



Acquisition Hour: Analyzing and Responding to Federal Construction Solicitations

December 13 | Noon – 1:00 pm

Presented by:

Carol Murphy, WPI



Webinar Etiquette

PLEASE

§ Log into the GoToWebinar session with the name that you registered with online

§ Place your phone or computer on MUTE

§ Use the QUESTIONS option to ask your question(s).

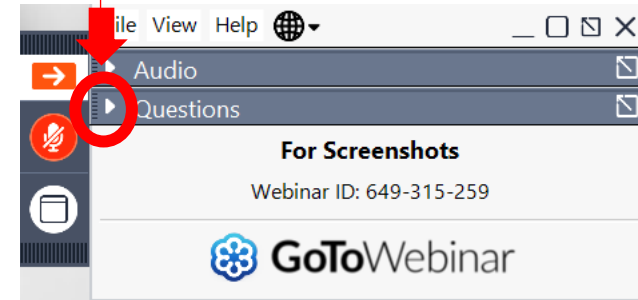
§ We will share the questions with our guest speaker who will respond to the group

THANK YOU!



OPENING THE QUESTIONS BOX

Click here to access
within the Control Panel



USING THE QUESTIONS BOX

Type questions
here at any time
during a
presentation



Click Send when ready to submit a question



Assisting Wisconsin businesses compete in the government marketplace.

WPI is Wisconsin's APEX ACCELERATOR

The APEX Accelerators program, under management of the Department of Defense (DOD) Office of Small Business Programs (OSBP), plays a critical role in the Department's efforts to identify and engage with a wide range of businesses entering and participating in the defense supply-chain. The program provides the education and training that all businesses need to participate to become capable of participating in DOD and other government contracts.

WPI provides services to all of Wisconsin's 72 counties

- Individual counseling at our offices, client's facility or virtually
- Small group training – webinars and workshops
- Conferences including one on one buyer meetings – Marketplace, The Contracting Academy, Small Business Academy, Wisconsin Federal Contractor Forum, Acquisition Hour, Cyber Fridays, DOD Roadmap series, Government Opportunities Business Conference, End of Year Federal Contractor Update, Annual DOD Contract Management Update, Evening FAR sessions and more.....

