



PUBLIC  
CONTRACTING  
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# GovCon 101: Proposal Evaluations

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For  
The Public Contracting Institute

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# Marci Lawson



Marci Lawson has practiced in the Government contracting field for over 25 years. While serving as an Air Force Judge Advocate (“JAG,” attorney), she advised on all aspects of the Government contracting process including contract formation, administration and litigation. She was an assistant professor of contract and fiscal law at the Army JAG School where she taught thousands of students—both in the US and overseas—and was editor of the law review. She has successfully litigated numerous bid protests at the GAO.

Marci has spent the last 12 years of practice as an Assistant General Counsel at Department of Defense agencies’ Offices of General Counsel, where she has advised on all aspects of major systems acquisitions and other high dollar acquisitions. She also lectures on contract formation and administration topics multiple times per year.

Marci earned a bachelor of arts degree from the Ohio State University, a Juris Doctor degree from the University of Toledo and an LLM (specializing in Government contracts) from the Army JAG School.

# Goals

- Understand rules regarding *proposal evaluations* in FAR-based procurements
- Understand how proposals are evaluated
- Apply knowledge to proposal drafting (or evaluating)

# Materials

- These slides
- Sample solicitation--[Base Operations Support \(BOS\) services at Pensacola Naval Regional Complex and Naval Hospital Pensacola, Florida, #N6945021R0049,](#) Jul 22, 2022.

# Agenda

- **Government contracting process—  
*Focus: Formation***
- **Evaluation of proposals**
- **Sample solicitation**
- **“Test” questions**

# Why Should I Care About How the Government Evaluates Proposals

## Answer:

For contractors, an understanding of the evaluation process will *likely lead to better proposals*.

For Government acquisition personnel, an understanding of the evaluation process will *likely lead to better awarded contracts*.

# HOW to Find Solicitations (or Request for Proposal, “RFP”) on sam.gov

# Finding Solicitations on sam.gov (click on “Contract Opportunities”)

The screenshot shows the SAM.gov website home page. At the top, there are browser tabs for 'Inbox (742) - marciawson@gm...', 'SAM.gov | Search', and 'SAM.gov | Home'. The address bar shows 'https://sam.gov/content/home' with a zoom level of 80%. Below the address bar, there are alerts for 'Entity Validation Tickets' (Sep 16, 2022) and 'Planned Maintenance Schedule' (Apr 3, 2022). A 'Sign In' link is visible on the right. The main navigation bar includes 'Home', 'Search', 'Data Bank', 'Data Services', and 'Help'. The SAM.gov logo is prominently displayed. A red-bordered box on the right states 'Official U.S. Government Website 100% Free'. The central content area features a large blue box with the text 'The Official U.S. Government System for:'. A red arrow points to the 'Contract Opportunities (was fbo.gov)' link. Other links in this section include 'Contract Data', 'Wage Determinations', 'Federal Hierarchy', 'Assistance Listings', 'Entity Information', and 'Entity Reporting'. To the right, there is a 'Register Your Entity or Get a Unique Entity ID' section with 'Get Started', 'Renew Entity', and 'Check Registration Status' buttons. At the bottom, there is a search bar with the text 'Already know what you want to find?' and a search input field containing 'e.g. 1606N020Q02'. The Windows taskbar is visible at the very bottom, showing various application icons and system information like '61°F Cloudy' and '7:38 PM 10/16/2022'.



# Finding Solicitations on sam.gov (click a search term)

The screenshot shows the SAM.gov website interface. At the top, there are browser tabs for 'Inbox (742) - marcilawson@gm...', 'SAM.gov | Search', and 'SAM.gov | Contract Opportunit...'. The address bar shows 'https://sam.gov/content/opportunities'. Below the address bar, there are alerts for 'Entity Validation Tickets' and 'Planned Maintenance Schedule'. The main content area features the SAM.GOV logo and navigation links: Home, Search, Data Bank, Data Services, and Help. A 'Sign In' button is also present. The 'Contract Opportunities' section includes a description and a link to 'Advanced Search'. A search bar contains the text 'e.g. W91QVN-17-R-0088, light bulbs' and a magnifying glass icon. A red arrow points to the search bar. Below the search bar, there are radio buttons for 'Get started searching contract opportunities' and 'Use contract opportunities advanced search'. The bottom of the page has a footer with 'Do I need a user account?', 'Help' (with links to 'Frequently Asked Questions', 'Glossary Terms', and 'Videos'), and a 'Video: Advanced Search of Contract Opportunities' section. The Windows taskbar at the bottom shows the date and time as 7:44 PM on 10/16/2022, and the weather as 61°F Cloudy.

