CHEMONICS INTERNATIONAL INC.

CONSULTANT REPORT ON GOVERNMENT PROCUREMENT

Dominican Republic Competitiveness Initiative, Component B
Contract No. 517-C-00-03-00110-00

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Submitted by:
Terry Collier
Chemonics International Inc.

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ACRONYMS

ADP	Automated Data Processing
AIDS	Acquired Immune Deficiency Syndrome
ASPR	Armed Services Procurement Regulation
CAFTA	Central America Free-Trade Agreement
CI-CE	Chemonics International Inc. – Strategy Center
CSO	Civil Society Organization
EMC	Electromagnetic Compatibility
EOD	Explosive Ordnance Disposal
FAR	Federal Acquisition Regulation
FARA	Federal Acquisition Reform Act
FASA	Federal Acquisition Streamlining Act
FPDC	Federal Procurement Data Center
HIV	Human Immunodeficiency Virus
HVAC	Heating, Ventilating and Air Conditioning
IFB	Invitation for Bid
INTELSAT	International Telecommunication Satellite Organization
MEMS	Micro Electromechanical Systems
NAFTA	North American Free Trade Agreement
NASA	National Aeronautics and Space Administration
OFPP	Office of Federal Procurement Policy Act
POL	Petroleum, Oil, Lubricants
PYMES	Small and Medium Companies
RD	Dominican Republic
RFP	Request for Proposals
ROTC	Reserve Officers Training Corps
SATCOM	Satellite Communications
SEIC	Secretariat of State for Industry and Commerce
TIC	Trade and Investment Committee of the Dominican Republic and the United States of America
TR	Reference Terms
USA	United States of America
USAID	United States Agency for International Development
USTR	United States Trade Representative
WTO	World Trade Organization

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SECTION I

Introduction

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Introduction

The consultancy to the Secretaría de Estado de Industria y Comercio (SEIC) took place from February 23 through February 27, 2004. During the week the consultant worked directly with Lic. Claudia Troncoso, Lic. Ruth de los Santos and Lic. Esther Vera. As Friday, February 27, was a national holiday, Ministry staff did not work that day and the consultant returned to the United States.

The activities were presented in five parts: (1) a general outline of the U.S. federal government contracting process; (2) discussion of specific clauses of the U.S.-Dominican Republic draft agreement; (3) discussion of U.S. federal product and service needs; (4) access workshop to U.S. federal government and state government procurement solicitations; and (5) follow-up research carried out in the Dominican Republic and the United States.

SECTION II

Federal Government Contracting Process

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Federal Government Contracting Process

The first day, February 23, the consultant and staff discussed the overall U.S. government contracting process. The consultant provided statistics on the amount of goods and services purchased by the U.S. government in an average year. Chemonics discussed a brief history of the purchasing process, pointing out legal highlights, which addressed key concepts in U.S. purchasing, as competition, advertising and “Buy America.” Underlying purchasing principles were discussed as fair and reasonable prices, responsible suppliers and transparency.

Relevant clauses of the Federal Acquisition Regulation (FAR) were discussed, including concepts such as sealed bidding and contracting by negotiation. The presentation ended with a description of the different type of contracts authorized by the FAR—primarily the fixed priced contract and the cost contract. See Annex A, Federal Government Procurement.

SECTION III

U.S. Dominican Republic Draft Agreement

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U.S. Dominican Republic Draft Agreement

Tuesday, February 24 focused on clauses of Chapter Nine “Government Procurement” of the draft trade agreement. The goal of the Ministry staff was to determine as much as possible any practical impact of the chapter clauses on Dominican suppliers.

The consultant reviewed the chapter, which, in general, covered the types of procurements authorized; general principles; the tendering process and procedures; the authorized cost thresholds for goods and services; and the government agencies covered by the agreement.

In general, the consultant found the clauses to be straightforward, mostly clear and standard. The agreement clauses echoed the fundamental procurement concepts of the FAR such as rule of origin requirements; publication of procurements; clear and written evaluation criteria; performance specifications; the use of product brand names; responsible suppliers; negotiating with a single supplier; exceptions for urgent procurements; and requirements for contract award announcements.

Some specific areas discussed regarding possible impact on Dominican suppliers were solicitation advertising. For the most part, all solicitation advertising for both the U.S. federal and U.S. state governments is done electronically. There is only one electronic entry (Fedbizopps) for all federal procurements. Dominican suppliers would have to be prepared to navigate and carry out, in English, the solicitation process through the federal and state procurement Web sites. In addition, most U.S. suppliers seeking to sell to Dominican agencies would probably be conditioned to do so electronically, which is not yet set up on the Dominican side.

Another issue was the time limits set by the tendering process. For most cases the tendering clause stipulates a 40 calendar day period between procurement announcement and deadline for receipt of tenders. As the federal procurements require a registration process and a Dun & Bradstreet number, which can take up to 30 days to acquire, the 40 days requirement was seen as a positive requirement.

The clause allowing purchasers to adopt or maintain “measures necessary to protect public morals, order or safety” was discussed. The logic and possible precedent of this clause was supported later by pointing out a comparable FAR clause—52.223.6, which requires, for contracts over $100,000, public statements and procedures in the contractor workplace in reference to promoting a drug-free environment.

