Get Your Solicitation Right the FIRST Time: Avoid the Q&A Cycle
Topics

- Ensuring your writing is effective
- Understanding how proposers “think”
- Increasing correlation between your SOW/PWS and their proposal/response/bid
- What makes your SOW/PWS effective/ineffective
- Summary/Wrap-up
Ensure Your Writing is Effective [1/3]

• Employ the principles of “plain language”:
  • Use active voice and action verbs
  • Be clear, concise, consistent, complete, considerate, complete, correct, and compliant
  • Minimize adjectives, superlatives, and other qualifiers (think –ly and –ous words
  • Minimize third person
  • Use spell- and grammar-check
  • Use correct punctuation and grammar:
    • Let’s eat, grandma!
    ...versus
    • Let’s eat grandma!
Ensure Your Writing is Effective [2/3]

• Avoid “may,” “might,” “should,” and “could”
• Use nouns rather than pronouns:
  → His father became disabled while he was still in college.
• First/second person is more focused/specific:
  → You must and We will rather than
  → The contractor shall and the Agency will
• Plain Language says “must” rather than “shall”
• Supposedly, “shall” is one of the most litigated words in the English language
  → Discussion/explanation on next slide
Shall versus Must

We call "must" and "must not" words of obligation. "Must" is the only word that imposes a legal obligation on your readers to tell them something is mandatory. Also, "must not" are the only words you can use to say something is prohibited. Who says so and why?

Nearly every jurisdiction has held that the word "shall" is confusing because it can also mean "may, will or must." Legal reference books like the Federal Rules of Civil Procedure no longer use the word "shall." Even the Supreme Court ruled that when the word "shall" appears in statutes, it means "may."

Bryan Garner, the legal writing scholar and editor of Black's Law Dictionary wrote that "In most legal instruments, shall violates the presumption of consistency...which is why shall is among the most heavily litigated words in the English language."

Source: https://www.faa.gov/about/initiatives/plain_language/articles/mandatory/
Ensure Your Writing is Effective [3/3]

- Go for quantitative (objective) words rather than qualitative (subject) ones
- Minimize/avoid lead-in or other clauses
- Reduce use of jargon
- Sentences average 10-15 words
- Paragraphs average 2-6 sentences; single sentence can be good
- Use bullets for clarity and getting punctuation in order

→ Examples follow
Effective Writing Examples [1/6]

Sentences:

**Before**: The first special project of the Metro Vision Implementation Task Force, the "Boomer Bond," will help local governments understand the impacts of an aging population and arm them with strategies and tools that can support healthy, independent aging, allowing older adults to remain in their homes and communities for as long as they desire.

One sentence...

**Readability**: Ease = 11; grade level = 25

**After**: The first special project of the Metro Vision Implementation Task Force, the "Boomer Bond," will help local governments understand the impacts of an aging population. The project will then arm them with strategies and tools to support healthy, independent aging. This approach allows older adults to remain in their homes and communities for as long as they desire.

Three sentences...

**Readability**: Ease = 48.6; grade level = 11
Effective Writing Examples [2/6]

Paragraphs:
Before: Scientific knowledge is not only uncertain, but also dynamic. Through research that is designed to reduce uncertainties, our understanding increases and, as a result, we change our assumptions about the impacts of environmental problems and how they should be addressed. For example, for many years we have been concerned mainly with removing large particles of toxic pollutants from airborne emissions, but recent research indicates that small particles of air pollutants may cause greater damage to human lungs than larger particles. This new information not only changes our understanding of the effects of air pollution, but also may significantly impact future pollution prevention and removal strategies.

Readability: Ease = 26; grade level = 16
Paragraphs:
After:
Scientific knowledge is not only uncertain, but dynamic.
Using research that is designed to reduce uncertainties, our understanding increases. This may change our assumptions about the impacts of environmental problems and how they should be addressed. For many years we have been concerned mainly with removing large particles of toxic pollutants from airborne emissions.
Recent research indicates that small particles of air pollutants may cause greater damage to human lungs than larger particles. This new information not only changes our understanding of the effects of air pollution but may also significantly impact future pollution prevention and removal strategies.

Readability: Ease = 34; grade level = 12.5
Bullets/Punctuation:
Does this make sense?

Common sources of air leaks into a home include cracks around windows and doors, gaps along baseboard, mail chutes, cracks in brick, siding, stucco or foundation, or where any external lines (phone, cable, electric, and gas) enter the home.

