



How to Respond to an ASPR RFP

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Outline of today's briefing

- What is HHS? Role of HHS.
- What is ASPR? Role of ASPR
- Marketing to the U.S. Government
- High level review of contracting process
- Key Definitions
- Understand the RFP
- Request for Proposal process
- Formal RFP
- To Bid or not to Bid?
- Technical Proposal
- Business Proposal
- Proposal Submission
- Proposal Evaluation
- Information - Feedback
- Common mistakes Contractors make
- Locating Opportunities
- Acronym Key
- Questions
- Contact Information



What is HHS?

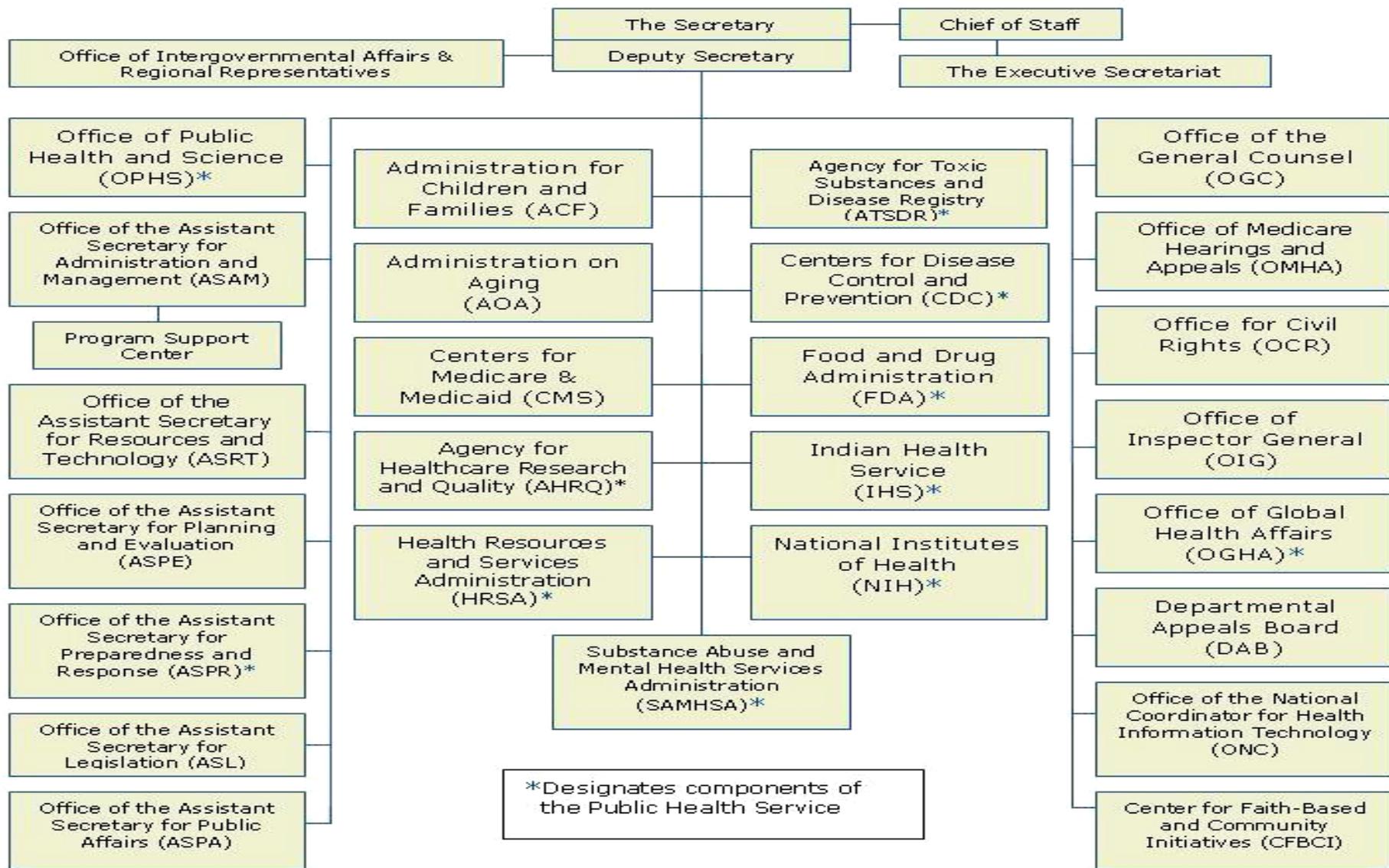
- The Cabinet-level Department of Health, Education and Welfare (HEW) was created on April 11, 1953, during President Eisenhower's administration.
- In 1979, the Department of Education Organization Act created a separate Department of Education. HEW became the Department of Health and Human Services (HHS) on May 4, 1980.
- HHS is the U.S. Government's principal agency for advancing the health, safety and well-being of our people. In today's world HHS participates on a global basis.



