Request for Proposals

 RFP-UESP-2021-056

**Activity Title: “Analysis of the Market Rules for compliance with the EU legislation”**

Issuance Date: October 8, 2021

Deadline for Receipt of Questions: October 21, 2021 at 14:00 Kyiv local time

Closing Date and Time: November 8, 2021 at 14:00 Kyiv local time

*Issuance of this RFP does not constitute an award commitment on the Tetra Tech ES, Inc., nor does it commit to pay for any costs incurred in preparation or submission of comments/suggestions of a proposal. Proposals are submitted at the risk of the offerors. All preparation and submission costs are at the offeror’s expense.*

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| INTRODUCTION |
| The purpose of this RFP is to solicit proposals for **Analysis of the Market Rules for compliance with the EU legislation** within the Scope of Work (SOW) specified in the Attachment A – Technical Specification within the Energy Security Project implementation funded by the U.S. Agency for International Development (USAID) and implemented by Tetra Tech ES, Inc. (Tetra Tech).  |
| OFFEROR’S QUALIFICATIONS |
| Offeror must provide the following information and references in order to be qualified for the procurement process: |
| 1. Company’s information, including official registered title, type of business, address, and contact person information.
 |
| 1. A short description of the company and of past similar experience in providing the services described in the Attached A -Technical Specification.
 |
| 1. Overall technical approach to fulfill the specifications defined in Attachment A – Technical Specifications.
2. Certification that company is not owned or controlled in total or in part by any entity of any government.
 |
| 1. Certification by any subcontractor engaged by the company for this project that the subcontractor is not owned or controlled in total or in part by any entity of any government.
 |
| 1. The Offeror shall complete and sign the Representation and Certifications found in Attachments C to this document and include them with the Offeror’s proposal. Proposals that do not include these certifications will not be considered.
2. A certificate of current cost or pricing data – Attachment D
 |
| 1. Offerors listed in the Excluded Parties List System will not be considered. The Excluded Parties List can be found at <https://sam.gov/search/>
 |
| SOURCE, ORIGIN AND NATIONALITY RESTRICTIONS |
| The USAID authorized geographic code for the Energy Security Project is 935. Code 935: Consists of any area or country including the cooperating country, but excluding the “prohibited sources” |
| Reference: USAID ADS Chapter 310, and all its sub-sections. These documents are available on the Internet. |
| SUBMISSION OF PROPOSALS |
| All proposals are due on **November 8, 2021** by no later than **14:00** Kyiv local time. Proposals must be submitted via e-mail at the address **UESPprocurement@tetratech.com** in the following formats: Adobe Acrobat and Microsoft Word and/or Excel. |
| All proposals must fully respond to the Technical Specifications enclosed as **Attachment A** and must include quotes in the format provided in the **Attachment B** - **Table 1 – Detailed Budget**. Proposals received after the above-stated due date and time will not be considered for this procurement. |
| QUESTIONS AND CLARIFICATIONS |
| All questions or clarifications regarding this RFP must be in writing and submitted, in English, to **UESPprocurement@tetratech.com** on **October 21, 2021** no later than **14:00** Kyiv local time. Questions and requests for clarification, and the responses thereto, will be circulated to all RFP recipients.  |
| Only written answers from ESP Procurement Office of Tetra Tech will be considered official and carry weight in the RFP process and subsequent evaluation. Any answers received outside the official channel, whether received verbally or in writing, from employees or representatives of Tetra Tech, or any other party, will not be considered official responses regarding this RFP. |
| PROPOSALS PREPARATION INSTRUCTIONS |
| All Offerors must follow the instructions set forth herein in order to be qualified for the procurement process. If an Offeror does not follow the instructions set forth herein, the Offeror’s proposal may be eliminated from further consideration or the proposal may be downgraded and not receive full credit under the applicable evaluation criteria. |
| Separate Technical and Cost Proposals must be submitted. All proposals should be submitted in English and be signed by Offerors. |
| 1. TECHNICAL PROPOSAL
 |
| The technical proposal (excluding CVs) shall not exceed **11** pages. Proposals will be scored on a 100-point scale. Available points for each evaluation factor are given below. Offerors must address each evaluation factor. |
| The suggested outline for the technical proposal is stated below: |
| 1. **Organization’s Information (maximum 2 pages)**
* Organization’s information, including official registered title, type of business, list of offices if applicable, address, telephone, fax and website.
 |
| * Organization’s DUNS number.
 |
| * Authorized point of Contact with phone number(s) and email address.
 |
| 1. **Company Technical Capability (maximum 2 pages)**
 |
| Description of organization, including activities/qualifications carried out like the scope of work requested. |
| 1. **Technical Approach (maximum 3 pages)**
 |
| Present a narrative that describes how the Offeror would implement the tasks identified in the scope of work. This narrative must also include: |
| * A management approach which describes how the Offeror will manage the delivery of the services and how the Offeror will interact with ESP.
 |
| * A draft work plan that outlines the proposed activities over the course of the period of performance.
 |
| * Proposed performance indicators to measure the impact of the Offeror’s planned activities and the progress of the Awardees as a result of the Offeror’s assistance.
 |
| Information which the Offeror considers proprietary, if any, should be clearly marked “proprietary” next to the relevant part of the text and it will then be treated as such. |
| 1. **Proposed Staff (maximum 2 pages, excluding CVs)**
 |
| Present a narrative that includes the following: |
| * Team composition (names, specialties/area of expertise, position/role, etc.), with detailed bios, and task assignments to perform the activities described in the SOW.
 |
| * Curriculum Vitae (CV) for all labor categories named in the Attachment A. (CVs shall be limited to 3 pages each) that describes their experience and lists the following:
 |
| * Affiliation/Organization
* Education
* Years of Professional Experience
* Relevant Experience to the SOW in this RFP
* Fluency in English
 |
| In addition to presenting the CVs, offerors should complete and include the table below: |

