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## Decision

**Matter of:** Hygeia Solutions Partners, LLC; STG, Inc.

**File:** B-411459; B-411459.2; B-411459.3; B-411459.4; B-411459.5; B-411459.6

**Date:** July 30, 2015

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### DIGEST

1. Protest challenging agency's technical evaluation is denied where the evaluation was reasonable, in accordance with the solicitation evaluation criteria, and equal.
  2. Protest challenging agency's past performance evaluation is denied where the awardee's performance on the incumbent contract was considered by the agency and the agency's decision to limit its evaluation to documented sources of past performance information is unobjectionable.
  3. Protest challenging evaluation of awardee's staffing levels is denied where awardee's proposed staffing approach was not inconsistent with the solicitation and agency reasonably found staffing to be realistic.
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### DECISION

Hygeia Solutions Partners, LLC, of Falls Church, Virginia, and STG, Inc., of Reston, Virginia, protest the issuance of a task order to Catapult Health Technology Group, pursuant to request for proposals (RFP) No. W911QX-15-R-0009, issued by the Department of the Army, U.S. Army Contracting Command, for information

technology (IT) services and support to the Army Research Laboratory (ARL) and supported organizations in Maryland, New Mexico, and North Carolina.<sup>1</sup> The protesters challenge numerous aspects of the agency's evaluation of proposals under each of the evaluation factors and object to the agency's cost/technical tradeoff. STG also alleges that the agency conducted unequal discussions, and Hygeia also asserts that Catapult proposed personnel that the firm did not intend to provide.

We deny the protests.

## BACKGROUND

The RFP, issued on January 27, 2015, sought proposals to provide a variety of IT services, such as program management, help desk, system administration, application management and development, and networking and telecommunications conference rooms. RFP at 1, 158. The solicitation contemplated the issuance of a fixed-price task order with a 2-year base period and a 1-year option period. Id. at 1, 77, 140. The RFP provided for a best-value source selection based on three evaluation factors: technical, past performance, and price. Id. at 102. Pursuant to the RFP, the technical factor was of "paramount importance," and more important than the past performance factor, which was more important than price. Id.

The RFP included detailed instructions for the preparation of proposals. With respect to technical proposals, the RFP instructed offerors to address 14 topics related to the contract requirements and the tasks in the RFP's performance work statement (PWS). Id. at 89-92; see also id. at 158-235 (PWS). In addition, the RFP included five "sample efforts," in which the agency identified hypothetical scenarios and sought plans from offerors to address the problems presented. Id. at 89; see also id. at 249-51 (sample efforts). For instance, sample effort 4 presented a scenario in which the contractor's program manager, site lead, two effort leads, and three additional full-time equivalents (FTEs) across five different performance areas left the company at the same time. Id. at 250. Offerors were instructed to describe their "coping plan" for meeting the requirements of the PWS while the positions were vacant. Id.

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<sup>1</sup> The task order was issued under the National Institutes of Health Information Technology Acquisition and Assessment Center, Chief Information Officer Solutions and Partners 3 Innovations (NITAAC CIO-SP3) government-wide acquisition contract. The estimated value of the task order at issue is in excess of \$10 million. Accordingly, this procurement is within our jurisdiction to hear protests related to the issuance of task and delivery orders under multiple-award indefinite-delivery, indefinite-quantity (IDIQ) contracts. See 10 U.S.C. § 2304c(e)(1)(B).

The RFP divided the technical factor into three subfactors: (1) understanding of work to be accomplished, (2) personnel, and (3) management plan. Id. at 103-04. Subfactor 1 was more important than subfactors 2 and 3, which were of equal importance. Id. at 102. Under subfactor 1, the RFP advised that the agency would review proposals for completeness, accuracy, clarity, and soundness of approach. Id. at 103. Under the personnel subfactor, the agency would consider availability, recentness, and experience. Id. Lastly, under the management plan subfactor, the agency would evaluate the offeror's corporate management structure and approach plan, internal controls, communications, recruitment and retention, and adequacy of workforce. Id. at 104.

With respect to past performance, the RFP instructed offerors to submit government or commercial contracts performed or awarded in the past 3 years that were of the same or similar scope, magnitude, and complexity of the work described in the solicitation.<sup>2</sup> Id. at 92. In addition to the information submitted by the offeror and responses to past performance questionnaires, the RFP advised that the agency could consider past performance data obtained from other sources, including data in government files or information obtained through interviews with personnel familiar with the offeror. Id. at 106. In evaluating past performance, the RFP provided for a relevancy assessment and a confidence assessment. Id.

With respect to price, offerors were to propose labor categories, labor hours, and labor rates to perform the PWS tasks. Id. at 97. The RFP advised offerors that cost proposals were to contain "sufficient quantitative and narrative documentation necessary to adequately support and explain that the costs proposed are realistic and reasonable." Id. at 96. The RFP's instructions described the type of basis of estimate information that offerors were to submit. Id. Additionally, the RFP provided that the agency would evaluate prices for reasonableness and realism. Id. at 109.

