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## Decision

**Matter of:** Gaver Technologies, Inc.

**File:** B-409535

**Date:** June 3, 2014

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### DIGEST

1. Protest is sustained where record shows that agency's source selection authority lacked a reasonable basis for failing to give weight to several source evaluation board findings pertaining to strengths in the protester's proposal.
  2. Source selection authority's reliance upon awardee's offering of a 30-day phase-in period as a key discriminator in her source selection decision is unreasonable where awardee did not propose to complete phase-in within 30 days.
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### DECISION

Gaver Technologies, Inc. (GTI), of Frederick, Maryland, protests the award of a contract to Peerless Technologies, Inc., of Fairborn, Ohio, under request for proposals (RFP) No. NNC13ZCH020J, issued by the National Aeronautics and Space Administration (NASA) for professional, administrative, computational, and engineering (PACE) services for the Glenn Research Center's (GRC's) Lewis Field, in Cleveland, Ohio, and its associated facility, Plum Brook Station, in Sandusky, Ohio. The protester challenges the rationality of the source selection authority's (SSA) best value award decision.

We sustain the protest.

## BACKGROUND

The RFP, which was issued on May 17, 2013 as a small business set-aside, contemplated the award of a cost-plus-fixed-fee contract for a 5-year period.<sup>1</sup> Services to be provided under the contract include computer science, computer software engineering, IT security, networking, application development, and web services.

The RFP provided for award to the offeror whose proposal was considered most advantageous to the government based on the following three factors (of approximately equal weight): mission suitability, relevant experience/past performance, and cost. The mission suitability factor was comprised of three subfactors: technical requirements (worth 45% of the factor weight), management plan (worth 35%), and work management (worth 20%). Under the technical requirements subfactor, offerors' technical approaches and their responses to three sample scenarios were to be evaluated. Under the management plan subfactor, the solicitation provided for evaluation of the offeror's organizational structure and management; risk management plan; phase-in plan; staffing, recruitment, retention and compensation; subcontractor management; and key personnel. Under the relevant experience/past performance factor, offerors were to be rated as very high, high, moderate, low, very low, or neutral confidence based on the relevance of their experience and the quality of their performance.

Of relevance to this protest, the RFP explained that in evaluating offerors' technical approaches, the agency would consider their overall understanding and approach to accomplishing the requirements of the SOW, taking into account the "adequacy, realism, effectiveness, quality assurance, risk reductions, efficiencies, and completeness" of the information provided in the following areas:

1. Proposed approach of disciplines, skills, and techniques the Offeror plans to use in the performance of this work.
2. Proposed innovative processes, systems, and technology trends the Offeror suggests for accomplishing and/or streamlining the tasks required in the SOW with supportive rationale.

RFP at 92.<sup>2</sup>

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<sup>1</sup> The 5-year period of performance was comprised of a 20-month base period, a 24-month option period, and a second option period of 16 months.

<sup>2</sup> While not of relevance to this protest, the RFP also provided for consideration of IT-related certifications, ratings, and/or accreditations under technical approach.

NASA received six proposals by the June 28, 2013 closing date. The agency evaluated the proposals, excluding two of them from the competitive range, and conducted discussions with the remaining four offerors. At the conclusion of discussions, the proposals of GTI and Peerless received the highest ratings. Final point scores, number of strengths identified, and adjectival ratings for the two proposals were as follows:

<b>FACTOR/SUBFACTOR</b>	<b>Peerless</b>	<b>GTI</b>
<b>MISSION SUITABILITY</b>		
Technical Requirements	Very Good Point score: 360 (of 450) 1 Significant Strength/ 2 Strengths	Excellent Point score: 428 (of 450) 5 Significant Strengths
Management Plan	Very Good Point score: 315 (of 350) 2 Significant Strengths/ 3 Strengths	Very Good Point score: 298 (of 350) 1 Significant Strength/ 3 Strengths
Work Management	Very Good Point score: 150 (of 200) 2 Strengths	Very Good Point score: 150 (of 200) 2 Strengths
<b>Total Points</b>	<b>825</b>	<b>876</b>
<b>RELEVANT EXPERIENCE/ PAST PERFORMANCE</b>	<b>High Confidence</b>	<b>High Confidence</b>
Final Proposed Cost	\$110,697,551	\$125,688,886
Final Probable Cost	\$108,467,033	\$111,048,084

