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## Responding to the STARS III RFP: Critical Proposal Issues

Presented by:

Albert B. Krachman, Blank Rome LLP  
Phyllis O. Bresler, PW Communications

Tuesday, July 21, 2020



# Today's Speakers



202.772.5812  
krachman@blankrome.com

## Albert B. Krachman

### Partner, Government Contracts, Blank Rome LLP

Al has more than 30 years of experience providing legal counsel on all aspects of government contracting and government grants. He counsels on winning government contracts and grants, solicitation and proposal issues, and strategies to increase contract profitability at the bidding or grant application stages. Al represents successful and unsuccessful bidders on bid protests at the agencies, at the Government Accountability Office and in the courts. He counsels on the broad range of compliance and enforcement issues arising from mergers and acquisitions of government contractors, including organizational conflicts of interests, problems under the Small Business Act, international contracting, and security clearance matters.



301.231.7033  
pbresler@pwcommunications.com

## Phyllis O. Bresler

### President & CEO, PW Communications

Phyllis is the founder and CEO of PW Communications, Inc., which provides federal and advisory consulting services, including proposal support, to companies of all sizes globally, including many of the world's largest government contractors. After nearly a decade working as a proposal consultant, primarily as a manager and writer, Phyllis self-funded the start-up of PW Communications in 1996. She is a graduate of The University of Pennsylvania and of the Executive Business Program at Tuck School of Business at Dartmouth.

# Topics Covered

- Solicitation Overview
- The Amended Proposal Schedule + Best Practices
- Pre-Proposal Conference Take-Aways
- The Compliance Matrix
- Avoiding Summary Rejection
- Key Proposal Preparation Issues
- Writing to the STARS III Award Standards
- The Red Team
- Solicitation and Proposal Rejection Protests
- Lessons Learned

# Overview

- **Master Contract scope to provide Federal Agencies with Customized IT Services and IT Services-based Solutions.**
- **Primary NAICS Code: 541512 Computer Systems Design Services**
  - Plan and design computer systems that integrate computer hardware, software, and communication technologies
  - The current size standard is \$30 million
- **Two Scope Sub-Areas**
  - Scope Sub-Area 1: Emerging Technology-Focused IT Services
  - Scope Sub-Area 2: IT Services performed outside of CONUS

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# Amended Proposal Schedule + Best Practices

- July 21, 2020: Express Gratitude for Proposal Extension
- July 22-23: View Twice The Pre-Proposal conference video <https://www.youtube.com/watch?v=Zh-Hpws5eVY&feature=youtu.be>
- July 21-23: Analyze Amendment 1 Changes and Formulate Questions for Submission by 7/25 Deadline
- July 21-24: Update Compliance Matrix To Account For Amendment 1 Changes
- July 21-25: Complete and Verify Portal Registration ASAP
- July 25, 2020: Deadline for Additional Questions
- **JULY 28, 2020: CONUS Pre-Proposal Conference 10:30am Central Daylight Time**  
<https://gsa.zoomgov.com/j/1607063440?pwd=RHlza0F4VDBlakJMRIjOVUrMit6Zz09&status=success>
- **JULY 28, 2020: OCONUS Pre-Proposal Conference 6:30pm Central Daylight Time**  
<https://gsa.zoomgov.com/j/1600137359?pwd=NnVwZCtMRnN6Y01mTjZTZ1hXOHdUdz09&status=success>
- August 5, 2020: Deadline for Portal Registration
  - <https://tscportal.fas.gsa.gov/>
  - Validation can take up to 5 days
  - Follow Instructions noted in the STARS III Offer Portal User Guide
- August 16, 2020: Final Proposal Review - Red Team
- August 17-18, 2020: Submit Proposal
- August 19, 2020: 3 PM Proposal Deadline Eastern Daylight Time (EDT)

# Take-Aways From Pre-Proposal Conference

- Cyber, Cyber, Cyber
- Cost Realism Will Be Evaluated, Though it's Not in the RFP
- There is HIGH value in the Sub-Scope Areas
- REPs and Certs for Each JV Member
- Professional Employee Comp Plan - Methodologies Important
- Including entities with HUBZone, SDVOB, EDWOSB and Eligible WOSB qualifications will increase the competitiveness and value of an awarded contract

