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 1,250 employees, for Construction Machinery Manufacturing under NAICS code 333120:

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

(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 pre-award 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 an 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 may be 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 subpart 15.3 (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 will 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 Addendum 1)

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 Vermont

Purchasing and Contracting Division

ATTN: James Yoshikawa

45 NCO Drive

South Burlington, VT 05403

Email: James.yoshikawa@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@army.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 Addendum 2)

COMPARATIVE EVALUATION (PAST PERFORMANCE AND PRICE) QUOTE PREPARATION INSTRUCTIONS

General: The following instructions cover specific preparation and submission of the quoter's quote for this solicitation. Quoters must follow the instructions contained herein. Quoters are cautioned that any noncompliance with the terms and conditions of the RFQ may cause their quote to be determined not eligible for award. Quotes must be received by the United States Property and Fiscal - VT MSgt James Yoshikawa James.yoshikwa@us.af.mil no later than the date and time specified in Block 8 on the face page of the RFQ. To facilitate uniform handling and evaluation, submission of quote packages via electronic mail to James.Yoshikawa@us.af.mil is required with the Subject Line: W50S9C-26-Q-A013

Your quote will be evaluated in accordance with FAR 13.106. We will consider how well you complied with these instructions. We may consider any significant failure to comply with these instructions to be indicative of what we could expect from you during contract performance. Please contact our contracting officer if you do not understand any part of these instructions.

Volume Organization

Quote: Quotes shall be submitted to the Government as one e-mail with two separate volumes (i.e., attachments) as set forth below:

VOLUME	PAGE LIMITS	NUMBER OF COPIES	DESCRIPTION
I	50	1	Quote (Completed SF 1449, amendments and representations and certifications (fill-ins)
II	0	0	Past Performance – No separate submission required (see Volume II below)

In addition to the volume organization set forth above, quote volumes shall comply with the following format:

Each volume shall be marked with the RFQ number and the quoter's name and address, and the number of the Volume, i.e. I, or II. Quotes shall be in the English language and all monies shall be proposed in United States dollars.

Print shall be no smaller than a font size of 12. Paper size shall be 8 1/2" X 11,", and margins shall be no smaller than 1 inch, and each page within a volume shall be numbered consecutively.

Do not include extraneous information not requested by the RFQ.

Volume I, Quote

General: Your quote shall consist of the following: (1) Standard Form 1449, Solicitation/Contract/Order for Commercial Items, with blocks 12, 17, and 30 completed by you (including any amendments issued). (2) Standard Form 1449, Solicitation/Contract/Order for Commercial Items, Section SF 1449 – Continuation Sheet (Schedule of Supplies/Services), with your proposed prices inserted in the appropriate blank spaces. (3) **Quoters shall ensure that all clauses and provisions that require "fill in" information are appropriately completed, including the proposed prices associated with the contract line items in the Schedule of the RFQ.** (4) Complete and submit solicitation Attachment 1, level of effort and mix of labor sheet

The completion and submission of the above items of information will constitute your quote and written assent to perform in accordance with the terms of this RFQ.

Volume II, Past Performance

General: Past performance information may be obtained from any sources available to the Government. For example, the Government may retrieve past performance information from the Contractor Performance Assessment Reporting System (CPARS), GSA, or Federal Awardee Performance and Integrity Information System (FAPIIS). As a result, this RFQ does not include a past performance information submittal from quoters.

(End of Addendum 3)

(End of Addenda to 52.212-1)

SF 1449 Addendum

I. Basis for Contract Award – Evaluation of Quotes-Simplified Acquisition Procedures

(a) In accordance with FAR 13.106, the Government will award a contract resulting from this solicitation to the responsible offeror whose offer conforming to the solicitation will be most advantageous to the Government, price and other factors considered. The following factors shall be used to evaluate offers:

(i) Technical

(ii) Past performance; and

(iii) Price

(b) Options. The Government will evaluate quotes for award purposes by adding the total price for all options to the total price for the basic requirement. This includes options under FAR clause 52.217-7, Option for increased Quantity-Separately Priced Line Item, if included in this solicitation. Options under FAR clause 52.217-7 will be evaluated by using the prices quoted for the option CLIN, which will be added to the base to arrive at a total evaluated price. The Government may determine that a quote is unacceptable if the option prices are significantly unbalanced. Evaluation of options shall not obligate the Government to exercise the option(s).

(c) A quotation is not an offer and, consequently, cannot be accepted by the Government to form a binding contract. Therefore, issuance by the Government of an order in response to a supplier's quotation does not establish a contract. A written notice of award or purchase order, mailed or otherwise furnished to the successful quoter is an offer by the Government to the supplier to buy certain supplies or services upon specified terms and conditions. A contract is established when the supplier accepts the offer.

