

DAHLGREN DIVISION NAVAL SURFACE WARFARE CENTER

Dahlgren, Virginia 22448-5100



NSWCDD/MP-08/18

BEST PRACTICES FOR PROGRAM OFFICES

Competitive Source Selections and Sole-Source Proposal Evaluations

BY ERIC ROCHOLL AND KATHY LOUDIN

WARFARE SYSTEMS DEPARTMENT

JUNE 2008

Report Documentation Page				Form Approved OMB No. 0704-0188	
Public reporting burden for the collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to a penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.					
1. REPORT DATE JUN 2008		2. REPORT TYPE N/A		3. DATES COVERED -	
4. TITLE AND SUBTITLE Best Practices For Program Offices				5a. CONTRACT NUMBER	
				5b. GRANT NUMBER	
				5c. PROGRAM ELEMENT NUMBER	
6. AUTHOR(S)				5d. PROJECT NUMBER	
				5e. TASK NUMBER	
				5f. WORK UNIT NUMBER	
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) Dahlgren Division Naval Surface Warfare Center Dahlgren, Virginia 22448-5100				8. PERFORMING ORGANIZATION REPORT NUMBER	
9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES)				10. SPONSOR/MONITOR'S ACRONYM(S)	
				11. SPONSOR/MONITOR'S REPORT NUMBER(S)	
12. DISTRIBUTION/AVAILABILITY STATEMENT Approved for public release, distribution unlimited					
13. SUPPLEMENTARY NOTES					
14. ABSTRACT					
15. SUBJECT TERMS					
16. SECURITY CLASSIFICATION OF:			17. LIMITATION OF ABSTRACT SAR	18. NUMBER OF PAGES 28	19a. NAME OF RESPONSIBLE PERSON
a. REPORT unclassified	b. ABSTRACT unclassified	c. THIS PAGE unclassified			

FOREWORD

This guidebook shares invaluable lessons learned from the authors' many years of experience with cost analysis and contract negotiation so that others may apply these concepts to today's challenging acquisition environment. Two fundamentally different evaluation processes are addressed: competitive source selections and sole-source proposal evaluations. Best practices for facility design, team organization, and assignment of roles and responsibilities are also discussed.

This document was reviewed by Michael R. Dossett, Head, Warfare Analysis Branch (Code W11).

Approved by:

A handwritten signature in purple ink, appearing to read 'SH Hornbaker', followed by a horizontal line.

STEPHANIE A. HORNBAKER, Head
Requirements Analysis and Advanced Concepts
Division (Code W10)

CONTENTS

<u>Section</u>	<u>Page</u>
GLOSSARY	v
ABSTRACT.....	1
INTRODUCTION	1
COMPETITIVE SOURCE SELECTIONS	2
Steps 1 and 2: Designate the source selection official; establish focus groups and liaisons.	3
Steps 3 and 4: Develop the Request for Proposal (RFP) and Source Selection Plan (SSP).	3
Step 5: Receive the proposals.	4
Step 6: Evaluate the proposals.	5
Step 7: Conduct discussions and request, receive, and evaluate final proposal revisions (FPRs), if necessary.....	5
Step 8: Prepare documentation to support the selection decision.....	6
Steps 9 and 10: Brief the results to the appropriate officials; select the source.....	7
Step 11: Award the contract.....	7
Step 12: Debrief the offerors; handle award protests, if necessary.....	7
SOLE-SOURCE PROPOSAL EVALUATIONS.....	8
Step 1: Develop the RFP.....	8
Step 2: Receive the proposal.....	9
Step 3: Obtain DCAA and DCMA field pricing support.....	9
Step 4: Hold the proposal evaluation team kick-off.	9
Step 5: Conduct a quick-look review (small group).	9
Step 6: Perform a technical / cost review (full team).....	10
Step 7: Hold fact-finding sessions.	10
Step 8: Prepare a Technical Assessment Report (TAR).	10
Step 9: Integrate the TAR and cost evaluation into a Pre-Negotiation Business Clearance.....	11
Step 10: Conduct negotiations with the offeror.	12
Step 11: Prepare a Post-Negotiation Business Clearance document.	12

CONTENTS (Continued)

<u>Section</u>	<u>Page</u>
Step 12: Award the contract.....	13
BEST PRACTICES: PERSONNEL ROLES AND RESPONSIBILITIES.....	13
Coordinator of proposal evaluation / source selection effort.....	13
Lead technical evaluator	13
Lead cost evaluator	14
Contract negotiator.....	14
Technical team	14
Cost team	14
Administrative support – front desk staff	14
Administrative support – information technology staff.....	15
Administrative support – general office staff	15
Administrative support – documentation specialist.....	15
BEST PRACTICES: FACILITIES AT EVALUATION SITE	16
REFERENCES	16
DISTRIBUTION.....	(1)

