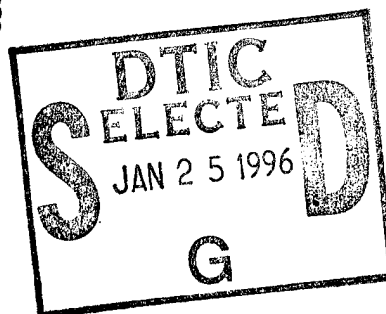


NAVAL POSTGRADUATE SCHOOL
Monterey, California



THESIS

**POST-AWARD DEBRIEFING OF UNSUCCESSFUL OFFERORS-
INSTALLATION LEVEL**

by

James W. Cooper

June 1995

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DTIC QUALITY INSPECTED 3

19960118 022

REPORT DOCUMENTATION PAGE

Form Approved OMB No. 0704

Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instruction, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, and to the Office of Management and Budget, Paperwork Reduction Project (0704-0188) Washington DC 20503.

1. AGENCY USE ONLY <i>(Leave blank)</i>	2. REPORT DATE June 1995	3. REPORT TYPE AND DATES COVERED Master's Thesis
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4. TITLE AND SUBTITLE POST-AWARD DEBRIEFING OF UNSUCCESSFUL OFFERORS - INSTALLATION LEVEL	5. FUNDING NUMBERS
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6. AUTHOR(S) Cooper, James W.	
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7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) Naval Postgraduate School Monterey CA 93943-5000	8. PERFORMING ORGANIZATION REPORT NUMBER
---	--

9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES)	10. SPONSORING/MONITORING AGENCY REPORT NUMBER
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11. SUPPLEMENTARY NOTES The views expressed in this thesis are those of the author and do not reflect the official policy or position of the Department of Defense or the U.S. Government.

12a. DISTRIBUTION/AVAILABILITY STATEMENT Approved for public release; distribution is unlimited.	12b. DISTRIBUTION CODE
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13. ABSTRACT *(maximum 200 words)*

When a contractor expends a great deal of time and expense to prepare a proposal in response to a high-dollar Government Request for Proposals and award of the resultant contract is made to another contractor, the unsuccessful offeror will often protest since the post-award debriefing does not satisfy his concerns as to why his was not the best offer. This thesis reviews the current written guidance pertaining to post-award debriefings, looks at the current installation level debriefing process and recommends ways to improve debriefings. Results of a questionnaire sent to installation contracting officers and offerors who contract with them indicate: the current debriefing process is not working as well as it should; the Federal Acquisition Streamlining Act (FASA) should help improve the debrief; and further improvements are possible. Some of the thesis' recommendations are: make the post-award debrief an integral part of the process for key technical personnel; give weaknesses, in writing, to the unsuccessful offerors with notification of award; if requested, release all information that the contractor would receive under protest discovery procedures; provide analytical training for contracting officers; use videos and other types of training on "how not to" and "how to" conduct a post-award debriefing.

14. SUBJECT TERMS Debriefing; Source Selection.	15. NUMBER OF PAGES 80
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	16. PRICE CODE
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17. SECURITY CLASSIFICATION OF REPORT Unclassified	18. SECURITY CLASSIFICATION OF THIS PAGE Unclassified	19. SECURITY CLASSIFICATION OF ABSTRACT Unclassified	20. LIMITATION OF ABSTRACT UL
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**POST-AWARD DEBRIEFING OF UNSUCCESSFUL OFFERORS-
INSTALLATION LEVEL**

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Civilian, United States Army
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Submitted in partial fulfillment
of the requirements for the degree of

MASTER OF SCIENCE IN MANAGEMENT

from the

NAVAL POSTGRADUATE SCHOOL

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Accession For	
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DTIC TAB	<input type="checkbox"/>
Unannounced	<input type="checkbox"/>
Justification _____	
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Availability Codes	
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ABSTRACT

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Results of a questionnaire sent to installation contracting officers and offerors who contract with them indicate: the current debriefing process is not working as well as it should; the Federal Acquisition Streamlining Act (FASA) should help improve the debrief; and further improvements are possible.

Some of the thesis' recommendations are: make the post-award debrief an integral part of the process for key technical personnel; give weaknesses, in writing, to the unsuccessful offerors with notification of award; if requested, release all information that the contractor would receive under protest discovery procedures; provide analytical training for contracting officers; use videos and other types of training on "how not to" and "how to" conduct a post-award debriefing.

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I. INTRODUCTION

A. BACKGROUND

The preparation of a proposal in response to a high-dollar Government Request for Proposals (RFP), requires the expenditure of a great deal of time and money by contractors submitting offers. When award of the resultant contract is made on the basis of other than price alone, the unsuccessful offerors want to know why they did not receive the award.

Upon written request, contracting officers are required to debrief unsuccessful offerors after a negotiated, competitive contract is awarded to another contractor. For guidance prior to conducting a debriefing, a contracting officer can seek legal advice and review precedent-setting opinions by the General Accounting Office (GAO) and the General Services Administration Board of Contract Appeals (GSBCA) resulting from unsuccessful offerors' protests of awards decisions to those forums. However, the only written guidance on conducting a debriefing is one-fourth of a page in the multi-volume Federal Acquisition Regulation (FAR 15.1003). The FAR tells contracting officers more of what they cannot say, than what they can or should say. Obviously the contracting officer needs more definitive guidance to complete this crucial task successfully.

Contracting officers are fearful of providing too much information during the debriefing. They fear that the more information they provide, the better chance that they will misspeak, violate a regulation or erroneously provide proprietary contractor information or procurement sensitive Government information, thereby making a protest more likely. These psychological filters limit the amount and clarity of information provided to the offeror during debriefings.

On the one hand, the Competition in Contracting Act (CICA) of 1984 (P.L. 98-369) requires contracting officers to maintain an open dialogue with industry, to understand the capabilities of the marketplace, and to achieve full and open competition. On the other hand, numerous complex laws with severe penalties require contracting officers to control the flow of competitive procurement sensitive information to maintain the integrity of the procurement process. This second fact frightens contracting agencies and prevents clear and open communication with contractors. The Ethics Reform Act of 1989 stipulates fines of \$100,000, and up to five years in prison, for individuals illegally disclosing source sensitive information to contractors (Sagan, 1993).

As a result, these laws have had a chilling effect on the flow of information between industry and Government. In order for the Government to realize fully the benefits of any proposed solutions to providing more guidance to contracting officers in conducting the post-award debriefing, we must have

an open and clear flow of information between the contractor and the Government.

The Competition In Contracting Act states that there are two methods for the competitive procurement of Federal goods and services: sealed bid and negotiated procurement. The first method, sealed bid, is to be used when (a) there is adequate time, (b) contract award will be made based on price and price related factors, (c) no discussions with offerors are needed, and (d) there is an expectation of receiving bids from more than one offeror. The second method, competitive negotiation, is to be used if the procurement does not meet the criteria for sealed bidding.

Under sealed bid procedures, contract award is made to the lowest priced, responsive, responsible bidder. In most cases, bid openings are open to the public and an abstract of the bids received is available to bidders upon request. Thus, unsuccessful bidders generally know immediately that they did not win the contract award because they did not have the lowest priced bid.

Under competitive negotiation procedures, contract award is most often determined by factors other than price alone. There is no public bid opening and there is usually a lengthy period of evaluations and negotiations before a contract is finally awarded. Since award is not based solely on the lowest price, an unsuccessful offeror may not understand why his proposal did not result in a contract award.

Contract award resulting from negotiated procedures is based on the best value to the Army, price and other factors considered. Among the other factors considered may be technical solution, management experience, past performance, and risk. Each factor is weighted in accordance with its importance to the product or service required. Price is evaluated as to reasonableness and becomes the deciding factor only when offers are essentially equal, after evaluating the other factors. After a contract is awarded, the contracting officer notifies the unsuccessful offerors that they were not selected for contract award.

