



Air Force Materiel Command (AFMC)

Guiding Principles

For

Fair Opportunity Selection Under

Federal Acquisition Regulation (FAR) 16.505(b)(1)

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Fair Opportunity Selection – FAR 16.505(b)(1)

1.0 Description.

Multiple Award Indefinite Delivery/Indefinite Quantity (MAC IDIQ) contracts are appropriate for use when the Government has a known requirement but the exact timing or occurrence of the requirement can't be identified. These contracts are awarded to multiple awardees using FAR 15.3 source selection procedures, with the intent to conduct fair opportunity task/delivery order competitions among the awardees in accordance with FAR 16.505(b)(1). Task Orders (TO) are established for services, while Delivery Orders (DO) procure supplies. The Government can conduct fair opportunity competitions against a MAC IDIQ as long as the requirement is within scope of the IDIQ and cumulative value of all orders doesn't exceed the maximum value of the MAC IDIQ.

FAR 16.505(b)(1) allows flexibility in conducting fair opportunity competitions where it states:

*[T]he contracting officer may exercise **broad discretion in developing appropriate order placement procedures**...contracting officers may use streamlined procedures, including oral presentations...the competition requirements in Part 6 and the policies in Subpart 15.3 do not apply to the ordering process.*

This language creates an environment where the Contracting Officer (CO) can significantly reduce procurement lead time by developing simplified and streamlined ordering processes to compete orders amongst the pre-selected qualified MAC IDIQ contract holders. The CO documents the chosen fair opportunity competition processes within the MAC IDIQ Ordering Procedures, and includes the ordering procedures within the basic MAC IDIQ contract. The subsequent fair opportunity solicitations, called the Fair Opportunity Proposal Requests (FOPRs), may also contain a description or clarification of the competitive processes that will be followed to compete a given order.

Many acquisition teams do not capitalize on the flexibility and potential time savings associated with the less formal FAR 16.505 competition strategies because the FAR and its supplements do not contain more specific guidance or information on how COs can utilize their "broad discretion." As a result, the advantages available through competing an action under a MAC IDIQ are underutilized as many teams spend valuable time, money and resources using formal FAR 15.3 source selection procedures because there is so much regulation, training and sample documentation available. Simply put, the current acquisition community is extremely conversant with FAR 15.3 source selection procedures, so teams revert to using formal FAR 15.3 competition procedures rather than exploring and utilizing the streamlining opportunities afforded by FAR 16.505.

AFMC developed these guiding principles to provide acquisition teams more information on:

- Understanding the difference between FAR 16.5 fair opportunity competitions compared to the FAR 15.3 source selection process;

- Possible FAR 16.505(b)(1) fair opportunity competition ordering strategies for team consideration as they employ the CO's "broad discretion" to develop appropriate ordering procedures for their situation.

This Guiding Principles document is organized as follows:

- A quick look comparison of FAR 15.3 source selection against FAR 16.5 ordering procedures (ref para 2.0);
- A tailorable FAR 16.5 fair opportunity Work Breakdown Structure (WBS)/Schedule tool reflecting a baseline process workflow describing the fair opportunity process from requirement identification to order award for actions SAT ≤ \$1B (ref para 3.1). It does not replace or supersede any existing laws, regulations, directives, policies, or instructions. It is not meant to be a one-process fits all. It is an example for acquisition teams to consider as they identify the competitive ordering strategies appropriate for their acquisition. This process is meant as a starting point to guide teams, who are encouraged to tailor the baseline process workflow to support their acquisition. The tailorable Excel file is included within Template I. This tool will assist acquisition teams in identifying activities required for each particular acquisition and establish durations based on the circumstances of each acquisition. The activities listed may or may not be required so teams should modify activities to fit their acquisition. Additionally, the template allows teams to delete unnecessary steps and/or further break down activities into smaller tasks for scheduling and tracking;
- Appendices that describe various methodologies acquisition teams may employ when conducting fair opportunity competitions. These appendices describe how to utilize the strategies and identify key team considerations when selecting strategies appropriate for their competition;
- Establishes new lexicon (See Appendix J) distinguishing FAR 16.5 from FAR 15.3. This FAR 16.5 lexicon is important because it will:
 - o Establish a FAR 16.5 "mindset" for all Government and industry stakeholders involved in TO/DO competitions under a MAC IDIQ contract. Use of a unique FAR 16.505 lexicon will facilitate a common understanding and proficiency in competing orders in the less formal and more flexible environment afforded by a FAR 16.505 fair opportunity competition;
 - o Help differentiate the competitive ordering process of FAR 16.5 from the FAR 15.3 source selection process. For example, under FAR 15.3 and related Air Force guidance, the use of discussions requires establishing a competitive range, holding discussions with all Offerors in the competitive range and (as applicable) conducting contract clearance prior to requesting Final Proposal Revisions (FPRs). However, when following the procedures within these guiding principles and invoking Interchanges, a competitive range does not have to be established and contract clearance to request FPRs may not have to be conducted. In addition Interchanges with offerors are not subject to the FAR 15.3 rules, but should be conducted to afford all offerors a fair opportunity for consideration. The Government Accountability Office (GAO) has clarified "when exchanges with the agency occur in task order competitions, they must be fair and not misleading." *AT&T Corp.*, B-414886,

Oct. 5, 2017, 2017 CPD ¶ 330. Further, “[w]hen holding discussions, procuring agencies are not permitted to engage in conduct that favors one offeror over another.” *Id.*

- Help identify to Offerors that the Government is conducting the acquisition in accordance with (IAW) FAR 16.5 and not FAR 15.3. This is key as case law has enforced FAR 15.3 source selection rules when acquisitions rely heavily on FAR 15.3 procedures and terminology even if the acquisition states it will be conducted under FAR 16.5. It is not wrong to use FAR 15.3 procedures for ordering; and indeed the procedures may support an award determination when undertaking complex acquisitions under an IDIQ, but if they are used, those FAR 15.3 procedures must be followed as outlined in FAR 15.3, as the GAO will apply them if a protest is filed. Although acquisition teams may use FAR 15.3 procedures for order selection and award, they should consider if these procedures are necessary, given complexity of the acquisition, since employing FAR 15.3 may introduce additional steps, and thus time, to the acquisition.
- Tailorable FAR 16.505 templates.

MAC IDIQ contracts must describe the fair opportunity competition processes that will be utilized to compete and award orders against them (FAR 16.504(a)(4)(iv)). This is accomplished with the ordering procedures which are included in the basic MAC IDIQ. In some cases, these are written very broadly, using terminology along the lines of “Orders placed under this MAC IDIQ will be competitively awarded using FAR 16.505(b)(1) fair opportunity processes.” In those cases, the specific ordering process procedures are contained in the FOPR allowing teams maximum flexibility to select ordering processes appropriate for each individual order. When this is the approach utilized, the cognizant Fair Opportunity Decision Authority (FODA) and Clearance Approval Authority (CAA) will review the proposed fair opportunity processes via Acquisition Plan/Acquisition Strategy Panels and business/contract clearance reviews for each order, as applicable.

When the MAC IDIQ ordering procedures are very detailed, covering all aspects of the ordering process, the teams may not need to accomplish the acquisition strategy reviews/documentation and business clearance with each order being competed.

When the Government desires to alter the competitive strategies utilized on a MAC IDIQ, it must first consider the content of the basic MAC IDIQ. How specific is the language of the MAC IDIQ ordering procedures? If the ordering procedures are written very broadly, the team will have to ensure that individual FOPRs are very clear and unambiguous about which fair opportunity competition strategies will be employed for that individual order competition. It is also advisable to notify MAC IDIQ contractors about the strategies employed as soon as possible, in any format deemed appropriate by the team (e.g. Industry Days, draft FOPR issuance, contracting officer letters/emails). If the MAC IDIQ ordering procedures are written very specifically, they would need to be changed and incorporated into the basic MAC IDIQ via a bilateral modification.

It is important to note that while FAR 16.5 grants COs discretion to streamline the ordering process, some of the guiding principles on streamlining opportunities may come with risk. Procuring activities should consider both the risk and the opportunities, available in making FAR 16.5 acquisition decisions. The key will be to plan a purchase that will provide a fair opportunity to all Offerors, clearly identify the fair opportunity procedures that will be utilized, either in the MAC IDIQ and/or the FOPR, document the decision making process and demonstrate in the documentation how each Offeror received a fair opportunity for consideration while engaging with program counsel throughout the process. Finally, the importance of conducting the evaluation in accordance with the stated fair opportunity procedures and documenting the rationale for the award decision cannot be over emphasized.

2.0 FAR 15.3 to FAR 16.5 Comparison

This chart provides a comparison of the differences between FAR 15.3 source selection procedures and FAR 16.5 fair opportunity competition procedures. This chart only touches on areas where there are differences, it does not address every acquisition process area. For example, legal review is required over given thresholds regardless if it is a FAR 15.3 or FAR 16.5 acquisition. Just because something is not covered in this comparison chart does not automatically imply it is not needed.

