

ACQUISITION HOUR WEBINAR

What to Do When the Government Does Not Select Your Proposal

January 16, 2016



**Providing expert technical
assistance to
FEDERAL, STATE and LOCAL
GOVERNMENT
Contractors
And Subcontractors**

**A Procurement Technical
Assistance Center (PTAC)
Serving the Wisconsin Business
Community**

WPI Offices located at:

Milwaukee County Research Park

10437 Innovation Drive, Suite 320

Milwaukee, WI 53226

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Juneau County Economic Development Corp.

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Fox Valley Technical College – DJ Bordini Center

5 Systems Drive – Appleton WI 54912

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Racine County Economic Development Corporation – Launch Box

141 Main Street, Suite 2, Racine, WI 53403

414-270-3600 FAX: 414-270-3610

Madison Enterprise Center

100 S. Baldwin St., Madison, WI 53703

608-444-0047 FAX: 414-270-3610

Food Enterprise & Economic Development (FEED)

1219 N. Sherman Ave., Madison, WI 53704

608-444-0047 FAX: 414-270-3610

Wausau Region Chamber of Commerce

200 Washington Street, Wausau, WI 54403

920-456-9990 FAX: 414-270-3610

www.wispro.org - info@wispro.org

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OCTOBER 29 2015
DOING BUSINESS WITH USDA FARM SERVICE AGENCY – LEARN FROM FSA DATCP & SBA OF AVAILABLE FINANCING AND PROGRAMS TO HELP YOUR FARM OR FOOD BUSINESS GROW - MILWAUKEE
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CURRENT OPPORTUNITIES (10)



GET STARTED WITH THE BASICS

Questions & answers on how to get started.

GET STARTED

SIGN-UP FOR OUR NEWSLETTER

Stay up-to-date with the latest WPI news.

SIGN UP

HAVE A QUESTION? WE'RE HERE TO HELP.

One of our staff of experts is available to answer your questions.

GET HELP

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SERVICES OFFERED BY WPI

- FREE Bid Matching Services
- Individual Counseling and Assistance
- Locating Local, State and Federal Opportunities
- Government Market Strategy Development
- Training in use of Government websites and tools
- Assistance with System for Award Management (SAM) Registration
- Assisting in Market Research Process
- Development of Market Profile
- Small Business Subcontracting Plans-Development, Outreach and Reporting
- Small Group Training
- Outreach and training with Local, State and Federal agencies
- Assist with Pre and Post Award Functions
- Assistance with Agency Specific Contracting Requirements
- Assistance with Contracting Regulations and Requirements, including FAR, DFAR, CFR
- Assistance with GSA Schedule Preparation and Administration
- Assistance with Local, State and Federal Certifications, including:
 - Service Disabled & Veteran Owned Small Business, HUBZone, Woman Owned Small Business, 8(a) Business Development Program
 - State
 - Local
 - DBE
- Bid Review and Submission Assistance
- Proposal and Assistance, Review and Submission Assistance
- Capabilities Statement and Related Government Marketing Material Development
- Assistance in Locating and Developing Teaming Partners and Subcontractors
- Updated Government Market Information

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What we will Cover Today

- The Award Process
- What is a Debriefing
- When is a Debriefing Requested
- How to Request a Debriefing
- What to Expect at a Debriefing



The Award Process

- Government receives proposals.
- Government evaluates proposals in accordance with the solicitation.
- Government awards the contract.
- Government notifies interested parties.

The Award Process

Contractors submitting offers to the Government, should be very patient. The Government can be very slow in evaluating offers and making an award decision. Once the Government has made an award decision, contractors may receive a postaward notice from the Government indicating the contractor has been awarded the contract or the contractor's offer was not accepted.

The Award Notice

The contract dollar value, complexity, and even the government agency can impact how contract award notices are made.

- Solicitations posted to Federal Business Opportunities (FBO) website.
- Award notice is posted to FBO.
- Awards over \$4 million are officially announced by the agency at 5:00 pm, Washington DC time. Next day contractor is notified of the award.
- GSA-eBUY users will obtain information under "Award Info" to see contractor name and award amount.
- Third party websites such as FedBid and FedConnect may provide electronic notices on their websites.

