6 FAH-2 H-430
THE NEGOTIATION PROCESS

(TL:CORH-2; 11-19-2003)
(Office of Origin: A/OPE)

6 FAH-2 H-431 AWARD ON INITIAL PROPOSALS

(TL:CORH-2; 11-19-2003)

The contracting officer may choose to award on the basis of initial proposals, without having to determine a competitive range and hold discussions/negotiations. The solicitation must have notified all offerors that the U.S. Government intends to evaluate proposals and make award without discussion, unless the contracting officer determines that discussions are considered necessary. The contracting officer must make the award decision consistent with the evaluation factors stated in the RFP, and must determine that the proposed awardee is responsible.

6 FAH-2 H-432 PRE-NEGOTIATION ACTIVITY

(TL:CORH-2; 11-19-2003)

a. In conducting discussions/negotiations, the contracting officer may be assisted by a negotiation team which could include the COR and members of the technical evaluation panel. The contracting officer must maintain control of the negotiations, and must be present at all face-to-face negotiations and initiate all written negotiations.

b. Evaluating and analyzing proposals to determine the competitive range alerts the contracting officer to technical weaknesses and provides detailed information on the reasonableness of price or cost estimates. Based on this information, the contracting officer prepares for negotiations. The contracting officer may call upon the COR to assist him or her in the preparation.

6 FAH-2 H-433 DISCUSSIONS/NEGOTIATIONS

(TL:CORH-2; 11-19-2003)

a. Discussions (also known as negotiations) are exchanges, either in writing or orally, between the U.S. Government and each of the offerors in the competitive range, with the intent of allowing the offeror to revise its proposal.

b. Either written or oral discussions must be conducted separately with each offeror whose proposal is within the competitive range. The goal is to maximize the U.S. Government's ability to obtain the best value.

c. The contracting officer points out to each offeror the ambiguities, deficiencies, and significant weaknesses if any, in its proposal. The contracting officer also advises the offeror of any adverse past performance information. The offeror is then given a reasonable opportunity to support, clarify, correct, improve, or revise its proposal by means of a written final proposal revision.

d. While the contracting officer and others participating in the discussions may advise offerors of all areas in which technical weaknesses are perceived, they must avoid "technical leveling" by not helping an offeror bring its proposal up to the level of other proposals through successive rounds of discussion, i.e., by pointing out weaknesses resulting from the offeror's lack of diligence, competence, or creativity in preparing the proposal.

e. No offeror may be given information which will provide a competitive advantage over other offerors. An offeror's ranking in relation to other offeror's should not be disclosed. The U.S. Government team must be especially careful in discussions to avoid "technical transfusion," meaning the disclosure of an offeror's technical ideas or approaches which results in the improvement of a competing proposal.

f. The U.S. Government should never compromise the competitive environment by leading one offeror to believe that it will win if it makes certain changes or concessions.

6 FAH-2 H-434 FINAL PROPOSAL REVISIONS

(TL:CORH-2; 11-19-2003)

a. Following discussions with offerors, the contracting officer indicates the closing of negotiations by requesting final proposal revisions, thus allowing offerors an opportunity to revise or modify the technical proposals, cost proposals, or both.

b. All offerors are given a common cut-off date to submit final proposal revisions. When the final proposal revisions are received, a final technical evaluation is required to determine if the revisions affected the technical merits of the proposals, scores, or relative standing. The same evaluation plan should be used for the final evaluation unless the RFP has been amended. Two sample Final Technical Evaluation Reports are shown at 6 FAH-2 H-434 Exhibit H-434A (for the tradeoff process) and Exhibit H-434B (for the LPTA process).

c. The revised proposals then become the definitive offers which the U.S. Government will use in determining which offeror to select for contract award. The offeror whose proposal offers the greatest advantage to the U.S. Government, price and other factors considered, should receive the award.

6 FAH-2 H-435 THROUGH H-439 UNASSIGNED

6 FAH-2 H-434 Exhibit H-434A FORMAT FOR A FINAL TECHNICAL EVALUATION REPORT – TRADEOFF PROCESS

(TL:CORH-2; 11-19-2003)

MEMORANDUM FOR: **[*Contracting Officer*]**

FROM: **[*Name*]**, Chair, Technical Evaluation Panel (TEP)

SUBJECT: Source Selection Recommendation - RFP **[*number*]**

Attached for your consideration are the results of the TEP's evaluation of the final proposal revisions submitted under the subject RFP.

I. Basis for Evaluation

The TEP evaluated each final proposal revision against the results from the initial evaluation of offers (see report dated **[*insert date of initial report*]**, including the significant technical questions and concerns raised by that review, and against the evaluation criteria for award published in Section M of the RFP.

II. Ranking of Proposals

Based upon its evaluation of the final proposal revisions, the TEP revised the initial consensus ratings and technical acceptability ratings as shown below:

Name of Offeror	Consensus Rating[1]	Acceptability[2]

[*Add more blocks as necessary*]

[1] Excellent, Good, Fair, Poor, Unacceptable

[2] A = technically acceptable; C = technically unacceptable, but capable of being made acceptable through discussions; U = technically unacceptable

Continuation—6 FAH-2 H-434 Exhibit H-434A

III. Analysis of Proposals

[*For each proposal, discuss how and if the final proposal revision resolved the concerns and questions raised by the TEP's initial evaluation and what impact these facts had on the final rating. Discuss the relative merits of the offers to one another, including both principal weaknesses and strengths. This may be done on a factor-by-factor basis.*]

IV. Concurrence of TEP Members:

_____ _____

Signature Date

_____ _____

Signature Date

_____ _____

Signature Date

[*Adjust as necessary*]

Attachments

[*Rating sheets, committee and/or advisor reports, reference checks documentation*]

6 FAH-2 H-434 Exhibit H-434B FORMAT FOR A FINAL TECHNICAL EVALUATION REPORT FORMAT – LOWEST PRICE TECHNICALLY ACCEPTABLE PROCESS

(TL:CORH-2; 11-19-2003)

MEMORANDUM FOR: **[*Contracting Officer*]**

FROM: **[*Name*]**, Chair, Technical Evaluation Panel (TEP)

SUBJECT: Final Technical Evaluation of Offers - RFP **[*number*]**

Attached for your consideration are the results of the TEP's evaluation of the final proposal revisions submitted under the subject RFP.

I. Basis for Evaluation

The TEP evaluated each final proposal revision. The final proposal revisions were evaluated against the results from the initial evaluation of offers (see report dated **[*insert date of initial report*],** including the significant technical questions and concerns raised by that review, and against the evaluation criteria for award published in Section M of the RFP.

II. Final Technical Acceptability of Proposals

Based upon its evaluation of the final proposal revisions, the TEP has determined the following technical acceptability ratings:

Name of Offeror	Acceptability[3]

[*Add more blocks as necessary*]

[3] A = technically acceptable; C = technically unacceptable, but capable of being made acceptable through discussions; U = technically unacceptable

Continuation—6 FAH-2 H-434 Exhibit H-434B

III. Analysis

[*For each proposal, discuss how and if the final proposal revision resolved the concerns and questions raised by the TEP's initial evaluation and what impact these facts had on the final determination of technical acceptability. Discuss the relative merits of the offers to one another, including both principal weaknesses and strengths. This may be done on a factor-by-factor basis.*]

IV. Concurrence of TEP Members:

_____	_____
Signature	Date
_____	_____
Signature	Date
_____	_____
Signature	Date

[*Adjust as necessary*]

Attachments

[*Rating sheets, committee and/or advisor reports, reference checks documentation*]