

**Continuing Human Enabling,  
Enhancing, Restoring, and Sustaining  
(CHEERS)  
Multiple Authority Announcement (MAA)**

**Industry Guide**

**Version 1.0**

**Air Force Research Laboratory  
Human Effectiveness Directorate & the United  
States Air Force School of Aerospace Medicine  
(AFRL/RH & USAFSAM)**

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## Contents

CHAPTER 1: INTRODUCTION .....	3
CHAPTER 2: MAA SOLICITATION VARIATIONS .....	6
CHAPTER 3: GENERAL SOLICITATION PROCESS.....	7
CHAPTER 4: WHITE PAPER/PROPOSAL PREPARATION INSTRUCTIONS .....	13
CHAPTER 5: REVIEW AND SELECTION PROCEDURES .....	20
CHAPTER 6: ADDITIONAL FAR-BASED REQUIREMENTS .....	22
CHAPTER 7: ADDITIONAL ASSISTANCE INSTRUMENT REQUIREMENTS .....	23
CHAPTER 8: ADDITIONAL REQUIREMENTS FOR OTHER TRANSACTIONS (OTs) UNDER 10 USC §4021, §4022, and §4023 .....	29

## CHAPTER 1: INTRODUCTION

- 1. MAA Overview:** A Multiple Authority Announcement (MAA) is a unique solicitation method in which various solicitation authorities are consolidated under a single announcement. The CHEERS MAA is intended to provide a comprehensive strategy for the Air Force Research Laboratory, Human Effectiveness Directorate and the United States Air Force School of Aerospace Medicine's (AFRL/RH and USAFSAM) range of Science and Technology (S&T) and Studies and Analysis (S&A), by creating an announcement that allows for progression from basic research to technology maturation and transition.

This MAA may utilize Calls for Proposal and/or Open Period solicitations that enable study efforts on novel concepts, as well as R&D to mature technologies and conduct integrated demonstrations, experimentation, and eventual transition of technology to mission partners. Under this approach, individual Call for Proposal solicitations will be issued when requirements are identified by AFRL/RH or USAFSAM. Open Period solicitations will be issued when either AFRL/RH or USAFSAM wishes to receive offeror-generated ideas. Either solicitation type may utilize a one-step approach or a two-step approach. See Chapter 2 of this guide for more information on the available variations and formats of MAA solicitations.

To preserve the integrity of competition, a “moratorium” on White Paper acceptance under Open Period solicitations will be issued in cases where a Call for Proposal is released covering the same topic areas as the Open Period. The Open Period Moratorium will last 6 months and go into effect upon the closing date for proposal receipt under the Call for Proposals.

- 2. Using this Guide:** This guide is intended to familiarize existing and potential AFRL/RH or USAFSAM Industry Partners with the Multiple Authority Announcement (MAA) acquisition approach, as well as the specific nuances of the CHEERS MAA (referred to hereafter as “MAA” or “the Announcement”). This guide will:
  - Supplement information contained in the MAA and resulting solicitations.
  - Provide standardization which potential offerors can leverage to aid in streamlining their internal proposal preparation processes.
  - Reduce barriers to competition by providing supplemental information on less-familiar acquisition concepts/tools that are available for use, such as Other Transaction Authorities.

The Announcement and this Industry Guide will be reviewed and updated **annually** to ensure documents are reflective of the most current statutes, regulations and policy. Potential offerors are encouraged to, first, become familiar with the MAA and this guide, and then use them for reference when responding to requirements released

under solicitations. In the event of conflicting information, offerors should use the following order of precedence: (1) Solicitation; (2) MAA; (3) Industry Guide.

**3. Solicitation Authority Limitations:**

- BAA Authority (10 USC §4001/FAR Part 35) will be limited to 6.1 – 6.4 R&D funds IAW DFARS 235.016 & be utilized for acquisition of basic and applied research and that part of development not related to the development of a specific system or hardware procurement. *\*Unless conditions in DFARS 235.006-71(b) are met.*
- Commercial Solutions Opening Authority (10 USC §3458/DFARS Part 212) will be limited to the uses described in DFARS 212.7002.
- Other Transactions for Research Authority (10 USC §4021) can be either acquisition OR assistance. Will be limited to basic, applied, and advanced research projects.
- Other Transactions for Prototype Authority (10 USC §4022) will be limited to prototype projects that are directly relevant to enhancing the mission effectiveness of military personnel to be acquired or developed by DoD, or to improvement of platforms, systems, components, or materials in use by the armed forces.
- Procurement for Experimental Purposes Authority (10 USC §4023) will be limited to procurement for experiment or test purposes in the development of the best supplies that are needed for the national defense in the specified technical areas.
- Assistance Authority (10 USC §4001/32 CFR 22.205) will be limited to when the goal of the project is to provide assistance by transferring a thing of value to accomplish a public purpose.

**4. Maximizing Competition Under CHEERS:** The CHEERS MAA is designed to reach the broadest range of Industry Partners possible, including both Small and Large Businesses, Educational/Research Institutions and Non-Profit Organizations, as well as Non-Traditional Defense Contractors (NTDCs).

The CHEERS MAA will be posted on [www.sam.gov](http://www.sam.gov) as a “Special Notice”. Individual solicitations issued under the CHEERS MAA will be posted as stand-alone “Solicitations” and will include a link to the MAA posting. Solicitations issued under the authority of 32 CFR 22.205, will also be posted on [www.grants.gov](http://www.grants.gov). All information that a potential offeror might need to respond to a solicitation, will be posted with the solicitation. However, offerors may find it helpful to refer back to the original MAA posting and amendments. The MAA posting and individual solicitation postings are intentionally kept separate in order to reduce potential digital congestion.

Offerors interested in specific Technical Areas are encouraged to review the CHEERS Solicitation Log excel spreadsheet located at the Announcement posting on [www.sam.gov](http://www.sam.gov) (reference Special Notice posting). This spreadsheet can be sorted by Technical Area to identify all solicitations that have released requirements in that area. Potential offerors are also encouraged to “follow” the CHEERS MAA and subsequent solicitations. Offerors can follow a solicitation by hitting the “**Follow**” button in the upper right corner of the posting.



## CHAPTER 2: MAA SOLICITATION VARIATIONS

The following solicitation variations are approved for use under this MAA. A single solicitation may use one or any combination of the following:

1. ***Call for Proposal:*** One- or two-step requests for proposal that allow for submittal at a defined date and time as specified in the solicitation. Adequate Price Competition may exist.
2. ***Open Period:*** One- or two-step requests for proposal that allow for submittal at any time within the active period specified in the solicitation. Open Period solicitations provide maximum adaptability for both Government and Industry to account for ever changing/evolving technology landscape and/or when contractor-generated ideas are sought. Adequate Price Competition will not exist.

The above solicitation variations may be issued in either of the following formats. Refer to Chapter 4 of this User Guide for more specific requirements for each format:

1. ***One-Step:*** Potential offerors are invited to submit a full Cost and Technical Proposal in response to, and in accordance with, the requirements established in this MAA and the applicable solicitation.
2. ***Two-Step:*** Potential offerors are invited to submit a White Paper in response to, and in accordance with, the requirements established in this MAA and the applicable solicitation. Full technical and cost proposals will then be requested from those offerors who submitted White Papers determined to be of further interest to AFRL/RH or USAFSAM.

