

## CHAPTER 13:

# Source Selection

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## Overview

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This chapter provides guidance to GSA personnel involved in source selection for competitive negotiated lease acquisitions. As used in this chapter, the term “source selection” means the processes and techniques for selecting a source or sources outlined in Part 570 of the General Services Administration Acquisition Manual. As explained below, these include both the lowest priced technically acceptable (LPTA) process and the tradeoff process.

The objective of source selection is to select the proposal that represents the best value. GSA Leasing Specialists can obtain best value in negotiated acquisitions by using any one of several source selection approaches, or a combination of approaches. The best value continuum is an array of source selection approaches that the Government may use to reflect the relative importance of cost or price. In acquisitions with clearly defined requirements and low performance risk, the Government may attain best value by using cost or price as a dominant factor in source selection. In acquisitions with less definitive requirements, development work, or greater performance risk, factors other than cost or price may play a dominant role.

The LPTA source selection process is appropriate when the contracting office expects the best value to result from selecting the technically acceptable proposal with the lowest evaluated price. Proposals are evaluated for acceptability but not ranked using non-cost/price factors. All evaluation factors, except price, are evaluated on a go/no-go (pass/fail) basis. Offerors with acceptable technical proposals are on an equal footing, and the Source Selection Authority (SSA) makes final selection based on low price. With this approach, the contracting office cannot make cost-technical tradeoffs. This approach is appropriate when price is properly the deciding factor, once the contracting office determines the technical acceptability of proposals.

The **tradeoff process** is appropriate when it is 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. Price and other factors specified in the solicitation are evaluated with the goal of selecting the proposal that offers the best value to the Government. The objective is to select the proposal that offers the most for the money, not necessarily the lowest price. This process permits tradeoffs among cost or price and non-cost factors (including past performance) and allows the Government to accept proposals other than just the lowest priced one.

Historically, GSA has relied most heavily on the lowest priced technically acceptable source selection process. GSA would describe in detail the Government’s requirements of acceptability, including desired quality levels, as mandatory minimums and then use price or overall cost as the sole criterion in deciding the award between competing offerors who met the minimum technical criteria. Although price or cost is an important consideration in any award, it need not be the sole deciding factor, or even the dominant factor. In many cases, over-dependence on price or cost as the sole determining factor does not generate leases that satisfy the Government’s needs for quality.

Under negotiated contracting procedures, the Federal Acquisition Regulation (FAR) allows the Government to engage in a tradeoff source selection technique that both:

- Evaluates the quality of goods and services (including technical and management capability and the offeror’s past experience), and
- Allows the Government to consider evaluated quality relative to the evaluated price or cost to determine which offer provides the best value.

This chapter provides guidance on using source selection procedures and advice on how to apply various source selection techniques. The objective is to decide on an appropriate source selection technique that will produce the best value.

A primary objective of GSA is to provide quality space for its customer agencies in a timely manner. The procedures for evaluating award factors in conjunction with the best value concept apply specifically to the factors to be addressed in the “Other Factors” paragraph of the Request for Lease Proposal (RLP).

#### General

FAR Part 15 prescribes policies and procedures for selecting a source or sources in competitive negotiated acquisitions. The procedures apply to negotiated acquisitions that base source selection on either the:

- a. Tradeoff process,
- b. Lowest price technically acceptable source selection process (LPTA), or
- c. A combination of both.

#### Objectives of source selection.

The goal of source selection is to select the proposal (or proposals) that represent(s) the best value to the Government (FAR 15.302). Objectives in support of this goal include:

- a. Proposals are solicited and evaluated, and the selection decision made, with minimum complexity and maximum efficiency and effectiveness.
- b. An impartial but thorough evaluation of each offeror’s proposal and related capabilities provides the Source Selection Authority (SSA) appropriate information to make an objective determination.
- c. The source selection process provides sufficient flexibility to accommodate the procurement objectives. The process assures that the source selection approach and procedures are compatible with program requirements, risks and conditions.
- d. The process limits proposal and Government evaluation expenses to that reasonably necessary to achieve a sound source selection.
- e. The process ensures a balanced appraisal of all significant factors by using qualified personnel in appropriate functional areas and allows exchanges with industry before and after receipt of proposals.

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### Source Selection Strategy (Plan).

a. The purpose of the Source Selection Strategy is to:

- (1) Specify the Government's approach for soliciting and evaluating proposals;
- (2) Describe the source selection organizational structure; and
- (3) Designate the person(s) who will perform the evaluation.

b. Neither statutes nor regulations provide detailed source selection procedures for conducting a competitive negotiated acquisition. The contracting agency has the freedom, with certain limitations, to structure the RLP and selection process in a manner that ensures award of the contract to the competitor whose offer represents the best value to the Government. To accomplish this, the agency must:

- (1) Prepare a source selection strategy.
- (2) Identify evaluation factors and significant sub factors tailored to the acquisition. The factors that will affect contract award and their relative importance must be identified in the Request for Lease Proposal (RLP).

c. In developing the source selection strategy and Request for Lease Proposal, the contracting office has the option to use a variety of approaches for selecting the source. The Source Selection Authority (SSA) chooses the approach and the procedures to apply, drawing on advice of contracting, legal, program and technical personnel as necessary. The Source Selection Authority determines which approach to use based on:

- (1) The nature of the lease being acquired,
- (2) The size and complexity of the acquisition involved,
- (3) Delivery requirements, and
- (4) Market forces.

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The tradeoff process for evaluating lease offers provides lease procurement offices with the tools and flexibility necessary to achieve GSA's quality objectives. The tradeoff process is a method of source selection that enables the Government to make trade-offs between price and other technical factors. It is designed to produce a more comprehensive evaluation of each offeror's proposal than would be the case using the lowest priced technically acceptable process in which additional factors are not addressed. More importantly, through the use of **award factors**, GSA can select an offer that provides the best value to the Government, without necessarily providing the lowest price.

Using the tradeoff process allows for greater consideration of an agency's mission and needs. It permits the Government to take advantage of factors unique to the local real estate market that

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represent additional value to the agency. This is accomplished by using technical award factors that address an item or attribute not required for minimum acceptance but still contribute to an agency's ability to meet mission objectives.

When the tradeoff process of source selection is utilized, all judgments must be made with a considerable amount of discretion and deliberation. The only limit on the Government's decision to sacrifice cost or price for technical considerations is that such decision must be rational and consistent with the evaluation factors contained in the Request for Lease Proposal. Technical scores are simply guides for decision-making. Source selection officials are responsible for deciding whether technical advantages indicated by the scores are worth the additional cost that might be associated with a high scoring proposal.

The goal of the tradeoff process in source selection is to make an impartial, equitable, and comprehensive evaluation of competitive proposals so that GSA selects the proposal that best satisfies the Government's needs with due consideration to performance, price or cost, and other pertinent factors.

### **GENERAL OUTLINE OF SOURCE SELECTION PROCESSES AND TECHNIQUES**

#### Source selection processes and techniques.

a. The best value continuum is an array of source selection approaches that the Government may use to reflect the relative importance of cost or price. In acquisitions with clearly defined requirements and low performance risk, the Government may attain best value by using cost or price as a dominant factor in source selection. In acquisitions with less definitive requirements, development work, or greater performance risk, non-cost/price factors may play a dominant role (FAR 15.101).

b. The source selection process is used to obtain best value in negotiated acquisitions using either or a combination of source selection approaches:

- (1) Lowest priced technically acceptable (LPTA) process.
- (2) Tradeoff process.

#### Lowest priced technically acceptable process (FAR 15.101-2).

a. The lowest priced technically acceptable source selection process is appropriate when the contracting office expects the best value to result from selecting the technically acceptable proposal with the lowest evaluated price. Proposals are evaluated for acceptability but not ranked using the non-cost/price factors. All evaluation factors, except price, are evaluated on a go, no/go (or pass/fail) basis. Offerors with acceptable technical proposals are on an equal footing and the Source Selection Authority (SSA) makes final selection based on the low price. With this approach, the contracting office cannot make cost/technical tradeoffs. This approach is appropriate when price is properly the deciding factor once the contracting office determines the technical acceptability of proposals.

b. When using the lowest priced technically acceptable approach:

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(1) The RLP must set forth the evaluation (go or no go) factors and significant sub factors that establish acceptability; and

(2) The RLP must specify that award will be made on the basis of the lowest evaluated price of proposals meeting or exceeding the acceptability standards for non-cost/price factors.

c. If past performance is a factor, the RLP must describe the approach for evaluating past performance where there is no relevant history or it is unavailable. If an offeror has no relevant past performance, that offeror may not be assigned either a favorable or unfavorable rating. Such offeror receives a “neutral” evaluation regarding this factor. If the lease contracting officer (LCO) determines past performance is not an appropriate evaluation factor, he or she must document the file in accordance with FAR 15.304(c)(3). If a small business's past performance is not acceptable, but its technical proposal is otherwise acceptable, the contracting officer must refer the matter to the Small Business Administration (SBA) for a Certificate of Competency (COC) determination. When past performance is included as an evaluation factor in a lowest price technically acceptable source selection, it is evaluated only as acceptable (i.e., go or pass) or not acceptable (i.e., no-go or fail, with a referral to SBA for a COC for small business concerns). Do not perform any comparative assessment.

d. Under this approach, tradeoffs are not permitted.

e. Exchanges with offerors may occur as described in FAR 15.306. They may include either technical or price issues, or both as appropriate.

f. The Lease Contracting Officer may award upon initial proposal to the technically acceptable, responsible lowest price offeror or establish a competitive range and conduct discussions as appropriate. After discussions and receipt of final proposal revisions, the contracting officer makes award to the technically acceptable, responsible, lowest price offeror.

g. The Lease Contracting Officer should normally establish a competitive range and conduct discussions if either:

(1) The number of acceptable technical proposals on initial submission does not assure adequate price competition (see FAR 15.403-1(c)(1)).

(2) The price evaluation of technically acceptable proposals identifies significant price issues, or

(3) Other reasons determined appropriate by the contracting officer.

In accordance with FAR 15.503(a), the Lease Contracting Officer is required to notify the offeror when its proposal is excluded from the competitive range or otherwise eliminated from the competition. This constitutes a **pre-award notice**. The pre-award notice must state the basis for the determination and that a proposal revision will not be considered. See Chapter 2 for information on notifications and debriefings.

Tradeoff process.

a. The tradeoff process is appropriate when it is 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. Price and other factors specified in the RLP are evaluated with the goal of selecting the proposal that offers best value to the Government. The objective is to select the proposal that offers the most for the money, not necessarily the proposal with the lowest price. This process

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permits tradeoffs among cost or price and non-cost factors (including past performance) and allows the Government to accept other than the lowest priced proposal (see FAR 15.101-1).

b. When using this approach (see FAR 15.101-1(b)):

(1) The Request for Lease Proposal (RLP) must clearly state all evaluation factors and significant sub factors that will affect contract award and their relative importance.