ROLE OF HHS

- With over 300 programs at ~\$800 billion, HHS' mission includes a wide range of human issues, including substance abuse, Medicare and Medicaid, children's health, health disparities, disease prevention and health promotion.
- One of the leaders in preparing for potential bio-terrorism threats, the President signed Project Bioshield Act into law, charging the government with providing incentives to the drug industry for research and development, and most importantly procurement of countermeasures to various chemical and biological weapons.

HHS: ORGANIZATIONAL CHART





What is ASPR?

- The Office of the Assistant Secretary of Preparedness and Response was created under the Pandemic and All Hazards Preparedness Act in the wake of Katrina to lead the nation in preventing, preparing for, and responding to the adverse health effects of public health emergencies and disasters.



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ROLE OF ASPR

- ASPR focuses on preparedness planning and response; building federal emergency medical operational capabilities; countermeasures research, advance development, and procurement; and grants to strengthen the capabilities of hospitals and health care systems in public health emergencies and medical disasters. The office provides federal support, including medical professionals through ASPR's National Disaster Medical System, to augment state and local capabilities during an emergency or disaster.



Offices within ASPR

- AMCG – Office of Acquisition Management Contracts and Grants

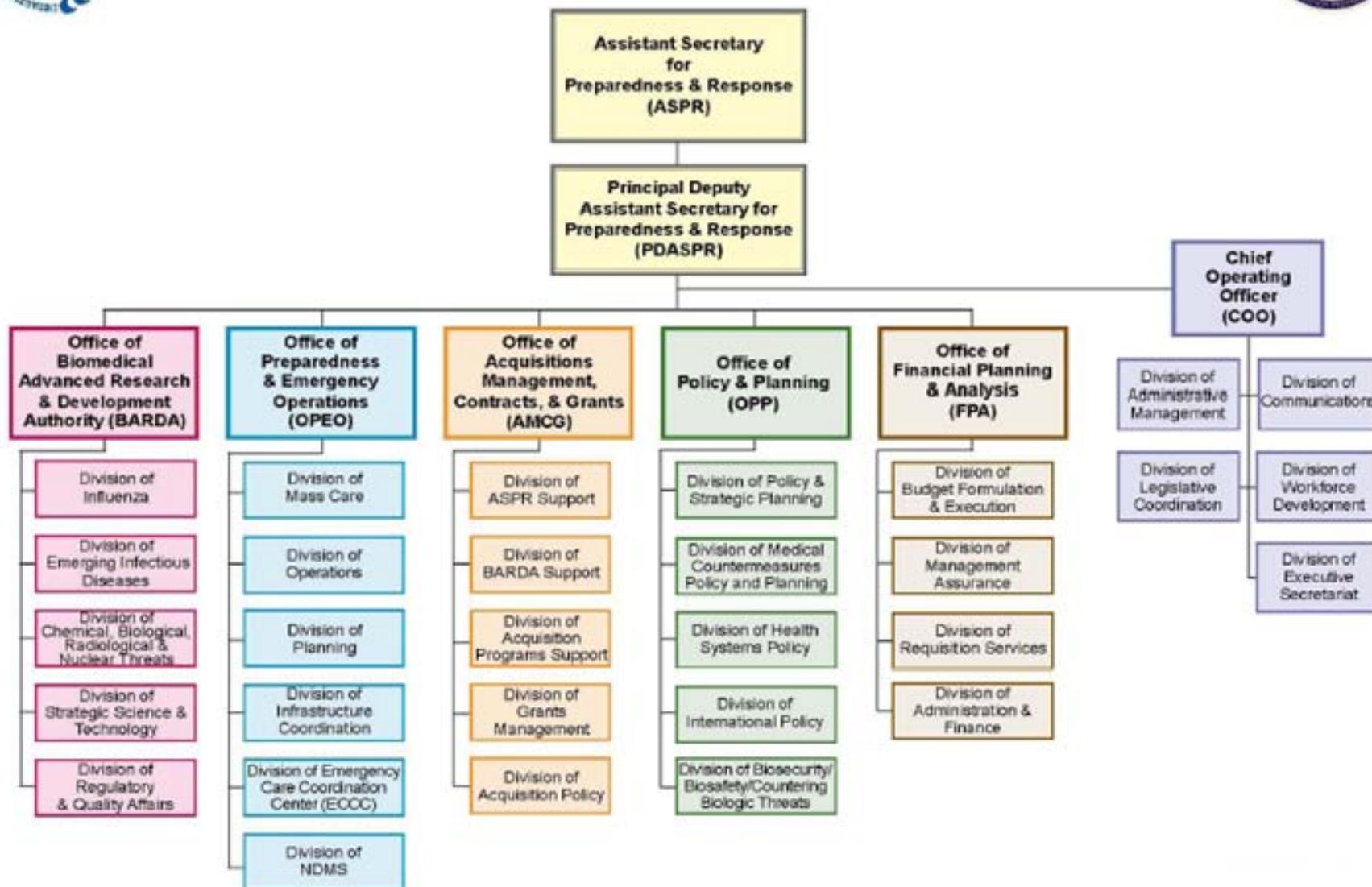
PROGRAM OFFICES

- BARDA – Biomedical Advanced Research and Development Authority
 - CBRN
 - Flu
- OPEO – Office of Preparedness and Emergency Operations