GLOSSARY

BOE	Basis of Estimate
CAB	Cost Assessment Board
CDRL	Contract Deliverables Requirements List
DCAA	Defense Contract Audit Agency
DCMA	Defense Contracting Management Agency
DOD	Department of Defense
ESLOC	Equivalent Source Lines of Code
FPR	Final Proposal Revisions
FY	Fiscal Year
GAO	Government Accountability Office
ICE	Independent Cost Estimate
KESLOC	Thousand Equivalent Source Lines of Code
KSLOC	Thousand Source Lines of Code
LAN	Local Area Network
NDA	Non-Disclosure Agreement
NTK	Need to Know
ODC	Other Direct Costs
PCO	Procurement Contracting Officer
PM	Program Manager
PRAG	Performance Risk Assessment Group

GLOSSARY (Continued)

R & D	Research and Development
RFP	Request for Proposal
SCN	Shipbuilding and Conversion, Navy
SLOC	Source Lines of Code
SOW	Statement of Work
SSA	Source Selection Authority
SSAC	Source Selection Advisory Council
SSEB	Source Selection Evaluation Board
SSO	Source Selection Organization
SSP	Source Selection Plan
SST	Source Selection Team
TAR	Technical Assessment Report
TDY	Temporary Duty
WBS	Work Breakdown Structure

BEST PRACTICES FOR PROGRAM OFFICES COMPETITIVE SOURCE SELECTIONS AND SOLE-SOURCE PROPOSAL EVALUATIONS

ABSTRACT

In today's challenging acquisition environment, regardless of the extent of competition involved, Government program offices must dedicate significant resources to proposal evaluations and source selections in support of major acquisitions. Leveraging more than 30 years of collective experience with cost analysis and contract negotiation, Rocholl and Loudin offer practical strategies for program office and ancillary staff. Their guidebook addresses two fundamentally different evaluation processes: competitive source selections and sole-source proposal evaluations. Best practices for facility design, team organization, and assignment of roles and responsibilities are also shared.

INTRODUCTION

During the weeks (or months) of intensive proposal evaluation and analysis, source selection, and proposal evaluation, team members are typically removed from their normal work environments. They operate in tightly controlled facilities. Distractions are minimal. Telephone access is limited; internet connectivity is almost nonexistent. Nondisclosure agreements and financial disclosure forms are mandatory. Cost analysts are often firewalled from technical evaluators. Team members are initially struck by the importance of their shared mission. As the weeks pass, however, many become increasingly eager to resume their "real lives" outside the evaluation facility.

Given the cost and criticality of the Acquisition Workforce members composing any evaluation team, the importance of mindfully planning and performing much of the up-front work (i.e., before proposals are delivered to the Government) cannot be overstated. Well-orchestrated proposal evaluation and source selection processes aimed at minimizing uncertainty for the participants eliminate unnecessary steps and benefit Government team members and industry players alike. Not only does the evaluation team become more productive, but the preaward timeline is shortened, reducing the cost of awarding contracts (for the Government) and the cost of doing business (for the offerors).

COMPETITIVE SOURCE SELECTIONS

This section provides guidance and conveys best practices for any Source Selection Team (SST) charged with analyzing complex, high-dollar-value technical and cost proposals for a program office. According to the *NAVSEA Source Selection Guide* (January 2001), well-conducted source selections have multiple goals:

1. Treat offerors' proposals with fairness and impartiality;
2. Minimize complexity (and, therefore, cost) for both industry and the Government;
3. Identify the entity offering best value to the Government, taking into account cost/price, technical factors, and past performance; and
4. Document the rationale for the decision so that it will withstand the scrutiny of any award protest investigation.

The source selection process normally comprises the following steps:

1. Designate the source selection official;
2. Establish focused evaluation groups and liaisons for communicating across groups;
3. Develop and approve the Source Selection Plan (SSP);
4. Develop, review, and issue the solicitation;
5. Receive the proposals;
6. Evaluate the proposals;
7. Conduct discussions and request, receive, and evaluate final proposal revisions, if necessary;
8. Prepare documentation to support the selection decision;
9. Brief the results of the source selection decision to the appropriate officials;
10. Select the source;
11. Award the contract(s);
12. Debrief the offerors; handle award protests, if necessary; and
13. Capture the lessons learned.