www.wispro.org

WPI OFFICE LOCATIONS

§ MILWAUKEE

§ *Technology Innovation Center*

§ MADISON

§ *FEED Kitchens*

§ *Dane County Latino Chamber of Commerce*

§ *Wisconsin Manufacturing Extension Partnership (WMEP)*

§ *Madison Area Technical College (MATC)*

§ ASHLAND

§ *Ashland Area Development Corporation*

§ CAMP DOUGLAS

§ *Juneau County Economic Development Corporation (JCEDC)*

§ EAU CLAIRE

§ *Western Dairyland*

§ FOND DU LAC

§ *Envision Greater Fond du Lac*

§ GREEN BAY

§ *NWTC Startup Hub*

§ LACROSSE

§ *Veterans in Professions*

§ MANITOWOC

§ *Progress Lakeshore*

§ OSHKOSH

§ *Greater Oshkosh
Economic Development Corporation*

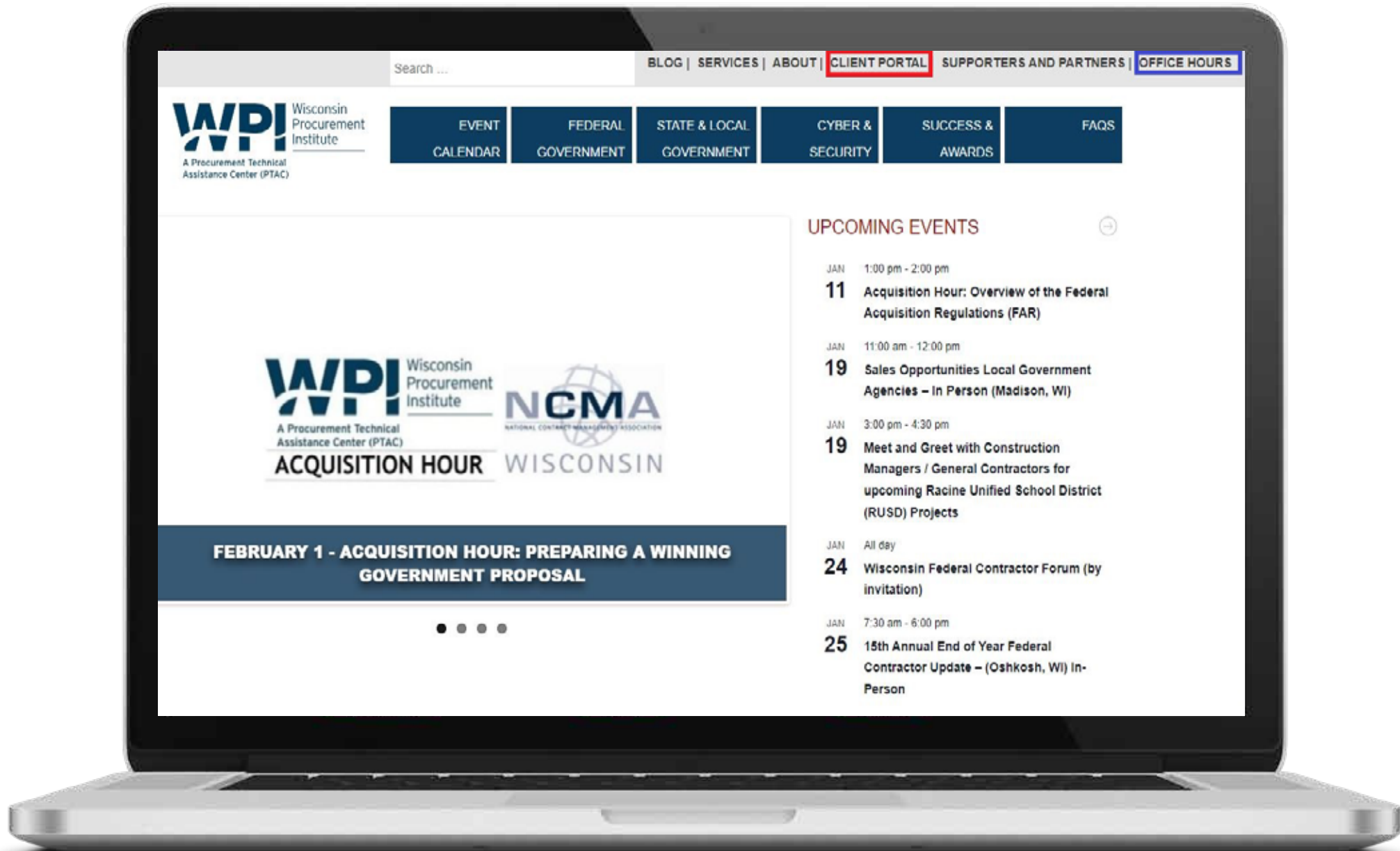
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§ *Nicolet Area Technical College*

§ SUPERIOR

§ *Small Business Dev Center;
UW Superior*





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FEBRUARY 1 - ACQUISITION HOUR: PREPARING A WINNING GOVERNMENT PROPOSAL



UPCOMING EVENTS

- JAN 1:00 pm - 2:00 pm
11 Acquisition Hour: Overview of the Federal Acquisition Regulations (FAR)
- JAN 11:00 am - 12:00 pm
19 Sales Opportunities Local Government Agencies – In Person (Madison, WI)
- JAN 3:00 pm - 4:30 pm
19 Meet and Greet with Construction Managers / General Contractors for upcoming Racine Unified School District (RUSD) Projects
- JAN All day
24 Wisconsin Federal Contractor Forum (by invitation)
- JAN 7:30 am - 6:00 pm
25 15th Annual End of Year Federal Contractor Update – (Oshkosh, WI) In-Person

WHAT WE WILL COVER TODAY

- Basic first steps
- How to locate and evaluate opportunities
- Leveraging federal small business programs
- Meeting contract requirements and specifications
- Unique issues and considerations for contractors and subcontractors
- Preparing the bid/proposal

BASIC FIRST STEPS

ARE YOU READY TO CONTRACT WITH THE FEDERAL GOVERNMENT

- Past Performance/Experience– Contracting Officers usually look for experienced prime contractors
- Financial requirements – bonding, financing, cash flow capabilities
- Capacity – personnel, equipment, teaming and joint ventures availability, legal resources, etc.
- Understand the Processes - legal process (teaming, and FAR), award process, submittal approval process, change order process, payment process etc.

