

CONFIDENCE DECREASERS

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In a recent technical evaluation in a procurement by the Department of Homeland Security for cybersecurity services, instead of assigning strengths and weaknesses in each technical area, the agency assigned “confidence increasers” and “confidence decreaseers.” Zermount protested the confidence decreaseers in three separate areas, but the Government Accountability Office (“GAO”) ruled that all three were consistent with the terms of the solicitation. *Zermount, Inc.* B-420174, Dec. 27, 2021. The GAO denied Zermount’s protest.

The three areas where the agency assigned confidence decreaseers were as follows, along with the GAO’s disposition:

- **Success statements and technical approach.** The agency assigned confidence decreaseers because of spelling and typographical errors (typos), and the typos prevented the agency from understanding the proposal. The agency stated that the errors undermined the clarity of Zermount’s proposal and were viewed as an indicator that government intervention would be required for successful performance. The GAO agreed that because offerors were responsible for submitting a well-written proposal that clearly demonstrated compliance with solicitation requirements, that the mis-spelling and typos were properly assigned as confidence decreaseers.
- **Unclear Federal Identity Credential Access Management (“FICAM”).** The agency that the offer’s FICAM submission was lacking a strategic plan, failed to establish how Zermount’s plan would accomplish the work and was also conclusory. The GAO agreed with the agency’s confidence decreaseer because the proposal was inadequately written.
- **Technical Approach Criterion.** The agency assigned a confidence decreaseer because Zermount’s technical approach contained misleading and inaccurate statements. These statements indicated that Zermount might not understand the work involved, and therefore the offeror had introduced a performance risk.

There were other issues in the evaluation, but the GAO agreed that the agency had properly evaluated the technical portion, and then awarded the contract to Favor TechConsulting, LLC, whose price was approximately \$2 million lower than Zermount’s.

Takeaways: (1) Scour all proposals for spelling and typographical errors. Use spell-check, and then re-read.

(2) Ensure that your proposal is adequately written and contains the detail required by the solicitation.

(3) Never include misleading or inaccurate statements in your proposal. Every assertion must be provable.

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