Steps 1 and 2: Designate the source selection official; establish focus groups and liaisons.

For major acquisitions, the Source Selection Organization (SSO) includes the Source Selection Authority (SSA), the Source Selection Advisory Council (SSAC), the Source Selection Evaluation Board (SSEB), the Performance Risk Assessment Group (PRAG), the Cost Assessment Board (CAB), the Program Manager (PM), the Procuring Contracting Officer (PCO), and Legal Counsel. The duties of these groups and personnel are detailed in the *NAVSEA Source Selection Guide* (January 2001). Individuals selected for these roles should have backgrounds in one or more of the factors or significant subfactors identified as evaluation criteria in the solicitation. Ideally, the SSO should be limited to Government personnel, but support contractors may be approved to participate in advisory roles.

Steps 3 and 4: Develop the Request for Proposal (RFP) and Source Selection Plan (SSP).

Assign members of the SSO to assist in developing the RFP. This will ensure that key members of the SSO are familiar with RFP content and can convey important elements of information to other evaluators before and during the source selection.

Develop an SSP and make sure it is in alignment with the RFP, particularly Section M. Limit evaluation factors and significant subfactors to those areas that will reveal substantive differences or risk levels among competing proposals. Pass/Fail evaluation criteria should not be used; instead, evaluation factors should elicit an offeror's optimal solution for meeting the Government's needs. The SSP should also set forth responsibilities of the SSA, SSAC, SSEB, and CAB.

In order to provide the SSA flexibility in determining the best value to the Government, the relative importance of evaluation factors should be expressed in descriptive terms, rather than in numerical weighting terms. For example, state that "Past Performance is significantly more important than Management Approach." Avoid statements such as "Past Performance is three times as important as Management Approach." Establishing the relative importance of each evaluation factor and subfactor becomes critical when trade-offs are being considered and dissimilar proposals are being compared.

The solicitation should only request the information that is needed to evaluate proposals against the evaluation factors. Superfluous information wastes time for offerors as well as evaluators.

Make sure evaluators are familiar with the SSP and RFP before proposals are received, especially Section C (Statement of Work), Section L (Instructions for Offerors), Section M (Evaluation Factors for Award), and items on the Contract Deliverables Requirements List (CDRL).

Where proposal page limits can be imposed, impose them. Longer proposals require more review time. Once discussions begin, plenty of additional material will emerge.

Make sure the Statement of Work (SOW) leaves little room for interpretation. At best, vagueness and ambiguity will result in lengthy discussions with the various offerors; at worst, basic misunderstandings and poor contract performance will ensue.

In Section L, prescribe logical cost displays that roll up to a total price and focus on the important elements of cost. Section L should articulate needs for subcontractor cost data as well. Provide templates to ensure that cost/price information is presented in a similar fashion by all offerors.

Require all offerors to provide a cost database-type utility that allows user-friendly queries and sorts of the data set. Provide examples of the types of queries the source selection team will need to make, such as:

- How much cost is in software?
- How much cost is in Work Breakdown Structure (WBS) 110xxx?
- How much cost is subcontracted to Subcontractor XX in 120xxx?
- What is the Fiscal Year (FY) breakdown for each cost query?
- What is the full cost/subcontractor flowdown for each WBS? A cost element categorized as “Material” or “Subcontract Cost” at a higher tier should break down into labor, material, and other direct costs (ODCs) at the next lower tier.

Ideally, request button-driven access to cost substantiation. (For example, if you wanted to know the basis of estimate (BOE) for \$10M of labor in WBS 220xxx, you should be able to press a button and see the BOE (or the relevant portion of the BOE). Accordingly, Section L could include a meta-model that enables easy queries for offerors to emulate.

Sections L and M of the solicitation are developed from input provided in the SSP. The evaluation factors set out in Section M shall be identical to those set forth in the SSP. Similarly, the relative importance of factors and significant subfactors must be consistent with those stated in the solicitation.

Draft solicitations may be circulated to obtain feedback from prospective offerors. Additionally, a pre-proposal conference (“Industry Day”) may be held for complex acquisitions. This conference allows prospective offerors to gain a better understanding of the Government’s objectives for the acquisition.

Step 5: Receive the proposals.

Prepare a proposal compliance matrix prior to receipt of the proposals. Use Section L of the RFP as the guide to required proposal content. Assemble a small team to inspect the proposals and determine whether they comply with the RFP. Subcontractors commonly deliver fully disclosed proposals directly to the Government; thoroughly check in the subcontractors’ proposals, as well. Ensure that electronic media match the print media. Consolidate the compliance matrices, identifying any missing information or artifacts. Submit this information to the PCO for resolution with the prime offerors.

