



United States Department of Agriculture

COR Webinar Series Part II

SOLICITATION & AWARD ACTIVITIES

Subjects Covered

- Acquisition Ready Requisition
- Presolicitation Notice
- Solicitation/Amendments
- Bid Guarantee (Bond)
- Site Showing/Physical Data
- Bid Opening/Mistakes in Bid
- Bidder Responsibility
- Award/Protests
- Performance/Payment Bonds

Acquisition Ready Requisition

- Signed/approved requisition in IAS;
- Approval of funds availability;
- Bid schedule, specifications, and drawings;
- Independent government cost estimate (\$25K or more);
- Quality assurance plan (QAP) (exceeding \$2K);
- Procurement administrative lead time (PALT) for actions exceeding \$150K is 90-120 calendar days.



Presolicitation Notice

- Required over \$25K.
- Notice posted to FedBizOpps (FBO) at least 15 calendar days prior to release of solicitation (www.fbo.gov).
- Notice must include specific information.
- Interested firms can search for opportunities and solicitation documents.

Solicitation

- Solicitation (Invitation for Bid “IFB”) includes the specs, drawings, and other terms and conditions.
- Posted to presolicitation notice on FBO.
- 30 calendar day (min) response requirement.
- Site showing/visit.
- Public bid opening date/time and location.

Solicitation (IFB) Contents

- SF-1442, Solicitation, Offer and Award (Section A)
 - Magnitude of the project (SF-1442 listed as a range FAR 36.204)
 - Period of performance (SF-1442 and clause 52.211-10)
 - Bid opening information (SF-1442)
- Bid schedule (Section B)
- Clauses and provisions (Sections B – M)
- Special contract requirements (Section H)
- Wage determination (attachment Section J)
- Specifications and drawings (attachment Section J)
- Site visit information (clause 52.236-27)

Amending Solicitation

- Complete whenever there is a need to make changes to the solicitation.
- Completed on SF-30.
- Must be issued in sufficient time to allow bidders to respond to the changes.
- If time remaining is too short – extend bid opening date (by amendment).
- Generally must be acknowledged by the bidder when submitting a bid.
- Used to document site visit and other Q&A information.

Bid Guarantee (Bond)

- Protects Government if contractor does not honor their bid and fails to execute all contractual documents or provide performance and payment bonds as required.
 - CO can terminate contract for default; and
 - Bidder is liable for any cost of acquiring work that exceeds amount of its bid
- Guarantee is normally in the form of a bond vs. check, letter of credit, etc.
- The guarantee is at least 20 percent of the bid price but shall not exceed \$3M, whichever is less.
- Required for construction contracts exceeding \$150K.
- Furnished by time set for opening of bids.
- If not furnished at all or furnished incorrectly, may result in rejection of bid as non-responsive.
- Held until receive payment and performance bonds.



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Site Showing or Pre-Bid Conference



Purpose of the Site Showing

- Relate the nature of the work
- Show site and layout of work
- Explain drawings and specifications
- Answer questions
- Set the tone for the whole job
- Help contractors understand what is needed to bid the work

Who Attends?

CO

COR

Inspectors

Contractors

Subcontractors

Suppliers

DC

Sponsor





Day of the Site Showing

- Be prepared and on time
- Agree on spokesperson
- Appoint a notekeeper
- Sign in participants
- Introduce contract officials and describe their responsibilities

Items to Cover - CO

- Performance Time
- Bonding Requirements
- Bidders Qualifications
- Bidding Process
- Performance Time
- Subcontracting
- Labor Requirements (Wage Rates)
- Payments

Items to Cover - COR

- Safety requirements including underground utilities
- Items of Work for selected specifications
- Quality Control
- Quality Assurance
- Pollution Control Requirements
- Surveying

At The Site



- Ingress/Egress Road
- Work Limits
- Clearing Limits
- Site Layout
- Borrow Areas
- Waste Areas
- Utilities
- Site Specific Concerns

Documentation

Job Diary and/or Contract Folder

- Attendees
- When
- Where
- Weather conditions
- Site conditions
- Discussion
- Questions and answers
- Addendum



Physical Data - FAR 52.236-4

Government shall not be responsible for any interpretation of or conclusion drawn from data or information furnished:

- Indications of physical conditions on drawings and specifications resulting from site investigations by (insert description of investigation method used)
- Weather conditions (insert summary of weather records and warnings)



Physical Data

- What kind of Physical Data might we have?
- Where and when can they look at it?
- Can they have a copy?
- What are we doing giving them this stuff with interpretations on it?