Source Evaluation Board (SEB) Selection Briefing, Jan. 15, 2014, at 10, 14, 31; GTI Debriefing at 42.

Of significance to this protest and our discussion below, with regard to the technical requirements subfactor, three of the five significant strengths for GTI concerned its technical approach. (The remaining two significant strengths related to GTI's scenario responses). The SEB's first significant strength was that GTI had "demonstrated a thorough understanding of the SOW [Statement of Work] by proposing the critical disciplines, skills and techniques needed to effectively implement the SOW requirements." *Id.* at 14. The SEB supported the above finding with five bullets of explanatory detail;<sup>3</sup> one of the detailed findings was that

<sup>3</sup> Other detailed findings pertained to the protester's proposal of a Planning and Integration Office (which would "enable[] smooth integration across the OCIO [Office of the Chief Information Officer] suite of services"), a Software License Manager (which would "support the efficient governance and consolidation of software licenses at GRC while aligning with existing Agency initiatives and

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GTI had demonstrated a high degree of understanding of the nuances associated with IT operations and processes by proposing to perform three studies (an analysis of the current IT purchase request process, a potential path forward for GRC datacenter migration, and a requirements analysis to document the information architecture requirements for cataloguing and organizing GRC information). The evaluators found that GTI's proposed initiatives, as summarized in the five bullets, would "significantly increase the quality and timeliness of contract deliverables," which was "expected to result in greatly enhanced performance of IT services throughout the life of the contract." Id.

The second significant strength assigned GTI was based on the SEB's finding that GTI's proposed technical approach contained "a multitude of highly innovative processes and insightful technology trends." Id. at 15. This finding was supported by the following six bullets with explanatory details:

- Offeror proposed a quarterly Technology Trends report and Analysis of Alternatives to provide "cutting edge" innovation with stable, risk mitigating options. This will provide timely and innovative information to the OCIO decision makers.
- Offeror proposed migrating to using radio frequency identification (RFID) technologies which has the potential to significantly reduce cycle time for inventory management. This is a proven, effective tracking technology that has not yet been exploited for IT at GRC.
- Offeror proposed a solution for applications that cannot be managed within the NASA Access Management System (NAMS). This is an innovative approach for increased security and streamlined system administration, installation, user support and workflow management for those applications.
- Offeror proposed a creative no cost effective approach to moving GRC toward cloud computing, one step at a time, without sacrificing GRC control

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policies," thereby "reduc[ing] the cost of software and maximiz[ing] GRC's investment"), and a Web Advisory Council (which the SEB considered to be "an exceptionally effective and innovative approach to web management"). A fourth finding was that the protester had "demonstrated keen insight into the issues surrounding elevated privileges at GRC by proposing to work with ACES [Agency Consolidated End User Services] to engineer and design desktop solutions that provide privileged account management, which, according to the evaluators, "would greatly increase the productivity of the GRC workforce and offer added security protection." Id.

of resources and expenditures. The basis for this approach was technically well-grounded and represents a desired technology direction.

- The Offeror's proposed approach to mobile device management provides a win-win solution for GRC OCIO to more effectively manage mobile devices. Offeror proposes using the HPES [Hewlett Packard Enterprise Services] tool AppCenter which provides the capability to wrap a layer of security without changing the software. Using AppCenter gives GRC the option of delivering this solution either via ACES or PACE IV, but still leveraging the completing price point HPES has negotiated.
- Offeror proposed using industry standard Factor Analysis of Information Risk (FAIR) for Security and Operational Risk. This model leverages NIST 800-30 to identify and quantitatively measure risk to assist individuals in making weighted decisions based on the impact a realized risk may present to the organization.