The agency received proposals from Hygeia, STG, and Catapult prior to the RFP's March 3 submission deadline. Hygeia Combined Contracting Officer's Statement of Facts and Memorandum of Law (COSF/MOL) (Hygeia) at 12. An Army source selection evaluation board (SSEB) evaluated the offers under each factor and identified strengths, weaknesses, deficiencies, and uncertainties in the proposals. See, e.g., Agency Report (AR) (Hygeia), Tab N1, Hygeia Initial Evaluation Findings, at 1-11; AR (STG), Tab N1, STG Initial Evaluation Findings, at 1-11. Following the initial evaluation of proposals, the SSEB determined that it was necessary to conduct discussions with the offerors.

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<sup>2</sup> The solicitation did not limit the number of past performance projects that an offer was permitted to submit for review.

On March 18, the contracting officer (CO) provided the offerors with evaluation notices documenting the evaluated weaknesses and/or uncertainties in the proposals. On March 25, the agency received final proposal revisions (FPRs) from the three offerors. COSF/MOL (Hygeia) at 21; COSF/MOL (STG) at 22.

Thereafter, the SSEB evaluated the FPRs and rated the proposals as follows:

	Hygeia	STG	Catapult
<b>Technical<sup>3</sup></b>			
Subfactor 1 Understanding of Work	Good	Good	Outstanding
Subfactor 2 Personnel	Acceptable	Good	Outstanding
Subfactor 3 Management Plan	Good	Acceptable	Good
Overall Technical Rating	Good	Good	Outstanding
<b>Past Performance<sup>4</sup></b>			
Relevancy Assessment	Very Relevant	Very Relevant	Very Relevant
Performance Confidence Assessment	Substantial	Substantial	Substantial
<b>Proposed Price</b>	\$50,566,307.68	\$43,884,094.34	\$40,486,274.52

COSF/MOL (Hygeia) at 21-23; COSF/MOL (STG) at 22, 24.

The SSEB prepared a detailed report summarizing its evaluation findings, including the assignment of strengths and weaknesses, under each factor. AR, Tab W, SSEB Findings and Award Recommendation, at 1-32. Specifically, in rating Hygeia's proposal under the technical subfactors, the record reflects that the evaluators identified numerous strengths, as well as five weaknesses and a significant weakness. AR (Hygeia), Tab U, Hygeia Final Consensus Evaluation, at 1-11. Similarly, the SSEB identified a significant strength and various strengths

<sup>3</sup> Technical proposals were assigned ratings of outstanding, good, acceptable, marginal, or acceptable under each subfactor and overall. RFP at 104.

<sup>4</sup> Past performance proposals were assessed as very relevant, relevant, somewhat relevant, or not relevant. RFP at 107. Performance confidence assessments of substantial confidence, satisfactory confidence, limited confidence, no confidence, or unknown confidence were assigned. Id. at 108.

in STG's proposal, in addition to five weaknesses. AR (STG), Tab U, STG Final Consensus Evaluation, at 1-9. With respect to Catapult's proposal, the SSEB highlighted numerous strengths and significant strengths and a sole weakness under the management plan subfactor. AR, Tab V, Catapult Final Consensus Evaluation, at 1-10.

The CO, serving as the source selection authority for this procurement, reviewed the SSEB report and prepared a source selection decision document (SSDD) outlining his award decision. In finding that Catapult's proposal represented the best value to the government, the CO concluded:

When comparing all offers, [Catapult] received the highest technical rating, provided substantial confidence from their past performance, and provide[d] a reasonable and realistic price to meet the requirements of the solicitation. [Catapult] provided a superior technical proposal with a multitude of strengths demonstrating effective solutions compared to STG[s] and Hygeia's proposal[s] which demonstrated a thorough understanding of most aspects of the requirement but did not demonstrate an exceptional proposal in response to the solicitation . . . . The Government did not ultimately need to perform a trade-off analysis as [Catapult] is the highest technically rated offer compared to STG and Hygeia and the lowest priced among the three offerors. [Catapult] provides the most advantageous offer to the Government with highest rated, lowest priced proposal.

AR, Tab R, SSDD, at 42. The Army awarded the contract to Catapult on April 16. Following debriefings, STG and Hygeia protested to our Office.

## DISCUSSION

In their protests, STG and Hygeia object to numerous aspects of the agency's evaluation and award decision. The firms challenge the assignment of technical weaknesses and argue that the evaluation record evidences unequal treatment. In addition, the protesters challenge the agency's evaluation of Catapult's past performance, contending it was unreasonable for the agency not to consider the firm's performance on the incumbent contract. STG and Hygeia also protest various aspects of the agency's evaluation of Catapult's staffing levels and approach. Lastly, the firms protest the Army's award decision.

### Technical Evaluation

STG contends that the agency miscalculated its technical proposal and conducted an unequal evaluation. We have considered each of the protester's numerous

specific objections, and none provides a basis to sustain the protest. We discuss several of STG's allegations below.

In reviewing a protest challenging an agency's technical evaluation, our Office will not reevaluate proposals, nor substitute our judgment for that of the agency, as the evaluation of proposals is a matter within the agency's discretion since the agency is responsible for defining its needs and the best method of accommodating them. Smiths Detection, Inc.; Am. Sci. and Eng'g, Inc., B-402168.4 et al., Feb. 9, 2011, 2011 CPD ¶ 39 at 6-7. Rather, we will review the record only to determine whether the agency's evaluation was reasonable and consistent with the stated evaluation criteria and with applicable procurement statutes and regulations. Shumaker Trucking & Excavating Contractors, Inc., B-290732, Sept. 25, 2002, 2002 CPD ¶ 169 at 3. A protester's mere disagreement with the agency's evaluation judgments does not render those judgments unreasonable. Smiths Detection, Inc.; Am. Sci. and Eng'g, Inc., supra.

