

PIL BOOT CAMP

July 2019



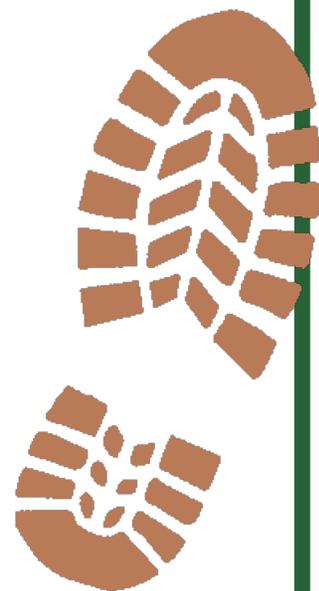
Welcome to PIL Boot Camp!

- This is a learning environment. Let's give ourselves academic freedom (a scholar's freedom to express ideas without risk of official interference or professional disadvantage).
- We'll talk about innovating to best accomplish the mission, and share some of techniques most commonly used in PIL procurement projects.
- We'll ask for your inputs and ideas. We'll ask you to participate in an innovation exercise.
- Everything here is intended to be helpful; nothing here is intended as policy direction.



Homeland
Security

Office of the Chief Procurement Officer



Before-Class Contemplation

1. What do I want to get out of today's PIL Boot Camp experience?
2. What is the one thing I really want to hear the PIL staff say?
3. If I could be the Chief Procurement Officer for just one day, and could make one change or institute one practice which would last for the next three years, what would I do?

Stay in Your Lane...



Some conventions in this workbook

Text quoted from the FAR or HSAM has a pink background.

Pink is light red, and the "r" in red reminds of regulations.

Text quoted from GAO (either bid protest decisions or PIL webinars) has a green background.

The "g" in green reminds of GAO.

Text from industry participants in PIL interviews has a purple background.

The "p" in purple reminds of private sector.

Text borrowed from previous real acquisitions has a tan background.

Tan is the color of parchment, which reminds us of old documents.

Text provided as sample text has a blue background.

Blue is the color of the sunny sky and suggests optimism.

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The PIL Purpose and Team

The DHS Chief Procurement Officer, Soraya Correa, created the Procurement Innovation Lab (the PIL) in 2015 as one of her first key initiatives. She felt strongly that our DHS acquisition community must think critically about how we can enhance the Department's mission by providing the most effective and efficient business advice and procurement support. The PIL is promoting a learning culture by offering a framework for the DHS acquisition community to test new ideas and share lessons learned across the entire acquisition community.

Creating a culture that embraces innovation and manages the inherent risks associated with a departure from business as usual is challenging in a large organization. The early signs of cultural change are encouraging, but fragile.

Unlike a tiger team which takes over and promises immediate results, the PIL leaves the organization's contracting officer in the driver's seat. The PIL supports and encourages the contracting officer and other members of the acquisition team as they conduct their own acquisitions.



"We are the people that know our business processes the best. We must be thoughtful and tenacious in our business decisions to be successful in streamlining our processes and improving our procurement outcomes."

Soraya Correa
Chief Procurement Officer



Polly Hall | DHS Acquisition Innovation Advocate
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I entered the Federal Government after working in academia as well as running my own small business, and supported CBP, DNDO and TSA as an operational 1102 prior to joining the PIL. I love bringing teams together and making procurement approachable, mission-focused, and yes, even fun! I also enjoy time with my family, watching my kids play sports, volunteering in my community, and doing anything near or in the ocean!



John Inman | Professor of Practice
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I worked for the Air Force, NOAA, and the Forest Service before joining DHS. At one time, I held unlimited contracting officer warrants from Air Force and NOAA — has anyone else had two warrants simultaneously? Our contracting officer jobs are most rewarding when we are closest to the mission — when we can use any tool in the contracting toolkit, so to speak, to meaningfully help agency line managers accomplish their missions.



Trevor Wagner | Testing & Reengineering Lead
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My frugal upbringing unknowingly prepared me for a career in federal contracting! My first real job in project control quickly transitioned to contracts at a large defense contractor. These experiences sharpened my business skills prior to coming to DHS to handle top secret contracts! All roads lead to the PIL where I currently take joy in coaching PIL project teams and specialize in testing out new techniques.

“Time is not an endless commodity. We treat every dollar as absolutely precious but sometimes we fail to recognize the value of time. So I just challenge all of you to think about that.”

Claire M. Grady
former Under Secretary for Management



“We are never going to over step what is mandated by law or a regulation, we are never going to step over the line, but we are going to push that line as hard as we can each and every day, and take the rulebook and put it to the side and say ‘What is possible?’”

Chip Fulghum
former Deputy Under Secretary for Management



Sandra Schmidt | Knowledge Management Lead
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I joined the PIL after spending 12 years as an operational CO at two DHS components and a small agency. Our mission is complicated by urgent needs, short timelines, and competing priorities, but I enjoy coaching teams through innovative techniques and seeing the positive results of their efforts unfold before them. I am a lifelong Virginia resident and enjoy camping trips to the beach with my husband and my dog.



Scott Simpson | Innovation Coach

I’m on a 12-month detail with the PIL. IT contracting is my specialization, but I am passionate about ensuring all of our mission needs are met through the procurement process, as efficiently and effectively as possible! I’ve been in the D.C. area for a while, having attended American University’s Washington College of Law and School of International Service, but I grew up in Clearwater, Fla., and still enjoy the sun and surf!



Ross Wakeman | Acquisition Professional Career Program Rotation

Joining the PIL was an easy decision for me. With a couple years of contracting experience with ICE, I’m excited to help innovate the contracting experience throughout DHS. I hope to bring quick, agile acquisition experiences to as many DHS components as I can! On the weekends, you can catch me hiking with my dog or cycling around the District.



Thomas J Kull | Academic Advisor

I’m a professor at Arizona State University where I teach contract negotiations and advanced statistical methods. I’m interested in behavioral issues and supply chain risk issues. I joined ASU in 2007 after receiving a PhD from Michigan State University. I spent 13 years in industry as a materials manager, quality and reliability manager, and other sourcing/operational positions. I enjoy cooking and camping, when I can find the time.

Statement of Guiding Principles for the Federal Acquisition System

FAR 1.102 Statement of guiding principles for the Federal Acquisition System.

(a) The vision for the Federal Acquisition System is to deliver on a timely basis the best value product or service to the customer, while maintaining the public's trust and fulfilling public policy objectives. Participants in the acquisition process should work together as a team and should be **empowered to make decisions** within their area of responsibility.

(b) The Federal Acquisition System will—

(1) **Satisfy the customer** in terms of cost, quality, and timeliness of the delivered product or service by, for example—

(i) Maximizing the use of commercial products and services;

(ii) Using contractors who have a track record of successful past performance or who demonstrate a current superior ability to perform; and

(iii) Promoting competition;

(2) Minimize administrative operating costs;

(3) Conduct business with integrity, fairness, and openness; and

(4) Fulfill public policy objectives.

(c) The Acquisition Team consists of all participants in Government acquisition including not only representatives of the technical, supply, and procurement communities but also the customers they serve, and the contractors who provide the products and services.

(d) The role of each member of the Acquisition Team is to **exercise personal initiative and sound business judgment** in providing the best value product or service to meet the customer's needs. In exercising initiative, Government members of the Acquisition Team may assume if a specific strategy, practice, policy or procedure is in the best interests of the Government and is not addressed in the FAR, nor prohibited by law (statute or case law), Executive order or other regulation, that the strategy, practice, policy or procedure is a **permissible exercise of authority**.

FAR 1.102-1 Discussion.

(a) *Introduction.* The statement of Guiding Principles for the Federal Acquisition System (System) represents a concise statement designed to be user-friendly for all participants in Government acquisition. The following discussion of the principles is provided in order to illuminate the meaning of the terms and phrases used. The framework for the System

includes the Guiding Principles for the System and the supporting policies and procedures in the FAR.

(b) *Vision.* All participants in the System are responsible for making acquisition decisions that deliver the best value product or service to the customer. Best value must be viewed from a broad perspective and is achieved by balancing the many competing interests in the System. The result is a system which works better and costs less.

FAR 1.102-2 Performance standards.

(a) **Satisfy the customer** in terms of cost, quality, and timeliness of the delivered product or service.

(1) The principal customers for the product or service provided by the System are the **users and line managers**, acting on behalf of the American taxpayer.

(2) The System must be **responsive and adaptive** to customer needs, concerns, and feedback. Implementation of acquisition policies and procedures, as well as consideration of timeliness, quality, and cost throughout the process, must take into account **the perspective of the user** of the product or service.

(3) When selecting contractors to provide products or perform services, the Government will use contractors who have a track record of successful past performance or who demonstrate a current superior ability to perform.

(4) The Government must not hesitate to communicate with the commercial sector as early as possible in the acquisition cycle to help the Government determine the capabilities available in the commercial marketplace. The Government will maximize its use of commercial products and services in meeting Government requirements.

(5) It is the policy of the System to promote competition in the acquisition process.

(6) The System must perform in a timely, high quality, and cost-effective manner.

(7) All members of the Team are required to employ planning as an integral part of the overall process of acquiring products or services. Although advance planning is required, each member of the Team must be flexible in order to accommodate changing or unforeseen mission needs. Planning is a tool for the accomplishment of tasks, and application of its discipline should be commensurate with the size and nature of a given task.

(b) *Minimize administrative operating costs.*

(1) In order to ensure that maximum efficiency is obtained, rules, regulations, and policies should be promulgated only when **their benefits clearly exceed the costs** of their development, implementation, administration, and enforcement. This applies to internal administrative processes, including reviews, and to rules and procedures applied to the contractor community.

(2) The System must provide uniformity where it contributes to efficiency or where fairness or predictability is essential. The System should also, however, **encourage innovation, and local adaptation** where uniformity is not essential.

(c) *Conduct business with integrity, fairness, and openness.*

(1) An essential consideration in every aspect of the System is maintaining the public's trust. Not only must the System have integrity, but the actions of each member of the Team must reflect integrity, fairness, and openness. The foundation of integrity within the System is a competent, experienced, and well-trained, professional workforce. Accordingly, each member of the Team is responsible and accountable for the wise use of public resources as well as acting in a manner which maintains the public's trust. Fairness and openness require open communication among team members, internal and external customers, and the public.

(2) To achieve efficient operations, the System must shift its focus **from "risk avoidance" to one of "risk management."** The cost to the taxpayer of attempting to eliminate all risk is prohibitive. The Executive Branch will accept and manage the risk associated with empowering local procurement officials to take **independent action based on their professional judgment.**

(3) The Government shall exercise discretion, use sound business judgment, and comply with applicable laws and regulations in dealing with contractors and prospective contractors. All contractors and prospective contractors shall be treated fairly and impartially but need not be treated the same.

(d) *Fulfill public policy objectives.* The System must support the attainment of public policy goals adopted by the Congress and the President. In attaining these goals, and in its overall operations, the process shall ensure the efficient use of public resources.

FAR 1.102-3 Acquisition Team.

The purpose of defining the Federal Acquisition Team (Team) in the Guiding Principles is to ensure that participants in the System are identified beginning with the customer and

ending with the contractor of the product or service. By identifying the team members in this manner, teamwork, unity of purpose, and open communication among the members of the Team in sharing the vision and achieving the goal of the System are encouraged. Individual team members will participate in the acquisition process at the appropriate time.

FAR 1.102-4 Role of the Acquisition Team.

(a) Government members of the Team must be **empowered** to make acquisition decisions within their areas of responsibility, including selection, negotiation, and administration of contracts consistent with the Guiding Principles. **In particular, the contracting officer** must have the authority to the maximum extent practicable and consistent with law, to determine the application of rules, regulations, and policies, on a specific contract.

(b) The authority to make decisions and the accountability for the decisions made will be delegated to the lowest level within the System, consistent with law.

(c) The Team must be prepared to perform the functions and duties assigned. The Government is committed to provide training, professional development, and other resources necessary for maintaining and improving the knowledge, skills, and abilities for all Government participants on the Team, both with regard to their particular area of responsibility within the System, and their respective role as a team member. The contractor community is encouraged to do likewise.

(d) The System will foster cooperative relationships between the Government and its contractors consistent with its overriding responsibility to the taxpayers.

