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**United States Government Accountability Office  
Washington, DC 20548**

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## Decision

**Matter of:** AlphaSix Corporation

**File:** B-412456

**Date:** February 19, 2016

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John E. Jensen, Esq., Selena Brady, Esq., Meghan D. Doherty, Esq., Pillsbury Winthrop Shaw Pittman LLP, for eKCG, LLC, the intervenor.

James E. Hicks, Esq., Department of Justice, for the agency.

Frank Maguire, Esq., and David A. Ashen, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

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### DIGEST

Protest that agency improperly assigned protester’s proposal only a “good” rating, rather than the awardee’s “outstanding” rating, under technical capabilities evaluation factor is denied where protest is based only on the number of the protester’s evaluated strengths and subfactor ratings, while the agency’s determination that the awardee’s proposal was superior under the evaluation factor was reasonably based on a qualitative assessment of the competing proposals’ characteristics.

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### DECISION

AlphaSix Corporation, of Sterling, Virginia, protests the Department of Justice, Drug Enforcement Administration’s (DEA) award of a contract to eKCG, LLC, of Reston, Virginia, under request for proposals (RFP) No. DJD-15-R-0004, for operation and maintenance of an information security (INFOSEC) program. The protester challenges the evaluation of proposals and resulting source selection decision.

We deny the protest.

### BACKGROUND

The RFP provided that award would be made to the offeror whose proposal was most advantageous considering five evaluation factors: technical capabilities, including subfactors (in descending order of importance) for cybersecurity

management, information assurance, information security governance, information security program management, and communications security; personnel qualifications; corporate capabilities; past performance; and cost/price. RFP at M-2, M-5. The RFP further advised that the technical evaluation factors, when combined, were significantly more important than cost/price. RFP at M-2.

Eleven proposals were submitted in response to the solicitation. Contracting Officer's Statement (COS) at 4. After the evaluation of initial proposals, the agency established a competitive range of three offerors (eKCG, AlphaSix, and a third offeror), conducted discussions, and requested final revised proposals. The Source Evaluation Board (SEB) evaluated the final revised proposals as follows:

	<b>eKCG</b>	<b>AlphaSix</b>	<b>3<sup>rd</sup> Offeror</b>
<b>Technical Capabilities</b>	Outstanding	Good	Good
<b>Personnel Qualifications</b>	Outstanding	Good	Good
<b>Corporate Capabilities</b>	Outstanding	Outstanding	Good
<b>Past Performance</b>	Substantial Confidence/Very Relevant	Satisfactory Confidence/Somewhat Relevant	Substantial Confidence/Very Relevant
<b>Overall</b>	Outstanding	Good	Good
<b>Cost/Price</b>	\$67,018,573	\$59,613,046	\$58,767,573

Agency Report (AR), SEB Addendum, at 5.

In her source selection decision, the source selection authority (SSA) identified 18 technical advantages (discriminators) offered by eKCG's proposal (including 15 with respect to technical capabilities and 3 with respect to personnel qualifications) but not AlphaSix's, and 18 discriminators relative to the third offeror's proposal. AR, Tab 14, Source Selection Authority Decision Memorandum (SSADM), at 6-10. The SSA concluded that:

it is clear that eKCG's top-rated and top-ranked technical proposal is the best value to the government. A side-by-side comparison of eKCG's technical and price proposals with that of the other offerors shows that none of the other offerors are able to demonstrate the combination of technical superiority and competitive pricing that rises to the level of eKCG's proposal. As this requirement encompasses leading edge information security in a rapidly changing security environment, it is to the government's advantage to award to the offeror with the highest technical capability. In this case, eKCG

exhibited this technical acumen at a total proposed price that allows the government to procure the best “bang for the buck,” as compared to the other offerors who submitted proposals.

Id. at 5-6. Further, according to the SSA:

These technical advantages exhibited in eKCG’s technical proposal show that the technical differences between eKCG, AlphaSix and [third offeror] were not narrow enough for AlphaSix’s and [third offeror’s] advantage in the area of cost/price to outweigh eKCG’s technical advantages. Although AlphaSix’s total proposed price of \$59,613,046.80 was \$7,405,526.80 less (and about 11% lower) than eKCG’s total proposed price, and [third offeror’s] was \$8,251,000.40 less (and about 12.3% lower) this difference over the course of the anticipated five-year period of performance does not justify making award to AlphaSix or [third offeror], given the significant gap between eKCG’s, AlphaSix’s and [third offeror’s] technical proposals. It bears emphasizing again that technical factors were more important to this best value source selection pursuant to the solicitation section M.3 (b). Thus, eKCG’s proposal is clearly a better value to the government than AlphaSix’s or [third offeror’s] proposals.

Id. at 11. After learning of the resulting award to eKCG on November 2, 2015, and receiving a debriefing, AlphaSix filed this protest with our Office.

## DISCUSSION

AlphaSix challenges the agency’s evaluation and resulting award decision. In this regard, AlphaSix does not challenge the merits of the agency’s evaluation of its or eKCG’s proposal under any evaluation factor or subfactor. Rather, the protester challenges the agency’s rating of its proposal as “good,” rather than the “outstanding” rating assessed eKCG’s proposal, under the technical capabilities factor. In support of its position, the protester notes that it received “outstanding” ratings for the three most important technical capabilities subfactors (cybersecurity management, information assurance, and information security governance), “good” ratings for the remaining two subfactors (information security program management and communications security), and fifteen strengths and no weaknesses under the factor. Protest at 13-16; Comments at 2. The agency responds that “the DEA was entitled to exercise its discretion and to look behind the adjectival ratings for each subfactor, to determine which overall rating was proper in its judgment.” AR at 3.

