SECTION L – INSTRUCTIONS, CONDITIONS, AND NOTICES TO QUOTERS AND RESPONDENTS

FAR 52.252-1 – Solicitation Provisions Incorporated by Reference (Feb 1998)

This solicitation incorporates one or more solicitation provisions by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available. The full text of a solicitation provision may be accessed electronically at:

https://www.acquisition.gov/browse/index/far https://www.acquisition.gov/dosar

(End of provision)

L.1 – SOLICITATION PROVISIONS INCORPORATED BY REFERENCE

Provision	Title
52.212-1	Instructions to Offerors-Commercial Products and Commercial Services (Deviation)(Jan 2026)
52.214-34	Submission of Offers in the English Language (Apr 1991)
52.233-2	Service of Protest (Deviation) (Jan 2026)

L.2 – SOLICITATION PROVISIONS IN FULL TEXT

The following solicitation provisions below are incorporated in full text:

FAR 52.252-5 Authorized Deviations in Provisions (Nov 2020)

(a) The use in this solicitation of any Federal Acquisition Regulation (48 CFR Chapter 1) provision with an authorized deviation is indicated by the addition of "(DEVIATION)" after the date of the provision.

(b) The use in this solicitation of any Department of State Acquisition Regulation (48 CFR Chapter 6) provision with an authorized deviation is indicated by the addition of "(DEVIATION)" after the name of the regulation.

(End of provision)

DOSAR 652.206-70 – Advocate for Competition/Ombudsman (Feb 2015)

(a) The Department of State's Advocate for Competition is responsible for assisting industry in removing restrictive requirements from Department of State solicitations and removing barriers to full and open competition and use of commercial items. If such a solicitation is considered competitively restrictive or does not appear properly conducive to competition and commercial practices,

potential offerors are encouraged first to contact the contracting office for the solicitation. If concerns remain unresolved, contact:

(1) For solicitations issued by the Office of Acquisition Management (A/LM/AQM) or a Regional Procurement Support Office, the A/LM/AQM Advocate for Competition, at AQMCompetitionAdvocate@state.gov.
(2) For all others, the Department of State Advocate for Competition at cat@state.gov.

(b) The Department of State's Acquisition Ombudsman has been appointed to hear concerns from potential offerors and contractors during the pre-award and post-award phases of this acquisition. The role of the ombudsman is not to diminish the authority of the contracting officer, the Technical Evaluation Panel or Source Evaluation Board, or the selection official. The purpose of the ombudsman is to facilitate the communication of concerns, issues, disagreements, and recommendations of interested parties to the appropriate Government personnel, and work to resolve them. When requested and appropriate, the ombudsman will maintain strict confidentiality as to the source of the concern. The ombudsman does not participate in the evaluation of proposals, the source selection process, or the adjudication of formal contract disputes. Interested parties are invited to contact the contracting activity ombudsman, Trena Mills, at 703-875-5429 or fax 703-875-6155. For an American Embassy or overseas post, refer to the numbers below

for the Department Acquisition Ombudsman. Concerns, issues, disagreements, and recommendations which cannot be resolved at a contracting activity level may be referred to the Department of State Acquisition Ombudsman at (703) 516-1696 or write to:

Department of State, Acquisition Ombudsman, Office of the Procurement Executive (A/OPE), Suite 1060, SA-15, Washington, DC 20520.

(End of provision)

L.3 – REVIEW OF DOCUMENTS

Each quoter is responsible for:

(1) Obtaining a complete set of purchase order drawings and specifications; (2) Thoroughly reviewing such documents and understanding their requirements; (3) Visiting the project site and becoming familiar with all working conditions, local laws and regulations; (4) Determining that all materials, equipment and labor required for the work are available; and (5) Furnishing complete information to subcontractors and suppliers, to include details of specifications and quantities.

Any ambiguity in the solicitation, including specifications and purchase order drawings, shall be reported immediately to the point of contact (POC) listed in the solicitation. Any prospective quoter who requires clarification, explanation or interpretation of the purchase order requirements must make a request to the POC not less than 10 working days before the closing date of the solicitation. Quoters may rely ONLY upon written interpretations by the Contracting Officer.

