UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
ACQUISITION AND GRANTS OFFICE

April 9, 2014

MEMORANDUM FOR: Deputy Assistant Administrators
Staff Office Directors

FROM: Mitchell J. Ross
Director

SUBJECT: Acquisition Instruction 14-04 NOAA Source Selection Procedures

This memorandum is to provide the attached Acquisition Instruction 14-04, which establishes interim Source Selection Procedures. These procedures will enable NOAA to obtain quality products and services, delivered on time, and at the best value for the Government. The procedures are applicable to all competitive negotiated acquisition under Federal Acquisition Regulation (FAR) Part 15 with estimated life-cycle costs of $10M or more, and shall be a guide for all other competitive acquisition.

Questions may be addressed to Mr. Dale Henderson, Acquisition and Grants Office (AGO), Policy and Oversight Division (POD) at dale.henderson@noaa.gov, or by telephone at (816) 823-3836.

Attachment:

Acquisition Instruction 14-04

April 9, 2014

Acquisition Instruction 14-04

NOAA Source Selection Procedures

A. Purpose

This Acquisition Instruction establishes the NOAA policy and procedure for conducting competitive negotiated source selections, and outlines a common set of principles for conducting such acquisitions.

B. Background

The NOAA Source Selection Procedures (SSP) have been established to ensure that NOAA's source selection process delivers products and services at the best value to the Government.

C. Applicability

The procedures apply to all competitive negotiated acquisitions under Federal Acquisition Regulation (FAR) 15 with an estimated life-cycle cost of $10M or more. The SSP shall serve as a guide for competitive negotiated acquisitions under FAR Part 15 with an estimated life-cycle cost of less than $10M. The following are the exceptions for following the SSP:

- Sealed bidding procedures in accordance with FAR Part 14
- Broad Agency Announcements (BAA) for basic research, used in accordance with FAR Subpart 35.016
- Small Business Innovative Research (SBIR), Small Business Technology Transfer Research (STTR), and Small Business Technology Transfer (SBTT) solicited and awarded in accordance with 15 United States Code (U.S.C.), Section 638
- Architect-engineer services in accordance with FAR Part 36
- Simplified acquisition procedures in accordance with FAR Part 13 (including Part 12 acquisition using Part 13 procedures)
- Orders under multiple award contracts – Fair Opportunity [FAR 16.505(b)(1)]
- Acquisition using FAR Subpart 8.4

D. Point of Contact

Questions regarding this Acquisition Instruction should be directed to Dale Henderson Chief, Review and Analysis Branch, Policy and Oversight Division at Dale.Henderson@noaa.gov or by telephone at (816) 823-3836.

Attachment:
NOAA Source Selection Procedures

NATIONAL OCEANIC
AND
ATMOSPHERIC ADMINISTRATION (NOAA)

SOURCE SELECTION PROCEDURES

(INTERIM VERSION)

(April 7, 2014)

(A template of these procedures will be available via the Acquisition—Policy, Regulation and Guidance link, located on the NOAA Acquisition and Grants Office home page.)

TABLE OF CONTENTS

Chapter 1. Purpose, Roles, and Responsibilities

1.1	Purpose	4
1.2	Best-Value Continuum	4
1.3	Applicability	5
1.4	Source Selection Team Roles and Responsibilities	5
1.5	Line/Staff Office Roles and Responsibilities	12
1.6	Office of General Counsel Roles and Responsibilities	12

Chapter 2. Pre-Solicitation Activities

2.1	Conduct Acquisition Planning	13
2.2	Develop Source Selection Plan	14
2.3	Develop the Request for Proposals	15
2.4	Release the Request for Proposals	17

Chapter 3. Evaluation and Decision Process

3.1	Evaluation Activities	18
3.2	Documentation of Initial Evaluation Results	21
3.3	Award without Discussions	22
3.4	Discussion Process	23
3.5	Final Proposal Revisions	23
3.6	Documentation of Final Evaluation Results	23

3.7	Conduct and Documentation of Comparative Analysis (SSAC)	24
3.8	Tradeoff Analysis	24
3.9	Best-Value Decision	24
3.10	Source Selection Decision Document	25
3.11	Debriefings	25
3.12	Source Selection Evaluation and Award Process Chart	26

Chapter 4. Documentation Requirements

	Documentation Requirements	27

Chapter 5. Definitions

	Definitions	28

Appendix A Lowest Price Technically Acceptable Source Selection Process

Appendix B Debriefing Guide

Appendix C Source Selection Training

Appendix D Non-Disclosure Agreement and Conflict of Interest Certificate (Samples)

Chapter 1

Purpose, Roles, and Responsibilities

1.1 Purpose

This document provides the National Oceanic and Atmospheric Administration (NOAA) policy and procedure for conducting competitive negotiated source selection, and outlines a common set of source selection principles. The goal is to ensure that NOAA's source selection process delivers products and services at the best value to the Government.

1.2 Best-Value Continuum

This document describes two source selection processes that may be used: Tradeoff Process and Lowest Price Technically Acceptable (LPTA) Process.

- Tradeoff Process (see FAR 15.101-1). This process allows for a tradeoff between non-cost factors and cost/price, and allows the Government to accept other than the lowest priced proposal or other than the highest technically rated proposal to achieve a best-value contract award. Furthermore, it describes various rating approaches to evaluating proposals when using a tradeoff process.

- Lowest Price Technically Acceptable (LPTA) Process (see FAR 15.101-2). The LPTA process is appropriate when best value is expected to result from selection of a technically acceptable proposal with the lowest evaluated price. The LPTA process is only appropriate when the requirement is not complex. LPTA is typically used for commercial or non-complex commodity, supply, or equipment requirements that are well defined. Contracting Officers must obtain prior written approval from the Senior Bureau Procurement Official (SBPO) to use LPTA for services. The application of LPTA is discussed in Appendix A.

In the best-value continuum described in Federal Acquisition Regulation (FAR) 15.101, an agency can obtain best value in negotiated acquisition by using any one or a combination of source selection approaches. Regardless of the source selection approach taken, NOAA Contracting Officers are required to utilize the standardized rating tables as detailed in this procedure. For any factors/subfactors evaluated on other than an "acceptable/unacceptable" basis, the ratings at Section 3.1 shall be utilized. For any factors/subfactors evaluated on an "acceptable/unacceptable" basis, the ratings at Appendix A, Table A-1 and A-2 shall be utilized.

1.3 Applicability

These procedures apply to all competitive negotiated acquisitions under FAR Part 15 with an estimated life-cycle cost of $10M or more, and shall be a guide for competitive negotiated acquisitions under FAR Part 15 with estimated life-cycle cost of less than $10M. In processing the competitive negotiated acquisition, NOAA Contracting Officers shall comply with these procedures. These procedures are not required for the following:

- Sealed bidding procedures in accordance with FAR Part 14
- Broad Agency Announcements (BAA) for basic research, used in accordance with FAR Subpart 35.016
- Small Business Innovative Research (SBIR), Small Business Technology Transfer Research (STTR), and Small Business Technology Transfer (SBTT) solicited and awarded in accordance with 15 United States Code (U.S.C.), Section 638
- Architect-engineer services in accordance with FAR Part 36
- Simplified acquisition procedures in accordance with FAR Part 13 (including Part 12 acquisition using Part 13 procedures)
- Orders under multiple award contracts – Fair Opportunity [FAR 16.505(b)(1)]
- Acquisition using FAR Subpart 8.4

1.4 Source Selection Team Roles and Responsibilities

Source selection is accomplished by a team that is tailored to the unique acquisition. Composition of the team may include a Source Selection Authority (SSA), Contracting Officer (CO), Source Selection Advisory Council (SSAC), Source Selection Evaluation Board (SSEB), Advisors, Cost or Pricing Experts, Office of General Counsel (OGC), Small Business Specialists, and other subject-matter experts. Team members may include personnel from other Governmental sources. Key members of the Source Selection Team (SST) – such as the SSA, SSEB, chairperson and functional/technical leads, and the CO – shall have source selection experience and training. All members of the team shall be designated prior to development of the Source Selection Plan (SSP). Heads of Contracting Offices (HCOs) shall ensure that proper source selection training is given to the SSA and SSEB, commensurate with the attached Appendix C, prior to execution of the specific source selection.

1.4.1. **SSA.** The SSA is the individual designated to make the best-value decision.

1.4.1.1. Appointment of SSA: The SSA appointment shall be made in accordance with the following outline and shall remain in effect until superseded by regulatory guidance.

Dollar Threshold	Source Selection Authority	Authority
<$10M	Contracting Officer	CAM 1315.3
$10M-$50M	Line Office Assistant Administrators and Staff Office Directors (may be re-delegated no lower than Deputy Assistant Administrators or Deputy Staff Office Directors). The NOAA Deputy Under Secretary for Operations may also retain this authority.	AA 07-01
≥$50M	Head of Contracting Activity (may be re-delegated to Line Office Assistant Administrators or Staff Office Directors)	CAM 1315.3 Section 2.2

1.4.1.2. SSA Responsibilities. See FAR 15.303(b) and CAM 1315.3, Section 2.4 for complete list of duties. The SSA shall:

1.4.1.2.1. Be responsible for the proper and efficient conduct of the source selection process in accordance with these procedures and all applicable laws and regulations.

1.4.1.2.2. Establish a SSEB to evaluate proposals.

1.4.1.2.3. Appoint the chairpersons for the SSEB and, when used, the SSAC.

1.4.1.2.4. Approve the SSAC Chairperson's selection of SSAC Members.

1.4.1.2.5. Approve the SSP prior to solicitation release, and any amendments/changes to the SSP.

1.4.1.2.6. Ensure that realistic source selection schedules are established and source selection events are conducted efficiently and effectively in meeting overall program schedules. The schedules should support proper and full compliance with source selection procedures outlined in this document and the established SSP for the acquisition.

1.4.1.2.7. Ensure all involved in the source selection are briefed and knowledgeable of Subsection 27(a) of the Office of Federal Procurement Policy Act, 41 U.S.C., Section 423, and FAR 3.104 regarding unauthorized disclosure of contractor bid and proposal information, as well as source selection information, (see CAM 1315.3, Section 3.4). Ensure that all persons receiving source selection information are instructed to comply with applicable standards of conduct (including procedures to prevent the improper disclosure of information) and sign a Non-Disclosure Agreement and a Conflict of Interest Certificate (see Appendix D samples). Ensure Conflict of Interest Certificates (from both Government members/advisors and non-Government team advisors) are appropriately reviewed and actual or potential conflict of interest issues are resolved prior to

granting access to any source selection information. (See CFR 2635 and CAM 1315.3, Section 3.3.)

1.4.1.2.8. Approve the CO's determination to either award without discussions or enter into discussions.

1.4.1.2.9. Select the source(s) whose proposal offers the best value to the Government in accordance with evaluation established criteria in Section M (or a non-Uniform Contract Format (UCF) solicitation).

1.4.1.2.10. Document the rationale in the Source Selection Decision Document (SSDD) as detailed in Chapter 3.

1.4.2. **CO**. The CO will serve as the primary business advisor and principal guidance source for the entire source selection.

1.4.2.1. Selection of CO: HCOs have discretion in the selection of the individual to serve as the CO. However, the CO, as the principal guidance source, should have experience in the source selection process.

1.4.2.2. CO Responsibilities. See FAR 15.303(c) and CAM 1315.3, Section 2.7 for complete list of duties. The CO shall:

1.4.2.2.1. Train the SSA and SSEB on each competitive negotiated acquisition utilizing the attached Appendix C, Source Selection Training. Training shall be tailored to fit each acquisition. The CO shall further provide the SSEB with appropriate guidance and instructions necessary to effectively conduct the source selection process.