# Finding Solicitations on sam.gov (narrow results)

Inbox (742) - marcilawson@gm... SAM.gov | Search SAM.gov | Search

https://sam.gov/search/?index=opp&page=1&pageSize=25&sort=-modifiedDate&sfm[status][is\_inactive]=true&sfm[agencyPicker][0][orgKey]=10 67%

**Filter By**

**Keyword Search**  
For more information on how to use our keyword search, visit our [help guide](#)

Any Words  
 All Words  
 Exact Phrase

localize global health

**Federal Organizations**  
Enter Code or Name  
072 - AGENCY FOR INTERNATIONAL DEVELOPMENT

**Dates**  
Notice Type  
Presolicitation

**Product or Service Information**  
Set Aside  
Total Small Business Set-Aside (FAR 19.5)

**Place of Performance**

**Contract Awardee**

**Status**  
 Active  
 Inactive

Department/Ind.Agency	Subtier	Office	Current Response Date	Notice Type	Updated Date	Published Date
AGENCY FOR INTERNATIONAL DEVELOPMENT	AGENCY FOR INTERNATIONAL DEVELOPMENT	USAID M/OAA	September 09, 2022 at 03:00 PM EDT	Updated Presolicitation	Sep 24, 2022	Aug 25, 2022
AGENCY FOR INTERNATIONAL DEVELOPMENT	AGENCY FOR INTERNATIONAL DEVELOPMENT	USAID/BOSNIA/HERZ	July 25, 2019 at 04:00 AM EDT	Updated Presolicitation	Jan 21, 2022	Oct 8, 2019
AGENCY FOR INTERNATIONAL DEVELOPMENT	AGENCY FOR INTERNATIONAL DEVELOPMENT	USAID/ZAMBIA	November 30, 2021 at 08:00 AM EST	Original Presolicitation	Dec 31, 2021	Nov 15, 2021
AGENCY FOR INTERNATIONAL DEVELOPMENT	AGENCY FOR INTERNATIONAL DEVELOPMENT		June 04, 2021 at 09:00 AM EDT	Updated Presolicitation		

Showing 2 - 23 of 77 results

**Presolicitation - SB Only - USAID Localize Global Health Security (LGHS)**  
Notice ID: PS-SB-7200AA-22-LGHS

**USAID Responsive E-Services (RES-ist) Activity**  
Notice ID: 72016819R00TBDRSIST

**Intent to issue a solicitation to conduct Agreed-Upon Procedures on the usage and distribution of Artemisinin-Based Combination Therapy (ACT) Malaria commodities**  
Notice ID: 720611225000001

**Request for Information (RFI) 72066821RFI00002 USAID Youth Camps in South Sudan.**  
Notice ID: 72066821RFI00002

67%

# Sample Navy RFP (we'll discuss later)

<b>SOLICITATION, OFFER AND AWARD</b>		1. THIS CONTRACT IS A RATED ORDER UNDER DPAS (15 CFR 700)		RATING	PAGE OF PAGES 1   86
2. CONTRACT NO.	3. SOLICITATION NO. N6945021R0049	4. TYPE OF SOLICITATION <input type="checkbox"/> SEALED BID (IFB) <input checked="" type="checkbox"/> NEGOTIATED (RFP)	5. DATE ISSUED 14 May 2021	6. REQUISITION/PURCHASE NO. ACCR986283	
7. ISSUED BY NAVFAC ENGINEERING SYSTEMS COMMAND SE FSC-BOS BUILDING 903, PO BOX 30 JACKSONVILLE FL 32212-0030 TEL: FAX 904-542-6942		CODE N69450	8. ADDRESS OFFER TO (If other than Item 7) <b>See Item 7</b>		CODE
NOTE: In sealed bid solicitations "offer" and "offeror" mean "bid" and "bidder".					
<b>SOLICITATION</b>					
9. Sealed offers in original and <u>5</u> copies for furnishing the supplies or services in the Schedule will be received at the place specified in Item 8, or if handcarried, in the depository located in <u>See Section L</u> until <u>02:00 PM</u> local time <u>29 Jun 2021</u> (Hour) (Date)					
CAUTION - LATE Submissions, Modifications, and Withdrawals: See Section L, Provision No. 52.214-7 or 52.215-1. All offers are subject to all terms and conditions contained in this solicitation.					
10. FOR INFORMATION CALL:	A. NAME DINA HERRON	B. TELEPHONE (Include area code) (NO COLLECT CALLS) (904)542-6954	C. E-MAIL ADDRESS dina.herron@navy.mil		
<b>11. TABLE OF CONTENTS</b>					
(X) SEC.	DESCRIPTION	PAGE(S)	(X) SEC.	DESCRIPTION	PAGE(S)
<b>PART I - THE SCHEDULE</b>			<b>PART II - CONTRACT CLAUSES</b>		
X A	SOLICITATION/ CONTRACT FORM	1 - 2	X I	CONTRACT CLAUSES	37 - 54
X B	SUPPLIES OR SERVICES AND PRICES/ COSTS	3 - 21	<b>PART III - LIST OF DOCUMENTS, EXHIBITS AND OTHER ATTACHMENTS</b>		
X C	DESCRIPTION/ SPECS/ WORK STATEMENT	22	X J	LIST OF ATTACHMENTS	55 - 57
X D	PACKAGING AND MARKING		<b>PART IV - REPRESENTATIONS AND INSTRUCTIONS</b>		
X E	INSPECTION AND ACCEPTANCE	23	X K	REPRESENTATIONS, CERTIFICATIONS AND OTHER STATEMENTS OF OFFERORS	58
X F	DELIVERIES OR PERFORMANCE	24 - 26	X L	INSTRS., CONDS., AND NOTICES TO OFFERORS	
X G	CONTRACT ADMINISTRATION DATA	27 - 30	X M	EVALUATION FACTORS FOR AWARD	60 - 86
X H	SPECIAL CONTRACT REQUIREMENTS	31 - 36			
<b>OFFER (Must be fully completed by offeror)</b>					
NOTE: Item 12 does not apply if the solicitation includes the provisions at 52.214-16, Minimum Bid Acceptance Period.					
12. In compliance with the above, the undersigned agrees, if this offer is accepted within _____ calendar days (60 calendar days unless a different period is inserted by the offeror) from the date for receipt of offers specified above, to furnish any or all items upon which prices are offered at the price set opposite each item, delivered at the designated point(s), within the time specified in the schedule.					
13. DISCOUNT FOR PROMPT PAYMENT (See Section I, Clause No. 52.232-8)					
14. ACKNOWLEDGMENT OF AMENDMENTS (The offeror acknowledges receipt of amendments to the SOLICITATION for offerors and related documents numbered and dated):		AMENDMENT NO.	DATE	AMENDMENT NO.	DATE
15A. NAME AND ADDRESS OF OFFEROR		CODE	FACILITY	16. NAME AND TITLE OF PERSON AUTHORIZED TO SIGN OFFER (Type or print)	
15B. TELEPHONE NO (Include area code)	15C. CHECK IF REMITTANCE ADDRESS IS DIFFERENT FROM ABOVE - ENTER SUCH ADDRESS IN SCHEDULE.		17. SIGNATURE	18. OFFER DATE	

