Regulation
No. 715-1-21   1 October 2003

Procurement
ELECTRONIC CONTRACT SOLICITATIONS

1. <u>Purpose</u>. This regulation provides policies and procedures for the advertisement and distribution of USACE electronic contract solicitations (ECS).

2. <u>Applicability.</u> This regulation applies to HQUSACE and all USACE commands. It does not apply to acquisitions made outside the United States, its possessions, or Puerto Rico.

3. <u>Distribution Statement</u>. Approved for public release. Distribution is unlimited.

4. <u>References</u>.

   a. Paperwork Reduction Act (PRA), Public Law 104-13 (1995), as amended, 44 U.S.C. 3501 et. seq.

   b. Clinger Cohen Act, P.L. 104-106, Divisions E and F (1996).

   c. The Government Paperwork Elimination Act (GPEA), P.L. 105-277, Title XVII (1998).

   d. The Electronic Signatures in Global and National Commerce Act, P.L. 106-229 (2000), 15 U.S.C. 7001 et. seq.

   e. The E-Government Act, P.L. 107-347 (2002), 44 U.S.C. 3541 et. seq.

   f. Federal Acquisition Regulation (FAR), DoD FAR Supplement (DFARS), Army FAR Supplement (AFARS), and Engineer FAR Supplement (EFARS).

   g. Army Regulation (AR) 380-5, Section V.

5. <u>Definition</u>. ECS is an electronic process for advertising and distributing contract solicitation documents. ECS is a component of electronic commerce developed to lower purchasing costs, reduce cycle time, and improve customer service by leveraging the power of the Internet and associated information technologies (IT). ECS was formerly called Electronic Bid Solicitation (EBS).

6. Policy.

a. ECS implements the mandate in the Paperwork Reduction Act of 1995 that agencies use IT to improve the efficiency and effectiveness of Federal procurements.

b. All USACE contract solicitations must use the ECS process described in this regulation, except simplified acquisitions, the acquisition of commercial items, acquisitions containing classified information, or acquisitions otherwise exempted by statutes or regulations. The ECS system may be used for simplified acquisitions and the acquisition of commercial items.

c. Solicitations containing classified information as defined by AR 380-5 will not use ECS.

7. Solicitation Security Review.

a. The project delivery team (PDT) responsible for developing a solicitation shall review the solicitation prior to its public release to determine if it contains classified information. For this review, the PDT will include at least the project manager (PM) and representatives from engineering, the local USACE security office, contracting, counsel, the customer (user) and the customer's security office. The classification review will be documented in a formal memorandum attached to the Project Management Plan, with a copy provided to the contracting officer.

b. The PDT should carefully consider the potential harm that could be caused if the solicitation information is provided to those who could compromise Federal interests. The PDT will at a minimum consider the following factors when making a determination whether a solicitation contains classified information:

- Type of facility (usage and function)
- Purpose of facility (mission)
- Population of facility
- Physical security around facility
- Location of facility (on a secure installation or accessible to the public)
- Surrounding community
- Monetary loss
- Criticality and risk
- Possible collateral damage
- Customer preference

c. If a PDT determines that solicitation documents may contain classified information, the PDT will prepare a memorandum documenting such findings and refer that recommendation to an original classification authority (OCA).

8. ECS Process.

a. Overview. The ECS process is comprised of several component parts, including the development of contract documents in electronic form, conversion of the documents to a

Portable Document Format (PDF) or raster format, posting the electronic announcement on the Internet, and the electronic distribution of the contract documents and amendments to potential offerors on compact disk-read only memory (CD-ROM), magnetic media, or the Internet.

b. Implementation.

(1) Document Format. See Appendix A for a description of the ECS production process and Appendix B for the ECS software requirements. Technical specifications, contract clauses and forms, and computer-aided design and drafting (CADD) drawings shall be directly converted from native file formats to a Computer-Aided Acquisition and Logistics Support (CALS), PDF or Bentley Digital Print Room (DPR) format. Architect-engineer (A-E) contracts will include the sample ECS language from Appendix C in the scope of work.

(2) Quality Control. The converted drawings and specification shall be reviewed by the designer of record, the project engineer/architect and/or the PM to determine that they are a direct and accurate copy of the record file. If the drawings and specifications are distributed on CD-ROM, the master CD-ROM shall be similarly reviewed.