1.4.2.2.2. Participate in the acquisition planning process and preparation of the SSP (e.g., advising on source selection criteria; conducting pre-proposal conferences, etc.).

1.4.2.2.3. Manage all business aspects of the acquisition; advise and assist the SSA in the execution of the responsibilities, as outlined in 1.4.1; and work with the SSEB/SSAC Chair to ensure the evaluation is conducted in accordance with the evaluation criteria specified in the solicitation. In order to advise and assist the SSA and SSEB/SSAC Chair, the CO should attend the SSEB/SSAC convened meetings as necessary.

1.4.2.2.4. Ensure that required approvals are obtained and the appropriate notification clause is included in the solicitation before non-Government personnel are allowed to provide source selection support (e.g., FAR 7.503 and 37.205).

1.4.2.2.5. In accordance with FAR 3.104, ensure that procedures exist to safeguard source selection information and contractor bid or proposal information. Approve access to or release of source selection information and contractor bid or proposal information after consulting Legal Counsel before and after contract award.

1.4.2.2.6. Ensure that the SSP and the evaluation factors are consistent with the requirements of the solicitation.

1.4.2.2.7. Review and concur in the SSP.

1.4.2.2.8. Prepare and release the final solicitation after obtaining all required approvals.

1.4.2.2.9. Serve as the single point of contact for all solicitation-related inquiries from actual or prospective offerors.

1.4.2.2.10. Consider input from the SSEB.

1.4.2.2.11. After receipt of proposals, control exchanges with offerors in accordance with FAR 15.306.

1.4.2.2.12. With the approval of the SSA, establish the competitive range and enter into discussions. (Notify offerors eliminated from competition.)

1.4.2.2.13. Prepare pre- and post-negotiation memoranda (Business Case Memoranda.)

1.4.2.2.14. Conduct debriefings with unsuccessful offerors.

1.4.2.2.15. Maintain as a minimum, the documents and source selection evaluation records as detailed in Chapter 4.

1.4.3. **SSAC. (Optional)**

1.4.3.1. Establishment and Role of SSAC.

1.4.3.1.1. The SSA may establish an SSAC, when necessary, to gain access to functional area expertise. The SSAC's functional area expertise will be used to provide support that the SSA requires throughout the source selection process.

1.4.3.1.2. At NOAA, an SSAC is typically established during the acquisition planning stage.

1.4.3.1.3. The primary role of the SSAC is to provide a written comparative analysis and recommendation to the SSA. The SSAC may be utilized as an additional resource to the SSEB.

1.4.3.1.4. The SSA may convene the SSAC at any stage in the evaluation process as needed.

1.4.3.2. Composition of SSAC.

1.4.3.2.1. The SSAC is comprised of an SSAC Chairperson and SSAC Members.

1.4.3.2.2. SSAC Members should represent the specific functional areas from which the SSA may require expertise.

1.4.3.3. Responsibilities of SSAC.

1.4.3.3.1. SSAC Chairperson shall:

1.4.3.3.1.1. Appoint SSAC Members, subject to SSA approval.

1.4.3.3.1.2. Consolidate the advice and recommendations from the SSAC Members into a written comparative analysis and recommendation for use by the SSA in making the best-value decision. Ensure that minority opinions within the SSAC are documented and included within the comparative analysis.

1.4.3.3.2. The SSAC Members shall review the evaluation results of the SSEB (when requested by the SSA) to ensure the evaluation process follows the evaluation criteria, and the ratings are appropriately and consistently applied.

1.4.4. **SSEB**.

1.4.4.1. Composition of the SSEB.

1.4.4.1.1. The SSEB is comprised of a Chairperson and Evaluators (also known as SSEB Members). The SSEB Members **may** be organized into functional teams corresponding to the specific evaluation criteria (e.g., Technical Team, Past Performance Team, Cost Team, etc.). In those instances, a Functional Team Lead may be utilized to consolidate the evaluation findings of the team and serve as the primary team representative to the SSEB Chair. The SSEB may consist of both voting and non-voting members. Use of non-Government personnel as voting members of the SSEB is prohibited. (See FAR 7.503(c)(12)(ii), FAR 37.203 and FAR 37.204.)

1.4.4.1.2. The size and composition of the SSEB should be commensurate with the nature and complexity of the requirement in order to facilitate appropriate

communication and a comprehensive evaluation, as the SSEB will be involved in numerous tasks to include: reviewing and evaluating proposals against the approved evaluation criteria, providing briefings and consultations regarding the evaluation as required by the SSA, and preparing an evaluation report of their findings.

1.4.4.1.3. Government personnel assigned to the SSEB shall consider this duty as their primary responsibility. Their source selection assignment shall take priority over other work assignments. Supervisors are responsible for ensuring that other work assignments do not adversely impact the source selection process.

1.4.4.2. Responsibilities of the SSEB. See CAM 1315.3, Sections 2.5 and 2.6 for complete list of duties.

1.4.4.2.1. SSEB Chairperson shall:

1.4.4.2.1.1. Be responsible for the overall management of the SSEB and act as the SSEB's interface to the SSAC (if utilized) and the SSA, to include planning and coordinating the schedule for SSEB meetings.

1.4.4.2.1.2. Ensure adherence to all security requirements outlined in the SSP and applicable policies and regulations.

1.4.4.2.1.3. Establish functional evaluation teams, as appropriate, to support an efficient source selection evaluation. Appoint chairpersons and members to the functional evaluation teams.

1.4.4.2.1.4. Ensure the skills of personnel, available resources, and the time assigned are commensurate with the complexity of the acquisition.

1.4.4.2.1.5. Ensure members of the SSEB are trained and knowledgeable on how an evaluation is conducted prior to reviewing any proposals.

1.4.4.2.1.6. Ensure the evaluation process follows the evaluation criteria and ratings are being consistently applied.

1.4.4.2.1.7. Document SSEB findings into an evaluation report for the SSA or the SSAC (if established), and brief both as required by the SSA.

1.4.4.2.1.8. Support any post-source selection activities, such as debriefings and post-award reviews/meetings, as required.

1.4.4.2.2. The SSEB Members shall:

1.4.4.2.2.1. Conduct a comprehensive review and evaluation of proposals against the solicitation requirements and the approved evaluation criteria.

1.4.4.2.2.2. Ensure the evaluation is based solely on the evaluation criteria outlined in the Request for Proposal (RFP) and SSP.

1.4.4.2.2.3. Prepare and submit evaluation findings to the SSEB Chairperson in accordance with the ranking scheme and evaluation criteria identified in the approved SSP.

1.4.4.2.2.4. Assist the SSEB Chairperson in documenting the overall SSEB evaluation results.

1.4.4.2.2.5. Support any post-source selection activities, such as debriefings and post-award reviews/meetings, as required.

1.4.4.2.3. Neither the SSEB Chairperson nor the SSEB Members shall perform comparative analysis of proposals or make source selection recommendations unless requested by the SSA.

1.4.5. **Advisors.**

1.4.5.1. Government Advisors. When an SSAC is not used, consideration should be given to the use of Government advisors to assist the SSA. These advisors can provide expertise within specific functional areas, similar to the involvement of the SSAC, but need not provide the formal written comparative analysis required of an SSAC. Government advisors may also be used to provide assistance to the SSEB as subject-matter experts.

1.4.5.2. Non-Government Advisors. Use of non-Government personnel as advisors may be authorized, but should be minimized as much as possible. Use of non-Government advisors, other than Federally Funded Research and Development Centers (FFRDCs), shall be supported by a written determination based on FAR 37.203 and 37.204.

1.4.5.2.1. Requirements for use of non-Government advisors. All non-Government advisors shall sign the Non-Disclosure Agreement and Conflict of Interest Certificate (see Appendix D). They shall submit documentation to the CO indicating their personal stock holdings in any of the companies submitting a proposal as a prime or a subcontract prior to being allowed access to source selection sensitive information. The CO must ensure that use of non-Government advisors is disclosed in the solicitation and that before the non-Government advisor is given access to proprietary information, the Government has received the consent of the submitting contractor(s) to provide access to the contractor who is to assist in the source selection.

1.4.5.2.2. Limitations on use of non-Government advisors. Non-Government advisors may assist in and provide input regarding the evaluation, but they may

not determine ratings or rankings of offerors' proposals. Disclosure of past performance information to non-Government personnel is strictly prohibited. Accordingly, non-Government advisors shall not participate in the review and evaluation of past performance information. (See FAR 42.1503.)

1.5 Line/Staff Office Roles and Responsibilities

The requirements community is vital to the success of the overall source selection process. The leadership of the Line/Staff Office shall:

1.5.1. Prepare the acquisition package, in coordination with the acquisition team, to include at a minimum: Acquisition Plan (AP), SSP, Performance Work Statement (PWS) or Statement of Work/Statement of Objectives (SOW/SOO), and Independent Government Cost Estimate (IGCE).

1.5.2. Allocate the necessary resources including personnel, funding, and facilities to support the source selection process.

1.5.3. Assist in the establishment of the SST to include serving as an advisor or member to the SSAC and/or the SSEB as needed.

1.5.4. Assist in the development of the evaluation criteria consistent with the technical requirements/risk.

1.6 OGC Roles and Responsibilities

1.6.1. Representatives of the Office of General Counsel shall provide the Contracting Officer and source selection team legal advice and counsel. Such advice and counsel may include, but is not limited to, the following:

1.6.1.1. Acquisition Plan.

1.6.1.2. SSP.

1.6.1.3. RFP.

1.6.1.4. Evaluation Reports.

1.6.1.5. Awards and modifications.

1.6.1.6. Debriefings.

1.6.2. The timeframe for legal review is fourteen (14) days and is set forth in Acquisition Instruction 12-01. If no response has been received from OGC within fifteen (15) calendar days of the request for legal review, the CO may proceed with the contracting action.

Chapter 2

Pre-Solicitation Activities

2.1 Conduct Acquisition Planning

2.1.1. Acquisition Planning. Appropriate acquisition planning is paramount for a successful source selection. FAR Subpart 7.1, CAR 1307.1, CAM 1307.1, and NAPG 1.4, address policies and procedures related to acquisition planning and development of written APs.

2.1.1.1. Requirements. The SST is responsible for maintaining effective liaison with the requiring office to ensure requirements are effectively addressed within the requirements documents.

2.1.1.2. Risk Assessment. The requiring office – in conjunction with the acquisition team members, initial membership of the SST, and stakeholders – shall conduct the risk analysis in accordance with FAR 7.105 necessary to support the acquisition planning process. This assessment will be critical in developing evaluation factors.

2.1.2. Market Research. Market research is essential to identifying capabilities within the market to satisfy the agency's needs and is key in determining whether a commercial item or small business can meet the Government's needs. Market research significantly influences the work statement, and is central to designing an acquisition strategy and identifying candidate evaluation criteria which influence the overall source selection process. Thorough and complete market research is the foundation of an effective source selection process toward meeting the agency's needs. See FAR 10.001, CAM 1307.1, and NAPG 1.3 for requirements and benefits of conducting and documenting market research. As an effective part of market research, early industry involvement is vital to the source selection process. Exchanging information on the upcoming acquisition improves understanding of Government requirements and Government understanding of industry capabilities.

2.1.2.1. Industry Day(s). A vital tool in collecting information and feedback important to framing the Government's acquisition strategy is the use of industry day(s) (e.g., pre-solicitation conference, pre-proposal conference, etc.). An industry day(s) is highly recommended for all competitive negotiated acquisition.

