

Decision

Matter of: Coast to Coast Computer Products, Inc.

File: B-419833.2

Date: September 28, 2021

Rick Vogel, for the protester.

Lieutenant Colonel Christopher M. Wu, Lieutenant Colonel Keric D. Clanahan, Major David Gilkes, and Jeffrey S. Titrud, Esq., Department of the Air Force, for the agency. Charmaine A. Stevenson, Esq., and John Sorrenti, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest that a solicitation improperly provides for award on a lowest-price, technically acceptable (LPTA) basis is denied where the agency issued a determination that reasonably found that the statutory and regulatory requirements for use of LPTA award criteria were satisfied.

DECISION

Coast to Coast Computer Products, Inc. (CTC), of Simi Valley, California, protests the terms of request for quotations (RFQ) No. 1480009, issued by the Department of the Air Force for Client Computing Solutions III (CCS-3) products. The protester contends that the solicitation improperly provides for the establishment of blanket purchase agreements (BPAs) on a lowest-price, technically acceptable (LPTA) basis.

We deny the protest.

BACKGROUND

On March 10, 2021, pursuant to Federal Acquisition Regulation (FAR) subpart 8.4, the Air Force issued the RFQ, which provided letter of invitation (LOI) No. FA8055-21-R-0001, to businesses holding General Services Administration (GSA) Federal Supply Schedule (FSS) 70 contracts. Agency Report (AR), Tab 7, RFQ at 1. The agency seeks to establish BPAs with an anticipated 5-year ordering period for client computing products, associated upgrade options, and incidental services to fulfill agency requirements for information technology (IT) computing products. AR, Tab 8, LOI at 1. The BPAs will afford successful vendors the right to compete in the Air Force's semi-annual Quantum Enterprise Buy (QEB) and annual Rugged Product Buy purchase

cycles to provide products to the United States Air Force, United States Space Force, Office of the Secretary of Defense, and authorized contractors. AR, Tab 13, LOI Revision 1 at 1. The LOI states that the agency estimates that the BPAs will have an aggregate value of \$167 million annually, and anticipates establishing five BPAs, but may establish more or less depending on the competitiveness of quotations. *Id.*

The LOI includes the following four attachments: (1) the model BPA, which identifies the BPA terms and conditions; (2) the evaluation plan; (3) the vendor capability assessment (VCA) template;¹ and (4) the QEB2022A RFQ letter, with the QEB2022A technical and price response template.² For the submission of quotations, the evaluation plan requires that vendors provide a vendor capability statement, a QEB2022A technical and price response, and supporting documentation as outlined in the model BPA and QEB2022A RFQ letter. AR, Tab 8c, LOI attach. 2, Evaluation Plan at 1. The evaluation plan provides the basis for award for both establishment of the BPAs, as well as product selection determinations for the QEB2022A purchase cycle amongst the BPA awardees. *Id.* at 2-3. As it relates to the establishment of BPAs, the evaluation plan states:

The BPA selection evaluation process will be completed in two stages. The initial stage, Stage 1, will be the evaluation and rating of the [VCA]. Offerors who successfully pass the VCA evaluation stage will then be evaluated on their TWC (Stage 2). The government will make a BPA selection decision based on an evaluation of offerors who are successful under Stage 1 (*receive a tabulation value of 6 or greater*) and successful under Stage 2 (*receive a 100% product compliance and TWC*)

¹ The VCA template requires vendors to provide various experience and performance information in the areas of order processing, lifecycle product support, and supply chain risk management. AR, Tab 8d, LOI attach. 3, VCA. For each of these areas, the agency will assign a rating (and associated value) as follows: highly relevant (3); generally relevant (2); somewhat relevant (1); and insufficiently relevant (0). AR, Tab 8c, LOI attach. 2, Evaluation Plan at 1-2. Vendors with a tabulated value of five or less will not be considered for establishment of a BPA. *Id.* at 2.

² The QEB2022A technical and price response template specifies 19 product categories for the required desktops, laptops, tablets, displays, and thin/zero client devices, and provides the technical specifications and estimated quantities for each. AR, Tab 16, LOI attach. 4.1, QEB 2022A Technical and Price Response Template. For each product category, vendors are required to confirm product compliance with the specified requirements and propose unit prices for delivery both within and outside the continental United States. *Id.* The evaluation plan states that for each product category, the agency will “validate compliance with the mandatory product specifications/features” and that “[t]he calculated [total worldwide cost (TWC)] will be verified for accuracy.” AR, Tab 8c, LOI attach. 2, Evaluation Plan at 2.

verification) of the evaluation process. Only those offerors that pass both evaluation stages will be considered for selection of a BPA.

