



U.S. Army Corps  
of Engineers ®  
New York District

# *U. S. Army Corps of Engineers*

## Service Disabled Veteran Owned Small Business Workshop



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# *Who We Are*



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# *U.S. Army Corps Of Engineers*

The world's premier public engineering organization responding to our nation's needs in peace and war.

A full-spectrum Engineer Force of high quality, dedicated soldiers and civilians:

- Plan, design, construct, operate and maintain civil works facilities and infrastructure
- Plan, design, construct and support facilities and infrastructure for military and other customers Execute the regulatory program
- Conduct environmental remediation and restoration
- Respond to emergencies and contingency operations
- Provide management, administrative and logistical support for district programs and projects



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# *Corps Support to the Army/Air Force*

- Programs & Project Management
- Engineering
  - Project Planning
  - Design
- Construction Management
- Real Estate Support
  - Rights Of Entries, Leases, Licenses, recruiting station upgrades, janitorial services
- Environmental Support
  - Environmental Remediation



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## *Other Corps Support*

- Civil Works – new work and navigation dredging, beach nourishment, environmental restoration, repairs of dams, revetments, jetties
- International & Interagency Support – bridges, NYS reservoirs, hurricane studies



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# *Corps Support to Fort Drum*

Management of projects from the initial concept & programming until the completion of construction & use by the Occupant.

“Cradle to Grave”



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*Master Planning  
and the  
Military Construction Project  
Process*



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# *MASTER PLANNING FUNCTIONS*

- Installation's Short Range Component
- Installation's Long Range Component
- Requirements Analyses and Facility Planning
- Stationing Actions
- Project Programming Documents
- Real Property Planning Board
- Installation Design Guide and Installation Design Standards
- Land Use, Architectural & Visual Themes
- Space Utilization
- Future Development Plans
- GIS
- Real Property Accountability



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# *The MILCON Project Process*

- Project Initiation
- Project Programming
- Project Development
- Project Execution



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# *The MILCON Project Process*

## Project Initiation (Installation Master Planning Section)

- Public Works Planning section is the Lead and is the customer's representative
- Project Originates from a Specific Action
- Meet with Customer to define requirements
- Determine Allowances / Authorizations
  - Use Army Facility Planning Tools
  - Utilize Standard Designs where applicable
- Assess Environmental impacts
- Choose project site and obtain site approvals
- Prepare initial DD 1391 and programming cost estimate



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# *The MILCON Project Process*

## Project Programming (Installation Master Planning Section)

- Prioritize project against other projects at the installation
  - Real Property Planning Board
  - 1-N List
  - Commander's List
- Project is prioritized against other Region and IMA projects
- Project undergoes “Murder Board” reviews at HQDA
- Insertion of project into the Future Years Defense Plan (FYDP)



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# *The MILCON Project Process*

## Project Development (Installation Master Planning Section & USACE)

- Planning Charrette (3 years before execution)
- DD 1391 Refinement
- DD1391 Certification
  - Installation Commander
  - USACE District
  - IMA HQ
  - USACE HQ
  - ACSIM
- HQDA Prioritization
- Presidential Approval of Budget



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# *Design & Award*

- Receive Authority to Design
- Design Charrette
- Parametric Design (2 years before execution)
- HQDA Prioritization
- Acquisition Strategy Development
- Design / RFP Development Authorization
- Receive Authority to Advertise
- Project is “On the Street”
- Receive Authority to Award



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# *The MILCON Project Process*

## Project Execution (USACE)

- Advertise (Subject to Availability of Funds)
- Bid/Proposal Review Process
- Award Construction Contract (upon receipt of funds)
- Construction Management Phase
- Completed Facilities turned over to DPW
- DPW turns facilities over to using agency or unit.
- Warranty Period



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# *Master Planning Work Opportunities*

- Topographic Surveying
- Infrastructure Analysis
- Geotechnical Investigations
- Space & Requirements Analysis
- Engineering Studies (Structural, Electrical, Storm Water, Mechanical)
- Wildlife Studies
- Wetland Delineations
- Environmental Impact Studies
- Energy Conservation Analysis
- Traffic Studies
- Area Development Plans
- Architectural / Engineering Services



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# *Project Planning, Design, & Execution*



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# *Typical Planning/Design Team*

Design Project Engineer

Project Manager

Construction Project Engineer

Public Works Project Manager

Public Works Engineering Division Chief

Director of Public Works

Customer Representative

Design Firm

Contract Specialist

District Counsel

Contracting Officer

Cost Engineer

Small & Disadvantaged Business Officer



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# *Planning and Design Phase*

- Planning Charrettes
  - Define project requirements, concept plans, location & validate cost.
  
- Design Charrettes
  - Develop baseline for project design; including draft floor plans, mechanical/electrical sizing, preliminary grading plans, and draft cost estimate.
  
- RFP/Full Design
  - Develop project plans, specifications, finalize costs, & establish contract requirements for project advertisement and award.



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# *Planning Charrettes and Studies*

- Charrettes and Studies Funding (Installation OMA \$ or Installation Support \$)
- Selecting the TEAM
  - Installation Players: Force Protection, Safety, Fire Dept, DPW/BCE Master Planning, Environmental, End Use Customer, Preventive Medicine, O&M shops
  - Corps Players: PM, TM, Designer, Cost Estimating, NAD (DD1391 Certifier), MCX
- Maximize Placement of facilities in approved site
- Visit other installations/sites with similar facilities
- Refine the DD form 1391 scope and estimate-DPW/BCE
- Certify DD form 1391- NAD



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# *Design Charrettes*

- Charrettes Funding (ACSIM)
- Selecting the TEAM
  - A/E Firm (Designer of Record)
  - Installation Players: Force Protection, Safety, Fire Dept, DPW/BCE Master Planning, Environmental, End Use Customer, Preventive Medicine, O&M shops
  - Corps Players: PM, TM, MCX
  - 2-3 Day Preliminary Design
- Foundation for RFP/Full Design for A/E
- Verify cost estimate from previous Planning Charrette



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# *Building the Solicitation*

- Kick-Off Meeting
  - Definition of project requirements
  - Minutes and POC's
  - Concept submission
- Draft
- Pre-final
- Final
- Tools for success
  - Dr Checks
  - Review periods
  - Review meetings



