

## INCOMPLETE ATTACHMENT IN PROPOSAL

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This blog has frequently stressed the importance of responding to any solicitation by the due date/time, fully, and in complete accord with the solicitation. In *Better Direct, LLC*, B-419893.27, July 5, 2023, an offeror's proposal was eliminated from consideration because it included only an incomplete attachment that was required by the solicitation.

Better responded to a solicitation from the Department of Homeland Security ("DHS") for information technology hardware and software. The solicitation required proposals to include an Attachment 1 (pricing schedule), an Attachment 8 which listed the salient characteristics (specifications) for each item requested, and an Attachment 9 (a pricing crosswalk that contained two columns: one column contained every item description proposed and quantity of the items proposed while the other column listed the salient characteristics that were provided in Attachment 8. The solicitation stated that offerors who failed to provide Attachment 9 would result in their proposal being deemed noncompliant with the solicitation, and not considered for award.

Better submitted an incomplete Attachment 9, because it did not include the salient characteristics from Attachment 8 on its Attachment 9 crosswalk.

The Government Accountability Office ("GAO") noted that if the proposal submission requirements are clear (and they were clear here), an agency is not required to permit an offeror who fails to comply with a mandatory solicitation requirement to cure its defective proposal. The pre-proposal questions and responses made it clear that the agency would not evaluate proposals that were non-compliant with the solicitation instructions.

GAO further noted that even if the error was minor, the agency was not required to engage in clarifications. They are reserved for only minor clerical errors, and the agency decision not to engage in clarification with Better to correct its proposal was unobjectionable.

Takeaway. Have someone in your company look at a final proposal and a solicitation, and critique it if it is not fully compliant with what is required. This is known as blue team/red team analysis in larger procurements, but it can be done with one competent person in a smaller procurement as well.