Id. at 1. The evaluation plan further states that vendors will be considered for establishment of a BPA “on a low price fully qualified selection basis,” and that “[t]he selection authority will select the lowest TWC offerors who successfully passed Stage 1 and Stage 2 evaluations for award of a BPA.” *Id.* at 3.

On March 11, CTC contacted the agency raising concerns similar to the allegations raised in this protest, and on March 25, the contracting officer advised CTC that the agency had considered CTC’s concerns and determined that the selection criteria in the solicitation was appropriate for the CCS-3 procurement. Contracting Officer’s Statement (COS) at 4; Protest exh. 9, Pre-Protest Communications. On April 30, CTC filed an agency-level protest; prior to resolution by the agency, on May 11, CTC filed a protest with our Office.³ COS at 5; Protest exh. 20, Agency-Level Protest. In its protest, CTC argued that the use of LPTA source selection procedures was improper and violated the Department of Defense Federal Acquisition Regulation Supplement (DFARS). In response, the agency stated that it would take corrective action, in pertinent part, as follows:

Because the procurement utilizes processes that could be described as LPTA, the Agency has decided to reevaluate whether the solicitation complies with DFARS 208.405(2), DFARS 215.101-2-70, and [Procedures, Guidance, and Information] DFARS 215.101-2-70 requirements. Accordingly, the Agency will correct any deficiencies identified and will disclose corrections made by issuing an amendment to the solicitation to all parties that submitted offers to the solicitation.

Coast to Coast Computer Prods., Inc., B-419833, June 3, 2021 (unpublished decision). Accordingly, our Office dismissed the protest as academic. *Id.*

On June 16, the agency released to all vendors that timely responded to the RFQ the CCS-3 LPTA Determination and Findings (D&F) completed as part of the agency’s corrective action. COS at 6; AR, Tab 18, Email to CCS-3 RFQ Vendors. In the D&F, the contracting officer concluded that “the Low Price [Fully] Qualified source selection procedures set forth in the CCS-3 Evaluation Plan is appropriate and is not subject to the limitations and prohibitions of DFARS 215.101-2-70.” AR, Tab 19, D&F at 6. This protest followed.

³ On May 24, the agency dismissed CTC’s agency-level protest because the subject matter of the protest was then currently pending with our Office. AR, Tab 6f, Response to Agency-Level Protest.

DISCUSSION

The protester argues that the agency's use of LPTA source selection procedures for this acquisition is improper, and violates DFARS section 212.203 and DFARS section 215.101-2-70.⁴ Protest at 1. For the reasons discussed below, we find that the agency's determination to use low price fully qualified selection criteria was reasonable and consistent with the requirements of the DFARS, and that there is no basis to sustain the protest.

Section 813 of the National Defense Authorization Act for fiscal year 2017 provided that "[i]t shall be the policy of the Department of Defense to avoid using lowest price technically acceptable source selection criteria in circumstances that would deny the Department the benefits of cost and technical tradeoffs in the source selection process." Pub. L. No. 114-328, 130 Stat. 2271 (2016). Section 215.101-2-70 of the DFARS implements this statutory requirement and contains eight criteria, all of which must be satisfied by a solicitation that employs an LPTA evaluation method:

- (i) Minimum requirements can be described clearly and comprehensively and expressed in terms of performance objectives, measures, and standards that will be used to determine the acceptability of offers;
- (ii) No, or minimal, value will be realized from a proposal that exceeds the minimum technical or performance requirements;
- (iii) The proposed technical approaches will require no, or minimal, subjective judgment by the source selection authority as to the desirability of one offeror's proposal versus a competing proposal;
- (iv) The source selection authority has a high degree of confidence that reviewing the technical proposals of all offerors would not result in the identification of characteristics that could provide value or benefit;
- (v) No, or minimal, additional innovation or future technological advantage will be realized by using a different source selection process;
- (vi) Goods to be procured are predominantly expendable in nature, are nontechnical, or have a short life expectancy or short shelf life . . . ;
- (vii) The contract file contains a determination that the lowest price reflects full life-cycle costs [. . .] of the product(s) or service(s) being acquired . . . ; and

⁴ Section 212.203 of the DFARS states as follows: "See 215.101-2-70 for the limitations and prohibitions on the use of the lowest price technically acceptable source selection process, which are applicable to the acquisition of commercial items."

