

DON'T MESS WITH PAGE AND SPACING LIMITATIONS

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Two recent Government Accountability Office (“GAO”) protests give a very clear picture that offerors must ensure that their proposals comply with and do not evade page or spacing limitations specified in a solicitation. *Tetra Tech AMT*, B-411934, May 17, 2016; *DKW Communications, Inc.*, B-412652, May 2, 2016. In both cases, GAO held its standard position that when an agency establishes a page limit in a solicitation, it need not read any pages in a proposal that exceed the limit. Further, if the agency specifies in a solicitation that proposals must be single spaced, an offeror cannot manipulate the format in order to increase the word content of its proposal.

In *Tetra Tech*, the company protested the award of a task order for information technology services by the National Science Foundation. The Request for Quotations (“RFQ”) established page limit and format limitations for the proposal volumes, including a 35 page, single space limited with stated font size and type for the first task order. Tetra Tech submitted a 47 page submission, 12 pages over the limit. The agency did not consider any of the 12 “excess” pages over the 35 page limit, and as a result, Tetra Tech received an unsatisfactory rating on its technical approach factor.

The GAO denied Tetra Tech’s protest against not considering the 12 pages. GAO said “Offerors that exceed a solicitation’s established page limitation assume the risk that the agency will not consider the excess pages.” The GAO found no ambiguity in the solicitation, and Tetra Tech was simply out of luck. The protest was denied.

In *DKW*, the company protested three task orders solicited by the Department of Energy for cyber security and information technology services. The RFQ stated that each technical quotation was limited to 10 pages, and further, that pages in excess of the 10 page limitation would not be evaluated. The RFQ also stated that the “text shall be 12 point (or larger) single-spaced, using Times New Roman Courier, Geneva, Arial or Universal font type...and the quotation must follow the prescribed format.”

Instead of following the RFQ’s requirement for single spacing throughout the quote, the awardee, Criterion, used multiple space settings. “Criterion used dramatically smaller line spacing [in one volume] for every line of the 10 pages [in one volume], resulting in 66 lines per page [as opposed to 44 lines per page when single spacing was used in other volumes].” GAO held that Criterion had implemented compressed line spacing in a “deliberate and intentional effort to evade the page limitation imposed by the RFQ...” Further, this method added approximately three to four pages to the 10 page limitation. Accordingly, GAO sustained DKW’s protest.

The takeaway from these (and other similar protests) is very simple: do not manipulate spacing or format to increase the length of a proposal when the solicitation establishes clear cut limits. Your time would be better spent in “blue-penciling” your proposal, to hone it down to the required maximum.