(2) At a minimum, the RLP must state whether all evaluation factors other than cost or price, when combined are:

- (a) Significantly more important than cost or price.
- (b) Approximately equal to cost or price.
- (c) Significantly less important than cost or price.

c. Past performance must always be included as an evaluation factor in negotiated competitive acquisitions expected to exceed the simplified acquisition threshold, unless the LCO documents the reason that it is not appropriate (see FAR 15.304(c)). It should be included in the RLP as a factor against which the relative rankings of the offerors will be compared. Also, the RLP should describe the general approach for evaluating past performance information (see FAR 15.305(a)(2)). The approach should allow GSA to distinguish levels of quality of performance (e.g., excellent, good, fair, and poor), as opposed to simply determining acceptability. (See OFPP's "Best Practices for Collecting and Using Current and Past Performance Information" at [http://www.whitehouse.gov/omb/best\\_practice\\_re\\_past\\_perf/](http://www.whitehouse.gov/omb/best_practice_re_past_perf/)). It 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.

d. Based on the initial evaluation results of all offerors against the evaluation criteria, a source for award may be selected without discussions or the Lease Contracting Officer can establish a competitive range and hold discussion in accordance with FAR 15.306(d).

e. If the Lease Contracting Officer establishes a competitive range, he or she must conduct discussions with all offerors in the competitive range and request final proposal revisions. Appropriate personnel evaluate the final revisions on the basis of criteria established in the RLP. The Lease Contracting Officer is required to promptly notify an offeror in writing when its proposal is excluded from the competitive range or otherwise eliminated from the competition. See Chapter 2 for information on notifications and debriefings.

f. The Source Selection Authority's decision must be based on a comparative assessment of proposals against all source selection criteria in the RLP. The selected proposal represents the proposal that offers the best value to the Government in terms of cost and other factors

Note: The basic version of the solicitation provision at GSAM 552.270-1 states that Government intends to evaluate proposals and award a lease after conducting discussions with offerors whose proposals have been determined to be in the competitive range. Alternate II assumes discussions will not be held. The LCO must affirmatively change the Request for Lease Proposal to use the Alternate II. Using the basic provision is recommended for leasing procurements.



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identified in the RLP. The Source Selection Authority must fully document the rationale for selecting the successful offeror including discussion of any tradeoffs considered.

g. This approach provides the Source Selection Authority with the greatest amount of flexibility to select the offeror whose performance is expected to best meet the stated Government requirements. The tradeoff process provides the opportunity for value analysis or cost/technical tradeoffs. It does not require that award be made to the offeror submitting the lowest price, although the Source Selection Authority may ultimately decide that the lowest priced offer represents the best value. If award is made at a higher price, the source selection decision must document the value analysis that justifies the expenditure of the additional funds, which may include a qualitative comparison of the technical differences between the proposals to determine whether the successful offeror's technical superiority justifies any price premium. While the Source Selection Authority should tailor the explanation to the size and complexity of the acquisition, it must be adequate to explain the basis for the contract award decision.

h. This approach is most appropriate where successful performance depends significantly on the technical expertise of the contractor.

7. Combining Approaches. When using the tradeoff process or lowest priced technically acceptable approach, a go, no/go evaluation may apply to some of the evaluation factors or sub factors identified in the RLP. Factors evaluated as go, no-go may serve as discriminators. This applies to factors that have no further relevance in the selection process if rated "adequate." For example, in some procurements, a rating of adequate on the "management" factor may meet GSA's need; stronger performance would offer no additional value. In this case, an "adequate" rating becomes a minimum requirement for selection, and failure to meet the minimum is cause for rejection of the proposal as technically unacceptable. Proposal evaluators and the Source Selection Authority may then focus on the evaluation factors and sub factors where relatively greater technical merit may add value to the proposal.

8. Oral Presentations. The Government may use oral presentations as a technique to substitute for, or augment, written information. See FAR Part 15.102 for information on the use, timing and restrictions of oral presentations.

9. GSA-specific techniques. GSA often needs to adapt FAR processes to its unique missions and responsibilities. For example:

a. Some GSA acquisitions are subject to direct guidance from oversight bodies such as Congress, GAO, or OMB. For example, Congress may direct a contracting action with respect to a specific lease. The acquisition team's responsibilities include the integration of the acquisition rules with any rulings or guidance from oversight bodies.

b. GSA has certain responsibilities in some situations of particular importance to the nation. For example, in a disaster declaration, GSA is responsible for providing space for FEMA and other agencies involved in the response. GSA offices involved in such specific situations have standard operating procedures e.g., a class justification for other than full and open competition in an acquisition for building space due to urgent and compelling circumstances – that are fit to their unique responsibilities. Other unique situations - e.g., security-related incidents – also have standard GSA approaches that conform to those requirements.

In each case, the acquisition team adapts standard processes to the specific circumstances.

## 2. Using Award Factors Other Than Price

Using award factors in conjunction with the tradeoff process is most appropriate on large-dollar-value, unique, or highly complex acquisitions. The tradeoff process should also be the preferred method of procurement when new construction is contemplated. It permits the Government to evaluate such things as technical excellence, management capability, personnel qualifications, and past performance. The tradeoff process is generally discouraged for leasing actions of less than 10,000 square feet. However, there may be instances where the presence of a particular characteristic of a location or building would significantly enhance the mission of the agency.

Knowledge of market conditions is essential when making a decision to use the tradeoff process. Source selection procedures are most effective in a highly competitive market. The greater the competition, the more effective the procedures. Competition will increase the likelihood that a representative pool of the market capable of responding to the specific requirements highlighted in the Request for Lease Proposal (RLP) will be received.

It is also necessary to consider how the technical factors associated with a particular requirement relate to market conditions. If the market within the delineated area offers varying levels of quality and the agency has special requirements not routinely available, then using the tradeoff approach can be beneficial in selecting a location offering the greatest value to the Government. If a desired requirement or level of quality is readily available, then the necessary elements should be identified as a minimum requirement in the RLP, and the more conventional “lowest price technically acceptable” procedure should be used.

Although direct agency involvement in the selection process is not required, the overall approach usually requires increased involvement by the agency, particularly in the determination of award factors. Using the tradeoff process often appears more desirable to the agency, because it permits the agency greater input and influence on the selection decision. This is especially true if the agency is permitted to have a representative on the evaluation team.

However, it should be understood that other equally important factors must be considered before deciding to use this process. First and foremost is the fact that a best value procurement often requires the use of many personnel from both GSA and the client agency for extended periods, especially on larger projects. It should not be used unless sufficient time for the procurement is available and individual participation by all persons involved can be assured.

Even when implemented properly, these procedures can be very complex and difficult. It is strongly recommended that personnel experienced in the use of source selection be utilized whenever possible. When that is not practical, greater participation and/or monitoring of the procurement by the Lease Contracting Officer (LCO) is essential.

Note: Use of the tradeoff process increases the probability for protest due to the nature of the process. Protests typically focus on the Government’s evaluation processes and steps leading to contract award. The Leasing Specialist and the Lease Contracting Officer should thoroughly review the regulations and guidelines applicable to source selection before using the tradeoff process. It

Note: Chapter 14 of the Leasing Desk Guide requires consultation with the Regional Chief Architect to determine how best to incorporate Design Excellence in Leasing for each specific lease construction project.

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should be noted that more protests are sustained by GAO because required procedures are not followed than because of poor judgment on the part of the selection official. If any doubts remain concerning the use of source selection procedures for a particular space action, they should be resolved before proceeding.

GSA and the agency must first determine the advantages of the tradeoff process as it relates to a specific requirement. An informed decision to use the tradeoff process cannot be made until an agency's requirements have been fully developed. If it is then determined that a requirement can be adequately satisfied using an lowest priced technically acceptable procurement, then the tradeoff process should not be used. It should be reserved for actions requiring the evaluation of factors other than price, such as:

- a. satisfactory and successful prior experience of the offeror, contractor, and management firm, or other key personnel particularly in lease construction actions similar in size and scope to the particular procurement;
- b. past performance
- c. management capability
- d. personnel qualifications
- e. technical excellence
- f. unique structural, electrical, and architectural features;
- g. proximity to specific locations or services (such as an airport, mass transit, courthouse, interstates, other agencies);
- h. building quality and neighborhood; and/or
- i. space layout flexibility and efficiency.

The decision to use the tradeoff process should be a mutual agreement by the client agency and GSA with consideration to the availability of time and proper resources, and the ability to identify relevant and measurable evaluation factors. Although it is best to obtain agency acceptance whenever possible, the Lease Contracting Officer must ultimately decide which method is in the best interests of the Government.

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Source selection organizations typically consist of a Source Selection Authority and a Source Selection Evaluation Board (SSEB) composed of a chairperson, technical evaluation voting members, a client agency representative, the Lease Contracting Officer, and a nonvoting secretary and legal advisor. The Lease Contracting Officer is designated as the Source Selection Authority unless the Regional Commissioner appoints another individual for a particular acquisition or group of acquisitions.

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The size and composition of the Source Selection Evaluation Board (SSEB) will vary depending on the acquisition's requirements. In streamlined, less complex source selections, the team may consist of one or more technical evaluators and with the contracting officer serving as the Source Selection Authority. In complex source selections, a more formal structure may be appropriate, consisting of individuals from various functional disciplines. Whether the team is large or small, it should be structured to ensure teamwork, unity of purpose, and appropriate open communication among the team members throughout the process. This will facilitate a comprehensive evaluation and selection of the best value proposal.

#### **Tailoring an Organizational Structure.**

- a. Typically Source Selection Evaluation Board consists of technical evaluators, called the technical evaluation panel or team, and the contracting officer, who evaluates price or cost and also serves as the Source Selection Authority (SSA). If the contracting officer requires support in the price or cost evaluation, a cost/price evaluation panel may also be established.
- b. Larger, more complex acquisitions using the tradeoff process may require a more formal organization. For such an acquisition, the HCA may designate a Source Selection Authority at a management level above the contracting officer. The acquisition may require a number of technical members, a cost or price evaluation team, and significant support from the legal advisor. In such cases, the evaluation teams and advisory members are organized into a Source Selection Evaluation Board (SSEB) that reports to the Source Selection Authority. The Source Selection Evaluation Board typically includes:
  - i. A Chairperson.
  - ii. Technical members. The number of technical members appointed depends on the circumstances of the particular procurement (e.g., types of expertise needed and number of proposals anticipated).
  - iii. A non-voting secretary (may be a contracted position; see paragraph 8.b).
  - iv. A non-voting legal advisor. Counsel's review and assistance is particularly recommended for procurements involving tradeoffs (see FAR 15.101-1) and for the preparation for debriefings. Responses to source selection protests must be coordinated with appropriate GSA Counsel.

Non-voting experts or advisors who are not Federal employees may also be included, when necessary, and if approved in writing by the Source Selection Authority.

Acquisitions may include client agency voting representatives on the Source Selection Evaluation Board, and may have non-voting and special-purpose representatives as well. It is not unusual for a client agency to request agency legal and senior management reviews of large, complex, or mission-critical acquisitions.