2.1.2.2. Utilization of Draft RFP. The draft RFP is an important tool to seek input from industry on the Government requirement and ensure greater understanding of the acquisition. Use of a draft RFP is normally required for complex acquisition. The Contracting Officer may waive use of a draft RFP. The specific content of the draft RFP will be determined by the CO.

2.2 Develop Source Selection Plan (See CAM 1315.3, Section 1.6 and Section 4.)

An SSP is required for all competitive negotiated acquisition $\geq$ \$10M. The SSA shall approve the SSP before the final solicitation is issued. At a minimum, the SSP shall include the following elements:

2.2.1. Background and Objectives. Provide a brief description of the requirement, a summary of the objectives, and any reference to applicable guidance.

2.2.2. Acquisition Strategy. Provide a summary of the planned acquisition approach to include a description of how the specific acquisition being competed fits into the entire program. The acquisition strategy summary must be consistent with the approach contained in the AP.

2.2.3. Confidentiality requirements and considerations. Provide a summary of the confidentiality requirements and relative considerations.

2.2.4. SST. Describe the organizational structure and identify the various roles and responsibilities of each of the source selection teams, such as the SSEB, the SSAC, the CO, and the SSA, during the phases of the source selection. Members and advisors shall be listed by name, position title, company affiliation (if applicable), or by functional area.

2.2.5. Communications. Describe the process and controls for communication with industry as well as internal Government team communication to include the use of email during the source selection, and outline the security measures that will be utilized to ensure the information is protected as source selection information. (See FAR 2.101 and FAR 3.104.)

2.2.6. Evaluation Factors and Subfactors. Identify the evaluation factors; subfactors; their relative order of importance; the importance of all non-cost or price factors to the cost or price factor; and the evaluation process, including specific procedures and techniques to be used in evaluating proposals. Include within the SSP document or attach the relevant and most current portions of Sections L and M in the RFP (or a non-UCF solicitation) to preclude inconsistencies between the SSP and RFP.

2.2.7. Technical, Costs, and/or Schedule Risks. Discuss the technical, costs, and/or schedule risks associated with performance and the proposed actions to mitigate those risks.

2.2.8. Rating Scheme. Provide a detailed description of the rating scheme to be used by the SSEB.

2.2.9. Documentation. Identify the types of documents that will be prepared during the course of the source selection to include at a minimum: an SSEB Report covering the initial evaluation, updated as necessary following responses to discussion questions; a

final SSEB Report after receipt of Final Proposal Revisions (FPRs); an SSAC Report, if there is an SSAC, which reflects the SSAC's consideration of the final SSEB Report and makes the SSAC's recommendation to the SSA; and in accordance with FAR 15.308, the SSDD which reflects the SSA's independent determination. A PowerPoint presentation is acceptable to brief the SSA and the SSAC on the status of the procurement, but should not, as a general rule, constitute the official reports required for the source selection.

2.2.10. Schedule of Events. List the major acquisition activities and projected completion dates (milestone schedule). Reference 2.1.2.1 and 2.1.2.2 for information on the use of Industry Days and draft RFPs as significant source selection activities.

2.2.11. Non-Government Personnel. Address the use of non-Government personnel and compliance with requirements of 1.4.5.2.

2.2.12. Securing Source Selection Materials. Detail the plan for securing all source selection materials throughout the evaluation process.

2.2.13. Signature Page. Include a signature page providing for the review and concurrence of the CO, OGC, SSEB Chairperson, and approval of the SSA.

2.3 Develop the Request for Proposals

A well-written RFP is critical to the success of the source selection. There must be consistency between the requirements documents, SSP, and RFP. The acquisition team must ensure a clear linkage between the requirements and evaluation factors to maximize the accuracy and clarity of the RFP.

2.3.1. Evaluation factors and subfactors represent those specific characteristics that are tied to significant RFP requirements and objectives having an impact on the source selection decision, and are expected to be discriminators, or required by statute/regulation. They are the uniform baseline against which each offeror's proposal is evaluated, allowing the Government to make a best-value determination. The evaluation of factors and subfactors may be quantitative, qualitative, or a combination of both. However, numerical or percentage weighting of the relative importance of evaluation factors and subfactors shall not be used. The evaluation factors and subfactors, their relative order of importance, and the importance of non-cost or price factors to cost or price factors shall be set forth in the solicitation in enough depth to communicate what will be evaluated. The evaluation factors and subfactors shall be the primary determinant of the detailed information requested in the solicitation's instructions to offerors. If subfactors are used, they are to be evaluated separately. All source selections shall evaluate cost or price, and the quality of the product or services.

2.3.1.1. Cost or Price. The Government shall evaluate the cost or price of the supplies or services being acquired. (See 3.1.1. for more information.)

2.3.1.2. Quality of Product or Service. In accordance with FAR 15.304(c)(2), the quality of product or service shall be addressed in every source selection through consideration of one or more non-cost evaluation factors, such as past performance, compliance with solicitation requirements, technical excellence, management capability, personnel qualifications, and prior experience.

All source selection evaluations shall utilize one or more quality of product or service evaluation factors tailored to the source selection process employed.

The term "technical," as used below and throughout the document, refers to non-cost factors other than past performance. More than one "technical" factor can be used and titled to match the specific evaluation criteria appropriate for the RFP. However, the ratings in Table 3-1 shall be used for all quality of product or service factors other than past performance, regardless of the "technical" factor title.

2.3.1.2.1. Technical. The purpose of the technical factor(s) is to assess the offeror's proposed approach, as detailed in its proposal, to satisfy the Government's requirements. There are many aspects which may affect an offeror's ability to meet the solicitation requirements. Examples include: technical approach, risk, management approach, personnel qualifications, facilities, and others. The evaluation of risk is related to the technical assessment.

Technical Risk. Risk assesses the degree to which the offeror's proposed technical approach for the requirements of the solicitation may cause disruption of schedule, increased costs, degradation of performance, the need for increased Government oversight, or the likelihood of unsuccessful contract performance. All evaluations that include a technical evaluation factor shall also consider risk. Risk shall be evaluated in the following manner:

- As one aspect of the technical evaluation, inherent in the technical evaluation factor or subfactor ratings (reference 3.1.2.1.).

The technical factor may be divided into subfactors that represent the specific areas that are significant enough to be discriminators and to have an impact on the source selection decision. When subfactors are used, establish the minimum number necessary for the evaluation of proposals.

2.3.1.2.2. Past Performance. The past performance evaluation factor assesses the degree of confidence the Government has in an offeror's ability to supply products and services that meet users' needs, based on a demonstrated record of performance. Past performance need not be evaluated if the CO documents the reason past performance is not an appropriate evaluation factor for the acquisition [see FAR 15.304(c)(3)(iii)].

2.3.1.2.3. Small Business. Where required by FAR 15.304(c) and FAR 19.1202, the SST shall evaluate the extent of participation of small business concerns. This may be accomplished by one of the following:

- Establishing a separate Small Business Participation evaluation factor,
- Establishing a Small Business Participation subfactor under the technical factor, or
- Considering Small Business Participation within the evaluation of one of the technical subfactors.

2.3.2. Relative Importance of Factors. The solicitation shall state, at a minimum, whether all evaluation factors other than cost or price, when combined, are (1) significantly more important than cost or price; (2) approximately equal to cost or price; or (3) significantly less important than cost or price. If there is more than one non-cost factor, the solicitation must include the relative importance of these factors to each other. (FAR 15.101)

2.4 Release the Request for Proposals

Use of a draft RFP may be appropriate, but is not mandatory, for complex acquisition. The specific content of the draft RFP will be determined by the CO. Prior to release of the final RFP, a thorough consolidated review by a multi-disciplined team knowledgeable of the solicitation requirements is recommended.

Chapter 3

Evaluation and Decision Process

3.1 Evaluation Activities (See 3.12--Source Selection Evaluation and Award Process Chart.)

The SSEB shall conduct an in-depth review of each proposal against the factors and subfactors established in the solicitation, and assign evaluation ratings. The relative strengths, deficiencies, weaknesses, and risks supporting proposal evaluation shall be documented in the contract file.

3.1.1. Cost or Price Evaluation. Cost or price to the Government must be evaluated in every source selection. However, no adjectival ratings shall be utilized for evaluating cost or price in that cost or price is not rated. The level of detail of analysis required will vary among each acquisition depending on the complexity and circumstances of the acquisition, including the degree of competition, the phase of the program, the type of product/services to be acquired, and the contract type. In order to enable offerors to make informed decisions on how to propose, every solicitation will provide an adequate description of the cost or price evaluation. In all source selections, the analysis must include a determination by the CO of whether the proposed cost or price is fair and reasonable. In addition to determining reasonableness of the proposed cost or price, the CO must also conduct a cost realism analysis if contracting on a cost-reimbursement basis. Cost realism analysis may also be used on competitive, fixed-price incentive contracts or, in exceptional cases, on other competitive fixed-price type contracts. FAR Subpart 15.4 and the Contract Pricing Reference Guides (http://www.acq.osd.mil/dpap/cpf/contract_pricing_reference_guides.html) provide additional guidance on cost or price evaluation. (See CAM 1315.3, Section 5.2.5.)

3.1.2. Technical Rating Evaluation Processes. The technical rating reflects the degree to which the proposed approach meets or does not meet the minimum performance or capability requirements through an assessment of the strengths, weaknesses, deficiencies, and risks of a proposal. The technical rating evaluates the quality of the offeror's technical solution for meeting the Government's requirement.

The following methodology shall be used to evaluate the technical approach and related risk:

3.1.2.1. Combined Technical/Risk Rating. The combined technical/risk rating includes consideration of risk in conjunction with the strengths, weaknesses, and deficiencies in determining technical ratings. Combined technical/risk evaluations shall utilize the combined technical/risk ratings listed in Table 3-1. Note: the table may be tailored only when a unique acquisition exists.

3.1.2.2. Small Business Evaluation. When required by 2.3.1.2.3, the SST shall evaluate the extent of participation of small business concerns. (Reference 2.3.1. for

evaluation methodologies.) The ratings utilized for the small business evaluation will be dependent on the small business evaluation methodology utilized.

3.1.2.2.1. Utilize all ratings outlined in Table 3-1. References to the term "requirements" in the technical rating description at Table 3-1 shall equate to small business requirements, often reflected in the RFP as small business objectives.

3.1.2.2.2. When small business participation is not evaluated as a stand-alone evaluation factor or subfactor but instead is considered within the evaluation of one of the technical factors or subfactors, a separated small business rating is not applied. However, the small business participation shall be considered in determining the appropriate technical rating to be applied. Reference to the term "requirements" in the technical ratings description at Table 3-1 shall equate to small business requirements, often reflected in the RFP as small business objectives.

Table 3-1. Combined Technical/Risk Ratings

Rating	**Description**
Outstanding	Proposal meets requirements and demonstrates an exceptional approach and understanding of the requirements and offers many significant strengths that exceed the requirements and are highly beneficial to the Government. Strengths significantly outweigh any weaknesses. Risk of unsuccessful performance is very low.
Good	Proposal meets requirements and demonstrates a thorough approach and understanding of the requirements. Proposal contains some significant strengths that are highly beneficial to the Government. Strengths outweigh any weaknesses. Risk of unsuccessful performance is low.
Acceptable	Proposal meets requirements and demonstrates an adequate approach and understanding of the requirements. Proposal offers some strengths that will be advantageous to the Government during contract performance. Strengths and weaknesses are offsetting, or will have little or no impact on contract performance. Risk of unsuccessful performance is low to moderate.
Marginal	Proposal does not clearly meet requirements and has not demonstrated an adequate approach and understanding of the requirements. The proposal contains a combination of significant weaknesses and/or a deficiency that could be made acceptable through negotiation. Risk of unsuccessful performance is moderate to high.
Unacceptable	Proposal fails to meet requirements and contains multiple significant weaknesses and/or deficiencies. Risk of unsuccessful performance is very high. Proposals with unacceptable ratings are not eligible for contract award.