## CHAPTER 3: GENERAL SOLICITATION PROCESS

1. Solicitations under CHEERS – either Calls for Proposal OR Open Periods – will be announced on the Government Point of Entry (GPE) and, for solicitations that contemplate the use of Assistance Instruments, [www.grants.gov](http://www.grants.gov). Solicitations will request interested offerors to submit either a White Paper (Two-Step process) or full Technical and Cost Proposals (One-Step process). It is recommended that interested Offerors read each Solicitation very carefully. Solicitation information may vary, but will likely include the following:

- An identifying Individual Solicitation Title and Number
- Applicable Solicitation Authority
- Applicable MAA Technical Area(s)
- Statement of Objectives (SOO) or Research Objectives or Research Problem
- Statement of Work (SOW) Supplemental Requirements
- Technical and Contracting Points of Contact
- Anticipated Deliverable Items, including any anticipated hardware, software, or data deliverables
- Program Security Classification/TEMPEST Requirements
- Specific export-control requirements. If export controlled technical data is involved, a note advising that only firms holding certification under the US/Canada Joint Certification Program (JCP) are allowed access to such data.
- Science & Technology (S&T) Protection Requirements
- Government Furnished Property (GFP) Requirements
- White Paper/Proposal Due Date & Time
- Base Support/Network Access
- Anticipated Contract Type(s)/Instrument(s)
- Data Rights Desired
- Anticipated Award Dates and Funding Information
- White Paper/Proposal format, if deviates from Industry Guide
- Evaluation Criteria for White Paper/Proposals, if deviates from MAA
- Additional Administrative and National Policy Requirements not already identified
- Reporting requirements
- Section K, Representations and Certifications attachment

2. **AFRL/RH or USAFSAM reserves the right to award zero, one, or more contracts for all, some or none of the solicited effort based on the offeror's ability to perform desired work and funding fluctuations.**
3. **Data Rights Desired:** It is anticipated that solicitations issued under this MAA will be *primarily* for Research and Development efforts where AFRL/RH or USAFSAM anticipates funding the development of the data. The following outlines the **most anticipated** data rights desired. Any expected deviations will be identified in the solicitation. The FAR(S) clauses referenced below do not apply to awards made pursuant to Non-FAR authorities, however those efforts are expected to utilize the following framework as a starting point for negotiations.

- (1) Other Than Commercial Technical Data: Unlimited Rights
- (2) Other Than Commercial Computer Software: Unlimited Rights
- (3) Other Than Commercial Software Documentation: Unlimited Rights
- (4) Commercial Computer Software Rights: Customary Commercial License consistent with Federal statutes and regulations

Terms used in this section are defined in the clauses at 252.227-7013, Rights in Technical Data-Other Than Commercial Products and Commercial Services, and 252.227-7014, Rights in Other Than Commercial Computer Software and Other Than Commercial Computer Software Documentation.

Offerors that propose delivery of other than commercial technical data, other than commercial computer software, or other than commercial computer software documentation subject to less than Unlimited Rights should fully explain how a portion or all of the data was developed at private expense. Specifically, offerors must explain what other than commercial technical data, other than commercial computer software, or other than commercial computer software documentation developed with costs charged to indirect cost pools and/or costs not allocated to a Government contract will be incorporated, how the incorporation will benefit the program, and address whether those portions or processes are segregable

Offerors shall include the data rights assertions as required by DFARS 252.227-7017, Identification and Assertion of Use, Release, or Disclosure Restrictions. The data rights assertions list is included in Section K (an attachment to the solicitation) and is due by the proposal due date listed within the solicitation. Assertions must be completed with specificity. Each assertion must identify the other than commercial technical data or computer software to be delivered and the associated item, component, process, software, or documentation developed exclusively or partially at private expense to which it pertains. Nonconforming data rights assertions will be returned until the table complies with DFARS 252.227-7017

In accordance with DFARS 252.227-7013(b)(1) and 252.227-7014(b)(1), the Government shall receive unlimited rights in all other than commercial technical data and computer software developed exclusively with Government funds.

- a. **Third Party Software (Commercial and Other Than Commercial):** In accordance with DFARS 252.227-7014(d), for commercial computer software, the Government will neither accept nor execute a DD Form 250 for such software deliverables until the Contractor obtains from all third party software suppliers and/or vendors (Licensor) licenses for any commercial computer software to be delivered that are consistent with Federal Statutes, Federal Case Law, and Federal Regulations.

If any such software, other than commercial or commercial, is not reasonably identifiable at proposal submission, it must still be approved by the contracting



officer prior to incorporation. This obligation to obtain pre-approval by the contracting officer, as described above, continues throughout contract administration and performance.

- b. **Other Than Commercial Computer Software:** All other than commercial computer software will receive the appropriate level rights set forth in DFARS 252.227-7014(b). Which include: Unlimited rights, Government Purpose Rights (GPR), Restricted Rights, or rights identified within a specifically negotiated license attached to the contract.

DFARS 252.227-7014(d) describes requirements for incorporation of third party other than commercial copyrighted computer software or computer software documentation.

**The following may be applicable to any solicitations in which any amount of commercial computer software is anticipated to be delivered under a resulting award.**

End User License Agreement (EULA), Software Terms of Service (TOS), or similar legal instrument or agreement - There are common commercial software license terms within EULA, TOS, or similar legal instruments or agreements that violate Federal law and therefore shall not be included or incorporated under any awards made against this MAA. If the proposed offer includes any of these type of instruments or agreements, the offeror is required to provide a signed software license rider along with its proposal. The software license and rider will be attached to the awarded action. The Contracting POC identified in the solicitation can provide a copy of the Rider template, as necessary.

The following is a non-exhaustive list of terms and conditions which are inconsistent with Federal law or Government policy and shall not be included in the commercial computer software license agreement between the Licensor and the Government. Only the Contracting Officer has the authority to bind the Government:

- 1) The license shall not subject the Government to a contingent liability or a liability that is indefinite or indeterminate, including but not limited to: indemnification clauses, unilateral price increases, the right to attorney fees, automatic assessment of charges, or automatic renewal provisions. These provisions constitute obligations in advance or in excess of an appropriation and violate the Anti-Deficiency Act.
- 2) The license shall be governed by Federal Statutes, Federal Case Law, and Federal Regulations, and shall not be subject to the laws or jurisdiction of any municipality, state, or foreign country. The license shall not bind the Government to litigation in a particular forum or

venue or require the Government to participate in arbitration.

- 3) The license shall not include non-substitution language that would preclude or limit the Government from using another vendor/reseller and/or product to fulfill Government requirements.
- 4) The Licensor shall not have the authority to unilaterally terminate the license. All remedies available shall be consistent with the Disputes and Termination Clauses in the underlying basic contract.
- 5) The Licensor shall not have the right to enter the premise or monitor Government networks for the purpose of auditing the use of the license.
- 6) The Licensor shall not have the authority to control or otherwise influence any litigation between a third party and the Government. The United States Department of Justice has the sole authority to represent the Government in all litigation matters.
- 7) The Licensor shall not use the fact that the Government is using the Licensor's products in any notification or advertisement to the public (e.g., no publicity rights permitted).
- 8) The license shall not require automatic updates or give Licensor the authority to unilaterally replace the software.
- 9) The license shall not hold the Government liable for directly imposed sales and use taxes.

Additionally, the Contractor may be required to obtain licenses that comply with any or all of the following terms and conditions, as applicable, based on the Government's needs:

- 1) The license shall not disclaim all warranties through use of an "as is" provision.
- 2) The license shall neither restrict the Government from using the product at various sites nor limit use of the product by various Government agencies or third parties performing work on behalf of the Air Force under the [PROGRAM NAME]. In performance of the [PROGRAM NAME], Government personnel as well as Government contractors may use the software, subject to any negotiated limits on number of users, as applicable.
- 3) The license shall not limit the Government's use of the software at other Government and Government contractor sites. The license shall authorize the Government to use the software at the following sites:

[list].