The size of the SSEB depends on the number of proposals anticipated and types of expertise needed for evaluation. For most GSA procurements, experience indicates that boards with more than five members become difficult to manage. However, it is recognized that the larger, more complex procurements may require additional personnel.

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The Source Selection Evaluation Board voting and non-voting members are usually selected by the Lease Contracting Officer and the chairman (normally the Leasing Specialist assigned to the project) for approval by the Source Selection Authority. Technical members are selected based on their area of expertise (design and construction, building management and security, etc.). **Only government employees should be appointed to serve on the Source Selection Evaluation Board.**

Contractors may be used only in an advisory capacity and are not permitted to be part of the decision making process. If the services of non-Government personnel are required, the written approval of the Source Selection Authority shall be obtained, and the requirements of FAR 37.2 and GSAM 537.2 shall be met in regard to the use of advisory and assistance services. Before granting such approval, the Source Selection Authority shall evaluate and act on information regarding potential or actual conflicts of interest for these individuals. Each offeror shall be notified that non-Government personnel may be used in the evaluation process. Each of the non-government personnel shall be required to sign a Conflict of Interest and Non-Disclosure Agreement, as well as a statement that any and all information received shall not be used in any way for personal use or gain nor divulged to another party prior to, during or after award of the contract. Also see GSAM 515.305-70 and 537.2 on use of outside evaluators.

Primary responsibilities of the Source Selection Evaluation Board are to assist the Lease Contracting Officer in developing the source selection plan, and for evaluating proposals in accordance with the source selection plan and the RLP. The board is also responsible for preparing all evaluation reports including those prepared for signature of the Source Selection Authority, such as the recommended final selection decision.

#### **Source Selection Authority**

The Source Selection Authority (SSA) has overall responsibility for seeing that the source selection process is properly and efficiently conducted and for ensuring that an impartial and sound selection decision is made. Additionally, while the SSA is not a member of the board and does not participate in the scoring or evaluation of offers, the Source Selection Authority:

- a. Reviews and approves the source selection plan before the release of the RLP.
- b. Appoints the other members of the SSEB or evaluation panel. Establishes the evaluation team, with support from legal, logistics, technical and other areas of expertise to provide for comprehensive evaluation of offers.
- c. Reviews and approves the schedule for actions required.
- d. Is responsible for consistency among the solicitation requirements, notices to offerors, proposal preparation instructions, evaluation factors and sub factors, solicitation provisions or contract clauses, and data requirements.
- e. Provides other participants with appropriate guidance and special instructions necessary for conducting the evaluation and selection process, including approving the evaluation factors and weights assigned.
- f. Evaluates proposals based solely on the factors and sub factors contained in the RLP.
- g. Considers the recommendations of advisory boards or panels.

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- h. Selects the source or sources whose proposal represents the best value to the Government.
- i. Considers and approves any competitive range determination made by the LCO (in those instances where the SSA is not the LCO).
- j. Avoids, mitigates or neutralizes conflicts of interest, or the appearance thereof.
- k. Avoids premature or unauthorized disclosure of source selection information.
- l. Conducts the source selection process in accordance with applicable laws and regulations.
- m. Selects the successful offeror and is responsible for the final, documented source selection decision (see next paragraph and FAR 15.308)
- n. Makes the final determination of the offeror selected for award. In making a selection, the SSA is not bound by the findings of the SSEB. The SSA is limited only in that his/her selection must be consistent with evaluation factors/sub factors in the RLP and must meet all legal and procedural requirements of the evaluation process. The final decision, which will be an integrated assessment based on the entire evaluation process will be executed by the SSA. The LCO will then make the award and conduct post-award debriefings of the unsuccessful offerors(s), if requested.

#### **The Lease Contracting Officer:**

- a. Acts as business advisor to the Source Selection Evaluation Board (SSEB).
- b. Prepares, with assistance from the responsible program or technical personnel, the source selection plan.
- c. Prepares, with the assistance of program or technical personnel, the Request for Lease Proposal.
- d. Briefs SSEB members on the sensitivity of the evaluation process, the prohibition against unauthorized disclosure of information, and the requirements pertaining to conflicts of interest. Obtains the required Conflict of Interest and Non-Disclosure Statements from all Source Selection Evaluation Board members, and other acquisition team members, as necessary.
- e. Prepares synopses of proposed contract actions, including posting on the Governmentwide Point of Entry (FedBizOpps).
- f. Issues the Request for Lease Proposal (RLP), any amendments to the RLP, and receives proposals
- g. Safeguards classified or other sensitive materials, including all proposals and amendments.
- h. Conducts or coordinates cost or price analysis and documents the results.
- i. Determines the competitive range.

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- j. Promptly notifies all offerors eliminated from the competition in accordance with FAR 15.503.
- k. Determines contractor responsibility in accordance with FAR 9.1.
- l. Conducts or controls all written and oral discussions, presentations and negotiations with offerors.
- m. Requests proposal revisions:
- n. Prepares required pre- and post-negotiation business clearances/approvals and prepares the award documents;
- o. Takes all necessary contractual actions and awards contract.
- p. Debriefs unsuccessful offerors pursuant to FAR parts 15.505 (pre-award) and 15.506 (post-award).
- q. Maintains the official file documentation.

**The Source Selection Evaluation Board or Evaluation Panel(s).** The Source Selection Evaluation Board (SSEB) or evaluation panel(s), as appropriate:

- a. Consists of voting and non-voting members, as identified in the source selection plan. All voting members shall be Federal Employees. Non-federal employees may serve as technical experts or advisors provided that the requirements of FAR 37.2 and GSAM 537.2 are met in regard to the use of advisory and assistance services.
  - i) Voting members, including:
    - A GSA senior official who has program or technical responsibility over the proposed project. This individual will normally serve as the Chairperson.
    - Qualified subject matter technical personnel who are competent in the program/technical field involved.
    - If feasible, at least one or two member(s) from organizations other than the responsible program office. When appropriate, members from other Departments or federal agencies may serve as voting members; however, the number of such members should not “dilute” the technical expertise of the SSEB.
  - ii) Non-voting members and advisors may include:
    - A representative from the Office of General Counsel. Each Board should have a legal advisor.
    - The CO or designated representative. Whether the CO is/is not a member, he/she may attend all Source Selection Evaluation Board meetings.
    - An individual experienced in pricing practices.
    - A secretary.
    - Other Federal and non-Federal experts/ advisors
- b. Size of the Board. Generally, the size of the Board is commensurate with the size and complexity of the acquisition. On less complex procurements, the Board should normally

### 3. Source Selection Organization in Best Value Tradeoff Procurements

consist of no less than three voting members, including the Chairperson. This assures that more than one technical expert will conduct the evaluation to provide an objective, unbiased assessment. However, one person, if properly qualified, can conduct the evaluation of technical proposals, including past performance.

On more complex procurement activities the Board should normally consist of no less than five, and no more than seven voting members, including the Chairperson. One should consider selecting an odd number of members to facilitate the selection process and aid in reaching consensus. The Source Selection Authority may approve exceptions to the recommended number of voting members for complex procurements when necessary, including consideration of the qualified human resources available.

All voting members shall have equal status on the SSEB.

- c. Source Selection Evaluation Board duties typically includes:
- Evaluation of each proposal, and each proposal revision, against the factors and sub factors of the Request for Lease Proposal.
  - Preparation of evaluation reports for the Source Selection Authority.
  - Briefing to Source Selection Authority, as requested.
  - Preparation of documents to assist the Lease Contracting Officer in negotiations, and pre or post award debriefings.

**The Source Selection Evaluation Board (SSEB) Chairperson.** The Source Selection Evaluation Board chairperson:

- a. Schedules and conducts Source Selection Evaluation Board meetings and deliberations, including Source Selection Evaluation Board training.
- b. Supervises, plans, and directs execution of Source Selection Evaluation Board activities.
- c. Familiarizes all Source Selection Evaluation Board members with SSEB procedures, and the solicitation requirements, including evaluation factors and sub factors.
- d. Completes Source Selection Evaluation Board responsibilities within the timeframe prescribed in the source selection plan. Along with the contracting officer, briefs the Source Selection Authority regularly throughout the process in order that the Source Selection Authority may be familiar with the acquisition.
- e. Requires that each evaluator thoroughly documents his/her evaluation of proposals.
- f. Requires that proper control of the proposals is maintained throughout the evaluation process.
- g. Requires that the Source Selection Evaluation Board reports accurately reflect the activities, findings, and evaluations of the SSEB.
- h. Requires that all Source Selection Evaluation Board members affirm their agreement with the SSEB report.



### 3. Source Selection Organization in Best Value Tradeoff Procurements ↵

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- i. Summarizes the raw evaluation data.
- j. Assists the Lease Contracting Officer with exchanges with offerors (FAR 15.306), as requested.
- k. Assists the Lease Contracting Officer in debriefings, as requested.

**Changes in Source Selection Evaluation Board Membership.** The Source Selection Authority must approve any changes in source selection organization membership. The Source Selection Authority should confirm changes in the same way that he or she established the organization.

#### **Role of Advisors.**

- a. If necessary, the Source Selection Authority may appoint outside advisors with a special expertise essential to the selection process, but not available on the Source Selection Evaluation Board. Advisors are non-voting subject matter experts who may be Government employees or experts outside the agency where the complexity of the requirement calls for technical expertise that is not available within GSA or other Federal agencies. The Source Selection Authority may use a letter similar to the one used to establish the board to appoint advisors. Advisors must also complete the Conflict of Interest Acknowledgement and Nondisclosure Agreement. Since advisors are utilized in discrete areas, they do not have access to information concerning overall board activities. Advisors must not attend board meetings unless specifically requested by the Source Selection Evaluation Board Chairperson.
- b. Use of Non-Government Personnel: Unless they are not readily available, experts and advisors shall be federal Government employees. If the services of non-Government personnel are required, the written approval of the Source Selection Authority shall be obtained, and the requirements of FAR 37.2 and GSAM 537.2 shall be met in regard to the use of advisory and assistance services. Before granting such approval, the Source Selection Authority shall evaluate and act on information regarding potential or actual conflicts of interest for these individuals. Each offeror shall be notified that non-Government personnel may be used in the evaluation process. Each of the non-government personnel shall be required to sign a Conflict of Interest and Non-Disclosure Agreement, as well as a statement that any and all information received shall not be used in any way for personal use or gain nor divulged to another party prior to, during or after award of the contract. Also see GSAM 515.305-70 and 537.2 on use of outside evaluators.

**Management Responsibilities.** Managers shall become and remain aware of the schedule expectations for participating board/panel members that are within their supervisory control, and shall seek to ensure that other work assignments of board/panel members do not interfere with Source Selection Evaluation Board assignments and activities.

If a conflict in work assignments does arise, and cannot be remedied, it is the supervisor of the individual who cannot complete his panel duties who must seek out an alternate member for approval by the Source Selection Authority.

