Trust, But Verify: The Rise of Self-Scoring Evaluations in Federal Procurements

By Ian Patterson

How to efficiently evaluate hundreds of proposals seeking multiple-award, government-wide acquisition contracts that will serve as the gateway for billions of federal dollars? That was the question confronting the Government Services Administration (GSA) in 2013 when developing the solicitation for its One Acquisition Solution for Integrated Services (OASIS). GSA's solution was to reduce the evaluation to a points-scoring contest and have offerors score themselves. These scores would then be subject to GSA validation.

Roughly five years later, use of the self-scoring evaluation GSA pioneered is on the rise. Various agencies are leveraging the approach for large government-wide acquisitions and task order competitions alike. As with any evaluation scheme, however, the self-scoring methodology has both benefits and drawbacks. Indeed, the gains realized in evaluation efficiency come at the cost of contractor access and solution creativity. Thus, self-scoring evaluations—like any other federal contracting procedure—should be employed in those circumstance that can maximize their strengths while minimizing weaknesses. This article reviews the origin of the self-scoring approach and its legal underpinnings and contrasts the strengths and weaknesses of the evaluation scheme.

Origins in OASIS

GSA faced a monumental challenge when developing its OASIS government-wide acquisition contract. The scale of the OASIS procurement meant GSA anticipated (correctly) that it would receive hundreds of proposals responding to the OASIS solicitation.[1] This volume of proposals would pose a significant evaluation challenge—one that would strain the evaluation team. GSA concluded that something had to be done to streamline the evaluation.

GSA's solution was to devise an evaluation procedure that was distinctly different from anything that had been previously seen before. According to the OASIS solicitation, the evaluation process GSA developed would fall within the best-value continuum envisioned by FAR Part 15.[2] GSA explained, however, that the proposed structure would "neither be based on the Lowest Price Technically Acceptable (LPTA) nor Tradeoffs."[3]

GSA's description was telling. FAR Part 15 provides specific procedures for either LPTA or best-value trade-off evaluations to achieve the greatest value to the government.[4] Whereas the LPTA process achieves the greatest value to the government by establishing a technical threshold and awarding to the lowest-priced offeror that met or exceeded the minimum threshold,[5] the trade-off methodology achieves the greatest value to the government by allowing the government the technical merits of a proposal against its price.[6] According to GSA, the OASIS procurement would utilize neither of these evaluation schemes. GSA subsequently elaborated on its decision to abandon the traditional LPTA or best-value trade-off evaluation procedures in its Source Selection Plan for OASIS:

> The LPTA approach is in direct contrast and detrimental to obtaining the quality and expertise of professional service employees needed for successful task order performance across the federal Government for a variety of integrated professional services for all contract types and pricing. Tradeoffs allow for a subjective analysis to consider awards to other than the lowest priced Offeror or other than the highest technically rated Offeror, however, this subjective approach is better suited for single award contracts or task orders when risks associated with the actual work to be performed and actual prices to be paid are being analyzed. Furthermore, in a tradeoff scenario, you can't predetermine a number of awards because you don't know in advance where the logical trade-offs will occur.[7]

Thus, GSA concluded that "[g]iven the breadth and depth of OASIS SB a more 'Objective' approach rather than a 'Subjective' approach will be used for the basis of awards, focusing primarily on the non-price factors."[8] Instead, GSA would develop something distinctly different.

Dispensing with the two evaluation procedures expressly identified by the FAR, GSA envisioned a procurement approach where offerors would score points for prior experience with various contract actions.[9] The OASIS solicitation concluded this approach would "best achieve the objective of awarding contracts to Offerors of varying core expertise in a variety of professional services disciplines with qualities that are most important to GSA and our customers, such as Past Performance, Relevant Experience, and Systems, Certifications, and Clearances"[10]

The introduction of the new evaluation methodology

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also necessitated a revised proposal approach. Offerors would no longer draft detailed technical narratives describing proposed solutions to procurement objectives.[11] Instead, each offeror would be responsible for comparing its experience with discrete contract tasks identified in the OASIS solicitation.[12] GSA provided a scoring matrix that would convert specific experience to points.[13] Offerors were to score themselves and submit documentation to substantiate their claimed point totals.[14] Critically, the substantiating documentation was limited to other contract documents (i.e., contracts, performance work statements, certifications, etc.) that would independently verify points claimed by the offeror.[15]

In essence this created a system whereby each offeror was responsible for evaluating itself. Companies seeking a contract would score their own experiences and develop technical proposals that supplied the necessary contractual documents to validate the points claimed. It was essential that each offeror precisely cross-reference the location of the verifying information within specific contractual documents to aid GSA's evaluation.[16] All GSA had to do was confirm that the documents provided supported the points claimed.

