



2014

Architect / Engineer

Source Selection Guide

The Department of Health & Human Services
Indian Health Service
Office of Environmental Health & Engineering
Division of Engineering Services



A-E SOURCE SELECTION GUIDE

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CHAPTER 1. INTRODUCTION

1.1 Purpose

This guide describes best practice procedures for source selection and contract award for A-E services. It is intended as a working level guide for members of the acquisition team and should be used in conjunction with current policy directives and regulations. This guide may be used to select private sector A-E firms needed to develop designs for the repair, renovation, and new construction for medical centers, hospitals, clinics, community health centers, health stations, administrative buildings, staff quarters, and a wide range of sanitation facilities for water supply; solid and liquid waste collection, treatment, and disposal.

This guide may be provided to Tribes and Tribal Organizations as part of the technical assistance offered by IHS under the Indian Self-Determination and Education Assistance Act (PL 93-638, as amended).

1.2 Background

The A-E selection process is different than other types of federal procurements. A-E selection is based on professional qualifications necessary for successful performance of the specific job. Price is evaluated after the most highly qualified A-E firm is selected.

Contractor selection criteria shall include (FAR 36.602-1):

- Professional qualifications necessary for satisfactory performance of required services
- Specialized experience and technical competence in the type of work required
- Capacity to accomplish the work in the required time
- Past performance on contracts with government agencies and private industry in terms of cost control, quality of work and compliance with performance schedules
- Location in the general geographical area of the project and knowledge of the locality of the project, provided that application of this criterion leaves an appropriate number of qualified firms, given the nature and size of the project
- Acceptability under other appropriate evaluation criteria

Rules for A-E source selection are outlined in the Brooks Act and the Federal Acquisition Regulations. The Brooks Architect-Engineer Act (40 U.S.C. 541-544) was passed by congress in October of 1975. The Federal Acquisition Regulations Subpart 36.6 implements the Brooks Act and prescribes policies and procedures applicable to the acquisition of A-E Services.

1.3 Comments and Revisions

Comments or questions pertaining to this document should be addressed to: Director, Division of Division of Engineering Services (DES), 701 Fifth Avenue, Suite 1600, MS-24, Seattle, WA 98121.

The most recent electronic version of this guide, including forms, may be accessed at the DES website: <http://www.ihs.gov/des/>

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1.4 Scope

This guide describes:

- Planning for A-E acquisitions,
- Selection of A-E sources, and
- Negotiation and award of A-E contracts.

1.5 Definitions

Appointing Authority. The official with delegated authority to establish an Evaluation Board and appoint its members. For IHS, this official must be a management level employee other than the Selection Authority.

Architect-Engineer Services. Professional services of an architectural or engineering nature, as defined by State law, if applicable, which are required to be performed or approved by a person licensed, registered, or certified to provide such services;

- Professional services of an architectural or engineering nature, as defined by applicable State law, which the State law requires to be performed or approved by a registered architect or engineer.
- Professional services of an architectural or engineering nature associated with design or construction of real property.
- Other professional services of an architectural or engineering nature or services incidental thereto (including studies, investigations, surveying and mapping, tests, evaluations, consultations, comprehensive planning, program management, conceptual designs, plans and specifications, value engineering, construction phase services, soils engineering, drawing reviews, preparation of operating and maintenance manuals and other related services) that logically or justifiably require performance by registered architects or engineers or their employees.
- Professional surveying and mapping services of an architectural or engineering nature. Surveying is considered to be an architectural and engineering service and shall be procured pursuant to section [36.601](#) from registered surveyors or architects and engineers. Mapping associated with the research, planning, development, design, construction, or alteration of real property is considered to be an architectural and engineering service and is to be procured pursuant to section [36.601](#). However, mapping services that are not connected to traditionally understood or accepted architectural and engineering activities, are not incidental to such architectural and engineering activities or have not in themselves traditionally been considered architectural and engineering services shall be procured pursuant to provisions in [Parts 13, 14, and 15](#).

As-built drawings. See record drawings.

Buy Indian Act. The law (25 U.S.C. 47) which provides authority to give preference to Indians and Indian firms when acquiring goods or services wherever practicable as determined by the Contracting Officer.

Construction. Construction, alteration, or repair (including dredging, excavating, and painting) of buildings, structures, or other real property. For purposes of this definition, the terms "buildings, structures, or other real property" include but are not limited to improvements of all types, such as bridges, dams, plants, highways, parkways, streets, subways, tunnels, sewers, mains, power lines,

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cemeteries, pumping stations, railways, airport facilities, terminals, docks, piers, wharves, ways, lighthouses, buoys, jetties, breakwaters, levees, canals, and channels. Construction does not include the manufacture, production, furnishing, construction, alteration, repair, processing, or assembling of vessels, aircraft, or other kinds of personal property.

Contract. As used in this guide, refers to a contract for construction or a contract for architect-engineer services, unless another meaning is clearly intended when the text is viewed as a whole.

Design. Defining the construction requirement (including the functional relationships and technical systems to be used, such as architectural, environmental, structural, electrical, mechanical, and fire protection), producing the technical specifications and drawings, and preparing the construction cost estimate.

Design-bid-build. The traditional delivery method where design and construction are sequential and contracted for separately with two contracts and two contractors.

Design-build. Combining design and construction in a single contract with one contractor.

Evaluation Board (or "Selection Board") A committee whose function is to evaluate the technical qualifications of A-E firms under the general direction of the Chief of the Contracting Office.

Federal Business Opportunities (FedBizOpps). The electronic Government Point of Entry is required for all notices to the public concerning upcoming acquisitions and contract awards. FedBizOpps is online at www.fbo.gov.

A-E Federal Acquisition Regulation. Title 48 of the Code of Federal Regulations. These regulations are the primary rules governing federal procurement of supplies and services.

Fee. The total profit on an A-E contract. Fee is also used to describe profit on a cost-reimbursement contract.

Fee Limit. FAR 15.404-4(b) (4) (i)(B) limits the amount fee (profit) that may be paid for architect-engineer services. The total fee for A-E services is also limited by statute; refer to DES Operating Instructions Chapter 3 for additional information on developing estimates for A-E Fees.

HHSAR. Department of Health and Human Services Acquisition Regulation that supplements the FAR.

Indefinite-Delivery, Indefinite Quantity (IDIQ) Contract. A type of Indefinite Delivery contract used when the Government knows that requirements for particular goods or services will arise during a specific period of time but cannot predetermine the exact quantities or delivery dates. Some call IDIQ contracts ordering contracts because orders are placed against them when specific requirements with the scope of the contract are known. Orders for supplies or products are called "Delivery Orders" and orders for services are called "Task Orders." A-E IDIQ contracts substantially reduce the lead-time to acquire A-E services for individual projects. To be binding, these contracts must identify a minimum amount and that amount must be more than a nominal amount. They must also identify a maximum amount to be compliant with the Competition in Contracting Act.

Indian. As defined by FAR 26.101, an Indian is any person who is a member of an Indian tribe recognized by the Federal Government in accordance with 25 USC 1452(c), or an Alaska Native pursuant to the Alaska Native Claims Settlement Act (43 USC 1601.)

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Indian Tribe. Any Indian tribe, band, group, pueblo, or community which is recognized by the Federal Government as eligible for services from the Bureau of Indian Affairs (BIA) because of their status as Indians.

Firm. As used in this guide means any individual, partnership, corporation, association, or other legal entity permitted by law to practice the professions of architecture or engineering.

Master Contract. A term sometimes applied to an Indefinite Delivery Contract (IDC) to distinguish between the initial contract and individual task orders placed under it.

North American Industry Classification System (NAICS). The classification system developed to provide comparable statistics across North American Free Trade Agreement countries. NAICS codes classify businesses based on products/services provided, and allow statistical agencies in the United States to produce data that can be used for measuring productivity, unit labor costs, the capital intensity of production; constructing input-output relationships; and estimating employment-output relationships and other such statistics.

Plans and specifications, means drawings, specifications, and other data for and preliminary to the construction.

Project Summary Document (PSD). Required to justify, scope, and approve health care facilities projects over \$25,000 and less than \$1,000,000. Approval is granted at the Area level. An approved PSD is required before a contract may be awarded. See 'Program of Requirements' definition for IHS technical handbook reference.

Program of Requirements (POR). The justification and description of health care services (program) and engineering requirements for health care facilities of \$1,000,000 or more. This document must be approved before a contract may be awarded. The IHS Technical Handbook for Health Facilities, Volume II, Part 13 entitled Planning Documents and Reports provides additional guidance on preparation of the documents and forms. IHS website at: <http://www.ihs.gov/NonMedicalPrograms/DFEE/index.cfm>.