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# *Incorporate Base Standards and Lessons Learned*

- Snow loads / Wind loads / Seismic Zone
- Cold weather roof details
- Pavement standards
- Fire alarm and security systems
- Sole source requirements (alarm system, fire alarm transmitters, mechanical control systems) – require Justification & Approval
- Coordination with USACE “Centers of Expertise”



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# *Types of Contracts, Opportunities*



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# *What Does the Corps Buy*

- Military Architect/Engineer Services
- Military Construction
- Civil Works – new and maintenance dredging, beach renourishment, environmental restoration, mitigation, drift removal, repairs to dams, rehabilitation, surveying
- Recruiting station upgrades – janitorial services, repairs, carpeting, painting
- Biological, environmental and cultural resources services
- Equipment



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# *Types of Contracts*

- Architect/Engineer (A/E)
- Construction
- Service
- Supply



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# *Design Services*

- IDIQ Contracts:
  - 3 year term with a total maximum capacity of \$3M or 5 year term with a total maximum capacity of \$12M
  - Specific work ordered by task orders
  - Contract has a minimum guarantee
  
- Single Project Design Services



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# *Construction Services*

- Design Bid Build:
  - Full design prepared by Corps' A/E
  - Procurement of construction services is by invitation for bid
  
- Design/ Build:
  - Minimal design is provided by Corps
  - Selected contractor responsible for design and construction
  - Procurement is by request for proposals



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# *Acquisition Strategies*



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# *Acquisition Methodology*

- Negotiated Sole Source 8A –under \$3.5M
- Competitive 8A
- Small Business Set Asides – SDVOSB, HubZone, Small Business (non-construction)
- Unrestricted



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# *Authority*

- Procurements are governed by various regulations, including:
  - Federal Acquisition Regulation (FAR)
  - Department of Defense FAR Supplement (DFARS)
  - Department of the Army FAR Supplement (AFARS)
  - Corps of Engineers FAR Supplement (EFARS)



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# *Who May Submit Proposals*



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# *Small Business Programs*

- Veteran-owned small business
- Service-disabled veteran-owned small business
- HubZone small business
- Small disadvantaged business
- Women-owned small business
- Small business
- FedBizOpps announcements specify if set-aside for any small business program
- Alaska Native Corporations and Indian Tribes are included as small and small disadvantaged business



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## *Small Business Set-Asides*

- Only currently have authority to set-aside procurements for 8(a), HubZone, and Service Disabled Veteran-owned firms
- 8(a) set-asides can be single source (under \$3.5 million) or competitive
- Firms must be certified by SBA, if 8(a) or HubZone



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# *Service-Disabled Veteran-Owned Small Business Concern Program*

- Veterans Entrepreneurship and Small Business Development Act of 1999 (PL 106-50) established an annual government-wide goal of not less than 3 percent of the total value of all prime contract and subcontract awards for participation by small business concerns owned and controlled by service-disabled veterans
- Veterans Benefits Act of 2003 (PL 108-183) provides for procurement set-asides for SDVOSB



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# *Definitions*

- Veteran – person who served in the active military, naval or air service, and who was discharged or released under conditions other than dishonorable
- Service Connected Disability – disability was incurred or aggravated in line of duty in the active military, naval or air service
- Service-Disabled Veteran – person who served in the active military, naval or air service, and who was discharged or released under conditions other than dishonorable and whose disability was incurred or aggravated in the line of duty
- Service-Disabled Veteran-Owned Small Business Concern (SDVOSB)– small business concern owned and controlled by a Service-Disabled Veteran



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# *Eligibility Requirements*

- SDV must have a service-connected disability that has been determined by the Department of Veterans Affairs or DOD
- SDV small business concern must be small under the NAICS code assigned to the procurement
- SDV must unconditionally and directly own 51% of the concern (or if publicly owned, 51% of stock is owned by SDV)
- SDV must control the management and daily operations of the concern
- SDV must hold the highest officer position in the concern (for partnerships, SDV must be general partner)



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# *Verification of Status as Serviced-Disabled Veteran*

- Adjudication letter from Veterans Administration, DOD Form 214, Certificate of Release or Discharge from active duty, or a Statement of Service form the National Archives and Records Administration, stating that the veteran has a service-connected disability
- Self-certification process for procurements



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# *SDVOSB Resources*

- Center for Veterans Enterprise – [www.vetbiz.gov](http://www.vetbiz.gov)
- Army Small Business Office ([www.sellingtoarmy.info](http://www.sellingtoarmy.info))
- Small Business Administration
- Procurement Technical Assistance Centers



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# *Challenges to Status*

- The Contracting Officer or another bidder/offeror may protest the apparent successful offeror's SDVOSB status
- Small Business Administration verifies eligibility
- Offerors must ensure they certify themselves as a SDVOSB when completing Representations and Certifications
- Consider registration in the Federal Portal for Veterans in Business



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# *Joint Ventures*

- SDVOSBs may enter into a joint venture agreement with one or more other small business concerns
- Each concern must be small under the size standard corresponding to the applicable NAICS code – large business cannot participate
- Prime contractor must perform 15% of the cost of the contract with its own employees (for speciality construction, 25%) (not including the cost of materials) – applies to cooperative effort of the joint venture partners, not its individual members



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# *Joint Venture Agreements*

- In general, JV agreement must:
  - Set forth purpose of the JV
  - Designate SDVOSB as managing venturer and one of its employees as project manager
  - State not less than 51% of net profits will be distributed to SDVOSB
  - Specify responsibility of the parties for negotiation, contract performance, and source of labor
  - Obligate all parties to ensure performance
  - Require manager partner to retain records
- Corps cannot help prepare the agreement



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# *Registering to Do Business With the Government*



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# *Central Contractor Registration*

- Prospective contractors shall be registered in the CCR database prior to award of a contract or agreement.
- Enter your registration on-line through the World Wide Web (www):
  - Step 1: Access the CCR online registration through the CCR home page at <http://www.ccr.gov>. Click on “Start New Registration.” You must have a Data Universal Numbering System (D-U-N-S) Number in order to begin the registration process.
  - Step 2: Complete and submit the online registration.
- You are responsible for updating all of your registration information as it changes, including ensuring that all changes to D&B and IRS are reflected in your CCR registration
- Must renew your registration at least every 12 months





