

Government Contracts Blog

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GAO Finds That Even Broadly Worded ID/IQ Contracts Have Their Limits

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On March 15, 2010, the GAO determined that two Task Order Request for Proposals ("TORPs") to procure mentoring, training, and logistics support for the Afghan Ministry of the Interior and Afghan National Police were outside of the scope of a multiple-award indefinite delivery indefinite-quantity ("ID/IQ") contract for counter-narcoterrorism support services. *DynCorp International LLC*, B-402349.

In August 2007, the Department of Defense's Counter Narcoterrorism Technology Program Office awarded five ID/IQ contracts with a collective ceiling price of \$15 Billion. The procurement solicited "program and operations support for the Department of Defense Counter Narcoterrorism Technology Program Office" and included the provision of "support for counter-drug activities of any other department or agency of the Federal Government or of any State, local or foreign law enforcement agency."

The TORPs at issue required efforts relating to the mentoring, training and logistics support for the Afghan National Police. The first TORP pertained to assisting the Afghan Ministry of the Interior and the Afghan National Police with general law enforcement efforts, safety and security, and counter-insurgency efforts. The second TORP pertained to providing logistical support at various geographic locations for the efforts proposed under the first TORP, including dining facility support, security services, medical support, custodial support, etc.

The protester contended that these TORPs were outside the scope of the ID/IQ contracts because the requested services did not directly support counter-narcoterrorism efforts, but were of a more generalized counter-insurgency nature. The Army asserted, however, that the underlying ID/IQ contracts were written broadly enough to include such services. The Army argued that the counter-insurgency efforts in which the Afghan Ministry of Interior and the Afghan National Police engaged constituted counter-narcoterrorism efforts because the insurgency in Afghanistan is funded by drug-trafficking.

In evaluating whether the scope of services requested in the TORPs were outside of the scope of the ID/IQ contract, the GAO looked to determine "whether there is a material difference between the task order and that contract," and "whether the task order is of a nature that a potential offeror

would reasonably have anticipated." Applying this analysis, GAO agreed with the protester, finding that the underlying ID/IQ contracts did not contemplate the services requested by the TORPs. GAO focused on the fact the underlying ID/IQ contracts did not advise offerors that support services unrelated to counter-narcoterrorism could be provided. Instead, the GAO noted, "the underlying ID/IQ contracts do not include counter-insurgency activities and did not advise offerors that mentoring, training, facilities, and logistics support for counter-insurgency, general law enforcement, or the administration of the Ministry of the Interior or the Afghan National Police unrelated to counter-narcoterrorism operations could be provided." As one example, the GAO noted that neither the Afghan Ministry of the Interior, nor the Afghan National Police engage in significant counter-narcoterrorism efforts. As a result, the GAO found that much of the work called for in the TORPs did not pertain to counter narcoterrorism efforts and was, therefore, outside the scope of the underlying contract.

This decision illustrates the degree to which GAO will evaluate the relationship between task orders and the underlying contract. Here, GAO found that there was not enough overlap between the services called for in the TORPs and the underlying ID/IQ to conclude that the TORPs services fell within the scope of the ID/IQ contract.

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