See Attachment 1 to this Chapter for a sample memorandum establishing a Source Selection Evaluation Board.

## 6. Source Selection Plan

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Developing the source selection plan is the responsibility of the Lease Contracting Officer (with the assistance of the Source Selection Evaluation Board). It is approved by the Source Selection Authority. The plan sets forth the solicitation and evaluation methods to be used in arriving at the selection decision. It is essentially the Government's statement on how it intends to acquire what is needed. It should also outline how negotiations will be conducted, identify who will complete the evaluation, and identify the milestones necessary for accomplishing the required steps or events of the process.

The plan serves to translate the procurement objectives into a specific approach by communicating how the Lease Contracting Officer and board members develop and approach recommendations to the Source Selection Authority, and by providing essential guidance for developing the RLP. It also identifies the evaluation factors to be used, their weighting, and the method to be used by the evaluators in evaluating proposals.

At a minimum, source selection plans must include the following:

- identification of the source selection approach (i.e., lowest priced technically acceptable (LPTA), tradeoff or combination);
- a description of the organization structure with a list of members and functions as necessary;
- identification of whether the intent is to award with or without discussions;
- a schedule of significant milestones;
- a description of the property to be acquired;
- proposed pre-solicitation activities; and
- a summary of the acquisition strategy;

If using the trade-off process

- a statement of the proposed evaluation factors, significant sub factors and their relative importance;
- a description of the evaluation process, methodology, and techniques to be used; .

If using the lowest priced technically acceptable process, state the evaluation factors and significant sub factors that establish standards of acceptability. These are the minimum requirements in lowest priced technically acceptable.

As with other lease actions, an acquisition plan is also required when source selection is the approach chosen to satisfy an agency's space requirement. The goals and objectives for both the acquisition and source selection plans should be exactly the same. The acquisition plan is completed only once at the beginning of a procurement and does not need to be updated

## 7. Developing Evaluation Criteria ↵

during the life of the lease. See Chapter 2, Part 1 (New or Replacing Lease) for more information on developing acquisition plans.

A well-conceived source selection plan is essential to the success of any project utilizing the tradeoff process. Adequate time must be set aside in order to produce well thought out and thoroughly developed plans that clearly indicate how a proposal will be solicited and evaluated. It is strongly recommended that all members of the Source Selection Evaluation Board serving as evaluators be directly involved in developing the plan. Experience shows that this reduces the amount of debate that often takes place when proposals are received, thereby speeding up the evaluation process.

Using model plans or plans from previous procurements can be helpful in deciding how to develop a particular source selection plan and the evaluation criteria. However, Leasing Specialists are cautioned to make sure that all elements are modified to reflect the requirements of the current procurement and that the source selection plan and the Request for Lease Proposal are internally consistent.

A best practice is for the Source Selection Evaluation Board to review the plan before any presolicitation conferences are held and before the RLP is issued. They should be familiar with any issues raised and the relationship between the acquisition requirements and the evaluation factors.

Description of the evaluation process, methodology and techniques to be used.

(1) Explain the selected source selection approach, i.e., tradeoff process, lowest price technically acceptable (LPTA). Describe, for "in-house" use, the methodology evaluators will use to express their judgment of the degree of merit each proposal possesses in relation to the announced evaluation factors. (Note: For acquisitions using the lowest priced technically acceptable process, the judgment can be expressed as only acceptable or unacceptable.) This information:

- (a) Provides guidance to evaluators.
- (b) Establishes the ground rules for objective, impartial, and uniform evaluation of proposals.
- (c) Provides a basis for preparing solicitation documents.

(2) When using the tradeoff process, describe the rating system GSA will use in the evaluation. Available systems include numerical, color, adjectival, or a combination. Choose one tailored to the requirements of the source selection under consideration. Explain how offerors that cannot be rated favorably or unfavorably, for example a contractor that lacks past performance, will be treated.

(3) Append specimen forms that evaluators will use. Such forms may provide for recording evaluators' findings and compiling ratings.

## 7. Developing Evaluation Criteria

The proper development of the evaluation criteria is arguably the most important function of the source selection process. If the award factors and the standards for evaluating them are poorly defined, one or more of the following will generally take place: inordinate amounts of time will be wasted attempting to correct the situation; desired results will not be attained; a protest will be lodged. Recognizing the importance of the evaluation criteria and devoting the necessary time to their development are absolutely necessary to the success of the procurement.

### a. Selecting Evaluation Factors

#### Purpose of Evaluation Factors

Evaluation factors allow the Government to consider factors other than price. They may be designed to give preference for receiving an enhanced quality on items specified as minimum requirements in the Request for Lease Proposal (RLP), or to give preference for other unspecified items beyond the minimum requirements. If a given factor is readily available in the marketplace and can be expressed in the form of a minimum requirement in the “Unique Requirements” paragraph of the RLP, then it should not be identified as an award factor.

Identifying factors without consideration for the market can result in the selection of meaningless factors. For example, to identify structural enhancements or amenities (such as a physical fitness facility) that are nonexistent or unobtainable in the marketplace would be pointless. Likewise, easily obtained items should not be used as award factors. The objective is to highlight those enhancements or amenities that are available but exceed the norm. The identification of proper award factors should result in the selection of an offer of higher quality and/or one providing more amenities beneficial to the Government.

Evaluation factors must represent the key areas of importance and emphasis to be considered in the source selection decision and support meaningful comparison and discrimination between and among competing proposals.

- (1) Select factors and sub factors independent of each other to avoid double counting. Review the factors to ensure there are no common elements.
- (2) The objective is to keep the evaluation focused on only key discriminators.
- (3) Develop factors to identify specific program/business/contract risks.
- (4) Consider factors that may be valuable to the Government in satisfying its needs

#### Evaluation factors (FAR 15.304).

(1) Agency acquisition officials have broad discretion over the evaluation factors that apply to an acquisition and their relative order of importance. RLPs must clearly state all factors and significant sub factors that will affect contract award and their relative importance. At a minimum, the RLP must state whether all evaluation factors other than cost or price, when combined, are:

- (a) Significantly more important than cost or price.
- (b) Approximately equal to cost or price.

## 7. Developing Evaluation Criteria ↵

(c) Significantly less important than cost or price.

By law, all procurements must include price or cost to the Government as an evaluation factor. The Government must also evaluate quality through consideration of one or more non-cost evaluation factors such as past performance, technical excellence, management capability, personnel qualifications, experience, schedule compliance, and any other relevant factors (see FAR 15.304).

(2) Past performance information is a mandatory evaluation factor in all source selections for negotiated competitive acquisitions expected to exceed the simplified acquisition threshold (SAT) (\$150,000). However, the Lease Contracting Officer (LCO) may determine, on a case-by-case basis that past performance is not an appropriate evaluation factor for the acquisition (FAR 15.304(c)(3)(iii)). The LCO must document the reasons for any such determination. The RLP must describe the general approach for evaluating past performance information. Past performance may be a useful discriminator among offerors whose price, technical factors and other non-price attributes may be quite similar. Request the offeror to identify past and/or current customers, including other Federal government, State government, local government, and private customers. FAR 15.305(a)(2)(ii) requires the Government to give offerors an opportunity to provide information on problems encountered on the identified contract's and the offeror's corrective actions. The degree of project relevancy should be a consideration when assigning merit for past performance. The plan should also describe the approach for evaluating offerors with no relevant performance history. See FAR 15.305(a)(2).

(3) Agencies commonly use responsibility-related factors in the evaluation process, notwithstanding that the Lease Contracting Officer must ultimately make a responsibility determination. In a negotiated procurement using the tradeoff source selection process, an agency may use traditional responsibility factors as technical evaluation factors to judge proposals in assessing their relative merits. If the agency limits the factors to areas which, when assessed comparatively, provide an appropriate basis for a selection in the Government's best interest, Certificate of Competency (COC) procedures do not apply to a deficient technical proposal. Such factors may include experience, available facilities, and personnel qualifications, but generally not financial capability. A small business that loses to a competitor in an evaluation of the relative merits of each proposal, pursuant to ground rules set out in the RLP, is not found to be non-responsible. The COC procedures do not apply in such cases.

Note: The procedures for lowest priced technically acceptable differ because factors are rated as acceptable/unacceptable only, not assessed for merit. See FAR 15.101-2.

#### Request Client Agency Input on Potential Evaluation Factors

The first and most important step is to identify factors that are meaningful and relevant to the agency's needs—**receiving the proper input from the agency is essential**. It is important that the client agency be involved in identifying appropriate technical evaluation factors, since they will be critical to the final selection process (see previous examples of typical evaluation factors). Once the decision to use the trade-off approach has been made, and assuming the requirements development process has been completed, the agency should be requested to provide supporting data or information necessary for identifying both evaluation factors and mandatory requirements (minimum requirements). The agency should be advised that any factor it selects should represent an additional value to the agency. In other words, all evaluation factors should justify the Government paying additional money to select one offer over another.

## Review Potential Evaluation Factors for Relevance and Determine If They Should Be Evaluation Factors or Minimum Requirements

All agency special needs should be reviewed closely to verify that they are meaningful and relevant, and to determine whether they should be identified as a minimum requirements Request for Lease Proposal (RLP)—that is, as go/no-go criteria—or as evaluation factors. A minimum requirement in the RLP cannot, in itself, be an evaluation factor in the plan. However, an evaluation factor may be used in conjunction with a minimum requirement to give preference to a proposal offering a level of quality above the established minimum requirement.

Note: Expansion and renewal options should never be included as award factors. They should be included as mandatory requirements in the “Amount of Space” and “Lease Term” paragraphs in the RLP. As renewal options generally have a major impact on rental rate pricing, and the GSA price evaluation formula analyzes the overall cost of a proposal over the entire term including option periods, renewal options are always to be considered as a mandatory requirement. Additionally, if GSA agrees that the potential for future expansion is significant, then an option for expansion space should be a mandatory requirement.

Note: Items involving cost such as shuttle service, variance in cost of providing phone service at one location as compared to another, computer operations, and other major agency operational cost items are not to be identified as technical evaluation factors. They can be considered, but will be identified in the Request for Lease Proposal as being part of the price evaluation.

## Select Evaluation Factors Before Advertising and Conducting Building Inspections

**Selection of the factors should take place before publishing the advertisement (if one is necessary) and conducting any building inspections.** This is important to avoid the possibility or appearance that the evaluation criteria were selected for the purpose of limiting competition or preselecting a specific location. Given too much knowledge of a particular location, the agency may be drawn into identifying criteria tailored to that location rather than addressing specific needs. There will be ample time after the market survey is completed (and before approval of the source selection plan) to make adjustments in the rating plan to account for market conditions not previously anticipated.

## Limit the Number of Factors as Much as Possible

The number of factors to be chosen depends on the individual requirement. However, establishing too many (and often less important) factors or sub factors tends to reduce the significance of more important factors and may cause leveling of the scores of all of the proposals. Generally, the number of technical evaluation factors should be limited to three to five factors. Ultimately, it is not the number of factors that is critical, but having chosen the right ones. It is better to use specific sub factors under a broader general factor than to have overlapping factors.

