

Patient Care R0381

Question 1: We have heard that the SAC [Strategic Acquisition Center] conducted a teleconference with the Coalition for Government Procurement on these acquisitions. Will the SAC publish the questions and answers for all offerors?

Answer 1: I am unaware of the teleconference you are referencing. The director for the MSPV [Medical Surgical Prime Vendor] program has had interactions with various vendors and organizations prior to solicitation being issued, but no interactions have happened following solicitation and only questions submitted via the required email box will be addressed through formal amendments to the solicitation.

Question 2: If the government receives offers from two or more responsible SDVOSB [Service Disabled Veteran Owned Small Business] business concerns that are competitive in terms of market prices, quality, and delivery will award be made without opening the bids from further cascading tier solicitations?

Answer 2: No. The proposals will be evaluated per the process described in section E.52.212-2 Addendum Basis for Award. All proposals will be evaluated for price reasonableness prior to the technical evaluation being conducted.

Question 3: Does the VA plan to initially open and compare all bids from all tiers—before conducting the SDVOSB tier solicitation competition? If so, how is this different from a full and open competition?

Answer 3: The pricing will be evaluated first, and then those found to be within the price reasonableness range per E.52.212-2 Addendum Basis for award Price reasonableness determination will be included in the cascading technical evaluation. The SDVOSB will be evaluated first. If a SDVOSB is found to be technically acceptable with fair and reasonable price, no other categories will be evaluated for technical acceptability. If a SDVOSB in the price reasonableness range is not found to be technically acceptable then technical evaluations will continue as per the cascading order.

Question 4: If the Government does not receive offers from two or more responsible SDVOSBs business concerns that are competitive in terms of market price, quality, and delivery; will an acceptable SDVOSB tier offer remain under consideration as the cascading tiers continues—or will all SDVOSB offers be null and void as each new cascade solicitation begins?

Answer 4: Once an offeror is determined to be responsible, and is included in the price reasonable range they will remain in consideration for award even if they are the only offeror in their tier for cascading.

Question 5: The NGPVs [Next Generation Prime Vendor] are directed to obtain formulary supplies only from the IDIQ [Indefinite Delivery Indefinite Quantity] holder and are required to establish agreements/contracts with these Government-selected IDIQ holders. These agreements/contracts establish delivery, acceptance, inspection, and payment terms. Are these therefore directed subcontracts? If not, please explain why not?

Answer 5: It is not a directed subcontract. The contract is put in place through the competitive process. The pricing is established through the competitive contracts. The only terms and conditions to be determined between the two vendors (prime vendor and the formulary contract holder) are those for logistics and delivery of the supplies. The prime vendor contract limits fees and spells out what can and cannot be included in the supplier agreement, including payment terms. The need for delivery, acceptance, and inspection is due to the items being stored in the prime vendor location. The government is responsible for administering each contract separately from the other.

Question 6: To establish a binding contract, a Government minimum guarantee is required. There is no minimum guarantee in the draft solicitation. However, adding a minimum is problematic since the Government does not intend to obligate any Government funds on these contracts. How will a binding contract be established?

Answer 6: Section B.2 Contract Terms and Conditions 3. Purchase limitations provide the minimum guarantee. The Government will be obligating funding on these contracts, to include the minimum guarantee. There are two ways for orders to be placed. One is via a government delivery order; the other is through the prime vendors placing orders for inventory for the distribution centers.

NOTE: PLEASE MAKE SURE TO LOOK AT THE FINAL SOLICITATION, NOT THE DRAFT SOLICITATION.

Question 7: Why is 52.217-2 Cancellation Under Multiyear Contracts incorporated? This contract is set up as an indefinite quantity contract. The contract obligation is complete when the minimum guarantee is satisfied but may continue at the Government's discretion. Please clarify.

Answer 7: 52.217-2 should not have been included; it is deleted with this amendment.

