

TOP 10

The Top 10 (plus!) Pitfalls to Avoid When Responding to an RFP

NCMA Boston's 58th Annual March Workshop

March 13, 2019 | Bentley University, Waltham, MA

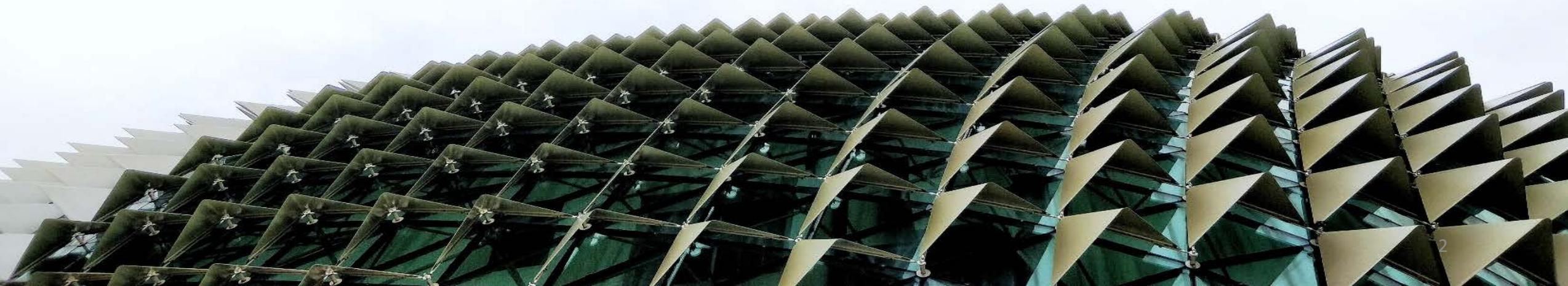
Presented by: Erin O'Shea – BDO USA, LLP | Eric Whytsell - Stinson Leonard Street, LLP



STINSON LEONARD STREET

It seems to me that at this time we need education
in the obvious more than investigation of the
obscure.

-- *Oliver Wendell Holmes, Jr.*



Failing to Plan (Planning to Fail)



Focus on proposal submission timing and logistics first thing so your capture efforts don't end up being a waste of time.

Work backwards from due date to set milestones.

Don't forget the practical realities imposed by logistics.

Involve all stakeholder groups within company from the beginning.

Deploy human resources as necessary to hit targets along the way and complete proposal in time.

Build in extra time (if possible) for the unexpected.

2

Discounting Any Part of the Solicitation



Read and understand the entire RFP.

Ensure team has expertise to understand and appreciate all issues to be addressed in the proposal.

Don't pick and choose the RFP parts you think are most important.

Key people responsible for winning and/or performing the work must understand what you're signing up to—and agree that signing up to it makes sense.

Protest Example of Discounting Solicitation

Team Systems International, B-41139 (May 22, 2015)

GAO denied a protest where the protestor relied on its own misunderstanding of the RFP requirements and submitted an incomplete proposal.

While the protestor submitted a timely proposal that included a copy of its teaming agreement, its past performance submission did not meet the RFP requirements for the type of contractor team arrangement created by its teaming agreement. By relying on its misunderstanding, the protestor did not submit a proposal that met the requirements of the RFP.

3

Sitting on Your Questions

Read the RFP carefully and critically.

Ambiguity exists if there is more than one reasonable way to understand something in the RFP.

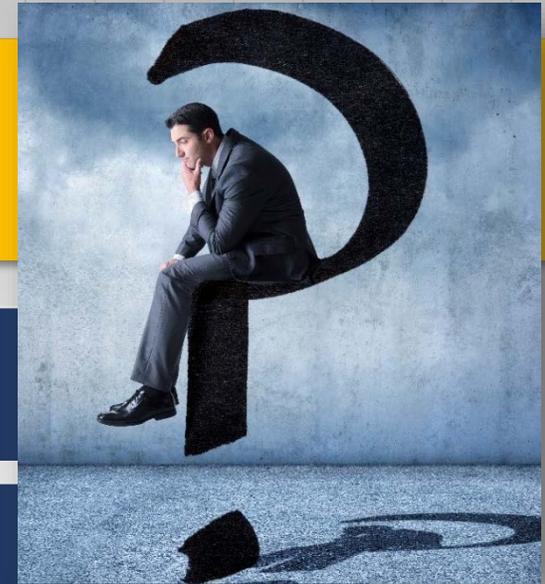
- If there is an ambiguity, you have a question.

If you have questions, ask them when you have the opportunity.

- You will probably not be given a second chance.

But if you still have questions after the Q&A has ended, ask anyway.

- All they can say is no.



Protest Example of Sitting on Questions

Odyssey Systems Consulting Group, Ltd., B-412519; B-412519.2 (March 11, 2016)

GAO denied a protest in which the protestor failed to consider the Agency's Q&A response related to an ambiguity in the RFTOP and therefore misclassified the Agency's realism analysis as incomplete.

GAO found that to the extent an ambiguity existed, it was resolved prior to the date set for receipt of initial proposals and, any protest ground on this issue was now untimely.

4

Dragging Out the Go/No-Go Decision

Make the go/no go decision as early as possible.

- Can you perform?
- Can you make money doing it?

From the start, focus on the information you consider necessary to the decision.

You won't necessarily have all the information you'd like.

Every day you wait will make it harder to meet your milestones and finish the proposal on time.