(e) The FAR outlines procurement policies and procedures that are used by members of the Acquisition Team. **If a policy or procedure, or a particular strategy or practice, is in the best interest of the Government and is not specifically addressed in the FAR, nor prohibited by law (statute or case law), Executive order or other regulation, Government members of the Team should not assume it is prohibited. Rather, absence of direction should be interpreted as permitting the Team to innovate and use sound business judgment** that is otherwise consistent with law and within the limits of their authority. **Contracting officers should take the lead in encouraging business process innovations and ensuring that business decisions are sound.**

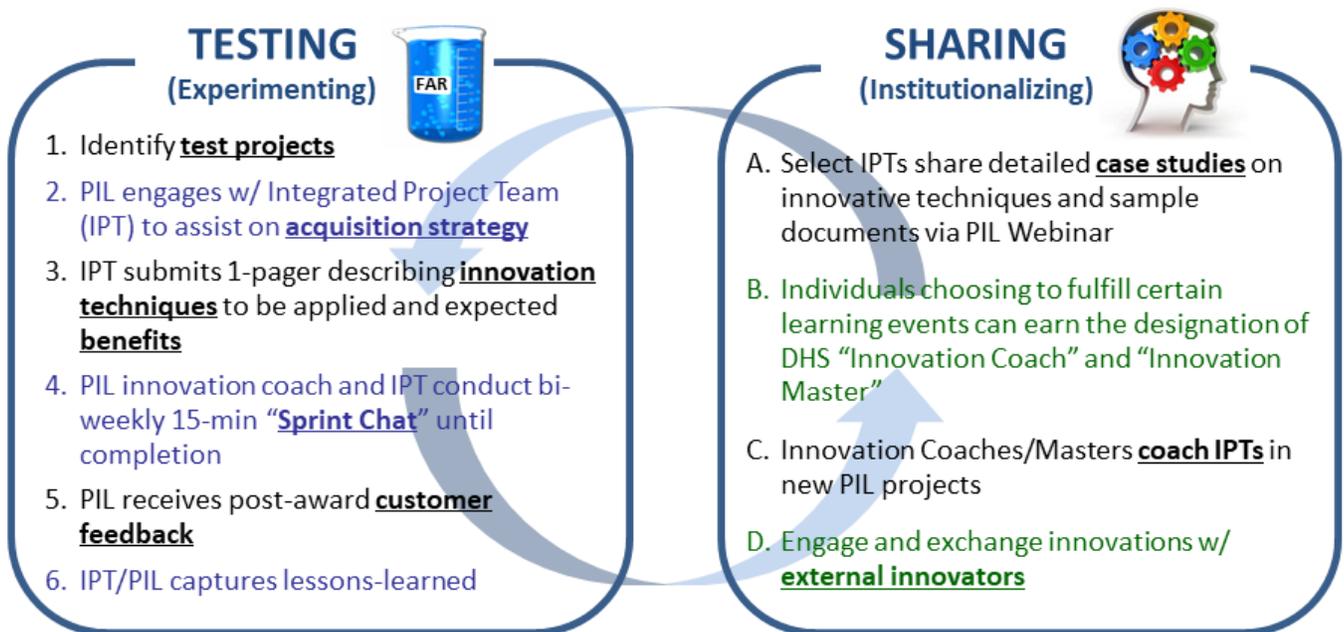
How does the PIL Work?

The PIL primarily focuses on the “obtain” or “contract formation” (i.e., solicitation → evaluation → award) phase of the DHS acquisition lifecycle. Once a procurement project is brought to the lab, PIL Staff collaborate bi-weekly with the acquisition team (i.e., Contracting Officer, Program Manager, and Procurement Attorney) until contract award.

The key benefit of the PIL is the senior leadership support it provides for managed risk-taking:

- If projects are successful, the PIL highlights the team’s success.
- If projects fail because tested techniques didn’t work as intended, senior leadership acknowledges the failure as a true measure of progress and learning.

The PIL is committed to capturing lessons learned from the project regardless of the outcome. As shown below, the PIL framework is centered on “testing” (experimenting) and “sharing” (institutionalizing). This continuous cycle of testing, receiving feedback, sharing, and re-testing fosters a learning culture. An organization with a learning culture will steadily and rapidly improve, and be more responsive and flexible to the constant changes that exist in operational and mission environments.

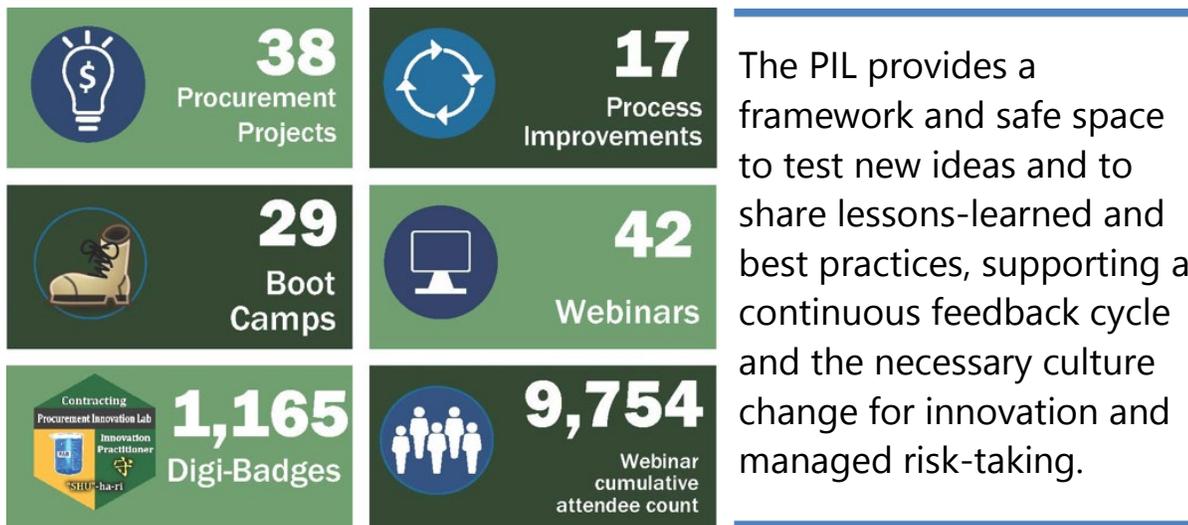



*Framework to apply new/existing flexibilities
and take managed/informed risks*



The PIL experiments with innovative techniques to improve the efficiency and effectiveness of procurements by:

- Lowering entry barriers for innovative, non-traditional contractors to compete for DHS business opportunities.
- Shortening the time-to-award, thereby delivering capability to the customer faster.
- Encouraging competition by providing interested vendors with a greater understanding of the goals and objectives for each procurement.
- Increasing the likelihood of successful outcomes by focusing on evaluation techniques to obtain the most qualified contractors.



Momentum Shift toward Culture of Innovation & Smart Risk-Taking:

- June 2015 Survey – 76% of DHS acquisition workforce stated the primary reason for lack of innovation was "fear and cultural resistance."
- March 2017 Survey – 43% of DHS acquisition workforce stated there is support for innovation, and another 53% stated encouragement for innovation is improving.
- March 2019 Survey – 49% of DHS acquisition workforce stated there is support for innovation, and another 45% stated encouragement for innovation is improving.

Outreach & Collaboration Structure:

- Accepting procurement project submissions from anyone in DHS and providing bi-weekly consultations with the procurement team.
- Collaborating with HCA-appointed Acquisition Innovation Advocate (AIA) in each Component.
- Supporting & collaborating with the OMB-led Government-wide AIA Council.
- Sharing best practices and re-usable samples/templates through recorded webinars.
- Engaging with DHS acquisition community via a robust intranet site.
- Growing a community of procurement innovators and coaches by awarding "Digi-Badges" micro-credentials.

PIL Webinars

(also see p. 42 for the “official” webinar title and grouping by innovation technique)

- #42 The Power of Interactive Dialogue with Industry During Oral Presentations – FEMA Grants Management Modernization
Kimmeria Hall, Oz Turan, Jeff Webb
- #41 Prototyping Under The FAR – a CWMD story of backpacks
David Villalobos, Karin Clarkson
- #40 Breaking Down Barriers – a TSA prize tale on screening at speed!
James Grove, William Garrett, John Fortune
- #39 FEMA National Flood Insurance Program (NFIP) – a \$17.7Million EAGLE II task order for agile delivery services with a dynamic team collaboration
Nicole Smith, Ben Mendelsohn, Josh Smith, Jeff Webb
- #38 NPPD’s Homeland Advanced Recognition Technology (HART) – best-suited contractor determination (select the winner and negotiate details with only that vendor)
Abe Jacob, Lisa MacDonald, Bob Degnan
- #37 FLETC Facility Operations Support Services – Paperless Technical Proposals
Sandra Oliver Schmidt, Adriana Di Rocco
- #36 Conducting Product/Technical Demonstrations – A Case Study of Two Procurements
Jared Anable, Brian Wilson
- #35 Evaluating Prior Experience Instead of Past Performance
John Inman
- #34 Streamlining FAR subpart 8.4 – A Case Study on Maximizing Procurement Efficiencies by Staying in Your Lane.
Gregory Ruderman, Scott Simpson, Kelly Lael
- #33 Flexible Agile Solutions for the Homeland (FLASH) Procurement Team Retrospective
Mark Lerner, Phorsha Peel
- #31 PIL Town Hall - DHS Senior Leadership Perspectives on the Outcome of the Flexible Agile Solutions for the Homeland (FLASH) Procurement
Soraya Correa, Chip Fulghum, Mike Hermus
- #29 Border Security Technology Consortium - An Innovative Use of Other Transaction Authority to Access Technology Needed to Protect Our Border
Duane Schatz, Merv Leavitt, Dolly Pelto, Mark Kaczmarek, Gary Hickey
- #28 Oral Presentations with a Twist – Case Studies
Carrie Herndon, Scott Simpson, Brenda Peterson
- #27 Why Do Agencies Lose Protests? - An Informal Conversation with GAO on FY 2016 Protest Statistics & Decisions
Jonathan Kang (GAO), Dan O’Sullivan, Christian Jordan
- #26 Town Hall with Soraya Correa and Chip Fulghum – Senior Management Perspectives on the Cost of Risk-Taking
Soraya Correa, Chip Fulghum, Mike Hermus
- #25 Use of Rapid Procurement Process for Non-Traditional Firms – A Case Study of S&T Silicon Valley Innovation Program
Melissa Ho, Gary Hickey, Ron Carpinella (Industry), Andrew Yashchuk (Ind), Tiana Laurence (Ind)
- #24 Use of "Highest Technically Rated w/ Reasonable Price (HTRRP)" Evaluation Technique from Recent GAO Decision
Vernon Edwards (Industry), Ralph Nash (Academia), John Cavadias (GSA), Charles McCarthy (GSA)
- #23 Cutting Time in SSA & Legal Review
Polly Hall, Christian Jordan, Neil Bonner
- #22 TSA Agile Services Procurement - Industry Engagement in Action
Richard Melrose, Polly Hall, Stacy Toth (Ind), Kathleen Abrey (Ind)
- #21 Request for Information (RFI) Best Practices
Michael Smith, Carol Miller (Industry), Krista Sweet (Industry)
- #20 Using Technical Demonstrations or Programming Challenges in Evaluation – A Case Study
Shawn Jenkins, Charles Julian, Ron Slater, Sarah Fahden, Eric Jeanmaire, Jason Hawkins, Beth Sturgess, Joshua Kranzberg
- #19 Streamlining Task Order Solicitations under Multiple Award IDIQ Contracts, 1 & 2
Ellen Murray, Pat Shields (Industry)
- #17 Beyond the FAR: Examination of Non-Traditional Acquisition Tools
Jenn Gustetic (EOP/OSTP), Jim Grove, Melissa Ho
- #16 Innovations from the OMB’s Digital Service Contracting Professional Training and Development Program
Polly Hall, Erica Evans
- #15 Streamlined Technical Evaluations Techniques & Approaches
John Inman, Corinne Carmona
- #14 Examination of the Helpful Resources in the Acquisition Gateway
Bradley Powers (GSA)
- #13 EAGLE Contractors' Perspective on DHS Bid & Proposal Practices
Bradford Cole (Industry), Lynn Ann Casey (Ind), Teddy Vagias (Ind)
- #12 In-Depth Look at Recent USCIS Protest Decisions Involving Multi-Step/Oral Evaluations–Legal Perspectives
Ralph White (GAO), Kenneth Patton (GAO), Sadie Walthers, Joshua Kranzberg, Beth Sturgess
- #10 Effective Use of Oral Presentations & On-the-spot Consensus Panel Evaluation
John Inman, Corinne Carmona
- #9 Debriefing Strategy in Multi-step Down-Selections Involving a Large Number of Offerors: A Case Study
John Inman, Corinne Carmona
- #8 Review of the "Contracting Guidance to Support Modular Development"
Joe Jordan (Former OFPP), Eric Cho
- #7 Effective Use of Qualified Bidders/Manufacturers/Products List
Julie Koo, Erica Evans, Abigail Nawrocki, Dave Clemens
- #5 Overview of Key Plays in the "Digital Services Playbook" and "Innovative Contracting Case Studies"
Eric Cho
- #3 Innovations in 18F’s Solicitation for Agile Delivery Services BPAs
Eric Cho

One-Pager – the PIL Project Submission Form

DHS Procurement Innovation Lab (PIL) – Project Submission

Project Title:	
Brief Project Description:	
Procurement Lead:	
Program Lead:	
Legal Counsel:	
Contract Type/Method:	
Est. Completion/Award:	
Innovations to be Applied <i>(if unknown, can be discussed during initial meeting with PIL)</i>	
Innovation No. 1:	
Expected Benefit/ Outcome:	
Innovation No. 2:	
Expected Benefit/ Outcome:	
Innovation No. 3:	
Expected Benefit/ Outcome:	

All recommendations and strategies provided by the PIL team are advisory in nature and non-binding. All feedback provided by the PIL team is intended for continuous improvement and further refinement of DHS procurement practices.