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| **Proposed Personnel’s Name, Last Name**  | **Proposed Position Under This Assignment**  | **Qualification**  | **Years of Professional Experience**  |
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| 1. **Company Past Performance (maximum 2 pages)**
 |
| Offerors should provide a summary of relevant studies or other assignments including the Title, Client, Date, and a brief description. The qualifications section is limited to 5 of the most relevant studies or other assignments performed in the last 5 years, presented in the following table format. If the client is confidential, simply list “confidential”.  |

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| **Project (task) name (title)** | **Description of the project (task) and services provided** | **Client name, phone number and email address**  | **Dates of execution** |
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| 1. FINANCIAL PROPOSAL
 |
| 1. **Detailed Budget**
 |
| Offeror shall complete the **Table 1 of the Attachment B “Detailed Budget”** in order to allow Tetra Tech ES, Inc. to compare all quotes and make a competitive selection. The budget should be provided in Excel format with unlocked cells and formula. |
| A price must be provided for each project component to be considered compliant with this request. The price proposal should include the individual line items shown in the template, e.g., fully-burdened daily rates, travel costs, and other direct costs. Offers must show unit prices, quantities, and total price. All items, services, etc. must be clearly labeled and included in the total offered price. The price proposal shall also include a budget narrative that explains the basis for the estimate of every cost element or line item. Supporting information must be provided in sufficient detail to allow for a complete analysis of each cost element or line item. Tetra Tech reserves the right to request additional cost information if the evaluation committee has concerns of the reasonableness, realism, or completeness of an Offeror’s proposed price. |
| Offeror shall provide unit pricing in **US dollars (USD).** Prices quoted in this document shall be valid for a 60-day time period, include all taxes and other costs but excluding the VAT tax originated in Ukraine. |
| 1. **1420 Forms for the proposed personnel**
 |
| For each staff member proposed, the Offeror shall submit a completed and signed USAID 1420 forms. |
| USAID form 1420 can be downloaded here:<https://www.usaid.gov/sites/default/files/documents/1868/J.1%20Contractor%20Biographical%20Data%20Sheet.doc> |
| 1. **Proposed Billing Rates Certification**
 |
| Document on company letterhead certifying the labor rates being proposed are standard rates and have been previously billed to clients for similar work. |
| 1. **Representations and Certifications**
 |
| These documents can be found in Attachments C of this RFP and must be submitted as part of the Cost Proposal.1. **Non-government owned certification**

