



PROCUREMENT & PROPERTY

Office of the Chief Financial Officer

REQUEST FOR PROPOSAL (RFP) No.: AM202603-25 Rev. 1

PROPOSAL DUE DATE: 11/18/2026

**125 MHz and 500 MHz Sub-Harmonic Buncher Solid State
High Power Amplifiers
Advanced Light Source (ALS) RF Amplifier Replacement Project**

North American Industry Classification System (NAICS) Code: 334220 - Radio and Television
Broadcasting and Wireless Communications Equipment Manufacturing

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1. **INTRODUCTION**

The University of California, Lawrence Berkeley National Laboratory (“University” or “LBNL”) requests a proposal for two Sub-Harmonic Buncher (SHB) pulsed Radio Frequency (RF) High Power Amplifiers (HPA) (one unit at 125 MHz and second unit at 500 MHz), in accordance with this RFP, Sample Subcontract, and other enclosures.

This solicitation is governed by procurement policies and procedures established under the University’s Prime Contract No. DE-AC02-05CH11231 with the U.S. Government, represented by the Department of Energy (DOE), for management and operation of LBNL. Proposals submitted will be treated as offers and any resulting award(s) will be a Subcontract under the University’s Prime Contract.

Timeline of Events	
Request for Proposal Release	10/7/2026
Offeror Questions Due (see section 2.2)	10/23/2026
Proposals Due	11/18/2026, no later than 3 PM Pacific Time

Table 1

This acquisition is for obtaining two 25 kW pulsed high-power solid-state amplifiers for use in driving the 125 MHz and 500 MHz sub-harmonic buncher cavities in our LINAC system in the advanced light source (ALS). These will replace the existing 125 MHz and 500 MHz tube-based amplifiers to improve performance, reliability and serviceability.

1.1 **Estimated Term**

It is expected that the Subcontract will be performed over a period of 12 months which includes design and fabrication and commissioning as outlined in the Statement of Work. The administration of this Subcontract will be combined into procurements of the two amplifiers. The value will be established via the combination of performance, quality/reliability and cost, the latter to be consistent with the combination of cost per kW typical of amplifiers in this performance class and frequency ranges in the industry.

1.2 **NAICS Code and Small Business Size Standard**

The North American Industry Classification System (NAICS) Code for this acquisition is 334220, Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing. The corresponding small business size standard for this acquisition is 1,250.

The offeror shall complete the *Small Business Program Representations* clause in the attached *Representations and Certifications* form based on this small business size standard. Refer to Subpart 19.1 - *Size Standards*, of the Federal Acquisition Regulation (FAR) for information on calculating the number of employees.

Under 15 U.S.C. 645(d), any person who misrepresents a firm's status as a business concern that is small, HUBZone small, small disadvantaged, service-disabled veteran-owned small, economically disadvantaged women-owned small, or women-owned small eligible under the Women-Owned Small Business (WOSB) Program in order to obtain a contract to be awarded under the preference programs

established pursuant to section 8, 9, 15, 31, and 36 of the Small Business Act or any other provision of Federal law that specifically references section 8(d) for a definition of program eligibility, shall-

- (i) Be punished by imposition of fine, imprisonment, or both;
- (ii) Be subject to administrative remedies, including suspension and debarment; and
- (iii) Be ineligible for participation in programs conducted under the authority of the Act.

2. SOLICITATION RESPONSE REQUIREMENTS AND EVALUATION FOR AWARD

2.1 General

The offeror must submit documentation illustrating their approach for satisfying the requirements of this solicitation. Failure to submit any of the information required by this solicitation may be cause for unfavorable consideration or exclusion from further consideration. Proposals must be written in English and be clear, coherent, and prepared in sufficient detail for effective evaluation.

Written proposals must be submitted by email (or other form of secure electronic submission) to the University Procurement Representative (Amathias@lbl.gov) no later than 3:00 pm Pacific Time on 18th of November.

