

# The Accidental **WIRING**



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## **Introduction**

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**It happened again. You've put out a Request for Proposal (RFP) and there were only one or two responses, one of whom is the incumbent.**

**How are you supposed to get the best value for the Government with so little competition? Is the incumbent really the only one capable of managing your contract? What happened to all of the vendors asking questions?**

**Chances are, you might have accidentally "wired" your contract back to the incumbent.**

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## What is Wiring?

To find out, we have to take a look at how industry approaches an RFP.

Your government team has invested significant time and effort into creating the RFP, it has been reviewed by dozens of people, and you finally release it. What happens next?

Vendors send it out to their sales teams and executives to read, and the discussions start. A bunch of executives in suits sit around a table and argue about whether your RFP is worth responding to. They demand to know from their “capture team” why you include this or that and manically tie (red string and thumbtacks included) every requirement back to the Government trying to get back to the incumbent. They’ll put together questions asking you to take out the requirements you included for a good reason, tell their people not to bother working on it yet, and then when you respond that you are keeping your (necessary) requirements, they’ll drop the bid, and you miss out on competition. Many questions that might lead them to an alternate answer they will not ask because answers are advertised to all which significantly quells the interaction.

Then, like a self-fulfilling prophecy, the only competitive bid you get is from the incumbent.

This is an industry issue first and foremost, but the one it hurts the most is the Government. Like all communication issues, this is a two-way street, and there are strategies you can employ to make sure that your programs aren’t missing out on good competition because some contractors need a bit of hand-holding.

## What Wiring Signs are Contractors Looking For?

Here’s the thing. If you look up lists of how to tell if an RFP is wired (and there are *a lot*), and compare that to any RFP, you’re bound to find something that’s allegedly a sure sign it’s wired. Every single one. You are dealing with some very paranoid folks. No matter how much it’s proven that hardly any RFPs actually are (and that incumbent win rates are actually less than 20%), many contractors easily fall into the mindset that a bid is wired, and they shouldn’t waste their time. The process of responding takes a significant amount of time and resources from companies and they will seek to only pursue those in which they feel they have a “leg up.”

This, of course, is not to your or the Government’s benefit. So what are the primary omens they are looking for in your requirements and RFP?

Unusual, restrictive, or onerous requirements (especially in staffing!)

Unusual labeling of key staff

Resumes required or “preferred” for all staff on contracts with >5 FTEs

Hyper-aggressive due date

Vague instructions or statement of work

Copy/paste statement of work

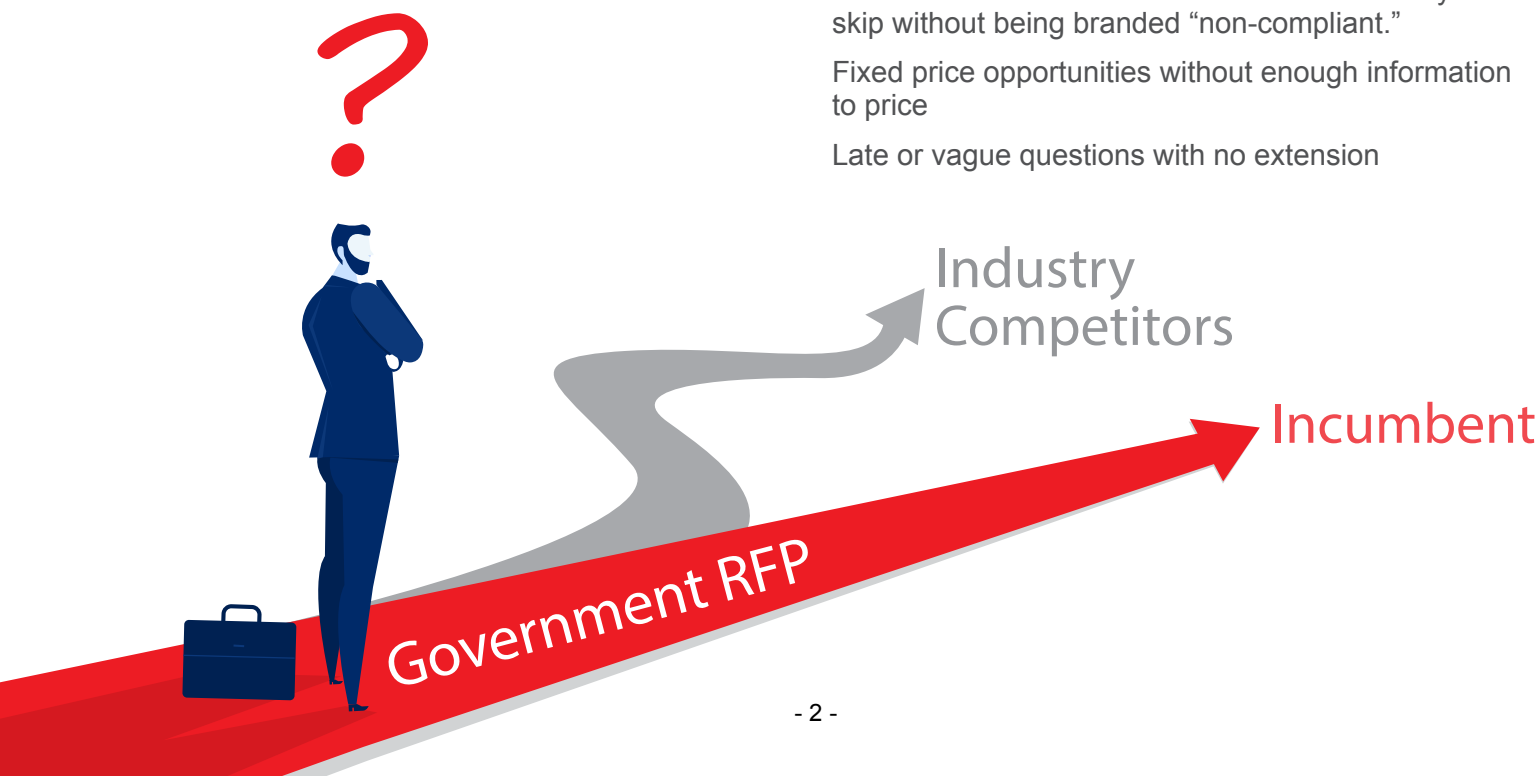
Overly specific past performance requirements

