

only one request for a revised proposal (*i.e.*, only one BAFO).

**§ 636.512 What is the basis for the source selection decision?**

(a) You must base the source selection decision on a comparative assessment of proposals against all selection criteria in the solicitation. While you may use reports and analyses prepared by others, the source selection decision shall represent your independent judgment.

(b) The source selection decision shall be documented, and the documentation shall include the rationale for any business judgments and tradeoffs made or relied on, including benefits associated with additional costs. Although the rationale for the selection decision must be documented, that documentation need not quantify the tradeoffs that led to the decision.

**§ 636.513 Are limited negotiations allowed prior to contract execution?**

(a) Yes, after the source selection but prior to contract execution, you may conduct limited negotiations with the selected design-builder to clarify any remaining issues regarding scope, schedule, financing or any other information provided by that offeror. You must comply with the provisions of § 636.507 in the exchange of this information.

(b) Limited negotiations conducted under this section may include negotiations necessary to incorporate the ideas and concepts from unsuccessful offerors into the contract if a stipend is offered by the contracting agency and accepted by the unsuccessful offeror and if the requirements of section 636.113 are met.

[67 FR 75926, Dec. 10, 2002, as amended at 73 FR 77502, Dec. 19, 2008]

**§ 636.514 How may I provide notifications and debriefings?**

You may provide pre-award or post-award notifications in accordance with State approved procedures. If an offeror requests a debriefing, you may provide pre-award or post-award debriefings in accordance with State approved procedures.

**PART 637—CONSTRUCTION INSPECTION AND APPROVAL**

**Subpart A [Reserved]**

**Subpart B—Quality Assurance Procedures for Construction**

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APPENDIX A TO SUBPART B OF PART 637—  
GUIDE LETTER OF CERTIFICATION BY  
STATE ENGINEER

AUTHORITY: Sec. 1307, Pub. L. 105-178, 112 Stat. 107; 23 U.S.C. 109, 114, and 315; 49 CFR 1.48(b).

SOURCE: 60 FR 33717, June 29, 1995, unless otherwise noted.

EDITORIAL NOTE: Nomenclature changes to part 637 appear at 67 FR 75934, Dec. 10, 2002.

**Subpart A [Reserved]**

**Subpart B—Quality Assurance Procedures for Construction**

**§ 637.201 Purpose.**

To prescribe policies, procedures, and guidelines to assure the quality of materials and construction in all Federal-aid highway projects on the National Highway System.

**§ 637.203 Definitions.**

*Acceptance program.* All factors that comprise the State transportation department's (STD) determination of the quality of the product as specified in the contract requirements. These factors include verification sampling, testing, and inspection and may include results of quality control sampling and testing.

*Independent assurance program.* Activities that are an unbiased and independent evaluation of all the sampling and testing procedures used in the acceptance program. Test procedures used in the acceptance program which are performed in the STD's central laboratory would not be covered by an independent assurance program.

*Proficiency samples.* Homogeneous samples that are distributed and tested