Standard PIL Project Notification Text *(recommended for inclusion in any resulting solicitation):*

This acquisition will be conducted in cooperation with the DHS Procurement Innovation Lab (PIL). The PIL is a virtual lab that helps the procurement team experiment with innovative techniques for increasing efficiencies in the procurement process and institutionalizing best practices. There is nothing for a prospective offeror to do differently for this acquisition. After award, the PIL project team may reach out to successful and unsuccessful offerors to assess effectiveness of any innovative techniques applied. The feedback will be kept anonymous, and will be used to further refine DHS procurement practices. Additional information on the PIL may be found at—

www.dhs.gov/PIL

Procurement Innovation "Tune-Up"



PRE-SOLICITATION:

- Have you assembled your procurement team? Who is the contracting officer, program manager, and legal counsel?
 - **Get the team together to strategize the procurement!**
- Has the team discussed risk-tolerance and ways to innovate to improve your outcomes for this procurement?
- Based on your market research and contracting method decision, do you expect a high number of offerors?
 - **If YES, do you plan to use a down-select to narrow the field, with a light but meaningful first phase and a more burdensome price and detailed technical evaluation in the second phase with only a few offerors?**
 - **What about an advisory down-select, where you notify low-rated offerors that they have little chance to receive award? If those non-competitive offerors self-select out of the competition, they have no standing to receive a debriefing or to file a protest!**
- Have you considered releasing a Draft RFP (w/ Sections B, C, L, & M)? This way, you can resolve questions before issuing the solicitation, and avoid a time-consuming formal Q&A adjudication.

SOLICITATION:

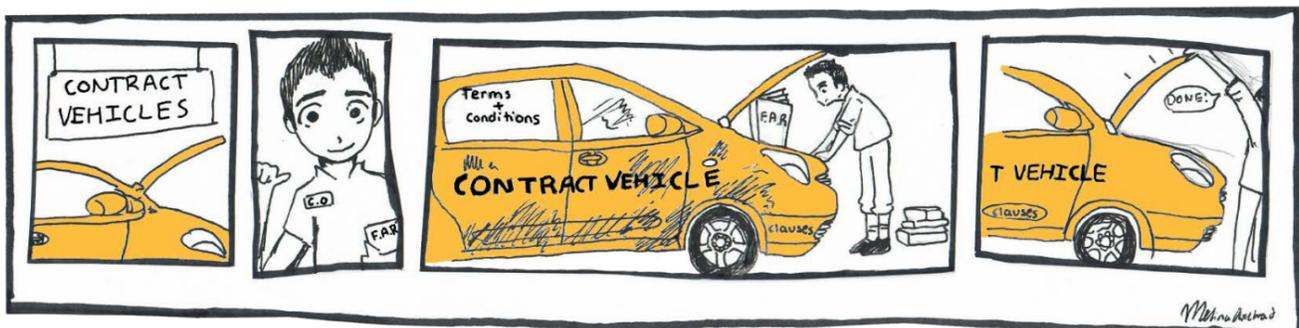
- Do you have a manageable number of evaluation factors that will serve as true discriminators?
 - **Consider eliminating factors that most offerors will be rated highly on. They add no value.**
- Have you considered utilizing an oral presentation, product demonstration, or technical challenge?
 - **An opportunity to test the product or interact with key personnel and SMEs is more revealing than reading a technical proposal. You might even add "on-the-spot" questions to see how the key personnel react.**
- Does your solicitation specifically provide offerors the opportunity and flexibility to be innovative; and assign the appropriate credit for their innovative approaches during evaluation?
 - **An innovation may cost more, yet provide better value. An offeror will not include innovations if doing such will make their offer less competitive.**
 - **Does your pricing approach permit flexibility in offers to permit the innovation you seek? What about the Statement of Objectives? If you want an innovative solution, you cannot also pre-determine all variables.**

EVALUATION & AWARD:

- Have you considered replacing traditional adjectival ratings, which can become a counting exercise, with confidence levels (high, some, low) to provide more flexibility to your evaluation team?
- Did you know the HSAM permits you to skip individual evaluation documentation? This means you can focus on the consensus process and documentation.
 - Consider using whiteboards or sticky notes to help the team stay consistent in documenting across offerors.
 - Streamline your documents with the use of bulleted text rather than long, narrative paragraphs.
- Are you using the flexibilities of the FAR as you conduct your evaluation?
 - For instance, if you are in FAR Part 8, 13, or 16, you can use comparative evaluation and skip adjectival ratings entirely!
- Have you considered having the team agree on a decision first and then document?
 - That way, the team can focus on documenting decisions, not deliberations.
- What about oral Source Selection Authority (SSA) briefings? It is more efficient and easier to move to award with real-time discussions and decisions.

POST AWARD:

- Have you considered that a meaningful, oral debriefing can significantly reduce your risk of protest?
 - Some offerors protest only to "discover" information on what the Government noted in its evaluation of the offer.
- Will you conduct a retrospective of the procurement process after award? What are some best practices and takeaways from your experience? How about sharing your lessons learned by presenting in a DHS-wide PIL webinar?



**Is It
Required?**

True

False

Fair Opportunity, Orders Under Multiple Award IDIQ Contracts

(FAR 16.505(b)(1))

	1. A written evaluation plan is required for an order in a fair opportunity consideration.	
	2. We must evaluate past performance for an order in a fair opportunity consideration.	
	3. A notice/solicitation for a competitive order in a fair opportunity consideration less than \$5.5 Million must list the relative order of importance of the evaluation factors.	
	4. An evaluation of competitive offers for an order in a fair opportunity consideration must include a listing of the strengths and weaknesses of each offer.	
	5. When evaluating competitive offers for an order in a fair opportunity consideration, we must assign adjectival ratings or numerical points for the evaluation factors.	
	6. Before negotiating or bargaining with a competitive offeror for an order in a fair opportunity consideration, we must establish a competitive range.	
	7. We must make an affirmative written determination of responsibility before issuing an order under a multiple-award IDIQ contract.	
	8. We must provide a debriefing to unsuccessful offerors for an order under \$5.5 Million following a fair opportunity consideration.	

True

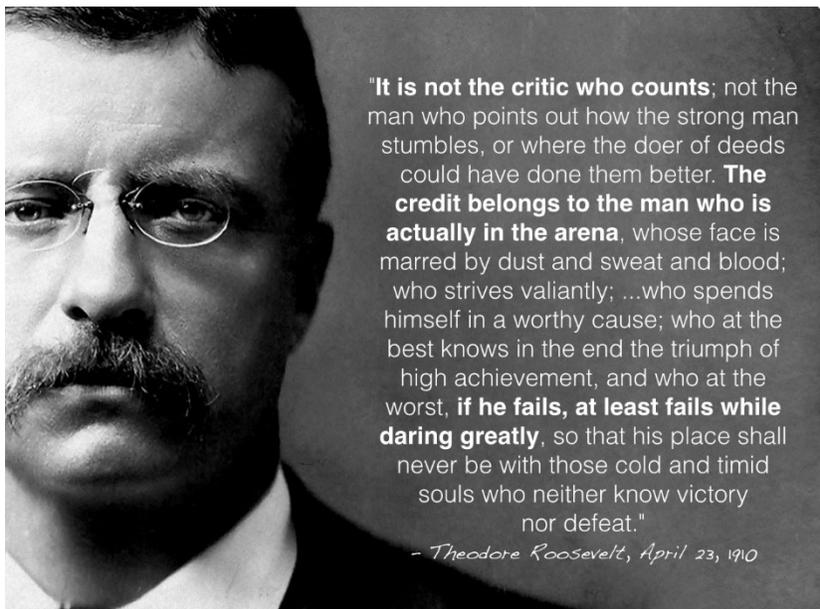
False

Other Acquisitions

	9. A Prenegotiation Objective Memorandum (POM) and Price Negotiation Memorandum (PNM) are required when we tell an offeror in discussions that its price is the highest we received and we allow it to revise its offer.	
	10. Before issuing an administrative contract modification, we must check SAM to make sure the contractor is not on the excluded parties list.	
	11. In a FAR subpart 15.3 Source Selection, Q&As must be provided to all offerors by solicitation amendment.	
	12. A determination to include or exercise an option must be written in a D&F (Determinations and Findings) format.	
	13. We must make an affirmative written determination of responsibility before exercising an option on a contract or order.	
	14. A release of claims from the contractor is required as part of the contract closeout process.	
	15. A Blanket Purchase Agreement (BPA) issued under FAR subpart 8.4 (Federal Supply Schedules) must have a ceiling or maximum that the Government cannot exceed.	
	16. A Limited Sources Justification (LSJ) is required before issuing an order under a BPA under FAR subpart 8.4 that goes beyond the BPA's original estimate.	
	17. The limitation for individual purchases for commercial items is \$7 Million when using a BPA under FAR part 13. A BPA could have multiple purchases of up to \$7 Million each.	

Based on the FAR/HSAR/HSAM, only one of seventeen items above is TRUE; the other sixteen are FALSE.

Notes and Reflections



"It is not the critic who counts; not the man who points out how the strong man stumbles, or where the doer of deeds could have done them better. **The credit belongs to the man who is actually in the arena,** whose face is marred by dust and sweat and blood; who strives valiantly; ...who spends himself in a worthy cause; who at the best knows in the end the triumph of high achievement, and who at the worst, **if he fails, at least fails while daring greatly,** so that his place shall never be with those cold and timid souls who neither know victory nor defeat."

- Theodore Roosevelt, April 23, 1910

Innovation Technique I— Oral Presentation

Purpose: *To bring in the actual technical staff to see and hear their proposed solutions!*

- You can't guarantee who writes the content of a written proposal, but you can specify that you want key personnel or company executives to present an oral presentation!
- Gives us greater confidence the company knows the technical requirement.
- FAR 15.102(c): "Information pertaining to areas such as an offeror's capability, past performance, work plans or approaches, staffing resources, transition plans, or sample tasks (or other types of tests) **may be suitable for oral presentations.**"
- Outline the grounds rules in solicitation including logistics, attendance, and format.
- May or may not be accompanied by slides — if so, decide which is evaluated: Oral Presentation or slides.
- FAR 15.102(a): "Oral presentations provide an opportunity for **dialogue** among the parties." See *Dialogue in Oral Presentations* in this workbook's GAO Guide. 
- Questions to be asked may be:
 - announced long before the oral presentation (such as in the solicitation);
 - provided an hour or so before the oral presentation; or
 - spoken during an on-going oral presentation.
- Wherever possible, let oral presentations replace paper proposals!

👉 RECOMMENDED 👈

- *DO* include on-the-spot questions (questions or exercises that offerors won't see until the oral presentation begins). Isn't **interactive dialogue** better than a one-way presentation?
- *DO* add a twist – interrupt their pitch with a particular scenario for them to address.
- *DO* consensus evaluation **immediately** following each offeror's oral presentation.
- *DO* state that a firm may attend only one oral presentation, whether for itself as a prime offeror or as a subcontractor for another firm.

👎 NOT RECOMMENDED 👎

- *DON'T* require the offeror to cover **ALL** aspects of the requirements document; rather, focus on the most important aspects and go into detail!
- *DON'T* leave ambiguity in the solicitation concerning rules or format for the orals.
- *DON'T* assume that you must videotape the presentation. We must have a record for the file, and FAR 15.102(e) lists several possibilities (including videotaping) for the record. See *If Evaluators Misunderstand Something from an Oral Presentation* in this workbook's GAO Guide.
- *DON'T* allow the offeror's presenters to use electronics or phones for reach back.



1. **The PIL recommends letting the oral presentation stand as its own evaluation factor(s).** Generally, the PIL does not recommend using oral presentations to update an already-assigned rating based on a previous written submission.
2. Oral presentations may be brief, or they may last all day.
3. Oral presentations may occur at Government or offeror locations.
4. FAR 15.102 provides guidelines for conducting oral presentations.
5. A product or technical demonstration (see Innovation Technique 2) is a variant of an oral presentation.

**Your oral presentation approach has to fit your acquisition.
Cut-and-paste as a start, but always adapt to fit!**

Sample from **NFIP PIVOT**—

Rules of Engagement for Oral Presentations:	
1.	The Government will not provide the Offeror a copy of its quote during oral presentations.
2.	The Government does not intend to ask questions about information contained in an Offeror’s submission for Phase I or the Offeror’s written submission for Phase II. The Government questions will be presented by the Contracting Officer after the Government caucuses; any other Government attendees are not expected to engage with Offerors directly.
3.	The Offeror may not generally ask questions during the oral presentation. Any questions asked must be directed to the Contracting Officer, and should only deal with logistics and conduct of the oral presentation.
4.	Oral presentations do not constitute discussions. The Government will not ask questions that will invite or allow the Offeror to change its offer. The Offeror shall not volunteer any information that might be construed as changing its offer. Oral presentations are distinct from the Government’s reserved right to conduct exchanges.
5.	The Offeror will be provided with a standard question set. The Offeror is in control of its presentation and may choose not to present or respond to any question provided by the Government.
6.	The Government will provide a white board, dry erase markers, a flip chart pad, blue tape, notepads, pens and pencils for use during oral presentations, including during the one hour caucus period.
7.	The Offeror shall not bring any computers, tablets or smart phones into the oral presentation conference room, and shall not bring or distribute any written or electronic materials during the oral presentation.
8.	The Offeror participants shall not reach back, by telephone, e-mail or any other means, to any other personnel or persons for assistance during the oral presentation.
9.	Offerors can expect the presentation will be conducted in a conference room with a table of sufficient size to accommodate the participants, including the Government attendees.

