



Exhibit Design and Fabrication Solicitations at The Smithsonian Institution

by R. Lee Carson

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The Smithsonian Institution, and its constituent museums, galleries, National Zoological Park, archives, libraries and research centers, is responsible for over 136.5 million objects held for the benefit of the United States and the American public. To operate and further its mission, the Smithsonian, each year, is also responsible for the expenditure of federal appropriated funds, in addition to gifts, grants and its own trust funds. Following is a brief description of some key elements of the Smithsonian's procurement policy, general rules followed in the solicitation process and some common pit-falls and suggestions for improvements in proposals for exhibit design and exhibit fabrication.

In managing these funds and providing for its operation, the Smithsonian, where ever possible and appropriate, follows the requirements of the Federal Acquisition System and the Federal Acquisition Regulations ("FAR") which are designed to deliver, on a timely basis, "the best value product or service to the customer, while maintaining the public's trust and fulfilling public policy objectives." FAR 1.102 Consequently, the structured, formal solicitation process, procedures, requirements and policies at the Smithsonian may differ from many private museums and institutes.

The Smithsonian tends to follow industry trends moving away from pure low-bid procurements. The FAR provides this latitude by authorizing best value, negotiated procurements. "Best value" is simply shorthand for procurement rules that allow the awarding authority to consider factors other than cost when selecting contractors. Best value implies that the offerors selected will be competent, experienced, efficient, and trouble free. In that sense, best

value should be seen as simply the opposite of rigid low bid-based procurement.

Applying best value principals, Smithsonian award decisions are based on evaluation factors and significant subfactors that are tailored to the acquisition. In different types of acquisitions, the relative importance of cost or price may vary. In accordance with FAR guidelines, the Smithsonian typically evaluates plan of accomplishment, past performance, key personnel and subcontractors and cost. The evaluation of cost is usually of less importance than the combined importance of the former three criteria.

The Smithsonian's solicitation procedures also ensure that the Smithsonian conducts its business in a manner above reproach with complete impartiality and with preferential treatment for none. As a rule, no Smithsonian employee "may solicit or accept, directly or indirectly, any gratuity, gift, favor, entertainment, loan, or anything of monetary value from anyone who . . . has or is seeking to obtain [Smithsonian] business with the employee's agency." As described below, even exparte communications during the solicitation process are prohibited.

The solicitation procedures employed at the Smithsonian also promote fair and reasonable prices through full and open competition. While the Smithsonian does provide for some sole source awards, the Smithsonian generally solicits multiple proposals for every exhibition design and/or fabrication project. Be aware that projects are often advertised on www.fedbizops.gov. Any interested offeror may request a copy of a Smithsonian solicitation.

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In addition, the Smithsonian meets competition requirements by periodically awarding indefinite quantity contracts to qualified firms. Solicitations for these “Open Term” contracts are always advertised. Awarded on the basis of the offerors’ qualifications and audited labor rates, Open Term contracts allow the Smithsonian to solicit proposals from among a smaller group of firms who have already reviewed and agreed to the Smithsonian’s terms and conditions. Of course, even among these firms competition for task order contracts is fierce as offerors seek to match their strengths to project requirements.

The Smithsonian also subscribes to Government policies to provide maximum practicable opportunities in its acquisitions to small business concerns, veteran-owned small business, service-disabled veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business concerns. The Small Business Administration (“SBA”) counsels and assists small business concerns and assists contracting personnel to ensure that a fair proportion of contracts for supplies and services is placed with small business. Often the Smithsonian sets aside solicitations solely for small business.

Smithsonian Institution Requests for Proposals

Given these requirements, goals and resources, the Smithsonian issues written requests for proposals (“RFPs”) to contract for exhibition design and fabrication services. Smithsonian RFPs are prepared to provide interested offerors with sufficient information to enable them to prepare and submit proposals for consideration. While the Smithsonian does not attempt to identify every detail of work

associated with a project, it is important that the selected offeror and the Smithsonian share a common understanding of the principal points, such as a description of the work being solicited, the anticipated deliverables, the offeror’s responsibilities, and most importantly, the working relationship between the parties. Offerors typically receive 30 days to respond to an RFP from the date of issue. As part of the RFP process, offerors may submit timely questions to which the Smithsonian may respond. The Smithsonian may also conduct pre-proposal conferences and walk-throughs of exhibit spaces — from museum galleries to wild animal habitats. Participation by prospective offerors is always encouraged.