When multiple, weighted selection criteria are used in awarding the contract, the unsuccessful offerors have to request, in writing, a post-award debriefing from the contracting officer to find out why they did not receive the contract award. The reason may no longer be simply that his price was too high, but usually his technical solution, management experience or some other factor or combination of factors, were not rated as highly, in accordance with the evaluation criteria, as were the awardee's. Only when an unsuccessful offeror requests a debriefing from the contracting officer can he find out the reasons for not being selected for contract award.

In preparation for the debriefing, a contracting officer will seek legal advice from the Government attorney/advisor. Often, the attorney will advise the contracting officer to

"err on the side of safety," and not disclose too much specific information. This caution often leads to protests, because the attorney normally recommends against giving the unsuccessful offeror the information he needs and wants. The areas of interest most often include: evaluation factors, clarification of specifications, transition/ conversion plans, and contingency plans (Shipley, 1994).

Industry contractors will protest for several reasons. George Shipley, Vice President for Military Systems at Electronic Data Services (EDS), believes there are two underlying reasons for filing protests, (1) to gain the contract or (2) to correct a perceived inequity in the evaluation. He also feels that perceived inequities usually result from poor communication at the post-award debriefing. "In many cases we discover that what we perceived as an unfair practice was in fact good business poorly communicated." (Shipley, 1994).

The "Quarterly Bid Protest Analysis Reports" for 1992 and 1993, compiled by the Office of the Assistant Secretary of the Army for Research, Development and Acquisition (SARDA), confirm Shipley's opinions. The 1992 report shows contractors initiated 571 protests. Of the 571, 104 protests were based on the belief that the evaluation factors were unfair or that the evaluation of the proposals was unfair. That was the single greatest cause for protests in 1992. The trend continued into the first quarter of 1993 when 45 of 206

protests were for the same reason. Additionally, problems with specification issues ran a close second as the basis for protests, 61 in 1992 and 30 in first quarter 1993 (Davis, 1992 & Schneider, 1993).

The contracting office's tendency to stratify the communication between potential contractors and the Government is in response to a fear of protests. This fear of protests drives contracting offices to keep communications very formal. However, the contracting effort should be a team effort, fostering a win/win attitude. Without open communications, or at the very least flexible and responsive communications, an air of mistrust permeates the contracting process. This leads to excessive protests by losing contractors. By communicating more effectively and openly, these problems could be defused by making certain that every unsuccessful contractor knows how its proposal was evaluated.

Further, the process must ensure that every contractor knows why its proposal was not accepted. Currently, the contractor is just sent a form letter after initial evaluations if its proposal is not considered competitive. Once that letter is received, contractors are allowed to respond by letter, and at no time prior to the award of a contract are offerors who do not make the competitive range debriefed as to why they were not considered for contract award.

If communications were better and more meaningful, the Government would ultimately get better products and contractors would get the feedback they need to prepare more competitive proposals in the future.

Better communication would cause a drop in the number of awards protested each year, saving the Government countless manhours and dollars spent to prepare and defend its position during a lengthy, unnecessary protest appeal process.

B. OBJECTIVE

The objective of this thesis is to examine the problematic issues surrounding the post-award debriefing of unsuccessful offerors at the installation contracting office level and determine what guidance can be provided to contracting officers in order to improve the debriefing.

C. THE RESEARCH QUESTIONS

The following research questions will be answered by the thesis.

Primary: What are the systemic problems and issues associated with the Army installation contracting offices' debriefing of unsuccessful offerors and what guidance can be provided to the contracting officer in order to improve the debriefing?

Subsidiary:

1. What are the current regulations, statutes, GAO decisions, and other guidance pertaining to the debriefing of unsuccessful offerors?

2. What are the current requirements for debriefing unsuccessful offerors and how are the Army's installation contracting offices conducting the debriefings?

3. What are the problems associated with the debriefing process from the installation contracting offices' perspective?

4. What are the problems associated with the debriefing process from the contractor's perspective?

5. What guidance can be provided to the contracting officer in order to improve the debriefing of unsuccessful offerors?

D. SCOPE, LIMITATIONS, AND ASSUMPTIONS

1. Scope: This thesis focuses on the debriefing of unsuccessful offerors at the installation contracting office level. It covers all contracts awarded on a basis of other than price alone. The U.S. Army Forces Command (FORSCOM) and Training and Doctrine Command (TRADOC) installations are considered in this analysis since they comprise the majority of the Army installations. Questionnaires and interviews on the current process and how to improve it are directed to

FORSCOM and TRADOC contracting officials and defense contractor representatives who contract with them.

2. Limitations: The following limitations exist in the thesis.

a. The FAR has not been amended to implement the provisions of the Federal Acquisition Streamlining Act (FASA) of 1994. Until the FAR is amended, the extent of the guidance required by the Act to be provided on debriefing unsuccessful offerors is not known.

b. Not all contracting officers within FORSCOM and TRADOC and the defense contractors who work with them could be contacted. Therefore, information may exist that would have been useful for this thesis, but was not collected, and therefore not analyzed.

3. Assumptions: The following assumptions were made in this thesis.

a. The reader of the thesis has a general understanding of Government contract management.

b. Current regulations concerning debriefing of unsuccessful offerors will remain in effect.

c. The provisions of the FASA will be fully implemented in the FAR.

E. LITERATURE REVIEW AND METHODOLOGY

In his June 1994 thesis entitled "Briefing Unsuccessful Offerors - An Updated Approach," Captain Curtis H. Nutbrown,

U.S. Army, researched and analyzed this issue from the systems acquisition perspective. His questionnaires were addressed to U.S. Army Materiel Command (AMC) contracting officers and to contractors who developed and produced major systems for AMC and AMC's major subcommands. His thesis was completed prior to enactment of the FASA and covered the more formal source selection process for major systems.

This thesis will address installation level contracting which is less formal and less structured. It will also address FASA and its affect on the debriefing process. Questionnaires were sent to FORSCOM and TRADOC contracting officers and contractors who provide services to them. These two commands are headquarters for the majority of the Army's installations and are not a part of AMC.

F. DEFINITIONS AND ABBREVIATIONS

1. AFARS: Army Federal Acquisition Regulation Supplement
2. AMC: U.S. Army Materiel Command
3. CICA: Competition in Contracting Act
4. CECOM: U.S. Army Communications and Electronics
Command
5. DFARS: Defense Federal Acquisition Regulation
Supplement
6. DAWIA: Defense Acquisition Workforce Improvement Act
7. FAR: Federal Acquisition Regulation
8. FASA: Federal Acquisition Streamlining Act

9. FOIA: Freedom of Information Act
10. FORSCOM: U.S. Army Forces Command
11. GAO: General Accounting Office
12. LRIP: Low Rate Initial Production
13. MACOM: Major Command
14. PARC: Principal Assistant Responsible for Contracting
15. RFP: Request for Proposals
16. SARDA: Office of the Assistant Secretary of the Army for Research, Development and Acquisition
17. SBA: Small Business Administration
18. SSA: Source Selection Authority
19. SSAC: Source Selection Advisory Council
20. SSEB: Source Selection Evaluation Board
21. SSP: Source Selection Plan
22. TRADOC: U.S. Army Training and Doctrine Command
23. U.S.C.: United States Code

G. ORGANIZATION OF THE STUDY

Chapter II (Literature Review and Background) describes the function of contracting officers within the FORSCOM and TRADOC organizations; addresses the laws, regulations and other guidance pertaining to debriefings; discusses how debriefings fit into the source selection process; and lists the reasons for conducting debriefings.

Chapter III (Methodology) describes the rationale behind the questionnaires and discusses the interviews.

Chapter IV (Presentation and Analysis of Data) summarizes and analyzes the questionnaire responses and data collected from the interviews.

Chapter V (Conclusions and Recommendations) discusses the conclusions made from the data collected and makes recommendations for improving the current debriefing process. This chapter also recommends areas for further study.

II. LITERATURE REVIEW AND BACKGROUND

A. GENERAL

This chapter will discuss the laws, regulations and other guidance pertaining to debriefings, how debriefings assist the source selection process, the reasons for conducting debriefings and the function of contracting officers within the FORSCOM and TRADOC organizations.

