

## GSA ORDER

Subject: General Services Administration Acquisition Manual; GSAM Case 2021-G508, Incorporate IN-Depth Feedback through Open Reporting Methods (INFORM)

- **Purpose.** This General Services Administration (GSA) order revises the General Services Administration Acquisition Manual (GSAM) to incorporate guidance on GSA's post award communications for the acquisition of supplies or services under GSAM section 515.370 *IN-Depth Feedback through Open Reporting Methods (INFORM) Procedures*.
- **Background.** For many years, GSA has focused on solutions to improve and increase its communications with industry. Solutions included hosting a series of reverse industry days, reducing regulatory burdens, sharing best practices and launching of an unprompted unredacted customized post-award feedback process known as INFORM.

On October 12, 2018, GSA implemented the INFORM pilot which provided a "test group"<sup>1</sup> of offerors, both successful and unsuccessful, with information beyond the Federal Acquisition Regulation (FAR) requirements to increase the transparency of GSA's evaluation and selection procedures, improve the quality of the offerors' future submissions, and ensure all offerors knew why they did or did not receive the award.

The INFORM pilot's unique components were industry-driven and provided: 1) an opportunity to ask questions after receiving the customized notification letter containing information similar to an enhanced debrief or explanation; 2) access to oral feedback with the evaluation team; and 3) an opportunity to ask additional questions after the oral feedback session.

The results of the INFORM pilot were measured through surveys with the GSA acquisition workforce and industry partners participating in the "test group" and "control group"<sup>2</sup>.

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<sup>1</sup> "Test group" means those members of the acquisition workforce and industry submissions which implemented or received the INFORM components. The "test group" participants were selected by all of GSA's Heads of Contracting Activity per region.

<sup>2</sup> "Control group" means those members of the acquisition workforce and industry submissions which received the traditional or "business as usual" post award communications.

- The GSA acquisition workforce survey indicated that 73% of the acquisition workforce favored INFORM over traditional methods and 74% said it did not cause any delays.
- Industry response was also very positive. Those 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).

On April 1, 2020, GSA built on the INFORM pilot success and considered feedback from both industry and the acquisition workforce to modify and scale the INFORM policy across GSA. The changes to the INFORM pilot were launched under “INFORM 2.0”. The modifications were as follows:

- Additions:
  - Incorporated threshold dollar limits for acquisitions under the Federal Acquisition Service (FAS) and Public Buildings Service (PBS).
  - Identified automatic exemptions to remove acquisitions from using the INFORM procedures where it made sense to do so.
  - Established an exemption process subject to Heads of Contracting Activity (HCAs) approval.
- Deletions:
  - Removed mandatory legal reviews unless specified per GSA policy.
  - Removed “control group” participation.
  - Removed GSA acquisition workforce surveys.

In January 2021, the President of the United States issued Executive Orders (EO) targeting equity, climate, and economic recovery. The incorporation of the INFORM procedures allows GSA and industry to advance many of these objectives, such as:

- EO 13985 *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*. The INFORM procedures ensure that all offerors (e.g., large, small, minority owned, women owned, owned by people with disabilities) have equal and transparent access to data by embedding fairness in the evaluation process and enhancing the feedback offerors receive on their proposals.

- EO 14008 *Tackling the Climate Crisis at Home and Abroad*. INFORM procedures include oral feedback meetings that allow for implementation via video, teleconference, telephone or other electronic means. The use of this methodology reduces greenhouse gas emissions caused by traveling to and from meeting sites. In addition, the INFORM procedures require all questions to be sent and responded to electronically, thereby reducing the need for paper documents.

GSA is amending the GSAM to incorporate language regarding applicable INFORM procedures and to maintain consistency with other parts of the GSAM.

- Effective date. September 8, 2021.
- Explanation of changes. This amendment includes only non-regulatory changes to the GSAM. For full text changes of the amendment see Attachment A, GSAM Text Line-In/Line-Out.

This amendment revises the language of the following GSAM subparts, changes summarized below:

GSAM Subpart 502.1 - Definitions:

- 502.101 - adds a definition for IN-Depth Feedback through Open Reporting Methods (INFORM). This eliminates the need for repetitive identification of what INFORM means throughout the GSAM.

GSAM Subpart 507.1 -Acquisition Plans:

- 507.104 - adds requirements for the planner and contracting officer (CO) to ensure all INFORM components are integrated in the acquisition planning process.

GSAM Subpart 508.4 - Federal Supply Schedules:

- 508.405 - clarifies the applicability of INFORM procedures for GSA orders and BPAs.