RFPs for exhibit design and fabrication at the Smithsonian typically follow the format used by the federal government. A standard form comprises Section A. Identification of the service and the associated costs or prices follow in Section B. Section C will contain the scope of work, specifications and other pertinent project information. Sections D, E and F address packaging; inspection and acceptance; and deliveries and performance (e.g., period of performance and delivery dates), respectively. Section G describes how the contract will be managed and may also incorporate commitments from the offeror regarding key personnel. Special conditions and contract terms and conditions appear in Sections H and I. Often, section H will indicate if a payment and performance bond or special insurance coverage is required as part of the resulting contract award. Terms and conditions are typically incorporated by reference and attached as an additional package. This attachment, and any others relevant to the project and the contract award, are enumerated in Section J.

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The representations and certifications contained in Section K address many of the socio-economic, national security and tax policies to which the Smithsonian and its contractors may be subject. Be prepared to provide a tax identification number and DUNS number and to register at www.ccr.gov. The final two sections, L and M, describe the content required in an offeror's proposal and the criteria upon which the Smithsonian will evaluate the proposal. Each section is important and may effect an offeror's ability to perform the work or to meet its contractual obligations. The awarded contract will look remarkably similar to the RFP.

The Smithsonian generally awards a fixed-price contract (or, in some instances, multiple contracts) to the offeror(s) who the Smithsonian determines can best meet the identified requirements based upon the offeror's proposal(s). The Smithsonian reserves the right in all cases to be the sole judge determining whether a respondent meets the evaluation criteria. It is the Smithsonian's goal to award contracts to the responsive, responsible offeror, whose combined cost and technical proposal is, in the opinion of the Contracting Officer, determined to be the most advantageous and in the best interest of the Smithsonian Institution.

The Smithsonian does not pay for any proposal preparation costs or any other costs associated with a response to its RFP. A request for a proposal and a submission will never obligate the Smithsonian to procure or contract for services or property, and, more importantly should never be construed as authorization for proposing firms to proceed with any work directly or indirectly related hereto. All information and materials submitted

in response to a solicitation for consideration by the Smithsonian and all work product created in the fulfillment of the Offeror's duties under the awarded agreement will become the Smithsonian's property and will be returned only at the Smithsonian's discretion. However, the Smithsonian rarely, if ever, requests offerors to submit designs or goods for a project "on spec."

Generally, the Smithsonian maintains a strict chain of communication during the RFP process, and the only persons authorized to conduct negotiations and/or make commitments on behalf of the Smithsonian regarding any solicitation and all matters incident hereto are the Smithsonian Contracting Officer and his designated representatives from the Office of Contracting. In some instances, particularly where the museum unit seeks to solicit proposals from vendors under an existing Open Term contract, the Office of Contracting may authorize a museum unit to conduct the RFP process. The Office of Contracting, however, will review the process and generate the final contract award.

The Smithsonian prefers to use "on-time" communication. Therefore, whether an RFP is issued by a museum unit or the Office of Contracting, substantive questions about any RFP must be submitted in writing by facsimile or electronic mail.

As noted, it is a goal of the Smithsonian to avoid any hint of impropriety. Therefore, offerors must also refrain from "lobbying" for an award. Museum exhibition design and fabrication is a small industry, and there are many personal and professional relationships. The Smithsonian cannot make an award based

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upon a personal relationship, a “favor” or even as reward for excellent past performance within the same museum. In fact, an offeror engaged in ex parte communications with museum staff about a project during the RFP process may be disqualified from the competition.

A technical review panel, usually with three or five members, reviews the technical proposal. Members may include curators, architects, in-house exhibit designers and exhibit fabricators, project managers, and others. Members review each technical proposal independently and note, in great detail, the strengths, weaknesses and perceived risks for each proposal. Members assign either a qualitative or quantitative score for each evaluation factor and an overall score. Once the individual reviews are complete, the technical review panel reconvenes to arrive at a consensus and to prepare a technical recommendation for the Contracting Officer.

Technical Proposals

While every project and every technical proposal is different, many of the weaknesses (as well as areas for improvement) identified by technical review panels are the same.