All correspondence in conjunction with this solicitation must be directed to the University Procurement Representative. Proposals shall be valid for a period of 60 days from the proposal due date. Acceptance of late proposals will be at the University's discretion. The University reserves the right to reject any proposal, to waive any minor proposal irregularities, or to cancel this RFP at any time prior to award without cost to the University. The University will not reimburse any firm for proposal preparation or any other costs related to the participation in this RFP.

2.2 Offerors' Questions

The University will respond to questions submitted via email to the University Procurement Representative on or before 3:00 pm Pacific Time on 23rd of October. Questions submitted after this date may not be answered prior to the proposal due date. Answers to questions that are submitted timely will be issued or be made available to all offerors electronically, ensuring that the identity of all offerors will remain anonymous.

2.3 Evaluation and Selection

2.3.1 Determination of Responsive and Responsible Offers

The University intends to select for award the responsive and responsible offeror(s) whose proposal demonstrates that the offeror(s) can satisfy the minimum technical requirements specified in the ESD in this RFP and contain(s) the combination of price, performance features, reliability and supplier attributes (described later in this RFP) offering the best overall value to the University.

An initial review of offers will be performed by the Procurement Specialist to determine if the offer is complete and provides all the required information to enable the University to evaluate the offer to determine if it is responsive.

Offerors may be contacted only for clarification purposes during the initial review. Incomplete offers may be considered non-responsive and may be excluded from further consideration if the omissions are substantive (e.g., one or more required documents not submitted, one or more evaluation factors not addressed). Offerors will be notified when appropriate in the interest of fair business practice and professional courtesy if their offer was determined non-responsive and/or not meeting minimum requirements and the reasons for rejection will be provided if a debrief is requested.

A responsive offeror is one whose proposal satisfies the requirements of this RFP including those listed in Section 2.4, and the requirements of the Sample Subcontract and its incorporated documents. A responsible offeror is one that has adequate financial resources, ability to comply with the performance schedule, has a satisfactory performance record, has the necessary technical skills to be considered capable of performing and is otherwise eligible and qualified to perform the proposed Subcontract at the time of award. An offeror cannot be determined as “responsible” if it is currently ineligible for receiving new federal government prime contracts or subcontracts. The determination of responsiveness and responsibility of complete offers will be made by a team consisting of technical and procurement personnel and considering the evaluation factors described in Section 2.4, below.

2.3.2 Evaluation of Minimum Requirements, Desired Performance Features, Supplier Attributes and Non-Technical Factors

Once the University has determined offers are complete in the initial review, they will be evaluated to confirm that minimum requirements of the solicitation stated in Section 2.4.2.1

The University will go on to determine the best overall value by evaluating the desired performance features, supplier attributes, and non-technical factors including the price. The University Procurement Representative will make a determination for award to the successful offeror based on the results of the evaluation.

The University’s expectations for these evaluation factors are stated in Section 2.4.2.2 and 2.4.3.2. The University reserves the right to award to other than the lowest price offeror(s). Offerors should therefore strive to be persuasive in describing the value of their proposed performance features, reliability, supplier attributes, and other factors, including how they would enhance the likelihood of successful performance and reliability and achievement of the University’s objectives. Price will be evaluated based on the total proposed price, including freight and (if applicable) import duties and tariffs.

2.3.3 Additional Evaluation Considerations

The University’s evaluation will be based on the information provided by the offeror(s), the University’s own experience with the offeror(s), and/or information obtained from the offeror’s references and other sources. In its evaluation, the University will consider the degree of substantiation of the proposed approaches in the proposal volumes and in response to any discussions, if held. The University is not responsible for locating or securing any information which is not included in the proposal. To ensure sufficient information is available, offerors must furnish as part of their proposal all descriptive material (such as manuals, drawings, technical specifications, or other information) necessary for the University’s evaluation.

Offerors are advised that, although negotiations may follow receipt of proposals, award may be made without discussions on proposals received. If the University determines that revised proposals are necessary, the University may solicit them from only those offerors deemed to have a reasonable chance

to be selected for award. An offeror is identified as having a reasonable chance of award based on the evaluation indicating they are responsive and responsible; their offer satisfies the minimum requirements of the solicitation; they have presented acceptable or strong performance features and supplier attributes; they have sufficient bandwidth to take on new work; and their proposed pricing is considered fair and reasonable. The University reserves the right to make no awards, a single award, or multiple awards as a result of this solicitation, if it is in the best interest of the University.

