

**§ 636.204 What items may be included in a phase-one solicitation?**

You may consider including the following items in any phase-one solicitation:

- (a) The scope of work;
- (b) The phase-one evaluation factors and their relative weights, including:
  - (1) Technical approach (but not detailed design or technical information);
  - (2) Technical qualifications, such as—
    - (i) Specialized experience and technical competence;
    - (ii) Capability to perform (including key personnel); and
    - (iii) Past performance of the members of the offeror's team (including the architect-engineer and construction members);
  - (3) Other appropriate factors (excluding cost or price related factors, which are not permitted in phase-one);
- (c) Phase-two evaluation factors; and
- (d) A statement of the maximum number of offerors that will be short listed to submit phase-two proposals.

**§ 636.205 Can past performance be used as an evaluation criteria?**

(a) Yes, past performance information is one indicator of an offeror's ability to perform the contract successfully. Past performance information may be used as an evaluation criteria in either phase-one or phase-two solicitations. If you elect to use past performance criteria, the currency and relevance of the information, source of the information, context of the data, and general trends in contractor's performance may be considered.

(b) Describe your approach for evaluating past performance in the solicitation, including your policy for evaluating offerors with no relevant performance history. You should provide offerors an opportunity to identify past or current contracts (including Federal, State, and local government and private) for efforts similar to the current solicitation.

(c) If you elect to request past performance information, the solicitation should also authorize offerors to provide information on problems encountered on the identified contracts and the offeror's corrective actions. You may consider this information, as well as information obtained from any

other sources, when evaluating the offeror's past performance. You may use your discretion in determining the relevance of similar past performance information.

(d) The evaluation should take into account past performance information regarding predecessor companies, key personnel who have relevant experience, or subcontractors that will perform major or critical aspects of the requirement when such information is relevant to the current acquisition.

**§ 636.206 How do I evaluate offerors who do not have a record of relevant past performance?**

In the case of an offeror without a record of relevant past performance or for whom information on past performance is not available, the offeror may not be evaluated favorably or unfavorably on past performance.

**§ 636.207 Is there a limit on short listed firms?**

Normally, three to five firms are short listed, however, the maximum number specified shall not exceed five unless you determine, for that particular solicitation, that a number greater than five is in your interest and is consistent with the purposes and objectives of two-phase design-build contracting.

**§ 636.208 May I use my existing prequalification procedures with design-build contracts?**

Yes, you may use your existing prequalification procedures for either construction or engineering design firms as a supplement to the procedures in this part.

**§ 636.209 What items must be included in a phase-two solicitation?**

(a) You must include the requirements for technical proposals and price proposals in the phase-two solicitation. All factors and significant subfactors that will affect contract award and their relative importance must be stated clearly in the solicitation. Use your own procedures for the solicitation as long as it complies the requirements of this part.

(b) At your discretion, you may allow proposers to submit alternate technical