

**National Aeronautics and Space Administration
Ames Research Center
Moffett Field, CA 94035-0001**

**Selection of Contractor for
Replace Arc Jet Complex Steam Vacuum System (SVS) Boiler, NASA Ames Research Center
NNA13418436R**

August 19, 2013

On August 5, 2013, I, along with certain NASA Source Evaluation Committee (SEC) Ex-Officio members, met with the SEC members appointed to evaluate proposals for the Replace Arc Jet Complex Steam Vacuum System (SVS) Boiler procurement in support of the Thermo-Physics Facilities Branch under the Office of the Director of Exploration Technology. During this meeting, the SEC presented its findings to me, the Source Selection Authority (SSA), and we discussed those findings to assure that I had a full understanding of the SEC's evaluation.

I assessed the SEC's findings and evaluation of proposals. This Source Selection Statement reflects my independent judgment of the findings and merits of the proposals, and sets forth my selection decision.

Procurement Description

NASA Ames Research Center (Ames) intends to construct a new, fully functional steam boiler plant located near the existing Arc Jet Complex Steam Vacuum System (SVS) Facility. The requirement includes design and construction services involving a unique and customized steam boiler system/facility which supports this research complex of National importance.

This procurement was conducted in accordance with Federal Acquisition Regulation (FAR) Part 15 under Full and Open Competition. It will result in a single award, Firm-Fixed-Price (FFP) contract that includes six (6) FFP options. The contract's anticipated period of performance is as follows:

Base Contract Line Item (CLIN) 0001: 270 calendar days after issuance of Notice to Proceed
Six (6) Options: Twenty (20) calendar days will be added for each option exercised. RFP Paragraph M.2 (a)(1) provides: Schedule shall assume Options 1 through 7 are exercised at time of award.

Evaluation Procedure

Proposals were evaluated in accordance with the requirements of FAR Subpart 15.3, "Source Selection," as supplemented by NASA FAR Supplement (NFS) Subpart 1815.3, "Source Selection." Solicitation provision FAR 52.215-1, Instructions to Offerors-Competitive Acquisitions, informed Offerors that the Government intended to award a contract based solely on initial offers. However, the provision also stated that the Government reserved the right to hold discussions if award on the basis of initial offers is determined not to be in the Government's best interest.

The Request for Proposals (RFP), paragraph M.2(a), identified the following three evaluation factors: Technical, Past Performance, and Price. The paragraph states: “all evaluation factors other than price, when combined, are significantly more important than price. The Government may award to other than the lowest priced or the technically highest rated offeror.”

Technical Evaluation

RFP Paragraph M.2(a)(1)--Technical (Volume I):

Offerors submitted their Work Plan and Proposed Schedule, per RFP Paragraph L.16.1.

RFP Paragraph M.2(a)(1) provided that all subfactor elements must be complete in order for the offer to be considered further for award. The Technical Factor consisted of two Subfactors: Work Plan and Proposed Schedule.

Technical Subfactors
<p>Work Plan Narrative identification of major project work activities and their interdependencies</p>
<p>Proposed Schedule Schedule identifies the completion date within deadline for completion. Schedule shall assume Options 1 through 7 are exercised at time of award. Schedule identifies the critical path, including all options.</p>

Technical proposals were evaluated and given the following ratings of “Complete” or “Incomplete” based on the information provided in the offeror’s proposal.

Past Performance Evaluation

RFP Paragraph M.2(a)(2)—Past Performance (Volume II):

In accordance with RFP Paragraph M.2(a)(2) and based on assessment of the offeror’s Past Performance proposal, assessment of customer questionnaires submitted on behalf of each offeror and of its major subcontractors, assessment of information retrieved from the NASA Past Performance Information Retrieval System (PPIRS) and interviews with ARC Contracting Officer’s Representative (COR) and Contracting Officers (CO), the Government evaluated both Offerors’ overall performance record performing projects similar in size, content, and complexity of the requirements for this contract.

