



FAR Part 15 vs Part 16

AFLCMC/WNS Contracting

(937) 255-4871

charles.szydlik@us.af.mil

8 May 18

Disclaimer: The information provided herein represents the Government's best understanding of the procurement as of the presentation date. This information should be considered preliminary and subject to change.

Overview



- Competitive Procedures
 - FAR 15.3 Source Selections
 - FAR 16.505 Ordering
 - Fair Opportunity Competitions
 - Potential Flexibility
 - Streamlining Opportunities
- Proposal Evaluation Summary





Competitive Procedures

FAR 15.3: FAR 16.505



- FAR 15.3 Source Selections - DoD Source Selection Procedures
 - All acquisitions conducted as part of Major Sys Acquisition Program
 - All competitively negotiated FAR 15 actions >\$10M
 - AFFARS MP5315.3 directs use regardless of dollar value
- FAR 16.505 Ordering
 - Orders under multiple award contracts (TSA III) - Fair Opportunity
 - Small Business Pool: Unrestricted Pool
 - Fair Opportunity Exceptions (FOEs)
 - DoD Source Selection Procedures not mandated
 - CO may exercise broad discretion in developing appropriate order placement procedures...contracting officers may use streamlined procedures
 - Best Value Continuum Applies (LPTA, Tradeoffs)

TSA III orders may use FAR 15 or FAR 16 procedures

FAR 16.5 Considerations



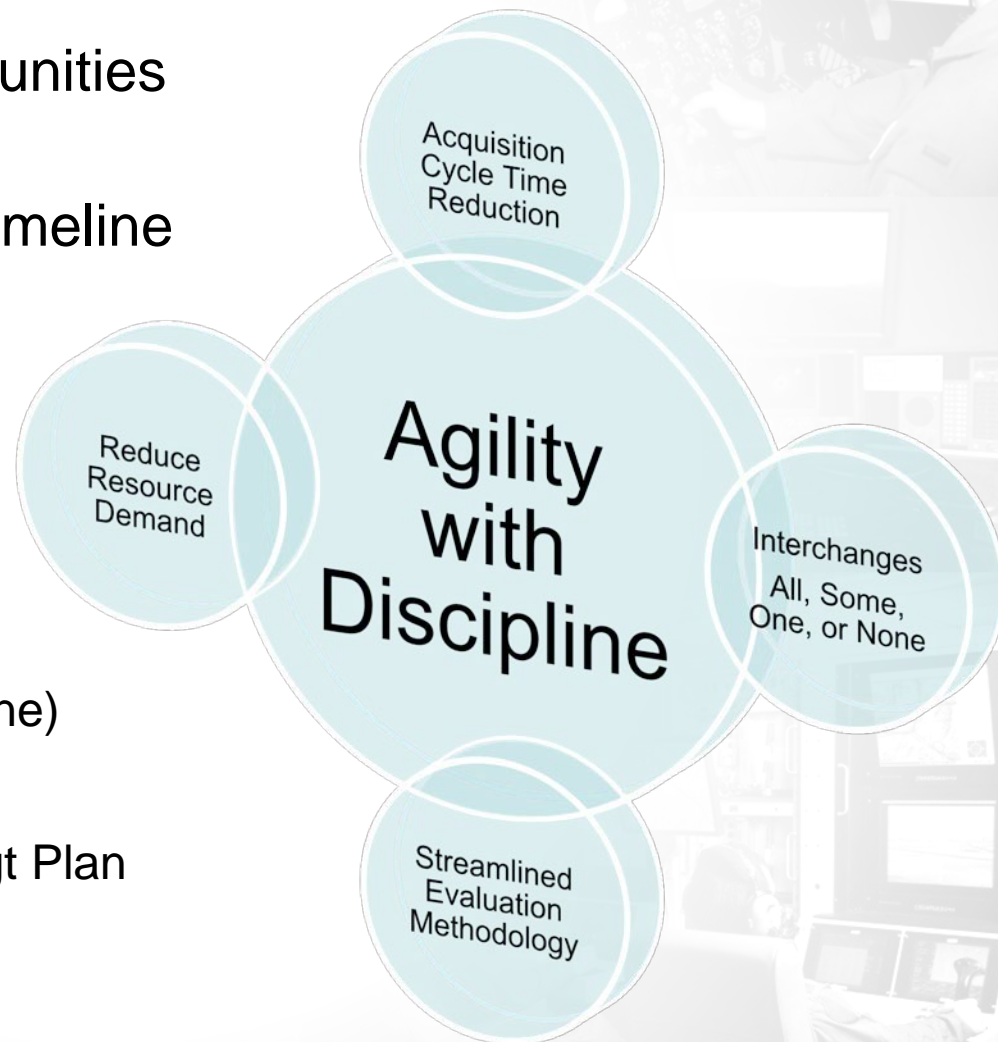
- Multiple Award Contract In Place – TSA III
- Capability Assessment
- Interest of Contract Holders
- Nature, type, complexity, stability of requirement
- Performance risk
- Types of training systems/locations
- Number of expected offerors
- Evaluation discriminators
- Schedule



USG continue to assess/maximize FAR 16.5 utilization opportunities

Why Use FAR 16.505 Procedures?