Plan for adequate storage of the hardcopy proposals with easy access for the evaluators. Have sufficient storage to keep proposals separate from one another. Load the electronic copies to the computer network such that the electronic copies mirror the hardcopy. Request at least three hardcopies: one for evaluator use, one for PCO use, and one to be set aside for potential protest.

Assign one person to manage the flow of information, to include additions and deletions on the server. This person must also keep the SSO apprised of new information.

Following the receipt of proposals, the PCO must control all exchanges with offerors.

Step 6: Evaluate the proposals.

Develop a milestone schedule for the source selection and post it in a prominent location.

Communication among members of the SSO is key to a good evaluation. Progress reviews should be held to determine whether the evaluation is on schedule.

Ensure the full work scope is being evaluated by developing an Excel workbook (with pivot tables) assigning BOE documents to evaluators. This workbook can also be used to track evaluation progress. CAB members should know their technical counterpart(s) and be encouraged to interact with them on work scope evaluation.

Exhibits should be integrated into the roll-up of the proposed costs. If a “horizontal” view (e.g., all software costs) of the proposed cost is desired, traceability to proposed costs is critical.

Determine which offerors are to be included in the competitive range.

Step 7: Conduct discussions and request, receive, and evaluate final proposal revisions (FPRs), if necessary.

The PCO and key members of the SSO will determine whether discussions are necessary. An award can be made without discussions.

The primary purpose of discussions is to maximize the Government’s ability to obtain the best value, based on the requirements and factors set forth in the solicitation. In FPR, have offerors provide a red-lined version of the original proposal as it makes the FPR review process much easier.

Ask very pointed and direct discussion questions. Formulate questions aimed at gaining information, not questions on data that you have.

When numerous discussion questions are expected, it is best to use a database-type tool to manage the questions and where they are in the review cycle. Microsoft Excel™ is useful for tracking discussion questions during the course of source selection. Some useful fields are:

question number, evaluator, short topic description, sent date, receipt date, short description of response, whether follow-up questions were necessary, and cost adjustment evolution over time. If the CAB and the SSEB are separate, have someone link together related discussion questions so CAB can review. Make sure the SSO is aware of what discussion question responses have arrived.

Each proposal is compared and measured as objectively as possible by the SSEB and CAB against the solicitation and its stated evaluation factors for award. Proposals should not be compared and measured against each other.

For software intensive projects, examine the following key parameters:

- Size (thousand equivalent source lines of code [KESLOC], thousand source lines of code [KSLOC]),
- Productivity (equivalent source lines of code [ESLOC]/hr),
- Staffing,
- Schedule,
- Source lines of code (SLOC) to ESLOC conversion factors.

Step 8: Prepare documentation to support the selection decision.

Make sure report templates force evaluators to write report sections that can flow directly into final reports. This will save a lot of report integration time. Setting up the right electronic styles in Microsoft Word™ beforehand will be a big time saver.

An electronic message application is useful for the SSO (e.g., something such as e-mail). Having the ability to attach files is useful in that it facilitates coordination among the SSO.

While adjectival rating schemes are typically used by the SSEB and SSAC for evaluating the technical proposal and past performance, the CAB usually develops a Government-evaluated cost from the proposed cost and scope.

Each CAB member will calculate a Government-evaluated cost for their assigned piece of the proposal and write a narrative addressing any adjustments to the proposed price. Adjectival ratings on cost goals are counterproductive; they could result in no proposals making it into the competitive range.

Narratives are used in conjunction with a rating system to indicate a proposal's strengths, weaknesses, risks, and deficiencies. Adjectival ratings are a frequently used method of grading an offeror's proposal. Adjectives are used to indicate the degree to which the offeror's proposal has met the standard for each factor evaluated.

Steps 9 and 10: Brief the results to the appropriate officials; select the source.

Briefing slides can be worked in parallel to source selection documentation. The briefs are instrumental in conveying messages up the SSO chain.

As with the detailed reports (Step 8), templates help ensure success. By following a template, multiple contributors will generate inputs with a consistent look and logic; these can be easily integrated into the final product.

Based on the evaluations of the CAB and SSEB, the recommendations of the SSAC, and other relevant considerations, the SSA makes an award determination in a source selection memorandum. Following the source selection decision by the SSA, the PCO will prepare a Pre-Negotiation Business Clearance.

Step 11: Award the contract.

