



Pathfinder Projects Lessons Learned

USFPI Industry Day – After Action Review

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Overall Classification: **UNCLAS//FOUO**

Pathfinder Projects Solicitation/Award



Pathfinder

- a person or group that is the first to do something and that makes it possible for others to do the same thing

Synonyms

- pioneer, groundbreaker, trailblazer, trendsetter, leader, torchbearer, peacemaker

LESSONS LEARNED



- **Timeline of Pathfinder Solicitation/Award**
 - **NT Long Service Leave and Benefits Act**
 - **Side Deed / Deed Poll**
 - **Official Debrief Process**
- **Design/Specifications**
- **Organizational Conflicts of Interest**
- **Clarification of Terms and Words**
- **Miscellaneous Timelines**
- **Performance, Payment, and Bid Bonds**

Pathfinder Projects Solicitation/Award



FY17 PAF150400 APR – EXPAND AIRCRAFT PARKING APRON

Date	Item	Summary
11/7/2017	Synopsis on NECO	
11/21/2017	Request for Proposal	NECO and FBO
12/1/2017	Amendment No. 0001	Evaluation Factors
12/7/2017	Pre-Proposal Conference	
12/21/2017	Amendment No. 0002	2-Week Time Extension, Deed Poll, Drawing/Spec Revisions
01/11/2017	Amendment No. 0003	NT Long Service Leave Act, Drawing Revisions
01/11/2018	Notice 1	Pre-Proposal Questions & Answers
01/23/2018	Amendment No. 0004	Evaluation Factors, Drawing Revisions
01/25/2018	Amendment No. 0005	ARS Revisions per USFPI Comments, Drawing Revisions
01/25/2018	Notice 2	Pre-Proposal Questions & Answers
01/26/2018	Notice 3	Pre-Proposal Questions & Answers
1/30/2018	Amendment No. 0006	Drawing/Spec Revisions
2/8/2018	Proposals Due	
5/18/2018	Contract Award	AECOM Construction, Inc. 3101 Wilson Boulevard, Suite 700, Arlington, Virginia 22201

FY17 PAF150500 APR AIRCRAFT MAINT. SUPPORT FACILITY

Date	Item	Summary
10/27/2017	Synopsis on NECO	
11/14/2017	Request for Proposal	NECO and FBO
11/24/2017	Amendment No. 0001	Pre-Proposal Conference
11/30/2017	Notice 1	Pre-Proposal Questions & Answers
12/01/2017	Amendment No. 0002	Evaluation Factors
12/7/2017	Pre-Proposal Conference	
12/21/2017	Amendment No. 0003	2-Week Time Extension, Deed Poll Requirement, Drawing/Spec Revisions
01/17/2018	Amendment No. 0004	NT Long Service Leave Act, Drawing Revisions
01/17/2018	Notice 2	Pre-Proposal Questions & Answers
1/19/2018	Amendment No. 0005	Evaluation Factors, Drawing Revisions
1/19/2018	Notice 3	Pre-Proposal Questions & Answers
2/1/2018	Proposals Due	
7/25/2018	Contract Award	Sunbuild Pty Ltd 49 Hickman Street Winnellie, Northern Territory, Australia 0820

Notice – Pre-Proposal Questions & Answers



PRE-PROPOSAL QUESTIONS & ANSWERS

RFP N62742-18-R-1314

WON 1396553, FY17 MCAF PROJECT PAF150400 APR EXPAND AIRCRAFT PARKING APRON, ROYAL AUSTRALIAN AIR FORCE (RAAF) BASE DARWIN, AUSTRALIA

NOTE: The following questions and answers are provided for INFORMATION ONLY. The RFP remains unchanged unless it is amended in writing on a Standard Form 30.

RESPONSES FROM QUESTIONS ASKED AT THE DECEMBER 7, 2017 PRE-PROPOSAL CONFERENCE:

1. How will GST be handled?

ANSWER: See Section 01 11 00 SUMMARY OF WORK, Australian Requirements Schedule, paragraph 10, GST.

2. When will drawings and specifications be available on web site?

ANSWER: The drawings and specifications of the Request for Proposal were issued on the FBO web site on November 21, 2017. Contractors with an FBO account should request explicit access. Once explicit access is approved, the drawings and specifications for the solicitation and any issued with amendments are available to view and/or download.

3. Bond form for Bid Bond – is this available? When is Bid Bond returned?

ANSWER: Yes, please find Bid Bond and Performance and Payment Bond forms as attachments to this solicitation on the NECO and FBO websites or available for download at <https://www.gsa.gov/forms-library/performance-bond#1-1000>. A Bid Bond is returned when the Contract Specialist on the solicitation document receives a request by the Offeror.

