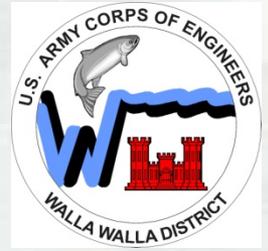




US Army Corps
of Engineers®
Walla Walla District



Contracting with the Corps of Engineers

The Contracting Process – a 10K FT View

October 2016

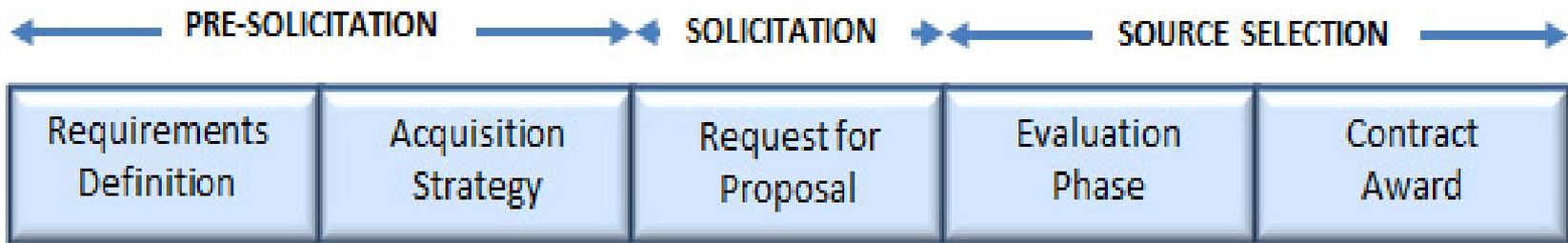


Agenda

- ▶ Welcome
- ▶ Roles and Responsibilities
- ▶ Pre Solicitation
 - Requirements Definition
 - Acquisition Planning
 - Market Research
 - Small Business Analysis
- ▶ Solicitation
 - IFB/RFP/RFQ Issued
 - Time on the Street
 - Inquiries/Site Visit
 - Amendments
- ▶ Source Selection
 - Evaluation
 - Contract Award
 - Debriefings
- ▶ Post Award
 - Contract Administration
 - Contract Closeout



The 10K FT View



Following the Process – Standardization is Important



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CT Roles and Responsibilities

Contracting Officer (KO)

- Contracting officers (KO) have authority to enter into, administer, or terminate contracts.
- Contracting officers are responsible for ensuring performance of all necessary actions for effective contracting, ensuring compliance with the terms of the contract, and safeguarding the interests of the United States in its contractual relationships.



CT Roles and Responsibilities

Contracting Officer (cont'd)

- Contracting officers are allowed wide latitude to exercise business judgment. Contracting officers **shall** --
 - ▶ (a) Ensure that the requirements of FAR 1.602-1(b) have been met, and that sufficient funds are available for obligation;
 - ▶ (b) Ensure that contractors receive impartial, fair, and equitable treatment; and
 - ▶ (c) Request and consider the advice of specialists in audit, law, engineering, information security, transportation, and other fields, as appropriate.



CT Roles and Responsibilities

Contract Specialist/Purchasing Agent

- Contract Specialist:
 - ▶ Act as business advisors to the Project Managers and Operating Project POCs
 - ▶ Assist in planning for and acquiring the supplies, services, construction and architect/engineering services
- Specific day-to-day tasks include:
 - ▶ Solicit proposals or bids for contracts or property
 - ▶ Purchase or contract for property, services, supplies, equipment, or other items
 - ▶ Negotiate with individuals or organizations to resolve conflicts, disputes, or grievances
 - ▶ Acquire and maintain a working knowledge of relevant laws, regulations, policies, standards, or procedures
 - ▶ Interpret and apply laws, regulations, policies, standards, or procedures to specific issues



CT Roles and Responsibilities

Contracting Officer Representative (COR)

- A COR assists in the development of a requirement (services – PWS), reviews design specifications (Construction), performs technical monitoring or administration of a contract (post award)
- The KO designates a properly trained COR in writing before service, supply, construction, A&E contract performance begins
- The COR is the KO's eyes and ears on the ground
- Contractor notified at time of award who their COR is – important relationship
- The COR must maintain a file for each contract assigned
 - ▶ Contracting Officer Representative Tool (CORT)
 - ▶ Semi-Annual discussion with KO
 - ▶ Annual File review by CT staff



Pre- Solicitation

- Requirements Definition
- Acquisition Planning
- Market Research
- Small Business Analysis