2.4 Proposal Submittal Requirements

Proposals should consist of a cover letter, a technical volume, and a business volume. Offerors should submit these as separate documents. All proposals must be submitted in the following formats: MS Word, MS Excel, PDF, or an alternate format approved by the University Procurement Representative.

Please respond to the Engineering Specification Document (ESD) and Statement of Work (SOW) requirements by completing the **RFP SHB Pulsed RF HPA ESD Response Sheet**. Offerors shall reference and incorporate the **Applicable Documents Folder**, which includes Documents 1 through 13, as part of their response.

Volume	Contents
Cover Letter	Per Section 2.4.1
Technical Volume	
	Factor 1 – Ability to Meet Technical Requirements and Technical Approach
	Factor 2 – Delivery & Schedule
	Factor 3 – Quality Assurance
	Factor 4 – Past Performance
	Enclosures
Business Volume	
	Enclosures
	Offeror’s Acceptance of the terms, conditions, general provisions, and other incorporated documents of the Sample Subcontract
	Proposed Government Furnished Property/Subcontractor Acquired Property
	Price Proposal

Table 2

2.4.1 Cover Letter

The cover letter must identify the offeror’s name and address, solicitation number and title, the name(s), title(s), email address(es), and telephone number(s) of the individuals in offeror’s organization who have

commitment authority on behalf of the offeror and will be responsible for contractual negotiations and administration of any resultant Subcontract.

2.4.2 Technical Volume

The technical volume shall contain a comprehensive discussion of how the offeror will fulfill the technical requirements and successfully perform the Subcontract, including a discussion of important performance features, quality, reliability and supplier attributes, highlighting any aspects which may separate it from its competitors. This shall be highlighted in response to Factors 1-3

2.4.2.2 Adjectival Ratings and Technical Factors

The University will use the Adjectival Ratings listed below for the subjective evaluation of proposals. The Technical Evaluation Factors are listed in descending level of importance. In all cases, the University will assess the value of each proposal as submitted.

The following adjectival ratings will be used to rate the Offeror's response to the Technical Factors:

- **Excellent:** Proposal demonstrates excellent understanding and satisfaction of the University's requirements. Its approach significantly exceeds the desired performance features and supplier attributes and is highly beneficial to the University. There are no evaluated weaknesses.
- **Good:** Proposal demonstrates good understanding and satisfaction of the University's requirements. Its approach exceeds the desired performance features and supplier attributes and is beneficial to the University. There are no significant evaluated weaknesses.
- **Acceptable:** Proposal demonstrates an adequate understanding and satisfaction of the University's requirements. Its approach satisfies most desired performance features and supplier attributes and is beneficial to the University. There may be minor, but correctable evaluated weaknesses.
- **Unacceptable:** Proposal fails to demonstrate an adequate understanding of the University's requirements or its approach fails to meet desired performance features or supplier attributes that are beneficial to the University. There are unacceptable weaknesses that can only be met with major changes to the proposed approach.
- **Factor 1 – Ability to Meet Technical Requirements and Technical Approach (Pages, not inclusive of ESD)**

Instructions:

The Offeror shall demonstrate, in narrative form, its technical approach to completing the fabrication, manufacturing, and shipping distribution of the subject items.

The Offeror shall also successfully demonstrate its ability to meet the requirements of the technical specifications in the Engineering Specification Document (ESD) AL-1887-8780 and Scope of Work (SOW) AL-1887-8783: SHB pulsed RF, Rev. A, dated 03/20/2026, and the associated specifications. Specifically, the Offeror shall identify, and respond on the RFP SHB pulsed RF HPA ESD Response sheet.xml, and shipping per the specifications listed below:

- AL-1887-8783A SHB pulsed RF HPA SOW
 - Section 5.1 General Requirements
 - Section 6 Quality Assurance

