FA2280-23-S-C001

AFWERX CHALLENGE
COMMERCIAL SOLUTION OPENING

1. **Federal Agency Name:** AFWERX
2. **Federal Agencies Capable of Issuing Contracts/Agreements:** DoD users approved by AFWERX to leverage the AFWERX Challenge program (referred to as sponsoring organizations).
3. **Commercial Solutions Opening (CSO) Type:** This is a CSO with Calls. This CSO will remain open until the Challenges program has no further requirements to obtain new solutions or new capabilities that fulfill requirements, close capability gaps, or provide potential technological advances. This technique is for the publication of an umbrella CSO solicitation that contains the basic information but does not request White Papers or proposals with its initial issuance. This type of CSO functions as the framework for future Calls by identifying the technical areas and the basic terms and administrative information of the CSO. The CSO will be amended to issue Calls with focus areas defined during the AFWERX Challenge process. AFWERX will amend the CSO within the Government Point of Entry (sam.gov) and to allow for solutions to be submitted in response to focus areas defined on the AFWERX Challenge website (https://afwerxchallenge.com). The AFWERX Challenge CSO may be updated at least annually, and this umbrella CSO will be open in perpetuity until canceled by the Air Force. Of note, the Government will not accept white papers under this CSO. Proposals shall only be submitted in response to Calls.
4. **Calls:** Calls will be issued to provide specific focus areas identified during the AFWERX Challenge process. Each Call will identify the instructions for submitting solutions, proposal instructions, timelines, evaluation criteria, and other related information.

5. General Information

The purpose of this CSO is to provide the overarching solicitation structure for which future Calls will be issued. The purpose of each Call will be to competitively solicit challenge demonstrations from the selected top teams, resulting from their initial submissions in response to the listed AFWERX Challenges originally posted on https://afwerxchallenge.com and the solicitation posted on sam.gov associated with this CSO.

5.1 Background & Authority

AFWERX is a community of Air Force innovators who strive to connect Airmen to solutions across the force: whether that be funding, collaborating with industry, or simply receiving guidance on a project. It is composed of personnel from across active duty, the Air National Guard, Air Force Reserve, Air Force Civilian Service, and contract organizations.

AFWERX is a catalyst for agile Air Force engagement across industry, academia and non-traditional contributors to create transformative opportunities and foster an Air Force culture of innovation. Our goal is to solve problems and enhance the effectiveness of the Air Force by enabling thoughtful, deliberate, ground-up innovation across the Air Force.

The AFWERX Challenge Workshops are where individuals, startups, small businesses, large enterprises, academics and research labs submit solutions to specific challenges that the U.S. Air Force (USAF) launches. AFWERX Challenges foster growth and collaborative practices within the non-traditional military/business ecosystem. AFWERX Challenge workshops seek to facilitate open dialogue and collaboration across key areas of industry to inform potential use cases for

commercial dual-use technology solutions and/or processes.

AFWERX Challenge workshops are not solicitations to contract or to otherwise enter into formal partnerships or agreements with the government. However, these workshops may offer future opportunities for current and/or collaborative solutions to be reviewed by USAF and/or other state/federal government end-users. AFWERX Challenge workshops may inform potential pathways for future contract solicitations, grant or agreement opportunities for prototyping, demonstration, testing, and/or fielding solutions.

5.2 CSO Definition & Scope

This CSO is a competitive solicitation and the umbrella CSO will remain open in perpetuity. Calls issued under this CSO solicitation will provide for competition seeking demonstration from the top teams for each Challenge selected by the DoD reviewers from the original submissions to showcase their potential solution to USAF and other DoD potential customers. The goal of the event is to enable teams to bring contract-worthy solutions to refine and test their solutions in a military context.

This CSO seeks innovative, commercial technologies that propose new solutions and/or potentially new capabilities that fulfill requirements, close capability gaps, or provide potential technological advancements in support of the Challenge Area of Interests listed within each Call and the AFWERX Challenge website.

The CSO authority is Section 803 of the National Defense Authorization Act for FY2022, Public Law 117-81, and Class Deviation – Defense Commercial Solutions Opening, DARS Tracking No. 2022-O0007. *In this context, innovation means any technology, process, or method, including research and development that is new as of the date of submission of a proposal.* Or *innovative means any application that is new as of the date of submission of a proposed use of technology, process, or method existing as of such date.*

This CSO may result in the award of prototype projects, which include not only commercially available technologies fueled by commercial or strategic investment, but also concept demonstrations, pilots, and agile development activities that can incrementally improve commercial technologies, existing government-owned capabilities, and/or concepts for broad defense and/or public application(s). The Government reserves the right to award a FAR Part 12 procurement contract or an Other Transaction (OT) under 10 USC 4022 agreement, including prototype and follow-on production, or no contract instrument at all, as a result of this solicitation. Consistent with 10 USC 4022, awards of follow-on production contracts must be made through the use of competitive procedures unless the award of an initial OT provides for a follow-on production contract and the OT participant successfully completed the prototype project.