Thoughts from Industry: “Anytime you have orals, it increases the price a little bit, because we have additional resources doing the slides, preparation and practice, etc. But, we would rather do orals. The written proposal not being 150 pages was a nice innovation as well, and gave us a chance to do really strong orals. Gave us opportunity to not be rated just on the quality of what you can put on paper but the quality of people you can put in front of it. We like that, that’s really good stuff.”

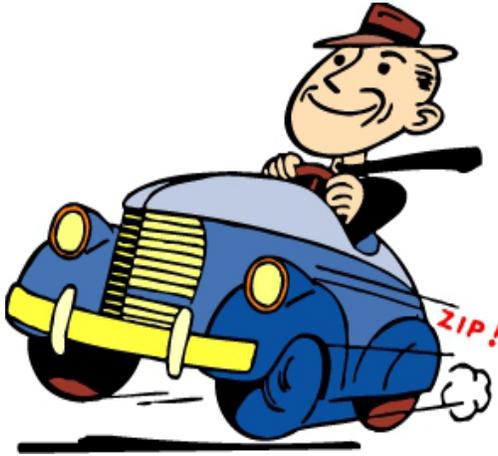
Sample from **JETS**—

If a Morning Presentation—		If an Afternoon Presentation—	
8AM	Government shares questions/problem statements; Government evaluators leave the room. Offering contractor attendees review the information and prepare for the second hour.	1PM	Government shares questions/problem statements; Government evaluators leave the room. Offering contractor attendees review the information and prepare for the second hour.
9AM	The offering contractor shares its answers and problem resolutions with the Government evaluators.	2PM	The offering contractor shares its answers and problem resolutions with the Government evaluators.
10AM	Government caucuses to identify any clarifications it may require to understand the presentations. Then, Government may ask clarification questions of the offering contractor.	3PM	Government caucuses to identify any clarifications it may require to understand the presentations. Then, Government may ask clarification questions of the offering contractor.
11AM	Oral Presentation concludes.	4PM	Oral Presentation concludes.

Innovation Technique 2 — Product or Technical Demonstration

Purpose: *To see, feel, and test out our products/systems **before** we buy them.*

If your requirement is to buy a new car, would you rather read a hundred page report or take the car for a test drive? In some cases you may do both; however, the test drive is **vitaly** important in the purchase decision.



1. Often called a product or capability demonstration, these reveal companies' true capabilities!
2. These demos can streamline the selection process, lower bid and proposal costs, etc.
3. Can be a stand-alone factor or an element of the oral presentation.
4. If the product requires testing or inspection, you can do so independently as a separate factor.
 - a. If so, include a 'test plan' in the solicitation so industry knows what is being tested.
5. Ensure end-users are included in the evaluation, their feedback is crucial.
6. Highly recommend pairing with confidence level ratings.

Thoughts from Industry: "We have never seen the testing (as part of the evaluation criteria), most interesting and effective innovation. Not to mention while being in the live setting with the full end-users from the agency's field office. We felt confident in the room!"

Sample from *Density Meter*—

After the offeror's oral presentation and capability demonstration, but starting no later than the next business day, the Government will conduct a Performance Evaluation of the offered Density Meter device at CBP's test facility, covering the Inspection requirement in Section 3.2.1 of the SOW (see evaluation Factor 1--Technical Performance and Approach below). For this phase, vendors must bring an operational device of the exact type or types proposed for evaluation and provide the shipping return address for the device. The device will be shipped to the specified address at the end of the performance evaluation. The evaluation will consist of one hundred fifty (150) scans to evaluate the offered device's performance on several factors.

The Government will conduct three trials of the offered device: one at the threshold inspection level, one at the threshold penetration level with a faster inspection rate, and one at a higher, objective level. The results of the trials will be considered in evaluation Factor 1—Technical Performance and Approach. The Performance Evaluation does not replace or otherwise remove the requirement for the device to pass Acceptance Testing following contract award in accordance with the processes and procedures outlined in Section 3.6 of the SOW.

Although government personnel will conduct the evaluation tasks, vendors shall ensure that one of their presenters can instruct the government test personnel on the operation of their offered device along with providing the operator's manual.

The Performance Evaluation test plan is attached to this solicitation.

Question: *How about a product test during market research?*

Innovation Technique 3 — Confidence Ratings

Purple	Exceptional	Greatly exceeds all minimum requirements of the criteria; has a high probability of success; contains at least one significant strength and no weaknesses or deficiencies .
Blue	Good	Exceeds all the minimum requirements of the criteria; has an average probability of success; contains no significant weaknesses, only minor, correctable weaknesses exist.
Green	Acceptable	Meets all the minimum requirements of the criteria; has a probability of success; contains no significant weaknesses ; any weaknesses can be readily corrected.
Yellow	Marginal	Fails to meet one or more of the minimum requirements of the criteria; has a probability of success; major weaknesses and or significant deficiencies exist.
Red	Unacceptable	Fails to meet any of the minimum requirements of the criteria; proposal needs major revisions; very low probability of success.

High Confidence	The Government has high confidence that the Offeror understands the requirement, proposes a sound approach, and will be successful in performing the contract with little or no Government intervention.
Some Confidence	The Government has some confidence that the Offeror understands the requirement, proposes a sound approach, and will be successful in performing the contract with some Government intervention.
Low Confidence	The Government has low confidence that the Offeror understands the requirement, proposes a sound approach, or will be successful in performing the contract even with Government intervention.

WHY CONFIDENCE RATINGS?

1. You may use confidence ratings in acquisitions under FAR subpart 8.4 (orders/BPAs against schedule contracts), part 13 (Simplified Acquisitions), subpart 15.3 (source selections), and § 16.505 (fair opportunity for orders under multiple-award IDIQ contracts). Remember, documentation of **relative** strengths, deficiencies, significant weaknesses, and risks is only required for source selections.
2. Adjectival ratings that limit evaluators to a certain rating based on having a certain number of strengths or weaknesses are not flexible, and overly restrict the evaluators' ability to assign meaningful ratings. They also cause far too much controversy and re-work in our internal review processes.
3. A confidence rating and a few bullets to support the rating — that's all we need.
4. See **Confidence Ratings** in this workbook's GAO Guide.

Easier!
Faster!
Smarter!

Sample from **FOSS** Source Selection Plan—

“The Government will assess its level of confidence that the offering contractor will successfully perform all requirements in regards to the technical approach, management approach, and key personnel qualifications.”

“The evaluation factors will measure the Government’s confidence that the offeror understands the requirement, proposes a sound approach, and will be successful in performing the contract.”

Excerpt from **FOSS** Solicitation—

Section: L.4.2.1.3:
“Offerors shall provide sufficient information for the Government to determine its level of confidence in the ability of the Offeror to perform the requirements of the RFP based on an assessment of relevant experience from the contractor.”

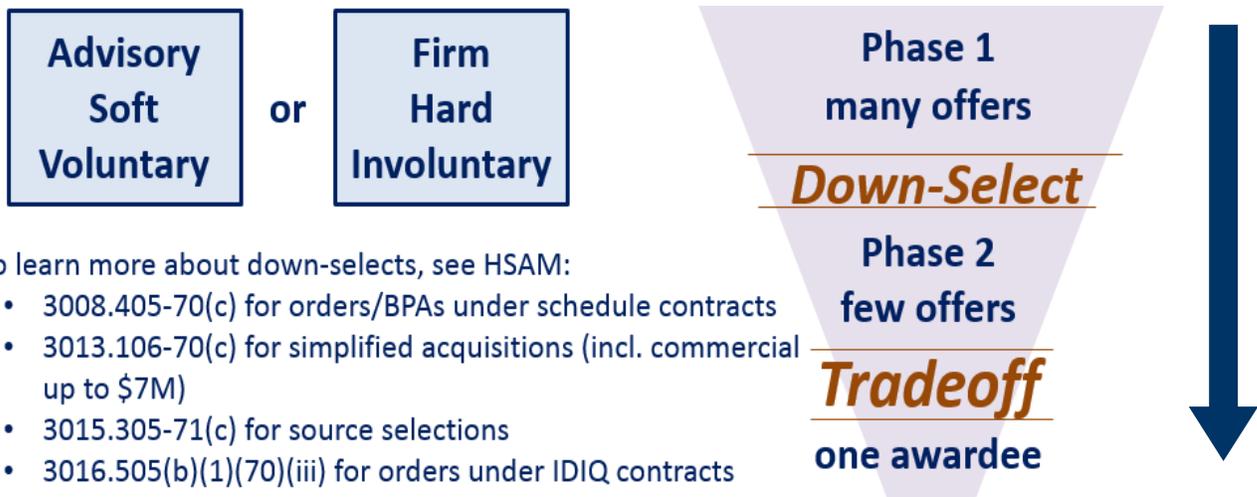
Section M.2.2.1:
“The Government will assess its level of confidence that the contractor will successfully perform the requirements based on their experience...”

Innovation Technique 4 — Down-Select

Purpose: To narrow down the number of responses to review in each phase of a procurement, to only a few at the final phase.

- Reduces costs and burden to industry.
- Reduces amount of documentation for the Government to review.
- Removes non-viable companies for a cleaner trade-off decision at the final phase.
- Reduces number of debriefings/protests.
- For a single award, you probably only need 2-3 vendors at the final phase for robust competition.
- Price probably won't be needed until the last Phase – this saves considerable costs for industry and time for the Government evaluators.
- Down-Select decisions **are not** competitive range determinations – please don't confuse these terms.

Two types of Down-Select: Advisory and Firm



To learn more about down-selects, see HSAM:

- 3008.405-70(c) for orders/BPAs under schedule contracts
- 3013.106-70(c) for simplified acquisitions (incl. commercial up to \$7M)
- 3015.305-71(c) for source selections
- 3016.505(b)(1)(70)(iii) for orders under IDIQ contracts

Tips for Advisory—

1. The factor(s) included in Phase 1 should be the most important - this gives the advisory notice more teeth.
2. The factor(s) in Phase 1 should be light to keep industry investment low, but important enough for them to tell their story: think prior experience or SHORT papers.
3. Provide time between phases so offerors do not feel they must develop next-phase proposals prior to receipt of down-select notification.
4. Vendors who choose not to proceed are then not entitled to a debriefing, unsuccessful notice, or protest.
5. DHS currently has a 99% success rate!
6. Pairs well with confidence ratings, on-the-spot consensus, and oral presentations.

Tips for Firm—

1. The relative order of importance of factors is not as critical for firm down-selects.
2. The Government makes the decision who is in and out at each Phase.
3. Vendors who are eliminated may be entitled to a debriefing, unsuccessful notice, and protest, depending on the FAR subpart.
4. The sample advisory notice on the next page can be adapted to reflect the mandatory down-select.
5. Ideal for FAR 16.505 fair opportunity considerations under \$10 Million.

Note: The PIL generally recommends advisory rather than firm down-selects — but sometimes firm might make sense (for example, see 5. above).

Recommended Advisory Notice to Non-Selected Offeror—

Dear Acme Inc.,

Your offer has been evaluated for Phase 1. Based on the information presented, it is not among the most highly rated offers. You are **unlikely to be a viable competitor** for this acquisition, and we advise you not to participate in the next phase. The intent of this notice is to minimize proposal development costs for Offerors with little or no chance of receiving an award and assist you in your timely decision-making. Even so, we appreciate your participation in Phase 1.

This is an **advisory notice**, and **you may participate** in the next phase notwithstanding the advice in this notice. If you intend to do so, please notify the contracting officer as soon as possible but within three days of the date of this notice so that we may send you the instructions for that phase.

/s/ Contracting Officer

Sample from **GMM**—

After the Government completes evaluation Criteria 1, 2 and 3, Quoters will receive an advisory notification via e-mail from the CO. This notification will advise the Quoter of the Government's advisory recommendation to proceed or not to proceed with Phase II submission. Quoters who are rated most highly for criteria 1, 2 and 3 will be advised to proceed to Phase II of the quote submission process. Quoters who were not among the most highly rated will be advised that they are unlikely to be viable competitors, along with the general basis for the Government's advisory recommendation. The intent of this advice is to minimize development costs for those Quoters with little to no chance of receiving an award. Quoters should note that Phase I evaluation criteria are more important than Phase II evaluation criteria.

The Government intends to provide no more than 5 Quoters with an advisory notification to proceed. However, the Government's advice will be a recommendation only, and those Quoters who are advised not to proceed may elect to continue their participation in the procurement.

The Government does not intend to provide debriefings after the completion of the advisory notifications. Failure to participate in Phase I of the procurement precludes further consideration of a Quoter. Quoter submissions will not be accepted from Quoters who have not submitted Phase I quotes by the due date and time stated in this RFQ. For those Quoters that are rated most highly and advised to proceed to Phase II of the quote submission process, the Contracting Officer will include the Phase II submission instructions on the advisory notice.