4. Will Geotech be issued?

ANSWER: No Geotech information, other than information in the specifications and drawings, will be issued.

PRE-PROPOSAL QUESTIONS & ANSWERS

RFP N62742-18-R-1315

WON 1396567, FY17 MCAF PROJECT PAF150500 APR AIRCRAFT MAINTENANCE SUPPORT FACILITY, ROYAL AUSTRALIAN AIR FORCE BASE DARWIN, AUSTRALIA

NOTE: The following questions and answers are provided for INFORMATION ONLY. The RFP remains unchanged unless it is amended in writing on a Standard Form 30.

RESPONSES FROM QUESTIONS ASKED AT THE DECEMBER 7, 2017 PRE-PROPOSAL CONFERENCE:

2. Will U.S. personnel working on this project be protected under SOFA status?

ANSWER: Please see Note 9 on page 4 of the Standard Form 1442, Solicitation, Offer and Award. Additionally, specific to contracts which are in connection with "THE FORCE POSTURE AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF AUSTRALIA" (Attachment to this RFP on the FBO website), ARTICLE XVII UNITED STATES CONTRACTORS sets out agreed upon requirements.

3. Will U.S. personnel be exempt from paying Australian Income Taxes?

ANSWER: See THE FORCE POSTURE AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF AUSTRALIA, ARTICLE XVII UNITED STATES CONTRACTORS.

4. Contract Admin – noted that it's run from Guam but who will be doing site inspections and will it be a separate contract from these or combined services? Do you wish for an Engineer, Architect, or Project Manager to fill the role of Superintendent?

ANSWER: All construction contract administration and oversight will be provided by NAVFAC.

5. Given the tender period goes over Christmas/New Year's when industry in Australia is typically shut down, can any consideration be given to an extension of what is seen to be a very short tender/solicitation period?

ANSWER: See Amendment No. 0003.

NT Long Service Leave and Benefits Act



- **Incorporated as Amendment 3 on P-0400 and Amendment 4 on P-0500**

DOCUMENT 00800 LABOR REQUIREMENTS

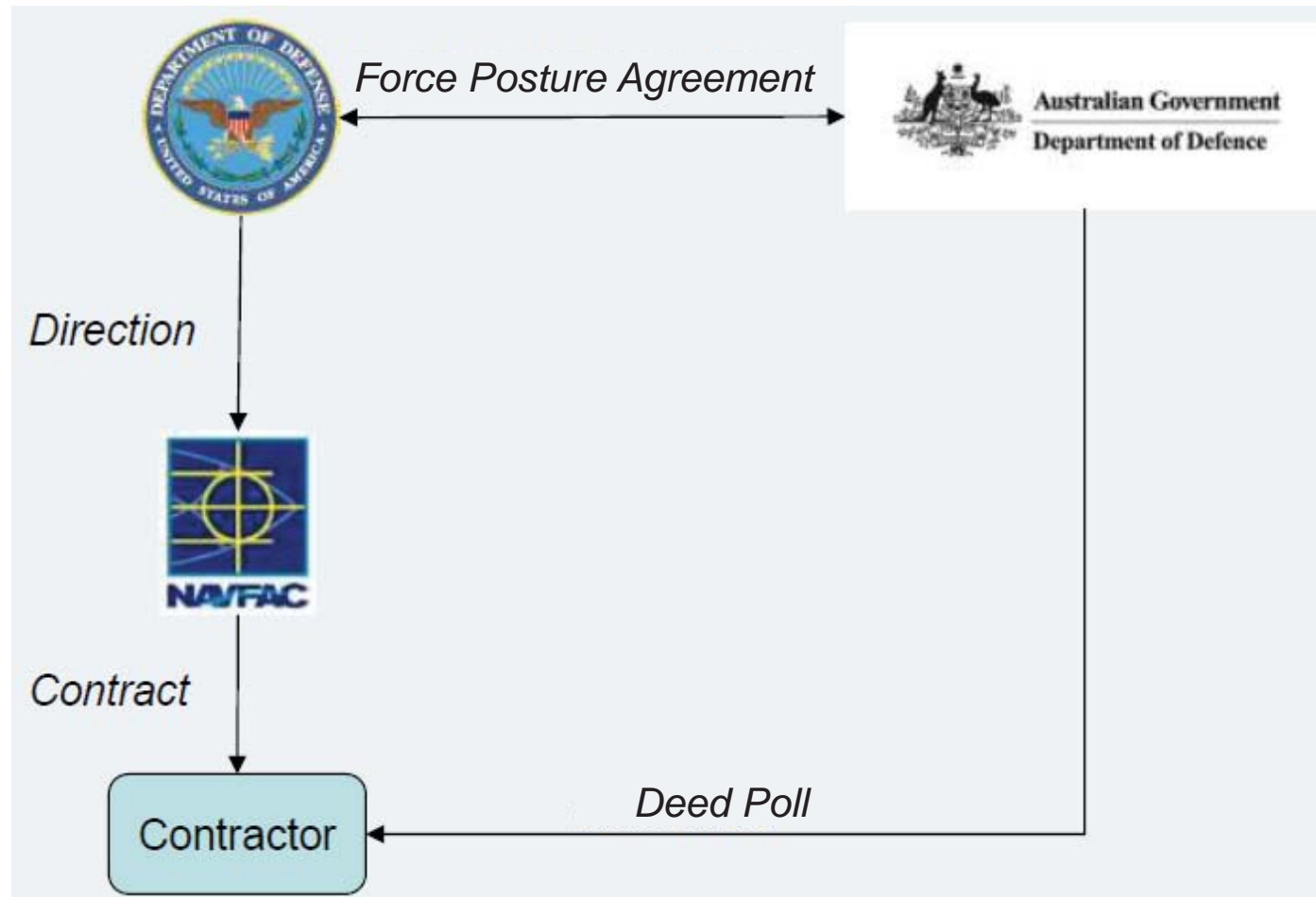
Insert the following paragraph:

