



Decision

Matter of: R4 Integration, Inc.

File: B-414592

Date: June 30, 2017

John S. Parsley, for the protester.
Colonel C. Taylor Smith, Kyle E. Gilbertson, Esq., and Edward S. Fisher, Esq.,
Department of the Air Force, for the agency.
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participated in the preparation of the decision.

DIGEST

Protest challenging the agency's evaluation of past performance is denied where the record reflects that the agency's evaluation was consistent with the terms of the solicitation and reasonable.

DECISION

R4 Integration, Inc., of Fort Walton Beach, Florida, protests the award of a contract to iAccess Technologies, Inc., of Santa Ana, California, under request for proposals (RFP) No. FA8625-16-R-6601, issued by the Department of the Air Force for the modification of avionics systems on 172 C-130H aircraft. R4 challenges the agency's evaluation of its past performance.¹

¹ In addition to the protest allegations concerning the agency's evaluation of its past performance, R4 raised three other challenges. Two of the challenges, however, were withdrawn by the protester. Protester's Response to Request for Dismissal at 2. The final challenge, which concerned the agency's alleged failure to provide the Small Business Administration (SBA) with evidence relevant to a small business size challenge filed by R4 on March 23, 2017, is dismissed. As a general matter, size status challenges of particular firms are not matters reviewed by our Office; rather, they are solely for consideration by the SBA. See 4 C.F.R. § 21.5(b)(1). Since the determination of what information must be considered by the SBA during a size protest is inextricably linked to SBA's authority to make size determinations, the argument raised by the protester in this regard is not for our consideration. CRS, Inc., B-260955, Aug. 7, 1995, 95-2 CPD ¶ 59 at 5.

We deny the protest.

BACKGROUND

The agency issued the RFP on March 7, 2016, for the Avionics Modernization Program Increment 1 Automatic Dependent Surveillance-Broadcast (ADS-B) Out and Mode Select (S) Enhanced Surveillance modification of 172 C-130H aircraft. The solicitation contemplates the award of a single contract with work to be performed on fixed-price and cost-reimbursable bases, for the design, integration, and testing of four trial kits necessary to implement the ADS-B Out and Mode S avionics modifications on several C-130H variants. The selected contractor will also be required to produce an additional 168 kits (for a total of 172 kits), and provide the delivery, training, technical support, and initial spares required to support the government-managed modification installations on the C-130H aircraft. RFP, attach. 1, at 5. These modifications are necessary to meet the Federal Aviation Administration mandate requiring ADS-B Out capability, and the European Union mandate requiring Mode S Enhanced Surveillance, by January 1, 2020, and June 7, 2020, respectively. Contracting Officer's Statement of Facts (COSF) at 2.

The RFP established that the award would be made on a best-value basis considering the following factors: technical; past performance; and price/cost. RFP amend. 0005 § M, at 12. The technical factor was further divided into three subfactors: technical compliance; production; and program management. Id.

Each subfactor under the technical factor was to be rated on a pass/fail basis, and any unsatisfactory evaluation would exclude the offeror from consideration. Id. The RFP also included a description of the basis for evaluation and "measures of merit." Id. at 12-13. By way of example, with respect to subfactor 1A, technical compliance, the RFP provided for an evaluation of an offeror's system specification and modified airworthiness certification. Id. at 12. Under this subfactor, the solicitation identified three measures of merit under each technical subfactor. Id. at 12-13. The first considered the degree to which an offeror's proposal reflected "a comprehensive system specification." Id. at 12. Among technically acceptable proposals, the best overall value was to be determined based on a tradeoff between past performance and price/cost, with past performance being significantly more important than price/cost. Id. at 11.

As relevant to this decision, RFP, section M, paragraph 2.6 defined the agency's past performance evaluation criteria. According to this section, an offeror's past performance record was to be evaluated for recency (performed within three years of the date of issuance of the solicitation), relevance, and quality (how well the offeror

performed on its prior contracts).² RFP amend. 0005, § M, at 14. With respect to relevance, the RFP provided that the agency would evaluate proposals using the following adjectival rating scheme:

Rating	Definition
Very Relevant (VR)	Present/past performance effort involved essentially the same scope and magnitude of effort and complexities this solicitation requires.
Relevant (R)	Present/past performance effort involved similar scope and magnitude of effort and complexities this solicitation requires.
Somewhat Relevant (SR)	Present/past performance effort involved some of the scope and magnitude of effort and complexities this solicitation requires.
Not Relevant (NR)	Present/past performance effort involved little or none of the scope and magnitude of effort and complexities this solicitation requires.