REGISTER IN SAM – SAM.GOV

WPI staff
can help
with
registration

The Official U.S. Government System for:

- Contract Opportunities
- Contract Data (Reports ONLY from fpds.gov)
- Wage Determinations
- Federal Hierarchy (Departments and Subtiers)
- Assistance Listings
- Entity Information** (Entities, Disaster Response Registry, Exclusions, and Responsibility/Qualification (was fapiis.gov))
- Entity Reporting (SCR and Bio-Preferred Reporting)

Register Your Entity or Get a Unique Entity ID

Register your entity or get a Unique Entity ID to get started doing business with the federal government.

Get Started

Renew Entity

Check Entity Status

Already know what you want to find?

Select Domain... e.g. 1606N020Q02

DEVELOP A PROFILE IN SBA'S DYNAMIC SMALL BUSINESS SEARCH DATABASE (DSBS)

- Contracting Officers use to find small businesses for set aside opportunities and obtain general interest for a project
- Large prime contractors use to find small businesses to meet their subcontracting goals
- Small Businesses use to find other small businesses for teaming and joint venturing
- WPI can help with setting up a profile in [SBA DSBS!](#)

LOCATE AND EVALUATE OPPORTUNITIES

KINDS OF FEDERAL CONSTRUCTION PROJECTS

- **Vertical Construction** – construct, remodel and/or repair Federal Buildings, Courthouses, Post Offices, Barracks, Hospitals and Outpatient Clinics, Cemetery Buildings, and more
- **Horizontal Construction** – projects such as Cemeteries, Airfields, Bridges, Roads & Highways, and Dams & Tunnels. Also can include dredging of the nation’s ports, waterways, wetlands, marshes, beaches and barrier islands
- **Specialty Construction** – projects involving only a specialty trade such as Carpentry, Painting, HVAC, Plumbing, Electrical Work, Asbestos Removal

WHO, IN THE FEDERAL GOVERNMENT, BUYS CONSTRUCTION?

- Department of Defense (DoD) – US Army Corps of Engineers (USACE), Military Bases, National Guard Units, etc.
- Department of Veterans Affairs (VA)
- General Services Administration (GSA)
- Department of Agriculture (USDA), Department of the Interior (USDOl), Department of Health & Human Services (HHS)
- Department of Housing and Urban Development (HUD)
- All other Federal Agencies

LOCATING OPPORTUNITIES

- All open market requirements over \$25,000 must be posted to [SAM.gov](https://sam.gov)
- Go to Pre-Bid Site Visits – find Prime Contractors that might be bidding and looking for Subcontractors and build relationships
- NETWORK - Go to Industry Days and Small Business Conferences
- Use WPI Bid Matching Service

HOW DOES THE FEDERAL GOVERNMENT BUY CONSTRUCTION?

- Procurement Methods
 - Request For Quotations (RFQ) – simplified – Best Value or LPTA
 - Invitation For Bid (IFB) – Lowest responsive responsible bidder
 - Request for Proposal (RFP) – Best Value or LPTA
- Pricing Methods
 - Firm-Fixed-Price
 - Cost-Reimbursement
 - Time-and-Materials

Most Construction requirements are usually IFB or RFP with Firm-Fixed-Price

TYPES OF FEDERAL CONSTRUCTION PROJECTS

Single Project

- Design-Bid-Build
- Design/Build
- Blank Purchase Order

Indefinite Delivery Indefinite Quantity contracts

- Multiple Award Task Order Contract (MATOC) or Multiple Award Construction Contract (MACC)
- Job Order Construction (JOC) contract or Simplified Acquisition of Base Engineering Requirements (SABER) contract
 - Single award
 - Uses a pricing book such as RS Means

EVALUATING OPPORTUNITIES

If best value, what Evaluation Factors may be used?