GSA, however, was not about to take offerors' claims about their experience at their word. Evaluation of OASIS proposals would further leverage the point-scoring approach. First, OASIS proposals would be ranked in order of self-scoring.[17] Starting with the highest self-scoring proposals, GSA would review the substantiating documentation provided by each offeror to validate the points claimed.[18] If GSA was unable to validate self-scored points, deductions would be made to the claimed point total.[19] Proposals subject to point invalidations would be reranked.[20] This process would repeat until GSA had validated scores for a specified number of highest-rated offerors.[21] The various OASIS award pools anticipated making between 20 and 40 awards, depending on the specific pool.[22]

Each of the highest-rated proposals would then be forwarded to a price evaluation, which would verify that the proposed pricing was fair and reasonable.[23] Provided the highest-rated proposals also provided reasonable pricing, awards would be made.[24]

The OASIS solicitation provided the prototype for the self-scoring evaluation process. The hallmarks of the self-scoring process GSA pioneered are as follows:

- use of a self-scoring matrix to reduce prior contract experience to discrete point totals;
- a requirement for individual offerors to score their experience for subsequent validation by the evaluating agency;
- limiting technical proposals to substantiating documentation developed under prior procurements and cross-referenced for expedited validation by the evaluating agency; and
- an evaluation process whereby the agency validates or invalidates points claimed by the offeror or in its self-scoring and re-ranks validated proposals on a rolling basis, making award to those that are the most highly rated post point validation.

While other agencies have modified these concepts to suit the needs of specific procurements, the essence of the self-scoring process has remained largely unchanged. Thus, the OASIS solicitation served as the origin for an evaluation methodology distinctly different from those previously anticipated by the FAR.

Legal Basis for Self-Scoring

Given the unique structure of the self-scoring methodology, it comes as little surprise that legal challenges to the evaluation approach quickly followed. Indeed, both the Government Accountability Office (GAO) and the Court of Federal Claims have heard cases challenging the legal underpinnings of the self-scoring evaluation methodology. The resulting decisions have largely approved of the technique. Consequently, the legal justification for the self-scoring methodology is decently established, though the legal basis for specific actions is not always consistent.

As noted above, the self-scoring evaluation process is rooted in the negotiated procedures of FAR Part 15.[25] Nevertheless, the self-scoring approach is not an adaptation of the LPTA or best-value trade-off procedures envisioned by the FAR.[26] Instead, it is something entirely distinct.

By way of example, the OASIS solicitation tied the self-scoring methodology to the FAR's description of the best-value continuum. As the OASIS solicitation explained, "[w]ithin the best value continuum, FAR 15.101 defines best value as using any one or a combination of source selection approaches. For OASIS SB, the best value basis for awards will be determined by the Highest Technically Rated Offerors with a Fair and Reasonable Price."[27] The legal theory implicitly advanced by the OASIS solicitation is that awarding to offerors with the highest technical score and reasonable pricing represents a combination of source selection approaches.

Through subsequent bid protests, both the Court of Federal Claims and GAO have reviewed the self-scoring process, though they have reached differing conclusions as to the precise legal justification of the evaluation decisions.

The Court of Federal Claims was among the first to evaluate the legal underpinnings of the self-scoring methodology. In *Octo Consulting Group, Inc. v. United States*,[28] an unsuccessful OASIS offeror protested the evaluation of its proposal. During the evaluation, GSA had invalidated some of the protester's self-scoring, resulting in the offeror being ranked outside of the most highly rated proposals.[29] As a consequence, the protester did not have its price evaluated and was not considered for award.[30] Among other things, the protester argued that it was unreasonable for GSA not to consider the protester's price when making award decisions.[31] In

essence, the protester alleged that the evaluation scheme was flawed because it divorced the evaluation of price from technical merit.

