

**Commercial Solutions Opening (CSO)
Instructions to Offerors**

**Air Force Life Cycle
Management Center - Kessel
Run (HBB)**

The procedures outlined in this instruction apply to all Areas of Interest posted under the Kessel Run DevSecOps Commercial Solutions Opening

SECTION 1 – INTRODUCTION

1.1 Background and Authority

This is for all calls issued against The DevSecOps Commercial Solutions Opening. As a Software Pathway program which falls under the authority of DoD 5000.87, Kessel Run routinely seeks DevSecOps services and peripherally related technologies that are widely available in the commercial marketplace. Parties that are interested in utilizing this acquisition approach can do so by executing individual CSO “Calls”. Meaning this CSO will be supplemented to issue Calls as objectives requiring innovative solutions are identified by various organizations within the AFLCMC/HBB product lines. These Calls will be issued by acquisition teams within the HBB organization, posted on sam.gov in separate instances, and the Calls will reference the DSO CSO. Since this solicitation vehicle is intended to result in a FAR Part 12 contract, we will use simplified procedures such as those provided for in FAR Part 13 to include FAR subpart 13.5, when applicable. The DSO CSO will remain open for the issuance of Calls until 30 Sep 2027. Contracts and agreements issued against this CSO are considered “commercial” notwithstanding the definition of Commercial Item in FAR 2.101. This document is not a request for a solution, brief, or proposal. Please note, interested parties will not be reimbursed by the Government for any/all costs associated with responding to this CSO, to include responses to Calls issued against this CSO.

1.2 CSO Procedure

This CSO is a competitive solicitation seeking proposals for innovative, commercial technologies that accelerate attainment of defense capabilities. This CSO will result in the award of prototype projects, which include not only commercially-available technologies fueled by commercial or strategic investment, but also concept demonstrations, pilots, and agile development activities that can incrementally improve commercial technologies, existing

Government-owned capabilities, or concepts for defense application.

The CSO is soliciting Solution Briefs in response to Areas of Interest (AOIs). AOIs are focused topic(s) categories that will be published separately and posted on the Kessel Run website. All Solution Briefs submitted in response to any AOI will be governed by this CSO unless otherwise noted in the AOI.

AOIs are written in a much broader manner than standard Government solicitations to maximize latitude in creativity when approaching a problem and to allow for maximum participation from commercial vendors who may not be familiar with submitting proposals to Government solicitations.

The Government may post AOIs at any time. Interested Companies are encouraged to check the Kessel Run (<https://kesselrun.af.mil/>) website and SAM.gov for new AOI postings.

The CSO outlines the competitive procedures to submit a response to an AOI and consists of four call structure options: One-Step, Multi-Step, Open, and Closed. Individual AOIs will dictate which of the call structures are being utilized for their requirement.

SECTION 2 – DEFINITIONS

“Area of Interest” (AOI) means an announcement posted on the Kessel Run website which may result in the award of a FAR-based contract or Other Transaction Agreement (OTA), as stipulated within each specific call.

“Commercial Solutions Opening” (CSO) is Kessel Run’s method for employing the acquisition authority codified in 10 U.S.C. § 3458 and providing an avenue to employ prototyping authority under 10 U.S.C. § 4022 and 10 U.S.C. § 4023.

"Other Transaction for Prototype Projects" refers to the type of Other Transaction Agreement (OTA) that may be awarded as a result of this CSO and associated AOIs. This type of OTA is authorized by 10 U.S.C. § 4022 for prototype projects directly relevant to enhancing the mission effectiveness of military personnel and the supporting platforms, systems, components, or materials proposed to be acquired or developed by the DoD, or for the improvement of platforms, systems, components, or materials in use by the armed forces. This type of OTA is treated by DoD as an acquisition instrument, commonly referred to as an "other transaction" for a prototype project or a Section 4022 "other transaction".

“Prototype Project” can generally be described as a proof of concept, model, reverse engineering to address obsolescence, pilot, novel application of commercial technologies for defense purposes, agile development activity, creation, design, development, demonstration of technical or operational utility, or combinations of the foregoing. A process, including a business process, may be the subject of a prototype project. Although assistance terms are generally not appropriate in OTA, ancillary work efforts that are necessary for completion of the prototype

project, such as test site training or limited logistics support, may be included in prototype projects. A prototype may be physical, virtual, or conceptual in nature. The quantity should generally be limited to that needed to prove technical or manufacturing feasibility or evaluate military utility.

