



**Homeland  
Security**

Office of the Chief Procurement Officer  
Office of Procurement Operations  
**U.S. Department of Homeland Security**  
Washington, DC 20528

# **FirstSource Ordering Guide**

**September 2010  
Version 2**

Prepared by the Office of Procurement Operations (OPO)  
Acquisition Program Management Branch (APMB)

## Foreword

The Information Technology Acquisition Center (ITAC), within the Office of Procurement Operations (OPO) of the Department of Homeland Security (DHS) Chief Procurement Officer, has established Department-wide contracts for information technology (IT) commodity products and services under the program names FirstSource and EAGLE (Enterprise Acquisition Gateway for Leading Edge Solutions), respectively. The procurements have been conducted by the ITAC in cooperation with the DHS Chief Information Officer and the Component IT and procurement communities.

The FirstSource contracts were awarded under the Federal Acquisition Streamlining Act of 1994 (FASA) and the Clinger-Cohen Act, which require that the prime contractors be provided a fair opportunity to be considered for delivery/task order awards. The contracts are structured as indefinite delivery/indefinite quantity contracts, using delivery orders (DOs) for the acquisition of specified supplies. The FirstSource contracts are available to DHS and all Components, and any other federal agency whose work is deemed mission-related to DHS programs or projects.

This FirstSource ordering guide contains all the information required to use the contracts to obtain IT commodities DHS-wide. The guidelines for using the EAGLE contracts are in a separate guide. Questions regarding these guidelines and procedures for placing orders against the contracts should be directed to the Acquisition Program Management Branch (APMB). The APMB is responsible for reviewing these guidelines, as needed, to improve and streamline the process of awarding and managing orders under the FirstSource contracts.

FirstSource contract questions should be addressed to:

Department of Homeland Security  
Office of Procurement Operations  
Information Technology Acquisition Center  
7<sup>th</sup> and D Streets, SW  
Washington, DC 20528  
e-mail: [dhsfirstsource@hq.dhs.gov](mailto:dhsfirstsource@hq.dhs.gov)

FirstSource program questions should be addressed to:

Department of Homeland Security  
Office of Procurement Operations  
Acquisition Program Management Branch  
7<sup>th</sup> and D Streets, SW  
Washington, DC 20528  
e-mail: [DHSESO.firstsourceadmin@hq.dhs.gov](mailto:DHSESO.firstsourceadmin@hq.dhs.gov)

Information regarding the FirstSource contracts can be found at: <http://www.dhs.gov>.

# Table of Contents

**Foreword..... i**

**1. General Information .....1**

    1.1 Background..... 1

    1.2 Purpose..... 1

    1.3 Scope..... 1

    1.4 Prime Contractors..... 2

    1.5 Acquisition Program Management Branch (APMB) Best Practices..... 3

    1.6 FAR and FASA Relationship to FirstSource Contracts..... 3

    1.7 Authorized Users..... 4

**2. Roles and Responsibilities.....4**

    2.1 Acquisition Program Management Branch..... 4

    2.2 Requiring Activity..... 4

    2.3 Contracting Officer – FirstSource Contract ..... 5

    2.4 Contracting Officer – Delivery Order Level ..... 5

    2.5 Contracting Officer's Technical Representative – Delivery Order Level..... 7

    2.6 Delivery/Task Order Contract Ombudsman ..... 7

**3. FirstSource Ordering Procedures.....8**

    3.1 Scope of FirstSource Delivery Orders..... 8

    3.2 Purchase Request Preparation ..... 8

        3.2.1 Independent Government Cost Estimate..... 8

        3.2.2 Acquisition Plans ..... 8

        3.2.3 Acquisitions \$2.5M and Above ..... 9

        3.2.4 Delivery Order Request Package ..... 9

        3.2.5 Acquisition Program Management Branch Assistance..... 10

    3.3 Fair Opportunity..... 10

        3.3.1 Fair Opportunity Exceptions..... 10

    3.4 Delivery Order Process..... 11

        3.4.1 Catalog-Based Competition ..... 13

        3.4.2 Solicitation Process ..... 14

        3.4.3 Purchase Card Use ..... 20

    3.5 Delivery Order Issuance ..... 20

    3.6 Post-Award Notice and Debriefings ..... 21

    3.7 Delivery Order Protests ..... 21

    3.8 Contractor Performance Evaluation ..... 21

    3.9 Subcontracting to EAGLE Vendors..... 22

    3.10 Alternative Contract Vehicles ..... 22

**Appendix A. FirstSource Glossary of Terms ..... A-1**

**Appendix B. Delivery Order Request Checklist .....B-1**

**Appendix C. FirstSource Award Recommendation Document..... C-1**

**Appendix D. Streamlined Acquisition Plan Sample Format ..... D-1**

**Appendix E. Sample E-Mail Delivery Order Request for Proposal .....E-1**  
**Appendix F. FirstSource Proposal Evaluation Plan .....F-1**  
**Appendix G. DHS Section 508 Compliance Determination Form ..... G-1**  
**Appendix H. Sample Letter/Debriefing To Unsuccessful Offeror ..... H-1**

# 1. General Information

## 1.1 Background

The FirstSource initiative is a multiple-award, indefinite delivery/indefinite quantity (ID/IQ) contract vehicle, specifically designed as the preferred source to acquire information technology (IT) commodity products that are required to meet the vast majority of the Department of Homeland Security's (DHS') enterprise infrastructure needs (See Appendix A. Glossary of Terms). FirstSource is a complementary program to the Enterprise Acquisition Gateway for Leading Edge Solutions (EAGLE) IT services contracts. The FirstSource acquisition was conducted as a 100% small, small woman-owned, small disadvantaged, Service-Disabled Veteran-Owned Small Businesses, and HUBZones set aside. Working in partnership with the prime contractors, the Acquisition Program Management Branch (APMB) manages the FirstSource program, in close coordination with the ITAC Contracting Officers (COs) within the DHS Office of Procurement Operations (OPO).

DHS requiring activities are encouraged to use FirstSource and EAGLE contracts not only because they are "mandatory for consideration," but also because they offer:

- A total array of IT commodity products and services,
- Commercial-type pricing,
- Ongoing competition between qualified contractors,
- Ease of use, and
- Total reporting capabilities.

FirstSource contracts will be centrally managed and administered by the ITAC with decentralized ordering by the Component organizations. Orders may be placed by any CO in the Component organizations. FirstSource and EAGLE contracts encompass all IT requirements, including hardware, software, peripherals, networking, and infrastructure support services. Because both initiatives are multiple-award vehicles, they provide Components with a flexible means of meeting IT needs quickly, efficiently, and cost effectively. As such, using these contracts could serve to reduce the overhead associated with multiple acquisitions. In addition, aggregation of demand provides the Government with buying leverage and encourages vendors to offer the best possible prices resulting from economies of scale. This factor is especially effective for maintaining better pricing and quality.

## 1.2 Purpose

This document provides procedures for ordering IT commodities under FirstSource, and defines the roles and responsibilities of the major parties involved in the ordering process.

## 1.3 Scope

The scope of the FirstSource contracts encompasses a wide array of IT commodity products (hardware and software) and associated services.

FirstSource provides DHS with access to contractors' commercial catalogs, which offer a full array of IT commodity products available in the commercial marketplace from multiple original

equipment manufacturers, producers, and suppliers. The FirstSource contracts also offer associated IT services. These contracts include, but are not limited to:

- Configuration consulting and design,
- Systems integration,
- Installation of multi-vendor equipment,
- Customization of hardware and software,
- Training,
- Product technical support,
- Product maintenance, and
- End-user support.

## 1.4 Prime Contractors

The following 11 prime contractors were awarded FirstSource contracts and are available to provide IT commodity solutions to DHS:

FIRSTSOURCE CONTRACTORS	CONTRACT NUMBER	DUNS NUMBER
ALL POINTS LOGISTICS, INC.	HSHQDC-07-D-00020	968451591
COMPUTER WORLD SERVICES, CORP.	HSHQDC-07-D-00021	621796044
WILDFLOWER INTERNATIONAL, LTD.	HSHQDC-07-D-00022	619719693
EG SOLUTIONS, LLC	HSHQDC-07-D-00023	136483802
GOVERNMENT ACQUISITIONS, INC.	HSHQDC-07-D-00024	603814054
GOVPLACE	HSHQDC-07-D-00025	957050883
iGov	HSHQDC-07-D-00026	942408766
MULTIMAX ARRAY FIRSTSOURCE, JV	HSHQDC-07-D-00027	614767403
NCS TECHNOLOGIES, INC.	HSHQDC-07-D-00028	961003720
NET DIRECT SYSTEMS, LLC	HSHQDC-07-D-00029	054007823
ST NET-APPTIS FIRSTSOURCE, JV	HSHQDC-07-D-00030	615381907

## 1.5 Acquisition Program Management Branch (APMB) Best Practices

The ordering guidelines contained herein are in compliance with the best practices guidance of the Office of Federal Procurement Policy, the Office of Management and Budget, and Homeland Security Acquisition Manual (HSAM) policy. Specifically, in promoting the FirstSource program, the APMB focuses on the following elements:

- Establishing simplified ordering procedures and award documentation.

- Managing a reasonable number of FirstSource awards with highly skilled, responsible prime contractors who possess a wide variety of expertise.
- Promoting performance-based work statements.
- Improving the efficiency of the ordering process by implementing automated tools to support FirstSource. PRISM, coupled with the FedConnect module encompasses requisitioning, soliciting, ordering, contract/order/solicitation management, award and closeout. FedBid is a reverse auctioning tool/marketplace where buyers can procure commodity-type commercial items such as the IT products available through FirstSource.
- Ensuring the availability of APMB acquisition, technical, program, and contracting personnel to provide advice and guidance, at no cost to the Component-level ordering office.
- Scheduling quarterly and ad hoc meetings between the APMB, the FirstSource prime contractors, and the appropriate DHS Components to discuss administrative matters, future requirements, and needed improvements in the ordering process.
- Ensuring that FirstSource continues to provide value to DHS customers, through post-award monitoring of contractor performance via Contractor Performance Assessment Reporting System (CPARS) and pricing.
- Providing the necessary information and guidelines to ensure Section 508 compliance for acquired electronic and IT items via identifying applicable exceptions to Section 508, or applicable technical standards and functional performance requirements, and selecting the item(s) which “best meet” the applicable technical standards and functional performance criteria. See Section 3.4.2.5 of this document for more information on Section 508.

## 1.6 FAR and FASA Relationship to FirstSource Contracts

FASA has established a "general" preference for the use of multiple awards, and in doing so:

- Authorizes exemption from the public notice requirement when placing orders;
- Limits protests in connection with the issuance of orders except on the grounds that the order increases the scope, period, or maximum value of the contract or an order valued in excess of \$10 million; and
- Mandates that multiple awardees have a fair opportunity to be considered for orders in excess of \$3,000.

Pursuant to Federal Acquisition Regulation (FAR) requirements, FirstSource requires that each prime contractor be afforded a “fair opportunity to be considered” for each delivery order. Unless one of the exceptions cited at FAR 16.505 applies, for the individual delivery order, the CO will announce each requirement to all FirstSource prime contractors.

The appropriate FAR clauses have been incorporated in the FirstSource contracts; see Chapter C of the contract, entitled Contract Terms and Conditions.

## 1.7 Authorized Users

DHS FirstSource contracts are intended for use by DHS. The contracts are not Government-Wide Acquisition Contracts and cannot be used by other Federal agencies. DHS Components’ Heads of Contracting Activity (HCAs) that use another federal agency to provide contracting

support services may delegate procurement authority to allow the use of the FirstSource contracts on the Component's behalf when a formal delegation of procurement authority memorandum is executed bilaterally by the requesting and servicing agencies. It is the Component's responsibility to ensure that the delegation precludes non-DHS orders placed on the contracts and that awarded orders are included in the monthly contractor activity reports.