The court did not agree. In resolving the protester's challenge, the court looked to the procedures for establishing a competitive range.[32] As the FAR explains, "[b]ased on the ratings of each proposal against all evaluation criteria, the contracting officer shall establish a competitive range comprised of all of the most highly rated proposals[.]"[33] Importantly, those offerors that fall outside the competitive range are no longer considered for award.[34] Drawing a parallel to the OASIS procurement, the court then concluded that, through the self-scoring evaluation process, the agency "established a competitive range of proposals for each Pool and excluded all other offerors who did not have a sufficient, evaluated, self-score."[35] As such, the court condoned GSA limiting the evaluation of price only to those offerors with the highest technical ratings.

The court's analysis in this regard leaves significant questions unanswered. Critically, the establishment of a competitive range is predicated on the assumption that an agency will open discussions with offerors to negotiate proposals.[36] With respect to the OASIS solicitation, it expressly advised offerors that evaluation and award would be based on initial proposals and discussions were not anticipated.[37] Thus, whether the FAR's discussions procedures actually describe the process applied in self-scoring evaluations is debatable.

For its part, GAO first addressed the legality of the self-scoring evaluation methodology a few years later.[38] In *Sevatec*, a number of offerors filed pre-award protests challenging various aspects of the Alliant 2 government-wide acquisition solicitation, including the use of the self-scoring methodology.[39] The principal challenge to the evaluation approach was that it violated the Competition in Contracting Act (CICA) by divorcing the evaluation of technical proposals from any comparative price analysis.[40] While leveraging a slightly different legal basis, the challenge in *Sevatec* advanced a similar theory to *Octo Consulting*.

Before resolving the issue of CICA compliance, GAO first took a step back to assess the overall validity of the source selection process.[41] Acknowledging that the FAR did not expressly anticipate use of the highest-rated-offeror scheme, GAO looked to the overarching objectives of FAR Part 15 to evaluate the proposed methodology.[42] Specifically, GAO recognized that while LPTA and trade-off procedures were the two expressly stated evaluation processes, the FAR nevertheless notes that these are merely *some* of the evaluation processes available.[43] GAO further buttressed with the FAR's guiding principles, which note that agencies "may assume if a specific strategy, practice, policy or procedure is in the best interests of the Government and is not addressed in the FAR nor prohibited by law . . . that the strategy, practice, policy or procedure is a permissible exercise of authority."[44] Because the FAR did not expressly limit agencies to the use of LPTA or trade-off procedures, GAO found "no basis in the FAR to object to a proposed source selection process that contemplates award to the highest technically rated offerors without using a tradeoff process."[45]

Turning to the CICA issue, the protesters argued that only evaluating price of the top-rated technical proposals diminished the significance of price to the point that it was a nominal consideration.[46] Leveraging prior GAO decisions prohibiting the reduction of price to a trivial evaluation consideration, the protesters argued the proposed self-scoring scheme was unreasonable.[47] GAO was unpersuaded. Distinguishing its earlier cases, GAO noted that offerors relied on decisions where a best-value trade-off evaluation was envisioned.[48] Because the self-scoring evaluation expressly states no trade-offs would be made, GAO concluded that limiting the price evaluation to only those offerors that were most highly rated was reasonable.[49] GAO was also satisfied that the price evaluation for the most highly rated technical proposals would be sufficiently thorough.[50]

Interestingly, GAO also touched on the notion that offerors ranked below the highest technical rating cut-off were eliminated from competition. Breaking with the Court of Federal Claims in *Octo Consulting*, GAO expressly noted that "under this evaluation scheme, offerors below the top 60 will not have necessarily been found technically unacceptable[.]"[51] While subtle, GAO's comment undermines the legal justification that competitive range procedures justify limiting the evaluation of price to only the highest-rated proposals. Instead, GAO appears to find the fact that no trade-offs are being made to be the most relevant legal consideration.

