

§ 636.201

Bacon minimum wage rate requirements, for federally funded construction or design-build contracts under the public-private agreement.

Subpart B—Selection Procedures, Award Criteria

§ 636.201 What selection procedures and award criteria may be used?

You should consider using two-phase selection procedures for all design-build projects. However, if you do not believe two-phase selection procedures are appropriate for your project (based on the criteria in § 636.202), you may use a single phase selection procedure or the modified-design-build contracting method. The following procedures are available:

| Selection procedure | Criteria for using a selection procedure | Award criteria options |
|---|--|---|
| (a) Two-Phase Selection Procedures (RFQ followed by RFP). | § 636.202 | Lowest price, Adjusted low-bid (price per quality point), meets criteria/low bid, weighted criteria process, fixed price/best design, best value. |
| (b) Single Phase (RFP). | Project not meeting the criteria in § 636.202. | All of the award criteria in item (a) of this table. |
| (c) Modified Design-Build (may be one or two phases). | Any project | Lowest price technically acceptable. |

§ 636.202 When are two-phase design-build selection procedures appropriate?

You may consider the following criteria in deciding whether two-phase selection procedures are appropriate. A negative response may indicate that two-phase selection procedures are not appropriate.

- (a) Are three or more offers anticipated?
- (b) Will offerors be expected to perform substantial design work before developing price proposals?
- (c) Will offerors incur a substantial expense in preparing proposals?
- (d) Have you identified and analyzed other contributing factors, including:
 - (1) The extent to which you have defined the project requirements?

- (2) The time constraints for delivery of the project?
- (3) The capability and experience of potential contractors?
- (4) Your capability to manage the two-phase selection process?
- (5) Other criteria that you may consider appropriate?

§ 636.203 What are the elements of two-phase selection procedures for competitive proposals?

The first phase consists of short listing based on a RFQ. The second phase consists of the receipt and evaluation of price and technical proposals in response to a RFP.

§ 636.204 What items may be included in a phase-one solicitation?

You may consider including the following items in any phase-one solicitation:

- (a) The scope of work;
- (b) The phase-one evaluation factors and their relative weights, including:
 - (1) Technical approach (but not detailed design or technical information);
 - (2) Technical qualifications, such as—
 - (i) Specialized experience and technical competence;
 - (ii) Capability to perform (including key personnel); and
 - (iii) Past performance of the members of the offeror’s team (including the architect-engineer and construction members);
 - (3) Other appropriate factors (excluding cost or price related factors, which are not permitted in phase-one);
 - (c) Phase-two evaluation factors; and
 - (d) A statement of the maximum number of offerors that will be short listed to submit phase-two proposals.

§ 636.205 Can past performance be used as an evaluation criteria?

- (a) Yes, past performance information is one indicator of an offeror’s ability to perform the contract successfully. Past performance information may be used as an evaluation criteria in either phase-one or phase-two solicitations. If you elect to use past performance criteria, the currency and relevance of the information, source of the information, context of the data, and general trends in contractor’s performance may be considered.