The General Accounting Office (GAO) recognizes the need for open dialogue between the Government and contractors. The GAO has stated that:

Another legitimate pre-procurement agency action is discussing requirements with potential suppliers Such discussions are clearly necessary for an agency in the conduct of ordinary business It would be unwise and unrealistic to limit discussions prior to ascertaining what the government requires An agency cannot intelligently define its needs in a vacuum. In a number of cases, we have criticized the action of agencies which improperly limited competition because no discussions of requirements were held with potential suppliers, but rather the only firms solicited made products with which agency personnel were familiar. Maremont Corporation, Comp. Gen. Dec. B-180276 (Aug. 20, 1976), 76-2 CPD Paragraph 181.

Both the Government and industry benefit from open dialogue which will help avoid problems during the entire procurement process. Government personnel can write statements of work that clearly prescribe the Government's needs and broaden the field of competition. Industry can

better direct their scarce resources to satisfy the Government's needs.

B. LAWS AND REGULATIONS ON DEBRIEFING

1. Laws

In addition to the Competition in Contracting Act (CICA) discussed in Chapter I, there are other laws which provide ample authority for release of information to industry. Examples of such laws are the Freedom of Information Act (FOIA) (5 U.S.C. 552), the Small Business Act (15 U.S.C. 634) and the Procurement Integrity Act.

Nevertheless, Government personnel exhibit a great deal of uncertainty about what they can or cannot discuss with industry during post-award debriefing.

The most recent attempt to fulfill the requirement for providing the contractor with more meaningful information is the Federal Acquisition Streamlining Act (FASA) of 1994. In Section 800 of the National Defense Authorization Act for Fiscal Year 1991, Congress directed the Department of Defense to appoint an advisory panel of Government and private-sector experts to review all laws affecting DOD procurement, with a view toward streamlining the acquisition process. (Vincent, 1993). FASA results from the work of the Section 800 Panel and implements many of the Panel's recommendations regarding the overhaul of DOD's acquisition laws. The Act requires that unsuccessful offerors be notified within three days after

contract award, and debriefed within five days after receipt of a written request for debriefing. To activate the five-day debriefing requirement, an unsuccessful offeror must make its request within three days of receiving notice of award. At a minimum, the debriefing must contain basic information about the award decision, such as: the unsuccessful offeror's significant weak or deficient factors; the awardee's and the unsuccessful offeror's overall cost and technical rating; the overall ranking of all offerors; a summary of rationale for award; the make and model of any commercial item, if the awardee's proposal includes a commercial item which is an end item under the contract; and reasonable responses to the unsuccessful offeror's questions regarding whether the agency followed applicable laws, regulations and procedures. Still the debriefing should not include a point-by-point comparison of the proposals, nor any information exempt from release under the Freedom of Information Act (FOIA). (Carney, 1994).

In addition, if, as a result of a successful protest or otherwise, an agency issues a new solicitation or seeks to make an award as a result of best and final offers under the original solicitation, within one year after original award, information provided in any prior debriefing shall be provided to all offerors. (Carney, 1994 and Lumer, 1994).

2. Regulations

Currently, the FAR states, in very general terms, what you cannot discuss with a contractor. Nowhere does the FAR provide any guidance on what you can or should discuss. This leads to a severely restricted flow of information.

The FAR, Part 15, Sub-part 10, Section 3, is short, nonspecific in nature and reads as follows:

15.1003 Debriefing of Unsuccessful Offerors.

(a) When a contract is awarded on the basis of other than price alone, unsuccessful offerors, upon their written request, shall be debriefed as soon as possible and furnished the basis for the selection decision and contract award.

(b) Debriefing information shall include the Government's evaluation of the significant weak or deficient factors in the proposal; however, point-by-point comparisons with other offerors' proposals shall not be made. Debriefing shall not reveal the relative merits or technical standing of competitors or the evaluation scoring. Moreover, debriefing shall not reveal any information that is not releasable under the Freedom of Information Act, for example:

(1) Trade Secrets.

(2) Privileged or confidential manufacturing processes and techniques.

(3) Commercial and financial information that is privileged or confidential, including cost breakdowns, profit, indirect cost rates and similar information.

(c) The contracting officer shall include a summary of the debriefing in the contract file. (FAR 15.1003).

The FAR does not mandate a debriefing and only requires one upon the written request of an unsuccessful offeror. The Government usually receives written requests for debriefings shortly after contract award.

C. THE SOURCE SELECTION PROCESS AND DEBRIEFING UNSUCCESSFUL OFFERORS

The first thing that must happen to start the defense acquisition process, is the "Determination of Need." Once a user recognizes a need, the process has begun. Meaningful communication during each phase of the process is essential to avoid the communications bottleneck at the post-award debriefing.

The defense acquisition process is a series of milestones and phases, arranged in chronological order, known as the "Life-Cycle Process Model." Contracts may be awarded during any of the phases of the process for the various requirements contained in that phase. While most installation level acquisitions do not usually involve all these formal phases, they do employ a scaled-down version of the process. Therefore, the concept of where the post-award debriefing fits in the source selection process is essentially the same. Formal selection procedures are used for contracts such as major systems procurements and by installation contracting officers in the large commercial activities procurements solicited in accordance with the requirements of Office of Management and Budget (OMB) Circular A-76. Although not all of the milestones and phases will apply to the majority of installation contracts, a brief outline of the formal process will help to explain the complexity of Government acquisitions.

Milestone 0 authorizes entry into Phase 0, Concept Exploration and Definition. In Phase 0, studies of alternate concepts are conducted. These studies may be conducted in-house by Government personnel or may be contracted out to private industry.

During Milestone 1, Concept Demonstration Approval, the initiation of a new program, and entry into Phase 1, Demonstration and Validation, are approved.

Milestone 2, Development Approval, is the approval of entry into Engineering and Manufacturing Development, Phase 2.

Milestone 3, Production Approval, is the approval for entry into Phase 3, Production and Deployment.

Phase 4, Operations and Support, covers the system's use by fielded units. The contracting agency continues support and monitoring to ensure that the user's needs are being met.

In Milestone 4, Major Modification Approval, the Government determines if a system still in production warrants major modifications. This milestone is scheduled during Phase 3 or Phase 4, as required. (DSMC,1993).

Most installation equipment contracts fall into Phase 4 type requirements. Formal source selection for award of contracts during any of the acquisition phases involves a Source Selection Plan (SSP), Source Selection Evaluation Board (SSEB), Source Selection Advisory Council (SSAC), and a Source Selection Authority (SSA). The SSP specifies who the SSA will be, who will serve on the SSAC and SSEB, and what the

evaluation criteria will be for the evaluation and selection of the contract awardee.

The FAR states that when a contract is awarded on a basis of other than price alone, unsuccessful offerors, upon their written request, shall be debriefed as soon as possible and furnished the basis for the selection decision and contract award. (FAR 15.1003). There is no dollar limitation involved in determining when a debriefing is required. In the case of less complicated, lower-priced solicitations, the contracting officer will be the SSA and a single technical representative may perform the duties of both the SSEB and the SSAC.

Unfortunately, the debriefing is the end of the source selection process for the unsuccessful offeror unless he decides to protest the award. An unsuccessful offeror probably spent as much time and money on his proposal as did the awardee. Therefore, if he does not understand why his proposal did not win the contract award, he may be reluctant to expend that much time and effort on future proposals. A well-structured debriefing clearly identifies his strong points and his weak areas. With this information, the unsuccessful offeror will be in a better position to submit a more competitive proposal on future requirements. By helping to improve the unsuccessful offeror's competitive position, the contracting officer also helps to ensure that more competitive proposals are received for future requirements.

The debriefing should assure the unsuccessful offeror that

his proposal was evaluated fairly in accordance with the evaluation criteria specified in the solicitation. By receiving a step-by-step explanation of the evaluated results for each evaluation factor and major subfactor relative to his proposal, the unsuccessful offeror will see that the evaluation committee evaluated each area of his proposal in accordance with the criteria set forth in the solicitation.

Last, but not least, a comprehensive, informative debriefing can help prevent the filing of an unnecessary protest by unsuccessful offerors for the sole purpose of obtaining additional information on the evaluation process or to correct a perceived inequity in the process.