Office of the Assistant Secretary for Preparedness & Response

ASPR ORGANIZATION STRUCTURE AS APPROVED BY THE HHS SECRETARY





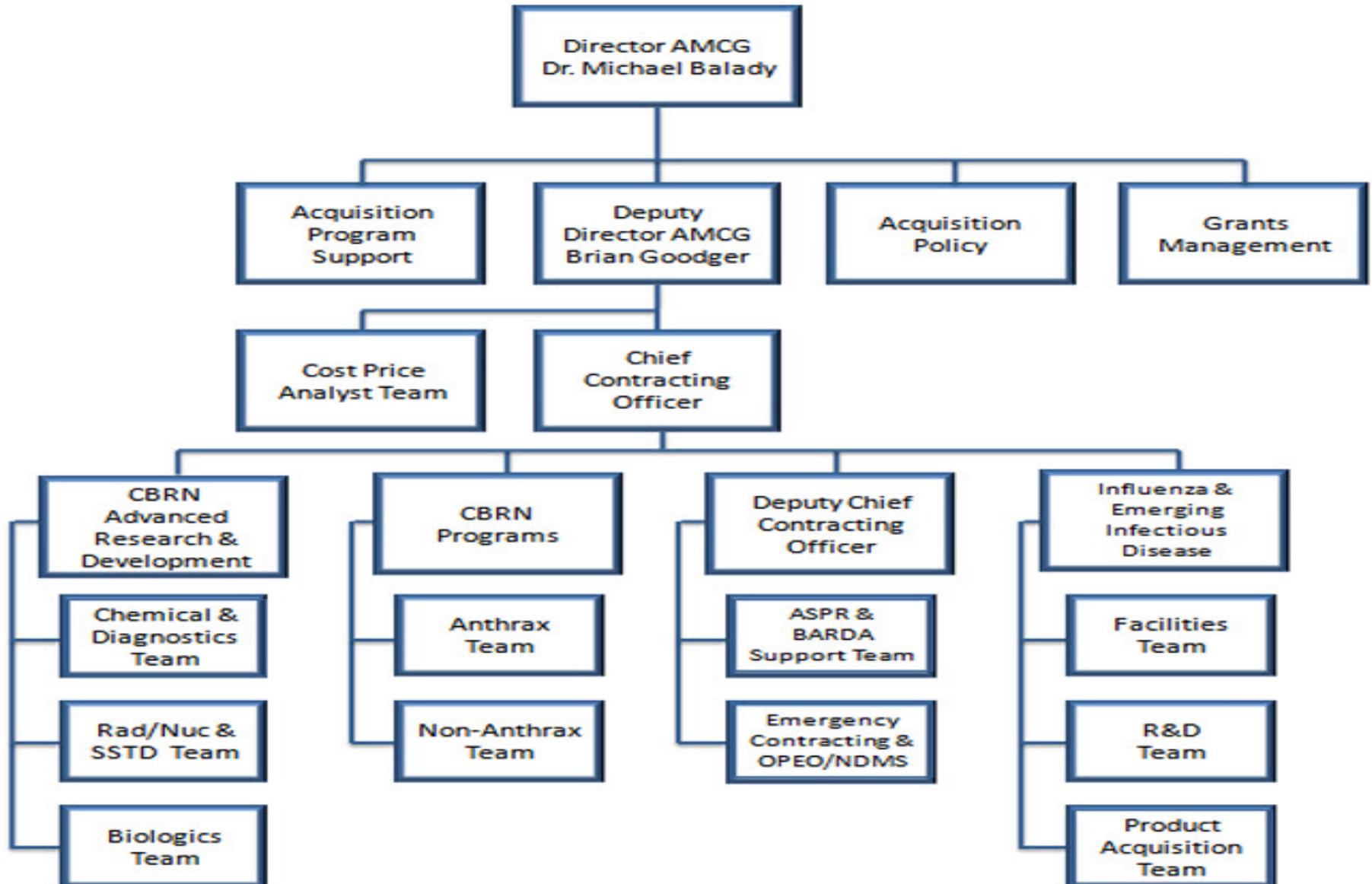
Sections Within AMCG

- Project Bioshield acquisitions
 - Section Chief, Andre Early
- Advanced Research and Development acquisitions
 - Section Chief, Glynis Fisher
- Influenza and Infectious disease acquisitions
 - Section Chief, RoseMary Mann
- Operations Support
 - Chief, Felicia McIntosh

<http://www.phe.gov/about/amcg/Pages/default.aspx>

AMCG Org Chart

February 2011





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What does ASPR buy?

- Research and Development for:
 - Chemical, Biological, Radiological, and Nuclear threats (CBRN)
 - Influenza (flu) drug and vaccine development
- Vaccines and drugs for CBRN and Flu threats
- Professional Consultant Services
- Operational Support Items



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Forecast of HHS' Contracting Opportunities for FY 2011

	Year	1st QTR	2nd QTR	3rd QTR	4th QTR	Total
NIH	2011	64	49	25	16	154
CMS	2011	8	6	2	1	17
CDC	2011	35	23	11	2	71
HRSA	2011	0	4	0	0	4
PSC	2011	7	2	0	0	9
FDA	2011	36	38	64	24	162
IHS	2011	24	1	1	0	26
OS	2011	2	2	1	2	7
		176	125	104	45	450



