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Comptroller General  
of the United States

United States Government Accountability Office  
Washington, DC 20548

# Decision

**Matter of:** Unified Communication, Inc

**File:** B-407273.15

**Date:** November 19, 2013

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Jovanna Reyes, for the protester.

Patrick T. Rothwell, Esq., Piliero Mazza PLLC, for T-Rex Consulting Corporation, an intervenor.

Charles K. Bucknor Jr., Esq., Department of Homeland Security, for the agency.

Noah B. Bleicher, Esq., and Sharon L. Larkin, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

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## DIGEST

Protest challenging agency's best value award decision is denied where the tradeoff analysis was reasonable, well-documented, and consistent with the solicitation.

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## DECISION

Unified Communication, Inc. (UCI), of McLean, Virginia, protests the Department of Homeland Security's (DHS) decision not to award the firm a contract under request for proposals (RFP) No. HSHQDC-11-R-10001, which DHS issued for information technology services. The protester challenges the agency's best value award decision that resulted in awards to seven other offerors.

We deny the protest.<sup>1</sup>

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<sup>1</sup> UCI was not represented by counsel in this protest. Accordingly, our Office did not issue a protective order, and UCI was provided only a redacted version of the agency report. In resolving the protest, we reviewed *in camera* unredacted copies of all evaluation and source selection documents and have based our decision on the full record. As much of the information reviewed by our Office is source selection sensitive and proprietary in nature, our discussion of the evaluation is necessarily limited.

## BACKGROUND

The solicitation at issue is for the second generation of DHS's enterprise acquisition gateway for leading-edge solutions (EAGLE II) program. The RFP provided for multiple awards of indefinite-delivery/indefinite-quantity contracts under which fixed-price, cost-reimbursement, time and materials, or labor hour task orders for department-wide information technology services could be issued.<sup>2</sup> RFP at 2. The RFP, which had an unrestricted and a small business set-aside track, provided for a "manageable number of awards" under each track, each for a 5-year base period and a single 2-year option period. RFP at 2, 106. Within each track, offerors compete for awards in one of three functional categories.<sup>3</sup> RFP at 106. This protest concerns the agency's decision not to award UCI a contract under the small business track for functional category 1.

The RFP advised offerors that award would be made on a best-value basis considering price and the following non-price factors, which the RFP listed in descending order of importance: corporate experience, past performance, program management and staffing. RFP at 105-106. The non-price factors, when combined, were "significantly more important than price." RFP at 107. Pursuant to the RFP, award would be made to the offerors whose proposals were deemed most advantageous to the government. RFP at 105.

Thirty-five offerors, including UCI, submitted proposals in the historically underutilized business zone (HUBZone) track for functional category 1.<sup>4</sup> Agency Report (AR), Tab 14, Source Selection Evaluation Board Report, at 9. A technical evaluation panel (TEP) evaluated the technical proposals and assigned adjectival ratings under each of the factors.<sup>5</sup> A business management and price evaluation

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<sup>2</sup> The RFP, first issued on November 1, 2010, was amended 15 times during this procurement.

<sup>3</sup> The functional categories are service delivery (functional category 1); information technology program support services (functional category 2); and independent test, validation, verification and evaluation (functional category 3). RFP at 10.

<sup>4</sup> Within the small business track for functional category 1, separate source selections were conducted for each small business category, *i.e.*, HUBZone small business offerors (like UCI) competed against other HUBZone offerors only. RFP at 105.

<sup>5</sup> The TEP assigned the following ratings under the corporate experience, program management, and staffing factors: superior, good, satisfactory, marginal and unsatisfactory. AR, Tab 5(a), Source Selection Evaluation Plan, at 29-30. Past performance was assigned one of the following ratings: excellent, satisfactory, unsatisfactory, or neutral. *Id.* at 30.

panel (BMPEP) evaluated price proposals for accuracy, completeness, and reasonableness. AR, Tab 5(a), Source Selection Evaluation Plan, at 19. UCI's proposal was rated as follows:

|            | <b>Corporate Experience Rating</b> | <b>Past Performance Rating</b> | <b>Program Management Rating</b> | <b>Staffing Rating</b> | <b>Total Evaluated Price</b> |
|------------|------------------------------------|--------------------------------|----------------------------------|------------------------|------------------------------|
| <b>UCI</b> | Satisfactory                       | Excellent                      | Superior                         | Superior               | \$483,632,126.64             |

See AR, Tab 14, Source Selection Decision Memorandum, attach. B, Technical Evaluation Report, at 5. The TEP and BMPEP presented their consensus findings in reports to the source selection evaluation board (SSEB).

The SSEB reviewed the technical and price findings and prepared a report that summarized the results of the evaluations. In its report, the SSEB first sorted the offerors by their technical ratings. AR, Tab 14, SSEB Report, at 10. To identify the most highly-rated proposals, the SSEB ranked the offers by descending order of importance of the non-price factors. That is, offers rated highest in the most important factor under the RFP, corporate experience, were ranked ahead of those with lower corporate experience ratings; offers with the same corporate experience rating were then ranked by past performance rating, etc. Id. Based on this methodology, UCI's proposal was the 13<sup>th</sup> highest-ranked.<sup>6</sup> Moreover, of the 35 proposals submitted, 20 offerors proposed a lower price than UCI. Id.

