

Classification Code: 16 -- Aircraft components & accessories

Naics Code: 336413 -- Other Aircraft Parts and Auxiliary Equipment Manufacturing

### **Description**

This is a combined synopsis/solicitation for commercial items prepared in accordance with the format in FAR Subpart 12.6, as supplemented with additional information included in this notice. This announcement constitutes the only solicitation; quotes are being requested and a written solicitation will not be issued. Solicitation number HSCG38-08-Q-200087 is issued as a Request for Quotations (RFQ). This solicitation document and incorporated provisions and clauses are those in effect through Federal Acquisition Circular 2005-25. The applicable North American Industry Classification Standard Code is 336413. The small business size standard is 1,000 employees. This is an unrestricted solicitation. The U.S. Coast Guard Aircraft Repair & Supply Center (ARSC) intends to award a sole source firm-fixed price purchase order to L-3 Communications. A copy of the Justification for Other Than Full and Open Competition (J&A) is posted on the Aircraft Repair & Supply Center (ARSC) website which is accessible at <http://www.uscg.mil/hq/arsc/hh65.asp>

The requirement consists of following spare part utilized on the HH-65 Coast Guard aircraft:

Item 01: NSN: 5985-01-HS1-2079; P/N: 805-10003-001; Directional Antenna; Qty 10 EA

The contractor shall furnish a Certificate of Conformance in accordance with Federal Acquisition Regulation (FAR) clause 52.246-15. Certificate of Conformance must be submitted in the format specified in the clause.

The Coast Guard can not provide specifications, plans, drawings or other technical data. Pricing shall reflect any quantity discount. Delivery will be made to USCG, Aircraft Repair and Supply Center, Receiving Section, Bldg. 63, Elizabeth City, NC 27909-5001. Delivery is required within nine months. F.O.B. Destination is requested as the F.O.B. point for the Deliverables. Each piece of equipment shall be packaged in accordance with ASTM D 3951-98 dated 10 Nov 98 (re-approved 2004) to enable shipment to destination and transshipment to a Coast Guard unit without repacking or incurring damage during shipping and handling. Items must be individually packed in a separate box; suitable for shipment via land, air, or sea. Each package shall be individually labeled on the outside with the NSN, P/N, S/N, Quantity, Nomenclature, Contract Number, and Line Item Number. Labeling data shall be attached to the outside of the shipping container. Preservation protection must be sufficient to prevent corrosion, deterioration, or decay during warehouse storage with temperatures ranging from 95 to 40 degrees Fahrenheit and high humidity for a period of one year. Packaging material shall not consist of popcorn, shredded paper, styrofoam of any type, or peanut style packaging. Bar coding is authorized, however not mandatory.

All responsible sources may submit an offer that will be considered. Offerors must be able to provide necessary certification including traceability to the OEM, manufacturer's COC and its own certificate of conformance (COC) to ensure parts are in airworthy condition, suitable for installation on U.S. Coast Guard aircraft. Prospective vendors who are NOT the OEM or an authorized

distributor must provide traceability of product back to the manufacturer or authorized distributor. Traceability means a clear, complete, documented, auditable paper trail which traces each step from the OEM or distributor to its current location. Parts from other than the OEM or authorized distributor may be proposed as long as they are from an identifiable source in Haystack and are subject to USCG ARSC HH65J's engineering approval.

The following FAR provisions and clauses apply to this request for quotation and are incorporated by reference.

**52.252-2 Clauses Incorporated by Reference (FEB 1998).**

This solicitation incorporates one or more clauses 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. Also, the full text of the clause may be accessed electronically at Internet address [www.deskbook.Osd.Mil](http://www.deskbook.Osd.Mil).

