

NONCOMPLIANT FONT SIZE IN OFFER RESULTED IN ELIMINATION FROM FAR 8.4 COMPETITION

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You may have thought that a small noncompliance in font size of the page number would be ignored in evaluating proposals. Wrong. The U.S. Department of Agriculture (“USDA”) issued a request for quotations (“RFQ”) for program support to various USDA missions, including farm production and conservation. But one of the offerors was eliminated from the competition in the initial step of the evaluation because its quotation failed to comply with the RFQ on font size, as explained in a Government Accountability Office (“GAO”) protest. *RiverNorth, Inc.*, B-423274 et al, April 18, 2025.

The USDA issued an RFQ through the General Services Administration’s eBuy pursuant to the federal supply schedule. (This was a FAR 8.4 competition). The RFQ noted that “attention to detail is important to the Government as a significant amount of work under the attached [performance work statement] will require [the vendor] to follow detailed instructions including quality control. **If a quotation has errors attributed to not following the directions [in the RFQ] the quotation shall be ineligible for award.**”

The RFQ included specific instructions regarding quotation formatting, including a statement that “text size must be 12-point or larger, using Times New Roman font [and] only page numbers, headers, and footers may be within the page margins and must use the same [] 12-point, Times New Roman font requirement.” [] Compliance with these instructions is mandatory and failure [to comply] shall result in the quotation being unacceptable to the Government and will eliminate the [vendor] from further consideration for award.” The RFQ stated that a quotation would be eliminated from further consideration before complete evaluation if the quotation was deficient.

After the initial USDA review of RiverNorth’s quote, the agency determined that the company failed to comply with the RFQ formatting instructions because the page numbers of a portion of its Volume III (quotation) used less than 12-point type. RiverNorth protested that its quotation was *materially* compliant and should not have been eliminated. The GAO disagreed, noting the specificity of the RFQ in text size, and its emphasis on fully following the detailed instructions in the RFQ, noting that failure to follow would be considered a deficiency.

The GAO denied two other protest grounds, which are not relevant to this blog.

Takeaway. The instructions in a solicitation, whether an RFQ, a request for proposal (“RFP”) or an Invitation for Bid (“IFB”) are strict requirements that must be followed if you want to stand a chance at winning. If there are ambiguities or the solicitation lacks clarity in any way, it is incumbent upon the offeror to raise this issue in a letter to the agency, or alternatively, if you choose to protest at the GAO, within the time period set forth in the GAO rules at 4 C.F.R. § 21.2 (prior to bid opening or the time set for receipt of initial proposals, or where such problems occur in an amendment to the solicitation, not later than the next time for receipt of proposals following the issuance of the amendment. If no closing time has been established or if no further submissions are anticipated, any solicited improprieties must be protested within 10 days of when the alleged impropriety was known or should have been known).

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