

Military Surface Deployment and Distribution Command

Customer and Carrier Advisory

May 11, 2023

CA-23-05-11/0036

Subject: Best Value Selections, Documentation, and Protests

Purpose: To remind Transportation Officers (TO), DoD shippers, and Transportation Service Providers (TSP) of processes and responsibilities associated with Best Value award decisions, carrier performance, and award protests.

Be Advised: Shippers are reminded to procure transportation using a "Best Value" determination and provide justification and documentation as required.

The Defense Transportation Regulation (DTR), 4500.9-R-Part II, defines Best Value as "the use of a procurement evaluation that, in the Government's estimation, provides the greatest overall benefit in response to the requirement. The Best Value evaluation and selection mechanism permits the Government to select TSPs to support Defense Transportation System (DTS) requirements based on a combination of price-related and non-price-related factors (such as performance)".

Best Value Selections: When making Best Value determinations for voluntary tender movements via ATR or Spot Bid, shippers should document non-selections via the shipper system using Non-selection Codes (N-codes). Non-selection codes are used to document reasons why a Transportation Service Provider (TSP) was not selected for a move and do not count against a TSP's overall performance rating. N-code incidents must have remarks entered by the reporter to explain and justify the reason for the non-selection (e.g., date and time TSP was contacted or attempted contact was made, name of TSP representative). TSPs have the ability to view incidents and leave remarks. Remarks are particularly important to increase transparency and provide justification when the following N-codes are used:

- N3 – Low Cost Not Used in Order to Use Carrier Onsite
- N4 – Traffic Distribution
- ND – Low Cost Carrier Not Used Due to Mission Requirements/Convenience of the Government

Performance Failures and the Carrier Performance Module (CPM): TOs should document performance issues as needed in CPM. TSPs may dispute a performance failure with the issuing TO. TSPs should not contest service failures and associated shipper actions directly with SDDC without first attempting to resolve the alleged service failure/action with the responsible shipper. Shippers and TSPs should address issues with SDDC when parties cannot come to an agreement.

Disputes: If a TSP believes they have been unfairly skipped or freight has been unjustly awarded to another provider, they may protest the award decision. The Government Accountability Office generally does not consider protests of transportation procurements using tender rates. However, the carrier may send preaward protests to the Transportation Officer (TO) who made the award, and/or the SDDC G33S Cost Dispute Resolution Team, before the awarded carrier begins to provide any transportation or related services for the shipment. SDDC will engage with the awarding TO as needed to provide recommendations and aid in the

resolution of any valid issues. The TO will issue a post-award protest decision. Untimely filing by a carrier will result in the denial of the protest. Please note, filing a protest does not guarantee an award decision will be overturned or changed.

References:

- DTR, 4500.9-R-Part II, Definitions
- DTR, 4500.9-R-Part II, Chapter 201, General Cargo Movement Provisions
- DTR, 4500.9-R-Part II, Chapter 207, Carrier Performance
- Military Freight Traffic Unified Rules Publication (MFTURP-1)

POCs:

Transportation Office contact information (to be used in the event of a dispute or protest) can be found in the Transportation Facilities Guide (TFG). Disputes requiring SDDC assistance can also be sent to the G33S Cost Dispute Resolution Team at usarmy.scott.sddc.mbx.cost-questions@army.mil.

Carrier Performance disputes that cannot be settled between the TSP and the TO can be directed to the SDDC G33S Carrier Performance Team at usarmy.scott.sddc.mbx.carrier-performance@army.mil.

Expiration: N/A

Category: General Information