

VAAM Appendix M815-A

**DEPARTMENT OF VETERANS AFFAIRS
SOURCE SELECTION GUIDE**

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Chapter 1

Introduction

1.1 Preamble: The extent to which one will use the processes and techniques described in this guide will depend upon the complexity and dollar value of each acquisition and the available resources. Source selection officials should apply prudent business sense to tailor the processes to fit the circumstances.

1.2 Purpose: This document provides the Veterans Affairs' (VA) recommended procedures for conducting competitively negotiated source selections and outlines a common set of principles and procedures for conducting such acquisitions. The goal of these procedures is to ensure the source selection process delivers quality products and services in a timely fashion to meet VA's mission.

1.3 Procurement Integrity: All personnel involved in the source selection process are responsible for maintaining the integrity of the procurement. Therefore, source selection personnel are subject to the requirements of the Procurement Integrity Act (see 41 U.S.C. chapter 23, Restrictions on Obtaining and Disclosing Certain Information), which impose stringent requirements related to safeguarding source selection information, contractor bid or proposal information and other integrity issues. Violation of these requirements could result in civil and/or criminal penalties. Consequently, it is critical that everyone becomes familiar with the prohibitions and certification requirements of the Act and related statutes and regulations. All questions and/or issues regarding procurement integrity policies and regulations shall be directed to the legal counsel assigned to the source selection.

Chapter 2

Pre-Solicitation Activities

2.1 Market Research: The first pre-solicitation activity is to conduct market research which is essential to identifying capabilities within the market to satisfy VA's needs and is the key to determine whether a commercial item or small business can meet the Government's needs. Market research may significantly influence the statement of work and is central to designing an acquisition strategy and identifying evaluation criteria. Thorough and complete market research is the foundation of an effective source selection process toward meeting the VA's needs. Early industry outreach and/or involvement, an effective part of Market Research, is vital to the source selection process. Exchanging information on upcoming acquisitions improves understanding of Government requirements and Government understanding of industry capabilities.

Market research should use the expertise of all members of an acquisition team/IPT. Good market research requires the team/IPT to understand the technical alternatives that are available, the differences among terms and conditions, the practical aspects of standard commercial practices, and the value each alternative offers the Government. Specific roles are shown below:

Program Offices:

- Define technical requirements.
- Conducts initial market research to develop requirements and uses VA's Vendor Information Pages (VIP) database to identify verified and capable SDVOSBs and VOSBs at <https://www.vip.vetbiz.gov/>.
- Helps conduct research to provide information to the Contracting Officer concerning whether two or more verified SDVOSBs or VOSBs are available (VA "Rule of Two" 38 U.S.C. 8127(d) requirements).
- Use the System for Award Management (SAM) at <https://www.sam.gov/portal/SAM/#1> which is a searchable database that is most widely used and proficient in identifying small business vendors.
- Seek advice from the Contracting Officer and Small Business Specialist as appropriate, to ensure that potential sources of information are explored to the fullest extent practicable, including existing contract vehicles, small businesses, and new entrants to Federal contracting.
- Engage with industry (small business conferences, outreach events, meet with small business vendors, attend professional/trade associations/conferences).

- Evaluate expected level of competition; assess the need for introducing new entrants to the market and recommend to the Contracting Officer way to effectively do this.
- Determine if commercial items or non-developmental items are available that meet the Government's requirement.
- Serve as the primary point of contact in meetings with potential vendors to ascertain additional market research information.
- Ensure that all vendors contacted understand that the reason they are being contacted is for market research purposes only and make no representations or other statements about future commitments or contracts.
- Request vendors to provide their standard public and commercially available literature and capability documents in response to market research inquiries.
- Write the Market Research Report.
- Program/Project Manager signs the Market Research Report.
- Supply information about needs to VA Forecast of Contracting Opportunities.

Contracting Officer and Contract Specialist:

- Assist the Program Office staff in documenting their requirements.
- Serve as part of the Program Office Acquisition Team in conducting market research.
- Ensure that the VA "Rule of Two" is fully implemented in accordance with 38 U.S.C. 8127(d) requirements.

Office Small Disadvantaged Business Utilization (OSDBU):

- Focus on the agency procurement forecast; ensure the Contracting Officer and the Contract Specialist understand what is in the agency's procurement forecast.
- In accordance with OSDBU's statutory mandate, make recommendations to the program manager, contract specialist, and contracting officer whether an action should be set-aside.
- Document the recommendation using VA Form 2268, Small Business Program and Contract Bundling Review.

- Ensure the VA “Rule of Two” is fully implemented in accordance with 38 U.S.C. 8127(d) requirements.
- Provide market research assistance through outreach events, VA Business Intelligence tool (VA BIT), etc.

Small Business Liaisons Supporting VA field activities:

- Participate in the acquisition planning processes to help Program Offices.
- Ensure that the VA “Rule of Two” is fully implemented in accordance with 38 U.S.C. 8127(d) requirements.
- Identify requirements for small businesses.
- Participate in the review of each proposed acquisition exceeding the simplified acquisition threshold for potential inclusion into the socioeconomic program.
- Assist in identifying alternative strategies that would reduce or minimize acquisition strategies involving substantial bundling.
- Coordinate the Procurement Forecast of expected contract opportunities (Advance Acquisition Plans).

Contracting Officer:

- Coordinate market research on specific acquisition package with program office;
- Ensure that the VA “Rule of Two” is fully implemented in accordance with 38 U.S.C. 8127(d) requirements by--
 - Reviewing the Vendor Information Pages (VIP) database at <https://www.vip.vetbiz.gov>;
 - Searching the VIP database by applicable North American Industry Classification System (NAICS) codes to determine if two or more verified service-disabled veteran-owned small businesses (SDVOSBs) and veteran-owned small businesses (VOSBs) in the appropriate NAICS code, are listed as verified in the VIP database; and
 - Determining if identified SDVOSBs or VOSBs are capable of performing the work and likely to submit an offer/quote at a fair and reasonable price that offers best value to the Government.

- Set aside the requirement in the contracting order of priority in accordance with VAAR 819.70.
- Use pre-solicitation and sources sought notices as required and appropriate (RFIs, draft RFPs, pre-proposal conferences, and site visits).
- Approve the Market Research Report and ensure that appropriate market research documentation is included in the contract file.
- Prepare market research memo to document findings and include it with the VA Form 2268 submitted for review.
- Verify, through the System for Award Management (SAM) (see <https://www.sam.gov/portal/SAM/#1>) that an eligible firm meets the size standard applicable to the North American Industry Classification System (NAICS) used for the particular procurement.
- Determine if the product or service identified to satisfy the Government's requirement meets the FAR definition of a Commercial Item.
- Manage information on a specific acquisition package to ensure compliance with procurement integrity requirements (see FAR 3.104).
- Serve as the Source Selection Authority (SSA) on all procurements unless another SSA is formally appointed in accordance with FAR 15.303.
- Ensure the contract file is sufficiently document to support all business decisions.

Office of General Counsel:

- Advise the Contracting Officer and team as required.
- Include vendor communications in annual ethics training; ensure ethics training clearly explains what is permissible, not only what is prohibited.

2.2 Acquisition Planning/Plans: The results of market research shall be incorporated into the acquisition plan and planning. Acquisition planning is paramount for a successful source selection. It is the process by which the Government coordinates and integrates the efforts of all personnel responsible for an acquisition through a comprehensive plan. Its purpose is to satisfy VA's needs in the most effective, economical and timely manner and should address how the Government will manage the acquisition through all phases of the acquisition life cycle. FAR Part 7 addresses policies related to acquisition planning and the development of written Acquisition Plans. Acquisition plans must incorporate the results of market research. Acquisition planning should start when VA identifies a need for supplies and/or services. This early teaming

effort will reduce false starts and resultant delays that frequently accompany the preparation of complex procurement requirements.

2.3 Requirements: The Source Selection Team (SST) is responsible for maintaining effective liaison with the requiring office to ensure requirements are effectively addressed within the requirements documents.

2.4 Risk Assessment: The requiring office—in conjunction with the acquisition team members, initial membership of the SST, and stakeholders—shall conduct the risk analysis in accordance with FAR 7.105 necessary to support the acquisition planning process. This assessment will be critical in developing evaluation factors.

2.5 Using Draft Request for Proposals (RFP): The draft RFP is an important tool to seek input from industry on the Government requirement and ensure greater understanding on both sides of the acquisition. Use of a draft RFP is highly recommended for all acquisitions. The specific content of the draft RFP will be determined by the Contracting Officer.

2.6 Evaluation Factors and Subfactors: represent those specific characteristics that are linked to significant RFP requirements and objectives having an impact on the source selection decision and are expected to be discriminators, or are required by statute/regulation. They are the uniform baseline against which each offeror's proposal is evaluated allowing the Government to make a best-value determination. The evaluation of factors and subfactors—

1. May be quantitative, qualitative, or a combination of both;
2. Shall set forth their relative order of importance, and the importance of non-cost or price factors to cost or price factors in the solicitation in enough depth to communicate what will be evaluated;
3. Shall be the primary determinant of the detailed information requested in the solicitation's instructions to offerors; and,
4. Subfactors shall not be evaluated separately if subfactors are used.

