

DAR - Part 5 Source Selection Procedures

5.000	Scope of Part.....	2
Subpart 5.1 -- Source Selection..... 2		
5.100	Source Selection Objective.....	2
5.101	Responsibilities	2
Subpart 5.2 -- Different Source Selection Processes and Techniques 3		
5.200	Best Value Approach	3
5.201	Lowest Price Technically Acceptable Source Selection Process.....	4
Subpart 5.3 -- Release/Issue Solicitation and Receipt of Proposals.....4		
5.300	Preparation for Solicitation Issuance	4
5.301	Communications with Industry	5
5.302	Amending the Solicitation.....	5
5.303	Handling Proposals and Information.....	6
5.304	Submission, Modification, Revision, and Withdrawal of Proposals	7
5.305	Developing Evaluation Criteria.....	7
Subpart 5.4 -- Proposal Evaluation and Selection Procedures.....8		
5.400	Proposal Evaluation.....	8
5.401	Verbal Presentations	9
5.402	Communications with Offerors after Receipt of Proposal.....	9
5.403	Proposal Revisions and Best and Final Offers.....	11
Subpart 5.5 -- Selection and Recommendation for Award..... 11		
5.500	Source Selection Decision	11
Subpart 5.6 -- Preaward, Award, and Postaward Notifications 12		
5.600	Applicability.....	12
5.601	Notifications to Unsuccessful Offerors.....	12
5.602	Award to Successful Offeror.....	12
5.603	Debriefing of Offerors.....	12
ATTACHMENT 5.1 Source Selection Information Briefing & Debriefing Certificate		13
ATTACHMENT 5.2 Confidentiality Statement		14

Source Selection Procedures

5.000 Scope of Part

- a. This Part establishes District source selection regulation. This regulation applies to all competitive negotiated acquisitions conducted by the District contracting department above the simplified acquisition threshold (SAT) (\$100,000).
- b. This Part describes the acquisition processes available to the District to be used for formal source selections and formal contracts. Commercial purchases regardless of dollar amount can normally be purchased using the simplified procurement procedures of DAR Part 4.
- c. Construction and construction related purchases are to be purchased under the procedures of DAR Part 8.
- d. The procedures identified in this Part of the DAR are to be used when simplified procurement procedures as outlined in DAR Part 4 are not sufficient to satisfy the needs of the District.
- e. The procedures outlined in this Part are designed for non-commercially available sophisticated acquisitions.

Subpart 5.1 – Source Selection

5.100 Source Selection Objective

The objective of a source selection is to select the proposal that represents the overall *best value* to the District.

5.101 Responsibilities

- a. *Contracting Officer* shall:
 1. Manage all business aspects of the acquisition. As the business advisor, the *Contracting Officer* is the principal advisor to the Source Selection Evaluation Team (SSET) on the conduct of the source selection.
 2. Ensure that the team membership remains consistent for all discussions with offerors.
 3. Ensure all appropriate District personnel are briefed and sign the confidentiality agreement.
 4. Ensure required approvals are obtained, solicitation notifications are issued, and contract clause requirements are met before non-District personnel are allowed to provide source selection support.
 5. Make competitive range determination, if discussions are necessary.
- b. The SSET Chairperson, with the assistance of the *contracting officer*, shall:
 1. Be responsible for the proper and efficient conduct of the source selection process.
 2. Ensure personnel, resources, and time assigned to the source selection reflects the complexity of the program.
 3. Appoint members to the SSET.
 4. Ensure that all persons receiving source selection information are instructed to comply with applicable standards of conduct and sign the Source Selection Confidentiality/Non-Disclosure document.
 5. Ensure members of the SSET are knowledgeable of their responsibilities before any proposal is reviewed, including details on how the evaluation is conducted.
 6. In conjunction with the *contracting officer*, prepare the Source Selection Decision Document (SSDD).
 7. Offer a recommended source selection decision.
 8. Participate in debriefings to offerors.

