



2-Minute Debrief

Corrective Action That Lowers Value of A Task Order Award May Bar Future Protests

The Government Accountability Office's jurisdiction to consider protests of civilian agency task order awards applies only when the value of the task order exceeds \$10 million (\$25 million for DoD, NASA, and the Coast Guard). GAO won't take up a challenge to a task order valued below that amount, even when an order exceeds that threshold at the time of award, but decreases in value due to an unexpected turn of events.

In a recent case, an IT services task order awarded by the National Institute of Health was subject to two protests before GAO.

In the initial protest, Zolon Tech challenged NIH's award to AMAR Health IT. AMAR's task order was valued at nearly \$14 million, giving GAO jurisdiction to hear the protest.

After two rounds of corrective action, NIH reversed its decision and awarded Zolon a task order valued at \$6.3 million. Because the task order fell below the \$10 million threshold, Zolon effectively cut off AMAR's ability to relitigate the decision.

Nonetheless, AMAR made its case to GAO, arguing that it challenged the effective termination of its task order, which was valued above \$10 mil-

lion. According to AMAR, GAO had jurisdiction because its protest challenging the termination of its task order was intertwined with the new task order issued to Zolon.

However, GAO disagreed. First, GAO explained that for the purpose of determining its jurisdiction, the value of the task order to Zolon is controlling since the terms of the order define the scope and terms of the contractual commitment between the contractor and the government. Because Zolon's task order fell below the \$10 million threshold, GAO lacked jurisdiction to consider the challenge.

GAO also was not persuaded by AMAR's argument that its challenges were intertwined. On the merits, GAO noted that the agency did not terminate the task order, nor was it required to, because the order lapsed during the pendency of the multiple corrective actions. To the extent the protester challenged NIH's determination that its task order lapsed, GAO considered that a matter of contract administration.

GAO's decision is available online at [AMAR Health IT LLC, B-414384.3](#).

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