To reiterate, all source selections shall evaluate cost or price, and the quality of the product or services (see FAR 15.304 – Evaluation factors and significant subfactors). When a procurement requirement is not set aside for SDVOSBs/VOSBs in accordance with subpart 819.70, the contracting officer shall document the file in accordance with OSDBU guidance and include SDVOSB/VOSB evaluation preferences, as set forth in 815.304.

More evaluation factors are often a net negative. Use caution when subdividing factors into multiple levels of subfactors since they further diminish the importance of any one aspect of the factor and introduces unnecessary complexity into the source selection

process. This can also lead to closely rated proposals with little discrimination among competitors and no distinction among criteria that drive performance and criteria that have no real impact.

2.7 Cost or Price: The Government shall evaluate the cost/price and the quality of the proposed product or service being acquired.

2.8 Quality of Product or Service: In accordance with FAR 15.304(c)(2), the quality of product or service shall be addressed in every source selection through consideration of one or more non-cost evaluation factors such as—

1. Past performance;
2. Compliance with solicitation requirements;
3. Technical excellence;
4. Management capability; and
5. Personnel qualifications and prior experience.

The term “technical,” as used below and throughout the document, refers to non-cost factors other than past performance. More than one “technical” factor can be used and titled to match the specific evaluation criteria appropriate for the RFP. However, the ratings in Tables 1, 2, and 3 may be used for all quality of product or service factors other than past performance, regardless of the “technical” factor title.

2.9 Technical: The purpose of the technical factor(s) is to assess the ability, as reflected in its proposal, to satisfy the Government’s requirements. There are many aspects which may affect an offeror’s ability to meet the solicitation requirements. Examples include—

1. Technical approach;
2. Management approach;
3. Risk;
4. Personnel qualifications; and
5. Facilities.

The evaluation of risk is related to the technical assessment. Risk assesses the degree to which the offeror’s proposed technical approach for the requirements of the solicitation may cause disruption of schedule, increased costs, degradation of performance, the need for increased Government oversight, or the likelihood of unsuccessful contract performance. All evaluations that include a technical evaluation factor shall also consider risk. Risk can be evaluated in one of two ways:

1. As one aspect of the technical evaluation, inherent in the technical evaluation factor or subfactor ratings (reference 3.1.2.1) or
2. As a separate risk rating assigned at the technical factor or subfactor level (reference 3.1.2.2).

Finally, the technical factor may be divided into subfactors that represent the specific areas that are significant enough to be discriminators and to have an impact on the source selection decision. When subfactors are used, establish the minimum number necessary for the evaluation of proposals.

2.10 Relative Importance of Factors. The solicitation shall state, at a minimum, whether all evaluation factors other than cost or price, when combined, are—

1. Significantly more important than cost or price;
2. Approximately equal to cost or price; or
3. Significantly less important than cost or price (see FAR 15.101).

2.11 Request for Proposal (RFP): Use of a draft RFP is recommended. The specific content of the draft RFP will be determined by the Contracting Officer. Prior to release of the final RFP, a thorough, consolidated review by a multi-disciplined team is recommended.

2.12 Glossary of Source Selection Terms:

The following terms are associated with, and often used in the course of conducting negotiated acquisitions:

Best Value means the expected outcome of an acquisition that, in the Government's estimation, provides the greatest overall benefit in response to the requirement.

Clarifications means the limited exchanges between the Government and offerors that may occur when award without discussions is contemplated.

Communications means the exchanges, between the Government and offerors, after receipt of proposals.

Competitive Range means and consists of the offers rated most highly after proposal evaluations. Discussions will be held only with offerors in the competitive range. (See FAR 15.306(c)).

Discussions refers to the negotiations conducted in a competitive acquisition with those offerors in the competitive range.

Industry Day means an event held by the Government to present requirements to industry representatives (e.g., pre-solicitation conference, pre-proposal conference, etc.).

Lowest Price Technically Acceptable (LPTA) means a process used in competitive negotiated contracting where the best value is expected to result from selection of the technically acceptable proposal with the lowest evaluated price.

Peer Review means the review of processes and strategies by other experts in a particular field.

Proposal Modification means a change made to a proposal before the solicitation closing date and time, or made in response to an amendment, or made to correct a mistake at any time before award.

Proposal Revision means a change to a proposal made after the solicitation closing date, at the request of or as allowed by a contracting officer, as the result of negotiations. (See FAR 15.001.)

Requirements Documents means all aspects of the RFP that convey the needs of the Government to offerors, including the Statement of Objectives (SOO), Statement of Work (SOW), Performance Work Statement (PWS), technical requirement documents, and system requirement documents.

Requiring Office means the entity (for example, a program management office or other organizational entity) responsible for translating user requirements into the requirements documents within the RFP that communicate those requirements to offerors.

Risk, as it pertains to source selection, is the potential for unsuccessful contract performance. The consideration of risk assesses the degree to which an offeror's proposed approach to achieving the contract objectives may involve risk of disruption of schedule, increased cost or degradation of performance, the need for increased Government oversight, and the likelihood of unsuccessful contract performance.

Source Selection means the process used in competitive, negotiated contracting to select the proposal that offers the best value to the Government.

Source Selection Authority (SSA) means the Government official responsible for selecting the source(s) in a negotiated acquisition.

Source Selection Advisory Council (SSAC) means a group of senior Government personnel who provide counsel during the source selection process and must prepare the comparative analysis of the SSEB's evaluation results, when directed by the SSA. Organizations should establish an SSAC for acquisitions with a total estimated value of \$100M or more. An SSAC is optional for acquisitions with a total estimated value of less than \$100M.

Source Selection Evaluation Board (SSEB) means a group of Government and, if needed, approved non-Government personnel, representing the various functional disciplines relevant to the acquisition. The SSEB is comprised of a Chairperson and Evaluators (also known as SSEB Members). Use of non-Government personnel as voting members of the SSEB is strictly prohibited (see FAR 7.503(c)(12)(ii), FAR 37.203 and FAR 37.204).

Source Selection Plan (SSP) means a plan that describes how the source selection will be organized, how proposals will be evaluated and analyzed, and how source(s) will be selected.

Source Selection Team (SST) means a team that is tailored to the unique acquisition, tasked with carrying out a source selection. Composition of the team generally consists of the SSA, contracting officer (if different from the SSA), SSAC, SSEB, Advisors, Cost or Price Experts, Legal Counsel, Small Business Specialists, and other subject-matter experts.

Source Selection Decision Document (SSDD) refers to the document that reflects the SSA's independent, integrated and comparative assessment and decision.

Strength means an aspect of an offeror's proposal that has merit or exceeds specified performance or capability requirements in a way that will be advantageous to the Government during contract performance.

Uncertainty means any aspect of a non-cost/price factor proposal for which the intent of the offer is unclear (e.g. more than one way to interpret the offer or inconsistencies in the proposal indicating that there may have been an error, omission, or mistake).

2.13 Source Selection Team Roles and Responsibilities:

Source selection is accomplished by a team that is tailored to the specific acquisition. Teams for larger, more complex source selections generally consist of the SSA, Contracting Officer (CO), (if different from the SSA), Source Selection Advisory Council (SSAC), Source Selection Evaluation Board (SSEB), Advisors, Cost or Pricing Experts, Legal Counsel, Small Business Professionals/Specialists, and other subject-matter experts.

A key to selection of personnel is identification of the experience, education, and business and technical skills required of personnel at all levels of the SST. Define the required skills and experience with enough flexibility to allow substitution of training for experience. Source selection training methods include formal classes, on-the-job training, study of available source selection documents, and briefings by people with source selection experience.

Key members of the SST, such as the SSA, SSAC Chairperson, SSEB Chairperson, functional leads, and the CO, should have source selection experience in high dollar, complex acquisitions. All members of the team shall be designated early in the source selection process, and agencies shall provide the needed training to execute that specific source selection.

The SSA is the individual designated to make the best value decision. The appointment of the individual to serve as the SSA shall be commensurate with the complexity and dollar value of the acquisition. For acquisitions with a total estimated value of \$50 million or more, the Agency head or designee shall appoint, in writing, an individual other than the PCO as the SSA. At a minimum, the SSA should meet the following criteria:

- One of the following certifications: Program Management - DAWIA Level III; FAC-P/PM Senior Level; or PMP.

- 10 years acquisition or program management experience.
- Previous Source Selection participation experience.
- Technical or business expertise with the commodity/service being procured.
- Knowledge of Source Selection procedures in FAR and VAAR.

For all other acquisitions, the CO may serve as the SSA in accordance with FAR 15.303(a) unless the Agency head or designee appoints another individual.

Chapter 3

Evaluation and Decision Process

3.1. Evaluation Activities: An in-depth review of each proposal against the factors and subfactors established in the solicitation and assign evaluation ratings shall be conducted.

Cost or Price Evaluation. Cost or price to the Government shall be evaluated in every source selection. However, no adjectival ratings shall be used for evaluating cost or price since cost or price is not rated. The level of detail of analysis required will vary among acquisitions depending on the complexity and circumstances of the acquisition, including the degree of competition, the phase of the program, the type of product/services to be acquired, and the contract type. To enable offerors to make informed decisions on how best to propose, every solicitation will provide an adequate description of the cost or price evaluation. In all source selections, the analysis must include a determination, by the Contracting Officer, of whether the proposed cost or price is fair and reasonable. In addition to determining reasonableness of the proposed cost or price, the Contracting Officer must also conduct a cost realism analysis if contracting on a cost reimbursement basis. Cost realism analysis may also be used on competitive, fixed-price incentive contracts or, in exceptional cases, on other competitive fixed-price-type contracts. FAR Subpart 15.4 provides additional guidance on cost or price evaluation.