Boilerplate bores. As part of technical offer, particularly the plan of accomplishment, most offerors describe their respective design philosophies, production processes and coordination and collaboration abilities. While this information most likely remains the same across many different projects and museum clients, successful proposals address specifics of the project and describe how the offeror would approach the project and the Smithsonian requirements. Remember, the technical panel members often have a great deal of time, energy and resources invested in the

project. Offeror’s do not have to “re-invent the wheel” with each proposal, but successful proposals do reflect both an understanding and interest in the project. So, use boilerplate language intelligently.

Connect the dots. Generally, the technical panel will not draw conclusions or inferences and will base evaluations solely on the content of the proposal. If an offeror possesses a specific talent or skill—based on past performance, key personnel, production shop resources -- ensure that it is clearly stated in the technical proposal. Describe how that talent and skill will be employed in the project and will provide value to the project.

In addition, describe how past experiences are applicable to the project. The technical expertise and requirements necessary to design and fabricate a 10,000 square foot ethnographic survey on indigenous peoples can be markedly different from those required to successfully execute an object intensive, fine arts collection survey exhibit. Successful technical proposals recognize these challenges, but also describe how the skills may be transferred and adapted from one type of project to the next. Offerors without prior museum or exhibition contracts should list contracts, subcontracts, or other related work experience with previous projects. If an offeror has previous performance history on non-relevant type work, i.e., a proven government or commercial performance record, but not specifically in the area of exhibit design, this information may be used to demonstrate the potential to complete this work, and may reduce concerns in relation to performance risk.

Highlight the details. This is especially important in describing past performance and

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key experience. Describe unique features or innovative design solutions employed in past projects. Describe the level of detail and quality of the craftsmanship: sometimes photographs do not tell the entire story. For instance, identify high-end, conservation-quality casework as such. If an exhibit element was specifically designed or fabricated to withstand the elements or to ensure a long period of heavy use, briefly discuss the factors that make it so. The technical panel will take note.

Make your proposal memorable, but keep it neat, reasonable and on-point. Leave extreme presentations and theatrics out. Although the technical review panel evaluates in accordance with the stated criteria, successful proposals avoid gimmicks or easily corrected errors that may distract the reviewer or call into question the offeror’s professionalism and attention to details. For instance, avoid unusual size or over-size paper. Opt for covers that will stand up to a little wear and simple bindings instead of handmade craft papers and expensive, unusual or special bindings. Often, the Smithsonian may request binder clips only. Offerors may include color photographs, but be selective and do not overwhelm the reviewer with images. Do not include extraneous or unsolicited information or material samples—these often do not make it to the technical panel. And last, but certainly not least, proofread, proofread, proofread.

Business Proposals

While everyone appreciates a low cost proposal, cost alone rarely drives award decisions at the Smithsonian. Costs must be fair and reasonable and offer actual value to the Smithsonian. Since the evaluation of cost will represent a portion of the total evaluation, it is possible that an offeror might not be selected for

award because of unreasonable, unrealistic, incomplete, inaccurate, or non-current cost proposal information.

Price proposals should include a breakdown of each of the phases or components of a project into firm fixed prices for labor categories, labor rates, level of effort for each labor category, indirect rates, other direct costs, all travel and travel-related costs, profit and other applicable pricing elements. For instance, an exhibit fabrication project proposal would not only show an overall price breakdown, but would also show a price breakdown for keys elements such as graphics, audio/visual components and exhibit cases.

The Smithsonian evaluates cost information for realism, completeness, and reasonableness to determine the prospective offeror’s understanding of the work and ability to perform the contract. Realism is evaluated by assessing the compatibility of proposed costs with the management/qualifications of the personnel. Completeness is evaluated by assessing the level of detail the offeror provides in cost information for all requirements. Reasonableness is evaluated by assessing the acceptability of the offeror’s methodology used in developing the cost. Generally, the existence of adequate cost competition may support a determination of reasonableness; however, a detailed price proposal always helps to demonstrate that an offeror has a full grasp of an exhibit project and its various parts and requirements.

Qualified, creative exhibit designers and exhibit fabricators are integral to the Smithsonian’s success. As always, the Smithsonian appreciates the exhibit development and design community’s interest in our many projects. 