EZ Source	FAR 15.3	Mandated Source Selection Tool for competitive acquisition >\$100M
	FAR 16.5	Not required to use EZ Source
	Notes	In general, utilize automation where ever possible to streamline and expedite acquisition documentation and correspondence. Encourage electronic submission and update of cost proposals. Use macros to the greatest extent practicable to automate duplicative/manual data-entry Government processes/analysis. However, use of EZ Source for FAR 16.5 acquisitions can add complexity.
Decision Authority	FAR 15.3	Source Selection Authorities identified in FAR 15.303, AFFARS MP 15.3, para 1.4.1.1.
	FAR 16.5	The CO is the FODA for all fair opportunity order competitions unless another FODA is determined on a case-by-case basis based on program or order specifics.
	Notes	FAR 16.505(b)(1)(ii) states the policies in FAR 15.3 do not apply to the ordering process. If the FODA is not the CO, the acquisition cycle could increase significantly.
Protests	FAR 15.3	All actions regardless of dollar value can be protested IAW procedures at FAR 33
	FAR 16.5	Per FAR 16.505(a)(10), NO protest under subpart 33.1 is authorized in connection with the issuance or proposed issuance of an order, except for: 1) Protest only possible if the order increases the scope, period or max value of the Indefinite Delivery/Indefinite Quantity (IDIQ) contract or value in excess of \$25M 2) Protests of orders <u>may only be</u> filed with the Government Accountability Office (GAO) IAW procedures at FAR 33.104 (this eliminates possibility of agency protests and protests to the United States Court of Federal Claims)
Ordering Procedures	FAR 15.3	N/A
	FAR 16.5	Yes, as applicable and implemented via each individual IDIQ IAW FAR 16.504(a)(4)(iv)

	Notes	FAR 16.505(a)(6) states that orders may be placed by using any medium specified in the contract. FAR 16.505(b)(1)(ii) states "the contracting officer may exercise broad discretion in developing appropriate ordering procedures...and should tailor the procedures to each acquisition". Ordering procedures established within a MAC IDIQ describe the competition procedures/templates that will be used to compete orders. Ideally, detailed ordering procedures are drafted and included as part of the MAC IDIQ basic contract solicitation and award. When the ordering procedures contain sufficient detail, the need for some acquisition documentation for TO/DO competitions may be eliminated (e.g. AFFARS 5307.104-92(b)(2)(a) states that TO/DOs issued in accordance with the terms of the basic contract (except for non-DoD orders \geq \$10M) do not require an Acquisition Plan (AP) or a Streamlined Acquisition Strategy Summary (SASS)).
	Additional Details At:	Template A: Ordering Procedures
Requirement	FAR 15.3	Requirement must be developed IAW FAR 11 and clearly identified to potential Offerors.
	FAR 16.5	IAW FAR 16.505(a)(2), orders shall clearly describe all services to be performed or supplies to be delivered so the full cost or price for the performance can be established. Orders shall be within the scope, period of performance and maximum value of the MAC IDIQ. IAW FAR 16.505(a)(3), performance-based acquisition methods must be used to the maximum extent practicable, if the requirement is for services (see FAR 37.102(a) and FAR 37.6).
	Notes	1. Communicate requirements to potential Offerors via the FOPR, draft FORP, Industry Days, etc. 2. See FAR 16.505(a)(4) and its supplements when procuring items peculiar to one manufacturer via a Fair Opportunity Exception (FOE)
	Case Law	AllWorld Language Consultants, Inc, B-411481.3, Jan 6, 2016: an order cannot be awarded outside of the ordering period of the basic IDIQ contract, and the government cannot exercise an option on an order after the underlying IDIQ period of performance (as defined in FAR 52.216-22) expires.
Acquisition Plan	FAR 15.3	Actions above the Simplified Acquisition Threshold (SAT) to less than \$10M require a Streamlined Acquisition Strategy Summary (SASS). Actions equal to or greater than \$10M require an acquisition plan. See AFFARS 5307.104-92(b)(2) for exceptions.
	FAR 16.5	1) Orders placed under an IDIQ awarded by another agency (i.e., a Governmentwide acquisition contract, or multi-agency contract) are not exempt from the development of acquisition plans (see Subpart 7.1) IAW FAR 16.505(a)(8). 2) Acquisition plans are required for all orders except TO/DOs issued in accordance with the terms of the basic contract (except non-DoD orders > \$10M) IAW AFFARS 5307.104-92(b)(2)(a).
	Notes	Best Practice: Acquisition plans may be written on a systems basis (see FAR 7.103(g)). Formal acquisition planning may not be required at the order level if conducted at the systems level.
Multi-Functional Independent Review Teams (MIRT)	FAR 15.3	IAW AF PGI 5301.9001(b), The use of multi-functional independent review teams (MIRT) is considered a best practice for high dollar value or complex competitive acquisitions.
	FAR 16.5	IAW AF PGI 5301.9001(b), The use of multi-functional independent review teams (MIRT) is considered a best practice for high dollar value or complex competitive acquisitions.
	Notes	1) Best Practice: Establish a "standing MIRT membership" for MAC IDIQ order competitions that will be utilizing MIRTs -- this will establish a standing team of subject matter experts who are familiar with the MAC IDIQ, thus expediting MIRT reviews and serving as standing advisors for overall MAC IDIQ contract administration questions.
FedBizOps Synopsis	FAR 15.3	Publicizing of contract actions required IAW FAR 5.2.
	FAR 16.5	In general, not required per FAR 16.505(a)(1)
	Notes	See FAR 16.505(a)(4), 16.505(a)(11) and 16.505(b)(2)(ii)(D) for situations requiring posting.

Draft Solicitation (DRFP)	FAR 15.3	Highly recommended per the DoD Source Selection Procedures, paragraph 2.4.
	FAR 16.5	Not required.
	Notes	If there is uncertainty about any requirement, coordinating the requirement(s) with industry is a good practice. This will help ensure a "fair opportunity." In addition, it will improve the quality of proposals, thereby reducing evaluation timeline. A Draft FOPR could also be used in conjunction with an industry day or preproposal conference.
Solicitation	FAR 15.3	Requires a Request for Proposals (RFP) with mandatory use of rating definitions established in DoD Source Selection Procedures (Sections L & M)
	FAR 16.5	Requires a FOPR. However, tailored evaluation ratings/descriptions for inclusion within the instructions to Offerors and evaluation criteria may be created.
	Notes	FAR 16.505(b)(1)(ii) states "The CO should keep submission requirements to a minimum. COs may use streamlined procedures, including oral presentations. Include the procedures in the solicitation and in the contract and consider price or cost under each order as one of the factors in the selection decision." Best Practice: Be clear and explicit that you are not using FAR 15.3 & DoD Source Selection Procedures; use the FAR 16.5 lexicon, not the FAR 15.3 terminology.
	Additional Details At:	Appendix B: Evaluation Criteria; Appendix D: Page Limitations; Template C: FOPR
	Case Law	Matter of: Bay Area Travel, Inc.; Cruise Ventures, Inc.; Tzell-AirTrak Travel Group, Inc., (B-400442; B-400442.2; B-400442.3; B-400547; B-400547.2; B-400547.3; B-400564; B-400564.2; B-400564.3), 5 Nov 08. "GAO will review the issuance of task and delivery order...to ensure that the evaluation is in accord with the solicitation and applicable procurement laws and regulations." General Dynamics Information Technology, Inc., (B-414387.2), 30 May 17. "Protest...is denied where record shows that agency's evaluation was reasonable and consistent with the terms of the solicitation and applicable statutes and regulations."
Evaluation Criteria	FAR 15.3	Best value can be obtained using any one or a combination of approaches within the Best Value continuum. Cost/price and quality of product/service through consideration of one or more non-cost factors must be evaluated. Past Performance and Small Business participation must be evaluated (some exceptions). Standardized rating tables and definitions established. Reference: DoD Source Selection Procedures.
	FAR 16.5	Cost/price must be considered under each order as one of the factors in the selection decision. No additional mandatory evaluation factors, rating tables or definitions established in FAR 16.5
	Notes	1. Acquisition teams should focus on the minimum key discriminators needed to determine the awardee, use page limitations (include only # of pages necessary based on dollar & complexity of the order), limit evaluation criteria to meaningful evaluation factors (qualifications) and streamlined procedures, such as in past performance considerations. 2. Where award will be made on a best value basis, a written statement must be included stating the relative importance of quality and price or cost factors. 3. Consider limiting past performance, if evaluated, to contractor performance on orders within the basic IDIQ, specifically to those that are similar in scope. See FAR 16.505.
	Additional Details At:	Appendix B: Evaluation Criteria
Source Selection Plan (SSP)	FAR 15.3	Required for all best-value, negotiated, competitive acquisitions IAW DoD Source Selection Procedures, para 2.2. The Source Selection Authority (SSA) must approve the plan before the final solicitation is issued.
	FAR 16.5	Not required.
	Notes	If the FODA is someone other than the CO, it may be prudent for the acquisition team to document a Fair Opportunity Selection Plan (FOSP) to guide/organize the evaluation.
	Additional Details At:	Template D: Fair Opportunity Selection Plan (FOSP)

SSEB/SSAC	FAR 15.3	DoD Source Selection Procedures outline source selection team roles and responsibilities under paragraph 1.4. Source Selection Evaluation Board (SSEB) is required and Source Selection Advisory Council (SSAC) is required over \$100M.
	FAR 16.5	No selection team structure is defined or mandated.
Business Clearance to issue the Solicitation	FAR 15.3	IAW AFFARS 5301.9001, required for operational contracting actions \geq \$3M and for PEO and Enterprise contracting \geq \$5M for actions identified in AFFARS 5301.9000.
	FAR 16.5	AFFARS 5301.9000(b)(6) excludes from business clearance: Competitive order solicitations and orders issued in accordance with FAR 8.4, 13, or 16.5 and against existing MAC ID/IQ, GWACs, and FSS contracts in accordance with the terms and conditions and ordering procedures of the basic contract.
	Additional Details At:	Appendix F: Business/Contract Clearance
Exchanges with Offerors After Receipt of Proposals	FAR 15.3	FAR 15.306 and the DoD Source Selection Procedures (para 3.5) establish specific guidelines for clarifications, communications and discussions.
	FAR 16.5	FAR 16.5 does not establish any specific guidelines for interacting with Offerors after receipt of proposals but, does allow Interchanges/exchanges (interactions with Govt & Industry).
	Notes	Ensure the FOPR outlines the Interchange procedures the fair opportunity team will use, and that the team conducts Interchanges in a manner that is fair and reasonable (i.e., that affords all offerors a fair opportunity). Specifically ensure the FOPR indicates "The Government may conduct Interchanges with one, some, none or all Offerors at its discretion, if determined to be part of the fair opportunity process." This supports the team's effort to conduct a streamlined evaluation, while also affirming the CO's obligation to ensure each Offeror has a fair opportunity to be considered for award. Best Practice: Evaluate all submissions before interacting with any of the Offerors. The last submission evaluated may be awardable as submitted, so any earlier interactions may have been wasted effort. Document how the Interchanges conducted by the fair opportunity team ensured that each Offeror had a fair opportunity to be considered for award of the order. Even if the Interchanges process is strictly in accordance with the stated criteria in the FOPR, the CO must ensure that each Offeror received a fair opportunity to be considered for award.
	Additional Details At:	Template C: Fair Opportunity Proposal Request (FOPR)
Competitive Range	FAR 15.3	If discussions are to be held, a competitive range determination must be completed IAW FAR 15.306(c) to enter into discussions with all Offerors within the competitive range.
	FAR 16.5	No requirement to establish a formal competitive range to interact with Offerors.
	Notes	Competitive Range may not be required, but if the decision is made not to continue on with a proposal, document the file with the reasons why.
Evaluation Notices	FAR 15.3	If discussions are conducted, the CO must indicate to, or discuss with, each Offeror still being considered for award, deficiencies, significant weaknesses, and adverse past performance information to which the Offeror has not yet had an opportunity to respond. IAW FAR 15.306(d)
	FAR 16.5	An Interchange Notice (IN) is used to accurately capture the contemporaneous sharing of information between the Government and the Offerors. An IN may address any aspect of the proposal: technical, cost/price, past performance, contract documentation, and/or any other matter in the evaluation process. To ensure a fair opportunity, however, when a CO issues INs to offerors, the CO must ensure all offers receive fair consideration for award. If Interchanges are not conducted with all offerors, the CO will need to document why some offerors were excluded and how the "excluded" offerors nevertheless received a fair opportunity for consideration.
	Additional Details At:	Appendix G: Oral Proposals and Oral Interchanges; Appendix H: Interchanges; Template F: Interchange Notice (IN)
Comparative Analysis	FAR 15.3	The SSEB first conducts an in-depth review of each proposal against the factors and subfactors established in the solicitation. The SSAC then provides the written comparative analysis. If no SSAC, SSA completes the analysis. The SSEB should only make an award recommendation if requested by the SSA. DoD Source Selection Procedures para 1.4.3.1.3, 3.1 and 3.8.

