
Competing for Corps of Engineers A-E Contracts

Course No: B02-009

Credit: 2 PDH

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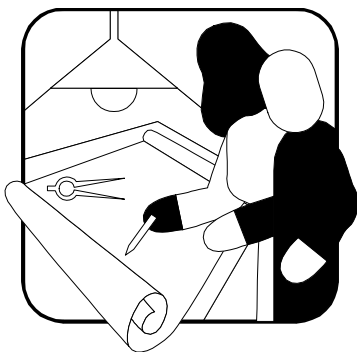
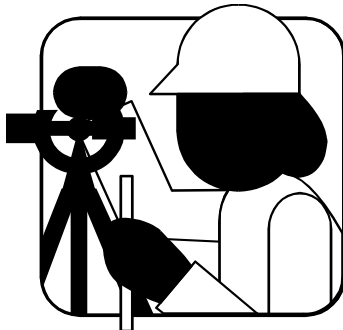
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**US Army Corps
of Engineers.**

EP 715-1-4
30 September 2004

Competing for Architect-Engineer Contracts Awarded by the U.S. Army Corps of Engineers




USACE And The A-E Industry: Partners Serving The Nation

FOREWORD

The U.S. Army Corps of Engineers (USACE), through its staff and contractors, provides quality, responsive engineering and construction services to the Army and the Nation. USACE missions include civil works, military construction, environmental restoration and support to other agencies. The civil works program encompasses flood control, navigation, shore erosion, and recreation facilities. The military construction program supports the Army, most of the Air Force, and certain other Department of Defense (DoD) agencies. USACE performs environmental restoration work for the Army, DoD, Environmental Protection Agency, Department of Energy and several other agencies. USACE also provides design and construction management services for non-DoD Federal agencies, state and local governments, and foreign governments.

A majority of the planning, engineering, design and surveying and mapping services for these programs is acquired by contract with private architect-engineer (A-E) firms. USACE is one of the largest Federal procurers of A-E services. This pamphlet describes the USACE policies and procedures for the procurement of A-E services, and how A-E firms can compete for USACE A-E contracts.

FOR THE COMMANDER:



JOHN R. McMAHON
Colonel, Corps of Engineers
Chief of Staff

This pamphlet supersedes EP 715-1-4, dated 31 December 2002. It is approved for public release; distribution is unlimited.

USACE ORGANIZATION

USACE is a highly decentralized organization. Headquarters, USACE, located at 441 G Street, N.W., Washington, D.C. 20314-1000, is responsible for formulating Corps policies, allocating resources, and overseeing the execution of all programs. The public announcement of requirements for A-E services, the selection of firms, and the negotiation and administration of contracts is performed by districts and centers located throughout the United States and overseas. The location and boundaries of all USACE offices can be found on the USACE Internet home page (<http://www.usace.army.mil/>); click on "Where We Are." Contact information is shown for each office.

BROOKS ARCHITECT-ENGINEER ACT

A-E services required by Federal agencies are procured under the Brooks A-E Act (see Appendix A) and the procedures in Part 36 of the Federal Acquisition Regulation (FAR).¹ The Brooks Act requires the public announcement of requirements for A-E services (with some exceptions provided by other statutes); selection of the most highly qualified firms based on demonstrated competence and professional qualifications; and the negotiation of a fair and reasonable price, starting with the highest qualified firm. Hence, the selection of A-E contractors is focused on qualifications, and not the lowest price.

FAR 36.601-4(a) describes A-E services as:

"(1) Professional services of an architectural or engineering nature, as defined by applicable State law, which the State law requires to be performed or approved by a registered architect or engineer.

"(2) Professional services of an architectural or engineering nature associated with design or construction of real property.

"(3) Other professional services of an architectural or engineering nature or incidental services thereto (including studies, investigations, surveying and mapping, tests, evaluations, consultations, comprehensive planning, program management, conceptual designs, plans and specifications, value engineering, construction phase services, soils engineering, drawing reviews, preparation of operating and maintenance manuals and other related services) that logically or justifiably require performance by registered architects or engineers or their employees.

"(4) Professional surveying and mapping services of an architectural or engineering nature. Surveying is considered to be an architectural and engineering service and shall be

¹ Appendix B is a list of relevant Internet addresses, including the FAR, and the Defense, Army, and Corps of Engineers supplements to the FAR.

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procured pursuant to § 36.601 from registered surveyors or architects and engineers. Mapping associated with the research, planning, development, design, construction, or alteration of real property is considered to be an architectural and engineering service and is to be procured pursuant to § 36.601..."