5

Overlooking the Easy Parts



Make sure to do the simple stuff.

- Winning awards is hard enough without dropping the ball on the easy bits.



Assign a dedicated person to identify, prepare for, and make sure you address the formal requirements.

- Page limits / font size / electronic format type / number of references



Use a cross-walk chart to ensure a complete proposal.



Protest Example of Overlooking the Easy Parts

DKW Communications, Inc., B-412652.3, .6 (May 2, 2016)

GAO sustained a protest where it found that the awardee had received a significant competitive advantage by improperly circumventing the stated page limitations included in the RFP.

Protestor filed supplemental protest grounds alleging that the awardee improperly circumvented the stated page limits in the RFP by compressing line spacing, and therefore gained an unfair competitive advantage. While the Agency countered this allegation by saying that the protestor had also compressed the spacing in its proposal, GAO found that the awardee gained a significant competitive advantage through its modified spacing and sustained the protest.

6 Contracting Incumbentitis



Being an incumbent does not automatically give you a leg up.

- In fact, the opposite can be true.



Resist the impulse of overestimating how the procuring agency feels about your or your team members' performance as the incumbent(s).



Be honest about your incumbency—and act accordingly.



Trust but verify what your team members say about their past ratings.



Protest Example of Contracting Incumbentitis

Interactive Technology Solutions, LLC B-413665.2, .3 (March 1, 2017)

GAO denied a protest where the Agency assigned a weakness to the protestor's (and incumbent) proposal where the incumbent failed to provide a level of detail required for the Government to accurately assess the proposal.

In this case, the protester relied on its incumbent status and past performance and failed to address all of the requirements in its proposal hoping that the Agency would fill in the gaps of its shorthand-proposal.

7 Giving Evaluators Too Much Credit

Don't assume the evaluator knows everything you do, or everything they need to know to understand your proposal.

Your job is to make sure your proposal provides everything they need itself.

- Things left out, however “obvious” or “widely known,” might be overlooked.

Yes, this can be difficult if you have a lot to convey in a limited number of pages.

- Writing a short proposal takes longer, so start sooner.

Protest Example of Giving Evaluators Too Much Credit

Earth Resources Technology, Inc., B-416415, .2 (August 31, 2018)

GAO denied a protest in which the protestor alleged that the Agency should have been able to evaluate its proposed key personnel and their qualifications through information “close at hand.”

Protestor alleged that the Agency unreasonably assigned a weakness to its proposal related to proposed key personnel and that the Agency failed to consider information “close at hand” related to the qualifications of the proposed personnel. However, the evaluation found that the provided resumes “do not demonstrate the ability to perform SOW requirements of leadership as described in [the RFP]” and that the protestor did not adequately explain how the resumes for proposed key personnel demonstrated technical leadership. GAO denied the protest since an offeror’s technical evaluation is dependent on the information they provide in the proposal.

8

Ignoring Section M



Section M is your friend.

- Listen to what it tells you what the agency cares about—and how much.

Don't submit a proposal that fails to include information relating to all the evaluation criteria

Prioritize and weight your proposal elements based on the “road map” provided in the RFP.

- The evaluation criteria will address both substance and importance.

There's no extra credit unless the RFP says so.

9 Second Guessing the Customer

Propose in response to what the customer says it wants, not what you think it wants - or should want.

You have to respond to the RFP you have, even if you believe the approach it outlines is stupid, inappropriate, wasteful, or dangerous.

Similarly, listen and respond to what the customer says during discussions, even if you think they are wrong.



Protest Example of Second-Guessing the Customer

Calibre Systems, Inc., B-414301.3 (September 20, 2017)

GAO denied a protest where the protestor failed to include a solicitation-required detailed draft transition plan, even after the Agency raised concerns during discussions, and rather included language in its proposal that a detailed transition plan would be provided after award of the contract.

In this case, the protestor may have seen the draft transition plan as superfluous as the RFP required a final transition plan as a deliverable during performance, however it is always better to give the Agency what it wants and not second guess their requirements.

10 Siloing Technical and Cost/Price

The technical and cost/pricing volumes may have to be submitted separately, but they must be developed together.

Make sure the two volumes are telling part of the same story—and make it easy for evaluators to see that once they see both pieces.

- Show now so you don't have to tell later.

Be proactive to take away any potential confusion.



Protest Example of Siloing Technical and Price

AdvanceMed Corporation, B-414373 (June 1, 2017)

GAO sustained a protest in which the protestor questioned the accuracy of the Agency's cost realism adjustment on the awardee's proposal in which the total FTEs included in the Basis of Estimated (technical proposal) and the cost proposal were not one-for-one and seemed to indicate a potential double-count.

While the awardee argued that the BOEs explained that certain FTEs would perform additional tasks, GAO found that this was not supported by the awardee's own proposal language and that there was nothing in the record to indicate that the Agency understood this disconnect and potential double-counting

BONUS: Forgetting the Debriefing



Always timely ask for a debriefing, whether you win the award or not—and whether you are “entitled” to one or not.



There’s always value in a better understanding of what led to the award decision.

- Get whatever information you can.



Push for an in-person debriefing and make it easy for the agency to say yes.



Take advantage of the opportunity provided by an interactive debriefing to improve your relationship with the agency.

Thank you for your time.



Erin O'Shea
BDO USA
(703) 336-1618
eoshea@bdo.com



Eric Whytsell
Stinson Leonard Street
(303) 500-7193
eric.whytsell@stinson.com