L.4 TWO-PHASE DOWN SELECT PROCESS

This acquisition employs a **nonmandatory** two-phase advisory down select quotation process under FAR Part 12 combined with construction requirements under FAR Part 36. This process is not conducted under FAR 36.101-2 (Two-Phase Design-Build Selection Procedures) and shall not be interpreted as a prequalification, shortlisting, or competitive range determination under FAR Part 15.

Phase One is an initial screening and advisory assessment only, intended to determine whether a quoter appears to have a reasonable likelihood of being competitive for award based on limited technical information and a Rough Order of Magnitude (ROM) price. The Government's Phase One advisory communication does not constitute a determination of responsibility, a pre-qualification decision, a competitive range determination, or a ranking of quoters.

Phase One is an advisory down-select process intended to assist quoters in determining whether they should proceed to Phase Two. Participation in Phase One is not mandatory. A quoter that does not submit a Phase One quotation may still submit a Phase Two quotation, provided the Phase Two quotation is submitted timely and otherwise complies with the requirements of this solicitation.

The Government will not provide an advisory recommendation to quoters that do not participate in Phase One.

L.5 – SUBMISSION OF QUOTATIONS

L.5.1 General

This solicitation is for the performance of design and construction services described in Section C – Description/Specifications/Statement of Work, and the Attachments which are a part of this solicitation.

L.5.2 Qualifications of Quoters

Quoters must be technically qualified and financially responsible to perform the work described in this solicitation. At a minimum, each quoter must meet the following requirements:

(1) Have an established business with a permanent address and telephone listing;
(2) Be able to demonstrate prior experience with suitable references;
(3) Have the necessary personnel, equipment and financial resources available to perform the work;
(4) Have all licenses and permits required by local law;
(5) Meet all local insurance requirements;
(6) Have no adverse criminal record;
(7) Have no political or business affiliation which could be considered contrary to the interests of the United States; and.
(8) Be able to understand written and spoken English.

L.5.3 Required Supporting Documentation

L.5.3.1 Irrevocable Letters of Credit (ILCs) or Bonds:

Quoter shall submit with its quotation a letter from a financial institution confirming that it will, in the event of award, provide to the Contractor any securities required under Section H.1.1 totaling 40% of the purchase order amount.

L.5.3.2 Joint Venture Agreements:

If an offer is submitted by a joint venture, the offeror shall submit with its offer a notarized legal document establishing the joint venture. The joint venture agreement shall be effective upon submission of the offer and shall remain irrevocable until one year after final inspection and acceptance of the work by the Government.

The joint venture agreement shall include, at a minimum:

1. The legal name of each firm participating in the joint venture and the legal name of the joint venture;

2. The name, title, and authority of each corporate official signing on behalf of each joint venture member;

3. The solicitation number;

4. A clear description of each member's responsibilities, including the work categories or portions of work each member will perform;

5. A statement that the composition and structure of the joint venture will remain unchanged from submission of the offer until one year after final inspection and acceptance of the work by the Government, unless otherwise approved by the Contracting Officer;

6. The date of execution of the joint venture agreement; and

7. Notarized signatures of the authorized corporate officials for each joint venture member.

The Government reserves the right to review the joint venture agreement to determine whether the joint venture is legally established, responsible, and capable of performing the contract requirements.

Any internal agreement or arrangement that affects the composition, authority, liability, financial responsibility, letters of credit, bank guarantees, insurance, or performance obligations of the joint venture shall be provided to the Contracting Officer for review.

Any proposed change in the composition or structure of the joint venture after award may require a novation or other written approval by the Contracting Officer, as applicable. No change in the joint venture composition or structure shall be effective for contract purposes unless approved in writing by the Contracting Officer.

The joint venture shall include the warrant required by DOSAR 652.242-73, Authorization and Performance.

