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| 2. AMENDMENT/MODIFICATION NO. 0004 | 3. EFFECTIVE DATE 11 February 2004 | 4. REQUISITION/PURCHASE REQ. NO. | 5. PROJECT NO. (If applicable) |
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|--|------|--------|---|------|--|
| 6. ISSUED BY COMMAND, SPACE AND NAVAL SYSTEMS COMMAND 4301 PACIFIC HIGHWAY SAN DIEGO, CA 92110-3127 ATTN: MELISSA HAWKINS (858) 537-0346; EMAIL: melissa.hawkins@navy.mil | CODE | N00039 | 7. ADMINISTERED BY (If other than Item 6) | CODE | |
|--|------|--------|---|------|--|

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| 8. NAME AND ADDRESS OF CONTRACTOR (No., street, country, State and ZIP Code) | <input checked="" type="checkbox"/> | 9A. AMENDMENT OF SOLICITATION NO. |
| | <input checked="" type="checkbox"/> | N00039-04-R-0001 |
| | <input type="checkbox"/> | 9B. DATED (SEE ITEM 11) 26 November 2003 |
| | <input type="checkbox"/> | 10A. MODIFICATION OF CONTRACT/ORDER NO. |
| | | 10B. DATED (SEE ITEM 11) |
| CODE | FACILITY CODE | |

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

X 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 1 copy 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 ACKNOWLEDGMENT 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)
N/A

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

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| <input checked="" type="checkbox"/> | A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: 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 changes made by this amendment are described on Page 2 of 2.

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.

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|---|---|--|------------------|
| 15A. NAME AND TITLE OF SIGNER (Type or print) | 16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) MELISSA L. HAWKINS Space and Naval Warfare Systems Command | | |
| 15B. CONTRACTOR/OFFEROR | 15C. DATE SIGNED | 16B. UNITED STATES OF AMERICA | 16C. DATE SIGNED |
| _____ (Signature of person authorized to sign) | | BY _____ (Signature of Contracting Officer) | |

The purpose of this amendment is to make the following changes to the Request for Proposal:

1. SECTION L: Provision L-2, RECEIPT OF OFFERS/VALIDITY OF PROPOSALS, paragraph (a) is changed to read: “(a) Receipt of Offers. Proposals are due no later than 2:00PM Pacific Standard Time on 3 March 2004.”

2. SECTION L: Provision L-14, ESTIMATED EFFECTIVE AWARD DATE, is changed to read:

“For proposal purposes the estimated effective date of contract award is 15 May 2004.”

3. SECTION L: Provision L-18, SUBMISSION OF ELECTRONIC PROPOSALS, is changed to add subparagraph (4) under paragraph (b) as follows:

“(4) In addition to the requirements of subparagraphs (1)-(3) above, cost data submitted in accordance with Provision L-23 shall be provided in Microsoft® Excel 2000 (9.0.4402 SR-1)-compatible format.”

In order to maintain a conformed copy of the RFP replacement pages are provided as follows and attached hereto for the changes noted in paragraphs (1) through (3) above.

| <u>RFP Page Number</u> | <u>Replace with page Number (attached hereto)</u> | <u>Description of Change</u> |
|------------------------|---|------------------------------|
| L-1 | L-1 | See paragraphs 1 above |
| L-5 | L-5 | See paragraph 2 above |
| L-6 | L-6 | See paragraph 3 above |

SECTION L INSTRUCTIONS, CONDITIONS, AND NOTICES TO OFFERORS OR QUOTERS

Amendment 0004

L-1 52.252-1 SOLICITATION PROVISIONS INCORPORATED BY REFERENCE (FEB 1998)

This solicitation incorporates one or more solicitation provisions by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available. The offeror is cautioned that the listed provisions may include blocks that must be completed by the offeror and submitted with its quotation or offer. In lieu of submitting the full text of those provisions, the offeror may identify the provision by paragraph identifier and provide the appropriate information with its quotation or offer. Also, the full text of a solicitation provision may be accessed electronically at this/these address(es):

<http://farsite.hill.af.mil/>
<http://www.arnet.gov/far/>

NOTICE. The following solicitation provisions and/or contract clauses pertinent to this section are hereby incorporated by reference:

