

A/E Selection Guide Exhibit XX – 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

[Describe the work involved and whether the proposed action is an indefinite delivery type contract or a contract for a specific project.]

The estimated performance period is [describe].

The proposed contract amount is [\$].

2) Acquisition Planning

Although this item is not applicable to acquisition of Architect/Engineer Services per HHSAR 307.104-1(a)(1), it is applicable to acquisitions of A/E services over \$25,000 per IHS Contract Policy Memorandum (ICPM), Number 92-2. An APD similar to ICPM exhibit 92-2-B was developed by the project manager and the contracting officer. An acquisition milestone chart was done using Primavera software. Both are in the contract file.

3) Synopsis of Proposed Acquisition

This acquisition has been publicized in accordance with FAR Subpart 5.2. The synopsis appeared in the [date] edition of the Commerce Business Daily. SF-254/255 submissions were required by [time] on [date].

4) Contract Type

The proposed action is a requirements-type indefinite-delivery contract providing for filling individual requirements through fixed price task orders. This arrangement is appropriate to respond to recurring requirements for similar types of A/E services.

5) Extent of Competition

This acquisition was conducted as a set-aside under the Buy Indian Act for 100% Indian-owned, operated, and controlled firms. Other competitive procedures per FAR 6.102 and FAR Subpart 36.6 were used. Negotiations were conducted under the authority of Public Law 92-582, 40 U.S.C., 541 et seq., the Brooks Act.

[Number] submissions were received by the [date] deadline. All were evaluated and [number] were interviewed on [date]. [Company name] was the highest ranked. The selection board recommended the selection, with concurrence by the Contracting Officer on [date] and the selection official approved it on [date].

A request for price proposal was issued to [company name] on [date]. The proposal was received timely on [date].

6) Technical Evaluation

[Company name] was reviewed and approved as technically qualified by the Architect/Engineer Selection Board as stated in the Chairperson's report, dated [date].

7) Business Evaluation

A/E Selection Guide Exhibit XX – Negotiation Memorandum

The business evaluation was covered during the technical evaluation of the SF 254/255 submittals. This evaluation consisted of checking the professional/business licensing of the firms required by the state where the firms were located in order for the firms to perform the architectural/engineering services as well as evaluating the capacity of the firms to respond and accomplish the work in the required time.

8) Competitive Range

Not applicable to A/E acquisition.

9) Government-furnished Property and Government-provided Facilities

None.

10) Cost Breakdown and Analysis

Direct Salaries. [Describe basis for analysis of direct labor rates: e.g., comparison with other contracts, published wage data. Describe method for calculating composite rates if applicable]

Overhead. [Describe how proposed rates were derived, whether audit information was supplied, compare with historical costs]

Other Direct Costs. [Describe type of costs involved and whether any exception was taken to the proposed amounts]

Profit. [Justify profit allowed considering factors such as risk assumed by contractor, complexity of tasks, type of contract,]

11) Negotiations

[Describe dates, places, participants. Use a columnar format to summarize adjustments made to the proposal and to the Government's position to reach the recommended settlement. Avoid lengthy narrative.]

12) Other Considerations

The Contractor is not on the List of Parties Excluded From Federal Procurement or Nonprocurement Programs ([date], edition).

Based on the review of the SF-254/255 submittals and the other information submitted along with the Contractor's price proposal, the Contractor is considered to have the competency, capability, capacity, credit, integrity, perseverance, and tenacity necessary for an affirmative responsibility determination. All indications are that the Contractor is fully capable of performing this contract.

No abnormal payment provisions are provided. FAR 52.232-10, Payments under Fixed-Price Architect/Engineer Contracts, will be used.

A Certificate of Current Cost of Pricing Data, dated DATE, has been received from the Contractor and has been placed in the contract file.

No HHSAR 307.105-2 Special Program clearances or approvals are required.

The unsuccessful offerors' SF-254/255 submittals are in a file separate from the contract file.

The equal opportunity provisions of the proposed contract have been explained to the Contractor, and he is aware of his responsibilities. An EEO clearance is not required (FAR 22.805) as the total contract is estimated under \$1,000,000.

The services to be acquired are nonpersonal in nature (FAR 37.103 and HHSAR 337.103).

With the in-house disciplines provided, there is no question that 51% of the cost of the contract performance incurred for the personnel will be expended for employees of the Indian business concern.

13) Terms and Conditions

The terms and conditions contained in the contract are those normally found in a firm, fixed-price with reimbursables Architect/Engineer contract. [Describe exceptions, or changes made in negotiation]

A/E Selection Guide Exhibit XX – Negotiation Memorandum

14) Recommendation

The Contractor's proposal for salary rates and other incidental rates are considered fair and reasonable.
Award of a contract to [company name] is recommended.

15) Signatures

/s/Contract Negotiator

/s/Contracting Officer