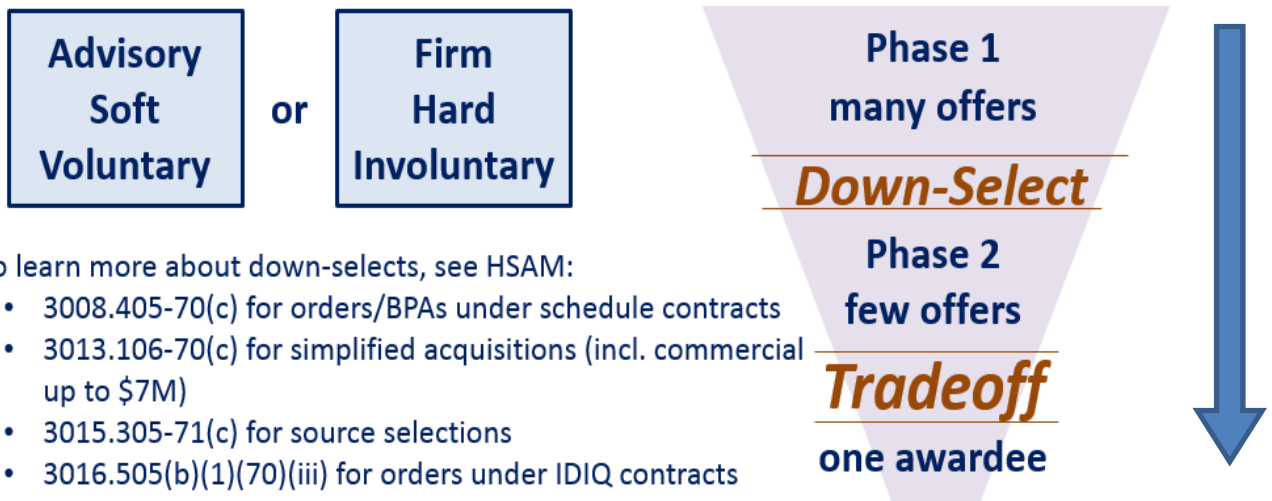


Innovation Technique 4 — Down-Select

Purpose: *To narrow down the number of responses to review in each phase of a procurement, to only a few at the final phase.*

- Reduces costs and burden to industry.
- Reduces amount of documentation for the Government to review.
- Removes non-viable companies for a cleaner trade-off decision at the final phase.
- Reduces number of debriefings/protests.
- For a single award, you probably only need 2-3 vendors at the final phase for robust competition.
- Price probably won't be needed until the last Phase – this saves considerable costs for industry and time for the Government evaluators.
- Down-Select decisions **are not** competitive range determinations – don't confuse these terms.

Two types of Down-Select: Advisory and Firm



To learn more about down-selects, see HSAM:

- 3008.405-70(c) for orders/BPAs under schedule contracts
- 3013.106-70(c) for simplified acquisitions (incl. commercial up to \$7M)
- 3015.305-71(c) for source selections
- 3016.505(b)(1)(70)(iii) for orders under IDIQ contracts

Tips for Advisory—

1. The factor(s) included in Phase 1 should be the most important - this gives the advisory notice more teeth.
2. The factor(s) in Phase 1 should be light to keep industry investment low, but important enough for them to tell their story: think prior experience or SHORT papers.
3. Provide time between phases so offerors do not feel they must develop next-phase proposals prior to receipt of down-select notification.
4. Vendors who choose not to proceed are then not entitled to a debriefing, unsuccessful notice, or protest.
5. DHS currently has a 99% success rate!
6. Pairs well with confidence ratings, on-the-spot consensus, and oral presentations.

Tips for Firm—

1. The factor weights are not as critical for mandatory.
2. The Government makes the decision who is in and out at each Phase.
3. Vendors who are eliminated may be entitled to a debriefing, unsuccessful notice, and protest, depending on the FAR subpart.
4. The sample advisory notice on the next page can be adapted to reflect the mandatory down-select.
5. Ideal for FAR 16.505 fair opportunity considerations under \$10 Million.

Note: The PIL generally recommends advisory rather than firm down-selects — but sometimes firm might make sense (for example, see 5. above).

Recommended Advisory Notice to Non-Selected Offeror—

Dear Acme Inc.,

Your offer has been evaluated for Phase 1. Based on the information presented, it is not among the most highly rated offers. You are **unlikely to be a viable competitor** for this acquisition, and we advise you not to participate in the next phase. The intent of this notice is to minimize proposal development costs for Offerors with little or no chance of receiving an award and assist you in your timely decision-making. Even so, we appreciate your participation in Phase 1.

This is an **advisory notice**, and **you may participate** in the next phase notwithstanding the advice in this notice. If you intend to do so, please notify the contracting officer as soon as possible but within three days of the date of this notice so that we may send you the instructions for that phase.

/s/ Contracting Officer

Sample from **GMM**—

After the Government completes evaluation Criteria 1, 2 and 3, Quoters will receive an advisory notification via e-mail from the CO. This notification will advise the Quoter of the Government's advisory recommendation to proceed or not to proceed with Phase II submission. Quoters who are rated most highly for criteria 1, 2 and 3 will be advised to proceed to Phase II of the quote submission process. Quoters who were not among the most highly rated will be advised that they are unlikely to be viable competitors, along with the general basis for the Government's advisory recommendation. The intent of this advice is to minimize development costs for those Quoters with little to no chance of receiving an award. Quoters should note that Phase I evaluation criteria are more important than Phase II evaluation criteria.

The Government intends to provide no more than 5 Quoters with an advisory notification to proceed. However, the Government's advice will be a recommendation only, and those Quoters who are advised not to proceed may elect to continue their participation in the procurement.

The Government does not intend to provide debriefings after the completion of the advisory notifications. Failure to participate in Phase I of the procurement precludes further consideration of a Quoter. Quoter submissions will not be accepted from Quoters who have not submitted Phase I quotes by the due date and time stated in this RFQ. For those Quoters that are rated most highly and advised to proceed to Phase II of the quote submission process, the Contracting Officer will include the Phase II submission instructions on the advisory notice.

Sample from **DCSS**—

M-2 — TWO STEP PROCESS

(a) The Government intends to conduct the evaluation and selection process in two (2) Steps:

(1) **Step 1 - Advisory.** Factor 1 will be evaluated in this step. Each Offeror will receive an Advisory Notification. The Advisory Notification will inform the Offeror of:

(i) the basis of the Government advisory notice; and

(ii) either that it will be invited to participate in Step 2 or, based on the information submitted, that it is unlikely to be a viable competitor with the basis for that opinion. The intent of this distinction is to minimize proposal development costs for those vendors with little or no chance of receiving an award. However, notwithstanding the advice provided by the Government in response to their Step 1 submissions, all respondents may participate in Step 2.

Note: The Advisory Notification is the only notice the Government will provide from Step 1; debriefings will not occur at the end of Step 1.

(2) **Step 2.** Factors 2 and 3 will be evaluated in this step. The selection decision will be a trade-off involving all three factors, Mission Suitability, Technical/ Management and Cost/price, according to FAR 15.101-1, Tradeoff Process. Risk assessment will be a part of the overall evaluation.

- Participation in Step 1 is a mandatory part of this acquisition. Failure to participate in Step 1 or the Oral Presentation within Step 1 will preclude further consideration of the Offeror's proposal. Step 2 submissions will not be accepted from any Offeror who has not completed Step 1.
- Results of Step 1 will be carried over to Step 2 for the overall evaluation of proposals.