

| Type of information exchange | When | Purpose | Parties involved |
|---|--|---|--|
| (a) Clarifications | After receipt of proposals | Used when award without discussions is contemplated. Used to clarify certain aspects of a proposal (resolve minor errors, clerical errors, obtain additional past performance information, etc.). | Any offeror whose proposal is not clear to the contracting agency. |
| (b) Communications | After receipt of proposals, prior to the establishment of the competitive range. | Used to address issues which might prevent a proposal from being placed in the competitive range. | Only those offerors whose exclusion from, or inclusion in, the competitive range is uncertain. All offerors whose past performance information is the determining factor preventing them from being placed in the competitive range. |
| (c) Discussions (see Subpart E of this part). | After receipt of proposals and after the determination of the competitive range. | Enhance contracting agency understanding of proposals and offerors understanding of scope of work. Facilitate the evaluation process. | Must be held with all offerors in the competitive range. |

§ 636.403 What information may be exchanged with a clarification?

(a) You may wish to clarify any aspect of proposals which would enhance your understanding of an offeror's proposal. This includes such information as an offeror's past performance or information regarding adverse past performance to which the offeror has not previously had an opportunity to respond. Clarification exchanges are discretionary. They do not have to be held with any specific number of offerors and do not have to address specific issues.

(b) You may wish to clarify and revise the RFP document through an addenda process in response to questions from potential offerors.

§ 636.404 Can a competitive range be used to limit competition?

If the solicitation notifies offerors that the competitive range can be limited for purposes of efficiency, you may limit the number of proposals to the greatest number that will permit an efficient competition. However, you must provide written notice to any offeror whose proposal is no longer considered to be included in the competitive range. Offerors excluded or otherwise eliminated from the competitive range may request a debriefing. Debriefings may be conducted in accordance with your procedures as long as you comply with § 636.514.

§ 636.405 After developing a short list, can I still establish a competitive range?

Yes, if you have developed a short list of firms, you may still establish a competitive range. The short list is based on qualifications criteria. The competitive range is based on the rating of technical and price proposals.

§ 636.406 Are communications allowed prior to establishing the competitive range?

Yes, prior to establishing the competitive range, you may conduct communications to:

- (a) Enhance your understanding of proposals;
- (b) Allow reasonable interpretation of the proposal; or
- (c) Facilitate your evaluation process.

§ 636.407 Am I limited in holding communications with certain firms?

Yes, if you establish a competitive range, you must do the following:

- (a) Hold communications with offerors whose past performance information is the determining factor preventing them from being placed within the competitive range;
- (b) Address adverse past performance information to which an offeror has not had a prior opportunity to respond; and
- (c) Hold communications only with those offerors whose exclusion from, or