	FAR 16.5	No process is dictated by FAR 16.5. Immediate comparison of responses received is allowed without having to “independently score” proposals and then separately do comparative analysis.
	Additional Details At:	Appendix I: Evaluation Documentation Requirements
Contract Clearance (to request Final Proposal Revisions)	FAR 15.3	Required when discussions are held IAW AFFARS 5301.9000 for operational contracting actions \geq \$3M and PEO and Enterprise contracting \geq \$5M.
	FAR 16.5	When conducting Interchanges IAW the procedures within these guiding principles, Offerors do not have to be offered an opportunity for FPRs. If FPRs are not requested, this contract clearance is not required.
	Notes	If FPRs are requested, this clearance is required as applicable based on AFFARS 5301.9000 and 5301.9001.
	Additional Details At:	Appendix F: Business/Contract Clearance
Final Proposal Revision (FPR)	FAR 15.3	Must request FPRs after discussions. At the conclusion of discussions, each Offeror still within the competitive range shall be given an opportunity to submit a FPR IAW DoD Source Selection Procedures, paragraph 3.5.
	FAR 16.5	When conducting Interchanges IAW the procedures within these guiding principles, Offerors do not have to be offered an opportunity to revise their proposal through a formal FPR.
	Notes	If FPRs are requested, follow FPR procedures IAW FAR 15.3 and the DoD Source Selection Procedures.
	Case Law	Mid Atlantic Professionals, Inc. d/b/a SSI, B-413486, Nov 3, 2016. “There is no requirement in the contract that the agency solicit and accept written FPRs after conducting discussions. We see nothing unreasonable or unfair about the agency’s decision not to request written FPRs, as would be the case in the context of a negotiated procurement conducted under FAR part 15.”
Contract Clearance (to make an Award Decision)	FAR 15.3	IAW AFFARS 5301.9000 and AFFARS 5301.9001 required for operational contracting actions $>$ \$3M and PEO and Enterprise contracting $>$ \$5M.
	FAR 16.5	AFFARS 5301.9000(b)(6) excludes competitive order solicitations and orders issued in accordance with FAR 8.4, 13, or 16.5 and against existing MAC ID/IQ, GWACs, and FSS contracts in accordance with the terms and conditions and ordering procedures of the basic contract from contract clearance.
Selection Documentation	FAR 15.3	Contract file must document the evaluation and decision using documentation formats/templates outlined in AFFARS 5315.3 including SSEB Report, Competitive Range Decision Document (CRDD), Pre-FPR Request Briefing, Comparative Analysis Report and Award Recommendation (CAR), Final Decision Briefing and Source Selection Decision Document (SSDD). IAW the DoD Source Selection Procedures, the relative strengths, deficiencies, significant weaknesses, and risks identified as the result of the proposal evaluation shall be documented in the contract file.
	FAR 16.5	Documentation of basis for the award is required for all orders. Where award on orders $>$ \$5.5M is made on a best value basis, FAR 16.505(b)(1)(iv)(D) requires a written statement documenting the basis for the award and relative importance of quality and price/cost factors. Formal evaluations plans or scoring of quotes/offers are not required
	Notes	Documentation may be accomplished in one long running record of evaluation (Journal Approach), accomplished via checklists, or may be in discrete steps/phases. The Fair Opportunity Decision Document (FODD) may document the entire selection, including the initial and final evaluation results (when Interchanges are used) but, the CO has discretion to separately document the evaluation results from the FODD.
	Additional Details At:	Template H: Fair Opportunity Decision Document (FODD)

	Case Law	Navistar Def., LLC; BAE Sys., Tactical Vehicle Sys. LP, B-401865 et al., Dec. 14, 2009, 2009 CPD ¶ 258 at 13. The Army did not sufficiently document the evaluation enough to allow GAO the ability to assess the reasonableness of the evaluation.
DD1279 Notice of Award	FAR 15.3	DD 1279 required for all contract awards over \$7M IAW DFARS 205.303(a)(i)
	FAR 16.5	DD 1279 only needed for TO/DOs if IDIQ estimated contract value has already been reached and the order is more than \$7M. DFARS 205.303(a)(i)(B)
	Notes	Understand the MAC IDIQ requirements. For example, GSA Alliant specifically calls out DD2579 is done at the TO/DO level and not at the IDIQ level.
Notice to Unsuccessful Offerors & Debriefings	FAR 15.3	Notifications and debriefings required for all actions upon request of the unsuccessful Offeror IAW FAR 15.503, 15.505 and 15.506.
	FAR 16.5	IAW FAR 16.505(b)(6), post-award notices to Unsuccessful Offerors are only required for orders >\$5.5M and Debriefings only required upon request. Procedures at FAR 15.503(b) shall be followed when providing post-award notifications and FAR 15.506 shall be followed when providing debriefings to unsuccessful Offerors.

3.0 Sample FAR 16.505(b)(1) Fair Opportunity Process Workflow and Activities

Figure 1 identifies the detailed events and activities that may be completed for orders from SATup to \$1B via a Process Flow Chart.

Teams are encouraged to pursue continuous improvement in the utilization and administration of MAC IDIQs by conducting periodic reviews of how effective the MAC IDIQ fair opportunity competition procedures have been in procuring the requirement in the most efficient and cost-effective manner possible that consider, for example:

- Have acquisition teams been meeting or beating the anticipated fair opportunity competition schedules for a given MAC IDIQ?
- Did the evaluation criteria during award of the MAC IDIQs ensure Government consideration of key discriminators when evaluating offers that are not needed to be evaluated within the ordering process?
- Were the page limitations appropriate?
- Is there a lot of variety among the individual order competition procedures? Is it effective? Would it be appropriate to edit the MAC IDIQ ordering procedures to include common procedures?
- What best practices/lessons learned can be implemented into the MAC IDIQ ordering procedures?

Another critical continuous improvement strategy is to maintain strong communication among all stakeholders, to include the Government end user as well as the MAC IDIQ industry members. Ideally, this will help ensure contractors are given concise, firm requirements, and produce responsive, timely proposals. It promotes a win/win environment where known requirements support the establishment of appropriate fair opportunity competition procedures and strategies, leading to a streamlined acquisition schedule and stronger proposals/government

debriefs, which will reduce costs and save time for all parties. Most importantly, continuous improvement and strong communications across all stakeholders will encourage acquisition teams to pursue every opportunity to support the end user, their customer.

DAU Training: CLC 030 Essential of Interagency Acquisitions/Fair Opportunity. This module is designed to provide DoD acquisition professionals with a better understanding of the need to ensure that non-DoD contracting instruments are appropriately used by DoD contracting personnel.

GSA Training: GSA Schedules vs. Open Market - This course will familiarize you with three commonly used methods of acquisition: issuing task or delivery orders using GSA's Multiple Award Schedules (MAS) under FAR Subpart 8.4, negotiating a stand-alone order under FAR Part 13 and negotiating a contract under FAR Part 15. Available at:

https://www.gsa.gov/portal/mediaId/152783/fileName/GSA_MAS_vs_Open_Mkt_StudentGuide_Fall2014.action