The Postaward Notification

Government may notify all interested parties of the contract award.

- May be through a website electronically, by mail, or email.
- The notice should include a brief explanation of the basis for the contract award decision and why yours was not selected.
- Contractors may need to request award information for contracts under the Simplified Acquisition Threshold (SAT) of \$150,000 as the government is not required to notify contractors.

The Postaward Notification



Under Federal Acquisition Regulations (FAR) 15.503(b) postaward notifications for Request For Proposals (RFP) should include:

- Number of offers solicited
- Number of proposals received
- Name and address of each awarded contractor
- Items, quantities, and unit prices of each award
- General reason offeror's proposal was not accepted



What is a Debriefing?

- Debriefing is a way of informing unsuccessful offerors of the basis of the selection decision and contract award. This information includes the Government's evaluation of the significant weaknesses or deficiencies in the offeror's proposal.
- A debriefing is an opportunity for a contractor to obtain feedback from the Government on their proposal submission.

What is a Debriefing?

- Contractors are entitled to only one debriefing.
- Debriefings are generally held after award. However, if a proposal has been excluded from the competitive range, contractors may request a preaward or a postaward debriefing.

When is Requesting a Debriefing a Good Idea?

- Anytime award is made on factors other than price.
- Always request a debriefing.
- Even if your company wins the award request a debriefing. May provide an opportunity to identify any issues that should be addressed early in the contract performance.

Why should I Request a Debriefing?

- To find out what the Government was looking for in a proposal.
- Learn what you could have done better or differently to improve your chances on the next opportunity to be awarded a contract.
- May be able to educate the Government about your products and services.
- Opportunity to build a relationship with the Government.



How to Request a Debriefing

- Submit in writing within three (3) days after the date on which contract award notification was received.
- By letter on company letterhead signed by authorized company representative.
- Email request is fine, attach signed letter to the email message.
- May also be sent by fax or overnight mail.

Preaward Debriefing

When excluded from the Competitive Range under a Request For Proposal (RFP). Will include:

- Government's evaluation of significant elements in the proposal
- Summary of rationale for eliminating the offeror from competition
- Responses to relevant questions about whether source selection procedures , and applicable regulations were followed.
- Waiting until after award for a postaward debriefing probably will affect the timeliness of any protest filed subsequent to the debriefing. Recommend requesting the Preaward Debriefing.

Preaward Debriefing

Will not be able to obtain:

- Number of offers
- Identity of other Offerors
- Content of other offeror's proposal
- Rankings of other offerors
- Evaluation of other offerors
- Trade secrets

The Debriefing - Postaward

- Debriefings may be done orally, in writing, or by any other method acceptable to the contracting officer. The contracting officer may request contractors to provide a written list of items/questions they want addressed in the debriefing.
- Contracting officer should complete debriefing within 5 days after receipt of the written request.

The Debriefing - Postaward

- Accept the first date offered for the debriefing. In order to obtain an automatic stay of award, a contractor must file its protest within 10 calendar days of award or five days of the first date offered for the debriefing, whichever is later.
- Contractor shall be debriefed and furnished the basis for the selection decision and contract award.

The Debriefing - Postaward

FAR indicates the following should be provided in a debriefing:

- Government's evaluation of the significant weaknesses or deficiencies in the contractor's proposal
- Overall evaluated cost or price and technical rating of the successful contractor and the debriefed contractor
- Past performance information on the contractor
- Overall ranking of all offerors.
- A summary of the rationale for award
- For commercial items, the make and model of the item to be delivered by the successful contractor.

The Debriefing - Postaward

- Reasonable responses to relevant questions about whether source selection procedures contained in the solicitation, applicable regulations, and other applicable authorities were followed.
- Debriefing shall not include a point-by-point comparison, shall not reveal any information prohibited from disclosure under the Freedom of Information Act including trade secrets, confidential manufacturing processes and techniques, commercial and financial information, including cost breakdowns, profit, indirect cost rates and similar information, and names of individuals providing reference information about contractor's past performance.