- c. The SSET which consists of technical evaluators, contracting officer, and advisors shall:
 1. Conduct an in-depth review and evaluation of each proposal, and any subsequent revisions, against the evaluation criteria, and subfactors, and other solicitation requirements; and
 2. Prepare briefing information summarizing evaluation results; and
 3. Assist the SSET Chair and *Contracting Officer* in the preparation of the PAR.
- d. Advisors. Advisors may be used as necessary to assist in the source selection evaluation. Although advisors may assist in the evaluation and provide input regarding the strengths, weaknesses, risks, and deficiencies in proposals, they shall not determine ratings or rankings of offerors' proposals. For the purpose of this section, Advisors may include District employees with conflicts of interest or non-District personnel. If Advisors are used as advisors the following applies:
 1. Access to offeror proposals must be restricted to only those portions for which the advisor's expertise is required in the evaluation (e.g., software support contractor only reviews software hours proposed).
 2. The *Contracting Officer* must ensure that the necessary coordination and/or approval has been obtained.
 3. The solicitation must list these advisors who will be used in evaluating the proposals and provide notice to prospective offerors that such contractor personnel will be used and the manner in which they will be used unless offerors object to release of proposal information to such contractors. (See 5. below.)
 4. Appropriate Organizational Conflict of Interest (OCI) clauses must be included under the contract through which the advisors are provided.
 5. If any of the above conditions are not met, or competing offerors object to the release of their proposal information to these Advisors, the Offeror may withdraw their proposal or draft an additional confidentiality statement for the Advisors advisor to sign, mitigating the offeror's concerns.
- e. Dedicated personnel. All District personnel assigned as a source selection team member shall consider this duty as their primary responsibility. Their source selection assignment shall take precedence over all other work assignments. Supervisors are responsible for ensuring that other work assignments do not conflict with subordinates' source selection duties.

Subpart 5.2 – Different Source Selection Processes and Techniques

This subpart describes some of the acquisition processes and techniques that may be used to design competitive acquisition strategies suitable for specific circumstances of the acquisition.

5.200 Best Value Approach

- a. The *best value* to the District must always be considered in all purchases, regardless of the procurement procedure being used from informal quotes to formal source selections.
- b. The District can obtain *best value* in acquisitions by using any one or a combination of source selection approaches. In different types of acquisitions, the relative importance of cost or price may vary. For example, in acquisitions where the requirement is clearly definable and the risk of unsuccessful contract performance is minimal, price may play a dominant role in the source selection. The less definitive the requirement, the more development work required, or the greater the performance risk, the more technical or past performance considerations may play a dominant role in the source selection.
- c. In using the *best value* approach, the District seeks to *award* to an offeror who gives the District the greatest confidence that it will best meet our requirements at a fair and reasonable price. This may result in an *award* being made to a higher rated, higher priced offeror where the decision is consistent with the evaluation factors and the SSET reasonably determines that the technical

superiority and/or overall business approach and/or superior past performance of the higher priced offeror outweighs the price difference. The ET, using sound business judgment, bases the source selection decision on an integrated assessment of the evaluation criteria.

- d. Other Tradeoff Processes. The processes used when the *best interest* of the District *is to consider award* to other than the lowest priced offeror or other than the highest technically rated offeror.
- e. Performance Price Tradeoff (PPT) permits tradeoffs between price/cost and the past performance evaluation for technically acceptable proposals. This technique may be applied in acquisitions which include an evaluation for technical acceptability as well as negotiated acquisitions for which price and past performance are the only discriminators. In PPT, tradeoffs do not occur on the basis of technical merit, but on the basis of the comparative assessment of offerors' past performance information and price.

