

The RFP/RFQ must include weighted factors against which responses will be evaluated or a similar evaluation framework that establishes a documented rationale for selecting the contractor as required by 2 CFR 200.318(i).

EPA recommends that the reasonableness of cost/price proposal is at least 25% of the total percentage. This factor may be evaluated at the same time as the other factors for all bids (which is EPA's preference) or only evaluated for two or more top-scoring bids (when multiple bids are received).

For example, responses will be evaluated against the following factors:

- X% - Demonstrated experience in addressing contaminated properties
- X% - Demonstrated experience in successfully completing tasks/projects
- X% - Demonstrated experience in effectively engaging with community members and federal and state agencies
- X% - Experience and capacity of project team/personnel
- X% - Reasonableness of cost/price proposal (e.g., rates) based on a comparison of prices among competing offerors and other available information on market rates for consulting services
- X% - References

Instead of criteria that are weighted by percentage, you may choose to assign points to each selection factor or include a range of points with associated descriptors. **For example**:

- Highly Advantageous (4 Points): Proposal demonstrates...
- Advantageous (3 Points): Proposal demonstrates...
- Not Advantageous (2 Points): Proposal demonstrates...
- Unacceptable (0 Points): Proposal does not demonstrate...

Do not include the workplan in the RFP/RFQ if you received assistance from a contractor in developing the workplan and that contractor plans to submit a bid.

- You may (and should) include summary information from the workplan about the project in the RFP/RFQ, but do not include the specific details from the workplan or the actual workplan with the RFP/RFQ.
- Additionally, if a contractor assisted in the development of the workplan, including the workplan in the solicitation documents will give that contractor an unfair competitive advantage and you cannot accept a bid from that contractor.

Make good faith efforts to solicit proposals or quotes from Disadvantaged Business Enterprises as required by 40 CFR Part 33.

- EPA does not currently have a directory or list of certified MBEs/WBEs, however, EPA recommends checking with the Small Business Administration, [U.S. Department of Transportation](#), or the state in which your organization intends to do business.

The RFP/RFQ must be publicly advertised on a website or through other means designed to promote full and open competition. EPA's recommendation is to have the bidding period open for at least 30 calendar days (see also 40 CFR 33.301).

If only one bid is received, you must negotiate profit as a separate element of the contract.

- If you only receive a bid from one firm in response to the RFP/RFQ and you intend to award an EPA-funded contract to that firm that exceeds the \$250,000 Simplified Acquisition Threshold and will be awarded without price competition, you must negotiate profit as a separate element of the contract price as required by 2 CFR 200.324(b).
 - You should ask the contractor to disclose its profit rate as part of the negotiations.
 - You will need to exercise judgment as to whether the profit rate is reasonable, either based on experience or researching information online (or elsewhere) about average profit rates for environmental consulting firms.
- This provision also applies to "qualifications-based" procurement for Architectural and Engineering services where the price is not a selection factor as a means of ensuring that the compensation is fair and reasonable as required by 2 CFR 200.320(b)(2)(iv). In this situation, EPA may ask for more information regarding the contractor's profit margin at a later date.

If you select a contractor that is not offering the lowest price, you must document the rationale and basis for the contract price as required by 2 CFR 200.318(h) and (i).

- You may be required to provide this documentation to EPA's Grants Management Officer (GMO) for review as required by 2 CFR 200.337(a). Prior approval of the contract terms by the GMO may be required as provided for in 2 CFR 200.208(c)(6) if the GMO is concerned about your organization's compliance with competitive procurement rules.

Note, if you have already selected a contractor, but the procurement process did not incorporate the factors outlined above, then the process you completed to select a contractor may not have been compliant with the federal regulations in 2 CFR Part 200 and 2 CFR Part 1500. If this happened, it would be prudent to immediately notify your EPA Project Officer for guidance. Additionally, please note that you may need to prepare and issue a new RFP/RFQ that is compliant with federal procurement regulations to avoid an adverse finding in an audit or other review of your cooperative agreement.

For additional guidance on procuring contractors, please see EPA's [Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements](#).