Record drawings, means drawings submitted by a contractor or subcontractor at any tier to show the construction of a particular structure or work as actually completed under the contract.

Selected Firms. Those firms appearing on the final selection list approved by the Selection Authority. Each firm on the list is eligible for contract award. However, the Contracting Officer is authorized to negotiate only with the most preferred firm and can consider the next firm on the list only if negotiations with the first firm are unsuccessful and terminated.

Selection Authority. The agency head or an official with delegated authority to make the final selection decision among the A-E firms recommended by the evaluation board. IHS Area Associate Directors and the Directors of DES Seattle and DES Dallas are Selection Authorities.¹

Short List Firms. Those firms selected for interviews on the basis of the initial evaluation by the Evaluation Board.

Shop drawings, means drawings submitted by the construction contractor or a subcontractor at any tier or required under a construction contract, showing in detail—

- (1) The proposed fabrication and assembly of structural elements,
- (2) The installation (i.e., form, fit, and attachment details) of materials or equipment, or

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(3) Both. Standard Form (SF) 330. Standard Form to be completed by the A-E describing the firm's qualifications. The SF 330 Part I represents the qualifications for a specific acquisition while Part II is a general statement of a firm's qualifications and experience. The SF 330 may be completed by the firm and accessed by the government online

Statement of Work. The detailed description of the work to be performed by the A-E firm. It may incorporate the POR and should specify requirements for schedule, cost control, value engineering, document format, design approval, and any special requirements for each phase of design.

System for Award Management (SAM). The primary Government repository for prospective Federal awardee and Federal awardee information and the centralized Government system for certain contracting, grants, and other assistance-related processes. It includes—

- (1) Data collected from prospective Federal awardees required for the conduct of business with the Government;
- (2) Prospective contractor-submitted annual representations and certifications in accordance with FAR subpart 4.12; and identification of those parties excluded from receiving Federal contracts, certain subcontracts, and certain types of Federal financial and non-financial assistance and benefits.

Task Order. An order for services placed under an Indefinite-Delivery contract. Each task order is considered to be a separate contract.

Two-phase design-build selection procedures, is a selection method in which a limited number of respondents (normally five or fewer) is (are) selected during Phase One to submit detailed proposals for Phase Two (see Subpart 36.3).

1.6 References

The following references, current as of this revision, have been incorporated into this A-E Selection Guide:

- Federal Acquisition Regulation (FAR)
- Health and Human Services Acquisition Regulation (HHSAR)
- IHS Manual

1.7 Abbreviations/Acronyms

A-E.....	Architect-Engineer
DHHS.....	Department of Health and Human Services
DES.....	Division of Engineering Services
FAR.....	Federal Acquisition Regulation
HHSAR	Health and Human Services Acquisition Regulation
IDC	Indefinite Delivery Contract
IDIQ	Indefinite Delivery, Indefinite Quantity [Contract]
IHS	Indian Health Service
NAICS.....	North American Industry Classification System

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POR Program of Requirements
RFP/RFQ Request for Proposal/Request for Quote
SAM.....System for Award Management
SBA..... Small Business Administration
SOW Statement of Work

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CHAPTER 2. PLANNING

2.1 Project Planning

This chapter describes considerations in developing an acquisition after the project has been approved and the need has been identified for A-E services for a specific project or for establishment of an IDIQ contract.

2.2 Acquisition Plan, POR, and PSD

Formal acquisition planning documents are not required for A-E acquisitions. However, given the length of the process, it is important to identify and schedule requirements for A-E services early in the project planning. The complete A-E acquisition process through award typically requires six months if all members commit to the planning schedule. A sample sequence of events leading to award of an A-E contract is illustrated in Exhibit I.

A Project Summary Document (PSD) is required to justify, scope, and approve health care facilities projects over \$25,000 and less than \$1,000,000. Approval is at the Area level. An approved PSD is required before a contract for A-E services may be awarded.

For projects over \$1 million, a Program of Requirements (POR) is required. The POR is a document that describes the program of services and engineering requirements for health care facilities of \$1,000,000 or more. This document must be approved before a contract for A-E services may be awarded. The IHS Technical Handbook for Health Facilities, Volume II, Part 13 entitled Planning Documents and Reports provides additional guidance on preparation of the documents and forms for the POR. See the IHS website at: <http://www.ihs.gov/NonMedicalPrograms/DFEE/index.cfm>.

2.3 POR Approval and Certification of Funds

To avoid needless waste of private resources, the Government must have the ability and a good faith intention of entering into a contract when it requests the public to respond to a solicitation. This requires that funds be available or be reasonably expected to be available to make a timely contract award. As a result of advance planning, project officials may be aware of a requirement for A-E services before the POR or similar document is approved and before funds have been budgeted and certified. Some acquisition planning activities, described in more detail in following sections, can be accomplished prior to POR approval and certification of funds:

- Members of the evaluation board can be appointed.
- The general description of the requirement to be included in the public announcement can be drafted.
- The selection criteria and rating plan can be written.
- Environmental factors, energy savings performance standards, recycled content, and sustainability may be considered.
- The set-aside decision can be made if sufficient information is available.
- The SOW can be drafted.

Other activities can be accomplished prior to POR approval and fund certification if essential to meet an urgent schedule:

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- The FedBizOpps announcement can be posted, provided there is a written statement from the IHS Financial Management Officer that funding is expected to be certified within 60 days. Wording must also be included in the announcement stating that design funds are expected to be received in the near future, and that the award of the A-E contract is subject to the availability of these funds.
- The short list can be established. Interviews with the short listed firms and final selection cannot proceed until the POR or similar document is approved, since the firms cannot be expected to discuss their proposed technical approach without knowing the specific technical and program requirements established for the project.

IDIQ contracts do not require an approved POR or PSD since they are, by nature, for requirements described only in general terms. However, individual task orders over \$25,000 require an approved PSD or POR depending on the threshold of the project. Basic IDIQ contract awards require a funds certification for the minimum amount specified in the contract.

2.4 A-E Evaluation Board Appointment

The Appointing Authority may establish one or more permanent evaluation boards or may appoint evaluation boards on an as-needed basis for individual A-E acquisitions (ad hoc boards). Board membership must be approved by the Contracting Officer. Exhibit II, Selection Board Appointment, is a sample memorandum for appointment of evaluation board members. Each board consists of at least five members of whom a majority must be Government employees. It is desirable that all members of the board are licensed/registered Architects or Engineers, but it is not always practicable depending on the size, location, nature of the project, or availability of licensed/registered personnel. In those cases, the majority should be registered.

For medical facilities, the evaluation board will often include an administrator (CEO or Chief Medical Officer), maintenance/facility manager, and direct patient care provider (one of the primary doctors who will be using the facility) as well as project managers from IHS.

A majority of the panel must also have completed the DHHS Project Officer Training course. The board may also include highly qualified professionals who are non-government employees and have special expertise related to the acquisition. For example, if sustainability is one of the key project requirements, it is a good idea to ensure that at least one member will be an advocate for sustainable design features throughout the process.

The appointing authority must designate one licensed/registered professional member of each board, who must be a government employee, as the chairperson. After notification that a board has been appointed, the Contracting Officer briefs the board on its responsibility to preserve the integrity of the selection process and transmits the qualification statements to the chairman. See Exhibit V, Contracting Officer Briefing Memo, for a sample.

For smaller projects (projects estimated to be less than \$30,000) a minimum of three board members, two of whom must be licensed/registered, is needed for a quorum.

2.5 Contract Type

The evaluation board, in consultation with the contracting officer, determines what type of contract best suits the requirement (fixed-price, cost reimbursement, etc). The preferred approach is to use firm-fixed-price contracts, which places the responsibility on the A-E to furnish a finished design on time for a firm-fixed price. If circumstances are such that costs cannot be predicted with reasonable certainty, it may be appropriate to use a cost-reimbursement contract. It is possible to limit the elements of a contract that will be subject to cost-reimbursement.

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If the requirement is suitable for an IDIQ type arrangement, a decision must be made early in the process of developing the Selection Plan whether to award multiple contracts for the same scope of work. The objective in defining the scope of an IDIQ contract is to avoid conflict with the intent of the Brooks Act. The IDIQ must be structured to provide reasonable assurance that the firm used for a particular job under the IDIQ would have been the firm selected as most highly qualified if a separate selection process had been done for that job. If the scope of work is too broad, it's less likely that a single firm or small group of firms would be most highly qualified for each order under the IDIQ. In that case, the requirement must be divided into more specific types of work.