Price Analysis: In accordance with FAR 15.404-1(a)(2), price analysis **shall** be used when certified cost or pricing data are **not** required. Price analysis is the process of deciding if the asking price for a product or service is fair and reasonable, without examining the specific cost and profit calculations the offeror used in arriving at the price. It's basically a process of comparing the price with known indicators of reasonableness. Examples of other forms of price analysis information include—

- analysis of previous prices paid;
- comparison of offeror's price with the independent Government estimate (IGE);
- comparison of quotations or published price lists from multiple vendors; and
- comparison with GSA prices.

Cost Analysis: Is the element-by-element examination of the estimated or actual cost of contract performance to determine the probably cost to the offeror. The goal is to

form an opinion on whether the proposed costs are in line with what reasonably economical and efficient performance should cost. Some of the cost elements examined for necessity and reasonableness are—

- Direct-Labor Dollars (labor hours and rates);
- Direct Material (material quantities and prices);
- Indirect Costs;
- Other Direct Cost (ODC);
- Facilities Capital Cost of Money (FCCM); and
- Profit or Fee.

Technical Rating Evaluation Processes. The technical rating reflects the degree to which the proposed approach meets or does not meet the minimum performance or capability requirements through an assessment of the strengths, weaknesses, deficiencies, and risks of a proposal.

Methodologies. One of two distinct methodologies, as outlined below, may be used to evaluate the technical approach and related risk:

Methodology 1 includes risk associated with the technical approach in a single rating. The combined technical/risk rating includes consideration of risk in conjunction with the strengths, weaknesses, and deficiencies in determining technical ratings. Combined technical/risk evaluations shall utilize the combined technical/risk ratings listed in the following Table 1.

Table 1. Combined Technical/Risk Ratings

Rating	Description
Outstanding	Proposal meets requirements and indicates an exceptional approach and understanding of the requirements. Strengths far outweigh any weaknesses. Risk of unsuccessful performance is very low.
Good	Proposal meets requirements and indicates a thorough approach and understanding of the requirements. Proposal contains strengths which outweigh any weaknesses. Risk of unsuccessful performance is low.
Acceptable	Proposal meets requirements and indicates an adequate approach and understanding of the requirements. Strengths and weaknesses are offsetting or will have little or no impact on contract performance. Risk of unsuccessful performance is no worse than moderate.
Marginal	Proposal does not clearly meet requirements and has not demonstrated an adequate approach and understanding of the requirements. The proposal has one or more weaknesses which are not offset by strengths. Risk of unsuccessful performance is high.

Unacceptable	Proposal does not meet requirements and contains one or more deficiencies. Proposal is not awardable.
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Methodology 2: Separate Technical/Risk Rating Process:

Technical Rating. The offeror’s technical solution will be rated separately from the risk associated with its technical approach. The technical rating evaluates the quality of the offeror’s technical solution for meeting the Government’s requirement. The risk rating considers the risk associated with the technical approach in meeting the requirement. Technical evaluations shall utilize the ratings listed in the Tables 2 or 3:

Table 2. Technical Ratings

Rating	Description
Outstanding	Proposal meets requirements and indicates an exceptional approach and understanding of the requirements. The proposal contains multiple strengths and no deficiencies.
Good	Proposal meets requirements and indicates a thorough approach and understanding of the requirements. Proposal contains at least one strength and no deficiencies.
Acceptable	Proposal meets requirements and indicates an adequate approach and understanding of the requirements. Proposal has no strengths that exceed specified performance or capability requirements and has no significant deficiencies.
Marginal	Proposal does not clearly meet requirements and has not demonstrated an adequate approach and understanding of the requirements.
Unacceptable	Proposal does not meet requirements and contains one or more deficiencies. Proposal is not awardable.

Technical Risk Rating. Assessment of technical risk, which is manifested by the identification of weakness(es), considers potential for disruption of schedule, increased costs, degradation of performance, the need for increased Government oversight, or the likelihood of unsuccessful contract performance. Technical risk shall be rated using the ratings listed in the following Table 3. For firm-fixed-price contracts, the reference to increased cost may be removed from the risk rating descriptions.

Table 3. Technical Risk Ratings

Rating	Description
Low	Has little potential to cause disruption of schedule, increased cost or degradation of performance. Normal contractor effort and normal Government monitoring will likely be able to overcome any difficulties.

Moderate	Can potentially cause disruption of schedule, increased cost or degradation of performance. Special contractor emphasis and close Government monitoring will likely be able to overcome difficulties.
High	Is likely to cause significant disruption of schedule, increased cost or degradation of performance. Is unlikely to overcome any difficulties, even with special contractor emphasis and close Government monitoring.

Past Performance Evaluation. Past performance evaluation results in an assessment of the offeror’s probability of meeting the solicitation requirements. It considers each offeror’s demonstrated recent and relevant record of performance in supplying products and services that met the contract requirements. One performance confidence assessment rating is assigned for each offeror after evaluating the offeror’s recent past performance, focusing on performance that is relevant to the contract requirements. (see FAR 15.305). There are two aspects to the past performance evaluation:

1. Relevancy of contractual work performed; and
2. How well the contractual work was performed.

The first is to evaluate the offeror’s past performance to determine how relevant a recent effort accomplished by the offeror is to the effort to be acquired through the source selection. The criteria to establish what is recent and relevant shall be unique to each source selection and shall be stated in the solicitation. In establishing what is relevant for the acquisition, consideration should be given to those aspects of an offeror’s contract history that would give the greatest ability to measure whether the offeror will satisfy the current procurement. Common aspects of relevancy include similarity of service/support, complexity, dollar value, contract type, and degree of subcontract/teaming.

There are four levels of relevancy as shown in the following Table 4. When source selections require a greater level of discrimination within the past performance evaluation, the SST shall use all four of the relevancy ratings identified below. However, for those source selections requiring less discrimination in the past performance evaluation, the past performance evaluation team may use, as a minimum, “Relevant” and “Not Relevant” past performance ratings. The Source Selection Plan (SSP) shall clearly identify the treatment of relevancy within the past performance evaluation. With respect to relevancy, more relevant past performance will typically be a stronger predictor of future success and have more influence on the past performance confidence assessment than past performance of lesser relevance.

Table 4. Past Performance Relevancy Ratings

Rating	Definition
Very Relevant	Present/past performance effort involved essentially the same scope and magnitude of effort and complexities this solicitation requires.

Relevant	Present/past performance effort involved similar scope and magnitude of effort and complexities this solicitation requires.
Somewhat Relevant	Present/past performance effort involved some of the scope and magnitude of effort and complexities this solicitation requires
Not Relevant	Present/past performance effort involved little or none of the scope and magnitude of effort and complexities this solicitation requires.

The second aspect of the past performance evaluation is to determine how well the contractor performed on the contracts. The past performance evaluation performed in support of a current source selection does not establish, create, or change the existing record and history of the offeror's past performance on past contracts; rather, the past performance evaluation process gathers information from customers on how well the offeror performed those past contracts.

Sources of Past Performance Information for Evaluation are as follows:

1. Past performance information shall be obtained from any other sources available to the Government, to include, but not limited to, the Past Performance Information Retrieval System (PPIRS), Federal Awardee Performance and Integrity Information System (FAPIIS), Electronic Subcontract Reporting System (eSRS), or other databases; interviews with Program Managers, Contracting Officers, and Fee Determining Officials; and the Defense Contract Management Agency (DCMA).
2. Past performance information may be provided by the offeror, as solicited.
3. Past performance information may be obtained from questionnaires tailored to the circumstances of the acquisition.

The Past Performance Evaluation Team will review this past performance information and determine the quality and usefulness as it applies to performance confidence assessment.

Table 5. Performance Confidence Assessments

Rating	Description
Substantial Confidence	Based on the offeror's recent/relevant performance record, the Government has a high expectation that the offeror will successfully perform the required effort.
Satisfactory Confidence	Based on the offeror's recent/relevant performance record, the Government has a reasonable expectation that the offeror will successfully perform the required effort.
Limited Confidence	Based on the offeror's recent/relevant performance record, the Government has a low expectation that the offeror will successfully perform the required effort.

No Confidence	Based on the offeror's recent/relevant performance record, the Government has no expectation that the offeror will be able to successfully perform the required effort.
Unknown Confidence (Neutral)	No recent/relevant performance record is available or the offeror's performance record is so sparse that no meaningful confidence assessment rating can be reasonably assigned.

Small Business Evaluation. When required, the SST shall evaluate the extent of participation of small business concerns. Requirements for considering history of small business utilization are outlined at FAR 15.304(c)(3)(ii).

Pub. L. 109-461 (the Veterans First Contracting Program), requires VA to provide priority and establish special acquisition methods to increase contracting opportunities for SDVOSBs/VOSBs—both above and below the simplified acquisition threshold (SAT). Set-asides under the Veterans First Contracting Program in subpart 819.70 have precedence over other small business set-asides referenced in FAR part 19.

When using a contracting preference under FAR part 19, (for example, a women-owned small business set-aside), contracting officers shall give priority to small business concerns verified as owned and controlled by veterans pursuant to subpart 819.70, if such business concern(s) also meet the requirements of that contracting preference.