## 2. Roles and Responsibilities

The following describes the roles and responsibilities of the primary ITAC and APMB points of contact (POC) on matters regarding FirstSource contract management and administration, as well as other administrative information.

### 2.1 Acquisition Program Management Branch (APMB)

The APMB is chartered to provide acquisition program/project management leadership, guidance, and support to the Chief Procurement Officer, CIO and the Components, and internal/external offices. In addition, the APMB provides performance management, quality assurance, and compliance expertise.

The APMB was established with the following responsibilities:

- Ensuring that customers are aware of their responsibilities and the scope of the FirstSource contracts,
- Addressing and satisfying the needs of all participants in the process,
- Maintaining a level of program integrity that prevents contractual or programmatic problems, and
- Soliciting feedback and providing continuous process improvement.

The APMB is available to work directly with customers and FirstSource prime contractors throughout the acquisition process, to provide assistance, support, and overall program management and oversight. The APMB is responsible for administering the governance policies that relate to use of FirstSource contracts.

As such, the APMB is guided by directives from other organizations (e.g., Acquisition Management Directive 102-01, Investment Review Process), and develops, employs, and promulgates procedures and templates that support these directives.

### 2.2 Requiring Activity

FirstSource contracts are available for use at DHS Headquarters and by all DHS Components. In addition, other agencies may place orders against FirstSource for requirements in direct support of the mission of DHS, with the written approval/authorization of the Head of the Contracting Activity (HCA) for the DHS organization being supported.

The requiring activity is responsible for preparing the purchase request, along with all ancillary information, including the following:

- Complete description of the requirement;
- Independent government cost estimate (IGCE);
- Name, title, address, phone number, e-mail, and fax of requisitioner;
- Fair opportunity exception, if applicable (See Appendix B, Attachment 1); and
- Other pertinent statutory/regulatory requirements, including applicable Section 508 requirements or exceptions. See Section 3.4.2.5 of this document for more information on Section 508.

Note that if it is contemplated that the competition will be based on criteria other than low price, proposal instructions (including proposal due dates), evaluation criteria and a source selection plan (best-value trade-off or lowest price technically acceptable) may also be required.

The information and guidelines provided herein do not supersede or negate those established business practices necessary to obtain approvals required for normal acquisition within the requiring activity.

## 2.3 OPO Contracting Officer – FirstSource Contract

The ITAC CO has the overall responsibility for FirstSource contract management and administration. The ITAC CO is the only individual authorized to take actions on behalf of the Government to amend, modify, or deviate from the contract terms, conditions, requirements, specifications, details, and/or delivery schedules. The ITAC CO may delegate certain specific responsibilities to their authorized representative who is the Contracting Officer's Technical Representative (COTR). The ITAC CO may also designate an alternate COTR for this contract.

The CO identifies the COTR for this contract through a written designation. A copy of the letter of designation, with specific duties and responsibilities, is provided to the contractor.

The ITAC CO is responsible for overall management and administration and the final closeout of the contract, and when necessary, shall:

- Provide scope oversight;
- Serve as liaison between the FirstSource contractors and DHS;
- Ensure compliance with contract requirements;
- Issue the CO's final decision and handle all contract-level contractual disputes under the Contract Disputes Act, and
- Issue all modifications against the contract.

The ITAC CO contact information can be found in Section G.2.2 of the contract.

## 2.4 Contracting Officer – Delivery Order Level

IT commodity products and associated services offered under the FirstSource contracts are ordered via delivery orders issued by the Delivery Order Contracting Officers (DO COs) within the DHS Headquarters or Component's organization, who must follow the ordering procedures set

forth below and in FAR 52.216-18 (Section I of the FirstSource contract). All warranted COs of the DHS, including its Components, are authorized DO COs and are subject to the limitations expressed in their warrants. All DHS operating Components are authorized to purchase IT commodity products (hardware and software) from this contract in order to fulfill DHS requirements. DHS reserves the right to place orders under this contract for the benefit of other federal agencies, as a servicing agency under an interagency agreement, or for other agencies and institutions as permitted by law. The ITAC is available to conduct acquisitions on behalf of Components, in particular for those without their own procurement support. Such actions should be coordinated with the APMB (see Attachment 3 of Appendix B for a template cover memorandum for use when forwarding a requirement to the APMB).

The DO CO is responsible for preparing the delivery order request for proposals (DO RFP) and for establishing the technical and price/cost evaluation teams associated with each delivery order. The DO CO also formulates appropriate evaluation criteria and factors to ensure quality competition and provide the best value for each effort. In no event will a delivery order change the requirements of the FirstSource contracts. Should the contract user require such a change, specific approval must first be obtained from the ITAC CO.

The DO CO shall be responsible for:

- Issuing delivery orders and ensuring they contain the information listed in Chapter B, Section G.4 of the contract (See Appendix C);
- Completing, with the contractor, any and all administrative contractual actions concerning individual delivery orders;
- Terminating delivery orders, for convenience or cause, and canceling delivery orders at no additional cost to the Government;
- Ensuring that delivery orders are within the scope of the contract;
- Approving or rejecting payments; or authorizing partial payments of invoices;
- Completing periodic past performance reports, with input from the assigned COTR;
- Administration and final closeout of delivery orders; and
- Forwarding an end of fiscal year notification to the ITAC CO (either by memo, letter, or electronically), stating which delivery orders awarded in the preceding fiscal year are closed with final disposition complete, including release of claims letters (if applicable).

DHS FirstSource is intended for use by DHS only. These vehicles are not Government-wide acquisition contracts. DHS Components that use another federal service provider for contracting support may delegate procurement authority to allow that agency to use FirstSource on the Component's behalf. The respective HCA is accountable for the actions taken by the service provider. It is the DHS Component's responsibility to ensure that the delegation:

- Places responsibility on the servicing provider for all pre- and post-award activities related to the task/delivery order being awarded, including compliance with FirstSource ordering procedures;
- Requires that awarded orders are included in the monthly contractor activity reports.

## 2.5 Contracting Officer's Technical Representative – Delivery Order Level

DO COs designate COTRs in writing. COTRs are responsible for the day-to-day technical management and coordination of individual delivery orders. It is the DO CO's responsibility to confirm that the designated person is a trained, certified COTR. A copy of the letter of designation, identifying specific duties and responsibilities, must be provided to the contractor.

The COTR represents the DO CO in the administration of technical details within the delivery order's scope. The COTR is also responsible for the final inspection and acceptance of all delivery order deliverables and reports, and such other responsibilities as may be specified in the letter of designation, including review of Section 508 compliance testing results. The COTR provides input to the DO CO for the preparation and submission of required past performance reports into CPARS. The COTR is not otherwise authorized to make any representations or commitments of any kind on behalf of the DO CO or the Government. The COTR does not have the authority to alter the contractor's obligations or to change the delivery order specifications, pricing, terms, or conditions. If, as a result of technical discussions, it is desirable to modify delivery order requirements or specifications, changes are issued in writing and signed by the DO CO.

## 2.6 Delivery/Task Order Contract Ombudsman

In accordance with FAR Part 16.505(a) (9), a contractor protest under subpart 33.1 is not authorized in connection with the issuance or proposed issuance of an order under a multiple award contract, except for a protest on the grounds that the order increases the scope, period or maximum value of the contract, or for an order valued in excess of \$10 million (which may be protested to the GAO.) Contractors should contact the Task/Delivery Order Level Ombudsman of the appropriate Component to express concern with the issuance or proposed issuance of a task/delivery order on the grounds stated previously. The Task Order/Delivery Order Level Ombudsman's responsibilities are to:

- Address contractor concerns regarding compliance with task/delivery order award procedures;
- Review contractor complaints on task/delivery order contracts;
- Ensure all contractors are afforded a fair opportunity to be considered for each task/delivery order, consistent with FAR 16.505(b); and
- When requested, maintain strict confidentiality of the contractor requesting assistance.

Ombudsmen shall not participate in the evaluation of proposals submitted on the basic contract; the source selection process on the basic contract; or the adjudication of formal contract disputes arising under the basic contract or any individual order issued under it.

The Contract Level Ombudsman for this contract is the DHS Headquarters Procurement Activity Competition Advocate, within the Office of the Chief Procurement Officer (OCPO). The Contract Level Ombudsman is responsible for the final recommendations/decisions for all orders under this contract, when resolution cannot be determined at the Component level.

**The contact information for the DHS Ombudsman can be found at the following URL:**  
[http://www.dhs.gov/xopnbiz/opportunities/editorial\\_0700.shtm](http://www.dhs.gov/xopnbiz/opportunities/editorial_0700.shtm)

## 3. FirstSource Ordering Procedures

### 3.1 Scope of FirstSource Delivery Orders

The FirstSource contracts are structured as commercial item ID/IQ contracts under FAR Part 12, “Acquisition of Commercial Items,” utilizing firm-fixed price delivery orders for supplies, and fixed-price or time and materials for services. The contracts are “mandatory-for-consideration” throughout DHS, and awarded as 100% small business set-asides using North American Industry Classification System Code 541519, Footnote 18, with a small business size standard of 150 employees.

A key feature of the FirstSource contracts is that the contractors provide and maintain a DHS-specific pricing structure to assure DHS of commercial marketplace-type prices during the entire term of the contracts. The FirstSource contracts require that each delivery order issued under the base contracts will be priced at this level or lower in delivery order competitions. FirstSource contractors are also required to provide ordering offices with a web-based capability to directly access and purchase the full array of contractors’ IT commodity products and associated services, directly from contractors’ catalogs.

Delivery orders should identify the IT commodities required, provide specific technical details (including the schedule for all deliverables and the identification of any applicable government-furnished property, government-furnished information and/or government-furnished workspace), and authorize performance. This chapter defines the process by which delivery orders are developed, processed, priced, and issued.

### 3.2 Purchase Request Preparation

#### 3.2.1 Independent Government Cost Estimate

The Independent Government Cost Estimate (IGCE) should be developed by the customer and submitted to the DO CO as part of the delivery order request package, which is used to assist the DO CO in determining the reasonableness of a contractor’s cost and technical proposals. The IGCE is for GOVERNMENT USE ONLY and should not be made available to FirstSource contractors. Customers can obtain information from the FirstSource contracts to develop an IGCE.

#### 3.2.2 Acquisition Plans

The requirement for Acquisition Plans (APs) in support of individual acquisitions is based on the requirements of internal Component directives and the HSAM. When making purchases using FirstSource which require an AP, the following applies:

- The streamlined AP sample format (included as Appendix D) should be used in lieu of the content and format required by the DHS Acquisition Planning Guide, HSAM Chapter 3007.
- For acquisitions using FirstSource and meeting the threshold at HSAM 3007, Acquisition Planning, (currently \$50M) a copy of the AP is provided to the OCPO no later than seven working days prior to issuing the contract. For task orders and delivery orders between \$10M and \$50M, OPO AMSD is the approval authority for Acquisition Plans. For task

orders and delivery orders between \$50-\$300M, the HCA is the approval authority for APs. The OCPO reviews and approves APs of \$300M and greater.

- The CO may choose to provide additional information in the AP beyond the content requirements of the sample format included herein as Appendix D.

### 3.2.3 Acquisitions \$2.5M and Above

MD 0007.1 establishes the DHS's vision, authorities, and responsibilities of the Department's and Components' CIOs. It mandates DHS CIO approval of all acquisitions of IT products and services of \$2,500,000 (\$2.5M) and above. The amount of the procurement includes the base award plus all options. The DHS CIO has ten business days to conduct the review.

The DHS CIO must review, approve and comment on all IT acquisitions of \$2.5M and above (inclusive of options), regardless of whether they originate from an IT investment or a non-IT investment. The review and approval of each IT acquisition by the DHS CIO is intended to improve the alignment of IT purchases to the DHS mission and target architecture.