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Defining The Requirement



How the customer explained it



How the project leader understood it



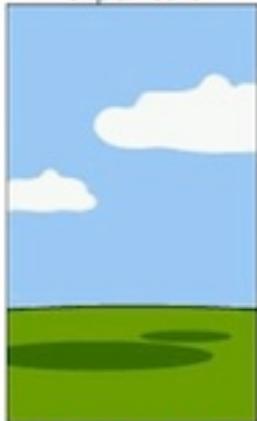
How the engineer designed it



How the programmer wrote it



How the sales executive described it



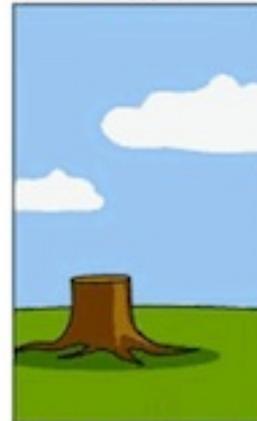
How the project was documented



What operations installed



How the customer was billed



How the helpdesk supported it



What the customer really needed



Developing The Requirement

- **Scope and/or Specification**
 - ▶ **Performance-Based Services Acquisition (PBSA)**
 - Performance Work Statement (PWS) – Define what you need (outcome based)
 - Quality Assurance Surveillance Plan (QASP)
 - ▶ **Detailed Specifications (Supply or Construction)**
 - ▶ **Functional Specifications**
- **Limitations Determined**
 - ▶ **Only One Source**
 - ▶ **Brand-Name-Or-Equal**
 - ▶ **Unusual or Compelling**



Acquisition Planning

- Begins when a requirement and funds are identified to meet a mission need.
 - ▶ What are we acquiring? What is the BEST way to procure what will meet the government's need?
 - ▶ Want to achieve best overall value
- USACE follows Project Management Business Process (PMBP) for PM managed projects
 - ▶ PM Assigned
 - ▶ Project management plan (PMP) developed by PM
 - ▶ Resource Providers assign functional experts to the PDT (Project Delivery Team)
- Tactical Acquisition Strategy Board (TASB)
 - ▶ Over \$150K - board approves proposed acquisition strategy



Market Research

- “Market research” means: Collecting and analyzing information about capabilities within the market to satisfy agency needs.
- Acquisitions begin with a description of the Government’s needs stated in terms sufficient to allow market research.
- Conduct market research appropriate to the circumstances.



Why Market Research

- Find out what resources are available in industry to perform requirement
- Determine if SB participants are interested, available and capable of performing the requirement
- Comply with Small Business Act
- Can requirement be met with commercial items
- Identify commercial practices



Market Research Tools

- Historical Data
- **Sources Sought and Request for Information**
- 8(a) Capability Statements & Briefings
- System for Acquisition Management (sam.gov)
- Dynamic Small Business Engine Searches
- SDVOSB & HUBZone Databases
- Thomas Register, Dunn & Bradstreet
- Industry catalogs
- Industry conferences & pre-solicitation conferences



Conducting A Sources Sought

- What Needs to be in A Sources Sought?
 - ▶ Detailed description of work
 - ▶ Performance period
 - ▶ Type of contract & supply or service or construction
 - ▶ Special work conditions (Elevated? Confined space?)
 - ▶ Bonding capacity (construction)
- Request firms respond w/capabilities
- Request firms to demonstrate past performance
 - ▶ List of Contracts, type of work, \$ value, etc.
- Request firms respond with any certifications required



Reviewing Market Research

- KO reviews availability/capability and determines whether to set-aside (Rule of 2)
 - ▶ The **technical team** evaluates responses to sources sought to assist the KO in determining the appropriate SB program
- Order of Precedence
 - 1 – SDB (8(a)) (Small Disadvantaged Business)
 - 1 - HUBZone (Historically Underutilized Business Zone Small Business)
 - 1 - SDVOSB (Service Disabled Veteran-Owned Small Business)
 - 1 - WOSB (Women-Owned Small Business)
 - 1- DWOSB (Disadvantaged Women-Owned Small Business)
 - 2 - Small Business
 - 3 - Unrestricted

**Remember – the Fed Government is in the business of doing
business with small business!**



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Small Business Key Considerations

- Dollar value
 - ▶ under \$150K reserved for small business concerns (SBC)
 - ▶ over \$150K KO must document why requirement is not set-aside for SBC

- Rule of 2 –
 - ▶ Based on market research, expectation that two or more responsible SBC's will (1)submit offers (2) at fair market prices
 - ▶ KO/CS must know what they are buying to classify procurement, market the procurement to industry and consider all applicable regulations (FAR/DFARS/AFARS/UAI)
 - ▶ Determination on rule of 2 only after market research completed



When Can We Sole Source?