The ratings used for the small business evaluation will be dependent on the small business evaluation methodology used. When evaluating small business participation as a stand-alone evaluation factor or a subfactor under the technical factor, there are two rating options as follows:

1. Use the ratings acceptable and unacceptable only (i.e., pass/fail), or
2. Use all ratings outlined in Table 1 or 2, depending on the treatment of risk. References to the term “requirements” in the technical rating description at Table 1 or 2 shall equate to small business requirements, often reflected in the RFP as small business objectives.

When small business participation is not evaluated as a stand-alone evaluation factor or subfactor but rather is considered within the evaluation of one of the technical subfactors, a separate small business rating is not applied. However, the small business participation shall be considered in determining the appropriate technical rating to be applied. References to the term “requirements” in the technical ratings description at Tables 1 or 2 shall equate to small business requirements, often reflected in the RFP as small business objectives.

3.2 Documentation of Initial Evaluation Results: Following the initial round of evaluations, the Source Selection Evaluation Board (SSEB) Chairperson will consolidate the inputs from each of the evaluation teams for presentation to the SSA. The Contracting Officer and the SSEB Chairperson shall ensure that proposals are

evaluated solely on the criteria contained in Section M of the solicitation. All evaluation records and narratives shall be reviewed by the Contracting Officer, Legal Counsel, and the SSEB Chairperson for completeness and compliance with the solicitation. When an SSAC has been established, it will consolidate the advice and recommendations from the SSAC into a written comparative analysis and recommendation for use by the SSA in making the best-value decision. It will ensure that minority opinions within the SSAC are documented and included within the comparative analysis.

Based upon review of the initial evaluation results the SSA will decide to either (1) approve award without discussions, or (2) enter into the discussion process.

3.3 Award without Discussions: In rare circumstances, the SSA may choose to award a contract on the basis of the initial proposals received without conducting discussions. Offerors may be given a chance to clarify certain aspects of their proposal and to resolve minor or clerical mistakes. However, offerors are not given an opportunity to respond to any identified weaknesses or deficiencies or revise their proposals. Instead, the SSA makes a best-value decision based upon the evaluations of the initial proposal as submitted. In accordance with FAR 15.209 – Solicitation provisions and contract clauses, to award without discussions, the RFP must contain the solicitation provision at FAR 52.215-1, which notifies offerors that the Government intends to evaluate proposals and award a contract without discussions. This clause provides incentive to offerors to provide in their initial proposal their best terms from a cost or price and technical standpoint as there may not be an opportunity to revise their proposals.

The process of engaging with industry after proposal submission affords the Government the opportunity to effectively understand and evaluate a proposal and permits industry the opportunity to clearly explain any aspects of a proposal that appear to be deficient, ambiguous or non-compliant. Such dialogue leads to more efficient, effective and improved source selections. Therefore, award without discussions should only occur in limited circumstances.

If the SSA chooses to award without discussions, the SSA shall prepare a Source Selection Decision Document (SSDD). Once the SSDD is signed and all contractual requirements have been met (e.g., Congressional Notification, Equal Employment Opportunity Compliance.), the Contracting Officer may award the contract. Congressional notification may be required in accordance with FAR 5.303. For Section 8(A) Set Asides, the SBA shall be notified in accordance with FAR 19.804. For Small Business Programs, the apparent unsuccessful offerors shall be provided the pre-award notice required by FAR 15.503.

3.4 Discussion Process: Discussions are highly recommended for source selections. The primary objective of discussions is to maximize VA's ability to obtain best value, based on the requirement and the evaluation factors set forth in the solicitation.

If discussions are to be conducted, the Contracting Officer and SSA shall establish a competitive range based on the ratings of each proposal against all evaluation criteria

(see FAR 15.306(c)). Prior to the establishment of the competitive range, and after the decision to conduct discussions has been made, the Contracting Officer may enter into limited communications with offerors whose inclusion or exclusion from the competitive range is uncertain. These communications are limited in accordance with FAR 15.306(b)(1). The establishment of the competitive range is formally documented by the Contracting Officer in a competitive range determination. The Contracting Officer shall only enter discussions with those offerors determined to be in the competitive range.

Discussions shall be tailored to each offeror's proposal within the competitive range and only the Contracting Officer may conduct these discussions. The scope and extent of discussions are a matter of Contracting Officer's judgment. At a minimum the SSEB through the Contracting Officer shall discuss with each offeror in the competitive range the following:

1. Any adverse past performance information to which the offeror has not yet had an opportunity to respond;
2. Significant weaknesses; and
3. Deficiencies that have been identified during the evaluation. This is accomplished through the release of Evaluation Notices (ENs). ENs are prepared by the SSEB and reviewed by the Contracting Officer and Legal Counsel. All ENs shall clearly indicate the type of exchange being conducted (e.g. clarification, communication, etc.). Any EN addressing a proposal deficiency or weakness shall clearly indicate that a deficiency/weakness exists. The Contracting Officer is encouraged to discuss other aspects of the offeror's proposal that could in the opinion of the Contracting Officer be altered or explained to enhance materially the proposal's potential for award. However, the Contracting Officer is not required to discuss every area where the proposal could be improved as outlined at FAR 15.306(d) and (e). All discussions shall be documented in writing.

3.5 Final Proposal Revisions: At the conclusion of discussions, each offeror within the competitive range shall be given an opportunity to submit a Final Proposal Revision (FPR) by a common cutoff date and time established by the Contracting Officer (FAR 15.307(b)). When the Contracting Officer is not the SSA, the Contracting Officer shall obtain the SSA's concurrence prior to releasing the FPR request. After receipt of the FPR, the SSEB shall complete evaluations of the FPRs. The evaluation criteria from Section M or equivalent solicitation provision shall continue to be the basis for evaluation.

3.6 Documentation of Final Evaluation Results:

The SSEB shall prepare documentation of the evaluation results. The format should be in a written narrative report, although in rare instances, a decision briefing may be acceptable, depending on the complexity of the acquisition. The report shall be in sufficient detail to serve as a clear and concise record of the source selection decision

and shall be included in the contract file (eCMS) see Chapter 4)). When only a decision briefing is used, it should contain supporting narrative or note pages to serve as a complete record of the decision process. The report or briefing charts with supporting narratives or script must be suitable to serve as the official record of SSEB proceedings in support of source selections. The results of the evaluation shall be presented to the SSAC (when used) and to the SSA. In the event that there is significant disagreement among the SSEB members regarding the evaluation results that should be presented to the SSAC (when used) and the SSA, a minority opinion(s) shall also be presented at the decision briefing providing the SSA with sufficient information to fully consider the minority view(s).

3.7 Conduct and Documentation of Comparative Analysis: When an SSAC is used, the SSAC shall review the evaluation and findings of the SSEB to ensure the accuracy, consistency, and supportability in accordance with the evaluation criteria and shall provide advice, analysis, briefings, and consultation as requested by the SSA, which shall culminate in a written comparative analysis of proposals and award recommendation for the SSA's consideration.

In the event that there is significant disagreement among the SSAC members regarding the recommendation, a minority opinion shall be documented and presented to the SSA as part of the comparative analysis.

When an SSAC is not used, the SSEB should not conduct a comparative analysis of the proposals or make an award recommendation unless specifically requested by the SSA or required by the SSP.

3.8 Best-Value Decision: The SSA shall select the source whose proposal offers the best value to the Government in accordance with established criteria in Section M or equivalent solicitation provision (see FAR Part 12).

This best-value decision shall be based on a comparative assessment of proposals against all source selection criteria in the solicitation, considering recommendations and minority opinions presented to the SSA. While the SSA may use reports and analyses prepared by others, the source selection decision shall represent the SSA's independent judgment.

The SSA shall document the supporting rationale in the Source Selection Decision Document (SSDD). The SSDD shall—

- a. Be prepared for all source selections;
- b. Be the single summary document supporting selection of the best value proposal consistent with the stated evaluation criteria;
- c. Reflect the SSA's independent, integrated, comparative assessment and decision;

- d. Clearly explain the decision and document the reasoning used by the SSA to reach the decision consistent with FAR 15.308;
- e. Include all rationale for any business judgments- tradeoffs made or relied on by the SSA (e.g., including benefits associated with additional costs); and
- f. Be included in the source selection file in eCMS (see Chapter 4).

The SSDD is fully releasable to the Government Accountability Office (GAO) and others authorized to receive proprietary and source selection information. However, consultation with the source selection attorney shall be made prior to the release of any source selection material. When releasing a copy of the SSDD to offerors or to anyone not authorized to receive proprietary and source selection information, redacted material shall be limited to that which is proprietary and that which shall continue to be protected as source selection information. The need to redact such information is not a sufficient reason to refrain from preparing a properly written SSDD (see Appendix A, Attachment 1 - Security Considerations).

