PWS Characteristics that Facilitate High Quality Technical Proposals

USACE-M2G2 and NAOC Quarterly Call
10 August 2022

- Task Order proposals are a significant cost to NAOC member firms
- Opportunities to standardize and streamline the RFP process is welcome
- We are mindful to the fact that we have a diverse membership, and we want to make sure NAOC member companies can differentiate themselves, but reduce risk due to uncertainty
  - This risk can be through expenditure of overhead dollars to pursue work, and
  - During project execution/delivery

- Generally an appreciation of the standardized RI/FS PWS Template and looking forward to review of the RA PWS Template
- Solicited NAOC member companies to provide input
- Input received, summarized and grouped

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- Input received, summarized and grouped
- Three groupings emerged:
    1) **RFP Process/Communication**
    2) **Content of RFP/PWS**
    3) **Other/Miscellaneous**

My first formal USACE-NAOC partnering session held June 2010 at Fort Hamilton

Main topics:

- Use of innovative technologies/approaches
- PWS language and pricing structure regarding site conditions and requirements difficult to quantify
- Defining characterization expectations for conducting RIs
- Other areas of risk in current PWS

- Let's make this discussion is interactive
- Will be monitoring chat and raised hands
- Would like feedback from all
- There will likely be action items and follow up to continue the dialogue

INTRODUCTION
General

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PROCESS/COMMUNICATION
Notice of Planned New Starts

- Lists of upcoming projects (site, type of project) by contract are found to be helpful
- Several districts maintain project lists through the FY but this is not consistently applied
- Realize there is hesitation from contracting to release a list of contemplated projects, but
  - Most NAOC companies would prefer the communication
  - Its up to the company whether any resources would be expended to prospect the work
  - Understand the list can change

PROCESS/COMMUNICATION
Draft PWS

- Some districts provide a draft or preliminary draft PWS before RFP release
  - Thank you, this is helpful, encourages competition
  - Allows more time to assess approach, risk and performance
  - Provides information to prepare for site visit needs which often happens immediately after RFP release
  - Suggest this be more common practice
- Consider accepting feedback/questions on draft PWS so USACE could incorporate into the RFP
  - May help reduce formal questions & answers

PROCESS/COMMUNICATION
Adequacy of the RFP

- Low quality RFP's ultimately impact contractor cost and ability to provide a high-quality proposal
- Recommend the Government do a technical edit to correct errors before distributed
  - Sometimes internal USACE comments are still embedded in documents
  - Occasionally the price schedule doesn't match the PWS text
  - AGC language included when no AGC is required
- Will reduce questions & answers and time it takes for back and forth correspondence

PROCESS/COMMUNICATION
Questions & Answers

- The response time from the Government to answer questions varies
- Contractors need to continue with proposal preparation to meet deadlines
- Understand answers can be driven by the quantity of questions, but periodic updates through the RFP process on when answers will be provided is suggested

PROCESS/COMMUNICATION
Questions & Answers (continued)

- Additional questions often come from initial answers but there is typically no ability to ask more questions
- Suggest two rounds of questions or a final chance to ask clarifying questions to answers provided

PROCESS/COMMUNICATION
Questions & Answers (continued)

- Similar questions are asked for almost every project
- Some examples include:
  - Acceptability/limitations of vegetation removal
  - Vehicular access
- Would USACE do a programmatic review of questions and incorporate into the PWS some of the basic assumptions anticipated for each site
  - Likely will cut back on number of questions asked by contractors

PROCESS/COMMUNICATION
Government Furnished Information

- Please provide Government Furnished Information (GFI) in advance or at least at the time of RFP release
  - Not consistently provided all at one time. Can trickle in over the course of the RFP response period
  - Can be a challenge to incorporate into the proposal depending upon receipt timing with respect to due date
  - If not, it could favor an incumbent
- Please provide GFI before the site visit
  - Contractor is still making pursuit decisions
  - There needs to be enough time to prepare for the visit (prime team member participants, subcontractors, equipment)

PROCESS/COMMUNICATION
GFI (continued)

- If all GFI is not received early enough, there may not be time to fully assess the data or ask questions in advance of deadlines
- Late information can cause rework on the proposal. Contractors have recently gone through management reviews and late GFI and proposal revisions create the need for going through approvals again
- Timing of proposal due date is sometimes not adjusted based on last GFI received. Consider proposal due date extensions if GFI is provided late

PROCESS/COMMUNICATION GFI (continued)