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# *On-line Representations and Certifications (ORCA)*

- Online Representations and Certifications Application will replace most of the paper based Representations and Certifications (Reps and Certs)
- CCR and ORCA are complementary systems. ORCA reuses data pulled from CCR and pre-populates many of the required Representations and Certifications.
- On-line system that is located on the Internet. The ORCA site can be found by going to <http://www.bpn.gov>



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# *Contractor Manpower Reporting (CMR)*

- Applies to service contracts, including A/E
- CMR system is a business process to collect information on funding source, contracting vehicle, organization supported, mission and function performed, and labor hours and costs for contracted efforts. Contractors report actual labor hours, dollars, and other information directly from their accounting systems directly into this system, or through their Army Requiring Activity, using their existing timekeeping, personnel, accounting systems as well as information supplied with the contract.
- Separate CLIN for cost of reporting



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# *Federal Business Opportunities*

- Government-wide website to find out what procurements are currently advertised
- Federal Business Opportunities  
Web Site [www.fbo.gov](http://www.fbo.gov)



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# www.fbo.gov

Federal Business Opportunity - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Back Forward Stop Home Search Favorites Refresh Print Mail W Search Favorites

Address http://www.fbo.gov/ Go Links

## Fed Biz Opps

Federal Business Opportunities

★ Quick Search

★ Advanced Search

★ General Information

- ▶ Section 508 Vendor Notice
- ▶ Interface Description
- ▶ Procurement Classification Codes
- ▶ Management Responsibility
- ▶ Frequently Asked Questions

★ Privacy and Security Statement

- ▶ Privacy and Security Statement

★ FedBizOpps News

- ▶ What's New?
- ▶ FBO Awards
- ▶ 508 Compliance

FedBizOpps.gov is the single government point-of-entry (GPE) for Federal government procurement opportunities over \$25,000. Government buyers are able to publicize their business opportunities by posting information directly to FedBizOpps via the Internet. Through one portal - FedBizOpps (FBO) - commercial vendors seeking Federal markets for their products and services can search, monitor and retrieve opportunities solicited by the entire Federal contracting community.

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**Hurricane Emergency Contracting Information**

Click [HERE](#) for information on registering your business capabilities to assist in the Hurricane disaster relief efforts.

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FedBizOpps

**BUYERS**

FedBizOpps

**VENDORS**

★ Related Links

- ▶ Business Partner Network (BPN)
- ▶ Central Contractor Registration (CCR)
- ▶ Online Reqs & Cert Application (ORCA)
- ▶ Demo FBO
- ▶ Federal Agency Business Forecasts
- ▶ Federal Assets Sales
- ▶ Federal Grants
- ▶ USA.gov
- ▶ Minority Business Development Agency
- ▶ SUB - Net (Subcontracting Opportunities)
- ▶ IAE
- ▶ FedTeds
- ▶ Vendor Notification Service

★ Contact Information

- ▶ Email: [fbo.support@gsa.gov](mailto:fbo.support@gsa.gov)
- ▶ Phone: 877-472-3779 (Toll Free)

E-GOV The FedBizOpps Team is committed to Section 508-compliant accessibility. Integrated Acquisition Environment IAE

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Search Results - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Back Forward Stop Home Search Favorites Refresh Print Mail Stop Taskbar

Address <http://vsearch1.fbo.gov/servlet/SearchServlet> Go Links

## Vendors

Federal Business Opportunities

### Search Results

Matching Documents Grouped by Organization and Posted Date

(Links may not be active for 1-2 hours after they first appear)

Active Postings: 52/147580 Page 1 of 2

**February 27, 2008**

**Agency:** Department of the Army  
**Office:** U.S. Army Corps of Engineers  
**Location:** U.S. Army Engineer District, New York  
**Posted:** February 27, 2008  
**Type:** Technical Data Package (TDP) 03  
**Title:** [Y--Infrastructure Upgrades at Fort Drum, New York](#)  
**SOL:** W912DS-08-R-0008

**February 25, 2008**

**Agency:** Department of the Army  
**Office:** U.S. Army Corps of Engineers  
**Location:** U.S. Army Engineer District, New York

- ★ Find Business Opportunity
- ★ Vendors Links
  - ▶ Federal Acquisition Regulation (FAR)
  - ▶ Vendor Feedback Email
  - ▶ Vendor Notification Service
  - ▶ Vendors User Guide
- ★ General Information
  - ▶ Section 508 Vendor Notice
  - ▶ Interface Description
  - ▶ Management Responsibility
  - ▶ Frequently Asked Questions
- ★ Contact Information
  - ▶ Email: [fbo.support@gsa.gov](mailto:fbo.support@gsa.gov)
  - ▶ Phone: 877-472-3779 (Toll Free)
- ★ FedBizOpps Home
  - ▶ FedBizOpps Home
  - ▶ FedBizOpps Buyers
  - ▶ FedBizOpps Vendors

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# *Federal Technical Data Solutions*

- Vendor/Users/Contractors locate business opportunities as usual (e.g., FedBizOpps or ASFI)
- A link posted with the business opportunity directs Vendor Users to a specific page on Federal Technical Data Solutions (FedTeDS) for the data
- Registered Vendor Users login to FedTeDS and can download data for that business opportunity
- Vendor Users cannot search FedTeDS for business opportunities or data; they must navigate to FedTeDS by way of a link provided by FedTeDS



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# *What is FedTeDS?*

- Federal Technical Data Solutions → FedTeDS
- Web-based document distribution tool for acquisition-related Sensitive But Unclassified (SBU) information