L.5.4 – SUMMARY OF QUOTATION INSTRUCTIONS

(a) Phase One submittals must consist of the following:

1) **Completed Attachment J.5.5 – Phase One Submittal Questionnaire**

2) **Technical Approach (Maximum 3 Pages)**

   Provide a narrative describing your proposed approach to successfully designing and constructing the project.

   At a minimum, address the following:

   - Understanding of the requirement.
   - Design approach.
   - Construction methodology.
   - Quality management approach.
   - Procurement and logistics approach.
   - Major project risks and proposed mitigation measures.

3) **Corporate Capability (Maximum 2 Pages)**

Provide a brief description of your firm's capability to successfully fulfil this requirement. Include, at a minimum:

- Company background.
- Available personnel resources.
- Local or regional resources available to support performance.

4) **Preliminary Project Schedule)**

- Submit a high-level project schedule identifying the principal design, procurement, construction, commissioning, and completion milestones.

Due Date for Phase One Submittals:

Phase One submittals are due by 1600hrs Central European Summer Time (CEST) on July 28, 2026, and shall be emailed to:

- Kenneth G. Mamba: MambaKG@state.gov, and
- FrankfurtRPSO@state.gov.

(b) Phase Two Quotations must consist of the following physically separate volumes:

Volume	**Volume Title**	**No. of Copies**
1	Price Quotation – This quotation volume has no page limit. All price quotation information should be accurate and consistent: • TAB A - Completed Attachment 1 – Executed Standard Form 1442 • TAB B - Completed Subsection B.3.1 – Purchase Order Price • TAB C - Completed Attachment J.3.6 – Kolonia Cost Pricing Format	One (1)

Volume	Volume Title	No. of Copies
	• TAB D - Completed Attachment 3 – Section K, Representation and Certifications • TAB E - Completed Attachment J.5.6-IRS W-14 Form, if applicable • TAB F - Completed Attachment J.5.7-SF 3881-Payment Enrollment Form, if applicable • TAB G - Proof of CAGE or NCAGE Code • TAB H - Evidence of Quoter's Ability to Obtain Required bonds or ILCs	
2	Technical Quotation – The Technical Quotation shall contain no cost or price information: • Tab A – Performance Schedule • Tab B – Key Personnel (resumes) • Tab C – Management Information • Tab D – Corporate Experience – Design and Construction Experience • Tab E – Preliminary Quality Management Program • Tab F – Performance of Work by Contractor • Tab G – Contractor's Recruitment of Third Country Nationals (TCNs) • Tab H - Past Performance Information	One (1)

Submittal of Phase Two Quotations:

Quotations shall be submitted electronically to:

- Kenneth G. Mamba: MambaKG@state.gov
- FrankfurtRPSO@state.gov

FOR BOTH PHASES, THE USE OF ELECTRONIC DEPOSITORIES FOR SUBMISSION OF QUOTATIONS IS NOT PERMITTED (for example, Google Drive).

Quotations shall be submitted directly to the e-mail address(es) provided above and shall be in a format readable by Microsoft (MS) Word, MS Excel, or Adobe PDF, as applicable. Individual e-mails shall be limited to 50 MB.

L.5.5 – DETAILED INSTRUCTIONS

L.5.5.1 General

Quotations that are missing a significant amount of the required information may be eliminated from consideration at the Government's discretion.

L.5.5.2 – VOLUME I: PRICE QUOTATION

The Price Quotation shall set forth current, accurate, and complete information as required by this solicitation. The Price Quotation shall be prepared as follows:

(A) STANDARD FORM 1442 (SF-1442)

Offeror shall complete blocks 14 through 20, as appropriate, of the SF-1442. Offeror shall acknowledge all amendments either by acknowledging the issued amendments in Block 14 of the SF-1442. Acknowledgement can only be executed by an authorized company official responsible for the offer.

(B) SUBSECTION B.3.1, PURCHASE ORDER PRICE

The offeror shall provide pricing for each Contract Line Item Number (CLIN) listed in Subsection B.3.1 and shall identify the currency used for its proposed pricing.