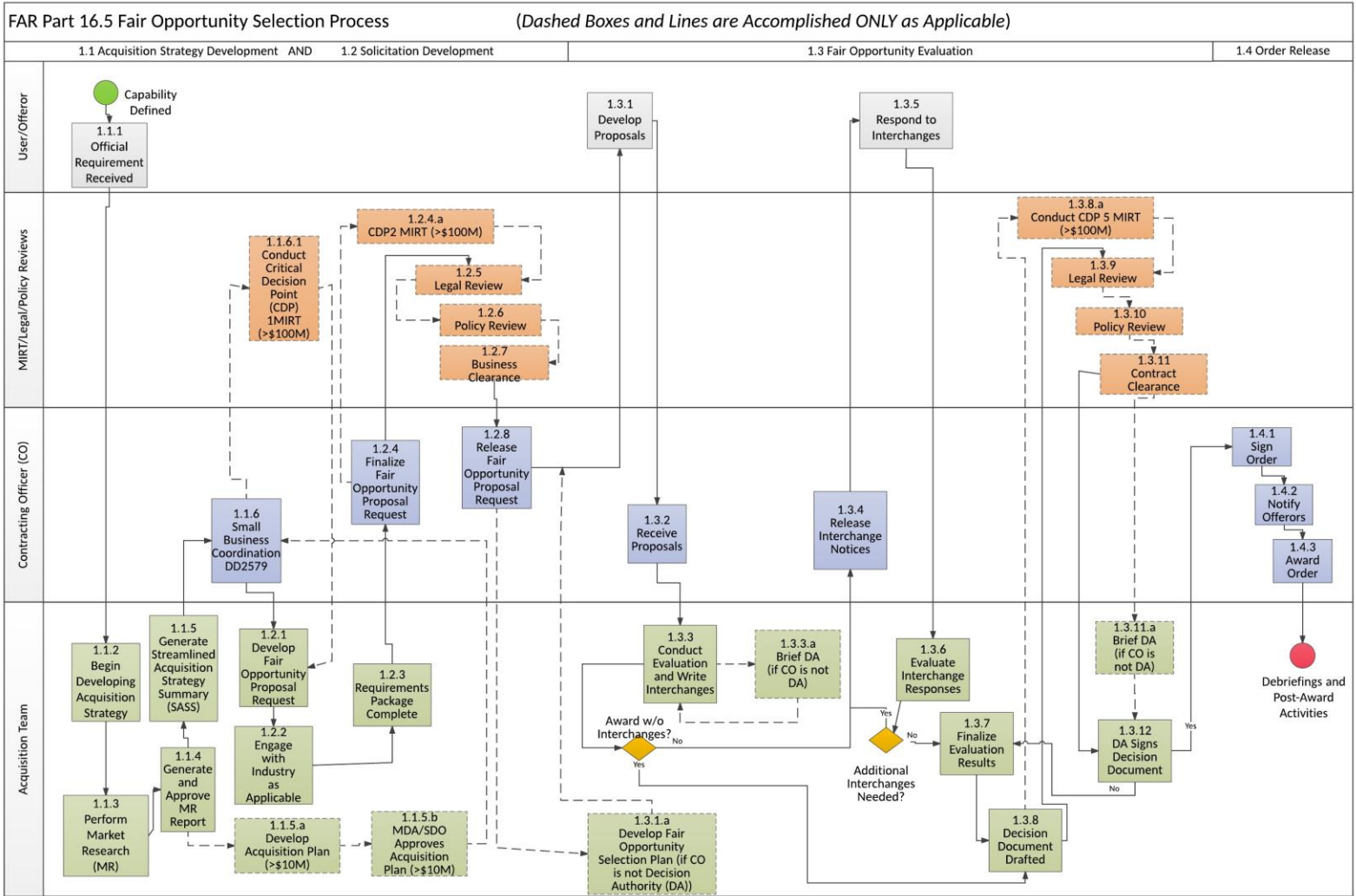


Figure 1. Fair Opportunity Selection Process—Detailed Flow Chart

3.1 Work Breakdown Structure (WBS)/Schedule. The WBS/Schedule, **Table 1**, provides additional detail for the activity boxes in the flowchart above. Teams are encouraged to use the tailorable tool in Template I to identify the activities required for their individual acquisition as well as project durations given their environment and circumstances. This tool will assist teams identify activities required for each particular acquisition and establish an acquisition schedule based on each acquisitions circumstances. The activities listed may or may not be required based on each individual acquisitions circumstances so teams should modify activities as required. It also allows teams to delete unnecessary steps or further break down activities into smaller tasks for scheduling and tracking.

This tool is meant as a starting point to guide teams, who are encouraged to tailor the baseline process workflow to support their acquisition. Teams should consider specific program parameters and project an acquisition schedule based on those parameters. Some things to consider when developing an acquisition schedule include:

- If the order is in strict compliance with basic IDIQ or not (NOTE: a CO should understand whether or not the order is in strict compliance with the basic IDIQ because the timeline may be impacted)
- If the CO is the FODA
- Contract Line Item Number (CLIN) structure
- Lowest Price Technically Acceptable (LPTA) vs tradeoff evaluation methodology used
- Number of major technical evaluation areas and/or measures of merit
- Number of anticipated proposals
- If a Draft FOPR is utilized
- Expectation for Interchanges

WBS	Task Name	OPR	XXXX Acquisition Team Duration	Start	Finish
1.1.1	Official Requirement Received	User	0	2-Jan-17	2-Jan-17

Notes: User/Requirements Owner provides a clear, concise, and well-written requirement. For operational contracting, examples could include requirements package, funding documents or functional planning email/meeting. In the systems arena, examples include Acquisition Decision Memorandum (ADM), Initial Capabilities Document (ICD) or Capability Development Document (CDD).

1.1.2	Develop Acquisition Strategy	Acq Team	0	2-Jan-17	2-Jan-17
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Notes: Consider Market Research (MR) necessary and all viable acquisition alternatives to satisfying the requirements.

1.1.3	Perform Market Research (MR)	Acq Team	0	2-Jan-17	2-Jan-17
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FAR 10.002 (B) (1) states the CO may use Market Research (MR) conducted within 18 months before the award of any TO/DO if the information is still current, accurate, and relevant.

1.1.4	Generate and Approve MR Report	PM/CO	0	2-Jan-17	2-Jan-17
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Notes: PM and CO sign the report. See Template B: Market Research Report

1.1.5	Streamlined Acquisition Strategy Summary (SASS)	PM/CO	0	2-Jan-17	2-Jan-17
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See the Air Force Contracting Central website, AFFARS 5307 for the [SASS template](#),

1.1.5.a	Develop Acquisition Plan	PM	0	2-Jan-17	2-Jan-17
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Notes: Develop a written Acquisition Plan (AP) IAW AFFARS 5307.104-92.

1.1.5.b	Acquisition Plan Approved	MDA/SDO	0	2-Jan-17	2-Jan-17
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1.1.6	Small Business Coordination (DD2579)	SBA/CO	0	2-Jan-17	2-Jan-17
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Notes: Includes coordination/approval with Small Business.

1.1.6.1	Critical Decision Point (CDP) 1 MIRT	MIRT	0	2-Jan-17	2-Jan-17
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See Appendix E: MIRTs

1.2.1	Develop Fair Opportunity Proposal Request (FOPR)	Acq Team	0	2-Jan-17	2-Jan-17
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Notes: Any unique terms, conditions, requirements, and/or attachments must be developed before this activity is complete. This activity accounts for a large amount of tailoring for the order requirements from the MAC IDIQ requirements. Examples include Statement of Work (SOW), Systems Requirements Document (SRD), Performance Work Statement (PWS), Contract Data Requirements List (CDRLs), and the evaluation criteria and instructions to the offerors.

WBS	Task Name	OPR	XXXX Acquisition Team Duration	Start	Finish
1.2.2	Engage with IDIQ contract holders	Acq Team	0	2-Jan-17	2-Jan-17
Notes: Obtain feedback on the FOPR from IDIQ contract holders.					
1.2.3	Requirements Package Complete	Acq Team	0	2-Jan-17	2-Jan-17
1.2.4	Finalize the Fair Opportunity Proposal Request (FOPR)	CO	0	2-Jan-17	2-Jan-17
Notes: All the terms and conditions of the FOPR finalized (to include evaluation criteria and instructions to the offerors). See Appendix B, Evaluation Criteria.					
1.2.4.a	CDP 2 MIRT	MIRT	0	2-Jan-17	2-Jan-17
1.2.5	Legal Review	Legal	0	2-Jan-17	2-Jan-17
Notes: Engagement with legal before this activity is recommended in order to shorten the attorney review time. CO responds to all comments and documents the file accordingly.					
1.2.6	Policy Review	Policy	0	2-Jan-17	2-Jan-17
Notes: CO provides access to all contract files to Clearance Reviewer. CO responds to all comments and documents the file accordingly.					
1.2.7	Business Clearance	Policy	0	2-Jan-17	2-Jan-17
Notes: Obtain Business Clearance approval to release Formal FOPR. See Appendix F, Business/Contract Clearance.					
1.2.8	Release Fair Opportunity Proposal Request (FOPR)	CO	0	2-Jan-17	2-Jan-17
1.3.1	Develop Proposals	Offerors	0	2-Jan-17	2-Jan-17
1.3.1.a	Develop Fair Opportunity Selection Plan (FOSP)	Acq Team	0	2-Jan-17	2-Jan-17
See Appendix C: Fair Opportunity Selection Plan (FOSP).					
1.3.2	Receive Proposals	CO	0	2-Jan-17	2-Jan-17
Notes: The CO conducts a "quick look" of the proposals to ensure all parts of the proposals were received and that the offeror's have complied with the administrative instructions in the FOPR.					
1.3.3	Evaluation and Write Interchange Notices (INs)	Acq Team	0	2-Jan-17	2-Jan-17
Notes: As the team evaluates each offeror, document any INs that may be necessary. A good practice is to have Legal review INs prior to release. See Appendix H: Interchanges.					