FAR 36.601-4(b) limits the award of A-E contracts to firms (individual, partnership, corporation, association, or other legal entity) permitted by law to practice the professions of architecture or engineering.

FAR 36.601-3 instructs the contracting officer to follow A-E procurement procedures "if the statement of work, substantially or to a dominant extent, specifies performance or approval by a registered or licensed architect or engineer."

Specific USACE procedures for A-E contracting, which implement the Brooks A-E Act and the FAR and its supplements, are described in Engineer Pamphlet 715-1-7, Architect-Engineer Contracting. This pamphlet is available on the Internet (see Appendix B).

Design-build contracts, where one contractor is responsible for both the design and the construction of a project, are not procured under the Brooks A-E Act. They are procured as construction contracts since the primary end product is a constructed facility, with design being incidental to the construction. Typically in design-build contracts, A-E firms are joint-venture partners with, or subcontractors to, construction contractors.

STANDARD FORM 330

Standard Form (SF) 330, Architect-Engineer Qualifications, is used by A-E firms to submit their professional qualifications to Federal agencies. This form can be filled in and downloaded from the General Services Administration website on the Internet (see Appendix B). Also, many commercial vendors provide software that facilitates preparation of this form. Appendix C provides suggestions for preparing SF 330. SF 330 replaced SFs 254 and 255.

SF 330 Part I, Contract-Specific Qualifications, presents the qualifications of the prime firm or joint venture partners, and any subcontractors, for a specific contract in response to the agency's public announcement. The SF 330 Part I presents the corporate team members and their roles in the proposed contract, an organization chart, resumes of the key personnel to be assigned to the contract, projects which illustrate the team's experience in the required type of work, the key personnel's participation in the example projects, and any other qualifications relevant to the announced contract. A single SF 330 Part I is submitted for the entire team.

SF 330 Part II, General Qualifications, provides basic information about the capabilities and experience of a firm and is not specific to a contract. A Part II is required for the prime firm and each subcontractor, and is prepared on a branch office basis. It includes the type

of ownership, small business type (if applicable), point of contact, number of personnel in each discipline, profile of the firm's experience, and annual volume of work.

Firms can submit their SF 330 Part II to the On-Line Representations and Certifications Application (ORCA; <http://orca.bpn.gov/>), which is a part of the Federal-wide Business Partner Network (BPN; <http://www.bpn.gov/>). The SF 330 Part II is Question 26 in ORCA; Questions 1-25 on the Representations and Certifications must also be completed. (Representations and Certifications are statements about a firm's ownership, nature and operations.) The firm's qualifications are then available to all Federal agencies. Submission of qualifications to ORCA is voluntary, however it will increase a firm's visibility in the Federal marketplace and may lead to opportunities for contracts that are exempt from public announcement. Firms are encouraged to update their Part II in ORCA at least annually, and will get an automatic reminder notice from ORCA. The information submitted through ORCA is available in a read-only format to the public.

ARCHITECT-ENGINEER CONTRACT ADMINISTRATION SUPPORT SYSTEM (ACASS)

ACASS is an automated database of A-E qualifications, performance evaluations and contract awards. It is a DoD-wide system that is managed by the Contractor Appraisal Information Center (CAIC) at the Portland District² of the Corps of Engineers. ACASS is primarily used by DoD agencies, but various civilian Federal agencies also use the system.

ACASS is being modernized, which will be completed in 2005. The modernized system will be fully web-enabled, accessible by both the Government and A-E firms. The major changes planned are as follows:

- Performance evaluations. Firms will automatically be sent all draft evaluations by e-mail for comment.
- Qualifications. ACASS will have an interface with ORCA to obtain the SF 330 Part II information on file, and make it available in various report formats. The database of SFs 254 in ACASS, which preceded the SF 330 Part II, will gradually be phased out as firms submit a subsequent SF 330 Part II.
- Contract awards. Contract award data will be electronically obtained from the Federal Procurement Data System – New Generation (<https://www.fpds.gov/>) instead of the semi-manual process now used.

² U.S. Army Engineer District, Portland; ATTN: CENWP-CT-I; P.O. Box 2946; Portland, Oregon 97208-2946; Telephone: 503-808-4590 or 4591; Facsimile: 503-808-4596.

ANNOUNCING REQUIREMENTS FOR A-E SERVICES

Except for certain authorized exceptions such as overseas, classified, non-appropriated fund, or urgent projects, all requirements for A-E services are publicly announced by one of the following two methods described below, depending on the contract amount. There are no "bidder's lists" or "pre-qualified lists" for A-E contracts.