First, STG objects to the agency's assignment of three weaknesses related to the firm's response to the solicitation's sample effort 4. As noted above, sample effort 4 detailed a hypothetical scenario where several contractor personnel, including the program manager and two task leads, leave the contractor at the same time. RFP at 250. The solicitation instructed offerors to describe their "coping plan" for meeting the PWS requirements while the positions were vacant. Id. In its proposal submissions, STG outlined three strategies the firm would utilize to continue meeting the PWS requirements, including: (1) [deleted]; (2) [deleted]; and (3) [deleted]. AR (STG), Tab S1, STG FPR, at 5-7; see Tab K1, STG Initial Technical Proposal, at SE13-SE15.

The record reflects that STG was assessed multiple weaknesses across each of the subfactors related to the firm's response to sample effort 4. As an illustrative example, under the understanding of work subfactor, the evaluators concluded that it was unclear how and when STG's three strategies would be utilized to address the staff vacancies. Id., Tab U, STG Final Consensus Evaluation, at 2-3. The evaluators highlighted that STG proposed to rely first on its [deleted] strategy to fill the positions, yet the proposal also indicated that STG initially would identify qualified replacements for the lead positions from the firm's [deleted]. Id.; see Tab S1, STG FPR, at 6. Because it was unclear to the evaluators which approach would actually be implemented first, the lack of clarity in STG's response was cited as the basis for a weakness under the subfactor. Id., Tab U, STG Final Consensus Evaluation, at 3.

STG responds that it did not propose a rigid approach to fill vacancies, but rather a flexible, multi-pronged approach. STG further asserts that without knowing the exact circumstances surrounding the departure of the personnel, the agency would have gained nothing from STG "arbitrarily guessing" which strategy would be appropriate. STG Supp. Protest, June 5, 2015, at 13.

Here, with respect to this weakness in particular, we have no basis to question the agency's judgment. In this regard, the record confirms that STG's proposal included conflicting information concerning which strategy would be implemented first in response to the sample effort 4 vacancies. As pointed out by the SSEB, a narrative description in STG's FPR implied that [deleted] would be used first, but an accompanying table in the FPR identified [deleted] as the initial approach. AR (STG) Tab U, STG Final Consensus Evaluation, at 2-3; see Tab S1, STG FPR, at 6. Further obfuscating STG's plan was the firm's reference to relying on the [deleted] "immediately after notification of the vacancy." See id., Tab S1, STG FPR, at 6. In light of the multiple strategies STG proposed to be implemented seemingly at the same time, and without adequate explanation of how the coping plan would actually be employed, we find unobjectionable the agency's determination that STG's response to sample effort 4 lacked clarity and warranted a weakness under the understanding of work subfactor.

We also disagree with STG's self-assessment that the purported flexibility that results from having multiple approaches should have been deemed a positive characteristic of the proposal. In this respect, the solicitation instructed offerors to provide a "clear and concise solution" to the problem presented in the sample effort that included "sufficient detail and show[ed] a complete and thorough understanding of the problems." RFP at 90. Based on our review of the record, we agree with the agency that the "multiple general solutions" that STG proposed failed to respond clearly to the specific fact pattern outlined in the sample effort. See COSF/MOL (STG) at 32. Moreover, because the understanding of work subfactor contemplated consideration of completeness, accuracy, clarity, and soundness of approach, RFP at 103, we further find reasonable the agency's assignment of a weakness on this basis. STG's disagreement with this assessment does not demonstrate an unreasonable evaluation.

The protester also asserts that this weakness, among others, demonstrates unequal treatment because Catapult was not assigned a similar weakness even though, according to STG, the awardee did not identify expressly which of its strategies it would rely on to fill certain positions discussed in sample effort 4. This allegation has no merit. The record shows that Catapult proposed a clear, six-step coping plan in response to sample effort 4, which included [deleted]. AR, Tab L1, Catapult Initial Proposal, at 253. In fact, unlike STG, Catapult [deleted]. Id. Significantly, Catapult clearly illustrated the order in which it would implement its strategies to specifically address the sample vacancies scenario. The protester has not established that Catapult's response to sample effort 4 was conflicting or lacked clarity such that the evaluators should have assessed Catapult's response unfavorably.

Next, STG complains that the agency raised a concern regarding STG's failure to address computer accounts and network access in three weaknesses assessed under the personnel and management plan subfactors. The protester argues that

the evaluators “artificially and unfairly multiplied the effect” of what should have been a single weakness. STG Supp. Protest, June 5, 2015, at 12.

The first of these weaknesses was assessed under the personnel subfactor. The evaluators noted that while STG’s proposal identified strategies to fill the sample effort 4 vacancies, STG did not explain adequately what skillsets would be available in its [deleted] of employees nor “discuss the necessary process of obtaining computer accounts/access and elevated privileges.” AR (STG) Tab U, STG Final Consensus Evaluation, at 5. Consequently, because the SSEB was unable to determine the feasibility of STG’s approach and because STG did not demonstrate a complete understanding of the RFP requirements for personnel, the evaluators assigned the proposal a weakness under the subfactor. Id.