If the scope of the requirement is narrow enough that one firm will be the highest qualified for every task order, a single award contract may be appropriate. There normally would be at least three firms rated as highly qualified to perform the work by the time a final A-E selection is made. For an IDIQ, with a general scope of work and a potential ordering period of five years, a multiple award scenario may be considered. Under a multiple award, the individual qualifications of each of two or more highly rated firms can be considered and award can be made to the most highly qualified firm considering the specific requirements of each task order. A discussion of the administrative costs and potential benefits must take place amongst the program stakeholders and contracting staff when determining whether the acquisition should result in a single IDIQ contract or multiple contract awards.

If multiple awards are considered, the FedBizOpps announcement, the RFP and resultant contracts must describe the criteria that will be used to select among the contract holders for award of task orders, and provide each awardee a fair opportunity to be considered for each order.²

2.6 Selection Criteria

As described above, subject to the review and approval of the Contracting Officer, the evaluation board is responsible for establishing the criteria for evaluation of contractor qualifications and identifying the relative importance of each item before an announcement is published in FedBizOpps. FAR 36.602-1 (a) lists the following criteria:

1. Professional qualifications necessary for satisfactory performance of required services (mandatory);
2. Specialized experience and technical competence in the type of work required, including, where appropriate, experience in energy conservation, pollution prevention, waste reduction, and use of recovered materials; (mandatory)
3. Capacity to accomplish the work in the required time; (mandatory)
4. Past performance on contracts with Government agencies and private industry in terms of cost control, quality of work, and compliance with performance schedules; (mandatory)
5. Location in the general geographical area of the project and knowledge of the locality of the project; provided, that application of this criterion leaves an appropriate number of qualified firms, given the nature and size of the project (qualified use); and
6. Acceptability under other appropriate evaluation criteria (optional).

When choosing selection criteria, it is important to make sure each member of the board has a clear understanding of each one. For example, make sure everyone understands the differences between qualifications (from #1 above,) experience (from #2,) and past performance (#4.)

2.7 Set-Aside Decision

The Contracting Officer is responsible for choosing the appropriate set-aside method based on market research and current small business and socio-economic programs and goals.

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Set-asides should be made to meet HHS statutorily mandated small business goals first. After statutory mandated goals are met, IHS may use its discretionary authority to set the requirement aside under the Buy-Indian authority when there are at least two qualified Indian firms available to satisfy the requirements.

2.8 Public Announcement

Federal policy is to publicly announce all requirements for A-E services.³ When the requirement is anticipated to exceed \$25,000, it must be synopsisized in FedBizOpps and given 30 days for receipt of responses.⁴ Under \$25,000, the requirement may be publicized by posting a notice in a public place in the contracting office for at least ten days.⁵

A synopsis for A-E services published in FedBizOpps must contain the following elements:

- Summary of the scope of work involved. This should be sufficiently detailed to allow the firm to make an informed judgment as to whether it is capable of performing the work.
- Project location.
- Estimated cost range of construction.
- Estimated performance period.
- Criteria to be used in selecting the A-E contractor. The criteria must be consistent with the requirements listed in FAR 36.602-1(a), and must be listed in order of significance (weight), beginning with the most important criteria. If two or more criteria have equal weight, that fact should be indicated.
- The type of contract anticipated (normally firm-fixed price).
- A statement that the acquisition is a set-aside for Indian owned firms or other socio-economic groups, as applicable.
- Any other special requirements or restrictions affecting selection, such as geographic restrictions. Although respondents located in closer proximity to the project site may be evaluated more favorably, competition may not be restricted to firms located in a specific geographical area (that is, in a particular state or set of states) unless the Contracting Officer has approved a written justification that this restriction is necessary for the contractor to successfully perform the contract. Similarly, a requirement for professional registration in a specific state must also be justified based on objective factors; for example, knowledge of permafrost conditions. Exhibit IV, Justification for Restriction, is an example of a justification for restriction to a specific state professional licensing requirement.

The evaluation board provides a draft synopsis of the work requirement and the evaluation criteria to the contracting officer, along with a recommendation as to whether the acquisition should be set aside or conducted on an unrestricted basis. Exhibit III, Sample FedBizOpps, is an example. The Contracting Officer makes a set aside determination, finalizes the evaluation criteria, finalizes the draft synopsis, and submits it to FedBizOpps for publication.

2.9 Rating and Ranking Systems

The evaluation board is responsible for developing an evaluation system to use in rating and ranking submittals. The system will provide a method for each evaluator to independently assign a rating that will contribute to the rating or ranking firms. The ratings from individual evaluators are then used to provide a basis for a consensus ranking.

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A numerical or adjectival evaluation system may be used as determined by the Contracting Officer. An example of an adjectival ratings range follows:

- Excellent
- Good
- Satisfactory
- Marginal
- Unsatisfactory

The elements of the rating system are:

- **Evaluation Weight Factor:** Inevitably, the evaluation criteria will not all be considered equal. There may be more importance placed on experience than location, as an example. For this reason, evaluation weight factors are established by the board and Contracting Officer for each of the criteria.
- **Rating Factor:** The individual board member must rate each firm, on each criterion. The rating must reflect the member's judgment as to how well the firm meets the requirements of the evaluation criteria. More importantly, everyone on the board must have the same understanding of what the rating criteria represent. Consistency and documentation in rating is critical.
- **Assignment of Rating:** The product of the evaluation weight factor and the rating factor. The total score for the firm is the sum of the rating scores or consensus adjectival rating for each evaluation criterion.
- **Ranking:** Each board member must rank the top five firms from his/her ratings of the submittals. These rankings must be reported to the board and recorded.

Each firm's ratings from all the board members are considered when establishing the composite ranking. Based on the composite ranking, the board identifies at least three firms for further consideration. These firms comprise the "short list."

When the composite ranking results in two or more firms being tied for the same rank, the tie is broken through a consensus discussion of the individual board members' ratings for each firm.

This rating and ranking system is not, by itself, sufficient for selecting or even shortlisting firms. Written comments must accompany ratings. There needs to be documentation of strengths, weaknesses, and risks behind each rating, as well as a discussion amongst board members regarding their ratings, which is covered in the next section.

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CHAPTER 3. A-E EVALUATION AND SELECTION

3.1 Receipt of Qualification Statements

After the deadline for receipt of new or updated qualification statements has passed, the contracting officer:

- Prepares an abstract listing the firms that have submitted qualification statements.
- Screens the responses for responsiveness to the set-aside requirements of the solicitation. Ineligible firms are notified by mail that they will not be considered.
- Prepares a memorandum to the evaluation board chairperson and forwards the abstract, the qualification statements, and any performance evaluation material for use in the initial evaluation. Mark qualification statements as “Source Selection Information—See FAR 2.101 and 3.104” in accordance with FAR 3.104-4.

3.2 Initial Evaluation

Before the evaluation begins, the board chairperson and Contracting Officer are responsible for ensuring that each board member has been briefed on the requirements for safeguarding information used in source selection and is familiar with the rating plan. The chairperson is responsible for establishing a file to document that the evaluation is carried out in accordance with the plan. The file must contain the rating and ranking sheets with the criteria and the established criteria weight factors as developed by the board.

Each board member is assigned a reviewer number. The list correlating the assigned numbers with the reviewers' names is kept in a separate designated file.

Each board member completes a rating form for every eligible firm. In addition to judging each firm and assigning a rating for every selection element, the board member is responsible for writing concise comments to document the particular strength or weakness noted for each element. These comments will be furnished to unsuccessful firms as part of debriefing and should be written in a clear, objective and professional manner. Assignment of strengths and/or weaknesses is required for each element regardless of evaluation rating system.

Board members should be alert to information in qualification statements that may affect the firm's eligibility for award. The Contracting Officer should be notified if a firm's eligibility is in question, such as if the acquisition is set-aside for Indian firms and the reviewer believes the Indian-owned component of the proposed A-E team (including consultants) may not have the capacity to perform 51% of the work. Any questions shall be directed to the Contracting Officer.

After individual review, the board convenes to share their ratings and discuss findings. The board shall discuss the differences to ensure that there is a complete understanding of the firm's qualifications, and the board members shall be given the opportunity to adjust their initial ratings before posting by the board chairman. The board chairperson is responsible for posting the completed rating sheets to a summary rating sheet.

The initial ranking summary sheet is used to develop an overall ranking of the firms. If it is clear from the initial ranking who the awardee should be, the board chairperson shall develop the recommendation memo and submit it to the Selection Authority and Contracting Officer. If it is unclear from the initial evaluation who the awardee should be, the board will identify at least the three highest ranked firms for the short list of “most highly qualified” firms eligible for advancement to the next stage. It is possible that more than three firms are grouped closely in terms of overall rating; the selection board will use their best judgment in determining where the

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overall “break” is in ratings. The short list may be comprised of more than three firms. The board chairperson is responsible for notifying the contracting officer of the results of the evaluation. The contracting officer shall review and concur with the board chairperson’s findings or return the board’s recommendations, requesting changes before approval, when appropriate.