- Section 7 Deliverables
- Section 8 Value Engineering by Vendor
- AL-1887-8780 SHB Pulsed HPA ESD
 - Section 5.1.1 HPA General Requirements
 - Section 5.1.2 HPA RF Specifications
 - Section 5.1.3 Environmental Parameters
 - Section 5.2 AC Input Power
 - Section 5.3 RF Power Module
 - Section 5.4 RF Amplifier Modules, Pre-Amplifier Modules
 - Section 5.5 RF Power Combiner, Splitter, Coupler Signals
 - Section 5.6 DC Power Scheme
 - Section 5.7 Forced Clean Air Cooling
 - Section 5.8 External Interfaces
 - Section 5.9 Design and Manufacturing Requirements
 - Section 5.10 Construction Requirements
 - Section 5.11 Control System
 - Section 6 Applicable Documents
- Responses demonstrating compliance with the requirements outlined in the SOW and ESD shall be documented in the RFP SHB Pulsed RF HPA ESD Response Sheet (XML format).

Evaluation Criteria:

The evaluation will result in one adjectival rating.

The University will evaluate the Offeror's proposal for this Factor and will consider the areas listed below in assigning the overall rating.

The University will evaluate the Offeror's Technical Approach for the depth, quality, completeness, and effectiveness of meeting the requirements of the technical specifications (ESD) and SOW. The University will specifically evaluate the Offeror's technical approach to manufacturing and fabrication, and shipping.

- **Factor 2 – Delivery & Schedule**

Instructions:

The Offeror shall submit a narrative, not exceeding 5 pages, describing how it will meet the schedule requirements for the Technical and Final Design Reviews, Progress Reports, and delivery conditions outlined to meet the University's project schedule requirements.

The Offeror shall submit a delivery schedule that meets the requirements set out in the Scope of Work (SOW) AL-1887-8783: SHB pulsed RF, Rev. A, dated 03/20/2026.

The Offeror's delivery schedule, documentation shall include, but not be limited to, the following:

- a) A detailed delivery timeline including all areas referenced above
- b) Proposed lead times
- c) The offeror may also propose an alternate delivery schedule that would result in a cost avoidance and ultimately a better overall value to the Laboratory. Additionally, a Work Breakdown Structure (WBS) shall be included, clearly identifying key milestones, deliverables, and potential risk areas (including, but not limited to, resource constraints and other project-related risks).

Evaluation Criteria

The evaluation will result in one adjectival rating.

The University will evaluate the Offeror's proposal for this Factor and will consider the areas listed below in assigning the overall rating.

The University will evaluate the Offeror's narrative proposed schedule for planning logic, and completeness. The University will also evaluate the Offeror's submitted delivery schedule, and all associated documentation, to ensure it meets the requirements set forth in the SOW.

- **Factor 3 – Quality Assurance (No Page Limitation)**

Instruction:

The Offeror shall provide a copy of their Quality Assurance Program (QAP) that demonstrates how it maintains and applies an effective QAP for the design, manufacture, and testing of all systems and equipment provided per the Scope of Work (SOW) AL-1887-8783: SHB pulsed RF, Rev. A, dated 03/20/2026.

The Offeror shall complete and return the RFP SHB Pulsed RF HPA ESD Response Sheet (XML format). In addition, the Offeror shall also demonstrate, in narrative form, how it will perform QA measures effectively and shall provide documentation, testing, and metrology capabilities proving that the proposed equipment meets testing and design requirements.

Evaluation Criteria:

The evaluation will result in one adjectival rating.

The University will evaluate the Offeror's QAP to determine if it is effective and can meet the design, manufacturing, testing, and overall reliability of all the systems and equipment as outlined in the SOW. The University will also assess the Offeror's capabilities in performing QA measures effectively and will conduct a review of the Offeror's documentation to determine if its testing, metrology capabilities, and proof capabilities can meet the equipment design requirements.

Failure by the Offeror to submit a copy of their QAP will result in an Unacceptable adjectival rating for this criterion.