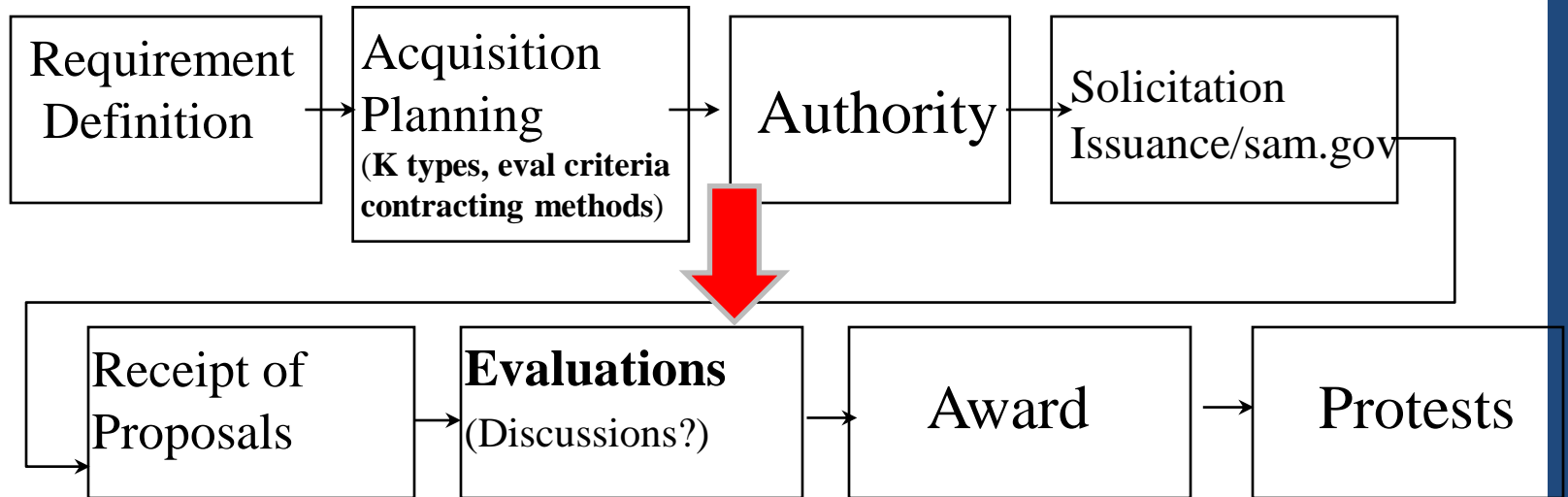
# I. GOVERNMENT'S CONTRACTING PROCESS FOCUS ON "FORMATION"