The remaining two weaknesses that discussed computer accounts and network access were assigned under the management plan subfactor. Id. at 8. One of these weaknesses stemmed from STG’s response to the PWS, generally, and the other focused more specifically on the firm’s coping plan in response to sample effort 4. Id. at 8-9. Ultimately, though, both weaknesses were assigned because STG’s proposal--both in response to the PWS generally and in response to sample effort 4 specifically--lacked “completeness associated with the onboarding management process” to fill vacancies. Id.

Here, the assignment of these three weaknesses was reasonable and consistent with the solicitation’s evaluation criteria. Notwithstanding the protester’s objection, the discussion of the computer account and network access issue in the three weaknesses was a reflection of different considerations under separate subfactors and unrelated evaluation areas. For example, as part of the evaluation under the personnel subfactor, the agency considered the availability of proposed personnel and whether they had the experience required by the PWS and sample efforts. See RFP at 103. As the agency explains, STG’s coping plan for sample effort 4 failed to identify which of the firm’s three strategies would be utilized to immediately respond to the short-term technical gaps resulting from the sample scenario departures, as well as which strategy would be relied on to fill which positions. See COSF/MOL (STG) at 34. Depending on the strategy selected for the specific position, personnel may not have the proper skillsets or certifications or the necessary network and computer access to step in immediately. More specifically, the agency explains that while personnel under STG’s [deleted] strategy would likely be able to fill certain vacancies immediately, it was unclear whether personnel in the [deleted] could do the same; the coping plan did not include this vital information. Thus, in assigning STG a weakness under the subfactor, the SSEB reasonably highlighted uncertainties with respect to the availability and experience of STG’s personnel in its [deleted] specifically.

Separately, under the management plan subfactor, the agency reviewed offerors’ program management procedures for maintaining the proposed FTE level



regardless of staff absences, a consideration completely distinct from the evaluation under the personnel subfactor. See RFP at 91, 104. In addition, the agency was to review both the offerors' broader responses to the PWS as a whole, as well as responses to the specific sample efforts. Id. at 89-90. As discussed above, the SSEB considered STG's three strategies and reasonably concluded that the proposal did not include sufficient detail regarding the [deleted] (including, as an example, a management process for ensuring computer and network access). See AR (STG), Tab U, STG Final Consensus Evaluation, at 8. Thus, because STG's plan to maintain FTEs did not fully and completely explain the management process to fill staffing gaps, the weakness was reasonably assigned. Although the SSEB highlighted as an example the lack of any discussion about computer and network access, the weakness itself focused on an aspect of the firm's management plan, which was an entirely different aspect of the evaluation than what was considered under the personnel subfactor. Id.

The other weakness assigned under the management plan subfactor focused on a different aspect of the agency's evaluation altogether. Although it encompassed the same subfactor evaluation criterion, the second weakness stemmed from STG's coping plan in response to sample effort 4, which was distinct from its more general discussion on meeting the PWS requirements.

Moreover, the record confirms that the SSEB's concern regarding computer accounts and network access was not the sole, or even the primary, driver for the weaknesses. As discussed above, the weaknesses stemmed from the offeror's failure to fully and completely explain its sample effort 4 coping plan, as well as its onboarding management process to filling vacancies. On this record, we conclude that the agency's discussion of a similar issue under three unrelated weaknesses was unobjectionable.

In a related argument, the protester complains that it was unreasonable for the SSEB not to have assessed multiple weaknesses to Catapult's proposal because, according to STG, the awardee also failed to discuss the process for obtaining computer accounts and network access. This argument is not supported by the record. First, the record reflects that the SSEB did, in fact, assign a similar weakness to Catapult's proposal under the management plan subfactor. Specifically, the evaluators noted that the awardee's plan for maintaining FTEs partly relied on [deleted], and the SSEB expressed concern that Catapult did not discuss the process for [deleted]. AR, Tab V, Catapult Final Consensus Evaluation, at 9. This weakness is similar to the weakness assigned to STG's proposal due to the firm's failure to provide sufficient information regarding management processes and personnel in its [deleted]; consequently, STG's example does not reflect an unequal evaluation.

In addition, because Catapult submitted an entirely different coping plan than STG in response to sample effort 4, the record does not support that the awardee should

have received additional weaknesses on the same bases as STG's weaknesses. In this respect, Catapult proposed to [deleted]. See AR, Tab L1, Catapult Initial Proposal, at 253. Accordingly, we see nothing unreasonable with the agency's determination that Catapult's response to sample effort 4 did not warrant weaknesses similar to those assessed to STG's different coping plan.

We also have considered STG's other assertions of unequal treatment. In each instance, we find that the protester's examples are not supported by the record. For instance, the protester notes that the SSEB assigned Catapult's FPR a strength due to its response to an evaluation notice concerning whether certain proposed personnel held the proper security clearances, and STG complains that the SSEB failed to recognize a strength for STG's response to a similar evaluation notice. In this case, though, the record reflects that in response to the evaluation notice Catapult offered [deleted], which garnered a strength. AR, Tab T, Catapult FPR, at 2-3; Tab V, Catapult Final Consensus Evaluation, at 5-6. On the other hand, STG merely advised that its proposed personnel were in the process of first obtaining the required clearances, a point of clarification that reasonably did not rise to the level of a strength. AR (STG), Tab S1, STG FPR, at 2-3; Tab U, STG Final Consensus Evaluation, at 5. Our review of the record shows that the protester's disparate treatment arguments merely reflect its disagreement with the agency's judgments and provide no basis to sustain the protest.