5.201 Lowest Price Technically Acceptable Source Selection Process

- a. The lowest price technically acceptable (LPTA) source selection process is appropriate when *best value* is expected to result from selection of the technically acceptable proposal with the lowest evaluated price.
- b. When using the lowest price technically acceptable process, the following apply:
 - 1. The evaluation factors that establish the requirements of acceptability shall be identified in the solicitation. Solicitations shall specify that *award* will be made on the basis of the lowest evaluated price of proposals meeting or exceeding the acceptability standards for non-cost factors. Past performance and vendor capabilities may be evaluation factors in lowest price technically acceptable source selections.
 - 2. Tradeoffs are not permitted.
 - 3. Proposals are evaluated for acceptability but not ranked using the non-price factors.
 - 4. Clarifying discussions may occur.
- c. When using a LPTA selection, the following procedures apply:
 - 1. The solicitation must state that *award* will be made to the LPTA offer that meets all the minimum mandatory criteria in the solicitation;
 - 2. The technical team must establish the evaluation factors prior to release of the solicitation. The evaluation factors should contain sufficient detail to justify a determination of minimum acceptability for each factor;
 - 3. The technical team shall document the evaluations in sufficient detail to explain each pass/fail decision.
 - 4. Past performance capability may be evaluated.
- d. The *contracting officer* shall make the *award* decision and ensure all aspects of the *award* decision are documented.

Subpart 5.3 – Release/Issue a Solicitation and Receipt of Proposals

This subpart describes policies and procedures for (a) Exchanging information with industry prior to receipt of proposals;(b) Preparing and issuing requests for proposals (RFPs) and requests for information (RFIs); and (c) Receiving proposals and information.

5.300 Preparation and Solicitation Issuance

- a. The *Contracting Officer* shall issue solicitations to potential sources.
- b. Electronic means for notifying potential sources and electronic posting on District homepage is the preferred method.
- c. Solicitations for full and open competition estimated to exceed \$50,000 will be posted on RMEPS or justified by the Contract Officer why not.

5.301 Communications with Industry

- a. Communications Before Issuance of a Solicitation
 1. Early industry involvement and openness are the cornerstones of the District's enhanced cooperative relationship with industry. Timely release of information to industry is essential to maximize the value of their inputs to the planning, requirements generation, and acquisition processes. The District's obligation is to ensure fair treatment and opportunities for all offerors.
 2. Communications of information is encouraged among all interested parties, from the earliest identification of a requirement through the point when the requirement is brought to the Procurement Department for acquisition processing. After this point in time all communication must be coordinated through the Contracting Officer.

5.302 Amending the Solicitation

- a. When, either before or after receipt of proposals, the District changes its requirements or terms and conditions, the *contracting officer* shall amend the solicitation.
- b. Amendments issued before the established time and date for receipt of proposals shall be issued to all known parties who have received the solicitation and/or posted on *BidNet*.
- c. Amendments issued after the established time and date for receipt of proposals shall be issued to all offerors that have not been eliminated from the competition.
- d. If a proposal of interest to the District involves a departure from the stated requirements, the *Contracting officer* shall amend the solicitation, provided this can be done without revealing to the other offerors the alternate solution proposed or any other information that is entitled to protection.
- e. If, in the judgment of the *contracting officer*, based on market research or otherwise, an amendment proposed for issuance after offers have been received is so substantial as to exceed what prospective offerors reasonably could have anticipated, so that additional sources likely would have submitted offers had the substance of the amendment been known to them, the *contracting officer* shall cancel the original solicitation and issue a new one, regardless of the stage of the acquisition.
- f. Verbal notices may be used when time is of the essence. The *contracting officer* shall document the contract file and formalize the notice with an amendment.
- g. At a minimum, the following information should be included in each amendment:
 1. Name and address of issuing activity.
 2. Solicitation number and date.
 3. Amendment number and date.
 4. Number of pages.
 5. Description of the change being made including the reference page and paragraph of original solicitation.
 6. District's point of contact and phone number (and electronic or facsimile address, if appropriate).
 7. Revision to solicitation closing date, if applicable.

