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| AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT | | 1. CONTRACT ID CODE | PAGE OF PAGES 1 7 |
| 2. AMENDMENT/MODIFICATION NO. 000001 | 3. EFFECTIVE DATE 12/04/2015 | 4. REQUISITION/PURCHASE REQ. NO. | 5. PROJECT NO. (If applicable) |
| 6. ISSUED BY DHHS/PSC/AMS/DAM Twinbrook Place, Suite 400 12501 Ardennes Avenue Rockville MD 20857 | CODE DAM | 7. ADMINISTERED BY (If other than Item 6) | CODE |
| 8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code) | | (x) 9A. AMENDMENT OF SOLICITATION NO. 16-233-SOL-00046 | |
| | | x 9B. DATED (SEE ITEM 11) 11/24/2015 | |
| | | 10A. MODIFICATION OF CONTRACT/ORDER NO. | |
| | | 10B. DATED (SEE ITEM 13) | |
| CODE | FACILITY CODE | | |

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers is extended. is not extended.
 Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: (a) By completing Items 8 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGEMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA (If required)

13. THIS ITEM ONLY APPLIES TO MODIFICATION OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

| | |
|-----------|---|
| CHECK ONE | A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A. |
| | B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b). |
| | C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF: |
| | D. OTHER (Specify type of modification and authority) |

E. IMPORTANT: Contractor is not. is required to sign this document and return _____ copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)

The above referenced Request for Proposal (RFP) is amended as follows:

Please see attachment for details.

Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.

| | | | |
|--|------------------|--|------------------|
| 15A. NAME AND TITLE OF SIGNER (Type or print) | | 16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) ROSANNA BROWNING | |
| 15B. CONTRACTOR/OFFEROR <i>(Signature of person authorized to sign)</i> | 15C. DATE SIGNED | 16B. UNITED STATES OF AMERICA <i>(Signature of Contracting Officer)</i> | 16C. DATE SIGNED |

AMENDMENT OF SOLICITATION NO.: RFP: 16-233-SOL-00046

AMENDMENT NO.: 01

EFFECTIVE DATE: December 4, 2015

ISSUED BY:

Program Support Center
Office of the Assistant Secretary for Administration
U.S. Department of Health and Human Services
12501 Ardennes Avenue
Suite 400
Rockville, MD 20857

Point of Contact: Shanelle Jackson, Contract Specialist

NAME AND ADDRESS OF RESPONDENTS: To All Responders

The above numbered Solicitation is amended as set forth below.

DESCRIPTION OF AMENDMENT

PURPOSE: To clarify the Solicitation requirements by amending paragraph one of C.5 Specific Task: Task 3, and L.3.3.2 CLIN 3: Direct Representation and responding to questions submitted under the Solicitation. Unless specifically noted, all specifications remain unchanged.

Amendment:

1. Section C.5 Specific Task: Task 3 is revised as follows:

Task 3: Direct Representation

The Contractor shall provide direct representation to UC who:

- a) Were released in the following immigration court jurisdictions:
 - Miami Florida; and
 - Memphis, Tennessee.
- b) Are without reunification options (regardless of being identified with or without legal relief).
- c) Enter immigration proceedings while in HHS custody.
- d) Have been released locally from an ORR-funded facility.

The Contractor shall submit an implementation plan inclusive of the policies and procedures it would take to accomplish a-d above. This plan shall be submitted to the COR within 30 days of award.

2. Section L.3.3.2 CLIN 3: Direct Representation is revised as follow:

This table is provided for informational purposes only. The Government anticipates that pricing for this requirement will include the following types of labor and estimated hours for task order performance:

Base:

| Labor Category | Hours |
|--|--------------|
| Direct Representation of UC in Long-term Foster Care | 393 |
| Direct Representation of Released UC | 45994 |
| Court Appearance Representation | 766 |

Option Period 1:

| Labor Category | Hours |
|--|--------------|
| Direct Representation of UC in Long-term Foster Care | 393 |
| Direct Representation of Released UC | 45994 |
| Court Appearance Representation | 766 |

Option Period 2:

| Labor Category | Hours |
|--|--------------|
| Direct Representation of UC in Long-term Foster Care | 393 |
| Direct Representation of Released UC | 45994 |
| Court Appearance Representation | 766 |