What is clear from both the *Octo Consulting* and *Sevatec* decisions is that the core features of the self-scoring system have been legally vetted. As GAO explained in *Sevatec*, the FAR's negotiated procurement procedures anticipate that the proceeding evaluation processes (LPTA and best-value trade-off) are only some of the evaluation strategies agencies may employ. Additionally, both *Octo Consulting* and *Sevatec* have upheld the limiting of price evaluations to those most highly technically rated offerors, though the Court of Federal Claims and GAO took different paths to arrive at that conclusion. As such, the critical elements of the self-scoring approach have been legally validated.

Double-Edged Sword: Advantages of the Self-Scoring Process

As with all evaluation strategies, the self-scoring evaluation is a tool for agencies to utilize to find capable contractors. Interestingly, the self-scoring evaluation tool's strengths are also some of its greatest weaknesses. Specifically, the self-scoring evaluation is efficient from a government review perspective, but this efficiency comes at the cost of placing substantial burdens on contractors and places a premium on prior experience. Additionally,

the quest for objectivity during evaluations is undermined by the subjective point validation cross-referencing process. Thus, to get the most out of the self-scoring evaluation, agencies must consider the advantages and disadvantages of the approach.

Arguably the greatest strength of the self-scoring process is evaluation efficiency. The self-scoring practice was developed against the backdrop of the OASIS procurement. By design, the self-scoring evaluation process only commits an agency to validating as many proposals as there are anticipated awards. Given the volume of contracts GSA anticipated receiving, this approach presented significant efficiency benefits.[52] For example, the OASIS contract advised offerors that "[t]he evaluation process shall continue this [validation] cycle until the Top 40 and/or Top 20 apparent successful Offerors are identified in each OASIS SB Pool that represent the highest technically rated offers (based on scores) with a fair and reasonable price."[53] Consequently, GSA only committed itself to evaluating as many OASIS proposals as were necessary to fill the pools. For multiple-award contracts, like OASIS, the evaluation efficiency is a significant benefit. An agency can receive hundreds of proposals, yet only be obligated to verify as many proposals as are necessary to meet the anticipated number of awards.

The evaluation efficiency of the self-scoring system, however, is realized by shifting the initial evaluation work to the offerors. In the prototypical self-scoring evaluation, prospective offerors are instructed to score their own experience, then provide substantiating documentation to validate the claimed points. Substantiating documentation must be cross-referenced in a matrix to direct the agency where the validating information is located.

While efficient from an agency evaluation perspective, the self-scoring methodology from a contractor perspective is quite challenging. The self-scoring approach places the burden on contractors to do most of the heavy lifting cross-referencing documents and validating scores.[54] Successfully cross-referencing requires meticulous attention to detail.[55] The substantiating process requires thorough document management skills, as every document the agency may need to validate points must be supplied and properly cross-referenced.[56] This is a daunting task. Indeed, these challenges are well known; the protester in *Octo Consulting* openly acknowledged "the complexity of the scoring system" in developing arguments.[57]

Evaluation efficiency is also achieved through the self-scoring process by focusing almost exclusively on experience. As GSA noted in the OASIS solicitation, the self-scoring methodology achieves the objective of "awarding contracts to Offerors . . . with qualities that are most important to GSA and our customers, such as Past Performance, Relevant Experience, and Systems, Certifications, and Clearances"[58] These considerations were paramount in OASIS because "[w]ork to be performed under OASIS SB are articulated and awarded by federal customers at the task order level."[59] An Air Force task order solicitation has similarly explained that offerors with substantial past-performance experience present a lesser risk of unsuccessful performance than offerors with less-robust experience.[60]

While focusing on prior experience provides some evaluation efficiency, the significant emphasis self-scoring evaluations place on prior experience can be an impediment to businesses new to the federal contracting marketplace. An offeror with less experience will not be able to score the necessary points, regardless of whether the offeror could ultimately successfully perform the requirement. While it is undeniable that experienced contractors can provide benefits to the government, the near total reliance on experience will necessarily limit the pool of viable competitors for self-scoring procurements. The heavy reliance on experience also presents some tension with the FAR, which currently states that offerors with no experience should be treated neither favorably nor unfavorably under a past-performance evaluation.[61]