- **Factor 4 – Past Performance**

Instruction:

The Offeror shall provide past performance information on up to three (3) contracts, either currently being performed or completed, within the last five years. Past performance information shall be submitted for contracts similar in size, scope (similar work type as described in SOW), and complexity (performance challenges) Contracts may be, but are not limited to, contracts, task orders, delivery orders, or other legal agreements with federal, state, local, and foreign Governments and/or with commercial customers. The Offeror shall submit one (1) Past Performance Reference Information Form (Attachment A) for each contract.

Evaluation Criteria:

The evaluation of past performance will result in one adjectival rating.

More recent past performance information may be given greater consideration by the University. Additionally, scope and complexity may be considered more important by the University than size when determining relevancy. The University may consider past performance information from sources other than those provided by the Offeror, such as commercial and government clients, University records, regulatory agencies, and government databases. The University may contact any or all of the references provided by the Offeror and will consider such information obtained in its evaluation.

If the Offeror does not have a record of relevant past performance and such is clearly stated by the Offeror in its proposal, the Offeror will be evaluated neither favorably nor unfavorably.

2.4.2.3 Technical Enclosures

The Offeror must complete the following enclosure and submit it with the proposal:

- RFP SHB Pulsed RF HPA ESD Response Sheet
- Past Performance Reference Information Form, Attachment A

2.4.3 Business Volume

2.4.3.1 Enclosures

The offeror shall complete the following enclosures and submit them with the business volume:

- Representations & Certifications
- Price Proposal Schedule – Attachment B – Offerors shall propose a milestone payment schedule with their offer for consideration/negotiation if milestone payments are desired.

The following enclosures are provided for informational purposes and do not need to be returned with the proposal:

- Sample Subcontract and its Incorporated Documents including General Provisions for Commercial Supplies and Services (Domestic)/(Foreign).
- Insurance Certificate Instructions

Notice: The design/documentation package and all associated documents, drawings, and records are owned by DOE. Documents may be obtained from LBNL via a designated Windchill portal. Use of the documents for any purpose outside of (1) responding to this solicitation or (2) a LBNL fabrication subcontract is strictly prohibited. No document may be distributed to others or otherwise reproduced or used without written permission from the LBNL University Procurement Representative.

2.4.3.2.1 Offeror's Acceptance of Terms and Conditions

Offeror's Acceptance of the terms, conditions, general provisions, and other incorporated documents of the Sample Subcontract.

The offeror should accept the terms, conditions, general provisions, and other incorporated documents of the Sample Subcontract, including the requirement to include clauses in its lower-tier subcontracts at any tier, to the extent applicable. The terms and conditions of the Sample Subcontract have been approved by the DOE, and it is not the University's intent to make material changes. While an offeror may identify "exceptions" to the Sample Subcontract, such exceptions may reflect unfavorably upon the offeror's proposal. Exceptions make it difficult to compare competing offers, and the process of resolving exceptions may be time-consuming and result in unacceptable delays in the award of a Subcontract.

The offeror should include in its proposal a statement that the offeror takes no exceptions to the terms, conditions, general provisions, or the incorporated documents of the Sample Subcontract. The offeror should include in its request for consideration of exceptions a redlined version of the Sample Subcontract with all proposed revisions indicated by tracked changes, or a separate sheet with all proposed revisions indicated by tracked changes, referencing the article or clause to which the proposed revision applies. The offeror must also include in its request for consideration of any exception, a business case for that exception, providing a justification for the requested change and an analysis of any increased risk to the University.

The University will attempt to resolve exceptions in a timely manner through an iterative process and with review, concurrence, and/or approval of both the University and DOE. However, offerors are advised that when exceptions cannot be resolved and agreement cannot be reached on terms and conditions, award will not be made to otherwise successful offerors.

2.4.3.2.2 Price Proposal

Price, while being an important factor, is not in and of itself the determining factor in the selection of the successful offeror for award of the Subcontract contemplated by this solicitation. Price is not weighted; rather, each offeror's price will be evaluated for realism, reasonableness, and completeness of the proposed Subcontract price. The price proposal must be a total firm fixed price and specify all tariff fees and/or surcharges when applicable, and a completed Price Schedule.

