

TEN TIPS FOR A GREAT CONTRACTING OFFICER'S STATEMENT

1. Tell It Straight

Above all, be candid. Tell it straight and don't "spin" the facts. If you're caught in a half-truth, it will undermine your position – no matter how strong. In addition, if you later discover an inadvertent misstatement, tell your attorney immediately – so that AMC can inform the GAO and the other parties.

Similarly, be reasonable. Make sure that every statement or argument passes the "straight-face-test" (at a minimum!). If it doesn't, don't use it. Even one unreasonable statement will undermine your credibility.

2. Cover Every Argument

Make sure you address each and every issue which the protester raises. If you don't, the GAO may decide that you have conceded the protester's argument.

This will be more difficult for you if you receive a rambling or extremely disorganized protest. In this case, it may help to impose your own reasonable organization on the protest issues. But at any rate, cover them all.

3. Cite Effectively From The Record

Make sure you follow every factual statement with a citation to the Record. ("The Record" means all relevant documents, e.g., RFP, Technical Evaluations, Source Selection Decision etc ...) Your citations should be complete; that is, they should lead the GAO attorney to the exact location of the information. As an example:

(See TAB X, para.Y, p. Z.)

In addition, you can enhance the impact of your Statement if you provide relevant quotations from the Record, especially from the RFP. (See Attachment 1 for an example.) Don't go overboard, though, as too many quotations may dilute your analysis.

4. Be Complete – But Concise

Your statement will be most effective if you strike a healthy balance regarding the level of detail.

Above all, be complete. This means you should discuss the program, procurement, and protest issues in enough detail so the GAO fully understands your decision and the context in which you reached it. Write as if your reader knows nothing about your program or your procurement.

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Balance this, however, with a reasonably concise style. Focus on what's relevant. Make every word count!

5. Include A Clear Organization

There are a number of ways to organize your Statement. Do whatever makes sense and is comfortable to you.

At a minimum, be sure to include a description of the program (i.e., background); a chronological statement of facts; an analysis of the facts in light of the protester's arguments; and your conclusions and recommendations.

If your Statement is very complex, consider using some effective headings. This will help your reader follow your Statement better.

6. Put Your Conclusions First

Tell your reader where you're going. State your key point or conclusion up-front. That way, your reader will understand the relevance of the information which follows.

Sometimes, people refer to this technique as giving the reader a "road map":

1. Here's what I'm going to tell you.
2. Now I'm telling you.
3. Here's what I told you.

You can and should use this technique on all levels of your Statement: overall; for each "argument"; and even for paragraphs. This technique is especially useful for complex or confusing procurements.

7. Two Words: Active Voice

Use the active voice. It has two advantages: clarity and responsibility. First, it is the clearest way to tell your story. Second, it shows that we are willing to take responsibility for our actions. (E.g., "I determined that Acme's proposal represented a high risk approach. I based my determination on the following:")

8. Keep It Professional

Your tone should be confident and professional. When you point out a protester's mistakes or failures, do so in a straightforward, calm manner -- never angry or in a manner that belittles the protester.

9. Keep It Simple

Your Statement will be easiest to follow if you use a simple and direct style. Some examples include:

- a. using short and medium-length sentences;
- b. keeping the subject and verb close together;
- c. avoiding "run-on" paragraphs; and
- d. using simple, familiar words (e.g., "think" instead of "deem")

10. Avoid Acronyms, Jargon

When you write, always remember your reader. He or she won't understand our "inside" language. So, be sure to use terms which an "outsider" can understand. If you must use acronyms, be sure spell them out first.

ATTACHMENT ONE

5. Regarding the preparation of responsive proposals, the RFP provided:

L.31.3. The offeror is cautioned that unsupported promises to comply with the contractual requirements will not be sufficient. The proposal must not repeat the contractual specifications, but rather must provide convincing documentary evidence in support of any conclusionary statements.

L.31.5.1. PART I - (Technical/Management): Offeror is responsible for including sufficient details (WITHOUT REFERENCE TO COST) to permit a complete and accurate evaluation of the proposal strictly from a Technical/Management standpoint.

App. 22-23 (emphasis added).