

MEMORANDUM FOR ALL MAJOR SUBORDINATE COMMAND, DISTRICT
COMMAND, FIELD OPERATING ACTIVITY & LABORATORY COUNSELS

SUBJECT: CECC-C Bulletin No. 01-12, Numerical Weighting of Evaluation Factors

1. Effective 5 March 2001, numerical weighting is no longer an authorized method of expressing the relative importance of evaluation factors and subfactors in the source selection process. The Acting Deputy Assistant Secretary of the Army (Procurement) (DASA(P)) has directed by memorandum that the process of "assigning points or percentages to evaluation factors and subfactors" is prohibited. Instead, contracting personnel must employ evaluation factors that are "definable in readily understood qualitative terms (i.e. adjectival, colors, or other indicators, but not numbers) and represent the key areas of importance" in the selection process. The directive further states that the numerical weighting prohibition is not eligible for a class or individual waiver as an AFARS deviation.
2. It is our interpretation that this new requirement is applicable only to solicitations issued on or after 5 March. According to standard FAR conventions, a change to the regulations applies only to solicitations issued on or after the effective date of the change, unless otherwise specified. (FAR §1.108(d)(1)). However, contracting officers may at their discretion implement the change in solicitations issued before the effective date so long as award occurs on or after the effective date. (FAR §1.108(d)(2)). It is our position that such an exercise of discretion would be unwise here. Already inquiries have been made as to whether the special circumstances of the Architect-Engineer selection process merit an exception to the new rule. It is our position that the new rule is all encompassing and must be followed in *all* future solicitations. To ignore the new directive could imperil an entire project.
3. In all solicitations, it is vital that careful planning of the solicitation terms and evaluation factors begins at the earliest stages of a procurement. We recommend deliberate adherence to the FAR discussion of Requests for Proposals. (FAR §15.203). The FAR guidelines for tradeoff procedures also should be closely followed in a best value source selection. (FAR §15.101.1(b)). Creating a chart for a color or adjectival rating system may be helpful in discriminating among proposals and ultimately reconciling technical scores and pricing. Eventually, guidance will be available in the Army Source Selection Guide, which is still in draft form but is due for release by the DASA(P) shortly.

4. In response to inquiries, representatives of the Assistant Secretary of the Army (Acquisition, Logistics, and Technology) (ASAALT) office have informed us that the numerical weighting prohibition was not precipitated by any specific legal action. This was a management decision personally instituted by the ASAALT and DASA(P). We might speculate that the issue was brought to the attention of senior Army officials by bid protest decisions such as J&J Maintenance, Inc., B-284708.2, B-284708.3, June 5, 2000, 2000 CPD ¶106. The Comptroller General sustained J&J's protest against the Army's best value award to a higher priced offeror because the Army unreasonably downgraded the protester's proposal and gave the higher priced offeror higher ratings even though the protester's proposal contained similar or better elements. The Comptroller General found there was no documentation to support the cost/technical tradeoff and the point scores for the protester's and awardee's technical proposals were very close. The consensus evaluation ratings prepared by the evaluation board consisted *solely* of numerical scores for each offer in each evaluation factor, without accompanying narratives to indicate how the panel resolved differing opinions among the evaluators or how they achieved a consensus rating for any factor of the evaluation. The numerical weightings alone failed to provide the necessary discussion of strengths and weaknesses of proposals or other methods used by evaluators to reconcile differences among the proposals. The Comptroller General held that neither the record nor the Army's post-protest filings could explain why the protester was rated lower than the awardee. Senior Army procurement officials may have viewed the J&J Maintenance protest as evidence of a more widespread problem.

5. The directive is reflected in section 5115.304 (b)¹ of the draft AFARS revision, which was recently circulated for comment. This office commented that countless GAO opinions recognize numerical scoring as an effective scoring method. It is our position that rather than prohibit numerical scoring, AFARS should provide a reminder that the tradeoff process must be well reasoned and well documented. We recommended the section be revised to retain numerical weighting, so long as it is supported by a narrative assessment sufficient to provide a selection official with a clear understanding of the differences and relative merit of proposals. Despite our comments regarding the new language, however, the new directive from DASA(P) is the rule and must be followed accordingly.

6. The point of contact for this matter is Karen Thornton, who can be reached at (202) 761-8541.

FOR THE COMMANDER:

/s/
ROBERT M. ANDERSEN
Chief Counsel

¹ The Army has been assigned Chapter 51 of Title 48 of the Code of Federal Register (CFR). Henceforth, supplements to the FAR issued by the Army will be preceded by the number "51."



DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY
ACQUISITION LOGISTICS AND TECHNOLOGY
103 ARMY PENTAGON
WASHINGTON DC 2031-0103
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REPLY TO
ATTENTION OF

SAAL-PP

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Prohibition on the Use of Numerical Weighting to
Evaluate Proposals

The following direction is provided to contracting personnel concerning the prohibition on the use of numerical weighting to evaluate proposals.

Effective immediately with the date of this memorandum, numerical weighting (i.e., assigning points or percentages to evaluation factors and subfactors) is not an authorized method of expressing the relative importance of these factors and subfactors. Evaluation factors and subfactors must be definable in readily understood qualitative terms (i.e., adjectival, colors, or other indicators, but not numbers) and represent the key areas of importance to be considered in the source selection process.

The rewrite of the Army Federal Acquisition Regulation Supplement (AFARS) will reflect this direction. This direction is not waivable, either on an individual or class basis, as an AFARS deviation.

My point of contact for this action is Mr. Stephen L. Lake, 703-681-1039. Please contact him, if he can provide any additional assistance.

Edward G. Elgart
Acting Deputy Assistant Secretary of the Army
(Procurement)