3.1.3. Past Performance Evaluation. The past performance evaluation is the assessment of the offeror's probability of meeting the solicitation requirements based on the quality of past performance and the relevance of prior experience. The evaluation considers each offeror's (including offeror's extended team, such as subcontractors) demonstrated recent/prior record of performance in supplying quality products and services, and its relevance to the solicitation requirements. In accordance with FAR 15.305(a)(2), the past performance evaluation should include the past performance of offerors in complying with subcontracting plan goals for small disadvantaged business (SDB) concerns (see Subpart 19.7), monetary targets for SDB participation (see 19.1202), and notifications submitted under 19.1202-4(b).

3.1.3.1. The criteria to establish what is recent and relevant shall be unique to each source selection and shall be stated in the solicitation. In establishing what is relevant for the acquisition, consideration should be given to those aspects of an offeror's contract history that would give the greatest ability to measure whether the offeror will satisfy the current acquisition. Common aspects of relevancy include similarity of service/support, complexity, dollar value, contract type, and degree of subcontract/teaming. With respect to relevancy, more relevant past performance will typically be a stronger predictor of future success and have more influence on the past performance assessment than past performance of lesser relevance.

3.1.3.2. The past performance evaluation performed in support of a current source selection does not establish, create, or change the existing record and history of the offeror's past performance on past contracts; rather, the past performance evaluation process gathers information from customers on how well the offeror performed those past contracts.

3.1.3.3. COs are required to use past performance information in the Past Performance Information Retrieval System (PPIRS) for contract actions completed within the last three (3) years, with the exception of construction and architect-engineering services in which information in PPIRS may be used for contract actions completed within the last six (6) years.

3.1.3.4. The solicitation shall address how proposals will be rated for newly-formed companies as well as firms without relevant past performance information. The solicitation shall also state that past performance will be obtained from a number of sources, as appropriate and relevant to the requirement, to include:

- Information obtained from the PPIRS (see 3.1.3.1.).

- Information from any other sources available to the Government, including but not limited to, Federal Awardee Performance and Integrity Information System (FAPIIS); Electronic Subcontract Reporting System (eSRS), or other databases; interviews with Program Managers, COs, and Fee Determining Officials; and other Government agencies.

- Information provided by the offeror, as solicited.

- Responses to questionnaires (may be from references provided by the offeror or otherwise).

The SSEB Members evaluating past performance will review all past performance information, and determine the quality and relevance as it applies to performance assessment.

3.1.3.5. Past Performance Rating. In conducting a performance assessment, each offeror shall be assigned one of the ratings in Table 3-2. (See FAR 15.305(a)(2)(iv) for information on assigning a neutral rating.)

Table 3-2. Past Performance Ratings

Rating	**Description**
Outstanding	Based on the offeror's recent/relevant past performance information, the Government has a high expectation that the offeror will successfully perform the required effort.
Acceptable	Based on the offeror's recent/relevant performance record, the Government has a reasonable positive expectation that the offeror will successfully perform the required effort.
Marginal	Based on the offeror's recent/relevant performance record, the Government has a lower expectation that the offeror will successfully perform the required effort.
Unacceptable	Based on the offeror's recent/relevant performance record, the Government has a very low expectation that the offeror will be able to successfully perform the required effort.
Neutral	No recent/relevant performance record is available or the offeror's performance record is so sparse that a past performance rating cannot be assigned.

3.2 Documentation of Initial Evaluation Results

3.2.1. Following the initial round of evaluations, the evaluation teams (SSEB Members) will prepare a consensus report for submission to the SSEB Chairperson. Individual evaluations should contain narrative that adequately supports the evaluation rating given for each element of the evaluation. References to proposal language supporting the evaluation rating should also be documented.

3.2.2. All evaluation records and narratives shall be reviewed by the CO, Legal Counsel, and the SSEB Chairperson for completeness and compliance with the solicitation. The CO and the SSEB Chairperson shall ensure that proposals are evaluated solely on the

criteria contained in Section M (or equivalent non-UCF solicitation provision). The SSEB Chairperson will utilize the consensus report from each of the evaluation teams to prepare the SSEB Report for presentation to the SSA. The SSEB Report must be signed by all SSEB Evaluators and may be amended following discussions and FPRs. When an SSAC has been established, the SSAC Chairperson will consolidate the advice and recommendations from the SSAC Members into a written comparative analysis and recommendation for use by the SSA in making the best-value decision. The SSEB and SSAC Chairpersons will ensure that minority opinions within the SSEB and SSAC are documented and included within their corresponding SSEB Report/comparative analysis.

3.2.3. SSEB Report Content – see CAM 1315.3, Section 5.3.8.

3.2.4. Based upon review of the initial evaluation results, the SSA will approve the CO's determination to either (1) award without discussions, or (2) enter into the discussion process.

3.3 Award without Discussions

3.3.1. The SSA may choose, if appropriate, to award a contract on the basis of the initial proposals received without conducting discussions. Offerors may be given a chance to clarify certain aspects of their proposal and to resolve minor or clerical mistakes. However, offerors are not given an opportunity to respond to any identified weaknesses or deficiencies or revise their proposals. Instead, the SSA makes a best-value decision based upon the evaluations of the initial proposal as submitted. To award without discussions, the RFP must contain the solicitation provision at FAR 52.215-1, which notifies offerors that the Government intends to evaluate proposals and award a contract without discussions. This clause provides incentive to offerors to provide in their initial proposal their best terms from a cost or price and technical standpoint, as there may not be an opportunity to revise their proposals.

3.3.2. In deciding to award without discussions, the CO should consider whether conducting discussions can result in meaningful improvement in the offer and/or improve aspects of the proposal that, although not weak, can be changed to afford the Government a better result. The process of engaging with offerors after proposal submission affords the Government the opportunity to understand and evaluate a proposal effectively, and permits industry the opportunity to explain any aspects of a proposal that appear to be deficient, ambiguous, or non-compliant. Such dialogue leads to more efficient, effective, and improved source selections.

3.3.3. If the SSA approves the CO's determination to award without discussions, the SSA shall prepare an SSDD (reference 3.10). Once the SSDD is signed and all contractual requirements have been met (e.g. Congressional Notification, Equal Employment Opportunity Compliance, etc.), the CO may award the contract.

3.4 Discussion Process

3.4.1. The primary objective of discussions is to maximize the Government's ability to obtain best value, based on the requirement and the evaluation factors set forth in the solicitation. Face-to-face discussions are preferred and shall be used to the maximum practicable extent.

3.4.2. If discussions are to be conducted, the CO shall, with the concurrence of the SSA, establish a competitive range based on the ratings of each proposal against all evaluation criteria [see FAR 15.306(c)]. However, prior to the establishment of the competitive range, and after the decision to conduct discussions has been made, the CO may enter into limited communications with offerors whose inclusion or exclusion from the competitive range is uncertain. These communications are limited in accordance with FAR 15.306(b)(1). The establishment of the competitive range is formally documented by the CO in a competitive range determination. The CO will only enter discussions with those offerors determined to be in the competitive range.

3.4.3. Discussions are tailored to each offeror's proposal and must be conducted by the CO with every offeror within the competitive range. The scope and extent of discussions are a matter of CO judgment. As a minimum, during discussions, the SSEB through the CO shall indicate to or discuss with each offeror in the competitive range the following: (a) any adverse past performance information to which the offeror has not yet had an opportunity to respond, (b) significant weaknesses, and (c) any deficiencies that have been identified during the evaluation. All discussions shall be documented in writing and reviewed by the SSA.

3.4.4. COs are responsible for preparation of pre- and post-negotiation memoranda (Business Case Memoranda), as outlined in FAR 15.406 and NAPG 3.6.1 and 3.8.

3.5 Final Proposal Revisions

3.5.1. At the conclusion of discussions, each offeror still within the competitive range shall be given an opportunity to submit a FPR by a common cutoff date and time, as established by the CO [FAR 15.307(b)].

3.5.2. After receipt of the FPR, the SSEB shall complete evaluation of the FPR. The evaluation criteria from Section M or equivalent solicitation provision shall continue to be the basis for evaluation.

3.6 Documentation of Final Evaluation Results

3.6.1. Following the final round of evaluations, the evaluation teams (SSEB Members) will prepare a final consensus report for submission to the SSEB Chairperson. Individual evaluations should contain narrative that adequately supports the evaluation rating given

for each element of the evaluation. References to proposal language supporting the evaluation rating should also be documented.

3.6.2. All final evaluation records and narratives shall be reviewed by the CO, Legal Counsel, and the SSEB Chairperson for completeness and compliance with the solicitation. The SSEB Chairperson will utilize the final consensus report from each of the evaluations teams to prepare a final SSEB Report that is signed by all of the SSEB Members. The format should be in a written narrative report, although in rare instances, a briefing may be acceptable depending on the complexity of the acquisition. The report shall be in sufficient detail to serve as a clear and concise record of the final evaluation results, shall include any change in initial ratings and justification to support the changed rating, and shall be included in the contract file. The SSEB Report or briefing charts with supporting narratives or script must be suitable to serve as the official record of SSEB proceedings in support of source selections. The results of the evaluation shall be presented to the SSAC (when used) and to the SSA.

3.6.3. In the event that there is significant disagreement among the SSEB Members regarding the evaluation results that should be presented to the SSAC (when used) and the SSA, the SSEB Chairperson will ensure that the minority opinion(s) are documented and provided to the SSA at the decision briefing for further consideration of the minority view(s).

3.6.4. The SSEB should not conduct a comparative analysis of the proposals or make an award recommendation unless specifically requested by the SSA.

3.7 Conduct and Documentation of Comparative Analysis (SSAC)

3.7.1. The SSAC, if utilized, shall review the evaluation and findings of the SSEB to ensure their accuracy, consistency, and supportability in accordance with the evaluation criteria and shall provide advice, analysis, briefings, and consultation as requested by the SSA. This will culminate in a written comparative analysis of proposals and award recommendation for the SSA's consideration.

3.7.2. In the event that there is significant disagreement among the SSAC Members regarding the recommendation, the minority opinion(s) shall be documented and presented to the SSAC Chairperson to review and furnish to the SSA as part of the comparative analysis.

3.8 Tradeoff Analysis (See CAM 1315.3, Section 6.2.)

3.9 Best-Value Decision

3.9.1. The SSA shall select the source whose proposal offers the best value to the Government in accordance with established criteria in Section M or equivalent non-UCF solicitation provision (see FAR Part 12).

3.9.2. This best-value decision shall be based on a comparative assessment of proposals against all source selection criteria in the solicitation, considering recommendations and minority opinions presented to the SSA. While the SSA may use reports and analyses prepared by others, the source selection decision shall represent the SSA's independent judgment.