- 4) The license shall not restrict the Government from copying or embedding elements of accessible code into other applications (e.g., nesting code, derivative works).

The Contractor may obtain agreement from the Licensor to insert the clause below in its respective software licenses intended to be transferred to the Government:

*“In the event that any of the provisions of the [Software License] are determined to be inconsistent with Federal law or do not otherwise satisfy the Government’s needs, the parties to the [Software License] hereby agree that such provisions shall be null and void as they pertain to the Government. Specifically, the following sections are hereby deleted from the [Software License] [and/or amended as indicated below]:*

*[Section X: deleted; Section Y: amended as follows [...]]”*

If the Licensor will not agree to the terms and conditions cited herein and/or as contained in DFARS 227.72, the Contractor shall retain the current license on behalf of and for the benefit of the US Government if permissible under its license and such use will not subject the Government to the terms of the license. If the software in question is required to be delivered to the Government, the Licensor must grant the Government a sublicense that allows the Government to use the software to meet its requirements.

The Contractor shall provide documentation to clearly correlate or map any commercial computer software to be delivered to:

- a) Contract Line Item Numbers (CLINs);
- b) Contract Deliverables (CDRLs);
- c) Paragraphs in the Statement of Work (SOW); and
- d) Portions of any functional block diagrams and/or system architecture diagrams, so that it can be readily determined where certain commercial computer software corresponding to certain software license agreement(s) are physically located on the system to be delivered under the contract.

4. **Government Furnished Property (GFP) Availability:** Solicitations will identify if any GFP is anticipated to be available for use during performance. In accordance with FAR 45.201(b), the contractor is responsible for all costs related to making the property available for use, such as payment of all transportation, installation, or rehabilitation costs.

If an offeror proposes the use of GFP, other than GFP identified in the solicitation, the offer must specifically identify each piece of GFP in the Cost/Business Proposal and propose and

substantiate a rental cost for evaluation purposes. Include the following information in the proposal:

- a. A list describing all Government property that the offeror or its subcontractors propose to use on a rent-free basis. The list shall identify the accountable contract under which the property is held and the authorization for its use (from the contracting officer having cognizance of the property);
- b. The dates during which the property will be used and, for any property that will be used concurrently in performing two or more contracts, the amounts of the respective uses in sufficient detail to support prorating the rent;
- c. The amount of rent that would otherwise be charged in accordance with FAR 52.245-9, Use and Charges; and
- d. The voluntary consensus standard or industry leading practices and standards to be used in the management of Government property, or existing property management plans, methods, practices, or procedures for accounting for property.

## CHAPTER 4: WHITE PAPER/PROPOSAL PREPARATION INSTRUCTIONS

1. **Overview:** Individual solicitations issued under CHEERS will identify whether a One- or Two-Step process is being utilized. Each individual solicitation will identify either a specified submission date OR the date in which a solicitation is considered closed and no more white papers/proposals will be accepted. Offeror's responding to a One-Step Solicitation shall refer directly to the Proposal Preparation Instructions below. AFRL/RH or USAFSAM reserves the right to amend/modify any of the requirements below, based on the circumstances of individual solicitations. Any deviations will be clearly identified within the body of the solicitation. Potential offerors are reminded that in the event of conflicting information, offerors should use the following order of precedence: (1) Solicitation; (2) MAA; (3) Industry Guide.
2. The cost of preparing white papers or proposals in response to CHEERS solicitations is not considered an allowable direct charge to any resulting or any other contract; however, it may be an allowable expense to the normal bid and proposal indirect cost as specified in FAR 31.205-18.
3. Offerors are advised that only Contracting/Grants/Agreements Officers are legally authorized to contractually bind or otherwise commit the Government.
4. No classified white papers or proposals are expected. Offerors are encouraged to keep all elements of the proposal package unclassified. In the rare case where an offeror has a need to submit a classified appendix, please contact the technical POC for delivery instructions.
5. **White Paper Preparation Instructions:**
  - a. **General:** A Two-Step solicitation requests a white paper and rough order of magnitude (ROM) cost. The white paper shall include a discussion of the nature and scope of the offeror's proposed technical approach. AFRL/RH or USAFSAM will review the white papers in accordance with the FIRST STEP Peer or Scientific Review criteria, set forth in Chapter 5 below. Based on this review, AFRL/RH or USAFSAM will determine which of the white papers have the potential to best meet AFRL/RH or USAFSAM's needs. Offerors will be notified of the disposition of their white paper. Those offerors submitting white papers assessed as meeting AFRL/RH or USAFSAM needs, will be asked to submit a technical and cost proposal. Those offerors not requested to submit a technical and cost proposal will not be further considered, but may request feedback information in accordance with Section 8.3 of the MAA. An offeror submitting a proposal without first submitting a white paper will not be eligible for an award.
  - b. **Page Limitation:**
    - 1) The White Paper shall be limited to **TBD** pages, prepared and submitted in Word format.
    - 2) Font shall be standard 10-point business font Arial.
    - 3) Character spacing must be "normal," not condensed in any manner.

- 4) Pages shall be double-spaced (must use standard double-space function in Microsoft Word), 8.5 by 11 inches, with at least one-inch margins on both sides, top and bottom.
  - 5) All text, including text in tables and charts, must adhere to all font size and line spacing requirements listed herein. Font and line spacing requirements do not have to be followed for illustrations, flowcharts, drawings, diagrams, cover page, table of contents, and restrictive/proprietary markings (in header or footer). These exceptions shall not be used to circumvent formatting requirements and page count limitations by including lengthy narratives in such items.
  - 6) Pages shall be numbered starting with the cover page being Page 1, and the last page being no greater than Page 5. The page limitation covers all information including indices, photographs, foldouts (counted as 1 page for each 8.5 by 11 portion) tables, charts, appendices, resumes, etc. AFRL/RH or USAFSAM will not consider pages in excess of these limitations.
- c. **Format:** The white paper will be formatted as follows:
- 1) Section A: Solicitation Number, Title of Program, Name of Company, Business Size, Company's Commercial and Government Entity (CAGE) number, Unique Entity Identifier (UEI) number, Contracting POC and Technical POC with appropriate telephone numbers and email addresses for the POCs. Solicitations requesting classified submissions may require the following information: Classified level at which company is cleared, contactor address for forwarding classified material (name, address, zip code), cognizant security office (name, address, zip code), and offeror's security officer's name and telephone number);
  - 2) Section B: Period of Performance and Task Objectives;
  - 3) Section C: Technical Summary and Proposed Deliverables; and
  - 4) Section D: Cost of Task (Rough Order of Magnitude (ROM)).
- d. **Technical Portion:** The technical portion of the white paper shall include a discussion of the nature and scope of the effort and the offeror's proposed technical approach/solution. It may also include any proposed deliverables. Resumes, descriptions of facilities and equipment, a proposed Statement of Work are not required at this point.
- e. **Cost Portion:** No detailed price or cost support information should be forwarded; only a time-phased bottom line ROM should be provided.
- f. **Other Information:** If the offeror wishes to restrict a white paper, they must be marked with the restrictive language stated in FAR 52.215-1(e).

- g. **White Paper/Proposal Content Summary:** You may be ineligible for award if all requirements of the CHEERS MAA and applicable solicitation are not met on the White Paper due date.