3.3 Debriefing

After the initial evaluation, and again after final selection, the Contracting Officer notifies firms that have been excluded from further consideration and advises them of their right to either a pre-award or post-award debriefing. Unsuccessful firms must request a debriefing within three days of notification or lose their right to receive one.⁶ Each firm is entitled to only one debriefing per acquisition. The information that must be included in a debriefing is summarized in FAR Subparts 15.505 and 15.506. The Contracting Officer may respond to a timely request for a debriefing by providing the required information in writing or orally. The selection board chairman is responsible for compiling the list of strengths and weaknesses that go into the debriefing letters or that are discussed at the oral debriefing.

3.4 Short-list Evaluation

The short-listed firms are further evaluated through formal interviews, additional data submitted by the firms with their presentations, references, and other means as determined by the board. The purpose of this evaluation is to make a final recommendation, in order of preference, of the firms eligible for negotiation of a contract.

In preparation for the interviews, the chairperson, in consultation with the Contracting Officer and board members, sets an agenda for the interviews. Topics must be within the announced evaluation criteria and a set time limit should be given for each firm’s presentation. Interviews are normally conducted at a single location such as the DES office, or at a central location such as the project site. Interviews may also be conducted at the offices of the firms, or by telephone. Telephone interviews should be limited to evaluations for small projects or when the board members are familiar with all of the short-listed firms. All firms must be interviewed in the same manner. Only those board members present for all the interviews may do the final ratings.

The board chairperson is responsible for contacting short-listed firms and scheduling the interviews. The board chairperson prepares letters to each short list firm to confirm the interview appointments, request any additional data or information, and forward the necessary project information (e.g., the approved POR or SOW) to enable the firms to discuss their technical approach to the work.

The board will consider the initial submittal and any additional submittal information received prior to the interview date if a firm declines to participate in the interview.

The board remains intact until the selection authority makes a recommendation to the Contracting Officer to begin negotiation, as the board may have to respond to queries by the selection official for additional information, clarification, revisions, etc.

3.5 Final Selection Report

Upon completion of the interviews, the board should study any other available information such as reference checks (see Exhibit VI, Reference Check Worksheet), recent performance reports, and additional qualification data submitted by the A-E firms. The board rates and ranks the short-listed firms a second time, in the same manner as used for the initial evaluation, as a result of the interviews and new findings. In the event that the final ranking differs from the short-list ranking, it is crucial that the individual rating sheets contain adequate written comments on the strengths and weaknesses resulting in the scores. Such documentation is critical and necessary in defending

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against protests by unsuccessful firms. The chairperson and/or Contracting Officer shall request individual board members to re-accomplish any rating sheet where narrative comments are inconsistent with the ratings indicated or where there were no substantiating narrative comments provided.

The chairperson drafts a report to document the results of the evaluation and the considerations upon which the recommendations are based, including the names of the board members (but not their assigned reviewer numbers as used on the score sheets), the selection criteria utilized, a description of the discussions and evaluations conducted by the board, the rank order of the three or more firms determined to be most highly qualified to perform the requirement, and detailed information supporting the rankings and recommended selection. See Exhibit VII, Evaluation Board Report.

The Contracting Officer reviews the report, prior to its submission to the selection official, to ensure that it contains sufficient information on the selection process followed and convincing justification for the recommended selection.

The board chairperson is responsible for preparing a file to accompany the Chairperson's A-E Selection Report with the following:

- Responses of the selected firms to the FedBizOpps announcements
- Minutes of all meetings
- Board appointment memorandum
- Evaluation sheets from each board member with the rating and ranking, and board members' reports relevant in the evaluations
- Special submittals from the selected firms
- FedBizOpps announcement
- List of firms that responded to the FedBizOpps notice, and firms added from data files
- Letters and other documents furnished by others about the short-listed firms

The Contracting Officer reviews and provides the A-E Selection Report and supporting file to the selection authority. See Exhibit VIII, Source Selection Memorandum.

3.6 Final Selection

The selection authority reviews the recommendations of the evaluation board and makes the final selection. The final selection must be a listing, in order of preference, of the A-E firms eligible for contract award. In accordance with FAR 36.602-4, the selection official may only consider the firms recommended in the Chairperson's A-E Selection Report, and must provide a written justification for selecting as most preferred firm other than the one listed by the evaluation board as most highly qualified. The final selection approval is the authority for the Contracting Officer to initiate negotiations with the most preferred firm.

3.7 Notification to Firms

Upon receipt of the final selection approval by the selection authority, the Contracting Officer must notify, in writing, the A-E firm finalists except the highest ranked selected firm, that they have not been selected to proceed to the negotiation phase. The same rules applicable to pre-award and post-award debriefing of firms eliminated in the initial evaluation apply to non-selected short-list firms.

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After final selection has been made, the identity of the selected firm may be disclosed.⁷ If the acquisition is set aside for small businesses, it is required that all firms eliminated from consideration (including those eliminated in the initial evaluation) be notified of the identity of the apparent successful firm and be given an opportunity to challenge the firm's small business size status.⁸

At the same time non-selection notifications are sent, the Contracting Officer notifies the most highly qualified firm of its selection and an approximate date to expect a request for price proposal.

3.8 Short Selection Process

When authorized by the agency, the short selection process may be used for contracts not exceeding the simplified acquisition threshold. The short selection procedures are as follows:

After a requirement is identified, a memorandum is sent to the Contracting Officer (CO), signed by the source selection authority. The memo should briefly describe the project, provide an estimated amount, recommend the short selection process as the one to be used for the acquisition, and appoint the selection board and/or selection board chairperson.

As with any acquisition, the board members are responsible for preserving the integrity of the source selection process. Until the award is made, information concerning the acquisition must not be disclosed to any person not directly involved in the evaluation process without the Contracting Officer's approval.

The board chooses appropriate evaluation criteria based on the project and contacts the CO to discuss milestone planning and the SOW.

The CO makes a set-aside decision and forwards the qualification statements (SF 330's) of the eligible firms to the board. See Exhibit V, Contracting Officer's Briefing Memo/SF 330 Transmittal.

Either one of two short selection procedures is permitted:⁹

- The final evaluation board report rates and ranks each SF 330 independently in accordance with the A-E Contractor Selection Guide and the evaluation criteria without further approval; or
- The board chairman may rate and rank firms without the board's participation and submit a recommendation to the Contracting Officer and source selection official. When approved, the chairman's recommendation becomes the final selection list.

If clarifications regarding a firm's qualifications are necessary, they may be conducted via telephone or email. This is not a negotiation; costs should not be discussed with any of the A-E firms during the review, rating, and selection process.

After the evaluation is complete and a firm is chosen, a source selection report is completed. The following documents are forwarded to the contracting officer:

- Fund certification (requisition)
- Government estimate
- Statement of Work
- Source Selection Report
- Rating Sheets
- All qualification statements (SF330's) that were evaluated

Upon receipt, the contracting officer issues an RFP to the highest ranked firm.

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CHAPTER 4. NEGOTIATION AND AWARD

4.1 Negotiation Team

The Contracting Officer has overall responsibility for negotiating the best value for the government. The Contracting Officer typically forms a team with an engineer or architect to draft the request for proposal, analyze the response, and negotiate a contract. Depending on the size and complexity of the requirement, the negotiation team may also include auditors, attorneys, or other specialists such as the Small Business Technical Advisor.

4.2 Request for Proposal (RFP)

The negotiation team drafts an RFP containing the general clauses and provisions required by law, any special provisions necessary to tailor the RFP to the requirement, and the current SOW. The RFP must completely state what is expected from the contractor but must also avoid being overly prescriptive. The RFP should allow the contractor to use modern design methods and provide a realistic ability to price the job within the 6% statutory fee limit.

Federal agencies have interpreted the statutory fee limitation as applying only to that part of the fee which covers the production and delivery of “designs, plans, drawings, and specifications.” Thus, the agencies consider that the 6% fee limitation does not apply to the cost of field investigations, surveys, topographical work, soil borings, inspection of construction, planning, concepts, schematics, or design development.

The RFP must inform the contractor that the firm designing the project cannot be awarded the construction contract to complete the project work.¹⁰

The RFP should identify any key personnel and restrictions on subcontracting to ensure that the level of quality seen during evaluation will be the same during performance.

The RFP will include a general description of the level of cost information or, if required by the FAR, shall require *certified* cost or pricing data.¹¹ Data other than certified cost or pricing data may be requested at any level when necessary for the purpose of performing a cost/price analysis, and determining if the offeror’s proposal is fair and reasonable.¹² For small requirements it may be adequate to rely on an overall price comparison with an independent government estimate. In most A-E acquisitions for design, it is probably necessary to ask the contractor to identify the number of hours of proposed labor, broken down by design discipline and phase, and the burdened billing rate associated with each category of labor. Additional information can be requested during negotiation if necessary.