(C) PRICE QUOTATION BREAKDOWN

The offeror shall complete and submit Cost Pricing Format provided as Attachment J.3.6. The total price shown in the Cost Pricing Format shall match the total firm-fixed price entered in Subsection B.3.1.

The price quotation breakdown shall include all costs necessary to perform the work in accordance with the solicitation. All costs associated with visas, work visas, work permits, authorization to work in the country for the entire contract period, permits, licenses, and, if applicable, the cost of obtaining Irrevocable Letters of Credit shall be included in the total firm-fixed price.

The quoter may adjust the Cost Pricing Format only as necessary to accurately reflect its pricing structure, provided that the revised breakdown remains clear, complete, and consistent with Subsection B.3.1

(D) REPRESENTATIONS AND CERTIFICATIONS

The quoter shall complete and submit all representations, certifications, and other statements required by Section K of the solicitation.

(E) IRS FORM W-14

Only if applicable, if the quoter is considered a *foreign person*, as defined in FAR 52.229-11, Tax on Certain Foreign Procurements - Notice and Representation, and is seeking relief from the applicable tax, the quoter shall submit a completed IRS W-14 Form. The form is provided in Attachment J.5.6, and detailed instructions for completing the form are available in Attachment J.5.1.

(F) SF-3881 PAYMENT ENROLLMENT FORM

If the quoter is not registered in System for Award Management (SAM), the quoter shall complete and submit Attachment J.5.7, SF-3881 Payment Enrollment Form, with its quotation. The form must include the payee/company information and financial institution information necessary for electronic payment processing.

(G) PROOF OF CAGE/NCAGE CODE

The quoter shall provide proof of an active NATO Commercial and Government Entity (NCAGE) code with its submission. If the quoter does not currently possess an NCAGE code, it shall initiate registration prior to award. Registration may be completed through the NATO Codification System portal.

(H) EVIDENCE OF ABILITY TO OBTAIN REQUIRED SURETY

The quoter shall submit with its quotation a letter or similar documentation from a financial institution confirming that the institution will, in the event of award, provide the required contract surety in the form of separate Irrevocable Letter of Credits (ILCs), or other form of bonding, at the required percentage will be provided punctually and in accordance with the conditions listed in Subsection H.1, Performance and Payment Security, of the solicitation. This **letter** shall be a **statement** of quoter's ability to get the surety and not the bonds/ILCs themselves. The quoter shall not obtain/submit bonds/ILCs with the quotation.

L.5.5.3 – VOLUME II: TECHNICAL QUOTATION

The Technical Quotation shall set forth current, accurate, and complete information as required by this solicitation. The Technical Quotation shall be prepared as follows:

L.5.5.3.1 (A) – Performance Schedule

The performance schedule shall be presented in the form of a time scaled Network Diagram CPM Schedule or a Gantt chart, clearly showing the critical path, indicating commencement and completion of the entire project within the required contract completion schedule. The schedule shall be in sufficient detail to clearly show each portion of work and its planned commencement and

completion dates. Performance period shall be provided in calendar days. The period shall include all time aspects of the work, including advance ordering of long lead items.

L.5.5.3.2 (B) - Key Personnel

The Government considers the Quoter's Project Manager, Site Superintendent for Cunstruction, Quality Control Manager, Safety and Health Program Manager, Principal Architect and Senior Architect to be key personnel under any purchase order resulting from this solicitation. The quoter shall provide a detailed resume and the experience of these individuals. The Quoter shall provide qualified personnel in addition to addressing any minimum Key Personnel qualifications/experience requirements in Section C and in Attachment J.3.4.1.

The Quoter shall provide all of the following required information for all key personnel:

1. Name of Individual, Date of Birth, Nationality;
2. Language proficiency;
3. Role on this specific construction project;
4. Describe the Individual's experience in the location where the work is to be performed;
5. List experience relevant to the type of work required by this purchase order in chronological order.