D. FORSCOM AND TRADOC CONTRACTING OFFICERS IN THEIR ORGANIZATION

Both FORSCOM and TRADOC have Principal Assistants Responsible for Contracting (PARCs) at the major command (MACOM) or headquarters level. The PARC reports to a general officer who is equivalent to the rank of most installation commanders, and thus has a direct link to the MACOM commander. In FORSCOM, the PARC reports to the Deputy Chief of Staff for Logistics. In TRADOC, the PARC reports to the Deputy Chief of Staff for Base Operations. The PARC is responsible for establishing MACOM contracting policy, guidance and oversight, ensuring that contracting officers meet the requirements of the Defense Acquisition Workforce Improvement Act (DAWIA) and

for the appointment of contracting officers within the installation's Directorates of Contracting.

Both commands have one central contracting office that consolidates some contracts for the installations and often handles larger, more complex solicitations where the expertise may be lacking at the installation level. Except for these two central contracting offices, the Directors of Contracting and the other contracting officers are selected at the installation level. Selecting officials are encouraged to coordinate their choice for any position requiring a contracting officer's warrant with the PARC prior to final selection to ensure that the individual can be warranted. There has been at least one instance in TRADOC where the individual selected for the position of Director of Contracting was not coordinated with the PARC. The individual did not meet the requirements and served for eight months without a warrant before resigning.

Installation contracting officers are in positions that require them to be responsive both to the installation commander and to the MACOM PARC. The installation Directors of Contracting report to and have their performance appraised by the installation Chief of Staff. However, they must meet the DAWIA and any other MACOM requirements to receive and maintain a contracting officer's warrant. The installation

commander may be personally pleased with the performance of his Director of Contracting and other contracting officers. However, if the performance of anyone of these officials is not in accordance with applicable laws, regulations and other requirements, the PARC may rescind the requisite warrant and the contracting officer will not be able to perform his/her duties. Thus, the installation contracting officer must please both the installation commander and the MACOM PARC.

E. SUMMARY

This chapter identified and discussed the laws and regulations pertaining to debriefing unsuccessful offerors; the complexity of the source selection process; the benefits of clear and open dialogue between the Government and potential contractors from requirements identification up to, and including, the post-award debriefings; and how contracting officers fit into the FORSCOM and TRADOC organizations. An understanding of these topics will provide the reader a better comprehension of debriefing procedures and how they can and should be improved.

III. METHODOLOGY

A. GENERAL

Information for this thesis was collected through a literature review, a questionnaire to FORSCOM and TRADOC Directorates of Contracting, a questionnaire to contractors who do business with these two commands and personal interviews. The researcher's knowledge of installation contracting, as a result of having served as an installation Director of Contracting and as a member of Headquarters, Department of the Army, Procurement Management Review Team, was also used in analyzing the information gathered and forming the conclusions and recommendations. The literature search was accomplished first to determine the present written guidance available to contracting officers concerning the debriefing of unsuccessful offerors. The main audience for the questionnaire was the contracting officers who are the focal point for the post-award debriefing. It was designed to solicit their opinions of the current debriefing process, the problems encountered and their suggestions for improving the process. One questionnaire was addressed to ten contracting offices each in FORSCOM and TRADOC. There are approximately 17 Directorates of Contracting in each command. The term

"approximately" is used because some of the installations are in the process of closing as a result of Base Realignment and Closing (BRAC) procedures. None of the installations queried are on the BRAC closure list. The other questionnaire was addressed to 13 contractors who do business with these two commands to obtain the viewpoint of the receiver of the debriefing. The two questionnaires covered the same material except for one question each. Finally, personal interviews with two SARDA staff officers who are in charge of performing the Army's Procurement Management Reviews of the installation DOCs were conducted to obtain a Headquarters, Department of the Army perspective.

B. LITERATURE REVIEW

The literature research included the FAR, DFARS, AFARS and other applicable written guidance. It also included synopses of the Federal Acquisition Streamlining Act (FASA) of 1994. No other major publications on debriefing were found as a result of this search. The literature research revealed that there is very little written guidance available to FORSCOM and TRADOC installation contracting offices concerning the debriefing of unsuccessful offerors. In most cases, the guidance contained in the FAR is all that is available. The DFARS and AFARS do not supplement that guidance in any way.

This fact was used in developing the questionnaires and personal interview questions. It was discovered that one of the U.S. Army Materiel Command's (AMC) major subcommands, the U.S. Army Communications and Electronics Command (CECOM), has written guidance concerning debriefings; and AMC recently published a debriefing handbook and produced a film promoting the use of the handbook. Usually, neither of these AMC documents, nor the film are made available outside the command unless a specific request is made.

C. THE QUESTIONNAIRES

1. General

The two questionnaires are included as an appendix to this thesis. One questionnaire was addressed to FORSCOM and TRADOC Directorates of Contracting and the other one to contractors who do business with them.

2. Target Audience

a. FORSCOM and TRADOC Directorates of Contracting

The target audience for the FORSCOM and TRADOC contracting officer questionnaire was installation level contracting officials who conduct debriefings of unsuccessful offerors. Questionnaires were sent to 20 Directorates of Contracting. Seventeen responses were received.

b. FORSCOM and TRADOC Contractors

The target audience for the contractors' questionnaire was the top ten contractors (by dollar amounts) who have contracts with each command. The companies were selected from the Headquarters, Department of the Army, data base.

Questionnaires were sent to the director of Federal contracts of 13 contractors since some companies were duplicated on the two lists and some were public utilities companies. Five responses were received with only four completing the questionnaire. Since the responses provided basically the same opinions expressed by the contractors who responded to the questionnaire on the previous thesis referenced in Chapter I, Paragraph E, no attempt was made to obtain further responses.

3. Questionnaire Design

The two questionnaires were designed to solicit the opinion of the respondents concerning the installation level debriefing process. The content of the questions on both questionnaires was the same except for one question on each. The one question that was different on the contracting officers' questionnaire refers to the availability of local instructions for debriefing unsuccessful offerors. The question that was different on the contractors' questionnaire refers to the top three questions usually asked during a

debriefing. The only difference in the other questions were the terms used to refer to the respondent, e.g. "I" for the Contracting Officers and "the Army" for the contractors. Most of the questions were multiple choice or fill in the blank. Some questions required written opinions or statements.

D. SUMMARY

This chapter presented the methodology used in researching information for the thesis which includes a literature review, questionnaires and interviews. This chapter also identified the target audience and questionnaire design. Chapter IV will present and analyze the data obtained from the questionnaires and interviews.

IV. PRESENTATION AND ANALYSIS OF DATA

A. GENERAL

This chapter first presents the data collected and the analyses of the answers provided by the respondents to the questionnaires. Next, the interview comments are presented with an analysis of the comments, followed by a final summary of the data analysis.

B. THE QUESTIONNAIRES

Except for question 13 on each, the questions are the same on both questionnaires; only references such as "I" for contracting officers and "the Army" for contractors distinguish the question for each audience. Therefore the questions are paraphrased and discussed in the order that they appear on each of the questionnaires. The answers are presented and analyzed with the question to which they apply. Contracting officer responses are shown in "()" and contractor responses are shown in "[]". Both questionnaires are found in the Appendix in full text.

Question No. 1. The Federal Acquisition Streamlining Act (FASA) requires the Government to debrief unsuccessful offerors within five days after receipt of written request.

Currently, debriefings are held within _____ calendar days of written request.

- a. 0-10 (11) [2]
- b. 11-20 (4) [1]
- c. more than 20 (1) [1]

One contracting officer circled all three responses with a note "vary, depending on complexity of solicitation and number of offerors requesting a debriefing."

Analysis: Currently, most installation level post-award debriefings are conducted within ten days. This is within the time period allowed for unsuccessful offerors to file a protest if they are not satisfied with the information presented during the debriefing. The FASA requirement of within five days will improve the time period.

Question No. 2. Debriefings should be conducted within _____ calendar days after written request.