FedBizOpps - Contracts over \$25,000 are announced (synopsized) on the Federal Business Opportunities website (<http://www.fedbizopps.gov>). The FedBizOpps website can be searched by agency, type of work, geographic area, time period and other parameters. FedBizOpps also offers automatic e-mail notification for announcements meeting specific parameters. Firms are given at least 30 days to respond (except a shorter time period is permissible for contracts of \$100,000 or less). Requirements for A-E services are listed under Service Code C, except that surveying and mapping requirements are listed under Service Codes R and T.

Local Announcement - Contracts of \$25,000 or less may be announced on the Internet website and/or public bulletin board of the local contracting office for at least 10 days.

The public announcement by either of the above methods includes a brief description of the project, the scope of A-E services, the selection criteria (in order of importance), the submission instructions and a point of contact. The announcement will instruct firms to submit a SF 330. Both Parts I and II of the SF 330 are required in order for a firm to be considered for an A-E contract.

The public announcement provides all of the information firms need to prepare their SF 330; solicitation packages are not provided. Contracting offices will answer routine questions about the submission instructions, but firms should not request additional technical information about the contract or required qualifications. The public announcement is not a request for price proposal and firms should not submit any price-related information with their SF 330.

In addition to the required public announcements, many USACE offices also publish contract opportunities on their Internet websites. All USACE offices can be accessed on the Internet through the USACE homepage.

In order to be eligible for a Federal contract award, a firm must register in the Central Contractor Registration (CCR) system (<http://www.ccr.gov>). The public announcement will usually provide instructions on CCR requirements. A Data Universal Numbering System (DUNS) Number is required to register in CCR (as well as ORCA). The CCR site tells how to get a DUNS number. A DUNS Number is site-specific and division-specific.

SELECTION CRITERIA

FAR 36.602-1 sets the general selection criteria for A-E contracts as follows:

"(1) Professional qualifications necessary for satisfactory performance of required services;

"(2) Specialized experience and technical competence in the type of work required, including, where, appropriate, experience in energy conservation, pollution prevention, waste reduction, and the use of recovered materials;

"(3) Capacity to accomplish the work in the required time;

"(4) Past performance on contracts with Government agencies and private industry in terms of cost control, quality of work, and compliance with performance schedules;

"(5) Location in the general geographical area of the project and knowledge of the locality of the project; provided, that application of this criterion leaves an appropriate number of qualified firms, given the nature and size of the project; and

"(6) Acceptability under other appropriate evaluation criteria."

The Defense FAR Supplement (DFARS) 236.602-1(a)(6) supplements the FAR and specifies additional selection criteria for DoD. In particular, DoD agencies must:

(1) "Consider the volume of work awarded by DoD during the previous 12 months. In considering equitable distribution of work among A-E firms, include small and small disadvantaged business firms and firms that have not had prior DoD contracts,"

(2) "Consider as appropriate superior performance evaluations on recently completed DoD contracts," and

(3) "Consider the extent to which potential contractors identify and commit to small business and to small disadvantaged business, historically black college and university, or minority institution performance of the contract, whether as a joint venture, teaming arrangement, or subcontractor."

The DFARS emphasizes that "the primary factor in A-E selection is the determination of the most highly qualified firm," and that secondary criteria should not be given greater significance than technical qualifications and past performance. The secondary criteria in DoD are geographic proximity, equitable distribution of work and extent of participation of small and disadvantaged businesses. DFARS further states "do not reject the overall most highly qualified firm solely in the interest of equitable distribution of contracts." Price or any cost-related factors are not considered in the selection of A-E firms.

SELECTION PROCEDURE

The evaluation process is conducted by formally constituted preselection (optional) and selection boards at the USACE district or center. Board members are highly qualified professional employees (most will have professional registration) having experience in architecture, engineering, construction and acquisition, and the specific type of work being contracted. The using agency or customer is usually invited to participate on the evaluation board(s) for its contract.

A preselection board, if held, evaluates the SFs 330 and performance evaluations of all firms responding to the public announcement using the published selection criteria. The preselection board then develops a list of highly qualified firms (typically 6-12). Highly qualified firms are those that have a reasonable chance of being considered as most highly qualified by the selection board. Secondary criteria are not applied by a preselection board.

The selection board evaluates the SFs 330 and performance evaluations of the highly qualified firms using the primary selection criteria and develops a list of at least three most highly qualified firms, in order of preference. If a preselection board was not held, the initial phase of a selection board is conducted similar to a preselection board.