- It Depends.....
- 8(a) under certain \$ amounts-authorized by statute
 - ▶ Manufacturing <\$7M sole source
 - ▶ Services and Construction <\$4M sole source
- Certain NAICS codes for other Small Business Sub Categories
- Allow ample time for market research and public announcement (except sole source 8(a))



Solicitation

- IFB/RFP/RFQ Issued
- Time on the Street
- Inquiries
- Amendments
- Site Visit



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IFB/RFP/RFQ Issued

- How do we determine when we release and RFP/RFQ?
 - ▶ It Depends....
 - ▶ Acquisition Milestones – Larger Acquisitions
 - ▶ Customer Needs – Smaller Acquisitions
 - ▶ Contracting’s Workload
- Contract Specialist posts the IFB/RFP/RFQ on fbo.gov or locally
- How Long is the RFP/RFQ “on the street”?
 - ▶ Number of days depends on the type of acquisition
 - ▶ Commercial Item, GSA Advantage/EBuy: Contracting officer has discretion on # of days, but.... 30 day minimum?
 - ▶ RFPs, IFBs, over \$150K, non commercial item: 30-45 days
- We must provide adequate time for Offerors to submit offers/quotes/proposals



Inquiries/Amendments

- **Inquiries**
 - ▶ Bidder Inquiry System
 - ▶ POC on the Solicitation
 - ▶ How We Respond
- **Amendments**
 - ▶ Result of inquiry
 - ▶ Timeline change
 - ▶ Design Change



Site Visits

- Purpose: To review the RFP/RFQ requirements at the location of work
- GOV POC: Normally Contract Specialist, with PM and Project Delivery Team (PDT) support
- All Firms/Contractors Sign In
- Foreign Nationals? Need 45 Days To Process Clearance
- Questions: Yes – at the visit or in writing prior
 - ▶ Responses: Clarifications – ok; nothing said at site visit changes the RFP – only by amendment
- Don't pass up a site visit!



Source Selection

- Evaluation
- Award
- Debrief



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Contrary to contractor belief,
this is not the way we conduct
source selections



Invitation For Bid

- Sealed Bid Submitted to GOV POC NLT
Date/time in the solicitation
- Public Opening – anyone can attend
- Read each bid outload
- Read Independent Government Estimate (IGE)
- Low Bidder wins