“Nontraditional Defense Contractor” is defined in 10 U.S.C. § 3014 as an entity that is not currently performing and has not performed, for at least the one-year period preceding the solicitation of sources by the DoD for the procurement or transaction, any contract or subcontract for the DoD that is subject to full coverage under the cost accounting standards prescribed pursuant to 41 U.S.C. § 1502 and the regulations implementing such section. This includes all small business concerns under the criteria and size standards in 13 C.F.R. § 121.

“Small Business” is defined under Section 3 of the Small Business Act (15 U.S.C. 632)

“Innovative” means any new technology, process, or business practice; or any new application of an existing technology, process, or business practice that contributes to enhancing military effectiveness and sustaining global peace and U.S. national security.

SECTION 3 - GUIDELINES FOR SOLUTION BRIEFS, PITCHES, AND PROPOSALS

3.1 General Guidelines

1. Use of a diagram(s) or figure(s) to depict the essence of the proposed solution is strongly encouraged.
2. Companies may submit multiple Solution Briefs in response to any single AOI if each submission represents a separate and distinct concept.
3. The response period for any Solution Brief or proposal submitted under this CSO should generally be no greater than 12-months.
4. The period of performance for any work stemming from a Solution Brief or proposal submitted under this CSO should generally be no greater than 24 - 36 months.
5. Technical data with military application may require appropriate approval, authorization, or license for lawful exportation.
6. All Solution Briefs, Pitches, and Proposals shall be unclassified. Solution Briefs, Pitches, and Proposals containing data that is not to be disclosed to the public for any purpose or used by the Government except for evaluation purposes shall include the following sentences on the cover page:

“This [select one: Solution Brief, Pitch, or Proposal] includes data that shall not be disclosed outside the Government, except to non-Government personnel for evaluation purposes, and shall not be duplicated, used, or disclosed -- in whole or in part -- for any purpose other than to evaluate this submission. If, however, an agreement is awarded to

this Company as a result of -- or in connection with – the submission of this data, the Government shall have the right to duplicate, use, or disclose the data to the extent agreed upon by both parties in the resulting agreement. This restriction does not limit the Government's right to use the information contained in this data if it is obtained from another source without restriction. The data subject to this restriction are contained in sheets [insert numbers or other identification of sheets]”

Each restricted data sheet should be marked as follows:

“Use or disclosure of data contained on this sheet is subject to the restriction on the title page of this proposal.”

7. Foreign-Owned businesses may independently submit a solution or do so as part of a teaming arrangement with one or more United States-Owned businesses. However, the ability to obtain an agreement based upon a submission may depend upon the ability of the Foreign-Owned business to obtain necessary security clearances and approvals to obtain proscribed information.
8. Submissions sent through other channels or after the AOI period has ended will not be reviewed nor evaluated.
9. Solution Briefs that are chosen for further consideration will be notified in writing as soon as practicable.

3.2 Solution Brief

SOLUTION BRIEF CONTENT

Unless otherwise specified, Solution Briefs should not exceed five (5) written pages using 12-point font or, alternatively, Solution Briefs may take the form of briefing slides which should not exceed fifteen (15). These limits are not requirements but are strongly recommended.

Title Page (does not count against page limit)

Company Name, Title, Date, Point of Contact Name, E-Mail Address, Phone, and Address.

Specifically identify the AOI for which the Solution Brief is submitted.

Executive Summary (one page)

Provide an executive summary of the technology.

Technology Concept

Describe the unique aspects of your technology and the proposed work as it relates to the AOI. Identify whether the effort includes the pilot or demonstration of existing commercial technology

(identified as commercially ready and viable technology), or the development of technology for potential defense application. If development or adaptation is proposed, identify a suggested path to mature the technology. Identify aspects which may be considered proprietary.

Company Viability

Provide a brief overview of the company. Provide a summary of current fundraising to date or a summary of the top line (gross sales/revenues). Provide a summary of product commercialization and go-to-market strategy.

