



Language Services Procurement: The Need for the Best Value Approach

Overview

Lowest Price Technically Available (LPTA) Model. When the government contracts for language services, such as translation, interpreting, and localization, it often solicits and reviews bids using the *Lowest Price Technically Available (LPTA) model*.

Tradeoff Model. While the *LPTA model* prioritizes the cost of service and aims to select the bid that offers the lowest price for performance while meeting the minimum technical standard required for the task, the *Tradeoff model* allows the contractor to prioritize non-cost factors. The *Tradeoff model* considers other performance indicators, such as past performance, risk aversion, reliability, and innovation, and allows the government contractor to select the bid that truly offers the best overall value for the service, earning the moniker "*Best Value model*."

The 2017 and 2018 National Defense Authorization Acts significantly limit the types of services that the Department of Defense (DoD) can procure under LPTA, by requiring use of the Tradeoff model in most cases. In addition to codifying a presumption against LPTA procurements, the 2017 NDAA cautions DoD to not use the LPTA model to review bids that predominately seek knowledge-based professional services. The 2018 NDAA further limits the use of LPTA to scenarios in which the "items procured are predominantly expendable in nature, non-technical, or a short life expectancy or short shelf life."

Language services contracted by the DoD directly impact mission, whether for Overseas Contingency Operations, or operational support to the Intelligence Community, or for training DoD and IC personnel. Language services are fundamentally knowledge-based professional services; it is thus imperative that DoD follow through on using the Tradeoff model for language services and that other agencies employ this approach as well.

Background

- **High quality language services require a professional skill set.**

High quality language services require a professional skill set, usually acquired through years of experience in the field, extensive education and immersion, and a certification process. Translation and interpreting professionals employed by the government are often called on to convey and analyze messages with important content, so capturing the context, nuance, tone, and detail of the message is crucial and calls for a quality standard higher than the minimum required under the LPTA model.

- **Contractors are required to use prevailing wage rates, as determined by the Bureau of Labor Statistics (BLS).**

Through the McNamara-O'Hara Service Contract Act, when submitting proposals for a professional service. The BLS has determined that the hourly wage of translation and interpreting (T&I) professionals ranges from \$20.72 to \$26.94.

- **However, BLS compensation rates are markedly lower than industry reports.**

According to the 2017 Compensation Survey conducted by the American Translators Association, translators earn, on average, \$42.30 - \$55.44 per hour and interpreters earn \$55.87 - \$124.68 per hour (amounts vary based on the language, location, and subject matter expertise of the translator or interpreter).

- **Disparity in compensation due to outdated BLS survey methodology.**

This disparity with industry averages results from outdated survey methodology: BLS only collects data on W-2 employees, excluding the majority of translators and interpreters, who typically work as independent contractors. The BLS also excludes federally-employed linguists; many DoD language services contracts engage the services of separated and retired federal personnel. The BLS findings report the earnings of T&I professionals at a much lower rate than is actually the case, further compounding the industry impact of the LPTA model on T&I services and professionals.

- **LPTA Model does not apply to complex professional services such as translation and interpreting services.**

While the LPTA model was originally intended to apply only in situations where the government would not gain any value from exceeding the minimum performance requirements, "often for acquisitions of commercial or non-complex services or supplies," it has been applied to increasingly subjective and complex professional services such as translation and interpreting services.

Recommendation

The American Translators Association and the National Council for Languages and International Studies recommend that, in FY18, the Armed Services Committee should request the Department of Defense to report on the use of LPTA, Tradeoff, and other contracting approaches for the procurement of language services.

In addition, the House Committee on Oversight and the Senate Committee on Homeland Security and Governmental Affairs should request that the General Services Administration report on the use of the Service Contracting Act, LPTA, Tradeoff, and other contracting approaches for the procurement of language services.



The American Translators Association, founded in 1959, is the largest professional association of translators and interpreters in the U.S. with over 10,000 members in more than 100 countries. ATA's primary goals include supporting the professional development of translators and interpreters and promoting the translation and interpreting professions.



The Joint National Committee for Languages, a 501(c)3 organization, and the National Council for Languages and International Studies, a 501(c)4 organization, develop policy recommendations for the Language Enterprise and advocate to the federal government for implementation of those policies. Together, JNCL-NCLIS represent nearly 140 member organizations active in virtually all aspects of the Language Enterprise -- PreK-20 education, research, training, assessment, translation, interpreting, localization, and more.