Sample from **DCSS**—

M-2 — TWO STEP PROCESS

(a) The Government intends to conduct the evaluation and selection process in two (2) Steps:

(1) **Step 1 - Advisory.** Factor 1 will be evaluated in this step. Each Offeror will receive an Advisory Notification. The Advisory Notification will inform the Offeror of:

(i) the basis of the Government advisory notice; and

(ii) either that it will be invited to participate in Step 2 or, based on the information submitted, that it is unlikely to be a viable competitor with the basis for that opinion. The intent of this distinction is to minimize proposal development costs for those vendors with little or no chance of receiving an award. However, notwithstanding the advice provided by the Government in response to their Step 1 submissions, all respondents may participate in Step 2.

Note: The Advisory Notification is the only notice the Government will provide from Step 1; debriefings will not occur at the end of Step 1.

(2) **Step 2.** Factors 2 and 3 will be evaluated in this step. The selection decision will be a trade-off involving all three factors, Mission Suitability, Technical/ Management and Cost/price, according to FAR 15.101-1, Tradeoff Process. Risk assessment will be a part of the overall evaluation.

- Participation in Step 1 is a mandatory part of this acquisition. Failure to participate in Step 1 or the Oral Presentation within Step 1 will preclude further consideration of the Offeror's proposal. Step 2 submissions will not be accepted from any Offeror who has not completed Step 1.
- Results of Step 1 will be carried over to Step 2 for the overall evaluation of proposals.

Innovation Technique 5 — Comparative Evaluation

- Ideal for task/delivery orders under FAR subpart 8.4 and § 16.505, but also for part 13 simplified acquisitions (incl. subpart 13.5 for commercial items up to \$7 Million). Not recommended for use under FAR part 15.
- Probably more suited to acquisitions with a few quotes and a few evaluation factors.
- Provides ultimate subjectivity/flexibility in the evaluation and selection processes.
- Keeps documentation to a minimum.
- **No ratings are assigned.**
- Recommended text for your solicitation:



Comparative Evaluation. The Government may perform a comparative evaluation (comparing offers to each other) to select the contractor that is best suited and provides the best value, considering the evaluation factors in this solicitation.

TECHNICAL EVALUATION REPORT

(notional)

1. **Factor One**—
 - a. Quote A's noteworthy observations:
 - _____
 - _____
 - b. Quote B's noteworthy observations:
 - _____
 - _____
 - c. Quote C's noteworthy observations:
 - _____
 - _____
 - d. For Factor One, we consider Quote A to be most advantageous because _____.
2. **Factor Two**—
 - a. Quote A's noteworthy observations:
 - _____
 - _____
 - b. Quote B's noteworthy observations:
 - _____
 - _____
 - c. Quote C's noteworthy observations:
 - _____
 - _____
 - d. For Factor Two, we consider Quote B to be most advantageous because _____.
3. **Factor Three**—
 - a. Quote A's noteworthy observations:
 - _____
 - _____
 - b. Quote B's noteworthy observations:
 - _____
 - _____
 - c. Quote C's noteworthy observations:
 - _____
 - _____
 - d. For Factor Three, we consider Quote A to be most advantageous because _____.



TRADEOFF DECISION DOCUMENT

(notional)

I have reviewed the Technical Evaluation Report and I adopt the evaluation team's findings as my own. The check marks in the table below show the quotes that are most advantageous for each factor, along with each quote's price:

	Quote A	Quote B	Quote C
Factor One	✓		
Factor Two		✓	
Factor Three	✓		
Factor Four	\$100	\$95	✓\$80

✓ = most advantageous for that factor

In my opinion, Quote A provides the best value. Quote A provides greater technical merit than either Quote B or Quote C, and Quote B provides greater technical merit than Quote C. The benefit of Quote A's _____ for Factor One and of _____ for Factor Three exceeds the benefit of Quote B's _____ for Factor Two. The benefit of Quote A merits the higher cost over both Quote B and Quote C.

<or>

In my opinion, Quote B provides the best value...

<or>

In my opinion, Quote C provides the best value...

See **Comparative Evaluation (No Ratings)**
in this workbook's GAO Guide.

Innovation Technique 6 — Select Best-Suited, then Negotiate

Purpose: *To work out any remaining issues with the apparent winner after evaluations have been completed/documented and the winner has been selected (but not announced).*

1. Ideal for task/delivery orders under FAR subpart 8.4 and § 16.505, but also for part 13 simplified acquisitions (incl. subpart 13.5 for commercial items up to \$7 Million). Not recommended for use under FAR part 15.
2. All evaluations must be completed, and tentative selection made. The Government can negotiate **any remaining issues**, technical and price, with the apparent awardee.
3. This technique **does not** constitute discussions (as that term is defined in FAR subpart 15.3)!
4. Works well with all other PIL techniques.
5. If you want this flexibility, include text in your solicitation (see sample below from HART).

Thoughts from Industry: “With the page limitation and time limit in orals there may be things we could have provided more detail to make clearer. With this process both parties are able to better understand each other and lead to the structure of a better contract. This ensures both parties are on the same page once the contract is awarded and ensures a better understanding and expectations of the work during administration.”

Sample from **HART**—

6.3.3. Award on Initial Responses

The government anticipates selecting the best-suited contractor from initial responses, without engaging in exchanges with contractors. Contractors are strongly encouraged to submit their best technical solutions and price in response to this RFP.

6.3.4. Exchanges with Best-Suited Contractor

Once the government determines the contractor that is the best-suited (i.e., the apparent successful contractor), the government reserves the right to communicate with only that contractor to address any remaining issues, if necessary, and finalize a task order with that contractor. **These issues may include technical and price.** If the parties cannot successfully address any remaining issues, as determined pertinent at the sole discretion of the government, the government reserves the right to communicate with the next best-suited contractor based on the original analysis and address **any remaining issues.**

See **Select Best-Suited, then Negotiate** in this workbook’s GAO Guide.

Note 1: These issues generally should not include relaxing the Government’s requirement or the basis on which offerors proposed.

Note 2: The PIL recommends caution in moving to the second best-suited. If exchanges/negotiations with the first best-suited offeror do not arrive at a conclusion satisfactory to the Government, it might make better sense to open negotiations with a small number of offerors and invite proposal revisions from them.



Innovation Technique 7 — On-the-Spot Consensus Evaluation

On-the-Spot Consensus—

The evaluation team reads the proposal (or attends the oral presentation) and then, as a group, evaluates the proposal and immediately documents the evaluation decision in real time before starting the evaluation of the next proposal.

The evaluation team members do not separately document their individual positions (although they may have made notes while reading the proposal or attending the oral presentation).



Did You Know? The HSAM tells us that individual evaluator reports *are not needed!*

HSAM 3008.405-70 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.***

Suggestions—

1. For written proposals, evaluators take informal notes while reading. For oral presentations (including video presentations, product demonstrations or technical challenges), individual evaluators take informal notes during the presentation.
2. Immediately afterwards, the evaluators assemble to decide on the consensus rating (if adjectival ratings are being assigned) and to document the rationale for the rating. This process is completed before the next evaluation begins.
3. It is important to plan your schedule to permit time to allow for on-the-spot consensus evaluations. For instance, if orals are being scheduled, leave sufficient time in-between each presentation for the consensus evaluation.
4. Document the decision, not the deliberations. Evaluate and arrive at consensus, and *then* document the rationale for the decision. See ***Working Backwards*** in this workbook's GAO Guide.
5. After evaluating the last proposal, it may make sense for the evaluation team to quickly review all of the proposals to ensure they used a common standard for all proposals. Some editing or normalizing of the consensus evaluation may occur during this review.
6. Prepare an evaluator worksheet to record notes and to help keep the evaluation on track.

7. A facilitator and a note-taker can be very helpful — the facilitator (maybe the contracting officer?) keeps the team focused on the task and the output — the note-taker (maybe the contract specialist?) takes the notes that will become bullets in the evaluation report.

Recommended Text for Evaluation Plan—

- *Evaluation factors supported by written proposals.* After individual evaluators review and make notes on the proposals, the evaluation team chair will assemble members to reach consensus on the ratings and findings for each proposal in accordance with the evaluation factors contained in the solicitation. The consensus evaluation report is the record of the evaluation.
- *Evaluation factors supported by oral presentation.* Immediately after each oral presentation, the evaluation team chair will assemble members to reach consensus on the ratings and findings for each proposal in accordance with the evaluation factors contained in the solicitation. The evaluators may make notes during the oral presentation. The consensus evaluation report is the record of the evaluation. The next oral presentation shall not start until the evaluation team has completed the evaluation of the most recent oral presentation.

SAMPLE 1

Sample consensus report template for acquisition with three technical factors (three factors covered by a single oral presentation, or three factors in a written proposal). This template was made in Word (.docx), and will scroll into multiple pages as bullets are added under each factor. After viewing the oral presentation (or reading the proposal), the evaluation team gathers in consensus to complete this document.

ON-THE-SPOT CONSENSUS EVALUATION REPORT TEMPLATE	
Offeror: _____	
<input type="checkbox"/> Low <input type="checkbox"/> Some <input type="checkbox"/> High	
Raises Expectation of Success: • • •	Lowers Expectation of Success: • • •
Other Observations <i>(if any)</i> • •	
<input type="checkbox"/> Low <input type="checkbox"/> Some <input type="checkbox"/> High	
Raises Expectation of Success: • • •	Lowers Expectation of Success: • • •
Other Observations <i>(if any)</i> • •	
<input type="checkbox"/> Low <input type="checkbox"/> Some <input type="checkbox"/> High	
Raises Expectation of Success: • • •	Lowers Expectation of Success: • • •
Other Observations <i>(if any)</i> • •	
Date of Consensus: _____ Evaluators: _____	
Source Selection Information – See FAR 2.101 and 3.104 <i>(when completed)</i>	

SAMPLE 2

Real consensus evaluation text for an offer with two technical factors. Note the use of brief bullet statements. The component, program title, offeror name, and sensitive information have been redacted.

[REDACTED] – Consensus Evaluation Worksheet		Offeror: [REDACTED]
Factor 1 - Experience	Factor 2 - Staffing Approach	
HIGH CONFIDENCE	HIGH CONFIDENCE	
<p>Increases Confidence—</p> <ul style="list-style-type: none">• Long history of successes related to corporate experience itemized in presentation—focused in Polygraph and managerial/instructor experience• Have an APA certified school training school and one of the leading polygraph experts in the field [REDACTED] works for [REDACTED]• NCCA inspects [REDACTED] and they haven't had a single finding—this is very difficult to achieve• Have taught classes for same requirements that [REDACTED] has under this RFP• Have [REDACTED] examiners actively conducting federal exams for [REDACTED]; they generally said that they have [REDACTED] examiners working in support of federal contracts.• States- they are currently operating in [REDACTED] locations/[REDACTED] states- both [REDACTED] and [REDACTED] were dispersed exam models which meets [REDACTED]'s nationwide RFP requirements.• Has no corporate history of exams not being accepted or paid for by the Government• Have implemented an extra process step of [REDACTED] scheduler contacting applicants [REDACTED] hours in advance to reduce no-show rate—proactive and not [REDACTED]-required <p>Decreases Confidence—</p> <ul style="list-style-type: none">• Two examples discussed under prior experience ([REDACTED] and [REDACTED]) were not considered because the past performance contact information was not submitted and they could not be found in PPIRS to verify if they were recent or what the performance rating was.	<p>Increases Confidence—</p> <ul style="list-style-type: none">• Personnel being proposed are extensively trained• Provide pre-training to help ensure success with [REDACTED] training• Possess [REDACTED] Lafayette Polygraph Instruments• Direct Lafayette equipment relationship, which provides the required equipment/expedited replacement of parts/support to perform the work.• Demonstrated a strong understanding of the Federal Recruitment Pool- shows they really know the pool of recruitable examiners and ways to reach out and hire them. They forecast how many are available each year (about [REDACTED] each year)• Extensive monitoring of examiners via audio reviews/cross-check.• Incentives/recruitment bonuses to retain examiners• Lift and Shift allows them to move resources and retain examiners to keep up with levels of work so there is always available work. This reduces risk of examiners leaving.• Examiners on other federal contracts are not at capacity so they could be lifted and shifted to [REDACTED]. They can take on more work in support of our contract - mitigates risks of Lift and Shift to [REDACTED].• Continuously hiring and adequate resources already on staff to meet [REDACTED] requirements.• Have already identified program management for [REDACTED] requirement and articulated their plan of who would be appointed to manage [REDACTED]'s requirement. All have extensive Polygraph examination and management experience. <p>Decreases Confidence—</p> <ul style="list-style-type: none">• None noted	

SAMPLE 3

Real page from a real consensus technical evaluation report for an oral presentation. The bullets were written by the note-taker during the on-the-spot consensus evaluation, and agreed to while still in hand-written form. These bullets were protested as too brief and too vague, but were found unobjectionable by the GAO. See *Bullets in Technical Evaluation* in this workbook's GAO Guide.



L

CONSENSUS EVALUATION

offeror name / redacted

Based on its oral presentation, the Government has **LOW CONFIDENCE** that this offering contractor understands the requirement, proposes a sound approach, and will be successful in performing the work.

- Good focus on open communication
- Scrumban explanation was not persuasive, maybe even wrong in parts, and did not give confidence
- A good example of openness: client going into estimating session
- This contractor won't lead us, push forward
- Presentation did not provide a complete understanding or feeling of confidence
- Automated testing mentioned as part of DevOps as different from Agile, causing concern
- A number of key concepts were not defined, or defined incorrectly
- The presentation did not include discussion about prioritization and business values
- Focus on attacking bottlenecks is an important continuous improvement method, but is not a substitute for portfolio management

This is a REAL page from a REAL evaluation report! The offeror protested these brief bullets as inadequate, but the GAO disagreed. See *Bullets in Technical Evaluation* in this workbook's GAO Guide.