Consistent with all requirements of law, regulations, and other applicable procedures, the PCO shall negotiate and award a contract to the successful offeror.

The PCO shall send post-award notices within three days to each offeror whose proposal was in the competitive range but was not selected for award.

Step 12: Debrief the offerors; handle award protests, if necessary.

The objective of the debriefing is to convey to the offeror that the Government fully understood and fairly evaluated each offeror's proposal.

The PCO is responsible for chairing debriefings; however, the individuals who conducted the evaluations should attend the debriefing and support the PCO.

A well-executed source selection should be able to withstand the scrutiny of a protest by disappointed offeror(s). The key is to closely follow the source selection plan and write solid narratives that rationalize the ratings for the factors and subfactors.

Make sure that factors and subfactors are constructed such that proposal information is only evaluated once.

Legal Counsel takes the lead in the event of an award protest. The rest of the SSO supports the legal team in preparing for the protest defense. Protests are filed pursuant to agency procedures. The protestor, if not satisfied with agency determinations, may seek redress in other venues, such as the Government Accountability Office (GAO).

SOLE-SOURCE PROPOSAL EVALUATIONS

According to “*Technical/Cost Evaluation – Sole Source*” (June 2008), a sole-source proposal evaluation differs fundamentally from a competitive Source Selection. With sole-source acquisitions, the Government has less leverage with the offeror in negotiating favorable pricing terms. In such negotiations, the Government’s power is often limited to its ability to award and fund. In the best of situations, the Government and offeror jointly choreograph both actions very carefully. In more contentious cases, to get the offeror to move toward the Government position, the Government must be capable of “walking away” (i.e., having viable alternatives to awarding the full scope of the anticipated contract).

In a sole-source environment, the technical evaluation is limited to the review of the technical proposal to ensure the offeror is proposing to the full needs and requirements of the Government, as defined in the solicitation. Accordingly, the cost evaluation becomes more important, given the Government’s relatively weak negotiating position. Normally a full audit of the offeror’s cost proposal will be done. Proposal evaluators are generally limited to reviewing labor costs, subcontractor proposals, material costs, overhead, and general and administrative expenses. A review of design and production hours is performed by technical representatives from the evaluation team. This review must be integrated into the cost evaluators’ analysis to form a strong basis for the negotiations.

Typical steps in a sole-source evaluation are:

1. Develop the RFP;
2. Receive the proposal;
3. Obtain an audit from the Defense Contract Audit Agency (DCAA);
4. Hold the proposal evaluation team kick-off meeting;
5. Conduct a quick-look review (small group);
6. Perform a technical/cost review (full team);
7. Hold fact-finding sessions;
8. Prepare a Technical Assessment Report (TAR);
9. Integrate the TAR and cost evaluation into a Pre-Negotiation Business Clearance;
10. Conduct negotiations with the offeror;
11. Prepare a Post-Negotiation Business Clearance; and
12. Award the contract.

Step 1: Develop the RFP.

The PCO should solicit inputs from the Cost Team to ensure Section L clearly conveys requirements for the cost proposal format and the level of detail.

The PCO should obtain the Cost Team review of the Contract Deliverables Requirements List (CDRL) to ensure that appropriate cost reporting documents are stipulated.

PCO should solicit opinion from the Cost Team on the contemplated contract type, fee structure, award fee, and incentive fee (both criteria and methodology).

Step 2: Receive the proposal.

The offeror submits the proposal in accordance with requirements specified in the RFP.

Step 3: Obtain DCAA and DCMA field pricing support.

The PCO engages DCAA for a full audit of the proposed direct and indirect rates as well as the proposed escalation.

The PCO engages the Defense Contracting Management Agency (DCMA) for proposed direct labor as well as material costs.

The results are shared with the Proposal Evaluation team for integration into the TAR and Pre-Negotiation Business Clearance, as appropriate.

Step 4: Hold the proposal evaluation team kick-off.

The kick-off meeting is the initial planning session used to coordinate an overall team evaluation approach for the specific offeror proposal to be evaluated. It is a critical step in the evaluation process as it brings the entire evaluation team together for the first time. This meeting introduces team members and establishes the lines of communication within the team. Evaluation team members should leave the meeting knowing:

1. How the process should work,
2. Their roles and how they intersect with the roles of others, and
3. Plans of action and milestones.

Step 5: Conduct a quick-look review (small group).

