

## INHERENTLY GOVERNMENTAL FUNCTIONS

### ISSUE 1 – Legal advice to Government officials:

a. Rationale - IAW FAR Part 7, this is part of the inherent governmental decision/approval responsibility.

b. Where it is addressed in the PSC process:

- (1) SOO/SOW paragraphs 3.1.2, 3.2.3, 3.2.5, 3.2.6, 3.2.7 and 3.3
- (2) Notional schedule items 61 through 67, 89, 99, 202, 224, 237, 251

c. PSC responsibility:

- (1) PSC is not responsible for legal advice to Air Force
- (2) SOO/SOW restricts PSC activities to only approved (by MAJCOM/JA and AFCEE/JA items

d. Air Force responsibility:

- (1) Total responsibility for legal advice to Government
- (2) Primary member of the Project Development Team (PDT) and AST
- (3) Reviews and approvals of notional schedule items
  - (a) Execution Plan
  - (b) RFP with attachments
  - (c) Industry Forum Briefings and Q&As
  - (d) PSC Proposals Evaluation Process
  - (e) PSC recommendations of Steps 1 & 2 proposals assessments
  - (f) Closing activities

### ISSUE 2 – Decision to approve the draft and final RFP:

a. Rationale – IAW FAR Part 7, this is part of the inherent government decision/approval responsibility.

b. Where it is addressed in the PSC process:

- (1) SOO/SOW paragraphs 3.1 and 3.2
- (2) Notional schedule items 99,128, 133, and 141

c. PSC responsibility:

- (1) Develop proposed RFP in accordance with Air Force provided requirements, criteria, and oversight
- (2) Incorporate all comments provided by all levels of Air Force review process
- (3) Maintain control of the documents

d. Air Force responsibility:

- (1) Define requirement and provide baseline draft RFP
- (2) Review drafts/provide comments
- (3) Approve final documents
  - (a) Base approves by signature on coordination sheet
  - (b) MAJCOM approves by signature on coordination sheet
  - (c) AFCEE reviews and approves and sends documents to Air Staff
  - (d) AF/ILE reviews and approves
  - (e) ESG reviews and approves
  - (f) OSD approves final RFP and authorizes AF/LLP to issue Congressional Notification of intent to solicit

**ISSUE 3 – Determination whether a proposal complies with the RFP:**

a. Rationale – The review of the developer's proposal for compliance with the RFP is not an inherently governmental function as defined in FAR Part 7.

b. Where it is addressed in the PSC process:

- (1) SOO/SOW paragraphs 3.2.7
- (2) Notional schedule items 221 and 232

c. PSC responsibility:

- (1) Accomplishes assessment in strict accordance with the Government approved Competition Plan
- (2) Obtains AST approval in informing potential offerors of any RFP non-compliance issue

(3) Brief assessment findings and recommendations including RFP non-compliance issues to the AST

d. Air Force responsibility:

(1) AST member reviews RFP, offeror's proposal, and PSC's assessment, and makes final determination on a recommendation at the evaluation level

(2) AST reviews and MAJCOM/CV approves PSC Competition Plan

(3) AST performs quality assurance of the PSC assessment process

(4) AST reviews PSC findings and recommendations and provides approval for interaction between the PSC and the potential developers on RFP non-compliance issues

**ISSUE 4 – Decision to amend the RFP:**

a. Rationale – IAW FAR Part 7, this is part of the inherent government decision/approval responsibility.

b. Where it is addressed in the PSC process:

(1) SOO/SOW paragraphs 3.2.7

(2) Notional schedule items 225 and 238

c. PSC responsibility:

(1) Gather all questions and recommendations from potential developers

(2) Present recommended changes to the RFP to the AST for review and approval

(3) Prepare and issue Government approved RFP amendments to all potential developers

d. Air Force responsibility:

(1) AST member reviews RFP and PSC's assessment, and makes final determination at evaluation level to recommend amending the RFP

(2) Review and approve any recommendations for RFP changes

(3) ISD review and approve proposed changes that significantly impact on project approved concept scope of work

(4) Ensure amendment is issued accordance with Government guidelines and policy

(5) Ensure PSC follows Government approved Competition Plan

**ISSUE 5 – Determination to exclude/include offerors from Step 1:**

a. Rationale – IAW FAR Part 7, this is part of the inherent governmental decision/approval responsibility.

b. Where it is addressed in the PSC process:

- (1) SOO/SOW paragraphs 3.2.7
- (2) Notional schedule items 224, 225, and 226

c. PSC responsibility:

- (1) Solicits proposals from all potential developers
- (2) Accomplishes assessment in strict accordance with the Government approved Competition Plan