- Worksheets 10 and 11 are very helpful
- Some worksheets are well thought out and provide a good level of detail for bidding. Others are generic and not informative, not site specific
- VSP inputs and calculations are not consistently provided
- Please provide SPP/planning session meeting minutes and presentations

PROCESS/COMMUNICATION
Site Visit

- Number of people allowed on site visits can be limiting especially if subcontractors are required or the site is large and complex
- Understand there needs to be a reasonable limit
- Types of individuals expected to be on site visits are sometimes not defined (safety, escort)
- Suggest better definition of the minimum requirements for attendance and consider opening it up to larger teams if needed/requested
- Considerations of stakeholder/regulator attendance or more dialogue around Worksheets 10 and 11

PROCESS/COMMUNICATION
RFP Response Periods

- Almost every response period on TO proposals recently requires an extension
  - Can be due to delayed response to questions,
  - Resolve inconsistencies in RFP package, and
  - Gather additional GFI
- It is appreciated that additional time is provided when needed

PROCESS/COMMUNICATION
RFP Response Periods (continued)

- An extension to the proposal due date is usually known relatively early in the response process
- But, extensions are ultimately granted typically late into the completion of proposal
- It would be helpful if extensions, known to be required, are implemented sooner than currently being performed or at least communicated if formal RFP amendments cannot be issued
- Extensions should have connectivity to last answer to questions and last GFI distributed if applicable

CONTENT
Format Instruction

- Proposal instructions (format) often require interpretation and follow-on questions
- Allowable page count is sometimes not commensurate with complexity
- Suggest a consistent presentation of format instructions to be clearer on expected requirements
  - Recommend a table format
  - Updated based on needs of the individual proposal but provides the basics
  - Can be easily updated by author of RFP
  - Similar content is all in one place

CONTENT
RFP Instructions

- Basis of award is generally consistent but sometimes not provided:
  - Best-Value Trade-Off analysis method, OR, best value approach, as characterized by the tradeoff process
- Instructions to Offerors or Proposal Instructions can get confusing
- Instructions can get conflated, combined or blended with the basis for award, evaluation criteria and/or additional instructions
- Examples provided in the following slides -

Basis of Award, Example 1

The Best-Value Trade-Off Analysis Method will be used to select the contractor to whom this task order will be awarded. The selection decision will be based on the contractor offering the best overall value to the Government, with consideration given to both technical (non-price) evaluation factors and cost/price, as presented within the offering contractor proposals. The selection will not be based solely on lowest proposed price but will be based on an analysis of each contractor's technical proposal and their price proposal. Note: All evaluation factors other than cost or price, when combined, are more important than cost or price. The proposal document shall be outlined as shown in the following table.

Basis of Award, Example 2

The best value approach, as characterized by the tradeoff process, will be used in this evaluation because it is expected to result 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. The technical benefits of the higher priced proposal shall merit the additional cost. Award shall be based on an integrated assessment of the following evaluation Factors designed to determine which proposal offers the best prospect for accomplishing the Government's requirements described in the referenced solicitation.

Overall Relative Order of Importance:

- All evaluation factors other than Price, when combined, are significantly more important than Price.
- The Technical factor is significantly more important than the Past Performance factor.

The absence of any information required to support the evaluation factors herein and as described below will result in disqualification from the task order competition, as that offer will be found non-responsive and unacceptable. To receive consideration for award, a rating of no less than “Acceptable” must be achieved for the Technical Factor. Offerors are cautioned that the award may not necessarily be made to the lowest cost offered.

Evaluation Criteria or Instructions, Example 1

Technical Approach: The technical proposal shall address the technical requirements of the enclosed PWS. The Contractor shall submit a proposal describing the technical approach to be used to accomplish the project activities required. The technical proposal should be detailed, concise, and should cover how the Contractor will meet the objectives of the PWS, who will be performing the work, and what equipment and supplies will be required. Particular attention should be paid to how the Contractor will assure the Government that the work being performed will accurately and effectively achieve the objectives of the PWS. The proposal should describe how the quality of the work will be assured and how it will be presented in the report. The proposal should take the reviewer step by step through each phase of the work, explaining each step, in detail. The Contractor shall identify the risks associated with, and contingencies for, the proposed technical approach. The Contractor should also discuss any and all assumptions made when developing their technical approach. All assumptions shall be listed immediately after the table of contents and cite the page and paragraph to which each assumption refers. Please note the Government will look unfavorably upon any assumption that qualifies a Contractor's proposal. A detailed basis of estimate shall be provided in both the technical and price volumes and needs to be in sufficient detail to support the proposal submission.