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Request for Proposal



Secure
and Safeguard
the Proposals

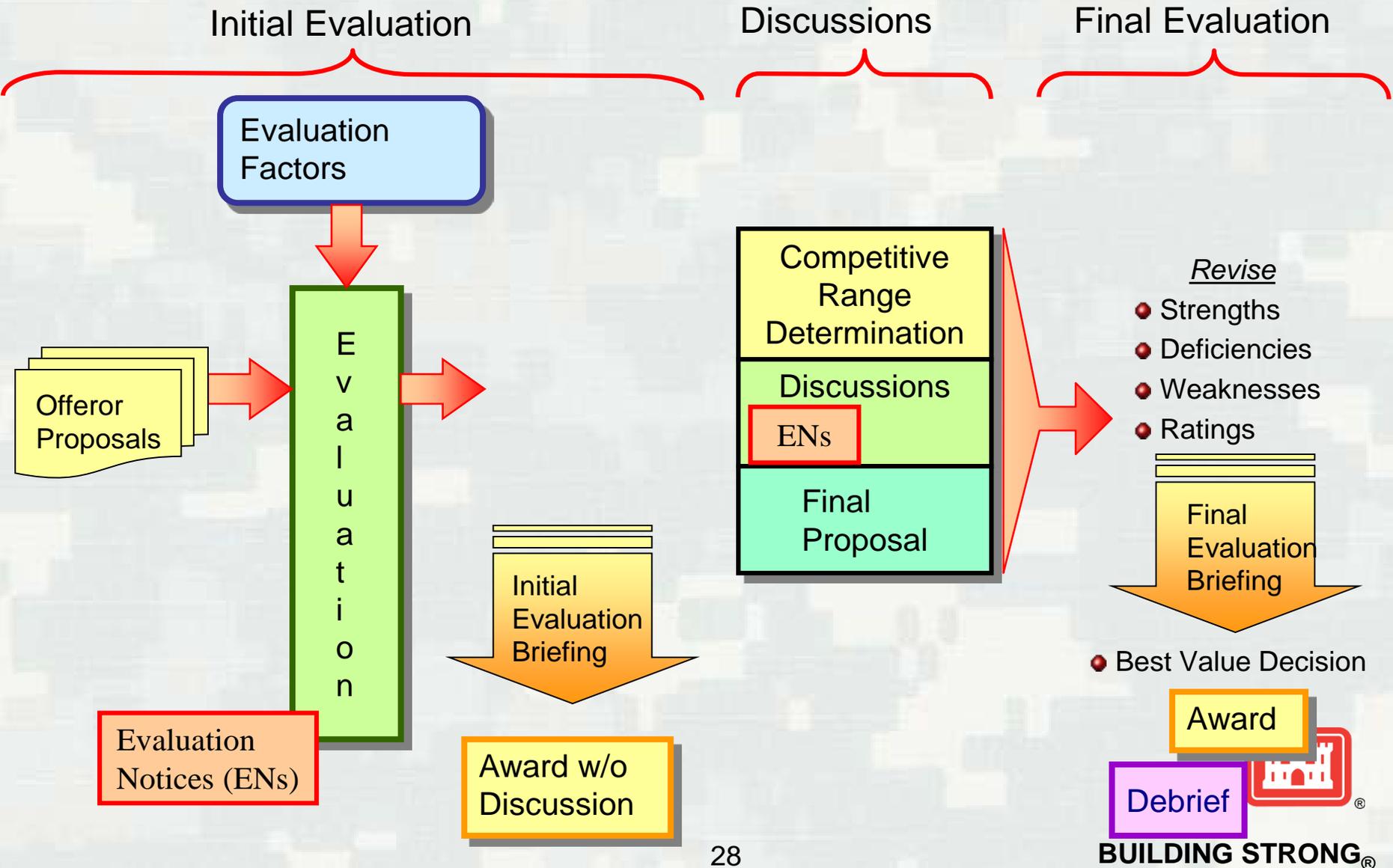


Receiving Proposals

- Time and Date Stamp each proposal
- Review for general responsiveness
 - ▶ Proposal Acceptance Period
 - ▶ Authorized Signature
 - ▶ Acknowledge Amendments
 - ▶ Reqs and Certs and SAM – Active, not on Excluded List
 - ▶ Complete Submission (separate price and technical proposals)
- Prepare Abstract of Pricing
 - ▶ Include all CLINS
 - ▶ Check for math errors
- Subcontracting Plan to SB Deputy for Review