- Management/Key Personnel – Do you have the appropriate people on staff?
- Experience – Do you have the number of years of experience required?
- Past Performance – Have you successfully and safely completed similar work? Is your Experience Modification Rate (EMR) less than 1.0?
- Technical Approach – How will your company accomplish the specific requirement?

EVALUATING OPPORTUNITIES

- Competition restrictions/Set asides – Do you qualify?
- Is this requirement a good fit for your company at this time?
- Do you have the required experience, expertise and capacity?
- Do you have a willing partner who can fill in any experience/expertise, proposal writing, bonding and cash flow gaps?
- Will you be competitive and can you make a profit?
 - Prevailing wages must be considered by prime and all subcontractors

EVALUATING OPPORTUNITIES

- Bonds – Are you able to provide the required bonds?
 - Do you have a partner who can help you obtain bonding without taking over the control?
- Can you meet the required schedule?
- Do you have the time and money it will take to prepare a thorough proposal?
- Do you have a good chance of being selected for award?

SHOULD YOU COMPETE?

- Do you qualify?
 - Set asides
 - Meet minimum qualifications
- Can the work be completed in the time specified?
 - Carefully review drawings and specifications
- Do you have the capacity and resources?
- Will you be competitive and make a profit?

SMALL BUSINESS PROGRAMS

FEDERAL SMALL BUSINESS PROGRAMS – STATUTORY GOALS

Total annual federal contracting budget is about \$680B a year and growing.

- 23 percent of prime contracts and subcontracts for small businesses
- 5 percent of prime and subcontracts for women-owned small businesses
- 13 percent of prime contracts and subcontracts for Small Disadvantaged Businesses (including minority and 8(a))
- 3 percent of prime contracts and subcontracts for HUBZone small businesses
- 3 percent of prime and subcontracts for service-disabled veteran-owned small businesses [VA also has both a veteran and service-disabled veteran business preference with a higher goal]

DEVELOP RELATIONSHIPS

Find supporting resources

- [Wisconsin Procurement Institute](https://www.wispro.org/) <https://www.wispro.org/>
- [Small Business Administration](https://www.sba.gov/) <https://www.sba.gov/>
- [Society of American Military Engineers](https://www.same.org/) <https://www.same.org/>

MEETING CONTRACT REQUIREMENTS

MEETING CONTRACT REQUIREMENTS

- Federal government insists upon Strict Performance
- Contracting Officer Representatives (CORs) and Senior Resident Engineers (SREs) will be inspecting during the construction process, on site, and sometimes daily
- Federal Construction Specifications - often incorporating Unified Facilities Criteria (UFC) can be more stringent than the state and local codes and/or Industry standards
- Rejection of work can cost you – (ex. retainage, re-procurement under inspection clause)

MEETING CONTRACT REQUIREMENTS

- Each contract or order should be treated as a separate project
- Keep track of your costs
 - Track each person's hours
 - Track all project expenses
- Consider use of a computer software designed for construction companies

MEETING CONTRACT REQUIREMENTS

- Know what is, and is not, included in the contract for the agreed upon price
- Notify the government as soon as any change occurs, or as soon as a differing site condition is found
- Document and track costs for all government changes and differing site conditions and send request for information (RFI) timely to contracting officer

MEETING CONTRACT REQUIREMENTS

- “Time is of the essence” – All work must be finished by the completion date
- Stay on top of the Schedule
- Delays can lead to more government retainage
- Inexcusable delay will likely result in assessment of actual or liquidated damages, cure notice, and possibly default and termination of contract
- Excusable Delay must be fully documented and justified (e.g. time impact analysis and detailed cost breakdown)

UNIQUE ISSUES FOR CONSTRUCTION CONTRACTORS

THE DAVIS BACON ACT

- Applies to federal construction contracts over \$2,000
- Laborers and mechanics working onsite be paid at least the prevailing wage rates/fringe benefits set by the Department of Labor
- Certified Payrolls must be provided by Prime and Subcontractors as part of “daily report” and a final certification process
 - If required paperwork is not provided, then Government may retain a percentage of the progress payments
- Laborers and mechanics working onsite must be paid on a weekly basis