			XXXX Acquisition Team Duration		
WBS	Task Name	OPR	XXXX Acquisition Team Duration	Start	Finish
1.3.3.a	Brief FODA for Preliminary Decision	Acq Team	0	2-Jan-17	2-Jan-17
Notes: Used when FODA is not CO. The FODA decides whether to release INs, or to proceed to contract clearance and then contract award. This task may involve developing charts, briefing, and incorporating any comments. Ensure that legal reviews any charts prior to the brief.					
1.3.4	Release INs to Qualified Offerors	CO	0	2-Jan-17	2-Jan-17
Ensure the interchanges direct the offeror(s) to submit change pages to proposals to ensure no further revisions are necessary. Also, any change pages would be in addition to any IN narrative response. A team may also employ oral interchanges as discussed in Appendix G, Oral Proposals and Oral Interchanges, or employ automation techniques as described in Appendix A, Automation.					
1.3.5	Offerors respond to Interchanges	Offeror(s)	0	2-Jan-17	2-Jan-17
1.3.6	Evaluate Interchange Responses	Acq Team	0	2-Jan-17	2-Jan-17
See Appendix I, Evaluation Documentation Requirements.					
1.3.7	Finalize Evaluation Results	PM	0	2-Jan-17	2-Jan-17
1.3.8	Decision Document Drafted	Acq Team	0	2-Jan-17	2-Jan-17
Notes: As outlined in Appendix I: Evaluation Documentation Requirements, the evaluation may be wholly documented in the FODD. However, choose a method of documentation that is appropriate for the complexity of the acquisition. Good practice is to consult with legal on the intended level of detail in this document.					
1.3.8.a	CDP 5 MIRT	MIRT	0	2-Jan-17	2-Jan-17
1.3.9	Legal Review	Legal	0	2-Jan-17	2-Jan-17
1.3.10	Policy Review	Policy	0	2-Jan-17	2-Jan-17
1.3.11	Contract Clearance Approval	Policy	0	2-Jan-17	2-Jan-17
Notes: See Appendix C: Business/Contract Clearance.					
1.3.11.a	Brief FODA (if CO is not FODA)	Acq Team	0	2-Jan-17	2-Jan-17
Notes: The FODA decides who is selected for the order. This task may involve developing charts, briefing, and incorporating any comments. The FODA, however, may allow the team to utilize the FODD or other evaluation documentation to brief the specifics of the evaluation. This may be accomplished as long as the contract file documents this methodology. Ensure that legal reviews any materials prior to the brief.					
1.3.12	FODA signs Decision Document	FODA	0	2-Jan-17	2-Jan-17
1.4.1	CO Signs Order	CO	0	2-Jan-17	2-Jan-17
1.4.2	CO Notifies Offerors	CO	0	2-Jan-17	2-Jan-17
Notes: CO notifies Offerors of the selection and may offer a schedule for debriefings. IAW FAR 16.505(b)(6), notification of and debriefings for orders are only required above \$5.5M.					
1.4.3	CO Awards Order	CO	0	2-Jan-17	2-Jan-17
Notes: CO posts award in all necessary locations (contract writing system, Electronic Data Access (EDA), etc)					

Appendix A, Automation

Description: This streamlining opportunity includes countless automation processes that cannot be exhaustively listed here. However, some possibilities include the following:

- Cost/Price templates
- Information gathering templates (such as electronic forms)
- Frequently Asked Question (FAQ) postings
- Electronic File Exchange (such as the [DoD SAFE](#) website)
- Use of macros to automate any redundant activity (eg. Form letters, manual data entry throughout Government cost analysis)
- Interactive web-conferencing for non-sensitive Interchanges (e.g., using Skype for pre-proposal conferences)
- Discussion/chat forums for high-volume communication
- Create a FedBizOps page exclusively for the MAC IDIQ holders (establishes a centralized location to communicate with industry)

Impact:

- Stipulating electronic templates in the FOPR instructs Offerors to propose similarly-packaged data. This allows the fair opportunity team to focus on the evaluation as opposed to understanding unique Offeror formats used to propose.
- Interaction with Offerors increases the communication of industry and Government, as well as expedites the sharing of information.
- There may also be proposal cost savings when leveraging electronic proposal documents.
- Any one of these automation techniques may shorten acquisition timelines.

Automated procedures can never be used in place of a documented, reasoned basis for a selection decision. The General Accountability Office has repeatedly sustained protests, in various contexts, where agencies rely upon mechanical processes in lieu of agency judgment. See:

- EFW, Inc., B-412608, Apr. 7, 2016 (protest challenging the agency's past performance evaluation sustained where the evaluation mechanically relied on a crosswalk table that obscured differences between the proposals, and failed to look beyond overall adjectival ratings in concluding that the Offeror's past performance was equivalent);
- Midland Supply, Inc., B-298720, B-298720.2, Nov. 29, 2006, 2007 CPD ¶ 2 (award decision not reasonable where there is no documentation or explanation and agency made its award decision based strictly on a mechanical comparison of the Offerors' total point scores);
- The Jonathan Corp.; Metro Mach. Corp., B-251698, May 17, 1993, 93-2 CPD ¶ 174 (sustaining protest where agency's cost realism evaluation failed to consider each Offeror's individualized technical approach and instead mechanically adjusted proposed labor hours and material costs to government estimates);
- Tele-Consultants, Inc., B-408465, Sep. 27, 2013, 2013 CPD ¶ 304 at 10 (“[a]s our decisions make clear, overly mechanical analyses or those based on mathematical computations of scores are disfavored”).

References: FAR 16.505(b)(1)(ii)

Appendix B, Evaluation Criteria

Description: Information the Government requests Offerors to submit with proposals should be the minimum necessary to verify Offerors' understanding of the requirement and to enable the Government to determine which Offeror should be awarded the order (also see Appendix D). It is a good practice to limit evaluation criteria to no more than three key discriminators to allow the Government the ability to discern the best value offer in a timely manner. *Cost/Price shall always be considered*, and some examples of additional evaluation criteria include technical capability, past performance (in limited acquisitions), TO/DO staff management, and/or risk. Government fair opportunity teams may not need to identify evaluation criteria for TO/DO competitions that are conducted under MAC IDIQs with pre-priced supplies/services. Best Practice: Conduct periodic reviews of order competitions conducted under a MAC IDIQ to analyze whether or not the chosen evaluation criteria effectively evaluated key discriminators. Methodologies that may be applied to an acquisition's evaluation:

- Gate criteria: Any criteria that can result in a simple “pass/fail” evaluation for reducing the number of potential awardees should be utilized. Examples include minimum commercial/industry certifications, licenses, and approvals on a state, federal, or international level. Cautionary note: If applying gate criteria to small business set-aside acquisitions, “unacceptable” findings may equate to non-responsibility determinations which must be referred to the Small Business Administration (SBA) for Certificate of Competency (CoC) issuance.
- Past performance: Consider limiting past performance to contractor performance within the basic IDIQ (see FAR 16.505, “The contracting officer should consider the following when developing the procedures: Past performance on earlier orders under the contract, including quality, timeliness and cost control.”) Past performance outside of the IDIQ was most likely already evaluated for award of the basic MAC IDIQ contracts—it would be duplicative to consider it again for each order competition conducted against the basic IDIQ. Note: FAR 16.505(b)(1)(v)(A)(1) does not require the Government to evaluate past performance, nor is there a requirement for the Government to document its rationale not to do so.
- Multi-phase/Multi-step evaluation process: If anticipating a large number of responses from a FOPR, it might be useful to utilize a multi-phase or multistep approach. As long as the FOPR clearly describes the down-select criteria (or prescribed in the basic IDIQ), the process of narrowing the field may be done by requesting Offerors to submit an initial “white paper” for evaluation to ensure that the Offerors understand the requirement. A more extensive proposal may be requested from a smaller pool of offerors in a subsequent phase (phase II). Be clear, unambiguous, and transparent in the process when requesting proposals.
- Streamlined evaluation methodology: There is no requirement in FAR 16.5 to capture the relative strengths, deficiencies, weaknesses and significant weaknesses supporting the evaluation of the proposals. This means that a streamlined evaluation methodology, such as pluses and minuses (+ & -), narrative statements, acceptable/unacceptable or pass/fail designations can be used. Note: FAR 16.505(b)(1)(iv) requires the Government to disclose significant factors and subfactors, including cost or price, that the agency will use in evaluating responses and their relative importance on orders greater than \$5.5M.

- A study by the Naval Post-graduate School (NPS) revealed two findings that are significant: 1) tradeoff source selections result in a 63% longer procurement time than LPTA source selections, and 2) each additional evaluation factor increases procurement time by 38%.
- Immediate Comparison: Immediate comparison of responses received is allowed without having to “independently score” them. It requires documentation of the differences under each evaluation factor but without having to use a scoring system, such as colors, adjectives, or points. Rather, the evaluators collect and document facts about each response, which allows them to quickly determine who is best suited and with whom to place the order. There is no need to first rate each Offeror independently against the evaluation factors before making a comparison, so long as the stated evaluation factors are used as the basis for selecting among Offerors.
- Pre-priced supplies: Under MAC IDIQ contracts for COTS products, especially products for IT, prices are typically set forth in price sheets and are often available electronically on bulletin boards for customers to select the products that best satisfy their needs and take advantage of the competitive forces of the marketplace. As long as the CO or customer can easily compare the various prices and products being offered under these contracts, awardees have been given a fair opportunity to be considered. Requiring each awardee to develop a separate "proposal" or conducting negotiations with each awardee prior to awarding a DO is not necessary, unless the CO believes the information provided on the price sheets is insufficient to make an award in the best interest of the Government (see FAR 16.505(b)). In the case of MAC IDIQ contracts for services, the receipt and evaluation of proposals typically is necessary to better understand and define the services being procured and to take advantage of competition amongst the awardees to obtain best value. Agencies, however, should simplify and streamline the negotiation process as much as possible. The use of sealed bidding as described in FAR part 14 is also an acceptable approach when pre-priced supplies exist (Harris IT Services Corp., B-411699, Oct. 2, 2015, 2015 CPD ¶ 293 at 9).
- Be aware of FAR 16.505(b)(2)(F). In accordance with section 1331 of Public Law 111-240 (15 U.S.C. 644(r)), COs may, at their discretion, set aside orders for any of the small business concerns identified in 19.000(a)(3). When setting aside orders for small business concerns, the specific small business program eligibility requirements identified in part 19 apply. Coordinate this with Small Business. There needs to be sufficient small business multiple award contract holders in the applicable socioeconomic category who, through market research, provide a reasonable expectation that offers will be obtained from at least two sources who can meet the acquisition requirements.

Impact: Acquisition timelines may be reduced with employment of any of the methodologies outlined above. They are, however, not without risk. Some of the methodologies have not been contested and therefore decided-upon by the GAO. Using the FAR 16.5 lexicon established in these guiding principles will mitigate the risk of a successful protest on these methodologies.

References: “Streamlining Task and Delivery Order Solicitations under MA/IDIQ Contracts,” ASI Government Advisory, May 2016; Naval Postgraduate School study.

Appendix C, Fair Opportunity Selection Plan (FOSP)

Description: In general, a formal evaluation plan is not required per FAR 16.505(b)(1)(v)(B). However, if the FODA is not the CO, then it is a good practice to accomplish a FOSP. This plan would include information such as:

- Background and acquisition approach (a copy/paste of Acquisition Plan);
- Fair Opportunity Team Structure (to include any non-Government personnel);
- How to conduct Interchanges;
- Any unique methodologies to be employed during the evaluation that are not expressly outlined in the FOPR;
- How the Government will protect source selection information (IAW FAR 2.101 and 3.104);
- How the evaluation will be conducted and documented (i.e., oral presentations);
- A schedule of the major events to get to order award; and/or
- Attach copies of the evaluation criteria and the instructions to Offerors.

