

SPECIAL OPERATIONS FORCES WEEK

TRUSTED EXPERTS

RFP Sections L&M Exchange

CONTRACTING OFFICERS & PROGRAM MANAGERS



RFP Sections L&M Exchange

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

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Keys to Submitting Successful Proposals

- **Early Requirement Analysis**
 - Source Sought/RFI Synopsis & Market Survey Analysis Response
 - Quantity, delivery, acquisition strategy, qualification requirements
 - Attend all Industry Days
 - [SOF AT&L Doing Business With USSOCOM](https://www.socom.mil/SOF-ATL/Pages/Doing-Business-With-USSOCOM.aspx) (<https://www.socom.mil/SOF-ATL/Pages/Doing-Business-With-USSOCOM.aspx>)
- **Conduct Thorough Review of Solicitation**
 - RFP, SOW/PWS, SPEC, DD254, CDRLs, other attachments
 - Understanding Qualifying or Go/No-Go Criteria; complete “fill-ins”
 - Prepare proposal following Section L instructions with M in mind
 - Recognize and Understand Basis for Award and Evaluation Criteria
 - Keep an eye on SAM.Gov updates (set alerts)
 - **Ask questions early!!**

Keys to Submitting Successful Proposals

- **Identify Source Selection Process and Technique**
 - DoD Source Selection Procedures 2022 superseded DoD SSP 2016
[ASD\(A\) - DPC - Contract Policy \(osd.mil\)](https://www.osd.mil/ASD(A)-DPC-Contract-Policy)
Basis for Award, Evaluation Factors
- **Conduct an Independent Evaluation**
- **Follow Instructions and Timely Submit the Required Material**

DoD Source Selection Procedures 2022 Updates

DoD Source Selection Procedures guide issued August 2022
supersedes April 2016 DoD SSP, by addition of Appendices:

Appendix D Streamlining Source Selection and
Appendix E Intellectual Property

Updated References to SAM.gov,
Updated Table Definitions:
Table 2A, Technical Rating Method
Table 2B, Technical Risk Rating Method
Table 3, Combined Technical/Risk Rating Method

Updates to Statutory and Regulatory References.

Appendix D Streamlining Source Selection

- Other Source Selection Methodologies. Appendix D describes other methodologies on the best value continuum that may apply in specific situations. Performance Price Tradeoff (PPT) may be used where competition is limited to named companies that have undergone required qualification processes and been identified as approved sources. Highest Technically Rated Offeror with a Fair and Reasonable Price (HTRO) may be used in competitions for multiple award IDIQ contracts that establish ceiling rates or prices subject to additional negotiation or competition prior to award of task or delivery orders.

Appendix E Intellectual Property

- Considering intellectual property (IP) deliverables and associated license rights in source selection evaluation is an important acquisition and mission objective for many DoD acquisitions consistent with DoDI 5010.44 IP Acquisition and Licensing. When doing so, there is a fundamental tension between the following two complementary principles and practices:
 1. Restrictions on Requiring Greater Than Standard IP Rights: The circumstances of contracting and policy implemented in other parts of the DFARS constrain the IP deliverables and license rights that the DoD may effectively require. In simple terms, the DoD cannot force contractors to agree to sell the IP that DoD may desire.
 2. Smart Evaluation of IP Deliverables and License Rights: However, source selection evaluation factors may allow proposals to be evaluated for the impact of proposed restrictions on the Government's ability to use or disclose IP deliverables such as technical data and computer software. See DFARS 227.7103-10(a)(5) and 227.7203-10(a)(5). Conducting source selection evaluation of IP considerations consistent with these Procedures and the DFARS IP rules requires detailed understanding of and planning for these considerations to be effective and efficient.

Working with, leveraging, and negotiating within these tensions requires careful planning.

Technical Rating Method

Methodology 1

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

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Table 2B. Technical Risk Rating Method

| Adjectival Rating | Description |
|--------------------------|--|
| Low | Proposal may contain weakness/weaknesses which have low potential to cause disruption of schedule, increased cost, or degradation of performance. Normal contractor emphasis and normal Government monitoring will likely be able to overcome any difficulties. |
| Moderate | Proposal contains a significant weakness or combination of weaknesses which may have a moderate potential to cause disruption of schedule, increased cost, or degradation of performance. Special contractor emphasis and close Government monitoring will likely be able to overcome any difficulties. |
| High | Proposal contains a significant weakness or combination of weaknesses which is likely to have high potential to cause significant disruption of schedule, increased cost, or degradation of performance. Special contractor emphasis and close Government monitoring will unlikely be able to overcome any difficulties. |
| Unacceptable | Proposal contains a deficiency or a combination of significant weaknesses that causes an unacceptable level of risk of unsuccessful performance. |

Technical Rating

Methodology 2 – Combined Technical/Risk Rating Method
Table 3

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

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Lowest Price Technically Acceptable

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

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

Technical Risk Rating

Methodology 1 – Separate Ratings

| UPDATED RATINGS REQUIRED FOR SEPARATE OR COMBINED TECHNICAL/RISK FACTORS. | |
|--|--|
| Table 2B. Technical Risk Rating Methods | |
| Rating | Description |
| Low | Proposal may contain weakness/weaknesses which have low potential to cause disruption of schedule, increased cost, or degradation of performance. Normal contractor emphasis and normal Government monitoring will likely be able to overcome any difficulties. |
| Moderate | Proposal contains a significant weakness or combination of weaknesses which may have a moderate potential to cause disruption of schedule, increased cost, or degradation of performance. Special contractor emphasis and close Government monitoring will likely be able to overcome any difficulties. |
| High | Proposal contains a significant weakness or combination of weaknesses which is likely to have high potential to cause significant disruption of schedule, increased cost, or degradation of performance. Special contractor emphasis and close Government monitoring will unlikely be able to overcome any difficulties. |
| Unacceptable | Proposal contains a deficiency or a combination of significant weaknesses that causes an unacceptable level of risk of unsuccessful performance. |

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Performance Confidence Assessment Ratings

Table 5. Performance Confidence Assessments Rating

| Rating | Description |
|-------------------------|--|
| Substantial Confidence | Based on the offeror's recent/relevant performance record, the Government has a high expectation that the offeror will successfully perform the required effort. |
| Satisfactory Confidence | Based on the offeror's recent/relevant performance record, the Government has a reasonable expectation that the offeror will successfully perform the required effort. |
| Neutral Confidence | No recent/relevant performance record is available, or the offeror's performance record is so sparse that no meaningful confidence assessment rating can be reasonably assigned. The offeror may not be evaluated favorably or unfavorably on the factor of past performance. |
| Limited Confidence | Based on the offeror's recent/relevant performance record, the Government has a low expectation that the offeror will successfully perform the required effort. |
| No Confidence | Based on the offeror's recent/relevant performance record, the Government has no expectation that the offeror will be able to successfully perform the required effort. |

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Small Business Rating Evaluation

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

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Compensation for Professional Employees (FAR 52.222-46)

Evaluation of Compensation for Professional Employees (Feb 1993)

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