Innovation Technique 9 — Group Oral Debriefings

Can we do oral debriefings when we have a large number of offerors?

Benefits of Debriefings Generally—

- Shared understanding of award decisions and process.
- Mutual appreciation of value of relationships, which incentivizes our industry partners to continue to want to do business with us, whether successful or unsuccessful.
- Creates better comfort for the offerors and appears less defensive and more respectful.
- Focus on shared lessons learned.
- May reduce risk of protest.



Thoughts from Industry:

“It really does save time to put together a two-way dialogue, sufficient, detailed debriefing because it results in less protests.

The more that you do have time for detailed dialogue, where it is two ways, and it’s not just ‘Here’s what you did wrong’ it’s also ‘Here’s what you did right’ and the question ‘What did we do right?’ and ‘What did we do wrong?’ enabled, ultimately down the line, for the next procurement to come out to have even better results.

I will say for the record today, I want to applaud the team that did this procurement, because from [this offeror’s] perspective, it was the best debriefing and procurement experience that we had in our entire executive team’s career. We all walked away and we were like ‘Wow! Did that just happen? Did we really have open and honest dialogue? That was so fantastic!’ Rather than walking away saying ‘What just happened?’ in a negative sort of way.”

Recommendations for a group oral post-award debriefing—

1. Give each offeror a post-award debriefing by letter (or e-mail) that satisfies FAR 15.506(d)(1) through (5). In that letter, invite the offeror to participate in a group call with all unsuccessful offerors to satisfy FAR 15.506(d)(6): **“Reasonable responses to relevant questions about whether source selection procedures contained in the solicitation, applicable regulations, and other applicable authorities were followed.”** Say that the offeror’s participation is voluntary, and that the phone call will conclude the debriefing. Send the debriefing letter and do the group oral debriefing as quickly as possible after award notices are sent.
2. For a two-phase down-select, maybe it is one call for the unsuccessful offerors in Phase 1 and another call, on the same day, for unsuccessful offerors in Phase 2. Remember, you should only accept and answer questions about procedures, regulations, and authorities. Answer the question or not, as you choose, while you are on the call – do not promise to deliver an answer later.
3. Don’t try to take the roll – it’s a phone call. You don’t need a list of participants. However, whenever anyone asks a question, you should ask that caller to identify him- or herself. Don’t record the call.

This approach was first used in DHS, in a PIL acquisition then, OMB’s Myth Busting 3 memo highlighted it for the entire federal acquisition community!

Completed PIL Procurement Projects

Through the end of fiscal year 2018, 35 procurement teams across the DHS contracting organizations have completed procurement projects in collaboration with the PIL. The list of completed PIL procurement projects by DHS Components is below.

CBP—

- Concrete Border Wall Prototype IDIQs
- Data Center Support Services (DCSS)
- Independent Systems Verification, Validation, and Testing
- Non-Intrusive Inspection (NII) Density Meters
- Other Border Wall Prototype IDIQs
- Polygraph Examinations Contract

FEMA—

- Enterprise-Wide Program and Project Management Support Services for FIMA
- Grants Management System (GMM) SPARC Program
- National Flood Insurance Program (NFIP) PIVOT Program
- Resource and Capability Transportation Support during Disasters (RCTSD) in Puerto Rico and the US Virgin Islands

FLETC—

- Facilities Operations Support Services (FOSS)

TSA—

- Federal Air Marshalls Role Players Support Services
- Reduced Size Explosive Detection Systems (RSEDS) High Speed Throughput Stand-Alone (HTSA) Recapitalization Competitive Procurement
- TSA Agile Services (TAS)

USSS—

- 5.56 x 45 mm Rifles
- Enterprise Financial Systems (EFS)
- Human Resources Staffing

USCG—

- None

OPO—

- Electronic Contract Filing System (ECFS)
- Financial Systems Management (FSM) Systems Deployment Agent (SDA)
- Flexible Agile Services for the Homeland (FLASH)
- Homeland Helium-3 Alternative Implementation Backpack (HAIBP) [DNDO/CWMD]
- Homeland Security Advanced Recognition Technology (HART)
- HSAI Program Management Support Services
- Nebraska Avenue Complex (NAC) Guard Services
- Science & Technology Silicon Valley Innovation Program (SVIP) OTA BAA Awards
- Service Management Tool and Support Services
- Vehicle Telematics Project

USCIS—

- Independent Testing and Evaluation
- Joint Engineering Teams - Sustainment (JETS)
- Services for Enabling Agile Delivery (SEAD) [USCIS]
- UX Designer Requirements (UXD)
- Verification Modernization Rapid DevOps Implementation Services (VRMDIS I)

ICE—

- OLCD Instructional Systems Design, Curriculum Development and Training Support Services
- Visa Lifecycle Vetting Initiative (VLVI) Support Services

OSA—

- Einstein 3 Accelerated Service Extension (E3ASE)

☑ DONE!

Dialogue in Oral Presentations—

B 415891, Vertical Jobs, Apr. 19, 2018

“...the solicitation required offerors to submit their technical proposals as a series of presentation slides, and required them to provide the agency with an oral presentation of those slides. The RFP further advised that the agency could ask clarification questions during these presentations....the record shows that the agency did not engage in discussions and the offerors were **never afforded an opportunity to submit proposal revisions**. Although VJ suggests that the agency’s actions during oral presentations “met the test” for discussions as defined in the Federal Acquisition Regulation, the protester does not explain how that is the case. As noted, offerors were **not afforded an opportunity to revise their proposals**, which is an essential requisite for the conduct of discussions...”

PIL Commentary: We don’t open discussions as long as our exchanges at oral presentations don’t allow the offeror to (i) revise any part of its previously-submitted paper proposal or (ii) submit any subsequent proposal revisions.

B 412163, Sapient, Jan. 4, 2016

“Sapient also alleges that discussions occurred during the firm’s oral presentation, and that the discussions were not meaningful. As discussed above, the solicitation provided that during the three-hour oral presentation session, Sapient was to develop a solution to a problem statement that the agency would provide at the outset of the session. The solicitation also provided that after Sapient presented its solution, the agency evaluators would caucus and then pose “any clarifications [they] may require to understand the presentation.” Sapient alleges that the agency’s clarification questions and Sapient’s responses thereto constituted discussions because the firm was permitted to “change, expand, and even reverse” what its representatives initially said in the session.

As described above, the exchange that Sapient characterizes as discussions **occurred entirely within the confines of the three-hour oral presentation session**. Sapient has not shown, and it is not clear to us, that anything said during the exchange revised some aspect of the firm’s previously-submitted proposal. Further, at the conclusion of the session, Sapient was not permitted to submit anything further to the agency. Thus, following the oral presentation, Sapient was **not afforded an opportunity to revise anything that was said during the oral presentation or any part of the firm’s previously-submitted proposal**. Under these circumstances, we do not consider the exchange to have been discussions; rather, we view it **simply as a component of the oral presentation itself**. Sapient’s claim that the agency engaged in nonmeaningful discussions is denied.”

PIL Commentary: Dialogue that occurs “entirely within the confines of the . . . oral presentation” (without allowing for revisions) is “simply . . . a component of the oral presentation itself.” Dialogue in an oral presentation is okay – see FAR 15.102(a).

UPDATE Comparative Evaluation (No Ratings) — See AlliantCorps, LLC; B-417126; B-417126.3; B-417126.4; Feb. 27, 2019, for a different approach to comparative evaluation. This was a GSA acquisition for an order against a multiple-award IDIQ contract. Their approach was different than ours, but it worked. Look at it (but look only at the comparative evaluation portion) – you might like it!

Bullets in Technical Evaluation—

B 412163, Sapient, Jan. 4, 2016

“Sapient’s protest challenges the following four findings that the TEC documented for the firm’s oral presentation:

- This contractor won’t lead us, push forward.
- Presentation did not provide a complete understanding or feeling of confidence.
- A number of key concepts were not defined, or defined incorrectly.
- Focus on [DELETED] is an important continuous improvement method, but not a substitute for portfolio management.

Sapient claims that these findings are unreasonable, arguing that they allegedly reflect ‘too much impression and too little substance.’ Similarly, Sapient argues that the findings were ‘so vague and subjective’ that they were ‘per se inadequate to permit the SSA to make an intelligent and independent best value determination.’ We disagree.

First, although Sapient argues that the findings are ‘vague,’ **each finding references a discrete, identifiable concern that the TEC had** about Sapient’s oral presentation. Second, these concerns **reasonably relate to the solicitation’s evaluation criteria** for the oral presentation—namely, the effect an offeror’s oral presentation had on the **TEC’s confidence in the offeror’s ability** to successfully perform the task order. Finally, the record reflects that before making the source selection decision, the SSA considered the evaluation results under each nonprice factor ‘on paper and also in discussions with the [TEC],’ and that for Sapient’s oral presentation, **the SSA specifically considered ‘the TEC’s explanation for [Sapient’s] rating.’** On this record, we see no merit in Sapient’s challenge to the TEC’s evaluation of the firm’s oral presentation or the SSA’s consideration of the TEC’s evaluation findings.”

*PIL Commentary: The bullets quoted in the above case above were taken verbatim from the technical evaluation report. We **can** use simple, brief bullets in our technical evaluations — we don’t need lengthy, narrative essays!*

Select Best-Suited, then Negotiate—

B 415514, Leidos, Jan. 18, 2018

“Based on the evaluation results, the contracting officer (CO) and source selection evaluation board (SSEB) chairperson **made a best-suited contractor determination**, identifying NGSC as the apparent successful offeror. **Consistent with the terms of the solicitation**, which provided that after the agency had selected the apparent successful offeror, it could **engage in communication solely with this contractor** to address any remaining issues and to finalize a task order, the agency held negotiations with NGSC.”

PIL Commentary: Fairness is always an important principle, and we have to be fair in using this technique. But think about it — if we apply the evaluation factors and select the best value proposal, then a negotiation to make that proposal even better (or to iron out administrative details) is not prejudicial to the other proposals.



Not Evaluating Price in a Down-Select's First Phase—

B 413559.3, Sevatec, Jan. 11, 2017

"The protesters further assert that . . . the proposed evaluation scheme is improper because an agency cannot eliminate a technically acceptable proposal from consideration for award without taking into account the relative cost of the proposal to the government. . . [T]he protesters argue that it is improper for the agency to use a source selection process that excludes lower-rated, acceptable, and possibly lower-priced proposals from the competition without considering their prices.

While we agree with the protesters that, under this evaluation scheme, offerors below the top 60 will not have necessarily been found technically unacceptable, we nevertheless find **nothing improper** about the agency's source selection methodology. . .

When using a tradeoff selection process, if the agency excludes acceptable offerors without considering an offeror's price, the agency has failed to conduct the essence of a tradeoff, which requires the agency to consider and trade off offerors' higher (or lower) prices in relation to the perceived benefits of the proposal. Furthermore, the express language in 41 U.S.C. § 3306(c) states that '[i]n prescribing the evaluation factors to be included in each solicitation for competitive proposals, an executive agency shall . . . include cost or price to the Federal Government as an evaluation factor that must be considered in the evaluation of proposals.' Thus, while not every offeror will have its price evaluated under the proposed evaluation scheme (indeed, every firm ranked 61st or lower), **the agency will evaluate the price (or cost) 'to the government' of every awardee.**

Under the circumstances here, the RFP's source selection methodology--which only considers the prices of the highest-rated offerors, and considers the prices insofar as they are 'fair and reasonable'--conforms with the agency's requirements to consider price under CICA. Insofar as the proposed source selection process considers **the price of every awardee** (and rejects those firms that lack fair and reasonable pricing), the agency has satisfied its requirement to consider price to the government."

PIL Commentary: You may evaluate price in the first step of a down-select, but often it makes sense not to. Developing a price is a major effort for a contractor, and evaluating price is a major effort for us. If you're doing a down-select, it may make sense to save the price submission and price evaluation for a later phase. Minimizing contractor effort in the first phase makes it easier for a non-selected offeror to walk away with no hard feelings (no protest), and the selected offerors' greater probability of win (pWin) in the later phase allows those offerors to give us better prices.

If Evaluators Misunderstand Something from an Oral Presentation—

B 415514, Leidos Innovations Corp., Jan. 18, 2018

"According to Leidos, DHS misunderstood its approach. . . . Leidos contends that its presentation fully addressed concerns regarding [DELETED], and provided details as to how its solution would [DELETED].

Here, Leidos' arguments reflect disagreement with the agency and do not demonstrate that the assignment of this weakness was unreasonable. Additionally, **to the extent the agency misunderstood Leidos' approach, just as the responsibility for submitting a well-written proposal with adequately-detailed information falls squarely on the offeror, the responsibility for providing a thorough, persuasive response to agency questions as part of an oral presentation falls on the offeror."**

PIL Commentary: Maybe we don't need videotaping to prove whether an offeror did or did not say something in an oral presentation?