## 6. Proposal Preparation Instructions:

- a. **General:** If utilizing a one-step solicitation, AFRL/RH or USAFSAM will request submission of a technical and cost proposal directly from offerors. If utilizing a two-step solicitation, offerors will be directed to submit a technical and cost proposal via issuance of a Request for Proposal (RFP). The RFP will explicitly state the due date for proposal. Offerors can expect roughly 30 days for proposal turnaround, depending on scope of proposal effort. After receipt, proposals will be reviewed in accordance with the award criteria in Chapter 5 of this guide. Proposals will be categorized and subsequently selected for funding.
- b. Offerors should apply the restrictive notice prescribed in FAR 52.215-1(e) Instructions to Offerors—Competitive Acquisition. Offerors should consider proposal instructions contained in the Broad Agency Announcement (BAA) Guide for Industry, which can be accessed on line at <https://www.afrl.af.mil/Portals/90/Documents/HQ/BAA%20Ind%20Guide%202020.pdf?ver=7AivkWvoUoptKgypgCuIvw%3d%3d>. This guide is specifically designed to assist the offeror in understanding the BAA proposal process, but is also applicable to other AFRL/RH or USAFSAM solicitation methods, including this CHEERS MAA.
- c. Technical/management and cost/business volumes should be submitted in separate volumes and must be valid for **180 days**.
- d. Proposals must reference the Solicitation number.
- e. Although NOT anticipated in most cases, solicitations will identify if offerors are required to submit HARD COPY proposals, in addition to electronic proposals. If required, specific delivery instructions and the number of copies required will be identified.
- f. If a Solicitation indicates that an IDIQ type effort is anticipated, **Offerors must propose each of the following to be considered for an IDIQ award:**
  - 1) Basic IDIQ Proposals
    - a) Basic IDIQ proposal-Technical and Management
    - b) Basic IDIQ Statement of Work (SOW) in response to applicable Statement of Objectives (SOO)
    - c) Basic IDIQ Business Proposal (including Subcontracting Plan, if applicable, in accordance with FAR 19.7)
  - 2) Task Order (TO) Proposals (required for every TO that the Offeror wishes to propose against)
    - a) T.O. Proposal-Technical and Management

- b) T.O. SOW in response to applicable SOO
- c) T.O. Cost (TO only) and Business Proposal

**7. Technical/Management Proposal Requirements:**

**a. Page Limitations:**

- 1) The Technical/Management Proposal shall be limited to **TBD per Solicitation** pages. Technical/Management proposals and Statements of Work must be provided in Microsoft Word. Signed pages may be submitted in Adobe.
- 2) **IDIQ Efforts:** the Technical/Management Proposal shall be limited to **TBD per Solicitation** pages for the Basic IDIQ; and the Technical/Management Proposal shall be limited to **TBD for each for TO**.
- 3) Font shall be standard 10-point business font Arial.
- 4) Character spacing must be “normal,” not condensed in any manner.
- 5) Pages shall be double-spaced (must use standard double-space function in Microsoft Word), 8.5 by 11 inches, with at least one-inch margins on both sides, top and bottom.
- 6) All text, including text in tables and charts, must adhere to all font size and line spacing requirements listed herein. Font and line spacing requirements do not have to be followed for illustrations, flowcharts, drawings, diagrams, cover page, table of contents, and restrictive/proprietary markings (in header or footer). These exceptions shall not be used to circumvent formatting requirements and page count limitations by including lengthy narratives in such items.
- 7) Pages shall be numbered starting with the cover page being Page 1, and the last page being no greater than Page **TBD**. The page limitation covers all information including indices, photographs, foldouts (counted as 1 page for each 8.5 by 11 portion) tables, charts, appendices, resumes, etc.
- 8) The proposal page limit does not include the offeror’s proposed Statement of Work (SOW); however, the same formatting rules apply to the SOW, which is limited to **5** pages.

**b. Please Note: AFRL/RH or USAFSAM will check the proposal and SOW for conformance to the stated requirements. Any pages in excess of the stated page limitation after the format check will not be considered for review purposes.**

- c. The Technical/Management proposal(s) shall include a discussion of the nature and scope of the research and the technical approach. Additional information on prior work in this area, descriptions of available equipment, use of base support (if desired), data and facilities and resumes of personnel who will be participating in this effort should also be



included as attachments to the technical proposal. These attachments will not count toward page count but should not be used as a way to circumvent page count limitations. The Technical/Management proposal(s) shall include a SOW (in response to the AFRL generated SOO attached to each applicable solicitation issued under this MAA) detailing the technical tasks proposed to be accomplished under the proposed effort. **Do not include any proprietary information in the SOW.** In addition to the contractor proposed SOW, an AFRL/RH or USAFSAM generated SOW attachment containing additional contracting requirements will be included in any resulting contracts. An AFRL/RH or USAFSAM generated Statement of Objectives (SOO) will be attached to subsequent solicitations issued under this MAA.

**8. Cost/Business Proposal:**

- a. Separate the proposal into a business section and cost section. If adequate price competition (APC) is anticipated for FAR-based contracts, that will be indicated in the solicitation. If APC does not exist, and the negotiated contract is equal to or expected to exceed the threshold identified in FAR 15.403-4, submission of certified cost or pricing data will be required.
- b. The business section should contain all business information pertinent to the proposed contract, such as type of contract, any exceptions to terms and conditions of the announcement and/or solicitation (including any model contract, if provided with solicitation), any information not technically related, etc. Provide rationale for exception.
- c. **Associate Contractor Agreements (ACAs):** If applicable, ACAs are agreements between contractors working on Government contracts that require them to share information, data, technical knowledge, expertise, or resources. The contracting officer may require ACAs when contractors working on separate Government contracts must cooperate, share resources or otherwise jointly participate in working on contracts or projects. Prime contractor to subcontractor relationships do not constitute ACAs. For each award, the contracting officer will identify associate contractors with whom agreements are required.
- d. Identify any technical data that will be delivered with less than unlimited rights.
- e. **Subcontracting Plans:** For FAR-based contracts, expected to exceed the threshold identified at FAR 19.702(a)(1)(i), Subcontracting Plans shall be submitted in the cost/business proposal. Reference FAR 19.704 and DFARS 219.704 for subcontracting plan requirements. Small business concerns are exempt from this requirement. If an IDIQ contract arrangement is anticipated, the basis for the subcontracting plan should reflect the entire ceiling amount.
- f. **Limitations on Pass-Through Charges:** As prescribed in FAR 15.408(n)(1) & 15.408(n)(2), provisions 52.215-22, "Limitations on Pass Through Charges- Identification of Subcontract Effort (Oct 2009)," apply for FAR-based contracts.

- g. **Certifications and Representations (Section K):** For FAR-based contracts, a completed Section K may due with the proposal. A Section K may be attached to solicitations issued under this MAA. Offerors may also be required to submit updated or supplemental Certifications and Representations based on the specifics of their proposal.
- h. **Cost Element Breakdown:** Clear, concise, and accurate cost proposals reflect the offeror's financial plan for accomplishing the effort contained in the technical proposal. As a part of its cost proposal, the offeror shall submit the information outlined below, together with supporting breakdowns. All direct costs (labor, material, travel, computer, etc.) as well as labor and overhead rates should be provided by contractor fiscal year (CFY). Detailed cost element breakdowns by Government Fiscal Year or calendar year are not required. The supporting schedules may include summary level estimating rationale used to generate the proposed costs. The cost element breakdown should include the following if applicable.
- 1) **Direct Labor:** Direct labor should be detailed by number of labor hours by category of labor.
  - 2) **Labor and Overhead Rates:** Direct labor hours, with their applicable rates, must be broken out and the bases used clearly identified. The source of labor and overhead rates and all pricing factors should be identified. For instance, if a Forward Pricing Rate Agreement (FPRA) is in existence, that should be noted, along with the Administrative Contracting Officer's (ACO's) name and telephone number. If the rates are based on current experience in your organization, provide the historical base used and clearly identify all escalation, by year, applied to derive the proposed rates. If computer usage is determined by a rate, identify the basis used and rationale used to derive the rate.
  - 3) **Material/Equipment:** List all material/equipment items by type and kind with associated costs and advise if the costs are based on vendor quotes, data and/or engineering estimates; provide copies of vendor quotes and/or catalog pricing data.
  - 4) **Subcontractor Costs:** Submit all subcontractor proposals and analyses with your cost proposal (See FAR 15.404-3(b)). If the subcontractor will not submit cost and pricing information to the offeror, this information must be submitted directly to AFRL/RH or USAFSAM for analysis. On all subcontracts and interdivisional transfers, provide the method of selection used to determine the subcontractor and the proposed contract type of each subcontract. An explanation shall be provided if the offeror proposes a different amount than that quoted by the subcontractor. The offeror's proposal must:
    - i. Identify principal items/services to be subcontracted.
    - ii. Identify prospective subcontractors and the basis on which they were selected. If non-competitive, provide selected source justification.