# I. GOVERNMENT'S CONTRACTING PROCESS— FOCUS ON “FORMATION”

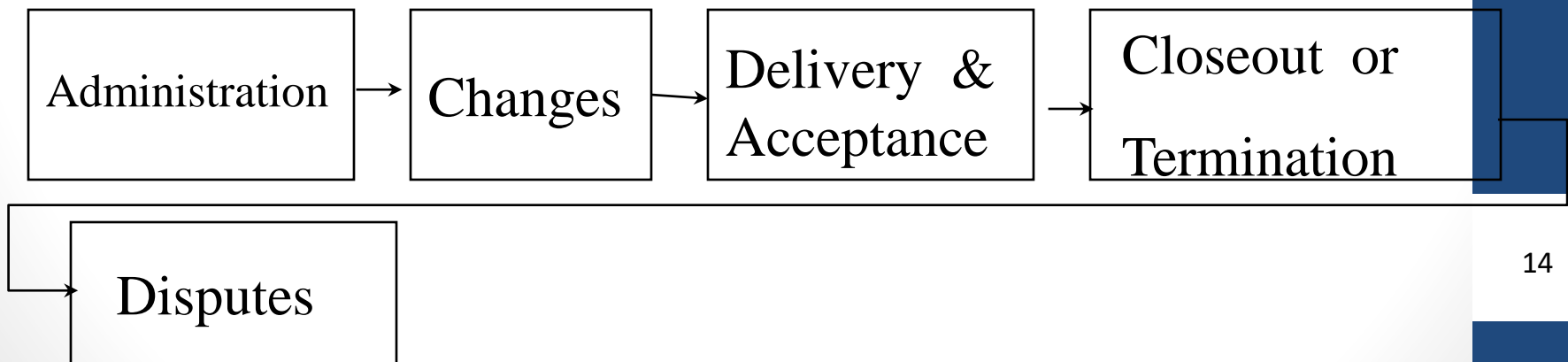
## *Background*

# THE CONTRACTING PROCESS

## *Contract Formation*



## *Contract Administration*



# References

- Federal Acquisition Regulation (FAR) (*acquisition.gov*)
  - Part 13 (Simplified Acquisitions)
  - Part 14 (Sealed Bidding)
  - **Part 15 (Competitive Negotiations)**
- Other Agency FAR Supplements (i.e., DFARS, etc.)

# Terminology for FAR-Based Contracting Methods

- Contract (K)
- Contracting Officer (CO)
- Government
- Solicitation (or Request for Proposals, RFP)
- Period of Performance
- Offeror (or bidder)
- Proposal/Offer/Bid
- Award
- Awardee/Contractor (Kr)
- Offer Due Date



# Terminology for FAR-Based Contracting Methods\*

- **Contract:** a mutually binding legal relationship obligating the seller to furnish the supplies or services (including construction) and the buyer (Gov't) to pay for them.
- **Contracting officer (CO):** U.S. Government official w/authority to award contract.
- **Government:** U.S. Government; appoints contracting officers.
- **Solicitation:** any request to submit *offers* or quotations to the Government.  
*Solicitations* under sealed bid procedures are called "invitations for bids."  
*Solicitations* under negotiated procedures are called "requests for proposals."
- **Period of Performance:** period during which contractor must perform awarded contract.
- **Offeror (or bidder):** company or entity that responds to a solicitation that, if accepted, would bind the offeror to perform the awarded contract
- **Proposal/Offer (or bid):** response to a solicitation
- **Award:** process by which a CO signs a contract requiring the contractor to perform. Can be competitive or non-competitive.
- **Awardee/Contractor:** Entity that was awarded a contract.
- **Offer Due Date:** Date by which a company or entity must submit its offer or risk being "late" such that the offer will not be considered.

# LEVELS of COMPETITION

## #1 (The Default): “Full and Open”

- All responsible offerors may compete
- Competitive Negotiations is example
  - **Proposals Evaluated (competitive)**

## #2: Full and Open After Exclusion of Sources

- **Proposals Evaluated (often competitive)**

## #3: Other Than Full and Open Comp

- Need Statutory Authority for this
- Justification and Approval (J&A)
  - **Proposal Evaluated (usually NOT competitive)**

# I. GOVERNMENT'S CONTRACTING PROCESS—FOCUS ON “FORMATION”

***Contracting Methods  
(affects evaluations)***

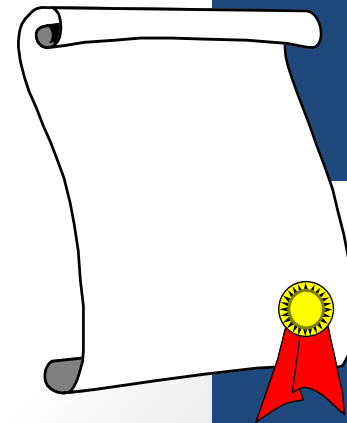
# CONTRACTING *METHODS*

## 1. **Competitive Negotiations** (*FOCUS*)

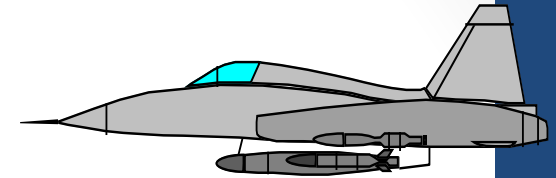
(a/k/a Negotiated Procurements, FAR Part 15)

## 2. Sealed Bidding

## 3. Simplified Acquisitions



# COMPETITIVE NEGOTIATIONS: BIG PICTURE



- Maximizes Competition
- Gov't Considers
  - Technical Factors/Management Capability
  - Past Performance
  - Price/Cost
- Used When Sealed Bidding is not Appropriate
- Allows “Discussions”
- Award may allow “trade off” between price/cost and non-price/cost criteria.