Id. According to the evaluators, GTI's proposed "innovative and credible approaches" would "reduce cost and risk while providing GRC OCIO with the information required to be smart consumers," which would "greatly enhance the potential for successful contract performance." Id.

The third significant strength was based on the finding that GTI's technical proposal demonstrated "an in-depth understanding and innovative approach to accomplishing the requirements in the SOW area of IT Security (ITS)." Id. at 16. The evaluators supported this conclusion with the following four detailed bullets:

- Offeror proposed horizontal protection for data loss prevention which promotes increased data protection through collaboration among the key stakeholders: Missions and Programs, IT Security, Office of Protective Services, Counterintelligence, and relevant law enforcement agencies.
- Offeror proposes an established software development approach that integrates security requirements from the start to efficiently develop more secure applications.
- Offeror proposes a dashboard for Certification and Accreditation (C&A) that will provide insight into GRC's current security posture as it relates to C&A. This capability will provide real-time tracking of annual security assessments and scanning results, and help to ensure compliance.
- Offeror proposes to solicit input from the Northeast Ohio OWASP (Open Web Application Security Project) on IT Security standards advocacy, and

recommend implementation strategies to facilitate compliance with FISMA assessments.

Id.<sup>4</sup>

Under the management approach subfactor, the SEB noted GTI's planned use of strategic subcontracting agreements as a significant strength; according to the evaluators, the agreements with highly qualified companies would enable an effective and integrated delivery of IT series, which would greatly impact the potential for successful contract performance. For Peerless, significant strengths were that the offeror's organizational structure, processes, and techniques were well-formulated for efficiently managing the requirements of the SOW, and its phase-in plan for assuming full contract responsibility was significantly effective, highly realistic and low risk. Regarding Peerless's first significant strength, the SEB prepared three bullets of detail: (1) Peerless's organizational structure was well balanced to be compatible with GRC's OCIO organization, as well as other GRC organizations; its structure showed clear lines of communication between the government and Peerless's key personnel; and the management responsibilities were traceable to the core work areas; (2) Peerless provided evidence and tools for establishing processes for continuous improvement, including a database for documenting customer feedback; and (3) the Offeror's Integrated Program Team approach allowed alignment of the organization into skill-based pools at the group level, which enabled an efficient use of skills across the organization. Id. at 36.

The second finding of significant strength was supported by two bullets: (1) Peerless's work management system was already functional, accepted by the GRC user community, and ready to use on Day 1 of the phase-in; and (2) Peerless committed to completing the phase-in transition within 30 days, leaving the remaining 30 days of phase-in for contingencies. Id. at 38. The evaluators found that Peerless's comprehensive organizational structure greatly enhanced the

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<sup>4</sup> In its evaluation of Peerless's technical approach, the SEB identified a single strength based on its having "provided an insightful and in-depth understanding and proven approach to accomplishing the requirements in highly critical areas of the SOW." Id. at 32. The finding was supported by two bullets: (1) Peerless demonstrated insightful understanding of IT Security; and (2) Peerless demonstrated understanding of multiple skills and disciplines required for scientific applications development and data systems support. Id. In connection with second bullet (and of significance to the SSA's best value determination), the evaluators noted that Peerless had "recognized the importance of a dedicated procurement team to support the critical vendor relationship management required to provide timely hardware and software to the experimental facilities." Id.

potential for successful contract performance and that its proposed phase-in plan significantly increased the chances of successful contract performance.<sup>5</sup>

The SEB briefed the SSA on its findings on January 15, 2014, and the SSA subsequently made her source selection decision. In comparing GTI's and Peerless's proposals under the technical requirements subfactor, the SSA noted that while she had initially agreed with the SEB's observation that the protester's proposal provided several innovations and insights, she concluded after extensive discussions with the SEB that "there existed offsetting considerations," which led her to "question the overall impact of the findings." Source Selection Statement (SSS) at 8.<sup>6</sup> The SSA further explained as follows:

For example, the GTI proposal received a Significant Strength for, in part, its offer to conduct at least three separate technical studies within the first 90 days of contract initiation. These proposed studies could lead to more effective and efficient operations in areas such as datacenter migration and better insight into IT investments. I acknowledge the potential benefits of such an analysis. However, the costs to implement any potential new approaches arising from the studies were not adequately discussed or accounted for in the proposal. When I consider the extreme budget pressures currently facing NASA GRC, I'm concerned with the ability of the Center to benefit from the innovations presented in the GTI proposal because the implementation costs associated with any recommendations stemming from the studies are completely unknown.

In another Significant Strength, GTI was praised for its proposed approach to keeping the NASA GRC Office of Chief Information Officer (OCIO) informed and up-to-date on the latest cutting edge IT innovations in the industry. Again, I agree with the SEB's finding that there is merit in such an approach, but I continue to have concerns that the Center cannot fully benefit from this innovation considering our budget may not permit the implementation of cutting edge innovations.

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<sup>5</sup> In addition to the above-summarized significant strengths, the SEB found 3 strengths in each offeror's proposal under the management plan subfactor. For GTI, the additional strengths pertained to its risk management process, its phase-in plan, and its staffing, while Peerless's additional strengths pertained to its staffing, its approach to subcontracting, and its key personnel.

<sup>6</sup> While the Source Selection Statement itself is undated, the agency's document index indicates that it was dated February 11, 2014.

On the other hand, after reviewing the Peerless proposal in the Technical Requirements subfactor, I agreed with the SEB's findings indicating that Peerless demonstrated an insightful and in-depth understanding of several critical SOW areas. I was particularly impressed with the finding regarding the proposed dedicated procurement team for data systems support which will ensure that the appropriate hardware and software get to the Center's experimental facilities.

Summarizing the technical requirements subfactor, I acknowledge the potential benefits stemming from the GTI proposal. However, considering the unknown implementation costs, I find them of relatively lesser value to the Government because I do not have high confidence that the innovations could be implemented. Based on this, I believe that the quantitative difference between the two Offerors is immaterial.

Id. at 8-9.

The SSA then compared the two proposals under the management plan subfactor. She noted that Peerless offered an organizational structure that mirrored the agency's own structure, which, in her view, demonstrated a keen understanding of the GRC's requirements and culture that would lead to successful contract performance. The SSA also noted that she was impressed with Peerless's proposed customer feedback mechanism and viewed it as a discriminator in her selection decision. She went on to identify Peerless's proposed phase-in plan as a second key discriminator, noting that Peerless's approach left the final 30 days of phase-in for dealing with contingences and unexpected issues associated with start up of the new contract, which ensured that GRC would have "no systematic problems upon full contract initiation." Id. at 10. The SSA further noted that in comparing the proposals under the management plan subfactor, she had considered the significant strength assigned GTI's proposal for subcontracting agreements, but had concluded that this significant strength was not "of the same qualitative merit" as the findings associated with Peerless's proposal under the management plan subfactor.

As a result of the above findings, the SSA concluded that Peerless's proposal had a slight advantage over the protester's with regard to the mission suitability factor. She further found that while both offerors received ratings of high confidence under the relevant experience/past performance factor, Peerless's proposal had a slight edge under the factor due to the highly relevant experience of its team members and "the direct experience and overall successful performance of its major subcontractor" on the predecessor contract to the contract here. Finally, the SSA noted that the probable costs of the two proposals were almost equal, with Peerless's being slightly lower. She concluded that because Peerless's proposal

offered slight advantages under each of the three factors, it represented the best value to the government.

After receiving notice of the award and a debriefing, GTI protested to our Office.