- iii. Identify the type of contractual business arrangement contemplated for the subcontract and provide rationale.
  - iv. Identify the basis for the subcontract costs (e.g., firm quote or engineering estimate, etc).
  - v. Identify the cost or pricing data submitted by the subcontractor.
  - vi. Provide an analysis of the proposed subcontract in accordance with FAR 15.404-3(b). Provide an analysis concerning the reasonableness, realism and completeness of each subcontractor's proposal. If the analysis is based on comparison with prior prices, identify the basis on which the prior prices were determined to be reasonable. The analysis should include, but not be limited to, an analysis of: materials, labor, travel, other direct costs and proposed profit or fee rates.
- 5) **Special Tooling or Test Equipment:** When special tooling, and/or test equipment is proposed, attach a brief description of items and indicate if they are solely for the performance of this particular contract or project and if they are or are not already available in the offeror's existing facilities. Indicate quantities, unit prices, whether items are to be purchased or fabricated, whether items are of a severable nature and the basis of the price. These items may be included under Direct Material in the summary format.
- 6) **Consultants:** When consultants are proposed to be used in the performance of the contract, indicate the specific project or area in which such services are to be used. Identify each consultant, number of hours or days to be used and the consultant's rate per hour or day. State the basis of said rate and give your analysis of the acceptability of the consultant's rate.
- 7) **Travel:** Travel costs must be justified and related to the needs of the project. Identify the number of trips, the destination and purpose. Travel costs should be broken out by trip with number of travelers, airfare, per diem, lodging, etc.
- 8) **Computer Use:** Detail the amount and kind of computer usage, the cost, and how the costs were derived.
- 9) **Facilities Capital Cost of Money:** If Facilities Capital Cost of Money is proposed, a properly executed DD Form 1861 is required.
- 10) **Project Funding Profile:** Offerors should include a project funding profile by Government Fiscal Year (GFY) (1 Oct through 30 Sept) for budgetary purposes. This will enable AFRL/RH or USAFSAM to easily identify program funding needs by GFY.
- i. If an offeror takes exceptions to the requirements called out in the MAA or applicable Solicitation (e.g., base support, Government-furnished property (GFP), CDRLs), the exceptions should be clearly stated in the cost proposal.

- j. **Forward Pricing Rate Agreements:** Offerors who have forward pricing rate agreements (FPRA's) should submit them with their proposal.
- k. Cost/Business proposals have no page limitations.
- l. **Proposal Content Summary:** You may be ineligible for award if all requirements of the MAA and applicable solicitation are not met on the due date or closing date.

## CHAPTER 5: REVIEW AND SELECTION PROCEDURES

1. **White Paper Peer or Scientific Review Criteria:** AFRL/RH or USAFSAM will review White Papers to determine which of them have the potential to best meet AFRL/RH or USAFSAM's needs based on the following criteria, which are listed in descending order of importance, unless specifically stated otherwise in the Solicitation:
  - a. Unique and innovative approach proposed to accomplish the technical objectives. New and creative solutions and/or advances in knowledge, understanding, technology, and the state of the art.
  - b. The offeror's understanding of the scope of the technical effort.
  - c. Soundness of the offeror's technical approach.
  - d. Affordability (Proposed ROM Cost Estimate).
2. **Proposal Peer or Scientific Review Criteria:** Proposals will be reviewed against the criteria listed below. The technical aspect, which is ranked as the first order of priority, shall be reviewed based on the following criteria that are of descending order of importance, unless specifically stated otherwise in the solicitation.
  - a. Technical:
    - 1) Unique and innovative approach proposed to accomplish the technical objectives. New and creative solutions and/or advances in knowledge, understanding, technology, and the state of the art.
    - 2) The offeror's understanding of the scope of the technical effort.
    - 3) Soundness of the offeror's technical approach including whether the proposal identifies major technical risks, clearly defines feasible mitigation efforts, and demonstrates related experience and qualifications of technical personnel.

- 4) The potential to transition the research and development deliverables to future Government needs. Any proposed restriction on technical data or computer software will be considered.
- b. **Cost/Price:** The cost/price criterion includes the realism of the proposed cost. Cost/Price is a substantial factor, but ranked as the second order of priority. (If an offeror proposes the use of GFP other than any GFP identified in the Solicitation, and that proposed GFP provides the offeror an unfair competitive advantage, then FAR 45.202 requires rental equivalent be applied to the Cost Factor for evaluation purposes only).

### 3. Review and Selection Process:

- a. Based on the Peer or Scientific Review, proposals will be categorized as Selectable or Not Selectable (see definitions below). The selection of one or more sources for award will be based on the Peer or Scientific Review, as well as importance to agency programs and funding availability.

**Selectable:** Proposals are recommended for acceptance if sufficient funding is available.

**Not Selectable:** Even if sufficient funding existed, the proposal should not be funded.

**Note: AFRL/RH or USAFSAM reserves the right to award some, all, or none of proposals. When AFRL/RH or USAFSAM elects to award only a part of a proposal, the selected part may be categorized as Selectable, though the proposal as a whole may not merit such a categorization.**

- b. No other criteria will be used.
- c. Prior to award of a potentially successful offer, the Contracting Officer will make a determination regarding price reasonableness.
- d. As indicated in the MAA, AFRL/RH or USAFSAM will conduct a S&T Protection Initial Risk Review only for those proposals categorized as Selectable and selected for funding and negotiations.

## CHAPTER 6: ADDITIONAL FAR-BASED REQUIREMENTS

1. This MAA and subsequent FAR-based Solicitations incorporate FAR and supplement provisions and clauses by reference. The full text of provisions and clauses can be found at Acquisition.gov.
2. **Item Unique Identification and Valuation:** It is DoD policy that contractors shall be required to identify the Government's unit acquisition cost for all deliverable end items for which Item Unique Identification applies. Therefore, proposals must clearly break out the unit acquisition cost for any deliverable items. See DFARS 211.274-3, Policy for Valuation, for more information. (Per DoD, "fully burdened unit costs" to the Government would include all direct, indirect, G&A costs, and an appropriate portion of fee).
3. **Pre-Award Clearance:** Pursuant to FAR 22.805, a preaward clearance must be obtained from the U.S. Department Of Labor, Office Of Federal Contract Compliance Program's (OFCCP) prior to award of a contract (or subcontract) of \$10,000,000 or more unless the contractor is listed in OFCCP's National Preaward Registry <https://www.dol.gov/agencies/ofccp/pre-award>. Award may be delayed if you are not currently listed in the registry and the contracting officer must request a preaward clearance from the OFCCP.
4. **Updates of Publicly Available Information Regarding Responsibility Matters:** Any contract award that exceeds \$600,000; and when offeror checked "has" in paragraph (b) of the provision FAR 52.209-7, shall contain the clause, FAR 52.209-9, "Updates of Publicly Available Information Regarding Responsibility Matters."
5. **If Adequate Price Competition (APC) is not contemplated by Solicitation:** Offerors are required to submit the completed provision at DFARS 252.215-7009 Proposal Adequacy Checklist with their proposal if Certified Cost or Pricing Data is required.
6. **Contractor Performance Assessment Reporting System (CPARS):** May apply to FAR-based awards resulting from solicitations under this MAA. Solicitations will identify applicability. If applicable, interim and final evaluations of contractor performance for contract awards will be prepared in accordance with DAFFARS 5342.1503. The final performance evaluation will be prepared at the time of completion of work. In addition to the final evaluation, interim evaluation(s) will be prepared annually. For FAR 16.5 Awards, CPARS may be conducted per task order. Awardees will be requested to provide a POC to receive notifications of the opportunity to provide feedback. The contractor will be permitted 14 days to review the document and to submit additional information or a rebutting statement. If agreement cannot be reached between the parties, the matter will be referred to an individual one level above the Contracting Officer, whose decision will be final. Copies of the assessments, contractor responses, and review comments, if any, will be retained as part of the contract file, and may be used to support future award decisions for other procurements.