Pursuant to RFP Paragraph M.2.(a)(2): “If an offeror does not have a past performance history relating to this solicitation, the offeror will not be evaluated favorably or unfavorably on this factor.”

RFP Paragraph M2.(a)(2) provided the below chart depicting definitions of Past Performance Ratings that were used for evaluation purposes:

ADJECTIVAL RATING	DEFINITIONS
Outstanding	Performance meets contractual requirements and exceeds many to the Government's benefit. The contractual performance of the element or sub-element being assessed was accomplished with few minor problems for which corrective actions taken by the contractor were highly effective.
Above Average	Performance meets contractual requirements and exceeds some to the Government's benefit. The contractual performance of the element or sub-element being assessed was accomplished with some minor problems for which corrective actions taken by the contractor were effective.
Satisfactory	Performance meets contractual requirements. The contractual performance of the element or sub-element contains some minor problems for which corrective actions taken by the contractor appear or were satisfactory.
Marginal	Performance does not meet some contractual requirements. The contractual performance of the element or sub-element being assessed reflects a serious problem for which the contractor has not yet identified corrective actions. The contractor's proposed actions appear only marginally effective or were not fully implemented.
Unsatisfactory	Performance does not meet significant contractual requirements and recovery is not likely in a timely manner. The contractual performance of the element or sub-element contains a serious problem(s) for which the contractor's corrective actions appear or were ineffective.
Neutral	No past performance history size, content, and complexity of the requirements set forth in Section C.

Price Evaluation

RFP Paragraph M.2(a)(3)—Price Proposal (Volume III):

Price was evaluated for fairness and reasonableness, using the following price analysis techniques:

- Comparison of proposed price with the independent Government estimate
- Comparison of proposed prices amongst Offerors

Solicitation and Receipt of Proposals

On March 27, 2013, prior to the issuance of the formal RFP, a Draft RFP was posted in an effort to provide industry with an opportunity to obtain a better understanding of, and to encourage industry comments and questions about, the Replace Arc Jet Complex Steam Vacuum System (SVS) Boiler project. On May 1, 2013, a Pre-Proposal Conference and site tour was conducted where firms were encouraged to ask questions about the proposed contract and to visit the construction site. Questions received in response to the Draft RFP and Pre-Proposal Conference were carefully evaluated and any changes incorporated into the Final RFP, as appropriate. The Final RFP was issued on May 8, 2013. Following release of the Final RFP, 71 questions were received from industry. The Government published responses through three (3) solicitation amendments.

All documents pertinent to the acquisition were posted electronically on the NASA Acquisition Internet Service (NAIS) Business Opportunities portal (http://prod.nais.nasa.gov/cgi-bin/nais/link_syp.cgi) as well as the Federal Business Opportunities web portal (<https://www.fbo.gov>).

Proposals were due on June 7, 2013.

Three (3) proposals were received in response to the RFP by the specified closing time and date. The Offerors' names and addresses (listed alphabetically) are as follows:

Agbayani Construction Corporation
88 Dixon Ct
Daly City, CA 94014

C. Overaaa & Company / Bayview Engineering & Construction
A Joint Venture (JV)
200 Parr Blvd
Richmond, CA 94801

Swinerton Builders
6890 W. 52d Avenue, Ste 201
Arvada, CO 80002

Proposals were received from each of the three (3) Offerors. Each proposal consisted of cover letter, Volume I (Technical), Volume II (Past Performance), and Volume III (Price).

The cover letter information was reviewed by the Contracting Officer for compliance with the terms and conditions of the solicitation including affixed signatures, current representations and acceptable bonding. Agbayani Construction Corporation, did not provide adequate bid bonding in accordance with RFP Paragraph L.11 Bid Bond (NFS 1852.228-73)(Oct 1988). Agbayani Construction Corporation was eliminated from further consideration. We notified Agbayani of their unacceptable proposal and provided preaward debriefing on 21 June 2013.

A copy of each proposal for the remaining two Offerors was issued to each of the four voting members of the SEC.