In sum, we find that the agency's evaluation of STG's and Catapult's technical proposals was equal, reasonable, and consistent with the solicitation criterion.<sup>5</sup>

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<sup>5</sup> We note that Hygeia also proffered several challenges to the agency's technical evaluation. However, we need not consider the merits of these allegations because the protester has not established that it suffered any prejudice from any alleged evaluation errors. As discussed below, Hygeia's challenges to the evaluation of the awardee's past performance and price, as well as its bait and switch protest ground, fail to provide any bases to sustain the protest. That is, the evaluation of the awardee's proposal was unobjectionable. Moreover, the record shows that Hygeia's evaluated price was the highest of the offerors, specifically nearly 25 percent higher than Catapult's. See AR, Tab R, SSDD, at 21-22. Our Office will not sustain a protest absent a showing of competitive prejudice, i.e., where the protester demonstrates that, but for the agency's actions, it would have a substantial chance of receiving award. Fintrac, Inc., B-311462.2, B-311462.3, Oct. 14, 2008, 2008 CPD ¶ 191 at 11. Here, even if Hygeia's technical evaluation challenges were meritorious and it were to be rated equally to Catapult's outstanding proposal, the protester has failed to establish that it would be the best value to the agency. Consequently, on this record, we find no possible prejudice to the protester. See, e.g., HP Enter. Servs., LLC, B-410212.2, Jan. 26, 2015, 2015 CPD ¶ 54 at 14 (GAO will not sustain a protest based on procurement flaws

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## Discussions

STG also challenges the agency's conduct of discussions. Specifically, STG argues that, in its view, the Army's evaluation notices to Catapult generally included more specificity than those provided to STG. The protester similarly complains that during discussions the agency should have advised the offeror of the SSEB's concerns related to computer accounts and network access, discussed above. STG Supp. Protest, June 5, 2015, at 14-15. These protest allegations are not meritorious.

As an initial matter, we note that this procurement was conducted as a competition between IDIQ contract holders and, as such, was subject to the provisions of Federal Acquisition Regulation (FAR) § 16.505, which does not establish specific requirements for conducting clarifications or discussions. See Companion Data Servs., LLC, B-410022, B-410022.2, Oct. 9, 2014, 2014 CPD ¶ 300 at 12. Where, as here, however, an agency conducts a task order competition as a negotiated procurement, our analysis regarding fairness will, in large part, reflect the standards applicable to negotiated procurements. See, e.g., TDS, Inc., B-292674, Nov. 12, 2003, 2003 CPD ¶ 204 at 4; Uniband, Inc., B-289305, Feb. 8, 2002, 2002 CPD ¶ 51 at 3-4. That said, even in a negotiated procurement conducted pursuant to FAR part 15, to satisfy the requirement for meaningful discussions, the agency need only lead an offeror into the areas of its proposal requiring amplification or revision. ITT Fed. Sys. Int'l Corp., B-285176.4, B-285176.5, Jan. 9, 2001, 2001 CPD ¶ 45 at 7. An agency need not "spoon-feed" an offeror as to each and every item that could be revised to improve an offeror's proposal. L-3 Sys. Co., B-404671.2, B-404671.4, Apr. 8, 2011, 2011 CPD ¶ 93 at 15.

Here, the record reflects that the evaluation notices were tailored specifically to each offeror's proposal, and as such, appropriately contained different levels of detail depending on the agency's particular concern. Moreover, where the same or similar weaknesses were raised with different offerors, the evaluation notices documented nearly identical concerns. E.g., compare AR (STG), Tab O1, Discussion Letter to STG, at 1 (advising of STG's failure to address metrics to track issues to completion) with Tab P1, Discussion Letter to Catapult, at 1 (advising of Catapult's failure to discuss metrics to track issues to completion). STG's suggestion otherwise is a misreading of the discussions record.

Further, in our view, the evaluation notices provided to STG contained sufficient information to reasonably put the firm on notice of the agency's concerns, which, as discussed above, were broader than the computer account and network access

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where the record establishes that elimination of flaws would not reasonably alter the source selection decision).

example on which STG focuses. On this record, we find the agency's discussions to be fair and not misleading.

### Evaluation of Catapult's Past Performance

The protesters argue that the Army conducted a flawed evaluation of Catapult's past performance because the agency failed to consider aspects of Catapult's performance on the incumbent bridge contract. In this respect, Catapult has been performing "approximately 50%" of the IT services for ARL under a bridge contract while the Army conducts this procurement.<sup>6</sup> COSF/MOL (Hygeia) at 2; COSF/MOL (STG) at 2. The protesters allege that Catapult "struggled significantly with staffing" the bridge contract and that Catapult "refused to perform" a specific requirement of the contract. STG Protest at 22; see Hygeia Consolidated Protest at 28. The protesters argue that the Army should have considered these alleged performance issues because the bridge contract was for the same services and involved the same contracting agency.