3.9 Notification of Unsuccessful Offerors: The Contracting Officer should promptly notify unsuccessful offerors in writing whenever their proposals are eliminated from the competition or after contract award, also known as pre-award and post-award notices. The type of information that must be included in the notice is depended on whether it is pre or post award information. The following figure provides a side-by-side comparison of the differences between pre-award and post-award notices:

Comparison of Pre-award and Post-award Notices

	Pre-Award Notice	Post-Award Notice
Who Must Be Notified?	Any offeror whose proposal was excluded from the competitive range or otherwise eliminated from the competition before contract award.	Any offeror whose proposal was in the competitive range but was not selected for award or who had not received a pre-award notice.
When Must it be Sent?	Promptly after the offeror’s proposal was eliminated from the competition.	Within 3 days after the date of contract award.
What is Included in the Notice?	<ul style="list-style-type: none"> • A summary of the basis for the determination • A statement that the Government will not consider any further proposal revisions from the offeror. 	<ul style="list-style-type: none"> • Number of offerors solicited; • Number of proposals received; • Name(s) and address(es) of awardee(s)

	<p>Note: Small business offerors are entitled to additional information as described at FAR 15.503.</p> <p>After contract award and upon request from an offeror who previously received a pre-award notice, the Contracting Officer must provide the offeror the information normally provided as part of a post-award notice.</p>	<ul style="list-style-type: none"> • Items, quantities, and unit prices of each awardee. If listing the unit prices is impracticable, include only the total contract price. (However, upon request, the items, quantities, and any stated unit prices of each award shall be made publicly available.) • A summary of the reason(s) the offeror's proposal was not accepted, unless the price information readily reveals the reason.
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3.10 Debriefings: When requested, the Contracting Officer must ensure offerors are debriefed in accordance with FAR 15.505 and FAR 15.506, as applicable and shall document the debriefing(s) provided to each offeror. At the request of the Contracting Officer, members of the SST shall participate in debriefings.

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Attachment 1

Security Considerations

A.1 Release of Source Selection Information and Contractor Proposal Information:

The Procurement Integrity Act precludes individuals from knowingly disclosing source selection information and contractor bid or proposal information before award of a Federal contract to which the information relates. The Contracting Officer, after consulting with legal counsel, is authorized to approve release of source selection information (before and after contract award) to other authorized Government officials who have signed a non-disclosure statement providing the release would not jeopardize the integrity or successful completion of the procurement.

A.2 Security/Ethics Briefing:

Ensure all SST personnel attend a security/ethics briefing that emphasizes that each SST:

- 1) Is responsible for security of the evaluation and proposal materials and other source selection and contractor bid or proposal information related to the procurement;
- 2) Must be knowledgeable of, and adhere to, governing security procedures and regulations;
- 3) Will not discuss, communicate, reveal participation in the SST, or otherwise deal on matters related to the source selection with any individual not assigned to the SST, unless authorized, (as stated above – Release of Source Selection Information and Contractor Proposal Information), and then only within appropriately secure areas; and
- 4) Will challenge the presence of any apparent unauthorized individual within the SST physical location.

A.3 Required Certificates and Reports

Each SST member (including support personnel) must sign a certificate that addresses nondisclosure of information, conflicts of interest, and rules of conduct (see sample certificate at Figure 1).

- a) Proposal and evaluation materials shall be handled that is consistent with “For Official Use Only” (FOUO) or a higher security classification;
- b) Establish sufficient safeguards to protect the material whether it is in the possession of the SST members or it is being disseminated, reproduced, transmitted, or stored; and
- c) Establish appropriate procedures for disposal (e.g., shredding or burn bag disposal) of the material when it is no longer required by the SST.

A.4 Handling of Source Selection Materials:

- a) Proposal and evaluation materials shall be handled that is consistent with “For Official Use Only” (FOUO) or a higher security classification;
- b) Establish sufficient safeguards to protect the material whether it is in the possession of the SST members or it is being disseminated, reproduced, transmitted, or stored; and
- c) Establish appropriate procedures for disposal (e.g., shredding or burn bag disposal) of the material when it is no longer required by the ST.

A.5 Security of Physical Facilities:

In more complex source selections, you should identify the location of the SSEB early in the process, and establish procedures to ensure the security of the source selection physical facilities. These procedures may include:

- a. Requiring identification to access the SST area and requiring authorized visitors (e.g., maintenance/service personnel) to sign in and out;
- b. Ensuring access points to the facilities are either manned at all times by a representative of the SSO or are kept locked (with appropriate key or password control procedures);
- c. Establishing procedures for approving visitors to the facilities; and
- d. Conducting security inspections and spot checks.

A.6 Responsibilities:

All SST members are responsible for the security of source selection information. In more complex source selections, it may be beneficial to designate certain members of the SST to oversee and/or perform security control functions. These duties may be collateral duties or full-time duties of the team member.

A.7 Figure 1
Sample Certificate

SOURCE SELECTION PARTICIPATION AGREEMENT

Important! This Agreement concerns a matter within the jurisdiction of a United States government agency. This agreement prohibits you from making false, fictitious, or fraudulent statements and/or certifications. If you do so, you may be subject to prosecution under 18 U.S.C. §1001.

AGREEMENT

1. This Agreement applies to individuals involved in Solicitation [INSERT RFP NUMBER], also known as the [INSERT PROGRAM NAME] acquisition.
2. This Agreement contains the rules of conduct relating to this acquisition. It includes rules of conduct regarding conflicts of interest as well as rules of conduct regarding the safeguarding of confidential information.
3. Your signature on this Agreement indicates that you have read this Agreement and agree to be bound by its terms.

TERMS

4. I have read, understand and will abide by the requirements of Section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423) as implemented in the Federal Acquisition Regulation (FAR) 3.104. I understand that I may request and obtain a copy of FAR 3.104 from the Contracting Officer.
 5. Except as set forth below, I do not presently hold, and will not obtain during my participation in this acquisition, any financial interest* or affiliation** in any reasonably likely offeror or subcontractor for this acquisition.
-

6. To the best of my knowledge, and except as set forth below, my spouse and dependent children do not have a financial interest* or affiliation** in any reasonably likely offeror or subcontractor for this acquisition.
-
-

7. To the best of my knowledge, and except as set forth below, none of the following is a reasonably likely offeror or proposed subcontractor for this acquisition, or represents a reasonably likely offeror or proposed subcontractor with regard to this acquisition:

- any person or company with whom I have or am seeking a business, contractual or other financial relationship that involves other than a routine consumer transaction;
 - my spouse and dependent children;
 - any person or company with whom I have been affiliated within the last year; and
 - any organization in which I am an active participant.
-
-

***Financial Interest** - Any continuing financial interest (such as through a pension or retirement plan, shared income, continuing termination payments, or other arrangements as a result of any current or prior employment or business or professional association) or any financial interest through legal or beneficial ownership of stock, stock options, bonds, securities, or other arrangements including trusts.

****Affiliation** - A relationship as an employee, officer, owner, director, member, trustee, partner, advisor, agent, representative, or consultant; or a person having any understanding, plans or pending contacts regarding such a relationship in the future. (This includes sending resumes, making telephone inquiries or any act that reasonably could be construed as an indication of interest in a future affiliation.)

8. I understand that I may request a statement from the Contracting Officer as to whether a person or company is considered to be a reasonably likely offeror or subcontractor.
9. I will not knowingly disclose any contractor bid or proposal information or source selection information regarding this acquisition directly or indirectly to any person other than a person authorized in accordance with FAR 3.104 to receive such information.
10. I will observe the following rules during the conduct of the acquisition:
 - a. I will not solicit or accept, directly or indirectly, any promise of future employment or business opportunity from, or engage, directly or indirectly, in any discussion of future employment or business opportunity with, any officer, employee, representative, agent, or consultant of any reasonably likely offeror or subcontractor for this acquisition.
 - b. I will not ask for, demand, exact, solicit, seek, accept, receive, or agree to receive, directly or indirectly, any gratuity, favor, discount, entertainment, hospitality, loan, forbearance or other thing of value from any officer, employee, representative, agent, or consultant of any reasonably likely

offeror or subcontractor for this acquisition, unless permitted under Title 5 Code of Federal Regulations Part 2635, Subpart B.

- c. I will instruct members of my parent or home organization not to divulge my participation in the evaluation and source selection process or my physical location while participating in the evaluation and source selection process to unauthorized persons.
 - d. I understand that all communications with offerors or their subcontractors concerning this acquisition must be made by/through the Contracting Officer, or the Contracting Officer's designee. I will divert all attempted communications by offerors or subcontractors' representatives or any other unauthorized person to the Contracting Officer, and advise the Chairperson of the SSAC or the Chairperson of the SSEB and Legal Counsel.
 - e. I will not discuss evaluation or source selection matters, including proposal information, with any unauthorized individuals (including Government personnel), even after the announcement of the successful contractor, unless authorized by proper authority. All discussions of evaluation/source selection matters with other SSEB/SSAC members shall be conducted solely in those areas designated for deliberations.
11. I realize that my actions in connection with my participation in this evaluation and source selection are subject to intense scrutiny and I will conduct myself in a way that will not adversely affect the confidence of the public in the source selection process. I will avoid any action, whether or not prohibited, that could result in or create the appearance of my losing independence or impartiality. I will not use my public office for private gain, and I agree not to engage in any personal business or professional activity, or enter into any financial transaction, that involves or appears to involve, the direct or indirect use of "inside information" to further a private gain for myself or others.
12. I understand that my obligations under this certification are of a continuing nature, and if anything takes place which would cause a change to any statement, or create a violation of any representation or rule of conduct herein, I will immediately bring such matter to the attention of the Chairperson of the SSAC, SSEB, and the Contracting Officer.

CERTIFICATION

13. I agree to the Terms of this Agreement and certify that I have read and understand the above Agreement. I further certify that the statements made herein are true and correct.