3. SOLICITATION PROVISIONS

3.1 Restriction on Disclosure and Use of Proposal Data

The University will safeguard any commercial or financial data or information contained in proposals when marked in accordance with paragraph (e) of Federal Acquisition Regulation clause 52.215-1. Such data or information includes (i) trade secrets or (ii) commercial or financial information that is privileged or considered business confidential, either of which is developed at private expense.

The University will endeavor to properly maintain such data and information to the same degree as its own data and information and not disclose such data or information to individuals other than those working for the University or the Government on this procurement. These individuals will be bound by an obligation of confidentiality to use such data or information solely for the purpose of evaluation of the proposal. Proposals received will be retained and disposed of in accordance with requirements in the University's Prime Contract with DOE.

If the offeror intends to use a product or process for which there is a patent position, the proposal should so indicate and list patent applications and/or patents granted (including dates, numbers, and descriptions), and whether the Government has rights related to the patents.

3.2 Export Control Classification Information

Before Subcontract award, the offeror will provide export control classification information for all items as required by the Representations and Certifications. Items may not be accepted without the export control information required by this Request for Proposal.

If any of the ordered items (including data, software, or services) are export controlled under the International Traffic in Arms Regulations (22 CFR Sections 120-130, aka "ITAR"); the Export Administration Regulations (15 CFR Sections 730-774, aka "EAR"); the Nuclear Related Regulations (10 CFR 110 and 10 CFR 810); the Foreign Assets Control Regulations (31 CFR section 500-599, aka "OFAC"); or if sourced internationally, i.e., controlled under a country's equivalent dual use or military strategic goods list, then the Subcontractor agrees to provide the Procurement Representative with written notification of this export controlled status prior to shipment or transfer to the University. The notification must specifically identify the export-controlled item(s) and its export classification. The University reserves the right to cancel or modify any part of the Subcontract that includes export-controlled items, data, software, or services prior to accepting delivery. Subcontractor shall indemnify the University and the Government for all export enforcement mitigation cost, fines, or penalties incurred by the University, specifically arising from Subcontractor's failure to comply with this notification provision and the University's reliance on the Subcontractor's representation as provided.

3.3 Buy American Act Requirements - Supplies

The General Provisions of the Sample Subcontract include FAR Clause 52.225-1, *Buy American Act - Supplies*, which requires that only domestic end products be delivered (i.e., products manufactured in the United States or unmanufactured products mined or produced in the United States), unless a specific exception applies. The offeror is to indicate in the *Representations & Certifications* form, to be submitted with the proposal, whether it proposes to furnish any foreign end products.

The University may apply an exception to the Buy American Act for a proposed foreign end product if:

1. Its price, including any customs duty, is more than 20% less than the price for a comparable domestic end product available from a large business concern, or more than 30% less than the price for a comparable domestic end product available from a small business concern; or
2. A domestic end product satisfying the University's requirements is not reasonably available.

If the offeror proposes to furnish any foreign end product, the proposal should also include information and data supporting its use as an exception to the Buy American Act. Refer to FAR Clause 52.225-1 for the definition of end product, domestic end product, and foreign end product.

3.4 Sustainability-Related Requirements

LBNL's Sustainable Acquisition Program (SAP) is subject to several interacting initiatives and Federal, DOE, State, and University requirements related to sustainability, including but not limited to:

- Recycled Content Products (EPA [Comprehensive Procurement Guidelines](#)/Designated Products);
- Biobased Products (USDA [BioPreferred®](#));
- Energy Efficient Products ([DOE FEMP](#), FEMP [Low Standby Power](#) and EPA [EnergyStar®](#));
- EPA Significant New Alternatives Policy ([SNAP](#)) Program Greenhouse Gas Emission Reduction and Non-Ozone Depleting Alternative Products;
- Waste Reduction

The selected offeror must deliver products and services in compliance with the *Environmentally Preferable Products and Services* (EPP) article of the Sample Subcontract which implements the requirements of DEAR 952.223-78, Sustainable Acquisition Program, as well as other federal- and state-mandated sustainability requirements. As part of this requirement, the Subcontractor must report on biobased products being provided.

Offerors are strongly encouraged to perform market research on current federal requirements for environmentally preferable products and services and to consult the General Services Administration (GSA)'s information on [statutory program requirements that apply to federal procurement of products and services](#).