Question 8: The solicitation includes a veteran's preference clause which is applicable for the full and open cascading round. But there is no socio-economic factor included in the evaluation, nor any discussion of how this evaluation factor will be considered. Will a socio-economic evaluation be added? Recommend that this LPTA be changed to a best value competition that separately evaluates both past performance and socio-economic status in each cascading round.

Answer 8: We were not able to find the veteran preference clause you were referencing in the solicitation.

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Question 9: If a VOSB cascade is planned, will you include a veteran's preference clause that provides SDVOSBs an evaluated preference over VOSBs as required by Public Law?

Answer 9: The proper clauses based on the final awardee's socioeconomic status will be added at time of award. The Government's cascading approach for this action incorporates an appropriate hierarchy of preference for the evaluation of offers.

Question 10: The price evaluation is based on a price by the each. Are NGPVs likely to order at that level? Recommend the evaluated price be based on the NGPV planned ordering quantity.

Answer 10: The evaluation of pricing will be at the each level to ensure that what is being evaluated is equal. A unit of measure adjustment may be applied in the evaluation process depending on the offeror's proposed unit of issue. This is further detailed in the FAR 52.212-2 Evaluation discussion in the solicitation.

Question 11: All products will be ordered, delivered, inspected, accepted, and paid for by the NGPVs under an agreement/contract that has all of the necessary elements of a subcontract. How does the NMR [Non-manufacturing Rule] apply to these subcontracts?

Answer 11: The Non-Manufacturer rule allows a small business to offer a product that it did not manufacture under a small business set-aside if SBA has offered a waiver. Cascading is allowed by the Kingdomware Rule of Two; however, is not considered a set-aside and does not require a non-manufacturing waiver. The SAC has a blanket non-manufacturing waiver for all MSPV formulary items.

Question 12: It appears the IDIQ is merely a pricing agreement because it does not establish any requirement for Government ordering, delivery, inspection, acceptance, and payment. Please confirm.

- Answer 12: The IDIQ states that the terms and conditions will be included in the delivery orders. It is not just a pricing agreement in addition; there is a stated minimum that the Government will meet.
- Question 13: What are the goals of obtaining this situational awareness that merit dramatically reducing VA small business awards?
- Answer 13: The government is utilizing a cascading approach to increase small business awards.
- Question 14: What was the annual amount of VA small business awards in 2016 that included NMR waivers?
- Answer 14: This is not a question related to this solicitation.
- Question 15: Are all of these types of NMR waiver sales now lost to small business and for what situational awareness purpose?
- Answer 15: The SBA has granted a non-manufacturing waiver for the MSPV catalog formulary development; however, a non-manufacturing waiver is not necessary for this solicitation.
- Question 16: Considering that the VA SAC has conducted an extensive effort in identifying the 9000 items planned for this IDIQ, and that the VA has obtained from industry RFIs extensive information on all 9000 items, what further situational awareness is to be gained by not requesting an NMR waiver?
- Answer 16: The MSPV program does have a non-manufacturing waiver in place at the program level.
- Question 17: Has such a waiver been requested by the SAC HCA for these NGPV solicitations? For any solicitation since the policy was put in place?
- Answer 17: The MSPV program does have a non-manufacturing waiver in place at the program level.
- Question 18: Has the VA made the required written determination that this consolidation and bundling is justified given the major impacts on small business participation—especially if the SAC HCA does not request or if the SBA does not grant an NMR waiver?
- Answer 18: Bundling is defined as the "consolidation of two or more procurement requirements for goods or services previously provided or performed under separate smaller contracts into a solicitation of offers for a single contract that is

likely to be unsuitable for award to a small business." This solicitation is not for a single award, but for multiple single awards and is not considered bundling.

Question 19: Will you publish your justification and approval for this contract consolidation and bundling?

Answer 19: See answer for question 18.

Question 20: Does the SAC plan to answer pre-solicitation comments or questions?