(viii) The contracting officer documents the contract file describing the circumstances justifying the use of the lowest price technically acceptable source selection process.

DFARS 215.101-2-70(a)(1). In addition, this DFARS subsection requires that contracting officers “avoid, to the maximum extent practicable,” using LPTA procedures for procurements that are predominantly for the acquisition of certain items or services including, “[i]nformation technology services.” *Id.* at (a)(2)(i).

In general, the determination of a contracting agency’s needs and the best method of accommodating them are matters primarily within the agency’s discretion. *Crewzers Fire Crew Transp., Inc.*, B-402530, B-402530.2, May 17, 2010, 2010 CPD ¶ 117 at 3; *G. Koprowski*, B-400215, Aug. 12, 2008, 2008 CPD ¶ 159 at 3. Although it is within a contracting agency’s discretion to determine its needs and the best method to accommodate them, the determination must still be reasonable. *See Curtin Maritime Corp.*, B-417175.2, Mar. 29, 2019, 2019 CPD ¶ 117 at 11. A protester’s disagreement with the agency’s judgment concerning the agency’s needs and how to accommodate them, without more, does not establish that the agency’s judgment is unreasonable. *Chenega Fed. Sys., LLC*, B-414478, June 26, 2017, 2017 CPD ¶ 196 at 3. The adequacy of the agency’s justification is ascertained through examining whether the agency’s explanation is reasonable, that is, whether it can withstand logical scrutiny. *Curtin Maritime Corp.*, *supra*, at 11. Our Office has applied these standards in connection with an agency’s discretion to make determinations concerning whether LPTA award criteria are authorized under DFARS section 215.101-2-70. *Verizon Bus. Net. Servs., Inc.*, B-418331.3 *et al.*, July 10, 2020, 2020 CPD ¶ 235 at 6.

As part of the corrective action in response to CTC’s initial protest with our Office, the contracting officer prepared and provided to vendors a D&F detailing his determination that the low price fully qualified source selection criteria are appropriate for this procurement. AR, Tab 18, Email to CCS-3 RFQ Vendors. For each of the factors in DFARS subsection 215.101-2-70(a)(1), the contracting officer concluded that the requirements for use of LPTA award criteria were satisfied. AR, Tab 19, D&F at 2-5. The D&F was accompanied by a memorandum of record prepared by the Air Force’s Category Management IT Hardware Lead. AR, Tab 20, CCS-3 Acquisition Requirements Memorandum. This memorandum explains, as required by the sixth and seventh factors, the agency’s determination that the products are expendable and that the lowest price reflects the full life-cycle cost of the products. *Id.* at 1-2.

Challenges to the Eight Enumerated Factors

CTC argues that the agency’s D&F is incorrect, the requirements for the use of LPTA source selection procedures set forth in DFARS subsection 215.101-2-70(a)(1) are not

met, and therefore, the low price fully qualified source selection procedure set forth in the LOI is not appropriate. We address some of these arguments below.⁵

Description of Minimum Requirements

The protester contends that the agency's D&F does not materially address the DFARS requirement that "minimum requirements can be described clearly and comprehensively and expressed in terms of performance objectives, measures, and standards" to determine the acceptability of offers. Protest at 8-10; Comments at 10; DFARS 215.101-2-70(a)(1)(i). In this regard, the protester asserts that because the LOI evaluation criteria "clearly incorporate IT services, supply chain risk management process considerations, commercial items that are technical in nature, and past performance relative to customer service and order management process and experience inclusive of metrics," this requirement is not met. Protest at 9. The protester further contends that the requirement is not met because the LOI does not include information such as the number and addresses of delivery locations, absolute rather than estimated number of units required for each product category, and clearance requirements for delivery of warranty services at secured delivery locations. *Id.* at 9-10.

As noted, to be eligible for establishment of a BPA, the agency must conclude that the products proposed by a vendor are fully compliant with all mandatory requirements in all of the product categories. AR, Tab 8c, LOI attach. 2, Evaluation Plan at 1. To this end, the QEB2022A technical and price response template identifies 19 product categories and provides specific mandatory requirements for each product. AR, Tab 16, LOI attach. 4.1, QEB2022A Technical and Price Response Template. For example, the template provides detailed specifications for multiple elements of mandatory requirements (*e.g.*, operating system, processor/graphics, memory, storage, and warranty) for product category "Office Desktop - SFF (ODT-SFF)." *Id.* at 2. Additionally, the template provides an estimated total requirement of 2,409 units for delivery, consisting of 2,176 units within and 233 units outside of the continental United States. *Id.* at 2.