Marketing to the U.S. Government

USE AVAILABLE RESOURCES

- **SMALL BUSINESS ADMINISTRATION (SBA)**
 - *Counseling - in person, email
 - *Small business certifications
 - *Financial Assistance
 - *Training (online, classroom, free or low cost)

<http://www.sba.gov/>
- **AGENCY WEB SITES**
- **FEDERAL BUSINESS OPPORTUNITIES** www.fbo.gov
- **Acquisition Central-Federal Acquisition Regulations (FAR)**

<http://www.acquisition.gov/>



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Locating Opportunities

- BARDA and AMCG websites:
 - *<http://www.hhs.gov/aspr/barda/index.html>
 - *<https://www.medicalcountermeasures.gov/>
 - *<http://www.phe.gov/about/amcg/Pages/default.aspx>
- Government main point of entry is *Federal Business Opportunities*
 - *<https://www.fbo.gov>
- General acquisition information can be found at *Acquisition Central*
 - *<http://www.acquisition.gov>

PLEASE NOTE

In order to do business with the government you must obtain *Central Contractor Registration*.

Information on how to become registered can be located at <https://www.ccr.gov>.



Marketing to the U.S. Government (cont.)

•KNOW YOUR COMPETITORS

- *Who are they?
- *What are their strengths? Weaknesses?
- *Review their brochures, websites, DSBS profiles.

•TARGET THE RIGHT CUSTOMER

- *Develop a Business Plan and Marketing Plan
- *Who are your potential customers?
- *Which agencies/activities?
- *What are their needs? Challenges? Review websites
- *Know your limits!
- *Know your customers regulations/procedures



Government Contracting: The Basics

BE FAMILIAR WITH REGULATIONS

- **Most significant procurement regulations:**
 - **Federal Acquisition Regulation (FAR)**
 - **FAR applicable to most Federal Agencies**
 - **notable exceptions: FAA, TSA, USPS**
 - **Health and Human Services Acquisition Regulations (HHSAR)**
 - **FAR implements statutes and agency policy through both policy statements and contract clauses**
 - **Unauthorized variation may lead to contract avoidance, or inclusion/exclusion of FAR clauses**



Contract Authority

- Government can “act” but who “acts” on behalf of the Government
- *Fundamental Rule*: Government is not bound by unauthorized acts of its officers or agents. For Contracts, this means ascertaining who is the Contracting Officer
- Compare to commercial law where a party can be bound by an employee’s apparent authority. This does not work against the Government



Federal Contracting Process

- Government identifies requirement and contract type – contract type is negotiable
- Contracting Officer (CO) and Program office performs market research
- CO decides to proceed with set-aside or unrestricted procurement



Federal Contracting Process (cont.)

- Synopsis published
 - *Indicates set-aside or unrestricted
 - *If set-aside, will indicate NAICS code

- Solicitation Issued
 - *Indicates set-aside or unrestricted
 - *NAICS protest – 10 day deadline
 - *Set-aside protest due before proposal submission



Federal Contracting Process (cont.)

- Initial proposals submitted
- Discussions conducted (sometimes)
- Award decision
 - If set-aside, offerors given notice of proposed award
 - Since protests due within five days of notice
 - If no protests, award made
 - If protests, award held until 10 days after CO sends protest to SBA, maybe longer
 - If unrestricted, award announced



Contract Allocation of Cost Risk

Government

Cost

Risk

Contractor

Cost

Risk





What is an RFP?

A document used in negotiated procurements to communicate Government requirements to prospective contractors and to solicit proposals.