THE MILLER ACT – NO CONSTRUCTION LIENS

- The contractor is required to provide Performance and Payment Bonds on any construction contract over \$150,000
- The penal amount of Performance and Payment Bonds are normally 100% of the contract price
- A Performance Bond ensures project will be completed
- A Payment Bond ensures subs and suppliers get paid

NOTE – The Prime Contractor's Payment Bond does not cover subcontractors at the third tier or lower

THE MILLER ACT

- For Contracts between \$35,000 and \$150,000, the Contractor is required to submit one of the payment protections selected by the Contracting Officer (CO). The CO may select as options one or more of the following:
 - (a) Payment Bond
 - (b) Irrevocable letters of credit
 - (c) Tripartite escrow agreement or
 - (d) Certificates of deposit

MULTIPLE AWARD TASK ORDER CONTRACTS / MULTIPLE AWARD CONSTRUCTION CONTRACTS (MATOCS/MACCS)

- There is more than one awardee and work is ordered from the awardees by the issuance of individual task orders
- The ordering period for each contract can be up to five years
- Prime Contractors should be on the lookout for MATOCs/MACCs. If not awarded a contract you could be locked out
- Subcontractors might find opportunities from Prime Contractors that have been awarded MATOC/MACC Contracts

LIMITATIONS ON SUBCONTRACTING FOR SET-ASIDES

General Construction – the Prime shall not pay more than 85 percent of the amount paid by the Government for contract performance, excluding the cost of materials, to subcontractors that are not similarly situated entities

Construction by Special Trade Contractors – the Prime shall not pay more than 75 percent of the amount paid by the Government for contract performance, excluding the cost of materials, to subcontractors that are not similarly situated entities

ORDER OF PRECEDENCE

- When requirement is in the specifications but not in the drawings; or vice versa, it is viewed as being in both
- When there is a conflict between the drawings and the specifications; the specifications shall govern
- Any discrepancy, ambiguity, or conflict found pre-bid should be brought to the attention of the contracting officer
 - In writing
 - Make sure the Government response is in writing as well

OTHER ISSUES IN FEDERAL CONSTRUCTION

- Construction Schedules
 - Many agencies are requiring Critical Path Method (CPM) scheduling and contractor may be required to hire an independent CPM scheduling expert
- The Buy American Act - different contracts may have a different BAA requirements
 - Depends on size and what is being procured. (ex. Contractor forced to remove installed truss because it was from Canada!)
- Certified Cost and Pricing Data for large modifications

PREPARING THE BID/PROPOSAL

BREAKDOWN OF TASKS

- Attend Pre-bid site visit or pre-bid conference
- Coordinate and submit solicitation questions
- Gather needed resumes, insurance certificates, bonding
- Draft technical proposal (if required)
- Contact references for Past Performance
- Obtain required subcontractor / supplier pricing
- Estimate costs and determine offered price
- Final editing and review
- Submit timely

PROPOSAL TEAM – WHO IS RESPONSIBLE FOR..

- Leading the team
- Attending Pre-Bid Conference
- Coordinating submitting any solicitation questions
- Gathering needed resumes, insurance certificates, bonding, etc.
- Drafting various sections of the proposal (if applicable)
- Contacting references for Past Performance (if applicable)
- Obtaining subcontractor pricing
- Estimating costs and determining price to be submitted
- Final editing and review

ATTEND PRE-BID SITE VISIT

- Held at the facility
- Briefing on the solicitation
- Questions can be asked and can hear answers to other's questions
- Inspect the site of performance
- Excellent chance to meet other interested primes and subcontractors

BID/PROPOSAL INCLUDES

- Table of Contents
- Price Bid/Proposal
- Information for Brand Name or Equal Products – if “equal” offered
- Technical Proposal (RFP and RFQ only) – separate section for each factor and sub-factor
- Past Performance (RFP and RFQ only)
- Bid Guarantee
- Solicitation Document or parts of the document as required
- Representations and Certifications

PRICING – IFB, RFQ, AND RFP

- Construction is usually firm fixed price
- Complete price schedule as presented
- Recheck math – unit pricing, extensions and totals
- Do not front load costs – unbalanced pricing could exclude you from award
- Offer a fair and reasonable price
- A detailed schedule of values keyed into milestones will be required after award and a professional scheduler may be needed for a potential time impact analysis (TIM)