# COMPETITIVE NEGOTIATIONS

## Develop/Publicizing the RFP (see slide 14)

- Identify Requirement/Need
- Draft Source Selection Plan, choose contract type
- Draft/publicize the RFP (Key Parts):
  - **Section C** (Statement of Work):  
What the Gov't Wants
  - **Section L** (Instructions):  
What Offerors Must Submit
  - **Section M** (Criteria):



# COMPETITIVE NEGOTIATIONS

## Section C (Statement of Work)

C.1.2. **KEY PERSONNEL** . . . (sample lang)

\* \* \* \* \*

### C.1.2.2. PROJECT MANAGER QUALIFICATIONS

C.1.2.2.1 The **Project Manager** shall have the following minimum qualifications:

C.1.2.2.1.1. A Masters Degree in Education, Business Administration, or Management and two years experience managing or administering an adult education program or an equivalent education/training related program.

# COMPETITIVE NEGOTIATIONS

## Section L

### L.10 INSTRUCTION FOR PREPARATION OF TECHNICAL PROPOSALS (sample lang)

#### (1) KEY PERSONNEL

(a) *Provide resumes* for Proposed **Project Manager** (see C.1.2.2), Language Laboratory Technician (see C.1.2.3), Test Examiner (see C.1.2.4), Tutor/Instructors (see C.1.2.5), and Courseware Developer/Instructional Manager (see C.1.2.5.2).



# COMPETITIVE NEGOTIATIONS

## Section M

### M.2 EVALUATION FACTORS (sample lang)

(a) Proposals will be evaluated considering the following factors to determine their relative quality. The factors are *equally important*. In order to be considered for award, offers must be determined to be *technically acceptable* for all factors.

- (1) Technical Approach
- (2) Key Personnel
- (3) Corporate Experience

# COMPETITIVE NEGOTIATIONS

## Basic Process (Gov't Point of View)

Issue Request for Proposals (RFP) on sam.gov

+

**Evaluation** of Initial Proposals / Competitive  
Range (IF Discussions)

+

Discussions? / Final Revised Proposals (FPR)?

+

**Evaluation** of FPRs

+

Award/Acceptance of Proposal by Government

= CONTRACT

# COMPETITIVE NEGOTIATIONS

## Evaluation Criteria (Gov't Duties)



- Must *Disclose*:
  - Significant Factors & Subfactors on which the award decision will be based
- Must *Evaluate*:
  - Technical
  - Past performance
  - Cost/price

# COMPETITIVE NEGOTIATIONS

## Basis of Award \* (1 of 4)

- Must also Disclose *Basis of Award* Decision (two common bases):
  - *Cost/Price-Technical Tradeoff* (“*Best Value*”)—most common
  - *Low Price/Technically Acceptable (LPTA)*
  - Other Bases

**\*While not actually “evaluation,” the “basis of award” determines who is awarded a contract.**



# COMPETITIVE NEGOTIATIONS

## Basis of Award (2 of 4)

### Tradeoff

M.3 AWARD BASIS: (sample lang)

\* \* \* \* \*

The Government intends to award to the offer which presents the *best value* considering all of the evaluation criteria. The basis of award is “trade-off.” *The non-cost factors are significantly more important than the cost factor.*

