

Innovation Technique 6 — Select Best-Suited, then Negotiate

Purpose: *To work out any remaining issues with the apparent winner after evaluations have been completed/documented and the winner has been selected (but not announced).*

1. Ideal for task/delivery orders under FAR subpart 8.4 and § 16.505, but also for part 13 simplified acquisitions (incl. subpart 13.5 for commercial items up to \$7 Million). Not recommended for use under FAR part 15.
2. All evaluations must be completed, and tentative selection made. The Government can negotiate **any remaining issues**, technical and price, with the apparent awardee.
3. This technique **does not** constitute discussions (as that term is defined in FAR subpart 15.3)!
4. Works well with all other PIL techniques.
5. If you want this flexibility, include text in your solicitation (see sample below from HART).

Thoughts from Industry: “With the page limitation and time limit in orals there may be things we could have provided more detail to make clearer. With this process both parties are able to better understand each other and lead to the structure of a better contract. This ensures both parties are on the same page once the contract is awarded and ensures a better understanding and expectations of the work during administration.”

Sample from **HART**—

6.3.3. Award on Initial Responses

The government anticipates selecting the best-suited contractor from initial responses, without engaging in exchanges with contractors. Contractors are strongly encouraged to submit their best technical solutions and price in response to this RFP.

6.3.4. Exchanges with Best-Suited Contractor

Once the government determines the contractor that is the best-suited (i.e., the apparent successful contractor), the government reserves the right to communicate with only that contractor to address any remaining issues, if necessary, and finalize a task order with that contractor. **These issues may include technical and price.** If the parties cannot successfully address any remaining issues, as determined pertinent at the sole discretion of the government, the government reserves the right to communicate with the next best-suited contractor based on the original analysis and address **any remaining issues.**

Sample from **VA.GOV Modernization**—

Following Steps 1, 2, and 3, in consideration of the Basis for Award, the apparent successful Quoter will be chosen to provide a final PWS, QASP, and associated minor price adjustments (if necessary), which will be negotiated and finalized with the Government. If a final PWS cannot be worked out, or fails to provide best value solution award following negotiations, then the Government may select the next highest valued vendor for negotiations of a PWS and QASP.

See **Select Best-Suited, then Negotiate** in this workbook’s GAO Guide.

Note 1: These issues generally should not include relaxing the Government’s requirement or the basis on which offerors proposed.

Note 2: The PIL recommends caution in moving to the second best-suited. If exchanges/negotiations with the first best-suited offeror do not arrive at a conclusion satisfactory to the Government, it might make better sense to open negotiations with a small number of offerors and invite proposal revisions from them.