Unfortunately for contractors looking to make scoring more accessible, the establishment of self-scoring criteria and assignment of point values have proved challenging to protest. In *Sumaria*, a small business protester challenged the discrete categories and point allocations in a self-scoring solicitation. According to GAO, "[t]he primary thrust of Sumaria's arguments is that the maximum available point-scores should be lowered so that offerors with less comprehensive experience and/or lower qualifications are able to obtain the maximum scores."[62] GAO was not convinced the solicitation requirements were unreasonable. Noting that agencies have discretion to evaluate their needs and determine how best to meet those needs, GAO concluded the agency's experience thresholds were reasonable given the agency's objectives.[63]

The *Sumaria* decision highlights the challenge less-experienced firms face competing in self-scoring procurements. Given the high experiential requirements to score maximum points, only those businesses with the greatest experience can be competitive. While Sumaria did its best to challenge the scoring thresholds established by the agency, the significant discretion afforded to agencies proved too great a hurdle to overcome.

The other benefit of the self-scoring methodology frequently noted by agencies is the apparent "objectivity" of the evaluation process. In response to various protests, agencies have argued that the self-scoring methodology "maximizes objectivity."[64] The theory appears to be that reducing technical proposals to discrete experience items increases the objectivity of the evaluation process because the evaluation is largely just a pass-or-fail review of the substantiating documentation. This is a stretch at best. As we'll discuss below, this system leaves significant room for subjectivity.

Reducing performance experience to verifiable point totals does not by rote render the evaluation process objective. Indeed, the point validation process may still introduce subjective decision making, as agency evaluators

must determine whether the documentation provided validates the points claimed. This comparative review, no matter how well circumscribed by express solicitation criteria, will introduce some level of subjectivity into the evaluation of proposals. To this end, as GAO explained in *Sevatec*, "the solicitation here expressly does not envision a qualitative assessment *beyond the review and verification of the point scores*[.]"[65] Thus, GAO even recognizes that some level of subjectivity will occur at the point validation stage.

This subjectivity can become a significant issue in technical procurements. Due to the complexity of some technical solutions, point validation becomes very subjective because it requires an assessment of how closely one experience example matches the requirements of a new procurement. For example, *RX Joint Venture, LLC v. United States*,[66] involved a self-scoring procurement for a range of information technology services. During the evaluation, RX Joint Venture had points invalidated in one instance because it did not demonstrate its software "build" experience.[67] RX Joint Venture protested the point invalidations, arguing that implicit within the demonstrated software design and testing experience is the ability to "build" a software system.[68] The Court of Federal Claims denied the specific challenge, noting that "[t]he agency was not obligated to draw inferences or indulge presumptions about RXJV's expertise regarding the compilation process[.]"[69]

The *RX Joint Venture* decision highlights the challenge presented by subjective point validations. Given its industry experience, RX Joint Venture understood its experience with software builds to be self-evident from the collection of other information technology services it had performed. The evaluating agency, however, did not share in this opinion and subjectively concluded the build experience was not validated. These competing understandings of experience demonstrate where the subjectivity inherent in all point validations can undermine the objectivity of the evaluation. It is also worth noting that RX Joint Venture had the benefit of being able to validate points through tailor-made technical narratives that discussed experience gained under specific projects.[70] To the extent proposals only allow for point validation through other contract documents, the challenges associated with subjective point validations only increase because offerors cannot dictate what technical information is supplied.

Finally, there is also a perception that the self-scoring evaluation process reduces the number of protests because there is greater objectivity.[71] Whether this is accurate, however, is largely unresolved. As noted above, there is a degree of subjectivity inherent in any self-scoring evaluation during the point validation stage. This subjectivity during the validation process is a fertile place for protests. Indeed, both GAO and the Court of Federal Claims have heard protests alleging principally that the subjective decisions made during the point validation process were unreasonable. At the time of this publication, there has not been a comprehensive study to evaluate whether the self-scoring methodology results in fewer challenges. Anecdotally, however, it appears self-scoring evaluations are equally susceptible to protests, though the specific arguments raised are different.

Ultimately, the self-scoring evaluation method can offer efficiency, but that efficiency comes at the price of contractor access. Offerors must shoulder a substantial burden of the evaluation work and possess the necessary experience to be competitive. Similarly, the evaluation process effort to arrive at a more-objective evaluation process is undermined by the subjective validation decisions made by evaluating agencies.