To support the DHS CIO review of IT acquisitions, MD 0007.1 requires Component CIOs to: A) ensure that prior to any acquisition of IT equipment, software, services, or programs, of \$2.5M or more (inclusive of options), the DHS CIO has approved the acquisition; and, B) ensure that these acquisitions are aligned with Administration and Congressional priorities, and the DHS mission in advance (conducting the review during acquisition planning prior to the commencement of the formal procurement process) to prevent an untimely delay in the purchase or acquisition.

MD 0007.1 also provides Component CIOs the authority to determine IT and non-IT investments, and at their discretion, institute a lower threshold for DHS CIO approval.

### 3.2.4 Delivery Order Request Package

The contents of the delivery order request package is intended to provide the information required by the DO CO. This information is intended to define the supplies/services required and the amount and type of funds committed. The request package also furnishes the information required by the prime contractors to prepare a proposal in response to the DO RFP. Requirements offices are encouraged to contact the APMB to discuss projected delivery order requirements and to obtain guidance in the preparation of complete and acceptable documentation. The delivery order request package must also provide the name, title, address, phone number, e-mail, and fax number of the proposed COTR (See Appendix B for template).

The request package must include all of the technical information the prime contractors will need to prepare and submit a proposal, it should include special instructions that should be highlighted in the initial announcement to the prime contractors.

Note: Applicable Section 508 technical standards and functional performance criteria or exception justifications must be identified in the request package to enable the contractors to provide accurate information in response to the solicitation.

### 3.2.5 Acquisition Program Management Branch Assistance

Upon request of the DO CO, the APMB will assist with the creation of the delivery order request package, or review a request package developed by the ordering activity. The APMB can offer advice regarding one or more of the following issues:

- Applicability of the delivery order request package with respect to scope,
- Adequacy of the evaluation criteria,
- Realism of the IGCE, and
- If applicable, adequacy of the justification used for the exception to the requirements for fair opportunity to be considered.

## 3.3 Fair Opportunity

### 3.3.1 Fair Opportunity Exceptions

In accordance with the FASA and FAR Part 16.505(b) (2), the DO CO provides all awardees a fair opportunity to be considered for each order in excess of \$3,000, unless one of the conditions below applies:

- The agency need for such commodities is so urgent that providing a fair opportunity would result in unacceptable delays;
- Only one awardee is capable of fulfilling the Government's requirements, with the necessary level of quality, because the supplies and/or services ordered are unique or highly specialized;
- The order must be issued on a sole-source basis, in the interest of economy because it is a logical follow-on to a delivery order already issued under this contract (provided that all awardees were given a fair opportunity to be considered for the original order) (see note below); and/or
- It is necessary to place an order to satisfy a minimum guarantee.

Note: If the order is a follow-on to a delivery order that was not issued under FirstSource, or to a delivery order for which the FirstSource awardees were not given the opportunity to compete, this exception CAN NOT be used.

In accordance with FAR Part 16.5, when an exception to the fair opportunity to be considered rule exists, the delivery order is processed as a sole-source procurement and thus is supported by a sole source justification. The requirements for use of items peculiar to one manufacturer shall be justified and approved using the format(s) and requirements from FAR 6.303, Justifications, and FAR 6.304, Approval of the Justification, appropriately tailored for an order. Unless a justification covering the requirements was previously approved in accordance with FAR 6.302-1(c), justifications for the use of brand name specifications must be completed and approved at the time the requirement for a brand name is determined. The contract file must document the fair opportunity exception used, and the basis and rationale for use of that exception (see Appendix B, Attachments 1 and 2 for guidance).

If any FirstSource contractors are eliminated from competition for any reason (e.g., conflict of interest), the delivery order request package should include the rationale for the elimination.

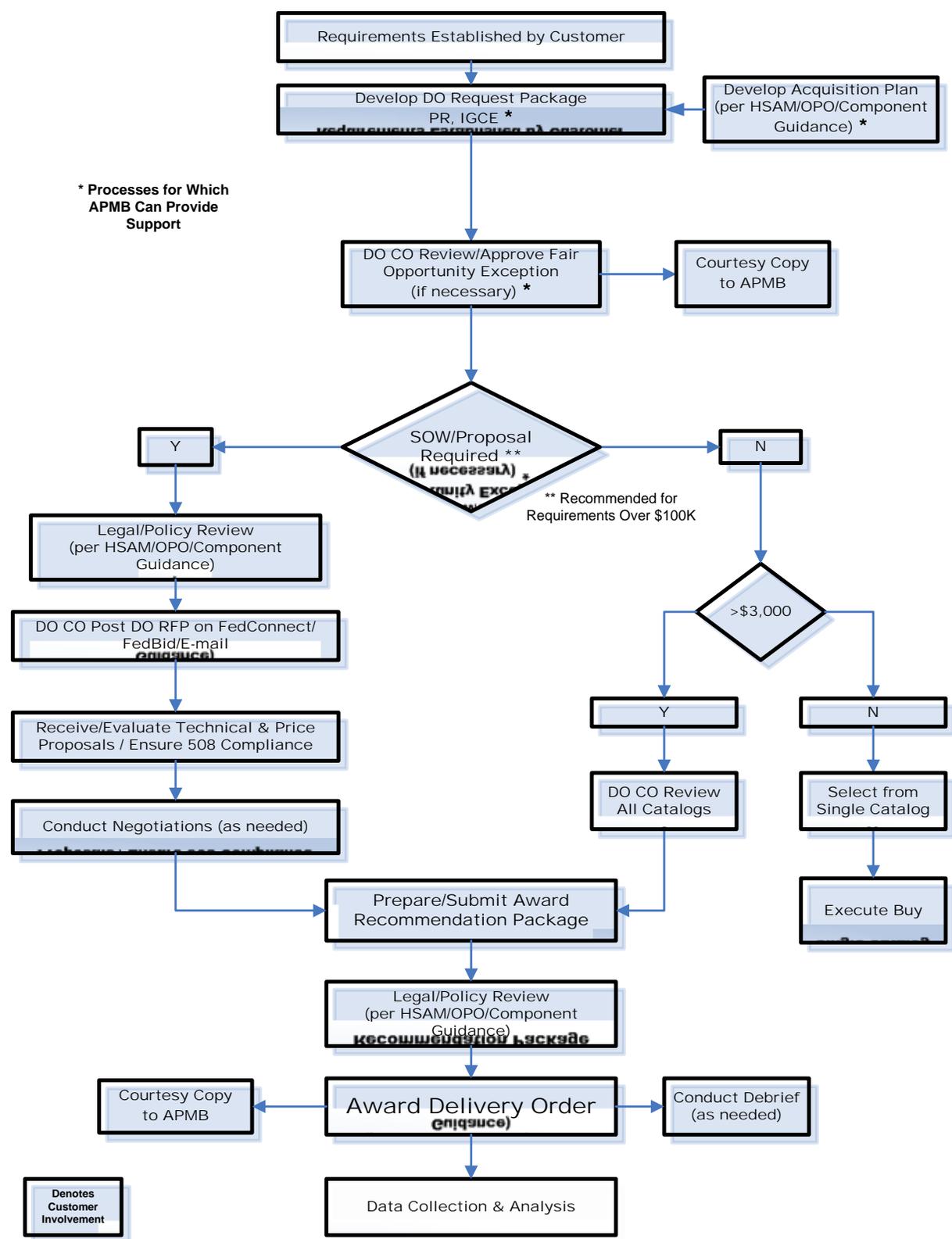
### Acquisition Program Management Branch Review of Approved Exceptions to the Fair Opportunity Process

The DO CO should provide the APMB with a courtesy copy of approved exceptions to the fair opportunity process to the following URL: [DHSESO.firstsourceadmin@hq.dhs.gov](mailto:DHSESO.firstsourceadmin@hq.dhs.gov). APMB review of such exceptions is conducted for the purpose of quality assurance, trend analysis, and potential training opportunities.

## 3.4 Delivery Order Process

This section defines the process by which fair opportunity is afforded, both through review of contractor catalogs, as well as the solicitation/proposal process, and how a delivery order is processed, priced, and awarded. Delivery order request packages must indicate funding approval prior to further processing of proposed delivery orders. A diagram depicting the workflow process associated with issuance of a delivery order under FirstSource can be found at Figure 1 on the next page.

Figure 1. FirstSource Delivery Order Process



The following describes the two approaches available in conducting competitions under FirstSource: catalog-based competitions and the solicitation process.

### 3.4.1 Catalog-Based Competition

Under FirstSource, pricing offered by contractors is set forth in published commercial price catalogs, or schedules of list prices, in a form regularly maintained by the equipment manufacturer or FirstSource contractor. The FirstSource contract states the following:

“The Contractor shall provide, at no additional cost, its standard commercial ‘punch-out’ [shopping cart] capability for the order input and tracking process which DHS customers can access through the secure, DHS provided web-portal. The order processing capability shall include the following functions at a minimum:

- 1) Access to on-line order input
- 2) Capability to process written orders
- 3) On-line order tracking capability that shows order acknowledgement, status, and estimated delivery dates
- 4) Capability to produce DHS status data as described in C.4.2.7
- 5) Complete, current catalog with product information, prices, model numbers, technical compatibility requirements, etc.
- 6) On-line warranty tracking capability that shows request acknowledgement, status, and estimated repair dates.” (paragraph C.4.2.7 of the contract)

Chapter B, section G.5 of the FirstSource contracts, in compliance with FAR 16.505(b), allows for broad discretion on the part of the CO in the development of order placement procedures, as long as “each awardee is provided a fair opportunity to be considered for each order.” The published catalog/list pricing includes discounts offered by the contractor in the course of the FirstSource competition, and is made available to all DO COs. Through the use of these catalogs, DO COs are able to select the products that best satisfy their needs and take advantage of the marketplace’s competitive forces. Requests for, and submission of, competitive proposals are not required to fulfill the requirement of fair opportunity, nor is the conduct of negotiations required before award of a delivery order resulting from a catalog-based competition. Unless the DO CO concludes that the information in the catalogs is insufficient to make an award in the best interests of the Government or, based on the quantities required or other circumstances, the catalogs do not offer the best value available, FirstSource awardee catalog comparisons fulfill the FAR requirement to grant fair opportunity to all awardees.

#### 3.4.1.1 Purchases Not Exceeding the Micro-Purchase Threshold

Pursuant to FAR 13.202 and 16.505(b) (1) (i), the DO CO may make an award, at or under the micro-purchase threshold, without seeking competitive quotations. For a micro-purchase requirement, a DO CO can simply access a single catalog to select the commodities that best meet the Government’s needs and execute the buy, either through use of a purchase card or issuance of a delivery order. Requirements aggregating at more than the micro-purchase threshold may not be split into more than one purchase at less than the threshold, with the intention of avoiding requirements that apply to purchases exceeding the micro-purchase threshold.

### 3.4.1.2 Purchases Exceeding the Micro-Purchase Threshold

While FAR 16.505 (b) (1) (ii) states that “the contracting officer need not contact each of the multiple awardees under the contract before selecting an order awardee if the contracting officer has information available to ensure that each awardee is provided a fair opportunity to be considered for each order and the order does not exceed \$5 million,” the requirement exists to consider all awardees for each order. This requirement can be accomplished through the comparison of pricing posted on awardees’ catalogs. Before vendor selection, Section 508 compliance information must be compared to determine which proposal best meets both Section 508 standards and the organization’s business needs. (See Section 3.4.2.5 of this document for more information on Section 508.) Unless a fair opportunity to be considered exception applies, pursuant to FAR 16.505(b) (2), the DO CO shall review the catalogs of all FirstSource contractors offering supplies and services which meet the Government’s requirements. The source selection decision in this scenario is based on a “lowest price technically acceptable” determination. That is, the award is made to the lowest-price vendor (after application of the Dynamic Pricing Model as described in the solicitation/contract), capable of meeting DHS’ minimum needs. (See Appendix A for additional information relative to the Dynamic Pricing Model.) It is noted that the pricing in awardees’ catalogs should be considered ceiling prices, generally available for use in fulfilling urgent or low dollar-value requirements. For larger procurements, the Government should be able to achieve more favorable pricing through the competitive process described in 3.4.2 below. An example would be issuance of a DO RFP to all FirstSource contractors, followed, if necessary, by negotiations and final proposal revisions. Dollar thresholds for review of the source selection decision by policy and/or counsel are those in effect for the Component or DHS headquarters at the time of the decision.