Some clauses were unique to the treaty and were also determined to have positive effects, such as the clause stipulating that purchasers shall not discriminate against a supplier for not having experience in the purchaser’s country.

SECTION IV

Purchasers, Products and Services

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Purchasers, Products and Services

Wednesday, February 25, was dedicated to addressing the staff's concern of what the U.S. government would actually purchase from Dominican suppliers. The United States' offer of coverage of government agencies for the treaty is represented by a long list of 79 government agencies, potential buyers of Dominican products.

On the surface, the long list appears generous and promising. To help determine which agencies might be the most promising candidates for purchasing, the consultant reviewed the number of current notices posted by each agency in Fedbizopps. The posting period was limited to the last two weeks. The number of notices listed by each agency would give a general idea of the agencies' yearly posting activity.

Not all authorized government agencies were found to be listed in Fedbizopps. Several, such as the American Battle Monuments Commission and the United States International Trade Commission, had no notices. The most prolific agency was the Department of the Army with 630 notices within the last two weeks, followed by the Departments of the Interior and Justice, with 180 notices, and the Department of Veterans Affairs and the General Service Agency, with 150. The only other agency showing a sizeable amount of notices was the Department of Agriculture, with 146. All of the others showed only a few notices from 2 to 67.

While the Department of the Army on paper looked to be the most promising candidate, many potential items such as textiles, apparel, shoes, and hand tools are excluded in the agreement for sale to all of the Department of Defense. Only the Departments of the Interior, Justice, Veterans Affairs, Agriculture and the General Service Agency looked to be likely candidates at this level of inquiry. See Annex B U.S. Solicitations in Fedbizopps.

In addition, it was decided to take a snapshot of what the authorized agencies wanted currently: a snapshot of what Dominican suppliers would need to provide to government agencies, looking at the postings from the last two weeks on Fedbizopps.

Current solicitations from all available and authorized federal government agencies listed in the draft treaty were reviewed by the consultant. The agencies showed a wide variety of needs: samples were boats; U.S. no. 2 yellow corn; 20-ton trailers; and photographic mapping needed by the Department of Agriculture; defibrillators; 40 mm cartridges; and laparoscopic instruments needed by the Department of the Army; telecommunications services; sewing supplies; and paper products food service needed by the Department of Justice.

Much of the products and services solicited appeared to be in the categories of specialized equipment; study and report services; and maintenance and repair. From this limited, two-week sample period, most postings were determined not to be of probable interest to Dominican suppliers. Due the large number of solicitations available from Federal and State sources it was also determined that it would be difficult to single out scientifically which specific products and

services would be the most likely candidates for Dominican suppliers. It was discussed that the most practical approach would be to assure that Dominican suppliers were versed in the computer mechanics of accessing Fedbizopps and state Web sites and then deciding, from the hundreds of possibilities, which products they were in a position to provide. See Annex C, U.S. Products and Services.

SECTION V

Access to U.S. Federal Government and State Government Procurement Solicitations

SECTION V

Access to U.S. Federal Government and State Government Procurement Solicitations

Thursday, February 26, was dedicated to practical sessions. The purpose was to familiarize the staff with the actual computer process of going through the federal government and state government Web sites to search for and respond to government solicitations.

Most time was spent on the federal government Web site—Fedbizopps. Staff were interested in knowing what specific problems and obstacles suppliers might encounter with the Web site. Going through the procedures personally helped to show the types of problems expected. For example:

1) To use Fedbizopps all suppliers would have to register. Registration involves several types of registration. The FAR now requires all federal contractors to register with the Central Contractor Registration database. All suppliers must have a D-U-N-S number, which may take up to 30 days to obtain. In addition, all non-U.S. registrants must do another registration, which will assign them a number known as the NATO Cage Code.

2) Responding to even the most simple federal solicitations requires going though many government terms and language which might be a challenge even to a native English speaker. There are several references to the FAR, which means that a potential supplier would probably have to become familiar with some FAR clauses.

3) Submitting a proposal package would probably be a challenge. A sample solicitation (for towel blanks) studied at the session required the offeror to provide (a) Standard form No. 1449; (b) a signed copy of any amendments issued; (c) a copy of FAR 52.212-3, Representations and Certifications for Commercial Items; (d) FPI9999-999.9, Business Management Questionnaire (submit three for contracts that are of similar or like items); and (e) an ACH form, which must be on file prior to contract award.

State Web sites appeared to be easier to navigate and were more user-friendly. States also required a registration process and a D-U-N-S number. Unlike the federal Web site some states required a registration fee – some up to $250. The consultant provided a list of state procurement Web sites.

For the afternoon session the consultant recommended having an actual supplier go through the registration process under our supervision. Staff made contact and a tentative schedule with a supplier candidate, but the supplier eventually was not able to comply with the short notice. Mr. Nunez however mentioned that, should the Ministry staff desire, a workshop for suppliers could be set up in the near future. This was communicated to the staff. See Annex D State Procurement Web sites.

SECTION VI

Follow-up Research

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Follow-up Research

The Ministry staff had several well-reasoned questions and requests for specific information, which required some research and response while in the Dominican Republic and upon consultant return the United States.