The evaluation of an offeror's past performance is a matter of agency discretion, which we will not find improper unless it is inconsistent with the solicitation's evaluation criteria. Nat'l Beef Packing Co., B-296534, Sept. 1, 2005, 2005 CPD ¶ 168 at 4. We have recognized that in certain limited circumstances, an agency has an obligation (as opposed to the discretion) to consider "outside information" bearing on the offeror's past performance when it is "too close at hand" to require offerors to shoulder the inequities that spring from an agency's failure to obtain and consider the information. Bowhead Sci. & Tech., LLC, B-409871, Aug. 26, 2014, 2014 CPD ¶ 248 at 5; see Int'l Bus. Sys., Inc., B-275554, Mar. 3, 1997, 97-1 CPD ¶ 114 at 5.

Here, the protesters have furnished no basis for our Office to question the agency's evaluation of Catapult's past performance. With respect to the alleged performance issues, the agency responds that the allegations are "mere conjecture not substantiated by fact." COSF/MOL (Hygeia) at 44; COSF/MOL (STG) at 45. Indeed, despite multiple protest submissions on the issue, the protesters did not detail any specific positions that Catapult failed to staff or otherwise explain how the alleged staffing issues impacted performance. Moreover, the awardee proffered information countering both of the protesters' past performance assertions, and the

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<sup>6</sup> The Army originally solicited the IT services in April 2013 and awarded a contract to Catapult in April 2014. COSF/MOL (STG) at 1-2. STG protested that award, and during the GAO protest, the Army awarded one bridge contract to Catapult for "approximately 50% of the effort" and a separate bridge contract to STG for the remaining tasks. Id. Ultimately, the Army took corrective action in response to that protest. The RFP here reflects the agency's re-soliciting of its requirement as part of its corrective action.

protesters did not refute the awardee's account.<sup>7</sup> See Intervenor Comments (Hygeia) at 36-37; Intervenor Comments (STG) at 28-36. In this regard, the record does not establish with certainty that the awardee even incurred performance issues under the bridge contract.

In conducting its past performance evaluation, the agency reviewed the information submitted in the offerors' proposals and data in contractor performance assessment reports (CPARs). COSF/MOL (Hygeia) at 44-45; COSF/MOL (STG) at 45-46. With respect to the awardee's performance under the bridge contract, the CO explained that he reviewed a CPAR for the effort, and that the report did not contain any adverse performance information. Supp. CO Statement (Hygeia) at 1; Supp. CO Statement (STG) at 1. The record confirms the CO's explanation; the CPAR included exceptional and very good ratings in the areas of quality, schedule, and management, and a satisfactory rating for cost control. See AR (Hygeia), Tab DD, CPAR for Bridge Contract, at 2; AR (STG), Tab CC, CPAR for Bridge Contract, at 2. Notably, the CPAR does not describe any of the alleged performance issues raised by the protesters. Id. In fact, the CPAR reflects that the evaluator would recommend the firm for similar requirements in the future. Id.

On this record, we fail to see how the agency misevaluated the awardee's past performance. We find nothing improper with the Army's decision to limit its review to past performance information that was "properly submitted and vetted," and to not consider outside information or "rumors," particularly in light of what the agency characterizes as the "contentious" nature of this procurement and "mud-slinging between the offerors."<sup>8</sup> See COSF/MOL (Hygeia) at 45; COSF/MOL (STG) at 46. In this regard, the agency has the discretion to determine the scope of the performance history to be considered, provided all proposals are evaluated on the same basis and the evaluation is consistent with the terms of the solicitation. Weidlinger Assocs., Inc., B-299433, B-299433.2, May 7, 2007, 2007 CPD ¶ 91 at 8. Moreover, as discussed above, the agency did not ignore Catapult's performance on the bridge contract; it was considered as documented in a CPAR. The relevant

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<sup>7</sup> Specifically, Catapult strongly disputes that its bridge contract initially required the firm to perform the task at issue. According to the awardee's unrefuted account, Catapult took on the work only after the Army requested that it do so, and its bridge contract subsequently was modified to include the tasks following its "extraordinary efforts" performing the work. Intervenor Comments (STG) at 30-36. In fact, Catapult produced more than a dozen letters of commendation that, according to the firm, relate to its employees' performance of the specific requirement. Intervenor Comments (Hygeia), attach. 2, Letters of Commendation, at 1-14.

<sup>8</sup> The agency explains that this is the fourth protest of this requirement, and that the requirement is being resolicited for the fourth time in 3 years. COSF/MOL (Hygeia) at 45; Supp. AR (Hygeia), June 17, 2015, at 7.

CPAR included high ratings and positive feedback. This report, coupled with the other past performance information reviewed by the agency (related to five of Catapult's past contracts), reasonably led the evaluators to assign a substantial confidence rating to Catapult's proposal, a determination we find unobjectionable. See AR, Tab V, Catapult Final Consensus Evaluation, at 11.

Hygeia also complains that the agency ignored "less favorable" ratings on one of Catapult's questionnaires submitted for another project. Hygeia Comments/Supp. Protest at 6. Here, the Army maintains, and the record supports, that the agency considered all information provided in Catapult's past performance questionnaires, including the acceptable ratings in the questionnaire at issue. Supp. AR (Hygeia), June 24, 2015, at 1; see AR, Tab W, SSEB Findings and Award Recommendation, at 30. Moreover, while three of the four ratings in the questionnaire were acceptable (the fourth was good), the narrative explanations actually supported higher ratings, according to the agency. See Supp. AR (Hygeia), June 24, 2015, at 2; see AR, Tab L3, Catapult Past Performance Questionnaires, at 25-27.