Thereafter, the SSEB conducted a tradeoff analysis to determine whether the agency should award to other than the highest technically-rated offerors or the lowest-priced offerors. Id. at 11. The SSEB determined that seven proposals (of the 35 submitted) represented the best value to the agency and recommended these seven firms--which did not include UCI--for award. Id. at 62. Of the seven, all received higher ratings than UCI in the corporate experience factor and five of firms proposed lower prices than UCI. See id. at 61. The source selection authority (SSA) reviewed the SSEB's report and agreed with its assessments and recommendations. AR, Tab 15, Source Selection Decision Memorandum, at 1. After receiving notice of the awards, UCI protested to our Office.<sup>7</sup>

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<sup>6</sup> Four proposals were rated as superior under the corporate experience factor and eight were rated good. AR, Tab 14, SSEB Report, at 10. UCI's proposal was the highest-rated proposal that received a satisfactory rating under corporate experience. Id.

<sup>7</sup> UCI filed an initial protest on August 12, 2013. On August 21, DHS provided UCI a post-award debriefing. See AR, Tab 18, Debriefing Letter to UCI, at 1-5. Subsequent to the debriefing, UCI amended its protest. This decision addresses protest grounds raised in UCI's initial protest and amended protest.

## DISCUSSION

UCI argues that the agency conducted a flawed best value analysis. Specifically, UCI contends that DHS misevaluated proposals and placed too much weight on the corporate experience factor. Protest at 6. According to the protester, had less emphasis been placed on the corporate experience factor, UCI would have been selected for an award.

Source selection officials in negotiated procurements have broad discretion in determining the manner and extent to which they will make use of technical and cost evaluation results; cost/technical tradeoffs may be made, and the extent to which one may be sacrificed for the other is governed only by the tests of rationality and consistency with the evaluation criteria. World Airways, Inc., B-402674, June 25, 2010, 2010 CPD ¶ 284 at 12. Where a cost/technical tradeoff is made, the source selection decision must be documented, and the documentation must include the rationale for any tradeoffs made, including the benefits associated with additional costs. Federal Acquisition Regulation (FAR) § 15.308; The MIL Corp., B-297508, B-297508.2, Jan. 26, 2006, 2006 CPD ¶ 34 at 13. However, there is no need for extensive documentation of every consideration factored into a tradeoff decision, nor is there a requirement to quantify the specific cost or price value difference when selecting a higher-priced higher-rated proposal for award. FAR § 15.308; Advanced Fed. Servs. Corp., B-298662, Nov. 15, 2006, 2006 CPD ¶ 174 at 5.

Here, we find that the agency conducted a reasonable, well-documented evaluation and cost/technical tradeoff that was consistent with the terms of the solicitation. Contrary to UCI's contention, we find no basis in the record to conclude that the agency should have assessed UCI's proposal higher ratings, or the awardees' proposals lower ratings, under the evaluation factors. Our review of the record further shows that agency's initial ranking of the technical proposals was in accord with the evaluation criteria established in the solicitation, which expressly identified corporate experience as the most important non-price factor. See RFP at 107. In this respect, we disagree with the protester's contention that the weighting scheme used by DHS was "inconsistent" with the solicitation or that the agency attached "greater importance" to the corporate experience factor than the solicitation allowed. See Protest at 5, 7. On the contrary, the record shows that the SSEB looked beyond the adjectival ratings assigned by the evaluators and reviewed all of the TEP's and BMPEP's findings for each of the proposals, not just those with high corporate experience ratings. AR, Tab 14, SSEB Report, at 11-61. In this regard, 13 firms' proposals were rated higher than UCI in the corporate experience factor; however, award was made to only seven of those firms following the comprehensive tradeoff analysis.

With respect to UCI's proposal, the SSEB analyzed its strengths and compared the proposal against those selected for award. Id. at 51-52. Although UCI was rated

higher than three of the awardees under the past performance factor, the agency reasonably identified what was behind the slightly higher rating and concluded that the higher rating in the second most important non-price factor did “not justify paying a price premium,” as UCI had proposed a higher price than two of these offerors.<sup>8</sup> Id. at 52. Given that the non-price factors were “significantly more important than price,” RFP at 107, it was reasonable for the agency to reach this conclusion and make awards to the seven firms it selected.

We find that the SSEB report explains a well-reasoned basis for a tradeoff that justified making awards to seven offerors and not to UCI. UCI’s arguments that the evaluation and best value analysis were flawed reflect the protester’s disagreement with the award decisions and do not provide a basis to sustain the protest.<sup>9</sup>

The protest is denied.

Susan A. Poling  
General Counsel

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<sup>8</sup> While the two lower-priced offerors were rated good under the corporate experience factor, the third offeror that proposed a higher price than UCI was rated superior under the corporate experience factor. AR, Tab 14, SSEB Report, at 61. The SSEB report detailed the advantages of this proposal. See id. at 52.

<sup>9</sup> The protester raises additional arguments that are unconvincing and fail to provide a basis to sustain the protest. For example, the protester complains that three of the awardees do not have “relevant DHS experience.” Protest at 5. However, the solicitation here did not require DHS experience as a prerequisite to award. See RFP at 110. Also, without providing any example or substantiation, UCI argues that the RFP was “either misleading or contains a latent ambiguity.” Protest at 5. This latter argument fails to state a valid basis of protest. See 4 C.F.R. §§ 21.1(c)(4), 21.5(f) (2013).