Impact: Having a plan encourages dialogue between the FODA and the acquisition team to ensure expectations are understood resulting in a more streamlined evaluation. In addition, the FOSP will provide guidance to the fair opportunity team when communicating the evaluation results to the FODA.

References: FAR 16.505(b)(1)(ii); FAR 16.505(b)(7)(i)

Appendix D, Page Limitations

Description: Limit the number of pages offerors can provide when proposing. This challenges Offerors to write efficiently but, is also consistent with the Government asking for only the minimum information necessary to discern the best value Offeror. The FOPR instructions dictate the number of pages by evaluation criteria or section, or subfactor or factor. If Interchanges with Offerors are held, Offerors may be directed to limit change pages or response pages to INs. When determining page limitations, consider:

- Was any area of the evaluation assessed on the basic IDIQ or on a previous order?
- Are standard position descriptions dictated?
- Is a standard PWS applicable?
- How frequently are orders issued?
- Is the acquisition a commercial product or service?
- How well-defined is the requirement?

Impact: Limiting pages of the proposal or limiting the Interchanges can substantially reduce the amount of information received, allowing the Government to expedite evaluations. However, unreasonably short page limitations may result in prolonged exchanges if the offeror does not have space to provide the requisite information.

Appendix E, Multi-Functional Independent Review Teams (MIRTs)

Description: IAW AFFARS 5301.9001(b), “the CAA must ensure that the clearance process meets the objectives in paragraph (a) above. See AF PGI 5301.9001(b) for guidance on the use of multi-functional independent review teams (MIRTS) in conjunction with competitive acquisitions.” The use of MIRTs is not mandatory, but the following information is provided as guidance if the CAA determines the use of a MIRT is necessary.

MIRT reviews are linked to FAR 15.3 decision points which may or may not be relevant to FAR 16.5 procedures. Where not relevant (Critical Decision Points (CDP), CDP#3 and #4), MIRT reviews should not be utilized. Further, CDP#s 1, 2, and 5 may apply but can be tailored for FAR 16.5 procedures for the same reasons as for FAR 15.3 processes.

MIRT CDPs 1 – 5 may apply under FAR 16.5 as follows:

CDP #1—Review draft Acquisition Strategy Panel (ASP) brief or draft Acquisition Plan (AP) (Includes review of requirements documents, results of market research and risk assessment, and incentive structure, as applicable).

CDP #2 – Review FOPR. (Includes review of Source Selection Plan as applicable, requirements documents, and FOPR attachments, as necessary, to ensure executable evaluation criteria.)

CDP #3 – Review draft Initial Evaluation/Competitive Range Brief or review of draft Award without Discussions Brief. An initial evaluation brief and/or “competitive range” is not required to be made under FAR 16.5. If not conducted, CDP #3 should not be utilized. Acquisition teams must be careful to not use terminology or specific processes from FAR 15.3 unintentionally, which would trigger a MIRT review for CDP #3. If there are questions regarding applicability/requirement to conduct CDP #3, consult the CAA.

CDP #4 – ELIMINATED: A “FPR” is not required. Acquisition teams must be careful to not use terminology or specific processes from FAR 15.3 unintentionally, which would trigger a requirement to apply a MIRT review for CDP #4.

CDP #5 – Review draft FODD.

Impact: If the CAA requires a MIRT, tailor the process to reflect the FAR 16.505 streamlined process. This will save time with no degradation of performance/quality of documentation. A good practice would be for CAAs to establish standing MIRT memberships for MAC IDIQs to ensure timely, consistent reviews by panel members familiar with the fair opportunity processes for the IDIQ.

Appendix F, Business/Contract Clearance

Description: IAW AFFARS 5301.9000(b)(6), competitive order solicitations and orders issued in accordance with FAR 8.4, 13, or 16.5 and against existing MAC ID/IQ, GWACs, and FSS contracts in accordance with the terms and conditions and ordering procedures of the basic contract are excluded from business or contract clearance. If the TO/DO is not in accordance with the terms and conditions and ordering procedures of the basic contract, then business/contract clearance would be required.

In order for Clearance not to apply, to the greatest extent possible, include terms and conditions including pre-established factors and/or evaluation criteria in the Ordering Provisions of the basic contract. Ordering Clauses at DFARS 252.216-7006 (replaces FAR 52.216-18) and FAR 52.216-19 or FAR 52.212-1 and/or -2 may be augmented with an attachment of Ordering Provisions to the contract describing procedures, evaluation criteria, and evaluation factors for TO/DO award.

Acquisition teams must be careful not to use terminology or specific processes from FAR 15.3 unintentionally. Use of FAR 15.3 terms/process such as competitive range, discussions and Final Proposal Revisions, could cause FAR 15.3 procedures to apply and contract clearance requirements prior to requesting final proposal revisions.

Tailor existing templates for Business Clearance and Contract Clearance for Orders against an existing MAC IDIQ.

Appendix G, Oral Proposals (OPs) and Oral Interchanges (OIs)

Description: Under appropriate circumstances, OPs can be an effective method to improve the Government's evaluation of Offerors' proposed approaches and may reduce acquisition cycle time. OPs as a substitute for portions of a proposal can be effective in streamlining the selection process, and may occur at any time in the acquisition process. OPs provide an opportunity for dialogue among the parties. Pre-recorded videotaped presentations that lack real-time interactive dialogue are not considered OPs although they may be included in Offeror submissions, when appropriate. The acquisition team must ensure the use of OPs is appropriate for the situation, accurately documented, well designed, and executed with discipline.

(1) OPs: Offeror provides some or all of the proposal via a verbal presentation. The Government may ask questions during the presentation or withhold until a later time. OPs are typically used to address only technical factors (ability to meet requirements or approach to mitigate risks).

OPs are beneficial when:

- There are only a few number of technical requirements;
- The technical requirements (and Offeror's solutions thereto) are best understood through exchange of ideas with Offeror;
- A variety of technical approaches is expected or the requirement is for services incidental to commercial supply (i.e., management of subcontractors or suppliers)

The following should ordinarily be submitted in writing: 1) cost/price proposals, 2) past performance, and 3) supply item technical information.

The presentation can be live or recorded, but if live, video should be used to capture the presentation. Recommend the Government provide Offerors with an equal amount of time to present OPs to ensure all Offerors have an equal opportunity to compete. Official documentation can be the video recording and briefing charts used by Offeror, with or without added informational documentation (summarized technical proposal, technical manuals, technical specification documentation, etc.). Avoid allowing the OP session to become a marketing session by limiting the time allowed to present, number of slides, and/or number of presenters. Lastly, encourage pre-submission of the written materials.

(2) OIs: The Government and the Offeror address aspects of the proposal in bilateral talks. OIs take the place of a written response to INs as discussed in Appendix H to this document; and are based on Government INs. OIs may be conducted in person or via telecom; those present from the Government should be all persons needed to explain what the Government questions intend or mean, and from the Offeror should be all persons needed to completely answer the Government's questions in the OI event (the technical/financial/management experts for the subjects covered by INs). Government INs must be written and provided prior to OI event. To document OIs, have Offerors respond to INs submitting change pages to written proposal information (i.e., written proposal change pages or briefing material for oral proposal).

PROS:

- By requiring Offerors' "key personnel" to brief, Government may obtain better insight into quality of Offerors' and major subcontractors' key personnel.

- Presentations are best from Offerors' actual team members instead of professional proposal writers.
- Demonstrates how well key personnel understand what company proposes.
- Free flow of information from key personnel to evaluators gets both sides to a "meeting of the minds" much faster and with more depth and replaces long distance interpretation of a written proposal.
- Offeror must understand the presentation is not a marketing session.
- Being conducted at Offerors' locations can improve understanding of the Offerors capability, but site visits may also be conducted with written proposals. If travel funds are not available, presentations can be made via VTC and/or face to face.
 - Q&A periods allow better assessment of Offerors' technical/managerial skills and permit Offerors to make on-the-spot proposal correction/clarifications possibly reducing the number of INs and schedule.

CONS:

- Oral presentations require experienced team members to tailor a selection approach to the unique circumstances of the acquisition.
 - It takes creativity; there is no "one-size-fits-all" approach.
 - Number of presentations expected can influence decision whether or not to use oral presentations.
 - An excess number of Offerors could quickly eliminate potential time savings anticipated.
 - "Logistics considerations" can influence decision whether or not to use oral presentations.
 - Best when all evaluators attend all oral presentations for all Offerors but, people get sick, houses flood, things happen so always have a plan.
 - If it's a large selection team, may consider audio/videotaping the presentations so any absentee can view the material later
 - Information protection and other constraining factors may be problematic for classified programs.
- Oral presentations require a highly disciplined Government team.
 - All evaluators/advisors must understand that the CO is IN CHARGE and has the authority to convey to any person on the team to be silent, leave the room, etc. regardless of the member's grade/rank or place in the chain of command.
 - Note: The entire team should be well prepped on who is in charge of communication and how to behave before the Offerors arrive, including understanding that they are not to nod vigorously, gesture, roll eyes, etc. during a presentation.
 - Ensure all interactions flow through the CO; there should be no "hallway conversations".
 - Ensure equal treatment of Offerors (presentation times, EN response times, conduct of Q&A periods).
 - Avoid misleading Offerors during Q&As.
- Evaluators must be careful about "form over substance". A flashy Offeror presentation (e.g. a great presenter) may mask weak proposal content.
- Costs may be greater in preparing for oral presentations.
- Higher costs may discourage small business participation.

- Travel is required with face-to-face OPs.
- OPs may actually increase evaluation time if they are used to simply restate written presentations because both formats must be evaluated, there may be inconsistencies between the two.
- Oral presentations don't lend themselves to complex evaluation schemes
 - A great number of and/or very detailed evaluation factors and subfactors can make oral proposal process unwieldy.
 - Complexity increases contractor preparation and evaluator participation time.

