

Subpart 15.1 - Source Selection Processes and Techniques

Parent topic: [Part 15 - Contracting by Negotiation](#)

15.100 Scope of subpart.

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

15.101 Best value continuum.

An agency can obtain *best value* in negotiated *acquisitions* by using any one or a combination of source selection approaches. In different types of *acquisitions*, the relative importance of cost or price *may* vary. For example, in *acquisitions* where the requirement is clearly definable and the risk of unsuccessful contract performance is minimal, 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.

15.101-1 Tradeoff process.

(a) A tradeoff process is appropriate when it *may* be in the best interest of the Government to consider award to other than the lowest priced *offeror* or other than the highest technically rated *offeror*.

(b) When using a tradeoff process, the following apply:

(1) All evaluation factors and significant subfactors that will affect contract award and their relative importance *shall* be clearly stated in the *solicitation*; and

(2) The *solicitation shall* state whether all evaluation factors other than cost or price, when combined, are significantly more important than, approximately equal to, or significantly less important than cost or price.

(c) This process permits tradeoffs among cost or price and non-cost factors and allows the Government to accept other than the lowest priced proposal. The perceived benefits of the higher priced proposal *shall* merit the additional cost, and the rationale for tradeoffs *must* be documented in the file in accordance with [15.406](#).

15.101-2 Lowest price technically acceptable source selection process.

(a) The lowest price technically acceptable source selection process is appropriate when *best value* is expected to result from selection of the technically acceptable proposal with the lowest evaluated

price.

(b) When using the lowest price technically acceptable process, the following apply:

(1) The evaluation factors and significant subfactors that establish the requirements of acceptability *shall* be set forth in the *solicitation*. *Solicitations shall* specify that award will be made on the basis of the lowest evaluated price of proposals meeting or exceeding the acceptability standards for non-cost factors. If the *contracting officer* documents the file pursuant to 15.304(c)(3)(iii), *past performance* need not be an evaluation factor in lowest price technically acceptable source selections. If the *contracting officer* elects to consider *past performance* as an evaluation factor, it *shall* be evaluated in accordance with 15.305. However, the comparative assessment in 15.305(a)(2)(i) does not apply. If the *contracting officer* determines that a small business' *past performance* is not acceptable, the matter *shall* be referred to the Small Business Administration for a Certificate of Competency determination, in accordance with the procedures contained in subpart 19.6 and 15 U.S.C.637(b)(7).

(2) Tradeoffs are not permitted.

(3) Proposals are evaluated for acceptability but not ranked using the non-cost/price factors.

(4) Exchanges *may* occur (see 15.306).

(c) Except for DoD, in accordance with section 880 of the John S. McCain *National Defense Authorization Act for Fiscal Year 2019* (Pub. L. 115-232, 41 U.S.C. 3701 Note), the lowest price technically acceptable source selection process *shall* only be used when—

(1) The agency can comprehensively and clearly describe the minimum requirements in terms of performance objectives, measures, and standards that will be used to determine the acceptability of *offers*;

(2) The agency would realize no, or minimal, value from a proposal that exceeds the minimum technical or performance requirements;

(3) The agency believes the technical proposals will require no, or minimal, subjective judgment by the source selection authority as to the desirability of one *offeror's* proposal versus a competing proposal;

(4) The agency has a high degree of confidence that reviewing the technical proposals of all *offerors* would not result in the identification of characteristics that could provide value or benefit to the agency;

(5) The agency determined that the lowest price reflects the total cost, including operation and support, of the product(s) or service(s) being acquired; and

(6) The *contracting officer* documents the contract file describing the circumstances that justify the use of the lowest price technically acceptable source selection process.

(d) Except for DoD, in accordance with section 880 of the John S. McCain *National Defense Authorization Act for Fiscal Year 2019* (Pub. L. 115-232, 41 U.S.C. 3701 Note), *contracting officers shall* avoid, to the maximum extent practicable, using the lowest price technically acceptable source selection process in the case of a *procurement* that is predominantly for the *acquisition* of—

(1) *Information technology* services, cybersecurity services, systems engineering and technical

assistance services, advanced electronic testing, audit or audit readiness services, health care services and records, telecommunications devices and services, or other knowledge-based professional services;

(2) Personal protective equipment; or

(3) Knowledge-based training or logistics services in *contingency operations* or other operations outside the *United States*, including in Afghanistan or Iraq.

15.101-3 Tiered evaluation of small business offers.

An agency *shall* not create a tiered (or "cascading") evaluation of *offers*, as described in [13 CFR 125.2](#), for *multiple-award contracts* unless an agency has statutory authority.

15.102 Oral presentations.

(a) Oral presentations by *offerors* as requested by the Government *may* substitute for, or augment, written information. Use of oral presentations as a substitute for portions of a proposal can be effective in streamlining the source selection process. Oral presentations *may* occur at any time in the *acquisition* process, and are subject to the same restrictions as written information, regarding timing (see [15.208](#)) and content (see [15.306](#)). Oral presentations provide an opportunity for dialogue among the parties. Pre-recorded videotaped presentations that lack real-time interactive dialogue are not considered oral presentations for the purposes of this section, although they *may* be included in *offeror* submissions, when appropriate.

(b) The *solicitation may* require each *offeror* to submit part of its proposal through oral presentations. However, representations and certifications *shall* be submitted as required in the FAR provisions at [52.204-8\(d\)](#) or [52.212-3\(b\)](#), and a signed *offer* sheet (including any exceptions to the Government's terms and conditions) *shall* be submitted *in writing*.

(c) Information pertaining to areas such as an *offeror's* capability, *past performance*, work plans or approaches, staffing resources, transition plans, or sample tasks (or other types of tests) *may* be suitable for oral presentations. In deciding what information to obtain through an oral presentation, consider the following:

(1) The Government's ability to adequately evaluate the information;

(2) The need to incorporate any information into the resultant contract;

(3) The impact on the efficiency of the *acquisition*; and

(4) The impact (including cost) on small businesses. In considering the costs of oral presentations, *contracting officers should* also consider alternatives to on-site oral presentations (*e.g.*, teleconferencing, video teleconferencing).

(d) When oral presentations are required, the *solicitation shall* provide *offerors* with sufficient information to prepare them. Accordingly, the *solicitation may* describe-

(1) The types of information to be presented orally and the associated evaluation factors that will be

used;

(2) The qualifications for personnel that will be required to provide the oral presentation(s);

(3) The requirements for, and any limitations and/or prohibitions on, the use of written material or other media to supplement the oral presentations;

(4) The location, date, and time for the oral presentations;

(5) The restrictions governing the time permitted for each oral presentation; and

(6) The scope and content of exchanges that *may* occur between the Government's participants and the *offeror's* representatives as part of the oral presentations, including whether or not discussions (see 15.306(d)) will be permitted during oral presentations.

(e) The *contracting officer shall* maintain a record of oral presentations to document what the Government relied upon in making the source selection decision. The method and level of detail of the record (*e.g.*, videotaping, audio tape recording, written record, Government notes, copies of *offeror* briefing slides or presentation notes) *shall* be at the discretion of the source selection authority. A copy of the record placed in the file *may* be provided to the *offeror*.

(f) When an oral presentation includes information that the parties intend to include in the contract as material terms or conditions, the information *shall* be put *in writing*. Incorporation by reference of oral statements is not permitted.

(g) If, during an oral presentation, the Government conducts discussions (see 15.306(d)), the Government *must* comply with 15.306 and 15.307.