- **Contents of the RFP**

- **Statement of Work/Statement of Objectives**

- ❖ Portion of the RFP that describes the actual work or objectives to be completed. Section C of the Uniform Contract Format

- **Evaluation Factors**

- ❖ Factors used by the government to determine the winning contractor. Section M of the Uniform Contract Format

- **Instructions to Offerors**

- ❖ Notes how the government wants to see your proposal. Section L of the Uniform Contract format



Understand the RFP

- **Uniform Contract Format (UCF)** - A standard format that the federal government uses to delineate a solicitation or contract
- | | |
|--|---|
| A - Solicitation/Contract Form
Special Requirements | H - Special Requirements |
| B - Supplies/Services and Price/Cost | I - Contract Clauses |
| C - Statement of Work | J - Attachments |
| D - Packaging & Marking | K - Representations/Certifications |
| E - Inspection & Acceptance | L - Instructions to Offerors |
| F - Delivery or Performance | M - Evaluation Factors |
| G - Contract Administration Data | |



Request for Proposal Process

- **Locate sources - Market Research (FAR Part 10)**
 - Technology Watch (Tech Watch)
 - ❖ Face to face Meetings with vendors to discuss capabilities in open discussion. See <https://www.medicalcountermeasures.gov/>
 - Requests for Information (RFI)
 - ❖ Gather information on current capabilities within the market
 - Sources Sought Notices
 - ❖ Identify potential sources to potential requirement
 - Draft RFPs
 - ❖ Govt receives industry comments on feasibility of needs
 - ❖ Govt can survey the market and refine the requirement
 - ❖ Contractors gain information for bid/no bid decisions
 - ❖ Industry gains more insight into gov't needs



Formal RFP

- **How do you gain further insight into the formal RFP?**
 - Synopsis – posted at least 15 days in advance of the RFP
 - RFP – usually posted for a minimum of 30 days
 - ❖ Critical review of the requirements
 - » Do the specifications in the RFP make sense?
 - » Is the project “doable” as specified by the RFP?
 - » Is there something that you feel is missing?
 - RFP Pre-proposal Conference
 - Submitting questions to the contracting officer
 - Amendments to the RFP (Q&A’s)



To Bid or not to Bid?

- **Understand what the RFP is all about:**
 - Read the complete RFP from front to back
 - Note inconsistencies and unclear items
 - Construct questions to the government on any item you are seeking clarification
 - Be clear on the timelines for deliverables
 - Note the government receipt date of proposals



Technical Proposal

- **Technical Proposal review checklist:**

- ✓ Have you presented a plausible method in the proposal?
- ✓ Have you demonstrated an understanding of the requirements?
- ✓ Have you provided an acceptable delivery schedule?
- ✓ Have you demonstrated your capability to perform?
- ✓ How have you demonstrated your related experience or past performance history?

“Failure to adhere to the proposal preparation instructions could result in your proposal being rejected without evaluation.”



Business Proposal

● Business Proposal Checklist:

- ✓ Are you proposing a reasonable price? Are your costing methods credible?
- ✓ Does your Business Proposal 'crosswalk' to the technical proposal? Is there a 'cross walk' matrix between cost and technical proposal for ease of review?
- ✓ If proposing the use of subcontractors, are the subcontractor quotes included in the pricing?
- ✓ Cost proposal should address all items in Section K



Proposal Submission

● Packaging and Deliver

- Is the proposal:
 - ❖ formatted according to the instructions?
 - ❖ organized to the layout requirement?
- Are all proposal requirements met?
- How many copies (hard and electronic) must be submitted?
 - ❖ Business Proposal and Technical Proposal in separate volumes
 - ❖ Preferred proposals submitted in three ring binders
- To whom and where should it be sent?
- Delivery method must ensure arrival on/or before the required receipt date/time



Proposal Evaluation

How will your proposal be evaluated?

- Section M – Evaluation Criteria
 - ❖ Does your company meet the mandatory criteria for eligibility?
 - ❖ Have adequate personnel been proposed with appropriate expertise as “key personnel?”
 - ❖ Do you have adequate past performance?
- Pay attention to criteria and weights listed in the RFP
- Section K – Reps/Certs
 - ❖ Did you adequately address the requirements for:
 - » Human Subjects (OHRP),
 - » Animal Assurance (OLAW)
 - » CCR, ORCA, etc.