Signature: _____

Name (Printed) _____

Organization: _____

Date: _____

**SOURCE SELECTION INFORMATION – SEE FAR 2.101 AND 3.104
FOR OFFICIAL USE ONLY**

Attachment 2

Debriefing Guidelines

A.1. Purpose of Debriefing:

The Contracting Officer must debrief an offeror upon receipt of its written and timely request (See FAR 15.503 and 15.505). The debriefing serves to assure offerors that the Government properly evaluated their proposals and made the award determination in accordance with the RFP. Since each offeror puts considerable resources into preparing and submitting a proposal, fairness dictates that the Contracting Officer promptly debrief offerors and explain why a proposal was excluded from the competitive range or was successful or unsuccessful. Timely and thorough debriefings increase competition, encourage offerors to continue to invest resources in the Government marketplace, and enhance the Government's relationship and credibility with industry. The debriefing also provides feedback to offerors to assist in improving future proposal submissions. An effective debriefing often deters a protest by demonstrating that the Government conducted a thorough, fair evaluation and made a sound decision according to the established source selection methodology.

A.2. Requirements:

See FAR 15.505, Preaward debriefing of offerors; and FAR 15.506, Postaward debriefing of offerors for requirements relative to debriefings. Also reference FAR 3.104-4, Disclosure, protection, and marking of contractor bid or proposal information and source selection information.

A.3. Notification of Debriefing:

The Contracting Officer should inform the offeror of the scheduled debriefing date by electronic means with immediate acknowledgment requested and should follow up with written notification to the offeror. If the offeror requests a later date, the Contracting Officer should require the offeror to acknowledge in writing that it was offered an earlier date, but requested the later date instead.

A.4. Debriefing Location:

The Contracting Officer is responsible for selecting the location of the debriefing. The location should provide a professional and non-distracting environment. Debriefings are normally held at Government facilities, however, they may be held at any facility that is mutually acceptable to all parties involved (see FAR 15.505). Although face-to-face debriefings are frequently used, the Contracting Officer may also conduct a debriefing by telephone or electronic means. It may be burdensome for an offeror to attend in person and the needs of the offeror should be afforded due consideration. Likewise, if

some of the Government personnel are located at an installation other than where the debriefing will be conducted, they may participate by telephone or videoconference.

A.5. Debriefing Attendees:

Government Personnel. The Contracting Officer should chair and control the debriefing and select the Government attendees. It is extremely important to ensure appropriate Government personnel attend so that a meaningful debriefing is achieved. The Contracting Officer's Legal Counsel should participate in preparation of the debriefing and also may attend the debriefing. Legal Counsel must attend the debriefing when the offeror's Legal Counsel will be in attendance. In the event there are indicators that a protest is likely, inform Legal Counsel. However, the Contracting Officer should not deny a debriefing because a protest is threatened or has already been filed.

Debriefed Offeror Personnel. The Contracting Officer should ask the offeror to identify all of the firm's individuals by name and position who will attend the debriefing. Normally, do not restrict the number of personnel the debriefed offeror may bring unless there are space limitations.

A.6. Preparing for the Debriefing:

The Contracting Officer should ensure that documents relevant to the source selection have been thoroughly reviewed by the debriefing team and are readily available to the Government during the debriefing. A best practice is to have those documents available, during the debriefing, in a separate Government caucus room.

It is recommended that the Contracting Officer conduct a "dry run" prior of the actual debrief because role-playing is a vital part of the dry run. Teams are encouraged to simulate interactions with disappointed or disgruntled offerors and practice addressing questions on contentious issues. The Contracting Officer should develop a set of anticipated questions that offerors may ask at the debriefing (see Section A.9 for sample questions). In anticipating possible questions, it is often useful to review questions asked during the discussion phase (if held) of the competition. The Contracting Officer should also ask each offeror scheduled for a debriefing to submit advance written questions and it would be in the Contracting Officer's best interest to coordinate responses with Legal Counsel.

A poorly prepared debriefing is the surest way to lose the confidence of the offeror and increase the prospects of a protest. Because debriefings are time sensitive, preparation must begin before attend the debriefing on their roles, level of participation and expected demeanor during the debriefing.

A.7. Outline for the Debriefing:

The following is a general outline for a typical debriefing. See FAR 15.505 (preaward) and FAR 15.506 (postaward) for specific requirements:

1. Introduction
2. Purpose of the Debriefing
3. Ground Rules and Agenda
4. Source Selection Process
5. Evaluation Factors/Subfactors
6. Evaluation Results for the Offeror's Proposal
7. Rationale for Eliminating Offeror from Competition
8. Rationale for Award Decision Based on the SSA's Decision Document (postaward debriefing only)
9. Responses to Relevant Questions
10. The Contracting Officer's statement that the debrief has concluded.

A.8 Conducting the Debriefing:

Roles. The Contracting Officer chairs and controls the debriefing, but may defer to others for specific portions of the debriefing and must control all exchanges. There are many different approaches that the Contracting Officer may take in leading the debriefing. The Contracting Officer may—

1. Conduct the entire debriefing presentation and defer to his Government team to answer questions as needed; or
2. Start the debriefing and allow the subject matter experts to present their portions. An example is the Technical Team Leader presents the Technical evaluation portion of the presentation.

Questions. At the on-set of the debriefing, the Contracting Officer should advise offerors that the Government believes the presentation will address any questions they may have. Additional questions may be answered during the debrief. The Contracting Officer should be open to discussions, but not drawn into a debate. A Government caucus may be required to address some questions. The Government should request that the questions be written for the caucus as needed.

If the debriefing team cannot adequately answer additional questions presented in writing by the offeror at the debriefing, the Contracting Officer should provide written answers as soon as possible. However, promising additional information at a later date should be avoided if possible, because the period for protest may be deemed to start from the time new relevant information is provided.

Information Not Appropriate to Disclose. The debriefing team shall not—

1. Disclose documentation that was not presented to/considered by the SSA. The criticality of any postaward debriefing is the SSA award decision and whether that decision is well supported and resulted from a source selection conducted in a thorough, fair and sound manner consistent with the requirements and source

selection methodology established in the RFP. The key of any preaward debriefing is the offeror's elimination from the competitive range;

2. Discuss validity of requirements or prohibited information (see FAR 15.506(e));
3. Provide names of individuals providing reference information about an offeror's past performance. In addition, the names of individuals on the SST, not participating in the debriefing, should **not** be disclosed. However, the name of the SSA may be revealed in postaward debriefings; and
4. Disclose any unit prices which are not freely releasable under the Freedom of Information Act. Even though the FAR includes unit prices in the list of information to be provided in a debriefing, unit prices may not be releasable.

Offeror Feedback. The Contracting Officer should allow the offeror an opportunity to provide feedback regarding the quality of the solicitation document, e.g., proposal instructions, the appropriateness of discussions, and the source selection process itself. This information may be used as "lessons learned" for future acquisitions.

Source Selection File: The debriefing slides, offeror's request for debriefing (if any), previously submitted questions, any handouts, a list of written questions/answers, and any other relevant documents, must be included in the source selection file see Chapter 4).

A.9. Sample Offeror Questions That May Be Used for "Dry Run":

As previously stated, teams are encouraged to have a dry run prior to the actual debrief. The following is a list of sample questions the team should be prepared to address during the debriefing. Answers should be tailored to the unique circumstances of each acquisition and should, where possible, be tied directly to language within the RFP (particularly Sections L and M). The "notes" below are provided as points for consideration and are **not** intended to be responses.

Topic Area 1: The Government's evaluation of the significant weaknesses or deficiencies in the proposal.

- a) Please explain the basis for the strengths, weaknesses, or deficiencies in our proposal for each evaluation factor and subfactor?

NOTE: Typically this is done as part of the debriefing presentation; however, you may not disclose detailed information regarding the strengths, weaknesses and/or deficiencies in other proposals. Such a disclosure could amount to a point-by-point comparison of proposals, prohibited per FAR 15.506(e), and/or could involve disclosure of protected/privileged information. However, if a strength is evident from the awarded contract (for example, a more attractive

delivery schedule) the Contracting Officer may want to highlight that fact, but consult Legal Counsel for guidance and advice.

- b) Did you discuss all weaknesses, significant weaknesses, and deficiencies?

NOTE: If discussions were held, all significant weaknesses and deficiencies, at a minimum, should have been addressed and documented. The FAR does not require discussion of all weaknesses, although it is considered a best practice.

- c) Were there any solicitation requirements that we failed to address? If so, what were they?

NOTE: If discussions were held, these matters should have been addressed and documented.

- d) How is the evaluation consistent with Sections L and M of the solicitation?

- e) Were any deficiencies identified by the Government during discussions not adequately addressed in our response(s)? If so, how did this affect the evaluation process?

- f) Were there any specific considerations that precluded us from being selected as the awardee? If so, what were those considerations?

NOTE: If discussions were held, these matters should have been addressed.

- g) What, if anything, did the Government desire that was missing from our proposal?

NOTE: Be careful how you answer—the Government does **not** evaluate based on “desires” but rather on requirements contained within the RFP.

- h) Please explain how past performance was evaluated. What was our rating? How was that rating applied to the source selection process?

- i) Was experience evaluated? If so, what was our rating and how was that information used in the source selection process?