3.9.3. The SSA shall document the supporting rationale in the SSDD.

3.10 Source Selection Decision Document

3.10.1. A SSDD shall be prepared for all source selections; reflect the SSA's independent, integrated, comparative assessment and decision; include the rationale for any business judgments and tradeoffs made or relied on by the SSA (e.g., including benefits associated with additional costs); and shall be included in the source selection file. The SSDD shall be the single summary document supporting selection of the best-value proposal consistent with the stated evaluation criteria. It shall clearly explain the decision and document the reasoning used by the SSA to reach the decision consistent with FAR 15.308, and as detailed in CAM 1315.3, Section 6.3.

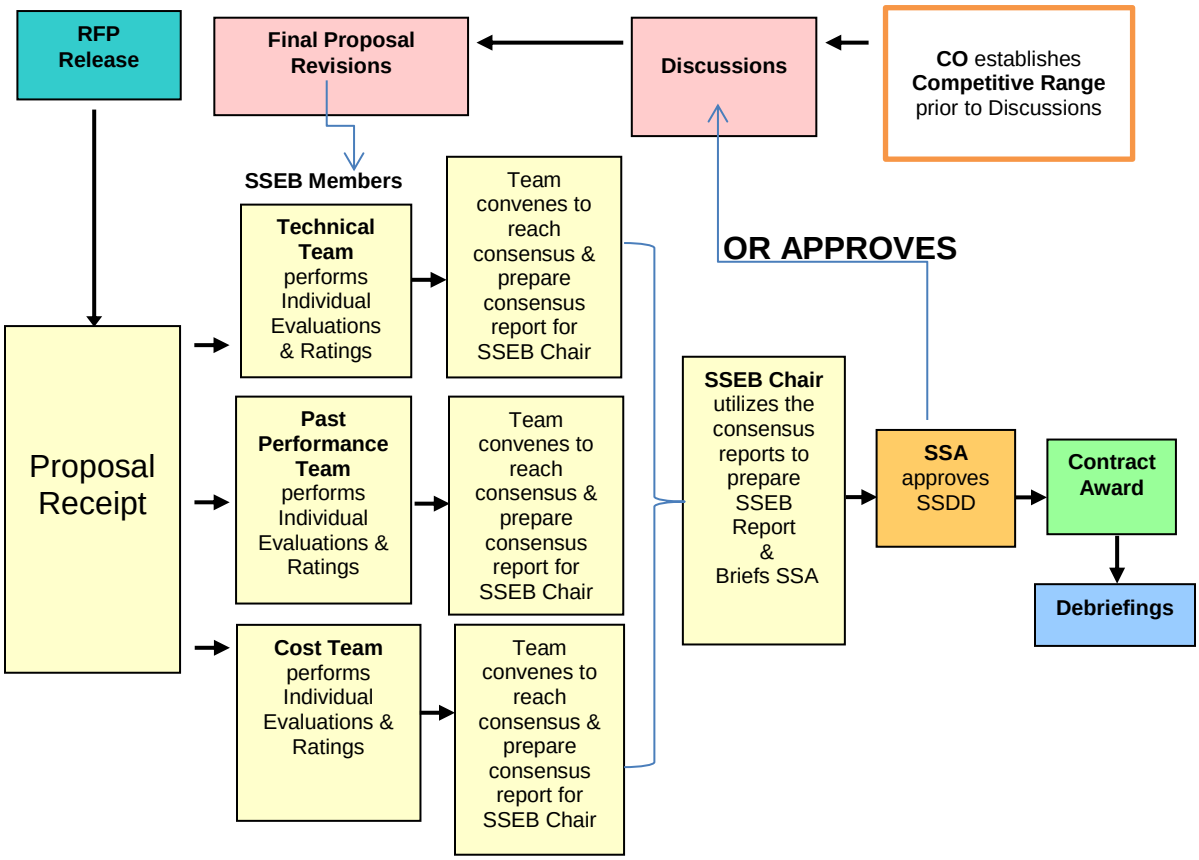
3.10.2. The SSDD is fully releasable to the Government Accountability Office and others authorized to receive proprietary and source selection information. When releasing a copy of the SSDD to offerors or to anyone not authorized to receive proprietary and source selection information, redacted material shall be limited to that which is proprietary and to that which continues to be protected as source selection information. The need to redact such information is not a sufficient reason to refrain from preparing a properly written SSDD.

3.11 Debriefings

The CO shall ensure offerors are debriefed, if requested, in accordance with FAR 15.505 and FAR 15.506, as applicable. At the request of the CO, members of the SST shall participate in debriefings to offerors. The CO is encouraged to use the debriefing guide provided in Appendix B. The preferred method for conducting all source selection debriefings is face-to-face. All debriefings must allow for meaningful responses to relevant questions. The debriefing provided to the offeror(s) shall be properly documented by the CO.

3.12 Source Selection Evaluation and Award Process Chart

The following chart represents an **overview** of the source selection evaluation and award process outlined in these procedures, absent SSAC participation.



Chapter 4

Documentation Requirements

At a minimum, the following source selection documents must be maintained in the contract file:

4.1 AP.

4.2 SSP and any revisions thereto.

4.3 Non-Disclosure Agreements and Conflict of Interest Certificates.

4.4 Draft RFP, along with all comments received and Government responses thereto, if a draft RFP is issued.

4.5 RFP, any amendments thereto, and FPR request.

4.6 Past performance information (e.g., questionnaires, interviews, PPIRS reports).

4.7 Offeror proposals, including all revisions, annotated with the date of receipt.

4.8 Competitive range and supporting documentation.

4.9 Pre- and post-negotiation memorandums (Business Case Memoranda).

4.10 Documentation of discussions and communications with offerors.

4.11 Notes of the SSEB Members (prior to consensus) if retained.

4.12 Evaluation results (SSEB evaluation report(s) and SSAC evaluation report(s), if there was an SSAC).

4.13 Any comparative analysis and recommendations provided to the SSA.

4.14 SSDD.

4.15 Debriefing documents.

4.16 Approval documentation (e.g., determination to award without discussions, etc.).

Chapter 5

Definitions

5.1 ***Contracting Officer (CO)*** is the person with the authority to enter into, administer, and/or terminate contracts and make related determinations and findings.

5.2 ***Clarifications*** are limited exchanges between the Government and offerors that may occur when award without discussions is contemplated.

5.3 ***Communications*** are exchanges between the Government and offerors after receipt of proposals, leading to establishment of the competitive range. They may not be used to permit revisions to proposals.

5.4 ***Competitive Range.*** See FAR 15.306(c).

5.5 ***Deficiency*** is 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. See FAR 15.001.

5.6 ***Discussions*** are negotiations conducted in a competitive negotiated acquisition. Discussions take place after establishment of the competitive range.

5.7 ***Lowest Price Technically Acceptable (LPTA)*** is a process used in competitive negotiated acquisition where the best value is expected to result from selection of the technically acceptable proposal with the lowest evaluated price. See FAR 15.101-2.

5.8 ***Relevancy***, as it pertains to past performance information, is a measure of the extent of similarity between the service/support effort, complexity, dollar value, contract type, and subcontract/teaming or other comparable attributes of past performance examples and the source solicitation requirements, and a measure of the likelihood that the past performance is an indicator of future performance.

5.9 ***Requirements Documents*** are all aspects of the RFP that convey the needs of the Government to offerors, including the SOW/SOO, PWS, technical requirement documents, and system requirement documents.

5.10 ***Requiring Office*** is the entity (for example, a Line/Staff Office or other organizational entity) responsible for translating user requirements into the requirements documents within the RFP that communicate those requirements to offerors.

5.11 ***Senior Bureau Procurement Official (SBPO)*** is the Acquisition and Grants Office Director responsible for the establishment of NOAA Source Selection Procedures.

5.12 ***Source Selection Advisory Council (SSAC)*** is a group of senior Government personnel who provide counsel during the source selection process and must prepare the comparative analysis of the SSEB's evaluation results, when directed by the SSA.

5.13 ***Source Selection Authority (SSA)*** is the official designated to make the source selection decision.

5.14 ***Source Selection Decision Document (SSDD)*** is the document that reflects the SSA's independent, integrated, comparative assessment and decision.

5.15 ***Source Selection Evaluation Board (SSEB*)** is a group of Government and, if needed, approved non-Government personnel, representing the various functional disciplines relevant to the acquisition.

5.16 ***Source Selection Evaluation Board (SSEB) Report*** is a compilation of the SSEB's overall findings into a written report.

5.17 ***Source Selection Plan (SSP)*** is a plan that describes how the source selection will be organized, how proposals will be evaluated and analyzed, and how source(s) will be selected.

5.18 ***Source Selection Team (SST)*** is a team that is tailored to the unique acquisition, tasked with carrying out a source selection. Composition of the team generally consists of the SSA, CO (if different from the SSA), SSAC, SSEB, Advisors, Cost or Price Experts, Legal Counsel, Small Business Specialists, and other subject-matter experts.

5.19 ***Strength*** is an element of the proposal that has merit or exceeds specified performance or capability requirements in a way that will be advantageous to the Government during contract performance. This element may increase the likelihood of successful contractor performance by having, for instance, a positive impact on cost, customer service, schedule, accounting procedure, or improved efficiency.

5.20 ***Significant Strength*** is an element of the proposal which substantially enhances the merit of the proposal or substantially exceeds specified performance or capability requirements in a way that will be highly beneficial to the Government during contract performance. Significant strengths may involve innovative approaches that result in significant cost savings and efficiency over the life of the contract.

5.21 ***Weakness*** is a flaw in the proposal that increases the risk of unsuccessful contract performance. See FAR 15.001.

5.22 ***Significant Weakness*** is a flaw in the proposal that substantially increases the risk of unsuccessful contract performance. See FAR 15.001.

Appendix A

Debriefing Guide

Table of Contents

A.1.	Introduction	A-1
A.2.	Evaluation Factors and Subfactors	A-1
A.3.	Sources of Past Performance Information for Evaluation	A-3
A.4.	Small Business Participation	A-3
A.5.	Price	A-4
A.6.	Best-Value Decision and Documentation	A-4

Preface

When using the LPTA source selection process, Chapters 1 through 5 of the tradeoff source selection process apply, with the exception of 3.1, 3.7-3.9, and 4.13. In addition, the comparative analysis discussed in Chapters 1 through 5 is not required for LPTA. Requirements for evaluation factors/subfactors, the evaluation process, and the best-value decision are established below.

A.1. Introduction

The LPTA process is appropriate when best value is expected to result from selection of the technically acceptable proposal with the lowest evaluated price. The LPTA process is only appropriate where the requirement is not complex. LPTA is typically used for commercial or non-complex commodity, supply, or equipment requirements that are well defined. Contracting Officers must obtain prior written approval from the Senior Bureau Procurement Official (SBPO) to use LPTA for services. The LPTA process does not permit tradeoffs between price and non-price factors (see FAR 15.101-2). Exchanges may occur (see FAR 15.306).

A.2. Evaluation Factors and Subfactors

Evaluation factors and subfactors represent those specific characteristics that are tied to significant RFP requirements. They are the uniform baseline against which each offeror's proposal is evaluated, allowing the Government to make a determination of acceptability. The evaluation factors and subfactors shall be set forth in the solicitation in enough depth to communicate what will be evaluated. The evaluation factors and subfactors shall be the primary determinant of the detailed information requested in the solicitation's instructions to offerors. If subfactors are used, they are to be evaluated separately. The SST will establish the factors and subfactors to be evaluated on an "acceptable" or "unacceptable" basis. These factors and subfactors will identify the minimum requirements that are key to a successful contract performance. All LPTAs shall evaluate cost/price and the acceptability of the product or services.

