THE UNDER SECRETARY OF DEFENSE
3010 DEFENSE PENTAGON
WASHINGTON, DC 20301-3010

ACQUISITION,
TECHNOLOGY
AND LOGISTICS

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MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE

The Department of Defense has experienced a significant increase in the number of competitive source selection decisions which are protested by industry. Protests are extremely detrimental to the warfighter and the taxpayer. These protests actions consume vast amounts of the time of acquisition, legal, and requirements team members; delay program initiation and the delivery of capability; strain relations with our industry partners and stakeholders; and create misperceptions among American citizens. The Defense Department must take steps in an effort to avoid these protest situations.

The Defense Department has successfully conducted without protest a number of major program competitions in recent years. A key characteristic of these competitions was an open, on going detailed dialogue with each bidder about their proposal. Specifically, the government must receive and review an initial proposal and engage industry in a dialogue about elements and issues in the industry proposal which are deficient, ambiguous or non-complaint. The government proactively communicate our concerns to each industry proposer and answer all industry questions.

The result of this dialogue will be a high quality well understood proposal from each industry team. The warfighter and the taxpayer will benefit from government receipt of the best possible proposals against our military needs. The acquisition team will be challenged by the need to evaluate and select the best proposal from the high quality, responsive proposals. However, I believe this process will allow the acquisition team to well explain, and industry to clearly understand, the fundamental factors which determined the outcome of the competition. These steps should significantly reduce the number of industry protests or, should alternately guarantee that the Defense Department will prevail in all protest actions.

The Defense Department policy going forward is to structure all planned competitions with one or more government industry feedback and dialogue points prior to receipt of final proposals. All ongoing competitions should be reviewed with a bias toward incorporating feedback and dialogue sessions before receipt of final proposals. These structures do not necessarily require time and schedule to the source selection process. Indeed, this process can spread the workload over the competition and reduce the time and workload during the final evaluation of proposals.

Additionally, within 120 days, the Defense Acquisition University will develop training on successful execution of competitive source solutions. This training will include case studies. PEO's and program managers must receive this training at the earliest possible opportunity.

John J. Young, Jr.
Acting

cc:
DepSecDef
DUSD(A&T)
ASD(NII)/DoD CIO
ATSD(NCB)
DIR, ARA