When evaluating firms, the boards are especially concerned with the following factors:

- Does the prime firm and its key subcontractors have adequate depth in all required disciplines?
- Are the key personnel degreed and registered in their disciplines and do they have pertinent experience in the required type of work?
- Does the prime firm and its key subcontractors have experience in the required work?
- Have most of the proposed team members successfully worked together on similar projects?
- Are the responsibilities of all team members clear?
- Does the prime firm and its subcontractors have established quality management programs?
- What is the past performance record of the prime firm and its subcontractors? Appendix R of EP 715-1-7 explains how past performance is considered.

The selection board conducts interviews (referred to as “discussions” in the Brooks A-E Act) with the most highly qualified firms prior to ranking them. The firms are asked similar questions about their experience, capabilities, organization, quality management procedures, and approach for the project. For most projects the interviews are conducted by telephone. However, for very significant projects, the selection board may request that firms make in-person presentations. The secondary criteria are only applied as a “tie-breaker,” if necessary, in ranking the most highly qualified firms after the interviews.

A selection board report is presented to the selection authority for approval. For most

contracts, the district or center commander or deputy commander is the selection authority.

NOTIFICATION AND DEBRIEFING OF UNSUCCESSFUL FIRMS

All firms who responded to a public announcement are notified of their selection status within 10 days after approval of the selection board report. If a procurement is canceled, notices are promptly sent to all firms that responded to the announcement. Also, if a procurement is significantly delayed, notices are sent to all firms still under consideration.

A firm may request a debriefing on why it was not selected. The firm must request the debriefing in writing or electronically within 10 days after its receipt of selection notification. The debriefing will be conducted by the selection board chairperson or his/her designee. The debriefing may be by telephone or in-person, as mutually agreed between the firm and the Corps debriefer, and usually within 14 days of the request. A firm will be advised of all significant weak or deficient factors in their qualification submission for that particular project, which will enable the firm to better compete for future similar contracts. Specific qualifications of other firms will not be discussed. Part I of the SF 330 is exempt from release under the Freedom of Information Act since the information is proprietary.

CONTRACT NEGOTIATIONS

Contract negotiations are conducted in accordance with FAR Subparts 15.4 and 36.6. Negotiations are initiated first with the highest qualified firm. The firm is provided a statement of work (SOW), project information and design criteria. One or more preproposal conferences are usually held (often at the project site) to discuss and refine the SOW and project requirements. The firm then prepares and submits a price proposal as instructed. At the same time, the Government prepares an independent cost estimate.

After careful evaluation of the proposal by the Corps, which may include an audit for larger contracts, negotiations will be initiated. If a "mutually satisfactory contract cannot be negotiated" (FAR 36.606(f)), negotiations are initiated with the firm ranked next on the approved selection report. This procedure would continue until a mutually satisfactory contract has been negotiated and awarded by the contracting officer. For most projects, the firm will be required to submit for USACE approval a Design Quality Control Plan showing specifically how it will manage, coordinate and review the work.

CONTRACT TYPES

Two contract types are principally used in USACE for A-E services: project-specific contracts and indefinite delivery contracts (IDCs). (Contract types are covered in FAR Part 16.) Project-specific contracts are used for moderate-to-large size projects when the SOW can be reasonably defined during negotiations. Usually the contract is firm-fixed-price (FFP), meaning an agreement to pay a certain price for specified services and products. Monthly progress payments are made based upon satisfactorily completed work.

IDCs are typically used for small-to-moderate size projects when procurement of the A-E services by separate project-specific contracts would be uneconomical or untimely. Work is accomplished by individually negotiated task orders, which are usually FFP. Typically, contracts do not exceed \$3,000,000, although larger contracts can be authorized by HQUSACE. Contracts are usually three years, but longer contracts may be approved by HQUSACE if appropriate.

An IDC consists of negotiated rates for all anticipated labor disciplines, overhead, tests, supplies, travel, and, in some cases, profit. These contract rates are then used in pricing individual task orders. Monthly progress payments are also made based upon completed work for each order.

OVERSEAS CONTRACTS

Some A-E contracts are awarded by USACE offices located outside of the United States. The procedures for awarding such contracts depend on local laws and international agreements. A-E firms interested in doing overseas work for USACE should contact the appropriate USACE contracting office shown on the USACE home page.

SMALL BUSINESS UTILIZATION PROGRAMS

A policy of the Government is to place a fair portion of its acquisitions with various small businesses (SB) and to encourage subcontracting to small businesses. The following programs support this policy in USACE. Also see Appendix J of EP 715-1-7 for a detailed discussion of the small business program.