Read it carefully and problems appear...

Source: www.energy.gov
Bullets/Punctuation:
Modified—shows the problems:

Common sources of air leaks into a home include:
• Cracks around windows and doors
• Gaps along baseboards
• Mail chutes
• Cracks in brick mortar, siding, stucco, or foundations
• Entry points for external lines (phone, cable, electric, and gas)

→ Note the last bullet is now parallel with the other four bullets
Bullets/Punctuation:

Now put it back together:

Common sources of air leaks into a home include cracks around windows and doors; gaps along baseboards; mail chutes; cracks in brick mortar, siding, stucco, or foundations; and entry points for external lines (phone, cable, electric, and gas).
Passive versus Active Voice [1/2]

Before:

In order to be considered for any position, the candidate must have complete qualifications. No phone calls will be accepted. All résumés are to be sent as PDFs in emails that have a clear subject line. It is strongly preferred that all prospective candidates have reviewed the organization’s website before a résumé is sent to the website.

36 words. No passive sentences. Welcoming, less formal tone.

After:

We welcome applications from fully-qualified candidates. Provide your résumé in PDF format. Give your email a clear and fitting subject line. Take the time to review our website before sending your résumé.

Please, no phone calls.

36 words. No passive sentences. Welcoming, less formal tone.
Passive versus Active Voice [2/2]

- Use active voice when the “doer” matters:
  - The Contractor must provide completed checklists by the 15th of the month
- Passive voice is fine when you are just providing information and the “doer” isn’t relevant or important:
  - The trucks are being delivered on May 1st.
  - Does it matter who delivers the trucks?
- Sometimes the situation dictates the “voice”:
  - Representatives are voted for every two years.
  - We vote very two years for our representatives.
  - Here is an explanation to help you decide if something is in active or passive voice...
  - Solicitations should emphasize the (potential) “doer” and so should be largely active voice.
Understanding How Proposers “Think”

- Bidding is time-consuming and the costs are not directly recoverable
- Many potential bidders won’t ask questions for fear of giving away who they are and what their value proposition is
- Confusing solicitations may be largely ignored—a huge waste of your and your team’s time
- No one wants to hunt for requirements and information
- Proposers/bidders like tabular data, clear figures, and consistent terminology

→ In short, bidders/proposers are just like you. They have limited time and resources. They value clarity, conciseness, and consistency. They want to respect your time and effort and hope you do the same for them.
Increasing Correlation Between Solicitations and Bids

Write in simple, concise language:
• “You must use the following...” versus
• “The contractor shall make utilization of the following...”

Call out key information with tables, figures, and bullets
Minimize introductory (and other) clauses:
• “With the exception of FGH, the contractor shall provide responses prior to close of business.”
• Try “You must provide responses July 29, 2018 before 5:00 p.m. EDT. The only exception is in cases of FGH.”
Increasing Correlation Between Solicitations and Bids [2/4]

Write it in simple English, using “must” rather than “shall”:

Contractor shall attend weekly meetings held in the same building as last quarter but one hour earlier.

→ Does this even make any sense? Could you get to that meeting? Could you build a schedule including this recurring meeting?

Versus

The selected Contractor must attend all weekly meetings in person. These meetings are held every Wednesday in room 714 of building 18, located at 654 Maple Street, Akron, OH XXXXX. Meetings start at 2:00 p.m. sharp.
Increasing Correlation Between Solicitations and Bids [3/4]

- Plan BEFORE you write:
  - Start with an annotated outline: How it works
  - Use “boilerplate” with extreme care
  - Provide guidance about proposal headings/sections
  - Provide a quantifiable evaluation matrix
  - Consider providing/requiring requirements compliance table (example follows)
Increasing Correlation Between Solicitations and Bids [4/4]

- Develop and use a requirements/compliance table:

<table>
<thead>
<tr>
<th></th>
<th>Verbatim SOW/PWS Requirement</th>
<th>SOW/PWS Section</th>
<th>Proposal Section/ Key Points</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
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<td>1</td>
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</tbody>
</table>

How it works…
Effective versus Ineffective SOW/PWS/SOOs [1/2]

Effective solicitations use “work-related” verbs:

<table>
<thead>
<tr>
<th>Work Words</th>
</tr>
</thead>
<tbody>
<tr>
<td>analyze</td>
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<tr>
<td>annotate</td>
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<tr>
<td>consider</td>
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<td>contribute</td>
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<td>arrange</td>
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<td>extract</td>
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<td>evolve</td>
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<td>install</td>
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<td>secure</td>
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<td>study</td>
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<td>revise</td>
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<tr>
<td>track</td>
</tr>
</tbody>
</table>
Effective versus Ineffective SOW/PWS/SOOs [2/2]