- Streamlining / Agility Opportunities with Discipline
- Potential faster acquisition timeline
- Streamlined proposal
- Streamlined evaluation methodology
- Cost/resource savings
- Interchanges
 - As needed (all, some, one, none)
- Leverage basic contract
 - ie, Structure, T&Cs, Config Mgt Plan
- Deliver Capability Faster





Streamlining Opportunities: Evaluation Criteria



- Request minimum amount of info from offerors
 - To demonstrate offeror understands requirement
 - Allows Government to discern best offer
 - Minimizes burden on Industry
- Cost/Price shall always be considered
- Streamlined Evaluation Methodology Opportunity
 - Plus & minus (+ & -)
 - Narrative statements
 - Acceptable/Unacceptable (Go/No Go)
 - Immediate Comparison



Lexicon Sample

FAR 15 Term	Recommended FAR 16 Term	Definition
Award Without Discussions	Selection Without Interchanges	To award an order on the basis of the initial proposals received without conducting Interchanges.
Clarifications	Interchanges	Fluid interaction 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 one, some, none or all of the offerors.
Communications	Interchanges	
Discussions/Interactions	Interchanges	
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.
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.



In General



FAR 15.3

- Open competition to award a new contract
- Source Selection; governed by FAR 15.3, DoD Source Selection Procedures and AF Supplements

FAR 16.5

- Awarding an order against an existing multiple award IDIQ contract
 - Fair Opportunity; governed by FAR 16.505(b)(1) among IDIQ contract holders
- Exempt from FAR 15.3, DoD Source Selection Procedures and AF supplements – but must follow any standards on IDIQ



Acquisition Strategy



FAR 15.3

- Source Selection type from FAR 15.3 Best Value Continuum
 - Must evaluate cost/price and quality of product/service
 - Must evaluate Past Performance and Small Business (some exceptions)
 - Mandatory use of rating definitions established in DoD Source Selection Procedures

FAR 16.5

- CO “broad discretion” to develop appropriate ordering procedures
 - Tailor procedures to each acquisition
 - FAR 15.3 and FAR Part 6 do not apply
 - Cost/Price only mandatory evaluation factors
 - Can create tailored rating definitions



Fair Opportunity Proposal Request (FOPR)



FAR 15.3

- RFP sets proposal requirements and procedures that guide the evaluation
 - 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

- IDIQ contract ordering guide and FOPR set proposal requirements and evaluation procedures
 - Consider streamlined evaluation methodologies
 - Plusses & minuses (+ & -)
 - Narrative statements
 - Acceptable/Unacceptable
 - Immediate Comparison
 - Request minimum amount of information
 - To demonstrate offeror understands requirement
 - Allows Government to discern best value



Fair Opportunity Proposal Request (FOPR)



FAR 15.3

- Allows oral presentations

FAR 16.5

- Oral presentations encouraged
 - Typically used to address only technical factors (ability to meet requirement or mitigate risk)
 - Presentation can be live or recorded; if live, videotape
 - All offerors should have equal time
 - Avoid marketing sessions



Exchanges with Offerors



FAR 15.3

- FAR 15.306 describes specific policy for clarifications, communications and discussions
 - Discussions must be held with all in competitive range
- Must establish competitive range to engage in discussions
- Must request Final Proposal Revisions (FPR) after discussions

FAR 16.5

- FAR 16.5 does not have specific policy for interchanges with offerors
 - Interchanges allowed with one, some, none, or all offerors if process described in IDIQ or FOPR
- No requirement to establish a formal competitive range
 - Interchanges/Exchanges (interactions with Government and Industry) is allowed
- No requirement for FPR after interchanges



Post Proposal Receipt



FAR 15.3

- Debriefing required for all actions upon request of unsuccessful offeror
- All actions regardless of dollar value can be protested to GAO

FAR 16.5

- Debriefing required for orders exceeding \$5.5M upon request of unsuccessful offeror
- Protests (FAR 16.505(a)(10)):
 - Only orders >\$25M against DoD contracts can be protested to GAO

Key Takeaways

- Industry Involvement is Encouraged
 - Attend Industry Days – Physically & Mentally
 - Submit feedback
 - Be involved
- Read the Solicitation – each one is different
 - Solicitation
 - Instruction to Offerors
 - Evaluation Factors For Award
- Government reserves right to award effort based on the initial proposal, as received, without further contact
 - Potential paradigm shift for industry with no FPR
- Fair Opportunity ≠ Proposal Evaluation





