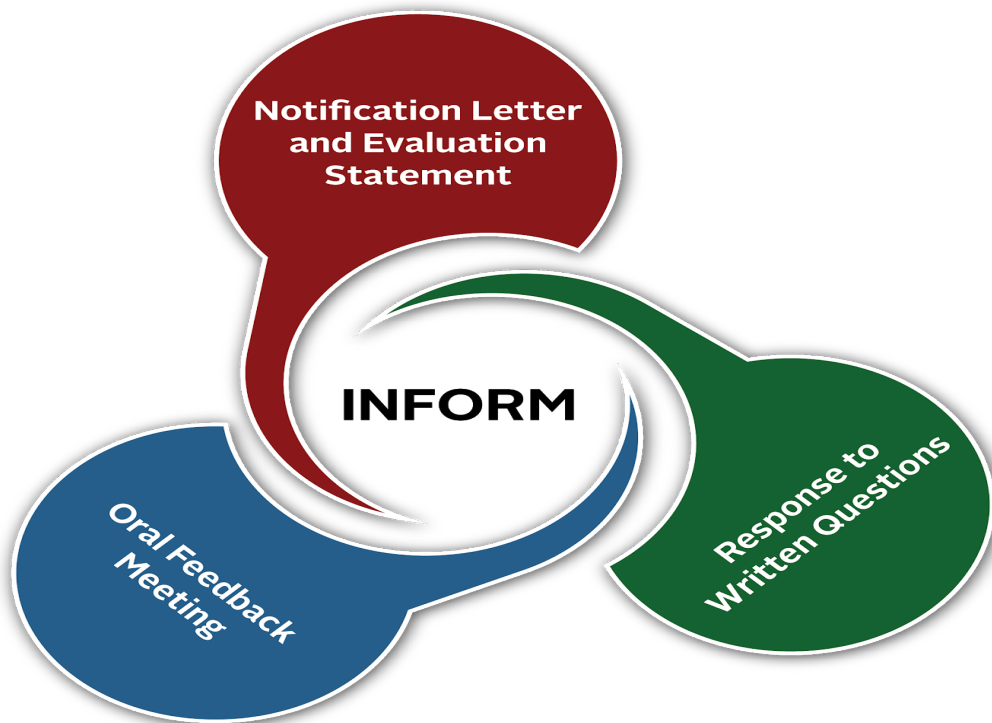




GENERAL SERVICES ADMINISTRATION

IN-depth Feedback through Open Reporting Methods Guide 2.0



IN-depth Feedback through Open Reporting Methods 2.0

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1. Purpose

This guide provides standardized guidance for acquisition professionals participating in the second round of GSA's **IN**-depth **F**eedback through **O**pen **R**eporting **M**ethods (INFORM 2.0). The focus of INFORM 2.0 will be to scale the INFORM process from the micro level to a macro level before establishing a permanent policy (i.e. in the GSA Acquisition Manual). Lessons learned from the first round of the INFORM process were used to draft GSA's proposed post award communication policy.

Background

The INFORM process standardized GSA's post-award communications and provided all offerors with a customized decision statement of their proposal. This, along with the additional opportunity to ask questions of the evaluation team during the oral feedback meetings or through written questions, gave participants a clearer understanding of why their company did or did not receive an award.

The information shared through the INFORM process improved the overall quality of proposals GSA received and highlighted the fairness and impartiality of GSA's evaluation and award process.

GSA's Industry partners who used the INFORM process had a higher perception of the:

- Fairness of GSA's evaluation and selection process (4.58 vs. 4.14 control group),
- Quality of information provided (4.50 vs. 4.10 control group), and
- Usefulness of the information to improve their future submissions (4.50 vs. 4.33 control group).

Our industry partners who received the INFORM enhanced feedback letters were less than half as likely to request a meeting or debriefing. Only 17% of contractors who went through INFORM requested a meeting after receiving the letter compared with 38% in the control group.

2. Applicable Laws

The guide and Acquisition Letter MV-20-02 are issued under the authorities in GSAM 501.370.

INFORM 2.0 satisfies the requirements of the DoD Class Deviation 2018-O0011 and exceeds Federal Acquisition Regulation (FAR) minimum requirements for feedback as prescribed in:

- [FAR 8.405\(Ordering Procedures for the Federal Supply Schedules\)](#),
- [FAR 12.301 \(Solicitation Provisions\)](#),
- [FAR 15.503 \(Notifications to Unsuccessful Offerors\)](#),
- [FAR 15.506 \(Post-award Debrief of Offerors\)](#), and
- [FAR 16.505 \(Orders under multiple-award contracts\)](#).