## 3.4.2 Solicitation Process

While not required, DO COs are encouraged to seek competitive quotations and conduct negotiations for procurements exceeding \$100,000. The FirstSource contracts include FAR Clause at 52.223-16, IEEE 1680 Standard for the Environment Assessment of Personal Computer Products. When purchasing personal computer products and monitors, the DO CO is responsible for verifying suitable Electronic Products Environmental Assessment Tool (EPEAT) product availability from [www.epeat.net](http://www.epeat.net) website and ensuring to request EPEAT Bronze registered or higher products in the solicitation. The following section describes the process of conducting a delivery order competition among FirstSource contract holders.

### 3.4.2.1 Fair Opportunity

Unless one of the exceptions at FAR Part 16.505(b) (2) applies, or one of the approaches described in section 3.4.1 above is used, the DO CO announces/posts each delivery order requirement to all FirstSource contractors using FedConnect/FedBid/E-mail or the e-procurement system of that particular requiring activity. This announcement satisfies the requirement for a fair opportunity to be considered. If an e-procurement system is not available, a manual solicitation approach (e-mail or hard copy DO RFP) is used. Each contractor then evaluates the opportunity and determines whether or not to submit a proposal. The announcement includes, at a minimum, the following information:

- Delivery order tracking number;
- Date of announcement;

- End user customer organization;
- List/description of IT commodities and associated value-added services required;
- Proof of funds availability;
- Evaluation criteria and factors, if required;
- Contracting agency POC information (DO CO and Contract Specialist): name, phone number, e-mail address, and fax number; and
- Proposal due date.

### 3.4.2.2 Delivery Order Solicitation

Depending on the nature and estimated dollar value of the acquisition, a legal and/or policy review of the DO RFP might be required, subject to DHS and Component directives. The DO CO makes a DO RFP available to all FirstSource contractors, unless a fair opportunity exception applies or a catalog-based competition (3.4.1 above) is appropriate. The solicitation process is conducted either manually or via an electronic process, if available. The proposal request will set forth the Government's specific IT hardware requirements, a detailed description of the services required (if applicable), all data deliverables, and the due date for proposal submission(s). The proposal request will also include specific instructions for proposal submissions. See Appendix E for a sample proposal request letter.

Some elements of the awarded FirstSource contracts were left to be determined or specified at the delivery order level and must be solicited in the DO RFP, examples of which are requirements for: leasing, equipment power, accessibility for users with disabilities, software licensing, imaging, warranty, performance metrics, delivery schedules, acceptance testing, and equipment for evaluation.

Contractors will be provided adequate time to prepare and submit responses. The DO CO determines the appropriate amount of time based on the estimated dollar value and complexity of the proposed delivery order. The due date for proposal submission(s) is set forth in each DO RFP.

FAR 16.505(b)(1)(iii) requires that the requirement to provide all awardees a fair opportunity to be considered for task or delivery orders in excess of \$5 million shall include the following, at a minimum:

- A notice of the order that includes a clear statement of the requirement;
- A reasonable response period;
- Disclosure of the significant factors and subfactors, including cost or price, that the agency expects to consider in evaluating proposals and their relative importance;
- In the case of an award that is to be made on a best value basis, a written statement documenting the basis for the award and the relative importance of quality and price or cost factors; and
- An opportunity for a post-award debriefing if timely requested..

When EPEAT registered personal computers (desktop and laptop), computer monitors, and any peripheral equipment are not available to satisfy the needs, the DO CO will document in the contract file and provide a waiver of notification to the contractors in the solicitation that will allow

them to propose an Energy Star Certified product. If an Energy Star product is not available, then a non-EPEAT/Energy Star product can be acceptable to fulfill the requirement.

### 3.4.2.3 Delivery Order Proposals

The DO RFP must be developed with the following instructions and elements of proposals considered:

#### Technical Proposals

Technical proposals submitted in response to DO RFPs should be streamlined and succinct, to the extent practical, and in line with the estimated dollar value and complexity of the work. Responses should indicate either compliance with, or exception to, requirements, risks, assumptions, and conflict of interest issues. Both oral and written technical proposals should address, as appropriate:

- Proposed IT hardware (make and model);
- Other proposal elements (materials and supplies, travel, training, etc.);
- Delivery dates;
- Other pertinent data, (e.g., potential conflict of interest issues);
- Electronic Products Environmental Assessment Tool (EPEAT) compliance. See Section 3.4.2.6 of this document for more information on EPEAT compliance; and
- Applicable Section 508 technical standards and functional performance criteria.

Note: Exceptions to Section 508 are identified by the Government during the DO RFP phase.

#### Price Proposals

The DO RFP shall require the proposal be submitted on a firm-fixed price or time-and-materials/labor-hour basis. This part of the proposal shall include detailed pricing for all resources required to accomplish the effort. When competing for delivery order awards under the delivery order solicitation process, the contractor is permitted to propose hardware pricing that is lower than originally proposed and established in the FirstSource contract. The reduced pricing applies only to the respective delivery order(s).

#### Other Relevant Information

This information is always in writing and shall address relevant information as required by the contract or requested by the DO RFP. The contractor shall assume all costs (as an indirect charge) associated with proposal preparation for delivery order awards under the fair opportunity process. The Government will not reimburse awardees for direct charges on fair opportunity proposals.

#### No Response

If a prime contractor is unable to or chooses not to respond to a requirement, a NO BID notification must be submitted by the contractor. All NO BIDS shall include a brief explanation as to why the prime contractor has elected to forego the opportunity (e.g., conflict of interest). A NO BID notification shall be submitted via e-mail to the DO CO.

### 3.4.2.4 Evaluation of Delivery Order Proposals

#### Evaluation and Discussions

Delivery order proposals are evaluated in accordance with the evaluation criteria set forth in the DO RFP (see Appendix F for evaluation plan template) and the source selection plan. It is anticipated that the vast majority of delivery order awards made under FirstSource will be based on a technically acceptable/low price source selection approach. In addition to an assessment of the proposed technical solution, a determination of technical acceptability will include compliance with the requirements of Section 508 of the Rehabilitation Act and the offeror's past performance record. If an initial evaluation reveals differences between the Government's requirements and an otherwise acceptable prime contractor's proposal, discussions between the DO CO and the contractor may be necessary. Discussions might range from informal meetings to discuss minor discrepancies in the offerors' technical approaches, to formal negotiations with multiple prime contractors.

#### Proprietary Information

The ordering activity is responsible for ensuring that proprietary information contained in a prime contractor's proposal is protected from unauthorized disclosure. It is the prime contractor's responsibility to ensure that all proprietary information is appropriately marked.

#### Award Recommendation Documentation

After completion of the evaluation and any discussions, the DO CO prepares a complete award recommendation package (see Appendix C) to document the selection process. The package also serves as evidence that the fair opportunity to be considered rule was applied, unless an exception was taken under FAR Part 16.505(b) (2). At a minimum, the required documentation shall include:

- A statement that an announcement of the delivery order requirement was made to all contractors eligible for receiving an award for the delivery requirement, or if an exception to the fair opportunity to be considered rule was cited (cite the exception);
- The selection criteria/methodology used to evaluate the competing contractors;
- The results of the evaluation; and
- The rationale for the recommendation of the delivery order awardee, including a summary of the price analysis and any negotiations conducted. The narrative must clearly support the final recommendation and address the rationale for the decision. The narrative must ensure that all offerors were evaluated in accordance with the cited criteria only and that the cost/price element was not overlooked.

Based upon the dollar thresholds in effect at the time of the individual procurement action, the award recommendation documentation resulting from the solicitation process should be reviewed by policy and/or general counsel.

### 3.4.2.5 Section 508 Compliance

Section 508 of the Rehabilitation Act, as amended by the Workforce Investment Act of 1998 (P.L. 105-220), requires that when federal agencies develop, procure, maintain, or use electronic and information technology (EIT), they must ensure that it is accessible to people with disabili-

ties. Federal employees and members of the public who have disabilities must have equal access to, and use of, information and data comparable to that enjoyed by their non-disabled counterparts.

When acquiring EIT products or services, the requiring activity (e.g., requiring official) must take the appropriate steps to ensure compliance with Section 508. This requirement exists regardless of the method used to acquire the EIT product or service, but FirstSource has taken steps to ease the information collection and measurements required to make informed decisions.

### FirstSource Implementation

To expedite and assist the requiring activity in addressing Section 508, the FirstSource CO has required each FirstSource contractor, in coordination with the subcontracted original equipment manufacturers, to complete a Product Accessibility Template (PAT), which describes the degree of accessibility for each of its offered products. Contractors are required to update this information as products are added or deleted in the catalog. This data should be made available by FirstSource contractors in conjunction with (but separate from) their published commercial catalogs, unless such information is normally incorporated in their commercial catalog.

The Section 508 requirement for EIT procured using the FirstSource or “other” acquisition processes is that all delivery orders or task orders identify the requirements for Section 508 including applicable standards, functional performance criteria, and exceptions. When purchasing items the requiring official will need to ensure that compliance with Section 508 is accomplished. Appendix G of this Guide contains a form that must be completed and signed by the requiring activity and submitted as part of the acquisition contract file.

### Evaluating Vendor Documentation and Product Selection Procedure

As mentioned above, FirstSource contractors are required to make available PATs for all relevant products listed in their respective catalogs. PATs are industry and Government accepted documents that explain how a product meets Section 508 requirements. The format of these documents should have two parts, the technical standards and the functional performance criteria. The technical requirements will vary depending upon the technologies used. For example, a desktop software application would apply “software standards,” while a telephone system would apply “telecommunications” standards. The functional performance criteria apply universally to all products, regardless of the technologies used, and are achieved when the correct technical standards are applied. The following sequence should be followed to ensure compliance with the requirements of Section 508:

**Step 1: Identify products that satisfy defined business needs.** Section 508 applies after a product is identified that meets the business requirements.

**Step 2: Determine if an exception applies.** Using the explanations of exceptions above, determine if the product(s) to be purchased qualifies for an exception. If so, go to Step 5. (Note: National Security and Undue Burden exceptions require prior approval from OAST.) If no exception applies, go to Step 3.

**Step 3: Obtain a PAT for each item being considered for purchase.** FirstSource contractors are required to maintain up-to-date PATs for all relevant EIT products they offer to DHS. If no

PAT is made available for a particular item, that item is considered non-compliant and cannot be considered for purchase.

**Step 4: Select the “most compliant” product(s) based upon information provided in PATs obtained in Step 3.** Compare PAT results for each product being considered for purchase and select the item(s) that best meet the business need and is the most Section 508 compliant.

**Step 5: Document product selection decision(s) using the DHS Section 508 Compliance Determination Form found in Appendix G.** Complete the form and check appropriate boxes. Sign the form and include it and all supporting documents, including PATs, with the acquisition file. Note: Use a separate form for each item to be purchased. By signing the form the requiring activity affirms that they have done due diligence to ensure that the information provided, including all supporting documentation, is accurate.