Upcoming FAR 16.5 Opportunities



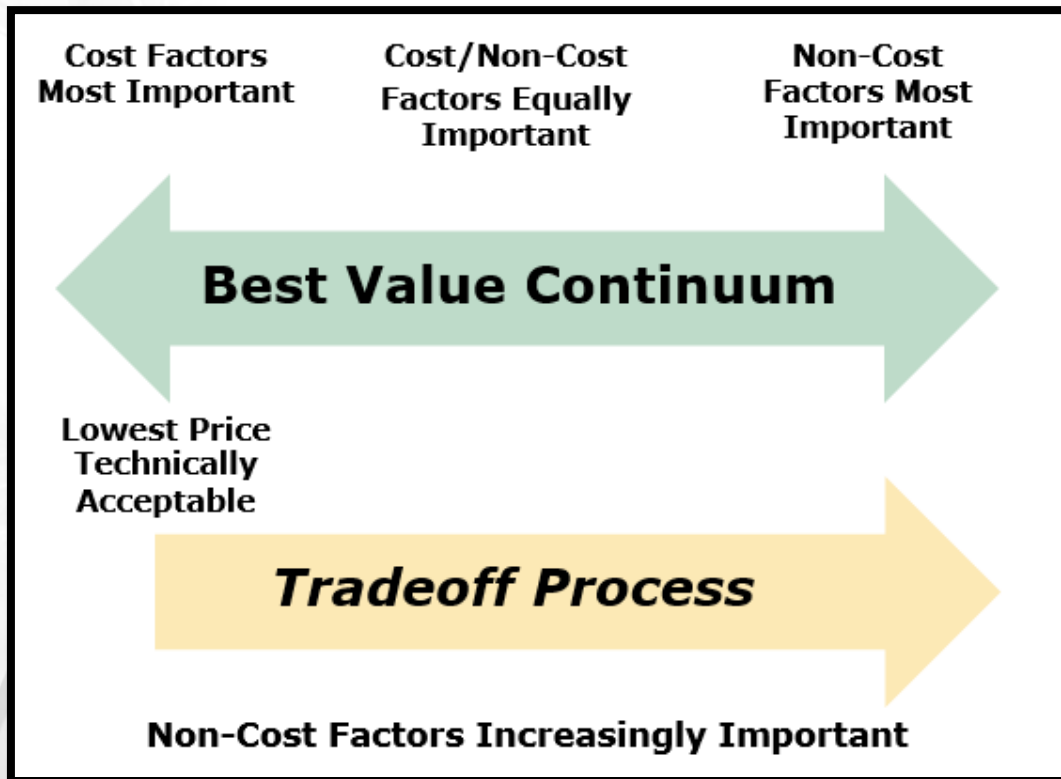
- Planned FAR 16.5 Fair Opportunities
 - C-17 Training Systems
 - E-3 Maintenance Training Systems
 - C-130 Aircrew Training Systems
 - B-1 Training Systems
 - F-16 Simulator Training Program
 - PMATS



- USG continues to assess/maximize FAR 16.5 utilization opportunities

Proposal Evaluations

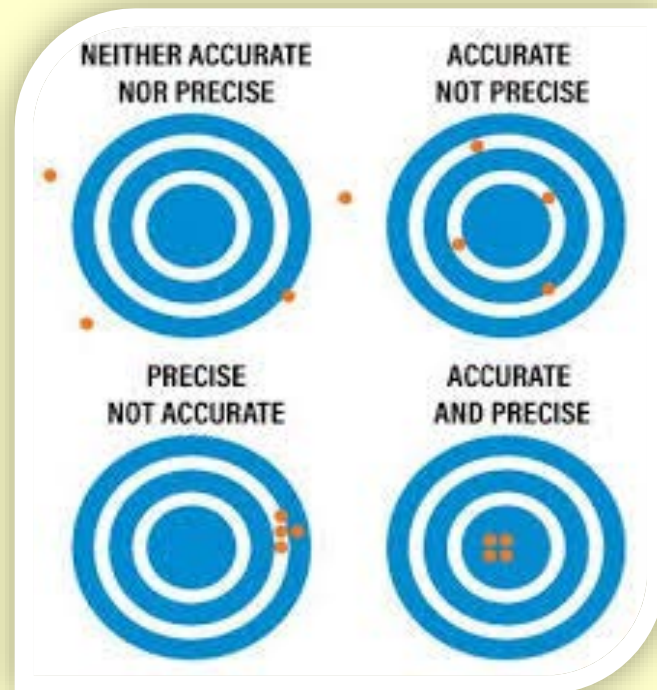
- Applicable to both FAR 15.3 and FAR 16.5 Procedures
- Best Value decision IAW Evaluation Criteria
 - LPTA <<----->>Trade-Off
- Relative Importance of Factors
- Tailored to the requirement



Proposal Evaluations



- Tailored to the requirement
- Discriminators for evaluations and decision-making
 - Production, Execution, TSSC, Transition, Mods, Concurrency, Connectivity, Security, etc



- Price
- Gate Criteria (go/no-go)
- Past Performance (PP)
 - Recent
 - Relevant
- Limited/Tailored PP
- Technical Approach
- Risk Assessment
- Strengths/Weaknesses



Questions?