3. Strategy

The INFORM 2.0 process will be implemented in two phases.

Phase One

Begins April 1, 2020 with the implementation of projects which meet the requirements i.e. applicability except for those excluded or exempted from the process outlined in this section of the guide.

Phase Two

The second phase will begin around April 2021 at which time OGP will OGP will primarily assess the dollar thresholds listed in the “**Applicability**” section of this guide.

Applicability

The INFORM 2.0 procedures apply to all acquisitions which have a planned solicitation date on or after April 1, 2020 and meet the criteria below, except where expressly “excluded” or “exempted”:

Procurements with a total estimated contract value (including options) at or above \$10M

- Public Buildings Service (PBS)
- Office of Administrative Services (OAS)

- Federal Acquisition Services (FAS) Assisted Acquisition Services (AAS) Department for Defense (DoD) actions

Procurements with a total estimated contract value (including options) at or above \$100M

- FAS procurements for non-DoD actions

Inform 2.0 procedures do not apply to GSA lease acquisitions.

INFORM 2.0 Exclusions

The following procurements are authorized to be excluded from the INFORM 2.0 process:

- Multiple award contracts with ten (10) or more awards expected, including but not limited to, the Federal Supply Schedules (FSS), One Acquisition Solution for Integrated Services (OASIS), and the City Pairs Program (CPP). This exclusion does not extend to orders placed against these contracts.
- Awards evaluated on a lowest price technically acceptable (LPTA) basis.
- Emergency acquisitions conducted under the procedures outlined in FAR 18.

INFORM Exemption Process

Heads of Contracting Activity (HCAs) in FAS, PBS, and OAS may exempt procurements that they deem are not appropriate to implement using the INFORM 2.0 process.

HCAs must submit all exemptions quarterly to the SPE via the spe.request@gsa.gov with the subject line entitled "INFORM 2.0 Exemption Quarterly Report". The report must contain the following information:

- Service (FAS/PBS/OAS)
- Office (e.g., TTS, if applicable)
- Region Number
- Project Title
- Brief Reason for Exemption (e.g., number of offerors expected to exceed twenty (20))

The report should be submitted in a chart similar to the example below and must contain the same information:

Service (FAS/PBS /OAS)	Office (TTS, if applicable)	Region #	Project Title	Reason for Exemption e.g. # of offerors is expected to be over 20

Best Practice

- HCAs use an existing process which can easily be used for the INFORM 2.0 exemption process.
- HCAs establish a simple exemption process that can be shared and edited via google docs which includes the information required by the SPE. For example the chart above can be modified to add a column for HCA approval or denial. This modified chart can then be sent to the SPE quarterly.

4. INFORM 2.0 Implementation

Contracting Officers (COs) must adhere to the applicability criteria outlined in section 4 of this guide. If the HCA issues an exemption then the project does not have to follow the INFORM 2.0 process. Please contact your HCA for additional information concerning the exemption process: [List of Heads of Contracting Activity](#).

For projects not excluded or exempted from the INFORM 2.0 process, the CO should include a multi-disciplined team effort. The CO determines the actual composition of the INFORM 2.0 Implementation Team which may include representatives from appropriate functional areas such as contracting, small business, technical, logistics, cost/price, legal, and program management. End-user organizations can also be team members, when possible.

5. Solicitation Process

Acquisition Planning

The INFORM 2.0 process requirements should be integrated into the acquisition planning milestone chart - these include orientation of acquisition stakeholders and potential evaluators to INFORM 2.0 procedures, timeline commitments, meeting with legal for development of timeline for submission

of INFORM 2.0 components for review and concurrence, if applicable in accordance with GSA Order ADM 5000.4B.

The CO must ensure the solicitation complies with this guidance, including using the appropriate Part 8,12,13,15,or 16 solicitation language. The solicitation language is located on the Acquisition Portal topic page for INFORM 2.0.

Best Practice
<ul style="list-style-type: none">• If legal review is required under GSA Order ADM 5000.4B, meet with the Office of the General Counsel to establish agreeable timelines for submission and concurrence for INFORM 2.0 component documents.
<ul style="list-style-type: none">• Select members of the evaluation team and provide INFORM 2.0 process orientation to the members early, preferably during acquisition planning. Team members should be told of the requirement to be available during the evaluation process, time constraints, and oral feedback meeting.