- Avoid “may,” “might,” “should,” and “could”
- Use nouns rather than pronouns:
  - His father became disabled while he was still in college.
- First/second person is more focused/specific:
  - You must and We will rather than
  - The contractor shall and the Agency/Organization will
- Plain Language says “must” rather than “shall”
- Supposedly, “shall” is one of the most litigated words in the English language
From beta.sam.gov:

- “Preventatie Maintenance Repair - DoDEA Schools at Forts Benning, Rucker, and Maxwell AFB”
- “Solicitation FA7046-16-R-0001 is being re-advertised as full and open competition”
- “Open Competition. Part Number C5106F....”
- “Sources Sought for Vertical Transportation Maintenance.” [Note: there were several postings, in sequence, from the same organization with the same misspelling!]
- “Please review the attached RFP Instructions, applicable provision and clauses, Performance Work Statement (PWS), PWS locations, Labor Rate Pricing and Task Order One PWS.”
Problematic (and Embarrassing!) Solicitation Verbiage [2/2]

→ In each of the preceding examples the potential bidder would miss your posting if they searched by (correctly spelled) key word(s). In the first example the spelling errors are so egregious this posting title should be an embarrassment to the poster and posting organization.

→ Each of these errors would have been caught by spell-/grammar-check—something easily done offline, before posting.

→ Spelling and grammar errors can be construed as several (negative) things: laziness, lack of concern, lack of professionalism, or disrespect for the potential bidders or posting organization to give a few examples.
Confusing Text or Instructions [1/4]

This is a non-personal services contract to provide a fully Contractor-operated and maintained exclusive use helicopter to support Department of the Army natural resource missions. The Government shall not exercise any supervision or control over the contract service providers performing the services herein. Such contract service providers shall be accountable solely to the Contractor who, in turn is responsible to the Government. The Contractor, in turn, shall be accountable to the Government for Contractor or sub-Contractor personnel.

Does this paragraph make sense if YOU were trying to make a bid/no bid decision or write a response? Try to diagram the organization chart for this paragraph. Why would the government use “shall” (or “must”) in relation to themselves?
Confusing Text or Instructions [2/4]

This is a contract to provide equipment, not services. In that light, does the following paragraph make any sense? Do you think it might generate a question or two or more?

The Contractor shall provide all personnel, equipment, supplies, transportation, tools, materials, supervision, and any other items or non-personal services necessary to perform aerial prescribed burning on Fort Stewart/Hunter Army Airfield, Georgia, as defined in this Performance Work Statement (PWS), except for those items specified as government furnished property and services.

Source: https://beta.sam.gov/opp/96babf59bfb64e56976c9184c7eec9c8/view?index=opp
Confusing Text or Instructions

The preceding two slides show just the first two paragraphs of a solicitation. The potential bidders are probably scratching their heads and filled with questions:

1. Is the requirement for just the single helicopter, crew, and ancillary stuff?
2. Is the requirement for the contractor to also fight wildfires and handle prescribed burns and train firefighters and so on? The second paragraph seems to contradict the first paragraph.
3. The cost and personnel requirements difference between the first paragraph and second paragraph is substantial. Wildfire and prescribed burn season is here. The Army needs the helicopter and crew ASAP. The requirement is so poorly stated that there will either be lots of questions and one or more amendments or there will be few if any bidders or the bids will be all over the place.
"The total cost per-participant may not exceed $1,000." This was a problem for the proposer because the national standard for that type of project is $1,600 per participant. Elsewhere in the RFP it said, "The total variable cost per-participant may not exceed $1,000." Variable cost per-participant was the correct statement. That simple inconsistency prompted more than 50 panicked calls to the funding agency.
Effective versus Non-Effective SOW/PWS

Problematic:

• Document is obviously “multi-author”
• Repeated requirements
• Inconsistent requirements
• Extensive use of passive voice
• Not spell-/grammar-checked
• Uses complicated words
  (utilization vs use)
• Uses “-ly” words

Less likely to raise questions:

• Document has been scrubbed/unified
• Deliverables and requirements are clear and consistent
• Key requirements are “tabularized” or in checklists
• Quantitative rather than qualitative
Summary/Wrap-up