

**ORDERING PROCEDURE
CARRIER SELECTION
“FAIR OPPORTUNITY PROCESS”**

1. Fair Opportunity to Compete.

1.1. Fair Opportunity to Compete for Task Order (booking) Awards: Under the Regional Domestic Contract (RDC)-5S multiple award contracts, fair opportunity for booking awards is provided through a “best value” booking process detailed below. Only appointed cargo bookers (ordering officers) are authorized to book orders. The cargo bookers are responsible for evaluating shipment requirements and for making independent best value booking decisions.

1.2. Ordering Clause: IAW FAR 16.505, Ordering, all multiple award contractors shall be provided a fair opportunity to be considered for each order in excess of \$3,000 pursuant to the procedures established in this section, unless the contracting officer (or ordering officer / booker) determines that:

a. The agency’s need for the services or supplies is of such urgency that providing such opportunity to all such contractors would result in unacceptable delays.

b. Only one such contractor is capable of providing the services or supplies at the level of quality required because the services or supplies ordered are unique or highly specialized.

c. The task/delivery order should be issued on a sole source basis in the interest of economy or efficiency because it is a logical follow-on to an order already issued under the contract, provided that all awardees were given a fair opportunity pursuant to the procedures in this clause to be considered for the original order.

d. It is necessary to place an order to satisfy a minimum guarantee.

1.3. All bookings will be awarded in accordance with the Cargo Preference Act of 1904, with a priority given to VISA participants. Application of the “VISA Priorities” listed below for booking cargo ensures these requirements are met. SDDC will provide an updated list of VISA participants to designated Ordering Officers as changes to the list occur. Notwithstanding anything contained in this contract, nothing should be construed as effecting, changing or weakening the Cargo Preference Act of 1904 (10 U.S.C. 2631). Any waiver or change to this policy must be consistent with that provided under existing law.”

2. Ordering Process for Bookings:

2.1. RDC-5S allows for cargo bookings based on a “best value” concept.

2.2. The best value analysis will consider the following factors and sub-factors:

a. Technical—the ordering officer first evaluates potential carriers on a pass/fail basis to determine which carriers can meet the following technical requirements for the shipment or group of shipments that the ordering officer requires to move together:

- (1) Can meet or exceed RDD
- (2) Can provide all required services and accessorials and has awarded rates for same.
- (3) Has required equipment

b. VISA Priorities—once the field of potential carriers meeting the technical requirements is identified, a review of the technically compliant carriers is conducted to determine which carriers have the highest VISA priority based upon the criteria below. The carriers/carrier identified as meeting the highest VISA priority under the following scheme are then evaluated as to the US Domestic Shipyard Preference as described in paragraph “d” below:

(1) U.S. flag vessel capacity operated by a VISA "Participant" that has made a current, minimum commitment of its U.S. flag vessel capacity to Stages I, II and III of VISA or that has made a current, minimum commitment of its US Domestic Shipyard capacity (capacity exclusively engaged in the domestic trades) to Stage

III of VISA and a current, minimum commitment of the remainder of its U.S. flag vessel capacity to Stages I, II and III or, VISA or with regard to an offer for a long-term charter to DoD that has made a current, minimum commitment of its U.S. flag vessel capacity to Stage III of VISA. The U.S. Flag Vessel Sharing Agreement (VSA) capacity of such a participant also is grouped in this category of priority.

(2) U.S. flag vessel capacity operated by a VISA "Participant" that has made a current, minimum commitment of its U.S. Flag vessel capacity to Stage III of VISA and the U.S. flag Vessel Sharing Agreement (VSA) capacity of such a Participant.

(3) U.S. flag vessel capacity operated by a non-Participant.

(4) Combination U.S./foreign flag vessel capacity operated by the kind of "Participant" described in paragraph a above and/or the combination U.S./foreign flag VSA capacity of such a Participant.

(5) Combination U.S./foreign flag vessel capacity operated by the kind of "Participant" described in paragraph b above and/or the combination U.S./foreign flag VSA capacity of such a Participant.

(6) Combination U.S./foreign flag vessel capacity operated by a non-participant.

(7) U.S. owned or operated foreign flag vessel capacity and/or VSA capacity of the kind of "Participant" described in paragraph a above.

(8) U.S. owned or operated foreign flag vessel capacity and/or VSA capacity of the kind of "Participant" described in paragraph b above.

(9) U.S. owned or operated foreign flag vessel capacity and/or VSA capacity of a non-Participant.

(10) Foreign-owned or operated foreign flag vessel capacity of a non-participant.

c. Best Value Determination—carriers meeting the technical requirements above, who are identified as falling within the highest identified VISA priority group will be evaluated based upon the factors below. Evaluation factors are listed in descending order of importance. Subfactors within the Past Performance factor are of equal importance.

d. Evaluation Factors:

(1) Past Performance

(i) Carriers' Performance Score from the Assessment at Section 5 of the PWS. (All contractors will automatically receive a contractor rating of "Alpha" for the first 90 days after contract award.)

(ii) History of meeting RDD for the required route

(2) US Domestic Shipyard Preference

(i) Carriers will be evaluated based upon the highest US Domestic Shipyard Preference as determined by the evaluation of US shipyard repairs per the evaluation criteria stated in the solicitation (DFARS 247.573-2).

(3) Cost

(i) Total prices of all the services (line haul, ocean freight and accessorial) applicable to the booking.

*Note: pursuant to the provision of Section 5 of the PWS, the Government will assign each contractor a "Performance Score" that will be considered in the Past Performance evaluation factor. Assignment of certain "performance scores" may result in a decision by the Government to consider certain carriers before others, or to exclude a carrier from certain types of cargo movements (i.e. unit moves, etc.) regardless of their technical or cost scores in the best value process. Certain best value booking evaluations may result in no bookings awarded under this contract and the Government utilizing a charter service instead.