



**PREP ASSIGNMENT
SEASON 2023, EPISODE NINE
May 3, 2023
FAR PART 15:
CONTRACTING BY NEGOTIATION**

Preparation Assignment (20 points each)

Fill In the Blank Questions:

1. 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. [Hint: Check out **FAR 15.1**]
2. An early exchange of information among industry and the program manager, contracting officer, and other participants in the acquisition process can identify and resolve concerns regarding the acquisition strategy, including proposed contract type, terms and conditions, and acquisition planning schedules; the feasibility of the requirement, including performance requirements, statements of work, and data requirements; the suitability of the proposal instructions and evaluation criteria, including the approach for assessing past performance information; the availability of reference documents; and any other industry concerns or questions. {Hint: Check out **FAR 15.2**}
3. Proposal evaluation is an assessment of the proposal and the offeror's ability to perform the prospective contract successfully. An agency shall evaluate competitive proposals and then assess their relative qualities solely on the factors and subfactors specified in the solicitation. [Hint: Check out **FAR 15.3**]
4. Debriefings of successful and unsuccessful offerors may be done orally, in writing, or by any other method acceptable to the contracting officer. {Hint: Check out **FAR 15.5**}
5. Unsolicited proposals allow unique and innovative ideas or approaches that have been developed outside the Government to be made available to Government agencies for use in accomplishment of their missions. [Hint: Check out **FAR 15.6**]

“Look ‘Em Ups” (Include your answer **AND** supporting FAR citation)

1. What are the four categories of information that must ALWAYS be “described” and included in a solicitation issued under a FAR Part 15 procurement?

FAR 15.203

(a) 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-

(1) Government’s requirement;

(2) Anticipated terms and conditions that will apply to the contract. The solicitation may authorize offerors to propose alternative terms and conditions. If the solicitation permits offerors to submit one or more additional proposals with alternative line items (see [52.204-22](#) or [52.212-1\(e\)](#)), the evaluation approach should consider the potential impact of the alternative line items on other terms and conditions or the requirement (*e.g., place of performance or payment and funding requirements*) (see [15.206](#));

(3) Information required to be in the offeror’s proposal; and

(4) Factors and significant subfactors that will be used to evaluate the proposal and their relative importance.

2. What is the difference between “clarifications” and “communications”? What limitations must a contracting officer follow during these exchanges to ensure the integrity of a FAR Part 15 procurement.

FAR 15.306

(a)(1) Clarifications are limited exchanges, between the Government and offerors, that may occur when award without discussions is contemplated.

(b) Communications are exchanges, between the Government and offerors, after receipt of proposals, leading to establishment of the competitive range.

(e) Limits on exchanges. Government personnel involved in the acquisition shall not engage in conduct that-

(1) Favors one offeror over another;

(2) Reveals an offeror's technical solution, including— (i) Unique technology;

(ii) Innovative and unique uses of commercial products or commercial services; or

(iii) Any information that would compromise an offeror's intellectual property to another offeror;

(3) Reveals an offeror’s price without that offeror’s permission. However, the contracting officer may inform an offeror that its price is considered by the Government to be too high, or too low, and reveal the results of the analysis supporting that conclusion. It is also permissible, at the Government’s

discretion, to indicate to all offerors the cost or price that the Government's price analysis, market research, and other reviews have identified as reasonable (41 U.S.C.2102 and 2107);

(4) Reveals the names of individuals providing reference information about an offeror's past performance; or

(5) Knowingly furnishes source selection information in violation of 3.104 and 41 U.S.C.2102 and 2107).

FAR Question: What three (3) actions may a contracting officer take upon receiving notice of a "mistake" from a contractor after it has been awarded a FAR Part 15 contract?

FAR 15.508

Mistakes in a contractor's proposal that are disclosed after award shall be processed substantially in accordance with the procedures for mistakes in bids at [14.407-4](#).

FAR 14.407-3

(a) When a mistake in a contractor's bid is not discovered until after award, the mistake may be corrected by contract modification if correcting the mistake would be favorable to the Government without changing the essential requirements of the specifications.

(b) In addition to the cases contemplated in paragraph (a) of this section or as otherwise authorized by law, agencies are authorized to make a determination-

(1) To rescind a contract;

(2) To reform a contract-

(i) To delete the items involved in the mistake; or

(ii) To increase the price if the contract price, as corrected, does not exceed that of the next lowest acceptable bid under the original invitation for bids; or

(3) That no change shall be made in the contract as awarded, if the evidence does not warrant a determination under subparagraph (b)(1) or (2) of this section.

FUN Question: Speaking of "mistakes", one of my favorite "toys" that I played with as a kid was the result of a mistake during the performance of a research of and development contract whose purpose was to find a substitute for rubber during World War II. Tell me the name of that toy. For an additional twenty (20) FUN points, tell me the name of the government contractor AND the American company that currently sells the toy.

Silly Putty

General Electric

Crayola