6. Evaluation/Selection Phase Activities

INFORM 2.0 Projects Deemed Unacceptable for Further Review

For projects that are applicable to follow the INFORM 2.0 process, the CO must: 1) send the notification letter stating why the submission was deemed unacceptable and 2) may choose to delay sending the INFORM 2.0 letter of Notification of Decision Statement (NODS) to those offerors whose proposals were deemed unacceptable for further review until the time of award e.g. for FAR 15 and some FAR 16 offers determined not to be in the “competitive range”.

Evaluation Team’s Orientation/Briefing

The requirements for personnel participating in the INFORM 2.0 process evaluation team is the “business as usual” briefing, plus additional familiarization with the INFORM 2.0 components and expected commitment levels during and after evaluation.

Contracting Officer's Roles and Responsibilities

The CO must ensure that all “business as usual” roles and responsibilities are met and that they include the INFORM 2.0 requirements into the briefing process, e.g. personnel participating on the INFORM 2.0 evaluation team are identified and notified, as early as possible, preferably during acquisition planning.

Best Practice
<ul style="list-style-type: none">• Develop and implement templates to be used for evaluation and selection that can easily be copied and pasted into the decision statement.
<ul style="list-style-type: none">• Incorporate language during the evaluation team orientation that commits evaluators to being available during the INFORM 2.0 program for oral feedback meetings-
<ul style="list-style-type: none">• If legal review is required, share the Source Selection Report with the Office of General Counsel for review <u>before</u> sending OGC the Notification of Decision Statement (NODS). Incorporate any changes made to the Source Selection Report into the NODS and send the NODS to OGC.

7. Award Phase Activities

Notification of Decision Statement (NODS)

COs should replace the previous INFORM notification of award template with the appropriate INFORM 2.0 notification of decision statement template.

INFORM 2.0 Projects with Only One Offeror

For projects that were not exempted from the INFORM 2.0 process and only received one offer, there is a two-step process for notification. First, COs can send the “business as usual” email to the offeror notifying them of the award. This will allow the CO to continue the award without delay. Second, the CO must develop the NODS and send that to the offeror within 30 days of the initial notification email or letter announcing the award. For those COs wishing to skip the two-step process; they may develop and send the NODS at the same time as the award notification.

Best Practice

- Share the completed NODS with team members in Google docs to allow for real time changes, reviews, and discussions. Remember to share with only those who need to know.
- Send the completed NODS documents to offerors on the same day as the contract award, when possible.
- Request email confirmation from the offeror acknowledging their receipt of the NODS.

After Release of NODS

The NODS provides each offeror with three options:

- To do nothing, which ends the INFORM 2.0 process for the offeror and moves them to the post-INFORM 2.0 process,
- To submit written questions ONLY (no Oral Feedback Meeting), or
- To request an Oral Feedback Meeting (with or without submitting questions).

Best Practice

The CO should set the date in his/her Google calendar for three business days after the date of issuance of NODS to each offeror and clearly label the calendar reminder. Example: *Offeror (Insert Name) deadline for submission of follow up questions and requesting oral feedback meeting—email sent to xx.*

After three business days, the CO should be in a position to proceed with one of the following paths:

No Response from Offeror	Written Questions Only Received	Oral Feedback Meeting Requested
No further action required.	<ol style="list-style-type: none"> 1. Prepare a response. 2. Obtain legal review and concurrence, if required. 3. Send the response with the statement that the INFORM 2.0 process, FAR requirements for debriefs or explanation has concluded. 	<ol style="list-style-type: none"> 1. Send an acknowledgement receipt to the offeror and attempt to schedule the feedback meeting within five business days of receipt of the request. 2. Conduct oral feedback meeting via in person, telephone, or electronic meetings 3. Respond to any post oral-feedback meeting questions
The INFORM 2.0 process is concluded. Go to Section 9 of this guide.	The INFORM 2.0 process is concluded. Go to Section 9 of this guide.	Follow the procedures outlined in Appendix B of this guide.

