



Doing Business With the Corps of Engineers

Contracting, Savannah district

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U.S. Army Corps
of Engineers ®
Europe District





Army Corps of Engineers

- Full-service Engineering Organization
- Can provide services from planning, design, project management to construction quality control
- Reimbursable Organization (customer-based) - do work for U.S. Government agencies (Armed services, USAID, Customs, State Dept)
- Corps does not establish requirements





Acquisition Guidance

- Federal Acquisition Regulation (FAR)
 - <http://Farsite.hill.af.mil>
- Defense FAR Supplement
- Army FAR Supplement
- Engineer FAR Supplement





Guiding Principles

FAR 1.102(a)

“The vision for the Federal Acquisition System is to deliver on a timely basis the best value product or service to the customer, while maintaining the public's trust and fulfilling public policy objectives.”





Guiding Principles

FAR 1.102(b):

- The Federal Acquisition System will-
 - Satisfy the customer in terms of cost, quality, and timeliness of the delivered product or service by, for example-
 - Maximizing the use of commercial products and services
 - Using contractors who have a track record of successful past performance or who demonstrate a current superior ability to perform
 - Promoting competition
 - Minimize administrative operating costs
 - Conduct business with integrity, fairness, and openness
 - Fulfill public policy objectives





Methods and Types of Contracts

- Best Value Source Selection – used almost exclusively for international contracts
 - Single use Firm Fixed Price Contracts
 - Primarily for higher value projects and/or complex requirements
 - Design-Build possibility
 - Indefinite Delivery Indefinite Quantity Contracts
 - Primarily for lower value projects and/or less complex requirements





Best Value Source Selection (BVSS)

“Best value’ means the expected outcome of an acquisition that, in the Government’s estimation, provides the greatest overall benefit in response to the requirement.”

FAR 2.101





BVSS

Source Selection Considerations

- Allows the government to consider factors in addition to price in selecting contractors, typically:
 - Past Performance (mandatory)
 - Experience
 - Factors which demonstrate the ability to meet the governments requirements for:
 - Schedule
 - Quality
 - Safety
 - Factors which demonstrate the ability to successfully complete the project:
 - Management Team/Approach
 - Subcontracting Plan





BVSS

Importance of Price and Other Factors

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, cost or price may play a dominant role in 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 source selection. FAR 15.101





BVSS

Contracting by Negotiation

- Pre-proposal Conference/Site Visit
- Go over solicitation and answer questions prior to proposal
- Walk site
- Negotiated procurement as opposed to sealed bidding:
 - Clarifications
 - Discussions
 - Revised Offers
- Award without discussions – not required to open negotiations





BVSS

Evaluation of Proposals

- Solicitation specifies evaluation factors, relative importance of price and non-price factors, and describes how proposals will be evaluated
- Evaluation team rates non-price portion of offers, and provides analysis and consensus to the Source Selection Authority.
 - May lead to clarifications, discussions with offerors, and request for revised proposals
- Price is evaluated separately
 - May lead to clarifications, communications, discussions with offerors, and request for revised proposals





Solicitation Format

- Each Solicitation Different
- Section 0100
 - How selection will be made –relative importance of factors
 - Evaluate Contractor Ability to perform based on experience and past performance
 - Best Value means we might be willing to pay more for better product
- Section 0600 – Representations and Certifications
- Section 0800 – Special Contract Requirements
- Drawings, Specifications specific to project





Uniform Contract Format Conversion

UCF

- **USACE Contract Format**

- 00010. Solicitation/Contract Form (SF 1442)
(UCF Sections A & B)
- 00100. Schedule/Instruction to Offerors
(UCF Sections L & M)
- 00600C. Representations & Certifications
(UCF Section K)
- 00700. Contract Clauses
(UCF Section I)
- 00800. Special Contract Requirements
(UCF Section H)
- 01000. Division 1, General Requirements
(UCF Section C)
- 16999. Division 2-16, Technical Provisions
(UCF Section C)