## CHAPTER 7: ADDITIONAL ASSISTANCE INSTRUMENT REQUIREMENTS

1. **Legal Requirements:** Each effort will be governed by the general terms and conditions in effect at the time of the award that conform to the Department of Defense's (DoD's) implementation of Office of Management and Budget (OMB) guidance applicable to financial assistance, as follows:
  - a. **For Universities and Non-Profit Entities:** These terms and conditions are identified in Parts 1125 through 1138 of the DoDGARS (2 CFR Parts 1126 through 1138, which comprise 2 CFR 1100 Subchapter D).
  - b. **For For-Profit Entities:** Requirements to be included in the general terms and conditions are identified in Part 34 of the DODGARS (32 CFR Part 34).
  - c. **For All Entities:** National Policy Requirements are identified in Part 1122 of the DoDGARS (2 CFR Part 1122).
  - d. For further information, please refer the DoD R&D General Terms and Conditions and the AFRL Addendum to the DoD R&D General Terms and Conditions and AFRL Award-Specific Terms and Conditions.
2. **Supplemental Instructions for Assistance Instrument Proposals**
  - i. **AF 424 (R&R) Forms:**
    - 1) **Cover Page:** All proposals for assistance, whether submitted electronically or in hard copy must include an SF 424 (R&R) (Application for Federal Assistance) form as the cover page.
    - 2) **STEM:** To evaluate compliance with Title IX of the Education Amendments of 1972 {20 U.S.C. A§ 1681 Et. Seq.}, the Department of Defense is collecting certain demographic and career information to be able to assess the success rates of women who are proposed for key roles in applications in STEM disciplines, consequently a Research & Related Senior/Key Person Profile (Expanded) Form and a Research & Related Personal Data Form must also be submitted.
      - a) Research and Related Senior/Key Person Profile (Expanded) Form: For this form, the Degree Type and Degree Year fields will be used by DoD as the source for career information. In addition to the required fields on the form, applicants must complete these two fields for all individuals that are identified as having the project role of PD/PI or Co-PD/PI. Additional senior/key persons can be added by selecting the "Next Person" button.

b) **Research and Related Personal Data Form:** This form will be used by DoD as the source of demographic information, such as gender, race, ethnicity, and disability information for the Project Director/Principal Investigator and all other persons identified as Co-Project Director(s)/Co-Principal Investigator(s). Each application must include this form with the name fields of the Project Director/Principal Investigator and any Co-Project Director(s)/Co-Principal Investigator(s) completed; however, provision of the demographic information in the form is voluntary. If completing the form for multiple individuals, each Co-Project Director/Co-Principal Investigator can be added by selecting the "Next Person" button. The demographic information, if provided, will be used for statistical purposes only and will not be made available to merit reviewers. Applicants who do not wish to provide some or all of the information should check or select the "Do not wish to provide" option.

3) **For Institutions of Higher Education Applicants:** The National Defense Authorization Act (NDAA) for FY 2019, Section 1286, pages 443-445, directs the Secretary of Defense to support protection of intellectual property, controlled information, key personnel, and information about critical technologies relevant to national security; and to limit undue influence, including through foreign talent programs, by countries to exploit United States technology within the Department of Defense research, science and technology, and innovation enterprise when an institution of higher education is the applicant for defense research and engineering activities under a grant, cooperative agreement, or in the case of a technology investment agreement as a member of a consortium.

Applicants shall submit the information below for all key personnel (defined as all individuals who contribute in a substantive, measurable, and meaningful way to the scientific development or execution of the project) on the Research & Related Senior/Key Person Profile (Expanded) form:

- A list of all current projects the individual is working on, in addition to any future support the individual has applied to receive, regardless of the source.
- Title and objectives of the other research projects.
- The percentage per year to be devoted to the other projects.
- The total amount of support the individual is receiving in connection to each of the other research projects or will receive if other proposals are awarded.
- Name and address of the agencies and/or other parties supporting the other research projects.
- Period of performance for the other research projects.

This information will be used to support protection of intellectual property, controlled information, key personnel, and information about critical technologies relevant to national security and will be used to limit undue



influence, including foreign talent programs, by countries that desire to exploit United States' technology within the DoD research, science and technology, and innovation enterprise.

Failure to submit this information may cause the proposal to be returned without further review, and DoD reserves the right to request further details from an applicant before making a final determination on funding the effort. This information does not count towards the overall proposal page limits in the MAA Section 4.4.2.

- ii. **System Award Management:** To apply for grants and other funding opportunities the applicant entity must be registered in the System for Award Management (SAM). Proposals will not be accepted through Grants.gov or other methods unless the entity is registered in SAM.
- iii. **Certifications:**
  - A) **SAM:** SAM is the central repository for common Government-wide financial assistance certifications and representations. Registration in SAM includes the acceptance of Certifications and Assurances. SAM may be accessed at: <https://SAM.gov>. The Financial Assistance Certifications Report is an attestation that the entity will abide by the requirements of the various laws and regulations; therefore, as applicable, you are still required to submit any documentation, including the SF LLL Disclosure of Lobbying Activities (if applicable), and informing DoD of unpaid delinquent tax liability or a felony conviction under any Federal law. (Note: Grant offices should include any other requirements, such as IRB certifications.) Note: Be mindful the solicitation may include other requirements.
  - B) **Note to Agreements/Grants Officer:** In the rare event that additional certification(s) or representation(s) are required (beyond those identified in SAM) due to law or regulations, specific DoD program needs, or as necessary to conduct business, you may add them as warranted by adding them as an attachment to the funding opportunity. For example, this will likely be necessary for Title III programs. If doing so, add the following statement here, or preface the Certification(s) or Representation(s) Attachment with the following statement: “This program contains unique certifications and representations not identified in the SAM repository and are included as an attachment to this funding opportunity. By checking “I Agree” on the SF 424 Block 21 or the SF 424 (R&R) block 17 you agree to abide by the following statement: By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements

or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001).

iv. **Grants.gov Submission:**

- 1) **Electronic Delivery:** DoD is participating in the Grants.gov initiative to provide the grant community with a single site to find and apply for grant funding opportunities. In addition to submitting in accordance with instructions provided in an individual solicitation, offeror's submitting an assistance instrument proposal may choose to also submit electronically through Grants.gov.
- 2) **Applications in Grants.gov:** If you are submitting an assistance instrument proposal, you may do so electronically through Grants.gov, in addition to submitting in accordance with BAA Section IV Paragraph 2.a.iv., but you are not required to submit via Grants.gov. (The CO may request an email from the offeror be submitted notifying the Contracting POC when a proposal is submitted electronically via Grants.gov.) If submitting through Grants.gov, detailed application submission and receipt instructions are contained on the Grants.gov website at <https://grants.gov>. The following includes a summary of those instructions but it is very important to view the complete instructions at <https://grants.gov>.

