PROPOSAL DEFICIENCIES LEADING TO NO-AWARD

Below are common reasons for the return or "no-award" of an FSS proposal. A no-award can occur upon receipt of proposal or at any time up until contract award. **The first reasons listed below in bold, underlined font warrant return of proposal upon receipt.** If a reason is only applicable to one or a small portion of items offered, the offeror will be required to amend their offer to remove items not in compliance in lieu of a no-award of the entire offer. Please note that this list is not all inclusive.

Missing Documents (any one of the following)

- Vendor Response fill-in section
- Commercial Sales Practices section
- Price Proposal (CSP) excel format with Figure 515.4-2

SF1449 Issues

- Missing signature
- Not signed by an individual identified on the Signatory Authority Form
- Not signed within 10 calendar days of proposal submission

Pathways to Success training certificate Issues *(see Compliance Confirmation section)*

- Completion certificate not included (required for new offerors only)
- Course not completed by an individual who is both an officer of the company (listed on the *Signatory Authority Form*) and an Authorized Negotiator *(see Authorized Negotiators)*.

Insurance Certificate Issues

Offer submitted with no proof of Insurance (Certificate of Liability) (applies to 621 I, 621 II, and 66 III only (*see Statement of Work and 852.237-7 Indemnification & Medical Liability Insurance)*

Obsolete Solicitation

Offer proposed against obsolete solicitation and outside of 60-day grace period listed on website, if applicable.

Scope Issues *(see Scope of Solicitation)*

- **Schedule/SIN:** Offered items fall under a different VA FSS schedule **OR** do not fall within the scope of any VA FSS schedule. Items must fall within one of the predesignated SIN categories.
- **High Tech Medical Equipment (HTME):** Offered items are considered HTME, including, but not limited to: Ultrasound, MRI, CT, Mammography, IR, Nuclear Medicine, etc.

Custom Items

Offered items do not meet the definition of a commercial item at FAR 2.101 or are considered custom "mold" items or "custom packs" that are Government or patient specific *(see Scope of Solicitation).*

Lack of Nation-wide Coverage (except for Schedule 621 I)

Offeror cannot commit to nation-wide coverage; offeror is a dealer/distributor/reseller and is limited to a specific territory/region for selling a manufacturer's products and cannot service nation-wide *(see 552.238-78 Scope of Contract – Eligible Ordering Activities).*

Trade Agreements Non-Compliance

Offered items are not U.S. made or designated country end products as defined in clause *52.225-5 Trade Agreements*.

Missing/Inadequate Manufacturer Letter of Supply

Offeror unable to obtain letter of supply (or other such evidence) from manufacturer (if dealer/reseller) **or** unable to obtain letter that conforms to requirements outlined in the notes to solicitation clause *I-FSS-644 Dealers and Suppliers*. Please note that the letter cannot come from a third party.

FDA Approval Issues

- **510k:** Items classed as medical devices do not have FDA 510k approval or don't have a medical device class exemption from this requirement *(see Medical Devices).*
- **Pharmaceuticals:** Offered items do not have the required FDA approvals (e.g. NDAs or an ANDAs, approved OTC monographs, etc.) or there are other FDA issues, such as Current Good Manufacturing Practices (CGMP) regulations non-compliance *(see Solicitation Document Part I – Terms and Conditions Applicable to Goods and Services and AS8005 Manufacturing Facilities / Place of Performance)*
- **Debarment:** The offeror, its manufacturer, or individuals identified on the Signatory Authority Form appear on the FDA's Debarment List.

Material Deficiencies

Majority of Vendor Response/CSP/Excel spreadsheet is incorrect or incomplete.

Non-Responsive

Offeror is non-responsive within stated timeframe when requested to provide additional or updated information and has not provided supporting rationale for an extension.

Not Competitive

Offeror unable to offer competitive pricing/terms and Government is unable to find pricing to be fair and reasonable.

Contractor Qualifications

- Government unable to make a successful responsibility determination for financial responsibility.
- The offeror has negative past performance issues that cannot be resolved, and the Government risk is too high.
- Offeror is presently debarred, suspended, or otherwise declared ineligible on the Excluded Parties List in SAM.

Leasing

Items are offered as leased items which is prohibited under our schedules *(see Scope of Solicitation)*.

Solicitation Non-Compliance

Offeror unwilling to accept solicitation terms/conditions.

Delivery Schedule Issues

Offered delivery time does not meet minimum time required per solicitation clause *552.211-78 Commercial Delivery Schedule,* and rationale is not practical.

Sales Deficiencies

Offeror's potential sales under an FSS contract are not expected to reach the required minimum of $25K within the first 24 months following contract award and $25k each year thereafter *(see I-FSS-639 Contract Sales Criteria)*.

Ownership Change

Offeror undergoes a change in ownership during the proposal review & evaluation process.