Process: Proposal Requirements

• Clearly mark proprietary and classified information

• **Volume I, Technical and Management Proposal:**
  - Section I: Administrative
  - Section II: Summary of Proposal
  - Section III: Detailed Proposal Information
  - Section IV: Additional Information

• **Volume II, Cost Proposal:**
  - Cost tables in MS Excel format w/ formulas intact
  - Cost breakdown: Direct labor, indirect rates, ODC, Material
  - Subcontractor proposals: Required/may be submitted to Govt. directly
  - Supporting documentation for proposed ODC & Material amounts
BAA Process: Proposal Considerations

- Small Business Subcontracting Plan (required for FAR contracts > $700K awarded to large businesses)

- Certified Cost and Pricing Data Required (FAR contracts > $2M)

- Organizational Conflict of Interest & Procurement Integrity (SETA/Performer)

- Online Representations & Certifications – FAR & DFAR

- Wide Area Workflow (WAWF)

- i-Edison
BAA Process: Administrative & Policy Requirements

- Human Subjects Research
- Animal Use
- Export Control – Clause/Language will be included in award
- Subcontracting
- System for Award Management (SAM)
- Cost Accounting Standards (CAS) Notice & Cert
- Reporting Executive Compensation and First-Tier Subcontract Awards
- Safeguarding Covered Defense Information and Cyber Incident Reporting
Data Rights Assertions – DFARS 252.227-7013/7014:

- Identify all non-commercial and commercial technical data & computer software to be generated, developed, and/or delivered to which the Government will receive less than Unlimited Rights and assert specific restrictions on those deliverables
- Assertions required for Prime and Subs
- Use defined “Basis of Assertion” and “Asserted Rights Category”
- Justify “Basis of Assertion”
- This information is assessed during evaluations and will be incorporated into any contract award
- Avoid broad/vague assertions
• **PATENTS:** Include documentation proving your ownership of or possession of appropriate licensing rights to all patented inventions (or inventions for which a patent application has been filed) that will be utilized under your proposal for the DARPA program.

• **i-Edison:** All patent reports and notifications must be submitted electronically
BAA Process: Communications

- **Please refer to guidance in BAA regarding how to submit questions**

- After Receipt of Proposals – Government (PM/PCO) may communicate with proposers to understand the meaning of some aspect of the proposal that is not clear or to obtain confirmation or substantiation of a proposed approach, solution, or cost estimate.

- **Only a duly authorized Contracting Officer** may obligate the Government.

- Informal feedback will be provided upon request once selections are made. No formal “debriefing” (see FAR 15.506) will be provided.
BAA Process: “Best Practices”

- Read the BAA in its entirety – several times

- **Pay special attention to:**
  - Evaluation Criteria
  - Proposal instructions – cover all required elements
  - Include Representations & Certifications

- Take advantage of templates & checklists provided
- Submit questions by due date and time
- Be detailed and thorough