



SPECIAL OPERATIONS FORCES INDUSTRY CONFERENCE

Accelerating SOF Innovation

RFP Sections L&M Exchange

CONTRACTING OFFICERS & PROGRAM MANAGERS



RFP Sections L&M Exchange

SOF AT&L Contracting Officers and Program Managers will conduct roundtable exchanges with attendees on Sections L and M of USSOCOM Request For Proposals (RFP), highlighting keys to submitting successful proposals. Emphasis will be given to Industry's proposal response to Compensation for Professional Employees (Reference FAR 52.222-46).

Keys to Submitting Successful Proposals

- **Early Requirement Analysis**

- Source Sought/RFI Synopsis & Market Survey Analysis Response
 - Quantity, delivery, acquisition strategy, qualification requirements
 - Attend all Industry Days
 - <http://www.socom.mil/sordac/Pages/NavRollUp.aspx#DoingBusiness>

- **Conduct Thorough Review of Solicitation**

- RFP, SOW, SPEC, DD254, CDRLs, other attachments
- Understanding Qualifying or Go/No-Go Criteria; complete “fill-ins”
- Prepare proposal following Section L instructions with M in mind
- Recognize and Understand Basis for Award and Evaluation Criteria
- Keep an eye on FedBizOpps updates (set alerts)
- Ask questions early

Keys to Submitting Successful Proposals

- **Identify Source Selection Process and Technique**
 - DoD Source Selection Procedures 2016
<http://www.acq.osd.mil/dpap/policy/policyvault/USA004370-14-DPAP.pdf>
 - Basis for Award, Evaluation Factors
- **Conduct an Independent Evaluation**
- **Follow Instructions and Timely Submit the Required Material**

DoD Source Selection Procedures 2016

- Effective 1 Apr 2016 are the DoD procedures for conducting competitively negotiated source selections with an estimated value >\$10M.
- Provides expanded discussion of both Tradeoff and Lowest Price Technically Acceptable source selection procedures consistent with Better Buying Power initiatives, evaluation methodologies, updating statutory and regulatory references, and incorporating best practices obtained through DPAP peer reviews.
- For solicitations valued at \$1 billion or more, waivers to provisions required by paragraph 1.2 of this document may only be approved with the express, written permission of the Director, Defense Procurement and Acquisition Policy (DPAP). Waivers for solicitations valued below \$1 billion must be approved by the Senior Procurement Executive (SPE). The SPE may set lower internal dollar thresholds for use of these procedures as appropriate.
- You can access a copy of these procedures at the following location:
<http://www.acq.osd.mil/dpap/policy/policyvault/USA004370-14-DPAP.pdf>

DoD Source Selection Procedures 2016

- Provides expanded best value evaluation techniques and process descriptions and techniques: See Appendix B on Tradeoff Source Selection Processes.
- These tradeoff processes are distinguished from LPTA source selections by permitting the SSA to consider award to other than the lowest evaluated priced offeror or other than the highest technically rated offer. The methodologies described in this appendix are the Subjective Tradeoff and Value Adjusted Total Evaluated Price (VATEP) Tradeoff techniques.
- **Subjective Tradeoff (What is used primarily today/attempting to better define).** The subjective tradeoff process identifies in the RFP all evaluation factors and significant subfactors that will affect contract award by clearly stating their *relative* importance in the solicitation (FAR 15.204-5(c)).
- **Value Adjusted Total Evaluated Price (VATEP)** – The VATEP technique monetizes different levels of performance that may correspond to the traditional requirements process of defining both threshold (minimum) and objective (maximum) performance and capabilities. It identifies in the RFP the percentage price increase (or dollar amount) the Government is willing to pay for measureable levels of performance between threshold (minimum) and objective (maximum) criteria (e.g., Probability of Hit, specific operational ranges, etc.).

DoD Source Selection Procedures 2016

- Refines technical acceptability criteria when using Lowest Price Technically Acceptable (LPTA) process and realigns the LPTA guidance from Appendix A to Appendix C.
- Modifies Rating Methodologies for both Technical and Past Performance.
- Expands discussion of Source Selection Team (SST) Roles and Responsibilities and adds roles of legal counsel, cost/pricing experts, small business, program manager, and the requirements owner.
- Adds Small Business ratings table if evaluated separately and not as part of a technical factor or subfactor
- Updates statutory and regulatory references, updates/adds new definitions and includes best practices obtained through peer/component reviews.
- Beneficial Aspects of the proposal shall be incorporated into the contract.

Lowest Price Technically Acceptable

Table C-1. Technical Acceptable/Unacceptable Rating Method	
Adjectival Rating	Description
Acceptable	Proposal meets the requirements of the solicitation.
Unacceptable	Proposal does not meet the requirements of the solicitation.

Table C-2. Past Performance Acceptable/Unacceptable Rating Method	
Adjectival Rating	Description
Acceptable	Based on the offeror's performance record, the Government has a reasonable expectation that the offeror will successfully perform the required effort, or the offeror's performance record is unknown. (See note)
Unacceptable	Based on the offeror's performance record, the Government does not have a reasonable expectation that the offeror will be able to successfully perform the required effort.