- 3 (1) [1] 5 (3) [3]
- 10 (8) 14 (1)
- Blank (3) ASAP (1)

Analysis: Three contractors feel that debriefings should be held within the five day requirement of FASA while one feels they should be held within three days. Most of the contracting officers indicate that within ten days would be more appropriate. The FASA five day requirement will put more

pressure on the contracting officer to debrief the unsuccessful offeror promptly.

Question No. 3. FASA requires that agencies provide reasonable responses to unsuccessful offeror's questions regarding whether the agency followed applicable laws, regulations and procedures in soliciting, evaluating and awarding the contract. Currently, contracting officers:

- a. do not allow questions (1) [2]
- b. allow and answer all questions (6)
- c. allow and answer some questions (9) [2]

One contracting officer added a "d" and stated "adhere strictly to applicable laws, regulations and procedures and answer any questions." Several others who marked "b" or "c" also included references such as "within regulations."

Analysis: Only one contracting officer and two contractors indicate that no questions are allowed. Most of the contracting officers feel that they answer questions if they can do so within regulatory guidance.

Question No 4. If some questions are not answered by the Contracting Officer, it is because _____.

- a. They cannot answer them due to regulations or confidential/proprietary business information (14)

- b. They will not answer them due to a possible protest [3]
- c. Other (2) [1]

One contractor indicated "b & c" with a note in "c": "The Army is careful and conservative in their responses." Another contractor left this question blank, but checked "a" in question 3 indicating that contracting officers do not allow questions.

Analysis: It is interesting to note that no contracting officer indicates that he/she will not answer questions for fear of a protest, but three contractors do indicate that as a reason. The majority of contracting officers indicate that if they do not answer questions, it is because they cannot due to regulations. However, several contracting officers mention protests in the written answers to some of the following questions. This indicates that protests do play a part in the contracting officer's thought process during the debriefing.

Question No. 5. Debriefings normally consist of _____.

- a. limited information, because _____
[4]
- b. as much information as Contracting Officers can give in accordance with the regulations and confidential/proprietary business information
(16)

Three of the contractors selected "a" and completed the question: "of fear of protest and regs"; "of concern of giving debriefing team too much information, and worried of criticism from upper management"; and "? but getting better." The fourth circled "a", but left the insert blank.

One contracting officer indicated "a and b" with the comment: "depends on personality and attitude of the SSEB Chairman, quality of eval and board members, level of contracting officer involvement in process."

Analysis: There is a definite disconnect here. All four contractors feel that information presented during the debriefing is limited. Most of the contracting officers feel that they present as much information as possible within regulation.

Question No. 6. FASA requires that debriefings address the unsuccessful offeror's significant weak or deficient factors. Currently, debriefings clearly identify weaknesses in the unsuccessful offeror's proposal _____.

- a. always (15) [1]
- b. sometimes (2) [3]
- c. never

Analysis: Most contracting officers feel that the debriefing addresses the offeror's significant weak or deficient factors

while all but one contractor feel that these factors are only sometimes addressed.

Question No. 7. Contracting Officers debrief unsuccessful offerors on the _____ merits of their proposal. (Indicate all that apply).

- a. technical (17) [4]
- b. management (17) [4]
- c. cost (17) [4]

Analysis: There is total agreement here that the debriefing covers the technical, management and cost merits of unsuccessful offerors' proposals.

Question No. 8. Unsuccessful Offerors are normally satisfied with the debriefing on the technical, management, and cost elements of their proposal _____.

- a. always (5)
- b. sometimes (12) [3]
- c. never [1]

Analysis: Almost everyone agrees that unsuccessful offerors are only sometimes satisfied with the post-award debrief.

Question No. 9. Debriefings are _____ to unsuccessful offerors in that upon conclusion of a debriefing, they completely understand why they did not win the contract award, and debriefings give them information that leads to more competitive proposals in future competition.

- a. valuable (8) [1]
- b. somewhat valuable (9) [3]
- c. not at all valuable

Analysis: Everyone agreed that debriefings are at least somewhat valuable to the unsuccessful offeror. However, since only eight contracting officers and one contractor feel they are valuable, there is definitely room for improvement.

Question No. 10. Debriefings should address _____ (indicate all that apply), as long as confidential business information is not disclosed.

- a. the basic proposed technical solution of the awardee (1)
- b. the overall evaluated cost of the awardee and debriefed offeror
- c. cost or price associated with the major components of the awardee's proposal
- d. overall ranking and total evaluation scores of the awardee and debriefed offeror
- e. technical point scores of the awardee and debriefed offeror
- f. all of the above (6) [2]
- g. other (specify) _____ (6)

In addition to the above, one contracting officer indicated "a through g" with the comment in "g": "proposed management

solution," one indicated "b,c and e," one indicated "a,b,d, and e," and one indicated "a through c." Those completing "g" made statements such as "strengths and weaknesses of debriefed offeror's proposal only." One contractor indicated "a through d," and one indicated "f and g" with the comment "evaluated and proposed price of all offerors."

Analysis: There seems to be no agreement among contracting officers and among contractors as to what should be covered in the post-award debrief. Since FASA specifies more of what can be covered in the debrief, this may have been cleared up somewhat, but not totally.

Question No 11. List three strengths of the Army debriefing process.

Representative contracting officer responses include:

- Debriefings are timely after request by offeror
- Preparations for the debriefing are thorough
- Offeror is provided strengths and weaknesses of proposal
- Offeror has more understanding as to why he is not the awardee
- Provides opportunity to respond to relevant offeror questions (even though we may not be able to answer them all)
- Enables them to prepare better for future proposals and to become more competitive next time

- Thoroughness
- Offeror has more understanding of the evaluation process
- Supports the Government rationale for award
- Contracting and technical personnel are present in face-to-face debriefing
- Anyone who submits a proposal is entitled to a debriefing
- Not required unless requested by offeror
- Not required to reveal relative merits of competitors or evaluation scoring
- Strengthens industrial base for future requirements
- Face-to-face discussions often defuse protests or disputes

Contractor responses include:

- Relatively timely
- Courteous
- Getting Better
- More detail is provided
- More open discussion
- Command support for debriefing process
- Honest debriefings
- Willingness to do it right

Analysis: Based on respondents' comments, currently the post-award debrief is at least relatively timely. Some good feedback is being provided to the unsuccessful offeror by

contracting officers. The comments by the contractors are a bit more cautious with an indication that contracting officers are willing to do it right and that there is more command support for the debriefing process. This could indicate that unsuccessful offerors blame the process rather than the contracting officer for any short-comings in the debriefing.

Question No. 12. List three weaknesses of the Army debriefing process.

Contracting officer responses include:

- Tendency to be too vague; fear of sharing information resulting in debriefer providing inadequate information
- Time consuming; the new timeframes outlined by FASA may prove burdensome
- Usually extremely difficult to re-gather team for debriefing
- Discovery process now available under GAO protest
- Offerors sometimes do not understand that some questions cannot be answered because of confidential information
- Offerors many times want only confidential/proprietary information
- Lack of debriefer's familiarity with the proposal and evaluation
- More detailed guidance needed for the contracting officer and debrief team

- Appears FASA will make debrief more burdensome to the Government
- Criteria for conducting debrief should be more stringent
- Step-by-step procedures and recommended list of attendees have not been developed
- Feedback sometimes generic; inability to be specific in some areas
- Failure to win award does not equate to significant deficiencies when award based on best value, makes debriefing more difficult
- Inconsistent; too much variation from command to command
- Weak formal source selection structure; unsubstantiated technical scores of proposals
- Not being able to alleviate a possible protest by thoroughly satisfying and explaining the weakness of the unsuccessful offer
- Protests are too cheap; costly delays result from frivolous protests
- The contracting officer is always wrong until he proves his innocence to everyone
- Too "risk" averse
- Too structured and formal

Contractor responses include:

- Failure to compare offers

- Need more information
- Needs to be formalized
- Use definable terms not just terms like "good"
- Lack of clarification/answers somewhat vague
- Concern as to the information transferred
- Timeliness
- Tell you what you want to hear
- Do not articulate in detail why you lost
- No true insight

Analysis: The research shows that the post-award debriefing process is time consuming; usually does not provide all the information unsuccessful offerors want; there is a lack of debriefer (usually the contracting officer) familiarity with the proposal and evaluation of the unsuccessful offeror; technical support is often lacking after contract award when evaluation teams have been disbanded; more guidance is needed for the contracting officer and the debriefing team; and time consuming protests are still likely. Contractors get no true insight from the post-award debriefing process as to why theirs was not a winning proposal. There is no standard debriefing format, there is variation from command to command, and even variation from contracting officer to contracting officer at the same installation.

