

Additional Viewer Submitted Questions and Answers

General Questions about Debriefings

1. I am also interested in learning more about how the contracting officer can pre-brief the Government personnel attending the debriefing. Having technical/program personnel attend the debriefing does introduce additional risk that they may say something inappropriate. What does the contracting officer say to the non-contracting personnel to prepare for a debriefing?

Merely attending a debriefing shouldn't present any additional risk. The objective for the Contracting Officer (CO) is to ensure all parties that will be speaking on behalf of the Government have a clear understanding of: their roles and responsibilities, the areas they are to discuss (which may include aspects of the offeror's response), how they are to respond to any "unplanned for" events that may arise during the debriefing (e.g. the CO may request that the Government hold a caucus); the role of the CO, etc.

Keep in mind if the technical/program team gets off track the CO can easily 'step-in' and take control of the debriefing. The important point is to be confident in the award determination process and to ensure the team is well prepared.

2. At a debriefing, whether oral or in writing, shall the US Government state the proposed or the probable cost when we talk about successful proposal compared to the unsuccessful proposal? The FAR 15.506.d.(2) refers to "evaluated cost or price" which Contracting Officers interpret differently.

Cost and price are different, thus it depends on how the source selection methodology was established in terms of evaluating price. Don't forget FAR 15.505(f) and 15.506(e) describes what cannot be discussed during a preaward and postaward debriefing respectively.

3. How do you get a company to understand that because they have a technically superior offer, the government is not required to award to a superior offer or trade off the price? I find that to be difficult. Any recommendations?

Try asking questions to reveal where the offeror is truly misunderstanding the source selection methodology. If this attempt is not successful, that is okay. The important point is to be confident in the award determination process and move on with the debriefing. Forcing a point misses the opportunity for both parties to relate and take this moment as an opportunity to learn.

4. Are there any distinctions between providing feedback for a schedule requirement versus doing a formal debriefing or any best practices that are recommended for

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schedule feedback? Often Contracting Officers do not want to do "debriefings" for schedule orders since technically they are not required to.

As Slide 12 of the presentation highlights, FAR 8.4 acquisitions allow for Explanations which are not Debriefings. The keys for successful debriefings mentioned on slides 10 & 11 can readily apply to providing successful Explanations as well.

5. Is it appropriate protocol to tell an unsuccessful offeror the government will go back and re-look at a particular area and get back with them? What if the government discovers a mistake that could change the award decision?

As shown in the BelAir mock debriefing, the Contracting Officer made a determination to tell the unsuccessful offeror the Government will go back and re-look at a particular area and get back with them. Altogether, the Contracting Officer has to appraise the situation (i.e. each acquisition and debriefing is unique) and determine whether or not such action is in the best interest of the Government as well as clearly convey the Government's reason for any such re-look.

If a mistake is discovered that will change the award decision then the Contracting Officer needs to seek Legal counsel direction on how best to proceed.

6. Why will you give the script from the debriefing? Wouldn't this be considered as providing a written debrief in addition to the oral debrief just provided?

Having a record of the debriefing is a best practice as it documents the contract file concerning the topics/items discussed during the debriefing. Also, providing a follow-up letter to the offeror after the debriefing is good practice as it reaffirms the completion of the debriefing.

FAR 15.505(c) & (d) and 15.506(b) & (c) discuss the authority of the contracting officer in determining the best method for the debriefing.

7. Can you bring your technical team with you to the debriefing to answer questions?

FAR 15.505(c) & (d) and 15.506(b) & (c) discuss the authority of the contracting officer in determining the best method for the debriefing.

A good practice for ensuring not just the entire Government debriefing team, but specifically the technical team, clearly understands their roles and responsibilities is to conduct mock-debriefings.

8. Does a debriefing proceed a protest or can they jump straight to a protest?

Yes, an offeror can protest regardless if they received a debriefing.

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9. Shouldn't there in the debriefing session be an arbitrator who is objective and one who is neither on the government or on the contractor side?

Arbitration is different from Debriefing. The primary purpose of conducting a debriefing is to inform the unsuccessful vendor (see FAR 15.505(e) and 15.506(d) for the types of information that the Government can provide).