L.5.5.3.3 (C) – Management Information

1. Company profile including the following elements:

    i. Full name and address of the quoter as included in SF-1442;

    ii. List of names, addresses and telephone numbers of owners, partners, and principal officer of the quoter.

2. Full description and technical specifications of proposed materials to be used on the project. Provide a list of names, addresses, and telephone numbers of all primary manufacturers and/or suppliers of materials to be used on the project.

The listing shall indicate which materials will be obtained locally, and which materials will be imported into the country of performance (Federated States of Micronesia). In the case of the latter, the quoter shall include a statement that the purchase, shipment and customs clearance of materials to the project site have been considered and identified in the performance schedule as required in L.5.5.3.1 (A) - Performance Schedule.

3. A comprehensive list of equipment owned, equipment available, and equipment projected to be assigned to the work described in the solicitation. Subcontractor equipment assigned to the project shall be listed separately;

4. A listing of the number of personnel - broken down into discipline/craft - that will be assigned to this project. This shall include both the Contractor work force and that of any proposed subcontractor;

5. In accordance with DOSAR 652.242-73 Authorization and Performance (AUG 1999), the Contractor shall be required to have obtained necessary authorization to do business and operate in the Federated States of Micronesia. If the quoter has not obtained such authorization, the quoter shall provide:

> 1. A thorough description of what steps it has taken to investigate all requirements to obtain authorization to perform in the Federated States of Micronesia,
>
> 2. Details of quoter’s finding and description of what its organization will be required to undertake to obtain licensing and requisite permit(s),
>
> 3. Any impact such authorization may have on Contractor's operations, and
>
> 4. Specific information concerning the period the quoter anticipates it will take to obtain appropriate authorization. Any plan reflecting a protracted period (for example, more than 60 calendar days after award as provided in Section H) for obtaining license(s) and/or permit(s) may be rejected at the discretion of the Contracting Officer if, in Contracting Officer's determination, further delay would harm the Government. The authorization

shall include evidence of local authorization to provide the services covered by this contract. If the party doing the work is a subcontractor or a joint-venture partner, provide its evidence of compliance with this requirement. Authorization shall be commensurate with the percentage of work to be performed by the party as per quoter's submission in L.5.5.3.6 (F).

L.5.5.3.4 (D) Corporate Experience – Design and Construction Experience

Submit a list of three (3) relevant purchase orders or projects that clearly demonstrate prior experience in design and construction, that were:

1. Completed within the past five years;
2. Similar in magnitude (in US$);
3. Similar in construction features; and
4. Similar in other features such as, but not limited to, design/build procedures as described in this solicitation, complete and ready for use.

Note: The experience of any proposed subcontractors shall be provided in Tab F, Subcontracting - Performance of Work by Contractor

Provide the following information for each contract or project and describe:

1. Customer's name, address, and telephone numbers of customer's lead contract and technical personnel;

2. Contract value, number and type (for experience performed as a subcontractor, provide also the value of the work performed as a subcontractor);

3. Date of the contract award, place(s) of performance, and completion dates;

4. The Contractor's ability to perform all the various design and construction disciplines;

5. Brief description of the work, including responsibilities;

6. Comparability to the work under this solicitation;

7. Brief discussion of any major technical problems and their resolution (If any problems were encountered during the project, the Offeror shall provide an explanation of problems and the corrective action taken);

8. Method of acquisition (fully competitive, partially competitive, or noncompetitive), and the basis for award (cost/price, technical merit, etc.), and

9. Any terminations (partial or complete) and the reason (convenience or default);

No more than two (2), one sided, A4 pages of written material shall be submitted for each project. In addition, photographs may be provided, and shall be limited to four (4) A4 size sheets per project

L.5.5.3.5 (E) Preliminary Quality Management Program

In accordance with subsection E.5.1.5.1 of the solicitation, the Offeror shall provide with their offer a Quality Management Program (QMP) organizational structure for both the Design and Construction portions of the contract for evaluation purposes. The program shall be in sufficient detail and shall include charts, description of Key Personnel, work or services to be performed and the techniques and procedures the Offeror's plan to implement to ensure that all work will meet the required technical and quality standards.