LBNL is required to comply with UC policy on sustainable procurement to the extent to which they do not conflict with requirements in the Prime Contract with DOE. The UC policy prioritizes waste reduction in the following order: reduce, reuse, and then recycle. Accordingly, subcontractors and vendors must first reduce unnecessary purchasing and then prioritize purchasing surplus or multiple use products before purchasing recyclable or compostable products in accordance with the EPP article of the Sample Subcontract. UC Policy also sets forth requirements for:

- Packaging,
- a ban on foam and single use plastic food service and other product packaging, and
- E-Waste recycling not addressed in the Federal requirements.

By submitting a proposal, offerors acknowledge the SAP and reporting requirements included in the Environmentally Preferable Products and/or Services article and General Provisions of the sample subcontract.

3.5 Shipping Insurance

All quotes and cost proposals must include the cost of shipping insurance to cover risk of loss of items in shipping. The subcontractor or their shipper shall be required to cover replacement of any and all items lost in shipping.

3.6 Tariffs

It should be noted that if the proposed item(s) are of foreign origin and incur tariff costs upon importation, the University wishes to be the shipping importer of record and will seek reimbursement for such tariff costs under the U.S. Department of Commerce International Trade Administration, U.S. Department of Homeland Security U.S. Customs and Border Protection, Request for Duty Free Entry of Scientific Instruments or Apparatus (ITA-338P) Process in accordance with 15 CFR 301. Such process requires a Package of multiple documents, to include the Offeror's original proposal, be submitted to support the University's claim that such item(s) are scientific instruments, be afforded duty free entry, and previously paid tariff payments be reimbursed. If the Offeror objects to distribution of its original proposal to the Government as part of the ITA-338P Package, the Offeror shall specifically state such in its proposal response.

3.7 Brand Name or Equal - (Our Internal Names: 125 MHz and 500 MHz Sub-Harmonic Buncher Solid-State High-Power Amplifiers)

If an item in this solicitation is identified by a brand name, such identification is intended to be descriptive, but not restrictive, and is to indicate the salient characteristics and level of quality that will satisfy the University's requirements.

Unless the offeror clearly indicates in its offer that the item being offered is an equal product, the offeror shall provide the brand name item referenced in the solicitation. To be considered for award, offers of equal items, including equal items of the brand name manufacturer, must:

1. Meet the salient physical, functional, or performance characteristic specified in this solicitation;
2. Clearly identify the item by brand name, if any, and make or model number;
3. Include descriptive literature such as illustrations, drawings, or a clear reference to descriptive data or information reasonably available; and
4. Clearly describe any modifications the offeror plans to make to a product to make it conform to the solicitation requirements. Mark any descriptive material to clearly show the modifications.

The University will evaluate offers of equal items on the basis of information furnished by the offeror or identified in the offer and reasonably available. The University is not responsible for locating or obtaining any information not identified in the offer.

3.8 Notice of Sherman Antitrust Act – Federal Antitrust Enforcement

This solicitation is subject to the Sherman Antitrust Act which prohibits agreements among competitors to fix prices, rig bids, or engage in other anticompetitive activity. Criminal prosecution of Sherman Act violations is the responsibility of the Antitrust Division of the United States Department of Justice.

Violation of the Sherman Act is a felony punishable by up to 10 years imprisonment and a \$1 million fine for individuals and a fine of up to \$100 million for corporations. In addition, collusion among competitors may also involve violations of the mail or wire fraud statute, the false statements statute, or other federal felony statutes, all of which the Antitrust Division prosecutes.

In addition to receiving a criminal sentence, a corporation or individual convicted of a Sherman Act violation may be ordered to make restitution to the victims for all overcharges. Additionally, under the Clayton Act, 15 U.S.C. §§ 12–27, 44, civil antitrust claimants may seek civil recovery of up to three times the amount of damages suffered (plus costs of suit and reasonable attorney's fees) for violations of the Sherman Act, including, but not limited to, bid-rigging and price-fixing conspiracies.

(END OF RFP DOCUMENT)