FEDERAL ACQUISITION REGULATION (48 CFR CHAPTER 1) SOLICITATION PROVISIONS

| <u>REFERENCE</u> | <u>TITLE</u> | <u>DATE</u> |
|------------------|--|-------------|
| 52.204-6 | Data Universal Numbering System (DUNS) Number | JUN 1999 |
| 52.214-35 | Submission of Offers in US Currency | APR 1991 |
| 52.215-16 | Facilities Capital Cost of Money | JUN 2003 |
| 52.215-20 | Requirements for Cost or Pricing Data or Information Other Than Cost or Pricing Data | OCT 1997 |
| 52.222-24 | Preaward On-site Equal Opportunity Compliance Evaluation | FEB 1999 |
| 52.232-13 | Notice of Progress Payments | APR 1984 |

DOD FEDERAL ACQUISITION REGULATION SUPPLEMENT 948 CFR CHAPTER 2) PROVISIONS:

| <u>REFERENCE</u> | <u>TITLE</u> | <u>DATE</u> |
|------------------|---|-------------|
| 252.234-7000 | Notice of Earned Value Management Systems | MAR 1997 |

L-2. RECEIPT OF OFFERS/VALIDITY OF PROPOSALS

- (a) Receipt of Offers. Proposals are due no later than 2:00PM Pacific Standard Time on 3 March 2004.
- (b) Validity of Proposals. Proposals submitted in response to this solicitation shall be valid for 180 calendar days from the solicitation closing date.

L-2.1. USE OF ADVISORS IN REVIEW AND EVALUATION OF OFFERS

The Government will use non-government experts to provide advice and administrative support in conjunction with the evaluation of proposals. Non-disclosure and/or non-competition agreements will be executed with the individuals. The Government currently plans to use personnel from Anteon, SAIC, Booz-Allen Hamilton, Galaxy, MITRE, and Northrop-Grumman. The Government may choose to use non-government experts from companies other than those listed above. If this occurs, the Government will issue an amendment to this solicitation.

If the offeror has any objection to any of these firms having access to its proposal and assisting the Government during the evaluation process, it must notify the Contracting Officer of the objection and provide reason for the objection no later than seven days before proposal due date.

If the offeror does not object to the above firms assisting in reviewing the offeror's proposal, the offeror cover pages of each proposal volume shall contain the words: "(Insert Offeror name) consents to

SECTION L INSTRUCTIONS, CONDITIONS, AND NOTICES TO OFFERORS OR QUOTERS

Amendment 0004

below:

Class I ODS Identified

Specification/Standard

[Contracting officer is to identify and insert screened ODS requirements]

(c) If offerors possess knowledge about any other Class I ODS required directly or indirectly by the specification or standards, the Navy would appreciate such information in your response to this solicitation. Offerors are under no obligation to comply with this request and no compensation can be provided for doing so.

L-13. 5252.215-9200 CERTIFICATE OF CURRENT COST OR PRICING DATA (OCT 1997)

Certification of cost or pricing date is required in accordance with FAR 15.403-4 and shall be prepared in the format specified in FAR 15.406-2. The Contractor shall be required to submit the certificate as soon as practicable after agreement is reached on the contract price.

L-14. ESTIMATED EFFECTIVE AWARD DATE

For Bidding/Proposal purposes the estimated effective date of contract award is 15 May 2004.

L-15. SUBCONTRACTOR COMPETITION (JUN 1999)

(a) When another division of a potential offeror might be a competitor for a particular subsystem, the offeror shall submit a plan that addresses the following:

(1) how the offeror will ensure the subcontractor selection process results in the best value (e.g., the subcontractor selection criteria or evaluation process should not provide any benefit to a company merely because it is another division of the same company as the offeror);

(2) how the offeror will protect intellectual property rights of unaffiliated companies competing for a specified subcontract;

(3) whether any independent advisors will be used in the subcontractor selection process;

(4) whether any measures (commonly referred to as firewalls) will be implemented to isolate the source selection personnel from any other personnel in the company that could influence a subcontractor selection for reasons other than obtaining the best value; and

(5) an assessment of whether the benefits of having two sources for a specified subsystem outweigh the costs.

(b) This Plan shall be submitted in the price volume of the offeror's proposal.

L-16. USE OF GOVERNMENT PROPERTY IN OFFEROR'S POSSESSION (DEC 1999)

If the offeror intends to use in the performance of the work required hereunder any Government-owned facilities, special test equipment, or special tooling, it shall so advise in its response hereto and shall include in such response the value of such property, the number of the contract(s) under which such property was acquired, the rental provisions of such contract(s) and such other information as may be relevant. In addition to the above, the offeror shall obtain and then include in its proposal, the written concurrence in its proposed use of the property from the Contracting Officer having cognizance of such property.

