



## Discussing Debriefings: Strengthening Proposals Through Conversation

### How does your proposal rate?

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## Introduction to PTAC

**Procurement Technical Assistance Center (PTAC):**

- Now part of the *APEX Accelerators* program
- Free assistance with all aspects of government contracting, from cradle to grave (start to finish) for federal, state and local purchasing activity
- Free one-on-one appointments
- Free workshops (Special events and extended training session may have registration fees)
- The Alaska PTAC is one of 90+ other PTACs across the US, Puerto Rico, & Guam

<https://ptcalaska.org/>  
<https://www.aptac-us.org/>  
<https://www.apexaccelerators.us/#/>

*The Alaska PTAC is a program of the UAA Business Enterprise Institute and funded in part through a cooperative agreement with the Department of Defense Office of Small Business Programs*



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## Discussion Topics

- ❖ What is a debrief?
- ❖ Debrief process flow
- ❖ Debrief triggers
  - Pre-award & Award Notification
- ❖ Timeliness / Scheduling
- ❖ When are Debriefs required?
- ❖ Debrief content
- ❖ Debrief Strategies
- ❖ Debrief to Protest



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## What is a debrief?

In its most basic form, a Debrief is simply a way to a contractor to learn from the agency why they did or not receive an award, or why they were eliminated from competition.

For the government:

- ✓ Conduct business with integrity and fairness
- ✓ Demonstrate its openness to the public
- ✓ Improve trust
- ✓ Promote competition





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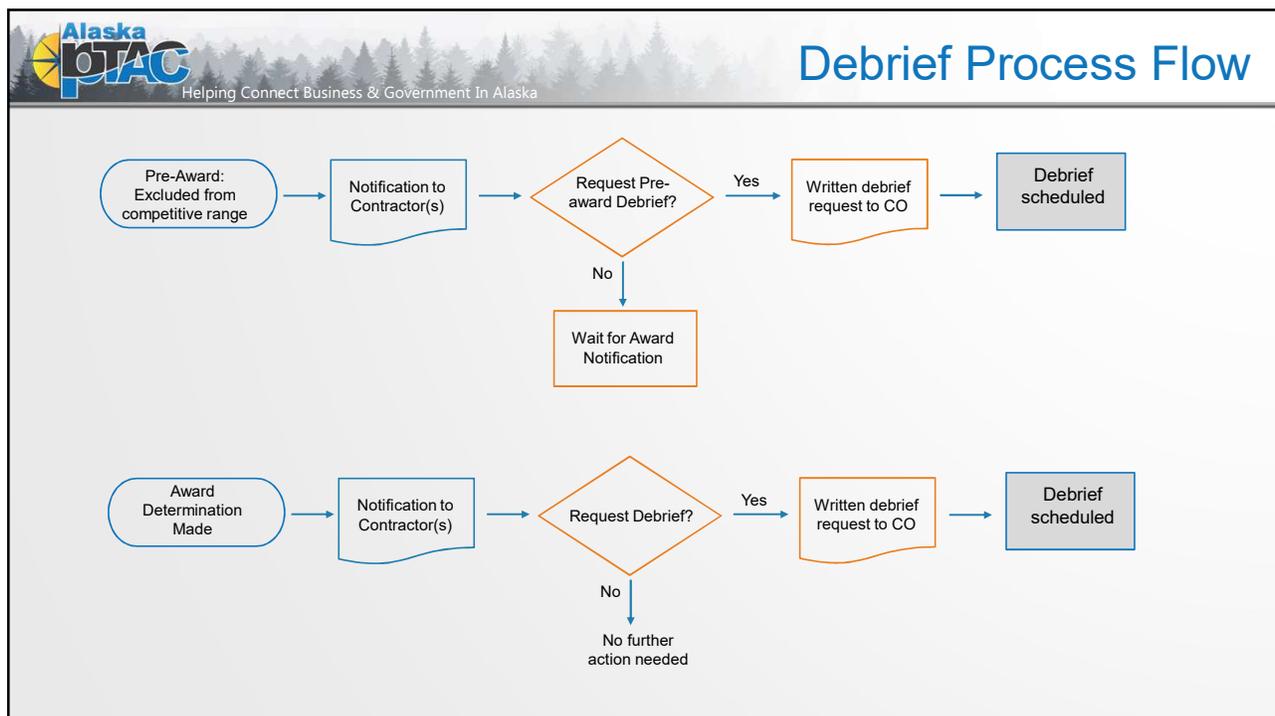
## What is a debrief?

