

## Guidance for Using ESCO Oral Presentations in ESPC Source Selection

Allowing ESCOs to make oral presentations as part of the source selection process can be an efficient way to handle down-selections. Oral presentations may substitute for or augment written information in the the source selection process (FAR 15.102), and can allow for greater communication between government and ESCO personnel. Presentations can be conducted using questions similar to a job interview, as a one-sided ESCO presentation, or as a combination of both.

The following guidance is not intended to replace or circumvent any existing agency-level guidance or regulation; the guidance is intended to enhance the agency's effectiveness when interviewing potential ESCOs.

FAR 15.012 Oral Presentations is given for reference on page 3.

### Instructions

- Plan – The Agency Contracting Officer will take the lead:
  - Who from the agency will participate? At a minimum, the chair of the source-evaluation board (SEB), voting members, and Contracting Officer must attend all presentations.
  - Recommend that ESCO program manager, project designer, and actual key personnel who will perform at the agency site should be included. Limit ESCO participation to a reasonable number of individuals.
  - Decide whether to have video conference, webinar, telephone conference, or face-to-face (recommended) presentation format.
  - Set the location, date, and time for the presentations. Consider using a lottery to determine the sequence.
  - Identify the topics that will be addressed.
  - Determine the rules governing the types of presentation material and media that will be authorized.
- Be prepared
  - Prepare questions in advance based on the Team's comments and concerns to ensure that all ESCOs have the same opportunity to respond.
  - Make the facility comfortable and accessible. Arrange building/site access in advance.

- Meet with the agency team in advance to ensure that all members are prepared, understand their roles, and understand the procedures to be followed.
- Plan to evaluate presentations shortly after they occur. It is recommended that evaluators caucus following each presentation or at the end of the day and summarize potential strengths and weaknesses, and verify perceptions and understandings.
- Be brief:
  - Recommend scheduling 1-2 hours for each presentation. If using an interview method limit the number of questions to less than 20 to allow time for comprehensive responses.
- Be consistent:
  - Prepare a set of discussion topics in advance. At a minimum they should address each contractor's qualifications for implementing potential energy conservation measures.
    - Request specific detailed examples regarding similar projects, including the resulting energy savings.
    - Request an explanation of how similar projects relate to the scope and content of the task order concerned (copied from the National Defense Authorization Act of 2011).
  - Exchanges between evaluators and presenters should be limited to ensure that they do not constitute discussions (as defined in FAR 15.306(d)).

### Suggested Points For Discussion

1. How many energy audits/feasibility studies have been performed by the ESCO?
2. What are the unique aspects of each project?
3. Describe technical similarities between past projects and this project.
4. Describe the technical strengths of similar projects performed by the ESCO.
5. Describe the technical weakness of similar projects performed by the ESCO. Describe how the technical problems were addressed and resolved.
6. Describe the management approach for conducting an ESPC, including organizational structure, personnel, and incorporating subcontractors and small business concerns.

## Federal Acquisition Regulations 15.102 Oral Presentations

[Title 48](#) › [Chapter 1](#) › [Subchapter C](#) › [Part 15](#) › [Subpart 15.1](#) › Section 15.102

15.102 Oral presentations.

**(a)** Oral presentations by offerors as requested by the Government may substitute for, or augment, written information. Use of oral presentations as a substitute for portions of a proposal can be effective in streamlining the source selection process. Oral presentations may occur at any time in the acquisition process, and are subject to the same restrictions as written information, regarding timing (see 15.208) and content (see 15.306). Oral presentations provide an opportunity for dialogue among the parties. Pre-recorded videotaped presentations that lack real-time interactive dialogue are not considered oral presentations for the purposes of this section, although they may be included in offeror submissions, when appropriate.

**(b)** The solicitation may require each offeror to submit part of its proposal through oral presentations. However, representations and certifications shall be submitted as required in the FAR provisions at 52.204-8(d) or 52.212-3(b), and a signed offer sheet (including any exceptions to the Government's terms and conditions) shall be submitted in writing.

**(c)** Information pertaining to areas such as an offeror's capability, past performance, work plans or approaches, staffing resources, transition plans, or sample tasks (or other types of tests) may be suitable for oral presentations. In deciding what information to obtain through an oral presentation, consider the following:

- (1)** The Government's ability to adequately evaluate the information;
- (2)** The need to incorporate any information into the resultant contract;
- (3)** The impact on the efficiency of the acquisition; and
- (4)** The impact (including cost) on small businesses. In considering the costs of oral presentations, contracting officers should also consider alternatives to on-site oral presentations (e.g., teleconferencing, video teleconferencing).

**(d)** When oral presentations are required, the solicitation shall provide offerors with sufficient information to prepare them. Accordingly, the solicitation may describe—

- (1)** The types of information to be presented orally and the associated evaluation factors that will be used;
- (2)** The qualifications for personnel that will be required to provide the oral presentation(s);
- (3)** The requirements for, and any limitations and/or prohibitions on, the use of written material or other media to supplement the oral presentations;
- (4)** The location, date, and time for the oral presentations;
- (5)** The restrictions governing the time permitted for each oral presentation; and
- (6)** The scope and content of exchanges that may occur between the Government's participants and the offeror's representatives as part of the oral presentations, including whether or not discussions (see 15.306(d)) will be permitted during oral presentations.

**(e)** The contracting officer shall maintain a record of oral presentations to document what the Government relied upon in making the source selection decision. The method and level of detail of the record (e.g., videotaping, audio tape recording, written record, Government notes, copies of offeror briefing slides or presentation notes) shall be at the discretion of the source selection authority. A copy of the record placed in the file may be provided to the offeror.

**(f)** When an oral presentation includes information that the parties intend to include in the contract as material terms or conditions, the information shall be put in writing. Incorporation by reference of oral statements is not permitted.

**(g)** If, during an oral presentation, the Government conducts discussions (see 15.306(d)), the Government must comply with 15.306 and 15.307.

[[62 FR 51230](#), Sept. 30, 1997, as amended at [71 FR 57363](#), Sept. 28, 2006; [72 FR 63078](#), Nov. 7, 2007; [73 FR 33638](#), June 12, 2008; [74 FR 2729](#), Jan. 15, 2009]