Information provided included the following requested areas:

1) Federal government contracting acts outside of the Federal Acquisition Regulation

2) The Buy America Act in terms of the Free Trade Agreement

3) FAR thresholds and nationality for construction services

4) Time period required for supplier registration or prequalification

5) Small Business Set Asides

6) Restrictions on steel

7) Meaning of Commercial Goods and Services

8) Additional government agencies for the Commonwealth of Puerto Rico

9) State contracting procedures

10) U.S. Standard Form 1449

11) Contracting availability of state executive agencies

12) Small Business Association program

13) Private corporations set up by the U.S. federal government.

ANNEX A

Federal Government Procurement

ANNEX A

Federal Government Procurement

A. Statistics

- Government awards over $200 billion annually for goods and services.
- FY 2001 Government signed 11.4 million contracts (95 percent between $2,500 and $100,000).
- FY 2002: increase by 10 percent Actions 8,654,637 Dollars $250,192,676 (000)
- $2,500 to $100,000 reserved for small, small disadvantaged, small woman-owned, and small veteran-owned businesses

Statistics available at:

The Federal Procurement Data Center (Part of General Services Administration) and The Directorate for Information Operations and Reports

Federal Procurement Data Center web site: www.fpdc.gov

FPDC produces the annual Fiscal Year Federal Procurement Report (Total Federal View, Geographic View, Agency View)

Information on contracts of more than $25,000 and summary data for under $25,000

Procurement Actions in North America outside the United States – $770,338
South America – $452,729, Europe – $4,214,668, Asia $4,764,650, Africa $576,034, Australia $82,543, Antarctica $88,100 (000)

Supplies and equipment—number of actions 250,011, $84,278,454 (000)

B. History

From the beginning federal procurement has been guided by the need to acquire goods and services on a timely basis by maximizing competition and obtaining reasonable prices, with the assurance that government officials are publicly accountable for their actions.

Federal procurement regulations have evolved over the years. Among the evolved policies are preference for full and open competition and the requirement for a determination of reasonableness of price before the award is given. Other considerations are small businesses, small minority businesses, small women-owned businesses and small veteran-owned businesses.

Purveyor of Public Supplies Act of 1795: Allowed Government to buy needed supplies and materials to perform government functions. The Purveyor of Public Supplies acted as the Government's purchasing agent and was set up by the Treasury Department.

1798: Congress authorized purchases for military supplies and services to be made under the direction of the Departments of War and Navy.

1808: Law passed prohibiting members of Congress from benefiting from government contracts.

1891: First of long series of laws imposing a requirement for the use of formal advertising. All purchases and contracts made by the Secretaries of the Treasury, War and Navy would be open purchases.

Armed Services Procurement Act of 1947: Continued the sealed bid and formal advertising as the preferred method of procurement, but authorized 17 exceptions for negotiated procurement. Placed procurement rules in one location and gave the Armed Services Procurement Regulation (ASPR), the beginnings of the FAR

Buy America Act: Required the Government to buy only American products.

Wash-Healey Public Contracts Act of 1936: Required supplier to certify that it was manufacturer or regular dealer and attempted to do away with the “broker.”

1974 Office of Federal Procurement Policy Act: Answered the concern that no one was in charge of government procurement policy. The OFPP Act established the Office of Federal Procurement Policy to be in charge as part of the Office of Management and Budget.

Federal Acquisition Streamlining Act of 1994 (FASA): Repealed and modified 225 statutes; simplified federal procurement process; reduced paperwork and transformed simplified acquisition process to electronic commerce.

Federal Acquisition Reform Act of 1996 (FARA): Corrected deficiencies so FASA could be fully implemented

C. Underlying Principles

- Full and open competition
- Fair and reasonable prices
- Fair and objective evaluation of bids and offers
- Responsible suppliers
- U.S.-made products (U.S. domestic products preferred over foreign products)
- Purchase documentation
- Transparency

The basics of federal procurement have grown and matured over the years through multi legislative and administrative efforts to develop a system providing safeguards against graft,

favoritism, questionable ethics, war profiteering, collusion, and inefficiency, and to protect the integrity of the competitive and public bidding system.

C1. General factors

The president of the United States, as the Nation's Chief Executive Officer, is responsible for government purchasing functions. Upon entering a contract, the Government becomes subject to the rule of Federal law as a private individual.

D. Federal Acquisition Regulation

D1. Competition

FAR requires full and open competition (FAR 6.2—all responsible resources must be allowed to compete

Exceptions:
If excluding source(s) will:

- Increase or maintain competition and result in reduced costs.
- Be in the interest of national defense, having a supplier available in case of national emergency.
- Be in the interest of national defense, establishing engineering, research or developmental capability (educational, non-profit, or federally funded institution).
- Satisfy a critical need for emergency supplies or historically high demand needs.
- Small business set-asides.

D2. Other Than Full and Open Competition

Allowed in some circumstances when:

- Only one responsible source and no other supplies/services will satisfy requirements.
- Unusual and compelling urgency.
- Need to maintain a source available in case of industrial mobilization, maintain research-engineering capacity, expert services.
- International agreement, foreign government, or international organization has regulations.
- A statute expressly authorizes or requires that the acquisition be made with a specified source or a specific brand name commercial item.
- National security is a concern.
- Full and open competition would not be in the public interest.