## DISCUSSION

GTI complains that the SSA failed to adhere to the evaluation scheme set forth in the RFP in evaluating its proposal under the technical requirements subfactor by unreasonably failing to credit GTI's proposal with any of the proposed innovations identified by the SEB, as contemplated by the solicitation. The protester further contends that Peerless's phase-in plan should not have been viewed as a significant strength, and that the SEB and the SSA treated the two proposals unequally by crediting Peerless's proposal, but not its own, for offering a management structure mirroring the structure of the OCIO. As discussed below, we agree with the protester regarding several of the above arguments.<sup>7</sup>

It is a fundamental principle that agencies must evaluate proposals consistent with the terms of a solicitation and, while the evaluation of offerors' proposals generally is a matter within the procuring agency's discretion, our Office will question an agency's evaluation where it is unreasonable, inconsistent with the solicitation's stated evaluation criteria and requirements, or undocumented. Exelis Systems Corp., B-407111 et al., Nov. 13, 2012, 2012 CPD ¶ 340 at 5; Public Commc'ns Servs., Inc., B-400058, B-400058.3, July 18, 2008, 2009 CPD ¶ 154 at 17. Further, while source selection officials reasonably may disagree with the evaluation ratings and results of lower-level evaluations, they are nonetheless bound by the fundamental requirements that their independent judgments be reasonable, consistent with the stated evaluation factors, and adequately documented. Prism Maritime, LLC, B-409267.2, B-409267.3, Apr. 7, 2014, 2014 CPD ¶ 124 at 4-5.

### Proposed innovations

First, we address the protester's complaint that the SSA departed from the RFP's stated evaluation scheme by failing to give its proposal credit for the multiple innovations identified by the SEB. As noted above, under the technical requirements subfactor, the SSA considered the protester's proposed innovations, which formed the basis for the significant strengths assigned by the SEB, to be "of relatively lesser value to the Government," SSS at 9, and she gave them little

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<sup>7</sup> GTI raised other issues in its protest. For example, GTI argued that its proposal should have received a relevant experience/past performance rating of very high confidence, rather than merely high confidence, and the agency's cost evaluation was unreasonable. We have considered all the other issues raised and conclude that they do not provide a basis to sustain the protest.

weight in her source selection decision.<sup>8</sup> In dismissing the weight of the SEB's findings, the SSA concluded that she did not have high confidence that the innovations could be implemented due to their unknown implementation costs.

Although the SSA's selection decision questions the value of all of GTI's innovations under the technical requirements subfactor due to unknown implementation costs, the selection decision only in fact addresses a few of the innovations by way of example. These examples, however, constitute a relatively small subset of the innovations identified by the SEB, which formed the basis for GTI's significant strengths under the technical requirements subfactor.

In order to further shed light on the extent to which the SSA's concerns regarding funding pertained to the innovations underpinning the significant strengths assigned GTI's proposal by the SEB, our Office held a hearing. During this hearing and as set forth in detail below, the SEB chair explained that a number of the significant innovations identified in GTI's proposal, which formed the basis for GTI's significant strengths, do not in fact require any implementation funding; the SEB chair also testified that for other innovations, funding was in fact included in the protester's cost proposal.

For example, the SEB chair testified that there would be no direct cost associated with the protester's proposed implementation of horizontal protection for data loss prevention (bullet 1, 3rd significant strength), an initiative that, according to the SEB chair, reflected a "very sophisticated approach to IT security" and was the "heavy weight item on the page" supporting the finding of a significant strength pertaining to IT security. Hearing Transcript (Tr.) at 108-109, 116-117.<sup>9</sup> The SEB chair also testified that there was no cost associated with either the protester's software development approach (bullet 2, 3rd significant strength) or its implementation of the Factor Analysis Information Risk model (bullet 6, 2nd significant strength). *Id.* at 105. She further testified that the protester's proposed solution for applications that

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<sup>8</sup> While the SSA did not directly state that she had given little weight to GTI's proposed innovative approaches, that is, in our view, the necessary implication of her finding that there was an immaterial difference between the two proposals under the technical requirements subfactor. That is, given the findings of the SEB outlined above, with which the SSA agreed, SSS at 8, for the SSA to have found the two proposals essentially equivalent under the technical requirements subfactor, she had to have given little or no weight to the protester's innovative approaches.

