JPM-MCS-BAA 15-01 Amendment 0001

The JPM-MCS-BAA-15-01 is hereby amended to include Technology Investment Agreements (TIA).

Section I, paragraph A of the JPM-MCS-BAA-15-01 is hereby amended to include:

> 5) Technology Investment Agreements: As prescribed in 32 CFR Part 37, TIA's are defined as a special class of assistance instruments used to support or stimulate research. A TIA may be either a kind of cooperative agreement or a type of assistance transaction other than a grant or cooperative agreement. TIA's allow for involvement of commercial firms in defense research programs and for other purposes (described in 32 CFR 37 appendix A) related to integrating the commercial and defense sectors of the nation's technology and industrial base. A technology investment agreement may be a cooperative agreement with provisions tailored for involving commercial firms (as distinct from a cooperative agreement subject to all of the requirements in 32 CFR part 34), or another kind of assistance transaction described in 32 CFR 37 Appendix B. TIAs are more flexible than traditional Government funding instruments allowing for negotiation of provisions in areas such as audits and intellectual property rights.
>
> To the maximum extent practicable, the non-Federal parties carrying out a research project under a TIA are to provide at least half of the costs of the project in accordance with 32 CFR § 37.215(b) to demonstrate its strong commitment to and self-interest in the project's success.

Section IV. C is amended to include Technology Investment Agreements (TIA).

JPM-MCS-BAA 15-01 Amendment 0002

The purpose of this Amendment 0002 is to replace Section 845 of Public Law (P.L.) 103-160 with Section 237lb of title 10, U.S.C, and to incorporate changes to Section VII, paragraphs B.5, and C.5 as follows:

A. This amendment is hereby issued to revise:

1 Section I, paragraph A.2 is hereby deleted and replaced with the following:

2) Other Transactions Agreements – Prototype: The award of Prototype OTAs shall be for the development of prototypes in accordance with Section 2371b of title 10. U.S.C. The resultant award of any OTA under this BAA and associated specific requirement announcements of section VIII are NOT made or issued under the provisions of the Competition in Contracting Act of 1984 (P.L. 98-369), FAR Part 6 or any other FAR based regulation. **However, solely as a matter of convenience to meet the requirement for maximum practicable competition, the mechanics of the competitive BAA process detailed in this BAA otherwise not applicable to OTAs are, as supplemented herein, adopted as the competitive procedure for entering into OTAs.**

Section VII contains the general requirements to be competed hereunder. In general, Prototype OTA Offerors may submit a pre-proposal (i) qualifying under Section VII.A of this BAA for one or more of the Mission Areas or (ii) for specific requirements otherwise identified in this Announcement or in a separate Request for Project Proposals (RPP) issued under this BAA. If two or more Prototype OTA Offerors submit for the same requirement, the field of competition will be narrowed by the evaluations called for under this BAA for pre-proposals used to conduct phased evaluations using one or more of the evaluation factors. Section VIII contains instructions specific to the development of, and evaluation of proposals, for prototypes.

2. Section II, “Section 845 of Public Law (P.L.) 103-160”, is hereby replaced with “Section 237lb of title 10. U.S.C.". Section 845 of Public Law (P.L.) 103-160 has been repealed by Section 815 of the FY 2016 NDAA (Public Law 114-92).

3. Section VIII, “Section 845 of Public Law (P.L.) 103-160”, is hereby replaced with “Section 237lb of title 10. U.S.C.". Section 845 of Public Law (P.L.) 103-160 has been repealed by Section 815 of the FY 2016 NDAA (Public Law 114-92).

4. Section VII, Paragraphs B.5 and C.5 are hereby revised to replace “Critical Reagent Program (CRP) with “Defense Biological Product Assurance Office, JPM Guardian”.

5. Section IV.B.5 is hereby revised to include “Fee for travel, direct costs for equipment, Government entities, or cost share contracts is not allowed. In addition, fee applied to Other Direct Costs will be considered based on the application of overhead and the

types/quantities of Other Direct Costs, and the offeror's demonstrated savings in negotiating competitive pricing."

B. All other sections of MCS BAA 15-01 remain unchanged.