GSAM Subpart 512.2 - Special Requirements for the Acquisition of Commercial Items

- 512.204 - clarifies the applicability of INFORM procedures for all appropriate acquisitions.

GSAM Subpart 515.3- Source Selection

- Adds a new section 515.370 IN-Depth Feedback through Open Reporting Methods (INFORM) Procedures.

- 515.3700. Scope of section - provides high level description of the INFORM procedures.
- 515.3701 Definitions - defines the term “unredacted” as used in this section.
- 515.3702 General.
  - 515.3702-1 Applicability - clarifies which acquisitions must incorporate the INFORM components unless excluded or exempted and clarifies this section takes precedence over the INFORM guide.
  - 515.3702-2 Exclusions and exemptions - identifies the type of acquisitions that are excluded from the INFORM procedures and clarifies the exemption process led by HCAs.
  - 515.3702-3 Authority - identifies the appropriate authorities for notification, explanations and debriefs including enhanced debriefing.
  - 515.3702-4 Limitations - clarifies that INFORM procedures will not substitute industry’s understanding of the work, alter the final agreement, or extend the U.S. Government Accountability Office’s timeliness at Title 4 of the Code of Federal Regulations (C.F.R.), Part 21.
- 515.3703 Policy.
  - 515.3703-1 Acquisition planning - outlines the acquisition planning process for using the INFORM procedures.
  - 515.3703-2 Solicitation - outlines the steps COs must perform to incorporate the INFORM solicitation language into all applicable procurements.
  - 515.3703-3 Evaluation and Selection - outlines the procedures during preaward and evaluation life cycle, including notification to unacceptable offerors.
  - 515.3703-4 Notification of Award - prescribes the notification of award process under INFORM procedures.
  - 515.3703-5 Post Notification - prescribes procedures and clarifies timelines for the execution of individual INFORM components.

GSAM Subpart 516.5 - Indefinite-Delivery Contracts.

- 516.500 - clarifies the applicability of INFORM procedures for all appropriate orders.

5. Cancellation. This order cancels GSA Acquisition Letter MV-20-02.
6. Point of contact. For clarification of content, contact Ms. Johnnie McDowell, GSA Acquisition Policy Division, at [gsarpolicy@gsa.gov](mailto:gsarpolicy@gsa.gov).

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## GSAM Text, Line-In/Line-Out

### GSAM Baseline: Change 132 effective 07/26/2021

- Additions to baseline made by rule are indicated by [bold text in brackets]
- Deletions to baseline made by rule are indicated by strikethroughs
- Five asterisks (\* \* \* \* \*) indicate that there are no revisions between the preceding and following sections
- Three asterisks (\* \* \*) indicate that there are no revisions between the material shown within a subsection

### Part 502 - Definitions of Words and Terms

#### Subpart 502.101 - Definitions.

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["IN-Depth Feedback through Open Reporting Methods (INFORM)" means GSA's enhanced debrief and explanation communication procedures detailed in 515.370.]

### Part 507 - Acquisition Planning

#### Subpart 507.1 - Acquisition Plans

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#### 507.104 General procedures.

(a) \* \* \*

[(11) Coordinate with the contracting officer to ensure all INFORM components (see INFORM Guide) are integrated into the acquisition planning process. The acquisition plan must include the time necessary for orientation of acquisition stakeholders and potential evaluators to INFORM procedures and timeline commitments.]

(b) \* \* \*

[(2) Ensure all acquisition plans for applicable acquisitions per 515.370 contain the INFORM components.]

[(3)](2) Ensure that the contract file contains a copy of the approved acquisition plan.

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**Part 508 - Required Sources of Supplies And Services**

**Subpart 508.4 - Federal Supply Schedules**

**[508.405 Ordering procedures for Federal Supply Schedules.**

**COs shall follow the INFORM procedures in section 515.370 for all applicable orders and BPAs.]**

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**Part 512 - Acquisition of Commercial Items**

**Subpart 512.2 - Special Requirements for the Acquisition of Commercial Items**

**[512.204 Solicitation/contract form.**

**COs shall follow the INFORM procedures in section 515.370 for all applicable GSA acquisitions.]**

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**Part 515 - Contracting by Negotiation**

**Subpart 515.3- Source Selection**

**\* \* \* \* \***

**[515.370 IN-Depth Feedback through Open Reporting Methods (INFORM) Procedures.**

**515.3700. Scope of section.**

**The INFORM procedures prescribed in this section provide a standardized approach to GSA’s post-award communications with offerors and provide all offerors fair access to data, i.e., successful and unsuccessful offerors with detailed information about their submissions. GSA’s INFORM procedures are designed to strengthen the relationship between GSA and industry by providing:**

**(a) A clear understanding of the underlying rationale of GSA’s evaluation and selection process;**

**(b) Useful feedback which can assist industry with future submissions; and**

(c) Sufficient information on why the offeror did or did not receive the award.