Danger of Counting Strengths and Weaknesses—

B 414650.11 VariQ Corp., May 30, 2018

“On January 31, 2018, the source selection authority (SSA) conducted a best-value tradeoff between Inerso and VariQ, among other vendors. The SSA concluded that, although Inerso received fewer strengths than VariQ, its quotation was superior under both the management approach and the technical approach evaluation factors. **The SSA based this conclusion on her finding that Inerso’s quotation provided the agency with more “substantial strengths,”** i.e., strengths that the SSA concluded would provide the agency with substantial program benefit. Ultimately, on the basis of these substantial strengths, the SSA concluded that Inerso’s quotation provided the best value to the agency. Id. at 26. This protest followed.

* * *

The greater number of substantial strengths in the awardee’s quotation was the basis for the agency’s decision to issue the task order to Inerso notwithstanding VariQ’s lower price and greater number of strengths under both the management approach and technical approach evaluation factors. The protester challenges the SSA’s determination that certain of these strengths were substantial. . . .

* * *

The protest is sustained.”

PIL Commentary: This wasn’t a PIL project, but it was a DHS acquisition. We included this decision extract in this workbook as a caution to not make decisions by counting strengths or weaknesses. BTW, since this was a fair opportunity consideration under FAR 16.505(b)(1) (and not a source selection under FAR subpart 15.3), identifying strengths and weaknesses was not even required.

Confidence Ratings—

B 415575, IBM Corporation, Jan. 19, 2018

With regard to evaluation under the mission suitability and technical/management factors, the solicitation stated that the agency “will consider the Offeror’s approach and the risks associated with the approaches proposed,” and make “**confidence assessments**” regarding the offeror’s understanding of the requirements and the likelihood of successful contract performance, assigning ratings under each factor of: **high** confidence, **some** confidence, or **no** confidence. The solicitation did not contemplate, or provide for, factor ratings other than the confidence assessments.”

PIL Commentary: We prefer High, Some, and Low, but regardless, here is your evidence that confidence ratings have been successfully used.

UPDATE Streamlined Evaluation and Selection Documentation — See Amyx Inc.; B-416734.2, April 9, 2019: “...our decisions explain that there is **no need for extensive documentation** of every consideration factored into a tradeoff decision, but rather the documentation need **only be sufficient** to establish that the agency was aware of the relative merits and prices of the competing quotations...”

Working Backwards—

from PIL Webinar, Apr. 20, 2017,
Why Do Agencies Lose Protests? An Informal Conversation with GAO on FY 2016 Protest Statistics & Decisions

“The big picture here is (to) make sure that if you do get a protest, that you are going to be in the best position possible to win that protest. One key that I’ve always talked to contracting folks about is: **‘Think about your documentation, take your source selection decision, and work backwards.’**

A source selection decision should explain the basis for why the agency is making the award, so make sure that all the bases for the award are traceable back to something in the solicitation and traceable back to the awardee’s proposal. And it is helpful to have someone who wasn’t involved in the procurement take a look at that and see if they can make the exact same trace back through the record that you have made in your decision...because ultimately that is what GAO is going to be doing when we get ahold of the record.”



Jonathan Kang
 Senior Attorney
 Government Accountability
 Office (GAO)

Fair Opportunity (FAR § 16.505) vs. Source Selection (FAR subpart 15.3) —

from PIL Webinar, Feb. 25, 2017,
In depth Look at USCIS Protest Decisions Involving Multi Step Evaluations



Kenneth Patton
 Managing Associate General
 Counsel for Procurement
 Law
 Government Accountability
 Office (GAO)

“I wanted to offer a couple of observations for the community to consider when they are thinking through this question about the difference between a (FAR) part 16 and a part 15 procurement. When you are doing a part 16 procurement, one of the things that the contracting officer has to consider is providing **a fair opportunity** to all the task and delivery order holders to compete. We look at issues of how the competition is to be conducted at that task or delivery order level through that lens. In other words, **is it fair?** Are the procedures that the contracting officer is using giving everyone an opportunity to compete? **To the extent you write those procedures into your solicitations, you are pretty much golden** because, as long as they don't contradict anything in the FAR or anything in the base contract, those are the procedures that we would use to analyze the extent to which you follow your solicitation. Remember **part 16 basically tells contracting officers they can establish procedures** to implement how they are going to handle the fair opportunity to compete process. So you've got some **discretion** in how and to what extent you want to import part 15 or other rules of the FAR into the procedures you are going to use to award task and delivery orders.”

Here’s an **UPDATE** from Mr. Patton, April 3, 2019: “Innovation is key to meeting the challenges and risks of a continuously evolving market place. Managing risk by ignoring pitfalls only places a procurement at risk of a successful challenge. The best way to **manage risk** is to **engage and challenge** the unknown with rational analysis, affirmative decision-making, and **good judgement**. An innovation lab is the perfect place to combine these elements. Happy to see the lab take on the challenge.”

Innovation Exercise I— Ruggedizing a Commercial Product



An agency has been buying commercial all-terrain vehicles (ATVs) for years to meet its diverse mission. The ATVs are often used in severely rugged geographical regions, and have had much shorter life spans than anticipated. The program executive needs a more viable, long-term solution that better suits the specific needs of the agency's field agents, and believes that many commercial ATV models could be ruggedized to meet agency needs. This ruggedizing could alter up to 30% of a commercial ATV and increase the cost by up to 100%. The agency has not yet released a ruggedizing specification.

There is no product available through any strategically sourced vehicle or GSA schedule, so an open market procurement is required. Market research indicates there are a dozen ATV manufacturers who could possibly meet these new ruggedizing requirements. The agency anticipates the new, ruggedized ATVs to cost \$30,000 per unit and has funding for 40 per year for each of the next five years.

The program executive wants to serve as the selecting official, and wants to focus on—

- Selecting the right partner or partners;
- Ensuring all or most mission requirements are met within available funds; and
- Getting the solicitation out and resultant award(s) issued as soon as possible.

Innovation Exercise 2— One Contract to Four Contracts, Many Offerors

An agency executive is responsible for providing IT support to four major functional areas. Presently, there is one contract for professional services to support all four functional areas. In planning for the upcoming re-procurement, the executive wants four separate contractors (instead of one single contractor) because of a long-standing and wide-spread sentiment that none of the four functional areas are being well served by a single contract. The executive doesn't want just four contracts, but also wants four different contractors (a different contractor for each functional area). The program office estimates that the work statements will be about 70% common across all four functional areas, and about 30% specific to each functional area.



The work fits under a departmental strategic sourcing vehicle (EAGLE II, a set of multiple-award IDIQ contracts). There are about a hundred contract holders, and it is expected that most of them will want to compete for this acquisition. These are high-dollar acquisitions, worth about \$100 Million per functional area over a five-year period. The work is crucial to the agency's mission success.

The executive wants to serve as the selecting official, and wants—

- four contractors who will be very responsive to agency needs;
- contractors who are leading the industry and who will bring leadership and other value to agency operations; and
- the simultaneous conduct of all four acquisitions so that the four contracts (really, orders under IDIQ contracts) will be ready to begin performance when the present contract expires in less than a year.

Innovation Exercise 3— Critical Support Contractor



This requirement is for the operation of a firing range at one of DHS’s law enforcement facilities. Contractor performance is critical, as any facility-related issues or closures would significantly impede ongoing operations on-site, and negatively impact the law enforcement agents who rely on this facility for their mission needs.

The requirements are structured so that the contractor will provide all management, supervision, personnel, equipment, materials, transportation, and supplies necessary to perform. Performance specifications describe the services to be performed as end results and provide the contractor quantities, limits, and areas to cover, with the contractor being responsible for achieving the results described in the specifications. Since the requirements are described in detail in the solicitation, the program office is comfortable with the idea of project plans and schedules being provided as post-award deliverables, rather than needing to evaluate those prior to award. The performance work statement is very well drafted, and is very comprehensive.

Below are the procurement challenges that the procurement team must consider as they strategize for this acquisition:

- There is limited staff availability for evaluations; technical evaluators must simultaneously manage their daily on-site law enforcement focused responsibilities.
- Award needs to occur quickly to avoid a lapse or a bridge contract.
- Contractor performance is critical and significantly relied on for day-to-day performance. Daily on-site operations **MUST** continue. The law enforcement activities at the facility **DO NOT** stop.

This has to be an open market acquisition, with an anticipated value of over \$20 Million.

Innovation Exercise 4— Taking It to the Cloud

A component's Chief Information Officer has a requirement to consolidate several instances of on-premises application lifecycle management (ALM) tools into a single commercial cloud-based solution. The anticipated value of this requirement is \$80M over a seven year period of performance. This estimate includes the commercial cloud-based solution, as well as migration and implementation services for the commercial cloud-based solution, and ongoing operations and maintenance services. Cloud service providers are available on GSA schedules.



The objectives that the procurement team has identified for their procurement are as follows:

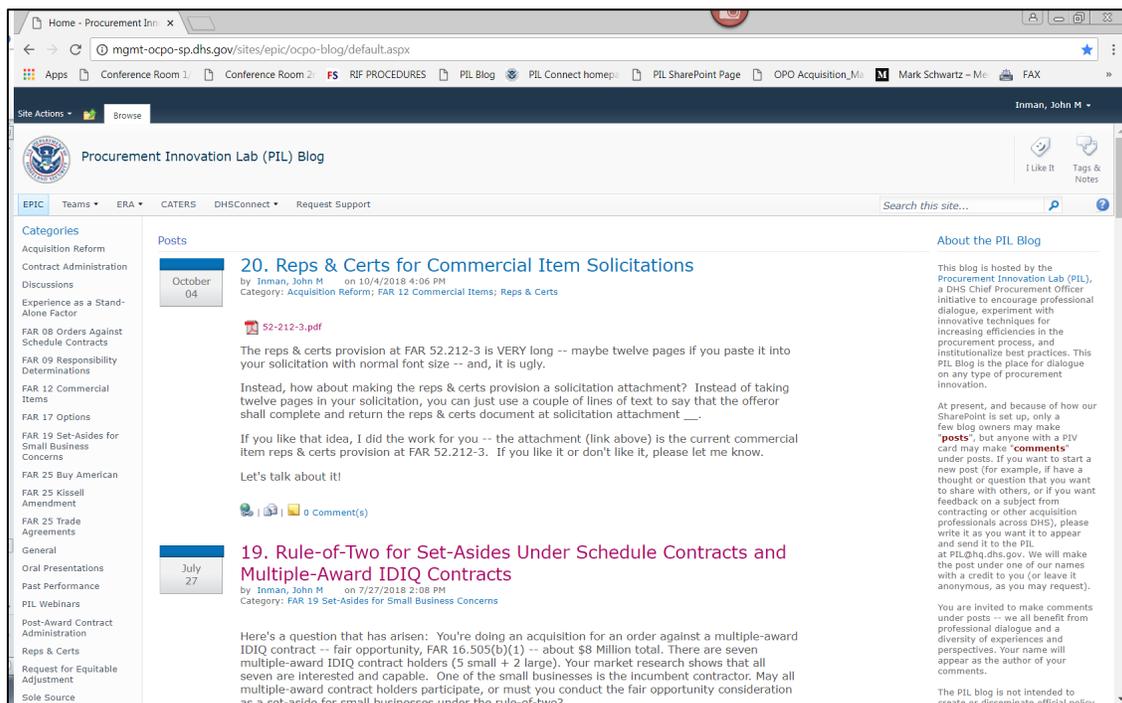
- Understand what they are buying and know the marketplace to best develop the solicitation in a way that will reduce unnecessary bid and proposal cost drivers.
- Ensure all requirements are integrated into one consolidated solicitation and task order, instead of separate orders for implementation, migration, licenses, O&M and so forth.
- Efficiently make an award for a commercial product with associated services.

The PIL Blog

Let's Talk About It!