For the Contractor:

- ✓ Better understanding of proposal weaknesses and/or strengths
  - ✓ What factors or deficiencies lead to exclusion from award
  - ✓ What components lead to award
- ✓ Stronger future proposals
- ✓ Better agency relationship







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## What is the debrief trigger?

The trigger (within FAR references) that initiates a debrief or debriefing-like action is when a decision is made by the contracting officer.

### ❖ Decision

The contracting officer renders a decision:

- Exclusion from competition range (pre-award)
- Award or announcement of a pending award (post award)

*This is the starting point for all debriefing initiatives.*



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## Pre-Award Notification

- ❖ The contracting officer has a duty to notify interested parties
- ❖ Notice also provides instructions for requesting a debrief

### ❖ Notification:

- **FAR 15-503 Notification to unsuccessful offerors**

(a) **Preaward notices-** (1) Preaward notices of exclusion from competitive range. **The contracting officer shall notify offerors promptly in writing when their proposals are excluded from the competitive range or otherwise eliminated from the competition.** The notice shall state the basis for the determination and that a proposal revision will not be considered.





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## Post Award Notification

❖ **Notification:**

- **FAR 15-503 Notification to unsuccessful offerors**

(b) **Postaward notices.** (1) Within 3 days after the date of contract award, the contracting officer shall provide written notification to each offeror whose proposal was in the competitive range but was not selected for award ( 10 U.S.C. 3304 and 41 U.S.C.3704) or had not been previously notified under paragraph (a) of this section. The notice shall include-

- (i) The number of offerors solicited;
- (ii) The number of proposals received;
- (iii) The name and address of each offeror receiving an award;
- (iv) The items, quantities, and any stated unit prices of each award. If the number of items or other factors makes listing any stated unit prices impracticable at that time, only the total contract price need be furnished in the notice. However, the items, quantities, and any stated unit prices of each award shall be made publicly available, upon request; and





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## Award Notification

❖ **Notification:**

- **FAR 15-503 Notification to unsuccessful offerors** (continued)

(v) In general terms, the reason(s) the offeror's proposal was not accepted, unless the price information in paragraph (b)(1)(iv) of this section readily reveals the reason. In no event shall an offeror's cost breakdown, profit, overhead rates, trade secrets, manufacturing processes and techniques, or other confidential business information be disclosed to any other offeror.

(2) Upon request, the contracting officer shall furnish the information described in paragraph (b)(1) of this section to unsuccessful offerors in solicitations using simplified acquisition procedures in part 13.

(3) Upon request, the contracting officer shall provide the information in paragraph (b)(1) of this section to unsuccessful offerors that received a preaward notice of exclusion from the competitive range.





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## When is a debrief required?

### Are debriefs required for every procurement?

'When' an offeror may receive a post-award debrief and to what extent depends on the FAR procedures being utilized for the procurement.

- ❖ FAR 15 – Contracting by Negotiation:  
Agencies are only required to have debriefs on competitive procurements
- ❖ FAR 16.5 – Indefinite Delivery Contracts  
Awards of task or delivery orders with values exceeding \$6 Million (FAR 16.505)
- ❖ FAR 14 – Sealed Bidding  
A debrief is required after step one for procurements conducted under Two-Step Sealed Bidding. In accordance with 14.503-1(g), the contracting officer shall debrief unsuccessful offerors (see 15.505 and 15.506), upon written request.



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- ❖ **FAR Part 12 – Acquisition of Commercial Items**
  - Under strict FAR Part 12 procurements, **offerors are not entitled to a debriefing**. Rather, they are only entitled to a **brief explanation of award**, and **only if requested**.
  - However, more commonly, FAR Part 12 procurements are using the policies unique to the acquisition of commercial items in **conjunction with** the policies and procedures for solicitation, evaluation, and award prescribed in FAR Part 15, Contracting by Negotiation.
  - Procurements that combine these two types of acquisition procedures often create confusion for contractors, since debriefings are required under the policies and procedures of FAR Part 15.

