

CLIENT ALERT

Solicitation Must Adequately Evaluate Contract Type and Not Have Arbitrary Disqualifications

September 9, 2016

In *CACI, Inc.-Federal* (Aug. 3, 2016), GAO sustained two pre-award challenges to the cost/price evaluation scheme in DISA’s \$17.5B ENCORE III IDIQ solicitation. GAO held, first, that the solicitation did not provide an adequate basis to compare the relative cost of competing proposals because, despite anticipating roughly half of the ENCORE III task orders to be cost-reimbursable, the RFP did not require offerors to propose any cost-reimbursable labor rates and, second, that a provision that would eliminate any offeror with a total price more than 50 percent below a “trimmed average total proposed price” of other offerors was “entirely arbitrary in selection and application” because the record did not reflect that such a price difference would pose any inherently high performance risk.

For more information, please contact the professional(s) listed below, or your regular Crowell & Moring contact.

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