# COMPETITIVE NEGOTIATIONS

## Basis of Award (3 of 4)

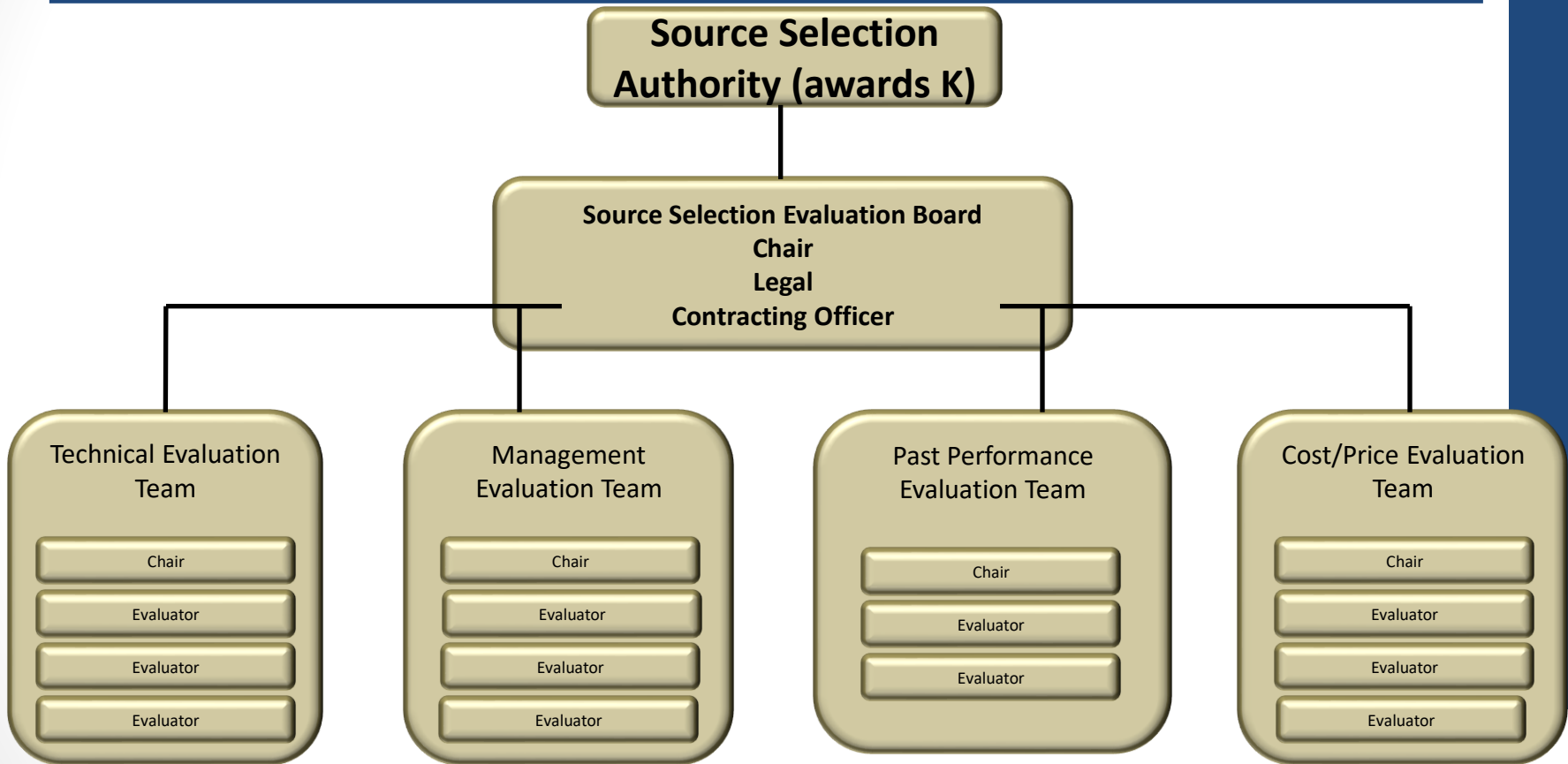
- **The Tradeoff Process (“best value”)**
  - Permits “tradeoffs” between cost and non-cost factors
    - For ex, how important is cost factor compared to all non-cost factors combined?
  - Do not have to award to the lowest priced or highest rated offeror
  - But must be consistent with the stated importance of your evaluation factors
  - Document award justification for the tradeoff!

# COMPETITIVE NEGOTIATIONS

## Basis of Award (4 of 4)

- **Lowest Price Technically Acceptable (or “LPTA”)**
  - Use when clearly defined requirements and minimal risk of unsuccessful performance
  - Tradeoffs are NOT permitted
  - All technical factors/subfactors are GO/NO GO
  - Can tailor the evaluation criteria to determine what is “acceptable”
  - MUST award to the lowest price offer that is “technically acceptable” —NOT necessarily the *best* proposal.

# Agency Source Selection Team Structure (SAMPLE)





# COMPETITIVE NEGOTIATIONS

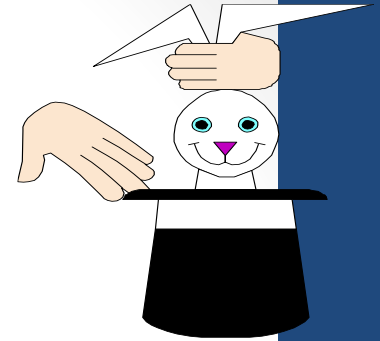
## Evaluation of Proposals—Generally

- Government evaluators must evaluate all proposals strictly in accordance with evaluation criteria in **Section M.**
- Government evaluators must assign “ratings” to factors (criteria ) as stated in **Section M.**
- *MORE details on **evaluations** in next section of slides “Section II”*

# COMPETITIVE NEGOTIATIONS

## Selection for Award

(Decision by Source Selection Authority, “SSA”)