Certification that company is not owned or controlled in total or in part by any entity of any government.1. **Certificate of current cost or pricing data**

These documents can be found in Attachments D of this RFP and must be submitted as part of the Cost Proposal. |
| Under no circumstances may cost information be included in the technical proposal. No cost information or any prices, whether for deliverables or line items, may be included in the technical proposal. Cost information must only be shown in the cost proposal. |
| EVALUATION CRITERIA |
| Award will be made to the offeror representing the best value in consideration of past performance, qualifications, and price factors. Technical criteria are more important than cost, although prices must be reasonable and will be considered in the evaluation. Offeror are encouraged to provide a discount to their standard commercial rates. |
| Tetra Tech reserves the right to conduct discussions with selected offeror (s) in order to identify the best value offer. Award of any resulting Subcontract Agreement shall be made by Tetra Tech on a best value basis. Tetra Tech reserves the right to request a test assessment from offerors to assess their qualifications. |
| The submitted technical information will be scored by an evaluation committee using the following technical evaluation criteria (70 points) and cost proposal (30 points). |
| Given the specific expertise required to perform the services in question only offers with a technical score of 40 points or more will be considered for evaluation of their cost proposals. |
| Proposals will be scored on a 100-point scale. Available points for each evaluation factor are given below.  |
| TECHNICAL PROPOSAL (70 POINTS) |

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| **Evaluation Criteria for Technical Proposal**  | **Points**  |
| 1. Technical Approach
 | 30 |
| 1. Company Proposed Staff
 | 20 |
| 1. Company Past Experience
 | 20 |
| **TOTAL** | **70** |

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| FINANCIAL PROPOSAL (30 POINTS) |
| The lowest qualified financial proposal will receive the maximum score of 30 points. |
| The other proposals will be scored inversely proportional to their price and computed as follows: |
| Sf = 30 \* Fm/FwhereSf = financial Score of the proposal evaluatedFm = price of the lowest priced Financial Proposal among those qualifiedF = price of the Financial Proposal under consideration |
| Offeror should submit a Detailed Budget reflecting the cost of completing the scope. Offerors shall complete the Attachment B – Detailed Budget. Labor rates quoted in this document shall be fully burdened with all indirect costs, taxes and fee, if any. The period of performance is **18 weeks**. |
| Tetra Tech reserves the right to conduct discussions with selected offeror(s) in order to identify the best value offer. Award of any resulting Subcontract Agreement shall be made by Tetra Tech on a best value basis, with evaluation of proposed price as well as proposed services and implementation schedule. |
| TERMS OF PAYMENT |
| Payment terms for the awarded Subcontract Agreement shall be forty-five (45) days after satisfactory completion and acceptance and of services and deliverables according to the schedule in the Table 2. Payment shall be made by Tetra Tech ES, Inc. via bank wire transfer in **Ukrainian Hryvnias** per National Bank of Ukraine exchange rate at the date of issuance of the invoice **or US dollars**.  |
| DUNS NUMBER AND SAM.GOV REGISTRATION |
| Active DUNS number or evidence of process of registering for DUNS number is required at stage of submitting proposal. DUNS Number shall be active and SAM.gov registration completed before finalization of subcontract agreement. All second-tier subcontractors must comply with the requirements outlined in the RFP, including obtaining DUNS and SAM numbers if the proposed second-tier subcontract price is above $30,000. Only legal entities need DUNS numbers.Information regarding obtaining a DUNS number may be found here: <https://fedgov.dnb.com/webform> |
| NEGOTIATIONS |
| Best offer proposals are requested. It is anticipated that a subcontract will be awarded solely on the basis of the original offers received. However, Tetra Tech reserves the right to conduct discussions, negotiations and/or request clarifications prior to awarding a subcontract. Furthermore, Tetra Tech reserves the right to conduct a competitive range and to limit the number of offerors in the competitive range to permit an efficient evaluation environment among the most highly-rated proposals. Highest-rated offerors, as determined by the technical evaluation committee, may be asked to submit their best prices or technical responses during a competitive range. |
| MULTIPLE AWARDS/NO AWARD |
| Tetra Tech ES, Inc. reserves the right to issue multiple awards. Tetra Tech ES, Inc. also reserves the right to issue no awards. |

