Instructions, Conditions, & Notices to Offerors or Quoters

ADDENDUM TO 52.212-1

FAR provision 52.212-1 (SEP 2023) is hereby replaced in its entirety

Instructions to Quoters-Commercial Products and Commercial Services

(a) *North American Industry Classification System (NAICS) code and small business size standard.* The NAICS code(s) and small business size standard(s) for this acquisition appear elsewhere in the solicitation. However, the small business size standard for a concern that submits a quote, other than on a construction or service acquisition, but proposes to furnish an end item that it did not itself manufacture, process, or produce is 500 employees, or 150 employees for information technology value-added resellers under NAICS code 541519, if the acquisition--

(1) Is set aside for small business and has a value above the simplified acquisition threshold;

(2) Uses the HUBZone price evaluation preference regardless of dollar value, unless the quoter waives the price evaluation preference; or

(3) Is an 8(a), HUBZone, service-disabled veteran-owned, economically disadvantaged women-owned, or women-owned small business set-aside or sole-source award regardless of dollar value.

(b) *Submission of quotes. Submit signed and dated quotes to the office specified in this solicitation at or before the exact time specified in this solicitation. Quotes may be submitted on the SF 1449, letterhead stationery, or as otherwise specified in the solicitation. As a minimum, quotes must show*--

(1) The solicitation number;

(2) The time specified in the solicitation for receipt of quotes (if specified);

(3) The name, address, and telephone number of the quoter;

(4) A technical description of the items being quoted in sufficient detail to evaluate compliance with the requirements in the solicitation. This may include product literature, or other documents, if necessary;

(5) Terms of any express warranty;

(6) Price and any discount terms;

(7) "Remit to" address, if different than mailing address;

(8) A completed copy of the representations and certifications at Federal Acquisition Regulation(FAR) 52.212-3 (see FAR 52.212-3(b)for those representations and certifications that the quoter shall complete electronically);

(9) Acknowledgment of Solicitation Amendments;

(10) Past performance information, when included as an evaluation factor, to include recent and relevant contracts for the same or similar items and other references(including contract numbers, points of contact with telephone numbers and other relevant information); and

(11) If the quote is not submitted on the SF 1449, include a statement specifying the extent of agreement with all terms, conditions, and provisions included in the solicitation. Quotes that fail to furnish required representations or information, or reject the terms and conditions of the solicitation may be excluded from consideration.

(c) *Period for acceptance of quotes*. The quoter agrees to hold the prices in its quote firm for 90 calendar days from the date specified for receipt of quotes, unless another time period is specified in an addendum to the solicitation.

(d) *Product samples*. When required by the solicitation, product samples shall be submitted at or prior to the time specified for receipt of quotes. Unless otherwise specified in this solicitation, these samples shall be submitted at no expense to the Government, and returned at the sender's request and expense, unless they are destroyed during preaward testing.

(e) *Multiple quotes*. Quoters are encouraged to submit multiple quotes presenting alternative terms and conditions, including alternative line items (provided that the alternative line items are consistent with FAR subpart 4.10), or alternative commercial products or commercial services for satisfying the requirements of this solicitation. Each quote submitted will be evaluated separately.

(f) Late submissions, modifications, revisions, and withdrawals of quotes.

(1) Quoters are responsible for submitting quotes, and any modifications, revisions, or withdrawals, so as to reach the Government office designated in the solicitation by the time specified in the solicitation. If no time is specified in the solicitation, the time for receipt is 4:30 p. m., local time, for the designated Government office on the date that quotes or revisions are due.

(2) Any quote, modification, revision, or withdrawal of a quote received at the Government office designated in the solicitation after the exact time specified for receipt of quotes is "late" and will not be considered unless it is received before award is made, the Contracting

Officer determines that accepting the late quote would not unduly delay the acquisition. However, a late modification of an otherwise successful quote, that makes its terms more favorable to the Government, will be considered at any time it is received and may be selected.

(3) If an emergency or unanticipated event interrupts normal Government processes so that quotes cannot be received at the Government office designated for receipt of quotes by the exact time specified in the solicitation, and urgent Government requirements preclude amendment of the solicitation or other notice of an extension of the closing date, the time specified for receipt of quotes will be deemed to be extended to the same time of day specified in the solicitation on the first work day on which normal Government processes resume.

(4) Quotes may be withdrawn by written notice received at any time before the exact time set for receipt of quotes. Oral quotes in response to oral solicitations may be withdrawn orally. If the solicitation authorizes facsimile quotes, quotes maybe withdrawn via facsimile received at any time before the exact time set for receipt of quotes, subject to the conditions specified in the solicitation concerning facsimile quotes. A quote may be withdrawn in person by a quoter or its authorized representative if, before the exact time set for receipt of quotes, the identity of the person requesting withdrawal is established and the person signs a receipt for the quote.

(g) *Contract award*. The Government intends to evaluate quotes and issue a purchase order without negotiating with quoters. Therefore, the quoter's initial quote should contain the quoter's best terms from a price and technical standpoint. However, the Government reserves the right to conduct negotiations, with one or more quoters, if later determined by the Contracting Officer to be necessary or advantageous. The Contracting Officer will not negotiate with any quoters other than those of the Government's choice and will not use the formal procedures described in FAR subpart15.3 (e.g., FAR 15.306). The Government may reject any or all quotes if such action is in the public interest; and waive informalities and minor irregularities in quotes received.