5.303 Handling Proposals and Information

- a. To maintain the effectiveness and integrity of the source selection process, information related to the source selection and offeror proposal information must be handled with the utmost discretion to avoid any compromise. The *contracting officer* controls disclosure of information generated as part of the evaluation of a proposal with the offeror during exchanges and the debriefing process. After *award*, the *contracting officer* has full authority to approve access to or release of source selection information.

- b. Upon receipt at the location specified in the solicitation, proposals and information received in response to a request for proposal (RFP) shall be marked with the date and time of receipt.
- c. Proposals shall be safeguarded from unauthorized disclosure throughout the source selection process. Information received in response to an RFP shall be safeguarded adequately from unauthorized disclosure.
- d. If any portion of a proposal received by the *contracting officer* electronically or by facsimile is unreadable, the *contracting officer* immediately shall notify the offeror and permit the offeror to resubmit the unreadable portion of the proposal. The method and time for resubmission shall be prescribed by the *contracting officer* after consultation with the offeror, and documented in the file. The resubmission shall be considered as if it were received at the date and time of the original unreadable submission for the purpose of determining timeliness, provided the offeror complies with the time and format requirements for resubmission prescribed by the *contracting officer*.

5.304 Submission, Modification, Revision, and Withdrawal of Proposals

- a. Offerors are responsible for submitting proposals, and any revisions, and modifications, or withdrawals, so as to reach the District office designated in the solicitation by the time specified in the solicitation. Offerors may use any transmission method authorized by the solicitation (i.e., regular mail, electronic commerce, or facsimile). If no time is specified in the solicitation, the time for receipt is 3:30 p.m., local time, for the designated office on the date that proposals are due.
- b. Any proposal, modification, revision, or withdrawal that is received at the designated office after the exact time specified for receipt of proposals is "late" and will not be considered. However, the Contracting Officer may determine a late submission will be acceptable if the following:
 - 1. The late proposal would not unduly delay the acquisition, and;
 - 2. If it was transmitted through an electronic commerce method authorized by the solicitation, it was received at the initial point of entry to the District infrastructure not later than 5:00p.m. one working day prior to the date specified for receipt of proposals; or
 - 3. There is acceptable evidence to establish that it was received at the District installation designated for receipt of proposals and was under the District's control prior to the time set for receipt of proposals; or
 - 4. It was the only proposal received.

However, a late modification of an otherwise successful proposal, that makes its terms more favorable to the District, will be considered at any time it is received and may be accepted.

- c. Acceptable evidence to establish the time of receipt at the District installation includes the time/date stamp of that installation on the proposal wrapper, other documentary evidence of receipt maintained by the installation, or verbal testimony or statements of District personnel.
- d. Proposals may be withdrawn by written notice at any time before *award*. One copy of withdrawn proposals should be retained in the contract file. Extra copies of the withdrawn proposals may be destroyed or returned to the offeror at the offeror's request. Extremely bulky proposals must only be returned at the offeror's request and expense.
- e. The *contracting officer* must promptly notify any offeror if its proposal, modification, or revision was received late, and must inform the offeror whether its proposal will be considered.
- f. Late proposals and modifications that are not considered must be held unopened, unless opened for identification, until after *award* and then retained with other unsuccessful proposals.
- g. If available, the following must be included in the contracting office files for each late proposal, modification, revision, or withdrawal:
 - 1. The date and hour of receipt.

2. A statement regarding whether the proposal was considered for *award*, with supporting rationale.
3. The envelope, wrapper, or other evidence of date of receipt.

5.305 Developing Evaluation Criteria

Evaluation criteria are the basis for assessing each offeror's ability to meet the District's needs. The *award* decision is based on evaluation criteria that is tailored to the acquisition. Source selections shall use the following three evaluation criteria: price, past performance, and capability of meeting the requirements specified in the solicitation.