5.3 CSO Procedure

All Solutions submitted in response to AFWERX Challenge Calls will be in response to and governed by this CSO. The CSO outlines the procedures to submit a response to ensure a competitive process, comprised of three spirals:

Spiral 1 Solution Submissions: Offerors shall submit Solution Submissions in accordance with instructions provided in each Call. The Government will evaluate Solution Submissions against the criteria stated in the applicable Challenge Mission Focus Area site on afwerxchallenge.com and information provided in the Call. The Government will not be obligated to pay offerors responding to this CSO for the costs associated with Solution Submissions or follow-on Spiral proposal activity.

Spiral 2 Oral Demonstration: Offerors responding to this CSO may be invited to provide additional information to further elaborate and discuss their proposed concept/technology/solution.

Spiral 3 Request for Commercial Solution Proposal (CSP): Those offerors whose Solution Submission and Oral Demonstration are evaluated and determined to hold sufficient technical merit will be invited to submit a full written proposal following the instructions provided in Request for CSP.

5.4 CSO Definitions

"Call" A Call is an amendment to an umbrella CSO defining areas of interest, submission instructions, evaluation criteria, timelines, how the Air Force will treat late submissions, points of contact, and other specific information. The Call is a request for response from prospective industry partners.

"Commercial Solutions Opening" (CSO) is a competitive procedure contracting/agreements officers may use to acquire innovative commercial items, technologies, or services, as provided in Section 803 of the National Defense Authorization Act for FY2022, Public Law 117-81, and Class Deviation – Defense Commercial Solutions Opening, DARS Tracking No. 2022-O0007.

"Other Transaction" refers to the statutory authority to enter into transactions other than procurement contracts, grants, or cooperative agreements. The DoD has the authority to enter into Other Transactions for Research Projects (10 USC 4021) and Other Transactions for Prototype Projects (10 USC 4022).

"Prototype Project" is defined in the DoD Other Transactions Guide (Version 1, Nov. 2018) issued by the Office of the Under Secretary of Defense for Acquisition and Sustainment. Such projects can generally be described as a proof of concept, model, reverse engineering to address obsolescence, pilot, novel application of commercial technologies for defense purposes, agile development activity, creation, design, development, demonstration of technical or operational utility, or combinations of the foregoing. A process, including a business process, may also be the subject of a prototype project. Although assistance terms are generally not appropriate in OT agreements in 10 U.S.C. § 4022, ancillary work efforts that are necessary for completion of the prototype project, such as test site training or limited logistics support, may be included in prototype projects. A prototype may be physical, virtual, or conceptual in nature. The quantity of prototypes/commercial solutions should generally be limited to that needed to prove technical or manufacturing feasibility or evaluate military utility.

"Nontraditional Defense Contractor" is defined in 10 U.S.C. §3014 as an entity that is not currently performing and has not performed, for at least the one-year period preceding the solicitation of sources by the Department of Defense for the procurement or transaction, any contract or subcontract for the Department of Defense that is subject to full coverage under the cost accounting standards prescribed pursuant to section 1502 of title 41 and the regulations implementing such section. This includes all small business concerns under the criteria and size standards in 15 U.S.C. 632 and 13 C.F.R. Part 121.

"Nonprofit Research Institution" means a nonprofit institution, as defined in 15 U.S.C. § 3703 as an organization owned and operated exclusively for scientific or educational purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

"Small Business Concerns" is defined in the Small Business Act (15 U.S.C. 632) and 13 CFR Part 121.

"Innovative" is defined, consistent with Section 803 of the National Defense Authorization Act for FY2022, Public Law 117-81, and Class Deviation – Defense Commercial Solutions Opening, DARS Tracking No. 2022-O0007—

(1) any new technology, process, or method, including research and development that is new as of the date of submission of a proposal; or

(2) any new application that is new as of the date of submission of a proposal of a technology, process, or method existing as of such date.