## b. Developing Standards for Evaluation

### Problems Associated With Poorly Developed Standards

Experience has shown that greater problems are often experienced with the **standards for evaluating proposals** than with the award factors themselves. Some of the problems that have been noted are:

## 7. Developing Evaluation Criteria ↵

- the use of vague or ambiguous standards that fail to define how they will be applied to the evaluation factors;
- a failure to establish minimum acceptability levels for each factor;
- including requirements in the standards that are not contained in the RLP; and
- establishing standards that focus on the offeror submitting a document rather than on the substantive content of the document.

Standards provide a guide to measure how well an offeror's response meets an evaluation factor or sub factor. When using lowest priced technically acceptable, standards indicate the minimum performance or compliance acceptable to enable a contractor to meet the requirements and must be stated in the RLP. Only the evaluation factors and sub factors set forth in the RFP may be used to evaluate proposals.

After determining the factors to evaluate, describe each factor. The factor descriptions collectively serve as checks to determine that the evaluation plan is complete and that duplication does not exist between factors. They also serve as a guide to evaluators during evaluation.

Based on the descriptions, prepare standards for each factor. Minimum requirements in a standard must match those specified as minimally acceptable in the RLP. Standards must not address requirements not included in the RLP.

It is important to remember that “past performance” and “experience” are not the same thing. Past performance evaluation is used to determine how well an offeror has performed previous efforts on relevant projects. Past performance looks at the quality of the offeror's performance. Experience describes what projects the offeror is currently performing or has performed (within the time period indicated in the RLP).

To be considered satisfactory, the contractor must have completed the work on time and consistent with all contract requirements. Evaluation will be based on assessments provided by the individual(s) with firsthand knowledge of the similar contracts. The past performance evaluation should concentrate on assessing the delivery of an offeror's products and/or services, and be tailored to the issues you expect to be significant determinants of success in the acquisition. Examples include, but are not limited to: quality, timeliness, cost control, business relations and ability to provide qualified professional personnel.

**Note:** In determining whether to attribute one company's performance to another, the selection team must consider the nature and extent of the relationship between the two companies. In particular, the selection team must consider whether the workforce, management, or other resources of one may affect contract performance by the other.

### Clearly Identify All Factor Elements and Terms

In developing the standards, one must verify that each factor description clearly specifies the elements of the factor for which standards are needed. The standard must define all ambiguous terms such as “similar,” “comparable,” “satisfactory,” or “substantial,” so that when the RLP is written, it can be crafted in a manner that will solicit pertinent information for evaluation against the standard.

## c. Establishing Relative Importance of Factors

### Determine Relative Importance of Factors

After the evaluation factors have been identified, GSA and the agency must carefully consider and determine the relative importance among the factors. If the relative importance of the factors is not accurately conveyed to reflect the Government's needs, the Source Selection Authority (SSA) may later be awarding to the wrong offeror. For example, consider a situation where a decision needs to be made between an offeror who offers more performance at a high price and an offeror who offers marginally acceptable performance but at a very attractive price. In situations of low technical risk, one might decide the latter offeror could handle it and save the Government some money. In situations of high technical risk, the SSA may decide it is worth the money to award to the former offeror who is more likely to succeed. In either situation, if the level of technical risk was not conveyed properly in the weighting, the Source Selection Authority could end up selecting the wrong offeror. The SSA should normally provide oversight and, where necessary, offer recommendations.

The relative importance of evaluation factors may be established by weighting the factors—assigning points to each factor. All evaluation factors and significant sub factors that will affect contract award and their relative importance shall be clearly stated in the RLP. 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.

### Relating Price or Cost to Technical Factors

**Price or cost must be considered in every source selection.** However, price should not be scored.. Price or cost and technical evaluation factors are evaluated separately. The source selection board evaluates the technical factors and the Lease Contracting Officer (LCO) evaluates price. The LCO evaluates both in establishing the competitive range or in making the competitive range recommendation to the Source Selection Authority. Price or cost must be related to technical evaluation factors by priority or trade-off statements. The RLP must clearly state at a minimum whether all evaluation factors other than cost or price, when combined, are:

- Significantly more important than cost or price;
- Approximately equal to cost or price; or
- Significantly less important than cost or price.

## 8. Communicating the Requirement

### a. Presolicitation Activities

Once the evaluation criteria have been selected and the source selection plan has been approved, an advertisement (if required) may be published. Preparing a quality Request for Lease Proposal (RLP) that clearly and concisely documents the requirement is paramount to receiving responsive proposals from potential offerors. To solicit the best proposals possible, a RLP must clearly communicate to potential offerors both the Government's needs and the



8. Communicating the Requirement ↵

evaluation factors it will use to evaluate proposals. Skillful planning and preparation of the RLP by the Lease Contracting Officer (LCO) will be rewarded by proposals which respond to the Government's stated needs. Lack of clarity or information in the RLP will result in confusion during proposal preparation, proposals unresponsive to the Government's actual needs, and a multitude of administrative and legal problems for all parties concerned. In all situations, the GSA LCO is ultimately responsible for the procurement. The LCO must use the highest degree of clarity and precision in communicating needs and soliciting proposals, which best satisfy those needs. Procurement regulations support open exchanges between the Government and industry. Increasing the scope of exchanges with industry will achieve a better understanding of the Government's requirement and industry's proposal. Exchanging information throughout the acquisition process is encouraged.

Open exchanges allow potential offerors to better understand the Government's requirements. Early exchanges of information with potential offerors will improve the understanding of Government requirements and industry capabilities. Early exchanges can also identify and resolve issues and concerns regarding the selection of a proper acquisition strategy.

Figure 1 below shows the type of exchanges by the phase of the acquisition process. (FAR 15.306 provides detailed information with respect to the different types of exchanges.)

Phase in the Acquisition Process	Type of exchange
Prior to issuance of RLP Prior to receipt of proposals	Exchanges
Limited exchanges that may occur when award without discussions is contemplated	Clarifications
After receipt of proposals and with the intent to establish a competitive range	Communications
After receipt of proposals, after establishing the competitive range and with the expectation of receiving proposal revisions	Discussions, Negotiations and Bargaining

Figure 1

**Exchanges by Phase in the Acquisition Process**

FAR 15.306(e) contains limits on exchanges that preclude favoring one offeror over another, revealing an offeror's technical solutions, revealing prices without the offeror's permission, revealing names of individuals providing reference information about an offeror's past performance, and knowingly furnishing source selection information in violation of the procurement integrity requirements of FAR 3.104. In all exchanges, at any point during the acquisition, the Government must strictly observe procurement integrity, privacy, and Freedom of Information Act (FOIA) requirements.

## 8. Communicating the Requirement

Exchanges with potential offerors should not be conducted without the coordination of the LCO. Even more critical is that after release of the RLP, the LCO is the focal point of any exchanges with potential offerors.

It may also be determined to be in the Government's best interest to conduct presolicitation conferences on larger, more complex procurements. It is helpful to contact prospective offerors before the conference and request in writing any questions they might have concerning the procurement. The conference, which is normally announced to all known prospective offerors, helps to inform offerors of the Government's objectives and the nature and size of the requirement, including anticipated specifications and award factors. However, **standards for the evaluation factors and the actual numerical relationships of the factors to one another must not be revealed**. The conference also gives the Government the opportunity to feel out prospective offerors and make adjustments to the Request for Lease Proposal (RLP) where needed.

Whether during the presolicitation meeting or by other methods, it is important to make sure that all prospective offerors understand that when tradeoff procedures are used, negotiations will only be conducted on those offers determined to be within the competitive range. As indicated in the "Award Factors" section of the RLP, the competitive range will be established based on an evaluation of cost or price and other factors included in the initial offer. Offerors need to understand that if the price stated in their initial offer (even considering the other factors) is excessive, they risk falling outside the competitive range and never getting to the negotiating table. This represents a significant change for offerors who have come to expect an opportunity to negotiate their initial offer.

During the market research phase of an acquisition, GSA may have concluded that additional information is needed before proceeding with an Acquisition Strategy/Plan. The LCO can issue a Request for Information (RFI) or Sources Sought to potential offerors within a certain contract functional area, Special Item Number (SIN) or through FedBizOpps. The RFI summarizes the Government's requirement, and requests comment from potential offerors. This can assist the Government during market research by assessing offeror capabilities and allowing the Government an opportunity to analyze questions or concerns about the proposed RLP. This RFI methodology is especially useful for innovative acquisitions involving new acquisition strategies.

### b. Request for Lease Proposal Preparation

#### Specific Statements Required in Request for Lease Proposal Concerning Source Selection

The Request for Lease Proposal (RLP) should advise offerors on how their proposals should be organized and arranged, and describe the information to be provided in response to the evaluation factors. The RLP must clearly state the evaluation factors and any sub factors and their relative importance. For acquisitions of leasehold interests in real property, the basic solicitation provision at General Services Administration Acquisition Regulation (GSAR) 552.270-1 provides that GSA intends to hold discussions. If the Source Selection Authority (SSA) decides that award without discussions may be appropriate for a given acquisition, the RLP needs to include Alternate II to the basic provision (see GSAM 570.602).

#### Maintain Consistency Between Source Selection Plan and RLP

Care must be taken to ascertain that the award factors or significant sub factors described in the RLP are consistent with the source selection plan. For example, if the source selection plan

## 8. Communicating the Requirement ↵

contains significant sub factors but the RLP fails to disclose them, offerors will not properly address actual needs. Moreover, the evaluation of offers must be based on the factors listed in the RLP and the ability to differentiate between offers on the significant sub factors would be lost.

### Clearly State the Relative Importance of the Award Factors

The relative importance of the factors must also be clearly stated. If the importance of one factor differs significantly from the others, then that should be clearly indicated. The relative importance of cost or price must also be identified in terms of its relationship to the **combined** weight of the other award factors. Only descriptive statements such as “cost or price is equal to the combined weight of technical factors” and “the technical evaluation factors below are listed in descending order of importance” are recommended. Specific weights and the standards for evaluating the factors should not be divulged in the RLP.

Note: If the minimum requirements specified in the RLP are not met, the offer is unacceptable. Failure to meet the minimum requirement of an award factor simply means that no credit will be received for that factor.

### Identify Minimum Requirements for the Evaluation Factors

In addition to establishing the relative importance of factors, the RLP should inform offerors of the minimum requirements that must be met to receive consideration for particular award factors or significant sub factors. The minimum requirement identified for receiving consideration on a given award factor should not be confused with the minimum requirements listed in the “Unique Requirements” paragraph of the boilerplate RLP.

Each evaluation factor should be sufficiently described in the RLP so that the prospective offeror will understand what will be considered. However, only the source selection plan will list the standards for evaluation and scoring. This is for **internal use and is not to be disclosed** to another agency (except to an agency representative on the selection team), to anyone outside GSA, or anyone without a legitimate need to know. The source selection plan should always be considered “procurement sensitive” information.