10. Where in the FAR are the required items to be covered in a debrief to make it "FAR compliant"?

Information on debriefings can be found in FAR 15.505 Preaward debriefing of offerors and 15.506 Postaward debriefing of offerors

11. Would it be useful to advise the vendor of the rating terminology from the government view have been useful to have all on same page.

Based on the circumstances of the acquisition, it might be worthwhile for both parties to spend some time discussing the evaluation methodology.

A good practice for the offeror requesting the debriefing is to include within their debriefing request the specific topics they would like to learn about or discuss with the Contracting Officer. This enables the debriefing to be focused on those topics that are considered important to each party involved. Remember debriefings require both time and resources by both the Government and the offeror, thus use the time wisely.

12. How long does a debriefing usually take?

The length of a debriefing varies based on the complexity of the procurement, the types and number of questions that the offeror may have, and the availability of both parties.

13. It seems to me that when industry brings an attorney to the debrief, they are in fact looking to poke holes in the evaluation. Why otherwise would industry bring an attorney to the session?

Yes, having an attorney present may impact a Contracting Officer's approach to the debriefing. However, the Contracting Officer needs to understand the broader picture; thereby be capable of assessing and appropriately adapting to the circumstances/ information at hand and not unnecessarily jumping to conclusions just because an attorney is attending the debriefing. In general, if an attorney attends a debriefing then the CO should ensure the Government's legal counsel is in attendance as well. Also, if one is truly curious as to why they are requesting to bring an attorney to the debriefing, then ask them.

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Specific Questions about the Mock Role Play

14. How does this point-by-point discussion of the contractor's weaknesses not open the agency to risk of "misspeaking" (as was stated) and that being used as a basis for protest. Why wouldn't a general summary of the weaknesses suffice with perhaps a few examples given by the government (e.g. referencing page numbers of the proposal)?

The more clarity companies have about their weaknesses the better they will be the next time they compete for a Federal opportunity. It is our duty as Federal officials to give honest and thoughtful feedback. As a whole industry feedback has indicated that they are more likely to protest when they do not understand their weaknesses to get clarity on why they lost.

15. In this debriefing, the Contracting Officer leads and directs all of the statements made by the Agency panel. I noticed that the Technical Evaluation Panel member wanted to make a remark at one point and the Contracting Officer cut him off and never got back to him. Should the members of the Agency debriefing panel only speak when the Contracting Officer indicates that they should?

Each CO and agency has an approach to dealing with debriefings. In this case the CO decided to control all communications with industry. However, agencies that are buying highly technical items may determine that it is in their best interest to let the requirements official speak directly with the offeror.

16. Based on the discussion and the information provided by the vendor, can the vendor request a reevaluation for the technical proposal? If yes, does the CO have to reevaluate the proposals from other vendors too?

Yes, an offeror can request a reevaluation of proposals, which is exactly what the unsuccessful offeror did in the BelAir mock debriefing. Ultimately, such requests are up to the CO to respond to. As mentioned one of the best practices in preparing for a debriefing is to consider the types of questions an offeror might ask, which might include this.

17. Would the Contracting Officer who is leading the debriefing ever consider caucusing with other members of the debriefing panel to get their input?

Yes, this is a fabulous suggestion and a tool that the CO can use to effectively lead debriefing efforts.

18. What added complexities, if any, would you have expected had this mock debriefing been conducted over the phone?

That is a great question. Phone debriefs make the engagement less personable.

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19. Will the feedback that is being promised tomorrow by the Contracting Officer require the reconvening of the Technical Evaluation Panel? Will the feedback be provided orally or in writing or both?

Yes, the CO will reconvene the panel to answer the items the contractor asked about and then ensure the contractor received a clear answer.

20. Why did the CO mention that he would consider one of the issues, but it wouldn't change the rating? Was that a good idea since it seems to give the industry a false sense of hope and to continue the debating that was happening?

The CO was explaining that based on the source selection methodology that the removal of a single weakness does not change the rating. Yes, responding offeror's questions is invaluable as it provides them feedback on how to improve.