Question No 13. (Contracting officers) My organization has internal instructions covering debriefing procedures.

a. yes (5)

b. no (11)

One left this question blank, and one who indicated "b" stated: "being developed."

Analysis: Few installations have internal supplemental instructions. The FAR is the only written guidance readily available to contracting officers for guidance in conducting the post-award debriefing of unsuccessful offerors.

Question No 13. (Contractors) The three most common questions I ask during a debriefing are:

- What are winning price & eval price & winner?
- What is audited price of my offer?
- What are evaluated and proposed price of other offers?
- How you ranked re: point totals?
- Were we in the competitive range?
- Why did we lose?
- What can we do to improve?
- Was the process fair to all offerors?
- How did we compare to winner? (never get it)
- What are the rankings?

Analysis: Contractors ask probing questions during the debriefing, but they usually want more information than is

presented. When they do not get the answers they are seeking, they will protest to obtain additional information.

Question No 14. The Army could improve the debriefing process by:

Contracting officer responses include:

- Being able to show scores/rankings of all offerors at debriefing
- Providing relevant information, becoming more familiar with our acquisitions, thoroughly discussing strengths and weaknesses of proposal
- Making a protest cost more than a stamp
- Providing more guidance to prepare for formal debrief; Laundry list of do and don't; Information to discuss, not discuss
- Impose the debrief requirements based on point and price disparity
- Allowing more detailed discussion of specific scores
- Based on our experience the correct process works very well. After award, the errors, omissions and clarifications (EOCs) used during discussions prior to best and final offers, are used to develop a written narrative of weaknesses in proposals. This written document is then provided to the unsuccessful offerors. Offerors are then instructed to notify the contracting

officer if they desire an oral debriefing. Our experience has been that offerors are generally satisfied with the written debrief and do not request an oral debrief.

- Improving and support of source selection process
- Being timely, be able to articulate the Government's source selection position while maintaining a calm atmosphere with the contractor
- Providing training to contracting officers so that debriefing is consistent between installations and commands, or even contracting officers at the installation
- Honesty and forthrightness - full disclosure except for proprietary

Contractor responses include:

- Comparing offers
- Providing information to extent regulations allow
- Open and honest communication, ensuring the bidding was fair, ensuring RFP requirements and especially a clear evaluation plan prior to issuance of RFP
- More detail and comparative rankings

Analysis: To avoid unnecessary protests, the contracting officer needs to provide more detail to the unsuccessful offeror during the debriefing. Contracting officers need

training and guidance in order to be more familiar with what they are debriefing; and to make debriefings more consistent or standard. Since protests are easy to file and are time consuming, more open and honest communication is required.

Question No. 15. Unsuccessful offerors could improve the debriefing process by:

Contracting officer responses include:

- Accepting the fact that there can only be one award, unless set-aside for multiple award
- Giving more thought and requests for details when we afford them the opportunity to provide us with questions that they want answered at the debriefing
- Understanding what information may be provided at debriefing
- Attending them for the purpose of gaining useful "lessons learned" information that can provide beneficial information for future requirements rather than trying to identify information that may allow them to protest
- Asking the right questions
- Specifying the area of proposal for debrief. Be prepared with detailed questions. Be receptive to Government response; not argumentative

- Request only written debriefs unless there is some extenuating circumstance which would make a verbal debrief more advantageous
- Not protesting first, allowing/requesting a debriefing before protesting; by listening and learning from the information provided
- Identify areas in the process they would like to see changed
- Keep the lawyers home
- Understanding the evaluation criteria better and really make sure they understand the basis of award in Section M of the solicitation before submitting their proposal
- Coming to learn how to improve. Most come as an injured party wanting to have their unsuccessful offer reconsidered
- Believing what they are told, trusting the debriefer, accepting that they may not be the "best"

Contractor responses include:

- Escalating problems to senior management
- Timeliness is required for debriefing, written questions prior to debriefing and a teaming approach with the customer

Analysis: Contractors could improve the debriefing process by sending written questions in advance of the debriefing, and by

attending the debriefing for the purpose of learning, not for the purpose of having their unsuccessful proposal reconsidered. Also, contractors should not ask questions they know the contracting officer cannot answer, such as "how did the awardee arrive at that price?". Contracting officers are fearful of protests since they are so easy to file. Contractors had very few comments. This could indicate that they feel it is up to the Government to improve the debriefing process, not unsuccessful offerors.

C. INTERVIEWS

Personal interviews were conducted with two of the Headquarters, Department of the Army, personnel who are responsible for Procurement Management Reviews (PMRs) of Army installation directorates of contracting. They were asked about systemic problems concerning the post-award debriefing at the installations and about recommendations for improvement.

The systemic problems identified were basically not knowing what to talk about during the debriefing and not knowing how much to reveal to the unsuccessful offeror. Their recommendations for improvement were: 1) Training, whether it be formal or in-house, possibly by the Government attorney/advisor; 2) do the debriefing before any of the

principal evaluators "go on vacation" after award of the contract - have everyone there; and 3) perhaps, a road show presented by MACOM authorities, like the one AMC conducts for their systems contracting personnel, teaching both contracting officers and technical evaluators how to debrief unsuccessful offerors. (USACSA, 1995).

Analysis: These comments confirm the responses of some of the contracting officers who said they, and their technical evaluators, needed training in the debriefing process. They also support the findings of the U.S. Merit Systems Protection Board in their special study, entitled "Workforce Quality and Federal Procurement: An Assessment," that state contracting personnel performance could be improved through training in analytical ability and the ability to write. (USMSPB, 1992, p. 12). Debriefers need to be able to analyze the requirements of the solicitation with the technical, legal and cost evaluations to understand the entire process, and thus, be able to properly debrief unsuccessful offerors. If the significant weaknesses of the unsuccessful offeror are conveyed, in writing, to him with the notice of contract award information, there may well be no need for a formal post-award debriefing.

D. ANALYSIS SUMMARY

The post-award debriefing process at the installation level is not broken, but neither is it working as well as it could and should be. With the improvements of FASA, and additional training of contracting officers and evaluation personnel, the process can be strengthened for the benefit of both the Government and unsuccessful offerors. It is important that all the key personnel involved in the solicitation and evaluation process be on hand to answer any questions, when legally possible, that the contractor may have. With more emphasis on the positive, we can give the contracting officer the ammunition for a positive rather than a negative outlook toward the debriefing process. The positive outlook will then spill over to the contractor. He will have a positive feeling that the Government treated him fairly and valued his proposal. Most importantly, the contractor will feel he has a better chance of winning future contract awards, because he found out exactly where he went wrong on this proposal.

E. CHAPTER SUMMARY

This chapter presented and analyzed the data obtained from the questionnaires and interviews with Department of the Army personnel. The research showed that although post-award debriefings are relatively timely, they do not always provide

the information unsuccessful offerors are seeking. Some contractors will protest for the sole reason of obtaining additional information. The research also showed that FASA will probably help improve the process, but that the debriefing process can be further improved. Chapter V will present conclusions and recommendations to improve the debriefing process, provide answers to the research questions and make recommendations for further research.

V. CONCLUSIONS AND RECOMMENDATIONS

A. GENERAL

In addition to presenting the conclusions and recommendations resulting from the data on the current debriefing process obtained and analyzed in Chapter IV, this chapter will answer the research questions and address areas for further research.

B. CONCLUSIONS

There are three conclusions that can be extracted from the results of the research.

1. **The current debriefing process is not working as well as it should.**

The research shows that installation contracting officers feel they are providing as much information during the post-award debrief of unsuccessful offerors as the regulations allow. However, contractors indicate that the information provided is not always of value to them. Contractors often protest to gain more information that is usually made available during the discovery phase of the protest.