Where the evaluation and source selection decision reasonably consider the underlying basis for the ratings, including the advantages and disadvantages associated with the specific content of competing proposals, in a manner that is fair and equitable, and consistent with the terms of the solicitation, the protester’s

disagreement over the actual numerical, adjectival, or color ratings is essentially inconsequential in that it does not affect the reasonableness of the judgments made in the source selection decision. General Dynamics, American Overseas Marine, B-401874.14, B-401874.15, Nov. 1, 2011, 2012 CPD ¶ 85 at 10. Further, when a protester's challenge to a source selection decision is based solely on the number of evaluated strengths, weaknesses, or other discriminators that are identified by an agency during its evaluation, the challenge generally fails to state a valid protest basis, since a contracting agency's ratings, be they numerical, adjectival, or color, are merely guides for intelligent decision-making. Southwind Construction Services, LLC, B-410333.2, Jan. 21, 2015, 2015 CPD ¶ 64 at 6; Highmark Medicare Servs., Inc., et al., B-401062.5 et al., Oct. 29, 2010, 2010 CPD ¶ 285 at 11. In this regard, the evaluation of proposals and consideration of their relative merit is properly based on a qualitative assessment of competing proposals characteristics, not a simple count of the relative strengths and weaknesses assigned during the evaluation process. ITT Corp., Sys. Div., B-310102.6 et al., Dec. 4, 2009, 2010 CPD ¶ 12 at 10; Kellogg Brown & Root Servs., B-298694.7, June 22, 2007, 2007 CPD ¶ 124 at 5.

Here, the evaluation was unobjectionable. Specifically, the record supports the agency's conclusion that eKCG's proposal was superior to AlphaSix's under the technical capabilities factor. As an initial matter, and as noted by the agency, while AlphaSix's proposal received 15 strengths under the technical capabilities factor, only 1 was a significant strength, 4 were major strengths, and the remainder were only minor strengths. In contrast, eKCG's proposal received 32 strengths under that factor, including 3 significant, 13 major and 16 minor strengths. Furthermore, while AlphaSix's proposal received "outstanding" ratings for three of the five technical capabilities subfactors, eKCG's proposal received "outstanding" ratings for all five of the subfactors.<sup>1</sup> SEB Addendum at 4-5; AR at 8.

In any case, as noted, the evaluation of proposals and their relative merit is properly based on a qualitative assessment of competing proposals characteristics, not a

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<sup>1</sup> AlphaSix asserts that its debriefing letter indicated that the agency awarded "outstanding" ratings for technical capabilities subfactors where the proposal met the solicitation requirements, indicated an exceptional approach and understanding of the requirements, included multiple strengths, and had no deficiencies. Protest at 15; Comments at 4-6; see AR, Tab 16, Debriefing Letter, attach. 1, at 1-2. The protester claims that under this definition, an overall rating of "outstanding" was warranted under the technical capabilities factor. However, it is the solicitation's evaluation scheme to which an agency is required to adhere in evaluating proposals and making the award selection; here, the solicitation did not include a definition of "outstanding." See Noble Supply and Logistics, B-410788.4 et al., July 29, 2015, 2015 CPD ¶ 243 at 7; King Farm Assocs., LLC, et al., B-404896.10, et al., Dec. 5, 2011, 2012 CPD ¶ 6 at 11 n.11.

simple count of the relative strengths and weaknesses. ITT Corp., Sys. Div., supra. In this regard, the agency identified 15 technical advantages offered by eKCG's proposal but not AlphaSix's which indicated that eKCG's approach to technical capabilities was superior to AlphaSix's. SSADM at 6-10. These technical advantages included, for example, an outstanding and detailed security operation management framework, management of application and database development and support by the engineering team, and [deleted] in support of continuous monitoring. Id. at 6-7. The protester has not shown that these discriminators in favor of eKCG were unwarranted, or that they failed to support a finding of technical superiority on the part of eKCG.

In its initial protest, AlphaSix also asserted that the agency's best value determination did not qualitatively assess the technical merit of proposals, did not meaningfully consider price, and reached an award decision by mechanically awarding to the highest-rated offeror based on the solicitation's instruction that technical considerations are significantly more important than price. Protest at 16. The protester concluded that "[b]ecause, based on the debriefing, no such qualitative assessment was performed, there can be no basis to award to eKCG at a 12.42% price premium." Id. at 18.

In a best value procurement, it is the function of the source selection authority to perform a tradeoff between price and non-price factors, that is, to determine whether one proposal's superiority under the non-price factors is worth a higher price. Even where, as here, price is stated to be of less importance than the non-price factors, an agency must meaningfully consider cost to the government in making its selection decision. See e-LYNXX Corp., B-292761, Dec. 3, 2003, 2003 CPD ¶ 219 at 7. Before an agency can select a higher-price proposal that has been rated technically superior to a lower-priced, but acceptable one, the award decision must be supported by a rational explanation of why the higher-rated proposal is, in fact, superior, and explain why its technical superiority warrants paying a price premium. See Tabcon, Inc., B-411554, Aug. 18, 2015, 2015 CPD ¶ 257 at 7; ACCESS Sys., Inc., B-400623.3, Mar. 4, 2009, 2009 CPD ¶ 56 at 7.

As discussed above, the evaluation record included with the agency report indicates that in her tradeoff decision, the SSA considered not only the higher adjectival ratings assigned eKCG's proposal, but also the technical advantages offered by the proposal that warranted the payment of an approximately 12.4% price premium. SSADM at 6-11. AlphaSix has not pointed to anything in this evaluation record, nor

do we see anything in the record, that supports the protester's initial speculation that the best value determination did not qualitatively assess the technical merit of proposals, did not meaningfully consider price, or was otherwise improper.

The protest is denied.

Susan A. Poling  
General Counsel