- j) Please explain the procedure for the evaluation of risk? What risks were identified in our proposal? How did they impact the rating of our proposal?

Topic Area 2: The overall evaluated cost or price (including unit prices) and technical rating, if applicable, of the successful offeror and the debriefed offeror, and past performance information on the debriefed offeror; and the overall ranking of all offerors, when any ranking was developed by the agency during the source selection. FAR 15.506(e): the debriefing shall **not** include point by-point comparisons of the debriefed

offeror's proposal with those of other offerors. Moreover, the debriefing shall not reveal any information prohibited from disclosure by FAR 24.202 or exempt from release under the Freedom of Information Act.

- a) Provide the evaluated cost or price and technical, management, and past performance ratings for our proposal and all other offerors.

NOTE: Information on the overall evaluated cost or price and technical ratings is **not** provided for all offerors; only for the successful offeror and the offeror being debriefed.

- b) Provide the overall ranking for all offerors.

NOTE: Generally an overall ranking is not developed. However, if an overall ranking was developed during the source selection process then this shall be provided during the debriefing. The name of every offeror **shall** be redacted except for the offeror being debriefed and the successful offeror(s).

- c) In what areas was our proposal considered "overpriced"?
- d) Were we compliant with all technical requirements?

NOTE: If discussions were held, these matters should have been addressed.

- e) In the risk portion of the technical/management area, what criteria did the Government use to determine the final evaluation ratings? How was this risk reflected in the other areas of the evaluation?
- f) Was there anything not required by the solicitation that we could have offered that might have made us more competitive for the award?

NOTE: An answer to this question would be conjecture, which is not appropriate.

- g) Were our responses to Evaluation Notices (ENs) adequate? If not, how could we have improved our responses? How were our responses to the ENs on past performance evaluated?

Topic Area 3: A summary of the rationale for award.

- a) Explain in detail the methodology used to determine which proposal offered the greatest overall value to the Government, especially with respect to any comparisons/trade-offs made between technical factors and costs proposed, and
- b) Provide a copy of the SSDD.

NOTE: If the SSDD is to be released to offerors, it shall be redacted and coordination with Legal Counsel shall be obtained.

Topic Area 4: Reasonable responses to relevant questions about whether source selection procedures contained in the solicitation, applicable regulations, and other applicable authorities were followed.

NOTE: Answers to questions relative to source selection procedures should reference Section M language.

- a) Describe the evaluation process used for this procurement.
- b) How important was cost in the source selection decision relative to past performance and technical considerations?
- c) If the costs were “normalized” explain how the normalization was conducted.
- d) Was a cost realism analysis used? If so, describe the process used.
- e) Did the Government prepare an independent cost estimate?
- f) What was the basis for not selecting us?
- g) Did the Government make a cost/technical trade-off?
- h) In order of importance, which evaluation criteria were the most critical to the determination of our overall rating?
- i) What were the most critical evaluation criteria that proved to be tiebreakers in the evaluation of proposals?
- j) Identify any information not contained in our proposal that was used by the evaluators in assessing our offer.

Topic Area 5: Other potential questions.

- a) Who was on the Source Selection Advisory Committee?

NOTE: To prevent offerors from contacting individuals after the debriefing and to avoid creating tension in ongoing working relationships on existing Government contracts, do **not** disclose the names of individual evaluators or members of the SST (e.g., the SSEB, SSAC). However, those people in attendance at the debriefing should be introduced.

- b) Did the SSA and the SSAC (if applicable) fully accept the recommendations of their respective staffs (SSAC or SSEB)? If not, why not? Did either reach any

independent determinations? If so, what independent determinations were made?

- c) Were there any common areas of weaknesses or deficiencies in the proposals in the competitive range?

NOTE: The debriefing team shall avoid point-by-point comparisons of proposals. Additionally, providing detailed information regarding the strengths, weaknesses or deficiencies of other proposals may disclose protected/privileged information (see FAR 15.506(e)).

- d) What management structure did the agency consider as optimal for performing the contract? How did our proposal rate against this standard?

NOTE: The Government does not have any preconceived ideas regarding how to meet the RFP requirements.

- e) Identify any and all evaluation factors, subfactors, and elements not identified in the solicitation that were used to evaluate the proposals.

NOTE: There shall **never** be any evaluation factors, subfactors and/or elements not identified in the solicitation that were used to evaluate proposals.

SAMPLES

Source Selection Non-Disclosure Agreement (NDA)

Name (print): _____

Grade: _____

Organization: _____

Source Selection _____
(insert title of SS position)

1. I acknowledge I have been assigned to the source selection indicated above. I have been briefed orally by _____ and as such, am knowledgeable of Subsection 27(a) of the Office of Federal Procurement Policy Procurement Integrity Act, 41 U.S.C., Section 423, and FAR 3.104. I am aware that unauthorized disclosure of source selection or proprietary information could damage the integrity of this procurement and that the transmission or revelation of such information to unauthorized persons could subject me to prosecution under the Procurement Integrity Laws or under other applicable laws.

2. I do solemnly swear or affirm that I will not divulge, publish, or reveal by word, conduct, or any other means, such information or knowledge, except as necessary to do so in the performance of my official duties related to this source selection and in accordance with the laws of the United States, unless specifically authorized in writing in each and every case by a duly authorized representative of the United States Government. I take this obligation freely, without any mental reservation or purpose of evasion and in the absence of duress.

3. I acknowledge that the information I receive will be given only to persons specifically granted access to the source selection information and may not be further divulged without specific prior written approval from an authorized individual.

4. If, at any time during the source selection process, my participation might result in a real, apparent, possible, or potential conflict of interest, I will immediately report the circumstances to the Source Selection Authority.

5. All personnel are requested to check the applicable block(s):

- I have submitted a current [OGE Form 450 \(Confidential Financial Disclosure\)](#).
- I am not required to submit an OGE Form 450.
- I have submitted a current [OGE Form 278 \(Public Financial Disclosure\)](#)
- I am not required to submit an [OGE Form 278](#).

- I am a non-government employee. I have signed a proprietary information non-disclosure agreement that has been included in the contract between my firm and the government that precludes me from divulging any proprietary data to which I may gain access during the source selection. I have submitted (or will submit) a Conflict of Interest Statement and documentation to the Contracting Officer indicating my personal stock holdings prior to accessing source selection information.

Signature:

Date:

Debriefing Certificate

- I have been debriefed orally by as to my obligation to protect all information to which I have had access during this source selection. I no longer have any material pertinent to this source selection in my possession except material that I have been authorized in writing to retain by the Source Selection Authority. I will not discuss, communicate, transmit, or release any information orally, in writing, or by any other means to anyone after this date unless specifically authorized to do so by a duly authorized representative of the United States Government.

Signature: _____

Date: _____

Conflict of Interest Statement

SOURCE SELECTION

(Insert acquisition name)

Please review the list of prime contractors and their subcontractors who are offering proposals in response to the Request for Proposal (RFP) for the acquisition identified above with the Contracting Officer. After reviewing the list, check the appropriate boxes, fill in the information requested, and sign:

- I certify that neither I nor my immediate family, to the best of my knowledge, possess any financial interest whatsoever in any company, parent or subsidiary, which is proposing on the acquisition identified above now being considered by the Source Selection Evaluation Board (SSEB) of which I am a member or advisor. Should any company in which I or my immediate family has a financial interest submit a proposal to my source selection team, I will immediately reveal such interest to the SSEB Chairperson and the Contracting Officer.

OR

- I do possess a financial interest in a company that is proposing on or is in a way involved in the acquisition identified above now being considered by the Source Selection Evaluation Board (SSEB) of which I am a member or advisor. (If you have checked this box, please provide a description of your financial interests on the reverse side of this form.) I further acknowledge my obligation to disclose any friendships; family or social relationships; past, present, or planned employment relationships, or any other type of relationship, such as housing or transportation arrangements, which might be perceived as compromising my independent judgment in connection with this Source Selection. (Please make any disclosures on the reverse of this form).

Name (print): _____

Organization: Phone: _____

Signature: _____

Date: _____

Sample Source Selection Decision Document

1. **Decision Statement.** Example: As Source Selection Authority for this acquisition, I have determined that the _____ product/service proposed by Offeror C provides the best overall value to satisfy VHA needs. This selection was made based upon the factors and subfactors established in the solicitation and my integrated assessment and comparison of the strengths, weaknesses, and risks of the proposals submitted in response to the solicitation. This memorandum documents the basis for my decision.
2. Brief description of the product and/or service being procured.
3. Brief description of the basis for award (as set forth in the RFP), including the factors and subfactors against which proposals were measured and their relative order of importance.
4. A list of offerors in the competitive range.
5. Rationale for business judgments and tradeoffs. Include the following:
 - *Succinct comparison of each proposal, focusing on key proposal differences (strengths, weaknesses, and risks) that surfaced in the evaluation and their impact on the acquisition.*
 - *Explanation of specific tradeoffs that led to the decision.*
 - *Explanation of specific benefits of the technically superior offeror(s) and why they are or are not significant enough to warrant any additional cost.*
6. **Summary.** In summary, based on my integrated assessment of all proposals in accordance with the specified evaluation factors and subfactors, it is my decision that Offeror C's proposal offers the best overall value.