A.2.1. Acceptability of product or service. The acceptability of product or service shall be addressed in every LPTA source selection through consideration of one or more non-price evaluation factors/subfactors. For LPTAs, this is done through the establishment of minimum requirements to be evaluated on an "acceptable" or "unacceptable" basis. Proposals are evaluated for acceptability, but not ranked using the non-price factors/subfactors. In order to be considered eligible for contract award, there must be an "acceptable" rating in every non-price factor/subfactor. LPTA non-price factors/subfactors may include the following:

A.2.1.1. Technical. The term "technical," as used herein, refers to non-price factors other than past performance. More than one "technical" factor can be used and titled to match the specific evaluation criteria appropriate for the RFP. The purpose of the technical factor is to assess whether the offeror's proposal will satisfy the

Government's minimum requirements. Some of the aspects affecting an offeror's ability to meet the solicitation requirements may include technical approach, key personnel and qualifications, facilities, and others. Once the minimum requirements are established, the team shall evaluate the offeror's proposal against these requirements to determine whether the proposal is acceptable or unacceptable, using the ratings and descriptions outlined in Table A-1.

Table A-1. Technical Acceptable/Unacceptable Ratings	
Rating	**Description**
Acceptable	Proposal clearly meets all of the minimum requirements of the solicitation.
Unacceptable	Proposal does not clearly meet all of the minimum requirements of the solicitation.

A.2.1.2. Past Performance. Past performance shall be used as an evaluation factor within the LPTA process, unless waived by the CO in accordance with FAR 15.101-2(b). If the CO elects to consider past performance as an evaluation factor, it shall be evaluated in accordance with FAR 15.305; however, the comparative assessment in FAR 15.305(a)(2)(i) does not apply. Therefore, past performance will be rated on an "acceptable" or "unacceptable" basis using the ratings in Table A-2. If the CO determines that a small business' past performance is not acceptable, the matter shall be referred to the Small Business Administration for a Certificate of Competency determination, in accordance with FAR 15.101-2(b)(1), FAR 19.6 and 15 U.S.C. 637(b)(7).

Table A-2. Past Performance Evaluation Ratings	
Rating	**Description**
Acceptable	Based on the offeror's performance record, the Government has a reasonable expectation that the offeror will successfully perform the required effort, or the offeror's performance record is unknown. (See note below.)
Unacceptable	Based on the offeror's performance record, the Government has no reasonable expectation that the offeror will be able to successfully perform the required effort.

Note: In the case of an offeror without a record of relevant past performance or for whom information on past performance is not available or so sparse that no meaningful past performance rating can be reasonably assigned, the offeror may not be evaluated favorably or unfavorably on past performance [see FAR 15.305 (a)(2)(iv)]. Therefore, the offeror shall be determined to have "neutral past performance." In the context of acceptability/unacceptability, "neutral" shall be considered "acceptable."

A.2.1.2.1. Past Performance Evaluation. The past performance evaluation results is an assessment of the offeror's probability of meeting the minimum past performance solicitation requirements. The evaluation considers each offeror's (including offeror's extended team, such as subcontractors) demonstrated recent/prior record of performance in supplying quality products and services, and its relevance to the solicitation requirements. The past performance evaluation performed in support of a current source selection does not establish, create, or change the existing record and history of the offeror's past performance on past contracts; rather, the past performance evaluation process gathers information from customers on how well the offeror performed those past contracts. In accordance with FAR 15.305(a)(2), the past performance evaluation should include the past performance of offerors in complying with subcontracting plan goals for small disadvantaged business (SDB) concerns (see Subpart 19.7), monetary targets for SDB participation (see 19.1202), and notifications submitted under 19.1202-4(b).

A.2.1.2.2. COs are required to use past performance information in the Past Performance Information Retrieval System (PPIRS) for contract actions completed within the last three (3) years, with the exception of construction and architect-engineering services in which information in PPIRS may be used for contract actions completed within the last six (6) years.

A.3. Sources of Past Performance Information for Evaluation

Sources are as follows:

- As a minimum, information shall be obtained from the PPIRS (see A.2.1.2.2.).
- Information from any other sources available to the Government, including, but not limited to, Federal Awardee Performance and Integrity Information System (FAPIIS), Electronic Subcontract Reporting System (eSRS), or other databases; interviews with Program Managers, COs, and Fee Determining Officials; and other Government agencies.
- Information provided by the offeror, as solicited.
- Responses to questionnaires (may be from references provided by the offeror or otherwise.)

The SSEB Members will review this past performance information and determine the quality and relevance as it applies to performance assessment.

A.4. Small Business Participation

When small business participation is an appropriate evaluation factor, it should be considered one of the "technical" factors/subfactors.

A.5. Price

The LPTA procedure is applied to known, firm requirements, usually readily available in the commercial marketplace where a fair and reasonable price determination is based on adequate price competition. Therefore, price analysis will normally be used to determine the total evaluated price to support the selection of the lowest priced, technically acceptable offeror. Although in exceptional cases when the determination of fair and reasonable price requires additional information, the CO may conduct a cost analysis to support the determination of whether the proposed price is fair and reasonable. Regardless of the specific evaluation methodology, in order to enable offerors to make informed decisions on how best to propose, every solicitation will provide an adequate description of the cost or price evaluation. FAR Subpart 15.4 and Contract Pricing Reference Guides (http://www.acq.osd.mil/dpap/cpf/contract_pricing_reference_guides.html) provide additional guidance on cost or price evaluation.

A.6. Best-Value Decision and Documentation

A.6.1. SSA shall select the source whose proposal offers the best value to the Government in accordance with established criteria in Section M or equivalent solicitation provision.

A.6.2. SSA shall ensure the proposals are evaluated for acceptability but not ranked using the non-cost/price factors.

A.6.3. SSA shall document the supporting rationale in the SSDD. The SSDD shall be the single summary document supporting selection of the best-value proposal consistent with the stated evaluation criteria.

Appendix B

Debriefing Guide

Table of Contents

B.1.	Purpose of Debriefing	B-1
B.2.	Requirements	B-1
B.3.	Notification of Debriefing	B-1
B.4.	Debriefing Location	B-1
B.5.	Debriefing Attendees	B-1
B.6.	Preparing for the Debriefing	B-2
B.7.	Outline for the Debriefing	B-2
B.8.	Conducting the Debriefing	B-3
B.9.	Sample Offeror Questions for “Dry Run”	B-4

B.1. Purpose of Debriefing

The CO must debrief an offeror upon receipt of its written, timely request. (See FAR 15.503, 15.505, and CAM 1315.3, Section 6.4.) The debriefing serves to assure offerors that the Government properly evaluated their proposals and made the award determination in accordance with the RFP. Because each offeror puts considerable resources into preparing and submitting a proposal, fairness dictates that the CO promptly debrief offerors and explain why a proposal was excluded from the competitive range or was successful or unsuccessful. Timely and thorough debriefings increase competition, encourage offerors to continue to invest resources in the Government marketplace, and enhance the Government's relationship and credibility with industry. The debriefing also provides feedback to offerors to assist in improving future proposal submissions. An effective debriefing often deters a protest by demonstrating that the Government conducted a thorough, fair evaluation and made a sound decision according to the established source selection methodology. The preferred method for conducting all source selection debriefings is face-to-face. All debriefings must allow for meaningful responses to relevant questions.

B.2. Requirements

See FAR 15.505, Pre-award Debriefing of Offerors, and FAR 15.506, Post-award Debriefing of Offerors, for requirements relative to debriefings. Also reference FAR 3.104-4, Disclosure, Protection, and Marking of Contractor Bid or Proposal Information and Source Selection Information.

B.3. Notification of Debriefing

The CO should inform the offeror of the scheduled debriefing date by electronic means with immediate acknowledgment requested. The CO should follow up with written notification to the offeror. If the offeror requests a later date, the CO should require the offeror to acknowledge in writing that it was offered an earlier date, but requested the later date instead.

B.4. Debriefing Location

The CO is responsible for selecting the location of the debriefing. The location should provide a professional and non-distracting environment. Debriefings are normally held at Government facilities; however, they may be held at any facility that is mutually acceptable to all parties involved (see FAR 15.505). Although face-to-face debriefings are preferred, the CO may also conduct a debriefing by telephone or electronic means. It may be burdensome for an offeror to attend in person, and the needs of the offeror should be afforded due consideration. Likewise, if some of the Government personnel are located at an installation other than where the debriefing will be conducted, they may participate by telephone or videoconference.

B.5. Debriefing Attendees

B.5.1. Government Personnel. The CO should chair and control the debriefing and select the Government attendees. It is extremely important to ensure appropriate Government personnel attend so that a meaningful debriefing is achieved. Legal counsel may participate in preparation of the debriefing and also attend the debriefing when the offeror's legal counsel is in attendance or when requested by the Contracting Officer. Legal Counsel should be advised if there are indicators that a protest may occur. However, the CO should not deny a debriefing because a protest is threatened or has already been filed.

B.5.2. Debriefed Offeror Personnel**.** The CO should request that the offeror identify all of the firm's individuals by name and position who will attend the debriefing. Normally, COs do not restrict the number of personnel the debriefed offeror may bring unless there are space limitations.

B.6. Preparing for the Debriefing

The CO should ensure that documents relevant to the source selection have been thoroughly reviewed by the debriefing team and are readily available to the Government during the debriefing. A best practice is to have those documents available, during the debriefing, in a separate Government caucus room.

The CO should conduct a "dry run" prior to the actual debriefing. Role-playing is a vital part of the dry run. Teams are encouraged to simulate interactions with disappointed or disgruntled offerors and practice addressing questions on contentious issues. The CO should develop a set of anticipated questions that offerors might ask at the debriefing (see Section B.9 for sample questions). In anticipating possible questions, it is often useful to review questions asked during the discussion phase (if held) of the competition. Also, the CO should ask each offeror scheduled for a debriefing to submit written questions in advance. The CO should coordinate responses with legal counsel.

A poorly prepared debriefing may increase the prospects of a protest. Because debriefings are time sensitive, preparation must begin before proposal evaluation is complete. The CO should brief all Government personnel that will attend the debriefing on their roles, level of participation, and expected demeanor during the debriefing.

B.7. Outline for the Debriefing

The following is a general outline for a typical debriefing. See FAR 15.505 and FAR 15.506 for specific requirements.

1. Introduction
2. Purpose of the Debriefing
3. Ground Rules and Agenda
4. Source Selection Process
5. Evaluation Factors/Subfactors

6. Evaluation Results for the Offeror's Proposal
7. Rationale for Eliminating Offeror from Competition (where offeror did not make the competitive range) / Rationale for Award Decision Based on the SSA's Decision Document (post-award debriefing only)
8. Responses to Relevant Questions
9. CO's statement that debriefing has concluded

B.8. Conducting the Debriefing

B.8.1. Roles. The CO, as the Chair, controls the debriefing. The CO may defer to others for specific portions of the debriefing, but will control all exchanges. There are many different approaches that the CO can take in leading the debriefing. One of the common approaches is for the CO to conduct the entire debriefing presentation and defer to his team to answer questions as needed. Another approach is for the CO to start the debriefing and then turn over portions of the presentation to experts in those areas, e.g., technical team leader presents the technical evaluation portion of the presentation.

B.8.2. Questions. The CO makes an introductory statement that the Government's presentation may address offerors' existing questions; however, additional questions may be presented and answered during the debriefing. The CO should be open to discussion but not drawn into a debate. A Government caucus may be needed to address some questions. The Government should request that the questions be written for the caucus as needed.

If the debriefing team cannot adequately answer additional questions at the debriefing that are presented in writing by the offeror, the CO should provide written answers as soon as possible. However, promising additional information at a later date should be avoided, if possible, because the period for protest may be deemed to start from the time new relevant information is provided.