The Future of Self-Scoring Procurements

Looking ahead, it is likely the self-scoring evaluation methodology is here to stay. The legality of the evaluation process has been validated by both the Court of Federal Claims and GAO. Indeed, with each successive legal challenge, the validity of the self-scoring system has become more established.

Somewhat concerningly, however, the self-scoring evaluation process is starting to move beyond its roots as an evaluation process designed to facilitate high-proposal-volume procurements, like government-wide acquisitions. This year, GAO denied a pre-award protest challenging the application of the self-scoring methodology to a task order procurement.[72] The protested task order anticipated making a single award to support "the Air Force's mission to 'design, develop, integrate, test, produce, deploy, modernize, sustain and support' the F-15 aircraft for the United States and for U.S. foreign military sales (FMS) partners worldwide."[73]

The competition of highly technical task orders using a self-scoring approach undermines one of the core premises that the self-scoring evaluation is based on. As the OASIS source selection documents explained, "[w]ork to be performed under OASIS SB are articulated and awarded by federal customers at the task order level. As a result, non-price factors like Past Performance, Relevant Experience, and Systems, Certifications, and Clearances play a dominant role in the basis for the OASIS SB awards."[74] Thus, the fundamental understanding of the OASIS procurement was that the self-scoring evaluation was appropriate at the government-wide acquisition level because specific requirements that required consideration outside of experience would be defined and competed at the task order level. In other words, the evaluators did not need to examine the specifics at the government-wide contract level because the specifics would be taken care of at the task order level.

Applying the self-scoring evaluation procedures to a task order award undermines the core OASIS premise that task orders would provide opportunities for technical competition. By its very nature, the self-scoring process limits creativity and innovation. As such, there is a real possibility that task orders competed with self-scoring evaluation criteria are not delivering on their stated

goal of directing awards to offers representing the greatest value to the government.[75]

In some ways the expanding application of self-scoring procedures to task order awards is reminiscent of the expansive use of LPTA procedures for technical procurements.[76] Heeding these concerns, Congress enacted changes in subsequent defense spending bills to curtail the use of LPTA procedures to those procurements where they were best suited.[77] A similar approach may be necessary to curtail the application of self-scoring evaluations to task order procurements.

Conclusion

The self-scoring evaluation process is likely here to stay. It is an efficient way to review many proposals, which makes it appealing for agencies. This efficiency, however, comes at a cost. The self-scoring strategy places the burden on offerors to evaluate themselves. It also places extreme emphasis on prior experience. These drawbacks are exacerbated when the self-scoring evaluation strategy is applied to technical procurements for specific services, such as task order awards. Nevertheless, use of the self-scoring approach is on the rise, and is likely to continue for the foreseeable future. As such, offerors—and their attorneys—need to be knowledgeable about this new evaluation process. PL

