

AMENDMENT OF SOLICITATION / MODIFICATION OF CONTRACT				1. Contract ID Code	PAGE 1 OF 1
2. Amendment/Modification No. 0003	3. EFFECTIVE DATE 15 MAY 02	4. REQUISITION / PURCHASE REQUEST N66001-2030-62101	5. Project No. (if applicable)		
6. ISSUED BY CONTRACTING OFFICER, SPAWARSYSCEN BLDG A33 ROOM 1602W, Code 2212 53560 HULL STREET SAN DIEGO, CA 92152-5000 JACK FAULKNER (619)553-4503 email: jfaulk@spawar.navy.mil		CODE N66001	7. ADMINISTERED BY (If other than Item 6)		CODE N66001
8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, state and ZIP + 4 Code)				(X)	9a. Amendment of Solicitation No. N66001-02-R-5999
				X	9b. Dated (See Item 11) 22 MAR 02
					10a. Modification of Contract / Order No. /
					10b. Dated (See Item 11)
CAGE CODE		CEC (facility) CODE			
11. THIS ITEM APPLIES ONLY TO AMENDMENTS OF SOLICITATIONS					
<input checked="" type="checkbox"/> The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers <input checked="" type="checkbox"/> is extended, [] is not extended. <i>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:</i> (a) By completing Items 8 and 15, and returning <u>1</u> copies 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 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)					
13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS, IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.					
<input checked="" type="checkbox"/> A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.					
<input type="checkbox"/> B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation data, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).					
<input type="checkbox"/> C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:					
<input type="checkbox"/> D. OTHER (Specify type of modification and authority)					
E. IMPORTANT: Contractor <input type="checkbox"/> Is Not, <input type="checkbox"/> 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 solicitation is revised as follows: 1) The date and time for the receipt of proposals has been extended to 15 July 2002 at 3:00 PM PDT. 2) Because the Government does not anticipate extending the proposal due date, questions in regard to the requirements specified in this RFP MUST be submitted in writing (VIA E-MAIL ONLY), NO LATER THAN 12:00 NOON PDT on Monday, 8 July 2002. Questions must be e-mailed to both Jack Faulkner: jfaulk@spawar.navy.mil and Sharon Pritchard: pritch@spawar.navy.mil. Questions will be accepted after 8 July 2002, but the Government does not guarantee that questions submitted after 8 July 2002 will be answered or, if answered, that the proposal due date will be extended as a result of questions received after 8 July 2002. 3) The attached questions and answers are for informational purposes only and are not changes to the solicitation. All other solicitation provisions remain unchanged. <small>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.</small>					
15A. NAME AND TITLE OF SIGNER (Type or print)			16A. NAME OF CONTRACTING OFFICER (Type or print) SHARON M. PRITCHARD		
15B. NAME OF CONTRACTOR BY _____ (Signature of person authorized to sign)		15C. Date Signed	16B. UNITED STATES OF AMERICA BY _____ (Signature of Contracting Officer)		16C. Date Signed

Response to Questions

Solicitation N66001-02-R-5999

1) Q. Would the USG consider providing the Nera v7.12 software, opening codes and the AHU as GFE items for the demonstration as well as removing them as contractor furnished items under this procurement for the following reasons?

- a. Because the Navy has or will have license rights to v7.12 software and because previous versions of software did not require ICU purchases in order to obtain opening codes for external modem operation, and because the government is purchasing the Saturn B terminal and v7.12 from Mackay under a sole source contract.

A) No, the government has no rights to the Nera Version of 7.12 Saturn-Bm terminal software beyond those granted to any commercial purchaser of the Nera Saturn-Bm terminal. Under the current contract N66001-01-D-5024 for Saturn-Bm terminals, no software version is identified. New terminals are provided with a preinstalled firmware that supports contract defined performance requirements. Contract N66001-01-D-5024 does not contain requirements for an external modem. The government will not be procuring any additional opening key codes necessary only for external modem operation. With respect to providing the Saturn-Bm terminal as GFE, the government is requiring potential offeror's to furnish the Saturn-Bm terminal. The Saturn-Bm terminal can be procured through commercial sources.

- b. Nera has advised that it will only sell the opening codes required for external modem operation in conjunction with procurement of the Interface Control Unit (ICU). Some Non-OEM bidders may not require the ICU functionality in providing the requisite 128k solution and may only require v7.12 software with external modem opening code to meet the RFP requirements. This would unduly disadvantage non-OEM competitors.

A) No. The government will not be procuring any additional opening key codes necessary only for external 128 kbps modem operation. Nera's commercial practices are not within the government's control.

- c. Nera has advised that the AHU is not currently available to commercial customers. This unduly disadvantages non-OEM competitors' ability to fully respond to the 128k RFP in its current form and for this reason the AHU should be GFE to allow fair evaluation of all Non-OEM and OEM bidders.

A) Yes. The government acknowledges that the Nera AHU is a new product and may not be as readily available as the Saturn-Bm terminal that has been in production since the mid 1990's. In order to allow prospective offeror's the ability to respond to the RFP in the required time frame, the government shall make available on temporary loan the required AHU, subject to availability, which is anticipated by 14 June 2002. Such temporary loan is contingent upon prior receipt by the government from the prospective offeror of two SaturnBm terminal INMARSAT Serial Numbers (ISN's) that may be used by the Government to acquire from Nera the opening key code required to operate the loaned AHU. The solicitation closing date will be extended to 15 July 2002.

2) Would the USG consider providing the Nera Saturn B components (other than the external modem hardware) required for the demonstration as GFE items for the following reason?

- a. Non-OEM competitors' costs to compete are unduly burdened by the pre-award demonstration material requirements (most which are available to the Navy only via its exclusive sole source OEM distributor). Additionally, the cost to procure the above items for the required pre-award demonstration is prohibitive in relation to the first year guaranteed contract amount of this procurement. This unduly disadvantages non-OEM competitors.

A) No. The government will not be procuring any of the additional components required for the demonstration of non-OEM equipment, therefore, some items needed by some offerors may not be otherwise available within the Government. All prospective offerors are subject to the same requirement, to provide equipment necessary for the demonstration.