The PIL Blog is a safe space for professional dialogue about acquisition processes, innovations, and so forth. Changing our culture for the better requires more open communication among all of us. We're interested in your questions and your insights, and even your disagreements! Here are the postings as of 7/07/2019—

- Adjectival Ratings for Non-Price Factors
- Fillable Forms, Justification to Include Options and Determination to Exercise Options
- Fillable Form, FAR 52.212-5
- Fillable Form, Reps & Certs for Commercial Item Solicitations
- Rule-of-Two for Set-Asides Under Schedule Contracts and Multiple-Award IDIQ Contracts
- Evaluating Past Performance for Orders Against IDIQ or Schedule Contracts
- Evaluation Plan/SSP for a Procurement Using Schedule Contracts?
- Contractor Employee Travel in Fixed-Price or T&M Contracts
- Fillable Adobe Format for J&A/JEFO/LSJ/SSI/BNJ
- Exercise Option for 9 MO Instead of 12 MO?
- A No-Paper Evaluation!
- PIL Webinar 36 - Product/Capability Demonstrations
- Ceiling (or Maximum) for BPA under Schedule Contract?
- Are POMs and PNMs Needed for Competitive Source Selection Discussions?
- Prior Experience and Past Performance - Evaluation or Responsibility?
- Competitive Orders Under Schedule Contracts
- Checking SAM for an Administrative Modification
- REA Under FFP Contract for Increase in Cost of Materials
- Buy American and Hire American, Executive Order 13788
- PROCUREMENT LAW versus PROCUREMENT LORE
- Evaluating Experience as a Stand-Alone Factor
- PIL Webinar, 05/18/2017, Oral Presentations



*The PIL Blog is easily accessible from the **PIL Homepage on DHS Connect** (see the back cover of this workbook).*

Notes and Reflections



Orders Under Multiple Award IDIQ Contracts

1.	<i>False.</i> FAR 16.505(b)(1)(v)(B) specifically tells us that an evaluation plan is not required.
2.	<i>False.</i> Nothing in FAR 16.505(b) requires the evaluation of past performance. If a contracting officer chooses to evaluate past performance, FAR 16.505(b)(1)(v)(A)(1) allows for the evaluation to be limited to previous orders under the multiple-award IDIQ contracts.
3.	<i>False.</i> The requirement for relative order of importance of evaluation factors under FAR 16.505(b)(1)(iv)(C) applies only to orders over \$5.5 Million.
4.	<i>False.</i> Nothing in FAR 16.505(b) requires a listing of the strengths and weaknesses of each offer, and policies from FAR subpart 15.3 do not apply to ordering situations (see FAR 16.505(b)(1)(ii)). Strengths and weaknesses are FAR part 15 concepts and need not be used in ordering situations.
5.	<i>False.</i> Nothing in FAR 16.505(b) requires adjectival ratings or numerical points; rather, FAR 16.505(b)(1)(v)(B) specifically tell us that scoring (rating) of quotes or offers is not required.
6.	<i>False.</i> Nothing in FAR 16.505(b) requires establishing a competitive range before negotiating, and nothing from FAR subpart 15.3 is applicable when ordering under multiple-award IDIQ contracts (see FAR 16.505(b)(1)(ii)). We have to be fair.
7.	<i>False.</i> See HSAM 3009.105-2(b)(3). See also GAO Bid Protest decisions B-296493.6 and B-258018.3.
8.	<i>False.</i> Debriefings are required only for order awards over \$5.5 Million (see FAR 16.505(b)(6)).

Other

9.	<i>False.</i> FAR subpart 15.4 applies when agreement on price is necessary (such as in sole-source situations), but not in competitive FAR 15.306(d)(3) or (e)(3) situations. Price negotiations under FAR subpart 15.4 are to reach agreement on price. See FAR 15.405(a) and 15.406-3(a), and HSAM 3015.400-70.
10.	<i>False.</i> Even if a contractor is suspended or debarred, we can still do an administrative modification — we just can't add new work, exercise options, extend the duration of current contracts, or place orders exceeding a guaranteed minimum. See FAR 9.405-1(b). HSAM 3009.105-2(b)(3) requires checking SAM only for option exercises and order awards.
11.	<i>False.</i> Nothing in FAR part 15 requires Q&As to be provided by solicitation amendment. The PIL recommends providing Q&As as a separate, stand-alone document. If a Q&A actually changes anything in the solicitation, then that change should be included in a solicitation amendment.
12.	<i>False.</i> Sometimes, the FAR calls for (1) a determination, (2) a determination in writing, or (3) a D&F. Regarding exercise of options, the determination required by FAR 17.207(c) and (d) are (1) and the determination required by 17.207(f) is (2). But neither of these is (3).
13.	<i>False.</i> See HSAM 3009.105-2(b)(3). See also GAO Bid Protest decisions B-296493.6 and B-258018.3.
14.	<i>False.</i> Nothing in FAR 4.804 requires a release of claims for closeout. Some contracts require a release of claims before final payment is made, but these releases should have already been received long before closeout occurs.
15.	<i>False.</i> Nothing in FAR subpart 8.4 calls for a ceiling, maximum, or total limitation on BPAs. All we need is a reasonable estimate, made in good faith, at the time of BPA establishment. The annual review process described in FAR 8.405-3(e) will show whether the BPA still represents the best value. The GAO was okay with a Marine Corps' continued use of a ten-year BPA even though the estimate was reached in the third year (see GAO-09-792, Sep. 2009).
16.	<i>False.</i> The reasons for a LSJ are listed in FAR 8.405-6(a)(1) and (b). Going beyond an estimate is not a reason for a LSJ.
17.	<i>True.</i> See FAR 13.303-5(b)(2).

PIL Webinars Sorted by Innovation Techniques

Oral Presentations

- #42 The Power of Interactive Dialogue with Industry During Oral Presentations – FEMA Grants Management Modernization (GMM)
- #39 Case Study of FEMA National Flood Insurance Program (NFIP) PIVOT Procurement – Innovating Procurement Teams (FEMA)
- #28 Oral Presentations with a Twist – Case Studies (OPO NAC Guard Services)
- #10 Effective Use of Oral Presentations & On-the-Spot Consensus Panel Evaluation (USCIS JETS)
- #12 In-Depth Look at Recent USCIS Protest Decisions Involving Multi-Step/Oral Evaluations – Legal Perspectives (USCIS JETS)
- #22 TSA Agile Services Procurement – Industry Engagement in Action (TSA TAS)

Product or Technical Demos

- #36 Conducting Product/Technical – A Case Study of Two Procurements (CBP Density Meter; OPO ECFS)
- #20 Using Technical Demonstrations or Programming Challenges in Evaluation – A Case Study (USCIS VMRDIS1, eUXD, IT&E)
- #33 Flexible Agile Solutions for the Homeland (FLASH) Procurement Team Retrospective (OPO FLASH)

Select Best-Suited, then Negotiate

- #38 A Study of the HART Innovations and GAO Protest Outcomes (OPO/OBIM)

Down-select

- #37 Paperless Proposals: Shorter Procurement Lead Times for Commercial Services – A FLETC Case Study (FLETC FOSS)
- #34 Streamlining FAR subpart 8.4 – A Case Study on Maximizing Procurement Efficiencies by Staying in Your Lane (OPO SMT)
- #22 TSA Agile Services Procurement – Industry Engagement in Action (TSA TAS)
- #15 Streamlined Technical Evaluations Techniques & Approaches (USCIS JETS)
- #12 In-Depth Look at Recent USCIS Protest Decisions Involving Multi-Step/Oral Evaluations – Legal Perspectives (USCIS JETS)

- #41 Prototyping under the FAR – A CWMD Story of Backpacks

On-the-spot Consensus

- #10 Effective Use of Oral Presentations & On-the-spot Consensus Panel Evaluation (USCIS JETS)
- #37 Paperless Proposals: Shorter Procurement Lead Times for Commercial Services – A FLETC Case Study (FLETC FOSS)
- #36 Conducting Product/Technical Demonstrations – Case Study of Two Procurements (CBP Density Meter; OPO ECFS)
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Confidence Ratings

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Comparative Evaluations

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- #19 Streamlining Task Order Solicitations under Multiple Award IDIQ Contracts, Parts 1 & 2 (OCPO/APL)

Streamlined Evaluations and Selection Documentation

- #23 Cutting Time in SSA & Legal Review (TAS TAS)
- #34 Streamlining FAR subpart 8.4 – A Case Study on Maximizing Procurement Efficiencies by Staying in Your Lane (OPO SMT)
- #15 Streamlined Technical Evaluations Techniques & Approaches (USCIS JETS)

Oral Debriefings and Group Debriefings

- #9 Debriefing Strategy in Multi-step Down-Selections Involving a Large Number of Offerors: A Case Study (USCIS JETS)
- #22 TSA Agile Services Procurement – Industry Engagement in Action (TSA TAS)

On-Going Research between DHS OCPO and ASU

Thomas J. Kull, PhD, Arizona State University (ASU)

In 2018, ASU partnered¹ with Department of Homeland Security's (DHS) Procurement Innovation Lab (PIL) to understand how DHS's culture responds to various PIL techniques. I was the principal investigator on the project and I conducted extensive interviews and introduced methods that will (1) help assess DHS's acquisition culture, (2) help clarify PIL technique cultural implications, and (3) help PIL project leads adapt to a procurement team's unique characteristics.

Research shows it is hard to think your way into acting differently – instead, try to act your way into thinking differently.² The Socio-Technical Systems view shown in Figure 1 acknowledges such differences and that view informed my research.

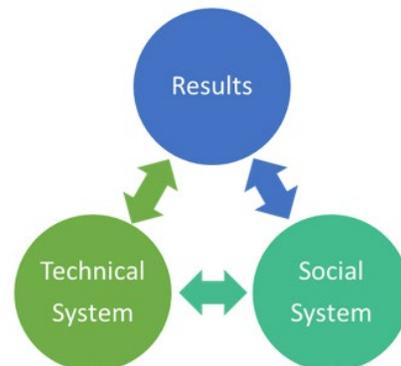


Figure 1

My research discovered 14 unique cultural values (shown in Figure 2) that relate to various PIL techniques. These values are priorities (i.e., things that are important) in the acquisition workforce that the PIL techniques either reinforce or challenge.

1. COMPETENCE Competence, Credentials Credibility, Experience Judgment, Knowledge	2. TASK-FOCUS Local focus, Micro- mission, Role performance, Stay ahead, Task focus	3. INDEPENDENCE / FLEXIBILITY Abstract, Flexibility, Independence, Individualism Newness, Non-mission	4. SPEED Efficiency, Speed, Time
5. MISSION Improvement, Non-wasteful, Value-add, Contribution, Do what matters, Exceed expectations, Helpfulness Mission, Outcome assurance, Outcomes, Relevance, Useful		6. EASINESS Convenience, Ease of use Easiness, Simplicity	7. FAIR PROCESS Best practice, Competition, Fair process, Fairness Process, Process matters
8. COMPLIANCE Compliance, Law method Lawfulness, protection, Security	9. EVIDENCE Evidence, Evidence- based, Metrics, Proof, Tangibility	10. THOROUGHNESS Analysis, Detail-oriented, Preparation, Thorough, Thoroughness	11. STRUCTURE Clear responsibilities, established practices, Guidance, Routine, Structure, Universal application
12. AUTHORITY Authority, Leadership, Status	13. GROUP COLLECTIVE Collectivism, Comfort, conflict avoidance, Harmony, No negativity, Plurality, Stability, Encouragement, Interpersonal, Involvement, Peer validation, Relationships, Sharing, Trust, in-group preference		14. CERTAINTY Certainty, Consistency, Reliability

Figure 2

constructs similarly to the interview results. The CVF instrument will be used on a larger scale so to better understand each DHS Component's unique priorities, thereby improving how the PIL engages with that Component.

We expect this research to continue in the future, not only to improve the use and deployment of PIL techniques at DHS, but to improve the understanding of these socio-technical dynamics.

My research then introduced and adapted a measurement instrument that assesses higher-order cultural constructs. Known as the Competing Values Framework (CVF), this instrument assesses for priorities among these higher order constructs: human relations, innovation/open systems, process control, and mission/rational goals (see Figure 3 with the 14 DHS cultural values classified). All organizations emphasize these constructs, but do so to varying degrees. The instrument was validated in multiple PIL Boot Camps to assure the instrument emphasizes certain

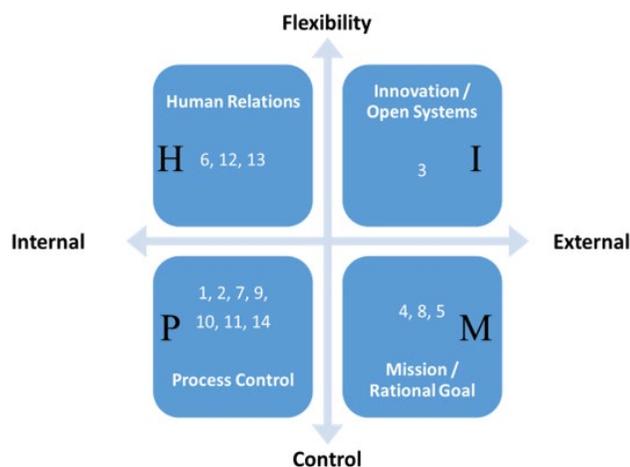


Figure 3

¹ <https://www.dhs.gov/science-and-technology/centers-excellence>

² Shook, J. (2010). How to change a culture: Lessons from NUMMI. MIT Sloan Management Review, 51(2), 63-68.

CONNECT WITH **PIL**



Internal PIL Homepage on DHS Connect (*Search "PIL"*)

Public Web Site: www.dhs.gov/PIL

E-mail: PIL@hq.dhs.gov

The screenshot shows the PIL homepage with several callout boxes:

- Resources** (yellow callout pointing to the 'Resources' section)
- Apply for Digi-Badges** (green callout pointing to the 'PIL Digi-Badges' link)
- Past Recorded PIL Webinars** (yellow callout pointing to the 'PIL Webinars' link)
- Upcoming PIL Webinars** (yellow callout pointing to the 'PIL Event Calendar' table)
- PIL Intro Video** (purple callout pointing to the 'FEATURED PIL VIDEO' section)
- Component AIAs (Acquisition Innovation Advocates)** (green callout pointing to the 'POINTS OF CONTACT' section)
- Submit Your Idea: Anyone in DHS can submit innovative ideas for testing** (green callout pointing to the 'Submit Your Idea' link)

Course ID	Title	Location	Start Time	End Time	Category
FDV-DHS-0081 018	PIL BOOT CAMP	Portsmouth, VA	08/27/2018 8:00 AM	08/27/2018 4:00 PM	Learning Self-Event