The Quick-Look Review is the initial check of proposals to verify that Government requirements for both content and format have been met. This preliminary review should be conducted by a small group of evaluators, who check for the inclusion of: (1) all proposal volumes, (2) all required content within each volume, and (3) all necessary cost exhibits, appendices, and attachments. This group will also:

- Check artifacts received against Section L requirements.
- Review the cover letter for any details on forthcoming pieces.
- As appropriate, identify what still needs to be submitted, from whom, and when.

- Make the Evaluation Team Coordinator aware of any missing pieces. (Many Team members may be on temporary duty (TDY) for this effort. Try to avoid calling them to the proposal site until the artifacts they need to review are actually received and available.)

Step 6: Perform a technical / cost review (full team).

- Evaluate and analyze labor hours, material costs, and ODCs at the appropriate WBS level.
- Use appropriate techniques (e.g., historical comparison, analogy, parametrics, and comparison to the Government independent cost estimate [ICE]).
- Technical evaluation is limited to the review of the technical proposal to ensure the offeror is proposing to the full needs and requirements of the Government as defined in the solicitation.

Step 7: Hold fact-finding sessions.

The PCO facilitates sessions by controlling the dialogue. Use facial cues (or other signals if using the telephone) to determine whether issues have been satisfactorily addressed.

The PCO serves as the official collection point for data/responses received. Work with the Coordinator to ensure that data/responses are made available to the Evaluation Team as soon as practical. If problems exist, communicate them to the Coordinator.

The Cost Team should communicate with the offeror's pricing team and have them explain how the cost proposal was prepared. If the people who prepared the estimate are not the same as those doing the work, ask the people who will be doing the work to attend as well. Ask the offeror questions about the data that would support a position in the historical sense, such as:

- How have similar efforts been accomplished?
- How much time did this analogous effort take, relative to effort X?
- What new equipment have you purchased since then? Are there any new efficiencies?
- If you could do it for \$x on that program, then why is it going to be \$y on this program?

Step 8: Prepare a Technical Assessment Report (TAR).

The TAR for sole-source procurement provides technical recommendations on the offeror's technical and cost proposals for use by the Contract Specialist in preparing the pre-negotiation business clearance and for the use of the project team in the negotiation of fair and reasonable prices.

Step 9: Integrate the TAR and cost evaluation into a Pre-Negotiation Business Clearance.

The Pre-Negotiation business clearance document is submitted to the appropriate level contracting authority to show compliance with applicable laws and regulations, as well as to demonstrate analytical rigor in developing and supporting a realistic negotiation objective. The Pre-Negotiation Business Clearance summarizes:

1. The offeror's proposal,
2. A rationale for proposed costs broken down by cost element,
3. The technical evaluators' recommendations,
4. DCMA and DCAA recommendations,
5. The basis for various recommendations, and
6. The PCO's negotiation objectives.

These analyses generally include types and quantities of labor, labor and indirect rates, material and other direct costs, material prices, and supporting rationale for the developed objective profit, based on a Weighted Guidelines analysis or an alternate structured approach.

Although some Pre-Negotiation positions can be supported through price analysis alone, the majority of complex, high-dollar-value acquisitions require a detailed analysis of all cost elements. In general terms, this includes a review of the Offeror's proposal and estimating system, as well as proposed vs. Government requirements, to determine a fair and reasonable cost for the required supplies or services.

When detailed cost analysis is required, a supportable position should identify:

1. The portion of the WBS/SOW being discussed,
2. The procurement background (the Government's need for the work/scope),
3. How the offeror plans to meet the Government's requirement,
4. The basis for the offeror's cost estimate,
5. A recommendation of the Government subject matter expert, both technical and cost, and
6. The basis for the recommendation (how it was developed, why it is reasonable, and why it deviates from or supports the offeror's proposal).

Recommendations and analyses should be done at the most sensible level of the WBS so that a negotiator, reviewer, and/or analyst can derive meaning. Also, each WBS level discussed should roll up to the next level (i.e., all fourth-level WBSes should roll up to the third-level recommendation, the third level should roll up to the second level, etc.).

Although the PCO has overall responsibility for the clearance and negotiations, each team member is responsible for providing a recommendation to the PCO in his or her area of expertise. Likewise, the PCO is required to obtain recommendations from DCAA, DCMA, and internal subject matter experts, but he/she is not required to adopt the advice. If the

recommendation is not followed, however, the PCO must acknowledge receipt of the recommendation, as well as its basis, explaining why he/she chose not to follow it.