Information - Feedback

<i>What happens after I submit my proposal?</i>	Technical Eval, Cost Eval, Competitive range, negotiations, final proposals, award notification
<i>Will I get a chance to clarify?</i>	Typically no. Present your best case. If you make the competitive range, then yes.
<i>Why wasn't I selected for award?</i>	Request a debriefing. Pre-award or post-award. More info provided in post award debrief.
<i>Purpose of the debriefing?</i>	Opportunity to improve for next time not to challenge decision or revise for this time



Locating Opportunities

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COMMON CONTRACTOR MISTAKES



Read the Solicitation/Contract

- Can you really meet the requirements
- Note unique timeliness requirements for responding
- Make sure the contract type you propose is consistent with the risk you want to take.



Make Your Technical and Cost Proposals Consistent

- The price proposal has to include everything you have promised to do
- Over-selling in the technical area and cutting costs in the pricing proposal leads to a high risk assessment



Understanding Contracting Officer Authority

- Who has the warrant?
- COR v. Program Manager, v. the Contracting Officer
- Train your employees to know this



If Doing Cost Reimbursement Work (or an undefinitized change)

- Have a system in place for the proper treatment of costs
- Be mindful of notice requirements and make them in a timely manner
- Expect to be audited, so have a solid record retention policy



Bonus

- Have a compliance program!
 - *Tailor it to the work you do
 - *Train your employees to comply with Government requirements
 - *Tell your people your expectations
 - *If a violation does occur, it will make a difference in the way the Government responds



BAA

- The Broad Agency Announcement (BAA) is a competitive solicitation procedure used to obtain proposals for basic and applied research and that part of development not related to the development of a specific system or hardware procurement. The BAA is described in FAR 6.102, “Use of Competitive Procedures,” and FAR 35.016, “Broad Agency Announcements.”
- The type of research solicited under a BAA attempts to increase knowledge in science and/or to advance the state of the art as compared to practical application of knowledge.



Using Procurement Contracts

An executive agency shall use a procurement contract as the legal instrument reflecting a relationship between the United States Government and a State, a local government, or other recipient when—

- (1) the principal purpose of the instrument is to acquire (by purchase, lease, or barter) property or services for the direct benefit or use of the United States Government; or

- (2) the agency decides in a specific instance that the use of a procurement contract is appropriate.



Using Cooperative Agreements

An executive agency shall use a cooperative agreement as the legal instrument reflecting a relationship between the United States Government and a State, a local government, or other recipient when—

(1) the principal purpose of the relationship is to transfer a thing of value to the State, local government, or other recipient to carry out a public purpose of support or stimulation authorized by a law of the United States instead of acquiring (by purchase, lease, or barter) property or services for the direct benefit or use of the United States Government; and

(2) substantial involvement is expected between the executive agency and the State, local government, or other recipient when carrying out the activity contemplated in the agreement.



Using Grant Agreements

An executive agency shall use a grant agreement as the legal instrument reflecting a relationship between the United States Government and a State, a local government, or other recipient when—

- (1) the principal purpose of the relationship is to transfer a thing of value to the State or local government or other recipient to carry out a public purpose of support or stimulation authorized by a law of the United States instead of acquiring (by purchase, lease, or barter) property or services for the direct benefit or use of the United States Government; and
- (2) substantial involvement is not expected between the executive agency and the State, local government, or other recipient when carrying out the activity contemplated in the agreement.



Acronym Key

- Acronyms
 - CO (Contracting Officer)
 - CS (Contract Specialist)
 - PO/COR/COTR (Project Officer/Contracting Officer's Representative, Contracting Officer's Technical Representative)
 - OGC (Office of General Counsel)
 - TEP (Technical Evaluation Panel)
 - SOW (Statement of Work)
 - FedBizOpps (Federal Business Opportunities)
 - RFP (Request for Proposal)
 - FPR (Final Proposal Revision)
 - FY (Fiscal Year, October 1 – September 30)



Contact Information

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