Evaluation Criteria or Instructions, Example 2

1. Describe how the geophysical data from the previous remedial investigation (RI) will be utilized to inform the Supplemental RI approach, and how the approach will achieve full characterization of the nature and extent of munitions and explosives of concern and munitions constituents and resolve all data gaps at XX and XX.

2. Describe the Supplemental RI geophysical survey coverage approach which maximizes the use of AGC, and ensures 100% probability of traversing all target areas; fully delineating all high use areas, low use areas, and NEU boundaries.

3. Describe the Supplemental RI approach which will ensure that all advanced geophysical classification (AGC) work is performed in accordance with the DoD Advanced Geophysical Classification Accreditation Program (DAGCAP) and its guidance.

4. Describe methods for data evaluation, risk assessment for human and ecological receptors, and uncertainty analysis.

5. Conformance with Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) process and community relations requirements: methods to engage public during fieldwork and documentation of remedial decisions.

6. The approach must be in compliance with Engineering Manual (EM) 385-1-1, EM 385-1-97, DoD Manual 4140.72, and Defense Explosives Safety Regulation (DESR) 6055.09.

7. The Quality Control approach must be in compliance with EM 200-1-15.

Evaluation Criteria or Instructions, Example 3

Offeror shall submit a comprehensive technical approach that demonstrates achievement of the Performance Objectives within the Performance Period specified in the PWS. Innovative technology is encouraged but not required for this TO. If an innovated approach (an approach that includes innovative technology) is proposed as part of the technical approach, the contractor shall clearly state in their proposal the following sentence in bold text: “Innovative technology is proposed as part of the technical/risk approach.” The Offeror, in presenting their technical/risk approach, shall:

a) Demonstrate technical understanding of the work requirements, including, but not limited to:

(i) Site specific characteristics and limitations such that the technical approach is anticipated to be successful,

(ii) Quality control processes needed to show confidence in data, and

(iii) Activities required for protection of cultural and environmental resources,

(iv) How 100% of the project area will be characterized, clearly differentiating when different technical approaches will be used and how data will be verified and validated,

(v) For approaches that include innovative technology:

(1) How all tasks will be accomplished, even if innovative technology is proposed but not accepted.

(2) Technology description including spec sheets

(3) References for validation studies, technical papers or any other documentation for the usability and verification of the technology/approach

(4) Qualitative and quantitative impact on specific data objectives if innovative approach is used

(5) Incorporation of site-specific characteristics and limitations on innovative approach

(6) Quality control processes needed to show confidence in data collected using innovative approach, and

Evaluation Criteria or Instructions, Example 3 (continued)

(7) Activities required for protection of cultural, biological and environmental resources as related to the innovative approach.

b) Include an activity-based work schedule that outlines activities and milestones defined at the appropriate detail level and logically sequenced to support and manage completion of the performance objectives for both sites using the technical approach identified herein. All base and optional tasks shall be included to show planned task duration and interdependency. For proposal purposes, assume an award date of about 15 August 2022. Optional tasks should be identified as optional. NOTE: Recommend a flow chart to show how tasks involving innovative technology relate to other tasks and identifies decision points that will be used to ensure all objectives are achieved.

c) Present an organizational chart which includes all Key Personnel and shows lines of communication and lines of authority. NOTE 1: The following key personnel shall be fulfilled by the Prime Contractor: Project Manager. The remaining key personnel may be fulfilled by a teaming partner or a specialized consultant/Subcontractor. NOTE 2: If the Offeror is in a teaming agreement with a DoD Advanced Geophysical Classification Accreditation Program (DAGCAP) accredited Geophysical Classification Organization (GCO), the technical approach shall explain in detail how all work performed in relation to AGC will be organized and executed under the GCO's quality system.

d) Include a description of how communication among stakeholders (USACE, Contractor, Regulators, and the Community) will be managed. Clearly describe how the Systemic Project Planning (SPP) process will be implemented.

e) Perform a risk analysis of the technical approach proposed and present a risk management plan summary as it pertains to the completion of the objectives of the PWS and in accordance with technical approach presented. The following risks have been identified by USACE (offerors may identify additional risks):

(i) Loss of key personnel, (ii) Loss of DAGCAP accreditation, (iii) Lack (Malfunction/unable to obtain) of key equipment, (iv) Compliance with Environmental and Cultural regulations, (v) Data verification and usability, (vi) Innovative technology (if part of approach) does not achieve objectives, (vii) Only partial coverage (compared to goal) is achieved, (viii) Lack of accessibility to the MRS during certain parts of the year.

