

# Understanding Federal Contracting

**Lisa C. Billman, CFCM**

Chief, Military Branch, Contracting  
Division

Fort Worth District

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US Army Corps of Engineers  
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# Agenda

- Bidding
- Source Selection
  - ▶ Successful strategies
- Debriefing Process





# Types of Contracts

- Construction
- Architect-Engineering
- Services
- Supplies



# Methods of Soliciting Work

- Sealed Bid
- Request for Proposal
  - ▶ Qualifications Based (A-E)
  - ▶ Trade-Off
  - ▶ Lowest Priced, Technically Acceptable (LTPA)

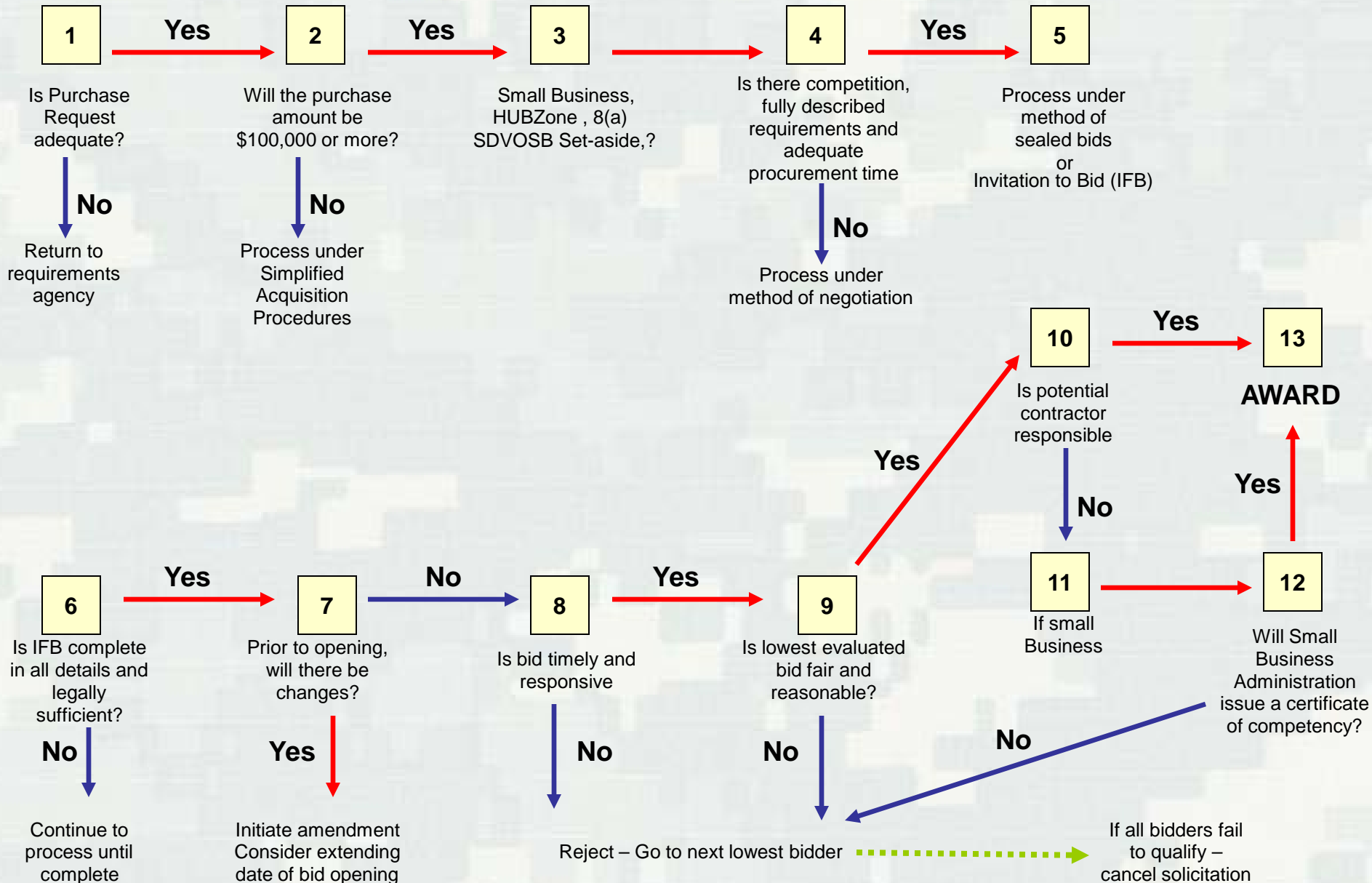


# Sealed Bidding

- Public bid opening
  - ▶ Reveal all bid prices
  - ▶ Reveal Independent Government Estimate (IGE)
- Price based decision
  - ▶ Fair and reasonable
- Bidder must be determined:
  - ▶ Responsive
  - ▶ Responsible



# Basic Steps & Decisions in Sealed Bidding



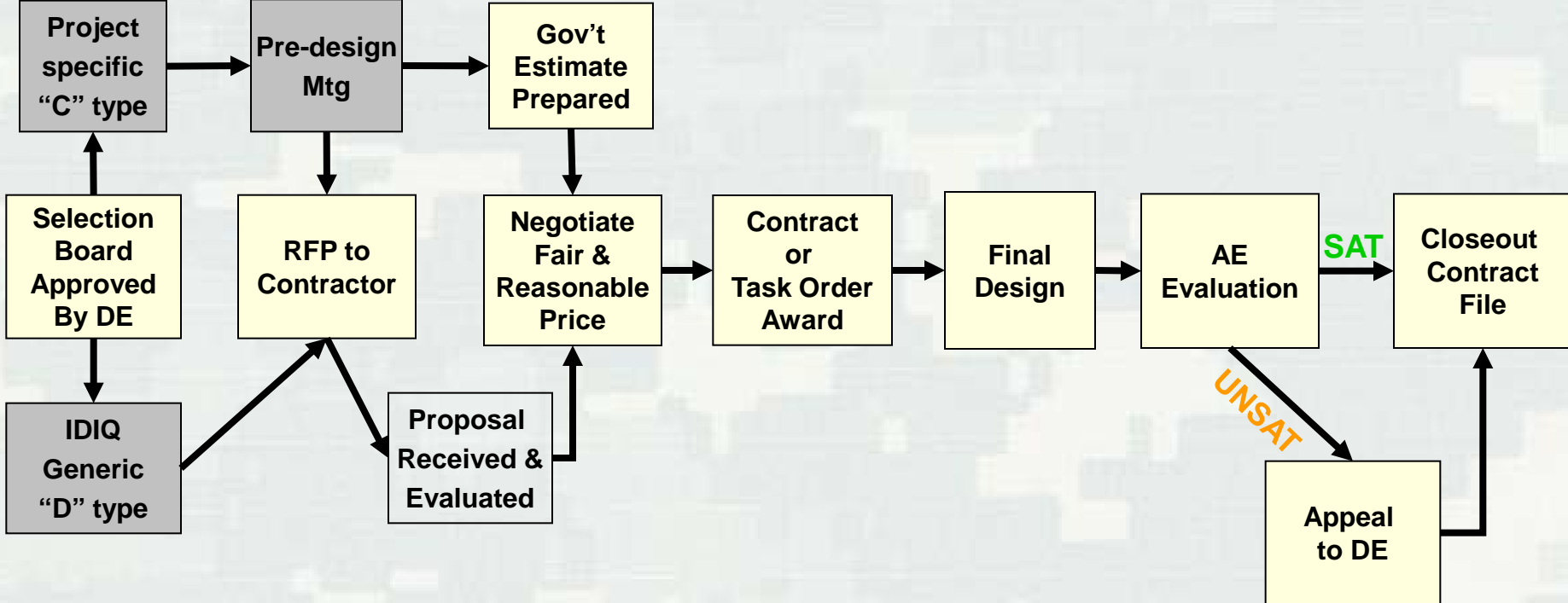
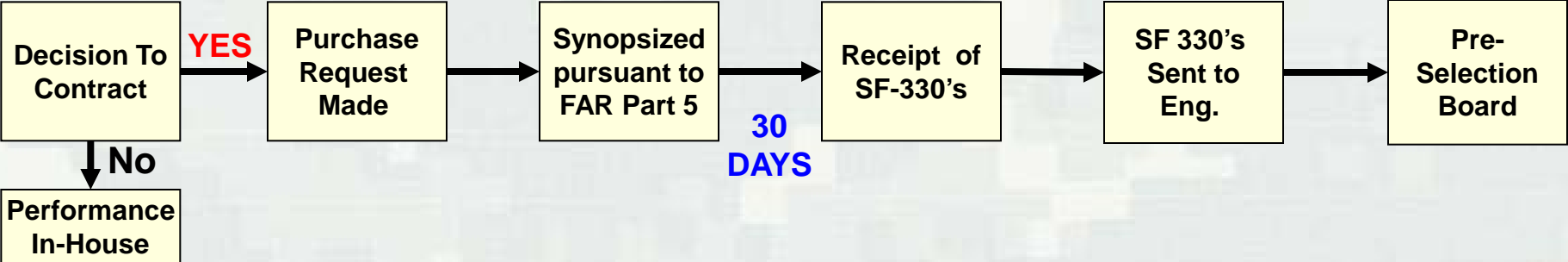
# Brooks Act