The QMP shall be project specific and clearly demonstrate to the Government's Technical Evaluation Team (TET) that the Quoter has a clear understanding of all project requirements and has an acceptable quality control program.

L.5.5.3.6 (F) Performance of Work by Contractor - Subcontracting

Identify the work, by percentage, that will be performed by the Contractor with its own workforce on site. Also, list the names, addresses, and telephone numbers of all subcontractors, clearly indicating what percentages and portions of the work will be performed by them.

This shall be in the form of a comprehensive listing which indicates a definitive work share of the total percentage of work the Contractor shall perform on the site

with its own organization, and a complete summary of sub-contractors who will be performing the remainder of the on-site work.

The list shall include information to clearly show who will be performing 100% of the project at the construction site.

For all subcontractors identified in the listing, the Offeror shall provide documentation that demonstrates the subcontractors' experience relevant to the works assigned to them under the respective subcontracts. Additionally, provide written assurance that all subcontractors and others performing work on or for the project have obtained all requisite licenses and permits.

L.5.5.3.7 (G) Contractor's Recruitment of Third Country Nationals (TCNs)

1. If the Offeror has certified in Subsection K.2 that it will recruit TCNs for performance under the resulting contract and has certified in Subsection K.3 (i) that it will provide accommodation for the listed TCNs, provide a Recruitment Plan, a Housing Plan and the statements required by Subsection H.25.

2. If the offeror has certified in Subsection K.2 that it will recruit TCNs for performance under the resulting contract and has certified in Subsection K.3 (ii) that it will not provide accommodation for the listed TCNs, provide a Recruitment Plan and the statements required by Subsection H.25.

L.5.5.3.8 (H) Past Performance Information

For each of the three (3) relevant purchase orders, contracts, or projects identified in Tab D above, provide available information regarding the quality of the quoter's performance.

The quoter shall provide:

1. Client point of contact or evaluator name, telephone number, and email address;
2. Written performance evaluation, assessment, or similar document if one exists;

3. Provide a CPARS evaluation if one exists; and
4. Any additional information the quoter believes is relevant to the Government's assessment of past performance.

The Government may contact identified references and may consider information obtained from the quoter, references, CPARS, and other available sources in evaluating past performance.

L.5.5.4 – RELATIONSHIP BETWEEN INSTRUCTIONS & EVALUATION

Quoter's attention is directed to the functional relationship between Sections L and M of this solicitation. Section L provides information for the purpose of organizing the proposal and is not intended to be all-inclusive. Section M describes evaluation factors for award.

Since the Government evaluation of proposals will cover areas identified in Section M, proposals should address all such areas of evaluation.

L.6 – PRE-QUOTATION CONFERENCE AND SITE VISIT

(a) A Virtual Pre-Quotation Conference is scheduled for 1400hrs Central European Summer Timer (CEST) on Tuesday, July 21, 2026. Participation is **not mandatory** but recommended. Prospective quoters that wish to participate in the virtual conference shall submit their name and email address via email to MambaKG@state.gov as soon as possible but not later than 1600hrs CEST on Monday, July 20, 2026.

(b) A Site Visit will be conducted on August 16, 2026 at 1000hrs local time at U.S. Embassy Kolonia 1286 U.S. Embassy Pl. Kolonia, Pohnpei, FM 96941.

Participation in the Site Visit is **not mandatory**. Quoters are encouraged to attend to familiarize themselves with existing site conditions, access requirements, and other factors that may assist them in preparing their quotations.

Failure to attend the site visit will not result in disqualification, will not be considered a negative factor in the evaluation of a quotation, and will not affect a quoter's eligibility to compete for award.

All prospective quoters who have received a solicitation package are encouraged to attend. Registration is essential. Companies planning to attend the Siet Visit are required to submit, via email, the names, nationality and ID numbers of those attending to Jovie Gellang, **GellangJB@state.gov** with a copy to Kenneth G. Mamba, **MambaKG@state.gov** not later than 48 hours prior to the Site Visit date and time.