Option Period 3:

| Labor Category | Hours |
|--|--------------|
| Direct Representation of UC in Long-term Foster Care | 393 |
| Direct Representation of Released UC | 45994 |
| Court Appearance Representation | 766 |

Option Period 4:

| Labor Category | Hours |
|--|--------------|
| Direct Representation of UC in Long-term Foster Care | 393 |
| Direct Representation of Released UC | 45994 |
| Court Appearance Representation | 766 |

Questions:

1. With reference to *Section C.5, Task 3: Direct Representation* of the Revised Solicitation, will the contractor be required to provide direct representation to UC who are/were released to the Miami, Florida immigration court jurisdiction?

We note that the revised RFP does not list Miami, Florida under *Section C.5, Task 3* (revised Solicitation, page 7). Under the initial Solicitation (No. 15-233-SOL-00264), the contractor was to provide direct representation to UC released to both Miami, Florida and Memphis, Tennessee immigration court jurisdictions (initial Solicitation, *Section C.5, Task 3a*). Please clarify whether the contractor will provide direct representation to UC who are/were released to both the Miami, Florida and the Memphis, Tennessee immigration court jurisdictions under the contract that is to result from the Revised Solicitation.

Answer: See Amendment #1 above.

2. In *Section L.3.8.2 CLIN 3: Direct Representation* of the initial Solicitation (No. 15-233-SOL-00264), the numbers for Region D are different from the numbers provided in *Section L.3.3.2, CLIN 3: Direct Representation* for Region D in the revised Solicitation. Was this difference in number intentional? If yes, please explain the basis for the changes.

Answer: See Amendment #2 above.

3. What distinguishes a “joint venture” from a prime contractor/sub-contractor relationship (see references in the Revised Solicitation on pages 51 and 52)?

Answer: A joint venture is an association of individuals and/or concerns with interests in any degree or proportion by way of contract, express or implied, consorting to engage in and carry out no more than three specific or limited-purpose business ventures for joint profit over a two year period, for which purpose they combine their efforts, property, money, skill, or knowledge, but not on a continuing or permanent basis for conducting business generally.

This means that the joint venture entity cannot submit more than three offers over a two year period, starting from the date of the submission of the first offer (3-in-2 rule).

Per FAR 9.601 Definition a subcontractor is:

“Contractor team arrangement,” as used in this subpart, means an arrangement in which-

- (1) Two or more companies form a partnership or joint venture to act as a potential prime contractor; or
- (2) A potential prime contractor agrees with one or more other companies to have them act as its subcontractors under a specified Government contract or acquisition program.

4. Can we resubmit the performance evaluation that we submitted in response to the initial Solicitation or do we need to request a new performance evaluation from the relevant program officer for our proposal in response to the Revised Solicitation?

Answer: A new performance evaluation should be sent to the Contract Specialist, Shanelle Jackson at Shanelle.Jackson@psc.gov by close of the solicitation.

5. With regards to the “Relevant Experience” section (Revised Solicitation, page 51), if an offeror provided legal services, specifically Know Your Rights presentations, legal screenings and/or direct representation under a public or private foundation grant for which there are no commercial concerns, will that experience be considered by the agency in determining whether an offeror satisfies the Pass/Fail Relevant Experience requirement of the Revised Solicitation?

Answer: Yes, services provided under a public or private foundation grant will be considered as relevant experience.

6. Regarding the “Licensure Requirements” Revised Solicitation, section L.2.1(1) (page 41), what is considered sufficient “proof of licensure and/or required certification indicating... [authorization] to provide legal services...”? Please provide examples, if possible.

Answer: Government will accept the following proof of licensure and/or certification:

- That the offeror is a legal entity, as defined by their State’s Bar Association
- That attorneys working for the legal entity are members of the bar and in good standing
- That the attorneys employed by the legal entity and the and the entity itself had BIA accreditation (so that they could appear before the immigration courts)

7. If the offeror is proposing to use a subcontractor, is it necessary that both the prime contractor and sub-contractor provide “proof of licensure and/or required certification” if the sub-contractor will be the direct representation provider? If only one of these parties would be required to submit this proof, please specify which party—the prime contractor or the sub-contractor—should submit proof, where the subcontractor will be the direct representation provider.