- SSA MUST rely on evaluations performed IAW stated evaluation criteria
- Cannot Accept Non-Compliant Proposal
- SSA awards using the “Basis of Award” Analysis (Section M) (see next slide)
  - Tradeoff OR
  - LPTA

# COMPETITIVE NEGOTIATIONS

## Selection for Award

- For *Tradeoff of LPTA*, SSA has broad discretion BUT:
  - Must Be:
    - Reasonable
    - Consistent with Evaluation Criteria
    - Documented



## So, Who Wins?

*Ans: No clear answer. Trade-off allows discretion.*

	Offeror A	Offeror B	Offeror C
Technical	Very Good	Good	Good
Past Performance	Very Good	Very Good	Good
Price	\$23M	\$21M	\$25M

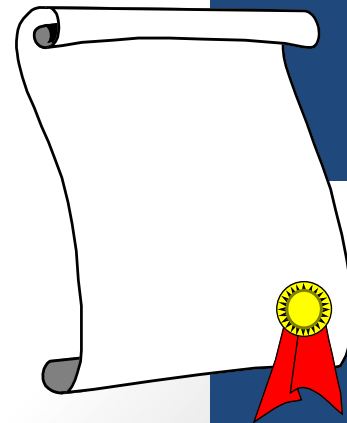
# CONTRACTING *METHODS*

## 1. Competitive Negotiations (*FOCUS*)

(a/k/a Negotiated Procurements, FAR Part 15)

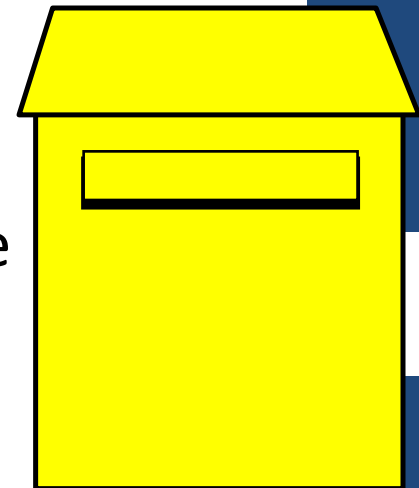
## 2. Sealed Bidding

## 3. Simplified Acquisitions



# Sealed Bidding: Big Picture

- Encourages competition, thus reducing costs to the government. (Full and Open)
- Reduces opportunities for corruption
- Great for developed products or commodities
- DOES NOT Allow “Discussions”
- MUST award to lowest, responsive, responsible offeror.



# Simplified Acquisitions: Big Picture

- If procurement is under certain thresholds, (**usually \$250K**), Simplified Acquisitions allow:
  - Decreased competition requirements
  - Decreased publicizing time
  - Decreased applicability of certain laws
    - List at FAR 13.005
  - Flexible procedures

# II. EVALUATION OF PROPOSALS

## (Focus on *Competitive Negotiations* Contracting Method)



# EVALUATION OF PROPOSALS

## Overview

- Examples of Common Evaluation Criteria:
  - Technical
  - Management
  - Past performance (may be part of Technical criteria OR stand-alone criteria)
  - Cost or price
- Evaluation process:
  - Evaluators will normally evaluate at the most specific level of each criteria (i.e. Technical criteria's subfactor)
  - Evaluators will normally assign an overall rating for each criteria (i.e. “Outstanding” for Technical criteria)

# EVALUATION OF PROPOSALS

## Technical Criteria (& Basis of Award)

- Evaluating Technical Criteria
  - If “**Low Price Technically Acceptable**” basis of award, then the evaluators will assign “acceptable” or “unacceptable” assessments at lowest level
  - If “**Trade-off**” basis of award, then the evaluation is more detailed and subjective. At lowest level, Gov’t will assign:
    - “Strengths”
    - “Weaknesses”
    - “Deficiencies”
    - “Meets the Standards”
  - Gov’t will assign a “Rating” for Technical

# EVALUATION OF PROPOSALS

## Past Performance Criteria

- Evaluating Past Performance Criteria
  - Agencies Can Consider Past Performance Info from:
    - Offeror's Own Proposal
    - Past Performance databases/references
    - Agency's Own Experience
  - Gov't will assign a Past Performance "rating"

# EVALUATION OF PROPOSALS

## Cost/Price Criteria

- Evaluating Cost/Price Criteria

- Fixed-Price Ks:

- Agency Must Determine Whether PROPOSED PRICE is “reasonable” (not too high)

- Cost-Reimbursement Ks:

- Agency Must Determine Whether PROPOSED COST is “realistic” (not too low)



# EVALUATION OF PROPOSALS

## Basis of Award (after evaluation)



- Tradeoff:
  - SSA awards to offer by “trading off” evaluation criteria (i.e., “non-price criteria are *significantly more important* than price”)
- Lowest Price Technically Acceptable
  - SSA awards to offer with LOWEST PRICE which is Technically Acceptable.