Field pricing assistance may be necessary if there is not enough information or resources available to determine a fair and reasonable price. If this is the case, the Contracting Officer is encouraged to contact the cognizant audit office for assistance and team with appropriate field experts. Early communication with these experts will assist in determining the extent of assistance required, the specific areas for which assistance is needed, a realistic review schedule, and the information necessary to perform the review.¹³

If the A-E contract is expected to exceed the threshold identified at FAR 19.702(a)(i) and the selected firm is classified as other than a small business, the regional Small Business Administration (SBA) representative must be advised of the pending receipt of a subcontracting plan requiring SBA review.¹⁴

If the A-E contract is expected to exceed \$10 million, the Regional Office of Federal Contract Compliance Programs must be requested to provide pre-award clearance for the A-E firm before contract award.¹⁵

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The RFP is forwarded to the selected firm with a cover letter outlining the general requirements for a response, including the portions of the RFP to be completed and returned, and a due date for response. The firm is also told who to contact with questions. During proposal preparation, the contracting and technical staffs remain available to answer questions and assist the firm in understanding the RFP requirements.

4.3 Government Price Estimate

Besides being a tool for evaluation and negotiation, the estimate provides documentation on how the government decided on a fair and reasonable price, based on the level of effort estimated and current industry prices.

DES or Area technical staffs assigned to the acquisition are responsible for furnishing a detailed, independent price estimate to the Contracting Officer prior to issuing the RFP for new A-E services and modifications for large dollar amounts. The estimate must be prepared to the same level of detail that the Government requires of the firm in preparing their financial and cost data for their proposal. Although not always possible, it is expedient to have the A-E's estimate and Government's estimate presented in the same spreadsheet format to facilitate comparison.

4.4 Proposal Analysis

The Contracting Officer receives the proposal and verifies if the contractor has responded completely to the RFP. This includes verifying that any required certifications are completed and that any requested supporting information, such as cost information or subcontract plans, has been furnished. The Contracting Officer will obtain any missing information and if applicable, arrange for audit and forward the subcontracting plan to SBA for review.

The negotiation team reviews the proposal in detail and establishes pre-negotiation objectives, which should be documented in the Negotiation Memo (See Exhibit IX for an example).

The portion of the proposed price that is subject to the statutory fee limit must be under 6% of the estimated construction amount. See the DES Operating Instructions, Chapter 3, for more information. For the purpose of meeting the 6% fee limit, the offeror may call out specific costs they claim are not applicable to the limitation, however, it is the government's responsibility to make the final determination.

Proposed changes to the SOW or the schedule are evaluated for merit and, if acceptable, analyzed for their impact on estimated cost. If necessary, the government estimate is revised and compared to the contractor's proposal to identify areas that need to be resolved in negotiation. If no government estimate is available, the cost information obtained from the contractor should be evaluated against the SOW and a judgment made as to whether the estimated cost reasonably reflects the effort required by the proposed work scope.

For whatever reason, there may be elements of the proposal that are ambiguous, and dollar amounts may differ drastically from the estimate. These may indicate a misunderstanding of the scope of work, and the Project Officer should seek clarifications prior to negotiations. Both parties should have a mutual understanding of the SOW before negotiating. Remember that clarifications are not a negotiation; costs should not be discussed with any of the A-E firms during the review, rating, and selection process.

The pre-negotiation position should document that the negotiation team understands the proposal and the SOW and has identified areas for discussion that will provide a reasonable opportunity to reach agreement on a fair and reasonable price.

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4.5 Negotiation

The Contracting Officer establishes a date for initiating negotiations with the A-E firm. If discussion of the issues identified in the pre-negotiation analysis results in a mutually agreeable SOW and a fair and reasonable price, the negotiation team documents the agreement in the Negotiation Memorandum, which includes:¹⁶

- The purpose of the negotiation.
- Description of the acquisition (project title, location, solicitation number).
- Names of negotiating team members for the government and the contractor.
- Whether or not certified cost or pricing data was required and, if required, the extent to which the data was considered in the negotiation and affected the results. This information is important in sustaining any subsequent adjustment based on defective cost or pricing data.
- A summary comparison of the contractor's proposal, the pre-negotiation objective, and the negotiated position.
- Principal issues discussed and an explanation of any adjustments made to the pre-negotiation position. If an audit was obtained, a description of how each audit finding was resolved.
- Changes to scope of work and agreements reached. The final scope of work must be modified as necessary to reflect clearly all agreed changes. In legal situations, the courts and boards will enforce the contract as written. The parties' price negotiation memoranda and notes will be used to infer the intent of the contract only if the contract wording is ambiguous.
- The basis for the profit or fee negotiated.
- Documentation of fair and reasonable pricing.
- A calculation demonstrating that the portion of the fee subject to the fee limit on A-E acquisition is less than 6% of the estimated construction contract cost.

4.6 Contract Award

The Contracting Officer does a determination of responsibility, drafts the final contract, prepares the contract file and submits the file for peer review. The draft contract is then sent to the contractor for signature after which the Contracting Officer executes the contract to complete the award.

After the contract has been awarded, firms that were included on the final selection list are notified of the contract award by the contracting officer.¹⁷ The notice includes the number of respondents, the name and address of the firm that received the award, and the contract award price.

A post-award debriefing will be provided orally or sent in writing to firms which requested a debriefing except if the firm was already furnished a pre-award debriefing. The debriefings should be provided within five days after contract award.

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CHAPTER 5. EXHIBITS

I	Typical Design Acquisition Milestone Plan
II	Selection Board Appointment
III	Sample FedBizOpps Work Description
IV	Justification for Restriction (Sample)
V	Contracting Officer Briefing Memo/SF330 Transmittal
VI	Reference Check Worksheet
VII	Evaluation Board Report
VIII	Source Selection Memorandum
IX	Negotiation Memorandum

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5.1 Exhibit I – Typical Design Acquisition Milestone Plan

Activity	Duration
Publish Request for Qualification Statements in FedBizOpps	30 Days
Review Qualification Statements	7 Days
Select Top 3 Highly Qualified A-E's	7 Days
Conduct Interviews w/ Top 3 firms	14 days
Source Selection Recommendation and Approval	14 days
Issue RFP & A-E Proposal Preparation	30 Days
Evaluation of Proposal	14 days
Negotiations	30 Days
Pre-Award Review	21 Days
Award	7 Days

Anticipated total period from FedbizOpps announcement to award = Approximately 6 months

X.....

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5.2 Exhibit II – Selection Board Appointment

Memorandum

DATE:

FROM: [Title of Appointing Authority; e.g., Director, ES]

TO: Distribution List

SUBJECT: A-E SELECTION BOARD APPOINTMENT

The Division of OEHE, IHS XXX Area has a requirement for A-E services for (*describe requirement*). This memorandum designates the members of the A-E Selection Board for (list requirement title) who shall perform the following tasks in carrying out their Selection Board responsibilities: define the scope of services, establish the selection criteria, determine the area of consideration, discuss and provide recommendations to the Contracting Officer on such issues such as Buy-Indian set-aside, evaluate all SF 330's submitted and select the highest qualified respondent for price negotiations. Upon conclusion of the evaluation of respondents, which may include interviews, the Board shall prepare a selection report recommending the most highly qualified firm, or, where the Board recommends a short-list of firms for interviews, at least three firms that are considered to be the most highly qualified to perform the required services among the respondents.

The following are appointed to the Selection Board:

1. [Name, discipline], chairperson
2. [Name, discipline], member
3. [Name, discipline], member
4. [Name, discipline], member
5. [Name, discipline], member

Should the [tribal organization benefiting from the project] or other appropriate group wish to have a member on the Board, the name of that individual should be submitted through the Division of Health Facilities.

The selection is to be made in accordance with established HHS departmental guidelines. The selection must proceed expeditiously so that the design contract is in place by [scheduled date for design contract award].

/s/Appointing Official

Distribution List:
Board members
Contracting Officer
Tribal Officials

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5.3 Exhibit III – Sample FedBizOpps Notice

(Design Project Title)

This is a design requirement only. Questions pertaining to any aspect of the construction phase (materials, acquisition method, construction magnitude, etc.) will not be responded to.

This acquisition is set-aside for only small business participation. The North American Industry Classification System (NAICS) Code for this acquisition is 541310. The business size standard for this NAICS Code is \$7 million or less annual average revenue. Responses from firms that do not meet the size standard to be classified as a small business will not be considered.

