

MINUTES FOR 10 MARCH 2015 CIC MEETING

I. Follow-up and New Discussion Items

A. At the October CIC meeting and the November SBIOI, SSC LANT stated that the Q&As would be posted to ensure that those members of industry not in attendance would have equal access to the information discussed during the SBIOI. Also, posting responses to the Q&As should preclude similar questions from being asked again (e.g. Question from Feb SBIOI on how contract determination is made when multiple technically capable companies from each of the socio-economic categories respond to a Market Survey).

1. **Question:** When can industry expect the Q&As to be posted and where will they be posted?

2. **Response:**

- a. Will post Q&A responses to e-Commerce prior to SBIOI following the SBIOI when Q&As were submitted (i.e. April SBIOI responses will be posted to e-Commerce prior to July SBIOI).
- b. For future SBIOI's SSC LANT would like Industry questions to be submitted 30 days prior to SBIOI to allow time to research and provide responses. *This is being coordinated with CDCA SBIOI Committee Lead to preclude duplication of efforts.*

B. At the November SBIOI, a question was asked about labor category restrictions on CPFF LOE task orders and the inconsistencies we have seen in this requirement. (Some task orders insert an entire table of hours by contractor and Government site, team member, and labor category. Some Orders allow use of all labor categories under the basic contract without exceeding total hours proposed by more than 5%. We have even seen labor category restrictions on CPFF Completion type orders.) The Government responded that a team was established to look into this and hoped to brief industry at the following SBIOI.

1. **Question:** This issue was not briefed at the February SBIOI. Is there an update that can be provided to industry?

2. **Response:** Revised policy is in final stages of review. Industry can expect to see OVERALL estimated hours but not see specified labor categories. It will be up to the offerors to identify required labor categories. This will give industry some flexibility to propose a more efficient allocation of resources.

C. Attempts to resolve Government Property issues (e.g., transfer between task orders IAW FAR Part 45.106 for example, which states "...transfers shall be documented by modifications to both gaining and losing contracts.") with the COR and/or the Contracting Officer have proven unsuccessful in most cases.

1. **Question:** Does SSC LANT advise the contractor to work directly with DCMA on Government Property issues instead?

2. **Response:** Per Steve Harnig, keep these issues within SPAWAR. If unable to get required response from Order Officer or COR escalate to PCO, Tier 4 and or Tier 3 Managers as required. If in doubt, contact Steve directly - steven.harnig@navy.mil.

- D. During the January 2015 CIC meeting there was discussion on SSC LANT's current view and receptivity to Prime Contractors on the same Pillar Contract teaming in response to a specific Task Order RFP as this is sometimes an attractive option for industry and SSC LANT in those cases where the efforts on several existing Task Orders are consolidated into a new, larger Task Order to be released on a specific Pillar.
1. The response provided was that while there are no FAR nor contract restrictions that prevent / forbid this type of teaming, SSC LANT discourages it due to the additional workload required by the Source Selection Evaluation Board (SSEB) and Contracts in validating capabilities, qualifications, and financials for the new bidding team. SSC LANT is also concerned about the appearance of both industry collusion and the possible reduction in competition. It was acknowledge during the discussion there might be specific circumstances in which Pillar Prime Contractor teaming on a specific Task Order might be advantageous to the government. Justification would have to be given provided, and SSC LANT would have to weigh considerations about competition vs. solution for the government's best interest.
 2. **Question:** Is there any other information that industry should be made aware of on this subject?
 3. **Response:** SSC LANT's position is this is no, this desired nor condoned since teaming of Prime Contractors on the same Pillar Contract gives the appearance of collusion and non-competiveness. Contracts addressed at the April 2015 SBIOI. Their official response / position on this subject will be posted to e-Commerce with the rest of the Q&A responses.
- E. "As of October 1, the Joint Federal Travel Regulations, Volume 1 (JFTR) and the Joint Travel Regulations, Volume2 (JTR) officially merged into a single set of regulations called the "Joint Travel Regulations". The JTR was revised to "flat per diem rates" of 75% of maximum per diem for extended travel beyond 30 days, and to 55% for over 180 days, effective November 1, 2014. The terminology of maximum and flat still exist in the regulations, and SPAWAR contracts have not specifically addressed the merging of the JFTR and JTR.
1. **Question(s):**
 - a. For the industry, please provide clear guidance on the applicability of the flat rates (reduced per diem for over 30 days and over 180 days) on contractors. It is understood that contractors are to follow their own travel policy, and that any lodging unavailable at per diem should be documented to demonstrate compliance with FAR Part 31. However, there exists disagreement within industry as to whether the flat rates are applicable to industry. In short, does the Government's JTR changes effectively render the "flat" the "maximum per diem" rate, which would then render the flat rate the baseline (i.e, "maximum") for contractors to be reimbursed in their practices?
 - b. In the COR's review of invoices, will the review of extended travel costs be reviewed against the "maximum" per diem rates, or against the "flat" per diem rates?
 2. **Response:** This is being reviewed within Contracts and a determination has yet to be made on whether a clause will have to be incorporated into the basic contract and all existing Task Orders will have to be modified to reflect this JFTR change or if it will only need to be incorporated in all future task orders.

II. SBIOI Related Standing Action Items:

- A. CIC Industry Representatives have standing action to provide prospective SBIOI Agenda Items for discussion at CIC meetings per William Paggi's request at the April 2014 CIC Meeting.
- B. It was reiterated at the April 2014 CIC Meeting that there would be no indiscriminant 'walking the halls' and the main NON-Task Order related communications with the government will be at SBIOIs. William Paggi took as a standing action to get a representative from each Portfolio / Competency to attend SBIOIs.

1. **Questions:**

- a. Is it still being considered to have Dave Monahan brief CAO updates that are being discussed for the SSC LANT Organization and Process(es)?
- b. Is there a possibility that the Business Portfolio Leads (or their deputies) can be at the April SBIOI as a follow-up to the "Meet the Seniors" from the 2014 CDCA C5ISR Summit?

Response:

- a. New CAO structure hopefully will be resolved and approved by next SBIOI but not sure if leadership will be prepared to brief at April SBIOI. More likely for Jul 2015 SBIOI.
- b. William Paggi stated that he would like representatives from all the Portfolios/ Competencies to attend and be available for discussions with industry attendees for every SBIOI. This led to further discussion about what is practical and most important to do to obtain SPAWAR participation in SBIOIs generally. William noted that SPAWAR has an SBIOI Planning Committee and believes CIC should have a representative participating in this otherwise All-Government body. He left it to industry to select someone to fill this position (***This is being coordinated with CDCA SBIOI Committee Lead to preclude duplication of efforts***). Further discussion points: Robin Rourk said she will try to work in SPAWAR seniors for each SBIOI, and maybe feature a specific