The Pre-Negotiation Business Clearance is submitted after all necessary cost/price analyses have been completed and a supportable negotiation objective has been established. If the clearance is approved, the PCO and the team have authority to commence negotiations with the offeror. If the clearance is not approved, the appropriate review/approval authority will either reject the clearance outright, under which condition the team must correct the problems identified and resubmit, or the clearance may be approved, conditioned upon meeting certain identified requirements that are to be specifically addressed in the Post-Negotiation Clearance.

Step 10: Conduct negotiations with the offeror.

PCO is the lead negotiator and has sole authority for conducting negotiations with the offeror. Support from other team members may be used as required. Carefully identify in advance which team members will discuss which issues and under what circumstances. In a face-to-face setting, ensure that all Government team members chosen to be in the negotiation room understand the significance and have mastered control of facial expressions and body language.

Negotiations with the offeror address the offeror's entire business approach, including (but not limited to) cost and profit, type of contract, length of contract, any incentive and/or performance provisions, and any changes/adjustments to the requirements. Tailor the specific format and agenda for negotiations to foster mutual agreement on the allocation of costs, the schedule, technical requirements, technical risks, and the mitigation of business risks associated with program execution.

Step 11: Prepare a Post-Negotiation Business Clearance document.

Prepared as soon as possible after the conclusion of negotiations, the Post-Negotiation Business Clearance document demonstrates that the negotiated price is fair and reasonable and conforms to solid business practices; demonstrates conformity with Navy/Department Of Defense (DOD) acquisition procedures; serves as a historical record of the business/pricing aspects of the procurement as well as the baseline for potential defective pricing actions; and shows all significant facts considered in reaching the final business decision.

The PCO is ultimately responsible for the business decisions and overall settlement with the offeror. The remaining team members' responsibilities are limited to the extent of the basis of their recommendations and how well those recommendations could be sustained and supported in negotiations. However, additional training may be necessary for team members whose recommendations are consistently unattainable.

The contract cannot be awarded until after the clearance is approved. While the clearance is undergoing review, the proposal evaluation team must ensure that all agreed-upon changes are reflected in the final contract document.

Step 12: Award the contract.

Upon receipt of all required pre-award approvals and completion of required notifications, the PCO cosigns the contract with an authorized signatory from the offeror's company.

BEST PRACTICES: PERSONNEL ROLES AND RESPONSIBILITIES

Although each proposal evaluation and sole selection will call for different mixes of people, depending on the size and the complexity of the effort, several basic roles will need to be performed. Roles and responsibilities are listed below.

Coordinator of proposal evaluation / source selection effort

- Serves as liaison with program offices.
- Communicates daily with evaluation team.
- Flows new documentation, findings, and artifacts to team members with a need to know (NTK).
- Develops a responsibility matrix to ensure that the entire scope of the proposal is evaluated.
- Ensures that appropriate functions are working together.
- Interfaces with outside evaluators (e.g., DCMA, independent evaluators).
- Maintains a master schedule for the evaluation.
- Propagates the schedule to all hands, identifies and resolves problems, updates and publishes a new schedule as needed.
- Serves as liaison with Contract Negotiators.
- Interfaces with administrative staff.

Lead technical evaluator

- Guides efforts of all technical experts (ensures understanding of documentation requirements and prevents communication and fact-finding mishaps).
- Looks across elements to make sure proposals are sound and not duplicative of one another; may task certain technical experts to evaluate related areas (second opinion).
- Ensures schedules are met.
- Interfaces with the Lead Cost Evaluator.
- Produces documentation (briefings and introductory/summary paragraphs in the Technical Assessment Report) on the overall technical opinion.

Lead cost evaluator

- Guides efforts of all cost experts (ensures documentation requirements are understood and prevents communication and fact-finding mishaps).
- Ensures schedules are met.
- Looks across elements to assess cost reasonableness and realism.
- Interfaces with the Lead Technical Evaluator.
- Produces documentation (briefings and introductory/summary paragraphs to accompany Cost Exhibits) on the overall cost and price analysis.

Contract negotiator

- Represents the Government in all interactions with offerors.
- Prepares the pre- and post-negotiation business clearances.

Technical team

- Evaluates proposals and works with other subject matter experts as needed.
- Produces documentation (white papers, briefings, and technical evaluation worksheets) in accordance with the schedule and program office requirements.
- Participates in fact-finding with offeror counterparts.
- Works with the assigned cost analyst to align the technical evaluation with the cost evaluation.

Cost team

- Evaluates proposals (working with other cost experts as needed).
- Produces documentation (cost summary on briefings and cost evaluation spreadsheets) in accordance with schedule and program office requirements.
- Participates in fact-finding with industry counterparts.
- Works with technical experts to align cost evaluation with technical evaluation.