Additional information on Section 508 can be found at:

- <http://www.section508.gov/>
- <http://www.access-star.org/ITI-VPAT-v1.2.html> (EIT template)
- <http://www.buyaccessible.gov/>

DHS Section 508 Contact Information:

DHS Office on Accessible Systems and Technology

202-447-0476

TTY: 202-447-5857

508@dhs.gov

#### 3.4.2.6 Electronic Products Environmental Assessment Tool (EPEAT)

EPEAT is a procurement tool designed to help large volume purchasers evaluate, compare, and select desktop computers, laptops, and monitors based upon their environmental attributes as specified in the consensus-based Institute of Electrical and Electronics Engineers Standard for the Environmental Assessment of Personal Computer Products (1680). EPEAT also provides a clear and consistent set of performance criteria for the design of products, and provides an opportunity for manufacturers to secure market recognition for efforts to reduce the environmental impact of its products. The following key facts have led to the need for EPEAT:

- The Federal Government is one of the world’s largest purchasers of electronics,
- The average life span of a federal computer is three years,
- Approximately 10,000 federally owned computers could be deemed excess or surplus each week, and
- Electronics represent serious environmental costs and opportunities:
  - Contribute to our energy use/costs,
  - Contribute to our warehouse rental costs and/or staff costs during proposal,
  - May contain toxic or hazardous substances when if not properly disposed of can harm public health and the environment, and
  - Can result in environmental liabilities if not disposed of properly.

Per Executive Order 13426, section 2(h), the Energy Policy Act of 2005, and the FAR subpart 23.703, all desktops, laptops, and computer monitors provided under this contract are required to have achieved Silver registration or higher under the EPEAT. Additional consideration will be provided for products that have achieved EPEAT Gold registration. The registration criteria and a list of all registered equipment are provided at <http://www.epeat.net>.

Per Executive Order 13423, and the FAR subpart 23.705, agencies must ensure that they meet at least 95 percent of their annual acquisition requirement for electronic products with EPEAT-registered electronic products, unless there is no EPEAT standard for such products. The DO CO may grant exceptions when only non-EPEAT products are available, not exceeding 5 percent of the total dollar value of electronic products acquired by this contract. DHS and each Component's Environmental Program Manager is responsible for monitoring and meeting the EPEAT compliance goal. The DO CO will document in the file and provide a waiver of notification to the Contractors in the solicitation that will allow them to propose an Energy Star Certified product. If an Energy Star product is not available, then a non-EPEAT/Energy Star product can fulfill the requirement.

### 3.4.3 Purchase Card Use

FirstSource contractors are authorized to accept Government purchase card orders in accordance with FirstSource contract Chapter B, section G.6. Contractors are required to report all such orders to the APMB for tracking purposes. There is no FirstSource contractual limit on purchase card orders. Purchase card limits are based on the Component's guidance and the limitations placed on the individual card holder.

## 3.5 Delivery Order Issuance

Delivery orders may be issued by e-mail, USPS mail, fax, Optional Form 347 (or an agency prescribed form), FedConnect, or FedBid. The award decision is announced to all FirstSource prime contractors. This decision announcement includes awards made under one of the exceptions to the fair opportunity to be considered rule. Under no circumstances is the contractor authorized to commence performance before issuance of a signed delivery order or other written approval provided by the DO CO. Unfunded delivery orders are prohibited.

Delivery Orders issued under this contract must contain the following information:

- Date of order,
- Contract number and Delivery Order number,
- Catalog description, quantity ordered and contract price,
- Desired delivery date,
- Required delivery date,
- Place of delivery,
- Any packaging, packing and shipping instructions,
- Accounting and appropriation data,
- Any other pertinent information such as name and address of Contractor,

- Specific billing address for each destination especially for multiple destination orders, and
- Items for which partial deliveries are acceptable.

### 3.6 Post-award Notice and Debriefings

Announcement of delivery award to all offerors is strongly encouraged when fair opportunity to be considered is provided. FAR 16.505(b)(4) requires the contracting officer to notify unsuccessful awardees when the total price of the delivery order exceeds \$5 million in accordance with the procedures set forth in FAR 15.503(b)(1). Debriefings are required when timely requested for delivery orders greater than \$5 million and processed in accordance with FAR 15.506. The DO CO and the unsuccessful contractor may discuss the reasons for non-selection; however, the DO CO may not:

- Discuss the other contractors' proposals,
- Compare contractors' proposals, or
- Allow a non-selected contractor access to the award decision documentation.

See Appendix H for a suggested format and FAR 15.506 for further guidance.

### 3.7 Delivery Order Protests

In accordance with FAR Part 16.505(a) (9), no protest under FAR Subpart 33.1 is authorized in connection with the issuance or proposed issuance of a delivery order under this contract. The only exceptions are: a protest based on the grounds that the order increases the contract's scope, period, or maximum value; or protests of orders in excess of \$10 million, which may only be filed with the DO CO or the General Accountability Office (GAO), in accordance with the procedures at 33.104. See section 2.6 above for a discussion of the ombudsman's role in addressing contractor concerns regarding compliance with award procedures and affording offerors fair opportunity.

### 3.8 Contractor Performance Evaluation

In accordance with FAR 12.206 and 42.1502, federal agencies are required to prepare evaluations of contractor performance for all contract actions including delivery or task orders in excess of the simplified acquisition threshold (\$100,000). The DO CO is responsible for preparing and processing contractor performance evaluation for all delivery orders in excess of \$100,000 upon completion of the order through the designated past performance evaluation system in accordance with each agency's policies and procedures. Contractor performance will be documented, evaluated and monitored in the CPARS.

### 3.9 Subcontracting to EAGLE Vendors

In cases where the FirstSource contractor must subcontract services to fully implement its solution, the DHS EAGLE contracts offer highly qualified companies that should be considered as potential sources to fulfill those requirements. FirstSource contractors should use their normal

internal procurement procedures, whether soliciting and purchasing from an EAGLE contractor or from another source.

### 3.10 Alternative Contract Vehicles

Requirements for the IT hardware/software discussed below fall within the scope of FirstSource; however, for such purchases, existing contractual vehicles exist which should be pursued in preference to FirstSource. That is, should requirements arise which can be fulfilled by one of the contracts listed below, use of these vehicles takes precedence over FirstSource:

#### **Copiers**

All DHS organizational elements and agencies are required to acquire copiers and copier services through one of the DHS-wide multiple awarded contracts listed below. Exceptions to the mandatory use of these contracts must be approved by the DHS Copier Commodity Council through submission of an exemption request to the specific organizational element/agency sub-COTRs.

<b>Contractor</b>	<b>Contract Number</b>
Canon	HSHQDC-05-D-00002
Lanier	HSHQDC-05-D-00003
Sharp	HSHQDC-05-D-00004
Xerox	HSHQDC-05-D-00005

Any supplies and services furnished under these contracts may be ordered by any warranted DHS contracting officer. The contracts are Firm Fixed-Price, IDIQ type, providing for new copiers and service throughout the Department. Acquisition of color copiers is not within the scope of these IDIQs.

#### **Microsoft Enterprise Agreement**

The DHS has entered into the Department-wide enterprise license agreement (ELA) BPA with Dell Marketing, LLP to provide immediate Microsoft software licensing for all DHS components. This BPA encompasses Microsoft software licensing (new and existing or unexpired) such as MS Windows desktop operating system upgrades, MS Office Professional Plus upgrades, MS Core Client Access Licenses (CALs), MS Server products and software assurance (maintenance). Please note that Microsoft software products should NOT be procured off the FirstSource, EAGLE, GSA nor any other Federal or Commercial Supply Sources. Please refer to the MS BPA Ordering Guide.

<b>Contractor</b>	<b>Contract Number</b>
Dell Marketing, LLP	HSHQDC-09-A-00032

#### **Adobe Enterprise Agreement**

The DHS has entered into the Department-wide enterprise license agreement (ELA) BPA with Emergent LLC to provide immediate Adobe Acrobat software licensing and maintenance for all

DHS components. The BPA will also provide the option to purchase Adobe Products, such as Adobe Acrobat, Adobe Creative Suite, Adobe ColdFusion, Adobe Connect Pro, and Adobe LiveCycle Suite. Please note that Adobe software products should NOT be procured off the FirstSource, EAGLE, GSA nor any other Federal or Commercial Supply Sources. Please refer to the Adobe Ordering Guide.

<b>Contractor</b>	<b>Contract Number</b>
Emergent LLC	HSHQDC-10-A-00089

### **Oracle Enterprise Agreement**

The DHS Mythics contract is open to all DHS Components. All DHS Contracting Officers within their warrant limitation can place orders against this contract. The scope of the contract is Oracle license agreements, training, products, maintenance and support.

DHS established the DHS contract under the umbrella of the GSA Federal Wide SmartBuy DoD ESI BPA. Orders are to be placed directly against the IDIQ cited below and, until further notice, must include the .25% fee to DoD for the administrative costs of managing the underlying Enterprise Licensing Agreement BPA.

<b>Contractor</b>	<b>Contract Number</b>
Mythics, Inc.	HSHQDC-10-A-00102

### **Geospatial Software and Services**

An Enterprise License Agreement has been established for all DHS components, under the GSA SmartBuy Program, to provide for Geospatial software, maintenance, services, training, and ArcWeb services.

<b>Contractor</b>	<b>Contract Number</b>
Environmental Systems Research Institute (ESRI)	HSHQPA-06-A-00070

### **Other SmartBuy Vehicles**

SmartBuy is an initiative undertaken by GSA to support effective enterprise-level software management through aggregate, Government-wide purchases of commercial software. In addition to the SmartBuy agreements discussed above, any DHS requirement for commercially available, commodity-type software that is covered by SmartBuy must be fulfilled via the appropriate SmartBuy agreement. Requests for waiver from the use of SmartBuy, for software within the scope of an existing SmartBuy agreement, must be signed by the CPO and CIO. If a software package is required that is functionally different from those within current SmartBuy agreements, no approval is required from GSA to proceed with the purchase. Additional information on this program is available at [www.gsa.gov/smartbuy](http://www.gsa.gov/smartbuy).

## Appendix A. FirstSource Glossary of Terms

**Acquisition Program Management Branch (APMB)** – Located within the Office of Procurement Operations of the DHS Office of the Chief Procurement Officer. APMB's purpose is to provide acquisition program/project management leadership, guidance, and support to the Chief Procurement Officer, CIO and the Components, and internal/external offices. APMB is responsible for administering the governance of policies that relate to use of FirstSource contracts.

**Best Value** – The expected outcome of an acquisition that, in the Government's estimation, provides the greatest overall benefit in response to the requirement. It involves the analysis of technical and cost proposals to determine which proposal offers the best trade-off between price/cost and performance, whereby quality is considered an integral performance factor. See Federal Acquisition Regulation (FAR) Part 15.101.

(CPARS) – Contractor Performance Assessment Reporting System is a web-enabled application that collects and manages the library of automated contractor performance reports. A CPAR assesses a contractor's performance and provides a record, both positive and negative, on a given contractor during a specific rating period.

**Debriefing** – May be either oral or written and is held with successful or unsuccessful offerors, if requested. At the debriefing, the information in evaluations, which is based solely on the factors in the solicitation, is used to explain how the offeror's proposal was rated under each specific evaluation criterion. The evaluation criteria discussed at the debriefings must include only those that can fairly and properly be used for determining source selection and shall only include information that pertains to the offeror being briefed (i.e., information shall not be provided relative to other offerors' proposals or scoring thereof). See FAR 15.505 and 15.506. Note that the names of individuals providing reference information about an offeror's past performance must not be revealed.

**Delivery Order** – An order for supplies placed against an established contract or with Government sources. In the case of the FirstSource acquisition, delivery orders are orders for supplies placed against contracts awarded under the FirstSource solicitation.

**Dynamic Pricing Model** – The Dynamic Pricing Model (DPM) is the offeror's proposed pricing mechanism devised to continuously assure that the Department of Homeland Security (DHS) is receiving the lowest prices available for offered products in published product catalogs for the duration of the contract. The DPM shall maximize DHS's Department-wide buying power and shall apply to all delivery orders issued under the base contracts for their full terms, unless one-time special pricing (less than the DPM prices) is offered in response to individual Delivery Order Requests for Proposals.