# The Compliance Matrix

- Create a compliance matrix to ensure every requirement is accounted for and submitted with the proposal.
- Designate staff to specific sections to ensure proposal content is compliant.
- Understand that this solicitation requires hyper-attention to detail. There are forms, signatures, and plans that must be submitted that will differ based on the type of teaming arrangements.
- Note the required forms to submit with every Relevant Experience or Past Performance citation.
- Do not include CAF in pricing, but every Task Order invoice submitted MUST include CAF on each invoice for all products/services, including approved travel.
- Review the table in L.12.2 that identifies the deliverables that must be submitted.
- Joint Ventures Have Additional Compliance Requirements.

# Avoiding The “Summarily Rejected” Bin

- RFP Notes 5 Pathways to the Summary Rejection Bin

**L.3.9. DO NOT** make your award contingent upon receiving award in one or both sub-areas.

**L.4 DO NOT Fail** to submit all items required by the Solicitation.

**L.9.6.2 DO NOT Fail** to submit a copy of the approved Mentor-Protégé Agreement with your proposal.

**L.18.1. DO NOT FAIL** to submit qualifying past contractual performance information when it exists.



# Proposal Rejection- Contd.

- **L.19.5 DO NOT FAIL** to offer maximum rates for all labor categories at both government site and contractor site. Omission of a rate for just a single labor category may result in a material non-conformity.
- Rejection also likely for:
  - Failure to Provide Detail on How a Task Will be performed
  - Placing Required Information in the Wrong Proposal Section
  - Minor Misstatements and Internal Inconsistencies
  - Failing to Strictly Follow Proposal Instructions
  - Failure to Provide Added Value beyond the Minimums
  - Not Projecting Low Performance Risk
  - Assuming the Government Knows Your Business

# The Two Sub-Scopes: ET and OCONUS REPS

- **C.2.1.5** Illustrative ET examples include but are not limited to:
  - (1) Artificial Intelligence (including Machine Learning, Deep Learning/Neural Networks, Natural Language Generation)
  - (2) Autonomic Computing
  - (3) Blockchain / Distributed Ledger
  - (4) Quantum Computing
  - (5) Robotic Process Automation
  - (6) Technological Convergence
  - (7) Virtual Reality (including Augmented Reality, Extended Reality, Mixed Reality)
- **C.2.2.1** OCONUS
  - This sub-area provides for IT services-based solutions to be performed outside the contiguous United States (OCONUS).

# Proposal Preparation

- Confirm your proposal formatting complies with the instructions in L.12, which are straight forward: document font size Arial 10pt, graphics 8pt, 1-inch margins, numbered pages, except for pricing save all documents/file formats as .pdf, .doc or .docx
- Include all items referenced in L.12.2
- Complete, sign and date SF 30 and *Revised* SF 33
- Make sure Subcontractor Agreements, JV Agreements and Attachment J-8 Past Performance are signed by the appropriate representative
- Include Reps and Certs Attachment J-10
- Develop and submit Employee Comp Plan and Uncompensated Overtime Policy

# Proposal Preparation (Cont'd)

- Obtain signed Letter(s) of Commitment for all subcontractors. *See L10.3 for the information needed.*
  - All Proposed subcontractors **MUST** be small businesses
  - Signed letters of commitment by a representative with the authority
- Submit Past Performance Survey (Attachment J-8) if CPAR is not available. Offeror will provide the survey directly to each reference.
  - The Past Performance Survey must be completed and signed by a CO, or COR, or COTR with cognizance over the submitted project
  - The Offeror must submit all signed Past Performance Rating Forms, as applicable, with their proposal submission.
  - Submit favorable past performance for each Relevant Experience Project (REP)
    - Value >\$100k
    - Performed within the last 5 years
- **Submit pricing for every labor category listed**
- Include nondisclosure statement