Endnotes

1. *See* Octo Consulting Grp., Inc. v. United States, 117 Fed. Cl. 334, 356 (2014) (noting that GSA had many OASIS awards to make and anticipated a large number of offerors).
2. *See* U.S. Gen. Serv. Admin., No. GS00Q-13-DF-0001, Final Conformed OASIS SB Solicitation at 130 [hereinafter OASIS Solicitation] (citing FAR 15.101).
3. *See id.*
4. *See* FAR 15.101-1, 15.101-2.
5. *See* FAR 15.101-2(a).
6. *See* FAR 15.101-1(a).
7. Octo Consulting Grp., Inc. v. United States, 117 Fed. Cl. 334, 356 (2014).
8. *Id.*
9. *See* OASIS Solicitation, *supra* note 2, at 130–31.
10. *Id.* at 130.
11. *See id.* at 90–97.
12. *Id.* at 112.
13. *Id.* at 103, 142–44.
14. *Id.* at 103.
15. *Id.* at 88 ("Offerors may provide whatever official, verifiable documentation is necessary to validate any pass/fail or scored evaluation criteria being claimed.").
16. *Id.* at 90.
17. *Id.* at 131.
18. *Id.*
19. *Id.*
20. *Id.*
21. *Id.*
22. *Id.* at 86.
23. *Id.* at 131, 145.
24. *Id.* at 131.
25. *See id.* at 130.
26. *See id.*; *see also* FAR 15.101-1, 15.101-2.
27. OASIS Solicitation, *supra* note 2, at 130.
28. 117 Fed. Cl. 334 (2014).
29. *Id.* at 350.
30. *Id.* at 359.
31. *Id.* at 353.
32. *Id.* at 358 (citing FAR 15.306(c)).
33. FAR 15.306(c)(1).
34. FAR 15.306(c)(3).
35. *Octo Consulting Grp.*, 117 Fed. Cl. at 358.
36. *See* FAR 15.306(c)(1) ("Agencies shall evaluate all proposals in accordance with 15.305(a), and, *if discussions are to be conducted*, establish the competitive range." (emphasis added)).
37. *See* OASIS Solicitation, *supra* note 2, at 130.
38. Sevatec, Inc. et al., B-413559.3 et al., 2017 CPD ¶ 3 (Comp. Gen. Jan. 11, 2017).
39. *See id.* at 4–5.
40. *Id.*
41. *Id.* at 5.
42. *Id.*
43. *Id.* at 5–6 (citing FAR 15.100: "This subpart describes some of the acquisition processes and techniques that may be used to design competitive acquisition strategies suitable for the specific circumstances of the acquisition.").
44. *Id.* at 6 (citing FAR 1.102(d)).
45. *Id.* at 7.
46. *Id.*
47. *Id.* (citing Electr. Design, Inc., B-279662.2 et al., 98-2 CPD ¶ 69, at 8 (Comp. Gen. Aug. 31, 1998)).
48. *Id.* at 8.
49. *Id.*
50. *Id.* at 7–8.
51. *Id.* at 8.
52. *See* Octo Consulting Grp., Inc. v. United States, 117 Fed. Cl. 334, 357 (2014) ("The Agency, faced with a large number of awards to make, and anticipating a large number of offers, announced to all that the self-evaluation and two-step process would be utilized.").
53. OASIS Solicitation, *supra* note 2, at 130.
54. Ab Vand, *Is Your Company Ready for the Prime-Time of Self-Scoring Contracts?*, Wash. Tech. (May 15, 2020), https://washingtontechnology.com/articles/2020/05/15/insights-vand-self-scoring-evaluations.aspx.
55. *Id.*
56. *Id.*
57. *See Octo Consulting Grp.*, 117 Fed. Cl. at 352.
58. OASIS Solicitation, *supra* note 2, at 130.
59. *Octo Consulting Grp.*, 117 Fed. Cl. at 356.
60. Sumaria Sys., Inc., B-418796, 2020 U.S. Comp. Gen. LEXIS 273*, at *13 (Sept. 9, 2020).
61. *See* FAR 15.305(a)(2)(iv).
62. *Sumaria Systems, Inc.*, 2020 U.S. Comp. Gen. LEXIS 273*, at *4.
63. *Id.* at *16–*17, *18–*19.
64. Sevatec, Inc. et al., B-413559.3 et al., 2017 CPD ¶ 3, at 2 (Comp. Gen. Jan. 11, 2017).
65. *Id.* at 9 (emphasis added).
66. 145 Fed. Cl. 207 (2019).
67. *Id.* at 214.
68. *Id.*
69. *Id.*
70. *Id.* at 210.
71. Vand, *supra* note 54.
72. Sumaria Sys., Inc., B-418796, 2020 U.S. Comp. Gen. LEXIS 273*, at *2 (Sept. 9, 2020).
73. *Id.* at *3.
74. Octo Consulting Grp., Inc. v. United States, 117 Fed. Cl. 334, 356 (2014).
75. OASIS Solicitation, *supra* note 2, at 129.
76. *See* Richard B. Oliver & Aaron S. Ralph, *The Fiscal Year 2019 NDAA Imposes Government-wide Limitations on the Use of Lowest-Price Technically Acceptable Procurements*, Pillsbury (Aug. 29, 2018), https://www.pillsburylaw.com/en/news-and-insights/ndaa-limitations-lpta-procurements.html ("For many years, contractors and commentators have criticized the LPTA acquisition process for its many limitations and disadvantages[.]").
77. John S. McCain National Defense Authorization Act for Fiscal Year 2019, Pub. L. No. 115-232, § 880, 132 Stat. 1636, 1909–10.