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| **ATTACHMENT A – TECHNICAL SPECIFICATION** |
| **SCOPE OF WORK: Analysis of the Market Rules for compliance with the EU legislation** |
| **PERIOD OF PERFORMANCE: 18 weeks** |
| **PLACE OF PERFORMANCE: Kyiv, Ukraine** |
| 1. **Background**
 |
| Tetra Tech is the implementer of the Energy Security Project (ESP) which is a 5-year project funded by the United States Agency for International Development (USAID).The purpose of the ESP is to enhance Ukraine’s energy security. Improving the energy legal and regulatory environment and increasing the resilience of energy supply will help USAID to achieve broad-based, resilient economic development as a means to sustain Ukrainian democracy. Providing assistance for the creation and development of free market mechanisms is the main goal of ESP. The assistance to key energy institutions supports the’ implementation of an essential component of USAID’s Ukraine Country Development Cooperation Strategy.The ESP will improve the ability of the Government of Ukraine to provide more affordable, reliable, resilient and secure energy to its citizens; assist the Government of Ukraine to integrate into European energy markets by helping key government agencies and the energy regulator to meet EU energy acquis requirements, including the Third Energy Package; improve energy security establishing competitive energy markets in electricity, natural gas and district heating sectors.In view of Ukraine's obligations under the Energy Community Treaty and the Association Agreement between Ukraine and EU to implement the European energy acquis into the Ukrainian legislation, the Verkhovna Rada of Ukraine adopted the Law of Ukraine ‘On Electricity Market’ No.2019-VIII (hereinafter referred as the Law) which became effective on 11 June 2017. In the new wholesale market opened in July 2019, electricity is traded in three organized segments (with ‘organized’ meaning managed by an operator under rules set by the NEURC, including pricing principles), namely the Day-Ahead Market (DAM) and the Intra-Day Market (IDM) that are operated by the Market Operator (MO) and the Balancing Power Market (BPM) that is operated by the Ukrenergo - Transmission System Operator (hereinafter-TSO). Electricity trade can also take place through bilateral contracts that must be registered by TSO. These segments in which electricity is traded are supported by the Ancillary Services Market (ASM) operated by the TSO to continuously maintain the stability of the electricity system.Market Rules were adopted by the Resolution of National Energy and Utilities Regulatory Commission (hereinafter - NEURC) Resolution №307 dated 14.03.2018.Market rules determine registration procedures of market participants, rules and requirements for fulfilling the obligations under imbalance settlement agreements, rules for balancing, rules of functioning of ancillary services market, settlement rules on balancing market and ancillary services market, invoicing rules, reconciliation process, financial security issues, rules of balancing groups and balance responsible parties performance, etc. According to the Electricity Market Law, TSO is obliged to carry out requirements and administrate Market Rules (in its role of Settlement Administrator, defined by the Law). Given the Energy Community Treaty and the Association Agreement between Ukraine and EU, Ukrainian electricity legislation should comply with EU acquis communautaire. Specifically, Market Rules should comply with Commission Regulation (EU) 2017/2195 of 23 November 2017 establishing a guideline on electricity balancing (hereinafter – EBGL). EBGL establishes a set of technical, operational and market rules to govern the functioning of electricity balancing markets, rules on imbalance settlement, lists the minimum set of standard characteristics and additional characteristics defining standard balancing energy and balancing capacity products. It sets out rules for the procurement of balancing capacity, the activation of balancing energy and the financial settlement of balance responsible parties. EBGL defining the role of balancing service providers and the role of balance responsible parties. Thus, it is vitally important to conduct a detailed legal and technical gap analysis and provide recommendations regarding the compliance of the Market Rules with the relevant EU acquis.  |
| 1. **Objectives**
 |
| The objective of this assignment is to develop a gap assessment and recommendations report on compliance of the Market rules with the market model, design, definitions, procedures, requirements, and rules set by EBGL. Other relevant legislation also has to be considered in the respective and corresponding areas, that are reflected by Market Rules (may include but not limited to Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity, Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market, Commission Regulation (EU) 2017/1485 of 2 August 2017 establishing a guideline on electricity transmission system operation). |
| 1. **Scope of Work**
 |
| Development of the gap assessment and recommendations report, including:* Gap analysis of compliance of Ukrainian Market Rules with relevant EU legislation (including but not limited to BPM and ASM design, commercial metering-settlement mechanism, financial guarantees, pricing, etc.).
* Recommendations considering available best practices in EU countries to facilitate a compact regulation including only relevant details and providing required flexibility in implementation.
* Road map for implementation of cross-border balancing energy exchange and ancillary services exchange with neighboring TSOs towards integration of Ukrainian and European electricity markets to the utmost extent.