Id. (emphasis added). In assessing relevance, the RFP indicated that the agency would determine how closely the past performance information related to the technical subfactors, stating expressly that “the relevance of the work performed will generally be assessed for the Technical subfactors (however, all aspects of performance that relate to this acquisition may be considered).” Id. at 14. Moreover, the RFP explained that consideration would be given “to those efforts that have demonstrated work performed in the design, production, and delivery of avionics kits for military or commercial transport aircraft.” Id. Based on the agency’s evaluation of the relevance and quality of an offeror’s recent past performance information, the RFP provided that the agency would assign the offeror an overall confidence assessment rating of substantial confidence, satisfactory confidence, limited confidence, no confidence, or unknown confidence (neutral). Id. at 15-16.

The Air Force received timely proposals from nine offerors, to include R4 and iAccess. COSF at 5. During discussions, one offeror was removed from contention for failing to provide a signed Amendment 0005 by the required date. Of the remaining eight, all offerors’ proposals were evaluated to be technically acceptable. Agency Report (AR), Tab 13, Source Selection Decision Document (SSDD), at 5. iAccess and R4 had the two lowest total evaluated cost/prices at \$5,252,856 and \$11,367,763 respectively. Id.

² The agency utilized an adjectival/color rating scheme for performance quality as follows: exceptional (E)/blue; very good (VG)/purple; satisfactory (S)/green; marginal (M)/yellow; unsatisfactory (U)/red; not applicable (N)/white. RFP amend. 0005, § M, at 15. Aside from several performance quality records that were not considered by the agency for relevancy reasons, the protester does not contest the agency’s evaluation of the quality of its performance.

at 7. With regard to past performance, iAccess received a substantial confidence rating and R4 received a satisfactory confidence rating. Id. at 6.

The record reflects that R4 submitted eight past performance records: four of its own, and four for its subcontractors. Two of R4’s past performance records received relevance ratings of somewhat relevant for technical compliance and program management, and one of R4’s subcontractor’s performance records received a rating of relevant for production and somewhat relevant for program management. The remaining records were rated as not relevant for each of the three subfactors. The following summarizes the agency’s evaluation of R4’s past performance records:

	Program Title	Technical Compliance		Production		Program Management	
1	Direction Finder Modification on HC-130P, HC-130N and MC-130P Aircraft	SR	VG			SR	VG
2	Multi-Purpose Hatch System part number 0009A3000-10-190 & -210	NR	NR			NR	NR
3	1C-130H-1-1 Performance Manual Update	NR	NR			NR	NR
4	8.33 kHz Radio Modification Upgrade Program	SR	E			SR	E
5	KC-130J Pilot, Enlisted Aircrew and Maintenance Training Support Services						
6	KAF S-92 VVIP Maintenance and Aircrew Training System (MATS)						
7	Common Missile Warning Systems A Kit Production			R	E	SR	E
8	Common Missile Warning Systems Integration and Testing						

AR, Tab 12, Final Decision Brief, at 159.³

iAccess was one of only two offerors that received an overall past performance rating of substantial confidence, and it had the lowest total evaluated cost/price. In this regard,

³ Shaded spaces within the table indicate those instances where the agency found that the past performance information provided by R4 did not correspond to the particular technical subfactor. AR, Tab 12, Final Decision Brief, at 159. The agency does not consistently articulate this designation as distinct from a not relevant rating in its protest filings; to the extent that two designations were utilized in the evaluation, the distinction appears to be of no consequence, where the record reflects that the agency found the references to be generally not relevant because they did not demonstrate work performed in the design, production, and delivery of avionics kits for military or commercial transport aircraft. See generally, AR, Tab 10, Relevancy Consensus Worksheets.

iAccess' total evaluated cost/price was approximately half that of R4, which had the second lowest total evaluated cost/price. As such, the agency concluded that no trade-off determination was necessary and made the award to iAccess on March 30, 2017, for \$5,252,856. AR at 5. R4 timely requested a debriefing, which it received on April 5, 2017. COSF at 6-7. This protest followed.