Evaluation Criteria or Instructions, Example 3 (continued)

NOTE: Recommended presentation of risk management plan summary is in table format with the following column headers: Risk Name, Risk Description, Probability, Impact, Rating, Specific Consequence(s), Person Responsible for managing risk, Mitigation Measures/Response Description, Risk Communication Description, and SOP(s) identified and described (as applicable).

f) Address the following task-specific requirements in sufficient detail for the government to understand risk associated with the approaches and the inter-related aspects of these tasks:

(1) Military Munitions Investigation: Clearly describe the proposal's approach for surveying terrestrial and mudflat areas of the project and how the data will meet the goals of the project.

(2) Biological and Cultural Management: Clearly describe the proposal's preliminary plan for conducting biological and cultural surveys, or when monitoring will take place.

(3) Fire Mitigation Plan: Clearly describe the proposal's preliminary plan for fire mitigation and natural resource protection

Additional Evaluation Criteria

Proposals will also be evaluated to determine the extent to which the proposed approach is workable and the end results achievable. Proposals will be evaluated to determine the extent to which the Offeror is expected to successfully complete the proposed tasks and technical requirements within the proposed approach. A strength may be given for clear presentation of ideas and appropriate use of figures and tables to support clear and efficient understanding of approach. A significant weakness or deficiency may be given for not maximizing use of Digital Geophysical Mapping (DGM) or Advanced Geophysical Classification (AGC) based on the site-specific data collection requirements. Strengths may be given for identifying additional risks and providing appropriate mitigation measures. Strengths may be given for appropriately addressing site specific characteristics. Strengths may be given for collecting high quality data in hard to access areas. A weakness and/or significant weakness may be given for unsupported use of geophysical technology that does not produce a digital record. Weaknesses may be given for insufficient or incomplete risk mitigation measures. Weaknesses and/or significant weaknesses may be given for incomplete or inappropriate quality control processes, implementation of SPP process, and use of key personnel. Weaknesses may be given for incomplete schedules or inappropriate durations given for milestone tasks which show a lack of understanding of the work requirements. Weaknesses and/or significant weakness may be given for lack of appropriate mitigation measures for known risks. Strengths and/or significant strengths may be given for complete and appropriate quality control processes, implementation of SPP process, and use of key personnel. Other strengths, significant strengths, weaknesses, and significant weaknesses may be given related to how well the Offeror's methods and approach adequately and completely considered and satisfied the requirements in the RFP and in the PWS.

Failure of the Offeror to provide information identified in Section 3 may be considered a weakness, significant weakness or a deficiency during evaluation.

If the use of innovative technology is presented as part of the approach, then strengths and weaknesses may be given associated with the innovative technology. Strengths may be given for proposing something that could increase overall data collection, aid data interpretation, and increase CSM confidence. Strengths may be given if the use of the innovative technology improves cultural and/or biological resource management. Strengths may be given for an innovative technology that has been successfully used for similar tasks and/or at similar sites. If the innovative technology has a high to moderate risk of not being successful at this site this may be noted as a weakness or significant. Use of innovative technology that does not relate or apply to the site may be a weakness. Strengths may be given if the innovative approach significantly decreases risk to personnel (heat exposure, MEC exposure) or significantly increases transect coverage for preliminary characterization.

CONTENT
RFP Instructions

- Its often not clear what criteria the proposal will be evaluated against
- The basis of award, instructions and evaluation criteria often don't follow the PWS tasks or how a typical project would be executed from start to finish
- This makes the proposal more difficult to write and may ultimately diminish quality of the proposal depending on the RFP instructions
- Suggest a less complicated approach that is more in line with the PWS
- Clearly explain how the basis of award, instructions and evaluation criteria will be assessed

CONTENT
Specificity of PWSs

- Level of detail between districts can vary from very prescriptive to just reiterating the PWS template text
- Detail or assumptions in the PWS can be helpful, unless
  - There are discrepancies
  - The details or assumptions are not binding
- Example:
  - From PWS: “Collect geophysical data along transects spaced no more than 50 feet apart in order to demonstrate that all areas with elevated anomaly density that have the potential to be High Use Area (HUA) are traversed and there is a 100% chance of detecting these areas according to the Visual Sample Plan (VSP) analysis based on the smallest item of concern being a 20mm High Explosive (HE) projectile.”
  - Contractor Question: “Please confirm 50' transect spacing is the requirement”
  - Government Response: “This is a performance based contract. The 20mm is the smallest munition”

CONTENT
Use of AGC

- We are seeing this statement more and more because of the PWS template, "To the maximum extent practicable, conduct the field investigation by gathering advanced geophysical classification data in addition to data that is digitally recorded and geo-referenced (geo-referencing need be no more accurate than is needed for the use of the data). If AGC is not proposed for any areas within the MRS, the contractor's proposal must include rationale as to why other technologies are selected and how they will achieve all project DQOs."