- (2) Brief assessment findings and recommendations to the AST

d. Air Force responsibility:

- (1) AST member, at the evaluation level, decides what recommendation to make
- (2) AST performs quality assurance of the PSC assessment process
- (3) AST reviews PSC findings and recommendations and makes recommendation to the MAJCOM/CV about exclusion/inclusion of offerors from Step 1
- (4) MAJCOM/CV provides final approval, unless this approval is delegated to the AST

**ISSUE 6 - Determination of adequate pricing competition:**

a. Rationale - IAW FAR Part 7, this is part of the inherent governmental decision/approval responsibility. Determining whether contract costs are reasonable, allocable, and allowable is an inherently governmental function. However, the PSC process does not involve price competition. Therefore, a determination of adequate price competition does not apply to this process. Final selection of successful offeror is based on a best value assessment as determined by the Government.

b. Where it is addressed in the PSC process:

- (1) SOO/SOW paragraphs 3.2.7
- (2) Notional schedule items 237 through 243

c. PSC responsibility:

- (1) Analyzes all financial and technical proposals

(2) Provides proposed recommendation to the Government

d. Air Force responsibility:

(1) AST member, at evaluation level, determines what recommendation to make

(2) AST reviews and provides recommendation for selection of successful offeror based on best value determination

(3) MAJCOM/CV selects successful offeror based on AST recommendation

**ISSUE 7 – Clearance approval:**

a. Rationale - The Clearance Approval process is set forth in AFFARS 5301.9000 and is unique to an AF FAR acquisition. This is not a FAR acquisition. However, the detailed PSC process clearly contains numerous government reviews and approvals which are adequate to satisfy the "intent" of the clearance process which is to ensure that competitive solicitations effectively implement approved acquisition strategies and contracts result in fair and reasonable business arrangements consistent with laws, regulations and policies.

b. Where it is addressed in the PSC process:

(1) SOO/SOW paragraphs 3.2.3 and 3.2.7

(2) Notional schedule items 141 and 237 through 243

c. PSC responsibility:

(1) Develops RFP in accordance with Air Force provided requirements, criteria, and oversight

(2) Incorporates all comments provided by all levels of Air Force review process

(3) Maintains control of the documents

(4) Performs financial and technical assessments and provides recommendations

c. Air Force responsibility:

(1) Define requirement

(2) Review drafts/provide comments

(3) Approve final documents

(a) Base approves by signature on coordination sheet

(b) MAJCOM approves by signature on coordination sheet

(c) AFCEE reviews and approves and sends documents to Air Staff

- (d) AF/ILE reviews and approves
- (e) OSD approves final RFP and authorizes AF/LLP to issue Congressional Notification of intent to solicit
- (4) Reviews and approves PSC assessment process and recommendations
  - (a) AST reviews and MAJCOM/CV approves PSC Competition Plan
  - (b) AST reviews and provides recommendations to MAJCOM/CV during Step 1 (unless delegated to the AST) & Step 2 process
  - (c) MAJCOM/CV provides final approvals for Step 1 and selects successful offeror
  - (d) SAF/MII signs transactional documents obligating Air Force

**ISSUE 8 - Assignment of past performance rating:**

- a. Rationale - Governmental action on selecting best value offeror.
- b. Where it is addressed in the PSC process:
  - (1) SOO/SOW paragraphs 3.2.5 and 3.2.7
  - (2) Notional schedule items 59, 221 and 232
- c. PSC responsibility.
  - (1) Accomplishes assessment in strict accordance with the Government approved Competition Plan
  - (2) Brief assessment findings and proposed recommendations to the AST
- d. Air Force responsibility:
  - (1) AST member makes recommendation for assigning past performance recommendation
  - (2) AST reviews and MAJCOM/CV approves PSC Competition Plan
  - (3) AST performs quality assurance of the PSC assessment process
  - (4) AST reviews PSC findings and recommendations

**ISSUE 9 - Assignment of color codes to Mission Capability factors:**

- a. Rationale - Part of government action to selection best value offeror.

b. Where it is addressed in the PSC process:

- (1) SOO/SOW paragraphs 3.2.5 and 3.2.7
- (2) Notional schedule items 59, 221, and 232

c. PSC responsibility:

(1) Accomplishes assessment in strict accordance with the Government approved Competition Plan

- (2) Brief assessment findings and propose recommendations to the AST

d. Air Force responsibility:

- (1) AST member determines recommendation for assigning color codes
- (2) AST reviews and MAJCOM/CV approves PSC Competition Plan
- (3) AST performs quality assurance of the PSC assessment process
- (4) AST reviews PSC findings and recommendations
- (5) AST makes final decision on ratings