# Cyber Security – A Critical Discriminator

- CMMC/SCRM ISO TO ENSURE CYBERSECURITY AND SCRM READINESS
  - Submit a brief (7 pages or less) written cybersecurity and SCRM assessment (Attachment J-11)
  - Address the offeror's intention to obtaining CMMC, at a minimum CMMC Level 1
  - Explain how hardware, software, firmware/embedded components, and information systems are protected to meet SCRM requirements
  - GSA reserves the right to:
    - Survey 8(a) STARS III awardees from time-to-time to identify cite each industry partner's CMMC level and ISO certifications
    - Restrict STARS III competitions by designation of an applicable CMMC level and/or ISO certification
    - Require CMMC Level 1 certification as *mandatory* to perform on STARS III

# Special Issues for Joint Ventures

- Understand Joint Venture and SBA-Approved Mentor-Protégé Requirements
- L.9.4 A joint venture needs to provide the proposal information as a combined business entity, not individually. The experience and past performance of qualifying joint venture members automatically inhere to the combined joint venture business entity.

# Award Standards

- **M.3 Evaluation Criteria and Process**

- In order to be eligible for award, an offer must conform to the RFP requirements, be technically acceptable, and provide fair and reasonable pricing. An offer that is deemed unacceptable by the Government on any (even a single) evaluation criterion may be ineligible for award.
- The Government will make awards resulting from this solicitation to responsible offerors based on an evaluation of the following equally important evaluation criteria. 1) Technical, 2) Past Performance, 3) Price, and 4) Responsibility.
- Despite comments at Pre-Proposal conference, price realism is not in the RFP.

# The Red Team

- Red Team Review NLT 3 Days Before Proposal Submission
- Fresh Eyes on Entire Document
- Close Check against Compliance Matrix
- All Documents Ready and Signed
- Must be Hyper-Critical and High Attention to Detail
- Close Test against Rejection Standards



# Solicitation and Proposal Rejection Protests

- Solicitation Protests
  - Are Any RFP Provisions Unduly Restrictive of Competition?
  - Does a Provision Eliminate Your Eligibility and Violate a Statute or Regulation?
  - Try to have your issue resolved in Q&A.
  - Agency Level Protests Can Be Effective.
  - Protests Must be Brought Before Closing Date for Receipt of Proposals.
  - Cannot complain about a Solicitation issue in a post-award protest.

# Solicitation and Proposal Rejection Protests cont'd.

- Proposal Rejection Protests
  - Is there a basis to challenge the rejection?
  - Your first goal is to have your proposal reinstated in the competition by voluntary agency corrective action.
  - If a basis to protest exists, must insure that protest is filed within the applicable deadlines.
  - Request a debriefing, but do not allow your protest deadline to run out if the debriefing is not provided or is deferred.

# According to the Professors:

- **“...we warned offerors that anything less than perfection in preparing proposals could, and would likely, lead to rejection of the proposal.”**
- **“There is no requirement that Contracting Officers act like reasonable buyers.”**

29 Nash & Cibinic Report p. 47 (2015)

# Lessons Learned from the Trenches

- Assume technical glitches will occur and leave time for fixes.
- Nothing good results from an 11<sup>th</sup> or 12<sup>th</sup>-hour proposal change.
- Assume there will be further delays. Anticipate those in your agreements with key personnel and subcontractors.
- A first-rate Compliance Matrix and Red Team Scrub are not optional.
- Identify Internal Review Team.
- Evaluate proposal response on a rolling basis.
- Save all active documents with a revision extension (until submission).
- Retain receipt that the proposal was successfully submitted on time.
- If you win award, your proposal might be targeted in a post-award protest. To survive that, your proposal must be bulletproof.

# For Further Questions or Assistance

Al Krachman

[krachman@blankrome.com](mailto:krachman@blankrome.com)

M: 703.629.2404 or O:202.772.5812

Phyllis Bresler

[pbresler@pwcommunications.com](mailto:pbresler@pwcommunications.com)

301.231.7233

The information in this briefing is generic to the GSA STARS III RFP as of July 20, 2020, and is not intended, and should not be relied upon, as legal, business, competitive, or procurement advice or advice on the preparation or contents of any specific proposal that is prepared for any bidding entity.