Best Practice

The CO should set the date in his/her Google calendar for three business days after the date of issuance of NODS to each offeror and clearly label the calendar reminder. Example: *Offeror (Insert Name) deadline-requesting oral feedback meeting—email sent to xx.*

8. Post INFORM 2.0 Activities

As a general matter, a protest based on other than alleged improprieties in a solicitation, must be filed not later than 10 days after the protester knew or should have known of the basis for its protest, whichever is earlier. 4 C.F.R. § 21.2(a)(2). An exception to this general rule is a protest that challenges “a procurement conducted on the basis of competitive proposals under which a debriefing is requested and, when requested, is required.” In such cases, with respect to any protest basis which is known or should have been known either before or as a result of the debriefing, the protest must be filed no later than 10 days after the date on which the debriefing is held.

What the above-stated language means is that the time in which an offeror needs to file a protest may vary throughout the INFORM 2.0 process. Regardless, at the conclusion of the INFORM 2.0 process program, the CO must ensure that the following activities are completed:

- Update contract files. Ensure that all documents, including questions, responses and attendee lists are placed in the contract files
- Participate in lesson learned events.

Appendix A: INFORM 2.0 Summary Steps

Step 1: Contracting Officer (CO) receives procurement action which meets Section 4 of this guide.

Step 2: CO follows procedures set up from Head of Contracting Activity for review and reporting of procurements for “exemption”.

Step 3: All procurements not receiving an exemption go to Step 4. If HCA issues an exemption go to Step 3a.

Step 3a: Excepted projects go through “normal” acquisition process.

Step 4: Applicable projects add INFORM 2.0 components to the “normal” acquisition lifecycle.

- ❑ In the Acquisition Planning phase include timelines in milestone chart for the completion of the NODS, responding to written questions or for oral feedback meeting
- ❑ In the Solicitation Phase include the correct language into the solicitation.
- ❑ In the Evaluation and Selection Phase, increase the awareness of the evaluation/selection team on INFORM 2.0 components, develop an evaluation template which is consistent with the evaluation criteria in the solicitation and let the team know the expectations.
 - ❑ For awards in which submissions were deemed unacceptable the CO will 1) send notification letter of the submissions unacceptable status, if required, by the FAR and 2) delay providing the NODS until the time of award.
- ❑ In the Postaward Phase substitute your "normal" notification of award document with the NODS and if the offeror request an oral feedback meeting replace it for the debrief/explanation process.
- ❑ If the offeror provides questions or requests oral feedback meeting, provide written responses to questions or conduct oral feedback meeting, if requested by offeror(s). Oral feedback meetings are preferably held in person but can be held via electronic meetings or telephone.
- ❑ Provide written responses to follow up questions after oral feedback meeting, if required.

Step 5: Document your contract files.

Appendix B: INFORM 2.0 Oral Feedback Meeting Suggested Format

A. Find a Location

The contracting officer (CO) is responsible for selecting a location of appropriate size for the oral feedback meeting. The location of the oral feedback meeting room and two or three proposed alternate dates for the oral feedback meeting should be communicated to the offeror within five business days.

Best Practice

The use and selection of a caucus room located near the oral feedback meeting room is a best practice. The caucus room should contain a copy of the offeror's proposal. To the greatest extent practicable, members of the evaluation team that are not in the actual oral feedback meeting should be in the caucus room. In any event, any such members must be available (e.g., phone) for caucusing.

B. Selection of Oral Feedback Meeting Members

The CO should select only key personnel that are knowledgeable in significant aspects of the evaluation process. The CO should also limit the number of members that will actually sit in the oral feedback meeting room, but ensure that other members are readily available (preferably in the caucus room).

Typical members include:

- **Contracting Officer (CO):** Typically, the CO will convene the oral feedback meeting, facilitate introductions, discuss the agenda for the oral feedback meeting, answer the offeror's written questions and any questions that arise during the meeting. The CO may designate such functions to an adequately prepared and knowledgeable contract specialist or other evaluation team member involved with intimate knowledge of the procurement. The CO or designated individual should have a thorough understanding of the technical

evaluation and findings, the solicitation, the acquisition process and the selection considerations.

