

Questions and Answers

1. Can MSU include a letter reserving the right to negotiate the Contract, if one is awarded to MSU? Or,

Government Response: No, MSU may not include a letter reserving the right to negotiate the Contract, if one is awarded to MSU, because the presence of such a reservation may have the effect of rendering the proposal unawardable. All requests for changes to solicitation requirements, together with supporting rationale must be received prior to contract award, and we urge you to submit them as early as possible to give the contracting officer adequate time for review.

2. Can MSU include a letter outlining exceptions to some of the RFP/Contract Terms? The letter will request some modification or clarifications similar to the ones listed below. This list is not all inclusive:

Government Response: No, MSU cannot include a letter outlining exceptions to some of the RFP/Contract Terms, for the reasons stated in the response to question #1 above.

a. The RFP synopsis states that this is Basic Research. As a result, we respectfully request the deletion of DFARs 252.204-7000, Disclosure of Information and the incorporation of language similar to the following in lieu thereof: "The Parties agree to confer and consult with each other prior to publication or other disclosure (regardless of medium) of the results of work under this contract to ensure that no proprietary information is released. Prior to submitting a manuscript for publication or before any other public disclosure, each Party will offer the other Party ample opportunity (not to exceed 45 days) to review and submit comments on any proposed publication or disclosure."

Government Response: Solicitation clause 252.204-7000 will not be removed from the solicitation; however, per 252.204-7000(a)(1) the Contracting Officer can give contractor written permission to release information if not already permitted by solicitation/contract statement of work. The effect of the clause is not to prohibit publication, but rather to give the Government a right to consultation and review prior to publication. This is appropriate since the research work is being performed with federal funds on behalf of a component of the U.S. Department of Defense.

b. Please modify FAR 52.216-7 by including Alternate II, which is applicable to contracts with educational institutions. (Reference the prescription at FAR 16.307(a)(3))

Government Response: The contracting officer concurs. Solicitation will be amended for the incorporation of clause 52.216-7 Alternate II.

c. Please delete FAR 52.215-19 applicable to contractors subject to Subpart FAR 31.2, "Contracts with Commercial Organizations." MSU is subject to Subpart FAR 31.3, "Contracts with Educational Institutions."

Government Response: The contracting officer concurs. Solicitation will be amended for the deletion of clause 52.215-19.

3. Time restriction in section C.2.1.2, in the SOW where we would be required to do 18 distillations in about 20 working days. I would like to ask for 60 days instead of 30 days please. Please advise me about whether this change is acceptable, and if so, how to proceed.

Government Response: The Government acknowledges that this requested change in section C.2.1.2 is acceptable. Solicitation will be amended changing the delivery of the distillations FROM "within 30 days" TO "within 60 days".