
From: The LAB @ DOC
Subject: MMCB Vol. 9 - Confidence Ratings in ICE, Jan. 2020



Welcome to MMCB Volume 9! This Monday covers an ICE decision that reinforces Confidence Level ratings, even including the definitions as a footnote in the decision.

Matter of: XL Associates, Inc. d/b/a XLA
File: [B-417426.3](#)
Link: <https://www.gao.gov/products/b-417426.3#mt=e-report>
Date: Jan. 16, 2020

Please read this short GAO decision as it is a better case to use in our teachings and workbooks than the confidence ratings references that we have now. I had informally helped this contract specialist at various points to help him understand what confidence ratings are and how to implement them, so for him to get this denial this week is pretty cool!

THE DECISION

*“The RFQ stated that the non-price factors would be **assigned confidence ratings** while a price analysis would be performed to assess whether the proposed price was fair, reasonable, and balanced. Id. at 7, 9.”*

*“XLA challenges the agency’s evaluation of its quotation under the technical approach and management approach factors. For these two factors, the RFQ stated that the agency would **assign confidence ratings based on a holistic assessment of the quotations**. AR, Tab 10, RFQ, amend. 1, encl. 3, Evaluation and Instruction, at 7. Under the technical approach factor, the agency identified a number of attributes in XLA’s quotation that **raised its expectation of successful contract performance**, but ICE also identified three attributes that **lowered its expectation of successful contract performance**. As a result, the agency assigned a **“some confidence”** rating to XLA’s quotation.[5] AR, Tab 42, TEP Report, at 2-4. Under the management approach factor, the agency identified one attribute that **raised the agency’s expectation of successful contract performance**, but also noted two attributes that **lowered the government’s expectation of success**. Thus, the agency assigned a **low confidence** rating to XLA’s quotation.[6] Id. at 4-5. We address the protester’s challenges below.”*

*“On this record, we do not find the agency’s conclusion objectionable or illogical. Although, XLA’s quotation demonstrated its understanding of the intended use of the surge support requirement, it was reasonable for the agency to find XLA’s proposed secondary use to be inconsistent with the requirement, **therefore lowering***

the agency's confidence that XLA had a strong understanding of the requirement. See *The Green Tech. Grp., LLC*, B-417368, B-417368.2, June 14, 2019, 2019 CPD ¶ 219 at 7. Accordingly, this protest ground is denied.”

“The SSA’s comparative assessment found CapGemini’s **higher confidence** rating was the result of CapGemini’s quotation “provid[ing] **a greater number of benefits that raised the [g]overnment’s expectation of success and no [attributes] that lowered the [g]overnment’s expectation of success.**”

Footnotes:

[5] Some confidence was defined as: “The Government has **some confidence** that the Vendor understands the requirement, proposes a sound approach, and will be successful in performing the contract with **some** Government intervention.” AR, Tab 10, RFQ, amend. 1, encl. 3, Evaluation and Instruction, at 10 (bold and italics in original).

[6] Low confidence was defined as: “The Government has **low confidence** that the Vendor understands the requirement, proposes a sound approach, or will be successful in performing the contract **even with** Government intervention.” AR, Tab 10, RFQ, amend. 1, encl. 3, Evaluation and Instruction, at 10 (bold and italics in original).

This volume was originally authored in January 2020 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.