**Electronic Products Environmental Assessment Tool (EPEAT)** - EPEAT is a procurement tool designed to help large volume purchasers evaluate, compare, and select desktop computers, laptops, and monitors based upon their environmental attributes as specified in the consensus-based Institute of Electrical and Electronics Engineers Standard for the Environmental Assessment of Personal Computer Products (1680). EPEAT also provides a clear and consistent set of performance criteria for the design of products, and provides an opportunity for manufacturers to secure market recognition for efforts to reduce the environmental impact of its products.

**Energy Star (E-Star)** - a joint program of the U.S. Environmental Protection Agency and the U.S. Department of Energy helping to save money and protect the environment through energy efficient products and practices.

**“Fair-Opportunity-to-be-Considered” Rule** – All prime contractors (including their designated subcontractors, if applicable) are considered to possess the basic qualifications for success in the IT commodities contracts awarded to them. Therefore, the statutory and regulatory requirement for “fair opportunity to be considered” (based on the Federal Acquisition Streamlining Act (FASA) and FAR 16.5) will be deemed to have been met by the announcement (through the designated internet website or e-mail) of all delivery orders that do not fall under one of the exceptions at FAR 16.505(b)(2) (See Appendix B, Attachment 1 for the exceptions).

**FedBid** – An online reverse auctioning tool where buyers can procure commodity-type commercial items and satisfy competition, publicizing and reporting requirements. The “marketplace” can be restricted to the FirstSource vendors. See [www.fedbid.com](http://www.fedbid.com).

**Federal Acquisition Streamlining Act** – FASA (Public Law 103-355) was enacted in October 1994, and was designed to simplify and streamline the federal procurement process. FASA raised the small purchase threshold from \$25,000 to \$100,000, and designated this as the simplified acquisition threshold.

**FirstSource** – A multiple-award contract vehicle that provides the DHS with access to a wide variety of commercial catalogs for IT commodity products from multiple original equipment manufacturers (OEMs), producers, and suppliers. The FirstSource contracts include commodities such as: IT equipment and software; networking equipment; wireless technology; imaging products; voice recognition technology; on-line data reporting services for order, delivery, warranty, asset, and spend tracking; and associated product maintenance, installation, and support.

**Firm-Fixed Price Contracts** – A type of contract suitable for acquiring commercial items or for acquiring supplies or services, on the basis of reasonable definite functional or detailed specifications and when the Contracting Officer can establish fair and reasonable prices at the outset, such as when:

- There is adequate price competition;
- There are reasonable price comparisons with prior purchases of the same or similar supplies or services, made on a competitive basis or supported by valid cost or pricing data;
- Available cost or pricing information permits realistic estimates of the probable costs of performance;
- Performance uncertainties can be identified and reasonable estimates of their cost impact can be made; and
- The contractor is willing to accept a firm-fixed price representing assumption of the risks involved.

**Homeland Security Acquisition Manual (HSAM)** – A manual of DHS-wide acquisition policy and procedures. The electronic version of HSAM is provided at [www.dhs.gov](http://www.dhs.gov) and DHSConnect.

**HUBZone (Historically Underutilized Business Zone) Concern** – A small business concern that appears on the “List of Qualified HUBZone Small Business Concerns” maintained by the Small Business Administration.

**Independent Government Cost Estimate (IGCE)** – Assists the Delivery Order Contracting Officer in determining the reasonableness of a contractor’s cost and technical proposals. The IGCE is prepared by the requisitioner and submitted as part of the delivery order request package. It is for GOVERNMENT USE ONLY and should not be made available to the FirstSource contractors. Requisitioners can obtain information for developing an IGCE from Section B of the FirstSource contracts.

**Indefinite Delivery/Indefinite Quantity (ID/IQ) Contracts** – Contracts for supplies/services that do not require or specify a firm quantity of supplies/services (other than a minimum or maximum quantity), and are used when the exact times of future deliveries are not known at the time of contract award. ID/IQ contracts are also known as delivery order or task order contracts that provide for the issuance of orders for the performance of tasks during the period of the contract.

**Information Technology Acquisition Center (ITAC)** – Located within the Office of Procurement Operations of the DHS Office of the Chief Procurement Officer. ITAC’s purpose is to enable, execute, and manage the timely, flexible, and cost-effective acquisition of IT products and services in order to achieve DHS’ mission and goals. The ITAC is responsible for establishing Department-wide contracts for IT supplies under the FirstSource and EAGLE programs.

**ITAC CO** – The ITAC CO is the contract-level Contracting Officer for the FirstSource contract.

**Original Equipment Manufacturer (OEM)** – A producer/manufacturer that provides a product to its customers (Value Added Resellers), who then proceed to modify or bundle it before distributing it to their customers.

<http://www.dhs.gov>–The DHS website that provides information regarding the FirstSource contracts.

## NOTE:

The documents contained in Appendices B through H (excluding Appendix D) are not mandated by the Office of Procurement Operations and are being offered as Guidelines/Templates for effective and efficient documentation when using the FirstSource contracts. Appendix D is a sample format and is mandated by the Office of Procurement Operations.

# Appendix B. Delivery Order Request Checklist

## FIRSTSOURCE DELIVERY ORDER REQUEST CHECKLIST

*This form constitutes a request for contract support under the FirstSource contracts. The requiring activity shall complete this form, together with the associated attachments, and forward the entire package to the appropriate FirstSource Delivery Order Contracting Officer (DO CO) for processing (See Attachment 2 to this Appendix for a template of a cover letter to be used when a request is being forwarded to the Acquisition Program Management Branch (APMB) for contract action).*

<b>1. Delivery Order Title.</b>	
<b>2. Requiring Activity Point of Contact.</b> Include name, title, organization, phone numbers for voice and fax, and email address:	
<b>3. Designated Delivery Order Contracting Officer’s Technical Representative.</b> Include name, title, organization, phone numbers for voice and fax, and email address: <i>(If same as Block 2, type “same”).</i>	
<b>4. Attachments Checklist.</b> Complete package must include <u>all</u> of the items listed in this block as required or applicable. Send files electronically via e-mail or fax to the DO CO or attach all documentation in PRISM if available.	
Y   N   NA <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Acquisition Plan or Copy of Advance Acquisition Plan Description of Requirement Enterprise Architecture Board Approval Investment Review Board Approval Technical Reference Model Standard Documentation Market Research ( <i>vetting other vendors</i> ) and Section 508 Determination Funding Document(s) (scanned or other electronic version is preferable) Independent Government Cost Estimate Proposal Evaluation Plan/Criteria (See Appendix F)
<b>5. FASA (Fair Opportunity to be Considered) Exception.</b>	
<input type="checkbox"/> The agency need for services is of such urgency that providing such opportunity would result in unacceptable delays. <input type="checkbox"/> Only one such contractor is capable of providing services required, at the level of quality required, because they are unique or highly specialized. <input type="checkbox"/> The order should be issued on a sole-source basis in the interest of economy and efficiency as a logical follow-on. <input type="checkbox"/> It is necessary to place an order to satisfy a minimum guarantee.	
<b>If applicable, a FASA exception justification must be provided (see Attachment 2 to this Appendix for a template).</b>	

## **APPENDIX B – ATTACHMENT 1**

### **Fair Opportunity Exceptions**

Federal Acquisition Regulation (FAR) 16.505(b) (2) cites four exceptions to competition (fair opportunity to be considered) under multiple-award indefinite delivery/indefinite quantity delivery order requirements. The exceptions are listed below, along with policy interpretations.

#### **Urgency**

This exception applies under circumstances involving a “public exigency.” The agency need for such commodities is so urgent that providing a fair opportunity would result in unacceptable delays. However, the user must demonstrate objectively that the public interest would suffer if the requirement were not fulfilled, e.g., failure to develop a program by a date mandated by Congress, etc. A failure to meet established work requirements is not a sufficient justification, unless it can be demonstrated that some public interest is threatened.

#### **Unique Requirements**

This exception applies when only one awardee is capable of providing the required supplies or services at a sufficient quality level, because the requirement is unique or highly specialized.

#### **Follow-on Requirement**

In this case, the order must be issued on a sole-source basis, in the interest of economy and efficiency, because it is a logical follow-on to an order already issued under the FirstSource contract. All awardees must have been given a fair opportunity to be considered for the original order. The following must be provided: (a) reference to the prior delivery order under FirstSource, (b) reference to the competition that was conducted under FirstSource that resulted in the incumbent’s award, and (c) some evidence that the project is a continuation of ongoing efforts toward the same ends.

#### **Guaranteed Minimum**

This exception occurs when it is necessary to place an order to satisfy a minimum guarantee under the contract.

**APPENDIX B – ATTACHMENT 2****MEMORANDUM**

From: Requiring Activity

To: Delivery Order Contracting Officer

In accordance with FAR 16.505 (b) (2), the following is provided as justification to support an exception to the fair opportunity process under FirstSource (*only one exception should apply*).

**Urgency** – The agency need for such commodities is so urgent that providing a fair opportunity would result in unacceptable delays.

Contractor Name:

Rationale (*enter justification here*):

**Unique Requirements** – Only one awardee is capable of providing the supplies or services required at the level of quality required because the supplies or services ordered are unique or highly specialized.

Contractor Name:

Rationale (*enter justification here*):

**Follow-on** – The order must be issued on a sole-source basis, in the interest of economy and efficiency, as a logical follow-on to an order already issued under this contract, provided that all awardees were given a fair opportunity to be considered for the original order.

Contractor Name:

Contract Number:

Task Order Number:

Rationale (*enter justification here*):

**Guaranteed Minimum** – It is necessary to place an order to satisfy a minimum guarantee under the contract.

Contractor Name:

Rationale (*enter justification here*):

*The sample memorandum provided below is applicable to situations where a Component requests contracting support from the Information Technology Acquisition Center. A tailored version may be used internally by individual Components when placing their own delivery orders.*

**APPENDIX B – ATTACHMENT 3****MEMORANDUM**

FROM: Component XX

TO: Acquisition Program Management Branch

Attn: Acquisition Program Manager Responsible for Component XX/Delivery Order Contracting Officer

1. The purpose of this memorandum is to request that a Delivery Order Request for Proposals be competed among the FirstSource contractors in accordance with the fair opportunity provisions for the support described in the attached delivery order request package. All required supporting documents are attached as specified on the “FirstSource Delivery Order Request Checklist,” and in accordance with the instructions and ordering guidelines found in the *FirstSource Ordering Guide*.
2. My point of contact for this action is *(insert name)*, who can be reached at the following e-mail address: *(insert address)* or phone number: *(insert number)*.