If none of these conditions authorizing other than full and open competition is present, then the contracting office must proceed with full and free competition.

D3. Buy America Act

Requires that only domestic end products be acquired for public use.

Exceptions:

- Products are for use outside the United States.
- Cost is unreasonable.
- Agency head determines that it is not in the public interest.
- U.S. product not sufficient and not reasonably available.
- International Agreements (trade agreements, NAFTA, EU).

D4. Purchasing Thresholds

Micro-purchase (credit cards)	Up to $2,500
Simplified acquisition procedures	$2,501-$100,000
Sealed bids/negotiations	$100,000 and up (FAR 14 and 15)

D5. Procurement Methods

D5a. Micro purchase

$2,500 and below. No quotations required. Make sure price reasonable. Distribute purchases among vendors.

D5b. Simplified Acquisition

Over $2,500 to $100,000. Solicit reasonable numbers of quotations, based on nature of product—highly competitive and available or not. Notify potential offerors of basis of award—price alone or price and other factors (past performance, quality). No requirement to list relative weight of factors. Select best value, most advantageous offer. One source may be used if it is determined that only one source is reasonably available.

D5c. Sealed Bidding

Uses competitive bids and public opening of bids:

1) Four conditions must be present to used sealed bidding:

   a. There will be enough time to carry out the procurement according to the regulations.

   b. Price and price-related factors will be the basis for the award.

   c. It will not be necessary to have discussions with the offerors about their bids. Specifications (design) are clear and detailed; (buyer knows exactly what he wants); (want a fast train to get to next town in 15 minutes—this is the way to make it).

   d. There is a reasonable expectation of receiving more than one sealed bid.

2) Other factors

a. Bids must arrive by a specific time or it will be rejected.

b Bidders must meet all of the conditions of the bid

c. The documents used is the Invitation For Bid (IFB).

D5d. Contracting By Negotiation

Discussion necessary—Specifications are more general. Vendor has more flexibility in specifications (performance/functional); (I want a train to get to the next town in 15 minutes—you design it/I want some kind of vehicle to get to the next town in 15 minutes—you come up with the idea and design it).

Evaluation factors used—Price may be one determining factor—usually technical, cost, and delivery.

Price analysis used—Refers to evaluating a proposed price without evaluating the separate cost elements (e.g., materials, labor) and proposed profit.

Cost analysis used—Refers to evaluating the separate cost elements and proposed profit and judgmental factors used to determine anticipated contract cost.

Can negotiate price, technical, delivery schedule, type of contract, and other terms.

- Competitive range often used.
- Best and final offer often used.
- May have oral presentations.
- Uses Request for Proposals (RFP).

Two types of negotiated acquisitions:

1) Sole source acquisition—Only one source available. RFP should be tailored to remove unnecessary data—evaluation criteria, voluminous proposal preparation instructions.

2) Competitive acquisitions.

D6. Small Business

The government has a special interest in helping small businesses. The Small Business Association establishes small business standards on an industry by industry basis. Procurements may be set aside for small businesses only. Contracts over $500,000 must have a small business contracting plan

D7. Type of Contracts

A wide variety of types of contracts are authorized for government contracting. The firm fixed-price type of contract is the most preferred since the contractor accepts full cost responsibility.

At the other end of the range is the cost-plus-a-fixed-fee type of contract where profit rather than price is fixed and the contractor's cost responsibility is minimal.

D7a. Fixed price contracts

Fixed price contracts are suitable for commercial items or other supplies and services on reasonably specific specifications when fair and reasonable prices can be established through price competition; available price information; or reasonable estimates of performance uncertainties can be made; and contractor is willing to accept firm fixed price assuming the risks involved:

1) Firm fixed price
   One price for contract period

2) Firm fixed price with economic price adjustment
   Based on increases and decreases in specified costs of labor or materials

3) Fixed price incentive
   Allows profit to be adjusted based on ratio of final negotiated total cost to total target cost

4) Fixed price with prospective price redetermination
   Initial price adjusted as actual costs are known

5) Fixed ceiling price with retroactive price redetermination
   Retroactive price redetermination within the ceiling after completion of the contract

6) Firm fixed price, level of effort term
   Contractor gives level of effort over a specific time on work that can be stated only in general terms

D7b. Cost reimbursement contracts

Cost reimbursement contracts allow payment of allowable incurred costs; establish an estimate of total cost for the purpose of obligating funds; and establish a ceiling that the contractor may not exceed without approval of the contracting officer. These contracts are suitable when uncertainties involved in contract performance do not permit costs to be estimated with sufficient accuracy to sue any type of fixed-price contract:

1) Cost
   Cost reimbursement, no fee

2) Cost sharing
No fee, reimbursement only for an agreed-upon portion of allowable costs

3) Cost plus incentive fee
Allowable costs are reimbursed with a fee adjusted by a ratio of the total allowable costs and target cost.

4) Cost plus award fee
Allowable costs reimbursed with special fee. Fee includes fixed amount and amount awarded for excellent performance

5) Cost plus fixed fee
Allowable costs reimbursed with fixed fee

D7c. Others

Incentive—Cost, Performance, Delivery—Profit or fee related to performance.

Indefinite Delivery—Fixed price but open re quantities or time of delivery—3 types definite, requirements, indefinite quantity.