(3) Central Web Hosting Site. The CADD/Geographic Information Systems (GIS) Technology Center (the Center) maintains the ECS Central Web Hosting Site. Commands shall upload all solicitations subject to this regulation to the Central Site for posting on the ECS web site at http://ecs.usace.army.mil/. All administration and maintenance of the site is provided by the Center with automatic software updates and user input on future developments. The Center will maintain the server and post all solicitations to the Army Single Face to Industry and FedBizOpps web sites as required by AFARS 5104.5 and FAR 5.201, respectively. The Center will maintain a help desk for the Central Site, which will be open from 0730-1700 Central Time.

(4) Solicitation Distribution Methods. There are three basic distribution methods for solicitations as described below. Different methods may be used in a single procurement. The PDT will determine which method to use.

(a) Internet Only. The entire solicitation is posted on the ECS web site. This method will allow potential offerors to use the Internet to preview solicitations, register as an offeror, and download the complete solicitation directly from the web site. This is the preferred method of distribution to satisfy the references in paragraph 4.

(b) CD-ROM. The entire solicitation, including the required viewing software, is included on a CD-ROM. This method will allow potential offerors to use the Internet to preview the solicitation, register as an offeror, and request a CD-ROM through the website.

(c) Paper. The solicitation is distributed in paper form. This method will allow potential offerors to use the Internet to review the solicitation synopsis and contact information, register as an offeror and order the bid package from the web site.

c. Release of Solicitations. The Federal Tech Data Solution (FedTeDS) system will be used for validation and tracking of solicitation recipients. FedTeDS (https://www.fedteds.gov) is an e-Gov initiative designed to safeguard sensitive acquisition-related information during the
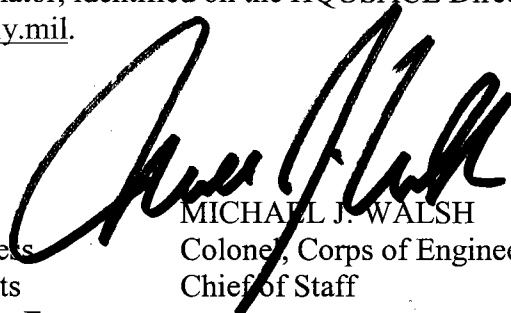
solicitation phase of the procurement cycle. FedTeDS is fully integrated with the other primary e-Gov initiatives in the Integrated Acquisition Environment, including the Government-wide Point of Entry (FedBizOpps) and the Central Contractor Registration (CCR). FedTeDS also uses data from other sources, including the Defense Logistics Information Service's export controlled databases, to validate users. FedTeDS will automatically keep records of who received solicitations. Potential offerors, commercial plan rooms, and those who redistribute all or portions of solicitations to others will be required to register in CCR and FedTeDS in order to be validated to receive solicitations. Links to register in CCR and FedTeDS will be on the Central ECS site. The connection to FedTeDS for validation of potential offerors will be through the Central Site.

d. Training and Support. In addition to acting as an information resource, the Center conducts an annual ECS Workshop. Districts should send representative personnel involved with the ECS process to this training. Those representatives will in turn train other members of their organization. Requests for on-site training, on a reimbursable basis, can be made to the Center ECS coordinator. The coordinator is located on the Center web site, http://tsc.wes.army.mil, under Contacts.

9. Points of Contact. Each command shall identify an ECS point of contact (POC) who will be responsible for the local coordination of ECS procedures. Names of POCs should be submitted to the HQUSACE ECS coordinator, identified on the HQUSACE Directorate of Civil Works web site at http://hqec.wes.army.mil.

3 Appendices:
APP A - ECS Production Process
APP B - Software Requirements
APP C - Sample ECS Language For
      A-E Scope of Work

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APPENDIX A
ECS PRODUCTION PROCESS

A-1. <u>Technical Specifications</u>. Technical specifications (Divisions 01 through 16) for construction contracts are generated from SPECSINTACT and published to PDF format using Adobe Acrobat.

A-2. <u>Contract Clauses</u>. Contract clauses (including specification Division 00) are prepared using the Standard Procurement System (SPS) and exported to word processing software, such as Microsoft (MS) Word. They are then published to PDF format using Adobe Acrobat.