5.5 Guidelines for Solution Submissions, Demonstrations and Proposals

5.5.1 General Guidelines

a. Unnecessarily elaborate brochures or proposals are not desired.

b. Use of a diagram(s) or figure(s) to depict the essence of the proposed solution is strongly encouraged.

c. The period of performance for any Solution submitted must be included in Spiral 3 submissions.

d. Technical data with a military application may require approval, authorization, or license for lawful exportation.

e. All Solution Submissions and Proposals shall be unclassified, unless instructions are otherwise provided within each Call. Solution Submissions and Proposals containing proprietary information that is not to be disclosed to the public for any purpose or used by the Government except for evaluation purposes shall include the following general disclaimer on the cover page:

"This [select one: Solution Submission or Proposal] includes proprietary information that shall not be disclosed outside the Government, except to non-Government personnel for evaluation purposes, and shall not be duplicated, used, or disclosed -- in whole or in part -- for any purpose other than to evaluate this submission. If, however, an agreement is awarded to this Offeror as a result of -- or in connection with – the submission of this data, the Government shall have the right to duplicate, use, or disclose the data to the extent agreed upon by both parties in the resulting agreement. This restriction does not limit the Government's right to use information contained in this proprietary information if it is legally obtained from another source without restriction. The data subject to this restriction are contained in sheets [insert numbers or other identification of sheets]"

Recommended marking (header or footer) for portions of business plans and/or technical information that are to be protected for a period of five years from FOIA disclosure:

> *"10 U.S.C. §4021(i), provides that disclosure of certain type of information [i.e. i. a proposal, proposal abstract, and supporting documents. ii. A business plan submitted on a Business Proprietary basis. iii. Technical information submitted on a confidential basis] is not required, and may not be compelled, under section 552 of title 5 for five years after the date on which the information is received by the Department of Defense."*

f. Submissions shall be submitted electronically as prescribed by the applicable AFWERX Challenge site.

g. Submissions sent through other mediums, channels, and/or after the prescribed by the AFWERX Challenge open period has ended will not be considered, reviewed nor evaluated.

h. Solution Submissions that are not invited to a *Spiral Phase 2 Oral Demonstration* or *Spiral Phase 3 Request for CSP* will be notified in writing as soon as practicable. Further feedback may be provided, upon request, at the Contracting/Agreements Officer's discretion. Feedback to unsuccessful offerors shall be provided upon request in accordance with provisions and timelines of 10 U.S.C. 3304.

5.5.1.1 Small Business and Domestic Sourcing

a. Representation of small business size and status: NAICS code currently identified for this CSO is 541715 - Research and Development in the Physical, Engineering, and Life Sciences (except Nanotechnology and Biotechnology) with a 1,000 employee small business size standard under 13 CFR Part 121. Additional NAICS codes may be assigned by amendment or defined within specific Calls.

   During Spiral 1 Solutions Submission and Spiral 2 Demonstration, offerors shall identify their small business size and socio-economic status, as well as small business size and socio-economic status of any proposed team members or subcontractors under the NAICS identified in this paragraph, identified within the Call (if applicable), or the NAICS the offeror believes would be appropriate pursuant to FAR 52.219-1, *Small Business Program Representations* (February 2020). Socio-economic status refers to status as a small disadvantaged business, 8(a), women-owned, veteran-owned, service- disabled veteran-owned, and HUBZone small business concerns, and any related identifications. The Contracting Officer shall issue an amendment to this Solicitation assigning appropriate NAICS codes prior to requests for Spiral 3 Commercial Solutions Proposals, and shall require re-representation of small business size and status under the assigned NAICS codes.

b. Small business subcontracting plans and small business participation: FAR-based procurement contracts awarded pursuant to this CSO (including 10 U.S.C. 4022 follow-on production contracts) shall include FAR 52.219-8, *Utilization of Small Business Concerns* (Oct. 2018). FAR-based contracts awarded pursuant to this CSO (including 10 U.S.C. 4022 follow-on production contracts) which are meeting FAR Subpart 19.7 criteria for small business subcontracting plans shall include FAR 52.219-9 *Small Business Subcontracting Plan* (March 2020). Offerors shall address plans to comply with these requirements as part of Spiral 3, Commercial Solutions Proposals if seeking FAR Part 12 contracts, or if seeking OTs which provide for follow-on non-competitive production contracts. Offerors not seeking either instrument in the preceding sentence shall clearly state so as part of their CSP and shall address these requirements as part of competition for follow-on production contracts. If the event that

any follow-on production contracts are required to have small business subcontracting plans and are negotiated using FAR Part 15 negotiation procedures, DFARS 215.304(c) Small Business Participation Plans shall be required.

c. Participation by Foreign-Owned business will be defined at the Call level.

d. Small business subcontractors shall receive prompt and accelerated payment under FAR 52.232-40, and DFARS 232.903.