1.2 NORTHERN TERRITORY OF AUSTRALIA CONSTRUCTION INDUSTRY LONG SERVICE LEAVE AND BENEFITS ACT AS IN FORCE AT 23 APRIL 2015

- (a) Without limiting the Contractor's obligations under the Contract or otherwise at law or in equity, the Contractor shall comply with its obligations under the Long Service Leave Legislation.
- (b) If required by the Long Service Leave Legislation, the Contractor must pay any levy, charge, contribution or associated amount in respect of the work performed under this Contract.
- (c) Any amount paid by the Contractor under paragraph (b) is deemed to be included in the Contract Price and the Contractor will have no Claim against the United States arising out of or in connection with its obligations under this paragraph or the Long Service Leave Legislation.

Side Deed / Deed Poll

- Incorporated as Amendment 2 on P-0400 and Amendment 3 on P-0500



Debrief Process



- **Required by FAR to provide debriefing to all offerors if a timely request is submitted. Contractors have 3 calendar days after exclusion from the competitive range or notification of award to request a debrief.**
- **Debriefing is provided within 5 days of request.**
- **Debriefing provides information regarding evaluation of the proposal. See FAR 15.505 and 15.506 for information that can / cannot be disclosed during the debriefing.**

Debrief Process



15.506 Postaward debriefing of offerors.

(d) ...the debriefing information shall include—

(1) The Government's evaluation of the significant weaknesses or deficiencies in the offeror's proposal...

(2) The overall evaluated cost or price (including unit prices) and technical rating...

(3) The overall ranking of all offerors, when any ranking was developed by the agency...

(4) A summary of the rationale for award;

(5) For acquisitions of commercial items, the make and model of the item to be delivered...

(6) Reasonable responses to relevant questions about whether source selection procedures...were followed.

Debrief Process



15.506 Post award debriefing of offerors.

(e) The debriefing shall not include point-by-point comparisons of the debriefed offeror's proposal with those of other offerors...

(1) Trade secrets;

(2) Privileged or confidential manufacturing processes and techniques;

(3) Commercial and financial information that is privileged or confidential, including cost breakdowns, profit, indirect cost rates, and similar information; and

(4) The names of individuals providing reference information about an offeror's past performance.

Design/Specifications



- **On future contracts, will incorporate “Australian Requirement Schedule” elements into the Division 01 sections of the specifications to reduce ambiguity**

SECTION 01 11 00 Summary of Work - 1.1.d if the Contractor identifies any ambiguity, discrepancy or inconsistency between the requirements of the contract, including the requirements of Division 01, the Australian Requirements Schedule, and any other laws, codes, decrees, labor standards, and/or regulations of the host country, Commonwealth, State and Territory, the Contractor shall immediately submit a Request for Information (RFI) to the Contracting Officer clearly describing the ambiguity, discrepancy and/or inconsistency and offer a proposed solution;



Organizational Conflicts of Interest

- **NFAS 5252.209-9300, ORGANIZATIONAL CONFLICTS OF INTEREST (JUN 1994)**

The restrictions described herein shall apply to the Contractor and its affiliates, consultants and subcontracts under this contract. If the Contractor under this contract prepares or assists in preparing a statement of work, specifications and plans, the Contractor and its affiliates shall be ineligible to bid or participate, in any capacity, in any contractual effort which is based on such statement of work or specifications and plans as a prime contractor, subcontractor, consultant or in any similar capacity.