Time and Materials—Payment based on fixed hourly labor rate and materials at cost.

Labor Hour—Payment based on hourly labor rate.

Letter—Preliminary contractual instrument permitting production to start prior to finalization of a definite contract.

Cost plus a percentage of cost contracts are prohibited by law.

ANNEX B

U.S. Solicitations in Fedbizopps Posted During the Last Two Weeks before February 25, 2004

ANNEX B

U.S. Solicitations In Fedbizopps Posted During The Last Two Weeks Before February 25, 2004

Agency	No. of Notices Posted
1. Advisory Commission on Intergovernmental Relations	Agency not listed
2. African Development Foundation	Agency not listed
3. Alaska Natural Gas Transportation System	Agency not listed
4. American Battle Monuments Commission	0
5. Appalachian Regional Commission	Agency not listed
6. Commission on Civil Rights	Agency not listed
7. Commission of Fine Arts	Agency not listed
8. Commodity Futures Trading Commission	2
9. Consumer Product Safety Commission	0
10. Broadcasting Board of Governors	5
11. Corporation for National and Community Services	1
12. Delaware River Basin Commission	0
13. Department of Agriculture	146
14. Department of Commerce	50
15. Department of Defense (U.S. Army only)	630
16. Department of Education	7
17. Department of Energy	29
18. Department of Health and Human Services	120
19. Department of Homeland Security	Agency not listed
20. Department of Housing and Urban Development	0
21. Department of the Interior	180
22. Department of Justice	180
23. Department of Labor	20
24. Department of State	12
25. Department of Transportation	43
26. Department of the Treasury	Agency not listed
27. Department of Veterans Affairs	150
28. Environmental Protection Agency	41
29. Equal Employment Opportunity Commission	2
30. Executive Office of the President	4
31. Export-Import Bank of the United States	Agency not listed
32. Farm Credit Administration	Agency not listed
33. Federal Communications Commission	Agency not listed
34. Federal Crop Insurance Corporation	Agency not listed
35. Federal Deposit Insurance Corporation	1
36. Federal Election Commission	0

Agency	No. of Notices Posted
37. Federal Home Loan Mortgage Corporation	Agency not listed
38. Federal Housing Finance Board	0
39. Federal Maritime Commission	Agency not listed
40. Federal Mediation and Conciliation Service	Agency not listed
41. Federal Mine Safety and Health Review Commission	Agency not listed
42. Federal Prisons Industries, Inc.	Agency not listed
43. Federal Reserve System	Agency not listed
44. Federal Retirement Thrift Investment Board	0
45. Federal Trade Commission	1
46. General Services Administration	150
47. Government National Mortgage Association	Agency not listed
48. Holocaust Memorial Council	Agency not listed
49. Inter-American Foundation	Agency not listed
50. Merit Systems Protection Board	Agency not listed
51. National Aeronautics and Space Administration	67
52. National Archives and Records Administration	2
53. National Capital Planning Commission	Agency not listed
54. National Commission on Libraries and Information Science	Agency not listed
55. National Council on Disability	2
56. National Credit Union Administration	0
57. National Foundation on the Arts and the Humanities	Agency not listed
58. National Labor Relations Board	0
59. National Mediation Board	0
60. National Science Foundation	2
61. National Transportation Safety Board	3
62. Nuclear Regulatory Commission	2
63. Occupational Safety and Health Review Commission	0
64. Office of Government Ethics	Agency not listed
65. Office of the Nuclear Waste Negotiator	Agency not listed
66. Office of Personnel Management	6
67. Office of the Special Counsel	Agency not listed
68. Office of Thrift Supervision	Agency not listed
69. Overseas Private Investment Corporation	0
70. Pennsylvania Avenue Development Corporation	Agency not listed
71. Peace Corps	0
72. Railroad Retirement Board	0
73. Securities and Exchange Commission	1
74. Selective Service System	Agency not listed
75. Small Business Administration	2
76. Smithsonian Institution	0
77. Susquehanna River Basin Commission	Agency not listed
78. United States Agency for International Development	27
79. United States International Trade Commission	0

ANNEX C

U.S. Products and Services Requested in Fedbizopps During Two Weeks Before February 25, 2004

ANNEX C

U.S. Products and Services Requested In Fedbizopps During Two Weeks Before February 25, 2004

A. Commodity Futures Trading Commission

a) T-wire news service

B) Broadcasting Board of Governors

a) Fabrication and installation services for power amplifier and tuning assemblies

b) Cable and other program distribution

c) Retrofit of transmitters with digital HF exciter

d) Satellite transponder capacity on Newskies 57 degree

e) Satellite transponder capacity on INTELSAT 332.5

C) Corporation for National and Community Service

a) Lease or rental of facilities

D) Department of Agriculture

a) Vehicle maintenance and repair

b) Preparation of handbook: Western U.S. Rangeland Plant Seed Harvesting

c) Facilities Maintenance Services

d) Erosion control at Ft. Sill Army Base (Oklahoma)

e) Professional administration and management support services (Alaska)

f) Boat purchase

g) Knapps Creek restoration project (West Virginia)

h) U.S. no. 2 yellow corn

i) Upgrade main building (Oregon)