- a. Evaluation criteria must –
 1. Represent the key areas of importance and emphasis to be considered in the source selection decision; and
 2. Support meaningful comparison and discrimination between and among competing proposals.
 3. Be quantitative, qualitative, or a combination of both
- b. The evaluation criteria that apply to an acquisition and their relative importance must be stated. At a minimum the following evaluation criteria must be stated in a solicitation.
 1. Price shall be evaluated in every source selection. Price will be assessed regarding affordability, fairness, and reasonableness of the price offered.
 2. The quality of the product or service shall be addressed in every source selection through consideration of one or more non-cost evaluation criteria such as past performance, compliance with solicitation requirements, technical approach, management capability, personnel qualifications, and prior experience.
 3. Past performance shall be evaluated in all source selections for negotiated competitive acquisitions.

Subpart 5.4 – Proposal Evaluation and Selection Procedures

5.400 Proposal Evaluation

- a. Proposal evaluation is an assessment of the proposal and the offeror's ability to perform the prospective contract successfully. The District shall evaluate *competitive proposals* and then assess their relative qualities solely on the criteria specified in *the solicitation*. Evaluations may be conducted using any rating method as determined by the Contracting Officer. The relative strengths, deficiencies, and weaknesses supporting proposal evaluation shall be documented in the contract file.

- b. Evaluation criteria are described as follows:

Pricing data means all facts that, prudent buyers and sellers would reasonably expect to affect price negotiations significantly. Pricing data is more than historical accounting data; it is all the facts that can be reasonably expected to contribute to the soundness of estimates of future costs and to the validity of determinations of costs already incurred. It also includes such factors as: vendor quotations; nonrecurring costs; price realism means that the prices in an offeror's proposal are realistic for the work to be performed; reflects clear understanding of the requirements; and are consistent with the various elements of the offeror's technical proposal. Price, means cost plus any fee or profit applicable to the contract type. Subcontract, as used in this subpart, also includes a transfer of commercial items between divisions, subsidiaries, or affiliates of a contractor or a subcontractor.

- a. Unbalanced pricing

Unbalanced pricing may increase performance risk and could result in payment of

unreasonably high prices. Unbalanced pricing exists when, despite an acceptable total evaluated price, the price of one or more contract line items is significantly over or understated as indicated by the application of cost or price analysis techniques. The greatest risks associated with unbalanced pricing occur when --

- (i) Startup work, mobilization, first labor hours and their rates initial purchase of a product or service and it's annual maintenance.
 - (ii) Base quantities and option quantities are separate line items; or
- b. Price evaluation. Normally, competition establishes price reasonableness. Comparison of the proposed prices will usually satisfy the requirement to perform a price analysis. A realism analysis may also be used. Price realism is what one may expect to pay for the proposed effort based on the Offeror's proposed approach of meeting the requirements of the solicitation as it compares to the market analysis. The *contracting officer* shall document the process used in the price evaluation.
 - c. Past Performance Evaluation. Past performance may be established as the most important evaluation factor. Past performance evaluation is accomplished through reviews of the Offeror's references to assess performance risk. The risk assessment is identified through review of the Offeror's recent, current and relevant contract performance. The confidence assessment is established through an integrated analysis of the risks and strengths identified.
 1. The main purpose of the past performance evaluation is to appropriately consider each offeror's demonstrated record of contract compliance in supplying products and services that meet users' needs including cost and schedule.
 2. The recency and relevancy of the past performance information is critical in determining what contracts/programs should be evaluated and should be individually tailored for each acquisition. Current performance will have greater impact in the performance confidence assessment than less recent performance. In determining relevancy, consideration should be given but not limited to such things as product similarity, product complexity contract environment and subcontractor interaction. Early identification and use of past performance information to enable the evaluators to focus on this measure of the performance confidence assessment is critical. Offerors should be informed of the information used to assess past performance and be given the opportunity to recommend other information, if appropriate, that will provide recent relevant information.
 3. Technical Evaluation. The technical evaluation shall be based on Offeror's capabilities to meet requirements identified in the solicitation. Technical capability ratings focus on the strengths and proposal inadequacies of the offeror's proposal. Note that if an offeror's proposal demonstrates a material failure to meet a District requirement, this is a deficiency in the offeror's proposal. Additionally, the proposed types and quantities of materials, labor, processes, special tooling, facilities, the reasonableness of scrap and spoilage, and other associated factors set forth in the proposal(s) in order to determine the reasonableness of the proposed resources.