# EVALUATION OF PROPOSALS— General Principles for Government

- Gov't MUST evaluate proposals IAW with stated criteria
- Gov't MAY NOT change or add criteria without notifying offerors.
- Gov't MUST award IAW stated Basis of Award
- Gov't normally MAY NOT consider a “late proposal”
- Gov't MUST evaluate consistently between the proposals
- Gov't MAY NOT engage in “unequal discussions” or give one offeror an unfair competitive advantage

# Evaluation of Proposals—

## Common Problems for Offerors

*(NOT Doing These is a MUST for GOOD Proposal Drafting)*

- Proposal is LATE
- Proposal is unclear
- Proposal DOES NOT address all requirements that are evaluated
- Proposal internally inconsistent
- Proposal simply re-states requirements without showing offeror can perform
- Offeror “takes exception” to requirements
  - Refuse to perform
- Key Personnel becomes “unavailable” after submission
- Cost or Price is too high

# Evaluation of Proposals— Consider When Drafting Proposal

- Offerors SHOULD:
  - Understand *Evaluation Criteria* and its *weighting*
    - Align the proposal with evaluation criteria
    - Emphasizing parts that address more heavily-weighted evaluation criteria
  - Understand *Basis of Award*
    - Align proposal with basis of award (emphasizing the key aspects of basis of award, i.e. Non-cost is significantly MORE IMPT than Cost)



# III. SAMPLE SOLICITATION

## ***Base Operations Support Services at Naval Air Station Pensacola***

***(issued 14 May 2021 on sam.gov)***

# Sample Navy RFP

## Issues to Discuss...

- **Key Personnel Required**

- Sec H (see H.10, p. 34) states:

“Contractor shall provide complete resumes for *key personnel*. . . Proposed substitutes should have comparable qualifications to those of the persons being replaced. The Contracting Officer will notify the Contractor within 15 days after receipt of information of consent to the substitutes.”

### Issues:

- Key Personnel WILL be impt in evaluation of proposal (see Sec.M)
- If Key Personnel is later “unavailable” before award, then proposal becomes **un-awardable**.
- AFTER award, contractor needs Gov’t consent to replace.

# *Sample Navy RFP*

## *Issues to Discuss...*

- **Section L Requirements (p. 66—see multiple pages)**
  - MUST comply with all requirements or proposal may be “eliminated”
  - Page limits, font, characters per inch (CPI)
  - Delivery requirements
  - Deadline
  - Structure of proposal
  - Key Personnel submissions (resumes, etc)

**Issue—Failure to comply with Section L could result in:**

- Not being considered further or
- Getting a low evaluation rating.

# Sample Navy RFP

## Issues to Discuss...

- **Section M requirements**

Section M.1 states: **(p. 76)**

“The **tradeoff process** is selected as appropriate. . . All Technical factors when combined are of equal importance to the Past Performance rating; and all Technical factors and Past Performance rating, when combined are *significantly more important* than Price.”

**Issue: Tradeoff** basis of award is typical for FAR Part 15 source selections.

- **Favors offers that are VERY GOOD—for Technical & Past Perf**
- **Allows award to a HIGHER PRICED offer that is superior—Technically.**

# *Sample Navy RFP*

## *Issues to Discuss...*

- **Section M requirements**

Section M.3 states: **(p. 76)**

“The solicitation requires the evaluation of the following factors”

FACTOR 1 – Corporate Experience

FACTOR 2 – Technical Approach

FACTOR 3 – Safety

FACTOR 4 — Small Business Utilization

FACTOR 5 — Past Performance

**Issue: Since Factors 1-4 are EQUAL in importance to Factor 5 (Past Perf), Factor 5 should be emphasized in the proposal —to get the highest overall evaluation.**

# *Sample Navy RFP*

## *Issues to Discuss...*

### **Issues (from previous slides):**

1. Offerors should follow ALL instructions in Section L.
2. Offerors should consider IMPORTANCE of each evaluation criteria—in drafting proposals.
3. Offerors should consider Basis of Award—in drafting proposals.
4. Offerors must know that Key Personnel must remain “available” until AFTER award for proposal to be “awardable.”

# IV. "TEST" QUESTIONS

# *QUESTIONS*

## **1. True or False.**

Two common bases of award are Tradeoff and Lowest Price Technically Acceptable.

## **2. True or False.**

The Government must evaluate proposals using the criteria in the solicitation.



# *QUESTIONS*

## **3. True or False.**

The Government can add evaluation criteria after proposals have been submitted.

## **4. True or False.**

The weighting of individual evaluation criteria is NOT relevant to how an offeror drafts its proposal.

# Summary –Proposal Evaluations

- **Government contracting process—  
*Focus: Formation***
- **Evaluation of proposals**
- **Sample solicitation**
- **“Test” questions**

# Finding Resources...

1. FAR and FAR Supplements:

<https://www.acquisition.gov/>

2. USG Contract and other assistance opportunities:

<https://sam.gov/content/home>