**1. How to Register to Apply through Grants.gov**

- A) Summary: Applicants should read the registration instructions carefully and prepare the information requested before beginning the registration process. Reviewing and assembling the required information before beginning the registration process will alleviate last-minute searches for required information. Organizations must have an active SAM registration, and Grants.gov account to apply for grants and other funding opportunities. Creating a Grants.gov account can be completed online in minutes, but SAM registrations may take additional time. Therefore, an organization's registration should be done in sufficient time to ensure it does not impact the entity's ability to meet required application submission deadlines. Note: Go to the "Search Grants" tab on the grants.gov website to find the assistance opportunity
- B) Instructions: Applicants can find complete instructions at: <https://grants.gov>. Under the "Applicants" drop down menu the following information can be found: How to Apply for Grants; Track My Application; Applicant Resources; Workspace Overview; Applicant Eligibility; Applicant Registration; Applicant Training; Applicant FAQs; etc. The following are some highlights from the information that can be found on the website.

3) Organizations Must Register with SAM.gov and Grants.gov:

- A) SAM.gov: SAM.gov is a government-wide registry for organizations doing business with the Federal government. SAM.gov centralizes information about grant recipients and provides a central location for grant recipients to change organizational information. Grants.gov uses SAM.gov to establish organizational authority for its users and to provide Unique Entity Identification (UEI) numbers. Applicants must register with SAM.gov to obtain a UEI. This is assigned to all entities to do business with the Federal Government. Organizations will also need to designate an E-Business Point of Contact (EBiz POC). SAM registration must be renewed annually.
- B) Grants.gov: After obtaining the UEI for the organization from SAM.gov, applicants must return to Grants.gov to continue registration. Your organization's EBiz POC must:
- i. Create a Grants.gov account with the same email address as used in SAM.gov for the EBiz POC, and
  - ii. Add a profile with Grants.gov using the UEI obtained from SAM.gov.
- 2) Workspace Overview/Submitting an Application via Grants.gov: Workspace is the standard way for organizations to apply for federal grants in Grants.gov. Workspace allows a grant team to simultaneously access and edit different forms within an application. Plus, the forms can be filled out online or offline. For instructions on how to apply for opportunities, refer to the Grant.gov website mentioned above. There are various training videos available to assist you.
- A) Submit an Application via Workspace: An application may be submitted through workspace by clicking the Sign and Submit button on the Manage Workspace page. Grants.gov recommends submitting your application package at least 24-48 hours prior to the close date to provide you with time to correct any potential technical issues that may disrupt the application submission.
- B) Track an Application via Workspace: After successfully submitting a workspace package, a Grants.gov Tracking Number (GRANTXXXXXXXX) is automatically assigned to the package. The number will be listed on the Confirmation page that is generated after submission. Using the tracking number, access the Track My Application page under the Applicants tab or the Details tab in the submitted workspace.

- 3) Training Resources: For additional training resources, including video tutorials, refer to the Applicants Training tab under the Applicants Drop Down menu on the Grant.gov site.
- 4) Applicant Support: Grants.gov provides applicants 24/7 support via the toll-free number 1-800-518-4726 and email at [support@grants.gov](mailto:support@grants.gov). For questions related to the specific grant opportunity, contact the number listed in the application package of the grant you are applying for. If you are experiencing difficulties with your submission, it is best to call the Grants.gov Support Center and get a ticket number. The Support Center ticket number will assist the DoD with tracking your issue and understanding background information on the issue.

## CHAPTER 8: ADDITIONAL REQUIREMENTS FOR OTHER TRANSACTIONS (OTs) UNDER 10 USC §4021, §4022, and §4023

1. Solicitations that contemplate the use of the authorities described in this Chapter will, at a minimum, generally describe AFRL/RH or USAFSAM's problem, provide instructions (and, if applicable, the criteria for determining success), and any known terms of the award. In order to leverage industry innovation, AFRL/RH or USAFSAM generally will not prescribe an approach or include technical requirements that are premised upon a particular approach.
2. **Negotiation:** Depending on where the project falls on the research, prototype, and production spectrum, the ability to establish firm cost, schedule, and performance requirements will vary from best effort to clearly identifiable and enforceable fixed requirements. In negotiating terms, AFRL/RH or USAFSAM may consider the following:
  - a. **Price Reasonableness:** Price reasonableness is a key consideration prior to award. The AFRL/RH or USAFSAM team may obtain and consider, among other data, commercial pricing data, market data, parametric data, or cost information. Alternative Authorities can be leveraged as a mechanism to do business with organizations that might otherwise not do business with AFRL/RH or USAFSAM, specifically Non-Traditional Defense Contracts (NDCs). NDCs generally do not capture cost data, and providing cost data to the Government is frequently cited as a deterrent to contracting with the Government, the Agreements Officer (AO) should exhaust other means to establish price reasonableness before resorting to requesting cost information from any offeror submitting a proposal under an Alternate Authority.
  - b. **Intellectual Property (IP) Considerations:** IP is an important part of planning and implementing OTs and AFRL/RH or USAFSAM has greater flexibility to negotiate IP terms for OTs than in FAR contracts.
  - c. **Physical Property Considerations:** AFRL/RH or USAFSAM is not required to, and generally should not, take title to physical property acquired or produced by a private party signatory to an OT, except property the OT identifies as a deliverable. If AFRL/RH or USAFSAM takes title to property or furnishes Government property, then the property is subject to the Federal Property and Administrative Services Act, and at a minimum, the OT terms should include the following:
    - 1) A list of property to which the AFRL/RH or USAFSAM will obtain title and when title will transfer to the AFRL/RH or USAFSAM;
    - 2) Whether the performer or the AFRL/RH or USAFSAM is responsible for maintenance, repair, or replacement;
    - 3) Whether the performer or the AFRL/RH or USAFSAM is liable for loss, theft, destruction of, or damage to the property; or

- 4) Whether the performer or AFRL/RH or USAFSAM is liable for loss or damage resulting from use of the property.
  - 5) The procedures for accounting for, controlling, and disposing of the property. Generally, when the performer is an NDC, the company's commercial property control system should be used to account for Government property;
  - 6) What guarantees (if any) AFRL/RH or USAFSAM makes regarding the property's suitability for its intended use, the condition in which the property should be returned, and any limitations on how or the time the property may be used;
  - 7) A list of Government-owned property that will be provided during the performance of the OT in accordance with the Federal Property and Administrative Services Act. The Government Furnished Property (GFP) attachment within the Procurement Integrated Enterprise Environment (PIEE) GFP Module (<https://piee.eb.mil/piee-landing/>) is a tool to ensure accountability of GFP and to enable reuse of data by AFRL/RH or USAFSAM and the performer. The GFP Module should also be used to conduct performer reporting of receipt, shipment, transfer, and loss of GFP on OTs; and
  - 8) When the performer has title to property that will be factored into the resource share amount, the performer and AFRL/RH or USAFSAM should agree on the method for determining the value of the property.
- d. **Disclosure and Security:** Certain types of information submitted during solicitation and award of an OT are exempt from disclosure requirements of 5 U.S.C. §552, the Freedom of Information Act (FOIA), for a period of five years from the date AFRL/RH or USAFSAM receives the information. Specifically, 10 U.S.C. §4021(i), as amended, provides that disclosure of this type of information is not required, and may not be compelled, under FOIA during that period if a party submits the information in a competitive or noncompetitive process having the potential for an award of an OT. Such information includes the following:
- 1) A proposal, proposal abstract, and supporting documents;
  - 2) A business plan submitted on a business proprietary basis; and
  - 3) Technical information submitted on a controlled basis as outlined in DoDI 5230.24, Distribution Statements on Technical Documents.
- e. **Accounting Systems:** When structuring the OT agreement for an expenditure-based or resource-shared type project, AFRL/RH or USAFSAM will consider the capability of the performer's accounting system. Generally, AFRL/RH or USAFSAM will not enter into an OT that provides for payment based on amounts generated from the performer's financial or cost records if the performer does not have an accounting system capable of