DISCUSSION

R4 raises several challenges to the Air Force's evaluation of relevance under the past performance factor. In this regard, R4 argues that the agency unreasonably relied on an unstated evaluation criterion since it effectively required ADS-B Out or Mode S design and integration experience in order to achieve a rating above somewhat relevant for the technical compliance relevance assessment. Additionally, R4 asserts that the agency's past performance review process generally lacked thoroughness, overlooked crucial details regarding R4's past performance, and failed to recognize the relevance of several of R4's past performance references. Based on the aforementioned errors, R4 contends that it should have received a substantial confidence overall performance assessment rating. In reaching our decision, we have considered all of R4's arguments, and find that none provide a basis to sustain the protest.

R4 first contends that the Air Force applied an undisclosed criterion in evaluating the relevance of its past performance. According to R4, the agency effectively required offerors to have past performance experience with ADS-B Out or Mode S to receive a relevancy rating above somewhat relevant, yet the solicitation did not expressly set forth such a requirement. We find no error in the agency's evaluation.

An agency's evaluation of past performance, which includes its consideration of the relevance, scope, and significance of an offeror's performance history, is a matter of discretion which we will not disturb unless the agency's assessment is unreasonable or inconsistent with the solicitation criteria. Metropolitan Life Ins. Co., B-412717, B-412717.2, May 13, 2016, 2016 CPD ¶ 132 at 14; Cajun Constructors, Inc., B-409685, July 15, 2014, 2014 CPD ¶ 212 at 8. Where a protester challenges an agency's past performance evaluation, we will review the evaluation to determine if it was reasonable and consistent with the solicitation's evaluation criteria and procurement statutes and regulations and to ensure that the agency's rationale is adequately documented. DynCorp Int'l, LLC, B-412451, B-412451.2, Feb. 16, 2016, 2016 CPD ¶ 75 at 14; Falcon Envtl. Servs., Inc., B-402670, B-402670.2, July 6, 2010, 2010 CPD ¶ 160 at 7. A protester's disagreement with the agency's judgment, without more, is insufficient to establish that an evaluation was improper. Beretta USA Corp., B-406376.2, B-406376.3, July 12, 2013, 2013 CPD ¶ 186 at 10. While it is axiomatic that an agency must evaluate past performance consistent with the terms of the solicitation, an agency may properly take into account specific, albeit not expressly identified, matters that are logically encompassed by, or related to, the stated evaluation criteria. Independence Constr., Inc., B-292052, May 19, 2003, 2003 CPD ¶ 105 at 4.

Here, as noted above, the solicitation established that the relevance of past performance information was to be evaluated based on the degree to which an offeror's past performance involved "the scope and magnitude of effort and complexities" required by the solicitation and that the agency would focus on performance that was relevant to the technical subfactors. RFP, amend 0005, § M, at 13. Thus, to the extent the RFP did not specifically state that ADS-B Out or Mode S experience would be considered in the agency's relevancy determination, since it involves the very modifications being solicited and evaluated under the technical subfactors, we conclude that it was logically encompassed within the past performance evaluation criteria.

Relatedly, because there have been no previous solicitations for C-130H ADS-B Out capability, R4 argues that requiring ADS-B Out experience to achieve a high relevance rating was unreasonable. We find this argument lacking. First, as explained above, using the actual performance requirements as the basis for assessing relevance was reasonably encompassed by the solicitation. Second, the record does not indicate that an offeror had to demonstrate performance specifically involving ADS-B Out capability on a C-130H aircraft to receive the agency's highest relevance rating. Rather, the record reflects that several offerors presented past performance records that demonstrated design and integration experience with ADS-B Out or Mode S systems on other C-130 variants, which the agency evaluated as relevant or highly relevant. See generally, AR, Tab 12, Final Decision Brief. Accordingly, it is apparent that the agency considered the degree to which an offeror's past performance was substantially similar to the design and integration of ADS-B Out/Mode S avionics kits on 130H aircraft, as contemplated by the solicitation.