Note: If an award factor legitimately emerges after a procurement has begun, it should be added to the RLP through a formal amendment. However, due to the undesirable impressions this often creates among the offerors, especially those not benefiting from the factor, every effort must be made to avoid doing so. Properly indoctrinating the client agency on the possible ramifications of this predicament during the development of the factors is the best insurance against it.

### Response Time for Receiving Initial Offers

Due to the complexity and amount of information typically required from offerors when using award factors other than price, the period of time allowed for responses should normally be longer than for standard lease procurements. For extremely large projects, it may be necessary to allow up to 3 months between issuing the RLP and receiving offers. Request technical proposals and price proposals separately in sealed envelopes.

## 9. Evaluating Proposals

Before beginning the evaluation process, the Lease Contracting Officer (LCO) should caution all participating personnel concerning the disclosure of information. Each member of the Source Selection Evaluation Board (SSEB) should have signed a Certificate of Non-disclosure when the SSEB was selected. Information relative to the evaluation should only be revealed to individuals participating in the same evaluation proceedings, and then only to the extent that the information is required in connection with the proceedings. Divulging information during the evaluation, selection, and negotiation phases of the acquisition to offerors or to personnel not having a need to know could jeopardize the award. In order to avoid unauthorized disclosures to offerors, it is required that all communications with offerors or their representatives, including any questions concerning proposals, be directed through the appropriate Leasing Specialist and/or the Lease Contracting Officer.

The LCO must also instruct personnel participating in the evaluation of the requirements of the GSA Standards of Conduct, and ask all evaluators to sign a statement that they have read and understand the GSA Standards of Conduct and that they do not have an actual or apparent conflict of interest relating to the proposed acquisition. Evaluators with an actual or apparent conflict must be removed from the SSEB or replaced.

The SSEB will perform an in-depth evaluation of the proposals against the evaluation factors and sub factors set forth in the Request for Lease Proposal (RLP) and Source Selection Plan. While the specific evaluation process will be tailored to fit the size and complexity of the acquisition, the basic objective remains constant – to provide the Source Selection Authority (SSA) with information to make an informed and reasoned selection. In order to accomplish this, the evaluators will identify deficiencies, strengths, weaknesses, significant weaknesses and risks applicable to each proposal.

### Definition of Key Evaluation Terms

- **Significant Strength** – A significant strength appreciably enhances the merit of a proposal or appreciably increases the probability of successful contract performance.
- **Strength** - Any aspect of a proposal that, when judged against a stated evaluation criterion enhances the merit of the proposal or increases the probability of successful performance of the contract.
- **Weakness** – A flaw in a proposal that increases the risk of unsuccessful contract performance.
- **Significant Weakness** – A flaw that appreciably increases the risk of unsuccessful contract performance.
- **Deficiency** – A material failure of a proposal to meet a Government requirement or a combination of significant weaknesses in a proposal that increases the risk of unsuccessful contract performance to an unacceptable level.

a. It is imperative that there be a method for identifying, reporting and tracking of each proposal evaluation. The evaluation and findings must be supported with narrative statements for each proposal by all evaluators. A recitation of the Statement of Work or Statement of Objectives is not acceptable. All evaluations must be documented with clear, succinct explanations of the

## 9. Evaluating Proposals ↵

benefits and risks associated with the proposal. Ratings alone are not conclusive data upon which to make a source selection decision. The SSA will use this information to make a source selection decision; the Lease Contracting Officer will use it to establish a competitive range when discussions are necessary and as appropriate, will provide the information to the respective offerors during clarifications, communications, and /or discussions.

b. The final step is to prepare a summary report that includes for each proposal, the rating for each evaluation factor and sub factor; and a discussion of the associated strengths, weaknesses, significant weaknesses, deficiencies and risks. An evaluation report must be prepared at each stage of the process (i.e. initial evaluation, interim evaluation and final evaluation.)

The principal objectives in all evaluation procedures are to:

- determine which proposals are acceptable;
- determine from among the acceptable proposals which one is most advantageous to the Government, considering cost or price and other factors outlined in the RLPs; and
- provide a sound basis for the SSA to make an informed and objective selection.

The methods used for evaluating proposals should focus on realizing the highest attainable degree of both clarity and objectivity. The evaluation should frame the issues of the selection decision with such clarity and visibility that the SSA will have little difficulty in arriving at a sound choice.

When using the tradeoff process, no single evaluation method will be applicable in all situations. However, most evaluations should involve the following steps in the sequence shown below:

1. Receive technical proposals; receive cost proposals.
2. Conduct initial evaluations.
3. Clarify ambiguities.
4. Determine competitive range.
5. Promptly notify offerors outside the competitive range and provide a debriefing where appropriate.
6. Conduct discussions with offerors in competitive range.
7. Request best and final offers (final proposal revisions)
8. Conduct final evaluation.
9. Make award.
10. Notify unsuccessful offerors.
11. Conduct debriefing of unsuccessful offerors when requested and required.

## Refamiliarize the Source Selection Evaluation Board With Source Selection Plan and Request for Lease Proposal Before Receiving Offers

Before the initial offers are received, all evaluators should refamiliarize themselves with the Request for Lease Proposal (RLP) and the evaluation criteria. If evaluators were involved in identifying and approving the source selection plan and the evaluation criteria, this should be relatively easy. The Source Selection Evaluation Board (SSEB) should also be convened ahead of time to review the selection plan and scoring methods.

### Identify Ambiguities in Proposals

Once the technical proposals are received, they should be distributed to the evaluators for analysis. The evaluators will first review all proposals to identify ambiguous terms or statements that require clarification in order to conduct the initial evaluation. These items should be provided to the Lease Contracting Officer (LCO) so that he or she can obtain the clarifications needed to continue with the initial evaluations. Again, **technical evaluators should be cautioned not to contact the offerors themselves.**

### Complete Worksheets for Each Evaluation Factor

Each evaluator will complete a worksheet for each evaluation factor, identifying in detail all strengths, weaknesses, significant weaknesses, and deficiencies (several worksheet versions exist that are acceptable for this purpose). This information will form much of the basis for the evaluation report to the Source Selection Authority (SSA) and the selection decision. It will also provide the rationale behind the scoring for the factor. All instances in which an offeror fails to meet a minimum requirement for a given factor must be clearly explained by the evaluator and an opinion offered as to whether the deficiency can be remedied.

Note: The LCO should provide all offerors the opportunity to correct any deficiency, assuming it is technically feasible to do so. Furthermore, it is to the Government's advantage to maintain a healthy competitive atmosphere throughout the process that leads to final selection. Therefore, any doubts about the propriety of excluding an offeror on the basis that a deficiency is not technically capable of being corrected or that the necessary revisions would result in a virtually new proposal should be carefully considered. GSA must be in a position to defend and support the exclusion of any proposal from further consideration or from the competitive range.

### Initial Scoring of Proposals

In the initial scoring of the proposals, each evaluator must consider all strengths, weaknesses, significant weaknesses, errors, omissions, and deficiencies related to a particular factor and provide a written interpretation of the scoring rationale. Based on the written narratives, scoring and opinions of each evaluator, the initial score assigned to each proposal will be assigned by a consensus of the SSEB.

Evaluators must prepare a detailed analysis of the proposal, identifying and documenting its strengths, weaknesses, significant weaknesses, and deficiencies against each factor. This documentation is essential information for the SSA. The SSA must take care to ensure that scores/rates accurately reflect the evaluator's assessment of the capability of each offeror regarding each evaluation factor as measured against the Government model and standards applicable to the procurement. Note: Technical proposal evaluation cannot be derived from a comparative evaluation of the relative strengths and weaknesses of competing proposals.

(1) Evaluators may only evaluate the proposals against the evaluation criteria set forth in the RLP.

(2) Identifying deficiencies in proposals and unacceptable proposals. Evaluators must identify each aspect in which an offeror or a proposed approach does not meet the Government's minimum requirements. Deficiencies are material failures of a proposal to meet a Government requirement, such as: failure to meet the specifications; failure to submit all the required information, or a questionable technical or management approach. Deficiencies must derive from the evaluation of each proposal against a specific standard or requirement established in the RLP. **The evaluators may not derive deficiencies from a comparative evaluation of the relative strengths and weaknesses of competing proposals.**

For each deficiency identified, evaluators must provide an:

- a. Explanation as to why they believe the offeror does not meet one or more standard requirements as outlined in the RLP with a reference to the requirement and location in the RLP.
- b. Opinion with supporting rationale as to whether the offeror can remedy the deficiency (i.e., whether a remedy is technically feasible).
- c. Opinion with supporting rationale as to whether remedying the deficiency would entail so substantial a proposal revision as to amount to allowing submission of a second proposal (i.e., virtually an entirely new technical proposal).
- d. Consideration of any need for exchanges meant to remedy the offeror's proposals, and if necessary, specifics on what must be asked of the offeror.

In contracting by negotiation, a proposal deficiency does not automatically exclude the proposal from further consideration. The contracting officer may include the proposal in the competitive range and conduct discussions.

(3) Identifying ambiguities in proposals. Sometimes, language in a proposal is ambiguous. In other instances, proposal language may simply be unclear, for example, the SSEB cannot understand it well enough to evaluate it without guessing at its meaning. The SSEB should inform the LCO in instances where a sound evaluation cannot be made because proposal language is ambiguous or its meaning cannot be fully understood. Evaluators should identify the ambiguity and the alternative meanings for the contracting officer. When proposals contain unclear or ambiguous language, evaluators shall not contact any offeror to obtain clarification. **The LCO is the only one who can contact the offerors.**

(4) Identifying instances in which the offeror provides inadequate substantiation. An offeror may describe a particular approach proposed for performing some part of the contract work in general terms, but not provide enough detailed information about the approach and how it would apply to permit an evaluation of its feasibility and merit. Evaluators should identify in writing each instance in which this occurs and provide it to the LCO. The Contracting Officer may request additional information from the offeror by means of clarification, communication or discussions.

(5) Identifying past performance information. When evaluating past performance information, consider the currency and relevance of the information, context of the data, and general trends in contractor's performance. The purpose is to determine a confidence level in an offeror's ability to perform all the contract requirements. Past performance will be evaluated utilizing the information obtained from past performance documentation required by the proposal and from information obtained from other sources (i.e. Past Performance Information Retrieval System (PPIRS)).