Small Business and SB Set-Asides

A SB A-E firm must have average annual receipts over the past 3 years of no more than \$4,000,000 (for most types of A-E services). SB firms self-certify their size status. Under certain conditions a contract may be set aside for competition by SB firms only. A public announcement will clearly state if a project is set aside for SB.

SB set-asides for A-E services are governed by the Small Business Competitiveness Demonstration Program (SBCDP), which monitors the ability of SB firms to compete successfully with larger businesses, without the use of set-asides. Under the SBCDP, if at least 40% (measured in dollars) of all A-E contract awards in a 12-month period are made to small businesses, then A-E contracts are not set aside for SB. However, when awards to SB firms fall below 40%, DoD may direct that SB A-E set-asides be reinstated (except for contracts of \$300,000 or more for military construction or family housing which are exempt by statute).

Small Disadvantaged Businesses and Set-Asides

A Small Disadvantaged Business (SDB) is a SB that is at least 51% owned and controlled by one or more individuals who are socially and economically disadvantaged. A SDB must be certified by the U.S. Small Business Administration (SBA). SDB set-asides of A-E contracts are not currently authorized in DoD, except under the 8(a) program, which is discussed below.

8(a) Program and Set-Asides

An 8(a) firm is a SDB that is certified by SBA in its Section 8(a) program. A-E contracts of any amount and for any program may be set-aside for exclusive competition among 8(a) firms. Public announcement is not required, but a selection board is still held. A sufficient number of 8(a) firms must be considered to ensure adequate competition. The SBA can recommend 8(a) firms to USACE contracting offices, or 8(a) firms can "self-market" directly with USACE offices. The highest qualified firm is requested to submit a price proposal, and negotiations are initiated. Agreement must be at a fair market price.

Historically Underutilized Business Zone (HUBZone) Business and Set-Asides

A HUBZone business is a firm that has been certified by the SBA in the HUBZone Program. A-E contracts of any amount and for any program may be set-aside for exclusive competition among HUBZone-certified firms. A public announcement is required and will clearly state if a project is set aside for exclusive competition among HUBZone firms. The highest qualified firm is requested to submit a price proposal, and negotiations are initiated. Agreement must be at a fair market price.

Service-Disabled Veteran-Owned Small Business (SVOSB) and Set-Asides

A "service-disabled veteran-owned small business concern" is a small business concern, not less than 51% of which is owned by one or more service-disabled veterans or, in the case of any publicly owned business, not less than 51% of the stock of which is owned by one or more veterans, and the management and daily business operations of which are controlled by one or more service-disabled veterans, or, in the case of a veteran with permanent and severe disability, the spouse or permanent caregiver of such veteran. A service-disabled veteran means a veteran with a disability that is service-connected. SVOSB firms self-certify their ownership status. A-E contracts of any amount and for any program may be set-aside for SVOSB firms. A public announcement is required and will clearly state if a project is set aside for exclusive competition among SVOSB firms. The highest qualified firm is requested to submit a price proposal, and negotiations are initiated. Agreement must be at a fair market price.

Subcontracting

An A-E contract over \$500,000 that is awarded to a large business must include a subcontracting plan that provides maximum practicable subcontracting opportunities for small business. Subcontracting plans are negotiated and must be approved by the contracting officer prior to contract award. A prime firm must report on compliance with its subcontracting plan during performance of the contract.

Deputy for Small Business

Each USACE command has a Deputy for Small Business to promote the utilization of SB, SDB, Women-Owned Small Business (WOSB), HUBZone, and SVOSB contractors. Additional information on the above programs can be obtained from any Deputy for Small Business. Their names and phone numbers are available on the USACE home page at <http://www.hq.usace.army.mil/hgsb/contracting.htm>.

CONTRACT PERFORMANCE

A-E firms hired by USACE are expected to provide high quality services, on time and on budget. The USACE technical staff may provide considerable assistance to the A-E firm in interpreting the SOW, clarifying design criteria, and accessing the project site. The firm will be requested to prepare a quality control plan and perform an independent technical review. There will be review submissions and progress meetings at various phases of a project. However, the A-E firm remains "responsible for the professional quality, technical accuracy, and the coordination of all designs, drawings, specifications, and other services furnished" (FAR 52.236-23). Also, the A-E firm must "accomplish the design ... at a price that does not exceed the estimated construction contract price as set forth" in the contract or must redesign the project at no additional cost to the Government (FAR 52.236-22).

PERFORMANCE EVALUATIONS

Past performance is a very critical consideration in the selection of firms for A-E contracts. FAR 36.604 requires the preparation of performance evaluations for A-E contracts of more than \$25,000. In USACE, performance evaluations are also prepared for each IDC task order over \$25,000. A performance evaluation is prepared after the completion of the design or engineering services, and after the completion of construction, when applicable.