A-3. <u>Combining and Bookmarking</u>. Individual specification sections are usually in separate PDF files when published from MS Word. SPECSINTACT can publish the sections into a single, bookmarked PDF file, which is the preferred method for delivering the specifications. Adobe Acrobat provides features for combining individual PDF files while preserving existing bookmarks and/or generating new ones. Acrobuild, a Government developed program, can also be used for combining and bookmarking PDF files to the section level, but destroys all existing bookmarks and hyperlinks.

A-4. <u>CADD Drawings</u>. CADD drawings are prepared using CADD software, including, but not limited, to AutoCAD or MicroStation. The drawings are published to CALS raster format directly from the CADD software using the appropriate printer drivers in AutoCAD or using the IPLOT software with MicroStation. The drawings can also be published to PDF format using Adobe Acrobat or to DPR format using Digital Interplot.

A-5. <u>CD and Internet</u>. After publishing the specifications, contract documents, and drawings to the appropriate format, the files are assembled into a directory structure as specified within the ECS training and written to a CD. The files are also placed on the Internet for online viewing. If a district needs to provide native file format files to contractors for design-build projects, ECS raster files of drawings will be placed on a CD to maintain integrity of the solicitation set.

A-6. <u>Viewers</u>. Free viewers are included on the CD for viewing and printing the solicitation documents. The same viewers are used for viewing the documents on the Internet. Adobe Acrobat Reader is used for viewing PDF files, and MaxReader and On-Screen Take Off Plan Viewer are used for viewing CALS files. These free readers are available for download from the ECS Web Site for those potential offerors downloading files from the Internet.

A-7. <u>CD-ROM Production</u>. CD-ROM production and distribution support is available through various service providers. This process, which includes conversion to raster format, indexing, document linking and posting to the Internet, can be provided by the local Defense Automation and Production Service (DAPS), architect-engineer firms, or other service providers, utilizing credit card procurement or an indefinite quantity contracting vehicle. This process can also be accomplished in-house if the capability exists.

A-8. <u>Software Downloads</u>. Links to the software required to distribute ECS are available from the ECS web site at http://ecs.usace.army.mil. This includes Adobe Acrobat Reader, Acrobuild

32, MaxReader, SVD Checker, Contract Viewer, CALS Raster ADI Printer Driver, ECS Training Manual, and sample CD-ROM files.

A-9. <u>Offerors</u>. Prospective offerors are provided a CD-ROM containing all solicitation documents and the royalty-free software that enables complete utilization of the documents from any Windows-based personal computer, or they can download the documents from the web site. Internet access is required to view the solicitation announcement.

A-10. <u>Amendments</u>. An amendment can be made by any of the following methods:

    a. Issuing a new CD with the original solicitation and the amendment.
    b. Issuing the amendment on electronic media.
    c. Placing the amendment on the web site.
    d. Placing the amendment on the web site and sending e-mail notification to all registered bidders.
    e. Faxing the amendment to all registered bidders and placing on the web site.

A-11. <u>Paper Solicitation Packages and Amendments</u>. All paper solicitation packages and amendments will be produced from the ECS CD-ROM to assure that all potential offerors are receiving the same information.

APPENDIX B
SOFTWARE REQUIREMENTS

B-1. Viewing Software. All software required to view, search, print, and measure the solicitation documents will be provided on the solicitation CD. Currently, software items a. and b. below are included in each solicitation CD, and either item c., d. or e. is included, as appropriate. In the future, other software products may be included.

   a. Contract Viewer. Contract Viewer is a front-end menu that opens the solicitation documents and launches the appropriate viewers. Contract Viewer was developed and is maintained by the CADD/GIS Technology Center.

   b. Adobe Acrobat Reader. Adobe Acrobat Reader is used for viewing, navigating, and printing PDF files. It is available free of charge from Adobe Systems (www.adobe.com).

   c. MaxReader. MaxReader is used for viewing, printing to scale, and navigating CAL files on a CD or on the Internet. It is available free of charge from MaxView Corporation (www.maxview.com).

   d. On-Screen Take Off Plan Viewer. The On-Screen Take Off Plan Viewer is used for viewing, measuring, and printing to scale individual CAL files.   It is available free of charge from OnCenter Software (www.oncenter.com).

   e. Portable Plan Set. Portable Plan Set is a viewing technology that comes with Bentley's Digital Interplot and incorporates DPR files with a viewer as a single executable.