B.8.3. Information Not Appropriate for Disclosure.

B.8.3.1. The debriefing team should not disclose *documentation that was not presented to/considered by the SSA*. The crux of any post-award debriefing is the SSA award decision and whether that decision is well-supported and resulted from a source selection conducted in a thorough, fair, and sound manner consistent with the requirements and source selection methodology established in the RFP. The key of any pre-award debrief is the offeror's elimination from the competitive range.

B.8.3.2. The debriefing team shall not discuss validity of requirements or prohibited information [see FAR 15.506(e)].

B.8.3.3. The debriefing team shall not provide names of individuals providing reference information about an offeror's past performance. In addition, the names of

individuals on the SST who are not participating in the debriefing should not be disclosed. However, the name of the SSA may be revealed in post-award debriefings.

B.8.3.4. The debriefing team must not disclose any unit prices which are not freely releasable under the Freedom of Information Act. Even though the FAR includes unit prices in the list of information to be provided in a debriefing, unit prices may not be releasable.

B.8.4. Offeror Feedback. The CO should allow the offeror an opportunity to provide feedback regarding the quality of the solicitation document, e.g., proposal instructions, the appropriateness of discussions, and the source selection process itself.

B.8.5. Debriefing documentation. The debriefing slides, the offeror's request for debriefing (if any), previously submitted questions, any handouts, a list of written questions/answers, and any other relevant documents, must be included in the source selection file.

B.9. Sample Offeror Questions for "Dry Run"

As referenced in Section B.6., teams are encouraged to have a dry run prior to the actual debriefing. The following is a list of sample questions the team should be prepared to address during the debriefing. Answers should be tailored to the unique circumstances of each acquisition and should, where possible, be tied directly to language within the RFP (particularly Sections L and M). The "notes" below are provided as points for consideration and are not intended to be responses.

Topic Area 1: The Government's evaluation of the significant weaknesses or deficiencies in the proposal.

a) Please explain the basis for the strengths, weaknesses, or deficiencies in our proposal for each evaluation factor and subfactor.

   NOTE: Typically, this is done as part of the debriefing presentation; however, you may not disclose detailed information regarding the strengths, weaknesses, and/or deficiencies in other proposals. Such a disclosure could amount to a point-by-point comparison of proposals, prohibited per FAR 15.506(e), and/or could involve disclosure of protected/privileged information. However, if a strength is evident from the awarded contract (e.g., a more attractive delivery schedule), the CO may be able to highlight that fact in the debrief. COs should consult Legal Counsel for guidance.

b) Did you discuss all weaknesses, significant weaknesses, and deficiencies?

   NOTE: If discussions were held, all significant weaknesses and deficiencies, at a minimum, should have been addressed and documented. The FAR does not require

discussion of all weaknesses, although it is considered a best practice.

c) Were there any solicitation requirements that we failed to address? If so, what were they?

NOTE: If discussions were held, these matters should have been addressed and documented.

d) How is the evaluation consistent with Sections L and M of the solicitation?

e) Were any deficiencies identified by the Government during discussions? If so, how did the evaluation of the deficiencies change during the evaluation of our FPR?

f) Were there any specific considerations that precluded us from being selected as the awardee? If so, what were those considerations?

NOTE: If discussions were held, these matters should have been addressed.

g) What, if anything, did the Government desire that was missing from our proposal?

NOTE: Be careful how you answer. The Government does not evaluate based on "desires" but rather on requirements contained within the RFP.

h) Please explain how past performance was evaluated. What was our rating? How was that rating applied to the source selection process?

i) Was experience evaluated? If so, what was our rating and how was that information used in the source selection process?

j) What risks were identified in our proposal? Did they impact the rating of our proposal?

Topic Area 2: The overall evaluated cost or price (including unit prices) and technical rating, if applicable, of the successful offeror and the debriefed offeror, and past performance information on the debriefed offeror; and the overall ranking of all offerors, when any ranking was developed by the agency during the source selection. See FAR 15.506(e), i.e., "the debriefing shall not include point-by-point comparisons of the debriefed offeror's proposal with those of other offerors. Moreover, the debriefing shall not reveal any information prohibited from disclosure by FAR 24.202 or exempt from release under the Freedom of Information Act."

a) Please provide the evaluated cost or price and technical, management, and past performance ratings for our proposal and the other offerors.

NOTE: Information on the overall evaluated cost or price and technical ratings is not provided for all offerors – only for the successful offeror and the offeror being debriefed.

b) Please provide the overall ranking for all offerors.

NOTE: Generally, an overall ranking is not developed. However, if an overall ranking was developed during the source selection process, it shall be provided during the debriefing. The name of every offeror shall be redacted except for the offeror being debriefed and the successful offeror(s).

c) In what areas was our proposal considered "overpriced"?

d) Were we compliant with all technical requirements?

NOTE: If discussions were held, these matters should have been addressed.

e) In the technical/management area, what criteria did the Government use to determine the final evaluation ratings? How was this reflected in the other areas of the evaluation?

f) Was there anything not required by the solicitation that we could have offered that might have made us more competitive for the award?

NOTE: An answer to this question would be conjecture, which is not appropriate.

g) Were our responses to discussions adequate? If not, how could we have improved our responses? How were our responses to discussions on past performance evaluated?

Topic Area 3: A summary of the rationale for award.

a) Please explain in detail the methodology used to determine which proposal offered the greatest overall value to the Government, especially with respect to any comparisons/tradeoffs made between technical factors and costs proposed.

b) Please provide a copy of the SSDD.

NOTE: If the SSDD is to be released to offerors, it should be redacted and appropriate coordination with Legal Counsel should be obtained.

Topic Area 4: Reasonable responses to relevant questions about whether source selection procedures contained in the solicitation, applicable regulations, and other applicable authorities were followed.

NOTE: Answers to questions relative to source selection procedures should reference Section M language.

a) Please describe the evaluation process used for this procurement.

b) How important was cost in the source selection decision relative to past performance and technical considerations?

c) If the costs were "normalized," please explain how the normalization was conducted.

d) Was a cost realism analysis used? If so, please describe the process used.

e) Did the Government prepare an independent cost estimate?

f) What was the basis for not selecting us?

g) Did the Government make a cost/technical tradeoff?

h) In order of importance, which evaluation criteria were the most critical to the determination of our overall rating?

i) What were the most critical evaluation criteria that proved to be tiebreakers in the evaluation of proposals?

j) Please identify any information not contained in our proposal that was used by the evaluators in assessing our offer.

Topic Area 5: Other potential questions.

a) Who was on the Source Selection Advisory Committee?

NOTE: In order to prevent offerors from contacting individuals after the debriefing and to avoid creating tension in ongoing working relationships on existing Government contracts, do not disclose the names of individual evaluators or members of the SST (e.g., the SSEB, SSAC). However, those people in attendance at the debriefing should be introduced.

b) Did the SSA and the SSAC (if applicable) fully accept the recommendations of their respective staffs (SSAC or SSEB)? If not, why not? Did either reach any independent determinations? If so, what independent determinations were made?

c) Were there any common areas of weaknesses or deficiencies in the proposals in the competitive range?

NOTE: The debriefing team shall avoid point-by-point comparisons of proposals. In

addition, providing detailed information regarding the strengths, weaknesses, or deficiencies of other proposals may disclose protected/privileged information. See FAR 15.506(e).

d) What management structure did the agency consider as optimal for performing the contract? How did our proposal rate against this standard?

NOTE: The Government does not have any preconceived ideas regarding how to meet the RFP requirements.

e) Please identify any and all evaluation factors, subfactors, and elements not identified in the solicitation that were used to evaluate the proposals.

NOTE: There should *never* be any evaluation factors, subfactors, and/or elements not identified in the solicitation that were used to evaluate proposals.

Acquisition and Grants Office Source Selection Training

Appendix C

NOAA ACQUISITION AND GRANTS OFFICE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Contracting by Negotiation FAR Part 15

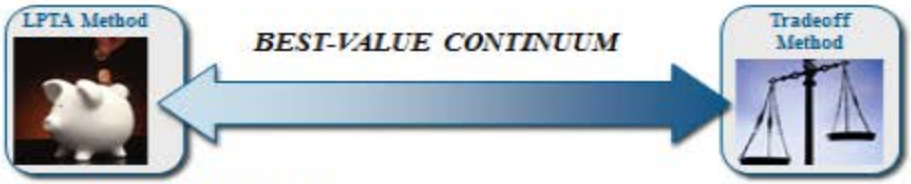
- Contracting by Negotiation (Part 15) is only one contracting method
  - Commercial Item Acquisition (Part 12)
  - Simplified Acquisition (Part 13)
  - Sealed Bidding (Part 14)
  - Construction (Part 36)
- Source Selection under Part 15 tends to be more complicated with more stages
- Key Goal – Choose the best solution to meet the needs of the client and is the best value to the Government.

Goals of FAR Part 15

- Flexible process for Industry to offer solutions
- The process allows evaluators and Source Selection Authority (SSA) flexibility in utilizing sound judgment and discretion
- Keep the source selection process as simple as possible
- Acquire goods and services that are the best value to the Government
- PARAMOUNT GOAL: Do not deviate from the process described in the solicitation

Best Value

- Objective of source selection is to select the proposal that represents the best value
- In different types of acquisitions, relative importance of cost or price may vary



Source: FAR 15.101, 15.302

LPTA vs Tradeoff

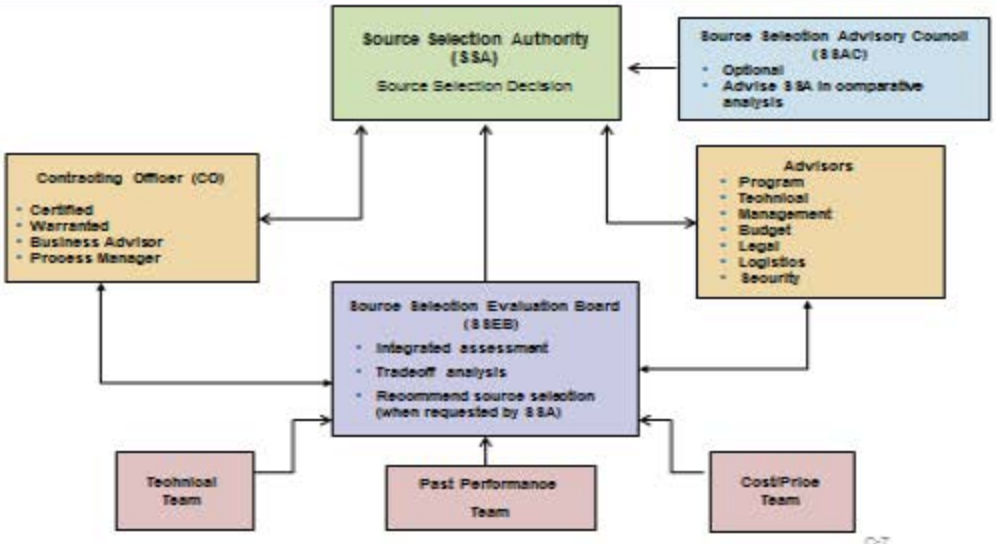
LPTA	TRADEOFF
• Request for proposals (RFP) states minimum requirements • Rated as acceptable/unacceptable • Award to LPTA based on evaluated price • Discussions permitted to determine technical acceptability • Cost/non-cost tradeoffs prohibited	• Wider variance in solutions • Greater need for technical excellence • Rapidly changing technology • Provides SSA maximum discretion

Remember that* both *are best value!