5.5.1.2 Commercial Terms and Conditions

a. Consistent with FAR Part 12, offerors may propose commercial terms and conditions.

b. This contract is subject to FAR 52.212-4, Contract Terms and Conditions – Commercial Items (Oct 2018).

5.5.2 Spiral 1 - Solution Submission Content

a. Offerors are required to submit a web form via the afwerxchallenge.com website. Instructions on how to complete the web form will be provided at the Call level.

b. Offerors may also submit a supplementary document, which is uploaded with the web form completed at afwerxchallenge.com. Supplementary documents shall not exceed five (5) single-sided written pages using 12-point font. Instructions regarding required content for Solution Submissions will be provided at the Call level.

5.5.3 Spiral 1 Solution Submission- Basis of Evaluation

Solution Submission evaluation criteria will be provided at the Call level.

The Government may elect to use external market research in the evaluation of an offeror's viability. The Government holds the right to select all, some, or none of the solution submissions submitted in response to the applicable mission focus area.

5.5.4 Spiral 2 Oral Demonstration Content

In Spiral 2, the offeror will provide an Oral Demonstration (i.e., video) to showcase and provide further details on the technical and business viability of their proposed solution.

The content required for the Oral Demonstration will be detailed at the Call level.

5.5.5 Spiral 2 Oral Demonstrations Basis of Evaluation

Oral Demonstrations will be evaluated against the evaluation criteria outlined at the Call level and not against any other Oral Demonstrations held under the same challenge mission focus area.

5.5.6 Spiral 3 Commercial Solutions Proposal (CSP) Content

The third, and final, spiral of the CSO process is the CSP. Based upon the results of Spiral 1 and Spiral 2, the Government may issue a Request for CSP. If that occurs, an offeror, or offerors, will be invited to develop and submit a written proposal as well as negotiate appropriate terms and conditions, as applicable, governing the proposed solution and/or prototype. At this stage, the selected offerors may discuss proposal development details during the proposal writing process with their assigned Government subject matter expert(s) or Government teaming partner(s). Each proposal submitted shall consist of two sections: Section 1 shall provide the technical proposal; Section 2 shall address the price/cost/schedule portions of the proposal. Additionally, offerors are invited to provide their own internal terms and conditions that may be consolidated with those of the Government. This includes Service License Agreements (SLA) and/or User License Agreements (ULA).

Offerors should note that there are certain terms and conditions the Government may be unable to accept. However, projects awarded through the CSO may provide flexibility to adopt customary industry standards where it is otherwise legal and meets the Government's general public responsibility.

Instructions to offerors will be provided in each Call's CSP.

5.5.7 Spiral 3 CSP Basis of Evaluation

The evaluation criteria will be provided in each Call's CSP.

In all cases, proprietary information shall be protected from unauthorized access to competitors and non-government personnel.

5.6 Awards - General Guidelines

Upon favorable review of the CSP and subject to the availability of funds, the Government may choose to make a fixed price award either using FAR Part 12 Acquisition of Commercial Items or OT authority. The Contracting/Agreements Officer reserves the right to negotiate directly with the offeror on the terms and conditions prior to execution of the resulting contract or OT, including payment terms, and will execute the contract/agreement on behalf of the Government. Be advised, only a Contracting or Agreements Officer has the authority to enter into, or modify, a binding contract or agreement on behalf of the United States Government.

In order to receive either a fixed price award either using FAR Part 12 Acquisition of Commercial Items or OT authority:

a. Offerors must have a Unique Entity ID (UEI) number and must register in the System for Award Management (SAM) prior to receiving an award or agreement. Offerors are advised to commence SAM registration upon receipt of a Request for CSP.

b. Offerors must also register in the prescribed government invoicing system (Wide Area Work Flow: https://wawf.eb.mil/xhtml/unauth/registration/notice.xhtml.

c. Offerors must represent their small business size and status as required in this solicitation.

d. Offerors must be determined to be responsible by the Contracting/Agreements Officer and must not be suspended or debarred from award by the Federal Government nor be prohibited by Presidential Executive Order and/or law from receiving an award.

e. Receipt of a Request for CSP does not guarantee that an offeror will receive an award and the Government reserves the right not to award a contract/agreement.

5.6.1 Comptroller General Access to Information

If the prototype OT provides for payments in a total amount in excess of $5,000,000, the Agreement will include a mandatory clause that provides for the Comptroller General the ability to examine the records of any party to the agreement or any entity that participates in the performance of the agreement.