<sup>9</sup> The SEB chair indicated that in briefing the SSA, she had provided essentially the same advice regarding funding of the various items that she was providing in her testimony. Tr. at 116.

cannot be managed within the NASA Access Management System (bullet 3, 2nd significant strength) was funded. Id. at 101.<sup>10</sup>

During the hearing, the GAO hearing officer asked the SSA for further explanation as to why the proposed innovative approaches that were funded were not considered to be of value. In response, the SSA indicated that she had concerns about the level of detail in the protester's proposal pertaining to these items. For example, with regard to the protester's above-cited proposed implementation of horizontal protection for data loss prevention, she testified that "they didn't provide us with the details to say how they were going to develop that." Id. at 41.

In our view, the SSA's explanation for why she did not attribute value to the innovative approaches proposed by the protester that were funded is not supported by the contemporaneous record. The SSA made no contemporaneous reference to insufficiently detailed descriptions in her SSS (she referred only to unknown implementation costs), nor is there any indication in the record that she directly reviewed the content of the proposals herself (rather, she based her decision on the information presented by the SEB). Moreover, there is no evidence in the record that the SEB questioned the value of proposed innovative approaches, such as horizontal protection, on the basis that the approaches were not adequately described, or that the SEB conveyed such a concern to the SSA. Indeed, the SSA's

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<sup>10</sup> In addition to the examples discussed above, and in the interest of preparing a comprehensive decision, we note that the SEB chair testified about several other evaluation conclusions addressing features or initiatives in GTI's proposal that the SSA dismissed as unfunded. In some of these cases the SSA was correct in her characterization; in others, the accuracy of the characterization was less clear. For example, the SEB chair testified that:

- GTI proposed providing the technology trend report (bullet 1, 2<sup>nd</sup> significant strength) at no additional cost to the government. Tr. at 98.
- GTI's proposal to use RFID technologies for inventory management (bullet 2, 2<sup>nd</sup> significant strength) was not funded, and thus "would take some investment up front," but had the potential "to pay for itself in the out years." Id. at 100.
- The cost to implement the protester's plan for migration to cloud computing (bullet 4, 2<sup>nd</sup> significant strength) was unknown. Id. at 102.
- The proposal did not indicate that the proposed mobile device management tool (bullet 5, 2<sup>nd</sup> significant strength) was funded. Id. 104.
- It was unclear whether the dashboard (bullet 3, 3<sup>rd</sup> significant strength) would be provided at no additional cost to the government. Id. at 110.

assertion during the hearing that the protester had not furnished adequate details regarding its development of the horizontal protection would appear to be at odds with the SEB chair's testimony, which described the approach as "very sophisticated." Tr. at 108, 117.

In sum, we find that the record fails to support the SSA's conclusion that the protester's proposal should not be given any meaningful credit for the multiple proposed innovative approaches for which implementation funding either was included in the protester's proposal or was not required. That is, while we recognize that the overall impact of the SEB's findings pertaining to the protester's proposed innovations is diminished when items with unknown implementation costs are excluded, we nonetheless fail to see a reasonable basis for the SSA to have given the innovations for which unknown implementation costs was not an issue--in particular, those pertaining to IT security--essentially no weight. Accordingly, we sustain GTI's complaint pertaining to the evaluation of its proposed innovative approaches.