Technical Rating

Methodology 1 – Separate Ratings

UPDATED RATINGS		
Table 2A. Technical Rating Method		
Color Rating	Adjectival Rating	Description
Blue	Outstanding	Proposal indicates an exceptional approach and understanding of the requirements and contains multiple strengths.
Purple	Good	Proposal indicates a thorough approach and understanding of the requirements and contains at least one strength.
Green	Acceptable	Proposal indicates an adequate approach and understanding of the requirements.
Yellow	Marginal	Proposal has not demonstrated an adequate approach and understanding of the requirements.
Red	Unacceptable	Proposal does not meet requirements of the solicitation and, thus, contains one or more deficiencies and is unawardable.

Technical Risk Rating

Methodology 1 – Separate Ratings

UPDATED RATINGS REQUIRED FOR SEPARATE OR COMBINED TECHNICAL/RISK FACTORS.	
Table 2B. Technical Risk Rating Methods	
Rating	Description
Low	Proposal contains weakness(es) which have 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	Proposal contains a significant weakness or combination of weaknesses which may 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	Proposal contains a significant weakness or combination of weaknesses which 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.
Unacceptable	Proposal contains a material failure or a combination of significant weaknesses that increases the risk of unsuccessful performance to an unacceptable level.

Technical Rating

Methodology 2 – Combined

UPDATED RATINGS		
Table 2A. Technical Rating Method		
Color	Adjectival	Description
Blue	Outstanding	Proposal indicates an exceptional approach and understanding of the requirements and contains multiple strengths , and risk of unsuccessful performance is low.
Purple	Good	Proposal indicates a thorough approach and understanding of the requirements and contains at least one strength , and risk of unsuccessful performance is low to moderate .
Green	Acceptable	Proposal meets requirements and indicates an adequate approach and understanding of the requirements, and risk of unsuccessful performance is no worse than moderate.
Yellow	Marginal	Proposal has not demonstrated an adequate approach and understanding of the requirements, and/or risk of unsuccessful performance is high.
Red	Unacceptable	Proposal does not meet requirements of the solicitation, and thus, contains one or more deficiencies, and/or risk of unsuccessful performance is unacceptable . Proposal is unawardable.

Performance Confidence Assessment Ratings

UPDATED RATINGS	
Table 5. Performance Confidence Assessments Rating	
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.
Neutral Confidence	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. The offeror may not be evaluated favorably or unfavorably on the factor of past performance.
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.

Small Business Rating Evaluation

UPDATED RATINGS		
Table 6. Small Business Rating Method		
Color Rating	Adjectival Rating	Description
Blue	Outstanding	Proposal indicates an exceptional approach and understanding of the small business objectives
Purple	Good	Proposal indicates a thorough approach and understanding of the small business objectives.
Green	Acceptable	Proposal indicates an adequate approach and understanding of the small business objectives.
Yellow	Marginal	Proposal has not demonstrated an adequate approach and understanding of the small business objectives.
Red	Unacceptable	Proposal does not meet small business objectives.

Compensation for Professional Employees (FAR 52.222-46)

Evaluation of Compensation for Professional Employees (Feb 1993)

- Recompensation of service contracts may in some cases result in lowering the compensation (salaries and fringe benefits) paid or furnished professional employees. This lowering can be detrimental in obtaining the quality of professional services needed for adequate contract performance. It is therefore in the Government's best interest that professional employees, as defined in 29 CFR 541, be properly and fairly compensated. As part of their proposals, **offerors will submit a total compensation plan setting forth salaries and fringe benefits proposed for the professional employees who will work under the contract.** The Government will evaluate the plan to assure that it reflects a sound management approach and understanding of the contract requirements. This evaluation will include an assessment of the offeror's ability to provide uninterrupted high-quality work. The professional compensation proposed will be considered in terms of its impact upon recruiting and retention, its realism, and its consistency with a total plan for compensation. **Supporting information will include data, such as recognized national and regional compensation surveys and studies of professional, public and private organizations, used in establishing the total compensation structure.**
- **The compensation levels proposed should reflect a clear understanding of work to be performed and should indicate the capability of the proposed compensation structure to obtain and keep suitably qualified personnel to meet mission objectives.** The salary rates or ranges must take into account differences in skills, the complexity of various disciplines, and professional job difficulty. Additionally, proposals envisioning compensation levels lower than those of predecessor contractors for the same work will be evaluated on the basis of maintaining program continuity, uninterrupted high-quality work, and availability of required competent professional service employees. Offerors are cautioned that lowered compensation for essentially the same professional work may indicate lack of sound management judgment and lack of understanding of the requirement.
- The Government is concerned with the quality and stability of the work force to be employed on this contract. Professional compensation that is unrealistically low or not in reasonable relationship to the various job categories, since it may impair the Contractor's ability to attract and retain competent professional service employees, may be viewed as evidence of failure to comprehend the complexity of the contract requirements.
- Failure to comply with these provisions may constitute sufficient cause to justify rejection of a proposal.