Best Value Tradeoff Evaluation Process

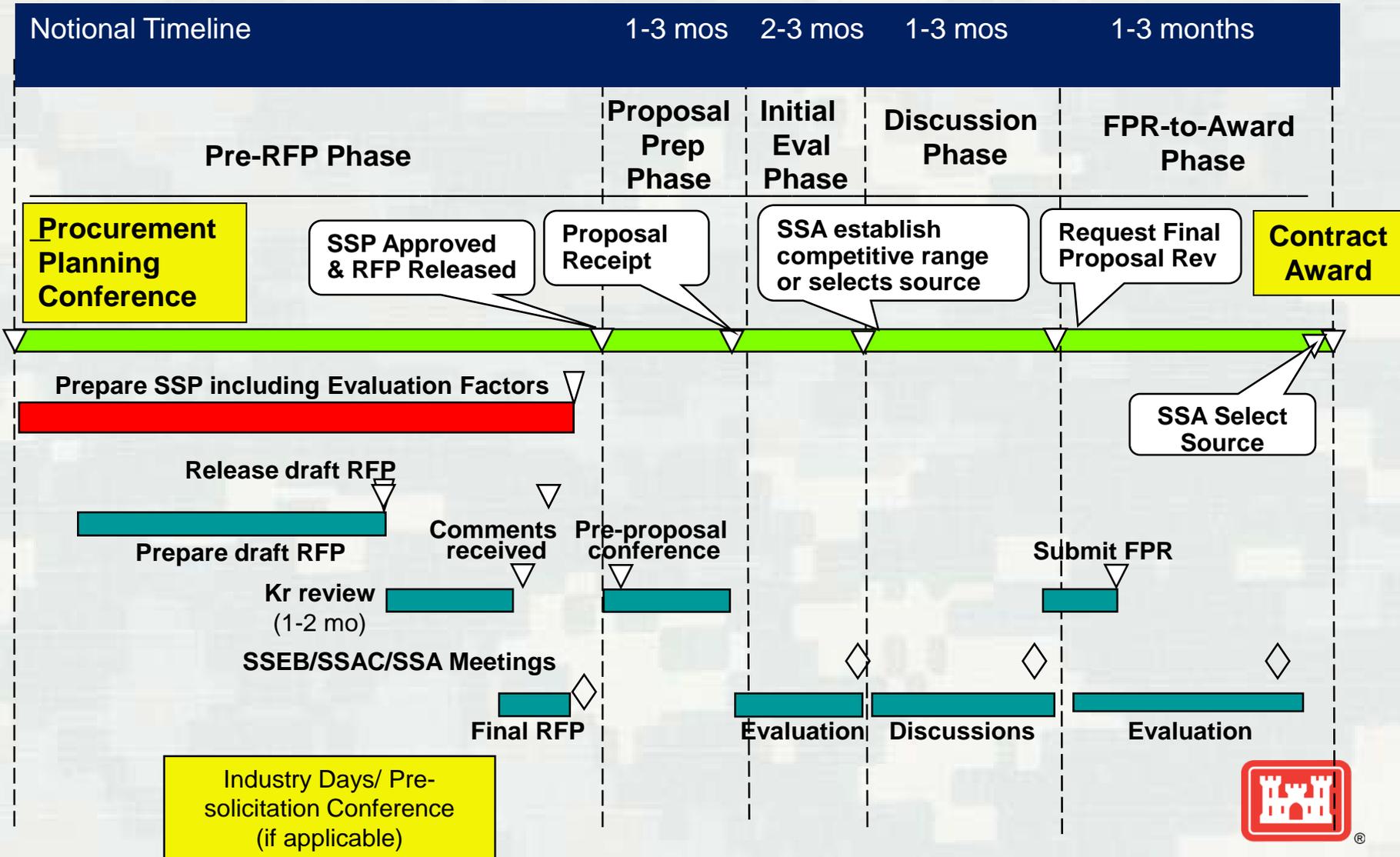


Post-Award Debriefings

- Unsuccessful Offerors upon request
- Include (FAR 15.506(d))
 - ▶ Significant weaknesses and/or deficiencies
 - ▶ Overall rating and total price of both successful Offeror and Offeror being debriefed
 - ▶ Past performance information
 - To which contractor has not had an opportunity to respond
 - ▶ Summary of the rationale for award
 - ▶ For commercial items; make and model
 - ▶ Responses to relevant questions about the source selection
- No source selection information
- Document the file



Generic Source Selection Process



Contract Administration

- Contract Specialist – POC for Contractor and Customer for any post-award matters
 - ▶ Contractor POC Changes
 - ▶ Bond Submission
 - ▶ Modifications
- Contracting Officer:
 - ▶ Appoint COR
 - ▶ Delegate certain authorities to Administrative Contracting Officers (ACO)
 - ACOs delegated authority only on construction contracts in the Corps
 - ACOs insure Contractors perform in accordance with the contract
- Construction Branch, Engineering and Construction Division
 - ▶ Assign Project Engineers (can be COR too) and Quality Assurance Representatives (QAR)
 - Oversee Contract and Contractor's Quality Control



Contract Administration Claims

- Contractors have the right to file “Claims” (during or after execution of a contract) as a result of a contract issue
 - ▶ Usually begin with a Request for Equitable Adjustment (REA)
 - ▶ Who Decides on a Claim? Contracting Officer – Renders a Contracting Officer’s Decision (COD)
 - ▶ Contractors can request alternative dispute resolution (ADR) if they disagree with the COD – can go all the way to Contract Board of Appeals



Contract Administration

Contract Closeout

- Contract Specialist/Contracting Officer/COR:
 - ▶ Most close out all contracts
 - ▶ Timelines for closeout established for all types of contracts
 - ▶ CPARS Final Ratings (Threshold Driven)
 - ▶ De-obligation of any remaining funds
- Contractor:
 - ▶ Submits final Invoice
 - ▶ Appropriate personnel complete receiving report/applicable documentation
 - ▶ Receipt of Payment validated (through CEFMS)
 - ▶ CPARS Ratings Completed (Contractor comments/signs)



Wrap Up

- 10K foot overview Contracting Processes
 - ▶ Need more detail – contact PTAC Rep and/or James Glynn
- It Takes a Team to Execute Acquisitions
- Your Small Business Specialist or Contracting Specialist are available for any questions you have.



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