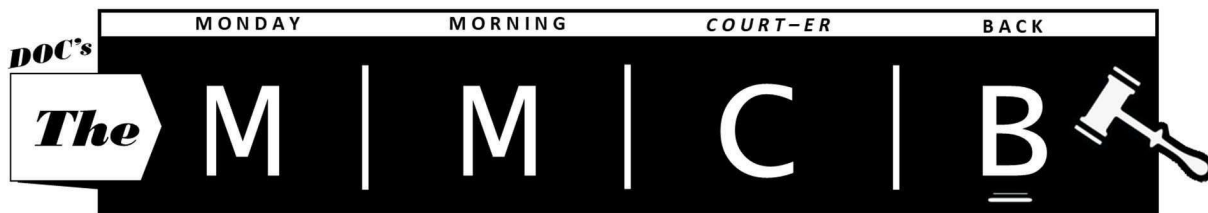

From: The LAB @ DOC
Subject: MMCB Vol. 17 - Sample Tasks and Correct Principles Refreshers, July 2021



Welcome to MMCB Volume 17! This Monday covers a GAO decision that shows how a team awarded a vehicle (i.e. IDIQ or BPA) with just a sample task order for the evaluated price element, while also reinforcing a few correct principles regarding evaluations and documentation along the way.

Matter of: ICON Government and Public Health Solutions, Inc.
File: B-419751
Link: <https://www.gao.gov/products/b-419751#mt=e-report>
Date: July 02, 2021



Sample/Initial Task Orders

We have consistently fielded questions from teams over the years regarding what to require for price submissions on a large IDIQ or BPA. There are many options: from [rates only price evaluations \(ROPE\)](#), to sample/initial task orders (TO), to full price submissions covering the entire ceiling or estimate, to many more. We have options. A lot of these inquiries have regarded the permissibility of using only an initial or sample TO (for technical and price) to account for the evaluated price element as well as the ceiling rates for the parent IDIQ or BPA (if necessary).

We have seen just a \$2M initial TO be all that is required to account for hundreds of millions of dollars of ordering but, here, the Army solicited for a single-award IDIQ with a \$95M ceiling (ceiling was included in the RFP). However, all the Army required as far as the evaluated price element was the IDIQ ceiling rates and the initial TO price submission. As you can see below the awardee's sample TO was only \$5.6M; how they were going to account for the other \$89.4M is irrelevant at this stage as the initial TO covered a fair amount of the envisioned scope of the IDIQ contract. The RFP also provided an estimated level of effort for the initial TO. This is sometimes all we need when establishing IDIQs or BPAs. For a single award IDIQ or BPA, then I recommend the simplicity of the [ROPE](#) approach as found on the [Periodic Table of Acquisition Innovations \(PTAI\)](#).

	ICON	GDIT
Technical (Overall)	Good	Outstanding
Technical Approach to Initial Task Order	Good	Outstanding
Experience	Good	Good
Management Approach	Good	Outstanding
Small Business Participation	Good	Good
Past Performance	Very Relevant Substantial Confidence	Relevant Substantial Confidence
Price ^[2]	\$6,778,000	\$5,577,204

Reinforcing Correct Principles



Refresher #1 – You Don’t Have to Document Everything

ICON, the incumbent provider, challenged a few things most of which are not relevant here. One challenge was that the TET’s conclusions to not grant them more strengths were “illogical and highly suspect,” (spoken like an incumbent who did not win the recompete) which prompts the below excerpt from the decision. I find this opinion refreshing and consistent with prior decisions.

This gets, somewhat, to the heart of our thoughts on streamlined documentation.

“As we have explained previously, an agency is not required to document all determinations of adequacy or explain why a proposal did not receive a strength, weakness, or deficiency for a particular item. Raytheon Co., B-417935 et al., Dec. 13, 2019, 2020 CPD ¶ 6 at 10; CRAssociates, Inc., B-414171.2, B 414171.3, Jan. 16, 2018, 2018 CPD ¶ 87 at 4. ICON may view as “illogical and highly suspect” the evaluators’ conclusion that no advantage was conferred by the firm’s offer to provide [DELETED] to address new tasks not required under the incumbent contract. Such disagreement, without more, however, is insufficient to demonstrate that the agency’s judgment was unreasonable.[4] Id. Based on the record here, we find unobjectionable the agency’s decision not to assign a strength to the protester’s proposal for offering a level of effort that the agency reasonably concluded met, but did not exceed, the solicitation’s requirements. See e.g., InterOps, LLC, B-416563, B-416563.2, Oct. 16, 2018, 2018 CPD ¶ 360 at 10 n.4 (“Agencies are also not required to assign strengths for aspects of proposals that only meet the requirements of the solicitation.”); Arctic Slope Mission Servs. LLC, supra at 9 10 (finding unobjectionable the agency’s conclusion that the protester’s proposal did not merit the assessment of additional strengths for offering employee recruitment and retention strategies and programs that met, but did not exceed, the solicitation requirements).



Refresher #2 – Ratings as Guides & Qualitative Findings

While we are reinforcing correct principles, this below excerpt is also refreshing. We see the same/similar statement in most of the bid protest decisions that get published where ratings or the tradeoff is challenged, but this one stands out with its inclusion of “qualitative findings.”

Moreover, as we have repeatedly explained, evaluation ratings, whether they be adjectival or numerical, are merely guides for intelligent decision-making. Wellpoint Military Care Corp., B-415222.5, B-415222.8, May 2, 2019, 2019 ¶ 168 at 9. The essence of an agency's evaluation is reflected in the documented qualitative findings about the proposals, not the adjectival ratings. PricewaterhouseCoopers Public Sector, LLP, B-415504, B-415504.2, Jan. 18, 2018, 2018 CPD ¶ 35 at 7. As discussed above, our review of the record finds nothing objectionable about the agency's qualitative evaluation of ICON's proposal under the technical factor; thus, we deny ICON's challenges.



Refresher #3 – To Tradeoff or Not to Tradeoff

First, let's get one thing squared away; in our line of work tradeoff is one word with no hyphen. It is "tradeoff" not "trade-off." The hyphen seems to be required by British dictionaries, but our reference is the FAR, 15.101-1.

Back to it, ICON argued that the agency failed to consider the qualitative differences between the proposals and instead made award on an LPTA basis. These claims were without merit and, while you are welcome to read through the decision, let us fast forward to the conclusion. The agency **did** do their mandatory comparisons, however they claimed they **did not need to conduct a tradeoff as the higher-technically rated offeror was also the lowest-priced**. This has been determined time and again. If this happens to you, perhaps in the second phase of a down-select where it is more likely to occur – then don't waste time writing up a tradeoff decision!

Contrary to the protester's allegations, the record here reflects that the source selection decision was based on a comparison of the proposals' underlying features, and that the SSA reasonably concluded that GDIT's proposal was superior to ICON's under the two most important non-price factors (technical and small business participation) and equal to ICON's under the least important non-price factor (past performance). Additionally, when, as here, the highest-rated proposal also offers the lowest-price, a tradeoff is not necessary. Arctic Slope Mission Servs., LLC, *supra* at 11. Accordingly, we deny the protester's challenge to the agency's source selection decision. See e.g., Arrowpoint Corp., *supra* at 11 (finding unobjectionable an award decision that was based on a comparison of the proposals' underlying qualitative merits, rather than a mechanical comparison of the adjectival ratings).

This volume was originally authored in July 2021 and refreshed in March 2025.

*Disclaimer: The information contained in this MNCB is merely an opinion of the author and does not constitute formal legal or policy guidance of any kind.