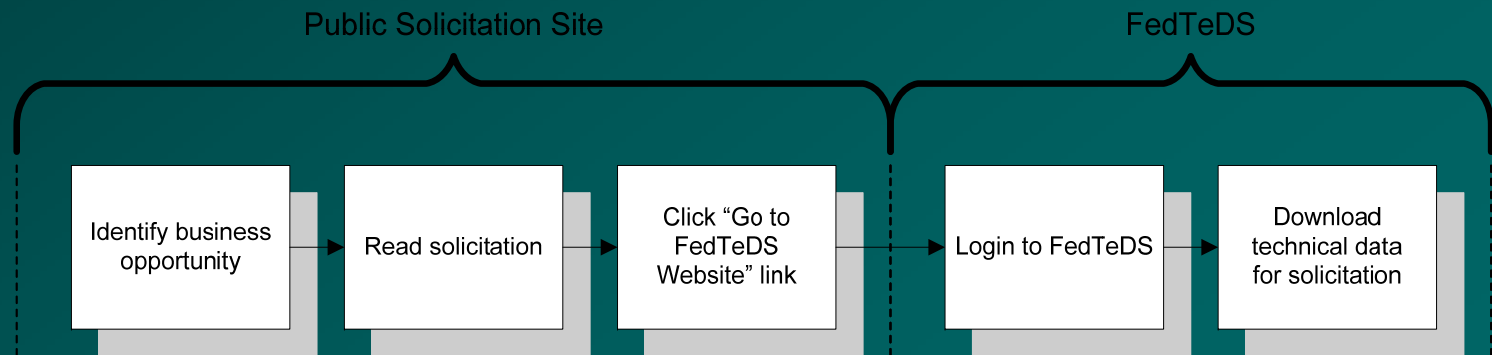


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# Solicitation in FedTeDS



- Announcement Directing Contracting Community to FedBizOpps





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# View of Hyperlink

**FedTeDS Vendor Login - Microsoft Internet Explorer**

File Edit View Favorites Tools Help

Back Search Favorites

Address <https://www.fedteds.gov/fedteds/start.nsf/frm.VendorLogin?OpenForm&SolicitationNumber=W912QR-06-R-0020>

**FedTeDS.gov** Federal Technical Data Solutions **E-GOV**

Home | Mission | Contact Us | Help | FAQs | Security Notice

**Welcome to the Federal Technical Data Solution (FedTeDS) website**


The link you are trying to access for the following solicitation requires you to login.

Solicitation Number: **W912QR-06-R-0020**

Please enter your username and password below and click "Login".

**Username:**

**Password:**   
(case sensitive)

 Login

[→ Forgot Your Password?](#)    [→ Register with FedTeDS](#)



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# *Critical Websites*

- New York District – [www.nan.usace.army.mil](http://www.nan.usace.army.mil)
- HQ, USACE – [www.usace.army.mil](http://www.usace.army.mil)
- VA – [www.vs.gov](http://www.vs.gov)
- Central Contractor Registration (CCR) – [www.ccr.gov](http://www.ccr.gov)
- FedBizOpps – [www.fedbizopps.gov](http://www.fedbizopps.gov)
- Small Business Administration – [www.sba.gov](http://www.sba.gov)



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# *Architect/Engineering Services*



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# *A/E Selection Process*

- To be considered for architect-engineer contracts, a firm must file with the appropriate office or board the Standard Form 330, “Architect-Engineer Qualifications,” Part II, and when applicable, the SF 330, Part I.
- Agencies shall evaluate each potential contractor in terms of its --
  - (1) Professional qualifications necessary for satisfactory performance of required services;
  - (2) Specialized experience and technical competence in the type of work required, including, where appropriate, experience in energy conservation, pollution prevention, waste reduction, and the use of recovered materials;
  - (3) Capacity to accomplish the work in the required time;
  - (4) Past performance on contracts with Government agencies and private industry in terms of cost control, quality of work, and compliance with performance schedules;
  - (5) Location in the general geographical area of the project and knowledge of the locality of the project; *provided*, that application of this criterion leaves an appropriate number of qualified firms, given the nature and size of the project; and
  - (6) Acceptability under other appropriate evaluation criteria.



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# *Selection Boards*

- Evaluation Board evaluates the A/E's qualifications and ranks the firms
- Price is not a factor during the selection
- Negotiations are held with the most highly qualified firm



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# *U.S. Army Corps of Engineers is the...*

➤ Army's design and construction agency responsible for supporting the Military, Civil Works and International and Inter-agency missions

- Performs the Designs utilizing:
  - Corps Design Staff
  - Architect-Engineer Firms



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# *The Corps procures its Architect-Engineer (A-E) services through...*

- Project specific Basic A-E Contracts
- Indefinite Delivery/Indefinite Quantity Task Order Contracts
- Design Build Contracts
- Multiple Award Task Order Contracts (MATOCs)



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## *The A-Es are selected for contracts by...*

- Responding to announcements found in the FedBizOpps website and submitting SF330
  - Evaluate SF330 against selection criteria
    - Pre-selection Board
    - Final Selection Board



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# *Selection Criteria*

- Primary Selection Criteria
  - Specialized Experience and Technical Competence
  - Professional Qualifications
  - Past Performance
  - Capacity
  - Knowledge of the Locality
- Secondary Selection Criteria
  - Small Business and Small Disadvantaged Business Participation
  - Geographic Proximity
  - Volume of DoD Contract Awards



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# *Standard Form 330*

## *Architect-Engineer Qualifications Form*



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# *Standard Form 330 Part I – Contract-Specific Qualifications*

- Section A – Contract Information
  - Title and Location
  - Public Notice Date
  - Solicitation or Project Number
- Section B – A-E Point of Contact
  - Name and Title
  - Firm Name
  - Phone, Fax, E-mail
- Section C - Proposed Team
  - Contractual Relationship
  - Firm Name and Address
  - Role in Contract
- Section D – Organizational Chart of Proposed Team



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# *Standard Form 330 Part I – Contract-Specific Qualifications*

## ➤ Section E - Resumes of Key Personnel

- Name
- Role in Contract
- Years Experience
- Education
- Professional Registration
- Relevant Projects (5)

## ➤ Section F - Example Projects

- Title and Location
- Year Completed
- Project Owner/Point of Contact
- Brief Description & Relevance
- Firms Involved



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# *Standard Form 330*

## *Part I – Contract- Specific Qualifications*

- Section G - Key Personnel Participation in Example Projects
  - Matrix format
  
- Section H - Additional Information
  
- Section I - Authorized Representative



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# *Standard Form 330*

## *Part II - General Qualifications*

- Section 1-8:
  - Firm Name and Address
  - Point of Contact Information
  - Type of Ownership
  - Small Business?
  - Parent Firm
  - Former Names
  - Year Established
  - DUNS Number
- Section 9 - Employees by Discipline
  - Discipline Code and Title
  - Number of Employees in Total Firm
  - Number of Employees in Branch Office