Sample Notice to Unsuccessful Offeror (Pre Award)

VA LETTERHEAD

DATE

Name of Contracting Organization:

SUBJECT: Solicitation Number _____, Program Name _____

COMPANY NAME

ATTN: XXXXXXXXXX

ADDRESS

CITY, STATE & ZIP CODE

Dear *XXX*:

The Government has completed its initial evaluation of the proposals submitted in response to the subject solicitation and regrets to inform you that your proposal has been excluded from the competitive range and thereby eliminated from the competition. Based on the ratings of your proposal that were derived against all of the evaluation criteria, I have determined that your proposal is outside the competitive range because it is not one of the most highly rated proposals, in accordance with the Federal Acquisition Regulation (FAR) 15.306 (c) (1).

In accordance with Section M of the Solicitation, Basis for Award, the Technical Factor is more important than the Performance Risk Factor, the Performance Risk Factor is more important than the Price Factor, and the Price Factor is significantly more important than the Small Business Participation Plan Factor. The non-price factors when combined are significantly more important than the Price Factor. Section M of the Solicitation further states that to receive consideration for award, a rating of no less than "Acceptable" must be achieved for the Technical Factors and each of its Subfactors. After extensive evaluation, your proposal has been *rated (provide ratings for the factors and subfactors of the offeror and brief explanation/reasons for the ratings)*. Those ratings did not place your proposal among those proposals that were most highly rated. This is based primarily on your *(explain)*.

Based on the above and in accordance with the Evaluation Approach, it has been determined that *(insert corporation name, corporation division)* is outside the competitive range. Further negotiations concerning this acquisition are not contemplated and revisions to your proposal will not be considered. You may request a debriefing in writing within three days after receipt of this notice. The debriefing may be delayed until after award if so requested. However, if you do not request a debriefing within those three days, the Government is not obligated to grant either a preaward or postaward debriefing. Your attention is directed to FAR 15.505 regarding these procedures.

The Government thanks you for your participation in this acquisition and looks forward to your continued interest in future VA business opportunities.

Sincerely,

Contracting Officer's Name

**Sample Notice to Unsuccessful Offeror
(Post Award)**

VA LETTERHEAD

DATE

Name of Contracting Organization:

SUBJECT: Solicitation Number _____, Program Name _____

COMPANY NAME
ATTN: XXXXXXXXXX
ADDRESS
CITY, STATE & ZIP CODE

Dear XXX:

Reference your proposal submitted in response to solicitation XXXXXXXXXX for the (Insert TITLE OF SOLICITATION).

Solicitation XXXXXXXXXXXX was posted to the FEDBIZOPS on DATE to be reviewed by industry for purposes of submitting a proposal. Five (5) proposals were received and an award was made to NAME AND ADDRESS OF SUCCESSFUL OFFEROR.

The Government's final evaluation of your proposal has resulted in the following ratings and total evaluated price. The ratings and total evaluated price of the successful offeror are provided for your information.

FACTOR/SUBFACTORS	YOUR OFFER	SUCCESSFUL OFFEROR
Technical Factor	Good	Good
Operating Requirements Subfactor	Good	Outstanding
Reliability Sub-Factor	Good	Good
Physical Requirements Subfactor	Good	Good
Schedule Factor	Outstanding	Good
Performance Risk Factor	Low	Low
Price Factor (Total Evaluated Price)	XXXXXXXXXX	XXXXXXXXXX

Pursuant to the Federal Acquisition Regulation (FAR) 15.506, you are afforded the opportunity to request a debriefing regarding the evaluation of your proposal. Your

request for a debriefing shall be submitted in writing to the undersigned Contracting Officer. Please specify the names and positions of the representatives of your company and team who will attend and include written questions planned for this session.

The Government thanks you for your interest and looks forward to your continued participation on future VA acquisition programs. Should you have any other questions concerning this acquisition kindly contact the undersigned at (XXX) XXXXXXXX.

Sincerely,

Contracting Officer's Name

Sample

Source Selection Appointment Letter

VA LETTERHEAD

NOTE: Used only if someone other than the Contracting Officer is appointed as the SSA

Date:

MEMORANDUM FOR **XXXXXXXX**, Requiring Office (**XXXXXXXXXX**)

SUBJECT: Appointment as Source Selection Authority

1. As the Head of the Contracting Activity (HCA) for (**insert name of the VA activity**), I hereby designate you, (**insert name of individual**), the Source Selection Authority (SSA) for the (**insert program name**) program. This appointment is made per VAAM 8115.303.
2. To support these efforts, the **XXXXX** will competitively award a contract to perform **XXXXXX Identify program**. A (**type, e.g., firm fixed price (FFP)**) contract is anticipated, with a potential total value of **\$XX.XM**.
3. As SSA, you are responsible for the proper conduct of the source selection process in accordance with applicable regulations and shall—
 - Supervise and approve the development of the source selection criteria (Sections L, M and adjectival definitions);
 - Ensure SSEB leadership possesses appropriate skills and experience targeted to their SSEB duties; this leadership should be involved in the establishment of the selection criteria;
 - Establish an evaluation schedule for the SSEB commensurate with the complexity of the evaluation; actively manage the achievement of the assigned schedule;
 - Review the interim evaluation results, when discussions are conducted, and approve the competitive range determination;
 - Review the content and scope of discussions/negotiations with offerors;
 - Ensure meaningful discussions have been conducted, authorize closing of discussions; and authorize request for final proposal revisions;

- Review the final evaluation results; conduct tradeoffs in accordance with the selection criteria; select best value offeror(s); and document your selection decision in a Source Selection Decision Memorandum (SDM);
 - Ensure that any evaluation results presented to you are substantiated and are consistent with the announced evaluation criteria;
 - Ensure at all times conflicts of interest, as well as the appearance of such conflicts, are scrupulously avoided;
 - Ensure there is no premature or unauthorized disclosure of proprietary or other source selection information;
 - Exercise extreme care to safeguard and protect sensitive information, including the identity of the individuals involved in the source selection evaluation; and
 - Appoint subject matter experts and/or other individuals who are necessary for the success of the source selection process.
4. I am advised that you have discussed your appointment with the **XXXXX** Command Ethics Counselor and you have received an ethics briefing and the Ethics Counselor has conducted the appropriate screening of your financial disclosure report and there are no financial conflicts of interest that would preclude you from performing the duties of the SSA. You are also to consult with an Ethics Counselor should any situation arise which might result in a conflict of interest, or even the appearance of one.
5. The Appointment of the SSA is to you personally; therefore, you do not have the authority to re-delegate this appointment. Promptly notify me If, for any reason, you are unable to complete your duties as SSA.

HCA Signature

Copy to: Contracting Officer

**Sample
Source Selection Advisory Council Appointment Letter**

VA LETTERHEAD

MEMORANDUM FOR (insert name of SSAC member)

SUBJECT: Memorandum of Appointment, Source Selection Advisory Council (SSAC),
(Name of Program)

1. As the Source Selection Authority (SSA) for the subject competitive acquisition, I hereby appoint you to the Source Selection Advisory Council (SSAC). Your temporary duty assignment is requested because of your demonstrated abilities and qualifications.
2. Your appointment as a SSAC member is effective immediately and terminates upon dissolution of the SSAC. Your presence will be required at meetings and conferences and you will complete whatever work is necessary for timely completion of the council's mission. Relief from this assignment will be granted only in the event of a demonstrated emergency.
3. Temporary release from your duties for return to your parent organization may occur. However, you will be called upon to provide assistance and clarification of matters as necessary throughout the process.
4. In connection with your duties as a SSAC member, you will have access to confidential business information and proprietary data submitted by the offerors in response to the Request for Proposal (RFP). The Federal Acquisition Regulation (FAR), under which this source selection is being conducted, requires you to safeguard this information and not release it to any person outside of the source selection process. The laws of the United States prohibit the unauthorized release of confidential business information and proprietary data. Please note that there are criminal and administrative penalties for violation of these laws.
5. The release of any information submitted by an offeror or any information concerning the evaluation of the proposals to any person outside of the source selection and proposal evaluation process will have a serious adverse impact on our ability to continue with the source selection process. Such a release of information could serve as the basis for a lawsuit against the United States and delay the Source Selection for many months. The responsibility for protecting this sensitive information and ensuring that it is not released to unauthorized persons rests with you.

6. Your specific responsibilities are outlined at Enclosure 1; a Source Selection Participation Agreement is at Enclosure 2. You are requested to complete Enclosure 2 and return to:

(Contracting Officer's Name)
ADDRESS

2 Encls

Name
Source Selection Authority

**SAMPLE
MILESTONE SCHEDULE**

	ACTIVITY	Start Date	Completion Date
A	Acquisition Planning Activities (e.g., Market Research, Review Previous Similar Acquisitions, Industry Days)		
B	Acquisition Strategy Approved		
C	Appointment of Source Selection Authority (SSA)		
D	Acquisition Plan Approved		
E	Source Selection Plan Approved		
F	Issue RFP		
G	Pre-proposal Conference/Site Visit		
H	Receive Proposals		
I	SSEB Evaluation		
J	SSAC/SSA Brief		
K	Competitive Range Determination		
L	Discussions with Offerors within the Competitive Range		
M	SSAC/SSA Brief to Request Final Proposal Revisions		
N	SSAC Prepares Written Comparative Analysis/Award Recommendation		
O	Source Selection Decision		
P	Phase III Peer Review		
Q	Contract Award		
R	Debriefing of Unsuccessful Offerors		
S	Post Award Conference		