B-2. Authoring Software. The following software can be used to produce the solicitation documents:

   a. Adobe Acrobat. Adobe Acrobat is used for converting text documents or CADD drawings to PDF format.

   b. MaxView Author. MaxView Author is used for creating an index of the CAL drawing files to allow for easier navigation and to allow the use of the free MaxReader.

   c. Bentley Interplot Raster Off-line. This product is used for creating CALS files from MicroStation drawings. (AutoCAD does not require additional software for creating CAL files.)

   d. Bentley Digital Print Room. This product is used for creating CALS or DPR files from MicroStation drawings.

APPENDIX C
SAMPLE ECS LANGUAGE FOR A-E SCOPE OF WORK

First Paragraph, Alternate 1: The contractor will demonstrate the capability of publishing an Electronic Contract Solicitation (ECS) at the first review submittal of the specifications and drawings. An ECS compact disk (CD-ROM) will be required at the final and Ready to Advertise (RTA) submittals. The Government will furnish an example ECS CD-ROM from a previous project. This example CD-ROM will also contain the ECS Contract Viewer toolbar software, CONTRACT.EXE.

First Paragraph, Alternate 2: The contractor will demonstrate the capability of publishing an Electronic Contract Solicitation (ECS) at the first review submittal of the specifications and drawings. At the final submittal, the following are required: native CADD format drawing files on CD, SPECSINTACT files of specifications, and (#) paper copies of the drawings and specifications. At the Ready to Advertise (RTA) submittal, the following are required: native CADD format drawing files and raster format drawing files on CD, SPECSINTACT files of the specifications, an index of drawings and a list of technical specifications.

Second Paragraph: Project drawings will either be: (1) converted to raster file format (CALS or TIFF IV) and signed electronically (the preferred method), or (2) hard copy signed drawings, scanned and converted to CALS or TIFF format. Individual files shall be produced for each drawing, and the files indexed. The file format shall be viewable with public domain reader software.

Third Paragraph, Alternate 1: Project specifications shall be prepared using SPECSINTACT, available at no cost at http://specsintact.ksc.nasa.gov. Project specifications will be published to the PDF file format using the SPECSINTACT PDF/Publish output. Select the options to "Bookmark Sections" and "Combine Processed Files Into One Document." If you select "Project Table of Contents" from the Reports tab, you will have the option to "Include Project Table of Contents in combined PDF document" or "Create a separate PDF Project Table of Contents in combined PDF document." When the Project Table of Contents (TOC) is processed with the Sections, the TOC content that is displayed in the right pane will have hyperlinks to the Sections. Between the 100% and RTA submittals, the contracting officer will furnish the contract forms, clauses, wage determination and other pertinent information in PDF format to be inserted into the solicitation documents' PDF file by the A-E firm prior to the RTA Submittal.

Third Paragraph, Alternate 2: Project specifications shall be prepared using SPECSINTACT, available at no cost at http://specsintact.ksc.nasa.gov. Project specifications will be published to the PDF file format using the SPECSINTACT PDF/Publish output. Select the options to "Bookmark Sections" and "Combine Processed Files Into One Document." If you select "Project Table of Contents" from the Reports tab, you will have the options to "Include Project Table of Contents in combined PDF document" or "Create a separate PDF Project Table of Contents in combined PDF document." When Project Table of Contents (TOC) is processed with the Sections, the TOC content that is displayed in the right pane will have hyperlinks to the Sections.

Fourth Paragraph: The ECS CD-ROM's initialization file (.CON extension) will be edited to properly relate the ECS Contract Viewer toolbar software, CONTRACT.EXE, to the specific project's raster files.

Fifth Paragraph: Copies of the drawing reader software and Adobe Acrobat Reader shall be included on the CD-ROM.

Sixth Paragraph: Submit two ECS CDs at the 100% submittal and four at the RTA submittal.

Also see "Contract Language Guidelines for Acquiring Geospatial Data (CADD, GIS, CAFM) System Deliverables from Architecture-Engineer (A-E) Consulting Firms" published by the CADD/GIS Technology Center (http://tsc.wes.army.mil).