

Excerpt from discussion of source selection in best value procurements

... Here we note that although it is possible for the government to make a selection based on Cost/Price in a best value procurement for which Cost/Price was indicated in the RFP to have relatively less weight than the technical factors, the government's latitude in doing so is limited. GAO has sustained protests in cases where the RFP indicated that greater weight would be assigned to technical factors, and Cost/Price was used instead as the basis for selection (1). GAO has also sustained cases where the RFP indicated that technical quality was more important than cost, and the agency has instead grouped proposals as "acceptable" and used cost to break the tie (2). Finally, just as GAO has ruled that agencies must be able to show in their source selection documents the reasoning why a technically superior offer was worth the higher price (3), it has likewise ruled that the government may not select a lower price when the added value of a technically superior offer was not addressed (4). In short, if the government seeks technically superior offers, and the RFP indicates that technical quality is more heavily weighted than Cost/Price, then denial of the award to the technically superior offeror must be based on reasoning showing why the higher price of the technically superior offer is not justified ...

(1) Comp.Gen. Dec. B-244385, Oct. 8, 1991; Comp.Gen. Dec. B-287013, B-287013.2, Mar. 30, 2001.

(2) Comp.Gen. Dec. B-244546, Oct. 25, 1991.

(3) Comp.Gen. Dec. B-260788.2, Aug. 2, 1995.

(4) Comp.Gen. Dec. B-244385, Oct. 8, 1991.