Impact: OPs and OIs allow the evaluators to verbally interchange with the Offeror to better understand what is being proposed. This should expedite the evaluation of the written materials, reduce the number of follow-on Interchanges, and may lessen the need for very detailed documentation of technical proposal evaluation. Summarized notes from the oral events should suffice to capture the most important aspects of the presentations. Details must still support the basis for final ratings, but in a less formal structure than a written proposal or traditional written evaluation.

It is critical that the agency document how it resolved its concerns with each Offeror's proposals during OIs. See *Exelis Systems Corp.*, B-407111, Nov. 13, 2012, 2012 CPD ¶ 340 at 9-10 (protest sustained in part where record demonstrated agency concern over awardee's staffing levels, agency asked questions to awardee during oral presentations, but failed to document how awardee's response resolved agency concerns).

It is important to note that OPs may turn into Interchanges (discussions), triggering the requirement that the Interchanges be reasonable and fair between Offerors. See *CSC, et. al.*, B-298494.2, May 10, 2007, 2007 CPD ¶ 103; *Global Analytic Info. Tech. Servs., Inc.*, B-298840.2, Feb. 6, 2007, 2007 CPD ¶ 57 (exchanges at an Offeror's oral presentation that allowed the Offeror to materially revise its price proposal were discussions, despite the FOPRs statement that oral presentations would not constitute discussions).

Appendix H, Interchanges

Description:

The FAR 16.505 ordering process is guided by the principles of flexibility and fair opportunity. Task and delivery order competitions are limited to IDIQ contract holders (“Offerors”) whose proposals for the base IDIQ contract have already been evaluated. Therefore, the ordering process does not use the competition requirements under FAR part 6, or the administrative requirements of negotiated procurements under FAR subpart 15.3. Nevertheless, the ordering process must afford all Offerors a fair opportunity to be considered for each order.

Interchanges Defined

The USAF has established Interchanges to facilitate the flexible — and fair — FAR 16.505 ordering process.

- Interchanges are the fluid exchange of information between the Contracting Officer and Offerors during the ordering process.
- Interchanges may address any aspect of the proposal: technical, cost/price, past performance, contract documentation, and/or any matter in the evaluation process.
- Interchanges may be written as Interchange Notices (“INs”), which will accurately capture the contemporaneous sharing of information between the USAF and the Offerors. Interchanges may also be oral conversations between the USAF and the Offerors, but should be accurately captured later in a finalized Interchange Record.
- Any proposal changes resulting from Interchanges should be included in the final evaluation record, by change pages or included in the final awarded order.
- Interchanges do not require the administrative steps necessary under FAR subpart 15.3 negotiations. Therefore, when engaging in Interchanges with Offerors, the contracting officer does not need to take steps such as 1) establishing and documenting a competitive range, or 2) getting contract clearance to request and review FPRs, or even request or review FPRs at all. If conducted fairly, Interchanges provide for flexible, streamlined exchanges of information with Offerors.

Principles of Interchanges

The contracting officer should consider the following principles when planning for and engaging in Interchanges. These principles reflect FAR 16.505’s guidance for ensuring each Offeror has a fair opportunity to be considered for the order, while reserving for the contracting officer the discretion to streamline the ordering process.

Interchanges should reflect ordering procedures that provide each contractor a fair opportunity to be considered for each order.

- **Include Interchanges in Ordering Procedures:** The contracting officer has the discretion to employ different methods of Interchanges, as detailed above in the Definition, or choose not to engage in Interchanges at all. Whatever method of Interchanges is selected, the ordering procedures should detail whether USAF intends to engage in Interchanges, and how Interchanges will be conducted.
- **Interchanges Must Be Fair and Reasonable and Provide All Offerors a Fair Opportunity:** If Interchanges take place, the contracting officer should ensure, prior to order placement, that Interchanges were 1) in accordance with the procedures in the FORP, and 2) afforded each Offeror a fair opportunity to be considered for each order. Simply because the FORP permits engaging in Interchanges with one offeror does not in itself establish fair opportunity where the evaluation team engaged in interchanges with only one offeror. The contracting officer should be sure that the Interchanges process, including which Offerors are afforded Interchanges and the nature of the Interchanges, are fair and reasonable, not misleading or incomplete, and afforded each Offeror a fair opportunity to be considered for the order.
- **Document the Interchange Process:** The decision to engage in Interchanges, with which Offerors, and on what details of a proposal, should be documented. Specifically if USAF engages in Interchanges with fewer than all Offerors, or exchanges more information with certain contractors than others, the basis for doing so should be included in the evaluation record, and should clarify how each Offeror was nevertheless afforded a fair opportunity to be considered for the order.

The IDIQ and each relevant FORP should state the process by which USAF will conduct Interchanges.

- **Align Interchange Procedures in IDIQ and FOPR:** When competing any order requirement, the contracting officer should ensure the written Interchange procedures are consistent with the process listed in the FOPR, and the ordering procedures in the IDIQ contract. This will ensure that all IDIQ contractors were aware of the Interchange process at the time the IDIQ contract was solicited, and again when they pursued the order in question.

Tailor the Interchanges procedures to each acquisition.

- **Use Discretion in Tailoring Interchanges:** A contracting officer has the discretion to tailor ordering procedures based on the nature and complexity of the order. Interchanges should reflect this tailoring. A less complex order may allow for streamlined procedures and a limited need for Interchanges. A more complex order may require more involved procedures, and more involved Interchanges seeking greater exchanges of information with Offerors. The nature and extent of Interchanges should reflect the tailoring of procedures to the specific order in question.
- **Interchanges Should Support the Evaluation:** Interchanges should support the evaluation procedures that have been tailored to the acquisition. At the conclusion of Interchanges, USAF should be able to identify those Offerors who have an acceptable and awardable proposal, and those that are not acceptable or awardable, and why. If an order will be issued based on a comparative evaluation of contractors' proposals, the contracting officer should

ensure that the information exchanged during Interchanges supports such a comparative evaluation.

Impact: Conducting Interchanges allows fair opportunity teams to eliminate certain activities that would otherwise be required in a FAR 15.3 evaluation, such as:

- The Competitive Range Determination Document (CRDD)
- FPR Request Letter
- FPR
- Final Proposal Evaluations
- The Contract Clearance Event to release FPRs (to include review and approval)
- Legal Review of the FPR request

Product: Interchanges may be written as INs, which would accurately capture the contemporaneous sharing of information between the Government and the Offerors. Interchanges may also be oral conversations between the Government and the Offerors, accurately captured later in a finalized Interchange Record. Any proposal changes resulting from Interchanges should be included in the final evaluation record, by change pages or included in the final awarded TO/DO.

Appendix I, Evaluation Documentation Requirements

Description:

Fair Opportunity evaluation documentation should show:

- Which Offerors proposed,
- What ratings were given to each Offeror (and why),
- What the price was for each Offeror,
- Which Offeror was selected,
- Any tradeoff analysis, and
- Whether the Offeror met the requirements. More specifically, the agency should document the basis of its award decision, including the rationale for making the award tradeoffs among price/non-price factors.

GAO case law encourages teams to reduce documentation of Fair Opportunity Evaluation process (WBS 1.3) to minimal documentation required for a “reasonable award decision.” Documentation may be accomplished in one long running record of evaluation (Journal Approach), accomplished via checklists, or may be in discrete steps/phases. Minimal documentation required is a FODD which includes initial and final evaluation results (when Interchanges are used). The CO has discretion to separately document the evaluation results from the FODD. Documentation may be generated by consensus or with tie-breaker vote. All remaining dissenting opinions must be captured in a Memorandum for Record (MFR). The three documentation approaches mentioned above (although not all inclusive) are outlined in more detail below:

1) *Journal Approach:* CO and team members (at Factor Chief level) literally keep a journal of daily efforts of the team, in the course of the evaluation, right up to the Fair Opportunity selection decision. Bite size pieces of information may be easier to capture and a contemporaneous record is being built, which is preferred by GAO. However, a journal may not easily provide the “big picture” of the Offerors’ proposal elements because it looks at a daily evaluation completed and may contain conflicting opinions as working paper documentation rather than decision points.

This approach contains an evidentiary weakness in a subsequent protest at the GAO. Teams may have to turn over deliberative, non-final draft evaluation documentation that would not otherwise be provided to a protester if the final evaluation findings are not segregated from the daily journal entries. This could lead to the team having to address supplemental protest arguments it would not otherwise have to address.

2) *Checklist Approach:* The CO and Fair Opportunity team members (at Factor Chief level) develop Factor checklists to use while evaluating offers, annotating “√” or “X” with comments describing specific language from proposal relied upon. The checklist approach provides for uniformity of evaluation results that is easily combined from multiple evaluators. It also avoids the narrative form of evaluation documentation. However, ensuring the checklist item is tied to a meaningful discriminator and capturing complex technical requirements or subjective analysis may be difficult. In addition, as evaluation progresses, evaluators may limit thought process or fail to provide a way to capture unanticipated proposal offerings.

3) *Decision Step Approach*: The CO or Factor Chief separately document by MFRs at minimum documentation decision points: (A) proposals received on time; (B) individual Offeror's evaluation against evaluation criteria; (C) decision to hold Interchanges with one, some, none or all Offerors; (D) analysis of individual Offeror's responses to INs; (E) final award decision with explanation for awardee, compared to other Offerors if a tradeoff approach is used. Using the Decision Step approach allows for brevity and simplicity of the narrative. Each step may be headed up by a different person, allowing for process documentation to be distributed among the team for faster, concurrent documentation. Also, the final award decision is less cluttered (no potential for working paper documentation) and refers to other documentation of decision steps. However, documentation by individual steps can seem disjointed as a whole, especially if written by more than one author. In addition, the FODD may need to be expansively written since the other decision step documents are not part of the FODD.

Impact: Minimal documentation of TO/DO competition process saves process time, and may lessen protest risk due to over complicated documentation creating conflicting information in the file.