Admittance to the Site Visit cannot be guaranteed unless the Government receives your registration by the due date. Attendance is limited to four (4) persons per company. Attendees are requested to carry their official Photo ID. Visitors shall not bring electronic devices or cameras to the Site Visit.

Questions regarding the solicitation or requirements raised during the site visit must be submitted in accordance with the procedures established in this solicitation. Responses to questions that result in clarification or additional information affecting the solicitation requirements will be provided to all quoters through an amendment or other appropriate solicitation notice.

L.7 – DEADLINE FOR SUBMISSION OF QUESTIONS

Any questions regarding this solicitation shall be directed to Kenneth G. Mamba at MambaKG@state.gov copying FrankfurtRPSO@state.gov not later than **Wednesday, August 19, 2026**. All questions received will be compiled and a set of questions and answers will be furnished to all prospective quoters in the form of an amendment to the solicitation signed by the CO. The source of the question(s) will not be disclosed.

(End of Provision)

L.8 – SUBMISSION/QUOTATION DUE DATE

See Subsection L.5.4(a) for Phase One submittals.

Phase Two quotations shall be submitted as prescribed in Section L.5.4 (b) to reach RPSO not later than 1600hrs Central European Summer Time (CEST) on September 10, 2026. Late quotations will not be considered.

(End of Provision)

{END OF SECTION L}

SECTION M – EVALUATION FACTORS FOR AWARD

52.225-17 – Evaluation of Foreign Currency Quotations (Feb 2000)

If the Government receives quotations in more than one currency, the Government will evaluate quotations by converting the foreign currency to United States currency using the Department of State foreign currency exchange rate in effect on the date specified for receipt of quotations, if award is based on initial quotations; otherwise on the date specified for receipt of quotation revisions.

(End of provision)

M.1 – EVALUATION OF QUOTATIONS

M.1.1 General

To be acceptable and eligible for evaluation, quotations shall be prepared in accordance with Section L and shall meet all the requirements set forth in the other sections of this solicitation.

M.1.2 Basis for Award

The Government will conduct Comparative Evaluation in selecting the best value, technical and price factors considered.

Comparative evaluation is defined as the act of comparing two or more quotations in response to the RFQ. The item-by-item comparison is performed by comparing each proposal directly to one another to determine which provides the best value to the Government using technical and past performance criteria as described below. While this is not a lowest-priced, technically acceptable (LPTA) process, the

Comparative Evaluation process does not prohibit or rule out awarding an order on a low-priced quotation. Award is based on best value.

Evaluations will be conducted in accordance with the procedures set forth below:

(a) **Initial Review** – All quotations received will be reviewed to ensure that each quotation is complete in terms of submission of each required volume, as specified in Subsection L.5. Quotations that are missing a significant amount of the required information may be eliminated from consideration at the Government's discretion.

(b) **Technical Evaluation** – Those quotations remaining after the initial review will be thoroughly reviewed to determine technical acceptability. Technical Acceptability will include a review of each element of the Technical Quotation identified in Section L.5.5.3:

- Tab A – Performance Schedule
- Tab B – Key Personnel
- Tab C – Management Information
- Tab D – Corporate Experience – Design & Construction Experience
- Tab E – Preliminary Quality Management Program
- Tab F – Performance of Work by Contractor
- Tab G – Contractor's Recruitment of Third Country Nationals (TCNs)
- Tab H – Past Performance Information

(A) Performance Schedule: The Government will evaluate the performance schedule and performance narrative to review the sequence of work and to ensure that performance will be completed on time in accordance with the purchase order period of performance and that the Contractor has demonstrated a clear understanding of the project.

(B) Key Personnel: The Government will evaluate the Key Personnel. The review will include a review of the qualifications of the proposed staff and their range of experience and knowledge.