II. Quote Evaluation: The evaluation process will be accomplished as follows (Organized by Volume):

A. General: We will award a contract to the responsible contractor who represents the best value to the Government on the basis of its (1) quote, and (2) past performance.

B. Volume I, Quote

1. General: We will determine the merits of your quote on the basis of (a) its acceptability and (b) its quoted price.

(a) Acceptability: We will determine the acceptability of your quote on an acceptable or unacceptable basis. We will consider your quote acceptable if it (i) conforms to the material solicitation requirements; (ii) manifests your unconditional assent to the terms of this Request for Quote (RFQ), and (iii) you are a responsible prospective contractor pursuant to FAR 9.104-1. (NOTE: *By submission of a quote, the quoter represents that it unconditionally assents to the terms of this Request for Quote, except for any written express exceptions.*)

(i) Conformance. Material solicitation requirements include those terms affecting quality, quantity, price, or delivery.

(ii) Assent. If you (1) take exception to any term of this RFQ, (2) propose any additional terms, or (3) omit material information required by this RFQ then we will consider your quote to be unacceptable and ineligible for contract award.

(b) Price: We will evaluate your price for fairness and reasonableness in accordance with FARS 13.106-3(a). Additionally, the Government will perform a price realism analysis considering the level of effort and the mix of labor proposed to perform in accordance with the performance work statement, and for determining that the total price is realistic (not too low).

C. Volume II, Past Performance Factor

1. General: The past performance assessment will assess the prime's (hereafter referred to as quoter's) ability to successfully accomplish the proposed effort based on the quoter's demonstrated present and past work record. The Government will evaluate the quoter's demonstrated record of contract compliance in supplying products and services that meet users' needs, including cost and schedule. The recency and relevancy of the information, the source of the information, context of the data and general trends in the contractor's performance will be considered.

Supplier Performance Risk System. A risk score of Red (lowest 5%) or Yellow (Next 10%) will be considered unacceptable. If no information is found, that will be treated as neutral which is considered acceptable. An unacceptable risk rating will be grounds for exclusion from award consideration.

NIST SP 800-171 Assessment: All quoting entities must have completed the NIST SP 800-171 assessment for contractor network security. If the survey has not been completed and uploaded to the SPRS module in the Procurement Integrated Enterprise Environment (PIEE) system by the time quotes are received, the quoting entity will not be eligible for award.

Next, we will evaluate all quotes with acceptable Supplier Performance Risk Systems and NIST SP 800-171 Assessments for recency. For purposes of this evaluation, **recency is defined as demonstrated experience (active or completed efforts) performed within the past three (3) years from the issuance date of this solicitation**. Then, we will evaluate recent contracts for relevancy as described below (see Table 1). Finally, we will evaluate recent and relevant contracts for overall quality (see Table 2).

The evaluation of the quoter's (including partnerships and joint venture) present/past performance WILL NOT include the present/past performance of any subcontractors, predecessor companies, affiliates, other divisions or corporate management even though they may perform major or critical aspects of this requirement. Only the quoter's (includes partnerships and joint ventures) past performance will be evaluated.

2. Past Performance Assessment: Present and Past Performance is a measure of the degree to which you have satisfied your customers in the past and complied with federal, state, and local laws and regulations. Your past performance is relevant to this competition when you have done recent work that has confronted you with the same kinds of challenges that you would reasonably expect to encounter during performance of the contract described by the RFQ. We will assess your past performance on the basis of recency, relevancy, and quality (general trends in contractor performance and source of information). Past performance information may be obtained from any sources available to the Government.

3. Past Performance Evaluation Ratings:

a) As a result of the recency and relevancy assessments of current and prior contracts, a relevancy rating described below will be assigned within the past performance evaluation.

Table 1

Adjectival Rating	Description
Relevant	Present/past performance effort involved similar scope and magnitude of effort and complexities this solicitation requires.
Not Relevant	Present/past performance effort involved little or none of the scope and magnitude of effort and complexities this solicitation requires.

Scope = Type of Work, Functions, Skill Mix and/or Labor Classifications, etc.

Magnitude of effort = Dollar Value and Period of Performance

Complexities = Contract Type (e.g., Indefinite Delivery Contract, Firm-Fixed-Price, FAR-based, Other Government Transaction, UCC), Location (on-base, off-base, geographical), Terms and Conditions (e.g., private, Federal, DoD, Army, National Guard Bureau), etc.

Table 2

Adjectival Rating	Description
Acceptable	Based on the quoter's performance record, the Government has a reasonable expectation that the quoter will be able to successfully perform the required effort, or the quoter's performance record is unknown.
Unacceptable	Based on the quoter's performance record, the Government does not have a reasonable expectation that the quoter will be able to successfully perform the required effort.

(End of Addendum)