SOLUTION BRIEF BASIS OF EVALUATION

All solution briefs correctly submitted in response to an AOI will be evaluated against the stated criteria below:

- Technical
- Importance to agency programs
- Funds availability

Additional technical evaluation criteria specific to a particular project may be used. In these instances, the additional criteria will be posted within the AOI announcement on the Kessel Run website and/or SAM.gov. Price shall be considered to the extent appropriate, but at a minimum, to determine that the price is fair and reasonable.

Solution Briefs will be evaluated on the basis of the merit of the proposed concept in addressing the AOI, not against other Solution Briefs submitted in response to the same AOI.

Kessel Run routinely receives more Solution Briefs than the organization has the resources to award. All submissions will be fairly evaluated, however, only a small number will be selected for further consideration. *The government reserves the right to limit the number of Companies invited to pitch or submit final proposals. As such, a company's solution may be evaluated to be of merit, but not selected for further consideration.*

3.3 Pitch

PITCH CONTENT

In Phase 2 (of a multi-phase approach), companies may have the opportunity to provide an in-person or virtual Pitch to demonstrate and provide further details on their proposed concept/technology/solution and the technical and business viability of the proposed solution. The Government may elect to use external market research during the Pitch to evaluate a Company's viability. In addition to the Pitch, the Government, at its discretion, may request an additional written submission to further supplement the information provided in the initial Solution Brief. During the Pitch, the Company must detail/address:

Estimated Price/Schedule

Provide a rough order of magnitude (ROM) price and notional schedule for how this concept may be prototyped within the DoD.

Data Rights Assertions

The Solution Brief will identify any IP involved in the effort and associated restrictions on the Government's use of that IP.

In addition to these required areas, the Government may request the Company provide additional information/detail with respect to the Technology Concept information provided in the Phase 1 Solution Brief.

PITCH BASIS OF EVALUATION

When applicable, Individual pitches will be evaluated against the following factors:

- 1) Relevance of the pitch in addressing the AOI
- 2) The solution has technical merit, adequately addresses Government need and is feasible;
- 3) Evaluation of company viability;
- 4) Company's approach is unique, underutilized and/or innovative to Government application and is a compelling solution to the Government problem;
- 5) The notional schedule is acceptable; and
- 6) The potential impact of data rights assertions.

Individual pitches will be evaluated on the basis of the merit of the proposed concept in addressing the AOI, the factors above, and any additional factors highlighted in Call specific instructions, not against any other Pitches held under the same AOI. Pitch submissions will be valid for 180 calendar days after the pitch date. Upon completion of evaluations, the Government will notify the Company that: (1) the proposed concept/technology/solution has been selected for possible award of a Contract or Agreement and the Company is invited to submit a full proposal; (2) the proposed concept/technology/solution is not of interest to the Government; or (3) the proposed concept/technology/solution is of interest, but not eligible for a proposal due to availability of Government resources.

If the proposed concept/technology/solution is of interest, but not eligible for a proposal due to availability of Government resources, the Company may be contacted with a request to respond to a RPP within 180 calendar days from the pitch date. If after 180 calendar days from the pitch date (or earlier if notified by Kessel Run), Government resources are not identified to formally move forward, the Company will no longer be eligible for an award under that particular AOI.

3.4 Proposal

PROPOSAL CONTENT

The final phase of the CSO process is the Request for Proposal (RFP). Based upon the

evaluation detailed above, the Government may issue the Company a RFP. The Company will be invited to develop and submit a full written proposal and negotiate appropriate terms and conditions governing the prototype project. Companies may discuss ideas and details of the proposal during the proposal writing process with the Government. Each proposal submitted shall consist of two sections: Section 1 shall provide the technical proposal; Section 2 shall address the price/cost/schedule portions of the proposal. These proposals will be assessed by Kessel Run subject matter experts.

Companies should note that there are certain terms and conditions the Government is unable to accept. However, projects awarded through the CSO are flexible to adopt customary industry standards where it is otherwise legal and where it meets the Government's needs.

3.4 Section 1 Technical Proposal

Title Page

Company Name, Title, Point of Contact Name, Date, E-Mail Address, Phone, and Address and any subcontractors or team members. Include an abstract which provides a concise description of the proposal.