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# *Standard Form 330*

## *Part II - General Qualifications*

- Section 10 - Profile of Firm's Experience and Annual Average Revenues for Last 5 Years
  - Profile Code and Title
  - Revenue Index Number
  
- Section 11 - Annual Average Revenues of Firm for Last 3 Years
  - Federal Work
  - Non-Federal Work
  - Total Work
  
- Section 12 - Authorized Representative



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# *Standard Form 330 - Tips*

## ➤ The Do's

- Read announcement carefully and make sure that all requirements are addressed
- Assure that key personnel have the necessary degrees and professional registrations
- Assure that key personnel have worked on relevant projects
- Assure the prime and subs have relevant and recent experience
- Use, if possible, subconsultants that have recently worked together on similar projects
- Insure your Design Quality Management Plan is well defined
- Insure resumes for all of the requested disciplines are included
- Assure that you correctly fill out the “Role in This Contract” block on the resumes
- If you are not selected, get a debriefing



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# *Standard Form 330 - Tips*

## ➤ The Don'ts

- Don't assign key personnel a role where the person has never performed before
- Don't assign key personnel multiple roles
- Don't submit a modified SF330 from a previous project without assuring it meets the project's requirements
- Don't leave sections of form blank



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# *Standard Form 330*

## *General Information*

- GSA Forms Library has the SF 330 in the Accessible FormNet format, PDF version and Microsoft Word version

<http://www.gsa.gov/Portal/gsa/ep/formslibrary.do?formType=SF>

- Commercial software products are available for completing the SF 330



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# *Design Performance Evaluations*

- Performance evaluated after completion of design and after completion of construction
- Interim evaluation if performance is marginal or unsatisfactory during design or construction. A/E provided opportunity to comment.
- Rating maintained in ACASS database.



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# *The Government Procurement Process*



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# *Sources Sought*

- Method of conducting market research
- May be project specific or programmatic
- May ask if there are interested SDVOSB, HubZone, 8(a), etc. firms
- May be asked to submit evidence of bonding capacity and past experience
- Used to determine acquisition strategy, including whether procurement can be set-aside for a SB category
- Timely responses critical



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# *Contract Requirements*

- Solicitation sets forth all of the terms and conditions of performance, including:
  - Bonding requirements
  - Plans and specifications
  - Storm Water Prevention Protection Plan
  - Completion date and liquidated damages
  - Davis-Bacon Act wage rates
  - Buy American Act
  - Safety requirements
  - Contract clauses



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# *Invitation For Bids*

- Invitation for Bids (IFB) - method of contracting that employs competitive bids, public opening of bids
- No discussions
- Award made to responsible bidder whose bid, conforming to the invitation for bids (responsive), will be most advantageous to the Government, considering only price and the price-related factors included in the invitation.



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## *Invitation For Bids, cont.*

- Responsive - To be considered for award, a bid must comply in all material respects with the invitation for bids.
- Bid may be non-responsive if:
  - fails to acknowledge receipt of amendment
  - fails to complete Price Schedule(s)
  - fails to submit bid bond in proper form and amount
  - adds any conditions or deviations from solicitation



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# *Bid Bonds*

- Bid Bond – required for all construction projects in excess of \$100,000
  - Penal sum – 20 percent of bid price not to exceed \$3 million
  - Must be included with bid/offer



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## *Late Bids*

- IFB will specify exact date and time for receipt of proposals
- Bids received after the specified time are late and may not be considered
- An exception may be where Government mishandling is the cause for the late receipt
- Late delivery by overnight carriers is not an exception
- Same rule applies to proposals



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# *Request for Proposals*

- FAR 15.203, Requests for Proposals.
- Requests for proposals (RFPs) are used in negotiated acquisitions to communicate Government requirements to prospective contractors and to solicit proposals. RFPs for competitive acquisitions shall, at a minimum, describe the
  - Government's requirements;
  - Anticipated terms and conditions that will apply to the contract
  - Contract clauses



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## *RFP, cont.*

- The solicitation may authorize offerors to propose alternative terms and conditions
- Information required to be in the offeror's proposal;
  - request only that information which will be used in the evaluation
- Factors and significant subfactors that will be used to evaluate the proposal and their relative importance
- Relationship of price
- Evaluation factors must be consistent with approved evaluation plan



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# *Components of the RFP*

- Contract Clauses, Solicitation Requirements, Proposal Requirements, including Price Schedule
- Performance & Prescriptive Specifications
- Reference Drawings
- Proposal submission requirements
- Proposal page limitations



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# *Best Value Continuum*

- Best Value Continuum - an agency can obtain best value in negotiated acquisitions by using any one or a combination of source selection approaches. In different types of acquisitions, the relative importance of cost or price may vary. For example, in acquisitions where the requirement is clearly definable and the risk of unsuccessful contract performance is minimal, cost or price may play a dominant role in source selection. The less definitive the requirement, the more development work required, or the greater the performance risk, the more technical or past performance considerations may play a dominant role in source selection. FAR 15.101



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# *Best Value*

## *Negotiated Procurements*

- Two types:
  - Trade Off – price is not necessarily the determining factor to be awarded the contract
  - Lowest Priced Technically Acceptable (LPTA) – the lowest priced technically acceptable offeror will be awarded the contract
- Both methods conducted using negotiated processes, including a Request for Proposals (RFP)



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# *Lowest Price Technically Acceptable (LPTA)*

- Process used when best value is expected to result from the selection of the technically acceptable proposal with the lowest price.
- Evaluation factors are listed in the solicitation.
- Trade-Offs are not permitted.
- Contract is awarded to the lowest price which is technically acceptable.



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# *Sample Proposal Requirements LPTA*

- Volume I (Technical Proposal)
  - Recent Experience in Design and Construction
  - Past Performance, Design and Construction
  - Contractors submission matching/organized as outline in RFP
- Volume II (Subcontracting Plan) (If appropriate)
- Volume III ( Price Proposal)



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# *Tradeoff*

- Tradeoff process may be used if:
  - requirements are difficult to define or complex
  - expect measurable differences in design, performance, quality, reliability
  - services not clearly defined or highly skilled personnel required
  - willing to pay extra for additional capability, less risk, etc.



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# *Tradeoff Process*

- FAR 15.101-1 -- Tradeoff Process.