Evaluation Process

After receipt of proposals, the SEC members individually reviewed both of the remaining Offerors' technical proposals. Both technical proposals were determined to be complete.

The SEC members then independently reviewed the Offerors' past performance proposal information, questionnaires received, and other past performance information available. The SEC met to discuss their findings, and develop narratives and corresponding ratings by consensus.

Finally, the SEC reviewed the price proposals in accordance with FAR 15.305(a)(1). Price was evaluated but not rated.

Evaluation Findings of the SEC

Technical Factor

The following addresses the Technical findings for both Offerors.

- C. Overaaa & Company / Bayview Engineering & Construction (A Joint Venture [JV]):
 - Work Plan: Complete
 - Proposed Schedule: Complete

- Swinerton Builders:
 - Work Plan: Complete
 - Proposed Schedule: Complete

Past Performance Factor

The following addresses the Past Performance findings for both Offerors.

Overaaa & Company / Bayview Engineering & Construction (JV):

The Past Performance proposal submitted by the Joint Venture received an overall rating of Above Average. As individual companies, Overaaa and Bayview demonstrated effective past performance on many projects similar in size and complexity to this requirement. Both JV Offerors' past performance is relevant to this requirement. No apparent problems were identified under past performance. There is little apparent risk to successful performance under this contract considering the JV team members' past performance.

Swinerton Builders:

The Past Performance proposal submitted by Swinerton received an overall rating of Outstanding. Swinerton and its team members demonstrated very effective past performance on extensive projects that were similar in size and complexity to this requirement. Swinerton's past performance was very relevant to this project. No apparent problems were identified under past performance. There is little apparent risk to successful performance under this contract based on their past performance.

Price Factor

SEC reviewed the prices for the Base CLIN and all options as compared to the competing proposal and the Government Estimate for determination of price reasonableness.

As the conditions of FAR 15.403-1(c)(1)(i) are satisfied, prices for both Offerors are determined to be fair and reasonable.

SELECTION DECISION OF THE SOURCE SELECTION AUTHORITY FOR REPLACE ARC JET COMPLEX STEAM VACUUM SYSTEM (SVS) BOILER, NASA AMES RESEARCH CENTER

FAR Part 15.308 "Source Selection Decision" states: "The source selection authority's (SSA) decision shall be based on a comparative assessment of proposals against all source selection criteria in the solicitation. While the SSA may use reports and analyses prepared by others, the source selection decision shall represent the SSA's independent judgment. The source selection decision shall be documented, and the documentation shall include the rationale for any business judgments and tradeoffs made or relied on by the SSA, including benefits associated with additional costs. Although the rationale for the selection decision must be documented, that documentation need not quantify the tradeoffs that led to the decision."

My selection decision represents my independent judgment. I carefully reviewed all of the SEC's findings to ensure a full understanding thereof. I did not simply rely on the findings presented; rather, I primarily considered the potential impact of each finding, and its relevance to this proposed effort, against the selection criteria prescribed in the RFP. I have carefully reviewed all of the findings of the SEC and concur with all of them. I am satisfied that the findings of the SEC are appropriate and reasonable. Therefore, as the Source Selection Authority, I hereby adopt all of the findings of the SEC without exception.

As individual companies, Overaa and Bayview demonstrated effective past performance on many projects similar in size and complexity to this requirement. While Swinerton's past performance included somewhat better ratings, the JV demonstrated relevant performance and positive feedback sufficient to demonstrate minimal risk, all at a substantially lower price. My assessment is that there is little apparent risk to successful performance under this contract considering the JV team members' past performance.

In consideration of both Offerors' past performance indicating they both have the capability of successfully fulfilling all of the contract requirements for this NASA boiler contract, I select Overaa/Bayview JV for award. Their price proposal at 14.8% below the competing offer represents the best value to the Government, price and other factors considered. Swinerton's past performance rating does not justify the price premium, given the JV's more than adequate performance and the resultant confidence the Government has in its ability to perform with minimal risk.

I select Overaa/Bayview JV for contract award.



George Sutton
Source Selection Authority