Clarification of Terms and Words



- **Important to clarify and understand differences in terms and words. Often requires additional time but proves beneficial to assure and confirm mutual understanding.**

- **NAVFAC Acronym Glossary**

https://www.navfac.navy.mil/about_us/acronym_glossary.html

Miscellaneous - Timelines



- **Wet Season Considerations (November-April)**
- **Holiday Season**
- **Mailing Times**

2017 Industry Day Questions & Answers



- 2017 U.S. Industry Day Questions and Answers
 - 150 Q&A posted to the NECO website
- <https://www.neco.navy.mil/synopsis/detail.aspx?id=492440>

US Industry Day Questions (Received Prior to, During and After event)		
Question No.	Question	Response
1	The US is not bound by the Commonwealth's Indigenous Procurement Policy (IPP). The Department of the Prime Minister and Cabinet (PM&C) was informed that the IPP applies ONLY to Australian projects and that your US projects will be delivered under US regulations and policies. Does the provisions under FARS with regard to veterans, small businesses, etc. applicable when NAVFAC carries out work in Australia?	No, FAR Part 19 Small Business Programs, Subpart 19.000(b) states this applies only in the United States or its outlying areas so it will not apply to work performed in Australia.
2	Our company would like to know if there is any way to schedule a "Familiarization Tour" of Robinson Barracks, RAAF Darwin and RAAF Tindal? The day after the conference would seem best. After flying all that way, a quick drive through of the installations would be extremely helpful from an orientation perspective. This does not have to be a big deal a simple 20-30 min drive about would suffice.	Unfortunately access to the Defence bases will not be available to attendees. The Industry Day is for industry to gain familiarity with the approach to contracting with NAVFAC for projects they execute in Australia. The Industry Day is not aimed at a particular project or location. As each project is delivered, a more detailed brief for industry will be conducted. This will likely include an inspection of the project site. The Department of Defence's Estate Quality Management System offers further background that may be of assistance in building familiarity with the Defence estate (www.defence.gov.au/estatemangement/Default.asp).
3	Program of works expected to be conducted under this procurement (e.g. works item and location, timing, budget)	Each Request for Proposal (RFP) will include description of work for each Contract Line Item Number (CLIN), location of the project, duration of the project, and disclosure of project magnitude in accordance with DFARS 36.204.

Performance, Payment, and Bid Bonds



28.102-1 General.

40 U.S.C. chapter 31, subchapter III, Bonds (formerly known as the Miller Act), requires performance and payment bonds for any construction contract exceeding \$150,000, except that this requirement may be waived—

(1) By the contracting officer for as much of the work as is to be performed in a foreign country upon finding that it is impracticable for the contractor to furnish such bond; or

(2) As otherwise authorized by the Bonds statute or other law.

Performance, Payment, and Bid Bonds



28.102-2 Amount required.

(b) Contracts exceeding \$150,000—

(1) Performance bonds. Unless the contracting officer determines that a lesser amount is adequate for the protection of the Government, the penal amount of performance bonds must equal—

(i) 100 percent of the original contract price; and

(ii) If the contract price increases, an additional amount equal to 100 percent of the increase.

Performance, Payment, and Bid Bonds



28.102-2 Amount required.

(b) Contracts exceeding \$150,000—

(2) Payment bonds.

(i) Unless the contracting officer makes a written determination supported by specific findings that a payment bond in this amount is impractical, the amount of the payment bond must equal—

(A) 100 percent of the original contract price; and

(B) If the contract price increases, an additional amount equal to 100 percent of the increase.

(ii) The amount of the payment bond must be no less than the amount of the performance bond.

Performance, Payment, and Bid Bonds



- **U.S. Projects Must Adhere to U.S. Regulations and Laws– Although located in Australia, U.S. funded projects must still adhere to U.S. Regulations and laws such as the United States Code (U.S.C.) and Federal Acquisition Regulation (FAR).**
- **Per the FAR, performance and payment bonds are required for any construction contract exceeding \$150,000.**
- **The penal amount of the performance and payment bond is required to be 100 percent of the original contract price. A lesser amount is only authorized if the contracting officer determines such lesser amount is adequate to protect the Government.**

Performance, Payment, and Bid Bonds



- **Bid Bonds – Bid Guarantees should be researched and worked on as soon as practicable (preferably prior to solicitation) to establish relationships with Corporate Surety company or federally insured financial institution.**