A firm is promptly provided a copy of its completed evaluation by the Corps office managing the contract. A firm should contact the Corps' project manager or contracting officer if it does not receive an evaluation within 60 days of completing a project. Completed evaluations in ACASS are automatically forwarded to the Federal-wide Past Performance Information Retrieval System (PPIRS), where they are maintained for a period of 6 years as required by FAR 36.604. A-E firms can directly access PPIRS (<http://www.ppirs.gov>) to obtain all their evaluations on file by using their DUNS Number

and Marketing Partner Identification Number generated when they register in CCR.

DD Form 2631 is used for preparation of the performance evaluation in DoD. (Currently, the November 1992 edition of the DD 2631 is used in ACASS. When the modernization is completed, the April 1999 edition will be used.) During contract negotiations, a firm will be provided a blank copy of this form so that it understands how it will be evaluated. The evaluation considers both the quality of the individual disciplines and overall contract performance, such as meeting cost limitations, accuracy and coordination of plans and specifications, and design constructibility. There are five overall rating levels, ranging from “excellent” to “poor.” A firm may appeal a proposed rating of “below average” or “poor” to a higher level in USACE. If a firm does receive an adverse evaluation, it should address in future submittals what it has done to improve its performance.

SUMMARY

To improve your chances of being awarded a contract for A-E services with USACE:

- Maintain long-term partnerships with highly qualified consultants and joint venture partners.
- Actively participate in industry and professional organizations to keep up with the state-of-the-art and market trends.
- Know the Federal acquisition system.
- Register in the Central Contractor Registration system.
- Keep your SF 330 Part II current and on file in ORCA.
- Track what is happening in USACE via the Internet.
- Visit USACE districts and centers to find out what services they need and what they expect.
- If you are a small business, contact the Deputy for Small Business at your local USACE office for advice and assistance. Also, visit the SBA website for useful information.
- Read the FedBizOpps regularly.
- Carefully put together a SF 330 package that thoroughly, concisely and clearly addresses all of the requirements in the public announcement.
- Get a thorough debriefing on why you were not selected for a contract. Then, improve your qualifications accordingly for the next contract.
- If you are awarded a contract, provide high quality and responsive services. **Earn** an exceptional performance evaluation!

Good luck!

**APPENDIX A
BROOKS ARCHITECT-ENGINEER ACT
PUBLIC LAW 92-582, AS AMENDED**

**TITLE 40-PUBLIC BUILDINGS,
PROPERTY AND WORKS**

**SUBCHAPTER VI-SELECTION OF
ARCHITECTS AND ENGINEERS**

§ 541. Definitions

As defined in this subchapter-

(1) The term "firm" means any individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice the professions or architecture or engineering.

(2) The term "agency head" means the Secretary, Administrator, or head of a department, agency, or bureau of the Federal Government.

(3) The term "architectural and engineering services" means-

(A) professional services of an architectural or engineering nature, as defined by State law, applicable, which are required to be performed or approved by a person licensed, registered or certified to provide such services as described in this paragraph;

(B) professional services of an architectural or engineering nature performed by contract that are associated with research, planning, development, design, construction, alteration, or repair of real property; and

(C) such other professional services

of an architectural or engineering nature, or incidental services, which members of the architectural and engineering professions (and individuals in their employ) may logically or justifiably perform, including studies, investigations, surveying and mapping, tests, evaluations, consultations, comprehensive planning, program management, conceptual designs, plans and specifications, value engineering, construction phase services, soils engineering, drawing reviews, preparation of operating and maintenance manuals, and other related services.

§ 542. Congressional declaration of policy

The Congress hereby declares it to be the policy of the Federal Government to publicly announce all requirements for architectural and engineering services, and to negotiate contracts for architectural and engineering services on the basis of demonstrated competence and qualification for the type of professional services required and at fair and reasonable prices.

§ 543. Requests for data on architectural and engineering services

In the procurement of architectural and engineering services, the agency head shall encourage firms engaged in the lawful practice of their profession to submit annually a statement of qualifications and performance data. The agency head, for each proposed project,

shall evaluate current statements of qualifications and performance data on file with the agency, together with those that may be submitted by other firms regarding the proposed project, and shall conduct discussions with no less than three firms regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing the required services and then shall select therefrom, in order of preference, based upon the criteria established and published by him, no less than three of the firms deemed to be the most highly qualified to provide the services required.