The format of debriefings and the amount of information provided during the debriefing varies, not only from command to command, but also from contracting officer to contracting officer at the same installation. The quality of the debriefing mostly depends on the individual initiative of local personnel such as the contracting officer, the evaluation committee or the local commander.

Whereas the current debriefing process is working, the research shows that respondents feel that it is not working as well as it could and improvements should be made to the debriefing process.

2. FASA should help improve the post-award debrief.

FASA specifically provides for the release of more information to the unsuccessful offeror during the post-award debrief. It also stipulates timely requirements for notice of award of contracts, contractor requests for debriefing and presentation of the debrief. Under the time constraints, the debriefing should occur before the time allowed for protest of the award. If the concerns of the unsuccessful offeror are addressed during the debrief, there should be less inclination to file a protest for the sole purpose of obtaining additional information on the evaluation and award process.

3. Further improvements beyond FASA are possible for the debriefing process.

The research shows that there are ways to improve the current debriefing process in addition to the changes in FASA. Most notably is the use of training materials such as videos and pamphlets similar to the ones recently produced by AMC. Also, if technical personnel are made available to assist in the debriefing, unsuccessful offerors will be able to obtain answers to questions in technical subject areas of which the contracting officer may not have knowledge. Contracting officers need to have analytical training in order to understand the process of combining the technical, cost, legal and past performance evaluations to determine the best value to the Government. This is especially important when the contracting officer is also the source selection authority.

C. RECOMMENDATIONS

Based on the research results, the following six recommendations are made:

- 1. Make the post-award debrief an integral part of the process for key personnel in the evaluation process.**

Participation of the evaluation board members and other evaluators in the debriefing process will enhance the quality of the debriefing. These personnel must understand from the inception of the evaluation process that the post-award debriefing of unsuccessful offerors is an integral part

of the process. Contractor personnel will get more timely and complete answers to their technical questions which, in turn, will enhance the confidence that unsuccessful offerors have in the source selection process. Timely, more complete debriefings may also reduce the number of protests that are filed for the sole purpose of obtaining additional information. Contractors will likely be better assured that they received a fair evaluation and that the source selection decision was proper.

2. Give weaknesses still prevalent at the end of the evaluation process, in writing, to unsuccessful offerors with notification of award.

Providing this information to the unsuccessful offeror along with the notification of award information may well suffice to answer his questions concerning the award. If the written list of weaknesses does not answer all the questions a contractor has, the contractor will be better able to query the Government representative in the specific areas of concern remaining, perhaps allowing for a speedier, less hostile debriefing meeting. This will make the whole process run smoother since the contractor will know that the Government is willing to be forthcoming with information to assist the unsuccessful offeror in preparing a better proposal in the future.

3. Allow for the submission of further questions by unsuccessful offerors to the contracting office prior to the post-award debriefing.

When contracting officers know what the areas of concern of the unsuccessful offerors are in advance of the debriefing, they can tailor the information provided to those concerns. Also, this will help to ensure that the right personnel are available at the debriefing to address those concerns. This will reduce the problem of having a question asked during the debriefing that cannot be answered, or answered adequately, by the Government personnel present.

4. Release all information that the contractor would receive under protest discovery procedures, if requested.

One of the main reasons a contractor will protest is to gain more information about the evaluation and award selection process. If the contractor can obtain additional information during the discovery phase of the protest process, there is no reason the contracting officer should not release the information during the post-award debriefing. Research has shown that unsuccessful offerors want this type of information because it is useful to them. If it is not provided during the post-award debriefing, contractors have clearly demonstrated that they are willing to protest in order to obtain it.

5. Provide analytical training for contracting officers.

One of the recurring comments by contracting officers pertains to the need for training and more familiarity with the evaluation process. This was reiterated by Headquarters, Department of the Army personnel. To properly assess the various evaluation inputs from technical, cost, legal and other personnel, the contracting officer needs analytical training. Since contracting officers are responsible for the post-award debriefing, this will enhance their ability to present the pertinent facts to the unsuccessful offeror, thus assuring him that his offer was evaluated fairly, and providing information that will help him in future competitions.

6. Use videos and other types of training on "how not to" and "how to" conduct a post-award debriefing.

Use of a pamphlet and a video, such as the ones recently produced by AMC concerning "how not to" and "how to" conduct a post-award debrief, would also be of value to the installation contracting officer.

D. ANSWERS TO RESEARCH QUESTIONS

1. Primary. What are the systemic problems and issues associated with the Army Installation Contracting Offices' debriefing of unsuccessful offerors and what guidance can be

provided to the contracting officer in order to improve the debriefing?

Systemic problems associated with the debriefing process include: debriefings not always being conducted in a timely manner; key evaluation personnel not available for the debriefing; contracting officers unfamiliar with the evaluation process; and resultant information given out in the debriefings not addressing unsuccessful offeror's concerns, which often leads to a costly protest for the sole purpose of obtaining additional information on the evaluation and award process.

FASA provides some more guidance to contracting officers than was previously available. However, it is not all inclusive. Both contracting officers and technical evaluators would benefit from training on "how not to" and "how to" debrief unsuccessful offerors. This type of instruction is available through training aids such as the pamphlet, "Debriefing Handbook, A Practical Guide for Conducting Post-Award Debriefings," (Jan 1995) and video, "Debriefing Unsuccessful Offerors or A Practical Guide to those 'You lost, They won, That's it, Goodbye' Debriefings" (1995) recently produced by AMC concerning the post-award debriefing.

2. Subsidiary.

1) What are the current regulations, statutes, GAO decisions, and other guidance pertaining to the debriefing of unsuccessful offerors?

The only readily available written guidance for installation contracting officers concerning the debriefing process is contained in the FAR. There are only a few installations which have internal operating instructions. The GAO has issued findings relative to post-award debriefings, as part of protest findings, but these are not readily available to contracting officers and require significant research to be of assistance. The requirements of FASA have not yet been implemented by the FAR; and even when they are, the debriefing process can still be improved beyond those requirements.

2) What are the current requirements for debriefing unsuccessful offerors and how are the Army's Installation Contracting Offices conducting the debriefings?

A debriefing is required only when the unsuccessful offeror makes a timely request after receiving notification of award of the resultant contract. Installation contracting offices follow the instructions of the FAR in conducting the post-award debriefings, and are not in agreement as to what information can or should be provided to the contractor. The procedure and format of the debriefings

vary not only from command to command, but also from contracting officer to contracting officer at the same installation. If the debriefing is successful, it is usually due to the individual effort of local installation personnel.

3) What are the problems associated with the debriefing process from the Installation Contracting Offices' perspective?

Installation contracting officers identified several problems with the debriefing process. First, sometimes key source selection evaluators are not available to participate in the debriefing. Then only limited information is put out in the debriefing because contracting officers are not totally familiar with the evaluation process. They feel that more training is needed for both contracting officers and technical evaluators, in the "do's and don't's" of the debriefing process. Additionally, debriefings are not always timely.

4) What are the problems associated with the debriefing process from the contractor's perspective?

Contractors feel that debriefings are not always timely and usually do not provide enough detailed information as to the actual scoring of evaluation factors. Information is limited due to restrictions imposed by the regulations. When questions are asked about the awardee's proposal, little

or no information is provided. Sometimes the key technical evaluators are not available for the debriefings.

5) What guidance can be provided to the contracting officer in order to improve the debriefing of unsuccessful offerors?

AMC has produced a pamphlet and a video concerning "how not to" and "how to" conduct a post-award debrief. These types of training devices would also be of value to installation contracting officers. Analytical training would be helpful in providing the ability to assess the requirements of the solicitation with the technical, cost and legal evaluations of the proposals. Also, training in the ability to write would help the contracting officer convey the results of the evaluations to the unsuccessful offeror, in writing, along with the award information, which may well negate the need for a formal debriefing.

E. AREAS FOR FURTHER RESEARCH

One area for further research could be to look at the effects of FASA on the debriefing process once it has been implemented by the FAR and is fully in force. Another area would be to research debriefings from the prime contractor's perspective, including any processes they may have for debriefing their unsuccessful subcontractors, to determine if

there is a commercial way of conducting debriefings that the Government could implement.

