

A12PS00455 Amendment 0002  
Solicitation Questions and Answers

The purpose of this amendment is to publish questions and answers for this solicitation. This amendment is simultaneously posted on Federal Business Opportunities at <https://www.fbo.gov/>

Q.1. Why was the prior solicitation (A12PS00134) supplanted by the referenced RFQ?

A.1. The government chose to redefine its requirement.

Q.2. Why is the duration of training at each site decreased from 3 days (*Day 01: Travel to tribal site; Day 02: On-site final coordination and logistical set-up with the tribe at the tribal locations; Day 03: Conduct a one-day, 8-9 hour training session. Day agenda must be submitted to IEED prior to training; Day 04: Travel return*) to 1 day

A.2 The government's requirement is for one day of training. As long as the one day training complies with the SOW, the government is not concerned with how the contractor schedules the task.

3. Under **Personal Qualifications** (unnumbered page 4), the RFQ states that the "minimum qualifications for personnel are: A. Trainer(s) must possess a jurist doctorate degree from an accredited university." Does this requirement preclude the Quoter from utilizing staff other than a Trainer in the preparation of training materials, travel planning, and other support services?

A.3 No.

4. Under "Price Factor" "Contract Line Item Deliverables" (unnumbered page 6), the RFQ states that, "other direct costs-Travel... NTE \$9000." Later in the RFQ, under "**Deliverables... Training Materials:** (unnumbered pages 9-10)" the RFQ states: "develop a binder of approved training materials to accommodate 140 attendees over 7 sessions on or before the date of each session."

A12PS00455 Amendment 0002  
Solicitation Questions and Answers

Similarly, Under "**Other Direct Costs and Travel,**" (unnumbered pages 31-32) "1) Other Direct Costs -- Other Direct Costs (ODC's) are items which are allowable and allocable direct costs to the purchase order for which BIA may reimburse the contractor. Such items shall be charged in accordance with the contractor's established and accepted accounting practices except as stated below. The COR may provide approval for materials and supplies up to \$0.00 (for a single item or related group of items). For costs beyond \$0.00, the BIA Contracting Officer's approval is required. For ODCs requiring the Contracting Officer's approval, contractor shall submit ODC requests via one e-mail to the Contracting Officer, Contract Specialist, and CORs as applicable. This consent is only indicated to be a determination of technical reasonableness and is not a pre-determination as to the allowability of these costs. Equipment is considered to be "facilities" for the purpose of part 45 of the Federal acquisition regulation and, with certain exceptions, may not be reimbursed as a direct charge to the contract."

How does the government wish the contractor to bill for the 140 binders containing the training materials to be developed?

A.4 Training materials are a direct cost of this purchase order and are included in Contract Line Item 0001. The fixed price line item should cover the quoted price of the contractor. The contractor is not authorized materials as an other direct cost.

5. Under "**INDIAN PREFERENCE-DEPARTMENT OF INTERIOR (APR 1984)**" (unnumbered page 28), the contractor is required to comply with this clause. Is this solicitation (A12PS00455) a "Buy Indian" procurement? If not, why not?

A.5 It is an incorrect interpretation to assume the clause provides the quoter any preference in evaluation of quotes at the time of award. This clause starts after any purchase order is awarded and is part of post award contract administration.

Amendment 0001 to this solicitation states: "The purpose of this amendment is to restrict the requirement to Indian firms as defined under the Buy Indian Act in 25 USC 47.

A12PS00455 Amendment 0002  
Solicitation Questions and Answers

Q.6. The RFQ states that the training session shall be "one day" long. Does this mean a full 8 hour training day including the session, breaks and lunch? Please clarify if there is a minimum amount of actual instruction time not including any breaks. Are the beginning and ending times for the training day specified? [NOTE: If the day is a total of 8-9 hours instruction, it will have an impact on how the curriculum is written to maximize the amount of information delivered and retained in such a short period of time. Since this is a complex area, the long, continuous training in a single day may be too long for participants.]

A.6 The time allocation reflects the government's view on the level of detail needed in the training. A normal training day (8-9 hrs.) is anticipated with a one hour lunch break and two 15 minute breaks during the day.

Q.7. The former RFP [sic] stated that the trainer was required to consult and meet with the tribal representatives the day before the start of training. Does this RFQ have the same requirement for the trainer to meet with the tribal reps before the training, either in-person or via telephone. If not, is the trainer allowed to meet with the tribal reps and is there any time that may be allocated to do so?

A.7 The requirement is for training for one day. Should an award be made, the successful contractor may contact the tribal members however all such activities shall go through the contracting officer's representative and no parties are authorized to change the terms and conditions of any purchase order which may be awarded.

Q.8. Our firm has developed federal charters for Tribal clients as work/tasks assigned pursuant to general legal services contracts. Our firm did not have a contract with the DOI to develop the charters on behalf of the Tribes. The contracts between the firm and its tribal clients were not specific to federal charter development, but general legal services that included charter development and some of the representation is still on-going. Further, the firm's negotiated rates with its clients is proprietary information and attorney-client privileged information between the firm and its Tribal clients. Thus, what information would suffice to respond to questions in the solicitation on contracts from the DOI to develop federal charters and for direct representation of our tribal clients?

A12PS00455 Amendment 0002  
Solicitation Questions and Answers

A.8 The government is unclear what the question is asking. However the government is not able to provide guidance on what constitutes sufficiency of the contents in the quote. The Federal Acquisition Regulation section 3.104 identifies the particulars of Procurement Integrity, which DOI BIA rigorously adheres to.