Recommendations should clearly specify how the defined legislative and technical gaps should be addressed.While conducting the activity, the Consultant may (indeed, strongly encouraged to) contact and consult (in coordination and communication with ESP) with the primary and secondary stakeholders to discuss different aspects, including but not limited to the need, challenges, legal and technical insights. The Consultant shall provide regular (bi-weekly) updates about the status of the work. The gap assessment report, recommendations and road map must be delivered in both English and Ukrainian. The consultant must acknowledge that ESP is the main recipient of the report, but it will be shared with Ukrenergo, NEURC, Energy Community Secretariat and other relevant stakeholders to be determined by ESP. |
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| 1. **Deliverables and Due Dates**
 |
| The successful offeror shall deliver to Tetra Tech the following, in accordance with the schedule set forth below. |
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| Deliverable Number | Deliverable Name | Due Date |
| 1 | Kick-off meeting and presentation of the approach to Ukrenergo, NEURC, and other stakeholders (to be specified by ESP) | 2 weeks after contract signing |
| 2 | Draft report part, aiming on the gap analysis, assessment, and recommendations | 7 weeks after the contract signing. |
| 3 | Draft report part, aiming on the overview of EU best practices and recommendations on Market Rules improvement, considering best practices  | 12 weeks after the contract signing |
| 4 | Draft report part, Roadmap for implementation of cross-border balancing energy exchange and ancillary services exchange | 14 weeks after the contract signing |
| 5 | Presentation of the report |  16 weeks after the contract signing |
| 6 | Finalization of the report (including addressing of comments/feedback by ESP and relevant stakeholders) and delivery to ESP, Ukrenergo and NEURC |  18 weeks after the contract signing. |

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| **ATTACHMENT B – DETAILED BUDGET** |
| **PROPOSED DETAILED BUDGET** |
| **TABLE 1 − Overall Subcontract Detailed Budget** |



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| *\*LOE = Level of Efforts, budgeted number of days assigned for the work**Rate = fully loaded daily rate*Prices quoted must be valid for **60** days, and account for ALL remuneration, per diem, travel, communications, report reproduction and other out-of-pocket expenses, taxes and other costs, but excluding the VAT tax that may be originated in **Ukraine**. On this basis Tetra Tech will issue a **Fixed Price Subcontract**, and payment shall be based upon acceptance of services and deliverables described in the Table 2. |

**TABLE 2 – Payment schedule**

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| **Offeror Deliverable** | **Expected Due Date** | **Fixed Price Payment Amount** |
| 1. Kick-off meeting and presentation of the approach to Ukrenergo, NEURC, and other stakeholders (to be specified by ESP)
 | 2 weeks after contract signing | 10% |
| 1. Draft report part, aiming on the gap analysis, assessment, and recommendations
 | 7 weeks after the contract signing. | 30% |
| 1. Draft report part, aiming on the overview of EU best practices and recommendations on Market Rules improvement, considering best practices
 | 12 weeks after the contract signing | 20% |
| 1. Draft report part, Roadmap for implementation of cross-border balancing energy exchange and ancillary services exchange
 | 14 weeks after the contract signing | 10% |
| 1. Presentation of the report
 |  16 weeks after the contract signing | 10% |
| 1. Finalization of the report (including addressing of comments/feedback by ESP and relevant stakeholders) and delivery to ESP, Ukrenergo and NEURC
 |  18 weeks after the contract signing. | 20% |