A tradeoff process is appropriate when it may be in the best interest of the Government to consider award to other than the lowest priced offeror or other than the highest technically rated offeror.

- This process permits tradeoffs among cost or price and non-cost factors and allows the Government to accept other than the lowest priced proposal. The perceived benefits of the higher priced proposal shall merit the additional cost, and the rationale for tradeoffs must be documented.



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## *Tradeoff Process, cont.*

When using a tradeoff process, the following apply:

- The solicitation shall state whether all evaluation factors other than cost or price, when combined, are significantly more important than, approximately equal to, or significantly less important than cost or price.
- All evaluation factors and significant subfactors that will affect contract award and their relative importance shall be clearly stated in the solicitation.



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# *Source Selection Tradeoff*

- If higher priced offeror selected by source selection authority, show benefits to the government
- If lower priced offeror selected, show why technical benefits of higher rated tech offeror not worth cost premium
- Price may become determining factor where all proposals are essentially technically equal



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# *Sample Proposal Requirement Tradeoffs*

- Technical Proposal
  - Recent Experience in Design and Construction
  - Proposed Engineering Systems
  - Past Performance, Design and Construction Subs
  - Offeror's Qualifications for Team
  - Performance Schedule
  - Construction Quality Control Plan
- Utilization of Small Business Concerns Plan
- Price Proposal



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# Sample RFP Requirement - Utilization of Small Business Concerns

- All Offerors (both small and large) shall identify the extent to which Small Businesses (SBs), Veteran-Owned Small Businesses (VOSBs), Service-Disabled Veteran-Owned Small Businesses (SDVOSBs), HUBZone Small Businesses, Small Disadvantaged Businesses (SDBs) Woman-Owned Small Businesses (WOSBs) would be utilized in the performance of this proposed contract. For small businesses, as defined by the North American Industry Classification System (NAICS) Code applicable to this solicitation, the offeror's shall identify their own participation as a SB, VOSB, SDVOSB, HUBZONE SB, SDB or WOSB and it will be considered in evaluating the Utilization of Small Business factor.
- Small business utilization requirement is not the same as a subcontracting plan.



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# *Small Business Goals*

- The President is required to annually establish Government-wide goals for procurement contracts awarded to small businesses (Section 644(g) of 15 U.S.C. ). The Office of Small Business Programs, Office of Secretary of Defense, negotiates DOD goals with the Small Business Administration and then develops and disseminates the annual small business goals for the fiscal year. Goal utilization assists to assure small business receives a fair proportion of DOD awards. Each major buying activity within the Army is assigned Small Business Goals to achieve during the given fiscal year.



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# *Corps Targets for Prime Contracts*

## ➤ FY08 Targets:

- SB 40.0%
- SDB 18.0%
- WOSB 5.8%
- HUB 10.0%
- SDVOSB 2.0%
- HBCU/MI 13.0%



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# *Subcontracting Program*

- The purpose of the subcontracting program is to give the various small business categories the maximum practicable opportunity to participate in the subcontracts awarded by Government prime contractors. Requires any contractor receiving a contract for more than the simplified acquisition threshold to agree that the various small business categories will have the maximum practicable opportunity to participate in the contract performance. In purchases of \$550K or more (\$1M for construction contracts) a large business firm must submit and obtain approval of their Small Business Subcontracting Plan from the Contracting Officer prior to receiving the award. That plan must contain various small business subcontracting goals and a plan for meeting those goals. FAR 19.7



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# *Contractor Subcontracting Targets*

## ➤ FY08 Targets:

- SB 70.0%
- SDB 6.2%
- WOSB 7.0%
- HUB 9.8%
- SDVOSB .9%
- VOSB 3.0



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# *Proposal Evaluation - Past Experience and Performance*

- Offeror Demonstrates Experience by providing Recent and Relevant Design-Build Experience and/or Design/Bid/Build Experience
- Offeror Provides Performance and Evaluation Information on the Past Performance Customer Questionnaire for Projects Submitted under Past Experience
- Past Performance is NOT the same as Past Experience



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## *Past Experience*

- Requires offerors to submit recent and relevant past experience
- Projects should be of similar scope, magnitude, and complexity
- Must be recent – typically not more than 5-7 years
- RFP may state that the past experience of a significant subcontractor may be considered



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# *Past Performance*

- The Government believes that past performance is one of the best indicators of future performance.
- Will consider information provided by offerors as part of its proposal as well as information obtained from any other sources, when evaluating the offeror past performance.
- The source selection authority shall determine the relevance of similar past performance information.



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# *Past Performance*

- The solicitation shall describe the approach for evaluating past performance, including evaluating offerors with no relevant performance history, and shall provide offerors an opportunity to identify past or current contracts (including Federal, State, and local government and private) for efforts similar to the Government requirement.



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# *Past Performance*

- Past performance questionnaires are sent to POCs on prior projects
- The currency and relevance of past performance information, source of the information, context of the data, and general trends in contractor's performance shall be considered.
- This comparative assessment of past performance information is separate from the responsibility determination required under FAR subpart 9.1.
- Criteria should include consideration of conformance to specification, good workmanship, timeliness, cost overrun history, compliance with administrative requirements (ie submission of payrolls), cooperative behavior, customer satisfactions, business-like behavior, etc.



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# *Past Performance*

- The evaluation should take into account past performance information regarding predecessor companies, key personnel who have relevant experience, or subcontractors that will perform major or critical aspects of the requirement when such information is relevant to the instant acquisition.
- In the case of an offeror without a record of relevant past performance or for whom information on past performance is not available, the offeror may not be evaluated favorably or unfavorably on past performance (receives a neutral rating).



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# *Qualifications of Offeror's Team*

- Must submit areas and percentage of work offeror intends to self-perform
- Must submit names of key subcontractors
- Organization chart must show key personnel, responsibilities, lines of authority
- Key personnel must be identified by name with resumes



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# Team

- **Key Design and Construction Team Members:** Contractor's Project Manager, Design Quality Control Manager, Construction Quality Control Manager, Design Team Leader, Design Team Members (all engineering disciplines), Superintendent / Sub-Contractor Manager, and Safety Manager. **(Sample Only)**
- Substitution of proposed "Key Personnel":
  - Only PCO/SSA **can authorize change from RFP**
  - Only allowed under limited conditions
  - The replacement will meet, or exceed, the qualifications of the named individual in the RFP
  - A substitution of team members from Proposal to Execution phase is not allowed



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# *Source Selection*

- The objective of source selection is to select the proposal that represents the best value.
- The contracting officer is designated as the source selection authority (SSA), unless the PARC appoints another individual for a particular acquisition or group of acquisitions.