Administrative support – front desk staff

- Answers the telephone; properly dispatches calls.
- Monitors arrivals and departures of evaluation team members.
- Controls access (ensures that guests without a nondisclosure agreement [NDA] and NTK are limited to the reception area).

- Maintains the Master List of evaluators, posts them on bulletin boards and shares them as needed.
- Dispenses advice on weather, traffic, and public transportation.

Administrative support – information technology staff

- Assists evaluation team members with internal and external networks.
- Develops the file structure and naming conventions for evaluators.
- Posts instructions throughout the evaluation site regarding where to file (and find) documents and artifacts.
- Monitors the content on the local area network (LAN); questions evaluation team leads as needed; adjusts file locations to maintain a consistent structure.
- Provides help with projectors and connectivity in meeting rooms.
- Posts announcements on bulletin boards.
- Assists with software problems.

Administrative support – general office staff

- Shreds unneeded paper documents.
- Ensures proposal volumes are returned to the library at the end of the day.
- Performs general clean-up in the evaluation rooms.
- Helps set up overhead projectors and connectivity in meeting rooms.
- Supports the proposal coordinator by maintaining a calendar showing evaluation milestones and any nonavailability of key staff.

Administrative support – documentation specialist

- Maintains configuration control of TARs and Cost Exhibits.
- Leverages electronic data from industry proposals to construct helpful charts and guides for evaluators (e.g., responsibility matrices, list of acronyms).
- Transcribes the proceedings of fact-finding sessions.
- Documents understandings achieved and agreements reached.
- Updates and ensures traceability as the SOW (and other contractual pieces) evolve during fact-finding and negotiations.
- Works with the contract negotiator to integrate portions of documents into contract documentation.

BEST PRACTICES: FACILITIES AT EVALUATION SITE

Again, the size and features of the evaluation site will differ, depending on the source selection or proposal evaluation effort. However, for best results, the following practices are recommended:

- Select an evaluation site that is convenient to the majority of the SSO. Consider travel requirements and attempt to minimize travel costs and personnel hardships.
- Establish a computer network with adequate work stations for the SSO.
- Have adequate printers, shredders, copy machines, desks, tables, phones, bookshelves, filing cabinets, and office supplies (i.e., paper, pens, pencils, etc.) at the source-selection facility.
- Provide small conference rooms for working discussions to help keep noise down in common working areas.
- Co-locate members of the SSO who are evaluating related portions of the proposals (e.g., Research and Development [R&D], Shipbuilding and Conversion, Navy [SCN], warfare area, etc.). The CAB and SSEB may be physically separated, but the CAB members should be encouraged to work with their technical counterpart(s).
- Provide adequate security measures to safeguard the proposal information and evaluation site. Use administrative personnel at a front desk to control access to the evaluation site.
- No proposal or evaluation material should be removed from the source-selection site. The site should provide adequate physical security of all source-selection information.
- The cost proposal is generally kept separate from the technical proposal (i.e., technical evaluators do not have access to cost information). Ensure that the facility can segregate cost and technical evaluators. Make sure cost and technical information in the electronic version of the proposal is segregated as well.
- Provide facilities for personnel rest and refreshment (nearby restrooms, drinks, and a refrigerator).

REFERENCES

1. NAVAIR Training Systems Division, Acquisition Guide. “*Technical/Cost Evaluation – Sole Source.*” Available at:
<http://nawctsd.navair.navy.mil/Resources/Library/Acqguide/solesource-evaluation.htm>
(Last Update: June 2006)
2. “NAVSEA Source Selection Guide.” Available at:
<https://acc.dau.mil/CommunityBrowser.aspx?id=30899> (Last update: January 2001)

DISTRIBUTION

	<u>Copies</u>		<u>Copies</u>
DOD ACTIVITIES (CONUS)		ATTN JOHN CHIN	4
		GOVERNMENT DOCUMENTS SECTION	
DEFENSE TECH INFORMATION CTR		101 INDEPENDENCE AVENUE SE	
8725 JOHN J KINGMAN RD		LIBRARY OF CONGRESS	
SUITE 0944		WASHINGTON DC 20540-4172	
FORT BELVOIR VA 22060-6218	2		
		INTERNAL	
NON-DOD ACTIVITIES (CONUS)		W11 (LOUDIN)	1
ATTN DOCUMENT CENTER	1	W11 (ROCHOLL)	1
THE CNA CORPORATION		Z31 (TECHNICAL LIBRARY)	3
4825 MARK CENTER DRIVE			
ALEXANDRIA VA 22311-1850			