#### **515.3701 Definitions.**

As used in this section-

“Unredacted” means the information provided to offerors was not significantly altered, modified, edited or revised by GSA prior to distribution.

#### **515.3702 General.**

##### **515.3702-1 Applicability.**

(a) The INFORM procedures detailed in this section are required for all GSA acquisitions, including DOD assisted acquisitions, with a total estimated contract value (including option years) at or above \$10 million unless excluded or exempted per 515-3702-2.

(b) GSA contracting activities shall use the procedures and guidelines as prescribed in this section in conjunction with:

(1) The INFORM Guide at <https://gsa.gov/inform>,

(2) The guidance in the applicable corresponding FAR parts 8, 12, 15 or 16, and

(3) Any other applicable GSAM part.

(c) If the INFORM procedures in this section are inconsistent with a requirement in another GSAM part, this section 515.370 shall take precedence.

(d) If there is a conflict between the INFORM Guide and this section, this section shall take precedence.

##### **515.3702-2 Exclusions and exemptions.**

(a) Exclusions. The following are excluded from the INFORM post-award communication process:

(1) Acquisitions expected to award ten (10) or more contracts or awards in response to a solicitation. Multiple award contracts include but are not limited to, the Federal Supply Schedules (FSS), various Government-Wide IDIQs and GWACs, . The City Pairs Program (CPP) is



also excluded. This exclusion does not extend to orders or BPAs placed against the multiple award contracts;

(2) Acquisitions that use the lowest price technically acceptable source selection process (see FAR 15.101-2(c));

(3) Non-competitive sole source procurements;

(4) Mandatory sources identified in FAR 8.002(a) and 8.003, e.g., Federal Prison Industries, AbilityOne;

(5) Emergency acquisitions conducted under the procedures outlined in FAR part 18; and

(6) The acquisition of leasehold interests in real property.

(b) Exemptions. Heads of Contracting Activity (HCAs) may exempt an acquisition from the requirements of this section when it is in the best interest of the Government.

#### **515.3702-3 Authority.**

The requirements for notifying, explaining, or debriefing offerors, i.e., successful and unsuccessful offeror can be found in the following Federal Acquisition Regulation (FAR) parts:

(1) FAR 8.405 (Ordering Procedures for the Federal Supply Schedules);

(2) FAR 12.301 (Solicitation Provisions);

(3) FAR 15.503 (Notifications to Unsuccessful Offerors);

(4) FAR 15.506 (Post-award Debrief of Offerors); and

(5) FAR 16.505 (Orders under multiple-award contracts)

An additional authority for providing post-award enhanced debriefing when working with the Department of Defense (DOD) is at DOD Class Deviation 2018-O0011.

#### **515.3702-4 Limitations.**

The INFORM procedures will seek to share additional information with offerors in writing and/or through an oral feedback meeting that is not

required by statute or regulation. The INFORM procedures are not intended to:

- (1) Substitute for industry's full understanding of the work requirements at the time offers are submitted;
- (2) Alter the final agreement arrived at in any negotiations leading to contract award; or
- (3) Extend the U.S. Government Accountability Office's (GAO) timeliness regulations found at Title 4 of the Code of Federal Regulations (C.F.R.), Part 21; therefore, nothing in the INFORM procedures purports or otherwise seeks to modify the timeliness regulations, in particular 4 C.F.R. § 21.2(a)(2).

#### **515.3703 Policy.**

(a) GSA contracting activities shall incorporate the INFORM procedures throughout the acquisition lifecycle.

(b) GSA contracting activities shall provide all offerors, i.e., successful and unsuccessful, with enhanced debrief or explanation feedback without requiring a written request from the offeror, see detail in 515.3703-4 and -5.

#### **515.3703-1 Acquisition planning.**

**Contracting officers shall-**

(a) Ensure plans comply with 507.104(d); and

(b) Select members of the evaluation team, e.g., members should include functional areas such as contracting, small business, technical, logistics, cost/price, legal, program management and end-user organizations, when appropriate. Evaluation team members should be told of the requirement to be available during the evaluation process, time constraints, and oral feedback meeting.