j) Purchase two 20-ton trailers

k) Purchase two 20-ton trailers

l) Purchase two 20-ton trailers

m) Replacement of sewer system

n) Boulder Lake phase II construction of public works

o) Photographic mapping, printing and publication services

E) Department of Commerce

a) Turbulence measurements

b) Maintenance operations facilities

c) Guard services (Massachusetts)

d) Maintenance of NOAA weather radios

e) Exhibits management and planning services

f) Various radio frequency equipment

g) Repair and maintenance of nets

h) Atmospheric sampling

i) Translation services for WTO accession materials

j) Upgrade of atom sciences mass spectrometer

F) Department of Defense (U.S. Army Only)

a) ROTC lodging

b) 4 trailers

c) Defibrillators and watertight carrying cases

d) Annual software maintenance renewal network licenses

e) Truck body installation

f) Commercial meal service

g) Temporary administrative and clerical services

h) Lease of crewboat

i) Laboratory testing services

j) Production of 60 mm propelling charges for mortar ammunition

k) 40 mm cartridges

l) Hydraulic pump for M 198 Howitzer

m) POL distribution equipment

n) Laparoscopic instrument sets

o) Design of wide band satellite communications (SATCOM) operations center

G) Department of Education

a) Wireless sniffing

b) Analytical services to assist the Office of Indian Education on Tribal Colleges and Universities

c) Technical and Logistical support services to the National Assessment Governing Board

d) Enterprise tracking system

e) Evaluation of the National Assessment of Educational Programs

H) Department of Energy

a) Weed control services

b) Automation of international export control region

c) Power supply and x-ray tube

d) Laboratory equipment

e) Crane rental with operator

f) Precision agile machine

g) Radioactive shipment transportation

I) Department of Health and Human Services

a) Psychological services

b) Harvard syringe pumps

c) Examination of sound levels from powered hand tools

d) Study on pre-natal and post-natal exposure and pubertal development of offspring

e) Printing services

f) Connect-direct mid-tier software

g) Analysis and review of topics in the areas of food safety, food security, food processing and human health

h) Communications support

J) Department of the Interior

a) LSRD horse corrals

b) Electrical services and fixtures

c) Airplane in support of fire suppression programs (Vermont)

d) Montrose irrigation line

e) Jones pipe materials

f) Systems engineering support

g) Collection of big game harvest information and data analysis

h) Maintenance, repair, rebuilding of equipment

K) Department of Justice

a) Microwave receivers

b) Telecommunication services

c) Sewing supplies for our laundry service

d) Phlebotomy technician services (Pennsylvania)

e) Paper products food service

f) Religiously-certified meals

g) Subsistence diary

h) Computer advanced occupational/vocational training

i) Forensic psychology/psychiatry evaluation

j) Web architecture design

k) Comprehensive medical services (Prisons)

l) Installation of shooting bays

m) Building security and monitoring

n) Violence against women advertisement

L) Department of Labor

a) Operation of Jobs Corps center

b) Evaluation of the unemployment insurance regular benefits program

c) Dental and dental hygienist service

d) Child care provider

e) Electric exit signs

f) Renovation of nine dormitory rooms

M) Department of State

a) Printer and lamination equipment

b) Explosive Ordnance Disposal protective suits

c) Sports utility vehicle

d) Mine/metal detector set

e) Outboard marine engines and steering unit

f) Utility pick up trucks

g) Locks and lock hardware

h) Construction of USAID annex (Uganda)

i) Secure air packaging

N) Department of Transportation

a) Purchase and installation of EMC equipment

b) Research, engineering, analysis and policy support

c) Replacement of HVAC system at the automated flight service station (Miami)

d) Highway construction

e) Rental of three tents

f) ADP and telecommunications service

g) Airbus A-320 pilot qualification training

h) Advance research in transportation technology

O) Department of Veterans Affairs

a) Conference space

b) Replace roofs

c) General waste disposal/recycling

d) Architect/engineering Alzheimer care unit

e) Physician recruitment services

f) Emergent cardiovascular surgery services

g) Pneumatic tube maintenance

h) Arrhythmia monitoring services

i) Elevator repair and alteration

P) Environmental Protection Agency

a) HVAC maintenance and repair

b) Small business innovation research

c) Hotel conference support

d) Technical report on the status of arsenic removal technology

e) Analysis utilizing solar ultraviolet radiation data

f) Water quality analysis

g) Puerto Rico/U.S. Virgin Islands emergency and rapid response services

Q) Equal Employment Opportunity Commission

a) Perform on-site system independent verification and validation for Section 508 compliance and provide technical consulting report

R) Executive Office of the President

a) White House photo archive management system

b) Economic report subscription

S) Federal Deposit Insurance Corporation

a) Information technology application services

T) Federal Trade Commission

a) Do not spam

U) General Services Administration

a) Mess tray compartment (paper)

b) Crimping tool

c) MPI enamel and latex

d) Furnish and install ballistic resistant CSO screening station

e) Janitorial services

f) Lease space (Georgia)

g) Cable repair kit

h) Mechanical operations and maintenance services

i) Thread inset tool kit

V) National Aeronautics and Space Administration

a) Hot gas piping connections

b) Hurricane rescue vehicle

c) Assessment of NASA shuttle logistics depot

d) Avionics lab special test equipment

e) Electrochemical analysis system

f) Design development and delivery of an orbital space plane

g) MEMS engineering design, fabrication and test support

h) Complex electrical database integration and upgrades

i) Aviation safety reporting system

j) Ceramic matrix composites

k) Low cycle fatigue testing

W) National Archives and Records Administration

a) Supplemental construction management/design/build services for National Archives and Records administration facilities