The Congress hereby declares it to be the policy of the Federal Government to publicly announce ..., and to negotiate contracts for architectural and engineering services on the basis of demonstrated competence and qualification ... at fair and reasonable prices.

*Excerpt from Public Law 92-582*



# Basic Steps and Decisions for Architect-Engineer





# Best Value Defined

Expected outcome of an acquisition that provides the ***greatest overall benefit*** in response to the requirement



# Layman's Terms

“Best bang for the buck”



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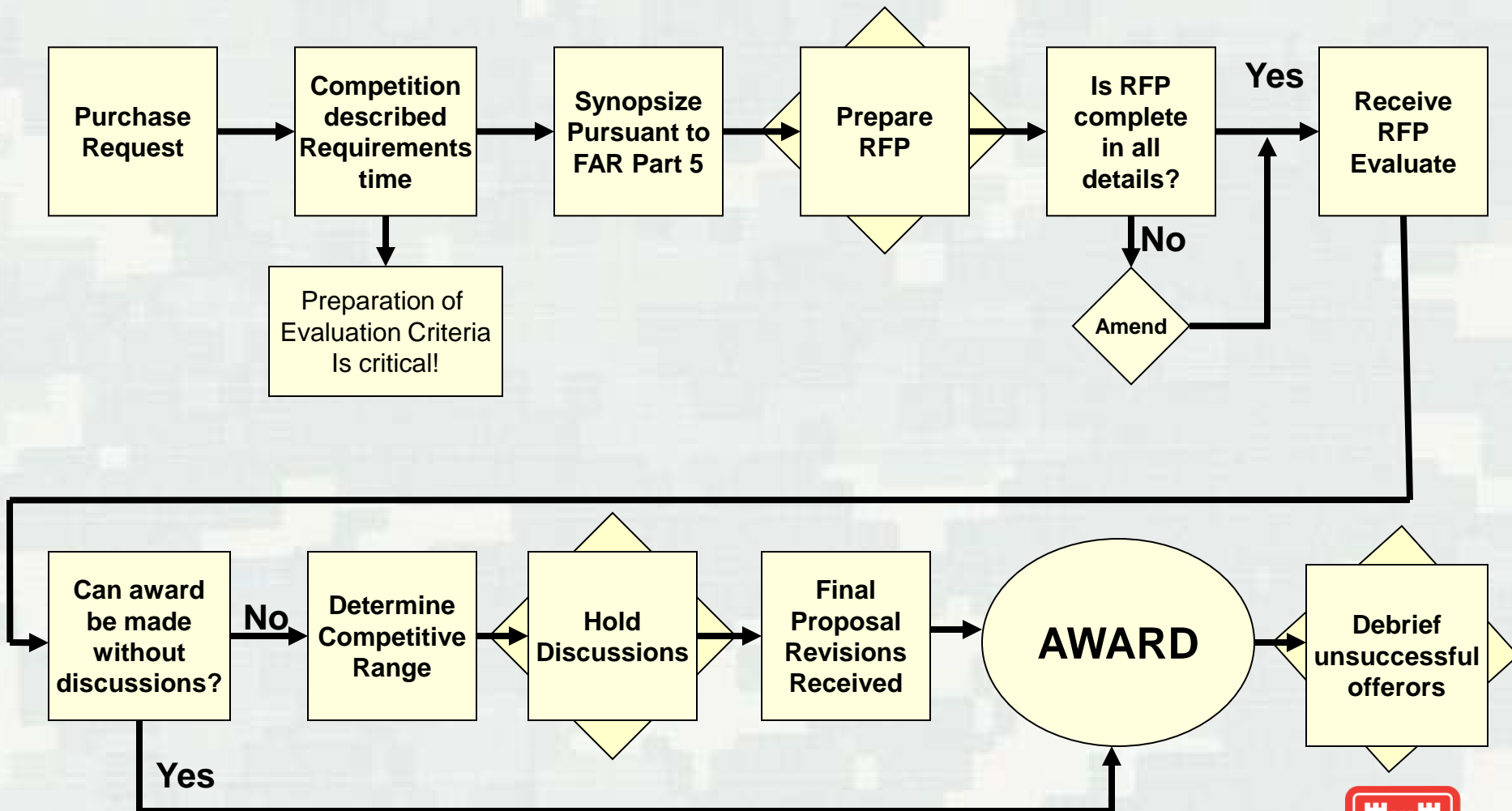
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# What Does That Really Mean?