#### **515.3703-2 Solicitation.**

(a) Contracting officers shall incorporate the INFORM solicitation language into all applicable procurements.

(b) Contracting officers may use the INFORM sample solicitation language for FAR part 8, 12, 15, or 16 located at <https://gsa.gov/inform>.

**(c) Contracting officers are encouraged to use the sample language as written, but may change the language to meet the specific needs of the procurement so long as any such change complies with this subpart and the INFORM Guide.**

#### **515.3703-3 Evaluation and Selection.**

**(a) Preward Notification to Unsuccessful/Unacceptable Offerors. Contracting officers must use a customized Notification Letter and Evaluation Statement (NLES) to notify offerors whose submissions are eliminated from the competition (e.g., not deemed to be part of competitive range or technically unacceptable)**

**(1) Sample NLES language is located at <https://gsa.gov/inform>.**

**(2) Contracting officers must also follow the appropriate FAR Part (e.g. 15.503(a)) to ensure timely notification to unsuccessful offerors.**

**(3) Contracting officers may delay sending the NLES until the time of award to prevent any delays in awarding the contract or order.**

**(b) Evaluation. For each procurement using the INFORM post-award communication process, contracting officers are encouraged to-**

**(1) Design and implement templates for members of the evaluation team to use in evaluating offerors' submissions which can be easily copied and pasted into the NLES (NLES sample language per FAR part is located at <https://gsa.gov/inform>);**

**(2) Incorporate language during the evaluation team orientation which commits evaluators to being available during the evaluation, answering of written questions and oral feedback meetings; and,**

**(3) Obtain the Office of General Counsel (OGC) review (see ADM 5000.4), when applicable.**

#### **515.3703-4 Notification of Award.**

**(a) Notification Letter and Evaluation Statement (NLES). The NLES is an unredacted customized evaluation statement of the specific offeror's submission. The contracting officer provides the NLES even if an offeror does not request a debriefing or information on an award. The NLES must include the following:**

**(1) All the information outlined in FAR 8.405-2 4(d), 12.102(b), 15.503(b), 15.506(a)(4)(d) or 16.505(b)(6);**

**(2) Ratings for each evaluation factor, as identified in the solicitation;**

**(3) A narrative of the offeror's submission strengths and weaknesses and/or deficiencies for each evaluation factor including significant strengths and weaknesses;**

**(4) Technical rating;**

**(6) Ranking order of their proposal, if applicable;**

**(7) Cost/price data ranking chart, if applicable;**

**(8) An opportunity to attend an oral feedback meeting with the evaluation team; and,**

**(9) An opportunity to ask written questions of the evaluation team (see 515.3703-5 for timelines).**

**(b) Procedures. The contracting officer, in accordance with the INFORM Guide at <https://gsa.gov/inform>, shall-**

**(1) Prepare an NLES for each offer. Contracting activities should use information for the specific offeror from the source selection or evaluation panel reports. Sample NLES documents are available at <https://gsa.gov/inform>.**

**(2) Obtain legal sufficiency (see ADM 5000.4).**

**(3) Send the NLES to each offeror at the time of award or in accordance with the appropriate FAR part. Ensure all minimum requirements from the FAR are addressed.**

**515.3703-5 Post Notification. Contracting activities shall-**

**(a) Within three (3) business days after sending the NLES. Monitor emails for receipt of written follow-up questions or requests for oral feedback meetings.**

**(b) Within five (5) business days after receipt of any NLES response. Respond in writing to written follow-up questions received or schedule an oral feedback meeting, as appropriate. Contracting officers should try to schedule and conduct the oral feedback meeting within the five (5)**

**business days of the request. A sample format for conducting the oral feedback meeting is at <https://gsa.gov/inform>.**

**(c) Within two (2) business days after any oral feedback meeting.**

**(1) Monitor emails for receipt of written follow-up questions.**

**(2) Within five (5) business days after receipt of any follow-up questions. Respond in writing to written questions received.**

**(d) Upon concluding INFORM procedures. Advise the offeror(s) that:**

**(1) The INFORM process has concluded;**

**(2) The FAR requirement for debriefing or explanation, as appropriate, has been met; and**

**(3) No further questions will be answered.**

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## **Part 516 - Types of Contracts**

### **Subpart 516.5 - Indefinite-Delivery Contracts**

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#### **[516.500 Scope of section.**

**COs shall follow the INFORM procedures in section 515.370 for all applicable orders.]**

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