(h) *Multiple awards*. The Government may select any item or group of items of a quote, unless the quoter qualifies the quote by specific limitations. Unless otherwise provided in the Schedule, quotes may not be submitted for quantities less than those specified. The Government reserves the right to make an award on any item for a quantity less than the quantity quoted, at the unit prices quoted, unless the quoter specifies otherwise in the quote.

(i) Availability of requirements documents cited in the solicitation.

(1)

(i) The GSA Index of Federal Specifications, Standards and Commercial Item Descriptions, FPMR Part 101-29, and copies of Federal specifications, standards, and product descriptions can be downloaded from the ASSIST website at https://assist.dla.mil.

(ii) If the General Services Administration, Department of Agriculture, or Department of Veterans Affairs issued this solicitation, a copy of specifications, standards, and commercial item descriptions cited in this solicitation may be obtained from the address in paragraph (i)(1)(i) of this provision.

(2) Most unclassified Defense specifications and standards may be downloaded from the ASSIST website at https://assist.dla.mil.

(3) Defense documents not available from the ASSIST website may be requested from the Defense Standardization Program Office by--

(i) Using the ASSIST feedback module (https://assist.dla.mil/feedback);or

(ii) Contacting the Defense Standardization Program Office by telephone at 571-767-6688 or email at assisthelp@dla.mil.

(4) Nongovernment(voluntary) standards must be obtained from the organization responsible for their preparation, publication, or maintenance.

(j) *Unique entity identifier.*(Applies to all quoters that exceed the micro-purchase threshold, and quotes at or below the micro-purchase threshold if the solicitation requires the Contractor to be registered in the System for Award Management (SAM).) The Quoter shall enter, in the block with its name and address on the cover page of its quote, the annotation "Unique Entity Identifier" followed by the unique entity identifier that identifies the Quoter's name and address. The Quoter also shall enter its Electronic Funds Transfer(EFT) indicator, if applicable. The EFT indicator is a four-character suffix to the unique entity identifier. The suffix is assigned at the discretion of the Quoter to establish additional SAM records for identifying alternative EFT accounts(see FAR subpart 32.11) for the same entity. If the Quoter does not have a unique entity identifier, it should contact the entity designated at www.sam.gov for unique entity identifier establishment directly to obtain one. The Quoter should indicate that it is a quoter for a Government contract when contacting the entity designated at www.sam.gov for establishing the unique entity identifier.

(k) [Reserved]

(l) *Debriefing*. If a post-award debriefing is given to requesting quoters, the Government shall disclose the following information, if applicable:

(1) The agency's evaluation of the significant weak or deficient factors in the debriefed quoter's quote.

(2) The overall evaluated cost or price and technical rating of the successful and the debriefed quoter and past performance information on the debriefed quoter.

(3) The overall ranking of all quoters, when any ranking was developed by the agency during source selection.

(4) A summary of the rationale for award;

(5) For acquisitions of commercial products, the make and model of the product to be delivered by the successful quoter.

(6) Reasonable responses to relevant questions posed by the debriefed quoter as to whether source-selection procedures set forth in the solicitation, applicable regulations, and other applicable authorities were followed by the agency.

(End of provision)

National Guard Bureau, Agency Protest Program

NG Agency Protest Program is intended to encourage interested parties to seek resolution of their concerns with the National Guard(NG) as an Alternative Dispute Resolution forum, rather than filing a protest with the Government Accountability Office (GAO) or other external forum.

Contract award or performance is suspended during the protest to the same extent, and within the same time periods as if filed at the GAO. The NG protest decision goal is to resolve protests within 35 calendar days from filing. An agency protest may be filed with either the Contracting Officer or the NG Agency's Protest Decision Authority, but not both, in accordance with NG protest procedures.

To be timely, the protests must be filed with the periods specified in FAR 33.103.

1) Protests to the Contracting Officer shall be filed under FAR 52.233-2 at:

United States Property and Fiscal Office for California

Purchasing and Contracting Division

ATTN: MSgt Austin A. Breault

PO Box 103, Stop 28

Moffett Field ANGB, California 94035-0103

Email: austin.breault.1@us.af.mil

2) To file a protest under the NG Agency Protest Program, the protest must request resolution under that program and be sent to the address below:

National Guard Bureau

Office of the Director of Acquisitions

ATTN: NGB-AQ-O

111 S. George Mason Dr.

Arlington, VA 22204

Email: ng.ncr.ngb-arng.mbx.ngb-task-order-ombudsman@mail.mil

NG Public-facing, general Protest information is found at: https://www.nationalguard.mil/Leadership/Joint-Staff/Special-Staff/Director-of-Acquisitions/

Directorate of Acquisitions information for the contracting enterprise is found at

https://gko.portal.ng.mil/ngb/STAFF/D01/D01/OI/Protests%20and%20Complaints/Forms/AllItems.aspx

(End of provision)