X) National Council on Disability

a) Americans with Disabilities Act impact study

Y) National Science Foundation

a) Arctic research support and logistics services

Z) National Transportation Safety Board

a) Tape cartridges

b) Bloodstone pathogen kit

c) Software maintenance

AA) Nuclear Regulatory Commission

a) Root cause/incident investigation team training

b) Elevator operation, maintenance and repair services

AB) Office of Personnel Management

a) Accommodations and meeting facilities for the President's Commission on White House Fellowships

b) Clerical/technical and administrative support

AC) Small Business Administration

a) Civil rights compliance services

b) Cost comparison study on paralegal services

AD) United States Agency for International Development

a) Technical assistance to Government of India for disaster management project

b) Senior economic advisor for USAID/Yemen

c) Contract specialist for USAID/Ghana

d) Laboratory equipment and supplies (Central Asia)

e) Senior regional HIV/AIDS advisor for USAID/Ghana

f) Democracy and Governance program leader for USAID/Jordan

g) Iraqi Ministry of Health institutional capacity building program

ANNEX D

State Procurement Web Sites

ANNEX D

State Procurement Web Sites

Alabama	http://www.purchasing.state.al.us/
Alaska	http://www.state.ak.us/local/akpages/ADMIN/dgs/purchasing/home.htm
Arizona	http://www.azspo.az.gov/
Arkansas	http://www.state.ar.us/dfa/purchasing/
California	http://www.pd.dgs.ca.gov/default.htm
Colorado	http://www.gssa.state.co.us/
Connecticut	http://www.das.state.ct.us/busopp.asp
Delaware	http://www.state.de.us/purchase/index.htm
Florida	https://marketplace.myflorida.com/
Georgia	http://www.georgia.gov/00/channel/0,2141,4802_5035,00.html
Hawaii	http://www2.state.hi.us/spo/
Idaho	http://www2.state.id.us/adm/purchasing/
Illinois	http://www.state.il.us/cms/1_selling/
Indiana	http://www.in.gov/idoa/proc/
Iowa	http://das.gse.iowa.gov/purchase/
Kansas	http://da.state.ks.us/purch/
Kentucky	http://kentucky.gov/Portal/Category/bus_procure
Louisiana	http://www.state.la.us/osp/osp.htm
Maine	http://www.maine.gov/portal/business/vendors.html
Maryland	http://www.emarylandmarketplace.com/emm/index.cfm
Massachusetts	http://www.mass.gov/portal/index.jsp?pageID=aghome&agid=osd
Michigan	http://www.michigan.gov/doingbusiness
Minnesota	http://www.mnsbdc.com/searchframe.asp?url=sbdcFAQselling.asp
Mississippi	http://www.mississippi.gov/ms_sub_sub_template.jsp?Category_ID=7024
Missouri	http://www.oa.state.mo.us/purch/coop.html
Montana	http://www.nwboc.org/mtstate.html
Nebraska	http://www.das.state.ne.us/materiel/purchasing/purchasing.html
Nevada	http://purchasing.state.nv.us/services/services.htm
New Hampshire	http://admin.state.nh.us/purchasing/index2.asp
New Jersey	http://www.state.nj.us/treasury/purchase/
New Mexico	http://www.state.nm.us/spd/
New York	http://www.ogs.state.ny.us/purchase/default.asp
North Carolina	http://www.doa.state.nc.us/PandC/
North Dakota	http://www.state.nd.us/csd/spo/
Ohio	http://procure.ohio.gov/proc/index.asp
Oklahoma	http://www.youroklahoma.com/?c=4
Oregon	http://www.das.state.or.us/DAS/PFSS/SPO/index.shtml
Pennsylvania	http://www.dgs.state.pa.us/procurement/site/default.asp
Rhode Island	http://www.purchasing.ri.gov/
South Carolina	http://www.procurement.sc.gov/
South Dakota	http://www.state.sd.us/boa/opm/

Tennessee	http://www.state.tn.us/generalserv/purchasing/
Texas	http://www.marketplace.state.tx.us/
Utah	http://www.purchasing.state.ut.us/
Vermont	http://vermont.gov/doing_business/procurement&information.html
Virginia	http://www.eva.state.va.us
Washington	http://techmall.dis.wa.gov/procurement/procure_announce.asp
West Virginia	http://www.state.wv.us/admin/purchase/
Wisconsin	http://vendornet.state.wi.us/vendornet/
Wyoming	http://ai.state.wy.us/GeneralServices/procurement.asp

ANNEX E

Terms of Reference – Compras Gubernamentales

ANNEX E

Programa de Políticas y Competitividad de la Republica Dominicana

Términos de Referencia
Compras Gubernamentales

Estos Términos de Referencia (TR) sirven como una Solicitud de Propuesta para proveer servicios de consultoría para la contratación de un(a) Consultor(a) que tendrá la responsabilidad de asistir a las autoridades de la Secretaría de Estado de Industria y Comercio (SEIC) en la ubicación y análisis de estadísticas de compras gubernamentales realizadas por las entidades federales y estatales de Estados Unidos de América (USA).