Propose a Technical Approach

Describe the background and objectives of the proposed work, the approach, deliverables, and the resources needed to execute it. Include the nature and extent of the anticipated results. Include ancillary and operational issues such as certifications, algorithms, and any engineering/software development methodologies to be used. This proposal must include a Statement of Work (SOW) identifying the work to be performed and the deliverables. Provide a detailed project schedule that outlines the various phases of work to be accomplished within the proposed period of performance. You may refer to the Solution Brief that prompted this proposal request, but do not duplicate it.

Government Support Required

Identify the type of support, if any, the Company requests of the Government in general such as facilities, equipment, data, and information or materials.

3.4 Section 2, Price Proposal

The Company shall propose a total price to complete the prototype project and provide any other data or supporting information that is necessary for the determination of a fair and reasonable price. This can include, but is not limited to, commercial price catalog or other proprietary information to help the Government assess project cost.

SECTION 4 – AWARDS

4.1 General Guidelines

Upon favorable review and available funds, the Government may choose to make an award. Awards can be made using both FAR based Contracts and Other Transactions Authority (OTAs). The Contract/Agreement Officer will negotiate directly with the Company on the terms and conditions of the award, including payments, and will execute the award on behalf of the Government. ***Only a Contract and/or Agreement Officer has the authority to enter into, or modify, a binding contract and/or agreement on behalf of the Government.***

Companies must have a Dun and Bradstreet (DUNS) number and must register in the System for Award Management (SAM) to receive an award. Companies are advised to commence SAM registration upon receipt of an RFP.

Companies must also register in the prescribed Government invoicing system (e.g. Wide Area Workflow). Kessel Run will provide assistance to those Companies from whom a full proposal is requested.

The Company must be determined to be responsible by the executing Contract/Agreement Officer and must not be suspended or debarred from award by the Federal Government nor be prohibited by Presidential Executive Order and/or law from receiving award.

Receipt of an RFP does not guarantee that a Company will receive an award. The Government reserves the right, at any point prior to award, to cancel the RFP.

SECTION 5 - ITERATIVE PROTOTYPING

As it is the mission of Kessel Run to enable access to commercially-derived disruptive capabilities across the entirety of the DoD enterprise, Prototype OTAs awarded against this CSO will allow for an iterative prototyping process.

An iterative prototyping process will allow the Government to modify, by mutual agreement, the work in a prototype project to allow the adaptation and modification of the technology being prototyped to meet additional unique and discrete purposes/mission sets. These additional unique and discrete purposes/mission sets can be generated by the original Government customer or originate with other organizations within the Federal Government.

SECTION 8 – NON-GOVERNMENT ADVISORS

Non-Government advisors may be used in the evaluation of Solution Briefs, Pitches and during Proposal development and negotiations. Non-Government advisors will have signed non-disclosure agreements (NDAs) with the Government. Companies may enter into specific NDAs directly with the Non-Government advisors or their corporate entities. Submission of an offer under this CSO will constitute a grant of authority by the submitting company to the

Government to allow the use of non-Government advisors to participate in evaluations of all phases of the CSO process.

The Government understands that information provided in response to this CSO is presented in confidence and may contain trade secret or commercial or financial information, and it agrees to protect such information from unauthorized disclosure to the maximum extent permitted or required by Law, to include:

- a. 18 U.S.C. 1905 (Trade Secrets Act);
- b. 18 U.S.C. 1831 et seq. (Economic Espionage Act);
- c. 5 U.S.C. 552(b)(4) (Freedom of Information Act);
- d. Executive Order 12600 (Pre-disclosure Notification Procedures for Confidential Commercial Information); and,
- e. Any other statute, regulation, or requirement applicable to Government employees.

Kessel Run policy is to treat all submissions as confidential information, and to disclose their contents only for the purpose of evaluation. Restrictive notices notwithstanding, during the evaluation process, submissions may be handled by support contractors for administrative purposes and/or to assist with technical evaluation. All Kessel Run and DoD support contractors performing this role are expressly prohibited from performing Kessel Run-sponsored technical research and are bound by appropriate NDAs.

Submissions will not be returned. The original copy of each submission received will be retained at Kessel Run and all other non-required copies destroyed. A certification of destruction may be requested, provided the formal request is received at this office within 5 calendar days after notification that a proposal was not selected.