Answer: The Prime Contractor shall submit proof of licensure and/or required certification whether it is for the Prime or the subcontractor. These documents must be provided within the proposal submitted.

8. Is it acceptable to include the Letters of Commitment from management and professional staff under the appendices along with the resumes (L.2. *Technical Proposal Instructions*, page 41)? If yes, how, if at all, will such Letters of Commitment be considered in the evaluation?

Answer: Yes. Letters of Commitment will be acceptable. Letters will be considered with respect to the requirements of the solicitation.

9. Under Section M.1(3), the Revised Solicitation states that “examples of contracts/grants with commercial concerns will be discarded and not given consideration” in connection with the evaluation of Relevant Experience. Will the agency evaluate examples of contracts/grants with commercial concerns for purposes of the evaluation of Past Performance under Revised Solicitation M.1(4)?

Answer: Examples of contracts/grants with commercial concerns will be considered for the purpose of evaluating Past Performance.

10. What relationship, if any, is there between the Revised Solicitation and the initial Solicitation (RFP No. 15-233-SOL-00264)?

Answer: Though the statement of work is the same, RFP 16-233-SOL-00046 is only for Region D.

11. Does the Combined Synopsis/Solicitation under solicitation number RFP16233SOL00046 contain requirements similar to a current contract? If possible, please provide the current contract number. Or, is this a new requirement for the government?

Answer: This is a new requirement.

12. Is an offeror expected to propose Direct Representation under Task 3 in C.5. on page 7 for UC who were released to a state in Region D (see the last paragraph of C.2. on page 6) whose cases are venued in an immigration court in a state that is outside Region D?

Answer: UC release to the state in Region D, whose immigration court case is not venued in Region D is qualified for direct representation, in Region D, as long as a change of venue is filed transferring their case to Region D.

13. May the letters of commitment that are required along with staff resumes by L.2. on page 41 be included in an appendix to the Technical Proposal?

Answer: Yes. Letters of commitment should be included in the appendix of the Technical Proposal.

14. May proof of licensure and/or required certification as required by L.2.1.1. on page 41 and M.1.1. on page 50 be provided in an appendix to the Technical Proposal?

Answer: Yes. Proof of licensure and/or certification should be included in the appendix of the technical proposal.

15. Should the past performance information required by L.3.4. on pages 42-43, L.5.8. on pages 47-48, and M.1.4. on pages 52-53 be included in the Technical Proposal or the Business Proposal?

Answer: Past performance information should be submitted in the technical proposal.

16. The list of specific past performance information required by ##1-8 on pages 42-43 and pages 52-53, on the one hand, and the list of specific past performance information preceded by dashes on page 48, on the other hand, are somewhat overlapping, but different, and request the specific information in different order. Which instructions should be followed, those on pages 42-43 and 52-53 (which are identical) or those on page 48?

Answer: Offeror's should follow those instructions on page 48.

17. Is an offeror expected to budget for the costs of continued Direct Representation of UC cases undertaken in Region D pursuant to pilot grants for Direct Representation made on or about September 30, 2014 to the United States Conference of Catholic Bishops (USCCB) and the United States Committee on Refugees and Immigrants (USCRI)?

Answer: Offerors should provide a budget or proposal based on their capacity and the requirements of the solicitation.

18. If the answer to Question 7 is affirmative, what amounts should an offeror budget for the base period and for each option period, as the number of such cases and the costs for such continued Direct Representation will be outside of the control of an offeror? Moreover, if the answer to Question 4 is affirmative, unless the Government provides the amounts that should be included for this purpose for the base period and for each option period, an offeror who was a recipient of one of the grants referred to in Question 4 may have an unfair competitive advantage through access to nonpublic information as set forth in L.6.b. on page 49.

Answer: Proposals should be based on the requirements set forth in the solicitation. Any transition planning will be conducted after award is made.

19. Proposal submission guidelines: In order to ensure that offerors are evaluated on an equal basis, would the Government please define the parameters of the proposal submission requirements as relate to: font size and type text, font size for graphics, page size and margins, line spacing, and any other submission requirements.

Answer: Offerors should use Times New Roman 12 point font, smaller font (9 or 10 point) for figures and tables, and 1 inch margins.