<https://www.pilieromazza.com/blog-when-far-procurements-combine-is-a-debriefing-required/#:~:text=The%20question%20of%20whether%20a,award%2C%20and%20only%20if%20requested.>



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## Additional Notification Clauses

**8.405-2(d)**  
Federal Supply Schedules

**13.106-3(c) – (d)**  
Simplified Acquisition Procedures (SAP)



After award, ordering activities should provide timely notification to unsuccessful offerors. If **an unsuccessful offeror request information** on an award that was based on factors other than price alone, a **brief explanation** of the basis for the award decision **shall be provided**.

(c) Notification. For acquisitions that do not exceed the simplified acquisition threshold and for which automatic notification is not provided through an electronic commerce method that employs wide spread electronic public notice, notification to unsuccessful suppliers shall be given only if requested or required by 5.301.

(d) Request for information. If a supplier requests information on an award that was based on factors other than price alone, a brief explanation of the basis for the contract award decision shall be provided. (See 15.503(b)(2))



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## Initiating the Request

- ❖ **Debriefs are not triggered by CO – required to be initiated by offeror**
- ❖ Follow the written instructions provided in notification
- ❖ Submit a written request back to CO within the timely standard provided in the notification
- ❖ Pre-award briefing...submit within 3 days after receiving notice of exclusion...request now or wait for post award?
- ❖ Post award briefing...submit within 3 days after receiving notice



**15.506(a)(1)** An offeror, upon its written request received by the agency within 3 days after the date on which that offeror has received notification of contract award in accordance with 15.503(b), shall be debriefed and furnished the basis for the selection decision and contract award.



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## Written Request

*As per notification instructions, [company name] would like to request a debrief on solicitation [number and title.]*

*Our end goal is to strengthen future submittals by receiving your evaluation notes and comments on any proposal deficiencies as well as our proposal strengths. If possible we would like to meet with you in person for our debrief session.*



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## Timeliness / Scheduling

### **15.506 Post-award debriefing of offerors.**

(a) (1) An offeror, upon its written request received by the agency within 3 days after the date on which that offeror has received notification of contract award in accordance with [15.503\(b\)](#), shall be debriefed and furnished the basis for the selection decision and contract award.

(2) To the maximum extent practicable, the debriefing should occur within 5 days after receipt of the written request. Offerors that requested a post award debriefing in lieu of a preaward debriefing, or whose debriefing was delayed for compelling reasons beyond contract award, also should be debriefed within this time period.

(3) An offeror that was notified of exclusion from the competition (see [15.505\(a\)](#)), but failed to submit a timely request, is not entitled to a debriefing.

(4) (i) Untimely debriefing requests may be accommodated.

(ii) Government accommodation of a request for delayed debriefing pursuant to [15.505\(a\)\(2\)](#), or any untimely debriefing request, does not automatically extend the deadlines for filing protests. Debriefings delayed pursuant to [15.505\(a\)\(2\)](#) could affect the timeliness of any protest filed subsequent to the debriefing.

<https://www.acquisition.gov/far/15.506>



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## Debriefing

- ❖ CO responds to the timely request by scheduling a debriefing as soon as practicable, following a method the contracting officer deems most appropriate. (FAR 15.506(b))
  - Face to face
  - Over telephone / virtual
  - Via letter



**36.607(b)** Debriefings of successful and unsuccessful firms will be held after final selection has taken place and will be conducted, the extent practicable, in accordance with 15.503, 15.506(b) through (f), and 15.507(c).



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## Debrief Content

### 15.506 Postaward debriefing of offerors

(b) Debriefings of successful and unsuccessful offerors may be done orally, in writing, or by any other method acceptable to the contracting officer.

(c) The contracting officer should normally chair any debriefing session held. Individuals who conducted the evaluations shall provide support.

(d) At a minimum, the debriefing information shall include-

- (1) The Government's evaluation of the significant weaknesses or deficiencies in the offeror's proposal, if applicable;
- (2) The overall evaluated cost or price (including unit prices) and technical rating, if applicable, of the successful offeror and the debriefed offeror, and past performance information on the debriefed offeror;
- (3) The overall ranking of all offerors, when any ranking was developed by the agency during the source selection;
- (4) A summary of the rationale for award;
- (5) For acquisitions of commercial products, the make and model of the product to be delivered by the successful offeror; and
- (6) Reasonable responses to relevant questions about whether source selection procedures contained in the solicitation, applicable regulations, and other applicable authorities were followed.



## Does not include

**FAR 15.506(e)**

(e) The debriefing shall not include point-by-point comparisons of the debriefed offeror's proposal with those of other offerors. Moreover, the debriefing shall not reveal any information prohibited from disclosure by [24.202](#) or exempt from release under the Freedom of Information Act ([5 U.S.C.552](#)) including-

- (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; and
- (4) The names of individuals providing reference information about an offeror's past performance.

(f) An official summary of the debriefing shall be included in the contract file.



## Debrief Strategies

Be prepared for your debrief:

- ❖ Evaluate award information against your proposed cost
- ❖ Who is the awardee? Do a quick SWOT analysis of the firm – how do they compare against your company?
- ❖ Review your proposal and prepare a list of questions for the debrief team
- ❖ Review the evaluation criteria – do you have a concern on the application of the evaluation process?
- ❖ What is your end goal for the debrief?
- ❖ Are you searching for protest fodder?



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## From Debrief to Bid Protest

The debrief can provide the bases of protest, establish timelines for a protest, and allow an unsuccessful offeror or bidder insight into how to improve the proposal or quotation for the next procurement.

- ❖ It is important to note that you should always accept the first date offered by the agency for a debriefing. While the agency may agree to delay a debriefing, the first date offered can the start the clock running for the timeliness of a protest.
- ❖ It is important to know under which FAR Part your procurement was conducted to ensure that any protest filed will be timely.
- ❖ FAR 15.507(a) Protests against award in negotiated acquisitions shall be handled in accordance with part 33. Use of agency protest procedures that incorporate the alternative dispute resolution provisions of Executive Order 12979 is encouraged for both preaward and postaward protests.

<https://www.dblawyers.com/bid-protests-what-is-a-debrief/>



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## From Debrief to Bid Protest



Home / Regulation and Compliance / Effective Utilization of Debriefings and Asserting Bid Protests



**Effective Utilization of Debriefings and Asserting Bid Protests**

~~\$75.00~~

Format: E-course  
Duration: Approx. 90 minutes  
Instructor: Maria Panichelli, McCarter & English LLP  
Learning Credits: 1.5 CPEs, 1.5 ATCs  
\*This course was recorded on March 2, 2023

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**Description**

In today's competitive federal marketplace, bid protests are an inevitable feature of many procurements. As a contractor, you can utilize debriefings and bid protests to go after awards that improperly went to your competitors. If you want to succeed and increase your contracting opportunities, you must learn how to use these processes effectively and to your advantage.

In this course, experienced government contracts attorney Maria Panichelli will walk you through the protest process, focusing on what issues to look for in debriefings, deadlines, and how to spot a winning protest.

- Learn to distinguish between bid protests and size/status protests
- Identify key protestable issues
- Distinguish between types of bid protests
- Learn bid protest filing deadlines
- Understand how to spot a winning protest

<https://govology.com/product/effective-utilization-of-debriefings-and-asserting-bid-protests/>



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## In Conclusion

- ✓ Debriefing is a valuable tool when properly used will help an unsuccessful offeror improve its bid or proposal
- ✓ Approach the debrief as a means to improve future proposals and as a way to improve agency relationships
- ✓ Provides openness and public confidence
- ✓ Great way to solidify a relationship with a government entity
- ✓ As a Prime – share debrief information with the entire proposal team including first tier subs
- ✓ Be sure to include the debrief in your proposal practices and timelines.



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## Questions?

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To request assistance, sign up here: <https://akptac.ecenterdirect.com/signup>



How can the Alaska PTAC help you?