Answer 20: Questions have been addressed in this amendment.

Question 21: Does the SAC plan to answer solicitation questions?

Answer 21: Yes, as provided in this amendment

Question 22: The shortened proposal time does not allow for meaningful exchanges of information and questions and answers as you make dramatic corrections and changes to the pre-solicitation. Request the RFP be released after questions have been answered.

Answer 22: The normal proposal time for commercial items is 15 days. This solicitation had a 30 day draft solicitation process and a 30 day solicitation timeline. It is considerably longer than normal solicitation proposal times for similar items and will not be extended.

Question 23: Please provide contact information for the solicitation Ombudsman.

Answer 23: OMBUDSMAN
Mr. Phil Parker, Deputy Assistant Secretary for Acquisitions
Office of Acquisitions (049A)
VA Central Office
810 Vermont Ave., NW
Washington, DC 20420
202-632-5359
Phil.parker@va.gov

Question 24: On the SF1449 of the RFQ, it clearly states that this RFQ is a set aside for Service-Disabled Veteran-Owned Small Businesses. However, on page 46 of the solicitation, there is a paragraph regarding the evaluation of offers in a cascading manner:

Consideration shall be given to tiers in the following order of priority:

(1) service-disabled veteran-owned small business (SDVOSBs);

(2) veteran-owned small business;

(3) *8(a) and HUBZone small business concerns;*

(4) *all other small business concerns;*

(5) *other than small businesses.*

Are we to understand that you would consider submissions from large companies for this RFQ?

Answer 24: The solicitation is not set aside for small business and block 10 on the SF1449 was incorrectly marked. The solicitation is intended to be a cascading solicitation and proposals will be excepted from large businesses as described in Addendum for FAR 52.212-2 Evaluations-Commercial items.

Question 25: Vol 1 questions:

The instructions say to not break of any volumes when sending. Yet, on page 42, paragraph a.(i), we are instructed to send product literature via email. While it states these emails are counting against our page limit, there are no instructions on how to refer these emails to our submissions. My questions, are these to be included in Vol 1, or are we to send them separately? These brochures are graphic intensive, and will exceed 10mb very quickly.

Answer 25: The cut sheets should be sent separately and should be labeled per the instruction in Addendum to FAR 52.212-1 Instruction of offerors.

Question 26: Additionally, page 43 paragraph iii. Same subject, but we are asked to modify the brochures by including signatures, etc. We are a distributor, we do not publish these brochures. Further, these brochures are FDA regulated and we do not have the authority to modify them. Is there another way to comply with the request that will pass muster?

Answer 26: The requirement is to ensure that the government can discern which company the cut sheet was coming from, especially if it isn't from the manufacture.

Question 27: Vol II. The instructions in Vol II state to include a 500x500 pixel picture of each product we are submitting. Yet, the column instructions say to leave the space blank. Which instruction are we to follow?

Answer 27: Please leave the space blank. The offeror who wins the award will be required to submit the pictures within 30 days of award.

Question 28: Additionally, we have over 100 items we are responding with. 10mb will not be sufficient if we have that many pictures. Do you have any guidance?

Question 28: Multiple emails will be necessary. Please label each appropriately so that we can align them with the correct worksheet and item number. Be aware of how overload the server might become and the time necessary to be timely with receipt of proposal. Hand delivery/mailing of an electronic proposal is also a viable option. Deliveries can be received at 10300 Spotsylvania Avenue Suite 400, Fredericksburg Virginia 22408. Must be labeled with the correct solicitation number and be marked as MSPV source selection documentation.

Question 29: Lastly, page 35, Sec E.9. When identifying "equal" offered products, is it sufficient to state the following in the Part Number Column. "Part # 123456 (equal to the predicate device)?"

Answer 29: No, it must clearly show how each of the salient characteristics are met per the instruction in E.9 52.211-6 Brand Name or Equal.