R4 also challenges several specific past performance evaluations, alleging that the totality of the agency's evaluation lacked thoroughness and failed to consider key aspects of its past performance relevant to the RFP. Regarding its own past performance records, the protester argues that the agency should have considered R4's past performance records because they involved C-130 engineering efforts of similar complexity and scope to the solicited effort. With respect to the protester's subcontractors' records, R4 maintains that the agency should have considered the protester's subcontractor past performance records because they involved substantial training and installation experience, necessary elements of the tasks identified under the three technical subfactors. Lastly, R4 contends that one of its contracts, which had been considered only somewhat relevant for technical compliance and program management, should have been considered relevant for the production subfactor.

As noted above, the record reflects that the agency rated two of R4's past performance contracts, and three of R4's subcontractors' past performance contracts as not relevant for each of the three subfactors. More specifically, the Air Force explains that the five contracts were rated as not relevant, because they did not involve the design/integration or production of avionics kits, or the program management of projects involving such activities. COSF at 15-26. To the extent the protester argues that this aspect of the agency's evaluation was unreasonably narrow because the RFP provided that "all aspects of performance that relate to this acquisition may be considered," the protester

is mistaken. The RFP expressly stated that relevance would be assessed with respect to the technical subfactors and that “[c]onsideration will be given to those efforts that have demonstrated work performed in the design, production, and delivery of avionics kits for military or commercial transport aircraft.” RFP amend. 0005, § M, at 14. Thus, the agency properly focused its past performance evaluation on information presented that directly related to the design, production, or delivery of avionics kits, and reasonably discounted past performance references, such as those submitted by R4, which failed to demonstrate work performed in connection with the design, production, or delivery of avionics kits for military or commercial aircraft.⁴

R4 also contends that its past performance reference concerning the development of a single avionics modification kit, supporting several different C-130 variations and nine aircraft configurations, should have been considered relevant to the production element of the agency’s past performance evaluation. Although the agency rated this past performance reference as somewhat relevant for the technical compliance and program management elements, it did not consider the past performance relevant with respect to the production element because it involved the production of a single kit. COSF at 12-13. R4 argues that its single kit design, developed to support several different C-130 variants and aircraft configurations, was a reflection of the design’s complexity, and therefore should have been regarded as a strength rather than a weakness.

We have no basis to question the agency’s evaluation in this regard. The RFP, which contemplates the delivery of 172 complete kits and spares, established that consideration would be given to the production of multiple “kits,” and that the production subfactor would evaluate the offeror’s ability to “source, assemble and deliver complete kits and spares.” RFP amend. 0005, § M, at 13-14. Accordingly, it was reasonable for the agency to consider the number of kits produced and delivered on prior contracts when assessing the relevance of R4’s past performance information. While R4’s past performance demonstrates its ability to design and integrate a single, albeit complex avionics kit (complexity that would be more appropriately evaluated under the technical compliance subfactor), it did little to demonstrate its ability to produce, deliver, and provide spares at the levels contemplated by the solicitation.

As a final matter, we note that R4 has failed to demonstrate that it was prejudiced by the errors it has alleged in connection with the agency’s evaluation of its past performance. Competitive prejudice is an essential element of a viable protest; where the protest fails to demonstrate that, but for the agency’s actions, it would have had a substantial

⁴ Insofar as R4 made a discrete argument that the technical subfactor measures of merit should not have informed the agency’s evaluation under the past performance factor, the argument is dismissed. The agency responded to this argument and the protester did not rebut the agency’s response in its comments. Under such circumstances, we view this argument as abandoned. Earth Res. Tech., Inc., B-403043.2, B-403043.3, Oct. 18, 2010, 2010 CPD ¶ 248 at 6.

chance of receiving the award, there is no basis for finding prejudice, and our Office will not sustain the protest. Swets Info. Serv., B-410078, Oct. 20, 2014, 2014 CPD ¶ 311 at 14. Even if R4's past performance complaints were sustained, it would have received, at best, a substantial confidence rating--the same overall past performance rating as iAccess. Given that iAccess's proposed price was less than half of R4's, R4 has not demonstrated how, with an equivalent past performance rating, it would have had a substantial chance of receiving the award.

The protest is denied.

Susan A. Poling
General Counsel