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| **ATTACHMENT C − REPRESENTATIONS AND CERTIFICATIONS** |

**Offeror Representations and Certifications**

1. **Organizational Conflict of Interest Representation**

The offeror represents, to the best of its knowledge and belief, that this award:

 does [ ] or does not [ ] involve an organizational conflict of interest.

 *Please see FAR 52.209-8 for further explanation.*

1. **Data Universal Numbering System (DUNS) Number** *(required if cost proposal is more than USD $30,000)*

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|  |  |  |  |  |  |  |  |  |  |  | *(please use one box per number or dash)* |

1. **Source and Nationality of Goods and Commodities**
2. This is to certify that the Offeror is:
	1. an individual who is a citizen or legal resident of .
	2. a corporation of partnership organized under the laws of .
	3. a controlled foreign corporation of which more than 50% of the total combined voting power of all classes of stock is owned by United States shareholders; or
	4. a joint venture or incorporated association consisting entirely of individuals, partnerships or corporations. If so, please describe separately the citizenship or legal status of the individuals, the legal status of the partnership or corporations, and the percentage (%) of voting power of the corporations.
3. This is to certify that the **Source** (the country from which a commodity is to be shipped from) of the Equipment to be supplied under this Order is:

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*name of country or countries*

1. **52.204-24 Representation Regarding Certain Telecommunications and Video Surveillance Services or Equipment (Aug 2020).**

The Offeror shall not complete the representation at paragraph (d)(1) of this provision if the Offeror has represented that it “does not provide covered telecommunications equipment or services as a part of its offered products or services to the Government in the performance of any contract, subcontract, or other contractual instrument” in the provision at [52.204-26](https://www.acquisition.gov/far/52.204-26#FAR_52_204_26), Covered Telecommunications Equipment or Services—Representation, or in paragraph (v) of the provision at [52.212-3](https://www.acquisition.gov/far/52.212-3#FAR_52_212_3), Offeror Representations and Certifications-Commercial Items.

      (a) *Definitions.* As used in this provision—

      *Backhaul, covered telecommunications equipment or services, critical technology, interconnection arrangements, reasonable inquiry, roaming, and substantial or essential component* have the meanings provided in the clause [52.204-25](https://www.acquisition.gov/far/52.204-25#FAR_52_204_25), Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment.

      (b) *Prohibition*.

(1) Section 889(a)(1)(A) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Pub. L. 115-232) prohibits the head of an executive agency on or after August 13, 2019, from procuring or obtaining, or extending or renewing a contract to procure or obtain, any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. Nothing in the prohibition shall be construed to—

                (i) Prohibit the head of an executive agency from procuring with an entity to provide a service that connects to the facilities of a third-party, such as backhaul, roaming, or interconnection arrangements; or

                (ii) Cover telecommunications equipment that cannot route or redirect user data traffic or cannot permit visibility into any user data or packets that such equipment transmits or otherwise handles.

           (2) Section 889(a)(1)(B) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Pub. L. 115-232) prohibits the head of an executive agency on or after August 13, 2020, from entering into a contract or extending or renewing a contract with an entity that uses any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. This prohibition applies to the use of covered telecommunications equipment or services, regardless of whether that use is in performance of work under a Federal contract. Nothing in the prohibition shall be construed to—

                (i) Prohibit the head of an executive agency from procuring with an entity to provide a service that connects to the facilities of a third-party, such as backhaul, roaming, or interconnection arrangements; or

                (ii) Cover telecommunications equipment that cannot route or redirect user data traffic or cannot permit visibility into any user data or packets that such equipment transmits or otherwise handles.

      (c) *Procedures.* The Offeror shall review the list of excluded parties in the System for Award Management (SAM) ([https://www.sam.gov](https://www.sam.gov/)) for entities excluded from receiving federal awards for “covered telecommunications equipment or services”.