The Indian Health Service (IHS), Division of Engineering Services-Dallas, in support of the IHS XXX Area Office, intends to acquire Architect-Engineer (A-E) services for the design of (brief description, including land size; address (if known or general directions if not), closest municipality, county and state. The facility will occupy no more than XX ha of land including recreational facilities, cultural and ceremonial areas, site circulation, parking and drives. The new facility will include XXX sq. meters of indoor space, including XX beds for routine residential treatment (XX double rooms), X beds for close observation (X single rooms), etc. The proposed gross areas for the (Project Title) are summarized by service in the table below.

Department Name	Gross Area	(SM)
Residential services (Substance Abuse Treatment)		2,204
Administrative Services		225
Support Facilities		353
Subtotal All Departments		2,782
Total Gross Floor Area		3,338
Major Mechanical Space (12% of Gross Floor Area)		400
Building Gross Area		3,738

REQUIRED A-E SERVICES

Selection of a design firm will be based on evaluation of technical qualifications. The selected firm (the Prime Contractor) shall provide all disciplines, either in-house or through the use of approved sub-consultants, necessary for a complete design package. Subject to price negotiation, the selected firm will be awarded a fixed price contract for the design, with an option for construction contract administration services.

The design phase services are expected to proceed immediately after contract award. Architect-Engineer services shall include site verification of existing conditions, conceptual design, schematic design, design development, construction documents, and development of AutoCAD record drawings, with optional construction administration. The design is required to be in metric units of measure. The prime contractor should be a firm offering multiple Architect-Engineer disciplines in-house to assure meeting the requirements of FAR 52.219-14 (see additional info below under "Respondents Please Note"). The design of architectural, civil, structural, mechanical, electrical, plumbing, and fire protection services shall be accomplished, reviewed and approved by architects and engineers registered to practice in the State of Xxxxx in the particular professional field involved. Also the facility shall be designed to be LEED (Leadership in Energy &

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Environmental Design) Silver certifiable, and the A-E staff shall have a LEED Accredited Professional.

If awarded (dependent upon future availability of construction funds), the construction administration will consist of office construction administration including review of submittals, requests for information, shop drawings, and general project communications; field construction administration and inspection services; monitoring of project schedule; completion of record drawings; and project closeout/final inspections. The qualifications submitted by each firm will be reviewed and evaluated to identify the most highly qualified firm. When responding to this Notice, firms should fully address their capability and qualifications with regard to the evaluation factors included in this Notice. Firms should submit their complete qualifications as they may be evaluated solely on their written responses to this Notice.

Building design shall be in accordance with the IHS A/E Design Guide, available at: <http://www.ihs.gov/nonmedicalprograms/dfee/hb/pdf/o2204.pdf> (copy and paste in browser).

A-E QUALIFICATIONS SUBMISSION FORM AND FORMAT

Interested firms must prepare and submit an original plus five (5) copies (a total of six complete documents), identified as such on the face of the original and each copy, of a recently completed Standard Form (SF) 330, Architect-Engineer Qualifications, pursuant to the instructions contained on the SF330, to the Contracting Officer no later than 2:00 pm XXX Time, XXX NN, 20NN. Copies of SF330 may be photocopied from the original except for the copy number identification on each. There is a link to an editable electronic version of the SF330 in the pane on the right side of this webpage. Copies of SF330 may be photocopied from the original except for the copy number identification on each. An editable version of the SF330 can also be downloaded at www.gsa.gov, under the "Forms Library" link.

When completing the SF330, include information on the key team members you propose to use under this project, including relevant personnel of sub-consultants and subcontractors. If partnering with another or multiple firms as a joint-venture, please submit a single SF330 for the entire team.

Respondents may submit supplementary information that assists to illustrate the firm's ability to meet the evaluation criteria listed below. However, to facilitate review and evaluation, the SF330 submission package should not exceed sixty (60) typed pages, including Parts I and II of SF330 and excluding the cover, and any index pages, unless partnering with additional firms (partnering does not include sub-consultants), in which case the maximum pages of the submission may be increased by an additional 10 pages for each additional partnering firm. The submission does not need to be bound. However, if the SF330 package is bound, do not use bulky 2- or 3-ring loose leaf binders for this purpose.

CAUTION: Use of the actual SF330 is highly recommended as your primary submission document, along with any necessary supplemental pages. If you elect not to use SF330, your submission must provide the equivalent information in an easy to read format in the same sequence as the SF330 to facilitate evaluation. **FAILURE TO PROVIDE THE REQUIRED INFORMATION IN A SUITABLE FORMAT MAY RESULT IN A**

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SUBMISSION BEING DETERMINED NON-RESPONSIVE TO THE REQUIREMENTS OF THIS NOTICE AND NOT EVALUATED FURTHER.

Address your submission as follows:

XXXXX
XXXXXXXXXXXX
XXXXXXX
XXXXXXXXXX, XX

TECHNICAL QUALIFICATIONS EVALUATION CRITERIA

The Respondent's submission should adequately address each Evaluation Criterion. All responsive submissions will be evaluated using the following Evaluation Criteria, weighted as indicated:

1. Professional Qualifications - 30%
2. Specialized Experience - 30%
3. Past Performance of Firm and Proposed Key Staff - 20%
4. Location of Firm's Office Proposed for the Project - 10%
5. Design Experience in Native American Cultures - 10%

IHS may create a shortlist of A-E respondents based on the initial evaluation process for a second evaluation phase that could include a face-to-face or telephonic interview with the Selection Board. Respondents will be notified in writing if and when the Interview Stage is added to the evaluation process.

Evaluation Criteria Details

Note: The bullet points under some of the Evaluation Criteria below are not listed in any order of importance. They are provided only to better describe the applicable Evaluation Criterion; they are not sub-criteria.

1. Professional Qualifications (30%): Overall professional qualifications of firm and all consultants for the design of new XXXX including:

- Length of time that the firm has been established and qualifications as a prime A/E contractor.
- Length of time firm has had established relationships with proposed consultants.
- Firm's Quality Assurance/Quality Control procedures in place to ensure construction documents are complete and accurate, including coordination of drawings and specifications between disciplines.

2. Specialized Experience (30%): Specialized experience of proposed key staff (project-related personnel) including:

- Professional registration in the State of Xxxxx
- Experience and professional qualifications of key staff assigned to this project, specific design ability, and experience in XXXs.

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- Overall adequacy of professional staff and qualification of Principals for the proposed new design of the XXXX.
- Prior experience with California Office of Statewide Health Planning and Development (OSHPD).
- Specialized technical skills and experience with standards such as but not limited to: Guidelines for Design and Construction of Hospital and Health Care Facilities, NFPA 99 & 101, OSHA, National Electrical Code, Americans with Disability Act (ADA), and International Building Code.
- Established and systematic procedures to ensure applicable codes and standards are met in the design.
- Experience with Building Information Modeling during design with projects of similar scope and size.

3. Past Performance of Firm and Proposed Key Staff – (20%):

- Exhibited design abilities on previous projects in managing, scheduling, budgeting, estimating, etc.
- Demonstrated ability to complete quality projects on schedule and within budget (with specific projects listed).
- Experience in providing professional XXX design, documentation, commissioning, and energy management control systems.
- Experience with Leadership in Energy and Environmental Design (LEED), project management software, and partnering in design and construction of facilities with a construction management firm.

4. Location of Firm's Office Proposed for the Project (10%): Relative travel time and communication ability between the prime firm and consultants relative to each other and the Indian Health Service Office in Sacramento, California and the project site in Hemet, Riverside County, California, as well as knowledge of the locality of the project.

5. Design Experience in Native American Cultures (10%): Specific experience and/or plan for addressing Native American culture, as well as a knowledge and understanding of the Tribes in this region. Past performance on contracts with Native American organizations, Tribal governments, and Federal agencies (i.e., Indian Health Service and Bureau of Indian Affairs).

RESPONDENTS PLEASE NOTE:

The resultant contract will include the clause entitled Limitation on Subcontracting, FAR 52.219-14. This clause requires the prime contractor to perform more than 50% of all the work required under the contract. All submissions under this Notice must clearly indicate the proposed prime contractor will perform more than 50% of the labor required or the submission may be determined non-responsive to the requirements of the Notice and not considered further. Respondents are encouraged to form a Joint Venture (JV) with other qualified small businesses to more readily demonstrate their JV team will perform more than 50% of the work with its own resources. If you intend to propose as a JV please state so, and identify the small business JV partners. (Refer to clauses and rules on JVs at 13 CFR 121.103(h) and FAR 9.6, Contractor Team Arrangements)

Respondent Questions

Questions concerning this Notice should be submitted in writing to the attention of XXX XXXX, Contracting Officer, at the following addresses:

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Email – xxx.xxxxx@ihs.gov

Physical - Division of Engineering Service

Indian Health Service

XXXXXXXXXXXXx

XXXX, XX nnnnn-nnnn

Questions will be responded to only if received on or before XXX NN, 20NN.

