

COLOR CODED TRAINING CHART INADEQUATE IN PROTEST

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This blog has frequently discussed poorly or inadequately written proposals which have caused agencies to deem them inadequate and not select the proposal for award. In a recent Government Accountability Office (“GAO”) protest, the protester’s proposal included a training chart that allegedly showed the offeror as having the trained personnel required, but did not actually demonstrate this. *ANG Quality Testing, Ltd.*, B-418861, Sept. 29, 2020.

ANG responded to a Defense Logistics Agency (“DLA”) solicitation for quality assurance and verification services of fuel products in Afghanistan. Among other things, the solicitation required offerors to include a training plan that ensured that personnel were qualified at contract start and certified that they would comply with the requirements in the performance work statement. This element would be rated either acceptable or unacceptable.

In the initial technical evaluation, DLA found a deficiency that ANG’s proposal failed to provide an acceptable training plan. During discussions, the unacceptability of the training plan was raised as an unacceptable issue, and ANG submitted a final proposal revision that included a color-coded training plan in a chart. When this chart was reviewed, DLA found that the training plan was unacceptable because it did not show that ANG personnel would be trained in time for the start of the contract.

The GAO examined ANG’s proposal, including the final proposal revision. It found that every scheduled training on the chart was color-coded orange, which, according to the legend meant that “training was scheduled but not completed.” As a result, GAO found that the chart did not support ANG’s claim that all of its personnel completed their training, but actually showed the opposite—that the protester’s personnel had yet to be trained and the training would not be completed by the start of the contract. The GAO also held that DLA was not required to reopen discussions to give an offeror an additional opportunity to revise its proposal where a weakness or deficiency is first introduced in the offeror’s revised proposal.

The Takeaway. Always ensure that a proposal is fully responsive to the solicitation and meets all its requirements. A separate and independent review of the proposal by someone who did not draft the proposal should identify errors like the one above so they can be corrected before submission to the agency.

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