Federal Acquisition Regulation

contracting officer determines that this method is appropriate, based on the following:

(1) Three or more offers are anticipated.

(2) Design work must be performed by offerors before developing price or cost proposals, and offerors will incur a substantial amount of expense in preparing offers.

(3) The following criteria have been considered:
   (i) The extent to which the project requirements have been adequately defined.
   (ii) The time constraints for delivery of the project.
   (iii) The capability and experience of potential contractors.
   (iv) The suitability of the project for use of the two-phase selection method.
   (v) The capability of the agency to manage the two-phase selection process.
   (vi) Other criteria established by the head of the contracting activity.

36.302 Scope of work.

The agency shall develop, either in-house or by contract, a scope of work that defines the project and states the Government’s requirements. The scope of work may include criteria and preliminary design, budget parameters, and schedule or delivery requirements. If the agency contracts for development of the scope of work, the procedures in subpart 36.6 shall be used.

36.303 Procedures.

One solicitation may be issued covering both phases, or two solicitations may be issued in sequence. Proposals will be evaluated in Phase One to determine which offerors will submit proposals for Phase Two. One contract will be awarded using competitive negotiation.

36.303–1 Phase One.

(a) Phase One of the solicitation(s) shall include—
   (1) The scope of work;
   (2) The phase-one evaluation factors, including—
      (i) Technical approach (but not detailed design or technical information);
      (ii) Technical qualifications, such as—

36.303–2 Phase Two.

(a) Phase Two of the solicitation(s) shall be prepared in accordance with part 15, and include phase-two evaluation factors, developed in accordance with 15.304. Examples of potential phase-two technical evaluation factors include design concepts, management approach, key personnel, and proposed technical solutions.

(b) Phase Two of the solicitation(s) shall require submission of technical and price proposals, which shall be evaluated separately, in accordance with part 15.


Subpart 36.4—Commercial Practices [Reserved]