(C) Management Information: The Government will evaluate the information Contractor provided under Section L.5.5.3.3, Management Information, including list of names of the owners, partners and principal officers, list of all subcontractors, a comprehensive list of equipment owned, equipment available and equipment projected to be assigned, the list of Contractor and Subcontractor's personnel, technical specifications of major equipment to be built into the project and details of its local serviceability, and evidence of quoter's authorization to operate and conduct business in the Federated States of Micronesia.

(D) Corporate Experience – Design & Construction Experience: The Government will evaluate the construction projects or purchase orders provided to evaluate experience in the design and construction disciplines. Experience pertains to the types of work and volume of work previously or currently being performed by the Contractor that are comparable to the types of work envisioned by this requirement in terms of size, scope and complexity.

(E) Preliminary Quality Management Program: The Government will evaluate the quoter's Preliminary Quality Management Program as to whether it clearly demonstrates that the Quoter has a clear understanding of all project requirements and has an acceptable quality control program.

(F) Performance of Work by Contractor: The Government will evaluate the amount of work proposed to be self-performed by the Contractor, and the amount of work proposed to be performed by subcontractors. The evaluation will include whether the subcontractor(s) is(are) appropriate for the work assigned to them based on their qualification and experience.

(G) Contractor's Recruitment of Third Country Nationals (TCNs): If applicable, the Government will review the quoter's Recruitment Plan and/or Housing Plans of the Third Country Nationals (TCNs) that will perform under the resulting purchase order to verify that the quoter provided acceptable recruitment and housing plans. The result of this review will be a determination of technical acceptability or unacceptability (pass/fail).

(H) Past Performance Information: The Government will review the quoter's Past Performance to assess how well it did and the likelihood of successful performance under this project. In the case of a quoter without a record of relevant

past performance or for whom information on past performance is not available or is so sparse that no meaningful past performance rating can be reasonably assigned, the quoter shall be determined to have unknown past performance. In the context of high confidence/some confidence/low confidence in Contractor's ability to successfully perform based on its past performance record, "unknown" shall be considered "some confidence." Past performance will be evaluated based on a direct comparison to other proposals to discern if there is any significant past performance superiority that would support an award to a higher priced quotation. Past performance as a discriminator may be appropriate where, based on the Contractor's performance record, the Government has a high expectation that the Contractor will successfully perform the required effort.

(c) **Responsibility Evaluation** – Contractor responsibility will be determined by analyzing whether the apparent successful quoter complies with the requirements of FAR 9.1, including:

(1) Adequate financial resources or the ability to obtain them; (2) Ability to comply with the required performance period; (3) Satisfactory record of integrity and business ethics; (4) Necessary organization, experience, and skills or the ability to obtain them; (5) Necessary equipment and facilities or the ability to obtain them; and (6) Be otherwise qualified and eligible to receive an award under applicable laws and regulations.

(d) **Price Evaluation**

The Government will evaluate price for reasonableness pursuant to FAR 12.204(a).

M.1.3 Award Selection

Award will be made on the quotation that represents the best value to the Government. Prior to award, the apparent successful quoter shall be required to furnish to the Contracting Officer the certification required by FAR 52.222-56(c).

Award notification will be posted on SAM.gov. The Contracting Office will provide a brief explanation of the award decision to unsuccessful quoters upon request.

M.2 – AWARD WITHOUT DISCUSSIONS

Quoters are reminded that the Government may award this purchase order based on initial quotations and without holding discussions, pursuant to FAR 52.212-1(d). The Government reserves the right to:

- Make award based on the initial quotation
- Seek clarification if necessary
- Not award an order if no quotation represents the best value.

M.3 – PURCHASE ORDER AWARD

To be eligible for evaluation, quotations must meet all the requirements stated in the solicitation and be prepared in accordance with Section L. Failure to furnish current and complete information may cause a quotation to be determined unacceptable. The Government will evaluate acceptable quotations as described in Section M and the quoter's responsibility in accordance with FAR Part 9. Award will be made to a responsive, responsible quoter on best-value basis.

{END OF SECTION M}