

(NOT) GOOD ENOUGH FOR GOVERNMENT WORK

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It seems that everyone has heard the expression “good enough for government work,” when describing mediocre or merely passable work that is performed by or performed on behalf of the government. However, a recent case at the Court of Federal Claims demonstrates that a requirement in a solicitation that is not met fully should be rewarded with a rejection as “noncompliant with solicitation requirements.” *Revelations Counseling and Consulting, LLC v. United States*, No. 25-2169C (Fed. Cl. April 17, 2026). The solicitation was issued by the Department of Veterans Affairs (“VA”) for “Veterans Experience Office Contract Center Staffing” (to provide veterans, families and others assistance with VA benefits, healthcare appointments, crisis support and other veteran-related services.)

Three distinct places in the solicitation instructed offerors to include Veterans Affairs Acquisition Regulation (“VAAR”) 852.219-75’s completed and signed certification concerning “Limitations on Subcontracting,” as well as the full text of VAAR 852.219-75 as well.

After the solicitation closed, the VA rejected Revelations’ proposal without any substantive evaluation and explained to Revelations that its failure to complete and sign VAAR 852.219-75 constituted a material failure to comply with solicitation requirements and thereby rendering its proposal unacceptable.

The table below shows both the solicitation requirement and the actual certification in Revelations’ proposal.

VAAR 852.219-75 VA Notice of Limitations on Subcontracting - Certificate of Compliance for Services and Construction [Included in Solicitation]	The certification provided by Revelations Counseling and Consulting, LLC, in its proposal:
☐ VA Notice of Limitations on Subcontracting - Certificate of Compliance for Services and Construction (NOV 2022) (a) Pursuant to 38 U.S.C. 8127(k)(2), the offeror certifies that -(1) If awarded a contract (see FAR 2.101 definition), it will comply with the limitations on subcontracting requirement as provided in the solicitation and the resultant contract, as follows: [Contracting Officer check the appropriate box below based on the predominant NAICS code assigned to the instant acquisition as set forth in FAR 19.102.] (i) ☐ Services. ☒ (ii) ☐ General construction. ☐ (iii) ☐ Special trade construction contractors. ☐	In accordance with VAAR 852.219-75, Revelations certifies that if awarded the contract, it will comply with the limitations on subcontracting requirement as provided in the solicitation and the resulting contract.

(2) The offeror acknowledges that this certification concerns a matter within the jurisdiction of an Agency of the United States. The offeror further acknowledges that this certification is subject to Title 18, United States Code, Section 1001, and, as such, a false, fictitious, or fraudulent certification may render the offeror subject to criminal, civil, or administrative penalties, including prosecution.(3) If VA determines that an SDVOSB/VOSB awarded a contract pursuant to 38 U.S.C. 8127 did not act in good faith, such SDVOSB/VOSB shall be subject to any or all of the following:(i) Referral to the VA Suspension and Debarment Committee;(ii) A fine under section 16(g)(1) of the Small Business Act (15 U.S.C. 645(g)(1)); and(iii) Prosecution for violating section 1001 of title 18.

(b) The offeror represents and understands that by submission of its offer and award of a contract it may be required to provide copies of documents or records to VA that VA may review to determine whether the offeror complied with the limitations on subcontracting requirement specified in the contract. Contracting officers may, at their discretion, require the contractor to demonstrate its compliance with the limitations on subcontracting at any time during performance and upon completion of a contract if the information regarding such compliance is not already available to the contracting officer. Evidence of compliance includes, but is not limited to, invoices, copies of subcontracts, or a list of the value of tasks performed.

(c) The offeror further agrees to cooperate fully and make available any documents or records as may be required to enable VA to determine compliance with the limitations on subcontracting requirement. The offeror understands that failure to provide documents as requested by VA may result in remedial action as the Government deems appropriate.

(d) Offeror completed certification/fill-in required. The formal certification must be completed, signed and returned with the offeror's bid, quotation, or proposal. The Government will not consider offers for award from offerors that do not provide the certification, and all such responses will be deemed ineligible for evaluation and award.

Certification

I hereby certify that if awarded the contract, *[insert name of offeror]* will comply with the limitations on subcontracting specified in this clause and in the resultant contract. I further certify that I am authorized to execute this certification on behalf of *[insert name of*

<i>offeror</i>]. Printed Name of Signee: Printed Title of Signee: Signature: Date: Company Name and Address:	
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After its agency protest was denied, Revelations filed its protest in the Court of Federal Claims, and the court stated that the sole issue in the case was: “Did the VA properly reject Revelations’ proposal for failing to comply with VAAR 852.219-75-and related solicitation provisions-or did the VA act arbitrarily and capriciously in rejecting Revelations’ proposal because any error or omission in Revelations’ putative certification was immaterial.” Not surprisingly, the court held that Revelations’ failure to satisfy this mandatory provision of the solicitation was a material error for the following reasons:

- The solicitation’s inclusion of the provision made clear that an offeror’s failure to provide the required certification would result in rejection of the proposal without evaluation;
- Revelations failed to submit the required formal certification including the full text;
- Revelations failed to submit an individualized signature that was tied to, and specifically affirmed the formal certification; and
- Revelations’ failure to include the individualized signature and authorization clause in its proposal was material error even if a formal certification would have been included in the final contract.

Takeaway. The court’s penultimate paragraph in the opinion says it all:

Revelations’ putative attempt at including the required certification was “not good enough for government work.” The government is entitled to expect offerors to satisfy every requirement in the solicitation [and this is particularly true because VAAR 853.219-75] incentivizes compliance with the eventual contract, dissuades those offerors who will not be able to perform from wasting the government’s time and resources and streamlines and enhances any eventual legal remedy the government might later seek against parties who breach the Limitations on Subcontracting. Because Revelations did not comply with the solicitation’s explicit instructions, including VAZAR 852.219-75 certification requirements, the VA did not act arbitrarily and capriciously in eliminating Revelations’ proposal from consideration.

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