⁵ In its protest, CTC does not contend that the Air Force failed to satisfy the seventh and eighth factors enumerated in the DFARS--*i.e.*, that the lowest price reflects the full life-cycle costs of the products, or that the contracting officer document the contract file describing the circumstances justifying the use of the LPTA source selection process. *See generally* Protest; Comments at 9. Additionally, CTC did not argue in its initial protest that the Air Force failed to satisfy the fifth factor identified in the regulation--*i.e.*, that no, or minimal, additional innovation or future technological advantage will be realized by using a different source selection process; however, CTC appears to challenge this conclusion in its comments. Comments at 2-4. Because CTC did not timely raise this allegation in its protest, or file a supplemental protest, we do not address it. CTC raises challenges regarding the remaining five factors, and also raises other collateral arguments. Although we do not address every argument, we have reviewed them all and find no basis to sustain the protest.

The contracting officer documented his rationale for concluding that the minimum requirements were clearly and comprehensively described in the solicitation as follows:

The CCS-3 BPA Solicitation does not seek IT technical services but IT commercial off the shelf (COTS) hardware that is widely available in the commercial marketplace. The [Air Force's IT Category Council] has had 15 years of experience purchasing these items using different selection criteria. The Technical and Pricing Response Template used in Stage 2 of the evaluation captures all required mandatory features of these products based on market research that identifies key standards that fully meet [Air Force] user requirements and are available across multiple manufacturers. In addition, all product offered must be listed on the [vendor's] GSA Schedule 70.

AR, Tab 19, D&F at 2.

We think that the solicitation clearly defines the agency's minimum requirements in terms of specific and identifiable requirements and standards for each product. Here, the procurement is being conducted using FAR section 8.405-3 procedures. The LOI states that the agency anticipates that it will establish five BPAs. The agency estimates, but does not guarantee, an aggregate annual value of \$167 million; and there is no guaranteed minimum award to any BPA holder. AR, Tab 13, LOI Revision 1 at 1. Further, as discussed, the LOI provides specific mandatory requirements for 19 product categories, estimated order quantities for the QEB2022A purchase cycle, and requires that vendors propose separate prices for orders placed within and outside of the continental United States.

We further find that, contrary to the protester's allegation, the agency's evaluation of a vendor's experience with supply chain risk management or order processing does not establish that the solicitation fails to meet the requirements of DFARS subsection 215.101-2-70(a)(1)(i). As noted, the agency's requirement here is for IT products. As part of the evaluation of vendors' ability to provide the products, the LOI requires vendors to demonstrate capabilities to ensure product security and to offer products that do not contain counterfeit parts as well as capabilities "as they relate to IT hardware order processing." AR, Tab 8d, LOI attach. 3, VCA at 1, 2. The agency intends to assess this experience as it relates to a vendor's qualifications to "manag[e] the CCS-3 program requirements." AR, Tab 8c, LOI attach. 2, VCA, Evaluation Plan at 1. Thus, evaluation of the vendor's experience in these areas relates directly to the ability to deliver the specifically identified products; it does not establish that the solicitation fails to clearly and comprehensively describe the minimum requirements, as the protester argues.

Likewise, we find that the absence of information such as specific delivery locations and clearance requirements--information that will be required to fulfill orders placed with BPA holders--is not material to the description of minimum requirements for the purpose

of BPA selection.⁶ In this regard, the fundamental purpose for establishing BPAs under schedule contracts is to enable ordering activities to then fulfill repetitive needs for the supplies or services. See FAR 8.405-3(a)(1), (c)(2). Therefore, we find no basis to sustain the protest.

Value from Exceeding Minimum Requirements

CTC asserts that the solicitation does not meet the requirement that “[n]o, or minimal, value will be realized from a proposal that exceeds the minimum technical or performance requirements.” Protest at 10; DFARS 215.101-2-70(a)(1)(ii). The protester argues that it is “possible that significant value may be realized” from a proposal that exceeds the agency’s minimal technical requirements. Protest at 10. In support of this argument, CTC contends that the record shows that in the most recent QEB purchase cycles, at least one in four orders were awarded to vendors determined to be best value and priced higher than the lowest price. *Id.* at 11.