- 52.212-1 Instructions to Offerors Commercial Items (APR 2008)
- 52.212-3 Offeror Representations and Certifications – Commercial Items (MAY 2008).  
ALT I (APR 2002)  
An offeror shall complete only paragraph (j) of this provision if the offeror has completed the annual representations and certifications electronically at <http://orca.bpn.gov> If an offeror has not completed the annual representations and certifications electronically at the ORCA website, the offeror shall complete only paragraphs (b) through (i) of this provision.
- 52.212-4 Contract Terms and Conditions Commercial Items (FEB 2007)
- 52.212-5 Contract Terms and Conditions Required to Implement Statutes or Executive Orders- Commercial Items (MAY 2008)
- 52.222-3 Convict Labor (June 2003)
- 52.222-19 Child Labor—Cooperation with Authorities and Remedies (FEB 2008)
- 52.222-21 Prohibition of Segregated Facilities (FEB 1999).
- 52.222-26 Equal Opportunity (MAR 2007)
- 52.222-35 Equal Opportunity for Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans (SEP 2006)
- 52.222-36 Affirmative Action for Workers with Disabilities (June 1998)
- 52.222-37 Employment Reports on Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans (SEP 2006)
- 52.222-39 Notification of Employee Rights Concerning Payment of Union Dues or Fees (DEC 2004)
- 52.225-13 Restrictions on Certain Foreign Purchases (FEB 2006)
- 52.232-33 Payment by Electronic Funds Transfer—Central Contractor Registration (OCT 2003)

HSAR 3052.209-70 PROHIBITION ON CONTRACTS WITH CORPORATE EXPATRIATES  
(JUN 2006).

(a) Prohibitions.

Section 835 of the Homeland Security Act, 6 U.S.C. 395, prohibits the Department of Homeland Security from entering into any contract with a foreign incorporated entity which is treated as an inverted domestic corporation as defined in this clause, or with any subsidiary of such an entity. The Secretary shall waive the prohibition with respect to any specific contract if the Secretary determines that the waiver is required in the interest of national security.

(b) Definitions. As used in this clause:

*Expanded Affiliated Group* means an affiliated group as defined in section 1504(a) of the Internal Revenue Code of 1986 (without regard to section 1504(b) of such Code), except that section 1504 of such Code shall be applied by substituting 'more than 50 percent' for at least 80 percent' each place it appears.

*Foreign Incorporated Entity* means any entity which is, or but for subsection (b) of section 835 of the Homeland Security Act, 6 U.S.C. 395, would be, treated as a foreign corporation for purposes of the Internal Revenue Code of 1986.

*Inverted Domestic Corporation.* A foreign incorporated entity shall be treated as an inverted domestic corporation if, pursuant to a plan (or a series of related transactions)—

(1) The entity completes the direct or indirect acquisition of substantially all of the properties held directly or indirectly by a domestic corporation or substantially all of the properties constituting a trade or business of a domestic partnership;

(2) After the acquisition at least 80 percent of the stock (by vote or value) of the entity is held—

(i) In the case of an acquisition with respect to a domestic corporation, by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation; or

(ii) In the case of an acquisition with respect to a domestic partnership, by former partners of the domestic partnership by reason of holding a capital or profits interest in the domestic partnership; and

(3) The expanded affiliated group which after the acquisition includes the entity does not have substantial business activities in the foreign country in which or under the law of which the entity is created or organized when compared to the total business activities of such expanded affiliated group. *Person, domestic, and foreign* have the meanings given such terms by paragraphs (1), (4), and (5) of section 7701(a) of the Internal Revenue Code of 1986, respectively.

(c) Special rules. The following definitions and special rules shall apply when determining whether a foreign incorporated entity should be treated as an inverted domestic corporation.

(1) *Certain Stock Disregarded.* For the purpose of treating a foreign incorporated entity as an inverted domestic corporation these shall not be taken into account in determining ownership:

(i) Stock held by members of the expanded affiliated group which includes the foreign incorporated entity; or

(ii) stock of such entity which is sold in a public offering related to the acquisition described in subsection (b)(1) of Section 835 of the Homeland Security Act, 6 U.S.C. 395(b)(1).

(2) *Plan Deemed In Certain Cases.* If a foreign incorporated entity acquires directly or indirectly substantially all of the properties of a domestic corporation or partnership during the 4-year period beginning on the date which is 2 years before the ownership requirements of subsection (b)(2) are met, such actions shall be treated as pursuant to a plan.

(3) *Certain Transfers Disregarded.* The transfer of properties or liabilities (including by contribution or distribution) shall be disregarded if such transfers are part of a plan a principal purpose of which is to avoid the purposes of this section.

(d) *Special Rule for Related Partnerships.* For purposes of applying section 835(b) of the Homeland Security Act, 6 U.S.C. 395(b) to the acquisition of a domestic partnership, except as provided in regulations, all domestic partnerships which are under common control (within the meaning of section 482 of the Internal Revenue Code of 1986) shall be treated as a partnership.