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5.4 Exhibit IV – Justification for Restriction (Sample)

Memorandum

DATE:

FROM: Chairperson, A-E Selection Board

TO: Contracting Officer, Division of Engineering Services - Seattle

SUBJECT: Justification for Alaska Professional Registration

We plan to issue a FedBizOpps Notice for publication on [approximate publication date] for the design and optional construction contract administration services contract for the [project name, location, project number]. The project construction is estimated to be [estimated construction cost] and is to be completed within [estimated construction time in calendar days]. The estimated design fee, with related travel and incidental cost, is [estimated design price]. It is expected to take about [estimated design time in calendar days].

Because the work requirement is predominately mechanical, and to ensure effective and timely communications continuity between DES and the contractor, the A-E Selection Board recommends that the prime contractor be a mechanical engineering firm with the engineer and the architect professionally registered in Alaska.

JUSTIFICATION: The problems to be resolved, such as outside installation of chiller condensers above permafrost ground, are uniquely related to the Alaskan climate, geology, and the remoteness of this health care center and require a firm with specific expertise.

I certify that this justification is accurate and complete to the best of my knowledge.

Recommended _____
Board Chairperson

Approved _____
Contracting Officer

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5.5 Exhibit V – CO’s Briefing Memorandum/SF330 Transmittal

Memorandum

DATE:

FROM Contracting Officer, Division of Engineering Services - Seattle

TO: Selection Board Chairperson

SUBJECT: [solicitation number], [project title] -
Evaluation of Qualification Statements

Attached are copies of the SF 330 responses received and a list of the firms to verify all SF330s received are in the transmittal.

You and the selection board members are responsible for rating the respondents and completing an A-E selection report. You must remember the need to preserve the integrity of the A-E selection process and the requirements for an A-E selection report.

Responsibilities

Selection Board members may not have a conflict of interest in an application or response for which he/she provides an evaluation. All circumstances that might introduce a conflict of interest, or give the impression of a conflict of interest, or any prejudices, biases, or predisposition, on the part of the reviewer must be avoided. Board members should notify the Contracting Officer if they suspect any of these circumstances exist.

Personnel participating in the evaluation process must not discuss or reveal information concerning the evaluations except to an individual 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 respondents, the offeror or to personnel not having a need to know could jeopardize the resultant award. Therefore, personnel participating in the evaluations must observe these restrictions and understand that unauthorized disclosure of information, no matter how innocent, could compromise the acquisition process and is prohibited.

Rating proposals

The evaluators will individually read each Qualification Statement, indicate tentative strengths and weaknesses in the remarks section, and develop preliminary scores in relation to each evaluation criterion set forth in the FBO Notice using rating sheets provided by the chairman. Assignment of adjectival strengths and weaknesses are mandatory. After this has been accomplished, the evaluators will then finalize their rating for each Qualification Statement. The evaluators should also identify any response deemed unsatisfactory. Then the board chairman will rate the responses on the summary sheet. Ratings will be determined by the methods indicated on the summary sheets.

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Predetermined cutoff ratings (other than unsatisfactory) shall not be employed for determining either unqualified firms or firms to be short-listed.

A-E Selection Report

The A-E Selection report shall be prepared using the ratings and remarks from the individual rating sheets, and furnished to the Contracting Officer by the chairperson and maintained as a permanent record in the contract file. The report must include the ranking of the responses, a narrative evaluation specifying the strengths and weaknesses of each response, a copy of each individual rating sheet, and any reservations, qualifications, or areas to be addressed that might bear upon the selection for negotiation and contract award. Concrete technical reasons supporting any determination of unsatisfactory with regard to a Qualification Statement response must also be included.

Until the award is made, information concerning the acquisition must not be disclosed to any person not directly involved in the evaluation process without the Contracting Officer's approval.

/s/Contracting Officer

cc:
Board members

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5.6 Exhibit VI – Reference Check Worksheet

<i>Solicitation No.</i>	PROJECT NO.	<i>project title</i>	<i>Date</i>
<i>reference check of (firm)</i>			
<i>person contacted</i>		<i>firm</i>	<i>phone number</i>
<i>type of work performed</i>			
<i>quality of work</i>			
<i>Responsiveness to Client Needs</i>			
<i>Timely Performance</i>			
<i>within funding limits</i>			
<i>other</i>			
<i>reference check done by</i>			
_____		_____	
<i>name</i>		<i>date</i>	

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5.7 Exhibit VII – Evaluation Board Report

Memorandum

DATE:

FROM: Selection Board Chairperson

TO: Contracting Officer, Division of Engineering
Services - Seattle

SUBJECT: [solicitation number], [project title]
Evaluation Board Report

The Architect-Engineering Selection Board was created on [date] by [name][title] with appointment of the following members:

[ENGINEER 1 NAME, P.E., Chairperson, Mechanical Engineer, DES]

[ARCHITECT 1 NAME, R.A., Architect, DES]

[ENGINEER 2 NAME P.E., Electrical Engineer, DES]

[ENGINEER 3 NAME, P.E., Civil Engineer, LOCATION Area IHS]

[ENGINEER 4 NAME, P.E., Civil Engineer, LOCATION Area IHS]

[ENGINEER 5 NAME,P.E., General Engineer, LOCATION Area IHS]

In the initial month of the Board's existence, the Chairperson conducted a teleconference meeting on [date] from [location] with all the above members. [Contract Specialist name], Contract Specialist for this contract, was also present. During this meeting, the synopsis was drafted and the rating and weight factors were established. The recommended the solicitation be set-aside for Indian-owned firms, based on the recent response to the [project title] design FedBizOpps (FBO) Notice. The rating criteria for this type of solicitation are outlined in the Federal Acquisition Regulations, Sub-part 36.6, Architect/Engineer Services, 36.602-1, Selection Criteria. Rating criteria language was based on these guidelines with modifications deemed appropriate for this specific requirement. The rating criteria and established related weights were then submitted for approval by the Contracting Officer.

The Notice was published in FBO on [date].

[Number of responses] submittals were received by the [date] deadline. All were determined to qualify as Indian-owned firms.

The Selection Board convened on [date] at [location] with all members present to review and initially rate the submittals. See the attached, initial rating summary sheet. The rating indicated the three top firms: [FIRM A; FIRM B; FIRM C, in that order sequence] with a definite break from the remaining firms... Thus, the three firms rated as the highest qualified were short-listed. The Contracting Officer gave approval for verbal notification to the short-listed firms. Such notification was completed on [date], with

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written follow-up notification to those short-listed firms on [date]. Interviews were scheduled for [date(s)] at [location].

On [date(s)], the three short-listed firms were interviewed at [location]. All board members were present. The result of the interviews was a unanimous rating of [FIRM A] first; [FIRM B], second; and [FIRM C] third. [FIRM A] was ranked highest because _____.

Attached is a summary of factors that were instrumental in determining the Board's ratings.

The Board recommends that negotiations be initiated with [FIRM A].

/s/[Board Chairperson]

Attachments

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[FIRM A NAME]

Strengths:

- Professionally highly qualified, multi-discipline firm including value engineering, indoor air quality, energy monitoring and control (EMCS) systems, total quality management (TQM) experience. One project manager for each IHS area as single point of contact including negotiations.
- Well-developed experience in health care facilities in LOCATION area's cold, remote, and rural locations.
- Excellent knowledge of area and located within it LOCATION.
- Very strong past performance with BIA, VA, HUD, IHS, OES with references and repeat customers to support quality, on budget and on schedule. Uses Redicheck with TQM approach.
- Very strong record of teamwork with all consultants.
- Indian participation strong: registered DISCIPLINE principal, engineering technician, with established summer internship for Indian students.
- Ample capacity to handle workload with temporary backup by consultant if necessary.

Weaknesses:

- May not have capacity to handle all XX IHS areas simultaneously.
- Contractor estimates have been somewhat less than bid results in the area.

[FIRM B NAME]

Strengths:

- Very well qualified professionals, multi-disciplined firm on AutoCAD, metric experience.
- Broad background in health care facilities.
- Some experience and knowledge of area.
- Repeat customers with letters of recommendation to attest quality, on time, on budget. Estimates within 5-10% of low bidder.
- Approximately 90% in-house, with strong record of teamwork with consultants.
- Indian participation: registered DISCIPLINE principal, XX technicians.
- Full in-house capacity to handle workload with temporary consultant backup.

Weaknesses:

- Located outside area LOCATION, not quickly accessible to sites.
- Limited experience in area.
- No letters of recommendation for consultants.
- Estimates consistently over estimated relative to bids.

[FIRM C NAME]

Strengths:

- In-house professionals: two registered architects, one mechanical engineer, one electrical engineer.
- Strong medical consultants.