Here, the contracting officer stated that a best-value tradeoff methodology was used in the three prior BPA competitions and in most semi-annual product category selections. AR, Tab 19, D&F at 3. However, the contracting officer found that the agency’s 2016 BPA competition resulted in selection of the six lowest priced proposals, and that the trend in recent QEB competition cycles had resulted in the low cost vendors prevailing, particularly in high volume categories. *Id.* To demonstrate this trend, the contracting officer noted that in the last three QEB cycles, there were 57 low priced selections compared to 31 higher priced selections,⁷ and that “[f]or the last two cycles, the low price selections were 73 [percent] of the total.” *Id.* On this basis, the contracting officer concluded that “considering additional optional features over and above mandatory technical features and mandatory upgrade optional features for these product categories did not provide sufficient value to trade off lower cost proposals.” *Id.* The contracting officer further concluded that “assessing differences in experience once a level of experience that meets much [of] the same requirements as the CCS BPAs did not provide a basis for trading off lower cost against experience in our prior selections.” *Id.*

The record thus shows that in assessing whether there was value in exceeding minimum requirements, the agency considered that the six prior BPA holders were also the lowest price vendors, and the preponderance of awards in the three most recent QEB competition cycles indicated that the lowest price vendors were increasingly selected. On these facts, we have no basis to question the agency’s conclusion that no, or minimal, value will be realized from a proposal that exceeds the minimum technical or

⁶ Only vendors selected for establishment of a BPA will be considered for the QEB2022A RFQ purchase cycle occurring within this procurement. AR, Tab 13, LOI Revision 1 at 3; Tab 8c, LOI attach. 2, Evaluation Plan at 3.

⁷ The low priced selections constitute almost 65 percent of total selections over the last three cycles (57+31=88, and 57/88=64.77). See Protest at 11.

performance requirements. The protester's disagreement with the agency's judgment, without more, does not establish that the conclusion was unreasonable. Therefore, we find no basis to sustain the protest.

Expendability and Shelf Life

CTC contends that the solicitation does not meet the requirement that the “[g]oods to be procured are predominantly expendable in nature, are nontechnical, or have a short life expectancy or short shelf life.” Protest at 16-23; DFARS 215.101-2-70(a)(1)(vi). The protester argues that the agency's conclusion that its requirements are “expendable” is not based on any regulatory or commonly accepted definition of the word, and is thus flawed. Protest at 16-23. In this regard, CTC challenges both the agency's authority to draw such a conclusion, as well as the reasonableness of the agency's conclusion that the products are expendable. *Id.* at 16; Comments at 13 (“The required products are serviceable and repairable by design and are clearly not predominately expendable in nature.”).

Here, the contracting officer concluded that the requirements satisfied this DFARS subsection because they “generally have a four-year life cycle and we require a four-year warranty. Products older than four years are not repaired and generally retired due to age at the end of the warranty period.” AR, Tab 19, D&F at 4-5. The record indicates that the agency's intended frequency for the replacement of the required devices is as follows: five years for desktops and printers; four years for laptops and tablets; and two years for cellular phones. *Id.* at 5. Further, the agency's IT Hardware Category Lead explained the agency's acquisition strategy as follows:

The QEB effectively enabled [better buying power] for computer buys where large quantity purchases are planned on a semi-annual basis allowing BPA holders to offer their best prices reflecting the total cost to the end user for the specific computers and displays purchased. The QEBs included a [4-year] warranty for computers and displays as well as shipping charges, thereby capturing all supply costs with the exception of power utilization during use. . . . The computer standard life cycle of four years was based on a determination that these products are expendable and that a four year refresh rate captures the lowest total lifecycle costs for these devices. . . .

AR, Tab 20, CCS-3 Acquisition Requirements Memorandum at 1-2.

Although the protester argues that the products have a shelf life well beyond the four years identified by the agency, the record shows that the agency does not intend to retain the products beyond the expiration of the 4-year warranty. To the contrary, the record indicates the agency anticipates that savings of up to \$41.8 million annually could be achieved by employing “a four-year refresh rate with an asset ratio of 30% desktops and 70% mobile computers (laptops/tablets).” *Id.* On this record, we find reasonable the agency's exercise of its discretion to establish a four-year requirement

for some of the IT products, and its corresponding characterization of the products as expendable. The protester's disagreement with this conclusion does not provide a basis to sustain the protest.

Avoidance of LPTA Criteria to the Maximum Extent Practicable

CTC further argues that the agency's determination in support of the issuance of the solicitation with LPTA award criteria does not satisfy the requirement of DFARS subsection 215.101-2-70(a)(2) to avoid the use of LPTA award criteria "to the maximum extent practicable." Protest at 23-25; Comments at 6-9. The protester contends that the agency has historically procured its CCS requirements using a best-value tradeoff methodology, and should continue to do so. Protest at 24; Comments at 10.