References: Lockheed Martin Integrated Systems, Inc., B-408134.3, Jul. 3, 2013, 2013 CPD ¶ 169 ("agency's business judgments must be adequately documented, including the rationale for any cost/technical tradeoffs made and the benefits associated with the additional costs"). FAR 16.505 (b), especially (7)(i) and (ii) requires minimal documentation formality. With respect to records retention in the context of a GAO protest, an agency, "bears the risk that there may not be adequate supporting rationale in the record for us to conclude that the agency had a reasonable basis for its source selection decision." Navistar Def., LLC; BAE Sys., Tactical Vehicle Sys. LP, B-401865 et al., Dec. 14, 2009, 2009 CPD ¶ 258 at 13. However, there is no explicit requirement to keep drafts and lower level evaluator documents in order to demonstrate the reasonableness of the evaluation. "The destruction of individual evaluator documents, however, does not render an agency's evaluation unreasonable per se; rather, we will consider the record adequate if the consensus documents and source selection decision sufficiently document the agency's rationale for the evaluations." Joint Mgmt. and Tech. Servs., B-294229, Sept. 22, 2004, 2004 CPD ¶ 208 at 3-4.

Appendix J, GLOSSARY OF TERMS

The recommended FAR 16.5 lexicon provided below is provided as an alternative to the traditional terms that are normally associated with the formal Source Selection Process as called out in FAR 15.3 and the DoD Source Selection Procedures. These terms are offered as guidance and in no way impinge upon the Contracting Officer's broad discretion in developing appropriate order placement procedures set forth in FAR Part 16.505(b)(1)(ii). More important than using a certain term is NOT citing specific FAR Part 15.3 provisions or references.

Recommend acquisitions utilizing unique lexicon include a glossary and definition table within the FOPR.

Similar DoD Mandatory Source Selection Procedures or FAR 15.3 Term	Recommended FAR 16.5 Term	Definition
Award Without Discussions	Selection Without Interchanges	To award an order on the basis of the initial proposals received without conducting Interchanges.
Best Value Continuum	Best Value Continuum	Range of processes that may be used to obtain best value in a competitive environment through use of one or a combination of selection/tradeoff approaches.
Best Value	Best Value	Expected outcome of an acquisition that, in the Government's estimation, provides the greatest overall benefit in response to the requirement.
Clarifications	Interchanges	Fluid exchange of information between the Contracting Officer and the Offerors that may address any aspect of the proposal and may or may not be documented in real time. May be conducted with all, some, or none of the Offerors if determined to be part of the fair opportunity process.
Communications	Interchanges	
Discussions/Interactions	Interchanges	
Evaluation Factors and Subfactors	Evaluation Factors and Subfactors	Discriminators upon which an Offerors proposal will be evaluated, set forth in the Fair Opportunity Proposal Request communicating how requirements will be evaluated, and be the primary determinant of the detailed information requested in the proposal request.
Evaluation Notice (EN)	Interchange Notice (IN)	The CO's written notification to the Offeror for the purposes of making clear certain aspects of their proposal, to resolve minor or clerical mistakes, or in support of Interchanges.
Evaluation Ratings/Description	Evaluation Ratings/Description	Self-explanatory

Similar DoD Mandatory Source Selection Procedures or FAR 15.3 Term		Recommended FAR 16.5 Term		Definition
Initial Evaluation		Initial Evaluation		The initial round of evaluations. Based upon review of the initial evaluation results, the Decision Authority will decide to either (1) approve award without Interchanges, or (2) enter into Interchanges.
Lowest Price Technically Acceptable (LPTA)		Lowest Price Technically Acceptable (LPTA)		Selection process where the best value is expected to result from selection of the technically acceptable proposal with the lowest evaluated price.
Past Performance		Past Performance		Offeror's or contractor's performance on a contract.
Performance Confidence Assessment		Past Performance Evaluation/Results		Evaluation of an Offeror's past performance assessing the Offeror's ability to supply products/supplies to meet the Government's requirements.
Preproposal Conference – Presubmission Conference		Preproposal Conference - Presubmission Conference		Tool for collecting information and feedback on the Government's acquisition requirements and approach.
Proposal – Task Order Submission, Submission		Proposal		Response to a Fair Opportunity Proposal Request outlining the submitter's offer to meet the Government's requirements.
Quality		Quality		Assessed in a Fair Opportunity selection through consideration of one or more non-cost evaluation factors such as past performance, compliance with solicitation requirements, technical, management capability, personnel qualifications or prior experience.
Recency		Recency		Pertains to past performance. Measure of the time that has elapsed since the past performance reference occurred. Generally expressed as a time period during which past performance references are considered relevant.
Relative Importance of Factors		Relative Importance of Factors		Used in the tradeoff process under a Fair Opportunity Selection to identify the weighting of criteria

Similar DoD Mandatory Source Selection Procedures or FAR 15.3 Term	Recommended FAR 16.5 Term	Definition
Relevancy	Relevancy	Pertains to past performance. Measure of the extent of similarity between the service/support, complexity, value, contract type, and subcontract/teaming or other comparable attributes of past performance and the solicitation requirements; and a measure of the likelihood past performance is an indicator of future performance.
Request for Proposal (RFP)	Fair Opportunity Proposal Request (FOPR)	Product provided to the multiple award contract holders requesting a proposal and including information on how to prepare the proposal, the evaluation criteria and any order specific terms and conditions.
Requirements Documents	Requirements Documents	All aspects of the FOPR that convey the needs of the Government to Offerors, including the SOO/SOW/PWS, technical requirement documents and system requirement documents.
Requirements Owner	Requirements Owner	Entity (office, function, agency) that has the requirement for an acquisition and is responsible for providing requirements documents communicating the requirements in the Fair Opportunity Proposal Request.
Risk	Risk	Potential for unsuccessful contract performance.
Source Selection	Fair Opportunity Selection	Process used to award a fair opportunity order including events from requirement identification through order award
Source Selection Authority (SSA)	Fair Opportunity Decision Authority (FODA)	Person responsible for making the Fair Opportunity Decision
Source Selection Decision Document (SSDD)	Fair Opportunity Decision Document (FODD)	Written record documenting the Fair Opportunity Decision and award.
Source Selection Information	Source Selection Information	Information, as outlined in FAR 2.101, that is prepared for use by an agency for the purpose of evaluating a proposal to enter into an agency procurement order, if that information has not been previously made available to the public or disclosed publicly.

Similar DoD Mandatory Source Selection Procedures or FAR 15.3 Term	Recommended FAR 16.5 Term	Definition
Source Selection Plan (SSP)	Fair Opportunity Selection Plan	Formal plan encouraging dialogue between the Decision Authority (when not the CO) and the acquisition team to ensure selection processes and expectations are understood.
Source Selection Team (SST)	Fair Opportunity Team	All members of the team involved with making a Fair Opportunity selection and award.
Technical	Technical	Factor in Fair Opportunity Selection to assess the Offeror's proposed approach to satisfy the Government's requirements.
Technical Risk	Technical Risk	Assesses the degree to which the Offeror's proposed technical approach may cause disruption of schedule, increased costs, degradation of performance, the need for increased Government oversight, or increased likelihood of unsuccessful contract performance.
Subjective Tradeoff	Tradeoff	Use of subjective tradeoff evaluation factors to make a fair opportunity selection to the Offeror representing the best value to the Government.
	Fair Opportunity	Each MAC awardee must be provided a fair opportunity to be considered for each order exceeding \$3,500; see FAR 16.505(b)(2) for exceptions

Appendix K, Notification of Offerors

Description: How to handle preaward notification to offerors. FAR 16.505 sets no requirement for preaward notification to offerors. However, there may be instances where preaward notification(s) makes sense--such as when the evaluation reaches a point that a given proposal will no longer be evaluated.

Rationale: Notification promotes transparency. Informing the offeror(s) allows them to focus efforts on other proposals, other work efforts. The company doesn't have to keep a team assembled and ready to react tying up resources.

FAR 16.505(b)(1)(iv)(E) states for orders exceeding \$5.5M, provide a fair opportunity including an opportunity for a postaward debriefing in accordance with paragraph (b)(6) of this section.

FAR 16.505(b)(6) states the contracting officer shall notify unsuccessful awardees when the total price of a task or delivery order exceeds \$5.5 million. Follow the procedures at 15.503(b)(1) when providing postaward notification to unsuccessful awardees and 15.506 when providing postaward debriefings.

When gates are used, it may be in the Governments and Offerors interest to provide preaward notification to an offeror not receiving an acceptable/pass rating on a gate and not being further evaluated. In making the preaward notification determination, the entire acquisition situation should be considered. For example, if award will be made very quickly, a notification may not be in the best interest. Or, for smaller acquisitions, there may not be a great manpower burden on offerors if they are not notified.

It is key to clearly articulate the evaluation process in the FOPR and detail that proposals not receiving an acceptable/pass rating for a gate will not be further evaluated.

Upon receiving an unacceptable/fail rating for a gate, the CO may notify the offeror they were unacceptable for a gate and will no longer be evaluated. It should not state an offeror was eliminated from competition. Then, state postaward notices will be sent out IAW FAR 16.505(b)(6) as only a postaward debriefing is required under FAR 16.505. If a preaward debrief is conducted, the protest clock starts as usual (if applicable).

A decision to stop evaluating an offeror should be thoroughly documented for the file, including a discussion of the rationale and conclusion, consistent with the FOPR.

Template A, Ordering Procedures



Ordering
Procedures

Template B, Market Research Report



Market Research
Report - Simplified



Market Research
Report - Full AF Tem

Template C, Fair Opportunity Proposal Request



FOPR Cover Letter



FOPR ITO LPTA



FOPR-ITO Tradeoff
R1.docx

Template D, Fair Opportunity Selection Plan



Fair Opportunity
Selection Plan

Template E, Oral Presentation Instructions



Oral Presentation
Instructions

Template F, Interchange Notice



Interchange Notice
Template

Template G, Fair Opportunity Decision Authority (FODA) Briefing Sample if FODA is not Contracting Officer



Fair Opportunity
Decision Brief

Template H, Fair Opportunity Decision Document



Fair Opportunity
Decision Document

Template I, FAR 16.5 Fair Opportunity Selection Work Breakdown Structure (WBS)/Schedule Tool



WBS/Schedule