

## Federal Highway Administration, DOT

## § 636.102

- 636.206 How do I evaluate offerors who do not have a record of relevant past performance?
- 636.207 Is there a limit on short listed firms?
- 636.208 May I use my existing prequalification procedures with design-build contracts?
- 636.209 What items must be included in a phase-two solicitation?
- 636.210 What requirements apply to projects which use the modified design-build procedure?
- 636.211 When and how should tradeoffs be used?
- 636.212 To what extent must tradeoff decisions be documented?

### Subpart C—Proposal Evaluation Factors

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- 636.302 Are there any limitations on the selection and use of proposal evaluation factors?
- 636.303 May pre-qualification standards be used as proposal evaluation criteria in the RFP?
- 636.304 What process may be used to rate and score proposals?
- 636.305 Can price information be provided to analysts who are reviewing technical proposals?

### Subpart D—Exchanges

- 636.401 What types of information exchange may take place prior to the release of the RFP document?
- 636.402 What types of information exchange may take place after the release of the RFP document?
- 636.403 What information may be exchanged with a clarification?
- 636.404 Can a competitive range be used to limit competition?
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- 636.406 Are communications allowed prior to establishing the competitive range?
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### Subpart E—Discussions, Proposal Revisions and Source Selection

- 636.501 What issues may be addressed in discussions?
- 636.502 Why should I use discussions?
- 636.503 Must I notify offerors of my intent to use/not use discussions?
- 636.504 If the solicitation indicated my intent was to award contract without dis-

- cussions, but circumstances change, may I still hold discussions?
- 636.505 Must a contracting agency establish a competitive range if it intends to have discussions with offerors?
- 636.506 What issues must be covered in discussions?
- 636.507 What subjects are prohibited in discussions, communications and clarifications with offerors?
- 636.508 Can price or cost be an issue in discussions?
- 636.509 Can offerors revise their proposals as a result of discussions?
- 636.510 Can the competitive range be further defined once discussions have begun?
- 636.511 Can there be more than one round of discussions?
- 636.512 What is the basis for the source selection decision?
- 636.513 Are limited negotiations allowed prior to contract execution?
- 636.514 How may I provide notifications and debriefings?

AUTHORITY: Sec. 1307 of Pub. L. 105-178, 112 Stat. 107; 23 U.S.C. 101, 109, 112, 113, 114, 115, 119, 128, and 315; 49 CFR 1.48(b).

SOURCE: 67 FR 75926, Dec. 10, 2002, unless otherwise noted.

### Subpart A—General

#### § 636.101 What does this part do?

This part describes the FHWA's policies and procedures for approving design-build projects financed under title 23, United States Code (U.S.C.). This part satisfies the requirement of section 1307(c) of the Transportation Equity Act for the 21st Century (TEA-21), enacted on June 9, 1998. The contracting procedures of this part apply to all design-build project funded under title 23, U.S.C.

#### § 636.102 Does this part apply to me?

(a) This part uses a plain language format to make the rule easier for the general public and business community to use. The section headings and text, often in the form of questions and answers, must be read together.

(b) Unless otherwise noted, the pronoun "you" means the primary recipient of Federal-aid highway funds, the State Transportation Department (STD). Where the STD has an agreement with a local public agency (or other governmental agency) to administer a Federal-aid design-build project,