**ISSUE 10 - Assignment of risk assessment rating:**

a. Rationale - Part of governmental action to select best value offeror:

b. Where it is addressed in the PSC process:

- (1) SOO/SOW paragraphs 3.2.5 and 3.2.7
- (2) Notional schedule items 59, 221, and 232

c. PSC responsibility:

(1) Accomplishes assessment in strict accordance with the Government approved Competition Plan

- (2) Brief assessment findings and proposed recommendations to the AST

c. Air Force responsibility:

- (1) AST member determines recommendation on assigning of risk assessment rating
- (2) AST reviews and MAJCOM/CV approves PSC Competition Plan
- (3) AST performs quality assurance of the PSC assessment process

(4) AST reviews PSC findings and recommendations

(5) AST makes final decision on ratings

**ISSUE 11 - Comparative analysis of offerors:**

a. Rationale - Part of governmental action to select best value offeror.

b. Where it is addressed in the PSC process:

(1) SOO/SOW paragraphs 3.2.7

(2) Notional schedule items 221 through 226 and 237 through 243

c. PSC responsibility:

(1) Solicits proposals from all potential developers

(2) Accomplishes assessment and comparative analysis in strict accordance with the Government approved Competition Plan

(3) Brief assessment findings and proposed recommendations to the AST

d. Air Force responsibility:

(1) AST member determines recommendation on comparative analysis of offerors

(2) AST performs quality assurance of the PSC assessment process

(3) AST reviews PSC findings and recommendations and makes recommendation to the MAJCOM/CV

(4) MAJCOM/CV provides final approval and selects successful offeror

**ISSUE 12 - Integrated assessment for best value:**

a. Rationale - IAW FAR Part 7, this is part of the inherent governmental decision/approval responsibility.

b. Where it is addressed in the PSC process:

(1) SOO/SOW paragraphs 3.2.7

(2) Notional schedule items 221 through 226 and 237 through 243

c. PSC responsibility:

(1) Solicits proposals from all potential developers

(2) Accomplishes assessment in strict accordance with the Government approved Competition Plan

(3) Brief assessment findings and proposed recommendations to the AST

d. Air Force responsibility:

(1) AST member determines recommended integrated assessment for best value

(2) AST performs quality assurance of the PSC assessment process

(3) AST reviews PSC findings and recommendations and makes recommendation to the MAJCOM/CV

(4) MAJCOM/CV provides final approval and selects successful offeror

(5) AST will draft integrated assessment for AST chair approval/signature

**ISSUE 13 - Decision to select developer proposal to award:**

a. Rationale - IAW FAR Part 7, this is part of the inherent governmental decision/approval responsibility.

b. Where it is addressed in the PSC process:

(1) SOO/SOW paragraph 3.2.7

(2) Notional schedule items 221 through 226 and 237 through 243

c. PSC responsibility:

(1) Solicits proposals from all potential developers

(2) Accomplishes assessment in strict accordance with the Government approved Competition Plan

(3) Brief assessment findings and proposed recommendations to the AST

d. Air Force responsibility:

(1) AST member determines recommendation on decision to select

(2) AST performs quality assurance of the PSC assessment process

(3) AST reviews PSC findings and recommendations and makes recommendation to the MAJCOM/CV

(4) MAJCOM/CV selects successful offeror

(5) AST will draft MAJCOM/CV decision memo for CV's approval/signature

**ISSUE 14 - Legal authority to enter into legally binding documents:**

a. Rationale:

- (1) FAR Part 12 for PSC Contract
- (2) OFPP Memo 92-1
- (3) 1996 National Defense Authorization Act as amended authorizes DOD to enter into private/public transactions

b. Where it is addressed in the PSC process:

- (1) SOO/SOW paragraphs 2.1 (umbrella contract) and 3.1.2, 3.2.3, and 3.3 (generic SOO)
- (2) Notional schedule items 100, 127, 141, 251

c. PSC responsibility:

- (1) Conduct analysis of available approaches to meet Air Force requirements and objectives
- (2) Develop RFP with attachments to reflect legal authority and approved concept showing proposed revisions to the draft RFP and attachments

d. Air Force responsibility:

- (1) Conduct alternative analysis of legislative tools best matched to Air Force requirements and objectives
- (2) Develop draft RFP with attachments to reflect legal authority and approved concept
- (3) Review/approve concept - Base, MAJCOM, ESG, and OSD
- (4) Review/approve RFP - Base, MAJCOM, ESG, OSD
- (5) SAF/MII executes transaction IAW legislative tools used