Best Value Source Selection: What to Avoid?

- Deviating from the selection process stated in the solicitation
- Shallow and weak evaluation documentation
- Lack of traceability between the evaluation factors and the evaluators' comments and rationale
- Delays in the contract award schedule
- Inexperienced evaluators who are unsure of the process

Source Selection Team



Ethics during source selection

- Above all, the team must avoid any actual instances or the appearance of conflicts, biased, and impaired objectivity
- Both the appearance and reality of conflict of interest must be avoided
- Prior to solicitation release, communication with the public is necessary and appropriate (FAR 15.201 and 3.104)
- Upon solicitation release, communication is limited to CO control
- All who obtain knowledge of the procurement shall sign a disclosure and conflict of interest statement

Key Ethics Statutes and Regulations

- 18 U.S.C. 201 – Bribery
- FAR 3.2 – Gifts
- 18 U.S.C. 208 – Financial Interests
- 5 CFR 2635 – Covered relationships
- 41 U.S.C. 423 - Procurement Integrity Act
- 18 U.S.C. 1905 – Trade Secrets Act
- 18 U.S.C. 1001 – False Statements Act

Key Documents

- **Solicitation**
  - External document to industry
  - Contains the requirements, source selection process and evaluation factors and instructions
- **Source Selection Plan**
  - Internal document for the evaluation team
  - Describes the decision making process and participants
  - Gives guidance to the team on the rating system, logistics, evaluation schedule, templates, etc.

Evaluation Factors

Award decision is based on evaluation factors and subfactors stated in the solicitation	
Factors must—	*— Represent key areas to be considered in the source selection decision*
	— Support meaningful comparison and discrimination among proposals
	— Be clearly stated in the solicitation

Rating and Scoring Methods

- These schemes are a means for summarizing evaluation information to assist the SSA in decision making
- The rating system shall be rational and clear
- Typical scheme used by NOAA COs --
  - **Adjectival**
- While the chosen scheme does not have to be discussed in the solicitation, the proposers will learn of it in the debriefing
- Rating and ranking schemes alone are not sufficient to support the decision
- The evaluators are expected to make value judgments in the form of strengths, weaknesses and deficiencies about each of the evaluation factors against each of the proposals

Value Judgments

- **Strength**
  - Element of proposal that has merit or exceeds specified performance or capability requirements in a way that will be advantageous to the Gov't during contract performance. This element may increase the likelihood of successful contractor performance by having, for instance, a positive impact on cost, customer service, schedule, accounting procedure or improved efficiency.
- **Significant Strength**
  - Element of proposal which substantially enhances the merit of the proposal or substantially exceeds specified performance or capability requirements in a way that will be highly beneficial to the Government during contract performance. Significant strengths may involve innovative approaches that result in significant cost savings and efficiency over the life of the contract.

Value Judgments

- **Weakness**
  - Flaw in proposal that increases the risk of unsuccessful contract performance.
- **Significant Weakness**
  - Flaw in proposal that substantially increases the risk of unsuccessful contract performance.
- **Deficiency**
  - Material failure of proposal to meet a requirement or a combination of significant weaknesses in a proposal that increases the risk of unsuccessful contract performance to an unacceptable level.

Proposal Evaluation Methodology

- Evaluators must be technically qualified and free of bias and conflict of interest
- Familiarize the team with the solicitation requirements and SSP
- Ensure proposals are evaluated against the evaluation factors and subfactors only
- Document the value judgment of the SSEB in the consensus evaluation report for each proposal

Evaluation Logistics

- The logistics and security of the evaluation process are governed by the SSP
- The SSP may establish a Source Selection Facility where all materials will stay during source selection period
- Nothing should be removed, either physically or electronically, from the space
- Source Selection information should not be discussed outside of the space without CO and SSA approval

FAR Part 15 Evaluation Process

- Proposals received
- Initial evaluation and SSEB consensus recommendation
- Clarifications
- Communications
- Competitive Range
- Discussions
- Final Proposal Revisions
- Final evaluation and SSEB consensus recommendation
- Brief the SSA
- SSA decision and award

Agenda

During discussions, the government must disclose deficiencies and significant weaknesses, the correction of which could enhance the proposal's potential for award

An offeror may be eliminated from the competitive range whether or not all material aspects of the proposal have been discussed and whether or not the offeror has been afforded the opportunity to submit a proposal revision

At the end of discussions, all offerors remaining in the competitive range must be allowed to submit final proposal revisions with a common cutoff date

SSA's Decision

- The SSA's decision shall be based on a comparative assessment of proposals against all source selection criteria in the solicitation. While the SSA may use reports and analyses prepared by others, the source selection decision shall represent the SSA's independent judgment. The source selection decision shall be documented, and the documentation shall include the rationale for any business judgments and tradeoffs made or relied on by the SSA, including benefits associated with additional costs. Although the rationale for the selection decision must be documented, that documentation need not quantify the tradeoffs that led to the decision.

FAR 15.308

Selection Decision

The SSA must ensure that the selection decision—

- **Is based on a comparative analysis of the proposals**
- **Is consistent with evaluation factors and subfactors**
- **States the compelling benefits of the winning offeror in relation to unsuccessful offerors**
- **Is made on a rational basis that is set forth in an independent, stand-alone, defensible document**
- **Considers whether perceived benefits are worth any price premium**
  - **States the rationale for paying an additional cost when paying a price premium**
  - **States the rationale for not paying an additional cost when choosing a lower cost proposal**

Documenting the Source Selection Decision

SSA approves the decision and signs the Source Selection Decision Document (SSDD)

- **Ensures SSDD is a stand-alone document**
- **Reflects the SSA's independent, integrated, comparative assessment and decision**
- **Includes rationale for any business judgments and tradeoffs made or relied on by SSA**

Once signed, the SSDD becomes part of the official contract file, and the CO may execute and distribute the contract

Debriefings

- Purpose of debriefings in accordance with FAR Part 15 –
  - Explain the rationale for the decision
  - Explain to the unsuccessful offerors why they were not selected
  - Instill confidence in offerors that they were treated fairly
  - Assure offerors that their proposals were properly evaluated in accordance with the process in the solicitation
  - Identify weaknesses and deficiencies in the offerors' proposals so they can prepare better proposals in the future
  - Reduce misunderstandings and protests
- What a debriefing is not –
  - A point-by-point comparison of one offeror's proposal to another
  - A debate over the award decision or evaluation results

Postaward Debriefing

- If requested by an unsuccessful offeror within 3 days of notification, FAR Part 15 requires the agency to offer and conduct a debriefing.

- The debriefing must include –
  - Evaluation of significant weaknesses and deficiencies
  - Overall evaluated cost or price and technical ratings of the successful and unsuccessful offeror
  - Past performance information
  - Number and overall ranking of all offerors
  - Summary of rationale of award
  - Reasonable responses to relevant questions

- The debriefing cannot include --
  - Discussion of information from other proposals that would be withheld under FOIA
  - Names of individuals providing past performance information

Conclusion

- FAR Part 15 allows for innovation in and flexibility of the source selection process.

- However, whatever the chosen process, it must be described in the publicized solicitation and must be followed to the letter once the proposals are received.

- The SSEB recommendations and SSA decision are intended to be subjective and will generally not be questioned as long as the team followed the process in the solicitation and adequately documented the rationale for award.

- Debriefings are required and should be approached as a tool to diffuse protests and as a learning experience for the proposers

Questions?

NOAA ACQUISITION AND GRANTS OFFICE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

APPENDIX D

NONDISCLOSURE AGREEMENT AND STATEMENT OF FINANCIAL INTEREST FOR (*ACQUISITION TITLE*) (Sample)

I understand that in connection with my participation in the (*acquisition title*), I may acquire or have access to information relating to any aspect of that acquisition. I hereby agree that I will not discuss with or reveal to any representative of any governmental entity, business organization, other entity, or any individual person (except persons specifically authorized by the Contracting Officer, either within or outside the U.S. Federal Government), any aspect of the (*acquisition title*). The term "any aspect of the (*acquisition title*)" includes, but is not limited to, information contained (or to be contained) in any acquisition documentation created by the U.S. Department of Commerce (Department), pursuant to FAR Subpart 7.1, requests for quotations/proposals, source selection information (as defined in FAR § 2.101), trade secrets and other proprietary information, the number and identity of Government personnel involved, and the schedule of key technical and acquisition events in the acquisition process. Except as specifically authorized by the Contracting Officer, release of such information is not authorized. I agree that this obligation shall continue both during the period of my current participation and thereafter.

I recognize that a significant factor in the successful and proper completion of the (*acquisition title*) is the strict confidentiality observed by all participants in the various evaluation, review, and discussion groups concerning all of the activities and procedures involved in acquisition development, and that failure to comply with these requirements may compromise the award decision. I acknowledge that the unauthorized release of acquisition information may result in the termination of my participation in this acquisition. Furthermore, I am aware that the unauthorized release of such information may subject me to criminal and civil penalties and adverse personnel actions.

In the event that I release any information described above or become aware that someone else has released such information, I agree to promptly so advise the Contracting Officer. When advising the Contracting Officer, I will provide him/her with the following information: (1) the business organization or other entity, or individual person, to whom the information in question was divulged, (2) the identity of the person that disclosed the information, and (3) the content of the information.

I further affirm that if I become aware of the identity of offerors, their subcontractors, joint venture partners, and team members by whatever means, I will (1) disclose to the Contracting Officer and to Department's Office of General Counsel, Contract Law and Ethics Law and Programs Divisions whether I or any member of my immediate family* have any holdings or interest whatsoever in any offeror, their subcontractors, joint venture partners, or team members, and (2) if I or a member of my immediate family* acquire holdings or interest in any offeror, their subcontractors, joint venture partners, or team members, notify the Contracting Officer and will not participate in any aspect of the (*acquisition title*) unless authorized to do so

by the Contracting Officer and the Department's Office of General Counsel, Contract Law and Ethics Law and Programs Divisions. If I am a Department of Commerce employee and have been required by the Contracting Officer to complete the OGE Form 450 or SF 278, a copy of my most recent OGE Form 450 or SF 278 is on file or is to be submitted prior to my participation in the (*acquisition tile*).

Signature and Date	Bureau and Office
Printed Name	Phone Number

* The interest of a spouse, minor child, or other member of the employee's immediate household is reported in the same manner as an interest of the employee.

APPENDIX D

Conflict of Interest Certificate (Sample)

Conflict of Interest Certificate

To Source Selection Evaluation Board Chairperson:

I certify that I am not aware of any matter which might limit my ability to participate in the (acquisition title) proceedings and activities in an objective and unbiased manner or which might place me in a position of a conflict, real or apparent, between my responsibilities as a member of the Source Selection Evaluation Board and other interests.

In making this certification, I have considered all my stocks, bonds, other financial interests, and employment arrangements (past, present, or under consideration) and, to the extent known by me, all the financial interests and employment arrangements of my spouse, my minor children, and other members of my immediate household.

If, after the date of this certification, any person, firm, or other organization with which, to my knowledge, I (including my spouse, minor children, and other members of my immediate household) have a financial interest, or with which I have (or had) an employment arrangement, submits a proposal or otherwise becomes involved in the acquisition, I will notify the Board Chairperson and the Contracting Officer of this apparent conflict of interest. Until advised to the contrary, I will not participate further in any way (by rendering advice, making recommendations, voting or otherwise) in the work of this Source Selection Evaluation Board.

_____
(Signature)

_____
(Printed Name)

_____
(Date)