Antecedentes

La República Dominicana (RD) ha iniciado conversaciones encaminadas a negociar un tratado de libre comercio con Estados Unidos de América (USA). El Presidente de la República ya nombró la Comisión Negociadora, la cual está presidida por la Secretaría de Estado de Industria y Comercio (SEIC) y compuesta por representantes gubernamentales de la misma Secretaría, así como de otras instituciones gubernamentales.

El equipo negociador ya ha tenido varias conversaciones con representantes de la oficina del Representante de Comercio de Estados Unidos (USTR) a través del Consejo de Comercio e Inversiones (TIC), e inició negociaciones formales del 12 al 15 de enero del 2004 en Santo Domingo. La segunda reunión sería del 9 al 13 de febrero del 2004 en Puerto Rico, y la tercera y última del 8 al 12 de marzo del mismo año en Washington.

USTR ha indicado que al igual que el Tratado de Libre Comercio con Centro América (CAFTA), USA utilizará como base el Tratado de Libre Comercio con Chile, el cual ya fue firmado por ambas naciones y sus textos son públicos y están disponibles en el Internet.

En su proceso de preparación, el equipo negociador de compras gubernamentales ha manifestado su necesidad de disponer de toda la información necesaria que le permita conocer los elementos más trascendentales del sistema de contratación pública norteamericana. En este sentido, el equipo de compras gubernamentales solicitó la asistencia técnica de un experto en materia de contratación pública norteamericana.

Objetivo

El objetivo perseguido es disponer de información suficiente sobre el funcionamiento del sistema de contratación pública de los Estados Unidos, así como del manejo de las informaciones estadísticas de las compras y contrataciones realizadas tanto por las entidades del gobierno federal como por las entidades de los gobiernos estatales.

Como resultado de esta asesoría técnica se espera identificar los nichos en el mercado de contratación pública norteamericana de los bienes y servicios producidos en la República Dominicana, así como las trabas de acceso a dicho mercado.

Labores a Desarrollar

El Consultor tendrá las siguientes tareas:

1) Asesorar al equipo negociador de compras gubernamentales sobre el funcionamiento del sistema de Contratación pública de los Estados Unidos.

2) Ubicar y analizar las estadísticas de compras gubernamentales realizadas por las entidades federales y estatales de USA, específicamente en aquellos Estados en los cuales el sector privado dominicano ha manifestado un especial interés (New York, Florida, Puerto Rico, entre otros).

3) Elaborar informes de los análisis sobre las estadísticas examinadas en el transcurso de su asesoría.

4) Identificar y recomendar las oportunidades de comercio en el mercado de compras del sector público norteamericano.

5) Participar en un taller dirigido al sector privado con el fin de orientarlos sobre las oportunidades existentes en el mercado norteamericano de compras gubernamentales.

Informes

El (la) consultor(a) entregará a SEIC y a Chemonics International-Centro de Estrategia (CI-CE):

1) Un informe sobre su labor de asistencia técnica a la SEIC, así como los resultados del análisis realizado;

2) Entregar los reportes escritos en Microsoft Word (Times Roman 12) tanto en forma física (hardcopy) como en forma digital (diskette de 3.5” DSDD);

La propiedad intelectual de los informes, presentaciones, investigaciones, datos y los trabajos que produzca el (la) consultor(a), es de Chemonics. Todos los borradores y los materiales obtenidos durante la consultoría deben ser entregados a Chemonics al concluir la misma. El (la) consultor(a) está de acuerdo en no publicar o hacer cualquier otro uso de tales materiales sin la aprobación previa por escrito de Chemonics.

Ejecución de la Asistencia Técnica

El (la) consultor(a) será contratado(a) por Chemonics Internacional-Centro de Estrategia (CI-CE), bajo el “Programa de Políticas y Competitividad” de la Agencia de los Estados Unidos para el Desarrollo Internacional (USAID), y trabajará directamente con la SEIC. La Lic. Claudia Troncoso, por parte de la SEIC, tendrá a su cargo coordinar y dar seguimiento de los trabajos del Consultor; y el Dr. Rubén Núñez tendrá la misma responsabilidad por parte de CI-CE.

Nivel de Esfuerzo y Duración

El nivel de esfuerzo se estima en 14 días-persona.

Calificaciones Requeridas

El Consultor(a) deberá tener las siguientes calificaciones:

1) Experiencia en el funcionamiento del Sistema de Contratación Pública Norteamericano; las diferencias entre los sistemas Estatales con respecto al Sistema Federal, características de las adjudicaciones a favor de las PYMES y de los negocios de minorías, veteranos discapacitados y mujeres.

2) Manejo de datos estadísticos sobre las Compras y Contrataciones del Gobierno de los Estados Unidos.

3) Conocimiento sobre la Legislación sobre Contratación Pública de varios Estados de los Estados Unidos y su forma de aplicación, en especial la del Estado Libre y Asociado de Puerto Rico y La Florida.

4) Dominio del idioma español.