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## 9. Evaluating Proposals

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- Similar past performance. Consider information the offeror provided on past efforts similar to the Government's requirement. This includes information the offeror provides on adverse past performance and its corrective actions. The SSEB will consider past performance only as it relates to the requirements. Past Performance not specifically related to the present requirement should not be considered relevant information for the purpose of determining the past performance rating. The evaluators must have a sound basis to conclude that "other types of past performance information" are relevant. (see FAR 15.305(a)(2)(iii))
- If an offeror does not have a record of relevant past performance, the offeror may not be rated favorably or unfavorably on past performance. This rating is neither negative nor positive. Neutral is merely indicative of a lack of performance in providing the services required by the RLP. It is a good practice to detail in the SSP how such a rating will be scored. GAO has accepted for a neutral rating a numerical score that was the midpoint of the range.
- Under the lowest priced technically acceptable process, if a small business's past performance is not acceptable, the contracting officer must refer the matter to SBA for a Certificate of Competency determination (see FAR 15.101-2(b)(1)).

### d. Technical Proposal Rating

(1) Each evaluator shall first independently evaluate all technical aspects of the proposals. This provides GSA the benefit of having several opinions on the relative technical merits of each proposal. Different evaluators may arrive at differing conclusions on a given point. Each evaluator must examine each proposal in detail to measure its contents against the established standards for evaluation factors, and assign a numerical or other rating to each factor. This constitutes the core of the evaluation process.

(2) Numerical scores or other types of grading may not convey fully the individual evaluator's judgment of some aspects of the proposal. Each evaluator must supplement his or her rating with the identification of the proposal's strengths, weaknesses, significant weaknesses, risks, and deficiencies in narrative form. The narrative shall include how the proposal met, failed or exceeded the requirements, and any assumptions made by the evaluator as a result of the language in the proposal.

(3) The initial score (or adjectival rating, if adjectival ratings are used) assigned to each technical proposal is assigned by a consensus of the SSEB. Each evaluator will first independently evaluate all the technical aspects of the proposals. After the individual evaluators have separately evaluated the proposals, including preparation of their narrative explanations, the panel will meet and formulate its collective conclusions under the leadership of the chairperson. Significant variations in evaluators' scores (or ratings) or assessments of technical merit will be discussed and discrepancies resolved or fully explained in the record.

### e. Cost or price evaluation.

(1) Cost or price must be an evaluation factor in all source selections. For fixed price contracts the evaluation can be as simple as consideration of adequate price competition and ensuring prices are fair and reasonable. The price proposal may be evaluated to determine if the price offered is consistent with the effort proposed.



## 9. Evaluating Proposals ↵

(2) The Independent Government Cost Estimate (IGCE) plays a key role in both cost and price analysis. It serves as a benchmark for price analysis; it may also serve as a benchmark for evaluating individual cost elements.

(3) It is necessary to protect the cost or pricing data to avoid intentional or unintentional bias on the part of the technical evaluators. To preclude prejudice, it is best that the LCO not disclose pricing information to the technical evaluators during their initial technical evaluation of proposals. To the extent required, the LCO shall manage the sharing of cost information to the SSEB.

(4). Do not assign a numerical weight, point score, or adjectival rating to price or cost. Experience shows that using a system that assigns a point score to price is contrary to the goal of an efficient source selection and often leads to a selection that is not the most advantageous to the Government.

## f. Consensus.

(1) The true value of the SSEB system emerges when the Source Selection Evaluation Board as a whole arrives at a balanced conclusion that reflects the different viewpoints and contributions of SSEB members. GSA requires SSEB consensus because the SSA or chairperson may not have the technical expertise to combine the different conclusions reached into a single technical judgment.

(2) After individual members separately evaluate proposals, including preparation of narrative explanations, the SSEB, under the chairperson's leadership, meets and formulates its collective conclusions.

(3) The SSEB discusses significant variations in evaluators' ratings or assessments of technical merit and resolves or fully explains discrepancies in the record.

(4) For each proposal, the SSEB supports the overall rating with a narrative justification. This allows GSA to demonstrate that the initial evaluation is based on an intelligent and rational judgment of the technical merits of each competing proposal.

(5) The SSEB should attempt to reach consensus on the following.

(i) The strengths and weaknesses of the proposals.

(ii) The existence and seriousness of deficiencies in proposals.

(iii) Other matters on which the SSEB is to provide advice.

(iv) Overall ratings of offerors considering price and technical factors

Note: In exceptional cases, the SSEB may not reach agreement without unreasonably delaying the procurement process. In such cases, the evaluation report must include the majority conclusion and dissenting view(s), each with a supporting rationale. The SSEB reports the above to the contracting officer in writing.

(6) The SSEB chairperson is responsible for preparing the documentation of the evaluation for presentation to the SSA.

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## 9. Evaluating Proposals

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### 3. Components of the evaluation process.

a. If using the LPTA approach, the SSEB identifies the proposals evaluated as technically acceptable, those that fail to meet one or more standards of acceptability, and the evaluated price for each.

b. If using the tradeoff process, the SSEB first lists the offerors' technical ratings and prices. The SSEB uses cost or price to judge the value of the work and the quality of services required. Since price can unduly influence the overall evaluation, pricing information should not be provided to the SSEB until after technical evaluations are concluded. It must not use price or cost as an addition to the cumulative score or rating resulting from the technical evaluation.

(i) When making award without discussions, award to the offeror whose proposal represents the best value under the factors and sub factors in the RLP.

(ii) The LCO examines the SSEB's Initial Report and reviews the recommendation before deciding to award without discussion or establishing a competitive range.

### **Establishing Competitive Range**

Based on the ratings of each proposal against all evaluation criteria, the Lease Contracting Officer (LCO) shall establish a competitive range comprised of all of the most highly rated proposals, unless the range is further reduced for purposes of efficiency. . Predetermined cutoff scores may not be used to establish the competitive range. Cost or price must be used by the contracting officer with the input of the Source Selection Evaluation Board (SSEB) to judge the value of the work and the quality of services required.

The SSEB will also identify all proposals which have been determined technically incapable of making the necessary improvements. If there is any doubt as to whether a proposal should be in the competitive range, it should be included. The Source Selection Authority (SSA) is responsible for approving the LCO's competitive range determination.

If the SSA does not choose to award based on initial proposals, the LCO must decide which offerors to select for competitive negotiation. This is accomplished by establishing a competitive range.

The LCO establishes a competitive range comprised of all the most highly rated proposals. The contracting officer determines the most highly rated proposals based on the SSEB's technical evaluation and the cost/price analysis conducted.

- The Lease Contracting Officer should look for a "natural" break in ranking to determine exclusion of offerors from the competitive range.
- The competitive range determination must be based on price and other factors. The LCO may exclude a technically acceptable or technically highly rated (tradeoff) offer if he or she believes the price is too high and it cannot be reduced sufficiently without detracting from the proposal's technical acceptability or merit.
- Oral and written discussions contemplate the curing of significant weaknesses and deficiencies. The LCO does not have to exclude a proposal from discussions solely because it fails to conform to the RLP.

## 9. Evaluating Proposals ↵

- A low price does not guarantee a proposal inclusion in the competitive range. The LCO considers the evaluation results for all factors and sub factors described in the RLP. This includes past performance and all other technical factors in addition to price.
- FAR 15.503 covers pre-award notices of exclusion from the competitive range.

If the number of most highly rated proposals exceeds the number at which GSA can conduct an efficient competition, the LCO may reduce the competitive range for efficiency if the RLP provides for the possibility of exclusion.

- **For the LCO to have authority to limit the competitive range for efficiency, the RLP must notify offerors of the possibility.** The basic provision at FAR 52.215-1, Alternate I to FAR 52.215-1, GSAR 552.270-1, and Alternate II to GSAR 552.270-1 all provide this notice.
- The FAR does not provide a definition or guidance on what constitutes an "efficient" competition. Each efficient competition will be based on variable factors such as the number of proposals received, urgency and complexity of the requirement and, other factors. If the LCO elects to limit the number of proposals in the competitive range, the appropriate division of the Office of General Counsel should review and concur. The LCO shall document the file as to what is an efficient competition. That is, the LCO should explain what considerations differentiated the proposals included in the competitive range from those eliminated for purposes of efficiency.

LCOs have broad discretion in determining whether to place a proposal in the competitive range. Their decisions in this regard will not be disturbed unless they are clearly arbitrary or unreasonable.

Communications are exchanges between the Government and offerors after receipt of proposals leading to establishment of the competitive range. Communications allow the Government to address issues needed to determine whether to place a proposal in the competitive range.

- 1) Do not use communications to cure proposal deficiencies or material omissions, materially alter the technical or cost elements of the proposal, or otherwise allow offerors to revise the proposal.
- 2) Limit communications to those offerors whose past performance information prevents them from being in the competitive range (see FAR 15.306(b)), or whose inclusion in or exclusion from the competitive range otherwise is in question.
- 3) The contracting officer selects the issues for communications that are relevant to determining whether to include a proposal in the competitive range.

Notify offerors promptly in writing when their proposals are excluded from the competitive range. This advises offerors early on that their competitive position does not merit additional expense. The notification must explain in general terms the basis for the determination and state that a revision of the proposal will not be considered.

Offerors excluded from the competitive range may request a debriefing. The disclosure of information during pre and post-award debriefings is described in FAR 15.505 and FAR 15.506, respectively.

## 10. Negotiations

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Negotiations (discussions in the parlance of the FAR) will be conducted with all offerors within the competitive range. All negotiations shall be conducted and controlled by the Leasing Specialist and/or Lease Contracting Officer (LCO). LCOs may also require the assistance of one or more advisors in areas beyond their technical expertise.

Discussions are exchanges between the Government and offerors in a competitive acquisition after establishment of the competitive range. Discussions occur with the intent of allowing the offeror to revise its proposal.

The primary objective of discussions is to maximize the Government's ability to obtain best value. The contracting officer should conduct discussions when the Source Selection Authority (SSA) cannot make a determination that a proposal offers the best value to the government.

Negotiations are generally conducted in order to:

- advise the offeror of all significant weaknesses, deficiencies or suspected mistakes in its proposal that could be altered or explained to enhance materially the proposal's potential for award;
- resolve uncertainties errors or omissions concerning the technical proposal and other elements of the proposal; and
- come to an agreement on cost or price considerations, and special provisions that may be incorporated into the contract.

When discussing significant weaknesses and deficiencies, one must take extreme care to avoid suggesting to the offeror how to resolve its significant weaknesses and deficiencies. Discussions should simply concentrate on pointing out the error, omission, or deficiency. One must never divulge the contents of other competing proposals under any circumstances. The Government shall provide a reasonable period of time to all offerors for correcting and submitting necessary revisions before requesting best and final offers. Discussions must comply with the following principles:

- 1) The Lease Contracting Officer (LCO) must discuss with each offeror still being considered for award deficiencies, significant weaknesses, and adverse past performance information to which the offeror has not yet had an opportunity to respond. The contracting officer also is encouraged to discuss other aspects of the offeror's proposal, which could, in his/her opinion, be altered or explained to enhance materially the proposal's potential for award. However, the contracting officer is not required to discuss every area where the proposal could be improved. The scope and extent of the discussions are a matter of the contracting officer's judgment (FAR 15.306)). The contracting officer must not suggest right answers. Offerors must use their own initiative in responding to

information provided during discussions. This reduces the risk of favoring one offeror over another and avoids presuming that only one correct solution exists.