What do you Ask For?

Your goal is to learn why the Government downgraded your proposal, whether the Government evaluated proposals in a manner consistent with the solicitation, on what basis the Government decided to issue the contract to another offeror, and how to improve your proposal for the next requirement.

- Overall ranking of proposal
- How many offers were received
- Strengths, weaknesses and deficiencies in the proposal

What do you Ask For?



- Summary of the rationale for award
- Line item pricing, make and model on awarded contract
- Overall ranking of awarded contractor
- Past performance evaluation
- Review solicitation document to determine additional items.

Untimely Debriefing Request

- Contractors failing to submit a timely request are not entitled to a debriefing.
- The contracting officer may accommodate an untimely debriefing request.
- Government accommodation of a delayed debriefing or any untimely debriefing request does not automatically extend the deadlines for filing protests.

Government Side/Objective

- Provide debriefing within 5 days of the request to keep protest clock moving.
- Persuade the offeror that it lost fair and square.
- That a protest would be useless.
- Preparing its case against a possible protest.

When is a Debriefing not Required?

- In acquisitions under the Federal Supply Schedule procedures set forth in FAR Part 8. Contractor may request debriefing.
- In simplified acquisitions pursuant to FAR Part 13. Contractor may request debriefing.
- In sealed-bid acquisitions under FAR Part 14.

Debriefing Tips

- Realize evaluations are generally more subjective than objective.
- Do not get defensive or challenge the government's decision, try to learn what the company could have done better or differently so it can improve the odds with the next opportunity. It may be best to have an uninvolved person contact the government. Make it clear you know this is not the forum to debate or challenge the contract award.
- Make sure your request for a debriefing is timely.

Debriefing Tips

- Always be polite and friendly.
- Listen, allow the Government to make its presentation.
- Take notes.
- Do not argue. This is not the time to persuade the Government that it was wrong.
- Avoid using the word “protest”.
- Always ask how your company could have done better.

Debriefing Tips

Review solicitation document evaluation factors and how award was to be made.

Did you provide information for everything the Government was evaluating?

Was it organized in the same way the Government requested?

Did you demonstrate the experience, management, and personnel required to do the work?

Was the Government using lowest price, technically acceptable (LPTA) and your price is lower than the awarded contractor?

Debriefing Tips

Look through the requirements.

- Do you meet the Government's requirement?
- Did your response demonstrate you could meet or exceed the requirement?
- If providing an equal product, did you meet the salient characteristics?

Debriefing Tips

- Do not include your lawyers at the debriefing as it puts the Government on the defensive.
- Contact WPI if you feel you have been treated unfairly by the Government. WPI staff can help access if there is any reason to protest the award decision made by the Government. Be slow to protest.
- Contact WPI for assistance in preparing your next proposal.

Resources:

- FAR: <https://www.acquisition.gov/?q=browsefar>
- Air Force FAR: <http://farsite.hill.af.mil/>
- Acquisition.gov is: <https://www.acquisition.gov/>
- Wisconsin Procurement Institute
Phone: 414-270-3600 www.wispro.org





questions?

Continuing Professional Education



CPE Certificate available, please contact:

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Upcoming WPI Events

- ***Acquisition Hour Live Webinar Series***
- ***Overview of Government Small Business Certifications – January 14, 2016 – Milwaukee, WI***
- ***Increase your Customer Base by Working with the Government and Prime Contractors – January 28, 2016 – Whitewater, WI***
- ***SAME Small Business Expo – March 9 – 10, 2016 – Northbrook, IL***
- ***Government Contracting Opportunities for Small Business – March 24, 2016 – Ladysmith, WI***
- ***4th Annual US Department of Veterans Affairs Business Conference – May 12, 2016 – Brown Deer, WI***
- ***10th Annual Volk Field Small Business Conference – June 15-16, 2016 – Camp Douglas, WI***

For Assistance or Additional Information - Contact

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