This method is chosen when non-cost factors are either more important or at least equal to price



# Basic Steps and Decisions in Best Value



# Source Selection Methods

- Trade-Off Process (FAR 15.101-1)
  - ▶ Complex requirements
  - ▶ Considers cost AND non-cost factors
  - ▶ Required for use of past performance
- Lowest-Priced Technically Acceptable (FAR 15.101-2)
  - ▶ Non-complex requirements
  - ▶ Considers non-cost factors
  - ▶ Award based on lowest price





# Procurement Integrity Act

## 41 USC 423, FAR 3.104-4

- Three Key Provisions:
  - ▶ Prohibition on disclosure or obtaining Contractor bid or proposal information or source selection information before contract award (applies to government employees and Contractors)
  - ▶ Requires agency officials to report employment contacts during a procurement (applies to government employees only)
  - ▶ Prohibits a group of employees who have participated in actions over \$10 million from accepting compensation from the contractor for one year after participation (applies to government employees only)





# Procurement Integrity for Source Selection

- Secure and safeguard source selection information
  - ▶ Source Selection Plan, evaluation worksheets, proposal analysis report
  - ▶ Contractor sensitive info such as: proposals submitted, both technical and price; offeror's oral presentation summaries
- Extends into the post-award period



# Evaluating Non-price Factors

- Reflection of the Government's confidence in the offerors' ability to perform the requirements
- Annotate strengths, weaknesses and deficiencies
  - ▶ Specific to the evaluation criteria
  - ▶ Reference details of the proposal



# Strengths / Weaknesses

- Strength - An aspect of a proposal that decreases the risk of unsuccessful contract performance
- Weakness - A flaw in the proposal that increases the risk of unsuccessful contract performance
- May be “significant” if risk is significantly decreased or increased





# Deficiency

- A material failure of a proposal to meet a Government requirement, or a combination of significant weaknesses in a proposal that increases the risk of unsuccessful contract performance to an unacceptable level.



# Individual Evaluation

- Reviews submitted material to determine
  - ▶ Did Offeror submit what was requested?
  - ▶ Evaluate in accordance with criteria
- Documents Offeror's strengths, weaknesses, and deficiencies



# Consensus Evaluation

- Discuss results of individual review
- Develop consensus rating
  - ▶ IAW the evaluation factors in the solicitation
- Document in Evaluation Report





# Evaluation Report

- Describes evaluation process
- Discusses strengths, weaknesses, deficiencies
- Provides consensus rating





# Cost / Price Evaluation

- Analyzed IAW FAR 15.404-1
- Fair and reasonable
- Cost Realism
- Adequately reflect an understanding of the work requirements