complying with Generally Accepted Accounting Principles (GAAP); the performer's accounting system should have effective controls over all project funds, including Federal funds and any required resource share. The system should have complete, accurate, and current records that document the sources of funds and the purposes for which they are disbursed. It should also have procedures for ensuring that project funds are used only for purposes permitted by the OT terms. When the performer is currently performing under other expenditure-based Federal procurement contracts or assistance awards, AFRL/RH or USAFSAM will consider language that requires the performer to be subject to the same standards for financial management/accounting systems that apply to those other awards. DCAA and DCMA are available to provide information on the status of a prospective awardee's accounting system.

- f. **Entity Registration:** Prior to being awarded an OT, an awardee must be fully registered in SAM. Additionally, under a consortium OT award, each member serving as the primary performer on an award must obtain a Unique Entity Identifier (UEI) from SAM and provide it to AFRL/RH or USAFSAM for reporting for any orders underneath the OT. The registrant should choose the registration reason "I want to be able to bid on federal contracts or other procurement opportunities. I also want to be able to apply for grants, loans, and other financial assistance programs." This covers all procurement and other transactions contemplated under this MAA. This registration is necessary to ensure compliance with, at a minimum, with the Debt Collection Improvement Act of 1996, the Federal Funding Accountability and Traceability Act of 2008, and the Digital Accountability and Transparency Act of 2014; as well as enables efficient processing of performer invoices and payments. Registration will result in the assignment of a Commercial and Government Entity (CAGE) code that is required for identification of the performer in many DoD systems.

3. **10 U.S.C. 4021 – Research projects: Transactions other than contracts & grants (Other Transaction for Research (OTR)):** Authorized for basic, applied, and advanced research projects. These OTs are intended to spur dual-use research and development (R&D), taking advantage of economies of scale without burdening companies with Government regulatory overhead, which would make them non-competitive in the commercial (non-defense) sector. Traditional defense contractors are also encouraged to engage in Research OTs, particularly if they seek to adopt commercial practices or standards, diversify into the commercial sector, or partner with NDCs. The Office of the Under Secretary of Defense for Research and Engineering (OUSD(R&E)) is responsible for promulgation of policy and guidance for Research OTs. OUSD(R&E) issued a Guide to Research Other Transactions under 10 U.S.C. 4021 which includes advice and best practices on planning, publicizing, soliciting, evaluating, negotiating, awarding and administering Research OTs. Guidance below is derived from that Guide:

- a. To be eligible to receive an OTR, an offeror's proposal must satisfy the following requirements:
  - 1) The focus of the project is basic, applied, or advanced research.

- 2) To the maximum extent practicable, the research contemplated in the instant project does not duplicate research being done under other DoD programs.
  - 3) To the maximum extent practicable, the funds from the Government do not exceed the total amount provided by the other parties. This resource-sharing requirement is intended to highlight the dual use focus of this authority and show commitment on the part of the performing team to pursue and/or commercialize the technology in the future. While the default position in the statute is generally a 50-50 resource share, the final amount of the share should be based on full consideration of factors such as the performing partner's resources, prior investment in the technology, commercial versus military relevance, unusual performance risk, and precompetitive nature of the project.
4. **10 U.S.C. 4022 – Authority of the Department of Defense to carry out certain prototype projects (Other Transaction for Prototype (OTP)):** Authorized to acquire prototype capabilities and allow for those prototypes to transition into Production OTs. Both dual-use and defense-specific projects are encouraged under section 4022. Per statute, successful Prototype OTs offer a streamlined method for transitioning into follow-on production without further competition. The Office of the Under Secretary of Defense for Acquisition and Sustainment (OUSD(A&S)) is responsible for promulgation of policy and guidance for Prototype and Production OTs. OUSD(A&S) issued a Guide to Other Transactions which focuses on lessons learned on the planning, publicizing, soliciting, evaluating, negotiation, award, and administration of prototype and production OTs. Guidance below is derived from that Guide:
- a. To be eligible to receive an OTP, an offeror's proposal must satisfy the following requirements:
    - 1) The project includes a prototype per the statute and the transaction will "carry out prototype projects "that are directly relevant" to enhancing the mission effectiveness of personnel of the Department of Defense or improving platforms, systems, components, or materials proposed to be acquired or developed by the Department of Defense, or to improvement of platforms, systems, components, or materials in use by the armed forces..."
    - 2) Per the DoD OT Guide referenced above, the definition of a "prototype project" in the context of an OT is as follows:
      - i. A prototype project addresses a proof of concept, model, (B) Reverse engineering to address obsolescence, (C) A pilot or novel application of commercial technologies for defense purposes, (D) agile development activity, (E) the creation, design, development, demonstration of technical or operational utility, or (F) combinations of the foregoing. A process, including a business process, may be the subject of a prototype project.



Although assistance terms are generally not appropriate in OT agreements, ancillary work efforts that are necessary for completion of the prototype project, such as test site training or limited logistics support, may be included in prototype projects. A prototype may be physical, virtual, or conceptual in nature. A prototype project may be fully funded by DoD, jointly funded by multiple federal agencies, cost-shared, funded in whole or part by third parties, or involve a mutual commitment of resources other than an exchange of funds.

3) The Prototype OT satisfies at least one of the following conditions:

- i. There is at least one NDC or non-profit research institution participating to a significant extent in the prototype project.
- ii. All significant participants in the transaction other than the Federal Government are small businesses, including those participating in the Small Business Innovation Research (SBIR) or Small Business Technology Transfer programs, or NDCs.
- iii. At least one-third of the total cost of the prototype project is to be paid out of funds provided by parties other than the Federal Government.
- iv. The SPE for the agency determines in writing that exceptional circumstances justify the use of a transaction that provides for innovative business arrangements or structures that would not be feasible or appropriate under a contract or would provide an opportunity to expand the defense supply base in a manner that would not be practical or feasible under a contract.

4) OTs awarded under the authority of 10 U.S.C. 4022 are considered Federal agency procurements and are subject to the ethics requirements of the Procurement Integrity Act in Chapter 21 of Title 41, U.S.C. (PIA).

5. **10 U.S.C. 4023 – Procurement for Experimental Purposes:** Authorized to acquire quantities necessary for experimentation, technical evaluation, assessment of operational utility, or to maintain a residual operational capability. This authority can result in a FAR-based contract, or an other transaction (prototype or research), or an other transaction-like agreement. This authority currently allows for acquisitions in the following nine areas:

Ordnance	Signal	Chemical Activity
Transportation	Energy	Medical
Space-Flight	Aeronautical Supplies	Telecommunications

- a. Proposals submitted under solicitations issued using the authority of 10 USC 4023 should specifically identify the following:
  - 1) Identify the selected instrument authority
  - 2) A description of the item(s) to be purchased and dollar amount of purchase;
  - 3) A description of the method of test/experimentation;
  - 4) The quantity to be tested;
  - 5) A description tying the proposed test/experimentation approach to the applicable allowable area identified in above.