§ 544. Negotiation of contracts for architectural and engineering services

(a) Negotiation with highest qualified firm

The agency head shall negotiate a contract with the highest qualified firm for architectural and engineering services at compensation which the agency head determines is fair and reasonable to the Government. In making such determination, the agency head shall take into account the estimated value of the services to be rendered, the scope, complexity, and professional nature thereof.

(b) Negotiation with second and third, etc., most qualified firms

Should the agency head be unable to negotiate a satisfactory contract with the firm considered to be the most qualified, at a price he determines to be fair and reasonable to the Government, negotiations with that firm shall be formally terminated. The agency head shall then undertake negotiations with the second most qualified firm. Failing accord with the second most qualified firm, the agency head should terminate negotiations. The agency head should then undertake negotiations with the third most qualified firm.

(c) Selection of additional firms in event of failure of negotiation with selected firms

Should the agency head be unable to negotiate a satisfactory contract with any of the selected firms, he shall select additional firms in order of their competence and qualification and continue negotiations in accordance with this section until an agreement is reached.

APPENDIX B USEFUL INTERNET ADDRESSES

U.S. ARMY CORPS OF ENGINEERS (USACE) HOME PAGE:
<http://www.usace.army.mil>

HQUSACE, ENGINEERING AND CONSTRUCTION DIVISION:
<http://www.usace.army.mil/inet/functions/cw/cecwe/>

FEDERAL ACQUISITION REGULATION (FAR):
<http://www.arnet.gov/far>

DEFENSE FAR SUPPLEMENT (DFARS):
<http://farsite.hill.af.mil/Vfdfar1.htm>

ARMY FAR SUPPLEMENT (AFARS):
<http://farsite.hill.af.mil/reghtml/regs/other/afars/afartoc.htm>

CORPS OF ENGINEERS FAR SUPPLEMENT (EFARS):
<http://www.hq.usace.army.mil/cepr/asp/main/parc.asp> Click on "Library", then
"EFARS."

DEFENSE ACQUISITION DESKBOOK: Comprehensive collection of DoD acquisition
policies and procedures.
<http://www.deskbook.osd.mil>

FEDERAL ACQUISITION JUMP STATION: Links to Federal-wide acquisition sites.
<http://nais.nasa.gov/fedproc/home.html>

WHERE IN FEDERAL CONTRACTING: Federal contracting regulations, information,
newsletters, business opportunities, and small business information.
<http://www.wifcon.com/>

USACE PUBLICATIONS:
<http://www.usace.army.mil/inet/usace-docs>

EP 715-1-4, COMPETING FOR ARCHITECT-ENGINEER CONTRACTS WITH THE
U.S. ARMY CORPS OF ENGINEERS:
<http://www.usace.army.mil/inet/usace-docs/eng-pamphlets/ep715-1-4/toc.htm>

EP 715-1-7, ARCHITECT-ENGINEER CONTRACTING:
<http://www.usace.army.mil/inet/usace-docs/eng-pamphlets/ep715-1-7/toc.htm>

FEDERAL BUSINESS OPPORTUNITIES: Click on "Vendors."
<http://www.fedbizopps.gov>

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30 Sep 04

CENTRAL CONTRACTOR REGISTRATION:

<http://www.ccr.gov>

BUSINESS PARTNER NETWORK (BPN): Single source for vendor data for the Federal Government.

<http://www.bpn.gov/>

ON-LINE REPRESENTATIONS AND CERTIFICATIONS APPLICATION (ORCA): Part of BPN. Question 26 is SF 330 Part II.

<http://orca.bpn.gov/>

PAST PERFORMANCE INFORMATION RETRIEVAL SYSTEM (PPIRS):

<http://www.ppirs.gov/>

FEDERAL PROCUREMENT DATA SYSTEM – NEW GENERATION:

<https://www.fpds.gov/>

STANDARD FORM 330, ARCHITECT-ENGINEER QUALIFICATIONS:

<http://www.gsa.gov/Portal/gsa/ep/formslibrary.do?formType=SF>

SMALL BUSINESS ADMINISTRATION:

<http://www.SBAonline.SBA.gov>

DYNAMIC SMALL BUSINESS SEARCH: Part of CCR:

http://dsbs.sba.gov/dsbs/dsp_dsbs.cfm

USACE SMALL BUSINESS OFFICE:

<http://www.hq.usace.army.mil/hqsb/>

NORTH AMERICAN INDUSTRIAL CLASSIFICATION SYSTEM (NAICS):

<http://www.census.gov/epcd/www/naics.html>

TRI-SERVICE CADD/GIS CENTER:

<https://tsc.wes.army.mil/>

USACE TECH INFO: Regulations, design criteria, design guidance, specifications, etc.