Taking into account the underlying positive comments, we find reasonable the agency's explanation that the acceptable ratings (in one of several questionnaires) were not fully supported to warrant a reduction in Catapult's overall past performance rating. In this regard, the agency maintains that the awardee's past performance rating was an assessment of all information provided in the proposal, as well as a review of CPARs--the overwhelming majority of which for Catapult contained high ratings and positive remarks. See AR, Tab L3, Catapult Past Performance Questionnaires, at 1-36. We also agree with the agency that simply because the evaluators did not expressly discuss the acceptable ratings in their report does not demonstrate that the information in the questionnaire was not considered. In sum, Hygeia's objection reflects nothing more than its disagreement with the agency's assessment, and it fails to provide a basis to sustain the protest.

#### Evaluation of Catapult's Staffing

The protesters challenge the agency's evaluation of Catapult's price with respect to its proposed staffing levels. STG argues that the agency failed to meaningfully evaluate whether Catapult's proposed level of effort was sufficient to perform the PWS, and Hygeia complains that the agency failed to consider whether Catapult's [deleted] over the course of performance was realistic.<sup>9</sup> Neither complaint is supported by the record.

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<sup>9</sup> STG initially argued that Catapult's proposed rates were unrealistically low. STG Protest at 23. However, the protester subsequently withdrew that challenge. STG Supp. Protest, June 5, 2015, at 3 n.2. Accordingly, it will not be considered by our Office.

Where a fixed-price contract is to be awarded, a solicitation may provide for a price realism analysis, such as here, for such purposes as measuring an offeror's understanding of the solicitation requirements and assessing the risk inherent in an offeror's proposal. Legacy Mgmt. Solutions, LLC, B-299981.2, B-299981.4, Oct. 10, 2007, 2007 CPD ¶ 197 at 3. The nature and extent of a realism analysis ultimately are matters within the sound exercise of the agency's discretion, unless the agency commits itself to a particular methodology in the solicitation. Chameleon Integrated Servs., B-407018.3, B-407018.4, Feb. 15, 2013, 2013 CPD ¶ 61 at 6. We will review an agency's realism evaluation only to determine whether it was reasonable and consistent with the solicitation requirements. Id.

The record reflects that Catapult proposed a staffing level of [deleted], but the firm proposed to [deleted].<sup>10</sup> AR, Tab L2, Catapult Initial Price Proposal Vol. I, at 31. Per Catapult's proposal, the [deleted]. Id. The record further reflects that Catapult proposed to [deleted]. Id., Tab L2, Catapult Initial Price Proposal Vol. II, at "[deleted]" Tab; Tab T, Catapult FPR, at 12.

Here, we find nothing objectionable or lacking in the SSEB's evaluation of Catapult's proposed staffing. The record shows that the evaluators reviewed Catapult's initial price proposal and highlighted several "key uncertainties." Id., Tab N2, Catapult Initial Evaluation Findings, at 9. Among the SSEB's relevant concerns was a lack of sufficient detail on the base data that Catapult used to determine the number of FTEs proposed for each task, as well as how the [deleted] that Catapult proposed would be [deleted]. Id. In its FPR, Catapult provided additional information about how it derived [deleted] to perform the PWS tasks (including the basis for its [deleted]). Id., Tab T, Catapult FPR, at 11. The firm also explained that it intended to allocate its [deleted]. Id.

The SSEB reviewed Catapult's FPR and found the firm's level of effort and proposed price to be reasonable and realistic. Id., Tab V, Catapult Final Consensus Evaluation, at 14. In reaching this conclusion, the agency compared offerors' proposed labor categories, hours, and rates to each other and the government estimate, as well as reviewed historical data for the same requirement. Id.; see AR, Tab X2, Final Price Data for Offerors, at 1. In addition, the agency reviewed Catapult's basis of estimate as documented in its initial proposal and supplemented in its FPR. See id., Tab V, Catapult Final Consensus Evaluation, at 15. Notwithstanding STG's assertions otherwise, Catapult's basis of estimate provided sufficient detail for the Army to evaluate Catapult's price proposal.<sup>11</sup> With respect to

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<sup>10</sup> For the sake of comparison, STG proposed [deleted] and Hygeia proposed [deleted] during the 2-year base period. AR, Tab R, SSDD, at 22-23; AR (Hygeia), Tab K2, Hygeia Price Proposal, "Proposal Detail" Tab.

<sup>11</sup> STG complains that, in its view, Catapult failed to follow the RFP's instructions with respect to the submission of basis of estimate data. Requirements provided in  
(continued...)

Catapult's staffing, the evaluators determined that the firm proposed an "appropriate" labor mix and that the proposed FTEs were "accurately based on the environment as described in the PWS including number of end users, number of phone calls to the Help Desk, quantity of physical devices, and geographic diversity." Id. at 14. Ultimately, the agency found that Catapult's proposed labor mix represented a clear understanding of the requirements that complimented the technical proposal. Id. On this record, we decline to accept that the agency's conclusions were unreasonable or inconsistent with the solicitation.