- 2) The LCO must allow each offeror a reasonable period of time to prepare positions and submit revisions to its proposal, without allowing one offeror an unfair advantage over another.
- 3) The LCO is also encouraged to discuss strengths with an offeror so that it does not eliminate any strengths in revisions.
- 4) Where the RLP states that offerors will receive evaluation credit for technical solutions exceeding any mandatory minimums, the Government may bargain with offerors for increased performance beyond the mandatory minimums. The Government may also suggest to an offeror that exceeds any mandatory minimums (in ways that are not integral to the design or solution), that its proposal would be more competitive if it removed excesses and decreased the offered price.

Any new information imparted to one offeror must be made available to all.

Note: The LCO is permitted to eliminate an offer from the competitive range at any time during the negotiations period, provided the LCO determines that the offer is no longer one of the most highly rated proposals and no longer has a reasonable chance of receiving the award.

Proposal revisions. The LCO may provide offerors an opportunity to submit proposal revisions that clarify and document understandings reached during discussions. The LCO shall provide each offeror a reasonable period of time to prepare positions and submit revisions, without allowing one offeror an unfair advantage over another. An offeror may submit one or more interim proposal revisions to the LCO during the discussion process. At the conclusion of discussions, the LCO shall permit each offeror in the competitive range to submit a final proposal revision.

(1) The SSEB evaluates these revisions and re-evaluates the affected proposal sections. If a revision fails to remedy a significant weakness or deficiency, the LCO may have sufficient basis to eliminate the proposal from the competitive range. Once the LCO determines that a proposal is no longer in the competitive range, the LCO shall promptly notify the offeror in writing in accordance with FAR 15.503.

(2) Proposal revisions during discussions can serve as a means to assess how well the offeror understands the Government's issues regarding its proposal and that the Government understands the offeror's responses.

(3) The number of proposal revisions needed may vary among offerors on a particular acquisition based on the number and complexity of issues identified.

Evaluation of proposal revisions.

(1) If GSA conducts discussions, the contracting officer forwards any resulting proposal revisions to the Source Selection Evaluation Board (SSEB). The SSEB reevaluates and re-rates affected portions of the original proposals using the same procedure as the initial proposals. The SSEB then assigns new ratings and re-determines the relative standing of the offerors.

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## 11. Final Proposal Revisions

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(2) If the relative standing of the offerors changes due to revisions of proposals, the Source Selection Evaluation Board must document the basis for the revised rating(s) and rankings.

## 11. Final Proposal Revisions

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The LCO shall request in writing that all offerors remaining in the competitive range submit final proposal revisions in writing. In order to avoid giving an unfair advantage to one offeror over another, the LCO shall notify all offerors at the same time and provide the same cutoff date for submitting final proposal revisions. Note: The common cutoff date is required only for final proposal revisions.

Repeated requests for final proposal revisions can indiscriminately undermine the integrity of the procurement process. The Lease Contracting Officer should not request final proposal revisions until he or she is satisfied that all discussion issues have been adequately addressed and understood. This does not mean each offeror agrees with each issue the Government has regarding its proposal, but that each party understands the issues involved.

## 12. Final Evaluation

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### a. Reevaluation and Rescoring

The final proposal revisions are returned to the Source Selection Evaluation Board (SSEB) for final evaluation. Those portions of the original proposal that have undergone changes or where additional information has been added will require reevaluation.

### b. Identify and Explain Any Changes in Relative Standing of Proposals Since Initial Evaluation

When all of the remaining proposals have been evaluated collectively by the SSEB, any resulting changes in the relative standing of the proposals must be identified and explained. It should be remembered that the rankings are not determined based solely on technical scores, which merely serve as guides for determining whether the technical advantages are worth the additional cost associated with a higher priced proposal. The Source Selection Authority (SSA) must determine whether technical point or other rating advantages are worth the associated cost. Whether a given point spread or rating difference between two competing proposals indicates significant superiority of one proposal over the other depends on the facts and circumstances of each procurement. The determinative element is not the difference in point scores or ratings themselves, but the procurement agency's considered judgment concerning the significance of that difference.

When the tradeoff process is used, the SSA must make a specific written determination regarding cost/technical tradeoffs. The determination must explain the rationale for the decision to make or not to make tradeoffs. It must also justify the expenditure of additional funds, if applicable. This justification must clearly state what the Government will get for the extra money and why it is in the Government's interest to expend the additional funds. This determination is required in every case, even when the RLP indicates that technical factors are more important than price.

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## 13. Notification and Debriefing of Unsuccessful Offerors ↵

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### c. Complete Final Evaluation Worksheets

Based on the final evaluations, the evaluators must provide a narrative of the evaluation and complete worksheets for each technical factor that clearly document how the ratings were determined. The chairperson will use these reports to prepare the final evaluation report to the Lease Contracting Officer (LCO). The necessity for complete, accurate, and clearly written worksheets and narratives cannot be overstated; one may need to refer to worksheets and reports weeks and possibly months later.

### d. Final Selection Decision

As stated previously, when the tradeoff process is being utilized, the Source Selection Authority (SSA) has the flexibility to make tradeoffs between cost and technical factors. . The SSA's decision shall be based on a comparative assessment of proposals against all source selection criteria in the Request for Lease Proposal (RLP). While the SSA may use reports and analyses prepared by others, the source selection decision shall represent the SSA's independent judgment. The source selection decision shall be documented, and the documentation shall include the rationale for any business judgments and tradeoffs made or relied on by the SSA, including benefits associated with additional costs. Once the SSA has made the final selection, the chairperson prepares for his or her signature a document describing the rationale for the decision.

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## 13. Notification and Debriefing of Unsuccessful Offerors

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### a. Provide Official Notifications to Unsuccessful Offerors

Section 15 of the FAR requires prompt written notification of unsuccessful offerors.

- The LCO is required to provide a **pre-award** notification to those offerors who the LCO determines are outside the competitive range after receipt of initial proposals and before the receipt of best and final offers. Besides being a common courtesy, GSA has a responsibility to notify the unsuccessful offerors so that they may avoid unnecessary expenditures of funds and resources. The notification should state that they are no longer being considered for award and explain in general terms why their proposal is no longer being considered. Under no circumstances should the identity of firms remaining within the competitive range be divulged.
- The LCO is also required to provide **post-award** notification. Unless the LCO provided pre-award notification earlier, the LCO must notify all remaining unsuccessful offerors in writing promptly after award. The notification should include the number of offers solicited, the number of proposals received, the name and address of each offeror receiving an award, and the total contract price of each award.

### b. Guidelines for Debriefing Unsuccessful Offerors

#### Pre-award debriefing of offerors

The unsuccessful offeror must submit a written request for a debriefing to the Lease Contracting Officer (LCO) within 3 days after receipt of the notice of exclusion from the competitive range. If

### ↳ 13. Notification and Debriefing of Unsuccessful Offerors

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the offeror does not submit a timely request, the LCO need not provide either a pre-award or a post-award debriefing. Offerors are entitled to no more than one debriefing for each proposal.

The LCO shall make every effort to debrief the unsuccessful offeror as soon as practicable, but may refuse the request for a debriefing if, for compelling reasons, it is not in the best interests of the Government to conduct a debriefing at that time. The rationale for delaying the debriefing shall be documented in the contract file. If the LCO delays the debriefing, it shall be provided no later than the time post-award debriefings are provided.

Debriefings may be done orally, in writing, or by any other method acceptable to the contracting officer.

At a minimum, pre-award debriefings shall include—

- 1) The agency's evaluation of significant elements in the offeror's proposal;
- 2) A summary of the rationale for eliminating the offeror from the competition; and
- 3) Reasonable responses to relevant questions about whether source selection procedures contained in the RLP, applicable regulations, and other applicable authorities were followed in the process of eliminating the offeror from the competition.

Pre-award debriefings shall not disclose—

- 1) The number of offerors;
- 2) The identity of other offerors;
- 3) The content of other offerors' proposals;
- 4) The ranking of other offerors;
- 5) The evaluation of other offerors; or
- 6) Any of the information prohibited in FAR 15.506(e).

An official summary of the debriefing shall be included in the contract file.

#### **Post award debriefing of offerors**

The debriefing of unsuccessful offerors is required only upon receipt of a timely written request from the offerors. A written request must be received within 3 days after the date on which that offeror received notification of contract award. Debriefings are intended to explain to the offeror how the offers were evaluated and to describe the strengths and weaknesses of the offer as compared to the RLP (not to other offers). Debriefings must not reveal any information that is not releasable under the Freedom of Information Act (FOIA).

The debriefings are not to take place until after contract award. At a minimum, the debriefing information shall include—

- (1) The Government's evaluation of the significant weaknesses or deficiencies in the offeror's proposal, if applicable;
- (2) The overall evaluated cost or price (including unit prices) and technical rating, if applicable, of the successful offeror and the debriefed offeror, and past performance information on the debriefed offeror;



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### 13. Notification and Debriefing of Unsuccessful Offerors ↵

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- (3) The overall ranking of all offerors, when any ranking was developed by the agency during the source selection;
- (4) A summary of the rationale for award;
- (5) For acquisitions of commercial items, the make and model of the item to be delivered by the successful offeror; and
- (6) Reasonable responses to relevant questions about whether source selection procedures contained in the solicitation, applicable regulations, and other applicable authorities were followed

Note: In FOIA requests, source selection plans are withheld, as well as unsuccessful proposals and any records that would tend to reveal privileged information concerning any proposals received. Executed leases are normally released. FOIA requests for information relating to source selection actions should be reviewed by the Office of Regional Counsel. Any questions concerning the type of information to be released during debriefing sessions should also be directed to regional counsel.

An official summary of the debriefing shall be included in the contract file.



ATTACHMENT 1

Sample Memorandum Establishing  
Source Selection Evaluation Board

MEMORANDUM FOR (Board Chairperson)

FROM: (Source Selection Authority)

SUBJECT: Source Selection Evaluation Board for  
  
\_\_\_\_\_  
(Title of Procurement and Solicitation Number)

I hereby designate the following individuals to serve as members of the Source Selection Evaluation Board for  
\_\_\_\_\_. (Title of Procurement and Solicitation Number)

Chairperson: \_\_\_\_\_  
  
Name, Functional Title, Organizational Assignment

Other Members: \_\_\_\_\_  
  
Name, Functional Title, Organizational Assignment

Secretary: \_\_\_\_\_  
  
(Nonvoting) Name, Functional Title, Organizational Assignment

Legal Member: \_\_\_\_\_  
  
(Nonvoting) Name, Functional Title, Organizational Assignment

The Source Selection Evaluation Board will follow applicable policies and procedures in the FAR, GSAM, and the source selection strategy developed for this acquisition. The Chairperson is responsible for ensuring that board members are familiar with the cited publications, especially those relating to conflict of interest and nondisclosure of information. Board duties take precedence over other duties of the board members.

\_\_\_\_\_  
Date Source Selection Authority