5.401 Verbal Presentations

- a. Presentations by offerors as requested by the District may substitute for, or augment, written information. Use of presentations as a substitute for portions of a proposal can be effective in streamlining the source selection process. Presentations may occur at any time in the acquisition process, and are subject to the same restrictions as written information, regarding timing and content . Verbal presentations provide an opportunity for dialogue among the parties. Pre-recorded videotaped presentations that lack real-time interactive dialogue are not considered verbal presentations for the purposes of this section, although they may be included in offeror submissions, when appropriate.

- b. The solicitation may require each offeror to submit part of its proposal through verbal presentations. However, certifications, representations, and a signed offer sheet (including any exceptions to the District's terms and conditions) shall be submitted in writing.
- c. Information pertaining to areas such as an offeror's capability, past performance, work plans or approaches, staffing resources, transition plans, or sample tasks (or other types of tests) may be suitable for verbal presentations.
- d. When verbal presentations are required, the *Contracting Officer* shall provide offerors with sufficient information to prepare them.
- e. The *contracting officer* shall maintain a record of verbal presentations to document what the District relied upon in making the source selection decision.
- f. When a verbal presentation includes information that the parties intend to include in the contract as material terms or conditions, the information shall be put in writing. Incorporation by reference of verbal statements is not permitted.

5.402 Communications with Offerors After Receipt of Proposals

- a. Clarifications and *award* without discussions.
 - 1. Clarifications are limited exchanges, between the District and offerors that may occur when *award* without discussions is contemplated.
 - 2. If *award* will be made without conducting discussions, offerors may be given the opportunity to clarify certain aspects of proposals (e.g., the relevance of an offeror's past performance information and adverse past performance information to which the offeror has not previously had an opportunity to respond) or to resolve minor or clerical errors.
 - 3. *Award* may be made without discussions if the solicitation states that the District intends to evaluate proposals and make *award* without discussions.
- b. Communications with offerors before establishment of the competitive range. Communications are exchanges, between the District and offerors, after receipt of proposals, leading to establishment of the competitive range. If a competitive range is to be established, these communications shall be limited to:
 - 1. Offerors whose past performance information is the determining factor preventing them from being placed within the competitive range.
 - 2. Enhance District understanding of proposals; allow reasonable interpretation of the proposal; or facilitate the District's evaluation process. Such communications shall not be used to cure proposal deficiencies or material omissions, materially alter the technical or cost elements of the proposal, and/or otherwise revise the proposal. Such communications may be considered in rating proposals for the purpose of establishing the competitive range;
 - 3. The purpose of addressing issues that must be explored to determine whether a proposal should be placed in the competitive range. Such communications shall not provide an opportunity for the offeror to revise its proposal, but may address --
 - a) Ambiguities in the proposal or other concerns (e.g., perceived deficiencies, weaknesses, errors, omissions, or mistakes; and
 - b) Information relating to relevant past performance; and
 - 4. Shall address adverse past performance information to which the offeror has not previously had had an opportunity to comment.
- c. Competitive range.
 - 1. The evaluation team shall evaluate all proposals, and, if discussions are to be conducted, establish the competitive range. Based on the ratings of each proposal against all evaluation criteria, the *contracting officer* shall establish a competitive range comprised of all of the most highly rated proposals.
 - 2. Offerors excluded or otherwise eliminated from the competitive range may request a

debriefing within 10 business days after contract *award* notification.

