

# Back to Basics: Debriefings

Posted on [March 15, 2023](#) by [Gregory Weber](#)

Debriefings are a crucial part of the complicated world of bidding on Government contracts. They can provide wonderful insight to contractors on where they can improve, where their proposals were strong, and in cases, may provide information that could indicate to a contractor that a bid protest may be warranted. Therefore, it is vitally important for contractors to understand what Debriefings are, what they can and can't provide you, and why they matter. Previously, we here at SmallGovCon discussed 5 things you should know about Debriefings, but in this post we will do a more detailed dive into Debriefings based on the current regulations and contracting landscape.

## *What is a Debriefing?*

In its most basic form, a Debrief is simply a way for a contractor to learn from the agency why they did or not receive an award, or why they were eliminated from competition. This could be provided in written form, or via video/conference.

## *When do Debriefings occur?*

Naturally, many contractors believe a Debrief would only occur post-award, which is likely the most common form of a Debrief, but there are also situations in which a pre-award debrief could occur.

## *What is the difference between a pre-award and post-award debrief?*

A [pre-award Debrief](#) is for offerors excluded from the competitive range "or otherwise excluded from the competition before award." Those offerors can request a debriefing, if it is available to them (more on when Debriefs are allowed later) when they are excluded from award. So while there is no awardee yet, a contractor could still get from the agency a good idea of why they didn't make it to the next step of a procurement.

A [post-award Debrief](#) is somewhat self-explanatory. A notification is made to all offerors that an award has been made and then parties can request and receive Debriefs.

## *Are Debriefings required for every procurement?*

Reading through this, you may be thinking to yourself that a Debrief would be pretty great to receive or allow for every procurement. It helps contractors learn how they did, and gives the Agency the ability to address or clarify contractor concerns outside of a bid protest. So, Debriefs should represent a net positive for all parties that is then placed on all procurements, right? Unfortunately, that is not the case. Agencies are only required to have debriefs on competitive procurements ([FAR Part 15](#)), and for awards of task or delivery orders with values exceeding \$6 Million ([FAR Part 16.505](#)). So be careful when reading through a procurement, because if it is not a FAR Part 15 procurement, or a task order over \$6 Million, the Agency will likely not be required to provide a debriefing, even if they say one is possible.

### *How do you get a Debrief?*

Even though we just talked about Debriefings being “required” for FAR Part 15 and certain orders, it is more-so a requirement to make them available, not automatically give them. The language of FAR 15.505 and 15.506 makes it clear that a contractor must request the debrief to actually receive one (contractors “may request a debriefing before award”, and an offeror “upon its written request . . . shall be debriefed[.]” (emphasis added)). For orders above \$6 Million, the FAR requires the Contracting Officer to notify unsuccessful awardees that the order exceeds \$6 Million, and any debrief (post or pre-award) then follows the FAR Part 15 requirements, which as discussed, requires contractors to request the Debrief in order to receive it.

The request for a Debrief has to be done in a certain period of time to receive it as well. For a post-award Debrief, the request for a Debrief must be written, and received by the Agency “within 3 days after the date on which that offeror has received notification of contract award[.]” If the request is received in time, the Debriefing should occur “within 5 days after the receipt of the written request.” For a pre-award Debrief the request must also be in writing to the Contracting Officer and “within 3 days after receipt of the notice of exclusion from the competition.” The contractor may request the Debrief be delayed until after award, but if not, the Contracting Officer will “make every effort to debrief the unsuccessful offeror as soon as practicable.” Please note, that if the Debrief is waived until after award, this may also waive certain protest grounds.

If you miss these deadlines, the Agency is not required to provide a Debrief.

### *What is in a Debrief?*

This is where the true value of a Debrief is found.

Post-award Debriefings must *at a minimum* include the following: (1) The Government’s evaluation of the weaknesses or deficiencies in a proposal (if applicable); (2) the overall evaluated cost or price as well as technical rating of the successful offeror and debriefed contractor, and past performance information on the debriefed contractor (when applicable); (3) an overall ranking of all offerors if ranking was used during source selection; (4) summary of the award decision rationale; (5) in commercial product acquisitions, the make and model of the awardee’s product to be delivered; and (6) answers to reasonable questions about whether source selection procedures, regulations, and other requirements were followed.

A pre-award debriefing only has to disclose: (1) the agency evaluation of significant elements of the debriefed contractor’s proposal; (2) a summary rationale for elimination of the debriefed offeror; and (3) answers to reasonable questions about whether source selection procedures, regulations, and other requirements were followed.

### *Can you ask questions in a Debrief?*

As hinted by the required information for a Debrief, a contractor can certainly ask questions at the Debrief. A Debrief is the contractor’s opportunity to better understand an award decision, and how its proposal or

capabilities are viewed by an agency. Hence, if a contractor is preparing for a Debrief, careful thought should be given to what questions to ask, and contractors should review the Solicitation for any possible areas of concern. In fact, the Department of Defense has something called an “enhanced debriefing” which has even more opportunities for questions and information.

### *Why do Debriefs matter?*

As is clear, Debriefs give contractors the ability to proverbially “peek behind the curtain” that is Government contracting evaluations. Debriefs give contractors the ability to learn more about their proposals, past performance, capabilities, and price, as compared to successful offerors, and learn what an agency thought of them. While these type of reviews can be hard for anyone as you are re-hashing areas in which you may not have done well, they almost always should provide valuable information to contractors to build off of in future procurements.

Also, Debriefs may bring to light information that indicates that a source selection decision or procurement was flawed, leading to a possible bid protest. Given the depth of information that agencies are required to disclose, there could be information provided that a contractor thinks hints at improper evaluations, not following solicitation requirements, or other indications that a bid protest may be warranted. In that situation, it is important to note that the date to file a Bid Protest at GAO may depend on if a debrief was required, if it was requested, and when it was received. [GAO regulations](#) state that bid protests must be filed no later than “10 days after the basis of protest is known or should have been known.” But then states, that when the bid protest would be related to a procurement that requires a debriefing, then the “protest shall not be filed before the debriefing date offered to the protester but shall be filed not later than 10 days after the date on which the debriefing is held.” So a Debrief may change the deadline for which a contractor can protest an award, and is just another reason contractors should always closely read the Solicitation for debriefing provisions. (*NOTE: This is a discussion of timeliness deadlines, and different standards may apply to obtaining an automatic stay under the Competition in Contracting Act (“CICA”).*)

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So, while Debriefs may not always be available to a contractor during the procurement process, if they are a part of a procurement they represent an invaluable resource for contractors. As always, contractors should be as active as possible in the procurement process, but the presence of a Debrief adds another layer of participation in a procurement that contractors may utilize. Debrief can help contractors learn more about themselves, refine their processes, and possibly even help with a bid protest.

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