
From: The LAB @ DOC
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Welcome to MMCB Volume 10! This Monday covers a CISA decision that does a deep dive into experience and how CISA asked the vendors to showcase their own innovative procurement techniques and knowledge management tools as part of the evaluation!

Matter of: Federal Acquisition Services Team OASIS JV, LLC
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So there hasn't been too much to report back on for bid protest decisions, I have still been skimming, but this one is interesting for multiple reasons. The effort was for procurement strategic planning and execution, contract management support, budget, and other program management/procurement functions at CISA. Just a task order under GSA OASIS. While there were no down-selects or demos or confidence ratings, there was an intentional focus on **Past Experience** as the first factor. The protestor argues that the factor was too vague to compete as it had terms like "at the tactical level" and "ability to support" – the GAO had **NO TIME** for this protestor. To note, there were 17 submitted quotes so there was plenty of competition and that this was a **solicitation-based** protest!

It doesn't appear they flirted with past performance or quality just actual **experience**. An element of **Past Experience** was '**Experience Applying Innovative Procurement Methods**'; requiring each vendor to describe a specific example where they applied **innovative procurement techniques** that go beyond traditional methods. The RFQ instructed each vendor to discuss its approach to solving unique and large-scale procurement problems, such as streamlining the procurement process and how to **acquire rapidly changing technology and services**. Here is what the RFQ said for how this would be evaluated:

Quoter's demonstrated experience in using innovative procurement methods that incorporates the latest procurement trends to streamline actions that result in rapid, flexible, and agile procurements to allow [the agency] to "transcend beyond [the] status quo" or go beyond using traditional/routine procurement tools and methodologies and advance to innovate and sustainable approaches appropriate to support high tempo cyber and technology centric environments similar to the space in which [the agency] operates.

The protestor challenged that this was too vague as the phrase “*transcend beyond the status quo*” is nonsensical. The majority of the protest was for things like this and how the agency didn’t identify what constitutes innovative tools, etc.

Although FAST complains that the phrase “transcend beyond [the] status quo” is nonsensical, we disagree because the phrase adequately conveys that a vendor will be evaluated based on whether its quotation demonstrates innovative procurement tools.

Another aspect we may be interested in what CISA asked to see for the **management approach**, i.e., their knowledge management processes and tools!

Solid process and methodologies to proactively identify, analyze and improve upon existing business processes required to complete the tasks within the SOW, specifically, as it relates to procurement innovation to streamline procurement activities, reduce inefficiencies, automate processes, and identify/utilize rapid acquisition methodologies/techniques to meet [agency] procurement needs in a dynamic and fast-paced cyber/technology environment. The Government will also evaluate the Quoter[s] defined Knowledge Management processes and tools required to create, share use, and manage knowledge in the performance of this contract to ensure staff performing on this contract stays apprised and applies the latest procurement/budget trends and regulations that impact the day to day performance of this contract.

This volume was originally authored in August 2020 and refreshed in March 2025.

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