<http://www.hnd.usace.army.mil/techinfo>

TRI-SERVICE SOLICITATION NETWORK:

<http://tsn.wes.army.mil>

ARCHITECT-ENGINEER CONTRACT ADMINISTRATION SUPPORT SYSTEM:

<https://www.nwp.usace.army.mil/ct/i>

APPENDIX C SUGGESTIONS FOR PREPARING STANDARD FORM 330

GENERAL

The capability of an A-E firm to perform a certain project will be evaluated from its SF 330. Hence, a firm must prepare this document thoroughly, logically and professionally to ensure the best consideration by the A-E evaluation boards. Some general advice:

- * Read the FedBizOpps synopsis carefully. Address all requirements in the synopsis thoroughly, concisely and clearly.

- * Submit only for projects that your firm is well qualified to perform.

- * Do not include extraneous material such as a general marketing brochure. A thicker submission is not a better submission. Evaluation board members spend the same amount of time viewing each submission. Hence, extraneous material will only dilute the review of your submission.

- * A cover letter is not necessary. Use Section H of the SF 330 Part I to express your firm's commitment to a project.

- * Part I and Parts II should be bound into one document using a plastic spiral fastener along the long edge. Tab all documents.

- * Bold print or shading may be used to emphasize important information. Avoid small and difficult-to-read fonts.

- * Automated software may be used to prepare a SF 330 provided the general order and format of the information are maintained.

SF 330 PART I – CONTRACT-SPECIFIC QUALIFICATIONS

A SF 330 Part I is prepared for the entire team. A SF 330 Part I can be adjusted some, provided the basic order and format of the information is maintained. Use bulleted phrases, charts, graphics and matrices instead of long sentences. The instructions on the SF 330 Part I are generally self-explanatory. The following additional advice is offered:

- * Section C. List only the offices that will have a key role in the performance of the contract, and include a Part II for each key office.

- * Section E. The relevant projects selected to illustrate the qualifications of the key personnel do not have to match the projects in Section F. For example, a person may be new to a firm, and all of his/her relevant projects are with a previous firm. Make sure all key

personnel are registered, licensed or certified, as appropriate. Do not use standard resumes.

* Section F. Present only ten projects unless the announcement says more (or less) are allowed or required. Select recent projects; an evaluation board will generally give less credit to projects completed more than five years ago. Stress the relevancy of the projects to the announced contract. Photographs of completed projects can be inserted in block 24. In block 25, indicate which firms from the proposed team in Section C were involved in the example project.

* Section G. This matrix graphically shows which of the key personnel proposed in Section E worked on the example projects in Section F. Evaluation boards certainly do not expect that all of the key personnel worked on all the example projects. However, boards will generally rank firms higher than demonstrate greater team continuity.

* Section H. Do not repeat information that was already presented in the previous sections. This is the place to address selection criteria that cannot be presented in Sections E-G, such as equipment resources, computer capability, and quality management approach. Acknowledge and address any negative comments on performance evaluations or any "marginal" or "unsatisfactory" performance evaluations. Identify what your firm has done to improve performance since the evaluation was completed.

SF 330 PART II - GENERAL QUALIFICATIONS

A SF 330 Part II is required for each designated branch office of the prime firm, each joint-venture partner, and each subcontractor shown Section C of Part I. The synopsis will instruct whether to submit current Parts II with Part I, or that the Parts II on file in ORCA will be used if not submitted. In the latter case, a firm should ensure that the Parts II in ORCA for all of their proposed team members are current.

Part II is prepared on a branch or subsidiary office basis, which aligns with the assignment of DUNS Numbers. Hence, all of the information on a Part II, except column 9.c(1) for total firm personnel, is for the specific branch or subsidiary office.

The instructions on the SF 330 Part II are generally self-explanatory. The following additional advice is offered:

* Block 7. Indicate the name of the parent firm if the Part II is for a branch office or subsidiary firm.

* Block 9. There is space for 20 disciplines. So select the primary disciplines in an office. All remaining employees are totaled and shown under "Other Employees." Select from the disciplines listed on page 5 of the instructions, or insert the titles of other disciplines pertinent to the office. Column 9.c(1) is for the total firm (all offices), whereas

column 9.c(2) is for the specific branch office. If a firm has only one office, both columns will be the same.

* Block 10. There is space for 22 experience profile codes. So select experience categories that represent the primary capabilities of an office. Firms must make a business decision about breaking a project down into various component profile codes or identifying a project with a single profile code. Select from the experience categories listed on page 6-8 of the instructions, or insert other types of experience pertinent to the office.