In addition to the eight enumerated factors in DFARS subsection 215.101-2-70(a)(1), contracting agencies are required to "avoid, to the maximum extent practicable," using LPTA procedures for procurements that are "predominantly for the acquisition" of "[IT] services, cybersecurity services, systems engineering and technical assistance services, advanced electronic testing, or other knowledge-based professional services." DFARS 215.101-2-70(a)(2)(i).

The FAR does not define IT services, but defines IT as follows:

Information technology means any equipment, or interconnected system(s) or subsystem(s) of equipment, that is used in the automatic acquisition, storage, analysis, evaluation, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information by the agency. . . . The term "information technology" includes computers, ancillary equipment (including imaging peripherals, input, output, and storage devices necessary for security and surveillance), peripheral equipment designed to be controlled by the central processing unit of a computer, software, firmware and similar procedures, services (including support services), and related resources.

FAR 2.101.

Here, the contracting officer concluded that under the terms of the solicitation the agency is acquiring IT, rather than IT services, and that DFARS subsection 215.101-2-70(a)(2) did not apply. AR, Tab 19, D&F at 1. Specifically, the contracting officer concluded that IT "is not among those items explicitly prohibited from use of LPTA source selection procedures." *Id.* The contracting officer further explained:

CCS-3 is the [Air Force's] enterprise vehicle for the purchase of client computing products (hardware) along with associated upgrade options and incidental services as a Commodity Managed requirement for the entire Air Force. Incidental services may include warranty support or image development support with the Standard Desktop Configuration

(SDC) that are incidental to and become part of the product purchase, are not sold separately, and therefore are not the predominance of the requirement. Therefore, there are no absolute limitations or prohibitions on the use of LPTA source selections procedures for IT Hardware requirements. . . .

Id. According to the contracting officer, IT services are not the central objective of the CCS-3 procurement, and the incidental services required by the purchase of IT are not the same as the IT services for which LPTA source selection procedures are to be avoided, but rather “are part and parcel of the hardware item.” COS at 18-19; see *also id.* at 12 n.3 (“The CCS-3 acquisition does not include any of the services listed in DFARS 215.101-2-70(a)(2)(i) therefore making that limitation irrelevant.”).

CTC argues that “[a]lthough the services are being bundled into the final solution cost to the government, and the requirement is predominately for IT COTS products, this requirement incorporates a significant volume of IT services, cybersecurity services, and knowledge based professional services. . . .” Protest at 23-24; see *also* Comments at 40 (“The services required by the solicitation are not standard, or inextricably linked to the required IT hardware, but are customized services specifically developed to meet the stated requirement. . . .”). We find no support for this contention. Indeed, the agency would have no use for the incidental services absent its purchase of the related IT products. COS at 22 (“[W]ithout the purchase of the hardware, there would be no need for any incidental service such as warranty support, asset tagging, software loading, supply chain management, and reporting of order status.”). Moreover, by the protester’s own estimation, the services represent only 9-10 percent of the total requirement. See Comments at 41. Thus, we find reasonable the contracting officer’s conclusion that the limitation in DFARS subsection 215.101-2-70(a)(2) did not apply to the CCS-3 procurement.

CTC also argues that this procurement is not significantly different from past CCS procurements that used best-value tradeoff source selection procedures. Protest at 24. Our Office has consistently stated that the contracting agency has the primary responsibility for determining its needs and the best method of accommodating them, and that this principle applies to the contracting method used to purchase the items which the agency has determined necessary. *Verizon Bus. Net. Servs., Inc., supra* at 11. Accordingly, the agency was not bound by its use of a best-value tradeoff methodology in prior CCS procurements such that it was required to employ that acquisition strategy here.

We think the agency reasonably concluded that the DFARS does not prohibit the use of LPTA award criteria for IT products. Rather, it instructs agencies to avoid the use of LPTA award criteria in acquisitions that are predominantly for IT services “to the maximum extent practicable.” DFARS 215.101-2-70(a)(2). Because the procurement is for IT products, not for IT services, and the agency reasonably concluded that there are no additional benefits to be gained from seeking proposals that exceed the agency’s

minimum requirements, we agree with the agency that it was not required to avoid the use of LPTA award criteria. Thus, we find no basis to sustain the protest.

The protest is denied.

Edda Emmanuelli Perez
General Counsel