- d. Negotiations with offerors after establishment of the competitive range. Negotiations may include persuasion, alteration of assumptions and positions, give-and-take, and may apply to price, schedule, technical requirements, type of contract, or other terms of a proposed contract. When negotiations are conducted in a competitive acquisition, they take place after establishment of the competitive range and are called discussions.
 1. Discussions are tailored to each offeror's proposal, and shall be conducted by the contracting officer with each offeror within the competitive range.
 2. The primary objective of discussions is to maximize the District's ability to obtain best value, based on the requirement and the evaluation factors set forth in the solicitation.
 3. The *Contracting Officer* shall discuss with each offeror being considered for *award*, weaknesses, deficiencies, and other aspects of its proposal (such as cost, price, technical approach, past performance, and terms and conditions) that could, in the opinion of the *contracting officer*, be altered or explained to enhance materially the proposal's potential for *award*. In discussing other aspects of the proposal, the District may suggest to offerors that have exceeded any mandatory minimums (in ways that are not integral to the design), that their proposals would be more competitive if the excesses were removed and the offered price decreased.
- e. Limits on communication. District personnel involved in the acquisition shall not engage in conduct that:
 1. Favors one offeror over another;
 2. Reveals an offeror's technical solution, including unique technology, innovative and unique uses of commercial items, or any information that would compromise an offeror's intellectual property to another offeror;
 3. Reveals an offerors price without that offeror's permission. However, the *contracting officer* may inform an offeror that its price is considered by the District to be too high, or too low, and reveal the results of the analysis supporting that conclusion. It is also permissible, at the District's discretion, to indicate to all offerors the cost or price that the District's price analysis, market research, and other reviews have identified;
 4. Reveals the names of individuals providing reference information about an offeror's past performance; or
 5. Knowingly furnishes/discloses source selection information.
- f. All communication with offerors after receipt of proposals shall clearly identify the types of exchanges, i.e., clarifications, or discussions.

5.403 Proposal Revisions and Best and Final Offers

The *contracting officer* may request or allow proposal revisions to clarify and document understandings reached during negotiations. At the conclusion of discussions, each offeror shall be given an opportunity to submit a final proposal revision.

Subpart 5.5 -- Selection and Recommendation for Award

5.500 Source Selection Decision

A Source Selection Decision Document (SSDD) shall be prepared for all District source selections and must reflect the evaluation team's assessment and decision. The SSDD must be the single summary document supporting selection of the *best value* proposal consistent with the stated evaluation criteria. The SSDD clearly explains the decision and documents the reasoning used to

reach a decision. The SSDD is fully releasable to the Colorado District Courts and others authorized to receive proprietary and source selection information. When releasing a copy of the SSDD to offerors or to anyone not authorized to receive proprietary and source selection information, redacted material should be limited to that which is proprietary and that which must 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.

SUBPART 5.6 – Preaward, Award, and Postaward Notifications

5.600 Applicability

This subpart applies to *competitive proposals*.

5.601 Notifications to Unsuccessful Offerors

- a. Preaward notices. Preaward notices will be given when an unsuccessful offeror is excluded from the competitive range or further evaluation. The *contracting officer* shall:
 1. Notify offerors promptly in writing when their proposals are excluded from the competitive range or otherwise eliminated from the competition. The notice shall state the basis for the determination and that a proposal revision will not be considered.
 2. Offerors can request a debrief with 5 days after receiving this notification. A debrief will be conducted after *award* notification.
- b. Postaward notices. The *contracting officer* shall provide written notification to each offeror whose proposal was in the competitive range but was not selected for *award* or had not been previously notified under paragraph (a) of this section. The notice shall include:
 1. The number of proposals received;
 2. In general terms, the reason(s) the offeror's proposal was not accepted. In no event shall an offeror's price breakdown, profit, overhead rates, trade secrets, manufacturing processes and techniques, or other confidential business information be disclosed to any other offeror.

5.602 Award to Successful Offeror

The *contracting officer* shall *award* a contract to the successful offeror by furnishing the executed contract or other notice of the *award* to that offeror. A debrief is available upon request.

5.603 Debriefing of Offerors

Offerors excluded from the competitive range or otherwise excluded from the competition may request a debriefing after *award*.