Highly restrictive page count

Page limitations that make it impossible to respond to all of the requirements so that only the preferred bidder will know what to focus on and what they can skip without being branded “non-compliant.”

Fixed price opportunities without enough information to price

Late or vague questions with no extension



## How to Avoid It

But wait, you say! There are very good reasons for doing all the above things, so that I can get these contracts out on time and meet the program requirements. With contracting staff executing more actions per person than ever before I don't have time to cater to the whims of industry. Depending on your goals, there are a number of ways to avoid accidental wiring, without burdening your office further. Most will even save you time and increase contract performance in the long run.

### **Limit Number of Bids or Reduce Evaluation Time**

To limit the number of bids or limit the pool of vendors and reduce the time for evaluation without favoring only the incumbent consider applying [FAR 15.202](#), a multi-step advisory process, which is similar to a down select process but is non-protetable. This process allows for increased communication with industry without increasing risk or protest and drives innovation.

### **Highly Specific or "Onerous" Staffing Requirements**

If the goal is to meet highly specific requirements, then instead of highly specific staffing requirements, consider highly specific performance requirements. This levels the playing field for industry, while actually driving better results for your contract both now and down the line. Most RFPs/RFQs with highly specific staffing requirements are because you want a guarantee that the awardee will keep your current people in place.

This is a fallacy for two reasons: one, most awardees will automatically be inclined to re-badge current staff. That's how this industry works. Two, even companies with stellar retention rates and benefits can lose staff over time. Instead of relying on that one stellar staff member, who is the only one who can do a job, put the onus and risk on the contractor by saying that job has to be done to this performance level. They will find someone to do it at that level or better--it's what good contractors do. Not only that but performance-based contracts drive innovation, while staffing-focused contracts drive complacency.

### **Involve Industry Early**

This may be the most effective and least realistic suggestion, and it does take more time up front. Industry and government these days seem like a child looking at a spider both afraid of each other. But the more communication between the program and contracting offices and industry, the less industry will be concerned with "wired" contracts. This also

## CFR § 15.202

### Advisory Multi-Step Process

(a) The agency may publish a presolicitation notice (see 5.204) that provides a general description of the scope or purpose of the acquisition and invites potential offerors to submit information that allows the Government to advise the offerors about their potential to be viable competitors. The presolicitation notice should identify the information that must be submitted and the criteria that will be used in making the initial evaluation. Information sought may be limited to a statement of qualifications and other appropriate information (e.g., proposed technical concept, past performance, and limited pricing information). At a minimum, the notice shall contain sufficient information to permit a potential offeror to make an informed decision about whether to participate in the acquisition. This process should not be used for multi-step acquisitions where it would result in offerors being required to submit identical information in response to the notice and in response to the initial step of the acquisition.

(b) The agency shall evaluate all responses in accordance with the criteria stated in the notice, and shall advise each respondent in writing either that it will be invited to participate in the resultant acquisition or, based on the information submitted, that it is unlikely to be a viable competitor. The agency shall advise respondents considered not to be viable competitors of the general basis for that opinion. The agency shall inform all respondents that, notwithstanding the advice provided by the Government in response to their submissions, they may participate in the resultant acquisition.

provides them with the opportunity to let you know what additional information they would need to feel they are on even footing with the incumbent.

### **Answering Questions**

Finally, how you answer questions is a big part of what determines whether vendors toss your RFP in the no bid box. If every company who submitted questions asks one around the same requirement, provide more in-depth information as to why you require that and what exactly is expected. Consider relaxing the requirement if enough companies have brought up serious competitive concerns.

## Conclusion

Taking simple steps to avoid accidental wiring not only increases competition for your RFPs/RFQs, it also can shorten the procurement time, reduce protests, and drive better contract performance over the lifetime of the contract.

Too often, with the current state of limited or nonexistent communication with contractors outside of the actual proposal itself, each side is in a vacuum, not understanding how decisions that seem like common sense to them come across to others.

Simple strategies to help us all speak the same language drive better results and create more value for the Government and the taxpayer--without undue strain on already stretched contracting resources.