5.6.2 Procurement Integrity Act (PIA)

As required by 10 U.S.C. § 4022(h), all Agreements awarded under this CSO shall be treated as Federal Agency procurements for the of purpose of 41 U.S.C. Chapter 21. Accordingly, the CSO competitive solicitation process and awards made thereof must adhere to the ethical standards required by the PIA.

5.7 - Iterative Prototyping

A contract or OT for a prototype awarded against this CSO shall allow for an iterative prototyping process.

An iterative prototyping process will allow the Government to modify, by mutual agreement, the scope of a prototype contract or OT to allow for the adaptation and modification of the technology being prototyped to meet additional unique and discrete purposes/mission sets. The sequential prototype iterations may result in a separate spiral prototype project rather than a modification of the original prototype contract or OT. These additional unique and discrete purposes/mission sets can be generated by USAF or originate within any USAF subordinate or supported organization.

5.7.1 – Successful Completion of Prototype

A prototype project is complete upon the written determination of the appropriate approving official (program manager and Contracting/Agreements Officer) for the matter in question that the efforts conducted under a prototype contract or OT: (1) met the key technical goals of a project; (2) met the metrics incorporated into the prototype contract or OT; or (3) accomplished a particularly favorable or unexpected result that justifies the transition to a production contract or OT.

Furthermore, prior to successful completion of a prototype project under this CSO, the Government can transition any aspect of the prototype project determined to provide utility into production while other aspects of the prototype project have yet to be completed.

5.7.2 – Follow-on Production of a Prototype

After award of a prototype using either a fixed price award either using FAR Part 12 Acquisition of Commercial Items or OT authority, the Government and offeror may negotiate a follow-on contract or OT for production or solution integration with or without further competition. Any concept/technology/solution successfully proven through a contract or Prototype OT can be transitioned to a production contract. The Government reserves the right to award a follow-on contract or OT before the prototype is complete, under competitive procedures as provided in 10 U.S.C. 4022.

5.7.3 Any CSP posted by the Government under this CSO could result in the potential award of a follow-on production or solution integration contract or OT.

5.7.4 The Government reserves the right to extend performance to all, some, or none of the selected solutions and will be made based on the availability of government funds.

5.8 – Non-Government Advisors

Non-Government advisors may participate, as non-scoring members. The Government understands that information provided in response to this CSO is presented in confidence and may contain trade secrets or commercial or financial information, and it agrees to protect such information from unauthorized disclosure to the maximum extent permitted or required by Law, to include:

- ➔ 18 U.S.C. 1905 (Trade Secrets Act);
- ➔ 18 U.S.C. 1831 et seq. (Economic Espionage Act);
- ➔ 5 U.S.C. 552(b)(4) (Freedom of Information Act);
- ➔ Executive Order 12600 (Pre-disclosure Notification Procedures for Confidential Commercial Information); and,
- ➔ Any other statute, regulation, or requirement applicable to Government employees

Non-government advisors will be identified in individual Calls.

6. Source Selection Sensitive Information: Department of the Air Force policy is to treat all submissions as source selection information, and will only disclose their contents for the purpose of evaluation. Restrictive notices notwithstanding, during the evaluation process, submissions may be handled by Non-Government advisors for administrative purposes and/or to assist with technical evaluation(s). All government support contractors performing this role are expressly prohibited from performing DAF technical research and are bound by appropriate NDAs.

Should paper copy submissions be requested, they will not be returned. The original of each submission received will be retained with the CSP Contracting Activity and all other non-required copies destroyed. A certification of destruction may be requested, provided the formal request is received by the contracting office within 5 days after notification that the proposal was not selected.

7. CSO Contact Information

- Questions regarding this CSO should be sent to:
  - sandi.brubaker@afwerx.af.mil
  - RGKA@afwerx.af.mil

7.1 Questions

Questions regarding a specific Call should be directed towards the POCs identified within that Call and courtesy copying the contacts identified in paragraph 7, above.

7.2 CSO Provision-Subject to Availability of Funds

Funds are not presently available for this CSO. The Government's obligation under this CSO is contingent upon the availability of appropriated funds from which payment for CSO purposes can be made. No legal liability on the part of the Government for any payment may arise until funds are made available to the Contracting Officer and until the Contractor receives notice of such availability, to be confirmed in writing by the Contracting Officer.

7.3 Notifications of Award and Protests

Unsuccessful offerors shall receive notification of award and small business status of awardees. Protests may be filed in accordance with FAR Part 33, DFARS Part 233, and AFFARS Part 5333. Protests of small business size or status to the SBA may be filed pursuant to 13 CFR Part 121 and FAR Part 19. Points of contact for protest submissions will be provided at the Call level.