CONTENT
Use of AGC (continued)

- This was also recently added as part of evaluation criteria and not just the PWS, “Describe the Supplemental RI geophysical survey coverage approach which maximizes the use of AGC, …”
- Question as to how this statement is evaluated from a contractor selection standpoint and the consistency of that evaluation process

CONTENT
Fixed Unit Pricing or other Methods

- There is concern with FFP when the type, quantity and location of a work activity is predicated upon the outcome of another work activity yet to be completed. Examples include:
  - Biological and cultural resource requirements
  - Rights of Entry
    - PWS template actually suggests CPFF which is not used consistently
  - Characterization of HD Areas
  - Requirement for a surface clearance, surface sweep or MEC avoidance

CONTENT
FUP or other Methods

- Example 1: A species protocol survey task was required by the PWS. Contractors requested a list of species to assume because level of effort can vary significantly based on species and the species are unknown at the time of proposal. The Government response stated, “Species for protocol surveys will be determined by the outcome of biological surveys.”
  - Clarification was also requested about biological monitoring. The response was, “Requirement for biological monitor during fieldwork will be determined by the outcome of biological surveys.”

CONTENT
FUP or other Methods

- Example 2: Biological and/or cultural resources escorts may be needed in some, all or no locations at the site. The specific requirement is based on the preliminary surveys that are required to be performed
- The contractor is required to assume what may be needed in their proposal or costs which may or may not be consistent with another contractor or the assumptions made by the Government

CONTENT
FUP or other Methods

- Example 3: The number and location of High Density Areas or potential High Use Areas is often unknown until the preliminary characterization survey is completed. Questions are being asked by contractors to define number of HD Areas. The Government response indicates it is up to the contractor to determine.

CONTENT
FUP or other Method

- FAR clauses for discussion:
  - FAR 16.202-2: A firm-fixed-price contract is suitable for acquiring commercial products or commercial services (see parts 2 and 12) or for acquiring other supplies or services on the basis of reasonably definite functional or detailed specifications (see part 11) when the contracting officer can establish fair and reasonable prices at the outset
  - FAR 8.404(h)(3)(i): A time-and-materials or labor-hour order may be used for the acquisition of commercial services only when it is not possible at the time of placing the order to estimate accurately the extent or duration of the work or to anticipate costs with any reasonable degree of confidence

CONTENT
FUP or other Method

- There has been a notable increase in use of FUP but it is not consistently applied or considered
- How are assumptions associated with undefinable quantities viewed by the Government as part of the selection process
- If the assumption is wrong, how is this handled from a contracting perspective

CONTENT
Regulatory Involvement

- Site-specific regulatory requirements are not included in PWSs and are not provided to the contractor
- PWS should capture regulator/stakeholders expectations and review times
- Define how regulators and stakeholders factor into the work, product reviews/approvals (written approval, concurrence, curtesy review, etc.)

CONTENT
List of Deliverables

- Most NAOC members like the deliverables table and document review durations
- Many times, it is not updated or accurate for the specific project
  - Includes documents that are not required
  - Sometimes it is impossible to meet the period of performance with specified durations
- Suggest a closer review of the table before release of the PWS
- Recently told that the deliverable schedule included in the PWS is simply a “guideline”

CONTENT
Risk

- In some cases, the details required are very specific in RFP's but mostly, expectations for risk management or risk table content could be clearer
- It isn't clear on how the Government reviews and assesses these sections and tables
- The requirement for a backup DAGCAP accredited firm are also not clear
  - In some situations a teaming agreement is needed
  - In others, acknowledgment of the risk is fine

OTHER/MISCELLANEOUS
General

- Request for and content of assumptions and a basis of estimate is not consistent
- PPQ's are still requested sometimes for past performance
- PWS's still include "Demonstrate that the boundaries of all identified HUAs have been defined to within +/- 250 feet, or as otherwise specified in the UFP-QAPP"
- Input on cost recovery for increases in materials and services
- Feedback on when a UXOQCS/SO can be dual-hatted or not and consistency with that approach

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