

6 FAH-2 H-450 DEBRIEFING OF UNSUCCESSFUL OFFERORS

*(TL:CORH-2; 11-19-2003)
(Office of Origin: A/OPE)*

6 FAH-2 H-451 GENERAL

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a. The contracting officer must promptly notify each offeror (either by pre-award or post-award notice) whose proposal is determined to be unacceptable or is not selected for award.

b. Within three days after the award of contracts resulting from solicitations in any acquisition over the simplified acquisition threshold, the contracting officer notifies all of the unsuccessful offerors in writing. The notice includes:

- (1) The number of offerors solicited and proposals received;
- (2) The name and address of each offeror receiving an award;
- (3) The items, quantities and unit prices of each award; and
- (4) In general terms, the reason(s) the offeror's proposal was not accepted.

c. When a contract is awarded on a basis other than price, unsuccessful offerors, upon their written request, may request a debriefing. The contracting officer must furnish the basis for the selection decision.

d. A debriefing may be conducted orally or in writing. It describes in general terms why the offeror was not selected for award. The debriefing should tell an unsuccessful offeror which areas of its proposal were deficient and whether the deficiencies were factors in its not having been selected. The debriefing should not reveal confidential or privileged commercial or financial information, trade secrets, or the relative merits or technical standing of the other offerors, including that of the successful offeror.

e. If an unsuccessful offeror believes that its failure to obtain the award was not justified, it will rely on the information given in the debriefing to determine whether it should seek recourse. Accordingly, it is essential

that the debriefing be fair, objective, and impartial, and that the information be factual and consistent with the findings of the contracting officer.

f. The contracting officer may request the assistance of the COR and other TEP members in responding to debriefings.

6 FAH-2 H-452 PROTESTS

(TL:CORH-2; 11-19-2003)

a. A protest is a formal, written complaint by an interested party, usually an offeror or potential offeror, based on a perceived defect in the solicitation or a deficiency in the source selection process. A protest may be filed directly with the contracting officer or the General Accounting Office.

b. To be considered, a protest against a solicitation or contract award must meet all of the following requirements:

(1) It must be submitted in writing to the contracting officer or General Accounting Office;

(2) It must specify factual, legal, or other defects in the solicitation, the award, or both; and

(3) It must be filed in a timely manner.

c. When a protest is filed before contract award, the contract may not be awarded until the protest is decided, unless the agency decides that not awarding the contract would injure the U.S. Government. If a protest is filed after award, the contracting officer, with advice from the legal adviser, must determine whether or not to allow the contractor to proceed.

d. While CORs are not directly involved with the protest procedures, the contracting officer and the legal adviser often call upon the COR to provide information in defense of the agency’s position. CORs should also understand that no information concerning a protested acquisition should be provided to anyone other than the contracting officer without the contracting officer’s knowledge and approval.

6 FAH-2 H-453 THROUGH H-459 UNASSIGNED