Sincerely,

Component Official

Attachments:

a/s

# Appendix C. FirstSource Award Recommendation Document

FIRSTSOURCE AWARD RECOMMENDATION DOCUMENT (ARD)	
<b>A. Delivery Order Title:</b> <i>(Enter the title as shown in the work statement)</i>	
<b>B. Recommended Prime Contractor:</b> <i>Check the name/number of the FirstSource prime contractor for whom you are recommending an award.</i>	<input type="checkbox"/> Contractor ABC – Contract # 123 <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<b>C. Justification:</b>	<p>Attach a narrative summarizing the results of the evaluation. Describe the evaluation methodology and best value analysis, if applicable, that led to the recommendation of the prime contractor that should be awarded the delivery order. The justification should be streamlined, while containing the following:</p> <ol style="list-style-type: none"> <li>1. <u>Results of the Past Performance Evaluation.</u> Provide results obtained from the performance evaluation tool, e.g., CPARS*,PPIRS**, or discuss any additional past performance information you have evaluated.</li> <li>2. <u>Results from the Technical/Management Approach Evaluation.</u> Discuss any information you reviewed for each of the vendors from a) their FirstSource website, and b) the technical proposals you evaluated.</li> <li>3. <u>Results of the Price Evaluation.</u> Discuss and compare the results of the price proposals from each of the evaluated vendors.</li> </ol>
<b>D. Authorized Official:</b>	
<b>Name, Signature and Date:</b>	

\*CPARS = Contractor Performance Assessment Reporting System

\*\*PPIRS = Past Performance Information Retrieval System

# Appendix D. Streamlined Acquisition Plan Sample Format

## FIRST SOURCE



### DELIVERY ORDER ACQUISITION PLAN

AP # \_\_\_\_\_

**Submitted by:**

_____	_____
(Name)	Date
Program Official (or official title)	
(Department of Homeland Security [DHS] Component and Organization)	
(Telephone number)	

_____	_____
(Name)	Date
Contracting Officer	
(DHS Contracting Activity)	
(Telephone number)	

**Concurrence:** *(Additional concurrence signatures may be added in accordance with Homeland Security Acquisition Manual [HSAM], Component Guidance)*

_____	_____
(Name)	Date
Small Business Specialist	
(DHS Contracting Activity)	
(Telephone number)	

**Approval:** *(For requirements greater than \$50 million and additional approval signatures may be added in accordance with HSAM, Component Guidance)*

_____	_____
(Name)	Date
<b>Head of the Contracting Activity (Component)</b> (Telephone number)	

**Approval:** (For requirements greater than \$300 million)

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
Date

**Office of Chief of Procurement Officer**

(Department of Homeland Security) (PROCUREMENT.Support@dhs.gov)

*Source Selection Information – See Federal Acquisition Regulation (FAR) 2.101 and 3.104*

## 1. ACQUISITION BACKGROUND AND OBJECTIVES

In Fiscal Year 2006, The Department of Homeland Security (DHS) competitively sought and awarded a suite of indefinite delivery/indefinite quantity contracts under a department-wide program called FirstSource. The establishment of the FirstSource program facilitates streamlined purchase, delivery, and installation of information technology (IT) commodity products and solutions, and reduces the number of desktop configurations by creating standard configurations. This successful strategy supports the DHS goal of establishing a functionally integrated department, demanding integrated methods of operation among, and between, the various Components with the support systems that enhance mission effectiveness and create economies of scale through consolidation of requirements. The FirstSource program is a complimentary program to the DHS Enterprise Acquisition Gateway for Leading Edge Solutions (EAGLE) contracts, which provide department-wide solutions for IT support services requirements. FirstSource is a multiple-award contract vehicle specifically designed as the preferred source of IT commodities for the majority of DHS's enterprise infrastructure and initiatives. Use of the FirstSource contract vehicle is mandatory for consideration.

This acquisition plan describes a delivery order acquisition for IT commodities and/or support services planned for under the FirstSource contracts. This requirement can be fully satisfied through the use of the FirstSource program; therefore, identification and discussion of alternate acquisition methods is not required.

The specific objective of the proposed delivery order is to *(state the objective of this specific acquisition)* \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

This objective is consistent with the objective of the FirstSource contract, and will facilitate establishing a functionally integrated, centrally coordinated IT infrastructure, ensuring compatibility within "One Network" and "One Infrastructure." All cost, schedule, capability or performance constraints identified in paragraph A.2 of the FirstSource acquisition plan are applicable to this requirement.

## 2. STATEMENT OF NEED

The Office of \_\_\_\_\_ has a requirement to obtain *(briefly identify the nature of the requirement [i.e., hardware, software, IT support services])* \_\_\_\_\_  
\_\_\_\_\_ to *(describe why the customer needs the commodities/support services)*  
\_\_\_\_\_  
\_\_\_\_\_.

## 3. COST

The estimated cost of the proposed delivery order is as follows:

	Base period	Option 1	Option 2	Option 3	Option 4	Total Est Cost
	\$	\$	\$	\$	\$	\$
Equipment						
Services						
Travel						
Total	\$	\$	\$	\$	\$	\$

The estimated cost of this acquisition is consistent with the pricing of the FirstSource contracts, and is based on the proposed Dynamic Pricing Model (DPM), which ensures that DHS will receive the lowest prices available for offered products. There *(choose one)*  are  are not any one-time special pricing offers anticipated with this delivery order acquisition.

**Life-cycle costs** are not applicable to this delivery order acquisition.

**Design-to-cost** objectives are not applicable to this delivery order acquisition.

A **Should-Cost** analysis *(choose one)*  will be  will not be applied to this acquisition. The rationale supporting this determination is as follows:

---



---



---

**4. CAPABILITY OR PERFORMANCE**

The capabilities or performance requirements of the proposed delivery order are consistent with the FirstSource capability and performance requirements described in paragraph B.1 of the FirstSource acquisition plan, and will be further defined in the delivery order request package (DORP).

**5. DELIVERY OR PERFORMANCE PERIOD REQUIREMENTS**

The period of performance for this delivery order is consistent with FirstSource contract term identified in paragraph A.2 of the contract. The proposed delivery order will encompass a base period of \_\_\_\_\_, from *(month/yyyy)* \_\_\_\_\_ to \_\_\_\_\_ and includes *(number)* \_\_\_\_\_ *(e.g., one-month; three-month; annual)* \_\_\_\_\_ option periods.

*(Choose one or more, as applicable)* This acquisition will include  Standard  Expedited delivery timeframes.

**6. TRADE-OFFS**

The trade-offs associated with this delivery order were envisioned and satisfied during the competitive process of the base FirstSource contract. By using the FirstSource contract, DHS can reasonably predict the cost, schedule, capabilities and performance of the potential contractor, and may also reasonably expect to receive economies of scale, and other economic efficiencies from the established FirstSource contractors based on the evaluation of the contractor’s proposed DPM during the contract competition.

**7. RISKS**

*In the table below, identify any cost, scheduling, capability or performance risks, and how those risks will be mitigated. If there is a risk management plan, cite the plan number and date and include a brief summary instead of completing the following table.*

The risks associated with this delivery order acquisition are:

Risk Event	Risk Category	Risk Probability	Impact	Risk Management	Responsible Party

**8. ACQUISITION STREAMLINING**

Conducting this acquisition under the FirstSource contract satisfies the acquisition streamlining requirements of Federal Acquisition Regulation (FAR) Part 7. Descriptions of the acquisition streamlining techniques to be used for this acquisition are described in paragraph C.3.1 of the FirstSource acquisition plan and in paragraph 3.4 of the FirstSource Ordering Guide.

**9. SOURCES**

The potential sources for this acquisition are identified in paragraph 1.4 of the FirstSource Ordering Guide and at the FirstSource website:

[http://www.dhs.gov/xopnbiz/opportunities/gc\\_1249920282614.shtm](http://www.dhs.gov/xopnbiz/opportunities/gc_1249920282614.shtm)

*(Insert one of the following statements, as applicable.)*

This delivery order acquisition does not involve bundling.

**OR**

This delivery order will involve bundling. The incumbent contractors are \_\_\_\_\_ and the contracts affected are \_\_\_\_\_.

**10. COMPETITION**

Delivery order competition, including subcontracting considerations, will be conducted in accordance with the available competition procedures outlined in Section 3.4 of the FirstSource Ordering Guide. It is anticipated that competition for this delivery order will be conducted using a *(choose one, as applicable)*  catalog-based  traditional solicitation process.

**10.1 Fair Opportunity** *(insert one of the following statements, as applicable)*

This acquisition does not include an exception to fair opportunity.

**OR**

The following fair opportunity exception is applicable to this delivery order acquisition:

- Urgency: The agency need for such commodities is so urgent that providing a fair opportunity would result in unacceptable delays.
- Unique Requirements: Only one awardee is capable of fulfilling the Government's requirements with the necessary level of quality because the supplies and/or services ordered are unique or highly specialized.
- Follow-On: The order must be issued on a sole-source basis, in the interest of economy and efficiency, because it is a logical follow-on to a delivery order already issued under this contract, and all awardees were given a fair opportunity to be considered for the original order.
- Guaranteed Minimum: It is necessary to place an order to satisfy a minimum guarantee.

All documentation required to support the above cited exception to fair opportunity has been completed and approved in accordance with Component Head of the Contracting Activity guidance.

**10.2 Acquisition of Major Components or Subsystems** *(insert one of the following statements, as applicable)*

This acquisition does not meet the criteria of a major component or subsystem as described in FAR Part 7, Homeland Security Acquisition Regulation Chapter 3002.101, or DHS Management Directive 1400.

**OR**

Competition for this major component or subsystem will be conducted in accordance with the competition procedures outlined in the FirstSource Ordering Guide.

**11. SOLICITATION PROCESS**

*(Insert one of the following statements, as applicable)*

This delivery order acquisition does not include a fair opportunity exception, and is being conducted in accordance with the procedures for a traditional competition. It is anticipated that submission of delivery order proposals will occur on **(date)**: \_\_\_\_\_. The source selection process applicable to this acquisition are described in the FirstSource Ordering Guide, paragraph 3.4.2.

**OR**

This delivery order acquisition does not include a fair opportunity exception and is being conducted in accordance with the procedures for a catalog-based competition. The source selection procedures applicable to this acquisition are described in the FirstSource Ordering Guide, paragraph 3.4.1.

**12. ACQUISITION CONSIDERATIONS**

In accordance with the FirstSource contract, paragraph A.1; the proposed delivery order will be placed on a fixed-price basis.

The FirstSource acquisition was conducted, negotiated, and awarded on the basis of full and open competition. The FirstSource contract is not a multi-year contract as defined in FAR Part 17.1. All applicable acquisition considerations, including performance-based acquisition best practices addressed in paragraph C.3.2 of the FirstSource acquisition plan, will be employed. There are no special clauses, special solicitation provisions, or FAR deviations included in this acquisition.

The proposed delivery order acquisition is consistent with the capital planning and investment control requirements of 40 U.S.C 11312, and Office of Management and Budget (OMB) Circular A-130, as outlined in the FirstSource acquisition plan. This action benefits the Government as envisioned by the DHS FirstSource contract to establish and operate a centrally coordinated IT infrastructure with “One Network” and “One Infrastructure.”

**13. BUDGETING AND FUNDING**

The estimated budget for the proposed delivery order is as follows:

	FY 1	FY 2	FY 3	FY 4	FY 5	Total Funding
<b>Funding Source(s)</b>	\$	\$	\$	\$	\$	\$
<b>Amount Required</b>	\$	\$	\$	\$	\$	\$
<b>Amount Budgeted</b>	\$	\$	\$	\$	\$	\$
<b>(Under or Overage)</b>	\$	\$	\$	\$	\$	\$

The budget estimate identified above was identified in the OMB Exhibit 300 for the FirstSource contract, dated \_\_\_\_\_ and approved on (date) \_\_\_\_\_.

**14. PRODUCT OR SERVICE DESCRIPTIONS**

The FirstSource contracts were awarded based on the contractors’ entire IT commodity catalog. Purchases will be made from the catalog(s) in the following categories, and will be approved in

accordance with the established Chief Information Officer governance process: (*check all that apply*)  Computers  Accessories  Data Input Devices  Displays and Accessories  Network Components  Printers. A complete description of the available products is provided at the FirstSource web page:

[http://www.dhs.gov/xopnbiz/opportunities/gc\\_1249920282614.shtm](http://www.dhs.gov/xopnbiz/opportunities/gc_1249920282614.shtm)

## 15. PRIORITIES, ALLOCATIONS, AND ALLOTMENTS

This topic is not applicable, because DHS does not use the system of priorities, allocations and allotments of the U.S. Department of Defense and regulated by the Department of Commerce.

## 16. CONTRACTOR VERSUS GOVERNMENT PERFORMANCE

This acquisition is for commercial, IT commodity products. Consideration of contractor versus Government performance is not applicable.

## 17. INHERENTLY GOVERNMENTAL FUNCTIONS

This delivery order acquisition does not include contractor support for inherently Governmental functions, as defined in FAR Part 7.5. The contract file will be documented with a determination that any acquired support services are not inherently Governmental.

## 18. MANAGEMENT INFORMATION REQUIREMENTS

The proposed delivery order management information requirements are consistent with the base FirstSource contract, and are described in paragraph C.5 of the FirstSource acquisition plan. Use of an Earned Value Management System is not applicable to this delivery order acquisition for commercial IT commodities.

