

Subchapter 3015.3 Source Selection

3015.303 Responsibilities.

(a) The authority given to the agency head is hereby delegated to the Head of the Contracting Activity (HCA).

3015.304 Evaluation factors and significant subfactors.

(c)(3)(i) When past performance is an evaluation factor, DHS Source Selection officials shall use the Contractor Performance Assessment Reporting System (CPARS) at www.cpars.gov, in addition to other sources, for obtaining contractor past performance information in source selections.

(c)(70) The use of recovered materials, environmentally preferable purchasing criteria developed by the Environmental Protection Agency (see <http://www.epa.gov/epp/>), and the environmental objectives set forth in FAR 23.703(b), must be considered when developing source selection factors. (See HSAM Subchapter 3023.4 and Appendix Q, DHS Affirmative Procurement Plan).

3015.305 Proposal evaluation.

(a)(2)(ii) For purposes of conducting a past performance evaluation during a source selection, contracting officers shall use CPARS to review contractor past performance information. The contractor's past performance evaluation is distinct from any responsibility determination under the procurement. (See HSAM Subchapter 3009.1.)

(a)(4) *Cost information.* Cost information may be provided to members of the technical evaluation team as the Source Selection Authority deems necessary.

3015.305-70 Making better use of performance information.

(a) *Scope.*

This section implements the steps described in the Office of Federal Procurement Policy (OFPP) memorandum titled, "Making Better Use of Contractor Performance Information," dated July 10, 2014. The purpose of the memorandum is to expand the number of contractor performance information sources to make it possible for contracting officers to make better informed award decisions. The OFPP memorandum is accessible at <https://www.whitehouse.gov/sites/default/files/omb/procurement/memo/making-better-use-of-contractor-performance-information.pdf>.

(b) *Policy.*

(1) The FAR allows the Government to consider information from sources of information beyond CPARS. This includes information gathered when conducting additional research and outreach.

(2) At a minimum, contracting officers shall follow the steps provided in Attachment 1 of the OFPP memorandum for contracts or orders when acquiring complex information technology (IT) development, systems or services over \$500,000. Also follow Attachment 1 for contracts or orders when the acquisition presents a significant risk as follows:

- (i) Cost reimbursement type contracts: cost-plus award fee, cost-plus incentive fee; cost-plus fixed fee. Also, time-and-materials or labor-hour contracts and orders;
- (ii) Complex awards, such as large construction, architect-engineer, research and development, software development and implementation acquisitions, etc.;
- (iii) High dollar value awards or major acquisition systems, consistent with OMB Circular No. A-109, regardless of contract type;
- (iv) Overseas and contingency operations actions, regardless of contract type; and
- (v) Other contracts or orders determined to be high risk by DHS.

(3) The contracting officer shall document the use of Attachment 1 procedures in the source selection plan. The contracting officer shall also describe the past performance information evaluation method in the solicitation (see FAR 15.305(a)(2)). The contracting officer shall provide offerors an opportunity to respond to adverse past performance information. The contracting officer shall document how the performance information was used during source selection in the contract file..

3015.305-71 Evaluation practices.

(a) When evaluating non-price factors in a competitive acquisition, and when the Government evaluation team includes more than one person, the team may collaboratively arrive at ratings or findings. It is not necessary for an evaluation team to first develop individual member evaluation ratings or findings before starting a consensus evaluation.

(b) [Reserved]

(c) *Down-Select Process.* When a large number of responses is anticipated in a competitive acquisition, the acquisition team may consider a phased evaluation. In a down-select, many offers are evaluated in the first phase under some of the evaluation factors and fewer offers are considered in one or more subsequent phases on the remaining evaluation factors. The process described in HSAM 3016.505(b)(70)(iii) may be adapted for use with acquisitions under this subpart. However, the contracting officer must be mindful that FAR 15.503(a)(1) requires a

prompt pre-award notice to unsuccessful offerors when their proposals are excluded from the competitive range or otherwise eliminated from the competition. While a down-select decision is not a competitive range decision, it does eliminate proposals from the competition, so a pre-award notice to unsuccessful offerors is required for a down-select process under this subpart.

3015.370 Reporting requirements when only one offer received under competitive procedures.

(a) If only one offer is received in response to a solicitation using competitive procedures, and the award exceeds \$250,000, see HSAM 3004.606-70.