- **Technical Lead:** If designated by the CO, the evaluation chairperson (or other well-qualified members of the evaluation team) may present all or portions of the technical findings. The designated individual should have a thorough understanding of the technical evaluation and findings.
- **Cost/Price Analyst:** On procurements with complex pricing issues, it is advisable to have the price analyst lead the pricing portion of discussions or be in the caucus room.
- **Other Specialist:** When a key item within the selection decision hinges on a particular specialist's input, the specialist should attend the oral feedback meeting or be readily available in the caucus room.
- **Source Selection Authority (SSA):** Typically, for GSA procurements, the CO is the SSA. In the rare occasions when the SSA is other than the CO and the SSA desires to attend the oral feedback meeting, both procurement and legal personnel should prepare the SSA. In any event, all oral feedback meeting participants shall be intimately familiar with the SSA decision rationale.
- **Office of General Counsel (OGC) (sometimes):** Legal counsel must attend if the offeror brings or involves legal counsel.

C. Practice Makes Perfect

- It is highly recommended to prepare for the oral feedback meeting. The CO or designee should devise a strategy for the oral feedback meeting that will provide as much information as the offeror might reasonably request.

- The CO or designee should: 1) anticipate questions and formulate reasonable answers; 2) examine questions asked during discussions; 3) study answers to pre-oral feedback meeting questions; 4) review the solicitation; and 5) intimately familiarize themselves with the evaluation and award decision documents with special emphasis placed on the factors that impacted the evaluation.
- Going into an oral meeting unprepared is the surest way to lose the confidence of the offeror and lose the opportunity to effectively communicate fairness and transparency.
- The oral feedback team must be briefed on their roles and expected demeanor during the meeting, their anticipated level of participation, and expected preparation time.
- The CO should be instructed to make their presentations in a positive manner and instruct others to do the same.
- The extent of preparation necessary varies considerably with the complexity of the procurement. Sometimes, merely preparing talking points is sufficient. Other times, dry run rehearsals or mock sessions are necessary. At a minimum, dry runs should be performed prior to complex or high-dollar value procurements.

Best Practice

- Preparation for the oral feedback meeting should begin before issuing the notification letter and evaluation statement, because request for oral feedback meetings may occur promptly after such notice.
- Rehearsal, dry runs or mock sessions should be conducted from introductions (see D.1. for format) to conclusion.

- Mock sessions should be held for complex procurements. If you use personnel that are not generally authorized to access proposal and source selection information (see GSAM 503.104-4), a Non-Disclosure Agreement (NDA) must be signed. Recommend legal as part of practice session. Sample mock interviews videos from Federal Acquisition Institute (FAI) are available [here](#).

D. **Conducting the Oral Feedback Meeting**

As noted elsewhere, the CO is supported by a team and may designate other team members to perform certain tasks. The CO is responsible for the overall tone and content of the oral feedback meeting.

1. **Speak with One Voice**

It is important for the oral feedback meeting participants to have a unified presentation. The oral feedback team must speak with one voice that is consistent with the acquisition documents and the decision. Inconsistency with statements or conclusions within the evaluation and selection document can lower the offeror's confidence that the agency acted appropriately in making its decision.

Best Practice

The best-qualified individuals to conduct the oral feedback are intimately involved with and knowledgeable of the procurement, good communicators, even tempered, calm under stress, diplomatic, professional, and able to defuse situations.

2. **Introduction and Objective**

The oral feedback meeting should begin with a brief introduction of all attendees. The CO or designee should advise the offeror of the objective of the oral feedback meeting is to respond to their pre-oral feedback meeting written questions, if submitted, and to answer additional questions that they may have during the meeting.

3. **Set Ground Rules**

Some suggested ground rules include:

- Issuing a statement that the oral feedback meeting is a forum for communicating the maximum information allowed by law and regulation and is not a forum for a debate.
- GSA will provide detailed information on their proposal but will not engage in a point-by-point comparison between the unsuccessful offeror's proposal and the winning proposal.
- GSA will not divulge information from the successful offeror's proposal or any other offerors proposal.
- GSA will not engage in hypothetical questions (e.g., "if we had proposed this, how would you have rated us?").
- People should speak one at a time and without disruptions.
- Outline the procedures for recording oral meetings.

4. **Take Breaks**

Advise the attendees that there may be breaks during the oral feedback meeting. It is advisable to take breaks during the oral feedback meeting if either party needs to caucus concerning a question. Such discussion should take place in a different room and out of the hearing of the offeror. In addition, a break can be useful to permit the parties to consolidate questions, answers, and recover their composure.

5. **Questions**

Establish ground rules for asking questions during or after the CO presentation of responses to pre-oral feedback meeting questions or generic presentation if no questions were submitted by the offeror prior to the meeting. Remember, the

offeror is permitted to ask relevant questions pertaining to whether GSA personnel followed the evaluation and selection procedures set forth in the solicitation, applicable regulations, and other applicable authorities.