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# *Sample Factor Rating Definitions*

## ➤ **Deficiency**

- A material failure of a proposal to meet a Government requirement, where correction of this error is not possible without major revisions to the proposal, or a combination of significant weaknesses in a proposal that increases the risk of unsuccessful contract performance to an unacceptable level or when a failure to meet the RFP requirements is a life/safety issue.

## ➤ **Weakness**

- A flaw in the proposal that increases the risk of unsuccessful contract performance but is easily correctable. Successful contract performance is defined by customer satisfaction.

## ➤ **Significant Weakness**

- A flaw in the proposal that appreciably increases the risk of unsuccessful contract performance. Successful contract performance is defined by customer satisfaction.



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# *Sample Factor Rating Definitions*

## ➤ **Strength**

- An aspect of a proposal that appreciably decreases the risk of unsuccessful contract performance or that represents a significant benefit to the Government. A strength can only exist in area of the proposal that are not covered by prescriptive RFP requirements. Anything above a prescriptive RFP requirement will be considered a betterment.

## ➤ **Uncertainty**

- Any aspect of the proposal for which the intent of the offeror is unclear because there may be more than one way to interpret the offer or because inconsistencies in the offer indicate that there may be an error, omission, or mistake.

## ➤ **Deviation**

- Proposal implies or specifically offers a deviation below the specified criteria. The offeror may or may not have called the deviation to the Government's attention. A deviation is a deficiency. The proposal must conform to the solicitation requirements for award.



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## *Sample Rating Definitions*

- **Rating System:** After listing proposal strengths, weaknesses and deficiencies, the SSEB will assign an adjective rating of “Unsatisfactory”, “Marginal”, “Satisfactory”, “Good” or “Excellent” to each factor and subfactor (except those factors rated as GO/NO-GO), which reflect the Government's confidence in each offeror's ability, as demonstrated in its proposal, to perform the requirements stated in the RFP. The adjectival ratings shall be assigned, using the following criteria, which incorporate a proposal risk assessment:
  - (i) **Excellent:** proposal demonstrates excellent understanding of the requirements and approach that significantly exceeds performance or capability standards. Has exceptional strengths that will significantly benefit the government. The proposal contains no significant weaknesses or deficiencies and presents very low risk that it will not be successful.



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# *Sample Rating Definitions, cont.*

- (ii) Good: Proposal demonstrates a good understanding of requirements and approach that exceeds performance or capability standards. Has one or more strengths that will benefit the government. Has no deficiencies and is an acceptable solution. Any weaknesses noted in the proposal are minor and should not seriously affect the Offeror's performance and presents low risk that it will not be successful.
- (iii) Satisfactory: Proposal demonstrates acceptable understanding of the requirements and approach that meets performance or capability standards. The approach may include both strengths and weaknesses of substance, where strengths are not outweighed by weaknesses. Collectively, strengths and weaknesses are likely to result in acceptable performance. Has no deficiencies and is an acceptable solution. The risk of unsuccessful performance is low to moderate, as the proposal solutions are generally feasible and practical.



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## *Sample Rating Definitions*

- (iv) **Marginal:** Proposal demonstrates shallow understanding of requirements and approach that only marginally meets performance or capability standards necessary for minimal, but acceptable contract performance. The proposal demonstrates an approach which may not be capable of meeting all requirements and objectives. The Offeror may satisfactorily complete the proposed tasks, but there is a high risk that it will not be successful. The approach has weaknesses of substance and strengths, which if they exist, are outweighed by the weaknesses. Has no deficiencies. Collectively, the strengths, if any, and weaknesses are not likely to result in satisfactory performance. The risk of unsuccessful performance is high as the proposal may contain solutions which may not be feasible and practical.
- (v) **Unsatisfactory:** Proposal fails to meet performance or capability standards and contains deficiencies. Requirements can only be met with major changes to the proposal. The risk of unsuccessful performance is very high as the proposal contains solutions which are not feasible and practical and/or do not meet the solicitation requirements.



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# *Sample LPTA Basis of Award*

No award will be made to an Offeror receiving:

- A red rating in any evaluation factor.
- A rating below green in Past Experience
- A green rating in Past Experience and two yellow ratings



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# *Price Evaluation*

- Evaluation by separate evaluation board
- Price is not scored
- Technical evaluators do not see prices during their evaluation
- Evaluated for fairness and reasonableness



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# *Exchanges with Offerors*

- Clarifications and award without discussions.
- Clarifications are limited exchanges, between the Government and offerors, that may occur when award without discussions is contemplated.
- If award will be made without conducting discussions, offerors may be given the opportunity to clarify certain aspects of proposals (e.g., the relevance of an offeror's past performance information and adverse past performance information to which the offeror has not previously had an opportunity to respond) or to resolve *minor or clerical errors*. FAR 15.306



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# *Award Without Discussions*

- Award may be made without discussions if the solicitation states that the Government intends to evaluate proposals and make award without discussions.
- If the solicitation contains such a notice and the Government determines it is necessary to conduct discussions, the rationale for doing so shall be documented in the contract file



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# *Communications Prior To Competitive Range*

- Communications are exchanges, between the Government and offerors, after receipt of proposals, leading to establishment of the competitive range.
- If a competitive range is to be established, these communications --
  - Shall be limited to the following offerors:
    - offerors whose past performance information is the determining factor preventing them from being placed within the competitive range.
    - May be conducted to enhance Government understanding of proposals; allow reasonable interpretation of the proposal; or facilitate the Government's evaluation process.
- Such communications shall not be used to cure proposal deficiencies or material omissions, materially alter the technical or cost elements of the proposal, and/or otherwise revise the proposal.
- May only be held with those offerors whose exclusion from, or inclusion in, the competitive range is uncertain;



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# *Communications Prior To Competitive Range, cont'd*

- Such communications shall not provide an opportunity for the offeror to revise its proposal, but may address --
  - Ambiguities in the proposal or other concerns (e.g., perceived deficiencies, weaknesses, errors, omissions, or mistakes; and
  - Information relating to relevant past performance; and
  - Shall address adverse past performance information to which the offeror has not previously had an opportunity to comment.