PRICING – IFB, RFQ, AND RFP

Factor in ALL costs – make a profit

- Wage Determinations
- Reporting requirements
- Taxes (Know applicability of the state's Use tax, Exercise tax, and other special state taxes)
- Insurance
- Overhead
- Scheduler

RFP/RFO – PAST PERFORMANCE

- Solicitation may request detailed references
 - Provide only the number of references requested
- Solicitation may request completed questionnaires
- Use the format outlined in solicitation

RFP/RFO – PAST PERFORMANCE

- Try to provide the most recent and relevant Past Performance
 - government -similar requirements, size, and complexity
 - commercial - similar requirements, size and complexity
- Contractors with no Past Performance should receive a neutral rating
- Be prepared to respond to any subsequent questions about poor past performance or past project delays

RFP/RFQ – OTHER NON-PRICE FACTORS

- Include narrative for every evaluation factor and sub-factor
- Organize to match the solicitation
- Demonstrate your capabilities to meet the requirements – focus on firm's strengths
- Cover who, what, where, when, and how

RFP/RFQ – OTHER NON-PRICE FACTORS

- If personnel is a factor, be as specific as possible with resumes (education, experience, expertise) and anticipated roles
- Understand the identified relative weight of the factors and sub-factors
- Focus on discriminators

MAKE SURE THE FINAL PROPOSAL ..

- Is signed - by an individual authorized to bind the contractor
- Acknowledges all solicitation amendments – return copies if requested signed by same person signing proposal
- Is submitted in the media requested and with the requested number of copies, fonts, and lines/pages
- Is submitted to the correct email and/or address and room number
- Is submitted in a timely manner

RESOURCES

RESOURCES

FAR - Acquisition.Gov

<https://www.acquisition.gov/>

SAM.Gov

[SAM.gov | Home](https://sam.gov)

Wisconsin Procurement Institute - Phone: 414-270-3600

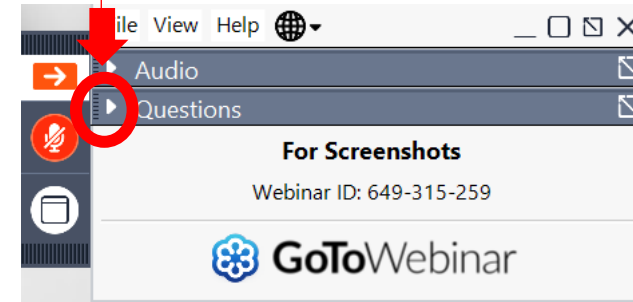
www.wispro.org

QUESTIONS?



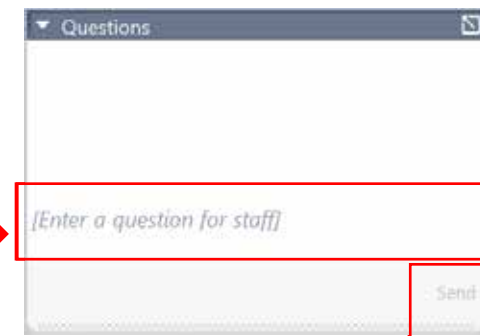
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UPCOMING TRAINING - EVENTS

ACQUISITION HOUR LIVE WEBINAR SERIES

- December 12
The HUBZone Program – Certification Benefits and Regulations
- December 13
Analyzing and Responding to Federal Construction Solicitations
- January 10
Mastering Federal Construction Contract Performance

...More information and registrations at wispro.org/events

Registration Now Open

16th Annual End of Year Federal Contractor Update

January 25

In Person | Milwaukee, WI

Join Wisconsin's Federal contractors and subcontractors for this annual event. Briefings during the event will provide an overview of the current Federal contracting environment as well as highlight up and coming trends for future business opportunities.

Wispro.org/events



Registration Now Open



Announcing 2024 Evening FAR Sessions

January 30 – March 19

[Wispro.org/Events](https://wispro.org/events)

December 13, 2023

SURVEY



CONTINUING PROFESSIONAL EDUCATION



This webinar is eligible for 1 CPE credit.
For a certificate of this credit please contact:

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