E. During the Oral Feedback Meeting

- If pre-oral feedback meeting questions are provided:
 - Address any pre-meeting questions and answers.
 - Answer any additional questions concerning the fairness and impartiality of the evaluation process and rationale for the award decision.

- Try to avoid simply reading the responses to the offerors (this is where practice will become important). Reading the responses in their entirety may make the presentation impersonal and less sincere.

Best Practice
<ul style="list-style-type: none">● Request pre-oral feedback meeting questions three business days before the oral feedback meeting. This gives the agency time to review the questions and provide a more comprehensive answer.
<ul style="list-style-type: none">● The unsuccessful offeror should come away from the oral feedback meeting with an understanding of why its proposal was not selected. Special attention should be on the elements of the offeror's strategy that impacted the evaluation - summarize these to the maximum extent possible.

- If the offeror did not submit pre-oral feedback meeting questions, the CO should ask the offeror if there are any questions concerning the Decision Evaluation Statement. Provide cohesive explanations for the evaluation conclusions and contract award decisions and any additional information about the fairness and impartiality of the evaluation and award decision.

- Follow the ground rules. Provide reasonable responses to the questions asked. Caution must be exercised not to inadvertently disclose proprietary information of other offerors. Avoid responding to hypothetical questions.

If the CO is unable to answer a specific question during the oral feedback meeting, the CO should inform the offeror that the question and any other questions should be submitted during the two business day period following the oral feedback meeting.

Even with preparation, there is always a chance the team will be surprised by unexpected questions during the oral feedback meeting. Following a controlled process can help avoid costly mistakes.

- Ask the offeror for clarification, when necessary.
- Take time to caucus, in private, with other members to determine the appropriate answer. If a caucus is conducted during a teleconference or other non face-to-face medium, remember to mute the line.
- Stick to an objective analysis based on the solicitation.
- Avoid discussing items that were not evaluated, bringing up factors not found in the solicitation, or other evaluation factors because doing so could lead to a protest based on “unstated evaluation criteria.”
- Remember, statutory and regulatory rules strictly limit the information that GSA may disclose regarding other offeror’s proposals, including FAR 15.505(f)(3); Procurement Integrity Act, 41 U.S.C. 2102 (implemented at FAR 3.104-4); the Trade Secrets Act, 18 U.S.C. 1905; and FAR 15.506(e).

F. Concluding the Oral Feedback Meeting

Although there is no time limit for conducting the oral feedback meeting, the CO should end the meeting after all relevant questions have been answered. It is estimated that the meeting should be concluded after one hour. The CO or designee should remind the offeror of the link to the industry survey located on the INFORM 2.0 webpage. The CO should also ensure that the offeror understands that, unless they have further questions, the INFORM 2.0 process, FAR debrief and explanation process has concluded.

Remind them that additional questions must be submitted within two business days from the oral feedback meeting.

Best Practice

The CO should set the date in his/her Google calendar for two business days from the date of the oral feedback meeting for each offeror and clearly label the calendar reminder. Example: *Offeror (Insert Name) deadline for submission of post oral feedback questions —email sent to xx.*

G. Summary Outline for Oral Feedback Meeting

1. Introduction and objective.
2. Ground rules and agenda.
3. Respond to pre-oral feedback meeting questions or provide detailed information to supplement the evaluation statement.
4. Respond to relevant questions during the oral feedback meeting.
5. Statement that the oral feedback meeting has concluded and unless the offeror has additional questions (which must be submitted to the CO within two business days) the INFORM 2.0 process and the FAR requirement for debriefs or explanation has concluded-and no further questions will be answered. If additional questions are submitted within two business days, the INFORM 2.0 process and FAR requirements for debriefs or

explanations will conclude after the offeror receives the written responses.

H. **Post-Oral Feedback Meeting Questions**

If the offeror submits post-oral feedback meeting questions by the deadline, then the CO will:

- Prepare a response to the post-oral meeting questions
- Obtain legal review and concurrence (if required);
- Send the response and go to section 9 of the INFORM 2.0 Guide.

If the offeror does not submit oral feedback meeting questions, go to Section 9 of the INFORM 2.0 Guide.

Best Practice

- The CO should not respond to any more questions after the post-oral feedback meeting questions, so as not to further prolong any applicable protest timeframes.