## 19. MAKE OR BUY

The make or buy considerations required by FAR Part 7 have been satisfied during the acquisition process and award of the FirstSource contracts.

## 20. TEST AND EVALUATION (*include the following as appropriate, or state that test and evaluation is not applicable to this delivery order competition*)

The process by which test and evaluation (T&E) will be conducted is consistent with the procedures outlined in paragraph B.4 of the FirstSource acquisition plan. Contractors' approaches to T&E, as well as any applicable acceptance testing, will be solicited in the delivery order solicitation process, consistent with performance-based acquisition principles.

## 21. LOGISTICS CONSIDERATIONS

The logistics considerations for the proposed delivery order are consistent with the FirstSource contract, and are described in paragraph B.5 of the FirstSource acquisition plan. Specific logistics considerations, if identified by the service activity, will be defined in the DORP.

## 22. GOVERNMENT FURNISHED PROPERTY (INSERT ONE OF THE FOLLOWING STATEMENTS AS APPROPRIATE)

The following Government property is readily available and will be furnished to the contractor upon award of the delivery order:

- (First item)
- (Second item)

**OR**

The proposed delivery order does not include a requirement for Government furnished property.

## 23. GOVERNMENT FURNISHED INFORMATION *(insert one of the following statements as appropriate)*

The Government information identified below *(complete as applicable)*: "...will be furnished approximately X days before the award", **OR** "...will be posted via the Federal Technical Data Solution (FedTeDs). *(be specific)*: (a) Manuals; (b) Drawings; (c) Test Data

**OR**

The proposed delivery order does not include a requirement for Government furnished information.

## 24. ENVIRONMENTAL AND ENERGY CONSERVATION OBJECTIVES

The environmental and energy conservation objectives described in FAR Part 7 do not apply to this acquisition for commercial IT commodity products or services.

## 25. SECURITY CONSIDERATIONS

The general security requirements of this acquisition are consistent with the security requirements described in paragraph D.4 of the FirstSource acquisition plan. In accordance with the FirstSource contract and the FirstSource Ordering Guide, any applicable additional security considerations will be identified in the DORP.

## 26. CONTRACT ADMINISTRATION

Administration of the proposed delivery order will be accomplished by FirstSource Delivery Order Contracting Officers and Delivery Order Contracting Officer's Technical Representatives. The duties and functions of these positions are described in Section 2 of the FirstSource Ordering Guide. The *(identify Component)* \_\_\_\_\_ Ombudsman will be available to address any concerns regarding compliance with the delivery order award process, review contractor complaints on delivery order, and ensure all contractors are afforded a fair opportunity to be considered for award.

## 27. OTHER CONSIDERATIONS

The special contract considerations of this acquisition, including standardization concepts, strategic sourcing, open systems, occupational safety and health considerations, fair labor standards, disposal, small business goals, contract type, data rights, and Section 508 compliance, are consistent with the base FirstSource contract, and are described in paragraph D.5 of the FirstSource acquisition plan and the FirstSource Ordering Guide.

## 28. MILESTONES

The significant milestones for this delivery order acquisition are as follows (*tailor the milestones based on the planned strategy of either a catalog-based or traditional competitive process*):

Milestone Event	Planned Completion Date	Person/Office Responsible
Market Research		
Acquisition plan approval		
Submission of DORP		
Delivery order preparation, review and clearance		
Delivery order award		

## 29. PARTICIPANTS IN ACQUISITION PLAN PREPARATION

The following individuals participated in the preparation of this acquisition plan:

Name	Title	Office	Telephone	Email Address
	Program Official			
	Contracting Officer			
	Small Business Specialist			
	FirstSource APMB Representative			
	Office of Security			
	Office of General Counsel			

## Appendix E. Sample E-Mail Delivery Order Request for Proposal

To: *Contracting Officer or Contract Specialist*

Cc: [DHSESO@dhs.gov](mailto:DHSESO@dhs.gov) or [DHSESO.firstsourceadmin@hq.dhs.gov](mailto:DHSESO.firstsourceadmin@hq.dhs.gov)

Bcc: All FirstSource Contractors (*insert Department of Homeland Security customer's e-mail address*)

Subject: Request for Technical and Cost Proposal  
(*Insert Title of Program/Project*)

Contractor selection for this acquisition, entitled (*insert title of program/project*), will be made under the FirstSource contract. You are requested to submit a technical and separate full cost proposal for the effort described on the attached *description of requirement/statement of work/statement of objectives/performance work statement*. Responses are due by (*insert time on insert date on which responses are due*). There will be no exceptions to the time and date on which responses are due, unless determined otherwise by the Government.

Offerors are limited to no more than (*insert page limitation*) pages for your response, subject to adjustment at the discretion of the Delivery Order Contracting Officer (DO CO) based on the size, scope, and complexity of the task order. The request may also include an oral presentation if it is determined to be beneficial to the evaluation. A complete price proposal must be submitted – with no page restrictions. (*Also include whether an oral presentation will be required.*)

Your response, technical and price, should be forwarded electronically to the DO CO no later than the date specified above. When responding, please include the *Title of Program/Project* on the subject line. To verify receipt of your response, please contact me either by e-mail or telephone.

We would like to thank you for your continued support of the FirstSource Program and for your consideration of submitting a response to this request.

Sincerely,

*Insert name of Contracting Officer/Contract Specialist*  
*Insert Contracting Officer/Contract Specialist's phone number*  
*Insert Contracting Officer/Contract Specialist's email address*

Attachments (Instructions to Offerors; SOW/SOO/PWS)

## APPENDIX E – ATTACHMENT 1

### Proposal Submission Instructions and Evaluation Criteria

#### 1. Proposal Submission Instructions

Technical and price proposals shall be separate documents and consist of the following tabs. NOTE: While the technical proposal must not contain any reference to pricing, resource information must be provided so that the contractor's understanding of the requirements can be evaluated (such as data concerning subcontracts, travel, materials, etc.)

- a. **TAB 1 - Technical Proposal.** Technical proposal information will be streamlined. The page limits are specified below. As an example, technical proposals may address the following elements:

- Technical/management approach (IT solution proposed)
- Key personnel assigned
- Teaming arrangements (including subcontractors)
- Section 508 Compliance
- Risks and risk mitigation plan
- Delivery schedule
- Other pertinent data

(\_\_ pages)

- b. **TAB 2 - Price Proposal (Firm-Fixed Price).** This part of the proposal shall include details for all resources required to accomplish the requirements. If travel is specified in the SOW or PWS, airfare and/or local mileage, per diem rates by total days, number of trips, and number of contractor employees traveling shall be included.

#### 2. Evaluation Criteria

The best value award evaluation criteria will be based on the following factors and order of importance. Note: Numerical weights applied to evaluation factors, to demonstrate their relative order of importance and numerical ratings applied to proposals, are not to be used in the evaluation of proposals submitted in response to FirstSource delivery order requests for proposals.

**[EXAMPLE ONLY – INSERT AS APPROPRIATE]**

##### Non-Cost Factors

The importance of Factor A in proposal evaluation is SIGNIFICANTLY MORE than that of either Factor B or Factor C. Factors B and C are SUBSTANTIALLY EQUAL in relative importance.

- a. Technical/Management Approach
- b. Past Performance

- c. Other Factors
- d. Cost/Price

In performing the best-value trade-off analysis, all non-cost evaluation factors, when combined, are MORE IMPORTANT than cost/price. (*SAMPLE SENTENCE SERVING AS LEAD-IN TO SPECIFIC INSTRUCTIONS ON A COST/PRICE EVALUATION.*)

# Appendix F. FirstSource Proposal Evaluation Plan

**Basis of Evaluation (check one):**  Trade-Off Process  
 Lowest-Price, Technically Acceptable  
 Other

**Non-Cost Factors**

Evaluation factors and significant subfactors shall be listed, and their relative order of importance cited in adjectival terms. Numerical ratings shall not be used in the evaluation of FirstSource delivery order proposals.

*List the specific areas of your technical/management requirements to be evaluated. These areas should correspond with, and relate to, specific requirements.*

**1. Technical Management Approach**

- a.
- b.
- c.
- d.

*List the specific areas of your past performance requirements to be evaluated. These areas should relate to specific work statement requirements.*

**2. Past Performance**

- a.
- b.
- c.
- d.

*List any other evaluation criteria important to you, and their relative order of importance, below.*

**3. Other Factors (if applicable)**

- a.
- b.
- c.
- d.

**Price/Cost Factor**

Note that balancing cost against the non-cost factors is how you make your best-value trade-off decision, and as a result, a percentage is not applied to the cost factor. Indicate whether **all non-cost** evaluation factors, when combined:

- Are significantly more important than the cost factor:
- More important than the cost factor:
- Comparatively equal to the cost factor:

# Appendix G. DHS Section 508 Compliance Determination Form

<b>Requiring Official Name:</b>	<b>Date:</b>
<b>Vendor/Product Description:</b>	<b>Contract Number:</b>  <b>Delivery Order Number:</b>
<b>Select 1 of the two categories:</b>	
<b>Category 1:</b>  <input type="checkbox"/> <b>Most Compliant (Market Research Complete)</b>  I have reviewed the accessibility documentation of the vendor and the item selected is a commercial-off-the-shelf product that is less than fully compliant. The item was evaluated against other items that met business needs and determined to be the “most compliant” with Section 508. All of these documents will be included in the contract file.	
<b>Category 2:</b>  <input type="checkbox"/> <b>Exception Applies</b>  I have a copy of the required approval documents provided by OAST when applicable. For exceptions not requiring OAST approval, I have documentation that supports the decision for this exception. All of these documents will be included in the contract file.	
<b>EXCEPTION TYPE</b>	
<b>OAST Exception Approval Received for:</b>  <input type="checkbox"/> <b>Undue Burden</b>  <input type="checkbox"/> <b>National Security</b>	<b>Exception:</b>  <input type="checkbox"/> <b>Fundamental Alteration (OAST consultation applies)</b>  <input type="checkbox"/> <b>Back-Office Product</b>

By signing this form, I affirm that I have done due diligence to ensure that the information provided on this form, including all supporting documentation, is accurate.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**UPON COMPLETION OF THIS FORM: Attach a copy of this signed sheet to the contract file along with any other documents such as market research and signed approval letters.**

## Appendix H. Sample Letter/Debriefing To Unsuccessful Offeror

*(Insert date)*

*(Insert offeror's name)*

Title *(Insert offeror's title)*

*(Insert name of offeror's company/organization)*

Street

City, State ZIP

SUBJECT: FirstSource Delivery Order Request for Proposal # *(insert DO RFP number)*

Dear *(insert offeror's name)*:

This letter constitutes a written debriefing of your firm's proposal, as requested in your e-mail message dated *(insert date)*. This debriefing will provide information regarding the Government's evaluation of the significant weak or deficient elements of your firm's proposal. This letter contains only that information which the Contracting Officer is allowed by regulation to disclose.

### Evaluation Results

After careful consideration, we determined that your firm's proposal was not the most advantageous to the Government for the reasons stated below. The delivery order was awarded to:

*(insert successful offeror's name and address)*

Your firm's proposal contained significant technical weaknesses or deficiencies if applicable, most notably:

1. Did not adequately *(insert information)*.
2. Demonstrated a lack of *(insert information)*.
3. Was deficient in the representation of *(insert information)*.

### Additional Considerations

1. Past performance experience is not comparable to *(insert information)*.
2. Your company did not submit *(insert information)* that was included in the schedule of supplies and services.
3. Your company's offered pricing was substantially higher than the pricing offered by the successful offeror.

Our award decision was based on the technical and price factors identified in the delivery order request for proposals. The Government solicited *(insert number)* firms and received a total of *(insert number)* proposals. Award was made for *(insert items and quantities awarded)* at a total firm-fixed price of *\$(insert dollar amount)*.

I would like to thank you for your participation in this procurement and I hope the information provided above will assist you in future competitions.

Sincerely,

*(insert name)*

Contracting Officer