- a. If the offeror does not submit a timely request, debrief may not be conducted. The *contracting officer* shall make every effort to debrief the unsuccessful offeror as soon as practicable, but may refuse the request for a debriefing if, for compelling reasons, it is not in the best interests of the District to conduct a debriefing at that time.
- b. Debriefings may be done verbally or in writing, as deemed acceptable by the contracting officer.
- c. The *contracting officer* should normally chair any debriefing session held. Individuals who conducted the evaluations should provide support.
- d. At a minimum, debriefings shall include:
 1. The evaluation summary of the offeror's proposal as well as;
 2. A summary of the rationale for eliminating the offeror from the competition.

- e. Debriefings shall –be limited to the comparison of the selected offeror and the vendor requesting debrief.
- f. At a minimum, the debriefing information shall include --
 - 1. The District's evaluation of the significant weaknesses or deficiencies in the offeror's proposal, if applicable;
 - 2. The overall evaluated price, and technical rating, if applicable, of the successful offeror and the debriefed offeror, and past performance information on the debriefed offeror;
- g. 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. Including:
 - 1. Trade secrets;
 - 2. Privileged or confidential manufacturing processes and techniques;
 - 3. Commercial and financial information that is privileged or confidential, including cost breakdowns, profit, indirect cost rates, and similar information; and
 - 4. The names of individuals providing reference information about an offeror's past performance.

ATTACHMENT 5.1 Source Selection Information Briefing & Debriefing Certificates

Source Selection Information Briefing Certificate

Name: _____ Job Title: _____

Organization: _____ Source Selection: _____ Date: _____

Briefing Acknowledgment (To be signed prior to receipt of any Source Selection Information)

1. I acknowledge I have been assigned to the source selection indicated above. 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. See CRS Title 24, Article 18, Part 1.

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 State of Colorado, unless specifically authorized in writing in each and every case by a duly authorized representative of the CSSD11. 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. I will immediately report any violations or possible violations of these provisions, applicable laws, Board policy, or administrative regulations, regardless of the perpetrator, to the Source Selection Authority or the CSSD11 Superintendent.

SIGNATURE: _____ **DATE:** _____

Debriefing Certificate (To be signed after completion of the source selection and award of contract)

I have been debriefed orally by _____ as to my obligation to protect all information to which I have 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 Contracting Officer. 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 CSSD11.

SIGNATURE: _____ **DATE:** _____

ATTACHMENT 5.2 Conflict of Interest and Confidentiality Statement
Colorado Springs School District 11
Procurement & Contracting Department

Conflict of Interest and Confidentiality Statement

I, the undersigned, as an employee of Colorado Springs School District 11, in reference to solicitation number _____, for the purpose of selecting to best value vendor for the _____ hereby certify that I subscribe to and will act in accordance with the Colorado Code of Ethics (CRS 24-18-104), Competition Rules, the District Acquisition Regulation.

1. I have no personal or financial interest in any of the vendors proposing under this solicitation for a contract with the District.
2. I do not work for in any capacity, nor have I ever worked for or represented any of the vendors competing in this solicitation.
3. I have not received nor will I accept any gifts of any value from any of the vendors competing in this solicitation.
4. I will not participate in personal meetings, lunch, entertainment, or any other direct contact with any of the vendors competing in this solicitation during the competition process.
5. I have a professional responsibility to ensure the results of the District's evaluation can be legally supported and defensible.
6. I will not discuss this specific project or the source selection strategy with anyone who has not also signed a Conflict of Interest and Confidentiality Statement for this acquisition.
7. I further attest that I understand the rules set forth herein and will perform without outside influence or prejudices.
8. I will keep all proceedings, discussions and notes of this effort confidential.
9. I will notify the Contracting Officer (_____) if I become aware of any Conflict of Interest or Confidentiality breach by other members of this Source Selection Team.

Source Selection Team Member:

Print Name: _____

Phone: _____

Title: _____

Dept: _____

Signature: _____

Date: _____