- **Uniform Contract Format**

- A. Solicitation/Contract Form
- B. Supplies or Services & Prices/Costs
- C. Description/Specs./Work Statement
- D. Packaging & Marking
- E. Inspection & Acceptance
- F. Deliveries or Performance
- G. Contract Administration Data
- H. Special Contract Requirements
- I. Contract Clauses
- J. List of Attachments
- K. Representations, Certifications & Other
Statements
of Offeror
- L. Instructions, Conditions & Notices to Offeror
- M. Evaluation Factors for Award





BVSS

Source Selection

- Source Selection Authority (SSA) performs tradeoff analysis to determine the offer that represents the best overall expected value.
 - Price versus other factors
 - Relative value of price and non-price factors as specified in the solicitation
 - Paired comparisons of offers to identify offer representing the best overall value





Common Types of Construction and Indefinite Delivery Contracts

- Single Project – large more complex construction
 - Design-Build
- Job Order Contract (JOC) – minor construction repair
 - Award made to one contractor
- Multiple Award Task Order Contract (MATOC) – larger projects
 - Awarded multiple contracts who then compete for specific projects
 - Integrated Design Construct





JOC

Basic Contract

- Basis for award: Best Value Source Selection
 - Technical:
 - Experience
 - Past Performance
 - Other
 - Price:
 - Unit price book coefficients
 - Government determines overall price standing though use of weighting individual coefficients relative to anticipated use of each trade's unit price book





Job Order Contract (JOC) Concept

- Unit Price Books
 - Divided by trades
 - Detailed work items with assigned unit prices contained in each book
- Coefficients
 - Unit Price Books: Established unit prices adjusted by unit price book coefficients established at contract award
 - Regional: Contract may include supplemental coefficients different geographic regions
- Unit prices and coefficients used for individual task orders





JOC

Task Order Process

- Government Prepares Scope of Work and Requests Proposal from Contractor
- Government and Contractor conduct joint site inspection
- Clarifications issued if necessary
- Contractor submits proposal – cost based on pre-priced items and coefficients (may include some non-pre-priced items)
- Government and Contractor negotiate
- Task Order awarded on lump-sum basis





Multiple Award Task Order Contract (MATOC) - Concept

- Basic contracts are awarded to multiple contractors based on technical qualifications and price competition
- Task orders are competed between contractors
- Integrated Design Construct
- Basis for award of individual task orders can be low price, or best value.





MATOC

Basic Contracts

- Basis for award: Best Value Source Selection
 - Technical:
 - Experience
 - Past Performance
 - Other
 - Price:
 - Unit price book coefficients
 - Government determines overall price standing though use of weighting individual coefficients relative to anticipated use of each trade's unit price book
 - Task Orders competed but may use coefficients for sole source projects





MATOC

Task Order Process

- Request for proposals normally sent to all contractors
- Basis for award:
 - Can be low price or best value
- Request for Proposal Options:
 - Can be complete design, or design-build
 - Can add specific contract clauses





Bank and Letter of Guarantee & Letter of Assurance

- Bank Letter of Guarantee
 - Required for Selectee
 - Performance Guarantee
 - Required for each construction project and most MATOC task order
 - Required for basic JOC
 - Usually 10% of project value
- Letter of Assurance
 - Guarantees proposal
 - Not always required





Construction Contract Administration

- Safety Manuel – EM 385-1-1
 - English Version Only
- 3-Phase Inspection System - pamphlet
- Guide Specifications, Engineer Publications, Support Documents
 - www.hnd.usace.army.mil/techinfo/
- Progress Payments – prohibition against advance payments





Contracting with Europe District

- Wiesbaden, Germany – Main Office
 - Contacts
 - Chief Of Contracting 49-611-816-2620
 - Cheryl Hodge-Snead 49-611-816-2623
 - Request specific solicitation
 - Request addition to bidder's list





IRAQ/AFGANASTAN Project Information

- Bagdad Business Center site location for Open Tenders
- <http://www.baghdadbusinesscenter.org/tenders.asp>





Example Tender

- **Joint Contracting Command - Iraq/Afghanistan (Baghdad)**
- Solicitation No: **W91GDW-07-R-4024**
Project Title: RFI only Civilian Contractor Health Care Facility FOB - Iraq
Issue Date: 24 July 2007
Proposal Due: 08 August 2007
Point of Contact: Clinton Phillips 703-544-1444
Email: clinton.phillips@pco-iraq.net





Questions?



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