APPENDIX
QUESTIONNAIRE FOR FORSCOM AND TRADOC CONTRACTING OFFICERS

1. The Federal Acquisition Streamlining Act (FASA) requires the Government to debrief unsuccessful offerors within five days after receipt of written request. Currently, Debriefings are held within _____ calendar days of written request. (Circle response).

- a. 0-10
- b. 11-20
- c. more than 20

2. Debriefings should be conducted within _____ calendar days after written request.

3. FASA requires that agencies provide reasonable responses to unsuccessful offeror's questions regarding whether agency followed applicable laws, regulations and procedures in soliciting, evaluating and awarding the contract. Currently, I _____.

- a. do not allow questions
- b. allow and answer all questions
- c. allow and answer some questions

4. If I do not answer some questions it is because _____.

- a. I cannot answer them due to regulations or confidential/proprietary business information
- b. I will not answer them due to a possible protest
- c. not applicable, I answer all questions

5. Debriefings normally consist of _____.

- a. limited information, because _____
- b. as much information as I can give in accordance with the regulations and confidential/proprietary business information

6. FASA requires that debriefings address the unsuccessful offeror's significant weak or deficient factors. Currently, debriefings clearly identify weaknesses in the unsuccessful offeror's proposal _____.

- a. always
- b. sometimes
- c. never

7. I debrief unsuccessful offerors on the _____ merits of their proposal. (Circle all that apply).

- a. technical
- b. management
- c. cost

8. Unsuccessful Offerors are normally satisfied with the debriefing on the technical, management, and cost elements of their proposal _____.

- a. always
- b. sometimes
- c. never

9. My debriefings are _____ to unsuccessful offerors in that upon conclusion of a debriefing, they completely understand why they did not win the contract award, and debriefings give them information that leads to more competitive proposals in future competition.

- a. valuable
- b. somewhat valuable
- c. not at all valuable

10. Debriefings should address (indicate all that apply) _____, as long as confidential business information is not disclosed.

- a. the basic proposed technical solution of the awardee
- b. the overall evaluated cost of the awardee and debriefed offeror
- c. cost or price associated with the major components of the awardee's proposal
- d. overall ranking and total evaluation scores of the awardee and debriefed offeror
- e. technical point scores of the awardee and debriefed offeror
- f. all of the above
- g. other (specify) _____

11. List 3 strengths of the Army debriefing process.

- 1. _____
- 2. _____
- 3. _____

12. List 3 weaknesses of the Army debriefing process.

1. _____

2. _____

3. _____

13. My organization has internal instructions covering debriefing procedures.

a. yes

b. no

14. I/The Army could improve the debriefing process by

15. Unsuccessful offerors could improve the debriefing process by

QUESTIONNAIRE FOR FORSCOM AND TRADOC CONTRACTORS

1. The Federal Acquisition Streamlining Act (FASA) requires the Government to debrief unsuccessful offerors within five days after receipt of written request. Currently, Debriefings are held within _____ calendar days of my request. (Circle applicable response).

- a. 0-10
- b. 11-20
- c. more than 20

2. Debriefings should be conducted within _____ calendar days after written request.

3. FASA requires that agencies provide reasonable responses to unsuccessful offeror's questions regarding whether agency followed applicable laws, regulations and procedures in soliciting, evaluating and awarding the contract. Currently, the Army _____.

- a. does not allow questions
- b. allows and answers all questions
- c. allows and answers some questions

4. If the Army does not answer some of my questions it is because _____.

- a. they cannot answer them due to regulations or confidential/proprietary business information
- b. they will not answer them due to their concern for a protest
- c. other _____

5. Debriefings normally consist of _____.

- a. limited information, because _____
- b. as much information as the Army can give in accordance with the regulations and confidential/proprietary business information
- c. _____

6. FASA requires that debriefings address the unsuccessful offeror's significant weak or deficient factors. Currently, debriefings clearly identify weaknesses in my proposal _____.

- a. always
- b. sometimes
- c. never

7. The Army debriefs me on the _____ merits of my proposal.
(Circle all that apply).

- a. technical
- b. management
- c. cost

8. I am normally satisfied with the debriefing on the technical, management, and cost elements of my proposal _____.

- a. always
- b. sometimes
- c. never

9. The debriefings are _____ to my company in that upon conclusion of a debriefing, I completely understood why my company did not win the contract award, and debriefings normally give me information that leads to more competitive proposals in future Government competition.

- a. valuable
- b. somewhat valuable
- c. not at all valuable

10. Debriefings should address (indicate all that apply) _____, as long as confidential business information is not disclosed.

- a. the basic proposed technical solution of the awardee
- b. the overall evaluated cost of the awardee and debriefed offeror
- c. cost or price associated with the major components of the awardee's proposal
- d. overall ranking and total evaluation scores of the awardee and debriefed offeror
- e. technical point scores of the awardee and debriefed offeror
- f. all of the above
- g. other (specify) _____

11. List 3 strengths of the Army debriefing process.

1. _____
2. _____
3. _____

12. List 3 weaknesses of the Army debriefing process.

1. _____

2. _____

3. _____

13. The 3 most common questions I ask during a debriefing are

1. _____

2. _____

3. _____

14. The Army could improve the debriefing process by

15. I/unsucessful offerors could improve the debriefing process by _____

REFERENCES

Carney, Katherine (1994). Highlights of the Federal Acquisition Streamlining Act of 1994. Office of Assistant General Counsel (Research, Development & Acquisition).

Davis, J. (1992). Annual Bid Protest Analysis Report for the period 1 January to 31 December 1992. (AFARS 33.191). Washington, D.C.; Office of the Assistant Secretary of the Army for Research, Development and Acquisition (RDA).

Department of Defense. (1988). Defense Federal Acquisition Regulation Supplement (FAC 90-17). Washington, D.C.; U.S. Government Printing Office.

Defense Systems Management College (DSMC). (1993). Introduction to Defense Acquisition Management. (ISBN 0-16-041725-2). Washington D.C.: U.S. Government Printing Office.

Federal Acquisition Regulation (1990). Washington, D.C.; U.S. Government Printing Office.

Femino, D. A. (1994). Memorandum for Headquarters, U.S. Army Materiel Command (AMC), Subject: Debriefing Project. U.S. Army Communications and Electronic Command (CECOM), Vint Hill Farms Station, Warrenton, Virginia.

Lumer, Mark J., CACM (1994). The Federal Acquisition Streamlining Act of 1994, T.I.P.S. (Topical Issues in Procurement Series). (Vol. 5 No. 10, October 1994). National Contract Management Association.

Nutbrown, Curtis H. (1994). Briefing Unsuccessful Offerors - An Updated Approach, Master's Thesis, Naval Postgraduate School, Monterey, CA; (December 1994)

Sagan, M. (1992). The Source Selection Process. Fort Monmouth, N.J., Communications and Electronic Command (CECOM).

Schneider, S. L. (1993). Annual Bid Protest Analysis Report for the period 1 January to 31 December 1993. (AFARS 33.191). Washington, D.C. Office of the Assistant Secretary of the Army for Research, Development and Acquisition (RDA).

Shipley, G. (1994, January). Federal Procurement Policy, National Contract Management Association. What Industry Likes to see in RFP's.

Sitkin, S.B., Sutcliffe, K.M., & Barrios-Choplin, J.R. (1992, June). A Dual-Capacity Model of Communication Media Choice in Organizations. In Human Communications Research (Vol 18 No 4, pp 563-598). 1992 International Communication Association.

U.S. Army Contracting Support Agency (USACSA) (1995, May). Personal interview with officials responsible for Procurement Management Reviews of Installation Directorates of Contracting.

U.S. Merit Systems Protection Board (USMSPB). (1992, July). A Special Study. WORKFORCE QUALITY AND FEDERAL PROCUREMENT: AN ASSESSMENT.

Vincent, W.L. (1993, January). Report of the DOD Acquisition Law Advisory Panel. Streamlining Defense Acquisition Laws.

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