

CLASSIFICATION CODE: D – Automatic Data Processing and Telecommunication

TITLE: - Premier Support for Oracle Enterprise Linux

SOLICITATION NUMBER: SB1341-15-RQ-0315

RESPONSE DATE: 10 April 2015, 2:00pm Eastern Time

CONTACT POINTS: Richard Kim, Contract Specialist, (301) 975-6219
Keith Bubar, Contracting Officer, (301) 975-8329

DESCRIPTION:

The National Institute of Standards and Technology (NIST) has a requirement for Premier Support for Oracle Enterprise Linux Licenses to be used in the Office of Information Systems Management at NIST, Gaithersburg, MD.

THIS IS A COMBINED SYNOPSIS/SOLICITATION FOR COMMERCIAL ITEMS PREPARED IN ACCORDANCE WITH THE FORMAT IN FAR SUBPART 12.6-STREAMLINED PROCEDURES FOR EVALUATION AND SOLICITATION FOR COMMERCIAL ITEMS-AS SUPPLEMENTED WITH ADDITIONAL INFORMATION INCLUDED IN THIS NOTICE. THIS ANNOUNCEMENT CONSTITUTES THE ONLY SOLICITATION; QUOTATIONS ARE BEING REQUESTED, AND A SEPARATE WRITTEN SOLICITATION DOCUMENT WILL NOT BE ISSUED.

This solicitation is a Request for Quotation (RFQ). The solicitation document and incorporated provisions and clauses are those in effect through Federal Acquisition Circular (FAC) 2005-80, effective March 2, 2015.

The National Institute of Standards and Technology (NIST) intends to negotiate with authorized resellers for the brand name procurement of Premier Support for Oracle Enterprise Linux to be used at the Office of Information Systems Management, at NIST in Gaithersburg, MD. The statutory authority permitting other than full and open competition is 41 USC 3304(a)(5).

Brand Name Justification is based on the following: Oracle Premier Support for Oracle Enterprise Linux (per server, unlimited processors per server including: DTrace support; Spacewalk support; Premier backports; lifetime sustaining support; 24/7 telephone and online support; 24/7 access to Unbreakable Linux Network (ULN) for enhancements, updates, and errata; XFS support (Oracle Linux 6 and Oracle Linux 7); Oracle Enterprise Manager 12c and Oracle Enterprise Manager Ops Center for Linux Management.

The requirement allows for the application of security patches and updates. Oracle owns this version of the Linux operating system and is the only vendor to offer this service.

NIST operates Oracle databases on the servers using Oracle Enterprise Linux that support the NIST public Web page, the NIST Image Gallery, and the public-facing search engine for the

NIKE database of NIST publications.

If not procured from an authorized reseller, NIST would forego access to necessary application of security patches and updates, and technical support that facilitate the seamless operation of servers using Oracles Enterprise Linux and the corresponding applications.

Purchasing a new software product and corresponding software maintenance and support services would result in significant redundant costs to the government and impose a substantial learning curve for government employees.

1352.215-72 INQUIRIES (APR 2010)

Offerors must submit all questions concerning this solicitation in writing, electronically, to Richard.kim@nist.gov. **Questions must be received no later than April 9, 2015 at 11:00 am Eastern time, after the issuance date of this solicitation.** Any responses to questions will be made in writing, without identification of the questioner, and will be included in an amendment to the solicitation. Even if provided in other form, only the question responses included in the amendment to the solicitation will govern performance of the contract.
(End of Provision)

The associated North American Industrial Classification System (NAICS) code for this procurement is 541519, Information Technology Value Added Resellers with a small business size standard of 150 employees.

This acquisition is 100% set-aside for small business.

All offerors shall provide a firm-fixed price quotation for the following:

Line Item 0001: Premier Support for Oracle Enterprise Linux, Quantity 10

Period of Performance: 12 months after award

Oracle Premier Support for Oracle Enterprise Linux (per server, unlimited processors per server including: DTrace support; Spacewalk support; Premier backports; lifetime sustaining support; 24/7 telephone and online support; 24/7 access to Unbreakable Linux Network (ULN) for enhancements, updates, and errata; XFS support (Oracle Linux 6 and Oracle Linux 7); Oracle Enterprise Manager 12c and Oracle Enterprise Manager Ops Center for Linux Management.

PROVISIONS AND CLAUSES:

The following provisions and clauses apply to this acquisition and are hereby incorporated by reference. All FAR clauses may be viewed at <http://acquisition.gov/comp/far/index.html>.

Provisions

52.212-1, Instructions to Offerors-Commercial Items

52.212-3 Offeror Representations and Certifications-Commercial Items

Offerors shall complete annual representations and certifications on-line at <http://orca.bpn.gov> in accordance with FAR 52.212-3 Offerors Representations and Certifications- Commercial Items. If paragraph (j) of the provision is applicable, a written submission is required.