We find equally unavailing STG's contention that Catapult's staffing approach violated the terms of the RFP. The crux of STG's argument is that it was improper for Catapult to [deleted], and that offerors were supposed to [deleted]. STG Supp. Protest, June 5, 2015, at 3-5. The protester's position has no support in the solicitation. In this regard, nothing in the RFP suggested that a contractor was precluded from setting its FTEs to perform PWS tasks to [deleted].<sup>12</sup> Moreover, as discussed above, the agency thoroughly evaluated Catapult's staffing level of [deleted] FTEs and found it realistic to perform the requirements, and the evaluators recognized the firm's unique approach to [deleted] as a strength.<sup>13</sup> AR, Tab V,

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the instruction section of an RFP are not the same as evaluation criteria provided in the evaluation section; rather than establishing minimum evaluation standards, the instructions generally provide guidance to assist offerors in preparing and organizing proposals. Al-Razaq Computing Servs., B-410491, B-410491.2, Jan. 7, 2015, 2015 CPD ¶ 28 at 7; see also HMR Tech, LLC, B-295968, B-295968.2, May 19, 2005, 2005 CPD ¶ 101 at 7 (agency not required to evaluate proposed prices of sample tasks where sample tasks were discussed in solicitation instructions but not in solicitation evaluation criteria). In any event, the record reflects that Catapult submitted basis of estimate information that explained how the firm derived its labor categories, rates, and hours, and which the agency reasonably relied on its price evaluation. See AR, Tab L2, Catapult Initial Price Proposal Vol. 1, at 30-34; Tab T, Catapult FPR, at 11-13. That STG chose to provide more detailed basis of estimate data and interpreted the solicitation's instructions slightly differently than Catapult does not demonstrate that the awardee's submission was contrary to the RFP or that the evaluation was flawed.

<sup>12</sup> We note, for the record, that by proposing [deleted] to perform the contract requirements, the offeror consequently [deleted]. We further note that Hygeia also proposed a similar strategy of utilizing "[deleted]." See AR (Hygeia), Tab K2, Hygeia Price Proposal, at 10.

<sup>13</sup> To the extent that STG actually is questioning how a penalty provision in the RFP (regarding the contractor's failure to meet its FTE requirement) would apply to Catapult's unique approach, see RFP at 77; STG Supp. Protest, June 5, 2015, at 4, such complaint reflects a matter of contract administration that is outside of our

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Catapult Final Consensus Evaluation, at 7, 15. STG has failed to establish that these conclusions were in conflict with the RFP's terms.

Finally, we also find unpersuasive Hygeia's complaint regarding Catapult's [deleted]. As outlined in the awardee's FPR, the firm proposed a "[deleted]" methodology to achieve efficiencies during contract performance. AR, Tab T, Catapult FPR, at 12. The awardee explained the strategy in detail and how it would be able to [deleted]. Id. Catapult also provided examples of [deleted] and highlighted areas where it believed [deleted]. Id.

The evaluators reviewed Catapult's FPR and determined that the firm's strategy to achieve efficiencies during performance remedied the SSEB's concern regarding [deleted]. AR, Tab V, Catapult Final Consensus Evaluation, at 14-15. In fact, the evaluators deemed Catapult's "[deleted]" methodology a significant strength (under the understanding of work subfactor) because it would "enable the Government to improve efficiency while [deleted] and represent[ed] a comprehensive understanding of the work to be accomplished." Id. at 1. Indeed, in his SSDD the contracting officer highlighted Catapult's proposal to "[deleted] which is particularly advantageous to the Government." AR, Tab R, SSDD, at 35. Also, as discussed above, the record includes detailed information regarding the labor rates and hours proposed by each offeror during each year of performance. AR, Tab X2, Final Price Data for Offerors, at "Price Breakdown" Tab.

Thus, Hygeia's assertion that the agency failed to consider Catapult's [deleted] simply is not supported by the contemporaneous record. Further, we find reasonable the agency's determination that Catapult's level of effort, including its [deleted], represented a clear understanding of the requirements and was realistic. The protesters' objections to Catapult's staffing provide no basis to sustain the protest.<sup>14</sup>

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Office's review. 4 C.F.R. § 21.5(a) and (f); VariQ Corp., B-409114 et al., Jan. 27, 2014, 2014 CPD ¶ 58 at 12.

<sup>14</sup> Hygeia also complains that Catapult engaged in an improper bait and switch as evidenced by the awardee's alleged discussions with a staffing firm to provide personnel to the awardee. Hygeia Consolidated Protest at 26-27. To establish an improper bait and switch scheme, a protester must show that a firm either knowingly or negligently represented that it would rely on specific personnel that it did not reasonably expect to furnish during contract performance, and that the misrepresentation was relied on by the agency and had a material effect on the evaluation results. Data Mgmt. Servs. JV, B-299702, B-299702.2, July 24, 2007, 2007 CPD ¶ 139 at 10. The protester has not satisfied these requirements here. The mere fact that Catapult was seeking to hire additional qualified personnel to meet the needs of the RFP does not demonstrate that Catapult failed to propose

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## Source Selection Decision

The protesters object to the agency's best value determination, primarily premised on the alleged evaluation errors. As discussed above, we find unobjectionable the agency's evaluation of proposals under the technical, past performance, and price factors. Therefore, STG's and Hygeia's argument fails to provide a basis to question the contracting officer's source selection decision, which adequately justified the award to the highest-rated, lowest-priced offeror.

The protests are denied.

Susan A. Poling  
General Counsel

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appropriate personnel in its proposal or misrepresented the availability of the personnel.