(e) *Treatment of Certain Rights.*

(1) Certain rights shall be treated as stocks to the extent necessary to reflect the present value of all equitable interests incident to the transaction, as follows:

- (i) warrants;
- (ii) options;
- (iii) contracts to acquire stock;
- (iv) convertible debt instruments; and
- (v) others similar interests.

(2) Rights labeled as stocks shall not be treated as stocks whenever it is deemed appropriate to do so to reflect the present value of the transaction or to disregard transactions whose recognition would defeat the purpose of Section 835.

(f) *Disclosure.* The offeror under this solicitation represents that [Check one]:

It is not a foreign incorporated entity that should be treated as an inverted domestic corporation pursuant to the criteria of (HSAR) 48 CFR 3009.104-70 through 3009.104-73;

It is a foreign incorporated entity that should be treated as an inverted domestic corporation pursuant to the criteria of (HSAR) 48 CFR 3009.104-70 through 3009.104-73, but it has submitted a request for waiver pursuant to 3009.104-74, which has not been denied; or

It is a foreign incorporated entity that should be treated as an inverted domestic corporation pursuant to the criteria of (HSAR) 48 CFR 3009.104-70 through 3009.104-73, but it plans to submit a request for waiver pursuant to 3009.104-74.

(g) A copy of the approved waiver, if a waiver has already been granted, or the waiver request, if a waiver has been applied for, shall be attached to the bid or proposal.

(End of provision)

## NOTICE FOR FILING AGENCY PROTESTS.

It is the policy of the Coast Guard to issue solicitations and make contract awards in a fair and timely manner. The Ombudsman Program for Agency Protests (OPAP) was established to investigate agency protest issues and resolve them without expensive and time-consuming litigation. OPAP is an independent reviewing authority that is empowered to grant a prevailing protester essentially the same relief as the General Accounting Office (GAO). Interested parties are encouraged to seek resolution of their concerns within the Coast Guard as a Alternative Dispute Resolution (ADR) forum, rather than filing a protest with the GAO or some external forums. Interested parties may seek resolution of their concerns informally or opt to file a formal agency protest with the contracting officer or Ombudsman. Informal forum with the Ombudsman.

Interested parties who believe that a Coast Guard procurement is unfair or otherwise defective should first direct their concerns to the cognizant contracting officer. If the contracting officer is unable to satisfy the concerns, the interested party is encouraged to contact the Coast Guard Ombudsman for Agency Protests. Under this informal process, the agency is not required to suspend contract award performance. Use of an informal forum does not suspend any time requirement for filing a protest with the agency or other forum. In order to ensure a timely response, interested parties should provide the following information to the Ombudsman: solicitation/contract number, contracting office, contracting officer, and solicitation closing date (if applicable). Formal Agency Protest with the Ombudsman. Prior to submitting a formal agency protest, protesters must first use their best efforts to resolve their concerns with the contracting officer through open and frank discussions. If the protester's concerns are unresolved, an independent review is available by the Ombudsman. The protester may file a formal agency protest to either the contracting officer or as an alternative to that, the Ombudsman under the OPAP program. Contract award or performance will be suspended during the protest period unless contract award or performance is justified, in writing, for urgent and compelling reasons or is determined in writing to be in the best interest of the Government. The agency's goal is to resolve protests in less than 35 calendar days from the date of filing. Protests shall include the information set forth at FAR 33.103(d)(2). If the protester fails to submit the required information, resolution of the protest may be delayed or the protest may be dismissed. This will not preclude refiling of the protest to meet the requirement. To be timely, protests must be filed within the period specified in FAR 33.103 (e). Formal protest filed under the OPAP program should be forwarded to the address below:

Commandant (CG-851)  
2100 2ND Street, SW, Room 2606  
Washington, D.C., 20593  
Telephone: 202-267-2285  
Fax: 202-267-4011

Closing date and time for receipt of offers is **June 18, 2008, 3:00 p.m.**, EST. All responsible sources may submit an offer, which shall be considered by the Agency. Anticipated award date is on or about June 27, 2008. Contact Tabitha Bakely at [Tabitha.L.Bakely@uscg.mil](mailto:Tabitha.L.Bakely@uscg.mil) for questions regarding this solicitation. Quotes will be accepted via e-mail at the above addresses, facsimile at 252-334-5240, or at the following address:

USCG ARSC  
HH-65 Bldg 78  
Attn: Tabitha Bakely  
Elizabeth City, NC 27909