Clauses

1352.201-70 Contracting Officer's Authority

1352.209-73 Compliance with the Laws

1352.209-74 Organizational Conflict of Interest

52.212-4 Contract Terms and Conditions—Commercial Items

52.212-5 Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Items (APR 2010)-- including subparagraphs:

52.204-10, Reporting Executive compensation and First-Tier Subcontract Awards

52.209-6, Protecting the Government's Interest when subcontracting with Contractor's Debarred, Suspended or proposed for Debarment

52.219-6, Notice of Total Small Business Set-Aside

52.219-28, Post Award Small Business Program Representation

52.222-3, Convict Labor

52.222-19, Child Labor – Cooperation with Authorities and Remedies

52.222-21, Prohibition of Segregated Facilities

52.222-26, Equal Opportunity

52.222-36, Equal Opportunity for Workers with Disabilities

52.222-50, Combating Trafficking in Persons

52.223-18, Encouraging Contractor Policies to Ban Text Messaging while Driving

52.225-13, Restriction on Certain Foreign Purchases;

52.232-33, Payment by Electronic Funds Transfer-System for Award Management

INSTRUCTIONS:

System For Award Management

In accordance with FAR 52.204-7, the awardee must be registered in the System for Award Management (www.sam.gov) prior to award. Refusal to register shall forfeit award.

Due Date for Quotations

Offerors shall submit their quotations so that NIST receives them not later than 2:00 p.m. Eastern Time on April 10, 2015. FAX and hard-copy quotations shall not be accepted. E-mail quotations shall be accepted at Richard.kim@nist.gov. Offerors' quotations shall not be deemed received by the Government until the quotation is entered into the e-mail address inbox set forth above.

Addendum to FAR 52.212-1, Quotation Preparation Instructions

1) Price Quotation: The offeror shall propose a firm-fixed-price for each CLIN. Price quotations shall remain valid for a period of 30 days from the date quotations are due.

2) Technical Quotation: The technical quotation shall address the following:

Technical Capability: The offeror shall submit a technical description or literature for the service it is proposing, which clearly identifies the software publisher, and the identifying product/service #. If applicable, evidence that the Offeror is authorized by the original software publisher to provide the service(s) in the quotation should be included.

Acceptance of Terms and Conditions: This is a solicitation for the items as defined herein. The Government intends to award a Purchase Order as a result of this solicitation that will include the clauses set forth herein. The quotation should include one of the following statements:

“The terms and conditions in the solicitation are acceptable to be included in the award document without modification, deletion, or addition.”

OR

“The terms and conditions in the solicitation are acceptable to be included in the award document with the exception, deletion, or addition of the following:

Offeror shall list exception(s) and rationale for the exception(s)

QUOTATION EVALUATION:

Evaluation Factors

Basis for Award and Evaluation Criteria: Lowest Price Technically Acceptable. This requirement will be awarded to the offeror who provides a technically acceptable quotation at the lowest price. Price shall not be evaluated on quotes that are determined technically unacceptable under the Technical Capability Evaluation factor.

Technical Capability: Evaluation of technical capability shall be based on the information provided in the quotation. NIST will evaluate whether the offeror has demonstrated that its proposed product meets all minimum requirements. Quotations that do not demonstrate the proposed product meets all requirements will not be considered further for award.

Price: The Government will evaluate price for reasonableness.

1352.233-70 AGENCY PROTESTS (APR 2010)

(a) An agency protest may be filed with either: (1) the contracting officer, or (2) at a level above the contracting officer, with the appropriate agency Protest Decision Authority. See 64 Fed. Reg. 16,651 (April 6, 1999)

(b) Agency protests filed with the Contracting Officer shall be sent to the following address:
NIST/ACQUISITION MANAGEMENT DIVISION

ATTN: Todd Hill, CONTRACTING OFFICER
100 Bureau Drive, MS 1640
Gaithersburg, MD 20899

(c) Agency protests filed with the agency Protest Decision Authority shall be sent to the following address: NIST/ACQUISITION MANAGEMENT DIVISION

ATTN: HEAD OF THE CONTRACTING OFFICE (HCO)
100 Bureau Drive, MS 1640
Gaithersburg, MD 20899

(d) A complete copy of all agency protests, including all attachments, shall be served upon the Contract Law Division of the Office of the General Counsel within one day of filing a protest with either the Contracting Officer or the Protest Decision Authority.

(e) Service upon the Contract Law Division shall be made as follows:

U.S. Department of Commerce
Office of the General Counsel
Chief, Contract Law Division
Room 5893
Herbert C. Hoover Building
14th Street and Constitution Avenue, N.W.
Washington, D.C. 20230.
FAX: (202) 482-5858

(End of Clause)

1352.233-71 GAO AND COURT OF FEDERAL CLAIMS PROTESTS (APR 2010)

(a) A protest may be filed with either the Government Accountability Office (GAO) or the Court of Federal Claims unless an agency protest has been filed.

(b) A complete copy of all GAO or Court of Federal Claims protests, including all attachments, shall be served upon (i) the Contracting Officer, and (ii) the Contract Law Division of the Office of the General Counsel, within one day of filing a protest with either GAO or the Court of Federal Claims.

(c) Service upon the Contract Law Division shall be made as follows:

U.S. Department of Commerce
Office of the General Counsel
Chief, Contract Law Division
Room 5893
Herbert C. Hoover Building
14th Street and Constitution Avenue, N.W.

Washington, D.C. 20230.
FAX: (202) 482-5858

(End of clause)

1352.246-70 Place of Acceptance (APR 2010)

(a) The Contracting Officer or the duly authorized representative will accept supplies and services to be provided under this contract.

(b) The place of acceptance will be:

National Institute of Standards and Technology
100 Bureau Dr.
Gaithersburg, MD 20899

(End of clause)