L-17. FACILITIES CAPITAL COST OF MONEY (MAY 1999)

SECTION L INSTRUCTIONS, CONDITIONS, AND NOTICES TO OFFERORS OR QUOTERS

Amendment 0004

If the offeror proposes facilities capital cost of money as part of their proposed costs, the offeror shall submit with their proposal a completed DD Form 1861 "Contract Facilities Capital and Cost of Money." with supporting documentation.

L-18. SUBMISSION OF ELECTRONIC PROPOSALS (MAR 2001)

(a) Offerors shall submit their proposals electronically to SPAWAR under the instructions contained in this provision. Offerors shall submit their signed proposals as either scanned ("TIFF") or "PDF" documents. Electronic copies shall be submitted via the SPAWAR E-Commerce Central (SPAWAR E-CC). Offerors submitting electronic proposals (e-Proposals) shall register in the SPAWAR E-CC and select their own password in order to submit a proposal. Offerors are required to read the "Submitting a Proposal?" web page found in the SPAWAR E-CC. For information about "e-Proposal" submission, please visit the SPAWAR E-CC. The URL for the SPAWAR E-Commerce Central is <https://e-commerce.spawar.navy.mil>.

(b) Each electronic file shall also be clearly marked to show the proposal volume number, solicitation number and offeror's name. E-Proposal files shall not contain classified data. The offeror's e-proposal shall be in accordance with the requirements set forth below:

(1) Adobe Acrobat version 4.01 or greater shall be used to create the "PDF" files.

(2) The proposal submission files may be compressed (zipped) into one, self-extracting file entitled "PROPOSAL.EXE" using WinZip version 6.3 or greater.

(3) Cost or Pricing Type Data: All information relating to cost and pricing type data shall be included only in the section of the proposal designated by the Contracting Officer as the Cost Proposal. Under no circumstances shall cost and pricing type data be included elsewhere in the proposal. Paragraph cross-referencing between Cost Proposal paragraphs and technical/management proposal paragraphs is requested to provide clarity.

(4) In addition to the requirements of subparagraphs (1)-(3) above, cost data submitted in accordance with Provision L-23 shall be provided in Microsoft® Excel 2000 (9.0.4402 SR-1)-compatible format

(c) Bids and proposals submitted electronically will be considered "late" unless the bidder or offeror completes the entire transmission of the bid or proposal prior to the due date and time for receipt of bids or proposals. This paragraph (c) supplements the submission, modification and withdrawal of bids and proposals coverage in the FAR 52.212-1 "Instructions to Offerors--Commercial Items", FAR 52.214-7 "Late Submissions, Modifications, and Withdrawals of Bids", FAR 52.214-23 "Late Submissions, Modifications, Revisions, and Withdrawals of Technical Proposals under Two-Step Sealed Bidding", or the FAR 52.215-1 "Instructions to Offerors--Competitive Acquisition" provision contained in the solicitation.

L-19. GOVERNMENT-FURNISHED PROPERTY (OCT 1998)

No material, labor, or facilities will be furnished by the Government unless provided for in the solicitation.

L-20. TECHNICAL DATA AND COMPUTER SOFTWARE RIGHTS

(a) In order that the Government may compete follow-on procurements for MIDS JTRS, the Government has determined that, in accordance with 10 U.S.C. § 2320(a)(2)(B,C,D), its minimum needs for this acquisition include Unlimited Rights to all technical data labeled as such in Column 3 of Table B-1 of Section B, and Government Purpose Rights to all remaining technical data and computer software delivered under this contract, thereby permitting competitive follow-on acquisitions of MIDS JTRS.

(b) CLINS 3000-3005 are cost-reimbursable CLINS that require the awardee to conduct research and development to deliver MIDS JTRS required under this contract. As such, the Government will be reimbursing the contractor its allocable, allowable, and reasonable costs of performing such research and development work and thus assumes that an offeror need not use any technical data or computer software developed completely at private expense to perform this contract. Accordingly, the Government does not envision any circumstance where, in completing the Section K clause entitled "Identification and Assertion of Use, Release, or Disclosure Restrictions" (DFARS 252.227-7017), an offeror will deliver less than Unlimited Rights to the Government for any technical data or computer software delivered under this RFP. If this assumption is correct, offerors shall: