

2018 DEBRIEFINGS & BID PROTESTS



INSIDER
REPORT

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Introduction

Debriefings after a lost competition are a critical component of government contracting and companies often use them to gather lessons learned on why they lost a competition. After spending precious resources on a pursuit, companies want to know why they failed and where they can improve.

Companies desperately want to hear from their customers how their bids fell short and this feedback can change how companies do business, what kind of solutions they build and even who they team with.

A good, quality debriefing can be a building block for future success.

However, getting that good quality debriefing can be a challenge, according to our research.

We surveyed government contractors and asked them a variety of questions about the quality of debriefings, what information they are looking for, and what they do when a debriefing is unsatisfactory. More than 120 contractors responded to our survey.

Unfortunately, our research shows that the quality of debriefings continues to be a problem. Our research shows that the only real alternative to a poor debriefing is filing a bid protest. And while companies are reluctant to file and recognize the risk of a protest, the need for specific feedback overrides their other concerns.

In a market as competitive as we see today, it is critical that contractors understand how their proposals are evaluated, where bids fall short and how they can improve.

This report also is a follow on to a similar Insider Report we published in 2016. In comparing the two sets of data, we found that there has been some small improvement but for the most part there has been little change in how contractors look at bid protests and when they decide to file a bid protest.

There is little doubt that debriefings are critical to contractors and we hope with this report will provide some guidance and insights into how they can best use debriefings and bid protests to increase their chances of success in today's market.

As always we look forward to your feedback. Email us at:

WTInsider@WashingtonTechnology.com.

The Quality of Contract Debriefings

How would you rate the quality of the debriefings you receive after losing a competition?

1 (Poor)	2	3 (Average)	4	5 (Excellent)
25.83%	28.33%	35%	10.83%	0%

On a scale of one to five with one being poor and five being excellent, it is obvious that contractors have a low opinion about the quality of debriefings they are receiving today. But this is one area where we see a bit of improvement from 2016 when 59.4 percent of respondents said debriefings were below average, compared to 54.1 percent today.

However, that's not a score to celebrate and indicates that agencies can do much better.

Another area of improvement from 2016 is in the above average score. This year, 10.8 percent said debriefings were above average compared to just 3.9 percent in 2016. The average score stayed virtually the same – 35 percent in 2018 and 35.5 percent in 2016.

This year no one thought debriefings were excellent but in 2016 1.3 percent of respondents said debriefings were excellent.

We also asked respondents to share what information they are looking for in their debriefings and these comments can be lumped generally into one big bucket – why did we lose?

But the specifics are much more nuanced than that.

Pricing is an important piece of information companies are looking for. “Did pricing take us out of contention,” one respondent asked.

They also want details on strengths and weaknesses. “An honest description of the flaws in a proposal,” one wrote.

Another area of interest is comparisons with other bidder. “Where did we rank against the winner,” wrote a respondent.

Several respondents wanted to know about any risks that were identified in their proposal.

During debriefings, companies are also listening to hear if the agency adhered to the stated evaluation criteria and that best value principles were applied when appropriate. “I want to see the rationale for tradeoffs,” one respondent wrote.

Other comments included a desire for details that can help improve future proposals and insights on future opportunities.

“What was it they were looking for that we didn’t provide,” a respondent wrote.

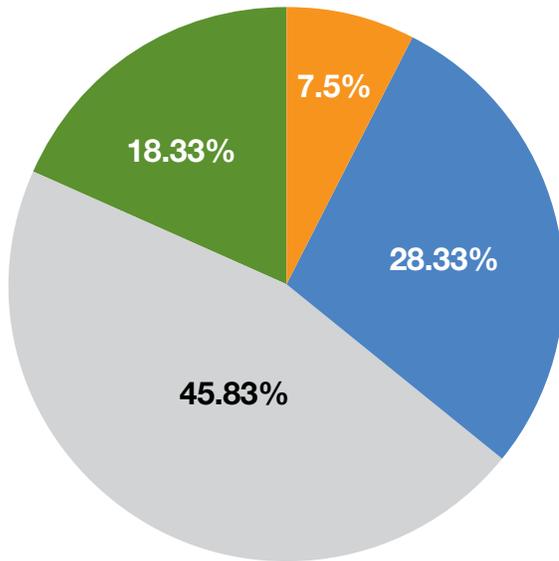
It is obvious from the comments that companies are looking for ways to improve and to put them in a stronger position to win future business.

Oral Versus Written Debriefings

In a new set of questions, we asked contractors about the prevalence of oral versus written debriefings and whether there is a preference.

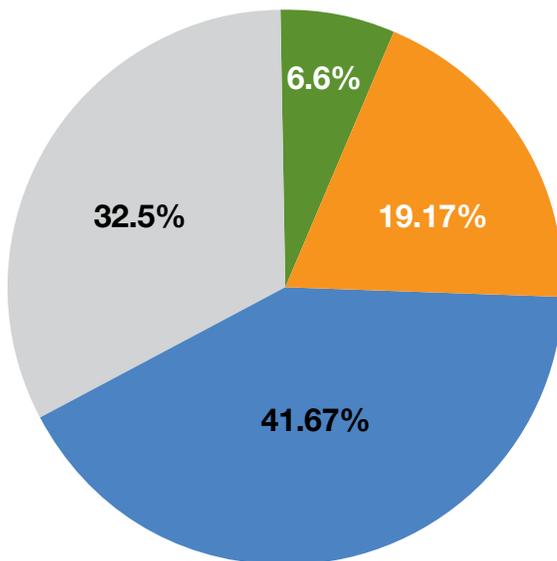
How often are your debriefings presented orally?

■ Always
 ■ More than half
 ■ Less than half
 ■ Never



How often are your debriefings presented in written form?

■ Always
 ■ More than half
 ■ Less than half
 ■ Never

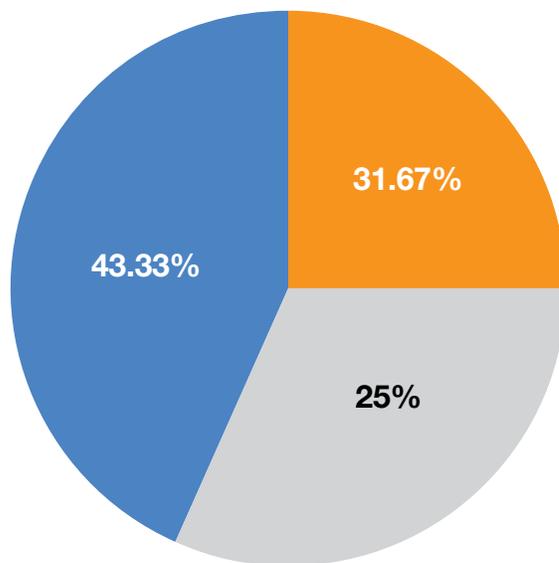


In looking at these two charts it is interesting to note the high percentage – 18.3 percent – of respondents say they never receive oral debriefings and a very similar percentage – 19.2 percent say they always receive written debriefings.

Written debriefings are more common, according to our research, and that is an issue when you look at the following charts.

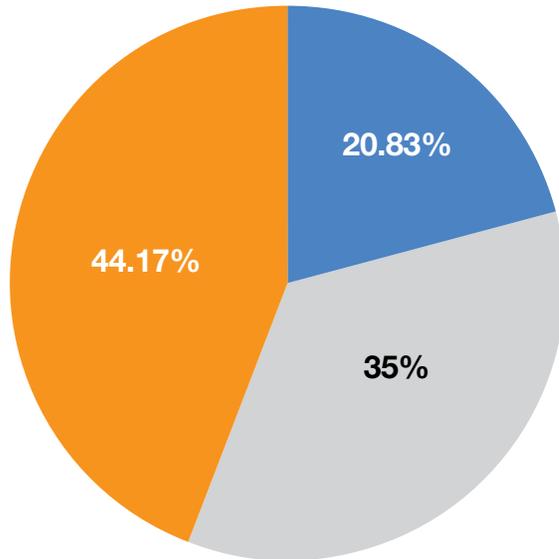
How would you compare the value and/or completeness of a written debriefing versus one that is given orally?

■ Written debriefings are superior ■ Oral debriefings are superior ■ No difference



What is the trend over the last few years in regards to whether you received an oral debriefing or a written debriefing?

■ Written debriefings are increasing ■ Oral debriefings are increasing ■ Stayed the same

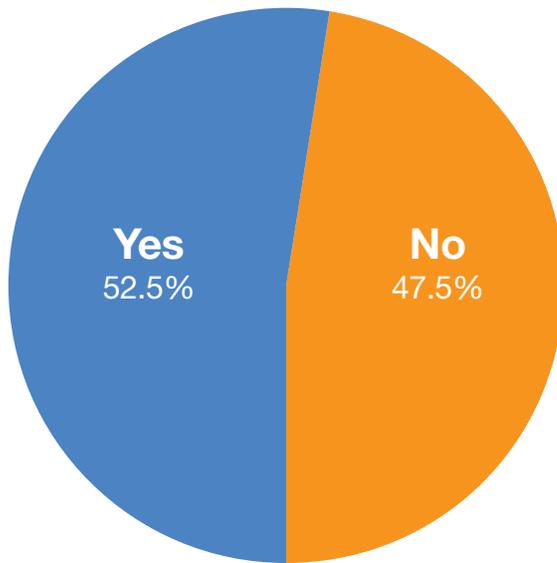


Respondents clearly feel that oral debriefings are superior when compared to written debriefings. However, respondents say they are seeing an increase in written debriefings. In other words they are getting an increasing amount of lesser quality debriefings.

This is important to keep in mind as we move into our next findings on bid protests.

The Need For Bid Protests

Have you ever filed a bid protest in order to learn more about a losing bid?



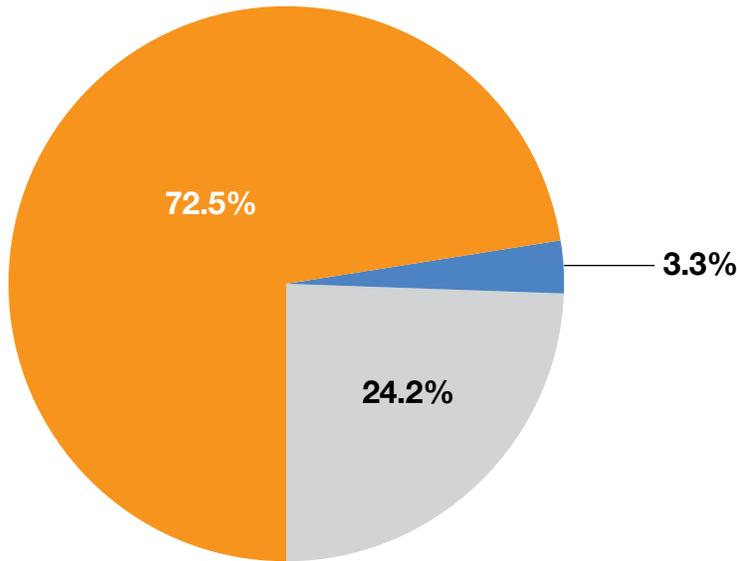
Because of the poor quality and incompleteness of agency debriefings, companies often are put in the position of filing a bid protest with the Government Accountability Office just to learn more about their losing bid.

The percentage is virtually unchanged from two years ago when 52.9 percent said they had filed a protest to learn more. This year, 52.5 percent they filed a protest

It is interesting to note that respondents believe filing a bid protest has the potential to hurt their long-term relationship with their customers.

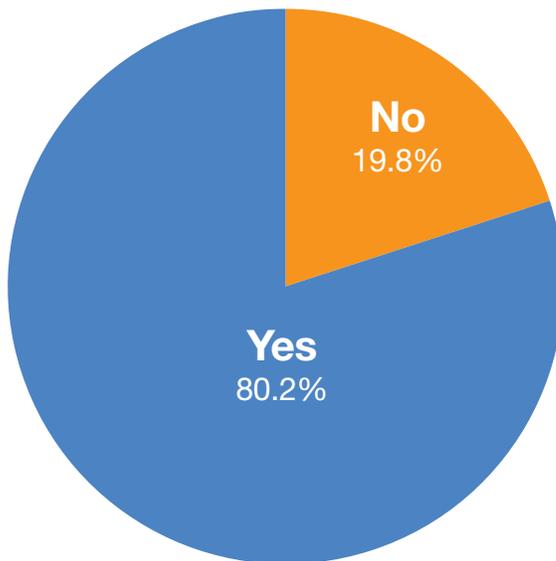
Do you believe bid protests have or could have a long term impact on your relationship with your customers?

■ Negative impact
 ■ Positive impact
 ■ No impact



But the rewards apparently are worth it as you can see in the next chart.

Would you file a bid protest again?



So what do contractors learn from their bid protests?

Our respondents shared a mix of lessons learned from the information they gleaned through their bid protest.

On the positive side there was information on their bid such as where it was non-compliant or more insights on the evaluation process.

“Sometimes we learn that we lost fair and square and withdraw the protest,” one respondent wrote.

Another wrote that their protest gave them information that will help them make better decisions in the future.

Insights on the evaluation process garnered several comments, including gaining a better understanding of the process as well as scores on the technical and management aspects of their proposal.

One respondent wrote about how their company learned, “how we missed on either our understanding of the customer or our lack of imagination in solutions.”

But respondents also talked about shortcomings and problems they saw from the agency side.

“We learned about the many inconsistencies of the government’s evaluation processes,” one wrote.

Others complained about evaluation factors that were not included in the solicitation, inconsistent rating schema and decisions made not based on the stated requirements.

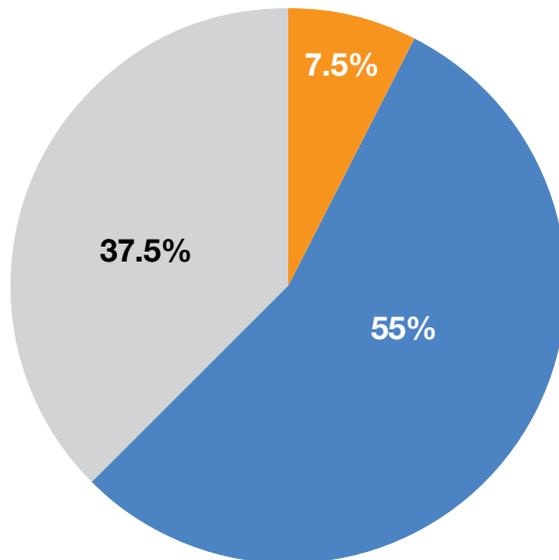
Several comments also mentioned that a better debriefing would have negated the need to file a protest.

“Items provided during the protest process should have been covered in the debrief. If the government had included those items, the protest might have been avoided,” one wrote

Room For Improvement

Do you think the debriefing process from the agencies is getting better, worse, or staying the same?

■ It's improving ■ It's worse than before ■ It's about the same



A solid majority of respondents said that the debriefing process is worse. This isn't a surprise given the comments and survey results we have already presented. But there is some hope here.

Compared to our report in 2016, we saw a significant increase in those who thought debriefings were improving. This year, 7.5 percent of respondents see improvement, compared to 1.3 percent in 2016.

This is tempered somewhat by the percentages who say it is getting worse. That number stays the same at 55 percent both in our 2016 results and our 2018 results.

The percentage of those who felt the quality of debriefings had stayed the same also dropped from 43.7 percent in 2016 to 37.5 percent in 2018.

But the ups and downs of these percentages still indicate a need for improvement.

Many respondents shared their views on why debriefings are getting worse. Complaints focused on agency unwillingness to share information.

"Written and oral debriefs are become more vague," one wrote.

"They refuse to provide meaningful information because they fear a protest," another said.

“Their approach of providing as little information as possible causes their risk of getting protested to increase rather than decrease,” a respondent wrote.

Others described debriefings as being “scripted.” There are “no real answers to questions,” one said.

Another group of comments focused on the acquisition teams. Some respondents said acquisition teams lacked experience, while other respondents commented about workload.

“It appears that the experience of [contracting officers] is getting worse, thus they treat debriefings as a gauntlet they have to run,” a respondent wrote.

One commenter described acquisition teams as “overworked.”

We also asked contractors for their best advice on how agencies can improve debriefings. The suggestions ranged from hiring better contracting and procurement officials to standardizing scoring mechanisms. But mostly contractors want more specific information. “Disclose all strengths, weaknesses and deficiencies,” one wrote.

“Identify the negative items, identify the positive items, take “feel” out of the discussion,” another said.

Many want a more collaborative process.

“It really should be an opportunity for both sides to learn,” one respondent wrote. “Debriefs are usually viewed unilaterally, as just a mechanism for us to develop better proposals. It should be an opportunity for them to learn how to put together better RFPs as well.”

Debriefings need to be planned. “While their technical, past performance or pricing evaluation teams are evaluating, contracting officers should be preparing to do debriefings,” one respondent wrote.

And questions should be solicited from bidders ahead of the debriefing. If a question can’t be answered, explain why.

“Be honest, Be truthful. Be as transparent as the law allows and expects,” one respondent wrote.

The same respondent also said, “Our overwhelmingly principal reason for requesting one is to improve. Customers seem to think we’re only there to find a way to protest. But that’s not the mindset going in because we simply have no factual data.”

Conclusions

The problem with bid protests really has nothing to do with the protests. The number of protests could be significantly reduced if debriefings improved in quality.

What contractors want are robust debriefings that give them information on where their proposals fell short and how they compared with the other bidders, particularly the winner bidder.

Agencies, however, approach the debriefings almost with a Catch 22 like philosophy. They are reluctant to give a full debriefing for fear the information they give will be used as ammunition for a protest. However, when contractors do not feel they have been given a full debriefing they are almost compelled to file a protest.

By trying to lessen the chances of a debriefing, the agency has actually done the opposite and increased the likelihood of debriefing.

What contractors want isn't unreasonable for the most part. As our findings illustrate, they want to know how their proposals were evaluated. Did they comply with the solicitation? Did the agency follow the parameters of the solicitation?

The goal isn't to find where the agency made a mistake. Contractors by and large want to know where they made their own mistakes.

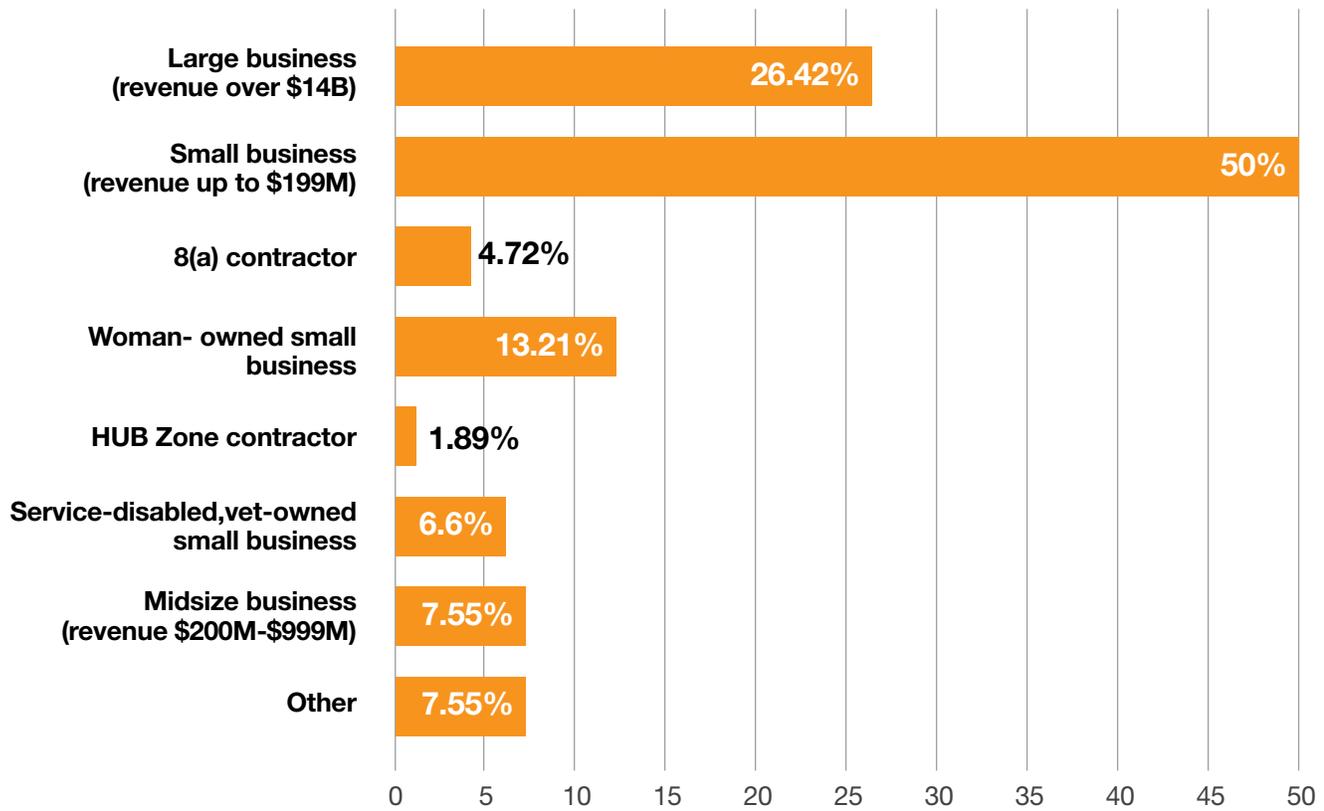
There has been a lot of activity in recent years to both discourage companies from filing a bid protest but also to encourage agencies to provide better debriefings. When we compare this year's findings with the findings from two years ago, we see some shifts but nothing dramatic.

Our findings indicate that it is too early to tell if these changes have had an impact.

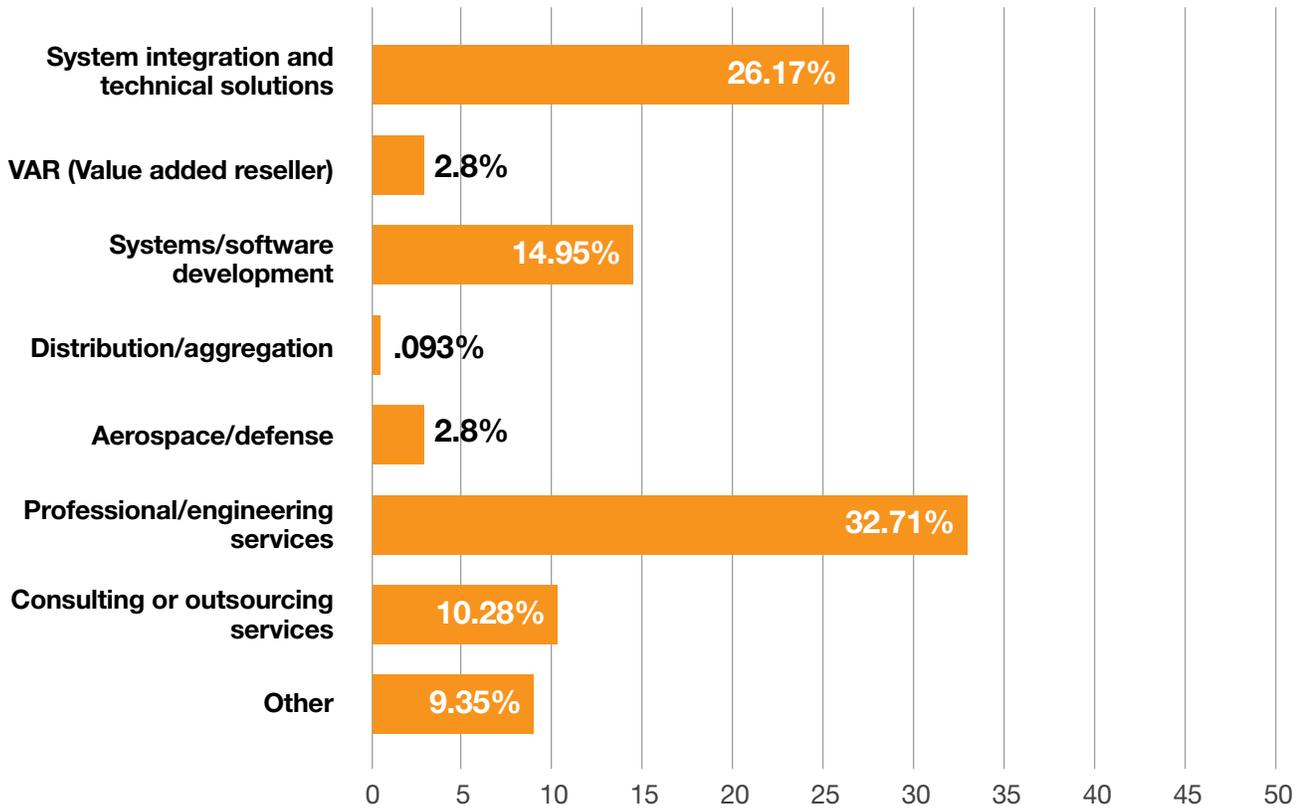
The lesson for contractors is to be proactive. Demand a debriefing. Push for answers. And don't be afraid to protest.

Appendix: Respondent Profile

Type of company



Business services



Business focus