Bid Opening

FAR Part 14 – Sealed Bidding

- Submission of Bids
- Safeguarding of Bids
- Public Place
- Official Clock
- Recording of Bids
- Late Bids
- Responsive Bids



Mistakes in Bids

Verification of Bid

Apparent Clerical Mistakes

Other Mistakes Disclosed Before Award

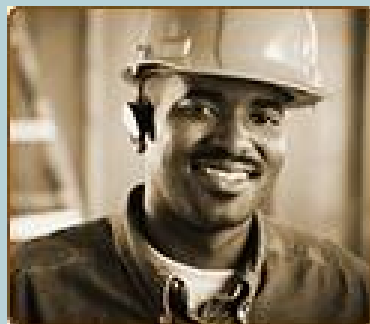
Other Mistakes Disclosed After Award

Minor Informalities or Irregularities in Bids

Evaluation of Bidder's Responsibility

A responsible contractor has the...

- Capability
- Competency
- Capacity
- Credit
- Integrity
- Perseverance, and tenacity
...to do a quality job in a safe manner.



Evaluation of Bidder's Responsibility

Responsiveness vs. Responsibility

- Responsiveness – determining whether a bid meets the requirements of a solicitation
- Responsibility – determining if a contractor is capable of completing the work and whether they are eligible to receive award



Standards of Responsibility (FAR 9.104-4)

To be determined responsible a contractor must...

- (a) Have adequate financial resources
- (b) Be able to comply with the performance schedule
- (c) Have satisfactory record of performance
- (d) Have satisfactory record of integrity and business ethics
- (e) Have necessary organization, experience, accounting operational controls and technical skills
- (f) Have necessary production, construction and technical equipment and facilities
- (g) Be otherwise qualified and eligible to receive award under applicable laws and regulations

Standards of Responsibility (FAR 9.104-4) *cont.*

- Capable – Satisfactory performance record
- Credit – Adequate financial resources
- Capacity – Look at equipment list
- Perseverance – Ability to comply with the required schedule
- Integrity – Satisfactory record of business ethics
- Quality job – Necessary organization, experience and technical skills
- Otherwise qualified and eligible to receive award

Responsibility Determination

- How do we obtain the information?
- Who will make the determination?
- What should we review?
 - Check SAM Exclusion, PPIRS, and FAPIIS
 - Experience
 - Equipment
 - Schedule
 - Prices
 - Financial info (bank, financial statement, audits, etc.)

Award

- Award is made “responsible bidder” whose bid, conforming (*responsive*) to the invitation, will be most advantageous to the Government, considering only price and the price-related factors included in the solicitation.
- Award shall be made by mailing or otherwise furnishing a properly executed award document to the successful bidder.
- When a notice of award is issued, it shall be followed as soon as possible by the formal award.

Protests

Is a written objection

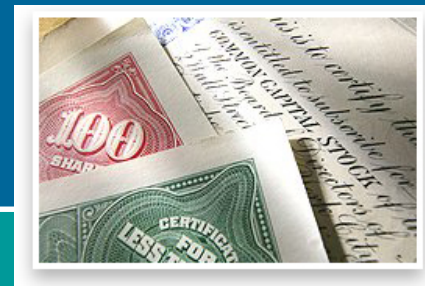
Protestor must be an interested party

Protest to the Agency, GAO or CoFC

Must be timely

Decision: sustain, deny, and/or dismiss

Bonds



Protect the interest of the NRCS, as well as others who supply labor or materials

CO must examine and approve all bonds and additional bond security

Surety providing bond must be approved by US Treasury

Contractor not paid extra for furnishing bonds; must include premium in total bid price

- Mobilization

Bonds (Performance)

Performance Bond (FAR 52.228-15)

- Assures completion of work
- Guarantees against defective workmanship or materials
- Furnished prior to Notice to Proceed
- 100% of contract price
- Must be from approved surety
- Approved by the CO



Bonds (Payment)

Payment Bond (FAR 52.228-15)

- Guarantees payment to subcontractors and suppliers
- 100% of contract price
- Furnished prior to Notice to Proceed
- Must be from approved surety
- Approved by the CO



Alternate Payment Protection

Federal Contracts under Simplified Acquisition Threshold ($\leq \$150,000$)

- No bid guarantee required
- Greater than \$30,000 but not greater than \$150,000 - select 2 or more payment protections:
 - *Payment Bond*
 - *Irrevocable Letter of Credit (ILC)*
 - Tripartite Escrow Agreement
 - Certificate of Deposit
 - U.S. Bonds or notes
 - Certified or cashier's checks, bank drafts, money orders, or currency

Additional Bond Security

FAR 52.228-2
Contractor shall promptly furnish additional security to protect interests of the NRCS and of persons supplying labor or materials:

- If contract price is increased to such an extent that the penal sum of any bond becomes inadequate
- If any surety upon any bond become unacceptable
- If any such surety fails to furnish reports concerning financial condition as requested



Questions?

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