# Exchanges with Offerors

after receipt of proposals

- Clarifications
  - ▶ To clarify typos or inconsistencies
  - ▶ Negative past performance
- Communication
  - ▶ Only when determining Competitive Range
  - ▶ Negative past performance
- Discussions
  - ▶ “Meaningful”
  - ▶ Tailored to each Offeror’s proposal



# Competitive Range Determination

- Set only when determined discussions are necessary
- Comprised of the most highly qualified firms
- May limit the number of firms in the competitive range for purposes of efficiency
- Excluded firms are notified
  - ▶ May request debriefing



# Comparative Analysis

- Comparison of the merits of each proposal
- Determination
  - ▶ Higher price is worth the benefits Government received in higher technical proposal
  - ▶ Lower price is best value for Government in spite of a higher technically rated proposal
  - ▶ Risks to the Government in each proposal





# Award Decision

- Independent Judgment of the SSA
- Based on comparative analysis
- Consistent with evaluation factors





# What do I do first?

- Respond to Sources Sought Notices!!
- Watch FedBizOpps for the synopsis
- Download the solicitation
- Read the solicitation COVER TO COVER
- Pay particular attention to
  - ▶ Proposal Submission Requirements and Evaluation Criteria”



# Successful Strategies

- Know Submission Requirements
  - ▶ Understand requirements
  - ▶ Breakdown the question
  - ▶ Address each issue
  - ▶ Leave no room for evaluator question
- Ask when you don't understand
- Partner with firms that compliment your qualifications
- Write a winning proposal



# Write the Winning Proposal

- Tailor your proposal to the requirement
  - ▶ Adding information beyond what is required doesn't help
    - Pre-printed brochures not desirable
  - ▶ Not submitting information will hurt
    - Do not assume you will be given “credit” for past success
- Do not simply parrot the RFP



# Write the Winning Proposal


- Emphasize the strengths of your firm that solve the Government's need
- Provide a solution that is linked to past performance successes
- Get to the point
  - ▶ Avoid elaborate and/or drawn-out explanations
  - ▶ Be mindful of the page limitations



# Write the Winning Proposal

- Provide good past performance information
  - ▶ Verify POCs and phone numbers
  - ▶ Identify the person with the most knowledge
  - ▶ Let the POC know that they may be called





# Write the Winning Proposal

- Address performance issues
  - ▶ Don't wait for Government to discover
  - ▶ Explain issue
  - ▶ Describe steps to resolution
  - ▶ State the outcome





# Write the Winning Proposal

- Be specific and quantify
  - ▶ Provides credibility
- Use bulleted items or lists to highlight points
- Use an active voice
- Use varying sentence structures and paragraphs



# Concluding the Process

- Re-read the solicitation
  - ▶ Ensure that all aspects of the requirements have been addressed in your proposal
- Make sure your proposal is consistent
  - ▶ Do not flip back and forth between technical solutions



# Addressing Quality

- You are responsible for the Quality of your proposal
  - ▶ Make a check list of submission requirements
  - ▶ Make a cross reference checklist between submission factors, evaluation criteria and the Scope of Work to your proposal
  - ▶ Your proposal will be part of the contract and is binding
    - Quality counts



# Dotting the I's

- Obtain DUNS number from DUN and Bradstreet
- Register in Central Contractor Registration (CCR) database
- Complete online Representations and Certifications @ [www.orca.gov](http://www.orca.gov)
- Secure bonding (for construction)
- Ensure financial statements are in order



# Crossing the T's

- Complete the Standard Forms in the solicitation
- Double check offer
- Submit the best offer the first time
  - ▶ Do not assume you will be given an opportunity to conduct discussions or negotiate
- Submit the offer on time



# Debriefings

- IAW FOIA
- IAW FAR 15.506
  - ▶ Pre-Award – Limited information; no price
  - ▶ Post-Award – More information, including price
- Late requests for debriefing
  - ▶ May be conducted at Government discretion
- Mutually beneficial



# References

- Federal Acquisition Regulation (FAR) Part 15 and agency supplements.
- Army Source Selection Manual (Feb 26, 2009)  
[https://www.alt.army.mil/portal/page/portal/oasaalt/documents/ASSM\\_final\\_022609.pdf](https://www.alt.army.mil/portal/page/portal/oasaalt/documents/ASSM_final_022609.pdf)