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# *Proposal Deficiency*

- 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.



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# *Examples of Deficiencies*

- Failure to include following may constitute a deficiency:
  - Bid Bond – must be equal to 20% of bid price or \$3,000.000, whichever is the lesser
  - Representations and Certifications – size certification, debarment, etc.
  - Required proposal volumes – READ RFP – will include at minimum, technical and price volumes
  - Proper number of pages – RFP will advise as to maximum number of pages for proposal
  - Past performance questionnaires
  - Incomplete/unsigned SF 1442



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## *Examples of Deficiencies, cont.*

- May also be deficiency if:
  - Fail to address each evaluation factor
  - Fail to use proper price schedule
  - Fail to bid on all CLINs, including options
  - Fail to provide staff with required experience/education levels
  - Fail to acknowledge all amendments
  - Condition proposal or deviate from technical requirements



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# *Discussions*

- Discussions are tailored to each offeror's proposal.
- Based on the deficiencies identified during evaluation.
- Conducted by the contracting officer with each offeror within the competitive range.
- 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.



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# *Proposal Revisions*

- If an offeror's proposal is eliminated or otherwise removed from the competitive range, no further revisions to that offeror's proposal shall be accepted or considered.
- Final proposal revisions evaluated in same manner as original proposals.
- May have multiple rounds of discussions.
- At the conclusion of discussions, each offeror still in the competitive range shall be given an opportunity to submit a final proposal revision.
- The contracting officer is required to establish a common cut-off date only for receipt of final proposal revisions.
- Requests for final proposal revisions shall advise offerors that the final proposal revisions shall be in writing and that the Government intends to make award without obtaining further revisions.



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# *Unsuccessful Offerors*

- The contracting officer will notify offerors promptly in writing when their proposals are excluded from the competitive range or otherwise eliminated from the competition.
- The notice will state the basis for the determination and that a proposal revision will not be considered.
- Within 3 calendar days after the date of contract award, the contracting officer shall provide written notification to each offeror whose proposal was in the competitive range but was not selected for award ) or had not been previously notified
- Notice shall include --
  - The number of offerors solicited;
  - The number of proposals received;
  - The name and address of each offeror receiving an award
- Will advise how to obtain a debriefing



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## *Successful Offeror*

- Must timely submit performance and payment bonds (penal sum of each is equal to contract price) prior to Notice To Proceed being issued.
- Proof of Insurance – must be in specified amounts. Certificate of insurance must set forth agreement to provide 30 day notice prior to cancellation
- Failure to timely submit may result in termination for default



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# *Successfully Completed D/B Projects*

- Multi-Purpose Auditorium
- Inclement Weather Weapons Training Facility
- Criminal Investigation Division Facility
- Hazardous Material Storage Facility
- FUSA Road
- WSAAF Maintenance Facility
- Several Barracks
- WSAAF Barracks Complex



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# *Construction Contract Administration*



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# *Post Award*

- Pre-work Meeting
- Preconstruction Meeting
- Design Phase
  - Design Reviews
- Problem solving-Team Meetings
- Partnering Meetings



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# *Required Elements of Successful Project Initiation*

- Safety/accident prevention plan
- Design & construction quality control plan
- Environmental protection
- Schedule



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# *Design After Award*

For Design Build Projects, Order of Precedence:

Betterments in Contractor's Proposal

RFP Provisions

Contractor's Proposal

Design Products



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# *Construction Performance Evaluation*

- Performance evaluated at completion of construction
- Interim evaluation if performance has been generally unsatisfactory for an element, contractor provided with opportunity to comment
- Records maintained in CCASS database for 6 years



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# *Davis-Bacon Act*

- Provides that for contracts in excess of \$2,000 to which the U.S. is a party for construction, alteration, or repair (including painting and decorating) of public buildings or public works, no laborer or mechanic employed directly upon the site of the work shall receive less than the prevailing wage rates as determined by the Secretary of Labor
- Each construction contract contains a wage decision which sets forth the prevailing wage rates
- Contractor must submit weekly payrolls



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# *Service Contracts*



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# *Service Contracts*

- Services contracts may be for testing, demolition, biological, environmental or cultural resources, and other non-construction services



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# *Service Contract Act*

- Applies to service contracts (not construction), including A/E contracts
- Service contracts over \$2,500 shall contain mandatory provisions regarding minimum wages and fringe benefits, safe and sanitary working conditions, notification to employees of the minimum allowable compensation, and equivalent Federal employee classifications and wage rates
- Contracts contain minimum wage rates



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## *CMR-A*

- The Contractor Manpower Reporting Application (CMRA) is a business process that has been approved by the Secretary of the Army as the means for collecting information on contracts that provide services to the Department of the Army. An updated CMRA business process, Version 3.0, has been implemented starting with the reporting of Fiscal Year 2007 information. The basis for and guidance on reporting FY 2006 information via Version 3.0 can be found on this site on the "User Guides" link on the toolbar above. The information to be collected includes, by contract, delivery order/task order number, the funding source and related financial data, organization receiving the services, mission/function performed, and labor hours and costs by Government Fiscal Year (1 October through 30 September).



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# *Contractor Performance Assessment Report System (CPARS)*

- CPARS is a web-enabled application that collects and manages the library of automated Contractor Performance Assessment Reports CPARs. CPARS is for UNCLASSIFIED use only. A CPAR assesses a contractor's performance and provides a record, both positive and negative, on a given contract during a specific period of time. Each assessment is based on objective facts and supported by program and contract management data, such as cost performance reports, customer comments, quality reviews, technical interchange meetings, financial solvency assessments, construction/production management reviews, contractor operations reviews, functional performance evaluations, and earned contract incentives. CPARS is relevant to service contracts. Also contained within the CPARS network are Architect and Engineering Contract Administration Support System (ACASS) for Architect Engineering and Construction Contractor Appraisal Support System (CCASS) for Construction.



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# *NEW YORK*

# *DISTRICT CONTACTS*

- DEPUTY FOR SMALL BUSINESS
- Gregory Cuyjet
- (917) 790-8004
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