#### Phase-in plan

GTI further argues that the SEB unreasonably assigned Peerless's proposal a significant strength for its proposed phase-in plan. The protester maintains in this regard that both the SEB and the SSA credited Peerless for proposing to accomplish the phase-in transition in 30 days, leaving the remaining 30 days of the 60-day phase-in period to deal with contingencies--indeed, the SSA cited Peerless's plan to complete phase-in within 30 days, rather than the required 60, as a key discriminator in her selection decision. See SSS at 9. GTI contends that Peerless did not, in fact propose a phase-in period of 30 days; rather, according to GTI, Peerless proposed a 60-day phase-in period, as did GTI.<sup>11</sup>

The record supports GTI's position. While Peerless represented in its proposal that it "can complete transition in as little as 30 days because we are very familiar with

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<sup>11</sup> GTI also complains that in finding Peerless's phase-in plan to be a significant strength, the SEB noted that Peerless's Work Management System [WMS] was "currently functional, already accepted by the GRC user community, and ready to use on Day 1 of phase-in." SEB Selection Briefing at 38. The protester argues that it was unequal for the evaluators not to have made a similar finding with regard to its WMS, which is in current operation at GRC on another contract and has also already been accepted by the GRC user community. The record, however, reflects that the SEB afforded GTI substantially comparable credit for its proposed WMS by noting that the "[o]fferor's approach to implementing the WMS is highly efficient and quite effective." Id. at 23. Moreover, to the extent that the findings were not equivalent, there is no indication that this was a distinction relied on by the SSA in making her selection decision.

all aspects of the contract,” it went on to indicate that “[w]e acknowledge a lower level of risk associated with a 60-day transition and planned our schedule accordingly.” Peerless Mission Suitability Proposal at 59 (emphasis added). Thus, while Peerless believed that it could accomplish the phase-in transition in as little as 30 days, it did not commit to do so; rather, it proposed a 60-day phase-in schedule to reduce risk.<sup>12</sup> Because Peerless did not propose to complete the phase-in transition within 30 days, both the SEB’s finding to that effect and the SSA’s reliance upon that finding as a key discriminator in her source selection decision lacked a reasonable basis.<sup>13</sup>

## Recommendation

We recommend that the SSA make a new source selection decision, taking into account our findings above. If, as a result, the protester is selected for award, the agency should terminate the contract awarded to Peerless and make award to the GTI. We also recommend that the agency reimburse the protester for the reasonable costs of filing and pursuing the protest, including reasonable attorneys’

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<sup>12</sup> Peerless’s detailed phase-in schedule, *id.* at 61, confirms that it was not committing to complete phase-in in 30 days.

<sup>13</sup> GTI argues that the SSA treated the two offerors unequally by identifying Peerless’s proposed alignment to GRC’s organizational structure as a significant strength. In responding to GTI’s protest, the contracting officer confirmed that GTI also offered an organizational structure that mirrored the OCIO structure. See Contracting Officer’s Statement of Facts (SOF), Mar. 26, 2014, at 19. The agency explained that the finding of a significant strength pertaining to Peerless’s organizational structure, however, was based on more than Peerless’s proposed alignment to the GRC organizational structure. The agency notes that the strength was supported by several detailed findings, including the awardee’s proposed “mapping and lines of communication to PACE supported non-OCIO organizations,” its customer feedback database, and its “shared pooling of resources through Integrated Program Teams.” *Id.* While we agree that the strength identified by the SEB was based on more than Peerless’s proposed alignment to GRC organizations, the SSA’s selection decision appears to emphasize the fact that Peerless’s organizational structure “mirrors the Government’s own structure.” SSS at 9. Thus, to the extent this was the SSA’s focus, this feature would not appear to provide a basis for distinguishing between the two proposals where, as noted above, the contracting officer advised our Office that GTI also offered an organizational structure that mirrored the government’s structure. Contracting Officer’s SOF, at 19.

fees. 4 C.F.R. § 21.8(d)(1)(2013). The protester's certified claim for costs, detailing the time spent and the costs incurred, must be submitted to the agency within 60 days after receipt of this decision.

The protest is sustained.

Susan A. Poling  
General Counsel