      (d) *Representation.* The Offeror represents that—

           (1) It *□* will, *□* will not provide covered telecommunications equipment or services to the Government in the performance of any contract, subcontract or other contractual instrument resulting from this solicitation. The Offeror shall provide the additional disclosure information required at paragraph (e)(1) of this section if the Offeror responds “will” in paragraph (d)(1) of this section; and

           (2) After conducting a reasonable inquiry, for purposes of this representation, the Offeror represents that—

          It *□* does, *□* does not use covered telecommunications equipment or services, or use any equipment, system, or service that uses covered telecommunications equipment or services. The Offeror shall provide the additional disclosure information required at paragraph (e)(2) of this section if the Offeror responds “does” in paragraph (d)(2) of this section.

      (e) *Disclosures.*

(1) Disclosure for the representation in paragraph (d)(1) of this provision. If the Offeror has responded “will” in the representation in paragraph (d)(1) of this provision, the Offeror shall provide the following information as part of the offer:

                (i) For covered equipment—

                     (A) The entity that produced the covered telecommunications equipment (include entity name, unique entity identifier, CAGE code, and whether the entity was the original equipment manufacturer (OEM) or a distributor, if known);

                     (B) A description of all covered telecommunications equipment offered (include brand; model number, such as OEM number, manufacturer part number, or wholesaler number; and item description, as applicable); and

                     (C) Explanation of the proposed use of covered telecommunications equipment and any factors relevant to determining if such use would be permissible under the prohibition in paragraph (b)(1) of this provision.

                (ii) For covered services—

                     (A) If the service is related to item maintenance: A description of all covered telecommunications services offered (include on the item being maintained: Brand; model number, such as OEM number, manufacturer part number, or wholesaler number; and item description, as applicable); or

                     (B) If not associated with maintenance, the Product Service Code (PSC) of the service being provided; and explanation of the proposed use of covered telecommunications services and any factors relevant to determining if such use would be permissible under the prohibition in paragraph (b)(1) of this provision.

           (2) Disclosure for the representation in paragraph (d)(2) of this provision. If the Offeror has responded “does” in the representation in paragraph (d)(2) of this provision, the Offeror shall provide the following information as part of the offer:

                (i) For covered equipment—

                     (A) The entity that produced the covered telecommunications equipment (include entity name, unique entity identifier, CAGE code, and whether the entity was the OEM or a distributor, if known);

                     (B) A description of all covered telecommunications equipment offered (include brand; model number, such as OEM number, manufacturer part number, or wholesaler number; and item description, as applicable); and

                     (C) Explanation of the proposed use of covered telecommunications equipment and any factors relevant to determining if such use would be permissible under the prohibition in paragraph (b)(2) of this provision.

                (ii) For covered services—

                     (A) If the service is related to item maintenance: A description of all covered telecommunications services offered (include on the item being maintained: Brand; model number, such as OEM number, manufacturer part number, or wholesaler number; and item description, as applicable); or

                     (B) If not associated with maintenance, the PSC of the service being provided; and explanation of the proposed use of covered telecommunications services and any factors relevant to determining if such use would be permissible under the prohibition in paragraph (b)(2) of this provision.

By signing below, the Offeror certifies that the representations and certifications made, and information provided herein, are accurate, current and complete.

|  |  |  |  |
| --- | --- | --- | --- |
| Signature: |  | Date: |  |
| Name of and title of authorized signature: |  |

|  |
| --- |
| **ATTACHMENT D − CERTIFICATE OF CURRENT COST OR PRICING DATA** |

This is to certify that, to the best of my knowledge and belief, the cost or pricing data (as defined in section 2.101 of the Federal Acquisition Regulation (FAR) and required under FAR subsection 15.403-4) submitted, either actually or by specific identification in writing, to Tetra Tech in support of [**Firm/Organization**] are accurate, complete, and current as of [**DATE**]. This certification includes the cost or pricing data supporting any advance agreements and forward pricing rate agreements between the offeror and the Government that are part of the proposal.

Firm: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_