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- Some knowledge and experience of area.
- Indian participation: two registered DISCIPLINE, two employees.
- Capacity to handle workload with consultant backup.

Weaknesses:

- Located outside area LOCATION.
- Experience limited to LOCATION.
- In-house team has very little medical experience.
- Key electrical engineer not registered.
- No previous experience with medical consultants.

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5.8 Exhibit VIII – Source Selection Memorandum

Memorandum

DATE:

FROM: Contracting Officer, Division of Engineering Services - Seattle

TO: [Source Selection Official]

SUBJECT: [solicitation number], [project title] - Selection of Most Highly Qualified Firms

Attached for your review are:

- FedBizOpps Notice dated [date].
- SF330's for each firm interviewed by the board.
- Initial individual rating sheets dated [date], and summary rating sheet dated [date].
- Final individual rating sheets and summary rating sheet dated [date].
- A-E Selection Board Chairperson's Report with recommendation dated [date].

The Board has recommended selection of the following firms, in order of preference:

1. [Firm A]
2. [Firm B]
3. [Firm C]

As Source Selection Official, you are responsible for the final selection of firms eligible for award. You may consider only the firms recommended in the Chairperson's A-E Selection Report and must provide a written justification for selecting a firm as most preferred.

/s/Contracting Officer

Approved as recommended: or

Approved as revised:

1. [Firm B]
2. [Firm A]
3. [Firm C]

Justification:

/s/Source Selection Official

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5.9 Exhibit IX – Negotiation Memorandum

Memorandum

DATE:

FROM: [contract negotiator]

TO: File

SUBJECT: [solicitation number], [project title] - Negotiation Memorandum

1. **Description of Articles and Services and Period of Performance**
A description of articles and services, quantity, unit price, total contract amount, and period of contract performance should be set forth (if supplemental agreement – show previous contract amount as revised, as well as information with respect to the period of performance). What is the purpose of the negotiation (e.g., settle a request for equitable adjustment, establish a price for changed work, etc.). Is this a new contract or a change under an existing contract? What is the contract for? What is the current status of the contract? Why is the change necessary?
2. **Key Documents (What is the negotiation based on and where are the documents located?)**
Government Estimate dated _____ (on file)
Request for Proposal dated _____ (on file)
Proposal dated _____ (on file)
Second Proposal dated _____ (attached)
6% fee calculation _____ (attached)
3. **Acquisition Planning**
Summarize or reference any acquisition planning activities that have taken place.
4. **Synopsis of Proposed Acquisition**
A statement as to whether the acquisition has or has not been publicized in accordance with FAR Subpart 5.2. A brief statement of explanation should be included with reference to the specific basis for exemption under the FAR, if applicable.
5. **Contract Type**
Provide sufficient detail to support the type of contractual instrument recommended for the acquisition. If the contract is a cost-sharing type, explain the essential cost-sharing features.

This will be a new firm, fixed price contract.
6. **Extent of Competition**
The extent to which full and open competition was solicited and obtained must be discussed. The discussion shall include the date of the solicitation, sources solicited, and solicitation results.

This is a sole-source acquisition in accordance with FAR 6.302-f and the Buy Indian Act 25 USC 47. A Justification for Other than Full and Open Competition, dated XXXX is in the file.
7. **Technical Evaluation**
Summarize or reference the results presented in the technical evaluation report.

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8. Business Evaluation

Summarize or reference results presented in the business report.

Not Applicable

9. Past Performance

Summarize or reference results of past performance evaluation and reference checks.

10. Competitive Range

Describe how the competitive range was determined and state the respondents who were included in the competitive range and the ones who were not.

11. Cost Breakdown and Analysis

Include a complete cost breakdown together with the negotiator's analysis of the estimated cost by individual cost elements. The negotiator's analysis should contain such information as:

- 1) A comparison of cost factors (labor rates, number of hours) proposed in the instant case with actual factors used in earlier contracts, or those used in the government estimate.*
- 2) Any pertinent technical evaluation inputs as to necessity, allocability and reasonableness of labor, material and other direct expenses.*
- 3) Any other pertinent information to fully support the basis for and rationale of the cost analysis.*
- 4) A justification of the reasonableness of the proposed contractor's estimated profit or fixed fee, considering the requirements of FAR 15.404-4 and HHSAR 315.404-4*

12. Cost Realism (if applicable)

Describe the cost realism analysis performed on proposals.

13. Government Furnished Property and Government Provided Facilities

Briefly describe the terms and conditions of any Government-furnished or Government-provided facilities, equipment, tooling, or other property.

14. Pre-Negotiation Analysis

Price analysis. Was there some way to evaluate the total proposed price without resorting to cost analysis? For example, is the proposed price close to the independent Government estimate or is it comparable to recent prices paid for similar services in other acquisitions.

Cost analysis (not necessary if price analysis alone is sufficient to verify that the proposal is reasonable – always required if supporting cost data is provided). Did we verify the supporting facts (e.g., material prices)? If the proposal is complex, a comparison of each element (e.g., labor, material, subcontracts, overhead, profit) of the estimate and proposal in column format would be helpful.

Schedule analysis. How was the performance period calculated? If this is a change, does it affect the contract delivery schedule?

As a result of our price and/or cost analysis, what elements of the proposal require discussions with the contractor?

15. Negotiation

Include a statement as to the date and place negotiations were conducted, and identify members of both the Government and contractor negotiating teams by area of responsibility. Include negotiation details relative to the statement of work, terms and conditions, and special provisions. The results of cost or price negotiations must include the information required by FAR 31.109 and 15.406-3. In addition, if cost or pricing data was required to be submitted, the negotiation record must also contain the extent to which the contracting officer relied upon the factual cost or pricing data submitted and used in negotiating the cost or price.

Place/Date/Participants. Who did we talk to? When? Where? Did we establish that the participants had the necessary authority?

Period of performance/schedule. If this is a change, was a change to the completion date negotiated? How were the items questioned in the pre-negotiation analysis resolved?

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Is rip out of completed work involved? Is there excess material to be disposed of (e.g., if material is deleted but cannot be returned for credit? If so, did the Government assume delivery of the excess material or direct that it be sold for credit?

Were any contract terms adjusted as a result of negotiations? Describe any changes to the scope of work made during negotiations and attach the final revision of the statement of work.

16. Other considerations

Review and replace the following:

- 1) Details as to why the method of payment such as progress payment, advance payment, etc., is necessary. Also cite any required D&Fs.
- 2) Other required special approvals.
- 3) If the contract represents an extension of previous work, the status of funds and performance under the prior contract(s) should be reflected. Also a determination should be made that the Government has obtained enough actual or potential value from the work previously performed to warrant continuation with the same contractor. (Project officer should furnish the necessary information.)
- 4) State that the equal opportunity provisions of the proposed contract have been explained to the contractor, and it is aware of its responsibilities. Also state whether or not a clearance is required.

The following are complete statements, verify their accuracy:

- 5) Determination of Responsibility. The contractor is determined to be responsible as defined at FAR 9.104 (not necessary for changes)
- 6) The services are non-personal in nature.
- 7) A certificate of current cost or pricing data is not required as the proposal is less than the threshold listed at FAR 15.403-4(a)(1) or price analysis alone was sufficient to establish the reasonableness of the proposed price.
- 8) Documentation that the fee for production of design documents does not exceed 6 percent of the estimated construction cost (FAR 15.404-4(c)(4)(i)(B)) is attached.

17. Terms and Conditions

Are there any special clauses and conditions in the contract, such as option arrangements, incremental funding, anticipatory costs, deviations from standard clauses, etc.? The basis and rationale for inclusion of any special terms and conditions must be stated and, where applicable, the document which granted approval for its use is identified.

18. Recommendation

Describe what we should do next (e.g., award a contract for \$, initiate a modification for \$ with x days of contract extension) Include a statement that the negotiated price is fair and reasonable and that the proposed action is in the best interest of the Government.

19. Signatures

/s/Contract Negotiator

/s/Contracting Officer

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Endnotes

¹ Director, DFEE, memorandum dated November 26, 1997

² FAR 16.505(b)

³ 40 U.S.C. 542 and FAR 36.601-1

⁴ FAR 5.203(d)

⁵ FAR 5.205(d)

⁶ FAR 15.505(a)1

⁷ FAR 36.607(a)

⁸ FAR 15.503(a)(2)

⁹ FAR 36.602-5

¹⁰ FAR 36.606(c)

¹¹ FAR 15.405

¹² FAR 15.403-4

¹³ FAR 15.404-2

¹⁴ FAR 19.705-2

¹⁵ FAR 22.805

¹⁶ FAR 15.406-3

¹⁷ FAR 15.503(b)